

STATE TERRORISM IN TURKEY I

Structure of the authoritarian state
Mass Arrests - Mass Trials
Death Sentences
Tortures and ill-treatment in prisons

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INFO-TURK

Brussels, September 1986

INFO-TURK is a working group founded in 1974 by a number of progressive people with a view to informing world opinion of the political, economic, social and cultural life of Turkey and of Turkish immigration

Denouncing the repression in that country, it contributes also to the struggle for democracy in Turkey.

*INFO-TURK has the honour of publishing the only bilingual periodical on Turkey which has been appearing abroad without interruption for more than ten years:
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PREFACE

On September 12, 1986, while the European Community was preparing for its first official meeting with the Turkish delegation, the democratic forces of Turkey marked, for the sixth time, the black anniversary of the Turkish generals' coup.

The putsch of September 12, 1980, was a ferocious attack on the acquired democratic rights of the Turkish population, setting loose an unprecedented wave of terror in this member country of the Council of Europe, the Atlantic Alliance and associate member of the European Community.

In fact, it was a sinister plot well prepared with instigation and support from the IMF, on one hand, and on the other, from the Pentagon, which opened the way for the establishment of a militarist "democracy".

The present regime "à la turque", despite its relative softening, is characterized by the constant violation of all human rights guaranteed by the European Convention. Particularly:

- the keeping of thousands of progressive and democratic people in jails,
- the innumerable mass trials continuing before military tribunals or in the State Security Courts,
- the systematic practice of torture in interrogation centers and the inhuman treatment of political detainees in prison,
- the exclusion of all political parties of the working class and the Kurdish people from political life,
- the depriving of their political rights of all the former political leaders,
- the restriction of social and trade union rights,
- the exclusion from labour relations of the progressive trade union center DISK, of which more than 1,500 members are still being tried before military tribunals,
- the constant harassing of journalists which has led to self-censorship of the press,
- the absence of academic autonomy in the universities which are submitted to the barrack discipline of the Higher Education Council (YOK),
- the absence of national, cultural and religious rights of the Kurdish population and Christian minorities,

- the endless repression in the Turkish Kurdistan which is occupied by two thirds of the Turkish Army's troops and still submitted to martial law or the state of emergency,
- the constant intimidation of Turkish nationals abroad under the threat of being deprived of Turkish nationality in the case of opposition to the regime.

All these practices show that the wounds opened during the three years of the military dictatorship (1980-1983) —marked by the arrest of more than 200 thousand opponents, the execution of 27 political militants, man-hunts resulting in hundreds of assassinations, exclusion of innumerable people from public services and the 50 percent fall in the buying power of wage-earners— are still very far from being healed.

What is disappointing is that several European and international institutions such as the Council of Europe, the UN Human Rights Commission and the International Labour Organization, have already given their support to the Ankara regime, without taking account of these realities in Turkey.

While representatives of the regime sit side by side with other European representatives at the Council of Europe in Strasbourg, the Turkish Minister of Foreign Affairs began to chair the Council of Ministers since September 17, 1986.

Moreover, the EEC, in spite of the fact that the conditions set by the European Parliament have still not been met by Ankara, resumed on September 16, 1986, its relations with Turkey which had been suspended since the 1980 coup.

Encouraged by the European capitulation, the Turkish Government has already announced its intention to pose Turkey's candidacy to the EEC.

Several European political leaders have even said they are in favour of Turkish accession as the 13th member of the European Community.

Doubtlessly, it is the right of the people of Turkey, if they judge it necessary and useful to be integrated in the European Community, to pose Turkish candidacy to the EEC. Given that Turkey is already an "associate member" of the European Community, such candidacy would not be surprising if the economic, social and political conditions had been met by this country.

Whereas, the gross national product per inhabitant is still dragging along below 1,000 \$ in Turkey, while it surpasses 10,000 \$ in several member countries of the Community. Furthermore, Turkish industry is so precarious that the lifting of all the custom barriers could lead in some years to its destruction. Consequently, the unemployment rate, presently 20 percent, could become still more serious.

For all these reasons, Turkish candidacy to the European Community should first be debated by all the political forces of the country in a truly democratic regime.

Besides, the establishment of a democratic regime conforming to all the criteria defined in the European Convention of Human Rights is a *sine qua non* condition for integration into the Western European family.

The presence of a parliament and certain political parties does not signify the establishment of a democratic regime in Turkey.

First of all, the present parliament is composed only of those elected from the political parties which were formed within the context of the militarist and anti-democratic system. The present government is a result of this parliament and the prime minister of this government is one of the masterminds who was in the service of the military junta as vice-premier.

Furthermore, according to the Constitution imposed by the military, whatever the government might be, it is General-president Evren who, thanks to his extended powers, has the last word on all the affairs concerning the internal and external policy of the country.

By abusing these extended powers, the Evren-Ozal tandem, without asking the approval of "Parliament", ordered the Turkish Air Forces to bomb the Iraqi territory on August 15, 1986, under the pretext of "pursuing separatist militants".

Just before the first meeting of the Turco-European Association Council, so as to

create a more democratic image, the government organized partial elections for September 28, and authorized twelve political parties to participate in these elections: two center-left and 10 right-wing parties.

But the political organizations of the working class and the Kurdish people are still banned, and former leaders such as Demirel and Ecevit are still deprived of their political rights. Whatever the number of the political parties participating in the partial elections, this balloting is no proof of a restoration of democracy in Turkey.

As long as the 1982 constitution is not changed, political parties of the working class and the Kurdish people are not allowed and General-president Evren is not replaced by a President of the Republic elected democratically, no one can speak of a democratic Turkey.

To better illustrate the real face of the present regime of Turkey, Info-Türk has already published a 408 page documentary evidence: **BLACK BOOK ON THE MILITARIST "DEMOCRACY" IN TURKEY.**

In this pamphlet we reproduce the **BLACK BOOK's** chapters concerning the structure of the militarist "democracy" and the State Terror —Mass arrests, mass trials, ill-treatments and tortures—.

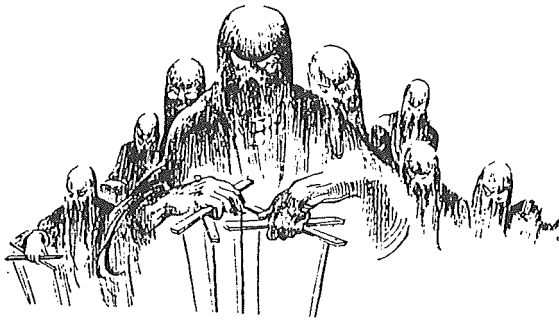
At the end of the pamphlet take place the most recent examples of anti-democratic practices in Turkey.

All these facts show once more that the fundamental human rights are still being violated despite warnings coming from international human right organizations.

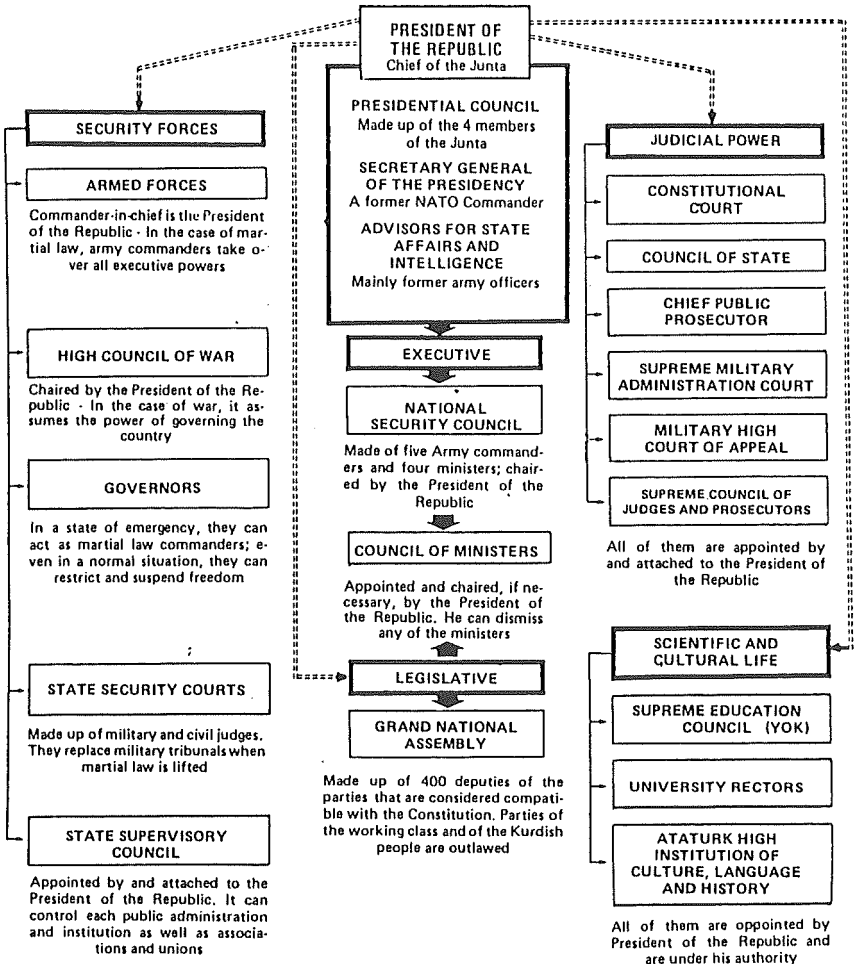
In brief, the resumption and the improvement of Europe's relations with the present Turkish militarist "democracy" is not a contribution to democratisation in Turkey but serves only to consolidate a despotic regime in the southeast of Europe.

A MILITARIST DEMOCRACY IN EUROPE

**Though elections are held
since 1983 in Turkey, it is still
the military who has the last word on
the State affairs and foreign
relations. The Constitution 1982
authorizes General-President Evren and
other new State institutions to disregard
human rights and freedoms.**



NEW STRUCTURE OF THE TURKISH STATE



STRUCTURE OF THE MILITARIST "DEMOCRACY"

After 5 years of military rule, what kind of state structure has been set up in Turkey? As is clearly seen in the Table, all the state's key organs have been attached to the President of the Republic. This structure has been provided for in the Constitution. The new laws detail the foundation and functioning of each institution. Since the adoption of a proposal for a constitutional amendment requires a two-thirds majority of the total number of members of the National Assembly and considering that the first National Assembly will be made up of deputies enjoying the confidence of the Military Junta, it will be impossible to amend the Constitution. Thus, the new structure of the State based on a despotic presidential system will exist at least until the next legislative election due to be held in 1988.

1. *President of the Republic:* Whereas before the military coup the President of the Republic was a symbol of the State, now he has extensive powers for "ensuring the implementation of the Constitution and the regular and harmonious functioning of the organs of the State": he is now empowered mainly to promulgate laws, to return draft bills to the Assembly to be reconsidered, to submit to referendum - if he deems it necessary - legislation regarding the amendment of the Constitution, to appeal to the Constitution Court for the annulment of laws, to call new elections for the National Assembly, to dismiss ministers. He is no longer accountable before the National Assembly.

In the exercise of his functions, the President of the Republic commands organs which either did not exist before the coup, or were independent of him:

2. *Presidential Council:* According to a provisional article of the Constitution, the four members of the present military junta acquire the title of members of the Presidential Council. For a period of six years, this council examines laws adopted by the National Assembly and submitted to the President of the Republic, gives advice on matters relating to the holding of new general elections, the use of emergency powers and the measures to be taken during a state of emergency, and investigates matters relating to internal and external security.

3. *General Secretariat of the President of the Republic:* Already the former commander of NATO Forces of South-East Europe, Retired General *Sedat Güneralp*, has been appointed Secretary General. Advisers are attached to his office for State affairs, Intelligence and State Security. It means that, apart from the *National Intelligence Organisation* (MIT) and the *Army Intelligence*, the President of the Republic has his own intelligence service.

4. *The Armed Forces:* The President of the Republic represents the office of the Commander-in-chief of the Turkish Armed Forces, empowered to declare war and to decide to use the Turkish Armed Forces. According to a new bill drawn up by the military government, a *High Council of War* will be set up under the absolute authority of the President of the Republic. This council will be entrusted with evaluating the situation in case of war or mobilization and with taking all necessary measures and employing all citizens, both civilians and the military, in accordance with the requirements of the situation. Thus, despite the fact that General Evren has already retired from the post of Chief of General Staff, he remains the real military chief of the Armed Forces.

5. *Judicial Power:* Although the Constitution provides that judges shall be independent in the discharge of their duties, the key posts in the judicial apparatus are dependent on the President of the Republic. According to the same Constitution, members of the Constitutional Court, the Council of State, the Supreme Military Administration Court, the Military High Court of Appeal and the Supreme Council of Judges and Prosecutors as well as the Chief Public Prosecutor are appointed by the President of the Republic and act in conformity with the directives of the latter.

6. *Scientific and Cultural Life:* In order to reshape the country's scientific and cultural life within the ideological framework imposed by the military junta, the President of the Republic has been provided with extensive powers. First of all, all universities and other higher educational institutions have already been placed under the authority of the *Higher Education Council* (YOK), all members of which have been appointed by the President of the Republic. Besides, the latter is also entitled to appoint the rectors of all Turkish universities. In order to express their gratitude, the rectors who have already been appointed by Evren,

bestowed on him, on January 14, 1983, the title of "*Doctor Honoris Causa*" and an honorary university professorship for "his extraordinary success in restoring peace and order in the country and for respecting the law while doing it". A similar honorary title was also conferred on the military chief of Pakistan, General *Zia Ul-Haq* during his visit to Turkey.

The Constitution provides also for the establishment of the "*Atatürk High Institution of Culture, Language and History*" under the supervision of the President of the Republic, in order to "develop scientific research, to produce publications and to disseminate information on the thought, principles and reforms of Atatürk, on Turkish culture, Turkish history and the Turkish language."

7. *Executive Power*: Although the Constitution provided for forming a Council of Ministers from the members of the National Assembly, or from those who are eligible for election as deputies, this organ merely is a rubber-stamp council, designed to implement the general policies determined by the military.

According to the Constitution, a *National Security Council* has been set up under the chairmanship of the President of the Republic. It is made up of the Chief of Staff, of the Commanders of the Army, the Navy and the Air Force, and of the general Commander of the Gendarmerie as well as of the Prime minister and the ministers of National Defence, Interior and Foreign Affairs. It is this council which shall submit to the Council of Ministers its views on taking decisions and ensuring the necessary coordination for formulating, establishing and implementing the national security policy of the State. The Council of Ministers shall give priority consideration to the decisions of the National Security Council. The Agenda of the NSC shall be drawn up by the President of the Republic.

Moreover, a *State Supervisory Council*, whose Chairman and members are appointed by the President of the Republic and attached to his office, has absolute authority to supervise the functioning of the administration. All public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional organisations, employers' associations and labour unions at all levels, as well as public benefit associations and foundations shall be subject to inquiries, investigations and inspec-

tions carried out by this supervisory body. Then, the Council of Ministers has no authority over the state apparatus which has been placed under the direct supervision of the President of the Republic.

Moreover, the President of the Republic has the authority to preside over the Council of Ministers and to dismiss any minister.

PARTIES OUTLAWED BY THE MILITARY

CHP (Republican People's Party), center-of-the-left, led by Ecevit.

AP (Justice Party), center-of-the-right, led by Demirel.

MSP (National Salvation Party), islamist, led by Erbakan.

MHP (Nationalist Action Party), neo-fascist, led by Türkeş.

CGP (Republican Reliance Party), right-wing, led by Feyzioglu.

TSIP (Socialist Workers' Party of Turkey), socialist, led by Kaçmaz.

TIP (Workers' Party of Turkey), socialist, led by Boran.

SDP (Socialist Revolution Party), socialist, led by Aybar.

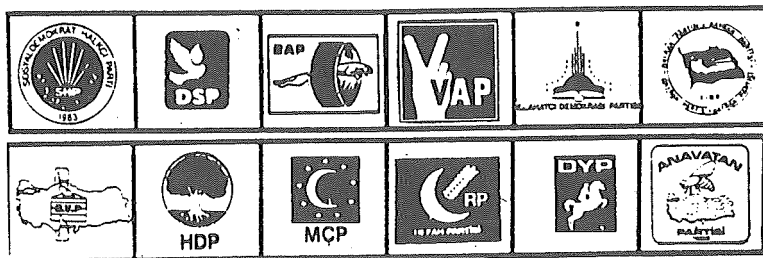
TEP (Labour Party of Turkey), socialist, led by Belli.

TBP (Union Party of Turkey), center-of-the-left, led by Timisi.

TIKP (Worker-Peasants' Party of Turkey), socialist, led by Perinçek.

Beside the above-mentioned parties, there were also many left-wing political parties or groupes which had already been outlawed such as TKP (the Communist Party of Turkey) or obliged to work underground because of the anti-democratic articles of the Turkish Penal Code. Mainly:

TKP-ML, TDKP, TKEP, PKK, TKSP, KIP, KUK, Dev-Yol, Dev-Sol, Liberation.



THE REGIME'S POLITICAL PARTIES

Electors of 11 constituencies in Turkey go to the ballot boxes on September 28, 1986, to elect 11 deputies (from among the candidates of 12 political parties) for the vacant seats in the National Assembly.

Although less important than the general elections, set for 1988, these partial elections are considered as a crucial test for the Motherland Party (ANAP) of Prime Minister Ozal as well as for the 11 other political opposition parties.

In fact, the stake in these elections is to test the level of the government's credibility. Aware of this fact, the ANAP again went through a series of political manoeuvres at the last moment, notably by modifying the Codes on political parties and elections. According to legislation in effect since 1983, only four political parties could enter the lists and the ANAP was threatened by the Social-Democrat Populist Party (SHP) on the left and the Correct Way Party (DYP) on the right. In temporarily lifting certain conditions for participation in the elections, the ANAP also allowed other insignificant parties to enter the lists so as to divide the potential votes of the SHP and the DYP, the heirs of two parties of the period before the coup d'état.

On the left, the SHP, led by Erdal İnönü, sees itself threatened by the Democratic Left Party (DSP), led by the wife of former Prime Minister Ecevit.

On the Right, nine political parties fought among themselves so as to nibble away votes from the ANAP.

The DYP (Correct Way Party): supported by former Premier Demirel.

The RP (Well-Being Party): heir of the MSP, defunct Islamist party.

The MCP (Nationalist Labour Party): heir of the MHP, defunct neo-fascist party of the Grey Wolves.

The HDP (Free Democratic Party): supported by a party of businessmen.

The VAP (Citizens Party): a scission of the ANAP.

The IDP (Reformist Democratic Party): an Islamist faction.

And the three insignificant right-wing parties: BVP (Party of the Great Fatherland), BAP (Party of Great Anatolia) and BP (Flag Party).

The large number of political parties entering the lists does not at all signify a true return to parliamentary democracy since the Constitution of generals as well as the Political Parties Code forbid the legalisation of political parties of the working class or of the Kurdish people. Consequently, these elections, like the preceding ones, are only a race which does not conform to the regulation adopted by all the countries of Western Europe.

MAIN POINTS OF THE ANTI-DEMOCRATIC CONSTITUTION

"Following the operation carried out on September 12, 1980, by the Turkish Armed Forces in response to a call from the Turkish nation, of which they form an indissociable part (...), this Constitution was prepared by the Consultative Assembly, which is the legitimate representative of the Turkish nation, finalised by the National Security Council, and adopted, approved and directly enacted by the Turkish nation, and is entrusted for safekeeping by the TURKISH NATION to the patriotism of its democracy-loving sons and daughter," says the Preamble of the Constitution.

While the former Constitution put forward the principle of "Social State", this principle has been excluded from the new one. "Attachment to the conception of nationalism and the principles and reforms introduced by Atatürk" has been made the pillar of the new regime.

A despotic presidential system

The President of the Republic is empowered to act as supreme ruler of the country, whereas he

had only some ceremonial functions under the previous constitution.

He exercises the following functions and powers:

- To summon the Assembly when necessary, to promulgate laws, to refer draft legislation to the Assembly for further consideration, to submit to referendum, if he deems it necessary, legislation amending the Constitution, to bring to the Constitutional Court applications for the annulment of laws, legislative decrees and Rules of Procedure of the Assembly, or specific provisions thereof, on grounds of unconstitutionality as to form or substance, to call new elections for the Assembly.

- To act as Chairman of the Council of Ministers or call meetings of the Council of Ministers under his chairmanship when he deems it necessary.

- To hold the office of Commander-in-Chief of the Turkish armed forces on behalf of the Turkish Grand National Assembly, to decide to use the Turkish Armed Forces, to

appoint the Chief of General Staff, to summon the National Security Council, to act as Chairman of the National Security Council, to declare martial law or a state of emergency and issue legislative decrees in accordance with the decisions of the Council of Ministers meeting under his chairmanship.

- To appoint the members and Chairman of the State Supervisory Commission, to instruct the State Supervisory Commission to carry out inquiries, investigations and verifications.

- To appoint the members of the Council of Higher Education, to appoint the rectors of universities.

- To appoint and dismiss Ministers on the proposal of the Prime Minister.

- To appoint the members of the Constitutional Court, a quarter of the members of the Council of State, the Chief Public Prosecutor in the Court of Cassation and his deputy, the members of the Military Court of Cassation, the members of the Supreme Administrative Court of the Armed Forces and the members of the Judicial Service Commission. (Art. 104)

- No appeal shall be made to the courts, including the Constitutional Court against decisions or orders signed *proprio motu* by the President of the Republic. (Art. 105)

According to the provisional articles:

General Evren, on the proclamation of the adoption of the Constitution, assumes the title of President of the Republic and shall exercise this function for a period of seven years. As for the four other members of the National Security Council, they become the members of the Presidential Council for a period of six years.

The functions of the Presidential Council:

"To consider laws adopted by the Assembly and submitted to the President of the Republic, to consider, and give an opinion on, matters relating to the holding of new general elections, the exercise of emergency powers and the measures to be taken during a state of emergency, to consider and investigate matters relating to internal and external security and such other matters as are deemed necessary, and submit its findings to the President of the Republic."

According to another provision, all persons or organs in authority during the period from September 12, 1980, to the date of the formation of the Bureau of the Turkish Grand

National Assembly have been exempted from all legal responsibility, and their decisions and acts can never be brought before the Constitutional Court.

Powers of the Military

Many provisions of the new Constitution provide the military with extraordinary powers even in the

period of civilian rule. The President of the Republic, namely General Evren, remains as the Commander-in-Chief:

“The office of Commander-in-Chief shall be held by the President of the Republic. The Chief of the General Staff shall be appointed by the President of the Republic on the proposal of the Council of Ministers.” (Art. 117).

The Constitution, besides the Presidential Council which is composed of four members of the military junta, creates a new National Security Council which disposes the power to dictate decisions to the Council of Ministers:

“The National Security Council shall be composed of the Prime Minister, the Chief of the General Staff, the Ministers of National Defense, the Interior and Foreign Affairs, the commanders of the army, navy and air force and the commander of the military police. The NSC shall inform the Council of Ministers of its views on the decisions to be taken concerning the establishment, formulation and implementation of the state’s national security policy and on the measures required to secure the necessary coordination. The Council of Ministers shall give priority consideration to decisions of the Council concerning the measures that it deems necessary for the preservation of the existence and independence of the state, the integrity and indivisibility of the country, national peace and public order. The agenda of the NSC shall be drawn up by the President of the Republic, who shall take account of the proposals of the Prime Minister and the Chief of General staff.” (Art. 118)

As is seen in the article, in the NSC the military holds absolute majority.

State of emergency

“In the event of a natural disaster, a dangerous epidemic or a serious economic crisis, the Council of Ministers meeting

under the chairmanship of the President of the Republic may declare a state of emergency, in one or more regions or throughout the country for a period not exceeding six months. The State of Emergency Act shall regulate the financial and material obligations, and obligations relating to work, the procedure governing the restriction or suspension of fundamental rights and freedoms.” During a state of emergency, the Council of Ministers meeting under the chairmanship of the President of the Republic may issue legislative decrees.” (Art. 121)

Martial Law

“The Council of Ministers meeting under the chairmanship of the President of the Republic may, after consultation with the NSC, declare martial law in one or more regions or throughout the country. During the period of martial law, the Council of Ministers meeting under the chairmanship of the President of the Republic may issue legislative decrees on matters relating to martial law. Martial law commanders shall exercise their functions under the authority of the Office of the Chief of the General Staff.” (Art. 122)

State Security Courts

“State Security Courts shall be established to try offences committed against the indivisible integrity of the state with its territory and people, the free democratic order of the Republic or directly relating to the internal and external security of the state. SSCs shall be composed of a President, two members, two substitutes, a prosecutor and a sufficient number of deputy prosecutors. One member and one substitute shall be appointed from among military judges of the highest grade, and the deputy prosecutors from among public prosecutors and military judges. In the event of the declaration of martial law, the SSC may be transformed into a military court. (Art. 143)

Constitutional Court

“The Constitutional Court shall be composed of eleven regular members and four substitutes, all appointed by the President of the Republic.” (Art. 146)

Restriction of fundamental rights and freedoms

"Fundamental rights and freedoms may be restricted by law in accordance with the letter and the spirit of the Constitution in order to safeguard the indivisible integrity of the state with its territory and people, national sovereignty, the Republic, national security, public policy, public order, the public interest, public decency and public health. (Art. 13)

"None of the rights and freedoms shall be exercised with a view to violating the integrity of the state with its territory and people, endangering the existence of the Turkish State and Republic, ensuring the rule of one social class over the others, creating discrimination on grounds of language, race, religion, or sect, or establishing by any other means a political system based on the above concepts and opinions." (Art. 14)

These articles take as target all attempts to organize on the social class, ethnic or linguistic group basis. That is to say, the working class, the Kurdish population of the country and other religious and ethnic minorities are deprived of the right to organize and to spread their opinions.

"In time of war or mobilisation, under martial law or during a state of emergency, the exercise of fundamental rights and freedoms may be partially or completely suspended." (Art. 15)

Authority to kill citizens

"Death shall not be regarded as inflicted in violation of the right to life when it results from the execution of a death sentence, the exercise of self-defense or the lawful and necessary use of arms to carry out an arrest warrant or a detention order, prevent the escape of a person detained pending trial or following conviction, quell a revolt or rebellion or, under martial law or during a state of emergency, execute orders issued by the competent authorities." (Art. 17)

Forced or compulsory labour

"Forced or compulsory labour shall not include work required in the course of detention, pending trial or following conviction, services

exacted from citizens during a state of emergency, or physical or intellectual work forming a part of normal civic obligations in fields dictated by the needs of the country." (Art. 18)

Detention without court warrant

"Persons arrested or detained shall be brought before a court within 48 hours, or in the case of collective offences, within fifteen days. The periods may be extended during a state of emergency, under martial law or in time of war. (Art. 19)

Restriction of the right to express

"The right to express and disseminate their thoughts and opinions may be restricted in order to prevent crime, punish convicted offenders, prevent the disclosure of information lawfully declared to be a state secret or ensure the proper functioning of judicial authority." (Art. 26)

"The right to disseminate information shall not be exercised with a view to securing the amendment of the provisions regarding the state, character of the Republic and the integrity of the State, official language, flag, national anthem and capital." (Art. 27)

Restriction of Freedom of the press

"Nothing shall be published in a language prohibited by law. (*That is to say the Kurdish or Assyrian languages, etc.* - Ed).

"Persons who write, cause to be printed, print or transmit to another for that purpose information or material of any description threatening the internal and external security or the indivisible integrity of the state with its territory and people, inciting to commit an offence or to rebellion or revolt or relating to state secrets shall be liable to prosecution under the relevant legal provisions.

"Distribution may be forbidden as a preventive measure under a court order or, in cases where delay is considered prejudicial, an order of the authority expressly empowered by law.

"Periodical and other publications may be

seized under a court order or an order in the authority expressly empowered by law in cases where delay is considered harmful to the protection of the indivisible integrity of the state.

"Periodicals may be temporarily suspended by court order if convicted of publishing material inconsistent with the indivisible integrity of the state, the fundamental principles of the Republic, national security or public decency. All publications constituting a clear continuation of a suspended periodical shall be prohibited and shall be seized by court order." (Art. 28)

"Printing houses and accessory premises shall not be seized or confiscated (...) unless they are convicted of an offence committed against the indivisible integrity of the state, the fundamental principles of the Republic or national security." (Art. 30)

Restriction of right and freedom of assembly

"Associations shall not contravene the general restrictions set forth in Article 13, nor shall they pursue political aims, engage in political activities, support or be supported by political parties or take joint actions to that end with unions, professional organisations instituted under public law or foundations. Associations deviating from their original aims and conditions or failing to fulfil their statutory obligations shall be considered dissolved of their own accord. In cases where delay is considered harmful to the protection of the indivisible integrity of state, national security, national sovereignty, public policy or to the prevention of crime, the activities of an association may be suspended by an order of the authority specifically empowered by law." (Art. 33)

"The competent authority may prohibit a particular meeting or demonstration or postpone it for a maximum of two months if there is a strong likelihood that serious disturbances will occur, national security requirements will be infringed on or acts designed to destroy the fundamental character of the Republic will take place. Associations, foundations, unions and professional organisations instituted under public law shall not hold meetings or demonstrations exceeding their own scope and aims." (Art. 34)

Restrictions on education

"No activities other than those connected with learning, teaching, research and study shall take place in educational establishments. No language other than Turkish shall be taught to Turkish citizens as their mother tongue in educational establishments." (*A prohibition on official teaching of Kurdish or Assyrian, etc.* - Ed.) (Art. 42)

Restrictions on trade union right

"The statutes, management and mode of operation of unions and union federations shall not be inconsistent with democratic principles or with the character of the Republic.

