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TURKEY: TORTURE AND ILL-TREATMENT OF DETAINEES AND PRISONERS

On 7 December 1985 the European Commission of Human Rights approved a "friendly settlement" of the inter-state complaint against Turkey submitted by Denmark, France, the Netherlands, Norway and Sweden on 1 July 1982. Under the terms of the settlement, the Government of Turkey undertook to inform the European Commission of Human Rights at periodic intervals during 1986 of the measures it had taken to ensure the effective implementation of Article 3 of the European Convention on Human Rights ("No one shall be subjected to torture or to inhuman or degrading treatment or punishment"). A final report is to be prepared by the European Commission of Human Rights by 1 February 1987.

In spite of this undertaking, Amnesty International continues to receive allegations that both political prisoners and detainees suspected of having committed criminal offences are tortured or subjected to cruel, inhuman or degrading treatment or punishment, while in police custody and in military and civilian prisons. Although the Turkish authorities have stated repeatedly that all complaints of torture are investigated and that those responsible for torture will be prosecuted, Amnesty International has not observed any fundamental changes in the attitude or the practice of the police or prison officials in Turkey relating to the torture of detainees and prisoners during the past 12 months.

Incommunicado detention for 30 days is permitted in the five provinces still under martial law. In areas from which martial law has been lifted the 24-hour maximum detention period may be extended to 15 days in cases involving three or more persons, into which category most political cases fall. In areas under a state of emergency the detention period may be further extended by the order of the public prosecutor. In addition, prisoners may be taken again for interrogation by the police at any time in connection with new information. Most allegations of torture received by Amnesty International relate to ill-treatment of detainees in police custody either during their initial interrogation, or when they have been taken again by the police for questioning, after transfer to a military prison.

Amnesty International receives detailed statements from individuals about their torture only after they have been released from custody and usually when they have been able to leave Turkey. For this reason substantive documentation of torture allegations is rarely up-to-date, but during the

past year the Turkish press has carried material relating to recent torture and Cumhuriyet newspaper of 15 October 1986 reported that Fikri Saglar, the General Secretary of the Social Democratic Populist Party (SHP) was preparing a report on torture which would be based on information received by the party from people who had been tortured.

Translations (summaries) of some reports about torture which have appeared in the Turkish press are appended to this paper. Some of these reports refer to deaths in custody, or shortly after release (see pp 3, 4, 5-7, 7-8, 10 of Appendix I). Amnesty International has learned of eight such deaths between January-July 1986, alleged to be the result of ill-treatment during interrogation. Also appended are translations of statements made by three people who were taken into custody in Istanbul in July 1985 (Appendix II). They write not only about the treatment they received themselves, but about the torture of other detainees which they observed. Amnesty International has interviewed these three people, who are now living outside Turkey, and believes their accounts to be substantially true. What is clear from these accounts is that torture is still carried out as a routine practice at Istanbul Police Headquarters. Amnesty International has no reason to suppose that there has been any change since the events related took place.

Amnesty International also continues to receive reports of torture and ill-treatment in prisons. The beating of prisoners for disciplinary reasons is said to be common in all military prisons. In a document received by Amnesty International about conditions in Metris Military Prison in Istanbul, the prisoners themselves have written that torture and beating are the main methods of maintaining discipline in the prison. They refer to particular incidents, one of which occurred on 31 December 1985, when soldiers entered E-23 ward to carry out routine searches and counting of prisoners and took away three prisoners, Hasan Coser, Atilla Ozgur and Semdin Simsir for falaka (beating the soles of the feet). On 15 January 1986, the report continues, the prisoners in E-7 ward were taken out, their clothes were removed and they were beaten. During this attack Ibrahim Tataroglu's nose was broken and Bahattin Iscan lost consciousness.

Amnesty International considers that prolonged solitary confinement may amount to cruel, inhuman or degrading treatment or punishment of prisoners. The organization has received many reports that political prisoners in Turkey have been held in solitary confinement for several years and have had no contact with relatives, lawyers or fellow prisoners, or exercise in the open air. In December 1985 Amnesty International wrote to the Turkish Chief of General Staff about prolonged solitary confinement and other matters of concern relating to the treatment of prisoners in military prisons, but no reply was received to this letter.

The Turkish periodical Nokta, 29 June 1986, carried an article about the treatment of political prisoners in Ankara's Mamak Military Prison, from which the following is an extract:

"According to lawyers a considerable number of people have spent five to six years in the 52 isolation cells in Mamak's A-Block. Lawyer Ibrahim Tezan named the following inmates whom he represented: DEV-YOL [Revolutionary Way] defendants Oguzhan Muftuoglu, Ali Baspinar, M. Ali Yilmaz, Ali Alfatli, Seyid Kocakusak, Nasuh Mitap and Cahit Akcam have remained in the isolation ward of Mamak for five to six years... Lawyer Can Ozbay also provided names of his clients kept in isolation: MHP [National Movement Party] defendants Recep Kucukissiz, Irfan Guler, Seyfettin Top,

Selahattin Buyukoztekin and Senol Cevik. Beatings of open palms with truncheons were frequent..."

During the past year Amnesty International has also received reports of ill-treatment of political prisoners in civilian prisons. (Political prisoners are usually held in military prisons until the completion of their legal proceedings, when they are transferred to civilian prisons.) In June and July 1986 the Turkish press carried reports from several sources about bad conditions and ill-treatment of prisoners in Adana prison. Cumhuriyet, 9 July 1986, in a report of a PKK [Kurdistan Workers' Party] trial stated that: "Later, defendant Mehmet Akif Korkmaz and others complained of strip-searches resulting in beatings. 'We were again beaten today. If this continues, we will not submit our defence.' Meanwhile defendants Bedrettin Acikca, Mehmet Sen and Akif Ozdemir displayed bruises on their bodies to the tribunal."

Beating of political prisoners has also been reported to take place in the special "E-Type" civilian prisons of Malatya, Canakkale, Bartin, Mersin and Bursa. In October 1986 Cumhuriyet carried reports of a hunger strike by political prisoners in Bartin prison in protest against conditions there.

Although the Turkish Government insists that all allegations of torture are investigated, Amnesty International knows of many cases of alleged torture which have not been the subject of any inquiry on the part of the authorities. The best known of these is that of some of the defendants in the DISK (Confederation of Progressive Trade Unions) trial. Cumhuriyet, 9 October 1986, reported that reference was made once again at the DISK trial, during the reading of a general defence statement prepared by all the lawyers, to the formal complaints of torture submitted by some of the defendants which have disappeared from their trial dossiers. These complaints of torture which is alleged to have occurred in 1980 have never been investigated.

Many prisoners and former prisoners have spoken about the difficulties they have encountered in making formal complaints of torture. Sema Ogur is a former political prisoner now living outside Turkey. She alleges that she was tortured during interrogation at Ankara Police Headquarters in 1981. The Turkish authorities have maintained in response to Amnesty International's calls for an investigation into her allegations that Sema Ogur never made any complaint of torture, but she writes: "I explained all the tortures I had experienced when I appeared before the martial prosecutor, the martial examining magistrate and the court-martial committee [military tribunal] itself. Later on I explained the torture I experienced in Mamak prison to the same court as well. The court rejected my claims for prosecution of torture arguing that it was not their duty to investigate the case. These facts can be found in the documents of the trial."

Many other people have reported similar experiences to Amnesty International, frequently referring to punishments, including beatings, incurred as a result of having spoken in court about their torture. In one instance a defendant was reported to have received an additional sentence of one year and four months' imprisonment for "insulting the army" when he gave testimony concerning torture before a military court in Ankara.

Another aspect of the difficulty prisoners experience when trying to make complaints of torture is also illustrated by the case of Sema Ogur. On two occasions during her interrogation in February and March 1981 she was taken to a military hospital; once because she lost consciousness after having

been suspended for a long time and subsequently because she was unable to talk or move following a series of electric shocks. On the first occasion she pointed out the bruising and marks on her wrists to the doctor and asked him to make a report, but he replied that he was afraid of reprisals. In June 1986 the Turkish embassy in Washington DC wrote to a member of Amnesty International who had called for an investigation into her alleged torture that: "Ms Ogur's alleged mistreatment was found to be baseless by medical reports four years ago..." Amnesty International is not aware of which medical reports the embassy is referring to and knows of no investigation which has been carried out into her allegations, but time and time again Amnesty International has been informed of the inadequacy of the medical examinations which prisoners receive. In a report of a trial in Cumhuriyet, 19 June 1986, a defendant is quoted as saying in court, following the introduction as testimony of a doctor's report that there was no trace of violence on his body, that: "I spent 20 days in detention. I was filthy. When I was taken to the doctor, he would not let me near him. He looked at me from a distance. There are witnesses to the fact that I have been tortured."

Another report in Cumhuriyet of the same date dealt with contradictory medical reports on the physical evidence of torture in the cases of Hanefi Ozdemir and Hayrettin Dogan who had been detained in April 1986 on charges of smuggling. After their interrogation at Ankara Police Headquarters they were sent on 2 May to Yenimahalle Health Polyclinic but were returned to detention without having had a medical check-up. They were sent back to the clinic on 5 May when the official in charge, Dr Gungor Kaynak, stated in a written report that the detainees "showed no trace of blows, force, scratches, wounds, bruises etc. on their persons after a medical check in which they were stripped naked". The two men were then formally charged and transferred to prison. They petitioned the Public Prosecutor alleging that they had been tortured and that they still carried the scars of torture. They were taken on 9 May to Ankara's Legal Forensic Department and examined by Dr Gulgun Oktem who reported that the defendants suffered from yellow and purple bruises on their bodies and swollen soles [from falaka].

Amnesty International has repeatedly urged the Turkish Government to indicate its commitment to stop torture and uphold human rights by implementing certain measures, including the publication of clear instructions to all officials involved in the custody, interrogation or treatment of prisoners, that torture will not be tolerated under any circumstances, and ensuring that all detainees are brought before a judicial authority promptly after being taken into custody, and that relatives, lawyers and doctors have prompt and regular access to them. Amnesty International has also recommended that the Turkish Government should establish an impartial body to investigate all complaints and reports of torture. The Parliamentary Committee for the Inspection of Prisons and Detention Houses established by the Grand National Assembly, will not fulfill this function. In its report to the Speaker of the Grand National Assembly on 22 November 1985, it stated specifically that, "the Committee is not an investigating or prosecuting body" and that, "It is obvious that our Committee is not in a position to thoroughly investigate the validity and accuracy of such allegations [of torture]..."

APPENDIX I

Summaries of Reports from the Turkish Press



Cumhuriyet 17 January 1986

The photograph above is of Halil Demir, a sheep merchant, being held up by two other men. He petitioned the Public Prosecutor alleging that he had been tortured for three days in Adana's Koprubasi police station after having been detained on suspicion of theft.

Cumhuriyet 1 February 1986

Torture Allegation from Lawyer: Truncheon Plunged Into My Client

It was alleged that Arif Hikmet Iyidogan, detained for being in possession of "false identity documents", was tortured at the Ankara Security Headquarters by means of "electric shocks, insertion of truncheons into the anus, falaka [beating of the soles of the feet] and burning with lighted cigarettes".

It was further alleged that Iyidogan who had been detained in the Security Headquarters between 28 March and 18 April 1985 has not fully recovered from the torture he received despite three operations.

Arif Hikmet Iyidogan's lawyer Ersen Sansal has applied to Ankara's Yenimahalle Public Prosecutor to set up proceedings against police officers Husnu Gok and Serhat Okumus cited for torturing.

Lawyer Sansal in his submission to the Yenimahalle Public Prosecutor stated that his client was detained in Mersin on 21 March 1985 and brought to Ankara on 28 March. According to police documents, his client had been "sound and healthy" at the time of transfer and the handing over to Ankara police. However, the lawyer went on, for the entire period of his client's stay in the Ankara Police Headquarters until 18 April, police officers Husnu Gok and Serhat Okumus engaged in "inhumanly savage cruelty and torture".

Sansal added that: "The complainant Arif Hikmet Iyidogan has been subjected to all forms of incredible torture ranging from electric current given to various parts of his body, cold water baths, forced drinking of salty water, starvation, squeezing of his genitals, being scorched with burning rubber, falaka and collective beatings.

This cruelty which went on under the guise of interrogation also included bumps on the head from blows against the wall, loss of tufts of hair from being picked up and made to stand up by the hair, and the plunging into the anus of truncheons."

Sansal stated that there were witnesses to the tortures endured by his client and that these names and addresses had been passed on to the Public Prosecutor. In a statement made to Ankara Martial Law Court No. 1, one of these witnesses, Nurray Erdogan, put on record that: "Later, Arif Hikmet Iyidogan was brought with the help of a policeman to where I was being kept. There was some cotton wool on his right cheek and there was a wound on the right part of his forehead. That is what I saw."

Noting that the records kept during Iyidogan's transfer from the Security Headquarters to Mamak Military Prison confirmed reports of torture, Sansal said: "Evidence of beatings on the soles and swellings are in the records. Official photographs taken on admission to the prison show parts of the scalp where the hair has been pulled out."

Sansal went on to explain that as "torture under the guise of interrogation" continued, Iyidogan's ribs were broken, his lungs began to swell with body fluid and that the wound on his forehead became septic. On 5 April, his client had been taken to Ankara's Numune Hospital and operated

upon. About 1.5 kilogrammes of liquid were drained from his lungs and the abscess on his forehead could only be cleared with medical surgery. Sansal submitted medical records of his client's four-day stay in hospital.

The lawyer continued to state that his client was tortured in the Security Headquarters after being brought back from hospital treatment. Later, Iyidogan underwent a second operation in the medical ward of Mamak Military Prison. Later still, after his release, Iyidogan was operated upon a third time in a private clinic where bones were removed from his lungs. Lawyer Sansal concluded: "Arif Hikmet Iyidogan has yet to recover his health. His treatment goes on. He is still under medical supervision. The doctors say that he may need another operation. But more important than all this, like everyone who has experienced torture, his experiences have left indelible psychological scars. He has been unfortunate enough to experience the barbarity of being the object of inhuman treatment. The accused policemen are the ones who perpetrated this crime."

Cumhuriyet 5 February 1986

Falls Into Coma Under Detention - But Said to Have "Jumped From Police Station Window"

Coffeehouse owner Erhan Payasli's family have petitioned the Minister of Justice, the Interior Ministry, the Prefecture of Adana and Ceyhan Public Prosecutor, claiming that he was beaten into a coma by officers at Ceyhan Central Police Station. His family allege that after the discovery of some contraband playing cards in a shop adjacent to Erhan Payasli's coffeehouse, police took him to the provisional headquarters of Ceyhan Central Police Station and interrogated him. Following his release after the interrogation, a policeman returned to the coffeehouse to ask Erhan Payasli for a bribe of TL 50.000 to "cover the affair". When Payasli returned to the police station to report the request for a bribe, he was apprehended and put into the detention centre. His family explained that when they went to the police station to take blankets for the night in the cell, a police officer informed them that Payasli had thrown himself out of a toilet window and was now in a coma at a hospital. His family insist that Payasli, an affluent person, could have nothing to do with contraband playing cards. Neither would he, they argued, throw himself out of a seven metre window. The matter is being investigated by inspectors sent to Ceyhan by Adana's Security Department.

Cumhuriyet 11 February 1986

Mehmet Kemal, in his column on p. 8, writes about torture:

"...a police constable who was convicted twice of torture and received two prison sentences of eight and ten months, with another trial on torture charges still going on, is still carrying out his duties as a police constable. The Minister explains this situation with "The relevant

documents have not reached me".

Cumhuriyet 12 February 1986

Retired worker Yusuf Yildirim, father of Kenan Yildirim, who was given a sentence of five years after having been tried with a death sentence demand in the Kurtulus trial, was detained 27 times in Ankara because the police could not find his son who is in hiding. He was detained together with his other children and tortured in order to find out the whereabouts of Kenan.

Yusuf Yildirim said: "They squeezed my testicles, they gave me electric shocks, When my testicles swelled due to all this, I went to the doctor. He said, 'Either you have hit them somewhere or you have ridden on the bare back of a horse'. I was so afraid that I would be taken in again, that I did not tell him the truth.

At the police station they bent my knees and legs and put me through a car tyre. That must be what they call (as I have seen in the newspapers) the 'tortoise case'...

My most recent incident was four days ago when police took me from my home, put me into a car, pulled my hair, beat me and swore at me. I do not know their names, but I can recognize their faces.

The reason I have never reported this to the Office of the Prosecutor was that I was afraid in case they did worse things to me.

Sometimes the neighbours were also detained and their houses searched just to intimidate the whole neighbourhood."

Yusuf Yildirim made all these revelations at the Social Democratic Populist Party (SHP) Head Office in Ankara and said: "As long as the Prime Minister continues to say that there is no torture, we will go on saying and proving that there is. We are prepared to confront him and discuss this with him publicly."

Cumhuriyet 8 March 1986

Hasan Akin, who had been taken away for questioning by the security forces in Mardin, had been declared dead on his fourth day of interrogation. After applying to the authorities about the event, his mother said that she could not even see her son's body; she had been prevented from seeing it, and has asked for an autopsy.

Cumhuriyet 9 March 1986

Three teachers who had been detained by the police in Ankara have disclosed that they had been "crucified" during their interrogation. One of the teachers claimed that he had been left alone for four days in a cell and then was tied to a contraption looking like a crucifix. He stated that he

had been beaten while tied upside down to the crucifix, and he had been tied there three times during his 33 days of detention. Although he recognized the torturers, he was unable to give names, therefore the prosecutor had dropped his claims, he said. Other teachers also described the torture which they suffered at the hands of the police. All the allegations have been printed in the monthly Ogretmen Dunyasi (Teachers' World).

[In another report in Hurriyet of 11 March 1986, it is stated that following the publication of the teachers' report in Ogretmen Dunyasi, the publisher of the journal, Zeki Sarihan, his wife Senal Sarihan and two other people were detained. Amnesty International does not know if charges were brought against them.]

Cumhuriyet 16 March 1986

Ahmet Ceylan, a non-commissioned officer who had been found guilty of torture in Corum, has given himself up. He had been accused of killing Hasan Celik, a 61-year old man. In the autopsy it was revealed that the man suffered brain haemorrhage due to trauma. The Deputy Governor of Corum had claimed that "due to the high blood pressure of the man, he had entered into a coma when the officer shouted at him".

Cumhuriyet 19 March 1986

The Riddle of the Death of Ibrahim Polat

It is alleged that Ibrahim Polat from the village of Kutlubey (of Nusaybin district) did not die during a skirmish, but died while in the custody of the security forces.

Fikri Saglar, a deputy from Icel province, who is also a member of the Human Rights and Torture Investigation Committee of the Social Democratic Populist Party (SHP), went to Nusaybin to investigate the allegations. Ine Polat, the wife of the deceased told the deputy that her husband was taken away by the gendarmerie while picking grapes in the field, and his body was brought back the next day. The security forces, on the other hand, stated that the man jumped from a cliff during a security operation after receiving a tip-off. However, the Office of the Martial Law Commander (7th District) announced on 1 October 1985 that the deceased was captured dead after skirmishing with the security forces.

The wife, who does not speak Turkish, talked to the deputy with the help of an interpreter and told him what happened:

"While picking grapes we heard shots, but did not pay any attention. Then the soldiers arrived. They asked Ibrahim for his identification and then took him away. I told him not to leave me there on my own. He said, 'I am

going away with the soldiers, do not worry, I will be back'. I presumed he would be asked to be a guide for the soldiers. The next day I was called. I was six months pregnant then. Because I would not have been able to walk for long, I mounted on a mule and with my women neighbours, the village watchman (bekci) and the son of the muhtar we all went to the vineyard. There my husband was lying in blood between the soldiers. He constantly asked for water. When I propped him up to give him some water, his arm fell. It was broken, I think. The senior non-commissioned officer Haydar Colakci asked me where I hid the weapon. I told him that we did not have any. We are poor, where can we get a weapon? At that moment the commander of the commando unit, which was based at Kutlubey village, arrived and sent us back home."

Ine Polat stated that her husband was 22 years old and had finished his military service only 15 days previously. The following conversation was held between Ine Polat and the deputy:

Deputy Saglar: "How many soldiers were there? Who was their officer?"

Polat: "The non-commissioned officer (assubay). I could identify him if I saw him."

Ine Polat stated that the corpse was brought [to the village?] in a minibus with the help of her brother and father. The fee for the minibus was collected among the soldiers by a Captain Idris.

The other witness, Bayram Aldemir, the son of the village muhtar, said that the deceased was lying on his face in the field when they arrived there. He said: "His soles were swollen. His skin had peeled away. I think he was beaten on his soles by falaka. He constantly asked for water. Captain Idris asked me to hold Ibrahim up and help him to walk. We put him on the back of a mule and took him to the village. His situation got worse. I suggested that he should get some treatment at the Health Clinic. They [the soldiers] said that it was against orders and that he should be taken to the Gendarmerie Station. We left Ibrahim there."

According to the investigation carried out by the ANKA newsagency [which filed this report] it is revealed that the death was recorded in the Nusaybin Registry by his family as "death due to torture". Whereas his death was recorded as "suicide" by the Office of the Martial Law Commander and the Office of the Public Prosecutor, in document No. 1985/1575.

The deputy also talked to the Gendarmerie Squadron Leader, Captain Idris Sozer. He said that after receiving a tip-off about the meeting of four or five terrorists in the area and that Ibrahim Polat would guide them through the terrain, they went there. The captain said, "We followed their trail, when they realized that they would be captured, they jumped from a cliff. The others escaped, but Ibrahim was wounded. He has buried his weapon, he has hidden it. We captured him and interrogated him".

Captain Idris said that the interrogation was done in the open field. Ibrahim was asked to show the hide-out of his friends the next day. The captain claimed that Ibrahim jumped off a cliff when they set out on the road and that he committed suicide and died.

The Deputy Asks the Prime Minister About This Affair

The Icel Deputy Fikri Saglar has asked the Prime Minister in a written question the following questions:

- Who is the person who was killed during a skirmish on 28 September 1985, according to the announcement made by the Office of the Martial Law Commander (7th District) on 1 October 1985?
- Why has the Military Prosecutor claimed that he had committed suicide?
- Had the soldiers given any money to the deceased's family? Why?
- Why has not his corpse been shown to his family? Why have his identification papers not been given back?
- Has there been any investigation concerning this event? If not, what are the reasons?

Cumhuriyet 20 March 1986

I Do Not Expect Justice

Fehmi Isiklar, the General Secretary of DISK, claimed that the basic principles of the law were disregarded and that he did not expect any justice from the court. In his defence, he summarized his 107 days in detention. He said that he was first tortured on 20 September 1980 at Hasdal Military Prison. Then he detailed his predicaments by saying that he was forced to sign statements while he was blindfolded, he was tortured for five consecutive days; that afterwards he was unable to sleep for two days; that he was only able to sleep on one side for 45 days and that he had to take pain killers all the time. He said that he had written a petition about his torture to the Public Prosecutor, but his petition had been "mislaidd" deliberately. He claimed that the divine right of defence had never been fully used in the trial, and therefore one could not talk about law, logic or boundaries in the case, and if fair trial were possible, then none of the defendants could have been accused.

Nokta 6 April 1986

Justice: The "Beating Trial"

"He Was In No Condition To Speak: 'I Am Dying' He Said..."

Akin Tanis, aged 49, was a well-built man, 1.90 m tall and had been a graduate of the Air Force Officer Academy. After six years in the Air Force, he had migrated to Germany where he lived for 13 years, returning to Turkey in 1976.

Since 1976, he had taken a number of jobs and was regarded by his friends as a "gentle giant, affectionate and fond of social drinking in the evenings". His last job was as a motorcar salesroom attendant in Bakirkoy, a suburb of Istanbul. His life revolved around a triangle of the salesroom,

tavernas and members of his family.

On 10 September 1985, a contractor named Ziya Kaya alleged that Akin Tanis and his friends had threatened him with a pistol during a business meeting in a parking lot next to the salesroom where Tanis worked. Both Tanis and another parking lot attendant, Ismail Ako, were taken into custody. A few hours later, the owner of the motorcar gallery, Hakan Dilaver, was "bundled up" and brought to the police station.

In a statement given to the Prosecutor, Dilaver explained: "They said, 'Lock him up'. Akin and Ismail were there. Akin's mouth was bleeding. 'The Chief Superintendent roughed me up' he said, 'they want me to produce a pistol'. At about 21.00 hours they took us up again. Adem Yilmaz [Chief Superintendent of Bakirkoy Police Station - Tr.] hit our outstretched hands with a truncheon a few times. But he hit Akin's head against the wall. In fact, the lights went out, because his head hit the switch. When we said that there were no firearms involved, we were taken down to the cells again. At about 04.00 hours two policemen arrived and took Akin to the room opposite our cell. Apparently that was the "beatings room". We heard Akin's screams for 45 minutes. The Chief Superintendent was there. Later, the same police officers dragged Akin to our cell and threw him down. Akin was in no condition to speak, 'I am dying' he said. His shoes were missing."

In his statement, Ismail Ako confirmed this account and said: "Akin was stripped to his waist when they put him in the cell. His feet were swollen."

Hakan Dilaver had, in the meantime, contacted his friend Captain Nadir Goker, Bakirkoy's Military Induction Officer. In his statement to the Prosecutor, Goker said: "I demanded to see Hakan. They brought him over. His hands were swollen. He had probably been beaten. I also asked for Akin. When he arrived, he said, 'Brother, just look at me'. He was spitting blood. I was furious. I said, 'Call the forensic people'. When I said this, the police then said, 'Not to worry, we'll release him shortly'. I went back to the police station in the evening. When they were still there I became angry again and went to see the officer in command. When I said that the suspects had been beaten, he said, 'There is a pistol involved, let them bring that'. I walked out."

Thus, according to eye-witnesses, the Captain's close interest could not save Akin from being subjected to falaka in the early hours of the morning.

Akin Tanis was released by the Prosecutor's Office three days after his arrest. But then he was in a coma.

His employer Hakan Dilaver then denounced the police and demanded an investigation. On 2 November 1985, after 50 days in a coma, Akin Tanis died. His autopsy report stated that death was due to "acute trauma on his skull".

The policemen involved denied the charges when the Bakirkoy Prosecutor, on the basis of the autopsy report, launched proceedings. Chief Superintendent Adem Yilmaz told the Nokta correspondent: "We did not beat anyone. I repeat what I told the Prosecutor: the allegations are false."

Cumhuriyet 12 April 1986

Adana DEV-YOL Accused: "Notes We Made For Our Defence Are Confiscated"

The Adana DEV-YOL trial, which began four years ago in the Adana Military Court with 342 defendants, of whom 70 are still detained, has entered the stage of defendants' defence statements.

Defendant Adem Kutuk, facing the death sentence, stated in court that they had been searched down to their underpants before being brought to court. Defendants objecting to this had been beaten by prison authorities and they could not, therefore, prepare their defence statements.

Kutuk went on to explain that notes made by the defendants during the trial and intended to be used in their defence preparations were confiscated by the prison authorities as allegedly "organizational and political documents". He said that they could not be expected to prepare an adequate defence.

Defendant Salman Serttepe, meanwhile, lifted his shirt to show a bleeding lesion on his right shoulder. Informing the court that he had been beaten in prison, he asked the judges to send him to a sick-bay to stop the flow of blood.

Cumhuriyet 27 April 1986

Witness Sergeant: I Live In Fear

Fikret Birge, who stated last week that he was a national service sergeant during the incidents resulting in the death of Siddik Bilgin, said that he lived in fear after his eye-witness reports to the prosecutor. Birge's friends and relatives said that he had not been to his house for three days for fear of reprisals. Asked by Cumhuriyet why he did not report the case after his demobilisation, Birge answered, "I could not have done it then. I did it now".

Milliyet 28 April 1986

Investigation for Bakirkoy's Chief of Police and Superintendent

Bakirkoy's Chief of Police, Kemal Tosun, and his Chief Superintendent, Adem Yilmaz, are going to be the subjects of an investigation by the Ministry of Interior for allegedly being involved in intimidating behaviour.

It is alleged that they acted in a menacing way to lawyer Ali Ercan during

a court hearing of a torture case against three officers under their command.

Chief Superintendent Adem Yilmaz, along with officers Sedat Riza Sahin, Saban Yetisken and Sinan Bozkurt, are charged with causing the death of retired Air Force N.C.O. Akin Tanis on 10 September 1985. It is alleged that Akin Tanis died of "acute cranial trauma" after having his head struck against the police station walls. Charged with torturing the detainee Tanis, the police officers face between three to seven years in prison. The case continues in Bakirkoy Criminal Court No. 2.

Milliyet [European Edition] 1 May 1986

Witnessing Sergeant Tells of Bilgin's Death:
"30 to 40 Soldiers Shot At The Corpse"

Fikret Birge, who was doing his national service at the time, gave an eye-witness account of the death of Siddik Bilgin at a press conference organized at SHP headquarters.

Introduced to the journalists by Cuneyt Canver, MP for Adana, and Ali Ihsan Elgin, MP for Icel, Fikret Birge gave this account of the controversial incident:

"I had been posted to the Suveren Gendarmerie outpost. This was a special operations outpost. This meant that we conducted frequent operations in the surrounding villages. After information received by an informer, we conducted a search of Doganli village. Siddik Bilgin and a few others, whose names I cannot remember, had been denounced as militants of an illegal organization. We loaded them blindfolded on our vehicles. The soldiers began to beat Siddik Bilgin and his friends, saying, 'Tell us where the weapons are'. Bilgin kept on saying, 'I have nothing to do with this'. No water or food was given to the detainees for one whole day."

Fikret Birge said that Siddik Bilgin and his friends had been tortured for three days. He said:

"They were beaten until they lost consciousness. They then had buckets of water thrown on them to revive them. All this took place in the school yard. Three days later, Siddik was put into a Dodge truck and the others into a different one. Siddik Bilgin was in the truck I was on. He was motionless. That is when I realized that he had died. We came to a place called Kesan Mezrası. We descended. Captain Ali Sahin said, 'Bring Siddik down'. We put him on the ground face down. We moved back about 30 metres. The Captain ordered us to shoot. He was sprayed with bullets. Later, they radioed back to the headquarters and said, 'We shot him while escaping'. Siddik was buried with his clothes on in a grave scooped by bulldozer."

Birge also went on to allege that "The doctor for the district of Genc, Hurer Ercan, took a cursory look at Siddik's corpse and reported him dead". Answering a question from the press, Fikret Birge said that after the killing of Siddik Bilgin, Captain Ali Sahin had told the servicemen present that "This was the end of the affair. The secret would lie buried".

Milliyet [European Edition] 1 May 1986

"I Was Tortured For Seven Days"

An Executive Committee member of DISK, Kemal Nebioglu, said during his 300-page long defence statement that they had been tortured for seven days following their detention. Also, he stated that it had taken 111 days for the DISK defendants to appear before a judge [ie 111 days in incommunicado detention].

The preliminary investigation had been conducted at Davutpasa, in a venue referred to by the police as the "Imperial Marquee" (Otag-i Humayun). "They took us to a part of the building which had been used as stables during the Ottoman period", said Nebioglu. "We left our belongings, we were blindfolded. We were led into the "Imperial Marquee" in single file with myself, Basturk, Isiklar, Zirtiloglu, putting our hands on each other's shoulders."

Cumhuriyet 2 May 1986

A Farmer in Elazig Claims That His Intestines Were Ruptured After Torture:
"If I Die, It's Because Of The Sergeant-Major"

Farmer Hayrettin Kumargel, involved in a fight with members of the Bozova family which ended with both sides being summonsed by Baskil Gendarmerie outpost, claimed that he was tortured by Gendarmerie Sergeant-Major A. Riza Yucel.

Currently being held in the emergency ward of Elazig State Hospital and diagnosed as having a ruptured intestine, Hayrettin Kumargel stated that the Sergeant-Major had said, "How is it that you have no bruises after fighting with five persons", and then proceeded to punch and kick him in the abdomen.

Kumargel's family has petitioned the authorities. The commander of the gendarmerie unit concerned has denied the allegations of torture.

Yeni Gundem 5-11 May 1986

Allegations of Torture During ANAP Government: "I Was Forced To Sign The Report"

The inquest merely stated that the patient had died of "breathing difficulties". Hasan Hakki Erdogan had died between the hours of 24.00 and 01.00 on 30 October 1984. In fact, by the time he was brought to the hospital, he was spitting blood and had lost consciousness. He lived for

another half-hour. The three-line eight-sentence inquest report had, however, taken 15 days to prepare. This was because one of three signatories refused to endorse the findings.

Specialist Dr Sacide Erden told the Yeni Gundem reporter: "The patient [Hasan Hakki Erdogan - Tr.] was not able to speak when he was brought to the hospital. He was in no state to give an account of what had been done to him or what was the matter with him. There were seven or eight persons with him. They obstructed our work. We had to give the patient oxygen to enable him to breathe. This meant taking the patient to another part of the hospital. We were not allowed to transfer the patient. The police were very strict. Anyway, he did not live long enough."

Referring to the inquest report, Specialist Dr Sacide Erden said: "I did not prepare that report. It was prepared by my assistant Dr Nevrier Koylan. I resisted signing it for a long time. I even went up to see the Head of Department, Professor Dr Ahmet Sevim Buyukdevrim. He said, 'In the communication we received, there was mention of acute kidney failure and lung oedema. Let your report be in accordance with this. Sign it' and I was forced to endorse it. It was really impossible for me to do anything there at the time."

From one hospital to the other...

The report testifying that Hasan Hakki Erdogan had died of "respiratory insufficiency" was dated 15 October 1984 and written on stationery bearing the heading "Republic of Turkey, University of Istanbul, Faculty of Medicine Internal Diseases Main Subject". However, Erdogan had been taken on a round of hospitals. According to records kept by Istanbul Security Department Political Section, he had been sent to Gumussuyu Military Hospital on 29 September 1984, but the doctors there had refused to accept responsibility for the patient. The document from the Political Section contains a note to the effect: "Lesions on both ankles, armpits, on skin and the right hand". Erdogan had then been passed on to Haydarpasa Military Hospital where he was diagnosed as suffering from "acute kidney failure and lung oedema". One of the persons responsible for this diagnosis was Gunner Captain Operator Doctor Nevzat Aknar, a specialist in gynaecology and child birth. He passed Erdogan on to the Capa Clinic for Emergencies appended to the University of Istanbul. And it was at Capa that Erdogan was to spend the last half-hour of his life.

Fifteen days later, the inquest report stated that death was due to "chronic renal failure, acute left cardiac arrest and acute respiratory failure" and was signed by Dr Nevrier Koylan, Specialist Dr Sacide Erden and Head of Faculty of Medicine Internal Diseases Main Subject Professor Dr Ahmet Sevim Buyukderim.

According to the indictment prepared by the military prosecutor, Hasan Hakki Erdogan was the Istanbul regional head of TKP-ML TIKKO [Turkish Communist Party-Marxist Leninist TIKKO]. He had been detained on 18 September 1984. According to the same indictment, another detainee, Hamdi Eroglu, had said that he was going to meet Erdogan on 18 September at a rendez-vous and that Erdogan was detained by First Section officers lying in wait.

Huseyin Erdogan, Hakki Erdogan's father, went to the First Section after his son's detention and left a parcel of underclothes plus TL 5000 in cash. He was not allowed to contact his son. He was, however, provided with a note which stated "Father, I am well. I have received the money and the

clothes". But father Erdogan realized that the handwriting on the note delivered by a police official was not his son's. Neither was the signature. Father Erdogan proceeded on 28 September 1984 to send petitions to the Martial Law Prosecutor, the Martial Law Commander and the Governor of Istanbul stating that he feared for the life of his son.

When Huseyin Erdogan returned to the Security Department on 7 October 1984, a Superintendent there told him "Your son died. His body is in Cerrahpasa Hospital Morgue. Your son did not speak. If somebody has been in Istanbul for three years, that person ought to know a lot of people. He did not name a single one of his friends".

Meanwhile, Hamdi Eroglu, who had stated that he was to meet Hasan Hakki Erdogan at an appointed time, was now transferred from the Security Department to Selimiye Military Prison and Detention Centre where he submitted a petition stating that he had "been tortured during interrogation at the police headquarters" and that during his "period in detention he witnessed the torturing into a comatose state of a person called Hakki Erdogan who was then sent to hospital". Yet, by the time that this petition was written on 18 October 1984, Hakki Erdogan was long dead.

K-Desk B-Group

According to the court testimony by police officers Yilmaz Hemen and Seyfettin Bodur, cited in the fifth issue of Yeni Gundem in connection with the death under torture of Mustafa Hayrullahoglu, "The interrogation of TKP, TIKKO and IGD [Progressive Youth Association] suspects at the Security Department was being carried out by group B from Desk K". Officers Ali Can Ozgenler, Mehmet Yetis, Orhan Yaman, Engin Devren and Umit Baybek stood trial for what was proved to be the death of Mustafa Hayrullahoglu under torture. It transpired during the trial that the officials concerned used code-names during the interrogation. The names given by Hamdi Eroglu included the code-names "Yetis and Ibrahim".

Amnesty International

Erdogan's case did not escape Amnesty International's attention. On 18 December 1984 they wrote to the Turkish Ambassador in London, Rahmi Gumrukcuoglu, inquiring about Erdogan's death and received a reply which reproduced the above-mentioned inquest report. Amnesty International, however, had other sources of information and cited the case in its 1985 Report.

On the basis of the AI Report, SHP President Aydin Guven Gurkan was questioned by Socialist Group MEPs at Strasbourg and was forced to defend his position by saying that "the Government does not protect torturers; they are simply too lax in dealing with complaints", a statement which was to result in a protest walk-out by some Euro-MPs.

The last word comes from Serhat Bucak, a lawyer retained by father Erdogan: "Hasan Hakki Erdogan lost his life by being tortured during interrogation at the First Section of Istanbul Directorate of Security. This contradicts statements by Prime Minister Turgut Ozal claiming that there has been no torture since he came into office."

Yeni Gundem 14-20 May 1986

Shadow Of Torture On Medicine

On 9 April 1986 the lawyers of the late Mustafa Asim Hayrullahoglu submitted a petition to the Istanbul Chamber of Medical Personnel naming 26 members of that organization for practices contravening "medical ethics". [The list of names is provided in the article.]

The trial of the security personnel involved in the death by torture of Mustafa Hayrullahoglu on 16 November 1982 had ended with the sentencing of three officers to jail terms of 10 years 8 months and the acquittal of two defendants. The trial was inundated with medical reports contradicting one another. According to lawyers Ergin Cinmen and Atilla Coskun, the Forensic Medical Department contained doctors who "exhibited special skills to hamper the trial" of Hayrullahoglu's torturers, thus systematically "obstructing the course of justice".

Lawyers Coskun and Cinmen stated that the Forensic Medical Department, an organization which ought to be scientific and neutral, contained medical personnel who were present during torture as well as being implicated in torture by bearing false witness in cases referred for professional judgement.

After the list of 26 doctors presented by Hayrullahoglu's lawyers, the names of four other doctors from Kahramanmaras were to be added to a growing roll-call of doctors implicated in torture. It was alleged, for example, that Dr Erkan Mete was present during the torturing of suspects at Istanbul Security Headquarters. Other cases have emerged, such as the death under torture of TIKB [Revolutionary Communists' Union of Turkey] suspect Ataman Ince in October 1981. Some doctors had prepared a report stating that Ince had died of "tuberculosis". In the ensuing trial other doctors' reports came out with ambivalent statements like "there could be the possibility of torture, on the other hand there could not be". One such report actually emanated from the High Medical Council comprised of a veterinary surgeon, a pharmacist and the ubiquitous Professor Ihsan Dogramaci.

The controversial Dr Erkan Mete was amnestied in 1974 after being sentenced as a DEV-GENC [Revolutionary Youth] militant. In 1982, it transpired during a martial law trial that Dr Mete had been "assisting security forces" in a number of prosecutions. Sentenced prisoner Berkut Pinar cited Dr Mete as being present during his torture and added that there was a standard pro forma statement which Forensic Medical Department doctors, including Dr Mete, signed disclaiming any medical evidence of torture.

Another detainee, Irfan Cure, stated in an unrelated and separate trial that: "Although officials hide torture by saying that there is no such thing in Turkey, I was tortured. One of the persons present during my torture was Dr Erkan Mete whom I knew previously. I hereby declare that Dr Mete is guilty of torture".

Hamit Kapan, said to have been tortured for 200 days and cited in the confessions of the police torturer Sedat Caner, named Dr Erdem Gurunlu "who wore a white coat and examined me after each new torture technique" as a torturer. Dr Gurunlu was a founding member of Kahramanmaras Idealists'

Hearth Organization [a right-wing organization]. Despite the heavy torture he was subjected to, Hamit Kapan was given clean bills of health by Neurologist Dr Seyfi Sahan, Consultant Dr Cahit Evliya ("no signs of physical damage on the body") and the Head of the Psychiatric Department Dozent Dr Mehmet Unal. This evidence was challenged in court by lawyer Emin Deger on 22 February 1982. Lawyer Deger also presented to the court the detached toe nails of Hamit Kapan. The evidence, presented in an envelope, as well as other signs of torture were rejected by the military tribunal.

Other doctors, for example Surgeon Dr Cetin Kucuksaner, Lieutenant Dr Ensar Senturk and Lieutenant Ihsan Kasapgil, signed standard printed reports stating "No sign of physical violence has been observed" in the case, for example, of the 159 defendants in the TKP-Thrace trial.

Cumhuriyet 15 May 1986

"You, Too, Might End Up Dead Like Your Son"

A new case has emerged from the confessions of the police torturer Sedat Caner naming Mehmet Ceren as one of the persons tortured by the use of a technique known as the "Palestinian Swing" at Kahramanmaraş Teacher Training Institute's Sports Centre.

Vahit Ceren, the father of the suspect Mehmet Ceren, who died during torture, has recently appealed to the Kahramanmaraş prosecutor alleging that his son died as a result of torture. His application form Hz. 986/502 was handed over to the prosecutor on 2 May 1986. Father Ceren states that, upon hearing that he was wanted by the authorities, his son Mehmet Ceren gave himself up on 6 October 1981 to Adana Martial Law Command, that he was brought to Kahramanmaraş Martial Law Command on 18 October 1981 and that he was buried in the cemetery of his village three days later.

Vahit Ceren told reporters that his son's body was brought to the village on 21 October by three truck-loads of armed soldiers and that the body was buried immediately with no one being allowed to examine the deceased. Even the last religious rites of washing the body and uncovering the face were not allowed, he said. The body was buried under armed guard. The villagers were told that nobody was allowed to go near the grave. Vahit Ceren was told that he would end up like his son if he approached the grave. Sentries remained at the graveside for three days.

