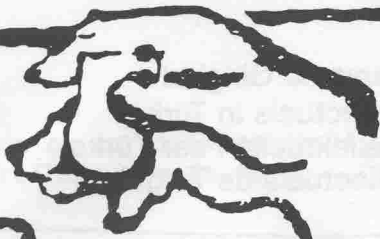


ÖZ  
GÜR  
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Initiative  
für  
Solidarität  
mit den  
Intellektuellen  
der Türkei

# NEWS LETTER

MÄRZ 1986

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Liebe Freunde,

in Bezug auf die Rückkehr zur Demokratie und die Verhinderung der Menschenrechtsverletzungen versucht zur Zeit das Regime in der Türkei und die Regierung unter der Führung von Özal, einen positiven Eindruck zu erwecken. Die Informationen und Berichte der Presse jedoch beweisen das Gegenteil.

Die "Initiative für Solidarität mit den Intellektuellen der Türkei" versucht die Öffentlichkeit der westeuropäischen Länder zu informieren, über die tagtäglich, trotz der offiziellen Erklärungen, erneut veröffentlichten Menschenrechtsverletzungen, die Unterdrückung der kulturellen, wissenschaftlichen und künstlerischen Bereichen sowie den Widerstand der Intellektuellen der Türkei, die unter diesen Bedingungen mutig ihre Stimme erhöhen. In dieser Hinsicht veröffentlichen wir auch eine deutschsprachige Ausgabe eines Informationsblatts, die zugleich in englischer Sprache erscheint.

Die regelmäßige Erscheinung dieses Blatts bedarf jedoch Ihre Unterstützung. Wir möchten dieses Informationsblatt weiterhin in zweimonatigen Abständen in englischer, deutscher und türkischer Sprache herausgeben. Jedoch beträgt die Druck- und Versandkosten für unsere Verhältnisse eine hohe Summe. Daher möchten wir Ihnen mitteilen daß wir uns über einen Jahresabonnement, die 12.- DM beträgt, sehr freuen würden. Eine erfreulichere Unterstützung von Ihnen wäre sogar die Beteiligung an das "Solidaritätsabonnement" von 20.- DM. Als Gegenleistung können wir leider nicht mehr als die Versendung der jeweils erscheinender Ausgabe des Informationsblatts versprechen sowie einen vertrauensvollen und effektiven Zusammenhalt.

Wir freuen uns außerdem, wenn Sie uns über weiteren Interessierten für unser Informationsblatt informieren, und glauben fest daran, das Sie mit Ihrer Kritik und Vorschläge unsere Leistung unterstützen und verbessern werden.  
Mit freundlichen Grüßen verbleiben wir

Initiative für Solidarität  
mit den Intellektuellen der Türkei  
i.A. Ayse Erzan

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## Ein Erfolg internationaler Solidarität

### FREISPRUCH IM INTELLEKTUELLEN - PROZESS

Der Prozeß, vor dem 1. Militärgericht der 4. Armee in Ankara zum sogenannten "Antrag der Intellektuellen" wurde am 7.2.86 beendet. Die 59 Intellektuellen wurden freigesprochen. Dieses Urteil ist auch ein Erfolg der demokratischen Solidarität im Ausland. Der Intellektuellen-Prozeß stand im Mittelpunkt der Solidaritätsbewegung. Es wurden innerhalb einigen Wochen 3200 Unterschriften bekannter Intellektueller und Persönlichkeiten aus 13 Ländern gesammelt.

In den sechsseitigen Antrag, der von 1256 Personen unterschrieben und dem Staatspräsidenten und dem türkischen Parlament überreicht wurde, waren "Die Beobachtungen und Wünsche nach Demokratisierung in der Türkei" zusammengefaßt worden. Gegen 59 der Unterzeichner wurde wegen "Verletzung des Ausnahmezustandsgesetzes" prozessiert. Das Gericht hat nun für Freispruch entschieden: wegen "Mangels an materiellen und geistigen Beweisen."

Vor mehreren einheimischen und ausländischen Prozeßbeobachtern wurden die Angeklagten nach ihrem letzten Wort gefragt. Die Angeklagten haben sich dabei nicht nur für ihren Freispruch ausgesprochen, sondern auch gewünscht, "der Gerichtsbeschuß möge Begriffe wie "Antrag" oder "Flugblatt" nicht durcheinanderbringen, sondern Klarheit über die Menschenrechte in der Türkei schaffen".

Die Angeklagten haben ihre letzten ihre letzten Einlassungen mündlich gemacht, bis auf Halit Çelenk, der dem Gericht eine schriftliche Stellungnahme überreichte. Darin schreibt er:

"Unser Land ist in einem Rechtskonflikt. Der Konflikt dauert seit sechs Jahren an. Dieser Prozeß beweist dies. Unter diesen Bedingungen verlange ich Freispruch, weil es sich nicht nur um meine Person handelt, sondern um

demokratische, menschliche Rechte und Freiheit überhaupt. Es ist zwar traurig im Namen der Menschenrecht Freispruch zu wünschen, aber ich will es, ich will in einem historischen Gerichtsprozeß im Namen der Menschenrechte freigesprochen werden".

Danach wurde der Verteidigungsantrag vom Angeklagten Mehmet Ali Aybar vorgelesen, den er dem Gericht überreicht hatte. Anschließend wurde das 12seitige Gutachten der Verteidigung (Rechtsanwalt Muammer Aksoy)verlesen.

Darin heißt es, daß Rechte selbstverständlich und daß Begrenzungen dieser Rechte Ausnahmen sind. Und weiter:

"Die Richter, deren Staat und deren Grundgesetz ganz offen feststellen, daß dieser Staat ein demokratischer und auf Rechtsprinzipien beruhender Staat ist, der alle Menschenrechte anerkennt, dürfen nicht versuchen eine legale Tatsache mit einem illegalen Straftatbestand zu verwechseln und so den rechtlichen Vorwand für eine Klage zu bekommen.

Wenn die Angeklagten, die auch außerhalb unserer Grenzen bekannt und geehrt sind, für schuldig erklärt werden, mit der Begründung, daß sie keinen Antrag, sondern ein Flugblatt verteilt hätten, würden sie den allein schon deswegen bedauern, weil sie damit gezwungen würden, sich persönlich zu wehren".

#### Brief von Prof. Tanilli im Namen der "Initiative für Solidarität mit den Intellektuellen der Türkei" an A. Nesin, Hauptangeklagter im Intellektuellen-Prozeß

Strasbourg, den 10.02.1986

Lieber Aziz Nesin,

Wir nehmen mit Freude zur Kenntnis, daß der Prozeß der türkischen Intellektuellen mit einem Freispruch beendet worden ist. Weil die türkischen Intellektuellen gerechtfertigterweise die Wiederherstellung der Demokratie mit all ihren Institutionen forderten, wurden sie von den Gegnern der Demokratie verfolgt und es wurde gegen sie ein Prozeß eröffnet. Während aufgrund ihrer mutigen Verteidigung der Prozeß in die Geschichte eingegangen ist, verfolgten wir, als türkische Intellektuelle im Ausland, die wir uns in der "Initiative für die Solidarität mit türkischen Intellektuellen" zusammengeschlossen haben, mit großer Anteilnahme den Prozeß und versuchten die Aufmerksamkeit der demokratischen Weltöffentlichkeit und der Intellektuellen der Welt

auf diesen Prozeß zu lenken, um ihre Unterstützung zu erreichen.

Dies war für uns eine notwendige und selbstverständliche Aufgabe, die wir gern erfüllt haben.

Mit der Erfüllung dieser Aufgabe empfinden wir eine innere Zufriedenheit und betrachten das erreichte Ergebnis als Sieg Ihres gerechten Kampfes.

Zwar ist der Prozeß mit einem Freispruch zu Ende gegangen, aber der Kampf der türkischen Intellektuellen wird weitergehen, solange nicht alle Elemente der Demokratie vollkommen zum Tragen kommen.

Meine Freunde und ich werden Sie auch in dieser Phase mit unserer ganzen Kraft und Überzeugung unterstützen.

Ihnen persönlich sowie allen anderen, die diesen Prozeß würdig verteidigt haben, übermittle ich herzliche Glückwünsche.

Prof. Server Tanilli

## FRIEDENSKÄMPFER FREIGELASSEN DER PROZESS DAUERT AN

Ein weiterer Erfolg der internationalen Solidarität ist die Freilassung von den bisher inhaftierten Vorstandsmitgliedern des Friedensvereins. Zunächst wurden sechs von ihnen am 17. Februar 1986 freigelassen. Dem hat die Freilassung von weiteren sechs Vorstandsmitgliedern am 10. März 1986 gefolgt.

Das oberste Militärgericht hatte das Urteil des 2. Militärgerichts in Istanbul für alle Mitglieder des Friedenskomitees am 19. Dezember 1985 aufgehoben. Als Grund für die Aufhebung führte das oberste Militärgericht die "unvollständige Untersuchung" an.

Von 15 Mitgliedern des obersten Militärgerichts haben neun für, sechs gegen die Aufhebung gestimmt.

Die Untersuchung gegen die Mitglieder des Friedenskomitees wurde von dem Kriegskommandanten in Istanbul im Oktober 1980 eingeleitet.

Die Staatsanwaltschaft vollendete die Untersuchung 1981 und ordnete die Verhaftung von 44 Mitgliedern des Vorstandes des Friedenskomitees an.

Gegen die Aufforderung der Staatsanwaltschaft wurde aber zweimal von Kriegsgerichten Einspruch erhoben. Der dritten Aufforderung der Staatsanwaltschaft für die Verhaftung wurde von einem vertretenden Richter des 1. Militärgerichts außerhalb der Dienstzeit entsprochen.

Am 26. Februar 1982 wurden mit dem Vorsitzenden Mahmut Dikerdem 25 Mitglieder des Friedenskomitees verhaftet.

Nach der Beendigung des Verhörs wurden alle Angeklagten nach Aufforderung der Verteidiger am 24. Dezember 1982 freigelassen.

### APAYDIN IST GESTORBEN

Am 1. März 1986 starb der Vorsitzender der Istanbul Anwaltskammer und bekannte Menschenrechtler, Rechtsanwalt, Orhan Apaydin (60). Er war einer der Angeklagten im Prozeß gegen den Friedensverein der Türkei, und sein Antrag auf einen Reisepaß, um im Ausland medizinisch behandelt werden zu können, wurde abgelehnt.

Im Februar 1982 ist er als Gründungsmitglied des Friedensvereins der Türkei verhaftet worden. Nach ungefähr einem Jahr ist er freigelassen, aber am 14. November 1983 zu 5 Jahren Haft verurteilt und wieder inhaftiert worden. Nach einjähriger Haft ist Apaydin mit der Begründung, seine Strafe faktisch vollzogen zu haben, wieder freigelassen worden. Seine Nierenkrankheit hat sich während seiner langen Haftzeit verschlechtert, denn jegliche medizinische Betreuung im Gefängnis war ihm untersagt.



Das 2. Militärgericht hat am 14. November entschieden, daß alle Angeklagten gem. § 141, Abs. 1 - 5 des türkischen Strafgesetzbuches bestraft und verhaftet werden müssen. Da aber an der letzten Verhandlung nur noch 18 Mitglieder des Friedenskomitees teilgenommen hatten wurden alle verhaftet.

18 Vorstandsmitglieder sind zu acht Jahren Haft und zwei Jahren Verbannung und fünf Vorstandsmitglieder zu fünf Jahren Haft und 20 Monaten Verbannung verurteilt worden.

Nach dem Urteil haben die Angeklagten die Revision bei dem obersten Militärgericht eingelegt. Das oberste Militärgericht hat am 29. August das Urteil des 2. Militärgerichts aufgehoben.

Das 2. Militärgericht in Istanbul hat die Entscheidung des obersten Militärgerichts widersprochen und blieb am 8. November 1984 wieder bei seinem Urteil.

Inzwischen hat es aber entschieden, die zu fünf Jahren Haft verurteilten Orhan Apaydin, Niyazi Dalancı, İsmail Hakkı Öztörün, Melih Tümer, Dogan Görsev und den zu acht Jahren Haft verurteilten Vorsitzenden des Friedenskomitees Mahmut Dikerdem freizulassen.

Nach dem das 2. Militärgericht wieder bei seinem begründeten Urteil blieb, haben die Verteidiger eine Revision für die von dem 2. Militärgericht angeführten Gründe eingelegt.

Obwohl die Verhandlung des Friedenskomitees über ein Jahr lang beim obersten Militärgericht lag, hat es sich erst im November letzten Jahres damit beschäftigt und ist zu keiner Entscheidung gekommen.



## EIN THEMA, DAS DIE ZENSUR DURCHBRICHT

....F O L T E R .....F O L T E R .....F O L T E R .....F O L T E R ....F O L T E R ..

Nachdem im letzten Februar, die wöchentlich erscheinende Zeitschrift "Nokta" die Aussagen eines Folterers veröffentlicht hatte, wurde das Folterthema von der türkischen Presse sehr breit behandelt. Trotz der offiziellen Zensurmaßnahmen wurde und wird jeden Tag ein neuer Fall veröffentlicht. Die schweigende Haltung der türkischen Öffentlichkeit zu diesem Thema wurde zum ersten Mal durch die Verteidigungsrede des Journalisten Erbil Tusalp im Intellektuellen-Prozeß im Juli 85 durchbrochen. Damals wurde es gleich verboten, seine Worte zu veröffentlichen. Heute sind sie aber der Öffentlichkeit bekannt. Im folgenden Artikel bringen wir Ihnen Teile aus seiner Verteidigungsrede und Beispiele aus den Zeitungsartikeln aus der Türkei.

"Ein Grund dafür, daß ich zu den vorbereitungen der Petition beigetragen und die Petition unterschrieben habe war, daß Folter sehr verbreitet und institutionalisiert wurde.

Als einigen Foltertaten im Ausland nachgegangen wurde, wurden einige Ordnungsbeauftragte angeklagt. Andererseits blieben tausende Foltertaten in Gefängniszellen und in Untersuchungskammer (Verhörkammern) unbekannt.

Ist es nicht aus der Aussage eines jungen Mannes vor dem Richter über die Zeit im Untersuchungshaft ersichtlich, daß die Zukunft der Türkei der Untersuchungshaft zum Opfer fällt:

"Als ich festgenommen wurde hatte der Winter gerade angefangen. Als ich nach der Verurteilung ins Gefängnis kam, näherte sich der Frühling seinem Ende. Den Winter verbrachte ich, wenn ich nicht gerade gefoltert wurde, gegenüber der Folterkammer, auf dem Beton der Zelle Nr. 14" sagte Journalist Erbil Tusalp in seiner Verteidigungsrede, der auch bei dem Intellektuellen-Prozeß angeklagt wurde.

In der Tat wurde die Folter nach dem 12. September 1980 ein "gewöhnlicher" Akt in der Türkei. Alle wußten, daß die Festgenommenen gefoltert werden. Aber kein Mensch war in der Lage, dagegen zu protestieren.

Erst nachdem die Folter von den Intellektuellen in ihrer Petition aufs schärfste verurteilt und von der Presse trotz aller Verbote, durch interessante Methoden der Öffentlichkeit bekannt gemacht wurde, hat sich das geändert.

"Als Journalist kam ich mit hunderten von Menschen in Kontakt, die unter Menschenrechtsverletzungen litten, die gefoltert oder mißhandelt wurden. Ich hörte das Klagen dieser Menschen, für die diese menschenwürdigen Handlungen zum Lebensinhalt geworden waren. Ich freundete mich an mit ihren Müttern, Vätern, Frauen und Kindern. Ich untersuchte die Entwicklung von ihren Gerichtsverhandlungen, ihre Verurteilungen. Ich untersuch-

te auch wie sie in der Freiheit gelebt hatten.

Als Schlußfolgerung glaube ich, daß diejenigen, die in Untersuchungshaft starben, teilweise durch den Tod befreit wurden."

Die wöchentlich erscheinende Zeitschrift "Nokta" konnte zum ersten Mal in der Türkei einen Polizisten aufspüren, der die Verhafteten gefoltert hatte, und veröffentlichte seine Aussagen.

Der Palästina-Haken ist eine Foltermethode, bei der die Opfer nackt aufgehängt werden, die Hände von hinten mit einem Riemen gefesselt.

In der Mitte des Riemens ist ein Loch. Durch das Loch wird eine Stange gesteckt. Man stellt das Opfer auf einen Stuhl und die Stange wird an zwei Haken befestigt. Der Stuhl wird dann weggezogen. Schulterblatt und Rippe drücken entsetzlich auf die Lunge. Die Opfer werden bewusstlos. Wenn Strom gegeben wird kommen sie wieder zu Bewußtsein. Ein Stromkabel wird an die Zehe angeschlossen, das andere an das Geschlechtsorgan. Dies wurde auch mit Cennet aus Antep gemacht, die an den Folgen der Folter starb.

Sie wurde ganz ausgezogen, Cennet Değirmenci. Ihre Hände wurden mit einem Riemen von hinten gefesselt. Sie wurde an den Palästina-Haken gehängt. Dies war die wirkungsvollste Art am Palästina-Haken, trotzdem war dies nicht ausreichend. Während Cennet dages, wurde ihr Körper so lange mit den Füßen getreten bis er anschwellte und blau wurde.

