



## **PROFILE OF INTERNAL DISPLACEMENT : TURKEY**

Compilation of the information available in the Global IDP  
Database of the Norwegian Refugee Council

(as of 16 July, 2003)

Also available at <http://www.idpproject.org>

Users of this document are welcome to credit the Global IDP Database for the collection of information.

The opinions expressed here are those of the sources and are not necessarily shared by the Global IDP  
Project or NRC

Norwegian Refugee Council/Global IDP Project  
Chemin Moïse Duboule, 59  
1209 Geneva - Switzerland  
Tel: + 41 22 799 07 00  
Fax: + 41 22 799 07 01  
E-mail : [idpsurvey@nrc.ch](mailto:idpsurvey@nrc.ch)

## CONTENTS

<b>CONTENTS</b>	<b>1</b>
-----------------	----------

<b>PROFILE SUMMARY</b>	<b>8</b>
------------------------	----------

<b>CAUSES AND BACKGROUND OF DISPLACEMENT</b>	<b>14</b>
--	-----------

<b>BACKGROUND</b>	<b>14</b>
THE KURDS: HISTORY AND PROFILE	14
THE KURDISH CONFLICT (1984-1999)	16
STATE OF EMERGENCY IN SOUTHEASTERN TURKEY: SEVERE RESTRICTION OF HUMAN RIGHTS (1987-2002)	17
TURKISH GOVERNMENT CONSIDERS OFFERING AN AMNESTY (JULY 2003)	20
SIGNIFICANT DECLINE OF FIGHTING FOLLOWING JAILED PKK LEADER OCALAN'S CALL FOR ENDING THE ARMED STRUGGLE (1999-2001)	22
THE KURDISTAN WORKERS' PARTY CHANGED ITS NAME AND RENOUNCED VIOLENCE (APRIL 2002)	23
STATE OF EMERGENCY ENDED IN TWO OF THE FOUR REMAINING OHAL PROVINCES (JULY 2002)	24
AFTER DECADES OF EMERGENCY RULE, TURKEY'S SOUTHEAST EMERGES POOR AND DEVASTATED (JUNE 2002)	25
FOOD EMBARGO RESULTED IN SERIOUS ECONOMIC CONSEQUENCES (NOVEMBER 2002)	26
OSCE: PARLIAMENTARY ELECTIONS DEMONSTRATED VIBRANCY OF TURKEY'S DEMOCRACY	26
<b>CONFLICT-RELATED CAUSES</b>	<b>28</b>
SUMMARY OF THE MAIN CAUSES OF INTERNAL DISPLACEMENT IN TURKEY	28
GÖC-DER'S MIGRATION SURVEY SHOWED CAUSES OF DISPLACEMENT (JANUARY 2002)	29
UP TO 3500 VILLAGES IN SOUTHEASTERN TURKEY HAVE BEEN FORCIBLY EVACUATED, MOSTLY BY THE TURKISH ARMY (1984-1999)	30
A SOURCE OF INSECURITY: THE "VILLAGE GUARDS" (1984-2001)	31
THE PKK IS ALSO RESPONSIBLE FOR SIGNIFICANT INTERNAL DISPLACEMENT (1984-2000)	32
SERIOUS VIOLATIONS OF HUMAN RIGHTS BY SECURITY FORCES IN THE FIGHTING AGAINST THE PKK (1984-2000)	33
INTERNAL EXILE: A DISCRETIONARY DECISION OF THE STATE OF EMERGENCY REGION'S GOVERNOR (1987-2001)	37
TURKISH AUTHORITIES IMPOSED FOOD EMBARGO ON SEVERAL KURDISH VILLAGES (1991-2001)	37
VILLAGERS WERE EVACUATED BY FORCE (AUGUST 2001)	38
REPORT STATED THAT VILLAGE GUARDS SERVED LOCAL LANDLORDS RATHER THAN STATE (NOVEMBER-DECEMBER 2001)	38

VILLAGES WERE EVACUATED AND FOOD EMBARGO IMPOSED AFTER THE DEATH OF A GOVERNMENT SOLDIER (AUGUST 2001-MARCH 2002)	39
<b>OTHER CAUSES OF DISPLACEMENT</b>	<b>41</b>
DAM AND PIPELINE PROJECTS: ANOTHER CAUSE OF DISPLACEMENT IN SOUTHEASTERN TURKEY (2001-2002)	41
<b><u>POPULATION PROFILE AND FIGURES</u></b>	<b>45</b>
<b>GLOBAL FIGURES</b>	<b>45</b>
CREDIBLE ESTIMATES OF THE IDP POPULATION RANGE FROM 400,000 TO 1 MILLION (DECEMBER 2001)	45
BETWEEN 5 AND 8 MILLION PERSONS ARE SUPPOSEDLY LIVING IN SOUTHEASTERN TURKEY (2000-2001)	46
TURKISH GOVERNMENT GIVES A TOTAL OF 400,000 PERSONS FORCED TO LEAVE THEIR VILLAGES (1998-1999)	46
ESTIMATES OF IRREGULAR MIGRANTS IN TURKEY AS HIGH AS ONE MILLION	47
<b><u>PATTERNS OF DISPLACEMENT</u></b>	<b>49</b>
<b>GENERAL</b>	<b>49</b>
KINDS OF RESIDENCES BEFORE AND AFTER MIGRATION (JANUARY 2002)	49
IMPACT OF CONFLICT-INDUCED DISPLACEMENT ON TURKEY'S URBANISATION (1998-2001)	49
KURDISH REFUGEES RETURNING FROM IRAQ JOIN THE RANKS OF THE INTERNALLY DISPLACED (2000)	51
<b><u>PHYSICAL SECURITY &amp; FREEDOM OF MOVEMENT</u></b>	<b>52</b>
<b>PHYSICAL SECURITY</b>	<b>52</b>
HUMAN RIGHTS ACTIVISTS CONDEMNED THE KILLING OF DISPLACED, CLAIMED TO BE TERRORISTS BY THE AUTHORITIES (OCTOBER 2001)	52
2002: MANY POSITIVE HUMAN RIGHTS DEVELOPMENTS TOOK PLACE IN TURKEY	52
INTERNAL SECURITY AUTHORITIES	56
SECURITY IN VILLAGES IN SOUTHEASTERN TURKEY REMAINS VERY PRECARIOUS (2001)	58
MAJORITY OF ENFORCED DISAPPEARANCES AFFECTS ETHNIC KURDS IN SOUTHEASTERN TURKEY (2001)	59
MOST REPORTS OF EXTRAJUDICIAL KILLINGS PERTAIN TO SOUTHEASTERN TURKEY (2000-2001)	60
TORTURE REMAINS WIDESPREAD IN THE SOUTHEAST AND IN LARGE CITIES, DESPITE RECENT IMPROVEMENTS (2000)	61
ARBITRARY ARREST AND DETENTION: DEROGATORY LAW APPLIES IN STATE OF EMERGENCY AREAS (2000)	62
KURDISH ASYLUM SEEKERS HAVE BEEN DENIED ASYLUM IN EUROPE ON THE GROUND THAT THEY MAY FIND A RELATIVE SAFETY ELSEWHERE IN TURKEY (2000)	63
NGO FACT-FINDING MISSION DISAGREE WITH THE VIEW THAT KURDS CAN FIND SAFETY OUTSIDE THE STATE OF EMERGENCY AREA (2000)	64
<b>FREEDOM OF MOVEMENT</b>	<b>65</b>
TRAVEL INSIDE THE STATE OF EMERGENCY PROVINCES OFTEN RESTRICTED FOR SECURITY REASONS (2000)	65

DEBATE ABOUT THE INTRODUCTION OF INTERNAL VISAS (1998-1999)	66
<b>OTHER CONCERNS</b>	<b>66</b>
ACCESS TO JUSTICE: FEAR OF RETALIATION PREVENTS THE DISPLACED FROM REPORTING ABUSES (1999-2001)	66
<b><u>SUBSISTENCE NEEDS (HEALTH NUTRITION AND SHELTER)</u></b>	<b>70</b>
<b>GENERAL</b>	<b>70</b>
BASIC PROBLEMS OF DISPLACED AFTER MIGRATION	70
<b>SHELTER</b>	<b>70</b>
COE: ASSESSING THE HOUSING CONDITIONS OF THE DISPLACED (MARCH 2002)	70
DISPLACED RETURNING TO VILLAGES FACE SHELTER NEEDS (AUGUST 2002)	71
HOUSING INITIATIVES FAVOUR FORMER VILLAGE GUARDS (OCTOBER 2002)	71
DISPLACEMENT AND THE LIFE IN TENTS; PATTERNS AND PROBLEMS (JANUARY 2002)	72
KURDS EXPELLED FROM THEIR VILLAGES IN JULY 2001 LIVE UNDER PRECARIOUS CONDITIONS (AUGUST 2001)	73
SHELTER NEEDS OF THE DISPLACED HAVE NOT BEEN ADDRESSED ADEQUATELY (1998-2002)	73
<b>HEALTH</b>	<b>75</b>
GENERAL HEALTH SITUATION OF THE DISPLACED KURDS	75
THE VAST MAJORITY OF THE DISPLACED PERSONS ARE CONSIDERED A POPULATION AT RISK FROM THE PUBLIC HEALTH POINT OF VIEW (1998-1999)	76
<b>VULNERABLE GROUPS</b>	<b>77</b>
THE VULNERABILITY OF DISPLACED WOMEN IN SOUTHEASTERN TURKEY (1998-2001)	77
LIMITED ACCESS OF DISPLACED CHILDREN TO HOUSING, HEALTH SERVICES AND EDUCATION (2001)	79
<b><u>ACCESS TO EDUCATION</u></b>	<b>80</b>
<b>GENERAL</b>	<b>80</b>
MIGRATION SURVEY SHOWED CAUSES OF SCHOOL ABSENCE OF DISPLACED KURDISH CHILDREN (JANUARY 2002)	80
DISPLACED FAMILIES CANNOT AFFORD TO SEND THEIR CHILDREN TO SCHOOL	80
SHORTAGE OF EDUCATIONAL INFRASTRUCTURE IN SOUTHEASTERN TURKEY (2000)	81
<b><u>ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION</u></b>	<b>82</b>
<b>SELF-RELIANCE</b>	<b>82</b>
GENERAL	82
GÖC-DER'S MIGRATION SURVEY HIGHLIGHTED DIFFICULT SOCIO-ECONOMIC CONDITIONS (JANUARY 2002)	82
DISPLACED PERSONS IN SOUTHEAST ANATOLIA FACE ADVERSE ECONOMIC CONDITIONS (2001)	83
DISPLACED KURDS FACE SOCIAL AND ECONOMIC EXCLUSION IN WESTERN CITIES (2000)	84
DISPLACED WOMEN IN SOUTHEASTERN TURKEY CAN HARDLY COPE WITH THEIR NEW SITUATION (2001)	86
POVERTY AND JUVENILE DELINQUENCY: DISPLACED CHILDREN IN SOUTHEASTERN CITIES: (2001)	87
<b>PARTICIPATION</b>	<b>88</b>
POLITICAL REPRESENTATION OF ETHNIC MINORITIES SEVERELY LIMITED (1981-2003)	88

KURDISH POLITICAL PARTICIPATION UNDER CLOSE SURVEILLANCE (1995-2003)	89
PRESS FREEDOM STILL GREATLY RESTRICTED DESPITE 2002 REFORMS	91
<b><u>DOCUMENTATION NEEDS AND CITIZENSHIP</u></b>	<b>94</b>
<b>CITIZENSHIP</b>	<b>94</b>
APPLICATIONS FOR RESTORING CITIZENSHIP RIGHTS ARE MOSTLY DONE THROUGH ADMINISTRATIVE ORGANS, LEAST THROUGH SECURITY FORCES (JANUARY 2002)	94
<b>DOCUMENTATION NEEDS</b>	<b>94</b>
HIGH PROPORTION OF KURDS WHO MOVED TO CITIES REMAIN UNREGISTERED (2000)	94
<b><u>ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE</u></b>	<b>96</b>
<b>KURDISH IDENTITY</b>	<b>96</b>
GENERAL	96
DESPITE LEGISLATIVE REFORMS, OBSERVERS FAIL TO NOTE SIGNIFICANT IMPROVEMENTS IN PRACTICE	97
SEPARATE IDENTITY CREATES INTEGRATION PROBLEMS FOR DISPLACED KURDS (JANUARY 2002)	97
<b>CULTURAL RIGHTS</b>	<b>98</b>
TURKISH STATE GRANTED KURDISH POPULATION MORE CULTURAL RIGHTS (AUGUST 2002)	98
CULTURAL RIGHTS OF THE KURDISH MINORITY: INSUFFICIENT IMPROVEMENTS (2000-2003)	99
<b><u>PROPERTY ISSUES</u></b>	<b>102</b>
<b>GENERAL</b>	<b>102</b>
LOSS OF AGRICULTURAL PROPERTY POSES PROBLEMS FOR TURKISH SOCIETY AS A WHOLE	102
LAND OF DISPLACED VILLAGERS OFTEN CONFISCATED BY VILLAGE GUARDS (2001)	102
LEGAL JUDGEMENTS HELP PUT DISPLACEMENT ON NATIONAL AND INTERNATIONAL AGENDA	103
DOMESTIC LAW APPLYING TO COMPENSATION FOR PROPERTY LOSS: NO EFFECTIVE REMEDIES (2001)	104
ILISU DAM PROJECT: PROBLEMATIC COMPENSATION OF OWNERS DISPLACED BY THE CONFLICT (2001)	106
SYSTEMATIC DESTRUCTION OF PROPERTIES AND POSSESSIONS (1994-1999)	107
<b><u>PATTERNS OF RETURN AND RESETTLEMENT</u></b>	<b>108</b>
<b>RETURN AND RESETTLEMENT PROGRAMMES</b>	<b>108</b>
GENERAL	108
HRW STATEMENT TO THE CSCE ON THE CONDITIONS OF RETURN	110
FEASIBILITY STUDY ONLY DOCUMENT ON VILLAGE RETURN/REHABILITATION PROJECT	111
HRW: A COMPREHENSIVE PLAN FOR RETURN OF THE DISPLACED IN ACCORDANCE WITH INTERNATIONAL STANDARDS	114
THE BAKU-TBILISI-CEYHAN PIPELINE SHOULD HELP SUPPORT RETURN AND RECONSTRUCTION	115
THE "CENTRAL VILLAGES" OR "VILLAGE-TOWN" RELOCATION SCHEME (1994-2001)	115
MORE CENTRAL VILLAGES TO BE ESTABLISHED IN EASTERN AND SOUTHEASTERN ANATOLIA	117

THE VILLAGE-TOWNSHIP PROJECT, WORLD BANK'S POSITION	118
THE "RETURN TO VILLAGES" POLICY (1995-2003)	119
PARLIAMENT ANSWERS QUESTIONS ON RETURN TO VILLAGES-POLICY, BUT HUMAN RIGHTS ACTIVISTS DISAGREE (JULY-AUGUST 2001)	121
RESETTLEMENT SCHEMES FOR DAM CONSTRUCTION: NGOs REPORT SEVERE INADEQUACIES (2000)	123
<b>RETURN MOVEMENTS</b>	<b>124</b>
IMPEDIMENTS TO RETURN	124
VAN PROVINCE: SOME 5,000 DISPLACED PARTICIPATED IN THE RETURN TO THE VILLAGES PROJECT, BUT PROBLEMS REMAIN (AUGUST 2002)	127
DISPLACED RETURNING TO BITLIS PROVINCE TEMPORARILY STAYED IN SCHOOLS AND TENTS (JULY 2002)	127
TURKISH AUTHORITIES ALLEGEDLY ALLOWED ONLY VERY RESTRICTED RETURN TO VILLAGES (JUNE 2002)	128
DESPITE INCREASED WILLINGNESS TO RETURN, DISPLACED FACED OBSTACLES (APRIL 2002)	129
THE MINISTRY OF INTERIOR REPORTED THAT A TOTAL OF 37,000 PEOPLE RETURNED TO THEIR VILLAGES (APRIL 2002)	129
COE REPORT: DESPITE SOME OBSTACLES, PROSPECTS FOR RETURN LOOK POSITIVE (MARCH 2002)	130
THE MINISTRY OF INTERIOR PRESENTED EVACUATION AND RETURN FIGURES (1987-2001)	131
VILLAGES WERE OPENED TO DISPLACED FOR SETTLEMENT (AUGUST 2001)	132
VILLAGE GUARDS ASSAILED DISPLACED WANTING TO RETURN (JUNE 2001)	132
TURKISH NGOs ASSESS RETURN CONDITIONS (MAY 2001)	133
AUTHORITIES HAMPER SPONTANEOUS RETURN MOVEMENTS (2000-2001)	134
RETURN MOVEMENTS REMAIN AT A LOW LEVEL, DESPITE RECENT INCREASE (2000)	135
RETURNING REFUGEES JOIN RANKS OF THE INTERNALLY DISPLACED	135

## **HUMANITARIAN ACCESS** **137**

<b>GENERAL</b>	<b>137</b>
LOW PRESENCE OF INTERNATIONAL NGOs IN SOUTHEASTERN TURKEY (2002)	137
AMNESTY INTERNATIONAL WAS ALLOWED TO RE-OPEN ITS OFFICE IN TURKEY (FEBRUARY 2002)	137
HUMAN RIGHTS DELEGATION FACED OBSTRUCTION AFTER VISIT TO VILLAGES (AUGUST 2001)	138
CIVIL POLICE ALLEGEDLY OBSTRUCTED DELEGATION'S FIELD VISIT TO EVACUATED VILLAGES (MAY 2001)	139
HUMAN RIGHTS ACTIVISTS FACE SEVERE CONSTRAINTS (2000)	139

## **NATIONAL AND INTERNATIONAL RESPONSES** **142**

<b>GENERAL</b>	<b>142</b>
DISPLACED OFTEN RECEIVE HELP FROM FAMILY AFTER MIGRATION (JANUARY 2002)	142
<b>NATIONAL RESPONSE</b>	<b>142</b>
TURKEY PASSED KEY REFORM PACKAGE (AUGUST 2002)	142
MOST DISPLACED RELUCTANT TO SEEK JUDICIAL REMEDIES	143
TURKEY REGRETS OCCURRENCE OF INDIVIDUAL CASES OF DESTRUCTION	143
TURKISH STATE CONTINUED TO PRESSURIZE NGOs WORKING ON DISPLACEMENT (JUNE 2002)	143

RETURNING DISPLACED LACK GOVERNMENT COMPENSATION AND RESTITUTION FOR LOSSES (APRIL 2002)	144
TURKISH GOVERNMENT FAILED TO PROVIDE EMERGENCY ASSISTANCE TO IDPs (FEBRUARY 2002)	144
HUMAN RIGHTS DELEGATIONS VISITED DISPLACED VILLAGES IN BEYTÜSSEBAP (AUGUST 2001)	144
CIVIL SOCIETY BARRED FROM PROCESS	145
GOVERNMENT'S DEVELOPMENT PROJECT FOR SOUTH-EASTERN ANATOLIA (GAP): UNFULFILLED PROMISES	146
SELF-HELP ORGANISATIONS: THE EXAMPLE OF THE MERSIN MIGRANTS' ASSOCIATION (GOC- DER) (1997-2003)	147
GROWING NUMBER OF NGOs ADDRESS PROBLEMS ASSOCIATED WITH INTERNAL DISPLACEMENT (1999)	148
PUBLIC DEBATE ON THE KURDISH ISSUE REMAIN LIMITED (1999)	148
TURKISH PARLIAMENT REVIEWS THE ISSUE OF INTERNAL DISPLACEMENT AND OTHER RELATED HUMAN RIGHTS CONCERNS IN SOUTHEASTERN TURKEY (1997-2001)	150
STATE AUTHORITIES OPPOSE RESEARCH PROJECT BY LOCAL AUTHORITIES (2001)	151
<b>INTERNATIONAL RESPONSE</b>	<b>152</b>
KEEPING THE INTERNATIONAL COMMUNITY AT ARM'S LENGTH	152
BROOKINGS-SAIS PROJECT ON THE ROLE OF OSCE FOR DEALING WITH IDPs IN THE REGION	153
HRW: TURKEY AND WAR IN IRAQ: AVOIDING PAST PATTERNS OF VIOLATION	155
ECHR CONDEMNED TURKEY TO PAY A TOTAL OF £100 000 IN KURDISH 'DISAPPEARANCE AND VILLAGE DESTRUCTION CASE' (JUNE 2002)	157
CASE OF VILLAGE DESTRUCTION IN 1994 DECLARED ADMISSIBLE BY ECHR (MAY 2002)	158
WORLD BANK EXPRESSED WILLINGNESS TO FINANCE THE VILLAGE-TOWN PROJECT FOR \$300 MILLION (NOVEMBER 2001-MAY 2002)	158
DRAFT RECOMMENDATIONS FROM THE COUNCIL OF EUROPE ON THE IDP SITUATION IN TURKEY (MARCH 2002)	159
UN SPECIAL REPRESENTATIVE ON IDPs ADDRESSES A HEARING BY THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (JUNE 2003)	160
RECOMMENDATIONS FROM HRW TO THE TURKISH GOVERNMENT AND THE INTERNATIONAL COMMUNITY (OCTOBER 2002)	160
PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE MONITORS TURKEY'S HUMAN RIGHTS COMMITMENTS (1996-2001)	162
TURKEY'S CANDIDATURE FOR EU MEMBERSHIP	163
ECHR CONDEMNED TURKEY FOR ITS POLICY OF VILLAGE DESTRUCTION IN SOUTHEASTERN TURKEY (1996-2001)	164
EU REPORT: TURKEY MUST DO MORE TO SECURE FUNDAMENTAL FREEDOMS	165
EU MONITORS TURKEY'S ABILITY TO ASSUME OBLIGATIONS OF MEMBERSHIP (2000)	167
UNITED STATES: OFFICIALS CALL FOR PROGRESS ON HUMAN RIGHTS (1999-2000)	169
OSCE HIGH COMMISSIONER ON NATIONAL MINORITIES HAS NOT INCLUDED TURKEY IN HIS WORK (1999-2001)	169
ICRC: NO ACCESS TO THE CONFLICT AREA IN TURKEY (1995-2001)	170
<b>UNITED NATIONS</b>	<b>171</b>
UN REPRESENTATIVE ON IDPs SAW OPPORTUNITIES FOR RETURN AND RESETTLEMENT ASSISTANCE AFTER TURKEY-VISIT (JUNE 2002)	171
UNHCR AND WFP DO NOT IMPLEMENT ANY PROGRAMME RELATING TO INTERNAL DISPLACEMENT IN TURKEY (1999-2001)	172
TURKISH GOVERNMENT HAS BEEN SLOW TO INVITE RAPPORTEURS OF THE UN HUMAN RIGHTS COMMISSION TO VISIT THE COUNTRY (1996-2001)	172
UNDP: ATTENTION TO VULNERABLE GROUPS IN DEVELOPMENT PROGRAMMES (1999-2001)	173

<b>ABBREVIATIONS AND ACRONYMS</b>	<b>175</b>
<b><u>LIST OF SOURCES USED</u></b>	<b><u>177</u></b>

---

## PROFILE SUMMARY

### **Impediments to return remain, while Turkey reforms hoping to be part of the European Union**

*Turkey's desire to be part of the European Union, and the reforms it is currently undergoing in order to be considered for entry, are seen by many as a "window of opportunity" to improve its human rights record, particularly where minority and IDP rights are concerned. Indeed, in 2002 the UN Special Representative on IDPs, following his visit to the country, noted a change in the Government's attitude. While violence has significantly decreased in the southeastern region of the country, a number of impediments remain for the displaced to return. But the rate of return has been slow. It is estimated that only ten per cent have so far gone back to their homes. This has led human rights organisations to question both the Government's and the international community's willingness to address the problem. The number of displaced and the question of who constitutes an IDP remains a controversial issue. While the Turkish Government operates with a figure of 378,000, NGOs estimate a number as high as 1 – 3 million persons.*

#### **Background**

Between 1984 and 1999, the Government of Turkey forcibly displaced a large number of persons from villages in the southeastern regions of Turkey. The Government reported that 378,000 persons had "migrated" (it disputed the word "evacuation") from more than 3,000 villages, and justified its practices as a means of protecting civilians or preventing PKK terrorists from obtaining logistical support from the inhabitants. Various NGOs estimate that between 1 - 3 million persons were displaced. US DOS estimates the total number of displaced at one million people (US DOS 31 March 2003).

With the current population estimated at 12 - 16 million persons, the Kurds constitute the largest ethnic minority in Turkey (26 percent of the total population). Since the origin of the Turkish Republic, the Kurds have been denied any rights as an ethnic minority, and manifestations of Kurdish identity have often been repressed brutally by Turkish authorities. In 1984, the Kurdistan Workers' Party (PKK) launched a guerilla warfare campaign in southeastern Turkey to which the Turkish State responded with a violent counter-insurgency campaign. In order to further defeat the PKK, the armed forces were granted exceptional powers under a State of Emergency Decree, declared in 10 provinces in 1987, which meant a heavy military presence, martial law and other severe restrictions to civil and political rights enforced by a special Governor (UK Home Office April 2003). In October 1994 Turkey's Human Rights Minister informed the Turkish Parliament that two million villagers had already been rendered homeless. In July 1995 the Governor of the Emergency Region confirmed a total of 2,664 totally or partially evacuated villages and hamlets. By 1999 human rights organisations reckoned there were in excess of 3,500 villages evacuated and between 2,5 – 3 million people rendered homeless in the southeastern regions (UK Home Office April 2003).

Since the arrest of the PKK leader Abdullah Ocalan in June 1999 and his appeal for a unilateral cessation of armed activities by the KurdiAsh armed groups, the level of violence in southeastern Turkey has significantly decreased. In August 2002, the Turkish parliament adopted a package of democratic reforms, which ended the death penalty, allowed for Kurdish broadcasts and education, and eased restrictions for foreign organisations working in the country. Human rights organisations thus note many positive developments during the year 2002. On 30 November

2002, the 15-year-long state of emergency was lifted in the last two provinces (Diyarbakir and Sirnak) where it had remained in force (UK Home Office April 2003). An estimated 30,000 people have died in this period of fighting between PKK and the Turkish security forces (TDN 3 July 2003).

### **Displacement**

The total number of people who have been displaced within Turkey is difficult to estimate, and remains a controversial issue with the Turkish government. Some local NGOs give the figure of 2 to 3 millions internally displaced persons because of the conflict, but these figures tend to include migrants who left impoverished rural areas in southeastern provinces for economic reasons (USCR 2001). According to the US State Department, the figure of one million internally displaced persons is a credible estimate for the total population who fled because of the violence prevailing in their home areas (US DOS 31 March 2003). Following the improvement in the security situation and an end to fighting, the systematic internal displacement of Kurds caused by terrorism and the Government's response has ended. However since sporadic forced displacements have occurred as recently as 2001, villagers are not running the personal and financial risks of return while it remains possible that the gendarmerie will come and turn them off their lands once again (HRW 30 October 2002).

The most common form of displacement was the eviction of entire villages by the Turkish army to deprive the Kurdish armed movements of logistical support from the civilian population. Security forces in particular targeted and forcibly displaced peasants in the 1980s and 1990s as a tactic to combat PKK insurgency (HRW 30 October 2002). As recently as August 2001, four villages were forcibly evacuated in the province of Sirnak, Hakkari and Van, and another four villages were raided in Beytüssebap district, evacuated and a food embargo imposed (HRFT August 2001).

Another factor leading to displacement of the civilian population in southeastern Turkey has been the "village guard" system, created by the Turkish authorities. These paramilitary militias comprise villagers that have been pressured to join, exposing them to retaliation from both sides. Village guards and their families have been the target of deliberate and arbitrary killing by the PKK, while the refusal of villagers to join the guard has often been followed by the evacuation of their villages by the Turkish security forces (UK Home Office April 2003, HRW 30 October 2002). Evacuations were carried out in the most brutal way, with reports of property destruction, rape, torture and degrading treatments and extra-judicial executions by the security forces. Emergency shelter was only provided for the evacuated villagers in extremely rare cases (USCR 1999, COE 3 June 1998).

During the conflict, Turkish security forces exposed the civilian population to numerous violations of human rights and humanitarian law, including arbitrary arrest, torture, extra-judicial killings, and indiscriminate attacks. Violations of humanitarian law were also attributed to the PKK, including arbitrary killings of civilians (US DOS 31 March 2003).

For their part, the Turkish authorities maintain the position that internal displacement as a result of conflict and fear is only part of a larger migratory phenomenon occurring throughout Turkey resulting from the dramatic growth of urban populations in recent years (COE 22 March 2002). However, in front of the European Court of Human Rights the Turkish Government has expressed "regret of the occurrence of individual cases of destruction of home, property and possessions resulting from the acts of agents of State in south-east Turkey, obliging civilians to leave their villages" (HRFT November 2002).

## Needs

Following the forced evacuation of villages and the violence of the armed conflict, the Turkish Government failed to provide emergency assistance to the people forcibly displaced. These people were not provided with any shelter or food in the immediate aftermath of the displacement and the Government did not arrange for any temporary accommodation in tents or collective facilities. As a result, the majority of the displaced civilians were forced to move to the nearest provincial capitals, such as Diyarbakir, Batman, Sirta and Hakkari, which saw their populations double during the Kurdish conflict. While some of the displaced have found accommodation with extended family members, most gathered in slums, or so-called shanty-towns, on the outskirts of these cities. In addition a great number of Kurds have moved further to the bigger cities in the West. The situation there remains very bad (COE 22 March 2002, HRW 30 October 2002).

The majority of the displaced have continued to live in very difficult circumstances of overcrowding and poverty in towns and cities throughout the country (IHF 8 May 2003). Overcrowded places have usually inadequate heating, no sanitation and inadequate infrastructure. Malnutrition, insufficient and dirty drinking water, improper disposal of sewage and garbage are common problems (COE 22 March 2002).

The situation of the displaced is further aggravated by the disastrous economic conditions prevailing in the southeastern provinces. An economic crisis in February 2001 exacerbated the problems of municipalities and the displaced alike. The fragile economy was profoundly shaken and prices soared. Layoffs struck particularly hard at sectors such as catering and construction where displaced people were working as uninsured casual labour. In the face of such financial crisis displaced villagers are even more desperate to return to their lands where they could at least feed and house themselves (HRW 30 October 2002). The whole region has always suffered from a lower level of social and economic development than the rest of the country, with up to 60 percent of its population below the poverty rate (Turkish Daily News 15 July 2001). Decades of emergency rule have left the region poor and devastated, with infrastructure, crops, houses and other resources destroyed, making the recovery of the region extremely difficult (Info-Turk June 2002, "No real improvement in living conditions for Kurds"). In addition, the imposed food embargo and bans on going to pastoral lands during the period of OHAL (State Emergency), have only added to the difficult economic conditions (HRFT November 2002).

The armed conflict has disrupted a region, which even before had been one of the poorest and least economically developed regions of Turkey with rates of illiteracy, poverty etc. much higher than in the rest of the country. Systematic destruction of the infrastructure, economic resources, livestock, crops, houses, and farming machinery has made large areas of the region uninhabitable. The cultivable land and irrigation channels have fallen into disuse, with numerous landmines adding to the problem. Deprived of a market economy and industry, the region has also lost its more traditional forms of economic activity, namely livestock and agriculture. Unemployment in overcrowded cities and towns is a result (COE 22 March 2002).

A major problem has been the general condition of the health of the displaced Kurdish population, who face an increased risk of diseases such as tuberculosis, malaria and mental illnesses. The inability of social adaptation is another issue of major concern, which has been caused by unemployment, shelter problems, children's educational problems, health problems, environmental pollution, cultural differences, and feelings of exclusion (COE 22 March 2002, Gök-Der 2002, pp.61-62II).

Municipal efforts to relieve hardship have been minimal. In some cities, the authorities have provided some housing for displaced villagers, but these initiatives are mainly intended for the former village guards (HRW 30 October 2002).

### **Return and resettlement**

With the security situation steadily improving, it should now be possible for those who want to return to their villages to do so. Provincial authorities have continued, however, to deny some villagers access to their fields and high pastures for grazing. Both voluntary and assisted resettlements have been ongoing, although only a fraction of the evacuees has returned. The government estimates that 58,000 persons returned from June 2000 to October 2002 as part of the "Back to Villages and Rehabilitation Project". Another programme, set up in 1994, is the central villages project, which envisaged resettling evacuated villagers into newly built villages. More than 400 villages and hamlets have reportedly been reopened with state assistance (US DOS 31 March 2003).

A number of impediments to return remain. According to Human Rights Watch, inadequate government assistance and continued violence by security forces are discouraging returns. HRW claimed the Government's return plans failed to meet international standards and had therefore not attracted international funding (HRW 30 October 2002). Those return programmes developed by national authorities have generally been inadequate to respond to the needs of the displaced. In addition, the displaced have been largely reluctant to move to the new settlements that have been built without consultation with them.

With regard to the "Return to the Villages" programme, only a few villagers have been given permission by the provincial governors to return to their homes. Moreover, "authorised" returnees have often not been allowed to enter their villages by the military locally, or have been forced to sign forms stating that they were displaced due to terrorism (UK Home Office April 2003). Human Rights Watch have sharply criticized the government for their village return programme, suggesting it is largely fictional with most abandoned settlements remaining no-go areas, which in some cases have been occupied by government-armed village guards (HRW 30 October 2002). In addition, the village Return and Rehabilitation Project announced in March 1999 had yielded nothing more than a feasibility study for return to 12 model villages, yet unpublished. Other programmes appeared to be designed to prioritize return for villages controlled by village guards or to resettle villagers in central villages, often impractically distant from villagers' agricultural lands (COE 8 May 2003, HRW 30 October 2002).

According to various local and international human rights organisations, the Turkish government, security forces and paramilitaries have been obstructing the return although active hostilities ceased in 1999. As a result it appeared that no more than 10 per cent had ventured home by late 2002. In some cases local authorities forbid people to return, in others, return was officially permitted but returning villagers were greeted with harassment, detention and attacks by gendarmerie and village guards. As a result some have had to flee for a second time. Highly dependent on agricultural resources, a significant proportion of Kurdish households have been reportedly unable to access any land to cultivate, as authorities have failed to address the issue of landmines, the occupation of land by village guards and the more global problem of highly unequal distribution of land ownership. There have also been reports that households applying for return assistance have been pressured by authorities to give up beforehand any claims on compensation for the loss of their properties (IHF 8 May 2003, HRW 30 October 2002, HRFT January 2001). It also seems that authorities have tried to limit villagers' recourse to the courts to enforce their rights to compensation, as it has often been impossible for them to receive a written statement from the authorities either granting or denying their right to return (IHF 8 May 2003).

In the absence of reliable statistics that are open to analysis, it is impossible to make an accurate estimate of the number of genuine returns. Even if the government's most optimistic figures are correct, only 10 to 20 per cent of the displaced population has returned. Nongovernmental organisations in close contact with displaced persons such as Gök-Der and the Human Rights Association (HRA) believe that all the government's conflicting figures are exaggerated and that in fact relatively few villagers have been able to return permanently (HRW October 2002).

### **Access and Response**

The Turkish Government has long hampered any attempt by the international community to monitor the situation of the Kurdish minority in Turkey. Most international humanitarian organisations, including the ICRC, have been refused access to southeastern provinces, while human rights organisations can only operate under close police surveillance. The Turkish State has long been reluctant to issue invitations to UN rapporteurs of the Commission for Human Rights.

Far from providing appropriate organisations access to the internally displaced, the authorities have relentlessly persecuted organisations that take an interest in them. At the moment, access by NGOs to the southeast remains extremely difficult. The three local organizations most interested in the problems of IDPs are the HRA, the Gök-Der and HADEP. The authorities view all three with great suspicion, and local security forces subject them to constant harassment. On 13 March 2003 Turkey's Constitutional Court banned HADEP on the grounds that it aided and abetted the PKK (UK Home Office April 2003).

The response of the government to the plight of the displaced and to the Kurdish issue in general has come under the scrutiny of some Turkish media, intellectuals and human rights groups despite the risk of prosecution by the State for "advocacy of hatred and violence" or "separatist" statements (HRW 2000, USCR 1999). The Turkish Parliament also created ad hoc temporary committees in 1994 and 1997 to investigate the state's action in the conflict zone (Turkish Daily News 30 January 2001) and clearly found the state responsible for the population displacements. Kurdish political parties and media have been constantly subject to harassment by the authorities although a variety of Kurdish self-help groups have been successful in providing assistance to the displaced (Kirisci June 1998).

The government has developed a more global plan for the economic revitalisation of southeastern Turkey, the "South-eastern Anatolia Project" (GAP). The most visible component of the project is the construction of hydroelectric plans and irrigation schemes in the region (MFA 2003). NGO observers question however the real impact on the region and deplore the displacement of population triggered by the construction of dams and the poor implementation of resettlement programmes (KHRP September 2000).

There are, however, certain developments which give cause for some careful optimism. Since 1996 a few international organisations have finally been invited to visit Turkey, including the UN Representative on Internally Displaced Persons, whose mission to Turkey took place in May 2002. In addition, a number of democratic reforms introduced by the Turkish Parliament in August 2002 have included the easing of restrictions on both foreign and local non-governmental organizations working in Turkey.

International NGOs such as Amnesty International and Human Rights Watch are able to visit the southeastern region, though under close surveillance. Humanitarian NGOs are more or less absent from the southeast. Attempts by Médecins Sans Frontières to provide medical aid to vulnerable

groups in Diyarbakir were blocked by the Turkish government (HRW 30 October 2002). Institutions of the Council of Europe such as the Parliamentary Assembly and the Council of Ministers have adopted several resolutions condemning Turkey's human rights violations against the Kurdish minority (COE 3 June 2001). The European Court of Human Rights is receiving an increasing number of applications lodged by Turkish Kurds against the Turkish State. The Court has already found Turkey responsible for violations of the European Human Rights Conventions in numerous cases of arbitrary evictions, property destruction, disappearances and torture and has compelled the State to pay substantive compensation to the victims (UK Home Office April 2003).

The World Bank has been positive towards Turkey's handling of the displacement situation, in declaring the Return to the Villages Project a model for rural development. However, after deciding to finance this project with US\$ 300 million in November 2001, it later pulled back its decision without reason. A new application is being prepared for the World Bank (COE 22 March 2002).

### **Turkey and the EU**

On 3 August 2002 the Turkish Parliament formally approved a package of key democratic reforms, designed to improve Turkey's chances of EU membership. These reforms included, among others, an end to the death penalty in peacetime, TV and radio broadcasts allowed in languages other than Turkish but not in contravention of principles of national sovereignty, Kurdish dialects to be taught in special courses, the easing of restrictions on public demonstrations and association, and the easing of restrictions on both foreign and local non-governmental organizations working in Turkey. The European Union Summit in Copenhagen in December 2002, however, decided that Turkey would have to wait until December 2004 before a review that could lead to negotiations for Turkey to join the EU. The review will decide whether Turkey has met human rights criteria (UK Home Office April 2003).

Dr. Francis Deng, the Special Representative of the UN Secretary General on Internally Displaced Persons emphasized after his mission to the country in March 2002 that the international community should take advantage of the changing attitude of the government in light of its adjustments to Europe, and particularly with respect to the nature of return. The UN Special Representative acknowledged a more open approach to returns on the part of the Government (CHR 27 November 2002, CSCE June 2003).

(July 2003)

# CAUSES AND BACKGROUND OF DISPLACEMENT

## Background

---

### The Kurds: history and profile

- Kurds constitute the largest minority ethnic group in Turkey but there are no accurate figures available
- They are traditionally organised in tribes with pastoral or agricultural activities
- Kurds do not represent a cohesive ethnic minority and range from persons tranquilly integrated in the larger society through political activists to committed terrorists
- Kurds were not formally acknowledged as minorities under the 1923 Treaty of Lausanne
- Atatürk's secular state brutally prohibited any manifestation of Kurdish identity, including through mass killings and deportation (1925-1938)
- Nationalist ideas within Kurdish society reappeared in intellectual circles in the 1950s
- During the 1970s many Kurds were attracted to the leftist revolutionary socialist groups and then created specifically Kurdish nationalist groups to challenge State denial
- The most successful of these was the Kurdistan Workers' Party (PKK) which steadily widened its sphere of influence during the 1980s

"Who are the Kurds?"

The Kurds are the descendants of Indo-European tribes who settled among the inhabitants of the Zagros mountains in various epochs, but probably mainly during the second millennium BC. The first mention of Kurds, as 'Cyrtii', occurred in the second century BC. At the time of the Arab conquest in the seventh century AD, the term 'Kurd' was used to denote nomadic people.

The Kurds today, numbering at least 26 million, struggle to obtain political recognition and rights as national communities within the state boundaries in which they find themselves. They form the largest ethnic community in the Middle East without a state of its own.

Population estimates (1993)\*

Country	Total population	Kurds	%
Iran	61,000,000	6,100,000	10%
Iraq	19,300,000	4,400,000	23%
Syria	13,400,000	1,100,000	8%
Turkey	60,000,000	13,200,000	22%
Former Soviet Union		500,000	
Elsewhere		700,000	
Total		26,000,000	

(\*Estimates are in rounded figures.)

Where do the Kurds live?

Although Kurds are to be found in Syria, the Caucasian republics of Armenia and Azerbaijan, Khorasan (in eastern Iran), and in Lebanon, the main concentration lives today where the Kurdish people have always lived - in the mountains where Iran, Iraq and Turkey meet. The heart of this area consists of the extremely rugged mountains of the Zagros range, running in ridges north-west to south-east. In the west these mountain folds give way to rolling hills, and to the Mesopotamian plain. To the north the mountains slowly turn to steppe-like plateau and the highlands of Anatolia. To the east the mountains fall away to lowlands onto which the Kurds have also spread.

Although the population is not exclusively Kurdish in much of this area, the dominant culture is Kurdish. From the early thirteenth century onwards much of this area has been called Kurdistan, although it was not until the sixteenth century, after the Kurds had moved north and west onto the Anatolian plateau, that the term Kurdistan came into common usage to denote a system of Kurdish fiefs. Since then, although the term Kurdistan appears on few maps, it is clearly more than a geographical term since it also refers to a human culture which exists in that land.

Nevertheless no map of Kurdistan can be drawn without contention, and for this reason the demographic map is not a political statement, but a statement of where large numbers of Kurds are found." (MRG 2001)

"In 1989 the average gross reproduction rate in the predominantly Kurdish provinces was 2.75 per cent, compared with that in the predominantly Turkish regions of the Republic of 1.49 per cent. Fifty per cent of the Kurdish population is under the age of 15 compared with only 35 per cent of Turks. Whereas Kurds probably constituted 19 per cent of the population in 1975, today they almost certainly constitute approximately 24 per cent." (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, p. 1000)

"Estimates of the number of Kurds in Turkey vary considerably; there may be 12 - 15 million Kurds in Turkey out of a total population of 64.4 million, making Kurds the largest minority ethnic group in Turkey. The Kurdish birth rate is high and the proportion of Kurds in the national population of Turkey is likely to increase.

In the 19th century most Kurds were tribal pastoralists, but a significant minority were peasantry. Religious feeling tended to be very strong among the Kurdish tribes, with devotion to particular local religious leaders who belonged to the brotherhoods of "folk-Islam". These leaders quite often became tribal chiefs in their own right, with secular as well as religious authority. At the end of the 19th century thinkers among the different ethnic groups within the Ottoman Empire began to think of themselves for the first time in ethnic terms. Both the Arabs and Turks evolved ideas of ethnic nationhood, but such ideas were slower to develop within Kurdish society, which remained fragmented and tribal.

Many Kurdish tribes supported Mustafa Kemal (Atatürk)'s war of independence in the expectation that they were repelling the infidel (Greeks, Armenians, and the Allies) to re-establish the Muslim Fatherland with its Sultan/Caliph. But Atatürk established an ethnic definition of the new Republic as "Turkish, secular and modern", and he set about suppressing all manifestations that contradicted that aim: tribal life, Kurdish language and culture, and the religious brotherhoods that were so strong in the Kurdish region. From 1925 to 1938 the Turkish Government ruthlessly suppressed Kurdish rebellions and resistance to the enforcement of this new ideology which denied their identity. Kurdish leaders tended to appeal to nationalist ideas, the rank and file probably simply wanted their old way of life back. Atatürk's measures involved mass killings, village destruction, and the forced deportation of hundreds of thousands of Kurds.

By the 1950s it seemed as if the Kurds had finally been hammered into Turks. The end of one party politics in the 1940s led the new opposition to woo the old tribal chiefs and the new landlord class in the Kurdish region to deliver the peasant vote. This became a key feature of Turkish electoral politics. The landlord class benefited in material ways and obeyed the State ideology. It was young middle class intellectuals in the 1950s who reawakened nationalist ideas within Kurdish society, challenging the State's view that Kurds

were mountain Turks. (Kurdish is a member of the Iranian branch of the Indo-European family of languages. Kurds have no ethnic connection with Turks, whose language is a member of the Altaic family).

During the 1970s many Kurds were attracted to the leftist revolutionary socialist groups which soon found themselves in armed conflict against right wing groups that frequently enjoyed the tacit support of the State. Counter insurgency operations routinely involved human rights violations against villagers in affected areas. With these disorders proliferating, the army intervened in September 1980. It is estimated that during the three years of military government probably over 100,000 Kurds were detained by the security forces. Many were tortured.

Many Kurds became disillusioned with Turkish leftist movements in the 1970s, and started to form specifically Kurdish nationalist groups to challenge State denial and repression. The most successful of these was the Kurdistan Workers' Party (PKK), which was given substantial help and facilities by Syria. The PKK matched Turkish Government ruthlessness, killing pro-government villagers and their families and also Turkish civil servants in rural areas, most notably teachers, who were suspected of being government informants. Thus both sides routinely violated the rules of war and other legal instruments for the protection of basic rights.

During the 1980s the PKK steadily widened its sphere of influence. Most Kurds were initially hostile to the PKK and hated its methods. But they had little time for a government that denied their identity and rights. When government forces made them choose sides, large numbers started to support the PKK, despite misgivings over its methods. Many were not interested in, or did not know about, its atrocities. They saw government atrocities on a far more widespread scale, and saw the PKK as defending the Kurdish corner.

[...]

Kurds do not represent a cohesive ethnic minority and range from persons tranquilly integrated in the larger society through political activists to committed terrorists. A significant number of historically ethnic Kurds have been completely assimilated into Turkish society and no longer even speak Kurdish." (UK Home Office April 2001, paras. 6.1-6.10)

### **The Kurdish conflict (1984-1999)**

- Kurdish insurgency reappeared suddenly by 1984 in the form of the PKK, mainly in southeastern Turkey
- In July 1987, ten provinces in the southeast were placed under emergency rule due to an increased level of fighting
- The conflict led to the displacement of Kurds from exposed villages, forcible evacuation and the destruction of villages
- The arrest of Abdullah Öcalan, the PKK leader in 1999 and his appeal for a cease-fire was followed by a considerable reduction of violence in southeastern Turkey

"On 12 September 1980 the armed forces, led by General Kenan Evren, Chief of the General Staff, seized power in a bloodless coup. Martial law was declared throughout the country and the new government succeeded in reducing the level of political violence and in restoring law and order, but at the expense of compromising or suspending many democratic freedoms. A new Constitution was adopted in 1982." (UK Home Office April 2001, para. 3.3)

"Four years after the 12 September 1980 coup, which crushed the activities of urban insurgents and fundamentalists, Turkey faced a different threat from a similar source - rural insurgency, initially concentrated in the south east region along the borders with Iran, Iraq and Syria. Almost all the rural insurgent groups had their origins in the student groups based in the cities, one particular case in point

being Abdullah Öcalan's PKK (Kurdistan Workers' Party). The separatist activities soon spread to the cities.

Following the coup, there was a sharp decline in the number of insurgent acts and resulting deaths. Official statistics showed a 70% decline in ordinary crimes while the number of political murders decreased by 82%. This downward trend continued in the three years following the coup, suggesting that the insurgent threat had been crushed. After 1983 there was a strong belief that the insurgent organisations would never come back to the Turkish scene. However, by 1984, this opinion proved baseless when insurgency (in the form of the PKK) resurrected suddenly. Instead of a resumption of armed activities in Turkey's main cities, the emphasis was on attacks concentrated in the south east.

In July 1987, ten provinces in the southeast were placed under emergency rule due to an increased level of fighting; Van, Bitlis, Tunceli, Diyarbakir, Siirt, Bingol, Batman, Hakkari, Sirnak, Mardin. The state of emergency was lifted in Mardin in November 1996, in Batman, Bingol and Bitlis in October 1997, in Siirt in November 1999, and in Van in July 2000. It continues in Diyarbakir, Hakkâri, Sirnak, and Tunceli provinces.

In a speech in December 1998, President Demirel stated that, since 1984, 23,638 PKK members, 5,555 security force members, and 5,302 civilians had lost their lives in the fighting between the security forces and the PKK, which fought, initially, for Kurdish self-rule in the southeast. The conflict has led to the migration of Kurds from exposed villages to district and provincial centres, or out of the southeast altogether. Forcible evacuations by the Turkish security forces are reported to have led to the destruction of 3500 villages in the region and the displacement of between 330,000 and 3 million people. As so many villages have now been evacuated and because the fighting has now moved to the mountains, the rate of evacuations has decreased in recent years, with 30 villages being evacuated in 1998. The Human Rights Association states that, as of October 2000, no village clearances took place during the year.

The situation in the southeast was reported to be calmer in 1998 than in previous years. In September 1998, rapporteurs from the Council of Europe Parliamentary Assembly said the region had started a process of 'normalization' in comparison to their last visit there. Since the PKK ceasefire in August 1999, there has, as of October 2000, been a 90% reduction in violence in the south-east.

In October 1998 the PKK's leader, Abdullah Öcalan, was expelled from Syria. Following his expulsion he unsuccessfully attempted to claim asylum in several European countries before being apprehended in Kenya and flown to Turkey. He was tried and convicted of treason and sentenced to death. After his sentencing he instructed PKK fighters to withdraw from Turkey, and a Turkish general confirmed that this was actually happening." (UK Home Office April 2001, paras. 4.23-4.28)

"In 1999 Abdullah Öcalan, the PKK leader, was captured and brought to trial by a Turkish court. In June he was found guilty of treason, and was sentenced to death. In early August the PKK indicated its willingness to comply with Öcalan's request for a cease-fire in south-eastern Turkey. On 12 January 2000 the Turkish Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. In a written statement from prison, Öcalan said that the Government's decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that he now believed that the PKK's war for a Kurdish state was a 'historic mistake'. A ruling from the ECHR could take up to two years from January 2000." (UK Home Office April 2001, paras. 6.8-6.9)

### **State of emergency in southeastern Turkey: severe restriction of human rights (1987-2002)**

- The state of emergency lifted in the last 2 provinces November 2002

- The state of emergency was originally declared in 8 provinces in southeastern Turkey in 1987
- Official figures put the number of casualties to 30,000 people during the OHAL period
- It implies military presence, martial law, maintenance of the village guard system and other restrictions to normal economic and social life.
- The emergency region governor has sweeping powers to restrict exercise of civil and political rights

“The state of emergency was lifted in the provinces of Tunceli and Hakkari in July [2002], and in the last two provinces, Diyarbakır and Şırnak, in November [2002]. The mainly Kurdish southeast had been under martial law or state of emergency since 1987. (HRW, 14 January 2003)

“At the beginning of the year, four provinces remained under a state of emergency; but the Government completed the phased lifting of the regime on November 30 [2002] and closed the State of Emergency Regional Governor's Office, which exercised authority over the governors of the emergency provinces, as well as the adjacent provinces. The Regional Governor held certain quasi-martial law powers, including the authority to impose restrictions on the press, remove from the area persons whose activities were deemed detrimental to public order, and order village evacuations. The Government continued to maintain a heavy security presence in the region, including numerous roadway checkpoints. The level of violence has decreased substantially since 1999.” (US DOS, 31 March 2003)

“Due to a decision in the Grand National Assembly of Turkey (GNAT) of 19 June the state of emergency was lifted in the two remaining provinces of Diyarbakir and Sırnak. On 19 July 1987 the state of emergency had replaced martial law in the provinces of Bingöl, Diyarbakir, Elazığ, Hakkari, Mardin, Siirt, Tunceli and Van. The provinces of Adiyaman, Bitlis and Mus were included as neighboring provinces. When Batman and Sırnak became separate provinces they had been included in the region under a state of emergency (OHAL) on 6 May 1990. The whole time gross human rights violations were reported from the OHAL region. Official figures put the number of casualties as high as 30,000 people, who were killed during the 15 years. A large number of political killings were attributed to the radical Islamic organization Hezbollah. Large-scale operations against Hezbollah started in 2000, but many killings remain unclarified.

Even though Article 2 of the Decree 285 with the Power of Law allowed the Governor for the Region under a State of Emergency (OHAL) to evacuate, resettle and exile whole settlement most of the 3,500 settlements, were evacuated under the pressure to become village guards and/or burning down or destruction of houses by the security forces. The Parliamentary Research Commission stated in its 1998 report that 905 villages and 2,523 hamlets had completely or partly been evacuated. The number of displaced people was put at “only” 378,335. The US State Department put this figure in its 2001 report to be around one million. Human rights organizations estimated the number of displaced people to be around 4 million people from some 4,000 settlements.

Decree No. 430 with the Power of Law “Regarding Additional Measures in the State of Emergency Governor's Office and during the State of Emergency Period” was introduced on 15 December 1990. Article 1 allowed the OHAL Governor to exile people from the region. The “exiled” persons had no possibility to appeal against such a decision (Article 8). Article 3 of the Decree No. 430 allowed for prolonged periods of detention of 10 days each. Detentions of up to 40 days were reported in 2001 and 2002. Relying on the competences of Decree No. 430 the OHAL governor also banned some 30 newspapers and journals from entering and distribution in the region.

On 4 April 1985 Law No. 3175 amended the Village Law numbered 442 introducing the system of “temporary village guards”. The system was introduced with 40 village guards in Erzurum district (Siirt) and became systematic with the introduction of OHAL. Throughout the 1990s the village guards became

known for kidnapping, killing, torture and rape. The Inspection Committee of the Prime Ministry stated in its Susurluk Report in January 1998 that the village guards were the part of society that had most intensely been involved in "dirty jobs". Even though the number of human rights violations in the OHAL region decreased after the armed clashes went down, the HRFT received information on 11 killings committed by the village guards in 2002." (HRFT, November 2002)

"The state of emergency called Emergency Rule (OHAL) introduced on Jul. 19, 1987 is now into its 15th year, the Anatolia news agency reported yesterday. At first, martial law had been introduced into certain provinces in East and Southeast Anatolia on Jul. 12, 1980 because of escalating terrorist action, but was upgraded to OHAL in 1987 when separatist terrorists began mounting bloody attacks in eight provinces. OHAL has been extended 42 time since being declared by the late President Turgut Ozal.

The first provinces to be covered by OHAL were Bingöl, Diyarbakir, Elazig, Hakkari, Mardin, Siirt, Tunceli and Van. The provinces of Adiyaman, Bitlis and Mus became covered by the definition 'neighboring provinces'. Later on Adiyaman, Bitlis, Batman and Sirkak were to be covered by OHAL's scope. At its height, OHAL covered 13 provinces, but with the reduction in the terrorist threat, only four provinces: Diyarbakir, Sirkak, Hakkari and Tunceli are still covered.

The OHAL region has been run by six 'super' governors with special powers above and beyond those of regular provincial governors. One governor, Aydin Arslan, died in office in 1999. The current OHAL Governor is Gokhan Aydin.

To date, some 29,712 Kurdistan Workers Party (PKK) separatist terrorists have been caught or killed or have surrendered within the boundaries of OHAL. A total of 1,117 village guards and 5,040 security forces personnel have been martyred as a result of terrorist activity within OHAL." (Turkish Daily News 19 July 2001)

"This state of emergency implies military presence in full operation [endnote 23], martial law, maintenance of the village guard system [Endnote 24], regular roadblock, curfews, identity controls and many other impediments of a normal economic and social life. The Turkish authorities recalled that the source of the present difficulties of the region is the security problem resulting from the PKK terror since the 1980's rather than the present state of emergency. Should the decline of the PKK terror prove to be permanent, the state of emergency will also be abolished in the remaining four provinces. "

[Endnote 23: During their trip to Sirkak the co-rapporteurs did not see any potentially strategic mountain pass or hilltop without the presence of security forces.]

[Endnote 24: in March 2000, the number of village guards was said to be 65,000, with about 335 000 - 400 000 family members, who are paid by the State.]  
(COE 13 June 2001, para. 141)

"In accordance with article 120 of the Constitution, the Council of Ministers, meeting under the chairmanship of the President of the Republic and after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country in the event of serious indications of widespread acts of violence aimed at the destruction of the free democratic order or of fundamental rights and freedoms, or serious deterioration of public order. The state of emergency is declared for a period not exceeding six months. This decision shall be submitted immediately to the Turkish Grand National Assembly, which may extend the period for a maximum of four months each time." (UNCHR 28 December 1998, para. 14)

"Under the 1983 State of Emergency Law and supplementary decrees, the emergency region governor had sweeping powers to move populations, confiscate publications and limit the right of assembly. Maximum police detention periods could be extended from seven to ten days within the emergency region. The governor's extraordinary powers were still regularly exercised in 2000. For example, in May, the

emergency region governor banned the distribution of twelve journals. Rights to compensation for acts carried out by the emergency region governor were limited, and there was no judicial review of such actions." (IHF 2001, p. 303)

***State of Emergency in Southeast extended for 4 months (November 2001):***

"Parliamentary General Assembly on Tuesday adopted the Prime Ministry Official Communication pertaining to the extension of the implementation of emergency rule in four provinces for another four months. The provinces are Diyarbakir, Hakkari, Sirnak and Tunceli.

According to the Official Communication Emergency Rule will be extended starting as of November 30, 2001." (Info-Türk November 2001, "State of Emergency Extended in Southeast for 4 Months")

**Turkish government considers offering an amnesty (July 2003)**

- The ruling AK Party demand the so-called "Rehabilitation into society" bill cover separatists, Islamists and ultra-nationalists
- The government expects up to 2,500 separatist terrorists will benefit from the planned limited amnesty
- PKK/KADEK rejects Turkey's offer, threatens war
- DEHAP says amnesty bill no different from previous laws

"A limited amnesty the Turkish government has been considering to legislate through Parliament this month has stirred the ruling Justice and Development Party (AK Party), with some deputies demanding to expand the scope of the bill to cover Islamists and ultra-nationalists besides the separatist terrorists and some deputies complaining that the bill would open Pandora's Box and eventually could become a fully-fledged amnesty releasing even separatist chieftain Abdullah Ocalan.

[...]

Discussing the so-called "rehabilitation into society bill" that provides limited amnesty to members of the separatist PKK/KADEK gang, some leading members of the AK Party parliamentary group complained of the "deficient wording" of the text of the draft and warned of the possible consequences. Istanbul deputy Emin Sirin, recalling the "equality" principle of the Constitution, warned deputies that although the bill excluded Ocalan and other top cadres of the separatist gang, they too could benefit from the legislation. He stressed that the Constitutional Court may annul the "exemptions" on grounds of incompatibility with the "equality" principle of the Constitution, convert the partial amnesty into a full amnesty and thus could set free all separatists, including Ocalan. Sirin also queried whether the limited amnesty was an American request from the Turkish government. He reportedly turned to Foreign Minister Gul and asked "Tell us Mr. Minister, has the U.S. asked you to legislate this bill?" [...] "The U.S. has a similar undertaking for the separatist organization in northern Iraq and they have asked us to undertake such an initiative."

[...] AK Party's deputy parliamentary group chief Sadik Yakut demanded that if the country was preparing to offer limited amnesty to separatist terrorists, it should make a similar offer to Islamists and ultra-nationalists who were involved in violent acts.

[...] Erzincan deputy Tevhit Karakaya also supported this view and demanded that all nationalists who were sentenced after the Sept. 12, 1980, coup or left the country to escape lengthy jail terms should be pardoned as well. Samsun deputy Musa Uzunkaya, on the other hand, demanded that the limited amnesty must include all political crimes, including those sentenced on conviction of involvement in fundamentalist acts. Konya deputy Ahmet Isik went a step forward and demanded that those sentenced in the Sivas Madimak Hotel case, where 37 leftist intellectuals were burned to death ten years ago this week, should be included in the scope of the limited amnesty. He demanded that all political prisoners, including the Islamic terror gangs like "Hizbul Tahrir" must benefit from the partial amnesty.

Although there appeared to be a general consensus in the AK Party parliamentary group disapproving the scope of the bill, Interior Minister Aksu told deputies that the draft came to the government's agenda with the purpose of annihilating the separatist gang and it was out of the question for the government to expand its scope. Foreign Minister Gul said both in remarks at the AK Party parliamentary group on Tuesday and in an airport statement before leaving for London on Wednesday that the aim of the limited amnesty was to annihilate not only the separatist gang but organized crime gangs. "With this draft, which will take its final shape soon, the aim is to collapse terrorist gangs," he said. According to government sources, the AK Party administration anticipates that if it succeeds to lure support of its parliamentary majority and legislates the draft into law, up to 2,500 separatist terrorists based in northern Iraq would benefit from it.

"There are up to 4,500 PKK/KADEK militants in northern Iraq. Of those, 2,000-2,500 have never been involved in any attacks. We expect them to benefit from the law," the official, close to the drafting process, told reporters.

The limited amnesty bill offers a complete pardon to any KADEK members who can be proven never to have carried out armed attacks on Turkish targets. The bill, approved by cabinet and expected to be presented to Parliament in the next few days, offers reduced prison terms to separatist terrorists who have been involved in attacks if they surrender and provide information to the security forces. But the PKK/KADEK leadership cadres, including Ocalan, captured in 1999 and now serving a life sentence on a prison island near Istanbul, is specifically excluded.

Fighting has died down dramatically since Ocalan's capture and army successes in the region, but attacks still occur. A final end to the conflict would be a boost to Turkey's drive to start talks with the European Union by the end of 2004 on Turkish membership. Brussels has expressed concern over Turkey's human rights record.

The official said Turkey was also in contact with the United States, Britain and neighboring Iran on helping the amnesty to work. Turkey accuses Iran of allowing separatist terrorist bases on its soil. The official said the U.S.-led war in Iraq had made PKK/KADEK's future extremely uncertain. "These 2,000-2,500 in the mountains who have not committed a crime are living in difficult conditions and have no idea what will happen in their future. We have to win these people back to society and integrate them," he said."

"Terrorist Karayilan claimed the terrorists would wait until September 1 [2003] to see whether Ankara was ready to negotiate broader rights for the Kurds. He said the pro-Kurdish Democratic People's Party (DEHAP) or Washington could act as mediators between the terror organization PKK and Ankara.

A so-called leader of the outlawed separatist terrorist organization Kurdistan Workers' Party (PKK) has rejected Turkey's call for Kurdish terrorists to surrender in return for amnesty and has threatened renewed warfare, according to remarks published at the beginning of the week. Ankara last week announced a draft bill to encourage Kurdish terrorists to lay down their arms and end nearly two decades of fighting, offering outright pardons and sentence reductions for those who turn themselves in and supply authorities with information about underground activities. "The bill imposes repentancy. It says 'We will annihilate you if you do not surrender and supply information.' It wants to resolve the problem by means of annihilation and denial," the pro-Kurdish Ozgur Politika newspaper quoted so-called PKK commander Murat Karayilan as saying. "If they insist on annihilation and denial, we will be left with only one option. And it is a war of honor," Karayilan claimed. "A new war will not be like the old one. If war starts, economic, political and social life will be paralyzed."

[...]

