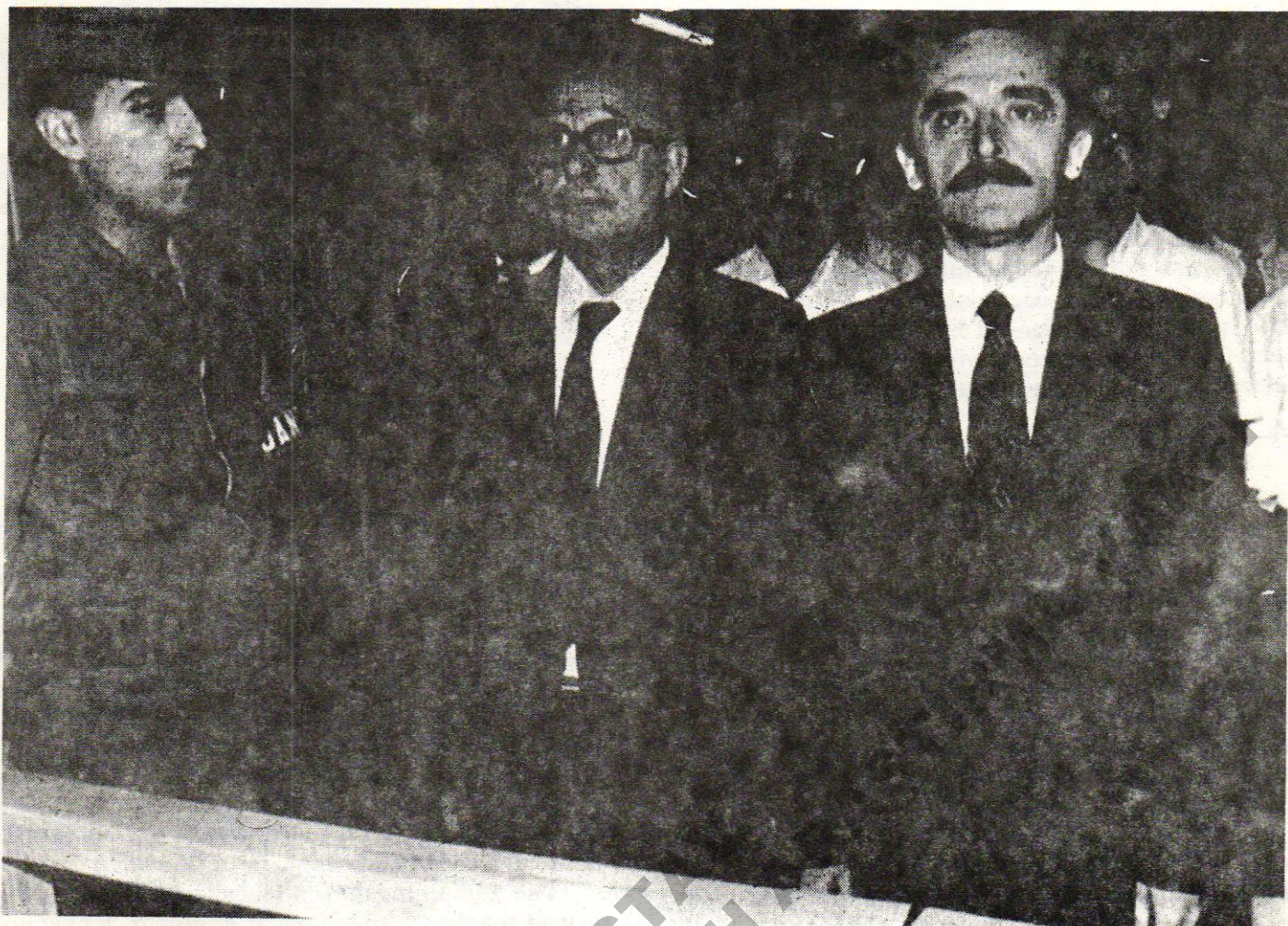




FREEDOM FOR KUTLU AND SARGIN FOR DEMOCRACY IN TURKEY

TÜSTAV
ARŞIVI
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

TUC CONFERENCE FRINGE MEETING

**Free Kutlu and Sargin!
Free All Political Prisoners !
FOR DEMOCRACY IN TURKEY!**

Chair: Jeremy Corbyn, MP

Speakers:

Campbell Christie,
STUC General Secretary

John Bowden,

Kutlu and Sargin's British lawyer

Ms Olcay Aniker,

Turkish lawyer in the defence team

Thursday, 8 September 1988, 1.00-2.00 p.m.

