

# INFORMATION FILE ON KURDISH CHILDREN



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### INTRODUCTION

*Every child must be trialled according to the special procedures for young people of underage. Denial of freedom should be the last measure for children who are in conflict with the law. None of the children could be deprived of any of his or her rights and should be able to enjoy his or her right to education in any case....*

*In Turkey, there are children who are still being trailed as they have participated in the street protests took place in Diyarbakır, Adana, Mersin and other various cities in 2008. The trial of these children in the High Criminal Courts under imprisonment is against the United Nations Convention on the Rights of the Child and child justice system. But still, some of these children are being trialled in High Criminal Courts under imprisonment. These children are being accused of participating riots and stone throwing which calls for a penalty of 20 years imprisonment and more. This is completely disproportional.*

*Considering that these children are in the age of puberty and there for must have the right to a healthy growth and development period like every other young person of their age, we strongly insist that these children to be released as soon as possible and trialled without imprisonment in Children's Courts and that all their rights are protected including their right to education. All the essential changes in relevant laws should be altered to achieve this. Because wherever he or she is, every child is a "child". Therefore we As International Free Women Foundation, Ceni-Kurdish Women Peace Office, UTAMARA Women's Meeting Center and Kurdish Human Right Center require from you to put Turkey under the pressure in order to Turkey comply with its international obligation on the right to children.*

## SOME STATISTICS REGARDING CHILDREN THAT HAVE BEEN KILLED

**1989**

19 July: Mahmut Yaşar (10), Şirnak	20 September: Fahrettin Ertaş (10), Şirnak	
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**1990**

20 March: Abidin Tuncer (10), Cizre	1 April: Berivan Kara (1), Uludere	1 April: Behecan Kara (9), Uludere
31 May: Canan Özen (8), Derik	10 June: Rahime Kayran (10), Basa	10 June: Meryem Kayran (10), Basa
10 June: Taibet Öner (3), Basa	10 June: Vasfiye Öner (10), Basa	10 June: Sait Kahraman (4), Basa
10 June: Hayrettin Öner (5), Basa	10 June: Fatma Kayran (15), Basa	10 June: Mehmet Kayran (5), Basa
10 June: Hüseyin Kayran (3), Basa	10 June: Haniye Özdemir (10,) Basa	10 June: Takviye Öner (15), Basa
10 June: Ömer Bestaş (16), Basa	14 June: Cevdet Güler (14), Hakkâri	14 June: Fehime Güler (9), Hakkâri
6 Aug.: Faruk Aktuğ (13), Silopi	30 Okt.: Ş. Pınar (11)	12 Dec.: Hadi Dalan (11), Lice

**1991**

28 Feb.: Salih Talayhan (17), Şirnak	4 May: Murat Ardiç (13), Bingöl	8 June: Emine Latifeci (11), Hazro
25 June: Rinde Latifeci (13), Hazro	10 July: Behzat Özkan (14), Diyarbakır	3 Aug.: Hediye Dilçe (18), Cizre
12 Aug.: Ferzan Ceylan (12), Dargeçit	12 Aug.: Abdullah Ceylan (12), Dargeçit	6 Sep.: Ömür Eriş (11), Kurtalan
20 Oct.: Nezahat Kızıl (6), Siirt	20 Nov.: İsmet Mirzaoğlu (15), Ahlât	24 Dec.: Veysi Aktaş (13), Lice

