



turkish peace monitor

Campaign for the defence of the Turkish Peace Movement

Chair: Roland Boyes MP

Vice-chair: Ann Clwyd MP

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Peace 1 Final Verdict Awaited

The five-year long legal odyssey of the Turkish Peace Association (TPA) executive, which began on the day of the military intervention in September 1980, is set to end "sometime in September or October" when the Joint Councils of the Military Court of Appeal meet to pass a final verdict. No firm date has been set.

This is the second time that the 'TPA 1' trial, so-called to distinguish it from a second and separate trial involving 48 founding members of the Association launched last autumn, has been referred to the Military Court of Appeal.

In the first hearing held on August 30 last year, the Military Appeal Court judges referred the case back to the sentencing martial law court which promptly upheld the verdicts passed in November 1983.

After long delays due to obstruction alleged by the defendants and their lawyers (see *Peace Monitor* Jan-March 1985), the case was referred back to the Military Appeal Court in April this year. In June, the then Military Appeal Court Prosecutor called for the acquittal of four defendants (Mrs. Reha Isvan, Nurettin Yilmaz MP, Dr. Gencay Saylan and Hasan Tahsin Usluoglu) and for sentences to be maintained for the rest.

At a comparable stage in the Spring of 1984, a different prosecutor at the Military Court of Appeal had asked for 15 acquittals, but was eventually turned down by the panel of judges.

In their final submissions to the Appeal Court this summer, TPA lawyers (ten of whom are now defendants in the 'Peace 2' trial) have drawn attention to the discrepancies in the Military Appeal Court prosecution cases, arguing that while one prosecutor had asked for 15 acquittals, the new one sufficed with 5 on the basis of "virtually identical evidence". Despite twice repeated prosecution calls for her release, Mrs. Reha Isvan, aged 59, and ailing has been refused bail and kept at the harsh regimen Metris Military Prison.

TPA nominated for 1985 Kennedy Award

At the end of July, the well-known *Washington Post* columnist Colman McCarthy formally nominated the TPA for this year's prestigious Robert F. Kennedy Human Rights Award.

His column syndicated in over twenty American newspapers, Colman McCarthy has shown a special interest over human

rights in Turkey. A piece which he wrote on March 18, 1984 ended: "Turkey's new government is asking for world for a chance to prove its commitment to democracy. It is asking too much, as long as the Peace Association remains jailed. With Turkey being militarised, patriots like *Mahmut Dikerdem* should be given a platform to speak from, not a jail cell to rot in".

(Continued next page)



Harold Pinter - third from left, Arthur Miller seated next to soldier.

Pinter and Miller in Turkey observe TPA two trial

In March this year, two distinguished dramatists, Harold Pinter and Arthur Miller flew to Turkey on behalf of International PEN, the writer's organisation.

"We made the visit not primarily to conduct an investigation of human rights - an impossibility in so short a stay" - writes Arthur Miller in his report "but to demonstrate to the country's writers and artists and to its political prisoners that the outside world cares about what is happening to them".

"The visit was, therefore, planned as an act of moral solidarity by the members of International PEN, and it was hoped, it might also have an effect on the country's government. Mr. Harold Pinter's interest in Turkey sprang mainly from the persecution of Mahmut Dikerdem, the TPA President aged 69 and a former ambassador under several Turkish governments."

In August last year, Harold Pinter and Lady Antonia Fraser had participated in a vigil undertaken by the then General Secretary of the CND Monsignor Bruce Kent to publicise the plight of Dikerdem and other 'prisoners for peace'. Mr. Pinter is a prominent supporter of CND.

The Pinter-Miller visit to Turkey was one of the most comprehensive ever undertaken. The PEN delegation met with two former prime ministers, dozens of writers, editors, journalists, physicians, academics, lawyers and businessmen, in fact, the entire range of the political and intellectual establishment of the country. The visit was given extensive coverage by the Turkish press, and their impressions were widely reported in the Western media.

Continued on page 8

MONITOR COMMENT

Colman McCarthy's letter reproduced in the adjoining columns nominating the TPA for this year's Robert F. Kennedy Human Rights Award is a resounding confirmation that the TPA have indeed won the moral argument. Regardless of the final decision reached by the award-givers, there is no doubt that the nomination itself will have brought comfort and added strength to Turkey's dozen peace prisoners about to enter their fourth year in jail.

The TPA has been prosecuted and jailed for much longer than its entire period of existence prior to the coup. The Association has thus borne the brunt of the 'state of siege' unleashed by the military intervention of September 1980.

We have, however, reached the point where we can justifiably ask whether the administrative and, equally important, *normative* climate of the post-intervention 'state of siege' has lifted or not.

As may be expected, Prime Minister Ozal has repeatedly claimed — mainly for external consumption — that all is well and that the country has returned into the Western democratic fold. This signals, above all, the suspension not only of martial law, but also of the 'siege mentality' which, for the past five years, has pitted dissent against the full panoply of the 'exceptional state'.

The *sine qua non* of any contemporary and just polity is the 'rule of law' which guarantees the right to freedom of opinion and expression and the capacity to implement these through the freedom of peaceful assembly and association. The principle of the 'independence of the

judiciary' is derived from the necessity of protecting and applying these fundamental norms.

Sadly for the current state of affairs in Turkey, the Chief Justice of the (civilian) Court of Appeal recently acknowledged in an official speech that "there is no longer genuine independence of the judiciary". In the same state function to inaugurate the new judicial year, the Head of All-Turkey Bar Associations voiced his serious concerns about the rule of law in Turkey, adding that "at times, not only is the law ignored but regarded as a hinderance". (*Cumhuriyet*, September 7, 1985).

The question which arises is, of course, a hinderance to what? What can the rule of law hinder? Or put in another way, is there a sovereignty vested over and above that which any people are entitled to decide as a result of free elections?

The answer once again points out to a 'hidden agenda', indeed a 'hidden constitution' which however continues to be manifested through its very tangible effects: the continual look over the shoulder; jails filled with prisoners of conscience; the permanent rhetoric of 'enemies within and abroad'; the equation of dissent with treason; the shibboleths which parade as 'national interest'. Five years on, the list too can go on and on.

With the launch of 'Peace 2' on the second anniversary of the 'return to democracy' (November 1984) it can be argued that the 'hidden constitution' is still there and going strong. The TPA trials have become a litmus test not only of the claims to democracy in Turkey but equally of the restoration of a rule of law which conforms with the country's status in the Council of Europe. Let us hope that the long awaited ruling by the Military Court of Appeal will take a belated first step in the right direction.

Helsinki accords which encouraged independent citizens activities, this is a group that was founded in 1977 by the Istanbul Bar Association as a response to the Helsinki agreements. In the "Report From Helsinki Watch," issued this month, the Turkish Peace Association is written about as one of the major human rights victims in Turkey. Thus, the TPA is an example of a group of citizens who took the Helsinki accords to heart and what happens but they end up in prison. Although a few members, including Mahmut Dikerdem who has cancer, are temporarily out of prison, most of the original 23 remains behind bars. These include some of Turkey's foremost poets, artists, journalists, lawyers, diplomats, professors and physicians. These were people who made a commitment to human rights as part of their larger commitment to serve society and enhance peace.

Without doubt, the group never dreamed it would end up in prison. In fact, for the three years and five months in which it worked until the military coup of September 1980, not a single charge was laid against the TPA, nor were any members investigated for alleged offenses. When the military took over, the TPA, almost overnight, was fingered as a subversive organization. It was charged retroactively with crimes. Members were arrested in a dawn swoop in February 1982. Four months later, the 23 TPA members were put on trial under Martial Law. They were charged with violating articles 141 and 142 of the Turkish penal code, otherwise known as the Mussolini Laws because they were adopted from the 1936 Italian Fascist code which prohibited "propaganda" against the state. Immediately after their arrest, the TPA executives were declared prisoners of conscience of Amnesty International.

Thank you for your consideration. Along with many others, I am grateful that the RFK Memorial has become a moral force in the field of human rights. I was able to write two columns last year on the first winners, the CO-MADRES of El Salvador..

Kindest regards,
Colman McCarthy

TPA for Kennedy Award (Continued)

We reproduce below the moving tribute from Colman McCarthy in nominating the TPA for this year's Robert F. Kennedy Human Rights Award.

Dear Friends:

I would like to nominate the Turkish Peace Association for the 1985 Robert F. Kennedy Human Rights Award.

As one who has been writing about human rights for my newspaper for the past 17 years — interviewing victims, praising its champions and criticizing its opponents — no group has stirred me more than the Turkish Peace Association. Through correspondence, I have come to know its leader, Mahmut Dikerdem, the 69-year-old president of the group and who served his country for 20 years as an ambassador. When Mr. Dikerdem was imprisoned in late 1983 — along with 22 other TPA

leaders — I came to know his son Mehmet Ali Dikerdem. In addition, I have become acquainted with Nurhan Katircioglu, a University of Wisconsin graduate student who is the daughter of the imprisoned Reha Isvan.

I believe the Turkish Peace Association is worthy of the Kennedy Human Rights Award for a number of reasons. First of all is the reality that despite the persistent and immense human rights violations in Turkey, little attention is paid in the West. If Americans think at all about Turkey, it is because of its role as a NATO ally. In other words, it is military useful. In fact, Turkey is the third largest recipient of military aid from the United States. It holds 489 U.S. nuclear weapons. An award at this time for the Turkish Peace Association would be a large help in focusing attention on the reality that a major military ally of the U.S. is also a major violator of human rights.

In a sense, that is nothing new. What is unique about the TPA is that during this year, the 10th anniversary of the 1975

In his recently published collection of newspaper pieces and essays entitled *Involvements — One Journalist's Place in the World*, Acropolis Books Ltd., Washington D.C., 1985, Colman McCarthy says of himself: "I live a comfortable easygoing life, made so by God's blessing of good health and the delights of a marriage to a woman who practices a command of the heart that only a faithful few ever obey for the duration: be of love a little more careful than of everything. My deviations are benign: I am a pacifist, a vegetarian, a Catholic trying to become a Christian, a bicyclist and a runner. I am a union member who is grateful to the brothers and sisters who won a 37½ hour work week, which is about all the time I think is fair to take away from my wife and three sons. All four are owners of my heart".