Karayilan claimed the terrorists would wait until September 1 to see whether Ankara was ready to negotiate broader rights for the Kurds. He said the pro-Kurdish Democratic People's Party (DEHAP) or Washington could act as mediators between the terror organization PKK and Ankara. A Turkish official said Ankara had discussed the amnesty plan with Washington, which also classifies the PKK as a terrorist organization. U.S. Deputy Secretary of Defense Paul Wolfowitz has recently said that Washington is determined to purge northern Iraq of PKK militants. The draft, expected to be submitted to Parliament this week, envisages

outright pardons for militants who have not committed crimes other than membership in outlawed groups and who have surrendered to authorities. The sentences of those who have committed violent acts would be reduced by half or three-quarters if they supply authorities with information about underground activities. Senior terrorist leaders and so-called commanders are excluded from the scope of the bill.

Eager to advance its struggling bid for European Union membership, Ankara has recently granted the Kurds some cultural freedoms, including the right to broadcast in Kurdish and have their language taught in private courses.”

“Pro-Kurdish Democratic People's Party (DEHAP) Deputy Chairman Osman Ozcelik yesterday presented Parliament a petition including the signatures of one million people demanding general amnesty amid discussions on the government's controversial amnesty bill.

Ozcelik said that they wanted to present the petition before Parliament discussed the government bill, emphasizing that the bill is no different than the previous laws pardoning those confessors. Ozcelik claimed that only 800 people applied to the state following the past six laws offering pardons to confessors and added, "The state announced that there are 5-6,000 KADEK members in northern Iraq. The surrendering of 100 or 200 people will not solve the problem. KADEK members say that they are ready to disarm and rejoin society. They do not want to face any humiliating behavior. If those who are on exile and those in prison are considered, a general political amnesty is required," Ozcelik said.

[...]

More than 30,000 people have died in years of fighting between PKK members and Turkish security forces. Fighting has died down dramatically since Ocalan's capture and army successes in the region, but attacks still occur.” (TDN, 3 July 2003)

### **Significant decline of fighting following jailed PKK leader Ocalan's call for ending the armed struggle (1999-2001)**

- There are still reports of some clashes between security forces and PKK groups withdrawing to Northern Iraq
- PKK attacks against civilians and law enforcement personnel has virtually ended

"In 1999 the Kurdistan Workers' Party (PKK) declared that it would abandon armed activities in Turkey, thus reducing the armed turbulence, particularly in the southeast, although some units of the PKK continued sporadic attacks, and there were some clashes between security forces and PKK groups withdrawing to Northern Iraq. Other illegal organizations, including the Workers and Peasants' Army of Turkey (TIKKO), the Islamic Raiders of the Big East-Front (IBDA-C) and the Revolutionary People's Liberation Party/Front (DHKP/C), continued their armed activities. Nevertheless, the number of clashes diminished considerably. The Anatolia New Agency reported in May [2000] that armed incidents had decreased from 3,300 in 1994, to 1,436 in 1995, to 488 in 1999, to eighteen in the first five months of 2000." (HRW 2000, p. 326)

"During the year [2000], Turkish ground forces with air support conducted several operations in northern Iraq against the PKK. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan cooperated with the Turkish Government in shutting down certain PKK facilities in northern Iraq. Turkish government policy is to target only PKK fighters in northern Iraq; however, Turkish planes accidentally killed 38 civilians in Sedakan, northern Iraq, during an operation in August against the PKK. The Government is taking steps to compensate the victims' families. At the end of the year, an operation against the PKK involving hundreds of Turkish soldiers continued in northern Iraq, according to press reports.

In February [2000] Parliament renewed legislation allowing members of terrorist organizations (and criminal gangs) to apply for amnesty or reductions in sentences, if they provide useful information that

helps lead to the dissolution of the organization. Government figures are not available for the number of persons who applied for the amnesty, but human rights attorneys speculate that the number is above 2,500. According to press reports, many applicants, including some who were members of Turkish Hizbullah, have obtained sentence reductions or release.

The PKK remained almost completely inactive during the year. There were reports of internal divisions over jailed PKK leader Ocalan's call for ending the armed struggle, but by year's end no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of 8 to 10 former militants turned themselves in to the authorities, asking for amnesty. They are all currently standing trial for charges relating to membership in the PKK. Although PKK attacks against civilians and law enforcement personnel in the southeast have virtually ended, the military did engage the PKK, killing several alleged terrorists. Government authorities acknowledge that the level of violent conflict is considerably lower than in the past and that the main reason is an absence of PKK activity and the fact that the security forces were able to effectively end Hizbullah operations.

Other terrorist organizations, most notably DHKP-C, conducted attacks mainly against police targets." (U.S.DOS February 2001, sect. 1g)

"An armed clash broke out in the region between Kulp and Lice districts of Diyarbakir and Genç district of Bingöl on 13 and 14 April. 5 soldiers named nder Altay, Abdülkadir Kocatürk, Turgay Türmen, Kadir Altnöz and Kamil ngör lost their lives and another two were injured. The Emergency State Region Governor Office claimed that 9 PKK militants had lost their lives, whereas PKK declared 2 militants and 7 soldiers died, and 1 Militant had been caught.

In a statement the Emergency State Region Governor Office, alleged that 4 PKK militants died in the armed clash broke out on 24-25 April in the vicinity of Hakkari." (Human Rights Foundation in Turkey April 2001, sect. 3.10)

"According to the information given by the PKK through daily zgür Politika on 7 May, 5 soldiers lost their lives during the operations deployed by the Turkish Armed Forces in Sirnak between 26 April and 3 May.

According to the information given by the Governor of the Emergency State Region, 200 PKK militants lost their lives during the operations started in Bingöl as of 21 May. Reports on the casualties stated that zgen Bingöl was among the victims." (Human Rights Foundation of Turkey May 2001, sect. 3.10)

### **The Kurdistan Workers' Party changed its name and renounced violence (April 2002)**

- In April 2002, the PKK became KADEK and renounced violence in its struggle for Kurdish rights
- It did keep a self-defense force, which would act if attacked by Turkish forces
- The Turkish authorities immediately declared that this move would not change the nature of the Kurdish organization
- The Danish Prime Minister also declared that it did not constitute a change and that it remained a terrorist organisation

“A l'issue de son 8ème congrès, le Parti des travailleurs du Kurdistan (PKK) a annoncé, le 16 avril, un changement de nom et de stratégie: le mouvement, désormais baptisé KADEK (Congrès pour la liberté et la démocratie au Kurdistan), renonce à la violence pour lutter pacifiquement pour de plus grands droits pour la minorité kurde.

"La lutte armée est terminée", a déclaré Riza Erdogan, porte-parole européen du nouveau KADEK. "Nous n'avons pas l'intention de changer les frontières des pays où vit le peuple kurde", a-t-il ajouté expliquant

que KADEK n'entend pas lutter pour la séparation de la Turquie, mais pour l'amélioration des droits du peuple kurde, dans ce pays ainsi qu'en Irak, en Iran et en Syrie. Le KADEK ne sera pas un parti politique en tant que tel mais soutiendra des partis et organisations appuyant une "solution démocratique à la question kurde".

Le chef du PKK Abdullah Ocalan, détenu dans l'île-prison turque d'Imrali, a été désigné président du KADEK, a précisé ce porte-parole.[...]

L'abandon de la lutte armée est confirmé, le KADEK prône, à la place, des "soulèvements politiques pacifiques". Les militants armés du PKK continueront de constituer une force "d'autodéfense", appartenant au KADEK, rebaptisés unités de défense du peuple, ils n'agiront qu'en cas d'attaque contre des Kurdes, a souligné en outre le porte-parole du KADEK. Ces militants "rejoindront le mouvement civil au moment opportun", notamment quand l'Etat turc aura aboli la peine de mort et aura reconnu les droits culturels des Kurdes, a-t-il précisé.

Leur transformation en force politique sous un nouveau nom ne devrait toutefois pas bouleverser la donne et assouplir la position de l'Etat turc à leur égard. Les autorités turques ont immédiatement réagi en affirmant que ces décisions ne changeaient rien. Le ministre turc des Affaires étrangères Ismail Cem a estimé lors d'une conférence de presse à l'issue d'une réunion du conseil d'association UE-Turquie avec ses homologues européens à Luxembourg, que le changement de nom du PKK "ne modifie pas sa nature". "Je ne pense pas qu'un changement de nom modifie la nature du PKK. Pour l'instant, à mon avis, il n'y a pas eu de changement de la situation du tout", a-t-il déclaré.

[...]

"Que le PKK change ou pas de nom ou de forme, il reste pour nous une organisation terroriste", a renchéri le ministre de l'Industrie Ahmet Kenan Tanrikulu.

[...]

De plus, le Premier ministre danois Anders Fogh Rasmussen, chef du gouvernement libéral, qui assurera la présidence de l'UE au 1er juillet a affirmé, le 17 mars à Copenhague, que le changement de nom du PKK "ne modifiait en rien sa nature", maintenant sa volonté de placer l'ex-PKK sur la liste de l'UE des organisations terroristes. "Selon moi, ce n'est pas le nom qui importe, mais le contenu qui est important" a-t-il souligné." (Info-Turk April 2002, "Le PKK change de nom et devient le KADEK")

### **State of Emergency ended in two of the four remaining OHAL provinces (July 2002)**

- The State of Emergency in the Southeast was extended for 4 months in November 2001
- It ended on 1 July 2002 in the provinces of Hakkari and Tunceli and was extended a last time in Diyarbakir and Sirnak

"Parliamentary General Assembly on Tuesday adopted the Prime Ministry Official Communication pertaining to the extension of the implementation of emergency rule in four provinces for another four months. The provinces are Diyarbakir, Hakkari, Sirnak and Tunceli.

According to the Official Communication Emergency Rule will be extended starting as of November 30, 2001." (Info-Türk November 2001, "State of Emergency Extended in Southeast for 4 Months")

#### ***Restrictions were eased:***

"Turkey's National Security Council has agreed to lift the state of emergency which has been in force for the past 15 years in two predominantly Kurdish provinces.

The council - which groups Turkey's top generals and government leaders - said emergency rule in two other eastern provinces would be lifted in four months time.

The measure is one of the European Union's conditions for opening negotiations for Turkey's membership.

The council called on the EU to set out a timetable to start talks for Turkey's eventual membership before the end of the year.

[...]

In a statement, the council pledged to speed up other reforms needed to join the EU, but did not detail the measures it would adopt.

The EU has demanded that Ankara grant its 12 million strong Kurdish minority more rights and abolish the death penalty.

[...]

It is due to end on 1 July in the provinces of Hakkari and Tunceli, according to the council, and will be extended "one last time" in Diyarbakir and Sirnak.

Emergency rule was first imposed in 13 provinces in 1987, but was gradually lifted as fighting between Kurdish separatists and government troops died down." (BBC 31 May 2002)

### **After decades of emergency rule, Turkey's Southeast emerges poor and devastated (June 2002)**

- Destruction of infrastructure, crops, houses and other resources made the majority of the region uninhabitable
- The conflict also paralysed the infrastructure of the rural economy and destroyed the culture of a constitutional state
- Death of bread-winners, lack of education of children and displacement have undermined the recovery potential of Turkish Southeast

"The armed conflict has disrupted the region, which even before had been one of the poorest and least economically developed regions of Turkey with rates of illiteracy, poverty etc. much higher than in the rest of the country. Systematic destruction of the infrastructure, economic resources, livestock, crops, houses, and farming machinery has made large areas of the region uninhabitable. The infrastructure of the rural economy has been paralysed. The cultivable land and the irrigation channels have fallen into disuse, numerous landmines add to the problem. Deprived of a market economy and industry, the region has also lost its more traditional forms of economic activity, namely livestock rearing and agriculture. Leaving their homes the peasants had to abandon all farming machinery and sell off their livestock at very low prices (if their animals had not been killed or taken away by the PKK beforehand). Unemployment in overcrowded cities and towns is disastrous." (CoE 22 March 2002)

"But it is unlikely that they will get the opportunity for a decent life. After 15 years of war and 25 years without rule of the law, the region is economically, socially and morally in ruin.

It is also still highly questionable whether an official lifting of the states of emergency can in practice effect a quick return to a normal life under a constitutional state. There will certainly be many gains with the lifting of the war-like rule by the authorities. Under state of emergency regulations, governors can clear whole villages, ban undesirable persons from the region, censor the media, authorize house searches without court permission, and to issue decrees without requiring any scrutiny by the Turkish courts. What cannot be restored by the security council's resolution is the culture of a constitutional state, something which has been completely destroyed. Because state and security authorities in state of emergency regions cannot have legal action taken against them, state despotism has established deep roots for itself.

Even when the special authorities have been disbanded, an immense tragedy will still be left behind. Villages have been devastated, the land has gone to waste, animals have been slaughtered. There are no opportunities in the regions devastated by war: in the province of Hakkari only 16,600 people are employed out 200,000 inhabitants.

Loans, funding and aid are needed for rebuilding the regions and this is where the problems begin: Tens of thousands of people have lost their bread-winners in the war, hundreds of thousands of children have not received any education, millions have fled to Istanbul, Izmir and Europe - all of these require support for a new beginning.” (Info-Turk June 2002, “No Real Improvement in Living Conditions for Kurds”)

### **Food embargo resulted in serious economic consequences (November 2002)**

“During the period of OHAL food embargoes and bans to go to the pasturelands became a serious economic obstacle. The food embargo was first introduced in Tunceli but soon extended to districts in Bingöl and Diyarbakir province. In Sirnak the embargo started in 1992 to cover villages in the districts of Cizre, Idil, Beytüssebap, Güçlükönak and Uludere. The practice was less intense in the second half of the 1990s affecting mainly regions in the provinces of Tunceli, Sirnak, Bingöl, Diyarbakir, Siirt, Batman, Bitlis, Hakkari, Mardin and Agri. Tunceli Governor Atil Uzelgün even closed the mills producing flower. On 2 October 2000 the governor’s office declared that the food embargo that officially never existed had come to an end.” (HRFT, November 2002)

“The food embargo in Tunceli continues to be imposed in Hakkari where the state of emergency has been lifted. Permission is required to bring in food in 20 villages belonging to Yüksekova. In Yüksekova, a food embargo has been imposed in the region of Daglica, of which the following belong: Kamisli, Daglica (Oramar), Yesiltas (Stazin), Tuglu (Hacyan), Köskönü (Pêspesrê), Gürkavak (Sahkulu), Bostancik (Gulort). It is becoming increasingly difficult for the villagers to obtain food. Military and civilian authorities claim that the food is being passed on to KADEK, but have not taken into account existing levels of stocks and continue to impose the embargo. The embargo, brought in during the armed conflict, continues despite the lifting of the state of emergency.” (IAHRK 15 September 2002)

### **OSCE: Parliamentary elections demonstrated vibrancy of Turkey's democracy**

- Elections took place in period of constitutional and legal reform
- The end of hostilities in the southeast, led to a less highly charged political atmosphere
- Voter turnout 78.9%, DEHAP got 6.2% votes

“The 3 November elections for the Turkish Grand National Assembly (TGNA) demonstrated the vibrancy of Turkey's democracy. A large number of parties campaigned actively throughout the country, offering the electorate a broad and varied choice. The sweeping victory of opposition parties showed the power of the Turkish electorate to institute governmental change.

The elections were held under election laws that establish a framework for democratic elections in line with international standards. Significant constitutional and legal reforms instituted over the past two years have further improved the overall legal framework under which the elections were carried out.

At the same time, the broader legal framework and its implementation establish strict limits on the scope of political debate in Turkey. Non-violent expression of political views beyond these limits is still restricted by a variety of laws and is rigorously enforced. Several parties faced action aimed at closing them down during the current elections, notably the Justice and Development Party (AK), the winner of the elections. Many candidates were also banned from running, including AK's leader and leaders of several other parties,

generally as a result of past convictions for non-violent political speech. These restrictions on free speech and the practice of dissolving political parties and banning candidates stand in stark contrast to the otherwise pluralist election system in Turkey, as well as its international commitments.

Parties must win at least 10% of the vote to enter the TGNA; this is an exceptionally high threshold by European standards. Only two of the 18 parties running passed the threshold. As a result, 45% of the electorate cast votes for parties that will not be represented in the TGNA, and a party that drew less than 35% of the total vote will control almost two thirds of the seats in the TGNA. To avoid such distortions, the authorities should consider reviewing the level of the threshold. Other aspects of the law that might be reviewed are the absence of any judicial appeals against the decisions of the Supreme Board of Elections, and the absence of procedures for voting abroad.

[...]

The elections took place in a period of significant constitutional and legal reform in Turkey, during which human rights and fundamental freedoms have been substantially strengthened. Since the last elections in 1999, the government adopted a major constitutional reform package in October 2001, a new civil code in November 2001, and three additional legal reform packages in February, March, and August 2002. The adoption of these reforms was to a large extent in the context of the government's efforts to meet the Copenhagen political criteria for future membership in the European Union.

Several other factors also set the political framework for the elections. Since the previous elections, Turkey underwent a serious economic downturn, which continues to affect many sectors of the population. This was a major issue in the campaign and was reflected in the apparent disaffection of the voters for all parliamentary parties. The capture in early 1999 of Abdullah Öcalan, leader of the outlawed Kurdistan Workers Party (PKK), and the subsequent end of active hostilities by the PKK led to a less highly charged political atmosphere, particularly in the southeast. In addition, the question of Islamist influence in politics remained an election issue.

[...]

Many laws include restrictions on free expression. For example, Article 159 of the Penal Code provides possible prison sentences for "insult to the State and to State institutions and threats to the indivisible unity of the Turkish Republic". Article 312 of the Penal Code, mentioned above, was used to bar candidates for incitement of religious hatred. Articles 7 and 8 of the Anti-Terrorism Law include penalties for separatist propaganda or "propaganda in connection with" a terrorist organization that can encourage the use of terrorist methods. Article 169 of the Penal Code, "support for illegal organizations", has also been used in recent months to prosecute individuals for non-violent speech. Recent amendments to some of these laws as a result of the reform process may result in improvements in conditions for freedom of expression. Nevertheless, continuing restrictions and prosecutions had an effect on the election campaign, limiting the parameters of allowable legal debate.

Under Article 58 of the Law on Basic Provisions on Elections and Voter Registers, it is strictly forbidden to use any language other than Turkish in electioneering. As part of its reform process, a number of previous prohibitions on the use of other languages have been eliminated, and in August 2002 laws were changed to allow broadcasting and education in languages other than Turkish. The Democratic People's Party (DEHAP) asserted that the remaining restrictions interfered with its ability to communicate with many of the ethnic Kurdish voters who make up its primary base of support. A DEHAP candidate told the Election Assessment Mission that he had four cases against him for speaking Kurdish at election meetings or rallies. Three DEHAP supporters were reported to have been detained in Sirmak for having played Kurdish music in a DEHAP bus; they have been charged with supporting an illegal organization. Abdulmelik Firat, Chairman of the Rights and Freedom Party, was detained briefly for greeting a crowd in Kurdish during the election campaign. The lifting of restrictions on the use of other languages than Turkish in the field of broadcasting and education should be extended to political campaigning.

[...]

On 9 November, the Supreme Board of Elections announced the final election results. As noted above, only two parties passed the 10% threshold. The Justice and Development Party (AK) won 34.3% of the vote and was awarded 363 of the 550 seats in the TGNA. The Republican People's Party won 19.4% of the vote and was awarded 178 seats. Neither of these parties had been represented in the outgoing Parliament. Nine independent candidates were also elected.

The outgoing Prime Minister Bülent Ecevit's Democratic Left Party (DSP) drew only 1.2% of the vote, while his governing partners, the National Movement Party (MHP) and the Motherland Party (ANAP) drew 8.3% and 5.1% respectively. Other notable results included the True Path Party (DYP) 9.55%, The Youth Party (Genç) Party 7.25%, DEHAP 6.2% and the Felicity Party (Saadet) 2.5%. Voter turnout was 78.9%.” (OSCE, 4 December 2003)

## **Conflict-related causes**

---

### **Summary of the main causes of internal displacement in Turkey**

- Main causes relate to eviction, local violence, food embargoes, mines, village raids, human rights violations, village guards, guerilla groups, and expelling by the authorities
- Turkish authorities maintain that internal displacement part of a larger migratory phenomenon

“Furthermore, a majority of the people who should be included in this category of displacement (conflict-related Kurdish IDPs) are those affected by:

partial or total eviction and destruction of human settlements (towns, e.g. Lice, Diyarbakir and Cukurca, Sirnak, and villages and sub-villages) by security authorities, mainly the Jandarmy or paramilitary forces, including the village guards, in connection with “internal security operations” or as punitive measures in retaliation to the guerilla attacks against security or paramilitary groups;

generalized local violence and constant threat to safety due to armed clashes between the two sides;

effects of the preventive or punitive practices of the Government on daily life such as food embargoes (which affected the entire region of Tunceli/Dersim between 1991 and 2000, road blocks, village raids, creating forbidden zones in areas of production (e.g. pastures), and the implantation of land mines around the habitats;

gross human rights violations connected with the above points, including disappearances, punitive detention, torture, sexual abuse, deprivation of health services;

enforcement of the village guard scheme which carries the threat of gross human rights violations and other punitive measures; and

attacks or threats by guerilla groups, mainly by the PKK, on people accused of joining the village guards scheme or for rejecting provisions of food and shelter to these groups. Many of these cases occurred in combination with each other.

However, this category includes also

the people or families expelled from their villages, sub-villages or towns (including big towns such as Diyarbakir), people individually expelled from their habitats by the orders of regional, provincial or district governors, or local security forces or the village guards through written or oral instructions. This group includes pro-Kurdish political activists, local trade unionists, well-known professionals or other public people.

Moreover, considering the destructive effects of the conflict on the regional economy, including in particular, practices such as the destruction of forests, grazing areas, live stock, or the imposition of production quotas (as in Batman in 1997 and 1998), and the associated destruction of the regional economic networks or the general effects of the conflict on small-scale industries and commercial activities, we should also include in this category

a large number of the ostensibly economic migrants in the affected areas.

(B. Peker, in *Turkey and Refugees*, April 2002, p.35)

“The Turkish authorities on their part maintain the position that internal displacement as a result of conflict and fear is only a part of a larger migratory phenomenon occurring throughout Turkey which has resulted in the dramatic growth of urban populations in recent years. Moreover, during the visit numerous interlocutors drew the Rapporteur's attention to the fact that the displacement of the population in south-eastern Turkey concerns not only Turkish citizens of Kurdish origin but also other ethnicities, in particular Turks and Arabs. For that reason, the Turkish authorities have expressed their conviction that the word "Kurdish" should be taken away from the title of this report. However, despite the Rapporteur's repeated requests, no concrete statistics supporting this information have been provided. The findings of his visit have not confirmed the fact that other ethnicities have been concerned by the displacement.

In the Rapporteur's opinion undoubtedly, economic factors account for some of the migration, and even persons fleeing mainly because of the conflict often have a mixture of motives difficult to distinguish, including seeking of employment. However, there is no doubt that a major displacement and migration to towns concerns those caught in the crossfire of the conflict: on one hand the Turkish security forces have targeted villages suspected of supporting the Kurdish Workers' Party (PKK). On the other hand the PKK has assassinated inhabitants of the villages "collaborating" with state authorities (i.e. belonging to the village guard system) or refusing to support the PKK. This vicious circle of violence forced many people to flee their homes.” (COE, 22 March 2002)

### **Göc-Der's Migration Survey showed causes of displacement (January 2002)**

- Göc-Der listed the actions of security forces, the village guard system, fear of death, evacuation, the ban on mountain pastures, food embargoes, and living conditions as the main reasons for displacement

“One of the most important factors in shaping the migration under investigation is found to be The Emergency State Rule and the activities of the security forces (83.7 %).

In the narratives told by the immigrants it is clearly observed that the events taking place between the security forces and the villagers after armed-conflicts is a significant factor giving rise to migration.

The findings in this research indicate that the five most important reasons for migration in their order of significance are the following:

Practices of Security Forces and Emergency State Rule Practices  
Insistence on the Village-guard System  
Fear of Death  
Evacuation of Villages and Hamlets  
Ban on Mountain Pastures

The results of our first level analysis point to the fact that the tension and the armed conflict based on the Kurdish problem which shaped the last 15 years of Turkey, the destruction caused by the armed-conflicts and the policies of the state imposed on the Kurdish citizens living in the Eastern and Southeastern regions gave rise to a forced mass-displacement.

At the second level analysis, the unified effect of the factors leading to migration has been calculated in the computer environment. The findings indicate that,

Practices of Security Forces and Emergency State Rule,  
Insistence on Village-guard System,  
Fear of Death,  
Evacuation of Villages and Hamlets,  
Ban on Mountain Pastures,  
Food Embargo are the most significant factors giving rise to migration, and  
Bad Straits,  
Lack of Educational Opportunities and

Lack of Health services is the facilitating factor in the migration under investigation.”  
(Göç-Der 2002, pp.48-49-1)

### **Up to 3500 villages in southeastern Turkey have been forcibly evacuated, mostly by the Turkish army (1984-1999)**

- The authorities' objective was to deprive the PKK of any logistical support
- The evacuation of villages often took place following the refusal of villagers to join the village guard system
- Evacuations were carried out with extreme brutality, with reports of severe human rights violations, such as rape, property destruction, beatings and extrajudicial executions
- The responsibility of the Turkish authorities for the evacuation of most villages has been confirmed by national and international institutions
- The majority of villages and hamlets in the region were forcibly emptied between 1993 and 1995
- The rate of evacuations decreased considerably in recent years

"The Government's states purposes for the evacuations were to protect civilians or prevent PKK guerrillas from obtaining logistical support from the inhabitants. Villagers and other observers alleged that the security forces evacuated them for refusing to participate in the paramilitary village guard program." (U.S. DOS 26 February 2000, sect. 1g)

"The evacuation of villages refusing to join the village guard system is carried out by the army with extreme brutality and no civilian supervision. It is frequently accompanied by the destruction of property and further violation of human rights such as sexual assault and humiliation, beatings and extrajudicial executions.

The Turkish authorities until recently have denied responsibility for these operations, claiming that the PKK was to blame for the destruction of villages and that individuals had left voluntarily, or under pressure from the PKK. However the complicity of the Turkish authorities was confirmed in two recent rulings of the European Court of Human Rights: on 16 September 1996 in the case of Akdivar and others vs Turkey, and on 28 November 1997 in the case of Menten and others vs Turkey, in which Turkish security forces were found guilty of burning houses in villages in south-eastern Turkey, causing the villagers to flee.

Undoubtedly, the PKK has some responsibility for the burning of villages, in particular those run by village guards or refusing to support the PKK. [...]

However, the responsibility of both parties, the PKK on the one hand, and the Turkish armed forces on the other, should be viewed in appropriate proportions. In the Rapporteur's opinion the Turkish authorities bear more blame for the uncontrolled escalation of violence in the region, first because the provocative nature of their suppression of the rights of the Kurdish minority lies at the origin of the conflict, and secondly because they have at their disposal the whole machinery of the state, which they use abusively against the Kurdish population in the region.

A step towards the clarification of this important question has been undertaken by the Turkish Parliament. At the request of one of its members, Mr Algan Hacaloglu of the Republican People's Party (CHP), a former state minister for human rights, the Turkish Parliament set up a Committee on Migration in 1997 to investigate the causes of displacement and to provide aid to the displaced.

On 28 July 1997, the Chairman of this Committee, Mr Seyit Hasim Hasimi, held a press conference in Diyarbakir. He announced that forced evacuation of villages and hamlets by the Turkish armed forces in

the region had resulted in large numbers of displaced people and potential refugees. He confirmed that 364 742 inhabitants of 3 185 villages and hamlets had been forced out since 1990 in the framework of the fight against terrorism. These figures were publicly confirmed later by Mr Bülent Ecevit, Deputy Prime Minister, who said that the villages had been emptied 'for security reasons'. The US State Department cited 560 000 as 'a credible estimate' of the number of people deprived of their homes as a result of the evacuations." (COE 3 June 1998, paras. 8-17)

"Independent observers confirm that most displacement in the 1990s has been caught by government army and security forces, including the village guards. In its 1994 report, Turkey: Forced Displacement of Ethnic Kurds from Southeastern Turkey, Human Rights Watch concludes, 'According to our research, the vast majority of those displaced in south-eastern Turkey is largely the result of actions by Turkish security forces. Forced displacement usually comes as collective punishment for refusal to join the village guard system or for supporting the PKK, usually for giving food and a place to sleep (yardim ve yataklik), or for suspicion of committing such acts'. The U.S. Department of State has reached the same conclusion, characterizing forced displacement as a 'systematic process of evacuating and often burning villages throughout the southeast. The scale of evacuations and their continuance suggest that they are part of the Government of Turkey strategy designed to deprive the PKK of any logistical base in the southeast.'" (USCR 1999, pp. 13-16)

"From 1997 the rate of evacuation declined. By 1999 most human rights organisations reckoned there were in excess of 3500 villages evacuated and between 2.5 and 3 million people rendered homeless. These were not confined to the State of Emergency provinces; neighbouring provinces such as K. Maras, Sivas, Erzerum and Kangol were also affected." (UK Home Office April 2001, para. 6.8)

"According to Human Rights Watch the majority of villages and hamlets in the region were forcibly emptied between 1993 and 1995. After that the large-scale evacuations ceased, but smaller operations by the Turkish armed forces continued in 1996 and 1997. The most probable reason for the lower rate of evacuations is that there are now very few 'frontline' villages left outside the village guard system and the process of depopulation is virtually complete." (COE 3 June 1998, para. 18)

"As so many villages have now been evacuated and because the fighting has now moved to the mountains, the rate of evacuations has decreased in recent years, with 30 villages being evacuated in 1998. The Human Rights Association states that, as of October 2000, no village clearances took place during the year." (UK Home Office April 2001, para. 4.26)

*See also Human Rights Watch "Weapons Transfers and Violations of the Laws of War in Turkey", November 1995 [Internet]*

### **A source of insecurity: the "village guards" (1984-2001)**

- More than 65,000 civilians in southeastern Turkey have been pressured by the authorities to join "village guards", paramilitary militias set up to fight the PKK
- Villagers faced danger from both the PKK and the Government when choosing whether or not to join the guard force
- Village guards have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses
- No steps have been taken to disband the village militia which remain an obstacle to the return of the displaced

"The 'village guards' are armed and paid by the authorities to defend their villages against attack by the PKK and to deny them logistical support from the villages in the area. Although recruitment into the village

guard corps is voluntary (indeed, some Kurdish tribes are pro-government and enthusiastic in their participation) refusal by individuals or entire villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas. The evacuation of the village, and its subsequent complete or partial destruction on security grounds, can follow a refusal to join." (UK Home Office April 2001, para. 6.19)

"The Government organizes, arms, and pays a civil defense force in the region of more than 65,000 persons, which is known as the village guards. Participation in this paramilitary militia is mainly voluntary, but villagers faced danger from both the PKK and the Government when choosing whether or not to join the guard force. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution." (U.S. DOS February 2001, sect. 1g)

"It might be assumed that with the apparent end of the guerilla war, the village guard is in the process of disbandment. By 2000 there were probably in the order of 80,000 village guards under arms. This poses a major problem for the State, since they have become reliant on their village guard salaries. If they are disbanded it is feared this could unleashed massive criminal activity, backed with firearms. Not only, therefore, has the government taken no steps to disband them, but it has considered recruitment of 'penitent' PKK guerillas into the village guard there have been cases in 2000 of displaced villagers being refused permission to return to their villages unless they enrol in the village guard. In other words the current evidence indicates that the village guard militia may have become a long-term feature of the region." (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 45-46)

*See also "Les gardiens de village restent maîtres dans le sud-est", AFP 4 Juillet 2000 (published in Info-Turk) [Internet]*

### **The PKK is also responsible for significant internal displacement (1984-2000)**

- The Kurdish armed group has also civilians among its targets, in particular village guards and their families
- The number of civilians whom the PKK arbitrarily killed declined after it announced that it would respect the Geneva Conventions
- Amnesty International continued to receive reports of indiscriminate killings of civilians even after PKK's claim to respect common Article 3 of the Geneva Conventions

"Although smaller armed opposition groups have operated in Turkey, the PKK has been the most significant, and most violent of them [110]. Although the numbers it is responsible for displacing is hard to quantify, the PKK is undoubtedly directly responsible for significant internal displacement that has occurred in Turkey. Among its civilian targets have been local political figures, such as mayors, and teachers, who teach the Turkish language [111]. The PKK's principal target appears to have been the village guards and their families."

[Endnote 110: Other violent opposition groups reportedly include the Revolutionary Left (Dev Sol/DHKP-C) and the Turkish Workers' and Peasants' Liberation Army (TIKKO).]

[Endnote 111: in the 1998, the PKK abducted three mayors in the southeast, killing one. (HRW, World Report 1999, p. 295)] (USCR 1999, pp. 27-28)

"Armed opposition groups responsible for human rights abuses include the PKK, the DHKP-C, the Turkish Revolutionary Communist Party (TIKB), the Turkish Liberation Army of Peasants and Workers (TIKKO) and the Islamic Raiders of the Big East-Front (IBDA-C). Of these, the PKK is responsible for most

deliberate and arbitrary killings. It is a bitter irony that during the 12 years in which the PKK has pursued its military objectives most victims of its deliberate and arbitrary killings have been Kurdish villagers. Reports from various sources show that armed PKK members killed at least 400 prisoners and civilians between 1993 and 1995. Most were killed because they had joined the government-armed village guard forces. Male village guards are frequently killed after being taken prisoner during PKK raids. Village guards Ramazan Baran and Habib Kaya were apparently abducted by PKK members on 11 September 1995. They were found dead near Saribalta village, Tunceli province, the following morning.

Armed opposition groups have an obligation to respect basic humanitarian principles. Yet they knowingly put civilians at risk and have murdered others who took no part in the conflict. Since the conflict began, both sides have treated villagers in southeast Turkey as a soft target. In the 1980s the PKK frequently massacred whole families. Many women and children are caught in the cross-fire and killed in the course of armed clashes when the PKK attacks village guards in their villages, but relatives of village guards are also sometimes deliberately and arbitrarily killed. Eleven children were apparently deliberately killed when PKK members attacked the village of Daltepe, near Siirt, in October 1993. In the same month PKK members abducted 32 males, including six juveniles, from Yavi, in the Çat district of Erzurum, and killed them. In August 1995 the PKK reportedly returned to the Çat district, and abducted and killed Zülküf Kiliç and his two young brothers, Kadir, aged 16, and Halim, aged 13, from the village of Aga.

In August 1994 a representative of the PKK told Amnesty International in a meeting in London that the organization had committed itself to abide by common Article 3 of the 1949 Geneva Conventions. This stipulates that people taking no active part in the hostilities, including members of the armed forces who have laid down their arms or who are out of action because of sickness, wounds, detention, or any other cause, must be treated humanely in all circumstances and should not be ill-treated or killed. Common Article 3 applies to all parties to an internal armed conflict, including armed opposition groups. The number of deliberate and arbitrary killings by the PKK fell after August 1994. However, Amnesty International continues to receive reports of such killings; there were 50 in 1995 and at least 16 in the first half of 1996.

Some individuals have been abducted and killed because they were suspected of being collaborators or informers.

[...]

The PKK have also claimed responsibility for acts of indiscriminate violence in which civilians, including children, were killed and maimed. [...]

The PKK have also planted bombs in public places, posing an indiscriminate threat to civilians. [...]

In March 1995 and again in April 1996, PKK leader Abdullah calan publicly threatened that the organization would intensify bomb attacks on certain civilian targets in Turkey and abroad. While claiming to respect common Article 3 of the Geneva Conventions, the PKK has continued to execute captured village guards, while its declared intention to attack civilian targets suggests that, contrary to the assurances given to Amnesty International, the PKK would be prepared to resume indiscriminate killings of civilians.

[...]

The PKK has treated teachers as a military target on the pretext that state education is delivered only in Turkish and that education in Kurdish is forbidden. Ninety teachers have been killed by the PKK since 1984. In late 1994 armed PKK members abducted and killed 19 teachers, most of whom were working in small villages in southeast Turkey." (AI 1 October 1996, sect. 3 "Abuses by armed opposition groups")

### **Serious violations of human rights by security forces in the fighting against the PKK (1984-2000)**

- Since 1984, Police, Jandarma, village guards, and the armed forces have conducted an intense campaign to suppress PKK terrorism
- 4,460 civilians have lost their lives in the fighting since 1987
- Civilians have also been victims of forced disappearance, torture, extrajudicial executions

- Indiscriminate attacks on civilian populations by the armed forces have also been reported

"Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians. In response, police, Jandarma, village guards, and the armed forces conducted an intense campaign to suppress PKK terrorism. However, since 1999 almost all such violent activity by the PKK has ceased, although some armed clashes between the two sides continued to occur. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK. There continued to be few reports of government and PKK human rights abuses committed against noncombatants. According to statistics from the governor of the state of emergency region, 23,415 PKK members, 5,029 security force members, and 4,460 civilians have lost their lives in the fighting since 1987. During the year, 29 members of the security forces and 15 civilians died, according to the military.

Unlike in the previous year, there were no credible allegations of serious abuses by security forces during the course of operations against the PKK." (U.S. DOS February 2001, sect. 1g)

"Security forces forcibly displaced peasants in the 1980s and 1990s as a tactic to combat PKK insurgency. Founded by its leader Abdullah Öcalan in Diyarbakir province in 1978, the PKK drew its membership and logistical support from the local Kurdish peasantry. In its early years, the PKK mainly fought rival leftist and Kurdish organizations, but in August 1984 it attacked a gendarmerie post in Eruh, Siirt province, part of the mainly Kurdish southeast that had been a closed military zone since the 1920s. As the PKK stepped up its actions, the gendarmerie (soldiers carrying out police duties under the authority of the Interior Ministry) responded with widespread village raids and mass detentions. Detention almost invariably meant torture by beating, electric shocks, and sexual assault, as well as deprivation of food and water. Most of the nearly five hundred detainees who died in Turkey between 1980 and 2000 were villagers under interrogation in police stations and gendarmeries in the southeast. The security forces' repressive methods merely provoked ever larger numbers of disaffected youth to join the PKK, and within a few years the organization had grown to a substantial force, recruiting more than 30,000 between 1984 and 1999.

Turkish security forces failed to distinguish the armed militants they were pursuing from the civilian population they were supposed to be protecting, but whom they knew included people who were supplying and hiding the militants, willingly or unwillingly. The government resorted to a solution used by other states faced with similar adversaries in other parts of the world: they required the local populace to show their loyalty by bearing arms against the insurgents. After 1987, rural communities were expected to put up a sufficient number of men to form a platoon of "provisional village guards," armed, paid, and supervised by the local gendarmerie post. Communities could refuse to join the village guard system, but from then on the security forces would view them as PKK sympathizers. Villages that did opt to join the system were angry when neighboring settlements refused, because this left their flank exposed to PKK attacks. The village guard corps was well armed, but they had no formal chain of command and usually wore no uniforms or means of identification. Where tribal bonds were strong, clan leaders used village guards as a private army to reinforce their local supremacy.

In response, the PKK declared Kurds who joined the village guard system to be traitors. When they caught them, they often executed them. The PKK also carried out massacres of village guards' noncombatant families, including women and children. When the PKK melted away into the mountains after such attacks, the state military's counter-operations routinely started by rounding up the inhabitants of any nearby non-village guard communities and torturing them in order to extract information about PKK movements, and government forces sometimes committed massacres in reprisal for PKK attacks and abuses.

[...]

The resort to outright lawlessness was reflected in the methods of the gendarmes in rural areas. Armed PKK members had been using the guerrilla tactic of swimming "like fishes in the sea of the people," as Mao Zedong had described, and the security forces used the counter-guerrilla tactic of "draining the sea."

Rather than simply harass and threaten villagers who refused to join the village guard system, they methodically destroyed recalcitrant settlements.

Helicopters, armored vehicles, troops, and village guards surrounded village after village. They burned stored produce, agricultural equipment, crops, orchards, forests, and livestock. They set fire to houses, often giving the inhabitants no opportunity to retrieve their possessions. During the course of such operations, security forces frequently abused and humiliated villagers, stole their property and cash, and ill-treated or tortured them before herding them onto the roads and away from their former homes. There were many "disappearances" and extrajudicial executions. By 1994, more than 3,000 villages had been virtually wiped from the map and more than a quarter of a million peasants had been made homeless. Most of the displacements were from the ten southeastern provinces then under a state of emergency." (HRW, 30 October 2002)

"Turkey is situated in a politically unstable region and has experienced two decades of intense political violence by armed opposition groups, principally the Kurdish Workers Party (PKK), which have attacked and killed civilians. The state has responded with a wide range of security measures which, by violating basic human rights, have further endangered the personal security of individual citizens. Despite all the promises of reform, Turkish citizens can still be swept off the streets and into a police station or gendarmerie post, where they may be held for up to a month. There they will be unprotected by even the most basic safeguards against torture, still a standard method of interrogation. Since 1980 more than 400 people have died in police custody, apparently as a result of torture. The exact status of security forces allegedly responsible for violations is sometimes hard to establish, particularly in the southeast, where security forces do not always wear standard uniform or insignia. In most reports of torture, the detainee was interrogated by plainclothes police officers of the Criminal Investigation or Anti-Terror branches or by gendarmes. Gendarmes are soldiers who carry out police duties in rural Turkey. Many allegations of extrajudicial execution have been made against members of Special Operations Teams. These are technically police officers under the authority of the Interior Ministry, heavily armed for close combat with the PKK. Special Operations Team members frequently accompany members of the paramilitary village guard force and gendarmes in security raids on villages. Regular army and air forces also participate in large operations in the southeast." (AI 1 October 1996, "A state of insecurity")

"Ten years ago people did not disappear in custody in Turkey. In 1991 there were a handful of reports, and several more in 1992. In 1993 there were at least 26. In 1994 there were more than 50 reported disappearances, the highest number in any country reported that year to the UN Working Group in Enforced Disappearances, which expressed particular concern at this considerable increase. At least 35 people disappeared in 1995.

Most of the disappeared are Kurdish villagers with no history of political activity, detained during the course of security raids on suspicion of giving food or shelter to PKK members. Many families of the disappeared fear their relatives have died under torture, or that they were arbitrarily killed in reprisal of the deaths of soldiers in clashes with the PKK." (AI 1 October 1996, "Disappearances - how to torture a whole family")

"Repression has long been the response to security problems in Turkey, but in 1991 certain elements in the security forces went even further. They stepped outside the law and began to wage a full-scale dirty war. An unprecedented wave of political murder swept through the southeast but continued onto the streets of Ankara and Istanbul.

In the late 1980s Amnesty International had received occasional allegations of extrajudicial execution, but in the spring of 1991 the organization began to receive a large number of reports of death squad style killings of Kurdish villagers in the Midyat area of Sirnak province. The security forces were clearly involved in the killings. The perpetrators were able to pass through military check-points and were sometimes moved around using military vehicles and helicopters.

In mid-1999 Kurdish leaders began to be targeted and by early 1992 scores of people were being gunned down in the first of hundreds of street killings by small groups of assassins in the cities in the southeast. In most cases the killers were never identified but there is evidence that the security forces were orchestrating the killings by arming and paying the assassins. Most of the victims were perceived by the security forces as potential enemies of the state. They were people who worked for left-wing or Kurdish nationalist publications, and people who had previously been detained or imprisoned on suspicion of membership of the PKK or other illegal Kurdish groups.

More than 1,000 people have died in these political street killings since 1991." (AI 1 October 1996, Extrajudicial execution in the southeast)

"Although the armed conflict in the southeast lessened in intensity, both government forces and the PKK continued to commit serious human rights violations. Village guards - ethnic Kurdish villagers who function as government-appointed civil guards in remote areas of the southeast - continued to be implicated in many abuses, and civilians remained particularly vulnerable in the region. During a parliamentary human rights commission hearing in February, the governor of Batman was reported to have said that 'methods beyond the accepted norms' were often used to convince villagers that they should not assist the PKK. Victims who petitioned the parliamentary commission described methods such as forcing villagers to walk on mine fields or torturing family members and neighbors. Several village guards stood trial during 1998 for crimes such as rape and the execution of civilians.

In addition to the village guards, Jandarma and police 'special teams' are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is significantly lower than in the past." (U.S. DOS February 2001, sect. 1g)

"Although indiscriminate fire by Turkish security forces is not the most consistent violation of international law in Turkey's southeast, it remains a persistent problem. In some cases, the security forces have grossly overreacted to actual or suspected PKK attacks. In these incidents, which have occurred primarily in the towns and cities, security forces appear to have taken advantage of suspected or actual PKK activity to unleash a barrage of fire on civilian neighborhoods suspected of containing PKK sympathizers.

In some instances, the indiscriminate fire may have been due to negligence on the part of Turkish gunners seeking to hit PKK targets. But lack of intent to kill or cause destruction is no excuse for failing to care for the well-being of civilians.

In other cases, security forces have shelled, bombed or strafed villages, either as punishment for presumed PKK sympathies or as a method of intimidation aimed at forcing villagers from their homes. In the latter set of cases, the security forces appear to have relied on indiscriminate fire as a quick and easy way of evacuating villages in preparation for their later destruction. In some such attacks, civilians have been wounded or killed; in others, they fled their homes which were partially destroyed. Later, troops came and completed the destruction.

In a number of cases, Turkish security forces have targeted civilian settlements for serious attack with the intention of causing large numbers of civilian casualties. This is best exemplified by the March 1994 series of Air Force bombing raids on villages in the Ôirnak area, in which dozens of civilians were killed and entire villages were destroyed. Other similar cases occurred in 1992 and 1993, however, suggesting that the March 1994 attacks, while remarkable in their scope and intensity, were not isolated events." (AI November 1995, sect. V)

### **Internal exile: a discretionary decision of the state of emergency region's governor (1987-2001)**

- The governor has the authority to remove from the region citizens for reasons of general security and public order
- Teachers, party officials and trade unionists have been affected by this practice

"Although there is no legal internal exile, since 1990 the state of emergency region's governor in the southeast has had the authority to 'remove from the region,' for a period not to exceed the duration of the state of emergency (in place for 15 years), citizens under his administration whose activities 'give an impression that they are prone to disturb general security and public order.' Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast this year, according to press reports. In July security officials in Batman took the passports of two visiting British parliamentarians who were looking into the issue of the Ilisu dam, and also took documents of a Republican People's Party (CHP) official and some accompanying journalists." (U.S.DOS February 2001, sect. 2d)

"A number of trade unionists were exiled from the State of Emergency Region starting from January [2001], reaching 33 in February. The practice targeted the executives of the Education Union (Egitim Sen) in particular. Since a discretionary act of the Regional Governor under the State of Emergency Legislation [1] cannot be challenged in courts, the unionists declared that they would petition the European Court of Human Rights. While the unionists were exiled to the western provinces, there have been no investigations launched against the persons affected. The unionists declared that the practice was a political one as the administration had not launched any investigation related to their participation in a one-day act of protest of the Confederation of the Public Labour Unions (KESK). Tunceli Governor Mustafa Erkal, answering questions in a press briefing on 30 January, said for his part that they did not dismiss the teachers, but 'changed their locations due to their behaviours that offended the quiet in the province as well as on the basis of the evidence that they commit crimes'".

[Endnote 1: State of Emergency Law, Article 11/c: [As amended by Decree 3076 dated 14 November 1984] Suspension of the activities or associations for periods not exceeding three months, after considering each individual case;]

(Human Rights Foundation of Turkey February 2001, sect. 1)

### **Turkish authorities imposed food embargo on several Kurdish villages (1991-2001)**

- The objective was to deny logistical support to the PKK
- Access to high pastures have been recently restored and food embargo has been lifted by governors in several provinces

"In an effort to deny the PKK logistical support, the Jandarma during the year occasionally rationed food and other essentials in some rural areas in the emergency region. Security forces returned to evacuated villages and burned homes, to deny the PKK, and have shot livestock, burned forests and orchards, or denied villagers permission to harvest fields." (U.S. DOS 26 February 2000, sect. 1g)

"In Tunceli province, a food embargo imposed by the army was reportedly in effect in 1991. Sporadic food blockades have also been reported in parts of Bingol and in the village of Tepe, near Lice in Diyarbakir province. These have allegedly caused severe shortages and hardship among the inhabitants. The usual aim was to limit the amount of staple foods which villagers could obtain, and therefore reduce supplies available to the PKK, though in the case of Tepe, a two-month blockade was imposed in reprisal for the PKK murder of a village guard." (Graham Brown April 1998, sect. 3.1)

In October [2000] the governor of Tunceli formally abolished the food embargo in that region, the last large-scale rationing in the region. Food rationing also had been justified as a means of denying logistical support to the PKK. Provincial authorities deny villagers access to some high pasture for grazing, citing security concerns, but have allowed other villages access to their high pastures." (U.S. DOS February 2001, sect. 1g)

### **Villagers were evacuated by force (August 2001)**

- Four villages were forcefully evacuated on 3 August 2001
- Many villagers were detained, following a raid on villages in Baskale district at the end of August 2001

"The evacuation of villages and forced migration that slowed down after 1999 came back to the agenda by evacuation of some villages in the province of Sirnak, Hakkari and Van.

It was reported that on 3 August the villages Sirangêl (Tokagaç), Memiste (Ikizli), Sêgizan (Cevizli) and Glort (Bostaniçi) in Yüksekova district of Hakkari province were raided by soldiers and that the population had been forced to leave the settlements. Abidin Enis, member of the general assembly of Hakkari province said that they had to contact the commander with the headmen of the four villages concerned, but had not been able to meet. They had asked the governor of Yüksekova to stop the initiative.

During a raid on the villages Salidere, Samandöken, German and Baris in Baskale district (Van) at the end of August many villagers were detained. Among them the names of Hüseyin Durmaz, Hamit Kiliç (80), Hamza Kiliç, Bülent Koç, Vedat Ayhan, Nihat Ayhan, Nejat Ayhan and Baykal Ayhan were mentioned." (HRFT August 2001)

### **Report stated that village guards served local landlords rather than state (November-December 2001)**

- A report on 19 villages and rural settlements stated that village guards were serving local landlords, now that separatist terrorism has subsided
- It also said that because the village guards were very familiar with the difficult terrain, they played an important role in the anti-terrorism drive of the state
- Village guards were in court after allegations that they helped the PKK

"A report prepared by the Yuzuncu Yil University and Van Gendarmerie Command underlined that village guards, once instrumental in fighting separatist Kurdistan Workers's Party (PKK) terrorism, were serving local landlords rather than the state.

Associate Professor Cahit Bağcı, who administered the research into the subject by Yuzuncu Yil Science Faculty students, said during the study, 19 villages and rural settlements where village guards existed in the Van region were surveyed and the results were analysed.

The report, which was presented to local administration executives, underlined that the village guard system was instrumental in fighting separatist terrorism in an area where, because of rough geographical terrain, strong state tradition could not be developed.

[...]

The report stated that with the village guards system the central administration had tried to make best use of the pro-government local population in fighting separatist terrorism. Stressing that the majority of local people were loyal to the state, the report stressed that that was a major factor in establishing and maintaining the village guard system, as well as utilizing it effectively in combatting terrorism.

Because the village guards were very familiar with the difficult terrain of the region, they undertook a very important role in the anti-terrorism drive of the state, the report said.

Besides this, the report said, the village guards system helped the state cut links between the local population and the separatist gang, provide effective security to local people and thus helped greatly with the consolidation of state rule in the troubled region.

On the other hand, the report said, while the income of the local people had suffered seriously because of separatist terrorism -- as they could not use their lands or continue raising animals because of the terrorist threat -- the paid village guard system provided an opportunity to keep the economic activity of the area.

However, the report said as separatist terrorism had subsided in the region, the village guard system had lost its importance, and now the village guards were serving their landlords rather than the state." (Turkish Daily News 21 December 2001)

#### ***Village guards charged with helping the PKK (November 2001):***

"Diyarbakir State Security Court (DGM) has finished work on an indictment against 31 suspects of whom 30 are village guards all accused of aiding and abetting the Kurdistan Workers Party (PKK) separatist terrorist organization, the Anatolia news agency reported yesterday. Of the 31 suspects, 28 are in remand.

The indictment accuses 13 of the suspects of setting a trap for the security forces in the district of Beytüssebap in which one soldier was martyred and five maimed in two separate landmine explosions. Other suspects are accused of passing on intelligence to the PKK while working as temporary village guards, while others are accused of providing rations to the PKK and of hiding PKK weapons from the security forces. Other guards are accused of donating part of their wages to the PKK and of planting and growing marijuana in order to provide the PKK with funds.

The trial against the suspects will start this month with sentences being asked ranging from five years for five of them to death for 16 more." (Turkish Daily News 8 November 2001)

#### **Villages were evacuated and food embargo imposed after the death of a government soldier (August 2001-March 2002)**

- Four villages were raided after the death of one and injury of two soldiers in Beytüssebap district
- Ortali and Asat village were evacuated, Tivor, Ilicak and Hisarkapi villages were under siege and its villagers were close to starvation because of a food embargo
- On 11 August 2001, the weekly „Yedinci Gündem“ published a document confirming the application of a food embargo in Dagalti and Ilicak villages
- The president of the association MAZLUM-DER contradicted the official state reports and reported the obstruction of its journalists by the authorities
- The majority of the persons evacuated from Asat and Ortakli villages stayed for two months in 80 tents with no assistance
- The national media totally ignored the events in Betussebap

## **"The Beytüssebap Incident**

Following the death of one and injury of two soldiers by a mine explosion near Ilicak (Germav) village in Beytüssebap district (Sirnak province) on 9 July Germav village and the surrounding villages of Bêzal (Ortali), Tivor (Dagalti) and Çemêpîrê (Asat) were subjected to intense pressure. These four villages were raided and 32 people were detained. They were held in custody for 10 days and at the end 10 of them were arrested in charges of „aiding and bedding PKK members“. All of the villagers belonged to the Gevdan tribe. They alleged that they had been tortured in detention. The names of the arrested villagers are: Cafer Aslan (78), Kerim Acar (66), Isa Abi (61), Yakup Ceylan (55), Fahri Ceylan (30), Seyhmus Abi (25), Isa Abi (30), Yasin Abi (23), Hadi Abi (30), Keser Acar (49), Hamit Acar (78), Orhan Abi (239), Kemal Acar (25) and Semsettin Abi, Turan Aslan, Bahattin Aslan, Mirza Aslan and Hekim Aslan.

On 28 July Kasim Aslan from Ulucak village could escape, despite the blockade against the village and reported to the Diyarbakir branch of the Human Rights Association (HRA). He told the Human Rights Association (HRA) that Ortali and Asat village had been evacuated, Tivor, Ilicak and Hisarkapi villages were under siege and that the villagers were close to starvation because of an embargo on food. Some 250 villagers were living in tents outside Beytüssebap and 70 villagers, who had been working as village guards had been deprived of their arms.

First a delegation of Abdulvahap Ertan, from the Human Rights Association (HRA) in Van, Abdulbasit Bildirici from Mazlum-Der in Van and Sirin Aslan went to Beytüssebap and talked to the villagers and the prisoners Turan Aslan, Bahattin Aslan, Cafer Aslan, Kerim Acar, Mirza Asan, Yakup Asan and Hekim Aslan. In their report they stated that the villagers had been beaten, suspended on hooks, hosed with pressurized water, raped with truncheons and forced to eat excrements. They were being subjected to an embargo on food and their families were under severe pressure. The mine explosion had happened some 30 to 40 kilometers away from the village in an area that had mainly been used by soldiers.

On 5 August the Sirnak Governor paid a visit to Hisarkapi village in an attempt to deny the news on food embargo. Soldiers, who cursed at the population and tried to force them to deny the existence of an embargo, accompanied him. It was reported that 35 members of the Temel family had to leave the village within 24 hours.

On 8 August a second delegation with members of the Human Rights Association (HRA), Mazlum-Der, the Chamber of Architects and Engineers, HRFT, Turkish Medical Association, Gök-Der and the Democracy Platform of Diyarbakir went to the area and investigated the situation over two days. The results were announced during a press conference at the Human Rights Association (HRA) Diyarbakir on 10 August. On 11 August the weekly „Yedinci Gündem“ published a document confirming the application of a food embargo in Dagalti and Ilicak villages." (HRFT August 2001)

“The majority of the persons evacuated from Asat and Ortakli villages stayed for two months in 80 tents with no assistance. A number of male villagers were arrested and allegedly tortured.” (CoE 22 March 2002)

### ***The reaction of the Turkish media and authorities:***

"Yilmaz Ensaroglu, président de l'association MAZLUM-DER, comparant les deux évènements de la semaine impliquant la responsabilité de la gendarmerie [ndlr: l'intervention de la gendarmerie dans la commune d'Akkise (Konya- centre) et les faits du district kurde de Beytussebap] a dénoncé les réactions à géométrie variable de la presse et des autorités civiles et militaires turques: "Nous avons envoyé des observateurs pour les deux évènements. Pour le premier [Konya], ils ont pu s'y rendre aussitôt et rédiger un rapport alors que pour le second le temps que les observateurs puissent se rendre sur place sains et saufs, nous étions plein d'inquiétudes. Ils sont arrêtés à tout bout de champ et leurs cassettes et documents leur sont confisqués. Cela prouve bien évidemment, les différences manifestes dans les pratiques administratives et judiciaires existantes dans le pays. Les partis et une bonne partie des media ne franchissant pas les frontières tracées par la politique de l'Etat, l'opinion publique ne connaît pas la

situation. En fait, le régime d'exception (OHAL) ne veut pas dire un régime sans droit, mais seulement que certains droits sont temporairement limités. Cependant dans notre OHAL, il n'y a ni droit et ni justice".

Les quotidiens nationaux ont totalement ignoré les événements de Betuseba, les observateurs des organisations de défense des droits de l'homme ont été, au cours de leur enquête, bousculés et brutalisés par les autorités sur place. Les villageois, peu loquaces du fait des pressions, ont par l'intermédiaire de leur maire déclaré qu'ils avaient quitté leur terre par leur propre volonté, les seuls dont Cafer Aslan et Rasim Acar, qui se sont risqués à parler ouvertement avec les observateurs se trouvent toujours en détention, accusés d'"incitation de la population à la colère". Après le témoignage de Rasim Acar, les avocats composant la délégation d'observateurs ayant peur pour sa vie l'avaient pourtant pris sous leur protection mais les gendarmes prétextant que ses papiers d'identité étaient susceptibles d'être des faux, ont réussi à l'arrêter et le placer en garde-à-vue.

Ses avocats ont d'ores et déjà dénoncé les tortures (chocs électriques) subies par leur client au cours de sa détention. Contrairement à Konya, les commandants en poste à Sirnak ne semblent nullement inquiétés par les autorités judiciaires turques. Pis encore, le colonel Levent Ersoz, en poste à Sirnak, directement mis en cause pour ses brutalités par Cafer Aslan et par la population de Sirnak, a été récompensé en devenant général (effectif le 30 août) et prendra le commandement de la gendarmerie de Diyarbakir." (Info-Türk August 2001)

## **Other causes of displacement**

---

### **Dam and pipeline projects: Another cause of displacement in Southeastern Turkey (2001-2002)**

- About 200,000 persons have so far been displaced as a result of land expropriation for dam projects in southeastern Turkey
- A large dam is planned at Ilisu of the River Tigris and will necessitate the compulsory resettlement of more than an estimated 16,000 people
- The Aslantas Dam, Ceyhan River Basin
- Controversial Caspian pipeline - 30,000 people might be displaced

Table: Population displacement, Area of Land Expropriation by Type of Resettlement in GAP Area

DAM	Expropriated Area (ha)	No of Districts, Villages, Sub-villages	Total Pop. Displaced	RESETTLEMENT			
				Population opting for Govt. Assisted Resettlement	% of Total	Population opting for Self Resettlement	% of Total
<b>Ataturk Completed</b>	43 400	1 district 34 villages 85 sub-villages	55 300	2 508	5	52 792	95
<b>Batman Completed</b>	2 410	17 villages	10 854	1 582	15	9 272	85
<b>Birecik In progress</b>	5030	1 district 44 villages	31971	6500	20	25 471	80
<b>Cat Completed</b>	1 430	7 village 3 sub-villages	4 000	1 965	49	2 035	51
<b>Dicle In progress</b>	1 240	1 district 19 villages	2 875	343	12	2 532	88
<b>Karakaya Completed</b>	29 800	105 villages	45 000	3 999	9	41 001	91
<b>Karkamis in progress</b>	1 165	1 district 12 villages	15 000	Under Construction	-	-	-
<b>Keban Completed</b>	62 000	174 villages	30 000	6 487	22	23 512	78
<b>Kralkizi In progress</b>	2 085	14 villages	2 732	21	23	2 711	77
<b>Total</b>	193 076	4 districts 382 villages 88 sub-villages	197 732	23 405	13	159 326	87

Source: DSI, GAP, 1999

(ECGD 22 December 2000, sect. 3.5)

"There are 9 large dams in the GAP area which necessitate the involuntary resettlement of rural and urban populations. Table [above] shows that 143,530 hectare of land has been expropriated, 382 villages, 88 sub-villages, 4 districts and a town are affected by dam projects. 87% of families have opted for self-resettlement and only 13 % have requested government assisted resettlement." (UK Government 22 December 2000, sect. 3.5)

"The Turkish Government has for many years been developing plans for hydro-electric power generation in South Eastern Anatolia (the 'GAP' project). As a result of an increased demand for electricity following greater urbanisation and industrial and commercial development, those plans are now being implemented. A large dam is planned at Ilisu of the River Tigris, 65kms upstream from the borders with Iraq and Syria." (House of Commons, Select Committee on International Development 4 April 2001, Annex A)

"A large number of villages will be affected necessitating the compulsory resettlement of more than an estimated 16,000 people and affecting a further 16,000 people." (ECGD 22 December 2000, sect. 1)

#### **The Aslantas Dam, Ceyhan River Basin**

"The Ceyhan River Basin is located in the eastern Mediterranean region of Turkey and drains into the Mediterranean Sea in the South. The development of the basin was conceived initially in the 1966 basin-planning document prepared by IECO International Engineering Co. Inc and the CAP was one of the projects identified at this time. Four other major dams on the main Ceyhan River: Menzelet, Kilavuzlu, Sir and Berke dams have also been constructed. The Menzelet and Sir dams interact directly with Aslantas and were constructed subsequently, and were completed in 1991, while the Kilavuzlu and Berke dams are

currently under construction [2000]. There are 12 more dams existing, planned or under construction on Ceyhan's tributaries.

The purpose of the project was to provide irrigation, flood control and electrical power and cater to pressing needs of agricultural producers, flood victims and to alleviate power shortages, which were becoming more and more frequent.

The Land Acquisition and resettlement component was implemented by DSI and aimed at financing land acquisitions for areas flooded by the lake and the construction of irrigation infrastructure on private property. It was exclusively funded by the Government and implemented under national laws of the day. Planning in Turkey is undertaken centrally and there is only restricted local participation in the planning process.

The villages flooded by Aslantas are relatively homogeneous ethnically and originate from nomadic or transient Turkish groups resettled from Thrace, Bulgaria and the Caucasus earlier this century. In this sense the villages do not have a long historical association with the area.

Expropriation and compensation were realised for 1 000 families (app. 5 000 persons) who were displaced. While 925 families preferred to receive direct financial compensation and move on their own, 75 of the displaced families asked for rural resettlement and rejected to take their compensation. After investigation by GDRS, 47 of them were accepted as resettlers, and although all of them asked for rural resettlement, 12 received urban resettlement. A total of an estimated 320 people in these families were resettled and there is no record of conflict between host and resettled communities. For some groups, resettlement only occurred in 1990, some 7 years after flooding. Consequently, 953 people received their compensation and moved on their own.

