



INITIATIVE for
SOLIDARITY WITH
TURKEY'S
INTELLECTUALS

NEWS LETTER

NOVEMBER 1986

PETITION FOR BREAD AND RIGHTS

"THE PETITION FOR BREAD AND RIGHTS IS THE VOICE OF OUR PEOPLE"

The "Petition for Bread and Rights, following up on the petition on democracy and human rights, known as the "Intellectuals' Petition," has been made public on the 17th of October. Signatures are being solicited from all interested citizens. The petition will be delivered to the President, Kenan Evren, the speaker for the Parliament, Necmettin Karaduman, Prime Minister Üzal and the Chairmen of the parties represented in the Parliament.

The Petition was drafted by a commission of 23 people, many of whom had also taken part in the drafting of the "Intellectuals' Petition." It starts from the premise that "Our country suffers from an economic crisis of unprecedented dimensions," and that "the rapidly deteriorating conditions of the working masses in the rural areas mean that they are fighting to keep off hunger." Economic policies dictated by "foreign interests" are to be blamed for the deepening of the crisis. Restrictions on the rights of the workers to associate and the steady encroachments on basic gains such as the right to a minimum wage and seniority pay, are criticized. It is also pointed out in the Petition that "Military and arms expenditures exceed by far the funds earmarked for nutrition, education and sanitation, and are among the highest in the international ranking."

The Petition for Bread and Rights concludes with :

THIS ECONOMIC ORDER AGAINST THE BASIC INTERESTS OF OUR SOCIETY AND OUR COUNTRY, WILL UNDOUBTEDLY CHANGE AND OUR PEOPLE WILL GAIN THE RIGHT TO DECIDE ON THEIR OWN FUTURE AND THAT OF THE COUNTRY. THEY ARE AWARE THAT THE PRECONDITION FOR ACHIEVING THESE ENDS IS THE ESTABLISHMENT OF A TRUE DEMOCRACY, WHERE RIGHTS AND FREEDOMS WILL UNINTERRUPTEDLY FLOURISH. IN THE WORLD AS A WHOLE, IT HAS BEEN THE PEOPLES WHO CREATED THE PROUD HISTORY OF MANKIND AND SO WILL IT BE IN OUR COUNTRY. LET NO ONE DOUBT THIS.

The Petition for Bread and Rights has also been espoused by the Initiative for Solidarity with Intellectuals in Turkey. The Initiative has issued a call to all other emigré organizations in Europe to jointly collect signatures for the Petition.

Aziz Nesin, as the first signatory of the petition was also the one to present it to the press. In an interview granted to the monthly *Bilim ve Sanat*, Aziz Nesin stressed the importance of finding rallying points for the masses of people who are being made the subject of a consistent policy of disorientation and de-politization. With the right of association being seriously curtailed for large sections of the population, and many democratic organizations banned, he affirmed the need to organize around broad issues, and explained that the "Intellectuals' Petition" and now, the "Petition for Bread and Rights," could be seen as steps in the direction of a more lasting organization.

We are including a slightly abridged version of the Petition in English, together with this issue of the NEWSLETTER. You may also express your support for the views expressed in the Petition, by writing to the Newsletter, Postfach 2106, 3550 Marburg, FRG.

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SUPPLEMENT OF THIS ISSUE: PETITION OF BREAD AND RIGHTS

"ALTERNATIVE TO THE TOTALITARIAN UNIVERSITY"

The weekly Nokta reports that over 60 former academicians forced out of the Turkish universities since 1982 have come together to start a series of conferences. They are to be organized by Ekin-Bilar Inc. (see previous issues), the 'culture company' founded by a group of intellectuals who were among the signatories of the "Intellectuals' Petition" and who count among their members Aziz Nesin, President of the Turkish Writers' Union and chief defendant in the "Petition Trial."

The aim of the conferences is to eventually try to fill some of the void created by the totalitarian order at the universities. The past six years have witnessed the eradication of critical thought at the university from the point of view of both students and teachers. Bilar's new activity is looked upon as having the potential strength for the formation of an alternative university. Under the present university system in Turkey, the teaching of the social sciences has been especially curtailed. In the meantime, new four year courses, under such titles as "History of Atatürk's Reforms," have been added to the curricula.

It is interesting to note that the announcement of Bilar's conferences coincides with the opening of Turkey's first private university, "Bilkent". Bilkent is to be run by a foundation headed by (and also essentially funded by) none other than the Chairman of the present Council of Higher Education, Mr. Ihsan Dogramaci. It has been said that this fact alone - that the regime has been forced to create its own private university - speaks for the bankruptcy of the YÜK system, as the present university system is called after the initials of both the Higher Education Act and the Higher Education Council.

The series of conferences are for the time being organized under the roof of Bilar's newly opened Science Center in Ankara. Some of the seminars planned for the coming year will be in the fields of architecture, law, city planning, history and political science. Although the students are expected to come from among those already enrolled in various universities, the courses will be open to all. Thus, for the first time in four years, some faculty members removed forcibly from their posts by orders of the Martial Law Commanders, will again be addressing "classes." Among them will be Prof. Erdem Aksoy (architecture), Prof. Cevat Geray (urban planning), Ass. Prof. Mete Tuncay (history), Prof. Cahit Talas, Prof. Alparslan Isikli (political Science).

We wish them a most successful academic year!

For more information - or just to send in your messages of solidarity - here is the address of the Bilar Science Center: Gazi Mustafa Kemal Blv., Onur Is Hani No. 148 Kat 6, Ankara, Turkey.

AZIZ NESIN SPEAKS IN LONDON

Aziz Nesin (President of the Turkish Writers' Union and Ekin-Bilar Inc.) paid a visit to London upon the invitation of playwright Harold Pinter, between 20 and 25 September. Harold Pinter, together with American playwright Arthur Miller had visited Turkey, earlier (March 1985) to extend their solidarity to fellow intellectuals there.