Delays and double-standards in proposed amnesty

The Ozal government's ambivalent attitude towards a general amnesty continues to cause anguish within Turkey and concern abroad amongst the country's Western allies. Despite two cabinet meetings devoted to the issue during the first fortnight of September, hopes were dashed when the Minister of Justice announced that there was "no hurry" and that the issue remained "open ended" (*Milliyet* daily newspaper Septemebr 14, 1985). The minister's backpedalling contradicted strong signals given earlier that a Draft Bill would be presented to the Assembly at the end of October to coincide with the celebrations of the sixty-second anniversary of the founding of the Turkish Republic.

The influential weekly magazine *Nokta* (August 18, 1985) estimates that given 80,000 prisoners and detainees currently languishing in goal and including family, friends and relatives of the incarcerated, some *one million* Turkish citizens have been waiting in impatient suspense for positive signs for a comprehensive amnesty. (The figure of *one in fifty* of the Turkish population which will be directly or indirectly affected by an amnesty is not an exaggeration if one considers that 33,6% of the households in Turkey contained more than seven people, an index of the prevalence of the extended family).

Clearly, the anticipation and demands are as *Nokta* puts it, "derived from the imprisonment of at least one person from every street of a town or household in a village, from persons who have lived intimately with the reality of imprisonment". Nor are these demands a recent phenomenon. All the parties allowed to participate in the general elections of November 1983 put amnesty at the top of their campaign issues. An amnesty, it was argued, would heal old wounds and contribute towards the return to democracy. Indeed, presenting his newly elected government's legislative programme to the National Assembly, Prime Minister Ozal stated on December 19, 1983: "The resolution of the question of amnesty will be facilitated as an environment of order and tranquility is gradually established".

During a recent interview to mark his return from an eye operation in Houston, Texas, which had kept him out of Turkey for over one month, Prime Minister Ozal told the *Hurriyet* daily newspaper correspondent: "We have become a country with no troubles whatsoever, working hard in an environment of confidence. Everyone can walk the streets safely. Martial Law which remains in 17 of our provinces is so mild that nobody notices it any longer" (September 5, 1985).

One reason why the issue of amnesty has remained foremost on the political agenda since the elections of November 1983 is that the country has a long tradition of political reprieves. There have been no less than 29 general or partial amnesties in the 62-year history of the Republic, with general amnesties in 1923, 1933 (to commemorate the tenth anniversary of the Republic), 1950 (as a gesture of the first democratically elected government in a multi-party contest), and 1974 to secure the release of tens of thousands of political prisoners gaoled during the military emergency of 1971-73.

This time round, however, the military-approved 1982 Constitution is said to pose certain barriers against a comprehensive amnesty. Article 87 of the new Constitution setting out "the functions and powers of the Grand National Assembly of Turkey" lists, among other things, "deciding on the proclamation of amnesties and pardons" but, curiously for an Assembly vested with sovereignty on behalf of the Turkish Nation, parliament is excluded from pardoning those "who have been convicted of (crimes against the person and integrity of the State).

Not surprisingly the category of 'crimes against the State' involves Articles 141 and 142 of the Turkish Penal Code borrowed in 1936 from Mussolini's Penal Code. These are the laws used in the TPA prosecution. Such is the general nature of these laws that they make no distinction between *acts* (like throwing bombs for example) and *statements* deemed to be against the 'principles of the State'. The TPA is accused of "public propaganda" which "intended" to "subvert" the Republic and thus transform its class structure.

Equally, an article written by a journalist or a political poster put up by a student can become a 'crime against the State' under these 'Mussolini Laws' and possibly carry the same sentence as a group of persons allegedly attempting to 'foment revolution by means of armed struggle'. Such an amorphous and general deployment of the 'Mussolini Laws' has the added advantage of spiriting away the category of 'prisoners of conscience' or of 'political prisoners', conveniently lumping all offenders as 'enemies of the State', or even simply as 'terrorists'. (Like the South African regime's indiscriminate use of the Terrorism Act, sections of the Turkish establishment use Martial Law and the 'Mussolini Laws' to brand all left-wing dissent as 'terrorism').

Recently, a most disturbing tendency has been for the Military Court of Appeal to classify *certain* organised acts of violence as 'common crimes' and others as 'crimes against the State'. For example, a ruling passed by the Joint Councils of the Military Court of Appeal one month after the new Constitution, (*Decision 23/12/1982 - 82/241-261*) argues that while the "group was an organic whole in engaging in illegal activities, intimidating opponents, creating panic, anxiety and fear amongst the populace and engaging in politically motivated killings and banditry" these criminal acts should be regarded as 'common crimes'.

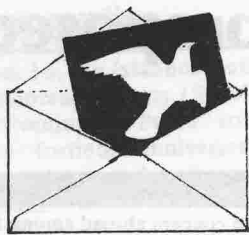
The "group" concerned was the (neo-fascist) Idealists Youth Association, one of whose former members is none other than the notorious Mehmet Ali Ağa, the Pope's would-be assassin. Other similar rulings passed by the Military Court of Appeal means that while right-wing paramilitaries and death-squad members can be amnestied as common criminals, TPA prisoners such as Mrs. Reha Isvan, aged 59, can not. Invariably, all the alleged offences of the left have prosecuted been sentenced under the 'Mussolini Laws' or other articles of the Turkish Penal Code as 'crimes against the State'.

Why, then, the delays and prevarication over an issue which is foremost on everyone's mind?

The question goes to the root of post-coup political balances in Turkey, particularly to the delicate issues raised by President Evren's new role, special status and much augmented functions. He has publicly stated on many occasions that he will not allow for "anyone to punch holes in the Constitution". This, in effect, is a thinly-veiled message to parliament saying 'no' to a general amnesty, a message conveying the wishes of the Armed Forces High Command and, it can be surmised, those of the martial law commanders. What is at stake here is whether parliament can be seen to tamper with a constitution which is so closely associated with the 1980 coup and the High Command's political preferences for a new Turkey.

A second and related issue concerns the notion of 'political offences'. A promising development is the cautious debate in the Turkish press in post-coup Turkey on whether "crimes of thought" should remain in the statute books or not. The recent "Declaration on Amnesty" by the main opposition Populist Party and their partners the Social Democrats argues that "Turkey is eroding its international prestige because of the emergence of 'thought crimes' and 'thought criminals' due to the application, interpretation and maintenance of Articles 141 and 142.... of the Turkish Penal Code". (*Nokta*, August 19, 1985). In other words, despite official policy, sections of the police establishment have acknowledged that there *are* political prisoners in Turkey criminalised solely on the basis of their convictions, their 'thoughts' - concepts mercifully alien to European jurisprudence.

Any Amnesty Bill which falls short of these considerations will not only demonstrate that there are still powers over and beyond the sovereignty of parliament, but equally that Turkey has still a long way to go in the road towards being a free, democratic state governed by the rule of law.



SNATCHES OF THIRTY TWO MONTHS BEHIND BARS

The following are edited extracts from letters received by CND and END supporters 'adopting' Turkish peace prisoners. As Monsignor Bruce Kent, the former General Secretary of CND wrote in his report following his trip to Istanbul, "All those to whom we spoke were profoundly grateful for the hundreds of letters received from CND group members and others in Britain. They are received, they are great comfort and the flow must continue". The Campaign too is grateful to all those writing to comfort the distinguished TPA prisoners who have by now completed their thirty second month in jail.

Mr. Donal Wilcox, one of the oldest and kindest friends of the Campaign, and who has been corresponding for a long time with one of the peace prisoners has done us all an immense service by listing the main points about writing prison letters. He says, *inter alia*:

- be careful not to say anything which would cause trouble if your letters are opened;
- avoid critical political comments about the country you are writing to;
- you will find that the prisoner will benefit most from writing about your home, your people, your work, our own country, its problems, the good and bad things, world events, but always try to be optimistic;
- don't forget that, after all, they have to live in difficult conditions, very crowded, limited water and toilets, freezing cold in winter, hot in summer, difficult to wash clothes, limited facilities, no garden, limited exercise, visits only every 14 days in a shared crowded room behind glass screens where everyone has to shout to be heard;
- I'm amazed at how tough they are, how heroic, how they endure the cross which they bear;
- what they need most, therefore, is a gentle, free, loving letter full of interest about normal things, to give them a sort of window into your own world;
- you can also send books, magazines, newspapers and clippings which may be of interest to these free thinking, highly educated and highly sophisticated cream of Turkey's intellectuals....

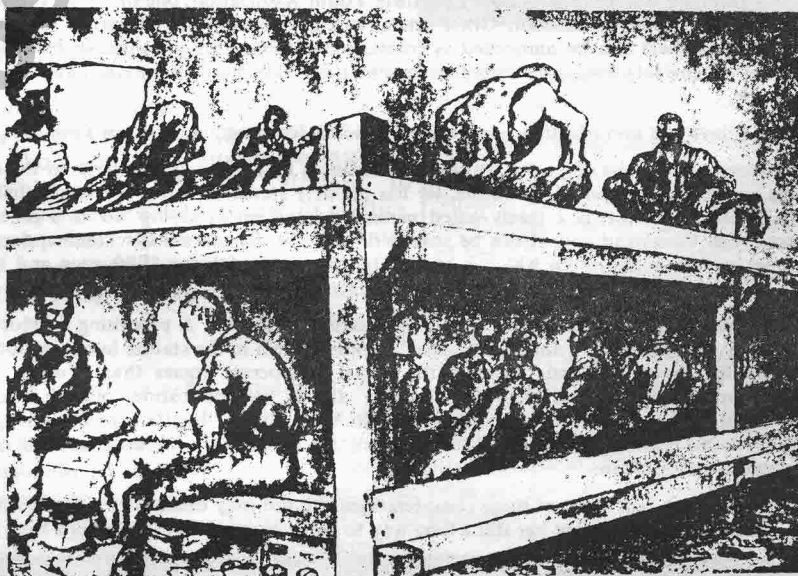
"... Cheers from the 'Heavy Metal' gang! We were taken to court on the though this time we were spared the "mains chains" (the prisoner is referring to the practice of being manacled and having to wear leg-irons and being chained to 12 other TPA prisoners in a row when being taken for court appearances, a practice which causes the last prisoner in the 'chain gang' to suffer considerable discomfort since all the remaining unused links of the chain are wrapped around him or her and thus are very heavy to carry - Ed.) and were just chained and locked in twos, and put in a larger prison-van... (This more lenient method of chaining - Ed.) This would have gone on if it weren't for the presence of the United States and the British Vice-Consuls to witness the fact during an earlier appearance and the exclamation of the latter upon seeing us: "Oh, my God!". But the authorities, in a majestic about face, said that the whole thing had been a mistake..." (Late Autumn 1984).

