

TURKEY

FORCED DISPLACEMENT OF ETHNIC KURDS FROM SOUTHEASTERN TURKEY

SUMMARY	3
RECOMMENDATIONS	5
BACKGROUND	7
VIOLATIONS BY THE TURKISH GOVERNMENT RELATING TO THE DISPLACEMENT OF CIVILIANS FROM SOUTHEASTERN TURKEY	10
Displacement For Refusal To Join The Village Guard System	11
Displacement As A Result Of Military Action	17
Displacement As Retaliation For PKK Attacks	20
OVERVIEW OF PKK ABUSES	21
U.S. POLICY	24
APPENDIX	25
The Village Guard System ("Koruculuk")	25
Special Teams ("Özel tim")	26

SUMMARY

August 1994 marked the tenth anniversary of the bloody conflict in largely Kurdish southeast Turkey between the Turkish government and the separatist Kurdistan Worker's Party guerrilla movement ("Partia Karkaren Kurdistan,"PKK).¹ What began in 1984 with isolated PKK attacks in rural southeastern Turkey has grown into a conflict that has consumed an estimated 13,000 lives, with over half the losses coming in the past year or so.² Both Turkish security forces and PKK fighters are guilty of human rights abuse. Security forces operating in the southeast often make little distinction between civilians and PKK members, and the PKK has continued its practice of brutally punishing any cooperation with state authorities.

Since 1993, civilian displacement from southeastern Turkey has become a widespread phenomenon because of increased fighting by both the PKK and government security forces. After coming to power in mid-1993, Prime Minister Tansu Çiller's government declared that it would defeat the PKK militarily, while the PKK vowed to increase its operations and recruit even more fighters.³ In an effort to deprive the PKK of its logistic base of support, security forces forcibly evict villagers from their villages and sometimes destroy their homes. Torture and arbitrary detention often accompany such evictions. Security forces especially target those villagers who refuse to enter the village guard system or those that give food or shelter to PKK fighters, or are suspected of doing so. Commenting on the state's military strategy against the PKK, former Turkish Chief of Staff Doğan Gures stated that, "We have changed the concept. We are now implementing area domination. There is no advancing on terrorists...We now apply 'let them stay without logistic support — go hungry and surrender strategy.'"⁴

Such displacement reached a high point in a three-week operation in Tunceli province that began in late September 1994. As 40,000 Turkish troops combed the province in pursuit of the PKK, these forces reportedly burned thirty villages and hamlets. Deputy Prime Minister Murat Karayalçin (SHP) and Human Rights Minister Azimet Köylüoğlu visited the region. Köylüoğlu called the burnings and displacements "state terrorism," adding that, "Security forces should avoid the psychology of burning and destroying while in their relentless fight against terrorism. The evacuated villagers must be given food and shelter... We can't even give them Red Crescent tents."⁵

¹ The term guerrilla is used here and throughout the report in its English meaning to denote a style of combat. It is not meant to signify any connection with the Turkish "gerilla", a positive term that usually signifies sympathy or support of the PKK. In this report the term "PKK fighter" or "PKK member" will be used, a rough equivalent of the neutral Turkish term "PKK'li".

²In the traditional speech to parliament on the day of its opening, Turkish president Demirel gave the following figures for those killed in the conflict: 2,682 members of security forces; 3,299 civilians; 6,790 PKK members. See "Demirel Says Turkey Will Not Condone Efforts to Destroy It," *Turkish Daily News*, Ankara, February 2, 1994, p. 1.

³In Turkish, the letter ç is pronounced as 'ch' in check; ş as 'sh' in shoe; c as 'j' in jet; ö and ü as they would be in German; and ğ, 'soft g' ("yumuşak g") as an elongation of the preceding vowel

⁴"Turkish Forces Change Tactics Against Kurd Rebels," Reuters, July 30, 1994. (Doğan Gureş retired in August 1994.)

⁵"Minister accuses Turkey of 'state terrorism,'" Reuters, October 11, 1994; "Staatsterror im Südosten der Türkei," *Frankfurter Allgemeine Zeitung*, October 12, 1994, p. 4.

Until last week, there were no exact, official figures available relating to the number of displaced persons and forcibly evacuated villages. Fully or partly depopulated villages and hamlets were estimated to run as many as 1,000. While some limited out-migration was economically motivated, the majority seems forced. Estimates of the number of displaced civilians in southeast Turkey run as high as two million.⁶ On October 11, 1994, Human Rights Minister Köylüoğlu stated that two million had been displaced during the ten years of the conflict and that 600 villagers ("köy") and 790 hamlets ("mezra") had been evacuated.⁷ More than half of these have occurred since the beginning of 1993. According to the Istanbul section of the Turkish Human Rights Association, 108 villages and hamlets were depopulated between May 9 and July 10, 1994.

The PKK on the other hand, attacks those villages that join the village guard system, often killing whole families along with village guards, as well as punishing anyone who cooperates with the state. During its August 1994 mission to Turkey, Human Rights Watch/Helsinki intended to investigate such PKK violence through direct interviews with victims and asked the Turkish government to allow unhindered access. While the Foreign Ministry responded favorably, for unexplained reasons the Emergency Rule Governor's Office in Diyarbakir did not allow such meetings. Human Rights Watch/Helsinki remains committed to reporting on PKK violations first hand and has restated its request to the Turkish government.

The information in this report, unless otherwise attributed, comes from interviews conducted in Turkey between August 24 and September 4 in one of the following cities: Antalya, Adana, Mersin, Diyarbakir, Ankara, Istanbul. Interviews were conducted in both Turkish and Kurdish, as many of those interviewed could not speak Turkish. All interviewees asked not to be identified, and consequently all names are pseudonyms.

⁶Until State Minister Köylüoğlu's statement, there were no official figures for the number of emptied villages and displaced. On February 9, 1994, the respected English-language *Turkish Daily News* published a list of 874 villages emptied of their population by security forces. The paper bases this figure on statements made by government officials. In the *1993 Turkey Human Rights Report* of the Human Rights Foundation of Turkey, 923 villages and hamlets in the Emergency Rule Region were listed as evacuated between 1990 and 1993. Half of these depopulations occurred during 1993. A geographic breakdown by province of some of the 923 villages and hamlets is as follows: Diyarbakir, 121; Şirnak, 117; Hakkari, 108; Siirt, 83; Mardin, 68; Batman, 29; Bitlis, 28; Van, 36; Bingöl, 9; Muş, 7; Erzurum, 2.

The figure of two million displaced comes from Akin Birdal, Chairman of the Turkish Human Rights Association (Insan Haklari Derniği). His organization bases this figure on population data from census reports. In an August 1994 interview with HRW/Helsinki, he claimed that the number of depopulated villages had risen to more than 1200. Recently, the Turkish State Minister for Human Rights repeated this figure.

In Turkish, the next smallest administrative unit after a village ("köy") is a hamlet ("mezra"), which is administratively part of the village. A "mezra" may often amount to no more than six or seven houses.

⁷Jonathon Lyons, "Tunceli Refugees Flee Turkish Security Sweep," Reuters, October 12, 1994; Reuters October 11, 1994, *Ibid.*

RECOMMENDATIONS

Human Rights Watch/Helsinki makes the following recommendations:

To the Government of Turkey

- Cease indiscriminate practice of the forcible expulsion of villagers from their homes and communities, especially for refusal to enter the village guard system.
- Abide by international human rights law in the conduct of military operations in southeastern Turkey, especially in special emergency rule "OHAL" (Olağanüstü Hal Bölgesi) provinces.
- Punish members of security forces responsible for the killing, abuse, and humiliation of civilians.
- Create an independent commission to investigate the depopulation of villages and hamlets ("mezra") in southeastern Turkey, especially in "OHAL" provinces. Publish an official list of evacuated villages and the reasons for their evacuation. Publish official statistics on the number of those displaced, their places of origin and current places of residence.
- Abolish the village guard system.
- Disband Special Teams ("Özel tim").
- Pay indemnity to all those displaced. Create an aid commission to provide the displaced with necessary assistance, including shelter, food, and health care.
- Allow the International Committee of the Red Cross to visit those detained in connection with the conflict in southeastern Turkey, especially in "OHAL" provinces.
- Allow internationally recognized human rights groups, including Human Rights Watch/Helsinki, free access to "OHAL" provinces to investigate reports of abuse by all sides.