Aziz Nesin spoke on the 22nd of September in the writers' club "Groucho's" at the luncheon given in his honour by Harold Pinter, and, also at the Huckney Townhall. He related some of his close encounters with the police, and insisted that his speeches be taped so that there would not be later allegations of things he did not say, many of his humorous remarks fetching laughter from the audience. Nesin also said: "There is one thing to rejoice about, and that is the great potential for a democratic regime in Turkey. I do not want to give you examples of how little or in what measure human rights are respected in Turkey, or to what degree one may speak about a democracy. Many such examples have already been given by others; inhuman torture has been practiced on thousands of people, not hundreds but thousands of young men have lost their virility as a result of torture. There are subjects about which one may not complain oneself - say, a girl raped during torture cannot possibly make this the subject of a complaint herself. Turkey has undergone these sad events. There have been those who made a very poor show. There have been others who rose to the occasion, many intellectuals who resisted, under any conditions. What is important is for us to know ourselves.."

HAROLD PINTER ON TORTURE IN TURKEY

Harold Pinter, making some remarks on the occasion of his being honoured by the Hull University, recalled his visit to Turkey. Below are excerpts from these remarks:

" In 1985 Arthur Miller and I visited Turkey on behalf of International P.E.N. We met writers, artists, academics. Many of these people had spent some time in military prisons and had been tortured. They had been imprisoned for their ideas; they had committed no concrete act against the State. We met people whose lives had been ruined, both those who had been tortured and their families. Arthur Miller and I were invited to the American Embassy to meet the Ambassador. We discussed American support for the military regime in Turkey and conditions in military prisons. The Ambassador said to me: Mr. Pinter, I don't think you understand the realities of the situation here. You have to take into account the strategic reality, the military reality, the political reality. The reality to which I am referring, I replied, is that of electric current attached to your genitals. Sir, he said, you are a guest in my house, and turned on his heel. He had found mention of that reality offensive... We take refuge in finding offence in 'strong language', when it is the reality which is obnoxious, brutal and disgusting."

DEAR READERS !

We have been mailing to many of you the NEWSLETTER for the last four or five issues free of charge. Some of you have responded generously to our calls for support. Yet, as our mailing list grows, the funds coming in have not been growing sufficiently fast to cover the expenses. Even mailing expenses become considerable when one takes into account the fact that we have been sending the NEWSLETTER via airmail to overseas readers.

We have to inform, therefore, with our utmost regrets, those of our readers who have not been willing to make a contribution towards defraying the costs of the NEWSLETTER, that unless they do so, we will have to stop mailing them a copy.

Editors.

MORE ON PRISON CONDITIONS

"All of Metris screamed in unison but we could not make our voices heard."

The Human Rights Association submitted a report on the intolerable conditions in the Bartın (North Anatolia) Special Prison to the Minister of Justice Oltan Sungurlu. In the report it is said that the prisoners are given water direct out of the Bartın River to drink and the water is filthy. In many cases the prisoners are punished on no pretext at all, and refused "good conduct" which means they have to serve twice as long. As of the 21st of October, a number of prisoners of both sexes had been on hunger strike for 15 days. One of their demands was to put an end to the practice of placing prisoners shortly before the end of their term in wards where the extreme-rightists are interned. It was said that prisoners of leftist leanings did not have security of life and limb in these wards.

Mustafa Ekmekci, in his column in the daily Cumhuriyet, also reports that the prison authorities have been demanding money from the prisoners' families for the prisoners' food. Ekmekci writes, "because of the prisons, many families today, with their young and old, are criss-crossing Turkey from one end to the other, to be able to see their children, or their fathers or spouses. They see places they have never before seen, and meet with incidents they would never have imagined. They are consistently maltreated." (19 October)

A group of lawyers have submitted a petition to the Legal Counsel of the 1. Army pleading that medical attention be afforded to 96 prisoners in the Metris Prison. In the petition it is stated that even urgent cases may see a doctor with great delay. (5 October)

Below is an excerpt from the book *Bir Ses* (A Voice) where Mrs. Reha İsvan has related her prison experiences to Zeynep Oral. Mrs. İsvan spent 38 months in the Metris Prison while on trial for her membership in the Turkish Peace Association, and was only released on the 17th of February 1986. (see previous issues of the Newsletter).

"..I never decided beforehand on what my stance towards the various questions (whether one would submit to this or that, shout this or that slogan, ..etc.) would be. I would do exactly what keeping my human dignity dictated. This means, I would not shout a slogan about something I perhaps did not know, but I could not remain without making a sound when I sensed something being hit against the wall against which I was leaning in the ward, and then heard, 'Commander, this one has fainted.' I clearly could not remain silent when I saw girls being dragged in front of my door and beaten.

" - Did you ever shout slogans?

" - Well, I do not know whether you would call it a scream, or shouting slogans; you decide. We always had to scream in unison at the top of our lungs whenever anybody needed a doctor, "We want a doctor." Or, "Human dignity will overcome torture." These I also shouted.

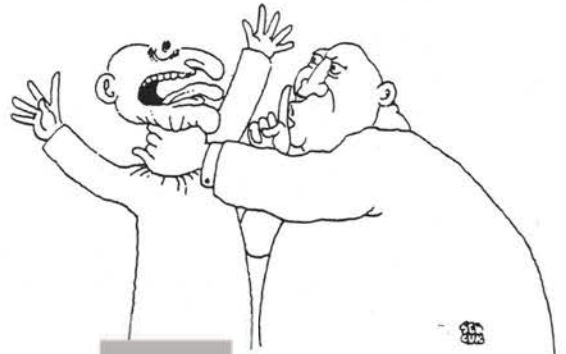
"From one of the countless petitions written to the Prison Commander by Mrs. İsvan: The night of the 2nd of Feb. 1985, at 10:40 pm I heard the men's wards calling in unison for a doctor. A while later, from the E8 women's ward came also a call for a doctor. I also called out, 'Is there no doctor in the infirmary, a doctor is being needed. ...I do not know if there were no doctor on duty. I would like to believe that our doctors who have taken the oath of Hippocrates would not refuse to come to the aid of a sick person. The calling out for a doctor went on for hours. ...The doctor did not come that night. The young man died a week later. It had been well known that he was sick - he had received treatment in the infirmary before. ...All of Metris screamed in unison but we could not make our voices heard.'" (From: *Bir Ses*, Zeynep Oral, Milliyet Yayınları, İstanbul 1986).

