



HRFT
HUMAN RIGHTS FOUNDATION of TURKEY

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Human Rights Foundation of Turkey

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Submission to the Universal Periodic Review for the 2nd Cycle

I. Introduction

1. HRFT has been providing treatment and rehabilitation services to torture survivors and their relatives since 1990. This report presents HRFT's assessment of Turkey's implemented of recommendations received during the first UPR cycle within our main areas of work.
2. Along with a history of human rights violations in Turkey, the military coup of 12 September 1980 and its aftermath brought a peak in extensive, massive and intense human rights violations, such as torture and ill treatment. By 1990, mainly as a result of the fact that the "Kurdish issue" has not yet been resolved the human rights situation had worsened. There has been some progress between 2000 and 2005 in terms of the relevant legal framework and its implementation. Nevertheless after 2005, several progressive reforms were rolled back; various articles of the new Turkish Penal Code and the new Criminal Procedural Code were amended in a negative way. Moreover, amendment to the Anti-Terrorism Code and the Code on Powers and Duties of Police were in 2006 and 2007, respectively gave the police more authority to use of force including fire arms, and restricted possibilities for complaining, which has resulted in more police brutality, and a weakening of the procedural safeguards. These regressive amendments have also led to an increase in other human rights violations, including of freedom of speech, freedom of assembly, right to liberty and security, and right to life¹. In 2013, so-called Gezi Park Protests and Corruption Operation of 17 December resulted in violations targeting the effective realization of protection and promotion of human rights.
3. HRFT submitted its report to the 8th session of UPR for the 1st cycle of Turkey². Therefore the assessment will cover the period after 2010.

II. Previous Recommendations with regards to Prohibition of Torture

4. During the first UPR, Turkey accepted the establishment of an independent national human rights institution (NHRI) in accordance with the Paris Principles; ratifying Optional Protocol to CAT (OPCAT) and, in line with its provisions, establishment of an independent national preventive mechanism and ensuring prompt, independent and thorough investigations of all allegations of torture and ill treatment.

A. Establishment of NHRI

5. Law on Human Rights Institution of Turkey was published in Official Gazette and entered into force on 30 June 2012 with number 6332. This formally established Turkey's National Human Rights Institution (NHRI).

1 See Report of Human Rights Watch on The Arbitrary Use of Terrorism Laws to Prosecute and Incarcerate Demonstrators in Turkey: <http://www.hrw.org/reports/2010/11/01/protesting-terrorist-offense-0> and see Report of Human Rights Watch on Barriers to Tackling Police Violence in Turkey: <http://www.hrw.org/reports/2008/12/05/closing-ranks-against-accountability-0>; see Annex I with regards to the violation of right to life and table on the numbers of prisoners which puts forward the rise.

2 Human Rights Foundation of Turkey, UPR Submission for the 8th Session, Turkey: http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/TR/HRFT_UPR_TUR_S08_2010_TheHumanRightsFoundationofTurkey.pdf

- 5.1. The process of establishment of the NHRI has been carried out in a manner, which lacked transparency, and broad stakeholder participation contrary to the spirit of Paris Principles³.
- 5.2. The NHRI lacks structural and operational independent as required in the Paris Principles. As already demonstrated in the reports of the Human Rights Commissioner of the Council of Europe⁴, Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions⁵, and EC Progress Report (2013)⁶, there is a lack of guarantees for the independence and impartiality of the members who are appointed by Government; there isn't adequate and independent funding for its operations; there are restrictions on civil society contribution, which jeopardise the future independence of the Institution. Since the establishment of the NHRI, despite the widespread human rights violations, it has failed to carry out effective monitoring and investigation of major incidents. In its concluding observations of 13 November 2012, Human Rights Committee underlines that "State should amend the 2012 law for the establishment of the national human rights institution, guaranteeing the organic and financial independence of the National Human Rights Institution in full compliance with the Paris Principles"⁷.

Recommendations: The State should amend the Law (a) to ensure the structural and operational independence in full compliance with the Paris Principles and (b) to guarantee that the NHRI effectively and fully fulfil its investigative powers.

B. Ratification of OPCAT

6. Turkey ratified OPCAT on 27 September 2011 and the NPM was established through Cabinet Decree No. 2013/2711 promulgated in the Official Gazette of 28 January 2014, which identified the NHRI as the NPM⁸. This was more than one year past the deadline established by article 17 of the OPCAT.
- 6.1. The NPM was designated through a cabinet decree, which fails to satisfy the requirement for establishment through constitutional or legislative text established in the Paris Principles and the SPT Guidelines⁹ raising concerns about its structural and operational independence. This concern is further aggravated by the lack of independence of the NHRI designates as NPM.
- 6.2. In addition to the lack of independence, NPM isn't established as a separate entity within the NHRI leaving it the necessary resources and expertise to perform the NPM function. This was confirmed during the 3rd Event of HRFT on 16 January 2013 evaluating the NPM establishment

3 Kirsten Roberts, Bruce Adamson- Chapter 23 Peer- Review Mission: Human Rights Institutions. 17-21 January 2011, Ankara, Turkey: <http://www.avrupa.info.tr/Files//2011%20Peer%20Review%20Report%20on%20the%20National%20Human%20Rights%20institutions.pdf>

4 26 November 2013 dated report of Nils Muiznieks: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2395759&SecMode=1&DocId=2079692&Usage=2>

5 Christof Heyns' report of 18 March 2013: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/122/89/PDF/G1312289.pdf?OpenElement>

6 EU Commission's 2013 Progress Report on Turkey dated 16 October 2013: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/tr_rapport_2013_en.pdf

7 Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session, 15 October to 2 November: www2.ohchr.org/english/bodies/hrc/docs/co/CCPR-C-TUR-CO-1.doc

8 <http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Turkey4Feb2014.pdf>

9 See SPT Guideline (15-19 November 2010), CAT/OP/12/5: www2.ohchr.org/english/bodies/cat/.../SPT_Guidelines_NPM_en.doc and also see 2013 Observation Report of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights: <http://nhri.ohchr.org/EN/AboutUs/Documents/ICC%20SCA%20General%20Observations.pdf>

where the NHRI was represented by its members. At this meeting, with participation of Malcolm Evans and Jean Pierre Restellini a full consensus has been reached among all participants from public and civil sectors that this function could not be undertaken by the NHRI.

Recommendations: The State should **(a)** cancel Cabinet Decree on the designation of NPM and **(b)** ensure establishment of a NPM in full compliance with OPCAT.