To the PKK⁸

- End abuse against civilians.
- Cease punitive attacks against village guard families and relatives.
- Cease all summary executions; especially state civil servants, unarmed village guards, "state supporters", village headmen, and "denouncers."
- Cease campaigns to assassinate civilians associated with the state.
- Cease immediately the killing of teachers and attacks on the educational system.
- Cease the destruction of civilian property.

⁸ These recommendations in no way give any status to the PKK. The Turkish government has the right to try PKK members for any offense committed in violation of Turkish criminal law, in accordance with due process.

To the Government of the United States

- End all military and security aid to Turkey until such time as Turkey no longer manifests a consistent pattern of gross human rights violations or state clearly, as required by section 502 B of the Foreign Assistance Act, what extraordinary circumstances warrant provision of military and security assistance to Turkey in light of its consistent pattern of gross violations of human rights.
- Urge the Turkish government to allow the ICRC, humanitarian aid groups, accredited press, and internationally recognized human rights groups unhindered access to southeastern Turkey.
- Condemn the human rights abuses detailed in this report and use the best efforts to persuade the government of Turkey to put into practice Human Rights Watch/Helsinki's recommendations.
- Monitor and publicly report on the use of weapons and security equipment delivered to Turkey under various United States assistance programs and commercial sales, such as the practice of "cascading" under the Conventional Forces in Europe Treaty, and report on the human rights practices of the Turkish units employing this equipment.

To the Government of the Federal Republic of Germany

- Continue to verify that German weapons and security equipment — especially those transferred to Turkey from NVA stocks — are not used to commit human rights abuses in southeastern Turkey.⁹

To the European Union and its member states

- Within the framework of the EU as well as in the framework of the Council of Europe and the CSCE, condemn publicly human rights abuses committed by both PKK and security forces of the Turkish government.
- Urge the Turkish government to implement the recommendations outlined in this report.

BACKGROUND

⁹According to *Sueddeutsche Zeitung* (April 1, 1994), since 1990 the Federal Republic of Germany has delivered to Turkey armaments worth more than DM one billion.

Armaments include 240 Leopard tanks and 13 F-4 Phantom fighters from BRD (West German) stocks and 300 armored personnel carriers with 60 million rounds of ammunition, 256,000 AK-47 assault rifles with 100 million rounds of ammunition, 5,000 light and heavy machine guns, and 100,000 hand-held anti-tank weapons from NVA (East German) stocks.

The German government briefly stopped armed shipments to Turkey in the spring of 1994 after German human rights groups alleged that armored personnel carriers supplied by Germany from NVA stocks were used to quell internal disturbances.

The German Foreign Ministry announced that it had investigated these charges, declared that the armored personnel carriers in question were the same make but of Russian manufacture, and resumed shipments. As of this writing, all surplus German weapons intended for Turkey have been delivered.

In November 1991, then Prime Minister (now President) Suleyman Demirel stated that the Turkish State had recognized "the Kurdish reality."¹⁰ In the election campaign prior to the October 1991 General elections, Demirel's True Path Party ("Doğru Yol Partisi,"DYP) criticized the ruling Motherland Party ("Anavatan Partisi"-ANAP) for "wrongly diagnosing the problem" in the southeast and for creating a "near war" in its fight against the PKK.¹¹ 1991 marked the seventh year of the PKK's violent and bloody campaign for an independent state in Turkey's largely Kurdish southeast.¹²

Demirel vowed to address legitimate demands for greater cultural freedom by Turkey's estimated twelve million Kurds, roughly twenty percent of the population. Until recently, even a Kurdish identity was denied, and it was forbidden to speak Kurdish in public — Kurds were referred to as "Mountain Turks".¹³ Demirel appointed a Kurd, Mehmet Kahraman, as Turkey's first human rights minister and promised to end the village guard system ("koruculuk") in southeastern Turkey.¹⁴ Many hoped that with his junior coalition partner, the center-left Social Democratic Populist Party (Soysal Demokrat Halkçi Parti), Demirel would build on the steps Turgut Özal had taken as Prime Minister in addressing legitimate Kurdish demands.

¹⁰Murat Yetkin, "How many Realities are there in Turkey," *Turkish Probe*, March 30, 1993, p. 2.

¹¹*Ibid.*

¹²In the past year or so, the PKK has reportedly renounced its goal of an independent state.

¹³Until 1989, when it was repealed, the law banning the use of Kurdish in public did not even mention the word Kurdish. Law 2932, passed in 1982, was called, "The Law About the Use of Languages other than Turkish" ("Turkceden baska dillerin kullanilmasi hakkinda kanun.")

It is important to note, however, that discrimination of Kurds in Turkey was always based on the expression of ethnic identity, not on the mere fact of that identity. A Kurd who self-identified as a Turk and spoke Turkish would face no discrimination based on his ethnic heritage. The late Turkish President Özal was of Kurdish heritage, as well as the previous Turkish Foreign Minister Hikmet Çetin. At present, excluding the banned DEP deputies, roughly sixty Turkish parliamentarians are of Kurdish origin.

¹⁴Jeri Laber, "The Hidden War in Turkey," *The New York Review of Books*, June 23, 1994, p. 47.

Kahraman (SHP) resigned from his post in June 1994, basing his decision on the fact that, "In view of the negative attitude shown by our coalition partner, DYP, towards my human rights ministry proposal...it was impossible to establish the ministry and make it operational (Ankara TRT TV, June 25, 1994)." DYP, the True Path Party, was President Demirel's party before he become President and Tansu Çiller, also of DYP, replaced him as Prime Minister. It rules in a coalition with SHP, the Social Democratic Populist Party.

The village guard system was instituted in late 1985 in an attempt to organize villagers to defend themselves against the PKK. Villagers are given weapons and paid. The system has been harshly criticized and connected with abuse. For a greater explanation of the village guard system, see appendix.

Instead three years later, the conflict between the PKK and the Turkish government has reached new levels of violence, with indiscriminate killings and other serious human rights abuses committed by both sides.¹⁵ Villages and hamlets have been fully or partly depopulated because of the fighting and estimates of displaced people run as high as two million.¹⁶ For the first time in the history of the conflict, Turkish Kurds, some 12-14,000, have reportedly fled to Northern Iraq to escape pressure by security forces. Plans for reform have long ago been put on hold, and Kurdish parliamentarians have become suspects.¹⁷ Ten of the area's provinces remain under a July 1987 state of emergency decree, ruled from Diyarbakir by Mr. Unal Erkan, the present Emergency Rule Governor.¹⁸ The financial cost of the conflict is also high. In 1993, the Turkish government spent an estimated seven billion dollars in its fight against the PKK; State Minister Ali Sevki Ereke estimated that Turkey would surpass that figure this year, expending an estimated 8.2 billion dollars, roughly twenty percent of Turkey's 41 billion dollar 1994 projected budget.¹⁹

¹⁵Former Turkish Foreign Minister Hikmet Çetin sent a July 1994 memorandum to the justice and interior ministers that stated that, "The judicial organs must carefully investigate the incidents that occur during the struggle against terrorism. Meanwhile, the authorities who violate the law must be penalized." See Saygi Öztürk, "A Memorandum from Çetin to Two Ministers," *Hurriyet*, July 17, 1994, in FBIS-WEU-94-140, July 21, 1994.

¹⁶See footnote 3.

¹⁷In March 1994, several parliamentarians from the pro-Kurdish Democracy Party (DEP) were stripped of their parliamentary immunity, arrested, and charged with separatism under Article 125 of Turkey's Penal Code. Later that year the party was banned outright, and its remaining deputies lost their immunity. Some fled Turkey. The trial of six of the deputies is presently being held in the Ankara State Security Court (DGM). Recently, it was reported that the Turkish government would allow these deputies to run in the December 4, 1994 by-elections.

¹⁸The Turkish parliament regularly votes on the extension of the state of emergency in southeastern Turkey. On June 7, 1994, the Turkish Parliament agreed to extend emergency rule from July 19, 1994, for another four months.

According to the Turkish Embassy in Washington, the following provinces are presently under emergency rule decree: Mardin, Şirnak, Hakkari, Van, Bitlis, Siirt, Batman, Diyarbakir, Bingöl, and Adiyaman.

¹⁹"Turkey to spend 8.2 Billion Fighting Rebel Kurds," *Reuters*, January 19, 1994. Some estimates credit the conflict for creating about 35 percent of Turkey's 100 percent inflation rate.