**1992**

6 Jan.: Emine Turan, Nusaybin	14 Feb.: Seyfettin Kapkaçın (18), Mardin	14 Feb.: Abdülsemel Özbey (15), Mardin
15 March: Mehmet Evren (12), Cizre	18 March: Vesile Say (9), Dargeçit	18 March: Bedia Say (15), Dargeçit
18 March: Yasin Say (17), Dargeçit	18 March: Sami Say (10), Dargeçit	19 March: Hıdır Acet, Nusaybin
21 March: Muhrise Altay (18), Cizre	21 March: Hüseyin Altan (14), Cizre	21 March: İsmet Arvas (16), Van
21 March: Çetin Bayram (16), Van	21 March: Davut Soyvural (15), Gercüş	21 March: Mehmet Emin Acar (10), Şirnak
21 March: Nebat Kakuç (17), Şirnak	21 March: Bülent Zeyrek (16), Şirnak	21 March: Emin Tetik (15), Şirnak
21 March: Mehdi Günen (9), Şirnak	21 March: Halil Bebek (2), Nusaybin	21 March: Ahmet Kaya (1), Nusaybin
21 March: Fatma Kaçmaz (4), Yüksekova	22 March: Hatice Acar (5), Şirnak	22 March: Kadriye Kakın (17), Şirnak
22 March: Mehmet Nezir (13), Şirnak	24 March: Medeni Aydın (18), Batman	24 March: Bahri Çınar (12), Ömerli
25 March: Nihat Celasun (14), Cizre	25 March: Fatma Kaçmaz (14), Yüksekova	25 March: Medeni Tunç (14), Siirt
25 March: Medine Sevgi (18), Siirt	27 March: Süleyman Ayal (14), Urfa	29 March: Bişeng Anık (16), Şirnak
29 March: Mehmet Ekinci (7), Mazıdağı	29 March: Şeymus Aktürk (16), Dargeçit	11 April: Yasin Çetin (16), Mevzitepe
11 April: Hasan Ayar (11), Mevzitepe	17 April: Cazım Kortak (17), Savur	17 April: Mustafa Ok (18), Savur
18 April: Metin Kırathı (10), Yüksekova	21 April: Yusuf Bodur (1), Midyat	21 April: Abdurrahman Yeşilmen (12), Midyat
21 April: Hamza Bulut (8), Midyat	22 April: Ayşe Balım (18), Silopi	4 May: Bişar Bilen (10), Uludere
4 May: Hanım Tunç (12), Uludere	9 May: Sıraç Nergis (17), Nusaybin	9 May: Selim Ata (17), Nusaybin
9 May: Sait Sağlam (17), Nusaybin	3 June: Mehmet Naif Çevik (9), Nusaybin	10 June: Kemal Şili (18), Tatvan
10 June: Mahmut Güreş (12), Tatvan	12 June: Emir Eyvani (7), Muş	22 June: Gülbahar Tunç (8), Gercüş
22 June: Behçet Tunç (17), Gercüş	22 June: Abdurrahman Gök (14), Gercüş	22 June: Şükrü Gök (10), Gercüş
22 June: Sultan Gök (12), Gercüş	22 June: Emrullah Gök (4), Gercüş	22 June: Haşim Gök (3), Gercüş
22 June: Yeni doğmuş bir bebek, Gercüş	26 June: Medine Kartal (18), İdil	27 June: Yılmaz Tatar (12), Şirnak
June: Abdülcelil Toy (14), Siirt	June: Sadık Turlu (15), Siirt	11 July: Gülistan Evin (6), Şemdinli
11 July: Rehan Evin (8), Şemdinli	22 July: Abdurrahman Akbalık (17), Nusaybin	25 July: Kadir Balık (13), Dicle
28 July: Nurcan Özatak (2), Hakkâri	July: Zuhul Avcı (9), Kulp	July: Çigdem Esmer (10), Kulp
6 Aug.: Hüseyin Bayılmaz (10), Nusaybin	10 Aug.: Mehmet Erbek (12), Mardin	22 Aug.: Zeliha Nasanlı (10), Siverek
23 Aug.: Murat Dağkeser (10), Siverek	23 Aug.: Orhan Dağkeser (4), Siverek	24 Aug.: İbrahim Artunç (7), Şirnak
24 Aug.: Remziye Artunç (10), Şirnak	24 Aug.: Güler Sökmen (3), Şirnak	24 Aug.: Veysi Sökmen (6), Şirnak
24 Aug.: Sema Sökmen (9), Şirnak	24Aug.: Gülüm Güngen (6), Şirnak	24 Aug.: Medine Güngen (14),Şirnak
5 Sep.: Fuat Keskin (14), Doğubeyazıt	7 Sep.: Mesut DüNDAR (15), Cizre	10 Sep.: Cumali Çetrez (9), Hamur
10 Sep.: Şefika Çetrez (7), Hamur	18 Sep.: Ahmet Alan (10), Solhan	1 Sep.: Hüseyin Esrai (16), Kars
3 Sep.: Aziz Bal (17), Dargeçit	20 Sep.: Sinan Demirtaş (18), Nusaybin	24 Sep.: Zeyni Dağ (17), Nusaybin
1 Sep.: Devrim Eleftoz (1), Silvan	5 Nov.: Şurzan Demirkapı (16), Kovancılar	6 Nov.: Milet Samur (14), Şemdinli
6 Nov.: İkmal Samur (18), Şemdinli	6 Nov.: Gülsüme Samur (4), Şemdinli	6 Nov.: Reber Samur (1), Şemdinli
7 Nov.: Şivan Çigirga (3), Cizre	7 Nov.: Nadire Çigirga (10), Cizre	7 Nov.: Sinem Çigirga (13), Cizre
7 Nov.: Fatma Çigirga (9), Cizre	7 Nov.: Bahar Çigirga (7), Cizre	22 Nov.: Coşkun Benzer (12), Kilis
22 Nov.: Fırat Geçmez (18), Silvan	3 Dec.: Mehmet İşler (18), Midyat	6 Dec.: Melek Bora (10), Dargeçit
Dec. Garibe Karasakal (18), Nusaybin	17 Dec.: Veysi Başar (8), Diyarbakır	17 Dec.: Fatma Can (17), Diyarbakır
24 Dec.: Nafi Kalemli (14), Viranşehir	Dec.: Hüseyin Ensari (16), Kars	Dec.: Mehmet Yusufi (15), Başkale
Dec.: Kasım Oval (14), Yüksekova		

## 1993

11 Jan.: Gülistan İşıyok (12), Kulp	12 Jan.: Nezir Ergün (8), Cizre	12 Jan.: Hacer Ergün (6), Cizre
12 Jan.: Hıdır Ergün (17), Cizre	31 Jan.: Naze Ekici (12), Şirnak	31 Jan.: Şemsi Ekici (4), Şirnak
31 Jan.: Hamza Ekici (6), Şirnak	17 Feb.: Esra Saçaklı (8), Silvan	20 Feb.: Abide Ekin (3), Basa
7 May: Gürgiz Bayındır (5), İdil	23 May: Naim Aslan, Yüksekova	25 May: Semra Bayram, Silvan
18 June: İrfan Fidan (17), Savur	7 July: Mahmut Aydemir, Silopi	7 July: Fadile Aydemir (6), Silopi
7 July: Ayşe Yıldız, Silopi	11 July: Dinçer Levent (16), Hamur	11 July: Feride Levent (15), Hamur
13 July: Canan Çiftçi, Diyadin	13 July: Dilşah Çiftçi, Diyadin	13 July: Ender Çiftçi, Diyadin
13 July: Ruken Çiftçi (6), Diyadin	20 July: Azad Sabırlı (7), Bahçesaray	20 July: Yunus Sabırlı (2), Bahçesaray
20 July: Bahar Turan (3), Bahçesaray	20 July: Sevil Ağaç (7), Bahçesaray	20 July: Suzan Turan (10), Bahçesaray
20 July: Yıldız Güzel (13), Bahçesaray	20 July: Nezahat Elmalı (12), Bahçesaray	20 July: Eylem Elmalı (4), Bahçesaray
20 July: Azime Elmalı (14), Bahçesaray	20 July: Muhammet Yaşar (8), Bahçesaray	20 July: Hanım Yaşar (4), Bahçesaray
20 July: Hürriyet Sevgili (12), Bahçesaray	24 July: C. M. (12), Silvan	30 July: Elif Rani (7), Pazarcık
30 July: Gözde Rani (4), Pazarcık	14 Aug.: Zeynep Çağdavul (18), Digor	14 Aug.: Selvi Çağdavul (16), Digor
14 Aug.: Gülistan Çağdavul (18)Digor	14 Aug.: Yeter Keremciler (14), Digor	14 Aug.: Zarişe Boylu (16), Digor
14 Aug.: Necla Geçener (14), Digor	14 Aug.: Seyhan Doğan (12), Dargeçit	14 Aug.: Abdurrahman Coşkun (18), Dargeçit
14Aug.: M. Emin Aslan (18), Dargeçit	11 Sep.: Seyithan Balçık, Cizre	11 Sep.: Mesut Balçık, Cizre
13 Sep.: Yusuf Bozkurt (14), Şirnak	13 Sep.: Halit Akıl (12), Şirnak	21 Sep.: Ahmet Arcağök (11), Diyarbakır
28 Sep.: İdris Üllüs (12), Yüksekova	30 Sep.: Sercan Üllüs (7), Yüksekova	2 Oct.: Şakir Ögüt (7) Altınova/Muş
2 Oct.: Cihan Ögüt (4) Altınova/Muş	2 Oct.: M. Şirin Ögüt (1)Altınova/Muş	2 Oct.: Aycan Ögüt (6) Altınova/Muş
2 Oct.: Çinar Ögüt (3) Altınova/Muş	9 Oct.: Zana Zoğurlu (16), Lice	9 Oct.: Lokman Zoğurlu (17), Lice
10 Oct.: Yalçın Yaşa (13) Diyarbakır	22 Oct.: Dilbirin Canpolat (3,5), Lice	22 Oct.: Suna Canpolat (2), Lice
22 Oct.: Hüseyin Canpolat (15),Lice	17 Dec.: Halil Leco (13), Ovacık	19 Dec.: Mahmut Erol (15), Dargeçit

