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TURKEY: ALLEGED EXTRAJUDICIAL EXECUTIONS IN THE SOUTHEAST - THREE CASES
[Hasan, İsa and Zore Erdinç; Hacı Berekat Acun; Ramazan Aslan]

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people and which until very recently was not recognized by successive governments. Any activity for a separate Kurdish political identity is still punishable under Turkish law. The Kurdish population lives mainly in southeastern Turkey. In August 1984, guerrillas of the Kurdish Workers' Party (PKK) started armed attacks against the security forces, seeking to establish an independent Kurdish state. Since then more than 3,000 lives have been lost on both sides and among the civilian population in the continuing fighting. Clashes are occurring almost daily throughout the region. Since martial law was lifted in 1987, emergency legislation has been in force in 10 eastern provinces and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces. The military presence in the area has been considerably expanded. According to official figures, there are 2,500 special team members and 20,000 village guards deployed in the region as well as some 60,000 regular troops who carry out police duties as members of the gendarmerie.

The special team members, who are nominally responsible to the local police commander, are trained for close combat with guerrilla forces. Their identities, activities and methods are held in great secrecy. They may appear in uniform, and are often masked. Many special team members are able to speak Kurdish, and they may also wear local dress. Unlike other soldiers, they are permitted to wear long hair and to grow a beard or moustache, and frequently wear trainer-type shoes. There have been many allegations that special team members appear in villages pretending to be guerrillas of the PKK asking for provisions, in order to test the villagers' loyalties.

Participation in the village guard corps is also regarded as a test of a particular village or tribe's attitude towards the security forces. To counter the activities of the PKK, the government established a system of some 20,000 "village guards". These are villagers who are armed and paid by the authorities to fight the guerrillas and to deny them access to logistical support from the villages in the area. Although many villagers are reluctant to serve as village guards for fear of reprisals from the guerrillas, they equally fear reprisals from the security forces if they refuse. In theory, the recruitment into the village guard corps is voluntary, but refusal by individuals or entire villages to join the system is usually considered by the local security forces as an indication of active or passive support for the guerrillas. The village guard system is currently in crisis, with hundreds of resignations from the corps during the final months of 1991.

Some journalists and many among the Kurdish population of southeast Turkey attribute the succession of alleged extrajudicial executions throughout 1991 and early 1992 to the so-called kontrgerilla. The kontrgerilla was originally created in 1953 as part of the secret service and called the Special Warfare Department (Özel Harp Dairesi). The Special Warfare Department consisted of five branches, one of which - the Special Unit - is said to have specialized since 1984 in operations against insurgents in the southeast. Amnesty International has gathered information on 30 cases of alleged extrajudicial executions (19 in the province of Mardin) and

two alleged "disappearances" in southeast Turkey where there is evidence which suggests possible involvement of the security forces. It is impossible to confirm or deny the rumours that these killings are part of a secret campaign by the kontrgerilla either to intimidate the opposition, or to provoke it into open rebellion in which it could be wiped out by straightforward military means. The pattern of killings could also conceivably have been carried out by low-ranking members of any of the security force units acting on their own initiative but with the passive or active collusion of other parts of the law and order system.

The United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions [published in 1991] suggests the creation of a special impartial commission of inquiry if the political views or ethnic affiliation of the victim give rise to a suspicion of government involvement or complicity in the death, when the following factors are present:

- where the victim was last seen alive in police custody or detention;
- where the modus operandi is recognizably attributable to government-sponsored death squads;
- where officials have attempted to obstruct or delay the investigation of the killing;
- where the physical or testimonial evidence essential to the investigation becomes unavailable.

In all three cases described below at least one of these factors applies - in some cases more than one. So far all three remain on the police records as "unsolved crimes". Amnesty International is appealing to the Turkish authorities to investigate impartially and without further delay the circumstances of each killing and to bring to justice those responsible for it. To this end the organization suggests the setting up of an independent commission of inquiry and use of procedures as recommended by the United Nations.



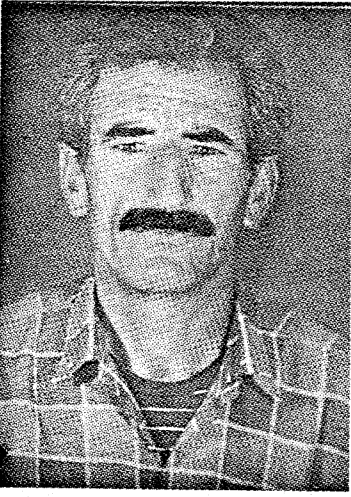
1. The case of Hasan, İsa and Zore Erdiñç

On the night of 18 September 1991 at about 1.30am, five people dressed in green military-type clothing, some of whom spoke Kurdish with a local accent, came to a house in the village of Bardakçı where **Hasan Erdiñç**, aged 25, married with three children, and his brother **İsa Erdiñç**, aged 28, married with three children, were sleeping on the roof. The five people gained access to the roof from the uphill side which is approximately one metre above ground level. They called for **Zore Erdiñç** (father of İsa and Hasan and three other much younger children). When he appeared, all three men were made to lie down and were then shot. The attackers then ran off into the countryside. Zore Erdiñç's wife Emine Erdiñç alleges that she heard them call out "Now let Apo [Abdullah Öcalan, leader of the PKK] come and save you".