The military scale of the conflict has also drastically expanded, moving beyond the isolated, mountainous corners of southeastern Turkey. The "near war" that then candidate Demirel criticized in 1991 has reached a scale unseen earlier. Turkey's western-equipped NATO army, originally outfitted to protect NATO's southern flank against possible Soviet invasion, now chases PKK fighters. Some 315,000 Turkish security forces battle an estimated 5-20,000 PKK fighters.²⁰ The number of village guards ("korucu"), peasants recruited and armed to fight the PKK, has risen to 45,000. Sorties of thirty F-16 fighter bombers conduct raids against PKK camps both in Turkey and Northern Iraq. In October 1994 five thousand Turkish mountain commandos and 35,000 other troops supported by heavy mortars and helicopter gunships conducted a large-scale operation in the north of Tunceli province — just on the periphery of central Anatolia — against a major PKK commander and his unit.²¹ PKK bombs explode in Istanbul and in major tourist areas in an attempt to put a choke-hold on Turkey's tourism revenue.

After the death of then President Turgut Özal in April 1993 and Suleyman Demirel's nomination as President, the new Prime Minister of the DYP-SHP coalition Tansu Çiller gave the National Security Council (MGK-Milli Güvenlik Kurumu) and then Chief of the General Staff Doğan Gureş a free hand to pursue a military solution to the conflict in the southeast.²² In April 1994 Prime Minister Çiller stated that the "coming days will be a turning point in the fight against terrorism...."²³ One commentator noted that, "In fact, it (the Çiller administration) has given full control over the Kurdish issue to the military and is only waiting to see what will happen and whether the army can actually keep its promise."²⁴ In March 1994, Hasan Cemal, a correspondent for *Sabah*, a popular Turkish daily, was present at a dinner in Diyarbakir of top security officials, including Emergency Rule Governor Unal Erkan, the commander of the Seventh Army Corp, and the Gendarmerie ("Jandarma") Law and Order Commander. Cemal reported that one of the officials

²⁰In early 1994, the Turkish government decided to extend terms of conscription. In light of a shortfall of 50,000 men, conscripts originally scheduled for discharge in January 1994 would serve an additional three months, reserve officers four. "Turkey Extends Conscripts Time in Army," Reuters, January 7, 1994. In October 1993 the PKK announced plans to recruit another 20,000 fighters. ". . .the PKK Also Sets Down Plans," *Turkish Probe*, Ankara, December 9, 1993, pp. 10-12.

There are no set figures for the number of PKK fighters. The Turkish government tends to underestimate, the PKK overestimate. As of November 1993, official Turkish government figures calculated the PKK's strength as follows: active fighters, 7-10,000; militia, 50,000; sympathizers, 375,000. See Ismet G. Imset, "Fighting Separatist Terrorism," *Turkish Probe*, November 4, 1993, p. 6. Militia are PKK members in cities or villages that, while not full-time fighters, will carry out military actions or other duties from time to time.

In a recent statement, Defense Minister Mehmet Gölhan stated that 220,000 soldiers, 50,000 special forces, and 45,000 village guards were on duty in southeastern Turkey. See, "Turkish Army in Furious Drive for Kurdish Redoubt," Reuters, September 25, 1994.

²¹"Turkish Military Masses Against Rebel Stronghold," Reuters, September 23, 1994; "Turkish Army Torches 17 Villages Residents Say," Reuters, October 5, 1994. Tunceli province, earlier called Dersim, a name still used by PKK members and Kurdish nationalists, was the scene of a Kurdish rebellion from 1936-38.

²²Presently an estimated five million people live in southeastern Turkey, about 85 percent of them Kurds. Estimates of Turkey's Kurdish population run from 12-15 million.

²³Ankara TRT Television, April 19, 1994, ²³in FBIS-WEU-94-077, April 21, 1994, p. 70.

²⁴Ismet G. Imset, "The Kurdish Scene: Entering a Hot — a Very Hot — Winter," *The Turkish Probe*, October 5, 1993, p. 4.

commented that, "Çiller has grasped the situation. She saw how the security forces could be given the boost to morale that they needed. And this has been accomplished."²⁵ In May 1994, Prime Minister Çiller stated that, "As long as terrorism is the biggest problem of the country, the fight against terrorism will rank at the top of the agenda."²⁶ In late spring 1994, Prime Minister Çiller argued for extending General Gureş' tenure as Chief of the General Staff despite the fact that his stay had already been extended before: "In the interests of the country I may consider it necessary to retain in its present makeup, a command council that has been successful in its duties."²⁷

²⁵Hasan Cemal, "What Does 'The State' Think in Diyarbakir," *Sabah*, March 23, 1994 in FBIS-WEU-94-060, March 29, 1994, p. 55.

²⁶Ankara Anatolia, May 17, 1994, in FBIS-WEU-94-096, May 18, 1994, p. 37.

²⁷"Turkey's Çiller and Demirel Clash over Top General," Reuters, May 6, 1994.

In the face of strong opposition, especially from President Demirel, Çiller did not extend Gureş' tenure as Chief of the General Staff, and he retired in August 1994. General Ismail Hakki Karadayi currently holds the post of Chief of the General Staff.

VIOLATIONS BY THE TURKISH GOVERNMENT RELATING TO THE DISPLACEMENT OF CIVILIANS FROM SOUTHEASTERN TURKEY

According to our research, the vast majority of those displaced in southeastern Turkey is largely the result of actions by Turkish security forces. Forced displacement usually come as collective punishment for refusal to join the village guard system or for supporting the PKK, usually for giving food and a place to sleep ("yardim ve yataklik"), or for suspicion of committing such acts.

Security forces exert pressure on villagers —at times including torture and detention — to force them to join the village guard system. The PKK exerts its own pressure, threatening to kill any villager and his family for becoming a village guard. Often part of a village joins the village guard system and then proceeds to force out those villagers who did not join.

Sometimes a village will be depopulated as retaliation for a PKK attack on military forces. After the village is depopulated, security forces often burn and destroy the houses.

Displaced villagers, many of whom are not allowed to take their belongings with them, flee to larger southeastern Turkish cities or to Diyarbakir, largest city in the southeast, or to cities in western Turkey, chiefly Istanbul, Mersin, Adana, and Antalya. There they live in extreme poverty, working as day laborers in construction or as vendors. Diyarbakir, which had a population of 300,000, now is home to an estimated 900,000. In an August 1994 article, the *Turkish Daily News* reported that the population of Adana had grown from 900,000 to 1.5 million and that of Mersin from 550,000 to about a million.²⁸ According to a police official in Adana, roughly forty to fifty trucks full of displaced arrive in the city every morning.²⁹ Dr. Ekrem Bilek, the former mayor of Siirt (1989-1994), stated that the population of his city grew from 70,000 when he took office to around 130,000 when he left.³⁰ According to Bilek, ninety percent of that growth occurred in the last year of his tenure.

²⁸Sinan Yilmaz, "Adana and Mersin turn into ticking time bombs," *Turkish Daily News*, August 23, 1994, p. 2.

²⁹*Ibid.*

³⁰Interview, April 1994, New York.
Human Rights Watch/Helsinki

The Turkish government considers all PKK fighters to be terrorists and has not acknowledged the application of international humanitarian law to regulate the conflict. Article 3 common to the Geneva Conventions, however, sets basic legal rules for the conduct of hostilities in an internal conflict, and given the nature and extent of military activities on both sides in southeast Turkey, clearly applies.³¹ Application of these rules in no way confers any special status on a force such as the PKK, and the Turkish Government has the right to prosecute any PKK members who commit criminal offenses under Turkish law.

Although Common Article 3 is silent concerning civilian displacement, Protocol II of 1977 to the 1949 Geneva Conventions may be referred to for authoritative guidance. Article 17 of Protocol II states that,

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of civilians involved or imperative military reasons so demand.

"Imperative military reasons" require "the most meticulous assessment of the circumstances"³² because such reasons are capable of abuse. One authority has stated that,

Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group.³³

Article 17 of Protocol II also requires that,

Should displacement have to be carried out, all possible measures shall be taken in order that the civilian population may be received under the satisfactory conditions of shelter, hygiene, health safety, and nutrition.

Displacement in southeast Turkey violates both criteria of Article 17, Protocol II.

Displacement For Refusal To Join The Village Guard System

³¹Article 3, common to the four Geneva Conventions of 1949, provides that, "Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* . . . shall in all circumstances be treated humanely. . ."

It also prohibits "(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

Common Article 3 also calls for the proper treatment and care of wounded.

Turkey ratified the four Geneva Conventions in 1954.