MISSING

The "disappeared people" (desaparecidos) have moved to Turkey.

Fikri Sağlar, member of parliament and General Secretary of SHP (Social Democratic Populist Party) has compiled a file on 253 persons who have "disappeared" since the military takeover on the 12th of September 1980. Sağlar said that in all the cases, the missing persons had been taken into police custody and then never again heard of. He said that he had compiled the list from reports in the press and from the minutes of court proceedings at Martial Law courts, and that the latter would indicate that a large majority of the missing persons were victims of torture.

Fikri Sağlar has stated that he will raise the question in the National Assembly and that he expects the Minister of Interior to answer as to the fate of the 253 missing. (6 November)



NEW PENAL CODE DRAFTED

It has been announced by the Chairman of the sub-committee for the New Penal Code, Prof. Sulhi Dönmezer, that the draft was now complete, and that he was in the process of writing up the preamble. (18 October). The New Penal Code consists of more than 300 articles, and was prepared by a committee of 23 over a one-year period. One of the members of the committee, Ass. Prof. Eralp Üzgen resigned last June, protesting the fact that the greater part of the draft had been presented to the rest of the committee by Dönmezer in a *fait accompli*. Reportedly, the complete draft will be forwarded to the Ministry of Justice within the month of November.

HUMAN RIGHTS ASSOCIATION DEBATE ON PENAL CODE

The Human Rights Association (see last issue) organized a panel discussion on the New Penal Code, on the 1st of November. Mediated by columnist Ali Şirmen of Cumhuriyet (defendant in the TPA trial), the panel consisted of Prof. Dr. Bahri Savcı (removed from his post at the university by Martial Law orders) Prof. Cetin Üzbec and lawyers Gülçin Caylıgil and Turgut Kazan. The speakers were unanimous on the drawbacks of having a penal code overhauled in an atmosphere far removed from being democratic.

Turgut Kazan has especially underlined the fact that the present draft is being drawn up under what seems to be extraordinary secrecy, and said: "Penal Codes are in some sense even more important than Constitutions, because peasants, workers, civil servants, students, young people, intellectuals, writers, artists, women and men, young and old alike, are liable to being tried under this law and deprived of their freedom. In no democratic country of the world, such an important undertaking as the overhauling of the Penal Code is conducted behind closed doors, in secrecy; this is even true of the discussions at the level of the sub-committee. Nevertheless, in Turkey, this draft bill - which incorporates extremely objectionable clauses with respect to human rights, as far as we can determine from those parts we have been able to see - is being hidden from the public and discussed in secret..."

EDITOR OF "GÖKYÜZÜ" FREED

The arrest warrant in the name of M. Adnan Akfirat, editor of the monthly youth magazine Gökyüzü was lifted by the Gaziantep Court of Justice and Akfirat was freed. The editor had been taken away from the offices of the magazine by plainclothesmen on the 7th of August and no explanation for his arrest had been given. (21 August)

PUBLISHER KIVANC REMAINS IN CUSTODY

Publisher Hüseyin Kivanc (see last issue of Newsletter), on trial with a demand for a 60 to 120-year jail sentence, for having "conducted communist propaganda via the press," has once more been refused his plea for release on bail. The decision of the tribunal was taken over the dissent of one of the members, Hon. Mahmut Bugdayci, who pointed to the fact that the crime was one of "thought" and that the defendant had already spent a long time in jail. (26 August)

JOURNALIST FACES BAN

Üzcan Üzgür, a journalist in the provincial town of Mugla who faces a professional ban because he has served a one year sentence on account of an article he had written, has put in an application for the "Poverty Fund." In his application, Üzgür states, "I am a former convict and handicapped in the first degree. At present I am employed by the 'İlkadim' daily newspaper. However, the Mugla Public Prosecutor has brought a case against my employer Tufan Dogu under the Press Law, which he interprets in a way that prohibits ex-convicts from working as journalists. If the case ends with a guilty verdict for my employer, I will be once more unemployed. Therefore, I would like to avail myself of the 'Poverty Fund' to be able to set up my own small business...." (4 September)

NEWSPAPER CLOSED DOWN

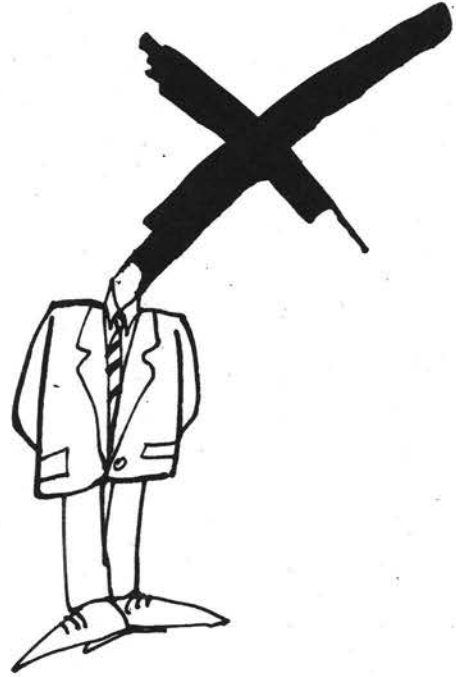
The weekly newspaper "Karacadag" published in the county of Viransehir (Sanliurfa, east Anatolia) has been closed down indefinitely. The newspaper had published accounts of how Captain Kadir Aslan, commander of the jandarmerie unit stationed in the village of Muratli, tortured the villagers and had made the old people of the village run the gauntlet. The Editor in Chief, Ferhat Üzer, had first reported the incidents in a news article, and had further pursued the subject in his column. The Governor of Sanliurfa, under Article 11/E of the Extraordinary Powers Act (although the state of Martial Law has been lifted in Sanliurfa, the Extraordinary Powers Act is in force, giving the governor vast powers) has banned the printing and the distribution of the newspaper indefinitely on the 1st of September. The ban was lifted on the 7th of the same month by a second order of the governor.