C. Effective Investigations into Torture

7. As indicated in the 2010 Concluding Observations of the Committee against Torture (CAT) on the third periodic report of Turkey¹⁰ and in the European Commission (EC) 2011, 2012 and 2013 Turkey Progress Reports¹¹ the authorities have continuously failed to conduct effective, prompt and independent investigations into allegations of torture. Investigations generally fail to comply with the standards in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).
- 7.1. There are grave concerns as to the independence and impartiality of investigations. According to the Law on the Proceedings against Civil Servants and Other Public Officials, the public prosecutor shall directly investigate crimes involving excessive use of force. The law also established a permission system for launching an investigation against the highest level law enforcement officers who are in charge of such acts. In addition, there isn't any separate, judicial police unit to conduct the investigations resulting in law enforcement officers investigating themselves and their close colleagues.¹²

Recommendations: The State should **(a)** ensure that investigations into allegations of torture are conducted in line with Istanbul Protocol **(b)** abolish the permission system for investigation of law enforcement officers. **(c)** establish an independent authority to investigate complaints against law enforcement officers suspected of torture and ill-treatment.

III. Other Key Issues of Concern

A. Impunity

8. There is an absolute manner of maintaining impunity both in legislation and implementation. As stated in both CAT Report and the EU progress reports, judicial authorities do not evaluate cases under provisions against torture, and therefore the importance of the increase in penalties for acts of torture that has been introduced has a limited impact. Prosecutions following allegations of torture are often conducted under Article Articles 256 ("excessive use of force") or 86 ("intentional injury") of the Turkish Penal Code rather than Articles 94 ("torture") or 95 ("aggravated torture

10 CAT/C/SR.975, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.TUR.CO.3.pdf>; also see the Submission of the Human Rights Foundation of Turkey to the UN Committee against Torture for its consideration of the 3rd Periodic Report of Turkey: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fNGO%2fTUR%2f45%2f10192&Lang=en

11 Reports are available under key documents: http://ec.europa.eu/enlargement/countries/detailed-country-information/turkey/index_en.htm

12 See Report of 10 January 2012, by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2005423&SecMode=1&DocId=1842380&Usage=2>

due to circumstances”) which stipulate heavier sentences¹³. It is important to remark that the wordings of the provisions leave the distinction between torture and other related crimes that are in the scope of the unlawful acts of public officials ambiguous.

Also as European Court of Human Rights (ECtHR) pointed out, the suspensions of the pronouncement of the judgment or delaying the execution of sentences result in the impunity of the perpetrators¹⁴.

8.1. Aforementioned reports reveal the fact that use of counter-charges to intimidate persons reporting torture remains prevailing and countrywide. Moreover the State is failing to implement decisions including remedies and compensations awards from the ECtHR. As illustrated in the ECtHR ruling on Veli Saçılık and Others v. Turkey¹⁵ and the subsequent implementation, the State has introduced a new tactic of recourse of rewards based claims that the victim had personal fault in the torture and ill-treatment incident that prompted the compensation award. This situation gives immunity to perpetrators and thus avoids torture survivors to bring cases.

8.2. Despite the amendment on the repealing of statute of limitation on investigations to crime of torture, there is still a loophole on the retrospective effect of the amendment.

Recommendations: The State should **(a)** produce clear guidance on when articles 256 and 86 of the Penal Code will be required to prosecute instead of article 94 and 95. **(b)** avoid rendering suspension of the pronouncement of the judgment or delaying the execution of sentences to the offence of torture. **(c)** Ensure that officials do not use the threat of counter-charges as means of avoiding people from reporting torture and/or recourse of rewards. **(d)** ensure investigation of torture isn't subjected to statute of limitations, retrospectively.

B. Right to Protest and Torture

9. During the reporting period there has been an increase in the violations of right to protest related with prohibition of torture and other forms of ill treatment.

9.1. As European Court of Human Rights (ECtHR) has already determined that the use of pepper spray against people whose liberty has been restricted can amount to a violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)¹⁶. Particularly during the protests, chemical agents such as pepper spray, tear gas, and pressurized water have been arbitrarily used against peaceful demonstrators¹⁷. Despite another latest ECtHR decision, Turkey is still in breach of ECHR¹⁸. The arbitrary and excessive use of force by police officers against peaceful demonstrators and bystanders during protests illustrates that torture and ill-treatment is increasingly applied to frighten, threaten, punish and/or impose

¹³ Despite the recommendations and observations of CAT, the detailed, current and comparative data of Ministry of Justice isn't still available.

¹⁴ See Böber v. Turkey, no. 62590/09, 09 April 2013; Eski v. Turkey, no. 8354/04, 5 June 2012; Taylan v. Turkey, no. 32051/09, 3 July 2012; Okkalı v. Turkey, no. 52067/99, ECHR 2006XII extracts; and Zeynep Özcan v. Turkey, no. 45906/99, 20 February 2007

¹⁵ See Saçılık and Others v. Turkey, nos. 43044/05 and 45001/05, 05 July 2011

¹⁶ See Ali Günes v. Turkey, no. 9829/07, 10 April 2012

¹⁷ See HRFT report on the Medical evaluation of Gezi Protests: <http://www.tihv.org.tr/wp-content/uploads/2014/06/gezi-raporu.pdf>; also see Amnesty International's Report on Brutal Denial of the Right to Peaceful Assembly in Turkey: <http://www.amnesty.org.tr/ai/system/files/GeziParkiEN.pdf>

¹⁸ In a recent judgment by the European Court of Human Rights in the case of Yaşa and Others v. Turkey (App. No. 44827/08), on 16 July 2013 the court ruled that Turkey violated Article 3 of the ECHR (prohibition of torture and other forms of ill-treatment) considering the lack of specific provisions in law regulating the use of tear gas at demonstrations and appropriate training for police officer.

authority, rather than to obtain information, which puts the whole population under the risk of being tortured. As stated in UN General Assembly Resolution A/RES/68/156, acts which can amount to torture committed against persons exercising their rights to peaceful assembly and freedom of expression are deeply concerning¹⁹.

- 9.2.** These acts kept alive the issue of torture in unofficial places of detention, including public places, which has been a priority item in the review period. Also the political discourse legitimises uncontrolled use of force with the Prime Minister remarks on the use of fire arms against protestors, stating *"I don't know how the police tolerate all this?"*²⁰.

Recommendations: the State should **(a)** promote and protect protestors from being subjected to torture or ill treatment. **(b)** ban the use of tear gas and pepper spray. **(c)** ensure that effective investigations are conducted into the use of force. **(d)** refrain from encouraging acts of torture in its political discourse.

C. Gross Violations of Human Rights

- 10.** There is no comprehensive approach to the right to a remedy and reparation for victims of gross violations of international human rights law involving enforced disappearances, the exhumation of mass graves or effective and independent investigations into alleged cases of extrajudicial killings that took place in 1990's, related with Kurdish issue²¹. Mass graves discovered in the south-east have not been adequately investigated²². The investigations aren't conducted in line with Minnesota Protocol.

As ceasefire was declared in 2013 there is a decrease in the number of deceased people in relation to armed conflict in Turkey²³. But the past massive human rights violations still have to be resolved. Moreover there is still a statute of limitation regarding these gross violations.