The Pavilion, Lucullus Room

Refreshments provided

Haydar Kutlu:

"I can only feel pity for this indictment that has no concern whatsoever for the problems of our people, that lacks the slightest degree of awareness of history, that has locked itself away in the dark, mouldy dungeons of outdated laws. I feel pity for those who are afraid of thought and of people who think. "

(From the defence statement)

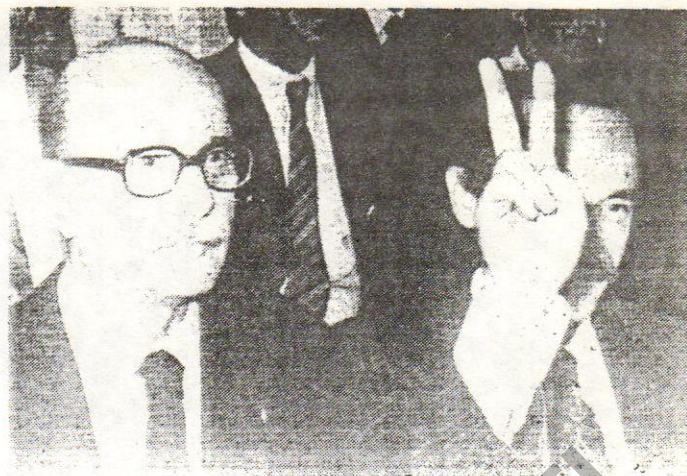
Nihat Sargin:

"With our return we have made our application to our people.

We have declared our wish that the merged United Communist Party of Turkey should work openly and legally from the very start. We believe that in this way we will ensure the greatest contribution we can make to the democratisation of our country which underlies all our problems. We have made our application. The reply is positive, esteemed judges. And this is what matters. "

(From the defence statement)

Haydar Kutlu and Nihat Sargin, General Secretaries of the Communist Party of Turkey and the Workers' Party of Turkey, respectively, returned to Turkey on 16th November 1987 from their European exile with the aim of legally setting up the United Communist Party of Turkey as a merger between the two parties. They were detained at Ankara airport upon their arrival and put under arrest for 19 days, during which they have been subjected to continuous torture. In the end the indictment prepared by Ankara State Security Court prosecutor's office was announced in March 1988. The trial finally began on 8th June.



"The Trial of the Century"

The long awaited indictment against Mr. Haydar Kutlu and Dr. Nihat Sargin was made public in March 1988. The 231-page indictment and its enclosures amounting to some 5,000 pages -mostly writings and speeches of the two leaders- was prepared by Mr. Nusret Demiral, Chief Prosecutor of Ankara State Security Court and four of his deputies.

The logic of the indictment and the attitude of the prosecutor -such as leaking "stories" to the right-wing press- suggest that a new mass trial of communists had been contemplated by the regime in order to be able to present the case as a "conspiracy against the State", with many "accomplices". Brutal torturing of the two leaders was aimed at extracting names needed for this scenario. It was at the same time an intimidation exercise. As it happened, the two leaders had not been "helpful" to their interrogators. They have neither uttered a word that would put their comrades in danger nor conceded an inch from their views.

The prosecutor desperately tried to prepare something more convincing than the present indictment at the expense of delaying its completion, but only in vain. He denied the defence lawyers access to their clients' statements at the police for four months to prevent them from spoiling the scenario to be prepared.

