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TÜSTAV
ARŞİVİ

Monsieur le Président,
Mesdames,
Messieurs, chers amis,

Avant d'aborder le problème dans le cadre du thème à l'ordre du jour des travaux de la commission, permettez-moi au nom de la Fédération syndicale mondiale de remercier très chaleureusement les organisateurs du Congrès international des amis de la Turquie. Congrès sans précédent. Car le problème en question est de la plus grande importance et d'actualité, car la Turquie son peuple, les travailleurs ont plus que jamais besoin de notre solidarité et amitié fraternelles, solidarité et amités les plus concrètes que possible, pour mettre fin aux violations des droits de l'Homme des libertés et droits syndicaux. Etant tous conscients que la vague de répression antisyndicale de caractère généralisé en Turquie a suspendu la DISK (Confédération syndicale de la Turquie) et ses membres par décret des généraux du 12 septembre 1980. Procédant parallèlement à l'arrestation de plus de 2000 dirigeants et militants syndicaux, innocents, hommes courageux motivès de servir et défendre les intérêts des travailleurs.

~~contre les licenciements, les bas salaires contre les éliminations d'acquis sociaux et les atteintes aux droits de grève.~~

Cette vague injuste de violence antisyndicale, d'arrestations et de détentions qui dure depuis plusieurs années est d'autant plus grave que les syndicalistes injustement détenus ont recu un an après leur détention l'acte d'accusation du procès qui leur a été intenté, ~~devant le tribunal militaire d'Istanbul~~. Par contre le procureur militaire demanda la peine capitale contre 52 dirigeants de la Confédération syndicale, peine prononcée suivant les procédures appliquées en temps de guerre. Il est à savoir notamment, en l'occurrence, que la détention des dirigeants de la DISK a duré de trois à quatre ans sans que ne soit prononcé aucune, condamnation par un quelconque tribunal. Par exemple à lui seul l'interrogatoire du Président de la DISK a duré 109

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jours suivis d'un verdict prononcé le 23 décembre 1986. C'est-à-dire cinq ans après le commencement du procès et six ans après la détention de 2000 syndicalistes dont 264 ont été condamnés à de lourdes peines allant de 5 ans à 6 mois et de 20 jours à 15 ans d'emprisonnement. Et il est d'autant plus étonnant que le tribunal militaire n'a pas rendu publique jusqu'à ce jour leurs jugements. Ce qui est indispensable pour les contester en cour d'appel.

Chers amis,

Tous ces faits démontrent que les dirigeants et les militants de la DISK et ses membres ont subi d'injustes arrestations, détentions et tortures, qui constituent les plus flagrantes violations des droits de l'homme et des conventions de l'OIT et en particulier de la convention 87.

Car, l'arbitraire a frappé et continue à frapper la DISK: l'article 5 transitoire de la nouvelle loi syndicale interdit aux accusés de la DISK d'exercer aucune activité syndicale. Ce qui est ouvertement en contradiction avec les principes les plus élémentaires de droit. De même, l'administration des biens et avoirs de la DISK et de ses membres est toujours entre les mains des curateurs qui ne tiennent aucunement compte des intérêts de ces organisations syndicales et de leurs membres. Selon les dirigeants de la DISK leur valeur totale atteint aujourd'hui 250 milliards de livres turques, soit 250 millions de dollars américains ce qui risque en cas de dissolution définitive d'être transférés à l'Etat.

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Enfin, le procès de la DISK et de ses dirigeants et militants a été transformé en un procès profondément tendencieux. Les condamnations ont été prononcées sur la base du fameux article 141 du code pénal turc. Condamnations des plus injustes et reposant sur des déductions fictives et imaginaires.

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Cette parodie de justice, cette répression antisyndicale continuent depuis sept ans et il est grand temps d'y mettre fin si on veut parler du respect des libertés et des droits syndicaux qui sont partie intégrante des droits de l'homme. C'est pourquoi nous demandons instamment que la justice prononce:

- l'acquittement de tous les inculpés et la fin des poursuites ainsi que le rétablissement des droits de la DISK et de ses syndicats affiliés, la restitution de leurs biens et fonds et le retour en Turquie des syndicalistes forcés à l'exil.

Quant à la nouvelle soi-disant législation syndicale qui par son contenu et caractère est une législation antisyndicale marquée de restriction de droits syndicaux et de la liberté syndicale, dont je ne soulignerai ici que certains aspects.

Car, la nouvelle législation syndicale restreint le champ d'activités et la liberté de constituer des syndicats; ne reconnaissant aucun droit syndical à plusieurs catégories de travailleurs; réglementant minutieusement les structures internes des syndicats; prévoyant leur contrôle direct par les autorités gouvernementales; subordonnant l'affiliation à des organisations internationales à l'autorisation gouvernementale; facilitant la dissolution ou la suspension des syndicats; restreignant le droit à la négociation collective volontaire et le droit de grève interdisant ce dernier dans plusieurs branches ainsi que la grève générale et la grève de solidarité.

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Toutes ces dispositions sont incompatibles avec les normes internationales du travail, notamment avec les conventions 87 et 98 de l'OIT. Les autorités turques qui ont promis plusieurs fois à l'OIT la levée de ces restrictions et de garantir le respect des droits syndicaux, sont bien loin de tenir leur promesse et engagement.

Pour notre part, nous avons été toujours sensibles à la situation syndicale en Turquie et cela depuis bien avant le coup d'Etat de 1980.Et dernièrement nous le sommes d'autant plus face à l'intensification de la répression antisyndicale. Aussi en la circonstance, la FSM a multiplié ses efforts dans un vaste mouvement de solidarité et de protestation au niveau mondial. Contre la répression brutale envers les syndicats et les syndicalistes, et les restrictions législatives des droits syndicaux, la FSM a déposé des plaintes au BIT, plaintes que nous avons ~~soutenue par différentes informations complémentaires obtenues par~~ par l'envoie de 18 missions juridico-syndicales en Turquie. Dans le même esprit la FSM s'est adressée à la Commission des Droits de l'Homme de l'ONU. Elle a sensibilisé parallèlement l'opinion publique syndicale sur la situation au cours de ces sept ans et continura à publier des articles et informations dans les médias, sans parler des déclarations et résolutions des instances de la FSM, et de nos membres et des Unions Internationales des Syndicats. Par ailleurs je tiens à souligner que nous nous sommes toujours très réjouis des différentes actions convergeantes par rapport à la Turquie.

Chers amis, avant de terminer, permettez-moi de rappeler que l'année prochaine marquera le 40ème anniversaire de la Convention 87 de l'OIT sur la liberté syndicale et la protection du droit syndical et la Déclaration universelle des droits de l'homme ainsi que le 10ème anniversaire de la Déclaration universelle des droits syndicaux adoptée par le 9ème Congrès syndical mondial. Aussi, ~~le commémoration de~~ ces anniversaires devrait donner une plus forte impulsion à notre intervention pour mettre fin aux violations de tous droits. Et pour que triomphe la démocratie et la liberté s'installe réellement en Turquie ~~conscients que dans les travaux préparatoires de la Convention 87 de l'OIT, déjà en 1947, on soulignait que: "La liberté d'association professionnelle n'est qu'un aspect~~

Et pour que le retour en Turquie puisse se réaliser en toute liberté, et non pas se retrouver en prison comme en fussent témoins dernièrement les dirigeants du Parti communiste et du Parti ouvrier arrestation et détention qui soulève notre plus vive protestation.

~~de liberté d'association en général qui elle-même, doit s'intégrer dans le vaste complexe des libertés fondamentales de l'homme, interdépendantes et complémentaires les unes des autres et qui comprennent, entre autres, la liberté d'assemblée et de réunion, la liberté de parole et d'opinion, la liberté d'expression et de presse.~~

~~C'est le manque de toutes ces libertés qui continue à caractériser la situation en Turquie.~~ Aussi la FSM est prête à coopérer avec tous les amis de la Turquie pour porter la solidarité et l'amitié envers les travailleurs et le peuple de ce pays à la hauteur qu'exige la situation.

Merci

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La commission sur la liberté d'expression et d'organisation s'est réunie sous la présidence de Mme. Barbara Switzer et avec Lasse Budtz comme vice-président, Ahmet Abakay comme vice-président invité et Hans Göran Franck comme rapporteur.

Plus de 30 personnes ont participé aux travaux de la commission, dont 20 ont pris ~~la parole~~ part au débat.

~~Les orateurs~~ Les participants au débat ont unanimement souligné le manque de la liberté d'expression et d'organisation en Turquie. Les restrictions imposées à la liberté d'expression et d'organisation ont été élargies davantage et considérablement par la nouvelle Constitution de 1982 et d'autres lois ou amendements de loi ~~élaborés~~ introduits dans le régime issu du 12 septembre 1980.

Tout particulièrement les articles 141 et 142 du code pénal font une restriction très grave ~~sur~~ du droit fondamental de l'homme ~~à la liberté d'expression~~. ~~Elles ont~~ Ils sont appliqués dans tous les domaines de la vie politique, sociale et culturelle et constituent une importante source de délits d'opinion.

~~Au niveau des partis~~ Au niveau des partis et activités politiques l'interdiction de fonder des partis ~~réclamant une classe sociale~~ des travailleurs apparait comme une des entraves les plus sérieuses devant la démocratisation en Turquie. Le mot "communiste" est tabou. Toute activité qui pourrait être qualifiée de communiste est sévèrement punie. ~~On~~ a été ~~arrêté~~ arrêté le cas des secrétaires généraux du Parti Communiste de Turquie et du Parti Ouvrier de Turquie détenus depuis le 16 novembre 1987, date de leur retour ~~à~~ à leur pays.

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Par ailleurs, plusieurs participants ont fait remarquer qu'aucun droit fondamental de l'Homme n'est reconnu aux ~~citoyens d'origine~~ kurdes.

Il s'avère donc nécessaire de soutenir les efforts des forces démocratiques de la Turquie visant à abolir toutes les dispositions législatives qui restreignent le pluralisme politique, signe d'une démocratie. Elles sont en flagrante contradiction avec la Déclaration universelle des droits de l'Homme dont l'année 1988 marquera le 40ème anniversaire et la Convention européenne des droits de l'Homme. Elles sont également à l'exemple du non-respect des ~~droits~~ par le Conseil de l'Europe.

Les participants ont fortement recommandé l'organisation d'actions internationales en faveur d'une amnistie générale, la libération de tous les prisonniers.

Au niveau des syndicats et associations, les participants ont en premier lieu mis en relief le cas de la confédération syndicale DISK et ses syndicats affiliés, demandant notamment l'acquittement de tous leurs dirigeants et militants, la fin des poursuites contre eux, la réouverture de ces organisations syndicales et la restitution de leurs biens et fonds. En second lieu la Constitution 1982 et la nouvelle législation sur les syndicats, la négociation collective et la grève restreint considérablement les droits syndicaux et la liberté syndicale. Il est à noter que la marge de la liberté d'expression a pèse lourdement sur l'activité syndicale. Cette nouvelle législation est incompatible avec les normes internationales du travail.

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— gouvernement turc doit, il l'avait promis, ~~immédiatement~~ sans délai en vue de la rendre conforme aux conventions de l'Organisation internationale du Travail.

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Depuis la fondation de la République turque ce pays a connu pour la première fois un mouvement aussi large de réfugiés politiques vers l'Europe occidentale. D'une façon générale c'est le résultat de la répression qui sévit en Turquie depuis le 12 septembre 1980 et des procès politiques. Sans qu'aucun procès et aucune condamnation judiciaire des milliers d'entre eux ont été ~~arbitrairement~~ par décrets déchus de leur nationalité turque. Il s'agit de la négation des règles les plus fondamentales du droit ainsi que du droit de l'asile. Les participants recommandent pour la levée immédiate de cette mesure et la restitution immédiate de leur nationalité.

La démocratie qui trouve son expression la plus profonde dans l'exercice de la liberté d'expression et d'organisation ne peut être considérée comme un produit de luxe. La Turquie la mérite comme tous les peuples du monde sans condition préalable.

Mais les restrictions de cette liberté imposées dans la Constitution et autres législations sont contraires au Traité de Rome. Also, the existence of a member state, that violates the regulations of the Convention to such an extent ~~and~~ is undermining the reputation of and respect to the Council of Europe.

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2 – Liberté d'expression et d'organisation

a) les partis politiques et interdits politiques

b) les syndicats et associations

c) la presse

d) les réfugiés politiques et leur perte de nationalité

—

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1. Hans Göran Franck.

- a été en Turquie dernièrement
  campagne électorale.
  partis d'opposition handicapés.
  ces partis et parti gouvernementaux n'ont pas les mêmes conditions
  barrage de 10 %.
  les syndicats n'ont pas le droit de prendre part aux élections. C'est une restriction très grave.
  Il y a des candidats provenant des syndicats, mais une fois élus ils perdront leurs fonctions syndicales
  2 candidats de la DISK.
  Ai rencontré dirigeants Türk-İş ont appelé à ne pas voter ANAP. Mais il n'y a pas eu de réaction du gouvernement.
  Donc parfois formel parfois non.
  Plus important : interdiction de certains partis dont PC.
  TRP. TIP. SG. arrêté.
  TSİP aussi.
  STP m'a dit qu'ils vont changer les lois.
  Au sein du P. gouv. il y a des dissensions.
  Mais aucune des raisons est valable. PC doit être légal comme dans les pays européens.

2. Ahmet [illegible]naz - TSİP başkanı.

Report on political parties ~~par~~ law.
Article 4 de cette loi: partis politiques seront régis selon principes et réformes de M.K. Atatürk. Kémalisme.
→ un type d'opinion. → le régime ne reconnaît pas le droit de vivre aux autres opinions.
Başka madde: pas utiliser autre langue que le turc.
Dénaturer ou humilier Atatürk.
PP ne peuvent pas aller à l'encontre de l'esprit du 12.9.
des décisions du MGK.

Donc on ne peut fonder que des partis bourgeois.
Cependant il faut déployer des efforts pour changer la loi et créer un parti de gauche légal.

3. Vice-président

La loi électorale en Turquie ≠ conseil de l'Europe.
Dans le document ⇒ la Turquie ne peut être membre du club européen.

4. Bayram Ayaz. TÖB-DER G.S. yardımcısı

C'interdiction de fonder des partis (organisations) → kurdes
Déclaration, rapport ⇒ Organisations clandestines dirigeants condamnés.

5. Italiens

Faut mettre des points précis dans le rapport.
Appuyer sur ce qui est dans le Traité de Rome.
Aussi violations des documents de l'ONU. Début déclaration.
Déclaration universelle des droits de l'homme.
Laisser toucher - référence - Turquie n'est pas membre éthniquement de l'Europe.

Reconnaissance des partis - n'est pas seulement question politique mais politique.

6. Demir Özlü

Une critique sur le rapport de Hans Göran.
L'éventail politique en Turquie → centre → extrême-gauche.
Certains partis qui se nomment social-démocrates ne sont pas social-démocrates. Sachons mais ne mettons pas dans le déclaration.

7. Doğan Özgüden-journaliste

J'ai constaté dans le rapport non-existence des articles restreignant les droits politiques du peuple kurde.

Notre commission terminera ses travaux le jour des élections.
→ nouvelle composition parlementaire.
Déclaration : 4 points : en nous adressant au nouveau parlement.
- 3.9. élections : "communautaire" partiles.
- 3.12. 141. 142 - kürtçe'nin legali paragrafları değişsin. → évangiles.
- 3.16. Dörtlerin ingilizce adı yanlış.
- 3.18. partis politiques de la classe ouvrière kurde - détenus.
- 3.19. Deux 56. Ajouter. L'amnistie pour tous les détenus politiques.

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8. Kurde, Faik Baran : Comité de défense des réfugiés en Europe.
Chaque fois il faut ajouter kurde.
" Kürt halkının kendi kaderini tayin hakkı ve ayrılma hakkı dahil —— et partis ".

9. Tikiç.
.. Détention des deux militants communistes.
Leur libération sera déterminante pour la démocratie.
Rentrée en liberté. Si on les refoule → incomplet.
"libre et libre à agir sur le territoire"
2. Exiger des gouvernements des pays de la communauté économique européenne de se prononcer sur le sort des cdes et entreprendre des démarches nécessaires
→ Vice-président : ~~Cotu~~ EEC président (dernier) a démissionné.

10. Yavuz Çizmeci. BD Başkan yardımcısı, TİP MYK üyesi
- Répondre aux arguments démagogiques aussi. Partis fascistes. Les dernières 50 années ont démontré que les FF sont ennemis de la démocratie alors que PC au contraire. Il faut mentionner dans la déclaration.
- Deuxième point : La conscience d'hériter ou pas. Il faut le mentionner aussi.
- TCK 141. 142 ne sont pas seulement ≠ PC et autres mais aussi autres milieux. Yasaklanmış tüm partilerin açılması, tüm siyasi tutukluların serbest bırakılması.

Pdt : Barbara Spitzer
V. Pdt : Lasse Budtz
V. Pdt invité : Ahmet Abakay
Compte rendu : N. F.
Rapporteur : Hans' Göran Franck

11. Hans Göran
Faut absolument changer la Constitution.
Ce n'est pas difficile de mettre en évidence les aspects en contradiction avec les normes européennes.
Il y a une transition en Turquie. Mais le contenu et le déroulement pas suffisant. Tout d'abord la Constitution doit être modifiée. Mais la transition peut même continuer

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...ans le changement. Mais certains aspects peuvent être changés dans la constitution. Par exemple la [illegible] syndicale doit être immédiatement changée selon les conventions de l'O.I.T.

- Lois sur la presse.
- Liberté de presse. Censure.
- Réfugiés politiques : 20.000 en Europe.
  13.000 déchus de leur nationalité.

Les réfugiés politiques à leur retour doivent avoir tous leurs droits civiques.

12. Demir Özlü

Demokratikleşme süreci olduğu fikrine kendimizi bırakmamalıyız. C'est une façade seulement.
1936 faşist devleti Korunuş kanunu. (Droit pour la défense de l'Etat).

. 140, 158, 159, 311, 312, 146 (bazı küçük değişikliklerle). [illegible] ont été inspiré de code mussolinien. et alourdis.

- Avant ce sont les partis révolutionnaires étaient interdits. Maintenant même les p. démocratiques. Ex : Kutlu Sargın - arrêtés.

Pour le libéralisme politique et l'humanisme.
Etat de police actuelle qui remue toute sorte de nationalisme. Sürekli anlayışı → vatandaş cezalandırmak için (arrestations).

13. Finlande

- Une réfugiée à envoyer en Turquie.
- Demander aux gouvernements, aux syndicats.
- Syndicats → pétitions.

14. Karahan Yılmaz, réfugié en France :

"Nasıl bir Türkiye istiyorsun?" çatışması.
Özal et les forces du 12.9 ne sont pas démocratiques doit être soulignée. Immigrés turcs en France nous envoyons la semaine prochaine une mission en Turquie. Amnistie générale.

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15. Akar Gündüz Abdullah, Konkaq
Problèmes kurdes.
"Les amis de la T" ne doit pas rester insensible.

16. J. Nemoudry, FSM.

17. Ünüt Metin, Fransa Türk. İşçiler Birliği.

18. Parti Socialiste portugais

19. Karaca:

20. Parti socialiste d'Autriche.

21. Italienne
- respect des conventions du BIT.
- reconnaissance de la DISK.
- libération de tous les syndicalistes emprisonnés.
- amélioration des conditions de vie et de travail des travailleurs.
- pour tous les habitants de la Turquie, toutes les communautés.
- işçilere kendi ülkelerinde sağlıklı ve yaşama koşulları.

22. Bayram Ayaz.
Kamu personeli.
1.700.000 devlet memuru.
(dont) 430.000 eğitimde

23. Hans Göran Franck

- acq.
- rémunération. biens.
- retour des exilés.
- convention.
- lois.
- invité.
- expériences.
- not. droit de grève et négociation collective.
- syndicats.
- Juin - BIT.
- et soutien.

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FRANCE

- Danielle MITTERRAND (message)
- Message de Lionel JOSPIN, premier secrétaire du Parti Socialiste
- Message de Georges MARCHAIS, Secrétaire Général du Parti Communiste Français, Président du Comité de Défense des Libertés et des Droits de l'Homme,
- Message du Bureau National de S.O.S. RACISME
- Ligue des Droits de l'Homme
- Fédération Internationale des Droits de l'Homme
- C.G.T.
- C.I.M.A.D.E. (Comité Inter Mouvement Auprès des Evacués) (Protestant)
- Parti Communiste
- Force Ouvrière
- A.T.T.
- A.C.A.T. Association Chrétienne pour l'Abolition de la Torture
- CEDRI
- F E R P
- Association France-Turquie
- Parti Socialiste
- Pax Christi (pour l'Evêque catholique de Poitiers)
- Forum international Politique
- LICRA
- Union des Travailleurs de Turquie en France

R.F.A.

