



**H.E. Wolfgang Schässel, President of the European Council**  
**Mr. Olli Rehn, EU Enlargement Commissioner**  
**Mr. Josep Borrell, President of the European Parliament**

11 April 2006

Dear Sirs,

### **Human rights violations in the Kurdish regions of Turkey**

The EU Turkey Civic Commission (EUTCC) regrets the recent escalation of violence in the Kurdish regions of Turkey in the last 10 days and requests your urgent intervention. We are gravely concerned about human rights violations which have already occurred, and believe many more people are at risk.

We have received the following credible information from the regions that we hope will give an indication of what has occurred in the area.

### **Human Rights Violations**

#### ***Deaths***

The following fourteen people were killed between 28 March and 2 April, as a result of the civil unrest and the actions of the security forces:

**Tarik Atakkaya** – 23 years old, shot dead by security forces in Diyarbakir, 28 March

**Muhlis Ete** – 16 years old, shot by security forces in Siirt, 28 March, later died in hospital

**Abdullah Duran** - 9 year old boy, shot dead by security forces in Diyarbakir, 29 March

**Mehmet Isik** – 17 years old, shot dead by security forces in Diyarbakir, 29 March

**Fatih Tekin** – 3 year old boy, shot during a police raid on civilians' houses in Batman, 30 March

**Enez Atak** – 6 year old boy, injured by plastic bullet and later died in hospital, Diyarbakir, 30 March

**Vahdettin Toprak** – 28 years old, died during a protest in Mustafa Kemal Mahallesi, Istanbul, 30 March, as a result of excessive police force against the protestors

**Emre Fidan** – 19-years old, injured by police forces during protests in Diyarbakir, died on 2 April 2006

**Mustafa Eryilmaz** - 22 years old, killed in Diyarbakir

**Mehmet Akbulut** - 18 years old, killed in Diyarbakir

**Ahmet Arac** - 27 years old, shot by security forces in Kiziltepe, Mardin, 1 April

**Mehmet Siddik Ozer** - 22 years old, shot by security forces in Kiziltepe, Mardin, 2 April

**Ismail Erkek** – Died in Kiziltepe, Mardin

**Halil Sogut** – 78-years old, injured by police forces during protests in Diyarbakir, died on 2 April 2006

On 31 March, a bomb was thrown at a bus during protests about the events in south-east Turkey. The bomb caused the bus to lose control and we have received reports of between three and four bystanders being killed as a result. We understand one of the victims was a man named **Salim Sahin**.

### ***Detentions***

We have received reports of between 400 and 600 people being held in detention since 28 March 2006, many of them illegally. We also understand that between 20 and 25% of those detained are children. These include:

**Nurettin Demirtaş**, born in Palu in 1972, mother's name is Sadiye and father's name is Tahir), arrested between 2 am and 5 am on 30 March in Diyarbakir

**Cihan Deniz**, arrested between 2am and 5 am on 30 March in Diyarbakir

**Erdal Kuzu**, lawyer and Secretary General of Mardin branch of Human Rights Association

**Ferhan Türk**, Chairman of DTP, Mardin

**Ali Aslan**, Chairman of DTP, Kiziltepe district, Mardin

**Hazan Bozkurt**, Deputy Chairman of DTP, Nusaybin district of Mardin

**Huseyin Cangir** (Chairperson of Mardin branch of Human Rights Association)

**Hasan Hüseyin Ebem** -35 years old, mother's name is Halisa and father's name Selahattin, born in Baykan in 1961. This man's detention has been denied by the security forces; however, his fiancé, Guler Dundar, has spoken to him and confirms that he has been detained.

According to many of the detainees' families, who witnessed the raids and their detention, these men now face a real risk of torture and inhuman treatment, and we have grave concerns for their lives. These concerns are echoed by the Human Rights Association. We understand the detainees are being denied access to legal advice.

Due to the high number of detentions, the prisons in Diyarbakir have become full. Detainees were then sent to Mardin prison, and when this became full, they were sent to Nusaybin prison, which is also now full.

***Unacknowledged detentions: concern at possible violations of right to life***

We are seriously concerned about the security and welfare of the following people, who have all disappeared since 28 March, following their detention;

**Mehmet Süren** - born 1986, mother's name Münevver and father's name Ramazan. Went to work on 28 March but never returned. Authorities deny he has been detained.

**Yilmaz Yakut** - a seller of Ozgur Gundem Newspaper. Witnesses claim they saw him being attacked, kicked and beaten before being taken into custody. Turkish authorities deny his detention.

**Mecail Ozel** - detained by police officers on 30 March in Ofis district in Diyarbakir.

### *Harassment*

On 31 March, lawyers and members of Diyarbakir Bar Association **Muharrem Şahin**, **Meral Daniş Beştaş** and **Aygül Demirtaş** were verbally abused and physically attacked by police officers after attending the trial of their clients in Diyarbakir. Lawyer **Cafer Koluman** was attacked at the Anti-Terror branch of Diyarbakir Police Headquarters and his nose was broken by the police. We believe these actions were a direct result of all four lawyers' representation of demonstrators.

