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For further information see the pamphlet, in Turkish and English, by  
Ünvanlı ve Özgür Akın titled "No to articles 141 and 142"  
For sale to the TKP. Available from: Ürün Yayıncılık, P.O. Box 1,  
Sıracıbaşı, İSTANBUL.

## THE TRIAL OF THE TKP PROGRAMME

The trial of Ürün publications' editor, Ahmet Taştan, began on the 17th of October at the Second Criminal Court in İstanbul. Taştan is being tried under fascist article 142 and other anti-democratic articles for legally publishing the TKP Programme. Nearly 50 lawyers defended Taştan, for whom a sentence of between 11 years 8 months and 40 years imprisonment is being sought. Lawyers and trade unionists from France, Belgium, Federal Germany and Britain and representatives of the International Union of Democratic Lawyers were present at the hearing which was attended by a large audience.

In his speech, the Ürün editor, Ahmet Taştan, said the following:

"The TKP is a social fact which is being discussed among all sections of society: workers, students, teachers and employers. Hundreds of thousands of people who filled Taksim Square on May Day 1978 demanded freedom to this party... Many publications have appeared which attack the Programme of the TKP, by Fethi Tevetoğlu, İlhan Darendelioğlu, Aclan Sayılğan and Zekeriya Sertel. But none of these have had legal proceedings or investigations conducted against them. By publishing the Programme of the TKP, I have fulfilled a democratic duty. The Programme of the TKP is, in the first place, a document, a scientific publication ... Turkey is the only country in the European community of nations which outlaws the communist party. This case should be a trial not of myself personally, but of the existence of articles 141 and 142."\*

Ahmet Taştan's defence lawyers, President of the İstanbul Bar, Orhan Apaydın, and member of the Bar's Executive Committee, Turgut Kazan, demanded that an application be made to the Constitutional Court for the annulment of articles 141 and 142 which were adopted from the penal code of Mussolini's fascist Italy. Orhan Apaydın said, "To publish the Programme of the TKP is to express a thought in writing. This is freedom of thought. For this reason this trial should be concerned not with the publication of the Programme of the TKP, but with whether the existing law restricts freedom of thought... There exists a fascist party in Turkey. This party freely express its ideas. It can have a say in the running of society, it can seize the state bureaucracy, but the TKP is banned". Turgut Kazan stated that this trial and the anti-democratic procedures in our country are in contravention of universal norms of justice, human rights, international agreements, the Charter of the United Nations and the Helsinki Final Act.

\*For further information see the pamphlet, in Turkish and English, by Ürün's editor Ahmet Taştan entitled "No to articles 141 and 142! Freedom to the TKP!" Available from: Ürün Publications, P.O. Box 41, Sirkeci/İSTANBUL



In reply to requests from the Defence of prosecutor, Çetin Yetkin said that an application to the Constitutional Court was in order and that he would disclose his views on the subject at the next hearing. The trial has been deferred to the 28th of December.

The trial was covered by the BBC and other international agencies and journalists. Even such mass circulation bourgeois newspapers as Cumhuriyet, Milliyet, Hürriyet and Günaydın, which until today have been loath to print stories about the TKP, gave the trial full coverage. The international press ran news stories about the trial. The President of the Ankara Branch of the Union of Journalists, Yılmaz Gümüşbaş, has written to the Minister of Justice denouncing the trial of Ahmet Taştan and demanding the annulment of articles 141 and 142. Even "Hürriyet" columnist Oktay Ekşi, renowned for his anti-communism, has pointed out the necessity of recognising the TKP's right to function freely, in an article entitled "Why the TKP". The bourgeoisie's crude anti-communism attacks of old are no longer effective. In a series of articles entitled "The Communist Parties of Mediterranean Europe", the newspaper Milliyet has had to admit the growing strength and influence of the TKP.

On the 17th of October, the same day as the trial, a "Freedom Night" was held at the Casablanca hall in İstanbul. Present were the owner of the journal "Ürün", Ural Ataşer, the General Secretary of the Peace Committee, Enis Coşkun, lawyer Turgan Arınır, the President of the Teachers' Association, Talip Öztürk and the guest lawyers, trade unionists and representatives of our workers' democratic organisations in Western Europe who observed the hearing. A large crowd, many people who had been invited to the evening listened to the speeches from the street, as the hall was full. The massive crowd filling the hall and the street continuously shouted such slogans as "Freedom to the TKP", "141-142 out, freedoms in" and joined as one in singing the TKP march and the Internationale.