Message de Peter Sellin, Député, au nom des Verts au Bundestag
- Solidarité avec les Démocrates Turcs

SUEDE

- Message de Olle Söderman, Président du Groupe d'Amitié Suède-Turquie, Président de l'Union des employés administratifs en Suède
- Comité de Solidarité avec la Turquie

.../...

FINLANDE

- Comité de la Paix
- Juriste Démocrate

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GRECE

- Message d'Andreas Andrianopoulos, Maire du Pirée
- Comité Grec pour la Solidarité Démocratique Internationale
- Comité Grec-Turc d'Amitié
- Parti Communiste de Grèce

GRANDE BRETAGNE

- T.G.W.U. (Trade Union)
- TASS (Trade Union)
- Holdane Society of Socialist Lawyers
- Société des Avocats Socialistes - Société des Avocats Socialistes
- Index on Censur ship - Association contre la censure

AUTRICHE

- Syndicat OGB
- Parti Socialiste Autrichien et Parlementaires

PORTUGAL

- Message du Conseil National de la Confédération Générale des Travailleurs Portugais
- Conseil Portugais pour la Paix et la Coopération

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.../...

DANEMARK

- The International Helsinki Federation for Human Rights

ORGANISATIONS INTERNATIONALES

- F.S.M.
- Association Internationale des Juristes Démocrates
- Organisation Internationale des Journalistes
- Conseil Mondial de la Paix

-:-

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« LES AMIS DE LA TURQUIE »

— Préambule —

La situation en Turquie a certes évolué depuis le coup d'Etat militaire du 12 septembre 1980. Mais la démocratie telle que nous la concevons dans nos propres pays est loin d'être acquise. Ainsi, pour refuser toute idée d'une démocratie de seconde zone pour ce pays, pour être toujours près du peuple de Turquie, de ses démocrates, et les épauler aujurd'hui comme demain dans leur lutte pour une démocratie digne de notre époque, nous avons pris l'initiative de recueillir la signature des personnalités éprises des idéaux des droits fondamentaux de l'Homme sur la base de la déclaration ci-dessous.

Déclaration
« DROITS DE L'HOMME POUR LA TURQUIE »

Nous partageons tous, dans nos différences, l'héritage de l'humanité entière, avec aussi bien ses avancées que ses lacunes.

Et en cette fin du second millénaire, le plus important de nos acquis est, sans aucun doute, l'égalité de tous les hommes, quelles que soient leurs origines, au sein de la communauté des nations. Cet acquis, universellement reconnu, ne doit pas rester un vain mot. Ceci est vrai, aussi, pour le peuple de Turquie.

Or, nous constatons que certains milieux osent prétendre que le peuple de Turquie serait incapable de jouir de certains acquis démocratiques irréversibles à notre époque. Nous ne pouvons l'accepter.

Aussi, pour marquer notre refus, avons-nous décidé de nous unir, aujourd'hui pour aider le peuple de Turquie à conquérir toutes les valeurs universelles qui font la dignité de l'Homme, demain pour l'aider à les institutionnaliser pour toujours.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV ARŞİVİ

Cette déclaration « Droits de l'Homme pour la Turquie » peut se concrétiser, au-delà de son contenu général, par des initiatives pour, dans l'immédiat :

- l'arrêt des procès d'opinion.
- l'amnistie générale, y compris la grâce pour les condamnés à la peine de mort.
- la liberté de pensée, de conscience et d'association.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

— Comité de coordination —

Mme Silvia BOBA, Italie
John BOWDEN, Royaume-Uni
Silas CERQUEIRA, Portugal
Jörn DONNER, Finlande
Karl-Axel ELMQUIST, Suède
Mme Andreas van ES, Pays-Bas
Jean-Pierre FOURRE, France
Reinhard HOCKER, R.F.A.
Dr. Peter JANKOWITSCH, Autriche
Theo KORITZINSKY, Norvège
Prof. Marios NIKOLINAKOS, Grèce
Prof. Georges PETERS, Suisse
Prof. Erik SIESBY, Danemark
Norman SOLOMON, U.S.A.
Jef ULBURGHS, Belgique

« FRIENDS OF TURKEY »

— Introduction —

The state of affairs in Turkey has certainly improved since the military coup of September 1980. However, democracy as we understand it in our countries is still a long way off. We must avoid the acceptance of a second-class democracy for this troubled country ; we must support its people, its democrats, both today and in the future, in their struggle for a democracy worthy of the name and of our era. With this in mind, we have taken the initiative of collecting the signatures of those famous people who stand by the ideals of fundamental human rights as stated in the following declaration.

Declaration
« HUMAN RIGHTS FOR TURKEY »

Despite our differences, we all share a common heritage, that of humanity, with its strong points and its faults.

Now, at the end of the second millenium, probably the most important of all our rights is that of equality for all men, whatever their origin, upheld by the community of nations. This universally recognised right must not remain a mere word. This is also true for the people of Turkey.

We are aware, however, that certain factions dare to assume that the people of Turkey are incapable of benefiting from certain democratic principles irreversably established in modern times. We can not accept this.

In addition, to mark this refusal, we have decided to unite now in order to help the people of Turkey establish the universal values which give Man his dignity and in the future, to help them to acquire these values for all time.

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI ARŞİVİ

This declaration of « Human Rights for Turkey » can be seen as representing, beyond its general implications, the following pressing demands :

- the end of political trials ;
- a general amnesty including pardon for those condemned to death ;
- the freedom of thought, of conscience and of association.

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

— Coordination committee —

Mme Silvia BOBA, Italy
John BOWDEN, United Kingdom
Silas CERQUEIRA, Portugal
Jörn DONNER, Finland
Karl-Axel ELMQUIST, Sweden
Mme Andreas van ES, Netherlands
Jean-Pierre FOURRE, France
Reinhard HOCKER, F.R.G.
Dr. Peter JANKOWITSCH, Austria
Theo KORITZINSKY, Norway
Prof. Marios NIKOLINAKOS, Grece
Prof. Georges PETERS, Switzerland
Prof. Erik SIESBY, Denmark
Norman SOLOMON, U.S.A.
Jef ULBURGHS, Belgium

CONGRÈS INTERNATIONAL DES « AMIS DE LA TURQUIE »
INTERNATIONAL CONFERENCE OF « FRIENDS OF TURKEY »

Assemblée Nationale, 27/28/29 novembre 1987, Paris

6.10.87

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV
ARŞİVİ

Comité de coordination

S. BOBA (I)
J. BOWDEN (GB)
S. CERQUEIRA (P)
J. DONNER (SF)
K.A. ELMQUIST (S)
A. VAN ES (NL)
J.P. FOURRE (F)
R. HOCKER (D)
P. JANKOWITSCH (A)
T. KORITZINSKY (N)
M. NIKOLINAKOS (GR)
G. PETERS (CH)
E. SIESBY (DK)
N. SOLOMON (USA)
J. ULBURGHS (B)

Signataires de la déclaration « Amis de la Turquie »

AUTRICHE
L.BAUER
A. BENYA
H. HESELE
P. JANKOWITSCH
B. KREISKY
G. LANSKY
K.H. NACHTNEBEL
A. STROER
F. VERZETNITSCH

BELGIQUE
W. KUIJPERS
M. REMACLE
F. ROELANTS DU VIVIER
M. SALMON
P. STAES
J. ULBURGHS

DANEMARK
B. BAUNSGAARD
O. BERTELSEN
L. BUDTZ
B. ELMQUIST
H. ERIKSEN
H. HAGENSEN
K. KOPOD-SVENDSEN
B. MELCHIOR
O. NATHAN
P. NORGARD
E. SIESBY
P. VOIGT
D. WILLUMSEN

FINLANDE
A. ALHO
K. ANDERSSON
J. DONNER
T. ISOHAAKANA-ASUNMAA
L. JAAKONSAARI
A.L. JOKINEN
A. KEMPAINEN
E. LAINE
M.L. LLOYTTYJARVI
S.M. PAKINEN
H. POKKA
M. STENIUS-KAUHONEN

FRANCE
C. BOURDET
J. FERRAT
J.P. FOURRE
B. GIRAUDEAU
H. LANGEVIN-JOLIOT
B. LANGLOIS
C. LANZMANN
G. PERRAULT
R. SANGLA
A. SANGUINETTI
L. SCHWARTZ
R. TAVERNIER

GRECE
A. ANDRIANOPVOULOS
D. COSTOPOULOS
M. DELIVANI
V. EFREMIDIS
V. FILIAS
C. FLINIS
Y. KONDOYIORGIS
C. KONSTANTINIDIS
Y. KOUMANAKOS
F. KOUVELIS
A. MARAGOPOULOU
M. NIKOLINAKOS
M. PAPATHANASIOU
B. PROTOPAPAS
Y.R. PSALIDOPOULOS
Y. RITSOS
M. STATHOPOULOS
M. THEODORADIS
N. VRETAKOS
S. YIATRAS

ITALIE
L. ARDESI
P. BASSO
S. BOBA
V. GRAAF
C. MORRICONI
G. PALUMBO
R. TRIVELLI

NORVEGE
T. KORITZINSKY
K. SANDEGREN

PAYS-BAS
H. D'ANCONA
J. VAN DEN BOSCH
N. VAN DIJK
A. VAN ES
J. HOFKIJK
B. VAN DER LEK
H. PONT
S. STRIKWERDA
M. VAN TRAA
J. DEN UYL
G.J. WOLFFENS-PERGER

PORTUGAL
B. APOLONIA
L. AZEVEDO
C. CANDAL
S. CERQUEIRA
S. FERNANDEZ
C. GOMES
R. GRACIO
M. LOPES
F. LOUREIRO
J. MIRANDA
G. PADRAO
C. PIRES
F. REBELO
J.T. RODRIGUES
T. SAMPAIO
P. SANTOS
C. SERA
P. SUMMAVIELLE

R.F.A.
G. BASTIAN
W. DAMWERTH
L. FELLERMAIER
H. FRENZ
K. GILGES
G. GRASS
M. VON DER GRUN
K.H. HANSSEN
R. HOCKER
P. KELLY
K. LIEBE-HARKORT
J. MAIER
N. PAECH
J. REDING
G. STUBY
H.W. ODENDAHL
K. THUESSING

ROYAUME UNI
R. BALFE
J. BOWDEN
R. BOYES
A. CLWYD
T. COX
H. JENKINS
B. KENT
A. LOMAS
A. MITCHELL
H. PINTER
R. TODD
A. WESKER

SUEDE
B. ANDERSON
R. BACKLUND
H. CARS
J. CORDELLIER
P. CURMAN
P. DAHL
K.A. ELMQUIST
H.G. FRANCK
L. GROLL
N. KRISTOFERSSON
L. LARSSON
T. LUND
B.O. MOBERG
A. SALJONMAA
O. SODERMAN
O. SODERQUIST
K. STENDAHL
M. STROMSTEDT
A. THOOR
P. VASTBERG

SUISSE
H. BRAUNSCHWEIG
C. BRIDEL
W. CARGNELLO
F. GEYER
M.GLARDON
W. HABICHT
R. LONGET
G. PETERS
B. ROSSIER
A. ROUGEMONT
J. ZIEGLER

U.S.A.
R.L. BIRKE
F. BRESCIA
V. BOX
T.H. HAINES
S. HAYS
R. KASHTAN
J.I. MORROW
M. RIES
C.S. RUSSEL
H.W. SALZBERG
H. SCHULZ
D.L. SLOAN
N. SOLOMON
S.H. WILEN
A.E. WOODWARD

INVITATION

• Le Comité de Coordination des « **Amis de la Turquie** » rassemblés autour d'une déclaration du même nom, a décidé d'organiser un premier Congrès International les 27/28/29 novembre 1987 à Paris. Celui-ci aura lieu dans les salles de l'Assemblée Nationale Française.

Nous vous invitons cordialement à y participer afin qu'un débat, des plus larges possibles, puisse sensibiliser l'opinion publique dans le sens de notre démarche : à savoir, notre souhait de voir le peuple de Turquie conquérir toutes les valeurs universelles qui font la dignité de l'homme.

• *The Coordination Committee of the « Friends of Turkey », formed around a declaration of the same name, has decided to organise its first International Conference on the 27/28/29 November 1987 in Paris. It will be held in the halls of the Assemblee Nationale.*

You are cordially invited to take part in the very open debates, the objective being to make the public aware of our desire to see the Turkish people establish the universal values which give Man his dignity.

Pour le Comité
On behalf of the Committee
Jean-Pierre FOURRÉ

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

Secrétariat :
J.P. FOURRE
Assemblée Nationale
126, rue de l'Université 75007 PARIS
Tél. ligne directe : 42.97.84.10

Compte bancaire :
Congrès International Turquie,
Crédit Lyonnais, Agence XL 460, N° de compte 47 430 Q
4, rue de Bagnolet 75020 PARIS

CONGRÈS INTERNATIONAL DES « AMIS DE LA TURQUIE »
INTERNATIONAL CONFERENCE OF THE « FRIENDS OF TURKEY »

1. PRÉSENTATION INTRODUCTION

Intitulé/*Title :* « Pour la démocratie et les Droits de l'Homme en Turquie ».
« For democracy and Human Rights in Turkey ».

Lieu/*Location :* Assemblée Nationale, Paris.

Dates : 27-28-29 Novembre/*November* 1987.

Programme/*Agenda :*

27/11/1987 – Vendredi de 16 h 00 à 20 h 00 (séance plénière)
Friday from 16 h 00 to 20 h 00 (general session)

– Ouverture et discours de bienvenue par le Comité d'Organisation.
Opening and welcome speech from the Organisation Committee.

– Discours du Président d'Honneur.
Speech from the Honorary President.

– Discours de Personnalités : pays d'accueil (France).
– *Speeches from Celebrities : host country (France).*

pays concerné (Turquie)
country concerned (Turkey)

et autres pays.
and other countries.

– Election des Présidents, Vice-Présidents et Rapporteurs des 4 commissions.
Election of the Presidents, Vice-Presidents and Reporters for the 4 commissions.

28/11/1987 – Samedi/*Saturday :*
- 9 h 30 - 12 h 30 : commissions/*commissions*
- 12 h 30 - 14 h 00 : repas/*lunch*
- 14 h 00 - 19 h 00 : commissions/*commissions*
- 19 h 00 - 21 h 00 : temps libre/*free time*
- A partir de 21 h 00 : réception
from 21 h 00 onwards : reception.

29/11/1987 – Dimanche de 9 h 30 à 12 h 00 (séance plénière)
Sunday from 9 h 30 to 12 h 30 (general session)

– Les rapports de compte-rendus analytiques des commissions.
Presentation of the summaries of the commissions.

– Adoption d'une déclaration des « Amis de la Turquie ».
Adoption of a « Friends of Turkey » declaration.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV ARŞİVİ
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

THEMES DES 4 COMMISSIONS
TOPICS OF THE 4 COMMISSIONS

1) - La structure juridique actuelle de la Turquie :

The present legal structure of Turkey :

– Rapport d'introduction par le Professeur Erik SIESBY.
Introductory report presented by Professor Erik SIESBY.

a) La Constitution vis-à-vis des conventions internationales.
The Constitution with regard to international conventions.

b) La législation concernant les Droits de l'Homme du point de vue des conventions internationales.
Legislation concerning Human Rights with regard to international conventions.

c) Le code pénal et son application.
The penal code and its enforcement.

2) - La liberté d'expression et d'organisation :

Freedom of expression and organisation :

– Rapport d'introduction par Monsieur Hans Göran FRANCK.
Introductory report presented by Mr. Hans Göran FRANCK.

a) Les partis politiques et interdits politiques.
Political parties and forbidden political activities.

b) Les syndicats et associations.
Trade unions and associations.

c) La presse.
The press.

d) Les réfugiés politiques et leur perte de nationalité.
Polical refugees and their loss of nationality.

3) - La vie culturelle :

Culture :

– Rapport d'introduction par Monsieur Adrian MITCHELL.
Introductory report presented by Mr. Adrian MITCHELL

a) Théâtre et cinéma.
Theatre and cinema.

b) Arts plastiques et littérature.
Plastic arts and literature.

c) Universités, sciences et recherches.
Universities, science and research.

4) - Les conditions dans les prisons et les tortures :

The conditions in prisons and torture :

– Rapports d'introduction par le Professeur Gerhard STUBY et Maître Hans Werner ODENDAHL.
Introductory reports presented by Professor Gerhard STUBY and Mr. Hans Werner ODENDAHL.

a) Les prisons.
Prisons.

b) Tortures.
Torture.

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI ARŞİVİ

2. MODALITÉS D'INSCRIPTION
REGISTRATION CONDITIONS

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI · TÜSTAV ARŞİVİ

1) - Inscription/*Registration*

— Tout participant est prié de retourner le bulletin d'inscription ci-joint dûment rempli, avant le 1er novembre 1987.

— *Delegates are kindly requested to return the completed registration form before the 1st November 1987.*

2) - Communications/*Reports*

— Tout participant souhaitant présenter une communication au Congrès est prié de faire parvenir au secrétariat son manuscrit avant le 1er novembre 1987. Le texte ne doit pas dépasser 5 feuillets normalisés de 1 500 signes.

— *Delegates wishing to present a report at the Conference are requested to send a copy to the secretary's office before the 1st November 1987. The text must be limited to 5 standard pages of 1 500 characters.*

3) - Langues officielles/*Official languages*

— Les communications et publications seront assurées en français, en anglais et en turc. Lors des débats, la traduction simultanée sera assurée en français, en anglais et en turc.

— *The reports and publications will be in French, English and Turkish. Simultaneous translation in English, French and Turkish will be assured for the Conference.*

4) - Frais de transport et de séjour/*Transport and visit expenses*

— Tout participant prendra en charge ses propres frais.
Cependant des cas particuliers de prise en charge pourront être étudiés dans la mesure des moyens du secrétariat et dans l'ordre d'inscription.

— *Delegates will take responsibility for their own expenses.*
However, exceptional circumstances may be taken into consideration, depending upon the funds available and in order of registration.

5) - Visas/*Visas*

— Les invités devant posséder un visa d'entrée sur le territoire français pourront s'adresser au consulat de France de leur pays avec la présente invitation.

— *Delegates who require a visa for entrance into France should present the enclosed invitation at their country's French consulate.*

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

THEMES DES 4 COMMISSIONS
TOPICS OF THE 4 COMMISSIONS

1) - La structure juridique actuelle de la Turquie :

The present legal structure of Turkey :

– Rapport d'introduction par le Professeur Erik SIESBY.
Introductory report presented by Professor Erik SIESBY.

a) La Constitution vis-à-vis des conventions internationales.
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Legislation concerning Human Rights with regard to international conventions.

c) Le code pénal et son application.
The penal code and its enforcement.

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Freedom of expression and organisation :

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Political parties and forbidden political activities.

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Trade unions and associations.

c) La presse.
The press.

d) Les réfugiés politiques et leur perte de nationalité.
Polical refugees and their loss of nationality.

3) - La vie culturelle :

Culture :

– Rapport d'introduction par le Professeur TANILLI.
Introductory report presented by Professor TANILLI.

a) Théâtre et cinéma.
Theatre and cinema.

b) Arts plastiques et littérature.
Plastic arts and literature.

c) Universités, sciences et recherches.
Universities, science and research.

4) - Les conditions dans les prisons et les tortures :

The conditions in prisons and torture :

– Rapports d'introduction par le Professeur Gerhard STUBY et Maitre Hans Werner ODENDAHL.
Introductory reports presented by Professor Gerhard STUBY and Mr. Hans Werner ODENDAHL.

a) Les prisons.
Prisons.

b) Tortures.
Torture.

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI TÜSTAV ARŞİVİ

CONGRÈS INTERNATIONAL DES « AMIS DE LA TURQUIE »
INTERNATIONAL CONFERENCE OF THE « FRIENDS OF TURKEY »

- PROGRAMME / AGENDA -

27.11.1987 - Vendredi de 16 h 00 à 19 h 00 (séance plénière)
Friday from 16 h 00 to 20 h 00 (general session)

* Ouverture et discours de bienvenue par le Comité d'Organisation. Orateur : Jean-Pierre FOURRE, Député, M.P.
Opening and welcome speech from the Organisation Committee. Speech from Jean-Pierre FOURRE.

* Discours du Président d'Honneur : Maréchal Costa GOMEZ, ancien Président de la République du Portugal.
Speech from the Honorary President : Maréchal Costa GOMEZ, former President of Portugal.

