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**HOLDING ARMED OPPOSITION GROUPS ACCOUNTABLE  
A COMPARATIVE STUDY OF OBSTACLES AND STRATEGIES:  
THE SITUATION IN TURKEY**

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**PART ONE**

**INTRODUCTION: BACKGROUND TO THE STUDY**

1. This part does not directly follow the general questions as set out in the project design document in the version that was sent out on 21 April 1999, but is rather intended to cover the “detailed terms of reference“ (items 4-6) as laid out in the Letter of Agreement sent out by the International Council on Human Rights Policy on 31 March 1999.

**THE SOCIAL AND POLITICAL CONTEXT OF THE CURRENT CONFLICT IN TURKEY**

2. On 15 August 1984 the illegal Kurdish Workers' Party PKK (Partiya Karkeren Kurdistan) started its armed struggle by attacks on gendarmerie (“rural police“, but members of the armed forces) stations in Eruh and Semdinli in the Southeast of Turkey, where most of the population is of Kurdish origin. Ever since the PKK and its military wing the ARGK (Artese Rizgariya Gele Kurdistan - The People's Liberation Army of Kurdistan) have fought a guerrilla-war against the Turkish security forces resulting in the loss of some estimated 30.000 human beings by the beginning of the year 1999.

**Who are the Kurds?**

3. The exact offspring of Kurds as a people is still under debate. In the 7th century the term “Kurd“ was used for some Iranian tribes. Presumably only after islamization of the region Kurds started to define themselves as a separate people. The common language “Kurdish“ is usually the basis for identification, but there are several dialects (if not separate languages) used among the “Kurds“ (Kurmanci, Zaza and Gurani).

4. Between the 11th and 15th century the Kurdish people extended their living space during Turkish-Mongolian invasion. Nowadays the Kurds mainly live in four countries in the Middle East (Turkey, Iraq, Syria and the Iran). Lower estimates speak of some 20 to 25 million Kurds, about half of them living in the Turkish Republic. Some 20 (out of a whole of 80) provinces in Turkey (Southeast of Turkey) have a predominantly Kurdish population, but about half of the Kurdish population of Turkey is living in large towns in the West (like Istanbul and Izmir) or South (like Adana) of Turkey.
5. During the Ottoman Empire some of many mainly local uprisings were conducted by Kurdish tribes. The current conflict, however, may be seen as a direct result of the founding years of the Turkish Republic that developed from what was left of the Ottoman Empire, having lost most territories on the Balkan and in the Middle East during the end of the 19th and the beginning of the 20th century. Following defeat during World War I, the founder of the Turkish Republic, Mustafa Kemal "Atatürk", led the successful war against occupying forces such as Italy, France and Greece, that ended in a Peace Conference in November 1922 in Lausanne (Switzerland). The conference resulted in a treaty signed on 24.07.1923. The treaty included minority rights, but only for Jews, Armenians and Greeks that nowadays are almost only existent in Istanbul.

### **Uprisings in the early years of the Turkish Republic**

6. The Kurds who had fought on the side of "Atatürk" had hoped for specific rights, but the Constitution of 1923 (like all constitution ever since, the latest of 1982) did not include any rights for members of separate ethnic origin. Several "Kurdish" uprisings were to follow, even though some of them had not only nationalist, but strong religious motives. Among the various uprisings those of Sheikh Sait in 1925, the one at the mountain Ararat, that was defeated in 1930 and the uprising of Dersim (called Tunceli today) in the years 1936 to 1938 take a leading position.
7. Each of these uprisings ended in defeat and the Turkish Republic reacted very harshly. On 4 September 1925 Sheikh Sait and some 50 of his followers were executed in Diyarbakir. Villages were devastated and further executions were carried out in other parts of the country. Each uprising was to be followed by similar measures and large scale deportations affecting some 1,5 million people. Until 1965 some areas were declared "forbidden zones" for foreigners and only little information reached the world public.

### **Further reasons for the current conflict**

8. The "Kurdish" area of Turkey was never fully integrated into the State. The region is highly underdeveloped and for civil servants known as a place for "deportation" (the Turkish word "surgun" means to be ordered to other places as some kind of sanction). Members of the armed forces as well as the administration find themselves as "strangers" in their own country, most of them unwilling to learn the language of the population, thus creating the impression of an "occupying force".
9. Parallel to the growing number of marxist-leninist organizations in Turkey during the 1970s Kurdish left-wing organizations emerged. Most of them shared the view that independence should first be gained on Iraqi soil (as the "weakest part of the chain"). Many Kurdish as well as Turkish left-wing groups favoured the argument of armed "propaganda", that meant trying to gain support by killing not only representatives of the State, but also members of extremist right-wing organizations as well as competing left-wing groups. The result was some kind of civil war that presented the pretext for yet another military coup in September 1980.

10. Already in December 1978 the clashes had led to the announcement of martial law in 13 (of by then 67 provinces) of Turkey. Eight of these provinces had a predominantly Kurdish population. Until September 1980 another 7 provinces were put under martial law, 6 of them in the “Kurdish“ area. The military coup of 12 September 1980 extended martial law to all provinces of Turkey. The national assembly was disbanded, trade unions and democratic association were banned and the National Security Council composed of the five generals of the Chief of Staff replaced the government. Within three years the generals imposed a new constitution and passed some 800 laws in order to form a militarily disciplined society.
11. Besides some militants of the extreme right, members of left-wing Turkish and Kurdish organizations became the prime target of persecution. More than half a million people were detained on political grounds and interrogated under torture. More than 250 prisoners died during these interrogations. At the same time conditions in the military prisons of Metris (Istanbul), Mamak (Ankara) and in Diyarbakir became notorious. Diyarbakir Military Court heard most cases against “separatist“ organizations. Some 5.000 members of the PKK (at the time also known als “Apocular“ the followers of Abdullah Öcalan, called Apo) were tried and between 1981 and 1984 alone some 30 prisoners died in Diyarbakir Military Prison as a result of hunger-strikes, suicide, beatings and illness.
12. However, repression did not only exist in custody and prison. Frequent raids in villages usually took some form of torture, by for instance gathering the population in the middle of the village and forcing the male population to undress in front of the women. All this, plus a legal ban of the Kurdish language introduced by the military junta in 1983 increased the feeling of injustice among the Kurdish population.
13. Already in 1979 the leader of the PKK, Abdullah Öcalan, had escaped to Syria where he was able to reorganize his party and train young people as guerrillas for warfare in Turkey. His theory of “the first bullet“ that had to be shot at the right time, seemed to prove right, because the organizations rapidly grew after the attacks in Eruh and Semdinli.

### **The scope of human rights abuses against the Kurdish population**

14. The war between Kurdish guerrillas and Turkish security forces has been termed quite differently. While the official language calls it “the fight against terrorism“ or “a low level conflict“ the Kurdish side has usually used the word “dirty war“ trying to stress the inhuman methods used in combating the “29th uprising“ as the current President of State, Süleyman Demirel, once called it. The various types of human rights abuses in the area have frequently been reported on by national and international NGOs.
15. Kurds in Turkey have been killed, tortured and disappeared at an appalling rate since the coalition government of Prime Minister Süleyman Demirel took office in November 1991. In addition, many of their cities have been brutally attacked by security forces, hundreds of their villages have been forcibly evacuated, their ethnic identity continues to be attacked, their rights to free expression denied and their political freedom placed in jeopardy.<sup>1</sup>
16. Similarly Amnesty International wrote in October 1996:

The conflict between security forces and the PKK in southeast Turkey, where most of the estimated 12 million Kurds live, has unquestionably contributed to the deterioration for human rights throughout the country... Some generals and police chief argue that respecting human rights will obstruct their efforts to combat armed opposition ... (page 5f.) Repression has long been the response to security problems in Turkey, but in 1991 certain elements in the security forces went even

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<sup>1</sup> Helsinki Watch: “The Kurds of Turkey: Killings, Disappearances and Torture“, New York - March 1993, page 1.

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... More than 1,000 people have died in these political street killings since 1991.<sup>2</sup>

17. Besides the dramatic increase in cases of “disappearances“ and extra-judicial killings in the early 1990s the most serious violation of rights was the destruction, burning and evacuation of villages who were unwilling to take up arms against the PKK. <sup>3</sup> In an attempt “to dry the sea in order to get to the fish“ (deprive the guerrilla of support among the local population) over 3,500 villages and hamlets were completely or partly destroyed and the population forced to leave. The figures on how many people were affected vary greatly between 350,000 and 3 million. <sup>4</sup>

## THE DEVELOPMENT OF THE PKK <sup>5</sup>

18. The first roots of the organization were laid in Ankara in the 1970's, when Abdullah Öcalan and some other Kurdish students separated from a left-wing group, even though they did not form an organization under a specific name. Besides the name of “Apocular“ the abbreviation UKO (Ulusal Kurtulus Ordusu - National Liberation Army) was used in their pamphlets. The party PKK was founded on 27 November 1978 in a village near Lice/Diyarbakir. At the beginning the PKK advocated a marxist-leninist socialism that had to be founded against the colonialist State of Turkey (and other countries where Kurds are living). The socialist idea of the PKK did not follow existing models such as the Soviet-Union (SU) or China.
19. In the years to follow theory became increasingly less important. Although the party had its Central Committee, the indisputable leader was Abdullah Öcalan (Apo) and after the military coup of September 1980, when most of the leading members in the PKK were imprisoned (some of them died as a result of hunger-strikes etc.) Apo was able to rule the party from Damascus (Syria) slowly acquiring a position that can easily be called “dictator“. Even though full details on the cooperation between Syria (the secret service) and the PKK are not available the support of Syria (and the SU) by providing arms etc. undoubtedly contributed to the growing strength of the organization.

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2 Amnesty International: “Turkey: No security without human rights“, London - October 1996, page 50f.

3 Immediately after the first attacks of the PKK the Turkish government revived Law No. 442 of 17.03.1924. The scope of this law on “village guards“ (korucu) was extended in 1985 and 1990 introducing “temporary guards“ as well as “voluntary guards“. In May 1997 Interior Minister Meral Aksener announced that 62.654 people were paid as “temporary guards“ (but the number of “village guards“ is usually estimated at around 100.000). The fact whether tribes and villages would accept arms for the fight against the PKK is usually seen as the decisive point of loyalty.