"... Now we are in a civilian prison and we are allowed to read and study. This is very important. Although our ward is very crowded and hygienic conditions are rather poor, we are happy to be in a civilian prison after our experience in a military one. We are allowed to see our family 10 minutes for every two weeks... Thank you very much for your letter. These letters are very precious for us..." (Late Autumn 1984)

"... I read the *The Observer* that striking miners' wives picking coal from desolate heaps were put under arrest and that for similar offences workers were summarily fired. I find this treatment of those who actually created the 'value' of those pieces of coal simply atrocious. Had I read about such behaviour in Zola's *Germinal* or Hugo's *Les Miserables*, I would seek solace in the fact that it all happened a long time ago and that we now live in a civilised world..." (Late Autumn 1984)

"... Our uncertain lives prevents me from making predictions on what the coming months will bring. I'm now working hard, trying to complete the translation of a textbook on....., hoping to finish in about one month. Afterwards, I am planning to translate a book on the life and work of... (a famous physicist - Ed.). Last week, our 'computer course' here in the ward came to an end with a 'successful' final examination for all concerned! I am currently 'enrolling' new students for a re-run of the course!..." (Summer 1985)

"... It seems very obvious that the final (*Military Appeal Court* - Ed.) decision will carry the traces of the strong pressure coming 'from above' (the reference is to the Prime Minister's unconstitutional remarks about the TPA covered elsewhere in this journal - Ed.)... However, I should not play down the response to such attempts at interfering with the judiciary coming from opposition parties, many political leaders, trade union chiefs, columnists, etc. For the first time since the beginning of the TPA trial, open support for us from various influential circles in Turkey came thick and fast. I, personally, am very moved by this... Now it is summer. It is pretty hot in our ward. Our small courtyard is full of inmates sunbathing. With the hot weather, my work pace has dropped considerably... Most of the time I turn to short-stories and novels... I showed the books you sent me to our professor here and he said they were of great value. When the situation settles as regards the Final Verdict, I'll start studying German with our professor... Last Sunday was Father's Day (June 16th) and political prisoners were allowed to see their fathers and/or sons. Since my father has passed away and I have no children, I saw my mother and my brother. It was really nice to be kissed by my mother. She was extremely happy to see me healthy and in good spirits... Perhaps my fiancée will also be allowed to visit me at some stage. For someone in jail, such opportunities are precious indeed..." (Summer 1985)



Ozal's TPA comments backfire PM infringes sub judice rules

Excerpts of Telegram of TPA Lawyers to Prime Minister Ozal

The private interview you granted the International Herald Tribune appeared today in the (Turkish) press. In your statement, you accuse outright the defendants of the TPA case whom we represent as well as the defendants of the DISK case. You say they have made communist propoganda. You talk of communists posing as social democrats. And you state in a round-about way that the defendants were "financed by the communists."

Our reaction to your statement is one of shock and horror. You have in this way put your weight on one side of the balance in a case that is yet being tried. You are putting the Appeals Courts under your influence and pressure. And you do this as if you are in possession of evidence not presented in court.

In truth, the allegation of "being financed by communists" cannot be found in the case files on record. No such evidence as been presented up to now. But you speak as if you were delivering a verdict. You say "Communists have financed them."

If this is the way the verdict has been reached, why bother putting the defendants on trial? Doesn't the statute in Article 138 of the Constitution cover you as well (the one forbidding discussion of cases in process)? Is not what you have made a "recommendation" or order "influence"?

You have clearly violated Article 138. We will wait to see what Parliament will do. Will the lawful state be defended or not? We are waiting to see. And we insist you start legal procedure with the evidence you are withholding.

The TPA case is now before the Joint Council of Military Courts of Appeal. However, we must admit to being worried about the situation after learning of your statement. We do not know anymore if benign justice will prevail. We are clearly anxious about that, and hereby express our doubts. In short we do not, cannot believe that justice will prevail.

11 June 1985

A. Independence of the Courts individual may give ARTICLE 138. No organ, authority, official, orders or instructions to courts or judges relating to the exercise of judicial power, or send them circulars, or suggestions.

A. In the United States, the Communist Party is not forbidden but you have some rules that Communists cannot be in administration or have certain jobs. In our case, Communism is forbidden by law. If you make Communist propoganda you will be jailed. The DISK people have been tried on this basis.

A. There are cases when you claim you are a social democrat but you are really a Communist. just posing as a social democrat. Take the example of the DISK. The Communists financed their activities. But this is for the courts to decide.

Haber Merkezi: Başbakan Turgut Özal'ın International Herald Tribune gazetesine verdiği mülakat tepkiler sürerken, Paris'te International Herald Tribune merkezinden yapılan açıklamada: "Mülakat, kelimesi kelimesine doğrudur. Mülakat zaten İngilizce yapılmıştır" denildi. Paris'ten telefonla aradığımız

In June the TPA again made front page news in Turkey after the disclosure of accusations made by Prime Minister Ozal that the peace movement and the now banned trade union confederation DISK were "financed by the communists".

Ozal made the comments in an interview with the *International Herald Tribune* of June 8-9 containing a special section on Turkey. What the Prime Minister said was unlawful. Article 138 of the new Turkish Constitution makes it a crime to break *sub judice* rules.

But here was the case of a prime minister not only leading his considerable weight to tip the scales of justice, but pronouncing a verdict as well. Even more alarming was the fact that during the entire trial of the TPA (June 1982 to November 1983), no similar allegation appeared even in the indictment.

This was not an oversight. According to legal sources in Turkey, there actually did appear in the initial two-volume indictment the following sentences: "They are funded by sources connected with communists. Evidence" and then a blank space. In the final printed version of the indictment, the sentence was crossed out and not even read in court by the prosecutor, who said it was a printing error. Obviously, the team of military prosecutors had hoped to find evidence up until the last minute, but gave up.

The charge is false. More than that, it is extremely prejudicial to the final verdict pending with the Joint Council of the Military Court of Appeal. However, with his typical abrasiveness PM Ozal at first completely denied his reported statement

(June 12), then changed his tune and asserted that his recorded statement may have been "mistranslated during transcription" (June 13) until one of the International Herald Tribune correspondents concerned informed the Turkish press that "the entire interview was conducted in English in the presence of the MP's Press Counsellor Selim Egeli who possesses his own copy of the proceedings" (June 14).

The furore caused in the Turkish press by PM Ozal's remarks spilled over to the National Assembly. Opposition Populist Party deputy Mr. Fikri Saglar stated in the Assembly that Ozal had been in clear breach of the Constitution with his statements infringing *sub judice* rules. The Leader of the Social Democratic Party (SODEP) Erdal Inonu demanded an immediate parliamentary enquiry into Ozal's violation of the principle of the independence of the judiciary (June 16).

Here, in Britain, the *New Statesman* of August 16 commented: "Last month, in an interview with the *International Herald Tribune*, Ozal succinctly summarised the prevailing McCarthyite ethos of Turkish politics when he condemned the leaders of the Turkish Peace Association and DISK trade union as 'communists posing as social democrats'. Since both Ozal and the military appear to regard all criticism as equivalent to 'communist conspiracy' and violation of the European Convention on Human Rights as a perfectly respectable political response, the prospect of substantial constitutional reform appears distant".

It also appears that PM Ozal's much vaunted advocacy of 'free market economic liberalism' falls substantially short - let alone 'political liberalism' - but a basic respect for Turkey's admittedly authoritarian constitution.

OUTCRY IN THE TURKISH PRESS: Ozal's comments provoke angry responses. For over one week in mid-June, Turkish papers were full of items about the TPA as correspondents and columnists criticised PM Ozal's unprecedented public breach of sub judice laws of the Constitution.



**Basbakanın cikan dem...
Özal sözlerini doğruladı**

Basbakan Ozal, dün Cumhuriyet muhabirinin bir sorusuna üzerine, International Herald Tribune'de çıkan

An Interview With Prime Minister Ozal

ÖZAL'ın "DISK ve finansse etti" sözüne tepki büyük

İSPAT ET

Herald Tribune'de Hales: "Gazetede yayıncı kelimesine de, derseki karışmalarını belirtir."

Bakan Mesut Yılmaz: "Basbakanın müdahale etmeye niyeti yok. Barış Derneği fikir suçundan, düşünce suçundan dolayı değil, doğrudan doğruya terörle ilişkileri dolayısıyla yargılanmaktadır."

MECUMNE

Haber Merkezi: Başbakan Turgut Özal'ın International Herald Tribune gazetesine verdiği mülakat tepkiler sürerken, Paris'te International Herald Tribune merkezinden yapılan açıklamada: "Mülakat, kelimesi kelimesine doğrudur. Mülakat zaten İngilizce yapılmıştır" denildi. Paris'ten telefonla aradığımız

International Herak gazetinin özel eki cumhuriyet e su a yapıp: "Basbakan Turgu mülakat yapmakla ilk görevlendirildi. Bu ları Mustafa R. Gür Schmetzer dir. Kradlharne güveni

BANNER HEADLINE: "PROVE IT"

Mr. President , Honourable Judges of the Military Tribunal...

