

TURKEY

Alleged Extrajudicial Executions in the Southeast - Three Further Cases

İsmail Yiğit; M. Selim Aslan, Süleyman Aslan and Abdulaziz Güçlü; Beşir Algan

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. The cases 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 Mehmet Selim Aslan, Süleyman Aslan and Abdulaziz Güçlü

On 3 October 1991, **Mehmet Selim Aslan**, aged 56, a farmer and father of six children, **Süleyman Aslan**, aged 52, a farmer and father of five children, and **Abdulaziz Güçlü**, a council worker and father of nine children, were killed at the village of Bahçebaşı, five kilometres from Nusaybin.

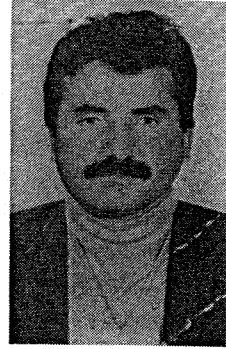
The village of Bahçebaşı (Kurdish: Bawarne) had been asked to accept village guards but had consistently refused, though the villagers have not reported undue pressure on this question. There are guards in neighbouring villages. Süleyman Aslan's son is alleged to have joined the guerrillas of the PKK.

At about 11pm on 3 October, a brown Renault with five people in it came into the village. They went to **Süleyman Aslan**'s house. One of the visitors went in. He was armed, dressed in civilian clothes and wearing a *keffiyeh* (local headgear). The visitor asked Süleyman Aslan to direct them to the house of **Mehmet Selim Aslan**, a relative. In spite of the entreaties of his wife, he took the visitors to Mehmet Selim Aslan's house about 200 yards away. Mehmet Selim Aslan reportedly did not open the door, but looked through the window, where he was shot. At the same time Süleyman Aslan was forced to the ground and shot. As the group of visitors were leaving the village, they noticed that they were observed by **Abdulaziz Güçlü** who was working as nightwatchman for the Nusaybin reservoir. They reportedly opened fire and killed him. The other nightwatchman radioed the town hall.

Several members of the village saw the car go down the road towards the local commando post about one kilometre away, and heard the sound of the car running on the rim of the wheel. Apparently the car stopped at the commando post and although it was dark, activity in the lights of the car and the commando post suggested that the wheel was being changed, and shortly afterwards the vehicle moved off. However, the soldiers at the commando post subsequently denied seeing the people in the car.

Half an hour after the incident, the gendarmerie arrived in two military vehicles, and questioned the family, asking if they had a blood feud with any other family, to which they replied that they did not. The Nusaybin prosecutor also came the same evening, and again the

following morning. The families have had no news of any developments concerning the investigation.



2. The case of İsmail Yiğit

On 28 August 1991, **İsmail Yiğit**, a 40-year-old farmer and father of eight children, was taken by unknown persons and shot dead on the roadside several kilometres away.

At 8pm a red Doğan-type car, apparently bearing no number plate, pulled up in front of a house in the small village of Akağıl near Nusaybin. Family members report that there were four or five people in the car, of whom three got out and called up to the family resting on the flat roof of the house asking directions to the home of Ahmet Yiğit. All the family went down to meet them, including Ahmet Yiğit's brother İsmail, a relative who happened to be there. The visitors' faces were covered, except for the eyes, with a form of local headgear known as the keffiyeh, and they were carrying Kalashnikov weapons. One of them, speaking in Kurdish, sent the rest of the family away from the door and addressed himself to İsmail Yiğit. The visitors again asked for directions to the house of Ahmet Yiğit. Ahmet Yiğit was in fact at home in his house nearby, but the other members of the family overheard İsmail Yiğit say that Ahmet Yiğit was far away in Diyarbakır. A visitor said that he did not believe him, and told him to get into the car. İsmail Yiğit got into the car together with the visitors and they drove off.

The family immediately phoned Nusaybin Gendarmerie and one of them set off on a tractor following the red car. At a fork in the road, the car was seen going down the road to Çatalözü before which there is a gendarmerie checkpoint. At this point the tractor gave up the chase and headed for Nusaybin Gendarmerie. The gendarmerie apparently did not pursue the red car but came to the village of Akağıl where they questioned the villagers about the incident.

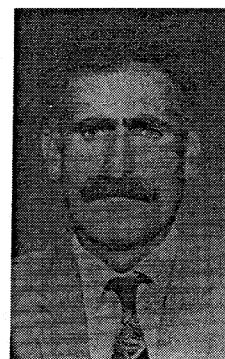
The next morning a body was found near the village of Hope. Relatives were able to identify the body, which was lying at the bottom of a slope by the road, as that of İsmail Yiğit. Also present were the Nusaybin prosecutor, a doctor and the gendarmerie commander. The prosecutor stated that the body should be taken to the morgue in the local hospital, but the gendarmerie commander refused permission for this on the grounds that it might cause a breach of the peace.

There were marks of beating on the body, the arms were apparently broken and there were 36 bullet wounds. A number of cartridge cases were found by the road and at the bottom of the slope, indicating that he had been killed there. The owner of the land where the body was found reported that he had heard gunshots during the night.

The gendarmerie brought the body back to the village of Akağıl where it was buried the same day.

Like most of the villages in the Nusaybin area, the village of Akağıl (Kurdish: Deré) has never accepted village guards. İsmail Yiğit had never been detained or accused of membership of the PKK, but in 1989 another brother, Mehmet Salih Yiğit, was killed in a clash with the security forces, and his nephew Hacı Hüseyin who died of heart disease in the mountains in 1991, appears to have been a member of the PKK.

Three days later, Ahmet Yiğit was detained and interrogated for over two weeks at the Political Branch of Mardin Police Headquarters and then formally arrested in connection with the death of an alleged informer.



3. The case of Beşir Algan

Beşir Algan, a farmer in his mid-thirties, married with five children, was killed in the village of Budaklı, near Midyat on 21 May 1990. The villagers of Budaklı (Kurdish: Kerşafe) have consistently refused to serve as village guards in spite of repeated requests that they should do so. In mid-May 1990, a major in the gendarmerie reportedly came to Budaklı, called the inhabitants together and asked them once again to join the village guard corps. When the villagers refused, the major is said to have replied "You will get what you deserve - either from the state or from somebody else."

On 21 May, after performing the dawn prayer in his house, Beşir Algan went outside to start the day's work. Shortly afterwards there was a shot which hit Beşir Algan in the thigh. Three witnesses report that they saw a soldier approach his prostrate body and fire a shot directly into his head. Standing nearby was a pair of bullocks harnessed to a plough and a donkey which he

had apparently been taking out to work the fields. The village population emerged from their houses and ran to the scene of the incident to claim the body, some throwing stones at the group of 38 gendarmes and commandos who had appeared from concealment about seven metres from where the body lay. The soldiers fired into the air to prevent the villagers approaching the body.

A captain came from nearby Midyat and took charge of the body. Some of the soldiers claimed that Beşir Algan had been carrying a gun and that he had been ordered to halt, but no gun was found. Nearby was a stick he had been using to drive the animals.

The same day, the prosecutor came and prepared a report on the incident noting one bullet wound in the thigh, and another in the head, entering from the back. Shortly afterwards the Mardin Governor came to the scene of the shooting and allegedly made an offer of five million Turkish Lira to the family if they dropped proceedings, which they refused. Meanwhile, the prosecutor decided not to prosecute. The family's lawyer has appealed against that decision.