Police torturer Sedat Caner had already referred to the death of Mehmet Ceren and stated that he had been buried with his clothes on. He named General Yusuf Haznedaroglu, Major Nevzat Bekaroglu who is currently a Staff Officer at the General Staff Headquarters in Ankara and who was at the time attached to Martial Law Command, Necdet Kondolot who was the Head of the Political Branch at the time but is currently Deputy Chief of Security at Kahramanmaraş, and Caner's colleague Chief Superintendent Huseyin Gulersonmez and officer Bilge Akdogan who is currently stationed at Ankara Security Headquarters, as the persons who knew that Mehmet Ceren's death was not due to suicide.

Mehmet Ceren's father has called for an autopsy of his son's body and for

the punishment of the persons cited by the self-confessed police torturer Sedat Caner.

Yeni Gundem 19-25 May 1986

Hunger-Strike At Amasya Prison

Six inmates of Amasya Prison facing the death penalty, Baki Altin, A. Fazil Ozdemir, Mehmet Tekbas, Emrullah Gemici, Ahmet Kinali and Remzi Kucukertan, have gone on indefinite hunger-strike as a protest against ill-treatment by the prison authorities.

At a recent press conference, the relatives of two of the hunger-strikers, Riza Tekbas and Zahide Gemici, stated that there was "inhuman treatment involving falaka to the feet, to the back and the backsides, physical torture, very long periods of solitary confinement, confinement in cells, religious and ideological pressures" being practised by prison authorities.

Riza Tekbas and Zahide Gemici have submitted petitions to Istanbul's First Army Prosecutor, the Ministry of Justice, the General Staff Intelligence Department, SHP Human Rights Commission, the Prefecture of Amasya, Speaker of the National Assembly and the Interior Ministry calling for an end to ill-treatment and requesting that reading materials be allowed as well as lengthening the periods allowed for recreation in the prison courtyard.

This is how Baki Altin recounted instances of prison treatment to one of his relatives: "We were brought singly to dark cells... There, under the orders of the Prison Director Necati Oztekin and under his supervision, we were subjected to falaka until losing consciousness. Then we were immersed in cold water. Necati Oztekin, Mehmet Ince and other warders were present in the 20-minute torture sessions. The Prosecutor was aware of these tortures. He did not even process our formal complaints."

According to the family members of the inmates concerned, the Prison Director threatened the inmates facing the death penalty by saying: "If I want, I can cancel the half-hour you are allowed in the courtyard. This is too lenient for the likes of you."

Cumhuriyet 24 May 1986

Crisis At Izmir State Security Court (SSC)

A crisis has developed over the interest shown by the US Consul-General in Izmir concerning the detention of Servet Ziya Corakli and his indictment by the SSC for allegedly attempting to distribute "leaflets disguised as bags of sweets" one day before the scheduled rally held by TURK-IS, the country's main trade union confederation.

The controversy emerged when the US Consul-General attended a SSC session trying Servet Ziya Corakli. Newspaper reports alleged that the Consul, Mr. Adams, was briefed by the Presiding Judge and was also shown court documents.

Defendant Corakli's lawyer Esen Yucel stated that his client was the chairman of a cine-club and a member of the PEN Club. Esen Yucel said that his client had been tortured and that this had been raised in the United States Senate. It was possible that the interest shown by the US Consul resulted from representations made by Amnesty International and PEN Club.

Lawyer Esen Yucel also said that his client was told by his interrogators at Izmir Security Headquarters First Branch that he would "now be subjected to the tortures described by Sedat Caner in Nokta". The policemen concerned then proceeded to carry out their threats.

Servet Ziya Corakli and three others are charged with being members of TKP-B [Turkish Communist Party-Union] and attempting to distribute "leaflets disguised as bags of sweets" twenty-four hours before the aforementioned TURK-IS rally. The Presiding Judge of Izmir's SSC disclaimed showing court documents to the US Consul-General and said that there was no medical evidence of Corakli ever having been tortured. He said he had no comment to make over the resignation of the military and civilian judges comprising the SSC tribunal involved in the case.

Cumhuriyet 7 June 1986

Families Of The Detainees: "Repression Against Defendants Continues"

Executive members of the Families of Detainees and Prisoners' Aid Association (FDPAA) alleged that "repression" of defendants being held at Metris, Amasya and Adana prisons is continuing.

In a press conference organized in a coffeehouse in the Yildirim district of Istanbul, officials of the FDPAA accused the prison authorities of arbitrary and harsh treatment against inmates in prisons, including detainees currently on trial.

Zekiye Canan, sister of prisoner Yadigar Adiguzel currently held at Metris Military Prison, claimed that her brother suffered from a heart condition but was denied medical help. "He cannot diet. They will not buy him medicines", she said.

FDPAA officials also drew attention to "immoral" strip searches of the inmates and claimed that these resulted in beatings with the prisoners being covered in blood. Torn pairs of trousers were displayed during the press conference.

The press conference was also attended by Mrs Elmas Eren and Mr Kemalettin Eren, parents of Hayrettin Eren who has not been found despite a six-year search by his family.

Mustafa Eryuksel, a FDPAA spokesperson, said that some families did not

even know of the grave where they could leave flowers for their dead relatives. "Our duty as human beings", he said, "is to investigate, research and reveal the chain of disappeared persons who have become a bleeding wound upon our society".

Cumhuriyet 7 June 1986

Oktay Akbal's regular column

(A review article of Erbil Tusalp's new book Transcripts of 12 September: A Thousand Witnesses, Dost Yayinlari, 1986, in Turkish)

...As I was reading A Thousand Witnesses a letter from Amasya Prison arrived. Yet another item of proof, another account of our reality... It would be useful if we read it together:

"We were sent to Amasya during the last months of 1985. At the reception to the prison, we, the political prisoners, were searched in an immoral way [The reference is to strip-searching - Tr.] and had our heads shaved forcibly as well as being told to wear prison uniforms. We reacted to this torture and humiliation according to the dictates of human dignity. We were then brought singly to dark cells measuring 2 square metres and 1.75 metres high and were kept in these for 15 days. During this period we were beaten unconscious by warders by the application of falaka to the soles of the feet, the back and backsides. We were immersed in cold water. During this period we were also subjected to being kept awake at nights, a ban on smoking and 'arbitrary night beatings'. The prison authorities arbitrarily prohibited us from receiving visitors for three months so that the traces of torture would heal and they held on to our petitions complaining about our maltreatment. Political prisoners are still denied access to fresh air in the prison courtyard; torture as well as solitary confinement continues. While no books are purchased by the prison authorities, copies of a local Islamic fundamentalist journal called Crescent (Hilal) is circulated amongst the inmates. Our legal files, books and notes have been confiscated. Our right to defence has been infringed. Political prisoners are encouraged to confess [under provisions of the Law on Repentance - Tr.]. The daily counts of the inmates involve abusive language and immoral swearing and when we ask for the reasons for such behaviour, this leads to punishment by solitary confinement. Sanitation is non-existent in the wards where political prisoners are kept and we are at the mercy of insects and vermin. No provisions are made to stop this and the Prison Director threatens us with rotting under these insanitary conditions. Ordinary criminals have access to TV, but political prisoners are denied this."

Cumhuriyet 19 June 1986

Two Different Medical Reports On Torture

Contradictory reports on physical evidence of torture were given by two separate doctors attached respectively to Ankara's Yenimahalle district Health Polyclinic and the capital's Legal Forensic Department.

According to the ANKA agency reporter, Hanefi Ozdemir and Hayrettin Dogan were detained in April [1986] on smuggling allegations dating back to 1980. After being detained for some time at Ankara Security Headquarters, the pair were sent on 2 May to Yenimahalle Health Polyclinic, but were returned to detention without a medical check-up. Sent back to the polyclinic on 5 May, the official in charge, Dr Gungor Kaynak, stated in a written report (No. 818) that the detainees "showed no trace of blows, force, scratches, wounds, bruises etc., on their persons after a medical check in which they were stripped naked".

The defendants were then arrested and sent to prison.

Hanefi Ozdemir and Hayrettin Dogan subsequently petitioned the Public Prosecutor alleging that they had been tortured and that they still carried scars of the alleged treatment. The pair were then taken to Ankara's Legal Forensic Department on 9 May and examined by Dr Gulgun Oktem who reported that the defendants suffered from yellow and purple bruises on their bodies and swollen soles. Dr Oktem's report prescribed periods of seven and ten days of rest respectively for the two defendants.

The contradictory findings of the two doctors were passed on to lawyer Necati Siyahkan who promptly passed on the information to the Turkish Medical Association for their immediate attention.

Cumhuriyet 20 June 1986

Witness: "The Young Defendants Could Not Stand On Their Legs"

In the main Dev-Yol [Revolutionary Way] trial being held in Ankara's Military Court No. 1, now entering its fifth year, witness Ahmet Cokelek, a former headman [muhtar] of Huseyin Gazi District, told the court that the five or six defendants brought to the locality for a re-enactment of their alleged offences could "hardly stand up". "I was surprised" the witness said, "these were young people. They should be able to stand up on their two legs even if they carried heavy loads on their backs all day. I did not notice any traces of bruises or wounds on their faces or the parts of their bodies I could see".

The main Dev-Yol trial involves about 700 defendants, of whom 106 are still kept in detention. The witness was called in connection with an "appended indictment" [ek iddianame] involving 77 of the defendants concerned. They are charged on nine accounts of murder and 62 incidents involving robbery. The witness Ahmet Cokelek was called in connection with the killing of Ismet Bodur.

Cumhuriyet 25 June 1986

Diyarbakir Martial Law Prosecutor's transferred trial of 12 charged with TKEP [Turkish Communist Labour Party] offences began in Izmir State Security Court. Defendant Fahri Ilıcın stated under cross-examination that he had been detained for 27 days in the Security Headquarters where he was suspended by his limbs, subjected to falaka, starved and thus subjected to various tortures.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA MERKEZİ
TÜSTAV

APPENDIX II

The following testimonies were given to Amnesty International by representatives of the Turkish Socialist Workers Party (TSIP) abroad. TSIP was founded in 1974 and operated as a legal political party in Turkey until the military coup of 12 September 1980 when it was banned together with all other political parties and organizations. It has since continued its non-violent political activities clandestinely.

On the night of 30 June - 1 July 1985 from 0.00 hours police descended on various houses in various cities in Turkey and took tens of men, women and children into custody. The subjects of the "Zero Hour Operation" were members and supporters of TSIP and their families.

Amnesty International interviewed the people whose testimonies are given below and believes that they provide an accurate account of the treatment received by the members and supporters of TSIP and their families.

TESTIMONY 1

Mrs. Nesri Yilmaz, a 38 year-old teacher, taken into custody together with her two children without any direct charge against her, just in order to put pressure on her husband. She testifies:

"In June 1985, when my husband did not appear for two days, I understood that something was wrong. They came to our house following the second day of his disappearance. There were 20 policemen, half of them carrying automatic guns. It was 02.30 am. From outside they shouted at us to open the door otherwise they would break it. I opened it. When they entered I told them not to go inside my children's room. But a five-man team with guns rushed to their room also. From the very beginning they openly said that we had been under police surveillance for a long time and they supposed I had nothing to do with what was going on. Although some of them hesitated to take me after they searched every corner of the house, the team-chief said "MIT [National Intelligence Organization] wants her to make her husband talk". I was worried about my children as there was nobody to leave them with. The policemen said that the children were to come along, too. I woke up my older daughter (she was nine years old). She looked around and, unexpectedly for her age, she calmly told me to go and get dressed while she woke her six year-old sister up. I will never forget the expression on her face. She was trying to wake up her little sister and at the same time she was keeping an eye on the guns. They put us in a police van: there were other people in the van but we were not allowed to look around. They took us to several homes where they continued their operations and they became angry when they could not find people at home. My little girl was sleeping on my lap while the older one was fully awake. They took us to security forces central building [Istanbul Police Headquarters] and put us in a room where we heard screams until the morning. My daughter told me, "Mother, mother, I can hear my father's voice, they are beating him, they are beating him". All my efforts were in vain, I couldn't prevent her hearing the screams and cries. She could not sleep and became a kind of robot continuously repeating, "They are beating my father".

Each day the interrogations started at 9.00 am and lasted until the next morning at 4-5 am. We learned that very soon.

That morning the screams continued until 4 or 5 am. In the morning my younger daughter woke up asking what kind of hospital it was and why the doctors did not show up. (We had told her we were in a hospital.) My older daughter told me to put on some make-up so that "They should not understand that we are afraid". Around 9.00 am they took us to a children's room. This was a room right next to the interrogation (that is torture) room. From a mirror type window on the wall, the people in the interrogation room could see us (the women and children), but from our side we could not see who was in the other room. In the so-called children's room there was a very dirty mattress and a couple of chairs. There was another mother and daughter together with us. While we were in that room policemen came several times cursing and shouting at me, "Look, woman, tell your husband to talk, or else you will stay here". My children heard these threats continuously and they cried as they were afraid that I would be taken to torture, too.

That evening a policewoman playing "the good police" came along pretending to be very sympathetic and understanding. She told me to tell her the truth! She said, "We already know all details about your life. We know you have nothing to do with your husband's activities. But tell us the names of the people who came to your house". As a last word that policewoman gave me some advice (!). She said, "Honey, if I were you, I would divorce this man. He got you into trouble". That same day around 6.30 pm when they heard a loud shouting my children ran to me. It was my husband. They were bringing him, beating and cursing. He was blindfolded. They put him in the room facing our room in the corridor and the doors were open. My children watched their father with horrified eyes. Then they took me to that room where my husband was. They told him that unless he talked they knew what to do with me and the children. My husband recognized my voice. Then he said, "I don't care if they die" and I understood he was not going to talk and was trying to save us. They hit him and kicked him. After they took him away, the policewoman again came and told me, "Your best friends are cursing your husband", thus trying to provoke me. I was terrified to see my husband in that position, he could barely walk and was holding his abdomen. That night we again heard screams until 4.00 am in the morning. During all this time we were left hungry, including the children. After the second day they asked the names of people who could take care of our children and relatives started to come and take away the children.

On the second morning at 9.00 the infamous interrogation started again. They brought people - including my husband - from downstairs to the interrogation room next to our room. As the door was opened we could see these blindfolded men and women as they passed along the corridor. All we could do was to give a message that we were fine. While we were going to the washroom, although they told us not to look around, my older daughter suddenly moved towards her father who was blindfolded and on his knees in the corridor and whispered, "We love you, father". We - all the women and children - repeated the same thing to other blindfolded, tortured men there. The children stayed with us three to four days without eating anything. My older daughter on one hand wanted to leave immediately, but on the other hand did not want to leave me behind. When the relatives came to take the children, the five year-old daughter of my room-mate wanted to see her father. They brought her father with his face carrying all the inhuman imprints of torture. The girl asked him, "Why is your face so purple?". He told her that he fell down. We could understand that she did not believe him. She kept quiet and only asked, "Father, when are you going to come back?". I could not kiss my daughter to say good-bye; when one of our relatives came she wanted to leave at once and did not even look behind.

After the children went away they took us downstairs to one-man cells. There was a small opening in the door and that was to be kept closed, too. The odour and dirt were unbearable. As I have mentioned above, from 9.00 am to 4 or 5.00 am next morning they were taking people from the cells upstairs to the interrogation room to be tortured. I secretly opened the small window on the door to see my husband when they took him upstairs. To see your husband taken to torture is such a terrible experience that it cannot be described. The same thing was true for husbands seeing their wives taken to torture. When I saw my husband with an unrecognizable face, I cried. One of his eyes was completely closed, his face was purple all over and he could not walk.

In the cells they only let us go to the toilet once in eight hours and sometimes not even that often. That was a kind of torture according to them. One day I got ill and wanted to go to the washroom. The policeman said, "Urinate in the cell". I said I was not going to do that. He was furious and he opened the door and shouted that if I again disobeyed the police he would do everything "to teach me a lesson". When the families sent meals from outside, the policemen poured them into waste-bins in front of our eyes. During 30 days (the official incommunicado detention period at that time) we could only wash our hair once or twice and that was because there were all kinds of insects in the cells. We suffered from continuous headaches. One day through our secret conversation during toilet cleaning, we heard that a woman was in a terrible condition in the interrogation room upstairs. Later she came down; I heard someone whispering, "Finally they brought her down". [That was Mrs. Y, and a co-defendant testifies about her situation in TESTIMONY 2.]

In the cell I was seeing my children in my dreams and dreams were turning into reality with wild shouts and screams. I started believing that the pictures drawn on the cell walls by previous inmates were pictures of my children. One day I heard them taking my husband out of his cell. Secretly from my small hole I could see the torturing policeman forcing my husband to drink milk. (Later I learned that the doctor advised the torturers not to go further, otherwise he would die.) The policeman pushed my husband's face into the milk ordering him to drink.

When they took me for interrogation, because they knew about my poor health condition and that I had recently had surgery, they were satisfied only to hit me on my head heavily! They hit me on my head and face telling me that I was lying. At the end of the 30-day detention period they put us in front of TV cameras. Millions of people - including our children - watched us as if we were criminals. At that time we had not even been taken to court to be tried. They had already given the sentence and announced to everyone that we were criminals by showing us in the TV news programme.

After the TV appearance our stay in the security building ended and we were transferred to a military prison. When we entered we said that we had come from cells full of vermin, thus forcing them to let us wash ourselves. This was the first time we were allowed to take a bath. In the military prison we women were called out for roll-call twice a day, morning and evening. During the roll-call in the prison yard our hands were handcuffed and we were continuously subjected to questions: "What is your name? Why are you here? What did you do?" They asked us so many times that our brains were almost paralyzed. I remember, one day during a roll-call the first woman in the line could not answer when she was asked her name.

Some time later they took us to court. That day from 6.00 am to 2.00 pm we stayed with our hands tied behind our backs. They did not untie them even when we went to the washroom. So there was no point in going to the washroom. In the court they temporarily released some of us. In fact they knew from the very beginning we had done nothing to warrant our detention. But this is purely a political case. And I should say the last torture for us who were released after the court hearing was our stay in the hot, metal police van on our return from the court to prison to complete the release order formalities. They stopped the traffic to give way to some general's car and we waited for hours, some women fainting from heat and hunger.

And I will never forget my daughter's reaction to the words of a radio speaker announcing the official declaration that "there is no torture in Turkey". When she heard that, she rose to her feet and said, "Ask me, ask me if there is torture or not".

TESTIMONY 2

Mr. Turan Yilmaz, 40 year-old defendant in the TSIP trial, who was one of the most severely tortured after the summer 1985 arrests, testifies about the torture of Mrs. Y, 33 year-old defendant with a pre-school age child. He testifies:

"I was brought from the hanging type torture and left unconscious in a corner in the torture room where we were interrogated, I was blindfolded and could not move. Suddenly I heard a woman screaming in the same room. From under the blindfold I could see that it was Y. She was stretched out on a table naked, tied to electric current. I heard them saying, "Tell us you took it". She replied, "No, I didn't". They applied electric current to her body on and off. She was screaming and letting out wild noises. It did not sound like a human voice. Suddenly I heard a terrible cry from her and then I did not hear her anymore. I heard the torturers saying worriedly, "She died, she died". Some others said, "Her colour became purple, is she dying?" They poured water on her and rushed her to the hospital. When I heard them saying she was dead, I was still almost unconscious, but I remember that I tried to stand on my feet and attacked them swearing and shouting, "Murderers, you killed her, you killed her". But they hit me down - I was blindfolded and my hands were tied - and took me back to the torture chamber."

TESTIMONY 3

Mr. Hamit Cayli, a 33 year-old defendant in the TSIP trial, who was heavily tortured after the summer 1985 arrests, testifies about the torture of Mrs. Z., a 48 year-old defendant with grown-up children, and about the situation of his wife Meral. He testifies:

"Although the interrogation room was in the security forces building, one could immediately understand that the 'interrogators' - that is torturers - were acting directly under the command of MIT [National Intelligence Organization].

On one side of the corridor there were one-man cells and on the other side there were torture rooms. When they were torturing someone they opened the door so that the screams could be heard by other inmates to "teach them a lesson".

From my cell I could single out Z.'s voice. She was taken to the torture room three to four times a day and from my own experience I understood that they were applying electric current and hosing pressurized water on her. For 10 minutes or so I could hear her saying, "I don't know that person" and then her voice was not heard. She must have been unconscious during those times of silence.

We could see each other on the 16th day of my detention. Two policemen grabbed her by the arms actually pulling her up to stand and walk. The next day they took us for examination by an official doctor. The doctor did not even ask if we had any complaints. Besides, the policemen who were accompanying us with automatic guns had already told us "not to make any complaints". They were ready to transfer us from the security forces building to prison, but because of Z.'s condition - she was unable to walk - they made us wait one more day. That night they continuously forced her to walk to show that she was to leave the security forces building in "good shape". I could hear her resisting."

"Besides Z., I have witnessed what they did to other women. For instance, my wife was taken into custody with me. As well as accusations against her, they tried to use her to make me talk. They brought her in front of me with continuous threats of undressing and raping her. They threatened to rape her or to insert police clubs [into her vaginal]. They beat her severely each time. On the second day of our arrest, they went home to get our child who had been left with our neighbours. But by that time our relatives had already taken the child away and they could not find it. My wife became a nervous person following these weeks of torture and threats. After she was temporarily released (to remain under police surveillance) she continuously suffered various illnesses due to this physical and psychological damage."

TÜRKEL: Intellektuelle vor Gericht

Und das sagten die Angeklagten vor Gericht . . .

METE TUNCAY, Universitätsprofessor :

Ich habe die Petition unterschrieben, damit andere die Erfahrungen, die ich machen mußte, nicht machen sollen.

YAKUP KEPENEK, Universitätsprofessor :

Die Forderungen und Bestrebungen, die in der Petition angeführt werden, entspringen aus unserer demokratischen Verantwortung.

UGUR MUMCU, Journalist :

Es kann nichts traurigeres für die Bürger eines Landes geben, als als Verräter angeklagt zu sein, weil sie ihren Forderungen nach mehr Demokratie Nachdruck verleihen.

YALCIN KÜCÜK, Ökonom :

Was mich bedrückt ist, daß es mir nicht möglich ist, diese ehrenvolle Tat den Intellektuellen anderer Provinzen zu vermitteln.

HALIT CELENK, Jurist :

Uns ein Verfahren anzuhängen, indem man unsere Petition zum Flugblatt deklariert, ist ein typisches Zeichen für die Rechtsauffassung der derzeitigen außergewöhnlichen politischen Situation.

MUSTAFA EKMEKCI, Journalist :

Einen Autor, der das Petitionsrecht wahrgenommen hat, wegen Flugblattverteilens anzuklagen, entbehrt jeglichen Gefühls für fairneß.

ERBIL TUSALP, Journalist :

Ich fühle mich geehrt, Beteiligter dieses Verfahrens zu sein. Jedenfalls bin ich mir bewußt, daß die Geschichte uns türkische Intellektuelle dafür anklagen wird, daß wir es soweit kommen ließen, 1984 diese Petition schreiben zu müssen. Aus diesem Grund fühle ich mich schuldig.

MAHMUT TALI ÖNGÖREN, Universitätsprofessor :

Die Geschichte hat niemals diejenigen als "Verräter" angesehen, die sich sogar für die Verteidigung der Rechte derjenigen eingesetzt haben, die sie mit viel Raffinesse als "Verräter" beschuldigen. Sie wird dies auch bei mir nicht tun.



Uğur Mumcu



Yalçın Küçük



İhsan Tokali



Şerafettin Turan



Erbil Tusalp



Yakup Kepenek



Mustafa Ekmekçi



Başar Sabuncu



Bahri Savcı



İlhan Selçuk



Mete Tunçay



Halit Çelenk

Für Menschenrechte und
Demokratie in der
TÜRKEL

Warum Solidarität mit den Intellektuellen der Türkei ?

Die Machtergreifung der Militärs in der Türkei wird sich 1985 mit einer negativen Bilanz jähren. Unter dem Vorwand, Demokratie und Rechtsstaat vor dem Terrorismus zu retten, wurden dieselben abgeschafft; jetzt gibt es keine Demokratie mehr, die die "Terroristen" angreifen können. Die stark gestützte Verfassung wird ihrem Namen nicht gerecht: Viele unentbehrlichen Organe und Institutionen einer demokratischen Gesellschaft sind ihrer Funktion beraubt, auf ihre blossen Namen reduziert worden. Gewerkschaften können keine freien Tarifverträge abschließen, Journalisten dürfen nur schreiben, was die Zensur erlaubt. Fast 1200 Hochschullehrer wurden ohne Bezüge entlassen. "Droht" einer der hundert politischen Prozesse mit Freispruch zu enden, wird unter irgendeinem Vorwand kurzerhand der Anwalt in Haft genommen.

Angesichts dieser besorgniserregenden Situation haben im Mai vorigen Jahres 1256 Intellektuelle, unter ihnen viele bekannte Künstler, Professoren, Schriftsteller, Rechtsanwälte, ja sogar einige ehemalige Militär Richter, sich mit der nebenstehend abgedruckten Petition an den Staats- bzw. Parlamentspräsidenten gewandt. Die Antwort war Verfolgung und Terror, obwohl Petitionsrecht sogar in der Verfassung von 1981 erwähnt wird. 56 Personen, unter ihnen der international bekannte Satiriker Aziz Nesin, der jüngst seinen 70. Geburtstag feierte, wurden angeklagt. Zu den über 30.000 politischen Häftlingen des Landes sollen weitere hinzukommen.

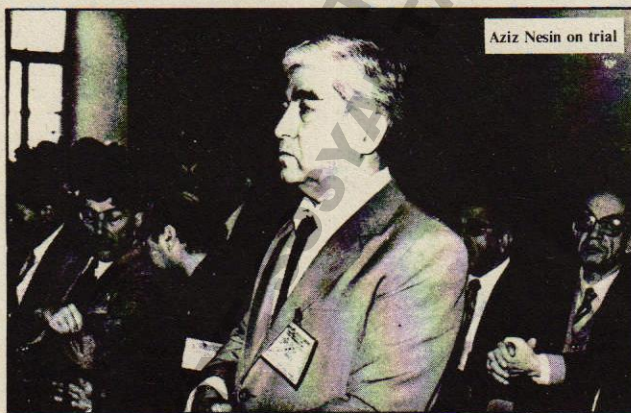
Insbesondere die Intellektuellen des Landes sind in großer Bedrängnis. Die zivile Junta greift sie wutentbrannt und zunehmend härter an. Sie verhindert sogar Firmengründungen von Oppositionellen, die ohne jegliches Einkommen dastehen. Trotz alledem erstarbt sich eine Solidaritätswelle mit den Intellektuellen. Aus allen Bevölkerungsschichten, vor allem von Arbeitern, erhalten sie Briefe.

Auch im Ausland haben sich viele Menschen mit türkischen Intellektuellen solidarisiert: Unsere Initiativgruppe konnte von den USA bis Algerien von über 3200 Persönlichkeiten Unterschriften sammeln. Wir haben uns auch zum Ziel gesetzt, die weitere Solidarität mit den Intellektuellen zu organisieren, um deren Verurteilung entgegenzuwirken. Wir werden die Sache der türkischen Intellektuellen im Ausland bekannt machen und über die Einschränkungen der Meinungsfreiheit und der freien Ausübung in Kunst und Wissenschaft in der Türkei die Öffentlichkeit des Auslandes aufklären.

Bitte helfen Sie uns. Vervielfältigen Sie diese Broschüre und verteilen Sie sie. Beraten Sie in Sitzungen und Zusammenkünften auch privater Art über die Lage in der Türkei. Verhindern Sie mit uns, daß für ein 45 Millionen-Volk die Diktatur Alltag und Selbstverständlichkeit wird. Unterstützen Sie unsere Arbeit mit einer Spende.

Ihre Solidarität ist uns sehr wichtig.

Prof. Dr. Server TANILLI
Strasbourg - F R A N C E



**Diese 56
sind
angeklagt...**

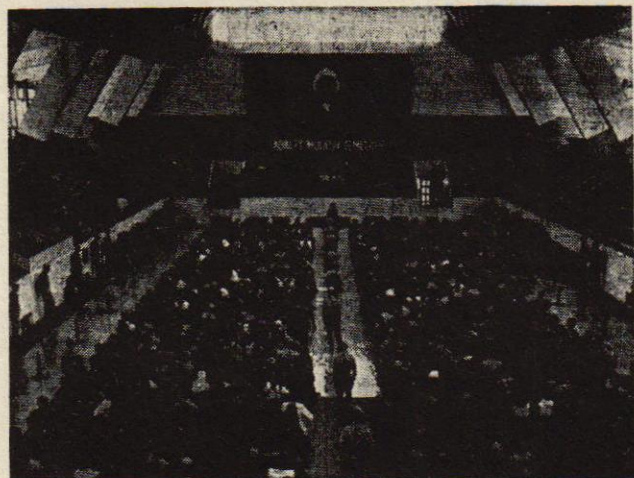
Aziz Nesin, Satiriker und Autor; Hüsnü Göksel, Universitätsprofessor; İlhan Tekeli, Universitätsprofessor; Ugur Mumcu, Journalist; Erbil Tusalp, Journalist; Dr. Haluk Gerger, Autor; Bahri Savci, Universitätsprofessor; Yalcin Küçük, Universitätsprofessor; Mahmut Tali Öngören, Autor; Mete Tunçay, Universitätsprofessor; Serafettin Turan, Universitätsprofessor; Yakup Kepenek, Professor; Murat Belge, Autor; Halit Celenk, Jurist; Emin Deger, Jurist; Korkut Boratav, Universitätsprofessor; Mustafa Ekmekci, Journalist; Tahsin Sarac, Autor; Nurkut Inan, Professor; Inci Araal Gür, Autor; Güler Tanyolac, Jurist; Güngör Aydin, Ex-Major; Haldun Özen, Architekt; Bülent Tanik, Architekt; Güngör Dilmen, Filmautor; Dr. Gencay Gürsoy, Physiker; Vedat Türkali, Filmautor; Özay Erkilic, Talih Sencan, Kemal Demirel, Verleger; Vecdi Sayar, Filmkritiker; Suruyi Sönmez, Onat Kutlar, Autoren; İlhan Selcuk, Journalist; Umit Erdogan; Berna Moran, Übersetzer, Mina Inkaya, Veli Lok, Dr. Emre Kapkin, Physiker; Cahit Tanor, Oberst a.D.; Yilmaz Tokman, Sinasi Acar, Ali Oral Basil, Rusen Hakkı Özence, Hayri Tütüncüler, Juristen; Güngör Türkeli, Journalist; Atif Yilmaz Batibeki, Filmregisseur; Basar Sabuncu, Filmautor; Sahap Balcioglu, Cartoonist; Erdal Öz, Autor, Turgut Kazan, Jurist; Talat Mete, Ercan Ülker, Ahmet Kocabiyik, Ali Cumhur Ertekin; Yilmaz Bolat.

von den ihr eigenen Werten

und Forderungen bezüglich der demokratischen Ordnung in der Türkei“

am Tage ihrer Veröffentlichung von der Kriegsrechtskommandatur mit Zensur belegt; das Publikationsverbot wurde jedoch wieder aufgehoben. Trotzdem machten die Militärstaatsanwälte den Aufruf zum Gegenstand strafrechtlicher Untersuchungen. Während gegen einzelne Unterzeichner Verfahren eröffnet wurden, beschuldigte Staatspräsident Evren die 1256 Intellektuellen des Landesverrats.

Der Deklaration haben sich jetzt mehr als 2000 bekannte Persönlichkeiten in Europa und in den Vereinigten Staaten mit einer Solidaritäts- und Protesterklärung angeschlossen. So in der Bundesrepublik prominente Hochschullehrer, Gewerkschafter und Politiker; in Großbritannien der Vorsitzende der Labour Party, in Dänemark der Vorsitzende der Sozialdemokratischen Partei und in Griechenland der Komponist Theodorakis. Wir veröffentlichen im folgenden den Wortlaut der Deklaration.



n Militärgerichten (unsere Bilder) und außerordentliche Administrationsformen.

(Bilder: dpa/UPI)

sellschaft durch politische Betätigung, der jedem offen stehen sollte, behindert wird und bestimmten Schichten, einer Person oder einer bestimmten Personengruppe als Monopol überlassen wird. Politik kann nicht ausschließlich auf Verwaltungsbeschlüsse reduziert werden.

Der Volkswille hat nur in solchen Gesellschaftsordnungen einen Inhalt, in denen sich alle Teile der Gesellschaft frei organisieren können. In Ländern, in denen niemand wegen seiner politischen Überzeugungen und philosophischen Anschauungen beschuldigt wird und wo kein Bürger wegen seiner religiösen Überzeugung kritisiert wird, ist der Volkswille die höchste Gewalt. Die Legitimität dieser höchsten Gewalt ist abhängig von der Haltung, die sie zu den Grundrechten und Grundfreiheiten einnimmt.

Bedingungen, die die freie Bestimmung des Mehrheitswillens verhindern, stehen im Widerspruch zur Demokratie. Ebenso ist die Beseitigung der Grundrechte unter dem Vorwand des Mehrheitswillens unvereinbar mit der Demokratie.

Im geschichtlichen Entwicklungsprozess haben die demokratischen Verfassungen das Ziel, die Rechte und Freiheiten der Bürger zu garantieren. Bestimmungen, die die Stellung des einzelnen dem Staat gegenüber schwächen, bedeuten — gleichgültig, unter welchem

Namen sie eingeführt werden — eine Entfernung von der Demokratie. In dieser Lage wird die Verfassung, die die Quelle des demokratischen Lebens sein sollte, zu einem Hindernis für die Demokratie.

Die Gewerkschaften, Berufsverbände und Vereine und vor allem die politischen Parteien sind unverzichtbare Stützen des demokratischen Lebens. Die Berufsorganisationen müssen im gleichen Maße, in dem sie die Pflicht haben, die ökonomischen Interessen und die Solidarität ihrer Mitglieder zu verteidigen, zusammen mit den politischen Parteien die demokratischen Freiheiten der Personen und Gruppen schützen und müssen ein Mittel für ihre Teilnahme an der Leitung der gesellschaftlichen Prozesse sein. Deshalb glauben wir, daß es notwendig ist, dem Recht auf Organisation und Partizipation in den Bestimmungen der Verfassung die breitesten Garantien zukommen zu lassen.

In dem Leben einer jeden Gesellschaft ist das Vorhandensein der Elemente Freiheit, Vielfaltigkeit und Erneuerung für die Zukunft und die Entwicklungsfähigkeit der Gesellschaft notwendig. Unter diesem Gesichtspunkt muß jede Art der geistigen Produktion geschützt werden, müssen neue Vorschläge der Öffentlichkeit frei unterbreitet werden können.

Eine freie Presse ist eines der Grundelemente, die die demokratische Ord-

nung vervollkommen. Um dies zu verwirklichen, ist es notwendig, daß die Gesellschaft unabhängig, unkontrolliert und vielseitig über sich selbst informiert wird, daß unterschiedliche Gedanken frei verbreitet werden können und daß jede Art von Kritik in der Presse einen Platz findet. Vielseitige Meinungsbildung und die demokratische Kontrolle der Leitung der Gesellschaft ist nur mit einer solchen Presse zu verwirklichen. Aus eben diesen Gründen und unter Voraussetzung ihrer Neutralität glauben wir, daß die Autonomie auch der türkischen Rundfunk- und Fernsehanstalten verwirklicht werden muß.

Das Hauptziel der Bildung ist es, freidenkende, kenntnisreiche, fähige und schöpferische Menschen zu schaffen. Demgegenüber ist es mit der Entwicklung unserer Zeit und der pluralistischen Demokratie nicht vereinbar, den eindimensionalen Menschen heranzuziehen. Die zeitgenössische Demokratie zielt darauf ab, Menschen zu entwickeln, die die Welt mit kritischen Augen betrachten können.

Wenn die Universitäten als der am besten ausgebildete Teil der Gesellschaft ihrer Autonomie beraubt werden und wenn behauptet wird, daß sie sich selbst zu leiten nicht würdig seien, so läuft dies darauf hinaus, zu leugnen, daß in unserem Land die Demokratie funktionsfähig sein könne. Die Unterstellung aller Hochschulen unter die Befehlsgewalt einer Kommission mit übermäßigen Kompetenzen, die durch Ernennungen zustande gekommen ist, erregt in der gleichen Weise, wie sie bereits jetzt sowohl die gute Ausbildung der Jugendlichen als auch die Wissenschaft behindert, auch für die Zukunft des Landes große Besorgnisse. Aus diesem Grunde halten wir es für notwendig, daß die Ordnung des Hochschulamtes (YÖK) unverzüglich in Richtung auf eine auf dem Wahlprinzip beruhende Autonomie hin geändert werden muß.

Wir möchten betonen, daß es eine Voraussetzung der Zivilisation ist, die juristischen und tatsächlichen Beschränkungen der Entstehung der geistigen und künstlerischen Erzeugnisse aufzuheben und die Denker und Künstler gemeinsam mit allen Bürgern mit den allgemeinen Garantien auszustatten. Eine gesunde gesellschaftliche Entwicklung setzt voraus:

- Freiheit bei der Schaffung und Verbreitung von Kunstwerken jeder Art,
- die völlige Aufhebung der Zensur, die das Kulturschaffen in äußerstem Maße behindert,
- kein Thema darf tabuisiert werden,
- Feststellung der strafrechtlichen Verantwortlichkeit ausschließlich durch die normalen juristischen Stellen.

Dies alles vorausgesetzt, glauben wir, die wir uns unserer Verantwortung gegenüber der Gesellschaft bewußt sind, mit voller Offenheit daran, daß die zeitgenössische Demokratie, obwohl sie in den verschiedensten Ländern unterschieden aufweist, dennoch ein unveränderliches Wesen hat, daß auch unsere Nation sich die Institutionen und Prinzipien, die dies Wesen ausmachen, zu eigen gemacht hat, daß es notwendig ist, alle gesetzlichen Bestimmungen und Praktiken, die dem widersprechen, mit demokratischen Methoden zu beseitigen und daß auf diese Weise ein gesunder und sicherer Ausweg aus der Krise, die wir durchleben, gefunden werden wird.

US DER BUNDESREPUBLIK, ÖSTERREICH,
d anderen Ländern der ganzen WELT!

(SchauspielerIn), H.Schöbel (Autorin), Dr.H.Schwenger (Autor), D.Sölle (Autorin), K.Steack (Grafiker), K.Tebbe (Kunststamtsleiterin), A.Walter (Schauspieler), E.Wichner (Autor), P.Wilke (Journalist), I.Wolf (SchauspielerIn), Dr.O.Zoncksits (Regisseur),

Politiker, Abgeordnete: L.Beckmann (Die Grünen MdB), M-L.Beck-Oberdorf (Die Grünen MdB), A.Borgmann (Bundestagssprecherin d.Grünen), F.Bruno (SPD MdEP), H.Brückner (Sen.f.Ges.u.Sport.Bremen), I.Bushorn (MdL, Bremen), G.Czichon (MdL, Bremen), Prof.Dr.W.Diedrich (SPD MdEP), D.Drabinik (Die Grünen MdB), R.Dreßler (SPD MdB), F.Duwe (SPD MdEP), T.Ebermann (Die Grünen MdB, Hamburg), W.Ehne (Die Grünen MdB), J.Fischer (Die Grünen MdB), U.Fischer (Die Grünen MdB), H-W.Franke (Sen.f.Bild. Wiss.u.Kunst.Bremen), F.Gautier (SPD MdEP), K.Hänsch (SPD MdEP), G.Gottwald (Die Grünen MdB), Prof. G.Heimann (SPD MdEP), M.Horacek (Die Grünen MdB), W.Hoss (Die Grünen MdB), H.Isola (Senatsrat), F.Jakob (Die Grünen MdL, Hessen), J.Janke (MdEP), R.Kern (Die Grünen MdL, Hessen), D.Klink (Präsident d.Bremer Bürgerschaft), J.Klönker (SPD MdEP), V.Krönig (Sen.f.Inneres Bremen), J.Kuhnert (Die Grünen MdL, Hessen), K.Kunick (SPD Landesvors.Bremen), E.Lange (SPD MdEP), E-M.Lemke (Sen.f.Umweltschutz.Bremen), L.Fellmer (SPD MdEP), N.Meißner (MdA, Berlin), H-D.Müller (Leit.Reg.Dir. Bremen), C.Nickels (Die Grünen MdB), J.Reents (Die Grünen MdB), Dr.H.Scherf (Sen.f.Soz.Jugend u. Sport.Bremen), Dr.G.Schmid (SPD MdEP), D.Schneider (MdB), W.Schoppe (Die Grünen MdB), D.Schreiner (SPD MdB), G.Schröder (SPD MdB), W.Schwenninger (Die Grünen MdB), H.Seefeld (SPD MdEP), H.Siegler-Schmidt (SPD MdB), K.Thüsing (Angest.d.SP-D Bundestagsfrakt.), U.Tischer (Die Grünen MdB), P.Ulrich (Frakt.vors.d.SP-D, Berlin), Dr.A.Vollmer (Die Grünen MdB), L.Volmer (Die Grünen MdB), E.Waltemathe (SPD MdB), G.Wartenberg (SPD MdB), B.Weber (SPD MdEP), K.Wedemeyer (MdB), H.Wegner (Juso Bundesgeschäftsführer), H.Wieczorek-Zeul (SPD MdEP), K.Wittinghoff (SPD MdEP)

Juristen: G.Dapprich (RA), J.Duensing (RA), Dr.F.Franz (Richter), J.Grote (Jurist), M.Grothe (RA), W.Grothe (Richter), Dr.H.H.Heldmann (RA), R.Langweg (Richter), V.Olth (RA), G.Pottschmidt (Präs. d.OV-Bremen), Dr.H-P.Reichel (Jurist), K.Richter (RA), R.Schlothauer (RA), E.Steinhofel (Juristin), R.Wanke (Jurist)

Kirchenvertreter: G.Albrecht (Diak.Werk), H.Frenz (Pastor, Gen.Sekr. der Sektion Bundespres. von Amnesty International), H.Leuninger (Pfarrer), Dr.J.Miksch (stv.evangel.Akademiedir.), D.Schirmer (Pfarrer), C.Schmidt-Scheer (Vikar)

Gewerkschafter: J.Albrecht (stv.Vors. GEU-Hauptvorstand), G.Brandt (GEU Landesvorsitzender, Hessen), B.Fahibusch (1.Vors. GEU-Berlin), E.Haar (GdED-Vorstand), M.Müller (Landesbezirksleiter HBV-Berlin), W.Vitt (Gewerkschafter)

Entfremdung der Demokratie

Frankfurter
Rundschau
20.7.1984

Die Deklaration von 1256 türkischen Intellektuellen: „Beobachtungen

Die Demokratie lebt durch ihre Institutionen und Prinzipien. Wenn in einem Land die Institutionen, Begriffe und Prinzipien, die den Grundstein der Demokratie bilden, zerstört werden, so wird die Beseitigung der so entstandenen Schäden um so schwerer.