In the end, a ridiculously clumsy document was published as the indictment. It brings charges not only against the two leaders, but also 14 others; under well-known Articles 141 and 142 of the Turkish Penal Code, defined by Amnesty International as the main obstacles to the freedom of expression in Turkey.

Other Defendants

Two of the additional 14 defendants, Messrs. Atilla Coskun and Rasim Oz are two leading members of the defence team, which comprises over 700 lawyers from all parts of the country.

Another defendant Mr. Celal Ozdogan is the general secretary of Otomobil-Is, an energetic trade union in the engineering industry. Last year the NETAS Strike organised by this union became the first major strike since the 12th September 1980 military coup and set a good example for subsequent strikes. Mr. Ozdogan rightly described his inclusion in this case as an intimidation attempt to the trade union movement and to all active trade unionists.

The remaining defendants, which include a retired teacher, a mechanical engineer, a psychologist and a publisher, had been prosecuted before with charges of being members of the Communist Party. They had been tortured, kept under arrest for several years, convicted and sentenced to lengthy prison terms by military courts and released on bail while their appeals are being examined by the Court of Appeal. They are now being prosecuted again with the same charge, i.e. communist party membership.

Charges and Sentences Demanded

Kutlu and Sargin are charged with violating the following Articles of the Turkish Penal Code:

Article 141: Forming an illegal organisation for the purpose of establishing the hegemony of one social class over another or overthrowing basic economic and social orders of the country (8-15 years);

Article 142: Making propaganda for the above purposes (5-10 years, increased by half if made by publication);

Article 140: Repudiating and defaming the country abroad (5-24 years);

Article 158: Insulting the President (1-3 years);

Article 159: Insulting the judicial person of the Turkish State (1-6 years);

Article 312: Praising an act of offence (1-3 years).



Also Articles 69, 71, 74, 31, 33 and 40 are alleged to have been violated by Kutlu and Sargin.

As for the other defendants, Mr. Rasim Oz is being charged with violating Article 312, for having loudly congratulated the two leaders for their struggle for democracy, while all the others are being charged under the Article 141 only.

The total sentences -taking into account the repetition of offences- vary from 253 to 736.5 years for Haydar Kutlu and 277 to 826.5 years for Nihat Sargin.

Although death penalty is not explicitly demanded, Article 141 allows its consideration by the court, as Kutlu and Sargin are described in the indictment to be leaders of the United Communist Party of Turkey which is yet to be formed as well as their respective parties.

The Trial

The trial opened with the hearing on 8th June 1988 amidst widespread criticism in Turkey and abroad, particularly of the continued arrest of the two leaders.

The panel consists of three judges, one being a military judge. One of the prosecutors is also a military officer.

The court has been adjourning the hearings after each one day session with no apparent reason. During the 8 hearings spread over three months, the prosecutor read out the 231-page indictment and Kutlu and Sargin made their preliminary defense statements, each expressing their views about the indictment.

The case of Kutlu and Sargin continues to be at the focus of attention in Turkey and international solidarity with them is mounting. The regime's plan to have a free hand in dealing with this case by diffusing pressures have so far been unsuccessful, on the contrary, a national and international campaign is gaining in strength for not only the release of Kutlu and Sargin, but abolition of Articles 141 and 142.

SOLIDARITY

YERLEŞİM
TÜSTAV
ARŞİVİ

The wave of solidarity that started with the return of the two leaders continues.

The number of defence lawyers registered has now exceeded 700.

The start of the trial on 8th June 1988 was the scene for a magnificent turn-out of hundreds of people from all over the country in front of the State Security Court in Ankara. They were not allowed into the courtroom, but they remained outside throughout the hearing, registering their protest.

All of the 8 hearings so far attracted hundreds of people demanding to get into the courtroom to observe the trial, but each time they were kept well away from the court, often at barricades erected at either end of the street. This, however, did not prevent them from showing their solidarity by cheering and applauding the two leaders as they are brought to the court, handcuffed, in a prison van.

Each hearing gets wide coverage in daily papers as well as in periodicals. The preliminary defence statements of the two leaders were serialized in the press.

