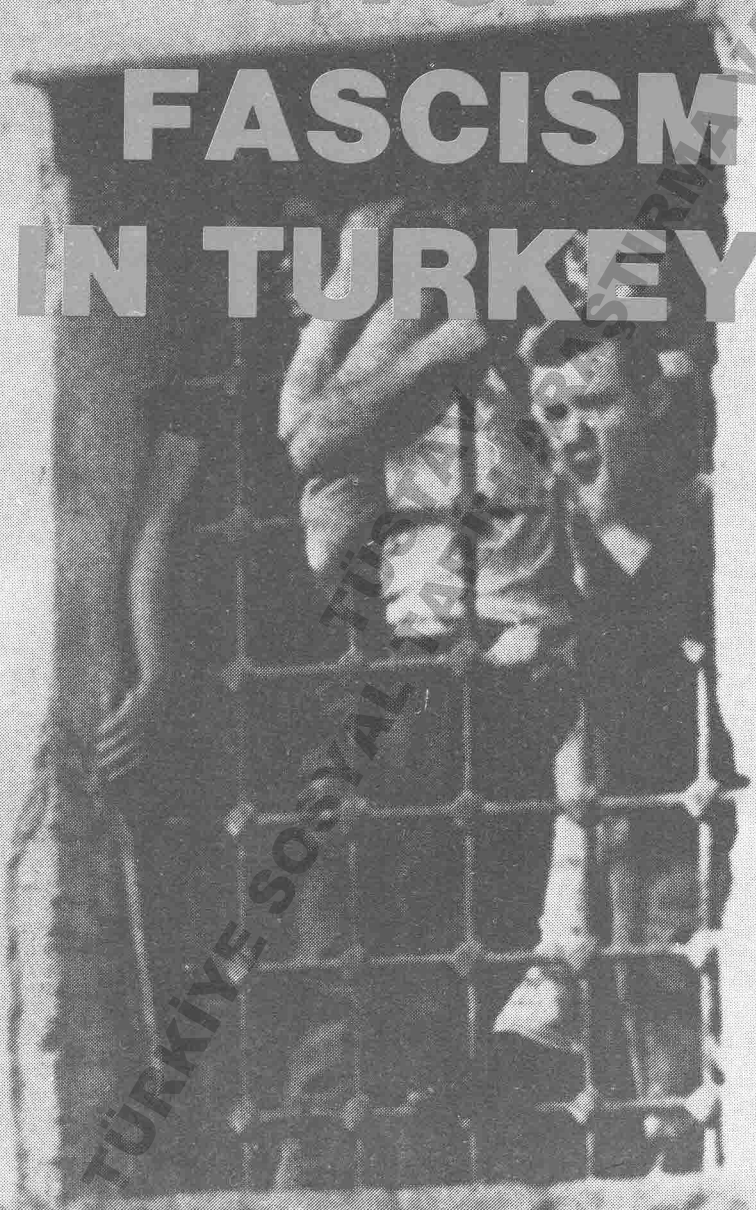


STOP FASCISM IN TURKEY !



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World Federation of Trade Unions
Vinohradská 10, 12147 Prague 2, Czechoslovakia
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FOREWORD

Although the Turkish military junta, worried about their international reputation, are trying to make themselves out as the champions of democracy, they cannot hide the repressive, anti-democratic nature of the regime implanted by the generals after the September 12, 1980 coup d'état, nor their sinister plans for the future of the workers and people in Turkey.

Recapitulating the junta's violations of human rights would engender a terrifying tirade of mass arrests, political trials, summary executions and torture to which thousands of people have already fallen victim.

The targets of this repression are the working class and all progressive forces in Turkey who, in the 1970's, proved their fighting spirit in the arduous, yet heroic struggles for genuine democracy, and against all forms of exploitation and oppression.

The first steps taken by the generals were to ban strikes, suspend all trade union activity, arrest leaders and militants of the DISK, a united progressive trade union confederation which mobilised thousands of workers.

The DISK trial, a parody of justice, where even the defence is muzzled, is an unprecedented attack on trade union freedom and democratic and class-based trade unionism: an attack which is openly part of a deliberate policy aiming to make the workers pay the cost of the capitalist crisis, according to the regulations of IMF loans.

The only offence committed by the DISK and its affiliates is that of having led a merciless struggle on all fronts for a life and a future for workers, in other words, against austerity policies, for improved living and working conditions, for policies better able to satisfy the needs of the working masses, against fascism, imperialism and capitalist exploitation, for national independence, social progress and peace. Claiming to find a way out of the economic crisis by sending trade union militants to the gallows is an aberration. What is more, steps taken so far by the instigators of the coup are a long way off finding a solution to the recession. All that they have achieved after two and half years of dictatorship is a drop in workers' purchasing power and in their living and working conditions.

All this is within the context of greater alignment to US imperialist foreign policy. Turkey is third, after Israel and Egypt, on the receiving end of Reagan's military handouts. US officials seize every possible chance to congratulate general Evren for his successful «re-establishment» of order, in what, to their minds, is a NATO outpost of strategic importance.

True to line, the junta placed the new constitution up for referendum, taking into account «Turkey's strategic importance» in the words of the generals.

Systematic and methodical in the task it has sworn to accomplish, the junta is simply institutionalising the present repressive emergency regime which is supposed to be «temporary». Under guise of a return to democracy, the regime has passed hundreds of bills on national, social, political and economic issues, a whole arsenal of legislation designed to govern tomorrow's totalitarian terrorist political system.

In other words, the struggles of our Turkish brothers, workers and their trade unions are plagued with troubles, yet their struggle carries with it great hopes, and their success — overthrowing the dictatorship and re-establishing genuine democracy, thus treading the ground for changes in society in favour of workers — will have repercussions throughout the entire world and will be a substantial contribution to consolidating peace in this troubled part of the world.

The WFTU has constantly supported the struggle of Turkish workers and their militant trade unions. Since the military coup, it has embarked upon a broad international solidarity campaign to save the leaders and militants of the DISK from death, prison and torture, for the respect of human rights and the re-establishment of trade union and democratic freedoms.

The 10th World Trade Union Congress, «denounced the repression and criminal persecution, wrought upon trade unions in Turkey and the suppression of all trade union rights and democratic freedoms in this country.» The Congress expressed «its total solidarity with the DISK and demanded that the Turkish military regime put an immediate end to the parody of judging DISK leaders.»

This pamphlet published by the WFTU is yet another effort to make public opinion aware of the dark picture of repressive measures of the Turkish generals and the courage and heroism of the workers and people. Its main aim is to convey the message of those workers and people who are in desperate need of solidarity, more solidarity and ever greater solidarity.

The WFTU is confident that the wonderful actions of solidarity with the Turkish workers and people being carried out now will be stepped up till democracy is reinstated in Turkey and trade unions can function freely.

Ibrahim Zakaria
General Secretary
World Federation of Trade Unions

—THE 12 SEPTEMBER 1980 COUP D'ETAT

Since September 12, 1980, Turkey has been ruled by a Council of National Security and a government appointed by the latter and presided over by the former army commander. The Council of the National Security consists of five generals: the Chief-of-Staff who became president of the republic, and the commanders of the three armed forces and the gendarmerie.

ACUTE CRISIS

An acute crisis affecting not only the entire economy but also the political sphere, accompanied by an intensification of the class struggle and the increasing threat of fascism — these were the characteristic features of the situation before the coup.

The economic crisis had been deepening since 1973 and became even more acute during the second half of the 70s. It was reflected especially by an annual inflationary spiral exceeding 100%. Two essential factors — among others — were feeding this breath-taking inflation rate: search for maximum profits by the monopolies and a price increase of imported raw materials and other goods indispensable for an economy depending on international finance. Devaluations of the Turkish pound and irrational management practices, in the interests of big business, of the very large state sector in Turkey also contributed to the development of such a situation. For the first time since the 60s, large factories in the metal, automobile and other industries were closing their gates with mass dismissals of workers. In 1979-1980 more than 50,000 workers were dismissed. This strengthened the army of unemployed the official total of which is over three million. The growth rate which achieved 7% in the 60s dropped down to negative values. The foreign trade deficit went on increasing. Every year the Turkish economy needed billions of dollars in credits or aid. The oil economy with low exports was only capable of paying for the oil and nothing else from its exports. It should be noted that even in such a situation Turkish governments never refused the demands of NATO and continued increasing their military expenditure. This, of course, only made the national economic situation worse and reduced the resources for investments as well as the funds devoted to public services.

This entire process was taking place in a framework of intense monopolisation and capital concentration, bringing about a fast deterioration in the living and working conditions of the working people.

POLITICAL SITUATION

In the political field, none of the two big political groupings in the country (the Republican Party of the People affiliated to the Socialist International and the Party of Justice) was capable of ruling alone. Since 1973 Turkey had been governed by coalition or minority governments. Among the coalition governments we should quote especially the Nationalist Front composed of the PJ, Party of Nationalist Action (fascist) and the Party of National Salvation (Islamic inspiration) which ruled in the country during two periods since 1975. Profiting well from these occasions, the fascist party succeeded in infiltrating the state administration and bodies with a large number of its activists. The RPP got an increased number of votes in the 1977 election after it identified itself with some important demands of the working people and democratic forces. The party was capable of forming a government with a participation of 11 independent members. This government only survived for 22 months, giving way, at the beginning of 1980, to a minority government of the PJ. The reason was that the RPP lost about one million votes in the October 1979 partial elections. At the time of the military coup, the country had a government of the PJ supported by the fascist party.

The economic policy of all these governments was an austerity policy with the objective of making the working and popular masses pay the costs of the crisis. The austerity policy was coordinated in particular according to the requirements of the International Monetary Fund.