* Discours de Personnalités : France : M. Robert VERDIER, Président d'Honneur de la Ligue des Droits de l'Homme
Honorary President of the "Ligue des Droits de l'Homme".

Turquie : M. MAHMUT DIKERDEM, Ambassadeur, Président du Comité Turc pour la Paix
Ambassador, President of the Turkish Committee for Peace.

Danemark : M. Eric STINUS, écrivain, writer.

Royaume-Uni : M. John BOWDEN, juriste, lawyer.

Suisse : Professeur Georges PETERS, député, M.P.

Italie : Mme Silvia BOBA, syndicaliste, unionist.

* Nomination des Présidents, Vice-Présidents et Rapporteurs des 4 commissions.
Nomination of the Presidents, Vice-Presidents and Reporters for the 4 commissions.

* A partir de 20 h 00 : Réception : 15-17, Passage Verdeau - 75009 PARIS - Métro : Rue Montmartre.
From 20 h 00 onwards : Reception : 15-17 Passage Verdeau - 75009 PARIS - Subway : Rue Montmartre.

28.11.1987 - Samedi / Saturday :

* 9 h 30 - 12 h 30 : commissions / commissions
* 12 h 30 - 14 h 00 : repas / lunch : Restaurant de l'Assemblée Nationale (7ème étage) (120,00 F.)
* 14 h 00 - 17 h 00 : commissions / commissions
* 17 h 00 - 19 h 00 : temps libre / free time
* 19 h 30 : réunion des Présidents, Vice-Présidents et Rapporteurs des commissions
Meeting of the Presidents, Vice-Presidents and Reporters :
Salon de l'Hôtel ASCOT, 36 rue de la Croix Saint-Simon - 75020 PARIS
Métro/Subway : Porte de Montreuil.

29.11.1987 : Dimanche / Sunday :

* 9 h 30 à 12 h 00 : Séance plénière / general session.

* Rapports de compte-rendus analytiques des commissions
Presentation of the summaries of the commissions.

* Adoption d'une déclaration des "Amis de la Turquie".
Adoption of a "Friends of Turkey" declaration.

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TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV ARŞİVİ

ASSEMBLÉE NATIONALE

JEAN-PIERRE FOURRÉ
DÉPUTÉ
DE SEINE-&-MARNE
CONSEILLER RÉGIONAL
D'ILE-DE-FRANCE

RÉPUBLIQUE FRANÇAISE
LIBERTÉ - ÉGALITÉ - FRATERNITÉ

SOC

PARIS, le 2 Juillet 1987

RÉF à rappeler

Cdt S. Kavka

World federation of trade Unions

Vinohradska 10

12147 PRAGUE 2

21.7.87
2269 / EUR - SOC (Can.)

P.J. :
1) Déclaration des droits de l'Homme en Turquie,
2) Liste des signataires de la Déclaration des droits de l'Homme en Turquie,
3) Organisation du Congrés International des Amis de la Turquie.

TÜSTAV SOSYAL TARİH ARAŞTIRMA VAKFI

Monsieur le Secrétaire Général,

Depuis le coup d'Etat du 12 Septembre 1980, la Turquie vit des jours difficiles. Malgré une certaine évolution, la démocratie telle que nous la concevons dans nos propres pays est loin d'être acquise. Ainsi, pour refuser l'idée d'une démocratie de seconde zone dans ce pays, nous avons lancé l'initiative d'une "DECLARATION DES AMIS DE LA TURQUIE" visant à recueillir la signature de personnalités de sensibilité très diverses éprises des idéaux des droits fondamentaux de l'Homme.

Afin de marquer un temps fort de cette solidarité international, et pour instutionnaliser cette démarche, se tiendra à Paris, à l'Assemblée Nationale, les 27-28-29 Novembre 1987, le "CONGRES INTERNATIONAL DES AMIS DE LA TURQUIE".

Notre ambition, pour réaliser ce projet est grande, nous avons besoins des moyens adéquat pour y parvenir. Aussi, nous nous permettons de soliciter votre aide financière.

Vous remerciant de l'attention que vous nous accorderez, recevez, Monsieur le Secrétaire Général, nos salutations distinguées.

J.P. FOURRE

N.B. : Veuillez faire parvenir vos dons au :

CONGRES INTERNATIONAL DE TURQUIE
Crédit Lyonnais
Agence XL 460 numéro de compte : 47 430 Q

ASSEMBLEE NATIONALE
126, Rue de l'Université
75007 PARIS

Secrétariat : S.A.N. du VAL MAUBUEE
5, Place de l'Arche Guédon à TORCY
77207 MARNE-LA-VALLEE Cedex 1
60.05.92.24 Poste 465

" AMIS DE LA TURQUIE "

- Liste au 23 Juin 1987 -

FRANCE

Jean-Pierre FOURRE (député, membre de C.E.)
Claude BOURDET (journaliste)
Jean FERRAT (compositeur - interprète)
Bernard GIRAUDEAU (comédien)
Claude LANZMANN (écrivain)
Gilles PERRAULT (écrivain)
Raoul SANGLA (réalisateur T.V.)
Antoine SANGUINETTI (amiral C.R.)
Laurent SCHWARTZ (mathématicien)
René TAVERNIER (Pen Club)

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV ARŞİVİ

ITALIE

Mme Silvia BOBA (CGIL)
Luciano ARDESI (Ligue des Droits de l'Homme)
Piero BASSO (Ligue des Droits des Peuples)
Mme Verena GRAAF (Ligue Internationale des Droits des Peuples)
Mme Chiara MORRICONI (UIL)
Gianni PALUMBO (Ligue Internationale des Peuples)

SUEDE

Karl-Axel ELMQUIST (secrétaire général Swedisch Free Church Council)
Bibi ANDERSON (comédienne)
Rune BACKLUND (député)
Hadar CARS (député, ancien ministre)
Jeanne CORDELLIER (écrivain)
Peter CURMAN (poète)
Peter DAHL (peintre)
Hans Göran FRANCK (député)
Lennart GROLL (Helsinki Watch Suède)
Nils KRISTOFERSSON (syndicaliste)
Lennart LARSSON (syndicaliste)
Tobias LUND (juriste)
Bengt Ove MOBERG (académicien)
Arja SAIJONMAA (chanteuse)
Olle SODERMAN (syndicaliste)
Oswald SODERQUIST (député)
Krister STENDAHL (archevêque de Stockholm)
Margareta STROMSTEDT (écrivain)
Alf THOOR (journaliste)
Per VASTBERG (ancien président de PEN International)

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI TÜSTAV

SUISSE

Georges PETERS (professeur de pharmacologie à l'Université de Lausanne, député au Grand Conseil Vaudois)
Hansjörg BRAUNSCHWEIG (conseiller national, Dübendorf, Zurich)
Claude BRIDEL (Professeur de théologie à l'Université de Lausanne, ancien recteur, Lausanne)
Werner CAROBBIO (Conseiller national, Lumino, Tessin)
François GEYER (président du Grand Conseil Vaudois, Lausanne)
Michel GLARDON (Editeur, Lausanne)
Walter HABICHT (Psychologue)
René LONGET (Conseiller national, Président de l'Institut suisse de la vie, Genève)
Bernard ROSSIER (Professeur de pharmacologie à l'Université de Lausanne)
André ROUGEMONT (Professeur de médecine tropicale à l'Université de Genève)
Jean ZIEGLER (Professeur de sociologie aux Universités de Genève et Paris, Membre du Bureau de la 2éme Internationale, Genève)

ROYAUME UNI

John BOWDEN (juriste)
Richard BALFE (membre de P.E.)
Roland BOYES (député)
Anne CLWYD (député)
Thomas COX (député, membre du C.E.)
Lord Hugh JENKINS (of Putney)
Père Bruce KENT
Alf LOMAS (membre du C.E.)
Harold PINTER (écrivain)
Ron TODD (syndicaliste)
Arnold WESKER (écrivain)

NORVEGE

Theo KORITZINSKY (député, Président du parti Socialiste de gauche)

GRECE

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Andréas ANDRIANOPVOULOS (Mayor of Pireas)
Dimitris COSTOPOULOS (Président Athens Labour Center)
Maria DELIVANI (Rector University of Industrial Studies Salonica)
Vassilis EFREMIDIS (MP - European parliament)
Vasilis FILIAS (Professor)
Costas FILINIS (MP - European parliament)
Yiorgos KONDOYIORGIS (Rector Pantios University)
Costas KONSTANTINIDIS (General retired)
Yiorgos KOUMANAKOS (General retired)
Fotis KOUVELIS (Président Athens Bar Association)

TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI · TÜSTAV ARŞİVİ

GRECE (suite)

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Babis PROTOPAPAS (MP - Greek Parliament)
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Yiannis RITSOS (poet)
Michalis STATHOPOULOS (Rector of the University of Athens)
Mikis THEODORADIS (Composer)
Nikiforos VRETAKOS (Academician)
Spiros YIATRAS (President High Command of Civil Servants Unions)

R.F.A.

Reinhard HOCKER (President Gew Koeln)
Gert BASTIAN (Ancien Général de l'OTAN)
Wilhelm DAMWERTH (écrivain)
Ludwig FELLERMAIER (Député P.E. - SPD)
Helmut FRENZ (Pastor)
Konrak GILGES (SPD - Député)
Günter GRASS (écrivain)
Max Von Der GRUN (écrivain)
Karl-Heinz HANSSEN (SPD - ancien député)
Petra KELLY (Députée et Membre PE)
Prof. Dr. Klaus LIEBE-HARKORT (Tuerkolog, Bremen Université)
Juergen MAIER (Député)
Prof. Norman PAECH (Juriste)
Josef REDING (écrivain)
Prof. Dr. Gerhaed STUBY (Bremen Univers. Fac. Droits)
Hans Werner ODENDAHL (Juriste)
Klaus THUESSING (Député SPD)

PAYS-BAS

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Mme Nel van DYK (Membre du Parlement Européen)
Maarten van TRAA (Député)
Gerrit-Jan WOLFFENSPERGER (Député)

AUTRICHE

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Ord. Prof. Dr. Leonhard BAUER (Economiste)
Anton BENYA (Président OGB)
Dr. Peter JANKOWICH (député - SPO - Ancien Ministre Affaires Etrangères)
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Dr. Gabriel LANSKY (Amnesty International - Autriche)
Karl-Heinz NACHTNEBEL (OGB)
Alfred STROER (OGB)
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TÜSTAV ARŞİVİ

BELGIQUE

Jef ULBURGHS (Membre du P.E.)
Mme Mireille SALMON (Avocate)

FINLANDE

Jörn DONNER (Député - écrivain)
Arja ALHO (Député)
Klas ANDERSSON (Député - écrivain)
Tutti ISOHAAKANA-ASUNMAA (Député)
Liisa JAAKONSAARI (Député)
Anna-Lisa JOKINEN (Député)
Arvo KEMPAINEN (Député)
Ension LAINE (Député)
Marja Liisas LOYTTYJARVI (Député)
Saara-Marja PAKINEN (Député)
Hannele POKKA (Député)
Marjatta STENIUS-KAUHONEN (Député)

DANEMARK

Prof. Erik SIESBY
Bernhard BAUNSGAARD (MP)
Lasse BUDTZ (MP)
Bjorn ELMQUIST (MP)
Herluf ERIKSEN (Bishop)
Hagen HAGENSEN (MP)
Flemming KOFOD-SVENDSEN (MP)
Bent MELCHIOR (Chief Rabbi)
Ove NATHAN (President, University of Copenhague)
Per NORGARD (Composer)
Pelle VOIGT (MP)
Dorrit WILLUMSEN (Author)

U.S.A.

Norman SOLOMON (Chercheur - Journaliste)
Prof. Ronald L. BIRKE
Prof. Frank BRESCIA
Prof. Vernon BOX
Prof. Thomas H. HAINES
Sorrel HAYS (Compositeur)
Rivka KASHTAN (Poëte - Journaliste)
Jack I. MORROW (Directeur - City Collège of N.Y.)
Marilyn RIES
Prof. Charlotte S. RUSSEL
Prof. Hugh W. SALZBERG

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI TÜSTAV
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U.S.A. (suite)

Prof. Horst SCHULZ
Prof. Donald L. SLOAN
Prof. Samuel H. WILEN
Prof. Arthur E. WOODWARD

PORTUGAL

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Brito APOLONIA (Ingénieur - Député PE-PC)
Luis AZEVEDO (Avocat)
Carlos CANDAL (Avocat - Député PS)
Père Sousa FERNANDES (Commission Nationale PS)
Maréchel Costa GOMES (Ancien Président de la République)
Rui GRACIO (Ancien Ministre de l'Education)
Manuel LOPES (Comité exécutif Intersyndical)
Dr. Fernando LOUREIRO (Commission Nationale PS)
Joaquim MIRANDA (Député PE-PC)
Mme Gloria PADRAO (Professeur)
Cardoso PIRES (écrivain)
Francisco REBELO (Avocat)
Père Telles SAMPAIO
Prof. Piteira SANTOS
Cunha SERA (Ingénieur - Inspecteur Général PTT)
Parcidio SUMMAVIELLE (Maire de Fafé)

TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV
ARŞİVİ

CONGRES INTERNATIONAL DES "AMIS DE LA TURQUIE"

- ORGANISATION -

Intitulé : "Pour la démocratie et les droits de l'homme en Turquie".

Lieu : Assemblée Nationale - PARIS

Date : 27-28-29 Novembre 1987

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV
ARŞİVİ

27/11/87 - Vendredi de 16h. à 20h. (séance plénière).

- Ouverture et discours de bienvenue par notre comité.
- Discours du Président d'Honneur.
- Discours de personnalités : pays d'accueil (France)
  pays concerné (Turquie)
  et un autre pays
- Election des Présidents, Vice-présidents et Rapporteurs des 4 commissions

28/11/87 - Samedi

- de 9 h 30 à 12 h 30 : Commissions,
- de 12 h 30 à 14 h 00 : Repas,
- de 14 h 00 à 19 h 00 : Commissions,
- à partir de 20 h 30 : Réunion des rapporteurs de chaque commission pour la rédaction des compte-rendus analytiques,
- à partir de 21 h 00 : Réception.

Les Commissions :

1. La structure juridique actuelle de la Turquie du point de vue de la déclaration universelle des Droits de l'Homme, de la Convention Européenne des D.H., de l'Acte Final d'Helsinki,...
2. La liberté d'expression et d'organisation du point de vue des partis politiques, des syndicats, des associations, de la presse et du problème des réfugiés et leur perte de nationalité.
3. La vie culturelle du point du vue du théâtre et du cinéma, des arts plastiques, de la littérature, de la science et de la recherche.
4. Les conditions dans les prisons et les tortures.

.../...

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV

29/11/87 - Dimanche de 9 H 30 à 12 h 30. (séance plénière).

- Les rapports de compte-rendus analytiques des commissions,
- Vote d'une déclaration finale des "Amis de la Turquie".

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TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMALARI VAKFI

INTERNATIONAL CONGERENCE OF THE "FRIENDS OF TURKEY" ORGANISATION

Title : "For democracy and Human Rights in Turkey".
Location : National Assembly (Assemblée National) PARIS.
Dates : 27-28-29 November 1987.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI TÜSTAV ARŞİVİ

27/11/87 - Friday from 16 h to 20 h (general session)

- Opening and welcoming speech by our committee,
- Speech of the Honorery President,
- Speech by Celebrities : Host Country (France)
  Country concerned (Turkey)
  and are other country,
- Election of the Presidents, Vice-Presidents and Reporters of the 4 commissions.

28/11/87 - Saturday

- 9 h 30 to 12 h 30 : commissions,
- 12 h 30 to 14 h 00 : lunch,
- 14 h 00 to 19 h 00 : commissions,
- from 20 h 30 onwards : meeting of the reporters of each commission to edit the analytical summeries,
- from 21 h 00 onwards : reception.

The commissions

1) The present legal structure of Turkey with regard to the universal declaration of Human Rights, the Europeen Convention of Human Rights and the conclusions of Helsinki.

2) Freedom of expression and organisation, with regard to political parties, unions, associations, the press and the problem of refugees and the suppression of their nationality.

3) Cultural life with regard to the theatre, cinema, the plastic arts, literature, science and research.

4) The conditions in prisons and torture.

.../...

29/11/87 - Sunday from 9 h 30 to 12 h 30 (general session)

- The reporting of the analytical Summeries of the commissions,
- Vote of a definitive declaration of the "Friends of Turkey".

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TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV
TÜSTAV ARŞİVİ

"LES AMIS DE LA TURQUIE"

- Préambule -

La situation en Turquie a certes évolué depuis le coup d'Etat militaire du 12 septembre 1980. Mais la démocratie telle que nous la concevons dans nos propres pays est loin d'être acquise. Ainsi, pour refuser toute idée d'une démocratie de seconde zone pour ce pays, pour être toujours près du peuple de Turquie, de ses démocrates, et les épauler aujourd'hui comme demain dans leur lutte pour une démocratie digne de notre époque, nous avons pris l'initiative de recueillir la signature des personnalités éprises des idéaux des droits fondamentaux de l'homme sur la base de la déclaration ci-dessous.

- DECLARATION "DROITS DE L'HOMME POUR LA TURQUIE" -

Nous partageons tous, dans nos différences, l'héritage de l'humanité entière, avec aussi bien ses avancées que ses lacunes.

Et en cette fin du second millénaire, le plus important de nos acquis est, sans aucun doute, l'égalité de tous les hommes, quelles que soient leurs origines, au sein de la communauté des nations. Cet acquis, universellement reconnu, ne doit pas rester un vain mot. Ceci est vrai, aussi, pour le peuple de Turquie.

Or, nous constatons que certains milieux osent prétendre que le peuple de TURQUIE serait incapable de jouir de certains acquis démocratiques irréversibles à notre époque. Nous ne pouvons l'accepter.

Aussi, pour marquer notre refus, avons-nous décidé de nous unir, aujourd'hui pour aider le peuple de TURQUIE à conquérir toutes les valeurs universelles qui font la dignité de l'Homme, demain pour l'aider à les institutionnaliser pour toujours.

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Cette déclaration "Droits de l'Homme pour la Turquie" peut se concrétiser, au-delà de son contenu général, par des initiatives pour, dans l'immédiat :

. l'arrêt des procès d'opinion ;
. l'amnistie générale, y compris la grâce pour les condamnés à la peine de mort .
. la liberté de pensée, de conscience et d'association.

- Comité de coordination -

Hans HESELE, Autriche
Jef ULBURGHS, Belgique
Prof. Erik SIESBY, Danemark
Jörn DONNER, Finlande
Jean-Pierre FOURRE, France
Prof. Marios NIKOLINAKOS, Grèce
Mme Silvia BOBA, Italie
Théo KORITZINSKY, Norvège
Mme Andréas van ES, Pays-Bas
Silas CERQUEIRA, Portugal
Reinhard HOCKER, R.F.A.
John BOWDEN, Royaume-Uni
Karl-Axel ELMQUIST, Suède
Prof. Georges PETERS, Suisse
Norman SOLOMON, U.S.A.

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI TÜSTAV

" FRIENDS OF TURKEY"

The state of affairs in Turkey has certainly improved since the military coup of September 1980. However, democracy as we understand it in our countries is still a long way off. We must avoid the acceptance of a second-class democracy for this troubled country ; we must support its people, its democrats, both today and in the future, in their struggle for a democracy worthy of the name and of our era. With this in mind, we have taken the initiative of collecting the signatures of those famous people who stand by the ideals of fundamental human rights as stated in the following declaration.

- DECLARATION "HUMAN RIGHTS FOR TURKEY" -

Despite our differences, we all share a common heritage, that of humanity, with its strong points and its faults.

Now, at the end of the second millenium, probably the most important of all our rights is that of equality for all men, whatever their origin, upheld by the community of nations. This universally recognised right must not remain a mere word. This is also true for the people of Turkey.

We are aware, however, that certain factions dare to assume that the Turks are incapable of benefiting from certain democratic principles irreversably established in modern times. We can not accept this.

In addition, to mark this refusal, we have decided to unite now in order to help the Turks establish the universal values which give man his dignity and in the future, to help them to acquire these values for all time.

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This declaration of "Human Rights for Turkey" can be seen as representing, beyond its general implications, the following pressing demands :

. the end of political trials ;
. a general amnesty including pardon for those condemned to death ;
. the freedom of thought, of conscience and of association.