4 “The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown. Most estimates agree that 2,600 to 3,000 villages and hamlets have been depopulated. A few nongovernmental organizations (NGO's) put the number of persons forcibly displaced as high as 2 million. On the low end, the Government reported that through 1997 the total number of evacuees was 336,717. A figure given by a former M.P. from the region--560,000--appears to be the most credible estimate of those forcibly evacuated. A parliamentary committee investigated the situation in the southeast and concluded in June that, among other things, the State was partly responsible for the displacements and that it had failed to adequately compensate villagers who had lost their homes and lands in the region. The European Court of Human Rights often ruled in favor of villagers who sued over forcible evacuations, and the Government continued to pay assessed damages.“ (quoted from “U.S. Department of State Turkey Country Report on Human Rights Practices for 1998 Released by the Bureau of Democracy, Human Rights, and Labor February 26, 1999“)

5 The best book on this subject is called “The PKK: A Report on Separatist Violence in Turkey“. It was written in English by Ismet Ismet and published by Turkish Daily News at the end of 1992. The Turkish version appeared in June 1993. Quotes are taken from the Turkish version, since the book is not available any more. Another source of excellent information on all kinds of legal and illegal organizations in Turkey is the report by Denise Graf and Bülent Kaya, simply called “Türkei/Turquie“. It was published in April 1997 by the Swiss Aid for Refugees in German and French.

## The PKK's current positions

20. On first glance the PKK continues as the “revolutionary“ movement still following its socialist ideals at the end of the 20th century. A look at the party's program revised on 5th congress of the party in 1995 seems to prove this impression.
21. Our party was formed in the 1970s as a revolutionary socialist national liberation movement... Our party, since its formation, has been shaped, both theoretically as well as in practice, by the great forward vision and determination of party leader Abdullah Öcalan... The phase of Soviet-dominated socialism is finished. That was a phase of primitive and brutal socialism. Now, a new phase of socialism has begun, namely its rich phase. Our party is the embodiment of one of the most significant socialist movements during this new phase, and we plan to live up to our duties in our revolutionary work...<sup>6</sup>
22. Such words may be useful when recruiting militants, but for the aims and means of the PKK this program does not mean much. At least for the last decade anything that party leader Abdullah Öcalan said (the Kurdish word for ‘leader’ -serhok- rather resembling the German word ‘Führer’) was binding for all members of the party. This situation may change, now that Abdullah Öcalan is imprisoned in Turkey, but it is worth-while noting that starting with the first declaration of a unilateral cease-fire in the spring of 1993 the PKK has tried to move on to “diplomatic fields“ usually compared to the change of Yassir Arafat as the leader of the Palestinian Liberation Organization. While leaving “old“ ideas of socialism the PKK changed its flag dropping hammer and sickle and replaced the Central Committee by a Presidential Council (though the four members never had any power). The practical work has included strong religious motives as well, in an attempt to gain more support among the predominantly Muslim Kurdish population.
23. Already at this point it should be noted that this change of policy also included the verbal readiness to accept the provisions of the Geneva Convention.<sup>7</sup> This declaration came less than a week after the ARGK had announced that it would target German economic and political enterprises in Turkey “if Germany did not abandon its support for the liquidation and destruction in Kurdistan“. <sup>8</sup> Offers for peace (the most recent cease-fire was officially announced on 1 September 1998) and threats against civilian targets (in particular touristic resorts) have dominated the somehow contradictory policy of the PKK ever since.
24. The aim was (is) to enter into a “dialogue“ with the Turkish State or at least to be accepted as a party in the war and possibly to get a diplomatic status. When in the mid-1990's the PKK kidnapped foreign tourist the aim was to have internationally accepted institutions such as the ICRC as mediators. However, the “highest“ the PKK got in this attempt was a delegation composed of the President of the Human Rights Association (HRA) in Turkey, the deputy President of the human rights organization Mazlumder and a deputy of one of the then ruling Welfare Party (RP) to “rescue“ six Turkish soldiers from one of the PKK camps in Northern Iraq in 1996 (detailed analysis of this event in part 2 of the report).

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<sup>6</sup>Quoted from the introduction of the party's program of 1995 (for the full text see appendices) or <http://www.kurdish.com/>

<sup>7</sup> On 26 January 1995 the pro-Kurdish newspaper “Özgür Ülke“ (Free Land) reported that a letter of Abdullah Öcalan, the Secretary General of the PKK, dated 23.01.95 had been handed over to the International Red Cross (ICRC) in Geneva declaring that the PKK accepted the Geneva Convention of 1949 and the additional 1977/1 protocol. In the 5-point declaration the PKK announced members of the Turkish security forces, counter-guerillas, secret services, police and the village guards as their targets in war and promised to treat them as prisoners of war.

<sup>8</sup> Quoted from the German newspaper TAZ (“Die Tageszeitung“ of 20 January 1995).

25. The PKK's readiness for talks included the official dropping of the original aim. Nowadays the PKK does not advocate an independent, separate Kurdish state, but some kind of federal model that would need more clarification in the details to be established during "peace-talks" or other kinds of negotiations.

### **The "strength" of the PKK**

26. The Turkish "side", represented by the military (with the second largest army within NATO) and consecutive governments, has always declared that they are not willing to "talk to terrorists". This position has become even stronger after the elections of April 1999 with two nationalistic parties as the winners. The new coalition based on the Democratic Left Party (DSP) and the Nationalist Movement Party MHP finds itself supported by the fact that the military strength of the PKK has decreased decisively.
27. In the early 1990's (the years of 'public uprising' called 'serhildan' similar to the Palestinian 'intifada') the PKK announced to have more than 20,000 people under arms aiming at an army of some 50,000. However, the number of armed militants has gone down since then. Estimates today might put the figure around 5,000, mainly outside Turkey (Iraq and Iran). The PKK that once controlled whole areas including district and even provincial capitals (such as Sirnak and Cizre) now has difficulties in keeping their military forces inside Turkey (like in the beginning mainly using caverns in the mountains in order to survive). Since February 1999, the indisputable leader of the party, Abdullah Öcalan, is the only prisoner on the island of Imrali and unable to direct the organization.<sup>9</sup>
28. Still, several military units are still active and reports of violent clashes between the Turkish security forces and the Kurdish guerrillas continue to come in on a daily basis.<sup>10</sup> At the same time violence has spread to other areas of Turkey. As a result of the pressure on the PKK's leader, first to leave Syria, then to be extradited from Italy and finally to be kidnapped in Kenya and taken to Turkey, not only prisoners of the organization but also members and sympathizers in "Kurdish" and "non-Kurdish" areas have staged hunger-strikes, set themselves on fire,<sup>11</sup> while others acted as "living bombs" pulling the trigger whenever they were close enough to military compounds or other targets such as governors. Such desperate actions, some of which appear to have been carried out by other "armed opposition groups" (s. below) can hardly be seen as a sign of strength with the main result of increased repression against the common Kurdish population.
29. Yet, the "strength" of the PKK cannot only be measured in military terms. Although financial resources seem to have gone down during recent years<sup>12</sup> the (financial) support of the PKK made it possible not only to publish illegal monthly magazines of the organization, but also contributed to the publication of a daily newspaper<sup>13</sup> and even a TV station.<sup>14</sup> It can be

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9 At the time of writing this report the trial against Abdullah Öcalan is continuing. It is impossible to predict the effects of this trial (death penalty and a possible execution) even if Abdullah Öcalan continues to show readiness for cooperation with the Turkish authorities.

10 As an example one might have a look at the papers of 15 May 1999: the semi-official Anadolu Agency reported that 37 terrorists were killed and 5 members of the security forces became "martyrs", while the pro-PKK newspaper "Özgür Politika" said that the ARGK killed 15 soldiers (5 are named).

11 The slogan "you can't darken our sun" became the most common phrase in these days.

12 I do not want to enter the discussion on how the money was raised, but there is no proof for the thesis of the Turkish authorities that most of the money comes from drug trafficking (see appendices for the official thesis).

13 The issue is, of course, very sensitive, because any legal media can't be produced in the name of an illegal organization. Yet the formulation that those "means of communication" mentioned above would not have appeared if the PKK had not supported them, should not be incorrect. The history of repression against these publications could be the subject of another report.

discussed whether the so-called “Parliament in Exile“ and the recently established “National Congress“ are solely composed of PKK supporters. Their influence may be rather weak, but still they can be called “diplomatic initiatives” that also need financial resources.

30. The conditions in Turkey never allowed for a political party directly supporting the PKK to be organized legally (like Sinn Fein in Northern Ireland supporting the IRA). Yet, in the early 1990s the Kurdish question and the growing strength of the PKK led to the establishment of a party which, even though it could not be called “the Kurdish party“, became some kind of representative of the Kurdish issue. Since then, two consecutive parties have been banned and the current party, the People’s Democracy Party HADEP is also under threat of being banned. Like its predecessors HADEP cannot openly support the PKK, but unlike its predecessors this party is clearly being dominated by politicians that would not dare (in their hearts and in their minds) to criticise the PKK.
31. During the election of April 1999 HADEP ran for national parliament as well as for local elections of mayors. Similar to the 1995 election HADEP missed the score of 10% of the votes to enter the national assembly, but they did not only improve by 0,5% to get almost 5% of the votes; the party was able to win election in 39 districts for the position of a mayor. Similar to the elections of 1995 HADEP did not get many votes in the West and South of Turkey (not the necessary support of Kurds living there), but the results in the “Kurdish“ areas, despite all means of repression during election campaign, improved and in many places the party won about 50% of the votes. This can certainly be taken as a sign that the support for the PKK has not decreased in its “home territory“.