## 1994

3 Jan.: B. A. (12), Hani	5 Jan.: Keko Gül (12), Adana	6 Jan.: Ali Katmış (1), Cizre
7 Jan.: A. Halim Rüzgâr (12), Batman	10 Jan.: Muhammet Bilgiç (5), Cizre	10 Jan.: Ahmet Bilgiç (6), Cizre
14 Jan.: Azad Önen (16), Diyarbakır	18 Jan.: Süleyman Gün (15), Diyarbakır	25 Jan.: Ahmet Efe (8), Diyarbakır
13 Feb.: İbrahim Şeflik (5), Silopi	16 Feb: Hakan Yalçın (14), Diyarbakır	23 Feb.: Bilavşan Asper (17), Tatvan
26 Feb.: Sevgi Asma (7), Kurtalan	26 Feb.: Sohbet Öngün (3), Sason	26 Feb.: Hanifi Yıldız (13), Sason
26 Feb.: Hüseyin Tekin (16), Sason	1 March: R. A. (3), Kızıltepe	19 March: Ferman Cingöz (16), Lice
27 March: Mirza Yıldırım (3), Şirnak	27 March: Mehmet Yıldırım (15), Şirnak	27 March: Abdülkerim Yıldırım (2), Şirnak
27 March: İrfan Yıldırım (5), Şirnak	27 March: Xunaf Yıldırım (3), Şirnak	27 March: Çiçek Benzer (2), Şirnak
27 March: Ali Benzer (7), Şirnak	27 March: Ayşe Benzer (1), Şirnak	27 March: Ömer Benzer (12), Şirnak
27 March: Abdurrahman Benzer (4), Şirnak	10 April: İlhami Menteş (12), Lice	10 April: Raif Menteş (13), Lice
27 April: Keziban Kalkan (15), Genç	28 May: Tuncer Güler (11), Ağrı	30 May: Şerif Ekin (13), Basa
2 June: Ahmet Kaya (13), Yüksekova	2 June: Hasan Demir (14), Yüksekova	5 June: Didar Elmas (7), Ovacık
8 June: Barzan.... (2), Silvan	25 June: Hüsni Turan (10), Nusaybin	25 June: Eylem Tur (13), Nusaybin
25 June: Süleyman Erik (9), Nusaybin	25 June: Emrullah Zeybek (10), Bitlis	25 June: Hikmet Argün (13), Bitlis
27 June: Xanime Sincar (17), Ömerli	28 June: Hayri Yüksel (15), Ömerli	4 July: Atilla Kılıç (14), Kozluk
8 July: Nurullah Solhan (16), Kızıltepe	8 July: Emrullah Solhan (14), Kızıltepe	8 July: Selma Solhan (7), Kızıltepe
11 July: A. Menaf Tunç (14), Siirt	16 July: Kenan Dartan (12), Kozluk	31 July: Gültekin Acet (10), Bismil
5 Aug.: Abdullah Kamçı (16), Yüksekova	8 Aug.: Sedat Barış (18), Batman	12 Aug.: Netice Coşkun (14), Kulp
12 Aug.: Mümine Zümrüt (18), Kulp	15 Aug.: Çelebi Özgüç (15), Savur	15 Aug.: İshak Özgüç (13), Savur
22 Aug.: Savaş Ateş (11), Dicle	22 Aug: Halit Güneş (13), Dicle	22 Aug.: Bayram Güneş (13), Dicle
22 Aug.: Vedat Balta (12), Dicle	22 Aug.: İbrahim Balta (13), Dicle	22 Aug.: İsa Can (15), Dicle
1 Sep: Nurettin Doruk (18),Diyarbakır	13 Sep.: Sadettin Doğan (10), Lice	15 Sep.: Sedat Öner (7), Eruh
15 Sep.: Mehmet Sercan (9), Eruh	15 Sep.: Cemşit Adıgüzel (13), Eruh	20 Sep: Şükran Yıldız (11), Çukurca
25 Sep.: Dilek Serin (3), Dersim	25 Sep.: Yeter Işık (16), Dersim	25 Sep.: Elif Işık (18), Dersim
25 Sep.: Recep Tartar (8), Genç	25 Sep.: Kürdiye Savaş (8), Genç	25 Sep.: Emrah Tartar (8), Genç
25 Sep.: Faruk Savaş (11), Genç	2 Oct.: Filiz Kayış, Ceylanpınar	3 Oct.: İlyas Yiğit (6), Çat
3 Oct.: Adil Boztaş (10), Kağızman	9 Oct.: Nurşan Bulut (13), Palu	10 Oct.: Mehmet Üste (12), Pazarcık
31 Oct.: Hamdi Dündar (18), Yüksekova	31 Oct.: Fikri Yılmaz (15), Yüksekova	18 Nov.: Cüneyt Tarhan (11), Tatvan
1 Dec.: Yunus Turgut (13), Silopi	Dec.: Hasip Kaya (9), Doğubayazıt	Dec.: Yılmaz Kaya (10), Doğubayazıt