"Officials of trade unions or trade union federations shall be required to have been actually employed as workers for at least 10 years." (Art. 51)

"Unions shall not contravene the general restrictions set forth in Article 13, nor shall they pursue political aims, engage in political activities, support or be supported by political parties, or take joint action to that end with associations, professional organisations instituted under public law or foundations." (Art. 52)

"The right to strike shall not be exercised, nor shall lock-outs be practised, in a manner contrary to the principles of goodwill or prejudicial to the community or national wealth. The trade union shall be liable for any material damage caused in the workplace during a strike, either deliberately or accidentally, by the striking workers and union.



"The National Arbitration Board shall settle disputes in cases where strikes and lock-outs are prohibited or, in the event of postponement, at the end of the period for which they are postponed.

"Politically motivated strikes and lock-

outs, sympathy strikes and lock-outs, general strikes and lock-outs, sit-in strikes, go-slows, work-to-rules and other forms of obstruction shall be prohibited.

"Strikers shall do nothing whatsoever to prevent those who are not striking from working in their workplace." (Art. 54)

Conditioning of the Youth

"The State shall take the necessary measures to ensure the training and

development of youth, into whose keeping our independence and our Republic are entrusted, in the light of positive science, in accordance with the principles and reforms of Atatürk and in opposition to ideas aimed at the destruction of the indivisible integrity of the state." (Art. 58)

Restrictions on Universities

"The state shall supervise and inspect universities and their subsidiary units and shall ensure their

security. University rectors shall be appointed by the President of the Republic and deans by the Higher Education Council (YÖK). Universities, members of teaching staff and their assistants shall be free to engage in scientific research and publication of all kinds. However, this shall not include freedom to engage in activities directed against the existence and independence of the state or the integrity and indivisibility of the nation and the country. The Higher Education Council shall be composed of members appointed by the President of the Republic from among candidates nominated by the universities, the Council of Ministers and the Chief of the Republic himself." (Art. 131)

Restrictions on Radio-TV

"Radio and television stations shall be established only by the State and

shall be managed by an impartial public corporation. The law shall ensure that broadcasts are made in such a way as to safeguard the existence and independence of the Turkish state, the indivisible integrity of the country and the nation, national peace, public decency and the fundamental character of the Republic as defined in Article 2 of the Constitution." (Art. 133)

Atatürk National Academy of Culture

"The Atatürk National Academy of Culture, Language and History shall be established under the moral aegis of Atatürk, under the supervision of the President of the Republic, and shall, with his support, conduct scientific research, produce publications and disseminate information on the thought, principles and reforms of Atatürk and on Turkish culture history and the Turkish language." (Art. 134)

Professional organisations

"Professional organisations shall not engage in activities other than those

for which they were formed, nor shall they become involved in politics or take joint action with political parties, unions or associations. Political parties, unions and union federations shall not nominate candidates in elections to the organs of professional organisations or their umbrella organisations, not shall they engage in activities or propaganda in support of, or opposition to, particular candidates." (Art. 136)

Stripping of nationality

"No Turkish citizen shall be deprived of his nationality provided that he

does not engage in an activity with loyalty to this country." (Art. 66)

Discrimination in amnesty procedure

With the purpose of depriving many political prisoners of a possible amnesty in future, the military put in the Constitution

the following article:

"The Turkish Grand National Assembly decides the proclamation of amnesties and pardons, except in respect of persons convicted of offences under Article 14 of the Constitution." (Art. 87) The said article mentions acts against the integrity of the state, endangering the existence of the Turkish State, aiming the rule of one social class over the others, creating discrimination on grounds of language, race, religion, or sect." These acts are liable according to articles 140, 141, 142 and 146 of the Turkish Penal Code.

CONSTITUTIONAL VIOLATION OF HUMAN RIGHTS

The Parliamentary Assembly of the Council of Europe adopted, on October 8, 1982, a resolution stating that the new Constitution drawn up by the Consultative Assembly did not answer to the requisites of a real democracy and calling upon the Turkish authorities to revise it.

The new Constitution was criticized also in the report on the southern flank submitted to the meeting of the North Atlantic Parliamentary Assembly held in London.

A socialist member of the Parliamentary Assembly, *Mr. Claude Déjardin*, studied, in collaboration with *Mr. Jack Deboek* from the University of Liège, the compatibility of the new Constitution with the European Convention on Human Rights and prepared a report to submit to the Assembly.

Below are the large extracts of this important report demonstrating the "constitutional" violation of human rights in Turkey:

"The Turkish Constitution is not perfectly conformable to the European Convention of Human Rights.

"1. Concerning all rights warranted by the ECHR:

"Article 13 of the Constitution enumerates the hypothesis of legitimate restriction of fundamental rights. Besides it states that these general reasons set forth (...) are valid for all fundamental rights and freedoms."

"This disposition is contrary to the ECHR, because:

"a) Some warranted rights do not suffer from any exceptions: It concerns the right not to be submitted to torture or to degrading treatment (Art. 2 ECHR), the right set forth by article 7 ECHR, the right to get married (Art. 12 ECHR), the right to the grant of an effective recourse in the case of the violation of a right set forth (Art. 13 ECHR) and, the right to equality of treatment in the exercise of warranted rights Art. 14 ECHR) as also the right set forth in an absolute manner by article 6 of the Convention.

"There is no doubt that, regarding these rights, article 13 of the Turkish Constitution, stated in a general manner and without restriction, is contrary to the Convention.

"b) Other rights are set forth in a less absolute manner by the ECHR: The Convention provides possibilities for impairment, but they are provided in a very precise manner. It concerns the right to life (Art. 2 ECHR), the right set forth by Article 4 ECHR and, the right not to be deprived of one's freedom (Art. 5 ECHR).

"Article 13 of the Constitution is formulated in such a way that it authorizes, indeed, the derogations provided by articles 2, 4 and 5 of the ECHR in the exercise of these rights but, it equally allows others. In that degree, it is contrary to the Convention (...).

"2. concerning articles 9, 10 and 11 - freedom of thought, of conscience, religion, expression and associations. (*)

"1. Art. 9, 10 and 11 ECHR

"The Turkish Constitution gives expression to the will of privileging and protecting, by all means, a philosophical and political doctrine.

"a) To protect Atatürk's Doctrine

"The '*principles, reforms and modernism*' or the '*nationalism*' of Atatürk is the essence of the Turkish Republic (Art. 2). The ideas which are contrary to it do not deserve any protection (Par. 9 of the preamble - NB Art. 176).

"Article 2 gives this doctrine a value equivalent to the fundamental rights", adoption of a definite position which shall never be modified (Art. 4) as also the restrictions on all fundamental rights are legitimate when they are condemned by the safeguard of Atatürk's doctrine (Art. 13).

"This will of protection directly violates the freedom of thought and the consequent liberties that are of expression and association. The Constitution itself consecrates this violation.

"b) Consequences on the freedoms of expression and association.

"The freedom of expression cannot be used with the object of imperiling the Republic, so, especially Atatürk's doctrine. Indeed, the freedom of science and the arts and, the freedom of expression through the channels of press or TV are set forth, but only to the extent that 'the fundamental characteristics of the Republic as they are defined in article 2 of the Constitution' are preserved (Art. 27, 28 and 133). The freedom of association as it is concretized as trade unions and political parties is also warranted provided that their statutes are in conformity

'with the principles of the Republic' and they do not use the freedom of expression with the object of jeopardizing the Republic (Art. 68, 69 and 51). In the event of the non observance of these prescriptions, these trade unions and political parties shall be dissolved. In addition, president and members of Parliament take the oath that they '*shall remain committed (...) to the principles and reforms of Atatürk*' at their induction into office (Art. 81 and 103). The legislative immunity of a member of Parliament shall be suspended in the case of the breach of this oath (Art. 83).

"Under these conditions what remains to us from the freedom of press, individual expressing and, collective expressing set forth by the Constitution?

"c) Used means

"The Turkish Constitution, on the one hand, ensures the freedom of conscience, religion and education, on the other hand it imposes preventively an education and a formation '*dispensed in the spirit of the principles and reforms of Atatürk*' (...)

"In fact, those who would, in spite of all, attempt to show the wrongness of the doctrine of Atatürk or the rightness of another one would be sanctioned by an exceptional court: the State Security Court. Indeed, the Constitution institutes 'State Security Courts charged with knowing (...) crimes and misdemeanours which aim at the Republic as they are defined in the Constitution (...)' (Art. 143).

"II. Art. 10 ECHR: The Freedom of Expression in Particular.

"a) The freedom of expressing by written ways, records, recording, video or thought is warranted but, some languages banned by the law cannot be used (Art. 23 and 28)

"A language constitutes the vehicle of thought and banning it is to interfere with the freedom of expression and in a wider sense the freedom of thought, for example in the case of those who are in Turkish territory and can only speak one of the banned languages (f.e. the Kurdish).

"On the other hand, to assure the individuals who speak the authorized languages and not to assure those who speak a banned language reverts to a discrimination in the exercise of freedom of expression, discrimination contrary to article 14 of the ECHR.

"b) In order to ban the publication of events of the day or to suspend, confiscate,

seize periodicals and non-periodicals, a court judgement is sufficient (Art. 28 and 29).

"Art. 10 ECHR requires that such a decision be made only when it is necessary for the pursuit of the objectives enumerated in the art. 10 par. 2 ECHR.

"c) Art. 67: 'The soldiers and junior officers on the active list, students of military academies as well as prisoners and condemned men in prisons and gaols cannot vote.' (...)

"The downfall of the right to vote constitutes then a sanction without trial (violation of Art. 6 par. 1 ECHR) and a violation of the principle according to which 'Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.' (Art. 6 par. 2 ECHR).

"Moreover, this sanction is contrary to and violates Art. 10 ECHR (freedom of expression) without any possible justification regarding the outline of Art. 10 Paragraph 2 ECHR.

"d) Art. 76 states the conditions in order to be elected a deputy.

"Its 2nd paragraph provides that 'whosoever (...) was condemned for (...) participation in ideological actions (...) shall not be elected a deputy even if he were granted a free pardon.'

"For lack of precisions and the notion of '*ideological actions*', this paragraph of Art. 76 opens the door for the worst abuses and is capable of grounding violations of freedoms of thought and expression set forth by articles 9 and 10 of the ECHR (...)

"III. Art. 11 ECHR: The Freedom of Association in Particular.

"1. Trade Unions (Art. 51)

"Conditions provided by the law are hardly to suspend and to ban trade union activities. The 2nd paragraph of art. 51 is not in conformity with art. 11 ECHR, to the extent that suspensions or interdictions can be set in cases other than those provided by art. 11 paragraph 2 ECHR.

"Besides, the statutes of the trade unions shall not infringe especially 'the characteristics of the Republic as they are defined by the Constitution' (Art. 2 and 51). This obligation could be equally sanctioned by paragraph 2.

"The last paragraph is also contrary to the Convention since the doctrine of Atatürk cannot be integrated to one of the interest of art. 11 paragraph 2 ECHR.

"2. Political Parties (Art. 68)

"Here, also restrictions arise, because parties' statutes have to be in conformity especially 'with the principles of the republic'. In default, the Constitution Court can pronounce their dissolution (art. 68 and 69). This restriction in so far as it can be set for the safeguard of the doctrine of Atatürk is not in conformity with art. 11 ECHR since it does not fall within those provided by art. 11 par. 2 ECHR.

"In addition, 'the judges and prosecutors, members of higher courts, teaching staff members of the higher educational institutions, State civil servants and those of public institutions and establishments except for those who are regarded as workers, students and members of the armed forces *cannot join political parties*'.

"This last paragraph of art. 68 directly violates the freedom of association set forth by art. 11 ECHR. Nothing can justify, in the sense of article 11 paragraph 2 ECHR, such a restriction on the freedom to join a political party with respect to this people.

"If, contrary to all logic, we came to the point of admitting that article 68 presents a justified interference, then we would have to admit that, in this case, there would be a violation of art. 14 ECHR which warranted the equality of treatment in the exercise of the fundamental rights. Indeed, there would be a discrimination between:

- the members of the higher courts and those of others;
- the teaching staff members of the higher educational institutions and those of others;
- State civil servants regarded as workers and others.

"In addition, the Constitution itself sets this sanction of obligation for the magistrate, Art. 129 for the State civil servants and, Art. 130 for the teaching staff members of the higher educational institutions.

"3. Professional Association in the Nature of Public Organizations.

"Art. 135 seems to aim at professional associations of individuals who cannot be regarded as workers or employers in the sense of the first paragraph of art. 51: those who carry on free or independent professions and State civil servants.

"Professional associations in the nature of public organizations are set up by law and, therefore, individuals shall not have the right to initiate in this respect. In this case, there is

violation of art. 11 ECHR since, the persons aimed do not have any possibility of founding a trade union.

"On the other hand, contrary to the foregoing, the persons aimed by art. 135 other than the State civil servants shall be bound to join these organizations and, so the freedom of association shall not be guaranteed for them.

"4. Other Associations (Art. 33)

"Here also, restrictions arise in the extent that conditions provided by the law have to be fulfilled hardly to the dissolution.

"This article is not in conformity with art. 11 ECHR in the case that the dissolution can arise in circumstances other than those provided in art. 11 paragraph 2 ECHR. On the other hand, this obligation set forth in the 5th paragraph is not favourable to the judicial security. It is even contrary to art. 6 ECHR in the case that the dissolution would be automatic without interference of a judge.

"Finally, this article 'does not prevent putting restrictions on the rights of armed forces personnel and security forces members to form associations, or to ban them from exercising this freedom'.

"It should be necessary, at least, to state precisely that these restrictions or interdictions can exist only for the safeguard of one of the objectives of art. 11 par. 2 ECHR. In the case that restrictions and interdictions can exist beyond the limits allowed by art. 11 par. 2 ECHR, there is a violation of this article. It is violated if there is no justification conformable to its 2nd paragraph. In fact, none of the objectives of art. 11 par. 2 can justify such restrictions or interdictions.

"Freedom of Expression of Associations

"1. Trade Unions

"Art. 51: '... functioning of trade unions and trade union confederations shall not infringe... the characteristics of the Republic as they are defined by the Constitution.' This means that, if the doctrine of Atatürk implies choices in economic and social matters, trade unions cannot criticize it. In this case, whereas the doctrine of Atatürk cannot be included in art. 11 par 2 ECHR, there is violation of the freedom of expression of associations.

"Art. 52: 'Trade unions... cannot foster political objectives, cannot devote themselves to political activities, cannot support or be supported by political parties, and cannot collaborate with vocational institutions and founda-

tions which are in the form of public establishments'. Here, it is a disposition that can be found also for political parties (art. 69), for professional associations in the nature of public organizations (art. 133), for other associations which is in question. In other words, the Turkish Constitution far from recognizing the freedom of expression of associations and the freedom of association as two general principles, recognizes four types of associations and each of them lives and functions in an insulated 'world' with respect to others. They would not become allies and express their identical opinion by common consent, when they have identical objectives. Here, it is a bursting violation of their freedom of association and expression.

"On the other hand, these dispositions are far from being clear. Particularly:

- for trade unions, it means that a trade union cannot have a political colour. Then, where is the trade union plurality? It means that a trade union cannot protest against a governmental measure unfavourable to the workers. Then, what do their freedom of expression and their role come to?

- for political parties, does it mean that a party cannot have an objective in the way of workers' interest? If so, then the Turkish Constitution does not agree to the existence of a socialist party such as in Western Europe.

"Art. 52 and provisional art. 14: '... financial inspection and incomes and expenditures of the trade unions shall be regulated by law... they shall deposit all their incomes in national banks'. It is quite easy to take the necessary measures to make them ineffective by controlling their incomes. The government can prevent the trade union from carrying on a social policy, thus its freedom of expression is impeded. Finally, knowing their incomes and expenditures the government will know their resistance capacity in the case of strike (if strike is possible!).

"Thus, in Turkey everything happens in view of a pure and simple role for trade unions without allowing them any opposition.

"The first paragraph of art. 54 recognizes a right to strike for workers, but this recognition is completely devoid of its contents.

"Paragraph 2: the right to strike cannot be exercised 'in any way which contradicts principles of probity which harms the society, or which destroys social wealth'.

"Such a restriction with so fuzzy terms

allows even itself to prevent any strike, whatever it is. Nevertheless, the Constitution does not stop at that point. The last paragraph of art. 54 which forbids a good many strikes, as a matter of fact, finally prohibits all strikes.

"It is quite true that the ECHR does not guarantee the right to strike, but it guarantees the freedom of expression of associations. Well then, what is the use of being free to express an idea, if one cannot convince of its rightness? Precisely, striking is a tool disposed by the trade unions and workers to convince the State or employers. And, it is the only efficient tool which is in question. (European Social Charter).

"Since striking is repressed, the freedom of expression of associations is violated.

"2. Political Parties

"- According to the 4th paragraph of art. 68, political parties cannot preach to a doctrine other than Atatürk's. Art. 11 ECHR is violated.

"- The 2nd paragraph of art. 69 is violating Art. 11 ECHR.

"- The 6th paragraph of art. 68 is contrary to art. 11 ECHR to the extent that such restrictions are possible out of the bounds of art. 11 par. 2 ECHR.

"- The last paragraph of art. 83: 'political party groups shall not hold debates and pass resolutions in connection with legislative immunities,' when the suspension of the immunity of any member of Parliament is in question. Such an interference with the exercise of freedom of expression of associations is not allowed by art 11 par. 2 ECHR. There is again violation of this article of the Convention.

"- It is the same way with the 2nd paragraph of art. 84 and the 4th paragraph of art. 135.

"- SANCTIONS FOR THE OBSERVANCE OF THESE OBLIGATIONS: art. 69 paragraphs 6 and 7.

"3. Professional Associations in the nature of public organizations.

"Identical commentaries to those concerning the trade unions and the political parties are to be expressed concerning similar dispositions applicable to these associations."

(*) Art. 11 ECHR warrants at one and same time the individual freedom to associate and the collective freedom of associations, that is to say the freedom of expression of associations.

MASS ARRESTS MASS TRIALS DEATH SENTENCES

Within a 5-year period of repression, political violence was replaced by state terrorism and more than 200 people were arrested, more than 50 thousand were tried before military tribunals, military prosecutors asked for more than 7 thousand death sentences, 429 political activists were condemned to capital punishment and 27 of them were executed. In 1985, martial law was replaced by a police state reinforced with the adoption of new repressive laws and decrees by the "civilian" rule.

The Militarization of the State under the guise of a "parliamentarian regime" has not met any organized opposition because, from the very first day of military rule, all democratic, political organizations and trade unions have been faced with unprecedented repression.

The military junta which came to power under the pretext of putting an end to political terrorism has replaced it with State terrorism.

In addition to the anti-democratic practices in the political field, already explained in preceding chapters, all high-ranking officers and public servants who might resist the militarization of the State have been dismissed and replaced by those who enjoy the generals' full confidence.

About 1,600 mayors, 18,000 public servants, 2,000 judges and prosecutors, 4,000 policemen, more than 700 university professors and 5,000 school teachers have been either fired or forced to resign under pressure.

During a recent meeting of the National Assembly, a populist deputy Seyfi Oktay disclosed that ever since the military takeover, the number of those dismissed by order of the martial law authorities had exceeded 100 thousand. "There are many people who have never been subjected to any legal proceedings, nor summoned to any police center... When they apply for a public service job, the intelligence services make an investigation about them. This is a situation entirely incompatible with the Constitution and the Universal Declaration on Human Rights. I am afraid that this number may reach 200-300 thousand," he said.

According to the daily *Milliyet* of October 27, 1985, 3,377 of those dismissed on orders from martial law commanders have been found "innocent" by the judicial authorities, but the public services still will not allow them to regain their former posts.

On September 21, 1984, the same newspaper published the following data on mass arrests and condemnations:

From September 1980 up to 1984, within a four year period:

- The security forces took into custody 178,565 persons for preliminary investigation without any court warrant.
- Among them, 64,505 persons were arrested later through a court decision and kept in prison for their trial, the others being

released after a long detention of up to 90 days.

According to the daily *Hürriyet* of April 24, 1984, by that time 233,645 people were still wanted by the security forces, 18,695 of whom had been indicted for their political actions or opinions.

The great majority of the victims of repression were detained during the first 17-month period following the coup, 170,958. They included:

- 203 members of Parliament,
- 79 journalists or writers,
- 93 judges or prosecutors,
- 35 district governors,
- 300 mayors,
- 6,191 teachers
- 6,758 state employees.

The very first day, the junta launched a denunciation campaign against the wanted people and within a 3-year period the NSC received about 150,000 letters from informers.

At the beginning of 1983, the military announced that 400,000 citizens were deprived of the freedom to travel because of legal proceedings pending against them.

Besides, a *Data Collecting Center* was set up at the Ministry of Interior, and all citizens of Turkey have been registered with complete data relating to their private and professional life, and their political opinions. In 1982 already, the Ministry had announced that 36,771 political activists had been apprehended due to this computer system. Computers have also been set on the borders to check dissidents' trips more efficiently.

The Ministerial Council decided in April 1983 to replace national identity cards with national security cards from 1984 onwards. The fingerprints of the holder as well as the usual information on his identity would be indicated, and a photograph would also be attached to the new cards.

Although the maximum capacity in civilian prisons is 55,000, the Ministry of Justice said in an interview with the *Cumhuriyet* of July 29, 1983, that, at the time, the total number of inmates in civilian prisons amounted to 74,206, of whom 48,077 were convicts and 26,129 under arrest.

The number of political prisoners or detainees in civilian prisons amounted to 3,769 of whom 2,948 were in special prisons at Bartın, Bursa, Canakkale, Gaziantep and Antalya.

Many of them were brought there from military prisons after they were sentenced. To this figure should be added 15,307 inmates who were still in military prisons at the end of 1985.

Le Monde reported on July 20, 1985, that, according to a high official of the ruling ANAP, 35,000 people were at that date under detention "in connection with anarchy."

According to a survey by the Interior Ministry of Switzerland, among the 21 member countries of the Council of Europe, Turkey holds the record regarding the proportion of prisoners in relation to the population. In 1984, 178 of 100,000 inhabitants were in prison in Turkey, against 114 in Austria, 104.4 in the FRG, 83.3 in the Great Britain, 76.3 in Italy, 74.2 in France, 72.2 in Belgium, 70 in Denmark, 60 in Switzerland, 30 in Holland and 1 in Malta.

By changing legislation on the martial law regime ten times, the NSC empowered martial law commanders to order to shoot down any suspect in the street, to confiscate and ban publications, records, cassettes, films, to search individuals and their residence without court warrant.

The number of people who have been shot dead during man-hunts is estimated at more than 700.

After the coup, all the police forces also were placed under the authority of martial law commanders. The military junta assigned 99 billion TL to the reorganization of the police forces. It was decided to raise the number of police officers from 50,000 to 121,000 and to set up a rapid deployment force in each major city of Turkey. With the assistance of the FRG and the USA, the police forces have been equipped with modern weapons, helicopters and armoured vehicles.

According to a law adopted by the NSC on June 4, 1983, persons whose activities are considered harmful to law and order can be deported in a certain way, by being confined to a certain locality.

For four years, the whole territory of Turkey was under martial law and those who were indicted for their political opinions and activities were tried by military tribunals set up in Turkey's major cities.

The procedure at military tribunals was proof that the right to a fair trial provided by the European Convention on Human Rights was entirely violated. The bills of indictment

were based on confessions obtained under torture. At mass trials, prisoners were judged without their identity being proven beforehand, without previous judicial inquiry; in some cases the defendants never appeared in court. Witnesses were intimidated or brainwashed before being brought to court; defendants were given no possibility to defend themselves; they were not even allowed to read their petitions. The time allowed for the defence was very short and sometimes the defendant was not allowed to speak in the court room.

Prior to the local 1984 elections, the Turkish Government began to lift martial law in some provinces. In many provinces martial law was replaced by a state of emergency and the civilian governors took over all the martial law commanders' authority. According to the Constitution, under a state of emergency, provincial governors can impose curfews, ban meetings and public rallies, order an end to strikes, close publications, forbid broadcasts, films and theatre performances. They are also empowered to seize all means of communication in case of need, to issue search warrants and to close schools.

To replace martial law tribunals in accordance with the Constitution, State Security Courts have been set up in eight cities of Turkey; Ankara, Diyarbakir, Erzincan, Istanbul, Izmir, Kayseri, Konya and Malatya. 128 judges and prosecutors as well as 414 administrative workers have been charged at these courts. The judges and prosecutors include military ones. They deal with cases relating to State security, committed after the lifting of martial law. The acts committed earlier are still being tried at military courts.

Moreover, the law authorizing police authorities to remand an individual in custody for 45 days without any contact with his family or lawyer is still in force.

Arrests on the charge of "communist or separatist or fundamentalist propaganda or organization on these bases" continue. Those arrested on these accusations are tried before State Security Courts according to Articles 141, 142, and 163 of the Turkish Penal Code, borrowed from Mussolini's Penal Code in the 30s. The National Security Council, adopting on January 22, 1983, a new law modifying these articles, increased the punishment for these acts. The prison term for those who found "separatist" organizations was raised from 3 to

10 years; for founding "fundamentalist" organizations, from 7 to 12 years; and for "fundamentalist" propaganda, from 5 to 10 years.

The military has taken a series of repressive measures against all democratic organizations - political, trade union or professional - by closing them down or by arresting their officials.

Up to April 11, 1983, 203 former parliamentarians had become the object of legal proceedings. While 154 were Republican People's Party (CHP) members, only two were from the Justice Party (AP). Fifteen and thirty were prosecuted from the neo-fascist MHP and the fundamentalist MSP respectively.

The trade union members prosecuted were 3,067, of whom 2,583 were from the *Progressive Trade Unions Confederation (DISK)*. Two hundred and forty-six of them were kept under arrest for different periods.

There were also 15,685 association members legally prosecuted, of whom 3,754 were kept under arrest for different periods. Five hundred and ninety-six of them were from the *Teachers Association of Turkey (TÖB-DER)*, 13,536 from left-wing or Kurdish associations and only 1,426 from right-wing organizations.

According to the daily *Milliyet* of February 29, 1984, over the three years of military rule, 23,667 associations were banned on the pretext that some irregularities had been found in their books or that they had been involved in political activities. The most striking example of this practice was the prosecution of the Turkish Peace Committee, whose main leaders were sentenced to heavy prison terms just before the elections.

The Public Servants' Association (TÜM-DER), the Technical Servants' Association (TÜTED), the University Tutors' Association (TÜMAS), the Public Health Servants' Associations (TÜS-DER), the Police Officers' Association (POL-DER), the Peasant Cooperatives' Union (KÖY-KOOP), the Teachers' Association of Turkey (TOB-DER), the People's Houses (Halkevleri) and all progressive youth associations are among the banned associations.

As for the surviving associations, they have been subjected to a number of restrictions in accordance with the Constitution and the new law on associations. In particular, any comments on government policies are considered "political". This restriction is likely to prevent

all associations from defending their members' interests.

Another law adopted by the military has brought many restrictions on the right to hold meetings or rallies. Those who want to organize a meeting or rally must inform local authorities 72 hours in advance. Governors can suspend for three months all meetings and rallies they deem "unsuitable". The same law also bans trade unions and associations from holding meetings and rallies on matters which are out of their sphere of activities. Offenders of the bans on meetings face prison terms up to 8 years.

One should add that all associations are under strict control of the State Supervisory Council.

This new legislation hits not only associations, but also political parties founded with military permission. The Chief Prosecutor of the Republic has opened many legal proceedings against the *Correct Way Party (DYP)*, the *SODEP*, the *Welfare Party (RP)* and others.

All professional organisations such as the Architects' and Engineers' Chambers, the Bar Associations or the Doctors' Union have been subjected to inquiries for their declarations or acts.

On December 23, 1985, six leading members of the Turkish Doctors' Union (TTB) were brought before a tribunal in Istanbul for having sent a petition to the "President of the Republic" with the request to abolish the death sentence.

Even *Ekin A.S.*, a commercial society founded by some reknown intellectuals to organize cultural activities has been confronted with many legal obstacles even in the period of "civil government".

According to a bulky document published by the *Contemporary Journalists' Association* in Ankara, over the course of the 4-year period from March 12, 1980, to March 12, 1984, Turkish journalists were condemned to prison terms totalling 316 years, four months and 20 days. Over the same period, martial law commanders 41 times ordered the banning of newspapers for a definite or indefinite period. Distribution in Turkey of 927 publications printed abroad was indefinitely banned.

Even in the last 2-year period of civilian government, 313 legal proceedings were taken against journalists in Istanbul alone.

Eighteen leading members of the Writers'



Union of Turkey (TYS) were tried before a military tribunal for having cooperated with DISK. Military prosecutors brought distinguished intellectuals before tribunals for having signed a petition demanding the restoration of human rights and freedoms. That also happened during the period of "civilian government".

