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## **On the possible use of chemical weapons by the Turkish military**

Recently, suspicions have re-emerged that the Turkish military has been using chemical weapons in its fights against the Kurdish organisation PKK. Between 22 and 24 October 2011, 36 PKK fighters were killed during a Turkish military operation in the Kazan Vadesi region (near Çukuca, Hakkâri Province). One survivor and local residents reported that chemical agents were used during the operation.

Reports of the alleged deployment of chemical weapons should always be treated with caution, especially when they are made by one side in a military conflict. In almost every armed conflict, claims are made for propaganda purposes – often by both sides – that banned weapons are being used. These claims can usually not be substantiated.

There are, however, very good reasons in this case to urgently recommend an investigation by an independent international commission of inquiry. There is proof that the Turkish military deployed banned chemical weapons in 1999, that it used them for training purposes and that Turkish military leaders have, in the past, given orders for their use. It has also been proved that Turkey was still recently (2010) storing banned chemical weapons and offering them for sale. There is no documentation pertaining to the destruction of these weapons.

### **1. Use of CS gas in 1999**

During an armed skirmish with the Turkish military on 11 May 1999, 20 PKK fighters were killed in a cave near Balikaya, to the south-east of Şirnak. The Red Crescent handed a German television journalist the remains of a grenade that had been found on site. An analysis at the University of Munich's Institute of Forensic Medicine conclusively established traces of CS gas on the remains of the grenade. According to the German television news magazine *Kennzeichen D*, the RP707 grenade was produced by German company Buck & Depyfag and is a type that had been delivered to Turkey since 1995.



This incident of gas deployment was also recorded on video.<sup>1</sup> In the video a soldier can be heard speaking over the radio: “*Because of the gas grenade used inside there is a risk of poisoning for our soldiers.*” He continues: “*Although we have waited for one day the gas is still effective.*”<sup>2</sup> In the video the soldiers can be seen entering the cave and the area in front of it after the attack. They are not wearing protective clothing.<sup>3</sup> This would indicate that the gas used was tear gas and not a more toxic nerve gas.

CS gas is tear gas. In high concentrations, particularly in enclosed spaces, it can be fatal. Under the Chemical Weapons Convention (CWC), tear gas can be used at protest demonstrations but not in armed conflicts. The case in question is thus a forensically proven breach of the Chemical Weapons Convention, which Turkey ratified in 1997.

## 2. Production of CS munitions for military use in Turkey

In 2010 Bradford University in the UK published a report claiming that the Turkish state-owned arms manufacturer *Makina ve Kimya Endustrisi Kurumu* (MKEK) was producing CS grenades of 120 mm calibre and selling them to other countries (see Fig. 1).<sup>4</sup> These “MKE MOD 251” grenades weigh more than 17 kg and have a range of over 8 km, making them entirely inappropriate for use against demonstrators and only suitable for military purposes.<sup>5</sup> However, weapons of this kind are banned under the Chemical Weapons Convention.

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<sup>1</sup> See [http://www.youtube.com/watch?v=sDR\\_6YcUC\\_E](http://www.youtube.com/watch?v=sDR_6YcUC_E). A version with German subtitles is available at <http://www.youtube.com/watch?v=oansyFqx3e8>.

<sup>2</sup> In the original Turkish: “...askerlerimiz su anda zehirlenme tehlikesiyle karsi karsiyalar. Ama yine de canavarca, kahramanca giriyorlar...” (5:28 in the Turkish video, 5:36 in the German video) and “Bir gün ara vermenize ragmen gaz hala etkisini sürdürüyor.” (5:22 in the Turkish video, 6:12 in the German video).

<sup>3</sup> In the version of the video with German subtitles see, for example, 5:47, 6:04 and 6:18.

<sup>4</sup> *The Production and Promotion of 120mm Munitions Containing CS: A Briefing Note for CWC States Parties Attending CSP-15, 29th November 2010*, published by the University of Bradford, the Institute for Security Studies and the Omega Research Foundation

<sup>5</sup> Referencing an article in *Jane's Defence Weekly*, the University of Bradford also states that this type of grenade is especially intended for use with the HY-12 120 mm grenade launcher used by the Turkish army.