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

- COORDINATING COMMITTEE -

Hans HESELE, Austria
Jef ULBURGHS, Belgium
Prof. Erik SIESBY, Denmark
Jörn DONNER, Finland
Jean-Pierre FOURRE, France
Reinhard HOCKER, F.R.G.
Prof. Marios NIKOLINAKOS, Grece
Mme Silvia BOBA, Italy
Mme Andreas van ES, Netherlands
Theo KORITZINSKY, Norway
Silas CERQUEIRA, Portugal
Karl-Axel ELMQUIST, Sweden
Prof. Georges PETERS, Switzerland
John BOWDEN, United Kingdom
Norman SOLOMON, U.S.A.

Press Release

TURKEY AND HUMAN RIGHTS

A declaration of "**Human Rights in Turkey**" as been signed by a number or prominent people from fifteen western countries who have formed "**Friends of Turkey**" workshops.

A coordinating committee representing each member country has decided to organised a "**Friends of Turkey**" international conference, to be held in Paris on the 27, 28 and 29 november 1987.

Enclosed : 1 - "**Friends of Turkey**" declaration.

2 - List of signatures, as of 23 June 1987.

3 - Subject matters and organisation of the conference.

To partiped, people interested should contact :

Jean-Pierre FOURRE

Assemblée Nationale
126, rue de l'Université
75007 - PARIS

TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

24 June 1987

INTERNATIONAL CONGERENCE OF THE "FRIENDS OF TURKEY" ORGANISATION

Title : "For democracy and Human Rights in Turkey".
Location : National Assembly (Assemblée National) PARIS.
Dates : 27-28-29 November 1987.

27/11/87 - Friday from 16 h to 20 h (general session)

- Opening and welcoming speech by our committee,
- Speech of the Honorery President,
- Speech by Celebrities : Host Country (France)
  Country concerned (Turkey)
  and are other country,
- Election of the Presidents, Vice-Presidents and Reporters of the 4 commissions.

28/11/87 - Saturday

- 9 h 30 to 12 h 30 : commissions,
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- 14 h 00 to 19 h 00 : commissions,
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- from 21 h 00 onwards : reception.

The commissions

1) The present legal structure of Turkey with regard to the universal declaration of Human Rights, the Europeen Convention of Human Rights and the conclusions of Helsinki.

2) Freedom of expression and organisation, with regard to political parties, unions, associations, the press and the problem of refugees and the suppression of their nationality.

3) Cultural life with regard to the theatre, cinema, the plastic arts, literature, science and research.

4) The conditions in prisons and torture.

.../...

TÜSTAV TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

29/11/87 - Sunday from 9 h 30 to 12 h 30 (general session)

- The reporting of the analytical Summeries of the commissions,
- Vote of a definitive declaration of the "Friends of Turkey".

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TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

LISTE DES "AMIS DE LA TURQUIE"

- Liste au 27 novembre 1987 -

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI
TÜSTAV
ARŞİVİ

AUTRICHE

Ord. Prof. Dr. Léonhard BAUER (économiste)
Anton BENYA (président OGB)
Hans HESELE (député - membre du P.E.)
Dr. Peter JANKOWITSCH (député - ancien ministre des affaires étrangères)
Dr. Bruno KREISKY (ancien premier ministre)
Dr. Gabriel LANSKY
Karl-Heinz NACHTNEBEL (OGB)
Alfred STROER (OGB)
Fritz VERZETNITSCH (vice-président OGB - membre du bureau CISL)

BELGIQUE

Willy BURGEON (député)
José DARAS (député)
Léon DEFOSSET (député)
Jean-Pierre DETREMMERIE (député)
Roger DEWINT (artiste - graveur)
Jean-Claude GAROT (éditeur)
Willy KUIJPERS (membre du P.E.)
Eddy MERCKX (champion cycliste)
Marcel REMACLE (membre du P.E.)
François ROELANTS DU VIVIER (membre du P.E.)
Mireille SALMON (avocate)
Paul STAES (membre du P.E.)
Jef ULBURGHS (membre du P.E.)

DANEMARK

Bernhard BAUNSGAARD (député)
Dorte BENNEDSEN (député)
Ole BERTELSEN (évêque de Copenhague)
Lasse BUDTZ (député)
Bjorn ELMQUIST (député)
Herluf ERIKSEN (évêque)
Hagen HAGENSEN (député)
Inger HARMS (député)
Flemming KOFOD-SVENDSEN (député)
Bent MELCHIOR (grand rabbin)
Ove NATHAN (président de l'université de Copenhague)
Per NORGARD (compositeur)
Prof. Erik SIESBY
Pelle VOIGT (député)
Dorrit WILLUMSEN (auteur)

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TÜSTAV

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Arja ALHO (député)
Klas ANDERSSON (député - écrivain)
Jörn DONNER (député - écrivain)
Tutti ISOHAAKANA-ASUNMAA (député)
Liisa JAAKONSAART (député)
Anna-Lisa JOKINEN (député)
Arvo KEMPAINEN (député)
Ension LAINE (député)
Marja Liisas LOYTTYJARVI (député)
Saara-Marja PAKINEN (député)
Hannele POKKA (député)
Marjatta STENIUS-KAUHONEN (député)

FRANCE

TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI · TÜSTAV ARŞİVİ

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Marc BOEUF (sénateur)
Augustin BONREPAUX (député)
Claude BOURDET (journaliste)
Jean Hugues COLONNA (député)
Jean-Pierre DESTRADE (député)
Michel DREYFUS-SCHMIDT (sénateur)
Jean FERRAT (compositeur - interprète)
Jean-Pierre FOURRE (député)
Joannès GALLAND (secrétaire de la CGT)
Bernard GIRAUDEAU (acteur)
Maxime GREMETZ (député)
Marie JACQ (députée)
Héléne LANGEVIN-JOLIOT (chimiste)
Bernard LANGLOIS (journaliste)
Jacques LANZMANN (écrivain)
Bernard LEFRANC (député)
Phillipe MARCHAND (député)
Jacques MELLICK (député)
Ernest MOUTOUSSAMY (député)
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Jean OELHER (député)
Gilles PERRAULT (écrivain)
Louis PERREIN (sénateur)
Michel PEYRET (député)
J.C. PORTHEAULT (député)
Robert POTILLON (sénateur)
René REGNAULT (sénateur)
Raoul SANGLA (réalisateur T.V.)
Antoine SANGUINETTI (amiral C.R.)
Georges SARRE (député)
Laurent SCHWARTZ (mathématicien)
René SOUCHON (député)
F. TARDY (sénateur)
René TAVERNIER (pen-club)
Frédéric WEYL (avocat)

TÜSTAV
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

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Dimitris COSTOPOULOS (président du centre du travail d'Athènes)
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Prof. Vasilis FILIAS
Costas FILINIS (membre du P.E.)
Yiorgos KONDOYIORGIS (recteur de l'université de Pantios)
Costas KONSTANTINIDIS (général C.R.)
Yiorgos KOUMANAKOS (général C.R.)
Fotis KOUVELIS (président du barreau d'Athènes)
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Miltiadis PAPATHANASIOU (amiral C.R.)
Babis PROTOPAPAS (député)
Yiorgos R.PSALIDOPOULOS (maire de Kallithéa)
Yiannis RITSOS (poête)
Michalis STATHOPOULOS (recteur de l'université d'Athènes)
Mikis THEODORAKIS (compositeur)
Nikiforos VRETAKOS (académicien)
Spiros YIATRAS (directeur général du syndicat des fonctionnaires)

ITALIE

Luciano ARDESI (ligue des droits de l'Homme)
Peiro BASSO (ligue des droits du peuple)
Silvia BOBA (CGIL)
Maître Guido CALUI
Prof. Giancarla CODRIGNANI
Prof. Roberto FIESCHI
Verena GRAAF (ligue internationale des droits des peuples)
Chiara MORRICONI (UIL)
Gianni PALUMBO (ligue internationale des peuples)
Renzo TRIVELLI (membre du P.E.)

LUXEMBOURG

Roger LINSTER (député)
Jean REGENWETTER (député)

NORVEGE

Liv AASEN (députée)
Théo KORITZINSKY (député)
Kaare SANDEGREN (secrétaire internationale de L.O.)
Gunnar SKAUG (député)
Tom THORESEN (député)

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Jan Van Den BOSCH (président général de l'union général des enseignants)
Nel Van DIJK (membre du P.E.)
Andréas Van ES (députée)
Jan HOFKIJK (juriste)
Bram Van Der LEK (membre du P.E.)
Hans PONT (président de la centrale syndicale FNV)
Sienie STRIKWERDA (femmes pour la paix)
Maarter Van TRAA (député)
Joop Den UYL (député - ancien premier ministre)
W.J. WILLEMS (député)
Gerrit-Jan WOLFFENSPERGER (député)

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Cunha SERA (ingénieur - inspecteur général PTT)
Parcidio SUMMAVIELLE (maire de Fafé)

R.F.A.

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Prof. Normann PAECH (juriste)
Josef REDING (écrivain)
Peter SELLIN (député)
Prof. Dr. Gerhard STUBY (université de Bremen)
Luise TEUBNER (député)
Klaus THUSING (député)

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Anne CLWYD (députée)
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Lord Hugh JENKINS (de Putney)
Père Bruce KENT
Alf LOMAS (membre du P.E.)
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Harold PINTER (écrivain)
Ron TODD (syndicaliste)
Arnold WESKER (écrivain)

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Rune BACKLUND (député)
Hadar CARS (député)
Jeanne CORDELLIER (écrivain)
Peter CURMAN (poête)
Peter DAHL (peintre)
Karl-Axel ELMQUIST (secrétaire général Swedisch Free Church Council)
Hans Göran FRANCK (député)
Lennarht GROLL (Helsinki watch)
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Lennart LARSSON (syndicaliste)
Tobias LUND (juriste)
Bengt Ove MOBERG (académicien)
Arja SAIJONMAA (chanteuse)
Olle SODERMAN (syndicaliste)
Oswald SODERQUIST (député)
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Per VASTBERG (ancien président de PEN international)

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Claude BRIDEL (prof. de Théologie à l'université de Lausanne - ancien recteur
Werner CAROBBIO (conseiller national)
Valentine FRIEDLI (conseillère nationale)
François GEYER (président du grand conseil vaudois)
Michel GLARDON (éditeur)
Walter HABICHT (psychiatre)
René LONGET (conseiller national - président de l'institut suisse de la vie)
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Bernard ROSSIER (prof. de pharmaçologie à l'université de Lausanne)
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Prof. Thomas H.HAINES
Sorrel HAYS (compositeur)
Rivka KASHTAN (poête - journaliste)
Jack T.MORROW (directeur city collège de New-York)
David Mc REYNOLDS (WRI)
Marilyn RIES
Prof. Charlotte S.RUSSEL
Prof. Hugh W.SALZBERG
Prof. Horst SCHULZ
Prof. Donald L.SLOAN
Norman SOLOMON (chercheur - journaliste)
Prof. Georges WALL
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Prof. Arthur E.WOODWARD

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CONGRÈS INTERNATIONAL DES « AMIS DE LA TURQUIE »
INTERNATIONAL CONFERENCE OF « FRIENDS OF TURKEY »

Assemblée Nationale, 27/28 29 novembre 1987, Paris

TÜSTAV ARŞİVİ
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

A P P E L

Le 1er Congrès International des "AMIS DE LA TURQUIE" s'est réuni à Paris, à l'Assemblée Nationale, les 27, 28 et 29 novembre 1987, dans le but :

- d'assister, aujourd'hui comme demain, le peuple de Turquie dans sa lutte pour la conquête d'un régime démocratique digne de notre époque ;

- de lui marquer sa solidarité, alors que l'on veut lui refuser sur le plan national et international, la possibilité de jouir pleinement de ses droits fondamentaux ;

- de favoriser une contribution pleine et entière de la Turquie à la paix en Europe et dans le monde et à la coopération entre les peuples ;

- de promouvoir les initiatives pour l'arrêt, dans l'immédiat, des procès d'opinion, l'amnistie générale, y compris la grâce pour les condamnés à la peine de mort, et la liberté de pensée, de conscience et d'association.

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IV- A la lumière des considérations ci-haut mentionnées, le Congrès International des "AMIS DE LA TURQUIE" :

I. Constate que ni la loi constitutionnelle de 1982, ni les lois en découlant ne permettent ni l'expression ni la représentation à la Grande Assemblée Nationale de tous les courants politiques.

II - Condamne l'arrestation des secrétaires généraux du Parti Communiste et du Parti Ouvrier de Turquie dès leur retour d'exil, le 16 novembre 1987, et approuve sur ce sujet la résolution adoptée par le Parlement Européen demandant leur libération immédiate et réclamant que leur soit garantie, dans l'avenir, la libre activité politique en Turquie.

III - Réfute l'idée que la position "géo-politique" de la Turquie pourrait justifier le maintien d'un régime politique ne permettant pas le respect des règles démocratiques et des droits de l'Homme dans toute leur plénitude.

IV - Déplore les restrictions portant atteinte, en Turquie, à la pleine jouissance des libertés et droits fondamentaux de l'Homme, proclamés dans la Déclaration Universelle des Droits de l'Homme, garantis notamment par la Convention Européenne des Droits de l'Homme, et le troisième panier de l'acte final des accords d'Helsinki ;

Constate également que les interdictions frappant la pleine liberté d'expression, de conscience et d'association trouvent leur essence dans la Constitution de 1982 et dans d'autres lois antidémocratiques promulguées conformément à l'esprit de cette Constitution, étant conscient que lesdites interdictions constituent les fondements légaux en Turquie en ce qui concerne les restrictions frappant les universités, l'enseignement en général, la science, l'art, la presse, les syndicats, tout comme les restrictions empêchant les kurdes de vivre leur existence tant culturelle que linguistique.

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V - Condamne le recours à la torture et les traitements avilissants que subissent les prisonniers en Turquie ;

VI - Considère également que le monde du travail en Turquie est privé des droits et libertés tels qu'ils sont définis par l'O.I.T., notamment le droit de grève et la libre constitution d'organisations syndicales ; demande la levée de l'interdiction frappant la centrale syndicale DISK.

VII - Souhaite que le IIème Congrès International des "AMIS DE LA TURQUIE" puisse se tenir dans un contexte nettement plus favorable; les restrictions des droits et libertés de l'Homme n'ayant alors plus cours, l'ordre du jour de ce IIème Congrès pourra porter sur les échanges culturels, sociaux et politiques entre la Turquie et le reste du monde ;

VIII - Reconnaissant la place de la Turquie dans la Communauté des nations :

A - Appelle l'opinion publique internationale à manifester sa solidarité avec le peuple de Turquie dans sa lutte pour la démocratie et pour le respect des Droits de l'Homme sans restrictions ;

B - Demande aux responsables de l'Etat Turc de remplir toutes leurs obligations vis-à-vis des conventions internationales dont la Turquie est signataire.

C - Décide d'ouvrir la déclaration des "AMIS DE LA TURQUIE" à la signature des hommes et des femmes du monde entier épris de liberté et des idéaux des droits fondamentaux de l'Homme ;

D - Charge son Comité de coordination de suivre de près les évolutions de la Turquie, et lui donne pouvoir d'entreprendre les démarches nécessaires qu'il jugera utiles et d'élargir sa composition à des représentants des pays non représentés au Comité ;

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E - Charge la présidence du Congrès de transmettre cette présente résolution :

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1 - au Président de la République de Turquie,
2 - au premier Ministre du Gouvernement de Turquie, issu des élections de ce 29 novembre ,
3 - au Président de la Grande Assemblée Nationale de Turquie, issue des élections de ce 29 novembre,
4 - aux Gouvernements et aux parlements signataires des accords d'Helsinki,
5 - au Président du Parlement Européen,
6 - au Président de l'Assemblée Parlementaire du Conseil de l'Europe,
7 - au Président en exercice du Comité des Ministres de la C.E.E.,
8 - au Président en exercice du Comité des Ministres du Conseil de l'Europe,
9 - au Président en exercice de la Commission des Droits de l'Homme de l'O.N.U.

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Le Comité de Coordination des "AMIS DE LA TURQUIE", prenant en compte l'importance des nombreux thèmes internationaux à traiter par les médias français, s'étonne néanmoins que malgré les invitations répétées et autres démarches y afférents ceux-ci n'aient pu assister au Congrès International des "AMIS DE LA TURQUIE".

Au moment où des évènements attirent une fois encore l'attention sur la Turquie, à Paris, à l'Assemblée nationale, plus de 150 représentants d'organisations nationales ou internationales de 15 pays participaient aux travaux de ce Congrès.

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TÜSTAV ARŞİVİ
TÜRKİYE SOSYAL TARİH ARAŞTIRMA VAKFI

SİYASİ PARTİLER KANUNU ÜZERİNE RAPOR

Ahmet Kaçmaz

GİRİŞ

Bugün Türkiye'de demokrasiye dönüldüğü, en azından bu doğrultuda önemli mesafe katedildiği iddia ediliyor. Bu doğru değildir. Gerçi 12 Eylül 1980 darbesinden sonra kurulan diktatörlük rejimi aynı katılıkta sürmüyor. Ama aynı rejim parlamenter bir kamuflajla, özünde fazla bir değişiklik olmaksızın hükmünü yürütüyor. Bunun başlıca kanıtı, demokratik hak ve özgürlüklerin kullanılmasının, mevcut hukuk mevzuatı tarafından fiilen yasaklanmış olması. Böyle olduğunun en çarpıcı örneklerinden birisi ise mevcut hukuki yapının başlıca temel taşlarından olan "Siyasi Partiler Kanunu"dur. Bu kanunu çeşitli veçheleriyle kısaca inceleyeceğim.

1. İdeolojik kapsam ve sınırlar.

1.1. Madde 4, "Siyasi partiler ... Atatürk ilke ve inkilaplarına bağlı olarak çalışırlar." diyor. Bilindiği gibi, "Atatürk ilke ve inkilapları"na kısaca "**Kemalizm**" deniyor. Bir "...izm", öteki dünya görüşleri arasında sadece birisidir. Yani kanun çeşitli dünya görüşleri içinde sadece birisinin siyasi olarak örgütlenmesine imkan tanıyor, ötekileri yasaklıyor. Bu olgu kanunun mantığını çok yalın bir şekilde yansıtıyor. Mevcut düzen Atatürkçü olmayan dünya görüşlerine hayat hakkı tanımıyor.

Öte yandan iç tutarlılığa sahip, bütünsel bir "Atatürk ilkeleri" yok. Atatürk'ün çeşitli zamanlarda, günün şartlarından hareket ederek söylediği pragmatik öneri ve çözümler var. Bunun içindir ki, Türkiye'de, faşistlerden bir kısım radikal solculara kadar geniş bir yelpaze içinde yer alan çeşitli siyasi akımlar kendilerini "Atatürkçü" olarak görebiliyorlar. Dahası, herkes esas "Atatürkçü"nün kendisi olduğunu iddia ederek diğerlerini "sahte Atatürkçülük"le suçlayabiliyor. Bu durumda söz konusu kanun hükmünün kargaşaya ve keyfiliğe yol açması, örneğin iktidarı elinde bulunduran "Atatürkçüler"in "Atatürkçülük" adına başka "Atatürkçülükleri" siyasetten menetmeleri pekala mümkün.

Alabildiğine heterojen de olsa, Kemalizm burjuva bir dünya görüşüdür. Partilerin "Atatürk ilkelerine bağlı" olmaları demek, siyasetin burjuva partileri dışındakilere kapalı tutulması demektir. Bütün bunlardan çıkan sonuç şudur: Kanun, burjuva ideolojisi dahilinde **tek tip** partilere izin vermektedir. Hatırlamanın sırasıdır. Atatürk döneminde de Türkiye'de sadece **tek bir parti** vardı.

1.2. Madde 5. "Siyasi parti kurma hakkı ... sosyal bir sınıfın diğer sosyal sınıflar üzerinde egemenliğini sağlamak ... amacıyla kullanılamaz" diyor. 1982 Anayasası'nın da bir hükmü haline getirilen, Türk Ceza Kanunu'nun ünlü 141-142. maddeleri bu kanuna da ilave edilerek yine ideolojik bir sınırlama yapılıyor. Böy-

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lece Marksist ideolojiye sahip olanların örgütlenmeleri yasaklanıyor. Fiiliyatta bu kadarla da kalmıyor. Geçmişte pek çok örnekleriyle gördüğümüz gibi, Marksist olmayan, fakat çalışan insanların haklarını savunanlar da kolayca 141 ve 142. maddelerin kapsamına alınabiliyorlar. DİSK ve Barış Derneği davaları bunun tipik örnekleridirler. Bir kere daha görüyoruz, kanun emekçi nitelikli dünya görüşlerinin örgütlenmesine izin vermiyor. Sadece burjuva partilerine açık.