Many intellectuals and politicians gave statements to the press invariably linking the case to Articles 141 and 142 of the TPC and demanding the abolishment of these Articles.

Various progressive and democratic circles in Turkey and in the migrant communities abroad placed advertisements in Turkish papers, pledging their support for the two leaders as well as for democracy in Turkey.

PHOTO AT THE TOP: Turkey's veteran socialist Mehmet Ali Aybar (second from left), composer, film-maker Zulfu Livaneli (third from left), famous Turkish writer Yasar Kemal (fourth from left) and Greek composer Mikis Theodorakis (second from right) were among a large group of Turkish and foreign personalities who attended the first hearing of the trial of Kutlu and Sargin to express their solidarity...

INTERNATIONAL SOLIDARITY



The international concern and solidarity displayed towards the two leaders, their case and the issue of democracy in Turkey has indeed been magnificent.

Messages of support were received from the Central Committees of various communist and workers' parties world-wide. Lord Henry Plumb, President of the European Parliament, in a letter to the General Secretaries, expressed the Parliament's concern in the trial. The European Parliament has passed four resolutions demanding the immediate release of Kutlu and Sargin and freedom for their political activity.

Various solidarity meetings and actions were organised in many countries, stretching from Great Britain to Australia, from Sweden to Portugal. The Danish, Dutch and Portuguese Parliaments demanded the release of Kutlu and Sargin, representatives of 18 national and international organisations in France and 95 MEPs in Strasbourg added their voices of solidarity to many others.

Amnesty International adopted the political leaders as prisoners of conscience as soon as they were detained and issued not less than three calls for Urgent Action expressing concern for their health, particularly in view of torture. The two leaders were included amongst the Prisoners of the Month in June 1988 issue of AI Newsletter. Subsequent Urgent Action calls were also issued for the release of the other defendants in the trial.

PEN International adopted Kutlu and Sargin as Writers in Prison, considering that they are imprisoned mainly for their writings.

Another way of expressing solidarity with the imprisoned leaders is to send observers to the trial. Over 200 observers attended the first 8 hearings, among them many prominent politicians, MPs and MEPs, lawyers, artists, writers and representatives of international organisations such as the Amnesty International and the International Federation of Human Rights.

Solidarity in Britain

Solidarity and support for Kutlu and Sargin that had started with their return to Turkey in November 1987 continued throughout Britain as the case progressed and the trial finally started in June 1988.

The Labour Party National Executive Committee, the Communist Party of Great Britain, the New Communist Party, the Communist Party of Britain, the Green Party, the Welsh National Party and the Social Democrat Liberal Party, many MPs and MEPs, various trade unions, women and peace organisations all expressed their concern and protest.

Prominent personalities in the field of art and culture like the writer Harold Pinter, poet Adrian Mitchell, singers Peggy Seeger and Ewan McCall and actor Harry Landis also actively support Kutlu and Sargin and the struggle for democracy in Turkey.

The Parliamentary Human Rights Group of the British Parliament sent an observer to the trial in Ankara who, upon his return, prepared a comprehensive report on human rights in Turkey.

Lord Tony Gifford QC, Gordon McLennan, General Secretary of the CPGB, Pamela Brighton, General Secretary of the Haldane Society of Socialist Lawyers, solicitors John Bowden, Linda Webster, barrister John Riley and David Whitfield, Deputy Editor of the Morning Star have so far observed the trial.



YOUR SOLIDARITY IS ESSENTIAL

Demand that the Government takes action directly against the Turkish authorities and through the EEC and the Council of Europe to free Kutlu, Sargin and all political prisoners and respect democratic freedoms and human rights in Turkey, by writing to your local MP and to Foreign & Commonwealth Office, King Charles St., London SW1A 2AH.

Send messages of support and solidarity to Dr. Nihat Sargin and Nabi Yagci (Haydar Kutlu) at Ankara Merkez Kapalı Cezaevi, Ulucanlar, Ankara, Turkey.

Express your protest by writing to The Turkish Embassy, 43 Belgrave Sq., London SW1.