Since the foundation of the Higher Education Council (YOK) which is directly attached to the "President of the Republic", 794 university professors have left their posts; 259 have been dismissed by YOK on the order of martial law authorities, while 535 resigned or asked for early retirement in protest against academic autonomy violations.

Man-hunts, torture, threats and intimidation have been the daily practice both of the military government and the civilian one. The military regime justified measures derogating from the European Convention on Human Rights by recalling that, prior to the 1980 coup, the country went through a wave of political violence with an average toll of 20 deaths a day. However, one has to face up to the fact that over the first few months of the regime, in 1980-81, "law and order" was already established. There was not even any considerable armed resistance against the security forces.

In a "White Book" published on July 20, 1984, the civilian government boasted that dur-

ing the first six-month period of its term of office, the number of politically motivated incidents had fallen to 8, with only 11 casualties. This figure is not higher than those recorded in some other European countries. Despite this fact, all the extraordinary repressive measures are still in force and the civilian government add many new ones.

Before the lifting of martial law, the civilian government drafted many repressive laws and had them passed by the National Assembly.

According to a law adopted in July 1985, the police is invested with the task of maintaining "law and order" and, in this connection, entitled to apprehend any person and to keep him in custody for 24 hours, during which time this person has to be duly filed. As for people who are held as suspects in connection with collective crimes, police custody is set at fifteen days. The police is also empowered to search without court warrant, to question prisoners in jail, to decide to suspend any trade union, association and professional organization, and to close down theaters and places of entertainment.

Another law adopted on June 5, 1985, ensures that people who inform against "resistance groups" will be pardoned and, if need be, will benefit from free esthetical surgery. Denouncers who inform against organizations that were involved in "crimes against the

State," are to be cleared of all charges — provided they themselves did not take part in acts of violence, — or otherwise are to benefit from significant sentence cuts. The informer will be given a new identity card (with a different name) and sent abroad.

All these laws are aimed at tightening Turkey's police state and widening the range of repressive measures against opponents of the regime.

During the adoption of these laws, the Director General of the State Security Department Saffet Bedük Arıkan went to the FRG in order to ensure that the Turkish police will be supplied with very sophisticated devices. In addition, he visited the German Anti-Terror Brigade (GSG) with the purpose of setting up a "Thunder Force" to be equipped with West-German helicopters.

According to the daily *Cumhuriyet* of August 14, 1985, the Ministry of Interior ordered the headmen of 35,268 villages of Turkey to file all inhabitants of their locality. These files consist, among other things, of information concerning the political tendency and ideological choice of each inhabitant.

The same ministry announced in December 1985 that, according to another new regulation, intelligence services since 1984 had started a security inquiry on 190,793 public servants. Also some new criteria have been established for new candidates to public service posts: Even those:

- who were born in a hostile country, but have not yet lived in Turkey more than ten years after his arrival there,
- who have close relatives sentenced as communists or suspected communists,
- who have any characteristics that might lead them to being influenced by a foreign state,
- who are married to people who are not of Turkish origin, or who have not joined the ideal of Turkism, would not be given a "security card", necessary for access to the public service.

It should be reminded that those who are not of Turkish origin have already been deprived of the right to be State officials.

Many police centers have been equipped with lie detectors to interrogate suspects.

During the debates on the 1986 budget at the National Assembly, it was announced that the amount of funds allocated to the National

Intelligence Service was increased to 418 million TL, although it was 172 million in 1984 and 264 million in 1985.

In short, although martial law had been lifted in many provinces at the end of 1985, a very well organized and equipped "police state" has been established and consolidated in Turkey.

MASS TRIALS

One of the most striking images of the military rule has been the abundance of political mass trials and the capital punishment demands for political activists.

All those who had attempted to organize for a radical change in the unjust social order or to talk or write in this sense have been brought before military tribunals and tried according to articles 141, 142 and 146 of the Turkish Penal Code.

Articles 141 and 142 were borrowed from Mussolini's Italian Penal Code which is no longer in force in Italy.

Article 270 of Mussolini's Code reads:

"... whosoever attempts to create associations, establish, organize or direct them with the aim of imposing by force the dictatorship of one social class over others or of abolishing a class is liable to a penalty of 5 to 12 years' imprisonment.

Article 141 of the TPC reads:

"1. Whosoever shall attempt to form, or form, or organize or direct the activities of, or provide guidance for, under whatsoever name, any society with the aim of establishing the hegemony or domination of a social class over other social classes, or eliminating a social class, or overthrowing any of the fundamental economic or social orders established within the country shall be punished by heavy imprisonment of not less than eight and not more than fifteen years. Those who direct several or all of such societies shall be condemned to the death penalty.

"2. The same penalty — except for the clause providing for capital punishment — shall apply to those who attempt to form, or form, or organize or direct the activities of, or provide guidance for, under whatsoever name, any society aimed at the complete or partial

overthrowing of the political and legal orders of the State.

"3. The same penalty — except for the clause providing for capital punishment — shall apply to those who attempt to form, or form, or organize or direct the activities of, or provide guidance for, under whatsoever name, any society against republicanism or aimed at the governing of the State by a single person or a group contrary to the principles of democracy.

"4. Those who attempt to form, or form, or organize or direct the activities of, or provide guidance for, under whatsoever name, any society aimed at abrogating partly or totally, or weakening, as a result of racial discrimination, any of the civil rights consecrated by the Constitution, shall be condemned to a term of heavy imprisonment not less than one year and not more than three years.

"5. Those who enter any society enumerated in sections 1, 2 and 3 shall be condemned to a term of imprisonment not less than six months and not more than two years.

"6. Those who perpetrate the above-mentioned crimes in the offices or departments of the State or of the municipalities, or within the premises of economic enterprises to which part or whole of the capital belongs to the State, or in trade-unions or workers' associations or schools or any other establishments of higher education, or among the civil servants, employees or members of such, shall have their legal punishments augmented by one-third.

"7. In case any of the authors of the crimes enumerated in this article should denounce the crime and its co-authors to the responsible authorities before the opening of the trial, and provided that the accuracy of the denunciation is established, the capital punishment shall be replaced by heavy imprisonment not less than ten years and the other punishments shall be diminished to a fourth at maximum, according to the circumstances and the particularities of the case.

"8. A society, in the sense of this Article, is constituted by the coming together of two or more persons bound by the same purpose."

Article 272 of Mussolini's Penal Code reads: "... whosoever makes propaganda with the aim of introducing by force the dictatorship of one social class over another is liable to a penalty of 1 to 5 years imprisonment."

Article 142 of the TPC reads:

"1. Whosoever shall be found guilty of car-

rying on propaganda with the view to establish domination of a social class over other social classes, or eliminating a social class, or overthrowing any of the fundamental economic or social orders established in the country, or the complete political and legal system of the State, shall be punished with heavy imprisonment from five to ten years.

"2. Whosoever shall carry on propaganda with the purpose of furthering the government of the State by a single individual or a group, contrarily to the principles of republicanism or democracy shall be punished likewise.

"3. Whosoever shall carry on propaganda with the aim of abrogating, in whole or in part and on grounds based on racial considerations, any of the civil rights guaranteed by the Constitution, or destroying national feelings, shall be punished by a term of imprisonment not less than one and not more than three years.

"4. Those who shall praise the above-mentioned acts shall be punished, in the case of sections one and two, to a maximum of five years' heavy imprisonment, and in case of section three, to imprisonment from one to three years.

"5. Those who shall perpetrate the above-mentioned acts among the people or within the premises enumerated in section 6 of Article 141, shall have their punishments augmented by one third.

"6. In case the above-mentioned acts are perpetrated by means of publication the penalty involved shall be increased by a half.

"7. In case any of the authors of the crimes enumerated in this article shall denounce the crime and its co-authors to the responsible authorities before the opening of the trial, and provided the accuracy of the denunciation is established, the penalties of imprisonment may be brought down to a fourth at the maximum, according to the circumstances and the particularities of the case."

These articles of the TPC were modified by the NSC and prison terms have been raised to up to 20 years for the acts in question.

Many left-wing and democratic organisations and their officials are tried before military tribunals according to these articles.

Article 146 carries the *death penalty* and thousands of left-wing political activists are tried under the accusation formulated in this article.

DISTRIBUTION OF CONDEMNATIONS TO ORGANISATIONS

Organisation	Number of those sentenced to prison	Number of those sentenced to death
DEV-YOL (Revolutionary Path)	1,552	73
PKK (Workers' Party of Kurdistan)	640	129
TDKP (Revolutionary Communist Party of Turkey)	632	19
TKP/ML (Communist Party of Turkey/Marxist-Leninist)	529	43
TKP (Communist Party of Turkey)	436	—
KURTULUS (Liberation)	390	7
DEV-SOL (Revolutionary Left)	272	21
KAWA (Kurdish Organisation)	246	6
MLSPB (Marxist-Leninist Armed Propaganda Unit)	227	22
DHB (People's Revolutionary Union)	223	9
TIP (Workers' Party of Turkey)	185	—
THKP/C (Popular Liberation Party/Front of Turkey)	177	22
KIP (Workers' Party of Kurdistan)	153	—
EB (Union for Action)	97	10
DS (Revolutionary Struggle)	94	—
Ala Rizgari (Kurdish organisation)	93	—
IGD (Progressive Youth Association)	89	1
ACILCILER (Emergency Group)	83	12
Rizgari (Kurdish organisation)	75	—
HDO (People's Revolutionary Vanguard)	71	12
TKEP (Communist Labour Party of Turkey)	71	3
TKP/B (Communist Party of Turkey/Union)	70	—
TOB-DER (Teachers' Association of Turkey)	51	—
TIKB (Revolutionary Communists' Union of Turkey)	51	—
KUK (National Liberation of Kurdistan)	41	3
TDY (Path of Turkey's Revolution)	40	1
YGDG (Patriotic-Revolutionary Youth Association)	37	—
DHY (Revolutionary People's Path)	34	—
TKP/IS (Communist Party of Turkey/Workers' Voice)	33	—
TIKP (Workers-Peasants' Party of Turkey)	28	—
PY (Partisan's Way)	25	—
DK (Revolutionary Liberation)	24	9
THKO (Popular Liberation Army of Turkey)	22	2
TSIP (Socialist Workers' Party of Turkey)	22	—
Jehovah's Witnesses	22	—
TKKKO (Liberation Army of Turkey and Northern Kurdistan)	16	—
TIEKP (Revolutionary Communist Labour Party of Turkey)	15	—
EK (Emancipation of Labour)	14	—
DC (Revolutionary Front)	13	—
Kivilcim (Spark)	11	1
DÖ (Revolutionary Vanguard)	10	—
DEV-GENC (Revolutionary Youth)	9	—
Palestinian Guerillas	—	4
DDKD (Progressive Cultural Association of the East)	7	—
SGB (Socialist Youth Union)	4	—
TEKOSIN (Kurdish organisation)	3	2
HY (People's Path)	3	2
TIKKO/Bolcheviks (scission of TKP/ML)	3	—
EB (Union of Labour)	3	—
ÜY (Third Path)	3	—
TEP (Labour Party of Turkey)	1	—
TIKP (Revolutionary Workers-Peasants' Party of Turkey)	1	—
UKO (Revolutionary Liberation Army)	1	—
DIFFERENT WORKERS' GROUPS	741	—
DIFFERENT KURDISH GROUPS	199	4
DIFFERENT LEFT-WING GROUPS	331	39
DIFFERENT RIGHT-WING GROUPS	566	35
DIFFERENT UNLABELLED GROUPS	528	25

Article 146 reads:

"Whosoever forcibly attempts to alter or change or abolish the whole or part of the Constitution of the Turkish Republic and to overthrow the Grand National Assembly constituted according to this Constitution or prevent it from performing its duties shall be punished by the *death penalty*.

"Those who, either by themselves or together with more than two persons, and in the forms and through the means enumerated in Article 65, shall, either by fomenting sedition orally or by writing or by acts or by delivering speeches or hanging placards in public squares or streets or in places where people gather, or by publication, instigate and incite others to perpetrate these crimes shall be condemned to death even though the conspiracy constitutes only an attempt.

"Those who conspire in the commission of the crimes enumerated in section I by any other means than those enumerated in Article 65 shall be condemned to a term of heavy imprisonment from five to ten years and to permanent disqualification from public office."

Four other Articles of the TPC have been constantly used.

Article 159 provides a sentence of up to six years' imprisonment for anyone who insults the government, the armed forces or the security forces. Under martial law it is, of course, the military themselves who decide whether they have been insulted.

Article 158 provides a sentence of up to five years' imprisonment for anyone who insults the President.

Article 312 provides a sentence of two years' imprisonment for anyone who incites one class against other classes.

Article 163 provides a sentence of 6-year imprisonment for anyone who disrespects the secular principle of the State.

According to the Military Code of Criminal Procedure, military prosecutors and judges are under the authority of local military commanders. These military commanders have also been authorized to intervene in investigations at any time.

Defendants, even if they be civilians, are considered military personnel by the military court of martial law and are tried under the Military Code of Criminal Procedure.

Defendants are deprived of the right to reject a military judge and to demand other

judges, even if the military judge displays partiality.

It is no longer possible to inform public opinion of the partiality of a military judge, since the latter is authorized to impose censorship.

If a defendant or his lawyer insists on an objection, the military court can remove either or both from the court room and even put them under arrest. In this event, the trial can be held without the presence of the defendant and/or his lawyer, and judgement can be made by default.

If there is only one witness in any given case, the military court is not obliged to hear him in the court room. The military judges are authorized to accept witnesses' written statements, obtained and filed during the preliminary investigation. That is to say, the military judges can take a decision on the basis of a false statement. The defendants do not have the right to verify the authenticity of the statement or even to verify whether the witness actually exists or not. According to this amendment, military prosecutors and military judges can send someone to jail without any concrete evidence.

Military courts are authorized to restrict the time allotted to defence as they wish.

Moreover, the NSC decreed that sentences of up to 3-year imprisonment cannot be taken to the Court of Cassation, and the convicted person should immediately be incarcerated.

At mass trials military judges can apply the rules proper to "war conditions."

For these reasons, all trials held before military tribunals are in full contradiction to the "fair trial" principle of the European Convention on Human Rights, and the military's whole juridical system is a sham.

According to data given on December 31, 1985, by the General Headquarters of the Turkish Armed Forces, during a 7-year period of martial law, military tribunals have tried 45,613 cases, of which 44,507 ended in judgements:

15,897 convictions
13,603 acquittals,
15,007 withdrawals.

Since a majority of the cases are related to the mass proceedings, the total number of people arrested within the framework of these 45,613 files has risen to 67,304.

The same source reports that the number

of the condemned people in 15,897 proceedings ended in conviction has risen to 44,225.

Details of punishments are as follows:

- 22,912 persons to up to a year in prison;
- 10,733, from 1 to 5 years;
- 6,166, from 5 to 10 years;
- 2,396, from 10 to 20 years;
- 939, to more than 20 years;
- 630, to life in prison;
- 429, to death.

At the end of 1985, there were still 1,106 cases being tried by military tribunals, notably those of the leaders of DISK, the Turkish Peace Committee, the Writers' Union of Turkey, and the different cases of left-wing political parties or groups and the neo-fascist MHP.

Although the distribution of the sentences to the organizations has not been detailed by the state authorities, we are drawing up a table on the basis of information which appeared in the Turkish Press. (See: Page 176)

Although 429 political activists have been condemned to capital punishment and 27 of them executed, the total number of those for whom military prosecutors demanded capital punishment has risen to more than 7,000 within the same period. Just before the November 1983 elections, this number was established as 6,353. Distribution of these demands for capital punishment to different organisations was as follows:

DEV-YOL	2,458
PKK	957
THKP/C	571
DEV-SOL	529
TKP/ML	254
TDKP	177
KAWA	154
KURTULUS	118
DISK	68
MLSPB	57
DHB	10
EB	10
ACILCILER	13
HDÖ	31
TIKB	31
KUK	18
TKP/IS	18
RIZGARI-ALA RIZGARI	13
THKO	12
TEKOSIN	11
TKEP	11
DK	10
HY	3
OTHERS	819

Many mass trials in connection with these capital punishment demands were not yet concluded at the end of 1985. As for the trials which ended, while 429 defendants have been sentenced to death, the others who also faced capital punishment have either been sentenced to prison terms or simply acquitted.

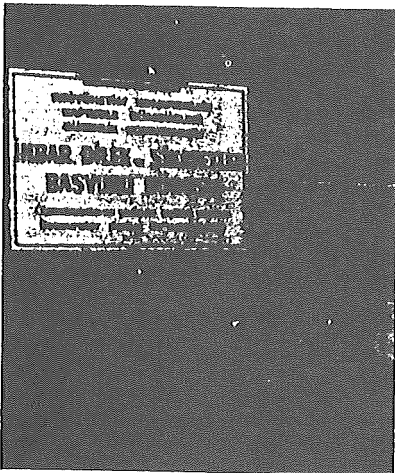
The General Staff of the Turkish Armed Forces reports that 67,304 people were the object of an arrest order, but on November 1, 1985, there were only 15,307 people in military prisons — 9,805 sentenced and 5,502 awaiting the result of their trial while under arrest.

However, figures given by the authorities at different times and those published by the Press have always been in contradiction.

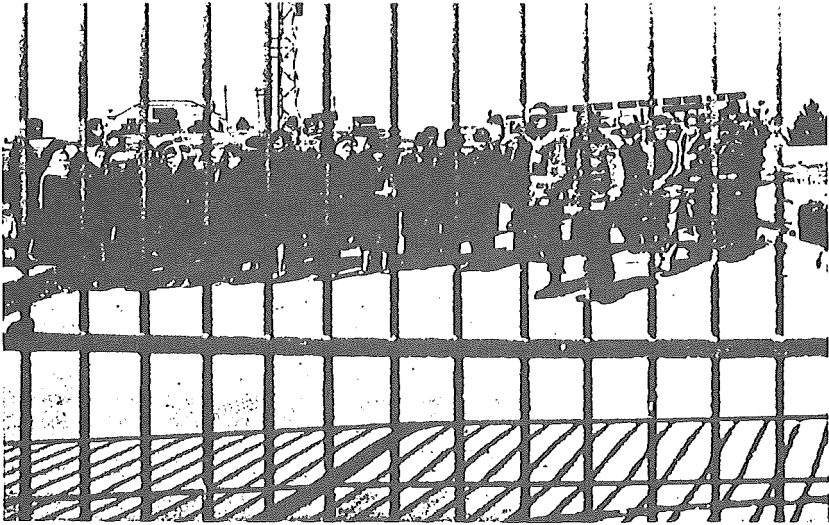
In May 1981, the Turkish Government announced that in the first seven months following the coup 122,609 "suspected extremists" had been arrested. *The New York Times* of May 24, 1981, reported a figure of "more than 100,000," attributing it to a NATO report.

Therefore, to claim that only 67,304 people have been arrested over a 7-year period is very far from being believable.

Nevertheless, even using the contradictory official reports given by the authorities, we can figure out an undeniable fact. The proportion of rightist activists among those arrested is only



Denunciation Office at the Turkish western border



14 percent. A great majority of them have already been released and only a hundred well known Grey Wolves remain in prison. Even the neo-fascist chief Alparslan Türkeş has been set free, and he continues to propagate his chauvinist ideas.

A report entitled "Terror and Evaluation of the Fight against Terror", issued in 1983 by the Office of the Prime Minister, gave the following data on different characteristics of 60,481 people who were in military prisons by February 2, 1983:

POLITICAL TENDENCIES

Left	32,956 (54%)
Kurdish	3,921 (7%)
Right	8,198 (14%)
Others	15,406 (25%)

AGE GROUPS

Between 16-25	33,377 (56%)
Between 25-35	17,859 (30%)
Between 35-45	6,680 (11%)
Over 45	2,565 (4%)

EDUCATIONAL LEVEL

Higher education	9,487 (15%)
Secondary education	21,360 (35%)
Primary education	17,801 (30%)
Others	11,833 (20%)

SOCIAL STATUS

Worker	8,573 (14%)
Employee	6,384 (10%)
Teacher	4,087 (7%)
Self-employed	9,786 (16%)
Student	12,042 (20%)
Jobless	11,751 (20%)
Housewife	960 (2%)
Others	6,925 (11%)

As for the political tendencies of those who have been sentenced to different terms, one can easily notice the low proportion of rightist activists. The same report from the Prime Ministry indicated that within a 51-month period (from December 26, 1978, to March 31, 1983) martial law tribunals had condemned 32,650 people for political acts and opinions. The distribution of this number according to different political tendencies was as follows:

Left	17,494 (53.6%)
Kurdish	689 (2.1%)
Right	4,258 (13.1%)
Others	10,209 (31.2%)

Considering that the great majority of political murders prior to the military coup had been committed by right-wing activists, nobody can claim that military justice works in a just way. This whole judicial machinery invested

with extraordinary power has served to crack down on left-wing and democratic forces on the pretext of "halting political violence," and proceedings against the Right have been taken as "lip-service."

DEATH SENTENCES

Up to the end of 1985, the military regime condemned 429 political activists to capital punishment. Thirty-two of these condemnations have been ratified and 27 carried out. Four of these sentenced have escaped from prison and one has been shot dead by security forces during an act of resistance.

Besides the political activists, in the same period, 12 other persons who had been condemned for simple offences were also executed with the approval of the NSC, and the total number of the people executed has risen to 39.

At the end of 1985, eighty death sentences that had already been approved by the Military Court of Cassation were on the agenda of the National Assembly for ratification.

Besides, thousands of people were still being tried before military tribunals and risking capital punishment.

In fact, among the 21 member-countries of the Council of Europe, Turkey is the only country where capital punishment is still in force. Practically, all other European countries have abolished or suspended this inhuman method of "justice".

On April 28, 1983, an additional agreement to the European Convention on Human Rights regarding the abolishment of the death penalty was opened to the signature of the 21 member states, but up to the end of 1985, Turkey had not manifested any intention to ratify it. On the contrary. General Evren, in his many speeches, repeated that capital punishment is indispensable for maintaining "law and order" in the country.

In answer to protests from the Council of Europe and the European Parliament against executions, he delivered a fierce speech at Mus in early October 1984, saying: "Can those traitors be forgiven? Would you accept their not being hanged if they were apprehended, put on trial and sentenced to death? If we stop hanging them, this will encourage the terrorists."

Death sentences had not been carried out for the previous twelve years in Turkey. The military's hangmen had executed on May 6, 1972, three young resistance leaders, *Deniz Gezmiş*, *Yusuf Arslan* and *Hüseyin İnan*, during the preceding military rule between 1971 and 1973. On the great reaction from public opinion, the National Assembly did not ratify any other capital punishment until 1980.

After taking power, Evren's Junta, acting as legislative, restarted the carrying out of this inhuman punishment as one of its first practices. The first victims were *Necdet Adalı* (left-wing) and *Mustafa Pehlivanlıoğlu* (right-wing), both executed on October 9, 1980, in Ankara.

They even executed a young student, *Erdal Eren*, on November 13, 1980, despite the fact that he was a minor at the time of the act in question and that there was no concrete proof against his participation in it. Executions continued until June 1983 with the hanging of 25 persons. Prior to the legislative elections of November 1983, the NSC stopped this practice as a token of the "return to democracy".

After succeeding in having themselves reintegrated into the Council of Europe Parliamentary Assembly, the Turkish Generals forced the Turkish Parliament to ratify death sentences. As it turned out, for the first time, on October 4, the "elected" Members of Parliament ratified death sentences passed on two political prisoners.

On October 7, 1984, *Ilyas Has*, 29, a militant belonging to Dev-Yol (Revolutionary Path), was hanged in Izmir. This execution was followed by the hanging of Hidir Aslan, who belonged to the same organization, in Izmir on October 25, 1984.

In his indictment bill, the military prosecutor had accused Aslan of "attempting to change by violence the constitutional order." Yet, they failed to prove anything against Aslan, neither homicide nor that he had even held a leading post within Dev-Yol.

Before Aslan's execution, European Parliament Speaker Mr. Pierre Pflimlin sent a telegram to the permanent representative of Turkey to the European Communities for the latter to inform the Turkish authorities of the European Parliament Speaker's wish that a reprieve be granted to the condemned person on humanitarian grounds.

In West Germany, the "Hirsch Commit-

tee," which in April and May of that year had conducted a fact-finding mission in Turkey, appealed on October 15 to the "President of the Turkish Republic" and to the West-German Minister of Foreign Affairs. Professor Dr. Martin Hirsch, a former judge at the Federal Constitutional Court, along with several other German public figures said in their appeal to Mr. Genscher: "The elimination of human lives, ordered by the state, is deeply inhuman. A state which does not protect the lives of its citizens but destroys them, should not benefit from the Federal Government's support, neither economically and financially nor morally." (*Frankfurter Rundschau*, 16.10.1984).

After Aslan's execution, the Socialist, Communist and "Rainbow" Group Heads at the European Parliament in Strasbourg sent a letter to the EP Speaker requesting him to express to the Turkish authorities Parliament's "most absolute indignation". They also called on Mr. Pflimlin to intervene with the Council of Ministers of the Ten member countries to prevent the EEC-Turkey Association Treaty from being resumed.

On the other hand, the Council of Europe "regrets" the execution of the Turkish militant. Its Spanish-born Secretary-General, Marcelino Oreja, and the Speaker of the Parliamentary Assembly of the 21-member Council, the German Karl Ahrens, said they "expect" all member countries to "align gradually" with the principle of the abolition of the death penalty.

In France, the Senate paid tribute to Aslan. This gesture aroused the Turkish authorities' anger. On the other hand, 34 French intellectuals made an appeal to stand "an 18-hour democratic guard in front of the Turkish Embassy" on November 6.

In its October 26 issue the French daily *Le Monde* made the following comments on Aslan's execution: "It is strange that she (Turkey) continues to be represented within an organization whose 'principles of pre-eminence of law' is acknowledged by its member countries, as well as 'the principle whereby any individual falling within its jurisdiction must enjoy human rights and basic liberties'. The Greek Colonels were ousted from the Council for much less. One cannot but be amazed at seeing French public opinion, so sensitive to what happens elsewhere, responding with indifference to such news."

Opposition to executions has always been



ERDAL EREN
One of the executed youths

manifested on every occasion, even in the darkest days of the repression. A juridical error which proved the injustice of capital punishment gave way, even in the Consultative Assembly appointed by the Junta, to an attempt to abolish this practice.

A leftist activist, *Ahmet Erhan*, was condemned by a military court on the charge of killing a rightist activist in 1979. The death sentence, based on only one person's evidence, was approved by the Juridical Committee of the Consultative Assembly on March 25, 1982, despite the fact that the same witness informed the Assembly that he had lied to the tribunal. Fortunately, because of a press campaign against this injustice, the Military Court of Cassation was obliged to withdraw the file from the Assembly.

At that time, a member of the Consultative

HIDIR ASLAN'S LAST LETTER

My dear elder brother,

I'm not going to write at length. I had prepared myself for this moment. My ultimate voyage should be as beautiful as my life has been. Should we be sad? No, please dear. It's no use, I feel, to pronounce grave words. Everything should be plain and simple as our lives.

If life is a song, I've been trying to sing it as well as I could. The days will also come when people will sing victory. I'm leaving happy, because even if it was short, I have chosen to live uprightly. If one lives for just causes, there is nothing one can not bear. Even death becomes simple. When death has a sense, it is as beautiful as life.

While writing this letter, I'm drinking tea and smoking a cigarette. Slowly, savouring it I'm not leaving sad. I'm trying to go over in my mind my life as a whole. It's difficult, in a short instant, to follow everything, from the beginning to the end.

You had asked me to write a testament. I was in no hurry, but we will have had the time to do it. Stand for the just cause, that's my wish. For all of you. Give to all my friends, to all brave people my warm affection. I'm leaving without being ashamed, with head erect, and I expect no one to be saddened by it or distressed about it. That would harm me very much. Man must be able and is able to live with grief.

You have gone to a lot of trouble for me, so much that it possibly cannot be estimated. I have chosen to be worthy of you and of the others, of all representatives of working people, of all workers throughout the world. And if I failed to do all I could, others will stand up and implement this task.

All family rights I have, I relinquish them to you and to Aydin. I know that you will use them properly.

I would like to say a lot of things, but time is so short, I have ten minutes left. Don't be sad, don't let grief get you down. Be strong in the face of life, that's life. Give my affection to Sultan. I cannot list all your names, nor those of our friends. This letter is meant for all of them.

With all my affection, with all my heart, I clasp all of you in my arms, I embrace you to satiation. Be strong, keep your head erect. I will be amidst you on the beautiful days.

Your uncle, your brother, your friend.

HIDIR

Assembly, Ertugrul Alatli, drew up a draft bill which called for commutation of death sentences to life imprisonment. But he failed to collect the 10 signatures from other members of the Assembly to put it on the agenda.

In May 1983, a petition signed by three thousand people asking for the abolition of the death penalty was presented to the NSC and the Consultative Assembly, but it was not given a suit.