#### WHAT THE TRIAL SHOWED

The 17th of October trial became in effect the trial of the ban on the TKP and the fascist articles 141 and 142. The prosecutor's doubts as to whether the fascist law on which he had based his entire case was compatible with the Constitution destroyed the foundations of the trial at its very first step. As this trial has also shown, the perpetrators of the 56-year long ban and terror conducted against the TKP, anti-communist quarters, are rapidly becoming even more isolated. The attack on the TKP Programme is backfiring.

The mounting protests against this trial, the dimensions of these protests, show that the fascist terror has not been able to break the resistance of the progressive forces. The solidarity in the country with the publishers of the TKP Programme is a link in the TKP's struggle to forge a front of national democratic forces. The isolation of anti-communism, the success scored in the 17th of October trial is the common success of all progressive, democratic forces. The contribution to this success made by the Committee of Solidarity

with Ürün is great.

The trial has shown that the labouring masses, and especially the working class, are adopting their own party to a greater extent. This is no coincidence. The Programme of the TKP which has been confiscated in the period of the Ecevit government is being tried in an atmosphere of mounting fascist terror. In precisely such a period, the government is reopening the American bases and bowing before the pressures of imperialism. It is not touching the Nationalist Action Party and its allied organisations which are responsible for the fascist terror against communists, socialists and social democrats. Instead, it is closing down branches of Progressive Youth Organisation (İGD) and prohibiting the Progressive Women's Organisation (İKD) from joining the World Federation of Democratic Women. Although it says it is for democratic freedoms, it does not take the slightest action to repeal the fascist articles 141 and 142. The government is doing exactly the opposite of every promise it made. It is freezing wages and foisting the burden of the crisis onto the backs of the working people. As a result of this policy, the Republican People's Party leadership is losing its bases of mass support and is each day moving more and more towards collaboration with reaction.

As can be seen, the trial of the Programme of the TKP is not a coincidence. The bourgeoisie fears the spread of this programme which shows the way to independence, democracy, peace and socialism.

The protests against the trial of the Programme of the TKP from the ranks of the working class and working people, the growing solidarity with the publishers of the programme, point clearly to one fact: the masses are embracing the TKP. The workers and toilers are more and more turning their attention to the only party which shows the single road to freedom and which directs the masses to organised struggle against the fascist terror for security of life: the Communist Party of Turkey. Life is confirming the correctness of the TKP's policy of calling the Workers' Party of Turkey and other socialist parties and organisations, the patriotic, democratic wing of the Republican People's Party to unite in a single front of struggle.

#### WHAT ARE ARTICLES 141 AND 142?

Where do these two articles, which were adopted in the course of changes to the Turkish Penal Code in 1936, originate? From the day of their adoption into the Turkish Penal Code, these articles have been used not only against the organisation of the working class and spread of its ideology but also against many democratic actions. Many democrats have been tried and convicted under these articles. The penalties imposed under these articles range from 5 years imprisonment to death.

Articles 141 and 142 appeared in Italy in 1926, in the period of fascism's consolidation. Fascism, which came to power in 1922, brought the concept of "protection of the state" to the fore, in order to protect its own system and in 1930 introduced the fascist "Protection of the State" Law into the Penal Code. On coming to power, Mussolini first enacted a special law banning all trade unions and organisations that opposed him. He then used these laws to prevent the banned organisations from reestablishing themselves secretly or



conducting propaganda.

Six years later the Italian articles 270 and 272 were introduced into the Turkish Penal Code as articles 141 and 142. These articles are still in force today, in 1978. Many democrats, socialists and communists are being tried because of them.

### **GOVERNMENT PRESSURE AGAINST THE PROGRESSIVE WOMEN'S ORGANISATION**

The Ministry of the Interior has rejected the Progressive Women's Organisation's (İKİD) application to become a member of the World Federation of Democratic Women. This anti-democratic ban by the government is an extension of the policy it has pursued until today, a policy that is shifting steadily towards the right.

The President of the İKD, Beria Önger, has stated that this decision is contrary to the provisions of the Helsinki Final Act. By its action, the government is adopting a position hostile to the international democratic women's movement, as well as to the İKD. The İKD and WFDW are waging an effective struggle for democracy, peace and social progress. This pressure against the İKD comes as no coincidence in a period when the government is reopening the American bases and remaining a spectator in the face of the fascist terror.

The Interior Ministry's decision is based on the indiscriminate authority granted to the Ministry by the Associations Act, an anti-democratic law which the Republican People's Party has itself opposed many times.

As is known, the RPP, to which the Minister of the Interior who has prohibited the İKD's membership of an international organisation belongs, has recently applied for membership of the Socialist International. This shows that the RPP leadership is not prepared to grant other organisations the same right which it grants to itself.

The TKP protests this action and calls all national and international organisations, especially women's organisations, to solidarity with the İKD. The decision prohibiting the İKD from joining the WFDW must be withdrawn.



**TÜSTAV**