³²Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, (Geneva: 1987).

The village of Nurettin, Malazgirt district of Muş province, provides a clear example of the use of the village guard system by the state to displace those who refuse to join. Before November 27, 1993, Nurettin has about three hundred houses with approximately 2,000 inhabitants. On November 27, 1993, security forces burnt approximately 20 houses of alleged PKK sympathizers. After the March 27, 1994, local elections, about one third of the villagers from one "aşiret" or tribe,³⁴ the "Burukans," became village guards and, with the approval of the local security forces, proceeded to force out all those who did not join. By late August 1994 most "non-Burukans" in Nurettin had been forced out, their possessions often stolen, their homes burned and destroyed.

Aslan,³⁵ in his late forties, had lived in Nurettin all his life and served as a deputy from the now banned Kurdish Democracy Party ("Demokrasi Partisi," DEP) in the local parliament, ("il meclisi"). He was in Malazgirt at a DEP meeting when the first houses in the village — including his own — were burned on November 27, 1993. According to Aslan, many in Nurettin were sympathetic to the PKK, which brought the village under the close scrutiny of the security forces and increased pressure to join the village guard system:

About half the village would turn out for PKK celebrations. Some of the inhabitants of the village have family members fighting in the PKK, but these people did not come to the village. Two or three armed PKK fighters came to the village about twice a month. They would come, make propaganda, take food, sometimes sleep there.

Twice the PKK came to my house, ate, and left. My house was isolated, near the edge of the village, maybe that's why they came.³⁶ Soldiers would frequently come to the village before it was burned-about two or three times a month.

Soldiers from the Malazgirt Gendarmerie³⁷ Headquarters ("Komutanlığı") would try to force us to become village guards. They said we villagers were pro-PKK, but we said that we were

³⁴In southeastern Turkey some Kurds belong to tribes, others do not. Out-migration and land reform have weakened the tribal system. About 90 percent of all village guards, however, belong to Kurdish tribes.

³⁵In Turkey, one identifies his village, the subprovince or district ("ilçe") to which it belongs, and the province ("il") of the district or subprovince. If one comes from a hamlet ("mezra"), he will name the village ("köy") to which it belongs, then the district or subprovince and province.

³⁶Aslan was arrested for giving the PKK food. On February 1992 the army captured several PKK fighters near his village. One PKK fighter said that Aslan gave him food, which he did not deny. There was a mass arrest of people in surrounding villages (Aynali, Hoca, Dirempinar, and Malazgirt) who were suspected of aiding PKK. The trial was of these people — including Aslan — seventeen all together.

In connection with this February 1992 event, Aslan was detained for long periods of time on four separate occasions: twice in 1992 and twice in 1993, each time for about ten days. Each time the charge was "aiding and abetting the PKK" ("PKK yardım ve yataklık").

Aslan complained of mistreatment in detention. "I was beaten and tortured, the police officers threatened to bring my wife to the prison and rape her in front of me."

³⁷In Turkey, the Gendarmerie ("Jandarma"), under the control of the Ministry of the Interior, serves as the rural police force in areas where there is no local police. In fact, the Gendarmerie is highly militarized and its commander sits on the National Security Council (MGK). Many doubt its subordination to the Ministry of the Interior.

not, that the PKK pressured us to give them food. The soldiers responded, 'Let us give you weapons to protect yourself.' We always refused — if we have weapons the PKK will attack and kill us.

Aslan's three children, Lela (16), Pakize (15), and Zana (13), were in the village on November 27, 1993, when their house and nineteen others were burned. Reportedly, there had been a clash between the PKK and security forces on November 26, 1993, near the village of Görağlı, about six kilometers from Nurettin. Lela and Pakize were at home, Zana was at the village center waiting for a car or dolmuş³⁸ to take him back to Malazgirt, where he was a boarding student at Alpaslan Lisesi.

Lela told HRW/Helsinki that,³⁹

Soldiers came to the village at around 6 a.m. and started to bang on peoples' doors to wake them up. Everyone was told to gather at the mosque in the center of the village. Special team⁴⁰ ("Özel tim") and Gendarme soldiers came. The "Özel tim" had masks on. One of the "Özel tim" with a mask on made a speech: 'The PKK is illegal, the PKK is cheating you. Down with the PKK.' We were beaten somewhat in the village square, mostly with rifle butts. Then they let us go. When we got back to our house it was burning. There was a strange smell. Near our house was a large, red tube. It looked like an aerosol can. The fire started in the center of our house, from the inside. Later we learned that about twenty houses were burned that day. We spent about a month more in the village with neighbors, then our father came and took us away. That was at the end of December 1993.

After that, according to Lela, the soldiers came more frequently and the PKK stopped coming. In the past the PKK had organized meetings.

Zana, Aslan's thirteen-year-old son, who was at the village center, reported being beaten by the "Özel tim" members:

The "Özel tim" members forced us to beat our friends. We beat each other, which amused the "Özel tim" members. I was waiting in the village center when the soldiers came. I wanted to go back to Malazgirt, where I am a student at the Alpaslan Lisesi. The soldiers also swore at us and cursed us. They grabbed us and put our heads into the snow, as if they were going to execute us.

All three children told HRW/Helsinki that on November 27, 1993, the security forces came to the village in trucks and armored personnel carriers, although in the past they had come by helicopter.

In December 1993, Aslan came to Ankara to make an official complaint and request for reimbursement to the Ministry of the Interior. He also made complaints to the chief prosecutor of Malazgirt and to the Human Rights Association. He has to date received no compensation.

³⁸Communal taxi, similar to a small van.

³⁹Interview, Western Turkey, August 1994.

⁴⁰Specially trained police units under the Ministry of Interior formed to fight PKK. See Appendix.

Most of the burnings and displacements in Nurettin occurred after the local elections on March 27, 1994, when the major tribe in the village, the "Burukan," lost the election for "Muhtar" (village head man), a post they traditionally held. (About 100 houses in Nurettin were connected with the "Burukan tribe.") The "Burukans" became village guards after losing the election and, with the approval of local security forces, forced out all non-village-guard families.

Individuals with whom HRW/Helsinki spoke believe that the PKK had some influence in the "Burukan's" losing the election. Shortly after the election two people from the "Burukan" tribe, Hasan Polat and a man called Zekir, were taken from their homes at midnight and assassinated. Most think the PKK committed these murders, though some think "death squads" reportedly linked with security forces did. After these events, the "Burukans" joined the village guard system and were given weapons and radios by security forces. Ahmet Çelik became the head village guard.

Orhan,⁴¹ in his late thirties, was forced out of Nurettin by village guards on August 7, 1994, and thus witnessed the slow emptying of the village. He puts the blame squarely on Ahmet Çelik, the head village guard, and the Gendarme commander in Malazgirt:

Between the November 1993 burning of the first houses and the March 1994 local elections, pressure to join the village guards from the security forces became intense. After the "Burukans" became village guards they forced out and burned about one or two houses a day. Ahmet Çelik has an arrangement with the Gendarme in Malazgirt. He gets to take the harvest of those who leave.

Usually it works like this: the "Burukans" come to you and say you have three or four days to leave the village or they will kill you. They then proceed to loot and burn the house. You can take a few belongings with you, but not much more than that. Ahmet Çelik came to me and gave me a week to leave. I complained to the Gendarme in Malazgirt, to a captain ("Yuzbaşı Osman"), but he told me to go to hell, said all power is in the hands of Çelik.

Orhan moved his family to a western Turkish city where relatives of his have lived for twenty years. He said that when he left only a handful of families not belonging to the "Burukan" tribe remained in the village.

The village of Ormankaya, Hazro district of Diyarbakir, presents another example of intra-village strife, where part of a village joins the village guard system and forces those who do not out of their homes. HRW/Helsinki spoke with Fatima, who lived in Ormankaya, a village of about 230 houses, all her life.⁴² Fatima left her village in January 1994. The village had a school, but for three years no teacher came for fear of the PKK. Presently, the school is used by the village guards.

According to Fatima, five or six years ago men in two families in her village became village guards, but the PKK executed the head of each family, and they dropped out of the system. After the murder of these two individuals, the village guards in the neighboring village Sini, Lice district, Diyarbakir, stopped serving

⁴¹Interview, Western Turkey, August 1994.

⁴²Interview, Western Turkey, August 1994.

as village guards. There were still village guards in the surrounding villages of Zobrin, Şkefta, and Ayndar, all of which had the tribal system. In 1993, however, all the villagers in Sini, which has about 1,000 houses, decided to enter the village guard system again.