Thirty-six settlement units in 18 villages were totally flooded (houses and land). Landowners are required to declare land value for taxation purposes every 5 years and the 1971 declaration was used as a basis for compensation. Farmers have stated that they declared lower values to avoid taxation and the compensation paid was therefore around half of the true land value. The compensation scheme paid funds directly to displaced people. The total cost for land acquisition was US\$38 million for 5,781ha. Some of the consequences of resettlement/compensation for local groups included the sudden availability of large sums of cash in communities not used to handling such funds. Homesickness, loss of cultural roots and customs have been reported for elder generation rural people resettled in urban environments yet the second generation has access to education and urban benefits.

The SAR (1973) predicted that displaced people would find jobs on the project. Some 70 people from flooded villages were employed in construction. A total of approximately 13 000 farming families, both small and large landholders, benefited significantly from the irrigation and flood mitigation effects of the project. The agricultural and livestock production activities benefited positively from the project. There were limited benefits from fishing to landless and non-farm households in the project region. All households benefited from the electricity generated in the project. 1 000 households, who lost their lands by impoundment, were partly compensated for their economic losses but these were not considered adequate by many and they did not receive compensation for the social, cultural and psychological costs associated with relocation.

The main social costs are borne by the displaced households, due to forced social change and relocation including these families who had to wait many years to be resettled.” (WCD, November 2000)

**Fear that as many as 30,000 people might lose their homes as a result of controversial Caspian pipeline project**

“Amnesty International [...] called on the [UK] government to turn down requests from oil group BP to provide export credit guarantees for a controversial Caspian pipeline project. The campaign group claims

human rights are being endangered by the £2.9bn scheme and accused Britain's largest company of encouraging Turkey to disregard European conventions.

BP reacted angrily to the claims, saying there was "no way" it would sacrifice its reputation by applying lower ethical standards in Azerbaijan, Georgia and Turkey than it did elsewhere. The attacks came from Amnesty ahead of a new study into the Baku-Tbilisi-Ceyhan (BTC) pipeline from the Caspian sea oil fields, which has been under construction for a month. At the centre of the row is a host government agreement (HGA) negotiated between BP, the pipeline consortium leader, and the Turkish government.

Amnesty argues the agreement creates a disincentive for Turkey to protect human rights because the country has agreed to pay compensation to the consortium if pipeline construction or operation is disturbed. Payments have to be made - even when Turkey intervenes to enforce parts of its law that apply elsewhere in the country. "[The HGA] blatantly disregards the European convention on human rights, which requires states to intervene at an early stage when there is a danger that could threaten life, and substitutes the softer stipulation that Turkey may only intervene in the pipeline project when there is 'an imminent material threat' to safety or security." Amnesty is asking the UK government to make no public funding available in the form of aid, loans or export credit guarantees unless the HGA is changed.

"There is a misunderstanding here. The HGA allows us to pay compensation to landowners where we use their land and then give it back again when we have built the pipeline. There is no law for us to do this in Turkey," added the official, who denied any European conventions were being undermined.

Up to 30,000 people will have to give up their land, say campaigners who are worried about the environmental and human rights impact." (Guardian, 20 May 2003)

# POPULATION PROFILE AND FIGURES

## Global figures

---

### **Credible estimates of the IDP population range from 400,000 to 1 million (December 2001)**

- Some government officials deny that any people in Turkey are internally displaced
- The number of displaced could be as high as three million, according to some local NGOs
- Around 380,000 persons have been "evacuated" from their villages, according to governmental figures
- COE: Figures concerning displacement subject to controversy
- According to the U.S. Department of State, the highest credible estimate of displaced persons is as high as 1 million.
- The U.S. Committee for Refugees gives a range of 400,000 to 1 million as reflecting evacuations and spontaneous movement from and within the southeast
- As of December 2001, migration to cities for reasons connected to terrorism and the Government's response to terrorism ended

"Estimates of the numbers of displaced people vary widely. Some government officials deny that any people in Turkey are internally displaced. Some local nongovernmental organizations put the number of displaced persons as high as three million. In its human rights report for 2000, the U.S. Department of State said that 'credible estimates' of internally displaced people in Turkey range as high as one million. By year's end, the government appeared not to have updated its official figure for 'evacuated persons' of about 336,000 at the end of 1999.

"According to official figures, 380,000 people were displaced from southeast Turkey during the fifteen year conflict between government forces and the illegal armed Kurdish Workers' Party (PKK). Nongovernmental organizations estimate the number of displaced, mainly Kurdish villagers, at least a million and a half. Most displaced persons were driven from their homes by government gendarmes and by "village guards"—that is, their own neighbors, whom the government armed and paid to fight the PKK but did little to train or control. This was not an orderly and lawful resettlement program but an arbitrary and violent campaign marked by hundreds of "disappearances" and summary executions. Villagers' homes were torched, their crops destroyed and their livestock destroyed before their eyes." (HRW, 30 October 2002)

"There is no official statistics on the total number of Turkish citizens of Kurdish origin living in Turkey. (The last population census in Turkey was carried out in 1997 but it did not include any information or indication (e.g. mother tongue) about the citizen's origin). Consequently, there are no official figures on the internal displacement of this group of population. According to the 1997 population census approximately 8 million people lived in the provinces under emergency rule and in their immediate neighbourhood. Around 7 million Turkish citizens of Kurdish origin live outside this area (including over 1 million in Istanbul). These two figures correspond to a widely accepted estimate of 15-16 million Turks of Kurdish origin constituting up to 26 % of the total population living in Turkey. Figures concerning the displacement are much more subject to controversy. Turkish authorities' official figure for "evacuated persons" amounts to 378 000 originating from 3 165 villages at the end of 1999 (Report of the Parliamentary Migration Commission, Parliament of Turkey). Independent credible estimates [US Department of State Human

Rights Report 2000] concerning the population displaced as a result of the conflict in south-eastern Turkey range from 400 000 to 1 million as of December 2000. The independent sources claim that the official figure of 378 000 displaced persons includes only those displaced as a result of village and hamlets evacuations. It does not include those who have felt compelled to flee, for example, because of the conflict with 'the village guards' even if the village itself had not been evacuated." (COE, 22 March 2002)

The government's count of internal displacement includes only persons displaced as a result of village and hamlet evacuations; it does not include people who felt compelled to flee, for example, because of conflict with Village Guards (a Kurdish paramilitary group created by the government to oppose the Kurdish Worker's Party, PKK, in the southeast), even if the village itself was not evacuated. Therefore, the figure based solely on evacuations must be regarded as below the baseline for an estimate of the number of internally displaced persons in Turkey.

The U.S. Committee for Refugees (USCR) therefore prefers a range of 400,000 to 1 million as reflecting evacuations and spontaneous movement, as well as displacement from the southeast to the central and western parts of Turkey and rural to urban movement within the southeast itself." (USCR 2001, p. 263)

### **Between 5 and 8 million persons are supposedly living in southeastern Turkey (2000-2001)**

- A majority of Kurds reportedly live currently outside the eastern and southeastern provinces

"The co-rapporteurs have no official figures about the total number of Turkish citizens of Kurdish origin. Although in the census of 1990 data were required about the citizens' mother tongue, it is not certain that the information collected on this issue was complete and reliable. The co-rapporteurs have been told by the Democratic Left Party that about 12 million Turkish citizens are of Kurdish origin. The Turkish authorities said that according to the 1997 population census, the number of inhabitants in the cities in the provinces under emergency rule was 4.973.805 and in the neighbouring cities 2.900.225. These figures would seem to indicate that around 8 million Turkish citizens of Kurdish origin live (or used to live) in South-eastern Turkey; however, the Democratic Left Party believes their number does not exceed 5 million. The number of Turks of Kurdish origin living abroad is estimated at 500.000." (COE 13 June 2001, para. 135)

"Following the internal displacement and migration since 1990, the distribution of Kurds has changed significantly. A majority of Kurds now live outside the eastern and southeastern provinces. It has been suggested that Kurds now account for one-third of Istanbul's total population of approximately 12 million." (Kirisci June 1998, p. 199)

### **Turkish government gives a total of 400,000 persons forced to leave their villages (1998-1999)**

- Of these, 23,000 persons were reported to have returned to their places of origin as of 1998
- Turkish Parliamentary Committee used governmental figures in 1998 report on internal displacement
- The 1998 US State Department cited 560 000 as "a credible estimate" of the number of people evacuated from their homes
- According to the Kurdish Institute in Paris, the number of persons displaced within south-east Turkey over the last 20 years amounts to 2.5-3 million

1999

"The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown. Human rights NGO's tend to attribute most rural-urban migration to evacuations, whereas some persons move to escape the violence or conflict-caused economic depression, or to pursue opportunities in western cities. Government statistics tend to minimize the number of persons who left against their will. Observers agree that 3,000 to 4,000 villages and hamlets have been depopulated. The Government reported that through 1999 the total number of those evacuated was 362,915 persons, from 3,236 villages and hamlets, of whom 26,481 have been resettled with government assistance in 176 villages and hamlets. Another 61,987 have applied to return. A figure given by a former Member of Parliament from the region--560,000--appears to be the most credible estimate of those forcibly evacuated. However, observers in the region estimate that the total number of displaced persons is approximately 800,000, and a few NGO's put the number as high as 2 million." (U.S. DOS February 2000, sect. 1g)

#### 1998

"The most recent figure for internal displacement in Turkey comes from the report of the Parliamentary Commission, released in June 1998. All of the statistics used in the report originate with the State of Emergency Region (OHAL) governor's office, so these should be regarded as the official government count. It reports that 401,328 people were forced to migrate from 3,428 residential areas, of which 905 were villages and 2,523 hamlets. Of these, 517 villages and 1,614 hamlets were evacuated in the State of Emergency region, resulting in the displacement of 251,366 persons. Another 126,969 persons were displaced outside the OHAL region, having been evacuated from 303 villages and 2,345 hamlets. According to the report, 22,993 of these displaced persons have returned to their places of origin, 6 percent of the total, leaving 378,335 still displaced.

The Commission's own parliamentary colleagues dispute these figures, however. Deputy Orhan Yildirim, the MP from Tunceli, voiced his dissent to the Commission's findings (noted in the Commission report), saying, 'the number of evacuated villages given in the official statistics is wrong. For example, Balik Village is my village; it is entirely empty of people. It is listed as not evacuate.'

Even if the Commission's count of evacuated villages were accurate, by limiting that count to persons displaced as a result of village and hamlet evacuations, the Commission's figure does not include people [...] who fled from towns or cities in the southeast, or of villagers who felt compelled to flee, for example, because of conflict with village guards, even if their village itself was not evacuated. As such, the figure based solely on evacuations must be regarded as the minimum baseline for an estimate of the number of internally displaced persons in Turkey." (USCR 1999, p. 6)

"On 28 July 1997, the Chairman of this Committee, Mr Seyit Hasim Hasimi, held a press conference in Diyarbakir. He announced that forced evacuation of villages and hamlets by the Turkish armed forces in the region had resulted in large numbers of displaced people and potential refugees. He confirmed that 364 742 inhabitants of 3 185 villages and hamlets had been forced out since 1990 in the framework of the fight against terrorism. These figures were publicly confirmed later by Mr Bülent Ecevit, Deputy Prime Minister, who said that the villages had been emptied 'for security reasons'. The US State Department cited 560 000 as 'a credible estimate' of the number of people deprived of their homes as a result of the evacuations." (COE 3 June 1998, para. 17)

"According to Mr Nezan, President of the Kurdish Institute in Paris, the number of persons displaced within south-east Turkey over the last 20 years amounts to 2.5-3 million. The population of Diyarbakir, for example, rose from 380 000 in 1990 to 1 million in 1996. Concerning displacement throughout the rest of Turkey, the figure is approximately 8 million, of whom some 3 million are in Istanbul alone." (COE 3 June 1998, paras. 20-22)

### **Estimates of irregular migrants in Turkey as high as one million**

“Although estimates of irregular migrants in Turkey are as high as one million, no direct and reliable data on the scale of irregular migration in Turkey is currently available. But according to the Turkish authorities, nearly 95,000 irregular migrants were apprehended in 2000 as they tried to enter or leave the country illegally, or as they overstayed their visa. The report notes that corresponding figures for the first eight months of 2001 indicate a similar trend.

[...]

The report states that entry points into Turkey are mainly on the Iranian and Iraqi borders - Van province is a well-known example. The departure points are often in the western part of the country, mainly in the coastal areas such as the provinces of Istanbul and Izmir, or close to the border with Greece, such as Edirne province.

[...]

The report states that the number of smugglers and traffickers arrested in Turkey increased sharply from 98 in 1998, to 187 in 1999 and to 850 in 2000. The income generated by smuggling and trafficking in Turkey is estimated at around half a billion US dollars per year.

[...]

Turkey has become a major staging point for irregular migration movements in the region. Three principal factors have contributed to transforming Turkey into a migration transit zone:

Political turmoil and conflicts in neighbouring areas have pushed people out of their countries in search of security and better prospects elsewhere.

Turkey’s geographical position at the intersection between East and West and South and North makes it an attractive transit zone for those intending to reach western countries.

The increasingly stringent entry requirements and reinforced border controls, as well as sophisticated electronic surveillance systems introduced by Western countries to control and combat irregular migration have diverted migration flows directed at Europe to peripheral countries, such as Turkey.” (IOM, February 2003)

## PATTERNS OF DISPLACEMENT

### General

---

#### Kinds of residences before and after migration (January 2002)

*These results are based on a survey by Gök-Der amongst 17,845 displaced Kurds:*

**Table 91: The Kinds of Residences Before Migration**

<del>The Kinds of Residences Before Migration</del>	N	%
Slum	45	2.1
Shed	27	1.3
Detached Village House	1682	78.6
Rented Appartment Flat	19	0.9
Appartment Flat Owned by Himself/Herself	117	5.5
Detached House	228	10.7
Other	21	1.0
Total	2139	100.0

[...]

**Table 93: The Kinds of Residences After Migration**

<del>The Kinds of Residences After Migration</del>	N	%
Rented Slum	621	29.0
Slum Owned by Himself/Herself	610	28.5
Shed	93	4.3
Tent	30	1.4
Rented Appartment Flat	386	18.0
Owner Appartment Flat	232	10.8
Basement Floor	30	1.4
Other	137	6.4
Total	2139	100.0

(Gök-Der 2002, pp.72-74-1)

#### Impact of conflict-induced displacement on Turkey's urbanisation (1998-2001)

- Migratory movements to urban areas have also been caused by the conflict-caused economic depression in southeastern areas
- Many of the displaced have crowded into the southeastern provincial cities, such as Diyarbakir and Batman, more than doubling their populations
- It is estimated that as many as 3.5 million Kurds have left southeast Turkey since 1984 and have settled mainly in large cities in the west

"Internal displacement as a result of conflict and fear in part of a larger migratory phenomenon occurring throughout Turkey that has resulted in the dramatic growth of urban populations in recent years.

Undoubtedly, economic factors account for some of the urbanization, and even persons fleeing for political reasons often have a mix of motives, including seeking employment, or even, reportedly, food.

Rural to urban movement has often been the first step in a migratory pattern that has taken large numbers of Kurds from the east to the west. Diyarbakir, the unofficial capital of Turkish Kurdistan, grew from 30,000 in the 1930s to 65,000 by 1956, to 140,000 by 1970, to 400,000 by 1990, and swelled to about 1.5 million by 1997. Most Turkish cities have developed impoverished, overcrowded, ramshackle slums on their outskirts, *gecekondu*, 'huts built in one night'. Many of the displaced Kurds in provincial cities and towns crowd into homes of relatives, sometimes with more than thirty people residing in dwellings intended for a single family.

Although the desire for economic betterment has motivated some to migrate, it is not clear that migrants have responded to the pull of opportunity in western cities as much as to the push of conflict-caused economic depression in the rural southeast. While some of the displacement has been spontaneous, the Turkish military systematically expelled Kurdish villagers in the country's southeast between 1993 and 1995. The Turkish army's campaign to evacuate villages suspected of supporting the PKK began in February 1993. Army and security forces have depopulated mountainous, rural areas, and pushed the village populations into urban centers, creating economic hardship for large numbers of displaced persons, most of whom had been herders or otherwise tied to the pastoral economy. Many of the displaced have crowded into the provincial cities, such as Diyarbakir, mentioned above, and Batman, more than doubling their populations." (USCR 1999, pp. 4-6)

"The ongoing conflict between the Turkish armed forces and the PKK guerrillas, and the poor economic situation in the southeast, have caused considerable migration away from the rural areas in the southeast. Many have remained in the southeast and moved to cities such as Diyarbakir, Siirt, Tunceli and Cizre, whose populations have doubled or trebled as a result of the migration. The large cities in the west have also been major recipients of this migration. It is estimated that as many as 3.5 million Kurds have left southeast Turkey since 1984. Istanbul, Izmir and Ankara have received the most migrants, with Istanbul accommodating almost 1.5 million new immigrants. Between one-half and almost two-thirds of the Kurdish population now live in peaceful assimilation in western Turkey and on the southern coast (3 million in the Istanbul conurbation, 2 - 3 million on the southern coast, 1 million on the Aegean coast, 1 million in central Anatolia and the remaining 6 million in east and southeast Turkey)." (UK Home Office April 2001, para. 7.27)

"Three patterns of migration can be identified:

The majority of internally displaced people from the rural areas have moved into the nearest urban centres. Provincial capitals such as Batman, Diyarbakir, Hakkari, Sanliurfa and Van have been particularly affected; Those internally displaced people with greater economic resources and the right contacts have moved further away to cities such as Adana, Gaziantep, Kahramanmaras and Mersin, outside the emergency law provinces; and

Many members of the middle class in the provincial cities have moved to western cities in Turkey such as Ankara, Antalya, Bursa, Istanbul and Ismir.

[...]

The short-term economic and humanitarian consequences of this massive migration have been disastrous. The already depressed regional economy has deteriorated even further. The cities have become overwhelmed with people swelling the ranks of the unemployed and stretching municipal services. Starvation is reported among the poorest of the internally displaced living in makeshift housing in the cities of eastern and southeastern Turkey. Villagers have been forced to slaughter their herds to finance their move into urban centres. The tourist industry has virtually disappeared from this locality. Furthermore, there has also been a flight of capital from the region as the relatively well-off have closed their businesses and small factories before moving to the west of Turkey. Inevitably, these developments have aggravated the employment situation and resulted in further pressure for groups to migrate out of eastern and southeastern cities." (Kirisci June 1998, pp. 198-199)

## **Kurdish refugees returning from Iraq join the ranks of the internally displaced (2000)**

- Many of the returnees have been unable to return to their villages which are destroyed or still sealed off for security reasons

### "Repatriation of Turkish Kurds from Iraq

The 263 Kurdish refugees who repatriated from northern Iraq in 2000 more than doubled the 108 who repatriated in 1999, but was still only about one-third the number of refugees who repatriated in 1998. About 2,200 Turkish Kurds have returned since November 1995.

Although the government has not extended an amnesty to the Kurdish refugees who fled in 1994, it has said that it would not prosecute them for illegal departure from Turkey. Some returnees have been arrested upon return, mostly charged with membership in (or support of) an illegal organization.

Upon the returnees' arrival, the Turkish authorities bring them to the 'Haji' camp in Silopi, where they are registered and undergo security clearances. Nearly 90 percent of the returnees originate in the war-torn southeastern province of Sirnak and Hakkari, where many of their former villages are destroyed or still sealed off for security reasons. If unable to return to their places of origin, the returnees join the ranks of the internally displaced, usually living with relatives." (USCR 2001, pp. 265-266)

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## Physical security

---

### **Human rights activists condemned the killing of displaced, claimed to be terrorists by the authorities (October 2001)**

- Turkish human rights groups warned against abuses while the attention was focused on the 11 September attacks
- The authorities claimed that two men shot dead were terrorists
- The IHD claimed however that they were displaced collecting food and supplies

"Turkish human rights activists on Monday accused troops of shooting dead two men unjustifiably and warned abuses could be carried out while attention was focused on the suicide attacks on the United States.

Emergency rule authorities in the mainly Kurdish southeast of Turkey described the two men shot dead on September 13 as members of the Kurdistan Workers Party (PKK), a separatist Kurdish group Ankara classifies as "terrorist."

The Human Rights Association (IHD) said in a statement the two men had been collecting food and supplies after being forced to leave their villages under a Turkish policy of clearing areas to protect residents from attacks and of denying shelter and supplies to the PKK.

"Both victims were civilians forced to migrate...by the forced migration policy," the IHD statement said.

[...]

Officials in the southeast said the men, shot dead in the province of Sirnak, had entered an off-limits area carrying arms and food and said soldiers had been right to shoot.

"The area where they were found was a military area. They did not obey warnings from the security forces. They carried a Kalashnikov and their mule was carrying flour, butter, sugar and meat," an official told Reuters."

"They were linked to the organisation," he said, referring to the PKK." (The Kurdistan Observer 1 October 2001)

### **2002: Many positive human rights developments took place in Turkey**

- Reform packages ratified according to EU Accession Partnership
- The European Commission encourages Turkey to pursue the reform process
- EU summit in Copenhagen decided would reconsider Turkey in December 2004

"In 2002, many positive human rights developments took place in Turkey: the death penalty was abolished; several restrictions on minority language education and broadcasting were removed; and some necessary but not yet sufficient formal steps were taken to prevent the use of torture. On

November 30, the 15-year-long state of emergency was lifted in the two provinces (Diyarbakir and Sirnak) where it had remained in force. The state of emergency had seriously restricted some basic human rights, particularly those related to arrest, detention and investigation of criminal suspects.

Three legislative reform packages were ratified in February, March, and August 2002, and a fourth one was announced in December 2002. The changes were mainly intended to meet European Union (EU) human rights accession standards in advance of the EU Copenhagen Summit in December 2002, which concluded the membership negotiations with ten countries, reinforced the candidate status of two others and decided on the candidate status of Turkey.

Despite the reform packages, many of the steps detailed in the EU document *Accession Partnership - 2000*, as necessary for Turkey to take in the economic and political spheres in order to qualify for membership negotiations, remained outstanding. Restrictions on freedom of expression persisted, exacerbated by the courts' failure to adhere to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Turkish police and gendarmes still commonly tortured or ill-treated detainees. The recommendation of the European Committee for the Prevention of Torture (CPT) to guarantee immediate access to all detainees was not followed in respect to detainees subject to state security court jurisdiction.

Former Kurdish parliamentarians remained imprisoned; thorough reform of the Law on Associations was long overdue; and problems in the prison system needed urgent solution. Human rights defenders continued to be persecuted, and there was insufficient support for the return of hundreds of thousands internally displaced people (IDPs).

[...]

The November parliamentary elections brought to power by a surprisingly large margin the Justice and Development Party (AKP, 34.3% of the vote while none of the former governing parties gained any seats). The AKP enjoyed support from nationalist and Islamist elements. Its leader, Recep Tayyip Erdogan, has himself been convicted for non-violent expression and stripped of his political rights, including running in parliamentary elections.

Although the OSCE/ODIHR generally deemed the parliamentary elections as a positive sign of the vibrancy of Turkey's democracy, it noted that there were still strict limits for the scope of political debate. This was seen, for example, in the measures to close down many parties during the election campaign, including the AKP and the People's Democracy Party (HADEP), and in the banning of many candidates from running as a result of past convictions for non-violent expression, including Murat Bozlak, former chairman of HADEP; Necmettin Erbakan, former prime minister and chairman of the banned Virtue Party; and Akin Birdal, former leader of the Socialist Democratic Party and former chairman of the Human Rights Association of Turkey.

Also, by European standards, the threshold of 10% of the nationwide vote for parties to enter the parliament was exceptionally high. The ODIHR also reported harassment of members of some political parties and human rights defenders, although the situation had improved markedly compared with previous elections. Finally, it recommended Turkey to find alternative penalties to the drastic sanctions (closure) of media outlets which violated regulations of media coverage.

The fourth harmonization package in December included a major improvement in the field of freedom of expression: editors-in-chief and news journalists no longer needed to reveal their sources to authorities. But serious concerns remained. As of the end of 2002, Turkish legislation still included hundreds of provisions, which inhibited free expression. Serious moves to abolish any of these provisions were met with accusations of willingness to compromise with "separatism," "religious extremism," "betrayal of the state" and even "treason." Despite a large number of independent media outlets and active debate in the media, certain topics remained forbidden: criticism of the power of the military and the plight of the Kurdish minority as well as dissenting views about the role of Islam frequently resulted in judicial proceedings and prison sentences. This was frequently done under the pretext of incitement to racial, ethnic or religious enmity, punishable under article 312 of the Criminal Code. Criticism of authorities or, for example, the

introduction of the F-type prison system, were often interpreted as insulting the state and its officials under article 159 of the Penal Code. Both articles were amended under EU pressure but were still used to restrict freedom of expression.

The prison term under article 159 was reduced from the maximum of six years to three years (the minimum length remained one year) and fines were abolished. Later a clause was added to the article specifying that speech intended to criticize, but not insult, state institutions shall no longer constitute a reason for punishment.” (IHF, 8 May 2003)

“On 3 August 2002 the Turkish Parliament formally approved a package of key democratic reforms, designed to improve Turkey's chances of EU membership. The package consisted of the following measures:

- i. An end to the death penalty in peacetime and its replacement with life imprisonment without the possibility of parole. Capital punishment will, however, remain on the statute books for wartime.
- ii. TV and radio broadcasts allowed in languages other than Turkish but not in contravention of principles of national sovereignty laid out in the Constitution. This change allows broadcasts in Kurdish. The Turkish Radio and Television Supreme Council will act as regulator.
- iii. Kurdish dialects to be taught in special courses at private schools, under the regulation of the Ministry of Education.
- iv. An end to penalties for written, vocal or pictorial criticism of state institutions, including the armed forces.
- v. The easing of restrictions on public demonstrations and association, allowing 48 hour notification to the authorities.
- vi. The easing of restrictions on both foreign and local non-governmental organisations working in Turkey.
- vii. Tougher penalties for people- and organ-smugglers, and those who help them, especially if the lives of immigrants are endangered.
- viii. Greater freedom for non-Muslim minority religions.
- ix. Revision of press laws and regulations.
- x. Changes to laws and regulations defining the duties of the police.
- xi. Prison sentences of up to 10 years for persons found to be profiting from forced labour.

The European Commission welcomed the package as an important signal of the determination of the majority of Turkey's political leaders to align Turkey further with the values and standards of the European Union. The EC's statement said that these reforms were significant steps towards better protection of human rights and the rights of minorities in Turkey. Stressing that the overall reform package needed to be carefully analysed in order to assess fully its impact, the EC said that this would be done in the regular report to be presented in the autumn. It added that much would depend on the package's practical implementation, which would be closely monitored in the months to come. Commissioner Günter Verheugen, responsible for EU enlargement, said "I welcome the courageous decision of the Turkish Parliament. This decision would not have been possible without a clear European perspective that the EU has developed for Turkey since the European Council of Helsinki in 1999. The Turkish decision also shows that the EU is right in being firm as regards human rights and the protection of minorities... Not to give in on these issues makes our partners better understand why we so strongly defend our values, and that they are precious to us."

One Turkish human rights activist described the reforms as "the most positive changes made during the history of the Turkish Republic". Another, Osman Baydemir, who leads the Diyarbakır branch of Turkey's Human Rights Association, said, in referring to the Kurdish role in Turkey, "For the first time the differences were accepted - a denial has stopped - they actually acknowledged that cultural differences exist." [...] Human Rights Watch commented "During the past year we have seen more substantial human rights improvements than any year since the 1980 coup. Instead of the previous tiny grudging steps, we have seen two major strides and the promise of further improvements." HRW added, however, that there were two areas in particular where Turkey must still act in order to demonstrate that it has broken with its history of human rights abuses: torture and freedom of expression.

The European Commission's October 2002 "Regular Report on Turkey's Progress Towards Accession" welcomed the fundamental reforms which Turkey has introduced since the decision in 1999 on candidate status for European Union membership. (The political criteria for membership are that countries must have achieved "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.") The report noted the major constitutional reform of October 2001, which strengthened guarantees in the field of human rights and fundamental freedoms, and restricted the grounds for capital punishment. A new Civil Code was adopted in November 2001. Three sets of reform packages were adopted in February, March and August 2002. The death penalty had been lifted in peacetime. The state of emergency had been lifted in two provinces on the southeast, and the decision had been taken to lift it by the end of 2002 in the two provinces where it still applied. The building of political consensus around these major changes (which were adopted under difficult political and economic circumstances) was prepared by an intensive public debate about EYU accession, a debate which took place with the participation of political parties, civil society, business as well as academic circles. The report concluded that, overall, Turkey had made noticeable progress towards meeting the political criteria for EU membership since 1998, and in particular in the course of the year ending October 2002. The August 2002 reforms were particularly far-reaching. Taken together, the reforms provide much of the groundwork for strengthening democracy and the protection of human rights in Turkey. They open the way for further changes which should enable Turks progressively to enjoy rights and freedoms commensurate with those prevailing in the EU.

Nonetheless, the Commission concluded that Turkey does not fully meet the political criteria for EU membership for the following reasons:

- (i) The reforms contain a number of significant limitations on the full enjoyment of fundamental rights and freedoms. Important restrictions remain, notably to freedom of expression, including in particular the written press and broadcasting, freedom of peaceful assembly, freedom of association, freedom of religion and the right to legal redress.
- (ii) Many of the reforms require the adoption of regulations or other administrative measures, which should be in line with European standards. Some of these measures have already been introduced and others are being drawn up. To be effective, the reforms will need to be implemented in practice by executive and judicial bodies at different levels throughout the country. The Commission considers that the decision of the High Electoral Board to prevent Mr Erdoğan, the leader of a major political party, from participating in the November 3 general election did not reflect the spirit of the reforms.
- (iii) A number of important issues arising under the political criteria have yet to be adequately addressed. These include the fight against torture and ill-treatment, civilian control of the military, the situation of persons imprisoned for expressing non-violent opinions, and compliance with the decisions of the European Court of Human Rights.

In the light of the noticeable progress made in recent years and of the remaining areas requiring further attention, the Commission encouraged Turkey to pursue the reform process to strengthen democracy and the protection of human rights, in law and in practice. This will enable Turkey to overcome the remaining obstacles to full compliance with the political criteria.

It emerged in late October 2002 that Europe's leaders might make, at the Copenhagen summit in December 2002, a firm pledge on membership talks with Turkey. Many EU states had come under pressure from USA to make concessions to Turkey, which the USA sees as a reliable NATO ally and a friend in the campaign against terrorism. Plans to give new encouragement to the Turks were urged by Greece and the UK; the British Foreign Secretary said that UK was "extremely positive about helping Turkey's accession to the EU".

[...]

The European Union summit in Copenhagen on 12 and 13 December 2002 decided that Turkey would have to wait until December 2004 before a review that could lead to negotiations for Turkey to join the EU. The review would decide whether Turkey met human rights criteria." (UK Home Office, April 2003)

“Legal reforms led to the abolition of the death penalty for crimes committed in peacetime and some amendments to laws restricting freedom of expression. However, many prisoners of conscience continued to face trial or imprisonment, particularly for expressing opinions on the Kurdish question or the high security "F-type" prisons, or for expressing Islamist views. Torture in police custody remained widespread and was practised systematically in the Anti-Terror branches of police stations in the southeast. The perpetrators were rarely brought to justice. Dozens of killings by security officers were reported; some may have been extrajudicial executions.

Legal reforms were introduced by the coalition government of Bülent Ecevit with the aim of meeting the criteria for accession to the European Union. The death penalty was finally abolished in August with the exception of crimes committed in times of war or imminent threat of war. Parliament passed three laws in February, March and August aimed at bringing Turkish law into line with European human rights standards. As well as abolishing the death penalty, other reforms included changing detention regulations and amending laws used in the past to curtail the right to freedom of expression. However, some of these legal changes were ambiguous and insufficient to tackle the human rights abuses they were supposed to address. Furthermore, the changes were often not implemented in practice.

Early parliamentary elections were held in November [2002] after several ministers resigned from the government formed by the Democratic Left Party (DSP) of Prime Minister Bülent Ecevit, the Nationalist Action Party (MHP) and the Motherland Party (ANAP). The Justice and Development Party (AK) was elected to government with an absolute majority. Of the other political parties, only the Republican People's Party (CHP) was elected to parliament. The AK deputy leader Abdullah Gül became Prime Minister. The AK party leader, Recep Tayyip Erdoğan, a former prisoner of conscience, was prohibited from standing for parliament because of his previous conviction.

In December[2002], the new government introduced a package of legal reforms which addressed key areas of concern including torture, impunity and freedom of expression. (UK Home Office, April 2003)

## **Internal Security Authorities**

### **The Jandarma**

In most rural areas where villages do not exceed 2000 in population (i.e. 93.5% of the area of Turkey), law enforcement is in the hands of the Jandarma or gendarmerie, a division of the regular army charged with law enforcement duties. There are 150,000 Jandarma, and conscripts make up over 90% of their strength. They wear red armbands bearing the word "Jandarma", and are often kitted out not in fatigues but in well-tailored gear, modelled on the French pattern, to make them appear less threatening. Jandarma take their orders from more than one source. They fall under the General Staff for training and special or military duties, the land forces for arms and equipment, and the Ministry of the Interior for security and public order. The Jandarma have their own intelligence service, the JITEM. [...] Another branch of the army much in evidence is the military police or Askeri Inzibat. They wear white helmets bearing the letters “As Ýz”, white holsters, and lanyards. Their task is to keep order among the large numbers of conscripts on the streets of many Turkish towns.

[...]

For the purposes of combating the PKK, the armed forces have some 200,000 troops stationed in the south-east, including highly trained commandos. There are also special teams (Özel Tim, plural: Özel Timler), coming under the army, police or jandarma, involved in combating the PKK. Some 15,000 to 20,000 members of such teams, all of whom have volunteered upon completion of their national service, are heavily armed and specially trained in anti-guerrilla warfare. According to the Turkish military authorities and international observers, the Özel Timler have been completely withdrawn from the south-east since 2000, a claim contradicted by the Human Rights Association. Attempts are currently being made to reintegrate those teams into society, partly by assigning them posts in the police. This is said to be a very laborious process.

[...]

### The Village Guards

When the state of emergency was declared in the mid-1980s a system of village guards was also established in the southeast whereby villages, though not forcibly, supplied adult men to guard the villages and provide general assistance and information. Village guards were thus supposed to work together with the army and Jandarma in their fight against the PKK. The willingness of the local population to take part in the village guard system has always largely depended on tribal loyalties. Some Kurdish tribes voluntarily supplied village guards while other tribes have constantly refused to participate because of their PKK sympathies. This has led to entire villages refusing requests to supply village guards while others voluntarily co-operate. The village guard system has always been highly controversial. Not infrequently villages which had shown reluctance to become involved in the conflict have suffered reprisals, including the burning of villages. The village guard system also makes for abuses of power. Many village guards have been involved in crimes ranging from murder, supporting the PKK, and drug smuggling, to bride abduction. Thousands of proceedings are pending against village guards, with almost 24,000 having been dismissed since the system was introduced in 1985. The European Commission's October 2002 report on Turkey notes that the village guard system acts as a disincentive to displaced persons' returning to their villages, and that the village guards' conduct is widely reported to be undisciplined and abusive.

According to representatives of the Turkish human rights organisations the Human Rights Foundation (HRF) and the Human Rights Association (HRA), as well as international observers, no more new village guards are being recruited to the existing ranks of approximately 70,000. However, according to an HRA spokesman, existing village guards who wish to end their activities sometimes meet with opposition from the (local) authorities. Those concerned are allegedly pressurised to continue their activities.

The abolition of the village guard system has been contemplated at government level for some time now. A few small-scale retraining projects for village guards have recently been announced. However, the village guard system generates a steady income, which people are not always willing to give up. Furthermore, disarmament will give rise to problems since village guards come from different tribes which not infrequently have difficult or poor relations with each other. It is assumed that none of the tribes will want to be the first or only ones to surrender their weapons.

In the past individuals recruited as village guards have sometimes been caught in the crossfire. On the one hand their refusal to serve as village guards could be interpreted as implicit support for the PKK, while on the other hand their acceptance of the office could make them PKK targets. Since the withdrawal of PKK fighters from Turkey at the end of 1999 there has been practically no further pressure to speak of from the PKK. Now that the recruitment of village guards has ceased, this issue is no longer of any great importance. In the past refusal to serve as village guard never used to lead to sanctions from the national authority. Pressure from local authorities following refusal to serve as a village guard can be avoided by settling elsewhere, for instance in one of the major cities outside southeast Turkey. This also applies to persons who are under pressure from the local community because they agreed in the past to serve as a village guard.

The "village guards" are armed and paid by the authorities to defend their villages against attack by the PKK and to deny them logistical support from the villages in the area. Although recruitment into the village guard corps is voluntary (indeed, some Kurdish tribes are pro-government and enthusiastic in their participation) refusal by individuals or entire villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas. The evacuation of the village, and its subsequent complete or partial destruction on security grounds, can follow a refusal to join. Between 1984 and 1999 and particularly in the early 1990s, the Government forcibly displaced a large number of people from villages. The Government reported that 378,000 people had "migrated" (it disputes the term "evacuation") from 3165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. A credible estimate of the number of persons who remained internally displaced during 2001 was as high as one million. The Interior Minister confirmed that 4455 villages and hamlets had been destroyed or deserted in the state of emergency region. There has of course been voluntary migration away from the rural areas for economic or educational reasons, continuing the previously established trend of migration to urban centres in pursuit of employment." (UK Home Office, April 2003)

## **Security in villages in southeastern Turkey remains very precarious (2001)**

- 65,000 village guards in the southeastern region, accused of human rights abuses
- Human Rights Foundation of Turkey continues to report about villages being raided by security forces
- Villagers risk being submitted to humiliations and beaten

“As a result of the 1984-99 conflict with the PKK, the Government continued to organize, arm, and pay a civil defense force of more than 65,000, mostly in the southeast region. This force, known as the village guards, had a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" were viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, was low.” (US DOS, 31 March 2003)

"Tajdin Süslü, Agabey Demir, Esref Dinç, Burhan Dinç, Yusuf Demir, Naci Demir and Ýhsan Demir, all of whom are living in the Pacan village of Van-Gürpýnar, stated that they had been detained by the gendarmes on 25 February when returning from Van. The villagers alleged that they had been kept at Karahisar Gendarmerie Station for an evening and that they had been beaten throughout that evening. The villagers stated that they were run down and insulted by the gendarmes who asked them, “What are you doing here? Are you taking this sugar to the terrorists? The villagers furthermore stated that they had tried to go to the Çilik village before, but that the gendarmes had not allowed them to proceed.

Special Team members raided Hasanoba, Yukari Çir and Asagi Çir villages of Bingöl-Karlıova on 10 March. During the raids, villagers named Ferit Aksoy and Mustafa Güngör were kept awaited on snow while being bare naked, and were beaten.

Within the 2nd week of March some villages of Diyarbakir-Lice and Diyarbakir-Kulp were raided. During the raids organized to the Çirali, Kiyi, Zümrüt villages of Lice, and Karaagaç, Hevidan and Kafa villages of Kulp the villagers were asked to fill in a form in which there were questions like: what is your ethnicity, mother-tongue; how is your economic condition, do you have any children living outside, who is imprisoned, who participated in the PKK?

A row broke out between the village guards of Buzikri and Hergule villages of Siirt-Eruh on 19 March, in connection with a land dispute over the fields of evacuated villages. The village guards named Abdurrahman Kaya, Sait Ýnan and Guri (surname undisclosed) were injured. Following the incident the village guards of Buzikri village Mahfuz, Haci, Sidik and Mustafa Aslan were detained. The detainees were released after testifying at the prosecution office. After that, Buzikri village was raided by the security forces, and the firearms of Halil Bestas, village headman, and village guards Haci Aslan Mahfus Aslan, Sidik Aslan and one more guard whose name was undisclosed were seized.

At the end of March, Bagdere (Basnik), Yuvaköy (Heline), Çigdemli (Kürbeyte) and Karacalar (Hacican) villages of Diyarbakır-Silvan were raided by the soldiers. Many villagers were reportedly detained during the raids and the houses of Hatip Yanık, Davut Yanık and Mehmet Göçer in Çigdemli village were reportedly set on fire. The detained villagers were reportedly subjected to torture and maltreatment." (Human Rights Foundation of Turkey March 2001, sect. 2.1)

## **Majority of enforced disappearances affects ethnic Kurds in southeastern Turkey (2001)**

- Numerous cases of enforced disappearances attributed to state officials have been reported by international organisations, the majority of them in the southeast
- Most cases concern persons of Kurdish ethnic origin and occurred in the provinces of Diyarbakir and Siirt in south-east Anatolia
- Most of the missing persons have allegedly been arrested and mistreated by the police on charges of belonging to the PKK
- Members of the security forces who are allegedly responsible for most cases of enforced disappearances have rarely been prosecuted for these acts
- The number of enforced disappearances has declined significantly since 1994
- Abductions by PKK terrorists of local villagers and state officials has virtually ended since the capture of the PKK leader Ocalan (1999)

"In January 1998, the Commission on Human Rights reported to the UN Working Group on Enforced or Involuntary Disappearances that 153 cases of disappearance had been transmitted to the Turkish Government since 1990. The majority of these occurred in the southeast, in areas where a state of emergency is in force. In February 1999 Amnesty International reported that of these 153 cases, 83 remained unresolved.

The United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) visited Turkey in September 1998, and reported their findings at the end of December 1998. Since its creation, 166 cases of enforced disappearance have been reported to the UNWGEID, of which 79 have been clarified, most of them by the Turkish government. The highest number of cases occurred in 1994 (72 cases). The numbers dropped to 17 in 1995, to 12 in 1996 and to 9 in 1997. During 1998, 13 cases were reported. The victims included members of political opposition parties, journalists working for newspapers opposed to the government, trade unionists or villagers suspected of supporting subversive organizations. The UNWGEID also received allegations of disappearances imputed to the PKK and other armed groups. However, these cases do not fall within the mandate of the UNWGEID.

Most of the disappearances concerned persons of Kurdish ethnic origin and occurred in the provinces of Diyarbakir and Siirt in south-east Anatolia. There were some disappearances in Antalya, Izmir and Istanbul. Most of the cases followed the same pattern: the missing persons had allegedly been arrested at their homes on charges of belonging to the PKK and taken to the police station, but their detention was later denied by the authorities, in most cases police officers or state prosecutors. In many cases, torture or ill-treatment at the hands of the security forces was reported or feared. Some of the disappearances occurred during raids conducted by gendarmes accompanied, at times, by village guards.

It has been reported by some Turkish human rights groups that some Turkish law enforcement officials do not register suspects when they are initially taken into detention, the allegation being that if the suspect should die during questioning then there will be no record of them having been detained. There is also the problem concerning the effective incommunicado detention available to the authorities in relation to suspects held for crimes covered by the State Security Courts.

The Turkish government has sought to remedy these problems by introducing new detention procedures in August 1998. Suspects now have the ability to notify his family of his detention, even in cases covered by the State Security Courts, provided there is no harm to the outcome of the investigation. Full detention registers are to be kept and suspects are to be medically examined before they are taken into detention as well as after. Turkish NGOs have complained that the provisions are frequently ignored.

The UNWGEID was of the opinion that, comparatively speaking and taking into account the number of outstanding cases of disappeared persons, as well as the decrease of allegations in the past few years, mainly since 1994, enforced disappearances in Turkey should not be evaluated as a massive or systematic practice of governmental agencies. Such an assessment does not exclude the existence of such a practice.

[...]

Although members of the security forces are said to be responsible for most cases of enforced disappearances, they are rarely brought to trial or prosecuted for these acts. Although arrests of police and other law enforcement personnel increased in cases of extrajudicial killings, the number of arrests remained low, and punishment for those persons convicted remained insufficient. The PKK has routinely kidnapped young men, or threatened their families, as part of its recruiting effort. PKK terrorists continue to abduct local villagers, teachers, journalists and officials in the south east." (UK Home Office April 2001, paras. 5.16-5.23)

"Unlike the previous year, there were no reports of disappearances of political activists. Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or law enforcement officials, are hard to confirm. However the HRF [Human Rights Foundation] claims that there were no such disappearances in 2000, compared with 36 of this type in 1999.

[...]

The PKK's practice of kidnapping young men or threatening their families as part of its recruiting effort and abductions by PKK terrorists of local villagers and state officials has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in the country." (U.S. DOS February 2001, sect. 1b)

*For the latest reports on cases of disappearances, consult the monthly human rights reports of the Human Rights Foundation of Turkey [[Internet](#)]*

### **Most reports of extrajudicial killings pertain to southeastern Turkey (2000-2001)**

- Cases includes deaths in police custody, deaths of suspected criminals in house raids and deaths of individuals who refuse to become village guards
- Security forces have been reportedly involved in most cases but the government blames many of cases the Islamist Turkish terrorist group Hezbollah
- The PKK has discontinued its practice of targeted political murders but still clashes with security forces and "village guards"

"Security forces are responsible for extrajudicial and political killings, particularly deaths in police custody, deaths of suspected criminals in house raids and deaths of individuals who refuse to become village guards. Most of the reports pertain to the south east. The principal victims of extrajudicial killings and "mystery killings" which security forces are suspected of having carried out include 'suspected PKK sympathisers, HADEP and DEP organizers, journalists especially of pro-Kurdish publications, and trade union activists' as well as 'prominent members of the Kurdish community, physicians, human rights monitors, [and] local politicians'. The government blames many of the 'mystery killings' on Hizbullah/ Hezbollah, an Islamist Turkish terrorist group. In January 1998, four trials continued against 89 Hizbullah/ Hezbollah members charged with a total of 113 murders.

[...]

The PKK routinely commits political and extrajudicial killings, primarily in the rural south east. The PKK, the DHKP/C and other armed groups, such as the Turkish Workers' and Peasants' Liberation Movement (TIKKO), reportedly use the threat of murder as a form of party discipline. According to the US Department of State, PKK terrorists 'murdered non-combatants, targeting village officials, teachers and other perceived representatives of the State and committed random murders in their effort to intimidate the

populace'. The PKK regularly carry out attacks against village guards, often executing the guards, their wives and children." (UK Home Office April 2001, paras. 5.24-5.26)

"According to human rights monitors, there were no killings of high profile, pro-Kurdish figures in the southeast or of pro-Kurdish politicians, journalists, or lawyers. The HRF reported a nationwide total of 10 unsolved killings, some of which may have had a political component. In May the Diyarbakir Provincial Chairman for the right-wing National Action Party (MHP) was killed while walking near his home. In December [2000] a human rights activist in Eskisehir was allegedly abducted by persons claiming to be police officers, forced to drink pesticide, and left for dead (although he was found and taken to a hospital, where he recovered). According to information provided by the Governor of Eskisehir, the assailants were criminals posing as police officers.

The PKK discontinued its practice of targeted political murders, but it remains armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the Turkish National Police, during the year [2000], 35 security officials and 24 civilians died in terrorist incidents, and 270 PKK members were killed by security forces." (U.S.DOS February 2001, sect. 1a)

*For the latest reports of extrajudicial killings, consult the monthly human rights reports of the Human Rights Foundation of Turkey [[Internet](#)]*

### **Torture remains widespread in the southeast and in large cities, despite recent improvements (2000)**

- Human rights advocates believe that thousands of detainees were tortured during the year
- Only 5 to 20 percent of the victims allegedly report torture because they fear retaliation or believe that complaints are futile

"The Constitution prohibits torture; however, members of the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continues to be widespread. However, based on reports from a number of sources, the incidence of torture appears to have declined somewhat, especially in the southeast, where there have been fewer political detentions.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by police. The HRF estimates the number of credible applications by torture victims at its 5 national treatment centres to be approximately 1,030 in 2000, compared with some 700 in 1999. These figures include complaints stemming from previous years' incidents. The HRF believes that these numbers seriously underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile.

Some of the factors affecting the rate of torture are the use of incommunicado detention and the number of detentions in general; reduced PKK violence, which has eased treatment by security officials; and increased concern about the problem from many sources. Human rights monitors report improvement in some areas of the country, especially in the first 6 months of the year, but problems continued, especially in some rural areas. All report that torture remains widespread in the southeast and in large cities." (U.S.DOS February 2001, sect. 1c)

*For the latest reports of torture consult monthly reports of the Human Rights Foundation of Turkey [Internet]*

### **Arbitrary arrest and detention: derogatory law applies in state of emergency areas (2000)**

- The use of a prosecutor's detention order is in practice extremely rare
- In state security cases, the pretrial detention period without charge and without access to a lawyer is longer, can be extended to 15 days in the state of emergency area
- The police reportedly detain, beat, and then release groups after the maximum period of detention in order to intimidate them
- Judges have ordered that some suspects be detained indefinitely, sometimes for years

"Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare. According to the HRA, there was significant improvement in the first 8 months of the year in numbers of detentions (21,866) compared with the same period in 1999 (40,380). However, the HRF claims that in the final 2 months of the year there was an upsurge in unregistered detentions in connection with prison protests.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities do not always respect these provisions and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. Current regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials." (U.S.DOS February 2001, sect. 1d)

*For the latest reports of arbitrary arrest and detention, consult the monthly human rights reports of the Human Rights Foundation of Turkey [Internet]*

### **Kurdish asylum seekers have been denied asylum in Europe on the ground that they may find a relative safety elsewhere in Turkey (2000)**

- According to a UK Home Office report, Kurds outside southeastern Turkey do not usually suffer persecution, provided they do not assert their Kurdish identity
- Courts in Germany rejected claims of persecution in Turkey on the ground that Turkish Kurds are not subject to persecution for merely being Kurds
- UNHCR advise that, in general, Kurds fleeing southeast Turkey have a possibility to relocate within Turkey, unless at risk of being suspected of connection to the PKK

"Outside south east Turkey, Kurds do not usually suffer persecution, or even bureaucratic discrimination, provided they do not publicly or politically assert their Kurdish ethnic identity. Kurds who publicly or politically assert their Kurdish ethnic identity run the risk of harassment, mistreatment and prosecution. In urban areas Kurds are largely assimilated, may not publicly identify themselves as Kurds and generally do not endorse Kurdish separatism. Indeed they often intermarry with Turks, reach the highest levels of society, and are seldom discriminated against on ethnic grounds. Among many high-ranking Kurds who do not deny their ethnic origins are Hikmet etin, the former Deputy Prime Minister and CHP Chairman. It is estimated that 25% of deputies and other government officials claim an ethnic Kurdish background. The late President, Turgut zal, admitted to having Kurdish blood. Seraffetin Elci, an ethnic Kurd, acknowledged that the situation today is different from that that saw him imprisoned, although there was still no legal status to 'Kurdishness'.

[...]

In February 1997, a UNHCR representative stated that it was not possible to sustain a claim of persecution solely on the basis of being a Kurd per se. The High Administrative Court (VGH) of Baden-Württemberg, in a ruling made public on 6 May 1998, concluded that Turkish Kurds are not subject to group persecution. Two rulings made public on 22 December 1997 by the Administrative Court (VG) of Karlsruhe, Germany, also concluded that Turkish Kurds are not per se exposed to persecution for merely being Kurdish. This conclusion applied even in area where there is serious military confrontation between State forces and the PKK. The UNHCR Background Report on Refugees and Asylum Seekers from Turkey, dated October 1997, does not state that Kurds are group persecuted." (UK Home Office April 2001, paras. 6.11-6.13)

"UNHCR advise that, in general, Kurds fleeing southeast Turkey have a possibility to relocate within Turkey. According to their information, the large number of internally displaced persons in Turkey do not normally face serious security problems. However, the ongoing conflict between the Turkish state and the PKK has increased tensions between Turks and Kurds, in particular in big cities where there has been a large influx of Kurds fleeing conflict zones. These tensions have been exacerbated by the arrest, trial and

conviction of PKK leader, Abdullah Öcalan. Obviously, the group most likely to be exposed to harassment/prosecution/persecution are Kurds suspected of being connected to or being sympathisers with the PKK. In view of the above, UNHCR advise that it is essential to find out if Turkish asylum seekers, if returned, would be at risk of being suspected of connection to or sympathy with the PKK, or have otherwise a political profile. If this is the case, UNHCR continue, they should not be considered as having been able to avail themselves of the option to relocate in a region outside the southeast of the country." (UK Home Office April 2001, para. 7.28)

### **NGO fact-finding mission disagree with the view that Kurds can find safety outside the state of emergency area (2000)**

- Only an educated minority among the Kurdish population can easily integrate the Turkish society
- Most of the displaced Kurds in western cities are exposed to discrimination and harassment as they cannot hide their Kurdish background
- Displaced Kurds are at risk of arbitrary detention and mistreatment by the police or the gendarmerie
- Kurdish settlements are always under the surveillance of security forces and may be subjected to curfew

#### **"Daily discrimination and the danger of harassment for displaced Kurds**

In addition to such formal prohibitions on Kurdish expression, Kurds find discrimination on the street. Before describing this, one should note that a Kurd who is able to pass for a Turk may well not experience any discrimination and if he chooses to make no issue of his Kurdish ethnic identity can, indeed, rise to the highest levels of the state. For example, Admiral Fehmi Koruturk who became President after the 1971 *coup* was a Kurd. Kamran Inan, to quote another example, held cabinet rank and competed against Demirel for the Presidency in 1993. He came from distinguished Kurdish religious family. But like Koruturk he chose to live a life loyal to the ideology and ethos of the Turkish Republic.

Displaced Kurds, however, do not come from the educated elite. Most betray their Kurdish identity by their speech, and this is confirmed by the place of birth given in their ID. It is from their ranks that many asylum seekers come. There are two standard arguments made in Home Office letters of refusal which are relevant. The first implies a Home Office belief that persons who choose to live outside OHAL, for example to move to a city in central or western Turkey, may safely do so:

'The Secretary of State is not satisfied that if you returned to Turkey now you would have to reside in the troubled south east.'

The second statement, unfortunately cast in highly delphic wording, seemingly implies that, while it is understandable that the rule of law does not prevail inside OHAL (and that therefore there is no available domestic legal recourse), the Home Office believes that there are no obvious grounds for a person to have a well founded fear of persecution *outside* OHAL:

'However, he [the Secretary of State] notes that you do not come from one of these [State of Emergency] provinces and there is no reason to think that the situation in those provinces brings you within the terms of the Convention.'

In the light both of published evidence already in the public domain but also the powerful statements made to us during our fact-finding mission in Turkey, we disagree with this assumption. We consider it wrong-headed in the light of what is known.

We were told repeatedly by those involved in human rights work that Kurds were at risk of arbitrary detention simply *as* Kurds because many members of the security forces view Kurds as suspect *per se*. In other words, there is an inclination by the security forces to detain recognisably Kurdish people, because

they may be sympathetic to the Kurdish national movement. Kurds in shanty areas and low income areas are probably at greatest risk. They know that they are collectively under observation and individually must be careful not to attract attention or to be seen in a potentially compromising situation. As Eren Keskin, secretary-general of IHD Istanbul, informed us: 'the shanties are always under police surveillance, or outside the cities, under gendarmerie and JITEM (Jandarma Intelligence) surveillance.'

Gaziosmanpasa quarter in Istanbul has a relatively high proportion of Kurds and Alevis [...]. We were informed:

'There is still a curfew from 11 pm till dawn with road-blocks [introduced following the 'events' of March 1995]. Following the events a police station was sited to overlook the main street and the *cemevi* (Alevi meeting house). Furthermore, the cultural centres of the neighbourhood were progressively closed from 1995. There is no reason to close them. Gazi is very cosmopolitan. The police do not like it.'

Being observed talking with foreigners, such as ourselves, was viewed as dangerous, even for those people who had done nothing wrong and were merely displaced persons. In Adana we were warned not to enter any shanty area after dark. The danger, we were told, was not from the residents but from the police. Many of those invited to speak with us declined. They were too frightened. This confirms McDowall's experience visiting Kurdish low income and shanty areas of Istanbul, notably Kutçuk Çekmece, in March 1996. Those who did speak with us confirmed that they live in permanent fear of the police, and of informers within the community. We received startling confirmation of the close watch kept on shanty areas when we visited Yakarpinar, some 20 km east of Adana. We had been walking for about 5 minutes through the main track of the shanty area when we were suddenly surrounded by armed gendarmes and removed to the nearby gendarmerie station. It was, we were told, for the protection of the inhabitants. We had not had the chance to meet any resident in Yakarpinar except very briefly a middle-aged man who refused to talk with us. He had, he explained to our HADEP minders, been beaten up by the gendarmerie commander only the week before, not on his own account but because his son was a political prisoner.

There is also strong evidence of the reasons for this fear in several of oral statements we took. Three of the more shocking cases [...] indicate that Kurds may well be either 'educated middle class' or belong to longstanding economic migrant families rather than recently displaced villagers. We cannot therefore accept the contention that *any* assumption may be made concerning the potential safety of those moving out of the south-east. Furthermore, there was great consistency in the causes of fear, whether we spoke with displaced Kurds in Istanbul, Adana or Gaziantep, and these kinds of fear were also confirmed by IHD delegates from the other cities we were unable to visit .

A nice distinction between human rights observance inside and outside the OHAL was drawn by a member of the Elazig delegation to the IHD Congress in Ankara:

'Human rights violations in Tunceli [in the OHAL] and Elazig are just the same. There is no difference except that if the governor forbids any cultural activities in the OHAL, you cannot go to the Administrative Court to appeal against the decision.'" (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 16-17)

## **Freedom of movement**

---

### **Travel inside the state of emergency provinces often restricted for security reasons (2000)**

- Use of roadblocks has recently decreased

"Turkish citizens generally enjoy the freedom of movement domestically and the freedom to travel abroad. It is the constitutional right of a Turkish citizen to obtain a passport. This right is denied only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. Within Turkey, travel outside the state of emergency provinces is not restricted. Travel inside the state of emergency provinces is often restricted for security reasons. Both the security forces and the PKK set up roadblocks in the region, although due to the improved security situation the use of roadblocks has decreased." (UK Home Office April 2001, para. 7.25)

### **Debate about the introduction of internal visas (1998-1999)**

- Istanbul Mayor proposed creation of entrance visas to residents to prevent unwanted population growth (1998)
- Mayors and governors of large cities reportedly denied entry or summarily expelled internal migrants

"The Foreign Ministry official (quoted above saying that there are no displaced persons in Turkey), told USCR that in Ottoman times, the state controlled internal migration. She said, 'to prevent this exodus, some have suggested imposing an internal visa to enter Istanbul. We categorically reject this.'

The question of internal visas appears to be the subject of some controversy (although many Turkish citizens scoff at the debate as much ado about nothing, insisting that Turkey would never restrict internal rural-to urban migration). In August 1998, Istanbul mayor Recep Tayyip Erdogan said that Istanbul should issue entrance visas to residents to keep out unwanted migrants. He cited the proliferation of illegal construction in the city's shantytowns as one problem associated with the "artificial" population growth of Istanbul, which he said, numbers about 10 million. 'What I am talking about is not like the visas in international passports,' said Erdogan, 'but controlling entrance to the city through a travel document.'

Other mayors and governors have taken the law into their own hands, and denied entry or summarily expelled internal migrants. In July 1997, local officials in Van reportedly pushed back 270 people from Doganli village in Hakkari Province, the scene of intense conflict. Officials reportedly put them on buses and sent them back. Hurriyet, a Turkish daily newspaper, quoted an official from Van as saying, 'Our population has increased to 600,000 from 153,000 due to immigrants. We do not want any more trouble.'

In August 1998, Kemal Yazicioglu, the governor of Ordu, on the Black Sea coast, reportedly deported hundreds of Kurdish migrants and refused entry to hundreds more. 'Security troops are sending away truckloads of these workers at the [provincial] border,' a regional official said. He went on to say, 'The governor has banned all outside laborers because of concern that some workers could be members of the separatist organization,' a reference to the PKK.

'It's a disgrace,' Seyit torun, the mayor of Ulubey, a town of Ordu, complained to the Turkish daily newspaper Cumhuriyet. 'People who have spent three or four days on the back of a truck coming here, who arrive hungry and thirsty and looking for work, are arrested, taken to the district line, and sent back.'" (USCR 1999, p. 16)

### **Other concerns**

---

#### **Access to justice: Fear of retaliation prevents the displaced from reporting abuses (1999-2001)**

- International NGOs report that Turkey has actively intimidated internally displaced people to prevent them from testifying about their situation
- The European Court of Human Rights has established in several cases that displaced persons had been discouraged by Turkish authorities to exercise their petition right
- 1,125 cases brought to the ECHR in 2002, including right to fair trial and dispossession of property
- Landmines remain a security threat

"The USCR researcher found most Kurds he encountered in the southeast to be fearful of being discovered speaking to him about their situation. Finding internally displaced persons willing to talk was not easy. Often, assessing whether or not they were speaking forthrightly was even more difficult. In a few instances, where USCR was able to visit the displaced in private quarters where they felt secure, they sharply criticized the government, blaming it (soldiers and police) for their displacement, and expressed discontent with their current situation. More often, it was not possible to establish such interview conditions. Under circumstances where people were interviewed in more public surroundings without adequate confidentiality, they praised the government, condemned the PKK, and expressed satisfaction with their situation. This is not to say that their testimony was untrue. Given the radically different testimonies, however, caution is needed in assessing any claims.

Turkey has actively intimidated internally displaced people to prevent them from testifying about the causes and consequences of their displacement. In particular, the European Court of Human Rights has determined that the Turkish government has sought to prevent displaced persons from testifying before the European Commission of Human Rights (ECHR) regarding allegations that Turkey violated the European Convention for the Protection of Human Rights and Fundamental Freedoms. On September 16, 1996, in the case *Akdivar et al. v. Turkey* (Council of Europe-European Court of Human Rights document 99/1995/605/693), the Court ruled that the Turkish authorities exerted 'illicit and unacceptable pressure' on the applicants to withdraw their petitions. The applicants were villagers who alleged that Turkish security forces evacuated and destroyed their village following a PKK attack.

Human Rights Watch has encountered similar difficulties. HRW has documented the problem of convincing internally displaced persons whose rights have been abused to report such abuses. In bringing complaints of human rights violations before the ECHR, HRW cites the Commission as saying that applicants' fears of retaliation for reporting abuses cannot be discounted. HRW quotes Mahmut Sakar, chairman of the Human Rights Association of Diyarbakır about a complaint brought to the ECHR on the burning of the village of Lice and the expulsion of its inhabitants:

*We apply to the Commission, which sends the application to the government. For ex-ample, we file an application on the burning of the village of Lice, they send the application to the Gendarme, who then call the villagers. They ask them, "Did you do this?" and they reply, "No, we love the state." We claim that the Gendarme has burned a village, and it is the Gendarme that is asked to assist in the investigation. In my opinion, 90 percent of the applicants from this region have been threatened. I know most of the cases from around here. Most realize the best way to survive is to shut up.*

During USCR's site visit, another lawyer spoke to this issue. 'My own village was burned, it is now empty,' he said. 'I tried to get the people from my village to apply to the European Commission. They refused out of fear and because of threats.' Closely related to the sense of fear, are other forms of psychological trauma associated with loss and failure. Passing an elderly man in traditional dress sitting alone on a sidewalk stool in Van, a local resident traveling with the USCR researcher commented, 'That man, in normal times, would be in his home, surrounded by family, supported by his children and grandchildren.' The loss of dignity takes an enormous toll. The man who ran a local humanitarian organization devoted to assisting displaced persons (until the authorities closed it down) spoke bitterly about this:

*After forced migration, people feel alone, left out. A person who was a leader in his own village now sells tomatoes in the street. He sends his daughter or wife to an-other house as a servant. He has no more pride. All he does is try to make ends meet. People look for food in the garbage. They live in barns and tents. The authorities have achieved their aim to strip away their personalities and their pride. They are trying to create a nation of bowed heads, like sheep.*

The fear does not end after fleeing one's village or town. Most displaced persons interviewed by USCR had fled multiple times, usually citing a pervasive sense of insecurity as the reason for moving on." (USCR 1999, p. 10)

See also "[Domestic law applying to compensation for property loss: no effective remedies \(2001\)](#)" [[Internal link](#)]

See also following judgements of the European Court of Human Rights regarding violations of the individual right of petition:

- *Akdivar et al. v. Turkey* (Application no. 21983/93), 16 September 1996 [[Internet](#)]
- *Dula v. Turkey* (Application no. 25801/95), 30 January 2001 [[Internet](#)]

“The Government recognized the jurisdiction of the ECHR. Between October 2001 and July [2002], applications regarding Turkey were made to the ECHR. The majority of these--1,125 cases--involved the right to a fair trial; 304 concerned the right to liberty and security; 246 concerned the prohibition of torture; 104 concerned freedom of assembly and association; and 95 concerned freedom of expression. According to the European Commission, the Government's failure to execute ECHR judgments remained a serious problem. The Commission reported in October that there were 90 outstanding cases in which the Government failed to fully make payments ordered by the ECHR and 18 cases relating to freedom of expression in which the Government failed to erase the consequences of criminal convictions overruled by the ECHR. In July the Council of Europe adopted an interim resolution regarding Turkey's lack of compliance with approximately 40 ECHR judgements on violations by Turkish security forces issued since 1996.

