

THE STOCKHOLM CONFERENCE ON HUMAN RIGHTS AND DEMOCRACY IN TURKEY
16-17 February 1985, Stockholm, Sweden

RESOLUTION

The Stockholm Conference on Human Rights and Democracy in Turkey, which was participated by 178 delegates from 13 countries, including the representatives of all parliamentary parties in Sweden, have decided, after having concluded its deliberations, to make the following statement.

Following the military coup in September 1980, the new Turkish government had promised that "democracy would be restored as soon as possible". For The Stockholm Conference this statement is the starting point for the judgement of the situation in Turkey.

Following the takeover, the military regime dissolved the Turkish parliament and banned all political parties. Later a new Constitution, which formally grants the country a civilian rule, has been introduced. It does not, however, meet the fundamental democratic requirements, but severely restricts civil, trade union and political rights and freedoms.

Only those parties and candidates which were approved by the military administration were allowed to participate in the parliamentary elections of November 1983. Three more parties were allowed to participate in the municipal elections of March 1984. However the two largest parties were barred from participation. The elections, held under state of emergency in a large part of the country, cannot be considered as democratic, even if the increased number of participating parties may be of significance for further steps in the same direction.

The Stockholm Conference states that the policies implemented in Turkey since the 1982 referendum do not respect basic human rights. The number of political prisoners is still very high, torture is still being practiced and many death penalties are being executed. The Conference, however, notes that an official commission has been set up in Turkey with the task of investigating cases of torture

against detainees. Furthermore, sentences have been passed the policemen who carried out torture.

Freedom of press and expression is severely restricted, as well as trade union rights and political activities. The fact that a professional ban has been imposed against 70,000 public servants, teachers and university lecturers constitutes a highly alarming factor in the Turkish Society, as well as new trails against the opponents. More than 250 persons have been stripped of turkish citizenship for political reasons and considerable groups of people, primarily kurds - whose language and kultur is under oppression - have been deported from eastern to western parts of the country, which have been led to severe problems.

The Stockholm Conference therefore state that, the Turkish government has failed to undertake adequate measures to restore democracy and respect for basic human rights and freedoms.

Against this background, the Conference urges the Turkish government:

- to establish parliamentary democracy,
- to respect basic human rights, secure freedom of speech and press freedom for its citizens, and ensure rights of free political and trade union activities,
- to put an immediate end to state of emergency throughout the country,
- to cancel the death sentences passed, and to stopp executions,
- to declare general amnesty for political prisoners,
- to dropp all legal proceedings against prisoners of conscience and trade unionists,
- to ensure that torture and other degrading treatment of prisoners immediately ceases,
- to discontinue deportations, and ensure the return of all those who wish so.

Turkey was re-admitted to the parliamentary Assembly of the Council of Europe in 1984 with the understanding that violations of basic human rights and freedoms and democratic freedoms would end. The Council will rewiev the situation in Turkey in Maj 1985.

The Stockholm Conference calls on the Council of Europe to demand from Turkey the implementations of the decisions of the Council of Europe and the restoration of democracy as preconditions of its continued membership.

The Stockholm Conference also calls upon the governments, political parties, trade unions, other organizations and individuals to show solidarity with the struggle for a return to democracy and restoration of basic human rights and freedoms.

The best form of support for the people of Turkey is solidarity with those who are fighting for the same goals and values.

17 February 1985, The Swedish Parliament, Stockholm/Sweden

TÜRKİYE SOSYAL TÜRSTAV
TARİH ARASTIRMA MERKEZİ

Svenska kommittén för demokrati och mänskliga
rättigheter i Turkiet

Swedish Committee for democracy and human rights in Turkey

REPORT:

THE POLITICAL RIGHTS IN TURKEY
SINCE THE MILITARY COUP 1980

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THE STOCKHOLM CONFERENCE ON HUMAN RIGHTS AND DEMOCRACY IN TURKEY

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A speech given by Hans Göran Franck on the exercise of political power in Turkey since the military coup on September 12th, 1980

On September 12th, 1980, a military junta, led by General Kenan Evren seized power in Turkey by a coup d'etat. Parliament was dissolved and the political parties were abolished. The National Security Council assumed the functions and powers of parliament. A proclamation suspended the Turkish constitution. A decree stated that all laws and ordinances enacted by the National Security Council should replace the constitution. Formally, they were to be considered as amendments to the constitution.