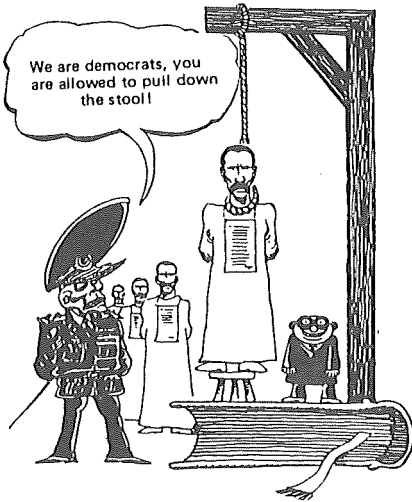
Lawyers of defendants sentenced to death made a new move to get the death penalty abolished in Turkey. Attorney *Halit Celenk*, in answer to questions from the Turkish News Agency on January 26, 1984, stated that the issue of the death penalty should be approached objectively, not emotionally. He added: "The most basic human right, the right to live, is being prevented by the application of the death penalty and this is opposite to the principles of democracy and civilized populations. The government's responsibility should be to protect human life. Anyone, whether for personal or social reasons, can be driven to commit a murder. However, a level-headed government cannot eliminate human life." Stressing that these punishments were not "preventive," Celenk called for their removal.

Another lawyer, *Sevket Can Ozbay*, said: "As someone who has accompanied several defendants to their place of execution and heard the laments of their families, I am asking for the immediate revocation of the death penalty. Not to do so would be harmful to future generations."

Lawyer *Mahdi Bektas* who has been present a few times at the execution of his clients: "I do not think I could stand witnessing another such event. To see someone's life eliminated by rules is an experience that no one who did not see it can understand."

Ismail Cakmak, another lawyer questioned by the Agency, said: "Capital punishment is not a punishment but, as many lawyers have said, a primitive method of revenge. As a matter of fact, in certain periods the application of the death penalty decreases and in others, it increases. It is also apparent that the application of the death penalty does not reduce the number of crimes committed."

Another important initiative to obtain the abolishment of capital punishment has been the petition signed by 1,256 intellectuals and sent to the "President of the Republic," a petition which provoked the anger of the latter.



In December 1985, the Central Council of the *Turkish Doctors' Union* (TTB) introduced a petition with the same demand to the "President of the Republic." But this initiative, too, has not been welcomed by the civilian government, and the Minister of Justice ordered the Public Prosecutor in Istanbul to begin proceedings for taking away the posts of six members of the council, all of whom are very distinguished medical specialists in Turkey. The trial of the six signatories, *Nusret Fisek, Atalay Yörükoglu, Haluk Ozbay, Nevzat Eren, Ragıp Cam* and *Hüsnü Cuhadar*, began on December 23, 1985, before a tribunal in Istanbul.

DISK'S TRIAL

Among the political trials of the last period, those which have provoked world-wide interest and reaction have been the cases of DISK, the Turkish Peace Committee, the 1,256 signatory intellectuals, the Writers' Union of Turkey and that of the population of Fatsa.

The *Progressive Trade Unions Confederation* (DISK) is the second national union of the country, with about one million members. Though the other, TURK-IS, has an affiliation higher than DISK, it is organised mainly in the

public sector and has always pursued conciliatory politics with regards to employers. Conversely, DISK was very well organised in the private sector, especially in the industrial zones surrounding Istanbul and other big cities, and distinguished as a dynamic trade union center fighting for the working class' interests.

It is DISK that was the major obstacle to the application of drastic economic measures imposed by the IMF and applauded by big business in Turkey. One of the principal objectives of the coup was to destroy this obstacle.

Thousands of trade union officials and militants were taken into police custody on the very first day of the new regime; trade union activities were suspended, and military prosecutors, after working for about one year, lodged charges against DISK with the military tribunal on October 26, 1981. The indictment itself covered some 1,000 pages and the whole dossier exceeded 6,000 pages.

The charge was mainly based on two paragraphs — paragraphs 141 and 146/1 — of the Turkish Penal Code that dates back to the time of Mussolini. These two paragraphs state that no social class has the right to dominate any other social class and that it is a punishable offense to attempt to overthrow the social and economic institutions of the country.

The military prosecutor called for the death penalty for 52 of the accused, and charges were also brought against 2,000 members of DISK.

The Prosecutor based the charges on three main grounds:

- the nature of DISK meetings,
- the nature of strikes,
- the content of publications.

Nature of meetings:

Legislation covering freedom of association had been in existence since 1961. According to this law, prior notification of intended meetings was required. If the authorities did not respond within 24 hours of receiving this notification, the meeting was considered to be within the law. Although the authorities had never banned any of DISK's activities in all the 12 years of its existence, the Prosecutor contested the legality of several of its meetings.

Strikes:

It was perfectly legal to organise strikes in Turkey, providing they were organized during a period of collective bargaining or within the

period of validity of collective agreements if these had been violated.

With two exceptions, DISK always complied with these requirements. The exceptions were two general strikes which were called spontaneously by the workers. These strikes led to legal proceedings, but in the indictment the military prosecutor denied that any legal action was taken.

Publications:

All DISK publications conformed to legal requirements. The law provided that the Government could intervene within a period of several months of publication. Over a period of 12 years this was never the case. The Prosecutor took no account of this law in the indictment.

The DISK Trial opened on December 24, 1981, at a military tribunal in Istanbul. It provoked world-wide reaction. We are reproducing below extracts on the case from world press.

- On the eve of worldwide celebration for peace and brotherhood, 52 trade unionists of DISK in Turkey will go on trial for their lives even though no act of violence is alleged against them. Curiously enough, 205 members of the Communist Party — always forbidden in Turkey — only heard stiff prison sentences demanded for them; whereas DISK is accused merely of having communist sympathies. The trade unionists are being judged under clauses in the Penal Code which are vague, ambiguous and which open the door to gross injustice. Once democracy is truly restored, one of the first acts must surely be to scrap these infamous clauses. The International Confederation of Free Trade-Unions demands a halt to the trials and the release of all trade unionists against whom no violent acts are charged. (*International Trade Union News*, 17.12).

- The Democratic French Labour Confederation (CFDT) asked the French government to take necessary steps against the Turkish Government at the European Commission for Human Rights. (*Le Drapeau Rouge*, 26.12).

- 30 out of 52 officials of DISK, tried in Istanbul, lodged complaints about torture, but these documents were not put in the minutes of the military tribunal. Mr. Bastürk, president of DISK, declared that he had been beaten many times on the head during his interrogation. (*The Sunday Times*, 27.12).

- MONSTROUS TRIAL IN ISTANBUL (*Le Drapeau Rouge*, 28.12).

- AN OUTLAW TRIAL: TO SAVE THE LIFE OF 52 MILITANTS. AN APPEAL OF THE CGT. (*L'Humanité*, 28.12).

- TURKISH TRIAL: COMPLAINTS ON TORTURE DISAPPEARED (*Le Matin*, 28.12).

- A MOCKERY OF A TRIAL IN ISTANBUL (*Le Drapeau Rouge*, 29.12).

- Three lawyers, K.N. Dahl (Norway), F. Poulsen (Denmark) and Mrs. A. Lagostena Bassi (Italy), acting as observers on behalf of the International Confederation of Free Trade Unions (ICFTU) and the European Trade Union Confederation (ETUC), have just attended the opening and first sittings of the trial in Istanbul of the 52 leaders of DISK. The trade union lawyers witnessed grave incidents which marked the opening of the trial and expressed their indignation against the restriction of the rights of the defence. The two trade union organisations will continue to be represented at the main sitting of the trial, which is likely to last several weeks or even months. (Press Release, 29.12).

- On Dec. 29, France expressed its "very great worry" because of the trial of 52 Turkish trade-unionists. The Counsellor of the Turkish Embassy was invited to Quai d'Orsay for this reason. (*Le Monde*, 31.12).

- AN ALARMING REPORT ON THE TRIAL OF TRADE-UNIONISTS IN TURKEY: Two lawyers, M. Weyl, representative of the International Association of Democratic Lawyers, and Mr. Van Droogenbroeck, charged by the World Confederation of Labour, have given explanation, yesterday, in Brussels, about their mission in Turkey where they attended the trial of the DISK leaders. (*La Cité*, 31.12).

- A FACADE TRIAL: The trial of the DISK leaders will be, according to Mr. Weyl, followed by another trial against members and militants of DISK, of which about 2,000 would be arrested. (*Le Soir*, 31.12).

- A voluminous book of 850 pages with tight typography and black and golden binding. No, it is not a new addition of the Bible, but the first volume of the indictment in the trial of DISK leaders. Reporters could see it yesterday in Brussels in the hands of Mr. Van Droogenbroeck who had just returned from Istanbul.

"The Turkish authorities have the ten-



**A TRADE
UNION LEADER
IN THE SHADE OF
THE GALLOWS**

Abdullah Bastürk, the president of DISK, was born in an Anatolian village in 1929. Because of his family's poverty, he had to leave high school at the beginning and start his career as an agricultural worker from the age of 14. Later on, he worked in the public and industrial sectors. He entered the trade union struggle while he was working in the municipality of Istanbul and set up a local trade union. In 1962, he founded with his comrades the national trade union GENEL-IS, gathering all employees in the public sector in Turkey, and was elected to its presidency. The Genel-Is was first affiliated with the confederation TURK-IS. Criticizing its conciliatory attitudes, the Genel-Is shifted to DISK with its 100,000 members and became the largest trade union in this progressive confederation. Meanwhile, Mr. Bastürk was elected deputy of the People's Republican Party (CHP) of Mr. Ecevit. He was elected the president of DISK at the 6th congress held at the end of 1977. Prosecuted several times because of actions led by DISK for the defence of trade union and democratic rights, Mr. Bastürk was arrested by the martial law authorities in order to prevent the massive celebration of May-Day, twice in 1979 and 1980. Mr. Bastürk and his comrades were among the first persons arrested and tortured following the coup d'Etat of September 12, 1980.

gency to give the image of an open trial by accepting the families of the accused, journalists and foreign observers to the sessions. In addition to this, even a relative resounding of this dimensional trial in international opinion will serve to keep away attention from a series of other trials which pass in a more discreet manner." Both lawyers underlined the numerous violations of the rights of the defence that they observed in the course of this trial. "The Bar of Istanbul is the last democratic institution of the country, but the lawyers who plead in the DISK trial are also threatened with persecution. The fate of the 52 leaders of DISK, and also the destiny of the thousands of democrats actually detained or persecuted before the Turkish military courts will directly depend on the interest that international public opinion will manifest," the lawyers concluded. (*Le Drapeau Rouge*, 31.12).

**A trial without
defence**

On world opinion reaction, the Turkish General Staff spokesman attempted to justify the trial, on January 8, 1982, by declaring: "DISK had applied many times to be affiliated with the European Trade Unions Confederation (ETUC), but each time its demand was refused on grounds that DISK was an extreme-leftist organization."

The ETUC immediately denied this claim.

To deprive the DISK leaders of their right to defence, the military has resorted to every means possible.

The last day of 1981, defence lawyers *Hasan Fehmi Günes* and *Turgut Kazan* were ousted from the court room by the military judge for having asked for parole during the reading of the indictment. On this decision, all other defence lawyers left the tribunal in protest against the judge's partiality.

On January 5, 1982, the defence lawyers lodged a complaint against the partial attitude of the military judges who conduct the case and asked the National Defence Ministry to change the judges.

The following day, the Vice-President of the Bar of Istanbul, defence lawyer Mrs. Gülçin Caylıgil, lodged the same complaint at the tribunal.

On January 13, 1982, the defence lawyers of 45 defendants in the DISK trial refused to enter the court-room in protest against the military prosecutor's behaviour and asked the court to start proceedings against him.

At the trial of January 15, *Bastürk*, in a paper presented to the court, asked the military court to file suits against President of the Turkish Union of Chambers *Mehmet Yazar*, President of the Turkish Employers Associations Confederation *Halit Narin*, and editorialist *Ahmet Kabaklı* on charges that they were trying to distribute false reports about the trial. The military 3-member panel rejected *Bastürk's* demand.

Since the partial attitude of the Court's panel did not change, all defence lawyers declared on January 29, 1982, that they were withdrawing from trial until the end of the indictment reading.

They included *Orhan Apaydin*, Chairman of the Istanbul Bar Association.

When the reading of the indictment ended, chief defence lawyer Apaydin could not return to the court room because he too was arrested for another political case. To prevent Apaydin from revealing the irregularities and to intimidate other defence lawyers, *Colonel Takkeci*, who is also the prosecutor in proceedings against the Turkish Peace Committee, included him on the list of the accused and arrested him along with 22 other pacifists.

Colonel Takkeci, going further, declared on March 8, 1982, to the *Agence France Presse*: "We wish to finish with DISK which, under the cover of trade-unionism, had aimed to destroy the State with the purpose of founding a Marxist-Leninist regime in Turkey."

Bastürk's alarm-cry

DISK Chairman *Bastürk*, in the course of the December 15, 1982, session, introduced a charge setting forth the illegality of this trial and calling for their release.

This declaration was a real alarm-cry in the shade of the gallows:

"1. The 967-page indictment prepared for the DISK lawsuit is a totally unlawful document. 'Crimes' which do not exist in laws have been ARTIFICIALLY created to be crimes. The accusations have been based on methods of ANALOGY and SUGGESTION, which have been declared unlawful in the Penal Code.

"These accusations are assertions of subjective appraisals like predictions, distrusts and hypothetical statements. The indictment is a biased political document of polemics full of contradictions and false-reasoning based on the effort to create chain crimes based on collective accusation, which is contrary to the principles of the Constitution and the codes defining the personal character of crimes. According to us, the Military Prosecutor has resorted to FRAUDULENT ALTERATION of facts, in order to find basis for his unlawful methods.

"The most striking peculiarity of the indictment is that it is not based on evidence.

"There is not one single piece of evidence in the indictment proving that DISK is an illegal organization conspiring to overthrow the state order, and showing that DISK was guilty of deliberate violation of articles 146, 141 and 142 of the Turkish Penal Code.

"The identification of the defendants in the indictment is uncertain. The legal basis of the accusations is not presented. The offenses are not described, which is contrary to article 1 of the Turkish Penal Code. The attempt to penalize the cases which have already been brought to Court and finalized, is a very concrete example of violation of the basic principles of Law.

"The indictment has not been able to assert a single case which can be considered under the titles of 'physical compulsion', 'psychological compulsion' and 'evil intention' in the Turkish laws. Moreover, it is not possible to look for evil intention in the trade union activities we have undertaken, nor in the posts we have been elected to through secret vote and public census. None of our activities can be declared unlawful.

"The Military Prosecutor has openly declared that he will not assent to any decision taken by the Supreme Courts and law authorities.

"The papers we were forced to sign under

heavy torture and oppression, have been used for the preparatory statements. The Public Prosecutor, by implication, seems practically to approve of torture in his observations on page 781 of the indictment. Our petition concerning tortures has been removed from our files.

"All of DISK's actions so far have been legal and in line with the principle of the Constitution. The trade union activities of DISK have always been within the framework of the trade union heritage cumulated in Western Europe for 200 years, in accordance with the ILO principles and the approach adopted by the ETUC, of which DISK is a candidate for membership.

"Nothing has been concealed from the Turkish and world media. The activities and actions have been publicised through the daily papers, radio and T.V.

"All the domestic and international activities of DISK have been under the strict control of the State through Law No. 274 on Trade Unions, especially items 10 and 29. The documents at the Ministry of Labour and the Ministry of Internal Affairs, particularly, are good evidence of this fact.

"The activities of DISK have either been carried out under judicial supervision or else have never been prosecuted at all. All of DISK's press-publication activities have been pursued within the limits of the relevant law and all its publications have been inspected by the Press Prosecutors. According to the Press Law, publications which have undergone prescription cannot be further prosecuted; nor can new accusations be brought forward based on them.

"The authorities have attended all the Congress meetings held by DISK, its by-laws have been approved, its resolutions certified by the public notary, and presented to the relevant office upon request.

"The meetings and conferences have been held under the consent and supervision of the State, which granted the necessary legal authorizations. The strikes carried out by the affiliated trade unions are in accordance with Law No. 275 on Collective Bargainings and Strikes. No suit was brought against any of these strikes at the time.

"It is against both the law and democracy to regard our views and activities as crimes after so many years. This approach is a total

violation of the principle of 'Permanence of the State'. Likewise, the Penal Code Law, which states that 'no deed can be punished which was not considered against the law at the time it was committed' has been violated. Acts which were legal and in agreement with the Constitution under normal conditions, are proclaimed illegal in extraordinary periods.

"DISK has always defended the idea that the Constitution should be entirely implemented and perfectly applied, and that democracy should be practiced wholly with all its institutions and rules. DISK has taken offices of representation at various institutions of the State, its members serving as members of Parliament, its practices have been taken as models for Court resolutions. DISK is also mentioned in university textbooks.

"On the other hand, DISK has always expressed a clear attitude against terrorism and anarchy and has always been on the side of democratic rights and freedoms.

"During the trial, DISK and its affiliated members were accused by some authorities of being responsible for and taking part in 'anarchy and terror'. It can be understood from the contents of the indictment and from the study of documents in the case file, that the accusations have no material foundation.

"2. On the other hand, even though no judgement has been rendered and though we believe it impossible for such a sentence to be given, the death sentence that is wanted for us has slowly but concretely begun to be executed through the conditions of the confinement we are suffering.

"Indeed, 18 of us are squeezed into each cell, described by doctors as 'dangerous to life' because of the extreme difficulty in breathing. Because of the chimney's smoke which fills our airing yard with soot and gas, we are in danger of dying from slow poisoning in our cell. Under these conditions, we are unable to get fresh air for a total of 60 minutes a week, as getting fresh air means breathing poisonous gas in an even more concentrated form.

"Except for these poisonous gases which may cause many diseases, including cancer, the general conditions also threaten our health: the cells and the airing yard receive no sunlight, the dishes must be washed with cold water, each person has 2 to 3 minutes of bathing water per week, etc.

"The lighting system is in a position to

severely damage the eyes. Watering and burning of the eyes are frequent. Those among our friends who have asked to see an eye doctor, have been put on a list of 200 people still waiting to be examined. According to an announcement, their turn will come in nine weeks. Regular medical control is made by looking at the face of the arrested person through a loophole every week or every ten days. Prescribed medicine cannot be obtained on time.

"On the other hand, our talks with our lawyers are carried out under the supervision of soldiers, which is unlawful. A lawyer is allowed a total of 20 minutes to talk with his 10-15 clients. We are not given the trial minute statements and defence documents which our lawyers bring for us. A book including the Constitution of 1924, 1961 and 1982 is forbidden to the defendants; the word 'harmful' has been added under the title of the 1961 Constitution.

"In short, our defence rights are extremely limited.

"The ten-minute talks we may have with our families are threatening the family institution and are very humiliating.

"On the other hand, in the jailhouse, getting searched, being hit with chains on the back, being insulted, being subject to dishonoring manners and words are things which occur frequently and are very hard to endure.

"Being under arrest does not mean that the arrested person should be physically, mentally, psychologically sick. But under the prison conditions that are imposed upon us, it is even doubtful if we will live to the sentence stage of the trial.

"I hope that History will not be the witness of the execution of innocent trade unionists, who are put to trial on the basis of an unlawful indictment and in view of the death sentence, before the verdict which — according to us — will acquit these men.

"All the requests we have submitted to the office concerned about our living conditions in prison, have remained unanswered.

"This trial, as the Military Prosecutor who has his signature under the indictment stated himself in one of his remarks, is a political trial.

"By this unlawful indictment, it is not the things we do nor our activities, but rather our ideas and views on trade-unionism, which are under accusation.

"It is not so much DISK which is being

accused and sentenced by this indictment, as it is trade union rights and freedoms, and the United Nations and ILO principles, the principles of the European Trade Unions Confederation, to which we are a candidate member, that are being interrogated and tried.

"DISK, as a national, independent and democratic workers' union, has worked for the development of basic rights and freedoms, and democratic workers' rights. It has defended the Constitution, democracy and national liberty, has protected labour and has struggled against exploitation, anarchy and terrorism.

"DISK has defended progress, truth, reality and labour. Our greatest witness is History and the social realities of our times. Reality will absolve DISK."

Military prosecutor's retreat

The military prosecutor, over the following four-year period, initiated other proceedings against all trade unions affiliated to DISK.

According to the daily *Cumhuriyet* of March 19, 1984, after the military coup, 3,694 officials of the trade unions affiliated to DISK have been prosecuted, but at the end of the inquest, 1,138 of them were set free, the files of 1,379 others suspended because they were at large, and 1,177 officials sent up for trial before military courts:

104 of Maden-Is (Metal Workers), 60 of Oleyis (Hotel, Restaurant, Entertainment Workers), 18 of ASIS (Wood Workers), 37 of Findik-Is (Nut harvesting Workers), 58 of Tekstil-Is (Textile Workers), 28 of Devrimci Yapi-Is (Construction Workers), 21 of TIS (Agricultural Workers), 56 of Limter-Is (Seaport and Dockyard Workers), 15 of Taper-Is, 78 of Banksen (Bank Employees), 20 of Tümkä-Is (Doormen), 46 from Lastik-Is (Rubber Workers), 40 of Tek Ges-Is (Gas-electric Workers), 80 of Genel-Is (Public Workers), 21 of Saglik-Is (Health Workers), 15 of Aster-Is (Naval Dockyards Workers), 14 of Hür-Cam-Is (Glass Workers), 16 of Dev Maden-Sen (Metal Workers), 89 of Petkim-Is (Petro-Chemical Workers), 31 of Sine-Sen (Film business), 35 of Keramik-Is (Ceramic Workers), 12 of Ilerici Deri-Is (Leather Workers), 31 of Sosyal-Is (Social Security Employees), 42 of Nakliyat-Is (Transport Workers), 61 of Gıda-Is (Food Workers), 14 of Yeni Haber-Is (Com-

munication Workers), 13 of Baysen (Public Workers), 43 of Toprak-Is (Agricultural Workers), 25 of Yeralti Maden-Is (Miners) and 54 of Basin-Is (Printing Workers).

As a result of the Prosecutor's decision to join all the trials of DISK-affiliated trade unions to the main DISK Trial, the total number of defendants climbed to 1,478 in October 1984. The DISK Chairman and 78 other top officials faced capital punishment.

The military also launched proceedings against 184 other unionists who were not affiliated to DISK. Of them 159 were the officials of the TURK-IS affiliate Highway Workers' Union (Yol-Is) and the rest belonged to independent unions.

On pressure from the international trade union movement, all DISK leaders were released in September 1984, though their trial continued.

Besides the trade union officials, military prosecutors brought thousands of workers before tribunals for their actions prior to the military coup.

The biggest of these trials started on April 15, 1982, at Amasya. Nine hundred and one miners of the Yeni Celtek Lignite Mines were accused of going on strikes and organizing on their own initiative the mining and marketing of lignite when the employer decided on a lock-out.

The trial ended on May 17, 1985 with one death sentence, 12 life-sentences and 608 prison terms of up to 20 years. One of the people sentenced is a 65-year old woman who is accused of having participated in the workers' action.

Cetin Uygur, chairman of the DISK-affiliated Yeralti Maden-Is, was among the defendants in the principal DISK Trial in Istanbul.

One hundred and fifty-three who resisted the mass dismissal at the Taris agro-industrial complex in Izmir before the military coup were also brought before a military tribunal, and 24 workers were sentenced to prison.

In Adana, 85 workers of the textile factory SASA were also condemned for their resistance prior to the coup.

Another legal proceeding against the progressive trade union movement has been the confiscation of all of DISK's property and assets by the military.

Despite the lifting of martial law in Istanbul,

this unjust repressive measure was still carried out and all demands for restitution of DISK's property were categorically refused.

The trial of 1,478 DISK officials reached its final phase at the end of 1985. Although the military prosecutor claimed in 1981 that DISK had resorted to violence and coercion and called for the application of article 146 of the TPC (carrying the death sentence on account of "attempts to overthrow the constitutional order") against 78 leaders of DISK, no action of violence has been proven during the 4-year trial. So, the military prosecutor was obliged to revise his earlier request for the death sentence and called instead for prison sentences (under article 141 of the TPC) ranging from 6 years and 8 months to 20 years for 781 of the accused, and acquittal for the rest.

TURKISH PEACE COMMITTEE'S TRIAL

Another political case which has provoked world-wide controversy and reaction has been that of the Turkish Peace Committee.

The Military Court No. 2 of Martial Law Command of Istanbul issued on February 26, 1982, in absentia, 44 arrest warrants for people associated with the Turkish Peace Committee.

The warrants, issued on the request of the Military Prosecutor's Office accused the Peace Committee and its members of "forming a secret organization, propagating communism and separatism and praising activities that the law classifies as felonies."

The 44 accused are intellectuals from a wide range of professions, including newspapermen, authors, trade union leaders, lawyers, doctors and engineers. A number of them are former members of Parliament, mostly from the banned Republican People's Party.

The list of 44 consists of the executive board members of the Peace Committee, whose activities were banned along with those of many other associations following the September 12, 1980, military takeover.

The list includes former Ambassador Mahmut Dikerdem, who was the Committee's chairman, lawyer Orhan Apaydin, the chairman of the Istanbul Bar Association, former

members of parliament, Mustafa Gazalci, Kemal Anadol, Ismail Hakki Oztorun, Nedim Tarhan and Nurettin Yilmaz, Dr. Erdal Atabek, chairman of the Doctors' Council of Turkey, journalists Hüseyin Bas, Niyazi Dalyanci, Ali Sirmen, writers Atal Behramoglu, Tektas Agaoglu, Oya Baydar, academics Metin Ozek, Haluk Tosun, Gencay Saylan, Melih Tümer, lawyers Enis Coskun, Medet Serhat, engineers Aykut Göker, Nefise Akyelik, Ergün Elgin, Sedat Ozkol, Ugur Kökten, Karabey Kalkan, Yavuz Cizmeci, trade-union officials Mehmet Karaca, Gültekin Gazioglu, Yasar Arikan, Sait Aydogmus, Cemal Kral, Mehmet Bulut, Metin Denizmen, artists Ali Taygun, Orhan Taylan, teachers Reha Isvan and Sefik Asan, physicians Cüneyt Basbug and Fehmi Mavi, economist Kadir Akgün, state employee Tahsin Usluoglu.

On the court's warrant, 30 of 44 members of the Turkish Peace Committee were arrested in Istanbul including four former deputies. Fourteen other members have not yet surrendered to the authorities. Some newspapers claimed that they fled the country.

It was the first time that the executive board of the Union of Turkish Bars decided to take part directly in a trial and charged its president, Attila Sav, with lodging an appeal against the arrest of Orhan Apaydin, president of the Istanbul Bar. This request for appeal was also rejected.

Trial started on June 24, 1982.

At the first session the Court proposed that the defendants attend the trial one by one in alphabetical order and that the proceedings be recorded on tape. On behalf of the defendants, Orhan Apaydin said twenty-six of the 30 defendants in the case were under arrest and it would be unnecessary to continue the trial individually. "I am being tried here for having defended freedom, democracy and peace prior to the 12th of September. These acts can never be considered a crime," he said.

Amnesty International announced in a press release on July 30, 1982, that Mahmut Dikerdem, 66 years old, had been transferred to a military hospital, suffering from a prostate tumour (probably malignant), colitis, an ulcer and allergy. He urinated blood.

In fact, Dikerdem and three other defendants, journalist Hüseyin Bas, journalist Ali Sirmen and former deputy Kemal Anadol

could not be present at the trial on July 28 because of their illnesses.

The defendants in the Turkish Peace Committee process, composed of members of parliament, scholars, journalists and artists, were brought to the military court of Istanbul on November 13, in prison uniforms and with their hair shaven off. During their interrogation, the defendants protested against this humiliating treatment.

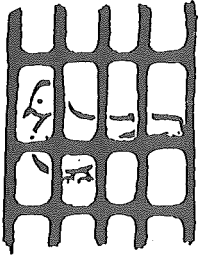
On the other hand, in relation to this process, the military prosecutors started new legal proceedings against 160 intellectuals in Istanbul and 60 in Ankara.

The military Court no 2 of the Istanbul Martial Law Command announced on November 14, 1983, (exactly eight days after the polls) that 23 of the 30 defendants at this trial had been sentenced to prison terms ranging from 5 to 8 years, for having infringed Article 141 of the Turkish Penal Code by carrying out activities aimed at enforcing the rule of one social class over the others. The military prosecutor accused them of "receiving orders from the Communist Party of the Soviet Union through the World Council of Peace."

Eighteen defendants were sentenced to 8 years imprisonment: Mahmut Dikerdem (ex-ambassador and chairman of the Turkish Peace Committee), Mrs Reha Isvan (wife of the former Mayor of Istanbul), Dr Erdal Atabek (Chairman of the Technicians' Union), Cemal Tahsin Usoglu (engineer), Sefik Asan (teacher), Haluk Tosun (university professor), Aybars Ungan (engineer), Ali Erol Taygun (stage manager), Dr Metin Ozek (University professor), Atal Behramoglu (poet, secretary general of the Turkish Writers' Union), Ali Sirmen (foreign desk editor of the daily Cumhuriyet), Gencay Saylan (university professor), Ergun Elgin (engineer), Orhan Taylan (painter), Nedim Tarhan (former member of Parliament, chairman of the Union of Peasant Cooperatives), Hüseyin Bas (journalist), Nurettin Yilmaz (former member of Parliament).

Five defendants were sentenced to 5 years' imprisonment: Orhan Apaydin (lawyer, chairman of the Istanbul Bar Association), Niyazi Dalyanci (journalist), Ismail Hakki Oztorun (former member of Parliament), Gündogan Görsev (publisher), Melih Tümer (university professor).