During the year [2002], the ECHR ruled against the Government in 54 cases—including 22 cases involving the right to a fair trial and 21 involving dispossession of property (from villages in the southeast)--and in favor of the Government in 2 cases. The Government accepted a friendly settlement in 43 cases, and the ECHR dismissed one case.

In August [2002] Parliament passed an amendment under which rulings of the ECHR could be grounds for a re-trial in a Turkish court. Previously, those who won their cases at the ECHR were only entitled to financial compensation. Re-trial applications must be approved by the General Legal Council of the Court of Appeals. The measure was not retroactive; it applied only to cases to be brought to the ECHR starting in 2003. At year's end [2002], Parliament was reviewing a bill that would allow the measure to be applied to most past cases.

The ECHR continued its inquiry into former PKK leader Abdullah Ocalan's allegations regarding irregularities of his capture and trial in the country. Human rights observers, including the U.N. High Commissioner for Human Rights, had raised several due process concerns in the Ocalan case.” (U.S. DOS, 31 March 2003)

### **Landmines**

“Landmines laid by the government along the borders, and by both sides in the conflict between the security forces and the PKK, killed eleven people, including four children. Following Turkey's 2001 declaration that it would join the Ottawa Convention banning antipersonnel mines, it took important steps toward accession but had not completed procedures by late October [2002].”(HRW, 14 January 2003)

“In view of the human sufferings and casualties caused by anti-personnel land mines, the international community has long been endeavoring to take effective measures in order to prevent their use. The resolutions of the United Nations General Assembly calling on Member States to implement a moratorium on the export of anti-personnel land mines constituted an important part of these efforts since 1993. In light of these resolutions, Turkey unilaterally declared on 17 January 1996 a comprehensive moratorium on all anti-personnel land mine exports and transfers for a renewable term of three years.

Moratoriums on the export of anti-personnel land mines were superseded on 1 March 1999 by the entry into force of the Ottawa Convention, which provides for the total prohibition of the use, stockpiling, production and transfer of the said mines as well as their destruction. The security situation around Turkey precluded her from signing the Ottawa Convention at the time of its conclusion. Nevertheless, as an expression of her commitment to the humanitarian objectives of the Convention, Turkey extended her national moratorium on the export and transfer of anti-personnel land mines on 17 January 1999 for another three years. Turkey also concluded agreements with Bulgaria in March 1999 and with Georgia in January 2001, with a view to establishing regimes for keeping the common borders free from these mines.

After careful consideration, Turkey has now decided to accede to the Ottawa Convention. Moreover, Turkey and Greece have agreed to concurrently start the procedures that will make both countries parties to the Ottawa Convention. Turkey has come to the stage of submitting the Convention to the Turkish Grand National Assembly for finalization of the accession procedures.

In the meantime, the duration of Turkey’s national moratorium on the export and transfer of anti-personnel land mines expired in January 2002. Turkey has decided to extend once again her moratorium on the export and transfer of anti-personnel land mines, this time indefinitely, as an expression of her sincere commitment to becoming party to the Ottawa Convention.” (Turkish MFA, 15 March 2002)

# **SUBSISTENCE NEEDS (HEALTH NUTRITION AND SHELTER)**

## **General**

---

### **Basic problems of displaced after migration**

“The basic problems encountered by the migrants in the post-migration period can be classified as the following:

Employment-income-economic problems,

Educational-nutrition-health problems,

Adaptation problems and the problems that are based on linguistic-cultural differences,

Fear-psychological uneasiness because of the very nature of the migration and the constant activation of such feelings due to being treated/regarded as potential criminals,

Problems of loneliness that requires immediate attention.”

(Göç-Der 2002, pp.61-62-II)

### **HRW: Conditions for the displaced villagers**

“During our research, I talked to many displaced villagers in Turkey's major cities where they had sought refuge. And all described frankly miserable lives and expressed a bitter sense of the injustice inflicted on them. If you go to Turkey, you won't see big refugee camps, because the displaced have made themselves invisible by crowding in with relatives and neighbors and finding work where they can. But they are farmers, not urban entrepreneurs. They are living in great poverty, in conditions prone to disease and social exclusion, and the overwhelming majority are longing to go home. For some, this is impossible, because the local governor has forbidden their village to be reoccupied. Others are turned back by the gendarmerie. And even if both the local governor and gendarmes allow return, the displaced often face obstruction by village guards, who have occupied the land in their absence.” (CSCE, 10 June 2003)

## **Shelter**

---

### **COE: Assessing the housing conditions of the displaced (March 2002)**

“It has to be made clear that generally, the Turkish Government has failed to provide emergency assistance to people forcibly displaced in the south-east, including persons displaced directly as a result of the actions of Turkish military and security forces. These people have not been provided with any shelter or food in the immediate aftermath of the displacement. The Government has not arranged for any temporary accommodation in tents or collective facilities and the displaced persons could count only on their relatives or scarce assistance from humanitarian organisations. As a result, the majority of the displaced persons have flooded the provincial cities (mainly Diyarbakir, Batman, Sirta, Hakkari) crowding into homes of relatives, sometimes with more than thirty people residing in dwellings intended for a single family and setting up shanty towns in the outskirts.

The absence of affordable housing for people who have been rendered homeless by the conflict and for different reasons cannot return is still a critical problem. Although the Government has constructed some housing in the towns, the numbers are far from sufficient. At the end of 1997, the OHAL governor stated that 5 524 houses had been built to accommodate displaced persons, including 693 in Diyarbakir, 932 in Hakkari, 2 767 in Sirnak, 175 in Tunceli, 152 in Van.

The majority of the displaced rural population of Kurdish origin live in urban centres in dramatic conditions and extreme poverty, creating specific integration problems for local communities. Overcrowded places have usually inadequate heating, no sanitation and inadequate infrastructure. Malnutrition, insufficient and dirty drinking water, improper disposal of sewage and garbage are common problems.

On average, all regional cities in the south-east have doubled or tripled in size in the past decade without a commensurate increase in services such as schools or hospitals. Diyarbakir, the main city of the region, grew from 400 000 in 1990 to about 1,5 million in 1997. Many people from the area have left for the west parts of the country. Istanbul hosts a big number of Kurdish Turks (estimates vary from 1 to 3 millions).” (COE, 22 March 2002)

### **Displaced returning to villages face shelter needs (August 2002)**

- One returning family consisting of 63 persons lived together in one house
- Displaced returning to Bitlis temporarily live in schools and tents, staying there till their houses are reconstructed

“Suleyman Uygur, who has two wives, 18 children and 32 grandchildren, is now living in the same house with his 63 family members after returning to his village.

According to the Anatolia News Agency, the Uygur family, forced to emigrate from the village of Cevizlidere in 1994 because of terrorism in the area, returned to the village and must now live in the only house that was not destroyed. The house is a 90 square meter duplex with five rooms.

"Following the end of the terrorist activities, we returned to our village. We haven't visited for seven years. That's why the houses were destroyed over time, but we have to live there. We consume 750 kilograms of flour, 90 kilograms of oil, 250 kilograms of sugar and 60 kilograms of boiled and pounded wheat each month. We bake 150 loaves of bread everyday. All our money goes on food, so we cannot build a house," Uygur said.” (Turkish Daily News 1 August 2002, "63 people share a house")

### ***Displaced returning to Bitlis temporarily stay in schools and tents:***

“After many years, Bitlis residents have returned to their village and are temporarily living in schools and tents. The villagers said that encountered many difficulties while living in Istanbul, and could not cope up with the urban conditions, so they decided to return to their homeland. They said that their first aim is to reconstruct their wrecked houses and solve the electricity and water problems. They also want the support of the state in order for this to materialize.

Bitlis Governor Ugur Boran stated that work for the "Return to the Village Project" is continuing rapidly and pointed out that the villagers want to stay in tents. Boran said that they have provided tents to the villagers through assistance of the Civilian Defense and therefore prevented the villagers from going to city center and spend money on transportation. The governor said the villagers will temporarily live in these conditions until winter and "we will endeavor to provide all their needs until then.” (Turkish Daily News 11 July 2002)

### **Housing initiatives favour former village guards (October 2002)**

“In some cities, the authorities provided some housing for displaced villagers, but these initiatives are mainly intended for former village guards. In Van, for example, provision was made for a group of eight hundred villagers, mainly former village guards and their families, who were told to leave by the authorities because their settlements, near the Iraq border, could not be protected from PKK attacks. The 285-unit Yalým Erez Lodgings outside Van were a major central government investment and generally appreciated by residents. As a rather ad hoc and temporary arrangement, however, it suffered a number of shortcomings. Funding ran out before the sewage disposal system was completed and news reports, confirmed by the residents interviewed by Human Rights Watch, said that at least four children had drowned in cesspools flooded during the winter months.

Most of the inhabitants of the Yalým Erez Lodgings are livestock keepers by profession, unskilled in other trades, and therefore find difficulty in supporting themselves in an overcrowded city with a high rate of unemployment. Provision of this kind is rare, and even in Van, Human Rights Watch met other former village guards from the same area who had left under the same circumstances but had been unable to find accommodation in the Yalým Erez Lodgings or elsewhere, and were living in agricultural buildings with no sanitation and served by a single tap. Villagers interviewed at the Yalým Erez Lodgings said that they would prefer to return to their original homes. They were angry at the loss of friends and relatives killed in PKK attacks, but also resentful at the lack of care and concern for them shown by the state. One man told Human Rights Watch, “We were village guards but like all villagers we were stuck between the two sides. We lost thirty-two villagers, killed in clashes. In one night alone we lost twelve people. But the day we came to Van in 1995 they stopped our village guard pay.” (HRW, 30 October 2002)

### **Displacement and the life in tents; patterns and problems (January 2002)**

- Some displaced permanently live in tents, following job opportunities and settling close to family
- Basic provisions such as electricity and water are lacking and face social exclusion

“In this part of the study, the findings on tent life are discussed. This type of living arrangement is mostly witnessed in Izmir-Manisa-Balikesir, where is characterized by agricultural production. Here, tent life takes a settled character rather than a temporary one. The migrants do live in tents in all the months of the year. The following analysis can only shed light on a small part of this sort of life, however tent-life is a phenomenon that begs for detailed research.

The findings on the topic can be stated as follows:

Tents are usually pitched close to rivers and fields. The landowner or employer determines the place where tents are pitched; while the most significant factor underlying the newcomers’ decision to choose their new settlement area is the existence of kin, relatives and acquaintances in the such places. These people are generally employed in seasonal or periodical jobs in agricultural economy. At the end of the season, the migrants move to new places to find new jobs. This mobile population is generally regarded as a threat that requires controlling practices.

It is known that basic needs such as electricity and water are not met in tents. In addition, these people living in tents are subjected to various bad effects of natural calamities due to flood-wind-rain. Moreover, the village headmen, the mayor or the official heads of district and sometimes the native inhabitants of the new settlement areas may have prejudices against these people and not allow them to participate in the public life in the new living environment. It is sometimes observed that the native inhabitants of the new settlement areas have different kinds of activities to prevent the newcomers to live a sedentary life.”

(Göc-Der 2002, p.50-II)

### **Kurds expelled from their villages in July 2001 live under precarious conditions (August 2001)**

- A human rights delegation investigating allegations of forced displacement, a food embargo, restrictions of movement, as well as torture found that the evacuated villagers were living under precarious conditions
- The IDPs live in tents, experience trauma, are at risk of health problems and receive no health care

“A human rights delegation was formed by the Human Rights Association (IHD) with the participation of representatives from the Organisation of Human Rights and Solidarity for Oppressed People (Mazlum-Der), the Board of the Union of Chambers of Architects and Engineers of Turkey (TMMOB), the Human Rights Foundation of Turkey (TIHV), the Board of the Turkish Medical Association (TTB), Immigrants Association for Social Co-operation and Culture (Göç-Der) and the Diyarbakir Democracy Platform, in order to investigate the allegations about the forced displacement of Asat village with 15 households and Ortakli village with 30 households on 20 July 2001, the implementation of a food embargo, the ban on entering and leaving the villages of Ilicak with 70-80 households, Dagalti with 40-50 households and Hisarkapi with 12 households and their risk of being evacuated, as well as allegations of torture practices in the Beytüssebap District of Sirnak Province. The delegation conducted its mission from 8 to 10 August 2001 in Beytüssebap and made investigations about the above-mentioned incidents.[...]

The overall view which was witnessed by the delegation was hair-raising: 600-700 villagers of the evacuated Asat and Ortakli villages resided on the borders of the nearby Beytüssebap municipality in about 80 tents. The majority of the population are women, children and elderly people. Almost all are living in poverty, deprivation and uncertainty. Villagers experience fear and trauma of the highest degree. Victims we saw reported that about 600 animals, beehives, orchards and gardens have been destroyed due to lack of maintenance since they were evacuated on 20 July 2001. The production veins of the villagers have been severed. The Human Rights Delegation would like to draw attention to the fact that these victims have not received any health care treatment and are subject to the risk of serious health problems, including the outbreak of illnesses, due to the physical conditions of living in tents.

As displaced villagers also verified, the villagers of Ilicak, Dagalti and Hisarkapi now have food embargoes placed upon them. The delegation made investigations in Ilicak village and observed that the residents of this village also suffer from fear and anxiety.” (Delegation-report, August 2001, in *Turkey and Refugees* (April 2002), pp.41-42)

“They [the villagers] had fiercely denied any role in placing the mine.

The incident occurred at a time when hundreds of Kurds, displaced in the past decade amid fighting between separatist Kurdish rebels and the army, have started to return to their homes following a notable decline in the conflict.” (The Kurdistan Observer 10 August 2001)

### **Shelter needs of the displaced have not been addressed adequately (1998-2002)**

- Evicted villagers were rarely provided with emergency shelters by authorities
- The displaced have often concentrated in slums in outskirts without adequate infrastructure and services
- Construction plans rarely benefit the displaced population
- Extended kinship relations of Kurds in southeastern Turkey have allowed the displaced to find a shelter with extended family members

"Along with unemployment, the absence of affordable housing is a critical problem. A Kurdish lawyer commented, 'There is no public housing in Turkey; there are no housing rights here. The migrants are forbidden to live in the slums, but if someone has no money, he has no choice. They cannot build houses on state property.'

Housing and shelter needs should be examined in two phases: First, as the urgent need for shelter in the immediate aftermath of displacement, including accommodation in tents or collective facilities; second, the longer-term needs for decent housing for people rendered homeless by the conflict who cannot return in the foreseeable future. Because the violence in populated areas decreased significantly in 1998 and 1999, the need for emergency, temporary housing has declined as well, compared to several years ago. In its study of displacement in 1994 in Tunceli and western Bingöl, the Netherlands Kurdistan Society observed:

*According to Minister [of Interior Nahit] Mentefle's statement in parliament, the government had in 1993 supplied 500 families with substitute housing. He was probably referring to the pre-fabricated emergency dwellings that are commonly sent to the region following earthquakes (which occur frequently in eastern Turkey). We are not aware of any group of evicted villagers before the autumn of 1994 being given such dwellings, nor other forms of compensation. Virtually all evacuees of whom we are aware had to find a new place to stay by themselves. (In this respect, the village evacuations in Tunceli were exceptional, for here the government did provide some of the evacuees with shelter and even compensation...)... Some families were reported living in tents around the town of Ovacık, others were lodged in a few public buildings. The government erected emergency dwellings for some of the homeless near Ovacık, but it was doubted whether these simple structures would be able to withstand the severe winter.70*

Emergency shelter per se—or even more permanent dwellings—is only part of the problem. Since the displaced congregate in the *gecekondular* ['huts built in one night', in slums in the outskirts of cities], which, by their very nature, the government seems to consider a blight unworthy of efforts to improve them, a host of infrastructural needs go unmet. In the quarter of Mersin where the displaced live, USCR heard complaints of uncollected garbage, potholes, and mosquito infestations. In April 1996, the Habitat International Coalition (HIC) sent a fact-finding mission to Turkey to assess housing conditions for the displaced. The report found:

*The urban areas to which the displaced Kurds have fled are completely neglected by the Turkish authorities. In both Diyarbakır and Istanbul, HIC found neighborhoods without access to potable water, adequate sanitation facilities, and electrical connections.*

The 1997 Turkish Parliamentary Commission report includes a letter from the OHAL governor, dated November 11, 1997, stating that 5,524 houses were built to accommodate displaced persons, including 693 in central Diyarbakır, 932 in Hakkari, 2,767 in Sırnak, 175 in Tunceli, 152 in Van, 258 in Bingöl, 62 in Bitlis, 465 in Mardin, and 465 in Muş. Although the government has constructed some housing, displaced persons and others told USCR that occupancy is part of the reward system tied to the village guard structure. A man in Diyarbakır told USCR that in his city 'the government built 500 cottage houses for migrants, but they gave them all to village guards. Some flats were built that were supposed to be for poor people, but now professionals who can afford the rents are living in them. Rents are astronomical.'

USCR observed a construction boom in areas on the periphery of the conflict zone, particularly in Sanliurfa, on the outskirts of Mersin, and in Mersin itself. USCR noted scores of apartment buildings in various stages of construction. Although the city is overcrowded and has a teeming slum of Kurdish migrants, it is unclear whether the construction boom will benefit the displaced population. Mersin, located on the Mediterranean coast, is establishing itself as a tourist center, attracting busloads of Syrians." (USCR 1999, pp. 19-20)

"[T]he forced migration connected with the conflict in southeastern Turkey has been chaotic and unorganized. Only the extended kinship relations of Kurds in southeastern Turkey have prevented a larger crisis, allowing the displaced to find a shelter with extended family members. Individuals who flee or are

forced out of their villages in southeastern Turkey haphazardly sought refuge in already overburdened provincial towns and cities within the region or in Turkey's teeming western urban centres." (HRW June 1996, Summary)

“When gendarmes destroyed their homes and drove them from their lands, villagers sold off whatever livestock they had managed to save from the fires and shooting and went in search of shelter. Some camped by highways near enough to their villages to tend their crops. Others went to the nearest town or city and put up makeshift dwellings of tarpaulins and packing cases on vacant ground. Villagers crowded in with relatives or into rented accommodation, agricultural buildings, or construction sites with neighbors from the same village.

If displaced villagers had remained clearly visible in tent settlements, the authorities might have felt under more pressure to remedy their plight. But the displaced are resourceful and have turned to extended family and community structures to pool resources and find work and housing. According to a 2002 survey carried out by the Migrants’ Association for Social Cooperation and Culture (Göç-Der), a Turkish nongovernmental organization, more than half of the displaced villagers had found accommodation in *gecekondu*, or shantytown dwellings but, ten years after the worst of the displacements, some 5.7 percent of respondents were still living in tents or sheds.

Language problems exacerbated the difficulty of finding accommodation and integrating in the cities of the west. Göç-Der’s study among the displaced found that 17.6 percent of the sample reported that their poor command of Turkish had created problems in finding housing. Only 11.4 percent of adult males spoke Turkish as their mother tongue, and 60.9 percent of displaced women spoke no Turkish at all.” (HRW, 30 October 2002) (See also Göç-Der survey)

*For more on the conditions in the slums, see also "The Southeast in the slums: Izmir's slums no different from Ethiopia", Turkish Daily News, 24 January 2001 [Internet] and "The Southeast in the slums: Uninvited guests at chicken farm", Turkish Daily News, 25 January 2001 [Internet]*

## Health

---

### General health situation of the displaced Kurds

- Displaced face unhealthy conditions in new settlement areas, increasing the risk of diseases such as tuberculosis and malaria or mental illnesses
- The level of women’s access to health services is very low
- Reasons of limited access are economic problems, lack of health and other social insurance, cultural differences
- Lack of adequate infrastructure, shortage of medical personnel
- Displaced denied green-cards to assist in health-care services

“The analysis reveals that the unhealthy conditions in the new settlement areas lead to the spread of many different diseases within the migrant population. Existence of diseases such as tuberculosis and malaria, which are in a continuous trend of decrease both in Turkey in general and in the world, and the spread of mental diseases should be taken into close consideration and serious and permanent measures have been taken to prevent them, since these contagious and mental diseases not only affect the migrants but also threaten the health conditions in the social environment and wider society.  
(Göç-Der 2002, p.68-II)

The data presented about the pregnancy and parturition periods of women together with the data on whether they apply to a doctor for gynecological diseases or not uncover the fact that the level of women's access to health services is very low.

The low rate of migrants' access to health services can largely be accounted for by economic problems, lack of health and other social insurance, the difficulties encountered due to linguistic and cultural differences and faith in traditional and religious values. On the other hand, there exist several factors that have particular effects on the increase in health problems, such as infra-structural insufficiencies, non-hygienic conditions of the new living areas, nutrition problems, the pressure the migrants have been subjected to both during and after the migration, fear, psychological uneasiness and anxiety stemming from living in a alien environment.

(Göç-Der 2002, p.79-II)

"Inadequate health care is a big problem for the displaced persons. The region is far behind the rest of the country in several important indicators of health care. Lack of adequate infrastructure, and shortage of doctors and nurses (in particular those speaking Kurdish) make it extremely difficult to efficiently combat health problems resulting from poor living conditions. Moreover, prescribed medicines are usually unaffordable for the displaced. A number of communicable diseases such as typhoid, para-typhoid, trachoma, brucellosis and amoebic dysentery are endemic throughout the region." (COE, 22 March 2002)

"The very poor can apply for a "green card" that enables them to get free consultation and hospital accommodation, although it does not cover the cost of medication. According to the Emergency Region governor, 26 percent of the population in the region qualifies for a green card. However, displaced people have difficulty in getting their green cards. Since only indigent people can receive a green card, villagers who own substantial property may not qualify in spite of the fact that they are denied access to that property, which could otherwise provide them with income to finance their own health care. If they do qualify, the security forces can still obstruct their application, because a series of officials, including the local security force chief, must sign the application. This necessitates an anxious journey back to their village in order to obtain a signature from the nearest gendarmerie commander. A villager told Human Rights Watch that a gendarmerie commander had written on his green card application form: "PKK member but not on the wanted list." Another was unable to obtain a green card after soldiers tore up his application file and ejected him from the gendarmerie station. Older villagers spoke of deep depression, a sense of alienation due to their changed circumstances, and listlessness arising from long periods of unemployment. The violence of their original uprooting frequently aggravated these symptoms. A 1998 medical study carried out on a group of internally displaced found that 66 percent were suffering from post-traumatic stress disorder, with 29.3 percent showing profound depression." (HRW, 30 October 2002)

### **The vast majority of the displaced persons are considered a population at risk from the public health point of view (1998-1999)**

- Free public health clinics do not provide adequate level of care to the displaced Kurdish population
- Displaced persons cannot afford to buy prescribed medicines
- The southeast lags behind the rest of Turkey in several important indicators of health care
- The nutritional status of the displaced population is borderline

"Inadequate health care is also a problem. There are free government health clinics throughout Turkey, but displaced persons criticize them. USCR heard complaints about long waits and substandard care at these clinics, and about clinic doctors who do not speak Kurdish. Efforts to establish private, nonprofit clinics targeted to displaced Kurds have been frustrated. In 1996, the Diyarbakir Physicians' Association published a booklet entitled Forced Migrants: Social, Economic, and Health Situation in the Area of Diyarbakir. The

doctors wrote that 'health comes out as the most negative indicator' of the rapidly growing urban population and lack of infrastructure. They attributed health problems to overcrowded living conditions, malnutrition, insufficient and dirty drinking water, improper disposal of sewage and garbage, and previous trauma resulting in psychological disorders. They also said that even if the displaced are treated for ailments and diseases, they cannot afford to buy prescribed medicines.

Many health professionals have left the area, the doctors report, leaving a shortage of doctors and nurses. They said that of 112 health clinics that once served the area, only 15 were currently functioning. The southeast lags behind the rest of Turkey in several important indicators of health care. The Diyarbakir doctors report that 70 percent of births in the southeast are not assisted by medical personnel, compared to 15 percent unassisted births in the rest of Turkey. Malaria, they report, is twice as common in the southeast than in the rest of the country. There were 1,184 cases of malaria cases reported in Diyarbakir in 1990; in 1994, 32263 cases were reported.

The Diyarbakir physicians also report an increase in the incidence of psychological disorders. Among the psychologically related complaints they report: headaches, ringing ears, breathing problems, chest pain, sweating, stomach aches, diarrhea, and constipation; in women, irregular menstruation and miscarriages; among children, bedwetting and 'fear and turning into themselves'. The Diyarbakir Physicians' Association concludes its report, declaring, 'If this condition continues, it will cover the whole country as a contagious disease. It will turn the cities into villages and harm social peace. It will increase economic loss and make health problems insoluble. The best solution is to erase the conditions that cause people to mitigate.'" (USCR 1999, p. 21)

"According to Médecins sans Frontières, the vast majority of [the] displaced persons are considered a population at risk from the public health point of view. Primary health care is severely deficient with an almost complete lack of medical services, which may be illustrated by the following statistics: while the average number of consultations per person per year in 1992 was 2.4 for the whole of Turkey, it was 0.26 in Diyarbakir. The infant mortality rate, which was officially 60 per 1000 for the whole country in 1990, was 87 per 1000 in Diyarbakir and 98 per 1000 in Hakkari in the same year. A number of communicable diseases such as typhoid, para-typhoid, trachoma, brucellosis and amoebic dysentery are endemic throughout the region. The vaccination coverage is low and decreasing. The nutritional status of the displaced population is borderline." (COE 3 June 1998, para. 24)

## **Vulnerable groups**

---

### **The vulnerability of displaced women in southeastern Turkey (1998-2001)**

- Language problems make access to social services for Kurdish women more difficult
- High level of unemployment, poverty, inadequate shelter seriously affect women's health condition
- Research done among displaced women revealed symptoms such as headaches, sleeping disorders and extreme timidity
- The Batman Bar Association identified asserted forced displacement as one of the main reasons for the increasing suicide rates among women in southeastern Turkey
- Displaced men have more opportunity to socialize with other people and have more freedom while women live in isolation in their new residence

"There are tens of thousands of women in the region who do not know Turkish and only speak Kurdish. This leads to indescribable difficulties. Health and particularly that of women is beset by many problems.

Language difficulties make it difficult for women to even go to the doctor. They have nightmares of being unable to tell their problems, of being misunderstood, of being chided and insulted. %64 percent of rural women and %50 percent of those living in urban areas have health problems. Infrastructural services such as roads, potable water, electricity and communication have great significance for mothers' health. The lack of water from wells and of potable water is also a great obstacle to the creation of a healthy environment.

Because of adverse conditions such as crowded living conditions, malnutrition, lack of heating installations, insufficient water, inadequate treatment of waste water, unemployment and poverty, diseases which would normally be easily treated turn today into contagious cases. The first people to be impacted are women whose bodies have been emaciated because of giving birth to too many children. And the children...

The health facilities, personnel and instruments in the region are inadequate. Add to this ignorance, and health emerges as a major problem.

Proportional distribution of contagious diseases (%)

Typhoid-paratyphoid 33.8

Dysentery 1.4

Jaundice 6.4

Lung tuberculosis 9.8

Malaria 26.3

Psychological problems created by migration

It is common to see psychological problems following migration. The most salient characteristic of the migrations is that they take place because of security reasons and are forced. "There are a number of findings to suggest that forced migrations are a cause of trauma and lead to post traumatic stress disorders." (Post-traumatic Stress Disorders and Other Psychological Problems Resulting from Internal Migration in the Southeast, Master's Thesis, Gaziantep University Medical Faculty Psychiatry Department Associate Professor Doctor Aytekin S&#141;r [sic])

Research revealed symptoms such as headaches, sleeping disorders and extreme timidity. The frequent recollection of the traumatic event, its reenactment in daily life or in dreams, the shunning of people and emotions recalling the traumatic experience and alienation. Others are a decrease in emotional capability, unwillingness to respond to questions, extreme nervousness and producing abrupt responses. Some people get addicted to alcohol or drugs. As a result, there is no longer a need to ask why girls commit suicide or migrant children inhale paint thinner or glue. The need to cure posttraumatic stress disorders is obviously acute." (Turkish Daily News 5 April 2001)

#### High level of suicide rate among women in southeastern Turkey

"The finding of a research carried out by Batman Bar Association in March, asserted forced displacement [as] one of the main reasons for the suicide acts that have been intensified in the region for a while. In the research it was found out that, most of the people who committed suicide were those who have been forced to migrate to Batman since 1985." (Human Rights Foundation of Turkey March 2001, sect. 2)

"Immigration: Motive behind women suicide in Southeast

The Batman Bar Association report says there is a connection between the suicide attempts and the feelings of isolation, despair, hopelessness and alienation

According to a report prepared by the Batman Bar Association, the motive behind the increasing suicide attempts among women is immigration and its repercussions, the Anatolia news agency reported on Monday.

The Batman Bar Association has conducted a survey in an effort to find the reasons for suicides by women in the Southeast region.

'The reasons behind the increasing suicides that were covered by the local and national press remain unknown. In the last two years, 42 of the 135 suicide attempts ended with death. Ninety-eight of those who attempted to commit suicide were female. It is observed that a large majority of those women had immigrated to cities from villages,' the report stated.

The report said there is a connection between the suicide attempts and the feelings of isolation, despair, hopelessness and alienation. Those who immigrated to the big cities feel that they do not belong to their new habitats. Reports said that Southeastern women who immigrated to bigger cities believe that in their small villages they had their own identity and their own way of living.

The report also noted that male immigrants have more opportunity to socialize with other people and have more freedom while women live in isolation in their new residence.

'There are no social activities for young girls who immigrated from the Southeast to big cities. For them, life is limited within the walls of their houses and they feel the pressure of strict traditions that limit their lives,' the report stated. (Turkish Daily News 13 March 2001)

#### **Limited access of displaced children to housing, health services and education (2001)**

- UN Child Committee invites Turkey to assess the situation of the displaced children in more detail

"The Committee expresses its concern at the higher number of internally displaced children in Turkey, who were forced to leave their homes towns in the 1990s owing to the high level of violence in the south-east region. The Committee is also concerned about their limited access to housing, health services and education.

In line with the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Committee recommends that the State Party ensure that internally displaced children and their families have access to appropriate health and education services and adequate housing. Further, it invites the State party to collect data and statistics in order to know how many children are displaced and what their needs are with a view to developing adequate policies and programmes." (Committee on the Rights of the Child 8 June 2001, paras. 59-60)

# ACCESS TO EDUCATION

## General

---

### **Migration Survey showed causes of school absence of displaced Kurdish children (January 2002)**

- Reasons of school absence are mainly poverty, work, absence of school, gender, cultural differences, family pressure, and costs

“When the unified effects of such variables are analyzed, the reason of not attending the school after migration can be counted as the following:

75.4 %; Poverty

6.7 %; Children’s Working

5.4 %; Absence of Any School in the Neighboring Area

3.6 %; Being Female

1.2 %; Linguistic and Cultural Problems

3.1 %; Pressures on Family After Migration

1.2 %; Being Unable to Afford the Educational Expenses

(Göc-Der 2002, p.14-15-III)

When unified effects of these problems are analyzed, the basic problems for the families and children can be ordered as the following:

Being unable to speak mother tongue is a problem for 36.5 % of the children

Not knowing Turkish is a problem for 30 % of them

Both working and attending school at the same time is a problem for 9.2 % of the children

Being abused because of ethnic origins is a problem for 6.4 % of them

The absence of any school in the neighboring area is a problem for 5.6 % of them

Being unable to afford educational expenses is a problem for 2.5 % of the families”

(Göc-Der 2002, pp.22-23-III)

### **Displaced families cannot afford to send their children to school**

- Families cannot afford minimal education costs
- Children are sent out on the streets

“Children are frequently not sent to school because the family cannot afford the fairly minimal cost of books and school clothing or the loss of income that children bring in to the family by working on the streets or as “apprentices” in workshops and textile sweatshops. The Migration and Humanitarian Assistance Foundation (GIYAV), a nongovernmental organization, offers support to internally displaced people in the large coastal city of Mersin. It runs a mother and child group, evening activities for young people, and meets the educational costs of thirty children.” (HRW, 30 October 2002)

"One of the doctors in Diyarbakır commented on the effect of forced migration on disrupting education, saying, 'Education is gradually getting lost. People who leave their villages can't make the least use of the education they had. Not being able to adjust in their new residences, migrants discontinue their education and fall into ignorance.'

Many of the problems displaced children face are common to the poor in Turkey generally. Although Turkey provides for free public education, students must buy their own books, notebooks, and pay other school fees. Many displaced (and non-displaced) Kurdish children cannot afford these basic educational tools, and do not go to school.

During USCR's visit to Van, the researcher visited a local tourist attraction (although tourists rarely make it to Van, the closest Turkish town to the Iranian border). A couple of primary-school-age Kurdish boys provided their services as 'guides'— which meant a singing accompaniment as the researcher climbed the Van fortress. Although the boys were beggars and had a vested interest in telling a sad tale, their story focused specifically on the opening of school several weeks hence, and their fear that they could not attend without the proper school supplies. It was a problem confirmed by others.

An official in Silopi told USCR, 'Our schools are overcrowded. Lots of people can't afford to send their children to school. Because of economic problems, they can't buy paper, books, and uniforms.' Many of the poor see education as a luxury they cannot afford. 'Poverty causes families to send their children out on the street; street vending becomes their vocation,' wrote Dr. Necdet pekyüz in a 1996 article on internal migration in southeastern Turkey." (USCR 1999, p. 22)

### **Shortage of educational infrastructure in southeastern Turkey (2000)**

- Many local schools have been closed in the state of emergency region
- Population influx from rural areas has caused severe overcrowding in urban schools and chronic teacher shortages

"In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces and as many as 80 to 100 in Diyarbakir (most schools in the southeast employ a shift schedule for classes to accommodate the large numbers). According to the Government, in the southeast there was a noticeable improvement in the number of students able to attend classes, partly due to improved availability of teachers and schools, and partly due to the requirement for an 8-year education. During the 1999 to 2000 school year, there were 270,000 students in secondary education in the southeast, compared to 240,000 the year before. In the state of emergency region, 450 schools are closed, although none were closed during the year. Although the Government has built boarding schools in the region's larger towns, these new schools have not met the demand. Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. Despite a longstanding tradition of boarding schools in the rural areas of the country, some Kurdish leaders have expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation. According to press reports, soldiers in one command of the state of emergency region repaired 167 village schools in preparation for the 2000 to 2001 academic year and during the past year spent about \$700,000 (300 million TL) on health, education, and infrastructure projects in the region." (U.S. DOS February 2001, sect. 1g)

*See also "Price of getting an education", Turkish Daily News, 1 February 2001 [[Internet](#)]*

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## Self-reliance

---

### General

“The country had a market economy, though the state retained a dominant stake in some industries. Its population was approximately 67.8 million. During the year, the country began to recover from a steep economic decline, while implementing wide-ranging structural reforms. The economy grew by an estimated 6.5 percent, and inflation fell to 31 percent. Per capita income reached \$2,300. Job losses for the year amounted to nearly 500,000, with unemployment rising to 10 percent, according to official statistics. Wages and benefits did not keep pace with inflation. Income inequality has increased since the onset of the economic crisis in 2000-2001.” (U.S. DOS, 31 March 2003)

### **Göc-Der’s Migration Survey highlighted difficult socio-economic conditions (January 2002)**

- Displaced earn significantly less than other Turks and often have temporal employment without social insurance or are unemployed
- These problems make integration and participation in society difficult
- After displacement, the household has often been transformed in a unit of consumption rather than production
- Difficulties in social adaptation are linked to unemployment, shelter problems, children’s educational problems, health problems, environmental pollution, cultural differences, and feelings of exclusion

“52.7 % of the respondents earn less than 100 million TL, 29.5 % of them earn between 101-200 million TL, 4.6 % of them earn between 201-300 million TL per month. 13.3 % of the respondents do not have a regular income. Considering the general income standards in Turkey, the data reveals that the forcibly displaced Kurdish population has to survive under very difficult conditions. (Göc-Der 2002, p.34-I)

[...]

After migration the most important problem encountered is decreasing levels of income due to temporal employment without social insurance and unemployment. This leads to a serious state of hopelessness among the migrants that makes it difficult for them to become integrated with and participate in the public sphere in urban social settings. (Göc-Der 2002, p.39-I)

[...]

One of the most significant conclusions arrived in this research indicates that the experience of migration has resulted in the decrease of production within the household. In the period following the migration many members in the household ceased to participate in income generating public activities. In other words, the household has been transformed from a unit of production to a unit of consumption. The figures pertaining to employment within the households (18.1 % employed, 82.9 % unemployed) reveal the economic difficulties faced by them after migration. Any type of social security covers only 4.9 % of the people living within these households. Most of the employed work in unsecured, temporary and irregular jobs. (Göc-Der 2002, p.2-IV)

[...]

The data reveals that the number of people who received help in finding a job is proportionally very small. According to the data provided by the State Statistics Institute Survey in 2000 on laborpower, the already poor employment opportunities became poorer after the forced mass-displacement. Furthermore, migrants' lack of occupational-technical skills and knowledge, their low education levels, linguistic and cultural problems make it more difficult for the migrants to find a job. These migrants are generally employed in seasonal-periodical jobs with low salaries and without job security. In this sense, there emerged a great loss of labor-power after migration, which also means exploitation of cheap labor. (Göc-Der 2002, p.34-III)

[...]

The basic reasons underlying the migrants' being unable to adapt to their new social environment can be counted as follows:

Bad straits, unemployment, shelter problems

Children's educational problems, increase in health problems after migration, environmental pollution, life security problems, problems based on linguistic and cultural differences

The monotonousness of life in the new living environment

The feelings that they are excluded and that they are despised." (Göc-Der 2002, p.5-IV)

### **Displaced persons in southeast Anatolia face adverse economic conditions (2001)**

- Over 60% of the Kurdish population in the south-east region live below the poverty line compared to approximately 30 % in other regions
- Most of the displaced persons have difficulty adapting in an urban environment in a depressed economical context
- No welfare system appears to operate on behalf of destitute internally displaced persons and other vulnerable, unemployed people
- Systematic destruction of the infrastructure, economic resources, livestock, crops, houses, tractors have made return and resettlement hardly sustainable

"Turkey ranks high among countries with a severe problem of regional inequality. As such, it is burdened with the economic and political dimensions of this reality which is an important part of the Eastern-Southeastern problems. Passing years have only widened the gap. The difference between Kocaeli in the west, the city which has the highest Gross National Product (GNP) per capita in Turkey, and Mus, which has the lowest, is 1 to 11.

The most well-off cities of the east and southeast are Elazig, Malatya and Diyarbakir. However, even these cities fall short of the national average per capita income. The poorest cities of Turkey and the region are Mus, Agri, Bitlis and Bingol. In these cities, the GNP per capita is below that of many countries in Africa.

The income gap

As we already saw, the per capita income of the poorest city in the region is only one-eleventh of that of an industrial center in the west. The region as a whole ranks last in economic growth and development. It also gets the smallest share from the national disposable income, and has considerable pools of poverty. Using the State Statistical Institute (SIS) figures, we get the following picture:

In the region where subsistence agriculture is still prevalent, land inequality is at monstrous proportions, the climate is harsh, and where for the past 15 years an off-and-on civil war has been fought, is home to 1.947 million families or 14.5 percent of all families in the nation. On the other hand, the region uses only 10.2 percent of the national income. In the region, the average income per family is \$3,851, 30 percent below the national average.

The region's per family income is 43 percent below the Marmara and Aegean regions where the figure is \$6,834, and 66 percent behind Istanbul where it is \$11,637.

The richest province in the area is Erzurum, where the average income per family is \$6,067. This figure is 10 percent above the national average. Another important center in the area is Malatya where average income is \$4,600. The average income per family in Diyarbakir is \$3,567. It is interesting that Gaziantep, usually considered the most economically developed city in the region ranks below Diyarbakir at \$3,400." (Turkish Daily News 15 July 2001)

"To state it briefly, 38 percent of peasant families in the region are landless. This ratio goes up to 48 percent in Sanliurfa where there is the highest concentration of land ownership, and to 45 percent in Diyarbakir. While 5 percent of families own 65 percent of the land, a vast majority of 70 percent own only 10 percent. Despite having been targeted by successive governments for land reform programs that were invariably undermined by local powerholders, there are still entire villages owned by individuals or families." (Turkish Daily News 15 July 2001)

"Most of the displaced persons USCR encountered had been engaged in husbandry and small-plot agriculture before their displacement, but are now living in urban settings. USCR visited slum areas in several cities that were comprised almost entirely of Kurdish migrants. Although some migrants have adapted and found work in construction, transportation, or other urban pursuits, many others, particularly among those who were adults when they were displaced, have not been able to adapt. The conflict has disrupted the region's economy. Agriculture and husbandry served the region's cities, and city dwellers commented on high prices and shortages of meat and other staples that once were plentiful.

One man told USCR, 'Old people are especially poor. No charities help them. There are no private organizations that work on their behalf. We have no money to eat meat. We never eat meat.' Meat is central to the diet in this region, but the husbandry sector has been decimated.

No welfare system appears to operate on behalf of destitute internally displaced persons and other vulnerable, unemployed people." (USCR 1999, pp. 18-19)

"Another serious problem results from the disastrous economic and social situation of the whole region. Systematic destruction of the infrastructure, economic resources, livestock, crops, houses, tractors etc. have made large areas of the region uninhabitable. The region has always suffered from a lower level of economic and social development than other parts of Turkey; the conflict has much increased this gap. The rate of illiteracy is 35 % in the Kurdish regions, whereas at the national level it is 19,3%; over 60% of the Kurdish population in the south-east region live below the poverty line compared to approximately 30 % in other regions, and the mortality rate is 50% higher than in other parts of the country. Before mass return could be foreseen, measures to revive the local economy would have to be undertaken." (COE 3 June 1998, para. 37)

*See also: Turkish Daily News, "Economy goes from bad to worse in Turkey's southeast", Turkish Daily News, 7 April 2001 [Internet]*

### **Displaced Kurds face social and economic exclusion in western cities (2000)**

- Displaced Kurds are dependent on other Kurds for lodging and employment
- Only a small proportion of the displaced Kurds have acquired an income above or on a level with subsistence
- Kurds displaced from the countryside lack the skills for urban like and are among the worst-off economically in Turkey

- Displaced persons often try to make a living as street vendors but risk eviction by authorities
- Kurds are reluctant to register in their new places of residence can thus not access the few social services available

**"Social and Economic exclusion** Displaced Kurds also believe they face economic and social discrimination. They are identifiable by their speech and by their demeanour. We repeatedly heard that displaced families were turned down by Turkish landlords or employers, and were dependent on Kurds for lodging or employment. We met approximately 20 displaced villagers. Most of these displaced villagers expressed either extreme difficulty in finding work, or in several cases they reported discrimination whereby employers/landlords preferred to employ or rent to Turks rather than Kurds. The upshot was that several reported that they were street vendors (of whom there is already a serious glut) or that they sifted through rubbish to find something recyclable. Or that they finally were only able to rent a dwelling (all too frequently simply a shanty) through someone also 'from the East'. We saw examples of wood and plastic shanty dwellings. Research reportedly carried out by IHD Istanbul in 1994 or 1995 indicated that barely 5 per cent of those displaced by war acquire an income above or on a level with subsistence. We greatly doubt that the situation for the displaced has improved since then.

In August 1999 Turkey was devastated by a major earthquake, the epicentre of which was not far from Izmir. This is what a Turkish (*not* Kurdish) UN staff worker reported shortly afterwards:

'There was great discrimination in the earthquake area. The poor and Kurdish people were put in the worst parts of the earthquake camp in the most muddy areas. Consequently many chose to camp in the earthquake ruins. UNICEF was helping in the worst areas, where the people were the very poor or they were Kurds, until 27 th August. On that day the local government banned UNICEF from going there [the areas where the very poor and the Kurds were]. They were only allowed to provide relief services with a police escort. So certain staff went there secretly. There were many elderly and children who did not speak Turkish, only Kurdish. The police would behave in a very hostile manner to them.'

It goes without saying that those forcibly displaced from the countryside are among the worst-off economically in Turkey. They are often reduced to penury, particularly since they lack the skills for urban life. An IHD delegate from Iskenderun informed us that many displaced persons had been driven out of the city by a prohibition on unlicensed street vendors some four or five years ago. They simply could not survive, so they moved to Adana, Mersin and similar places. The 20,000 or so displaced persons still in Iskenderun remain closely watched by the security forces. 'They cannot say they are Kurdish, they do not dare say who they are, or that their villages are burnt.'

Turkey is reportedly among the top five countries with the greatest disparity in income distribution. Displaced Kurds, one must take it, are among the more needy for state assistance. It is possible to register for certain benefits, for example free medical care, if one is unemployed. In order to avail oneself of these benefits one must be in possession of a 'Green Card'. This, naturally, is only obtainable if one is registered with the *muhtar*. The last port of call while collecting the requisite official approval is the police station. It is therefore unsurprising that a substantial number of displaced Kurds consider the Green Card inaccessible because they fear that instead of acquiring a Green Card they will instead be candidates for police mistreatment. We repeatedly met families needing one but unwilling to pay this price.

Those in greatest need of State assistance are often those for whom least provision is made. Gaziosmanpasa [Istanbul neighbourhood] has no hospital of its own. Because of the lack of State health services private clinics operate in the area. In the words of one health professional:

'Public health is very poor so there is a huge incidence of infection as a result of overcrowding. Three years ago there was no TB. Today it is quite common. The police tried to close us (a clinic) in 1995. We resisted the pressure and they left us alone.' " (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 24-25)

*For information on the social-economic condition of the displaced in Turkish western cities, see also "Discrimination an obstacle to finding work", Turkish Daily News, 26 January 2001 [Internet]*

### **Displaced women in southeastern Turkey can hardly cope with their new situation (2001)**

- Displacement has aggravated the effects of low status of women in Kurdish society

"A scientific research project carried out by the Coordination Bureau for Rural Development of the Turkish Development Foundation and financed by the Bureau of Development for the GAP Region has documented the catastrophic social situation of the women living in this part of southeastern Turkey.

The Southeast Anatolia Project (GAP) - the largest development project in Turkish history - aims to build twenty-four dams and seventeen hydroelectric power stations along the Tigris and Euphrates Rivers in order to further the economic development of the region through irrigation and energy production for industry.

The population of the affected provinces - Diyarbakir, Adiyaman, Gaziantep, Mardin and Sanliurfa - is primarily Kurdish. The research project surveyed a total of 3,871 women living in 81 villages in this region and representing 900 households.

According to the survey, the average age at which girls were married off was 17 years. Of the women questioned, 36.9% were under the age of 15 when they married. 44.7% of the women had married a man from their own tribe and 52.4% had married a relative. The overwhelming majority of these marriages are arranged by the girl's parents and other relatives.

The women's educational level was very low. 76.4% of the women were illiterate. Of the remaining 23.6%, 6.3% could only read and write, 16.6% had finished primary school and only 1% had attended secondary schools. The GAP project, begun in the late Seventies, has been consistently criticized for its failure to benefit the local population. The infrastructure has not been improved and any economic benefits have flowed into the pockets not of the local farmers but the large landowners, construction companies and Turkish and foreign investors. (Cumhuriyet, 2.8.00; IMK)" (InfoTurk August 2000)

"The rapid rural migration during the last decade, the increasing population density and the apparent permanence of the migrants... People have stepped into a new environment and culture, not to say another life, as a result of migration. Compulsory migration had a negative impact on women. Some of the consequences are follows.

- They were stripped away from agriculture, and their activities were limited to their homes.
- They have problems associated with level of literacy and language.
- Adverse migration conditions exacerbated health problems.
- They were distanced from the traditional environment and relatives and were alienated from the social environment.
- Collective living arrangements increased with migration.
- Women lost their expectations after being stripped from their homes and with the future being shrouded in ambiguity.
- Expectations are backward-oriented (like returning to the village)
- They are torn between the conservation of old values and their transformation.

Under these unusual, cruel and isolated conditions, women experience fear, suspicion, depression and tension. Urban women have now understood that the troubles of migrant women can only be solved in concert, and their struggles have converged. The longing of the women of the Southeast is to build a new life over the losses, to again plant pistacchio trees in evacuated villages, to see that animal flocks grazing in

pastures, to understand and experience the change process that started with the Southeast Anatolian Project (GAP)." (Turkish Daily News 5 April 2001)

See also "[The vulnerability of displaced women in southeastern Turkey \(1998-2001\)](#)" [*Internal link*]

### **Poverty and juvenile delinquency: displaced children in southeastern cities: (2001)**

- Increasing number of street children in cities in southeastern Turkey as a result of displacement and migration
- Children are also expected to work to contribute to their family incomes
- Displaced children are disproportionately represented among criminal cases involving minors

"In another research carried out by Tigris University Department of Psychology, it was found out that migration from the rural areas to the urban settlements increased the number of children making their lives on the streets. In the research carried out with the aim of determining the socio-cultural and economic conditions of the 'street children' in Diyarbakir and 'children on the streets' in the city, the number of these two categories of children are found as approximately 6 thousands, 98% of whom are internally displaced children, and 16% of whom have been detained at least once on several occasions. The research further found out that 35% of the 'children on the streets' do not have identity cards, and 93% of them have above 5 siblings. The followings were stated in the research report:

"The physical developments of these children are behind that of their peers. Likewise, their areas of interest and the way they respond to the events are considerably different than those of their peers. They have to work in order to contribute to their family incomes. This on the one hand prevents them from acting like other children and the demising attitudes displayed by their environments compel them to see themselves as adults. Since that they encounter many difficulties in their daily lives, they have many psychosocial problems. In order to get rid of these problems, the socioeconomic and cultural conditions of the families should be investigated in detail, their needs should be determined, the parents should be provided with jobs with enough wages and after all they should not be allowed to send their children for work on the streets." (Human Rights Foundation of Turkey March 2001, sect. 2)

"Displaced children resorting to crime

Research by Diyarbakir branch of Contemporary Lawyers Association shows that displaced children are more inclined to commit crime

The migration from villages to towns has reportedly increased the inclination to commit crimes, especially among children. Experts state that the highest increase has been in petty theft and point out that the items most stolen are soft drinks and chocolate. One lawyer from the Diyarbakir branch of the Contemporary Lawyers Association (CHD) Mahsum Bati has prepared a report called 'Migration and the Children Criminals it Creates' in which he notes striking findings concerning displaced families.

Petty theft in the first place

Bati drew up his report using 606 case files seen at the Diyarbakir courts in the first six months of this year into criminals aged under 18. Pointing out that the most common charge was petty theft, Bati stated that all the 246 children referred to the courts on this charge came from displaced families.

They cannot fit in

Stating they had determined that 98.3 percent of the children have problems adapting their new environment and that 79.9 percent are undernourished, Bati said: 'Unable to stand going hungry, they resort

to stealing things. They go after Coke, chocolate and gum more than anything else. Some 91.6 percent of their families cannot find lasting employment.' He went on to say that 40.7 percent of the children did not go to school." (Turkish Daily News 7 August 2001)

## **Participation**

---

### **Political representation of ethnic minorities severely limited (1981-2003)**

- Parties can only take seats in the National Assembly if they obtain at least 10% of the national vote
- Law forbids the use of languages other than Turkish in political campaigns
- Parties which claim that there are minorities based 'on national, religious, confessional, racial or language differences' are forbidden

"The Government neither coerced nor forbade membership in any political organization; however, the Court of Appeals Chief Prosecutor could bring cases seeking the closure of political parties before the Constitutional Court, which could close them down for unconstitutional activities. In March [2002] Parliament adopted an amendment giving the Constitutional Court the option of depriving a party of state funds rather than ordering closure.

In September [2002] the Supreme Election Board barred two prominent Islam-oriented candidates and two prominent pro-Kurdish candidates from participating in the November national elections due to past convictions for illegal speech: Recep Tayyip Erdogan, chairman of the Islam-influenced AK Party; Necmettin Erbakan, still de facto leader of the Islamist Saadet Party; Murat Bozlak, chairman of the pro-Kurdish HADEP Party; and Akin Birdal, human rights activist and HADEP candidate (see Sections 2.a. and 2.c.). Dozens of other candidates were also barred for past convictions. Constitutional Court Chairman Mustafa Bumin stated publicly that the bans would harm the country's relations with the EU, and he called for the lifting of obstacles to free speech." (U.S. DOS, 31 March 2003)

"All activities by political parties were banned by the National Security Council (NSC) on 12 September 1980, and all parties were dissolved on 16 October 1981, prior to the formation of a Consultative Assembly. From May 1983 new parties were allowed to form, but their participation in the general election was subject to strict rules: each had to have 30 party founders approved by the NSC and party organisations in at least 34 of the provinces, while candidates for the election were also subject to veto by the military rulers. Legislation enacted in March 1986 stipulated that a party must have organisations in at least 45 provinces, and in two-thirds of the districts in each of these provinces, in order to take part in an election. Parties can only take seats in the National Assembly if they win at least 10% of the national vote.

In June 1992, the True Path and Social Democratic Populist parties sent proposals for the first 'instalment' of constitutional changes to all Turkey's opposition parties, whether represented in parliament or not. The changes proposed were generally in the direction of greater democracy. However, they were opposed by the Welfare [Refah] Party, and debates and votes in June 1995 showed that other religious and conservative hard-liners in ANAP and DYP were voting with the Refah Party. At the eleventh hour a slimmed down version was passed with all of the major parties voting for the package and only the Welfare Party voting against. The main elements were removal of language praising the 1980 coup from the Constitution, lowering the voting age and age at which people can join parties to 18 from 21 and allowing greater political participation by trade unions and civil associations.

The use of languages other than Turkish in political campaigns is forbidden by law. Additionally, a general prohibition exists against parties that claim that there are minorities based 'on national, religious,

confessional, racial or language differences'. Articles of the 1983 Political Parties Law state that political parties: (a) cannot put forward that minorities based on national, religious, confessional, racial or language differences exist in Turkey, (b) cannot advocate the goal of destroying national unity or be engaged in activities to this end by means of protecting, developing, or disseminating language or cultures other than the Turkish language and culture and thus create minorities in Turkey, and (c) cannot use a language other than Turkish. Election law forbids the use of any language other than Turkish in election campaigns. The Kurdish People's Labour Party (HEP) fell victim to these laws, as did the Democratic Mass Party (DKP). The indictment against the DKP illustrates the position of the government. The prosecutor did not argue that Kurds or other minorities do not exist, and in fact stated that such groups enrich society as a whole. However, the activities must be kept at the level of the individual and not demand group rights. Some parliamentary candidates have been prosecuted and convicted for using Kurdish at election rallies." (UK Home Office April 2001, paras. 7.1-7.3)

### **Kurdish political participation under close surveillance (1995-2003)**

- The pro-Kurdish People's Democracy Party is not represented in the National Assembly as it fails to obtain 10% of the national vote
- It is however very influential in the southeast where it controls several municipalities, including the regional capital Diyarbakir
- HADEP members are reportedly the object of arbitrary arrest and mystery killings and often harassed for the legal political activities
- 13 March 2003 Turkey's Constitutional Court banned HADEP

"The pro-Kurdish People's Democracy Party (HADEP) participated in the parliamentary elections in December 1995 and April 1999, but failed to obtain the necessary 10% of the national vote in order to gain any seats in the National Assembly. In 1999 they attracted 4.73% of the vote. Prior to the election HADEP stated that it would concentrate on winning control of local councils in the southeast at the simultaneous municipal and general elections. It was successful in the local elections, taking control of some municipalities, including Diyarbakir. In October 1998, a Virtue Party (FP) deputy stated, 'There is no political influence in the (southeast) region other than that of the FP and HADEP.'

HADEP members are sometimes the object of arbitrary arrests and mystery killings and are often harassed in the southeast for their legal political activities. In February 1998, seven HADEP leaders were arrested on charges of being linked with the PKK. The case was initiated by a HADEP calendar which features pictures of separatist guerrillas. HADEP leaders have denied any links with the PKK. Depending on the outcome of the investigation, HADEP faces closure by the Constitutional Court. In September 1998, five of the defendants were released, including Murat Bozlak, the HADEP chairman, although the investigation continues. Two of HADEP's predecessors, HEP and DEP, were closed by the Constitutional Court due to alleged collaboration with the PKK.

Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP members went on hunger strike in sympathy with the PKK leader. Others held illegal demonstrations and some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of detainees at the end of November as 3,064. Most were reportedly freed after a brief detention. HADEP leaders said that many of their party members were beaten and tortured during the government's crackdown on HADEP, and one 18 year old member died in custody. Following the hunger strikes on behalf of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment has requested prison terms between four and half years to seven and a half years. On 29 January 1999 the Chief Prosecutor of High Court of Appeals

filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an 'organic relation' between HADEP and the PKK. HADEP stated its intention to stand in the April 1999 general elections despite the pending lawsuit, and the Constitutional Court permitted it to do so.

The forcible return of Abdullah Öcalan to Turkey in mid-February 1999 was marked by public protests by his supporters, many of which became violent. There was a series of PKK bombings across Turkey. The unrest led to another round of arrests of HADEP members. Following the elections and a drop in PKK terrorist violence in summer 1999, government pressure on HADEP eased somewhat, although a case for closure of HADEP is currently before the Constitutional Court, and three HADEP mayors were arrested in February 2000." (UK Home Office April 2001, paras. 6.14-6.16)

“The case to close HADEP, whose predecessor parties were also closed by the Government, was pending at year's end [...]. The case cannot be resolved without the resolution of several other SSC cases against HADEP officials, which were ongoing at year's end. In the November [2002] elections, some former HADEP leaders ran under the banner of the Democratic People's Party (DEHAP), which HADEP created as insurance against its possible preelection closure. HADEP/DEHAP officials said the party suffered from a loss of name recognition. At year's end, DEHAP was under investigation for providing forged documents while registering for elections. HADEP/DEHAP leaders said state harassment of the party has continued to decline gradually for each of the past 3 years, following a steep reduction in PKK-related conflict. They said the party was able to operate more freely in the November parliamentary elections than in the previous election in 1999.

However, throughout the year [2002], police raided dozens of HADEP offices, particularly in the southeast, and detained hundreds of HADEP officials and members. DEHAP and HADEP members were regularly harassed by Jandarma and security officials, including verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to HADEP/DEHAP. Although most detainees were released within a short period, many faced trials, usually for "supporting an illegal organization," "inciting separatism," or for violations of the Law on Meetings and Demonstrations.

In April [2002] the Ankara SSC sentenced former HADEP leader Ahmet Turan Demir, Turkish Communist Party leader Aydemir Guler, and Turkish Socialist Labor Party leader Turgut Kocak to 10 months' imprisonment each for "challenging Turkey's unitary structure" during speeches at a 2000 HADEP convention. In September [2002] police raided HADEP offices in Ercis District, Van Province, confiscating books and detaining HADEP district chairman Kemal Dogruel and four other party members. The detainees were released later that day. In August [2002] Jandarma searched homes in the town of Gecitli, Hakkari Province, and detained seven persons after HADEP members distributed election forms in the area. Jandarma reportedly warned the detainees not to support HADEP and released them the next day. In November Istanbul attorney Erdal Tuncel claimed police raided his home, beat him, threatened to kill him, and told him to cut his ties to HADEP.

Mazlum-Der, HRA, and DEHAP officials throughout the region reported cases of Jandarma and village guards threatening villagers not to vote for DEHAP. The villagers were warned that, should DEHAP win the vote from that area, the town might be burned, reevacuated, or denied services (such as electricity or water). The Diyarbakir HRA office also reported one case in which the Jandarma told the residents of a village that they should show their support for DEHAP by having the village sheikh vote symbolically on behalf of the whole village.

Parties are required to have 10 percent of the nationwide vote to enter Parliament. During the year, politicians from several parties debated whether to lower the threshold. In September the ECHR decided to hear a complaint filed by HADEP that the 10 percent threshold prevented 34 of its candidates from entering Parliament in 1999, despite having won elections in their districts.

[...]

There were no legal restrictions on political activities by minorities. Some ethnic groups were active in political affairs; for example, many Members of Parliament and senior government officials were Kurds.” (U.S. DOS, 31 March 2003 sect. 3)

“In April 2002 the Ankara State Security Court sentenced former HADEP leader Ahmet Turan Demir, Turkish Communist Party leader Aydemir Guler and Turkish Socialist Party leader to 10 months' imprisonment each for “challenging Turkey's unitary structure” during speeches at a 2000 HADEP convention. In September 2002 police raided HADEP offices in Erciř district, Van province, confiscating books and detaining HADEP district chairman Kemal Dogruel and four other party members. The detainees were released later that day. In August 2002 Jandarma searched homes on the town of Geřitli, Hakkâry province, and detained seven people after HADEP members distributed election forms in the area. Jandarma reportedly warned the detainees not to support HADEP, and released them the next day. In November Istanbul attorney Erdal Tuncel claimed police raided his home, beat him, threatened to kill him, and told him to cut his ties to HADEP.

In early September 2002 HADEP, EMEP (Labourers Party) and SDP (Socialist Democracy Party) decided to unite under the roof of DEHAP (Democratic People's Party) for the 3 November 2002 general election. HADEP leader Murat Bozlak said "This is the first step of a wide unity." It was reported that the fragile peace that had fallen on Turkey's war-scarred and poverty-stricken Southeast led to a new sense of freedom for people to vote for DEHAP. One shopkeeper, waving a yellow DEHAP flag in the small, dusty town of Hazro in Diyarbakýr province, said “We can easily support DEHAP now. This time we do not have to fear what our votes will cost us...This year the Kurdish identity is out in the open.” Osman Baydemir, a DEHAP parliamentary candidate from Diyarbakýr, said “We have emerged from the chaotic years (of emergency rule, and strict bans on use of the Kurdish language), and the political atmosphere is kinder, gentler. We are able to visit the towns and villages where we were previously barred, we are allowed to hold large meetings. This has caused a huge explosion in our support.” DEHAP won (provisionally) 6.2% of votes cast at the election, and did not surmount the 10% threshold required for parliamentary representation.

On 13 March 2003 Turkey's Constitutional Court (which is accorded complete independence from the legislative and executive branches of the State, which has no power whatsoever to modify or postpone decisions of the Court) banned HADEP on the grounds that it aided and abetted the PKK. (DEHAP was not banned). The Constitutional Court President declared that 46 members of HADEP, including Chairman Murat Bozlak, could not be founders, members or administrators of another party for a period of five years. The Court ordered HADEP's assets to be transferred to the Treasury. Mr Ahmet Turan Demir, a leading member of HADEP, said “Our party did not deserve to be banned. You cannot suppress political thought by closing down parties. We are going to take this issue to the European Court of Human Rights. We are going to expose this to the entire world.” (UK Home Office, April 2003)

### **Press freedom still greatly restricted despite 2002 reforms**

“Turkey extensively reformed its laws in 2002 as part of an effort to gain entry into the European Union. But in reality, press freedom was still greatly restricted. Parliament abolished the death penalty in peacetime, legalised broadcasting in the Kurdish language and abolished prison terms for press offences. The state of emergency, which had led to many violations of press freedom in the southeastern part of the country over the past 15 years, was lifted on 30 November. The legal provisions most often used against journalists - punishing "insults to the state and its institutions and threats against the indivisible unity of the republic ... incitement to hatred on the basis of class, race, religion, sect or region ... making propaganda for a terrorist organisation ... separatist propaganda" or supporting an illegal organisation - were amended. But the changes left much to the whim of judges and only when they are applied will the true impact of the amendments on freedom of expression be seen. Several trials of journalists have already taken place under the new provisions.