1.3. Yine 5. Madde'de "siyasi parti kurma hakkı ... dil, ırk, ... ayrımı ve bölge farklılığı yaratmak, ...amacıyla kullanılamaz." Böylece siyasi partilerin, Kürtler'in ve azınlıkların en doğal haklarını savunmaları yasaklanıyor. Oysa pek iyi bilindiği gibi demokrasilerde halkların ve azınlıkların, kendi çıkarlarını savunan, kendi adlarıyla anılan siyasi parti kurma hakları vardır, bu hakkın kullanıldığı ülkeler pek çoktur. Demek ki Türkiye'de kanun siyasi örgütlenmeyi burjuva ideolojisiyle sınırlamakla kalmıyor, bu hakkı sadece Türk burjuvazisine tanıyor; hangi dünya görüşüne sahip olursa olsun, Kürtler'in ve azınlıkların haklarının savunulduğu siyasi partilere hayat hakkı vermiyor.

2. Kısıtlamalar:

2.1. Üyelikle ilgili: Siyasi Partiler Kanunu'nun 11. maddesinde siyasi partilere üye olabilmek için gerekli yaş sınırı 18'den 21'e çıkarılmıştır. Oysa 23.5.1987 tarihinde kabul edilen **"298 sayılı Seçimlerin Temel Hükümleri ve Seçmen Kütükleri Hakkındaki Kanunda Değişiklik Yapılmasına Dair Kanun"**da, seçmen yaşı 20 olarak belirlenmektedir. Bu durumda, seçme hakkı olanların bir bölümü siyasi partilere üye olamamaktadır.

Aynı maddenin a bendine göre, **üniversite öğretim üyeleri, öğrenciler, memur statüsündeki tüm görevliler ile işçi statüsü taşımayan diğer tüm kamu görevlileri** siyasi partilere giremezler. 11. maddenin b bendine göre ise, TCK'da "Devletin Şahsiyetine Karşı Cürümler" kapsamında sayılan suçlardan veya bu suçların işlenmesini tahrik etmekten mahkum olanlar, TCK'nın 312. maddesinde yazılı "halkı sınıf, ırk, din, mezhep veya bölge farklılığı gözeterek kin ve düşmanlığa açıkça tahrik etme suçlarından mahkum olanlar" ile "siyasi ve ideolojik amaçlarla", "izin almaksızın veya verilen izne aykırı biçimde" afiş, pankart ve benzerlerini asan ve yapıştıranlar, siyasi partilere üye olamazlar ve üye kaydedilemezler.

2.2. Örgütlenme ile ilgili: Kanunun 7. maddesinde, siyasi partilerin teşkilatı, merkez organları, il-ilçe teşkilatı ve TBMM parti grubu ile sınırlandırılmıştır. Partiler, bunların dışında **"herhangi bir yerde ve herhangi bir ad altında teşkilat kuramazlar"**. "Siyasi partilerin genel merkezi Ankara'da bulunur.* (m.8) Parti merkez organları, 13. madde hükmü ile, büyük kongre, genel başkan,

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* Burada güdülen amaç sol partilerin merkezlerinin İstanbul'da olmasını engellemektir. Çünkü Türkiye işçi sınıfının önemli bir bölümü İstanbul ve çevresinde bulunduğu gibi sınıfın en bilinçli unsurları da yine bu bölgede çalışmakta ve yaşamaktadırlar. Geçmişte yasal sol partilerin tümünün İstanbul'da kurulmuş olmalarının sebebi budur.

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merkez karar ve yönetim kurulu, merkez disiplin kurulu ve küçük kongre olarak, sayılmak suretiyle sınırlandırılmıştır. Büyük kongreye ilişkin 14. maddenin 4. fıkrasında, kongrelerin "toplumu ve devleti ilgilendiren konularla kamu faaliyetleri ve parti politikası hakkında" ancak **"genel nitelikte olmak şartıyla"** kararlar alabilecekleri hükmü yer almaktadır. Yine aynı maddenin son fıkrasına göre, bu tür konulardaki kararlara ilişkin "tekliflerin büyük kongrede hazır bulunan üyelerin üçte biri tarafından yapılmış olması şarttır".

15. maddeye göre, genel başkan en çok iki yıl için seçilebilir ve aynı kişi ara verilmeksizin altı defadan fazla seçilemez. Yeniden seçilebilmesi için aradan dört yıllık bir süre geçmesi zorunludur. İl ve ilçe başkanları ise, ara verilmeksizin beş defadan fazla seçilemezler (m.19 ve m.20).

Siyasi partilerin il ve ilçe teşkilatı ile bunların faaliyet biçim, usul ve alanlarında, merkez organları gibi sınırlandırılmıştır. Her kademedeki parti kongrelerinde, yetkili seçim kurulu başkanınca oluşturulan "seçim sandık kurulları" görev yapar. "Sandık kurulu başkanı ile bir üyesi en az on yıllık hizmeti bulunan memurlar, diğer üyesi de aday olmayan parti üyeleri arasından seçilir."(m.21)

36. madde hükmüne göre, TBMM'de gurubu bulunanlar dışındaki partilerin seçimlere katılabilmeleri için, illerin en az yarısında, merkez ilçesi dahil ilçelerin en az üçte birinde olacak şekilde teşkilat kurmaları şarttır. Kanun'un 105. maddesine göre ise, "kuruldukları tarihten itibaren aralıksız iki dönem Türkiye Büyük Millet Meclisi genel seçimlerine katılmayan" siyasi partiler kapatılır.

Kanunun "Yan kuruluşlar yasağı" altbaşlığı taşıyan 91. maddesinde, partilerin kadın kolu, gençlik kolu ve benzeri yan kuruluşlar oluşturamayacakları, dernek ve vakıf kuramayacakları belirtilmektedir. Yine siyasi partiler, dernekler, sendikalar, vakıflar, kooperatifler ve meslek kuruluşları ile siyasi ilişki içinde bulunamazlar, bunlara destek olamazlar ve bu kuruluşlarla ortak hareket edemezler. (m.92).

Siyasi partiler, "yurtdışında teşkilatlanıp faaliyette bulunamazlar", yurtdışındaki herhangi bir kuruluştan "doğrudan doğruya ve dolaylı olarak yardım kabul edemezler"(m.79). "Kapatılan bir siyasi partinin mensuplarının üye çoğunluğunu teşkil edeceği yeni bir siyasi parti de kurulamaz." (m.95). "Kurulacak siyasi partiler, kapatılan siyasi partilerin devamı olduklarını beyan edemez ve böyle bir iddiada bulunamazlar." (m.96).

2.3. Tüzük, program ve siyasi faaliyetlere ilişkin: Siyasi partiler, Anayasada açıklanan "Türk devletinin ülkesi ve milletiyle bölünmez bütünlüğüne, diline, bayrağına, milli marşına ve başkentine dair hükümlerini; ... egemenliğin kullanılmasının belli bir kişiye, zümreye veya sınıfa bırakılmayacağı hükmünü... değiştirmek"; "Türk Devletinin ve Cumhuriyetinin varlığını **tehlikeye düşürmek**,.." amacını güdemezler (m.78/a). Bölge esaslarına dayanamaz ve adlarını kullanamaz-

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lar (m.78/b). "Sosyal bir sınıfın diğer sosyal sınıflar üzerinde egemenliğini... savunmayı ve yerleştirmeyi amaçlayamazlar ve bu amaca yönelik faaliyette bulunamazlar." (m.78/c). Her türlü keyfi yoruma açık bir başka madde hükmüne göre ise, "genel ahlâk ve adaba aykırı amaçlar güdemezler ve bu amaca yönelik faaliyette bulunamazlar." (m.78/e).

Siyasi partiler **"devletin tekliği ilkesini"** değiştirmek amacını güdemezler. (m.80). Kanunun 81. maddesinin **a** bendine göre, partiler, "Türkiye Cumhuriyeti ülkesi üzerinde millî veya dinî kültür veya mezhep veya ırk veya dil farklılığına dayanan azınlıklar bulunduğunu ileri süremezler". Bu madde hükmüne göre, Kürt halkı yanısıra, Lozan Anlaşması gereğince resmen azınlık haklarından yararlanan Rum, Ermeni ve Yahudi cemaatlerinin varlığından sözetmek dahi, siyasi partilere yasaklanmıştır. Yine aynı maddenin **c** bendine göre, siyasi partiler faaliyetleri esnasında "Türkçeden başka dil kullanamazlar", Türkçeden başka dilde yazılmış propaganda malzemeleri kullanamaz ve dağıtamazlar, dahası, **"bu eylemlerin başkaları tarafından yapılmasına kayıtsız kalamazlar"**. "Ancak, tüzük ve programlarının **kanunla yasaklanmış diller** dışındaki yabancı bir dile çevrilmesi mümkündür". "Kanunla yasaklanmış diller"den kasıt, mevcut herhangi bir devletin birinci resmi dili dışındaki diller olup, burada münhasıran Kürtçe amaçlanmaktadır. Aynı şekilde, önseçimlere katılacak aday adayları da, "Türkçeden başka dil ve yazı kullanamazlar!" (m.43).

4. maddeye göre "Atatürk ilke ve inkılâplarına **bağlı** olarak" çalışmak zorunda olan partiler, "Türk Milletinin Kurtarıcısı, Türkiye Cumhuriyetinin Kurucusu Atatürk'ün şahsiyet ve faaliyetlerini veya hatırasını **kötülemek veya küçük düşürmek** amacını güdemez ve buna **yol açabilecek** davranış ve faaliyetlerde bulunamazlar". (m.85). Öte yandan kanunla, partilerin 12 Eylül'e karşı "herhangi bir" tutum içine girmeleri de yasaklanmıştır. **"12 Eylül 1980 Harekâtına karşı beyan ve tutum yasağı"** altbaşlığını taşıyan 97. maddede şöyle denilmektedir: "Siyasi partiler, ... 12 Eylül 1980 Harekâtına ve Milli Güvenlik Konseyinin karar ve icrasına karşı herhangi bir tutum, beyan ve davranış içinde bulunamazlar." Aksine davrananlar, bu bölümde sıraladığımız diğer "yasak fiilleri" işleyenler gibi, "fiil daha ağır bir cezayı gerektirmediği takdirde, altı aydan az olmamak üzere hapis cezası ile cezalandırılırlar". (m.117). Bu fiiller aynı zamanda partiyi kapatma nedenidir. (m.101).

Seçimlerle ilgili bir diğer kısıtlama da 90. madde ile getirilmiştir. Buna göre siyasi partiler, "seçimlerde bir başka partiyi destekleme kararı da alamazlar". Önseçimlerde aday yoklamalarına katılan aday adayları için sohbet toplantıları dışında her türlü toplantı ve "her nevi matbua, ses ve görüntü bantlarıyla" propaganda yapılmasını yasaklayan 43. madde ile, aynı zamanda "başka aday

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adaylarına karşı kötüleyici beyanlarda bulunulması" da yasaklanmıştır. Yine aynı maddenin üçüncü fıkrasına göre, "Aday adayları, mensup oldukları partinin programı, büyük kongresinin ve yetkili merkez organlarının kararları ile partinin seçim bildirgesi dışında, **milli, mahalli yahut mesleki çapta herhangi bir vaadde bulunamazlar."**

Kanunun 96. maddesi ise, komünist "veya aynı anlama gelen adlarla" siyasi parti kurulamayacağı veya parti adında bu kelimelerin kullanılamayacağı hükmünü içermektedir.

2.3. Gelir ve giderlerle ilgili: Kanunun üçüncü kısmında partilerin gelir, gider ve malvarlıkları ile parti içi mali işlemlere ilişkin ayrıntılı düzenlemelere gidilmiştir. 61. maddede partilerin gelir kaynakları tek tek saymak suretiyle dokuz grup altında kısıtlanırken, üye giriş ve üyelik, milletvekili ve milletvekili aday adaylığı aidatları ile bağışlar sınırlandırılmış, gelirlerin sağlanması ve giderlerin yapılması sıkı usul şartlarına bağlanmış, kredi ve borç alma ile borç verme yasakları getirilirken, partilerin "ikametleri ile amaç ve faaliyetleri için gerekli olandan başka taşınmaz mal" edinmeleri yasaklanmıştır (m.68). Anayasa Mahkemesi'nin siyasi partilerin kesin hesaplarını **her yıl** denetlemesini hükme bağlayan (m.74-75) kanun, mali hükümlerin müeyyidelerini "hazinece elkoyma" ve "paraya çevirme" şeklinde belirlemiştir. İlgili hükümlere aykırı fiiller için altı aydan az olmamak üzere çeşitli hapis cezaları öngörülmüştür.

SONUÇ:

Bu kanuna göre Türkiye'de burjuva partileri dışında yasal siyasi parti kurulması mümkün değildir. Bunun yanısıra, çarpıcı örnekleriyle de gördüğümüz gibi kurulabilen partilerin çalışmaları ve faaliyette bulunmaları son derece antidemokratik, sıkı kurallara bağlanmıştır. Öyleyse, Türkiye'de demokrasinin geçerli kılınması için, öteki antidemokratik kanunların yanısıra "Siyasi Partiler Kanunu"nun da kaldırılması gerekir. Ancak böyle olması, kanun varlığını sürdürdüğü müddetçe legal siyasi şartların zorlanmayacağı anlamına gelmez. Aksine emekçi karakterli legal siyasi örgütlenme girişimleri bu kanunun geçersiz kılınması ve kaldırılması mücadelesinde tayin edici role sahiptir. Bu nedenle Türkiye'de legal sol bir partinin, sol güçlerin elbirliğiyle yaratılması, demokrasi mücadelesinin geliştirilmesine büyük ivme kazandıracaktır.

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Commission 1

Structure juridique actuelle de la Turquie

The Framework for Democracy and Human Rights in Turkish Law

By Erik Siesby

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The Turkish Constitution of 1982.

A constitution alone cannot create a pluralistic democratic society. A constitution is a framework within which a democracy may or may not develop depending upon many other factors such as the cultural tradition, the political situation and the behaviours of the economic and military power centers in that society. A constitution may, however, be more or less suitable as a framework for a democratic development. The following brief study of the Turkish constitution is an attempt to evaluate its qualities from that point of view.

A country where the majority imposes its will upon the minorities without regard to other values and wishes than its own is far from the democratic ideal of the Western civilization. A true democracy requires a degree of mutual respect among parties of opposing views just as it requires respect for the rights of minorities and individuals.

The constitution of 1982 is the legal structure within which a democratic development has taken place during the last five years. Free elections have been held and even though the formation of political parties has been restricted the electors have actually had a choice of parties with different political programs.

The Turkish parliament has, however, realized that certain provisions in the constitution were serious obstacles to the continued democratic development.

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Four amendments to the constitution of 1982 which were passed by the Turkish parliament on May 17th this year reflect a new and somewhat more liberal spirit and give hope for the future.

An amendment abolishes the provisional article 4 which excluded former political leaders and several other politicians from participating in political life. This amendment received the necessary approval by the referendum of September 6th in spite of the fact that the government in radio and television urged people to vote against that amendment.

Another amendment facilitates future amendments by changing the amendment procedure so that a three fifths instead of two thirds majority in parliament is sufficient if the amendment is approved by the president and by referendum. Also this amendment received the necessary approval by the referendum of September 6th.

Furthermore the electoral age was changed from 21 to 19 and the number of members of parliament was increased from 400 to 450.

For the sake of a healthy democratic development in Turkey as well as for the sake of human rights it is to be hoped that the present constitution will be amended in several respects.

It must be remembered that the constitution represents the views of the generals who usurped governmental power at a troubled period in Turkey's political life on September 12th, 1980. Several provisions of the constitution seemingly reflect typical military prejudices towards intellectuals and towards popular movements. Thus art. 69 prevents from joining political parties not only judges and prosecutors but also members of the teaching staff of institutions of higher education, members of the council of higher education, employees of public institutions and agencies having the status of civil servants other public servants not regarded as workers on account of the duties they perform, students (sic) and members of the armed forces.

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According to art. 76 the same groups shall not stand for election or be eligible as members of the Assembly (parliament) unless they resign from office.

Even more serious are the provisions in the constitution which according to the present government prevent an amnesty for those who are convicted for activities mentioned in art. 14. As will be shown below, after the 12th September, 1980, a large number of intellectuals have been convicted for such activities even though their activities were not punishable according to the interpretation of the penal code prevailing at the time when these activities took place.

Many thousand persons who were employed in the Turkish public sector were under martial law (law no. 1402) after order from the martial commander dismissed from their positions, among them no less than ç. 1000 university teachers. The dismissals were discretionary, no reasons were given, and the proper procedure was not followed. These persons have been banned from being employed in the public sector even after the ending of martial law. They have thus been punished without a judicial sentence, without appeal, and without authority in any law except martial law.

The military prejudice against popular movements is reflected in art. 33 which contains narrow limitations of the rights to form associations. Thus for instance an association shall not "pursue political aims, or engage in in political activities". When in 1986 the Turkish Medical Association spoke out against the participation of physicians in the execution of death sentences the state prosecutor initiated court proceedings claiming that the association violated the law by making a political statement! Fortunately the Medical Association has been acquitted recently. If interpreted literally article 33 may be used to prohibit associations the purposes of which were protection of the environment or women's liberation or prevention of cruelty to children. Associations such as those clearly

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pursue political aims and have important democratic functions in the Western democracies.

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Ethnic Minorities.

The constitution contains a number of provisions which may be interpreted as dealing with the status of ethnic minorities. Thus art. 10 provides that everyone is equal before the law irrespective of language, race, colour, sex, political opinion, philosophical belief, religion, sect or other status. Art. 14 also expressly prohibits the use of rights and freedoms embodied in the constitution with a view to creating discrimination on grounds of language.

Nevertheless art. 26 provides that "no language prohibited by law shall be used to express or disseminate ideas". In order to avoid any misunderstanding art. 28 provides: "Nothing shall be published in a language prohibited by law". (See also art. 42 on language instruction).

The prohibition is found in law no. 2932 of October 19th, 1983, Official Gazette, October 22nd 1983) on the publication in languages other than Turkish. According to art. 2 of that law: "it is prohibited to express and disseminate and publish thoughts expressed in languages other than those which are the first official languages of states recognised by the Turkish state". Exceptions may be made under international treaties to which Turkey is a party and for educational and scientific purposes.

A reader unacquainted with the treatment of Kurds in Turkey and ethnic Turks in Bulgaria will be shocked. Why on earth should a language be prohibited by law? The answer is that as both the Turkish and the Bulgarian official policies have the goal to create a homogenous national population and forced assimilation are in both countries considered to be an effective method to reach the goal. These policies are incompatible with the basic ideology of Western democracies and violate the Helsinki Accords which expressly provides that "States on whose territory national minorities exist

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will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere". A person who is not allowed to speak, read, and write the language he learned as a child, his mothertongue, and who is forced exclusively to use a foreign language, may be severely handicapped and cannot be said to have "the full opportunity for the enjoyment of human rights".

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The European Convention on Human Rights provides in art. 14 that the rights and freedoms set forth in the convention shall be enjoyed without discrimination on ground of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Art. 14 is meant to protect these minorities by prohibiting discrimination. It follows that these minorities have a right to exist. The Turkish statute which prohibits the Kurdish language is therefore a violation of the European Convention, art. 14.

The prohibition of the Kurdish language furthermore violates art. 39 the Lausanne Treaty of July 24, 1923. Art. 39, which is part of the treaty's section on the protection of minorities, provides: "Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse,

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in commerce, religion, in the press, or in publications of any kind or at public meetings.

Not withstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts". (The reporter's underlinings).

The Turkish legislators apparently have interpreted the provisions of the Lausanne Treaty protecting minorities as referring solely to non- Moslem minorities. That interpretation is not compatible with the wording of the last two paragraphs of art. 39 nor with art. 38 (1):"The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion".

The prohibition against the Kurdish language which is actually practised in Turkey is a violation of treaties to which Turkey is a party and, therefore, also incompatible with the abovementioned Turkish 'law on the publication in languages other than Turkish' as this law expressly makes reservation for such treaties!

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Human Rights

A comparison between the provisions in the constitution concerning human rights and the corresponding provisions in the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms will show that the human rights provisions in the Turkish constitution are considerably more restrictive than permissible according to the two international instruments concerning human rights to which Turkey is a party.

Some of the constitution's human rights provisions are specifically restricted in a way which is incompatible with Turkey's international obligations. Thus article 23 concerning freedom of movement and residence provides that a citizen's freedom to leave the country may be restricted "on account of the national economic situation, civic

obligations or criminal investigation or prosecution". Actually more than 300.000 citizens have been refused permission to leave the country.