## 1995

April: Erol Öztunç (2), Uludere	17 May: Ahmet Bulut (10), Ömerli	17 May: Rahim Kumru (10), Ömerli
25 May: Dinar Aras (12), Iğdır 1995	25 May: Cüneyt Aras (6), Iğdır	25 May: Ergün Aras (3), Iğdır
25 May: Ferdi Aras (2), Iğdır		

## 1996

2 May: Hazal Sevim (17), Baykan	8 Aug.: Dilan Bayram (2), Adana	8 Aug.: Berivan Bayram (4), Adana
13 Nov.: Hatice Bozaslan (17), Derik	2 Dec.: Oktan Çaçan (14), Diyarbakır	11 Dec.: Mehmet Banan (15), Midyat

**1997**

6 March: Musa Adsız (12), Akçakale	23 April: M. Şerif Öztürk (11), Kızıltepe	25 April: Muhammet Kulçur (12), Dumlu/ Erzurum
25 April: Gökhan Kulçur (10), Dumlu/ Erzurum	8 May: Fedai Ögürce (4), Pasinler	10 Nov.: M. Özdemir (17), Ceylanpınar
11 Nov.: Bilal Alanca (5), Nusaybin		

**1998**

Jan.: Fatih Kaya (18), Batman	15 March: Engin Ceylan (14), Lice	
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**1999**

14 March: Tugay Ergin (10), Hani	26 March: Abdurrahman Gezer (18), Osmaniye	17 April: Yılmaz Elüstü (17), Genç
15 May: Kenan Oğuz, Erzurum	15 May: Deniz Oğuz, Erzurum	15 May: Cansu Oğuz, Erzurum
20 June: Mehmet Algan (11), İdil	1 Aug.: Fırat Çiçek (9), Elazığ	1 Aug.: Onur Şahin (11), Elazığ
1 Aug.: Sedat Karakoç (14), Elazığ,	17 Aug.: Şaban Çadıroğlu (15), Van	25 Sep.: İnan Cila (11), Ovacık

**2000**

Serdar Günerci (17), Diyarbakır	Welat Şedal (10), Yüksekova	İsmail Şedal (8), Yüksekova
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**2004**

21 Nov.: Uğur Kaymaz (12), Mardin		
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**2006**

29 March: Abdullah Duran (9), Diyarbakır	30 March: Enes Ata (8), Diyarbakır	30 March: İsmail Erkek (8), Diyarbakır
March: Fatih Tekin (3), Batman	March: Ahmet Araç (17), Mardin	3 April: Mahsum Mızrak (17), Diyarbakır
3 April: Emrah Fidan (17), Diyarbakır	5 Sep.: Mizgin Özbek (10), Batman	

**2008**

15 February: Yahya Menekşe (12), Şirnak		
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**2009**

23 April: Abdülsamet Erip (14), Hakkâri		
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(Source: ANF Fırat News Agency among many other daily print press in Turkey)

## 2008 NOT A GREAT YEAR FOR CHILDREN

2008 was not a great year for children to remember later in their life.

Because a huge toll show us that children were deprived of their childhood.

Only in Diyarbakir as many as 400 children were detained. But this toll is higher. About at least 700 children were detained. In city of Van 38 were prosecuted.

The Human Rights Association IHD says, that in many other cities many people among them children were deprived of their rights and human rights were violated. One of the strangest points to consider is that children who have thrown stone at the police or only have done the victory sign have been punished to 25 years in jail. New law regulations have meant that even the highest court in Turkey legalize and those unbelievable punishments.

Children were also the target of law in city of Van.

38 children were prosecuted during 2008. Many people still are upset about prosecuting and punishing these children. To protest the state policy of punishing children in the worst way, Justice for Children Initiative was established (for further information please have a look at the last section of the information file.)

The Heavy Penal Courts of Adana imprisoned two children to 8 years and 2 months jail due to accusations of making propaganda of an illegal organization and being member of an illegal organization.

M.Ö (15) and I.S (16) children were arrested and jailed after the inquiry on 09.03.2009 under the accusation of joining a demonstration, which was organized in Emin Aga Avenue of Barbaros District on 08.03.2009, shouting slogans in favour of Abdullah Öcalan and the Kurdistan Workers' Party (PKK) and throwing stone at police forces.

The first trial was held before the 6<sup>th</sup> Heavy Penal Court of Adana on 02.06.2009. The court sentenced M.Ö (15) and I.S (16) sentenced in charge of committing crime on behalf of an organization and making propaganda of an organization. In addition to that the court decided that these children would not be released but stay in prison (they have been in prison for three months already) on the basis of the period of the imprisonment.

M.Ö (15) and I.S (16), who were accused of shouting slogans in favour of Öcalan and the PKK, will stay in prison for four years. Imprisonment of M.Ö (15) and I.S (16) shows clearly that justice is not measured on the basis of truths in the Heavy Penal Courts of Adana.

Children which are accused of throwing stone and shouting slogan are punished to 5 years in jail. In fact the only evidence that these children threw stones is police reports. There is nothing else as evidence. Moreover all these trials are being held in a manner that is contrary to international conventions namely the UN Convention on the Rights of the Child. The UN Convention on the Rights of the Child and other international instruments state that arrest of children and putting them into prison must be the last method to apply. However arrest is the first action that is taken in Adana. Although international instruments state that arrested children must be released in as soon as possible children are kept in prisons for months and years in Turkey. Similarly the international instruments state that imprisonment of children must be the last method, however; imprisonment of children has become almost a common method in Adana. Another unlawful aspect of children trial is that these children are being tried before the heavy penal courts which have special authorities.