**Fig. 1:** Turkish CS grenade of 120 mm calibre at the AAD defence trade fair in Cape Town in 2010 (Photo: Robin Ballantyne, Omega Research Foundation)

According to Bradford University,<sup>6</sup> Uğur Doğan, Turkey's Permanent Representative to the Organisation for the Prohibition of Chemical Weapons (OPCW), stated in a letter dated 25 February 2011 that Turkey considered these grenades as banned under the CWC and that it was therefore destroying them at a facility near Ankara. It is still unclear whether they were actually destroyed, although the articles of the CWC expressly state that there must be international monitoring of weapons destruction. Given years of previous infringements against the CWC, international investigation is urgently required in this case.

### 3. Ordering the use of chemical weapons

On 23 July 1989, the Turkish newspaper *Ikibine Dogru* published an article about chemical weapons that contained extracts from a secret order issued by the Turkish armed forces (see Fig. 2).

According to this order, the Turkish armed forces were permitted *“to use tear gas and gases causing nausea when necessary”* and to make tunnels unusable by *“filling them with toxic gas.”*

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<sup>6</sup> In a subsequent briefing note issued by the three organisations (cf. footnote 4) in September 2011 with the title *“Destruction by Turkey of all remaining 120mm mortar munitions containing CS. A briefing note for CWC States Parties, 12th September 2011”*

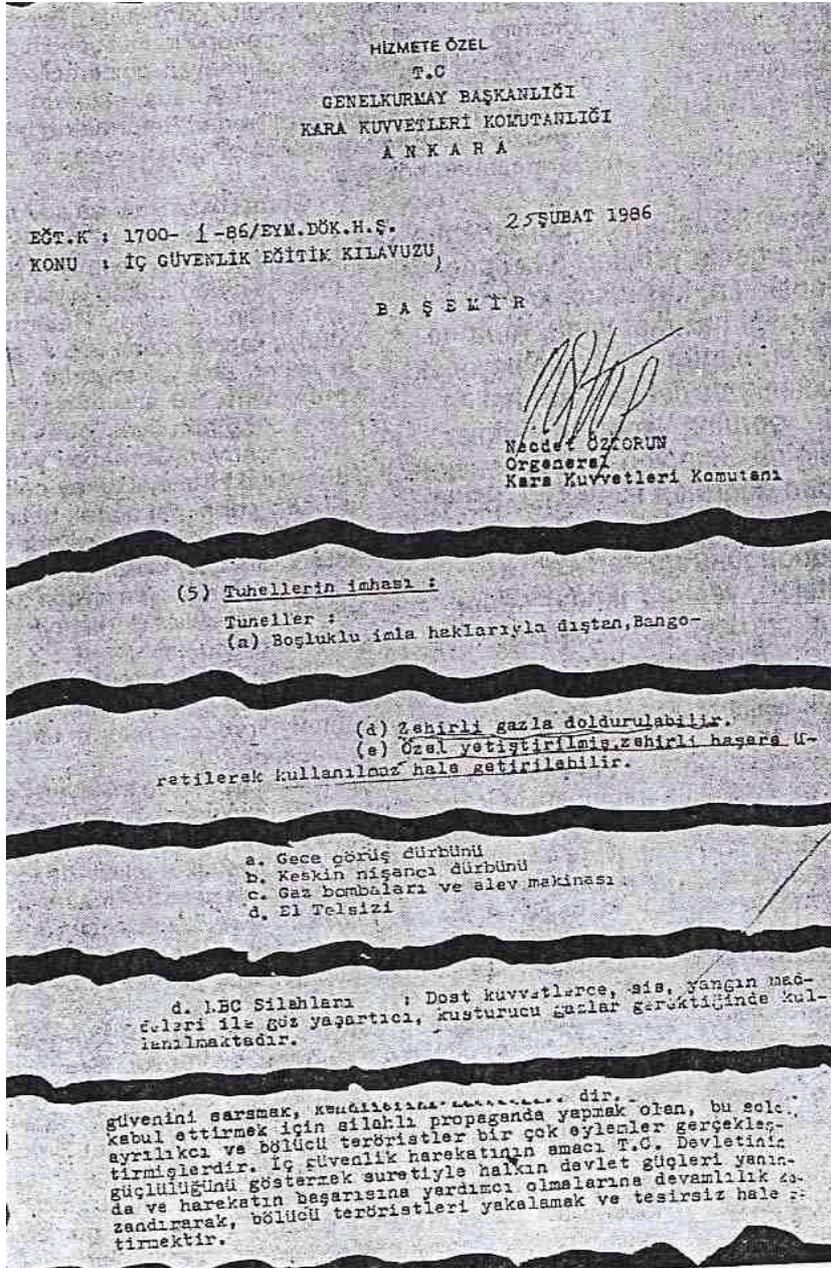


Fig 2: Extracts from a secret order from the Turkish military as printed by Turkish newspaper *Ikibine Dogru* on 23 July 1989.