Die Entfremdung der Demokratie von den ihr eigenen Werten und Institutionen, die Aushöhlung ihres Inhaltes bei Beibehaltung der Form ist genauso gefährlich wie ihre Beseitigung. Aus diesen Gründen verteidigen wir die Bewahrung der Institutionen, Begriffe und Prinzipien, die den auf historische Erfahrung gegründeten Staatsaufbau aufrechterhalten und ihre Stärkung in einem demokratischen Milieu. Unser Volk ist aller Menschenrechte, die in zeitgenössischen Gesellschaften gelten, würdig und muß uneingeschränkt in ihren Besitz gelangen. Wir empfinden es als ehrverletzend, daß unser Land in die Lage eines solchen Landes gebracht wurde, bezüglich dessen im Ausland über die Garantien für die Menschenrechte diskutiert wird.

Das Recht auf Leben sowie ein menschenwürdiges Leben ist das Hauptziel des organisierten und gesellschaftlichen Daseins, das in unserer Zeit unter keiner Begründung beseitigt werden darf; es ist ein natürliches und unantastbares Recht. Daß dieses Recht einen Inhalt bekommt, ist daran gebunden, daß die Meinung frei geäußert und entwickelt werden kann und daß man sich auf ihrer Grundlage organisieren kann. Wir halten die Tatsache, daß die Individuen unserer Gesellschaft neue und unterschiedliche Gedanken hervorbringen, nicht — wie es darzustellen versucht wird — für die Ursache der Krisen, sondern für die Voraussetzung der Vitalität der Gesellschaft.

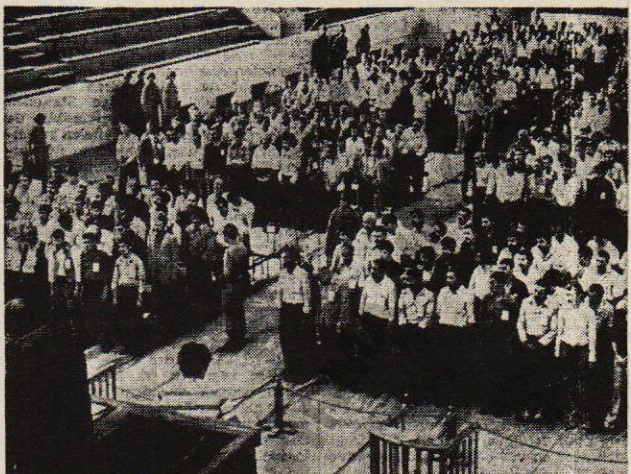
Die Gerechtigkeit, die letzte Zuflucht der Menschen, ist gleichzeitig die Hauptstütze eines menschenwürdigen Lebens. In einem zeitgenössischen Rechtsstaat gültigen Wege, sie zu verwirklichen, machen es notwendig, daß die Rechtssuche in keiner Weise behindert wird und daß bei der Rechtsfindung keine besonderen Rechtswege und außerordentlichen Methoden verwendet werden. Wir sind der Auffassung, daß es mit dem zeitgenössischen Demokratieverständnis nicht vereinbar ist, wenn außerordentliche Administrationsformen in Zeiten, die als normal bezeichnet werden, fortauern.

Die Einschränkung der Rechte der Bürger ohne gerichtliches Verfahren, das Konstruieren von Straftatbeständen durch nicht diskutierbare einseitige administrative Vorgehensweisen, die Wegnahme der politischen Rechte und das Vorbringen allgemein gehaltener Beschuldigungen führen zum Verfall der gesellschaftlichen Zustände. Wenn der Eintritt in Vereine, Genossenschaften, Stiftungen, Berufskammern, Gewerkschaften und politische Parteien sowie Meinungen, die zur Zeit, als sie geäußert wurden, nicht strafbar waren, nachträglich entsprechend der herrschenden Auffassung zu einer Straftat erklärt werden, so kann dies mit dem Begriff der Rechtsstaatlichkeit nicht vereinbart werden.

Für die verbreiteten Terroraktionen, die die Türkei durchlebt hat, kann das demokratische System selbst nicht ver-

D/R/S

Am 15. Mai 1984 traten 1256 türkische Intellektuelle, darunter die bekanntesten Wissenschaftler, Schriftsteller und Künstler, mit einer Deklaration „Beobachtungen und Forderungen bezüglich der demokratischen Ordnung in der Türkei“ an die Öffentlichkeit. Die Unterzeichner gaben dabei ihrer Meinung Ausdruck, daß sich das „seit dem Militärputsch vom 12./September 1980 bis heute geschaffene politisch-rechtlich-administrative System und dessen Praxis zu essentiellen Menschenrechten und Prinzipien, die das Wesen parlamentarisch-demokratischer Ordnung ausmachen, im Widerspruch“ befände. So wurde es in einer Presseerklärung formuliert. Trotz einer in der Verfassung verankerten Bestimmung, derzufolge jeder Bürger das Recht habe, sich in Form von Anträgen an das Parlament zu wenden, seien die Intellektuellen, die dieses Recht in Anspruch nahmen, von Beginn an scharfen Repressalien ausgesetzt worden. Die Deklaration wurde noch



Mit einem zeitgenössischen Demokratie-Verständnis nicht vereinbar: Massenprozesse vor

antwortlich gemacht werden. Jede organisierte Gesellschaft hat die unvermeidliche Aufgabe, Gewaltaktionen zu bekämpfen. Aber es ist ein grundlegendes Charakteristikum der Staatlichkeit, bei der Bekämpfung des Terrors an die Rechtsnormen gebunden zu sein. Das Vorhandensein von Terror kann niemals die Anwendung gleicher Methoden durch den Staat rechtfertigen.

Die Folter, deren Vorhandensein auch durch gerichtliche Urteile bewiesen wurde, ist ein Verbrechen an der Menschheit. Wir haben die Befürchtung, daß die Folter in die Gewohnheit einer urteillosen primitiven Vorabbestrafung überführt worden ist. Ferner halten wir die Gefängnisbedingungen, die die Zielsetzung der Freiheitsbeschränkung überschreiten, für Mißhandlung und Folter.

Es müssen alle notwendigen Maßnahmen ergriffen werden, um die Folter völlig auszumerzen. Die Verteidigung muß gleichzeitig mit der Ermittlung und Anschuldigung beginnen. Werden bei Untersuchungen und Ermittlungen irgendwelcher Art die Normen des Rechtsstaates verlassen, werden in den prozessualen Methoden die universellen Garantien für nichtig erachtet, die durch das Prinzip unterstrichen werden, daß ein Angeklagter in jedem Fall bis zu seiner Verurteilung als unschuldig anzusehen ist, so wird — besonders in politischen Prozessen — die Willkür zu

einem Grundlelement des Prozedurverfahrens.

Wir glauben an die Notwendigkeit, angesichts der Tatsache, daß bei der Entstehung der Terroraktionen alle Teile der Gesellschaft eine Mitverantwortung tragen, die Vollstreckung der rechtskräftigen Todesurteile zu stoppen und die Todesstrafe aufzuheben, um den Gedanken, daß Töten eine Lösung sei, aus der Welt zu schaffen.

Ausgehend von der universellen Tatsache, daß verzögerte Gerechtigkeit Ungerechtigkeit ist, sind wir der Auffassung, daß alle laufenden Prozesse schnellstens zu Ende geführt werden müssen.

Es sind die gesellschaftlichen und politischen Bedingungen, die die Straftaten hervorgerufen. Die Verantwortung, die die derzeitige labile Phase in der Türkei der Gesellschaft aufbürdet, darf nicht vergessen werden. Aus diesen Gründen und um zum sozialen Frieden beizutragen, halten wir eine umfassende Amnestie für unumgänglich. Diejenige Politik, die ein Weg ist, im öffentlichen Leben das Gute vom Schlechten, das Richtige vom Falschen zu unterscheiden, besteht in der Beteiligung der gesamten Gesellschaft an der Leitung der Gesellschaft.

Die Mängel der Tagespolitik, die in jedem Land auftreten und unvermeidlich sind, können nicht die Ursache dafür sein, daß der Dienst an der Ge-

EINE BEACHTENSWERTE SOLIDARITÄT A
SCHWEIZ, Skandinavien, Benelux un

HIERMIT SCHLIESSEN WIR UNS DEM MANIFEST DER 1256 TÜRKISCHEN INTELEKTUELLEN AN...

Bundesrepublik Deutschland: Ord.Prof.O.K.Fleithelm, Prof.U.Klug, Prof.P.v.Oertzen, Prof.H.E.Richter, Prof.M.Hirsch, Prof.O.Negt, Prof.D.H.Gollwitzer, Prof.W.Huber (Vors.d.Evang.Kirchenrates, Prof.Dr.I.Drewitz (Schriftstellerin), B.Engelmann (Schriftsteller), G.Grass (Schriftsteller), Prof.A.Kluge (Regisseur), U.Lindenberg, G.Wallraff, H.-O.Vetter (MdP/ehem.DGB Vors.), Dr.O.Wunder (Vors.d.GEW), Dr.H.Daubler-Gmelin (stv.Frakt.Vors.d.SPD), O.Schilly (Die Grünen-MdB), K.Voigt (außenpoli.Obmann d.SPD Frakt.), H.Schmalstieg (Oberbürgermeister, Hannover), E.Ferlemann (Gewerkschafter), E.Spoo (DJU-Vors.), H.P.Bleuel (Vors.d.Verband D.Schriftsteller), D.Hildebrandt (Kabarettist), Prof.F.Neumann (Rektor, Uni Kassel), H.U.Klose (SPD MdB), Prof.R.Mönch (Rektor Uni Bremen), J.Strasser (Autor), M.Hinterscheid (Vors.d.Europäischen Gewerkschaftsbundes), Prof.Dr.W.Abandroth, Dr.P.Brandt (Autor)

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Künstler, Schriftsteller, Journalisten: Dr.H.Ch.Buch (Vors.d.Berliner VS), Dr.W.Büsgen (Redakteur), A.Claassen (Schauspieler), Dr.F.Hervé (Journalistin, Dozentin), R.Glomb (Autor), Prof.Dr.W.F.Haug (Herausgeber v."Das Argument"), R.Higlmayer (Schauspieler), Holler (Journalistin), G.Karbe (Redakteurin), Dr.G.Kraft (Autorin), Prof.W.Ludwig (Maler u.Grafiker), P.Lutke (Schauspieler), Metzger (Journalist), E.Nohara (Journalist), J.Ostrowsky (Journalist), G.Özer (Schauspieler), P.Parnass (Autorin), J.Roitsch (Redakteurin), J.Roth (Autor), E.Runge (Autorin-Filmemacherin), I.Scheer

AZİZ NESİN'S

LAST STATEMENT FOR DEFENSE

IN THE

„PETITION“ TRIAL

On the 15th of May 1984, a delegation on behalf of 1256 intellectuals submitted a six-page petition to the President of the Republic and the Speaker of the Parliament, voicing their "Opinions and Demands in relation to a Democratic Regime in Turkey."

President Evren accused the petitioners of treason in a speech televised three times in a row in one day. The Ankara Martial Law Command ordered an investigation against the petitioners for infringement of Act No.2969 prohibiting the criticism of deeds, measures and practices of the military regime in the post 12 September period.

The investigation culminated in a court case against 59 of the petitioners. However two things had suddenly changed: In the indictment, the document which had up to that point been referred to as the "petition" had now become the "declaration." Secondly, the charges had now become "infracture of Martial Law Orders." This was because it had become impossible to convict people on account of Act No.2969, once they had been declared "traitors" on national radio and television. Moreover, a public discussion of the contents of the petition had to be avoided at all cost. Thus the issue was reduced to the formal and semantic one of whether the document in question was a "petition" or a "declaration."

We feel called upon to disrupt this maneuver and publicize as widely as possible the import of this trial and the contents of the petition. We hope to make a modest contribution to this end by publishing excerpts from the last words in court of Aziz Nesin, prominent author and one of the 59 defendants in this trial.



**AZİZ
NESİN**

Aziz Nesin is certainly the greatest master of satire in the Turkish language, with his rich experience, unmatched power of observation and warm narrative. He is read extremely widely by an audience that spans all ages and walks of life. His works have been translated into 36 languages and he has received six international and one national prize in literature.

Aziz Nesin's life was a long struggle leading through endless courtrooms, prisons and exile, like many of his compatriots who chose to stand up for democracy. But he knew how to put even prison life to good use. He says, "I create ample working conditions for myself as soon as I enter prison. Upon release, I either have several books ready for publication or extensive notes to be written up."

Aziz Nesin is 71 years old today, and his struggle, alongside other enlightened colleagues, continues in the face of persecution. He considers this a way of "paying our debts to our people."

AZİZ NESİN'S LAST STATEMENT FOR DEFENCE IN THE "PETITION" TRIAL.

Ankara Martial Law Command
Military Court No. 1

Your Honor!

(...)

To grasp the essence of this case, it is necessary to understand the conditions which brought forth this Petition, and our justifications for writing it. It is impossible to conceive of any honest and intelligent person, who does not appreciate the fact that the military takeover on the 12th of September 1980 put an end to anarchy and terror in Turkey. However, very soon thereafter, administrative oppression, anti-democratic developments measures that violate human rights and trample upon human dignity, reached dimensions not yet encountered in the history of the Republic. Political, legislative and institutional practices were counter to basic human rights. Intellectuals began to be disturbed and pained by these attitudes in violation of democratic principles. The repression was so severe that the intellectuals could not give voice to this pain in any way, nor undertake any action. The justification for this severe repression was put in the following terms: it was either this, or a return to anarchy and terror. The only alternative to terror and anarchy was repression. It was not possible to criticise this point of view, to explain that administrative repression could be as harmful as terror and anarchy, if not worse; there was no freedom of thought. We could discuss this issue facing our country only in private conversations. When it

became clear, in the course of these conversations, that we shared many grievances and problems, we began to hold special meetings dedicated to this topic. We held the first meeting in my house, in October 1983; it was attended by other writers, my colleagues...

...This Petition, with its language, form, style, conception, quality and essence, is one of the most important political documents since the declaration of the Republic. A group of intellectuals have spent hours in the formulation of not only each sentence but every word. Some paragraphs have taken several sittings of four-five hours to be written. Therefore such a document cannot be criticised or dismissed in the style of shop-corner politicians. Self-respect demands a respectful attitude towards this document. And to accuse such a document prepared by lawyers, scientists, with so much care, of being a subversive political manifesto, or transgressing this or that prohibition, is impossible within the bounds of law...

• • •

Although this Petition was taken to the Presidential residence with the intention of being presented to the President, on the 15th of May, the petitioners were not received by the President, and the petition turned in at the gate. Later, a group of petitioners were received with their petition by the Speaker of the Parliament, Mr. Karaduman.

Our intention was to publish the text of

the petition, so that aware of its contents, that be attempted to sing a censure on the... What is the purpose of date the intellectuals down the opposition? accomplished or not,

We owe thanks to the this case against us inspired them to do it, is only thus that we right to defend our country where official democracy, our right had been in effect ab answer the meanest Even though a censure upon our defense here impossible to reach the will have delivered out of this court, to the Besides, since we do organisation, we lack the nate the text of our attacks launched against casts of the Turkish Republic and the press coverage hearings, have to a ce for this deficiency.

The President, in his said: "It is said that of the fact that the human key is debated abroad who the participants... Our enemies are from within. They are peace and stability than this country."

Let us see who these trying to disrupt the and stability.

An American named E dressed the audience the American embassy 22nd of July 1983, in "Those people who abroad have the impression of citizens hand their government run developments in the dire

• • •

Who is this American Abrams? He is the administration's Secretary Schultz, in the field of

A large number of from many West European as the USA have declared of the views expressed protested the investigation us. Two thousand international figure in politics, thus came to declaration of solidarity

the public would be. However, the powers hinder this by impossibility...

all this? To intimidate into silence and put whether this has been for all to see.

se who have brought and those who have on several counts. It have recovered our lives, whereas in our ls claim a return to to defend ourselves rogated, our right to accusations, denied. e might be imposed e, thereby making it e public, we at least r defence, by means e hands of history. not constitute an or- ie means to dissemi- r petition. But the nt us in the broad- Radio and Television, rage of the court rtain extent made up

televised speech, had ur pride suffers from an rights issue in Tur- We know very well in this debate are. rying to conquer us rying to disrupt the t we have brought to

enemies are, who are atmosphere of peace

lliott Abrams has ad- in the auditorium of ay in Ankara, on the the following manner: rve Turkey from as- sion that the persec- ing in a petition to s counter to the de- ction of democracy."

can named Elliott isor of Reagan adm- y of State George human rights.

ominent intellectuals ean countries as well red their full support d in our petition and tion launched against lectuals, each an in- ne sciences, arts, and o our support. This ty with our petition

was published in the biggest newspapers of France, England, USA and other countries throughout the world, and yet did not appear in any newspaper in Turkey. The three former prime ministers, one former President, more than two hundred members of parliament, hundreds of well known scientist and artists, one Nobel laureate mathematician, writers, journalists, theologians and trade unionists, who have signed this protest, demand that "the measures and practices in violation of the Bill of Human Rights and the European Convention on Human Rights, both signed by Turkey, be stopped immediately."

It is for this that they are declared to be the external enemy; and us, the internal enemy, for having asked that human rights be respected; and we are not even given the right to defend ourselves.

...It is very natural that these anti-democratic measures that violate basic human rights, which persist and multiply every day, are looked upon with consternation in democratic countries, especially in Europe and the USA. Turkey is not alone in the world, she is a member of the contemporary family of nations. Therefore government officials cannot say that measures in violation of human rights are only Turkey's internal affairs, and nobody should meddle. On the other hand, the fact that the problems of our country should be debated abroad while it is forbidden to discuss them at home, disturbed us as intellectuals and hurt our pride.

• • •

The legal proceedings of the military regime after the 12th of September were such that people and organizations were prosecuted for actions, publications, etc. which took place three, five, or even seven to eight years prior to 1980 even though these actions might have been legal at the time. They were not only prosecuted, but tried, put in prison, and even received prison sentences. I think that in this field the record is mine. I was brought before the law for an article published in a newspaper called *Öncü* exactly 23 years ago. This article had meanwhile also appeared in a book of mine which had seen five editions. They also banned and collected the book. This article had not been the subject of prosecution for 23 - now it is 25 - years; that is, at the time it was not 'criminal'. Twentythree years after its publication, an 'offence' has been discovered in the article, and I have been put on trial. Of course the true motive behind this trial was to seize my passport and prevent my participation in a congress in the United States, as well as prevent my undergoing heart surgery there. Notwithstanding the claims of a return to democracy, it has not yet been possible for me to obtain a passport so far. My intention is not to complain of my own plight. I am not the only person in

Turkey who is not able to obtain a passport. Thousands of people have been denied passports without any legal grounds whatsoever; our beautiful country has thus been turned into a vast prison. The military regime has caused endless suffering by trying, imprisoning, convicting people for actions that had taken place many years ago, and which were not 'crimes' at the time.

On the other hand, the same military regime has passed an Act No.2969, which prohibits even the criticism of actions taken by the military regime from the 12th of September 1980 up to the elections on the 6th of November 1983.

Laws must, above all, be in accord with logic and reason. That those, who prosecute people for acts committed ten, fifteen, even twentythree years ago, and which were not infringing upon any law at the time, should prohibit even the criticism of their actions today defies both logic and reason, and I think I am in possession of my reason.

What is more important; if once a precedent is set for the persecution of people for actions which were perfectly legal at the time that they took place, nobody can feel themselves safe behind the shield of Act No.2969. Laws may be changed. Or even without any change people may be tried and held responsible for what has been done in a certain period. This means that, in repudiating Act No.2969, we are not only defending ourselves, but also the interests of all officials.

...The section of our Petition with the subtitle 'Observations and Demands' concludes thus:

"Democracy lives with all its institutions and principles. If the institutions, concepts and principles that make up the foundations of democracy in a country are undermined, it becomes very difficult to repair the damage."

In our Petition, we stressed the abstract concepts, and refrained from giving concrete examples. But here we can give also concrete examples. We claim, and we are ready to prove, that this military regime has, unfortunately, destroyed the basic institutions of democracy in Turkey...

• • •

For the first time in the history of the republic, the process of destruction of institutions has started with this administration. While even the Sultans needed the *fetwa* of the 'Seyhulislam', in our day the institution of political association has been destroyed at its foundations, political parties closed down, their presidents exiled, accused of grave deeds in broadcasts of the Turkish Radio and Television, without being given a chance to defend themselves, without a

court, even a special court, verdict, and without any legal grounds whatsoever. Moreover all the property of these political parties has been seized. Although I am not a member or even a sympathiser of any of these parties, and even am opposed to them at an intellectual level, the fact that we were denied even the means of voicing our reaction to the injustices committed against them has bothered our consciences immeasurably.

Trade unions and their officials have also been gravely accused and humiliated without being given the possibility to defend themselves, and all their property and real estate has been confiscated. I would like to underline what this means. Unlike the belongings of certain institutions, acquired on government funds, these were the property of workers, built with their own sweat...

• • •

One of the most important institutions that has been torn down is the University in Turkey. This institution has been successfully destroyed from its foundations by means of the Higher Education Act. So much has been said on this subject, and so little attention has been paid to what has been said that I do not want to add anything new to this discussion. I would just like to stress the huge damage that is done by the scientific and cultural mediocrity and enmity to investigative thinking fostered by the Higher Education Act and the Council of Higher Education...

• • •

Turkey is living through a period of its history where, in the hands of administrators with a minimal cultural level, corruption has reached unattainable heights. Since three days, the daily *Milliyet* has been demanding to know who has received the 12 billion 500 million lira bribe paid by the United States to secure the purchase of the F-16 fighter bombers. That this bribe has been paid is affirmed by the American who has done the bribing. Turkish intellectuals know very well why the sale in Turkey of a certain issue of *Time* magazine has been prohibited, and what was written in this issue.

At a time when bright young men become multi-millionaires in a space of three to four years, when sinking banks or companies are rescued by a benign state, if one considers the fact that the salaries of government employees or the minimum wage are determined by the IMF, it becomes clear that it is a duty of our intellectuals to concern themselves with economic matters.

Your Honor! We have a lot to say. I will cut myself short without having been able to say even a hundredth of what I ought to say. Nevertheless, I would like to briefly touch upon the subject of human rights and capital punishment.

Two of the greatest writers of our age have come to visit our country: Arthur Miller and Harold Pinter. Our administrators hardly took notice of the fact. The cultural level of the administrators under a Prime Minister who had stated in an interview that he did not read anything other than western comics, could not have been expected to rise to the occasion. The press conference held by these two writers just before their departure from Istanbul was placed under a news blackout. Although the political police hunted these famous writers everywhere, and even asked their whereabouts of Turkish journalists, at this point they had already boarded their plane and therefore no proceedings could be brought against them. These two writers have published in newspapers abroad, with circulations that number in the millions, much broader accounts of their impressions than those expressed in the banned press conference. I would have liked to see the Turkish readers reading these articles.

Especially our administrators. I am quoting from Arthur Miller's article which appeared in the *Nation* on the 18th of May, 1985: "...some observers, including Suleyman Demirel, the Prime Minister at the time of the coup, find it suspicious that although seemingly helpless to curb the violence for two years, the military brought an amazing peace within a matter of weeks after taking power. In Demirel's view, the generals deliberately allowed the chaos to expand until their intervention would be gratefully accepted. Support for the military government is still based on fears that the violence will return."

There are many in Turkey who share the suspicion voiced by Suleyman Demirel to Arthur Miller. I am one of them... Whereas all of us are to a certain extent responsible for all that happened, for those who were most responsible to think that they render justice by hanging children who have committed crimes when they were seventeen or eighteen years old, is an abomination. These words of Gen. Evren, addressed to the intellectuals in the West, by means of the radio and television and the press, are extremely interesting: "They oppose the executions. This is our business. Do we criticise them for not holding executions?"

A lot has been said on the pros and cons of capital punishment throughout history, but it had not occurred to anyone to defend it in this way.

The President considers it an index of democracy that no special courts have been set up. He forgets that Atatürk had set up special courts under the name of 'Courts of Independence'. People have been deprived of their freedom and their rights by medieval means, without even the benefit of a special court hearing. The creation of special courts would have been much better. I am a writer directly opposed to the policies of Suleyman Demirel. I am not an opponent of Ecevit, but I am not a supporter, either. The accusations directed against these two party leaders, among others, without any legal basis, in a completely arbitrary way; the fact that they were punished without being given a chance to defend themselves, has disturbed me deeply as an enlightened citizen and made it imperative that I undertake the Petition initiative.

What is a hallmark of anti-democratic regimes? Book burning! Hundreds of thousands of books are being burned in Turkey without even a court order. Not even an investigation has been conducted against these books. Is this what they call democracy. In Turkey, a motion picture film has been burned. A film made for the Radio and Television network and which had cost millions. Is this what they call democracy?

I would just like to touch upon the most important topic of torture.

Torture means causing someone excessive physical or psychological distress. The horrible tortures practiced since the 12th of September 1980 have been documented by responsible officials. When the Act No.2969 prohibiting the criticism of this period is lifted, it will become clear, with the uncovering of these tortures, that crimes to disgrace our century have been committed. All these aside, let us just mention the 'highest' and yet most humiliating of these tortures: is there any one who can deny that during interrogations, the defendants are blindfolded?

I am cutting short my words for lack of time.

While I write this, I do not know whether I will be allowed to read it in court or not. However I have written it on the assumption that I will be allowed to do so. This statement is not only for the court and the prosecution. I wish that those who really ought to read it will, and benefit from it.

I would like to thank those who have brought this case against me, and those who have let me speak here thus giving me a chance to say even the few things I have been able to say.

Respectfully,
AZIZ NESIN.

Initiative for Solidarity with 1256 Turkish Intellectuals

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Spendkonto: C.Weber, Sonderkonto Initiative für Solidarität, Kto. 122 622 0201 BfG, Hannover, BLZ: 250 101 11

AZİZ NESİN'S

letztes plädoyer in dem "petition" prozess

Am 15. Mai 1984 wurde eine sechs Seiten lange Petition im Namen der 1256 Intellektuellen von einer Delegation dem Staatspräsidenten und dem Parlamentssprecher überreicht.

In dieser Petition waren die Gedanken und Wünsche der Intellektuellen hinsichtlich des demokratischen Regimes in der Türkei, zur Sprache gebracht.

Staatspräsident Evren beschuldigte in seiner im Fernsehen dreimal am Tage gebrachten Rede, die Unterzeichner dieser Petition als Landesverräter.

Der Kommandant des Ausnahmezustandes in Ankara beantragte eine Untersuchung hinsichtlich der Unterzeichner nach dem Paragraphen 2969, weil diese Aktivitäten, Methoden sowie Praktiken des Militärregimes nach dem 12. September kritisiert hatten.

Die Untersuchung endete damit, daß gegen 59 Unterzeichner der Petition Gerichtsverfahren eingeleitet wurden.

Die Formulierung des Dokumentes, die in der Anklageschrift bis dahin "Petition" war, wurde in "Deklaration" umgewandelt.

Doch die eigentlichen Bemühungen bezweckten, die Diskussion über den Inhalt der Petition um jeden Preis zu verhindern.

Somit wurde dieses Thema in die Frage umgewandelt, ob dieses Dokument nun eine Petition oder eine Deklaration darstelle.

Wir fühlen und verpflichtet, die praktizierten Intrigen aufzuhalten, diese Ereignisse, die Wichtigkeit dieses Prozesses und den Inhalt dieser Petition publik zu machen.

Wir möchten diesbezüglich alles was in unserer Macht steht, tun.

Aus diesem Grunde veröffentlichen wir einige Passagen aus dem letzten Plädoyer des bekannten Schriftstellers Aziz Nesin, einer der 59 Angeklagten in dem "Petition" Prozeß.

Aziz Nesin

Selbstverständlich ist Aziz Nesin mit seiner scharfen Beobachtungsgabe und seiner lebensnahen Erzählgabe der größte Satiriker der türkischen Sprache.

Er wird von Menschen aller Altersgruppen sowie aller Bevölkerungsschichten gelesen.

Seine Werke wurden bisher in 36 Sprachen übersetzt, und sechsmal international sowie einmal national gewürdigt.

Aziz Nesin verbrachte sein bisheriges Leben zum größten Teil in Gefängnissen, Verbannung und in den endlosen Gerichtssälen, wie so viele seiner Landsleute, die sich für die Demokratie einsetzten.

Doch er verstand es auch die Zeit in der er in Gefängnissen verbrachte, zu nutzen.

Er sagt: "So bald ich inhaftiert werde, versuche ich mir die besten Voraussetzungen für meine Arbeit zu schaffen."

Aziz Nesin ist heute 71 Jahre alt und seine Arbeit führt er wie alle seine Kollegen trotz aller Gewalt weiter.

Er sieht es als eine "Verpflichtung gegenüber unserem Volk" an.

An die Kommandantur des Ausnahmezustandes 1. Militärischer Gerichtshof

Geehrter Richter

Um den Kern dieses Prozesses zu verstehen, ist es nützlich zu wissen, unter welchen zwingenden Beweggründen wir dieses Gesuch zu Papier gebracht haben.

Es ist unvorstellbar, daß irgendjemand in der Türkei nicht froh darüber gewesen wäre, daß nach der Militärübernahme am 12. September 1980 der Anarchie und dem Terror Einhalt gegeben wurden.

Doch nur kurze Zeit später begann die Repression seitens der Regierung, antidemokratische Maßnahmen, die die Menschenwürde sowie die Menschenrechte mit den Füßen traten. Sie begannen ein Ausmaß anzunehmen, wie es die Geschichte der Republik bisher vergleichbar nicht erlebt hatte.

Die angewendeten politischen, rechtlichen und gesellschaftlichen Praktiken waren unvereinbar mit den Menschenrechten.

Die Intellektuellen fingen an, sich über diese Verhaltensweisen, die den demokratischen Grundsätzen nicht mehr entsprachen, zu beunruhigen und Gewissensbisse zu bekommen.

Es war eine derart große Unterdrückung vorhanden, daß die Intellektuellen ihren Gram in keiner Weise zur Sprache bringen, keine Gegenwirkung zeigen konnten.

Nur bei privaten Gesprächen unter uns konnten wir dieses Problem unseres Landes diskutieren.

Als sich bei diesen Unterhaltungen herauskristallisierte, daß unsere Sorgen und Probleme die gleichen waren, fingen wir an interne Versammlungen durchzuführen, wobei dieses Thema der eigentliche Schwerpunkt war.

Unser erstes Zusammentreffen mit meinen Schriftsteller Kollegen fand im September des Jahres 1983 in meinem Hause statt.

Diese Petition ist in ihrer Art, Sprache, Gedanken, Beschaffenheit und Inhalt eines der wichtigsten politischen Dokumente der Republikanischen Periode.

Zehn-fünfzehn Intellektuelle haben mehrere Stunden für die Formulierung jedes Wortes gebraucht.

Nicht für ganze Sätze, sondern nur für einzelne Worte. Es gibt Paragraphen, die in mehreren Sitzungen, die jeweils vier bis fünf Stunden andauerten, verwirklicht werden konnten. Deshalb kann solch ein Dokument nicht mit der Sprache eines Gassenjungen kritisiert werden.

Die respektvolle Annäherung gegenüber diesem Dokument zeigt in erster Linie die Hochachtung vor der eigenen Persönlichkeit. Und es gibt innerhalb der Gesetze überhaupt keine Möglichkeit dieses nach bestem Wissen und Gewissen von Juristen und Wissenschaftlern erstellte Dokument mit den Worten, es wäre ja nur ein Flugblatt, dieses oder jenes Verbot wäre damit zunichte gemacht worden, zu beschuldigen.

Obwohl der Ausschuß diese Petition am 15. Mai 1984 persönlich an den Staatspräsidenten überreichen wollte, wurde sie von ihm nicht empfangen, nur die Petition wurde in Empfang genommen und anschließend an den Präsidenten des Türkischen Parlaments, Karaduman, ausgehändigt.

Um unser Ziel zu verwirklichen, mußte diese Petition der Öffentlichkeit bekannt gemacht, das türkische Volk mußte über die Existenz dieses Gesuches informiert werden.

Doch die Verantwortlichen versuchten mit aller Macht und der von ihnen auferlegten Zensur diese Petition von der Öffentlichkeit sowie von der Presse abzusichern.

Was ist der Grund für dieses Verhalten?

Die Intellektuellen in Angst und Schrecken versetzen, sie zum Stillschweigen bringen und somit die Opposition besiegen.

Ob dieser Wunsch verwirklicht werden konnte, kann man heute ganz klar erkennen.

Es ist unsere Pflicht, denjenigen, die den Prozeß gegen die Intellektuellen in die Wege leiteten und denen die den Grund hierfür lieferten, unseren Dank auszusprechen.

Denn zu der Zeit, als die Verantwortlichen die Behauptung aufstellten, daß wieder eine demokratische Regelung in unserem Land herrschen würde, hatten wir keine Möglichkeit auf die einseitigen, schweren Erniedrigungen zu antworten und wir besaßen auch keinerlei Rechte zu unserer Verteidigung.

Doch mit diesem Prozeß bekamen wir das Recht auf Verteidigung. Auch wenn uns durch eine Pressezensur die Möglichkeit genommen wird, daß wir unser Plädoyer der Öffentlichkeit mitteilen können, so können wir doch diese Verteidigung durch die Vermittlung des Gerichtes als ein Schriftstück an die Geschichte weitergeben.

Weil wir keine Organisation sind, konnten wir am Ende den Text unserer Petition nicht unserem Volk bekannt machen.

Wir konnten aber die Aufmerksamkeit der Öffentlichkeit durch die Sendungen des türkischen Fernsehens (TRT) die abwertend über unsere Sache und über uns berichtete und die lückenhafte Wiedergabe der Verhandlungen in der Presse, auf diese Petition lenken.

Der Staatspräsident hatte in seiner bekannten Rede im türkischen Fernsehen gesagt: "Die Diskussion der Menschenrechte im Ausland würde unsere Ehre verletzen. Wir sind darüber informiert, wer diejenigen sind, die diese Diskussionen durchführen. (...) Die Feinde im Ausland wollen die Festung von innen stürzen. Sie haben vor, die von uns geschaffene gegenwärtige Ruhe und Stabilität zu vernichten."

Werfen wir mal einen Blick darauf, wer eigentlich diese Staatsfeinde sind, die die bereits hergestellte Ruhe und Stabilität zerstören wollen?

Am 22. Juli 1984 sagte ein Amerikaner namens Elliott Abrams im Konferenzsaal der amerikanischen Botschaft in Ankara:

"Bei den Beobachtern der Türkei aus dem Ausland wird der Eindruck erweckt, daß die Ermittlungen gegen die Staatsbürger die diese Petition bei ihrer Regierung eingereicht haben, nicht mit den demokratischen Veränderungen die in der Türkei stattfinden, zu vereinbaren sind."

Wer ist dieser Amerikaner?

Wir verraten es Ihnen:

Er ist der Verantwortliche für die Rechte des derzeitigen Außenministers, George Schultz.

Unzählige Intellektuelle West-Europas sowie aus der Türkei erklärten, daß auch sie ungelegte Auffassung teilte die Anklage der Regierung. Zweitausend Unterzeichner der Wissenschaft, Kunst, Sport, bekannt und anerkannt seine Meinung.

Die unsere Petition unterzeichnete wurde in den größten Tageszeitungen Frankreich, England und in der Türkei veröffentlicht, aber in den Tageszeitungen.

Der Wunsch der Unterzeichner, unter denen der Ex-Staatspräsident, über zweihundert von Wissenschaftlern, Mathematikern der gleichen Art, Schriftsteller, Journalisten, Gewerkschaftler sich befanden.

"Daß die Türkei ihr Verhalten nicht entgegengesetzt der Konvention der Humanrechte der universellen Menschenrechte."

Weil sie diesen Wunsch die Feinde im Ausland und die Menschenrechte achtet. Innern Landes und werden.

Das Recht uns zu verteidigen. Das in der Türkei vorherrschende anti-demokratische Verhalten mit den Füßen tritt natürlich in den demokratischen in der BRD und den Vereinigten Staaten verfolgt und ruft ein.

Die Türkei befindet sich in der Welt und ist ein Mitglied der Familie.

Die Verantwortlichen ihr Verhalten, das die Menschenrechte mit den Worten benennen wären die internen in der Türkei und andere können.

Die Tatsache, daß uns die Diskussion über die Probleme der Türkei wurde und diese jetzt diskutiert wurden, beunruhigt und verletzt und

Die nach dem 12. September Rechtspraktiken der Militärregierung: Menschen und Organismen und Handlungen die drei bis sieben bis acht Jahre vor nach den damaligen Gesetzen der Militärgerichte anhaftet und sogar verurteilt.

Ich glaube, den diesbezüglichen noch immer ich. Mich haben der vor genau dreißig Jahren namens "Öncü" erschaffen.

Dieser Artikel war auch das bereits zum fünften Mal geführt. Auch das Buch wurde.

Dieses Schriftstück wurde in Jahren nicht Strafverfolgung. Dreißig Jahre Artikel wurde ich mit dem Schreiben würde eine.

Doch die wirkliche Ursache war, meinen Reiseplan zu einer geplanten Reise in die Türkei, die Verhinderung einer Einladung zu verhindern und meine Handlung durchgeführt werden sollte.

In unserem Land, von heute bereits eine demokratische wird mir die Aushandigung heute verweigert.

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Es ist nicht meine Absicht, meine eigene Situation darzustellen. Denn ich bin nicht der einzige Mensch in der Türkei, dem ein Reisepaß verweigert wird.

Tausenden, zehntausenden Staatsbürgern wurde die Übergabe ihrer Reisepässe mit ungesetzlichen Ausreden untersagt und somit unser schönes Land zu einem großen Gefängnis umfunktioniert.

Die Militärregierung hat Menschen angeklagt, verhaftet und sie großen Schmerzen ausgesetzt, weil sie vor längerer Zeit für Taten und Handlungen angeklagt waren, die nach damaliger Rechtsauffassung keine Straftat darstellten.

Die Gesetze müssen in erster Linie dem Verstand und der Logik entsprechen.

Wenn Staatsbürger für ihre Handlungen, die nach den damaligen Gesetzen keine Straftaten waren, nach acht-zehn, sogar nach dreiundzwanzig Jahren angeklagt und zur Rechenschaft gezogen werden und es verboten ist diejenigen, die diese Gesetze erlassen haben, ihre in der heutigen Zeit verrichtete Taten zu kritisieren, daß dieses Verhalten mit Verstand und Logik zu vereinbaren ist, daran glaube ich nicht, denn ich besitze Verstand.

Was aber noch wichtiger ist: Keiner kann sich hinter dem Paragraphen 2969 in Sicherheit wiegen, wenn Staatsbürger für sehr lange Zeit zurückliegende Taten, die seinerzeit keinen Grund für einen Straferlaß lieferten, heute strafrechtlich verfolgt werden.

Denn diese Gesetze, diese Paragraphen können geändert werden, man kann sogar Menschen zur Rechenschaft ziehen, für ihr damaliges Verhalten, ohne diese Erlasse zu ändern.

Wenn wir also den Paragraphen 2969 nicht akzeptieren, denken wir nicht nur an uns, sondern auch an die Regierenden.

Der Abschnitt über die Wünsche und Beobachtungen in unserer Petition verbindet es so:

"Die Demokratie lebt mit ihren Institutionen und ihren Prinzipien. Wenn in einem Land, den Basis darstellende Institution, Begriffe und die Grundsätze zerfallen, so wird es schwierig werden, die hierdurch verursachten Schäden zu beheben."

Wir haben in unserer Petition versucht, nicht nur konkrete Beispiele zu zeigen, sondern auch auf die Begriffe einzugehen. Aber jetzt sind wir in der Lage auch auf die konkreten Beispiele hinzuweisen.

Wir behaupten und können auch die Beweise erbringen, daß dieses Militärregime, zu unserem Bedauern die Basis-Institutionen der türkischen Demokratie vernichtet hat.

Die Zerstörung dieser Institutionen in der Geschichte der Republik fing zum erstenmal mit dieser Administration an. Sogar die Sultane haben zu ihrer Zeit als Stütze zu ihren Erlassen die Urteile des Obersten Richters in Religionsgesetzlichen Angelegenheiten (Scheich ül-Islam), benötigt.

Man hat die politisch organisatorischen Institutionen ohne irgendwelche Gerichtsbeschlüsse sogar ohne die Urteile der außerordentlichen Gerichte und ohne sich auf irgendein Gesetz zu beziehen, von Grund auf zerstört, Parteien geschlossen, die Parteivorsitzenden ins Exil verbannt und diese Politiker durch die türkischen Rundfunk- und Fernsehanstalten (TRT) schwersten Vorwürfen ausgesetzt, ohne ihnen das Recht auf Verteidigung eingeräumt zu haben.

Und was das bedauerlichste ist, man hat die Besitztümer dieser Parteien beschlagnahmt.

Obwohl ich nicht Mitglied oder Sympathisant einer dieser Parteien gewesen bin, sogar auf der gedanklichen Ebene ihr Gegner war, hat die Tatsache daß uns sogar das Recht auf eine Reaktion gegenüber dem Unrecht das diesen Parteien widerfuhr, genommen wurde, unser Gewissen in einem nicht beschreiblichen Maße beunruhigt.

Auch die Gewerkschaften und ihre Führungskräfte wurden sehr belastenden Kritiken ausgesetzt und erniedrigt und ihre beweglichen sowie die nicht-beweglichen Güter beschlagnahmt. Ich möchte mich nicht detaillierter über diese Beschlagnahmen äußern.

Denn diese Güter waren nicht existent durch die Gelder aus dem Staatsbudget, sondern waren im Schweiß des Angesichts von den Arbeitern erbracht worden, d.h. diese beweglichen und nichtbeweglichen Güter waren ihr Eigen.

Einer der wichtigsten Institutionen, die zerstört wurden, ist die türkische Universität gewesen.

Mit YÖK-Methoden (Hochschulrat der Junta) konnte man die Universitäten von Grund auf erfolgreich zerstören.

Es wurden hinsichtlich dieser Tatsache derart richtige Kritiken verübt und ausgesprochen und auf keinen dieser Kritiken irgendeine Gegenreaktion gezeigt, was auch auf Indifferenz schließt und nicht verständlich ist.

Doch ich möchte betonen, daß das niedrige Niveau der Kultur und des Wissens auf den Universitäten, das von YÖK veranlasst wurde, unserem Land lange Jahre großen Schaden zufügen wird.