Five other defendants have been acquitted for lack of evidence establishing their "guilt".



Just after the pronouncement of the verdict, all defendants who were present at the trial, were immediately arrested and jailed. The Court also issued a warrant of arrest against the eight convicts who were absent during the pronouncement of the judgment.

The Military Court of Cassation, after reviewing the file of the Turkish Peace Committee, overruled, on August 29, 1984, the sentence against the 23 members of the Committee on procedural grounds but turned down their request for release.

The Military Court of Cassation announced in its judgement that the lower court had not based the condemnation of well-established evidence and ordered a new thorough investigation.

Thereupon, at the September 12th meeting of the European Parliament, Greek Deputy M. Ephremidis asked the foreign ministers of the Community if they intended to intervene in favour of Mr. Dikerdem, who is suffering from cancer, and his friends.

The written answer to the question was far from being satisfactory: "The specific case of Mr Dikerdem has not been the subject of discussion by Foreign Ministers meeting in political cooperation. The Ten remain concerned at the human rights situation within Turkey and particularly at the circumstances of those imprisoned on account of their beliefs. They expect the Turkish Government to respect fully basic human rights and freedoms. The Ten will continue to follow closely the evolution of the situation in regard to human rights within Turkey."

As the 23 members of the Turkish Peace Committee were being tried again by a military court, 48 other members of the same organization were indicted by a military prosecutor on charges of attempting to stage a communist revolution in Turkey. They also faced prison

terms ranging from five to fifteen years if convicted.

Those who have been indicted include Aziz Nesin, renowned Turkish humorist and chairman of the Turkish Writers' Union (TYS), movie actors Tarik Akan and Genco Erkal, former Members of Parliament Metin Tüzün and Ertugrul Günay, university professor Sadun Aren as well as several journalists, lawyers and doctors whose names are below:

Lawyers: Erol Saraçoğlu, Müsir Kaya Canpolat, Mehmet Ali Pestilci, Halit Celenk, Turgut Kazan, Ali Galip Yildiz, Turgan Arinir, Attila Coskun, Ayfer Coskun, Nezahat Gundogmus, Rasim Oz, Mustafa Ozkan, Ali Sen, Ozgül Erten;

Journalists: Süleyman Coskun, Jülide Güllizar, Erkan Oyal, Asim Bezirci, Vedat Türkali;

Physicians: Ataman Tangör, Mehmet Sükrü Güner, Dora Kalkan Küçükyağın, Mehmet Okçuoğlu;

Trade-Union leaders: Ali Rıza Güven, Celal Küçük, Nurettin Cavdargil;

Architects and engineers: Güner Eliçin, Yavuz Bayülken, Tezer Eraslan, Gündüz Gözen;

Artists: Gülşen Tuncer, Rutkay Aziz, Sadik Karamustafa, Yılmaz Onay.

Retired Army Officer: Ahmet Yildiz;

Others: Garip Aydındag, İlhan Alkan, Mustafa Nirok Ozkay, Birol Bora, Esat Balım, Sadettin Ulfer, Ferruh Yavuz.

During his interrogation on January 22, 1985, Aziz Nesin rejected the accusation of allegedly making propaganda in favor of the USSR. He went on: "As a conscious writer, I never make propaganda for a state, not even for the Turkish state... Such an accusation brought against a writer like me is nothing but a humiliating act."

Furthermore he declared that he would not hesitate to reconstitute a new peace committee to defend the cause of peace in Turkey as soon as that was allowed by law.

While the trial of the second group was going on, the first group was condemned for a second time by the military tribunal, and this second sentence, too, was overruled by the Military Court of Cassation on December 19, 1985, on grounds of insufficient evidence. However, the same court refused to free the pacifists.

FATSA TOWN'S TRIAL

Another mass trial which shows the real aim of military "justice" opened on January 12, 1983, before a military tribunal in Amasya against 740 habitants of the Black Sea town of Fatsa.

In this case, the military prosecutor accused the defendants according to Articles 146 and 141 of the TPC and asked for the death penalty against Mayor *Fikri Sönmez* and the 219 others accused. This trial has been linked to a series of mass trials brought against DEV-YOL (Revolutionary Path), the most representative and powerful left-wing organization of the pre-coup period.

In 1979, ex-tailor *Fikri Sönmez* was elected independent Mayor of Fatsa, a town of 15,000 inhabitants on the Black Sea coast (dependent on the province of Ordu). He embarked on an original experience in municipal administration. Through a network of district committees he worked out a form of local self-government.

His success in solving, in a very short time, problems relating to highway maintenance, cleanliness and public health, and his success in the field of transportation brought him the sympathy of all local organizations and political parties even that of the right-wing ones (except, of course, the neo-fascist MHP).

In a national context, where, as in many developing countries, the problems of daily life remain unresolved, Fatsa's achievements aroused a lively interest in the other parts of the country. For this very reason, the military do not forgive him. Besides, before the military coup d'Etat of September 1980, army units, operating within the framework of Operation Point, had raided the town of Fatsa and had detained *Fikri Sönmez* as the leader of this local self-government experiment.

During the trial, *Sönmez* refused to give a detailed deposition because all the accused were not in the court-room. He reminded the court that he was the first mayor in Turkey charged with membership to an illegal organization and stated that all the accused should be present at the sitting of such a political trial.

Because of his dignified stand, *Sönmez* was kept in solitary confinement and subjected very often, like other defendants, to ill-treatment and torture.

In June 1985, the prison administration announced that *Sönmez* was found dead in his

cell and claimed that he died of a heart attack. He was 47 at that time. His comrades said that his death occurred because of the inhumane prison conditions to which he had been subjected.

His remains were carried to his native village Kabakdagi and buried with a modest ceremony despite efforts by rightist circles to prevent it.

European solidarity with Fatsa

The European Committee in defence of Refugees and Immigrants (CEDRI) announced at a press conference

held on November 15, 1983, in Brussels, that at the very moment when the Turkish junta was organizing "democratic" elections, a delegation consisting of elected town councillors had brutally been barred, to prevent it from observing the polling in Fatsa.

It was the 4th delegation of European elected town councillors, which was supported by over 300 European cities. It consisted of Anne-Marie Hanquet (town councillor of Liège, Belgium), Hedi Deneys (a Swiss deputy), Fernando Abad Becquer (Spanish mayor of Leganes) and Frédéric Furet (a French town councillor).

At the press conference, Mrs Hanquet declared that the delegation had not been permitted to enter Amasya military camp, where this trial had been going on for two years. At the entrance of the camp, they were told by the officers that because of the elections the trial was not public. The commanding assistance colonel showed them a circular from the Ankara authorities marked "Secret", which had been sent to all military camps, pointing out that "Since we are not in a position to know whether these sorts of delegations - Amnesty International, Council of Europe, EEC, Human Rights Commission - come here to make propaganda either in favour of or against Turkey, all these delegations and suchlike are not permitted to attend the trials until the end of the general elections of November 6, 1983."

In the minutes of the delegation's mission, the story of its barring from Fatsa is stated in this way:

"On Saturday, November 5... We arrived in Fatsa at 2 p.m. As we left the bus, we were arrested by three plain-clothes officers, with guns at their waists. They refused to give their

personal particulars and asserted that they were colonels. They held no summons and forced us to follow them to the tourist office which is also used as an additional police station in Fatsa and as an office for the deputy prefect who is at the same time a captain in the army and the new mayor of Fatsa, appointed by the government the day following the 1980 military coup. He was present and ordered us to leave Fatsa immediately because, he said, we could disturb public order on the eve of the 'democratic' elections. As mayor of Fatsa, he added, he represented the inhabitants and was quite willing to answer our questions before we returned to Samsun. We reaffirmed our wish to stay in Fatsa until Sunday night, unless we were notified officially and by letter of the reasons for such a refusal. We demanded to be released so as to be able to find a hotel-restaurant. 'There are no more rooms available in the Fatsa hotels they said, but they agreed to take us to a restaurant for dinner. So we followed them and they decided unilaterally to take us to the outskirts of the town, to a hotel-restaurant situated 4 km farther on the road to Samsun. There we asked the receptionist if any rooms were still available. 'Yes', she first said, then, as one of the three policemen stared at her, 'No' she corrected herself, making a gesture of powerlessness. Frédéric Furet asked then if he could telephone CEDRI headquarters in Basel and the French Embassy in Ankara; the policemen refused, pointing out that we would do anything we liked from Samsun (...) We reiterated our request for an official letter notifying us in pursuance of which law we were forbidden to stay in Fatsa; (...) Then they lost their temper: two of them seized Mr Furet by his jacket's revers, lifted him up out of his arm-chair and dragged him into the lounge of the hotel. The rest of the delegation were seized too and all of us were brought back to the Fatsa tourist office. (...) Their proposal: 'Either you'll leave Fatsa at once for Samsun, or you'll go to jail'. We considered that we had learned enough about 'democracy' on the eve of the polling day and we left the 'tourist office', escorted by the policemen and gazed upon by numerous inhabitants."

This ill-treatment of an international delegation called forth protests to the Turkish authorities from the French, Spain, Swiss and Belgian ambassadors.

In response to the appeal made by CEDRI,

355 municipalities of 17 European countries demonstrated their solidarity with the Municipality of Fatsa in Turkey.

The European municipalities which demonstrated their solidarity included 61 from Switzerland, 54 from Spain, 53 from France, 45 from the Netherlands, 40 from Portugal, 34 from Belgium, 30 from Austria, 16 from Norway, 7 from Great-Britain, 5 from Denmark, 3 from Iceland, 2 from Italy, 1 from Ireland, 1 from the FR of Germany, 1 from Sweden and 1 from Greenland.

PROSECUTION OF OTHER ORGANIZATIONS

During the 5-year period of military rule, all political leaders considered harmful to the future projects of the Junta have been subjected to different types of repression or intimidation.

All the leaders of left-wing political parties have been tried before military tribunals and many of them have already been condemned. Even the socialist parties which were legally founded and which took part in legislative elections could not save themselves from this practice. The list of pursued left-wing parties have been given on preceeding pages.

As for the political parties which were represented in the National Assembly prior to the coup, their leaders, too, have been kept under arrest for different periods and some of them have been sentenced and incarcerated.

CHP Chairman *Ecevit*, AP Chairman *Demirel* (both former prime ministers), MSP Chairman *Erbakan*, MHP Chairman *Turkes* and many leading members of these parties have been taken into custody many times.

Erbakan was condemned with other members of the party administrative board but released on the cassation of the sentence by the higher court.

Ecevit has been condemned a few times for declarations he gave to the foreign press. He served his prison terms.

One hundred and thirty-eight deputies of the Republican People's Party were pursued for having supported DISK's actions, and their freedom to travel abroad was suspended for months.

Even the political parties established after the military coup have been pursued by the military.

After the local elections, Correct Way Party (DYP) Chairman *Yıldırım Avcı* was sued by the military prosecutors for his electoral speeches. The party itself was subjected also to inquiries by the Chief Prosecutor and faced the risk of dissolution.

The leaders of the Social Democracy Party (SODEP) were also pursued many times because of their electoral speeches and because of the rally for liberty and democracy that they organized on June 9, 1985.

One of the practices that upset the political circles was the case against former acting President of the Republic *Ihsan Sabri Caglayangil*, former Senate Speaker *Sirri Atalay*, former Premier *Süleyman Demirel* and a group of former politicians. After being placed under surveillance in a military camp, just before the legislative elections of 1983, they were accused of having violated the bans imposed by the NSC.

Caglayangil was equally accused of having sent a letter to West German Foreign Minister Genscher concerning the political situation in Turkey.

The last victims of this practice were five leading members of the new-founded *Welfare Party* (RP) who were condemned at the end of 1985 for anti-secular declarations.

As for the democratic and professional organizations, the military started many legal proceedings against their leading members after closing down most of these organizations.

A few examples:

25.10.1981: Ten Administrative Board members of the Architects' Chamber were each sentenced to a 2-month prison term for having violated martial law orders.

2. 5.1982: Chairmen of 13 democratic associations were indicted for a common declaration issued in 1977.

20. 7.1982: The Trial of 16 Administrative Board members of the Union of Architects and Engineers' Chambers (TMMOB) began before a military tribunal.

8. 4.1982: The Interior Ministry ordered a legal suit against the Foundation of Language and History.

20. 4.1982: The Rural Affairs Ministry opened a lawsuit to close down the *Köy-Koop*, progressive peasants cooperatives.

3. 5.1982: On the eve of the Congress of the Tradesmen and Craftsmen's Union in Giresun, 36 union members were arrested for communist propaganda.

9.12.1982: The Trial of the Technical Employees' Association (TUTED) opened before a military tribunal.

13. 1.1983: The Public prosecutor called for the imprisonment of 9 Administrative Board members of the *Popular Houses* (Halkevleri) and the final dissolution of the association.

6. 5.1983: Chairmen of the Agriculturists' Association, the Agriculturists' Chamber and the Agricultural Engineers' Association were brought before a military tribunal for having criticized the agricultural subvention policy of the government. This was the first application of the new Associations' Code which bans associations from making any declaration on governmental policies.

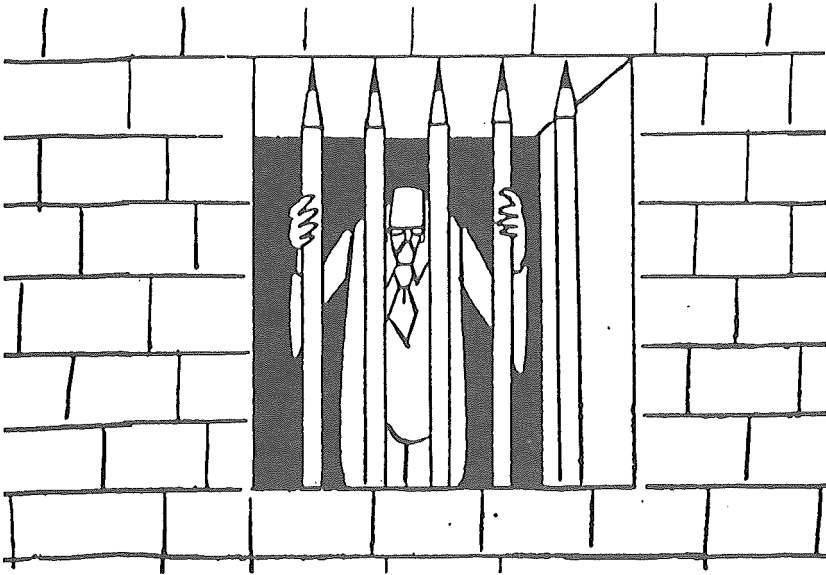
VIOLETION OF THE RIGHT TO DEFENCE

One of the most shameful practices of the military has been the constant pressure on defence lawyers and their associations.

As a matter of fact, there have been only a few lawyers in Turkey prepared to accept the cases of the many thousands of political prisoners. The military regime applied different methods of pressure to intimidate and dissuade this handful of courageous lawyers from assuming the defence of those politically accused.

On September 2, 1985, at the start of the new judicial year, Chairman of the Turkish Bar Associations' Union Teoman Evren declared that the authorities applied the following methods to prevent lawyers from defending their clients.

- At military tribunals or State Security Courts, defence attorneys can be expelled from the hearing room on a simple decision by the judge.
- During the preliminary investigation, defendants are not allowed to see their lawyers. In political cases, an investigation goes on for months, and even years. Deprived of any possible contact with the outside, the



defendant can easily be subjected to torture and forced to sign any deposition drawn up by the police.

- All lawyers who assume the defence of political prisoners are considered "suspect" by the judicial authorities.

In 1983, 82 lawyers from the Istanbul Bar Association received an official order calling on them to inform the Ministry of Finance about the names and addresses of their clients whom they defended without payment in the years 1980-81. Thus, the military aimed to tax lawyers for their gratis defence as if they were paid.

What is gravest is the fact that many defence lawyers have been pursued by military prosecutors for declarations they made in defence of their clients or for actions in which they participated.

A few examples:

In July 1982, the military prosecutor of Istanbul started legal proceedings against all lawyers who took part on the administrative board of the Istanbul Bar Association. Chairman Orhan Apaydin and his colleagues were accused of having taken part in DISK actions.

In October 1982, the martial law prosecutor instituted proceedings against famous law-

yer Halit Celenk for insulting the command officers. He had addressed a petition to the Martial Law Commander of Ankara, asking him to be allowed to see his client detained for many months in military prison.

On September 2, 1982, four lawyers were expelled by force from the military court for criticizing the bias of the judge in the Peace Committee's trial.

In April 1982, 17 defence lawyers in a political trial were indicted by the military prosecutor. At a preceding session, they had quitted the tribunal in protest against the limitation of the right to defence. They were accused of having done so without permission of the judge.

On October 3, in Konya, five defence lawyers were indicted on charges of having insulted a military prosecutor during their intervention at the trial of their clients.

On November 25, 1982, lawyer Halit Celenk was brought before a military tribunal on charges of inciting his clients in military prison to illegal acts.

In May 1983, seven lawyers from the Istanbul Bar Association were brought before a military tribunal on accusations of signing a report on judiciary practices in Turkey, published later in the FRG.

Restriction on the right to defence has been applied most strictly at the military tribunals functioning in the Kurdish region. Thousands of defendants have been deprived totally of this right because there have been only a few lawyers who could assume the defence. Two of these lawyers, Hüseyin Yildirim and Serafettin Kaya, were also arrested by the military and subjected to torture after attending a few sittings. When they were released, the two could not continue practising their profession and had to flee the country.

The most unbelievable manoeuvre to deprive the prisoners of the right to defence was carried out after the opening of the DISK Trial.

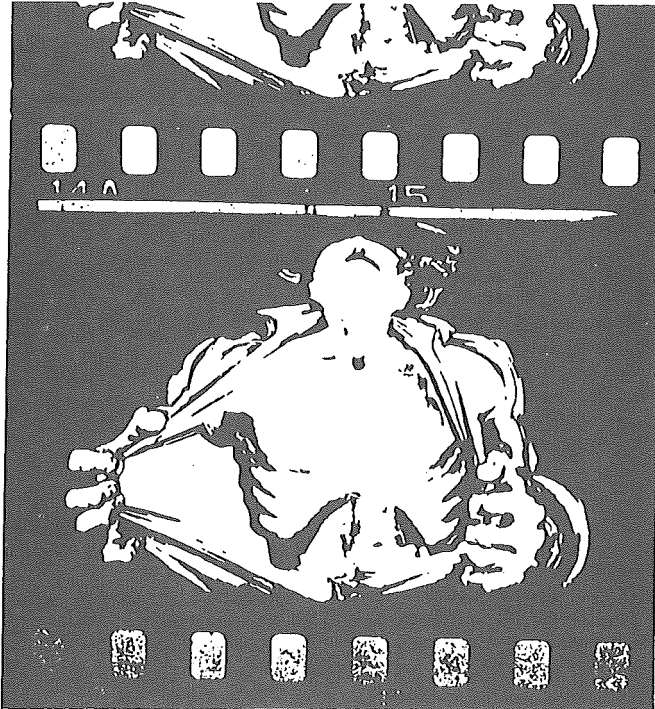
Chairman of the Istanbul Bar Association *Orhan Apaydin* was one of the chief defence attorneys in this trial. Just after the openings, the military prosecutor launched an arrest warrant against Apaydin in connection with the Turkish Peace Committee trial. Like many other Turkish intellectuals, Orhan Apaydin also was a member of this committee but did not

take part in the administration. However he was arrested for depriving the DISK defendants of a competent defence lawyer.

Then, the military carried out pressure on the Administrative Board of the Bar Association to strip their chairman of the right to practise the profession of defence lawyer in future, on grounds that he had been arrested. When the 10 members of the Administrative Board did not take heed of this pressure, the Justice Ministry on January 28, 1983, brought a law suit against 10 members of the board for not having lifted Apaydin's licence of attorney.

The *coup de grâce* on the Istanbul Bar Association was the transfer of its administration to conservative-minded lawyers at a congress held under military pressure.

One of the first acts of the new administration was to deny Apaydin the right to exercise his profession, arguing that he had been sentenced to 5 years' imprisonment for taking part in the Peace Committee's activities.





All political prisoners in military jails undergo a barrack discipline and are forced to participate in regular military drills every day.

NO AMNESTY FOR POLITICAL PRISONERS

One of the prerequisites for resuming Turco-European relations, as laid down by the European Parliament, has been general amnesty for political prisoners. However, even the civilian government of Turgut Ozal, obeying General Evren's order, has remained indifferent to this demand and turned down all amnesty proposals coming from opposition parties.

The amnesty issue has been one of the main topics in Turkey's political life since the 1983 legislative elections.

Since the very beginning, Prime Minister Ozal has avoided promising amnesty, on the ground that the new constitution is opposed to amnesty for those who were condemned or are tried for "crimes against the State" described in articles 140, 141, 142, 146, 149 and 163 of the Turkish Penal Code.

Considering that the amnesty issue was getting more and more arguable, mainly because of pressure from the families or political prisoners, martial law commands first banned on January 10, 1984, all polemics on this subject.

Nevertheless, prior to the local elections of March 1984, all political parties, considering the electorate's great concern in this area, saw themselves obliged to make some gestures with the view of winning the support of the prisoners' relatives or left-wing voters. But some draft bills tabled for a limited amnesty were turned down on May 10, 1984, by the parliamentary majority.

Both General Evren and Prime Minister Ozal declared on many occasions that they were categorically against any amnesty for political prisoners.

At a press conference on February 8, 1984, Ozal said: "This is a very complex issue that we

sould think over not once, not twice but ten times. Let's not be ostriches with our heads in the sand. We have come through a difficult era when, before the military intervention, not democracy but anarchy prevailed. An amnesty in 1973 had freed 3,000 convicted terrorists. This led to a surge of terrorist violence and the result is that now there are over 20,000 inside."

General Evren, responding to the petition from intellectuals (See preceding chapters), announced that any modification in the Constitution to make political amnesty possible was out of the question: "One of their aims is to force us to proclaim a general amnesty which would include all those terrorists who brought us to the point of destruction. Therefore we felt the need to include a clause in the Constitution barring the way for these terrorists to enjoy amnesty."

In another speech to mark the opening of the National Assembly on September 1, 1985, the General-President said: "I believe that the Turkish Parliament will ignore the ruling propaganda made in favor of those who committed crimes which are mentioned in Article 14 of the Turkish Constitution, namely those who have committed crimes against the sole existence of the State."

Instead of an amnesty for political prisoners the National Assembly in one year adopted two different laws for the conditional release of some prisoners.

The first one, adopted on May 7, 1985, stipulated acquittal for prisoners accused of non-violent "crimes" against the State, if they denounced their comrades. For the denouncers who had committed violent acts, the law stipulated a reduction of the prison term. The same law also ensures that a denouncer, if need be, will benefit from free esthetical surgery or will be given a new identity card bearing a different name and sent abroad.

According to a declaration from the Justice Minister, 330 prisoners condemned or prosecuted for "crimes against the State" denounced their comrades and benefitted from the Law on Repentance within a four-month period.

In fact, the reduction in prison sentences in favour of denouncers already existed under Articles 141 and 142 of the Turkish Penal Code which are aimed at acts of organisation or propaganda on the basis of a social class or an ethnic group.

This law on Repentance aroused strong reaction in democratic circles in Turkey. The Chair-

man of the Union of Turkish Bar Associations, Mr. Teoman Evren, said that these kinds of measures could be a prelude to a period of false denunciations and could destroy all moral values of society. Changing a face through a surgical operation or delivering a false identity card are not compatible, he added, with human dignity.

While the debate on the amnesty issue was growing stronger and stronger, the National Assembly adopted on March 11, 1986, a new law which reduces the prison term of those who have never disobeyed prison rules, but the Assembly excluded the possibility of amnesty for political prisoners.

According to this law, prison terms of five years have been reduced to two years and three days; 10 years to four years and five days; 15 years to six years and seven days; 20 years to eight years and 10 days; 24 years to 9 years, seven months, and 21 days and life imprisonment to 20 years. As for capital punishment, if it has not been ratified by the National Assembly, the prisoner will see 30 years in prison. So despite the wish expressed by the European bodies, the death penalty is still in force, and a political activist can be executed if his sentence is ratified.

The Ministry of Justice announced that some 48,000 prisoners would benefit from this law although some 30,000 remain in prison. Most significantly, the majority of political prisoners cannot benefit from this reduction because they are considered "disobedient to prison rule", due to their acts of resistance against the inhuman treatment in the prisons. To be able to benefit later from this reduction, they will have to be quite obedient in the nine months to come. Even a small discussion with a guard can deprive the prisoner of a reduction in his prison term... a discussion which might have been provoked by the prison authorities if they do not want the prisoner in question to be set free.

The example of this arbitrary practice is the situation of sociologist *Ismail Besikçi*. (See: Page 228). According to the new law he should be freed because he has already served more than half of his 10-year term. But the prison authorities, claiming that "he had been disobedient", keep Besikçi in prison.

One of the consequences of deceiving political prisoners has been the suicide on March 21 of an inmate in the Sinop prison. When this prisoner, sentenced to 26 years, learned he was not going to be freed, he hanged himself.

TORTURE AND ILL-TREATMENT IN PRISONS

All political detainees have undergone torture or ill-treatment in special interrogation centers, police stations and even in military prisons. Hundreds of detainees have been killed under torture.

Even at the beginning of 1986, many torture allegations have come from the victims and their families. Thousands of political prisoners are still suffering from ill-treatment. The Turkish Government claims that police torturers are legally pursued.

But the torture practice has been organized and carried out by the sinister Counter-guerilla Organization of the Turkish Army.

Among other methods, torture has been one of the principal means of interrogation, intimidation and even condemnation used systematically by the military since the 1980 coup. Any publication and even allusion to torture have been banned for years in the Turkish mass media. However, Turkey's torturing of political prisoners has been one of the main preoccupations of world democratic institutions. Basing their knowledge on allegations coming from Turkey, Amnesty International, human rights organizations and European parliamentary bodies have very often issued warning documents regarding these practices.

It is only at the beginning of 1986 that the Turkish press began to talk timidly about torture practices and that left-wing deputies started to raise the question in the National Assembly.

Without any doubt, all this debate is the consequence - on one hand - of the strengthening of popular resistance to the anti-democratic practices of the present regime; and, on the other hand, of the pressure being put on Ankara by European democratic forces who demand total respect of human rights in the Southeast of Europe.

However, despite the lifting of martial law in Istanbul and Ankara, debate on torture has not developed as it should, and those who dare to make any revelations or demand firm measures for an end to torture often risk intimidation, threats, or simply persecution.

In minimising the testimony or irrefutable revelations, government circles describe all debate on torture as an element of the communist campaign seeking to discredit the Turkish police and to destroy the Turkish State's prestige abroad.

Even "President of the Republic" Evren and his prime minister Ozal have made themselves heard in this manner. During a visit to the presidential palace and braving General Evren's anger, Aydin Güven Gürkan, the chairman of the SHP, found himself obliged to justify his parliamentarians' steps against torture in the following way: "Mister President, as you know, there's a big campaign abroad proclaiming that democracy does not exist in Turkey and that human rights are systematically violated. Five European countries have begun a process to judge the Turkish State by international standards. We want to show them that these topics can be discussed in Turkey under

every circumstance. By our parliamentary initiative on this subject, we render a service in the interest of our country..." According to the *Milliyet* of February 8, General Evren would have allowed this opinion, but advising the parliamentary opposition leader not to go too far and to be prudent in his declarations.

All the same the authorities' reaction to the weekly *Nokta* which published the admissions of a former police torturer has not been as understanding.

Sedat Caner has admitted in his interview that he had practised torture on 200 left- or right-wing activists after the military coup. He has also revealed the names of detainees who have been killed during torture.

What's more, *Nokta*, basing itself on Caner's revelations, published drawings which explained the different methods of torture used at interrogation centers.

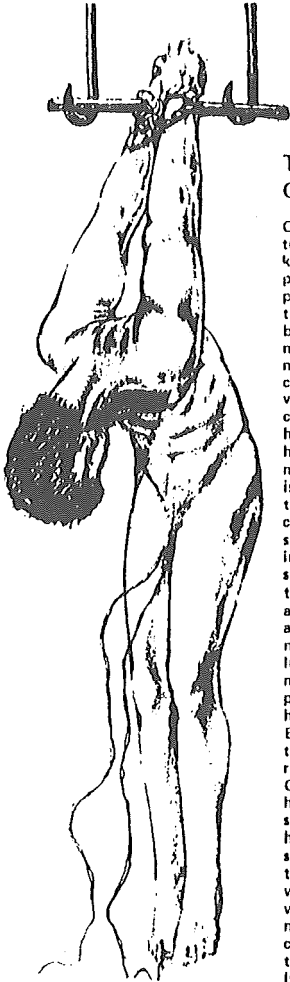
It was after these revelations that polemics were let loose in the Turkish press as well as the National Assembly. While Prime Minister Ozal proclaimed that the author of the admissions was an extreme leftist militant and that his declarations had no credibility at all, the Minister of the Interior accused *Nokta* of taking part in the campaign of lies organized and orchestrated by communist organizations abroad.