The following is an extract from the defence statement of one of Turkey's well known novelists, Vedat Turkali, delivered on February 18 this year during a session of 'Peace 2'. If convicted, Vedat Turkali and his forty-eight friends face between 5 to 12 years imprisonment for "sedition" and "attempting to overthrow the State" under Articles 141 and 142 of the Turkish Penal Code (the 'Mussolini Laws') borrowed in 1936 from fascist Italy. The extract was first published in *Yeni Gundem* (New Agenda) a liberal fortnightly magazine based in Istanbul.

As with the first 'Peace Trial', this one too is being held in a martial law court in Istanbul with a military panel of judges appointed by the General Staff.

... On page 11 last paragraph of his indictment, the Prosecutor states that the trial was launched because he is "satisfied that persons who were members of this Association persisted in maintaining their membership despite knowledge that the Association was engaged in illegal activities. Their participation in these activities until the suspension of the Peace Association (the day of the coup, September 12, 1980 - Ed.) means that the defendants are implicated in a crime..."

But how does the Prosecutor feel "satisfied" that crimes have been committed?

It is difficult to find this out by going through the 26 page indictment. As far as we are concerned, the term "illegal" denotes "unlawful" or "criminal" activity. And since each society creates institutions and officials to uphold its laws, "illegal" activities are - by definition - carried out "underground" and secretly. The Peace Association, however, conducted its affairs under full public gaze and was never investigated or charged with any offence during the entire period of its existence.

The logic behind this indictment is the following: "...The crime concerned was not committed in a single, short act (From "The Justification of the Verdict in Peace 1" p.726)... "the crime was committed over a longish process... (ibid)".

This is based on totally erroneous premises. The 'crimes' accruing from the activities of an association can not be likened to chemical processes which take a long time to mature. A crime is not similar to the processes of the fermentation of yoghurt or the making of wine which requires time to reach maturity. The activities of the Peace Association were clear, and open for anyone to see. We had public meetings, we had publications, we held conferences and congresses. If a 'crime' had indeed been committed at any one of these events, surely, the authorities could and should have stepped in immediately at the time.

Indeed, our governments have always kept an eye on such activities, monitoring such events on a daily basis. We know that all publications go through the prosecutor's office and all public gatherings are observed by state commissars (police officials legally entitled to attend and report back on public meetings - Ed.). If these activities were not carried out in the case of our organisation, I am afraid that these officials are themselves guilty of gross dereliction of duty. Equally, if, at the time (the reference is to the period when the Turkish Peace Association was active, i.e., April 1977 to September 1980 - Ed.), the officials concerned deliberately ignored any of the offences which may have taken place during any one of our public meetings, then this means that they were deliberately laying a trap. Such entrapment of citizens by public servants is itself unconstitutional and hence a grave offence...

The same false and self-contradicting logic can be found throughout the indictment and the "Justification of the Verdict in Peace 1". (JVP 1 Ed.), March 1984, p.725 which goes: "... (The Peace Association) which was active between 3.4.1977 and 12.9.1980, stated its aims clearly in its founding documents and in its organisational reports. It was obvious, therefore, that the Association paid only lip service to the legal forms imposed on it by the Law on Associations (this has been changed since the coup - Ed.) using this veneer of legality as a disguise for its real intentions as set out in its statutes and aims..."

But the whole point is that, like all other associations being formed at the time, the Peace Association submitted its statutes and aims to the Public Prosecutor during the routine process of registering and applying for permission to operate! What was the Public Prosecutor up to in those days?

Is there gross negligence? Or were the authorities in the process of laying a trap?

It appears that none of these really apply.

Free the dove !



Let us follow on with the 'logic' of the indictment: "(prior to the coup) some of the articles of the Turkish Penal Code had become in operative because of a deliberate policy of positioning so-called 'progressive' judges and prosecutors in sensitive niches in the judicial apparatus. (JVP 1 p.272)".

It therefore appears that we are faced with a conspiracy which goes beyond our Association and thus involves the entire Turkish judiciary! But please observe the extent of the net cast by this indictment... Our trial is somehow part of a greater conspiracy, involving 'progressive' judges and prosecutors who, through their strategic positions in the pre-coup judiciary, suspended the functioning of Articles 141 and 142 of our Penal Code to allow for our 'conspiracy' to mature like yoghurt over a three year five month period. The mind boggles...

Everyone knows that this is not the case. Our trial is the last link in a one hundred and fifty year struggle to establish the freedom of thought in our country. This is what all this trial is about and this is the bitter reality underpinning the Prosecutor's logic.

Our country has witnessed judges complying with *Pashas* calling for "great bunches of hanged men dangling in every street corner", as well as military judges resigning their posts when they heard such sentiments.

Articles 141 and 142 under which we stand accused before you are so totally general and amorphous that they provide limitless means for any government to suppress its opponents. Yet, the accusations which we are now facing go even beyond the highly elastic provisions of Articles 141 and 142 and seem almost as if the Prosecutor is trying to settle accounts with twenty years of our recent history. (The allusion here is to the liberal 1961 Constitution suspended after the coup and replaced with an authoritarian one in 1982 - Ed.) This is not the logic of a judicial process but the logic of a counter-revolution.

The Prosecutor charges me with the following: "BEING A MEMBER OF THE PEACE ASSOCIATION".

Yes, I am a member of the Peace Association and I am proud of it.

The Prosecutor says that I attended: "THE SECOND ANNUAL GENERAL MEETING OF THE ASSOCIATION HELD ON 3.4.5 APRIL 1980, ENDORSED THE DECISIONS REACHED AT THAT MEETING, AND WAS ELECTED TO AN HONORARY POSITION IN THE EXECUTIVE".

It is true that I did attend a number of such meetings ... What I do know for certain is that no resolutions which can be considered as 'crimes' were ever passed in any of the meetings I attended or indeed in the meetings I did not attend. Nothing we formally resolved to do in any way contradicted the laws as they stood then. The Association is a legally registered organisation which opposed war within the bound set by law.

As for my 'honourary position' within the Association: firstly, I would like to thank the persons who honoured me by electing me to that position; and secondly, I would like to thank the Prosecutor for giving me this good news! This is the first I've heard of being elected to such an office.

Background to 'Peace 2'

At the end of September 1984, Istanbul Martial Law Command launched a second, separate peace trial initially involving 48 founding members and prominent activists of the TPA.

The charge are identical to those brought against the TPA executive arrested in February 1982 and brought before a martial law court in June 1982.

The second batch of TPA accused include such Turkish household names as the 70-year old humourist Aziz Nesin (also involved in the 'Intellectuals' Petition Trial") film star Tarik Akan (who played the leading part in Yilmaz Guney's YOL) and theatre actor Genco Erkal.

The most disturbing aspect of 'Peace 2' is the indictment of 10 well-known lawyers comprising almost the entire defence team of the first TPA trial. (The TPA had been founded in 1977 under the aegis of the Istanbul Bar Association to monitor the Helsinki Accords).

The Prosecutor accuses me of "TRAVELLING TO GREECE AS THE REPRESENTATIVE OF THE ASSOCIATION".

Yes, I did go to Greece. I don't understand why this should be regarded as a crime. As far as I can remember, the Ministry of Foreign Affairs knew of our trip. I believe that the representation of a country in international meetings, panels, seminars and forums is part of that country's national interests. Such international meetings will be held whether one participates in them or not. Also, the point is that the meeting in Athens (held on February 12, 1978 and which resulted in a joint declaration between the Greek

and Turkish peace movements - Ed.) was an important one because it dealt with issues like nuclear free zones and peace in the Mediterranean which I believe to be vital concerns for our nation and people. If I hadn't been invited to such a meeting as a member of the Peace Association, I would nonetheless liked to have gone as a Turkish patriot, as a writer who loves his people.



The Prosecutor accuses me of: "PARTICIPATING IN NUMEROUS PUBLIC MEETINGS OF THE PEACE ASSOCIATION AND GIVING SPEECHES CONTAINING COMMUNIST AND SOVIET PROPAGANDA".

I spoke at two such meetings. In the first one I made a brief impromptu speech and I really can't remember the occasion. The second one was at a UNESCO seminar where I read a statement on behalf of the Turkish Writers Union. I did not speak at any other place at any other time.

But, let us pursue an important point: What exactly is 'Soviet propaganda'? If what is meant by this is a certain parallelism between demands for peace and Soviet policies on peace, what kind of an accusation is this? It may so happen that a country's national interests may, at certain periods in history, run parallel with that of another country. We should be pleased when this occurs. Besides, such a parallel existed in the foundation of the Turkish state. By accusing us of being "at the service of Russian imperialism", the Prosecutor is repeating the same accusations levelled against Mustafa Kemal Ataturk and his supporters in the National Liberation movement (1919-1923-Ed.) by the collaborationist Sultan and his cohorts.

The Prosecutor says that my: "MEMBERSHIP OF THE PEACE ASSOCIATION WAS CONTINUED RIGHT UP TO THE DATE OF THE SUSPENSION OF THE ORGANISATION".

This is true. I did remain a member. If the Association were to be activated tomorrow, I would apply to renew my membership. I am not saying this out of bravado but because I love my country and my people, and I feel that it is my duty before history as a writer. For years now, across the world, many scientists, writers, artists, thinkers and, I'm glad to say, intelligent military men in the West have been warning us of the nuclear holocaust. We are going through the most dangerous period in world's history. Professor Tolga Yalman has written, for example, "in the eight minutes of an all-out nuclear exchange, 60% of the world's population will be annihilated and the rest frozen during a

nuclear winter. Of the 20,000 nuclear weapons currently stockpiled, 200 suffice to blow the world apart..." I am submitting a copy of this article as part of my defence statement, as part of my evidence...

At a time when the world writhes in anguish it is a great misfortune for any nation to be governed by narrow-minded rulers, people who have learned no lessons from history and who are unaware of the dimensions of the nuclear blind alley, which humanity finds itself in. I believe that you will understand that our anxieties are derived from sincere feelings of patriotism and that you will evaluate these accordingly.