The armed forces' motivation for seizing power in Turkey was that the civil political bodies were incapable of bringing to an end the political violence in the country. The junta wanted to give the impression that their seizure of power was purely temporary and the aim was to create the necessary conditions for a return to a working democracy.

In spite of the state of emergency which existed in 19 provinces since the 25th December 1978, giving extraordinary powers to the military forces, there had been a considerable increase in the number of acts of political violence under the Demirel government.

There are some indications that the military leaders permitted an increase in political violence in order to create a pretext for seizing power.

The military rule proved to be longer than the leaders of the junta originally wanted the world to believe. Instead, the situation in Turkey since September 1980 has shown that the military leaders have introduced a series of measures which have laid the foundations of an authoritarian and totalitarian social structure, with severely limited political rights and liberties.

The Consultative Assembly

A consultative assembly was appointed with the task of examining proposals for laws referred from the National Security Council. This assembly lacked powers of decision. It was also given the task of recommending a new constitution.

Forty of the assembly's members were directly appointed by the National Security Council. The other 120 members were appointed by the Council from nominations by the governors of each of the country's provinces. The appointment of this Consultative Assembly did not mean that the Security Council delegated in any way its legislative or executive powers.

The New Constitution

The draft of a new constitution was published on 17th July 1982. With some changes, this proposal was approved by the National Security Council.

The opportunities to influence public opinion on the proposed constitution were very limited. Politicians from the parties that had been abolished by the military junta were not permitted to make statements on this issue. Individuals were free to express themselves on the condition that not even by insinuation was there to be any link with the abolished political parties, banned organisations or individuals who had been forbidden to take part in political activities. The junta issued a decree stating that opinions and proposals were limited to those which developed and enhanced the proposed constitution, and should in no way constitute an effort to influence the voters in any way. Hundreds of people were arrested for exhorting the public to vote against the proposed constitution.

In an interview for the American magazine "Time", published on 9th August 1982, General Evren declared that the rejection by referendum of

the proposed constitution, would be interpreted as a mandate for the junta to continue its military rule.

The state of emergency was still in effect when the referendum was held on November 7th, and there was widespread political oppression. Transparent envelopes were used for the referendum's ballot slips, which were colour coded and easily identifiable through the envelopes. The secrecy of the ballot box was therefore not maintained. In addition, a special provisional regulation stated that those who did not take part in the referendum lost their rights to vote or stand for election in the coming parliamentary elections, thus making participation in the referendum virtually compulsory.

Before the referendum, General Evren had urged people to inform on people who were encouraging others to vote no in the referendum. After the referendum, many people who voted against the constitution were arrested.

Under a transitional regulation in the constitution, the adoption of the proposed constitution by the referendum also meant that a president would be elected for a period of 7 years. The chairman of the Security council, General Evren, was the sole candidate for the office of president.

The civic rights and liberties which are proclaimed in the constitution are severely limited. It would appear that the aim is rather to protect the state against its own citizens than to protect the individual against the arbitrary exercise of power.

No organised political activity may be carried on outside the permitted political parties. Organisations may not act in conjunction with political parties, have political goals or carry on political activities. Freedom of speech and freedom of the press may be limited in many different circumstances.

The constitution reflects the policy of hostility to trade unions which has been pursued since the military coup. The right to strike is subjected to major limitations. The right to collective bargaining has been interfered with. Trade union freedom of action is further eroded by granting the authorities the right to inspect their finances and administration.