TERRORISM

A wave of terrorism hit and broke against Turkey; its origins can be traced back to 1969 with the discovery of the «grey wolves» commando training camps organised by the fascist party. But especially since 1975, i.e. with the inauguration of the government of the Nationalist Front, terrorism has begun to reach dimensions. Over the last few years the number of victims of terrorism is more than 5,000. The «grey wolves» are organised especially among the young people in the «Centres of Ideals» connected with the fascist party. Although their number is very low, they even have a Confederation of Nationalist Workers Trade Unions. The fascist aggressors, usually very young, sometimes between 17 and 18 years of age, systematically kill young people, workers, teachers, journalists, university professors, writers, organise mass massacres (34 dead at the May Day manifestation of 1977, 100 killed at Kahramanmaraş). The fascist aggression culminated in 1980. During one July week a RPP Member of Parliament, a former Prime Minister and Kemal Türkler, president of the Trade Union of Metal Workers (DISK/MADEN-IS) were assassinated one after another. Very often the fascist killers remain unpunished, supported even by government officials, state machinery, the

police and secret services. Since the end of 1978 many important cities and towns in the country have been living in a state of emergency declared by the Ecevit government. In September 1980 the number of victims per day was more than 15.

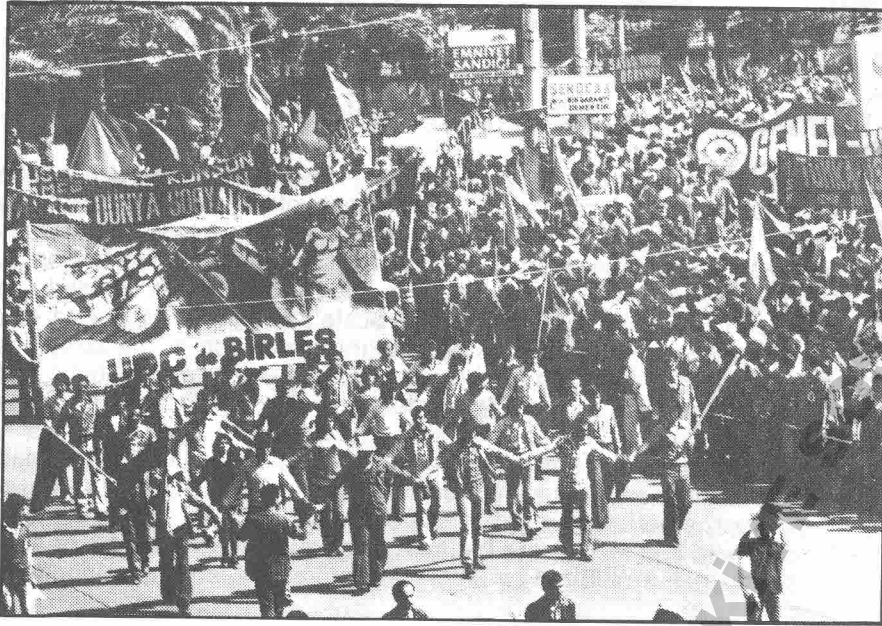


THE STRUGGLE OF THE WORKERS

In spite of the multiform repression, restrictions imposed by the authorities, the state of emergency and a climate of intimidation created by terrorism, the forces of progress and democracy undertook courageous actions against the fascist danger and reaction, for national independence, peace and democracy. Ever increasing numbers of workers refused the austerity policy and participated in large-scale struggles. The period just before the coup witnessed a considerable intensification of the struggles by the working class and other working masses — both for economic and democratic demands. In order to understand the significance of these struggles, we should bear in mind that in Turkey the right to strike is granted to the trade union organisations only if collective talks do not lead to positive results, and after a number of bureaucratic procedures. Moreover, during the period covered by the collective agreement, the right to strike is denied and strikes are banned. General strikes, political or solidarity strikes are prohibited by law. For that reason, strikes or conflicts



Kemal Türkler



His funeral ...

going beyond this framework set up by the law and carried out by unified forces of the working people are called «resistance» in Turkey.

We quote only the most important «resistances» of the year 1980:

— In February, more than 10,000 workers of the agro-industrial complex of TARIS, situated in the Izmir region, stopped working in protest against the foreseen collective dismissals. The forces of order brutally intervened. Workers, members of the DISK, remained for several days on the barricades. More than 100,000 workers organised a solidarity strike in the region.

— Since the Command of the State of Emergency did not authorise the May Day demonstration in Istanbul, DISK called for a national day of action on April 30. Hundreds of thousands of workers stopped work on that day. May Day was celebrated on a massive scale in Anatolian towns.

There was anger at the cowardly assassination of Kemal Türkler on July 22. That very day workers began work stoppages. The number of strikers exceeded one million. Strike action continued for three days. The funeral of the outstanding trade union leader turned into a massive anti-fascist demonstration with hundreds of thousands of workers taking part, paralysing the entire city of Istanbul.

— On August 8, more than 60,000 health service workers carried out a national «resistance» for their economic demands and trade union rights.

— September 4 — 12,000 textile and food industry workers in six factories in the south of the country (Adana) stopped work to protest against the dismissal of two workers.

In 1980 the struggle of the working people for better living and working conditions, protection and increase of purchasing power and for job guarantees reached large dimensions. Facing the uncompromising position of the bosses, and after collective bargaining which lasted several months, the workers in metallurgy, textiles and glass industries held strikes in May with the participation of 53,774 workers. It should be noted that these struggles were always accompanied with a unitarian process. The DISK/MADEN-IS acted together with one autonomous union while the DISK/HURCAM-IS (glass) held a strike jointly with a union affiliated to TURK-IS (ICFTU).

Also other trade union organisations affiliated to the DISK or the TURK-IS decided to hold strikes. These, however, were delayed by the Council of Ministers. These actions involved 46 factories with 150,000 workers in petrochemistry, transport, food industries and the public services. The number of the strikers would have exceeded 130,000 in September — if it had not been for the coup.

Fehmi Isiklar, DISK General Secretary, who is today in danger of being hanged, explained the policy of his centre in an article in the Review of the WFTU, «World Trade Union Movement», as follows:

«In such an intense climate of class struggle, it is quite clear that the

economic and political fields are inseparable. DISK, which refuses class collaboration and represents class-based, mass, democratic trade unionism, has never had any doubts over this. Furthermore, it will not hold back in its struggle against the damaging consequences of the system, it is attacking the causes, i.e. the exploitation of man by man. The struggle of the DISK is world-wide, it does not separate itself from the world-wide fight for democratic freedoms and rights.

«Today the working class in Turkey is being particularly vigilant towards the fascist danger, a danger not only threatening the working class but threatening any social strata with interests contrary to imperialist-linked big business. A broad front of all these forces is of paramount importance. Such a front alone could halt the whole group of reactionary and fascist forces in its tracks and enable urgent claims and demands to be met.

The DISK has also invited the TURK-IS for subsequent discussions on unity of action.»

The establishment of such a front has so far been impossible. The first statement by the Generals put strike action in jeopardy and dubbed it as ideological. Trade union activity was suspended. This also applied to the DISK. While the leaders of this fighting confederation were arrested and thrown into prison, the former president of the metal industry's bosses' organisation was made Vice-Prime Minister.

ANTI-TRADE UNION AND ANTI-WORKER MEASURES

The very day of the coup d'état was the day when DISK leaders were put under «surveillance for their security and public order». All the leaders, regional and local representatives, right down the line to factory-floor DISK shop-stewards and DISK's affiliated organisations were called on to obey the Rulings of Martial Law.

A military regime spokesman said that «We must, over a transitional period, suspend strike and lock-out rights, so that we can reach a good-level of production and solve present economic difficulties. Nobody can argue against the fact that the present situation of anarchy created by the trade unions over the recent period, has led the country to the verge of bankruptcy.»

A high-level arbitration committee was set up, comprising representatives of the generals, bosses and the TURK-IS Confederation (ICFTU), to decide upon collective agreements. This has fixed the new conditions on wages and jobs which still apply today, conditions affecting over two million workers and which are a long way from meeting their claims and demands. Amending laws is being used as another way of wiping out workers' achievements.

The number of working days necessary to have the right to paid retirement has been raised from 5,000 to 7,200. The contribution paid

from wages to cover medical expenses has also been put up. The 1st of May is no longer a holiday.

Martial Law Rulings have legalised sacking. In 1982 alone, 4,172 workers were subject to collective sackings. 5,040 teachers and lecturers were sacked from their jobs for «ideological reasons». Big purges are going ahead in university establishments. Progressive trade union activists are first in line as regards these repressive sackings.

Terrorism before the coup d'état has been replaced by systematic state terror: imprisonment, torture, prison sentences and executions.

Imprisonments due to «ideological reasons», according to the generals, amounted to 45,538 people detained by the 1 February 1983, 30,000 of whom have already been tried and convicted, receiving sentences ranging from five years in gaol to capital punishment. 110 death sentences have been announced. The number of death sentences being called for in the military courts is now over 5,000. 107 people have received life imprisonment. These are the official figures. The authorities themselves have recognised the fact that 15 people have died under torture in police stations.

Under the cover of a return to democracy, an authoritarian and anti-democratic regime is institutionalising itself by passing a number of laws and through the adoption, in November 1982, of a new Constitution. This considerably restricts basic human rights and freedoms and only permits a servile kind of trade unionism, at the mercy of the government in power.

There is a very significant article in the new constitution which provides for the imposition of a state of emergency in cases of «serious economic crisis», in which the President and the Council of Ministers are able to suspend all basic freedoms and even organise forced labour, according to the «needs of the country».

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— THE DISK TRIAL —

CHARGES

The big DISK trial started on 24 December 1982, after a ban on the confederation of over a year imposed by the military. The overwhelming majority of those accused are still being detained.