Wenden wir uns wieder an Erbil Tusalp:

"Meiner Meinung nach bildet die Antwort auf die Frage nach dem Grund der Antragstellung über Beobachtungen und Forderungen im Bezug auf die demokratische Ordnung, die Hauptsache der fünfjährigen Türkeigeschichte.

Unter diesen Ereignissen, ist die Menschenrechtsverletzung und unter den Menschenrechtsverletzungen, die Folter das Auffallendste.

Es sind auch die Selbstmordfälle in den Gefängnissen und Untersuchungshaftanstalten. Es sind auch die Hunger-

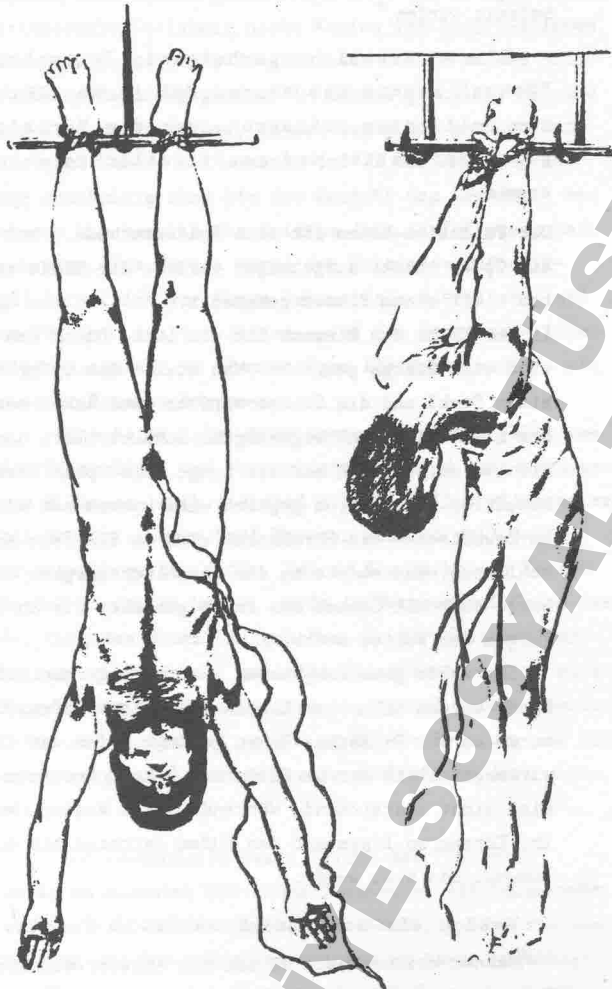
streiks, die zum Tode führen. Die Menschenrechtsverletzungen werden durch statistisch festgehaltene Fälle überall in der Welt glaubhaft.

Wir haben Material über Todesfälle durch Folter. Obwohl das Material von offiziellen Stellen kommt, ist es widersprüchlich. Es wurde aus offiziellen Quellen bekannt, daß am 16. März 1982, 15 Menschen, am 4. Oktober 1982, 4 Menschen und am 3. April 1984, 2 Menschen durch Folter getötet worden sind.

Die Zahlen werden noch interessanter durch die Erklärungen vom Innenminister Selahattin Cetiner am 24. September. Nach Cetiner fanden "in der Türkei 12 Foltertaten statt. Es wurden deswegen 54 Polizisten angeklagt und 11 davon wurden verhaftet."

Es ist sehr schwer zu erraten, was hinter den 12 Foltertaten steckt: Sind es 12 Menschen, die an der Folter gestorben sind, sind es 12 Menschen die gefoltert wurden? Es ist nicht klar.

Nach der Rückkehr zur Demokratie, seien Menschen durch anarchistische und terroristische Ereignisse im



Jahr 1984 verstorben und nur vier Gefangene durch Hungerstreik, erklärt der Innenminister Yildirim Akbulut am 23. Januar 1985.

Eine Telex-Nachricht erreicht die Zeitungen am 7. Juli von der Medien- und Kommunikationsabteilung der Staatsanwaltschaft des Generalstabs. Aus dieser Nachricht

geht hervor, das nach dem 12. September, 17.718 Akten beschlossen worden sind, daß das Verfahren von 1.407 Akten noch läuft, daß 57 Polizisten wegen Folter und Mißhandlung verurteilt worden sind und daß 56 Polizisten aus dem gleichen Grund noch ein laufendes Verfahren haben."

### Grund der Selbstmorde ist die Folter

"Weiterhin sind "449 Personen zum Tode verurteilt worden; das Urteil wurde vom Militärgericht bestätigt und von den bestätigten Todesurteilen, wurden 32 vom Parlament akzeptiert, und 27 der Todesurteile vollzogen.

Wir sehen daß einzig fehlende, die Zahl der durch Folter und Mißhandlung gestorbenen ist.

Wegen der Unmöglichkeit, die Menschenrechtsverletzungen aus den offiziellen Angaben zusammenzutragen, werden als Quellen die Gerichtsprotokolle, die Aussagen der Betroffenen und die Obduktionsbefunde verwendet. Ich stelle fest, daß der Grund der Selbstmorde die untragbaren Gefängnisbedingungen und die Folter war.

Es ist möglich, die Ansicht zu vertreten, daß diese Behauptungen aus verräterischen Absichten, das Ansehen der Türkei zu zerstören, entstanden sind. Es ist auch möglich die Leute zu überhören, die Menschenrechte kritisieren und meinen "sie sollen sich um ihren eigenen Kram kümmern und sich nicht in unsere Angelegenheiten einmischen."

Ich bin gezwungen, als Intellektueller, das zu sagen was ich über Demokratie, Rechtsstaat und Menschenrechte weiß und verpflichtet die Geschehnisse ins Tageslicht zu bringen.

Nach meiner Überzeugung muß für das Wohlbefinden der Türkei ein Rechtskampf für Menschenrechte geführt werden.

Dieser Weg geht zuerst durch das Gericht. Folter ist zum Beispiel auch bei der höchsten rechtlichen Instanz, beim Verfassungsgericht behandelt worden.

Während der Gerichtsverhandlungen vom Ex-Minister Serafettin Elci wurden zwei Gefangene, Levent Paysan und Mehmet Oflaz, aus Diyarbakir gebracht und gefoltert damit sie gegen Elci aussagen.

Das hohe Gericht hat nichts unternommen. Das Thema der Menschenrechte, das in dieser Form am 10. September ins Protokoll genommen wurde, blieb in den Akten des Verfassungsgerichts.

Ein anderes Beispiel zeigte die Sensibilität der Militärgerichte der Ausnahmezustandskommandatur in Ankara zu diesem Thema.

Die Untersuchungen von einer Organisation wurden durch eine speziell gebildete Einheit "DAL", initiiert vom Polizeipräsidium in Ankara durchgeführt.

Die Angeklagten betonten in ihren Aussagen, daß diese Einheit sich nicht wie Polizeibeamten sondern wie politische Feinde aufgeführt hätte, und sie gezwungen hätte Verbindungen zu Personen und Organisationen -zu denen sie keine Kontakt hatten (unter ihnen auch Abgeordnete

der Republikanischen Volkspartei-CHP) - zuzugeben.

Es wurden Augenzeugen für die Ermordung von Behcet Dinlerer, Zeynel Abidin Ceylan, Adil Yilmaz, Metin Sarpbulut, Hasan Asker Özmen und Satilmis Sahin Dokuyucu durch diese Einheit genannt. Es wird eine Anklage vom Gericht erwartet.

Ich möchte auch gerne wissen, ob eine Untersuchung bezüglich Folterbehauptungen von den Polizisten Kemal Yazicioglu, Bekir Pullu, M. Kartal, Sirac Kayakiran, Celal Coban, Ugur Özdemir, Ömer Bülbül, Ridvan Güler, Mustafa Öner, Hasan Alatas, Ferruh Tankus, H. Öztürk, Ismail Tunayli, Bahtiyar Candir, Ali Simsek, Cuma A., Nurettin Oghan, Tuncay Yagmur und Cevdet Yazici in die Wege geleitet ist.

Das Gericht wird die Antwort auf diese Frage sicherlich nicht wissen. Bestätigt wird die Tatsache, daß hunderte Angeklagte in ähnlichen Verhandlungen aussagen, daß sie gefoltert wurden und daß die Gerichte überhaupt nicht darauf eingehen, nicht die Richtigkeit und Notwendigkeit der Anträge für eine demokratische Ordnung in diesem Land?

Ich bereitete diese Petition mit vor, und unterschrieb sie.

Zeigen die von mir aufgeführten Beispiele nicht die Richtigkeit meiner Schlußfolgerung darüber, daß der Folter nicht genügend nachgegangen wird? Für diese Richtigkeit gibt es noch viele Beweise."

### Der Folter wird nicht genügend nachgegangen

"Ein Bürger, Sevki Ersen, zum Beispiel ist zum Tode verurteilt worden. Der Beschluß soll noch vom Parlament bestätigt werden. Er wird beschuldigt, mit Folter einen Menschen getötet zu haben.

Es gibt Polizisten, bei denen auch Beweise darüber vorliegen, daß sie Menschen zu Tode gefoltert haben. Sie werden nicht nach dem gleichen Paragraphen des Tür-



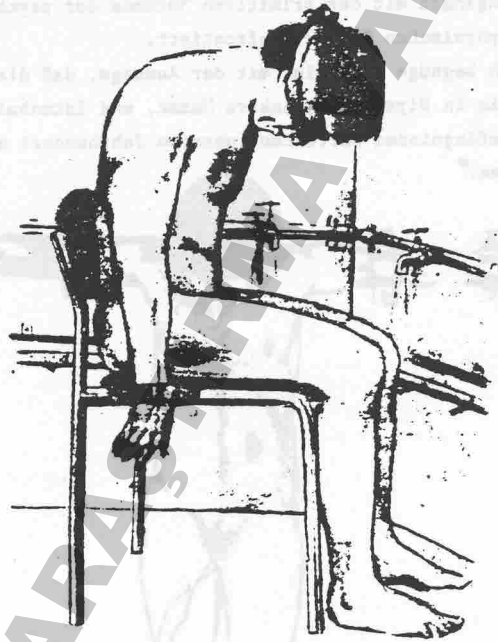
kischen Strafgesetzes angeklagt.

Die Frage, warum die Bestrafung von Folter die Polizisten vom foltern nicht abhält, taucht zwangsweise auf. Gibt es denn Ereignisse, die darauf schliessen lassen, daß Folterer geschützt werden?

Der stellvertretende Kommissar Mustafa Haskiris, z.B. wurde wegen Folter bis zum Tode mit 14 Jahre Haft an-

geklagt. Er wurde vor der Beschlusssitzung entlassen und war dann als er zu 14 Jahren Haft verurteilt wurde, nicht mehr da. Er hat seine Strafe nicht abgesessen.

Das der Kommissar-Stellvertreter Enver Gökürk, wegen Folter zum Tode von Hasan Asker Özmen zu einem Jahr



Haft und zu Berufsverbot verurteilt wurde, hat ihn nicht davon abgehalten seinen Beruf weiterzuüben.

Der Kommissar-Stellvertreter in Ankara, Mehmet Yilmaz, wurde wegen zahlreicher Delikte und Menschenrechtsverletzungen angeklagt. Er foltert einerseits jetzt noch, andererseits läuft gleichzeitig seine Gerichtsverhandlung und interessanterweise bekommt er auch Belohnungen. Er bekam 1982 eine Belohnung von zwei Monatslöhnen. Der Innenminister Selahattin Cetiner unterschrieb ein Jahr später ein Anerkennungsschreiben an Mehmet Yilmaz.

Die Strafvollziehung des Gefängnisbeamten Bekir Bag, der wegen Mord an Ilhan Erdost verurteilt wurde, wurde auf einen späteren Zeitpunkt verschoben.

Einige Polizeibeamten, die die Natürlichkeit von Folter schon verinnerlicht haben, machten vor dem Gericht merkwürdige Aussagen. So der Zeuge Polizist Rahman Gümürkü:

"Wenn der Angeklagte die Wahrheit nicht sagt, wird entweder noch gewartet oder gefoltert und dann wird er wieder vor das Gericht geführt."

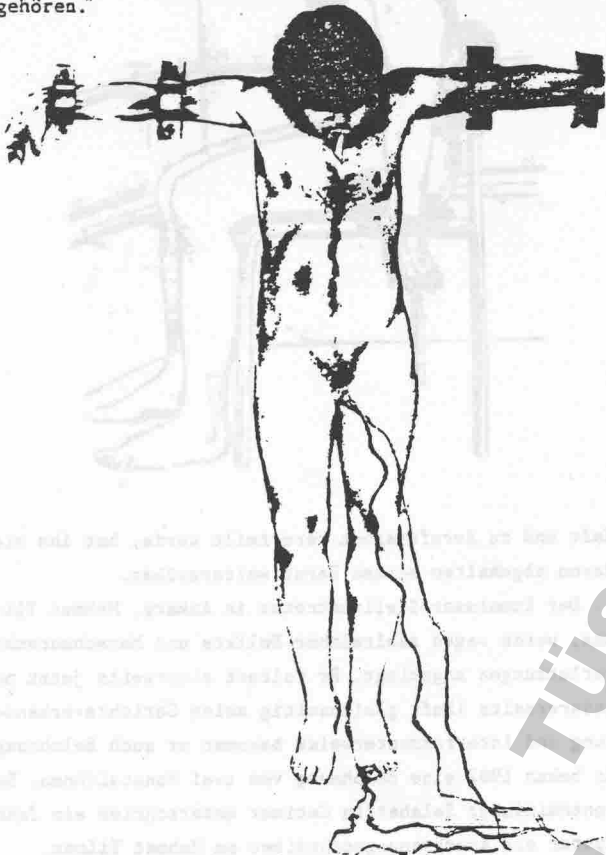
"Ich weiß nicht ob gegen den Gefängnisleiter, Oberst Raci Tetik Anklage erhoben oder eine Gerichtsverhandlung durchgeführt wurde nach seiner Aussage vor dem Militärstaatsanwaltschaft über den Mord des Verlegers Ilhan Erdost. 'Ich sagte 'schlagt zu', aber nicht 'schlagt ihn tot!'"

Ich möchte auch gerne wissen, welche Schritte gegen diejenigen unternommen wurden, die es zuließen, daß Gefangene in Istanbuler Militärgefängnissen als Versuchskaninchen für das neue Medikament der HZI-Stiftung mißbraucht wurden.

Ich habe diese Petition unterschrieben, weil die Umstände in Gefängnissen ihren Freiheitsentzugszweck überschritten haben.

Tausende von Menschen, die auf den Urteilsspruch gewartet haben, wurden ohne Gerichtsverhandlung in Untersuchungshaft mit der primitiven Methode der psychischen und physischen Folter konfrontiert.

Ich begnüge mich hier mit der Aussage, daß die Umstände, die in Diyarbakir, Ankara Mamak, und Istanbul Metris Gefängnissen herrschen, unserem Jahrhundert nicht zugehören."



Auch die Zeitschrift "Yeni Gündem" schrieb "In letzter Zeit wird beobachtet, daß bezüglich der Diskussion um die Folter sowohl die Presse als auch die Opposition breites Verantwortungsbewußtsein zeigt. Dagegen wird behauptet, daß das Folterthema von "Aussenstehenden, gewisser Kreisen" aufgebracht sei. Solche Behauptungen sollten vor allem als eine grobe Strategie betrachtet werden, die gegen die Presse und die Opposition gerichtet sind um sie schweigen zu bringen, und die rich-

tige Schlüsse daraus gezogen werden." und veröffentlichte einen Artikel, er Bewies, daß es den Verhafteten auch in den Gefängnissen nicht besser geht als bei der Verhörphase.

Die Abgeordneten der SHP Cüneyt Canner und Ali İhsan Ergin stellten im Parlament einen Antrag an, in dem sie die Behauptung darstellten, daß in den Gefängnissen Metris, Sultanahmet, Alemdag, Davutpasa, Kabakoz, Sigmalcilar, die Häftlinge schlecht behandelt und gefoltert werden. Damit forderten sie auch den Justizminister auf zu beantworten, inwieweit diese Behauptung der Tatsache entspricht und wenn, dann welche Maßnahmen gegen die Verantwortlichen bereits unternommen wurden.