Of course, it is possible that this copy is a fake. However, there are no reasons to assume so. Moreover, the Turkish government remains silent with regard to this document. In 2004 we wrote to the man who signed the order, former General Necdet Özturun, and met him personally in Istanbul. However, he refused to comment on the document. The German Federal



Government was informed about the document in October 2010. In January 2011 the Federal Foreign Office reported that it had made attempts to establish whether this secret order had ever actually existed. This could not, however, be clarified. It is not clear whether the Federal Government approached the Turkish government directly with this question at the time.<sup>7</sup>

#### 4. Use of tear-gas grenades for training purposes

In 2004 the Turkish television channel TRT 1 broadcast a documentary about a Turkish anti-terrorist unit.<sup>8</sup> It showed soldiers practising using tear gas in army combat missions. In one scenario, following the deployment of explosive grenades, tear-gas grenades were thrown into a cave in order to incapacitate any survivors (see Fig. 3). In another exercise, when capturing a village, soldiers blew up a house and then used tear gas to force possible survivors out of a well.



**Fig 3:** Stills from a television programme on TRT 1 in May 2004. The yellow smoke visible in the right-hand image is probably a training chemical.

Although the CWC permits the use of tear gas for domestic police use, the exercises shown here are clearly of a military nature. This kind of use is prohibited under the terms of the CWC.

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<sup>7</sup> Progress report from the Federal Foreign Office from January 2011 entitled “Türkei – Vorfall beim Kampf gegen die PKK in 2009” (“Turkey – an incident in the fight against the PKK in 2009”)

<sup>8</sup> Broadcast by TRT 1 on 8 May 2004 in the programme TSK Saati



##### 5. Two recent suspicious cases

In **September 2009** eight PKK fighters died in a cave during a skirmish with the Turkish military in the region of Çukurca in Hakkâri Province.<sup>9</sup> Eye witnesses reported that the Turkish soldiers also used gas. Afterwards, they said, the soldiers brought the eight motionless victims out of the cave. Some of the victims were then allegedly run over by tanks.

Autopsies were later performed on the bodies, but the public prosecutor's office is refusing to release the autopsy reports. Photographs of the victims were taken immediately after the autopsies and the photos were handed over to a human rights delegation from Germany. A German expert in photo manipulation found no evidence that the photographs had been tampered with. Pathologists at the University Medical Center Hamburg-Eppendorf examined the photographs and established that the victims may have been exposed to chemical agents.<sup>10</sup>

Neither the eye-witness reports nor the assessment of the experts in Hamburg offer sufficient proof that chemical weapons were deployed. Eye-witness reports – especially when they come from one side involved in a conflict – are not always reliable, and should, where at all possible, be confirmed by objective evidence such as laboratory investigations. And the possible exposure to chemicals established by the pathologists in Hamburg could also have occurred after the death or capture of the victims.

However, other parts of the eye-witness reports – such as the severance of victims' limbs as a result of tanks being rolled over the bodies – were also confirmed by the experts in Hamburg. That gives the sources a certain amount of credibility. Moreover, the case strongly resembles the Turkish anti-terror unit training exercise described above. Chemicals are a particularly effective – although banned – weapon for use against adversaries who are hiding in a cave. And, as explained above, we know that at the time of the skirmish the Turkish army had access to banned CS grenades. The refusal of the public prosecutor's office to release the autopsy reports only serves to strengthen suspicions that banned chemical weapons may have been deployed in this instance. Genuine proof can, however, only be obtained through an independent international inquiry.