The revision of the media law strengthened its more repressive aspects, allowing for tighter government control of the National Broadcasting Council (RTÜK), heavier fines than ever for the media, a challenge to freedom of expression on the Internet and further narrowing of media ownership. Journalists daring to criticise state institutions or tackle taboo subjects, such as the Kurdish problem and the part played by the army in political life, are still censored, fined heavily and prosecuted without good reason.

A European Commission report on progress made by Turkey in 2002 in its efforts to win membership of the European Union said that despite the legal reforms, there were still major restrictions, especially of freedom of expression in both the written and broadcast media. But the pro-Islamic government that came to power at the end of the year said it would push new laws promoting democracy and bringing the country in line with European standards, so as to bring forward the December 2004 date set by the EU to examine Turkey's candidacy." (Reporters sans frontières, 2003)

"The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, political Islam, and the question of Turks of Kurdish origin as "minorities;" however, persons who wrote or spoke out on such highly sensitive topics risked prosecution. Many individuals and groups who voiced opposition to the new F-type prison regime faced charges, as did a group of women who publicly accused security forces of rape.

(...)

Independent domestic and foreign periodicals that provided a broad spectrum of views and opinions, including intense criticism of the Government, were available widely, and the newspaper business was extremely competitive. However, news items reflected a pro-government bias. For example, persons killed by security forces during operations in the southeast often were described as "terrorists" without proof of terrorist activities." (U.S. DOS, 31 March 2003)

"The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish that were not world languages, such as Kurdish. RTUK [the High Board of Radio and Television] monitored broadcasters and sanctioned them if they are not in compliance with relevant laws. Parliament elected the RTUK members (divided between ruling and opposition parties) and provided its budget. Although nominally independent, RTUK was subject to some political pressures. RTUK penalized private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. In general RTUK suspended television broadcasts for 1 day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." RTUK decisions may be appealed to the Provincial Administrative Court and then to the Council of State (Danistay). In some cases, such appeals were successful. (U.S. DOS, 31 March 2003)

"Government censorship of foreign periodicals was rare, although forms of censorship were sometimes used against periodicals in the southeast. In the former state of emergency region, 17 cassettes of Kurdish songs were banned, and several radio and TV stations were closed or suspended for broadcasting Kurdish songs. In April Sulhattin Onen, a bus driver in Diyarbakir Province, was indicted and given a 45-month suspended sentence for listening to a cassette of Kurdish music. In October Abdulmelik Firat, running as an independent candidate in national elections, was detained for speaking Kurdish while campaigning in Diyarbakir Province. He was brought before a judge and released later the same day.

In November a 14-year-old student in Kazanci village, Diyarbakir Province, was allegedly detained and beaten for saying he was "proud to be a Kurd." Also in November, the Education Ministry dismissed six teachers because they sang Kurdish songs at a teachers' union congress. In December the Istanbul SSC convicted 4 parents of "supporting an illegal organization" and sentenced them each to 45 months' imprisonment for submitting a petition to the governor of Gungoren district seeking education in Kurdish for their children.

The State of Emergency Regional Governor, courts, police, and the state broadcasting oversight body denied the Kurdish population--the largest single ethnic group in the southeast--the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish-language broadcasts of news, commentary, or discussion were illegal throughout the country for most of the year. From January through November, a Government decree gave the Interior Ministry, upon the request of the State of Emergency Regional Governor, the authority to ban the distribution of any news viewed as misrepresenting events in the region. In the event that a government warning was not obeyed, the decree provided for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, led to self-censorship by journalists on some issues.” (U.S. DOS, 31 March 2003)

“However, in November [2002] the Government implemented laws passed in August allowing, under tight restrictions, broadcasts in traditional languages other than Turkish, including Kurdish. The new regulations were supposed to allow broadcasts in Kurdish and other non-Turkish languages traditionally used by Turkish citizens. Non-Turkish programs were allowed only on state-owned radio and television outlets. They were limited to 45 minutes per day, 4 hours per week on radio, and 30 minutes per day, 2 hours per week on television. Regulations require that non-Turkish radio programs be followed by the same program in Turkish, and that non-Turkish television programs have Turkish subtitles. By year's end, there were no programs broadcast in Kurdish or other traditional non-Turkish languages. In September [2002] the Government implemented a law lifting a ban on private courses in Kurdish and other traditional non-Turkish languages.” (U.S.DOS, 31 March 2003)

# DOCUMENTATION NEEDS AND CITIZENSHIP

## Citizenship

---

### Applications for restoring citizenship rights are mostly done through administrative organs, least through security forces (January 2002)

“Given the findings above, we can conclude that applications to institutions for restoring citizenship rights are made in the following order of frequency:

Administrative Organs (Governor, Official Head of District, Ministry of Interior)

NGOs

Political Parties

Judicial Organs

Security Forces or Military Stations”

(Göç-Der 2002, p.55-I)

## Documentation needs

---

### High proportion of Kurds who moved to cities remain unregistered (2000)

- The procedure to obtain ID cards exposes the displaced to security forces
- Remaining unregistered means having no access to health or education services

**"Registration of residence** All Turkish citizens are required by law to register with the neighbourhood *muhtar* or headman immediately on arrival in a new neighbourhood. We were struck by the number of informants in Istanbul, Adana and Gaziantep who told us either that they were unregistered, or that they had registered in one location but actually lived incognito elsewhere [...]. In other words they sought to be invisible.

It is an offence not to carry one's ID card, rendering one liable to three days' detention. If it is lost, another one must be obtained immediately from the ID office. A chit from the *muhtar* is necessary for this. According to a *muhtar* (see paragraph below), the ID office has a list of 'wanted' persons, supplied by the police. If a name comes up as 'wanted' the police are informed. Notification is also passed to the police or gendarmes at the place of birth. It is not only the officially 'wanted' category that is liable to detention. Many others are detained on suspicion. *Not* being on the 'wanted' list in no way implies one is safe.

Gaziosmanpasa is a well-known area of Istanbul with an Alevi and Kurdish concentration. We met Nevzet Altun, the *muhtar* [...]. He informed us that the registered population is approximately 80,000, but he reckoned the real population was in the order of 100,000, with 20 per cent of the population unregistered. He reckoned that the Alevi proportion of the population is between 40 and 50 per cent, while the Kurdish population is between 30-40 per cent. Presumably there is a large overlap between the two categories. Bearing in mind that it is those who *fear* the police who choose to remain unregistered and that these are most likely to be those displaced by the exigencies of war and have already seen plenty of police excesses, the unregistered population is like to be overwhelmingly Kurdish, with a minority of leftists, probably Alevi Turks also. One may conjecture therefore that the proportion of *Kurds* who are unregistered is well in

excess of the *muhtar's* 20 per cent overall estimate, and may even exceed 40 per cent. It is not the role of the *muhtar* to submit registration rolls to the police. Rather, the police scrutinise these rolls whether the *muhtar* desires it or not. We received anecdotal confirmation of this in the offices of Goç-Der (The Migrants' Social and Solidarity Association). One staff member said of her arrival in Istanbul as a displaced person 'When I came to Istanbul I registered with the *muhtar* and gave my address. Then the police came and told me to sign every month at the police station.' Another said, 'I am here [Istanbul] eight years. I am still not registered with the *muhtar*. I cannot register as they will get my address and torture me. My family are military service evaders in Germany.'

People do not take the decision to remain unregistered lightly. Failure to register is not simply a means of remaining 'off the record', excluded from the population census, nor merely a matter simply of remaining excluded from the electoral roll. Remaining unregistered means having no access to health or education services. That price may not seem high for a bachelor in rude health. We repeatedly met families where children were not in school because the parents felt unable to take the risk of registration. If there was a health problem they had to find the money to go to a private clinic. The loss of education for one's children is a very high price indeed to pay, and it is not logical to think that displaced people would take this course of action unless they had real grounds for fear." (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 16-17)

# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## Kurdish identity

---

### General

- Turkish Constitution provides a single nationality designation for all Turks

“The Constitution provides a single nationality designation for all Turks and thus does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked public censure, harassment, or prosecution. However, Kurds who were long-term residents in industrialized cities in the west were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) brought with them their culture and village identity, but often little education and few skills.

[...] There were numerous reports of citizens of Kurdish origin being prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. Birth Registry Law 1587 outlaws "names which do not fit the country's national culture, moral rules, customs or traditions, or which harm the general public." There were numerous restrictions against free expression in Kurdish and pro-Kurdish political parties. In September [2002] the Government implemented reforms designed to allow private courses teaching Kurdish and other non-Turkish languages "used by Turkish citizens in their daily lives." However, by year's end, there were no such courses operating. Demand for private Kurdish courses was limited, and Kurdish rights advocates argued that the regulations placed prohibitive costs by requiring that Kurdish courses be established in separate institutions, rather than added to existing language schools. In November the Government adopted regulations designed to allow, under tight restrictions, broadcasts in Kurdish and other non-Turkish languages [...]. No Kurdish-language television broadcasts, radio programs, or courses were in place at year's end [2002].

Police exerted pressure against Kurdish cultural groups and hindered their activities, and local officials monitored and often interrupted their cultural events. In January [2002] the Jandarma arrested 500 students at Van's Centennial University after they petitioned the rector to include Kurdish among the university's elective courses. In February a court ordered the closure of the Mesopotamia Cultural Center, established to promote Kurdish language and culture. In January authorities closed the Kurdish Institute, charging the organization with violating the Law on Private Education. Hasan Kaya, the head of the Institute, was acquitted in three separate cases between December 2001 and August, including charges of opening an illegal language course and separatist propaganda.

There were indications of relaxed restrictions on cultural expression. On Victory Day (August 30) a famous Turkish singer performed in several languages—including Kurdish, Armenian, Greek, and Turkish—during a concert in Ephesus supported by the Minister of Culture. In November a photography exhibition on the Syrians was held in Diyarbakir with no restrictions. In August the Tunceli Culture and Nature Festival took place with no bans on Kurdish songs.” (US DOS, 31 March 2003)

## **Despite legislative reforms, observers fail to note significant improvements in practice**

- Reforms, but no significant improvements in practice

”Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination in September [2002].

Despite legislative reforms aimed at relaxing restrictions on publicly expressing Kurdish identity, observers failed to note significant improvements in practice. In August [2002] a change in the law was introduced which allowed language courses and broadcasting in "languages traditionally used and spoken by Turkish citizens in their daily lives". However, one week after this legislation was passed, the head of the teachers' trade union in Diyarbakır was removed from his teaching post by the Ministry of Education, reportedly for making a speech supporting first-language broadcasting. No courses in Kurdish were apparently approved by the authorities, and thousands of individuals were arrested for signing petitions asking for the right to be educated in Kurdish. Some detainees were allegedly tortured or ill-treated. Some were charged with aiding and abetting the armed opposition group Kurdistan Workers' Party (PKK) or its successor KADEK. However, after the amendment to the law, some people were reportedly acquitted while charges against others remained pending.

During 2002 several trials were opened against parents who tried to register their children with Kurdish names. Abdullah Yağan was sentenced to 45 months' imprisonment in July by Diyarbakır State Security Court as a result of playing Kurdish music to the passengers in his minibus.) In July the public prosecutor opened a case in Siirt demanding that parents be forced to change the Kurdish names of their children. The case covered children born in 19 families between 10 July 1997 and 19 March 2002. Eleven teachers and one engineer were taken into custody on 10 May and allegedly tortured and ill-treated by police, including by being beaten with books written in Kurdish. They were acquitted by the State Security Court on 5 September of charges of aiding and abetting an illegal organization. However, a Ministry of Education internal investigation resulted in 10 of the teachers being posted to other regions of the country, because "Kurdish books were found in their homes". (AI, 2003)

## **Separate identity creates integration problems for displaced Kurds (January 2002)**

- After displacement, the formation of ethnic groupings is encouraged by several factors which increases ethnic tensions
- Social exclusion has created a new multi-structural urban space

“The forcibly displaced Kurdish citizens of Turkish Republic are perceived and treated as “potential criminals” in certain times and places by public and local administrators, security forces and the police. In their new environment, there exist several reasons that encourage the formation of ethnic groupings and increase ethnic tensions. Among these reasons are the negative effects of the armed conflicts and ethnic tension on the psychology of urban masses, nationalistic prejudice that dates back to the foundation of the Turkish Republic, the problems in establishing relationships between these people and other settled groups of the urban space. It is known that even the Kurdish citizens who had migrated to such places voluntarily long before the emergence of armed conflicts in the region and integrated with the urban social life have fears to get into contact with these forcibly displaced migrants. Obviously, they do not want to become the target of national prejudices.”

(Göç-Der 2002, p.26-III)

“Being unable to integrate with the settled groups of the cities or public and local administrators’s failure in estimating the extent of such a mass-displacement and its consequences, not employing any settlement policy for the large migrant population are important factors leading the migrants use their own possibilities

and kinship relations in settling in their new living environments. This resulted in considerable destruction in the urban structure and brought about a “multi-structural” urban space. In many places, except for agricultural activities, migrants tend to maintain their former ways of life and this divided the urban space into different parts by “unseen borders”. The migrant population concentrated in certain regions of the cities; the settled population could not absorb the huge migrant population. Thus, rather than an integration with the settled population, new divisions and segregation emerged within the urban space. (Göc-Der 2002, pp.32-33-III)

## **Cultural rights**

---

### **Turkish state granted Kurdish population more cultural rights (August 2002)**

- In August 2002, the Turkish parliament adopted a package of democratic reforms, including the lifting of the ban on education and broadcasts in Kurdish
- It also eased restrictions for foreign organisations working in the country

“The Turkish parliament has formally approved a package of key democratic reforms, designed to improve the country's chances of European Union membership.

The death penalty will be abolished, the ban on education and broadcasts in Kurdish lifted.

Final parliamentary confirmation came after a marathon all-night session, and now only requires the formality of presidential approval to become law.

Nationalist deputies strongly opposed the moves, seeing them as a concession to Kurdish rebels and their 15-year campaign for autonomy in the south-east of the country.

"We are happy that the death penalty is being lifted in Turkey," embattled Prime Minister Bulent Ecevit said after the vote. "It is important that the EU's door opens up for Turkey."

### **Kurdish reform**

The death penalty will be replaced by life imprisonment without parole, although it will remain on the statute books in wartime.

The change will save the life of jailed Kurdish leader Abdullah Ocalan.

The largest group in parliament, the Nationalist Action Party, made Ocalan's execution the centre of its 1999 election campaign.

No executions have been carried out since 1984, although dozens of people are on death row.

Members of the party told parliament that the families of those killed by the rebel Kurdish PKK were watching the debate.

But such arguments failed to deter deputies from abolishing the death penalty by a large majority - a move which set the mood for further votes.

Early on Saturday, parliament legalised Kurdish radio and television broadcasts - one of the most controversial elements of the reform package, which ends years of severe state restrictions.

The country's estimated 12 million Kurds will also be allowed to have private Kurdish-language education.

The BBC's Jonny Dymond in Istanbul says that to its supporters, the death penalty has been a sign of Turkey's resolve against terrorism, and to its opponents, a sign of state brutality and backwardness.

Experts say that supporters of the reforms want to adopt the whole package before campaigning starts for the general election on 3 November.

Turkey wants the EU to set a firm date by the end of the year when the country can start membership talks.

But Brussels insists reforms should be passed and implemented before it could consider such a move.

[...]

#### **Turkey's reform package:**

end the death penalty  
allow Kurdish broadcasts and education  
end penalties for criticism of state institutions  
ease restrictions on public demonstrations  
ease restrictions for foreign organisations working in the country  
toughen measures against illegal immigration  
greater freedom for non-Muslim minority religions"  
(BBC 3 August 2002)

#### **Cultural rights of the Kurdish minority: insufficient improvements (2000-2003)**

- August 2002 legislation lifted restrictions on minority language courses and broadcasting, but lack effective implementation
- Sweden sends 100,000 Kurdish books to revive Kurdish language
- Chairman of Diyarbakir Bar Association announces support of Kurdish names
- A law that prohibited speech and printing in languages not officially recognized was abolished in 1991
- Newspapers and magazines published in Kurdish remain however subject to confiscation or police raids for suspected 'separatism'
- Licenses have not been issued for independent television or radio channels to broadcast in Kurdish
- Decree on broadcasting in local languages and dialects published
- Kurdish cannot be used as a language of instruction
- The Kurdish New Year has been adopted a Turkish national holiday but the right of assembly continues to be frequently denied

“Minority languages, particularly Kurdish, were a controversial issue. From December 2001 onward, police detained more than a thousand school and university students for submitting petitions calling for optional courses in Kurdish. Prosecutors indicted hundreds of the students on charges of supporting an armed gang, claiming the students' campaign for Kurdish language courses was run by a new illegal movement called Kurdistan Freedom and Democracy (KADEK), formed in April [2002] out of the dissolved Kurdish Workers' Party (PKK). In April, Diyarbakır State Security Court handed down a suspended sentence of forty-five months of imprisonment to minibus driver Sulhattin Önen for repeatedly playing a cassette tape of a song in Kurdish. The court was unswayed by the fact that the tape was legally authorized for

publication. The August [2002] legislation lifted restrictions on minority language courses and broadcasting, including in Kurdish. The change seemed to represent a new respect for linguistic diversity, but the reforms were hedged with qualifications that could block effective implementation. Kurdish still could not be taught in universities, or broadcast by independent radio or television stations.” (HRW, 14 January 2003)

“Sweden has decided to send 100,000 Kurdish books for the Kurdish children and youth in north Kurdistan, in order to support and revive the Kurdish language, reported the Kurdish news website Kerkuk-kurdistan.com today. This is a controversial cultural support by Sweden and the Turkish reaction will be interesting. This new development by a European state may be seen by Turkey as an infringement in her "internal affairs." Despite Turkish reforms the oppression of Kurdish language and culture still continues. Human rights organizations have argued that recent reforms are nothing but cosmetic changes and that reforms stay on paper.” (Kurdish Media, 3 June 2003)

“On 23 November Sezgin Tanrikulu, chairman of Diyarbakir Bar Association, announced that his institution would support people, who wanted to register their children under Kurdish names. He stated: “Following the military intervention of 1971 and 1980 serious problems with Kurdish names turned up. After 12 September a list with prohibited names was sent... It seemed that the problem had been overcome in the 1990s, despite some problems with the gendarmerie. Later a list of prohibited names was again mentioned. The Court of Cassation ruled in 2000 that the parents had the authority to decide on the names of their children. Yet circulars continued to be issued. According to the Law on Registration the issue is not left to the discretion of the civil servant, who has to register the person under the requested name. Latest circulars show that the governors and directors of registration offices were given more competence. This is against law and we shall take the necessary steps against it.” (HRFT, November 2002)

"According to the Turkish Foreign Ministry website, 'The status of minorities in Turkey has been internationally certified by the 1923 Treaty of Lausanne, according to which there are only non-Muslim minorities in Turkey. It is wrong, according to this definition, to refer to our citizens of Kurdish descent as a 'Kurdish minority'. Besides, Turkey is a unitary State and 'Turkish citizenship' is an all embracing juridical concept encompassing all our citizens, granting them equal rights and obligations...'

It is clear, however, that the EU's Copenhagen criterion of 'respect for and protection of minorities' should be applied not only to the Jewish, Greek and Armenian minorities defined by the Treaty of Lausanne, but also to the Assyrians, Kurds, Laz, Roma and many other minorities in Turkey.

The 1990s saw a considerable liberalization in the area of language policy in Turkey. A law that prohibited speech and printing in languages not officially recognized was abolished in 1991. In 2000, several newspapers and magazines were published in minority languages - although those produced in Kurdish were frequently subject to confiscation or police raids for suspected 'separatism.'

In a test case in March [2000] concerning a child that had been given a Kurdish name, the Supreme Court ruled that children could legally be given names of non-Turkish origin.

Broadcasting and education, however, remained under dispute in 2000. The 1994 Law on the Television and Radio Organisations and their Broadcasts mandated the exclusive use of the Turkish language except in certain circumstances. On the basis of this law, licenses were not issued for television or radio channels to broadcast in Kurdish. Interestingly, the only media outlet to broadcast in the Kurdish language was the Dicle Sesi (Voice of the Tigris) radio channel, run by the armed forces, virtually acknowledging that many who lived in the southeast were unable to understand Turkish.

Turkish remained the official - though not exclusive - language of instruction, according to Article 42.9 of the Constitution. On the basis of the 1983 Foreign Language Education and Teaching Law, the National Security Council decided which foreign languages may be taught in Turkey. While languages spoken

outside of Turkey (e.g. English, Russian, Chinese, etc.) could be taught, Laz, Kurdish and Roma could not." (IHF 2001, p. 304)

"The decree on broadcasting in local languages and dialects on radio and TV was published in the Official Gazette on 18 December. Broadcasting on radio may not exceed 4 hours per week and two hours on TV. The maximum broadcast per day was determined as 45 minutes on radio and 30 minutes on TV. The programs have to be directed at adults and may not contain lessons on the language. The TV programs will have subtitles, while the radio program is subsequently repeated in Turkish. The programs will not have a separate studio design and the speakers have to appear in contemporary dress. The next step will be a protocol between TRT and the High Council for Radio and TV (RTÜK) according to the profile of the audience." (HRFT, December 2002)

"Kurds are able to assert their identity and culture significantly more than they could a decade ago. But the repeal of Law 2932 and the adoption of Newroz as a Turkish national holiday is less the result of a 'liberalisation' by the State than reluctant acquiescence in a profound shift in the terrain on which the Kurdish question is now contested. It is the *inability* of the State to contain Kurdish expression which has led to these concessions, which are still contested on the ground by members of the security forces and the judiciary. Cultural repression continues, frequently [...], in violent, bizarre and ludicrous ways. There is a long way to go before the freedom of expression, assembly and association in cultural matters enjoy respect by the State. It remains obsessed with the need to control." (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 53-54)

#### Kurdish New Year celebrations (Newroz)

"The March 21 Kurdish Nevruz ("New Year") [2002] was celebrated peacefully in some cities, but the governors of Balıkesir, Bitlis, Canakkale, Icel, Istanbul, Kars, Kahramanmaraş, Sırtak, Yalova, Iğdir, Erzurum, Kirsehir, Sakarya, Kayseri, Muğla, and Gebze did not allow celebrations, according to the HRF [Human Rights Foundation of Turkey]. Police detained hundreds of demonstrators and in some cases dispersed crowds with tear gas and beatings, HRF reported." (US DOS, 21 March 2003)

"In contrast to the previous year, the March 21 Kurdish Nevruz ('New Year') celebrations were marked by calm and respectful behavior among participants and security forces. According to press reports and initial contacts with activists in the southeast, the police detained several hundred unauthorized demonstrators in Mersin, Sanliurfa, Siirt, and Adana, but there were reportedly no arrests nor excessive use of force (as there had been in the previous year). The authorities for the first time granted permission for a major celebration a few miles outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and police treated the crowd well, according to a Kurdish activist. Istanbul municipal authorities denied permission for a celebration there because the organizers referred to 'Newroz', the grounds that since there is no letter 'w' in Turkish, this was Kurdish spelling." (US DOS February 2001, sect. 2a)

*About the celebrations of Newroz in 2001, consult the March 2001 report of the Human Rights Foundation in Turkey, sect. 1 [[Internet](#)]*

# PROPERTY ISSUES

## General

---

### **Loss of agricultural property poses problems for Turkish society as a whole**

“Forced mass-displacement from agricultural areas not only results in serious problems in the cities but also causes a significant loss in the agricultural production in Turkey. The Turkish society had been proud of not needing any agricultural exports for many years. Today, after this last migration wave, Turkey has become a country that needs agricultural exports for feeding its population.” (Göç-Der 2002, pp.38-39-I)

“Citing security concerns, provincial authorities continued to deny some villagers access to their fields and high pastures for grazing but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government estimated that 58,000 persons returned to the region from June 2000 to October 2002.” (US DOS, 31 March 2003)

### **Land of displaced villagers often confiscated by village guards (2001)**

- Occupation of land by village guards is one of main obstacle to return
- Displaced risk retaliation by village guards when recouring to legal remedies
- Land occupations by village guards take place in a context of concentration of land property in southeastern Turkey

"One of the most serious obstacles for a return is the fact that the land belonging to the evacuated villages has been occupied by village guards. Sefika Gürbüz, chairwoman of the migrants' association Göç-Der, said that they had forwarded 17,914 petitions for a return to the villages to the Grand National Assembly of Turkey (GNAT). Adding that those willing to return met with physical obstacles, she stated: 'In the first place these are obstacles directly deriving for the state of emergency. The second biggest obstacle are the village guards. The land of many villagers who left their homes has been confiscated by village guards. They are trying to prevent people from returning in order not to lose that land. The village-town project that was developed by Prime Minister Bülent Ecevit did not meet the expectations. Only village guards moved there, but the areas are not suitable for agriculture or cattle breeding and, therefore, the people have problems to make their living.' The former chairman of Göç-Der, Mahmut Özgür, said that the people who return to their villages are faced with a variety of problems. They have to establish a new order, must repair their homes and need money to buy animals. For all this they have to get compensation. Forced displacement is a problem that deeply affects Turkey's social, political and economic life. The illegal import of meat and the fraud termed 'Buffalo' can easily be linked to this problem. Before the forced displacement Turkey was exporting meat, but now has to import it." (Human Rights Foundation of Turkey January 2001, sect. 2)

"Oppression and threats targeting the villagers who attempt to return their villages to settle or to work in their property continued. A few villagers attempted to utilise the remedies apparently available in theory. For instance, a villager named Kadri Yasa filed an official complaint with the Kocaköy Public Prosecutor's Office against the village guards for threatening him, for illegally possessing his own property and for

cutting down thousands of his trees. He had been forced to emigrate from K yrmetaþ village of Diyarbak r in 1995.

Efforts of internally displaced persons to resort to national remedies often put them into risk of at least getting threatened by, for instance, village guards." (Human Rights Foundation in Turkey February 2001, sect. 2)

"Many villages in the area have been under pressure by either the government to take arms and become korucu ('watchmen' armed by the army to fight the PKK) or pressurised by the PKK to attack those armed. Each person who fights the PKK gets 50,000 TL per month. Korucu tend to be either the very poor or from Agalar villages who were compelled by the Agar to fight. In these villages those who do not become Korucu leave and their land is cultivated by those who stay. For this reasons many villages have either migrated or been forced to leave their village.

Three types of villages are found in the area

a) villages with small and medium sized farming. In these villages land tends to be of poor quality [...]

b) Large Holdings and irrigated farming villages [...]

c) **Aga** or landlord villages: these are characterised by the ownership and control/administration of only one Aga (landlords) or Sheikhs (a religious leader). A landlord might own one or a few villages. In the Ilisu area there are approximately 25 Aga. They tend to be tribal chiefs, but this is not always the case. There a number of villages where only one or relatively few families possess all cultivated land, with the ownership of some families extending beyond the boundaries of one village alone. In these villages land is of good quality reflecting high levels of access to circulating capital, water and machinery. The Aga has control over the village residents living in his villages and usually they all work for him. The Aga are the richest and the most politically influential in the region. Some do not always reside locally and chose to live in the cities or even abroad.

Another important feature of this region is that 35% of households are landless. Although their main income is from agriculture, they depend on working as wage labourers for large holdings and sharecropping for absentee landlords." (UK Government 22 December 2000, sect. 6.1)

## **Legal judgements help put displacement on national and international agenda**

- No effective domestic legal remedy
- ECHR judgements in house destruction cases

"Principle 7(3)(f) of the U.N. Guiding Principles states that the right of displaced persons "to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected." Villagers burned out of their homes should be able to seek a remedy under Turkish domestic law. Article 125 of the Constitution provides that "All acts or decisions of the Administration are subject to judicial review.... The Administration shall be liable for damage caused by its own acts and measures." However, Decree with the Force of Law No. 430 exempts the administration of the state of emergency governor from legal action concerning acts in the state of emergency region (and provinces neighboring the state of emergency region) where almost all displacements occurred. An exception is made for acts of destruction "without justification" but given the reluctance of the judiciary to investigate abuses committed by the security forces, identified by the European Court of Human Rights, it would be easy for the state to use this defense, simultaneously branding villagers as "terrorists" and leaving them in a worse position than if they had not gone to court in the first place. In addition, under the Law on the Prosecution of Civil Servants and other Administrative Officials, no prosecution can be opened against an officer of the state unless it has been authorized by the office of the local governor (who is also the security forces' chief within the province).

A further difficulty in opening litigation is that, as indicated above, officials avoid committing administrative acts to paper that might later form the basis of a court action. None of the villagers Human Rights Watch interviewed had received written documents stating that they could not return to their homes, and the few who had been told that they could return for short periods in order to cultivate their fields had received only verbal permission from the governor and gendarmes.

[...]

As for creating the basis for a legal action relating to property rights and establishing the fact that the authorities are not permitting people access to their property, this is simple: it can be done by sending a registered letter.

[...]

A small number of displaced peasants have successfully sought international justice as a remedy, through the European Court of Human Rights (ECHR). This has not yet opened their path homeward, but there is no question that the series of shock decisions in the ECHR were key factors in forcing the military to halt its program of destruction. In its 1996 ruling in *Akdivar and Others v Turkey*, the ECHR corroborated the open secret and confirmed that Turkish security forces were indeed guilty of house destruction. From that moment on, gendarmes knew that bullying indigent villagers might not be costfree.

The European Court is considering how to cope with its growing burden of work. The rapporteur of the Council of Europe Parliamentary Assembly's Committee on Legal Affairs and Human Rights, Erik Jurgens, has said that responsibility for the increasing burden must be attributed in part to "the Committee of Ministers, which does not exert enough pressure when supervising the execution of judgments." An evaluation group established by the Committee of Ministers indicated that a substantial factor in creating the overload is the burden of "clone" or "repetitive" cases, like the series of house destruction actions from Turkey.

Clearly, ensuring execution of judgments in such cases might cut down the volume of clone violations and so, clone cases. In view of the considerable flow of information from southeast Turkey, it is regrettable that the Committee of Ministers did not identify the systematic pattern of village destruction at an earlier stage and bring pressure on the Turkish government to desist. Meanwhile, applications at the ECHR continue to pile up.

[...]

The ECHR judgments in the cases of house destruction in Turkey were effective in putting the forced displacement of Kurdish villagers on the national and international agenda. But these cases represent just a small sample of a much wider pattern, and unfortunately, the follow-up mechanisms to halt the continuing violation and tackle that wider pattern are slow and cumbersome. In addressing Turkey concerning the cases of house destruction, the Committee of Ministers asked what steps have been taken to avoid repetition of this serious violation. The Committee's resolution and the Turkish government's response only recapitulate the confrontation that took place in the ECHR: Turkey presented an outline of the remedies open to victims of house destruction, while the Committee of Ministers noted that impunity and the lack of effective remedies were continuing problems and encouraged the Turkish authorities "to continue their efforts in order to ensure rapid reparation for the victims of violations of the Convention committed by the security forces." (HRW, 30 October 2002)

### **Domestic law applying to compensation for property loss: no effective remedies (2001)**

- Turkish Constitution and other domestic legal provisions require compensation for government actions causing loss of property or injury
- No proceedings can be brought against governors within the state of emergency area
- There is no example of compensation or prosecutions in cases of property destruction carried out by security forces, according to the European Court of Human Rights

- As a result of the situation of civil strife in southeastern Turkey, effective and accessible domestic remedies do not exist for complaints

"Turkish domestic law provides that citizens must be compensated for government actions that cause them loss of property or injury. In proceedings before the European Commission of Human Rights regarding a case of alleged forced evacuation and burning of a village by government security forces, the Turkish government submitted as relevant law Article 125 of the Turkish Constitution, which states, 'The administration shall be liable for damage caused by its own acts and measures.' This is not restricted by any state of emergency or war, and does not necessarily require proof of a fault on the part of the administration. Article 1 of Law 2953 of October 25, 1983, states, moreover, that, 'actions for compensation in relation to the exercise of the powers conferred by this law are to be brought against the Administration before the administrative courts.'"

"If these laws were enacted effectively, the number of petitions to the European Commission of Human Rights would be greatly reduced." (HRW June 1996, Turkey's legal obligations)

"Provisions on emergency measures

1. Extensive powers have been granted to the Regional Governor of the State of Emergency by decrees enacted under Law no. 2935 on the State of Emergency (25 October 1983), especially Decree no. 285, as amended by Decrees nos. 424 and 425, and Decree no. 430.

2. Decree no. 285 modifies the application of Law no. 3713, the Anti-Terror Law (1981), in those areas which are subject to the state of emergency, with the effect that the decision to prosecute members of the security forces is removed from the public prosecutor and conferred on local administrative councils. These councils are made up of civil servants and are under the authority of the provincial governors who also head the security forces.

3. Article 8 of Decree no. 430 of 16 December 1990 provides as follows:

'No criminal, financial or legal responsibility may be claimed against the State of Emergency Regional Governor or a Provincial Governor within a state of emergency region in respect of their decisions or acts connected with the exercise of the powers entrusted to them by this decree, and no application shall be made to any judicial authority to this end. This is without prejudice to the rights of individuals to claim indemnity from the State for damage suffered by them without justification.'

According to the applicant, this Article grants impunity to the Governors and reinforces the powers of the Regional Governor to order the permanent or temporary evacuation of villages, to impose residence restrictions and to enforce the transfer of people to other areas. Damage caused in the context of the fight against terrorism would be "with justification" and therefore immune from suit." (ECHR 30 January 2001, paras. 37-39)

"Regard must therefore be had in this case to the situation which existed in south-east Turkey at the time of the events complained by the applicant, which was characterised by violent confrontations between the security forces and members of the PKK (see the *Mentes and Others v. Turkey* judgement of 28 November 1997, Reports 1997-VIII, p. 2707, §58). In such a situation, as the Court has recognised in previous cases, there may be obstacles to the proper functioning of the system of the administration of justice (see the *Akdivar and Others v. Turkey* judgement, cited above, pp. 1211, §70)

The Court recalls that, despite the extent of the problem of village destruction, there appeared in these previous cases to be no example of compensation being awarded in respect of allegations that property had purposely been destroyed by members of the security forces or for prosecutions having been brought against them in respect of such allegations. Furthermore, there had consistently been a general reluctance on the part of the authorities to admit that this type of practice by members of the security forces had

occurred. The Government had provided no information since that would lead the Court to reach any different conclusion (see the Selçuk and Asker v. Turkey judgment, cited above, p. 908, §68).

Accordingly, the Court finds that it has not been demonstrated by the Government with sufficient certainty that effective and accessible domestic remedies existed for complaints such as the applicant's. Having regard to the circumstances in which her house and property, along with others in her village, were destroyed, the Court considers it understandable if the applicant considered it pointless to attempt to secure satisfaction through national legal channels. The insecurity and vulnerability of the applicant following the destruction of her home is also of some relevance in this context (see the Selçuk and Asker judgment, cited above, p. 908, §§ 70-71).

The Court concludes that there existed special circumstances which dispensed the applicant from the obligation to exhaust domestic remedies. (ECHR 30 January 2001, paras. 45-48)

As regards the application of Article 26 to the facts of the present case, the Court notes at the outset that the situation existing in South-East Turkey at the time of the applicants' complaints was - and continues to be - characterised by significant civil strife due to the campaign of terrorist violence waged by the PKK and the counter-insurgency measures taken by the Government in response to it. In such a situation it must be recognised that there may be obstacles to the proper functioning of the system of administration of justice. In particular, the difficulties in securing probative evidence for the purposes of domestic legal proceedings, inherent in such a trouble situation, may make the pursuit of judicial remedies futile and the administrative inquiries on which such remedies depend may be prevented from taking place." (ECHR 16 September 1996, para. 70)

### **Ilisu dam project: problematic compensation of owners displaced by the conflict (2001)**

- The construction of the Ilisu dam will affect villages which have been emptied by the Kurdish conflict
- Finding the displaced owners of property and land in those villages is going to be difficult

"The Ilisu dam project will be built on the Tigris river in Southeast Anatolia for the purposes of energy production with a total capacity of 1 200 MW as an integral part of the Southeastern Anatolia Development Project. A large number of villages will be affected necessitating the compulsory resettlement of more than an estimated 16 000 people and affecting a further 20 000." (ECGD 22 December 2000, Introduction)

"Only an estimated 60% of rural people have land registration deeds (*topu*) in the Ilisu area according to the DSI [State Hydraulic Works] resettlement team. This will make it particularly difficult to administer expropriation. The DSI has written to all cadastral offices, asking that registrations deeds are provided to all land and property owners. But this has not been achieved because access to many villages is inhibited by the tense relationship between the army and the PKK. (The Kurdish Workers Party (PKK) is involved in armed confrontation with the Turkish government. Members believe in an independent Kurdish state with its own language and cultural institutions and have been fighting with the army since 1984.

There are many no-go areas as well as several empty villages which people have left or abandoned. For statistical purposes and in order to preserve such villages people are still registered as inhabitants. This is useful for local and national party elections. But there are also sensitive political reasons for not registering the villages as empty. Local people want to make sure that villages do not disappear from the census and maps and it is not to the government's advantage to publicise that the villages are empty. The DSI is aware that finding the owners of property and land in empty villages is going to present particular problems for the resettlement programme." (ECGD 22 December 2000, sect. 6.1)

## **Systematic destruction of properties and possessions (1994-1999)**

- In most cases, evacuations of villages were followed by destruction of houses, crops and livestock by the security forces
- Settlements of Turkish citizens of Kurdish origin were primarily targeted, ranking from individual dwellings to small villages
- Human Rights Court in Strasbourg released several judgements against Turkey regarding village destruction

"According to the Turkish Parliament's Commission on Migration, 401,328 villagers have been displaced since 1984. Many other observers claim a much higher figure. The population of Diyarbakir, the regional capital, increased by 600,000 during the 1990s. In most cases, these villagers were not evacuated in an orderly fashion, resettled, or compensated. Rather, they were driven from their homes by security forces who left burned houses and destroyed crops and livestock in their wake. A large number of petitions have been filed with the European Court of Human Rights in respect of village destruction, and three important judgments have already been reached against Turkey. [49]"

The findings of the European Commission on Human Rights in the *Mentes* case eloquently describe the officially sanctioned lawlessness that broke out all over southeast Turkey in the 1990s: 'The Commission considered that the burning of the first three applicants' homes constituted an act of violence and deliberate destruction in utter disregard of the safety and welfare of the applicants and their children who were left without shelter and assistance and in circumstances which caused them anguish and suffering. It noted in particular the traumatic circumstances in which the applicants were prevented from saving their personal belongings and the dire personal situation in which they subsequently found themselves, being deprived of their own homes in their village and the livelihood which they had been able to derive from their gardens and fields.' [50]"

[Endnote 49: European Court of Human Rights, *Mentes and others*, November 28, 1997[7]; *Akdivar and others*, December 18, 1996; *Selçuk and Asker*, April 24, 1998.]

[Endnote 50: European Court of Human Rights, *Mentes and others*, November 28, 1996, paragraph 76.] (HRW September 2000, "Contributing to Stability in the Southeast")

"During the military actions (1984-1999), the Turkish army is said to have evacuated and destroyed thousands [26] of settlements of Turkish citizens of Kurdish origin, ranking from individual dwellings to small villages, to prevent the PKK militants from finding refuge [27]. Rather than restoring these settlements, most of which were situated in remote and isolated areas, the Turkish authorities prefer to rebuild new villages in safer and more accessible places. In the area of Sirnak, six villages have thus been resettled whilst resettlement of five others was planned for the year 2000. The 2000-2001 Plan foresees also the construction of 4 boarding schools and 19 primary schools."

[Endnote 26: On 28 July 1997, the Chairman of the TGNA Committee on Migration confirmed that 364 742 inhabitants of 3185 villages and hamlets had been forced out since 1990 in the framework of the fights against terrorism (Doc 8131, §17)]

[Endnote 27: In a number of judgements, the European Court has ruled that some practices of the security forces in south-east Turkey, including the burning of houses, constituted violations of the European Convention on Human Rights.] (COE 13 June 2001, para. 144)

# PATTERNS OF RETURN AND RESETTLEMENT

## Return and resettlement programmes

---

### General

- Provincial authorities continue to deny villagers access
- Turkish government: 58,000 people benefited from Return to Village project since June 2002
- Inconsistent return statistics

“Citing security concerns, provincial authorities continued to deny some villagers access to their fields and high pastures for grazing but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government estimated that 58,000 persons returned to the region from June 2000 to October 2002. More than 400 villages and hamlets have reportedly been reopened with state assistance. According to Human Rights Watch (HRW), inadequate government assistance and continued violence by security forces discouraged returns. HRW claimed the Government's return plans failed to meet international standards and had therefore not attracted international funding.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow displaced villagers to return unless they signed a document claiming that they had left their homes due to PKK terrorism, rather than due to Government actions, and stating that they would not seek Government assistance for returning. There also have been charges that resettlement priority was given to village guards and their families. Ten village guards were arrested in connection with the September [2002] killing of three internally displaced persons (IDPs) returning with official permission to their homes in Ugrak village, Diyarbakir Province.” (U.S. DOS, 31 March 2003)

“The government, faced with the expectation that it should do something for the internally displaced, has announced a series of programs for return and resettlement that sound generous and convincing. But only a trickle of villagers are making their way back. Most remain in the big cities of western Turkey or in towns around the southeast, despite the difficult circumstances of their lives there. Local governors and gendarmerie have forbidden some to return on the grounds that their villages are within restricted military zones. Other villagers are reluctant to make a move because they believe that once they return, the cycle of detention and harassment by government security forces may start again. Some villagers who made tentative expeditions home met soldiers who threatened them and turned them back. Others found that neighboring village guards, in their absence, had taken over their lands, and sometimes their houses too. Displaced villagers are keen to resume their former productive life, but after a decade separated from their livelihoods, they do not have even the small amount of capital they need to buy the necessary equipment, seed, and livestock to start again. New forced displacements occurred as recently as 2001, so villagers dare not run the personal and financial risks of return while it remains possible that the gendarmerie will come and turn them off their lands once again.

[...]

Successive Turkish governments have devised various return schemes, but failed to plan or finance them properly. They have also consistently cut the villagers themselves out of the planning process. Consequently, the initiatives have been largely unsuccessful. In June 2001 Human Rights Watch conducted a mission to investigate the latest return scheme: the Village Return and Rehabilitation Project. It proved a frustrating task. The only information available in the public arena is a succession of public

statements by politicians and local governors that express a degree of urgency, enthusiasm, and readiness to help that makes a striking contrast with the situation on the ground. Officials are broadcasting statistics, of doubtful provenance, that suggest villagers heading back to their homes in large numbers. The government has advertised this as a state-run rural development and reconstruction project designed to meet the needs of hundreds of thousands of people, but no officials could show Human Rights Watch anything on paper to describe the aims or methods of the return project. With no special agency to manage it, and no clear budget, the achievements of the Village Return and Rehabilitation Project after more than three years are limited to a feasibility study, as yet unpublished.

In spite of all the obstacles, a few villagers are testing the water. Some commute from the cities to cultivate their crops, and others are replanting and rebuilding while camping under canvas or sleeping in the village mosque. There are also government-financed resettlement projects in villages such as Konalga near Van and Islamköy near Diyarbakır. But these “central villages” seem mainly intended for village guards displaced as a consequence of attacks and killings by the PKK in the late 1980s and early 1990s. Displaced village guards deserve all the support they can get from the government in returning to normal life. But the same is equally true for the much larger group of communities whom the military drove out because they refused to join the village guard corps. Governors are refusing to give villagers permission to return unless they sign a form in which they relinquish all rights to compensation. The form also contains a declaration that exculpates the state from its criminal responsibility for the displacement. Governors and gendarmerie commanders have not only withheld permission to return from villagers who decline to sign the forms but also insulted and threatened them.” (HRW, 30 October 2002)

*Turkish government: 58,000 people benefited from Return to Village Project since June 2002*

“Abdülkadir Aksu, the Interior Minister, announced that a total of 58,513 people had benefited from the Return to Village Project since June 2002. Aksu stated that in 11 provinces under a state of emergency TL 8.8 trillion has been spent so far for returnees.

Diyarbakir governor Cemil Serhadli, stated on 18 December that in 12 villages of Dicle and Kulp districts villagers have not been granted permissions for a return to their villages due to security reasons at present but would be granted in spring. Serhadli added that 48 villages and 58 hamlets had been opened for resettlement within the scope of Return to Villages Project and the total number of returnees within Diyarbakir was 8,568.

Semsettin Abi, who was forced to migrate from Akarsu village of Beytüssebap district (Sirnak) in 1994, reported that in response to his application to return to his village Van Governorate had offered him temporary houses in which there is no empty place.

*Inconsistent return statistics*

“A cursory reading of government officials’ figures on return suggests that villagers are heading home in large numbers, but as more and more upbeat statistics have emerged, the figures have begun to contradict one another. An undated letter sent by the Southeast Anatolia Project (GAP) to the Göç-Der received in May 2001 reported that 220 settlements were being resettled by 26,433 returnees. But Emergency Region Governor Gökhan Aydın, speaking at a ceremony at Şaklat village, Diyarbakır province, on August 7, 2001, said that only 18,600 villagers had returned. The Interior Ministry stated in November 2001 that 30,224 villagers had returned in the previous seventeen months. Government sources informed the U.S. State Department that 26,481 people had returned by the end of 1999, and 35,513 between June 2000 and December 2001, a total of at least 61,994. On April 3, 2002, Emergency Region Governor Aydın said that villagers had returned to 406 villages and 164 mezra between June 2000 and December 2001. On March 12, 2002, the Interior Ministry said that inhabitants had returned to 294 villages and 159 mezra in that period. The statistics are useless for the purpose of assessing the progress of return, not only because they are inconsistent, but also because they never list the settlements to which villagers have been able to return. Detailed lists would enable observers to compare government claims with the reality on the ground, and would reveal whether villagers are correct in claiming that most of the returns have been to

communities that enrolled in the village guard system. A clear example of how partial information can be confusing or misleading is a letter written by the governor of Bingöl to Göç-Der headquarters, dated May 27, 2001, stating that U.S. \$570,000 had been spent on return in that province alone. The expenditure seems to have been mainly on reconstruction of roads, and few villagers have returned in Bingöl province. In a letter of October 25, 2001, Human Rights Watch asked the Turkish government for a detailed breakdown of statistics on return [...], but did not receive a reply.

Efforts to develop independent statistics have been confounded. The central government blocked an attempt by Diyarbakır municipality to collect reliable data about the number, conditions, and aspirations of the displaced. The State Statistical Institute approved the methods used by the municipality in its five-page questionnaire designed for distribution to displaced persons, but the Interior Ministry banned the study because it included questions concerning the reasons for migration and included “pressure by security forces” as one of the optional responses. In the absence of reliable statistics that are open to analysis, it is impossible to make an accurate estimate of the number of genuine returns. Even if the government’s most optimistic figures are correct, only 10 to 20 percent of the displaced population has returned. Nongovernmental organizations in close contact with displaced persons such as Göç-Der and the Human Rights Association (HRA) believe that all the government’s conflicting figures are exaggerated and that in fact relatively few villagers have been able to return permanently.” (HRW, 30 October 2002)

### **HRW statement to the CSCE on the conditions of return**

- Returning villagers barred from their land
- The Village Return and Rehabilitation Project - no more than an unpublished feasibility study

“Again and again, village guards have barred returning villagers from their land, and in several recent cases, even killed them. In July 2002 Yusuf Abdurrahim and Abdulsamet Unal returned with their families to Nureddin village in Mush (ph) Province to collect their hay crop. A truckload of village guards came to stop them gathering the hay and began to beat the males. The relatives scattered, but heard gunshots shortly after. All three men had been shot dead.

When pressed, the Turkish government pumps out inflated return statistics and periodically announces initiatives for return. But these schemes have consistently been underfunded and ill conceived, falling far short of established international standards. In fact, it is difficult to avoid the conclusion that the government's main goal is to gain time and wear the villagers down to a state of resignation.” (CSCE, 10 June 2003)

“The Village Return and Rehabilitation Project, announced in March '99, for example, has since then yielded nothing more than an unpublished feasibility study for return to 12 model villages. That's just 12, when even according to official statistics, it's acknowledged that more than 3,000 villages and hamlets were evacuated.

What is particularly frustrating in all this is that because the government's schemes don't meet international standards, in particular the U.N. guiding principles on internal displacement, no international organizations want to get involved with them. The World Bank, for example, looked into funding a return-related project, but backed away once it determined that the Turkish scheme wouldn't fully respect returnee rights.

Other potential donors have encouraged Turkey to develop appropriate projects for return. For example, Council of Europe's reporter recommended that the development bank of the Council of Europe Development should consider return projects in the southeast. And the Turkish government should have seized that invitation with both hands and done something with it. But instead of helping villagers to get international assistance, the government, with its flawed plans, is actually standing in their path.

A fair and effective return program would also serve Turkey's interest in accession to the European Union. In 18 months time the E.U. will decide whether or not to proceed with Turkey's application on the basis of its performance on a range of human rights indicators, including provisions for the return of the displaced.

The E.U. has called for a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the South-East, as a short-term priority for Turkey on the road to E.U. membership. So E.U. resources should be very likely made available to help Turkey meet this goal." (CSCE, 10 June 2003)

### **Feasibility study only document on Village Return/Rehabilitation Project**

- Villagers suspect a disguised form of forced settlement
- Return process unsatisfactory, produced at the most 40,000 returns

"The latest government program for the displaced is the Village Return and Rehabilitation Project, announced in March 1999. The prime minister's press introduction for the Village Return and Rehabilitation Project closely resembled that of the ill-fated "Village Return Project," stating: "Within the framework of the project, those families who wish to return to their villages will be determined; infrastructure facilities of the villages will be completed; housing developments will be increased with the labor of families; and social facilities especially in health and education will be completed to increase the standard of living of the local people. Moreover, activities such as beekeeping, farming, animal husbandry, handicrafts and carpet weaving will be supported so that these families can earn a living."

To Human Rights Watch's knowledge this is the only publicly available official, written information about the Village Return and Rehabilitation Project, although it was initiated more than three years ago. In the absence of any details on paper setting out the aims, methods, resources, or schedule of what is supposed to be a major construction and rural development project to serve hundreds of thousands of citizens, it must be questioned whether the government is truly committed to the project. Public officials responsible for implementing the Village Return and Rehabilitation Project, when contacted by Human Rights Watch, were unable to supply a policy paper or project summary. Neither the leading nongovernmental organizations in the field of internal displacement in Turkey (GIYAV, Göç-Der, HRA), nor those municipalities hardest hit by migration from the countryside, have received comprehensive information about the scope and work of the Village Return and Rehabilitation Project. The lack of written information reinforces Human Rights Watch's impression that the Village Return and Rehabilitation Project is not a major coordinated interdepartmental enterprise, but rather an ad hoc scheme that officials can quote in response to questions put by parliamentary deputies, journalists, and intergovernmental organizations.

Some displaced villagers suspect that the Village Return and Rehabilitation Project is a disguised form of forced resettlement, devised to keep them permanently away from their former villages. These suspicions were increased when Prime Minister Ecevit submitted a draft housing law to parliament in July 1999, four months after introducing the Village Return and Rehabilitation Project. The draft law would provide for the resettlement of former nomads, Turkic immigrants from abroad, and people internally displaced by security forces, but it ensures that anyone who refuses to go where they are told loses immediately all rights to rehousing. Article 13 of the draft law states that the Council of Ministers will decide who is to be counted as having been moved "for reasons of national security" in accordance with recommendations by the National Security Council. Article 14 states that "if [the displaced] do not accept to live in the places directed by the Office of the Prime Minister, their rights [to resettlement] will be cancelled by the local housing commission. Families in this situation may not make a second housing application." (HRW, 30 October 2002)

[...]

Once tasked with the project of designing a return program, GAP decided that it was necessary to collect further information about the scope of the problem, and to this end put the task of preparing a feasibility study out to competitive tender. The tender was awarded to the Turkish Social Sciences Association (TSBD), a nongovernmental organization that finances and implements a wide variety of social research. In October 2002, most of the project data and feasibility plan had been delivered to GAP, with some cartographic work still outstanding. The TSBD director, Professor Oguz Oyan, described the feasibility study as developing “a standard approach without going to a lot of expense. An attempt at something practical.” His staff was engaged in a one-year project to collect data and make proposals for a model for future village reconstruction.

They had talked to displaced people in provincial centers and had selected one hundred empty villages from a list of three hundred for more detailed study. Professor Oyan emphasized that one hundred was the number of villages chosen for deeper study and not the number of villages considered appropriate for repopulation. From the initial one hundred, they selected one village per province in the affected region, and for each of these the association was developing a reconstruction plan on the basis of large scale maps. According to Professor Oyan, the plans were mainly focused on the physical aspects of reconstruction—the layout of the houses and infrastructure including electricity and water supply, roads and sewage disposal—and did not go much into details of implementation.

[...]

First of all, the project leaves the most basic questions unanswered: how many people were displaced, how were they displaced and who are they? The Parliamentary Commission on Migration shed some doubt on the official figure of 378,335, calling it “problematic” and suggesting that it may be an underestimate. Göç-Der estimates the number of displaced to be four-and-a-half times higher, at 1.7 million. The TSBD did not know whether the government had kept any complete register of displaced persons. In the absence of such information about the true number of people displaced, it is difficult to see how the government can set an effective budget for reconstruction. Without contact details for the displaced, government agencies will not be able to communicate with them in order to collect information, nor keep them informed of policies and potential benefits for which they qualify. If the government ignores the original circumstances of the displacement, it ignores its responsibility to provide full restitution. As indicated above, the U.N. Guiding Principles state that the government has a duty to restore property and possessions, and that where this is not possible, it should provide or assist people to obtain appropriate compensation or another form of just reparation. In his meeting with Human Rights Watch, Professor Oyan was skeptical about the possibility of such reparation given Turkey’s financial situation. He cautioned that the feasibility study had not been prepared in the light of the U.N. Guiding Principles, and that the TSBD’s allocated task was “not concerned with human rights—  
though we are sensitive to human rights.”

It seems likely that the research sample may be at least unrepresentative and perhaps badly lopsided. The TSBD’s plan will be based on interviews with displaced persons, and if this group is not representative of the overall population of displaced persons then it will produce misleading results. The TSBD identified the villagers for interview and the settlements for consideration as models from lists and petitions supplied by local governors. Local governors clearly have better relations with former village guard villages displaced by PKK activities than with non-village guard communities displaced by the security forces, and they usually do not accept petitions from villagers who declare that they were displaced by security forces.

[...]

In view of the description of the feasibility study as a “practical” scheme, it is curious that the government had not given the TSBD a budget for the project, and had not asked the TSBD to prepare one. (Professor Oyan said that in spite of this the TSBD was anyway considering preparing a budget.) The lack of budgetary information is not consistent with the stated objective of avoiding expense (unless the aim is to avoid expense altogether) and puts a question mark over the government’s commitment to implementation.

Finally, the Village Return and Rehabilitation Project is moving so slowly that there must be some doubt whether it will ever bring practical benefit to the displaced. The TSBD planned to finish its initial field study in March 2002 (five years after the Return Project’s original conception). It would then provide an

assessment of one hundred villages and proposals as to how the return process might be carried out in twelve model villages—no more than 12 percent of the emergency region governor's estimate of evacuated villages (820), or 3 percent of the figure for all evacuated settlements including mezra (2,345).

The relevant ministries would then presumably begin deliberation about implementation of the program as a whole, and bargaining for resources. As this report went to press, in October 2002, it is unclear whether this process was in train. Until a comprehensive and fully-funded plan is up and running, villagers will remain cut off from their homes and livelihoods. The Parliamentary Human Rights Commission reported that the Interior Ministry's Village Return and Rehabilitation Project goal for 1999 was to secure the return of 1,017 families.<sup>99</sup> At this rate, the 10,539 families who have petitioned Göç-Der might expect to wait up to a decade before they could return to their homes, unless, as is widely feared, the Village Return and Rehabilitation Project will be limited to only a small number of selected settlements.

The Village Return and Rehabilitation Project has taken five years to get twelve model villages onto the drawing board. Those villages, for the reasons given above, are likely to be villages favored by the state because of a history of village guard membership. It would not be surprising if the other villagers, who do not have a special relationship with local governors and security forces, never benefit from the Village Return and Rehabilitation Project, and never return." (HRW, 30 October 2002)

"HRW: There is a process for return in Turkey, but it is unsatisfactory in many ways. It's so unsatisfactory that the displaced don't want to have very much to do with it, and it's producing very low rates of return.

And it is also so unsatisfactory that the intergovernmental organizations working in Turkey don't want to have anything to do with it. So consequently -- and the government really doesn't have its heart in the scheme either. And consequently, it is fatally underpowered and has produced, well, at most 40,000 returns out of about 1 million, or even more, displaced people.

So if the parties that I mentioned, the government and the intergovernmental organizations and the representatives of displaced, were to get together and to discuss the thing openly for the first time, then we'd start to get some facts, for example, from the government. We'd see, perhaps, the findings on the survey that they have been running over the past two or three years. The findings on that survey on the numbers of the displaced, where they are and what they needs and the cost of their return. All of this has been researched, but none of it is in the public arena. [...]

And we would also begin to understand what the government's fears were and we'd be able to address them. But it would also be a chance for the international community to start saying how much they would be prepared to commit in financial terms to the return.

COHEN: In the case of Turkey, I just want to underscore that the relationship of Turkey to the European Union is a point of leverage. They would like to be in the European Union, and within the OSCE, of course, a number of the EU governments have a very good opportunity to see that Turkey lives up to its commitments to the OSCE standards with regard to the strikesmen (ph) and links that to its membership in the EU." (CSCE, 10 June 2003)

Voluntary and assisted resettlements are ongoing. In some cases, people may return to their old homes; in other cases, centralised villages have been constructed. According to the Interior Ministry, between June and December 2000 35,513 people had returned to 470 villages or pastures; over 6000 homes had been constructed, and the State had given over £2 million in construction materials or other supplies. In August 2001 the governor of the state of emergency region estimated that since 1999 18,600 people had returned to their villages in that region with government assistance, with a total of 5853 houses constructed for the "citizens who were forced to abandon their villages due to terrorism". However, Human Rights Watch disputes the US State Dept.'s picture of "an upsurge in the rate of returns", and says that it is not borne out by HRW investigations.

The European Commission's 2002 report on Turkey notes that over 4000 displaced people now live in newly built "central villages", but that the majority of the displaced rural population continues to live in urban centres in very difficult economic and social conditions. Inadequate health care, lack of hygiene, malnutrition, insufficient drinking water, and improper disposal of sewage and garbage are common problems. This situation has adverse consequences for the children whose education and literacy levels are unsatisfactory." (UK Home Office, April 2003)

### **HRW: A comprehensive plan for return of the displaced in accordance with international standards**

"The E.U. Accession Partnership required Turkey to "improve the situation in the south-east, with a view to enhancing economic, social and cultural opportunities for all citizens." Drawing attention to the situation of the displaced, arguably the most pressing problem in the south-east, the E.U.'s 2002 Regular Report contrasts the estimated 378,000-1,000,000 displaced with the mere 37,000 who, according to official figures, have been able to return. Human Rights Watch's recent report, *Displaced and Disregarded, Turkey's Failing Village Return Program* (October 2002), documents the poverty and overcrowding of displaced villagers living in the cities, and the financial and official obstacles that prevent them from returning. Chief among these obstacles is the continuing insecurity in rural areas caused not so much by continuing political violence (which has diminished "to zero" according to some government sources) but by the threat of violence or persecution from the security forces: gendarmes and village guards. In many cases, village guards have occupied vacated land and consider themselves entitled to use force to assert their tenancy. Since July 2002, at least six returning villagers have been shot dead by village guards.

The government's Return to Village and Rehabilitation Program offers no serious technical, financial, or political support to returning villagers. Worse, to participate in the program at least some villagers have been required to relinquish their legal rights to seek compensation for their displacement.

Successive governments have refused to involve intergovernmental organizations with a legitimate interest in development and displacement that are already working in Turkey—the World Bank, the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Development Program (UNDP)—in the implementation of the current return program. Local non-governmental organizations have not only been kept out of the loop, but also have been persecuted for expressing an interest. The state of emergency was finally lifted in November 2002 - a welcome contribution to stability in the region that has been under emergency or martial law since 1978. Conditions are now ripe for the Turkish government to take the next step to develop a comprehensive and effective return program and to enlist the international community to support it.

The new Turkish government should begin the process of developing a comprehensive and effective return program that comports with international standards. Specifically, it should host a forum on return involving representatives of the internally displaced themselves, as well as concerned nongovernmental organizations and relevant international organizations, including the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program, the United Nations Special Representative of the Secretary-General on Internal Displacement, the International Committee of the Red Cross, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the World Bank, and relevant bilateral donor agencies. The forum should propose a return program that will ensure that internally displaced persons can return to their homes in safety and dignity and can resume their livelihoods. Any return program should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced persons." (HRW, January 2003)

## **The Baku-Tbilisi-Ceyhan pipeline should help support return and reconstruction**

“This ambitious international investment rather accurately draws a line around the very quarter of Turkey where the displacement occurred. The displaced are undeniably the most disadvantaged group in that most disadvantaged region of the country.

There has been a lot of public debate about the pipeline. But it can't be disputed that the project should help support return and reconstruction for these people, who are otherwise very unlikely to see much benefit from the civil engineering project itself, or the resources it is intended to carry.

[...] an investment in return to Turkey's southeast would help redress a long-standing violation of fundamental rights and help ensure the future stability and prosperity of this strategically vital region. Donors certainly appreciate that and only need the Turkish government to commit to a plan they can support.

So my [HRW] appeal to you is for something rather straightforward and relatively inexpensive. If you could please just get the ball rolling. Use your influence to press the Turkish government, as a matter of urgent priority, to convene a planning forum, inviting representatives of interested governments, nongovernmental and intergovernmental organizations with relevant expertise and representatives of the displaced, to develop a plan for safe return in conformity with international standards.

Dr. Deng himself called on the Turkish government to do this more than a year ago. This, if it gets done, would be a critical first step on a process that would be beneficial for the displaced, for Turkey and for its allies interested in the stability of the region.” (CSCE, 10 June 2003)

## **The "central villages" or "village-town" relocation scheme (1994-2001)**

- The plan is to settle people from mountain villages into large centralized villages on state lands under the surveillance of security forces
- Several problems affected the implementation of the project: lack of international support, lack of consultation with the beneficiaries, and deficient planning
- Only 4,000 displaced persons were living in such central villages end of 2000
- There are reports that villagers are admitted in central villages only if they join the village guards

*The Central village project was announced by Prime Minister Tansu iller in November 1994*

"The Village Centers (*merkez köy*) Project was intended to settle people from mountain villages into large centralized villages on state lands near major population centers. The state planned to provide housing and arable land based on loans to be paid back within a 15-to-20 year period. Although the general outlines of the plan were not geared specifically to the displaced (or even to southeastern Turkey), in announcing the plan, Prime Minister Tansu iller said that its first beneficiaries would be 12,000 homeless families from Ovacik. The Netherlands Kurdistan Society traced the history of the idea of a centralized villages in Turkey:

*Similar projects have been proposed in the 1970s in more peaceful circumstances, both by the left-of-centre Republican People's Party (CHP) of Mr. Ecevit and the right-wing Nationalist Movement Party of Mr. Türkes. Then named "village-town" (köykent) and "agricultural town" (tarm kent), the foreseen large settlements were to provide the rural population with better infrastructure and employment opportunities than would be possible in the myriad of existing villages and hamlets. Never implemented, the idea was revived in 1992 or 1993 by the late President Turgut zal, who posthumously published position paper on*

*the Kurdish question recommended the massive resettlement of Kurdish mountain villages in more easily controllable large settlements.*

The government requested \$278 million from the European Resettlement Fund of the Council of Europe to implement the Village Centers Project. It reportedly failed to secure the funding, and, therefore, did not move forward with the project." (USCR 1999, pp. 20-21)

"[T]he Government lacked a clear will to return all displaced villagers to their original homes and was still pressing forward with its projects for 'central villages' (köykent), into which some villagers would be permanently resettled on government land in communities under the eye of the security forces. In any event, returns to villages were slow: the U.S. Department's annual human rights report for 1999 quoted a government figure amounting to no more than 6.59% of the Parliamentary Commission's conservative figure." (IHF 2001, p. 303)

"The victims of forced displacement did not show much interest in official projects such as the project of central villages or village-town, that were developed by the government in order to present conditions for return. These projects were developed without the wish and intent of the victims and rather than securing an atmosphere of social peace and trust only represented the official ideology. Considering the rural way of productivity they also do not carry much weight for the future. All kinds of criticism and alternative models for solution that either the victims themselves or NGOs developed, were not taken into consideration.  
[...]