Strong Presidential Power

The President is granted extremely wide constitutional powers. He has the right to dismiss the Prime Minister. He may dissolve parliament and call new elections, or extend parliament's mandate period by one year. He can block parliament's legislative work by refusing to promulgate laws until they have been examined by the Presidential Council, a body which acts as a government. The Presidential Council has the same composition of members as the National Security Council.

The constitution gives very wide powers to declare a state of emergency in the country, for example, in the event of an economic crisis. In a state of emergency, the President may govern the country by decree. When the proposed constitution was published, it became the focus of strong international criticism. The referendum which approved the proposed constitution was not democratic. The criticism of the Turkish constitution stands, rendering a change in the constitution necessary if Turkey is to meet the criteria for a democratic state.

The Law On Political Parties

On the 22nd April 1983 the National Security Council enacted a law on political parties. This law introduced widespread restrictions of the political parties and their activities. Among other things the law prescribes the following:

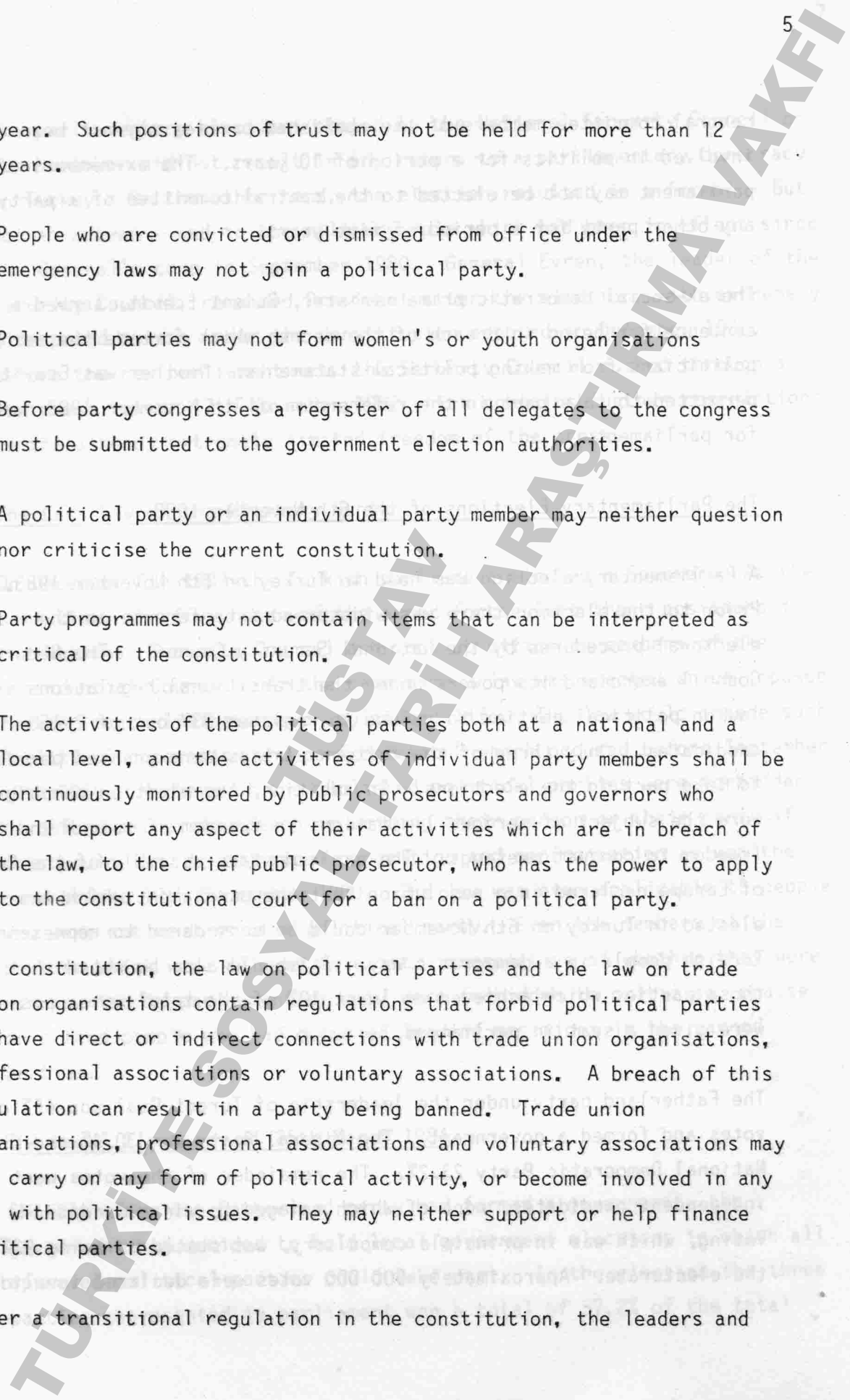
- elections to the positions of chairman of a party and chairman of regional or local party organisations must be held every second