The village guards of Sini urged those in Fatima's village of Ormankaya who had served as village guards to reenlist. According to Fatima, these were usually wealthier people in the village. About half the villagers of Ormankaya joined the village guard system, at which time pressure mounted on those who did not join. The PKK stopped visiting the village at that time.

Fatima complained:

We were forced out by village guards from our own village and from Sini. The security forces did not play much of a direct role. The village guards told us, "We are the officials, we are the state. This is state policy." Whom do we have to complain to. We were told: "You become village guards or you leave the village." Most understood what was coming and left the village with all their belongings, but we were one of the late ones. We were warned one last time by the village guards to leave, but this time they wouldn't let us take anything with us. So we left.

Her brother-in-law, an old man around 70, stayed in the village until about mid-August 1994. He told Fatima that some of the houses of the displaced are destroyed, and others are being used by the village guards. Despite his age, the village guards threatened him so he finally left.

Pressure to become village guards by state security forces forced out the villagers from Çiftlibahçe, in Hazro district, Diyarbakir. There were about 200 house in the village, and maybe 2,000 inhabitants. According to three villagers from Çiftlibahçe with whom HRW/Helsinki spoke, the village was rich, with eight of its residents owning cars. The village even had a dolmus. There were no village guards in the village, although there were village guards in the surrounding villages of Sarlerik, Kurmataş, Kavaklıboğaz, and Şikefta. No teacher had come to the village in three years out of fear of the PKK.

Ahmet,⁴³ forty-one years old, was a farmer in Çiftlibahçe. He tells of intense pressure from security forces to join the village guard system.

There was always pressure to become village guards. We weren't allowed to drive along the main road to Hazro, we could only go by a side road which was twice as long.

Soldiers would always come to our village and threaten us to become village guards. If you don't become village guards, we will burn the village, they would threaten.

During the spring of 1993 we had a small taste of this. Soldiers came and destroyed part of the tobacco crop. Plants were about two feet high. They said, we will come back and destroy the rest if you don't become village guards. People who committed a crime were pressured to become village guards in exchange for a reduction in their sentence or none at all.

⁴³Interview, Eastern Turkey, August 1994.

Later that year, in November 1993, security forces came back to the village and burned about one-quarter of the houses and told the rest of the villagers to leave. According to Ahmet,

On November 8, 1993, our village was partially burnt by soldiers, and we were given one week to leave.

At 7 a.m. the soldiers surrounded the villages. They were from the Hazro District Gendarmerie Headquarters.

At 8 a.m. they asked us to leave our houses.

Some of the old men wanted to stay with their houses, but the soldiers said they would burn the houses with the people in them. Soldiers started to shoot at the empty houses, and they began to burn. Completely indiscriminately. After the soldiers left we counted 56 houses that had been burned. The people lost all their belongings. A lieutenant made the following speech, "This is enough for you today. If you don't become village guards we will burn the whole village."

But another officer said we had one week to leave the village or we would all be killed.

According to Ahmet, during the next week everyone in the village left, and all but those whose houses the soldiers burned were able to take their belongings. Most of the people are in Diyarbakir, working in construction or as street vendors.

Ahmet said that one of the villagers, Mehmet Çikaci, was late in leaving his home on November 27, 1993, and was shot by soldiers and detained. He was taken to Diyarbakir for forty days, and is now believed held in Hazro. Çikaci's family has no official information; all they know comes from village guards or from released prisoners.

All three villagers from Çiftlibahçe with whom HRW/Helsinki spoke — two of whom served in the Turkish Army — identified pictures of the American-made M-113 armored personnel carrier and Soviet-model BTR-80 and BTR-60 armored personnel carriers.⁴⁴ They also said security forces often came to the village by helicopter.

Another villager from Çiftlibahçe, Ayşe,⁴⁵ forty-five, told HRW/Helsinki, "The security forces told us — 'Either you become village guards or you leave the village.' We expected that we would be forced out. We made preparations to leave. In the last week before the village was burned soldiers came three times. Last time they said, 'Last warning, if you don't become village guards we will burn the village.'" Ayşe and her family spent one week in Diyarbakir and then went to a western Turkish city where she has relatives. Two of her sons were arrested two months later and transferred to Buca prison (province of Izmir). They were charged with "aiding and abetting the PKK."

⁴⁴The men were shown pictures of ten different armored personnel carriers of different manufacture and country of origin. They picked the M-113 and BTR-60 and BTR-80 from this selection.

Hikmet,⁴⁶ forty-one years old, lived in the hamlet of Umutlu attached to Çelik village, district of Dargeçit, Mardin.⁴⁷ Umutlu had about forty houses. Security forces emptied the village in September 1993 because the inhabitants refused to become village guards. Two neighboring villages, Altinova and Sucati, had joined the village guard system at the same time, apparently mostly for money.

Hikmet and other villagers were physically harassed by Gendarme soldiers who came to the village; on one occasion he and several others were tortured in an effort to coerce the villagers into joining the village guard system. According to Hikmet,

They beat people in our village, sometimes brought them back to the Gendarme station in order to increase the pressure to become village guards. A month before our village was emptied, the soldiers came and made a fire in the village center. Everyone was gathered around. They put cleaning rods from rifles in the fire until they got hot, and then burned some of the men on the feet. They did it to me, and I lost consciousness. A month later the soldiers came and emptied the village. They wouldn't let us take anything. A captain shouted, "You will become village guards or we will kill you." When we were still in the village soldiers started to break the windows of our houses with rifle butts. Everyone left — half are in Antalya, the others in Mersin.⁴⁸

Hikmet went back to Umutlu in June 1994 and reported that everything was destroyed and the fields had been burned. Soldiers, however, quickly chased him out. "I don't know why the security forces picked our village. No one had relatives with the PKK, and the PKK rarely if ever came to the village."

Displacement As A Result Of Military Action

On July 9, 1994, Ibrahim, a thirty-five-year-old farmer from the village of Yaydere, in the district of Genç, Bingöl province, was forced out of his home along with the rest of the villagers by soldiers from the Bolu Mountain Commandos under the command of Lt. Col Malkoc.⁴⁹ The reason for moving them was directly connected with military operations carried out in the Genç district of Bingöl province, and possibly because they were suspected of supporting the PKK. There were about eighty houses in the village of Yaydere, which had electricity and a school. No teacher had come in five years, however, for fear of the PKK.

Ibrahim tells of trying to stay clear of the conflict, a task that became increasingly difficult.

There were no village guards in our village or in the surrounding villages. The nearest village that had them was Bahçebaşı, about a four-hour walk from Yaydere. There was a rumor that there was a PKK stronghold near our village. The PKK would come to our village once a

⁴⁶Interview, Western Turkey, August 1994.

⁴⁷The village of Çelik, to which Umtlu belonged, was emptied in the summer of 1993.

⁴⁸Hikmet showed HRW/Helsinki burns on his feet and ankles purportedly from the heated rifle cleaning rods.

⁴⁹There are reports that soldiers from the Bolu Mountain commandos took two villagers by the name of Hasan Kanat and Mehmet Yanar from the village of Kaledibi to guide them. On August 24, their bodies were reported to have been found by villagers near Dikkaya, Hani.

week, sometimes in large groups of twenty or thirty, sometimes in twos and threes. They wanted food, sometimes they would make propaganda speeches. They said they would kill any villager who became a village guard. The PKK had attacked Bahçebaşı, the village that had become village guards, killed two civilians, and burnt some houses. Soldiers came infrequently to our village. Maybe once every six months. Those who came to the village never beat or bothered us en masse. They would simply come with a list in their hands and detain these people. Usually two or three at a time, maybe fifteen over a few years. I knew all of these people. The police accused them of giving aid and comfort to the PKK ("PKK yardım ve yataklık") and brought them to the Bingöl-Genç Gendarmerie Station ("Bingöl-Genç Jandarma İlçe Bölük Komutanlığı") where they would be beaten.

By July 1994, however, Ibrahim and the villagers of Yaydere could no longer maintain their balancing act. In the first week of July 1994, soldiers from the Mountain Commando School in Bolu conducted a large-scale operation in the area. According to Ibrahim, on July 8, around 5:30 pm, soldiers came from a neighboring village, Akçayurt. They gathered everyone in the village center and checked their papers; they also checked the villagers' bodies to see if they had marks from carrying loads in the mountain for the PKK. "The soldiers were polite and released us all except for twelve people whom they detained," Ibrahim reported. He said he could hear firing and fighting near "Nerip Dağ," a mountain close to the village.