"CUMHURİYET" ACQUITTED

The newspaper Cumhuriyet, or more precisely, the Responsible Editor Okay Gönensin, on trial with a demand for three years in jail for having referred to the "Council for the Protection of Minors from Harmful Publications" as the "Harmful Council" in four different news items, has been acquitted on all counts. The judge ruled that "Harmful Council" had not been intended as an insult but was only a current pun. (10 September)

BOOK ON HOMOSEXUALITY FOUND "HARMFUL"

The Council for the Protection of Minors from Harmful Publications has found the book Homosexuality in Turkey, Past and Present, "harmful." The Council has ruled that the book be sold in a "pochette" (the equivalent of a brown paper bag). ((26 September) The author is Dr. Arslan Yüzgün.



CONGRESS OF THE JOURNALISTS' UNION

The ordeals facing the press in Turkey today were tellingly criticized during the 11. Congress of the Turkish Journalists Union. In the report submitted to the Congress, the following stand was taken vis à vis the "return to normalcy":

"While Turkey is at present undergoing a process of 'democratization,' the special measures brought against the press are intensified and made more restrictive, instead of the reverse.... Such practices coinciding with a handover of the power to the civilians by the military, are doubly remarkable."

Other speakers, including the Chairman, Oktay Kurtböke, stressed the fact that "it is impossible to speak of a free press while all the articles in the various Laws, starting with the Constitution, that oppose the freedom of thought, stay intact."

The Congress also addressed the subject of the Press Council (see previous issues of the Newsletter). After the case made for the Council by two members who were involved in its inception (Oktay Eksi of Hürriyet and Teoman Erel of Milliyet) a motion was adopted almost unanimously (except for the abstention of Erel) that the Journalists' Union should not take part in the efforts directed towards setting up this Council.

THE "LEMON" ON TRIAL

An investigation against the weekly humor magazine Limon (meaning lemon) has been started by the prosecutor of the Istanbul State Security Court, for having insulted "the armed forces and the Turkish nation." Both counts have to do with cartoons published in the magazine. The responsible editor of Limon, Tuncay Akgün, has already been questioned by the Security Court Prosecutor, and the cartoonist Güneri İcoglu is expected to be summoned in his turn. (26 October) This is the second process that will be brought against the magazine: it is already facing a suit by Prime Minister Turgut Üzal, for alleged insult.

RÜSTAV

NEEDED SUBSCRIPTIONS AND DONATIONS DIRELY NEEDED SUBSCRIPTIONS AND DONATIONS

CENSORSHIP EXTENDED TO MUSIC AND VIDEO

According to the new Regulations for the Supervision of Cinema, Video and Musical Works, video-cassettes and musical works will also come under the surveillance of a supervisory council to be formed at the Ministry of Culture and Tourism. For a preliminary screening of such works, sub-committees will be formed under the chairmanship of people appointed from among the Ministry personnel and staffed by representatives of the Ministry of Interior and the Office of the General Staff (!!!). These sub-committees will prepare reports, to the effect that the work is "positive, does not need further screening," or, that, "it should be further screened by the Supervisory Council." The Supervisory Council shall be made up of representatives of the Ministries of Culture and Tourism, Interior, Foreign Affairs, Education, of the Office of the General Staff, the National Security Council General Secretariat and the Department of Security, one producer, one importer and one "artist." The Council will judge those works which have been passed on by the sub-committees.

The Council will then draw up a report to the effect that the work is not suitable for distribution or viewing, if it is found that "it violates the unity of the state with its territory and nation, or national sovereignty, or incorporates criminal aspects with respect to the republic, national security, public order, ..public good, general morality or public health, or incites criminal acts in relation thereto, or is incompatible with the government's foreign policy, or the national culture, customs or practices." The Council will also screen the scenarios of those producers who wish to submit to such a pre-screening.

The ruling of the Council that a movie, video or musical work is not fit for distribution shall be incontestable, except at an Administrative Court. (5 September)

COMEDIAN GEZEN FACES TRIAL

The Turkish Radio and Television Institute is suing comedian Müjdat Gezen for alleged insults against the Institute and personnel. Müjdat Gezen said during his questioning at the police that his comments had been, "they had to open the second channel since only one was not enough to drain all the sewage." He added that it is really the viewers who should be suing the TRT Institute for all the third rate programs and the partisan news that they keep dishing out. (20 September.)

"1900" BAN CONTESTED

The internationally acclaimed film "1900" by Bertolucci (1984) has still not been shown in Turkey although it was imported in 1985. The censorship prohibited its distribution on the grounds that "it encourages the institution of the dictatorship of one class over another, that it conducts propaganda in this vein, that it depicts sexual relations in conflict with the public morality and that it carried elements harmful to the moral health of the public since it uses violence and force."

The company who imported the film in the first place is now contesting this decision at an Administrative Court. (21 Sept.)

"SWANN'S LOVE" EXPURGATED

While the number of films banned from television grows, the ones that are being shown are at times so mutilated in the name of "expurgating" them, that the TV viewers have a hard time following the plot. A recent case in point is the film version of Proust's "Swann's Love" (directed by the German director Volker Schlöndorff). The TRT Institute has announced, in the face of mounting complaints from viewers, that from now on it will screen the films before buying them so that it will not have to cut out too much. (2 October)

GUIDELINES FOR PARLIAMENTARY ART COMPETITION

The Grand National Assembly has announced a painting competition on the subject of "National Sovereignty and Peace." Among the guidelines for the prospective entries, are the following:

"1. The entries may not be contrary to National Unity, public morale or have the appearance of espousing a certain political line.

"2. The works to be entered into the competition should encourage the adoption of the fundamental views and principles on which the Constitution rests, as well as the basic qualities of the Republic, and develop in the viewers, thoughts and behaviour in keeping with these views and principles. The works should not have an aspect or composition that contradicts the principles of Atatürk or reflects certain ideologies." (No, this is not a matter of sloppy translation, we have really tried our best - it is not our fault it sounds the way it does. Eds.)

CULTURE MINISTER ON THEATER

Former Culture Minister Mükerrrem Tascioglu, two days before he exchanged his portfolio for that of the Minister of Labor let out why AST (Ankara Arts Theater. see last issue of Newsletter) had been refused state subsidy this year. We quote from Cumhuriyet: "If you turn your theater into a street rally, if you play Ibsen, you can be sure that you are going to get nothing (in the way of subsidies. Eds.). Don't make me lose my temper. You should play Ibsen, as Ibsen. You claim that the original text was adhered to. That is not what we have learned. Art is for arts sake, is it not? So! Don't spoil it, don't spoil it." (20 October) The play by Ibsen that is in question here is the Rhinoceros, staged by the AST repertory theater during the last season.