There are 69 imprisoned children, including M.Ö (15) and İ.S (16), in Adana during the last 11 months. These 69 children were imprisoned for 300 years in total after some reduction. The above mentioned facts and statistics indicate clearly that Adana has become like a hell for Kurdish children.

## JUSTICE FOR CHILDREN INITIATIVE REPORT ON CHILDREN

*who found themselves on the wrong side of the law“25 years for throwing a stone, isn't it too much?”*

February 2009, Diyarbakir/ [www.cocuklaraadalet.com](http://www.cocuklaraadalet.com)

*Families of the Children Who Found Themselves on the Wrong Side of the Law  
Human Rights Association Diyarbakir Branch- Diyarbakir Bar  
Diyarbakir Medical Association- Mazlum Der Diyarbakir Branch*

### WHAT WAS THE INITIATIVE ESTABLISHED FOR?

Following the incidents in Diyarbakir on 28 March 2006, approximately 400 children according to the official figures, and 700 children according to unofficial figures, were detained and subjected to inhuman treatment at detention centres. A large number of these children were arrested and were indicted for up to nearly a quarter of a century long imprisonment sentences. In the meantime the TMK [Turkish Civil Code ] was amended and the local Courts referred the sentences given to the children to the Supreme Court of Appeals Sentences General Council, where the sentences were confirmed and implemented, thus a child who threw stones and made the victory sign started serving 25 years. The sentencing of children for 25 years for stoning the police caused an outrage as it seemed to be unjust. This offended the sense of justice of the children's families, lawyers defending the children, human rights organisations, children focused NGO's, Law Societies, intellectuals, columnists, and created a general outrage. All national papers started publishing articles and columns, meetings were held, primarily in Diyarbakir but also in Ankara, Istanbul, Izmir, Adana and other cities, where press announcements were made, resulting in an immediate public outcry. An initiative started in Diyarbakir named 'Justice for Children Initiative', setting up a website called [www.cocuklaraadalet.com](http://www.cocuklaraadalet.com), 1,050 intellectuals signed the petition and more and more people are signing the petition daily

### II- WHAT HAS THE INITIATIVE DONE?

Initially the 'Justice for Children Initiative' was established by the families of the children and subsequently it grew with the support of NGO's. At present, there are more than 20 organisations participating and providing active support within the Initiative. The initiative established a web site, launched a petition, visited numerous NGOs in Diyarbakir and sent information via email to a large number of people and organisations. The Initiative called for active participation at the court hearings, ensured the attendance of activists of children's rights from Istanbul and Ankara, supported and showed solidarity with the families, and made press announcements in front of Diyarbakir Judiciary and Diyarbakir E type prison. The initiative visited DTP's [Party for a Democratic Society] Diyarbakir members of Parliament and submitted a brief to them. DTP's Sirnak Member of Parliament, Sevahir Bayindir, submitted a bill to the Turkish Grand National Assembly's Speaker, proposing that children be excluded from the Prevention of Terrorism Act. In a response to a parliamentary question by DTP's Diyarbakir MP Selahattin Demirtas, the Minister of Justice Sahin stated that in 2006 and 2007 a total of 4,784 cases were heard under the Prevention of Terrorism Act including 11,720 people, **737 of whom were children**. Sahin also stated that within the same period, 2,469 cases, 422 of which were cases of children, were opened in accordance with Article 220 of the TCK [Turkish Penal Code] for forming an illegal organisation, being a member of an organisation, and carrying out propaganda on behalf of an illegal organisation. All together, 17,510 people were prosecuted. In his response Sahin stated that in the years 2006-2007, 2,239 cases were opened in accordance with Article 314 of the TCK, which regulates the offences concerning the forming of armed organisations and running them, and that a total of 6,582 people, including 413 children, were prosecuted.

#### **In 2006-2007:TMK 737 Children/TCK 220 422 children/ TCK 314 413 children**

were prosecuted. Although a research had not been carried out yet, it is estimated that the number of children who fell into dispute with the law was around 500. It has been estimated that the number of children detained in connection with the 15 February 2009 incidents were 14 in Diyarbakir, 15 in Mardin and around 50 in total.

### III- DETERMINING PROBLEMS OF PROSECUTING CHILDREN

#### **a) The Legal process regarding children in dispute with the law**

It is a breach of the Constitution, the Protection of Children Act, the UN Convention of Children's Rights and the European Convention of Human rights to subject the children to the regime of the Prevention of Terrorism Act. Prosecuting the children under the Prevention Of Terrorism Act shows disregard for the national laws regulating the prosecution of children, as well as supra-national documents stipulating that, in incidents where children are involved, the unit that should deal with the children has to be part of the Children's Branch Directorate, the place of detention should be the children's branch directorate, the prosecutor that would take the children's statements should be a children's prosecutor, the social services experts and their lawyers should

be present when statements are obtained, arrest should be the last and not the first resort and that the child's interests should be observed.

**b) The sentences demanded by the prosecution**

The sentences demanded for children involved in the incidents: According to Article 220 of the TPC, establishing an organisation in order to commit an offence and being a member of such an organisation, requires **2 years and 6 months** imprisonment, whereas Article 314/2 of the TPC requires **5-10 years** imprisonment and Article 5 of the Prevention of Terrorism Act No 3713 stipulates that these sentences should be **increased by ½**. Article 7/2 of the Prevention of Terrorism Act No 3713 requires **1-5 years imprisonment**, whereas Article 33/c of the Act No 2911 also requires **imprisonment between 5-8 years**. Where it is claimed that public property was damaged, under Article 152/1-a of the TPC, the prosecution demands **a further doubling of the sentences**.