Art. 23 and the passport law are not compatible with the Universal Declaration of Human Rights art. 13 (2): "Everyone has the right to leave any country including his own, and to return to his country". Not only have Turkish refugees been refused to return to their country. There are cases where young children living abroad have been refused to be reunited with their parents in Turkey. This is clearly a violation of the principle of family reunification in the Helsinki Accords.

Even more important than the specific restrictions on single human rights provision are the general restrictions on human rights according to the constitution's articles 13 - 15.

These three articles permit under certain circumstances restrictions of any human right. That is clearly inconsistent with article 15 of the European Human Rights Convention, which in time of war and public emergency permits measures to be taken which derogate from the Convention, but states expressly that no derogation is permissible from art. 2 (the right of life), art. 36 (prohibition against torture and inhuman or degrading treatment or punishment), and art. 4 (prohibition against servitude and compulsory labour).

Art. 13 of the constitution allows human rights to be restricted by law "in order to safeguard the indivisible integrity of the state with its territory and people, national sovereignty, the Republic, national security, public policy, public order, the public interest, public decency and public health".

Depending upon the interpretation chosen this article may or may not be used to restrict human rights to a greater extent than permissible by the European Human Rights Convention. Art. 13 paragraph two states that general and specific restrictions of human rights "shall not be

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inconsistent with the requirements of democracy". It is to be hoped that the Turkish authorities will accept that the obligations which Turkey has undertaken by signing the Universal Declaration of Human Rights and the European Convention on Human Rights are tantamount to "the requirements of democracy". It may, however, be more realistic to fear that Turkish courts will interpret the human rights provisions of the constitution restrictively in conformity with the intentions of its authors.

Art. 14 is perhaps the most alarming restriction of human rights in the constitution. It provides that none of the rights and freedoms in the constitution "shall be exercised with a view to .....ensuring the rule of one social class over the others .....". The underlined words recall the wording of art. 14 in the Turkish penal code, an article which since the coup of September 12th, 1980, has been used extensively by the military courts to punish leaders and members of non- violent political parties, journalists and authors. If the underlined words of art. 14 in the constitution would be interpreted in the way in which the military courts have interpreted art. 141 of the penal code, it would mean a very serious limitation of the political freedom in the country. Furthermore such an interpretation would be an obstacle to the much needed rehabilitation of the many thousand victims of unjust convictions by the military courts, because art. 87 of the constitution provides that no amnesty and pardon shall be given " in respect of persons convicted of offences under Article 14 of the Constitution ...". (The president's power to pardon is according to art. 104 limited to pardons on grounds of chronic illness, invalidity or old age).

Art. 15 allows human rights to be suspended in time of war or mobilisation, under martial law or during state of emergency ....."provided that this is not inconsistent with obligations under international law". This proviso ought to encourage the Turkish judiciary to interpret the article in conformity with the European Convention on Human Rights,

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especially as Turkey has accepted that individual citizens may complain over violations of human rights to the European Commission of Human Rights.

Again, it is more likely that the Turkish courts will continue to interpret the human rights provisions of the constitution in the very limited sense in which it was meant by its authors.

It is important to note that according to the constitution's art. 176 "the preamble, which states the basic views and principles underlying the Constitution, shall form an integral part of the Constitution". This preamble contains the words "that no protection shall be offered to thoughts or opinions contrary to Turkish national interests ....". These words confirm the accusations which Western democracies have directed against the administration of justice in Turkey since the coup of September 12th, 1980. The judicial system has been used, not only against political activities using or advocating violence or other in itself illegal means, but against political thoughts, opinions and expressions. Such thoughts and opinions will not, of course, disappear, but will go underground and may in time become much more dangerous to the stability of the country than if the struggle among the various ideologies could take place in the open.

President Evren has been quoted for the following brisk military remark:

> "The purpose of this constitution is not to protect the individuals against the state. The constitution protects the state against the individuals".

The present reporter cannot imagine any more precise characterization of the constitution.

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The Penal Code

The Turkish penal code contains a number of provisions which can be used and have been used to stiffle criticism of

the Turkish social system and to oppress political movements.

Articles 159 and 140 endanger the freedom of expression by making certain vaguely defined criticisms of Turkey and its institutions a criminal offence.

According to art. 159 (1) "Whoever overtly insults or vilifies the Turkish nation, the Republic, the Grand National Assembly or the moral personality of the Government or the military or security forces of the State or the moral personality of judicial authorities, or overtly engages in aggressive acts which arouse suspicion about the legitimacy of the Grand National Assembly, shall be punished by imprisonment for one to six years".

If acts of insult or vilification are committed in a foreign country by a Turk, the punishment shall according to art. 159 (4) be increased by not less than one third.

According to art. 140 "A citizen who publishes in a foreign country, untrue, malicious or exaggerated rumours or news about the international situation of the State, so as to injure its reputation or credit in foreign countries or who conducts activities harmful to national interests, shall be punished by heavy imprisonment for not less than five years".

It is deplorable and very revealing that those in power in Turkey should find it necessary to protect their reputation by incriminating critics. The result will inevitably be that opposition and criticism go underground.

According to art. 141 a person shall be punished by heavy imprisonment for eight to fifteen years, if he "attempts to establish or establishes, or arranges or conducts and administers the activities of, societies in any way and under any name, or furnishes guidance in these respects, with the purpose of establishing domination of a social class over other social classes or exterminating a certain social class or overthrowing any of the established basic economic or social orders of the country".

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Heavy imprisonment for five to ten years is according to art. 142 the punishment for propaganda for the same political aims.

These provisions date from the Turkish Penal Code of the 1930ies which was inspired by the Italian Penal Code. In 1950 article 141 was amended and given a broader field of application. In the 1950ies this provision was used extensively to suppress left wing political activities.

During the liberal period which followed the Turkish Constitution of 1961 and ended on September 12th, 1980, these activities were considered punishable only if the activities involved violence or recommendation of violence or other in itself illegal means.

After the military coup, September 1980, these articles have been subject to an expansive interpretation. As a result of the retroactive application of this new interpretation, members of several associations which had been established during the liberal period and whose activities ceased at the time of the coup have been convicted according to art. 141 and 142 even though these non-violent associations and activities did not constitute a criminal offence at the time when the associations were established and the activities took place. Well-known examples are the cases against the Turkish Peace Association, the Confederation of Progressive trade Unions DISK, the Teachers Association TOB-DER and the political parties TIKP, TIP and TSIP. Also numerous journalists and authors have received harsh prison sentences for writings which would not have been punishable in any West European democracy.

The fact that the interpretation of art. 141 and 142 changed after the military coup is illustrated by the following account of an incident which occurred during the TIKP trial before the Military Tribunal in Ankara. Some of the defendants had been tried in 1977 for having violated art. 141 by their writings in the periodical "Aydinlik" (the periodical which later on became the mouth piece of TIKP).

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They were acquitted. When in the trial against members and leaders of TIKP the prosecutor used the same material the counsel for the defence objected that to use that material against the defendants would violate the principle "ne bis in idem". According to the counsel, advocate Ali Kalan, the prosecutor admitted: "They were acquitted - but that decision is not in conformity with the present understanding of art. 141".

The retroactive application of the new and more rigorous interpretation of such provisions in the penal code is a gross violation of art. 11 (2) of the International Declaration of Human Rights, and art. 7 of the European Convention on Human Rights and Freedoms as well as art. 38 of the Turkish constitution. It has meant that a large number of Turkish intellectuals, authors, journalists, artists, publishers, doctors, lawyers, trade unionists and politicians, a considerable proportion of the intellectual elite of the country have had to spend several years in prison. Even though many of these have now been released in accordance with the recent legislation according to which sentences may be reduced under certain conditions, they will for several years be deprived of civil and political rights. They cannot be elected to the Turkish parliament. Many, will be deprived the right to practise as lawyers or doctors and will be excluded from all official positions within the civil service. Only in exceptional cases will these persons be able to obtain a passport.

The activities for which these persons have been convicted or indicted are not acts of violence or any other ordinary crime as understood in Western European countries, but expressions of political opinions or religious beliefs or the forming of organizations working for such opinions or religious beliefs or the forming of organizations working for such opinions or beliefs. The incrimination of these activities violates art. 19 of the International Declaration of Human Rights and art. 10 of the European Convention on Human Rights and Freedom. Therefore, in order to normalize

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the democratic life in the country it will be necessary at least to pardon these persons, many of whom will insist upon being acquitted and compensated for the injustices they have suffered.

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Remarks concerning the criminal procedure

The Turkish law of criminal procedure is modelled on the German 'Strafprozessordnung' but functions in practice quite differently. According to art. 19 of the constitution persons arrested or detained shall be brought before a court within 48 hours or in the case of collective offences within 15 days. the period may be extended during a state of emergency, under martial law or in time of war.

As both the Ankara area and the Istanbul area are in a state of emergency and as political offences are normally considered 'collective offences' it is normal in such cases that the detainees may be kept for 30 days before they are brought before a court. During this period neither relatives nor defence lawyers are allowed to visit the detainees and usually the relatives will not be informed about the arrest.

The period when the detainee is in the power of the police is the time when he is most in need of legal assistance. Even though Turkish lawyers claim that art. 136 of the law of criminal procedure give those who are charged with a criminal offence the right of legal assistance the police have consistently refused lawyers to be present during police interrogation. Not until the prosecutor has issued a formal indictment will the accused have access to legal assistance.

According to several well documented reports widespread and a systematic application of torture takes place in police stations especially during police interrogation. It is, therefore, of the utmost importance that detainees should have access to legal assistance while detained by the police and especially during police interrogation. To refuse the detainee legal assistance under

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these circumstances is a violation of the European Convention art. 6.

The use of torture is in fact supported by the Turkish courts. Superior Turkish courts have ruled that confessions and testimonies produced by torture are admissible evidence if supported by other evidence.

Officially the Turkish authorities claim that torture takes place only occasionally and that torturers are being prosecuted and convicted.

The Turkish government has not, however, applied the most effective measure against torture, namely to give everybody who is detained by the police access to legal assistance of his own choosing especially during police interrogation and to declare confessions and testimonies obtained by torture inadmissible in Turkish courts. The government has thereby made itself morally responsible for the continued application of torture which is a gross violation of the European Convention art. 3 and the Universal Declaration of Human Rights art. 5.

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Deprivation of Nationality

On the 13th February, 1981, the national security council consisting of five generals issued decree no. 2383 according to which the Turkish nationality can be withdrawn from persons who from abroad threatened the security of the Turkish Republic or who by leaving Turkey evaded punishment for such crimes.

An amendment of 21st March, 1981, of the Turkish nationality law provided that the crimes against the security of the Turkish Republic were articles 54-62 and 125-163 of the penal code and certain articles of the military penal code.

As will be seen from this report these articles include articles which by the military courts have been interpreted as incriminating political activities

expressions and opinions which in no way involved violence or other in itself illegal means.

Many Turkish refugees have been deprived of their Turkish nationality because they have refused to return to the country to face prosecution. Those who had reasons to fear unjust convictions in violation of the human rights convention or who could expect torture and degrading punishment had valid reasons for refusing to return. To deprive these persons of their Turkish nationality is a violation of art. 15 (2) of the Universal Declaration of Human Rights.

Freedom of Expression

The Turkish press has been very outspoken recently. Reading a newspaper like Cumhuriet and weekly magazines such as 'Nokta', 'Yeni Gündem' and 'Ikibin'e Dögru' (Towards Two Thousand) give the impression of a considerable freedom of expression. This is not, however, because of a liberal legislation. On the contrary the press laws and various articles in the penal code enable the authorities to control the press by punishing journalists and editors as well as by preventing the publications. The considerable freedom of the press that can be observed is due to the very great courage shown by writers and editors. The penal code is a constant threat. A few examples will illustrate the conditions under which the journalists are working.

'Towards Two Thousand' No. 3 contained a story about two luxury flats purchased by the daughters of President Evren at the ridiculously low price of 2 mill. Tl. The estimated value at the time was 4-600 mill. Tl. The flats were registered in the names of the daughters. The president's name was not mentioned.

The responsible editor of the magazine, Fatma Yazici was convicted for insulting the president and received a prison sentence of 1 year and 4 months according to art. 158 (2) and (3) of the penal code:

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"Whoever uses aggressive language against the President of Turkey in his absence, shall be imprisoned for one to three years.
Where the aggression is done by allusion or hint, without mentioning the name of the President of Turkey, if there is presumptive evidence beyond reasonable doubt that the aggression was directed toward the person of the President of Turkey, the aggression shall be considered as expressly made against the President".

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No. 8 of the same magazine contained quotations from Kemal Atatürk's handwritten comments to a new Turkish history book, which was later on published in 1930. These quotations showed Atatürk's agnostic views. Even though the correctness of the quotations were not questioned the responsible editor was prosecuted for "weakening the religious sentiment of the people" which the prosecutor claimed to be punishable according to art. 142 (3) of the penal code.

In an editorial comment to the quotations Dogu Perincek wrote about Kemal Atatürk as both an idol and a burden to the rulers of Turkey. Also Perincek was prosecuted according to art. 142 (3) for 'diminishing Kemal Atatürk's value in the eyes of the people'. Furthermore the prosecutor claimed that art. 1 (1) and art. 2 (1) in law no. 5816, 'The law defending Atatürk' had been violated.

No 35. of the Magazine quoted without any comment a protocol from 1923 wherein Kemal Atatürk's secretary reported Atatürk's speech in which he pronounced his plans to give the Kurds in the South-Eastern region autonomy.

This issue was confiscated from the printing house and the editor was prosecuted.

The press law as amended in 1983 gives the prosecutor authority to prevent the circulation of printed material. The magazine 'Towards Two Thousand' had the honour to be the first publication to be confiscated directly from the printing house.

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Security clearance

Another example of the 'mind control' carried out by the Turkish authorities is the demand for security clearance.

Security clearance by the National Intelligence Organization, MIT, or the police is a condition for employment in the public sector (judges, civil servants, teachers, cleaning personnel etc.). The government recommends to private companies to demand their employees to be controlled in this way. Many banks and industries will, therefore, only employ persons after security clearance. More than thousand persons have been refused security clearance as "ideological suspects".

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Amnesty

The five countries, France, Norway, Denmark, Sweden and the Netherlands which in 1982 had lodged applications against Turkey before the European Commission of Human Rights reached a settlement in December 1985 according to which the Turkish Government declared:

"As to the issue of Amnesty.

The question of amnesty is of concern to the Turkish Grand National Assembly and to the Government of Turkey. Work on amnesty has been started by the Turkish Government with a view to facilitate, within the framework of the Turkish Constitution, the granting of amnesty pardons or similar measures of leniency. Deliberations are expected to take place in Parliament in the forthcoming months on the basis of initiatives under Article 88 of the Turkish Constitution. The Turkish Government will inform the Commission of developments on this matter".

Until now the Turkish Government has not taken any steps towards amnesty or pardon of those convicted for non-violent political activities, claiming that the Constitution of 1982 does not permit the pardoning of

activities mentioned in art. 14 of the Constitution. It seems that the five applicant countries have been misled by the above statement by the Turkish Government.

The application of provisions in the Constitution of 1982 which excepts persons from the possibility of obtaining pardon for activities which took place before September 12th, 1980, is another example of retroactive applications of a criminal law provision to the detriment of these persons.

The injustices caused by the retroactive application of the rigorous interpretation of the Penal Code by the courts after the military coup in 1980 may to some extent be remedied by repealing the articles in question or by amending these articles so as to conform with the interpretation prevailing until the coup in 1980. Furthermore the victims of these injustices should be compensated for their material and moral sufferings.

The number of persons convicted in violation of the International Declaration of Human Rights and the European Convention on Human Rights and Freedoms amounts to several thousands.

A comprehensive amnesty is called for.

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RESOLUTION

The Conference 'For Democracy and Human Rights in Turkey' called by the international organisation 'Friends of Turkey' held in Assemblée Nationale in Paris November 27-29th, 1987, has adopted the following resolution:

The Conference appeals to all sectors of the Turkish people and the Turkish state to work for reconciliation.

As major and necessary steps towards this goal we regard the following measures:

I. The full respect for human rights as stated in the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in the Universal Declaration of Human Rights.

II. Redress of the injustices which have taken place since the military coup on September 12th, 1980, and have alienated a large portion of the Turkish population.

In particular we emphasize the following points:

1. Several articles in the Turkish penal code are incompatible with the principles of freedom of thought, conscience and religion, the right to freedom of expression and the rights to freedom of peaceful assembly and to freedom of association as stated in the European Convention articles 9, 10 and 11, and the Universal Declaration of Human Rights articles 18, 19 and 20. This applies in particular to articles 140, 141, 142, 143, 158, 159 and 163 of the Turkish penal code. These articles should be amended or repealed.

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2. A great number of active and creative personalities have received prison sentences by the military courts according to the above mentioned articles of the penal code for their activities although these activities were not punishable according to the interpretation of said articles prevailing at the time when they took place. These violations of article 7 of the European Convention and article 11 (2) of the Universal Declaration must be redressed by rehabilitating the victims and by restoring them in their full rights as citizens.

3. The military courts have since the September coup 1980 sentenced many people especially many young persons to long time imprisonments for political crimes. Many of those crimes have been petty offences such as the writings of graffiti with political slogans. In other cases violations of fundamental principles of criminal procedure have been violated. The suspects and accused persons have in many cases been denied access to legal assistance. Convictions have been based upon confessions and testimonies produced by torture. Prosecuted persons have been refused the right to examine witnesses. In order to re-establish confidence in the judicial system among the victims of these violations a general amnesty for all those convicted for political crimes is called for.

4. According to martial law (No. 1402 of May 13th, 1971, with later amendments) a very great number of persons who were employed in the Turkish public sector were ordered by the martial law commanders to be dismissed discretionarily without the proper procedure being followed and normally without any reason for dismissal to be given. Even after the ending of martial law these persons are excluded from being employed in the public sector. This consequence of the dismissal is tantamount to a punishment without a judicial sentence, without appeal, and without authority in any law except martial law. The extension of the dismissal and its consequences after the end of martial law is unjustified. These dismissals should be redressed and the victims be compensated.

5. The limitations of the freedom of Turkish citizens to leave and return to their country violate art. 13 (2) of the Universal Declaration of

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Human Rights. The passport law and art. 23 of the Turkish constitution must be amended.

6. The many Turks who have been deprived of their Turkish citizenship because they for political reasons or to avoid persecution have left Turkey should be allowed to regain their citizenship.

7. Even though the Turkish press has in fact in the last few years enjoyed a considerable degree of freedom the Turkish legislation enable the authorities to limit the freedom of expression to a degree incompatible with art. 10 of the European Convention and art. 19 of the Universal Declaration of Human Rights. These laws function as constant threats to the critical press and should be amended.

8. Prohibition of languages of minorities should be abolished.

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REPORT ON THE LAW ON POLITICAL PARTIES

Ahmet Kaçmaz

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INTRODUCTION

There exists the claim that democracy has been recovered in Turkey, or at least a considerable progress has been made in this direction. But truth speaks otherwise. It is true that the dictatorship regime, established after the 12 September 1980 coup d'etat, is not showing the same rigidity as it did before; but it is the very same regime without much change in its essence, only it continues to exercise power under a parliamentarian camouflage. The de facto prohibition of exercising democratic rights and freedoms within the legal frame set by the regime provides the principle evidence of this situation. One of the very striking examples in this connection appears to be the "Law on Political Parties" (LPP) that forms a building stone of current "legal" structure. I would like to point out briefly various aspects of this law.

1. Ideological Content and Limits:

1.1 Article 4 of Law on Political Parties states that "political parties... work according to Atatürk's principles and reforms". As it is known, "Atatürk's principles and reforms" are called **"Kemalism"** as a whole. No doubt that, this "...ism" is nothing but one of the various other world outlooks. In other words, the above mentioned law is recognizing the right to political organisation for only one world outlook meanwhile is prohibiting the rest of them. This phenomenon is reflecting the very logic of the law with all the simplicity., i.e., the existing regime in Turkey is not recognizing any right of existence for any other world outlook other than Kemalism.

On the other hand, one is unable to talk about self-consistent and integral presence of "Atatürk's principles" as what we have in hand are the pragmatic proposals and solutions offered by Atatürk at various times in accordance with the requirements of the day on his part. Therefore there is a wide spectrum of political currents from fascists to some sections of radical left who regard themselves as "Kemalists" in Turkey. Furthermore, everyone with the claim of representing "true Kemalism" is charging the others by being "falsified Kemalists". Under these circumstances, the above mentioned Article 4 of the law readily gives way to complications and arbitrary actions, for instance the "Kemalists" who are in power are able to prohibit the other "Kemalists" from the political arena in the name of "Kemalism".