### **The most common human rights violations committed by the PKK**

32. Since autumn 1998 the Turkish media preferred to call the leader of the PKK; Abdullah Öcalan, the “baby killer of 30.000 “, thus keeping the organization responsible for all losses in the ongoing conflict. The more realistic figures differentiate between civilians and armed personnel. According to an article in the daily “Cumhuriyet“ of 12 March 1999 the Chief of Staff announced that during the 15 years of fighting 5.606 soldiers and 5.316 civilians lost their lives. The statistic did not say anything about the responsibility for these deaths, thus creating the impression that all civilian losses were caused by the PKK.
33. The official “propaganda“, that comes along with horrific pictures, does not provide much insight into the problem. On one issue the book of Ismet Imset presents some figures for the past. Having said that the period between January 1987 and November 1989 was the bloodiest phase in the PKK’s warfare, figures on losses between August 1984 and June 1990 are presented. In an attempt to fight the village guards’ system the PKK killed 78 armed men, while also hitting at their families, killing another 640 persons, many of them women or children.<sup>15</sup> This strategy did not bring about the intended results and rather led to a decisive loss of sympathy among the population. Thus, the practice of “ocak söndürme“ was abandoned, though the fight against village guards continued, partly suspended by periods of declared “amnesties“ for those who would lay down their arms.
34. Another “prime target“ for the PKK were the teachers in the area. It was claimed that the Turkish teachers did not only educate Kurdish children in Turkish language and nationalism, but

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14 The TV station MED TV was banned indefinitely in April 1999 (but a similar channel was opened shortly afterwards) and the daily newspaper “Özgür Bakış“ (Independent View), that started publication on 18 April 1999 was banned in May from being taken into the region under a state of emergency.

15 The tradition of blood-feud in this area speaks of “ocak söndürme“ (best translated by “wiping out the whole family“, including even their animals).

that they also were active as some kind of (armed) militia for the Turkish state. In a statement of 29 September 1994 the ARGK even went as far as to say that “no teacher is allowed to work in our region without our permission“ (see article in “Özgür Ülke of 03.10.94). While on 2 October 1996 “Hürriyet“ presented a list from the “National Education Foundation“ with the names of 131 teachers who became “martyrs“, the Human Rights Foundation of Turkey (HRFT) published a detailed report in November 1995 on “Education and Training in the Emergency State Region“ stating that 142 teachers had been killed between 15 August 1984 and 20 November 1995. The report stated that the PKK was responsible for 91 of the killings, while most of the remaining cases had to be termed “murders by unknown assailants“ (an expression indicating possible links to agents of the state, the so-called counter-guerrillas). Two teachers had died under torture in detention. (a full report on the situation in 1994 and the figures for 1996 can be found in the appendices).

35. In particular the killings of 7 teachers in 1996 (two incidents) gave reason for a wide debate in public. While official sources made the PKK responsible for the killings, the PKK that usually would readily admit any such action, declared that they were not. During 1996 further kidnappings of teachers happened and in one case AI issued an UA on 3 kidnapped teachers who later were released by the PKK (see appendix). Since then kidnapping and killing of Turkish teachers does not seem to be a central policy of the PKK any more, although further events continued to be reported.<sup>16</sup>
36. Possibly the most serious abuse seems to have occurred in the ranks of the PKK itself, but neither international NGOs nor national NGOs have seriously dealt with this problem. Only after one of the dissidents in the PKK went public on this issue, himself being under threat of being killed, the subject reached a wider public. The dissident, Selim Cürükkaya, who had spent more than 10 years in prison because of his activities for the party, became one of the main critics of PKK-leader Abdullah Öcalan after his release. His experiences with the “dictator” and his way of punishing any kind of opposition are described in his book “APO’nun Ayetleri” (the verses of APO), for which Mr. Cürükkaya could not find a publishing house and paid for the printing himself. A German translation was published in Fischer Verlag in March 1997 under the title: “PKK - Die Diktatur des Abdullah Öcalan”.
37. According to Selim Cürükkaya any kind of misbehaviour including love among male and female militants (allegedly even just looking at each other is “forbidden“) is brought to “court“ (that are all other militants present). A “prosecutor” chosen among the leading members of the camp (or unit) reads out some kind of indictment accusing the person with treason, spying etc. Only defendants who are willing to confess (in the vocabulary of the organization this is called “to conduct self-criticism“) by calling themselves “weak“ and the PKK-chief Abdullah Öcalan “the greatest“ get a chance of appearing in “court“. The most common punishment is the death penalty. Absolutely minor offences can be punished by sending the person to a labour camp. The only person to confirm the “verdict“ or to announce an “amnesty“ is (was) Abdullah Öcalan himself.
38. In the appendix to the German version of the book Selim Cürükkaya lists a number of individual cases, saying that only two persons among the founding members of the PKK survived the “justice“ of Abdullah Öcalan. When Selim Cürükkaya was himself under arrest of the organization he was able to study the archives, because he had been asked to write a report on another “traitor“. He claims that the documents he studied revealed that only within the year 1992 a total of 141 militants were “punished“ (meaning killed) on orders of the organization. Some of the killings also included additional forms of torture, although it appears that torture was not applied systematically. But most certainly the “trials“ (also described in the weekly

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<sup>16</sup> On 18 May 1999 the kidnapping of 2 teachers by the PKK was reported in the Turkish press. In mid-June the teachers' union Egitim-Sen called for their release (result unknown when the report was finished).

“2000e Dogru” -towards 2000- of 7 January 1990) would have to be called “unfair”.

39. Further allegations of abuses by the PKK against the civilian population such as forcible evacuation of villages mainly on Iraqi soil are too vague and difficult to prove. But the fact that the PKK uses landmines, just as the Turkish troops do, might also be mentioned here.

### **Violence among and within other armed opposition groups**

40. Before the military coup of September 1980 there was widespread violence between left and right-wing organizations as well as among left-wing groups. At the time the PKK was heavily involved in fightings with other Kurdish groups as well as Turkish organizations. Liquidation of own members was also reported, but had not reached the level it should get after the military coup of 1980.
41. Following the military coup, that meant a heavy loss to all political movements, the fighting among left-wing groups more or less stopped. Even the PKK appeared to undergo a period of self-criticism and apologised for violent acts against other organizations. Yet, the aim of setting up joint “front“-organizations failed.<sup>17</sup>
42. One of the reasons for the “split” was the question of when and how to take up the armed struggle again, but another important point was also the debate on “internal democracy“ (the lack of which became a main focus of the criticism of the PKK). At the same time the PKK under its leader Abdullah Öcalan started to “punish“ critics in their own ranks. A number of killings were reported from Europe where most of the remains of each organization had built up their own exile structure. It may be worth-while noting that though the PKK also killed members of other organizations, these people generally happened to be of Kurdish origin as well.
43. The punishment of members (or ex-members) was never restricted to the PKK. Other radical organizations such as “Devrimci Sol“ (Revolutionary Left) or TIKKO (Workers’ and Peasants’ Liberation Army of Turkey) also are known for such killings including killings of militants in prison. This fact should be kept in mind, when the discussion on the position of national NGOs on armed opposition groups is evaluated.

### **NGOs IN TURKEY**

44. In this study I shall concentrate on three national NGOs in Turkey. One is the Human Rights Association (HRA), founded in 1986, another one the Human Rights Foundation of Turkey (HRFT) which is an offspring of the HRA and was founded in 1990 and the third one is an organization called Mazlumder, its full name meaning the “association for human rights and solidarity with the oppressed people“. Mazlumder was founded in January 1991.
45. There are a number of other initiatives such as the Helsinki Citizens’ Assembly or the Democracy Foundation, but they are small in numbers of members and less important for the general public as well as almost meaningless when it comes to a possible influence on armed opposition groups. Among the organizations that are termed “organizations of civil society“ rather than the previously in Turkey preferred term of “democratic mass organizations“ (that usually were nothing else but legal gatherings of sympathizers of illegal organizations) one can also find groups that only care for political prisoners of specific organizations or have restricted their work to certain areas (ecology etc.).

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17 One of these attempts included 8 Turkish and Kurdish organizations. As the counterpart to the PKK (dominating the Kurdish side) an organization called “Devrimci Yol“ (Revolutionary Path) was the strongest one on the Turkish side.

46. Trade unions and professional organizations such as the Medical Association or the Bar Association should also be mentioned, since they have also contributed to the discussion of human rights in Turkey. Lately even the association of industrialists (TÜSIAD) have joined the chorus and since their publication of a study on “Perspectives on democratization in Turkey“ (prepared by the professor for constitutional law, Bülent Tanör) in early 1997 the human rights debate has reached a new dimension. Yet, this is almost completely restricted to academic work (similar to the many human rights centres at various universities in Turkey) and is certainly not likely to have any impact on the policy of violent activities of illegal organizations.

### **The Human Rights Association (HRA) <sup>18</sup>**

47. The foundation of the Human Rights Association (HRA, in Turkish “Insan Haklari Dernegi“ and therefore also known as IHD) is closely linked to the military coup of 12 September 1980. Although the military directly only ruled until 1983, the political parties, allowed to run for election then, had been sanctioned by the generals and it was almost impossible to organize real opposition to the “12 September regime“ (as it is called in Turkish) legally. Relatives of political prisoners, in particular the mothers and fathers, were one of the few dissident voices in the country. Together with lawyers (mostly in political trials) and a few other intellectuals (including journalists, writers, teachers etc.) the relatives of the prisoners decided to work in an organized manner on human rights. In July 1986 the Human Rights Association was founded by 98 individuals.
48. The decision went in favour for an association, not just run by a number of intellectuals, but based on broad membership and membership activities. Since the Law on Associations (revised by the junta of 1980) did not allow for political activities the statute had to be changed twice and only after 9 months the association was officially accepted with the new formulation in article 2 of the statute stating that it is “the sole aim of the association to work on all kinds of human rights and basic freedoms“. Besides the headquarters in Ankara the statute allows for branches to be set up in the provincial capitals. This has happened (so far) in 59 of the 80 provincial capitals in Turkey. However, one has to admit that not all of them are active. Some have been closed down by the authorities (in particular in the area under a state of emergency) and others only exist “on paper“. The number of members has been put as high as 25,000, but looking at those who would participate in activities and/or at least pay their membership fee, the figure should be corrected to less than 10,000.
49. As the HRA stated in its statute the work over the past 13 years has concentrated on a variety of issues, campaigning for a general amnesty, against the death penalty or even for the rights of pedestrians. The general focus of the work, however, has not changed much. The relatives of political prisoners are not (any more) the most important group in the HRA, not only because most political prisoners (of the early 1980s) were released in March 1991, but the situation in the prisons and the fate of political prisoners, frequently staging hunger-strikes for a variety of reasons, remains one of the most serious concerns of the HRA. Similarly, torture is another big issue and (groups of) victims often use the HRA offices as the floor for making their complaints public (the HRA branch in Istanbul has almost daily press conferences).
50. From the start the HRA has been perceived as a “left-wing“ organization. Not only the relatives of political prisoners are often seen as sharing the views of a specific organization, but also lawyers defending them and human rights activists that raise such problems are easily taken for sympathizers if not activists of such an organization. In addition, when the Human Rights Association was founded, most (illegal) organizations had not been able to reorganize legal

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18 For an earlier study on the HRA and the HRFT (in German), see Helmut Oberdiek: “Der Menschenrechtsverein und die Menschenrechtsstiftung der Türkei“ in: Zeitschrift für Türkeistudien, Leske + Budrich, 1/91, p. 23-26

“support” in form of associations or weekly or monthly publications. Thus, a number of organizations tried to use the HRA as a potential platform for their own concerns. Even today many members (including board members) are rather seen in public as representing the view of specific political movements. Even though the local boards (of the branches) differ a lot, usually many (board) members would better be known for their political activities before they joined the HRA. Similar observations can be made regarding the board of the headquarters in Ankara. Though the first president, Nevzat Helvacı and the current president of the HRA, Akin Birdal (at the beginning he was secretary general) cannot be seen as representatives of specific political groups, the same does not apply for all board members.<sup>19</sup>

51. In particular the “Kurds”, who for obvious reasons formed the most active branches in the Southeast of Turkey and are also well represented in other branches in South and Western Turkey, have usually played a decisive part in determining the members of the board. Again, it is no secret that many Kurdish activists sympathize with the armed struggle of the PKK, at least they would find it very difficult to openly criticise actions of it, like other (board) members of the HRA, would find it difficult to criticise actions of the political group they favour.