However, since martial law has been lifted in a great part of the country, a banning of the weekly by a mere decree from a military commander has not been possible anymore. Nevertheless, while waiting for a decision from the judge of the ban and seizure of the editions which had the former torturer's admissions, thousands of police officers were made to buy in bulk all copies of the daily in each of the country's provinces. Some days later, a justice of the peace in Istanbul decided on confiscating the weekly in question.

As for the former torturer, he has been brought before the Public Prosecutor in Ankara and was arrested immediately to testify before the judiciary. It is possible that he may be tried as a torturer, as well as certain police officers held responsible for their victims' death in certain torture cases.

Doubtlessly, all these judicial actions will be held up before world opinion as new proof of the "goodwill" of Turkey's leaders.

But torture is not only the deed of certain sadistic policemen abusing their power, but rather quite a part of the state's repressive poli-

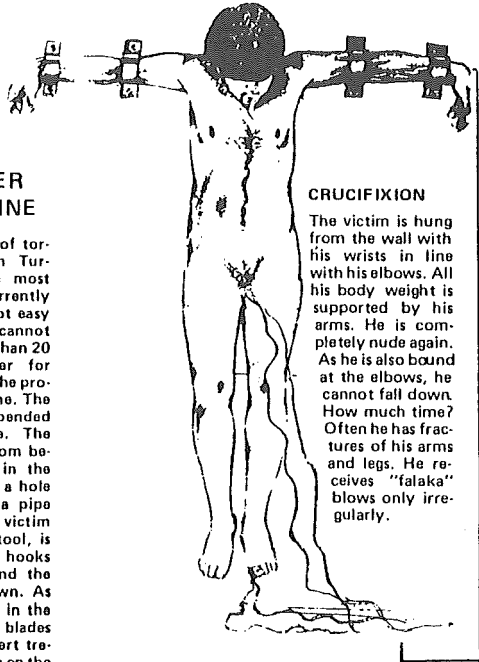


**THE HANGER
OF PALESTINE**

Of all the forms of torture practised in Turkey, this is the most painful. It is currently practised. It is not easy to resist. One cannot bear it for more than 20 minutes. Whether for man or woman, the procedure is the same. The victim is suspended completely nude. The hands are tied from behind with belts in the middle of which a hole is made before a pipe through it. The victim climbs onto a stool, is suspended from hooks in the ceiling and the stool is withdrawn. As the victim hangs in the air, the shoulder blades and the sides exert tremendous pressure on the lungs and at this moment the victim feels a pain so unbearable that he faints after a while. But he is given an electric charge to make him regain consciousness. Cables are attached to his big toe and to his sexual organs. A cable hangs "empty" and is sometimes attached to the nose or ears, in other words, to the places which will hurt him most. The operation continues until the patient responds "correctly" to the questions he is asked.

tics which is manifested more brutally with each military intervention.

According to an Amnesty International report titled *Turkey: Victims of Torture Testify* and published in Paris in January, 1986, "Torture is systematic and widespread in Turkey. Anyone detained in this country for political reasons runs great risk of being tortured, and few detainees escape the ill-treatment of all kinds meted out in the commissariats, the pri-



CRUCIFIXION

The victim is hung from the wall with his wrists in line with his elbows. All his body weight is supported by his arms. He is completely nude again. As he is also bound at the elbows, he cannot fall down. How much time? Often he has fractures of his arms and legs. He receives "falaka" blows only irregularly.

sons and the security forces' interrogation and detention centers.

After the 1980 military coup, the security forces went on to make thousands of arrests. The people arrested by the security forces at the end of the preliminary inquiry numbered 178,565. The duration of detention without a court-warrant was immediately raised to 30 days, then, in November of 1980, to 90 days; in September 1981, this period was reduced to 45 days. Then in May, 1985, to 30 days.

During this period of preliminary inquiry "the police practiced torture in the police stations, but Amnesty International has been made aware of details about torture, equally practiced in prisons and other institutions under the control of the army, particularly the prisons of Diyarbakir, Erzurum, Mamak (near Ankara) and Metris in Istanbul. Burning political prisoners with cigarettes seems equally routine in the Buca prison in Izmir and in the Category E special civil prison of Malatya, one of the numerous prisons reserved over the last years for political prisoners and arms dealers.

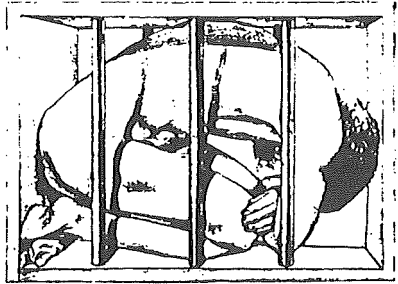
"The primary reason for torture in the police stations seems to be to obtain admissions

and information. As detailed accounts of torture show, intimidation and humiliation seem to have as much a role in military prisons as in the police stations. Amnesty International has learned equally that prisoners have been interrogated and tortured anew after several years of detention.

"Since the 1980 coup, Amnesty International has given the authorities the names of a hundred people who might have died during their detention. Amnesty International has received a reply from the authorities about 82 of them. In some cases, they declared that procedures or instructions were in process. In others, the deaths were attributed to suicide, accidents or sickness. For the others, a lack of information is blamed or the absence of any record of detention. In nine cases, the person in question was still alive. For the unanswered cases, Amnesty International does not know if investigations have been launched.

"On July 24, 1980, the prime minister's press service published the following information in a document about the cases against torturers.

- Total number of allegations of torture and ill-treatment	897
- Cases under investigation	153
- Complaints without grounds (dropped from investigation)	584
- Cases brought before tribunals	46
- Closed cases	114
- Suspects under arrest	9
- Suspects tried but still not arrested	69
- Suspects acquitted	218
- Sentences to prison	102



THE TORTOISE CELL: The victim enters bent over. He cannot budge: his articulations are blocked. When he leaves, he walks like a hunchback. This breaks his spirit and causes him pain.

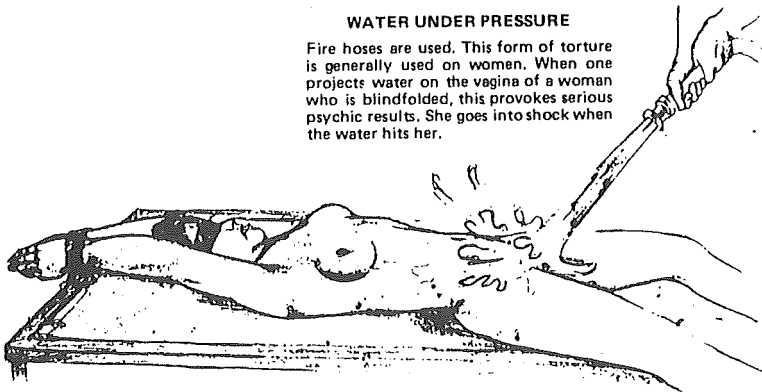
"The Turkish authorities have several times denied the systematic character of torture. Often, during their trial, defendants have declared that they had been tortured, but no investigation seems to have been carried out. With regard to the great number of complaints lodged, Amnesty International estimates that, altogether, very few of them have been the object of an official investigation.

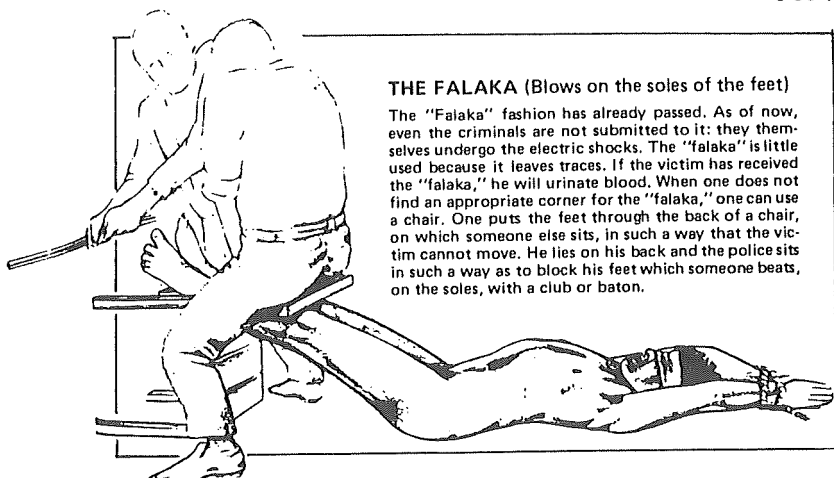
"In April 1985, Amnesty International continued to receive information about detainees being tortured.

"In light of the detailed and repeated information which has been reaching it for some years, Amnesty International thinks that the Turkish government should engage itself with putting an end to torture, respecting human

WATER UNDER PRESSURE

Fire hoses are used. This form of torture is generally used on women. When one projects water on the vagina of a woman who is blindfolded, this provokes serious psychic results. She goes into shock when the water hits her.





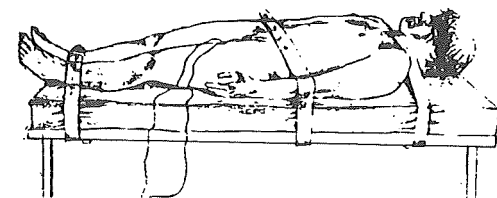
THE FALAKA (Blows on the soles of the feet)

The "Falaka" fashion has already passed. As of now, even the criminals are not submitted to it: they themselves undergo the electric shocks. The "falaka" is little used because it leaves traces. If the victim has received the "falaka," he will urinate blood. When one does not find an appropriate corner for the "falaka," one can use a chair. One puts the feet through the back of a chair, on which someone else sits, in such a way that the victim cannot move. He lies on his back and the police sits in such a way as to block his feet which someone beats, on the soles, with a club or baton.

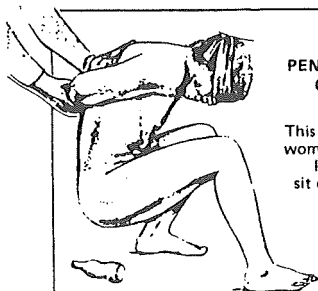


SEPTIC PIT

This is generally applied to the leaders of an organization, when the interrogation is finished and after breaking the victim's spirit. He is put in the septic pit up to the neck. He does not leave it until he has to follow the call of nature. When he leaves the pit, he has on his body fist-sized lumps of filth.



OPERATION TABLE: It is called a table, but it is not really one. It is a cot. There are belts at certain points of the cot. The victim is tied by his feet and hands, completely nude with eyes blindfolded. Afterwards, his body is wet with salty water to assure that the current passes through his entire body. The salty water is thrown on both the victim and the cot. Therefore, when the electric charge comes, it goes through his whole body.



PENETRATION OF BOTTLE OR BATON

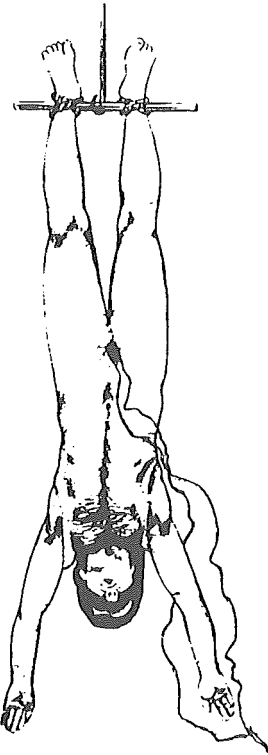
This is applied to women and men. If the victims sit on Coca-cola bottles, the bottles are filled with blood

rights, and putting in action the following measures:

- The highest Turkish authorities should give clear and public instructions to all those responsible for the detention, interrogation and care of prisoners, indicating that torture will not be tolerated under any circumstances.
- Steps should be taken so that secret detention does not facilitate or give rise to torture. The government should bring it about that all detainees are quickly brought before the courts after their arrest, and that relatives, lawyers and doctors can visit them quickly and regularly.
- Family and lawyers should be quickly informed of where the prisoner is being kept. None should be detained secretly.
- An independent body should regularly

THE BUTCHER'S HANGER

There are two kinds of hangers in an interrogation room: the butcher's hanger and the hanger of Palestine. They both are fixed to the same place: the ceiling. If one does not work, the other is used. Weights are attached to each but the means of using them is different. Again, there is a pipe, two hooks and a belt. The difference from the other? Here the victim hangs by his feet and he is completely nude.

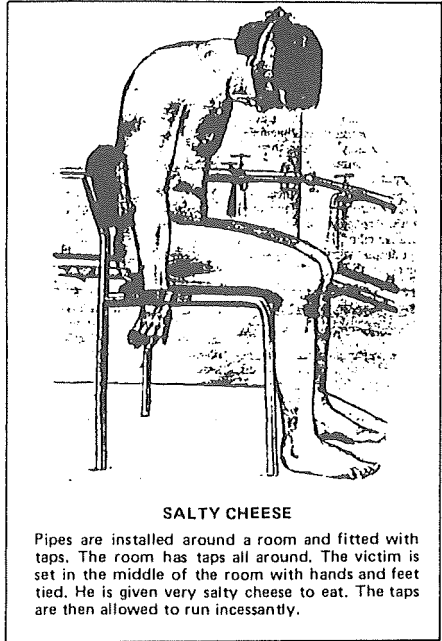


visit the detention centers, to ensure that torture is not being practiced there.

- The Turkish government should institute an impartial commission charged with investigating all complaints and information about torture; the methods and results of the investigation should be made public.

- The admissions and other declarations obtained through torture should in no case be used during a case.

- Each time it is proved that a functionary committed or instigated torture, court proceedings should be brought against him, in accordance with the provisions of the United Nations Declaration on torture.



SALTY CHEESE

Pipes are installed around a room and fitted with taps. The room has taps all around. The victim is set in the middle of the room with hands and feet tied. He is given very salty cheese to eat. The taps are then allowed to run incessantly.

- It should be clearly taught that torture is a crime, to the functionaries, members of the armed forces, and those responsible for the detention, interrogation and care of prisoners. These functionaries should be informed that it is their duty to refuse the torturer's order. The United Nations Code of Conduct for those responsible for applying the law and all regulations of the treatment of detainees should be widely distributed.

- Torture victims and their families should receive reparation and compensation for their moral and physical suffering, without prejudice to any other civil action or penal process."

Those really responsible for torture

elections have not taken up to now any initiative to put into practice the steps Amnesty International proposed.

Although a parliamentary inquiry commission was formed in 1985 to control prison conditions it has not effected a serious investigation into prisons directed by the military. The majority of political prisoners are still in military-directed jails, despite the lifting of martial law in many provinces.

As we have pointed out several times, despite the fact that the present government is a civil one, the real power rests in the hands of the military.

The military never gives authorization to investigate their responsibility in practices of torture, because it is they that institutionalized torture as an interrogation method when they overthrew the civil government and forced the National Assembly to proclaim martial law in 1971.

It is during the two-year period after this first repressive coup that a department of the General Staff of the Turkish Armed Forces made its name as the author of all kinds of measures, such as manhunt and torture. We are talking about the Counter-guerilla Organization. The official title of this organization is "The Department of Special Warfare."

Several witnesses to torture during this period have revealed irrefutably that even the generals and colonels in this department have practiced torture in the interrogation centers. Figuring equally among them are the martial law commanders.

Following these revelations, after the return to civil rule in 1973, this department returned to its clandestine activities again. Alarmed by the department's illegal and anti-democratic practices, Mr Bülent Ecevit tried several times as prime minister to show evidence of its status and subversive activities, but he came up against the refusal of the Army Chiefs.

Between 1973 and 1980, the Counter-guerilla organization maintained close relations with the neo-fascist party of ex-colonel Alparslan Türkeş and provided this party with arms and covered its violence acts. What is more, the department had a "special bureau"

It should be remembered right away that the civil government coming out of the 1983 legislative

known as "Bayraktarlık" and located in Cyprus, which gave asylum to extreme right-wing political assassins who have killed progressive people.

The purpose of this department's collaboration with neo-fascist assassins (the Grey Wolves) was to provoke political violence in the country and to furnish the army with the pretext for a new coup.

On September 12, 1980 - as soon as their objective was accomplished - the Grey Wolves, who were responsible for the deaths of more than five thousand victims of political violence, stopped their activities.

As for the officers of the Counter-Guerilla Organization, they immediately put in practice all instruments of repression, including the special interrogation centers.

After the modification of the law on martial law use, all the security forces, including the police and the gendarmerie were put under the command of martial law officers.

Therefore, all torture practices, whether in the Counter-Guerilla Organization's special interrogation centers, in the police stations or in the military or civil prisons, have been inflicted either by the military or by police directed by them.

As Amnesty International has indicated, with regards to the great number of complaints lodged, very few have been the object of an official inquiry. In fact, since the coup, more than 200,000 people have been detained without court warrant by the security forces for preliminary inquest. During the trial of more than fifty thousand politically accused before the military tribunals, thousands of complaints were lodged about the practice of torture and ill-treatment. The military judges have systematically refused to carry out an investigation into these complaints.

In fact, in several cases where a complaint was lodged, evidence of torture had been inflicted during the first days of the detention-without court-warrant, whose duration was 90 days at the start and shortly after was reduced to 45 days. Furthermore, of the 897 complaints of torture, only 153 have been investigated and only 102 torturers have been sentenced to prison. Among those sentenced only about two have actually been incarcerated. As for the others, they kept their jobs at interrogation centers and continued to practice

torture while waiting for the higher court's decision.

What's more, all the torturers sentenced are policemen who, through lack of experience, left traces or caused their victims' deaths during torture. As for the Army officers practicing torture, they have been "well-trained" by the Counter-Guerrilla Organization and leave no traces.

To save face following protest by European circles against torture in Turkey, the military have accused some policemen as scapegoats and have presented themselves as "paragons of virtue" in the fight against the torturers.

In spite of all the claims that Turkey might have ended the period of military rule with legislative elections in 1983, testimony about torture inflicted on political prisoners does not stop coming.

Even after the "friendly settlement" between Turkey and five European countries, the Turkish press published several cases of torture. According to this settlement, the State Supervisory Council created by Article 108 of the 1982 Constitution has been charged with seeing to it that all the authorities (including those at the detention centers, the police stations and the civil and military prisons) strictly observe the obligations Turkey assumed under Article 3 of the European Convention on Human Rights.

But, this agreement on Turkey's part has no value, because according to the Constitution "the armed forces and the judicial bodies are outside the competence of the State Supervisory Council." Moreover, "members of the Council, including their president, are nominated by the president of the Republic..."

Given that General Evren was the chief of General Staff from 1977 to 1982 and commander in chief of the Armed Forces with the title of "President of the Republic" since 1982, he is personally responsible for all forms of torture practiced by the military.

Amnesty International's report on torture

the meeting of the Political Affairs Committee

The first comprehensive Amnesty International Report on torture in connection with the post-coup period was presented by Anne Burley to

of the Council of Europe on April 28, 1981. The report reads:

"I have been Amnesty International's researcher responsible for work on Turkey since 1972 and have visited Turkey in my professional capacity six times, most recently from April 17-25 this year, when I was one of two delegates who conducted discussions with the Turkish authorities about Amnesty International's concerns in Turkey. The other delegate was Admiral Backer, recently retired from the Dutch Navy. Our official meetings were with General Öztörün, Deputy Chief of Staff, General Ergun, the Ankara Martial Law Commander, General Bölöğirey, Coordinator of the Martial Law Commands, Fahri Gör-gülü, Director of the Turkish police, Mr. Turkmen, the Foreign Minister and Professor Oztrak, Minister of State. We also had unofficial meetings with former Prime Ministers Ecevit and Demirel, with lawyers - including the Presidents of the Turkish and Istanbul Bar Associations - with journalists, relatives of detainees and released detainees.

"Although we were not able to meet a member of the National Security Council, as we had requested, and were informed in advance that we would not be able to talk to prisoners, we otherwise met with cooperation from the Turkish authorities and were not impeded in our attempts to collect information from other sources about those matters of concern to Amnesty International. I should, however, point out that those in authority to whom we spoke were not always entirely straightforward with us and sometimes appeared deliberately to mislead us. The matters which we discussed and about which we were seeking additional information were prisoners of conscience - people who are imprisoned because of their political beliefs, religion or ethnic origin, who have not advocated or committed violence; fair trials for all political prisoners; cruel, inhuman and degrading treatment of prisoners and the use of the death penalty. The main emphasis of my statement to you will be on the treatment of prisoners, but I am willing to expand on the other matters if requested.

"Before our visit to Turkey, Amnesty International had received a considerable number of allegations that prisoners in Turkey had been subjected to torture. We had information about 22 cases of people who died in custody since the military takeover on September 12,

1980. These cases had been referred to the authorities and many of them had been mentioned in the Turkish press. The authorities had responded by stating that torture was not permitted under Turkish law, was not tolerated by the authorities and that all allegations would be investigated. Some investigations have taken place, and in some cases prosecutions of those responsible for the ill-treatment have followed. Amnesty International welcomes this indication that torture is not officially tolerated in Turkey, but in our discussions with the authorities we insisted that our experience led us to believe that further precautions were necessary to safeguard prisoners from ill-treatment. In particular we emphasized the dangers of a law permitting detainees to be held for up to 90 days, without access to lawyers or relatives. In practice even this period is sometimes exceeded. We pointed out the need for clear, precise and public instructions to military and police personnel that ill-treatment of prisoners was unequivocally forbidden.

"I am sorry to say that the information we obtained in Turkey from unofficial sources confirms our belief, based on earlier information, that torture is widespread in Turkey at the present time and is carried out as a routine practice in police stations and in some military establishments all over the country.

"I have brought back from Turkey statements from people who have been tortured - some of whom I interviewed - medical reports supporting the allegations, information about torture provided by journalists, lawyers and relatives, and a list of 106 people, some in prison, some free, who are prepared to testify to torture of themselves and others. The pattern and methods of torture, the places where it occurs and the equipment used establishes, I think, without doubt a systematic practice, not an occasional aberration on the part of individual policemen and soldiers. Methods of torture include *falaka* (beating on the soles of the feet), electric shocks to all parts of the body, rape by truncheon or stick and beating on all parts of the body. Torture allegations come from all over Turkey, but some places recur frequently - these include the 1st section of Police HQs in Ankara and Istanbul, Police HQ in Bursa, Davutpasa Prison in Istanbul, Uskudar Police Station in Istanbul and Samandıra Military Barracks in Istanbul.

"This information makes a clear and, I

think, irrefutable case that torture is being practiced on such a large scale in Turkey that it is impossible that it is carried out without official sanction. Although, as I said earlier, in some cases, especially when a death has occurred, an investigation is initiated by the authorities, not all allegations brought to their attention have been investigated, and in those cases where investigations have taken place, there are sometimes doubts that the action taken by the authorities is sufficient to ensure that their intentions concerning torture of prisoners are made unmistakably clear. The case of İlhan Erdost provides two examples which may serve to illustrate my point: although the four soldiers charged with beating Mr Erdost to death are in prison while their trial continues, the NCO also charged in connection with the death remains at liberty. This is particularly remarked on at a time when many other people, not even accused of involvement in violent actions, have been held in detention for many months. The second example concerns the statement made by the Commander of Mamak Military Prison, Colonel Raci Tetik, to the Ankara Martial Law Prosecutor, in connection with the investigation into the death of İlhan Erdost. He said: "I had given orders that after the preliminaries were completed all prisoners, with the exception of the aged, women and children, the lame and the diseased, be struck with a truncheon once or twice each below the waist in their rude places and on the palms of their hands and they should be warned not to come to prison again. I am not going to deny my order. My aim is to ensure discipline." On November 11, 1980, Captain Sezai Aydınlı, the Deputy Military Prosecutor, sent 25 documents from his investigation and a letter to the Ankara Martial Law Commander's Office formally notifying that an offence had been committed by Colonel Raci Tetik under Articles 109 and 456 of the Turkish Penal Code and asking for articles 93 and subsequent articles of law 353 to be invoked. No action appears to have been taken to date against Colonel Tetik.

"I was told many times of the difficulties encountered by people who try to make complaints of torture and of threats to them and their families. One such case is that of Hasan Ayyaz, a member of the Maras Committee of the Turkish Workers' and Peasants' Party who was taken into custody in January 1981 and

TWO CONFESSIONS FOR SAME ACT!

Two different groups were tried before different tribunals for the assassination of a goldsmith in 1979 in Ankara. While Bünyamin Karaman, Adalet Erbas and Süleyman Sağol were being judged for this assassination before the 3rd Martial Law Tribunal of Ankara, Ali Baspınar, Alper Tunga, Levent Yakis and Mehmet Baha Cetintas were also accused for the same act in another trial, that of 574 defendants of Dev-Yol. Both sides assumed responsibility for the assassination at their police interrogation!

tortured. His father put in a formal complaint on his behalf to the authorities and was himself then detained and tortured. He was forced to give the name of the lawyer, Mustafa Unutmaz, who drew up the complaint and in February Mr Unutmaz was also detained and tortured. His father went to Ankara and informed lawyers, which resulted in a complaint from the President of the Turkish Bar Association to the Minister of Justice about this interference with a lawyer in the pursuit of his professional duties. Mr Unutmaz was subsequently released about one month after his detention;

"As far as I know, his client remains in prison, although the Party of which he was a member has not advocated or committed violence. Other officials of the same Party have been tortured and are in prison.

"This brings me to another of Amnesty International's concerns, which is the detention of many people who have clearly not been involved in the violence which has indeed created a state of emergency in Turkey in recent years. Among these are the Executive Committee members of the Workers' Party of Turkey, officials of DISK (Confederation of Progressive Trade Unions of Turkey), and members of the National Salvation Party who are on trial at the present time. Mr. Ahmet Isvan, the former Mayor of Istanbul, is another detainee who cannot conceivably be connected with violence. In addition, Amnesty International has been given information about journalists who have been sentenced for articles they have written, and about lawyers, in addition to the case already mentioned, who have been detained in the course of performing their professional duties. I heard only yesterday that Mr. Ercüment Tahiroglu, one of the lawyers for the DISK officials, has himself been taken into custody in Istanbul. All the lawyers with whom I

spoke, including the presidents of the Bar Associations, emphasized the difficulties they experienced in preparing an adequate defence of their clients and in particular they stressed the dangers of the 90 day period of detention during which they are denied access to their clients. This denial of access to detainees was returned to again and again by families, lawyers and others concerned with the welfare of detainees. Lawyers are also concerned by the new law which states that sentences of under three years are not subject to appeal.

"I would like to make it quite clear that Amnesty International is not suggesting that torture started for the first time after the military take-over in September 1980. During my previous visit to Turkey in May 1980, I found that it was being carried out on a large scale, and I was provided with information about torture by both right and left wing parties and groups. Amnesty International has brought allegations of torture to the attention of all governments in Turkey during the past 10 years. In a recent editorial in the periodical *Arayis*, Mr. Bulent Ecevit stated that torture was almost a tradition with Turkish police, was due to lack of proper training in methods of detention and was practised under all governments in varying degrees. The issue in which he wrote this was banned, as have been other papers which reported torture allegations. However, the number of detainees held at present and the extension of the detention period to 90 days have undoubtedly exacerbated the situation, and new deaths in custody are being brought to the attention of Amnesty International all the time. I was given a list of 36 people said to have died in custody since September 1980, including the 22 names already known to Amnesty International.

"No one in Turkey denies that torture takes place: the question is on what scale and to what extent it can be said to be government policy. I would like to point out that torture can be practised routinely and on a large scale - as I believe is happening in Turkey today - without an order to this effect having come from the highest level, but to prevent torture occurring it is necessary that the authorities address themselves to the problem with vigour and determination. I am not convinced that the actions taken so far by the authorities in Turkey have resulted in any cessation of torture. The question of access to detainees is crucial, and until detainees are given access to lawyers and fami-

lies throughout the period of detention, I am afraid that torture will continue."

With the purpose of discrediting Amnesty International, the military junta launched a campaign to refute this human rights group's claims.

A group of Turkish journalists was invited to inspect the military jail of Mamak in Ankara, on February 23, 1982, but this invitation was not extended to foreign correspondents.

Nevertheless, the Financial Times gathered the impressions of the Turkish journalists visiting the jail and published them in the issue of February 25, 1982:

"Five prisoners squatted by the wall in the small prison yard at the Mamak military jail in Ankara. It was the first sunny day for months, but they did not seem to be enjoying it. About 60 other prisoners jogged round the yard in military formation.

"The five prisoners - men in their twenties with shorn hair and pallid complexions - remained outside the formation so that the group of Turkish journalists could take their photographs.

"The five men seemed to the spokesman selected from among several thousand held in the prison - one of Turkey's biggest - on the grounds that they would give evidence against Amnesty. The correspondents, and the prison authorities, who probably shared the same assumption, could not be more wrong.

"*'There is torture in Turkey'*, said Mr. Nasuh Mitap, according to a tape recording of the interview heard by the Financial Times.

"There is a lot of torture. Torture has made me lame. They broke my back. For a long time I could not walk. I have seen a lot of my friends

being tortured. There are reports, medical reports.'

"Mr. Melih Pakdemir said: 'What we want is to be treated like human beings and to be given an opportunity to prepare our defence. Torture is something relative. It is true that there is repression in jail. We are grilled for between 12 and 14 hours every day. Everything here is done by command. If anybody disobeys a command - moves even slightly - he is clubbed by the nearest soldier. One can also be taken to the cage and beaten there.'

"A journalist asked Mr. Pakdemir whether he had been subjected to such treatment.