BOOKS EMBARGOED IN MILITARY PRISONS

The Association of Prisoners' Families has stated that most of the books taken to the prisoners by their families are not allowed in by prison authorities. (4 September) In fact, one of the ordeals facing families - mostly parents - of prisoners today is trying to supply their children with books that they would like to read or need to study. Although they finally secured a list from the Legal Counselor of the 1st Army, Hon. Colonel Durmus Aksin, of the books that may be allowed into the military prisons (in this case the Metris Prison in the Istanbul area), the next week the prison authorities once more refused to let books in that were on the list. Among the authors that are embargoed are Mehmet Ali Birand, Aziz Nesin, Erbil Tusalp, Neyire Üzkan, Dogan Avcioğlu, Vedat Türkali and among the magazines, Nokta and Yeni Gündem. It would still be tolerable if the same books were consistently refused. However, the ban may at times extend to German-Turkish dictionaries, Lexicon of Economics or say a text book on Nuclear Energy. At other times, it may be required that the same number of books be handed out as allowed in that week, or that no books shall be allowed altogether. (Yeni Gündem, 14-20 September)

SINGERS FACE TRIAL FOR SHP CONCERT

The folksingers Sadik Gürbüz and Ilyas Salman, who performed during the concert, "Anatolia in Song" organized by the Eregli branch of the SHP (see last issue of Newsletter), are now being tried at the State Security Court under charges of having exacerbated class, racial and religious differences of the audience and made communist propaganda, with sentences of up to 15 years being asked. (24 October)

EKIN-BILAR TRIAL REFERRED TO CRIMINAL COURT

The executives of the Ekin-Bilar Inc. will continue to be tried by the Ankara Criminal Court. Our readers will recall a case had been brought against the executives of Ekin-Bilar as well as the directors of the Ankara Arts Theater and the Cankaya cinema, on charges that Ekin-Bilar had organized events in the aforementioned theater and cinema halls without the due permissions. The case has been refused by the Ankara State Security Court, where it was first opened. It will continue to be heard by the 2. Criminal Court of Ankara.

"SEPERATISM" CHARGES FOR HISTORICAL MAP

A tourist guide in the small resort town of Kusadasi faces charges of "seperatism" for being in the possession of a map of the Ottoman Empire printed sometime before 1911 in Germany and designating East Anatolia as "Ermenistan" (Armenia), Northeast Anatolia as "Lazistan" and Southeast Anatolia as "Kurdistan." The prosecutor has stated that the map has been found in the office of the defendant Ersin Konum during a search conducted there and claimed that the map was evidence of Konum's seperatist activities. A sentence of up to 15 years is being asked. (10 September.)

TEACHER PENALIZED FOR READING

Tevfik Cavdar, then General Secretary of the SHP (Social-Democratic Populist Party), has given it out to the press that the primary school teacher Ibrahim Kasapoglu, of the Belevi village in the county of Cal (Denizli, West Anatolia) was first fined a fraction of his salary and then removed to another village school for reading the monthly teachers' magazine Öğretmen Dünyasi (Teachers' World), a progressive professional publication. (see previous issues for the arrest of Z. Saruhan, publisher of Öğretmen Dünyasi. Saruhan underwent torture before he was released.) (12 September)

DOCTORS ACQUITTED IN DEATH SENTENCE CASE

Members of the executive board of the Turkish Medical Association, on trial for seven months for having stated their views on the abrogation of the death penalty in a statement they submitted to the President, Prime Minister and members of the National Assembly, have finally been acquitted. The charges against them had been brought by the (former) Minister of Justice, on the grounds that they violated the Code of Associations by making a pronouncement that was not under the stated aims of the association. (27 September)

ASSOCIATION OF PRISONERS' FAMILIES HARASSED

The Association of Prisoners' Families has finally been accorded legal status. President Mustafa Eryüksel, in a press conference held on the 3rd of October, stated that the police constantly tried to intimidate their members. The last incident had been the detention of Sultan Celik, 44 years old and the mother of five. Mrs. Celik, who is a member of the executive committee of the Association was taken into custody ostensibly in connection with the bombing of the Kadiköy (Istanbul) county center of the ruling ANAP (Motherland) party, and held at the headquarters of the political police for 25 days.

CAMPAIGN FALLOUT

In the wake of the heated campaign leading up to the partial elections for 11 seats in the National Assembly, which took place on the 28th of September, during which Süleyman Demirel and Bülent Ecevit repeatedly defied the ban on the leaders of political parties dissolved by the military after the 12th of September (1980) to engage in political activity, charges have been brought against Ecevit on 33 counts and Demirel on twenty-odd counts of violating the ban. (8 October)

PEACE TRIAL CONTINUES TO BE HEARD

The trial involving the executive committee and other members of the Turkish Peace Association (known also as the Peace Committee for short) continues to be heard in the 2. Military Tribunal of Istanbul. The lawyers have asked that it finally be accepted that the Association did not acquire any conspiratorial aspect during its lifetime, as claimed by the prosecutor, and that all the investigations pointed to this simple fact. They have nevertheless asked for a widening of the investigation and for the examination of further witnesses. (17 October)



Members of the Turkish Peace Association at the latest hearing (17 October) of their case. Seated in the front row, from left to right are Atilla Coskun (lawyer), Turgut Kazan (lawyer), Reha Isvan (teacher), Mahmut Dikerdem (retired Ambassador, President of the Turkish Peace Association), Sefik Asan (teacher) and Ali Taygun (theater director).