Die Türkei erlebt heute eine Periode in ihrer Geschichte, in der das Ausmaß an Bestechung, Erpressung, wirtschaftliche Intrigen und Chaos an dem Höchstpunkt angelangt und das kulturelle Niveau der Regierenden noch nie so tief gesunken ist.

Seit drei Tagen stellt die Tageszeitung "Milliyet" die Frage, wer die Bestechungsgelder in Höhe von 12 Milliarden und 15 Mill. Lira, die von den Vereinigten Staaten für den Kauf der F-16 Flugzeuge, übergeben wurden, eingenommen hat.

Daß dieses Bestechungsgeld gegeben wurde, wird von demjenigen Amerikaner, der diese Bestechungssumme übergab, ausgesagt. Die türkischen Intellektuellen sind sehr wohl informiert über die Tatsache, warum die Einfuhr einer bestimmten Ausgabe der in den USA erscheinenden Zeitschrift TIME, in die Türkei verboten wurde und was in dieser Ausgabe geschrieben stand.

In der Türkei, wo dreissig-fünfunddreissig jährige junge Männer innerhalb von drei-vier Jahren aufgrund ihrer Ehrlichkeit und Redlichkeit, Multimillionäre werden, wo Banken und Firmen die entweder Bankrott gingen oder dazu geführt wurden von dem hilfreichen Staat unterstützt werden, wo die Minimal-Löhne der Arbeiter und die Gehälter der Beamten von Fremden, von der größten Internationalen Wucherer-Organisation, IMF festgesetzt werden, wenn wir dies alles vor Augen halten, dann sehen wir daß es die Pflicht der Intellektuellen gegenüber ihrem Vaterland ist, sich den ökonomischen Fragen zu widmen.

Gehrter Richter!

Es gibt viele Worte, die ausgesprochen werden müssen. Ich werde mein Wort hier abbrechen, ohne auch ein Hundertstel dessen, was ich aussprechen wollte und aussagen sollte, zur Ausdruck gebracht zu haben.

Ich möchte aber auch ganz kurz auf Freiheiten, Menschenrechte und die Hinrichtungen zu Sprechen kommen.

Zwei der bedeutendsten zeitgenössischen Schriftsteller unserer Tage haben unser Land besucht.

Der Amerikaner Arthur Miller und der Engländer Harold Pinter... Die Administratoren waren darüber nicht ausreichend informiert. Das kulturelle Niveau dieser Administratoren unter Führung des Ministerpräsidenten Özal, der vor seiner Amtsübernahme in einem Interview der Tageszeitung Cumhuriyet angab,

keine Zeit erübrigen zu können, um andere Bücher zu lesen außer den Western-Comics, namens Tom Mix und Texas, war nicht gerade vorteilhaft um sich mit Arthur Miller und Harold Pinter zu beschäftigen.

Die Ansprachen die nach Abschluß ihrer Untersuchungen, am Tage der Abreise während einer Pressekonferenz gehalten wurden, wurden durch den Ausnahmezustand verboten und konnten somit nicht in den Tageszeitungen erscheinen.

Die politische Polizei versuchte die beiden weltbekannten Schriftsteller ausfindig zu machen, fragte türkische Journalisten nach dem Verbleib von Miller und Pinter.

Da sie aber zu diesem Zeitpunkt bereits ihr Flugzeug bestiegen hatten, konnte man gegen sie keinerlei Schritte einleiten. Diese beiden Schriftsteller haben viel ausführlicher und detaillierter über die Begebenheiten in Zeitungen, deren Auflagen Millionen. Höhe erreichen, berichtet, als in ihren verbotenen Reden enthalten war. Ich wünsche, diese Artikel würden von allen türkischen Lesern, insbesondere von den Administratoren gelesen werden.

Ich gebe hier eine Passage aus dem Artikel des Arthur Miller vom 18. Mai 1985, der in der Zeitung "The Nation" veröffentlicht wurde.

"Viele, einschließlich Süleyman Demirel, der z. Zt. des Putsches Ministerpräsident war, beobachten den heutigen friedlichen Zustand mit Skepsis.

Denn die Militärs, die in den letzten zwei Jahren der Gewalt nicht Herr werden konnten, haben innerhalb kürzester Zeit nach der Machtübernahme die Ruhe wieder hergestellt.

Nach Meinung Demirels haben die Generäle gegenüber dem Chaos bewußt die Augen geschlossen, damit die Machtübernahme des Militärs akzeptiert werden und der Eindruck entstehen sollte, daß die Machtübernahme durch sie unumgänglich war. Der Hauptgrund zur Unterstützung der Militärführung ist die Sorge vor der Auferstehung der Gewalt", so Miller.

*

Es gibt heute in der Türkei viele Staatsbürger, die diese Sorge die Süleyman Demirel gegenüber Arthur Miller geäußert hat, in sich tragen.

Einer von ihnen bin ich.

Obwohl bei allen Geschehnissen wir alle Sorge tragen mußten, bin ich dagegen, daß die am meisten Verantwortlichen, Kinder die im Alter von siebzehnahtzehn Jahren Straftaten verübt haben, hinrichten und somit glauben sie würden so die Gerechtigkeit wieder herstellen.

Es ist interessant, was der Staatspräsident Evren bezüglich der Hinrichtungen an die Intellektuellen aus den westlichen Ländern durch Rundfunk und Fernsehen sowie der Presse mitteilt:

"Sie sind dagegen, daß wir hinrichten. Das ist unser Anliegen. Kritisieren wir sie etwa, weil sie nicht hinrichten?"

*

Innerhalb der Geschichte sind bestimmt viele Aussagen für und wider der Todesstrafe gemacht worden.

Aber es ist bis heute niemanden in den Sinn gekommen, die Todesstrafe auf diese Art und Weise zu verteidigen.

*

Der Staatspräsident zählt die Tatsache, daß er keine außerordentlichen Gerichte einberufen hat, für einen demokratischen Erweis.

Es wird vergessen, daß Atatürk außerordentliche Gerichte zur Zeit des türkischen Freiheitskampfes einberufen hatte.

Ohne die Urteile der außerordentlichen Gerichte wurden den Menschen ihre Rechte und Freiheiten nach mittelalterlichen Maßnahmen genommen.

In diesem Falle wäre die Einberufung dieser Gerichte angebracht gewesen.

Ich bin ein gegenüber der von Süleyman Demirel praktizierte Politik oppositionell eingestellter Schriftsteller.

Ich bin nicht gegen Bülent Ecevit, stehe aber auch nicht an seiner Seite.

Der Zustand, daß diese beiden Ex-Ministerpräsidenten und Parteivorsitzende, aber auch andere Politiker ungesetzlich, ohne Gerichtsurteile, nur nach einem willkürlichen Vorgehen beschuldigt werden und ihnen nicht das Recht auf Verteidigung eingeräumt wird und sie bestraft werden, hat mich als ein intellektueller Staatsbürger beunruhigt und es zwang mich dazu, mich mit der Petition zu befassen.

*

Was sind die Besonderheiten des anti-demokratischen Regimes? Bücherverbrennung! In der Türkei werden hunderttausende Bücher ohne Gerichtsbeschlüsse verbrannt.

Keine Strafverfolgungen wegen dieser Bücher werden beantragt. Den Inhabern dieser Bücher wurden die Unkosten nicht ersetzt. Ist der Name dieses Zustandes Demokratie?

*

Ich muß aber noch ganz kurz auf das wichtigste Thema, dem Folter zu Sprechen kommen.

*

Folter bedeutet, jemanden finanziell oder psychisch übermäßig zu quälen. Die nach dem 12. September 1980 durchgeführten, entsetzlichen Folter wurden von den offiziell Beauftragten schriftlich festgehalten.

Wenn der Paragraph 2969, der jegliche Kritik an den Gesetzen verbietet aufgehoben wird und die Folter ans Tageslicht kommen, wird festgestellt werden, daß diese Ereignisse die eine Schande unseres Jahrhunderts darstellen, auch wirklich erlebt wurden.

*

Lassen wir alles andere unbeachtet und richten unsere Aufmerksamkeit auf eine überflüssige aber die Menschenwürde verletzende Quälerei:

Wer kann das Gegenteil dessen behaupten, welche Personen die irgendwelche Ämter schmücken, welche administrativen Behörden können aussagen, daß die Angeklagten nicht mit verbundenen Augen vernommen werden.

*

Ich unterbreche meine Worte aus Gründen der Zeitmangel.

*

Beim Niederschreiben meines Plädoyers wiege ich mich noch in Unsicherheit, ob mir das Recht eingeräumt wird, dieses Plädoyer ungekürzt vorzutragen.

Ich ging davon aus, daß ich diese Möglichkeit erhalte und schrieb es dementsprechend nieder.

Meine Verteidigung ist nicht nur für den Richter und den Staatsanwalt bestimmt.

Ich hoffe, daß es von denjenigen die es wirklich nötig haben und für die es von Nutzen sein könnte, gelesen wird.

*

Ich bedanke mich sehr bei denen, die diesen Prozeß gegen mich einleiteten und mir somit die Möglichkeit gaben, dies alles auch wenn es nur ein Bruchteil von dem ist, was ich aussprechen wollte, zu erklären. ●

Hochachtungsvoll

Aziz Nesin

Initiative für Solidarität
mit den Intellektuellen der Türkei
Postfach 2106, D-3550 Marburg

Spendenkonto: C. Weber Sonderkonto
Initiative f. türk. Intellektuelle
BfG-Hannover (BLZ 25010111)
Kto. 12 26 22 02 01

(1) Amnesty internationale - 1986 - Februar
Schutz für politisch Verfolgte
Inhalt der Unterlagen

- 1) Ein Rapport von Amnesty Internationale
aus dem Jahre 1986 über die Türkei
von der Frankfurter Rundschau
- 2) Ein Artikel über Folter in der
in Köln Zentrum über der
Psychosoziale Zentrum für Ausländische
Flüchtlinge
- 3) Staatsangehörigkeit nach Türkischem
Recht, juristische Begründung und
die Praxis des Verlustes der Staatsan-
gehörigkeit, der Zwangsaußbürgerung
in der Türkei und der Passentzüge
den türkischen Staatsangehörigen
im Ausland.
- 4) Die Geständnisse eines
Folterknechts in der Türkei,
2. 2. 1986

5) Violations of Human Rights
in Turkey - 1983 (von A.1)

6) Continuing Violations of human
rights in Turkey 1987
(von A.1)

7) Juristische Gedanken über das
letzte Urteil des Istanbulen Militär-
gerichts im ^{Prozess} gegen den türkischen Friedensvereins
Klage vom 28.4.1987

8) Folter in der Türkei. 1986

(Ich habe dieses Buch nicht finden
können. Vielleicht können sie es in
Bremen ~~finden~~ erhalten.)

9) Turkey: Reading the small print
John Mephum

10) Turkey A sad state of
freedom

Dauerauftrag

Hiermit beauftrage ich
(Adınız, soyadınız)

wohnhaft in
(Açık adresiniz şehir, sokak, numara)

meine Bank/Sparkasse
(Bankanızın adı)

in von meiner Konto Nr.
(Bankanızın bulunduğu şehir) (Hesap-No.)

zu Beginn jeden Monats
den Spendenbetrag
in Höhe von DM

(in Worten:DM)
auf das Konto von Herrn Gün Doğan Görsev für "Solidaritätskomitee für
Menschenrechte und Demokratie in der Türkei" bei der Dresdner Bank,
Kto. Nr.: 02.226.017.01, BLZ.: 350.800.70 in 4100 Duisburg 1 zu überweisen.
Dieser Auftrag ist jederzeit kündbar. Die Kündigung bedarf der Schriftform.

.....
Datum - Tarih

.....
Unterschrift –
Bankada bulunan imzanız

Anschrift der Bank
(Bankanızın adresi)

İnsan Hakları Savunucusu Değerli Dostumuz,

Kimlerin birliği?

"TÜRKİYE'DE İNSAN HAKLARI VE DEMOKRASİ İÇİN DAYANIŞMA GİRİŞİMİ"miz Türkiye'de, özellikle 12 Eylül (1980) askersel darbesini izleyen dönemde:

- her türlü insan hakları ihlallerine, kısıtlamalarına, işkence uygulamalarına,
- barışı, ulusal güvenliği ve ulusal egemenliği savunmaların kovuşturulmasına, engellenmesine,
- adaleti ve sosyal adaleti savunanların baskı altında tutulmasına,
- insanların düşünce ve inançlarından ötürü kovuşturmaya uğramasına, hapislerde çürütülmesine,
- Kürt halkına karşı, hangi bahaneler altında olursa olsun, barbarca baskılar sürdürülmesine

karşı çıkmanın asgarî bir insanlık, demokratlık ve yurtseverlik görevi olduğu gerçeğinden yola çıkanların birliğidir.

Dünyada uygar kişilerin ülkemize ilgisinden aldığımız güç

GİRİŞİM'imiz, insanlık ailesinin diğer üyeleri kadar Türkiye halkının da, temel hak ve özgürlüklerin güvence altında kullanılabildiği ve barışın savunulabildiği demokratik bir düzende yaşamaya layık olduğuna inanan her kişinin dışarıdan Türkiye halkıyla bu yolda dayanışmaya hazır olduğundan kuşku duymadığı için, bu dayanışmanın kolaylaştırılması işlevini gücü ölçüsünde üstlenmek üzere kurulmuştur.

A-m-a-c-l-m-i-z

GİRİŞİM'imiz, "Birleşmiş Milletler İnsan Hakları Bildirgesi" ve "Avrupa İnsan Hakları Sözleşmesi" altında imzası bulunan Türkiye Cumhuriyeti'nin, bu temel sözleşmelerdeki hükümlere uyması için, uluslararası denetim mekanizmalarının işletilmesinde uyarıcı olmak, bu yönde kamuoyu yaratılmasına katkıda bulunmak; bunun yanı sıra, 12 Eylül baskı rejiminden ve uygulamalarından zarar gören, her kesimden insanlara ve kuruluşlara, ayırım gözetilmeden maddi ve manevi dayanışma için yardımcı olmak amacındadır.

Etkinlik Hedeflerimiz

GİRİŞİM'imiz, yanda belirtilen kuruluş amaçlarına uygun olarak, aşağıdaki faaliyetleri yürütmeye çaba göstermektedir:

- o Düşünce ve inanç özgürlüğünün, basın özgürlüğünün, her türlü örgütlenme özgürlüğünün, sendikal hakların, öğrenim özgürlüğünün, seyahat özgürlüğünün, vb. temel özgürlüklerin, Türkiye'deki parlamenter görünümlü baskıcı rejim tarafından sistemli olarak çiğnenmesinin örneklerini F.Alman kamuoyuna ve F.Almanya'da yaşayan Türkiyeli göçmen işçilerin bilgisine sunmak ve bu uygulamalardan zarar görenlerle maddi ve manevi dayanışmalarını sağlamak;
- o Bu amaçla tanıtma malzemesi hazırlamak, yayımlamak ve dağıtmak, dayanışma toplantıları düzenlemek, çeşitli biçimlerde dayanışma eylemleri gerçekleştirmek ya da gerçekleşmesine yardımcı olmak;
- o Türkiye'de sistemli hale getirilmiş olan ve el altından teşvik edilen işkence uygulamalarını teşhir etmek, işkence uygulamalarından zarar gören kişilerle maddi, hukuki, manevi dayanışma örgütlemek ya da örgütlenenleri desteklemek;
- o Politik tutuklularla ve aileleriyle maddi ve manevi dayanışmada bulunmak, ya da varolan dayanışmaları güçlendirmek;
- o Grevdeki sendikalarla ve işçilerle maddi ve manevi dayanışma kampanyaları örgütlemek, dayanışma toplantıları düzenlemek, ya da varolan etkinliklere destek olmak;
- o Baskıcı yönetime karşı mücadele eden muhalefet partileriyle ve onların üyeleriyle dayanışmak;
- o Türkiye'de barış hareketinin yeniden örgütsel birliğine kavuşması için yürütülen çabalarla; barış, silahsızlanma, komşularla iyi ilişkiler ve halkların dostluğu için uğraş veren derneklerle, girişimlerle ve bunları savunduğu için baskı gören tek tek kişilerle dayanışmak;

- o Bilimin, sanatın ve kültürün gelişmesini ve yaygınlaşmasını, halklar arasında dostluğun ve kültürel alışverişin derinleşmesini, doğal ve tarihsel çevrenin korunmasını sağlamak üzere kurulmuş derneklerle, meslek kuruluşlarıyla, diğer örgütlerle ve bu yolda uğraş veren tek tek kişilerle dayanışmak;
- o Haksızlığa ve baskıya uğrayan aydınlarla, kadınlarla, öğrenci ve emekçi gençlerle, çocuklar ve ana-babalarla, köylülerle, esnaf ve zanaatkarlarla, devlet memurlarıyla, emekli, dul ve yetimlerle, özürlülerle, tutuklularla, dinsel ve etnik azınlıklarla, Kürt halkıyla, hayırperverlerle, hobby'cilerle, yerel yönetimlerle ve bunların örgütleriyle dayanışmanın yükselmesi ve yaygınlaşması için uğraş vermek;
- o Türkiye'deki rejimden zarar gördüğü için yurt dışında yaşamak zorunda kalmış politik göçmenlerle, pasaportuna el konmuş ya da yurttaşlıktan çıkarılmış ilericiler, demokrat Türkiyeli göçmenlerle dayanışmak;
- o Diğer ülkelerin F.Almanya'da faaliyet gösteren benzer dayanışma örgütleriyle bağ kurmak ve yardımlaşmak.

GİRİŞİM'imiz, bu görevleri F.Almanyalıların katkılarıyla yerine getirdiği ölçüde, aynı zamanda, F.Almanya'da barış, uluslararası yumuşama, halklar arasında dostluk, insan haklarının derinleşmesi için verilen savaşıma da katkıda bulunacağı samimi inancındadır.

S _ o _ n _ u _ ç

Bu yüce amaçlara hizmet etmenin maddi olanaklarını sağlamada, bir demokrat, bir insan hakları savunucusu olarak, sizin için belki küçük, ama GİRİŞİM'imiz için pek değerli "Dauer-auftrag" bağışınızla yapacağınız katkı için önceden teşekkür ederiz.

TÜRKİYE'DE İNSAN HAKLARI VE DEMOKRASİ İÇİN

DAYANIŞMA GİRİŞİMİ - F.Almanya

İNSAN HAKLARI DERNEĞİ
I. OLAĞAN GENEL KURULU
ÇALIŞMA RAPORU

TÜRKİYE SOSYAL TARİH ARAŞTIRMALARI
TÜSTAV



YER : TÜRK-İŞ TOPLANTI SALONU
GÜN : 6 HAZİRAN 1987 SAAT: 10.30

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DENETLEME KURULU

Ali BOZKURT
İzzet ERAY
Julide GÜLİZAR

G Ü N D E M

- 1 — Açılış
- 2 — Başkanlık Divanının oluşturulması ve saygı duruşu
- 3 — Genel Başkan'ın açış konuşması
- 4 — Konukların Konuşmaları
- 5 — Yönetim Kurulu ve Denetleme Kurulu Çalışma Raporlarının okunması
- 6 — Yönetim Kurulu Çalışma Raporu üzerine görüşmeler
- 7 — Yönetim Kurulunun aklanması
- 8 — Yönetim Kurulu, Denetleme Kurulu ve Onur Kurulu üyelerinin seçimi
- 9 — Dilek ve öneriler
- 10 — Kapanış

Sayın Başkan,

İnsan Hakları Derneği'nin değerli üyeleri,

İnsan Hakları Derneği, geçen yıl, 17 Temmuz'da 98 bilim adamı, yazar, hukukçu, mühendis, mimar, gazeteci ve tutuklu-hükümlü yakınları bir araya gelerek kuruldu. İnsan Hakları Derneği kurucuları ülkemizin imzaladığı uluslararası belgelerde yer alan, insanlığın özgürlük mücadelesi tarihinden ve insan olma onurundan kaynaklanan, uygar dünyanın benimsediği, çağdaş özü ile belirlenen İNSAN HAKLARININ toplumumuzda tüm boyutlarıyla yaşama geçirilmesi için, tek ve belirli bir amaç için, İNSAN HAK VE ÖZGÜRLÜKLERİ konusunda çalışmalar yapmak için bir araya geldiklerini kamuoyuna duyurarak çalışmalara başlamıştır.

Bir ülkede İnsan Hakları Derneği'nin kurulmasını gerekli kılan nedenler varsa ve yaşıyorsa, o toplumun insanları için, insan hak ve özgürlüklerini savunmak ve onun çabasını vermek de, kaçınılmaz bir insanlık görevidir. İşte, İnsan Hakları Derneği'nin kuruluşunda, bu görevin bilinci ve sorumluluğu bulunmaktadır.

Tüzük ve kuruluş bildirisinde derneğin yapacağı işler şöyle belirlenmiştir:

Derneğin amacı doğrultusundaki etkinlikleri gerçekleştirmeyi çağımıza, ülkemize ve toplumumuza karşı insan olmanın hak ve sorumluluklarını yerine getirmenin bir gereği sayıldığı,

Yurdumuzda, temel hak ve özgürlükler başta olmak üzere insan hakları ihlallerini araştırıp, saptayıp önlenmesi yolunda girişimlerde bulunmayı,

İç hukukumuzun, Türkiye Cumhuriyetince imzalanmış, insan hakları konusundaki uluslararası belge ve antlaşmalarla çelişen yada bağdaşmayan hükümlerin ayıklanması, çağdaş koşul ve yaklaşımlar doğrultusunda düzenlenmesi için çaba göstermeyi,

Hükümlü, tutuklu ve gözetim altında bulunanların ırk, renk, cinsiyet, dil, din ve siyasal görüş ve inanç ayrımı gözetmeksizin, yaşamlarının insan onuruna yaraşır maddi ve manevi koşullar içinde geçmesi için her türlü çaba harcamayı öngörmüş ve,

Halkımızın bilinçli desteğinden alacağımız güçle, ülkemiz tarafından imzalanan uluslararası belgelerde yazılı İnsan Haklarının tam olarak yaşama geçirilmesi doğrultusunda kamuoyu oluşturulmasına ve Avrupa İnsan Hakları Komisyonu'na bireysel başvuru hakkının tanınmasına çalışılacağı belirtilmiştir.

Tüzük ve kuruluş açıklamasında anlatımını bulan bu etkinliklerin yaşama geçirilmesi, birçok ülkede olduğu gibi, bizde de yoğun bir çaba ve mü-

cadeleyi gerektirmektedir. İnsan yaşamının onurlu kişiliğini geliştirecek ve koruyacak olan temel hak ve özgürlükler; tüm insanlığın ortak sorumluluğu ve özlemi olması gerekirken o ülkelerin insanların bir kesiminin sorumluluğunda kalmaktadır. Kuşkusuz, bu bir raslantı değildir. İnsan haklarının korunmasına, geliştirilmesine gerekseme, o insanlar için tek neden değildir. Asıl neden, bu insanların, halkına, ülkesine ve bütün insanlığa karşı duydukları sorumluluktan kaynaklanmaktadır.

Ülkemiz, çağdaş insan hakları düzeyinin çok altındadır. Eğer insanlar işkencede öldürülüyorsa, cezaevleri işkence evlerine dönüşmüşse, eğer insanlar düşüncelerinden ve o doğrultuda örgütlenmelerinden, yazım ve anlatımlarından ötürü yıllarca hak ve özgürlükleri ellerinden alınıyor ve cezaevlerinde yatırılıyorsa; eğer bir dönemde anayasal ve yasal haklarını kullanıp, ara dönemlerde bunlar suç sayılıp yargılanıyorsa; eğer toplum güvenliği ve huzuru gerekçelerine sığınıp insanlık onuru ve kişiliği aşağılanıp her türlü baskı altında tutulmanın nedeni oluyorsa, o ülkede insan hak ve özgürlükleri, bizzat o gerekçelere dayalı oluşan kurum ve kuruluşların tehdidi altında demektir. Oysa, ülkemiz insan haklarına yönelik birçok uluslararası antlaşma ve sözleşmeye imza atarak, hak ve özgürlükler için taraf olmuştur. Ama, imzaladığı yada onayladığı kimi belgelerin öngördüğü yükümlülüklerin hemen çoğunu bugüne değin yerine getirmemiştir.

Kurucular kurulunca görevlendirilen Yönetim Kurulumuz, ilk toplantısından sonra, Türkiye'nin somut koşullarından hareketle; temel hak ve özgürlüklerin sağlanması, korunması ile insan hak ve özgürlüklerine aykırı davranışların önlenmesine yönelik çalışmaları şöyle saptamıştır:

— Yaşanmış ve yaşanmakta olan insan haklarının çiğnenmesiyle ilgili olayların saptanması ve önlenmesi için gerekli girişimlerde bulunulması ve buna bağlı olarak;

— İşkence olaylarının belirlenmesi ve işkencenin önlenmesi için her alanda çaba harcanması,

— Cezaevlerinde, eziyete yönelik her türlü uygulamanın saptanması ve cezaevi koşullarının iyileştirilmesi için çaba gösterilmesi,

— Kovuşturma, soruşturma, yargılama, savunma ve infazların hukuk devleti ilkelerinin uygulanırılığını sağlamak doğrultusunda hukuksal çabanın sürdürülmesi,

— Türkiye'nin de imzaladığı uluslararası insan haklarıyla ilgili sözleşmelere karşın işkence ve baskılara uğramış insanların, sağlık rehabilitasyon ve hukuk sorunlarıyla ilgilenilmesi,

— İnsanın en temel hakkının yaşam hakkı olmasından ve bu hakkın en büyük engeli olan ölüm cezalarının kaldırılması yolunda çaba harcanması,

— Düşünce anlatım ve örgütlenme özgürlüğünden, her türlü toplumsal ve ekonomik haklardan yurttaşların yararlanmasının gerçekleştirilmesi yo-

lunda çaba gösterileceği duyurularak; bu yolda beş çalışma grubu oluşturulmuştur. Bunlar: Baskı, İşkence ve Cezaevleri Krulu, Temel Hak ve Özgürlükler Kurulu, Hukuk Kurulu, Toplumsal Haklar Kurulu ve Ekonomik Haklar Kuruludur.

Derneğimizin kuruluş başvurusuna karşılık, üç ay sonra İçişleri Bakanlığı'ndan gelen görüşte; tüzüğümüzün yasalara aykırı olduğu, amaç ve gösterilecek etkinliklerin, devletin bile üstesinden gelemeceği işlerden olduğu ve siyasi nitelik taşıyabileceği gerekçeleriyle geri çevrilmiş, tüzük amacının ve etkinliklerin yeniden düzenlenmesi istenmiştir.

Kurucular kurulunca yeniden değerlendirilen ve gerekli düzeltmelerle gönderilen tüzük, ikinci üç ay sonunda, İçişleri Bakanlığı'na yeniden geri çevrilmiş ve bu kez de dernek amacının açık ve belirli olmadığı, etkinliklerinin her an yasaklanmış biçimlere dönüşebileceği nedenine dayandırılmıştır.

Üçüncü kez, bir çok zorluklar içinde toplanabilen kurucular kurulu, yeniden tüzük üzerinde çalışmış ve son biçimiyle Bakanlığa gönderilmiştir. Sonuçta, ancak, dokuz ay sonra tüzüğümüz kabul edilmiştir.

İçişleri Bakanlığı'nın her iki yazısında da, işlevi, insan haklarını savunmak olan bir derneğin kurulamayacağı anlamında anlatımlar yer almıştır. Oysa, Dünya İnsan Hakları Federasyonu'na bağlı 41 ülkenin hiçbirinde İnsan Hakları'na yönelik dernek ve kuruluşlar izne bağlı değildir. İzne bağlı olan ül-

keler, Şili, Cezayir ve Türkiye'dir. Çağdaş demokratik hukuk devletinin görevi, hak ve özgürlüklerin kullanılmasını güçleştirmek değil, kullanılabilmesinin koşullarını hazırlamaktır. O nedenle, Yönetim Kurulu'muz derneğimize karşı, daha kuruluşunda, takınılan bu tavrı, dernek kurma hakkına karşı önemli bir ihlal saymıştır.

Bilindiği gibi Türkiye, insan hak ve özgürlüklerini tanıyarak güvence altına almayı başlıca amaç sayan BM (Birleşmiş Milletler) ve Avrupa Konseyi'nin üyesidir. Yine Türkiye, bu kuruluşlar eliyle benimsenen insan haklarına ilişkin çeşitli uluslararası belgeyi onaylayarak bu hakları tam anlamıyla gerçekleştirmek ödev ve yükümlülüğünü üstlenmiştir.

Adı geçen kuruluşlardan BM, kuruluşundan başlayarak gerek kendi organlarının çalışmalarını kolaylaştırmak, gerekse üye devletlerin bu alandaki etkinliklerine yardımcı olmak üzere ulusal kuruluşların oluşturulmasını öngörmüş ve bu amaçla bir dizi karar almıştır. Örneğin, daha 21 Haziran 1946'da BM'nin ana organlarından biri olan Ekonomik ve Toplumsal Konsey 9 (II) sayılı kararında BM üyelerini «İnsan Hakları Komisyonu'nun çalışmalarını geliştirmek üzere kendi ülkelerinde işbirliği yapılacak bilgi grupları ya da yerel insan hakları komiteleri kurulmasının yararını» gözönüne almaya çağırmıştır.

Yine Ekonomik ve Toplumsal Konsey, İnsan Hakları Komisyonu'nun tavsiyesi üzerine 25 Tem-

muz 1960 tarih ve 772B (XXX) sayılı kararında her ülkede insan haklarına ilişkin sorunlar üzerinde görüş belirtecek kuruluşların, bu hakların saygı gözetilmesini konusundaki katkılarının önemi tanımlanmıştır.

İnsan hakları sorunları üzerinde bu tür kuruluşlarca yapılacak inceleme ve belirtilecek görüşlerin bu hakların saygı görmesi ve gözetilmesinde hükümetler için büyük değer taşıdığını belirten Konsey, üye devletlerin hükümetlerinden uygun yöntemlerle bu tür kuruluşların kurulmasını destekleme ya da kurulmuş olanları özendirme isteminde bulunmuştur.

Cenevre'de 18-29 Eylül 1978 tarihinde yapılan İnsan Hakları'nın Geliştirilmesi ve Korunmasında Ulusal ve Yerel Semineri'nde bu kuruluşların işleyişi ve yapısı konusunda yol gösterici ilkeler benimsenmiştir.

Bu ilkeler 14 Aralık 1978 tarih ve 33/46 sayılı kararla Genel Kurul'ca 14 Mart 1979 tarih ve 24 (XXXV) sayılı kararla İnsan Hakları Komisyonu'na kabul edilmiştir.

Son olarak yine BM Genel Kurulu, 16 Aralık 1983 tarih ve 38/123 sayılı kararıyla,

— Tüm üye devletleri, insan haklarını korumak ve geliştirmek üzere ulusal kuruluşların kurulması ya da kurulmuşsa güçlendirilmesi için uygun önlemler almaya çağırarak,

— Ulusal yasalara uygun olarak bu tür ulusal

kuruluşların bütünlüğünün ve bağımsızlığının önemini vurgulamış,

— Resmi olmayan ulusal örgütlerin, ulusal kuruluşların çalışmalarındaki önemli rolüne dikkat çekmiştir.

BM'in yanı sıra, Avrupa Konseyi de çeşitli karar ve uygulamalarıyla üye ülkelerde İnsan Hakları Avrupa Sözleşmesi hükümlerinin yaşama geçirilmesinde resmi olmayan örgütlerin önemine inanmış ve Konsey'e bağlı bir birim olan İnsan Hakları Direktörlüğü, her ülkede sözleşme hükümlerine ilişkin gelişmeleri, ilkece bu örgütler ya da temsilcilikleri aracılığı ile izlemiştir.

Bu gerekçelerle, BM'le aynı amaçları ve ilkeleri paylaşan Avrupa Konseyi'ne üye ülkelerin tümünde derneklerle ya da başka statülerde oluşturan ulusal kuruluşlar, insan hakları alanındaki çalışmalarıyla bu hakların saygı ve özen görerek geliştirilmesi yolunda önemli rol oynamış ve oynamaktadır.

İşte derneğimiz, ülkemizin bu alanda çağdaş toplum düzeyine yükselerek insanlık ailesi içinde kendine yaraşır yeri alması amacıyla insanlığın geliştirdiği ve dünya kamuoyunun benimsediği değerleri benimsemiş ve çalışmalarını bu hedefler yönünde belirlemiş olan bir dernektir.

Kurucular Kurulu'nca görevlendirilen Yönetim Kurulu'muz, göreve başladığından bu güne, gerek kurucularımızın ve gerekse üyelerimizin katkısıyla birtakım etkinlikler göstermiştir. Derneğimizin kısa

sürede ulaştığı boyut ve kazandığı saygınlığın onu-
ru, İnsan Hakları Derneği'nin tüm kurucularına ve
üyelerine katkıda bulunanlara aittir.

ÇALIŞMALARIMIZ

Yaklaşık yedi yıldır, insanlar ya örgütsüz bira-
kılmış yada örgütleri önüne yasal engeller konul-
muştur. Bu yolda insanların haklarını arama yolla-
rı tıkanmıştır. Dernek, kuruluş amacını ve etkinlik
alanını duyurur duyurmaz, her kesimden haksızlığa
uğramış insanların haklarını arama merkezi oldu.
Sözlü ve yazılı başvurulara, kimi zaman anında yol
gösterdi, kimi zaman da haksızlığa uğratıldığı ku-
rumlara ve kuruluşlara iletildi. Yurdun dört bir ya-
nından gelen mektuplar yanıtlandı.

Kuruluşla birlikte, derneğin nitel ve nicel ge-
lişmesine ağırlık verildi. Üyeliklere özendirici duyuru
ve bildirimler yapıldı. Ve bugün 560 üye ile kong-
remizin toplanması sağlandı.

Öncelikle büyük kentlerden başlatılarak, der-
nek şubelerinin açılması yolunda çaba gösterildi.
Ancak, yasadan kaynaklanan ve tüzüğe konulan ge-
çici bir madde uyarınca Merkez Genel Kurulu'nun
yapılmasından önce şubelerin açılmayacağı nede-
niyle, bugüne değin İstanbul, İzmir ve Adana illerin-
de, Temsilciler Kurulu adıyla kurullar oluşturuldu.
Dernek etkinlikleri bu illerimizde bu biçimde sür-
dürülmüş oldu. Başka illerde de bu kurulların oluş-

turulması yolunda girişimlerde bulunuldu. Genel Kurulu'muzdan sonra bu üç ilimizle birlikte Kayseri'de ve Eskişehir'de de şubelerin açılması gerçekleştirilecektir.

Dernek, kuruluşuyla birlikte, gerek merkezde gerekse diğer illerde iletişimin kurulabilmesi için, öncelikle Dernek Genel Merkezi'nin, bir yerinin ve adresinin belirlenmesi gerekiyordu.

Bu doğrultudaki çabalarımız bir süre sonra sonuçlanarak, merkezi ve kolaylıkla bulunabilecek bir yerde dernek yeri kiralandı. Kısa sürede dernek yerinin onarılması, içinin düzenlenmesi, telefon bağlanması ve çalışmalarına açılması birçok arkadaşın ilgi ve katkısıyla olmuştur. Bundan ötürü, burda kendilerine teşekkür ediyoruz. Şimdi Dernek Genel Merkezi her gün sabahtan akşama değin açık bulunmaktadır.

HAK VE ÖZGÜRLÜKLERİN KULLANIMI YAŞAM HAKKIYLA BAŞLAYACAKTIR

İnsan haklarına ve özgürlüklerine bir bütünlük içinde bakan derneğimiz hak ve özgürlüklerin eksiksiz kullanımının yaşam hakkıyla başlayacağından yola çıkmıştır. Derneğimizin Yaşam Hakkı konusunda çok duyarlı olmasının esas nedeni, ülkemizde, bu hakkın ağır tehdit altında bulunmasından kaynaklanmaktadır.

Yedi yıldır, yaşam hakkı, gözaltında, karakol-

da, işkencede, cezaevlerinde tehdit altındadır. Çağdaş hukuk devletinde ve demokratik bir toplumda demokrasi ve insan haklarının tüm kurum ve kurumlarıyla işlemesi, yaşam hakkının temel güvenesidir. Ne var ki, yedi yıldır, insanların işkencede öldürüldüğü, gözaltında kaybolduğu, ölüme ve intihara itildiği yada intihar görünümü verildiği olgular, içerde ve dışarda yaşanmış ve yaşanmaktadır.

Ülkemizde yedi yıldır, insanlık suçlarının en ağır ve en aşağılayıcısı olan işkence ve işkence tartışmaları üzerine gidilmiştir. Baskı, İşkence ve Cezaevleri Kurulumuzca, işkencenin bir sorgulama yöntemi olduğu ve sistemli biçimde uygulandığı saptanmıştır. İşkenceyle öldürülenler, ölüm nedenleri intihar olarak açıklananlar, işkence sonrası gerekli önlemler alınmadığı için cezaevlerinde ölenler, öldürülüp de ölü olarak ele geçirildiği ileri sürülenler, ceza ve tutukevlerinde ölüm orucu nedeniyle ölenler ile ilgili bir rapor hazırlanmış ve Derneğimizce kamuoyuna ve ilgili yerlere duyurulmuştur.

Bu nedenlerle yaşamını yitirmiş, 149 kişilik rapor açıklanırken, listenin eksik olduğu, ve bu biçimde öldürülmüş başkaca insanların adlarının derneğimize bildirilmesi çağrısı yapılmıştır. Ve kısa sürede bu listeye 20 ad daha eklenmiştir.

Derneğimizce açıklanan işkence raporu üzerine değişik çevrelerden değişik tepkiler geldi. Ama, kimse raporda yer alan adları ve listeyi yalanlayamadı. Raporu, "siyasi istismar" konusu gören ve "devletin

itibarımı sarsmak"tan söz edenlere diyeceğimiz şudur: Derneğimiz siyasi bir kuruluş değildir. Siyasi bir yapılanma da değildir. O nedenle siyasi istismar yapmak gibi bir sorunu yoktur. Devletin itibarını sarsmaya gelince, Devletin itibarı işkence olaylarını ortaya çıkartıp, üstüne gitmek ve işkencecilerden hesap sormakla değil, gizlemek, özendirmek ya da onu örtülemekle sarsılır. Eğer raporda yer alan adların ve olayların üstüne gidilir, incelenir, soruşturulur ve sorumluları yargı önüne çıkartılır ve hesabı sorulursa, devlet, ancak o zaman itibar kazanır. Üstelik devlet, kendi itibarından önce, yurttaşlarının yaşam hakkını korumak ve savunmakla yükümlü olmalıdır. Oysa, 12 Eylül'den bu yana gözaltına alınan yaklaşık 240 bin insandan işkence görmeyen yok gibidir. BM'ce 1984 yılında kabul edilen «İşkence ve Başkaca Zalimce, İnsanlık Dışı ya da Onur Kırıcı Yada Cezaya Karşı Sözleşme»nin 2. maddesinin 2. fıkrasında:

“İster bir savaş durumu, ister savaş tehdidi, ister iç siyasal karışıklık, ister bir başka olağanüstü durum söz konusu olsun hiçbir ayrıkı durum, işkenceyi haklı gösteremez» denilmiştir.

Buna karşın, Türkiye’de işkencenin bir sorgulama yöntemi ve kişiliği yok etmeye yönelik sistemli ve yaygın bir uygulama olduğu bir gerçektir. İşkence uygulamalarından devletin sorumlu olduğu yargı kararlarıyla da saptanmıştır.

Bu durumda yetkililerden soruyoruz?

— İşkencenin arkasında hangi güçler vardır?

— Hasan Hakkı Erdoğan, Behçet Dinlerer ve Cennet Değirmenci olaylarında görüldüğü gibi, işkence bulunmadığına ilişkin sahte rapor vermeleri için hekimlere baskı yapılmış mıdır? Yapılmışsa sorumluları hakkında ne gibi işlemler yapılmıştır.

— Sedat Caner'in açıklamalarında adı geçen sorumlular hakkında bugüne kadar ne gibi işlem yapılmıştır?

— İşkence sabit olduğu halde, çok sayıda olayda sorumlular neden bulunamamıştır? Sorumluların ortaya çıkmasını hangi güçler engellemiştir?

— Neden işkence soruşturmaları senelerce süruncemede kalmaktadır?

— İşkence yaptığı için hüküm giyen yada hakkında soruşturma açılan kişiler, hangi hukuki gerekçelerle ödüllendirilmişler, terfi ettirilmişler ve yurt dışı görevlere gönderilmişlerdir?

— İşkencecilere ceza verdikleri için görev yeri değiştirilen hakim var mıdır? Bu hakimler tehdit edilmişler midir? Tehdit edenler hakkında ne gibi işlemler yapılmıştır.

— İktidarın insan hakları ve işkence konusunda tutumu nedir?

Derneğimiz, işkenceden sonra Yaşam Hakkı'nın cezaevlerinde de en ağır tehdit altında olduğu olgusunu göz önünde bulundurarak çalışmalarını cezaevleri konusunda da yoğunlaştırmıştır. Türkiye'de cezaevleri koşullarının ikinci bir işkenceye dönüş-

tüğü ve insanlık onuruna aykırı uygulamaların sürdüğü bilinmektedir. Cezaevlerinde fizik koşulların ve uygulamaların kötü olduğu bilinmekle birlikte, bunların evrensel kuralları açısından aykırılığı Derneğimiz tarafından belirlenmiştir.

Yine dernek bünyesinde oluşturulmuş, İşkence ve Cezaevleri Uygulamalarını Araştırma Komisyonumuzca, cezaevleri uygulamalarına ilişkin bir rapor hazırlanarak kamuoyuna ve ilgili çevrelere duyurulmuştur. Rapor, BM’ce kabul edilen “Tutuklu ve Hükümlülere Karşı Uyulması Gerekli Asgari Standart Kurallar”ı temel alarak, bu kurallar ile ülkemiz cezaevlerindeki uygulamalar örneklendirilmiş ve bu kurallara aykırılıklar saptanmıştır.

“Hükümlü ve tutuklulara Karşı Uyulması Gerekli Standart Kurallar ve Bu Kuralların Etkin Bir Biçimde Uygulanması İçin Usuller” BM’ce 30 Ağustos 1955’te oybirliği ile kabul edilmiş, Ekonomik ve Toplumsal Konsey’cede 31 Temmuz 1957’de onaylanmıştır.

Avrupa Konseyi bünyesinde de aynı çalışmalar yapılmış ve BM’ce kabul edilen kurallar, Suç Sorunları Avrupa Komitesi’ncede benimsenmiş ve uygulanmak üzere üye ülkelere önerilmiştir.