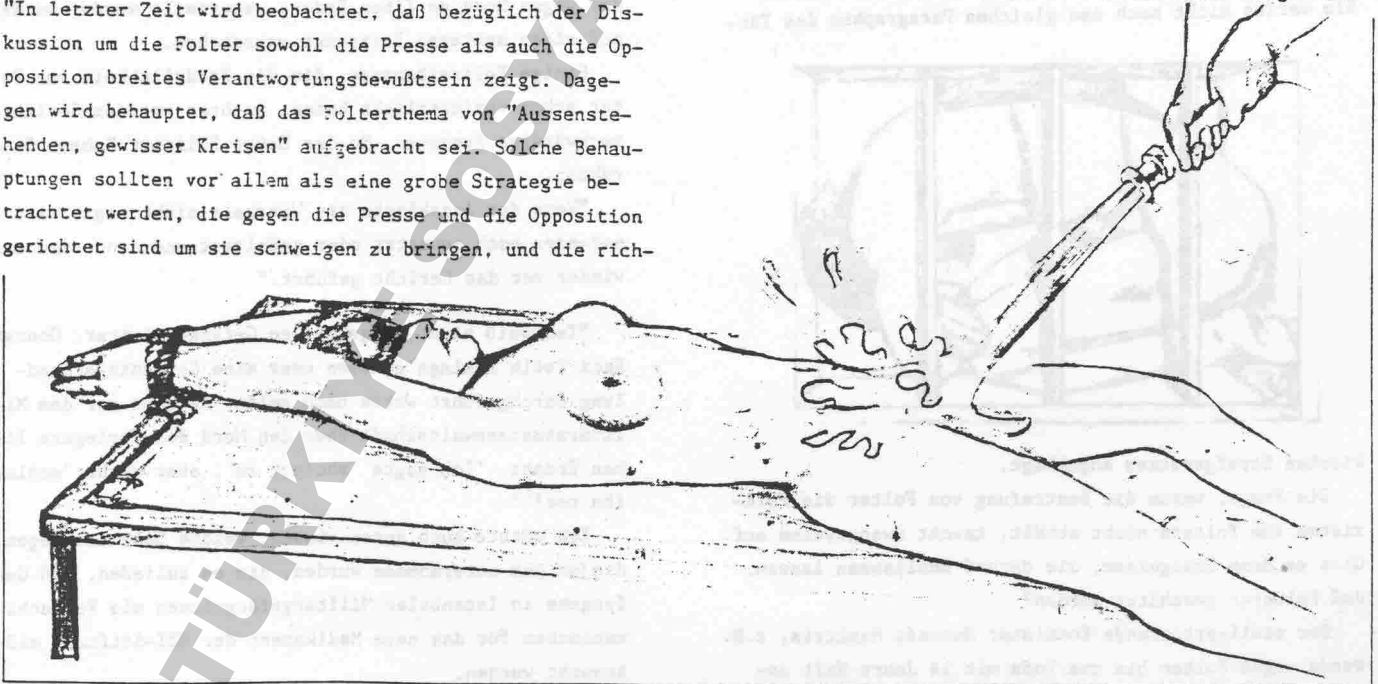
In der Folge, lesen sie Teile der Briefe, die aus den Gefängnissen die Abgeordneten erreichten und von denen es in der Anfrage die Rede ist.

#### 12. Januar 1982/Metris

Die große Operation begann um 6.30 Uhr in der Früh und dauerte bis 24.00 Uhr nachts. Innerhalb eines Tages wurden rund 600-700 Häftlinge von speziellen Operationsteams geprügelt, mit Gummiknüppeln, Fußtritten und Faustschlägen gequält. Die dadurch verletzten Häftlinge wurden ihrem Schicksal überlassen. Wegen der ständig fortgesetzten Folter in den Jahren 1981 und 1982 wurde als Protest dagegen ein 28tägiger Hungerstreik begonnen. Darauf wurden die Folteraktionen zunächst beendet, setzten aber im ersten Monat von 1983 intensiver und heftiger wieder ein.

#### 14.-15. Januar 1983/Metris

In 40-50 Zellen begannen die Operationen. Viele Häftlinge (Freunde) von uns wurden verletzt, die meisten wurden zum Krankenrevier gebracht. Ein Freund von uns erzählt über diese Tage: "An dem Tag verbrachten wir alle in der Zelle 20 Minuten unter Prügel mit





Gummiknüppeln, Fußtritten und Faustschlägen. Am Ende der Operation wurden ich (Cengiz Arabacioglu) und Selahattin Yilmaz aufgrund ernsthafter Verletzungen ohnmächtig. Nach einigen Stunden wurden wir zur Behandlung in das Krankenrevier gebracht. Meine Augen öffnete ich im Revier. Als ich wieder in die Zelle zurückgebracht wurde, sah ich alle nackt. Sie saßen da, eingewickelt in Decken...."

#### Februar 1984/Metris

In diesen Tagen hat die Folter ihren Höhepunkt erreicht. Ein Freund von uns erzählt die Folter die er am eigenen Leib in der E-17 Zelle erlebte: "Wir waren alle am Morgen in der Mensa versammelt, weil die Zählung von Häftlingen dort abgehalten werden sollte. Der Oberleutnant Zafer Erdogan ließ die Soldaten uns ohne Grund überfallen. Sie brachten uns unter Gummiknüppeln- Hand- und Fußschlägen in den Korridor. Als wir alle auf dem Korridor waren, haben sie uns hinten die Handschellen angelegt, um unsere Haare und Bärte abzuschneiden. Die Haare waren eigentlich kurz. Vor einer Woche hatten sie schon auf gleicher Weise unsere Haare geschnitten. In dem Moment haben sie uns alle nackt ausgezogen und am Hintern die Bastonade verabreicht, mit der Begründung wir hätten Slogans ausgerufen. Alle wurden der Reihe nach gefoltert. Dann verschleppten sie uns in die Zellen."



In den Orten wo die Unterdrückung und die Folter intensiv ausgeführt wird, werden auch chronische Krankheiten sogar Todesfälle festgestellt. Ein Beispiel dafür ist das Alemdag Militärgefängnis. Hier erstickten zwei Menschen. Ein Freund (Kadir Gül) der die Ereignisse dort miterlebte erzählt: "Im Dezember 1981 wollte man einen Häftling nach Ankara in die Sektion für politische Angelegenheiten bringen, mit der Begründung die Fahndung wäre unvollkommen gewesen. Nachdem unser Freund sich weigerte dorthin gebracht

zu werden -er meinte dort würde man die Leute foltern- veranlaßte der Major Hüseyin Babacan eine Operation. Die Soldaten überfielen uns mit dem Ausruf "Allah Allah....", verprügelten alle und zogen sich dann zurück. Nach einer Weile kamen sie wieder. In die 1., 2. und 3. Zellen warfen sie erstickendwirkende Gasbomben. Kurz danach öffneten sie die Türen der Zellen.

In dem Moment passierte es. Wir konnten weder atmen noch die Augen öffnen. Als ich zufällig die Augen öffnete und versuchte zu atmen, spürte ich ein schreckliches Brennen. Ich sah wie viele unserer Freunde ohnmächtig auf den Boden fielen. Ich spürte kaum einen Schmerz als die Soldaten mich schlugen; ich wollte nur atmen und meine brennenden Augen öffnen. Als wir den Korridor erreichten konnten wir relativ besser atmen. Hier begannen sie uns wieder zu schlagen. Sehr viele von uns wurden zum Krankenhaus gebracht. Nachdem das Krankenhaus uns nicht aufnahm wurden wir zurückgebracht. Als sich unser Zustand verschlechterte wurden wir wieder ins Krankenhaus gebracht aber weder die Krankenhäuser von Camlica noch von Haydarpasa nahmen uns auf. In der Zeit starb Hakan Mermeroluk im Wagen. Ein anderer Freund starb im Krankenhaus. Man erzählt, daß an dem Tag noch jemand gestorben sei aber ich weiß nur von zweien."

Die Familienangehörigen, die sich an dem Tag wo die Gasbomben geworfen wurden für die Sprechzeiten vor dem Gefängnis gesammelt hatten, gerieten in Panik als sie den Rauch aus dem Gefängnis sahen und den Geruch spürten. Sobald die Eltern und Ehefrauen wissen wollten was im Gefängnis geschehen sei, verordnete der beauftragte Unteroffizier den Soldaten die Seitengewehre aufzupflanzen. Die Soldaten gingen mit Seitengewehren auf die Angehörigen der Häftlinge und Sträflinge los. Dabei wurde die Mutter des Häftlings Özcan Baysal verletzt. Nachdem die Blutung der Frau nicht aufhörte, wurde die Wunde auf ihrem Kopf genäht.

Dadurch das die Intellektuellen mit einer Petition der Folter zum ersten Mal entgegengetreten sind, wurde diese so zum aktuellen Thema, über das im ganzen Land heftig diskutiert wird. Eine Gruppe von Abgeordneten der Sozialdemokratischen Volkspartei (SHP) sind der Folter nachgegangen und haben schließlich beschlossen, im Parlament eine Untersuchung zu beantragen. Diskussionen im Parlament über dieses Thema in den kommenden Monaten scheinen unvermeidbar zu sein.

## BERICHT DER P.E.N. INTERNATIONAL ÜBER DIE LAGE DER SCHRIFTSTELLER IN DER TÜRKEI

Das "Schriftsteller-im-Gefängnis-Komitee" der P.E.N. International hat im Sommer 1985 einen ausführlichen Bericht über die Verurteilung und Inhaftierung von Schriftstellern in verschiedenen Ländern herausgegeben. Wir veröffentlichen im Weiteren den Teil aus der Türkei.

Wir sind weiterhin über den Zustand, in dem sich Journalisten und Intellektuelle in der Türkei befinden besorgt und ich kann nicht sagen, daß sich die Situation seit meinem letzten Bericht verbessert hat. Einerseits empfinden wir die Tatsache positiv, daß im Januar alle 18 Angeklagten des Türkischen Schriftstellerverbandes freigesprochen wurden. Die Angeklagten des ursprünglichen Friedensvereins jedoch warten immernoch darauf, wann man mit der Wiederaufnahme ihres Verfahrens beginnen wird. Nach unserer Information kann dieses nicht statt finden, solange wie die Kriegsrecht-Obrigkeit nicht Kopien vom ursprünglichen Urteil und die Begründung für das Urteil an das Militärische Berufungsgericht in Ankara geschickt hat und wir sind nicht sicher, ob man das schon gemacht hat. Wie auch immer, wir wissen, daß 12 der Angeklagten, die unschuldig sind bis das Gericht das Gegenteil bewiesen hat bereits ihr drittes Jahr in Gefangenschaft antreten. Inzwischen wurde den Friedensverein-Mitgliedern (vier von ihnen bekannt als Schriftsteller) am 19. Nov. letzten Jahres - und die Sitzungsperioden finden ungefähr in einmonatigen Abständen statt - ein zweiter Prozess begonnen.

Es scheint, als wären weniger einzelne Fälle von Schriftstellern und Journalisten während der vergangenen 6 Monate, doch sie sind offensichtlich alles andere als beendet. Gegen Sadi Ozansu, welcher zu 7 Jahren verurteilt wurde, dafür, daß er die Werke von Ernest Mandel übersetzt hatte, wurde im Oktober auf Grund der Berufung das Urteil aufgehoben. Er wurde wieder verhaftet unter Anklage gestellt (angeblich weil er einer Trotzkistischen Organisation angehörte), wieder verurteilt und dieses Mal verlor er in der Berufung, so daß er gezwungen ist, seine Strafe schließlich doch abzusitzen.

Die Kolumnistin Nazli Ilicak der "Tercüman" wurde im November von einem Istanbuler Militärgericht wegen eines veröffentlichten Artikels, in dem sie den Vorgang der Generalwahlen kritisiert hatte angeklagt. Der Herausgeber des Blattes, Yüksel Bastunc, wurde ebenfalls wegen des selben Artikels angeklagt, doch glücklicherweise wurden beide wieder freigesprochen. Inzwischen waren wir schockiert zu erfahren, daß Feyzullah Ozer, die ehemalige Herausgeberin eines Journals genannt "Kitle", welches mit der Sozialistischen Arbeiterpartei der Türkei in Verbindung gebracht wurde, 1982 zu 18,5 Jahren Gefängnisstrafe ver-

urteilt wurde. Leider hatten wir seinerzeit davon nichts gehört, möchten Sie aber über ihr Schicksal aufmerksam machen.

Wir haben ebenfalls besorgniserregende Nachrichten erhalten über zwei Gefangene, die sich früher für die Sache der Kurden eingesetzt hatten und die jetzt schwer für ihr 'Verbrechen' büßen müssen (beide sind schon in meinen früheren Berichten erwähnt worden). Dr. Ismail Basikci wurde in ein Sondergefängnis verlagert (geplant für Terroristen) in der Stadt Gaziantep in der Süd-Ost-Türkei.

Es gibt ein hoffnungsvolles Stück Nachricht von Dr. Yalcin Küçük. Er, Aziz Nesin (ehemals als Präsident des Türkischen Schriftstellerverbandes und z.Z. ehrenamtliches Mitglied der Englischen P.E.N) und eine Mehrzahl anderer türkischer Intellektueller, haben eine neue private Gesellschaft, genannt "Ekin Inc", gegründet. ("Ekin" bedeutet: "Kultur"), welche die Absicht hat, Konferenzen und Seminare, Theateraufführungen und Ausstellungen, Förderer wissenschaftlicher Vorträge usw. zu organisieren und hauptsächlich versuchen möchte, das kulturelle Vakuum, das in der Türkei eingesetzt hat, auszufüllen. Wir wünschen ihnen allen Erfolg.

Schließlich - in Bezug auf die Türkei - muß ich den in März unbezahlbaren ausgetragenen Auftrag von Arthur Miller und Harold Pinter erwähnen. Leider konnten sie nicht einmal den Theaterdirektor Ali Taygun der in Amerika studierte, sehen und den sie insbesondere zu sehen gewünscht hätten. Es war ihnen jedoch möglich, sich mit vielen türkischen Schriftstellern und Intellektuellen (2 ehemalige Ministerpräsidenten) zu unterhalten und Erkundigungen nach den Menschenrechten und dem Zustand der Gefängnisse in der Türkei zu machen. Sie haben auch eine Pressekonferenz in Istanbul gehalten (sorgfältig unberichtet in der türkischen Presse geblieben trotz der Tatsache, daß die türkischen Zeitungen vorher von ihrer Ankunft berichtet hatten) und es war ihnen so möglich gewesen, die Aufmerksamkeit auf die enormen Schwierigkeiten und Bedingungen unter denen türkische Schriftsteller heute arbeiten, zu lenken. Ihr Besuch war zweifellos, eine große moralische Hilfe für unsere türkischen Kollegen und wird vielleicht auch dazu beitragen, die Zustände zu verbessern.

## BEKANNTER KOLUMNIST WEGEN SEINEM ARTIKEL VOR GERICHT

Gegen İlhan Selçuk, Redakteur der Tageszeitung "Cumhuriyet" und Okay Gönensin, verantwortlichen Redakteur der "Cumhuriyet" wurde wegen folgender Artikel ein Gerichtsverfahren eingeleitet. Die Staatsanwälte habe in dem Artikel 'Beleidigungen des Staatspräsidenten und der türkischen Armee' entdeckt. Den Journalisten droht 2,5 - 10 Jahre Haft.

Mit '12. September' ist in dem Artikel der Militärputsch von 1980 gemeint. 'Wollt ihr, daß die Zeiten wieder werden wie vor dem 12. September?' Diese Frage haben die Generäle und ihre Unterstützer in den letzten 6 Jahren sehr oft gestellt. Und die Antwort darauf darf nicht "Ja" heißen.

### PENCERE

#### DER RETTER ?

Der Mann fragte:

- Willst Du, daß die Zeiten wieder werden wie vor dem 12. September?

Der Jugendliche antwortete:

- Ja! ....
- Warum?
- Weil man mich nach dem 12. September verhaftet hat; erst vier Jahre später, als ich endlich vor Gericht gestellt worden bin, kam man überein, daß ich unschuldig bin; sie haben mich dann laufen lassen. Wer bezahlt mir jetzt diese 4 Jahre meines Lebens?

\*

Der Mann fragte:

- Willst du, daß die Zeiten wieder werden wie vor dem 12. September?

Der Arbeiter antwortete:

- Ja!...
- Warum?
- Weil ich vor dem 12. September Arbeit hatte und weil ich gewerkschaftliche Rechte hatte. Und was habe ich jetzt für 'ne Arbeit und was habe ich jetzt für gewerkschaftliche Rechte.....

\*

Der Mann fragte:

- Willst Du, daß .....

Der Professor antwortete:

- Ja!...
- Warum?
- Weil ich an der Universität für die Wissenschaft arbeiten konnte, nach dem 12. September jedoch bin ich ohne Anhörung vor die Tür gesetzt worden. Warum sollte ich dann da nicht die Zeiten vor dem 12. September vermissen? Damals wurde das Recht sehr viel mehr geachtet.

\*

Der Mann fragte:

- Willst Du, daß .....

Der gut gestellte Großunternehmer antwortete:

- Nein.
- Warum nicht?
- Sie spaßen wohl? Ich habe mein Unternehmen nach dem 12. September gegründet, ja, nach dem 12. September habe ich Milliarden angehäuft, alles, was ich erreicht habe, verdanke ich dem 12. September.

\*

Der Mann fragte:

- Wilsst du, daß .....

Der türkische Lira:

- Ja!...
- Warum?
- Vor dem 12. September konnten 70 von uns gegen einen Dollar eingetauscht werden; jetzt aber reichen als Gegenwert für einen Dollar nicht einmal 600 von uns aus; Wir werden nur noch mitleidig belächelt...