"*'There is no one who hasn't,*" he replied. *'I, too.'*

"Had he a message for Amnesty International?"

"Yes. There is moral and physical repression. At this moment'.

"Mr. Oguzhan Müftuoglu and Mr. Ali Baspinar refused to speak on torture allegations.

"The fifth detainee collapsed and started whimpering before the interview, which took place on Tuesday. He was Mr. Ulvi Oguz.

"Colonel Raci Tetik, the prison director, who accompanied the journalists, said: 'He is putting on a show.' A correspondent said he wanted a doctor's opinion. The colonel had the prison doctor fetched who said that Mr. Oguz was suffering from 'nervous collapse.' He said this was common in Mamak.

"Talking to correspondents afterwards, Col. Tetik said: 'This is a prison run by the army of Mustafa Kemal (Atatürk, the founder of modern Turkey). Absolutely nothing is done here to hurt human rights.'

SOLDIER'S WORD!

ANKARA, March 17, 1981 (AFP) - Mustafa Kemal Camkiran, a member of the Central Committee of the Workers' and Peasants' Party of Turkey (TIKP), was arrested on Tuesday at the airport of Ankara, immediately after arriving by plane from the Federal Republic of Germany.

Camkiran, who had been a refugee in FRG since the military coup d'état of September 12, 1980, is the first of the 275 Turkish refugees whom Ankara summoned to return to Turkey and give themselves up to the authorities.

Camkiran explained that by his decision to return, he wanted to underline the positive efforts being made in his country to return to parliamentary democracy.

The Turkish Prime Minister B. Uluş declared on Saturday that everyone "who did not betray the country... could be sure of their rights" and "should not be afraid of a confrontation with the honest and independent Turkish judges."



ANKARA, March 19, 1981 (AFP) - Mustafa Kemal Camkiran, a member of the Central Committee of the Workers' and Peasants' Party of Turkey (TIKP), was beaten black and blue on his arrival at the prison of Ankara. This revelation was made by his attorneys, Mm. Ugur Uzer and Nusret Senem. They claimed that there were many echmoses on his hands and his body.

Torture team: "DAL" group

Turkey Solidarity Campaign's "Turkey Information Bulletin" gave in its March 1982 issue the following information about torture centers in Ankara:

"In Ankara, there are two torture centers for political prisoners. One is the Ankara Police Headquarters, 6th Floor; the other is the next door building, the 'Yusuf Kahraman Police School', known as the DAL Group. This particular building is on the grounds of the Police Headquarters and is joined to it by a corridor.

"The DAL Group is a number of interrogators made up of members from the Ankara Police Headquarters and the MIT (National Intelligence organization). They are directly answerable to the Political Police Branch and to the MIT. The DAL Group chief is Kemal Yazicioglu, nicknamed 'the Doctor'.

"Each interrogation team consists of 7 people, including its head, and each has special responsibilities. The most important team is the 1st Interrogation Team which has two policemen and two MIT members. Bekir Pullu is in charge of this team. They apply various methods of torture such as electro-shock, cold water and snow baths, hanging, crucifixion, falaka (beating on the soles)..."

Police officer Ekrem Ozbey said on April 13, 1982, at the 2nd Martial Law Court of Ankara: "All interrogations at the Police Headquarters are made under torture. I also participated in some torture practices. Later on I resigned from the police service."

At the 1st Martial Law Court of Ankara, police officer Rahman Gümrükçü said on April 6: "If the detainee does not tell the truth, he is tortured and then interrogated once more."

At the trial on the death of publisher Ilhan Erdost, on April 16, witnesses said that the sergeant and soldiers at the Mamak Military Prison beat each new detainee.

On April 19, Superintendent Tugman Aykin, witness in the Kurtulus Trial at the 2nd Martial Law Court of Ankara, said that he made moral pressure on detainees in order to get their deposition.

Labour and peace leaders' torture allegations

Although the military authorities claimed that the torture allegations coming from detained political militants could not be credible since they

were given on the instruction of "clandestine" organizations, many important personalities being tried before military tribunals declared that they, too, had been tortured at interrogation centers.

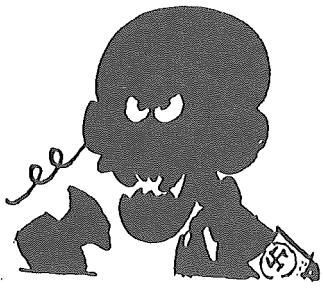
The testimony of DISK Chairman Abdullah Bastürk has been given in previous chapters. At the same trial, other DISK leaders made the following declarations:

Celal Küçük: "I was interrogated under heavy torture at the police. They took me there blindfolded. When they got me out of the car, they hit me on my back. I was led into a large, dark building where I heard the noises of a crowd. There, they interrogated me under torture. At this moment I heard cries and clamours. They were forcing the people to cry: 'Down with Bastürk' (President of DISK)."

Kemal Nebioglu: "I did not make a statement to the police. They blindfolded me and led me somewhere. There, I was tortured for seven days and nights. They said: 'If you don't make a deposition as we wish, we'll kill you, and we'll say, in our report, that you tried to run away.'"

As for the Chairman of the Turkish Peace Committee, former ambassador Mahmut Dikerdem, he was kept under inhuman conditions in prison despite his serious health situation. On September 13, 1982, Amnesty International issued the following alert:

"A biopsy on a prostate tumour revealed that this tumour was malignant and the doctors have recommended an immediate operation. Delay might put the life of Dikerdem in danger. Amnesty International thinks that the military hospital where he is presently being treated is not equipped for such an operation.



Would you please send urgent appeals to the Turkish authorities, expressing your strongly-felt anxiety and insist on his immediate release in order to be operated on in a civil hospital. If possible, would you please organize appeals by doctors' organizations."

Amnesty International issued on April 6, 1983 another detailed report on the violation of human rights in Turkey:

"Since the coup, Amnesty International's concerns in Turkey have been about large numbers of prisoners of conscience, widespread and systematic torture and ill-treatment of political prisoners, and the imposition and execution of the death penalty. In April 1981, Amnesty International sent a mission to Turkey to discuss these concerns with the authorities. In January and August 1982 and April 1983, other Amnesty International missions visited Turkey to observe trials."

"All political offences are tried by martial law courts, except for some press offences which are tried in civilian courts. Since the coup AI has received complaints from lawyers acting in cases heard by Martial Law courts of the difficulties they face in preparing the defence case, in particular of the lack of sufficient access to their clients and the conditions under which consultation with clients takes place. AI remains concerned about the restrictions of the right to appeal in sentences of over six months, and the continuation of the 45-day detention period during which detainees are not usually given access to lawyers or families. Most allegations of torture relate to the detention period."

"The most recent case of a death in custody reported to AI is that of Mustafa Hayrullahoglu who was detained in Istanbul in October/November 1982. It is doubtful if all allegations of tortures reported to the authorities are subjected to investigation. A Dutch lawyer who attended hearings in three mass trials in Turkey in January 1983 reported that in each trial defendants stated that the statements being used as evidence had been obtained by torture."

A victim of torture at the E.P.

During a press conference organized by the Socialist Group on October 6, 1983, at the European Parliament in Brussels, Ludwig Fellenmaier, chairman of the EEC/Turkey Commission, which has been suspended for some time, presented a

victim of torture to the press. His name is Sahabettin Buz, a Turkish citizen residing for the moment in West-Germany.

Buz went to Turkey in September 1982 to do his military service. Two weeks later he was arrested by the gendarmerie and ill-treated for several days. He was hanged up by his wrists, had his genitals injured, was forced to drink his urine and to eat his excrements. He was subjected to such brutal beatings that the skin of his feet burst.

On the one hand, Buz was blamed for being a member of a German trade union and, on the other, the Youth Center of the City of Hanover, where Buz was employed as an engineer, was accused of being Maoist or Leninist. In addition, they accused him of reading trade-union publications and of taking part in May Day demonstrations. As Buz refused to sign a piece of paper "proving" his adherence to an illegal leftwing organization of Turkey, he was tortured by means of electric shocks. Besides, the names of the state officials who tortured him are known. As he was subjected to torture, Buz signed a confession, the content of which he did not know.

Though seriously injured, Buz got merely aspirins at Antakya hospital where he had been brought at his request. After 50 days spent in police custody, Buz was transferred into a military prison where all inmates were tortured by soldiers. The only charge against him was his "confession". On March 29, 1983, the Adana Military Court N°1 acquitted Buz. Despite this judgment, Buz was subsequently threatened several times, deprived of his pass and forbidden to leave Turkey. Yet, he managed to cross the border and to return to West Germany.

Prisoners' acts of resistance

of resistance.

In protest against ill-treatment and torture, political prisoners many times have resorted to different forms

of resistance. On September 23, 1981, Kazim Karaçecek, a defendant in the "Emergency Group's" trial, announced in the court room that the group had started and ended a hunger strike. "We warned the competent authorities of the ill-treatment in prison. But they took no heed of our warnings, so we started a hunger strike... Even after we ended this action, they deprived us of water, newspapers and visits by our parents", he said.

On October 31, 1981, in the military prison of Elazığ, 216 political detainees revolted against torture and ill-treatment.

On January 8, 1982, ninety-one women detainees of the Mamak Military Prison in Ankara were brought before military tribunal for rebelling against prison conditions. They declared that the Prison Director insulted them by crying "Whores..."

On February 21, 1982, in Erzurum, 325 defendants of the Dev-Yol Trial started a hunger strike in military prison.

On March 15, 1982, on the first day of the Dev-Sol Trial, 428 defendants refused to declare their identities unless an investigation into tortures and ill-treatment applied in Metris prison was started.

On May 13, 1982, other political prisoners from the same prison joined the protest action and went on a hunger strike.

In June 1982, 250 political prisoners in Gölcük Military Prison went on a hunger-strike.

On January 3, 1983, it was reported that 32 detained women had been enclosed in coffins to force them to own up their "anti-governmental activities." According to their lawyers, the women were placed in wooden coffins of 1.75 X 0.75 X 0.75 mtrs.

In March 1983, Dev-Yol/Fatsa Trial's defendants, in Amasya, refused to answer the judge's questions or to take their places in the docks, protesting against the procedure.

On April 9, 1983, military tribunal N° 3, on the pretext of breach of discipline, deprived 1,116 detainees of Metris Prison in Istanbul of their right to receive visitors.

In May 1983, the Police Department asked prison administrations to take strict measures against the activities of political prisoners in jails. According to the Department, political prisoners continued their activities in jails by corresponding among themselves with messages in Morse.

During this resistance, many international human rights organizations attempted to visit Turkish military prisons and to have firsthand information on the conditions of imprisonment; But all attempts were foiled by the military junta.

A delegation of the International Federation on Human Rights publicized this obstruction in January 1983. Lawyer Peter Aerbersold, Doctor Jean-Alain Dubois and Translator

Helmut Oberdiek reported the story of their mission of November 18-27, 1982, as follows:

"At the French Embassy we were informed that the relations between France and Turkey were already strained enough (probably because of the Armenian question), and for this reason the French Ambassador could not do anything for us.

"At the Swiss Embassy we were received by the Ambassador Mr Dieter Chenuaux-Repond. He immediately contacted the Foreign Office. The Foreign Office and the Ministry of Justice were not ready to receive us and still less to let us enter the prisons.

"After being ploughed before the civilian authorities, we looked for a possibility from the military. General Recep Ergün, the head of the Military Justice of Ankara told us that it was legally impossible to visit a military prison.

"A few days later, we could only see from the outside the Military Prison of Mamak which is located in an enormous and entirely closed military area. We could hear prisoners being drilled to marching songs.

"The Foreign Office, which received us shortly after, let us know very directly that the civilian authorities did not want any mission of inquiry either from the Red Cross, from the Council of Europe, from Amnesty International, from the IFHR or from any other organization. Such delegations would always come with prejudices that would easily be confirmed their stay in the country. Turkey, as an independent country, should be answerable to nobody. Each time that we requested permission to visit military prisons, the objection was raised that they were closed even to Turkish lawyers, doctors, scientists, politicians or reporters.

"It was difficult to get information from concerned persons (ex-prisoners, relatives of prisoners or defendants at liberty). Most of them refused to express their opinions on their trials or on jail conditions because they were afraid of reprisals... Indeed, we have some reliable information on the civilian prisons and penitentiaries, while we have to rely on testimonies that we cannot verify concerning the military ones. The serious allegations against the military prisons will not be refuted as long as the Turkish authorities are not interested in giving information in an objective manner and especially in accepting neutral observers. In any case, we cannot lessen any of the allegations raised."

Amnesty International on February 17, 1983, issued a press release reporting an interview with Kurdish lawyer Hüseyin Yildirim who was imprisoned in Diyarbakir Military Prison from November 1981 to July 1982 and now lives in Sweden.

In his interviews, Yildirim described in detail his own torture and that of other prisoners in Diyarbakir Military Prison, most of whom are, like him, ethnic Kurds.

Amnesty International arranged for him to receive medical examination after his arrival in Sweden. The medical report of November 2, 1982, stated that he "shows signs of external violent injury to the head by a blunt weapon, both upper extremities, the trunk and both lower extremities, and that the injuries may well have occurred as a result of the torture he describes."

In the same press release, it was announced that Mazlum Dogan, another detainee in the same prison, died in custody on March 21, 1982. According to the Turkish authorities, he committed suicide by hanging himself with his tie. Hüseyin Yildirim says that Dogan was tortured badly for 15 days starting from March 6, 1982.

Kemal Pir and Mehmet Hayri Durmus were reported to have died in custody in September 1982, after having been on hunger strike together with other members of PKK, in protest against torture and inadequate defence facilities.

First mass hunger strike in prisons

Protesting against inhuman conditions of detention, some 2,500 prisoners went on a hunger strike on July

4th, 1983, in the prisons of Metris, Sultanahmet, Kabakoz and Sagmalcilar in Istanbul. This act of resistance later spread to other military prisons in the cities of Ankara, Diyarbakir, Corum, Adana, Erzurum and Elazig. Although the action was stopped in some prisons because of harsher practices by the military authorities, the total number of political prisoners who started hunger strikes of various durations at different times amounted in the middle of August to some 6,000.

In a common appeal to world opinion, more than 2,000 political prisoners being tried in the trials of Dev-Yol, Dev-Sol, Partizan, TDKP, Devrimci Kurtulus, Halkin Devrimci Oncüleri,

PKK, Devrimci Halkin Birligi, Halkin Birligi, Cayan Sempatizlanlari, Dev-Savas, Birlik Yolu, Acil, Rizgari, Kawa, TDY, Kurtulus, THKP-C Savascilar, Partizan Yolu, TIKB, Halkin Yolu and Eylem Birligi explained the reasons for the hunger strike and their demands as follows:

"Since the fascist junta seized power, thousands of progressives and patriots have been tortured in police stations, in the political police department, in buildings of MIT (the National Intelligence Service), in military barracks and headquarters. Torture has become a widespread and systematic method of inquiry. Hundreds of people were killed under torture. The proceedings allegedly instituted against torturers are solely designed for deceiving world opinion. In addition to people murdered under torture, hundreds of progressive and democratic people have been shot dead in the streets and in the mountains by police and army units. And more than 20 progressives were executed following trials which were a mere mockery.

"In his speeches, Evren claims that he did not set up extraordinary courts. That is simply because he had no need of this. For the existing military courts are themselves extraordinary. The bills of indictment are based on confessions obtained under torture. In mass trials, the prisoners are not brought together to court; only groups of 10 or 15 are allowed. Court proceedings take place without previously proving the defendants' identity, without previous judicial inquiry; in some cases the defendants never appear in court. The witnesses are brainwashed before being brought to court; defendants are given no opportunity to defend themselves; they are not even allowed to read their petitions; the time allowed for the defence is very short, and sometimes the defendant is not allowed to speak. In short, the trials are just designed to deceive public opinion.

"The period of detention, which lasted 90 days during the first year of military rule, was reduced to 45 days when the law allowing police to take any prisoner from prison for interrogation, was passed. Consequently, the period of detention is unlimited. Prisoners face at any moment the threat of being kept in detention, but they are resisting as much as possible the enforcement of this fascist law. During such an operation in the Istanbul-Alemdag Military prison, two revolutionaries, Hakan Mermeroluk and Serif Akkaya, were killed by gas-bombs.

"The military prisons of the fascist junta are centers of torture. Since September 12th, 1980, military training and torture have been prevalent in Turkish prisons. With this military training, they want the prisoners to be subordinate to the officers as well as soldiers, to salute the symbols of the junta, to be subjected to the junta's education, to have their hair shaved completely; in short, they want to deprive a prisoner of all human rights and to make him lose his dignity. To resist against these coercive measures means to be tortured, to be beaten, to be subjected to all kinds of repression, not to be allowed to meet lawyers or relatives, to be deprived of the right to go out for fresh air, to get newspapers and books. In Diyarbakir, Ankara/ Mamak prisons, many people have become insane or disabled; there are even people who committed suicide as a result of depression. For instance, in the summer of 1982 in Istanbul/ Metris Military Prison, Hakkı Ho-caoglu was not hospitalized, although he was in a state of depression; consequently, they let him commit suicide. In prisons, interviews with lawyers are forbidden; or 15-20 prisoners are given only 20 minutes to have interviews with their lawyers, and these interviews are heard by the soldiers. Beside, there is no opportunity to prepare defense in prisons, and, recently, martial law command has forbidden the prisoners to get paper and pens. Petitions are seized by the prison administration while the prisoners are being brought to court. The relatives cannot give them any clothes or food during the interviews, which last only a few minutes. Progressive, revolutionary prisoners have been resisting against this torture for years; they started hunger strikes many times. Countless hunger strikes, which lasted 10 to 30 or more than 40 days and in which all the prisoners took part were organized. At the end of each hunger strike, the representatives of the junta said 'we will stop the torture, we will recognize your rights'; but torture, beatings and prohibitions still continue.

"Today, the fascist junta is applying more and more intensively the methods of torture and repression in the prisons of Istanbul. According to a new regulation, the prisons will be subordinate to the Ministry of Interior and will be ruled by the Commissioners of Police. Besides, new prisons of one or two-man cells are being built; the revolutionaries who resist these forms of repression and who are in the

position of being leaders of certain groupings will be put in these prisons. The aim is to torture and put under pressure these revolutionaries, who are selected from various prisons. One of these 'cells-type' prisons was opened in Istanbul/Sagmalcilar on July 4th, 1983. Revolutionary prisoners, selected from various prisons in Istanbul, were brought to this new prison. As the prisoners were entering the prison building, they were beaten until they fainted; all prisoners have their hair completely shaved, their civilian clothes are seized and they are forced to put on the prison uniforms. The attempt to make the revolutionary prisoners wear prison uniform is a new step in the enforcement of military rules. And this method is now applied in Istanbul. Torture and repression done to force the prisoners to wear these uniforms are prevalent in the prisons of Mamak, Diyarbakir, Antakya, Bartin, Canakkale and Malatya. In the cells-type prison of Sagmalcilar, political prisoners refused to wear prison uniforms, despite torture and beatings, and replied with anti-fascist slogans.

"Revolutionary prisoners will never surrender in the face of torture and repression. The revolutionaries (who are put into one-man cells in Sagmalcilar Prison and are facing torture and bloody intrigues) and more than 2,000 political prisoners in various prisons in Istanbul have started an unlimited hunger strike in protest against torture, oppression and various prohibitions. Their demands are:

"- Withdrawal of prison uniforms and the return of civilian clothes,"

"- An end to torture, oppression and all kinds of prohibitions (regarding interviews with lawyers, families, going out for fresh air, obtaining books and writing letters)"

"- The one-man cell system should be destroyed and the system of wards reestablished,"

"- Recognition of all rights of political prisoners."

After the hunger strike started, hundreds of political prisoners were severely tortured, and at least 150 of them were hospitalized as a result of this torture.

The prisoners' relatives who protested in front of the prison buildings against the enforcement of these measures were also beaten up. One of the parents who could not bear this situation attempted to burn himself but was rescued.

After a few months, another mass hunger-

strike was started in the military prison of Diyarbakir by Kurdish prisoners, and about 2,000 detainees participated.

Amnesty International reported that the hunger strike was started on September 2, 1983, by one group of prisoners with most other inmates joining afterwards.

During the trials of members of political organizations such as PKK, DDKD, Kurtulus, KIP, TKSP, Partizan, KUK and KAWA, the defendants announced that they were joining the hunger strike. AI received reports that after the announcements, the defendants were beaten and removed from the courtroom. Agence France press reported the death of two hunger strikers in Diyarbakir prison.

On September 28, a defendant announced before a military court that the prisoners had ended the hunger strike on the written guarantee given by the commander of the military prison to satisfy their demands.

Torture and ill-treatment after the elections

After the 1983 general elections, prison conditions remained unchanged, despite the setting up of a civilian government.

For example, in the Military Prison of Diyarbakir, the directors had already forgotten all their promises given a few months ago and again banned the introduction of food, pencil and paper into prison; reduced prisoners' talks with their families; and ordered prisoners to be beaten up before the eyes of their visitors.

Thereupon, on January 3, 1984, prisoners of the Diyarbakir Prison once more went on hunger strike.

On January 6, 1984, it was reported that all political prisoners of Mamak Prison in Ankara who refused to wear prison uniforms had been beaten for three days and three nights. The victims of this inhuman treatment requested on January 9 that the military tribunal trying them take every step necessary to ensure their security.

Besides, the families of those prisoners who were beaten up visited the new-elected Speaker of the National Assembly, Necmeddin Karaduman, and handed over a petition requesting an end to the ill-treatment in Turkey's prisons.

Despite the protest actions, Turkish martial law authorities have extended the practice of forcing political prisoners to wear prison

uniforms when they appear before military tribunals.

In Istanbul, defendants in the Dev-Sol and THKP/C trials took off their prison uniforms and entered the military courtroom in their underwear in protest against this practice. Thereupon, they were thrown out of the courtroom by force.

The same scene reoccurred the next day in Ankara during the trial of 10 alleged members of Dev-Sol.

Trade union leaders and journalists are also subjected to this treatment incompatible with human dignity. On January 19, 1984, all the defendants in the DISK Trial, including Chairman Abdullah Bastürk, were brought before the tribunal in prison uniforms. Likewise, Ali Sirmen, columnist of the daily *Cumhuriyet*, was tried on February 3 in prison uniform by a court in Istanbul.

On February 16, 1984, Amnesty International called on the head of the Turkish Armed Forces to account publicly for seven prisoners reported to have died in a military prison in Eastern Turkey in January.

In an urgent message to the Turkish Chief of General Staff, General Necdet Urug, the international human rights organization expressed concern about reports on the resumption of torture and ill-treatment of inmates in Diyarbakir Military Prison.

It named seven prisoners reported to have died in the prison that year. Four were known to have been buried, it said. In three other cases, Amnesty International had learned that the families had been informed of their relatives' deaths but that the bodies were not available for burial.

Amnesty International said that all the families concerned should be given the bodies of their dead relatives and allowed to arrange independent medical examinations to establish the cause of death.

The Amnesty International call followed a visit by one of its delegates to Diyarbakir (more than 1,000 km from Istanbul) to seek information about three prisoners reported to have died in unexplained circumstances.

The military authorities in Diyarbakir acknowledged the deaths of two prisoners, Necmettin Büyükkaya and Yılmaz Demir. They told the delegate that one of the prisoners had committed suicide and the other had died of a brain tumour, Amnesty International said.

After the delegate's visit the organization received information on the deaths of four more prisoners.

After eleven of their inmates died following a 45-day hunger strike, the surviving Kurdish detainees at Diyarbakir prison ended their protest.

The military authorities forced the parents of the Diyarbakir prison detainees who died following the hunger strike to bury their children in a hurry and as discreetly as possible. Some detainees' mothers who went to the Turkish capital early in March to draw the authorities' attention to the inhuman conditions in that prison were placed under surveillance on their return to Diyarbakir.

The inmates of Diyarbakir prison did not obtain any real improvement in their conditions of confinement and gave up their movement because it was "decimating them in vain". Visits, banned since the beginning of the year, were allowed again. According to the parents' evidence many detainees were in a "dreadful state".

On the other hand, several hundred political prisoners in Mamak military prison (Ankara) started a hunger strike on February 22, 1984, in protest against acts of violence and torture they suffered, according to what they said before the military court.

In that prison, the detainees were gathered on a prison square where dogs were set on them. The military authorities seized their civilian clothes, ordering them to put on uniforms. Having refused to undergo this new humiliation, many detainees, dressed only in briefs and undershirts, stayed for several weeks in their cells and even on the prison squares, where they were forced to march and shout out military songs and slogans in praise of the Turkish State and its founder Atatürk. After about 1,500 political prisoners went on a hunger strike, the hearings of their trial were deferred for a month, so as to conceal the deplorable state they were in.

According to the Belgian daily *Le Soir* of March 8, 1984, "all testimonies corroborate others exposing 'destruction machines', both physically and morally, in the Turkish military prisons. A former professor who had been held for about one year at Sultan Ahmet, the Istanbul military prison, declared, following his release, that the military penitentiary institutions 'are not prisons but slave camps...'"

The German weekly *Die Zeit* on February 24, 1984, published a story by a German tourist going under an assumed name, Wolfgang Simons, who was tortured in several jails in Istanbul, where he was held for 500 days. And *Die Zeit* comes to the following conclusion: "For the West-European democracies, Turkey is an awkward partner. Why? This has been revealed especially by the experiences this young German went through, who, under inconceivable circumstances, has been detained for 16 months in a Turkish jail. His sufferings are not an isolated case, but merely a case among others."

The Turkish General Staff announced on April 5, 1984, that 290 prisoners at Mamak Military Prison had ended their hunger strike. Forty-six prisoners who had started the action on February 22, 1984, were hospitalized due to deterioration of their health.

In another official communiqué, the General staff rejected all allegations of systematic torture and ill-treatment in Turkey's military prisons, describing them as propaganda aimed at weakening the Turkish Government and harming its prestige abroad. "Leftist terrorists, the communiqué said, try to infringe prison regulations; some of them refuse to wear prison uniforms and continue their activities in prison."

The political prisoners and detainees in the military prisons of Metris and Sagmalcilar in Istanbul started a hunger strike on April 11, 1984. The military authorities claimed that one sixth of all detainees participated in the action.

During this hunger strike, two political detainees died in prison; DEV-SOL militant Abdujillah Meral on June 15, and TIKB militant Mehmet Fatih Okutulmus on June 17.

Thereupon, Prime Minister Ozal declared on June 20 that the Government was not prepared to yield to the demands of detainees who went on hunger strike. The hunger strikers' demands included recognition of the status of political prisoners, the right to move about freely inside the prisons, to organize themselves in groups, to meet visitors without being under surveillance, to have access to publications of any kind, as well as to radio and television. Furthermore, they insisted that the "infamous body searching" be stopped. With regard to the demand for the status of political prisoner, Ozal added: "As far as we are concerned, there are no political prisoners in Turkey."

A GREY WOLF'S COLLABORATION IN TORTURE

A witness in the trial of seven ultra-right activists belonging to the Turkish Vengeance Brigade (TİT) declared before a military court on January 16, 1985, that he "had helped police to torture" one of the defendants. Salahattin Zorlu, who had already been sentenced in another case to 25 years' imprisonment for murder, described how he had helped police to extract confessions from one of the defendants, Turgay Tas. "Turgay refused to speak," Zorlu said. "Along with the police officers we hanged him up from the ceiling by his arms. I tied the ropes. After a while, he confessed."

This statement by the Prime Minister has been followed by the death of two other hunger strikers: Haydar Basbag, of the TIKB, and Hasan Telci of Dev-Sol.

In addition, the lawyers announced the death of another hunger striker, Sermet Parkin, but nothing has leaked out about his fate. In any case, his death has not been denied by the Turkish authorities.

Notwithstanding their comrades' deaths, ten prisoners went on with their hunger strike at Istanbul military hospital. All of them were in a critical state. In particular, the case of a 20-year-old militant, Aysel Zehir, gave cause for anxiety: her lawyer had seen her "in the mental state of a 3-year-old child".

There were also hunger strikes in Buca (in Izmir province on the Egean coast), in Bartin on the Black Sea and in Elazig (in Turkish Kurdistan). In addition, some parents of detainees mentioned hunger strikes in the military prisons at Gölçük (near Istanbul) and at Malatya.

The military authorities claimed that the prisoners' hunger strike was "political", but their lawyers refute the authorities' argument that the hunger strikers allegedly were demanding general amnesty and the abolition of the death penalty. "It's untrue," a lawyer said "They insisted that their very basic human rights should be respected and not subjected to the guards' arbitrary. They've had enough of being searched, even in their anus, and of being permanently insulted. Do not underestimate this complaint, honor is something very important in Turkey."

The hunger strikes in Turkey's military prisons did not hit the headlines of the mass media, and at the same time by order of General

Evren, the Turkish press was not permitted to refer to it.