Tutuklu ve Hükümlülere Karşı Uyulması Gerekli Asgari Standart Kuralların Ana İlkeleri: Barınma, kişisel sağlık, giyim ve yatak, yiyecek ve içme suyu, egzersiz ve spor, tıbbi hizmetler, disiplin ve ceza, kısıtlayıcı araçlar, hükümlülere bilgi verme ve

hükümlülerin şikâyetleri (şikâyet hakkı), dış dünya ile temas, kitaplar, din, tutukluların mallarının korunması, ölüm, hastalık ve nakil durumlarında yakınlarına haber verme, hükümlülerin nakil koşulları, cezaevi personeli (ve personelin niteliği) ile cezaevleri uygulamalarının denetimi başlıklarından oluşan metni dilimize çevirtmiş, ve ülkemiz cezaevlerindeki uygulamaların evrensel kurallara aykırılıklarını örnekleyerek belgelemiştir.

Kimi zaman tutuklu ve hükümlü yakınlarının, kimi zaman da cezaevlerinden yapılan başvuruların üzerine gidilmiş ve sorunların çözümüne yönelik, ilgililer indinde girişimlerde bulunulmuştur. Örneğin, Bartın Cezaevindeki içme suyunun, insan sağlığına aykırı olduğu, cezaevinden getirilen su örneklerinin tahlil edilmesiyle ve sonuçlarının Türk Tabipler Birliği Merkez Konseyi'nin raporlarıyla saptanmıştır. Sonuçları Adalet Bakanlığı'na gönderilerek ilgilenilmesi istenmiştir. Burdur'dan Ankara'ya sevki yapılan hükümlü Ahmet Çetin'in Merkez Kapalı Cezaevinden hastaneye sevki için Ankara Savcılığı indinde girişimlerde bulunulmuş ve sevki sağlanmıştır. Ne var ki, cezaevlerinin işlemleri zamanında yapmaması, gecikmesi nedeniyle Ahmet Çetin yaşamını yitirmiştir. Çanakkale'de hükümlü Bayram Işık'ın kemik erimesi dolayısıyla, Ankara'ya sevkini yapılmasına çalışılmaktadır.

Cezaevlerinden tutuklu ve hükümlülerin başvurularına ve isteklerine, dernek olanakları ölçüsünde

karşılık verilmeye çalışılmıştır. Çoğu kez istenilen yayınlar ve dökümanlar gönderilmiş, kimi kişisel istekler de karşılanmaya çalışılmıştır.

Derneğimiz, tutuklu ve hükümlü yakınlarınca sürekli bilgilendirilmiş ve o doğrultuda birlikte çaba gösterilmiştir.

23 Nisan Ulusal Egemenlik ve Çocuk Bayramında birçok cezaevinde açık görüşe izin verilmemesinin gerek tutuklu ve hükümlülerin, gerekse yakınlarının üzüntülerine ve tepkilerine yolaçmıştır. Derneğimiz, anneler gününde açık görüş yapılması konusunda yine Adalet Bakanı indinde girişimlerde bulunmuştur. Anneler Günü'nde Dernek Genel Merkezinde tutuklu ve hükümlü yakınlarıyla biraraya gelinmiştir. Yine bayramın üçüncü günü Dernek Genel Merkezinde toplanılarak görüş yapılmıştır.

İNŞAN HAKLARI YOLUNDAKİ ETKİNLİKLER

Derneğimiz, insan hak ve özgürlüklerinin eksiksiz kullanılması yada o yoldaki çaba ve kavgaların bir bilinçle kazanılacağından hareketle, paneller, açık oturumlar, geceler ve sergiler düzenlenmiştir.

Derneğimizin kuruluşundan bu yana Ankara, İstanbul, İzmir ve Adana'da düzenlenen tüm etkinlikler, kitlelerin büyük ilgi ve desteğiyle karşılanmıştır.

Avrupa İnsan Hakları Sözleşmesinin yıl dönümü nedeniyle İstanbul'da «Ceza Yasa Tasarısı, Ölüm

Cezası, Genel Af ve İnfaz Yasası» Paneli düzenlenmiş; İnsan Hakları Evrensel Bildirisi'nin 38. yıl dönümü nedeniyle, Derneğimizce "İnsan Hakları Haftası" düzenlenmiş ve hafta Genel Başkan Av. Nevzat HELVACI tarafından bir basın toplantısıyla açılmıştır. Hafta nedeniyle sırasıyla, İstanbul'da İnsan Hakları Gecesi, Ankara'da "İnsan Hakları Bildirisi ve Türkiye", İzmir'de "İnsan Hakları, Hukuk ve Demokrasi", İstanbul'da "İnsan Hakları, İnsan Haklarının İhlalleri ve Anayasa", Ankara'da "Baskı ve İşkence" Panel'leri düzenlenmiştir.

Türkiye Hükümeti'nin, Avrupa Konseyi'ne bireysel başvuru hakkını —birtakım sınırlamalarla birlikte— tanınması nedeniyle, Ankara'da bir panel düzenlenmiş ve aynı günde Sayın Muzaffer Sencer'e derneğimizce hazırlatılan "Bireysel Başvuru Hakkı" adlı bir kitapçık, konuyla ilgilenenlerin yararına sunulmuştur.

İstanbul'da İnsan Hakları Sergisi açılmış ve 78 ressamın ürünleri sergilenerek derneğe kaynak sağlama yoluna gidilmiştir. Yine İstanbul'da Dünya Kadınlar Günü nedeniyle "Kadın ve Yaşam" adlı bir Panel ve 23 Nisan Ulusal Egemenlik ve Çocuk Bayramı nedeniyle İstanbul'da Çocuk Şenliği ve aynı nedenle de başka bir gün Uçurtma Şenliği düzenlenmiş ve büyük ilgi görmüştür.

İzmir'de Türk Ceza Yasası ve ceza hükmü taşıyan diğer yasalardaki insan haklarına aykırı ceza maddeleri araştırılıp, saptanması ve hazırlık soruş-

turmasında savunma hakkının da gereği gibi kullanılabilmesi için bir yasa taslağının hazırlanması; Cezaevleri ve İşkenceler Kurulunun işkence belirtilerinin anlaşılması yolunda "İĞNE BİYOPSİSİ" bilimsel çalışmaları sürdürülmektedir.

İzmir'de, İNSAN HAKLARI SERGİSİ düzenlenmiş ve sergide insan hakları ihlallerini içeren, fotoğraf, yargı kararları, iddianameler, doktor raporları, mahkeme anlatımları ile, insan haklarına ilişkin, resim, pano, tablo ve cezaevlerinde yapılan işleri sergilenmiştir. Sergi, açık kaldığı sürece 30 bin kişi tarafından izlenmiştir.

Adana'da "Türkiye'de İnsan Hakları ve Demokrasi Paneli" düzenlenmiş ve aynı gün Adana'da Cezaevleri ile ilgili hazırlanan rapor, bir basın toplantısıyla kamuoyuna duyurulmuştur.

Tüm etkinliklerin düzenlenmesinde emeği geçenlere, konuşmacı olarak katılıp katkıda bulunanlara Yönetim Kurulu olarak, teşekkür ediyoruz.

BASIN VE HALKLA İLİŞKİLER

Derneğimizin kuruluşundan bu yana basın-yayın organlarının bir çoğu sayfalarını açarken, bir çoğu da böyle bir derneği ve etkinliklerini umursamaz görünmüştür. Kuşkusuz, bu tür yaklaşımlar kimi gazeteler için rastlantı değildir.

Derneğimizin kuruluşunun ilk günlerinde gazetelerin ve dergilerin sahiplerine, genel yayın yönet-

menlerine, sorumlu yazı işleri müdürlerine ve il temsilciliklerine birer mektup gönderilerek ilgi ve katkıları istenmiştir. Daha sonra da Ankara ve İstanbul'da bulunan dergi ve gazete büroları ziyaret edilerek, dernek amacı ile etkinlikleri anlatılmıştır.

Basında, insan hak ve özgürlükleri yolundaki kimi etkinlikler yer alırken, kimi zaman ya çok az yer almış yada hiç almamıştır.

Örneğin, son bir ay içinde, demokratik hak ve özgürlüklerinin yoğun baskı altına alınmak istenmesi, dergilerin toplatılması ve yöneticilerinin gözaltına alınması, önceden duyurumu ve bildirimi yapılan panellerin ve şenliklerin son anda iptal edilmesi, öğrencilerin demokratik ve özerk üniversite mücadelesi üzerindeki baskıları kınayan açıklamalarımız ve de "İşçi Sağlığı ve Güvenliği Haftası" nedeniyle hazırlanan ve işçilerimizin iş güvenliği ve sağlığı üzerindeki tehlike boyutlarını sergileyen rapor açıklamasının hiçbir gazetede yer almayışına, basına yönelik serzenişlerimiz olarak değiniyoruz.

Dergilerinde, sayfalarında ve köşelerinde İnsan Hakları Derneğine yer veren gazeteci-yazar dostlara teşekkür ediyor ve devamını diliyoruz.

Derneğimizin maddi olanaklarının kısıtlı olması nedeniyle, dergilere abone olunamayacağı, ancak, izlenmek istendiği belirtilerek dergilerin ücretsiz gönderilmesi yolundaki başvurularımız karşılık görmüş, haftalık ve aylık dergilerin hemen tümü derneğimize gönderilmeye başlanmıştır.

TRT'nin derneğimize bakışı ilginç, ilginç olduğu kadar da yargılı ve kapalıdır. Bütün etkinliklerimizde TRT'ye duyuru yapılmasına karşılık ya ilgilendirilmemiş ya da gelmişlerse de "haber niteliği" şeklinde görülmeyip değerlendirmemişlerdir. Aynı TRT, dünyanın dört bir yanında, işçi grevleri, öğrenci eylemleri ve benzeri olaylara yer verirken, Türkiye'deki insan hakları ihlallerine ve buna karşı tepkilere ısrarla yer vermemiştir. TRT'nin yanlılığı ve tek tip ideolojiyi egemen kılmaya çalışması, siyasi iktidarın ve TRT'sinin habercilik anlayışıyla, basın yayın özgürlüğü anlayışını nasıl anladığını sergilemektedir.

Derneğimiz, kitle tabanı ile iletişimi sağlamak ve kamuoyu oluşturmak doğrultusunda, haber bülteni ve giderek de dergi çıkartma kararı almış, ve gerekli belgeleri hazırlamıştır. Ancak, tüzüğün kabul edilmesi ile ilgili belgelerin eklenmesi gerektiğinden ve tüzüğümüzün yeni kabul edilmiş olmasından, bu girişim sonuçlandırılmamıştır. Ancak, Genel Kurul'dan hemen sonra bir haber bülteni çıkarılması uygun olacaktır.

Kurullar tarafından hazırlanan raporlar ve Derneğin görüşlerini içeren konuşmalar, basın için hazırlanmış, maddi olanaksızlar nedeniyle gerçekleştirilememiştir.

Derneğimiz, amacı doğrultusunda, kişi ve kuruluşlarla ilişkileri geliştirmiştir. Bu bağlamda, Türk Tabibler Birliği Merkez Konseyi, Ankara Tabip Oda-

si, Mülkiyeliler Birlięi, Çaędaş Gazeteciler Derneęi ve BİLAR A.Ş. ile sürekli ilişki içinde olmuş ve söz konusu kuruluşların katkı ve desteklerini görmüştür.

İstanbul temsilcilerimizce İnsan Hakları Kartpostalları basılmış ve geniş dağıtımı yapılmıştır.

İnsan Hakları Takvimi ile rozet basım çalışmaları yapılmış ancak sonuçlandırılmamıştır.

Geçen yıl başlatılan İnsan Hakları Haftası'nın gelenekselleştirilmesi yolunda Yönetim Kurulu bu yıl anılacak haftaya uluslararası boyut kazandırarak İnsan Hakları Kurultayı düzenleme kararı almış ve o doğrultuda oluşturulan yürütme kurulunca çalışmalar başlatılmıştır.

Derneğimiz, kısa sürede etkinlikleriyle ve çabalarıyla bir kimlik kazanmış ve demokratik platformlarda önlerde yer almıştır. Çaęrılara kimi zaman giderek, kimi zaman da mesajlarıyla katılarak sürekli izlemeye çalışmıştır.

Derneğimize ilgi, salt yurt içinden değil, yurt dışından da büyük olmuştur. Demokrasi ve İnsan Hakları konularına ilişkin yurt dışından gelen kişi ve kuruluş temsilcileri, derneğimizi ziyaret etmiş ve görüşmüşlerdir.

Öğrenci dernekleri üzerindeki baskı ve uygulamalara ve tek tip öğrenci derneklerinin oluşturulmak istenmesine karşı, derneğimiz, öğrencilerin demokratik direnişine sahip çıkmış ve izlemiştir.

Genel Kurulca görevlendirilecek yönetim ku-

rulunun insan hakları savařını daha da yükselteceğine inanıyoruz. Önümüzdeki program, bugüne deęin sürdürölen çalışmalarını veri alınarak ve insan haklarının bütün boyutlarını içine alarak yapılabilir. Bu bağlamda;

Ölüm cezalarına karşı ve genel af için Türkiye düzeyinde kampanyalar açarak yaşam hakkının korunması kitleleştirilebilir.

Düşünce, anlatım ve örgütlenme özgürlüğünün kullanılması yolunda sürekli çaba gösterilebilir.

İnsan haklarının bütünlüğü içinde çalışma hakkı, sağlıklı yaşam hakkı, eğitim-öğretim hakkı vb. ekonomik toplumsal hakların kazanımı ve korunması yolunda, izleme komiteleri oluşturularak, izleme sonuçları doğrultusunda çalışmalar yapılabilir.

Çağdaş hukuk devleti ilkelerinin yaşama geçirilmesi yolunda hukuksal savaş ağırlıklı bir mücadele ile sürdürölmelidir.

Haber bülteni, dergi ve seri yayınlar çıkarılabilir.

Hem kamuoyu oluşturucu, hem de kaynak sağlayıcı etkinlikler düzenlenebilir.

İnsan Hakları Haftası'nın en etkin biçimde gerçekleşmesinin programı, şubeler düzeyinde yapılarak yürütme komiteleri oluşturulabilir.

Çalışma kurullarının etkinlikleri ve yol göstericiliği yoğunlaştırılabilir.

İnsan hakları konusunda, bilim adamlarımızdan ve hukukçulardan oluşan bir DANIŞMA KURU-

LU ile YÖNETİM KURULU'nun sürekli eşgüdümü sağlanarak, çalışmaların daha etkinliği ve kalıcılığı sağlanabilir.

İnsan Hakları Derneği, insanlarımızın insanca yaşamasını olanaklı kılan bir Türkiye'nin yaratılmasındaki gücü, siz değerli üyelerimizden ve bu yolda çaba gösteren tüm insanlardan alacaktır.

Saygılarımızla

YÖNETİM KURULU

İNSAN HAKLARI DERNEĞİ
1986 YILI BİLANÇOSU

GELİR		GİDER	
Ödentiler	903.500,—	İlan, Tanıtım	330.680,—
Bağışlar	257.000,—	Kırtasiye	50.875,—
Çeşitli Gelirler	13.332,—	Demirbaş	—
Avanslar	476.617,—	Cari Giderler	40.009,—
İzmir'den	109.169,—	Kiralar	979.000,—
		Vergiler	359.054,—
TOPLAM	1.759.618,—	TOPLAM	1.759.618,—

1987 YILI BİLANÇOSU

GELİR		GİDER	
Ödentiler	1.131.500,—	Reklam	474.147,40
Bağışlar	3.089.240,—	Kırtasiye	80.000,60
Çeşitli Gelirler	135.000,—	Demirbaş	—
Avanslar	1.603.000,—	Cari Giderler	653.000,—
Kasa	301.000,—	Kiralar	450.000,—
		Vergiler	161.000,—
		Yakıt	180.000,—
		Personel	450.000,—
		Etkinlikler	3.711.748,—
TOPLAM	6.259.895,—	TOPLAM	6.259.895,—

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VIOLATIONS OF HUMAN RIGHTS IN TURKEY

1 Introduction

Although martial law has now been lifted from all but nine of Turkey's 67 provinces, Amnesty International continues to be concerned about the imprisonment of large numbers of prisoners of conscience, widespread and systematic torture and ill-treatment of prisoners and the imposition and execution of the death penalty. A state of emergency, under which the governor of the province has extraordinary powers, has replaced martial law in 16 provinces, including Ankara, Istanbul and Izmir.

Political offences continue to be tried by military courts, even in those provinces no longer under martial law, although some new cases are dealt with by State Security Courts, established to try political offences committed after 1 May 1984. Amnesty International believes that the fairness of political trials may be affected by the difficulties which lawyers experience in seeing their imprisoned clients and by the acceptance of statements as evidence which are alleged to have been induced by torture. These and other deficiencies raise questions as to whether the trials conform to internationally accepted standards.

2 Prisoners of Conscience

The exact number of prisoners of conscience in Turkey at the present time is not known. According to official statistics published in Cumhuriyet newspaper of 1 January 1986, on 1 November 1985 there were 15,569 political prisoners, of whom Amnesty International believes at least some hundreds to be prisoners of conscience. Among prisoners of conscience are members of political parties and groups, trade unionists, writers, journalists, publishers, academics, members of the Kurdish ethnic minority and members of religious groups. People imprisoned under Article 141 of the Turkish Penal Code, which prohibits "membership of illegal organizations", include those charged with membership of the illegal Turkish Communist Party and members of other left-wing parties which had been legal until they were banned after the September 1980 military coup. Among them are members of the Turkish Peace Association (TPA), the Turkish Workers' Party (TIP), the Turkish Workers' and Peasants' Party (TIKP), the Turkish Socialist Workers' Party (TSIP), the Teachers' Association (TÖB-DER) and the Progressive Youth Association (IGD).

Prosecutions of journalists, writers and publishers continue to take place under various articles of the penal code, including Article 142 which prohibits "making communist propaganda", and the Press Law. Some of those prosecuted remain free pending the completion of legal proceedings, while others are imprisoned for short periods or permitted to convert their prison sentences to fines. However, Amnesty International is informed of journalists now serving prison sentences, among them Özcan Özgür, who was sentenced to 15 months' imprisonment in May 1985. He is the editor of Ilk Adim (First Step), a weekly journal published in the city of Muğla, and also a correspondent for the Istanbul daily newspaper Cumhuriyet. As editor he was convicted, on the basis of an article published in Ilk Adim, of violating Decree 2969, passed shortly before the return to civilian government in November 1983, which prohibits criticism of any actions or decisions taken by the ruling National Security Council in the period 1980-83. Also in prison is Feyzullah Özer, formerly one of the editors of Kitle, a weekly political journal associated with TSIP, until it was banned in 1979. He is serving a total of 18 years and six months' imprisonment for "making communist propaganda" because of articles published in the journal in 1977-78 and is a defendant in two further trials on similar charges.

In many cases trials are in progress of people charged on account of their non-violent exercise of their rights to freedom of expression and association, where the defendants have either been released while the trial continues, or have not been taken into custody. People imprisoned in such cases are regarded by Amnesty International as prisoners of conscience.

The trial against leaders, officials and advisers of the Confederation of Progressive Trade Unions (DISK) and its 30 affiliated trade unions, which started in December 1981, continues, but all the defendants are now free pending completion of the legal proceedings, except those held in connection with other charges. In January 1986 the prosecutor withdrew the demand for death sentences for 78 of the 1,477 defendants and asked instead for sentences of from six to 20 years and in two cases for acquittal.

The trial, which began in August 1984, of 59 intellectuals charged with violating Martial Law Decree 1402, Article 16, by signing a petition which called for an end to human rights violations continues. The defendants are free pending completion of the legal proceedings.*

In November 1984 a second trial was initiated involving 48 members of the Turkish Peace Association charged under Article 141 of the penal code, but the defendants have not been taken into custody.

Another such case is that of officials of the Turkish Medical Association who have been prosecuted for signing a petition calling for the abolition of the death penalty, but have not been taken into custody.

* On 7 February 1986 all the defendants were acquitted by a military court in Ankara.

Many Kurds remain in prison. Some are charged with or convicted of violent offences; others have been charged on account of their non-violent activities for the preservation of the Kurdish language and culture and for the recognition of the Kurds as a separate ethnic group, which is denied by the authorities. Recep Maraşlı, the director and editor of Komal Publishing House in Istanbul which specialized in works about the Kurdish ethnic minority in Turkey, has been in prison since January 1982, serving a total of more than 36 years' imprisonment in connection with various publications, membership of an illegal Kurdish organization and statements he made in court as part of his defence.

Paşa Uzun, who is serving a 16-year prison sentence for alleged Kurdish separatist activities, has been in prison since 1979. At the time of his detention he was a student at a teachers' training institute in Konya. He was arrested with some 200 other members of the Progressive Democratic Cultural Association (DDKD), which was a legal organization until it was proscribed under martial law (imposed in Diyarbakir in April 1979). Paşa Uzun is reported to have been severely tortured at various times throughout his imprisonment (see Amnesty International File on Torture, May 1984).

Ismail Beşikçi, a sociologist who is not himself a Kurd, is serving a 10-year prison sentence passed in March 1982, because of a letter he sent to the President of the Swiss Writers' Association during a previous period of imprisonment, in which he argued that the Kurds are a separate ethnic group and criticized official denial of this. He was convicted of undermining the Turkish State's reputation abroad. This is his third prison sentence for expressing such views.

Other people regarded as prisoners of conscience by Amnesty International are those charged under Article 163 of the penal code with trying to change the secular nature of the Turkish state. Most of these are members of Islamic sects, but in December 1984 23 Jehovah's Witnesses, who had been detained in June and July 1984, were sentenced under Article 163 to prison terms of between four and six years. In June 1985 the court of appeal quashed the sentences and ordered their release. The case was returned for retrial to the court of first instance which upheld its previous verdict and imposed sentences of from five to eight years. The defendants remain free pending the hearing of a further appeal.

Emine Şenlikoğlu, a writer and chief editor of the periodical Mektup, was sentenced in May 1985 to six years three months' imprisonment because of her book Gençliğin İmanini Sorularla Çaldılar (They Stole Youth's Faith with Questions).

In December 1985 four members of the Nur sect were sentenced under Article 163; Sefa Sargın and Ali Yıldız to six years and eight months' imprisonment for organizing a "Nur Medresesi" (Nur School) and Yaşar Çağdaş and Kemal Mak to four years and two months imprisonment for attending the school.

3 Torture, Ill-treatment and Deaths in Custody

Amnesty International continues to receive allegations that both political prisoners and common criminals are tortured or subjected to cruel, inhuman or degrading treatment or punishment, while in police custody and in military and civilian prisons. Incommunicado detention, during which detainees appear to be in particular danger of torture or ill-treatment, is now permitted for 30 days in areas under martial law. A controversial bill amending the law on the duties and powers of the police, passed by the Turkish Grand National Assembly (TBMM) in June 1985, allowed the 24-hour maximum detention period in areas not under martial law to be extended to 15 days in cases involving three or more persons, into which category most political cases would fall. In areas under a state of emergency the detention period may be further extended by the order of the prosecutor. In addition, prisoners may be taken again for interrogation by the police at any time in connection with new information. Amnesty International is informed of many instances of this occurring and of prisoners being again subjected to torture while in police custody.

Most of the detailed statements alleging torture received by Amnesty International in recent years are about torture inflicted on people in police custody during interrogation, with the purpose of obtaining information and confessions. Many defendants in political trials are reported in the Turkish press as having retracted in court statements signed by them as a result of having been tortured in police custody.

Amnesty International has also received many reports of torture and ill-treatment in military and civilian prisons. Such ill-treatment appears to be inflicted for the purpose of maintaining strict prison authority and discipline and to ensure the observation of prison rules. In recent years there have been frequent reports of severe beatings of political prisoners in military prisons in connection with their refusal to wear prison uniforms (previously prisoners awaiting trial had been permitted to wear their own clothes). Military prisons about which reports of torture and ill-treatment have been received include Diyarbakir, Erzurum, Amasya, Adana, Elazığ, Hatay, Mamak (near Ankara) and Metris and Sağmalcılar in Istanbul. Beating of political prisoners has also been reported to take place in the special "E-type" civilian prisons of Malatya, Çanakkale, Bartın, Mersin and Bursa. These are prisons which have been established in recent years specifically for political prisoners and arms smugglers. Reports of ill-treatment of prisoners have also been received from Buca prison in Izmir.

In December 1985 Amnesty International wrote to the Turkish Chief of General Staff, General Necdet Üruğ, about some aspects of prison conditions in military prisons. Many prisoners are reported to have been held in solitary confinement for several years and to have had no contact with relatives, lawyers or fellow prisoners, or exercise in the open air. Amnesty International named some prisoners said to have been held in such conditions since 1983 and stated that it believed that prolonged solitary confinement could have serious psychological and physical effects and might constitute cruel, inhuman and degrading treatment or punishment of prisoners. The letter also referred to another concern of the organization; the reported lack of medical treatment for many seriously ill prisoners which in some cases is said to have resulted in death. Amnesty International pointed out that it is often difficult to judge from the information received whether deaths are due

to previous torture, to medical neglect or to a combination of both and that in such situations the lack of independent autopsies can only serve to arouse suspicion. Deaths reported to Amnesty International in 1985 as being caused by torture or lack of adequate medical treatment, or both, included those of Hüseyin Aydın, Selimiye Prison, April 1985; Adil Can, Metris Prison, April 1985 and Fikri Sönmez, Amasya Prison, May 1985. In all three cases it is alleged that torture had been inflicted at various times since their initial detention and that their state of health was clearly giving cause for concern some time prior to death. In all three cases Amnesty International was informed that adequate medical treatment was not provided, in spite of requests and protests from fellow prisoners.

Tuberculosis is reported to be widespread in Turkish prisons and treatment is said to be totally inadequate. The rapid spread of the disease is said to be caused by overcrowding, poor hygiene, poor nutrition and inadequate treatment.

In the latter months of 1985 and early 1986 the Turkish press carried many reports about torture of people in police custody, some of whom were alleged to have died as a result (see Appendix I for translated summaries of some of these reports). One case which was given publicity was that of Şakir Keçeli, a lawyer. Amnesty International received a detailed account by him of his alleged torture and that of others in July and August 1985 by policemen of the Arms-Ammunition Branch and Political Branch of Yozgat Directorate of Security. He described how he was detained as the result of false information given under torture and how he in turn gave false information, which resulted in further detentions, when he could no longer bear the torture being inflicted on him (see Appendix II for translation of Şakir Keçeli's statement).

In one case reported in Cumhuriyet newspaper in November and December 1985 the Mayor of Şebinkarahisar, Polat Sabuncu, and Mehmet Yeleş, the correspondent of Yeni Şebinkarahisar, a local newspaper, said that they had themselves been ill-treated by police after they had made public details of the torture of eight people detained in October. In interviews published in Cumhuriyet on 3 December, they said that they were forced to eat the newspaper in which their allegations had been made.

4 Trials of Political Prisoners

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 consultations. Some prisoners who have been held in solitary confinement for several years have had no meetings with their lawyers in that time. In some prisons conversations between lawyers and their clients take place by telephone and are openly monitored by the prison authorities. Amnesty International is informed that tapes of such conversations have been presented in court as evidence against defendants. Conversations are also subject to frequent interjections by the person monitoring and the consultation is terminated immediately if the prisoner speaks of ill-treatment. The time allowed for lawyers to consult their clients is reportedly very limited: in some cases only five minutes a week. Lawyers emphasize that they are not permitted to see their clients during the detention period (when they

are in police custody) and that this is the time when ill-treatment is most likely to occur. In many cases lawyers have informed Amnesty International that defendants in political trials have been convicted solely on the basis of statements signed by detainees as the result of torture.

Amnesty International believes that these practices handicap lawyers in their attempts to provide an adequate defence and put in doubt the fairness of trials concerning people charged with political offences.

5 Death Penalty

Executions, which had not taken place in Turkey since 1972, were resumed within one month of the 1980 military coup and to date 50 people have been executed, 27 in connection with politically motivated killings. No executions have taken place in Turkey since October 1984, but death sentences continue to be passed - 102 were reported in 1985 - and several hundred prisoners are under sentence of death. Cumhuriyet, 26 December 1985, reported that 91 death sentences were awaiting ratification by parliament - following this ratification executions usually take place almost immediately.

Amnesty International opposes the use of the death penalty without reservation in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment. Turkey is the only member country of the Council of Europe to have carried out executions in recent years.

Translations from the Turkish PressCumhuriyet 2 October 1985Torture in Sebinkarahisar

Mr Nuri Tan, a teacher, Seref Kelas, also a teacher, Oner Vartan, Sumerbank Sales Manager, Unal Tombuloglu, a health officer, Ilhan Ulutekin, Water Works Director, and three other citizens, Yasar Menzilci, Ozcan Altin and Mehmet Emin, were detained for 32 hours and tortured by the local police. The prosecutor stated that their bruises had been established by a medical report signed by three doctors. Four HP [Populist Party] MPs went to Sebinkarahisar and said: "A shame before mankind".

Minister of the Interior, Mr Yildirim Akbulut, said that the torture allegation had been examined and an inspector had been sent. "The first information that arrived to us did not reflect this picture. But we will find out what happened" he said.

Cumhuriyet 6 October 1985

Prof Cahit Talas, spokesman of the Human Rights Commission of SODEP [Social Democratic Party] called a press conference, attended by Cuneyt Canver and Sabri Irmak (MPs from HP [Populist Party]) and a large number of relatives of prisoners.

He said: "The official authorities' claim is that there is no torture. This is refuted by statements prepared by defence lawyers. The prison authorities very boldly practice torture. This must be investigated and those responsible must be punished. ... even the most basic legal rights are trampled upon ... All practices in prisons must comply with basic human and legal rights. This is a view accepted by the Council of Europe and endorsed by us.

Later, mothers of prisoners spoke about the most horrible prison conditions and practices. They demanded the improvement of prison conditions, abolition of torture and executions, punishment of torturers and a general political amnesty at once.

They said they have not raised their children to be tortured. They said that it was the mothers and families who were being tortured alongside their relatives in prisons.

They said: "We want our children back. They are not responsible for what has happened. They were victims of others in higher and more responsible places."

Cumhuriyet 9 October 1985I was tortured at the police

Executive committee member of TSIP [Socialist Workers' Party of Turkey] Cagatay Anadol was questioned during the hearing at Istanbul Military Court No. 1. He is one of the defendants in the TSIP trial. He is facing up to 15 years' hard labour under Article 141 of the Turkish Penal Code. He stated

that he had been detained for 17 days in Gayrettepe Police Headquarters [Istanbul] following his arrest on 8 July [1985] and that he was "subjected many times to what the officers of the political police call 'a practice', but what the whole of mankind calls torture". He continued: "Electric shocks were applied to my body one after the other. I was tied by my arms to a thick stick, this being called aski. This thick wooden stick was then hung on two hooks on the wall or on the ceiling, and so I was hung from there by my arms, the entire weight of my body resting only on my arms. I was blindfolded and naked. I had to be naked so that they could apply the electric shock to various parts of my body. I have also seen more horrifying things. They took my wife to the torture room. They made us hold hands. And electric shocks were applied to our bodies. My wife fainted, was taken to a cell where she had to get over the shocks alone for several days. My wife as well as the wives of my friends were detained in order to "make us talk" or, in case that was not enough, to be tortured with us. Later the prosecutor decided that for all of them there were no grounds for further prosecution." Cagatay Anadol continued: "I was attentive enough to catch the names of some of them. But I am not going to press any charges against them. Because I do not want the regime to get away with the show trial of a handful of officers."

Cagatay Anadol said that TSIP was formed and functioned legally under the 1961 Constitution.

Cumhuriyet 11 October 1985

TKP - "Ilerici Genclik"

At the hearing of TKP-Ilerici Genclik at military court No 1 of Istanbul Martial Law Command, Mihriban Meltem Eren was interrogated. She rejected all accusations, said she'd been tortured by the Police and threatened with rape. She is one of the 35 defendants. She said: "I was 1.5 months pregnant when I was detained. They tortured me in front of my fiance very badly, to the brink of miscarriage. Later I had to have my baby aborted in case it would be deformed. I know the policemen who tortured me. They told me, "We'll rape you. We'll do anything." They touched me up sexually. After I was released from Selimiye, they took me into the police room at Gayrettepe Istanbul Police HQ which was known as "of 57" and told me that if I changed my previous statements, I would be tortured, even if it is for fun."

Another defendant, Mine Ozcakir also said that she'd been tortured at police headquarters and was too scared to speak up about it when she was taken to the military prosecutor in case they took her back for more torture.

Sehnaz Saadet and Nail Guler were released.

Cumhuriyet 29 October 1985

TSIP Trial

The defence lawyers' petition pointing to various incidents when the defendants were tortured was rejected by military court No 1 of Istanbul Martial Law Command. Atilla Coskun for the defence said that according to Act No 3005, police should not interrogate the detainees ... He pointed out that all of the defendants told him that they had been tortured and asked

for legal action to be taken against those responsible.

The court ruled that they should go to the relevant authorities and take their grievances there.

Cumhuriyet 14 November 1985

Death in Custody

Eskishehir Anatolian University's Open University 3rd year student, Hamra Tutan, 22, was taken into custody from Yuksekova Dogu Palas Hotel, owned by his father, who is on trial for heroin smuggling, on 8 November 1985. After two house searches, the police told him "say a warm hello to your mum, because you won't see her again" and took him to the station. Later in the night his mother was taken to the public security department and shown her son's body.

Cumhuriyet 14 November 1985

Independent MP, Korkmaz: Torture allegations spread like cancer

The proposed Bill, to increase the penalty for torture, prepared by former Populist Party, now independent, MP Nuri Korkman and his 29 colleagues was rejected in the Justice Committee with the votes of ANAP [Motherland Party] MPs. The committee's decision will be submitted to parliament.

Cumhuriyet 28 November 1985

TKKK Trial started: four face the death penalty

The trial of 16 defendants (four on bail), accused of forming the organization named "Turkiye ve Kuzey Kurdistan Kurtulus [Turkey and North Kurdistan Liberation] and robbing a number of banks, started at Istanbul Military Court No 2. They were arrested following the robbing of "Bank of Credit and Commerce International" on 27 March 1985.

Military prosecutor demanded capital punishment for Saban Iba, Azmi Pat, Haldun Karyol and Yasar Mehmet Ozbay, alleged to be members of the Central Committee. Eleven other defendants face prison sentences of 5-20 years.

Defendant Ali Demir complained about bad conditions in prison, while Irfan Cure said he was tortured at the police station by a team including Dr Erkan Mete.

Cumhuriyet 30 November 1985

SHP mayor and eight others in custody

The developments known as the "Sebinkarahisar Torture Incidents" regarding the alleged torture of eight people at Toprak-Su (Land-water) facilities gained a new dimension the other day with the detention of SHP mayor Polat Sabuncu who was acting as defence counsel for the eight. A delegation for SHP leadership and MPs went to the town yesterday. One of the owners of Yeni [New] Sebinkarahisar newspaper, Mehmet Yeles is among

the detainees.

Cumhuriyet 30 November 1985

Prisons Inquiry Commission chief contradicts the report

ANAP [Motherland Party] MP Bulent Akarcali, chairman of the Prisons Inquiry Commission held a press conference yesterday to reveal the report prepared by the commission. He criticized those members of the commission who leaked the contents of the report to the press earlier, and said that he would resign after handing it to parliament's presidium.

He said the commission gave up the idea of making an inquiry into torture allegations at police stations and public security department buildings. He emphasised that the commission's seven members made investigations in military and civilian prisons, even risking their lives.

Cumhuriyet 1 December 1985

Three people detained in S. Karahisar were arrested and put in jail. SHP mayor and lawyer Polat Sabuncu and four others detained later were released. Those arrested were not told of the charges, but it was learnt that they are held in connection with "a previous investigation". SHP General Secretary Cahit Angin condemned the government and the local security officers who he claimed had been involved in the past in many incidents, as well as the Giresun Governor, for creating a wave of terror in the province since 27 September 1985 [when the alleged first torture incident happened], and subjecting many people to torture.

Cumhuriyet 3 December 1985

Torture at Giresun Public Security Department revealed: "they forced us to eat the newspaper"

SHP mayor Sabuncu: They hit my chin with their fists 4-5 times. They forced open my mouth, saying "we're getting you to eat what you have written" and put a newspaper in.

Journalist Yeles: They thrust the newspaper into my mouth, saying "swallow it now". I asked for a glass of water. They brought water and ordered me to swallow the newspaper in five gulps. I couldn't swallow it all.

Repairer Akyuz: Stripped off completely naked, they poured cold water on my body in the toilet. They hanged me from the ceiling, tying my hands at the back. They resorted to falaka. They applied electric shocks all over my body, and I became unconscious.

SHP mayor, Polat Sabuncu who uncovered practices of torture at Giresun Public Security Department, and Mehmet Yeles, correspondent of the town's [Sebinkarahisar] local newspaper "New Sebinkarahisar" which carried the report, were telling how they were treated by the police. The events were brought up in parliament by SHP MPs. A delegation of SHP MPs sent from HQ to the locality went to Giresun, but could not reach the town Sebinkarahisar, as the road was cut off by snow.

The torture of eight detainees (who were later released) on 27 October 1985 at Toprak-Su facilities for 32 hours, was made public and transmitted to parliament by Mr Sabuncu and the local newspaper. This led to the detention and torture of Sabuncu and journalist Yeles together with 11 others on 30 November 1985 at Giresun, after being taken from the town Sebinkarahisar. Car repairer Akyuz was taken from Istanbul on 15 November 1985 to Giresun and subjected to such torture that at one stage he attempted to commit suicide. All were released later.

Cumhuriyet 4 December 1985

Allegation: They first tortured and then got a medical report; report of good health in police custody; SHP decides to bring the matter in PM's Question Time, with a report

SHP mayor and 12 other detainees claimed they were taken by a torturer police officer to the doctor and obtained a "report of good health" under such conditions in Giresun.

After detention and torture [ending with "good health report"] detainees were sent to Sebinkarahisar public prosecutor's office on grounds that "the locality of the offence is not Giresun". When they complained there about torture, the public prosecutor, ordering their release, refused to consider this application on grounds that "the incident took place in Giresun".

Inquiries of the SHP parliamentary delegation were hindered by heavy snow in the area, but the Giresun leadership of SHP went to Sebinkarahisar despite all difficulties.

Cumhuriyet 4 December 1985

Torture by Hasan Cemal

Name : Polat Sabuncu
Occupation: Sebinkarahisar SHP president
Place : Giresun Public Security Department
Date : 30 November 1985

His story:

"At the Public Security Department our eyes were blindfolded, and we were made to wait for hours in a room, facing the wall, on our feet with hands on the wall. Later, when I was taken for interrogation, they hit my chin with fists 4-5 times, my mouth was forced open, and they thrust a newspaper into my mouth, saying "we're making you eat what you've written". During interrogations while I was in custody, I was asked whether I had hosted THKO militants Deniz Gezmis, Yusuf Aslan and Huseyin Inan in my house."

Name : Mehmet Yeles
Occupation: Yeni [New] Sebinkarahisar newspaper correspondent
Place : Giresun Public Security Department

His story:

"I work for the paper as a typesetter, machinist and correspondent. Two police officers came from Giresun Public Security Department and took me into custody. Later they shut us into a room, facing the wall with hands on the wall. Meanwhile police officers were hitting us with fists as they passed by. Later they took me into the interrogation room and asked "did you write these?". I said my eyes were blindfolded and I couldn't see. When the band

was partly opened I saw the report carrying torture allegations in Yeni Sebinkarahisar newspaper issue of 19 November 1985. Saying "now we're going to have you eat this, swallow it", they thrust the newspaper into my mouth. I said the paper was dry and I could not swallow it like that and asked for a glass of water. They brought water and asked me to swallow the paper in only five gulps. I could not swallow all of it."

Name : Ahmet Emin Akyuz

Occupation: Car-repairer

He was taken from his home in Istanbul on 15 november and brought to Giresun.

Place : Giresun Public Security Department

His story:

"I was forced to wait, at Giresun PSD, my eyes blindfolded and hands on the wall. Later they stripped me bare naked and washed me with cold water in the toilet. They took me to the Archives Room on the PSD's third floor, tied my hands behind my back and hanged me to an iron bar between two closets, using fabric banners. The fabric holding me up tore off and I fell down. Later they applied falaka, electric shocks and beat me up. Then they had me walk in salted water for half an hour, washed with cold water again and hung me to the ceiling for a second time. They gave electricity to my sexual organ and right arm by tying cables. I lost my consciousness. When I recovered, I found myself lying on a cement floor blindfolded. I heard my brother Osman's voice. On the following day they started to torture me again. They once more applied electric-shocks. I went unconscious again. When I came to my senses they were applying electricity to my ear."

Cumhuriyet 5 December 1985

Sebinkarahisar torture incidents

It has been revealed that Giresun Governor's Office delayed sending the names of police officers, responsible for the torture of eight people on 27 October 1985 in Sebinkarahisar, to Sebinkarahisar public prosecutor for 45 days, although it was established that the detainees were held in custody for 32 hours at Toprak-Su's building in the town without notifying the public prosecutor and also there were medical reports proving torture. Detainees were: Sumerbank director Omer Vatan, Municipal Water and Bus Service Manager, Ihsan Ulutekin and six teachers.

This was followed by the detentions of 13 other people for 1 to 15 days between 15 and 30 November 1985 at Giresun PSD. Meanwhile the SHP MPs who returned from Giresun were strongly criticized by the public. [Apparently for "investigating" by talking to the governor and police chief, but not the victims/witnesses.]

Cumhuriyet 6 December 1985

Inquiry into torture

Mustafa Kocak, public prosecutor of Giresun said: "They were taken to Giresun without my knowledge. It was a legal mistake for us to extend the period of custody ... We regarded the reports in your newspaper [Cumhuriyet] as an information [report of crime] and started an inquiry. I wrote to Public Security and asked for the names of the police officers who took part in the operation."

Giresun governor, Bekcet Guler, refused to talk to the Cumhuriyet correspondent and suggested a discussion with Public Security Director Hasan Huseyin Balak. Balak also refused to meet the correspondent but had a conversation on the phone. His allegations, were that the detainees, although there was not a single incident since 12 September [1980], were connected with events prior to the coup and there were signs of regathering, although none of them had any previous conviction. Toprak-Su building which was five km out of town was used as a detention centre because Sebinkarahisar public security department building was too small and overcrowded, and both were public facilities. During the second operation the detainees were taken to the provincial centre, Giresun, because the public prosecutor of Sebinkarahisar had earlier refused to extend the duration of custody.

Cumhuriyet 7 December 1985

Some police officers found to have taken part in both operations in Sebinkarahisar

Among the names given by Giresun Governor's office to Sebinkarahisar public prosecutor are police officers Yuksel Ergenekon and Seref Coban, who took part in the first operation on 27 September 1985, who were also confirmed to have been involved by the eight detainees.