\*

Der Mann betrachtete die Menschenmenge; und er begann den Arbeitern, Angestellten, Handwerkern, Wissenschaftlern, Intellektuellen, denen, die in den Gecekonduks wohnen, dem Heer der Arbeitslosen, den 'kaltgestellten' Politikern, den Dörflern, dem Chauffeur, dem Mieter, dem Lehrer, dem 'Tante Emma'-Ladenbesitzer, dem Rentner, der Frau, dem Mann, dem Politiker, dem Schriftsteller, dem Künstler zuzuschreiben:

- Wer will die Zustände wie vor dem 12. September? Ihr seid auf den Straßen angeschossen worden. Vor der Haustür seid Ihr ermordet worden, täglich wurden 40 Menschen ins jenseits befördert, gegenseitig habt Ihr Euch niedergestochen. Wir haben Euch gerettet, der 12. September hat Euch gerettet...

\*

Haben wir diesen Film nicht schon oft zuvor gesehen? Und ob wir ihn nicht gesehen haben. Dies ist ein Western; immer das gleiche Szenario; Der Mann rettet das Mädchen...

\*

Wenn es einmal dazu kommt, daß die Menschen und die Gesellschaften gerettet werden, ist sich vor den Rettern zu retten viel schwerer, sehr viel schwerer...

*İlhan Selçuk*

## EIN NEUER PETITIONS-PROZESS

Als der Intellektuellen-Prozeß mit Freispruch endete (siehe S. 2), begann ein neuer "Petitionsprozeß". Vor kurzem hatte die Türkische Ärztekammer dem Staatspräsidenten Kenan Evren eine Petition überreicht, in der sie die Aufhebung der Todesstrafe forderte. Sie hatten sich dabei auf den Aufruf der 25 internationalen Organisationen, darunter Amnesty International, der Kirchenrat, der Internationale Demokratische Juristenbund, der Weltislamkongreß, berufen, die Todesstrafe auf der ganzen Welt abzuschaffen.

Am 24. Dezember 1985 wurde gegen die Mitglieder des Zentralrats der Türkischen Ärztekammer ein Gerichtsverfahren eingeleitet, in dem der Staatsanwalt 2 Jahre Freiheitsentzug der Zentralrat der Türkischen Ärztekammer beantragte. "Durch ihre Forderung nach der Aufhebung der Todesstrafe haben sie ihre Kompetenzen überschritten", so der Staatsanwalt. Die in diesem Verfahren angeklagten Zentralratsmitglieder sind Prof. Dr. Nusret Fisek, Prof. Dr. Atalay Yörükoglu, Dr. Haluk Özbay, Dr. Nevzat Eren, Dr. Ragıp Cam und Dr. Hüsnü Cuhadar.

## LANGJÄHRIGE HAFTSTRAFEN FÜR DISK GEFORDERT

Im DISK-Prozeß (Progressiver Gewerkschaftsbund) verlangte der Militärstaatsanwalt am 17. Januar 1986 für die Funktionäre und die Mitglieder der DISK 2 - 20 Jahre Freiheitsentzug. Die Zahl der Angeklagten in diesem Prozeß, der nach dem Militärputsch am 12. September 1980 eingeleitet wurde, hatte sich inzwischen auf 1477 erhöht. Der Militärstaatsanwalt verlangte weiterhin, das Verbot der DISK und der Gewerkschaften, die in der DISK zusammengeschlossen sind. Die angeklagten Gewerkschaftler und Demokraten fordern, im Hinblick auf die Beendigung des Ausnahmezustandes in Istanbul, daß die Gerichtsverhandlungen vor einem zivilen Gericht weitergeführt werden. Mit der Aufhebung des Ausnahmezustandes sollte auch die Arbeit der DISK und der Gewerkschaften in der DISK zugelassen werden.

Diese gerechten Forderungen werden aber von der Özal-Regierung und dem Militärgericht gar nicht zur Kenntnis genommen.

## DEMOKRATIE IM BEISPIEL

### VON DR. ISMAIL BESIKCI

Ismail Besikci sitzt immer noch im Gefängnis in Gaziantep ein.

Sein Gesundheitszustand verschlechtert sich von Tag zu Tag.

Dieser bekannte Wissenschaftler und Schriftsteller stellt sich der Lüge, daß die Demokratie in der Türkei sich zum positiven entwickelt, mit der Situation der er unterworfen ist, entgegen.

Vielleicht versucht man gerade aus diesem Grund, ihn in Vergessenheit zu bringen.

Ismail Besikci ist 1939 in Iskilip geboren und hat seine ersten 20 - 25 Jahre in der westlichen Region der Türkei verbracht.

In den Jahren 1965-1971 arbeitete er in der Atatürk Universität in Erzurum.

Er untersuchte die sozialen, wirtschaftlichen und ethnischen Strukturen der Kurdischen Bevölkerung.

Mit der Behauptung, daß die Kurden keine "Bergtürken", sondern ein eigenständiges Volk sind und diese Wirklichkeit in der Geschichte verankert ist, stieß er auf Unverständnis und wurde aus der Universität entfernt.

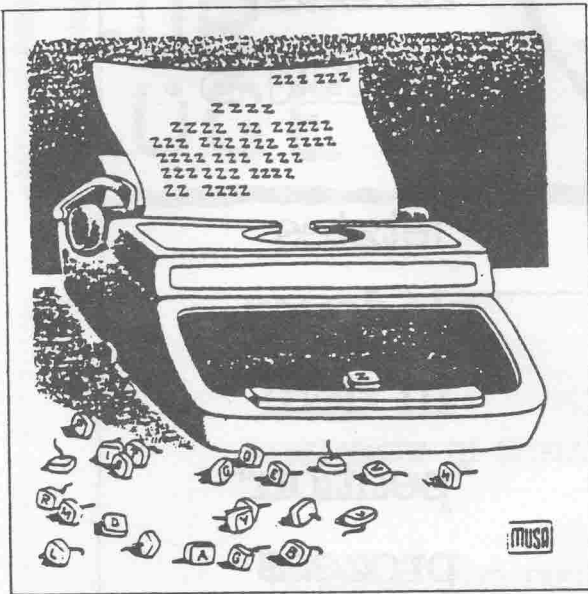
1971 wurde er sogar aus diesem Grunde verhaftet und verurteilt. Er kam 1974 aufgrund der Amnestie wieder auf freiem Fuß.

1979 wurde er erneut verhaftet, da seine wissenschaftliche Untersuchung der offiziellen Geschichtsinterpretation widersprach. Damit wurde bewiesen, was es einen Kosten würde, die Verbote nicht zu achten.

Besikci, der nach Vollendung der Zeit im Gefängnis im April 1981 freigelassen wurde, kam im Juni 1981 wieder in Haft. Diesmal wurde er angeklagt, in einem Brief, den er an den Vorgesetzten des Schriftstellerverbands" der Schweiz schrieb, "das Ansehen des türkischen Staates im Ausland beschädigt" zu haben. Da er es trotz der gegen ihn gerichteten Unterdrückung nicht akzeptierte zu



schweigen, wurde er im Militärgericht zu 10 Jahren Freiheitsstrafe verurteilt.



Der berühmte Schriftsteller Tolstoi sagt: "Es genügt nicht, die Lüge direkt zu vermeiden; vermieden werden soll auch die Lüge, die man durch das Schweigen verursacht." Das Beispiel von Dr. Ismail Besikci weist darauf hin, wie schwer man in der Türkei dafür zahlen muß, daß man bei gerade 'empfindlichen Themen' nicht durch Schweigen zu lügen versucht.

Die Situation, in der Ismail Bisikci sich jetzt befindet, widerlegt die Phantasien derjenigen, die behaupten, daß sich die Türkei Schritt für Schritt der Demokratie nähert.

Dr. Ismail Besikci kann angeschrieben werden unter:

Gaziantep Özel Kapali Cezaevi  
Gaziantep  
TÜRKEI

#### 7 JÄHRIGE BILANZ DES AUSNAHMEZUSTANDES

Die 7jährige Bilanz der Militärgerichte wurde am 10. Januar 1986 durch die Bekanntgebung der Pressestelle des Generalstabs veröffentlicht.

Die Bilanz der Tätigkeiten der Militärgerichte während des Ausnahmezustands, der am 26. Dez. 1978 auf

Grund der blutigen Auseinandersetzungen in der Provinz Kahramanmaraş in der Türkei ausgerufen und nach dem Militärputsch am 12. Sept. 1980 erweitert wurde, stellt sich wie folgt:

0-1 Jahr	:	22 912 Personen
1-5 Jahre	:	10 783 "
5-10 Jahre	:	6 166 "
10-20 Jahre	:	2 396 "
mehr als 20	:	939 "
Lebenslänglich	:	630 "
Todesstrafe	:	429 "

Insgesamt : 44 256 Personen

#### Aufstellung der Todesstrafen:

Die Gesamtzahl der bestätigten Todesstrafen: 32

Davon sind vollzogen: 27

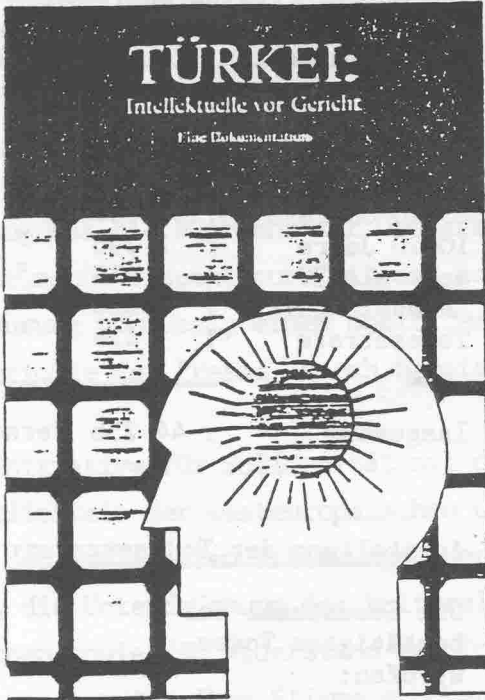
Davon sind nicht vollzogen (4 Verurteilte sind auf der Flucht und ler in einer Schießerei erschossen): 5

Die Gesamtzahl der noch nicht bestätigten Todesstrafen: 397

#### Der Stand am 1. November 1985

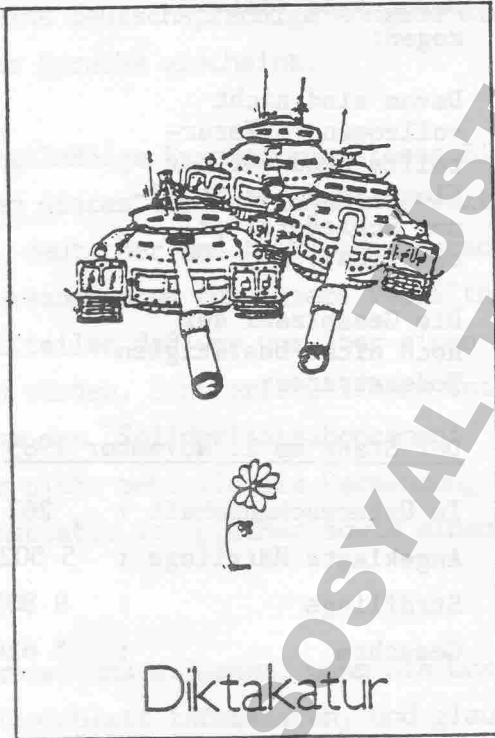
In Untersuchungshaft :	262 Pers.
Angeklagte Häftlinge :	5 502 "
Sträflinge :	9 805 "
Gesuchte :	5 624 "

Diese Zahlen beinhalten nicht die 250 000 Menschen, die nach dem 12. Sept. festgenommen, gefoltert und auf freiem Fuß gesetzt worden sind. Genauso sind die Zehntausende von Inhaftierten, die später freigesprochen, freigelassen oder auf Grund der vollzogenen Strafurteile auf freiem Fuß gesetzt wurden, in dieser Statistik nicht enthalten. Diese Zahlen stellen nur den Stand vom 1. Nov. 1985 dar.



# AZİZ NESİN'S

letztes  
plädoyer  
in dem  
"petition"  
prozess



## TÜRKIYE: AYDINLAR YARGILANIYOR

ULUSLARARASI DAYANIŞMA

Belgeler, İmtisalar, Kronoloji



INITIATIVE FÜR SOLIDARITÄT MIT DEN INTELLEKTUELLEN DER TÜRKEI

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Konto: C. Weber  
Spendenkonto f. Initiative  
f. türk. Intellektuelle  
BfG-Hannover  
Kto. 12 25 22 02 01  
BLZ 250 101 11



INITIATIVE for  
SOLIDARITY WITH  
TURKEY'S  
INTELLECTUALS

# NEWS LETTER

MAY 1986

## PROTECTION OF MINORS OR NEW CENSURE LAW?

Act No. 1117 on "Protection of minors from harmful publications" was adopted on March 6th at the Turkish National Assembly by the votes of Motherland Party MPs and came into power after approval of the President.

The new law brings the following regulations:

. A board of 11 persons will be formed under the Prime Minister's Office to study all printed materials as to whether they are harmful for those under the age of 18.

. The board will function as the official expert in all pornographic offences.

. The board will be composed of representatives from the National Security Council, the Prime Minister's Office, the Ministries of Justice, Internal Affairs, National Education and Sports, Health and Social Assistance, Culture and Tourism, the Higher Educational Board, the Department of Religious Affairs, and one journalist, who will be chosen by the Department of Media and Information among the candidates proposed by the journalist unions in Ankara, Istanbul, and Izmir.

. Materials deemed to be harmful for minors will be stamped with the legend "harmful for minors" on their front covers and will not be sold openly. Their sales will not be advertised and they will be prohibited in schools and similar institutions. They will only be sold to grown-ups in non-transparent jackets.

. Those who voluntarily place publications harmful for minors in jackets will pay 25% of the sales price to the Collective Housing Fund, while those who do it upon the decision of the board will pay 40% of the said amount.

. Those who do not stamp the publications with the "harmful for minors" legend despite the decision of the board will pay a fine between 2-10 million Turkish liras.

. Owners of publications who are found to publish pornography will pay a fine equal to 5-15 times the amount obtained by multiplying the sales price with the average circulation. The responsible editors of the publications will pay fines equivalent to half this amount.

Actually all parties on the left and the right, with the exception of the Motherland Party, all publishers and journalists, jurists, scientists and writers share the opinion, that this bill was adopted by the government who is steadily losing ground with the purpose of silencing the opposition. The Bill on Harmful Publications is, under the cover of a so-called fight

against pornography, in fact a new Censure Law. The press, which is already severely repressed and threatened by the press and criminal laws, will now face the danger of financial destruction as well.

Experts abroad share this view too. Mr. Gallinger, the director of the International Press Institute (IPI) has defined the bill as "an extremely disturbing and negative development".

The sharp and broad criticism directed to the bill can be summed in the following points:

. The bill violates the principle of the supremacy of jurisdiction. Whether a publication is pornographic or not will from now on be determined not by the courts, but by a board composed of persons chosen by the administration and who are in fact salaried civil servants.

. What is "harmful for minors" is a very vague concept. Not only obscene publications, but all those that do not comply with the militarist, reactionary and fascist ideas that are now being imposed on children can be considered as "harmful" by the government.

. What is aimed here are not the "porno" magazines, but other, and especially daily, publications. Because the customers of porno magazines will buy them also in non-transparent jackets, waiting in queues when necessary. But being stamped "harmful" can be mortal for other publications.

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## JOURNALISTS GET 3000 YEARS

Although it is not characterised as such in the labour laws of any country, journalism is one of the most dangerous professions in Turkey. And we do not mean war correspondents or the like, but those who sit in their offices and write or edit articles. According to the daily Cumhuriyet, March 3, 1986, the chief editors of various news-papers and journals published before the military coup in 1980 have received sentences which reach a total sum of 3 thousand years.

404 actions were brought against these 27 journalist, who were editors-in-chief of 4 dailies and 20 periodicals, because of articles written by others. And the three thousand years are from those trials which have been concluded until now.

Among the journalists Veli Yilmaz undoubtedly sets a record. As a result of the hundreds of actions brought against him during the three years he edited the journals Halkin Kurtulusu and Halkin Kurtulusu Yolunda Genclik, he has been convicted to a full 1170 years in prison.

Some of the other journalists, who suffer in jails and will continue to do so probably for a whole life time, only because of the political and social views of those who contributed to their journals, are:

Aydogan Buyukozden, from the daily Aydinlik: convicted to 29 years in prison. 33 trials continue, with the demand of a further 80-150 years of imprisonment.

Tamer Kayas, from the daily Politika: convicted to 7.5 years.

Hasan Basri Ciplak, from the daily Demokrat: Convicted to 1.5 years. Other trials continue.

Hasan Fikret Ulusoydan, from the journal Halkin Sesi: convicted to 8.5 years. A prison sentence for 57.5 years under process of appeal. 10 more trials continue, with demand of sentences for a minimum of 64 years.

Alaattin Sahin, from the journal Halkin Yolu: convicted to a total of 108 years. According to the relevant laws, the sentence was reduced to 36 years. Some of the other trials, where a minimum of 163 years of imprisonment are demanded, were temporarily suspended. If his 36-year sentence is annulled, then these trials will be re-started.

Feyzullah Ozer, from the journals Kitle and Ilke: convicted to 12 years. 7 years more demanded at a continuing trial.

Mehmet Ozgen, from the journals Bagimsiz Turkiye and Devrimci Militan: convicted to 33 years, 6 months imprisonment.

Erhan Tuskan, from the journals Ilerici Yurtsever Genclik and Genclik Dunyasi: convicted to 48 years, 10 months imprisonment.