Recommendations: The State should **(a)** repeal statute of limitations on prosecution of gross violations of human rights. **(b)** conduct investigations of extrajudicial killings in line with Minnesota Protocol. **(c)** develop specific programme on reparation for victims of gross violations.

D. Lack of Right to Reperation

- 11.** The comprehensive reparative concept under UNCAT and related soft law tools²⁴ haven't been realized.

19 Resolution adopted by the General Assembly on 18 December 2013, A/RES/68/156: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/156; see also Human Rights Council Resolution on Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/25/L.20 : http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/25/L.20

20 http://www.todayszaman.com/columnist/gunay-hilal-aygun_349379_gezi-anniversary-frightened-the-government.html

21 See Annex II- Worksheet on Enforced Disappearances, Truth Justice Memory Center

22 See Report of Human Rights Watch on Ending Impunity for Killings and Disappearances in 1990s Turkey: <http://www.hrw.org/reports/2012/09/03/time-justice-0>; also see the Reports of Truth Justice Memory Center on Enforced disappearances: <http://www.hakikatadalethafiza.org/kaynak.aspx?GResourceld=85&Lngld=5> and Enforced Disappearances and the Conduct of Judiciary: <http://www.hakikatadalethafiza.org/kaynak.aspx?GResourceld=86&Lngld=5>

23 See Annex III-Tables on violation of right to life between 1990-2013 in conjunction with violation of right to life in clashes

24 UN Human Rights Council, 12 April 2013, Resolution No. 22/21; CAT, 30 December 2012, General Comment No 3

Domestic law does not provide for restitution, rehabilitation, satisfaction and guarantees of non-repetition. Furthermore, there are no specific provisions for compensation for torture and ill-treatment resulting in the courts generally failing to award compensation to torture survivors.

There are several non-State rehabilitation programmes run by organisations like HRFT. As part of the right to rehabilitation under Article 14 of UNCAT, the State has a clear obligation to refrain from intimidation and reprisal against such service providers.²⁵ Recent amendments to the Law on Health Services require punishment for providing “unauthorized” medical services during emergencies. Considering the prevalence of torture and ill-treatment during recent emergencies in Turkey and the need to ensure immediate rehabilitation services to the victims, this amendment serves to criminalise the provision of rehabilitation services²⁶.

Recommendations: The State should **(a)** ensure full scope of measures required to implement the right to redress. **(b)** ensure that no reprisals or intimidation are directed to NGOs including professionally independent and adequate health care providers.

E. Sick Inmates

12. On 24 January 2013, an amendment to article 16 of Code on Execution of Penalties stipulated that stay of execution of sentences on medical grounds will be conditional on the detainee “not threatening public order”. In a situation where Forensic Medicine Institution indicates the convict’s health condition to be grounds for release this may be rejected upon claim of threat against public order²⁷. Despite the ECtHR ruling that the lack of proper, sufficient legislation on continuing detention of inmates who have serious illness constitutes violation of Article 3 of ECHR, there are still restrictions regarding right to health including right to release²⁸. It has to stated that Institution is functioning under Ministry of Justice which lacks the medical neutrality and independency.

Recommendations: The State should **(a)** abolish the legal restrictions on the release conditions of sick inmates by ensuring that solely clinical approach and medical evaluation will be determining factor. **(b)** ensure that independent, efficient medical evaluation is adequate for the decisions on release of sick inmates. **(c)** stop solely relying on the Forensic Medicine Institution reports.

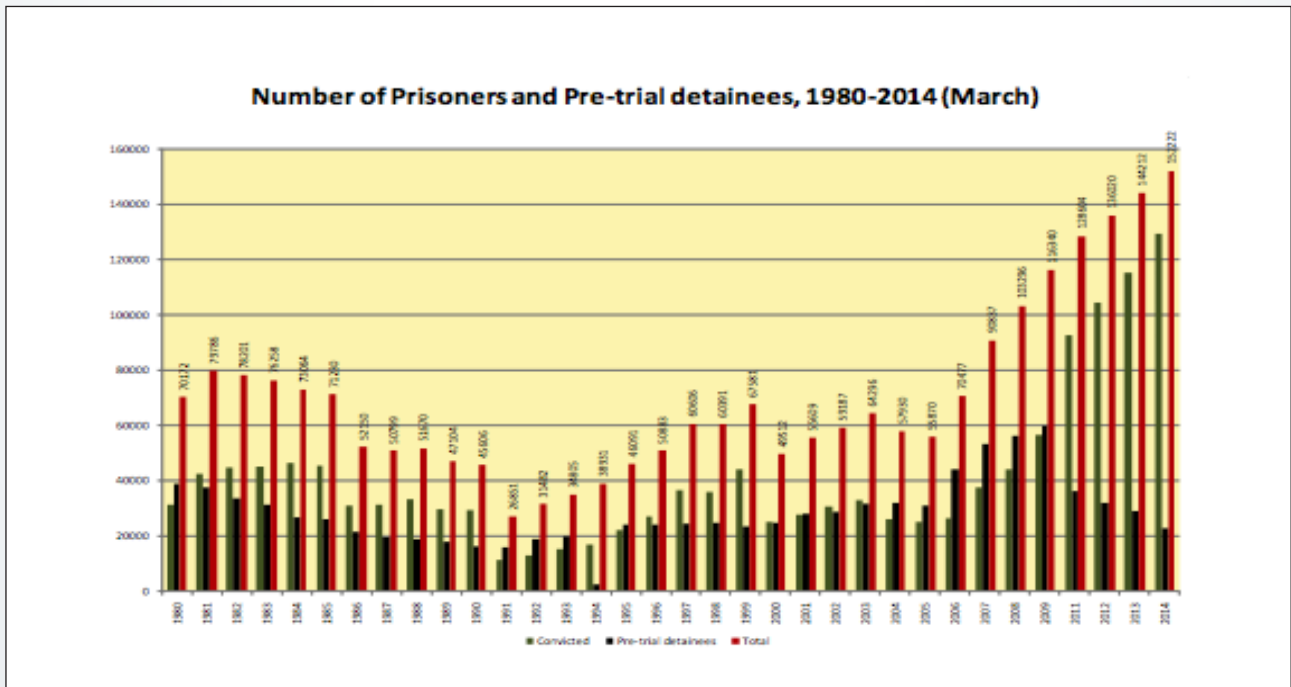
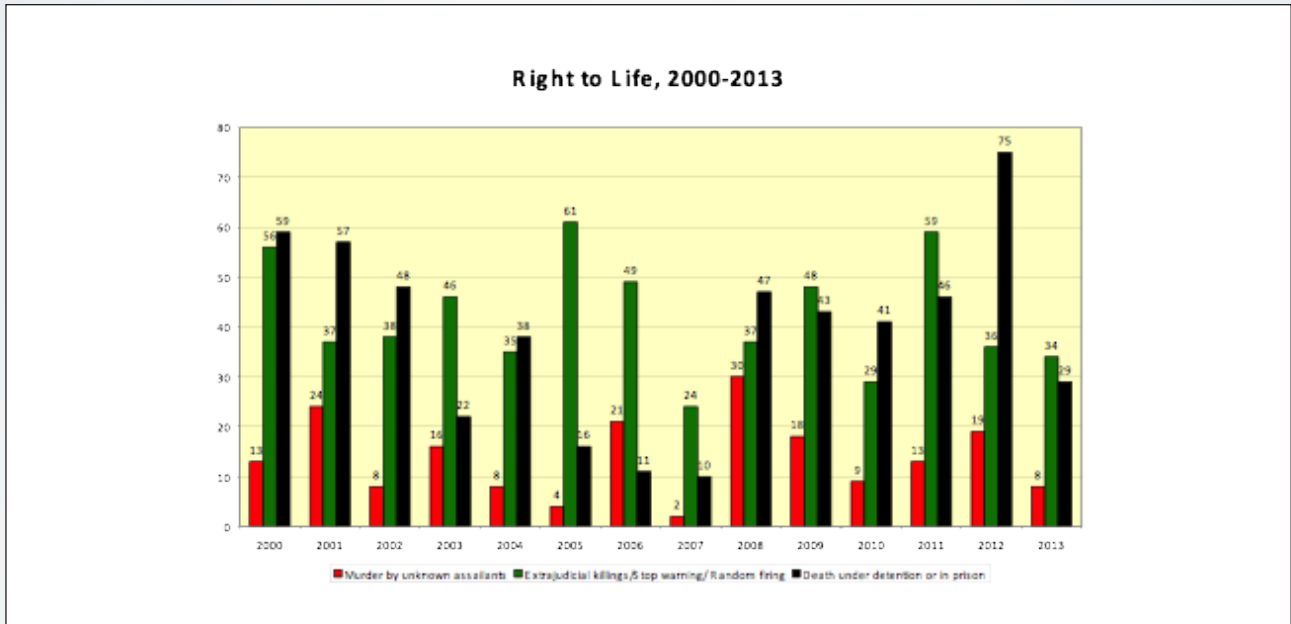
25 CAT, 30 December 2012, General Comment No 3, paragraph 15