The military prosecutor, in his charges, announced that over 2,000 people would be affected by this trial. At the end of February 1983, in the main trial taking place in Istanbul, 75 of those accused were on trial, 65 of whom were in danger of being sentenced to death and ten of receiving heavy gaol sentences. Further still, other trials were started against leaders of trade unions affiliated to DISK.

The DISK leaders are being charged on the basis of articles 141, 142 and 146 of the Turkish penal code. It is the last of these that carries the death sentence. In terms of article 146 «Whosoever tries forcibly to alter, change or abolish the whole or a part of the Constitution, to overthrow the national assembly — as set up by the Constitution — or to prevent the fulfilment of its duties, shall be punished by the death penalty.»

Articles 141 and 142 of the Turkish penal code, inspired by Mussolini's laws, ban all activity aiming to establish «the hegemony of one social class over the others or the suppression of one social class.»

According to the military procurator, the DISK leaders are guilty under articles 141, 142 and 246 because «as members of a Marxist-Leninist organisation, revolutionary and illegal, fighting for the establishment of the dictatorship of the proletariat and of socialism,» they tried «under the direction of DISK, transformed into a political organisation of the working class, to overthrow constitutional and state order, as well as the state's fundamental institutions, by revolutionary methods.» Remember that the military procurator understands «revolutionary methods» as terrorism.

What «terrorist acts» are imputed to DISK, «proving» it to be an «illegal organisation based on violence»? The procurator's «evidence» consists of «mass actions, illegal strikes, work-place occupations organised by DISK, which used the ideology of Marxism-Leninism as a moral weapon to engage the mass of the workers in action». The military procurator does not scruple to characterise the following activities of DISK as terrorist acts:

— 15 and 16 June 1970: over 100,000 workers down tools and take to the streets of Istanbul to protest about a Bill intended to amend trade union law which was, in fact, aimed at DISK. Six years later, 16 September 1976, hundreds of thousands of workers took part in a national strike to prevent the setting up of emergency tribunals. In these two cases the



May 1st, 1976, Taksim Square, Istanbul



May 1st, 1977, Istanbul

military procurator claims that «the stated motives of these mass actions were simply pretexts and the real motive was to destroy the state by paralysing production and social and political life». He speaks of «training for the communist revolution».

— The national strike of 20 March 1978 (supported throughout 51 of the 67 administrative areas of the country) in protest against the murder of seven university students; the 5-minute work stoppage of 5 January 1979 in condemnation of the massacre of over 100 people by fascist commandos.

— The May day demonstrations of 1976, '77, '78 and '79 and the national strike on 30 April 1980 in protest against the ban on demonstrations. DISK «would transform Istanbul's Taksim Square every year into a battlefield, red and bloody». The whole world knows that the participants in the legal and authorised demonstration of May Day 1977 were attacked in a cowardly manner with automatic weapons: 34 people were killed. The aggressors were never identified and are still at liberty, having never been brought to trial.

— The great legal and authorised strike by tens of thousands of metalworkers affiliated to MADEN-IS which continued for over eight months; this is described as «war against the state».

— As the crowning «proof», the procurator Colonel cites the fact that the delegates of the 23rd Congress of MADEN-IS in 1979 sang the International.

For the prosecution, strikes and demonstrations, certain slogans and workers' songs are sufficient proof of the terrorist character of DISK.

Speaking of contacts between DISK and the WFTU, the French CGT and the Italian CGIL as evidence of guilt, the prosecution openly lays the blame at the door of the international trade union movement and its component parts.

Before attacking the international relations of DISK, to which devotes some 50 pages, the military procurator takes it upon himself to «analyse» currents in the world trade union movement. According to him, there are four types of trade unions in the world: free trade unions, «represented by the TURK-IS in Turkey and the ICFTU»— these are anti-communist trade unions; anarcho-syndicalist unions, «whose principal means of violence is the general strike», social-democratic unions which «try to achieve communism through democratic pluralism»; and Marxist-Leninist unions. This «analysis» is further clarified as follows: «DISK rejects the concept of unions which are based not on revolution but on reform and which advocate class collaboration; that is to say the trade unionism of collaboration recognised under our laws. On the contrary, it openly advocates class and mass-based trade unionism.»

The procurator notes with bitterness that DISK «developed and safeguarded for its members greater material advantages in relation to the other trade union centres, as a result of its firm position in collective bar-



May 1st, 1978, Istanbul



May 1st, 1979, Izmir

gaining». It is this which annoyed the bosses, the reactionaries and the military men in their pay. The procurator pushes his «argument» to the extreme, putting himself openly on the side of the most reactionary circles: «DISK always conducted collective bargaining without concessions, making unrealistic demands which the enterprises could not afford to concede. It forced the workers to go on strike. This is why there is no incentive to invest, this is why production has dropped and inflation risen.»

The logic of the indictment is most primitive, and rests on gratuitous deductions on an unimaginable scale. Two facts only are true: DISK demands class and mass-based trade unionism and also socialism. These are necessary and sufficient grounds, according to the procurator, for characterising it as a Marxist-Leninist, illegal, clandestine and terrorist organisation.

OBJECTIVES

Abdullah Bastürk, DISK President since 1977, said at the Bakirköy Court, Istanbul on 22 April 1981 (*) :

«The political aspects of this case largely overrule the legal ones. There has been no previous underground illegal activity to justify this trial nor plans or decisions made by the DISK or its officials which «have been disclosed». Nor are these proceedings based on activities of any movement which «have been established.»

«Indeed not. This trial has been brought against us because of opinions expressed in public by DISK officials over the years to the press, on the radio and television and in the course of collective bargaining, meetings and demonstrations. We are on trial because DISK officials have defended the interests of our country as a whole, defended the rights and freedoms of the workers and have been faithful to their beliefs and actions.

«This trial is not only looking to put an end to DISK activities or abolish this organisation. Its main objective is to wipe out democratic, class-based, mass trade unionism which has sprung up in the wake of the DISK in Turkey against company unions.

«The DISK was founded in 1967. To start with it had 30,000 members. This number of members rose very quickly to above 500,000, following the struggle by the DISK for workers' rights to organise themselves into trade unions, to freely negotiate collective agreements and to obtain the right to strike. Also, this increase came about due to the fact that DISK was fighting for the achievement of democratic rights and freedoms, as laid down in the Constitution, against servile trade unionism, and that our organisation was working in a complete and authentic spirit of democratic trade unionism.

(*) Before the start of the main trial.

«Because of these reasons, governments in power and bosses detested our organisation ever since it was set up. DISK has never stepped backwards, despite governmental repression, anti-democratic measures, actions taken by the bosses or provocations from fascist circles.

«However, bosses have feared the struggles of DISK and its democratic class-based, mass trade unionism. They have done everything in their power to put an end to DISK and stop its democratic fight dead in its tracks.

«The trial brought against us is the result of these developments.

«The Public Prosecutor blames the DISK for having taken action against the principal articles of the Constitution, of forming a clandestine



political organisation and demands that the DISK be abolished forever.

«We accept none of the accusations brought against us by the Public Prosecutor.

«The DISK has unequivocally opposed anarchy and terror.

«The DISK cannot be blamed for the economic crisis ...

«The DISK has always been the strong defender of national independence and democracy ever since the day it was founded. For the same reasons, the DISK opposes imperialism, fascism and has made itself the active defender of peace.

«The DISK has defended the entire Constitution. We have defended the 1961 Constitution under the most difficult conditions. We are still defending it. It is our patriotic duty to defend it.

«The glorious history of the Turkish working class goes back 100 years. During this period, there have been times when trade union rights and freedoms have been abolished, when trade unionists have been thrown into prison and badly tortured.

«Whatever the outcome of this trial, it will be impossible to stamp out trade union development in Turkey.»

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TÜRKİYE SOSYAL TARİH ARŞİVİ
TÜSTAV

— THE OBSERVERS WITNESS —

Sent by the WFTU, several observers: trade unionists, lawyers and doctors (15 years after the coup d'etat) went to Turkey to see for themselves the situation and, at the same time, express the WFTU's solidarity and that of the Trade Unions International (TUIs) with the struggles of the workers and people of Turkey.

Their observations are the following:

Jean-Claude WARTEL, legal expert, member of the Rights and Freedoms Section of the French CGT

Pierre VANDERNOOT, lawyer on the Brussels Bar
1-4 April 1980

«If in the present world a large majority of countries — thanks to the efforts of the progressive forces — push back the political regimes which violate the rights of man, the mission we have just carried out in Turkey enables us to place this country on the list of those, where the human rights are openly trampled upon. Although the responsible persons of the Turkish government, the military or the politicians, often speak in favour of human rights and against their violation in other countries, we affirm that their country is far from being democratic.

International opinion knows that since 1925 an Act concerning public order restricts, to a certain extent, public freedom in this country. International opinion knows also of paragraphs 141 and 142 of the Turkish penal code taken over directly from the Italian fascist penal code of 1936, it knows that a certain number of dispositions and amendments have the character of being dangerous weapons which are constantly used against freedom of expression and opinion. Lawyers, democrats and trade unionists have condemned these anti-democratic clauses which are not only contrary to the spirit of the Turkish Constitution, but also and in the first place, to the most elementary human rights recognised by the international community. The immediate motivation of our enquiry mission, the aspect which we regard as most important, is the appeal of Turkish democrats, be they trade unionists, lawyers, writers or intellectuals, to make known to the entire world that freedom in Turkey is about to be torn to pieces by the vile beast of fascism.

The state of martial law in more than 20 provinces of the country paves the way for brutal military repression. In order to carry out its policy of oppression the Turkish government uses the army, the police and

extreme right-wing groups. There is no limit to their brutality (martial law itself is highly restrictive), democratic freedoms are trampled down and constitutional clauses protecting the citizen are completely ignored.