SNATCHES OF THIRTY TWO MONTHS BEHIND BARS

Continued

"... I received your letter dated (Autumn) 1984. First, I would like to express my sincere gratitude and warm feelings. Your concern and solidarity give us encouragement to endure our unfortunate plight... But I would like to assure you that we have not lost one iota of our faith to work for peace. They may succeed in keeping us in prison but they have never been able to stop this just and right demand of humanity for peace..."

"...Unfortunately, our imprisonment continues... Well, may be, that is the way military justice prevails. I expect that the General Assembly of the Military Court of Appeal will convene and pass a final judgement on our case sometime in October. Actually, I'm no longer interested in the final outcome. I know that peace, democracy, justice are not easily achieved. One must pay the price. Now, we are paying our dues. Every nation has paid its share, some more some less. For example, women from Greenham Common and members of the Alconbury Peace Camp are also paying something." (1985)

"... The most important thing for me is to go out in full health - physically and psychologically. I think that the best method for this is to work hard and to prevent any kind of despair caused by the hardships of prison life. And there are some good sides of this unfortunate affair. For example, I got an opportunity to know some wonderful people like you. I am not trying to flatter you, believe me, all the letters we receive are very important and dear to us..." (1985)

"... Since you kindly asked whether I need anything, I dare to tell you such a wish. One of my colleagues, a university teacher, is trying to write a study in prison on democracy. Do you have some works on the social and political history of Great Britain? Please don't bother to look for one but if you have one in your possession can you forward this to us? For myself, I don't need anything but your letters. These letters are really very important and you can not imagine how they encourage us..." (1985)

Pinter and Miller in Turkey observe TPA trial 2

In a session of the 'Peace 2' trial

The Pinter-Miller report devotes considerable attention to the prosecution of the TPA. "For example, to sweep up terrorists and their arms was one thing but the arrest of the entire directorship of the TPA was quite another. From former ambassadors to the President of the Bar Association to the wife of the former mayor of Istanbul, the Association comprised the intellectual elite of the country".

The PEN report goes on: "It was the prestigiousness of people like Dikerdem that initially bred a confidence, false as it turned out, that the military court would never actually jail the Peace Association". When the sentences came, the

shock stunned the country's intellectual community, "it having been a manifestly political – the suppression of an opinion by court action, and based, moreover, on vaguely-defined ideological laws borrowed back in the Thirties from the Mussolini legal code".

Referring to the fifteen TPA lawyers now finding themselves in dock in the second, separate peace trial dubbed 'Peace 2' involving 48 founding members of the TPA, Arthur Miller writes: "We are able to attend the trial of one of these attorneys, Turgut Kazan. Within the vastness of a hospital-prison, the courtroom, some thirty by fifty feet in area, is perfectly white stucco, with

a high tribunal set at one end just below three narrow windows facing a pearly sky".

"Three military judges, their uniforms visible under their black robes, sit looking down at the assembly made up of four or five working journalists seated along one wall, a dozen or so audience, including the accused and witnesses, and along the back wall the bench for visitors on which we sat".

"Heavy-thumbed peasant soldiers, hands clasped behind their backs stand with solid attention facing the bar, an officer in one corner keeping an eye on all five of them".

Pinter and Miller in Turkey

Meetings with TPA families

Arthur Miller also writes of his encounters with some of the TPA prisoners' relatives: "Taygun, a theatre director in his mid-thirties, had worked for several years at the Yale Drama School where he had created a stir with several well-received avant garde productions... We had requested permission to visit him from the Martial Law authorities but were turned down..."

"... Taygun's fiancée, an opera singer in her early thirties, is permitted to visit him every two weeks, meanwhile trying to carry on with her career. There was something surreal about our sitting with her in a lovely and large apartment with a tremendous view of the Bosphorous at night, with the silent ships, many of them Soviet, sailing past below and the lights of the ancient city rising up into the hills, and having to remind oneself again and again that this very civilised young woman's fiancée was not far away in a room with eight or ten other prisoners kept together as political prisoners for thoughts they had held in their heads..."

Another person they met was Orhan Taylan the painter's partner: "...She had an infant child, had been married three years, separated for more than two from a husband who was in prison for his views... He was arrested and tortured in Istanbul, then for some bureaucratic reason sent to Ankara where he was tortured a second time, then back to Istanbul. She had been refused a passport which prevented her from leaving the country and finding work as a journalist – she had worked all over Europe and the Middle East, a chic and sophisticated young woman with fluent English... It was only at the end of the evening that she got herself to produce the dozen or so sepia drawings that her husband had handed her during their five-minute visits every fifteen days, and only as she handled them did she allow herself something like a hopeful expression..."

The 'momentous' dinner with the US Ambassador to Turkey

The Miller-Pinter visit ended in an extraordinary stand-up row with the US Ambassador. The following is an abridged version of the excellent accounts which appeared in *The Observer* of July 21, 1985, and the American weekly *The Nation* of May 18, 1985:

"We had looked forward to meeting U.S. Ambassador Robert Strausz-Hupe, if only to hear the official US view on the situation in Turkey. The dinner took place the day after we spent a deeply moving evening with the fiancée of Ali Taygun..."

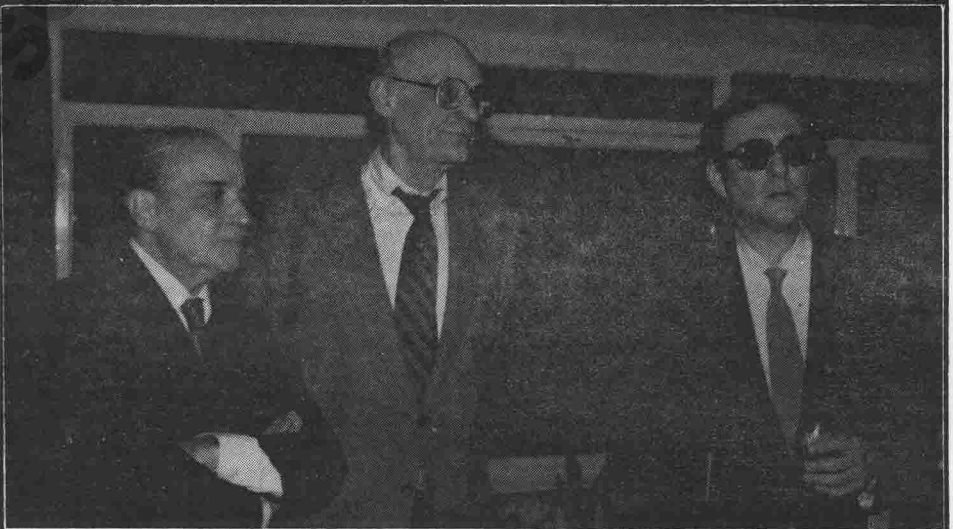
"... The Ambassador, a spry, diminutive man in his 80s, is famous for his absolute deference to

the Turkish military, with whom he has completely identified American interests. All I knew about him was that he had worked as a campaign adviser to Barry Goldwater. I learned later that he had been a professor at the University of Pennsylvania and has been considered a leading thinker of the far right..."

"... That night he displayed a cultivated, literary air, not at all the image of a fiery militant right-winger... As we moved towards the dinner he confided to me that there might well be a declaration of amnesty in Turkey in the near future, giving the impression of cautions liberalism. 'We can't push them too far' he said of the military. 'We don't want to lose them'..."

"... Pinter and I were on the same side of the table opposite the ambassador, but we were half a dozen places apart, and I could not make out his words, when, with soup hardly served, his baritone soared above the general level of talk... Reddening, Frank Trinko (the American Deputy Chief of Mission, an unsmiling, tight-bodied man, with tinted glasses and knife-like self-assurance) was saying to Pinter: 'That's your view... You are seeing only one part of it...'. The Ambassador, forking his veal, had ceased even to glance in Pinter's direction, for the playwright's voice had reached a high level. Suddenly, Pinter, with wide-open rage shouted across the table: 'That's an insult and was meant an insult and I throw it back in your face!'

There isn't a Western lawyer who could come to this country and see what is happening in these military courts who would not groan with despair. The American part here ought to be the holding up of democratic norms, if only as a goal, instead of justifying their destruction as the only defense against chaos.



"As I continued", writes Arthur Miller in the *PEN Report* "I thought I saw the eyes of the Ambassador glaze with astonishment or horror. But at the same time, he seemed to be listening to a kind of news: not political news, for he knew better than I did the state of affairs there, but news of an emotion, an outrage. After twenty minutes I ended my speech:

There isn't a Western lawyer who could come to this country and see what is happening in these military courts who would not groan with despair. The American part here ought to be the holding up of democratic norms, if only as a goal, instead of justifying their destruction as the only defense against chaos."

Pinter becomes persona non grata

Despite the glazed looks and red faces around the sumptuous dinner table, the evening held more in store. Arthur Miller continues: "I had hardly sat down (next to Trinka, the real centre of power in the Embassy) when from behind me I heard again the awesome baritone of Pinter. He was just turning away from the Ambassador, who was half his size and was shouting something."

"Coming up to me Pinter now said, not without a certain pridefully apologetic tone: 'I have insulted your Ambassador and have been asked to go'. My first practical thought was to look for transport. We were offered a seat in his car by the French Ambassador, who took us to his residence for champagne and conversation".

"In the black Peugeot, Pinter reported the American Ambassador as saying something to the effect that there could be different opinions about anything - to which Pinter said he had replied: 'Not if you've got an electric wire hooked to your genitals'."

"The Ambassador had then straightened and snapped sharply: 'Sir, you are a guest in my house!' upon which Pinter concluded that he had been thrown out."

Press conference banned

The postscript to this visit was equally dramatic. Arthur Miller and Harold Pinter held a press conference on the last day of their tour. Miller explains: "What we said more or less followed the lines of what was said at the Ambassador's

dinner. Next day in London we learned that the conference itself had been 'banned' and that an 'investigation' was to be held into our visit".