UNDERSECRETARY OF STATE SCHRIFTER IN TURKEY

The US Undersecretary of State Richard Schrifter visited Turkey for a short period, principally to determine the present state of affairs with respect to human rights issues. Schrifter met with Abdullah Bastürk (President of DISK), Mahmut Dikerdem (President of the Turkish Peace Association), lawyer Turgut Kazan, among others. Abdullah Bastürk, in a statement made to the press after his meeting with the Undersecretary, said that, for democracy to function in Turkey with all its institutions and organizations, it was necessary first to see the DISK and TPA trials referred to civilian courts, rather than the Military Courts where they continue to be heard although Martial Law has been discontinued in Istanbul. (23 October)

EX-FACULTY MEMBERS' ASSOCIATION LAUNCHED

The fifth anniversary of the passage of the HE Act was marked not only by the students, but also by ex-faculty members who were either forcibly removed from their posts by orders of the Martial Law Commanders under the powers given them by the Law No. 1402, or otherwise forced to resign. The Association of Faculty Members, which has been formally registered and started functioning, has among its aims, the protection of the rights of all faculty members who have been removed from the university against their will, the encouragement of scientific endeavor, and the raising of funds to provide financial support and scholarships to successful scientists. The Chariman and General Secretary are Prof. Erdem Aksoy (former rector of the Black Sea Technical University) and Prof. Tahir Hatiboglu (formerly of the Gazi University), both 1402'ers.

The address of the Association of Faculty Members is as follows: Prof. Dr. M. Tahir Hatiboglu, Maresal Cakmak Cad. 61/3, Besevler, Ankara, Turkey.

ANNIVERSARY OF HIGHER EDUCATION ACT MARKED BY STUDENT PROTEST

The fifth anniversary of the passage of the Higher Education Act (6 Növ) was marked by the convergence in Ankara of two groups of students who had set out from Izmir and Istanbul on the 3rd and 4th of November, bearing the signatures of 12,000 students and parents under a petition asking for the amendment of certain clauses of the Higher Education Act. The main thrust of the petition is a call for the amendment of the 44. Article, stipulating that any student who fails two of his courses twice will be de-matriculated, regardless of his performance in other subjects. This demand was strongly, if tragically, underlined by the suicide of a student in Istanbul on the 24th of October. Isa Tanriverdi, a student of law at the Marmara University, was failing two of his courses (Roman Law and Civil Law) when he hung himself in the dormitory.

The students representing the student unions of the various faculties in Istanbul and Ankara, fifteen from each town, arrived and were met by a crowd of about 600 students on one of the thoroughfares into Ankara. The police promptly formed a cordon and informed the students they could not march into Ankara or they would be violating the Code for Marches and Demonstrations. About 120 students were briefly taken under custody. The thirty making up the delegation were, however able to enter the town, and marching with a space of 2 meters between them, made it to the National Assembly where they delivered their petition to the Speaker of the Assembly.

The other main issue raised by the petition was that of fees. Tuition had traditionally been free in all universities in Turkey up to the passage of the Higher Education Act of 1981. The students, many of whom come from not well to do families, claim that the present fees, which vary from faculty to faculty, represent a real barrier.

STUDENTS MOURN TANRIVERDI

The body of the student who took his own life when faced with the prospect of being thrown out of school for having failed two of his courses twice (see previous news item) was turned over to his father on the 27th of October, after a hardly justifiable four-day delay. Close to a thousand schoolmates, meanwhile, attempted to lay a black wreath at the administration building of the Marmara University where Tanriverdi had been enrolled. They were prevented from doing so by the police, who moreover took two students into custody. The other students then did not disperse, but protested their arrest by staging a sit-in in the yard of the Administration Building.

On all these occasions, the presence of more plainclothesmen than journalists, who made themselves conspicuous by trying to take pictures of each and every one of the students, was painfully evident.

The ruling ANAP party, meanwhile, have come up with the statement that all of these protests is a return to the days of anarchy before the 12th of September (1980).



A student after HEC's tase
(Yarin, 6/86)

POLITICAL PRISONERS MAY NOT GO ON WITH STUDIES

The joint undertaking of the General Directorate of Penal and Detention Centers and the Higher Education Council with respect to giving convicts and detainees a chance to enroll in higher education, has come to fruition. It has been announced that prisoners convicted of common crimes and those charged with but not yet convicted of political crimes may avail themselves of this opportunity, whereas prisoners convicted of "anarchical and ideological crimes" (means political, in the HEC jargon) may not do so. The joint commission has reportedly based their decision on Art. 54 of the Higher Education Act, which reads as follows:

Those students who engage in behaviour damaging to the state of being a higher education student and the honor attendant thereupon (either within the institutions of higher education or outside it), those who obstruct the freedom of education directly or indirectly, those who disrupt the peace and order and normal functioning of such institutions, those who participate in such activities as occupations, boycotts or obstruction of learning, or incite or encourage such actions, or behave in a way disrespectful of the personal dignity and honor of the members of the institutes of higher education, or take part in anarchical or ideological actions or incite or encourage such incidents, will, even in the case that such actions may separately be punishable by law, be penalized by a warning, a formal reproach, or suspension from the respective institution from a week to a month or from one to two semesters, or expulsion.

(20 October)

ALI NESIN CONVICTED

Ali Nesin, the young mathematician who was arrested and put on trial on charges of "inciting to disobedience of military regulations and insulting superiors in their absence" during his military service (see previous issue of the Newsletter) was found guilty by the Military Tribunal in Konya on the first count, and sentenced to five months in jail. (9 September) His friend Sevan Bedros Nisanyan got 6 months and 20 days for the two counts.

Lawyers have expressed their amazement at the fact that the sentences seemed to be tailored to the time already spent in jail by the two men (with a reduction due to "good conduct") while the minimum sentenced called for under the pertinent article of the Military Penal Code, even in the case of "attempt without success" was five years.

Dr. Ali Nesin would like to appeal the sentence, even though it does not entail his going back to jail - however the Tribunal has still not handed in the written version of the verdict with all the considerations (we know from the TPA trial that this can take months although legally it could be done within two weeks). Thus Dr. Nesin can neither appeal his case, nor apply for permission to travel, until the court delivers the written verdict.

Prof. Chandler Davis, on behalf of the Committee on Human Rights of Mathematicians of the American Mathematical Society has written to Prime Minister Üzal, (22 October) asking that the legal procedures be allowed to move with normal speed so that Dr. Nesin can return to his professional employment in Berkeley, California, USA.