The next morning the soldiers returned to Yaydere and gathered everyone together again in the village square. During this time the soldiers beat the villagers and burned their homes. According to Ibrahim,

It must have been eight in the morning. They brought back one of the twelve who had been detained, Emin Aydin. You simply couldn't recognize him he had been beaten so badly.

They marched us all — about 750 people — down to a small stream near our village. It's close by, but you can't see the village from the stream. There by the water's edge we saw the other eleven, all as badly beaten as Emin. We thought they were dead, but then they started to move. A helicopter landed and a film crew got out — filmed the bodies. I think they tried to pass them off as dead PKK members.

After the crew left they started to torture the prisoners again. Putting their heads in the stream. A Lt. Colonel was sitting under a tree and kind of watching it all and directing it. We couldn't take watching the torture — people started to scream and shout and throw stones at the soldiers. We started to walk towards the soldiers, but they fired in front of us and ordered us to lie on the ground. The Lt. Colonel shouted, "I'll kill anyone who moves." We were on the ground, in the July heat and sun, for about four hours during which time another helicopter landed and soldiers unloaded red and white boxes. After about four hours they let us go. First the women and children, then the men in two's and three's. When we got back to the village everything had been burned. Some soldiers stole some of our belongings, loaded them up on donkeys, and carted them off.

Ibrahim went with his family to the neighboring village of Topçular, where he stayed with relatives for a day or two before heading out for a major city in western Turkey. According to Ibrahim, the twelve detainees were taken to a detention center in Topçular, which is located in what used to be the medical center. The women detainees were released after four days, the men after eight.

Hayri,⁵⁰ thirty-six, lived in Akçayurt, near the village of Yaydere. Akçayurt, which had about fifty houses, was burned on July 8, 1994, a day before Yaydere. Akçayurt, like Yaydere, seems to have been burned because the villagers were suspected of supporting the PKK, a charge that Hayri refutes. "I want to make two important points about Akçayurt: sixteen of the families had sons in the Turkish army; no one in the village had ever been charged with 'PKK yardım ve yataklık,' with supporting the PKK." He also stated that no one from the village had family members with the PKK, and that the PKK did not often visit the village.

Before that day the security also paid little attention to Akçayurt. Hayri told us that, "There was no major harassment from soldiers, who would search the village from time to time. A year ago some soldiers came and asked us to become village guards, we refused, and that's that. It never went farther than that."

Hayri was in Bingöl the day the village was burned, but he returned four days after the village was burned on July 8, 1994. His home had been burned. "Nothing remained in the village — everything was burned. There were lots of dead animals about, but I didn't see any dead bodies. They didn't burn the fields, but they torched the harvest." He thinks the village was burned because of fighting on nearby Nerip mountain.

Hayri went to Topçular, where the other villagers had fled. There he learned that four men from Akçayurt had been detained during the operation and were being held in Topçular's former medical center: Mustafa (also known as Mehmet) Günkan, Ulfi Günkan Yusuf Günkan, and Eyup Günkan.

Hayri stated that Mustafa (Mehmet) Günkan, the "Muhtar" of Akçayurt, was interviewed by ATV, an independent Turkish network, shortly after Akçayurt was burned. During the interview he made several anti-PKK statements. Later, in Ankara, he renounced them. It is reported that on August 16 or 18 a helicopter from the security forces took him from his village. As of August 26, his whereabouts were unknown.

On October 9, 1993, Haso,⁵¹ a fifty-five year old farmer in the Liçka hamlet of Alaca village, Kulp district, Diyarbakir province, was forced out of his home along with all the inhabitants of both his hamlet and the larger village of Alaca by security forces. There were six houses in Liçka, and about three hundred sixty in Alaca.

A delicate balance existed in Liçka among the villagers, the PKK, and the security forces. People simply tried to avoid trouble. Haso told us that, "We supported neither the PKK nor the soldiers, but we were not disloyal. Our sons did their military service, and no one from our hamlet was with the PKK." From 1986 to 1989, people in the hamlet and the village had entered the village guard system, but they later abandoned their weapons and left the program because, as Haso explained, "we could not handle the situation. The PKK 'advised' us to leave our weapons." From time to time PKK fighters would come to the hamlet, as would the security forces. According to Haso, the soldiers were proper in their conduct when they came to the village, but every time the "muhtar"⁵² travelled to Muş, the authorities asked that the people become village guards.

In the fall of 1993, the balance collapsed. Large-scale military operations engulfed the area, and Liçka and some of the other hamlets of Alaca were shelled by security forces. According to Haso,

⁵⁰Interview, Western Turkey, August 1994.

⁵¹Interview, Western Turkish city, August 1994.

⁵²Village headman.

Many soldiers came from Muş and Kulp. It was at the very beginning of October. Ten hamlets, including ours, belong to Alaca, and the soldiers surrounded them all. At first planes and helicopters began to shell a forest about an hour's walk from my house. Then our hamlet started to be bombed, and we hid under tables, anywhere we could. No one was killed in our hamlet, but houses were damaged and three sheep died.

Three people were killed because of the shelling in Zengök, which belongs to Muş. I saw the bodies later in the hospital in Muş.

After about three hours the bombardment ceased.

Soldiers appeared in the hamlet from Muş. They detained eleven individuals, then ordered all the villagers to gather their belongings and leave. However the shelling of the forest continued, and the villagers were told to remain in Liçka. A week later soldiers returned. Haso explained that,

The soldier came back. They let us take a few animals with us, but no major belongings. One of the soldiers told us that he would kill anyone that returned. Then they started to burn everything, and we left. I haven't been back since. I don't know what is left.

According to Haso, one of the detained, Turan Demir, age twenty-two, still has not been released, and there is no news of his present whereabouts. He was on his way back to Liçka from Muş to evacuate his parents. Reportedly he had received permission and been given documents from Gendarme authorities in Muş ("Muş Alay Komutanlığı"). After successfully passing one checkpoint, he was detained.

Displacement As Retaliation For PKK Attacks

Of all the displaced people that HRW/Helsinki interviewed during its more than two-week mission to Turkey, only one gave retribution by security forces for a PKK attack as the cause of displacement. Some observers believe that there is a pattern of retribution, however. According to Ismet Imset, a journalist with the *Turkish Daily News*, "Recent incidents have shown that attacks on civilian settlements almost always follow a PKK attack either on the same settlement or on local government buildings. Either the PKK enters several houses and starts shooting at them, forcing troops to reply on mass, or it attacks the troops directly."⁵³

Of course PKK presence does not justify an attack by security forces which violates the humanitarian law principle of proportionality, i.e. that one must refrain from attacking even a legitimate military target if the foreseeable casualties or damage to civilian property is excessive in relation to the concrete and direct military advantage anticipated.

Melike, twenty years old, of Çelik, Dargecit district, Mardin province, told HRW/Helsinki that she and all the villagers of Çelik were forcibly displaced in retaliation for an attack on a Gendarme station near the village. She reports that her husband and six other villagers were executed by security forces in retaliation.

⁵³Op. cit., Imset, October 3, 1993.

She states that one PKK member died during the attack, and she later saw his body in the village.⁵⁴

According to Melike,

In early July, there was a PKK attack on a Gendarme station located a few hundred meters away from the village. There were twenty-five dead soldiers, we saw the bodies. The attack lasted from about 8:00 pm to about 11:00. Maybe three hours. During this time some of the villagers fled, but our house was near the Gendarme station and we couldn't escape.

By morning, the village was surrounded and soldiers started to shoot into it. Then some soldiers came and took people from their homes and shot them. They killed seven people in all, my husband, Zülfer, was one of them. He was twenty-six, and drove the village dolmuş. He wasn't involved with the PKK. I think he was killed because one of his brothers was a PKK guerrilla and another a member of the militia. Both died earlier in fighting. That day the security forces also killed Hacı Dirkan, Alettin, Fahrettin, Sulyeman, Mahmut, Mehmet.

After that, she reports, the security forces left and continued to shoot into the village on and off for the next three days. They returned on the fourth day, put all the bodies of the dead in the village square, and burned them. The next day they came back to the village and ordered everyone to leave. They burned all the houses and tractors and shot some of the animals. Other animals had died during the shooting.