Article 37/b of the UN Convention of Children's Rights stipulates: "no child should be deprived of his freedom illegally and arbitrarily. The detention, confinement or imprisonment of a child must be absolutely the last resort and must be of the least duration possible." Article 4/1 of the Protection of Children Act, titled "Fundamental Principles", which is in line with the UN Convention, stipulates that the deprivation of freedom of children must be exercised as the absolutely last resort. The aim of these regulations is to ensure the non-imprisonment of children in criminal courts proceedings.

Moreover, Article 19 of the Constitution ensures that "**the freedom and the security of the individual**" of every person is protected and Article 5 of the European Convention of Human Rights, titled "Right to Freedom and Security", also guarantees that every person is entitled to freedom and security. In the light of the above it is a clear breach of Article 19 of the Constitution, of the UN Convention of Children's Rights, the Protection of Children Act and Article 5 of the European Convention of Human Rights, to use detention as the first measure as opposed to it being the last measure. As can be gathered from "The Incident Report" in the case file regarding the incidents in which the children are being prosecuted, that the Chief Public Prosecutor in charge, who ordered the children's arrest, was authorised to do so by Article 250 of the TPC. This in itself is a breach of the national as well as international laws and conventions.

**c) The rulings applied to children are in breach of The Protection of Children Act**

Cases of the children, who are in disagreement with the law, should be heard by the Criminal Court under Article 9 of the TMK, which stipulates that "as indicated in paragraph one of Article 250 and in accordance with Criminal Courts Act No: 5271 dated 04.12.2004, the offences within the ambit of this Law will be heard before Criminal Courts." According to the practice "Cases of children above the age of fifteen who are prosecuted for these offences are to be heard in these Courts", there is a breach of the Articles 37, 10, 17, 36 and 90 of the Constitution to try children in Courts authorised by Article 250 of the Criminal Courts Act. In addition, Article 13 of the TCC states that: "In accordance with Article 231 of the Criminal Courts Act, in relation to the offences defined by this Act, the announcement of the sentences cannot be postponed and prison sentences cannot be converted to alternative sentences, or be deferred. These rules, however, cannot be applied to children under the full age of fifteen." Again, the ineligibility of postponing the announcement of the sentence, *the children's inability to benefit from conversion to alternative sentences or deferment* is in breach of Articles 10, 36 and 90 of the Constitution. *The reason being:*

**d) The interpretation of Article 90 of the Constitution:**

The final paragraph of Article 90 of the Constitution reads as follows: "Appropriately enacted International Treaties are valid as Acts of Parliament. No application can be made to the Constitutional Court to claim that they are in discord with the Constitution. (Additional Sentence: 7/5/2004-5170/7 md.) If a law, which is a subject of a properly implemented international treaty regarding fundamental rights and freedoms is in dispute, the rulings of the international treaty will prevail. This application, which is regulated by Article 90 of the Constitution, stipulates that International Treaties are valid as Acts of Parliament and, in essence, this provision gives a direct effect to International Conventions and directs that appropriately enacted International Documents will have to be applied by judges.

In addition, Article 90 of the Constitution stipulates that: "If the provisions of laws regarding matters which are also the subject of Properly Enacted International Treaties regarding fundamental rights and freedoms are inconsistent, the provisions of the International Treaties will prevail." The effect of this is to establish that the provisions of the International Treaty will be a **DETERMINING** factor when solving the disagreement. The regulation defined in the final paragraph of Article 90 of the Constitution assumes that an International Treaty is more reliable than the National Act. Within this framework, the Constitutional regulation accepted in the above referred Article that where the National Act and the International Treaty are in dispute, the International Treaty is to prevail. When assessed in its entirety, the final paragraph of Article 90 of the Constitution is clear that "Provided that the TGNA deems appropriate to endorse an International Treaty with

an enactment, International documents, be it an agreement, Convention, Pact, Protocol etc. have priority in determining matters regarding legislative issues.

Turkey has signed the UN Convention of Children's Rights, which subsequently became "***The Human Rights Act of the World's Children***", on 14 September 1990 and endorsed it with the Act N. 4058 dated 9.12.1994. Consequently, within the context of Article 90 of the Constitution, the UN Convention of Children's Rights is an appropriately endorsed and enacted International Convention. Therefore it has the power of "THE RULING OF THE LAW" and should therefore be applied before any other Act of Parliament.

In this context, Article 1 of the UN Convention of Children's Rights rules that anyone below the age of 18 is deemed to be a child. Also, Article 2 of the Convention bans discrimination amongst children by stipulating that: "*Within the jurisdictions and authorities bestowed upon them, Signatory States of this convention recognise and guarantee the rights defined in this Convention to all children without any discrimination based on the children's, their parents' or guardians' race, colour, gender, language, political or otherwise opinions, national, ethnic or social background, property, disability, birthright or any other status.*"

Besides, by stipulating that: "*Signatory States will encourage the establishment of appropriate bodies and authorities that will exercise laws and legal proceedings that are applicable only to the children that are deemed to have breached the law or indicted to have breached the Criminal Codes.*" article 40/3 of the Convention ensures that children are tried by appropriately appointed courts.

In addition, Article 14/1 of the UN Standard Minimum Applicable Rules Regarding the Prosecution of Children stipulates that: "*In accordance with Rule 11, unless an extra-judicial method regarding the child-oriented prosecution is in question, the authorised institution in which the child is being prosecuted (Be it a Court, a panel or a council) will have to carry out the trial with fairness and honesty.*" Article 14/2 stipulates that: "*The trial must be carried out in such a fashion that the child's interests are observed in the best possible way in an environment where he can understand the procedure and expres himself freely.*"

According to the above, children between the ages of 15-18 should not be tried in the same courts as adults and should be referred to an authority and an environment that is dedicated to their needs.

#### **OUR DEMANDS**

1. The police officers appointed to deal with social incidents involving children should be selected from the Children's Branch Directorate.

2. Excessive use of force is to be avoided in dealing with children. When children are detained they should be taken directly to the Children's Branch Directorate and not to TEM [Prevention of Terrorism Branch] or any other place.