FACULTY MEMBER CENSURED FOR ARTICLE

Disciplinary proceedings have been brought against Prof. Dr. Müfit Acarsoy (Medical School, Aegean University) by the rector of the university, for an article which appeared in the daily Cumhuriyet on 1 September 1986. Acarsoy, in the aforementioned article, asserts that the universities under the present system can not keep up with the times, that they have completely lost their dynamism and potential for development, and that the Higher Education Act - which can never be considered a reform - should be properly amended as soon as possible so that the universities can once more start functioning at a level that is to be expected of them. (18 September)

"UNFAIR TRIAL OF POLITICAL PRISONERS IN TURKEY"

Below we give excerpts from the report of Amnesty International by the same title, dated 3 October 1986. We have only been able to reproduce so much because of reasons of space. The report in its entirety includes references to the pertinent articles of the European Convention on Human Rights and other international documents having bearing on the subject.

3. Independence of the military courts

Article 6 of the European Convention on Human Rights provides that anyone charged with a criminal offence is entitled to a fair and public hearing by an independent and impartial tribunal.....

.....The independence of military courts in Turkey was originally provided for in Act No. 357 on the Status of Military Judges. However, in 1972 this position was eroded by several amendments to this law, the effect of which was that military judges became more clearly part of the military hierarchy. Judges who failed to be promoted for three years by the martial law commander could be dismissed. Judges who reached decisions "proscribed by law" could also be dismissed

.....Since 19 September 1980, the competence to appoint and dismiss military judges has rested with the Minister of Defence, acting in consultation with the Chief of the General Staff. The Minister of Defence may also dissolve a military court whenever he deems fit and have the cases pending before that court transferred to another court.

In practice, individual judges of military courts have indeed been transferred or dismissed during trials, especially in the course of political trials. Amnesty International has received allegations that such removals occurred when judges were considered too lenient or when they otherwise acted against the wishes of the military authorities. Such interference with the independence of the judiciary appears to have occurred especially during the first months after the military coup of 12 September 1980.....

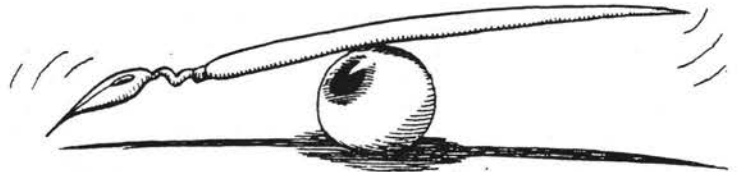
... Major Ustün Günsan, a military judge at the Ankara Military Court was transferred to Diyarbakir after he had complained about pressure being put on judges by the martial law command in a petition dated 27 November 1980. Another military judge, Colonel Hamdi Sevinc, was reportedly forced to retire in November 1980 after he had refused to approve the arrest of the leader of the National Salvation Party, Necmettin Erbakan. Colonel Ismet Aytug, one of the judges in the DISK trial (see below), is said to have been transferred from Istanbul Military Court for permitting defendants to make statements about torture.

The 1982 Constitution contains provisions on the independence of civil and military judges. But its entry into force does not seem to have affected the pressure put on military courts by the authorities....

4. Restrictions on the right of defence

... Amnesty International continues to receive reports that lawyers defending political prisoners are impeded in many ways, in particular by insufficient access to their clients and the denial of private conversations. Lawyers also frequently complain of having insufficient time to consult the file and to prepare a defence before the beginning of a trial.

Lawyers defending political prisoners have informed Amnesty International that they were frequently allowed to see their clients only for 10 to 20 minutes each week. In some cases this was further limited to five minutes per week. Detainees subjected to disciplinary punishments (e.g. for refusing to wear prison uniforms or for refusing to sing the national anthem) could not be visited at all. This situation could continue for long periods. Certain prisoners in Sagsmalcilar Prison in Istanbul did not have visits from their lawyers for several years. No visits are permitted either during the lengthy period of incommunicado detention immediately after arrest (when ill-treatment is most likely to occur).



In some prisons lawyer and client are separated by a glass wall and can only speak to each other via a telephone. In clear violation of rule 93 of the UN Standard Minimum Rules for the Treatment of Prisoners, conversations are monitored and taped by prison staff. Amnesty International has been informed that tapes of such conversations have been presented in court as evidence against the defendant. Conversations are subject to interjections by the persons monitoring and the consultation may be terminated if torture, prison conditions or other subjects disapproved of by the authorities are raised. In other prisons lawyer and client are separated by a high wall without being able to see each other and they have to shout in order to make themselves heard.

In certain prisons the defence lawyer is not allowed to pass any document, or even a copy of the indictment, to his client. In prisons where detainees are permitted to receive such documents, they may subsequently be confiscated or destroyed by prison guards.

Complaints to the courts about these interferences with the right of defence have generally met with the response that this was the responsibility of the prison authorities, not that of the court.

Defence lawyers acting in political trials have also themselves been arrested and brought to trial, apparently because of their professional activities on behalf of political prisoners. It appears that defence lawyers are frequently suspected of belonging to or sympathizing with the same organizations as their clients. In such cases the authorities seem to have identified the lawyers with their clients and not to have recognized their activities as the legitimate exercise of the right of defence.

One favourite device has been to charge defence lawyers with "insulting behaviour" for their statements in court. Charges of "insulting behaviour" have been brought against lawyers for claiming that a defendant had been tortured; for arguing that torture is systematic as a result of the 90 day period of permitted incommunicado detention; and for stating that the charges against their clients had not been carefully prepared by the prosecution. In an interview in July 1986 Can Ozbay, a prominent defence lawyer for political prisoners, said that he had been tried 16 times for such "insulting behaviour" in court.

The repression of defence lawyers has been particularly severe in Diyarbakir in eastern Turkey. Amnesty International has been informed that because of the risks to themselves very few lawyers have been willing to defend political prisoners in Diyarbakir, with the result that only a few lawyers were responsible for the defence of thousands of prisoners.....