Melike claims that no PKK members were in the village during the attack, but from time to time they would come to the village. They would visit two or three times a month, in groups of two or three, giving the villagers money to buy food for them, which they did. There were about twelve or thirteen men from the village fighting with the PKK, but they were never among those who came to the village, according to Melike.

She reported that the security forces would come and search the village after they conducted operations in the mountains. They told the villagers to inform them if the PKK came, but Melike stated that they never would. The soldiers also wanted the men to become village guards, but they always refused.

OVERVIEW OF PKK ABUSES

This section on PKK violence, unfortunately, is an overview, rather than an exhaustive report. As stated in the summary, Human Rights Watch/Helsinki intended to write a report on PKK violence based on direct testimony, but the Emergency Rule Governor did not facilitate such meetings. Until such a mission takes place, our information on PKK abuses must perforce be incomplete and rely on secondary sources.

The civilian population in southeastern Turkey — especially the rural population — is caught between the above-mentioned counterinsurgency campaign of the security forces on the one hand, and the PKK, which murderously punishes anyone who cooperates with the state, on the other. A villager, for example, faces summary execution by the PKK if he becomes a village guard, but can be forced out of his home by security forces if he refuses to participate in the village guard system. One commentator noted that,

⁵⁴According to a July 3, 1993, Reuters report, sixteen Gendarme were killed and twenty-five wounded in a PKK attack on a Gendarme station "near the town of Dargeçit" on Friday night, July 2. Local reporters at the scene reported that security forces conducting a search operation killed eight PKK members. See, "Rebel Kurds kill 16 Gendarmes in Southeast Turkey," July 3, 1993.

As of 1990, the PKK became more and more dependent on shifting the violence — from its own hand to that of local security forces — and what it has tried to do since that year is to convert the local masses, by provoking the security forces to attack the 'undecided,' and even those who are pro-state.⁵⁵

The PKK routinely commits such abuses as summary execution, hostage-taking, indiscriminate fire, and destruction of civilian property in an attempt to force the civilian population to comply with its wishes. From September 12, 1994 to October 12, 1994, for example, the PKK murdered fourteen teachers in southeastern Turkey. At its March 1994 Third National Conference, the PKK made the following declaration:

The struggle which the PKK carries out has left the stage of strategic defense. . . . It is inevitable that we escalate our struggle in response to Turkey's declaration of all-out war.

Consequently, all economic, political, military, social and cultural organizations, institutions, formations — and those who serve in them — have become targets. The entire country has become a battlefield.⁵⁶

The PKK also promised to "liquidate" or "eliminate" political parties, "imperialist" cultural and educational institutions, legislative and representative bodies, and "all local collaborators and agents working for the Republic of Turkey in Kurdistan."⁵⁷

In August 1993, the PKK reportedly reinstated its 1987 "Decree on Village Raids," which called for "mass destruction" for "non-revolutionary" villages, i.e. those with village guard, that do not support, "the national liberation struggle."⁵⁸ The PKK also often kidnaps tourists travelling in the southeast and has also bombed tourist areas throughout Turkey. In 1993 it threatened to kill all Turkish journalists who continued working in southeastern Turkey, which effectively closed down all newspaper operations. For a time the only place one could purchase a newspaper was in a police station.⁵⁹

⁵⁵Imset, October 5, 1993, p. 4.

⁵⁶Sinan Yilmaz, "Current Year 'Critical for Kurdish Problem,'" *Turkish Daily News*, Ankara, pp.1-8, in FBIS-WEU-94-091, May 11, 1994, p. 42.

⁵⁷Ibid.

⁵⁸Imset, op. cit., November 4, 1993.

⁵⁹While this PKK ban is still in effect, papers are again available for sale in the region.
Human Rights Watch/Helsinki

Consequently, in southeastern Turkey the PKK targets village guards and their families, representatives of the state, especially teachers, and so-called confessors or denouncers, ("itirafçı"), ex-PKK members who collaborate with the state. One villager from Bingöl province told Human Rights Watch/Helsinki that, "The PKK would come to our village. They said they would kill any villager who became a village guard. There was a neighboring village, Bahçebaşı, about four hours walk from my village. They became village guards, but in the Fall of 1993 the PKK attacked them, killing two members of a family with a rocket."⁶⁰ The following are a few examples of such PKK violations as reported in the Turkish press.

- On January 22, 1994, during a raid against Akyurek and Ormancik villages of Savur district, Mardin, the PKK killed four village guards, six children, and nine women. The ages of those killed range from seven to seventy.⁶¹ According to witnesses,
...The two groups (of PKK) numbered about 50 each and they first surrounded the villages of Ormancik and Akyurek before they opened fire on the buildings using machine guns and rocket launchers. When the guards tried to resist, the PKK became even more ruthless and entered Ormancik village. There, the militants shot and killed two village guards and fired rockets at the house of one of them. Inside were only women and children who dashed out of the house when it went ablaze and hid in a neighboring building. When the flames caught up with them....those inside suffocated from the smoke, those who came out were shot on the spot.⁶²
- On May 16, 1994, PKK members raided the village of Edebuk in Tercan district of Erzincan, killing nine individuals between the ages of three and eighty.⁶³
- On July 25, 1994, the PKK executed two "denouncers" in the Guzelağaç village, Ömerli district, Mardin.⁶⁴
- On June 19, 1994, PKK fighters raided the house of a "denouncer", Halil Taskiran, in Yeniköprü village, Kurtalan District, Mardin, and killed his mother Zahide (38), sisters Filiz (7), Ayse (12), and brothers Ali (4), Suleyman (6) and Ekrem (13).⁶⁵
- On July 12, 1994, PKK members stopped a minibus on the Batman-Kozluk road and executed Nezir Ekrem (50) and Serif Ekrem (35) because "they were state supporters."⁶⁶

⁶⁰Interview, Western Turkish city, August 1994.

⁶¹Human Rights Foundation of Turkey, Documentation Center, January 24, 1994.

⁶²Ismet G. Imset, "The PKK Massacre Revisited," *Turkish Probe*, January 27, 1994, p. 4.

⁶³Human Rights Foundation of Turkey, Documentation Center, May 17, 1994.

⁶⁴Human Rights Foundation of Turkey, Documentation Center, July 27, 1994.

⁶⁵Human Rights Foundation of Turkey, Documentation Center, June 21, 1994.

⁶⁶Human Rights Foundation of Turkey, Documentation Center, July 14, 1994.

- On September 11, 1994, just before the start of the school year, PKK members executed six teachers between the ages of twenty-five and thirty-three in Darikent village of the Mazgirt district, Tunceli.⁶⁷

⁶⁷Human Rights Foundation of Turkey, Documentation Center, September 13, 1994.

1993 witnessed similar PKK Violations.⁶⁸

U.S. POLICY

In 1994 the Clinton Administration consistently raised human rights concerns with the Turkish government concerning the conflict with the PKK. It rejected, however, any linkage of military assistance or aid with improvement in Turkey's human rights record.

According to the Congressional Research Service, there are no "limitations" to the use of weapons in the southeast delivered through the Foreign Military Financing (FMF) program or as surplus from U.S. stocks.⁶⁹ During 1993, Turkey received 1,017 main battle tanks from excess German and U.S. stocks.⁷⁰ Agreements under which these weapons are acquired permit their use for internal security.⁷¹ Last year, during a Congressional hearing, the former Assistant Secretary of State for European Affairs, Steven Oxman, stated that, "I don't know the facts on that, but I think that U.S. equipment which is made available to the Turkish military is not under restriction as to where they can use it."⁷² Reportedly, shipments from U.S. surplus stocks are continuing, while those from Germany have been completed.

Since FY 1993, all monetary aid has been in the form of market rate loans, rather than grants.⁷³ The Clinton Administration offered Turkey \$450 million dollars in loans for FY 1995, which Congress then cut down to \$363 million.⁷⁴ Eventually Congress in H.R. 4426 withheld ten percent of the FY 1995 aid until the Clinton Administration proves that Turkey has improved its human rights record and has made progress on Cyprus negotiations.⁷⁵

⁶⁸On May 25, 1993, the PKK stopped a bus on the Bingöl-Elazığ highway and murdered thirty-three unarmed, off-duty soldiers and five civilians. In early July 1993, thirty-two people, including women and children, were killed in a village in Erzincan province. In October 1993, nine people, including seven children, were burned to death in a village guard's house; a PKK landmine killed twenty-six, including five women and nine children; PKK fighters killed thirty-three people in the courtyard of a mosque in a village in Siirt province. The PKK claimed that all those killed were village guards, which is clearly not true. See, Ismet G. Imset, "An Overview of Separatist Terrorism," *Turkish Probe*, December 23, 1993, p. 9.

