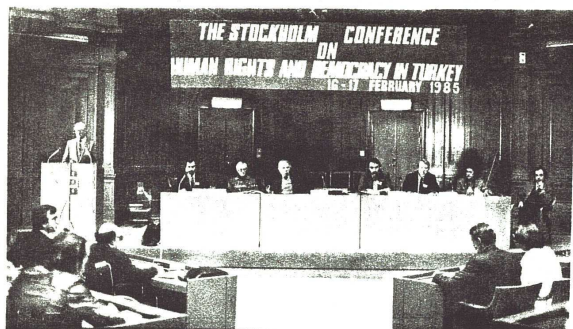


Svenska kommittén för demokrati och mänskliga  
rättigheter i Turkiet  
*Swedish Committee for democracy and human rights in Turkey*



THE STOCKHOLM CONFERENCE  
ON HUMAN RIGHTS AND DEMOCRACY IN TURKEY

INTRODUCTORY SPEECHES  
AND CONFERENCE REPORTS

THE SWEDISH PARLIAMENT  
16-17 FEBRUARY 1985

Svenska kommittén för demokrati och mänskliga  
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THE STOCKHOLM CONFERENCE ON HUMAN RIGHTS AND DEMOCRACY IN TURKEY

The Second Chamber of the Swedish Parliament, 16-17 February 1985

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The board of the

SWEDISH COMMITTEE FOR DEMOCRACY AND HUMAN RIGHTS IN TURKEY

Karl-Axel Elmquist,	general secretary in The Swedish Free Church Council, chairman
Hans Göran Franck,	member of parliament (The Social Democratic Party of Sweden)
Lennart Blom,	member of parliament (The Moderate party of Sweden)
Karin Andersson,	member of parliament (The Center Party of Sweden)
Hadar Cars,	former Minister of Commerce of Sweden (The Liberal Party of Sweden)
Oswald Söderquist,	member of parliament (The Communist Party of Sweden)
Ekrem Aydin,	member of the Executive Council of DISK
Ahmet Erol,	president of the Labour Inspectors Union in Turkey
Asim Özçetin,	regional chairman of the Turkish Petrol Workers Union in Türk-İs
Refik Sener	secretary of the Committee

THE STOCKHOLM CONFERENCE ON HUMAN RIGHTS AND DEMOCRACY IN TURKEY

PROGRAMME

Saturday, February 16, 1985

1.00-2.00 pm OPENING OF THE CONFERENCE

Introductory speech

Karl-Axel Elmquist, president of the Swedish Committee for democracy and human rights in Turkey and general secretary in The Swedish Free Church Council

Ahmet Erol, president of The Labour Inspektors Union in Turkey and member of the turkish Peace Association

2.30-3.45 pm THE CONSTITUTIONAL AND LEGAL SITUATION IN TURKEY SINCE THE 1980 MILITARY COUP

Report and oral introduction

Lennart Groll, president of the Swedish section of The International Commission of Jurists and president of The Swedish Helsinki Human Rights Committee

Discussions leader

Hans Göran Franck, member of Parliament/Sweden, lawyer

4.00-5.15 pm THE HUMAN RIGHTS AND FREEDOMS IN TURKEY SINCE THE MILITARY COUP 1980

Report and oral introduction

Ulla Birgegård, president of the Swedish section of Amnesty International

Discussions leader

Anne Lindblom, The Women Association of The Moderate Party of Sweden

5.30-6.45 pm THE TRADE UNION RIGHTS IN TURKEY SINCE THE MILITARY COUP 1980

Report

Gunnar Nilsson, member of parliament/Sweden and former president of The Trade Union Confederation (LO) of Sweden

Discussions leader

Oswald Söderquist, member of parliament/Sweden

Sunday, February 17, 1985

09.30-10.30 am THE CENSORSHIP OF THE PRESS AND FREEDOM OF OPINIONS AND  
EXPRESSION IN TURKEY SINCE THE MILITARY COUP 1980

Report and oral introduction

Hans Larsen, general sekretary of The International  
Federation of Journalists

Discussions leader

Hadar Cars, the former Minister of Commerce of Sweden  
and president of the International Council of The Liberal  
Party of Sweden