Mustafa Tutuncubasi, from the journal Halkin Sesi: convicted to 42 years. Further imprisonment for 90 years demanded at the ongoing 12 trials.

Dogan Yurdakul, from the journal Aydinlik: convicted to 18 years. A minimum of 120 years demanded at the ongoing 16 trials.

Mustafa Yildirimturk, from the journal Halkin Kurtulusu: convicted to a total of 215 years. The sentence was reduced, according to the relevant laws, to 36 years. He is also sentenced to a further 12 years in internal exile and life-long deprivation from public office.

Haluk Seckin Meric, from the journal Baris ve Sosyalizm Sorunlari (Turkish edition of the Problems of Peace and Socialism): convicted to 7 years 6 months imprisonment.

Ali Rabus, from the journal Birlik Yolu: convicted to 18 years.

Candemir Ozler, from the journal Savas Yolu: convicted to 23 years, 10 months imprisonment.

Huseyin Ulger, from the journal Genç Sosyalist: convicted to 8 months, 3 months.

Irfan Asik, from the journal Partizan: Convicted to a total of 111 years imprisonment. His sentenced was reduced to 36 years.

Of these 27 journalists, 20 are now in prison, 4 are arrested in absentia, and 3 are at large.

## - OR THE TRIALS OF THE PRESS

Necat Eldem, the Minister of Justice, has informed the Turkish Grand National Assembly that during the last two years inquiries were conducted about 203 persons for violating the press and publications acts. According to Eldem, who was replying to a question put to him at the assembly, investigations continue for 29 of these persons, it was decided to drop the charges against 73 of them, and 101 are still on trial. March 20

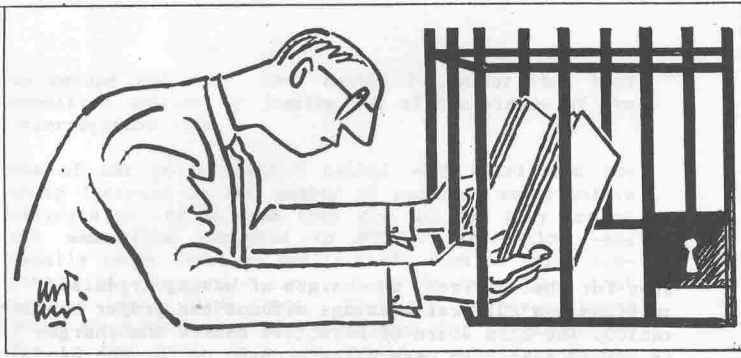
Metin Yilmaz, responsible editor of the daily Sabah was put on trial on the charges of "insulting the moral personality of the government". The action was brought by the Public Prosecutor for Press Offences in Istanbul, with the permission of the Ministry of Justice, and a jail sentence between 1-6 years is demanded for Metin Yilmaz, on the grounds that an article published in the January 14th issue of the paper contained the phrase: "We shall continue to dismask the Ozal government and the Radio and Television Institution". March 6

Writer Dogu Perincek is on trial for "attenuating national feelings" in his book Bozkurt Myths and the Truth. Since, of the two experts to whose opinion the court had referred, one exonerated the writer, while the second one found him guilty, it was decided to request yet a third expert's view on the book. March 8

Tufan Dogu, the owner of the daily Ilkadim published in Mugla, is on trial for employing Ozcan Ozgur, who had previously been convicted to a 1-year prison sentence for an article. Tufan Dogu, who is the first victim of the ban on employing convicted journalists brought by the new Press Act, said at his court statement: "Ozcan Ozgur worked for me before too. He was tried under the martial law and convicted... After serving his sentence, I employed Ozgur as journalist--writer in my paper. He is 50 percent handicapped and cannot do any other sort of work. He is at present carrying on his work." The bill of indictment against Tufan Dogu refers to the Press Act No. 5680, which states that the correspondents employed by a newspaper owner must have certain qualifications. According to the indictment, it clearly follows from the Act that "those who employ correspondents who lack these qualifications will be punished". March 18

Publisher and writer Erdal Oz has been put on trial for having published Henry Miller's book, The Tropic of Capricorn, in Turkish. Oz is charged with "publishing a book of obscene nature". The prosecutor claims that there are obscene sentences on various pages of the book. In his defense statement at the court, Erdal Oz said that sexuality is an inseparable part of the human being, and that literature could not shun a person's sexuality while taking the human being as a subject. April 5





## FREEDOM OF THE PRESS AND THE 1982 CONSTITUTION

The legal "basis" for the curbs on the freedom of the press put into effect in the years since the military takeover in 1980 can be found in the Constitution drawn up by the hand-picked "Consultative Assembly" and duly approved in a referendum in 1982. The so called "law for the prohibition of publications harmful to the morals and mental well-being of youth" is but the latest link in this chain.

### A STRANGE FREEDOM...

The Governor of Izmir did not give the necessary permission to an amateur company to stage Ugur Mumcu's play Sakincasiz (The Non-objectionable). No reason was offered for the prohibition of the play that had been performed in 1984 in Ankara and Istanbul under martial law. February 22

The Turkish Radio and Television Institution (TRT) has obtained a preliminary court ruling to stop the daily Milliyet from publishing the strip form of the TV film Yorgun Savasci (The Tired Soldier), which had been burned a few years ago on official orders. February 27

Folksinger Rahmi Saltuk was acquitted by the court, where he was on trial on charges of having insulted the state security forces in his song "Hasan Dagi". March 7

It is reported that the Istanbul Martial Law Command confiscated a few years ago all the films of the well-known Turkish film director Yilmaz Guney from film companies, archives and cinema houses. The number of films thus confiscated and sent to an unknown doom is said to reach 160. March 12

Spanish film director Manuel Gutierrez Aragon's film "Camada Negra", which was on the program of the film festival "Istanbul International Film Days '86", could not pass the barrier of Turkish censorship. The film was banned on the grounds that "it praises terror and is obscene". March 18

Actress and film director Hulya Kocyigit announced that she has withdrawn her film "The Frogs" from the Antalya Film Festival, because "there were more government representatives in the jury than cinema authorities". March 19

. Journalist Erbil Tusalp, from the daily Cumhuriyet, is on trial, on charges of "commenting on a court decision that is not final as yet" and "humiliating and insulting members of the court" in his book Bin Insan (One Thousand Persons).

. The Ministry of Culture and Tourism has sent a circular letter to the 300 public libraries, demanding them to subscribe only to one of the three right-wing newspapers, Hurriyet, Milliyet and Tercuman. March 25

. Tangos, by Envar el Kadri, scheduled for screening at the closing ceremony of the Istanbul Cinema Days, has not passed the censorship. (18 April, Cumhuriyet)

. Revenge of the Serpents, the extremely successful novel by Fakir Baykurt, has been filmed for the second time; this time by director Serif Goren. The film, however, has been forbidden by the censorship. (17 April)

. Lina Wertmuller's Feud has been found "objectionable" by the Supervisory Board of the State TV Institute and struck out from the "World Cinema" series.

Article 26 of the 1982 Constitution, on the "freedom (!) of expression and dissemination of thought" has instituted the practice of licensing for all broadcasting and public screening. It moreover stipulates that the exercise of the freedom of expression of thought may be curtailed for the purposes of "prevention of crime, punishment of criminals, safeguarding state secrets, ... or other professional secrets...." The third paragraph of the same article prohibits "publishing in any language banned by law". It provides that "printed materials, sound recordings or video-tapes or records, or other expository materials, in violation of this ban, will be seized upon necessary court orders, or, in cases where a delay cannot be allowed, upon orders of the legal authorities (local governors)." The Press Law goes on to stipulate that "publishing is allowed only in those languages which are recognized as the primary language of some state", a shabby attempt at not naming Kurdish as the one language (except perhaps Eskimo) in which it is not allowed to publish in Turkey.

Article 28 of the Constitution, on the "freedom of press", states that "those who write, print or cause to be printed, or give to someone else for the purpose of printing, news or articles which threaten the internal or external security of the state or the inviolable integrity of its people and territory, or incite to riot or uprising, or reveal state secrets" shall be answerable under the law. On the subject of the banning and seizing of published material this Article has the following to say: "Publications may be seized upon orders of the administrative authorities empowered by law, in those cases where the threat to the integrity of the state or to national security, public order or general morals is too great to permit a delay.... Upon court orders, periodicals which have been found to violate one of the above mores may be banned from publication altogether or for certain periods. All publications which clearly are the continuation of previously banned periodicals, are forbidden, and may be seized upon court orders."

The Constitution also provides for the "protection of the printing presses": Article 30 lists the conditions (same as above) under which the printing press where offensive material has been printed may be seized, as well as the publications themselves.

It should be noted that these "press guarantees" are only those operative under "normal" conditions and are substantially augmented under Martial Law or under a state of emergency, a status created after the 1980 coup.

The Press Law, which elaborates upon the guidelines already laid down in the Constitution, was passed on the 11th of November 1983, at the very end of the term of competence of the "Consultative Assembly" handpicked by the "National Security Council". This law hardens the sentences to be passed for comparable offenses up to thirty-fold compared with the law previously in effect.

CENSURED !!!

Evren is judge, jury and hangman - at the I. Eurasian Arts Biannual organized by the Ministry of Culture and Tourism.

President Evren, viewing the painting exhibition at the I. Eurasian Arts Biannual organized in Ankara, was incensed by Polish painter Jan Dubkowski's canvases depicting erotic motifs, and ordered that they be taken down, except one. The Minister of Culture and Tourism who was accompanying the President on his tour, then ordered that they all be taken down, with the rejoinder: "There are laws in this land. We haven't passed the 'harmful' law ("Law for the protection of minors from harmful publications") for nothing!" The hall where Dubkowski's work was on exhibition has been closed to visitors.

President Evren, going on with his visit to the National Fine Arts Gallery, also toured the exhibit of "Contemporary Turkish Art." In the course of this tour, he ordered that a portrait of himself, done by a school teacher in Adana, be brought from his house and asked that it be placed in the Museum of Sculpture and Painting. The painting, depicting Evren with the Turkish flag in the background, was then hung alongside Ataturk's portrait on the second floor of the gallery. (May 6, 1986, Cumhuriyet)

ARTISTS RAISE A PROTEST

A group of 130 artists have made a joint declaration protesting the gross way in which Jan Dubkowski's work has been treated and warned against what this mentality had in store for the arts in Turkey in general. (May 11, 1986, WDR broadcast)

VIDEOTAPE BULLIES

A new method of intimidation has been introduced in Turkey: the videotape. The policemen at times as numerous as the audience, with walky-talkies turned up to full volume have become an indispensable part of the act in any significant theater performance, concert or cultural function. The new twist is that the police come with lights and video equipment and record all or part of the program and if they like, the audience.

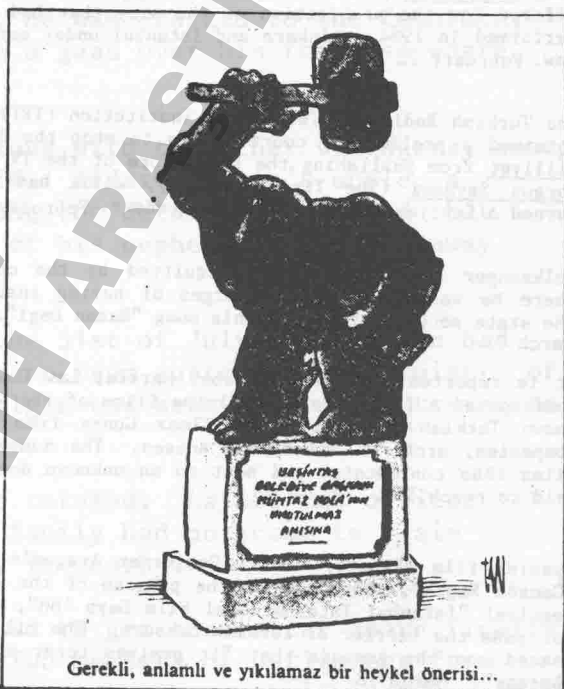
26th of the February was the anniversary of the death of popular poet, Hasan Hüseyin. The program that afternoon at the Ankara Arts Theater, organized in memoriam, was recorded in full, while about 40 policemen in uniform milled around the audience.

Popular folk-singer Rahmi Saltuk has observed that it has become an act of civil courage to go to the theater or a concert by a "leftist" performer.

EKIN MEMBERS FACE QUESTIONING BUT ESCAPE ARREST

The Board of Directors of Ekin Consulting, Research, Inc., were summoned for questioning by the Ankara Security Department and the Ankara State Security Court on the 24th of February. Detained for 11 hours before being questioned, they were released, with the presiding judge of the State Security Court overruling the demand by the public prose-

utor for their arrest, on charges of having organized meetings and cultural meetings without the proper authorization. The Ekin Board of Directors denied the charges and stated that they were being accused on the one hand or being organized these functions, while on the other and the legal existence of their firm was being denied - in which case it was difficult to see how they could be held answerable for violations in connection with its activities.



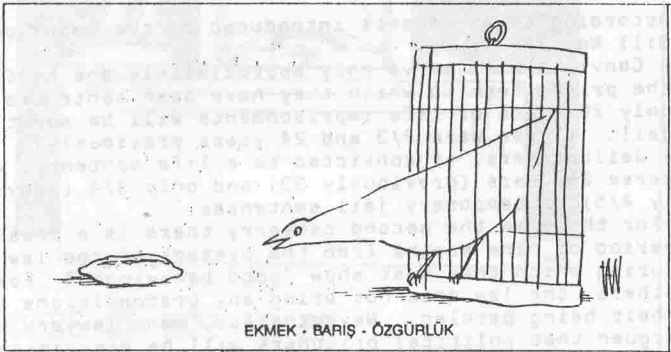
Gerekli, anlamlı ve yıkılmaz bir heykel önerisi...

"Proposal for a necessary, meaningful and indestructible statue"

ALL QUIET ON THE ...

On the 8th of April one more of the 20 sculptures commissioned by the municipality of Istanbul to commemorate the 50th anniversary of the Republic was destroyed. How? First, a bulldozer ripped off the upper part. The rest was finished off using compressed air hammers. The sculpture by Mehmet Uyanik and entitled "Unity" had been of reinforced concrete.

The journalists could get nothing more out of the local mayor of Besiktas, the quarter of Istanbul where the sculpture had stood in a park, than: "it was an unnecessary sculpture." Under fire from the press, the mayor later claimed that he had known nothing about the affair, and that the workers had torn down the statue on their own initiative. Dalan, mayor of Greater Istanbul added insult to injury with "Oh, what the heck, we'll have another built just like the old one."



BREAD · PEACE · FREEDOM

#### IN THE NAME OF LIBERALIZATION

On the 6th of May the National Assembly adopted a law empowering the Prime Minister to grant the permission to obtain a passport to those persons who were "objectionable" but who were under no court orders barring them from leaving the country, in special cases for reasons of health and the like.

The number of people in Turkey who are currently being denied passports is estimated between 40 000 to 100 thousand.

Meanwhile, more than one thousand people have been stripped of their citizenship, and in the last few months the passports of scores of people have been seized by consulates in Europe without any justification.

Repercussions of the first workers' demonstration since the 12th of September coup:  
Participation of opposition party leader in the demonstration causes the prime minister to accuse him of violating the Constitution.

The first workers' demonstration since the September 12 coup took place in Izmir on the 22nd of February 1986. Organized by the trade union confederation Turk-Is, the meeting drew an estimated 50,000. In a wave of acrimony after the meeting, the government legally accused the chairman of SHP (Social-Democrat People's Party, one of the two main legal opposition parties) of having "violated the Constitution" for having attended the demonstration. Meanwhile 77 people were detained and later 63 arrested for having "shouted slogans which were not among those agreed upon by the authorities." It turned out that, according to testimony after testimony, plainclothesmen had in fact provoked the whole affair. Several of the prisoners have been severely tortured, according to their lawyers. Although most of the prisoners have been freed on the 14th of March, the cases are still going on.

#### AMENDMENT TO THE ELECTORAL LAW

A series of amendments to the Political Parties and Elections have been passed on the 27th of March. Most important is the raising of the barrier for participation in any election by political parties: in order to be able to participate in elections, a political party has to be legally organized in 45 provinces (out of 67) and 2/3 of the counties in each province. The amendment aims at barring from the elections small parties who will be deterred by the formidable expense of meeting such a requirement. Voting is made compulsory, with the fine in case of non-compliance upped to one half of the minimum monthly wage. The free time afforded to parties on the state radio and TV during campaign time has been reduced. Instead, parties will be able to buy air time at the going rate for commercials.

#### BAN ON FORMER PARTY LEADERS LIFTED

Ban on political speechmaking by the leaders of the four main establishment parties, which had lately been so eroded as to be meaningless, has been formally lifted on the 2nd of April. The ban on "criticism of the regime immediately following the 12th of September intervention," however, remains in effect. Moreover, "any speechmaking which could induce an atmosphere of political strife akin to the one before the 12th of September," is still forbidden.

#### "OBJECTIONABLE CITIZENS"

#### A NEW CATEGORY IN POLITICAL DISCRIMINATION

Since the 12th September, literally tens of thousands of civil servants, including university personnel, and workers have been deprived of their jobs as a result of "security investigations" conducted by the Central Intelligence Organization (MIT) directly under the Prime Minister.