⁶⁹Carol Migdalovitz, "Turkey's Kurdish Imbrolio and U.S. Policy," *CRS Report for Congress*, Congressional Research Service, The Library of Congress, March 18, 1994, p. 21.

⁷⁰Bruce Clark, "NATO arms pour into Greece and Turkey," *Financial Times*, June 7, 1994.

⁷¹Migdalovitz, p. 21.

⁷²The Kurds: Recent Wire Reports, 11-2-93, p. 8.

⁷³Migdalovitz, p. 21.

⁷⁴"Turkey refuses U.S. aid tied to Human Rights," Reuters, June 23, 1994.

⁷⁵Ten percent of Greece's aid was also withheld in connection with the Cyprus question.

The Administration's stated human rights policy regarding the unrest in southeastern Turkey is based on the following principle: Turkey has a legitimate right to combat PKK terrorism but must not sacrifice human rights in the process. In March 1994, the former Assistant Secretary of State for European Affairs, Steven Oxman, made the following statement in an official visit to Ankara: "We support the Turkish government in its fight against PKK terrorism. We also believe that a lasting solution to the problems in the southeast cannot be achieved through purely military means. We believe that non-military, civil and social solutions must be pursued at the same time consistent with Turkey's territorial integrity."⁷⁶ During a July 1994 visit to Turkey, Assistant Secretary of State for Democracy, Human Rights, and Labor John Shattuck stated that, "We recognize that some of these problems have arisen in the context of Turkey's legitimate struggle against terrorist acts and that violations of human rights are also being committed by terrorists. Nevertheless, basic human rights must not be abandoned in the fight against terrorism."⁷⁷ In August 1994, Secretary of State Christopher reportedly raised human rights concerns in connection with Turkey's battle against the PKK in the southeast.

APPENDIX

The Village Guard System ("Koruculuk")⁷⁸

Village Guards, ("Korucu"), were authorized in two articles added to the Village Law on April 4, 1985, which allow the hiring of "temporary village guards" in areas where violence required a state of emergency, i.e. in the provinces under emergency rule.⁷⁹ Armed with automatic rifles and radios, a village guard receives around TL six to seven million per month (just under US \$200), a princely sum in impoverished southeastern Turkey.⁸⁰ In March 1987, there were reportedly 6,000 village guards; by 1994 that figure had jumped to around 45,000.⁸¹ Estimates for the cost of the village guard system run as high as \$135 million per year.⁸² Initially village guards only patrolled their villages, but now they take part in offensive operations.⁸³

⁷⁶Carlye Murphy, "Turkey Accused of Rights Abuses in Move to Crush Kurdish Rebels," *Washington Post*, 5-12-94, p. 21.

⁷⁷Press Release, United States Information Service, "Statement by John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labor," Istanbul, Turkey, July 12, 1994. Assistant Secretary Shattuck is planning an October visit to Turkey, including the southeast.

⁷⁸In Turkish, the verb "korumak" means to defend. The term village guard and village guard system are formed from the root of this word.

⁷⁹Ismet G. Imset, "New Kurdish Party in the Offing Amid Unease over Ceasefire," *Turkish Probe*, May 11, 1993, p. 9.

⁸⁰A beginning teacher in Turkey makes roughly the same amount. Often the money is paid through the village head man or tribal (aşiret) leader, who may or may not disburse all the salary to guards.

⁸¹*State of Flux: Human Right in Turkey*, A Helsinki Watch Report, December 1987, p. 107.

⁸²*Turkish Probe*, March 30, 1993, p. 11.

⁸³"Turkish Troops and Militia Attack Rebel Kurds," Reuters, June 13, 1994.
Human Rights Watch/Helsinki

The village guard system is built on the traditional social structures of the region. According to some estimates, ninety percent of all village guards live in villages where the tribal (aşiret) system still functions.⁸⁴

While the state forces many to serve as village guards, many large tribes as the Jirki, Gevdan, Mamguran, Giravi, and Goran in Hakkari and Şirnak provinces participate in the system voluntarily.⁸⁵ One Turkish journalist with whom HRW/Helsinki spoke called the village guard system "a new social caste."

The PKK has targeted village guards and their families, staging countless massacres in which village guards together with their whole families were slaughtered.⁸⁶ The PKK's 1987 "Decree on Village Guards" called for their "mass destruction." While Turkish soldiers taken prisoner are often exchanged, captive village guards face summary execution.

From the onset of the village guard system, abuses by guards were widespread. Extortion, abuse of power, rape, thievery, and murder often occurred. In 1987, former Chairman of the SHP, Erdal İnönü, complained that, "Giving arms to such uneducated persons in order to provide the functions of the state which ought to be performed by the security forces of the state causes a multitude of incidents."⁸⁷ Five village guards, for example, are reportedly on trial for the 1994 Diyarbakir murder of Şerif Avşar, the brother of European Representative of the pro-Kurdish *Özgür Gündem*, now banned. Village guards are suspected in the August 1994 death of Ramazan Öznaci, a villager from Nurettin, one of the depopulated villages discussed in this report.⁸⁸ A 1993 report by the Turkish Parliament's Committee on Unsolved Murders ("Faili Meçhul Komisyonu") was highly critical of the village guard system and called for its abolishment.⁸⁹

Special Teams ("Özel tim")

Of all the varied security forces deployed in southeastern Turkey, Special Teams ("Özel tim" or "Özel Herakati Tim," Special Operations Teams) are in particular known to be as extremely abusive of human rights. All the villagers whom HRW/Helsinki interviewed said that they feared the "Özel Tim" more than any of the other security forces.⁹⁰ One Turkish journalist wrote that, "The people have no good experience with these 'Turkish Rambos'. . . ."⁹¹

⁸⁴The "aşiret" or tribal system usually is characterized by large land holdings grouped around a tribal leader, who is the landlord. Members of the aşiret usually do not own land, but work the landlord's holdings. See Imset, May 11, 1993.

⁸⁵"Kurdish Tribes Join Forces Against PKK," *Milliyet*, April 16, 1994, in FBIS-WEU-94-079, April 25, 1994, p. 59.

⁸⁶See section, *Overview of PKK Abuses*.

⁸⁷*State of Flux*, p. 109.

⁸⁸"Korucu cinayetine kilif," *Özgür Ülke*, August 24, 1994, p. 6.

⁸⁹*1993 Turkey Human Rights Report*, pp. 59-60.

⁹⁰See section on *Displacement for Refusal to Participate in Village Guard System*, village of Nurettin.

Under the jurisdiction of the Interior Ministry, the "Özel Tim" are intended to fight the PKK with their own tactics: to go in the mountains and bring the fight to the PKK with ambushes and lightning attacks. In November 1993, Prime Minister Çiller announced that, "Special mobile teams of commandos are being trained to fight the militants with their own methods....The first stage will be complete in January, and we aim to bring their numbers to 10,000 as soon as possible."⁹² Present estimates of "Özel Tim" run from 15,000-20,000.

There have been charges that "Özel Tim" soldiers are recruited mainly from members of the National Action Party ("Milli Hareket Partisi," MHP), most recently by Şevket Kazan, Assistant General Secretary of the Islamist Welfare Party (Refah Partisi, RP).⁹³

This report was written by Christopher Panico, research associate, after a two week trip to Turkey in August-September 1994. It was edited by Jeri Laber, executive director. Anne Kuper and Nandi Rodrigo provided invaluable production assistance.

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Human Rights Watch/Helsinki (formerly Helsinki Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Helsinki division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the executive director; Holly Cartner, counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Anne Kuper, Ivan Lupis, and Alexander Petrov are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

⁹²Suna Erdem, "Çiller Vows War on PKK as Kurds Strike in Europe," Reuters, November 4, 1993.

⁹³"Özel Tim MHP militani," *Cumhuriyet*, 8-25-94, p. 5. MHP is a right wing, pan-Turkish, nationalist party headed by Alparslan Türkeş, a retired Army Colonel who played a key role in Turkey's 1960 coup. From 1975 to 1977, the predecessor of MHP, also headed by Türkeş, was a junior partner in Suleyman Demirel's Coalition National Front Government. Türkeş served as a Deputy Prime Minister in that coalition. At the time it was believed that Türkeş placed his supporters in the security organs. Also, there were reported links between Türkeş' party and right-wing death squad activity in the 1970's.