

of Erzurum were reported to have been evacuated. Information was received concerning human rights abuses, including killings, committed by members of the PKK and other armed opposition groups, such as the Turkish Revolutionary Communist Party and the Turkish Liberation Army of Peasants and Workers.

Urgent appeals were sent to the government on behalf of persons who had allegedly received death threats. The first involved the headman of Yesilyurt village, who filed a petition with the European Commission of Human Rights for ill treatment inflicted by Turkish security forces on villagers in 1989, and villagers who acted as plaintiffs and witnesses in the case. The second appeal was sent on behalf of the President of the Diyarbakir Branch No. 2 of the Tes Is, the Turkish Union of Energy, Water and Gas Workers, after he had received death threats. The third appeal was on behalf of an Iranian asylum seeker who was reportedly to be returned to Iran because he had failed to register as an asylum seeker within five days of arrival. Fears were expressed that, if returned to Iran, he would be at grave risk of extrajudicial, summary or arbitrary execution because he was sought by the authorities for distributing pamphlets produced by the organization Iranian People's Fedayan. The government informed the SR that the person named had been granted refugee status in Spain.

In addition to the appeals, allegations regarding the violation of the right to life of 23 persons were transmitted related to deaths in custody, killings by police, killings by members of the armed forces, killings by village guards, and killings by members of the Special Operations Team.

The government replied to allegations transmitted during 1996, as well as to urgent appeals and allegations transmitted during 1997, variously stating: the case was sub judice and the person named had died as a result of a wound caused by a gun which exploded during a struggle between him and a police officer; 11 persons had died in an attack by members of the PKK on the minibus in which they were travelling, the deaths had occurred during clashes with the police during an operation conducted against the PKK; no information was found on the incident reported and no village by the name given existed; the cases were under investigation; the person named had been armed and carried documents of the Revolutionary People's Liberation Party/Front and was killed when he disregarded warnings by three pursuing police officers; a clash took place between persons in the Bayram house and police officers who were planning to search the house, and the clash was stopped by an explosion in the house after which the three persons were found dead; the person named had been killed by members of the PKK, and the case was referred to the Diyarbakir State Security Court.

Freedom of opinion and expression, Special

Rapporteur on: (E/CN.4/1998/40, paras. 55, 102–106)

Concerning women and freedom of expression, the Special Rapporteur (SR) referred to two cases. The first

involved a woman who was allegedly detained shortly after stating on television that her daughter had been raped while in police custody in Ankara. The second case involved a woman who was allegedly arrested and detained after having publicly stated that she had been sexually assaulted and tortured during a previous period of detention.

In October 1997, in a joint initiative with the Special Rapporteur on the independence of judges and lawyers, the SR conveyed concern to the government over a case in which a lawyer, writer, and doctor of philosophy who had allegedly made a speech at a meeting organized by the Istanbul Human Rights Association to commemorate Human Rights Day and was sentenced to 10 months' imprisonment for "separatism" under article 8 of the Anti-Terror Law in late 1995. The report notes that the sentence was upheld by the Court of Appeal and the person was also obligated to serve the remainder of a previous sentence when an appeal failed.

The government replied that the person was a writer and lawyer, and also member of the THKPC (Revolutionary Pioneers of the People), an illegal terrorist organization. The government stated that he had been sentenced to life imprisonment for having violated several articles of the Turkish Penal Code, including incitement to robbery by use of force and incitement to pillage. The government noted that he was released in November 1997 on health grounds, the decision to release him was not an amnesty, the sentence was suspended for one year, and the duration of this suspension is subject to the discretion of the Chief Public Prosecutor.

The SR expressed concern over the sentence to 10 months' imprisonment under article 8 of the Anti-Terror Act for a speech given on Human Rights Day. The SR welcomed the Parliament's adoption of an amnesty law in August 1997, suspending the sentences of editors who had been held legally responsible and convicted for published materials and articles that appeared in their newspapers, and noted that the law had resulted in the release of the former editor of the pro-Kurdish daily *Ozgur Gundem*, and others. Reference is also made to a study that was initiated by the Human Rights Coordinating High Committee to amend articles 26, 27 and 28 of the Constitution, articles 159, 311 and 312 of the Turkish Penal Code and article 8 of the Anti Terror Law, with a view to broadening the freedom of thought and expression.

Independence of judges and lawyers, Special

Rapporteur on: (E/CN.4/1998/39, paras. 14, 15, 18, 19. 168–174)

An urgent appeal was sent to the government on behalf of 25 lawyers who had been brought to trial on charges relating to one or more of the following situations: conducting defences before the State Security Court, in which case they are equated with the defendants' cause and, as such, are termed "terrorist lawyers" by the police, the public prosecutors, and the courts; appearing in trials before the State Security Courts in cases of torture and