Superintendent Y. Ergenekon was the police chief, appointed by the Nationalist Front coalition government in 1977, who closely collaborated with the Grey Wolves. After many complaints, the Giresun governor of the time had given him leave on the eve of the general election.

One of the detainees during the second operation, Ahmet Akyuz, claimed that he was tortured by Y. Ergenekon at Gayrettepe [Istanbul] police HQ, although local policemen of Istanbul tried to stop him, because there was also a personal rivalry between them from the mid-1970s.

He was tortured by police officers from Giresun first in Istanbul and then in Giresun. After he recognized Y. Ergenekon and S. Coban they removed his blindfold and continued the torture. Most other detainees in the second operation confirmed that the two officers were involved.

Cumhuriyet 7 December 1985

Ozal and Akbulut respond to torture allegations in their own way

When asked what the government is doing about the Sebinkarahisar incidents:

Ozal: "Don't ask such questions. We're not doing anything ... If you ask such questions you can't come face to face with me any more. There's nothing else. There are no allegations, my friend, I'm not answering this".

Akbulut: "The tactic of those involved is this: on the one hand to render court decisions ineffective, on the other hand, to prevent the police from clamping down on such people. This is the tactic and it is an international tactic."

Response to SHP Appeal: Letters of Complaint from Prisoners Pile on Gürkan's Desk

Following SHP [Socialdemocrat Populist Party] leader Gürkan's statement appealing to citizens to report all illegal measures, ill-treatment and torture to SHP, lots of letters have started arriving at Gürkan's office. They include complaints from ten detainees at Ankara Central Closed Prison whose names are: Mehmet Günsel, Ümit Erkol, Faruk Nafiz Sayin, Yücel Demirer, Ünal Cengizoğlu, Uğur Esgün, Dursun Güleç, Mustafa Cinkiliç, Kazim Arlı, Eriş Bilaloğlu and Mahmut Bülbül. They claimed that their "statements were extracted by various torture methods, and medical reports of good health were given to all detainees at the Yenimahalle Health Centre" [i.e. regardless of their condition].

Yeni Gündem 13-26 December 1985Allegations Regarding State Security Court Deputy Prosecutor Coşkun:
"Prosecutor Beats Defendants"

Five people who are on trial at Ankara State Security Court (SSC) for political offences have appealed to the Ministry of Justice in two separate petitions. Until now there have been many allegations of torture at the political police departments and prisons, but these two letters bring a new element into the debate by claiming that they were subjected to torture at the Prosecutor's Office.

In the first letter sent to the Ministry of Justice by lawyers Olcay Mis and Tuğrul Çakin, and written by defendants Salih Bora Mutlu and Yüksel Durmuş, they say:

"We were taken into custody and arrested on the pretext that we were members of an illegal organization and carried out [its] activities, as a result of the investigations of Ankara Political Police Department. During the interrogation we were hanged by our arms, pressurized water was sprayed on our naked bodies and electric shocks were applied to our sexual organs, and thus we were made to sign a statement prepared on the basis of other statements extracted at the Security [political police] from other people with the same methods of pressure. The same treatment was repeated for a period of 15 days. At the end of this period we were taken to the SSC Prosecutor's Office on 7 November 1985. We were intending to reject the fabricated statements that we were compelled to accept under pressure and force at Ankara Public Security Department Political Branch and to tell the truth at the SSC Prosecutor's Office. When we entered the office of the prosecutor, we saw that two police officers from the Political Branch were also present. When we told the prosecutor, named Ülkü Coşkun, that we did not accept the statements taken at the Security [Dept.], he beat us and threatened to send us back to the Security [Dept.]; when we explained how our statements were extracted at the Security, he told us in an insulting language that he was going to extract statements from us at the Security [Dept.] with the same methods. Already during our departure from the Security [Dept.] the police were continuously making the same threats, they were saying that we were going to be brought back, if we rejected the Security [Dept.] statements at the Prosecutor's Office, that there was still nearly a week before our period of detention expired and that they had plenty of time.

We were compelled to accept the statements taken at the Security [Dept.] in view of the threats of the Security, the presence of Security officers at the time of statements at the Prosecutor's Office, and the attitude of the prosecutor which we plainly explained. Consequently, we were arrested and put in prison as the prosecutor, Mr. Ülkü Coşkun, wanted..."

In the second petition sent to the Ministry of Justice at the same time and written by Abdül Nahit Balaban, Yusuf Karakuş and Ayhan Aksoy, similar allegations are made regarding the same prosecutor:

"The SSC prosecutor, while receiving our statements, had the torturer policemen seated in the armchairs in his room. Then, in an extremely harsh and insulting language, he asked us to fully accept the statements taken from us at the Security

[Dept.]. He said, 'otherwise your corpses only will leave this place'. When we said that these statements were not true and that they were given under heavy torture and unwillingly, he walked towards us and insulted us. Then, turning to the torture policemen, he said, 'Take them back to the Security. Beat them murderously until they accept here the statements taken there. F... their mothers.'

Consequently we were again taken to the Security [Dept.] by the torturer policemen. There, the torture we described above was repeated in an even more severe manner. We were helpless. Our state was fatal. We were hardly able to stand on our feet. Under these conditions we accepted whatever they said... The same day, in the evening, we were again taken to the SSC Prosecutor's Office.

Before the magistrate we again rejected our statement extracted with the collaboration between the torture police and the SSC prosecutor. But the magistrate put only partly our account on record. For instance, he did not put on record that we were taken to the Security [Dept.] for a second time, that the prosecutor ordered our being tortured, and the torture to which we were again subjected at the Security [Dept.].

There is also a very important and interesting aspect of the incident. When we were taken to the Prosecutor's Office for the second time from the Security [Dept.], a person named Adnan Akbaş, who was with us, was beaten and insulted by the prosecutor in front of all of us at the detention room of the SSC."

Cumhuriyet 17 December 1985

Torture Debate in Parliament

At the General Assembly of the Turkish Parliament the debate on the budget of the Ministry for Internal Affairs started with Mr. Cüneyt Canver, MP (SHP) for Adana showing from the rostrum how the "EE-8 Sahara Telephone", used in torture, operates and asked the house to expose and condemn torture.

Canver said that the present government's internal security policy "by turning a blind eye to, and hiding the evidence of, human rights violations, by protracting the trials, offered a covert support to these attacks". He added that "as the offence of killing by torture is not adequately pursued, and even as the torturers are virtually viewed with sympathy on the pretext that they punished those opposed to the State, torture investigations remain protracted". He reminded the members that no investigation has been started on the deaths under torture of Enver SAHAN, Faruk TUNA and Ali INAN.

Mr. Canver cited the names of Superintendents Mehmet Yilmaz and Kemal Kartal who were responsible for many torture cases, but who were promoted instead of being put on trial.

Canver later demonstrated how the magnets of a "EE-8 Sahara Telephone" are used as torture instrument, to apply electric shock. He went on to say: "The statements made by the Prime Minister to the effect that torture is applied by some over excited officers have no use other than giving support to the torturers. If you go to the Political Branches, to the police stations, the State Security Court Prosecution Offices and prisons without informing them in advance, you will encounter at those places many over-excited officers."

He also condemned the system of security investigations, saying: "If you go to America and become a Mason there, or receive education, no problem. No-one will doubt your patriotism. But you should never dare to go to eastern bloc countries, even for an excursion." he told that those who visited socialist countries were given a negative mark.

Before concluding Canver passed on to the Home Minister the names of 113 people who died under torture and asked for the "re-opening of old torture files".

Later the floor was taken by SHP Vice-President Halil Ibrahim Şahin, MP for Denizli. He told that the current filing of people according to their ideological and political inclinations was parallel only to the Argentine, Chile, Italy and Nazi Germany, and said: "Maltreatment in Turkey has become an indispensable form of behaviour."

Mr. Şahin listed his requests to the Parliament, summed up as follows:

- UN Convention against torture should be ratified, and the relevant section of the European Convention on Human Rights which gives the nationals of member states the right to individual appeal, should be recognized for Turkish citizens as well;
- On torture offences, passage of time should be abrogated, and torture trials should be re-staged;
- Lawyers should be present at preliminary interrogations and penalties for torture offences should be increased;
- It should be mandatory for political parties to set up specialized departments for watching over human rights violations, and a "Human Rights Watch Commission" should be added to the specialized commissions of the Turkish Parliament;
- Associations, professional institutions and trade unions should be involved in politics;
- Public servants sacked by way of 1482 should be re-instated, and Law No. 2969 should be abrogated.

In a reply to critics, the Home Secretary Mr. Akbulut said that torture could not be defended, but he added: "It will bring no benefit to anyone to accuse the whole[security] organization, to weaken it, to undermine its prestige, just because a few incidents occurred."

Mr. Sezai Pekuslu, one of the ANAP spokespersons, too, said: "I do not see it fitting to demonstrate isolated incidents which occur everywhere in the world as [a sign of] existence of torture in Turkey."

Another Allegation: Torture of Retired Teacher

Yesterday a press conference at SHP Headquarters was called by Mr. Nurettin Gedik, a retired teacher at Isabey village of Karakoçan township in Elazığ province. He told the press how he was tortured at "1800 Evler" area police station in Elazığ city. At the end of the conference SHP Deputy General Secretary M. Vasif Yücel stated that torture in Turkey is continuing at an increasing rate and asked the government to give at least assurances to detainees for safety of their lives.

Mr. Nurettin Gedik told the press that his son was arrested after 12 September [1980] for alleged "involvement in political disturbances" and later acquitted by a court decision. However, his son was detained a couple of times after the court decision and as a result of these arbitrary arrests he was forced to leave his home. Nevertheless, on the last occasion he was arrested by the police who could not find his son. He then went on to give an account of the torture he was subjected to as follows:

"They told me at the station to strip. I did. The policemen then tore off my underwear. They blindfolded me and laid me on a bed and gave electric shocks to my sexual organ and to my small finger. After the electric shocks they applied falaka. When my soles were torn they made me walk in salt water. They sprayed pressurized water on me. They took me to the toilet. Twice I collapsed [there]. Saying that I was doing that on purpose, they kicked me in the toilet. A policeman whom I could not see because I was blindfolded said: 'He is finished.' Another said: 'Take him and throw him off a cliff and we will say that he fell and died while going to show a hide-out.'

Later they took me into a room and put a car tyre over my head and tried to thrust a truncheon [into his anus]. When I asked them to kill me, they said 'choose any form of death you like'."

He later said that he was taken into another room and hanged by a yoke and afterwards ordered to bend up and down to recover use of his arms.

Cumhuriyet 25 December 1985

Akbulut Refutes Retired Teacher's Torture Allegations

Minister of Interior Yildirim Akbulut stated in a press announcement that the retired teacher who claimed to have been tortured had a medical report ~~taken~~ indicating that he was in good health.

Akbulut stated that Nurettin Gedik and some of his relatives were taken into custody on 16 July 1985 on the order of the 8th Army Corps and Martial Law Command for assisting illegal secessionist gangs, providing them with shelter and assisting in some of their activities in the area. They were put on trial and were deported from the area. Nurettin Gedik had alleged he was taken to a two-storey building and was tortured there together with his son and daughter for eleven days. Akbulut said his son Erdal Gedik was a PKK militant involved in many illegal armed actions, having been trained abroad; and his son Ihsan Gedik was also a PKK militant serving his sentence of 10 years 8 months' imprisonment in a military prison.

Cumhuriyet 26 December 1985

Retired Teacher's Case in Parliament

SHP Deputy General Secretary and MP for Zonguldak, Muhteşem Vasif Yücel, is taking the case of retired teacher Nurettin Gedik, who was tortured in Elazığ for eleven days, to Parliament.

Recalling Minister of Interior Akbulut's statement, he said: "If it is a lie, why did they wait for 25 years to detain the teacher. If the teacher was a PKK member, why was he released by the prosecutor's office? If it is a lie, why was the teacher kept for eleven days after the torture? I will ask the Minister of Interior to answer all these questions."

Cumhuriyet 8 January 1986

TSIP Trial Starts in Ankara

The trial of 39 TSIP [Socialist Workers' Party of Turkey] leaders and members, 31 of them under arrest, started at the State Security Court (SSC) in Ankara. The indictment prepared by the SSC prosecutor demands 5-15 years' imprisonment for the defendants.

The case was first opened on 25 November 1985 for 45 defendants. Later charges against six were dropped.

Presently, 9 defendants are facing 8-15 years' imprisonment under Article 141/1 of the Turkish Penal Code and 30 are facing 5-10 years under Article 141/5.

Cihandar Yilmaz stated in the court that he had been subjected to inhuman tortures while in police detention; he also said that the SSC prosecutor asked in a biased way when interrogating him. Afterwards he was thrown out of the court room by the presiding judge. His lawyer Günfer Karadeniz was not allowed to take the floor upon this.

All the defendants questioned during the hearing stated that their initial statements had been extracted from them by force under torture and they disowned their statements.

Thirty-one of the defendants are still under arrest, for two of them there is an arrest warrant in their absence, and three defendants are tried without being under arrest.

Cumhuriyet 13 January 1986

[Mustafa Ekmekçi, in his column on page 8, mentions a petition by Saniye and Celalettin Can, parents of a prisoner in Elaziğ Military Prison, who write that their son C.C. was being ill-treated and that torture in this prison had noticeably increased since NCO "M" had joined the prison staff. They wrote:]

"When we went to visit him on 8 January 1986 in Elaziğ Prison No. 3, we saw a completely different person, face black and swollen from beatings, exhausted and unable to stand on his feet... We had three sons, one died in a traffic accident, one was killed in Istanbul, and the other one is in prison being subjected to torture time and again."

[Mustafa Ekmekçi continues:]

I remembered this mother. It was the same mother who had shouted "Stop the torturers!" during the visit of some opposition MPs to Elaziğ.

TÜRKİYE SOSYAL TARİH ARASTIRMA VAKFI
TÜSTAV

Cumhuriyet 22 January 1986

Same Officer Accused of Two Separate Torture Cases

Captain Ali Şahin is on trial for torturing Osman Yilmaz, his wife Habibe, his brother Ömer and the latter's wife Çağnur who had been detained and kept under arrest in Muğla from 1 September 1984 to 25 October 1985 when they were acquitted of the charge of killing Süleyman Koca, a forest security officer.

Captain Şahin challenges the validity of the testimonies of the privates involved in or who witnessed the torture on the grounds that they were discharged from the military service. One of them, Nevzat Keskin, said in the statement he made in his home town: "These persons were beaten up with truncheons in the gendarmerie station and given electric shocks on the orders of Captain Ali Şahin. I was there too".

It has been established that Captain Ali Şahin who is claimed to have been involved in killing Siddik Bilgin in Bingöl is the same person who is on trial at Muğla Heavy Sentences Court for torturing the Yilmaz family as described above.

Muzaffer Bilgin, Siddik Bilgin's wife said: "Commando Captain Ali Şahin tortured my husband. He hung him by the tent hooks of a Reo truck. He was then taken to the woods and shot by a group of soldiers. Apparently, his body was buried with his clothes on in a ditch dug by an excavator machine in the court of the gendarme outpost in Suveren".

Siddik Bilgin was a school teacher in Dedebağ village of Genc town of Bingöl.

SHP is sending a delegate to Bingöl to investigate the case.

Cumhuriyet 23 January 1986

Minister of Interior: "His Family Did Not Come and Take the Corpse"

Yildirim Akbulut said that Siddik Bilgin was being observed by the security forces after receiving information that he had established links with PKK activists while living in Dedebağ village as a schoolteacher. The minister added that three PKK activists who were captured in the operation following the armed attack on Suveren gendarme outpost on 23 July 1985 had stated that Siddik Bilgin had had links with the organizations and subsequently Bilgin was detained. Akbulut added: "Siddik Bilgin first denied his links with the organization but later admitted to them. He said that the organization had a hide-out in Veraruj region and he could show it. He was taken to the said region on 31 July 1985 by the security forces. At an opportune moment he began to run away. He was warned first by shouting and then by firing in the air. He went on running despite these warnings. Then he was fired at in order to capture him. When he was falling injured he shouted the slogan "Long live PKK, victory is ours!" repeatedly. The fire was stopped when he fell on the ground. The doctor in the team was called upon for treatment but he was found dead."

Akbulut said that after the completion of legal and medical formalities, his uncle Giyasettin Bilgin was asked to collect the body, but he did not do it and as no other demand had come from the family, the body was interred somewhere near the gendarme outpost.

On the other hand, Siddik Bilgin's uncle, a former MSP Senator Mehmet Bilgin applied to Kartal civilian prosecutor's office asking for a prosecution in connection with the matter and demanding that those responsible in the gendarme outposts in Genç and Suveren should be punished. He said in the petition:

"My nephew Siddik Bilgin and his uncle Giyasettin Bilgin were invited to call at the gendarme outpost in Suveren, a few days before the incident. They went there to learn what it was about. For the reasons not known, they were tortured for four days by the security men in the station and then he (Siddik), along with his uncle and four other detainees, was put on a military truck, blindfolded. As has been established later, the truck stopped somewhere in Rasta Düzlüğü locality of Doğanlı village, and Siddik Bilgin was carried away into the field by the soldiers - we do not know whether he was alive or not at that stage - and shot. I and his mother went to collect the body but we were refused and told: 'We shot him and that's the end of it. We will not give you the body.' "

The petition states that no public prosecution was opened when the matter was published in the papers and that the need for this petition arose to demand punishment for those responsible.

On the other hand the trial of Captain Ali Şahin, four corporals and two soldiers is continuing in Muğla. The prosecutor's indictment states that the defendants were involved in torturing the Yilmaz family and Çagnur Yilmaz, one of the woman victims was raped by defendant Enver Keskinöğlu, then a soldier.

Cumhuriyet 24 January 1986

Ministry of Education unaware of Siddik Bilgin's death

It has been revealed that the Ministry of Education and its directorate in Bingöl had not been informed by the authorities of the death of Siddik Bilgin on 31 July 1985.

However, his post as a school teacher in Dedebağ was filled by the appointment of a schoolteacher of the nearby Doğanlı village.

The officials of the Ministry of Education find the whole thing rather mysterious and they are starting an inquiry after six months.

Cumhuriyet 24 January 1986

Canver asked: "Why Not Buried in Cemetery?"

Cüneyt Canver put forward a written question in the parliament for the Minister of the Interior to reply to. The question was as follows:

- who gave the order for this operation which ended with Bilgin's death?
- who is the captain who carried it out?
- is he the same captain as the one in Muğla who is in the rape trial?
- is this captain charged with such duties as raping, firing to kill?
- what will his next task be?

- will you explain why the body of Siddik Bilgin was buried somewhere near the Gendarme outpost and not in the village cemetery?
- how would you explain the discrepancy between your version of the story and that of the 8th Army Corps?

Another question to Akbulut. This time from Ali Ihsan Elgin, SHP MP for Içel.

- how do you explain the escape in the presence of 89 soldiers, when even a ten year old boy was taken handcuffed by two security men, as published in the papers? (and other questions)

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV

REPORT [by Şakir Keçeli] ON THE JOINT OPERATION CARRIED OUT BY ARMS-AMMUNITION BRANCH AND POLITICAL BRANCH OF YOZGAT DIRECTORATE OF SECURITY

- TEAMS ON DUTY
- 1) Director of Security
 - 2) Chief of Political Branch
 - 3) Constable Mazhar Bulut
 - 4) Ahmet from Çankiri (bearded)
 - 5) Mustafa from Pazarcık, Maraş
 - 6) A policeman from the Political Branch who knows his job well

In short, all officers of the two branches with the exception of a policeman from Kozan, Adana.

DETAINEES

1. ŞAKIR KEÇELİ - Çayiralan Republican People's Party (RPP) Branch President, member of the Party's national assembly, RPP's No. 1 candidate in 1979 elections for the Senate, 47 years old.
2. DURMUŞ KÜLEKÇİ - RPP's candidate for Mayor at 1973 local elections; member of branch executive committee of the Party in the terms 1974 - 1978 - 1980; 62 years old.
3. HACI USLU ; Councillor from RPP for several terms; branch executive member of RPP in Çayiralan in 1974 - 1980; 58 years old.
4. NACI YILDIRIM - Chair of the Youth Section of the RPP Branch in Çayiralan in 1974 - 1976.
5. İHSAN KÜLCÜ - Chair of the Youth Section of the RPP in Çayiralan in the period 1976 - 1980.
6. ÖMER ATA - RPP member
7. RPP Member, delegate to provincial Conference, Headman of Fahrli village of Çayiralan in 1960 - 1980; selected "Exemplary Headman" by the local administrators of the post-12th September era.
8. FERİDUN YILMAZ - accused of injuring a leftist youth with a pistol.
9. MUSTAFA ATA - RPP member
10. BEKİR ATA - RPP member
11. MURAT YILMAZ - A 12 year old boy
12. TEMEL İPEK - Tradesman
13. TAHSİN İPEK - Temel İpek's brother, graduate of DTCF (Literature, History, Geography Faculty); tradesman
14. HURŞİT TURGUT - Teacher

15. MUSTAFA GÖK - High School graduate. Tried twice by the Military Court of the 2nd Army and Martial Law Command on the charges brought against him here and was acquitted.

16. NAŞİT DOĞAN - This person has been tried three times at the Military Court of 2nd Army and Martial Law Command on the charges made here and was acquitted.

17. BAKI AYDOĞAN - Driver.

EVENT

The officers of the Smuggling and Ammunition Branch and the Political Branch of the Directorate of Security in Yozgat (same people manage both branches) had been detaining some persons in Çayıralan and severely torturing them. They asked these people for arms, and forced them to blame Mr. Şakir Keçeli, leader of the RPP Branch in Çayıralan.

Indeed, in July 1985, Naci YILDIRIM, Mustafa GÖK, Adem EKER, Emin SEÇGEN from the town were detained and tortured for several hours in the oak wood near Caputlu region.

On 6 August 1985, Baki AYDOĞAN was detained and tortured; and when he could not bear it any longer he said: "One day, Şakir Keçeli called me outside his office; he gave me the "Sten" machine gun wrapped in a cloth and told me to take it to Ömer Ata which I did straight away." So he was forced to make up this story that has nothing to do with truth.

On 7 August 1984, Ömer ATA was detained and swiftly sent to the torture chamber.

On 7 August 1985, around 5 pm, I was detained in my house and at about 9 - 10 in the evening, I was sent to Yozgat in a security car.

On the way, Police Chief Mazhar BULUT said, "Look, friend, we don't give a damn about your being a lawyer. Don't look down on us because you have had a university education. We were told that you have a sten machine gun in your possession. We were told this by Baki AYDOĞAN and Ömer ATA. If you don't tell us, we'll make you impotent by giving you

electric shocks, we'll even stick a truncheon into your anus. But we would not want a man of your calibre to get into this situation."

I told them, "This is a great big lie. But do not start torturing immediately, let me face the other defendants first."

So we came to Yozgat, They brought Baki AYDOĞAN and Ömer ATA into the room that we were in. They were asked to describe the event. Baki AYDOĞAN repeated the above words, namely that I had given him a sten machine gun. Ömer ATA said he did not remember the event; that it was possible that he had been given a packet, but he's never been given a sten gun.

I told the policemen, "Çayiralan is a small town of 4000 population. This event happened within an area of 100 m². If this event really had happened, why, then, should I give the gun to Baki? I'll walk 100 m down the road and hand it over myself. We are not playing a game, why should I take a taxi? I don't even know Baki AYDOĞAN. I am not friendly with him at all. You can ask him.

Baki AYDOĞAN said: "We used to be friendly before 12th September, but we have not been on speaking terms for five years."

The policemen made Ömer ATA, who was beside me and kept refusing [to speak], stand up, blindfolded him and took him out.

One hour later Ömer ATA came back into the room, with tears in his eyes. He said "Oh brother, let us do something, anything, to find a sten gun and get out of this mess."

It was obvious that he could not stand the tortures any longer and had confessed to something that was not true.

I told him "Ömer, have you lost your mind? What you are asking for is a sten machine gun. You can't buy it, you can't steal it."

Police Chief Mazhar BULUT said "Get up Şakir Keçeli."

I was blindfolded and made to get into a jeep which I thought was of type J5. They took me to the National Park (locally known as "Çamlık") in Yozgat. It was about midnight.

Police Chief Mazhar BULUT told me to undress. I said to him: "Have you lost your mind? I am a lawyer of 47. I have been in the top level leadership of RPP (as provincial representative in the Party Council). I got over 40,000 votes in the Senate elections. This will have untoward consequences both for me and for you."

To no avail. I was forcefully stripped naked. I was handcuffed behind my back with special handcuffs. I was made to lie down. They tied my feet. Two huge men sat on me, one on my feet and the other on my chest. They started to give me electric shocks on my feet and my penis.

I called upon Almighty God, I couldn't get free. I shamefully begged them [not to torture me]. "Allow me to kiss your hands, your feet, to eat your shit" I said. It didn't help. The minutes got longer and longer. I wished I could faint, but I couldn't. In the end, "Hold it" I said, "let us go to the fields, I will find you a gun."

The torture stopped. I was made to get dressed and brought to Yozgat Security. We took Ömer ATA, too, and set off for Çayıralan with the officers. The reason for Ömer ATA to be taken to Çayıralan was the fact that during the torture sessions he had said "I pray you stop it. I don't have a sten gun, but there is a pistol in my house and I'll give that to you."

We came to Çayıralan. They put me in the basement of the gendarme station to wait and took Ömer to his village. A few hours later Ömer came back in a terrible shape. Apparently he told the officers upon arrival in the village that he'd been lying and that he had no pistol.

Then the Chief of Police told him, "We'll see you tomorrow evening. And we won't accept any pistols your family might bring later on. We'll get this pistol out of you." Then they left the village and came to Çayıralan.

They took me out of the waiting room at about 4 - 5 am, put me into a Renault car and told me to find the gun. I told them I did not have a gun. They blindfolded me. We came to the oak wood to the right of the aşagi tekke village of Çayıralan. Here the police officer, Ahmet from Çankiri, told me in a low voice, "Look brother, you are a lawyer. Is the gun better than your sweet life? Let's have it and then you'll be left alone."

I told him "I don't have any gun. I would give it if I had one, wouldn't I? I'd rather serve a sentence in the prison than go through all this humiliating torture."

They undressed me and made me lie down among the oak trees. Again they handcuffed me behind my back. They tied my feet. I think it was Police Chief Mazhar BULUT who sat on my chest. And the driver Osman sat on my feet. But before he sat down, Mazhar BULUT connected the electrodes to my penis and my feet and he said "You pouff, you make us stroke and cuddle your cock!"

Then they started giving the electric shocks. The Police Chief kept saying "Higher, higher, right up to 5, 6, 7, 8 !" He finally instructed "Right up to the top!"

I was lying on the floor, struggling to get away, half trying to catch breath and half breathless. My legs got wounded from all the bashing about and my neck was hurt as well. I kept begging them to stop. I was begging in the most humiliating way. I was cursing to God, but without any results. About an hour later I told them, "Stop it and I'll tell you where it is."

They stopped and that gave me the opportunity to rest for one minute. Then I had to tell them again that I did not have any gun. Of course, torture started again. I had no other way but to give in to get out of this. But I really and truly did not have a sten. So I told them a lie and put the blame on Hacı USLU just as Baki AYDOĞAN and Ömer ATA had done to me.

I told the officers, "I gave the organization's gun to Hacı USLU."

They then dressed me again and took me to the Security office in Çayıralan. Hacı USLU was summoned from his home. He told the police he didn't have a gun in his possession. He was taken into the basement of the Security office in Çayıralan. It was about 9 o'clock. He was taken to the torture session. During this time the local people were coming in and out of the Security office. It was also the same day that those going on their annual pilgrimage to Mecca and their relatives and friends seeing them off were gathering opposite the Police Station. In short, there were about 300 - 400 people inside and outside the station that day. It was in front of all these people that Hacı USLU was tortured. At the end of the torture session and as a result of it he admitted to having a 16 mm Czech pistol. Furthermore, he first said that he'd given the sten machine gun to Durmuş KÜLEKÇİ, then he said he'd handed it over during the commando operation in 1981. (The Commando Taburu from Nevşehir collected arms in Çayıralan in 1981).

Then Durmuş KÜLEKÇİ was sent for. He was tortured in the same place in front of the same people. He is 60 - 65 years old. During torture, blood came from his penis or somewhere like that. So they stopped the torture.

They went back to Hacı USLU. He said he had given the sten to the local administrator (muhtar) of the Dere district. So this local administrator was sent for. He rejected Hacı USLU's allegations. At this point the officers must have realized that there was no sten gun to be found, so they took me downstairs. The Police Chief Mazhar BULUT said, "Look friend, I have already told my supervisors that I have found the sten. Either I'll die or I'll kill to get a gun out of you."

Following this brief orientation, I was undressed in Çayıralan Police Station for the third time. I was convinced that I'd never be able to get away. I had no gun to hand over, so I'd better give up all hope to get away from all this. I had no strength left to bear the tortures. The practices I had been subjected to caused me to lose my sense of values. I thought of some information I had received way back in 1976 - 77.

Ali BERK and Ibrahim BERK from the Fahrli village of Çayıralan had told me that they had sten machine guns. These men were already dead, but their brothers Seyfi BERK and Nuh Mehmet BERK were still alive. I gave their names to the Police Chief Mazhar BULUT. I told him that these guns belonged to the organization and that I had given them to the BERK brothers. I said that Seyfi BERK and Nuh Mehmet BERK would know where the gun would be. Furthermore, in order to get away from torture and to make the torturers believe me, I told them that I had a pistol with a silver butt in my home. The pistol was an old one, dating back 150 - 200 years. It was of 10.5 mm diameter. It is impossible to get the bullets for this pistol anywhere in the world today. In this sense, it is an antique pistol. Even if it cannot be classed as antique, it cannot be used because it has no bullets.

Following my accusations, the Police Chief Mazhar BULUT sent for Nuh Mehmet BERK from Fahrli village. This person was very severely tortured in Çayıralan Police Station. He was also kicked in the face, he had a scar under his chin. (I know this because they put us in the same cell in order to listen to our conversation).

Then the police took me, Nuh Mehmet BERK, Hacı USLU, Ömer ATA and Durmuş KÜLEKÇİ to Yozgat. In Yozgat I was put into a cell in the basement of Yozgat Security Department. For 15 days I was not allowed to establish any kind of contact with the other men.

The cell inside the security department was absolutely horrible. The walls were stained with blood. There was only a wooden bench to lie down on and it was unbearably cold in the night.

I stayed here for 24 hours. Meanwhile, they had taken there Ihsan KÜLCÜ and Hurşit TURGUT from Çayıralan. They took me to them. Police Chief Mazhar BULUT asked me in front of them: "Şakir KEÇELİ, can I get anything out of you?". And I said "Yes Sir, you made me talk." Then we parted. This time, they took me from the cell to the office of the Central Police Station. I spent the night there. At about 7 am Ihsan KÜLCÜ got out of a Renault car. He was carrying a sack full of books. Later I heard that he had also admitted to the possession of a pistol that belonged to somebody else.

The interesting thing is this: the books taken from İhsan KÜLCÜ were the books that were in the library of Çayıralan Community Centre and that had been officially handed in to the office of the Public Prosecutor in Çayıralan. These books were said to belong to us and to an imaginary organization.

The same day I was brought to the Police Station and ordered to give information about the organization.

THE REAL NATURE OF THE SO-CALLED ORGANIZATION - I told the Security officials and Mazhar BULUT, the chief architect of the operation the following points:

a) There is a letter written by the General Directorate of Security, the MIT and Yozgat Directorate of Security and sent to the 2nd Army and Martial Law Command. This letter states that "there ARE NO FACTIONS IN YOZGAT AND ITS DISTRICTS". For this reason, your search for an organization is meaningless.

b) As for the events in Çayıralan:

aa) Naşit DOĞAN was tried in the military court of 2nd Army and Martial Law Command in connection with Hüseyin VAROL's death and he was acquitted. The same person cannot be tried again.

bb) Özbay TOKAT was tried in the Criminal Court of Boğazlıyan in connection with the death of a person known as Cebrail and he was acquitted.

cc) The firing at the house of lawyer Nafi Ertuğrul, district president of MHP, has been the subject of prosecution at the Military Court of 2nd Army and Martial Law Command, a person named Ali Fuat was tried,

dd) The incident when Nadir Aknur's house was gunned was also subjected to prosecution in that court.

ff) There have been three prosecutions for Çayıralan Dev-Yol by the Military Court, and

1) A person called Fahrettin Okur was convicted as Dev-Yol's organizer

2) Mustafa Yildirim's son was convicted for membership of this organization

3) Furthermore, the detainees Mustafa Gök, Naşit Doğan, Adem Eker and his friends were acquitted twice.

gg) All the documents of the organization were contained in the files of the Dev-Yol [Revolutionary Road] trial in Ankara. The organizations of Dev-Yol and its responsible persons were all listed there.

I went on to say to Constable Mazhar and his colleagues:

"The only sensible thing for you to do is to examine those files and find out the organization. Otherwise, there is no sense in finding suspects with the inquisition methods of the Middles Ages; this is also nothing but ruthlessness. It is senseless because when we get those files brought over and examined by the court, it will be revealed that all the confessions made here are only lies".....

[The material omitted deals with Şakir Keçeli's political background and political developments in the area during the late 1970s]

The general rule of Penal Law is to gather all evidence in favour of and against one defendant. The Security department of Yozgat has violated this rule and has not minuted any of the statements above. Not only that, they even forced me into telling and accepting statements quite opposite of the above.

The Creation of the "Organizations Scenario":

The police, after listening to my above statements, put me into a cell. The same day, towards midnight, they came into the cell. I was blindfolded and taken out.

They told me to bend and walk. I walked.

They told me to get up, I got up.

They told me to crawl, I crawled.

Then they put me into a car and we drove for about 15 minutes on a roughly surfaced road. Then I bent down again, then I crawled again and eventually I entered a room I did not know.

Here were the Chief of Police Mazhar BULUT, the police officers whose names are given above and Hüseyin, graduate of the Faculty of Law and Director of the Smuggling and Ammunition of the Security Department.

They told me, "Look friend, you're lying. You are the regional representative of Dev-Yol in Yozgat. A policeman from the First Branch started beating me and they threatened to give me electric shocks again. I tried to resist for a while. I kept telling myself, the legally recognised statement is the one at the Office of the Public Prosecutor, so it is no use resisting, you'll only get beaten more. So I decided to 'talk'. I told them, "Stop and I'll talk."

Yes, I said, I am the regional representative of Dev-Yol. The police asked, who authorized you to do that? I said Vural Arikan. They said, he is a Minister. I said, Well, the Minister Vural Arikan is quite different from the Vural Arikan who authorized me. This one is the President of the Office Workers' Union. They were convinced and minuted these words.

The Chief of Police, Mazhar BULUT said, Well, well, well! And you deceived us all this time that you are a member of RPP and that you are against anarchy and so forth. We'll make you tell us more.

The Head of the First Branch, Hüseyin, said, He is a liar. You will also make him admit to TKP [Turkish Communist Party] membership and many other things. Then we'll get the whole of TKP as a chain reaction. With this order, he left.

This is how I became the leader of Dev-Yol upon the authorization of Vural Arikan. But that wasn't all. They asked me who my deputy was. I didn't know. I had to make up something. While doing that, I got beaten a little bit more. But at the end I called on my knowledge of the legal profession. There was a youth called Fahrettin Okur who was sentenced by the Military Court of the 2nd Army and Martial Law Command for Dev-Yol membership and activities. I made him my deputy!

Mehmet Er, lawyer, RPP Yerköy District Branch President between 1978 - 1980.

So, the police officers had the satisfaction of capturing the whole of the Dev-Yol organization in Yozgat and I had the satisfaction of getting away with a little less pressure and beatings.

The police officer Ahmet said, "Tell us about the situation in the villages of Çayıralan." I said "OK, I'll tell you."

Menteşe Village

Süreyya Pehlivan was NAP candidate

Hüseyin Kargı, JP candidate

Konuklar

Ilyas Irmak Adam died 3 years ago and one of the village heads from JP

Günyayla

Adem Şen, a JP militant since 1950

Deli Şakir, a JP militant since 1950

Şeref Cesur, a worker in Germany and he has right wing ideology

Asağı Tekke

The present village head is right wing

Avşaralani

The present village head is a close friend of the Governor of Yozgat and he is a NAP militant.

That was the end of the Dev-Yol question.

Forming a Party with Madanoğlu

Police Chief Mazhar BULUT said "Now, you formed a party in 1976 with Cemal Madanoğlu, Doğan Avcıoğlu, İlhan Selçuk and Oktay Akbal. Tell us now about these activities.

Of course, my first reaction was to object and give my detailed reasons for objection. But it did not help. So I said, "OK" and started to tell them.

a) Where were the party meetings held? In the office of the newspaper Devrim (it was closed down in 1971) and in Milka sweet shop. Where is that? In Kavaklıdere. Why did you choose this place? Well, the MILKA sweet shop is an important place. All political organizations and potential juntas are formed here. The late Talat Aydemir also decided in this very place to have a coup d'état.

b) Who else took part in the activities of the party? İrfan Özaydinli. But he is a Minister. It doesn't matter.

He'll come to a very important post inside our Party.

Muhsin Batur.

And yet, in the Dev-Yol trial at the military court of the Martial Law Command, all the representatives of Dev-Yol had been established and documents confiscated. Despite this reality, they decided to make me, an RPP candidate for Senate and 47 years old, the provincial representative of an organization like Dev-Yol.

One of the police officers, Ahmet from Çankiri, asked me to tell them who is in the other districts. I said, I am only responsible in Çayiralan. I don't know about the other districts. The notorious bearded police officer of the First Branch said, You know it very well, now you tell us, too. An important person like you Şakir Keçeli will know everything. Tell us. And he kicked me in my stomach.

I said, stop, and started to tell them

[In the following pages which are omitted, Şakir Keçeli purports to give names and information about Dev-Yol, TKP and DISK (Confederation of Progressive Trade Unions)]

The policemen said: "You planned all the activities above, and ordered Fahrettin Okur to implement them. All the Dev-Yol defendants [suspects - tr.] acted upon your directive. The Dev-Yol detainees confessed to this."

I attempted to say that this was absurd, but with the fear of the punches - which direction they will come from is impossible to tell with a bandage on your eyes - I felt obliged to accept what they told me to. But even the sheer acceptance of these accusations didn't remove the absurdities:

1. Gunning of the house of Constable Ali Ocak

I said, as I was ordered, that Mehmet Öztürk's elder son had performed this task with a 16 mm Czech pistol upon my order; this is what the policemen put down as my statement. After a few days, I was taken to

interrogation again at about 2 am. They said: "You said that you had got Ali Ocak's house gunned, but Naşit DOĞAN, one of the criminals (the police used to say 'criminal' for 'suspect') says that it was bombed, not gunned, and that he bombed it together with a few others (I forgot their names). Why did you lie to us ?"

- "Is that so?" I said, "That should be correct then, it must have been bombed." "And it wasn't Mehmet Öztürk's son who bombed it?" "That's right, I had ordered Naşit DOĞAN to bomb this house. It was bombed by Naşit DOĞAN on my order."

2. Bombing the house of Nafi Ertuğrul, MHP Branch President.

A person called Ali FUAT was tried at the 2nd Army and Martial Law Command Military Court; he accepted that he had gunned this house and stated that it had nothing to do with me. He made this statement in the police; eventually he was acquitted of this charge. For this reason, the court records are in total contradiction with my owning up to this crime. I explained this to the police officers but they were not prepared to be convinced; so I had to accept the accusation.

3. Gunning Nadir Aknur's house.

That house was not gunned but bombed; but it was impossible to convince the policemen of this. The person who did this was identified by the Martial Law.

4. Hüseyin Varol's death.

I was not in Çayiralan when this incident took place. The then civilian prosecutor, the then Chief Constable, the police officers Turan and Yusuf Gemici, Commander of the gendarme outpost Mustafa Polat have testified to this fact. Despite this, I was forced to say that I had been involved in this incident, and Naşit DOĞAN had killed Hüseyin Varol on my order. Furthermore, Naşit Doğan had been tried for this charge by the Military Court of the 2nd Army and Martial Law Command and was acquitted.

5. Cebrail's death.

No doubt, this was also a result of my orders! I had apparently found out that Özbay TOKAT was the killer, three days after the murder; because (apparently) he came to my garden three days after the killing and told me about this. The fact is, however, that Özbay TOKAT was detained

immediately after the killing, in the evening of the same day, so he could not possibly come to my garden three days later. Moreover, he was acquitted on this charge.

THE EVENTS LEADING TO HÜSEYİN VAROL'S MURDER ARE CLAIMED TO HAVE BEEN INITIATED ON MY ORDERS.

The police officers extracted confessions, to substantiate this claim, from me and other relevant persons. However, this event has been the subject of a trial at the Military Court of the 2nd Army and Martial Law Command. The court established the incident as the following in its verdict: One day, Mr. Necati BAŞGÜL, a militant from Ülkü Ocakları, enters a cafe where usually CHP followers attended, and shouts with a loud voice: "I am fasting, I am not communist like you, the bullets of communists cannot do any harm to me; anyone who challenges this can come outside ... " A turbulence was caused and the attack on the coffee shop started. A massive conflict broke out; and as a result of the gun fire opened by right wing militants a soldier lost his eyes, two police officers were injured and Hüseyin Varol died.

There were two witnesses arguing that Naşit DOĞAN had killed Hüseyin Varol, but the court established that it was impossible to kill Hüseyin Varol by firing from where those witnesses claimed Naşit DOĞAN had. Indeed, Naşit DOĞAN was acquitted of this charge.

I could be initiator of this killing (ie: with my order) only if the real initiator Necati BAŞGÜL were my man. But this person is an "Ülkücü". In order for me to be able to order him to cause trouble, I also must have an "Ülkücü" [i.e. member of a right-wing group].

So some of the actions in which I was forced to confess to have been involved have not taken place at all; the others which did take place have nothing to do with me. But, with the effect of beating, myself and all other suspects admitted to involvement in actions that had nothing to do with us

THIS IS HOW THE INTERROGATION OF THE FIRST DAY WAS. I WAS TAKEN BACK TO THE CELL, EYES COVERED, AT 4 am.

The next day, I was taken out from my cell at 2 pm and put in a Renault car. There was someone else in another car. I was asked not to look at this person and not to get to know him. We drove to Çayiralan in this way.

When we came to the junction with the road to Sarıkaya, Chief Constable Mazhar BULUT gathered the police officers and gave them some secret directives. I could hear things like "Don't make any noise, do whatever you need until you get the rifle ... " After this, the Chief Constable went in the direction of Boğazlıyan; we, to Çayiralan. In the meantime I saw that the person in the other car was Hacı (TEKİN) Uslu. The policemen were saying things like "home", "his wife", etc. I deduced that my wife would be taken and tortured to reveal the rifle. I decided to commit suicide as soon as I got the opportunity. I would ask the policemen to take me home too, and I would plunge the knife in my heart. We came to Çayiralan. The policemen tied me up to a radiator pipe with a handcuff. I said to the policemen: "Look, if you're going to my house, let me come with you because my wife may resist you if I am not there. I will convince her to tell you what she knows".