26 UN Special Rapporteur on the right to health Physicians for Human Rights, World Medical Association, British Medical Association, German Medical Association, and other leading medical groups have all criticized the amendment. See more at: <http://physiciansforhumanrights.org/press/press-releases/turkish-president-signs-bill-that-criminalizes-emergency-medical-care.html#sthash.uzqtSnQO.dpuf>; <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14076&LangID=E>

27 See the release of 1 February 2014 on Prisoner’s Right to Release on Health Grounds: <http://humanrightspracticeinturkey.com/2014/02/01/21/>

28 See ECtHR judgement of Gülay Cetin v. Turkey, no. 44084/10, 05 March 2013

Annex I*



* HRFT Documentation Centre data

Annex II**

Name	Date of Dissappearance	Province	District	ECtHR App. No	Under Investigation/By the Court
1. Abbas Cığden*	01.01.1988	Şırnak	Silopi / Derebaşı Köyü		Under investigation
2. Abdo Yamuk*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
3. Abdulaziz Gasyak*	06.03.1994	Şırnak	Cizre - Silopi Karayolu	27872/03	By the Court
4. Abdulkahim Tanrıverdi	01.04.1993	Şırnak	Cizre / Kuştepe Köyü		Under investigation
5. Abdulhamit Dündük	16.07.1994	Şırnak	Silopi		By the Court
6. Abdülkerim Kalkan	01.05.1994	Şırnak	Cizre		Under investigation
7. Abdullah Canan	17.01.1996	Hakkari	Yüksekova - Van yolu	39436/98	By the Court
8. Abdullah Düşkün	16.04.1994	Şırnak	Cizre		Under investigation
9. Abdullah Efelti	01.02.1995	Şırnak	Cizre		Under investigation
10. Abdullah İnan*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	
11. Abdullah Kert	01.09.1990	Hakkari	Yüksekova / Tilur Köyü		Under investigation
12. Abdullah Özdemir*	06.06.1994	Şırnak	Silopi / Zırtan Mezrası / Uçağaç Köyü		By the Court
13. Abdullah Turğut	01.11.1995	Şırnak	Silopi		Under investigation
14. Abdulvahap Timurtaş	14.08.1993	Şırnak	Silopi / Yeniköy	23531/94	Under investigation
15. Abdurrahman Coşkun*	03.11.1995	Mardin	Dargeçit		Under investigation
16. Abdurrahman Hoca Suho*	30.11.1995	Şırnak	Silopi		Under investigation
17. Abdurrahman Olcay*	01.11.1995	Mardin	Dargeçit		Under investigation
18. Abdurrahman Yılmaz	01.02.1994	Şırnak	Cizre		Under investigation
19. Abdurrezzak Binzet	16.07.1997	Şırnak	Silopi		By the Court
20. Abidin Pulat (Polat)*	01.10.1995	Şırnak	Silopi / Buğdaylı Köyü		Under investigation
21. Adil Ölmez	01.01.1995	Şırnak	Cizre		Under investigation
22. Agit Akipa*	11.12.1991	Şırnak	İdil	56291/12	
23. Ahmet Berek	01.01.1993	Şırnak	Cizre		Under investigation
24. Ahmet Bozkır*	26.08.1996	Hakkari	Otluca Köyü	24589/04	
25. Ahmet Bulmuş	01.04.1994	Şırnak	Cizre		Under investigation
26. Ahmet Çakıcı	08.11.1993	Diyarbakır	Hazro / Çitlibahçe Köyü	23657/94	
27. Ahmet Dansık	22.02.1995	Şırnak	Silopi		
28. Ahmet Er	14.07.1995	Hakkari	Çukurca / Kurudere köyü	23016/04	
29. Ahmet Erek	06.02.1994	Mardin	Derik		By the Court
30. Ahmet Kalpar*	05.12.1993	Şanlıurfa	Siverek		
31. Ahmet Özdemir*	13.08.1994	Şırnak	Güçlükonak / Fındık Köyü	30953/96, 30954/96, 30955/96, 30956/96	Under investigation
32. Ahmet Özer*	13.08.1994	Şırnak	Güçlükonak / Fındık Köyü	30953/96, 30954/96, 30955/96, 30956/96	Under investigation
33. Ahmet Sanır	01.03.1994	Şırnak	Merkez / Ara Köyü		
34. Ahmet Şayık	07.01.1994	Şırnak	Silopi		Under investigation
35. Ahmet Şen	01.01.1994	Şırnak	Güçlükonak		Under investigation
36. Ahmet Ürün	14.04.1996	Şırnak	Merkez / Gazipaşa Mahallesi		Under investigation
37. Ahmet Üstün	01.04.1994	Şırnak	Cizre		Under investigation
38. Ahmet Yaman	01.07.1995	Şırnak	Uludere		Under investigation
39. Ahmet Yetişen	14.11.1994	Batman		21099/06	