10.45-11.45 am THE EXERCISE OF POLITICAL POWER IN TURKEY SINCE THE  
MILITARY COUP 1980

Report and oral introduction

Hans Göran Franck

Discussions leader

Per Granstedt, member of Parliament/Sweden

01.00-02.00 pm SOLIDARITY WITH TURKEY

Report and oral introduction

Hadar Cars

Discussions leader

Johan Peanberg, international sekretary of the Swedish  
Municipal Workers' Union

02.15-03.00 pm CLOSING OF THE CONFERENCE

Closing speech

Karl-Axel Elmquist

THE STOCKHOLM CONFERENCE ON HUMAN RIGHTS AND DEMOCRACY IN TURKEY

The Second Chamber of the Swedish Parliament, 16-17 February 1985

BRIEF INFORMATION ON THE STOCKHOLM CONFERENCE

number of participants: 200

number of observers: 162

number of countries represented at the conference: 11

number of international associations represented at the conference: 5

number of national organizations represented at the conference: 84

number of local organizations represented at the conference: 27

Three members of the Council of Europe and one member of the  
European Parliament participated at the Stockholm Conference

Karl-Axel Elmquist, the president of the  
Swedish Committee for Democracy and Human  
Rights in Turkey and the general secretary  
in The Swedish Free Church Council



INTRODUCTORY SPEECH:

"Internal affairs" is the standard phrase used by various countries to protect themselves from external interference in what they regard as their own internal affairs and circumstances. However, we are all linked by solidarity in organised or other ways; a solidarity that crosses national borders and expresses a responsibility transcending national interests or the power exercised by individual governments. This solidarity, unrestricted by national boundaries, we express through political organisations, trade unions, church and other religious organisations, and many more. One of the deepest forms of solidarity, one which ignores all national boundaries, is the responsibility for basic human rights and liberty, and thereby the responsibility for people who suffer through the authorities' lack of respect for human rights - which in the final analysis constitutes a lack of respect for people and their value.

For we who are taking part in this conference, the spotlight is on the situation in Turkey in particular. The point of departure we have for analyses and judgements is the fundamental belief that we share the same opinion of what constitutes democracy and human rights and how they should be manifested in, and protected by, political and other decisions.

We deem it important to emphasise that we do not consider this

conference to be a tribunal, a row of incensed people and organisations intent on making those in power run the gauntlet. Our aim is to portray the factual conditions and circumstances as clearly, truthfully and objectively as possible, and weigh them against our shared belief in the demands that human rights and liberties make on national regimes and, in this case, the government of Turkey.

Since we believe that there is broad political agreement on what is meant by democracy and human rights, we consider it important to strive for as broad a political and organisational participation and support as possible for this conference. I hope that this is perceived as an extremely positive factor and as a power to be considered and used in our sessions. The truth, and the ambition to avoid distorting it for tactical or other reasons - positive or negative - naturally constitutes the most serious challenge to any government. This also applies to the Turkish government. Behind all attempts to camouflage reality, governments must know that the truth cannot be hidden. The truth will out.

As a political arena, Turkey has been fraught with the explosive events in the last decade. The predicament of the Turkish and Syrian peoples, the seizure of power in 1980 by the armed forces, the dissolution of parliament, the banning of political parties and trade union activities, the state of emergency and mass trials are some examples of events and situations which have created tension both within the Turkey's borders and outside them. Several governments have acted and made public their position. Amnesty International and the Red Cross have made statements on the seriousness of the situation. The repeated attention of the Council of Europe may have been the strongest political activity as regards Turkey. People's anxiety and the actions of organisations are signs of the depth of feeling the issue of Turkey has generated in many of us. Therefore, it is our hope that the government in Turkey will regard this conference as a sincere expression of many serious expectations of positive and far-reaching changes in basic human rights. It is also our hope that Turkish leaders do not attempt to politically discredit and reject the

conference and its recommendations by labelling it as something it is not.

Many states should be the subject of conferences and attention because of their lack of freedom and democracy. But it is Turkey with its historical experience of democracy to which we devote our interest and direct our hopes today. Turkey is a European state with the responsibility of meeting the Council of Europe's demands for openness, respect for normal freedom and rights, and the humane exercise of political power.

Therefore, it is the task of this conference, supported by documentation, to urge parliaments, parties, trade union organisations, the churches and all who wish to stand for democracy and human rights, to take part in a continuous information and opinion campaign to support those who want to bring about change in Turkey - first and foremost, of course, the people of Turkey.