In a speech of 12 December [2000], Diyarbakir Governor Cemil Serhadli accepted the fact that the village-town project had not raised much interest. He pointed out that in Diyarbakir alone, the building of 5,864 houses was still continuing and added that out of 23,000 people who had asked to return to villages in Diyarbakir province only 3,000 had done so. The governor did not deal with the criticism on conditions and permission for a return and claimed that the migrants wanted to stay in town. 'Some are sending their children to school and other have set up their own work. The youth has become used to life in town.' However, the longer necessary steps are not being taken to allow for the return of the migrants and as long as they are forced to move to other settlements the problems of them will only increase. (Human Rights Foundation of Turkey January 2001, sect. 2)

"The government's organized return program appeared toward establishing heavily guarded and controlled 'central villages' in the southeast. About 4,000 displaced persons were living in such central villages at year's end." (USCR 2001, p. 263)

"The only civilian project (even though partly) of the government on the issue of forced displacement presently is the project for building 'City Villages' (Köy Kent) or concentration and urbanisation of groups of villages in pre-determined locations. The implementation of the project has started without any public or political debate. The Chairman of the Chamber of Agricultural Engineers under the TMMOB, Prof. Dr. Gürol Ergin, commented in a speech he made in February that the project had no chance of success even within its own logic. He emphasised that rural development was one of the prerequisites of return to villages, and that people should be able to return on voluntary grounds. In this sense, he said, the State of Emergency regime should be abolished and the land should be cleared of mines. Prof. Ergin also projected that the villagers should be given monetary aid of 18 billion TL for reconstruction. He commented that huge amounts of public funds were spent for the project without any discussion in detail or in general, implementing technically insufficient and badly prepared projects on the basis of commands. He also commented that even the defenders of the 'Köy Kent' were not taking it seriously. He said, the fact that the entire project was prepared within 9 weeks including the field research justified concerns about the quality of the project." (Human Rights Foundation of Turkey February 2001, sect. 2)

"It appears that resettlement into central villages may be conditional on security checks. In May 1999 Human Rights Watch was informed that villagers had been told that they would not be admitted to the

'central village' of Konalga village, near Van, unless they agreed to join the village guard corps." (HRW September 2000, endnote 52)

Opinion of the Chairman of the Parliamentary Committee on Displacement in Southeastern Turkey, Mr. Hasim Hasimi, Member of the Turkish Grand National Assembly

"TDN: What do you think about Prime Minister Ecevit's Village-Town project?

HASIMI: There are two striking examples that put on record that the Village-Town does not work. One of these involve the Dogankent experience in Hakkari in 1994. The Dogankent settlement was built for the inhabitants of the Uzungecit area. However, people did not settle in Dogankent. They migrated to Van. This is because there were no resources in Dogankent which would enable them to earn a living. The second example involves what happened in Sirnak's Basagac Village six months ago. That village [built to serve as a central town to provide basic urban services to the villages in the vicinity] lacked drinking water. The settlements get constructed in such an unplanned, unprogrammed manner.

Furthermore, the Village-Town project is not in line with the realities of the East and the Southeast. At that time due to security problems villagers were unable to go to their fields or vegetable plots. The project envisages to merge several villages into one. And people would go to their hamlets, fields or vegetable plots in the morning and return in the evening. But there wouldn't be enough time for them to do that. Also, there is another hazard. When you bring together the population of several villages how will you enable them to earn a living? Due to local factors people have blood feuds and some other disputes and, as a result, avoid being together. They go away and set up a hamlet of their own. When even the inhabitants of the same village who know one another and are even related to one another cannot live together, how can people who do not know one another get along?

There is no sense in continuing to stubbornly implement a project that has met with failure right from the start. I say that the money to be spent on that project will be wasted." (Turkish Daily News, 30 January 2001)

### **More central villages to be established in Eastern and Southeastern Anatolia**

- The Turkish authorities launched a joint project to set up five "central villages" in the Eastern and Southeastern Anatolia regions, designed to gather the scattered settlement units in these regions
- The regional governor stated that the villagers had accepted to move and said that every family would be given land, a housing loan, and facilities providing health, social and cultural services
- Parliamentary member states central villages inappropriate to local needs

"The Interior Ministry Southeastern Anatolia Project (GAP) Development Administration and the Rural Affairs General Directorate and the GAP regional governors have launched a joint project to set up five "central villages" in the Eastern and Southeastern Anatolia regions.

"Designed to gather the scattered settlement units in these regions, the project aims at lowering the number of these units in the rural areas and providing improved services. In the scope of the project, five central villages will be set up in Diyarbakir's Cungus, Bingol's Karliova, Erzurum's Karayazi, Hakkari's Cukurca and Siirt's central districts.

Diyarbakir Governor Cemil Serhadli told the Anatolia news agency that they had conducted researches in 21 provinces, adding that the project would first be implemented in these five provinces. Serhadli said that they were carrying out land sequestration studies on the central village to be established in Cungus and added that a total of 216 families, currently living in the Yenikoy, Aydinli, Alpadere, Seferusagi, Bagcilar and Elifusagi villages, will be settled in the central village.

Serhadli stressed that the villagers had accepted to move and said that every family would be given 1,000 square meters of land free of charge in the central village. They will also be provided with a TL 6 billion long-term housing loan at low interest rates.

Serhadli also said that there would be many facilities providing health, social and cultural services in the central village. Pointing out that job opportunities would also be created in the villages, Serhadli noted that wine plants, marble workshops and dairies would be established." (Turkish Daily News 25 January 2002)

"Several "central villages" have been founded or are planned: at Islamköy and Çüngü° in Diyarbakır province, Karlıova in Bingöl province, Karayazı in Erzurum province, Ba°agaç in ırnak province, and Konalga in the district of Çatak, Van province. Shortly after it opened, Konalga village was criticized by Van's parliamentary deputy, Hüseyin Çelik, as being inappropriate to local needs. He stated that villagers were not happy to live so far from their lands and were insufficiently provided with agricultural buildings. He added that the villagers had been induced to accept this form of resettlement by their tribal chief who was also leader of a troop of village guards and brother of the headman. In July 2001 a Human Rights Watch delegate visited Konalga, a smart development of 383 houses with a population of about 2,300. The houses had piped water, a sewage system, and employment creation schemes including a carpet production workshop and thousands of newly planted walnut trees." (HRW, 30 October 2002)

### **The Village-Township project, World Bank's position**

"Turkey's application for World Bank funding for its earlier Village Return Project in the mid-1990s was turned down for reasons that the Bank has not disclosed. Now Turkey is making a new application for international finance—for the Village-Township project. When Prime Minister Ecevit attended the initiation of the the first village-township project at Mesüdiye, near Bolu, on the Black Sea coast in September 2000 (far from the southeast), he introduced the scheme as one that would combat, and even reverse, migration from the country to the city. The government had identified lack of rural infrastructure as one of the chief causes of migration. This scheme funded the provision of health, education, and cooperative agriculture and industry facilities. Ten villages that would not have warranted such investment on an individual basis are to share these health centers, schools, and agricultural storage facilities.

[...]

The World Bank's representative in Turkey, Ajay Chhibber, attended the opening ceremony of the Mesüdiye project in November 2001 and, according to the Turkish newspaper Akşam (Evening) of November 22, 2001, spoke optimistically about providing U.S.\$300 million finance for village-townships elsewhere in Turkey. By January 2002, the World Bank had a team in the country collecting information for a proposal.

There is little information available about the aims, methods, and budget for village-townships. However, in his opening speech, the Prime Minister made it clear that some village-townships were planned for the southeast, and that they were to be part of the government's plan for the return of the internally displaced. Human Rights Watch wrote to the World Bank in February 2002 expressing concern about its possible funding of a project that was an integral part of the Turkish government's flawed "return" arrangements, noting that the government had failed to fully inform the public about its plans and was not consulting displaced villagers, nongovernmental organizations working on their behalf, or professional bodies in the region.

The World Bank replied to Human Rights Watch stating that the Turkish government had emphasized that the village-township approach was distinct from the Village Return and Rehabilitation Project and central village projects and that since there would be no overlap between the village-townships and the other projects, there should be no grounds for concern. The World Bank's letter to Human Rights Watch stated that the problems of the internally displaced were the concern of other U.N. agencies that "lead the effort in

collaboration with the Turkish government.” Unfortunately, as will be seen below, the other U.N. agencies in Turkey have little involvement in the return process.

[...]

Human Rights Watch fears that the Village-Township Project may be used to channel funds into unsatisfactory return schemes: that international money received for Village-Townships could be used, for example, to pay for infrastructure such as educational and health resources for clusters of central villages.

[...]

In May 2002, the government announced that it intended to found village-townships in three of the twelve southeastern provinces in which most displacement occurred: Muş, Siirt, and Van. In August 2002, World Bank officials working on Turkey’s Village-Township application informed Human Rights Watch that the bank was scrupulously avoiding involvement with village-township schemes in areas that had suffered internal displacement and on this basis had decided not to fund the Muş and Siirt projects. It did intend to fund the project in \_zalp, Van province, however, since there had been no displacement in this area.

In distancing itself from the government’s problematic return plans, the World Bank’s principled approach has left it in the awkward position of deliberately withholding funding from what most observers agree is the most pressing problem in the southeast. Hundreds of thousands of villagers are either living in poverty in the towns and cities or are rebuilding their homes and livelihood with little or no help from the government that (in most cases) burned them out in the first place, and no financial assistance or expertise from the major international organizations. It is to be hoped that the World Bank will now put pressure on the Turkish government to redesign its return program, and bring it into a form that the World Bank and others would feel confident in supporting.

[...]

In keeping with the Bank’s operational policy on Development Cooperation and Conflict, the World Bank is in a position to engage directly with the Turkish government to encourage sound projects for return that are in keeping with the U.N. Guiding Principles. Positive World Bank involvement in the Village Return and Rehabilitation Project could serve as a catalyst for ensuring that the government’s return efforts comply with such standards.” (HRW, 30 October 2002)

### **The "Return to villages" policy (1995-2003)**

- The Government's Return to Village and Rehabilitation Projects offers little benefit to the displaced
- 37,000 returned to 460 villages since 2000
- The project was launched in 1995 by the Government, in an attempt to relieve the pressure on housing and infrastructure in urban areas
- The project met with the opposition of armed forces and governors to return
- Nearly two-thirds of the return applications were ruled "inappropriate" because of security concerns, as of mid-2000
- The villagers have to pay for construction expenses and only households with low incomes receive financial aid
- Sustainability of return is endangered by lack of access to land (occupation, landmines) and security risks (Village guards)
- There are reports of villagers being forced to sign statements that they would return on their own capacity or that their village “was burnt down by the PKK”

“Most villagers forcibly displaced from their homes in the southeast during the 1990s were unable to return, despite increased stability in the region. In some cases local governors obstructed returns, villagers were turned back by gendarmerie, or found that neighboring paramilitary village guards had occupied their

lands. The government's Return to Village and Rehabilitation Project moved so slowly and was so poorly designed and funded that it offered little benefit to the displaced." (HRW, 14 January 2003)

"Returns of displaced people during the year [2002] were minimal and sporadic. Some 37,000 persons have returned to 460 villages or pastures since 2000 as a part of the government's Back to Villages and Rehabilitation Project. However, the Turkish government imposed political loyalty tests, compelling some returnees to sign forms stating they were displaced due to terrorism and forcing others to join the Village Guards, the group responsible for causing many to flee their homes in the first place. Many Kurds still fear to return to their villages until the Village Guards are abolished." (US Committee for Refugees, 2003)

"In the summer of 1995, another project, more ambitious in scope than the 'Central Village' scheme called the 'Return to the Village Project' of the Southeast Restoration Project, was announced. The Council of Ministers gave the task of working out a plan for a 'secure return to villages' program to four ministers: Deputy Prime Minister Hikmet Çetin; Interior Minister Nahit Menteşe (presently the deputy prime minister); State Minister Necmettin Cevheri; and State Minister for Human Rights Algan Hacaloğlu. The first stage of the planned return would encourage cattle raising, bee-keeping, and weaving, supported by funding of one trillion Turkish lira (roughly U.S. \$22 million). Hacaloğlu stated, 'We should stop making fake, artificial attempts just to convince the European Parliament.... We cannot provide regional security by establishing exaggerated security concepts. We have seen so far that this does not work. If we cannot actualize the return to villages project we cannot stop the detrimental urbanization in big cities.' Deputy Prime Minister Çetin, one of the four members of the 'Return to the Village Project' committee, announced that the 'Southeast Restoration Project' ('Güneydoğu Anadolu Onarım Projesi') would be given its final form at a July 14 meeting of twenty-one provincial governors and would be enacted later in Van. Çetin also stated that in meetings with other ministers questions related to making evacuated villages habitable again had been dealt with, adding: 'On Saturday we called twenty-one provincial governors to Ankara. At that meeting we will give the program its final shape and at a gathering in Van enact it. Before winter sets in we will do as much as is possible.' That same month, State Minister Onur Kumbaracıbaşı announced that the 'Southeast Restoration Project' was one of the most important undertakings in supporting the fight against terrorism, noting that an increased migration from rural to urban areas was continuing, causing increased housing, infrastructure and employment needs in cities." (HRW June 1996, Turkish government response to the plight of the displaced)

"Although the government did secure funding for the Return to Villages Project as part of the Southeast Restoration Project and announced ambitious plans to implement it, the military and other security-minded forces obstructed its implementation. 'Competing interests among security forces, the emergency rule governor, and various state ministries harmed the project,' said Human Rights Watch. In July 1995, Emergency Rule Governor Erkan voiced security concerns and suggested that the displaced should stay where they had migrated, while then-Prime Minister İller stated, 'We have made progress in identifying the villages that can be returned to.'" (USCR 1999, p. 21)

"Although violence ebbed in 2000, returns of displaced people during the year appeared to be modest and sporadic, although returns did appear to increase toward year's end. By mid-year, more than 50,000 families, representing an estimated 400,000 people, had applied for permission to return to their places of origin, but nearly two-thirds were ruled 'inappropriate' applications, apparently because of continuing security concerns. By year's end, fewer than 50,000 were believed to have returned to their places of origin." (USCR 2001, p. 263)

"Governor of the Emergency State Region Gökhan Aydıner made a statement on 27 April asserting that during the last ten months 16 thousand people (of 2 thousand 480 households) have been assisted in their return to villages in the framework of the "Back to Village Project" and that among these people those who lack the economic means for returning received financial aid from the Governor Office. Aydıner said that people should not expect the state to give houses to those who return their villages.

Aydýner furthermore alleged that, a total of 5 thousand 800 houses had been constructed between 1993 and 1994 which had been given to those who migrated from their villages to the urban areas; and that the construction of 1 thousand 304 houses had been started in 2000 with the funds allocated by the Ministry of Interior; and that the construction of 657 of them had been completed.

The Chair of the Immigrants Association for Social Cooperation and Culture (Göç-Der) Pefika Gürbüz evaluated the statements of Aydýner, and asserted that what he said was daydreaming. Gürbüz said: 'Nobody wishes to return their villages, unless the Emergency State Law, and the Temporary Village Guard System are abolished, and the region is demined. It is impossible to provide long-term solutions for the problem of forced displacement, unless lise [sic] security is guaranteed and means of survival is created.' While noting that nobody were satisfied with the situation including the village guards who were replaced in the villages that had been constructed according to the 'Back to Village Project', Gürbüz said: 'It is compulsory to remain in those villages for 20 years once you accept to settle there. The villagers have to pay for construction expenses. If they refuse to pay this amount, they are referred to the court of bailiff. Such a case happened in the Konalga village of Van-Çatak, the residents of where are village guards. The village-guards want to return their native villages, too. 50 villagers in Van applies us after they had been referred to the court of bailiff, but they had to withdraw their applications as a result of the pressures inflicted upon them.' Gürbüz, furthermore recorded that the arable fields belonging to the displaced villagers are cultivated by the village-guards, and that the villagers had launched cases against such occasions. Gürbüz said: 'In Bitlis, the villagers launched several cases against those village-guards. In Tatvan, they are allowed to go their villages in the daylight, but are forced to leave there when the night arrives. If 'returning to villages' is really desired, then, Emergency State Law, and Temporary Village Guard System should be abolished, and all the material and spiritual losses of the displaced villagers should be compensated.' According to the information provided by the Göç-Der, a total of 38 villages have been re-opened for settlement up to now. Of these villages, 23 are in Bingöl, 6 are in Hakkari, 5 Tunceli, 2 in Batman, 1 in Mardin, and 1 in Siirt." (Human Rights Foundation of Turkey April 2001, sect. 2.1)

"The program of 'return to the villages' that came up because of the heavy problems of millions of people deprived of their homes and has been discussed since 1997 officially continued in the year 2000. Victims of enforced displacement who applied for the possibility of return were faced with a variety of legal and administrative problems. An important part of the applications was turned down 'for reasons of security' and those who were accepted sometimes faced heavy conditions.

[...]

Ibrahim Akin, governor of Kulp (Diyarbakir) called on the inhabitants of Naderan (Alaca) village to return. This village with 450 houses had been evacuated in 1993. The governor asked the villagers to file their petitions with the headman of Naderan, Vehbi Baser. Villagers who followed that call later reported that they were forced to sign statements that they would return on their own capacity. Earlier allegations said that the villagers were put under pressure to sign statements that the village 'was burnt down by the PKK'.

Turkey was frequently convicted by the European Court on Human Rights for the practice of evacuating villages and punished with great sums of compensation to pay to the victims. There is strong evidence that Turkey, therefore, attempts to get rid of the responsibility and the necessity to pay compensation (also see the Annual Report of the HRFT for 1998)." (Human Rights Foundation of Turkey January 2001, sect. 2)

### **Parliament answers questions on Return to Villages-policy, but human rights activists disagree (July-August 2001)**

- The Turkish parliament stated that the project was based on voluntariness, unity, non-evacuation of settlements, development, and aid

- It was maintained that there were no obstacles to those who wanted to return, and that the village guards were part of the project
- A member of the HRC said that he had witnessed how the return to the villages was hindered and that the military authorities in particular imposed difficulties for the return
- The governor stated that 5,853 houses had been built and 18,600 people had returned to their homes

"Deputy chair of the Bliss Party (SP) and member of the Human Rights Commission in the Grand National Assembly, Mehmet Bekaroglu tabled an official question to Prime Minister Bülent Ecevit on 9 June relating to the project „Return to the Villages“ and received an answer by State Minister Mustafa Yilmaz on 5 July.

The answer stated that the „return to the villages“ project was continuing according to the decree by the Prime Minister of 27 January 1998. The basics were named as follows:

- \* The return is a voluntary act.
- \* The principle of unifying settlements is being followed. It will not be allowed to establish sub-units to the villages.
- \* Priority will be given to those settlements that do not require additional measures for security.
- \* The settlements to be reopened for accommodation will not be subjected to migration for reasons of security or other reasons.
- \* Priority of additional security measures and housing will be given to those settlements, whose inhabitants are without a home.
- \* During all these activities efforts for economic, social and cultural development will continue.
- \* All kinds of aid will be given to those citizens, who after leaving their villages build their own house in forms such as „Help for those, who build their own home“.

Mustafa Yilmaz added that the last item had not been applied, because the families involved had not shown an interest in it. He said that the „return to the villages“ project had started in 1999 and was still continuing.

Minister Mustafa Yilmaz mentioned the fact that 9 families had been settled in Asagi Beyan village of Diyarbakir and 68 families had been settled in Kaymakam and Cesme villages of Sirnak. For the provinces Diyarbakir, Batman, Bingöl, Bitlis, Hakkari, Kars, Mus, Siirt and Van a total of 2859 families had been included in the project and the building works of 555 houses was continuing, while investigations were being carried out in 52 villages.

Mustafa Yilmaz maintained that there were no obstacles to those, who wanted to return and argued that after applications handed over to the governors a detailed investigation was carried out on security and social conditions and, if necessary, the families were shown alternative places and everything was done to secure the infrastructure. He stated that the village guards were part of the project and there was certainly no pressure deriving from them or at least there was no information to that effect. The Minister left the question on land mines open.

On 3 August Mehmet Bekaroglu stated that the answer was far from being satisfactory. He said that he had witnessed how the return to the villages was hindered and that the military authorities in particular imposed difficulties for the return. Mehmet Bekaroglu argued that a return to the villages was not possible as long as the village guard system existed.

Mehmet Bekaroglu reported that he had carried out inspections in Bingöl, Tunceli and Diyarbakir province. He had talked to people, who wanted to return to their villages, but were prevented from doing so. He said that the military authorities were discouraging the people by saying that the area was not safe and they could not guarantee for their security. „The commander may say 'yes' or he may say 'no'. But since the answer is 'no' the people don't go back to their places.“

Mehmet Bekaroglu called the material aid provided by the governors arbitrary and demanded that this must change, if people are to be encouraged to return. He further said that one should stop to look at the people as „potential criminals“ and that it was high time for the people to get back to their homes.

Regarding the official answer Mehmet Bekaroglu complained that no answers had been given to the number of applications made so far; no details had been provided as to how the return is being planned. Figures on the money given to the governors were missing. He reminded of an incident in Hakkari, when 6 villagers went to collect nuts and were found dead. He asked for an investigation into this incident to find out, who the murderers were.

On 7 August Gökhan Aydiner, Governor for the Region under a State of Emergency talked during a ceremony in Saklat village, Kocaköy district, Diyarbakir stating that the Ministry of the Interior had made available TL 3.2 billion for the project „Return to the Villages“. 5,853 houses had been built and 18,600 people had returned to their homes. For Diyarbakir the figure was 3,000. In July 900 people had returned home. Saklat village had been evacuated in 1992 and was opened for accommodation again in May.

In July and August allegations that local governors forced the enforced migrants, who wanted to return to their villages, to sign papers. Lawyer Serdar Talay, chairman of the Diyarbakir branch of Göc-Der, said in July that the villagers were forced to sign statements saying, „I left my village because of the pressure of terror. I want to return to my village and since there is no more pressure from terror I do not ask the authorities for any help.“ Mr. Talay demanded that such a practice should be abandoned, the state of emergency should be lifted, the area should be cleaned from mines and the enforced migrants should be furnished with all constitutional rights." (HRFT August 2001)

### **Resettlement schemes for dam construction: NGOs report severe inadequacies (2000)**

- Problems reported include the failure of authorities to provide compensation, low housing standards and no prospects for employment in new resettlement sites
- Several cases contesting compensation have been taken to the European Court of Human Rights

"The mission, which included NGO representatives from the UK, Italy, Germany and the US, travelled first to the Sanliurfa region of southern Turkey where mission members met with Kurds who had been displaced by the construction of the Atatuk Dam and Birecik Dam (both GAP projects). In the case of the Ataturk Dam, more than 80 percent of those displaced by the dam's construction have received no compensation whatsoever and no replacement houses and those few who have obtained compensation have often lost that money because of rapid inflation. Though the Turkish authorities claim that they have learned lessons from the Ataturk debacle, the fact-finding mission found that villagers resettled earlier this year as a result of the Birecik Dam experienced the same problems as those resettled at Ataturk. As the Birecik Dam's construction progressed, some displaced villagers explained that they had been forcibly evicted from their villages while others said that many families had received no government compensation whatsoever because they did not have land rights, and have still not been given houses despite promises that they would be re-housed. Those villagers who have been moved to new resettlement sites testified that their new houses are over-crowded, unfinished and subject to constant leaking. Factory jobs and commerce centres promised to those resettled have never come to fruition, leaving the displaced - former farming families who made their livelihood off the land - with no prospects of employment, little or no money and the increasing likelihood that they will have to move to a large city where a fate similar to refugees in Istanbul's shanty towns surely awaits. One oustee told the Mission, 'In the new villages, it is like death.' Several cases contesting compensation have already been taken to European Court of Human Rights with one successful judgement in favour of the applicants awarded in November 2000." (KHRP Summer/Autumn 2000, p. 6)

*For more information on the resettlement schemes in the context of dam projects in southeastern Turkey, see 'Stakeholders' Attitudes to Involuntary Resettlement in the context of the Ilisu Dam Project, Turkey', 22 December 2000 [Internet]*

*See also Turkey case study undertaken by the International Dam Commission (Aslantas Dam / Ceyhan River Basin), November 2000 [Internet]*

*See also European Court of Human Rights, Case of Yasar and Others v. Turkey, 14 November 2000 [Internet]*

## **Return movements**

---

### **Impediments to return**

- Governors, gendarmes and village guards block return
- The risk of landmines a security risk
- UN Special Representative addresses obstacles to return with Turkish Government

“Whether villagers participate in government return programs or seek to return spontaneously, they cannot return to their homes without permission from provincial governors, and this is often withheld. There is no publicly available list of villages that are open for return.

[...] governors are insisting that villagers apply using a special printed form. This requires the applicant to tick a box indicating the reason for their original migration and gives alternatives ranging from “employment” and “health” to PKK-instigated “terror.” Most of the displaced were moved by gendarmerie against their will, but there is no option to reflect this on the form. Worse still, recent copies of the form require the respondent to sign a declaration that: “I left my village as a consequence of the pressure of terror. I am going to return. Since there is no pressure of terror in my village, I want to return to my village without making any material demand upon the State.”

[...]

Villagers are reluctant to collude in the official cover-up of the illegal forced displacement by signing such declarations. They also know that by signing, they will probably lose any chance of making a claim against the state for compensation for the abuses they have suffered. At the same time, the temptation to sign is strong. If they do sign it may open the way to their early return; if they do not, they know that they may be struck off any central register of the displaced, forfeit the chance to get even the most meager state assistance to return, and perhaps never be permitted to go home.

[...]

On the positive side, some provincial governors have established provisional programs for return, and some include systems for supplying building materials to returning villagers to assist in reconstruction. Unfortunately, their implementation is patchy and uneven, and includes dubious practices. An example is the “Village return project specification” (Köye dönüş projesine ait şartname) that the Muş provincial governor’s office distributed to villagers applying to return. Villagers appreciated the offer of assistance but found the conditions in the “specification” unreasonable and gave a copy of it to Human Rights Watch. The specification requires villagers to build their new houses up to the damp-proof course level before a “Village Return and Rehabilitation Commission” would decide whether or not to supply reinforcing steel, cement, and bricks. The specification does not describe the criteria that the commission would use in making its decision. For extremely poor villagers, this would mean a considerable gamble since they would have to make a substantial investment in excavating and laying the foundations of their houses (and presumably laying water, electric, and sewage services), on land to which they did not have title, with no guarantee that they would receive assistance with material for the rest of the building. In addition, the

specification left substantial expenditure to the prospective householders, since it contained no provision to supply doors, windows, stairs, bathroom and plumbing materials, or roofing materials.

[...]

#### *Gendarmes block return*

The armed forces present a more threatening obstacle to return even than the civilian authorities. Outside the cities, police duties are entirely in the hands of gendarmes, the same military units that carried out the original displacements. Many villagers told Human Rights Watch how they were turned back by gendarmes after receiving official permission to return.

[...]

Several communities who have resettled their homes have been displaced a second time as a consequence of a divergence of attitude between the civilian and military authorities.

#### *Village guards block return*

Villagers considering return are even more afraid of village guards than they are of the gendarmerie. The village guard system has been recognized for years as a corrupt and destructive institution. The April 1995 report of the Turkish Parliament's Commission on Unsolved Political Killings confirmed that village guards were involved in a wide range of lawless activities, including killing and extortion, and called for abolition of the village guard system. There are about 90,000 village guards in southeast Turkey, earning 139,000,000 TL (U.S.\$84) a month.<sup>139</sup> Villagers are extremely wary of heading back into an unstable countryside where their former neighbors, sometimes from rival tribal groups, are paid and licensed by the government to bear arms. The government armed the village guards and permitted them to acquire considerable de facto power in the region. Human Rights Watch heard accounts from several provinces that village guards had taken over the lands vacated by the displaced, stolen timber, or exploited the land by renting it out to others.

[...]

Returning villagers have had considerable difficulties recovering their lands from village guards. In June 2002, inhabitants attempting to return to Kaçan and Evrek villages in the Beytüşşebap district of Şırnak were reportedly turned back by a village guard chief from the nearby town of Mezra. The villagers applied to the local governor but were forced to return to Van where they have been living since they were forcibly displaced in 1994.

#### *The risk from landmines*

Southeast Turkey has been a battlefield for fifteen years, during which both sides in the conflict used anti-vehicle and anti-personnel mines. According to press reports, hundreds of people—many of them children—were killed by landmines and unexploded shells or rockets between 1992 and 1998. Villagers considering return therefore understandably seek some level of reassurance from the authorities that at least the immediate vicinity of their homes has been cleared of explosives. A villager who had returned, with government assistance, to the former village guard community of Beşbudak told Human Rights Watch that soldiers had spent a month checking the area for mines before it was reoccupied. The local governor of Çatak province mentioned that the asphaltting of roads was a priority as a protection against mining, and the deputy provincial governor of Van confirmed that within his area of authority, villages would be cleared of mines before reoccupation by villagers. But several villagers told Human Rights Watch that the authorities had given permission to return while giving no information about mine-clearing. [...] We have received no confirmation that it has been cleared of mines." Inhabitants of eleven villages in the Berwar district of Hakkari, evacuated in 1996, applied to the office of the Van provincial governor asking that their villages be cleared of mines and that they be given assistance to return. In early 2002 the governor reportedly called the headmen of the villagers to his office and told them to reapply, saying that in their new applications, they should not mention mine clearance or assistance.

[...]

That there is a genuine risk of lethal mines is beyond question, but soldiers may also have used stories about mines as a way of keeping the villagers at a distance. A villager from the Kulp district said that when villagers burned out in 1992 had prematurely tried to return in 1993, soldiers had warned them off by saying that the area was mined: "When they did not want us to go back to the mezra, they told us that there

were mines there. I do not think there are any mines actually and that they just said this in order to scare us.” (HRW, 30 October 2002)

*UN Representative addresses obstacles to return with Turkish authorities*

“In discussing the return issue, the Representative referred to reports of problems confronting displaced persons who wished to return. Reference was made to the practice of requiring persons who wished to return to complete printed application forms, including stating the reason for their displacement. While there is nothing inherently wrong in requiring the displaced to apply formally for return, as this would provide the authorities with an indication of the numbers involved and the resources required to facilitate the exercise, concerns were raised about the need to indicate on the form the reason for the original displacement. A number of possible options were given, including “employment”, “health” and “terror”. There was, however, no option for those evacuated by the security forces, and it was alleged that only those persons who stated that they had been displaced as a result of “terror” were allowed to return.

Reports also suggested that the reverse side of some forms bore a printed declaration which the applicant had to sign and which stated that they would not seek damages from the State. Refusal to sign this declaration reportedly resulted in being denied permission to return.

These problems were raised with the Minister of the Interior, who explained that knowing the reason for flight was required for statistical purposes. This nevertheless raised the question of why there was no express option regarding evacuation by the security forces. According to one official, as the purpose was to collect statistical data, an “evacuations” option was unnecessary as the Government possessed that information already. The Governor of OHAL, on the other hand, stated that the “terror” category applied to those displaced by both PKK and the security forces. The Minister of the Interior denied the existence of a non-litigation clause and a copy of the form shared with the Representative and copies provided by the Governor of Sirnak contained no such clause. However, in Diyarbakir, an NGO provided the Representative with a form bearing the non-litigation clause on the back.

On his return to Ankara, the Representative brought this to the attention of officials at the Ministry for Foreign Affairs. While they doubted the form’s authenticity and its legal standing, were it to be contested in court, they undertook to examine the matter further and suggested that it might be addressed within the context of an administrative inspection of the functioning of the judicial system in Diyarbakir, which had been initiated by the State Minister for Human Rights.

The Representative also raised allegations that displaced persons who had obtained permission from provincial governors to return to their villages were subsequently prevented from doing so by the security forces or *jandarma* and by village guards. The Minister of the Interior informed the Representative that the role of the *jandarma* in the context of return was limited to giving advice on which villages were suitable for return and on the strategic location of new resettlement areas, noting that with some 4,000-5,000 PKK fighters still present in the border regions, it was not feasible to allow the displaced to settle in vulnerable areas and that they should have an opportunity to resettle elsewhere and begin their lives anew.

The Representative referred to reports of expropriations by village guards of property belonging to the displaced and threatening those displaced persons who had returned and tried to reclaim what was rightfully theirs. In this connection, the Representative also noted that the village guard system was considered in various quarters as a major obstacle to the return process and that there had been calls for its abolition, most recently by the Rapporteur of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe. The Minister of the Interior acknowledged two incidents of illegal occupation of land by village guards and stated that in both cases, appropriate action had been taken and the property returned to its lawful owners. The Minister told the Representative that the same steps would be taken in any other such cases that were brought to his attention. As for the abolition of the village guard system, the Minister noted that the system had been an instrumental part of the Government’s attempts to combat the PKK threat and that while that threat had essentially been contained, the Government could not simply make the guards redundant. However, he assured the Representative that

the Government was in the process of disarming village guards and was finding them alternative employment opportunities.

Another reported obstacle to return was the threat posed by anti-personnel mines which were widely used in the south-east by PKK and, according to outside sources, also by the security forces. NGO reports noted that civilians and military personnel had been killed or injured by landmines in the south-east in 2000 and 2001. There were reports of villagers being given permission to return without being told whether the areas had been demined. It should be noted that in April 2001, the Government announced its intention to begin the process of accession to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. The Government has also announced plans in recent years to demine border areas with Georgia, Bulgaria and the Syrian Arab Republic. Turkey has also participated in mine-clearance activities in Kosovo and elsewhere and has organized mine-clearance training through the North Atlantic Treaty Organization's "Partnership for Peace" programme and bilateral agreements. The country has significant experience to apply to its own domestic context." (CHR, 27 November 2002)

### **Van province: some 5,000 displaced participated in the Return to the Villages Project, but problems remain (August 2002)**

- In Van province, some 5,000 displaced returned under the Return to the Villages Project
- Some families who returned in 2002 were expelled again by soldiers and village guards

"Van Provincial Governor Durmus Koc stated that some 5,000 people have participated in the return to villages project. Koc inspected the Tasyazi village of Gurpinar to which 36 families have returned. The families had moved to the central city of Van because of terrorism, but returned when security and peace were restored in the village.

Stating that infrastructure studies conducted in 14 villages have been completed in a bid to enable the families to return to their homes, Koc said: "The number of people that have returned has reached 5,000, but this figure will rise to 15,000. The problems facing the families will be overcome. Their houses, which were demolished, will be reconstructed, and we will help them. The citizens who immigrated to Van went through difficult times. They have now returned, and they will have a peaceful and comfortable life from now on. We will give them support to make their own living.'" (Turkish Daily News 1 August 2002, "Return to villages ongoing")

### ***HRFT reported on renewed evacuation after return:***

"Villagers from Ünlücü village in Çatak district (Van) alleged that one week after they had been allowed to return to their village on 17 May [2002], which they had been forced to leave in 1999, soldiers and village guards forced them to leave again. Soldiers from Büyükagaç Gendarmerie Station had confiscated the material for construction work and ignored the written permission from the governor. The villagers suspected that the soldiers and village guards would make use of their woods and fields." (HRFT June 2002)

### **Displaced returning to Bitlis Province temporarily stayed in schools and tents (July 2002)**

- Displaced originally from Bitlis returned there and were sheltered in schools and tents, as long as their houses were under reconstruction

“After many years, Bitlis residents have returned to their village and are temporarily living in schools and tents. The villagers said that encountered many difficulties while living in Istanbul, and could not cope up with the urban conditions, so they decided to return to their homeland. They said that their first aim is to reconstruct their wrecked houses and solve the electricity and water problems. They also want the support of the state in order for this to materialize.

Bitlis Governor Ugur Boran stated that work for the "Return to the Village Project" is continuing rapidly and pointed out that the villagers want to stay in tents. Boran said that they have provided tents to the villagers through assistance of the Civilian Defense and therefore prevented the villagers from going to city center and spend money on transportation. The governor said the villagers will temporarily live in these conditions until winter and "we will endeavor to provide all their needs until then." (Turkish Daily News 11 July 2002)

### **Turkish authorities allegedly allowed only very restricted return to villages (June 2002)**

- Göc-Der criticized the government's policy on return and stated that many petitions for compensation have been rejected
- Despite the fact of the lifting of the OHAL in Dersim, a great number of villagers are being prevented from returning to their villages

“Migrants Solidarity and Culture Association (GOC-DER) Izmir Branch Manager Ibrahim Uzelun stressed that the State was lukewarm to the demands of people who want return to their villages.

[...]

Criticising the government's policy in regards to southeastern Turkey, Uzelun stressed that the State was disinterested in those who wanted to return to their villages. "We have sent 17,914 petitions to Parliament regarding the return to villages. They said, 'you can return to your village,' but they are lukewarm about the return to villages and compensation for the people. They do not provide opportunities or support for these people. In these petitions, people have asked for compensations for their loss, but most of them have been rejected; only two petitions have ended positively. People migrating to Izmir are mostly Kurdish people. This situation is causing ethnic, cultural, social and integration problems."

[...]

Uzelun emphasized that these people, because of poverty, were becoming a major social problem. "The State should be seriously interested in this problem. They are a problem for the metropolises, because they are living in poverty in the shantytowns without health care, education. Maybe this cannot be solved in a short time, but it can be solved." (Turkish Daily News 6 July 2002)

### ***The case of Dersim:***

“Noting that the authorities in Dersim have refused to grant 166 families that were forced to migrate from their villages in 1994 permission to return to their villages, Tunceli Bar Association Chairman Huseyin Aygun applied to the Governor's Office.

During the intense operations launched in 1994, 151 villages and 800 rural areas were evacuated on grounds that these villages provided logistic support to the PKK. Last year, the Governor's Office granted the villagers permission to return to 30 villages. This year, in turn, permission was granted to return to 20 villages. Despite the fact that the MGK's recent decision to lift the OHAL in Dersim, a great number of villagers are being prevented from returning to their villages. Applying to the Tunceli Governor's Office on behalf of 166 families that want to return to 31 villages, Bar Association Chairman Huseyin Aygun said: "In its reply, the Governor's Office noted that it can currently grant the villagers permission to return to four villages and that it cannot grant permission to return to the remaining 27 villages." Drawing attention to the fact that the four villages in question are very close to the district centers and the military bases, Akgun underlined that this is why the Governor's Office agrees to grant the villagers permission to return to these

villages. Akgun said: "It is obvious [sic!] that the state does not want to resolve this problem. Our people are suffering more every passing day. We will apply to the European Court of Human Rights in order to defend the rights of our villagers." (Kurdistan Observer 19 June 2002)

"The following villages were not seen suitable for return: in Hozat district: Kurukaymak, Akören, Boydas, Oruköy, Kalecik, Bilekli, Agirbasak, Yenibas (Amutka), Yüceldi, Kozluca, Kizilkilise and in Ovacik district: Çambulak, Eskigeldik, Sahverdi, Kozluca, Elgazi, Agaçpınar, Çat, Yalmanlar, Yoğunçam, Otlubahçe, Çalbasi, Aktas, Buzultepe, Isikvuran, Yakatarla and Egimli.

Suitable villages were in Hozat district: Karaca, Tasitli and Dervis Cemal and in Ovacik district: Büyükköy village." (HRFT June 2002)

### **Despite increased willingness to return, displaced faced obstacles (April 2002)**

- During the spring of 2002, an increase could be noted in the number of displaced who wanted to return
- At the same time, the Turkish authorities increased pressure on returning villagers

"In the spring season [of 2002] the number of people, who wanted to return to their villages increased. The Van branch of Göc-Der stated that until the end of April about one thousand people had approached them with the wish to return to their villages, since the local authorities had turned down their applications.

[...]

Together with the wish to return the pressure on the returning villagers increased. In March inhabitants of 11 villages in the Berwar region of Hakkari applied the local government with their intentions to return to their villages that had been evacuated in 1996. The petitions were handed back to them since the villagers had asked for "cleaning of the mines and financial help". Sait Kaya, one of those, who wished to return, said: "Over the last 15 years landmines were planted in the region, bombs have been left and other explosives were forgotten. People die because of this every day. The State is responsible for clearing the mines and without financial help we cannot rebuild our village." (HRFT April 2002)

### **The Ministry of Interior reported that a total of 37,000 people returned to their villages (April 2002)**

- Since 2000, some 37,000 people returned to the OHAL region as part of the Back to Villages Project
- Reconstruction of houses and barns is going on and farmers prepare for farming

"Some 37,000 people have returned to their villages in the Emergency Rule Region in the last 20 months as part of the "Back to Villages and Rehabilitation Project," carried out by the Interior Ministry.

The project gained pace after peace was restored in the region when the fighting between the outlawed Kurdistan Workers' Party (PKK) and Turkish security forces stopped, and a total of 6,300 families returned to 460 villages and hamlets to take advantage of the financial assistance, having found it economically inviable to live in the cities because of the economic crisis.

The Interior Ministry provided a total of TL 4.5 trillion financial assistance to these families returning to their villages last year, while allocating a total of TL 5.6 trillion in funds for these families from its budget in 2002. As spring has arrived, more people are expected to return the villages from where they left in fear of terrorism in the past.

As houses and barns are being reconstructed, the farmers have started preparing for farming. Some 25 families, who left Mardin's Meseli Village 10 years ago, returned to their village and started to reconstruct their houses with the cement, iron and other materials given by the district governor's office.

[...]

The governor of Mardin's Mazidagi district, Mehmet Ozmen, said they were providing equipment assistance to the families returning to their villages and added that they were also continuing infrastructure works." (Turkish Daily News 4 April 2002)

### **CoE report: despite some obstacles, prospects for return look positive (March 2002)**

- Displaced returning either go to original villages or to central villages
- Some human rights organisations remain critical of the resettlement into government-constructed central villages
- The application form returnees have to fill in includes a question on the reason for leaving the village, with PKK action being the only accepted answer by the authorities
- Despite obvious improvements, security remained the main concern conditioning mass return movements

"The GAP finances a number of return projects including the project presented to the Rapporteur by the Turkish Social Science Association (TSSA), which is aimed at providing guidelines and models for the resettlement of the displaced persons. According to the survey conducted by the TSSA around 93% want to go back to their villages. These figures are questioned by the officials who claim that many displaced persons have successfully settled down in towns and have no intention to return. Moreover, in many cases only a part of the family (usually elderly people) wish to return, the rest want to stay in towns.

Voluntary and assisted resettlements began in 1997. In every case people have to apply for the authorisation and, possibly, for financial or material assistance. The latter is usually granted for whole villages. In July 2001, the state of emergency governor announced that 65 000 out of 131 000 applications have been given a positive follow up. About 28 000 persons have returned to 200 villages up to July 2001. Obviously, only a fraction of the total number of displaced persons have returned so far, but there is a noticeable increase in the pace of returns.

In some cases, persons may return to their old homes, in others, centralized villages (town-villages project) have been constructed. Rather than restoring the destroyed dwellings and small villages, most of which were situated in remote and isolated areas, the Turkish authorities prefer to rebuild new villages in safer and more accessible places. Over 4000 persons live in centralized villages. Every project includes infrastructure, school, medical centre as well as material assistance (usually animals, trees, beehives and looms) to the villagers. From June to October 2000, financial and other assistance was provided to 14 000 persons in 96 villages and 87 hamlets.

The Rapporteur visited a number of resettled centralized villages (see Programme). In all cases the inhabitants said they were pleased with the new accommodation.

However, some human rights organisations remain critical of government's efforts to resettle villagers in government-constructed "central villages" instead of original village sites.

Human rights organisations informed the Rapporteur that the application form for those willing to return includes a question concerning the reason for leaving the village. According to their evidence the only "acceptable" answer for the authorities evokes the actions of the PKK as a reason for leaving. Any other reply implies a negative decision concerning the authorisation for return and financial assistance.

Furthermore, reportedly only villages within the village guard system are likely to be given authorisation for return.

[...]

Despite obvious improvements, security remains the main concern conditioning mass return movements. On one hand, the authorities feel reluctant to allow for a large influx of returnees fearing the return of PKK militants. For that reason they scrutinize every application for return and do not authorize returns to certain areas. On the other hand, the displaced population is in most cases unable to return without state financial or subsistence assistance and sometimes also reluctant because of fresh memory of the atrocities committed in the past. The armed conflict has cost about 30 000 human lives and human rights have been violated by both sides of the conflict on a regular basis." (CoE 22 March 2002)

"The government's return programs often involve a political loyalty test, such as agreement to participate in the Village Guards. In fact, many of the displaced fled their homes under threat from the Village Guards themselves or were forced to leave for refusing to join the Village Guards in the first place. The government's organized return program appeared geared towards establishing heavily guarded and controlled "central villages" in the southeast. Several thousand formerly displaced persons were living in such central villages at year's end." (USCR 2002)

### **The Ministry of Interior presented evacuation and return figures (1987-2001)**

- During 14 years, 318 villages and 2,260 hamlets were evacuated
- According to the Interior Ministry, between June 2000 and December 2001, 35,513 persons had returned to 470 villages or pastures
- In August 2001, the governor of the state of emergency region estimated that since 1999, 18,600 persons had returned to their villages in that region

"The Ministry of the Interior presented figures in incidents in south and southeastern Anatolia.[...] During the 14 years the number of evacuated villages in 25 provinces had reached 318, the number of evacuated hamlets 2,260.

[...]

While the number of closed schools had been 2,239 in 1997/98, this figure had gone down to 78 in 2001." (Info-Türk December 2001, "Events in the Southeast")

"According to the Interior Ministry, between June 2000 and December, 35,513 persons had returned to 470 villages or pastures; over 6,000 homes had been constructed and the state had given over \$3 million (4 trillion TL) in construction materials or other supplies. In August the governor of the state of emergency region estimated that since 1999, 18,600 persons had returned to their villages in that region with government assistance, with a total of 5,853 houses constructed for the "citizens who were forced to abandon their villages due to terrorism." In August the Tunceli provincial governor announced that he had given permanent settlement permission to 30 villages during the year and temporary settlement permission to 50 others. The governor stated that these villages would be resettled by families who migrated to big cities, noting that a total of 151 villages in the province had been abandoned or evacuated. The province provides some public services and financial aid to the returnees. In Diyarbakir 80 families applied to return to a village which was evacuated in 1992; they received financial aid and services from the Government, according to media reports. The Bitlis governor announced that 220 families (952 persons) had returned to 31 villages in 2000, and 35 more villages are scheduled to be reopened. Hakkari provincial authorities have distributed sheep to returning villagers, noting a return to normal economic production after a 2-year period of peace." (U.S. DOS 4 March 2002)

### **Villages were opened to displaced for settlement (August 2001)**

- Sirmali and Besbudak villages in Çatak and Gürpınar district were opened for settlement, while aid was given to the villagers
- A total of 384 families with 2,500 people from the Alan tribe returned to their homes in Besbudak village and the surrounding hamlets Karyagdi, Çizgili, Bağlıdere, Baltutan, Arkaç, Geçkalmaz and Atabinen
- 20 members of the Zümrüt family, who had been driven from Konuklu (Duderya) village in 1993, were prevented from going back to their home
- Some families from Yolveren village, who had fled to Germany in 1994, could not return since village guards had occupied their fields

"At the beginning of August Van Governor Durmus Koç said that Sirmali and Besbudak villages in Çatak and Gürpınar district had been opened for settlement. The infrastructure had been established and a total of 600 sheep had been given to the villagers. He argued that the official aid would increase after the end of the economic crisis. Sirmali and Besbudak villages, where village guards from the Alan tribe were living, had been evacuated in 1995 on the allegations that the inhabitants supported the PKK.

During the beginning of summer 384 families with 2,500 people from the Alan tribe, who had gone to Van, returned to their homes in Besbudak village and the surrounding hamlets Karyagdi, Çizgili, Bağlıdere, Baltutan, Arkaç, Geçkalmaz and Atabinen. Reportedly they did not receive the promised help and had to be content with 80 tents from the Red Crescent.

20 members of the Zümrüt family, who had been driven from Konuklu (Duderya) village, Kulp district (Diyarbakir) in 1993, were prevented from going back to their home, although they had permission from the governor. Nesibullah Zümrüt, headman of the village, before it had been evacuated, had appealed to the Governor of Diyarbakir on 29 December 1998 and received a positive answer. On 2 April the family attempted to go back, but was prevented by a lieutenant of Sivrice Gendarmerie Station. The family made another attempt on 28 July and settled in the village. Later the elderly brother Yusuf Zümrüt was called to the gendarmerie station and told that they had been informed not to return. The family went back to Diyarbakir and on 1 August received a second permission from the deputy governor. This time they were told by an officer called Menaf that the gendarmerie did not care about what the governor said and that everybody had to behave according to their orders. Nesibullah Zümrüt went to the Diyarbakir branch of the Human Rights Association (HRA) and complained that they were unable to look after their crops and gardens. He also filed an official complaint against the commander of Sivrice Gendarmerie Station.

Some families from Yolveren (Çêniri) village in Besiri district (Batman), who had gone to Germany after their villages had been evacuated in 1994, wanted to return home this summer. However, village guards had occupied their fields. The victims of the Yezidi faith appealed to the authorities to intervene.

Villagers from Çirali (Heraki) village in Lice district (Diyarbakir) filed an official complaint against those, who set their homes on fire and forced them to migrate. The complaint of 7 August stated that the village had been put on fire in 1992 and 61 out of 68 homes had been destroyed. Representatives of the association Göc-Der said many families had returned this summer." (HRFT August 2001)

### **Village guards assailed displaced wanting to return (June 2001)**

"Village guards of Nurettin village of Muş's Malazgirt district assailed to the villagers who wanted to return their village and due to the fire one villager is wounded. According to the obtained information, a group of villagers who didn't want to become village guards forced to migrate in 1994 and on June 25th, 2001 they tried to return with the permission of the Subgovernor. But the village guards attacked the villagers near the

village. Because of this they had to go back to the district center. Villagers applied to the Mu° Governorship and Malazgirt Subgovernership in order to start legal investigation." (HRFT June 2001)

### **Turkish NGOs assess return conditions (May 2001)**

- NGOs draw attention to the threats and obstacles by persons returning to their villages
- They report that the displaced are pressured to state that they have been displaced by terrorists and to renounce compensation
- Recommendations include systematic compensation for property loss, improved rehabilitation support and the abolition of the Village Guards system
- NGOs also complain about abusive police surveillance during their assessment mission

"A joint press statement issued by the Human Rights Association (IHD), the Turkish Human Rights Foundation (TIHV), the Displaced Persons Cultural and Social Aid Association (Goc-Der) and several other NGOs and political parties including the Peoples Democracy Party (HADEP) following a meeting in Van with people who had been forcibly displaced and a tour of three forcibly evacuated villages from the Gevas, Bitlis and Tatvan districts notes the following conclusions:

The forcible evacuation of villages in Turkey's Southeast began in the early 1990s and continued up until 1999. This resulted in close to 3 million people from around 3,700 settlements being forced to abandon without their will or consent their homes. The report notes that after the 16 year conflict [with the Kurdistan Workers Party (PKK)] separatist terrorist organization] many settlements had been razed to the ground, it had been forbidden to go onto the plains and thousands of hectares of forestry had been burned down. All infrastructure - roads, electricity, water - in these regions had been destroyed. The ban on using the plains meant the death of animal raising. The evacuated houses were both taken over and razed to the ground by the village guards.

The report draws attention to the threats and obstacles faced by people wishing to return to their villages such as minefields and the attitudes of the security forces in general. It notes that the forms those wishing to return have to fill in contain an article stating they were forced out by terrorists and they are pressurized into ticking this box. They are also asked to pledge not to demand any compensation from the state. This, states the report, is a violation of their constitutional rights.

Among the recommendations listed by the report are that all returns to villages should be entirely voluntary as should the villagers choice of location. It calls for compensation to be made in lieu of loss to property and material wealth caused by being forced to migrate and for the taking of measures to ensure that the rights to food, shelter, work, health and education are ensured. Material and technical support for those returning to the villages should be provided. It states the aid programs set up by provincial and district governors' offices are hopelessly inadequate and should be improved to really meet all needs. It calls for all the necessary equipments and incentives to be provided so that bee-keeping, animal raising and tobacco farming can be reestablished. It calls for an end to the village guards system. It says the state should work with NGOs to form an atmosphere of trust and provide employment opportunities. It notes that the security forces regard not only those wishing to return but also institutions working for a solution with suspicion.

Finally, the statement notes that the delegation was placed under continuous police and Gendarmerie surveillance, that they were subject to excessive searches, that their tour notes were seized and that they were mistreated. The villages they visited had been subject to raids by the security forces both before and after the visits. Requests by HADEP, TMMOB and Goc-Der to speak with the Van Governor's Office were

all turned down. They said they would keep the matter in the public eye until it had been totally resolved." (Turkish Daily News, 2 June 2001)

*See the full text of the joint press release [Internet]*

### **Authorities hamper spontaneous return movements (2000-2001)**

- Reports of returnees who were forced to leave their villages again by security forces

"Local Jandarma impose limitations on some resettlement efforts. According to new reports, in January Jandarma prevented the return of 15 families to a village in Sirnak province. The families claimed that the village guards who currently occupy their village had burned their homes and cut down their orchards." (U.S. DOS February 2001, sect. 1g)

"Although fewer reports documented new displacement in 2000 than in past years, there were reports of would-be returnees being blocked from returning to their villages or prevented from farming or rebuilding in the vicinity of their villages. In the Lice District of Diyarbakir, 12 families reportedly returned to their hamlet, Akcapinar, from which they had been forcibly displaced in 1993. Five months later, on October 5, soldiers from the Lice Gendarme Command reportedly burned their homes, temporary shelters, and crops, and forced them out again. The villagers claimed that they had obtained permission to return from the local authorities. On the villagers reportedly said, 'The prime minister said that they would give assistance in the form of iron and cement for those who return. That's why I returned to the village. I got help from neighboring villages and my relatives and build a house for myself... I built my home because I trusted the prime minister, but they burned it.'" (USCR 2001, p. 263)

*See on the incident in Akcapinar, read also "This is too much: Yet another village burned", Kurdish Observer, 16 October 2000 [Internet]*

### **"Some information on villages that forcibly were evacuated or people moving to other places during December 2000 and January 2001 is as follows:**

In Çatak district of Van province a central village by the name of Konalga was built in 1999 and finished towards the end of the year. It stayed empty for several months until village guards moved in. According to information received from Göç-Der the inhabitants tried to sell the houses to villagers who wanted to return for extreme high prices less than one year after they moved in. Similar things can be said for Basagaç village in Sirnak district that was built with the project "return to the villages". Sirnak Governor Hüseyin Baskaya said that the village was built for 106 families, but three months after completion only 13 families had moved in. Reason for the governor to say that the people were quite satisfied with their new houses.

[...]

Among the villagers from Naderen who wanted to return, some were not allowed to come back. One of them, Mehmet Ilbey said: 'When our village had been burnt down it was declared 'forbidden area'. Still, we were pleased, when the governor called us back. But when we were forced to sign a paper that we would with our own means we refrained from doing so.'

Inhabitants from Oymakiliç village in Siirt province who wanted to return inspected the conditions for return together with Siirt Governor Nuri Okutan on 14 December. They met the village headman Mahfuz Yilmaz who asked the victims of forced displacement to build their houses on his soil. The villagers did not agree and returned to Siirt. Later the village chief came with some relatives who attacked the people willing to return with stones and sticks. M. Ali Koçak had to be taken to hospital and the villagers Adil Bestas, Hursit Bestas, Kazim Bestas, Ömer Kizgin, Nezir Bestas and Salih Bestas were detained.

On 15 January about 10 families who had returned to Gündüzlü (Zirnaçet) and Kalkancık (Mezraxalke) villages in Kozluk district (Batman) were driven out of the villages by soldiers from the gendarmerie in Kozluk. The villager took the settlement Nawala Emero where nobody lived as refuge, but there was an attempt to drive them out of that place as well.

Tevfik Baz and Cemal Tas went to the gendarme to ask for a permission to stay, but were threatened with death "if they came there again". Tevfik Baz reported that they had appealed to the governors of Kozluk and Batman, but had not received any reply. He added: 'We cannot make a living in the places we are in. But in our village we have fields, trees and gardens and could live there without any problem.' Baz said that the region reportedly was declared 'forbidden zone' and the other villagers added that they only wanted to return and did not ask anybody for help." (Human Rights Foundation in Turkey, January 2001, sect. 2)

"The displaced villagers, who wanted to return their native village Taslik of Mardin-Savur in April, were once expelled out of the village at the first day of their return. Taslik village had been evacuated on 17 April 1992. When they went to the Taslik village in April, the villagers were threatened by officers in the Savur Gendarme Regiment Headquarter and reportedly asked to 'go where they had come from', if they did not want 'bad things to happen.'" (Human Rights Foundation in Turkey April 2001, sect. 2.1)

### **Return movements remain at a low level, despite recent increase (2000)**

- Rate of returns and return requests has reportedly increased since mid 2000
- Most return applications have been rejected by authorities for security reasons
- USCR estimates that less than 50,000 persons returned during 2000

"After the middle of the year, there appeared to be an upsurge in the rate of returns and return requests. About 10,000 persons returned to their villages between June and August, according to the state of emergency governor. In July he declared that 65,000 of the 131,000 return requests filed with his office were 'appropriate'. According to the Jandarma, over 28,000 persons returned to the OHAL [State of emergency] region and adjacent provinces during the year. They state that there are an additional 238,900 applications for returns to 621 villages and 461 smaller hamlets, but only about a third of these claims are appropriate (mainly for security reasons) at this time. a July HADEP 'migrant commission' report claimed HADEP had over 23,000 additional requests for returns, each petition representing a family. However, some persons included on return petitions may not have been aware that a request had been made for them. Furthermore, many evacuees have neither the will nor the economic means to return." (U.S. DOS February 2001, sect. 1g)

"Although violence ebbed in 2000, returns of displaced people during the year appeared to be modest and sporadic, although returns did appear to increase toward year's end. By mid-year, more than 50,000 families, representing an estimated 400,000 people, had applied for permission to return to their places of origin, but nearly two-thirds were ruled "inappropriate" applications, apparently because of continuing security concerns. By year's end, fewer than 50,000 were believed to have returned to their places of origin." (USCR 2001, p. 263)

### **Returning refugees join ranks of the internally displaced**

"Although the government has not extended an amnesty to the Kurdish refugees who fled in 1994, it has said that it would not prosecute them for illegal departure from Turkey. Some Kurds have been arrested upon return, mostly charged with membership in (or support of) an illegal organization.

Upon arrival, the Turkish authorities bring the returnees to the “Haji” camp in Silopi where they are registered and undergo security clearances. Nearly 90 percent of the returnees originate in the war-torn southeastern provinces of Sirnak and Hakkari, where many former villages are destroyed or still sealed off for security reasons. If unable to return to their places of origin, the returnees join the ranks of the internally displaced, usually living with relatives. Because of the war devastation and economic stagnation in the southeast, few returnees were able to find work upon return.” (USCR, 2002)

# HUMANITARIAN ACCESS

## General

---

### Low presence of international NGOs in southeastern Turkey (2002)

- The Government systematically obstructed assistance to the IDPs through denial of access to the region
- There is still no international NGO concerned with IDPs directly operating in the southeast
- Turkish Foreign Ministry reportedly refused permission to operate in the region to several international NGOs

"It should be stated that the Government has systematically obstructed humanitarian organisations including the International Committee of the Red Cross (ICRC) and *Médecins sans Frontières* (MSF) to assist the affected population by denying them access to the region. According to the explanation received from the Turkish authorities, numerous humanitarian organisations are in fact disguised supporters of the PKK. According to Deputy Chief of Police, NGOs were supplying arms including missile launchers to the terrorists. The Rapporteur cannot accept this explanation with regard to some of the most respected internationally known humanitarian organisations.

Although the situation has improved over the last two years, there is still no international NGO concerned with displaced persons directly operating in the southeast. Furthermore according to the information transmitted to the Rapporteur, national NGOs including human rights monitors often encounter difficulty, restrictions and intimidations." (COE 18 February 2002)

"The lack of an ongoing international NGO presence in Turkey's southeast primarily results from Turkish government obstruction. While the USCR researcher was visiting the southeast, a local NGO representative described Oxfam-U.K. efforts to establish a project for displaced persons in the southeast several years ago. He said that the government would not give Oxfam-U.K. permission to come and stay. USCR checked with Oxfam International and Oxfam-U.K., but could not confirm the story. Currently, Oxfam has no programs in Turkey. Members of the Diyarbakir Physician's Association told USCR that they initiated a sister city arrangement with the medical association in Berlin that might have provided medical aid, but the doctors said that the Turkish Foreign Ministry blocked it. The Physician's Association also attempted to collaborate with Médecins Sans Frontières (MSF)-Belgium in 1996 on a project to provide primary medical care in slum areas, but that the Foreign Ministry blocked the project before it could start. MSF-Belgium confirmed that the Dutch and Belgian sections of MSF had planned such collaboration with the Diyarbakir Physician's Association to provide medical aid to vulnerable groups, especially children under the age of five and pregnant women. MSF-Belgium wrote to USCR, saying, 'MSF could however not obtain the authorization to continue this project (refusal by the Turkish Ministry of Foreign Affairs), so this project came to an end in '96. Several attempts (most recent: mid '98) to obtain authorization for this project, or other projects in Turkey, failed.'" (USCR 1999, p. 34)

### Amnesty International was allowed to re-open its office in Turkey (February 2002)

- After a rejection in November 2001, Amnesty International was invited in 2002 to re-open office
- Amnesty International closed its Turkey office in the early 1980s

"State Minister responsible for human rights Nejat Arseven said on Tuesday that a decree allowing Amnesty International to reopen office in Turkey is signed by Parliament and is sent to President Ahmet Necdet Sezer for his approval.

Earlier this year, Turkey had invited Amnesty International to return to the country, nearly two decades after the human rights watchdog left.

After the approval of Sezer, the legal procedure allowing Amnesty International to return to Turkey will be completed.

[...]

The government gave no reason in November when it rejected the London-based Amnesty International's bid to restart operations, but has since decided to review the application.

[...]