year. Such positions of trust may not be held for more than 12 years.

- People who are convicted or dismissed from office under the emergency laws may not join a political party.
- Political parties may not form women's or youth organisations
- Before party congresses a register of all delegates to the congress must be submitted to the government election authorities.
- A political party or an individual party member may neither question nor criticise the current constitution.
- Party programmes may not contain items that can be interpreted as critical of the constitution.
- The activities of the political parties both at a national and a local level, and the activities of individual party members shall be continuously monitored by public prosecutors and governors who shall report any aspect of their activities which are in breach of the law, to the chief public prosecutor, who has the power to apply to the constitutional court for a ban on a political party.

The constitution, the law on political parties and the law on trade union organisations contain regulations that forbid political parties to have direct or indirect connections with trade union organisations, professional associations or voluntary associations. A breach of this regulation can result in a party being banned. Trade union organisations, professional associations and voluntary associations may not carry on any form of political activity, or become involved in any way with political issues. They may neither support or help finance political parties.

Under a transitional regulation in the constitution, the leaders and



central committee members of the abolished parties may not become involved in politics for a period of 10 years. The ex-members of parliament may not be elected to the central committee of a party or any other party for a period of five years.

The ex-social democratic prime minister, Bulent Ecevit, served a prison sentence for being in breach of the decree which forbade the earlier politicians from making political statements. Neither was Ecevit permitted to take part in the referendum of 7th November 1982 nor stand for parliament.

The Parliamentary Elections of the 6th November 1983

A Parliamentary election was held in Turkey on 6th November 1983. Prior to the election there was widespread interference in the electoral procedures by the National Security Council. The Security Council exercised its powers under the transitional regulations in the law on political parties to refuse to register 937 out of 2,163 candidates. Only three of the fifteen parties were granted permission to take part in the elections. In addition, the election campaigns were the subject of serious limitations in freedom of speech and the freedom to conduct meetings. The parliamentary assembly of the Council of Europe declared in a resolution that the parliament which was to be elected in Turkey on 6th November could be considered to represent the Turkish people in a democratic way. It should also be noted that only those parties which achieved at least 10% of the total votes passed were given a seat in parliament.

The Fatherland party under the leadership of Turgut Ozal won 45% of the votes and formed a government. The Liberal Party won 30.4% and the National Democratic Party 23.2%. The remainder of the votes went to 48 independent candidates, none of which managed to win a mandate. Voting, which was in principle compulsory, was stated as being 92% of the electorate. Approximately 900 000 votes were declared invalid.

The parliamentary elections staged by the National Security Council on 6th November did not result in any return to a parliamentary democracy in Turkey. On the other hand, the election resulted in a formal - but not an actual - end to the military rule which had been in effect since the General's coup in September 1980. General Evren, the leader of the Security Council, remained President after the election, with extremely widespread powers under the constitution adopted in December 1982. Before the new parliament met, the Security Council rushed through a new press law on 17th November 1982 which contains further restrictions to the already extremely limited freedom of the press.