Next to these concrete facts there are a number of legal measures under preparation. For instance, more power and competence for the police and a modification of the right to associate. The object of these legal measures is to strengthen police authority and restrict individual freedom as well as the freedom to associate. Trade union organisations will naturally be the first victim.

Under the appearance and form of legal measures, administrative and regulatory mechanisms of fascism are being introduced in Turkey. The fears of the Turkish democrats are not motivated solely by practical anti-democratic legislative measures or by the reality we have just described. The possibility of the realisation of a fascist state in Turkey is on the daily agenda. This conviction is based on an analysis of similar features between the political situation in 1980 and that of 1971. Those who have seen a military dictatorship in power will not fail to see it. One feels it. It was just after an ultimatum imposed by the supreme command of the armed forces that Turkey fell under the yoke of the military on March 12, 1971 (which lasted 20 months).

And now, ten years later, the Prime Minister of Turkey Süleyman Demirel is exactly the same man who was ousted by the Turkish generals in 1971. On January 2, 1980, the commander-in-chief of the Turkish army launched an appeal to constitutional bodies to save the country: a high military personality declared that the appeal was a warning in the positive sense. Simultaneously, the Turkish-American talks from January 1980 resulted in the conclusion of a new defence agreement signed in Ankara. The agreement consists of one general document and three annexes: on American military assistance to Turkey, on the statute of the American bases and on the creation of a joint defence industry.»

Nicholas BLAKE, Helena KENNEDY, members of the English Bar
17-20 January 1981

«The military coup followed a crescendo of violence spread under the government of Mr. Demirel. At that time, it was generally thought by public opinion that one of the extremist right-wing parties was preparing a coup. The army taking power was greeted with some relief by many of Turkey's NATO partners as a «regrettable but necessary in order to stop the situation deteriorating into civil war.» One of the first steps taken by the military junta has been to lay a wreath on the tomb of Atatürk to emphasise the continuity of the state founded on his reforms.

The present junta constituted themselves as a five-man National Security Council. The National Assembly was suspended and political parties were banned. Many leaders of the political parties and the trade unions were taken into custody. The Constitution was suspended but various parts of it and the various legal codes made under it have been reintroduced by the decree of the Council which has the force of law. Thus, although certain civil courts still exercise their function they do so at the will of and through the acquiescence of the National Security Council and both the independence of the judiciary and the rules that they apply are highly vulnerable to executive interference.

As we understand it, the basic allegations leading to the application to repress were:

- a) organising illegal strikes (that is strikes beyond the strict definitions of the Labour Code which does not permit solidarity strikes, general strikes or strikes in breach of contract or for political purposes)
- b) organising political meetings and demonstrations which were outside its alleged constitutional function
- c) adopting an ideology and propagating ideas based on a class conception of society.

If the public prosecutor is successful the result will be the banning of the confederation, the dissolution of its assets, and the proscription against a number of its members from holding trade union offices in the future. We were informed by one source that upon dissolution, its assets could be distributed to its rival confederation Turk-Is.

But it is our understanding of the evidence and the reasons behind the prosecution that it is alleged that the pursuit of economic and political goals have had the effect of promoting instability and subversion rather than that the trade unionists have engaged in violent behaviour. Several previous attempts to prosecute DISK militants for unlawful strikes have failed although these failures have frequently been overturned on appeal in recent months. A speech of General Evren, reported on Saturday, 17 January 1981, in the English language Turkish Daily News, is indicative of the state's reasoning.

General Evren said that the anarchists and terrorists created unrest in big cities by way of agitating the people, thus aiming at spreading terrorism and communism. Their goal was to intensify economic crisis in Turkey (using means of going on strike) then have the citizens fed up with life and later come out with their own slogan. They wanted to bring communism to this country.»

It should be pointed out that inflation in Turkey has been something in excess of 100% during the past twelve months, which it might be thought has had something to do with increased activity for better material conditions.

It appeared to us that the use of repressive powers and the interpretation of the wide-ranging penal laws were being directed against DISK members because of their political ideology. We note that the 1961 Constitution recognises freedom of expression.

It appears that DISK militants have been especially singled out in the process of repression. After the coup many thousands of people were detained. The National Security Council promptly issued a decree extending the period of detention without judicial arrest permissible under martial law from 15 days to 30 days and thereafter to 90 days. Many of the two thousand DISK members were subsequently released but many hundreds, including the leading elements, were not and remain in custody. We noted whilst preparing this report that the British paper «The Guardian» reported on 25 January 1981 that the leaders of a right-wing trade union had been released that day, in contrast to the treatment meted to the DISK members.

The detainees did not have access to lawyers as provided by the penal and martial law codes. In addition to these breaches of the law, well informed accounts were given to us, alleging that torture had been administered to many of the detainees.

It was on the basis of confessions obtained during the period in military detention that the public prosecutor requested warrants of arrest. The precise charges have not yet been formulated but we understand that they will be likely to include a prosecution under Article 146 of the Penal Code which carries a possible death penalty. At this preliminary hearing the DISK defendants filed allegations that they had been tortured. The presiding judge refused to issue arrest warrants in respect of 438 out of 506 defendants. We were informed that a member of the National Security Council visited Istanbul shortly after this decision and expressed displeasure at this result. The judge in question was shortly afterwards transferred out of Istanbul. On Wednesday, 22 January, it was reported in The Guardian that the public prosecutor had successfully appealed to a higher court for the arrest of those whom the lower court judge had refused to initiate proceedings against. It has been confirmed that this was but the most blatant instance of judicial manipulation by the present authorities, contrary to Article 132 of the Constitution.

We did not speak directly to any recent victim of torture but were informed of the allegations that were filed with the Martial Law Court in respect of the DISK defendants. It has been alleged:

- a) that all detainees were blindfolded throughout the time that they were in detention, including interrogation sessions and when being asked to sign statements,
- b) beatings to the soles of the feet have been administered,
- c) electric shocks have been applied to all parts of the body,

d) constant threats of assassination have been made to detainees (these threats have been carried through to the extent of arranging final visits with family members and even the staging of mock hangings).

DISK members will be charged under Articles 141, 142 and 146 of the Penal Code which prohibit:

- a) subversion of the whole or part of the Constitution
- b) usurpation of the functions of the National Assembly
- c) endeavouring to establish the hegemony of one class over another

d) organising meetings and distributing propaganda with the intention of achieving these objects.

These provisions date from the 1936 Penal Code which was, to some extent, influenced by the provisions of Mussolini's penal code the extent of which their vague wording and obvious opportunity for abuse by the repression of political opponents remain consistent with the provisions of the 1961 Constitution, may be open to doubt. Much doubtless depends upon precisely how the wide wording is interpreted. Without seeking to prejudge any proceedings which may be brought against DISK members in the future, we are of the opinion that the bringing of these sorts of charges against trade unionists on the basis of their militant activity in organising strikes and demonstrations amounts to a strong prima facie case of political repression and the denial of the right to associate guaranteed by the Constitution and the Conventions of the International Labour Organisation. It is indeed peculiarly ironic that charges of usurping the functions of the National Assembly could be brought against trade unionists by a regime that has itself suspended the National Assembly and abrogated all its powers to itself.

We believe it is important to alert the international legal and trade union community at this stage that there are strong grounds for believing that fundamental democratic rights are under attack in Turkey, and that concerted international efforts are required to investigate further and bring pressure on the authorities to desist from such attacks.

We conclude:

a) that the present regime in Turkey has a strong hostility to the principle of socialist politics and the right of the working people to organise independently in trade unions to promote their interests;

b) that the present regime is using its unlimited powers to repress militant trade unionism;

c) that the repression of the DISK union amounts to a prima facie violation of those articles of the Turkish Constitution and the Conventions of the International Labour Organisation that recognise the right of workers to freely organise in trade unions;

d) that a prima facie case exists of interference by the military auth-



orities with the independence of the judiciary and the rule of law, in breach of the Turkish Constitution and internationally recognised standards;

e) that a prima facie case exists of the violation of the individual rights of the members of the DISK confederation, including the right to free expression and not to be subjected to torture.»

Arthur DAVIDSON, lawyer, British Member of Parliament, Queen's Counsel

Pierre VANDERNOOT, lawyer, member of the Bar in Brussels
12-17 May 1981

«On 14 May were the hearings of two trials brought against DISK leaders.

The first trial dealt with strikes and demonstrations organised as a protest against the banning by the Istanbul military authorities of celebrations for May 1st, 1980.

The second trial concerned strikes and demonstrations as a «warning against fascism» organised after a terrorist attack with a bomb planted in Istanbul University in March 1978.

The trials were postponed, the first until July 3, 1981, and the second until 11 June 1981.

The accused trade unionists met by Mr. Vandernoot in April 1980, looked pale and worn out. The members of their families confirmed the fact that they had been deprived of sleep, they did not receive adequate food, that they rarely left their cells for fresh air and that family visits were rare and took place in deplorable conditions (no privacy, soldiers present between the wire separating the detainee from family).

The lawyers, who had volunteered to defend DISK trade unionists free-of-charge, told me that they were carrying out their mission under the same conditions. It was impossible for them to make any real contact with their clients because it was under the constant surveillance of armed under-officers who interrupted the conversation on many occasions.

The trade unionists were charged mainly on breaking the trade union law, i.e. that strikes and demonstrations were supposedly of a political nature.

Other, larger trials are underway towards the legal banning of the DISK, after its administrative banning decreed with the coup d'etat by the military authorities.

DISK leaders are being prosecuted, further still, on the basis of articles 141, and those following, of the Penal Code and are in danger of being sentenced to death.

It is necessary to take into account that the majority of the legal documents being used as a basis by the authorities and for the alleged facts existed before the coup d'etat on 12 September 1980.

It is useful to remember that laws are at present decreed by the National Security Council, chaired by General Evren.