"Two weeks later, Prime Minister Turgut Ozal would be telling an audience at the Washington Press Club that there are 'no political prisoners in Turkey' - a country so far away, apparently, that no one rose in protest at the joke".

"... for the first time, the Army has dug itself very deep into the very fabric, both legal and in terms of custom and usage, of the country's governance, something that was not at all the case in the two previous interventions in the early sixties and seventies when the military withdrew as orderly government was restored."

"... One editor, for example - and a very important one - lamented the human rights situation and even volunteered examples of his own, but in the next day's paper wrote a mocking and satirical little piece about our visit, saying that no one knew how or why we had come and by what motives, hinting at some secret if not subversive sponsorship.."

Danish former Justice Minister in Istanbul for TPA

On May 6 this year, a delegation representing "No To Nuclear Weapons" and other Danish peace organisation visited Istanbul for one week on a fact-finding mission concerning the TPA trials.

The delegation was comprised of Professor Ole Espersen MP a former Justice Minister and distinguished barristers Ms. Mette Lauritzen, Mogens Kroman and their assistant Sys Højmark.

Restrictions on free debate

In a widely reported press conference after trip to Turkey, the Danish peace movement delegation drew attention to the implications of the continued persecution of the TPA: "We have reached the conclusion that the present government in Turkey uses every means - including long prison sentences - to prohibit open debate on Turkey's NATO membership and NATO policies".

"Thus", they say, "the Turkish government is in conflict with NATO's fundamental aim, namely, securing and protecting democracy in the member states of the Alliance. And, of course, one condition of a true democracy is the possibility for broad debate to exert influence on a country's foreign policy".

"In the same manner", they add, "prohibition of democratic debate on questions relating to disarmament and detente also goes against the letter and spirit of the UN Treaty and several UN resolutions bearing Turkey's endorsement".

Why the siege mentality?

Alluding to the knee-jerk responses given by right-wing European apologists of the post-coup regime in Turkey, the Danish lawyers argue that suspension of civil liberties can no longer be justified:

"Turkey is not in war nor on the brink of war which could justify emergency measures restricting the freedom of speech and the right to association. These are now maintained, amongst other things, to prevent public discussion on fundamental questions such as disarmament and defence issues".

The Danes concluded by putting on record that they would "strongly recommend that our government should work actively in both the EEC and the Council of Europe in order to secure the release of those imprisoned for their activities in the TPA and the withdrawal of all charges against the defendants involved in these trials".

Violation of legal norms

Also, in reports which will be forwarded to the Danish Barristers Association and the Danish government, Professor Espersen MP, Mette Lauritzen and Mogens Kroman will highlight the following observations of their trip to Turkey:

* TPA executive were not convicted of any specific "criminal acts" but solely for their alleged "intentions which lay behind their membership" of the organisation.

The Danish delegation was particularly concerned with what they saw as violations of trial procedures during the prolonged ordeal of the TPA in martial law courts. They pointed out to following practices which, they argued, contradicts Turkish statutes and laws on criminal procedure:

* The accused were impeded from access to their lawyers during the preparation of their defence.

* Lawyers were not allowed to take documents into prison.

* Conversations between lawyers and TPA defendants were controlled by 8 army privates who interrupted if they did not like what was being discussed. (For example, when defendants tried to protest to their lawyers about their treatment in prison, the conversation would be terminated by the soldiers on duty. Also, all lawyer-client exchanged were tape-recorded by the authorities. A mere 15 minute weekly visit by the lawyers was allowed).

* When certain military judges showed a degree of procedural flexibility towards the defendants' protests and complaints, they were replaced by a new set of judges appointed by the General Staff.

* Finally, the trials are, and have been, extremely protracted and there is a permanent threat over the TPA that new trials will be launched some five years after its suspension and eight years after its founding.



The Campaign extends its warmest thanks to Mr. Peter Myatt who took an admirable initiative in proposing and organising this fact-finding mission. The genuine friends of Turkey are those who do not regard Turks as 'second-class' citizens of a democratic Europe.

FOUR THOUSAND ATTEND HIROSHIMA ANNIVERSARY IN ISTANBUL : Dikerdem given standing ovation

On August 16, the Istanbul section of the Social Democratic Party (SODEP) organised an "Evening for Peace" to commemorate the fortieth anniversary of the dropping of the atom bomb on Hiroshima and Nagasaki.

An estimated 4000 people from all walks of life packed Istanbul's Open Air Theatre to listen to speeches on peace and to watch a musical adapted from novelist and journalist Oktay Akbal's book *Let There Be No Hiroshimas*, depicting impressions of his visit to the city.

The keynote speech of SODEP's peace evening was delivered by Mr. Ahmet Isvan, the former Mayor of Istanbul and husband of Reha Isvan. Mrs. Isvan, aged 59, is currently serving an 8 year sentence at the harsh regimen Metris Military Prison for her peace work as founder and executive of the TPA.

Also present on the platform of speakers was Mahmut Dikerdem, former ambassador and President of the now banned TPA, who was given a raptuous standing ovation by the 4000 strong crowd although he did not speak. Sentenced to 8 years, Mr. Dikerdem aged 69 is out

on the Turkish equivalent on bail, pending appeal. With him on the platform was Mr. Fehmi Isiklar, the General Secretary of DISK, the banned trade union confederation (the second largest in the country prior to banning on the day of the coup) out on bail but facing capital charges in a martial law trial very similar to the 'Peace 1' and 'Peace 2' prosecutions.

Peace is not a fantasy

The meeting started with a formal signing in ceremony of new SODEP members including a former MP from the Republican Peoples Party (disbanded by the military administration) and a retired former Air Force General, Hasan Basri Yurdakul.

Later, the meeting was addressed by Mr. Usumi, the head of SODEP's Istanbul organisation who said: "In the four corners of the world people have gathered to commemorate Hiroshima. They held meetings and marches. We too felt obliged to organise this meeting tonight to contribute to world peace and thereby assume our responsibility".

Mr. Usumi said that Hiroshima was a "universal symbol", adding, "Hiroshima may have turned to dust 40 years ago; it's

no longer a city, it's a symbol. Hiroshima lives on in America, in Spain, in Brazil and here in our own country".

"We are not here tonight because of a fantasy, and we are not living in a world of dreams". In a veiled reference to the TPA prosecution on the basis of 'subversive intent', Mr. Usumi went on to say: "We are not using Hiroshima to beat other drums. We have gathered to feel in our very hearts the consciousness of the serious dangers concerning the whole of humanity. The danger of nuclear war is the top priority in the world as well as in the running of our own country..."

Observers in Turkey have noted that the principles for which the TPA stood and worked for have survived five years of punitive martial law trials, imprisonment and proscription. One commentator was moved to say that the TPA's ideals were "like a candle in the wind flickering despite the chilly gusts". The fact remained, however, that the Turkish peace movement remained 'criminalised' as result of the controversial 'Peace 1' and 'Peace 2' martial law trials, "the Sword of Damocles still hangs over the distinguished heads of country's elderly peace leadership".

What they said about nuclear weapons...

For the first time since the coup, Turkish politicians - banned or otherwise - have come out with statements to commemorate Hiroshima Day. To give our readers an indication of the mentality against which the TPA has grappled in martial law courts since June 1982, we have juxtaposed newspaper quotes from leading politicians in the wake of Hiroshima Day with TPA President Mahmut Dikerdem's various statements delivered from the dock.

Sulayman Demirel (Conservative Prime Minister deposed by the coup): "Today we are faced with weapons more horrific than the atom bomb. Unlike Hiroshima, these new nuclear weapons don't need aircraft to deliver them on target. The real balance of terror is the capacity to be able to destroy even the most remote corner of the world just like shooting a pistol. Deterrence based on such a balance of terror can never be the guarantee of world peace".

"... (The indictment) tends to interpret 'peace' in terms of 'deterrence' based on a 'balance of terror' in arsenals. I will insist that such views held by the Prosecution are dangerous, misleading and deceptive, because no accord based on the mutual fear of annihilation can be stable or lasting" ... Mahmut Dikerdem, August 17, 1982 Defence Statement.

Ulku Soylemezoglu MP (Recently elected new leader of the Nationalist Democracy Party, an ultra-conservative opposition party regarded until recently as the military's favoured grouping): "If funds spent on armaments by developing countries could be used for economic and social purposes, heaven upon earth could well be attained".

"... The Military Prosecutor has accused us of backing 'Communist-style economic planning' because the Association extensively publicised the Brandt Report and the United Nations Resolutions on a New International Economic Order ... Such a glaring error in conflating the UN sponsored economic principles with 'Proletarian Revolution' is only possible if a profound ignorance world events is supplemented by a doctrinaire mentality which equates calls for an end to the arms race in order to release and increase resources for social and economic development, with 'weakening the defences of the country' ... Mahmut Dikerdem, July 18, 1983, Second Defence Statement.

Aydin Guven Gurkan MP (newly-elected leader of the main opposition Populist Party soon to merge with SODEP): "What happened forty years ago was not only the bombing of human beings in Hiroshima but also an attempt to annihilate the eternal principle of politics, namely, peace. However, both Hiroshima and peace have survived. They are alive and are going from strength to strength..."

"... To regard the peace movement, as the Prosecutor does, as the work of leftists, and furthermore, to claim that the peace movement is a sinister tactic used by communists to dupe people, is none other than to attempt to revive 30-year old Cold War taboos..." Mahmut Dikerdem, August 17, 1982, (ibid).

"Peace" taboo as school name

During a recent meeting of the City Co-ordination Council held in Usak, a city in Western Turkey, the Governor of Usak Province Nuretting Turan was angry at the mention of allocations for a local primary school named "Peace". "What kind of a name is this to call a primary school?" thundered the Governor, adding "such provocative and meaningless names will be changed forthwith". The Governor said that school names will be called after "illustrious statesmen from our past history". (From *Cumhuriyet* daily newspaper, precise date unavailable, but appeared early summer 1985).