6. Failure of military courts to investigate allegations of torture

..... In the Turkish press there have been reports of hundreds of defendants in political trials retracting statements which they alleged were made under torture. The reaction of the military courts to these allegations appears generally to have been most unsatisfactory. In some cases defendants were indeed acquitted on the grounds that statements to the police had been obtained under torture. In a few cases also, verdicts were quashed by the Military Court of Cassation on the grounds that evidence obtained under torture had been used as a basis for a conviction.

In numerous other cases, however, complaints about torture in police custody were simply ignored by the military courts. Often the presiding judge refused to consider such complaints and stated that they should be addressed to the public prosecutor or to the competent administrative authorities. If the defendants insisted, they risked being removed from the courtroom. Lawyers have also complained that allegations of torture have been deleted from the minutes of military court hearings.....



..... In some cases there have been more serious repercussions for defendants complaining about torture. In April 1983 a prisoner (whose name is known to Amnesty International but is withheld at the request of his family) made a detailed statement in court alleging that he had been tortured. He was subsequently informed by the prosecutor's office that proceedings would be opened against him on charges of false testimony and insulting Turkish officials. The prisoner in question told his family that proceedings had been opened against all defendants in his trial who had made torture allegations in court.....

7. Conclusions

- Military courts are not independent from the executive authorities, either in law or in practice.
- Lawyers defending political prisoners have been harassed and impeded in many ways, in particular by insufficient access to their clients and the denial of private conversations.
- Detainees charged with political offences have been subjected to excessively long trials and periods of pre-trial detention, amounting to more than five years in many cases.
- Military courts trying political prisoners have repeatedly failed to investigate allegations by defendants that statements had been extracted under torture.
- More than 48,000 political prisoners tried by military courts since the first declaration of martial law in December 1978 have therefore been sentenced to imprisonment or the death penalty after an unfair trial.
- Although martial law has now been limited to five provinces, military courts in provinces previously under martial law continue to function and at least 800 cases remain pending before them.

REPORT OF MISSION TO TURKEY -

Ms. Mireille SALMON, lawyer (Brussels)
International Association of Democratic
Lawyers

Ms. Mireille Salmon visited Istanbul between 26-30 of July to witness the pronouncement of the verdicts in the case against alleged members of the Turkish Communist Party. She went in the capacity of a legal observer in the name of the International Association of Democratic Lawyers. Below are the "Conclusions" which she draws in her report to the Association:

- The progressive movements seem to expect an important political change after the coming elections which will be held in 1988.

- Even though it is true that 10 political parties are allowed to participate in the elections, it is important to stress that the political parties which are opposed to the present regime have few means of expression and communication and that the media which represent them are inhibited by the fear of being censored.

- One has to stress that the sentences of imprisonment issued on the 29th of July (in the CPT case, Eds.) 1986 are very severe in most cases because sentences of internal exile and the revocation of the right to enter government employment are generally added to those sentences.

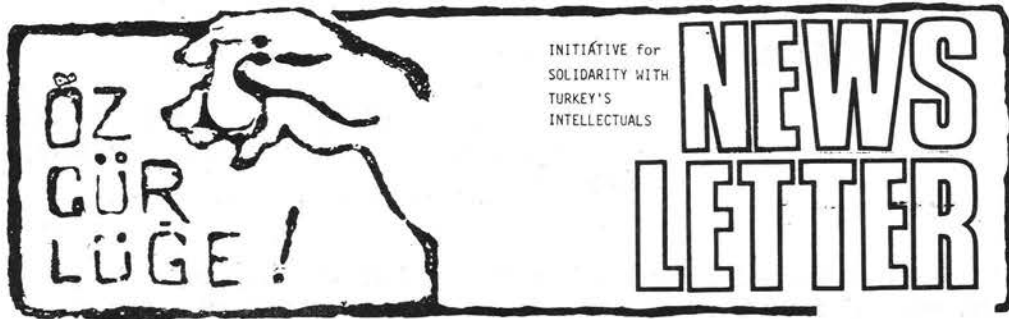
- Referring to the consultation I had with the representative of the Bar Association of Istanbul, the party in power insists on considering that the progressive movements and those opposing the government are on the payroll of the Soviet Union and are serving its interests.

- Finally, it is necessary to stress that, today, people are still persecuted because of their supposed membership in illegal organizations.. and that lawyers who intervene to defend the people of having committed political crimes are liable to get prosecuted themselves.

I am distressed about the absence of coverage by the foreign press and its lack of interest for the trial in Istanbul.

Active political work seems to be necessary on the part of associations such as the IADL to awaken or reawaken international public opinion. It seems to me that the next negotiations concerning the integration of Turkey into the EEC should be the occasion to recall that the Turkish Penal Code contains an arsenal of clauses intended to repress political offences, that the tribunals put these clauses into effect, and that in order to establish these "Offences", they frequently rely on anonymous reports from the police or testimony extracted under moral, if not physical torture.

Only, one must not overlook the fact that the integration of Turkey in the EEC will be, above all, determined by economic and commercial imperatives and that active work within the area of public opinion will be necessary to move most European governments within the EEC to enforce, without delay, the respect for human rights in Turkey.



The Initiative for Solidarity with Intellectuals in Turkey has come into being in 1984, with the solidarity campaign conducted on behalf of the signatories of the Petition on Democracy and Human Rights. The Initiative aims to foster the solidarity of intellectuals all over the world with their counterparts in Turkey, against the repression brought to bear upon them, especially in the fields of culture, in the sciences and arts, and thereby contribute to the process of democracy in Turkey. The Initiative is a voluntary group who seeks to bring together the contributions of concerned individuals regardless of nationality, towards the above aim.

The NEWSLETTER has first appeared in October 1985, and then started appearing regularly once in every two months since March 1986. It has an English and a Turkish edition. The NEWSLETTER hopes to be an instrument of better publicizing abroad the day to day ordeals and struggles of intellectuals of Turkey in their pursuit of a democratic society respectful of human rights, and a cultural and scientific life free of the arid and arbitrary restrictions they face today. It moreover hopes to be able to become one of the vehicles of this solidarity. It lives on subscriptions and donations.

* "Özgürlüğe!" (To Freedom!) - Design taken from a New Years' greeting by one of the leading painters and graphicists in Turkey and hand printed by his fellow inmates. Reproduced without the permission of the painter!

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