Amnesty closed its Turkey office in the early 1980s after a 1980 military coup in which thousands of political activists and civic group members were jailed." (Turkish Daily News 13 February 2002)

### **Human Rights delegation faced obstruction after visit to villages (August 2001)**

- A human rights delegation investigated allegations about the forced displacement of villages in July 2001 and the imposition of a food embargo
- Villagers interviewed were intimidated by security forces
- On returning, the delegation was threatened by the Jandarma and forced to give all videotapes and camera films used during the mission

"A human rights delegation was formed by the Human Rights Association (IHD) with the participation of representatives from the Organisation of Human Rights and Solidarity for Oppressed People (Mazlum-Der), the Board of the Union of Chambers of Architects and Engineers of Turkey (TMMOB), the Human Rights Foundation of Turkey (TIHV), the Board of the Turkish Medical Association (TTB), Immigrants Association for Social Co-operation and Culture (Göç-Der) and the Diyarbakir Democracy Platform, in order to investigate the allegations about the forced displacement of Asat village with 15 households and Ortakli village with 30 households on 20 July 2001, the implementation of a food embargo, the ban on entering and leaving the villages of Ilicak with 70-80 households, Dagalti with 40-50 households and Hisarkapi with 12 households and their risk of being evacuated, as well as allegations of torture practices in the Beytüssebap District of Sirnak Province. The delegation conducted its mission from 8 to 10 August 2001 in Beytüssebap and made investigations about the above-mentioned incidents.

[...]

The delegation noticed that the control point for the embargo and the barricades on the road to the village had been dismantled one day before the delegation's visit. It was also reported by villagers that soldiers and village guards, usually on duty at this control point, had only been withdrawn for the day of the delegation's visit. Residents of Ilicak village reported that the embargo had been lifted slightly in recent days and villagers had been able to obtain limited food supplies, but only after the approval of a list concerning foodstuff presented to the Jandarma Commander of Beytüssebap District.

[...]

The delegation was not subjected to any pressure other than the normal practices in the state of emergency region on the way to Beytüssebap. However, during discussions with victims, plain-clothes security forces tried to record talks and identify speakers. This led victims to avoid talking openly. The Muhtar of the village told the delegation that they had left their village of their own free will. But women there denied

what the Muhtar had said and stated that the Muhtar was being threatened and was forced to talk to the delegation in that way.

[...]

The security escort accompanied the delegation on its way back to Sirnak. The delegation's car was stopped at the Jandarma control point at the entrance of Sirnak. Members of the delegation were threatened and asked to relinquish all videotapes and camera films used during their mission. All videotapes, camera films and notes were confiscated by the Jandarma." (Delegation-report, August 2001, in *Turkey and Refugees* (April 2002), pp.41-42)

### **Civil police allegedly obstructed delegation's field visit to evacuated villages (May 2001)**

- A human rights delegation visited Van province in May 2001 to meet IDPs and go to evacuated villages
- The basic infrastructure, such as roads, irrigation networks, and electricity lines, was destroyed in the evacuated villages
- During the mission, the Jandarma checked cars and belongings and seized notes

"In the context of returning to the villages, a delegation formed by representatives of the Human Rights Association (IHD), the Human Rights Foundation of Turkey (TIHV), the Union of the Chambers of Turkish Engineers and Architects (TMMOB), the Immigrants Association for Social Co-operation and Culture (Göc-Der), the Freedom and Solidarity Party (ÖDP) and the Social Law Research Foundation (TOHAV) visited Van province from 26 to 27 May 2001 after receiving an invitation from the People's Democracy Party to meet victims of internal displacement and to visit three villages that had been evacuated in Van and Bitlis provinces: Söğütlü Village of Van, Düzcealan (Corsin) and Cevre (Êz) villages of Tatvan (a district of Bitlis).

[...]

The basic infrastructure, such as roads, irrigation networks, and electricity lines, was destroyed in the evacuated villages. Most of the arable fields are no longer in use. Gardens were destroyed and trees were cut down. The ban on the use of the highlands caused the destruction of animal husbandry. Fields and possession in the evacuated villages were seized by the village guards, or were destroyed.

[...]

The civil police followed the delegation throughout the mission, the delegation was stopped three times on the way by officers of the Jandarma, who conducted identification checks, searched cars and belongings and seized the notes that the delegation had taken in the visited villages. The mission was ordered to proceed to Van province without stopping. Villages which the delegation visited or had planned to visit were subjected to pressure by the security forces. The request by the representatives of People's Democracy Party (HADEP), Union of the Chambers of Turkish Engineers and Architects (TMMOB) and Immigrants Association for Social Co-operation and Culture (Göc-Der) to meet with the Governor of Van province was refused." (Delegation-report, in *Turkey and Refugees*, April 2002, pp.39-40)

### **Human rights activists face severe constraints (2000)**

- Turkish human rights NGOs continue to face ill-treatment and prosecution, especially in the state of emergency area
- Restrictive legislation applies to NGO activities
- Lawyers involved in political cases in the southeast have been harassed
- Allegations in indictments against lawyers can include legal behavior such as filing a petition with the ECHR

- Representatives of diplomatic missions or inter-governmental organisations who wish to monitor human rights can operate freely but often under visible police surveillance

"In a policy paper prepared as part of the E.U. accession process, the Turkish government's Special Committee on Turkey-E.U. Relations made the welcome suggestion that 'the constructive function of nongovernmental organizations in raising human rights awareness should be encouraged and there should be closed cooperation and communication with them.' This intention was not well reflected in practice, as members of Turkish human rights organizations were obstructed in their work in various ways ranging from ill-treatment to prosecution. Public demonstrations and press conferences on human rights issues were repeatedly prohibited by local officials or broken up by police, sometimes violently." (HRW 2000, p. 328)

"Nongovernmental organizations operate in many regions but face government obstruction and restrictive laws regarding their operations, especially in the four provinces that comprise the state of emergency region. The Associations Law governing the activities of most NGO's (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The nongovernmental HRA has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the HRF, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO's include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Doctor's Association, human rights centers at a number of universities, and Mazlum-DER, which is the Organization of Human Rights and Solidarity for Oppressed Peoples. Human rights organizations are represented on the Provincial Human Rights Councils currently being formed.

Human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA's Diyarbakir branch was reopened in April after having been closed for 3 years. However, several weeks later the state of emergency region governor's office ordered the branch closed for 3 months. Police allowed the reopening in August but within minutes revealed orders to close it for 3 months. The Diyarbakir governor allowed it to reopen 2 months later in October. The HRA branch in Van was also closed for 3 months in May but reopened in August without incident. In February the authorities closed the Malatya HRA branch indefinitely for possessing illegal publications (such as banned issues of otherwise legal newspapers). However, in April a court ruled that there were no criminal grounds for closure, and it reopened in June. At the end of the year, mostly for reasons linked to ongoing protests over F-type prisons, authorities closed HRA branches in Malatya, Gaziantep, Van, and Konya.

Mazlum-DER's Sanliurfa branch reopened in April. The office had been closed since December 1998 after members had made allegedly 'separatist' statements in the press regarding the ban on headscarves in public buildings. The Malatya branch remained closed.

[...]

The harassment of lawyers involved in political cases in the southeast continued. An increased number of attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, attorneys in several cases were charged with various offenses (such as acting on behalf of illegal organizations), and were detained, searched, or threatened. The lawyer for the teenagers tortured in Manisa was put on trial for allegedly showing pictures of the accused policemen to the media, although her lawyer claimed that the television cameras had viewed an open case file. In November attorney Zeki

Ruzgar, who was convicted in December 1999 of 'membership in an illegal organization' and sentenced to 15 years in jail, was acquitted of all charges by the Court of Cassation.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993 to 1994 with 'aiding and abetting the PKK' and 'membership in an illegal terror organization.' Allegations in the indictment include legal behavior such as filing a petition with the ECHR. Some 16 of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers were free pending trial at year's end. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast.

[...]

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance for reasons that may include an effort to intimidate those they meet, as well as legitimate protection concerns. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations. There were no public reports of officials representing foreign governments being denied permission for such visits." (U.S.DOS February 2001, sect.4)

*See "ICRC: no access to the conflict area in Turkey (1995-2001)" [\[Internal link\]](#)*

# NATIONAL AND INTERNATIONAL RESPONSES

## General

---

### Displaced often receive help from family after migration (January 2002)

- Due to strong family ties, IDPs find support from relatives after migrating
- Underlying factors of this family support system is the disability to integrate, authorities' failure in estimating the problem, and the absence of a settlement policy

“It is observed that the migrants generally receive support from their kin in their new living environments. Since the kind of migration is a forced mass-displacement, the villagers generally migrate together with other kin. Although the relations among kin have been destroyed to some degree in the urban social settings, there still exists considerable solidarity among the kin. Even it is known that extended-traditional family relations, the solidarity within the family and among the kin performed important roles in dealing with many of the structural crises in the history of Turkey.”

(Göç-Der 2002, p.32-III)

The findings reveal that the people from whom the migrants received any kind of support are generally the kin and the amount of support the migrants received from the settled groups of the cities and acquaintances is very low. Being unable to integrate with the settled groups of the cities or public and local administrators's failure in estimating the extent of such a mass-displacement and its consequences, not employing any settlement policy for the large migrant population are important factors leading the migrants use their own possibilities and kinship relations in settling in their new living environments.” (Göç-Der 2002, pp.32-33-III)

## National response

---

### Turkey passed key reform package (August 2002)

“The Turkish parliament has formally approved a package of key democratic reforms, designed to improve the country's chances of European Union membership.

The death penalty will be abolished, the ban on education and broadcasts in Kurdish lifted.

[...]

Nationalist deputies strongly opposed the moves, seeing them as a concession to Kurdish rebels and their 15-year campaign for autonomy in the south-east of the country.

[...]

Early on Saturday, parliament legalised Kurdish radio and television broadcasts - one of the most controversial elements of the reform package , which ends years of severe state restrictions.

The country's estimated 12 million Kurds will also be allowed to have private Kurdish-language education.

[...]

#### **Turkey's reform package:**

end the death penalty

allow Kurdish broadcasts and education

end penalties for criticism of state institutions

ease restrictions on public demonstrations  
ease restrictions for foreign organisations working in the country  
toughen measures against illegal immigration  
greater freedom for non-Muslim minority religions”  
(BBC 3 August 2002)

### **Most displaced reluctant to seek judicial remedies**

“Most displaced villagers are reluctant to seek judicial remedies, since they believe that there is no chance of a result in their favor. They find it extremely difficult to find a foothold for legal action, since the whole process of displacement has been kept off the record. Few villagers have received any documentary evidence to show that they are unable to return to their property. It is a curious paradox that for years the displaced farmers, most of whom are only semi-literate, have been diligently petitioning government and judicial authorities in writing, while the state bureaucracy has preferred to do business by word of mouth. Local governors generally give or withhold permission to return verbally, and thereby avoid committing administrative acts that might subsequently be challenged in court.

Moreover, villagers fear that legal action may simply aggravate the security forces’ disfavor and further distance their main goal of reoccupying their homes. The persecution and violence experienced by the few who sought a remedy through the law justifies such trepidation. Armed hostilities are over in the southeast, but those who were internally displaced are still infected with profound fear. Most informants would only speak to Human Rights Watch on condition that their identity would be withheld.” (HRW, 30 October 2002)

### **Turkey regrets occurrence of individual cases of destruction**

“The case [ECHR: *Kinay v. Turkey!* has been struck out following a friendly settlement in which EUR 59,000 is to be paid for any non-pecuniary and pecuniary damage, costs and expenses. Turkey has, moreover, made the following declaration:

“The Government regrets the occurrence of individual cases of destruction of home, property and possessions resulting from the acts of agents of the State in south-east Turkey, obliging civilians to leave their villages... It is accepted that such acts and failures in the applicants’ case constituted a violation of Articles 8 and 13 of the Convention and Article 1 of Protocol No. 1 and, given the circumstances of the destruction and the emotional suffering entailed, of Article 3 of the Convention.” (HRFT, November 2002)

### **Turkish state continued to pressurize NGOs working on displacement (June 2002)**

- An investigation was started in June 2002 against Göç-Der after publishing the Migration Report

“June [2002] appeared to be a month, during which the issue of enforced migration was discussed intensely. The difficulties for villagers to return to their homes remained. In many provinces “migration week” celebrated by the Social Support and Culture Association for Migrants (Göç-Der) for the fifth year between 16 and 23 June was banned. Pressure on NGOs working on the issue of enforced migration continued. The prosecutor at Istanbul SSC started an investigation against Sefika Gürbüz, chairwoman of Göç-Der, and the sociologist Mehmet Barut concerning the “Migration Report”. In Övecek village, Çatak district (Van) a second sample village-town project was started. The first one had been finished in the same district in Konalga village in 1999.” (HRFT June 2002)

## **Returning displaced lack government compensation and restitution for losses (April 2002)**

- The Turkish government only paid compensation after ECHR rulings and denies responsibility for displacement
- Allowed returns are not accompanied by compensation for restoring settlements and returnees are forced to sign forms stating that they left due to terrorism

“Furthermore, the government is not planning the restitution of the entitlements or remedying the losses of internally displaced people. Despite a number of judgements made by the European Court of Human Rights on the violations of the Articles of the European Convention on Human Rights regarding torture, respect to family and home, and property rights since 1996, the government has done nothing more than pay the compensation awarded by the Court to individual applicants in specific cases, including their losses until the date of the judgement. The core of the issue is that the government does not admit responsibility for internal displacement, including the widespread practice of eviction and destruction of human settlements, on the sole ground that such practices were not conducted under prescribed laws or regulations. Whereas the government seems to plan to allow the return of some of the IDPs to a small number of specified villages, such permissions are not accompanied by compensatory assistance for restoring those settlements. Moreover, consistent allegations and reports by villagers and human rights groups, most significantly by the IDP organization Göc-Der, suggest that returned villagers are constantly intimidated by the Jandarma and other paramilitary forces.

[...]

Furthermore, when the government authorities accepted applications for relocation by the IDPs, authorities forced the IDPs to sign forms where they indirectly declared that they “left their villages due to terrorism”, and excluded those who were unwilling to sign such forms. Under Article 14 of the Bill, families entitled to be relocated, including those to be relocated for concerns of national security, “*shall lose their entitlements for resettlement, and shall not apply for resettlement again*”.” (B. Peker, April 2002, in *Turkey and Refugees*, p.37)

## **Turkish Government failed to provide emergency assistance to IDPs (February 2002)**

- IDPs were not provided with shelter or food after displacement
- They had to rely on relatives or scarce assistance from humanitarian organisations

"It has to be made clear that generally, the Turkish Government has failed to provide emergency assistance to people forcibly displaced in the south-east, including persons displaced directly as a result of the actions of Turkish military and security forces. These people have not been provided with any shelter or food in the immediate aftermath of the displacement. The Government has not arranged for any temporary accommodation in tents or collective facilities and the displaced persons could count only on their relatives or scarce assistance from humanitarian organisations. As a result, the majority of the displaced persons have flooded the provincial cities (mainly Diyarbakir, Batman, Sirta, Hakkari) crowding into homes of relatives, sometimes with more than thirty people residing in dwellings intended for a single family and setting up shanty towns in the outskirts." (COE 18 February 2002)

## **Human rights delegations visited displaced villages in Beytüssebap (August 2001)**

- A human rights delegation visited Beytüssebap in August 2001 to investigate allegations about forced displacement, a food embargo, restrictions of movement, as well as torture
- After this mission, delegations of the EU and the US visited the region

“A human rights delegation was formed by the Human Rights Association (IHD) with the participation of representatives from the Organisation of Human Rights and Solidarity for Oppressed People (Mazlum-Der), the Board of the Union of Chambers of Architects and Engineers of Turkey (TMMOB), the Human Rights Foundation of Turkey (TIHV), the Board of the Turkish Medical Association (TTB), Immigrants Association for Social Co-operation and Culture (Göç-Der) and the Diyarbakir Democracy Platform, in order to investigate the allegations about the forced displacement of Asat village with 15 households and Ortakli village with 30 households on 20 July 2001, the implementation of a food embargo, the ban on entering and leaving the villages of Ilicak with 70-80 households, Dagalti with 40-50 households and Hisarkapi with 12 households and their risk of being evacuated, as well as allegations of torture practices in the Beytüşebap District of Sirnak Province. The delegation conducted its mission from 8 to 10 August 2001 in Beytüşebap and made investigations about the above-mentioned incidents.

[...]

A month after the delegations visit of the, representatives of the Belgian Presidency (Embassy of Belgium) and the Representation of the European Commission in Turkey visited Sirnak and Beytüşebap in order to get information on the subject. Following their visit the US Embassy organised another mission to the region. Before this mission, evacuated villagers were allowed to return to their villages.” (Delegation-report, August 2001, in *Turkey and Refugees* (April 2002), pp.41-42)

### **Civil society barred from process**

“The U.N. Guiding Principles provide that international humanitarian organizations and other appropriate actors have the right to offer their services in support of internally displaced persons, and that such organizations should have unimpeded access to internally displaced persons (Principles 25 and 30).

A genuine project for the return of Turkey’s forcibly displaced villagers would be a huge undertaking with enormous financial, planning, and humanitarian implications. Consequently, the government would need to benefit from the experience, expertise, and energy that local and international nongovernmental organizations and intergovernmental organizations have to offer. The representatives of GAP and TSBD spoke enthusiastically of their “participative” approach, and local governors echoed this theme. But in practice, the government has consistently cut non-state agencies out of the whole process.

[...]

Far from providing “appropriate actors” access to the internally displaced, the authorities have relentlessly persecuted organizations that take an interest in them. At the moment, access by nongovernmental organizations to the southeast is extremely difficult. The three local organizations most interested in the problems of the internally displaced are the HRA, the Göç-Der, and HADEP. The authorities view all three with great suspicion, and local security forces subject them to constant harassment. Almost every day a branch of HADEP is raided, members detained and often ill-treated. In January 2001 HADEP officials Serdar Tanyş and Ebubekir Deniz, who were trying to establish a branch of the party in Şırnak province, “disappeared” after being summoned to a gendarmerie station. The authorities first denied and then admitted that the HADEP officials visited the gendarmerie, but claimed they had left after half an hour. In October 2001 Burhan Koçkar, a HADEP member, was allegedly extrajudicially executed by masked security forces in Agrı in eastern Turkey.

[...]

The HRA reports that it is also subject to constant persecution by security forces—particularly when it ventures into more remote areas to investigate abuses in villages.

[...]

Göç-Der offices are constantly under police surveillance and have been repeatedly raided. In May 2001 police entered the Istanbul office, confiscated documents, and detained then President Mahmut Özgür and a member of the board, Metin Çelik, who was held incommunicado for two days. It was plain that the authorities were unhappy that Göç-Der was bringing unwelcome information about the Village Return and Rehabilitation Project into the public arena.” (HRW, 30 October 2002)

## **Government's development project for South-eastern Anatolia (GAP): unfulfilled promises**

- A comprehensive development project for South-eastern Anatolia has been launched by the government as an effort to gap regional disparities
- It consists mainly in the construction of hydroelectric plans, and irrigation schemes to develop commercial farming
- According to local observers, the GAP causes more people to emigrate rather than preventing emigration, in particular as a result of dam constructions
- GAP projects do not remedy the concentration of land ownership

"Turkey has launched a comprehensive development project, the South-eastern Anatolia Project (GAP), in order to contribute to the welfare of the whole country. The process of economic development and social progress in Turkey resulted in regional disparities in terms of urbanisation and growth. This made it necessary for the system of incentives to focus on specific regions. In order to give effectiveness to the overall system of incentives, a distinction is observed as 'Normal areas' and 'Areas with priority in development'. As far as the GAP Region is concerned, all provinces in the region with the exception of Gaziantep and Kilis are in the status of 'development priority'. Turkey invites foreign investors to the region and has already signed bilateral agreements encouraging joint ventures with other countries. In spite of all the encouraging precautions taken by the government, terrorism still prevents the targeted levels of national and foreign investments from being reached. It is clear that improvement of the welfare of the whole country and the region depends on the success achieved in the fight against terrorism." (COE 13 June 2001, para. 166)

"The GAP region comprises nine provinces - Gaziantep, Diyarbakir, Sanliurfa, Mardin, Adiyaman, Batman, Kilis, Sirnak and Siirt and the project covers an area of 74,000 km<sup>2</sup>. It includes irrigation and domestic water supply projects and hydroelectric energy plans. Seven projects lie in the Euphrates river basin and six lie in the Tigris river basin. It is expected that on completion the GAP will enable 1.7 million hectares to be irrigated, approximately 50% of the total irrigated area in Turkey. Economic development in the region is expected as a result of improved irrigation so that the region can contribute to rather than be a burden on the national economy. The objective is to encourage commercial farming in order to develop cash crops production and agro-industries, such as food processing in the region for export." (ECGD 22 December 2000, sect. 2.0)

"Turkish officials, and people sympathetic to the government, praise initiatives to develop the south-east and to encourage return migration. The focal point of this activity is the Southeastern Anatolian Project, known as the GAP (Güneydogu Anadolu Projesi).

But the GAP is not seen universally as beneficial. USCR also met with a local professor who had served as a GAP advisor, but who has become a vocal critic of the project. He told USCR, 'GAP has been sold as for the good of the society [of the southeast], but it actually is the opposite, and some of its effects are causing more people to emigrate rather than preventing emigration.'

The professor contradicts the government's claims on four points. First, he says, the dams and reservoirs that control the headwaters of the Euphrates are not being used as extensively for irrigation as the government claims, and the land that is being irrigated is concentrated in a few hands in a region where land ownership remains feudally based. He said that only 7 percent of the 1.7 million hectares of land that the government claimed would be irrigated actually have been irrigated. Second, he says that the electricity produced by the GAP project is not being used to build industry in the southeast, but is being used outside

the region. Third, he says that, despite the rhetoric, there have not been health and education reforms accompanying the GAP project.

Finally, the professor claims that the reservoirs themselves have displaced upwards 100,00 people by putting about 150 hamlets and villages under water. He said that the government promised displaced villagers that it would rebuild modern villages on their behalf. Instead, he said, they were given cash compensation. Most, he said, moved to western Turkey, spent the money after a year or two, and have now joined the ranks of the migrant urban poor.

Whatever the benefits of the Gap project might be, Kurds tend to look upon such government initiatives with suspicion. There is a skepticism both about unfulfilled promises as well as ulterior motives. Henri J. Barkey and Graham E. Fuller characterize most purported state investments in the southeast as 'ghost investments', saying 'The state would initiate plans to build a factory, but, more often than not, the investment would fail to materialize.'" (USCR 1999, pp. 25-26)

*For more information, consult the official website of the Southeastern Anatolia Project [[Internet](#)]*

*For a review of the developmental effects of the GAP in southeastern Turkey, see "The Story of Eastern and Southeastern Turkey", by Mustafa Sonmez, published in Turkish Probe (Turkish Daily News publication), Issue 43, 15 July 2001 [[Internet](#)]*

### **Self-help organisations: the example of the Mersin Migrants' Association (Goc-Der) (1997-2003)**

- The association provides medical and legal services to the displaced
- Turkish authorities have ordered the closure of the association on several occasions
- The Migration and Humanitarian Aid Foundation charged with foreign associations

"Some degree of self-help organization has emerged - for example, the U.S. Department of State Report [1997] noted that a first Kurdish NGO to assist internally displaced people in the South East has been established in Mersin. The Mersin Migrants' Association is said to provide medical and legal services to the displaced, negotiate contracts for migrant labourers and serve as an informal ombudsman for Kurdish migrant with the Government." (Graham-Brown April 1998, sect. 2.3)

"The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, in February 1998, in February was given written permission by the Mersin governor to reopen. The Kurdish-led organization assists migrants from the southeast. Goc-Der had been closed pending a verdict in a case accusing its founders of several technical violations of Turkey's Associations Law and of possession of illegal publications. In December 1999, a court acquitted the defendants of all but one minor charge and fined them \$2 (1,5 million TL)". (U.S. DOS February 2001, sect. 4)

"In December [2002] prosecutors indicted 21 founding members of the Migration and Humanitarian Aid Foundation (GIYAV)—a Mersin-based group whose declared purpose was to provide assistance to displaced persons—on charges of aiding and abetting an illegal organization. Also in December, the General Directorate of Foundations applied to a penal court to have GIYAV disbanded on the grounds that it established relationships with foreign associations without seeking the required approval of the Interior and Foreign Ministries." (U.S. DOS, 31 March 2003)

*For more information on activities of the Mersin Migrants' Association, see "Tented city in Torbali", Turkish Daily News 27 January 2001 [[Internet](#)]*

## **Growing number of NGOs address problems associated with internal displacement (1999)**

- They do not necessarily focus specifically on IDPs but target vulnerable groups in general

"One of the few positive outcomes of the crisis is that it has helped the mobilization of civil society in Turkey. A growing number of non-governmental organizations are addressing many aspects of the problems associated with internal displacement. Projects range from financing and organizing humanitarian assistance, to the economic and social empowerment of vulnerable groups such as women and children. Some of these projects have involved cooperation with international NGOs as well as intergovernmental organizations. A number of NGOs have also become actively involved in publicizing the problem and mobilizing business interests." (Kirisici June 1998, p. 199)

"Local development-oriented NGOs, working cooperatively with the government, have fared better than the more adversarial human rights-oriented NGOs. Calling themselves 'foundations,' and not focused specifically on the displaced, but on the humanitarian needs of various impoverished groups, these NGOs have had some success in attracting funding from European NGOs.

USCR met with the head of a well-established NGO with solid international funding and good relations with the Turkish authorities. The NGO started in 1976 as part of an earthquake relief effort in Van Province. After being closed down in the 1980 coup, it was one of the first NGOs to become reestablished after the military takeover. The NGO chief said, 'We looked very suspicious' because his board of directors included Kurds. Gradually, however, he said, after four or five years, 'the government decided that we were trying to serve our country and that we could be trusted.'

The NGO chief said that he often feels torn by the expectations of his foreign donors and their pressure for his organization to be more outspoken on human rights issues. 'We are sometimes criticized by foreign donors', he says. I am not happy with their attitude. We are not against our country. We want to work for our country, for our people, to criticize, yes, but not to destroy.'" (USCR 1999, p. 25)

## **Public debate on the Kurdish issue remain limited (1999)**

- Turkish media and politicians who contradict the official line on the role of ethnicity, religion, or the military in politics risk prosecution and imprisonment
- Journalists, lawyers and politicians have however attempted to draw more attention to the Kurdish issue and to promote alternative solutions
- Kurdish society has been very active, through human rights organizations, cultural associations, political parties, self-help organizations, local administrations

"Although Turkish media and politicians furiously debate many issues and openly criticize the government, those who contradict the official line on the role of ethnicity, religion, or the military in politics risk prosecution and imprisonment. In July a one-year sentence imposed on former prime minister Necmettin Erbakan for a speech he made in March 1994 was confirmed by the Supreme Court. Erbakan was charged under article 312 of the Turkish Criminal Code with 'incitement to hatred on grounds of race or religion' although his speech contained no advocacy of hatred or violence. Criticism of the government's exclusion from higher education of women who wear the Islamic headscarf resulted in a one-year prison sentence for Hasan Celal Guzel, former Education Minister and leader of the Rebirth Party.

Such convictions under article 312 of the Turkish Criminal Code also triggered bans on participation in politics or civil society. Government efforts to reform or abolish article 312 were blocked by the military:

Minister of Justice Hikmet Sami Türk explicitly acknowledged the chief of general staff's opposition to amendment of article 312.

Article 312, however, was only one of many laws that inhibited freedom of expression. Prison sentences were also handed down under article 155 for 'alienating the people from the institution of military service,' article 159 for 'insulting state institutions,' and article 8 of the Anti-Terror Law for 'separatist' statements." (HRW 2000, pp. 326-327)

"Turkish civil society is a factor that is difficult to assess, but also of undeniably critical importance for resolving the Kurdish issue. Although hard for foreigners fully to appreciate because they work at the margins of accepted discourse, some Turkish journalist, academics, intellectuals, trade unionists, and other test the accepted parameters of political discourse, and ask searching questions of the government's policies. When Prime Minister ZAL appeared on the verge of a breakthrough in redefining the state's relation to the Kurds, van Bruinessen cogently observed that the impetus for change came not only from the international community, but also from significant elements within Turkish society itself. He said:

*One factor contributing to this change of attitude was undoubtedly the pressure exerted by western Europe, and Turkey's desire to be accepted as a full member of the European Community. More credit is due, however, to the efforts of those Kurdish and Turkish journalists, lawyers and politicians who, at considerable risk to themselves, kept drawing attention to the Kurdish question and criticizing the official ideology. [101]*

Kemal Kiriçi and Gareth M. Winrow take van Bruinessen's observation a step further, arguing that pressure from the international community is counterproductive and likely to provoke a xenophobic backlash among Turkish nationalists, and that reform, however slowly, will and must come from within Turkish civil society.[102] Kirilçi and Winrow observe a growing debate on the Kurdish question in the Turkish media, proposals coming from within the business community, and increased attention among local NGOs, but note that "in spite of developments...which have created an environment somewhat more conducive to open discussion, not all opinions and ideas with regard to the Kurdish question can be openly and freely discussed." [103]

Others, while observing that Turkish civil society is among the most open in the region, note extensive self censorship on the Kurdish question. Henri J. Barkey and Graham E. Fuller write:

*The combination of laws that tend to punish speech and the strong sense of patriotic duty imbedded in the Turkish public inhibits a great deal of criticism.... By and large, intellectuals as a class, especially academic circles, play almost no useful political function, because of their failure to examine and question Kurdish policies. University students do not usually argue over Kurdish issues in class, and faculty do not discuss it among themselves. The issue is functionally nonexistent in academic circles. [104]*

Barkey and Fuller take an equally sobering look at the Turkish media, saying:

*The Turkish press is one of the most open in the Middle East.... Yet this relatively free press has not been so open when it comes to the Kurdish issue.... It appeared as if most of the press took its guidance on national security issues from official bulletins of the government, the military, and the National Security Council. Most of the coverage of fighting was contained in relatively brief stories about the number of PKK terrorists captured or killed the day before.... Since there was no formal debate in Parliament or elsewhere about the Kurds, there was no serious debate in the press either, even though this is not, strictly speaking, a government-controlled press. [105]*

Barkey and Fuller note exceptions to their own observations. For example, they mention a series that ran in the daily paper, *Milliyet*, in the summer of 1995 on the problems of internally displaced people. They note that some NGOs, such as the Helsinki Citizen's Assembly, have openly discussed the Kurdish question, and that other intellectuals have spoken out. However, while acknowledging the existence of vibrant press,

a democratically elected Parliament, and a growing civil society, Barkey and Fuller remark that Turkish civil society nevertheless is 'too timid to take on the state on an issue as controversial as the Kurdish question.' [106] At the same time, they note the growing activism of Kurdish civil society, and see a growing gap between Turkish and Kurdish civil society:

*Kurdish political activism is reflected in the workings of human rights organizations, cultural associations, political parties, self-help organizations, local administrations, and movements of different political stripes, ranging from the traditional Left to Islamic movements. Increasingly, Turks and Kurds are coming to live in their own separate psychological worlds—working jointly in society but increasingly nourishing suspicions about each other's intentions and identifying with different things. It is this growing psychological gap between Kurds and Turks that is the most dangerous feature of the Kurdish issue in Turkey today. [107]*

Although he is a foreigner, and therefore not truly representative of Turkish civil society, the experience of Andrew Finkel, a journalist who has spent the last decade in Istanbul and written a biweekly newspaper column for the past two years, nevertheless reveals the challenges facing civil society in Turkey. Following Turkey's capture of PKK leader Abdullah Ocalan in February, Finkel wrote a column suggesting that 'it was time to draw the line in the sand between legitimate protest, democratic dissent, and those who advocated or used violence. In short, it was time to win the peace.' [108]

Within hours of the column being published, Finkel was fired. His wife, a historian who has studied Ottoman archives for twenty years, was publicly accused of stealing documents from libraries. They considered leaving the country, but stayed after other people rallied to their defense. Nevertheless, said Finkel, 'The affair did little to strengthen my faith that Turkey was now prepared to deal rationally with its most serious challenge. 'We don't have a Kurdish problem, we have a problem of terrorism,' is still a familiar cry—and not unlike the sound an ostrich makes as it plunks its head in the sand.' [109]

[Endnote 101: Martin Van Bruinessen, *Agha, Shaikh and State: the Social and Political Structures of Kurdistan*. Zed Books, Ltd., London and New Jersey, 1992, p. 45]

[Endnote 102: Kemal Kiriçi and Gareth M. Winrow, *The Kurdish Question and Turkey: An Example of Trans-state Ethnic Conflict*, London, 1997, p. 184. [Hereafter: Kiriflçi and Winrow]]

[Endnote 103: Kiriçi and Winrow, p. 151.]

[Endnote 104: Henri J. Barkey and Graham E. Fuller, *Turkey's Kurdish Question* (Carnegie Corporation of New York 1998), p. 118. [Hereafter: Barkey and Fuller]

[Endnote 105: Barkey and Fuller, p. 122.]

[Endnote 106: Barkey and Fuller, p. 116.]

[Endnote 107: Barkey and Fuller, p. 17.]

[Endnote 108: Andrew Finkel, "Thoughts of Change for the Kurds, and Me," *The Washington Post*, February 21, 1999, p. B3.]

[Endnote 109: Finkel, p. B3.]

(USCR 1999, pp. 26-27)

### **Turkish Parliament reviews the issue of internal displacement and other related human rights concerns in southeastern Turkey (1997-2001)**

- The Parliament created specific commissions in 1994 and 1997 which presented reports on the scope of the displacement process in the conflict area
- The issue of torture is closely monitored by the Parliament's Human Rights Commission

"In January 1994, a Turkish parliamentary commission under the chairmanship of the then-ruling DYP party formed in mid-1993 to investigate the conflict in southeastern Turkey released its findings. One conclusion of the Committee's report was that, 'In many operations carried out by security forces - even if

this was not intended - the personal security of citizens was damaged and preventative measures were insufficient." (HRW June 1996, "The situation of the displaced in the words of the Turkish officials and government ministers")

"A step forward the clarification of this important question has been undertaken by the Turkish Parliament. At the request of one of its members, Mr Algan Hacaloglu of the Republican People's Party (CHP), a former state minister for human rights, the Turkish Parliament set up a Committee on Migration in 1997 to investigate the causes of displacement and to provide aid to the displaced." (COE 3 June 1998, para. 16)

"During the 20th term of the Turkish Grand National Assembly (TBMM) the 'Commission for Research into the Problems of the Citizens Who Have Migrated Due to the Evacuation of Settlements in the Eastern and Southeastern Anatolia Regions' was formed in line with a motion to this effect presented by 10 deputies including Algan Hacaloglu, Istanbul deputy from the Republican People's Party (CHP).

"The TBMM's (Parliament's) General Assembly formally created that commission during its 101th session on June 9, 1997. It worked for nearly one year and presented its report to the Parliament Speaker's Office in mid 1998.

The commission, which was formed at a time the Welfare Party (RP)-True Path Party (DYP) coalition was in power, had for a chairman Diyarbakir Deputy Hasim Hasimi who was a RP member at that time and later a Virtue Party (FP) deputy. At a more recent date he resigned from the FP and joined the Motherland Party (ANAP).

The commission report made waves because it contained radical suggestions such as 'recognition of the right to education and broadcast in Kurdish,' an issue still alive on the country's agenda since the European Union Accession Partnership Document too refers to it.

The report said that during a 14-year process in the course of which the security forces fought with the militants of the outlawed Kurdistan Workers' Party (PKK) some 4,000 villages and hamlets had been evacuated in the East and the Southeast and that 1 million people had migrated from the region." (Turkish Daily News 30 January 2001)

*See interview of Mr. Hasimi, Chairman of the Committee on Migration in Turkish Daily News 30 January 2001 [Internet]*

"In May 2000 the Human Rights Commission of the Turkish Parliament issued six long and detailed reports documenting the persistence of torture. A seventh was published in October [2000]. Based on hundreds of interviews conducted during unannounced visits to police stations in the provinces of Istanbul, Batman, Erzincan, Erzurum, Sanliurfa and Tunceli, the commission's work was a model of parliamentary supervision." (HRW 2000, p. 327)

"Since May 2000, the TGNA Human Rights Committee has published nine reports on torture in Turkey, based on inspections of police stations and prisons in 1998-2000 and supported by detailed interviews with prisoners, their families and officials. Although they note improvements over the period, notably in the attitude of police and prison personnel, these reports strongly criticise the lack of supervision and inspection of the system by governors and chief prosecutors. It is hoped that the debate that has been launched in a bold manner by the TGNA Committee, together with the promises made by the government in September 2000, will be followed by concrete action, notable concerning the establishment of effective inspection mechanisms." (European Commission 8 November 2000, p. 15)

### **State authorities oppose research project by local authorities (2001)**

- Diyarbakir municipality was refused the permission to organise a survey on the impact of migration on municipal services

"The organs of the government, instead of meeting their own obligations toward the internally displaced people, are still barring any attempts for solution, even the research on the issue. For instance, the Ministry of Interior banned the Metropolitan Municipality of Diyarbakir from implementing a survey on this issue in February. The Municipality wanted to organise a survey on 'the Impacts of Migration on Municipal Services'. In a letter by the State Statistics Institute, informing the Municipality on the decision to ban, it was said 'although there are no inconvenience in your survey form in technical terms, the Ministry of Interior finds the survey inconvenient in terms of its subsistence [sic]. Therefore, you are not allowed to implement the survey in the field'. The survey form included 27 questions, and one was on the 'reasons of leaving the village'; options included the answers 'due to pressure to become village guards', 'due to religious pressures', 'due to the State of Emergency practices', 'due to PKK pressures', and due to the pressures by security forces." (Human Rights Foundation in Turkey February 2001, sect. 2)

## International response

---

### Keeping the international community at arm's length

- International NGOs able to visit but under close surveillance
- ICRC refused access to places of detention or to displaced populations
- The return programme so ill-conceived that several organisations have refused participation
- HRW recommends Turkish government to convene a meeting with international agencies to assist in responding

"Principle 25, paragraphs 2 and 3, of the U.N. Guiding Principles state: "International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced."

International nongovernmental organizations such as Amnesty International and Human Rights Watch are able to visit the southeast, though under close surveillance. Human Rights Watch was initially denied access to one returned village in July 2001, but permitted to travel two days later. Humanitarian nongovernmental organizations are more or less absent from the southeast. Attempts by Médecins Sans Frontières to provide medical aid to vulnerable groups in Diyarbakır were blocked by the Turkish government.

[...]

Turkey, a state party to the 1949 Geneva Conventions, continues to refuse the ICRC access to places of detention or to the displaced populations of the southeast. The OSCE has gained considerable experience on forced migration from its work in several Balkan and Caucasus states, but to Human Rights Watch's knowledge, no OSCE body has been asked for advice on the Village Return and Rehabilitation Project, much less become actively involved in the design and implementation of the project." (HRW, 30 October 2003)

“Human Rights Watch is calling on the Turkish government to give much greater urgency to facilitating the return and resettlement of the hundreds of thousands of Turkish citizens who were forced from their homes during the PKK conflict, the majority of them by government troops. In particular, the Turkish government should develop and implement its return projects in accordance with the United Nations Guiding Principles on Internal Displacement, which emphasize the importance of consultation with the internally displaced and access by relevant humanitarian organizations.

The Turkish government has avoided involving expert intergovernmental organizations in the implementation of the current return program. Indeed, the program is so ill-conceived that several major organizations have specifically refused to participate in it. But a sound program would stand a good chance of receiving international funding and expertise. In similar post-conflict situations around the world, and in the nearby Balkans in particular, displaced populations have received considerable material assistance in reconstruction from the European Commission, the World Bank, the European Bank for Reconstruction and Development, the European Investment Bank and many other donors. The Turkish government’s intransigence seems to be the main obstacle between the displaced villagers of the southeast and the international assistance they deserve.

The Turkish government could show its readiness to take a new direction by hosting a forum on return involving representatives of the internally displaced themselves, as well as concerned nongovernmental organizations and international organizations with a specific interest and expertise in displacement, including the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), the International Committee of the Red Cross (ICRC), and the Organization for Security and Co-operation in Europe (OSCE).” (HRW, 30 October 2002)

“[...] An investment in return to Turkey's southeast would help redress a long-standing violation of fundamental rights and help ensure the future stability and prosperity of this strategically vital region. Donors certainly appreciate that and only need the Turkish government to commit to a plan they can support.

So my appeal to you is for something rather straightforward and relatively inexpensive. If you could please just get the ball rolling. Use your influence to press the Turkish government, as a matter of urgent priority, to convene a planning forum, inviting representatives of interested governments, nongovernmental and intergovernmental organizations with relevant expertise and representatives of the displaced, to develop a plan for safe return in conformity with international standards.

Dr. Deng himself called on the Turkish government to do this more than a year ago. This, if it gets done, would be a critical first step on a process that would be beneficial for the displaced, for Turkey and for its allies interested in the stability of the region.” (CSCE, 10 June 2003)

### **Brookings-SAIS project on the role of OSCE for dealing with IDPs in the region**

“The OSCE, more than most regional organizations, has tremendous potential for dealing with the problem of internal displacement. It also has the responsibility to do so. Its participating states have committed themselves to the principle that matters related to human rights are of direct and legitimate concern to all of the states, and in particular have undertaken to address the problem of internal displacement.

Indeed, OSCE's engagement with situations of internal displacement has expanded significantly over the past decade. Its conflict-prevention machinery, its missions to different countries, its field staff, its election monitoring and technical assistance programs, and its Office for Democratic Institutions and Human Rights, have all engaged in activities that help improve the plight of internally displaced persons. But it is also evident that these steps are largely ad hoc, and often minimal to the situation. Indeed, because of the

ad hoc nature of the OSCE response, in September 2000 the OSCE ODIHR office took the important step of convening a supplementary Human Dimension Meeting on Migration and Internal Displacement.

[...]

The following year, in 2001, at the Human Dimension Implementation Meeting in Warsaw, participants again made recommendations to integrate the issue of internal displacement into the activities of the OSCE. But the OSCE has still not formally moved to make internal displacement a priority issue and to integrate it systematically into the programs and activities of the organization.

Recognizing the sensitivity of certain OSCE governments to the subject, in particular the Russian Federation and Turkey, it is nonetheless essential, given the severity of the problem, for the OSCE to take the steps, to make the recommendations that are put forward at its own meetings a reality.

To accomplish this goal, the Brookings-SAIS Project [...] offers 10 recommendations. If carried out, they should have a positive impact upon the situation in the Caucasuses countries and Turkey, the countries of concern in today's hearing.

First, the OSCE should formally recognize internal displacement as a human dimension issue of direct concern to the organization. This would assure a regular and systematic review of situations of internal displacement at Human Dimension Implementation Meetings. Reviews would be particularly important for countries where there are no OSCE missions, as is currently the case with the Russian Federation and Turkey.

Second, the Permanent Council of the OSCE should on a systematic basis discuss situations of internal displacement in all the 10 countries affected by it in the region, and develop specific strategies for addressing the problem. To reinforce the council's role, the issue of internal displacement should be mainstreamed throughout the organization. And the representative of the U.N. secretary general on internally displaced persons should be invited on a regular basis to address the council on internal displacement conditions in countries within the OSCE region.

Third, the Guiding Principles on Internal Displacement should be formally acknowledged by the OSCE, and used as a framework for policies and activities by the organization. The principles have been formally acknowledged by other regional organizations, including the European Union, and by the United Nations. The principles could serve the OSCE in the following ways -- as a benchmark for monitoring and evaluating conditions in different countries, as a source of guidance in drafting laws, constitutions and administrative regulations, as a basis for dialogue, as a tool for training staff and as a means of raising visibility to the plight of internally displaced persons. [...]

Fourth, greater support should be given to OSCE/ODIHR to enable it to expand its projects to help improve the legal situation of IDPs in the OSCE region. [...] OSCE/ODIHR should undertake comparable projects in other OSCE countries. [...]

Fifth, OSCE technical assistance programs should promote the creation of national institutions to address the needs of the internally displaced, and undertake a review of the extent to which existing government offices and institutions in countries suffering internal displacement effectively address the needs of the displaced and identify, where appropriate, the gaps and how best to remedy them.

Sixth, in carrying out its election monitoring functions, the OSCE should ensure that the internally displaced are able to freely exercise their right to vote, and do not face discrimination with regard to political participation.

Seventh, the scope of action of the OSCE high commissioner on national minorities should be expanded to enable more regularized focus on the situation of internally displaced persons who are members of racial, ethnic or religious minorities and who are often marginalized by systems of inequitable and discriminatory

governance. In the case of Turkey, a dialogue between the high commissioner and the Turkish Government concerning the situation of ethnic Kurds is long overdue and should be initiated and pursued without delay.

Eighth, the OSCE should systematically train its staff, both at headquarters level and in the field, in the subject of internal displacement.

Ninth, OSCE/ODIHR's migration unit should be reinforced, so that it will be effectively able to serve as focal point for internal displacement within the OSCE.

Tenth, the OSCE should develop strategies for promoting greater responsibility and accountability toward displaced populations by non- state actors in the region.

To conclude, the scale and severity of internal displacement in the OSCE region make it imperative that organization give more systematic attention to this problem. The United States, and in particular the U.S. Commission on Security and Cooperation in Europe, can play an important role both in encouraging the OSCE to integrate internal displacement fully into its programs and in prompting participating states to fulfill their commitments to displaced populations.” (CSCE, 10 June 2003)

[...]

“There is some history here. There have been governments, like Norway and, I think, Austria and the Netherlands and some others. But it wanted to see the OSCE take the more robust attitude when it comes to Turkey. The United States has not always joined them in that. But I think that the time is -- there are certain opportune moments now. If you consider that Turkey is concerned about the situation in northern Iraq and fearful that there could be some Kurdish state. One way that will assure the Kurds of Turkey that their life within Turkey is better is if the government itself improves the conditions of the Kurds in that country. That's the fastest way to really mitigate the fear that their own Kurds are going to seek independence.

And I think there the United States does have a very strong role to play, in encouraging the Turkish government to really work with the Kurdish population, so that they feel like they are part of Turkey and are not some marginalized group in the country. [...] the recommendations that Francis Deng has made with regard to Turkey, this is something that the U.N., the World Bank, but that the OSCE and the United States can also encourage taking place. And I mentioned in my testimony the high commissioner for national minorities. It's high time that that was also a position used to begin to discuss with Turkey the conditions of the Kurds.” (CSCE, 10 June 2003)

### **HRW: Turkey and War in Iraq: avoiding past patterns of violation**

“During a two-decade campaign against separatism inside Turkey’s borders, state forces committed grave and widespread human rights violations. They detained thousands of citizens for interrogation under torture. Between 1980 and 2000, more than 400 prisoners died, apparently as a result of torture, in the hands of Turkish police or gendarmes (i.e. soldiers who carry out police duties in the countryside complementary to the police within city and town boundaries). Security forces emptied large areas of the countryside in the southeast by bombing and burning unarmed peasant settlements. Hundreds of thousands are still displaced. In the early 1990s, the Turkish security forces are believed to have sponsored networks of killers to eliminate hundreds of suspected enemies of the state by gunning them down in the street or making them “disappear.”

[...]

In a thirteen- year- long conflict with the Kurdish Workers’ Party (PKK), Turkish security forces established a reputation for systematic torture and extrajudicial killing. When Turkish police, gendarmes, or soldiers had difficulty in distinguishing between rural civilian populations and armed insurgents, they drove the peasantry off their land and burned down thousands of settlements to create free-fire zones in the

countryside. Soldiers torched villagers' homes, destroyed their crops and orchards, and machine-gunned their livestock. No official record was kept of these operations or the destruction wrought in the course of them, and no compensation was paid. Even by official figures, widely considered to be a serious underestimate, 380,000 people lost their homes. Most of the displaced are now living in poverty in the metropolitan areas of the country. Government return programs are a sham, without sufficient funding or political will to regenerate the fragile peasant economy. This pattern of violations has been corroborated by judgments of the European Court of Human Rights, which found Turkish security forces responsible for torturing, killing, and "disappearing" Kurdish villagers and burning them out of their homes. (See for example, *Akdivar and others v Turkey*, September 16, 1996; *Mentes v Turkey*, November 28, 1997; *Selçuk v Turkey*, April 24, 1998; *Asker v Turkey*, April 24, 1998; *Bilgin v Turkey*, July 17, 2001; *Dulas v Turkey*, January 30, 2001; *Orhan v Turkey* June 18, 2002 *Akdeniz and others v Turkey*, May 31, 2001; *Kurt v Turkey*, May 25, 1998; *Çakici v Turkey*, July 8, 1999; *Ertak v Turkey*, May 9, 2000; *Timurtas v Turkey*, June 13, 2000.)

[...]

In light of the well-documented patterns of past abuse, no security force units with an established record of committing serious human violations should be deployed in Northern Iraq. The Bolu Commando Brigade, for example, was reportedly responsible for numerous violations of the laws of war, including village destruction, indiscriminate fire, and "disappearances." Relatives of victims of several extrajudicial executions and "disappearances" in Diyarbakir province in 1993 named the Bolu Commando Brigade as the perpetrating unit. The European Court of Human Rights found Turkey guilty of violations of the right to life in two clusters of "disappearances" reportedly involving Bolu commandos. One case was the "disappearance" of eleven Kurdish inhabitants of the village of Alaca in Diyarbakir province in 1993 (*Akdeniz and others v Turkey*). The second was the "disappearance" of three men from the village of Caglayan in 1993. Relatives said that soldiers from the Bolu Commando Brigade took the men away (*Orhan v Turkey*). None of the perpetrators of these incidents have been brought to justice.

[...]

The Turkish military should under no circumstances send village guards for armed service in Northern Iraq. Village guards are mainly Kurdish paramilitaries armed and paid by the Turkish government to fight the PKK. There are still about 90,000 village guards in southeastern Turkey. A 1995 report of the Turkish Parliament's Commission on Unsolved Political Killings confirmed that village guards were involved in a wide range of lawless activities, including killing and extortion, and called for the corps to be abolished. Almost every intergovernmental human rights mechanism that has since reported on southeastern Turkey has echoed that plea, including most recently the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions who recommended in her December 2001 report to the U.N. Human Rights Commission: "The village guard system, to which a large number of extrajudicial killings have been attributed, should be disarmed and disbanded without delay." Village guard abuses continue in southeastern Turkey. Even in the relative calm and stability of the past eight months, it has been reported that village guards have deliberately killed five displaced villagers attempting to return to their homes. In view of the evidence linking village guards with drug smuggling, abduction, killings, and "disappearance," Human Rights Watch was surprised and alarmed to hear reports that in early 2003 the Turkish army began to train several hundred village guards in the border area under the name of "Lightning Group" (*Simsekler Grubu*) for service in Northern Iraq. Village guards who have undergone this training have been told that they may be required to work in the camps along the border that have been established to prevent a refugee influx into Turkey.

[...]

During the course of the conflict in mainly rural southeastern Turkey, security forces resorted to what amounted to a scorched earth strategy – forcibly evacuating and burning any settlements that were not prepared to put up a corps of village guards. Where there are pressing reasons of security, governments do have the right to move populations. However, what happened in southeastern Turkey was neither an orderly nor lawful resettlement program but an arbitrary and violent campaign marked by hundreds of "disappearances" and summary executions. The U.N Guiding Principles on Internal Displacement prohibit the use of displacement in armed conflict unless the security of the civilians involved or imperative military reasons so demand, echoing imperative requirements of the Fourth Geneva Convention that are increasingly applicable to internal armed conflicts, such as through the Rome Statute of the International

Criminal Court. In such cases, the authorities must conduct the process in a lawful and ordered manner, providing alternative accommodation that meets the population's nutritional, health, and hygiene needs. The U.N. Guiding Principles impose upon states a particular obligation to protect from displacement indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands. The Guiding Principles also specify that displacement should not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected [...]" (HRW, March 2003)

### **ECHR condemned Turkey to pay a total of £100 000 in Kurdish 'Disappearance and Village Destruction Case' (June 2002)**

- On 18 June 2002, the ECHR ordered Turkey to compensate villagers after village destruction
- The Court found that the homes and certain possessions were deliberately destroyed by the security forces during evacuation, and that this constituted a particularly grave and unjustified interference with the right to respect for private and family lives and homes

"In a judgment of 18 June 2002, the European Court of Human Rights ordered Turkey to pay a total of £100 000 to Salih Orhan for the 1994 burning and destruction of the Kurdish village of Debovoyu and the subsequent 'disappearance' of his two brothers, Selim and Hasan Orhan, and his son, Cezayir Orhan.

On 24 November 1994, the Kurdish Human Rights Project lodged an application with the European Commission of Human Rights on behalf of Salih Orhan. He alleged that on 6 May 1994, after a large military convoy had gathered the villagers in Deveboyu (also known as Adrok) in Southeast Turkey and given them one hour to clear their houses, the soldiers began burning the houses in the village including his home and those of Hasan and Selim Orhan. He also alleged that on 7 May 1994, Selim Orhan and other villagers went to Kulp and complained about the incident to the Kulp District Gendarme Commander who gave the villagers permission to stay in their village in order to harvest crops. On 24 May 1994 the soldiers returned to the village and forced Selim, Hasan and Cezayir Orhan to accompany them as guides. The three men, Salih Orhan claimed, were last seen alive in Gümüssuyu hamlet in the custody of the soldiers.

In its decision, the Court noted that the Orhans were last seen being taken away to an unidentified place of detention by Turkish security forces. There was also some direct evidence that the Orhans were wanted by the authorities, and in the general context of the criminal law protection situation in Southeast Turkey in 1994, it could not therefore be denied that detention of such people would be life-threatening. As no information had come to light concerning the whereabouts of the Orhans for almost eight years, the Court was satisfied that they must be presumed dead following an unacknowledged detention by the security forces. Therefore, the Turkish Government was found to be liable for the deaths.

[...]

Moreover, the Court found that the homes and certain possessions of the Orhans were deliberately destroyed by the security forces in their unlawful attempt to evacuate the village after the harvest. There was no doubt that these acts constituted particularly grave and unjustified interferences with the applicant's and the Orhans' right to respect for their private and family lives and homes.

[...]

The Turkish State was found in violation Articles 2 (right to life), Article 3 (prohibition of torture and degrading treatment or punishment), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 1 of Protocol No. 1 (protection of property), Article 13 (right to an effective remedy) and Article 34 (right to petition the Court) of the European Convention on Human Rights." (HRFT 4 July 2002)

### **Case of Village Destruction in 1994 declared admissible by ECHR (May 2002)**

- On 14 May 2002, the ECHR unanimously found admissible a case of property destruction and disappearance

#### ***Abdurrezak IPEK v Turkey (25760/94) ('disappearance', village destruction)***

On 14 May 2002, the European Court of Human Rights declared the case of *Ipek v Turkey* admissible in respect of the applicant's complaints of violations of Articles 2, 3, 5, 13, 14, 18 and Article 1 of Protocol No. 1 of the European Convention.

KHRP lodged the case with the European Commission on behalf of the applicant, Abdurrezzak Ipek, in November 1994. The case concerns the destruction of the applicant's home and the 'disappearance' of his two sons, Servet and Ikram Ipek, in 1994.

On the 18 May 1994, soldiers from the Gendarmerie Headquarters in Lice raided the Dahla settlement of Türelı village in the province of Diyarbakir. They gathered the villagers together and set fire to all the houses in the village. Around noon, they released all the villagers but left the settlement with the applicant's sons and five other men. Four of these men were later released but three of them, Servet and Ikram Ipek and Seyitham Yolur remained in custody. The applicant requested information from the Lice Gendarmerie Headquarters and the Emergency Legislation Governor in Diyarbakir. The authorities however denied that the men had been detained.

[...]

Finally the applicant complained under Article 1 of Protocol No. 1 about the destruction of his home.

[...]

In light of the parties' submissions, the Court considered that the case raised complex issues of law and fact under the Convention, the determination of which should depend on an examination of the merits of the application as a whole. The Court therefore unanimously declared the application admissible." (KHRP, Newsline, no.18, summer 2002, p.8)

### **World Bank expressed willingness to finance the Village-Town Project for \$300 million (November 2001-May 2002)**

- The World Bank attaches great importance to the Village-Town project and wanted to finance it for \$300 million
- The village-town project will be implemented in the provinces and districts of Afyon, Bolu, Düzce, İçel, Kastamonu, Kayseri, Mus, Nigde, Siirt and Van

"On 17 November [2001] Ajay Chibber, Turkey representative of the World Bank, talked to Prime Minister Bülent Ecevit stating that they put a great importance on the Village-Town Project and were prepared to finance it. After the meeting he talked to journalists and said: "We find this project very important, because it emphasizes the development of the rural areas. We hope that we can find the necessary resources until the summer of 2002."

On 20 November 86 houses that were built in Ovacik district (Tunceli) in the framework of the "village-town" project were handed over to their owners. Talking at the ceremony Tunceli Governor Mustafa Erkal said that the aim was to help the villagers, who had suffered from terrorism and poverty."

On 23 November the Ministry of the Interior answered a question by Diyarbakir MP for the Fatherland Party (ANAP), Sebgatullah Seydaoglu. It was stated that during the last 17 months 30.224 persons had returned to their villages. From 25 provinces in southern and southeastern Anatolia people had migrated

from 1.195 villages and 2.260 hamlets. Within the project “return to the villages and rehabilitation” 796 houses had been built and 435 houses were under construction in the provinces of Diyarbakir, Van, Hakkari, Sirkak and Siirt. In the district centers and safe villages aid had been provided for the reconstruction of 5.853 houses and a total of TL 3 trillion had been spent.” (HRFT November 2001)

“During a meeting on 1 May [2002], chaired by Prime Minister Bülent Ecevit and attended by State Minister Mustafa Yılmaz and high-ranking bureaucrats, the Turkey representative of the World Bank, Ajay Chibber, was informed on how the \$ 300 million were to be used in the village-town project. After the meeting journalists were informed that Ajay Chibber was impressed by the project and called it a model for rural development. In June a delegation from the World Bank is expected to come to Turkey to determine the conditions for the loan. The village-town project will be implemented in the provinces and districts of Afyon, Bolu, Düzce, İçel, Kastamonu, Kayseri, Mus, Nigde, Siirt and Van.” (HRFT May 2002)

### **Draft recommendations from the Council of Europe on the IDP situation in Turkey (March 2002)**

- Report on humanitarian situation of displaced Kurdish population in Turkey notes positive developments
- COE called, inter alia, for international humanitarian access, the lifting of OHAL, the end to evacuations, the abolishment of the village guard system, allow more returns, to exclude terrorism statement on return, and compensation for destroyed property

"The report notes positive developments in the humanitarian situation of the displaced Kurdish population as compared to the last report on the subject in 1998. The decrease in violence in the south-eastern part of Turkey along with revitalization of the economy have encouraged the process of returns. The returnees receive financial and material assistance from the Turkish authorities. However, the state of emergency, still in force in the 4 remaining provinces has an impeding effect on the economic and social revitalization of the region. The Rapporteur proposes a number of measures aimed at facilitating mass returns of the displaced population. Moreover, the recommendation calls for additional international financial assistance with a view to fostering economic development in the south-eastern part of Turkey."

“11. Access to the region for international humanitarian organisations should be granted. The Assembly cannot accept that most respected organisations like Médecins sans frontières are denied access for their alleged support for terrorism.

12. The Parliamentary Assembly therefore recommends that the Committee of Ministers:

- i. urge Turkey to take the following steps:
  - to lift the state of emergency in the four remaining provinces as quickly as possible;
  - to refrain from any further evacuations of villages;
  - to ensure civilian control over military activity in the region and make security forces more accountable for their actions;
  - to step up investigations into alleged human rights violations in the region;
  - to properly implement the rulings of the European Court of Human Rights;
  - to abolish the village guard system;
  - to continue its efforts to promote the economic and social development and reconstruction of the south-eastern provinces;
  - to involve representatives of the displaced population into the preparation of return programmes and projects;
  - to speed up the process of returns;
  - to allow for individual returns without a required prior permission;

not to precondition the assistance by the obligation to enter the village guard system or the declaration on the cause of the flight;  
to present reconstruction projects to be financed by the Council of Europe's Development Bank in the framework of return programmes;  
to adopt measures to integrate those displaced persons who wish to settle in other parts of Turkey, and provide them with compensation for damaged property;  
to grant full access to the region for international humanitarian organisations, and provide them with support from local authorities;" (CoE 22 March 2002)

### **UN Special Representative on IDPs addresses a hearing by the Commission on Security and Cooperation in Europe (June 2003)**

"There are still lingering problems that need to be addressed, particularly with respect to the nature of return, and the treatment of different people depending on what factors had have displaced them, whether they were displaced by the conflict with the government, or as the government would prefer to put it, as the result of terrorist activities. And there are also concerns about priority being given to those who are considered village gods in the settlement process.

Consultation and differences of approach in terms of the government wanting centralized settlements in order to be able to deliver services, and people still holding to their traditional pattern of settlement, some of these are still tensions to be watched.

But what I found to be particularly problematic with respect to Turkey was that the international community, concerned that the issue was not of interest to Turkey, and I am talking specific to the U.N. system, were rather reticent to raise the issues with the government, to get involved even with the problem of internal displacement. And even halfway through my mission, the international presence there was still uncertain as to whether the government had in fact changed its policy.

[...]

So one of the recommendations I made was that we should seize the opportunity of the government now opening up to respond and to help the government in addressing the problems of displacement and return

[...]

In Turkey, I would only say that we should take advantage of the changing attitude of the government and particularly with respect to the nature of return." (CSCE, 10 June 2003)

### **Recommendations from HRW to the Turkish government and the international community (October 2002)**

#### *Recommendations to the Turkish Government*

- Publish comprehensive information about the progress of returns, including a verifiable list of communities that have returned and those that have not.
- Publish detailed information about programs for return, including the names of villages open for return or temporarily closed to return, project aims and objectives, government departments responsible for the returns, budgets, and progress updates.
- Establish a specialist agency dedicated to implementing the return of internally displaced persons.
- Set up a planning forum with representatives of governmental, nongovernmental and intergovernmental organizations with relevant expertise, as well as representatives of displaced villagers. The forum should develop a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities. Such an agency should inquire into allegations of appropriation of land by village guards, and take steps to end this practise, including informing the local prosecution service to initiate legal action as necessary.

- Take measures at all levels of government to stop the harassment of internally displaced persons, the recently returned, and those who assist them.
- Abolish the village guard system.
- Permit villagers to return to their own homes unless there are legitimate security reasons to prevent this, such as continued armed conflict or the presence of landmines that would endanger civilian lives.
- Clear landmines from villages and surrounding farmland, and give villagers documentary evidence that their village has been cleared of mines and munitions before they return.
- Ensure that infrastructure for villages and hamlets is restored at least to the standard prior to their destruction and evacuation, at state cost.
- Where villages are inaccessible for security reasons or because they have been mined, pay appropriate levels of compensation, including maintenance for the internally displaced, and ensure their access to health, education, and employment or other basis for an adequate standard of living.
- Ensure unfettered access for nongovernmental organizations throughout the southeast, especially for national and international human rights and humanitarian nongovernmental organizations.
- Publish the secret “Action Plan for the East and Southeast” adopted by the National Security Council in May 2000.
- Establish an interim program for practical and financial support of villagers before, during, and after return, without prejudice to subsequent litigation they may open in the courts.

*Recommendations to Intergovernmental Organizations with an Interest in Displacement, including the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), and the Organization for Security and Co-operation in Europe (OSCE)*

- Urge the Turkish government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced persons can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced persons.
- Assure the Turkish government of their willingness to contribute their expertise and experience to assist with the design and implementation of a fair, safe, and sustainable program of return.
- Assist the Turkish government in obtaining funding for appropriately designed and implemented programs that are consistent with the U.N. Guiding Principles on Internal Displacement.

*Recommendations to the Committee of Ministers of the Council of Europe*

- Urge the Turkish government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Make supervision of the return program a regular agenda item of the Committee’s meetings.
- Assist the Turkish government in obtaining Council of Europe funding for appropriately designed and implemented programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

*Recommendations to the World Bank*

Maintain its current policy of withholding support for any Village-Township projects in southeast Turkey that are not consistent with the U.N. Guiding Principles on Internal Displacement, or that may indirectly facilitate other projects that are contrary to the Guiding Principles.