SODEP observers turned away from 'Peace 2' hearing

On June 17, members of the executive of the Social Democratic Party (SODEP) turning up to observe a session of the continuing trial of 48 founding members of the TPA, dubbed 'Peace 2', were barred from entering the public galleries. The judges sitting in Istanbul's Martial Law Command No: 2 Military Court told the TPA lawyers that "the decision to allow or disallow observers is an administrative and not a legal question" and rejected requests for the SODEP delegation to enter the courtroom. The date of the next session was set for July 2. (*Cumhuriyet*, June 18, 1985).

TPA world round-up TPA world round-up TPA world round-up

TPA'S ECHOES AROUND THE WORLD

Messages of support for the TPA prisoners has been pouring from four corners of the world. Hundreds of peace activists have kept up a steady flow of letters which have given strength to the twelve who are still in gaol.

Below we reprint some of the correspondence concerning the TPA trial which has, in its own way, become a international *cause celebre*. However, it may perhaps be pertinent to quote

In their third letter since April 14, 1984, *US Congressman Mel Levine* and his distinguished colleagues continue to express their concern:

July 11, 1985

His Excellency
General Kenan Evren
President of the Republic of Turkey
Ankara, Turkey

Dear Mr. President:

We are writing once more to express our concern about the trial of the Turkish Peace Association (TPA) members.

As you know, the final decision on the fate of the TPA members is in the hands of the Military High Court of Appeal. A decision is expected soon by the Court.

We have always been troubled by the human rights questions which arise from the trial and imprisonment of the TPA members. It appears that Turkey is in violation of Articles 10 and 11 of the European Convention on Human Rights, to which Turkey is a party. This convention protects the rights of freedom of expression, peaceful assembly, and association with others, and the exercise of these rights.


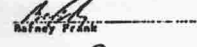
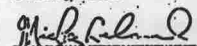
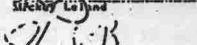
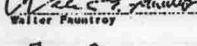

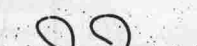

We were very pleased when the Turkish Martial Law Court released several TPA defendants pending final determination of this case. This demonstrated respect for the integrity of the Turkish judicial system and for the human rights of these individuals. We are still concerned, however, about the 12 members who are still in prison.

Over the last two years Turkey has taken positive steps in the area of human rights. In addition, Turkey has made appreciable progress in dealing with its serious problems and in returning to civilian democratic rule. Your government is to be commended for this progress.

Freedom of expression is something all democracies cherish and nurture. Turkey is a strong country and surely can endure expression spanning the entire spectrum of ideas. In the context of strengthening the democratic process in your country, we hope that the trial of the TPA members will come to a speedy resolution, and one which will reaffirm Turkey's commitment to human rights and democracy.

Thank you for your attention to this important matter, and for your consideration. We respectfully look forward to your response.

Sincerely,

 Mel Levine	 Edward Walsh
 Edward Felton	 Michael Barnes
 Robert Garcia	 Rodney Frank
 Berkeley Bodell	 Ted Weiss
 Michael Lyons	 Gary Ackerman
 Howard Norman	 Walter Fauntroy
 Bruce Morrison	 Tom Carper
 Vic Fazio	 Joe Mackley
 Paul Mitchell	 Robert Matou
 George Brown	 Ronald Dallum
 Lawrence Hill	 Major Owens
 Mike Leary	 Sue Yation
 Ron Wyden	 Tom Cutch
 Sander Levin	 Edward Mackley
 Geo. W. Coakett, Jr.	 Tony Hall
 Bruce N. Meyer	

from the petition signed by 1,256 Turkish intellectuals on May 15, 1984 and taken personally to President Evren and the Speaker of the National Assembly.

The petitioners wrote: "We consider it humiliating that our country has been reduced to the position of states whose human rights guarantees are the subject of perennial debates in international forums and in other countries... The Turkish people are entitled to the entire range of human rights available in contemporary

In his letter to the Turkish authorities dated July 5, 1985 the *Chairman of the Danish Medical Association*, Professor Erik Holst raises the issue of the continued imprisonment of his former Turkish counterpart, Dr. Erdal Atabek, and Professor Metin Ozek. Professor Holst writes: "According to the details of the case against these two medical colleagues which have been made available to us, Doctors Atabek and Ozek, leading members of the profession in Turkey, were guilty of nothing and have been arrested, tried and sentenced merely on the grounds of their wish to further the cause of world peace".

PEN American Centre's "Freedom-to-Write Committee Correspondents" Philip Balla, Rose Styron and Karen Kennerly (the Director) have circulated a newsletter dated August 22, 1985 publicizing the plight of TPA journalist Ali Sirmen "who has written some one thousand articles... as well as several books on subjects such as on foreign policy, the post-Shah phase in Iran, and Soviet Central Asea. He has also translated into Turkish the works of de Gaulle, Camus and Arthur Koestler". The PEN American Centre circular also gives prominence to Professor Metin Ozek who "has written some 100 articles concerning general medical practice, neuro-psychiatry, and clinical reports. He has contributed to UNICEF research on children's books". *Peace Monitor* can also add, with no irony intended, that Professor Ozek is also an authority on Franz Kafka.

In the middle of September we received the following forthright message from The *Japan PEN Club*: "WE FEEL MORE THAN TERRIFIED AT SUCH A DISASTROUS SITUATION... THE JAPAN PEN CLUB EXPRESSES SERIOUS ANXIETY AT THE FATE OF THOSE IMPRISONED WRITERS... WE ALSO HOPE THAT THE DAYS WILL COME WHEN YOUR GOVERNMENT (REGARDLESS OF THE PRESENT ONE OR A NEW ONE) CAN AFFORD TO TAKE IN THEIR INTELLECTUAL ESTABLISHMENT AS CRITICAL ELEMENTS CONDUCTIVE TO A HEALTHY AND CREATIVE SOCIAL ENVIRONMENT IN YOUR SOCIETY". (The text has been slightly altered and edited).

Meanwhile, the TPA remains firmly on the agenda of the European Parliament. A draft resolution put to the Parliament on June 6, 1985

societies, and should be in possession of these..." (Reported in *The Times*, May 17, 1984).

However, not only did martial law authorities stop newspapers from publishing the full text of the petition, but 56 leading petitioners, many of them household names in Turkey, were put on trial soon afterwards. The trial continues. It is, therefore, also with regret that we print this correspondence, the content of which would be an anomaly in any other member of the Council of Europe.

calls upon the Turkish government, amongst other things, to "move rapidly towards a restoration of human rights in the country, particularly as regards: -...the right to a fair trial... the discontinuance of the mass trials of the Turkish Peace Association; of the Trade Union Confederation DISK and affiliated unions and of various groups of academics and intellectuals..."

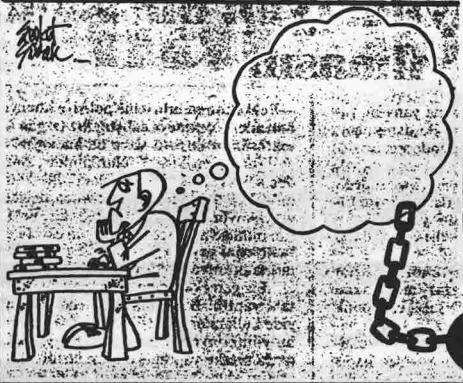


A Draft Report on the Human Rights Situation in Turkey prepared for the European Parliament Political Affairs Committee by Richard Balfe MEP in July 1985, says: "Undoubtedly, (one of the most) serious complaints of the absence of fair trials must be those against the TPA... Many of the charges, indeed, can only be described as bizarre..."

A report submitted by the Council of Europe Legal Affairs Committee rapporteur Pieter Stoffelen MP in April 1985 (Netherlands) says: "The meetings with representative of the Peace Association and DISK left a deep impression on me. It is my deep conviction that, for instance, members of the Peace Association express the same opinions and have the same activities as millions of people in the rest of free Europe... It was depressing to hear the suffering of, for instance, Mr. Dikerdem during his imprisonment and that still 12 members of the TPA are in prison..."

A letter from Australia informs: "On Sunday, the annual Peace March was held and around 80,000 people attended... PND, CND's equivalent here, invited Enis Coskun to speak at the rally (the General Secretary of TPA currently in exile). He was the only one who seemed to get the crowd moving. And some coverage on television was given to him" (April 8, 1985).

From *END Journal*, issue 16/17 Summer 1985: "(TPA prisoner) Orhan Taylan, one of Turkey's best known painters, has been adopted by Dutch painters who have undertaken to keep him supplied with painting materials. As a result, Taylan has been able to continue his work. An exhibition of his prison paintings, called 'Painting of Longing' opened on May 24 at a private gallery in Ankara... The British, French and Italian ambassadors came to the opening".



A Birthday Party for REHA ISVAN who will be 60 on Turkey's Republic Day. All the friends and supporters of the Campaign are cordially invited to a celebration of peace and of Reha Isvan to be held on Saturday October 26, 1985, at the *ASTMS Headquarters*, 97 Camden Road, London NW1, from 4 p.m. onwards. There will be international speakers, entertainment and a raffle for a hand-crafted patchwork quilt. An RSVP will be appreciated as it helps with catering.

Mother's struggle for peace worthwhile

From THE CAPITAL TIMES, Editorial page, Thursday May 2, 1985

"A PART OF you is always in jail," said Nurhan Katircioglu.

Things that are so natural are different. Even fresh air — my mother can't have it. But it's not sensible to stop breathing."

At age 27, Nurhan knows well what it's like to feel that part of you in jail.

Her father is Ahmet Isvan, the mayor of Istanbul, Turkey, from 1973 to 1977. He was in prison when she came to Madison four years ago to work on a doctorate in Middle Eastern history. According to END (European Nuclear Disarmament), he was arrested for renting municipal wagons to a confederation to trade unions for use at a political rally. He was in prison from November 1980 to January 1983. He is out now, but his trail is still going on.

Her mother is Reha Isvan, arrested in February 1982 along with the other top leaders of the Turkish Peace Association. She was released on bail 10 months later. Then, following a lengthy trial in 1983, she and 22 other members of the peace group were sentenced on Nov. 14, 1983, to eight years in prison.

