

made to any judicial authority; and, Decree 285 modifies the Anti-Terror Law in areas where a state of emergency is in force, stating that the decision to prosecute members of the security forces is not the competence of the public prosecutor but of local administrative councils, which are made up of civil servants with no legal education and under the influence of the regional or provincial governor who is also the head of the security forces.

The SR transmitted one urgent appeal to the government on behalf of some 200 prisoners in 16 Turkish prisons, all of them reportedly accused or convicted of politically motivated offences, after being informed that they had been on hunger strike for more than 57 days demanding better prison conditions and, in particular, requesting that ill-treatment and obstruction of medical treatment be stopped. Allegations were also transmitted regarding violations of the right to life of 37 identified individuals and 5 unidentified persons. The report notes that most of the extrajudicial, summary or arbitrary executions allegedly occurred in 1995 and 1996.

In response to the urgent appeal, the government replied that the hunger strike had been started by inmates detained for terrorist offences and that it was they who had denied access to the medical personnel trying to assist those in need of medical treatment. The government stated that, in the list of the strikers, 38 demands were elements that had nothing to do with prison conditions, such as the ending of security operations against terrorism, the right to receive prohibited printed material, and to have prisoner-of-war status. The government also responded to 42 cases that had previously been sent by the SR, variously indicating that: the individuals had died during clashes with security forces and that the allegations transmitted did not correspond to reality; the deaths had occurred during an exchange of fire with police and that police officers involved in the incident were awaiting trial; the allegations of violations of the right to life were factually incorrect and that the cases were under investigation; the police had no record of the people named and that no cross-border operations had been conducted on the date in question; judicial proceedings were under way against suspected assailants; the person named was serving a prison sentence for having provided shelter and assistance to members of the PKK; the person named had died during a clash but the investigation had concluded that the security forces were not responsible; the persons named had not been taken into custody on the dates mentioned; allegations were factually incorrect; the person named was killed while trying to escape; the persons named had died not as the result of the use of a chemical agent as alleged but during a clash with security forces; and, the case was still under investigation.

The report notes that the substantial difference between the information provided by sources and the replies of the government made it impossible for the SR to draw any conclusions as to the merits of the allegations. The report also notes that in 1995 the government agreed in principle to a visit by the SR but that a formal invitation had not yet been issued.

The SR concludes by: expressing concern about violations of the right to life committed by Turkish security forces against civilians in the attempt to fight the PKK guerrillas; acknowledging the difficulties faced by the government to

control violence caused by the PKK; recognizing that human rights abuses are also being committed by members of the PKK; reiterating that the right to life is absolute and must be respected even under exceptional circumstances; and, stating that governments must respect the right to life of all persons, including members of armed groups, even when they demonstrate total disregard for the lives of others.

**Freedom of opinion and expression, Special Rapporteur on:** (E/CN.4/1997/31, Sections II, III)

The report notes that the Special Rapporteur (SR) visited Turkey from 20 to 25 September 1996. The report of that visit (E/CN.4/1997/31/Add.1) summarizes cases used by the SR as a basis for discussions with the Turkish government and shows that they generally involved parliamentarians, writers, publishers, journalists, editors and others working in fields related to human rights, such as the rehabilitation of victims of torture. In most cases the actions of the government derived from application of article 8 of the Anti-Terror Law and related to publications, statements and/or activities interpreted by the government as, for example, propaganda for an illegal organization, incitement to violence, threats to the security of the state and dissemination of separatist propaganda.

In the section dealing with national laws, the report notes that provisions of the 1991 Anti-Terror Law are susceptible to broad interpretation and therefore can and have been used to criminalize activities the state has characterized, without regard to intention or the ideas behind them, as aimed at damaging the indivisible unity of the state and at changing the characteristics of the Republic as defined by the Constitution (a unitary state). Concerns over the application of this law are balanced by recognition that the government has taken some steps toward the protection of the rights to opinion, expression, information, association and assembly. Among the measures noted are: establishment in 1990 of a parliamentary commission on human rights; organization of human rights courses and seminars for prison staff, police and civil servants; and repeal of laws banning the expression of communist ideas, religious propaganda and publishing in languages other than Turkish.

The report further notes the government's intention, announced in July 1996, to take measures to lift the state of emergency, eliminate obstacles to the right to seek justice, and implement measures to promote freedom of thought and expression. The report cites a government statement referring to the media in which the authorities declared that legislative arrangements to solve issues of the media will be worked out through consultation with voluntary organizations of the sector and will enable citizens to exercise their right to receive information fully. The government also asserted that any infringements on individual rights will be definitely prevented and that everything will be done to promote freedom of communication.

A general review of difficulties encountered in exercise of the right to opinion and expression include comments on: ownership of the press and media tending toward monopolization; death threats against persons seeking to participate in public affairs; heavily entrenched ideological positions derived from the divisive nature of the Kurdish question; and lack of freedom to express one's cultural identity. On the