We have received further reports that the Mayor of Yuksekova, Mr **Salih Yildiz**, was attacked by police officers while he was in his official car and his house was attacked by tear gas bombs. He is a member of DTP (Democratic People Party).

On 3 April 2006, the Chairperson of DTP Batman branch, Mr **Ayhan Karabulut**, was detained by Batman Security Directorate officers and questioned by Batman Public Prosecutor. As a result of a decision of Batman Heavy Criminal Court, he is now in Batman prison.

On 7 April, board members of DTP Diyarbakir Branch, **Mr Musa Farisođullary**, **Mr Necdet Atalay**, **Mr Muhsin Altun** and **Mr Nusret Akin** were detained by police officers who raided the office of DTP in Diyarbakir.

Representatives of Diyarbakir Democracy Platform and members of Diyarbakir Branch of HRA, **Mr Ali Oncu** (the Chairperson of Teþ-Ýþ Union) and **Mr Edip Yaþar** (chairperson of the Union of Officials of Municipalities, Tüm-Bel Sen) have been detained by Anti-Terror Branch police officers of Directorate of Security.

We have also been informed that **Mr Osman Baydemir**, Mayor of Diyarbakir and a prominent defender of Kurdish human rights, was attacked and his driver was injured. We understand the Ministry of Interior has since sent two inspectors to investigate his activities during the protests, and that it is alleged that he organised the protests. Mr Baydemir is an influential political figure who we believe tried very hard to calm the civil unrest in Diyarbakir last week and liaised with protestors to stop the violence. As a result, we are concerned that he may lose his position, and we also fear for his safety and security. On 7 April at 11.00, the building of South East Municipalities Association, of

which Mr Baydemir is President, was illegally raided by police officers, who did not submit any official decision from the Prosecutor Office.

### **Our concerns**

First, our most immediate concern is the fate and welfare of detainees, in light of the witness evidence and the authorities' apparent denial of many detentions. We believe that there is a real risk that those people currently detained are being subjected to torture or inhuman treatment due to the persistent allegations we continue to receive of such ill-treatment, which in fact escalated in 2005 compared with previous years. We are similarly alarmed that many of the detainees are children.

Second, in light of the harassment experienced by several human rights defenders and lawyers, we have serious concerns about the safety of other civilians within the Kurdish regions of Turkey, who risk being arbitrarily detained, tortured or killed as the security forces attempt to clamp down on those perceived to be a threat, including political opponents, human rights defenders and Kurds.

Third, it should be noted that these concerns exist only because of the ongoing suppression of the rights of the Kurdish people and the international community's failure to acknowledge this openly and directly. As a consequence, the Turkish government appears to believe it can continue to violate the rights of its Kurdish population with impunity.

We urge the EU to consider the following;

1. The EUTCC requests that you raise these issues with the Turkish Government as a matter of utmost importance and request it to abide by its commitments under the European Convention on Human Rights, (ECHR), article 2, the right to life and article 3, the prohibition of torture and inhuman or degrading treatment.
2. Moreover, we would request that you draw the Turkish Government's attention to the European Union Guidelines on Children and Armed Conflict which emphasise the importance of the UN Convention on the Rights of the Child. This document states, categorically, that no child shall be subject to torture or to other cruel and inhuman or degrading treatment or punishment.
3. Recalling that articles 2 and 3 of the ECHR impose a positive duty on a state to ensure that an official investigation is carried out by an independent and impartial authority in the event of an alleged violation of the rights, it is essential that the European Union ensures that the Turkish Government conducts a prompt investigation into the deaths, and the allegations of torture of the detainees, so that those who are responsible for the killings and torture are brought to justice.
4. We urge you to ensure that the Turkish Government upholds its legally binding obligation under article 13 of the ECHR to ensure that an effective remedy is made available to the victims. The investigation must meet accepted standards of due process so that the investigators are competent, impartial and independent of the suspected perpetrators and the agency they serve. The Turkish authorities

- should ensure that the alleged victims, witnesses, those conducting the investigation and their families should be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. In the event that the Turkish Government should fail in any respect to meet these standards, then we would ask that this matter be referred to the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment.
5. Furthermore, the EUTCC urges the EU to express its dismay at the Turkish government's handling of the current situation, in particular the insensitive statements by the Prime Minister and the Foreign Minister, placing all responsibility on the civilian population, including parents and children, and praising the behaviour of the security forces and the military.
  6. Finally, the EUTCC urges swift action from the European Union, including the following:
    - The EU should directly name the peaceful, just and lasting resolution of the Kurdish issue as key to the accession process, making it clear to the Turkish Government that the recognition of the rights of the Kurdish population is part of the political criteria, without which there can be no accession to the EU.
    - Consequently, the EU must insist that the Turkish Government give urgent priority to a program for a resolution of the Kurdish problem, putting an end to abuses and complying on the ground with the political elements of the Copenhagen criteria.
    - The reform program must be based on a political dialogue between the Government and the Kurds.
    - The EU must assume a pro-active and important role as a conciliator in this dialogue between the parties.

We ask you to raise these issues with the Turkish Government as a matter of urgency. We should be grateful if you would kindly confirm what action you will be taking and to inform us of any response received from the Turkish authorities.

Yours faithfully,

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**On behalf of the Board of Directors of the EUTCC**

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