In our previous issue, we had touched upon the plight of former faculty members who had been removed from the posts under Martial Law, by the Martial Law commanders and the fact that they were not returned to their posts in defiance of court orders that they be reinstated. Mr Dogramaci, Chairman of the Council of Higher Education had been quoted as saying that they would reinstate any faculty member whom "the Prime Minister would declare free of objections."

At a press conference held on the 26th of April by Vecihi Atakli, vice-president of the SHP (Social Democratic Populist Party) it has been revealed that the Prime Minister's office has sent a memorandum to the Council of Higher Education concerning the faculty members in question and containing a series of "objections," on the basis of which it was remarked that they should not be allowed to teach at the university. The memorandum apparently ends with the note: "This information, which is in the nature of intelligence, cannot be used as evidence in court."

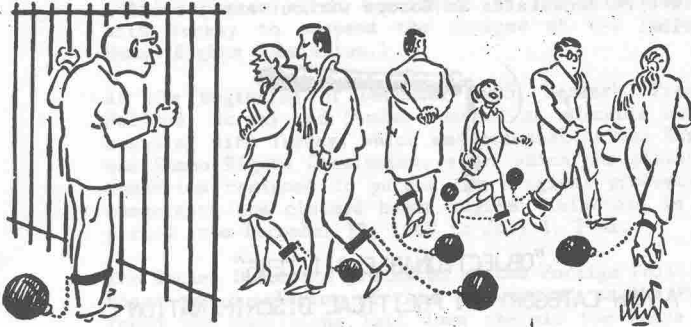
Mr Atakli has gone on to state that although the government figures on the number of people removed from their jobs directly by command of Martial Law authorities is only 4900, tens of thousands have lost their jobs as a result of "security investigations," where it is not always clear who has demanded the investigation or how it was carried out. One thing that is clear is that the person in question is fired by his or her immediate superior or boss, upon being found "objectionable." (27 April, Cumhuriyet)

A very large number of civil servants affected by this "security investigation" have been school teachers. It has been



claimed that close to 20,000 school teachers have lost their jobs upon order of Martial Law commanders. Seventy-five per cent of these people have subsequently obtained court orders to return to their jobs and they are not reinstated on the basis of these secret investigations. According to the teachers monthly, Ögretmen Dunyasi, these secret investigations have now come out into the open: since one year, anyone who solicits a government job, seeks a promotion or transfer, is asked to fill out "security investigation" forms. The forms include questions which apparently aim to find out the following type of information:

- What are the political inclinations of family members?
- Is the person easy to bring under the influence of a foreign state?
- Is he or she in great financial need?



### AMNESTY BLOCKED

### PRISON TERMS EASED BY NEW PAROLE LAW

The issue of a general amnesty, which especially since the elections in November 1983 was debated hotly both at home and abroad in bodies like the European Council and the European Parliament, has been effectively taken off the agenda for an indefinite period of time by the new parole law passed on the 11th of March, 1986. Demanded by wide circles, including the Turkish Bar Association, in the "Intellectuals' Petition," and a barrage of articles and letters in the press, and moreover hinted at rather openly by the "five" (Denmark, France, Holland, Norway and Sweden) who had lodged a formal complaint against Turkey with the European Commission of Human Rights; as a precondition to withdrawing their complaint, amnesty was seen as a way of redressing at least some of the injustice meted out by the military tribunals in overtly political trials. The extreme overcrowding in the prisons, together with the already poor prison conditions and extremely long prison terms prescribed by the Turkish Penal Code amounts to unusual and cruel punishment, and amnesty was looked upon by many as a humanitarian measure, if not a political necessity.

Nevertheless, government circles consistently opposed the idea of an amnesty on the grounds that Article 14 of the Constitution excluded the possibility of an amnesty for "crimes committed against the state," and that a release of the "terrorists" would lead the country to the same "anarchy and turmoil" as did prevail before the September coup. President Evren placed his personal prestige on the line, claiming in his opening address to the Parliament on the 9th of February, 1985 that "all these demands for amnesty were the provocations of internal and external forces ...."

The present amendment to the parole law and the Penal Code was drafted by the government in February of this year after agreement was reached with the "five" for withdrawing their case against Turkey.

### WHAT DOES THE LAW PROVIDE FOR?

According to amendments introduced by the adoption of Bill No. 3267:

- Convicts will serve only approximately one half of the prison term to which they have been sentenced; only 20 years of life imprisonments will be spent in jail. (These were 2/3 and 24 years previously)
- Jailbreakers, if convicted to a life sentence, will serve 26 years (previously 30) and only 3/4 (previously 4/5) of temporary jail sentences.
- For those in the second category there is a trial period of nine months from the passage of the law during which they must show "good behaviour." For others, the law does not bring any preconditions to their being paroled. Nevertheless, many lawyers have argued that political prisoners will be discriminated against under the terms of "good behaviour" for having protested prison conditions or for not having cooperated with the prison authorities in one way or another.

- Death sentences: Those death sentences ratified by Parliament will be carried out. If the sentence is not ratified, the prisoner will serve 30 years (36 for jailbreakers).

Close to twenty thousand prisoners have been freed under the provisions of this law beginning the 19th of March, 1986, amounting to less than a third of the 68 thousand convicts in civilian prisons. A large majority of those who have benefited from the law at this point are ordinary criminals whose sentences were short (1-2 years) to begin with.

The law does nothing to right the justices suffered by the political prisoners and convicts since the 12th of September coup. No clemency has been shown to those who have received the capital punishment, apart from the clarification of the situation in case the sentences are not ratified by the Parliament. There are at present 88 such cases awaiting ratification. Many more death sentences are being passed every day. So far 48 convicts have been executed in Turkey since the 12th of September, 1980.

The present law falls way short of what would be expected of an amnesty also in the following respects: An amnesty does away with the sentence along with all its consequences. Since the present law is not an amnesty, all other legal consequences of the sentence remain in effect.

### MASS EXILE

- Those paroled will immediately be deported to those towns where they begin to serve their "probation period," as indicated in their original sentence. In fact, this has already resulted in the largest mass exile in the history of Turkey. (Nokta, April 20, 1986)

- Released under this law, the convict will have to serve out the rest of his sentence if he gets convicted once more.
- Before the law he retains his status of once having been convicted and therefore will not be able to return to his profession, in case he was a faculty member, lawyer, etc., nor will he be able to join such a profession later.

To add to these already mentioned heavy consequences, it has come to the attention of the press that the identity cards of political prisoners released from prison are being marked indelibly (punched) to indicate that they have a criminal record, which makes it close to impossible for them to get a job.



## MEDICS INVOLVED IN TORTURE TO BE BANNED FROM THE PROFESSION

The Istanbul Medical Association called upon the public to bring to their attention "all known cases of physicians taking part in, witnessing, aiding or abetting acts of torture, along with documents and evidence pertaining thereto."

So far 30 doctors have been brought before investigation by either the Central Council of the Medical Association or the affiliated regional Boards. They are being charged with "acquiescing in torture" and "drawing up medical reports in violation of professional ethics," i.e., to cover up the evidence of torture. The doctors face being banned from the profession. (12 April, Cumhuriyet; 20 April, Nokta)

Meanwhile, the Appeals Court has decided to bring charges against the Chairman of the Forensic Medicine, Prof Semsî Gök, for his systematic attempts to hamper or delay investigations (into torture cases)." (21 April, Yeni Gündem)

## BAR ASSOCIATION FORCED TO CANCEL SEMINAR

The first week of April saw a big furor in the newspapers over the sudden cancellation, on the 3rd of April, of a seminar on "Law and National Reconciliation" organized by the Bar Associations in the Marmara Sea region. Demirel and Gurkan, leaders of the two major (legal) opposition parties, who had also been invited speakers, protested "the surreptitious prevention of the seminar by the highest authorities." Indeed, it transpired that a member of the Constitutional Court and another member of the Council of State had been individually pressured to cancel at the last moment their promised participation in the seminar. Moreover, many Bar Association members had received telephone calls intended to persuade them not to attend the seminar, while in the Marmara Region, the security forces had conducted an intimidation campaign of "finding out who planned to attend the seminar." (4,9 April, Cumhuriyet)

## LAWYERS DEMAND CONSTITUTIONAL CHANGE

474 lawyers registered with the Istanbul, Kocaeli, Sakarya, Ankara, Diyarbakir, Bursa, Izmir, Antalya, Zonguldak, Adana, Edirne and Canakkale Bar Associations presented a jointly-signed petition to the Leaders of all the parliamentary parties, members of parliament and the Bar Council, putting forward their opinions as well as means of solution to a number of outstanding questions such as allegations of torture, the issue of a general amnesty, changes in the parole laws and the question of the constitution.

The preamble began with the following statement :

"We the undersigned lawyers, hereby voice our hope and yearning for democracy in our country, for a state based on the rule of law, for a bright future predicated on peace and tranquility, where the defence of and demand for 'human rights' and 'human dignity' will be acknowledged, and for a future where the free thought in all its senses will no longer be criminalised. We present our views in the hope and longing for such a future."

- \* A Commission should be founded by the National Assembly with the specific task of investigating torture allegations and the findings of this body should be made public along with the instances of the allegations collected.
- \* In the carrying out of the sentences of political prisoners we should be aware of our responsibilities derived from endorsing international covenants and thus reorganise prison terms and other legal conditions. It should be acknowledged that our citizens deserve as much freedom as that which exists in co-endorsers of the international covenants bearing Turkey's signature.
- \* We should redefine the concept of the the State, from the present "Holy and Infallible State" to a concept of a "democratic social welfare state based on the rule of law" and internalise this notion in our political attitudes.
- \* Regardless of why these were installed in the first place, statutes defining the period of detention and used for extracting confessions outside the will of the individuals concerned, should be abrogated from our jurisprudence. Our laws should specify that individuals can only be detained for 24 hours.
- \* Despite the fact that officials assert that our country is applying a liberal economic model, the same mentality also puts forward political conceptions and solutions which correspond to the practices of an authoritarian state. This is an important contradiction which can result in serious shortcomings in our social structure.
- \* We the undersigned lawyers do not accept the view that, including the Constitution, laws are "fixed for all time" and that these "can not be changed". (24 April, 1986)

## STATE OF HIGHER EDUCATION IN TURKEY

Address delivered by Prof Server Tanilli in a sitting on the "Autonomous University" in the Berlin Technical University, organized by various student organizations as well as the GEW (Teachers' Union), the World University Service and the Committee for Foreign Academics on the 22nd of February 1986.

At the end of the 1970s the system of higher education in Turkey had evolved diverse forms particularly suited to the functions expected of any particular institution of higher learning, all enjoying an appreciable degree of administrative and academic freedom. Two shortcomings were, however, evident: lack of coordination among the various institutes and the lack of planning in higher education in a way that took the development needs of the country into account. In particular, the problems of newly founded universities - which were set up without the necessary groundwork, presumably to meet the demand for more places in higher education - awaited solution.

The amendments to the Act of Higher Education that were called for under these conditions were debated for quite some time in the universities and the press. Finally, in 1978 a new draft bill was drawn up. This draft bill was an attempt at investing the Inter-University Council with powers that would ensure some degree of cooperation among the various institutions of higher education and necessary planning, without infringing upon the autonomy of the universities. This bill was never enacted into law.

This was the situation on the eve of the military coup on the 12th of September 1980.

The military regime which came into power after the coup held the autonomous university to be one of the mainsprings of public unrest and terrorism which racked the country prior to the coup, and which clearly had their sources elsewhere. One of the main self-professed aims of the military regime was to put an end to the universities as "hotbeds of anarchy" and to bring them under discipline. To this end they passed in November 1981 the new "Higher Education Act". This Act can be said to be the brainchild of the five-man junta in power at the time. It has been passed in defiance of all the proposals on university reform elaborated up to that time, over the protests of thousands of faculty members (literally thousands of faculty members signed petitions to try to forestall the enactment of this law), in consultation with nobody, it seems, other than sworn enemies of academic freedoms and the autonomy of the universities. Moreover, it is in violation of the 1961 Constitution which was still in effect at the time.

The passage of this law drew protests not only from the universities but even from the "Consultative Assembly" - handpicked to rubber-stamp the Constitution being drafted by the new regime.

What does the system embodied in the Higher Education Act involve?

With the Higher Education Act, the universities have been forced into a uniform and centralised structure. As stated in the opening paragraphs, the aim of the law is to "regulate in a uniform way" the institutions of higher education from top to bottom. This regulatory function has been placed in the hands of one central organ, the Higher Educational Council, with extraordinary powers. (Only those institutions which belong to the armed forces and the police are exempt.) The system set up by the Higher Education Act and the by-rules and regulations that have been passed since then are extremely centralised, authoritarian and interventionist. In spite of the fact that the Higher Educational Council is claimed to be

only an "organ of planning and coordination" it is clear from the powers vested in this Council that it really is the cornerstone of the whole edifice. All financial, administrative and academic matters are decided by the HEC.

Here are some of the more salient aspects of the new Higher Education System:

- All of the universities and colleges have been placed in a hierarchical system. At the top of the hierarchy is the HEC. This is the central decision-making, executive and disciplinary body. The whole administrative structure, including the senates and the faculty councils of the universities, rests upon a system of appointments. There is not one decision-making body that is elected. The faculty cannot even elect academic bodies directly concerned with research and teaching. The only elected representatives of the teaching staff consist of three professors, two associate professors and one assistant professor in the faculty councils of the respective schools. The universities have no more administrative autonomy today.

The way that the Higher Educational Council is constituted is a good indicator of how alien to the university the whole mechanism is. Of the total of 24 members of the HEC eight members including the Chairman are named by the President of the Republic. The rest of the members are named, again subject to the approval of the President, by the Council of Ministers (6), by the Chief of Staff (1), Ministry of Education (2) and the Inter-University Council (8). It is the HEC which then names the candidates for the rectors, who are then selected by the President; and again the same Council selects the deans of faculties. The presence in the HEC of a representative of the Chief of Staff is a typical example of the extra-academic nature of the system embodied in the present Higher Education Act and the HEC.

- Prerogatives which in democratic countries are strictly in the domain of academic bodies of the university (that is, deciding on issues concerning research and teaching activity) are left up to the HEC under this system. It should be underlined that the academic freedom of faculty members has been effectively done away with: the HEC intervenes in all matters from the conferring of academic degrees to the drawing up of curricula. Funny though it may sound, they even have a say on dress regulations (!) for staff members, including whether male faculty members are allowed to wear beards or not (they are not). Ideological considerations also enter: it has been written into the Higher Education Act that the purpose of higher education is to train students "loyal to Ataturk's nationalism" and "imbued with the pride and honour of being born a Turk". The premise of freedom in choice of methodology (world outlook), which underlines academic freedoms, has been abrogated.

Thus today in Turkey, just as administrative autonomy does not exist any more for the universities, scientific freedom does not either. Those who claim to "reform" the university have regarded it as some sort of barracks and placed it under a chain of command. A chain of command may be inevitable, even appropriate for certain institutions like the police or the armed forces, where the nature of the services performed call for it. However, universities are places where the body of knowledge is replenished and transmitted to new generations. Scientists and students are the two fundamental components of the

university. For scientists, it is of vital importance to have the freedom to conduct research. Science demands freedom. What we call "academic freedom" is above all the freedom to choose his methods. A scientist will conduct his research within the framework of a methodology suggested by the world outlook which he espouses, draw his conclusions and disseminate his results. No one has the right to intervene in this process; he is then free to face only with the scientific criticism of academic circles. A "pluralistic" intellectual milieu is the very spirit of the university, its "raison d'être". The administrative autonomy of the universities has evolved as a way, first and foremost, to ensure academic freedom, this freedom in methodology, this pluralistic atmosphere.

In Turkey today, this is not what is demanded of the universities. What is in demand is uniformity in thought on the part of the faculty and on the part of the students.

In the course of the implementation of this uniformity - flying in the face of the very concept of a university - a vast purge of progressive, openminded and leftist faculty members was undertaken. Around 1500 faculty members were either fired or forced to resign or ask for their retirements. The firing of tenured staff was made possible by an amendment to the law empowering Martial Law commanders to fire any government employee within their jurisdiction "the continuance of whose functions might be deemed detrimental...". Hundreds of faculty members were thereby deprived not only of their jobs but also of the possibility of being employed by the state in any capacity. The loss of nearly 1500 scientists as a result of the terror that raged in the universities is irreparable in a country like Turkey whose human resources are limited to begin with. If the universality of science is to be considered, this is a blow to the scientific community at large.

One result of these purges was that in many departments it became impossible to carry on with the teaching of many courses and feelers were put out to try to recruit lecturers from abroad. Such attempts met with the protests of academic circles in England and Belgium; they continue, however, in the Federal Republic of Germany.

In short, one may say that as a result of the authoritarian, monolithic and rigidly hierarchical system imposed upon the universities, academic life has all but been extinguished in Turkey; scientific research and creativity have been made barren. The remaining academic staff have been totally alienated. Courses are taught by orders from above, as it were. The unity of instruction has been destroyed. The university community has been atomized, with faculty members hardly staying in their departments outside of the hours that they have to lecture. (In some departments, as a counter measure, staff are required to sign in and sign out everyday.) The general quality of education has suffered immensely. Universities have been degraded to the status of professional colleges. Students vegetate. Turkey was a candidate, up to five years ago, for becoming the centre of scientific and technological progress of the Middle East. If this system persists, it will lose all hopes of such a leadership.