#### *The HRA's position on armed opposition groups*

52. As a result of this general tendency the discussion on what kind of attitude has to be taken towards armed opposition groups started rather late and lasted very long,<sup>20</sup> or better is not finalized yet. Partly because of the close ties of the HRA to Amnesty International (AI) the discussion focussed on the decision taken by AI on its International Council Meeting in Yokohama in September 1991 and is also known as the “debate on Yokohama”. The discussion within the HRA can partly be followed (for people knowing Turkish) by a look at the bulletin of the organization, called “İnsan Hakları Bülteni” for the years 1993 and 1994 (numbers 51 to 64 in particular).<sup>21</sup>
53. During the discussion new terminology was used, replacing the phrase “armed opposition groups” by e.g. “alternatives centres for power”. Some do not like the word “opposition”, because they find similar positions on violence within the State and “armed groups”. The debate, as I said, is not completely finished, but the majority clearly favours a similar line as AI took in 1991.

#### *Practical steps*

54. In practice almost all branches have this line. They protest against violence of political groups mainly in the words that the “HRA is opposed to all kinds of violence and condemns the act, whoever did it”. In using the last phrase the HRA avoids to directly address the perpetrators and the organization they belong to. This is partly necessary, because reports on war crimes can hardly be trusted.<sup>22</sup>
55. Still, the dominating parts of the Turkish media does not seem to be willing to take notice of

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19 The problem can be illustrated with the picture of some members that find it hard to leave their “political hat” at the entrance to the offices of the HRA.

20 It should also be noted that already in 1992 the statute was changed now including the work in humanitarian areas by pointing at the Geneva Convention. But this general acceptance did not prevent further discussions later.

21 I contributed to the discussion by an article entitled “Loud thoughts on arbitrary killings” in the 64th edition of the bulletin.

22 As a matter of fact, many brutal acts, that originally were attributed to the PKK later turned out to have been committed by other forces, usually called “counter-guerillas”. It is for instance the PKK’s claim, that none of the 7 teachers that were killed in 1996 had been targeted by the organization.

such protests and rather prefers to attack the HRA as “supporters of terrorists“. In the spring of 1998 a huge campaign started in the media against the HRA and its President Akin Birdal in particular. The press used alleged testimony of Semdin Sakik, a legendary PKK-commander, who after his escape from the organization, had been captured by special Turkish troops on Iraqi soil and was held incommunicado for more than a month. According to press reports Sakik allegedly testified that Akin Birdal, the President of the HRA, was voluntarily working for the PKK and one of Abdullah Öcalan's best men. On 13 May 1998 Akin Birdal was attacked by two gunmen and hardly survived this assassination attempt.<sup>23</sup>

56. The public campaigning against the HRA gained momentum, when the country was swept by a wave of violence in protest against the measures taken regarding the PKK's leader Abdullah Öcalan. The HRA protested against this type of protest, at least raised its voice after actions with civilian losses. Nevertheless, the organization was again accused of supporting violent organizations.
57. On 3 March 1999 the Minister of Justice, Selcuk Öztekin, wrote to all prosecutors in the country calling on them to do anything to hinder public activities aimed at separating a part of the country and to move strongly against associations, foundations and other organizations that might organize cultural or political events in support of Abdullah Öcalan. The call included the wish that there should be no reporting on such events in the media. Although the Ministry of Justice would not have the power to impose such an order on the media, it can be observed that activities of the HRA (or even AI, also suspected of sympathy with “terrorists“) get almost no coverage in the press or on TV.
58. At the time of writing this study it is difficult to predict the fate of the HRA in the future. The President Akin Birdal, who still has not fully recovered from the attack in May 1998, has gone to prison in the beginning of June 1999. There are many more court cases against him and other officials of the HRA. During the 13 years of work more than 10 (leading) members fell victims to attacks by “unknown assailants“. This and the public campaigning against the HRA have led many members to stay away. Without media coverage the HRA will find it very difficult to gain the same support that it still had two years ago. Yet, the organization is far from being terminated and though it may be difficult to replace Akin Birdal as president (which the HRA is obliged to do because of the verdict against him), there are a number of qualified activists who should be able to continue the work.

### **The Human Rights Foundation of Turkey (HRFT)**

59. For a number of reasons, one of them being the fact that associations are not allowed to receive financial support from abroad, the HRA decided to develop a foundation. The Human Rights Foundation of Turkey (HRFT) was intended to be a professional organization with the major purpose to provide treatment for torture survivors. It took some time until the necessary \$ 25,000, necessary for the start, had been collected. In October 1989 the founding document was handed over to the Directorate for Foundations in Turkey, but it took more than a year until the HRFT was officially registered.
60. Again, the major objection was raised against the statute. It was argued that an institution in Turkey cannot provide treatment for torture victims, because “there is no torture in Turkey“. Again, the solution was a reformulation of the aim: Article 2 of the statute in its final version reads: “The foundation carries out research and education in the areas described in international

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<sup>23</sup> The gunmen and their “commanders“ were caught shortly afterwards. Some described themselves as members of an organization called “Turkish Revenge Brigade“. The alleged testimony of Semdin Sakik actually never existed and Mr. Sakik publicly denied in court to ever have accused any of the persons mentioned in the press.

documents and national law and sets up, operates and lets medical institutions be operated.”

61. As of May 1999 the HRFT has set up five centres for the rehabilitation of torture survivors (besides Ankara there are centres in Istanbul, Izmir, Adana and Diyarbakir). Usually the “patients“ will apply to the centres, where professional staff sets up a program for rehabilitation that is carried out with the help of volunteers in hospitals or their own premises. So far, more than 3,000 torture survivors have benefited from the services by the HRFT.
62. As far as the other two intended elements of the work are concerned: not much has happened in the area of education in human rights, but the documentation centre (only in Ankara) has been active from the very beginning. Daily reports on human rights abuses based on own research and/or the daily newspapers in Turkey are sent out by s-mail, facsimile and e-mail to subscribers. Not many specific reports such as the report on teachers killed in the area under a state of emergency or details on deaths in custody have been published lately, because there is a great backlog in the annual reports (so far reports only for 1991-1996 have been issued).

#### *The position of the HRFT on armed opposition groups*

63. Unlike the HRA there was never a great discussion on the position the HRFT should take on armed opposition groups. Certainly, professional staff as well as volunteers working for the HRFT and also the board members, have been involved in this discussion, because almost all of them are also members of the HRA. But since the work of the HRFT is rather based on “silent“ work (not public actions and regular press statements) with not that much publicity, the problem did not need to be discussed at length.
64. The question of how to deal with abuses of armed opposition groups mainly touched the practical work of the documentation centre (at the beginning run by three persons, one of them myself) and there was no dissent that abuses of organizations favouring “armed propaganda“ should always be included in the reports. As one focus of its work, the documentation centre has tried to keep records of “political killings“ including the victims of the ongoing war.
65. In the annual reports abuses by armed opposition groups are usually dealt with under the chapter of “Right to life“ carrying headlines such as “actions against civilians“ or “executions within organizations“. The report on the killings of teachers in the area under a state of emergency is a good example of how the HRFT tries to confront the problem of human rights abuses by armed opposition groups.
66. The HRFT occasionally publishes press-releases, but to my knowledge so far none of them touched the question of abuses by armed opposition groups. The question of how effective the reporting of the HRFT can be on the practice of such groups shall be evaluated below.

#### **The Association for Human Rights and Solidarity with the Oppressed, Mazlumder**

67. The Association for Human Rights and Solidarity with the Oppressed (full title: “Insan Haklari ve Mazlumlar İçin Dayanisma Dernegi“ and in short called Mazlumder or Mazlum-Der) is the “youngest“ among the all very young human rights organizations in Turkey. It was founded on 28 January 1991 by 54 people in Ankara. The headquarters, too, are in Ankara. Like the HRA the work of Mazlumder has no restriction as to what kind of abuses they deal with and its work does not only concentrate on Turkey (even though that is the major part). Like the HRA the work of Mazlumder is based on membership and the financial resources are mainly the membership fees. The association has 13 branches and counted 4.000 members in 1997.

68. The practical work was organized from the very beginning in 5 units (organization, education, media work, social connections and law). Six commissions were set up and there are committees working on specific issues.<sup>24</sup> The most important commission of Mazlumder seems to be the commission that is following the human rights abuses. There are various committees set up to work for this commission and the one to follow the abuses in the area under a state of emergency is called “Southeast Committee“ and only in brackets (the committee to observe abuses in connection with the Kurdish question). It is this commission that is responsible for the monthly reports on abuses in and outside Turkey.<sup>25</sup>
69. Despite the very similar (theoretical and practical) approach on human rights, the HRA and Mazlumder only lately moved closer together. For a long time and even today Mazlumder was perceived in public as the association of the Muslims, or rather the islamic (or even fundamentalist) human rights association. This attribute is vigorously objected to by Mazlumder itself. The association does not see itself as working only for the rights of a specific group of people or specific kind of abuses. Still, problems arising from the wearing of headscarves by women in public positions or measures against officers in the army with alleged ties to religious sects find a platform usually at Mazlumder in the first place.
70. In general one could say that the “clients“ of both organizations are different. Yet, there are enough subjects for both organizations in common (such as the situation in prison, freedom of expression etc.<sup>26</sup>). The war in Southeastern Turkey also concerns both organizations alike and, as a matter of fact, was the first instance, when a joined action was carried out (soldiers captured by the PKK were taken back to Turkey, more details below).