** Truth Justice Memory Center

40. Ali Efeoğlu	05.01.1994	İstanbul	Pendik		Under investigation
41. Ali İhsan Çiçek*	10.05.1994	Diyarbakır	Lice / Dernek Köyü	25704/04	
42. Ali İhsan Dağlı	14.04.1995	Diyarbakır	Silvan / Eşme Köyü	75527/01, 11837/02	Under investigation
43. Ali Karagöz	27.12.1993	Şırnak	Cizre		Under investigation
44. Ali Müldür	Tarih bilinmiyor	Şırnak	Silopi		Under investigation
45. Ali Tekdağ	13.11.1994	Diyarbakır	Dağkapı	27699/95	
46. Aşur Seçkin*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormanlık Mezrası	3598/03	
47. Atilla Osmanoğlu	25.03.1996	Diyarbakır		48804/99	
48. Ayhan Efeoğlu	06.10.1992	İstanbul			Under investigation
49. Ayşenur Şimşek	24.01.1995	Ankara			
50. Ayten Öztürk	27.07.1992	Dersim			Under investigation
51. Bahri Arslan	01.04.1985	Şırnak	Merkez / Kırkkuyu Köyü		Under investigation
52. Bahri Budak*	30.05.1994	Diyarbakır	Lice / Yayimli Köyü	44814/07	Under investigation
53. Bahri Esenboğa*	13.08.1994	Şırnak	Güçlükonak / Fındık Köyü	30953/96, 30954/96, 30955/96, 30956/96	Under investigation
54. Bahri Şimşek*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
55. Behçet Tutuş*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
56. Bilal Batırır	08.03.1996	Mardin	Dargeçit		Under investigation
57. Casım Çelik*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormanlık Mezrası	3598/03	
58. Casım Paksoy	13.09.1994	Şırnak	Uludere		Under investigation
59. Celil Aydoğdu*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
60. Cemal Kavak	24.04.1996	Diyarbakır	Kuruçesme	53489/99	
61. Cemal Sevil*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormanlık Mezrası	3598/03	
62. Cemil Kırbayır	13.09.1980	Kars	Göle		Under investigation
63. Cemile Şarlı*	24.12.1993	Bitlis	Tatvan / Ulusoy Köyü	24490/94	
64. Cezayir Örfan*	24.05.1994	Diyarbakır	Kulp / Çağlayan Köyü / Deveboyu Mezrası	25656/94	
65. Davut Altınkaynak*	03.11.1995	Mardin	Dargeçit		Under investigation
66. Deham Günay	11.07.1997	Şırnak	Silopi	51210/99	Under investigation
67. Derviş Özalp	10.02.1994	Şırnak	Cizre		Under investigation
68. Ebubekir Dayan	17.01.1994	Şırnak	Cizre		Under investigation
69. Ebubekir Deniz*	25.01.2001	Şırnak	Silopi	65899/01	
70. Edip Aksoy	07.06.1995	Diyarbakır		32096/09	
71. Emin Altan	07.04.1996	Diyarbakır	Merkez / Bağlar		Under investigation
72. Emin Karatay	01.06.1991	Şırnak	Cizre / Bozalan Köyü		Under investigation
73. Emin Kaya	Tarih bilinmiyor	Şırnak	Güçlükonak		Under investigation
74. Emin Savgat	01.02.1993	Şırnak	Cizre / Dirsekli Köyü / Kurtuluş Mezrası		Under investigation
75. Ender (Önder) Toğcu	29.11.1994	Diyarbakır		27601/95	
76. Enver Akan	15.10.1998	Mardin	Dargeçit		Under investigation
77. Fahriye Mordeniz*	28.11.1996	Diyarbakır		49160/99	Under investigation
78. Fehmi Tosun	19.10.1995	İstanbul	Avcılar	31731/96	
79. Ferhat Tepe	28.07.1993	Bitlis		27244/95	
80. Fethi İldir	01.09.1993	Şırnak	Cizre / Kuştepe Köyü		Under investigation
81. Fethi Yıldırım	05.01.1994	Şanlıurfa	Viranşehir		Under investigation
82. Fettah Erden	01.01.1994	Şırnak	Güçlükonak / Boyuncuk Köyü		Under investigation
83. Feyzi Bayan*	29.09.1989	Şırnak	Silopi / Derebaşı Köyü		Under investigation
84. Fikri Özgen	27.02.1997	Diyarbakır		38607/97	