During the 90-day custody period those detained cannot see anybody at all, not even a lawyer or members of their families. Consequently, nothing whatsoever is known of what is happening to them.

Sentences of up to three years' imprisonment are not subject to appeal or to a court of cassation in order for the sentence to be quashed. Prison terms amounting to less than one year cannot, as they were before, be subject to a fine instead. Members of the High Magistrative Council will, from now on, be nominated by the Head of State and will no longer be elected by Counsels in the Court of Cassation.

In practice, not all favourable legal decisions concerning the accused will be carried out by the military authorities. For example, a judge ordered the release of some DISK members but the majority of them still remain in detention (the newspaper «Milyet», 24 April 1981).

Torture seems to have become widespread. General Evren himself has recognised cases of torture which he said he «hoped» would disappear.

Many newspapers, especially press-outlets with close ties with DISK, have been banned, especially «Demokrat» and «Politika».

The «Cumhuriyet» newspaper was closed down for one week on the orders of the military authorities. A. Hürriyet journalist, further still, has been charged for the publication of an article dealing with a «rise in consumer prices» (P.V.).

Frédéric WEYL, lawyer in the Paris Appeal Court
10-26 December 1981

«The observer was able to attend the first hearings of the DISK trial in Istanbul.

The first day of the trial was marked by violent incidents between the military prosecutors and the President of the Tribunal on one side and the accused and their 75 lawyers on the other. The President of the Tribunal, in fact, had decreed since the beginning of the appeal by the accused that the trial should be carried out along the lines of procedural rulings in use «during the war», the first consequence being to limit the number of lawyers to 19, each appointed by the accused.

Before the first protest by the defendants and their lawyers through Barrister APAYDIN, who called for the right of the defendants to freely choose the number and the name of their counsels, and that to ban a

collective defence would eradicate the possibility of a defence to be organised because of the forecast length of the trial and the obligation of the majority of those lawyers present to help other people in other military jurisdictions during that period, the President took the decision to expel the Barrister immediately, followed by the other lawyers present who, in their absence, were expelled for the whole day.

In the afternoon, at the end of the identity questioning, prosecutor TAKKECI began the reading of the 850 page-long charges. However, he interrupted the reading after 30 pages in order to demand the tribunal to arrest ten out of the 52 accused who were still free, an arrest which was made in the absence of the lawyers and without the hearing of any of those concerned.

The second day, there were incidents of the same kind, the accused refusing to obey the order by the President of the Tribunal that each of the defendants had to choose one of the 52 lawyers to be their titled counsel. It was during this individual prosecution that one of the accused rose to tell of the tortures used against him and his comrades during the custody period.

The President ordered the expulsion of the defendant concerned for the whole day and refused to allow his statements to be mentioned in the minutes of the hearing, as well as the hearings of his 51 co-defendants.

The 850 page-long charges stated that the leaders of the DISK trade union confederation were being tried on the basis of articles 141, 142 and 146 of the Turkish Penal Code. With the implementation of article 146 they could receive the death penalty.

As far as the document of accusation is concerned, the desire to overthrow constitutional order would be established on the basis of the Marxist-Leninist inspired structure, together with the general functions of DISK. Also, this would be established through the relations held by DISK with international or national trade union organisations, such as the WFTU and the CGT, through the proceedings of various DISK congresses and meetings where DISK was alleged to approve the overthrow of constitutional order by setting up a communist or socialist society.

«Force» would be established sufficiently by strike-action and demonstrations organised, such as the demonstrations on 1st of May, since these actions did not, according, yet again, to the charges, have a trade union objective but a political one.

The charges rest on a collective concept of penal responsibility because of the facts claimed as a basis for the trial cannot be retained personally or individually against the defendants but also on its illegal **after-the-fact nature, the legal and authorised nature of trade union action** carried out by a **legally recognised** trade unions whose statutes and way of working were both **regularly approved**.

On top of this, the defence brought up the fact that some of the trial's basic charges had already been used and that a new trial on that basis would break the rule of «non bis in idem» (no trial under the same charge twice), and the fact that some still serving as the basis for the trial in the field of article 142 have run into a short six-month press ban.

The defence referred to torture used against the defendants during their time in custody, pressure on their families, difficulties in meeting those involved, harsh detention conditions and obstructions placed on information by defending material proof supporting the trial.

These allegations, partially denied by the authorities, seem nevertheless to be corroborated by many incidents during the first few days of the hearing.

The trial of the DISK leaders will be, according to the charges, followed very quickly by other trials against other leaders of organisations affiliated to DISK and its trade unions of which there are about 2,000.

The Public Prosecutor, TAKKECI, announced during the hearing that organisations with relations with DISK will also be prosecuted, as well as those lawyers who have helped DISK both before and after the trials.

He also referred to the trials which will shortly start against members of the Peace Committee who have been refused any possibility of leaving the country.

Another trial is at present pending before the Martial Law Tribunal in Ankara, against members of Turkey's peasant cooperatives. As regards the figure given by the military authorities of 30,000 people, a figure of 70-90 thousand would be nearer the mark. To be convinced of this it is necessary to simply consider, for instance, multiplying the number of detention centres by three. In the town of Gölcük alone there are a number of detention centres where the detainees are grouped together in dormitory-cells holding from 30-100 people each. Many people are held in these before they are tried and in the absence of any judicial control.

Preliminary summing-up:

a) By starting trials against those committing acts of terrorism, the military authorities have started a process towards banning of all forms of democratic expression, and have started many trials in which there is no possibility whatsoever of bringing any real charges against those accused.

b) These prosecutions are being made on the basis of old texts, before the coup d'état on 12 September 1980.

The military authorities met by the observer used the argument that the situation in Turkey was, on the whole, normal. It remains that before the coup d'état articles 141, 142 and 146 were often interpreted less

restrictively and that trials undertaken on this basis were not systematically of the concern of military jurisdiction, a situation which is causing great concern.

c) Essentially, the charges seen by the observer were only based on two procedures: the minutes of questioning, which gave no identification of the authorities carrying out the questioning; and questioning in local police stations during the period of custody. It seems that torture is widely used, with procedures ranging from the use of electric shocks, the Fallaka (repeated blows on the soles of the feet) together with hanging by the feet and overcrowding in cells for days or even several weeks at a time, with 7 or 8 detainees in cells of 2 metres by 1.5 metres. Even mock executions are used.

Detainees were questioned for days on end with their eyes blindfolded.

Detainees are only allowed to communicate with their lawyers at the end of their custody period. They cannot be assisted during questioning. The lawyers can only communicate through the minutes taken from the questioning of their clients or in the presence of the client with no other dossiers.

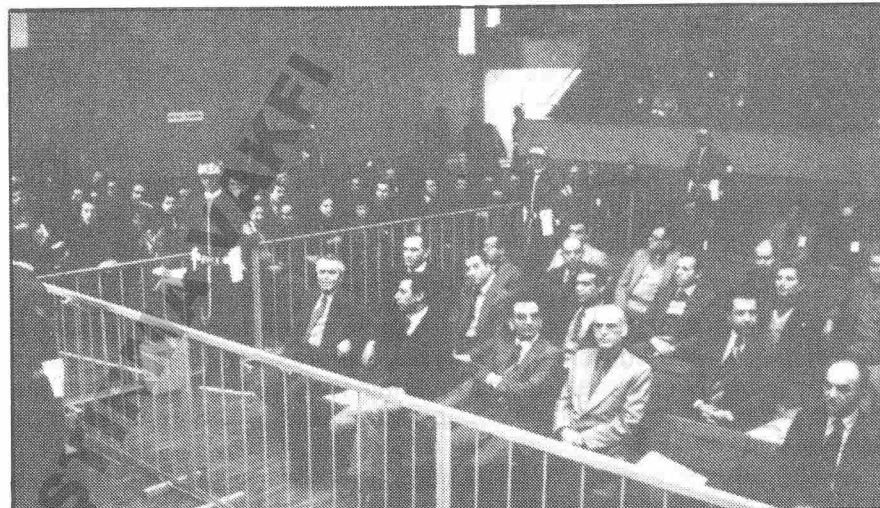
d) Special texts are being added to the arsenal of articles 141 etc. in order to compliment them and increase the number of sentences.

These special texts do not seem to be enough as recent decisions such as the decision concerning the lecturers of TOB-DER and the prosecution's charges which have been made public, seem to want to bring about a very wide-ranging interpretation of the repressive texts, generalising the idea of crime of opinion by falling back upon misrepresentative alterations, such as the charge against the DISK which is a prime example.