3. Families of the detained children are to be informed immediately of an arrest, experts' help is to be sought promptly and interviews between children and their advocates should be arranged immediately.

4. The advocates should be able to examine the investigation files promptly.

5. The children should be produced before the children's prosecutors promptly.

6. An expert doctor should carry out a thorough examination in order to establish the child's ability to understand the consequences of what it had done. The findings should be verified in a report.

7. When a child is being prosecuted, the police, the prosecutor and the judge should adhere to the Constitution, to the Protection of Children Act, the UN Convention Regarding Children's Rights and to the European Convention on Human Rights.

8. To immediately abolish Articles 9 and 13 of the Prevention of Terrorism Act which classify children in 12-15 and 15-18 years age groups and which enables them to be tried by the Criminal Courts, authorised by Article 250 of the CMK.

9. The Supreme Court of Appeals' decision that enables children to be tried and convicted in Criminal Courts is to be revised with the emphasis that it is does not observe the child's best interest.

10. To set up a commission that will examine ways in which to solve the problems in practice with the aim of observing the children's best interests, especially in areas where most problems are encountered. A conference titled: "What kind of a practice do we seek" is to be held with the participation of the Human Rights Organisations, NGOs, Law Societies, Children's Branch Directorates, Children's prosecutors and Judges sitting in Children's Courts, Court Experts dealing with children, Implementation Protection officers employed at Sentence Implementation Institutions.

11. In order to prevent children from falling into dispute with the law, the number of classes and teachers is to be increased, especially in Eastern and South-eastern Anatolian regions, to improve the quality of free education.

12. To increase the State's BUDGET and the number of experts dealing with children's problems.

13. Whilst determining policies and preparing legislations regarding children, the State is to co-ordinate efforts with NGO's specialising in children.

(Additional sources: Human Rights Association and MAZLUM-DER among many other human rights institution )

**Press articles:**  
**Medya the Little Teacher /**

**September 13-2009Kurdish Info**

Medya's story is for some an anecdote, for others an example and for more a lesson. For some it is a shame and a disgrace. But for Medya, her family and for the Kurdish people it is a source of honour, respect and pride. Childhood is a time of carefree play and happiness, and so it is for little Medya. But nevertheless it seems to her that she also has another calling. This duty is a very special one: Medya teaches Kurdish, her mother-tongue, to her young friends. Yes, Professor Medya is a child, but she does the work of an adult. Medya grew up listening to her mother's stories, and so she incorporates storytelling into her language classes. There is one class in Medya's school, and she has already received the support of her own teachers. Experts agree that when a child understands her mother-tongue well she will be more successful with second and subsequent language acquisition.

**Her Pupils Are Delighted!** Silan is a young pupil, and she is very fond of her teacher Medya. She says, 'It's much nicer here than at school, because at school the teachers say things just once. But Medya repeats everything until we all understand'. Medya's pupils all love her and say that they never want class to end. Some of Medya's pupils are younger than she is, like Rozerîn, some are older and some are the same age. Rohat is the same age as his teacher. He is very fond of his teacher and of her classes. And why wouldn't he be? Where else would one find a teacher like Medya? He says, 'For us both Kurdish and Turkish are beautiful'. Azad is a year older than his teacher. He says, 'As Kurdish is our mother-tongue we wanted to learn more about it'. Medya started teaching her pupils about language in her room. Then she bought a blackboard. Next she made her room into a classroom and began classes. For two hours they study and for two hours they play. Yes, they are children and their games concern their Rights!

**September 09-2009Kurdish Info**

Kurdish youth who are serving in the Turkish army are often being threatened with death. Because of death threats and pressures many suicide were experienced, many young Kurdish people died in a suspicious manner. A soldier of Kurdish origin, who attempted suicide, gave the names of seniors who threatened him. It is learned that Kurdish origin soldiers receive constant threat in the Turkish army. Turkish army which is accused of killing their own troops laying bombs, killing the village guards who are working for them and often soldier killings. Tekirdağ's Lüleburgaz 65.inci MKNZ County. P. TUG. K. LIĞI 1.inci MKNZ P. TB. 3rd P BL. 'Üğünde soldier saying that the FB called Kurdish soldiers, Lieutenant Halil warned not remember last name with Asteğmen Sua specialist sergeant named Sergüden exposed to insult and oppression, he said. Sergüden specialist sergeant named "If I can not have you here" in the form of death threats stating that FB, pressure and threats of suicide and desertion of the place told us so. FB, "I did military service in the company, our company commander, warned of Halil threats, threats and insults because of their Erzurum 5 months ago with our friend named Kabir Bingöl was deserted. Our friend Rich is Erzurumlu Yusuf called attempted suicide by cutting their wrists. Erzurumlu and threats to pressure the Kurds friends as I could not stand guard during the attempted suicide was at my gun, "he said.

**'Kurds are being PROCLAIMS traitor'**

Made in saying that the awkwardness of the Tokat FB told: "I graduated from high school to get training for me Sivas Kangaltepe'ye sergeant was sent. Here, our company commander can not answer questions from Ismail Issısu during training Kurdish origin as a traitor soldiers were accused. I and my fellow countrymen who could not answer questions when everyone Hasan Dinar between the traitor as we were exposed to insults. Even those that are married with bark exposed to threats and insults were. Since the declared traitor to the army why we are buying?" That points to the pressures of senior FB, but he wanted to commit suicide during a seizure at the last moment prevented his friend said. F.B. said: "Soldiers in our politics and come through in our ranking. Kurds, Turks, Laz, Circassians say they were siblings of. I can not see this brotherhood. I came over me, I sacrifice my life because of seizures made during the prints I wanted. My friend at my side the seizure at the last moment I was disability. The last time my friend did not interfere with the bullets hit me. Continuous traitor soldiers of Kurdish origin are considered. After my suicide attempt of ranking 'Vatan haini Are you Christian' they said. I wish I brought the Christian not Muslim.