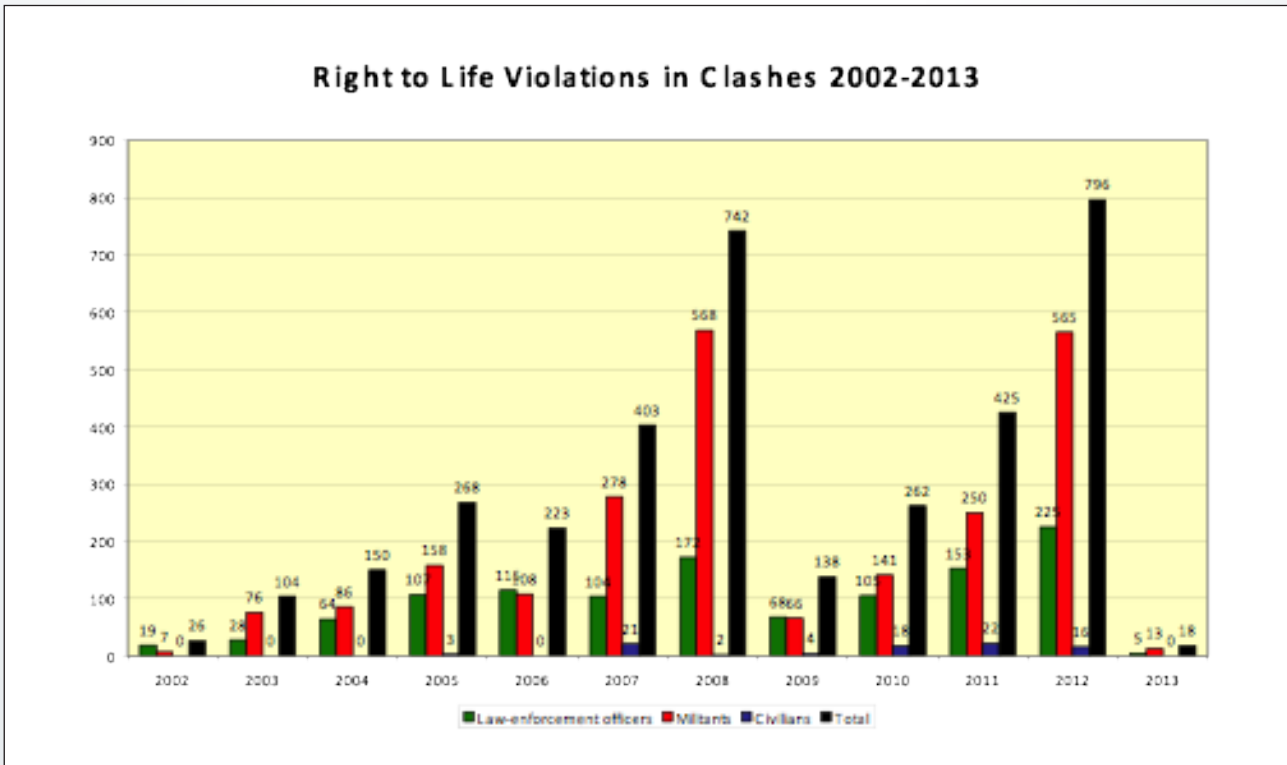
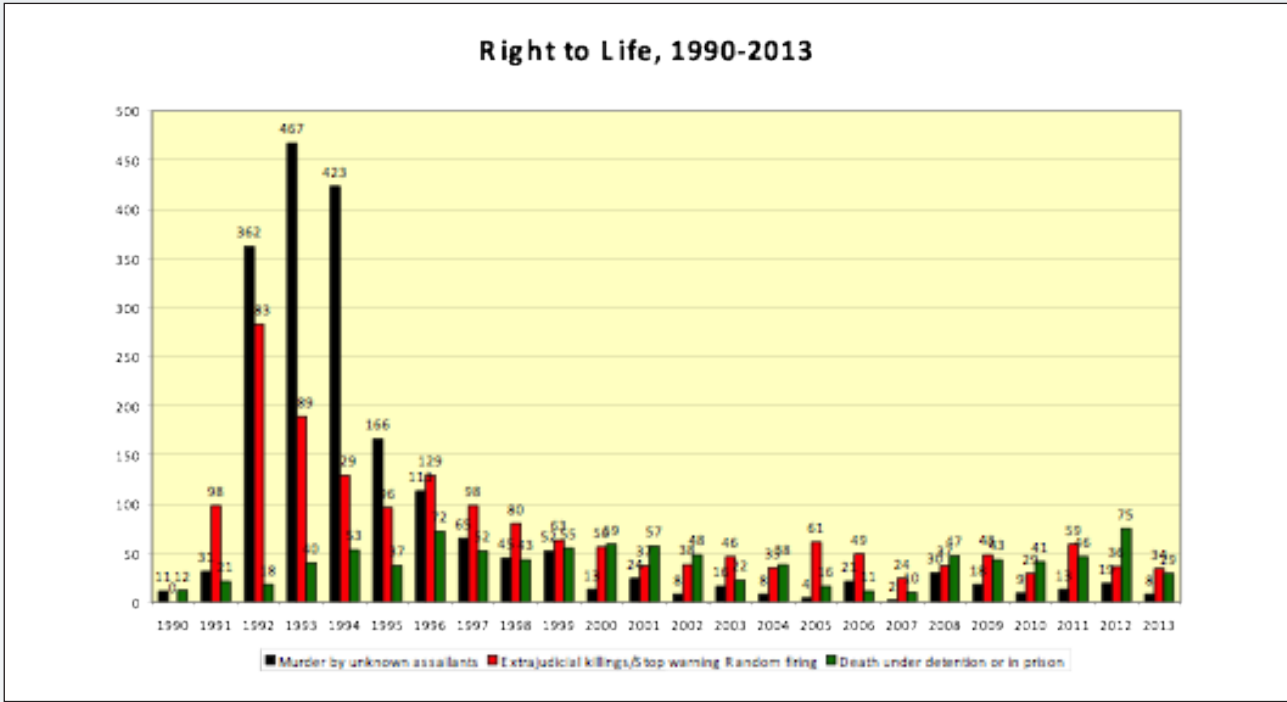
85. Fikri Şen*	13.08.1994	Şırnak	Güçlükonak / Fındık Köyü	30953/96, 30954/96, 30955/96, 30956/96	Under investigation
86. Hakkı Kaya	16.11.1996	Diyarbakır		4451/02	
87. Halil Birlik*	07.11.1996	Şırnak	Silopi / Habur Sınır Kapısı		Under investigation
88. Halit Ertuş*	26.08.1996	Hakkari	Ofluca Köyü	24589/04	
89. Halit Özdemir*	01.01.1993	Şırnak	Silopi / Görümlü Köyü	7524/806	By the Court
90. Hamdo Şimşek*	01.01.1993	Şırnak	Silopi / Görümlü Köyü	7524/806	By the Court
91. Hasan Avar*	01.10.1993	Diyarbakır	Kulıp / Alaca Köyü	23954/94	By the Court
92. Hasan Aydoğan	31.03.1998	İzmir	Çeşme / Alaçatı		
93. Hasan Baykura	01.12.1993	Şırnak	Cizre		Under investigation
94. Hasan Bayram*	01.05.1994	Diyarbakır	Lice		Under investigation
95. Hasan Ergül	23.05.1995	Şırnak	Silopi		Under investigation
96. Hasan Esenboğa	25.12.1994	Şırnak	Cizre		Under investigation
97. Hasan Gülünay	20.07.1992	İstanbul			Under investigation
98. Hasan Kaya*	21.02.1993	Elazığ		22535/93	
99. Hasan Ocak	21.03.1995	İstanbul		28497/95	
100. Hasan Örhan*	24.05.1994	Diyarbakır	Kulıp / Çağlayan Köyü / Deveboyu Mezrası	25656/94	
101. Hayrullah Öztürk*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormanlık Mezrası	3598/03	
102. Hazım Ünver	01.10.1996	Şırnak	Silopi		Under investigation
103. Hikmet Kaya*	04.11.1994	Mardin	Dargeçit		Under investigation
104. Hükmət Şimşek*	01.01.1993	Şırnak	Silopi / Görümlü Köyü	7524/806	By the Court
105. Hurşit Taşkın*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormanlık Mezrası	3598/03	
106. Hüsameddin Yaman	01.01.1992	İstanbul	Merter		Under investigation
107. Hüseyin Demir	26.09.1994	Şırnak	İdil		Under investigation
108. Hüseyin Koku	20.10.1994	Kahramanmaraş	Elbistan	27305/95	
109. Hüseyin Morsümbül	18.09.1980	Bingöl			Under investigation
110. Hüseyin Taşkaya*	05.12.1993	Şanlıurfa	Siverek		
111. İbrahim Adak*	01.02.1994	Şırnak	Cizre		By the Court
112. İbrahim Akıl*	01.01.1993	Şırnak	Silopi / Görümlü Köyü	7524/806	By the Court
113. İbrahim Demir*	11.12.1991	Şırnak	İdil	56291/12	
114. İhsan Arslan	27.12.1993	Şırnak	Cizre		By the Court
115. İhsan Haran	24.12.1994	Diyarbakır		28299/95	
116. İkrım İpek*	18.05.1994	Diyarbakır	Lice / Türelı Köyü / Çaylarbaşı Mezrası	25760/94	
117. İlhan İbak*	13.08.1994	Şırnak	Güçlükonak / Fındık Köyü	30953/96, 30954/96, 30955/96, 30956/96	Under investigation
118. İlyas Diril*	13.05.1994	Şırnak	Beytüşşebap	68188/01	
119. İlyas Eren	11.03.1997	Diyarbakır		42428/98	
120. İsa Efe	09.07.1996	Mardin	Derik / Tepebağ Köyü	39235/98	
121. İsa Soysal	01.01.1988	Şırnak	Silopi / Bozalan Köyü		Under investigation
122. İzzet Padır*	06.06.1994	Şırnak	Silopi / Zırstan Mezrası / Üçağaç Köyü		By the Court
123. İzzettin Acet*	28.10.1994	Şırnak	Cizre	22427/06	Under investigation
124. Kamil Bilgeç	27.11.1995	Şırnak	Silopi		Under investigation
125. Kasım Alpsoy	19.05.1995	Adana			
126. Kemal İzci*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormanlık Mezrası	3598/03	
127. Kemal Mubariz	02.01.1994	Mardin	Nusaybin		Under investigation
128. Kenan Bilgin	12.09.1994	Ankara		25659/94	