The police constable said "OK, if what you say happens". I asked the guard on watch for a tea. He was a native of Çayiralan and knew me well. He didn't mind bringing me a glass of tea. I broke the glass and cut my left wrist at three places. It started bleeding from somewhere near my left elbow. The constable (the one from Pazarcık) came in while dealing with the others. He said: "What's wrong, you don't look well?" I said I was all right. But he took my arm and saw the blood. They brought the doctor of Çayiralan and prevented the suicide. My main motive was the fear of torture and particularly the possibility of my wife being tortured.

On the last day of the detention, the police officers called me and ordered: "You will write a statement for us, you'll say that you were frightened by the activists of the organization and for that reason you attempted to commit suicide. You were frightened because - you'll say -

all other suspects swore at you." I wrote these too by force. The fact, however, was that I had not even seen the other suspects.

WHY DID THEY BRING HACI TEKIN USLU ALONG ?

Apparently, H. Tekin Uslu, failing to bear the torture any more told the policemen that he - even he and me together - had buried the sten automatic pistol in my apple garden. He even said that it was buried beneath the 18th tree. They took two of us to my apple garden. Constable Mazhar (who had come together with Seyfi Berk from Boğazlıyan) turned to me and said:

- Şakir Keçeli, I understand that a sten automatic rifle has been buried here. Find it.
- Sir, let us bring 8 - 10 tractors from the village and dig the garden to uproot all 640 trees perhaps we can find it if it is really there. If you ask me, this is nothing but a slander.

This time he turned to Tekin Uslu:

- Haci, you tell them He said:
- My constable, he said, I told a lie in order to stop torture, to gain time.
- Haci, what a maniac you are, aren't you? said the constable and turned to me and told me to call the garden's watchman which I did. He asked the watchman:
- Do you keep a gun?
- I used to, said the watchman, but I returned it to the authorities after 12th September. If you want I can bring the receipt from my village. At the moment, I have a licensed hunting rifle.
- Give us the guns Şakir Keçeli gave you.
- Sir, Şakir Keçeli is not the sort of person who would deal with firearms. I have never seen him with a gun, said the watchman.

The officers asked whether to take the watchman. The constable told them to leave him alone saying that he was a stupid person. And we all went to Çayiralan Security Directorate.

There, the constable said to me: "Seyfi Berk does not give the sten. You convince him. Otherwise it will be very bad for you; and took me to Seyfi Berk. I told Seyfi Berk: "Give this bloody gun to them and save me from torture".

He said: "Brother Şakir, I like you, you are a great man, but you act childishly. I have not taken a machine rifle from you and I do not have it. I cannot produce it even if I was killed under torture. But I have an idea. Let us go to my village. I will beg them. If there is such a gun I am sure they will give it for my sake."

So we went to Fahrli village. All the villagers came along. Headman, watchmen of the village and an NCO and two soldiers from gendarmerie in Çayıralan were there. There were also policemen. He (Seyfi Berk) explained briefly what we wanted. He said that he had not been given any sten or anything like it by me and that he would not know where one could be found, and that he himself and I had done good work for the village in the past. So, if they could find a rifle in return both of us would be saved from torture.

Neither Seyfi nor I had to go out of the car because we did not know where this thing could be found, if at all. So there was no point. The villagers were spread out to the fields. We waited about three hours in the car. In the end, a teenager found an old rusty rifle buried in a field.

At night we came to Yozgat and I was taken to interrogation at midnight with a bandage over my eyes. I was instructed to say the following: "The machine gun we found belongs to the organization and I gave it to Baki Aydoğan in the first week of May 1981 and then he gave it to Ömer Ata. Then he returned it to me the same day. Then I took it to Fahrli village with my red Renault car to give it to Seyfi Berk."

I said: "Sir, this scenario is not very consistent logically. Çayıralan is not a big place, not longer than 500 meters in length.

I see Baki Aydoğan outside my office and I ask him to take something to Ömer Ata. Why? Ata's shop is only 50 meters away, I'd normally bring myself. Furthermore, I take the gun from him 5 minutes later. Why should I? I would directly take it to Fahrli myself. According to your scenario, we are not involved in a secret organization but in a child's game. This is far from convincing." But it was them who wrote the scenario, not us. We had only to play our parts as required. So we did; we, all three of us, accepted the accusations as described.

"THE SPEAR WAS STILL TOO BIG TO GO INTO THE SACK"; because

- a) I did not have a red Renault car in 1981, I had sold it in 1980.
- b) In the first week of May 1981 I was in detention in Akdağmadeni - Yozgat.

Why then had the police to stretch its logic in such a way to cause such inconsistencies?

- If they said 1979, we would get shorter sentences and there is no reason to bury the gun in 1980;
- In the summer and autumn of 1981 Ömer Ata was in Ankara ; after having shut his shop in Çayıralan ;
- 1982, '83, '84 not possible, because Seyfi Berk is under arrest for murder.

So the only gap was the first week of May 1981. This is the story of our organization's machine gun.

ON THE OTHER HAND

Some of the bullet shells from the guns used in Çayıralan are in the hands of the police. The Court will easily reveal that those shells won't fit the gun mentioned above. If you ask me how do I know, I'd say, yes, I do know because the "organization" had nothing to do with this gun and in fact, that organization does not exist in Çayıralan.

THE STATEMENTS CHANGE AGAIN

The next day I was taken to interrogation again. The Constable Mazhar Bulut:

- You, Şekir Keçeli, you deceived us.
- Why? I said.
- Apparently Zeki Baştımar died 13 years ago, why did you tell us so?
- Well, I have nothing to do with the TKP, how would I know?
- If you are not from the TKP, how did you know the name Zeki Baştımar?
- Anyone on the left in Turkey knows this name. Knowing that is not the proof of being from the TKP.
- How about Atilla Sav, Mûmtaz Soysal, Bahri Savcı ... Are these from TKP?
- No Sir, these are all intellectuals on democratic left.
- Why, then, did you tell us differently?
- You asked me to tell the leaders of the TKP. I did not know. These names happened to come to my mind and I just said them.
- MIT officers warned us and told that you were deceiving us. So, we shall have to delete these names.

So that part of the statement was deleted.

- Is Vural Arikan, the one who appointed you local Dev-Yol organizer, is this a real name or made up name or did you 'just spell out a name'.
- There is a real trade unionist called this.
- But we shall delete this part as well. It has undesired connotations [meaning the former cabinet minister Vural Arikan - tr.].
- The name of the party you founded in 1979 together with Madanoğlu, Avcioğlu, Akbal and Selçuk, what was its name?
- It was "Communist Homeland Party"
- We do not like it very much either. We'll delete this.
- OK Sir

So we wrote the statement anew.

VERY INTERESTING.

A television crew was brought to Yozgat from the General Directorate of Security. We were asked to read our statements in front of the cameras. We read the text as it was written. But the above-mentioned amendments had been done in the text, so we read it without them. If this tape can be found, the officers will be proved to have forced the detainees to make false statements.

At the same interrogation, I was asked to tell how I registered "Ömer Ata as a member of TKP. There was not such a thing. I told them so. An officer from the First Branch started to punch my stomach and my back. "You must accept, they said, "Ömer Ata told everything." I said "OK, I got him registered."

This time they turned to the registration ceremony:

- Which street in Ankara did you take "Ömer to?
- How can I know? There are thousands of streets in Ankara.
- You know, man, they said and a few punches came.
- Why do you keep hitting me, with a blindfold over my eyes?
You tell me what you want me to say, I will say Yes!
- Was it Karanfil Sokak? [Carnation Street - tr]?
- Yes, yes. I remember, that was it.
- Which building?
- How would I know? It is a long street
- You do know (beatings)
- Don't you know Karacaöglü sweet shop?
- That's right, I took "Ömer Ata upstairs.
- Which floor?
- To the first floor
- (Beating) Take the lift, man.
- Fourth floor? (beating again)
- Fifth (beating again)
- Sixth? (that's fine)
- OK. Who was the person registering "Ömer in the Party?

I was puzzled. I could say any name. But when it differed from what "Omer Ata had told them, I would be beaten again.

- You tell me, I don't remember the names very well.
- Do you know Asaf Gören?
- Yes, he was the secretary of our cell.
- Ismail Aydın?
- Yes, chairman of the cell.
- Did they register "Omer Ata?
- Yes, they did.
- What was in the room?
- It was a lawyer's office. There were chairs, desk, typewriter and a portrait of Yılmaz Güney.
- How did you persuade "Omer to this?
- I said to him "Look "Omer, you are a man of trade. When TKP forms the government, we shall give you lots of credit from the banks. Also, we shall favour you in government contracts. Only TKP can save our country." "Omer was persuaded and accepted to register.

So this part of the scenario was completed. But

THE STATEMENT CAME BACK FROM MIT:

The next day, at about lunchtime, I was taken from my cell with a blindfold on my eyes. We passed through the crowds filling the Directorate of Security in Yozgat. Many of them must have recognised me. Because I know at least 20 thousand people in Yozgat. This is how I was taken to Tuzkaya police station. First I was interrogated in a dark, but very hot place. The interrogators sounded very competent and very kind to me. For this reason, I reckoned that they were from the MIT. I could even recognise the voice of one of them. They asked me about TKP and said:

- Şakir Keçeli, you are either a good actor or a liar. Tell us which is correct.
- Sir, I have been put in the position of a liar. I am none of these.

- Leave it, it does not interest us anyway. But tell us about Asaf and Ismail Aydin.
- I know neither of them. I understand that Ömer Ata gave these names. I know two Ismail Aydins. Both of them are lawyers. One of them is an RPP MP from Uşak, the other is from Sivas. I know both of them as Ismail Aydin.
- OK. Take the detainee away!
- Sir, I wish you do all the interrogations.
- This is not our job; we listened to you only for information.

TAKEN UPSTAIRS

STATEMENT ALTERED YET AGAIN:

Chief Constable (to me):

- My friend, you keep making our job difficult.
- In what way Sir?
- What would you say for Hücre [cell] in the Party?
- My Constable; although I am from the TKP, I am, in fact, leading Dev-Yol with TKP's instructions. If the terminology has changed, please tell me.
- You should say Committee for Cell
- If that is so, let it be.
- Do you say registering with the Party or something else?
- I am afraid I don't know this either.
- You should use the term "Partileştirme" [to render of the party].
- All right.

So, we took the first lesson on TKP in the First Branch in Yozgat and learned what the words "Komite" and "Partileştirme" meant. Certainly police officers also learned along with us.

Someone entered the room during the interrogation. He was the Director of Security in Yozgat. He gave a long lecture there. I don't need to mention what he said. But the important part of our talk was this:

- How long do you think you'll be sentenced for? he asked.
- I think 15 years under Article 168/1 of the Turkish Penal Code, Sir.
(I wouldn't dare to say that I would not be sentenced at all. If I said that they would start to create new charges. Because it was quite clear that they were not after a criminal but getting me sentenced.)
- Not very bad, you won't serve longer than seven years, he said and went on:
- Listen well Şakir Keçeli, you'd better repeat this statement when you go to the court. If you do not do that, we'll detain you again with the authority provided by the Law on Police Duties and Powers. You have not been tortured very much because you were only a suspect. This time you will be our personal enemy and subject yourself to ruthless torture, we may even kill you under torture.

I tried to argue a little bit. Then I said "All right, Sir" and closed the issue.

I recognize the voice of the Director of Security in Yozgat; I can tell his voice even when my eyes are covered.

We were brought to the court. I told all these at the court and got them recorded in the minutes one by one.

(Signed)

Şakir Keçeli

Sehr geehrter Herr
Liebe Kollege,

Ich schicke Ihnen die Unterlagen
^{über die} ~~der~~ Folter in der Türkei.

^{Ihrer} ~~Nachdem~~ ^{Durchsicht} ~~Untersuchung~~ können wir
uns treffen, wenn sie ^{es benötigen} brauchen. Und
ich kann nach ^{Bregenz} ~~Bregenz~~ kommen.
Ich bin bereit ^{mit} juristischen Gedanken
in den türkischen Gesetzen ^{behilflich} zu
sein ^{zu sein} helfen. Ich warte auf Ihre
Antwort.

Im Kongress

Die Gültigen Sprachen im Kongress werden
auf Englisch oder Französisch
sein ^{für die} Übersetzung der ^{Ihres} ~~ihren~~ Reports
können wir helfen. .. stehen wir
zur Verfügung.

Wir danken Ihnen für Ihre Unter-
stützung

Mit freundlichen
Grüßen

T. BARIŞ DERNEĞİ'NİN (Komitesi'nin)
Nisan 1987'de üçüncü kez mahkûm edilmesine ilişkin
G ö z l e m l e r

Soruşturma ve Yargılama Süresi

- İstanbul Sıkıyönetim Komutanlığının, emrindeki askeri savcıya, Türkiye Barış Komitesi yöneticileri hakkında soruşturma açılması emri 27.10.1980 tarihli'dir. Bu duruma göre, suçlananların sorgulanması ve yargılanması 2374 gün (339 hafta) sürmüştür.
- Ne var ki, mahkumiyet kararı sanıklar tarafından temyiz edildiğinden, yargılama henüz son bulmuş da değildir.

Sanıkların Sayısı

- Askeri savcının 17.5.1982 tarihli iddianamesiyle, T.Barış Komitesinin önce 30 yöneticisi yargılanmaya başlanmış, sonradan 25.9.1984 tarihli ayrı bir iddianameyle suçladığı 48 kişiyle, sanıkların sayısı 78'e yükselmiştir.

Tutukluluk Süresi

- Türkiye Barış Komitesi yöneticileri genellikle 3 yılı aşkın tutuklu bırakılmışlardır. Ne var ki, Askeri Mahkemenin 28.4.1987 günkü mahkûmiyet kararı karşısında bile, önemli süreler "alacaklı" kalmışlardır. Örneğin:

Doç.Dr. Gencay Şaylan	- 37 ayı aşkın yasa-dışı tutuklu
Ali Sirmen (Gazeteci)	- 37 " " " " luk
Prof.Dr.Haluk Tosun	- 36 " " " "
Tahsin Usluoğlu (İktisatçı)	- 36 " " " "
Dr.Erdal Atabek (Hekim)	- 30 " " " "
Hüseyin Baş (Gazeteci)	- 30 " " " "
Prof.Dr.Metin Özek	- 29 " " " "
Aykut Göker (Y.Mühend.)	- 29 " " " "

Orhan Taylan ((Ressam)	- 28	ay	aşkın	yaşa-dışı	tutuklu
Prof.Dr.Melih Tümer		- 21	"	"	"	"luk
Bn. Reha İsvan	(Öğretmen)	- 17	"	"	"	"
Niyazi Dalyancı	(Gazeteci)	- 17	"	"	"	"
Aybars Ungan	(Y.Mühend.)	- 10	"	"	"	"
Mustafa Gazalcı	(Milletvek.)	- 10	"	"	"	"
Kemal Anadol	(")	- 10	"	"	"	"
Uğur Kökden	(Y.Mühend.)	- 10	"	"	"	"
Nurettin Yılmaz	(Milletvek.)	- 7	"	"	"	"

vs. vs.

T.Bariş Komitesi yöneticilerini yargılayan askeri mahkemenin tutukluluk konusunda verdiği ara-kararlarda ortaya çıkan bu inanılmaz isbetsizlik ve adaletsizlik, başlı başına, nihai mahkûmiyet kararı hakkında da pek haklı olarak kuşklar uyardırmaktadır.

Yargılama Yöntemi

- T. Bariş Komitesi davası, yargıçları atama yoluyla belirlenen İstanbul Sıkıyönetim Komutanlığı 2 Numaralı Askeri Mahkemesinde görülmüş, yargıçları birçok kez değiştirilmiştir. Askeri yargıçların birçoğu tutuklama ve mahkûmiyet konularında aleyhte kanaat açıklamışlardır.
- Yargılama sırasında, Türkiye'de 1980 Eylül askersel darbesinden sonra açılan sayısız davalardan bile ayrı olarak, istisnai "Savaş Hali Hükümleri" uygulanmış, böylece, özellikle savunma hakkı kısıtlanmıştır.
- İddia makamı, sanıkların somut fiillerine ilişkin suç delilleri sunamamış, Amerikan CIA kaynaklı anti-komünist genel suçlamaları tekrarlamakla yetinmiştir. Örneğin, somut delil yokluğunda, Rusya Çarı Büyük Petro'nun (1672-1725) vasiyetnamesine dava dosyasında yer verilmiştir.

Nitekim, askeri mahkemenin ilk iki mahkûmiyet hükmü Askeri Yargıtay tarafından "eksik soruşturma" nedeniyle bozulmuştur. Askeri mahkemenin bu üçüncü ve sonuncu mahkûmiyet kararı içinde, varolan yetersiz, eski delillere yenileri eklenmiş değildir.

Askeri Mahkemenin Mahkûmiyet Kararı

- İstanbul 2 Numaralı Askeri Mahkemesi 28.4.1987 günü açıkladığı

mahkûmiyet kararında:

- A) T.Barış Komitesinin aşağıdaki 12 yönetici ve üyesine şu cezalar verilmiştir:

M. Dikerdem (Em.Büyük Elçi)	- 4 yıl 2 ay hapis
Bn.Reha İsvan(Öğretmen)	- 4 " 2 " "
Dr.E.Atabek (Hekim)	- 1 " 6 " 15 gün hapis
Prof.Dr.M.Özek	- 1 " 6 " 15 " "
A.Göker (Y.Mühendis)	- 1 " 6 " 15 " "
O.Taylan (Ressam)	- 1 " 6 " 15 " "
H.Baş (Gazeteci)	- 1 " 6 " 15 " "
N.Tarhan (Milletvekili)	- 1 " 6 " 15 " "
E.Saracoğlu (")	- 1 " 6 " 15 " "
Doç.Dr.A.Tangör	- 1 " 6 " 15 " "
N.Dalyancı (Gazeteci)	- 6 ay hapis
N.Yılmaz (Milletvekili)	- 6 " "

- B)T.Barış Komitesi örgüt olarak kapatılmıştır.

- C) 21 ayı aşkın tutukluluktan sonra vefat etmiş bulunan sanıklar Av.Orhan Apaydın (İstanbul Barosu Başkanı) ve ve İsmail H.Öztorun'un (CHP Milletvekili) yargılanmasına son verilmiştir.

- D) Daha önce 5 kişi hakkında kesinleşmiş olan beraat kararına ek olarak, bu kez de 31 kişi beraat ettirilmiştir.

- E) 19 sanık için beraat kararı verilmemiş, fakat onların suçlarının zaman aşımına uğradığı inanılmaz şekilde öne sürülerek, onlar davadan cezasız ayrılmıştır.

- F) 4 sanık için, ikinci bir davada yargılanmakta oldukları gerekçesiyle bekleme kararı alınmıştır.

- G) 1 sanık hakkında dava reddedilmiştir.

- H) Türkiye'de bulunamıyan önceki 2 sanığa ek olarak, ayrıca daha 2 sanık hakkındaki dava da geçici olarak durdurulmuştur.

Sayın M.Dikerdem'in 3. mahkûmiyet kararına ilişkin görüşleri

- T.Barış Komitesi 'nin Genel Başkanı, Emekli Büyük Elçi Sayın Mahmut Dikerdem, askeri mahkemenin üçüncü mahkûmiyet kararı konu-

sundaki görüşlerini, Askeri Yargıtay'a temyiz başvurusunda şöyle dile getirmiştir:

İstanbul 2 Numaralı Askeri Mahkemesi'nin, Türkiye Barış Derneği (Komitesi) davasında 28.4.1987 günü açıkladığı karar haksızdır.

Haksızdır, çünkü hukuka ve Türkiye Cumhuriyeti devletinin taraf olduğu uluslararası belgelerden doğan yükümlülüklerine aykırıdır. Söz konusu karar, hukuk devleti ilkelerini ve adaleti gözetmek yerine, Türkiye'nin halen içinde bulunduğu siyasal ortamın gereklerine uymak amacına yöneliktir.

T.Barış Derneğine ilişkin ilk yargılamada Dernek yöneticilerinin uzun süren tutukluluk halleri dolayısıyla, haklarında zaten peşin ceza infazı yapılmış bulunmaktadır. Bu kez kararda, bir kısım Dernek Yönetici ve üyelerinin suçluluğunda ısrar edilmekte, ancak, ceza indirimi yapmak ve zaman aşımı uygulamak yoluyla, adil ve makul bir karar verildiği izlenimi yaratılmak istenmektedir. Kararın bu amacı taşıdığı, T.Barış Derneğinin illegal bir örgüte dönüştüğünün belirtilerek kapatılmasından açıkça anlaşılmaktadır.

Mahkemece verilen cezalar ve yapılan uygulamalar ne olursa olsun, bu kararlar T.Barış Derneği illegal bir örgüt kabul edilerek kapatılmıştır. Bu durumun, içerde kamu vicdanını yaralayacağı gibi, dışarda dünya barışı için sürdürülen uğraşların Türkiye'de suçlanıp mahkûm edildiği kanısını yaratacağı kuşkusuzdur.

MAHKUMİYET KARARINDAKİ BAZI HUKUKSAL ÇELİŞKİLER:

- A) Daha önceki kararlarda esas alınmış olandan farklı ceza maddeleri uygulanması

- Türkiye'deki temel hukuk kurallarına göre, Askeri Yargıtay

Daireler Kurulu'nun davalarda verdiği kararlar, mahkemeler için zorunlu bir çerçeve oluşturur ve bağlayıcıdır.

- Askeri Yargıtay Daireler Kurulu, İstanbul Askeri mahkemesinin verdiği 2. mahkûmiyet hükmünü incelerken, T.Bariş Komitesi yöneticilerinin, ağır cezalar öngören TCK 141. maddesine göre yargılanmasını onaylamıştı. Askeri Yargıtay Daireler Kurulunun, İstanbul askeri mahkemesinin mahkûmiyet hükmünü bozması, işte bu çerçeve içindeki "eksik soruşturma" nedeniyle olmuştur.
- İstanbul askeri mahkemesi 3. mahkûmiyet kararını verirken, özellikle uluslararası kamuoyunun T.Bariş Komitesi yöneticilerinin ağır hapis cezalarına çarptırılmasına yoğun tepkisi karşısında açıkça gerileyerek, T.Bariş Komitesi yöneticilerine daha hafif cezalar seçmek zorunda kalmış; bu amaçla da zorunlu yasal çerçevenin dışına çıkarak, başka ceza maddeleri uygulamıştır. (TCK 143 ve 1630 sayılı Dernekler Yasası)
- İstanbul askeri mahkemesinin bu son kararında dikkati çeken, uluslararası kamuoyunu yatıştırmaya yönelik bu yasa-dışı geri-leyişe rağmen, T.Bariş Komitesi'ni illegal bir örgüt saymaktan, -hem de biraz aşağıda değineceğimiz yasal çelişkilere rağmen illegal bir örgüt saymaktan- vazgeçmeyerek, onu ısrarla kapatmak istemesidir.
- Kısacası, İstanbul askeri mahkemesinin, daha önce Askeri Yargıtay Daireler Kurulu tarafından onaylanmış olan "suçun niteliği"nde sonradan bir değiştirme yaparak, başka ceza maddeleri uygulaması hukuken olanaklı değildir.

Böyle bir değişiklik ancak hukuk-dışı, açıkçası, siyasal nedenlerle açıklanabilir. Böyle bir değişiklik, T.Bariş Komitesi yöneticilerinin yargılanmasında hukukî normlardan çok, siyasal etkilerin ağır bastığını (ve davanın, Türkiye'deki iktidar tarafından bir pazarlık konusu haline getirildiğini) açıklıkla göstermektedir.

B) Suçlu yöneticiler kim ?

- T.Bariş Komitesinin Genel Başkanı M.Dikerdem ile, Genel Yönetim Kurulu üyelerinden Bn.Reha İsvan, şimdiye kadar, diğer yöneticilerle birlikte, y ö n e t i c i konumlarına tekabül eden TCK 141/1 maddeye göre yargılanmışlar ve askeri mahkemenin daha önceki iki kararında, diğer pek çok yöneticinin yanı sıra, bu maddeye göre

mahkûm edilmişlerdi.

Yönetici konumunda olmayan ya da mahkemece öyle görülmeyen diğer sanıklar ise, önceki kararlarda, ü y e konumlarına tekaübül eden ve göreceli olarak daha hafif ceza öngören TCK 141/5 maddeye göre mahkûm edilmişlerdi.

- Oysa, askeri mahkemenin son kararında, yöneticilere mahsus TCK 141/1 maddeye göre hiç kimseye ceza verilmemiş, üyelere mahsus TCK 141/5 madde ise, aralarında pek çok yönetici de bulunan tüm sanıklar arasında yalnızca Sayın M.Dikerdem ile Sayın (Bn) Reha İsvan'a uygulanmıştır.
- Ne var ki, askeri mahkeme son kararında Sayın M.Dikerdem ile Sayın R.İsvan'ı, TCK 141/5 maddeye göre illegal bir örgüt ü y e s i olarak -daha hafif bir cezayla- cezalandırmak isterken, bu sanıkların hangi illegal örgüte üye bulunduklarını, onları diğer sanıklardan hangi nesnel kriterlerle ayırarak cezaya müstehak gördüklerini ve, asıl en önemlisi, -Sayın M.Dikerdem ve Sayın R.İsvan yalnızca üye konumunda sayıldıklarına göre- o zaman suçlu yöneticilerin kimler olduğunu kararında belirtmemiştir.

C) T.Barış Komitesi'nin dışındaki "İllegal Örgüt" hangisi ?

- Bu son karara göre, T.Barış Komitesinin, -askeri mahkemenin daha önceki kararlarından farklı olarak- bir "illegal örgüt" olmadığı ortaya çıkmakta, T.Barış Komitesi aklanmaktadır. Çünkü:
 - ✓ T.Barış Komitesi eğer bir "illegal örgüt" olsaydı, Sayın M.Dikerdem ve Sayın R.İsvan'ın, bu örgütün fiili yöneticileri olarak, TCK 141/1 maddeye göre cezalandırılmaları gerekirdi. Askeri mahkemenin yönelimi bu değildir.
 - ✓ T.Barış Komitesi eğer bir "illegal örgüt" olsaydı, askeri mahkemenin, cezalandırmak istediği diğer sanıkları başka maddelere göre değil, TCK 141/1 ya da 141/5 maddelere göre mahkûm etmesi gerekirdi.

Askeri mahkemenin kararı, Sayın M.Dikerdem ile Sayın R.İsvan'ı "illegal örgüt" ü y e'si olarak, TCK 141/5 maddeye göre cezalandırmak isterken, "illegal örgüt"ün hangisi olduğunu, asıl y ö n e t i c i'lerinin kimler olduğunu yeni delillerle açıklamadığı için, mantıksal ve hukuksal dayanaklardan yoksun görünmektedir.

D) Biri diğeri için içeren iki eylem için iki ayrı ceza

- Askeri mahkemenin son kararında, 8 sanığın her biri 1 yıl 6 ay 15'er gün hapis cezasına mahkûm edilmiştir. Bu sanıklara TCK 143 madde ve Dernekler Yasası hükümleri birarada uygulanmıştır.

Oysa, sanıklar için suç nedeni sayılan eylemler birbirini içerdiğinden, bunlardan yalnızca biri cezalandırılmaya konu olabileceken, her ikisi için ayrı ayrı ceza uygulamaya girişmek, son mahkûmiyet kararının hukuka aykırı bir başka yönünü oluşturmaktadır.

E) İkinci bir davada ayrıca yargılanan sanıklar için hükmün geciktirilmesi

- T.Bariş Komitesi yönetici ve üyelerinden 4 sanığın, ayrıca TKP davasında da yargılandıklarını öne sürerek, askeri mahkemenin, daha önce kabul ettiği yargılamayı doğallıkla hükme bağlamaktan şimdilik kaçınması ve bekleme kararı alması da hukuka aykırıdır.

Askeri mahkemenin bu alışılmamış kararı, sanıkların ikinci TKP davasında beraat etmeleri halinde, bu davadan mahkûm edilebilmelerinin gözetildiği izlenimini vermektedir.

F) Aynı zamanda gerçekleşmiş ortak eylemler konusunda sanıklar arasında ayırım

- 19 sanık askeri mahkemenin son 28.4.1987 günkü duruşmasından ceza almadan ayrılmıştır. Askeri mahkeme bunları beraat ettirmeyerek, suçlu olduklarını, ama suçlarının zaman aşımına uğradığını ilan etmiştir.
- Askeri mahkeme, bu kararıyla, ceza veremediği 19 sanığı beraat ettirmeyerek, onları yine de şaibe altında bırakmış, onlar hakkında toplumda "suçlu" imajının sürmesine olanak yaratmıştır.

Ancak şurası dikkate değer ki askeri mahkemenin kararından, bu 19 sanık ile beraat ettirilen 31 sanığın, aynı zamanda gerçekleşmiş ortak eylemleri konusunda nasıl bir ölçüyle ayırım yapıldığı hiç belli olmamaktadır.

- Askeri mahkemenin kararında daha da anlaşılmaz, hatta şaşırtıcı bir başka nokta var: "Suç"larının zaman aşımına uğradığı açık-

lanan söz konusu 19 sanık ile, suçlu görülerek cezalandırılan 12 sanığın ortak eylemleri arasında nasıl bir ölçüyle ayırım yapılabildiği de kararda belirtilmiş değildir.

- Kısacası, T.Barış Komitesinin her zaman yasal çerçeve içinde kalmış, özellikle 1978 Aralığından 1980 Eylülüne, askersel darbeye kadar, sıkıyönetim komutanlıklarının yakın denetimi altında yürütülmüş faaliyetlerinin birer parçası olmuş eylemlerin, Askeri mahkeme tarafından, 31 sanık için suç olarak görülmemesi, 19 sanık için suç olarak görüldüğü halde cezalandırılmaması, 12 sanık için de somut delillere dayalı olmaksızın suç olarak ilan edilmesi ve cezalandırılmak istenmesi, besbelli ki anlaşılmasihiç de kolay olmayan bir olgudur.

S o n u ç

Türkiye'nin yalnızca hukuk tarihinde değil, aynı zamanda yakın siyasal tarihinde de önemli bir yeri olan Türkiye Barış Komitesi davasını böylesine yürüten ve hükme bağlayan yargıçların atabildiği günümüz Türkiyesinde, sağduyunun ve insan haklarına saygının egemen duruma gelmesi için daha katedilecek çok yol olduğu ve bu süreçte uluslararası dayanışmanın büyük değer taşıdığı belli olmaktadır.

Türkiye'de İnsan Hakları ve Demokrasi
için Dayanışma Girişimi

- F.Almanya

AÇIKLAMA MATERYALİ TASLAGIDIR:

— Başlık " Türkiye'deki rejim ve demokrasi?"

— Sunu taslağı :

— TÜRKİYE'DE NELER OLUYOR ?

Önümüzdeki iki ay içinde Türkiye'de 12 Eylül 1980 militarist darbesinin 7. yılı dolacak.

Bu uzun 7 yıl içinde ülkemiz Türkiye'deki militarist hükümet darbesi ve bunun sonuçları, B.Avrupalı hükümetler düzeyinde, tek tek politik partiler düzeyinde, sendikalar düzeyinde, kiliseler ve çok çeşitli diğer kuruluşlar düzeyinde, Avrupa Parlamentosu, Avrupa Konseyi gibi B.Avrupalı devletler arası kuruluşlar düzeyinde, NATO içinde, BM İnsan Hakları komisyonu'nda yine BM IL6 vb. gibi hükümetlere bağlı olmayan uluslararası kuruluşlar düzeyinde ve elbette B. Avrupa kamuoyunda, farklı dünya görüşlerini, farklı politik inançları temsil eden konumlardan tartışıldı, tartışılıyor.

Bu tartışma, bizzat söz konusu olan ülke içinde kısa bir süre öncesine kadar yasaklanmıştı (12 Eylül 1980 icraatı tartışılmaz emirnamesi gereğince) . Bu yasak hala yürürlükte olmakla birlikte, dünyamızda, bölgemizde ve ülkemizde gözlenen gelişmeler, günümüzde sonuçlarına katlanmayı göze alabilenler için kuruluşlar, gruplar ve kişiler için belli ölçüler içinde, sınırlı olsa ülkemiz kamuoyu karşısında açıktan bir tartışma yürütme olanakı vermektedir.

Bu gözlemin temelini oluşturan gelişme , Türkiye Devlet Bşk. emekli or-general K.Evren'in ve Başbakan T. Özal'ın ilerisürmeye çalıştıkları gibi demokrasiye geçiş sürecinin ilk sonuçlarımızıdır ?

Bu soru günümüzde Türkiye'de ve B.Avrupa'da sürdürülen tartışmanın somut içeriğini oluşturmaktadır ve 12 Eylül 1980 militarist devirmesinden, günümüze kadar, geride bıraktığımız 7 yıl, soruya açık yanıtlar verdirebilecek aşık toplumsal olgularla doludur.

Biz konuya ilgi duymuş olanların ve gelişmeleri izleyebilenlerin açık bir yanıt bulmakta ve buna uygun düşen pratik adımları atmakta zorluk çekmediklerini ve çekmeyeceklerini biliyoruz. Bununla birlikte, Türkiye olgusuna yeni yeni ilgi duyanların yada yeniden görüş oluşturma gereğini duyanların çalışmalarına bir katkı sağlayabilmek için son 7 yıldaki gelişmeleri, en genel olgular düzeyinde sıralamayı görev biliyoruz.

- 12 Eylül 1980 . Ordu üst yönetimi Başbakan S.Demirel yönetimindeki hükümeti bir darbeyle devirdi, seçimler yoluyla oluşmuş TBMM'ni feshetti. 1961 Anayasası yürürlükten kaldırıldı. Legal politik partiler, başta DİSK olmak üzere bazı sendikaları, başta TÖB-DER olmak üzere bazı meslek örgütlerini demokratik yığın örgütlerini, KÖY-KOP gibi köylü kuruluşlarını illegal ilan etti. Bunların yöneticileri ve üyelerini tutukladı. Türkiye Barış Derneği'nin faaliyetlerini yasakladı , yönetici ve üyelerini tutukladı . Barış fikrini bile yasakladı. Yaygın bir kitap toplama ve yok etme faaliyetine girişti.

- Beş ordu komutanından oluşan MGK tüm devlet yetkilerini eline aldı. Komutanların emirleri kanun düzeyine yükseltildi.

- Darbeci generaller "Gerçek demokrasi, huzur ve güven " dönemini başlattıklarını ilan ettiler.

- 1981 yılı Sonbahar'ında generallerin bizzat seçtikleri bir "Kurucu Meclis" oluşturuldu. Bu Meclis'in oluşturduğu anayasa taslağı Kasım 1982'de, tüm ülkede ilan edilmiş savaş hali koşullarında , referanduma sunuldu. Aynı çerçevede içinde cuntacı General Evren , karşı adayın olmadığı koşullarda, kendisini Devlet Bşk. seçtirtti.

- Bu dönem tüm rejim karşıtlarına en ağır (Politik idamlar, yaygın ve yoğun işkenceler, kayıplara karıştırma vb.) baskıların uygulandığı ama aynı zamanda, ülke içinde ve dışında generaller yönetimine karşı yoğun bir muhalefetin (Avrupa Parl. üyelığının askıya alınması vb.) biçimlendiği dönemdir.

- MGK (beş General) bu koşullarda , "Gerçek demokrasiyi" gerçekleştirmek iddialarını "Demokrasiye geçiş" iddiasına dönüştürmek zorunluluğunu duyular. Bunun somut delili olarak 1983 Sonbahar'ında yaptırmayı planladıkları seçimleri ileri sürdüler.

- Bu koşullarda, Türkiye'de ve yurt dışında sürdürülen tartışma "Türkiye'de demokrasiye geçiş sorunları" olarak sunulmaya başladı.

- MGK, tüm yurttaki savaş halinin sürdürülmesi koşullarında ve 1983 Kasım seçimlerinden iki ay kadar önce, eski partilerin devamı olmayacak yeni politik partilerin kurulmasına izin verdiğini, ancak bu partilerin kurucu ve yöneticisi olacakların MGK onayı almaları gerektiğini önkoşul olarak ilan etti.

- Kısa zamanda 14 burjuva parti kuruldu. Bu partilerin 11'i kuruluşlarından kısa bir süre sonra militar rejim tarafından kapatıldı. Seçimlere girmek hakkı sadece üç partiye tanındı.

- Bu koşullarda Kasım 1983 genel seçimleri yapıldı. Seçimlerden ANAP başbakanı olduğu ANAP kazançlı çıktı ve günümüzde de devam eden Özal hükümeti böylece kurulmuş oldu.

- Genel seçimlerden sonra yapılacak yerel seçimler için yeni bazı partiler kurulmasına izin verildi. Şimdi başında Erdal İnönü'nün bulunduğu SHP , eski Başbakan S.Demirel'in etkisinde bulunan DYP ve B.Ecevit yandaşlarının oluşturduğu DSP bu süreç içinde oluştu. Bunlar ANAP dışında parlamentoda temsil bul-

nan diğer iki partinin dağılması yada yeni kurulanlarla birleşmesi sonucunda kısa bir süredir parlamentoda temsil olanagıda bulmuşlardır.

- Parlamento'daki değişim halk kesimlerinin derin hoşnutsuzluklarının giderek parlamentodada yankılanmasına yol açmıştır.

- Öteyandan, 12 Eylül rejiminin her türlü baskılarına karşı, çeşitli toplum kesimlerinin seslerini duyuran cesaretli girişimler de olabildi. Başlangıçta 1236 aydının imzaladığı ve ülkede yaygın insan haklarına aykırı uygulamaları açıkca yeren "Aydınlar Dilekçesi", üniversitelerden uzaklaştırılan binlerce öğretim üyesinin girişimleri, sendikaların yapılan haksızlıklara belli ölçüler içinde de olsa karşı koyuş çabaları, onbinlerce politik tutuklu ve mahkumun direnişleri, mahkum ailelerinin örgütlenmesi, bazı meslek odalarının karşı koyuşları vb. eylemler rejim tarafından bastırılmaya çalışıldıysada başarılı olamadı.

GÜNÜM'ZDE DURUM NEDİR?

Tüm gelişmeler boyunca ve günümüzdeki gelişmeler çerçevesinde, yurt içinde ve dışındaki, başta resmi kuruluşlar, hükümetler olmak üzere bazı çevreler "Türkiye'de demokrasiye geçilmekte olduğu" yada "Demokrasiye geçilmekte olduğuna ilişkin cesaret verici, olumlu işaretler" olduğu konusunda resmi görüşleri sürdürdüler ve sürmektedirler.

Yukarıdaki kadar açık taraf tutmamakla birlikte yine bazı hükümet çevreleri ve politik partiler, bazı resmi kuruluşlar - onbinlerce insan işkencelerden geçirilirken, askeri cezaevlerinde inletilirken ve onlarca insan politik faaliyetleri yüzünden idam edilirken, kürt halkına karşı yığınsal baskı ve kırım uygulanırken vb. - ise teorik-felsefi tartışmalarda çıkış yolu aramış ve aramaktadır. Bunlar "Türkiye gibi ülkelere özgü demokrasi", "Türkiye'de işkence zaten hep vardı. Acaba bugünkü rejim" gibi tartışmalar sürdürmektedirler.

Oysa sürdürülmekte olan somut tartışma "Türkiye'de Evren ve Özal tarafından temsil edilen rejim, ülkede demokrasiye geçiş sürecini başlatmış ve sürdürmekte midir?" tartışmasının somut kriterleri dünya ölçeğinde geçerli olmak üzere vardır ve sözü edilen tartışma ancak bu temelde sürdürülebilir.

Sözünü ettiğimiz bu temel, özellikle imzalayan taraf devletler için bağlayıcı karakter taşıyan BM İnsan Hakları Evrensel Sözleşmesi, Avrupa İnsan Hakları sözleşmesi ve bu temelde oluşturulan diğer uluslararası anlaşmalar olmak durumundadır.

Elinizdeki sınırlı materyal, Türkiye'de bugünkü rejimin sadece son aylarda kamuoyuna yansıyabilen uygulamalarının bir kısmını yansıtmakla birlikte, yukarıda sözü edilen "Türkiye'de demokrasiye geçiş?" tartışmasına açık bir yanıt getirmektedir.

Verilecek yanıt ona uygun pratik adımlarıda gerektirmektedir. Bu en geniş anlamda, Türkiye'deki insan haklarına aykırı uygulamalara karşı çıkmak ve dayanışma göstermektir. Günümüzde somut anlamda, ^{ve başlıca} B. Avrupa'da kurulmuş olan "Türkiye'nin Dostları Girişimi"ni desteklemek olarak ortaya çıkmaktadır. Sizleri dayanışmaya çağırıyoruz.

* lutfen beklemiz, sayfa x---y

TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

VOLKSANSICHT ÜBER POLITISCHE GEFANGENE

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In den Gefängnissen unseres Landes gibt es nach wie vor Politische Gefangene. Diese Gefangenen haben während ihrer Haft und nach ihrer Freilassung einen besonderen Status in der Gesellschaft. Oft werden sie von der Bevölkerung gemieden. Als Ergebnis der Einschüchterung der Bevölkerung durch die Staatsgewalt werden sie isoliert und haben daher weniger zwischenmenschliche Beziehungen.

Wir fragten einige Gefangene mit unterschiedlichen Berufen, was sie von Politischer Anschuldigung, Verfolgung, Inhaftierung halten und wie weit sie sich in die Gesellschaft eingliedern konnten:

Salim GENÇ , Schuputzer (43)

Nach meinem Wissen werden die Anarchisten so beurteilt. Das heißt, die Studenten werden beschuldigt, die Menschen getötet zu haben. Aber was hat sie dazu bewegt? In meinem Wohnviertel waren auch solche aber sie waren nette Jungs. Jeder folgte einmal dem Teufel, aber die Erwachsenen vergaben ihnen. Sie waren auch irgend wie Menschen, die satt werden wollten. Wenn sie keine Arbeit fanden, sollten Sie etwa Diebe werden?

Ridvan ÜZEL, Buchhändler (33)

Das ist ein Gesellschaftliches Problem. Nach meiner Auffassung sind die Ursachen wie Politisches Vergehen und Politische Verfolgung innerhalb der Gesellschaftlichen Ordnung zu suchen.

Waren "Spartakus" und "Bedreddin" nicht solche Bewegungen?