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<sup>9</sup> A summary of the case can be found on Spiegel online:  
<http://www.spiegel.de/politik/ausland/0,1518,711506,00.html>

<sup>10</sup> I have received a copy of the expert report of 20 July 2010 from the University Medical Center Hamburg-Eppendorf. In one part of the report the pathologists record "*parchment-like dry skin on the upper body, arms and face*" of the body of one young man. They go on to say that "*this resembles the effect that extreme heat can have on the skin, except that the hairs of the face and chest do not appear singed. It is therefore possible that this effect on the skin was caused by a chemical substance.*"



In **October 2011** a small tributary valley in the Kazan Vadesi region (near Çukurca) was the scene of three days of fighting between the Turkish military and PKK guerrillas. Thirty-six PKK fighters and one Turkish soldier died. On 31 October representatives of the local authorities, the human rights organisation IHD, local residents and the families of the dead were granted access to the area for three days. They found corpses and a large amount of detritus and wreckage from the fighting. Later, IHD and others claimed that chemical weapons had also been used in the skirmish.

Traces of the fighting could still be seen during a visit to the valley on 27 November 2011: used munitions; burned and uprooted trees; tatters of clothing from the PKK fighters. This time the fighting had taken place in an open valley rather than in a cave. Remains of munitions were identified over a two to three-kilometre stretch of the valley. These included heavy aerial bombs (of 500 and 2,000 lbs) and small-calibre ammunition.

According to third parties, one survivor of the fighting reported that a bomb exploded close by her at one stage in the battle. Afterwards she noticed a fruity smell and immediately fled into the nearby stream. She said that the other fighters in her vicinity lost consciousness after being exposed to the gas and subsequently died. There is no independent verification of this account.

Residents of a village downstream from the valley reported that after the battle, soldiers from the Turkish army advised them not to drink water from the stream for three days afterwards. The residents regarded this as further evidence that toxic substances had been used. However, the soldiers may have given this advice because of body parts lying in the water upstream. Both interpretations are mere speculation.

Nor do we have any other, more objective findings that might corroborate suspicions that chemical weapons were deployed. In this case, too, however, the public prosecutor's office is refusing to release the autopsy reports. At the time this report is being written (more than a month after the presumed deployment of chemical weapons), several bodies are still lying in the morgue in Malatya. They are so burnt and disfigured that they can only be identified through DNA analysis. When I requested permission from the public prosecutor's office in Malatya to visit the morgue, I was roughly forced out of the office by Mr Özdemir, the public prosecutor in charge, without further explanation. An independent autopsy of the bodies and an analysis of the autopsy reports seem urgently required in order to either confirm or disprove claims that chemical weapons were deployed.



## 6. Outlook

1. Given Turkey's proven repeated infringements against the Chemical Weapons Convention – the deployment of CS gas in 1999 and the storage of CS grenades for military use until at least 2010 – it is absolutely necessary to conduct a comprehensive investigation into current and past activities of the Turkish armed forces involving chemical weapons. The Turkish government should invite the Organization for the Prohibition of Chemical Weapons (OPCW) to conduct such an investigation and it should make all documents relating to relevant past activities available to the OPCW as well as granting investigators free access to all relevant facilities. The status of the secret order from 1986 must also be investigated. As long as the Turkish government does not deal with this dark chapter in the country's history in a transparent manner, it will remain under constant suspicion that it is using banned weapons in its fight against the Kurds.
2. The Turkish government's claim that it has destroyed its military-grade CS grenades must be checked by the OPCW.
3. Turkey must permit an independent international organisation such as the Red Cross or Red Crescent to conduct an investigation of the most recent suspicious cases – at least of the incidents described above in the Çukurca region in September 2009 and October 2011. All relevant information, including the autopsy reports, must be made available, and independent physicians must immediately perform an autopsy on the remaining corpses in Malatya.

As emphasised at the start of this report, accusing the enemy of deploying chemical weapons is a common propaganda tool. Transparency and the complete disclosure of all the facts are the only way to guard against such propaganda. That is also the only way to prevent the deployment of chemical weapons in the future and thus protect all those involved in violent conflict from these abhorrent weapons.

The facts compiled in this report oblige Turkey to finally provide conclusive evidence that it is no longer producing, storing, selling or using chemical weapons. The German Federal Government and other signatory states to the CWC must put pressure on the Turkish government to abide by its obligations. Those who tolerate or ignore repeated infringements of the convention ultimately share the blame.



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*The author*

Dr. Jan van Aken is a biologist. In 1999 he founded the Sunshine Project, an organisation that condemns the use of biological weapons, and in 2003 he founded the Research Group for Biological Arms Control at the University of Hamburg. In 2004 he published a report on chemical and biological weapons research in Turkey. From 2004 to 2006 he was a biological weapons inspector for the United Nations. In 2009 he was elected to a seat in the German Bundestag as a member of The Left party.