About 25 soldiers came to the village approximately an hour after the incident, having been alerted by the village headman. They examined the cartridge cases and stated that they were from a Kalashnikov automatic weapon.

The next morning the prosecutor came and examined the bodies, and some days after called Emine Erdiñç and a relative, Abdulhakim Erdiñç, to give their statements. The family has had no news of the progress of the investigation into the killings.

The inhabitants of Bardakçı (Kurdish: Bate) have been under pressure to accept duties as village guards for some time but have consistently refused.



2. The case of Hacı Berekat Acun

Early on the morning of 25 August 1991 Hacı Berekat Acun, aged 46, a farmer and father of eight children, three of whom are under the age of seven, was killed at the foot of the steps to his house in the Gurusuk district of Ayrancı village near Dargeçit in the province of Mardin.

According to a newspaper report on 14 September 1991, his wife Kadriye said, "The dogs barked - we woke up, looked out and saw that the soldiers had come...soon after we heard voices calling 'Hacı, Hacı, come out, we have something to talk to you about'. My husband got up and went out to meet them... He said 'I'll find out what they want and come straight back'. As soon as he went out of the door, I heard gunshots." She ran down and on discovering his body, collapsed. She called out for help, but few villagers in the region are willing to venture out during the hours of darkness and nobody came to her assistance from the surrounding houses. She says that she saw three soldiers depart in one direction, while approximately 15 other soldiers were some way off and moving away in another direction.

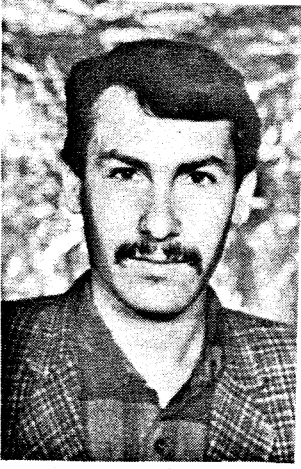
There were more than 10 bullet wounds in the body.

The village headman Nazif Doğan claims that when he went to report the killing to the nearby Altiyol gendarmerie post the following morning, he was told by the master sergeant, "Hacı was a PKK man". Nazif Doğan was then taken into custody and taken to Mardin and held for more than 10 days during which time he was allegedly blindfolded and beaten before being released without charge.

Villagers found the tracks of three people, two wearing boots, the other wearing sports shoes, crossing a ploughed field in the direction of the Altiyol gendarmerie post approximately 600 yards away.

Since 1989 Hacı Berekat Acun had been detained four times on suspicion of harbouring PKK guerrillas. He told his family that he was tortured on each occasion, and showed them injuries indicating that he had been subjected to falaka.

The village of Ayrancı (Kurdish: Şeta) has never accepted village guards. Hacı Berekat Acun's family reported that he and other villagers were frequently subjected to pressure to accept service in the village guard corps, and that Hacı Berekat Acun had told the security forces that as a haci (one who has performed the pilgrimage to Mecca) and a religious person, it would not be appropriate for him to take up arms. His family did not lodge a formal complaint demanding an investigation into his killing.



3. The case of Ramazan Aslan

On 13 June 1991 Ramazan Aslan was shot with 14 bullets in the courtyard of his home in Midyat. Ramazan Aslan, aged 33, headman of the nearby village of Ikizdere, kept a small shop in Midyat. A daughter, his only child, was born two months after his death.

On 20 June 1990 he had been arrested and charged with membership of the local Kurdish Workers' Party (PKK) committee. He was held in Diyarbakır prison for five months, after which he was released while his trial continued.

His father Mehmet Şerif Aslan had previously been headman of the village but resigned in 1990 when he was convicted of harbouring members of the PKK. He opposed the village guard system, and the people of Ikizdere have never joined the village guard corps.

On 19 May 1991 the security forces raided Mehmet Şerif Aslan's home and searched the village. Two of those who participated in the raid were masked with balaclavas but wore military uniforms. Police and gendarmerie were also present. Mehmet Şerif Aslan, and his sons Seyfettin, Latif and Ramazan Aslan, together with a house guest, were taken to Midyat Gendarmerie Headquarters. They were kept there for about four hours, then, towards morning, they were released.

On 2 June 1991 an election was held for the post of headman of Ikizdere, with Ramazan Aslan as the only candidate. He also opposed the village guard system. Villagers report that on the day of the election, members of the gendarmerie came to the village and expressed the view that Ramazan Aslan was a terrorist and therefore an unsuitable candidate, but he was nevertheless elected that day.

On the morning of 13 June Ramazan Aslan went to Midyat Gendarmerie Headquarters to present his credentials as village headman and told his family that he had been welcomed and entertained for several hours with tea and coffee.

On 13 June at about a quarter past midnight after listening to the radio, Ramazan Aslan went into the courtyard of his house, which is surrounded by a low wall, in order to go to the toilet.

In the house were his wife Sadiye, his brother Seyfettin Aslan, Seyfettin's wife Maşallah, and a visitor.

On hearing a burst of automatic gunfire, Ramazan Aslan's wife Sadiye Aslan was the first to go to the scene of the killing. She reports that she saw him still standing, and that he said "Of Baba, beni öldürdüler" (Oh, Papa, they have killed me) before falling to the ground. No witnesses saw who fired the shots.

The family have had no news of the progress of the investigation into the killing.