One may ask: What sort of enmity could induce anyone to deal such heavy blows to the scientific life of a country? Well, Turkey could be said to be under occupation since 12th September 1980 by a particular enemy; there is fascism in Turkey. The particular brand of fascism instituted after the 12 September coup has nullified all of the democratic gains made by the country in the course of its modern history, and along with them, has destroyed the autonomous universities. This should come as no surprise; fascism has no need for science, it is an enemy of science, just as all else that is human and beautiful.



Once this diagnosis has been made, it is obvious that the efforts to restore the autonomy of the universities in Turkey are part and parcel of the common struggle waged by all progressive, democratic forces in Turkey against fascism.

The scientific community abroad, universities all over the world cannot and should not remain mere spectators to what is happening in the universities in Turkey, while this struggle goes on. Solidarity with scientists in Turkey who have been subjected to the injustices of fascism, in a concrete sense, is a duty to which they cannot turn their backs. I would like to remind my colleagues abroad, that scientists all over the world are, in a sense, citizens of one Republic, which rests on the double foundations of humanism and reason, and that we are under the common obligation of defending this Republic against the onslaughts of obscurantism. I would like to call upon, first and foremost, the German universities. A recollection makes me bold to make such a call: when Hitler's fascism mercilessly threw out of the German universities countless scientists, Turkish universities were among the first to throw open their doors to them; and they, on their part, had made invaluable contributions to the scientific life of Turkey. I am among those fortunate enough to have benefited from the atmosphere of cultural effervescence created by these teachers. Turkey, in welcoming these great teachers, was in fact rendering a noble service to science worldwide; this is among the worthier pages of the scientific history of Turkey.

The task, today, of upholding science, in the person of scientists from Turkey, in the face of the blow dealt by fascism to science in Turkey, and, in view of the universal nature of science, to the cultural development of humanity in general, waits to be undertaken. The issue is to uphold scientific and academic freedoms; this is the essence of solidarity with Turkey's academics. To uphold the intrinsic values of scientific and academic freedom will mean a harsh condemnation of fascism anywhere in the world. This task should mean a lot more to German universities than perhaps to universities in other countries of the world. Let us hark to the voices of our memories - they may help us discern many truths which otherwise may not be so easy to grasp.





## DOCTORS VS. CAPITAL PUNISHMENT

The trial against members of the Central Council of the Medical Association, who have been accused of having made a political declaration in having petitioned for the abrogation of the death penalty, continues to be heard in Ankara. A second, this time criminal, case has been brought against the doctors on similar charges.

### PROF HÜSNÜ GÖKSEL ON TRIAL FOR ARTICLE IN DEFENSE OF HIS COLLEAGUES

Honorary member of the Central Council of the Medical Association, internationally renowned surgeon and faculty member at the Hacettepe Medical School until his recent retirement (February), Prof Göksel was one of the defendants in the "Petition Trial." (We have printed passages from his defense delivered at this trial in the October issue of the Newsletter.) He had come under a disciplinary investigation by the Higher Education Council for having signed the so called "Intellectuals Petition" and received a "reprimand," while being cleared of all charges in the "Petition Trial (see the March issue of the Newsletter.)

Prof Hüsnü Göksel is being charged with "having disclosed material which might be prejudicial to the course of a criminal case under trial" and "having tried to influence the tribunal." The fact is that the article in question was published prior to the opening of a criminal case against the Central Council of the Medical Association. After preliminary investigation, a case has been formally brought against Prof. Göksel on the 13th of April.

Below are excerpts from the article "The Doctors' Trial" by Prof. Dr. Hüsnü Göksel, published on the 24th of January 1986 in the daily Cumhuriyet. It was on the basis of this article that proceedings have been brought against Prof. Göksel on the 27th of March.

#### THE DOCTORS' TRIAL

Peace Trial, Petition Trial, Doctors' Trial... these are the footprints of the Turkish intellectual in a particularly narrow straight of his already more than a hundred year old struggle for freedom and human rights... I believe that the public should be better informed about this last trial.... As someone who has devoted 43 years of his life to the healing profession, I felt called upon to also speak my mind. First, let me quote directly from the petition... which is to be found in the files on this case:

"The Central Council of the Medical Association of Turkey has examined the question of capital punishment, which is lately being actively debated in public opinion, from the point of view of professional ethics, and has resolved that it should make known to the public that physicians are against capital punishment for two important reasons given below, and it should recommend to the Parliament, the Council of Ministers and the President of the Republic that they should act to abolish capital punishment by appropriately amending the Penal Code.

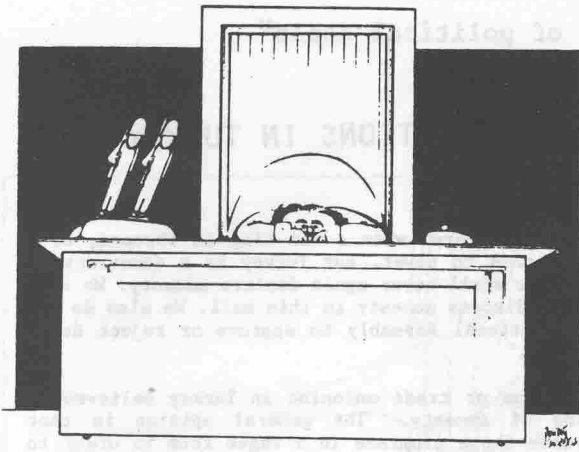
1. Capital punishment is a very primitive means of revenge... violates the sanctity of life. Since the basic tenet of the medical profession is to make people live, it is natural that they should oppose any act that deliberately ends life.

2. Our present laws oblige physicians to take part in executions. It is the opinion of professional bodies who have debated this question, that for a physician to participate in the act of killing, to "allow" death, and to passively await the end, is unethical. The World Association of Physicians has accepted a document during its 34. Assembly in 1981 declaring that it is against the professional code to take part in executions....."

I too am against capital punishment.... Just as much as I am against war, torture or any other act which debases the worth of a human being. Capital punishment is not just to kill someone. It is torture.... and torture is a crime against humanity....

I fully share the views of the Central Council of the Central Council of the Medical Association of Turkey on this issue. Moreover, as a member of the Honorary Council of the Medical Association, I have read and fully endorse every word of the petition. I state that as a physician I do not see in it basis for offence.





## TO BE OR NOT TO BE

Genco Erkal is one of the outstanding theatre directors of Turkey, as well as a renowned actor in his own right. Erkal has been consistently denied a passport over the past years. We give the full translation below of a letter written by the vice-director of the Security Department of Istanbul to the Military Prosecutor of the Martial Law Command, asking his opinion on whether a passport should be issued or not. Although the letter is dated 10 March 1983, as symptomatic of a certain mentality, we believe it has lost nothing of its relevance.

To the Military Prosecutor,  
Martial Law Command of Istanbul,  
Selimiye Barracks

In the course of the investigation launched upon the application for a passport by theatre actor Erkal Genco, born 1938 of Nebahat, it has been found that:

Erkal Genco, the applicant for a passport, was born in 1938 in Istanbul, to Mehmet Resat and Nebahat (the names of his parents, Eds.). According to the material in our archives on the aforementioned, it has been understood that:

He has recited (15) poems by Nazim Hikmet at the evening titled "Revolutionary Poetry and People's Poets" sponsored by the Progressive Construction Workers' Union on 7,3.1975 in the Sports Hall in Istanbul,

That he has read poetry and short stories by leftist persons in an evening of "Solidarity with Associate Prof. Dr. Server Bedii Tanilli" (Prof. Tanilli survived an attempt on his life at this time by the paramilitary fascist gangs, but required intensive medical treatment, Eds.) organized by the Turkish Writers' Union and the Association of University Assistants,

That he recited poetry at a meeting on "The October Revolution and Turkey" organized by members of the Workers' Party of Turkey on the 7th of November 1977, where he has spoken the following words "the seventh of November", "Soviets and Lenin" "We are storming the sun, we will conquer the sun, the conquest of the sun is near, those who died, died fighting and were buried in the sun. The army of hunger is on the march and hail to the working class of Turkey".

T. C.  
İSTANBUL İLİ  
EMNİYET VE MÜHÜR KOMUTANLIĞI  
GAYİRETİPE  
16707

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ŞUDE: 1. Send. M.2.  
KONU: ERKAL GENCO HK.

10 MART 1983

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81/1209  
H.G.

SİKİYÖNETİM ASKERİ SAVCILILIĞINA

SELİMİYE

İLGİ: a) 8.3.1982 gün ve 981/1209 № sayılı yazınız.  
b) 25.11.1981 gün ve Em.Şb.1.Send. M.l. 66411 sayılı yazımız.  
Yurtdışına gitmek üzere pasaport verilmesi talebinde bulunan Tiyatro sanatçısı Nebahat oğlu, 1938 doğumlu ERKAL GENCO hakkında yaptırılan incelemede;  
Pasaport talebinde bulunan ERKAL GENCO'nun Mehmet Resat- Nebahat oğlu 1938 İstanbul doğumlu olduğu anlaşılmıştır.  
Ada geçen arşivlerimize işikal eden kayıtlarına göre;  
7.3.1975 tarihinde Spor ve Sergi Sarayında yapılan İLERİCİ YAPI-İŞ SENDİKASI tarafından düzenlenen "EVİNCİ ŞİİRLER VE HALK OZANLARI GECESİ'nde NAZİM HİKMET'in (15) adet şiirini okuduğu,  
25 Kasım 1978 günü Şan Sıra Sokağında TÜRKİYE YAZARLAR SENDİKASI, TÜM ÜNİVERSİTE VE YÜKSEK OKULLAR KASIM TANLAMI-BİRLİĞİ tarafından düzenlenen "DOÇENT Dr. SERVER BEDİİ TANILLI ile DİYARBAŞI GECESİ'nde "Sol'cu kişilerin yazdığı şiir ve öyküleri okuduğu,  
6 Kasım 1977 tarihinde Spor ve Sergi Sarayında TÜRKİYE İŞÇİ PARTİSİ mensupları tarafından düzenlenen "İM DEVRİMİ VE TÜRKİYE" konulu toplantıda "KASIMIN YEDİSİ", "SOVYETLER LENİN" AKIN VAR AKIN, GÜNEŞE AKIN, GÜNEŞİ ZAPTELECEĞİZ, GÜNEŞİN ZAHTI YAKIN ÖLEMLİ DÖVÜYEREK ÖLÜMLER GÜNEŞE GÜLÜDLER, AÇLIK ORDUSU YÜRÜYÜR VE TÜRKİYE İÇİ İLİFİNİ SELAM " sözlerini ifade eden şiirler okumuştur.  
24 Nisan 1981 günü saat 18.30- 0.25 arasında Dostlar Tiyatrosunda sahneye konan "ERGÜN YENİ LAŞTAN" adlı oyununda yer alan GENCO ERKAL'ın sahneye girişinde bu sözleri dikkati çekmiştir. "MERHABA YİĞİTLER, MERHABA

On the 24th of April 1981, during the 18.30-20.25 performance of the play "Everyday Afresh" by the repertory company Dostlar Tiyatrosu, it has been noted that Genco Erkal, upon his entrance on stage, has said the following: "Greetings to you, brave brothers, greetings to those who struggle, greetings to those who struggle and fall on the battlefield, greetings to the fat-necks, greetings to those who

swell their bellies, greetings also to the landlords, and those who make millions just by deals made over the telephone and swell their pockets."

It has been ascertained that Genco Erkal is also among the members of the Association of Artists, founded on the 11th of February, 1970, and having its seat at the Sorkon Building, Cagaloglu, No.6, third floor, and that he generally participates in rallies and evenings organized by socialist parties or leftist associations and recites poetry.

A phone tap has yielded information to the effect that Genco Erkal might get into contact with certain members of the Workers' Party of Turkey when abroad and that he might also meet with Yilmaz Güney.

I submit that it should be ascertained whether a passport should be issued to the aforementioned, and whether there are any drawbacks to his being allowed to travel abroad.

Sureyya San  
Vice-Director  
Security Department

"Human rights cannot be made the subjects of political deals"

## DANISH MP'S REPORT CONDEMNS HUMAN RIGHTS VIOLATIONS IN TURKEY

Danish Social Democratic MP and former Minister of Justice Ole Espersen visited Turkey between April 5-12, 1986, to study the situation in the country after the five European lands had withdrawn their complaint from the Human Rights Commission in Strasbourg. Ole Espersen had also visited Turkey last year to observe the Peace trial and had talked with the leaders of the Peace Association.

Below we print excerpts from Espersen's report on his last visit which was presented to the Danish and Council of Europe authorities.

### "HUMAN RIGHTS IN TURKEY"

(The situation after conclusion of the understanding with Turkey to suspend the charges at the European Human Rights Commission.)

At the beginning of December 1985, Denmark, France, Holland, Norway and Sweden reached an amicable understanding with Turkey, which was accepted by the European Human Rights Commission, after which the plaintive countries resigned to pursue the original proceedings concerning the claimed human rights violations in the period from December 12, 1980 to July 1, 1982.

The Social Democrats protested at the Foreign Political Board the conclusion of this compromise, as the Party found the conditions laid down therein too vague and the perspective for an effective observance of human rights too poor.

I have visited Turkey (Istanbul and Ankara) between April 5-12, 1986, in order, among other things, to evaluate the developments since the understanding was reached. During my stay, I concentrated on the promised declaration of amnesty, torture in prisons, including military prisons, freedom of speech, and the freedom to establish political parties and to participate in the elections.

### AMNESTY

According to the information given by the Turkish Prime Minister to New York Times, dated 12.9.1985, there are between 7-8 thousand political prisoners in Turkey.

In the meanwhile the chairman of a parliamentary commission has given this figure at a later report as 10.747, to which there should be added the 1.600 in military prisons as well as the 5.606, who are under detention on political grounds. An amnesty for political charges and sentences will therefore be of extraordinary significance.

The agreement in the compromise with Turkey concerning amnesty is quite vague. It is stated under point C as follows: "The question of amnesty lies close to the hearts of the Turkish National Assembly and the Turkish government. The Turkish government has started to work on the question of amnesty with a view of, within the framework of the Turkish constitution, facilitating the declaration of amnesty, pardon and similar measures. The parliament is expected to take up the discussion on the basis of the initiatives according to Article 88 of the Turkish constitution. The Turkish government will inform the commission on the developments in this sphere."

In the beginning of March, the parliament adopted, on the proposal of the government, an act concerning the reduction of penalties. This was sharply criticised by the SHP (Social Democratic People's Party), because it had nothing to do with amnesty and nor would it prevent the execution of death sentences. During the discussions, Prime Minister Ozal agreed that this was not an amnesty bill, but neither had the government promised such a law. According to the daily press, he then went on to say the following:

"Amnesty is declared when a new king is throned, or a dictator comes to power, but Turkey is a democracy. I hope that we shall never again declare amnesty. We will never ever discuss amnesty in this hall. We also do not want the National Assembly to approve or reject death sentences..."

No politician or trade unionist in Turkey believes in any form of amnesty. The general opinion is that Turkey made these promises in a vague form in order to create hope for the countries that were disposed to reach an understanding. Or maybe to create grounds to express such a hope, under conditions where to continue the case was politically undesirable.

This opinion was confirmed during a talk at the Ministry of Foreign Affairs with the directors of the Department for the Council of Europe Affairs. There would under no condition be introduced a proposal for any form of amnesty by either the government or the ruling party. The very restricted reduction of penalties, which is valid for all types of crimes, is not an expression of amnesty, but only a desire to ease the overcrowdedness in prisons. The seriousness of the negative attitude to amnesty was underlined with the remark that an amnesty bill could of course be submitted to a referendum, and that one should not at all certain that the people would vote for an amnesty.

This was an indirect intimation from the Ministry of Foreign Affairs that the president would use right for a veto against an amnesty bill, and if it is once more passed by the parliament, then submit it to a referendum.

One can therefore, without a shadow of doubt, come to the conclusion that the very important section in the agreement between the 5 states, Turkey and the Human Rights Commission concerning amnesty will not be complied with, and there was probably never any intention to do so. I dare say the last in the light of the fact that the Turkish government has constantly been very negative with regard to amnesty in internal statements while in its statements abroad it was attempting to give the impression of a positive attitude...

### CONCERNING TORTURE AND OTHER MALTREATMENT

...The claims of torture are often met with counter-claims that this is an international tactic by nations or individuals with a malevolent attitude towards Turkey.

On the other hand, countless cases of torture continue to be reported. And these are accounts that are from all aspects trustworthy...

It is however quite interesting also that Turkey is in general presumably the only country that ever officially punished torturers at a larger extent. According to the information given to the parliament, until and including September 1985, 2120 cases had been established, involving 4.623 policemen or officers. Of these 439 were sentenced, 2.052 acquitted, 410 dropped because of lack of evidence, and 1.722 were still being investigated. According to the information given by the Prime Minister in September 1985 to the New York Times, 130 had been punished for torture. But in comparison with the complaints of torture, there are extremely few sentences, and it is indicative that punishment is dealt only in cases where torture resulted in death. Even in these cases, the sentences are usually between 5 to 10 years, to which it must be added that the defendant is normally not imprisoned either during the trial or the process of appeal.