- Use its influence to encourage the Turkish government to redesign its return program in accordance with the U.N. Guiding Principles on Internal Displacement, and to develop projects that the World Bank and other international bodies could feel confident in supporting.
- To this end, urge the Turkish government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced

villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

- Assist the Turkish government with funding for appropriately designed and implemented return programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

#### *Recommendations to the European Union*

Not rely on unsubstantiated and unverifiable Turkish government statements concerning the return process, but use its high level of access to carry out field research in the region that would contribute to the sum of information about returns through the annual Regular Report.

- Closely monitor the situation of the internally displaced in the cities and in the countryside after return, and pool information with other intergovernmental bodies and interested nongovernmental organizations.
- Urge the Turkish government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Not finance return or resettlement projects in southeast Turkey if they are not consistent with the U.N. Guiding Principles on Internal Displacement, or if they indirectly facilitate other projects that are contrary to the Guiding Principles.
- Assist the Turkish government with funding for appropriately designed and implemented return programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

#### *Recommendations to E.U. Member Governments and the U.S. Government*

- Urge the Turkish government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Not finance return or resettlement projects in southeast Turkey if they violate the U.N. Guiding Principles on Internal Displacement, or if they indirectly facilitate other projects that violate the principles.
- Assist the Turkish government with funding for appropriately designed and implemented return programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- The U.S. government, in its annual State Department report on human rights practices, should not rely on unsubstantiated and unverifiable government statements concerning the return process, and should use its high level of access to carry out field research in the region that would contribute to the sum of information about returns." (HRW, 30 October 2002)

### **Parliamentary Assembly of the Council of Europe monitors Turkey's human rights commitments (1996-2001)**

- The overall human rights situation in Turkey is still under the monitoring procedure opened by the Council of Europe in 1996
- The Monitoring Committee is also instructed to study the issue of the Kurdish minority
- In 1998, the Parliamentary Assembly adopted a resolution on the humanitarian situation of Kurdish displaced in South-East Turkey and North Iraq

- The European Committee for the Prevention of Torture conduct site visits to places of detention
- The Council of Europe Council of Ministers adopted a resolution in 1999, condemning human rights violations committed by security forces against Kurdish civilians

*In 1996, the Parliamentary Assembly adopted Recommendation 1298 [Internet] on Turkey's respect of commitments to constitutional and legislative reforms, in which it instructed its committees concerned to open the monitoring procedure in respect of Turkey under Order N° 508 (1995) [Internet]. In 1998, the Assemble also adopted its Order N° 545 [Internet] on the humanitarian situation of the Kurdish refugees and displaced persons in south-east Turkey and northern Iraq, in which it instructed its Monitoring Committee to study the issue of the Kurdish minority in the framework of the monitoring procedure concerning Turkey.*

See following documents:

- Resolution 1256 (2001), Honouring of obligations and commitments by Turkey [Internet]
- Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee): Honouring of obligations and commitments by Turkey, Doc. 9120, 13 June 2001 [Internet]
- Information report of the Committee on Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe: Honouring of obligations and commitments by Turkey, Doc. 8300, 15 January 1999 [Internet]
- Recommendation 1377 (1998), Humanitarian situation of the Kurdish refugees and displaced persons in south-eastern Turkey and northern Iraq [Internet]
- Report of the Committee on Migration, Refugees and Demography: Humanitarian situation of the Kurdish refugees and displaced persons in South-east Turkey and North Iraq, Doc. 8131, 3 June 1998 [Internet]

"The European Committee for the Prevention of Torture (ECPT), an intergovernmental body under the Council of Europe mandated by the European Convention on Human Rights to conduct site visits to places of detention, reported finding torture equipment during surprise inspections of the Istanbul, Ankara, and Diyarbakir police headquarters. According to Amnesty, 'The Turkish Government not only ignored the findings and recommendations of the ECPT and the UN Committee against Torture..., the government made an extraordinary public statement attempting to discredit the methods and impartiality of the Committee'" (USCR 1999, p. 31)

*For more information on the work of the European Committee on the Prevention of Torture, consult the section on Turkey of the website of the Committee [Internet]*

"On 9 June 1999, the Council of Europe 41-member ministerial committee made an unprecedented criticism of a member state when it criticised Turkey for 'repeated and serious' human rights violations which security forces have committed against Kurds. In the interim resolution (Interim Resolution DH (99) 434) the ministerial committee refers to the European Court of Human Rights condemning Turkey in the previous two years in more than a dozen cases related to the security forces. The committee stated that 'no significant improvement' was evident in the past two years. It called upon the Turkish authorities to take the necessary measures to halt torture, destruction of property, illegal killings and disappearances." (Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, p. 46)

*See the full text of the Ministerial resolution Int ResDH (99) 434 [Internet]*

## **Turkey's candidature for EU membership**

“Turkey became a candidate for E.U. membership at the Helsinki summit in 1999. In theory, the demand that Turkey fulfill strict political conditions concerning human rights and democracy (the Copenhagen Criteria) should have provided excellent leverage on a wide range of human rights problems, including the treatment of the internally displaced. Progress has been much slower than hoped. At first, the European Union was too easily convinced by rhetoric from the Turkish government. With experience, the Commission has become more shrewd in its evaluations, and the *2001 Regular Report On Turkey’s Progress Towards Accession* gave a more realistic assessment of progress. But its treatment of the return question (under the heading “Minority rights and the protection of minorities”) was disappointing. The report merely reproduced government statistics on the rate of return, apparently without checking them against the facts on the ground. The 2002 Regular Report gave a sharper picture, contrasting an estimated figure of 378,000 to one million for the number of displaced, with an official figure of 37,000 for the number of villagers that have returned. The E.U. representation has an unequalled level of access to Turkish government information and also to the region where the displacements occurred. It should use its unique position to uncover the true picture of what is happening in the countryside and also to influence the Turkish government to adopt and implement a more acceptable policy.”

[...] if the government is prepared to bring its Village Return and Rehabilitation Project into line with the U.N. Guiding Principles and other international human rights and humanitarian standards relating to internally displaced people, it is not too late to make it into an enterprise in which international donors, government agencies, nongovernmental organizations, and the villagers themselves can believe and collaborate. This would not only go some way toward a remedy for the violations of past decades, but also contribute to the regeneration of the eastern provinces, an unfulfilled aim of every administration since the foundation of the republic. Such a project would be fully consistent with the European Union’s requirement of Turkey, contained in the Accession Partnership, to “develop a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the South-East, with a view to enhancing economic, social and cultural opportunities for all citizens,” a goal echoed by the Turkish government as a medium term objective in its National Program for E.U. accession.” (HRW, 30 October 2002)

### **ECHR condemned Turkey for its policy of village destruction in Southeastern Turkey (1996-2001)**

- Village destruction violates the right to respect for private life, family life, and home and to peaceful enjoyment of possession, according to the Court
- In most cases, eviction and resulting deprivation amount to inhuman and degrading treatment on the civilian victims
- Turkey has also been condemned for intimidating victims who attempted to seek justice through legal action
- Lengthy delays in the payment of compensation for expropriation in the context of dam constructions violates European Convention for Human Rights

"Although Turkey has not ratified the International Covenant on Civil and Political Rights, it is a member of the Council of Europe, and ratified the 'European Convention for the Protection of Human Rights and Fundamental Freedoms' in 1954. The Statute of the Council of Europe requires that every member state be committed to the principles of individual freedom, political liberty, and the rule of law. The European Court of Human Rights functions under the aegis of the Council of Europe, and hears individual petitions under Article 25 of the European Convention. Its task is to examine those complaints and settle and adjudicate them. As of February 1997, the European Commission of Human Rights had received about 800 individual complaints charging Turkey with violating the European Convention, most of which address abuses relating to Kurds in or from southeastern Turkey. The rare inter-state complaint procedure under Article 24 of the Convention was also used twice against Turkey in the early 1980s." (USCR 1999, p. 30)

2,667 applications against Turkey are pending before the European Court of Human Rights, as of July 2001 (European Court of Human Rights, 13 August 2001).

Selection of judgments regarding cases of destruction of property, forced evictions and right to effective remedy:

Akdivar and others v. Turkey, 16 September 1996 [[Internet](#)]

See press release by the Kurdish Human Rights Project, 16 September 1996 [[Internet](#)]

Mentes and others, 28 November 1997 [[Internet](#)]

See press release by the Kurdish Human Rights Project, 28 November 1997 [[Internet](#)]

Selçuk and Asker, 24 April 1998 [[Internet](#)]

See press release by the Kurdish Human Rights Project, 24 April 1998 [[Internet](#)]

Ihsan Bilgin v. Turkey, 16 November 2000 [[Internet](#)]

See press release by the Kurdish Human Rights Project, 16 November 2000 [[Internet](#)]

Zubeyde Dulas (Z.D.) v. Turkey, 30 January 2001 [[Internet](#)]

See press release by the Kurdish Human Rights Project, 31 January 2001 [[Internet](#)]

Examples of judgments relating to compensation for expropriation in the context of dam constructions:

Aka v. Turkey, 23 September 1998 [[Internet](#)]

Yasars and others v. Turkey, 14 November 2000 [[Internet](#)]

*See AFP release "Les Kurdes veulent faire payer à l'Etat turc ses violences", 26 July 2001 (reproduced in InfoTurk July 2001, N°275) (example of compensation paid to villagers following a friendly settlement with the Turkish State in the course of the procedure before the European Court of Human Rights) [[Internet](#)]*

## **EU report: Turkey must do more to secure fundamental freedoms**

- The report said that Turkey still restricted fundamental freedoms, including linguistic and cultural rights for the country's 12 million ethnic Kurds
- Since the last Regular Report no progress has been made in acceding to a number of other major human rights instruments
- The revised Article 38 of the Constitution limits the death penalty to cases of terrorist crimes and to times of war or imminent threat of war, which is not in line with Protocol 6 to the ECHR
- Human Rights Watch criticised the report for its lack of focus on return, and stated that the return program was largely fictional with most abandoned settlements remaining no-go areas

"The European Union welcomed Turkish steps towards expanding civil liberties on Tuesday, but said in its progress report on candidates that the reforms far from guarantee freedoms required for membership in the bloc.

The bloc, which made Turkey a candidate for membership in late 1999, said in its annual enlargement report that constitutional amendments passed in October were a "significant step towards strengthening guarantees in the field of human rights and fundamental freedoms and limiting capital punishment."

But the changes to the national charter did not completely abolish the death penalty as defined in the European Convention on Human Rights, and Turkey still restricted fundamental freedoms, including linguistic and cultural rights for the country's 12 million ethnic Kurds, the report said.

Some excerpts from the EU Progress Report are follows:

[...]

#### *Constitutional amendments*

The package of thirty-four amendments to the 1982 Constitution was adopted on 3 October 2001, introducing new provisions on issues such as freedom of thought and expression, the prevention of torture, the strengthening of civilian authority, freedom of association, and gender equality. Several amendments are related to the Copenhagen political criteria, the Accession Partnership and the NPAA.

[...]

#### *Human rights and the protection of minorities*

The recent constitutional amendments are a significant step towards strengthening guarantees in the field of human rights and fundamental freedoms and limiting capital punishment.

The freedom of expression, the freedom of the press, and the freedom of association and peaceful assembly are among the fundamental freedoms addressed by the constitutional amendments. In Articles 13 and 14, a number of restrictions have been deleted, thus narrowing the grounds for limiting fundamental rights and freedoms. The principle of proportionality has been introduced: any limitation of the rights protected must be proportionate.

A number of restrictions on the exercise of fundamental freedoms have remained.

[...]

Proposals for legislative changes aimed at implementing a number of constitutional amendments, in particular with respect to freedom of expression and thoughts, are being finalised by the Government. They include proposals to change Articles 159 and 312 of the Penal Code and of Articles 7 and 8 of the Anti-Terrorist Law. As far as Turkey's position with respect to various international conventions on human rights is concerned, on 18 April 2001, Turkey signed Protocol 12 to the European Convention on Human Rights (ECHR) on the general prohibition of discrimination by public authorities.

Since the last Regular Report no progress has been made in acceding to a number of other major human rights instruments such as the UN Convention on the Elimination of All Forms of Racial Discrimination, the Statute of the International Criminal Court, the UN International Covenant on Civil and Political Rights, the UN International Covenant on Economic, Social and Cultural Rights.

As to Protocol 6 to the ECHR on the abolition of the death penalty, it remains to be seen whether, in the light of the constitutional amendment and the projected reform of the Penal Code it will be possible for Turkey to sign and ratify it. It can also be noted that Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities.

Since the last Regular Report, the European Court of Human Rights found that Turkey had violated provisions of the ECHR in 127 cases (although 43 of these are not final, as an appeal to the Grand Chamber is possible). These cases relate to a wide range of violations to the Convention such as freedom of expression, ill treatment by the security forces and length of police custody. Turkey has resolved 53 of these cases through friendly settlements.

[...]

#### *Civil and political rights*

Despite a number of constitutional, legislative and administrative changes, the actual human rights situation as it affects individuals in Turkey needs improvement.

The revised Article 38 of the Constitution limits the death penalty to cases of terrorist crimes and to times of war or imminent threat of war. The exception for terrorist crimes is not in line with Protocol 6 to the ECHR (which does not permit any reservations), whereas the exception in the case of war crimes is permitted under Protocol 6. [...]

During the reporting period, death sentences have continued to be imposed by Courts on the basis of the Anti-Terrorist Law. In 2000, 17 people were sentenced to capital punishment, and 10 between January and August 2001. However, the de facto moratorium on carrying out the death penalty - which has applied since 1984 - has been maintained.

Regarding torture and mistreatment, the agreement of the Turkish Government to publish the report of the Committee on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) of the Council of Europe on torture and mistreatment, in January 2001, is a welcome development.

Pre-trial detention provisions are to be brought further into line with ECHR standards on the basis of the amendment of Article 19 of the Constitution, which reduces to four days the period of police custody before bringing the person detained before a judge in cases of collective offences. This is a positive development from the point of view of the prevention of ill treatment of detainees and should be applied also for offences falling under the competence of the State Security courts and in state of emergency provinces.

[...]

In practice, the situation as regards torture and mistreatment has not improved since the last Regular Report and still gives serious grounds for concern. Incidents of torture and ill treatment continue to take place during police custody.

[...]

In autumn 2000, the Turkish Government decided to implement a reform of the prison system replacing large dormitories (up to 80 prisoners in one room) with a system of small cells shared by 1 to 3 inmates (F-type high security prisons). This led to violent demonstrations and hunger strikes, which related not merely to improvement of prison conditions but also to other demands. The vast majority of the prisoners involved in the strikes had been charged or convicted under the Anti-Terrorist law. A number of extremist groups were involved in the organisation of the hunger strikes." (Info-Türk November 2001)

#### ***HRW criticized the EU report:***

“The report [...] is also disappointing in its treatment of progress toward the return home for the 250,000 villagers, mainly Kurdish, who gendarmes forced out of their homes in the early 1990s. The report repeats government statistics on the rate of return, apparently without checking those against the facts on the ground. Human Rights Watch investigations suggest that the government village return program is largely fictional and most abandoned settlements remain no-go areas, in some cases occupied by government-armed village guards.” (HRW December 2001)

#### **EU monitors Turkey's ability to assume obligations of membership (2000)**

- EU recognized Turkey as a candidate for membership in the union in December 1999
- "Copenhagen criteria" for membership include the stability of institutions guaranteeing human rights and respect for and protection of minorities
- In 2000, Turkish State released proposals for reforms for a better protection of fundamental rights but failed to indicate precise timeline for implementation
- European Parliament proposed the linking of aid package to progress on Kurdish cultural rights and the economy in the southeast (September 2000)

- EU Partnership Draft Agreement with Turkey did not address the issue of internal displacement (November 2000)

"At its Helsinki Summit in December 1999, the EU recognized Turkey as a candidate for membership in the union. It decided that prior to actual negotiations for membership Turkey must meet the political criteria for EU membership established in Copenhagen in 1993. The necessary steps include 'stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities.'

Turkey's first real indication of its readiness for the Accession Partnership appeared in the 28 February 2000 *Report on the Political Criteria of the Special Committee on Turkey - E.U. Relations* prepared by the Special Committee on Turkey-EU relations attached to the Turkish Prime Minister's Office. Another indication was the document entitled *Calendar for Democracy, the Rule of Law and Human Rights*, produced by the Secretariat of the High Coordinating Council for Human Rights of the Office of the Prime Minister in mid-2000, after the above-mentioned report was published. Both documents contained a large number of proposals for constitutional, legal and administrative reform in the direction of better protection of fundamental rights, including, for example, measures for reshaping the National Security Council (a powerful semi-military body established under the Constitution to advise the state leadership on national security matters); abolishing the death penalty; redrafting laws in order to ensure freedom of expression; establishing judicial police; abolishing incommunicado police detention and combating domestic violence. The documents also proposed the signing and ratification of the ICCPR and the ICESCR, both of which were signed by Turkey on 15 August 2000. However, the omissions and the lack of precision regarding the final shape of such reforms, as well as the time line for reforms indicated in the Calendar (by the end of 2001 or 2002), left room for concern because numerous changes were already long overdue, for example those regarding freedom of expression and torture, incommunicado detention, language rights, and asylum issues." (IHF 2000, pp. 296-297)

"The particular emphasis that the European Union places on minority rights in Turkey was a cause of friction. In September [2000], the Turkish Foreign Ministry expressed irritation that the European Parliament on releasing an aid package of 135 million euros (U.S.\$117 million) to Turkey had proposed linking the funds to progress on Kurdish cultural rights and the economy in the southeast." (HRW 2000, p. 329)

"On 8 November [2000], just under a year since Turkey acquired its EU candidacy status, the European Commission publicly announced its EU Accession Partnership Draft Agreement with Turkey. Although there is much to commend within the document, there are a number of glaring omissions to the agreement which include the absence of the words 'Kurd' and 'Kurdish' throughout. Equally worrying is the fact that the crucial issue of internally displaced peoples in Turkey is not specifically addressed in the criteria to be met by Turkey for EU membership. In addition, most of the agreement's criteria are general with no specific deadlines or benchmarks in place to mark Turkey's progress in cleaning up its appalling human rights record." (KHRP Summer/Autumn 2000, p. 1)

*See also the Turkish National Programme for the adoption of the *acquis communautaire* (Introduction and Political Criteria), Appendix IV of the Report of the PACE Monitoring Committee "Honouring of obligations and commitments by Turkey", Doc. 9120, 13 June 2001 [[Internet](#)]*

*Consult the website of the European Commission for more EU documents regarding Turkey's accession [[Internet](#)]*

*For background information on EU accession criteria and the Copenhagen Criteria, see website of the European Union [[Internet](#)]*

## **United States: officials call for progress on human rights (1999-2000)**

- NGOs request closer monitoring of end-use of U.S. military equipment sold to Turkey

"The State Department's Country Report on Human Rights Practices for Turkey in 1999 fully reflected the scale of violations and official interference in political and public life. The report detailed many cases of people imprisoned for expressing their nonviolent opinions, and of torture and arbitrary killing, and accurately documented the impunity that protected the perpetrators of violations. Senior government officials publicly called for progress on human rights. In January [2000], in response to a congressional letter, President Clinton expressed support for language rights. In January, in response to a congressional letter, President Clinton expressed support for language rights and an interest in the Kurdish minority. Consistent with this, there was a strong reaction to the arrest of HADEP mayors in March.

In July [2000], the Turkish government announced that U.S. helicopter manufacturer Bell Textron won the contract for 145 attack helicopters, a sale worth an estimated four billion dollars. This class of equipment has been used to commit human rights violations in Turkey, including 'disappearances' and arbitrary killings, and the sale is subject to congressional approval. A congressional debate was not expected before 2001. Rights groups protested the pending sale and pressed the U.S. government to ensure at least that effective systems but put in place to ensure end-use monitoring of this equipment." (HRW 2000, p. 329)

USCR recommendations to the United States (1999)

1. "Link arms transfers and military training to Turkey's compliance with human rights standards. As Turkey's principal arms supplier, the United States is legally and morally bound to ensure that Turkey does not use those weapons in deliberate government actions that arbitrarily displaced civilians or violate other fundamental human rights.
2. Request UN humanitarian programs, to which the United States is a major donor, to assist displaced persons in Turkey.
3. Press the OSCE to become involved in conflict mediation and minority rights advocacy in Turkey
4. Urge Turkey to extend invitations to the ICRC and relevant UN human rights and humanitarian bodies, and to grant full access to international nongovernmental organizations monitoring human rights or seeking to provide humanitarian assistance,
5. Press the Turkish government and the PKK to seek a political, non-military solution to the Kurdish problem." (USCR 1999, p. 39)

## **OSCE High Commissioner on National Minorities has not included Turkey in his work (1999-2001)**

- His mandate excludes work on individual cases and on situations involving acts of terrorism
- The US Committee for Refugees recommends OSCE be more involved in the issue of the Kurdish minority in Turkey (1999)

"A High Commissioner on National Minorities (HCNM), whose mandate focuses on conflict prevention and mediation involving national minorities, operates under OSCE auspices. Although the HCNM lists ten other European countries in which his office is engaged (as well as a special OSCE-wide study on the situation of the Roma and Sinti), the high commissioner has not included Turkey in his work. The HCNM's mandate restricts his activities in several ways, for example, by excluding work on individual cases, and explicitly barring information-gathering or fact-finding missions 'in situations involving organized acts of terrorism or to communicate with or acknowledge communication from any person or organization that practices or publicly condones terrorism or violence.' The HCNM office observes that 'the protection of persons belonging to minorities has to be seen essentially in the context of the interests of the State and of the majority.'

In preparing this report, USCR wrote to the office of the HCNM asking why it has not taken up the issue of the Kurdish minority in Turkey. The office responded, saying, "The Kurdish question falls out-side of the mandate of the HCNM as this does not allow him to be involved in matters where terrorism is involved. The Turkish Government would consider this to be the case in the Kurdish question, which thus limits effectively his field of action in this area." (USCR 1999, p. 31)

USCR recommendations to the OSCE

"2. The High Commissioner on National Minorities (HCNM) should reassess the Kurdish situation in Turkey and determine whether engagement on the Kurdish question fits within the HCNM mandate. The HCNM should take into account the PKK's formal renunciation of terrorism and whether the restriction in the HCNM's mandate against considering the cases of minorities in "situations involving organized acts of terrorism" still applies to the situation in Turkey.

3. The OSCE should revisit the HCNM's mandate generically to ensure that the existence of relatively small terrorist groups does not preclude the HCNM from becoming engaged on behalf of an entire minority group, whose members may not identify or support the terrorist group in question.

4. The Council of Ministers should use the OSCE's human dimension mechanism to initiate good offices missions and dialogue with the Turkish government relating to internal displacement in Turkey. If consensus cannot be reached with the Turkish government, the OSCE should use its "consensus-minus-one" authority to authorize investigation of Turkish compliance with OSCE commitments without Turkey's consent.

5. The Office for Democratic Institutions and Human Rights (ODIHR) should work with Turkey for the creation of an ombudsman on human rights for Turkey.

6. The OSCE ought to consider appointing a contact point within the ODIHR to consider Kurdish issues (comparable to the contact point established with regard to Roma and Sinti issues)." (USCR 1999, p. 38)

*See also "Turkey's Foreign Minister Blocks OSCE Visit", in Info-Turk, October 2000 [Internet]*

*Consult OSCE website for more information on the High Commissioner for National Minorities [Internet]*

### **ICRC: no access to the conflict area in Turkey (1995-2001)**

- ICRC has not received the consent of Turkish authorities to enter southeastern Turkey or to visit detention centres
- The PKK has declared its intent to respect the Geneva Conventions in 1995

"[D]espite Turkey's signing of the Geneva Conventions, the International Committee of the Red Cross (ICRC) has been frustrated in its attempts to gain access to civilian populations affected by the conflict in the southeastern part of the country and to visit Kurdish combatants and civilians detained by Turkish security forces. It has yet to receive the consent of the Turkish government to enter southeastern Turkey or to visit detention centers, a *sine qua non* for its involvement. It has reached an impasse with the Turkish government on its interpretation of its obligations under the Geneva Conventions, and on whether the Geneva Conventions apply to the situation in southeastern Turkey.

The ICRC has negotiated with the Ministry of Defense to conduct training seminars on international law for army officers. The ICRC has had somewhat more success in its dealings with the PKK. This came about as a result of a 1994 conference organized by the Kurdistan Human Rights Project in which prominent

international lawyers advised the PKK unilaterally to declare itself bound by the Geneva Conventions. Following that advice, in 1995, the PKK contacted the Swiss government and declared its intent to respect the Geneva Conventions and the two protocols additional to the conventions. The PKK has also permitted ICRC to visit Turkish soldiers held by the PKK in northern Iraq and to accompany released soldier/prisoners back to the Turkish border. Despite its formal agreement to abide by the Conventions, the PKK in the field has continued to target unarmed civilians in violation of the Conventions." (USCR 1999, pp. 31-32)

"The International Committee of the Red Cross (ICRC) continued to be denied access to prisoners in accordance with its standard procedures." (HRW 2000, p. 324)

*Check ICRC website for more information on ICRC activities in Turkey [[Internet](#)]*

## **United Nations**

---

### **UN Representative on IDPs saw opportunities for return and resettlement assistance after Turkey-visit (June 2002)**

- Francis Deng, the UN Representative on IDPs, visited Turkey in May 2002 to study the IDP situation and to dialogue with actors concerned
- He noted a gap between the negative perception of Government policy and the positive attitude he found during his mission
- Deng stated that there is an opportunity for the international community to assist the Government of Turkey in the task of facilitating the voluntary return, resettlement and reintegration of the displaced population

“At the invitation of the Government of Turkey, the Representative of the United Nations Secretary-General on Internally Displaced Persons, Dr. Francis M. Deng, undertook an official visit to Turkey from 27-31 May [2002].

The objectives of the Representative's visit were to study the situation of internal displacement in the country and to dialogue with the Government, international agencies, representatives of donor countries and non-governmental organizations (NGOs) towards ensuring effective responses to the conditions of the internally displaced in Turkey.

Prior to undertaking the mission, the Representative was acutely aware that the problem of internal displacement in Turkey, in particular that arising from the conflict in the south-east of the country between security forces and the Kurdistan Workers Party (PKK), was the cause of extensive concern for a number of governmental, intergovernmental and non-governmental actors. Indeed, there appears to be a widely shared perception that the Government has been largely in denial of the problem to the point of not seeking international assistance in meeting the needs of those affected. As a result of the alleged sensitivity of the Government to the issue the international community, in particular United Nations agencies in the country, avoided open discussion of the problem with the authorities and refrained from providing protection and assistance to those displaced by the conflict, except within the context of projects implemented in areas of the country in which the displaced were located but for which they were not specifically targeted.

[...]

On the basis of his discussions with Government Ministers and officials, the Representative noted a gap between the negative perception of Government policy and the positive attitude he found during his mission. The Representative's discussions with Ministers and officials at all levels revealed surprising

openness and transparency on the part of the authorities to discuss the various aspects of the displacement problem, including its causes, in particular the conflict in the south-east and the responsibility of both sides for the displacement of the civilian population, as well as the steps which are being taken to facilitate the return and resettlement of the internally displaced, following the marked reduction in the level of hostilities towards the end of the 1990s. Indeed, the Government's decision to invite the Representative to visit the country was taken as an initial indication of a possible change in approach on its part. The continuing improvement in the situation was reflected by the Government's decision to lift the state of emergency in two of the four provinces during the Representative's mission, with the declared policy of lifting it in the remaining two in the near future.

What is critically important in the view of the Representative is that an opportunity now exists for the international community to assist the Government of Turkey in the challenging task of facilitating the voluntary return, resettlement and reintegration of the displaced population. To facilitate this process the Representative made several preliminary proposals, among them the need for the Government to formulate a clear policy on the issue, to make that policy and related programmes transparent to all concerned, to establish focal points within the Government, to improve coordination among the relevant Government institutions, including regional authorities, as well as with the international community and to convene a joint meeting in the near future to formulate programmes and strategies for cooperation with the international community in meeting the urgent needs of the affected populations. In discussions with Government authorities and representatives of the NGO community, the Representative called for close cooperation between them in the service of the affected communities. He observed that an open and constructive partnership involving the Government, civil society, and international agencies would serve to facilitate the timely and effective implementation of the Government's return policy, while at the same time alleviating the concerns expressed by NGOs and improving the perception of the problem, both within and outside the country." (UN 5 June 2002)

### **UNHCR and WFP do not implement any programme relating to internal displacement in Turkey (1999-2001)**

"Although UNHCR does work on behalf of refugees and asylum seekers in Turkey, and has field offices in several cities in the southeast, to date it has done nothing with regard to internally displaced persons." (USCR 1999, p. 33)

"The World Food Programme (WFP) has not been involved in either relief or development in Turkey. WFP notes that Turkey is a country with a food surplus; it purchases food in Turkey for transport to other countries with food needs." (USCR 1999, p. 33)

### **Turkish Government has been slow to invite rapporteurs of the UN Human Rights Commission to visit the country (1996-2001)**

- UN special rapporteurs for torture, disappearances, extrajudicial executions and religious intolerance received invitations to visit the country from 1996
- UN Representative on Internally Displaced Persons finally received invitation from Turkish Government to visit the country in the course of 2001

"In its 1996 report, Turkey: No Security without Human Rights, Amnesty International reported that the Turkish government had not responded to requests for invitations to visit from the UN special rapporteur on extrajudicial, summary, or arbitrary executions, the special rapporteur on torture, the UN Working Group on Enforced or Involuntary Disappearance, and the Working Group on Arbitrary Detention. Since that report, through persistent pressure from the EU as well as human rights groups, the government has become

more open to UN missions. In September 1996, Turkey permitted a visit by the special rapporteur on the promotion and protection of the right of freedom of opinion and expression, Abid Hussain. Hussain noted that he 'much appreciated the perfect balance the Turkish Government has struck between assistance and discretion in receiving the mission,' and said that the mission received 'full freedom of movement, including a visit to Diyarbakır,' and 'full freedom of inquiry.'

Turkey's openness was rewarded with a generally positive report. The special rapporteur said that he received a large number of allegations on infringements on the right to freedom of expression, but that 'only a minority of the allegations that were communicated to the Special Rapporteur met basic standards of accuracy and good faith.'

In September 1998, the UN Working Group on Disappearances visited Turkey. In November 1998, the UN's special rapporteur on torture visited the country. In 1999, the Turkish government invited the UN special rapporteur on extrajudicial, summary or arbitrary executions and the rapporteur on religious intolerance to visit.

The UN Commission on Human Rights has not, however, appointed rapporteurs or representatives specifically to investigate human rights abuses in Turkey (although it has created such mandates to investigate and report on human rights violations in neighboring Iran and Iraq, and its special rapporteurs have reported extensively on internal displacement in Sudan, Congo/Zaire, and Burma). (USCR 1999, pp. 32-33)

*Report of the Special Rapporteur on the question of torture, 27 January 1999 [Internet]*

*Report of the Working Group on Enforced or Involuntary Disappearances on the visit to Turkey (20-26 September 1998), 28 December 1998 [Internet]*

*Report of the Special Rapporteur of elimination of all forms of intolerance and of discrimination, visit to Turkey from 30 November to 9 December 2000, 11 August 2000 [Internet]*

#### Representative of the Secretary-General on Internally Displaced Persons

"In 1992, the UN secretary-general appointed Deng to be his representative on internally displaced persons. The representative is the only figure in the UN system with an exclusive mandate relating to internally displaced persons. Among his tasks are monitoring situations of displacement by undertaking fact-finding missions and establishing dialogues with governments. As Deng writes in *Masses in Flight*, 'At present, governments that wish to evade the attention associated with a fact-finding mission can do so with impunity, leaving countries with more cooperative governments to become the focus of the representative's attention. The only country Deng specifically cites as having not responded to his request to visit is Turkey. In 1999, he renewed his request.' (USCR 1999, p. 32)

"The Representative has also accepted invitations from the Governments of Philippines and Turkey to undertake missions to those countries and plans to do so in the course of 2001." (UNCHR 17 January 2001, para. 98)

#### **UNDP: attention to vulnerable groups in development programmes (1999-2001)**

- UNDP resident representative has not dealt specifically with the issue of internal displacement
- UNDP promotes sustainable and participatory schemes for vulnerable groups in the government development programmes for southeastern Turkey
- Issues of urban settlements in western Turkey have also been addressed

"Unlike UNHCR, the UN Development Programme (UNDP) can be said to have a standing mandate on behalf of internally displaced persons. The UN General Assembly has delegated to UN resident coordinators—who generally are UNDP resident representatives in the country—the task 'of coordinating assistance to the internally displaced, in close cooperation with Governments, local representatives of donor countries, and the United Nations agencies in the field.'

Despite this mandate, UNDP in Turkey has basically turned a blind eye to the humanitarian assistance needs of the internally displaced. In 1995, the UN resident coordinator informed the office of the representative of the secretary-general on internally displaced persons that UN agencies were not then involved in any activities in support of internally displaced persons in Turkey.

In the resident coordinator's view, the Turkish government was addressing the problem in its efforts to protect the human rights of the affected persons, as well as to resettle the uprooted. The UN system was not planning future involvement because the government had not requested international assistance and had stated that the displacement problem did not exist. The resident coordinator further noted that people displaced as a result of the dam construction of the Southeast Anatolia Project (GAP) should not be considered as displaced persons because they had been or were being resettled, and because they would in fact benefit from UNDP-supported activities for sustainable human development in that region.

Although UNDP is not geared specifically to address the humanitarian assistance needs of displaced persons, to its credit, it has shifted its development focus from western to eastern Turkey. In November 1995, the UNDP resident coordinator established an Inter-Agency Social Development Programming Committee (ISDPC) to coordinate the work of ten UN agencies engaged in development activities in Turkey. UNDP has budgeted \$5 million, including government cost sharing and donor funding, to support 28 sub-projects in the GAP region. Activities include income-generation programs for women and girls in rural eastern and southeastern Turkey and a World Health Organization (WHO) project to eradicate malaria in the southeast. At the same time, UNDP has focused some attention on the *gecekondular* of western Turkey. In Ankara, UNDP is working with the Chamber of City Planners and local authorities to work toward upgrading squatter settlements by legalizing existing settlements and developing local communities." (USCR 1999, pp. 33-34)

#### GAP programme

"The aim of this programme is to spur regional-development planning, management and project implementation to consolidate local capacities and to engage them in development processes. The programme seeks to do this through a matrix of projects concerned with economic and social growth, implemented at the local level in the provinces of the South Eastern Anatolia (SEA) region. The challenges of regional development persist and especially with regard to basing regional-development planning and investment on sound participatory mechanisms. Strengthening the catalytic role of UNDP will result in more sustainable and participatory local-development schemes. With UNDP support, programme partners will target vulnerable groups better in their project designs. This makes it possible to incorporate the goals of the World Summit for Social Development (WSSD) in programme interventions and to build necessary linkages among the many activities and subprojects supported under the programme. This in turn will lead to a more measurable impact." (UNDP 13 December 2000, para. 29)

## ABBREVIATIONS AND ACRONYMS

ANAP	Motherland Party
CHP	Republican People's Party
DHKP/C	Revolutionary People's Liberation Party/Front
DKP	Democratic Mass Party
DSI	State Hydraulic Works
ECHR	European Court of Human Rights
ECPT	European Committee for the Prevention of Torture
EU	European Union
FP	Virtue Party
GAP	Southeast Anatolia Project
HADEP	People's Democracy Party
HCNM	High Commissioner on National Minorities
HEP	People's Labour Party
HIC	Habitat International Coalition
HRA	Human Rights Association of Turkey
HRF	Human Rights Foundation
IBDA-C	Islamic Raiders of the Big East-Front
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
IHD	Human Rights Association of Turkey
KESK	Confederation of the Public Labour Unions
MHP	National Action Party
MSF	Médecins Sans Frontières
NCO	Non-Commissioner Officer
NGO	Non-governmental organisation
NSC	National Security Council
OHAL	State of Emergency
OSCE	Organization for Security and Co-operation in Europe
PKK	Kurdistan Workers' Party
TB	Tuberculosis
TBMM/TGNA	Turkish Grand National Assembly
TIKB	Turkish Revolutionary Communist Party
TIKKO	Workers and Peasants' Army of Turkey
UK	United Kingdom
UN	United Nations
UNDP	United Nations Programme for Development
UNHCR	United Nations High Commissioner for Refugees
UNWGEID	United Nations Working Group on Enforced or Involuntary Disappearances
USCR	U.S. Committee for Refugees

WFP	World Food Programme
WHO	World Health Organisation
WSSD	World Summit for Social Development

## LIST OF SOURCES USED

(alphabetical order)

**Amnesty International (AI)**, 2003, Turkey: Annual Report 2003

Internet : <http://web.amnesty.org/report2003/Tur-summary-eng> , accessed 25 June 2003

**Amnesty International (AI)**, October 1996, Turkey: No Security Without Human Rights, EUR 44/084/1996

Internet :

<http://web.amnesty.org/ai.nsf/Index/EUR440841996?OpenDocument&of=COUNTRIES\TURKEY> , accessed 16 August 2001

**Atreya, Navita, McDowall, David, Ozbolat, Perihan**, 28 February 2001, Asylum Seekers from Turkey: the Dangers They Flee (Report of a mission to Turkey, 4-17 October 2000), A Report to Asylum Aid

Internet : <http://freespace.virgin.net/davinder.sidhu/turkey%20report.PDF> , accessed 16 August 2001

**BBC News**, 3 April 2001, Timeline: Turkey

Internet : [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_1023000/1023189.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_1023000/1023189.stm) , accessed 16 August 2001

**BBC News**, 3 August 2002, "Turkey passes key reform package"

Internet : <http://news.bbc.co.uk/2/hi/world/europe/2168563.stm> , accessed 15 August 2002

**BBC News**, 31 May 2002, "Turkey to ease restrictions on Kurds"

Internet : <http://news.bbc.co.uk/2/hi/world/europe/2017935.stm> , accessed 15 August 2002

**BBC News**, 5 December 2000, "Turkey's inflation woes"

Internet : [http://news.bbc.co.uk/hi/english/business/newsid\\_1055000/1055593.stm](http://news.bbc.co.uk/hi/english/business/newsid_1055000/1055593.stm) , accessed 16 August 2001

**Commission on Security and Cooperation in Europe**, 10 June 2003, Hearing: Internally Displaced Persons in the Caucasus Region and Southeastern Anatolia

Internet : [http://www.csce.gov/briefings.cfm?briefing\\_id=258](http://www.csce.gov/briefings.cfm?briefing_id=258) , accessed 26 June 2003

**Council of Europe (COE)**, 22 March 2002, "Humanitarian situation of the displaced Kurdish population in Turkey" (Doc. 9391)

Internet : <http://assembly.coe.int/Documents/WorkingDocs/Doc02/EDOC9391.htm> , accessed 23 August 2002

**Council of Europe (COE), Parliamentary Assembly, Committee on Migration, Refugees and Demography**, 18 February 2002, The humanitarian situation of the displaced Kurdish population in Turkey

**Council of Europe (COE), Parliamentary Assembly, Committee on Migration, Refugees and Demography**, 3 June 1998, Humanitarian Situation of the Kurdish Refugees and Displaced Persons in South-East Turkey and North Iraq, Doc 8131  
Internet : <http://assembly.coe.int/Documents/WorkingDocs/doc98/edoc8131.htm> ,  
accessed 21 August 2002

**Council of Europe (COE), Parliamentary Assembly, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe**, 13 June 2001, Honouring of obligations and commitments by Turkey, Doc. 9120  
Internet : <http://assembly.coe.int/Documents/WorkingDocs/doc01/EDOC9120.htm> ,  
accessed 21 August 2002

**European Commission**, 13 November 2001, 2001 Regular Report on Turkey's Progress Towards Accession  
Internet : [http://europa.eu.int/comm/enlargement/report2001/tu\\_en.pdf](http://europa.eu.int/comm/enlargement/report2001/tu_en.pdf) , accessed 14 January 2002

**European Commission**, 8 November 2001, 2000 Regular Report from the Commission on Turkey's Progress towards Accession  
Internet : [http://web.archive.org/web/20010602185903/europa.eu.int/comm/enlargement/dwn/report\\_11\\_00/pdf/en/tu.pdf](http://web.archive.org/web/20010602185903/europa.eu.int/comm/enlargement/dwn/report_11_00/pdf/en/tu.pdf) , accessed 21 August 2002

**European Court of Human Rights**, 16 September 1996, Case of Akdivar and others v. Turkey (Application no. 21893/93), Judgment  
Internet : <http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Tname=Hejud&Id=REF00000650&Language=en&Item=0&NoticeMode=1&RelatedMode=3> , accessed 16 August 2001

**European Court of Human Rights**, 30 January 2001, Case of Dula v. Turkey (Application no. 25801/94), Judgment  
Internet : <http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Tname=Hejud&Id=REF00002196&Language=en&Item=0&NoticeMode=1&RelatedMode=3> , accessed 16 August 2001

**European Court of Human Rights**, July 2001, Pending Applications

**Executive Board of the United Nations Development Programme and of the United Nations Population Fund (UNDP/UNPF)**, 13 December 2000, First country cooperation framework for Turkey (2001–2005), DP/CCF/TUR/1  
Internet : <http://www.undp.org/execbrd/pdf/turccf1.PDF> , accessed 16 August 2001

**Export Credits Guarantee Department (ECGD)**, 22 December 2000, Stakeholders' Attitudes to Involuntary Resettlement in the context of the Ilisu Dam Project, Turkey, Report prepared for the UK government by an independent expert in resettlement and social development

Internet : <http://www.ecgd.gov.uk/downloads/ILISUfinal.pdf> , accessed 16 August 2001

**Förderverein Niedersächsischer Flüchtlingsrat e.V./ Pro Asyl**, April 2002, Turkey and Refugees

**Graham-Brown, Sarah**, 30 April 1998, The Kurds - A Regional Issue: Update to April 1998, Writenet

Internet : <http://web.archive.org/web/20000819073632/www.unhcr.ch/refworld/country/writenet/wrikurd02.htm> , accessed 18 December 2002

**Guardian**, 20 May 2003, Amnesty calls for action on Caspian

Internet : <http://www.guardian.co.uk/business/story/0,3604,959516,00.html> , accessed 2 July 2003

**House of Commons Select Committee on International Development**, 4 April 2001, ECGD, Developmental Issues and the Ilisu Dam: Further Report

Internet : <http://www.publications.parliament.uk/pa/cm200001/cmselect/cmintdev/395/39503.htm> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, 2001, Monthly Report of Human Rights in Turkey . January 2001

Internet : <http://www.tihv.org.tr/report/index.html> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, 31 May 2001, Press Release, jointly released by Human Rights Foundation of Turkey (TÝHV), Union of the Chambers of Turkish Engineers and Architects (TMMOB), Immigrants Association for Social Cooperation and Culture (Göç-Der), Social Law Research Foundation (TOHAV), Freedom and Solidarity Party (ÖDP), People's Democracy Party (HADEP)

Internet : <http://www.tihv.org.tr/press/press20010531.html> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, 4 July 2002, "Turkey to pay a total of £100 000 in Kurdish 'disappearance' and village destruction case"

Internet : <http://www.khrp.org/news/pr2002/04-07-02.htm> , accessed 20 August 2002

**Human Rights Foundation of Turkey**, April 2001, Human Rights Report of Turkey

Internet : <http://www.tihv.org.tr/report/index.html> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, April 2002, Human Rights in Turkey: HRFT April 2002 Report

Internet : <http://www.tihv.org.tr/eindex.html> , accessed 15 April 2002

**Human Rights Foundation of Turkey**, August 2001, Human Rights Report of Turkey: July-August 2001

Internet : <http://www.tihv.org.tr/report/index.html> , accessed 21 August 2002

**Human Rights Foundation of Turkey**, December 2002, Human Rights Report of Turkey Dec 2002

Internet : <http://tihv.org.tr> , accessed 8 July 2003

**Human Rights Foundation of Turkey**, February 2001, Human Rights Report of Turkey

Internet : <http://www.tihv.org.tr/report/index.html> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, June 2001, Human Rights Report of Turkey: June 2001

Internet : <http://www.tihv.org.tr/eindex.html> , accessed 25 January 2002

**Human Rights Foundation of Turkey**, June 2002, Human Rights in Turkey: HRFT June 2002 Report

Internet : <http://www.tihv.org.tr/eindex.html> , accessed 15 August 2002

**Human Rights Foundation of Turkey**, March 2001, Human Rights Report of Turkey

Internet : <http://www.tihv.org.tr/report/index.html> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, May 2001, Monthly Report of Human Rights in Turkey

Internet : <http://www.tihv.org.tr/report/index.html> , accessed 16 August 2001

**Human Rights Foundation of Turkey**, May 2002, Human Rights in Turkey: HRFT May 2002 Report

Internet : <http://www.tihv.org.tr/eindex.html> , accessed 15 August 2002

**Human Rights Foundation of Turkey**, November 2001, Human Rights in Turkey: HRFT November 2001 Report

Internet : <http://www.tihv.org.tr/eindex.html> , accessed 15 August 2002

**Human Rights Watch (HRW)**, 14 January 2003, World Report 2003: Turkey

Internet : <http://www.hrw.org/wr2k3/europe13.html> , accessed 22 June 2003

**Human Rights Watch (HRW)**, 2000, "Turkey", in: World Report 2001, Events of 2000 (Human Rights Watch: New York, Washington, London, Brussels)

Internet : <http://www.hrw.org/wr2k1/europe/turkey.html> , accessed 16 August 2001

**Human Rights Watch (HRW)**, 2003, A Human Rights Agenda for the Next Phase of Turkey's EU Accession Process

Internet : <http://www.hrw.org/press/2003/01/turky-bck013003.htm> , accessed 10 June 2003

**Human Rights Watch (HRW)**, 30 June 1996, Turkey's Failed Policy to aid the Forcibly Displaced in the Southeast, Vol. 8, No. 9(D)

**Human Rights Watch (HRW)**, 30 October 2002, Turkey Fails Displaced Villagers; International donors shun government's defective return plans  
Internet : <http://www.hrw.org/press/2002/10/turkey1030.htm> , accessed 30 October 2002

**Human Rights Watch (HRW)**, 30 October 2002, Turkey: Displaced and Disregarded; Turkey's Failing Village Return Program  
Internet : <http://www.hrw.org/reports/2002/turkey/> , accessed 30 October 2002

**Human Rights Watch (HRW)**, 30 September 2000, Turkey: Human Rights and the European Union Accession Partnership, vol. 12, No. 10 (D)  
Internet : <http://www.hrw.org/reports/2000/turkey2/> , accessed 16 August 2001

**Human Rights Watch (HRW)**, 31 December 2001, Human Rights Watch Analysis of the 2001 Regular Report on Turkey  
Internet : <http://hrw.org/backgrounder/eca/turkey-analysis.htm> , accessed 14 January 2002

**Human Rights Watch (HRW)**, March 2003, Turkey and War in Iraq: Avoiding past patterns of violence.  
Internet : [http://hrw.org/backgrounder/eca/turkey/turkey\\_violations.pdf](http://hrw.org/backgrounder/eca/turkey/turkey_violations.pdf) , accessed 15 April 2003

**Human Rights Watch (HRW)**, November 1995, Weapons Transfers and Violations of the Laws of War in Turkey  
Internet : <http://www.hrw.org/reports/1995/Turkey.htm> , accessed 16 August 2001

**Immigrants' Association for Social Cooperation and Culture (Göç-Der)**, 2002, The Research and Solution Report on the Socio-Economic and Socio-Cultural Conditions of the Kurdish Citizens Living in the Turkish Republic who are Forcibly Displaced due to Armed-Conflict and Tension Politics; the Problems They Encountered due to Migration and their Tendencies to Return back to the Villages

**Info-Turk**, April 2002, "Le PKK change de nom et devient le KADEK"  
Internet : <http://www.info-turk.be/284.htm> , accessed 15 August 2002

**Info-Turk**, August 2001, "Deux villages kurdes évacués de force"  
Internet : <http://www.info-turk.be/276.htm> , accessed 1 February 2002

**Info-Turk**, December 2001, "Events in the Southeast"  
Internet : <http://www.info-turk.be/280.htm> , accessed 1 February 2002

**Info-Turk**, June 2002, "No Real Improvement in Living Conditions for Kurds"

Internet : <http://www.info-turk.be/286.htm> , accessed 16 August 2002

**Info-Turk**, November 2001, "EU report: Turkey must do more for EU membership"

Internet : <http://www.info-turk.be/279.htm> , accessed 1 February 2002

**Info-Turk**, November 2001, "State of Emergency Extended in Southeast for 4 Months"

Internet : <http://www.info-turk.be/279.htm> , accessed 1 February 2002

**International Association for Human Rights of the Kurds (IAHRK)**, 15 September 2002, IMK Weekly Information Service (No.167)

**International Campaign to Ban Landmines (ICBL)**, August 2001, Landmine Monitor Report 2000 - Toward a Mine-Free World

Internet : <http://www.hrw.org/reports/2000/landmines/> , accessed 12 July 2001

**International Federation of the Red Cross (IFRC)**, 12 July 2001, Turkey: Earthquakes Appeal No. 19/99 Final Report

Internet : <http://www.reliefweb.int/w/Rwb.nsf/6686f45896f15dbc852567ae00530132/2226b0658ce04acf85256a880071d161?OpenDocument> , accessed 16 August 2001

**International Federation of the Red Cross (IFRC)**, 13 June 2001, Turkey Appeal No. 01.57/2001 Situation Report No. 2

Internet : <http://www.reliefweb.int/w/Rwb.nsf/6686f45896f15dbc852567ae00530132/18e51cfa930603f385256a6a0060d573?OpenDocument> , accessed 16 August 2001

**International Helsinki Federation for Human Rights (IHF)**, 2001, "Turkey" in: Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2001 (Events of 2000)

Internet : <http://www.ihf-hr.org/reports/ar01/Country%20issues/Countries/Turkey.pdf> , accessed 16 August 2001

**International Helsinki Federation for Human Rights (IHF)**, 8 May 2003, Human Rights in the OSCE Region: Turkey

Internet : [http://www.ihf-hr.org/viewbinary/viewdocument.php?doc\\_id=3485](http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=3485) , accessed 25 June 2003

**International Organization for Migration (IOM)**, February 2003, Irregular Migration in Turkey

Internet : [http://www.un.org.tr/UNIC\\_ENG/docs/IOM%20Report%20on%20Irregular%20Migration%20in%20Turkey-English.doc](http://www.un.org.tr/UNIC_ENG/docs/IOM%20Report%20on%20Irregular%20Migration%20in%20Turkey-English.doc) , accessed 1 July 2003

**Kirisci, Kemal**, 1998, "Turkey", in Janie Hampton, ed., Internally Displaced People: A Global Survey, (London: Earthscan Publications Ltd)

**Kurdish Human Rights Project (KHRP)**, 31 January 2001, "European Court declares Turkey guilty of intimidation, inhuman treatment and failure to protect in village destruction case", Press Release

Internet : <http://www.khrp.org/news/pr2001/JudgmentDulas31-01-01.htm> , accessed 16 August 2001

**Kurdish Human Rights Project (KHRP)**, June 2002, Newline, no.18 (summer 2002)

**Kurdish Human Rights Project (KHRP)**, September 2000, "KHRP takes part in international Ilisu Dam fact-finding mission", in: Newline, Issue 11/12, p. 6, late summer/autumn 2000

**Kurdish Media**, 3 June 2003, Sweden to send 100,000 Kurdish books to North Kurdistan

Internet : <http://www.kurdmedia.com/news.asp?id=3949> , accessed 27 June 2003

**Kurdistan Observer**, 10 August 2001, "Displaced Kurds live in squalor, under oppression: activists"

Internet : <http://mywebpage.netscape.com/kurdistanobserve/10-8-01-afp-tyk-displaced-kurds.html> , accessed 21 August 2002

**Kurdistan Observer**, 19 June 2002, "Permission Granted for Resettlement in Only 4 Villages in Dersim"

Internet : <http://home.cogeco.ca/~kurdistanobserver/20-6-02-op-only-afew-villages-allowed-.html> , accessed 20 August 2002

**Kurdistan Observer**, October 2001, "Turk rights group warns of abuses while focus on US"

Internet : <http://mywebpage.netscape.com/kurdistanobserve/1-10-01-reu-tyk-shots-2kurds.html> , accessed 21 August 2002

**Minority Rights Group International (MRG)**, September 1991, The Kurds, Summary of the MRG Report The Kurds by David McDowall

Internet : <http://web.archive.org/web/20010727093426/www.minorityrights.org/profiles/profileframeset.asp?id=135&colour=green> , accessed 21 August 2002

**Organization for Security and Co-Operation in Europe (OSCE)**, 4 December 2002, Republic of Turkey Parliamentary Elections

Internet : [http://www.osce.org/odihr/documents/reports/election\\_reports/tr/tr\\_par\\_nov2002.php3](http://www.osce.org/odihr/documents/reports/election_reports/tr/tr_par_nov2002.php3) , accessed 19 June 2003

**Reorters sans frontières**, 28 January 2003, Turkey - Annual Report 2003

Internet : [http://www.rsf.org/article.php3?id\\_article=6541](http://www.rsf.org/article.php3?id_article=6541) , accessed 22 June 2003

**Republic of Turkey: Ministry of Foreign Affairs**, 15 March 2002, Press Release/2002/March

Internet : <http://www.mfa.gov.tr/grupb/ba/baa02/March/default.htm> , accessed 30 June 2003

**Turkish Daily News**, 11 July 2002, "Villagers return to Bitlis"

Internet : [http://www.turkishdailynews.com/old\\_editions/07\\_11\\_02/dom2.htm#d23](http://www.turkishdailynews.com/old_editions/07_11_02/dom2.htm#d23) , accessed 20 August 2002

**Turkish Daily News**, 13 February 2002, Countdown for the reopening of Amnesty International in Turkey

Internet : [http://www.turkishdailynews.com/old\\_editions/02\\_13\\_02/dom.htm#d5](http://www.turkishdailynews.com/old_editions/02_13_02/dom.htm#d5) , accessed 5 March 2002

**Turkish Daily News**, 13 March 2001, "Immigration: Motive behind Women Suicide in Southeast"

Internet : [http://www.turkishdailynews.com/old\\_editions/03\\_13\\_01/dom2.htm#d28](http://www.turkishdailynews.com/old_editions/03_13_01/dom2.htm#d28) , accessed 16 August 2001

**Turkish Daily News**, 15 July 2001, "The story of Eastern and Southeastern Turkey", by Mustafa Sonmez, in Turkish Probe, Issue 443

Internet : [http://www.turkishdailynews.com/past\\_probe/07\\_15\\_01/contents.htm](http://www.turkishdailynews.com/past_probe/07_15_01/contents.htm) , accessed 16 August 2001

**Turkish Daily News**, 19 July 2001, "OHAL at 15 years"

Internet : [http://www.turkishdailynews.com/old\\_editions/07\\_19\\_01/dom2.htm#d23](http://www.turkishdailynews.com/old_editions/07_19_01/dom2.htm#d23) , accessed 16 August 2001

**Turkish Daily News**, 2 June 2001, "IHD report on displaced Turks"

Internet : [http://www.turkishdailynews.com/old\\_editions/06\\_02\\_01/dom2.htm#d22](http://www.turkishdailynews.com/old_editions/06_02_01/dom2.htm#d22) , accessed 16 August 2001

**Turkish Daily News**, 21 December 2001, "Report: Village guards serving local landlords rather than state"

Internet : [http://www.turkishdailynews.com/old\\_editions/12\\_21\\_01/dom.htm#d4](http://www.turkishdailynews.com/old_editions/12_21_01/dom.htm#d4) , accessed 28 January 2002

**Turkish Daily News**, 25 January 2002, "Central villages to be established in Eastern and Southeastern Anatolia"

Internet : [http://www.turkishdailynews.com/old\\_editions/01\\_25\\_02/dom2.htm#d20](http://www.turkishdailynews.com/old_editions/01_25_02/dom2.htm#d20) , accessed 25 January 2002

**Turkish Daily News**, 3 July 2003, Repentance law stirs AK Party

Internet : <http://www.turkishdailynews.com/FrTDN/latest/dom.htm#d9> , accessed 3 July 2003

**Turkish Daily News**, 30 January 2001, "The Southeast in the slums: TBMM Research Commission's findings about migration", by Mert Gozde

Internet : [http://www.turkishdailynews.com/old\\_editions/01\\_30\\_01/feature.htm](http://www.turkishdailynews.com/old_editions/01_30_01/feature.htm) ,  
accessed 16 August 2001

**Turkish Daily News**, 4 April 2002, "37,000 return to their villages in the southeast"

Internet : [http://www.turkishdailynews.com/old\\_editions/04\\_04\\_02/dom2.htm#d20](http://www.turkishdailynews.com/old_editions/04_04_02/dom2.htm#d20) ,  
accessed 20 August 2002

**Turkish Daily News**, 5 April 2001, "Women are part of the Southeastern landscape", by Gul Demir

Internet : [http://www.turkishdailynews.com/old\\_editions/04\\_05\\_01/feature.htm#f1](http://www.turkishdailynews.com/old_editions/04_05_01/feature.htm#f1) ,  
accessed 16 August 2001

**Turkish Daily News**, 6 July 2002, "Goc-der: State is lukewarm to 'Return to Village' project"

Internet : [http://www.turkishdailynews.com/old\\_editions/07\\_06\\_02/dom2.htm#d22](http://www.turkishdailynews.com/old_editions/07_06_02/dom2.htm#d22) ,  
accessed 20 August 2002

**Turkish Daily News**, 7 April 2001, "Economy goes from bad to worse in Turkey's southeast"

Internet : [http://www.turkishdailynews.com/old\\_editions/04\\_07\\_01/for3.htm](http://www.turkishdailynews.com/old_editions/04_07_01/for3.htm) , accessed  
16 August 2001

**Turkish Daily News**, 7 August 2001, "Displaced children resorting to crime"

Internet : [http://www.turkishdailynews.com/old\\_editions/08\\_07\\_01/dom2.htm#d22](http://www.turkishdailynews.com/old_editions/08_07_01/dom2.htm#d22) ,  
accessed 16 August 2001

**Turkish Daily News**, 8 August 2001, "Return to Village Project on track; OHAL Governor Aydiner: To date 18,600 people have returned to their villages"

Internet : [http://www.turkishdailynews.com/old\\_editions/08\\_08\\_01/dom2.htm#d20](http://www.turkishdailynews.com/old_editions/08_08_01/dom2.htm#d20) ,  
accessed 25 January 2002

**Turkish Daily News**, 8 November 2001, "Village guards helping PKK"

Internet : [http://www.turkishdailynews.com/old\\_editions/11\\_08\\_01/dom.htm#d3](http://www.turkishdailynews.com/old_editions/11_08_01/dom.htm#d3) ,  
accessed 28 January 2002

**Turkish Daily News**, August 2002, "63 people share a house"

Internet : [http://www.turkishdailynews.com/old\\_editions/08\\_01\\_02/dom2.htm#d30](http://www.turkishdailynews.com/old_editions/08_01_02/dom2.htm#d30) ,  
accessed 20 August 2002

**Turkish Daily News**, August 2002, "Return to villages ongoing"

Internet : [http://www.turkishdailynews.com/old\\_editions/08\\_01\\_02/dom2.htm#d27](http://www.turkishdailynews.com/old_editions/08_01_02/dom2.htm#d27) ,  
accessed 20 August 2002

**United Kingdom Home Office**, April 2001, Country Assessment Turkey, Country Information and Policy Unit

Internet : <http://www.ecoi.net/pub/dh697/01377tur.html> , accessed 16 August 2001

**United Kingdom Home Office**, April 2003, Turkey, Country Information

Internet : [http://www.ecoi.net/docPipe.php?file=ds529\\_02711tur.html](http://www.ecoi.net/docPipe.php?file=ds529_02711tur.html) , accessed 26 June 2003

**United Nations Commission on Human Rights (CHR)**, 17 January 2001, Report of the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 2000/53, E/CN.4/2001/5

Internet : [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2001.5.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2001.5.En?Opendocument) , accessed 12 July 2001

**United Nations Commission on Human Rights (CHR)**, 27 November 2002, Profiles in Displacement; Turkey

Internet : [http://193.194.138.190/huridocda/huridoca.nsf/AllSymbols/45DAC136128684D7C1256CA200552E3A/\\$File/G0215677.pdf?OpenElement](http://193.194.138.190/huridocda/huridoca.nsf/AllSymbols/45DAC136128684D7C1256CA200552E3A/$File/G0215677.pdf?OpenElement) , accessed 20 June 2003

**United Nations Commission on Human Rights (CHR)**, 28 December 1998, Report of the Working Group on Enforced or Involuntary Disappearances, Addendum, Report on the visit to Turkey by two members of the Working Group on Enforced or Involuntary Disappearances (20-26 September 1998), E/CN.4/1999/62/Add.2

Internet : [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.1999.62.add.2.En?OpenDocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.1999.62.add.2.En?OpenDocument) , accessed 16 August 2001

**United Nations Committee on the Rights of the Child**, 9 June 2001, Concluding Observations of the Committee on the Rights of the Child: Turkey, CRC/C/15/Add. 152

Internet : [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.152.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.152.En?Opendocument) , accessed 21 August 2002

**United Nations (UN)**, 5 June 2002, Press Release; Secretary-General's Representative on Internally Displaced Persons Concludes Visit to Turkey

Internet : <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/9230EA356745E6A1C1256BCF0042A86D?opendocument> , accessed 20 August 2002

**U.S. Committee for Refugees (USCR)**, 1999, The Wall of Denial: Internal Displacement in Turkey, (Washington D.C.)

Internet : [http://www.refugees.org/news/press\\_releases/1999/turkey\\_pdf1199.htm](http://www.refugees.org/news/press_releases/1999/turkey_pdf1199.htm) , accessed 16 August 2001

**U.S. Committee for Refugees (USCR)**, 2001, World Refugee Survey 2001: Turkey  
Internet : <http://www.refugees.org/world/countryrpt/europe/2001/turkey.htm> , accessed 21 August 2002

**U.S. Committee for Refugees (USCR)**, 2002, Turkey: Country Report 2002 (on 2001)  
Internet : <http://www.refugees.org/world/countryrpt/europe/turkey.htm> , accessed 20 August 2002

**U.S. Committee for Refugees (USCR)**, 2003, Turkey: World Refugee Survey 2003  
Internet : <http://www.refugees.org/world/countryrpt/europe/2003/turkey.cfm> , accessed 25 June 2003

**U.S. Department of State (U.S. DOS)**, 31 March 2003, Country Reports on Human Rights Practices - Turkey  
Internet : <http://www.state.gov/g/drl/rls/hrrpt/2002/18396.htm> , accessed 25 June 2003

**U.S. Department of State (U.S. DOS)**, 4 March 2002, Turkey; Country Reports on human Rights Practices - 2001  
Internet : <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8358.htm> , accessed 21 August 2002

**U.S. Department of State (U.S. DOS)**, February 2000, Turkey Country Report on Human Rights Practices, released by the Bureau of Democracy, Human Rights, and Labor  
Internet : <http://www.state.gov/g/drl/rls/hrrpt/1999/index.cfm?docid=365> , accessed 16 August 2001

**U.S. Department of State (U.S. DOS)**, February 2001, Turkey Country Report on Human Rights Practices, released by the Bureau of Democracy, Human Rights, and Labor  
Internet : <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=844> , accessed 16 August 2001

**World Commission on Dams (WCD)**, November 2000, Turkey Case Study: Aslantas Dam, Ceyhan River Basin  
Internet : [http://www.dams.org/kbase/studies/tr/tr\\_exec.htm](http://www.dams.org/kbase/studies/tr/tr_exec.htm) , accessed 1 July 2003