#### *The position of Mazlumder on armed opposition groups*

71. It appears that there was no great need for discussing the position of Mazlumder on armed opposition groups. The statute clearly states that the association is opposed to any kind of human rights abuse, whoever might be responsible for it. The words used in this context are rather “old-fashioned“ and may be a little hint to the fact, that Mazlumder certainly is no “left-wing“ group. It says that the organization supports the “oppressed people against the tyrant“. A clearer hint to the position on armed opposition groups (and in particular the PKK) can be taken from a speech by the current President of the organization, Yilmaz Ensaroglu, held in Rome in April 1997 during an “International Peace Conference“. He said amongst other things:
72. We do not believe that the Kurdish question will be solved by a fight based on violence. The choice of armed struggle by the State, that on the way for a solution is unacceptable, can also be no choice for the organization or organizations that claim to represent the Kurds... Any view that does not conform to the arguments of the State and the PKK is being punished by one of the sides and the people are accused of collaboration or separatism.<sup>27</sup>

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24 The HRA, too, has set up commissions on specific issues, but does not follow a strict model. While almost any branch of the HRA will have a commission working on prison conditions, only very few have a commission to work on minority rights for instance.

25 The HQ of the HRA and some branches are also issuing monthly reports on human rights abuses, but mainly in Turkey alone.

26 While the former major of Istanbul and member of the pro-Islamic Virtue Party, Recep Tayyip Erdogan went to prison because of a poem he cited during one of his speeches, the President of the HRA, Akin Birdal, was imprisoned on 3 June 1999 for a speech he held on International Peace Day. Both persons have been sentenced under the same provision, namely Article 312 of the Turkish Penal Code, although one of them is representing the political “right“, while the other one is representing the political “left“.

27 Further details on Mazlumder can be studied (currently only in Turkish) on the web-page <http://www.mazlumder.org.tr/>

73. This very clear criticism of both sides may be one of the reasons why Mazlumder has also become a target for repression. Yet, it is more difficult to accuse Mazlumder of close ties to the PKK, but Mazlumder might face also the accusation that they are representing the second “big threat“ (as the armed forces call it) in the country, the “reaction“ (backward-minded fundamentalists). Still, there have also been trials against Mazlumder on allegation of “disseminating separatist propaganda“ and in January 1999 the branch in Urfa (Kurdish area) and in June the branch in Malatya were closed down on governors‘ order.

## **PART TWO: MAIN RESEARCH QUESTIONS**

### **EVALUATION OF REPORTS AND OWN OBSERVATIONS**

74. This section of the report will mainly concentrate on the “main research questions“ as mentioned in the project design document as well as in the “Letter of Agreement“ (overall task and objective). As far as the supplementary questions are concerned, most of them I did not find very helpful for the discussion with the friends in Turkey and for my own statements.
75. Besides the HRA, HRFT and Mazlumder I also chose to get comments from the Istanbul branch of the HRA, because in that city with an estimated 10 million inhabitants almost all problems of Turkey can be found. Since almost all legal as well as illegal organizations are represented in that town (at least the relevant publications usually are printed in Istanbul), the Istanbul branch of the HRA is confronted very often with the question of taking a position against acts of violence by illegal organizations, but also reactions from armed groups, in case the HRA “dared“ to criticise their behaviour.
76. During a trip to Turkey in April 1999 I briefly contacted some of the “commentators“ I had chosen and later sent e-mails with the leading questions to them. As a reminder I had to use the phone, but finally I got written information as well. The persons in questions were: Hüsnü Öndül, a lawyer and secretary general of the HRA; Bülent Peker, leading the documentation centre of the HRFT, Yilmaz Ensaroglu, the President of Mazlumder and Saban Dayanan, board member of the Istanbul branch of the HRA.

### **ATTEMPT TO INFLUENCE ARMED OPPOSITION GROUPS**

77. The main research question No. 1: “How have human rights and humanitarian actors tried to influence the behaviour of armed opposition groups?“ is -at least in relation to Turkey- somehow misleading, because it suggests that the main motive for holding organizations, that favour the armed struggle, accountable for human rights abuses is to change the behaviour of such groups. Certainly, any kind of criticism is directed at changing the “habit“ (of those who are criticised), but other motives, such as the need to appear impartial, can also be the “motor“ for such actions.
78. This does not mean, that the criticism of armed groups by NGOs in Turkey is not genuine, but my feeling is rather that most human rights activists would not see their intervention as an attempt to change the (general) policy of the addressed group and rather say that each organization has to choose their own way of achieving their aim.
79. Having said this, one should already at this point state that the main obstacle for successful campaigning is the deliberate choice of the media in Turkey not (sufficiently) to report on such initiatives by national or international NGOs and rather trying to put pressure on representatives of such organizations to call “armed groups“ simply “terrorists“ (and if you don't you are supporting them). This statement belongs rather to the chapter on question 2, but needs to be mentioned here, because it also has an impact on the methods used when criticising armed groups.
80. The most commonly used method was and is to make a press statement following concrete events, in other words to criticise concrete human rights abuses. This, of course, can only have

an impact, if the media picks up the statements.<sup>28</sup> The press statements, generally do not name the organization in question, even if a specific organization has publicly announced to be responsible for the act. This may be interpreted as “being afraid of” addressing the perpetrators.<sup>29</sup>

81. The effect is more or less the same, because anybody involved will know what organization carried out the action. But the question of “the correct address” already points at another vital problem. Armed opposition groups are usually illegal and have no known headquarters.<sup>30</sup> Even if the channels are known<sup>31</sup> on how to get the information to the leadership of a specific organization it is highly debatable whether to use them or not.
82. Let me illustrate this point by quoting from an urgent action (UA) of AI. When the PKK kidnapped three teachers on the evening of 21 November 1995 AI issued an UA out of “fear of arbitrary killing” on 8 December calling for the release of these persons. The members of AI were asked to send their letter to the Kurdistan Committee (for Americas, the committee is based in Ottawa, Canada) and the Informationsstelle Kurdistan (KIZ = Kurdistan Information Centre, for Europe) in Cologne, Germany. Thus the KIZ appeared to be “the address” for the PKK. This could easily have created problems, since the PKK and all their sub-organizations were banned in Germany in November 1993. Due to the action of AI the German authorities could have reacted and banned the KIZ, although the KIZ is not conducting violent activities.<sup>32</sup>
83. While simply for the reason not to have the correct address it may have been out of consideration to take more intensive actions like letter-writings against abuses by armed opposition groups one might also ask why the HRA (and likewise Mazlumder) have not gone further in their attempt to influence armed opposition groups. For instance, they could have invited representatives of journals, known to be close to specific violent organizations and discussed certain actions with them. They could also have sent informal delegations to these journals and conveyed their position on specific actions.
84. Even though merely hypothetical, I believe that such methods were never considered, because there is too much to do on abuses by the State (no time) and HRA and Mazlumder do not want to be involved in a discussion on the best way to “revolution” (be it a marxist or a fundamentalist one).
85. In other words, there does not seem to be much sense in trying to directly persuade armed opposition groups to refrain from taking violent actions. Or rather, the bottom line of such discussions might also be seen as the attempt of making members of such organizations quit their policies and merely work on human rights, or directly join the HRA or Mazlumder.

### **Action on behalf of captured soldiers**

86. There is, however, one issue that opened possibilities for some kind of dialogue between human

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28 One might also imagine the possibility that people with a direct contact to the organization in question are present at the press conference and, though they might themselves not contribute to the publication of the statement, would inform the leaders of that organization.

29 To my knowledge the HRFT and Mazlumder have not issued press statements on specific actions. Therefore the following findings only apply to the HRA.

30 This may have been different as long as the PKK had their headquarters in Damascus (Syria).

31 Let's say there is a newspaper frequently quoting “guerilla sources” one might assume that they could forward the information to the guerilla forces.

32 The UA of AI was successful. Having received a positive reply by the ERNK (spokesperson for Europe) on 2 January 1996 that “urgent steps would be taken to secure the release of the teachers”, one teacher was released in mid-March and the other two on 1 April 1996. For details see copies of the UA as appendix.

rights organizations in Turkey and the Kurdish Workers' Party, PKK. The action taken then also was the first joint activity of the HRA and Mazlumder, even though in public a deputy of the (religious) Welfare Party (RP) figured much more prominently than the (religious) Mazlumder. This was the attempt to act as mediators for the rescue of soldiers held captive by the PKK. The action, that due to several postponements for the release of the prisoners, took more than four months to succeed, received wide public, but nevertheless controversial interest.