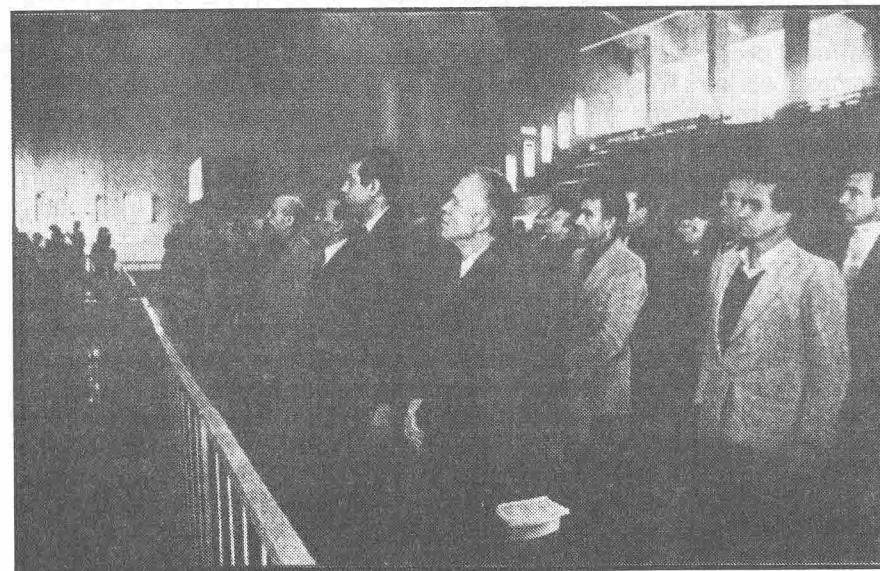
Total scorn for principles, such as that of the non-retroactivity of a harsher penal code or the introduction of new evidence, the individuality of penal responsibility, banning, the «non bis idem» rule, the strict definition and qualification of factual evidence and the strict interpretation of penal law, are also examples of the violation of the very principle of the legality of infringements and tentences involved.

e) The material obstacle put in the way of exercising rights to defence, whether in the framework of free communication between the accused and the lawyer, or in the free choice by the accused of one or more counsels, pressures, threats, sanctions, even the arrests which lawyers of the bar in Turkey have been and still are subject to, are yet more factors demonstrating the weakness of the image of regular and fair procedure which the military authorities wish to be credited with.

f) Concern and interest have been shown by military authorities over recent congresses held by lawyers' organisations in Turkey (basically Saturday 19 December) which saw, in almost all cases, the triumph of lists



During a court hearing. On the far-left is Abdullah Bastürk.



presented by lawyers against the anti-democratic development within the country. This also seems to indicate that the expulsion of Barrister APAYDIN during the first hearing against DISK has not come about by chance.»

Christian MICHEL, Secretary of the Trade Unions International of Public and Allied Employees
24-29 December 1981

«Military forces, who are dividing off the sports hall into a «court room», army tents set up for identity checks, barriers in the court room separating the accused from their lawyers, the presence of soldiers within the tribunal, all bear witness to the determination of the tribunal and the military regime to do everything possible to smash the DISK and workers' resistance to the 12 September coup d'etat.

On the first day of the trials the lawyers were thrown out of the hearing for having protested against irregularities. It was only through a continual fight, worthy of the highest praise, that they managed to complete part of their task. Only a part of the task, because all personal contact with the accused was forbidden, they could only talk to them in the presence of armed military personnel.

Tortures were strongly condemned. One of the accused was thrown out of the trial because he revealed the maltreatment he suffered. Everything points to the fact that this trial is meant to destroy DISK, the instrument given to the workers to defend their rights. In order to implement the treatment proposed by the International Monetary Fund, the regime wants to smash workers' resistance and take away all trade union freedom.

We are echoing the yearnings voiced by the parents of those imprisoned. We are calling on world public opinion and the workers of the world to condemn the trial of the DISK leaders to demand their safe return to freedom and the restoration of trade union and democratic freedoms.»

Monique BRIOUDES, lawyer of the Bar in Paris
Philippe FLORAND, Secretary of the Food Trade Unions International
17-23 January 1982

«In Turkey today, human rights are being jeopardised on a large scale by a military junta which has concentrated all power in its own hands and is organising a system based on systematic repression.

Torture has become a normal method of investigation, whether the objective is to obtain confessions and denunciations or simply to terrorise the detainees. The methods used are particularly barbaric: beatings, cold,

hunger, humiliation, torture in front of those close to the detainees, electric shocks, mock executions, rape, sexual violence, the «cat» torture which comprises being tied up in a sack with cats and then the sack is beaten with a truncheon, baths in iced water etc...

Many accused, supported by their lawyers, are lodging complaints against these tortures (as is the case with the Gölcük trial where 230 people are accused of being members of the Turkish Communist Party). No follow-up has been allowed as regards these complaints. There have been several occasions when lawyers themselves have been accused of slanderous denunciations.

Detention conditions are deplorable. Considering the number of detainees, the number of prisons is quite insufficient. New detention centres are being opened in military bases, sports-halls, etc...

In the Kabakos prison, near Istanbul, detention conditions are so bad that, despite repression, the detainees there have gone on hunger strike.

Mock trials organised by magistrates, following orders, are either taking place or are being organised throughout the whole country.

These are political trials. The delegation had the opportunity during the hearing of the DISK trial to verify this. This is a trial in which 52 DISK leaders are in danger of receiving the death penalty.

During the DISK trial hearing the lawyers were absent. They were trying to protest against the various attacks on rights of the defence to which the first hearings had been subject. The hearings are not public because families, lawyers, legal experts and foreign observers can only attend after receiving authorisation from the military authorities.

Some DISK leaders have already been tried on charges: some have already been sentenced, some acquitted, and others have at least received amnesty. Thus, trials are going on for the second time on the same charges, something which clearly constitutes a flagrant violation of lawful principles.

The political nature of the trial was also quite clear in the hearing for the 230 people charged by the military court in Gölcük. They were charged with being members of the communist party. It appears that charges used in the trial are based on article 141 of the Turkish Penal Code, which represses all action and participation in an association whose aim is the domination of one class by another. The sentence they are in danger of receiving is 20 years in gaol.

The observers had the opportunity to see for themselves that the only question put to the accused was: «Are you a member of the Turkish Communist Party, yes or no?» ... All those charged and whom were questioned in the presence of members of the delegation spoke of the atrocious tortures which they had suffered.»

«I attended four hearings of this trial and could note that the only accusation raised against these leaders were that of having defended the interests of workers by striking in order to obtain the improvement of the salaried workers' living and working conditions. They have been also accused of having struggled for safeguarding and extending trade union rights and democratic freedoms by organising mass actions in conformity with the rights given them by the Constitution. Finally, they were accused of having organised meetings on May Day, the international day of unity, solidarity and working class struggle throughout the world.

But even the most ruthless coercive measures were not sufficient to break the DISK leaders' courage. And in the midst of the hearing, they exposed the torture they had been put to.

In Ankara, I went into the Mamak barracks, the military headquarters responsible for the implementation of the martial law in the region. According to an officer, there were over 5,000 prisoners huddled together in eight special buildings.

On January 28, six cases were judged in these barracks. I attended one of the six trials. The following leaders were tried:

— **Temel Ates**, former Deputy and member of the Teachers' Association TOB-DER;

— **Ertugrul Gunay**, former Deputy and member of the World Peace Council.

It is difficult to give any figures concerning the cases of torture and maltreatment: 390 complaints were acknowledged by the authorities. But according to what was witnessed by the defence counsels and the families of the accused, torture is a regular practice. Over 70 people have died under torture the methods of which have reached a high degree of perfection thanks to the advice of «foreign collaborators».

Almost 3,000 people run the risk of being hanged. Among them the 52 leaders of the DISK, including Brother Ridvan Budak, President of the Textile Federation.

A counsel who undertook the defence of the trade union Maden-Is in Bursa died under torture.

In July 1981, Kenan Budak, President of the Leather and Fur Federation, was murdered in the street by the forces responsible for order.

These are only a few examples among so many others which were not mentioned here.

I had a talk with the Attorney General of the martial law court in Istanbul. I asked him first of all to authorise me to meet Abdullah Bastürk,

President of the DISK, and Ridvan Budak, President of the Textile Federation. He told me that «we do not give authorisation to visit terrorists».

I expressed my conviction that the President of the DISK and the President of the Textile Federation, just like the other trade unionists who appeared before the court martial, were not terrorists but leaders of a large trade union centre which defended the legitimate interests of workers.

He answered that those people had a programme, had carried out terrorist actions and that the charge against them was founded on proof.

Question: Many people speak of torture being used in your country. How is it exactly?

Answer: Before 2 September 1980, 20 people on average died every day and the population lived in fear. Now they are no longer afraid and there are no more murders.

Question: Before, the people were murdered in the streets but now, according to information I have received, over 70 people have died under torture and thousands of others were tortured. Is this true?

Instead of answering, the Attorney General left.

I met several workers who, after having been imprisoned and tortured, expect to be arrested and appear before the court again. They described their martyrdom to me. I will not give their names in order not to endanger their lives again.

A young worker, who had been arrested in January 1981, told me that he had stayed naked three days in a room without heating. The fourth day he was led blindfolded to another room for questioning. He told me the following: «Torturers started by telling me that I was a communist and that I was obliged to admit the facts against me because they had been informed of them by some comrades of mine. When I told them that those accusations were false, they started torturing me. From time to time I was hit by a heavy thing (most certainly a sack of sand) which knocked me down. Then they attached electrodes to different parts of my body (fingers, feet, anus, genitals), sometimes dry, sometimes wet. It is difficult to count how many times I was kicked or punched. Then I was submitted to sexual brutalities with truncheons. I do not know how many days it went on because I lost consciousness. A little later they came again and undressed me completely. Then I was put in a large bag with cats. That was unbearable. When the cats were tired they were hit with a stick to make them start work again. I do not know how long it lasted because I fainted. My whole body was covered with blood because of the scratching and biting of the cats.»

The methods used by the torturers of the military junta are cruel, as testified by the story of another victim of terror in Turkey:

«After having been arrested, in February 1981, I underwent

examination. They accused me of being a communist and having carried out trade union activities. I said that I was not a communist and that the accusations dated back five years, and that I no longer remembered them. They ordered me to undress and then I was kicked and punched. They put thick rope under my arms and left me hanging like that at least two days. I fainted. When I regained consciousness, my wife and 14-year old daughter were in the room. The torturers hanged me again and raped my wife and daughter under my very eyes. That was unbearable.» Since that time this worker has been paralysed in one arm and his daughter has gone mad.

The proceedings against the 52 leaders of the DISK are a parody of a trial and denial of justice. All these trade unionists run the risk of being hanged for having defended the interests of workers in their country, for having struggled for the respect of trade union rights and democratic freedoms and against terrorism.»