I therefore welcome you all to these days of listening, conversations, and future hopes for democracy in Turkey. We are close to 200 people here, thirty of which come from other countries. This constitutes a good basis for comprehensive information, and also gives us strength and inspiration which should be felt, and should inspire, far beyond the limits of these few days, and far beyond Sweden's borders. Here in the midst of our cold, inhospitable winter, we extend a warm welcome to you all.



Ahmet Erol, president of the Labour Inspectors Union in Turkey, member of the Turkish Peace Association, member of the board of the Swedish Committee for democracy and human rights in Turkey

INTRODUCTORY SPEECH:

THE SITUATION IN TURKEY SINCE THE MILITARY COUP 1980

Mr. Chairman,  
Dear Guests and representatives of the press,

I would like first to thank the chairman and members of the Swedish Committee for human rights and democracy in Turkey for organising this conference and the Swedes and the Turks who contributed to the conference with their ideas and suggestions.

After the 12th of september 1980, several measures have been taken in Turkey as steps towards the reestablishment of democracy such as the opening of the Advisory Council, the vote on the new constitution and the so called general elections on the 6th of november 1983.

Such measures are still continuing in the name of democracy.

But has the process of reestablishing democracy really begun in Turkey? Or has the process been completed as those who hold the power, as well as some organizations and individuals claim?

Or have these measures been taken for the entire purpose of consolidating an authoritarian, antidemocratic oppressive regime?

We will here try to give an answer to these questions with the help of facts and the new judicial structure.

Dear guests,

General Evren, the leader of the military junta that took the power September 12th, 1980, stated that the coup had three aims:

- to stop the terror
- to restore the economy
- to reestablish democracy in the country

We shall here first try to explain the measures that were taken under the cover of "reestablishing democracy". Then shall we discuss the conditions concerning terror and the economy.

The military junta claiming to reestablish democracy banned right in the beginning the activities of all democratic organizations and dissolved the parliament. The leaders of the Trade Union Confederation, DISK and its member unions were imprisoned. The democratic organizations were dissolved, their leaders arrested together with thousands of other people and the political structure was reorganised, Evren claimed that these were necessary steps towards the reestablishment of democracy.

The demagogy of the junta created an attitude of "wait and see" both inside and outside the country, but the junta built up a regime of oppression in the meanwhile.

In a few days the period of custody was increased from 15 to 30 days, later to 45 and finally to 90 days. New laws were rapidly instituted.

The junta continued to take oppressive measures. In the meanwhile it was declared that an advisory council would be established as a first step to the establishment of a democratic system and that this advisory council would start to work October 23rd, 1981.

Dear Guests,

The junta claimed that the Advisory Council would be a proof of the reestablishing of democracy. But 40 members of this council were appointed by the junta. The other 120 members were appointed by the junta among the candidates that were chosen by the governors of the 67 provinces according to the instructions of the junta.

The function of this council was advisory as its name indicates.

All power was concentrated to the five generals of the junta. When Evren opened the Advisory Council, he expressed as an order to the deputies, the framework of the authoritarian regime of oppression he wanted to establish. Thus this

council was openly declared to be a significant tool in the hands of the junta.

When the Advisory Council was convened, it proceeded with the preparation of a constitution, for political parties law and a series of other fundamental laws. These were presented to the junta, that began to practice these laws after necessary changes.

The new constitution was presented to the public in June 1982. It was met with hard opposition both inside and outside the country.

As the opposition against the constitution increased, Evren began to accuse the critics as traitors. All criticism was forbidden. The press was not allowed to criticise the constitution.

In a decree it was said that the National Security Council and Evren, as the head of state, would present the constitution to the people.

Here are some examples of how Evren presented his constitution:

"Those who act against the constitution are bearing dark eye glasses..."  
 "The ten years ban on political activity aims to provide calm for the people."  
 "Trade unions shall be kept under effective control..."  
 "All of those that have evil desires have not been eliminated. We could crush all of those people if we desired so. We could throw them out in the streets. Then they would be suffering, but our intention is not to punish people unnecessarily."

