PARLIAMENTARY ASSEMBLY

OPINION

on the situation in Turkey (1)

presented by the Legal Affairs Committee (2)

(Rapporteur: Mr STOFFELEN)

1. INTRODUCTION

By adopting Resolution 840 on the Situation in Turkey on 23 April 1985 the Parliamentary Assembly of the Council of Europe instructed its Political and Legal Affairs Committees to continue to follow the evolution of the situation in Turkey and to report back to it at the latest at the beginning of the 38th session of the Parliamentary Assembly in the light of the response and concrete action taken by the government and Grand National Assembly. As Rapporteur of the Legal Affairs Committee I followed the situation in Turkey by having discussions with the members of the Turkish delegation to our Assembly, the ambassadors of Turkey in Strasbourg and The Hague, numerous Turkish citizens living in or visiting western Europe and the rapporteurs of the European Parliament. Moreover in order to prepare the report I studied the reports of the European

(1) See Resolution 840 (1985); and Doc. 5546 (report of the Political Affairs Committee)

(2) Approved by the committee on 2 April 1986 by 17 votes to 0 and 1 abstention

Secretary of the committee: MM Plate and Hartig
Writers' Union trial

The Military Court of Cassation quashed the judgement of the lower Military Court, by which all accused were acquitted. A new hearing took place on 25 December 1985.

Trials against the TSIP (the Socialist Workers' Party of Turkey)

Trial I

Leaders sentenced to 10 and 15 years imprisonment in June/July 1985.

Trial II

Other leaders and some leaders of a socialist youth organisation are being tried since the beginning of 1985. Seven out of seventeen persons have been detained since the beginning of 1984.

Trial III

Fifteen of the most famous leaders of TSIP are being tried since 8 October 1985. All are in detention since August 1985.

Trial IV

Concerns 47 persons, most of them teachers accused of membership of an illegal organisation (TSIP). Twenty-seven of them are detained since 26 July 1985.

Trial V

Fourteen of the accused are detained.

It remains a tremendous problem that many activities and expressions of thought, opinion and religion, which are completely free in the other 20 countries of the Council of Europe, are serious crimes in Turkey. In every discussion during our recent visit to Turkey I tried to make clear that it is really completely free in all our countries to form and to join free trade unions or for instance the Peace Movement. Article 10 of the European Convention on Human Rights mentions: "the right of freedom of expression". Article 11 concerns the right of freedom of peaceful assembly and the freedom of association with others, including the right to form and to join trade unions. I tried to make clear that the 44 million members of free trade unions in Europe cannot and will not understand that in Turkey it is a crime to belong to a free trade union. Millions of Europeans cannot and will not understand that in Turkey it is a crime to belong to and to act as member of the Peace Movement.

Of course we do not want to protect individuals who committed violent crimes. We do understand that the immediate vicinity of Communist countries and of a country like Iran causes very great sensitivity. It is however a fact of political life that although it is not contrary to the European Convention to forbid not only a fascist party but also a communist party. None of our other 20 member states has forbidden a communist party or communist propaganda.