Es ist eine Schande die politische Überzeugung mit Kriminelles Vergehen gleich zu setzen.

Menschliches Denken über gerechte, neue Ideen kann keine Schuldhaftigkeit sein.

Wenn wir uns die bestehende Arbeitslosigkeit in unsere Gesellschaft vor Augen halten, sehe ich keinen großen Unterschied mit der Situation der politischen Gefangenen und der Arbeitslosen. Das ist aber eine Frage der Betrachtungsweise.

Es sind nicht nur die verschlossenen Türen und Tore, sondern auch die langen Jahre die dort verbracht werden, Geistig und Körperlich schrecklich sind.

Die langen Jahre, die die Gefangenen weit von ihren lieben Bekannten und Verwandten verbringen sind Grausame Zeiten ihres Lebens.

Als Lösung sehe ich die Möglichkeit, die Verantwortlichen, die für diese Menschlichen beschämende Situation verantwortlich sind, ausfindig zu machen und zu bestrafen.

Er wollte seinen Namen nicht nennen, Schornsteinfeger (59)

Die Politisch beschuldigten sind nach meiner Auffassung, die die in Linkspolitischen ~~xxxx~~ Vereinigungen tätig waren. Es sind z.B. Gewerkschaft " DISK " und Freiedenkomite " BARIS " Derneği, die Politisch Angeklagt und Verfolgt werden. Aber ich persönlich habe weder davon gehört noch gelesen, daß sie sich schuldig gemacht haben.

Sie sollen Ihre Meinung gesagt haben und in ein Paar Demo teilgenommen haben, dann wurden sie Prompt als Politische Extremisten abgestempelt.

Ich glaube nur daran, sie werden als Politisch Verfolgt weil sie ihre eigene Meinung geäußert haben oder äußern. Ansonsten kann ich keine andere Beschuldigungen erkennen.

Außerdem manchen Großen leuten die sowieso nicht verhungern aber schaden den anderen. Ich bin nicht der Eigentümer dieser Arbeitsstelle, aber wenn Jemand kommen würde würde ich ihn Arbeit geben.

Aber ich will es nicht, weder Linken noch Rechten das zu erfahren bekommen, nämlich man weiß nicht was Morgen passieren wird.

In einem Land gibt es Regierungen und andere Gesellschaftsreligionsgruppen. Eine Veränderung der gesellschaftlichen Entwicklung verhindert ständig eine kooperative Zusammenarbeit der beiden und verursacht die politische Auseinandersetzung. Der Ausmaß dieser Auseinandersetzung vermehren sich und können zu harten rivalitäten führen. Im Allgemeinen wenn man sich an geltenden Gesetze wendet, dann wird das als politische Delikt angenommen. Ein großer Teil der Bevölkerung betrachtet diese Personen als die Retter oder die Schuldlosen. Bei der kriminellen delikten stehen die persönlichen Vorteile im Vordergrund und bei der politischen Handhabungen stehen gesamte gesellschaftlichen Vorteile im Vordergrund. (hier auch Sozial- Politische)

Dieser Menschen sind ein Teil von uns. Wenn wir die Entfernung dieser Menschen nicht wollen, und wenn wir die in Gefängnissen sitzen nicht als schuldige, die nicht in Gefängnissen sitzen alle nicht als unschuldige betrachten, dann soll man gegen dieser Ungerechtigkeit ~~xxx~~ und für eine Generalamnestie sein. Nämlich eine Generalamnestie ist notwendig.

Resat BOZDEMİR, Freiberufler (48)

Mein Kenntnis über politische Straftat sind die §§ 141 und 142 der türkischen Strafgesetzbuch die Kommunismus verbotten. Nur dieser Verbot hat bis jetzt nicht bewirkt. Vor dem 12. September waren tägliche Auseinandersetzungen mit tödliche ende. Ich bin weder Richter noch Anwalt aber, die Schuldigen müsse bestraft werden für das was sie getan und für das die eingetreten waren. Wir müssen gegenüber diejenigen die in Gefängnissen waren sehr vorsichtig sein und uns so verhalten. Aber wenn Er seine strafe verbüßt hat dann müssen wir dieser Mensch amnestieren.

Zeynep Aslan, Studentin (22)

Ich kann nicht eine Unterscheidung zwischen kriminellen und politischen Schuld machen, weil ich nicht an eine politische Schuldfähigkeit glaube. Dieser Unterscheidung hängt nur von der Systematik ab. Unser Gesetzgeber hat sogar die freie Meinungs Äusserung angenommen. Aber wenn ein Verhinderungs grundsatz über freie Meinungs Äusserung von der Gesetzgeber kommt, dann ist hier eine Diskrepanz zu sehen. Ausserdem glaube ich nicht daran, daß die Kriterien gibt die Unterschied zwischen kriminellen delikten und politischen Anschuldigungen deutlich machen. Ich meine die politischen Anschuldigungen sind ausserhalb der Volkswille entstanden. Die Menschen denken nicht dafür, die als beschuldigte namen machen sondern, die Denken für die Realisierung ihre Vorhaben, Glauben.

İNSAN HAKLARI DERNEĞİ GENEL
BAŞKANI AV. NEVZAT HELVACI'NIN
1. OLAĞAN GENEL KURULU
AÇIŞ KONUŞMASI

Değerli Konuklar,
Sayın Divan Üyeleri,
Değerli Basın Mensupları,
Genel Kurulun Sayın Üyeleri,

İnsan Hakları Derneğinin 1. Olağan Genel Kurulu-
luna hoş geldiniz, hepinizi saygı ile selamlıyorum.
Bugün burada yapacağınız çalışmalar ve alacağınız
kararlarla, insan hakları savaşımına önemli katkı-
larda bulunacağınıza inanıyorum. Hak ve özgürlük-
lerimizin düzeyi sizlerin çabalarıyla yükselecek, in-
sanlarımızda haklarına sahip çıkma bilinci bu çaba-
larla yeşerecektir. Bu çabalar, insan onurunun ko-
runmasına ve layık olduğu saygınlığa kavuşturulma-
sına yardımcı olacaktır. Haksızlıklardan arınmış bir
Türkiye, haksızlıklardan arınmış bir dünya için ço-



balanızın başarıya ulaşmasını diliyorum.

Bildiğiniz gibi derneğimiz, 17 Temmuz 1986 tarihinde kuruldu. Bu kuruluş bizleri, insanlığın özgürlük mücadelesi tarihinden süzülüp gelen ve insan olma onurundan kaynaklanan insan haklarının savunulması, korunması ve yaşama geçirilmesi gibi yüksek bir amaç için bir araya getirdi. Aslında bu, başka ülkelere göre geç kalmış bir girişimdi. Örneğin, Fransa'da böyle bir kuruluş 1898 tarihinde kurulmuştur. Birleşmiş Milletler, kuruluşundan itibaren ulusal düzeyde insan hakları örgütlerinin oluşturulması konusuyla yakından ilgilenmiş ve üye ülkelere önerilerde bulunmuştur. Daha 1946 yılında Ekonomik ve Toplumsal Konsey, Birleşmiş Milletler üyelerini, «İnsan Hakları Komisyonunun çalışmalarını geliştirmek üzere kendi ülkelerinde işbirliği yapılacak bilgi grupları ya da yerel insan hakları komiteleri kurulmasının yararını» gözönüne almaya çağırmıştır.

Yine Ekonomik ve Toplumsal Konsey, 1960 yılında insan hakları sorunları üzerinde bu tür kuruluşlarca yapılacak inceleme ve belirtilecek görüşlerin, bu hakların saygı görmesi ve gözetilmesinde hükümetler için büyük değer taşıdığını belirterek, üye devletlerin hükümetlerinden, bu tür kuruluşların kurulmasını destekleme ya da kurulmuş olanları özendirme isteminde bulunmuştur. Birleşmiş Milletler, bu konudaki önerilerini 1963, 1978 ve 1983 yıllarında aldığı kararlarla da sürdürmüştür.

Bu öneriler Türkiye'de de yankı bulmuş ve ilki 1946 yılında, ikincisi 1962 yılında olmak üzere iki kez İnsan Hakları Derneği kurulmuş, ne yazık ki bu kuruluşların yaşamı uzun sürmemiştir. Bu yüzden 17 Temmuz 1986 tarihinde tüzel kişilik kazanan kuruluşumuz, uluslararası platformda da önemini ve ciddiyetini koruyan bir gereksinmeden doğmuştur.

Kuşkusuz derneğimiz, salt Birleşmiş Milletlerin bir çağrısını yerine getirmek için kurulmamıştır. Ülkemizde böyle bir oluşumu gerçekleştirmenin zorunlu ve maddi temelleri vardır. Bir ülkede, özellikle olağanüstü dönemlerde binlerce kişi işkence görüyor ve işkence sonucu çok sayıda insan ölüyorsa, orada en temel hak olan yaşama hakkını savunacak bir örgütlenmeye gereksinim vardır. Cezaevlerinin fizik koşulları ve buralarda tutuklu ve hükümlü olanlara yapılan uygulamalar, Birleşmiş Milletlerce belirlenen asgari standartlara tümenden aykırıysa, oradaki insanların haklarını ve onurunu savunmak gerekir. İnsanlar düşündükleri için, düşündükleri doğrultuda örgütlenmek istedikleri için gözaltına alınıyor, işkenceye uğruyorsa onların bu sorunları dile getirilmelidir. İnsanların serbestçe düşünebileceği, düşüncelerini serbestçe açıklayabileceği, serbestçe örgütlenebileceği ve içerisinde güvenle yaşayabileceği demokratik bir ortamın oluşmasına katkıda bulunmak için böyle bir örgütlenmeye gereksinim vardır. İnsan Hakları Derneği, hak ve özgürlükleri savunmak için, insanlarımızda hak ve

özgürlüklerine sahip çıkma bilincinin yerleşmesi için kurulmuştur. Derneğimizin bu işlevi yerine getireceğine inanıyorum.

10 Aralık 1948'de Birleşmiş Milletlerce kabul edilen İnsan Hakları Evrensel Bildirisi ve onu izleyen uluslararası belgelerle, insanlık ailesinin tüm üyelerinin vazgeçilmez haklarına saygı gösterilmesinin, dünyada özgürlüğün, adaletin ve barışın temelini oluşturduğu vurgulanmıştır. Gerçekten, insanlığın baskı ve zorbalıkla karşı karşıya getirilmemesi, baskı ve zorbalığa karşı başkaldırma durumunda bırakılmaması için, insan haklarının güvence altına alınması zorunludur. Oysa ülkemizde insan hakları yönünden yoğun sorunlar yaşanmaktadır.

Bugün Türkiye'nin gündeminde anayasa tartışmaları vardır. Anayasa hukuku uzmanları, 1982 Anayasasını, insanın devlet gücüne karşı değil, devleti insana karşı koruyan baskıcı bir anayasa olarak nitelendirmektedirler. Bu anayasada temel haklardan siyasal haklara, ekonomik haklardan sosyal haklara kadar tüm hak ve özgürlükler, özüne ve amacına aykırı olarak sınırlandırılmış ve bunların kullanılmasının önüne önemli engeller konulmuştur. Anayasa sorunu, tartışılan yüzeysel konuların çok ötesinde bir ciddiyet taşımaktadır. Anayasalar, hak ve özgürlüklerin önüne engeller koymamalı, onları güvence altına almalıdır. Demokratik anayasaların özelliği budur.

Adalet Bakanlığınca oluşturulan bir komisyonun hazırladığı ceza yasa taslağı da kamuoyunda tartışmaya açılmıştır. Yürürlükteki ceza yasa 1926 tarihli. Gerçekten bu yasa eskimiştir, günün koşullarına yanıt veremez hale gelmiştir. İçerdiği anti-demokratik hükümlerden ötürü de bu yasa değişmelidir. Gerçekten yeni bir ceza yasasına gereksinime vardır. Ancak ceza yasaları, anayasalar kadar önemlidir, çünkü temel hak ve özgürlükleri çok yakından ilgilendirmektedir. Nerede bir adliye kuruluşu varsa orada bu yasa hemen her gün uygulanmaktadır. Bu nedenle ceza yasalarının, bilimsel araştırmalara dayalı ciddi ve titiz bir ön çalışmadan ve kamuoyunda yeterli süre tartışıldıktan sonra, demokratik bir ortamda yasalaştırılması gerekir. Tartışmaya açılan öntasarı, hiçbir bilimsel araştırmaya dayanmayan, aralıklarla toplanan bir komisyonca 22 ay gibi kısa bir sürede hazırlanmış bir taslaktır. Oysa örneğin Fransız ceza yasa için 15 yıla varan bir hazırlık çalışması yapılmıştır. Alman ceza yasa, beş yıl süre ile kamuoyunda tartışılmıştır. Bugün ülkemizde ceza yasasının serbestçe tartışılabilmesi ve yasalaştırılabilmesi için yeterli demokratik bir ortam da henüz yaratılamamıştır. Anayasa tartışmaları çözüme bağlanmadan ceza yasaları tümden değiştirilemez.

Bu öntasarı, ölüm cezalarını ve düşünce suçlarını korumakta, adi suçların cezalarında indirim yaparken kimi yerde düşünce suçlarının cezalarını

artırmaktadır. Bu nedenle çağdaş olmaktan uzaktır. Ölüm cezalarını bir ceza olmaktan çok, yaşama hakkına bir saldırı olarak değerlendiriyor ve yasalardan çıkarılmasını istiyoruz. Ölüm cezalarının kaldırılmasına ilişkin Avrupa İnsan Hakları Sözleşmesine ek 6 nolu protokol, ülkemizce de onaylanmalıdır. İnsan beyninin en değerli ürünü olan düşüncenin suç sayılmasını çağ dışı buluyor ve düşünce açıklama özgürlüğünün önündeki engellerin kaldırılmasını istiyoruz.

Saygıdeğer konuklar ve üyeler,

İşkence yıllardır ülkemizde bir sorgulama yöntemi olarak kullanılmaktadır. İşkence, bireysel anlamda olduğu kadar toplumsal anlamda da insanın doğasına aykırıdır. Birleşmiş Milletler 1975 yılında işkenceyi bir insanlık suçu olarak niteleyip kınayan bir bildiri yayınlamış, 1984 yılında «İşkenceye ve Başka Zalimce ya da Onur Kırıcı Davranışlara Karşı Sözleşme»yi kabul etmiştir. Bu sözleşmenin 2. Maddesine göre, «İster bir savaş durumu ya da savaş tehdidi, ister iç siyasal karışıklık, ister bir başka olağanüstü durum sözkonusu olsun, hiçbir ayrık-sı durum işkenceyi haklı gösteremez.» Kısaca işkence, hiçbir durumda onaylanabilir bir eylem değildir. Yine bu sözleşmenin 15. maddesi, işkence altında alınan ifadelerin, işkenceciden başka hiçbir kimse için ve hiçbir biçimde kanıt olarak kullanılamayacağını öngörmüştür. İşkence olaylarının üstü-

ne ciddiyle gidilmesini ve İşkenceye Karşı Sözleşmenin zaman yitirilmeden Türkiye tarafından da onaylanmasını istiyoruz.

Yürürlükteki yasalarla sendika kurma, toplu sözleşme ve grev haklarının içi boşaltılmış, göstermelik hale sokulmuştur. Dernekler yasası antidemokratik hükümlerle doludur. Türkiye, dünyada öğretmenlere dernek kurma hakkı tanımayan tek ülkedir ve sendika kurma hakkı tanımayan yedi ülkeden biridir. Üniversite gençliğimiz, güdümlü, tek tip öğrenci derneklerinin içine hapsedilmek istenmektedir. Kırsal kesimde yaşayan emekçi halkın ekonomik-demokratik haklarını dile getirecek örgütleri yoktur. Oysa işçimiz, köylümüz, öğrencimiz, öğretmenimiz ve öteki kesimleriyle tüm halkımız, dünyadaki tüm insanlar kadar hak ve özgürlüklere layıktır. Halkımıza, gelişmiş ülke halklarına göre ikinci sınıf muamelesi yapılmasını istemiyoruz.

Bugün tüm dünyada insanlığın önündeki önemli sorunlardan biri de korkudan ve yoksulluktan kurtulma özgürlüğünün yeterince yaşama geçirilmemiş olmasıdır. Dünyada silahlı olmaya harcanan para 800 milyar doları aşmıştır. Nükleer silahlanmanın ulaştığı boyutlar, insanlık için başlı başına bir tehlike oluşturmıştır. İnsanlığa gönenç ve mutluluk sağlaması gereken bilim ve teknikteki gelişmeler, özüne ve amacına aykırı olarak, tüm insanlığı derin bir gelecek korkusuna itmektedir. İnsan haklarının güvence altına alınması, kalıcı bir barışın sağlanması-

na bağlıdır.

İnsanlığın bir gereksinimi de yukarıda değindiğimiz gibi, yoksulluktan kurtulma özgürlüğüdür. Yerküremiz, üzerinde yaşayan tüm insanların maddi gereksinimlerini karşılayacak doğal zenginliğe sahiptir. Oysa dünyada 500 milyon insan açlık çekmektedir, 500 milyon insan işsizdir, 1 milyar 700 milyon insan sağlık hizmetlerinden yoksundur, 815 milyon insan okuma yazma bilmemekte, 200 milyon çocuk okula gidememektedir. Beslenme, çalışma, sağlık, eğitim ve barınma hakları, insanların temel haklarındandır. İnsanlığın ortaklaşa yarattığı değerler, adil bir biçimde tüm insanlığın yararına kullanabildiği gün, bu gereksinimler karşılanmış ve yoksulluktan kurtulma hakkı da gerçek anlamına kavuşmuş olacaktır.

İnsanların sağlıklı bir çevrede yaşama hakkı da tehdit altındadır. Teknik üretim, yerleşme ve kentleşme bilgisiz ve bilinçsiz uygulayıcıların elinde, doğayı öldürmenin bir aracına dönüşmüştür. Soluk aldığımız gök, üstünde yaşayıp beslendiğimiz toprak, kullandığımız su, deniz, yani insanın yaşama ortamı yavaş yavaş öldürülmektedir.

Değerli konuklar, değerli üyeler,

Bilindiği gibi Türkiye yakın tarihlerde bireysel başvuru hakkını tanıdı ve Avrupa Topluluğuna tam üyelik için başvurdu. Bireysel başvuru hakkının tanınmasını olumlu bir adım olarak görüyoruz. An-

cak getirilen çekincelerden ötürü eksik bir adım olmuştur. Bireysel başvuru hakkının kullanılmasına süre ve kapsam itibarıyla çekinceler konulmuştur. Başvuru hakkı, 28.1.1987 tarihinden sonra meydana gelen olaylar için ve sadece üç yıl süre ile tanınmıştır. Gerçi Avrupa İnsan Hakları Sözleşmesine göre, Avrupa İnsan Hakları Komisyonunun dilekçe alma yetkisini, süre yönünden çekince koyarak kabul etme yetkisi var. Yetkinin, bildirim tarihinden sonra meydana gelen olaylar için tanınması da anlaşılabilir. Ancak üç yıllık sınırlama konulmuş olması, bu hakkın özüne ve amacına uygun olarak kullanılmasına engel olacaktır. Çünkü bireysel başvuru hakkının kullanılabilmesi, iç hukuk yollarının tüketilmesi koşuluna bağlıdır. Türkiye'de davaların çok uzun sürdüğü bilinmektedir. Çoğu davanın, tüm yargı yolları kullanılarak kesin sonuca bağlanması için üç yıldan fazla zamana gerek bulunduğu dikkate alınırsa, bu sınırlamanın sakıncaları kolayca anlaşılabilir.

Türkiye'nin kapsamla ilgili çekince koyup koymayacağı tartışmalıdır. Çünkü Avrupa İnsan Hakları Sözleşmesi hükümlerine göre, bu tür çekinceler ancak sözleşme imzalanırken ya da onaylanırken konulabilir. Türkiye bu sözleşmeyi 1954 yılında hiçbir çekince koymadan imzalamıştır. Sadece 1 no.lu ek protokol için, Öğretim Birliği Yasası yönünden çekince konulmuştur. Eğer kabul görürse, Anayasanın dibacesi, 13, 33, 52, 119, 120, 121, 122 ve

135. maddeleri yönünden konulan çekinceler, hakkın kullanma alanını önemli ölçüde daraltacaktır. Bu hakkın gerçekten kullanılabilir bir hak olarak düzenlenmesi yararlıdır. Avrupalı olmak, coğrafi bir kavram olmaktan öte bir anlam içeriyor. Bu nedenle mevzuatımızın, uygulamalarımızın ve demokrasimizin Avrupa standartlarına uygun hale getirilmesi zorunludur.

Toplumsal gelişme, bilimsel araştırma ortamının özgürleşmesine bağlıdır. Üniversiteler, bilimsel düşüncenin serbestçe oluşturulduğu bir özgürlüğe kavuşturulmalı, ve bu özgürlük, toplumsal yaşamın her alanına yayılmalı ve yaygınlaştırılmalıdır.

Olağanüstü koşullarda ve işkenceye dayalı ifadelere bağlı olarak yapılan yargılamalar sonucu, adli hatalar büyük oranda artmıştır. Çağdışı kalmış bazı yasa hükümlerine göre düşüncelerinden ötürü, birçok insanımız, uzun süreli cezalarla özgürlüklerinden yoksun bırakılmıştır. Tutuklu ve hükümlüler, gerek cezaevlerinin fizik koşullarının yetersizliği, gerek buralardaki uygulamalar sonucu bedensel ve ruhsal çürümeye terk edilmişlerdir. Toplumsal barışın sağlanması, siyasal "suç"ları dışlamayan genel bir affın çıkarılmasına bağlıdır. Bunun önündeki anayasal engeller kaldırılmalı ve yasal düzenlemeler yapılmalıdır. Bu, aynı zamanda, demokratikleşmenin sağlıklı yolunun açılması için de gerekli ve zorunludur.

Siyasal görüşleri doğrultusunda düşüncelerini açıklamış, örgütlenmiş nice insanımız yurttaşlıktan çıkarılmıştır. Anayasa, yurttaşlığı kaybetme koşulunu vatana bağlılıkla bağdaşmayan eylemlere özgülediği halde, vatana bağlılıkla bağdaşmayan hiçbir eylemi bulunmayan veya bulunduğu yargı organı kararıyla saptanmayan birçok kişinin yurttaşlık hakkı, idari tasarruflarla ellerinden alınmıştır. Ülkeler, insanların "ev"leri gibidir. Evlerinden haksız yere uzaklaştırılmış olanları, kendi "ev"lerinde görmek istiyoruz.

Ülkemizde, demokrasi savaşımının kökleri derinlere gider. Şu var ki, tarihsel süreci içerisinde, demokrasi savaşımı, nicel yönden olduğu kadar nitel yönden de değişmiştir.

İnsan haklarını, demokratikleşmenin ayrılmaz bir parçası olarak görüyoruz. İnsan hakları çok geniş bir konu olmakla birlikte, demokratikleşme ile bağlantılı olan yönüne öncelik vermemizin nedenini de burada aramak gerekir.

Grev ve toplu sözleşme hakları askıya alınmış, yeni düzenlemelerle içeriği ve özü boşaltılarak, biçimsel bir hakka dönüştürülmüştür. DİSK bünyesinde toplanmış binlerce işçi, yöneticilerinin yargılanmaları nedeniyle, şu anda, bu haklardan tamamen yoksundur. Hakların özüne dokunan bu kısıtlamaların ve sınırlandırmaların kaldırılarak, bu hakların amacına uygun biçimde kullanılabilir hale getirilmesini istiyoruz.

TRT, İnsan Hakları Derneğinin etkinlikleriyle ilgilenmemiştir. Aydınlar Ocağının, TÜSİAD'ın toplantılarını ve bildirilerini ses ve görüntü olarak dakikalarca veren TRT, İnsan Hakları Derneğinin sesine kulaklarını kapamış bulunuyor.

İnsanların kişiliğini, bedensel, zihinsel ve estetik olarak geliştirme hakları vardır. Kitle iletişim araçlarının tek yanlı yayınlarla koşullandırılmış, tek tip insan yaratma yönündeki çabaları yersizdir. Yetkililerin, eşitsiz uygulamalardan kaçınmak gibi bir sorumluluğu vardır. Bunu belirtmeyi bir görev sayıyorum.

Değerli konuklar, değerli arkadaşlarım,

Genel olarak kitle örgütleri ve özel olarak derneğimizin konumu üzerinde de kısaca durmak istiyorum. Bilindiği gibi demokratik devletin belirleyici niteliklerinden biri, siyasal ve sosyal yönden çoğulcu bir yapıya sahip oluşudur. Kişiler, devlet içinde belirli sosyal, ekonomik, kültürel ve siyasal amaçlar etrafında örgütlenmek suretiyle gruplar meydana getirirler. Sendikalar, kooperatifler, meslek kuruluşları ve dernekler de, siyasal partiler gibi, demokrasinin vazgeçilmez unsurlarıdır. Bizler de tüzüğümüzde yazılı amacı gerçekleştirmek üzere, bu amaç etrafında bir araya gelmiş bulunuyoruz. Siyasal görüşümüz ne olursa olsun, bizi bu dernek içinde bir araya getiren bu amaçtır. Kuşkusuz herkesin bir siyasal görüşü vardır. Ancak, biz, siyasal görüş ayrı-

lıklarımızı korumakla birlikte, bu dernek içersinde, insan haklarını esas alan demokratik özelliklerimiz dolayısıyla biraraya geldiğimizi, birliğimizin ve gücümüzün bu temel üzerinde oluştuğunu akıldan çıkarmamak durumundayız. Aramızda türlü konularda görüş ayrılıkları bulunabilir ve bu doğaldır. Bizler, ayrıldığımız noktaları değil, birleştiğimiz noktaları öne çıkararak bir arada bulunmalıyız. Bizi bir araya getiren insan hakları idealidir, bu amaç etrafında kenetlenmeliyiz. Dernek çalışmalarında katkılarımızı esirgememeliyiz. Başarımız, halkımızın mutluluğu olacaktır.

Değerli arkadaşlarım,

Sözlerimi, 1986 yılı İnsan Hakları Haftasında belirttiğimiz istekleri yineleyerek bitirmek istiyorum.

İnsan Hakları Derneği olarak biz, dünyada ve ülkemizde;

— İnsanların gelecek korkusuyla değil, gelecek umuduyla yaşamasını istiyoruz. Herkesin korkusuzca yaşaması için kalıcı bir barış istiyoruz.

— İnsanların serbestçe düşünebileceği, düşüncelerini serbestçe açıklayabileceği, serbestçe örgütlenebileceği ve içersinde güvenle yaşayabileceği demokratik bir ortam istiyoruz.

— İnsan yaşamının kaynağı olan doğanın, canlı ve yaşanılır bir doğa olmasını istiyoruz.

— İnsanların açlıktan, işsizlikten, yoksulluktan ve eğitimsizlikten kurtulmasını istiyoruz.

— Biz, İnsan Hakları Derneği olarak, dünyada baskı ve işkence, açlık ve yoksulluk, silah ve savaş istemiyoruz. İnsanın insanca yaşayacağı bir dünya istiyoruz.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

Torture is widespread and systematic in Turkey. Anybody detained in the country for political reasons is at great risk.

Tens of thousands of people have been taken into custody since the military coup of September 1980, and the number of torture allegations and reports of death as a result of torture has increased dramatically. Today, five years later, Amnesty International, the worldwide human rights movement, continues to receive such reports.

"I loosened the blindfold and looked around..." a former political prisoner told the organization in June 1984, "...the scene was horrific. People were piled up in the corridor waiting their turn to be tortured. Ten people were being led blindfold and naked up and down the corridor and were being beaten to force them to sing... others, who were incapable of standing, were tied to hot radiator pipes."

This report presents the detailed case histories of seven women and six men who give their harrowing personal testimony.



AMNESTY INTERNATIONAL TURKEY

TURKEY

TESTIMONY ON TORTURE

76 Seite

amnesty international ist eine weltweite, von Regierungen, politischen Parteien, Wirtschaftsinteressen, Ideologien und Religionen unabhängige Menschenrechtsorganisation, die auf der Grundlage der Allgemeinen Erklärung der Menschenrechte und anderer internationaler Abkommen handelt. amnesty international ist von der Unteilbarkeit und gegenseitigen Abhängigkeit aller Menschenrechte überzeugt. Durch die hier beschriebene praktische Arbeit beteiligt sich amnesty international innerhalb ihres Aufgabengebietes an der Förderung und dem Schutz der Menschenrechte im bürgerlichen, politischen, wirtschaftlichen, sozialen und kulturellen Bereich. amnesty international hat Menschenrechtsverletzungen durch zahlreiche Dokumentationen belegt. Das in dieser Publikation behandelte Land steht nur als Beispiel für viele Staaten dieser Erde, in denen ständig Menschenrechte verletzt werden.

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Wir tun das, weil wir meinen, daß keine Ideologie die Inhaftierung und Folterung oder Tötung Andersdenkender rechtfertigen kann, und daß jeder Staat so beschaffen sein muß, daß seine Bürger abweichende Standpunkte einnehmen und vertreten können. Unsere Arbeit ist nur bei einer breiten Unterstützung durch die Öffentlichkeit möglich. Wie Sie uns unterstützen können, können Sie den Innenseiten dieser Publikation entnehmen beziehungsweise bei den aufgeführten Büros erfragen.

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FOLTER

IN DER

TÜRKEL

Zeugen berichten

ai

(80 Seite)

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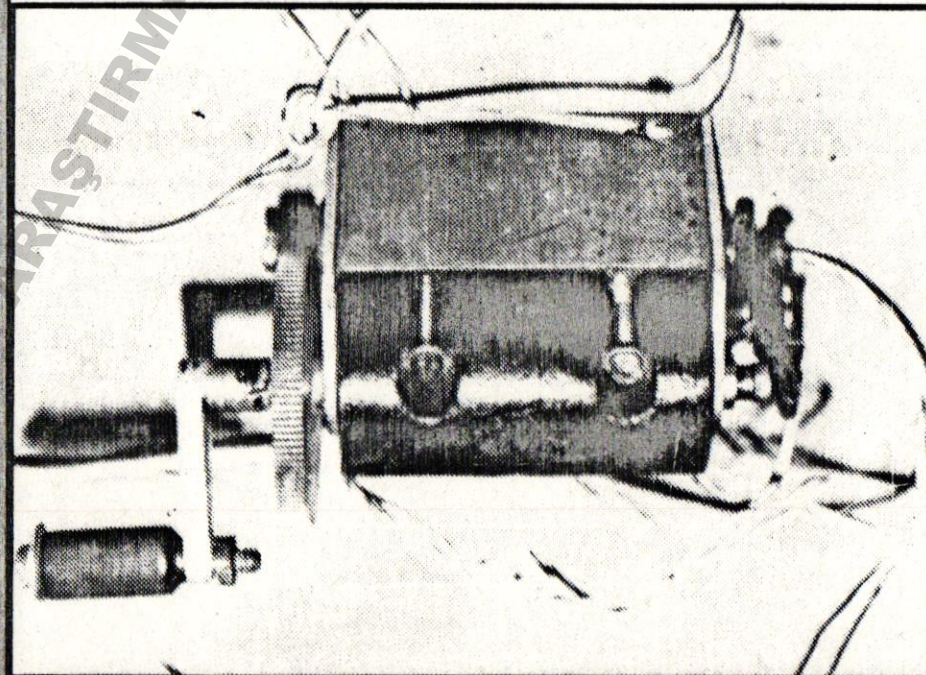
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64 seite

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Folter und andere Menschenrechtsverletzungen



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informationsdienst

Solidarität mit den Demokraten der Türkei!



12. Nov. 80 Nr.:1

Peter Heinrich, Betriebsrat, Herten - Michael Höhn, Pfarrer, Gummersbach -
Klaus Liebe-Harkort, Prof. Dr., Bremen - Karl-Heinz Stommel,
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INITIATIVE ERGRIFFEN !

Der Betriebsrat Peter Heinrich, Pfarrer Michael Höhn, Prof. Dr. Klaus Liebe-Harkort, Betriebsratsvorsitzender Karl-Heinz Stommel und das Mitglied des Bundestages Klaus Thüsing haben aus Sorge über die Entwicklung in der Türkei, aber auch aus Sorge über die Lage unserer Mitbürger aus diesem Land die Initiative ergriffen und zur Solidarität mit den Demokraten der Türkei aufgerufen.

Dabei wurden bisher verschiedene Persönlichkeiten sowie türkische und kurdische Organisationen angesprochen, und um ihre Unterstützung gebeten.

Mit der Pressekonferenz vom 12.11.1980 in Bonn wenden sich die Initiatoren an die Öffentlichkeit der Bundesrepublik Deutschland, an alle demokratischen Organisationen und Persönlichkeiten. Sie rufen dazu auf, den Aufruf zu unterstützen, selbst für die Solidarität mit den Demokraten der Türkei aktiv zu werden und für die Opfer der Unterdrückung in der Türkei auf das Konto Pfarrer Michael Höhn, Duisburg, Stadtsparkasse, Konto-Nummer 210-003240 zu spenden.

ECEVIT ALS CHP-VORSITZENDER ZURÜCKGETRETEN

Die in der Bundesrepublik erscheinende Ausgabe der Zeitung "Milliyet" berichtete am 31.10.1980 in einer kleinen Meldung vom Rücktritt des Vorsitzenden der Republikanischen Volkspartei der Türkei (CHP), ECEVIT. Wie er in seiner Erklä-

rung sagte, ist ihm durch das Verbot der politischen Betätigung durch die Militärs die Bewältigung seiner Aufgabe als Vorsitzender der zweitgrößten Partei der Türkei nicht mehr möglich. Er erklärte wörtlich: "Ich erkläre meinen Rücktritt als Vorsitzender der Republikanischen Volkspartei. Ich habe es als sinnvoll gesehen, diesen Schritt jetzt zu tun, da er offensichtlich unvermeidbar sein wird. Seit der Zeit, seit der die Tätigkeiten der ganzen Partei verboten sind, ist es mir unmöglich geworden, meine Aufgabe zu erfüllen."

Wie die türkische Zeitung "Hürriyet" vom 1.11.1980 berichtete, wurde diese Erklärung Ecevit's nach wenigen Stunden ihrer Bekanntwerdung in scharfer Form von den Generalen kritisiert und ihre weitere Verbreitung untersagt.

GEWERKSCHAFTER WERDEN GEFOLTERT

Die Militärjunta setzt ihre Angriffe auf die errungenen Rechte der Werktätigen fort.

Streiks und jegliche Arbeitsunterbrechungen wurden verboten. Der Militärkommandant von Istanbul erklärte, daß alle Handlungen von Arbeitern, die die Produktion verzögern könnten, als "kriminelles Verbrechen" geahndet werden.

Tausende von Gewerkschaftern, insbesondere Mitglieder und aktive Vertrauensleute des 600 000 Mitglieder zählenden progressiven Gewerkschaftsbundes DISK befinden sich in Haft. Nach Augenzeugen-

berichten werden sie vor allem in den wichtigen Industriezentren wie Istanbul, Izmir, Bursa und Adana schweren Folterungen unterworfen. Bis auf wenige "regierungskonforme" Gewerkschaften der konservativen Föderation Türk-İş sind alle Gewerkschaften und andere demokratische Massen- und Berufsverbände verboten.

Über 60 000 streikende Arbeiter wurden mit Panzern zur Arbeitsaufnahme gezwungen, obwohl die von der Junta verordnete 70 %ige Abschlagszahlung weit davon entfernt ist, die enormen Preiserhöhungen (bis zum 150 %) bei den Grundnahrungsmitteln aufzufangen.

ANGRIFFE AUF ARBEITERRECHTE

Mit einem neuen Gesetz sollen den Millionen Arbeitern, die in der Türkei keinerlei Kündigungsschutz genießen, die gesetzlich vorgeschriebenen Abfindungssummen nach betrieblicher Zugehörigkeitsdauer im Falle von Entlassungen drastisch verkürzt werden. Damit werden die Unternehmer von den von ihnen zu entrichtenden Abfindungszahlungen in Höhe von 200 Milliarden TL befreit.

Wie aus Ankara verlautete, soll die wöchentliche Arbeitszeit von derzeit 48 Stunden auf 56 Stunden erhöht werden.

DREI HINRICHTUNGEN BEREITS VOLLSTRECKT - 26 SOLLEN FOLGEN

Nach den Hinrichtungen von Necdet ADALI und Mustafa PEHLIVANOĞLU am 8. Oktober 1980 in Ankara wurde am 26. Oktober in Adana Sedat SOYERGIN erhängt. Nach offiziellen Verlautbarungen sollen in den nächsten Tagen von der "Nationalen Sicherheitsrat" genannten fünfköpfigen Militärjunta weitere 26 Todesurteile bestätigt und vollstreckt werden, berichtete die Tageszeitung "Milliyet" am 29. Oktober 1980.

MILITÄRJUNTA: BEI PASSVERLUST 5 JAHRE KEIN ERSATZ

Mit einem neuen Paßgesetz versagt die Militärjunta allen Personen, gegen die "aus politischen Gründen Ermittlungen eingeleitet worden sind", die Ausreise und verbietet die Ausstellung eines Passes.

"Hürriyet" am 30. Oktober 1980: "Pässe werden nur für Personen ausgestellt, die nachweisen können, daß sie nicht politisch verfolgt werden. Bei Paßverlust soll fünf Jahre kein Ersatz ausgestellt werden. Auch den Bürgern, die ihren Wehrdienst noch nicht abgeleistet haben, wird die Ausreise verboten."

SEIT DEM PUTSCH ÜBER 400 PERSONEN GETÖTET

Nach Meldungen in der einen strengen Zensur unterworfenen Presse der Türkei sind in verschiedenen Regionen unseres Landes (vor allem in dem von Kurden bewohnten Gebieten) nach dem 12. September über 400 Personen erschossen worden. Die "Sicherheitskräfte" sind von der Militärjunta ermächtigt, alle Personen, die als "Terroristen" verdächtigt werden, zu erschießen.

So meldete "Hürriyet" am 28. September, daß in Ordu und Mardin acht "Terroristen" erschossen worden seien. Am 31. Oktober berichtete die "Milliyet" und "Hürriyet", daß bei einer "Operation" in Mardin wiederum neun "Terroristen" erschossen wurden.

ASYLRECHT

Die eingeschränkte Handhabung des politischen Asylrechts und die von der Militärjunta der Türkei betriebene Desinformationspolitik bewirken, daß viele politische Verfolgte in der Bundesrepublik kein Asyl erhalten. So konnte die rechtsgerichtete Zeitung "Tercüman" am 18.10. aufgrund eines Oldenburger Verwaltungsgerichtsurteils behaupten, in der Türkei gäbe es keine Unterdrückung.

Das Verwaltungsgericht in Oldenburg hatte den Asylantrag von 58 Personen aus der Türkei abgelehnt. Sie hatten ihren Antrag mit politischer Verfolgung in der Türkei, mit der Militärjunta sowie mit Unterdrückung und Folter der Bevölkerung begründet. Sie erwarteten bei ihrer Rückkehr, von den Militärs verhaftet zu werden. Das Gericht hat die Behauptung der 58 zurückgewiesen, indem es darauf hinwies, daß Behauptungen über die politische Unterdrückung in der Türkei von den Antragstellern nicht bewiesen worden seien.

FÜHRENDE "GRAUE WÖLFE" IN DER BRD

Jetzt bestätigen auch Behörden in der Türkei, daß sich mehrere führende "Graue Wölfe", unter ihnen bereits verurteilte Mehrfachmörder, in der Bundesrepublik aufhalten.

Mitte September wurde in Mainz Üzenir BAYRAK festgenommen, der wegen Mord steckbrieflich gesucht wurde. Nach amtlichen Angaben hielt er sich schon seit längerer Zeit mit einem falschen Paß in der Bundesrepublik auf.

Die Zeitung "Günaydin" schreibt am 22. Oktober 1980: "Der als Mörder des Chefredakteurs der Tageszeitung "Milliyet" verurteilte Mehmet Ali AĞCA lebt nach Feststellungen der Behörden in der Nähe von Frankfurt. Um seine Auslieferung zu verhindern, hat er eine deutsche Frau geheiratet."

Um 29. Oktober berichtet die gleiche Zeitung: "Nach amtlichen Verlautbarungen hält sich einer der Mörder des Dozenten Dr. Bedrettin CÖMER, Rifat YILDTRIM in Hamburg auf."

Auch der als Verantwortlicher der Mordanschläge in dem Stadtteil Aydin-

likevler in Ankara steckbrieflich gesuchte Feridun AKKUZU ist wie YILDIRIM mit einer deutschen Frau verheiratet.

Spezialeinheiten des Polizeipräsidium erfuhren, daß die Terroristen Hüseyin DEMIREL, Kürsat POYRAZ und Üzevir BAYRAKLI sich in verschiedenen Orten der Bundesrepublik aufhalten."

Die Zeitung "Hürriyet" schreibt am 9. November: "Auch der Terrorist Mehmet SENER lebt in der Nähe von Stuttgart."

"Cumhuriyet" vom gleichen Tag: "Der wegen Ermordung von fünf Personen in Ankara zu Tode verurteilte Tsa ARMAGAN ist laut Angaben der Polizei von Ankara im August in die Bundesrepublik geflüchtet und hält sich dort zur Zeit auf."

Obwohl allein aus diesen Meldungen eindeutig hervorgeht, welches Ausmaß die Aktivitäten der terroristischen "Grauen Wölfe" in der Türkei und in der Bundesrepublik angenommen haben, ist bis heute gegen den Auslandsableger der neofaschistischen MHP, "Türk-Föderation", die sich offen zu den "Grauen Wölfen" bekennt, nichts unternommen.

VERLEGER IN UNTERSUCHUNGSHAFT ERMORDET

Am 12. November wurde in Ankara bekannt, daß der Verleger İlhan ERDOST durch Gewehrkolbenschläge gegen seinen Schädel getötet worden ist. Er war vor wenigen Tagen mit seinem Bruder, dem Schriftsteller Muzaffer ERDOST, von den Militärbehörden in Untersuchungshaft genommen worden. Wie es in solchen Fällen üblich ist, wurden "Ermittlungen gegen die Tatverdächtigen" angekündigt.

TAGESZEITUNG "CUMHURIYET" AUCH VERBOTEN

Mit der Ausschaltung sämtlicher gewerkschaftlicher Blätter, darunter auch Zeitungen wie "Politika" und "Demokrat" und der totalen Pressezensur gibt sich die Militärjunta nicht zufrieden. Am 12. November wurde die angesehene linksliberale Tageszeitung "Cumhuriyet" verboten, obwohl ihre Berichterstattung nach dem 12. September eher als Juntakonform bezeichnet werden könnte. Die Generale hielten es nicht einmal für notwendig, eine Begründung für ihren Schritt mitzuteilen.

LETZTE MELDUNGEN