87. Already at the start of the action in August 1996 the expectations went as high as “someone outside the government might act as negotiator for peace-talks with the PKK“. The “plan“ seemed to be favoured by the party of Prime Minister Necmettin Erbakan.<sup>33</sup> Its deputy Fethullah Erbas held talks with imprisoned Kurdish politicians and he made the proposal that Mazlumder could act as mediator, in general, as well as for the release of captured soldiers. Yilmaz Ensaroglu said that his organization was ready to take that responsibility if the government declared what they wanted to achieve.<sup>34</sup>
88. However, the perspective of “opening a dialogue with terrorists“ became the element that led to harsh criticism of the whole initiative. There were a few “ups and downs“ at the beginning. The PKK declared its will to release the soldiers (Hürriyet of 19 August 1996), but shortly afterwards denied to have made such a statement. However, the publicly announced call on the PKK to release the prisoners, declared jointly in the building of the Grand National Assembly of Turkey by Fethullah Erbas, Akin Birdal and Yilmaz Ensaroglu on 21 August 1996, seemed to have had a positive effect and the delegation could set off for Northern Iraq. Close to the end of August the delegation formed by Akin Birdal, President of the HRA, RP-deputy Fethullah Erbas, the deputy President of Mazlumder, Ihsan Aslan, the President of the Mardin branch of the HRA, Cemil Aydogan and relatives of the prisoners went to a PKK-camp on Iraqi soil, where the soldiers were being held.<sup>35</sup> But besides being photographed (in a dark room) under the photograph of Abdullah Öcalan and the flag of the PKK, the mission failed completely. Following a phone call the commander of the camp declared that the delegation had no official character, time was too early and the “the awareness of the public“ in Turkey was too low. Release was delayed “until we decide otherwise“, he said.
89. The phone-call, presumably directly from Abdullah Öcalan, created a very difficult position for the delegates. Even today the members of the mission and in particular Akin Birdal and the HRA can easily be suspected of close ties to the PKK and one of the elements for such a criticism is the fact that he went to a PKK camp.<sup>36</sup> In fact, a court case was opened against the participants at Diyarbakir State Security Court (SSC) on allegations of “supporting an armed gang“ (namely the PKK) under Article 169 of the Turkish Penal Code (IPC). The “irony“ of this trial became obvious when the papers in Turkey reported on 10 December 1996, that the defendants had been acquitted, but also that a “new“ delegation comprised of Akin Birdal, Fethullah Erbas and Halit Celik, President of the Urfa Branch of Mazlumder, had succeeded in getting the six soldiers being held captive by the PKK, back to Turkey. For obvious reasons Akin Birdal and Fethullah Erbas were not able to participate in the final hearing.
90. According to some newspaper reports (Özgür Politika of 17 November 1996, Hürriyet of 28 November 1996 and Özgür Politika of 5 December 1996) a teacher called Bektas Avcı was also

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33 During the second hearing of his trial on the island of Imralı Abdullah Öcalan declared on 1 June 1999 that there had been contacts of the PKK to Turgut Özal, Necmettin Erbakan and Mesut Yılmaz (Prime Ministers of various governments in Turkey).

34 For details see Hürriyet of 6 August 1996.

35 According to newspaper reports it took them 5 hours to walk there.

36 In similar terms a German deputy, who had visited Abdullah Öcalan in Damascus asking him that his organization should stop violent activities in Germany, was declared “persona non grata“ by Turkey. This position, however, was corrected shortly afterwards, since Germany could point to the fact that a deputy of the governing party in Turkey, too, had visited a PKK-camp.

among the prisoners. However, relatives of him and the delegations could not find him in the camp. Meanwhile AI had been campaigning for the safety of Bektas Avci who had been abducted by PKK militants on 24 October 1993. In particular the Swedish section of AI was still active on this case. I myself could witness when Arne Ruth, journalist of "Dagens Nyheter" (the main Swedish daily) presented the case to Abdullah Öcalan personally.

### The "mission" of Günter Wallraff

91. Günter Wallraff, a famous German writer, best known for his revelation about the treatment of migrant workers in Germany when he "acted" as one of them, (his experience was published in the book "Ganz Unten" -absolutely bottom line-), had decided to support the German publication of Selim Cürükaya's book criticising Abdullah Öcalan. But he also wanted to talk to the person being criticised to get an own impression and, may be even more importantly, to ask that the author of the book "The Verses of Apo" be pardoned, i.e. that the death threats against him be withdrawn.
92. Even though this initiative was rather an individual decision and Günter Wallraff did and does not represent a German or Turkish NGO I think it is worth-while reporting on this "private mission", because it may illustrate how the leader of an armed opposition groups reacts, when s/he is confronted with allegations of human rights violations. The mission at the end of 1996 was not altogether "private", since Günter Wallraff was accompanied by the Swedish journalist Arne Ruth, a German politician (of Iranian offspring), the contact person (holding a German passport, but actually a Kurd from the Iran) and me as the interpreter. Abdullah Öcalan had agreed to meet the delegation, but let us wait in a hotel in Damascus for more than one day before it was "convenient". Then we were driven to a village outside Damascus where some kind of a farm seemed to have been transformed to an academy of militants. Abdullah Öcalan spent more than four hours with us (first in a private room with just one "assistant", to be followed by a joint meal and finally the "general assembly" comprised of the "guests" and some 80 militants).
93. In the private room Arne Ruth raised the case of Bektas Avci. First, Abdullah Öcalan did not want to listen saying "what is the life of one person, if a whole people is being massacred", but when Arne Ruth insisted on presenting the details he told his "assistant" to look into the matter and promised to come back with concrete results within two weeks.<sup>37</sup>
94. The meeting with Abdullah Öcalan can hardly be called a discussion, because he kept talking all the time and comments or questions he would only take for another opportunity to hold a speech, in many cases on unrelated issues. He tried to persuade Günter Wallraff to study the Kurdish people saying that he would understand the whole problem if he was able to analyze Abdullah Öcalan (not only representing the organization, but the Kurdish people at large). I do not want to go into the various forms of hypocrisies, i.e. Abdullah Öcalan comparing himself to Jesus, but the situation became even more difficult when we entered the "general assembly" (the PKK calls it "platform").
95. The militants were placed in a semi-circle and on one end we were seated in one row in front of the militants. Abdullah Öcalan was walking around in the circle and delivered his speech(es). Günter Wallraff compared this ceremony to a divine service when the priest is the only one to talk. Nevertheless, Mr. Wallraff and I did our best to interrupt and pose some questions<sup>38</sup> and, indeed, Abdullah Öcalan, agreed on speaking about the dissident's book, even presenting a copy

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37 As a matter of fact, even until today, there is no answer and, what I found out later, it is almost for sure, that Bektas Avci is not alive anymore. According to what the brother of the commander of that action told me, Bektas Avci was killed instantly after he had been taken out of the village.

38 I strictly stuck to the role of an interpreter, but it was my voice that had to be loud enough to be heard in the circle.

of it. It looked as if many people had read it, but on question only 5 or 6 persons agreed to have done so.

96. On the central question of pardoning Selim Cürükkaya Mr Öcalan laughed and said that there was absolutely no problem with it. He never had announced an order that Mr Cürükkaya should be killed, but if anybody thought differently he would lift the order at once. He even appeared to be ready to publish this in relevant newspapers and announce it on TV.<sup>39</sup> Although usually none of the militants would dare to oppose anything said by their leader, one of the old “comrades” (mentioned in Mr Cürükkaya’s book as being treated badly for daring to reflect about things in her own way) took the floor (or rather was granted the floor by Abdullah Öcalan) to say that the whole book were lies and that the “agent” Selim Cürükkaya would never be pardoned, unless he made a complete “self-criticism”. Finally, Abdullah Öcalan himself somehow withdrew his earlier position, when during a private conversation on our way back to the cars he commented some remarks by the old “comrade” with the words: “well, if an accident happens, what can I do?”.
97. In the end, this mission, like the one of the HRA and Mazlumder in August 1996 was not accomplished, but may have had some impact on later policies. For a deeper analysis please see the chapter on conclusions.

### **Variety of armed groups**

98. Even though I said that the supplementary question are not very useful when discussing the issue along the example of Turkey, I should possibly say a few words on the last additional question to the main question number one before moving on to question 2.
99. There is a variety of armed groups in Turkey that still today (at least theoretically) prefer “armed propaganda” or “acts of killing” as a major part of their policy and many of them are also putting it into practice. The majority of them could be termed “left-wing” or even marxist-leninist. Like the PKK, calling itself “socialist” there are a number of organizations that predominantly work on the “Kurdish question”, that might be called “nationalistic” in character. Almost all of them are positive on taking up arms (sooner or later), but those who would like to do it immediately are too weak to establish groups of armed men and women. Besides the generally “left-wing” Turkish and Kurdish groups you can find radical “religious” groups such as IBDA-C (Islamic Raiders of the Big East - Front) and Hizbullah that might be called “right-wing”.<sup>40</sup>
100. Apart from the PKK all other armed groups can be called marginal. Still, they are responsible for quite a number of killings.<sup>41</sup> Since it is difficult to get reliable information from the area of war the human rights organizations in Turkey more often comment on “executions by organizations” that mainly take place (or at least are reported on) in Western and Southern Turkey. But this is not a conscious choice by the NGOs, because they would comment on any such incident, whoever the perpetrators might be.

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<sup>39</sup> Unnecessary to mention, but that never happened.

<sup>40</sup> The Turkish version of Hezbollah, Hizbullah, may be under influence of the Iran, but there are also serious rumours that (at least in the beginning) the group was supported by the Turkish State to fight the PKK. Once the fighting between the PKK and Hizbullah stopped the Turkish authorities started to move against the Hizbullah-organization.

<sup>41</sup> In the yearbook for 1996 the HRFT stated that the number of killings had dropped decisively compared to 1995 and 1994. They counted 15 attacks (by the PKK) on civilians leaving 41 people (7 of them children dead). For executions by organizations they counted 68 victims (36 by the PKK, 12 by DHKP-C, 10 by TIKKO, 2 by MLKP, 1 by IBDA-C and the rest by unnamed organizations).

## MAIN OBSTACLES FOR INFLUENCING ARMED OPPOSITION GROUPS

101. Some of the main obstacles human rights and humanitarian actors are encountering in Turkey in trying to influence armed opposition groups to respect human rights have already been mentioned above. One reason is that several members feel themselves quite close to groups that (sooner or later) could become the target of such criticism. They would not like the idea of publicly addressing the issue, even if the group in question is not the one they favour. For this group of members one would at least have to speak of “half-heartedness“ in taking action against armed groups. This argument mainly refers to the HRA.
102. Similar to this obstacle is the fact, that the groups criticised would otherwise support the HRA, not least because the HRA would raise “their concern“ if members of that group are tortured, “disappear“ or fall victim to extra-judicial killings or other kinds of human rights abuses. For a number of people it may be hard to understand why an organization that whole-heartedly supports members of groups when they become victims would likewise criticise them, if they are the perpetrators. At the same time, this kind of inter-related issues are also the chance of being effective, when it comes to criticism.
103. The most important obstacle for being effective is undoubtedly the attitude of official circles and the media in Turkey. On the one hand the continuous attacks against the HRA (to some extent also against the HRFT and Mazlumder) accusing them of “close ties to illegal organizations“ may have made it necessary to voice criticism against human rights abuses by armed groups. On the other hand, the deliberate choice of the media in line with Turkish officials to ignore the reporting on abuses and the press statements after concrete actions results in little public interest in such initiatives and the groups addressed do not feel public pressure (in their own circles at least) to change their policy.
104. In the beginning there may have been the fear of becoming the target of violent attacks by the armed groups, but after some experiences this fear seems to be overcome (while the fear of attacks by agents of the State is very much alive). One might also have been afraid of being drawn into a political discussion on the aims of organizations that were criticised, but the way the reports and press statements are formulated have made it clear that there is no need for a general discussion, since the statements concentrate on specific events.
105. As far as “crimes of war“ by the PKK are concerned another main obstacle should also be mentioned. For quite some time at least some reporting could be done not only by newspapers close to sources of one party of the war, either the Turkish security forces or the Kurdish guerrillas, but also by research carried out by various branches of the HRA. But since 1994 this situation has changed.
106. First there was a series of killings of journalists.<sup>42</sup> In a second step the Turkish authorities banned certain publications from being taken to the area under a state of emergency. As a reaction to that the PKK abducted a group of journalists in the main city of the area, Diyarbakir, took them “to the mountains“ and announced that journalists could only work with their permission in the region (the journalists were released the same day). In a third step the local branches of the HRA became a prime target for persecution. Besides the huge number of court cases opened against the board members of the various branches, many of them were closed down for quite some time.<sup>43</sup> In other places it was impossible to continue to work and important branches such as Tunceli and Van virtually do not exist anymore. All of these

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42 Between 1992 and 1994 some 20 journalists were killed, most of them working for pro-Kurdish papers, but at least three of them were killed by the PKK.