129. Kerevan İrmez	19.10.1995	Şırnak	Cizre		
130. Kuddusi Adigüzel	15.03.1994	Diyarbakır	Kulp / Konuklu Köyü / Arık Mezrası		By the Court
131. Lokman Akay	06.11.1995	Şırnak	Cizre		Under investigation
132. Lokman Kaya*	26.08.1996	Hakkari	Otluca Köyü	24589/04	
133. M. Ali Mandal	31.03.1998	İzmir	Çeşme / Alaçatı		
134. Mahmut Mordeniz*	28.11.1996	Diyarbakır		49160/99	Under investigation
135. Mahrem Tanrıverdi*	06.05.1994	Diyarbakır	Lice		Under investigation
136. Makbule Ökden	Tarih bilinmiyor	Şırnak	Cizre		Under investigation
137. Mehdi Akdeniz	20.02.1994	Diyarbakır	Kulp / Karaorman Köyü / Sesveren Mezrası	25165/94	
138. Mehmet Acar	01.02.1994	Şırnak	Cizre / Dirseklü Köyü / Züra Mevkii		Under investigation
139. Mehmet Bilgeç*	07.11.1996	Şırnak	Silopi / Habur Sınır Kapısı		Under investigation
140. Mehmet Dansık	22.02.1995	Şırnak	Silopi		
141. Mehmet Elçi	05.02.1994	Şırnak	Cizre		Under investigation
142. Mehmet Emin Aslan*	02.11.1995	Mardin	Dargeçit		Under investigation
143. Mehmet Emin Kaynar*	28.10.1994	Şırnak	Cizre		Under investigation
144. Mehmet Emin Özalp	25.09.1994	Şırnak	İdil / Bereketli Köyü		Under investigation
145. Mehmet Ertak	21.08.1992	Şırnak		20764/92	
146. Mehmet Faysal Ötün	02.10.1994	Mardin	Derik		By the Court
147. Mehmet Fındık*	31.12.1995	Şırnak	Silopi / Doruklu Köyü	33898/11, 35798/11	
148. Mehmet Gürri Özer*	01.02.1994	Şırnak	Cizre		Under investigation
149. Mehmet İlbasan*	01.01.1994	Şırnak	Cizre		By the Court
150. Mehmet Mungan	18.03.1998	Şırnak	Silopi / Yeniköy / Ceylan Mezrası		
151. Mehmet Nezir Duman	13.02.1993	Şırnak	İdil		Under investigation
152. Mehmet Ömeroğlu	07.01.1994	Şırnak	Silopi		Under investigation
153. Mehmet Özdemir	26.12.1997	Diyarbakır		54169/00	
154. Mehmet Şah Atala*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
155. Mehmet Şah Şeker	09.10.1999	Diyarbakır	Bismil	52390/99	
156. Mehmet Salih Akdeniz*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
157. Mehmet Salih Demirhan*	01.01.1993	Şırnak	Silopi / Görümlü Köyü	7524/806	By the Court
158. Mehmet Salim Acar	20.08.1994	Diyarbakır	Bismil / Ambar Köyü	26307/95	
159. Mehmet Selim Örfan*	24.05.1994	Diyarbakır	Kulp / Çağlayan Köyü / Deveboyu Mezrası	25656/94	
160. Mehmet Şerif Avar*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
161. Mehmet Şerif Avşar	22.04.1994	Diyarbakır		25657/94	By the Court
162. Mehmet Tan	15.12.1992	Irak	Zaho		Silopi Cumhuriyet Başsavcılığı
163. Mehmet Tanrıverdi*	06.05.1994	Diyarbakır	Lice		Under investigation
164. Mehmet Toru	23.04.1994	Şırnak	Güçlükönak / Koçyurdu Köyü		Under investigation
165. Mehmet Turay	05.02.1994	Şırnak	Cizre		Under investigation
166. Mehmet Zeki Yılmaz	25.02.1994	Hakkari	Yüksekova		Under investigation
167. Metin Andaç	31.03.1998	İzmir	Çeşme / Alaçatı		
168. Metin Budak*	30.05.1994	Diyarbakır	Lice / Yayimli Köyü	44814/07	Under investigation
169. Metin Can*	21.02.1993	Elazığ		22535/93	
170. Mikdat Özeken*	27.10.1995	Hakkari	Yüksekova / Ağaçlı Köyü	31730/96	
171. Mirhaç Çelik*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	
172. Mirze Ateş	15.03.1994	Diyarbakır	Kulp / Konuklu Köyü / Arık Mezrası		Under investigation
173. Muhsin Taş	14.10.1993	Şırnak	Cizre	24396/94	