Nevertheless, a few European newspapers expressed their concern as follows:

"If they chose this way to move world opinion by their protest, it is because, eight months after a civilian government has been restored in Turkey, they have no other resort left... In today's Turkey two powers exist. One, the civilian power of Premier Ozal, who embarked upon the difficult task of economic recovery that, no matter what one may think of his methods, deserves to be encouraged. However, for all that, Europe cannot be satisfied with a situation where the other power, that of General Evren and the Army, does its utmost to keep the country under its heel." (*Le Monde*, 21.6.1983)

"Premier Ozal, the civilian tree hiding the military forest, has been asserting repeatedly that the detainees were calling for a general amnesty and for abolishing the death penalty. This argument has strongly been refuted by the Turkish lawyers... Aysel Zehir who is awaiting death, had been sentenced to five years' imprisonment. It is for the sake of dignity that Aysel is going through her last struggle in Turkey. It is for the sake of human rights that 100,000 Turkish, Kurdish and Armenian detainees are rotting in the dungeons." (*L'Humanité*, 23.6.1984)

"There is little likelihood that Hollywood will produce a film about him, that some famous actor will play his part... Likewise, there is no chance that right-thinking people will organize a big show where ministers and opposition leaders are pushing to get in, though they are embarked on an election campaign. No president has hesitated to visit his country, no president has made a scene in order to get trustworthy information about his state of health. His name is not Sakharov, but Abdullah Meral. He is a Turk and he is dead; one would be almost tempted to say that he died from it: so great is the indifference to this country... Maybe the Generals have started to move back towards their barracks, but their civilian successors have kept dirty habits, at least as far as the treatment of prisoners is concerned." (*Liberation*, 22.6.1984)

"Even their dead failed to move 'kind souls'... Their fate does not hit the headlines of big press which affects to be concerned by the defence of human rights. The point is that this is going on in Turkey, a member country of

NATO, linked by treaty with the EEC and represented within the Council of Europe Parliamentary Assembly." (*le Drapeau Rouge*, 23.6.1984)

A European mission fooled

During this period of mass hunger strikes, a fact-finding mission of the Parliamentary Assembly of the Council of

Europe went to Turkey and a 3-man delegation visited the Diyarbakir Military Prison on April 27, 1984.

On their return, they told the Council that prison conditions had improved and that it was necessary to develop dialogue with the Turkish regime instead of refusal. Thereupon, on May 8, 1984, the representatives of the Turkish regime were reintegrated into the Council of Europe.

After this decision, the members of the mission noticed that they had actually been fooled by the Ankara dictatorship during their visit. One of the members of the mission, M. Claude Dejardin, confirmed that, during their visit to Diyarbakir Prison, a false list was presented to them as an Amnesty International list of prisoners killed. When the deputies saw some of these prisoners alive in Diyarbakir, they thought that Amnesty International's information was not correct.

On May 9, 1984, Amnesty International denied its authorship of this list of "deceased". Moreover, the building that the mission visited in Diyarbakir, was in fact reserved for administrative staff and prison guards, while the detainees were confined to three other blocs from which the European parliamentarians had been barred.

In its resolution, the Parliamentary Assembly of the Council of Europe said that it "welcomed with satisfaction the proposal of some members of the Turkish Grand National Assembly to set up a parliamentary committee to investigate allegations concerning the situation in Turkish prisons."

In fact, this parliamentary inquiry had been proposed by three members of the Motherland Party on April 27, 1984, during the visit of the Council of Europe mission. But the Justice Committee of the Grand National Assembly, even without waiting for the end of the debates in the Council of Europe, rejected

this proposal on May 3. Chairman of the Committee Ali Dizdaroglu said: "As you know, the representatives of the Political and legal Affairs Committees of the Parliamentary Assembly of the Council of Europe already visited some prisons. They ascertained that the allegations on prison conditions were completely groundless. They made public their observations by organizing press conferences when they got back to their countries. So, the aim has been achieved. Therefore, we do not consider it necessary to put the matter on the National Assembly's agenda."

About four-hundred detainees in Mersin military prison (in southern Turkey on the Mediterranean coast) went on a hunger strike on January 12, 1985, in protest against inhuman treatment.

Forty-two parents of these left-wing prisoners submitted to the Ministry of Justice a petition denouncing the use of torture on their children.

On the other hand, dozens of detainees in Adana, Gaziantep and Kahramanmaraş military prisons also went on hunger strike.

Evidence of continued torture practices in interrogation centers was revealed by top civil servants on trial for some irregularities at Customs. According to the daily *Cumhuriyet* of January 30, 1985, one of these defendants said: "We were made to sign a well-prepared scenario under torture. If we had not signed it, we would have been killed under torture."

When populist deputies brought the torture question to the National Assembly, spokesmen for the right-wing parties publicly defended this practice. On October 9, 1985, ANAP deputy Mehmet Budak, answering the opposition, said: "Is there any country in the world where torture is not applied? If a guy is a traitor, why should they not torture him?"

On October 29, former army general Turgut Sunalp (founder of the Nationalist Democracy Party and a martial law commander from 1971—1973) defended, in an interview given to the weekly *Nokta*, the "necessity" of physical pressure on a detainee during his interrogation. He claimed that this was not torture.

Concerning ill-treatment in prison, one of the most controversial examples has been the death of Bekir Celenk, the famous Turkish "godfather" whose name was involved in the assassination attempt against the Pope in 1981.

After being released by the Bulgarian

authorities, Celenk was incarcerated in Turkey from July 1985. During his interrogation, he was kept in a prison cell instead of a hospital, despite the fact that he was suffering from a cardiac illness.

The daily *Cumhuriyet* of October 16, 1985, accused the judicial authorities of having brought on his death, and thus preventing the clarification of many obscure points relative to arms and drugs smuggling as well as the attempt against the Pope.

Torture is still practiced

To conclude this chapter on torture, we are reproducing below some items

which appeared in the Turkish press at the end of 1985. They show that this inhuman practice was still going on despite all pressures from democratic circles.

On September 17, in Fethiye, Mrs Cihan Yülük reported that her husband, Halil Yülük, 41, had been killed at a police center while he was being interrogated for a traffic infraction. Police has claimed that this driver, the father of 5 children, committed suicide.

On October 2, in Sebinkarahisar, two teachers, Nuri Tan and Seref Kalas, and six other persons alleged that they had been detained without any reason at the police center and subjected to torture by 8 police officers during 32 hours.

On October 23, police authorities announced that one of the Dev-Yol Trial defendants, Kenan Ozcan, had committed suicide by hanging himself in his cell. He faced capital punishment. His comrades claimed that his suicide had been provoked by the unbearable conditions of his solitary confinement.

On October 24, a populist deputy, Cüneyt Canver, revealed that a minor had been raped by policemen at the police center of Sariyer in Istanbul.

On December 18, a retired teacher, Mr Nurettin Gedik, revealed at a press conference that he had been tortured for 21 days at a police station in Elazig.

On January 5, 1986, at the Dev-Yol trial in Ankara, lawyers denounced 20 policemen responsible for the deaths of six detainees during torture. According to the lawyers, in the DAL section of the Police Center of Ankara, political detainees were tortured in the following ways: deprivation of food and water, "the

falaka," beatings, electric shock, introduction of batons into the anus, sticking a needle under the fingernails, twisting the testicles, etc.

On January 16, lawyer Sakir Keceli revealed that he had been tortured with his four colleagues and that the latter were all handicapped because of being tortured.

On January 30, Necati Emgili, an accused in the Dev-Yol trial, revealed details of the torture he was submitted to during his interrogation at the Mersin police station.

On January 31, the populist deputy Fikri Saglar denounced the fact that at Adiyaman, Kazim Cakir, a detainee, had been killed in prison while his brother Mehmet Cakir had been crucified by torturers.

On February 2, a 23-year-old detainee, Recep Tuna, was found dead in the prison at Sagmalcilar. His relatives have demanded an autopsy.

On February 3, a detainee, Hasan Celik, was hospitalised in a comatose state following his interrogation at the police center at Corum. Although doctors said he was suffering from brain trauma, governor Fikret Koçak declared that he was suffering only from shock brought on by a gendarme's shout.

On February 5, the daily *Cumhuriyet* revealed that a detainee, Zekeriya Ulkücu, was in a coma following the introduction of a baton in his anus by torturers, while he was in a commissariat in Istanbul for his interrogation.

The same day, populist deputy Kadir Narin revealed the names of 22 detainees who had been tortured during their interrogation.

A recent enquiry mission by the Social-democrat Populist Party (SHP), has reached the conclusion - through studies it carried out - that Eastern Turkey has become a big concentration camp under the martial law regime that is still in force there.

According to the populist deputies Ihsan Elgin and Cüneyt Canver, the martial law commander in the region has stripped of their authority 49 elders (moukhtars) elected in 1984 in Tunceli Province, populated mainly by Kurds, and has deported 27 people accused of "activities harmful to the State's interests." The Minister of Interior declared himself powerless before the practices of the martial law.

The two deputies have classified Tunceli - one of those provinces where the proportion of police in relation to inhabitants is the highest - as "the biggest prison in Turkey."

The same mission, during its investigation in the region, discovered a murder committed during torture.

In the Genç district of Bingöl Province, a teacher, Siddik Bilgin, and his uncle, Mehmet Bilgin, were arrested July 27, 1985, by soldiers. Up to July 31, they were interrogated under torture. According to evidence from Mehmet Bilgin, who is a former senator, after the torture, the soldiers took Siddik Bilgin to a cemetery and cut him down with bullets. Following the murder, the victim's corpse was buried in the garden of the interrogation station. Although everyone knew it was a military unit under the command of Captain Ali Sahin that had executed Bilgin, the military prosecutor has not opened a judicial inquiry into the actions of those responsible. Captain Ali Sahin claimed that Bilgin was a "separatist" and was killed while trying to escape.

The two deputies have decided to let their beards grow as a sign of protest and have declared they will not shave until a file is opened on the affair.

Elsewhere, in the Hozat district of Tunceli Province, a retired teacher, Yusuf Karaagaç, revealed that his son, Mahmut Sirin Karaagaç, 24, had been similarly cut down by policemen after having been tortured for 45 days.

He has also revealed that in Pazarcik district in Kahramanmaraş Province, six people - Hasan Mesken, Ali Cetiner, Hüseyin Engirek, Ali Owayolu, Didan Yildirim and Ali Tasyurdu - disappeared following disciplinary operations against militant Kurds by the Armed Forces in the region.

According to a December 23, 1985, dispatch from the Agence France-Press, about fifty parents of those in detention publicly accused warders in the military prisons in Metris and Sagmalcilar in Istanbul with beating political prisoners who refuse to wear uniforms, with making them stand for hours in the snow in their underclothes, and with beating them up when they resist forced searches. The women, according to these accounts, were as much a target as the men. Certain detainees were still being kept in cells known as "Siberia."

A populist deputy, Fikri Saglar, declared that three detainees in the prison at Mersin set themselves afire as a sign of protest against ill-treatment. Furthermore, another detainee, teacher Ali Uygun, might have been buried

secretly after having been killed during torture at the prison in Tarsus.

Ill-treatment in the Adana prison brought about a hunger strike on the part of 145 political detainees, starting from January 31, 1986.

Growing indignation

All these recent revelations have given rise to great indignation on the part of people in Turkey; and even former right-wing politicians, who were always in favour of repressive measures against the regime's opponents, have declared themselves in favour of steps to end torture. But the present rulers take no account of any criticism or suggestion on this subject.

The populist deputies have already drawn up a legal plan with the idea of increasing prison sentences for torturers, but the governmental majority of the juridical Commission of the National Assembly rejected it on January 15, 1986.

Mr Haydar Ozalp, one of the spokesmen for the parliamentary group of the ANAP, the party in power, declared to the ANKA press agency that even when acts of torture have been proved, they must be kept hidden to preserve the Turkish State's prestige abroad.

Conversely, the other right-wing parties as well as the former right-wing political leaders of the regime before the coup have declared that they support all the steps against torture taken by the social-democrat SHP. Former Prime Minister Demirel has declared: "If torture takes place in a country, it is a political problem and the leaders of the country are equally responsible for this practice. Therefore, these leaders should quit their posts." The Turkish Doctors' Union (TTB), whose leaders are persecuted for having demanded an end to the death sentence, announced on February 4 that they would nullify the professional certificate of any doctor who took part in torture.

Finally, the stand with regard to torture has become a major criterion in Turkey to determine the level of respect individuals or organizations have for fundamental human rights.

The present rule, with all its components - military or civil - has been found in flagrant crime. A rule that has no intention of respecting international conventions forbidding torture does not deserve to be a part of international institutions such as the Council of Europe.

RECENT EXAMPLES OF STATE TERRORISM IN TURKEY

**The preceding pages
exposed numerous cases of
State terrorism until May 1986.**

**In the following pages, we are
reproducing the recent examples
of the unrespect to human rights in
Turkey which appeared in the
Turkish press, in August and
September 1986.**

LATEST DATA ON THE STATE TERROR

On April 18, 1986, the Turkish General Staff announced that since the coup of 1980 to February 28, 1986, over a period of five years and a half, 1,014 people had been killed and 994 wounded in 8,183 incidents.

According to this same communiqué, since the martial law proclamation on December 26, 1978, up to February 28, 1986, military tribunals have tried 46,196 cases of which 45,383 have already led to judgements.

During this period, 47,988 people have been sentenced to various terms.

25,025 people from 0-1 year,
11,472 people to 1-5 years,
6,843 people to 5-10 years,
2,507 people to 10-20 years,
973 people to more than 20 years,
693 people to life in prison,
480 people to capital punishment.

On the first of March, 1986, there were to be 813 cases to judge before the military tribunals as well as 10,128 political prisoners sentenced by these same tribunals. Moreover, 2,715 people were arrested or placed in preventive detention.

Despite the lifting of martial law in many provinces of Turkey, military tribunals still go on to deal with the files of offenses committed during the military regime.

Defendants accused of having committed offenses against the State after the lifting of martial law are brought before the State Security Courts.

Elsewhere, the Turkish Daily News of April 21, 1986, announced that at the present time, there might be 194,556 prisoners in Turkey. So, Turkey holds the record with 371.9 prisoners per 100,000 people while this proportion is 88.7 per 100,000 in Greece.

IT IS STILL MARTIAL LAW OR THE STATE OF EMERGENCY

On the decision of the National Assembly, the martial law in five Eastern provinces –Diyarbakır, Hakkari, Mardin, Siirt and Van– was extended since July 19, 1986, for another four months.

Also the state of emergency in 11 other provinces was extended by four months from the same date. Four of the biggest cities in the country –Istanbul, Ankara, Izmir and Adana– are among these provinces. The others are Agri, Bingöl, Elazığ, Hatay, Kars, Sanliurfa and Tunceli. On the other hand, the National Assembly brought an end to the state of emergency in the provinces of Icel, Ordu and Sivas.

INDICTMENT OF POLITICAL LEADERS

While the campaign for the partial elections of September 28 moves forward, the State Prosecutors intensify their judiciary proceedings against political leaders for their statements or acts.

After proceedings against former prime minister Ecevit before the State Security Courts for his speech to the meeting of the founders of the Democratic Left Party (DSP) led by his wife, the State Prosecutor initiated a second case against him for his participation in a demonstration organized on July 27 in Karabük by the same party.

On August 9, in Karadeniz Ereğlisi, the local president of the Social Democratic Populist Party (SHP), the lawyer Onay Alpaço and four other members of the local com-

mittee of the same party were tried before the State Security Court for having organized a cultural evening. They were accused of allowing the singing of opposing songs and exposing drawings done by political detainees in the military prisons.

A week later, on August 15, the former deputy secretary general of the SHP, Edip Servet Büyükdavrimci was arrested after a denunciation that he had spoken in Kurdish with members of Kurdish origin at the party headquarters.

The president of the SHP, Erdal İnönü accused the government of recouring to these practices with the aim of intimidating the left-wing electors with just before the partial elections. Other opposition leaders share this view.

On the other hand, on May 26, 1986, former vice-premier and leader of the defunct MSP, Necmeddin Erbakan, was also the object of a judiciary inquest for a speech he had made on his recent visit to Federal Germany. In his speech, he had accused the present government of exercising pressure on Islam.

RECENT CONDEMNATIONS

3.5, in Adana, 25 alleged members of the TKP were sentenced to prison terms of up to 14 years.

10.5, in Diyarbakır, 23 alleged members of the Kurdistan Workers Party (PKK) received sentences of up to 24 years.

14.5, in Ankara, a right-wing activist was sentenced to life while 15 others received prison terms of up to 36 years.

15.5, in Adana, four alleged members of the Union of Revolutionary Communists of Turkey (TIKB) was sentenced to capital punishment, six to life imprisonment and 74 others to up to 18 years.

21.5, in Adana, four alleged members of the Communist Work Party of Turkey (TKEP) were sentenced to perpetuity and another was sentenced to six years and eight months.

28.5, in Diyarbakır, 29 members of the PKK received sentences of up to 20 years.

31.5, in İzmir, four alleged members of Dev-Yol were sentenced to up to 20 years. In Diyarbakır, a PKK sympathiser, aged 60, was sentenced to 9 years in prison.

3.6, in Adana, at the end of two legal cases against left-wing organizations, THKO and TDY, three accused were sentenced to life in prison and 28 others to 15 years.

5.6 in Adana, 15 alleged members of "Liberation" were sentenced to up to 13 years in prison.

7.6, in Erzincan, two alleged members of "Liberation" were sentenced to the death penalty, four to perpetuity and 105 others to up to 15 years.

8.6, in Ankara, two Libyan nationals were each sentenced to 5 years in prison.

17.6, in Adana, two alleged members of the People's Revolutionary Union (DHB) were sentenced to capital punishment and two others to 20 years.

18.6, in Adana, 19 members of Dev-Yol were sentenced to capital punishment and 156 others to up to 24 years.

20.6, in İzmir, two workers who had taken part in the Türk-İs demonstration were sentenced to one year in prison.

26.6, in Adana, 23 alleged members of the Revolutionary Communist Party of Turkey (TDKP) were sentenced to up to 12 years. In Erzurum, five members of the PKK to capital punishment, three TKP/ML members to life in prison and 10 others to up to 16 years.

27.6, in Istanbul, at the end of the cases against the Partisan Way (PY) and the TDKP, 10 people were sentenced to up to 13 years and four months.

28.6, in Diyarbakır, four alleged members of the PKK were sentenced to up to 13

years. In Erzurum, a member of the Freedom Way (OY) was sentenced to capital punishment. The same day, 4 right-wing activists and 43 left-wing ones were sentenced to prison terms of up to 20 years. During these cases, four charged died in prison.

30.6, in Ankara, five teachers were sentenced to six years and four months each. They were accused of adhering to the TKP.

1.7, in Istanbul, 10 members of "Liberation Youth" were sentenced to prison terms of up to 13 years.

3.7, in Istanbul, eight members of "Liberation" were sentenced to up to 12 years.

4.7, in Ankara, four members of Dev-Yol received death sentences, two received life in prison and 29 others terms of up to 27 years.

16.7, in Ankara, three extreme right-wing activists were condemned to capital punishment, six to life in prison and fourteen others to terms of up to 36 years.

17.7, in Erzurum, two members of Dev-Yol were sentenced to capital punishment and 24 others to terms of up to 24 years.

29.7, in Istanbul, seven members of the Fatherland Socialist Party (SVP) were sentenced to terms of up to eight years.

30.7, in Istanbul, 74 alleged members of the TKP were sentenced to up to 15 years.

31.7, in Adana, five members of the Labour Party of Turkey (TEP) were sentenced to death, one to life in prison and 20 others to various prison terms.

5.8, in Izmir, three members of "Liberation" were sentenced to death, one to life in prison and nine others to up to 20 years.

6.8, in Adana, 25 members of the Workers Party of Kurdistan (PKK) were sentenced to capital punishment, 25 to perpetuity and 230 others to up to 24 years.

15.8, in Istanbul, three religious activists were sentenced to up to 8 years for anti-secular activities.

16.8, in Istanbul, eight militants to the "Third Way" movement were sentenced to up to six years and eight months.

91 DEATH SENTENCES AWAIT RATIFICATION

According to the Turkish Daily News of July 4, the number of death sentences approved by the Court of Cassation and referred to Parliament for ratification has risen to 91.

Since the September 12 coup, 37 people have been executed following approval by the military junta or Parliament. The number of those executed whose sentence was ratified by Parliament is only two: Hıdır Aslan and İlyas Has.

After their execution in 1984, because of the campaign in the country as well as abroad against capital punishment, the National Assembly no longer debated files on capital punishment. However, the military tribunals continue to pronounce death sentences against political activists.

On the other hand, the Minister of Justice Necat Eldem, in an interview to the daily *Hürriyet* of July 5, declared that he was categorically against the lifting of the death sentence under the present conditions in the country.

861 DOUBTFUL DEATHS IN 5 YEARS IN PRISONS.

The populist deputy İbrahim Tasdemir (SHP) revealed that during the course of the five year period since the 1980 coup, the number of detainees' deaths in prison had risen to 861.

In response to this statement, the Ministry of Justice claimed that 813 of them had died from natural causes, 13 from fighting among themselves, 33 from suicide and only two from ill-treatment in prison.

Taking account of the youth of most of the detainees, the affirmation of death through "natural causes" is evidently very far from justifying the large number of victims.

TERROR ON THE FIRST OF MAY

Although the Turkish government deceived world opinion in affirming that it respects trade union rights, the First of May was marked by state terrorism in Turkey, just as in the seven preceding years.

In fact, the celebration of Labour Day has been forbidden since 1979 by the martial law authorities. Furthermore, the military government had decreed that the First of May would no longer be an observed day. Thus even the Spring day of the First of May has been rendered illegal by the military.

Since the constitution of a "civil" government, nothing has changed. The day before the First of May, April 30, 1986, the security forces mounted a raking operation across the country to prevent any attempt to celebrate Labour Day. In Istanbul alone, more than 90 people were arrested as "suspects."

However, on the First of May, a clandestine group succeeded in making an illegal broadcast for 15 minutes on the Turkish TV Channel. In several towns, resistance groups distributed tracts and put up posters against the regime. More than 400 resisters were arrested for these actions.

What is most important is that for the first time since the military coup, the Social-Democrat Populist Party (SHP) celebrated the First May with a modest ceremony attended by DISK President Abdullah Basturk and his comrades. Recalling that the First of May is a celebration for all the workers in the world, Mr Basturk said in his speech: "If democracy is one day reestablished in Turkey, recognition of the First of May is the *sine qua non* condition."

On the other hand, SHP President Aydin Güven Gürkan, spoke to the National Assembly on May 2 and asked that Labour Day be reconstituted in Turkey. This speech was contested by the Rightist majority of the Assembly. Certain deputies of the party in power, the ANAP, accused Gürkan of being in the employ of communists and shouted, "Go to Moscow!" Because of the disturbance of the debates, the session was suspended for 20 minutes.

In spite of this attempt to intimidate, a populist deputy, Ali Ihsan Elgin, lodged a motion with the National Assembly to restore the First of May in Turkey.

May Day has been celebrated in Europe by many Turkish migrant workers together with European trade unions. The Turkish Government's ban could not prevent them from marking the May Day.

INDICTMENT OF TRADE UNIONISTS

A new legal motion aimed at ending old age indemnity has provoked strong reaction among workers and a group of trade unionists have lodged a joint petition with the National Assembly, a petition signed by 66,000 workers asking it to reject this motion.

After this quite peaceful step, the police arrested four trade union leaders on 13, 1986, and the Istanbul prosecutor has started legal proceedings, accusing them of exercising external pressure on the Parliament and discrediting the government.

On the other hand, the Istanbul governor forbade an evening of solidarity organized on May 11, 1986, by the Union of Knitting and Clothing Workers (TOBGIS).

11,598 TURKISH CITIZENS DEPRIVED OF NATIONALITY

According to a study carried out by the ANKA press agency on government decrees published in the Official Journal, 11,598 Turkish nationals have been stripped of Turkish nationality since the 1980 coup.

Among them, 3,106 people have themselves asked for government permission to give up their Turkish nationality so as to be naturalised in a foreign country.

As for the 8,592 others, they have been stripped of Turkish nationality on decision of the government after being charged by the military or judiciary authorities.

Some 150 of these are opponents of the regime in foreign countries. They have been stripped of Turkish nationality on the charge of "carrying out activities harmful to the Turkish State."

This group includes the Chairwoman of the Workers' Party of Turkey (TIP) Behice Boran, the Chairman of the Socialist Party of Turkish Kurdistan (TKSP) Kemal Burkay, trade union officials Yücel Top, Gültekin Gazioglu, Mehmet Karaca, Aydın Yesilyurt, Murat Tokmak, Halit Erdem, Bahtiyar Erkul, Semsî Ercan, Metin Denizmen, Kemal Day-sal, Zeki Adsız, Yasar Arıkan, Muslim Sahin, Yücel Cubukçu, Sahabettin Buz, Sait Kozacıoğlu; journalists Dogan Özgüden, İnci Tuğsavul (both editors of Info-Türk), Umran Baran, Askın Baran, Kamil Taylan, Latife Fegan; writers Demir Özlü, Nihat Behram, Mahmut Baksî, Hüseyin Erdem, Mehmet Emin Bozarşlan; artists Yılmaz Güney, Melike Demirag, Sanar Yurdatapan, Cem Karaca, Fuat Saka, Sahturna Dumlupınar, Hadi Ormanlar; lawyers Beria Onger, Hüseyin Yıldırım, Serafettin Kaya; political group leaders Sarp Kuray, Pasa Güven, Ahmet Muhtar Sökücü.

The Ministry of the Interior has recently published several lists including the name of Turkish nationals who were summoned to Turkey to do their military service. Most of the persons referred to belong to Christian or semitic communities of the country. If they do not go there they will be stripped of Turkish nationality.

According to the daily Hürriyet of May 15, 1986, among those who have been refused a passport to travel abroad are the renowned writer Aziz Nesin, the actor Tarık Akan, the trade union leader Abdullah Bastürk, singer Rahmi Saltuk and thousands of intellectual opponents.

Singer Ruhi Su and Istanbul Bar President Orhan Apaydın have been victims of this practice. Although their doctors advised them to seek medical care abroad where medicine is more advanced, they could not leave because of this ban and have died in Turkey.

Aziz Nesin himself suffers from heart disease but he is still refused a passport.

On June 18, 1986, the Council of Ministers announced that 20 Turkish nationals abroad had been stripped of the Turkish nationality for their activities against Turkey's interests.

VICTIMS OF MARTIAL LAW ORGANIZE THEMSELVES

Although martial law has been lifted in several provinces in Turkey, thousands of people dismissed from the public services by order of the martial law authorities have still not been able to return to their posts.

Certain of them have succeeded in returning, but their loss of salary in the past has not been indemnized. Recently, the Supreme Court of Military Administration, after having studied a complaint lodged by a functionary who had been dismissed and returned to his post after the lifting of martial law, decided that he had no right to request an indemnity for the years during which he was not working.

According to the daily Milliyet of July 30, the number of teachers or university employees who were dismissed on order of martial law has risen to some three thousand.

According to the electoral law, these victims of martial law have also been refused the right to participate in elections.

A group of university professors have taken steps to form an association to defend the interests of victims of martial law.

Furthermore, more than three thousand university students who were excluded from higher education have been refused the right to register again despite the lifting of martial law. Many of them have gone to the Turkish section of Cyprus to continue their higher education.

PARENTS OF POLITICAL DETAINEES ORGANIZE, BUT...

Having noted that general amnesty was refused and that prison conditions have still not improved, the parents of detainees and prisoners formed on February 3, 1986, a mutual aid association and have remitted statutes to the Governor of Istanbul.

Five months later, on July 8, the police authorities informed them that their association had not been authorized by the governor of Istanbul, saying it was illegal to form an association aimed at "committing a crime or encouraging someone to commit a crime."

Furthermore, the weekly *Yeni Gündem*, in an issue devoted to prison conditions in Turkey, revealed the names of 14 detainees who died in prison under doubtful conditions. Among them, four died during a collective hunger strike by prisoners and the others died because of torture, ill-treatment or lack of medical care.

The names of the victims: Mustafa Yalçın, Hakan Mermeroluk, İsmet Tas, Hüseyin Aydın, Hamdi Filizcan, Sazıman Kansu, Adil Can, Abdullah Meral, Haydar Basbag, Fatih Okutulmus, Hasan Telci, Mustafa Tunc, Hulusi Dalak and İsmail Cüneyt.

RESPECT FOR HUMAN RIGHTS: TURKEY IS IN 67th PLACE

The British magazine "The Economist" has just published a guide on respect for human rights in the world. This study places Turkey in 67th place among 120 countries in the area of respect for human rights.

While Sweden, Denmark, Finland, the Netherlands, Norway, the FRG, Austria, Australia, New Zealand, Canada and Belgium figure at the top of the list of countries in which human rights are the most respected, Ethiopia, North Korea, Iraq, the Soviet Union, Romania, South Africa, Bulgaria, China, Libya and Cuba are among the countries said not to respect fundamental human rights.

...AND THE LAST DAYS OF THE 6th YEAR

15.8, the Turkish Phantoms bombed some Kurdish villages in the Iraqi territory and killed about 200 peasants, under the pretext of "pursuing separatist militants". Most of the victims are women and children.

4.9, the wife of a wanted Kurdish militant was detained by the security forces and subjected to a gynaecological control in order to verify whether she recently had a sexual relation with her husband.

5.9, populist deputies (SHP), after having visited the Turkish Kurdistan, announced that "the Eastern Turkey live under a permanent horror and fear. The militia charged by the government, abusing their unlimited authority, arrest or kill any suspect, terrorize all population."