However, no matter how heterogeneous it may be, Kemalism is a bourgeois world outlook. For that reason to ask parties to act according to "Atatürk's

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principles" means to close the political arena to the parties other than bourgeois ones. Hence, we come to the conclusion that the present Law on Political Parties permits **single type** political parties within the bourgeois ideology. It is apt to recall here that during the time of Atatürk there was **only one** political party in Turkey.

1.2 On the foundation and activities of political parties in Turkey, Article 5 of the LPP states that "right to form a political party... can not be used to provide domination of one social class over others". Article 5, borrowing the notorious articles 141-142 of the Turkish Penal Code that were also put into the 1982 Constitution, thus brings another ideological restriction. With this restriction those having Marxist ideology are forbidden and denied the right of organisation. But in fact the limits go far beyond. As we have seen in repeated cases in the recent years, those who are not Marxists but who defend the rights of labouring people can easily be included within the content of Articles 141-142 of the Turkish Penal Code. DİSK and Peace Association trials are typical examples of this situation. Here we see once again that the law recognizes the right to organisation to bourgeois parties only.

1.3 The same Article 5 of the law also states that "right to form a political party... can not be used to create lingual, racial,.. and regional differences". Thus, political parties are forbidden to defend the very natural rights of the Kurds and the minorities.As it is known, in democracies, peoples and minorities have right to form parties, expressing their very names and urging to implement their very interests. Yet in Turkey, the prevailing codes do not only limit the right to political organisation by the bourgeois ideology, they also recognise this right only to the Turkish bourgeois; they forbid any kind of political parties which defend the right and interests of the Kurds and minorities.

2. Restrictions:

2.1 <u>On Membership</u>: Article 11 of the LPP raised required age level for political party membership from 18 to 21. Meanwhile according to the changes made in elections law one is able to vote at the age of 20. In this situation a part of the electorate is unable to become members of political parties although they vote. Again according to the same article, university professors, students, all civilian employees are forbidden to join political parties. Besides them, all those who are sentenced for "commiting or provoking crimes against the state defined in Turkish Penal Code" and those who are condemned for "provoking hatred and hostility-based on class, race, religion, sect or region among people" can not become or be registered as party members. These restrictions go up to the point of including those who "hang placards,posters and such without permission or by violating the permission given".

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2.2. On Organisation: Article 7 of the law limits the organisational structure of political party with central organs, province and district branches, and the National Assembly party faction. Parties are forbidden to form any other organisation "in any other place, under any other name".Article 8 states that the party headquarters must be settled in Ankara.(*) In the party congresses, resolutions can be adopted on the issues "concerning the society and the state and party policy" only if they refer to subjects "in general" and such resolutions need to be proposed by 1/3 of the members present in the congress (Art. 14).

To give further examples of restrictions, one can mention that the party chairman can be elected to serve maximum for years according to law (Art.15) The same person can not be elected more than 6 times consecutively, after serving such a term a 4 year break is required for re-election.Similar restrictions apply for local party execut ves, too. For instance according to Arts. 19-20 chairmen of district branches can only serve 5 consecutive terms. Like the central organs, party local organisations and branches are also subjected to severe restrictions in their form and field of activities.

Political parties, except those having party factions in National Assembly, should be organised in at least half of the total number (67) of provinces, and in at least 1/3 of all districts of each province where they are being organized. On the other hand, political parties that do not participate in two consecutive terms of general elections upon their foundation are subjected to closure.

Political parties can not form women, youth etc. sections and other such branches and can not establish affiliates,i.e. associations, foundations etc.(Art.91) Furthermore, political parties are forbidden to form any kind of political relations with associations, trade unions, foundations, cooperatives and professional organisations and to support or be in joint actions with them.(Art.92)

Political parties "can not be organised and display activity outside the conutry", and they "can not directly or indirectly receive any assistance" from an institution abroad.(Art.79) A new political party in whose membership the majority is formed by the members of a closed party can not be founded (Art.95) Political parties can not declare that they are extensions of formerly banned parties and can not raise such claims (Art.96).

2.3. On Party Rules, Programme and Political Activities: Political parties can not have an aim "to cahnge the articles stated by the Constitution on the integrity of Turkish state with its land and nation, on its language, flag and

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(*)This is done to avoid organisation of headquarters of left parties in İstanbul as the working class is highly concentrated in İstanbul and nearby area and the most class conscious sections are working and living here. Therefore all legal left parties have had their headquarters in İstanbul in the past.

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capital", to change "the article that states the exercise of sovereignty can not be left to a certain person, group or a class", as well as they can not aim "to jeopardize the existence of Turkish State and Republic"(Art.78/a) Political parties can not be established on regional basis and carry such names. They can not intend "to defend and realize domination of one social class over the others and can not show activity to this end" (Art.78/b-c) Another vague paragraph, which is open to every kind of arbitrary measures, states that the political parties can not have "aims against general norms of moral and ethics and perform activities serving this end" (Art.78/e).

Political parties can not have an aim to change "the principle of unity of state" (Art.80). And they "can not assert the existence of minorities based on national, religious, racial, or lingual differences"(Art.81/a). According to this Article, political parties are even forbidden to talk about the existence of Greek, Armenian and Jewish communities in Turkey whose minority rights are officially recognized by the 1923 Lausanne Treaty, let alone the talk about existence of Kurdish people. Political parties "can not use any language other than Turkish" in their activities, they can not use or distribute propaganda material published in any other language other than Turkish, and further they "can not stay indifferent if such actions are staged by others"(Art.81/c) Political parties can have their Rules and Programmes translated into a foreign language other than those prohibited by the law, i.e., languages other than official language of a state, that is Kurdish in particular.

Political parties, as obliged to work according to "Atatürk's principles and reforms", are forbidden to carry any aim "to discredit or humiliate Atatürk in person, or concerning his deeds and memory" and they can not perform "activities that would lead to such end"(Art.85) At the same time, the law forbids political parties to take "any stand" against 12 September 1980 operation:"Political parties can not be in a position, expression or stand against 12 September 1980 operation and against the decisions and practices of the National Security Council"(Art. 97) Such actions are to face prison sentences as well as to lead to the closure of the party.(Arts.101 and 117)

Another restriction is that a political party "can not adopt a resolution to support another political party during general elections"(Art. 90) During the pre-election process, the persons running for candidacy are forbidden to use any kind of written or verbal propaganda means or to hold meetings; they are also forbidden to "discredit other people running for candidacy". Candidacy-runners can not promise any undertakings in national, local or professional scale (Art. 43) And last of all, Art. 96 states that no political party can be founded under the name of "communist" or "with the words meaning the same thing" or "have a name including such words".

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2.4 On Revenues and Expenditures: There is a detailed regulation concerning the revenues, expenditures, properties and inner-party finances of political parties. Revenues are grouped and limited as far as their sources are concerned under nine groupings. Membership and candidacy fees and contributions are limited; revenues and expenditures are tied to strict rules. Credit, borrowing and loans are not permitted and the ownership of real estate is limited for the party so that it may not "exceed its need for its establishment and activities". Final balance-sheets of parties are subjected to control yearly by Constitutional Court and measures concerning financial inaptitude include "confiscation of properties" and prisonment.

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CONCLUSION:

Under this law, it is not possible to establish a legal political party other than bourgeois parties in Turkey. Besides, as it is seen through brief examples stated above, all activities of the parties that could be founded are tied to very anti-democratic restrictions. Therefore if democracy is to function in Turkey, then this Law on Political Parties needs to be eliminated as well as all other existing anti-democratic laws. However, this does not mean that no effort to force the boundaries of legal political conditions should be shown as long as this law exists. On the contrary, efforts to realize legal political organisation to defend the insterest of labouring people have a decisive role in eliminating this law. For this reason, creating a legal left party in Turkey through joint action of left forces would give a great impulse to flourishment of the struggle for democracy.

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RAPPORT PRESENTE PAR

Monsieur SERVER TANILLI

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Commission 3

La vie culturelle en Turquie

RAPPORT D'INTRODUCTION

PAR MONSIEUR SERVER TANILLI

En Turquie, la vie culturelle était confrontée à de graves problèmes dès avant le coup d'état militaire du 12 septembre 1980. Car en Turquie, et notamment depuis 1950, ce sont les forces de droite qui détenaient généralement le pouvoir politique. Etant foncièrement hostiles à une culture rationnelle et humaniste, elles traduisaient cette hostilité dans le domaine du théâtre et du cinéma, des arts et des lettres, des sciences et de l'université, en un mot, dans tous les domaines de la culture. Avec le coup d'état du 12 septembre cette hostilité a atteint ses plus grandes dimensions et s'est appuyée sur une certaine base idéologique.

Nous pouvons résumer la situation générale de la façon suivante :

Définissons d'abord la base idéologique du régime militaire et de son prolongement actuel, le régime civil : c'est une idéologie religieuse, traditionaliste et chauvine qui se qualifie de synthèse islamo turque. En Turquie, cette conception à la tête de laquelle sont les fascistes et dont l'organisation est le fait des milieux réactionnaires, est un critère fondamental quand on pose un regard sur la vie culturelle d'aujourd'hui, celle du régime du 12 septembre. Ainsi, il ne faut pas s'étonner de voir dans la Constitution la réapparition d'éléments chauvins et un retour de l'Etat aux anciennes activités culturelles, depuis la télévision jusqu'aux programmes scolaires : instruction religieuse obligatoire même au lycée, remplacement dans les écoles de la théorie de Darwin par Adam et Eve. En bref, la vie culturelle en Turquie est soumise à la lourde pression et à l'action dévastatrice d'une idéologie réactionnaire.

Deuxièmement, la Constitution et les lois qui en découlent ont extrêmement restreint la vie culturelle. Dans les pays

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démocratiques, il peut arriver que les libertés soient en partie restreintes sans que leur "essence" ne soit touchée. Mais il y a des libertés que l'on ne peut absolument pas limiter : ce sont les libertés de la pensée, de la science et de l'art. La Constitution de 1961, en vigueur avant le 12 septembre, avait sur cette question un regard démocratique et occidental. La Constitution du nouveau régime, elle, les considère comme des libertés limitées, y apporte restriction sur restriction en usant de notions fausses. Et les lois ont encore accentué cette tendance, elles exercent en termes juridiques, une pression sur la vie culturelle.

Un exemple : dans le but de protéger les enfants contre les publications pornographiques - dont le nombre est en croissance constante - une loi de protection des petits contre les publications nuisibles avait été votée en 1986 et semblait inattaquable. Un habile conseil de onze personnes formé par le Premier Ministre a commencé à semer la terreur : grâce à cette loi et à d'autres, la dimension d'obscénité est appliquée même à des oeuvres littéraires. Par exemple, le Tropique du Capricorne d'Henry Miller, la Trace dans l'eau d'Ahmet Altan et l'Amour sans fin de Pinar Kür ont, sous ce prétexte, été saisis ; on fait des procès à leurs auteurs ou traducteurs. Sous le prétexte d'affaiblissement des sentiments nationaux et d'incitation au communisme, les traductions des oeuvres d'Ilya Ehrenburg font l'objet de procès et on a décidé de saisir certaines encyclopédies, des dictionnaires et même des atlas. La mentalité prohibitive est devenue telle que le Ministère de l'Education Nationale a récemment pris la décision d'interdire dans les écoles enseignant en français la lecture des ouvrages suivants : La peste d'Albert Camus, Candide de Voltaire, Le Bourgeois Gentilhomme de Molière et le dictionnaire Larousse !

Il est inutile de dire que sous un tel régime, les ouvrages traitant du socialisme se sont attiré une animosité particulière : rappelons cet exemple typique et très triste: A la suite de l'avènement du régime militaire, les 133 000 livres publiés avant 1980 par l'éditeur Süleyman Ege, tous

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étant des oeuvres classiques écrites sur le Marxisme, ont été saisis et détruits sans autre forme de procès.

Il est clair que le régime du 12 septembre qui perdure aujourd'hui en habits civils, travaille évidemment à détruire les ouvrages publiés avant 1980 et ceux datant de sa période mais ne lui convenant pas. Inutile de préciser que ce "massacre de livres" qui rappelle ceux perpétrés par le passé dans l'Allemagne nazie et fasciste, est en fait un véritable "massacre de la culture".

Il est absolument honteux de compter au nombre des ouvrages saisis et détruits - évalués à 39 tonnes depuis 1980 - des encyclopédies. Le but de ces machinations est le suivant: le pouvoir du 12 septembre désire créer une masse humaine conforme à ces idées et veut pour cela des gens incultes. Les exemples les plus intéressants de cette politique se trouvent dans les manuels scolaires édités par le Ministère de l'Education Nationale. Ils sont visibles dans tout leur dénuement, dans le remaniement restrictif des programmes des cours de philosophie, de sociologie et de logique.

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Ecerveler : c'est ce que faire le régime de Turquie.

Il est même vain de dire que sous un tel régime il ne peut être question pour les Kurdes de publier des ouvrages dans leur langue et se rapportant à leur culture. D'ailleurs, l'article 26 de la Constitution de 1982 qui régit "le système des autorisations concernant les émissions de radio, de télévision, de cinéma et autres" contient un paragraphe qui traduit un exemple extrême d'antidémocratie et de nationalisme chauvin en précisant une restriction qui vise des millions de kurdophones : Pour exprimer ou publier ses pensées, on ne peut utiliser une langue interdite par la loi, quelle qu'elle soit. La langue visée ici est de toute évidence le kurde.

Les atteintes à la culture n'épargnent ni le cinéma ni le théâtre ni la musique : selon le "règlement sur le contrôle des oeuvres cinématographiques et musicales" adopté en 1986, "les cassettes vidéo et les les oeuvres musicales doivent subir la censure de la commission de contrôle du Ministère de la Culture et du Tourisme". Cette censure, on

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voit de nombreux exemples des interdictions ou autorisations arbitraires qu'elle permet. Sous le prétexte de "non conformité" à la morale générale, aux us et coutumes et à la culture nationale, des films sont interdits, à un point qui ne peut se concevoir dans les pays démocratiques. Des théâtres, des music-halls, des concerts sont interdits sous le même prétexte. L'Etat aide les théâtres privés et certains théâtres ne sont pas exploités à cause de leur conception progressiste de l'art.

Donnons deux exemples de restriction et d'hostilité concernant les Arts plastiques : alors que prévaut toujours la conception intolérante de l"opposition à l'art de la statue", l'Assemblée Nationale a lancé en 1986 un concours sur le thème "Intégrité nationale et Paix" dans le but d'orienter "les nouvelles activités de création des peintres". Le règlement du concours prévoit qu'il ne peut s'agir que de "création conditionnée". Les articles du règlement prévoient : "1. Outre les conditions décrites plus haut, les oeuvres présentées au concours ne peuvent paraître prôner une certaine politique nuisible à la moralité et à l'unité nationale. 2. Les oeuvres présentées au concours doivent refléter les valeurs de la République dont les principes s'appuient sur la Constitution, ainsi qu'une forme de pensée et d'action en accord avec ces principes. Les oeuvres ne doivent pas être dans leur aspect ou leur composition, le reflet de certaines idéologies contraires aux principes d'Ataturk".

Inutile de dire que de telles restrictions, loin d'encourager les peintres, font surgir devant une branche artistique qui doit être absolument libre, une foule d'obstacles

L'un des exemples les plus honteux des atteintes à la vie culturelle est ce qui se passe dans les Universités. Le nouveau régime a, par le truchement d'une loi promulguée en 1982, mis un terme à l'autonomie des universités et à la vie académique dans son ensemble, en abaissant sur ordre du gouvernement, le niveau scolaire.

Une institution aussi importante que le TUBITAK (Centre de recherche scientifique et technique de Turquie) a été la

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dernière victime en date de l'atteinte portée à la science: récemment, un décret faisant force de loi a supprimé l'autonomie de cette institution et l'a rattachée au Ministère, c'est à dire directement au gouovernement.

Voilà quelques exemples de ce qui s'est passé ces dernières années dans la vie culturelle de la Turquie. En résumé, nous pouvons dire que notamment depuis le coup d'état du 12 septembre 1980, la vie culturelle en Turquie se heurte à des attaques massives et systématiques. Ceci a porté de profondes blessures aux nombreux acquis du mouvement intellectuel de Turquie, vieux de près de deux siècles. Le nouveau régime a entamé un processus de "déculturation". Il élève sournoisement les épais murs de l'intolérance, notamment face aux jeunes esprits. Dans ce climat qui devient peu à peu étouffant, les jeunes générations ne peuvent ni penser librement, ni s'exprimer correctement, ni apprendre la tolérance.

Face à la liberté de l'esprit, c'est l'intolérance qui gagnera et la conscience démocratique ne pourra poindre à dans les jeunes esprits.

Tous les partisans d'une culture démocratique faite de sensibilité et de respect, d'indulgence et de dialogue, doivent pouvoir dire STOP au processus de "déculturation", notamment dans le domaine de l'éducation et de l'enseignement

C'est l'un des principaux motifs de la lutte quotidienne des intellectuels de Turquie contre les forces de l'obscurantisme auxquelles le 12 septembre a laissé toute liberté d'agir.

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International Conference for Democracy and Human Rights in Turkey, Assemblée Nationale, Paris, November 27-29th, 1987.

REPORT : Freedom of expression and organization with regard to political parties, unions, associations, the press, the problems of turkish refugees and the suppression of their turkish citizenship.

Author : Hans Göran Franck, Member of Parliament, The Social Democratic Party of Sweden. He has visited Turkey twice during the last two years, latest week 46/1987.

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Introduction

The opposition in Turkey is seriously handicapped in the election campaign which is entering the last phase. The ruling party, ANAP, has superior financial resources and is dominating radio and TV. The appeal to the country for the parliamentary elections was made with very short notice. The opposition parties have not got enough time to organize their election campaings.

to be encouraged and receive an effective support from democtratic associations in other countries.

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As long as this legislation is maintained, Turkey can not now become a member of The Common Market as the Turkish legislation is clearly in contradiction with the Rome-treaty. Turkey can also not be regarded as an adequate member of the Council of Europe from the ethnical point of view. The existance of a member state, that violates the regulations and the Convention to such an extent as in the case of Turkey, is undermining the reputation of and respect for the Council of Europe.

It is therefore necessary not just to keep the dialoge with the Turkish authorities but also and above all to put a more considerable pressure on Turkey than before.

The opposition parties, the Trade Union Movement and the other democratic organisations must receive a powerfull and effective international support.

It is urgent that all the Turkish refugees get full guarantees for their repatriation and that all the Turkish citizens unconditionally regain their citizenship.

The newly founded Committee for Human Rights in Turkey, with some ten local organisations, need

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maintain the ban of it. It is essentcial that the two arrested communist leaders are released immeditely.

Turkey has now given the opportunity for individuel complaints to the European Convention for human rights, but it is unfortunate that Turkey has made several reservations for adopting the Convention. These reservations take away a major part of the effects of Turkeys adoption of the additional protocol. The fact that individuel complaints can only be made first after that all the domestic judicial means are tried, reduces the effects of Turkey's adoption of the additional protocol to a minimum considering the extremely long judicial procedure. In spite of that, it is of major principle significance that Turkey henceforth adopts the additional protocol without reservation. But this ought to be combined with a radical reform of the rules of procedure in the courts.

The Union Laws which is hostile to Trade Union rights and freedoms and is clearly violating not just the Convention for human rights but also the Convention of ILO, has to be reformed without any further delay so that it stands in complete agreement with these conventions. A massive international opinion ought to be mobilized in order to force the Turkish Government to abrogate the Union Laws.

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Seven years have passed since the accomplishment of the military take-over. It is high time that the Turkish regime takes radical measures in order to heal thewounds after the military dictatorship. An essentcial step in this process is to grant an immidiate general amnesty for the political prisoners who have been sentenced and abolish the cases, for those who are still not sentenced.

A radical change concerning the basic rights and freedoms can not be achieved unless the Turkish State democratize its entire legislation; principally the constitution, the election laws and the union laws which are hostile to union rights and freedoms. It is also of particular significance that the articles 141 and 142 in the Penal Code are abrogated. It is these articles in the Penal Code wich constitute a decisive obstacle for the freedom of speech and associations.

The new arrests of the two leading communists in Turkey are alarming. It is another sign that the democracy in Turkey is most inadequate. It is a concern for every democrat to claim that a ban on communist parties in the member states of Council of Europe is not acceptable. There is no other country within Council of Europe that prohibits communist parties and Turkey ought not to

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above all in connection with the prefatory police interrogation after arrests. The decrease in number of torture cases is not due to the existance of effective measures taken in order to prevent and take legal action against torture, but to the decrease in the number of arrests since the civil government took over from the military rule.