43 At the time of writing the main branch of the HRA in the area, the one in Diyarbakir has been “closed“ for more than two years.

branches as well as the Urfa branch of Mazlumder, which was “closed“ at the beginning of 1999, used to carry out fact-finding mission to the area and come up with excellent reports.

107. Yet, most of the reports would concentrate on human rights abuses by the State. Some of these events had previously been addressed as having been committed by the “terrorists“. <sup>44</sup> Real abuses by the PKK would not need much research, since usually the organization would readily admit what had been done (by for instance saying that the person killed was not a journalist, but a “spy“ etc.). Maybe that at this point a chance was missed, because research and reports on human rights abuses by the PKK (even if it did not need fact-finding missions) might have created an impression of more impartiality.
108. In answer to another supplementary question I would say that as far as the PKK is concerned criticism by members of other ethnic groups is rather welcomed (but not always followed), while people of Kurdish origin should not dare to do so. One should keep in mind that almost all people killed by the PKK (apart from Turkish soldiers and the teachers) were of Kurdish origin.
109. My answer to yet another supplementary would be that the human rights activists in Turkey would very much like an international body such as the UN to establish a permanent monitoring scheme for the “Kurdish area“. The usual complaint in Turkey is that other areas in the world with a similar conflict (ex-Yugoslavia for instance) get all kinds of international attention (up to direct intervention) while the situation in the “Kurdish areas“ of Turkey hardly find an echo in international fora.
110. This argument does not advocate measures on mere humanitarian grounds. The situation in Northern Iraq may be best to illustrate that. Following the Gulf War many humanitarian organizations came to the region in order to help the local (Kurdish) population to rebuild their homes and work places. Some of them have been the source of information on abuses in the area, but they have not been able to contribute to stopping abuses by armed groups, one of them being the PKK.

## **CIRCUMSTANCES OF SUCCESS**

111. Looking at the example “Turkey“ and the organization that is fighting a war against its security forces, the PKK, one might believe that the moral appeals by national and international NGOs were quite successful. The PKK “corrected“ the attitude of “wiping out whole families“ of village guards, they more or less stopped to kill Turkish teachers and attack civilians (in the eyes of the organization “traitors“ or “agents“). Already in January 1995 the organization announced that they would stick to the Geneva Convention.
112. Yet, it seems impossible to say that the PKK “ceased abusive practices“ as the supplementary questions seem to qualify “success“. Furthermore, the change of attitude can only partly be seen as a success of national and international campaigning. The most concrete results can be seen in specific cases. Not only urgent action/s of AI were successful (by for instance having three teachers set free), but also call/s from the HRA were successful (in for instance getting two journalists liberated). In a joint effort, the HRA, Mazlumder and a deputy from a “religious“ party were able to get six soldiers being handed over to them.

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<sup>44</sup> One of the latest research missions was carried out in 1996, when 11 village guards had been killed in a minibus. The delegation concluded that the killings could not be attributed to the PKK and filed an official complaint against the security forces. This in turn, lead to a court case against the complainants (one of them the President of the HRA in Istanbul).

## Stop to “wipe out“ whole families (“ocak söndürme“)

113. But let's take a closer look at the circumstances of when and why the PKK “corrected“ certain inhumane attitudes. According to İsmet İsmet the “bloodiest phase“ in the “war“ of the PKK was between January 1987 and November 1989. At the beginning of 1990 the leader Abdullah Öcalan disclaimed responsibility for the attacks on villages and announced that “some elements transformed to agents“ had launched the campaign of “wiping out whole families“. This is, of course, not true. As İsmet İsmet points out even written orders existed, e.g. of how to gain control over villages.
114. But instead of increasing support for the guerrillas the effect of killing women and children was that the PKK rapidly lost sympathy in the area. It is beyond my knowledge how this “message“ was conveyed to the headquarters of the organization in Syria. It is, however possible that (leading) members of the HRA in the area <sup>45</sup> transmitted such a message, that presumably was the main reason to abandon that practice. <sup>46</sup> The PKK did not stop to target village guards, but used a more flexible approach after 1990. From time to time they would announce an amnesty to those village guards, that would lay down their arms in a certain time span. I cannot say that this attempt was very successful for (re)gaining support in the area, since only very few people actually followed the call of the PKK. The local population only had the choice of refusing to take up arms or become village guards. In the first instance they would be seen as “sympathizers of the PKK“ and were likely to be forced to leave their villages. In the second instance, they would be seen as “enemies of the PKK“ and were likely to be targeted by them.

## End of killing teachers

115. The killings of civilians by the PKK is continuing until today. Maybe that the number of incidents such as road blocks, when the PKK stops vehicles and kills anybody without obvious sympathy for the organization has gone down. But even in the balance sheet for just one month (May 1999) the ARGK announced to have punished 3 “agents“ (that could be members of the organization, but most likely are unarmed civilians, suspected of having forwarded vital information to the Turkish authorities).
116. However, the killing of teachers seems to have stopped after 1995. It may be the “irony“ of history that the full-scale campaigning of the Turkish media against the “habit“ of the PKK only started after that. <sup>47</sup> Therefore, it does not seem to be likely that the PKK changed its attitude because of public criticism. Internal criticism did not really exist, but on this specific point the PKK might have become aware of growing criticism of Turkish organizations and individuals who usually would be sympathetic to their course. <sup>48</sup> In any case, the killings were rather senseless, because they only served to close down schools and keep the children in the region

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45 At the time Hatip Dicle was the President of the Diyarbakir branch of the HRA. He later became a deputy for the pro-Kurdish Democracy Party (DEP) and as such was put on trial and, together with three colleagues, was sentenced to 15 years' imprisonment, which he is still serving in Ankara. On trial himself Abdullah Öcalan mentioned direct contacts to Hatip Dicle, who originally did not share the views of the PKK.

46 I should at least mention a thesis by the dissident Selim Cürükkaya, although it appears to me to be “a little over the top“. He claims that Abdullah Öcalan was guided by Syria, more or less a “puppet on a string“. Syria, like all other States in the region with a Kurdish population, does not want the Kurds to get their rights. Not only that it suppresses the Kurds within its own territory, it used the PKK to suppress the fight for freedom in Turkey. On suggestions by Syria (the secret services that were in close contact to Abdullah Öcalan) the PKK used methods that made it easy to call the PKK a “terrorist“ organization, first in the own country and later abroad (attacks on Turkish institutions in Germany, see below).

47 Presumably the killings of 7 teachers in 1996 was carried out by so-called “counter-guerilla“ forces.

48 Some of the teachers killed (like Bektas Avci) could be called progressive, i.e. had links to trade unions or even radical “left-wing“ organizations.

without any education, because the PKK never became active in the area of education, apart from training guerrillas.

117. At this point I should also mention the fight of the PKK in cities of South and West-Turkey. Due to the rapidly growing Kurdish quarters in towns such as Istanbul, Adana, Mersin and Izmir (as a result of the growing number of internal refugees) the PKK tried to establish a dominant position among the Kurdish population there. The method used, again was spreading fear. As an example, the ERNK spokesperson for an area would announce that the sale of alcohol is forbidden and, if somebody in the Kurdish quarters would not follow this order, the PKK would destroy his property or even kill the person.
118. The Turkish authorities on the other hand, would use any pretext (not only acts of violence, but also peaceful demonstrations) to detain scores of people and interrogate them under torture. In the end, not least because of other tactical mistakes, the PKK “lost“ its support in the big cities of Turkey to a large extent, because the fear against the Turkish authorities became stronger than the fear against the PKK (similar observations are also true for the area under a state of emergency).

### **Signing of the Geneva convention**

119. Since 1993 the leadership of the PKK (and that is/was Abdullah Öcalan alone) has tried to get away from mere military operations and move on to some kind of diplomacy. I could not say who and what might be responsible for such a change. When the PKK for the first time announced a unilateral cease-fire in March 1993 there seemed to be a real chance for a solution. Turkey, at the time represented by State President Turgut Özal, who once said that his grandmother was half-Kurdish, seemed to be ready for certain reforms including cultural rights, i.e. Kurdish TV and radio stations. Only hours before a draft on some kind of an amnesty (for the PKK militants) was to be announced in May 1993 (but instantly withdrawn) the PKK stopped a bus with young cadets of the Turkish army and killed 33 (armed or unarmed) soldiers.
120. Today, Abdullah Öcalan, claims that the “second man“ of the PKK, Semdin Sakik, was responsible, while Semdin Sakik claims, that the orders “to take revenge“ came from the very top. Just from this example (there are more of that kind, like the sudden change of mind, when it came to the release of the soldiers) it is difficult, if not impossible to see the logic behind the behaviour of the PKK. At least, one should say that the indisputable leader of the PKK never was really consequent. In that sense, the letter sent to the ICRC in January 1995 was nothing else, but the possibility to say later “we are committed to humanity, but the Turkish authorities are violating international conventions“.
121. On this background the PKK (unlike other violent groups in Turkey) readily accepted criticism by international NGOs such as AI (see the UA of 8 December 1995 and updates as an example), mainly because Abdullah Öcalan could be “proud“ to be addressed on an international level. The attempt to get “international acceptance“ may be the keyword to the change in the strategy of the PKK. One of the first methods used to this end was the kidnapping of tourists. These actions, however, were more or less restricted to the summer of 1993. <sup>49</sup> I cannot say, why

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49 Özgür Gündem of 22 August 1993 presents an interview with the ERNK spokesman for Europe, Kani Yilmaz. He said that any tourist visiting the area had to ask for permission at their offices first. He welcomed initiatives by the press and human rights circles showing concern for the safety of the tourists saying that they had handed over some people to mediators earlier on. But the issue was being spoiled and, therefore, the organization would in the future only deal with representatives of the States concerned (in those days tourists from France, Germany, Afghanistan etc. had been kidnapped, all of them were released sooner or later, partly on international intervention, H.O.).

this method was abandoned later, but one of the reasons maybe that the Turkish security forces increased their efforts after such events and the groups responsible for the kidnapping encountered heavy losses. In addition, the organization did not gain any sympathy on the national or international level and made no progress in “diplomatic“ terms.