Jean-Yves FELLEZOU, doctor at the Salpêtrière Hospital in Paris (for the WFTU)

Gilbert BEREZIAT, doctor. Head of research at the Pierre and Marie Curie University, Paris (for the French «Secours Populaire»*)
20-27 March 1982

«Prison conditions in Turkey are generally extremely bad. Victimisation and rough treatment are the norm, food is terrible. Lawyers and members of the Turkish Peace Committee have not been tortured but humiliated. We have already been refused permission to visit prisoners under the pretext that the cross examination was still in process. Their lawyers informed us that they had been shaved hand-cuffed and are not allowed to communicate with their families. Nor are they allowed private consultations with their lawyers. For the first two days after arrest, one of our aides told us that a young warrant officer, of secondary school education gave them politics lectures. His pupils were M. Mahmut Dikerdem, former ambassador, the head of the Bar in Istanbul, university professors, journalists, doctors, artists, etc. Kemalism, fascism, marxism and capitalism were on the «syllabus»...

DISK trade unionists have been tortured several times and their principal lawyers arrested. Despite the fact that the examining magistrate had finished his duties we were still refused permission to visit as they are being held in a military enclosure out of bounds for foreigners. Anyone suspected of being a member of the Turkish Communist Party, or encouraging Kurd separatism is subjected to particularly rough treatment and

(*) *non-profit making medical aid organisation*

brutal torture. Torture takes on two different levels — first of all anyone arrested is systematically «roughed over», beaten on the soles of the feet, whipped, raped, and forced to undergo various forms of humiliation, during the period of custody for people who are often arrested because they have been denounced anonymously. «Heavy» torture is reserved for suspected communists (this being a fairly flexible term in Turkey), electrodes, hanging by the feet, punches in the genitals etc... A Kurd witness gave us this example. «In the middle of winter, in February, soldiers stripped elderly men of their trousers and forced them to run for 2km in a river with water up to their thighs. Amongst the prisoners there was a 73 year-old Shiite dignitary, they had shaved off his moustache.»

People have died as a result of torture or rough treatment. The cause of death is often given as armed resistance to arrest. This was the reason given to cover up the murder of Kenan Budak, a member of the Deri-Is trade union. In some cases the courts have to admit torture as the cause of death, as in the case of an Istanbul student, Osman Mehmet Onsoy. Even then, those responsible were not punished in any way. More often than not, complaints of torture are totally ignored by the legal authorities and defence lawyers whose job it is to submit the claim are often themselves charged with slanderous denunciation. A dentist in the Adiyaman region, Dr. Abdullah Peksoylu, was murdered in police custody in December 1980. The family's complaint has not yet been investigated! Likewise, no charges were brought after three prisoners were gased in their cells in January 1982 in the Alemdag prison. We were particularly struck by conditions in the Metris prison in Istanbul where hundreds of prisoners are piled up in conditions described as «frightful» by witnesses. In the light of our information we can say that both the health and lives of several hundred Turkish prisoners are seriously endangered. Rules applied for the defence of political prisoners are scandalous, the accused are forbidden to see any part of their defence file apart from the bill of indictment itself, DISK detainees have to shout through two sets of iron bars each 1.5 metres apart to their lawyers whilst soldiers constantly patrol between them. Lawyers are themselves threatened with arrest. During our stay, for example, Suleyman Takkeci, military prosecutor in Istanbul, demanded the arrest of lawyer Burhan Apaydin defending his brother.

Those arrested but not charged are eventually released but this can be up to two months after the arrest, according to the degree of confidence expressed in them by the authorities, at the very best they will be put on file and be able to find some kind of temporary jobs. Work bans are now affecting all sectors of the population. Militant workers were the first and always will be the most severely affected by this practice, which hits former prisoners and their families. Black lists exist in every town and when a

released prisoner is still under suspicion, his or her spouse is arrested. Families of convicted prisoners are in an even worse situation as they belong to the lower ranks of society. Solidarity is not made easy in a country where families were hounded by justice for receiving money from solidarity funds. Work bans take on a more «classical» nature in the teaching profession, arbitrary transfers to places hundreds of miles away from their family home, denotation because of their former activities at a time when such activities were perfectly legal, sacking university assistants after university shuffles. We were able to get hold of a list of doctors from the Istanbul faculty who were sacked overnight. Police searches are commonplace in both the university and the hospital.

A radical university reform, designed to place the university totally in the hands of the political powers, is currently being drafted. The government bill has already been published in the press and is expected to come into force at the beginning of next term. Henceforth the authorities will appoint professors to all levels of the university hierarchy. Teachers will be forcibly restricted from moving around the country in order to prevent any emergence of groups of intellectual agitators around universities.



DISK leaders consulting their lawyers

The entire population is under mental stress due to the risks of military imprisonment, torture, death or losing their jobs. Right from the very beginning, those who did not proclaim their allegiance to the military have been systematically refused exit visas, even for medical reasons. Sentences incurred for political, social or economic reasons are particularly harsh. The economist Ismail Besikci, for example, was sentenced to ten years imprisonment on March 24, 1982, found guilty of fueling Kurd separatism as he had written a book on the economic development of East Anatolia.

The political situation in general is developing rapidly throughout all sectors of society. Obviously, people in Turkey are not in a position to know the full extent of the repression as the press is strictly censored. During our stay we were told that the daily «Cumhuriyet» was ordered to cease all reports of the on-going trials. Television is also under total military control. Economic recovery, as announced by the generals, has not yet materialised despite the ceiling imposed on workers' wages. People are beginning to realise that the extreme right-wing militants are left in freedom, even those responsible for the murder of hundreds of people, belonging to the Shiite minority in South East Anatolia.

There is a general consensus on the fact that the violence recently undergone by Turkey, which justified the coup d'etat, is directly fuelled by the CIA. The strongest argument in support of this is that the Demirel government had in fact already handed over the reins of power to the military in as far as policing and repression were concerned. Clashes only stopped after the coup without any significant change in the disposition of the repressive forces. Turks are, however, very disappointed by the insufficient mobilisation of democrats in the West in their favour and the short shrift given to human rights in Turkey by the Western media. Everyone agrees that Turkey is currently undergoing its most grim period ever, as a writer told us, «over the last two years we have witnessed a real step backwards in culture».

There are other signs of increased popular resistance, indirect signs of course, as anyone with a modicum of caution would not dare contact the most active resistance forces. We do know, however, that certain trade unions belonging to the TURK-IS (the only legal pro-government trade union federation in the country) have shuffled their position to the extent that arrests have been carried out within these unions.»

Alain COVET, General Secretary of the Trade Unions International of Chemical Workers
Daniel RETUREAU, General Secretary of the World Federation of Teachers Unions, FISE
16-22 April 1982

«Like other observers sent by the WFTU since the trial began on December 24, 1981, I was actually able to enter the Sports Hall where the trial is being held on the «ATATURK» university campus. Surrounded by the police and army, access is not easy and several check points have to be crossed on foot. Prisoners are surrounded by barriers and the box itself seats 200 prisoners.

Families are seated in tiers in the middle of the sports hall and observers to the right, separated by soldiers and military police. Lawyers are on the left-hand side of the court and the press on the right, this prevents lawyers communicating with prisoners. Prisoners arrive handcuffed in two military trucks almost one hour before the court is due to sit. I counted 52 military police inside the hall but those outside were too numerous to count.

The interminable bill of indictment (850 pages long) took from December 24-April 14 to read.

The cross-examination of Abdullah Bastürk, president of the DISK, began on April 14.

There was no doubting the repressive determination of the military prosecutor, colonel Takkeci, the same one who demanded that 52 DISK leaders be hung, when he stated, «DISK should be abolished». The ulterior aims of the dictatorship are to wipe out the Turkish workers' movement which has gained strength over the last few years, this they hope to achieve through the DISK trial.

Prosecutor Takkeci, who dictates his version of the law to the presiding judge, banned all statements from the defence after the charges had been read. DISK president, Abdullah Bastürk, however, maintained there were over 200 mistakes in the charges and wanted to have them lifted. Forbidden!

On April 16, the defence tabled a «petition» for the respect of defence rights and of standard legal procedures. The court decided that the accused had nothing to say on the charges brought against them and insisted that they simply answer the judge's questions.

On the prosecutor's request the court held that cross-examination was not a matter for the defence and that therefore the lawyers should remain silent.

The cross-examination of A. Bastürk has been in progress since April 14. With determination and calm he refuses to fall into the traps laid by the presiding judge and only answers with the DISK constitution and other material before him.

The same questions are posed one after the other in different guises in an attempt to «wear him down». Yet he calmly and firmly avoids the traps.

The court clerk (a woman), however, does not record Bastürk's replies, instead the judge dictates both the questions and Bastürk's answers, and «omits» certain details or alters the replies so as to completely change the meaning and obliges him to make constant rectifications.

Just like with all the accused, Abdullah Bastürk has a constant battle before him, requiring enormous courage and self-control to face up to the brutal and intolerant attitude of both the presiding judge and the prosecutor.

They were joined by the 53rd accused, Ahmet Isvan, former mayor of Istanbul, charged with having supported the DISK demonstrations in Istanbul and for taking the rostrum during a May Day demonstration. For these «crimes» the prosecutor asked for a 16-year prison sentence.

The entire working class movement in Turkey is threatened by the DISK trial, as they are the main obstacles in the way of the strategic aims of imperialism and the draconian economic measures enforced by the International Monetary Fund and the World Bank. The people must be shattered, this is the intention of the Ankara dictatorship. Martial courts are continuously in session.

On March 12 the DEV-YOL trial opened in the Metris prison in Istanbul with 159 defendants. The prosecutor has asked for 30 death penalty charges to be brought against them. On March 15, in the same prison, the DEV-SOL trial began, this time with 312 defendants and 146 death penalties were demanded.

