

# AZİZ NESİN'S

## LAST STATEMENT FOR DEFENSE IN THE

# „PETITION“ TRIAL

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

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

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

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



**AZİZ  
NESİN**

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

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

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

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

Ankara Martial Law Command  
Military Court No. 1

Your Honor!

(...)

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

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

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

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

Our intention was to publish the text of

the petition, so that the public would be aware of its contents. However, the powers that be attempted to hinder this by imposing a censure on the press...

What is the purpose of all this? To intimidate the intellectuals into silence and put down the opposition! Whether this has been accomplished or not, is for all to see.

We owe thanks to those who have brought this case against us and those who have inspired them to do it, on several counts. It is only thus that we have recovered our right to defend ourselves, whereas in our country where officials claim a return to democracy, our right to defend ourselves had been in effect abrogated, our right to answer the meanest accusations, denied. Even though a censure might be imposed upon our defense here, thereby making it impossible to reach the public, we at least will have delivered our defence, by means of this court, to the hands of history. Besides, since we do not constitute an organisation, we lack the means to disseminate the text of our petition. But the attacks launched against us in the broadcasts of the Turkish Radio and Television, and the press coverage of the court hearings, have to a certain extent made up for this deficiency.

The President, in his televised speech, had said: "It is said that our pride suffers from the fact that the human rights issue in Turkey is debated abroad. We know very well who the participants in this debate are. ...Our enemies are trying to conquer us from within. They are trying to disrupt the peace and stability that we have brought to this country."

Let us see who these enemies are, who are trying to disrupt the atmosphere of peace and stability.

An American named Elliott Abrams has addressed the audience in the auditorium of the American embassy in Ankara, on the 22nd of July 1983, in the following manner: "Those people who observe Turkey from abroad have the impression that the persecution of citizens handing in a petition to their government runs counter to the developments in the direction of democracy."



Who is this American named Elliott Abrams? He is the advisor of Reagan administration's Secretary of State George Schultz, in the field of human rights.

A large number of prominent intellectuals from many West European countries as well as the USA have declared their full support of the views expressed in our petition and protested the investigation launched against us. Two thousand intellectuals, each an international figure in the sciences, arts, and politics, thus came to our support. This declaration of solidarity with our petition



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I am cutting short my words for lack of time.

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

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

Respectfully,  
AZIZ NESIN.

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