The Last Law of the Military Junta

On December 6th 1983 the Turkish parliament elected a Speaker. At the same time, the four heads of the armed forces left their positions in the National Security Council and took up office as members of the Presidential Council. At the same time a law was enacted which imposed further major limitations on political life. The law would impede such "political opposition and confrontation" which occurred before September 12th 1980. Members of the abolished political parties were forbidden to defend either in speech or writing their person or their party if this would lead to political opposition and confrontation as was the case before 12th September 1980. The law was even applicable to people who were not members of a political party. Even the members of the parties which were allowed to exist, irrespective of whether they were represented in parliament or not, were forbidden to criticise, praise or defend people who had occupied leading positions in the banned parties.

The Local Elections of 25th March 1984

Shortly after the Fatherland party had formed a government, the government had decided to hold local government elections in which all approved political parties could take part. In the election the three parties represented in parliament won a total of 57.2% of the total

votes. From the election results it may be concluded that a very large proportion of the population is not represented in parliament. The largest opposition party, the Social Democratic Party, SODEP, which won almost 23% of the votes in the local elections, is not represented in parliament.

SODEP was regarded by many voters as an offshoot of Bulent Ecevit's banned republican party; before the military coup in 1980 it was one of Turkey's two leading parties. The other of these, Suleyman Demirel's conservative Justice Party was considered to have an offshoot in the True Path party which was placed third in the local elections.

Some Conclusions

The easing of the restrictions which occurred at the time of the local elections is limited. The drastic restrictions in basic civic rights and liberties which were introduced after the military coup, still have a strong effect on Turkish society. The situation in terms of human rights has not undergone any major changes since the military force's formal renunciation of power. The basis for this is that a constitution has been introduced that does not meet democratic criteria and which is still in effect even under the present civil government. In addition, the emergency laws are still in effect in the greater part of the country. It is by no means reassuring that these emergency laws, more than four years after the military seizure of power, should be necessary to guarantee life and liberty in Turkey, as the authorities claim. The emergency laws are used to restrict basic civic rights and liberties. It is extremely unsatisfactory that the Turkish authorities cannot even state a time for the total abolition of the emergency laws.

At the meeting of the Council of Europe's parliamentary assembly, May 7-11 1984, a resolution was adopted which called upon the Turkish authorities to continue the process of democratic normalisation, rescind the state of emergency throughout the country, proclaim a

general amnesty, and restore freedom of speech and the freedom for trade union action. Further, the Turkish authorities are called upon to respect human rights, among other ways by ensuring that torture does not take place.

Pressure on Turkey concerning the implementation of these demands must not be slackened. The measures which have been introduced so far as a result of the Council of Europe's resolution are wholly inadequate and unsatisfactory. The Turkish government must be persuaded to take concrete and convincing steps to show full respect for human rights and a complete restoration of a normal parliamentary democracy. Naturally, it is our wish to help and stimulate all democratic powers as well as the Turkish authorities in discharging their responsibility and duty in restoring democracy and respect for human rights. We hope that it will not be necessary once again to start discussions on expelling Turkey from the Council of Europe. The Turkish government and authorities must be made to understand that there is a limit beyond which membership is no longer possible, meaningful or serving any purpose, since this question concerns not just Turkey, but also the credibility of the Council of Europe itself.

The Council of Europe offers good opportunities for close monitoring and influencing of the situation in one of its member countries. In the committee of ministers, the situation has, usually on the initiative of the Swedish government, been debated at every meeting since the military coup. Sweden has pressed for concrete demands to be made on Turkey for the restoration of a genuine democracy and the respect for fundamental human rights. Together with four other countries, Sweden has even reported Turkey to the European Commission for Human Rights.

The opinion campaigns in our country in support of human rights and democracy in Turkey are intended to give our government and our delegates to the Council of Europe strong support in their future work. If the desired result is to be achieved, this work must be continued

with determination and resolution. Our opinion campaigns are also aimed at giving real support to the democratic forces in Turkey in their efforts to bring about a decisive change.

TÜRKİYE SOSYAL TÜSTAV TARİH ARAŞTIRMA VAKFI