The regime has not even made such an elementary change in the legal procedure as recognizing the right for the lawyer of a suspected person to visit his client immediately after the arrest of the suspected and also plead for the client at the prefatory police interogation, where torture is used frequently.

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It is certanly a progress that no further death sentences have been executed since 1984, but it is extremely inhuman to let those who are condemned to death to sit in a death-cell for years without taking a final decision. Turkey ought to abolish the death penalty immediately. All the death sentences ought to be abolished while waiting this decision. It would be a minimum demand that no death sentence should be executed immediately or shortly after the delivery of the judgement.

ever more grave is that the Military Courts are still in function all over the country to such an extant that has no correspondence in any other member country of the Council of Europe.

It is also a serious matter that the so called National Security Courts are composed of three judges, of which one is a military. That the military judge has a judicial education and that he participates at the court in civilian clothes does not change the fact that the armed forces have a widespread influence and control over main parts of the judicial system.

The judicial system is in a state of crises. The prolonged and drawn-out trials are clearly violating the European Convention. This fact cannot be explained only by refering to a viscous bureaucratic tradition. The inability to undertake effective measures within the judicial system must be criticized strongly. This situation awakes a strong impression that influencial circles within the Government and the Armed Forces consider that these absurdly drawn-out lawsuits have a repressive effect, which from the point of view of the Government, is positiv.

I draw similar conclusions regarding the widespread usage of torture which is practised

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There are approximately 20 000 turkish refugees in Europe; 13 116 have been deprived their Turkish citizenship due to political reasons. Adnan Kabveci, one of the cheaf advisors of the Prime Minister, Turgüt Özal, has stated the followings to the interviewer of The Swedish Television: "We are calling the ones whose Turkish citizenship was taken away from them to return to Turkey. Why? We want the wounds to be healed. We say that healing would be for the benefit of our country. We are going to solve all the problems in every subject without judgment and we will shorten the formalities and the time involved in becoming Turkish citizen again."

In spite of these promises the Turkish government have not yet taken the legal measures to guarentee the repatriation of the refugees.

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Conclusion

Formally the most essencial improvment that has been achieved in the democratization process in Turkey during the last years is the abrogation of Martial Laws throughout the country. The essence of this decision is however reduced by the fact that the State of Emergency is still in power in 8 provinces in Tyrkey. The difference between the application of Martial Law and State of Emergency has not been that significant so far. What is

Another case is the theatre director Yilmaz Onay, who was detained in December 1986. Onay testified that he had been tortured for three days at the Ankara Police Headquarters. The torture subjected to Onay is confirmed by a medical document.

According to the Turkish Committee for Human Rights there are today 52 000 prisoners in Turkish prisons. Among them are 18 000 political prisoners and 6 000 of these have already been sentenced whereas 12 000 are detained and under trial. The Turkish parliament have not proclaimed an amnesty for the political prisoners in spite of certain promises and commitments.

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Between October 1980 and October 1984 fifty people were executed in Turkey; 27 of them had been convicted for politically related offences and 23 for common crimes. The last execution was carried out on 25 October 1984. In 1986, 134 death sentences were passed by various courts in Turkey, of which well over a hundred were passed by military courts. No execution have taken place since October 1984, but the number of people under sentence of death who has exhausted all legal remedies are 153. These death sentences only need confirmation by parliament and the president and can be executed at any time.

The above mentioned Articles are used under the present legislation specifically to punish non-violent opposition in Turkey. Many courts' decisions and rulings by superior courts reveal that the usage of these articles violates the right to freedom of expression, association and religion and that their application is therefore in contravention of Article 9, 10 and 11 of the European Convention of Human Rights to which Turkey is a State Party.

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According to the latest Amnesty reports and the reports of the newly founded Turkish Committee for Human Rights the imprisonment of prisoners of conscience, systematic torture and ill-treatment of political prisoners are still continuing.

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An example to new detentions is Mehmet Cibran, who was a refugee in Sweden and went back to Turkey in October 1986. Cibran was detained on 8 October 1986 in Cizre and was held 43 days in police custody. Cibran was then tried for membership in the Kurdish Workers Party and sentenced to 15 years imprisonment on 17 June 1987.

One example is the trial of leaders of DISK, Which began before the Istanbul Military Court on 24th December 1981. The defendants in the DISK-trial were subjected to almost four years of detention without a judgment. The DISK-trial was ended by the court of first instance on 23th December 1986.

Some articles of the Turkish Penal Code have frequently been used to imprison those involved in non-violent political or religious activities, the most important of them being:

Article 141: Leadership and membership of an organization for the purpose of establishing the rule of one social class over others.

Article 142: Propaganda for the same purpose ("communist propaganda")

Article 163: Leadership and membership of a society for the purpose of adapting the State to religious principles and beliefs/or propaganda for this purpose.

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1986 there were 813 cases at the military courts on 1 of March 1986.

According to the above mentioned report the lawyers defending political prisoners are impeded in many ways, in particular by insufficient access to their clients and the denial of private conversations. Lawyers also frequently complain of having insufficient time to consult the file and to prepare a defence before the beginning of a trial.

The European Convention on Human Rights provides that a person detained on suspicion of having committed an offence shall be brought promptly before a judge and shall be entitled to trial within reasonable time or to realise pending trial.

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The European Court of Human Rights has pointed out that the time period to be considered for a trial begins on the first day of detention and ends on the day of the judgment which terminates trial by the court of first instance.

Contrary to these provisions, political detainees in Turkey have been subjected to excessivly long periods of pre-trial detention. Another aspect is that the political trials continue during several years.

European capital explain in a logical manner the restrictions prevailing in Turkey? How can we explain realistically the labour law existing in Turkey, or the restrictions on associations, unions and such. Furthermore how can we explain the existence of certain articles in the Turkish Penal Code which restrict the freedom of thought? With such a constitution and laws we can only become an outpost of the EC,the guardian at the door of the EC. Nothing else. They will never allow us to enter the club of democracies with these obstacles. We must start urgently to get rid of these obstacles in our democracy if we really want to become a member of EC."

I assume that this sincere confession on the Turkish Constitution and the Penal Code does not need any further interpretation.

The Martial Law has been lifted throughout the country but the State of Emergency is still in power in 9 provinces in Turkey. Furthermore the military courts and the State Security Courts, that were established in eight major cities in Turkey after the elections of 1983, continue to function in accordance with the Article 23 of the Martial Law Act. According to the Amnesty International report on "Unfair trial of political prisoners in Turkey" published October,

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note as a positive and constructive development that the debate in the parliament and in massmedia have become more open and lively and that the policy of the government is being criticized more openly.

But the Communist Party, the Workers Party and other leftist parties are still banned and can not take part in the political life in Turkey.

The Özal-government and the turkish parliament have avoided to bring up the most central issues into discussion and accomplish a change of the anti-democratic constitution, abolish the restrictive law on trade unions and reconsider the regulations which have led to the dismissal of thousands of state officials and university teachers due to political reasons.

A Turkish judicial expert, who was interwieved on condition of anonymity by the Turkish Daily News on the 6th November 1987, said the followings concerning the Turkish application for full membership in the European Community:

"Ankara should realise that the EC is a club of European democracies and Ankara can become a full member of it only after it eradicates the 'obstacles' in its developing democratic order. Tell me, how can a Turkish ambassador in a

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democracy in Turkey. On the other hand the election resulted in a formal - but not an actual - end to the military rule which had been in effect since The Generals' coup in September 1980. General Evren, the leader of the Security Council, remained President after the elections, with widespread powers.

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Turkey after the parliamentary elections of the 6th November 1983

Four years has gone since Turkey returned to a parliamentary democracy, but we can still note that the Özal-government has not yet taken the necessary measures to reestablish full political democracy and the respect for human rights and liberties that membership at the Council of Europe obligates.

Several other political parties, than those that participated in the elections in November 1983, have been founded and have participated in the local elections on 25th, March 1984. These parties participate also in the coming parliamentary elections on 29th November 1987. The political ban on the central committee members of the abolished parties and the ex-members of the parliament, has been lifted by a referendum which was held on 6th of September 1987. We can also

the publisher (owner) of a paper directly responsible for all material printed - even clandestinely - on his press, and by introducing major increases in the length of prison sentences liable to be given to journalists and editors for press offences, has created a further atmosphere of insecurity and fear among journalists. Such an atmosphere leads, inevitably to a certian self-censorship. Freedom of speech and freedom of the press have improved considerabaly but may be limited in many different circumstances.

The Parliamentary Elections of the 6th November 1983.

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A parliamentary election was held in Turkey on 6th November 1983. Prior to the election there was widespread interference in the electoral procedures by the National Security Council. The Council exercised its powers under the transitional regulations in the law on political parties to refuse to register 937 out of 2 163 candidates. Only three of the fifteen parties granted permission to take part in the elections.

The Motherland Party, under the leadership of Turgüt Özal, won 45 % of the votes and formed a government.

The parliamentary elections staged by the National Security Council on 6th of November did not result in any return to a parliamentary

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The law on political parties, trade unions and press

On the 24th April, 1983 the National Security Council enacted a law on political parties. This law introduced widespread restrictions of the political parties and their activities.

On the 7th May, 1983 the National Security Council enacted a law on trade unions and collective bargaining, which further limited the trade union rights and liberties.

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The constitution, the law on political parties and the law on the trade union organizations contain regulations that forbid political parties to have direct or indirect connections with trade union organizations, professional associations or voluntary associations. A breach of this regulation can result in a party being banned. The political parties are prohibited to form womens' or youth organizations. Trade union organizations, professional associations and voluntary associations may not carry on any form of political activity or become involved in any way with political issues. They may neither support or help finance political parties.

The new press law, enacted by the National Security Council 10th of November 1983, by making

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exhorting the public to vote against the proposed constitution.

The civil rights and liberties which are proclaimed in the constitution are severely limited. It would appear that the aim is rather to protect the state against its own citizens than to protect the individuals against the arbitrary exercise of power.

According to the constitution no organized political activity may be carried on outside the permitted political parties. Organizations may not act in conjunction with the political parties, have political goals or carry on political activities.

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The constitution reflects the policy of hostility to trade unions which has been pursued since the military coup. The right to strike is subjected to major limitations. The right to collective bargaining has been interfered with. Trade union freedom of action is further eroded by granting the authorities the right to inspect their finances and administration.

During the three years that the National Security Council ruled Turkey together with a Consultative Assembly, whose members were appointed by the Council, can we witness a massive oppression on the political parties, unions, associations, journalists, writers, intellectuals and persons holding a different opinion. Members of the above mentioned associations were arrested and interrogated under systematical torture in thousands. The military courts that were set up throughout the country initiated mass-trials in hundreds, where people were accused for their legal activities before the coup d'etat. The major part of these trials - the accused were imprisoned during the trials without any judgment - continued for several years.

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The new constitution and the laws

While oppression, imprisonment, torture and military mass-trials were taking place, the National Security Council were preparing a new constitution and new laws with the purpose of creating an auctoritarian and strictly controlled society. A new, undemocratic constitution, approved by the National Security Council, was forced through by a referendum held November 7th 1982 under martial law and extensive political oppression. Hundreds of people were arrested for

According to the Turkish Committee for human rights there are today 18.000 political prisoners, of which 12.000 are not yet sentenced. They are often prosecuted for participating in illegal organisations, demonstrations and strikes.

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Background

On September 12th, 1980, a military junta, led by general Kenan Evren seized power in Turkey by a coup d'etat. Martial law was declared in all provinces of Turkey. Parliament was dissolved and the political parties were abolished. Under a special decree all strikes and lockouts were forbidden. All union activities were suspended on both employees and employers side. All kinds of trade union activity ceased. The Martial Law Authorities appointed special officers for the control of the press and massmedia.

The so-called National Security Council assumed practically all power. A proclamation suspended the Turkish constitution. A decree stated that all laws and ordinances enacted by the National security Council should replace the constitution. Formally, they were to be considered as amendments to the constitution.

The economic issues are most central in the political debate. The real income has declined severly for many workers. The inflation is estimatied to 45 - 50 % for 1987. The unemployment rate is exceeding 15 % according to official documents.

The trade union movement is not allowed to participate in the election campaign and tradeunionists who get elected to Parliament are forbidden to continue their trade union work. The trade union movement in spite of this urges their members not to vote for the ruling party.

Another issue is the Turkish application to become a full member of the EC. It is however obvious that the Turkish constitution, the criminal code and the laws against trade union activities are not in accordance with the Rome-treaty.

Democracy and human rights are important issues in the election campaign. The improvements made are clearly unsufficient. The criticism regards firstly the common use of torture and death penalty. New death-sentences are frequently passed. More than 150 death-sentences are at present under examination by the Parliament.

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Congrès international des "Amis de la Turquie "
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Communication de Jan Nemoudry, Secrétaire de la Fédération syndicale mondiale, à la Commission sur "La liberté d'expression et d'organisation ".

Dans cette communication nous ne voulons pas faire un bilan des violations des droits syndicaux et de la liberté syndicale en Turquie depuis le coup d'Etat du 12 septembre 1980 jusqu'à nos jours.L'on sait que c'est un bilan long et lourd. Il mettrait en évidence une répression sans précédent de certaines organisations syndicales et la main-mise sur l'activité syndicale pour plusieurs années. Si l'on parle d'une certaine normalisation depuis mai 1983 dans ce domaine, date de la promulgation de la nouvelle législation syndicale, celle-ci n'est que l'institutionnalisation de la négation des droits syndicaux et de la liberté syndicale.

Nous nous limiterons donc ici de mettre en relief le cas de la Confédération syndicale DISK et les traits caractéristiques de la nouvelle législation syndicale.

La DISK et ses syndicats affiliés ont été suspendus par le premier décret des généraux le 12 septembre 1980. Les autorités ont procédé dans le même temps à l'arrestation et la détention de près de 2000 dirigeants et militants de ces organisations syndicales. C'est après plus d'un an de détention que les dirigeants de la DISK ont reçu l'acte d'accusation du procès qui leur a été intenté devant le tribunal militaire d'Istanbul.Le procureur militaire demandait la peine capitale contre 52 dirigeants de la Confédération syndicale. Le procès n'a commencé que le 24 décembre 1981 suivant les procèdures appliquées en temps de guerre. La détention des principaux dirigeants de la DISK a duré de trois à quatre ans sans qu'aucune condamnation n'ait été prononcé contre

eux par un tribunal quelconque.La première phase du procès, jusqu'au commencement des interrogatoires a duré quatre ans et deux mois.La seule interrogatoire du président de la DISK a pris 21 audiences étalées sur 109 jours. Le verdict a été prononcé le 23 décembre 1986,c'est-à-dire cinq ans après le commencement du procès et plus de six ans après l'arrestation et la détention des syndicalistes. 264 accusés ont été condamnés à de lourdes peines allant de 5 ans 6 mois et 20 jours à 15 ans et 8 mois d'emprisonnement. Jusqu'à ce jour le tribunal militaire n'a pas encore rendu public le jugement détaillé et argumenté, ce qui est indispensable pour la poursuite du cas au niveau de la Cour d'appel militaire.Les accusés y ont déjà fait appel,mais les milieux juridiques s'accordent à dire que la décision de la Cour d'appel se fera attendre plus de deux ans.

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Quelles pourraient-être nos constatations ?

1. Les dirigeants et les militants de la DISK et de ses syndicats affiliés ont subi la répression par arrestations,détentions et tortures.

2. Leur arrestation et le traitement qu'on leur a réservé est en contradiction avec les pactes internationaux relatifs aux droits de l'Homme.

3. Ces organisations syndicales ont été suspendues par voie administrative, ce qui est une violation flagrante de la Convention N° 87 de l'OIT.

4. L'arbitraire a frappé et continue à frapper la DISK:l'article 5 de la nouvelle loi syndicale interdit aux accusés de la DISK d'exercer aucune activité syndicale jusqu'à leur acquittement. Ce

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qui est ouvertement en contradiction avec les principes les plus élémentaires de droit.

5. Les droits de la défense pendant le procès ont été bafoués maintes fois. Durant le procès quatre accusés et sept avocats ont été expulsés de la salle d'audience,un avocat de la défense a été arrêté.

6. L'administration des biens et avoirs de la DISK et ses syndicats affiliés est toujours entre les mains des curateurs qui ne tiennent aucunement compte des intérêts de ces organisations et leurs membres. Selon les dirigeants de la DISK leur valeur totale atteint aujourd'hui 250 milliards de livres turques, soit 250 millions de dollars US. En cas de dissolution définitive des organisations ces biens et avoirs risquent d'être transférés au trésor de l'Etat.

7. Enfin le procès de la DISK est un procès profondément politique. Les condamnations ont été prononcées sur la base du fameux article 141 du code pénal turc. La logique de l'accusation est des plus primitives et repose sur des déductions gratuites, dépassant toute imagination. En effet c'est l'activité syndicale même, conforme aux normes internationales du travail, qui est mise en cause. C'est un procès anti-syndical.

Cette parodie de justice, cette répression anti-syndicale continuent depuis plus de sept ans,auxquelles il est grand temps de mettre fin si on veut parler du respect des droits syndicaux et de la liberté syndicale en Turquie, d'une transition sérieuse vers la démocratie.C'est pourquoi nous demandons instamment:

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- l'acquittement de tous les inculpés et fin des poursuites;
- le rétablissement des droits de la DISK et de ses syndicats affiliés et restitution de leurs biens et fonds;
- le retour au pays des syndicalistes forcés à l'exil.

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Quant à la nouvelle législation syndicale, il ne sera pas exagéré de dire qu'elle prend ses racines de l'acte d'accusation du procès de la DISK. Elle est marquée par la restriction des droits syndicaux et de la liberté syndicale, dont je ne soulignerai ici que certains aspects caractéristiques.

La nouvelle législation syndicale restreint le champ d'activités et la liberté de constituer des syndicats; leur apporte une interdiction générale de politique; ne reconnaît aucun droit syndical à plusieurs catégories de travailleurs; règlemente minutieusement les structures internes des syndicats; prévoit leur contrôle direct par les autorités gouvernementales; subordonne l'affiliation à des organisations internationales à l'autorisation gouvernementale; facilite la dissolution ou la suspension des syndicats; restreint énormement le droit à la négociation collective volontaire et le droit de grève, interdit ce dernier dans plusieurs branches ainsi que la grève générale et la grève de solidarité.
Toutes ces dispositions sont incompatibles avec les normes internationales du travail, notamment avec les Conventions 87 et 98 de l'OIT. Les autorités turques qui ont promis plusieurs fois à l'OIT la levée de ces restrictions et de garantir le respect des droits syndicaux, sont bien loin de tenir leur promesse.

Par notre part, nous avons été toujours sensibles à la situation syndicale en Turquie et cela depuis bien avant le coup d'Etat de 1980. Face à l'intensification de la répression antisyndicale à partir de cette date, la FSM a multiplié ses efforts dans un vaste mouvement de solidarité et de protestation au niveau mondial. Contre la répression brutale des syndicats et des

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syndicalistes, le procès de la DISK et les restrictions législatives des droits syndicaux la FSM a déposé des plaintes au BIT contre les autorités turques, plaintes que nous avons soutenues par 33 informations complémentaires. Dans le même sens la FSM s'est adressée à la Commission des droits de l'Homme de l'ONU. Pour sensibiliser l'opinion publique syndicale, au cours de ces sept ans, nous avons publié 102 articles et informations dans notre presse, sans parler des déclarations et résolutions des instances de la FSM, de nos affiliés et des Union Internationales des Syndicats. Nous avons envoyé 18 missions sur place. Par ailleurs je tiens à souligner que nous nous réjouissons des actions convergentes par rapport à la Turquie.

Avant de terminer, permettez-moi de rappeler que l'année prochaine marquera le 40ème anniversaire de la Convention 87 de l'OIT sur la liberté syndicale et la protection du droit syndical et la Déclaration universelle des droits de l'Homme ainsi que le 10ème anniversaire de la Déclaration universelle des droits syndicaux adoptée par le 9ème Congrès syndical mondial.

Dans les travaux préparatoires de la Convention 87 de l'OIT, déjà en 1947, on soulignait que: " La liberté d'association professionnelle n'est qu'un aspect de liberté d'association en général qui, elle-même, doit s'intégrer dans le vaste complexe des libertés fondamentales de l'Homme, interdépendantes et complémentaires les unes des autres et qui comprennent, entre autres, la liberté d'assemblée et de réunion, la liberté de parole et d'opinion, la liberté d'expression et de presse, etc".

C'est le manque de toutes ces libertés qui continue à caractériser la situation en Turquie.

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