174. Münür (Münir) Aydın*	01.01.1988	Şırnak	Silopi / Derebaşı Köyü		Under investigation
175. Münür Sarıtaş*	27.10.1995	Hakkari	Yüksekova / Ağaçlı Köyü	31730/96	
176. Mursal Zeyrek	01.05.1994	Şırnak	Silopi / Aktepe Köyü	33100/04	Under investigation
177. Mustafa Aydın *	01.01.1994	Şırnak	Cizre		By the Court
178. Naci Şengül*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	
179. Nadir Nayci	01.01.1993	Şırnak	Cizre / Kuştepe Köyü		Under investigation
180. Namık Erkek	20.12.1992	Mersin		28637/95	
181. Nedim Akyön *	02.11.1995	Mardin	Dargeçit		Under investigation
182. Neslihan Uslu	31.03.1998	İzmir	Çeşme / Alaçatı		
183. Nezir Acar	08.04.1992	Mardin	Dargeçit		Under investigation
184. Nezir Tekçi	01.04.1995	Hakkari	Yüksekova		By the Court
185. Nurettin Erşek	25.09.1994	Şırnak	İdil / Bereketli Köyü		Under investigation
186. Nurettin Yedigöl	10.04.1981	İstanbul			Under investigation
187. Nusreddin Yerlikaya*	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
188. Ömer Candoruk*	06.03.1994	Şırnak	Cizre - Silopi Karayolu	27872/03	By the Court
189. Ömer Çetin	6/1993	Şırnak	Cizre - Yağızoymak Köyü		Under investigation
190. Ömer Fındık*	31.12.1995	Şırnak	Silopi / Doruklu Köyü	33898/11- 35798/11	
191. Ömer Kartal*	31.12.1995	Şırnak	Silopi / Doruklu Köyü	33898/11- 35798/11	
192. Ömer Savun	07.05.1989	Şırnak	Güçlükonak		Under investigation
193. Ömer Sulmaz	01.01.1993	Şırnak	Cizre		Under investigation
194. Orhan Eren*	26.09.1997	Diyarbakır		57778/00	
195. Orhan Yakar	17.11.1996	Bingöl		36189/97	
196. Osman Kayar	01.11.1993	Şırnak	Silopi		Under investigation
197. Osman Nuri Taşçı	04.07.1987	Erzurum	Oltu	40787/10	
198. Piro Ay	17.05.1994	Mardin	Derik		By the Court
199. Ramazan Elçi	01.02.1994	Şırnak	Cizre		By the Court
200. Ramazan Ereğ	06.02.1994	Mardin	Derik		By the Court
201. Ramazan Özalp	01.01.1993	Şırnak	Cizre		
202. Ramazan Şarlı*	24.12.1993	Bitlis	Tatvan / Ulusoy Köyü	24490/94	
203. Ramazan Yazıcı	22.11.1996	Diyarbakır		48884/99	
204. Raşit Demirhan*	01.05.1994	Diyarbakır	Lice		Under investigation
205. Recai Aydın	02.07.1994	Diyarbakır			
206. Reşit Eren*	01.01.1988	Şırnak	Silopi / Derebaşı Köyü		Under investigation
207. Reşit Sevil*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	Under investigation
208. Resul Erdoğan	23.04.1994	Şırnak	Güçlükonak / Koçyurdu Köyü		Under investigation
209. Rıdvan Karakoç	01.03.1995	İstanbul			
210. Sabri Akdoğan*	01.05.1994	Diyarbakır	Lice		Under investigation
211. Sabri Pulat *	01.10.1995	Şırnak	Silopi / Buğdaylı Köyü		Under investigation
212. Sadık Ulumaskan*	04.12.1997	Şanlıurfa		9785/ 02,17309/ 04,22010/04	
213. Sadun Bayan*	01.09.1988	Şırnak	Silopi / Derebaşı Köyü		Under investigation
214. Salih Şengül*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	
215. Salih Yusuf Tahir*	30.11.1995	Şırnak	Silopi		Under investigation
216. Seddik Şengül*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	Under investigation
217. Selahattin Askan*	26.08.1996	Hakkari	Ofluca Köyü	24589/04	
218. Selahattin Bilen	01.01.1995	Şırnak	Silopi		Under investigation
219. Şemdin Cülaz*	01.01.1993	Şırnak	Silopi / Görümlü Köyü	7524/806	By the Court

220. Şemsettin Yurtseven*	27.10.1995	Hakkari	Yüksekova / Ağaçlı Köyü	31730/96	
221. Serdar Tanış*	25.01.2001	Şırnak	Şırnak	65899/01	
222. Selami Çiçek	10.06.1994	Şırnak	Cizre		Under investigation
223. Servet İpek*	18.05.1994	Diyarbakır	Lice / Türelî Köyü / Çaylarbaşı Mezrası	25760/94	
224. Seyhan Doğan *	02.11.1995	Mardin	Dargeçit		Under investigation
225. Şeyhmuz Yavuz	11.03.1994	Diyarbakır		48064/99	
226. Seyithan Ulumaskan*	04.12.1997	Şanlıurfa		9785/ 02,17309/04, 22010/04	
227. Seyithan Yolur	18.05.1994	Diyarbakır	Lice / Türelî Köyü / Çaylarbaşı Mezrası	25760/94	
228. Soner Gül	01.01.1992	İstanbul			Under investigation
229. Süleyman Durgut	14.07.1994	Şırnak	Cizre		Under investigation
230. Süleyman Gasyak*	06.03.1994	Şırnak	Cizre - Silopi Karayolu	27872/03	By the Court
231. Süleyman Halil Teli*	30.11.1995	Şırnak	Silopi		Under investigation
232. Süleyman Seyhan	30.10.1995	Mardin	Dargeçit	33384/96	
233. Süleyman Şık	01.01.1994	Şırnak	Silopi		Under investigation
234. Süleyman Soysal	29.11.1995	Şırnak	Silopi		Under investigation
235. Süleyman Tekin*	26.08.1996	Hakkari	Otluca Köyü	24589/04	
236. Tahir Koçu	01.02.1993	Şırnak	Cizre / Dirsekli Köyü / Kurtuluş Mezrası		Under investigation
237. Tahir Macartay	22.07.1993	Şırnak	İdil-Midyat Karayolu		Under investigation
238. Tahsin Çiçek	10.05.1994	Diyarbakır	Lice / Dernek Köyü	25704/94	
239. Talat Türkoğlu	01.04.1996	Edirne		34506/97	
240. Tevfik Timurtaş	29.12.1990	Şırnak	Cizre		Under investigation
241. Tolga Baykal Ceylan	10.08.2004	Kırklareli	İğneada		Under investigation
242. Turan Demir *	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23954/94	By the Court
243. Ümit Taş *	01.10.1993	Diyarbakır	Kulp / Alaca Köyü	23955/94	By the Court
244. Üzeyir Arzık*	01.01.1988	Şırnak	Silopi / Derebaşı Köyü		Under investigation
245. Üzeyir Kurt	25.11.1993	Diyarbakır	Bismil / Ağılı Köyü	15/1997/ 799/1002	
246. Vejdin Avcıl	12.06.1994	Mardin	Derik		By the Court
247. Veysi Başar	22.07.1993	Şırnak	İdil-Midyat karayolu		Under investigation
248. Yahya Akman*	05.03.1994	Şırnak	Cizre - Silopi Karayolu	27872/03	By the Court
249. Yusuf Çelik*	24.07.1994	Hakkari	Şemdinli / Ortaklar Köyü / Ormancık Mezrası	3598/03	
250. Yusuf Kalenderoğlu	22.02.1995	Şırnak	Silopi		
251. Yusuf Nergiz	03.10.1997	Diyarbakır	Kulp / Zeyrek Köyü	39979/98	
252. Zeki Diril*	13.05.1994	Şırnak	Beytüşşebap	68188/01	
253. Zozan Eren*	26.09.1997	Diyarbakır		57778/00	

Annex III***



*** HRFT Documentation Centre Data