122. To me the question, why the PKK resorted to violence in Europe, has no easy answer, unless one assumes that Abdullah Öcalan is crazy. Until the PKK attacked institutions such as Turkish Airlines and shops and bars owned by Turkish individuals or associations in “revenge“ to the evacuation of Kurdish villages in Turkey the organization had quite a broad support not just among the Kurdish people living in Europe, but also among the local population (in particular in Germany). Certainly the organization was not responsible for all the attacks and maybe even not for the majority of it (besides right-wing German groups, left-wing Turkish groups conducted similar attacks and some individuals burned their own premises to get money from insurance companies), but the image was ruined afterwards and still is.<sup>50</sup> Obviously it only took one visit from German officials to stop such actions immediately.<sup>51</sup> In my mind it was merely the fact that an official from a major “power“ in the world had taken Abdullah Öcalan as a reference did “the trick“ and inhumane practices seized on the spot.
123. As long as Abdullah Öcalan was able to lead the organization the attitude of abiding to international standards or not could have changed any time. Neither the moral calls of national or international NGOs nor public criticism or the “diplomatic“ intervention of high-ranking officials from “respectable“ countries in the world could have had a long-lasting effect on the policy of the PKK. In that sense I somehow share the view of dissident Selim Cürükkaya who says, that Abdullah Öcalan would do anything to become more popular or at least someone who would be talked about.
124. The future depends on many elements that are not easy to predict. At the moment at least the visible part of the organization still seems to be following the leader, although his behaviour in court could easily be taken as a complete surrender to the “enemy“. But will the organization still support the “call for peace“ or even put down arms, as Abdullah Öcalan promised in case he is kept alive? The Turkish side is celebrating “victory“ and the officials show no sign of reacting to Mr Öcalan’s offer for peace. The danger of execution even in a very short time is imminent (although Abdullah Öcalan will get the opportunity to serve the “purpose“, i.e. to demoralise the Kurdish activists, first). Many observers predict that the organization may split into various factions, not just the guerrilla fighters (at the front) versus the “diplomats“ in Europe.
125. Therefore, it cannot be predicted, whether and what kind of abusive practices will continue or what the best ways might be to have an impact on aborting such practices.

### **Other armed groups in Turkey**

126. Although my report should concentrate on the PKK I believe that the possibility of having a positive impact on abusive practices by armed opposition groups is almost as interesting when looking at other organizations who favour the armed struggle.
127. In the AI-report “Turkey: No Security without Rights“ (Index: EUR 44/84/96 of October 1996) not only the PKK but also other armed groups are criticised. On page 68 it says:

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50 Another wave of violent actions followed this year when Abdullah Öcalan was captured and arrested in Turkey.

51 More important than the visit of deputy Heinrich Lummer was the visit of a representative of the German Secret Service (Verfassungsschutz). In our “conversation“ at the end of 1996 Abdullah Öcalan said, that this person had convinced him that such actions were bad and he had ordered the actions to stop.

128. In January 1996 the DHKP-C carried out what they described as a ‘revenge’ killing in retaliation for the beating to death of three prisoners remanded in Ümraniye prison on charges of DHKP-C membership. Several people entered the Istanbul business premises of the industrial conglomerate Sabancı Holdings and killed Özdemir Sabancı, a member of the owning family, Haluk Görgün, a director, and Nilgün Hasef, a secretary. The three victims were not responsible for, or even remotely connected with, the events at Ümraniye prison, but appear to have been selected arbitrarily by the DHKP-C.
129. The report contained other examples of arbitrary killings by the DHKP-C (like the killing of [ex]-members in prison) but the organization reacted strongly only against the paragraph quoted above. In a long statement of 13 October 1996 sent to the newsgroup cl/gruppen/AI the “Infogruppe Hannover“ published a German text claiming that people like Sabancı were responsible for any brutal act in Turkey and human rights abuses would continue as long as such people were alive. About their organization they said that during the 26-years-long struggle the organization had never harmed the people or violated human rights. The pamphlet ended by calling on AI to change that part of the report.<sup>52</sup>
130. I don’t know whether AI reacted officially, but when further killings of this organization happened<sup>53</sup> I decided individually to write a public response to the newsgroup that I signed as “former researcher for AI on Turkey“. I asked the authors of the pamphlet, whether my information was correct and put two questions: 1. How can the killings be justified by someone who generally opposes the death penalty and 2. What kind of court passed the death sentences? I did never get an answer.
131. Positively spoken, I did not receive any threats, but on the negative side the organization did not see the necessity to respond to yet another “public“ criticism. On the other hand one might also suspect that they did not find the right wording for an excuse or justification.
132. However, it appears that things have changed slightly. This may best be illustrated by what Saban Dayanan from the HRA in Istanbul wrote in reply to the leading questions. When in August 1994 two defendants on trial for alleged membership of “Devrimci Sol“<sup>54</sup> were killed in Bayrampasa Prison (Istanbul) allegedly for their “collaboration with the police“ lawyer Ercan Kanar protested as President of the HRA Istanbul branch (who as a lawyer would also defend people of that organization). According to Saban Dayanan more than 500 letters came from prison and some were not only abusive and insulting in tone, but also included threats. Such reactions were very much usual when the HRA started to criticise human rights violations of armed groups.
133. But some changes must have happened, because when during 1999 the HRA Istanbul branch criticised the bombing of a court-house leaving two women injured a person called to say that he wanted to apologise in the name of the organization in question (again DHKP-C). The action had been planned as propaganda and they had chosen late hours, when the courts were all closed. Unfortunately they had forgotten that cleaning personnel might be in the building.
134. I cannot say whether similar effects have been achieved with other organizations such as TIKKO, MLKP, IBDA-C or the Hizbullah group, but this example shows that continuous efforts may have had some effect, if not to the end of generally changing the policy of armed groups, but at least to make them aware of the problems that arise when the victims of their attacks are civilians.

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52 For the full text (in German) of the pamphlet see appendix.

53 In Ankara as well as in Izmir Prison members of the organization that had not confessed to the police were killed, obviously because they did not share the views of the leadership.

54 Revolutionary Left. This organization split and in March 1994 one wing declared to have become a political party under the name of DHKP-C.

## **PART THREE: CONCLUSIONS**

135. All available material, including the comments I received, clearly state that human rights defenders in Turkey and their main organizations (HRA, HRFT, Mazlumder) are equally opposed to human rights violations whether they are committed by officials (acting on behalf or representing the State) or militants of armed political groups. The difficulties that arise when NGOs criticise abusive practice of groups fighting against the existing system are not only threats by the groups involved, but also allegations that they might support the cause of such organizations by, for instance, visiting their camps. The Turkish media as well as the authorities have largely ignored the carefully worded criticism of violent actions by illegal groups and thus made it even more difficult to influence the behaviour of such groups.
136. Still, Turkey seems to be a good example if one wants to see success in the attempt to change the attitude of groups who favour the “armed struggle“. Threats against the HRA and Mazlumder (by the groups addressed) seem to have stopped and at least in one case, a representative of an illegal organization apologised for an action that resulted in injuries of civilians. The PKK appears to have willingly accepted the criticism of national, but particularly international NGOs on inhuman practice. This organization has also declared that it will abide to the Geneva Convention. Yet, the practice does not confirm a general change of policy and since their leader is now imprisoned, expected to be executed, the future of this group cannot be predicted.
137. Instead of an executive summary I would like to formulate some arguments on the situation in Turkey that may, if similar tendencies were discovered elsewhere, serve as an opening for discussion later:

### **Thesis 1:**

138. Since a number of sympathizers (or even members) of organizations that resort to violence against unarmed civilians, own members and State officials (outside direct combat) are also members of human rights organizations the discussion on holding armed political groups accountable for rights violations has become part of the political discussion in such groups. It appears that the discussion has had a positive effect (at least on some groups).

### **Thesis 2:**

139. National and international NGOs that predominantly raise their voice against abuses by State officials, thus taking the side of the victim, are frequently accused of supporting the political ideas of the victim. Since many of the victims are alleged members of so-called “terrorist groups“ these NGOs are suspected of not seriously objecting to inhumane practices of organizations that resort to violence.

### **Thesis 3:**

140. In situations of direct combat (full-scale, guerrilla or other types of war) it is often very difficult or impossible to gather the necessary information on who is responsible for human rights violations. Even figures can mostly only be an estimate and the criticism of inhumane practice by the State or other parties involved can only be of a general nature.

**Thesis 4:**

141. The wish of national (but mainly international) acceptance and hope for diplomatic support can become the main motive for a change of attitude. In such a situation moral appeals by NGOs seem to have a great chance of being “heard“. Yet, the example of the PKK also shows that this does not necessarily stop abusive practice, since the logic of acquiring a position for negotiation is usually “showing military strength“.

**Thesis 5:**

142. A well-structured organization might make it easier to be effective (if criticism is accepted), but if the organization is ruled by just one person, that does not show consequence (logic, reason etc.) long-lasting effects are not likely to be achieved. As far as smaller groups are concerned that are not able to conduct a “full-scale war“ NGOs have the difficulty in finding the right address for holding such groups accountable.

**Thesis 6:**

143. The problem of the correct terminology seems to be a major obstacle to create awareness to the problem in the media and in official circles (at least in Turkey). The Turkish authorities are the major obstacle for NGOs to be more effective by demanding the usage of emotional terms such as “terrorists“.

## APPENDICES

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