Nurhan has two brothers — one in Boston, the other in Turkey. She remembers when her brother in Boston told her about their mother's arrest:

"I HAD BAD feelings," Nurhan said. "I was sorry, of course, but since she felt she had a goal to work for and I too feel it is

a worthy struggle, there is nothing to regret".

The Turkish Peace Association, composed of a wide range of civic leaders, argued for nuclear disarmament and opposed plans to put new nuclear weapons in NATO countries, according to END. It focused public attention on the cost of the arms race between Turkey and Greece and it sought a "just and peaceful solution to conflicts in the Middle East."

The Peace Association grew out of the work of the Istanbul Bar Association. Its leaders included a former ambassador, the former president of the Istanbul Bar Association, the president of the Turkish Medical Association, the secretary of the Turkish Writers Union, the dean of the Istanbul political science faculty, the president of the Rural Cooperatives Association, the director of the State Theatre Company of Istanbul, journalists members of parliament, a noted painter.

IN OTHER words, these were movers and shakers in Turkish society. When the military took control of Turkey in 1980, it brooked no opposition. Even though the Peace Association had been a legal organization and there it was no evidence it engaged in or advocated violence, the government arrested its leaders — including Nurhan's mother....

...There have been petition drives, letter-writing campaigns and efforts by prestigious faculty members at Harvard and the Massachusetts Institute of Technology.

 **Sanity**
VOICE OF THE

Prisoner for peace 

Mrs Reha Isvan



Campaigner for women's rights, educationalist, agriculturalist and formerly deputy director of education in Istanbul, Mrs Reha Isvan, 59, was sentenced to eight years' hard labour and two years eight months' internal exile in November 1983.

Her crime is her membership of the executive of the Turkish Peace Association, an 'illegal organisation' which is said to have 'attempted to overthrow the established order'. (See March *Sanity*.)

She is now the only member of its executive still being held in a military prison. The remaining male prisoners have been moved to the marginally less harsh civilian gaols.

Messages of support can be sent to her home address: c/o Mr Isvan, No 23 Levent Caddesi, 1 ci Levent, Istanbul, Turkey.

SANITY April 1985 7

"We have never gotten any kind of reply from anyone in Turkey," Fulton said.

Nurhan speaks with admiration of her mother. "Since peace is something to be struggled for, then my mother's being in jail will be more worthwhile," she said. "My mother's attitude has helped me a lot. She gave me the strength to bear it."

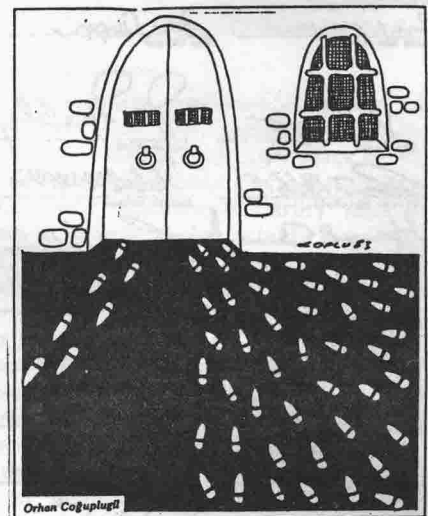
What you can do

Aims of the Campaign

- To press for the immediate release of the executive of the TPA and any others who may be imprisoned due to their involvement with the TPA.
- To press for the reinstatement of the TPA, for the restoration of the democratic right to freely organise a peace movement as in all other member states of the Council of Europe.
- To monitor and comment upon peace issues relating to Turkey.
- **DROP THE CHARGES ON THE TPA**
- **REINSTATE THE TURKISH PEACE MOVEMENT**

We urge all peace groups to

- adopt TPA 'peace prisoners' and to write to them in jail,
- to write to their local MPs raising the TPA issue,
- to write to their Euro-MPs about the TPA,
- in short, to engage in the three 'P's' campaign of motivating the Peace movement, Parliament(s) and the (local or national) Press.



IMPORTANT ANNOUNCEMENT : The Campaign's new address is now :
Campaign for the defence of the Turkish Peace Movement

11 Goodwin Street LONDON N4.



CAMPAIGN FOR THE DEFENCE OF THE TURKISH PEACE MOVEMENT

Dear Friend,

You now have the January - March issue of the Peace Monitor. Each stage of production has been delayed due to technical hitches. Please accept our apologies.

We have started work on another issue scheduled for the END Amsterdam Conference at the beginning of July.

The most recent and disturbing news from the TPA appeal is that the Prosecutor has called for the acquittal of four defendants (Mrs. Isvan, Nutettin Yilmaz MP, Dr. Saylan and Usluoglu) and argued that the sentences should be maintained in the case of the remaining 19. The latter category includes the 69 year old former ambassador Mahmut Dikerdem, President of TPA and suffering from cancer.

All indications are that the harsh sentences will be upheld by the Military Court of Appeal and that the 6 TPA executive currently on remand (Dikerdem, Apaydin, Professor Melih Tumer, Dalyanci, Ozturun MP and Gorsev) will return to gaol.

In such an event, coverage of the TPA trial by the Peace Monitor will be all the more crucial, given the wall of silence surrounding Turkey.

This is why we are appealing for REGULAR SUBSCRIPTIONS to the Turkish Peace Monitor and donations to support our seriously depleted Campaign funds.

This issue of the Peace Monitor has cost approximately £250 to produce minus postage costs. Copies will be posted to the United States, Australia, Zimbabwe as well as every country in Europe. Our Campaign has corresponded with over 500 persons and peace organisations across the world. Our mailing list is very impressive. All this, however, requires funds to sustain and develop.

We therefore urge you to send £ 5 for UK individual subscriptions and £ 10 for group subscriptions. All overseas subscriptions will have to be double these amounts because of the crippling costs of postage.

TO ROLAND BOYES MP
HOUSE OF COMMONS,
LONDON SW1A 0AA.

Cheques/POs payable to Campaign for the Defence of the Turkish Peace Movement

I enclose cheque/postal order for £

Name

Address (please print)

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Colman McCarthy

Democracy Can't Be a Sometime Thing

When you are visiting Washington looking for \$6 billion for the next five years to refurbish your military—and with the Pentagon saying you deserve every nickel of it—other issues tend to get lost. Like which political prisoners are languishing in jail, and which ones are not.

Turgut Ozal, the prime minister of Turkey, paid a state visit to the Reagan administration this week. He was well prepared to explain why he and the Pentagon believe the Turkish government needs more weapons and military might to keep vigilant against the bordering Soviet Union. On the seemingly lesser matter of human beings who are suffering in prison for what they think, Ozal had a poor command of the facts.

In a group interview, I asked him about the continued imprisonment of some members of the Turkish Peace Association. This is the nonviolent group of journalists, artists, former diplomats and peace activists that had 23 of its members imprisoned by a military court in the summer of 1983 for sentences of up to eight years. Five of the group have been released, but the others remain in jail. Ozal insisted they were all out.

Someone who knows otherwise is Nurhan Katircioglu, 27, a doctoral student at the University of Wisconsin in Madison. Her mother, Reha Isvan, a peace worker and the wife of the former mayor of Istanbul, has been in a military prison for 18 months. Over the phone, Mrs. Isvan's daughter said it would be heartening news if the Turkish prime minister were right and her mother finally were free of her unjust imprisonment. But she is not.

Ozal was incorrect a second time. He spoke of the recent visit of Arthur Miller and Harold Pinter, two authors who went to Turkey in mid-March on behalf of International PEN, a group that defends human rights of artists and writers. Pinter, in an Istanbul press conference at the end of a five-day visit, said, "Our conclusion is that torture, despite the protestations and denials, is in fact widespread and systematic in military prisons and police stations in Turkey."

Ozal gave a bad review to the two playwrights. He said that they spoke with only four or five "extreme leftists." In fact, Miller and Pinter met with more than 100 Turkish citizens—left, right and center. The martial

law authorities—with martial law in force in Istanbul and Ankara, the country's most populous cities—thought even less of Miller and Pinter's findings. The news was censored from the Turkish press.

Ozal's two mistakes may appear as small issues when compared with the larger problems that he faces: Cyprus, the contigiting Armenian terrorism against Turkey's diplomats, reviving an economy in which per-capita income remains at about \$1,000 a year, and trying to create a stable free-market economy. Ozal is a personally gracious man who deserves large credit for trying to be a conciliator. He said that censoring Miller and Pinter was a mistake, and he would not have approved the decision had he been in the country at the time.

That is the heart of the problem. One human rights group after another—Amnesty International, the U.S. Helsinki Watch, the Committee to Protect Journalists, International PEN—has recently sent delegations to Turkey and reached the same conclusion: despite the integrity and democratic aspirations of people such as Ozal, the power of the military and its martial law remains.

It says a lot that the martial law command could order the censoring of the Miller-Pinter press conference. Ozal himself suggested it was a stupid decision. He said that the findings would not have been big international news of themselves. Instead, the censorship became the news. That the generals couldn't figure this out beforehand says that when in doubt, go for the heavy hammer, which is how it continues to be for political dissenters.

Ozal is said to be sympathetic toward human rights victims. He is not a militarist, nor is he dictatorial. Turkish journalists report that under Ozal censorship has decreased. The best-selling book in Turkey—"The 12th of September," by the journalist M. Ali Birand—is critical of the military. The current issue of *Nokta*, the "Newsweek" of Turkey, carries a cover story on torture. The editor of one major news organization says that five years ago censorship orders came almost every day from the martial law command. Now the harassment is down to once or twice a week.

Ozal wants to create a free-market economy. It can't happen unless there is also a free press and freedom for groups such as the Peace Association. Thousands of prisoners are said to be held in jail without convictions, including Guleat Aygen, whose case is one of the best known in Turkey.

Human rights violations should really be the most easily solved problem for a government struggling toward stability. But with the generals still sharing power and often using it unthinkingly, what Arthur Miller said remains true: "There is either democracy or none of it."

The Washington Post

APRIL 6, 1985

TÜRKIYE SO...