**CUT WRIST and was unable to BUY THE MORE NEWS**

I attempted suicide because of these pressures have increased. Except for me to cut my wrist lives wanted to. Was taken to the hospital late at night. Early in life, our friend would have these not been noticed. This is a friend as well as our flight was. This bit more than friends could not hear. They were constantly coming at us.

Contact us to suicide as their excessive pressure was dragging. We do not want us to have such things. We do not do something they do to us. We too want to commit suicide, let me cut your wrist, let's desertion. We are bringing them in a position to do. As you kill us and dogs also. "

### **NE OF THE OTHERS YOU WITH KURDISH TROOPS**

Kurdish soldiers in 6 to 70 persons stating that troops FB, said pressure is due to psychological treatment. F.B. told: "We were not 70 people in the Division. 6 as Kurdish soldiers were found. This friends Erzurum, Van, Mus and Diyarbakir were Kurds. What happens if the soldiers is of Kurdish origin in the military barracks. All of these pressures in the barracks the ranking was made. We bring the Kurds are constantly confronted, the Kurds are trying to kill an even, we were provoking. Between Kurds and Turkish troops is not any problems. I saw the psychological treatment after suicide attempts. Then I received 21-day change in the weather allowed. All jobs Kurdish origin soldiers do drudgery. Cleaning jobs, such as division of the zone with soldiers of Kurdish origin, scribe, silahçılık, ward, etc. assertion. comfortable and clean work were left to the soldiers of Turkish origin. Turkish, Kurdish, Laz, Circassians are brothers, say that 'brotherhood, equality is equal?

Suicide attempt was brought to justice due to my military. Me, 'Why did you want to commit suicide?' "They asked. Ben; 'not me because I can login to the suicide of my commander and my soldiers do other Kurdish origin, such as insults because they are prints. They brought us this level. My psychology is broken. Kill me in my dreams at night I saw my commander. Because of this and similar sleep problem I'm having dreams. Due to pressure on myself we did not consider his safe. 'I said. " \*\*

## **31 Children Tried Under Charges of Terrorism**

### **September 04-2009/Emine ÖZCAN**

According to information from the 'Call for Justice for Children' Initiative 31 children appear before the courts under charges of terrorism only in August. One child was released, one child was sentenced to 6 months in prison. The 'Call for Justice for Children' initiative requests "Immediate justice to the children who are victims of the Anti-Terrorism Law (TMK)". On the World Peace Day on 1 September the group organized an event in Istanbul called "The name of peace is child" to inform about detained and tried children. The Anti-Terrorism Law was effected in 1991 and renewed in 2006. It states that children aged between 12 and 18 years accused for terror should be detained, interrogated and tried under the same conditions as adults. Tilbe Saran and Murat Garipoğlu from the organization Civil Platform object to the law, warning that with every day that passes by another victim of the law is being added. According to the group's information 127 children are currently detained. 3000 children are on trial but the Ministry of Justice does not confirm a precise figure. The cases of children that attended court hearings in Diyarbakır and Adana throughout the months of August are listed below:

**4 August, Diyarbakır:** after 6 months in detention 17-year-old adolescent K.E. from the town of Bismil and 16-year-old K.G. were not released. The hearing was postponed to 4 September.

**6 August, Diyarbakır:** 8 children attended a court hearing: 15-year-old S.Ş., the two 16-year-old A.E. (in detention for 18 months) and Ş.A., the three 17-year-old adolescents M.U., A.T. (tried without detention) and S.O. and the two 18-year-old M.G. and M.T. Only 17-year-old S.O., who had been detained since 4 April 2009, was released. For the other 7 children the hearing was postponed to 29 September.

**14 August, Adana:** 15 children from Mersin are on trial, only 16-year-old H.A. is not in detention. For 15-year-old Y.A. an arrest warrant was issued. The other children are trialed in detention and none of them was released in this hearing. The case was postponed to 3 November 2009.

**18 August, Diyarbakır:** 17-year-old F.K. was sentenced to 6 months in prison.

**20 August, Diyarbakır:** The two 17-year-old M.S.T. and M.K. are detained since 20 September 2008, 17-year-old M.H.G. is in detention since 15 February 2009. Their hearing was postponed to 1 September 2009.

**20 August, Diyarbakır:** The hearing of 16-year-old K.A. from Diyarbakır, who is detained since 15 February 2009, was postponed to 24 September 2009. Hearings scheduled for September 2009:

**1 September, Diyarbakır:** Hearing of un-detained 14-year-old Y.V.

**3 September, Diyarbakır:** Hearing of detained 17-year-old K.Y. from Batman.

**4 September, Diyarbakır:** Hearing of the two adolescences K.E. and K.G. 17-year-old K.E. is detained for 6 months. 16-year-old K.G. is tried un-detained.

**8 September, Adana:** Hearing of the three teenagers F.E., M.K. and S.K. from Adana. 15-year-old F.E. is in detention since 11 months. 16-year-old S.K. is on trial un-detained.

**14 September, Diyarbakır:** Hearing of different groups of children on trial under various articles from the Anti-Terrorism Law (TMK) and the Turkish Criminal Code (TCK). One group consists of 6 children from Diyarbakır aged between 15 and 17 years. One of them is the juvenile C.B., who was released from detention

after 5 months on 17 March. Adolescents H.D. and Z.Ç. from the second group are detained for five and a half months. On the same day 16 children from the town of Cizre and one child from Kızıltepe district in Mardin are on trial.

**16 September, Izmir:** Two separate groups of children are on trial. In the first group 3 children, who have been released from detention some time ago, are tried. Also the second group consists of three children. Teenager A.G. has been kept in detention for 2 years and 2 months. Meanwhile he reached his eighteenth birthday in prison.

**21 September, Adana:** Trial of 15-year-old H.K., 16-year-old İ.A. and 17-year-old K.G. All three juveniles were released after a 6 month detention.

**29 September, Diyarbakır:** Hearing of H.D and Z.Ç, both of them detained for 8 months, together with un-detained İ.Ö.

**30 September, Van:** Three children on trial. 17-year-old R.D. was released after 4 and a half month in detention. The two 14-year-old F.A. and S.A. are undetained.