In both these trials most of the accused are between the ages of 16 and 25, mainly students belonging to extreme left-wing organisations.

All have been abominably tortured, 7 or 8 of the DEV-SOL accused died as result of tortures. The trial (DEV-SOL) was held in the absence of the accused as their condition did not allow them to face the public. On April 22, 87 prisoners of the Turkish Workers' Party were also put on trial.

In regions populated by the Kurds, hundreds of patriots are in gaol merely for being Kurd. Last month, in one prison, 37 died under torture. Overall, almost 100 deaths have been caused through torture and hundreds of prisoners have been mutilated for life.

State terrorism has succeeded street terrorism which was the excuse given for the military putsch.

Extreme right-wing forces who were either directly or indirectly responsible for hundreds of political assassinations which followed the September 1980 putsch are in fact spared.

Washington, the NATO chief of staff, and the IMF are backing, encouraging and pumping millions of dollars into general Evren's military junta which, to date, has received 815 million dollars. In 1983, Turkey will

be the third largest beneficiary of US aid after Israel and Egypt.

This aid is granted at the cost of deepening poverty and terror for the Turkish people, so that imperialism can dig its military anchor further into the whole of this territory which borders the USSR.

Banning the DISK and its organisations, banning strikes and demonstrations, suspending free collective bargaining and increasing exploitation has done serious damage to the workers' situation in enterprise. Employers shamelessly seek revenge on workers' hard-won past gains. Added to this, inflation in 1981 soared to 50% whilst most Turks saw their wages frozen and only a small minority had a meagre 25% rise.

The families of prisoners are in dire straits, many have been evicted from their flats by their landlords for the sole reason that they are related to DISK defendants, many are destitute and unemployment affects 20% of the country's workforce.

Alongside the ineffable poverty glares the insolent wealth of the bourgeoisie with their luxurious boutiques which easily match those of Paris or Geneva.»

Marc PORTEHAUT, lawyer at the Paris Bar
24 April - 1 May 1982

«This mission, after ten or so on behalf of the WFTU, comes at a particularly arduous time for Turkish workers and democrats who are forbidden to contact «official or officious representatives» of foreign or Turkish organisations or associations.

Against this background, it goes without saying, that our official requests for an interview with Turkish authorities and to allow us to visit detention centres to meet detainees have all been met with a flat refusal.

During the DISK trials, every request we made to both the military judicial authorities and the military prosecutors in view of an interview has been purely and simply rejected.

We attended two sessions of the trial on Wednesday, April 28, and Friday, April 30. Access to the court is not easy as it is surrounded by heavy police and army contingents. However, in theory, access is «free to all».

Open access is, however, rather selective.

Anyone wishing to enter the court must, first of all, comply with various regulations at the guards' lodge. This requires filling in a register with name, address, occupation, numbers of trade or identity papers all of which must be signed in the margin and identity papers must be left with the soldiers at the entrance to the court until the sitting is over.

There are, of course, certain risks attached to attending this or any other court session held by the emergency courts. We met a progressive Turk who had been detained for almost 60 days as he had attended one sitting of the DISK trial and was arrested a few days afterwards.

Observers are not allowed to mix with the «public» (in actual fact the families of prisoners) and are boxed off, whilst the court is in session and separated by military police.

When the session is adjourned, the public are scrutinised by both the military and the police one of whom we noticed taking furtive notes as he observed...

We were only able to attend sittings devoted to the cross-examination of Abdullah Bastürk.



Expulsion of a lawyer, the former Minister of the Interior

The presiding judge, rather like an examining magistrate, asked questions which he had already prepared which the defendant is bound to answer. Both questions and answers were typed by the court clerk (a woman) and the answers were directly dictated by the judge. I was able to obtain translations of some of these questions.

Question: What is the economic, political and ideological grounding of a trade union?

Why do trade unions exist?

What are the real objectives of trade unions?

Is it true that trade unions, especially the DISK, are actively struggling to abolish classed-based society?

Of course, despite appearances, his motives were not philosophical. What the judge was trying to do, and the defence agree here too, was to force the defendants to make statements for which they could be charged under article 146 of the Turkish penal code.

Given the lack of actual evidence, military judges attempt to force trade unionists to make statements which implicate that the standpoint of the DISK is based on marxist-leninist principles and believe that in so doing they have proof that the DISK wants to overthrow the established constitutional order.

The rights of the defence are systematically ignored.

Defendants and counsels are not permitted any contact at all whilst the court is in session.

Lawyers' only opportunity for brief consultation with their clients comes at the beginning and the end of each session, under constant supervision of a soldier, specifically in charge of these matters.

Lawyers are strictly forbidden to take the floor.

On Friday, April 30, one of the lawyers for Abdullah Bastürk rose, whilst Bastürk was being questioned, and told the court that it had made a mistake in reading a sentence which it maintained was written by DISK.

He was immediately silenced by the outraged judge. A few seconds later he was approached by two soldiers and escorted out of the court. Under the «war state» this eviction, without any previous discussion and carried out on the spot, means that a lawyer is suspended for the whole session. If he receives a second sanction he will be totally forbidden to attend court.

Now, more than ever before it is necessary to step up solidarity with workers in Turkey.

Silence and simply forgetting the workers constitute the same type of foot-proof weapons for the military as does its bloody repression.

Support must be increased and extended.

On Saturday, May 1st, 1982 in Istanbul, military patrols were, to say the very least, quadrupled in Taksim Square just as though the military were still thinking of the long lines of thousands of Turks who, before the coup, used to celebrate May Day in this very same square.»

OBSERVERS TAKE STOCK

Kemal Daysal, the only member of the executive bureau of the DISK who has not yet been arrested and Joe Nordmann, president of the International Association of Democratic Lawyers, decided to invite all the observers who have followed the various stages of the DISK trial, to a meeting in order to take stock of the common factors learnt by everyone, in view of giving the best possible hearing to the defence of the victims of military repression in Turkey.

The meeting was held in the Senate in Paris on July 9, 1982 and was attended by numerous lawyers, trade unionists and eminent figures mandated by the Athens Bar, by the IADL, the CGT of France, the CGTP-IN of Portugal, the Belgian Association of Democratic Lawyers and the Human Rights League, the WFTU and the TUIs etc. Also present were the WFTU Secretary Jan Nemoudry and Senator Serge Boucherry.

They reviewed all the information which they had been able to gather over the course of their missions and issued a statement as follows:

«... the military regime regards this trial as a means of annihilating the trade union movement along with all progressive forces in the country;

— the junta has pushed its odious activities even further by punishing activities which were completely legal until the 12 September 1980 coup, in an attempt to justify the charges;

— the authorities' failure to conduct regular trials is now wide open for all to see: behind this parody of justice, the junta cannot cover up the arbitrary arrests, prolonged detention, violation of defence rights, tortures and murders;

— the dissolution of the DISK and the banning of trade union activities means that workers are further exploited: collective bargaining rights have been suspended, strikes and trade union publications are banned, the pace of production is increased and purchasing power declines;

— all this signals the implantation of the dictatorship on all levels of political, economic, social and cultural life;

— repression also stretches to organisations and institutions that refuse to bow down to fascist rule;

— thousands of trials are in process with extremely heavy sentences being threatened, to date, the prosecution has demanded 3559 death penalties;

— families of thousands of prisoners are up against tremendous difficulties and the junta is determined to annihilate them by intimidation and pressure, redundancies, work bans and eviction.

As a result, the families themselves and organisations working on their behalf demand:

- the dropping of all charges against the DISK leadership,
- the release of all political prisoners,
- the abolition of military courts,

- an end to torture and the respect of human rights,
- the implementation of a genuine democracy which respects the collective and social rights and freedoms of individuals.

They call up on all democratic organisations, all those who fight for freedom and social justice, to show their moral and material solidarity towards the people of Turkey, victims of repression.»

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FURTHER READING

In the «World Trade Union Movement» — the WFTU monthly review:

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- Side by side with Turkish workers, 9/1980.
- Trade unionists in grave danger, 3/1981.
- Faithfully defend the interests of workers, A. Isquenderod, 5/81.
- Before and at the time of the coup, Claude Martin, 6/1981.
- Trade unions confronted by persecution, Claude Martin, 7/81.
- Experience of the DISK in Turkey, Claude Martin, 9/81.
- Turkey. DISK trial — a parody, Claude Martin, 3/82.
- Overwhelming proof against the Turkish military junta, Antoine Herrero, 4/82.
- Let us strengthen solidarity and unity of action to save the DISK and its leaders, Claude Martin, 5/82.
- Turkey. New constitution threatens trade union freedoms, Claude Martin, 11/82.
- Repression continues and takes root under the guise of «democracy», Claude Martin, 7/83.

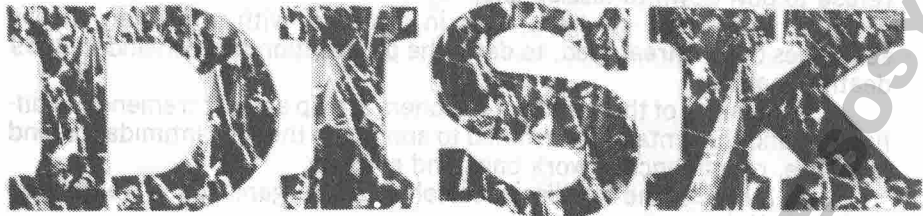
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- Unemployment in Turkey, Claude Martin, 1./83.

Editions of «Flashes», WFTU weekly bulletin, information and reports on the situation in Turkey (since 1981):

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- 1-2, 6, 7-8, 9, 14, 17, 19, 22, 27, 28, 33, 39, 46 (1982)
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Special edition of «Flashes», 25/1/1983, also published in Turkish.



TÜRKİYE SOSYAL İSTİSAL ANAOKULU VE İZMİR VAKFI