Furthermore, deaths during interrogation are covered up with the claim that the interrogated persons tried

to escape and were shot during flight or that they committed suicide by jumping out of the window of the interrogation room.

One of the politicians I talked with attributed the sharp increase in the number of suicides among police officers to the dilemma they are in, for they are at the same time expected to obtain information -and usually under torture- and face the risk of being punished, if the public can succeed in convincing that torture really took place. There is, moreover, broad unity of opinion that the sentences that are dealt are due to the press from the outside, but that on the other hand this press has not at all motivated the authorities to try to prevent torture generally.

#### POLITICAL RIGHTS

...On the other hand it is quite clear that since 1982-84 enormous factual changes have taken place. Newspapers themselves express or report about particularly critical attitudes towards the government. The legal political parties can generally hold meetings unhindered. But under the constant fear that this totally factual situation can be changed by virtue of the legal and illegal possibilities the government enjoys. For example, a planned, very large political meeting, where the former Prime Minister Demirel was going to talk was cancelled without an official ban, but because the government had given the Bar Association, who arranged the meeting, to understand that to hold the meeting could result in unforeseen political statements that could necessitate proceedings against the Bar Association...

#### CONCLUDING REMARKS

Human rights cannot be made the subject of political deals. Those who have undertaken to respect these, are bound to do it unconditionally. Those who have undertaken to control that these rights are respected have an obligation to do so, an obligation we neither can nor should relinquish, in the face of open and gross violations. The Human Rights Commission cannot by itself take up cases for trial. Therefore the maintenance of the human rights system is dependent upon the vigilance of the states or individuals for compliance with these rights. If they do not do it for opportunistic reasons, they are betraying human rights.

In that case, they themselves are guilty in the violation of these rights.

I have not the slightest doubt that today Turkey does not fulfill the conditions for membership to the Council of Europe. I will not recommend Turkey's exclusion from the Council, but I will strongly recommend, on the other hand, that attempts be made to keep Turkey to its obligations. This has not been done. On the contrary, the 5 countries who originally complained about Turkey to the Human Rights Commission have accepted the state of things, at a time when there were signs of neither clear nor reliable improvements. That the commission has acceded to this compromise is surprising for me, but maybe understandable from the assumption that some of these countries would probably have withdrawn from the case or were on the point of doing so.

I must as urgently as possible recommend the following:

1. Together with the Commission, the fulfillment of the conditions of the compromise be closely followed up.

2. Not to take any sort of further steps that can be taken as an expression of accept of the state of things in Turkey, like for example other steps in the direction of valid membership to the Council of Europe in any aspect.

3. Within the EEC the process of normalisation be stopped, at least for six months for the time being, in order to evaluate whether Turkey's promises in connection with the reaching of the compromise can at all be taken seriously.

4. Follow up the developments in Turkey very closely in the coming months in order to evaluate whether the violations are still so gross as to necessitate the consideration of a new case against Turkey.

5. On suitable occasions draw USA's attention to the fact that human rights situation in Turkey is totally unsatisfactory and that USA must also endeavour to cooperate to press the Turkish government for improvements.

Ole Espersen "

#### PUBLISHER OF TEACHERS' MONTHLY ARRESTED

Zeki Sarihan, owner and editor of Öğretmen Dünyası, and his lawyer wife, were arrested on charges stemming from a speech made by Sarihan in 1975 (nineteen seventyfive) in a teachers' meeting. Öğretmen Dünyası has published, in its March and April issues, testimonies by several teachers, of the way they were tortured during their incarceration after the 12 September coup.

#### PRISONERS' FAMILIES BAND TOGETHER

For the first time in Turkey, families of convicts and other prisoners have come together to form an Association for Mutual Help among the Families of Convicts and People under Custody. They have stated their purpose to be the furtherance of material and moral solidarity among the families. (27 February)

#### NON-MOSLEM STUDENTS COMPELLED TO ATTEND RELIGIOUS INSTRUCTION

Around 1500 school children of Assyrian extraction are being forced to attend religious instruction in the Moslem doctrine, their families have claimed in Diyarbakir. The newly instituted compulsory religious instruction is being used as a pretext, and the students punished for absenteeism in case they just sit out the religion classes where the Moslem doctrine is thought. (4 March)

#### WOMEN SIGN PETITION FOR FULL EQUALITY

On the 8th of March it was disclosed that 2861 women, including the most prominent in the cultural and social life of the country, have signed a petition addressed to the Speaker of the Parliament, to ask for full compliance with the terms of the International Accord to end Discrimination against Women, ratified by Turkey on the 11th of June, 1986. This petition will remain open to further endorsements until the end of May. The number of signatures had reached 7000 by mid April.

#### FACULTY MEMBER FACES DISCIPLINARY ACTION FOR COLUMN

Mahmut Tali Öngören, staff member at the School of Journalism, Gazi University, faces disciplinary action brought against him by the Council of Higher Education for contributing irregularly to the daily Cumhuriyet. Under the present Higher Education Act, faculty members may not "give statements to the press" unless by permission of the rector of their university. This provision, however, is not enforced; moreover, there are many examples of other newspapers, including the vice-chairman of the Council of Higher Education, Prof Kemal Karhan. Mahmut Tali Öngören is well known for his incisive criticism of the state run Radio and TV and has made valuable contributions to the TV in the '70s, besides being an active member of the Ankara Cinematheque.



## DEATH OF A SCHOOLTEACHER



Siddik Bilgin, 35,  
school teacher and father of two

Siddik Bilgin was arrested on the 29th of July, 1985 in Bingöl, in Southeastern Turkey. The same night he was brought to the Doganli village in the county of Genc, where he lived with his family. The village had already been surrounded by "commando" units, the villagers assembled in the village square and the men lined up for questioning under beatings, as to the whereabouts of "fugitives from law," while women and children were forced to look on. Bilgin, along with three other men, was singled out and tied up from his arms to a military truck in the schoolyard. For three days he was continually beaten, while his wife, his relatives begged for mercy. At the end of the three days, completely motionless, he was dragged to the fountain; he could not be revived. Siddik Bilgin, with a gash over his forehead where cotton was hastily stuffed, was dead.

His body was loaded into one of the trucks along with the other villagers, among whom were relatives of Bilgin. They drove off. Siddik Bilgin's uncle, a former member of parliament, who was also among the detainees, claimed that upon arrival at a military outpost, the body of his nephew was dragged away some ways, and then they heard shots.

The local Martial Law authorities stated on the 31st of July that Bilgin had been shot in the back while attempting to escape from custody. The Ministry of Interior, not to be outdone, gave out that Bilgin had been shot while trying to evade arrest, on the 29th of July.

The family asked for Bilgin's body, they were refused. Later, the officer on duty at the outpost even claimed that the family had not come to claim the body, and that they had therefore to bury it nearby.

Bilgin's uncle being a former MP and determined to get the matter heard, finally got the story into the press this February. Two members of parliament from the SHP took up the cause of Bilgin, and vowed not to shave their beards until Bilgin's body was returned to his family.

Finally on the 3rd of April 1986, Bilgin's remains were disinterred from their makeshift grave in the yard of the military outpost, and buried in the village cemetery. The press and members of parliament were not allowed anywhere near during this whole operation. However, members of the family testified the next day that Bilgin's feet had been tied together with a belt, that his skull was fractured, one arm was missing, and he had all his clothes, even his shoes on. Their demands that an autopsy be performed, were turned down. Minister of Interior Akbulut had this to say: "I have given them what they wanted. Instead of being satisfied now they say his feet were tied."

On the 24th of April, in a development similar to the Caner case, one Fikret Bilge who, at the time of the murder of Bilgin, was doing his military service as sergeant in the same unit, turned up in Eskisehir and testified that Bilgin had been sprayed with bullets after he had died of torture. His story fully corroborated that of the villagers. Bilge said: "I was in the same truck as Bilgin's body as we left Doganlar... When we stopped Captain Ali Sahin told us to take it down. Then the Captain and the other soldiers with rank fired warning shots into the air and the Captain ordered the soldiers to shoot at the body of Bilgin lying on the ground. The soldiers obeyed."



"While we were in Turkey, we were given a long petition, representing grievances of prisoners and detainees in several prisons in Istanbul. Somehow, they were able to agree upon the text which was presented in court by some members of the group. Some excerpts follow:

"Torture is a state policy. ...

"The officials state that they have the right to use force, and that force does not count as torture, that torture is electric shocks. ...

"On the day of trials, the detainees are taken outside very early in the morning and made to wait for hours with their hands chained behind them, in their underwear, in the freezing cold of winter or in suffocating heat under the burning sun. The wrists and arms of the detainees become swollen from lack of circulation. ... The detainees are strip-searched going to and from the court. ... Before they are taken to their wards, they are given buttocks *falaka*, sometimes until they faint. ...

"Using security as a pretext, searches are conducted at all hours of the day and night, detainees are strip-searched, beaten up, and their belongings, papers, pencils and food are destroyed. ...

"During ward operations and trips to the court, the detainees' heads are shaved. ...

"For almost two years there have been bans on visits from families and lawyers, and on outdoor exercise. Receiving and sending letters is highly restricted. ...

"Even those who wear the uniforms are allowed only four hours, 45 minutes a week outdoors. ...

"Many are banned from visits and severely beaten for giving information on prison conditions. Nothing is accepted from their families, including food and underwear. ... The detainees are not allowed to take baths for months and they are denied sometimes hot, sometimes cold water for doing their laundry. ... For the last two years, the prisoners in Metris prison have not been allowed any books and those in Sagmalcilar only two per person. Many books are never delivered even though they are not banned by martial law. Except for *Nokta* and *Yanki*, no magazines are permitted. ... no musical instruments have ever been permitted in Metris. Most of the detainees have no shoes, and many are inflicted with fallen arches. ... Six inmates live in cells made originally for three people. The windows have been reconstructed so that the air circulation in the cells is extremely poor. ... The dire consequences of these conditions are a large number of tuberculosis and lung disease cases. ...

"It is possible to go to the hospital only for very severe ailments. Even then the patient is not referred until he is next to death. Early diagnosis and treatment are denied. ...

"Recently, the revoking of parole chances has intensified. ... The goal is to let rot in prison those whom they could not 'persuade' to confess, to keep them under extreme pressure that they slowly die off. ...

"Even those who wear the uniforms are not immune to the above atrocities, including bans on visitation rights. ...

"It is imperative that the right to be considered political prisoners is legally and actually accorded."

In prisons outside the major cities conditions are reported to be much worse. It was recently reported that a prisoner's petition presented to the military court in Diyarbakir listed the deaths by torture of 32 prisoners in Diyarbakir prison. In response, the military prosecutor explained the deaths as follows: four suicides by burning, four suicides, six from hunger strikes, 15 other.\*

Prison Visits:

--- "My son is one of those who wears the uniform," a woman told us. "But he is searched before seeing us, stripped completely and his genitals are searched. They put keys in his anus. If he reacts, he is punished. So even though he wears a uniform, I don't get to see him. He refuses to submit to the search." She went on to describe how her son was beaten in prison, on the way to court, and during the genital search: "The same searches go on before going to court." Her son, who is 33 years old, was arrested two years ago.

Among the prisoners who do not boycott prison visits, there are many complaints. The visits are limited in frequency and duration and subject to strict control. Prisoners are separated from their visitors by two thicknesses of glass partition, and there is no opportunity for physical contact during the visits. In some prisons, prisoners speak to their visitors by means of telephones that are monitored by the guards. In other prisons, it is necessary to shout over the high partitions. Only immediate family members are allowed to visit, and they are not allowed to bring anything except fresh underwear. Prisoners cannot receive gifts or reading materials. Conversations during visits are strictly monitored, so that prisoners cannot describe the conditions in the prison or their treatment there. According to law, prisoners are allowed private visits with their lawyers, but we were told that in practice this is not usually the case. Some prisoners are not allowed to see their lawyers at all.

A lawyer we met in Turkey, who defends many political prisoners, described visits with clients in prison from the lawyer's point of view:

"At these visits, the lawyer cannot accomplish anything serious. Most cannot even bring their *attache* cases into the jail. They cannot take the files with them to the visit. A lawyer gets 15 minutes to discuss a trial that involves 30-40 volumes. He is restricted to saying 'Hi, how are you?' He provides moral support, rather than legal aid. All that happens is that the defendant gets a social visit from his lawyer."

He also pointed out that, although Law 353 makes it illegal to listen to conversations between the lawyer and the defendant, the situation is different in practice:

"A listening device is in the ear of the official. Any disapproved conversation is immediately terminated. Furthermore, three or four persons stand behind both the lawyer and the defendant. ... Many such visits have been recorded and put in the files of the defendants."

Medical Care: Many prisoners complain about inadequate or nonexistent medical care.

Transfers: A defendant in the Disk trial, who asked that his name be withheld, described "the worst trauma of all," the trips from prison to court, when prisoners are forced to stand for hours, handcuffed in the yard, and then are put into a van without windows, where they remain handcuffed, fifteen people in a space for eight or nine. "If it's winter you freeze, if it's summer you burn. You wait all day for ten minutes in court."

This same procedure was described by another former prisoner who also wishes to remain anonymous:

"They brought in the chain gang and we were first chained in twos by our wrists and then were all chained to the chain gang. The guard checked the wrist chains of the couple in front of me by sliding a finger between the wrist and the chain, and said, "Not tight enough." The soldiers pulled them so tight the guy's wrist was blue in a moment.

"They brought us [both political and common criminals] to a small van turned into a pill-box. Inside the van there were no windows, just four slits on the top. The interior space was about seven feet long, 6 feet 3 inches wide and 5 feet 6 inches high. In one corner there was another box. After we sat down--chained to each other-- we asked each other what this box was for. We tried to open the door but there was a padlock on it. The walls were of sheet metal, as the rest of the pill-box.

"As the truck moved out, sounds came from within the box. There were two women in there, chained to each other. Yes, inside that box (4 feet by 3 feet by 5 feet 6 inches), pitch black, chained to each other by their wrists, were two women being taken to court."

## PEACE COMMITTEE TRIAL

The trials of the executive members of the Turkish Peace Association continues to be held in Istanbul. As we have already reported in our last issue, no defendants remain under detention since the 10th of March. On the other hand, this trial has been merged with a second trial which was opened against further members of the TPA, over the protests of the lawyers that this merger would automatically bar some of the attorneys for the defense in the first trial from discharging their duties as such since they would then become defendants themselves in this trial. (19 March, Cumhuriyet)

Meanwhile the Turkish ambassador in London, in a letter he wrote to Robert Mc Corindle, MP, in reply to his inquiry as to the allegations of torture and the TPA case, reiterated that such allegations were fabricated by "external forces," and went on to say that TPA members were not on trial for having defended disarmament but for having used such propaganda as a "smokescreen for their illegal activities."

## BALANCE OF TORTURE

Minister of Interior Yildirim Akbulut has provided the following figures on torture, in answer to the written inquiry by Fikri Saglar, MP (SHP).

Total number of security officers against whom legal action has been sought for the maltreatment and torture of prisoners, since the 12th of September 1980 : 758

The number of security officers against whom intradepartmental disciplinary proceedings have been brought : 443

The number of officers who have been charged with "causing death due to torture during interrogation" : 207

Number of prisoners who have died under torture in the same period : 78

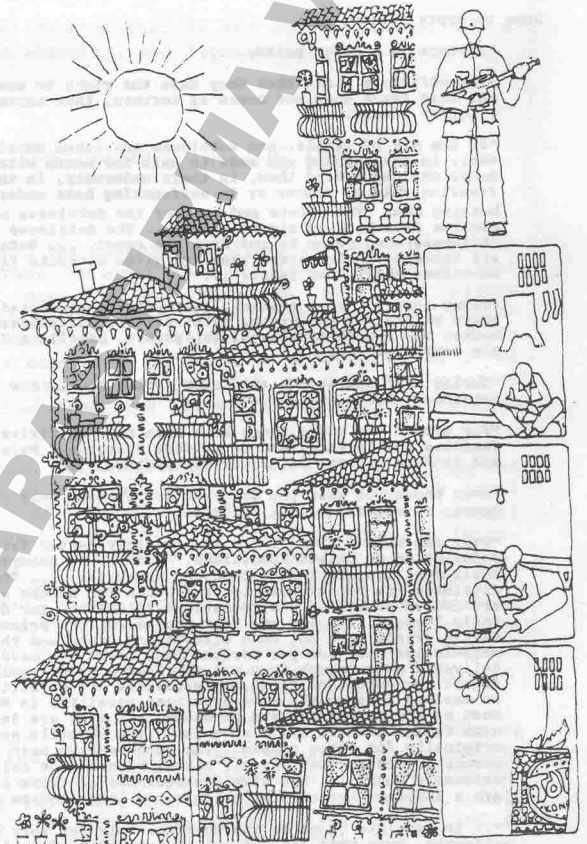
Number of officers who remained at large while their case was being heard (this, in all cases, meant not just at large, but in office) : 684

Number convicted : 74

Number acquitted : 294

Those against whom legal action has been refused : 130

Number of cases being heard at present : 260 (11 May, Nokta)



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