"We have started this work together. When our mission is completed, we shall go together. We could resign even after the elections to be held soon... But to guarantee that the constitution is applied, to see that it gets rooted in society, we have to guard it and the other precautions otherwise there can be some people who want to set the old constitution back..."

"When the new constitution is approved the European countries will have to shut up. A new bright period shall begin..."

"There are among you some who are the tools of the devil. If you do not have voting cards you are to go to the ballot box with your identity cards..."

"To criticise the post of the presidency is to go against us..."

"As long as this constitution exists we are (I am) also present."

"Go to the ballot and vote 'yes' so that the 'no-sayers' can not open their mouths."

"We have won the first step in the struggle of ideology and economy, but the fight is not over yet."

As you see the basic human rights and freedoms were crushed the 12 of September 1980. The regime was perpetuated, oppression and torture increased, thousands of people were put in jail and in torture chambers, martial law continued. All criticism of the new constitution was forbidden. It was under these conditions the junta wanted to have a vote on the constitution. The outcome of the vote was the adoption of the constitution and the presidency of Evren.

As you see, what the junta calls "the reestablishing of democracy" was put into effect in front of the whole world. And with this constitution the junta gained judicial justification.

Dear guests,

It is not possible here to give a detailed presentation of the constitution of the junta. The short description of the nature of the vote gives an idea about its oppressive nature.

But we will still discuss a few aspects of this constitution. In article 17 of the constitution it is expressed that the security forces have the right to kill. This right is also expressed in the laws about martial law and the state security courts. That is according to this article the security forces have right to practice another type of capital punishment.

The constitution appoints the other junta generals, beyond Evren, to members of the Presidential Council. None of the members of the junta, members of the government, and of the Advisory Council can be held responsible for their deeds before December 6th, 1983, the date when the chairman of the newly formed parliament was elected. Everyone who had been part of the crimes of the junta between 12.9.1980 and 6.12.1983 was thus protected by the constitution.

Now we shall shortly take up some of the changes that were made both before and after the adoption of the constitution in some areas.

#### The universities

One of the first measures of the junta was to gain full control over the universities. The 4th of November 1981, law no. 2547 was adopted and thus YÖK

(The institution for higher education) was created. The members and the president of this body are appointed by Evren himself. This body has direct control of all activities of higher education.

When this law was adopted all the administrative bodies of the universities and faculties were abolished. The rectors and deans should be appointed by Evren himself. All research activities were to be controlled by YÖK.

With the creation of YÖK, the suppression in the universities was intensified. Supporters of the junta were appointed as rectors and deans. Many university teachers and other staff were fired by YÖK or the martial law. They number to 1268 teachers and other officials today.

In 1983 the laws were changed again giving the military the right to fire workers and other employees and prevent them taking employment anywhere. Those who have suffered from these new laws are around 100.000 including their family members, according to reports in the press.

University teachers who have signed the "petition of the intellectuals" have been tried by the representatives of YÖK. Some have been fired from their jobs. But the suppression goes far beyond this. Rules have been adopted allowing YÖK to control the wives of university employees and their behavior outside the university.

The university employees have been deprived of the right to act in politics, write articles with political contents and even to join non-political associations.

The new praxis in the universities reminds of the policies of the 3rd Reich of Hitler. The right of universities to choose their own rectors, deans and other staff was abolished. Every school was assigned an academic supervisor from the nazist party, a "Donente führer" who was a "superteacher" in the school. 2800 teachers are one forth of all the teachers at the universities had been fired.

#### The trade unions

Trade union rights are abolished fundamentally. The right to found trade unions is only given to those who have had occupation in five years. The conditions for being elected to the executive board of a union is ten years of active employment in that occupation. Another restriction for being elected to

executive bodies of a trade union is not to have committed "crime against the state" or violated the laws of strike, lock-out or other trade union laws. Half a million workers who were organised in trade unions before September 12, 1980 have been deprived of this right. Even students that have an employment and teachers in private schools are forbidden to be organised in trade unions. The right to strike is totally forbidden in public companies, mines, banks, security companies, public utilities. Even in other occupations strikes are almost impossible. Shortly the right to strike only exists in theory. According to the constitution the Collective Bargaining is to be resolved by mediators appointed by the Constitutional Court, whose members are elected by the junta.

- Unions shall not deal with politics. Otherwise they are to be dissolved. They can not support political parties directly or indirectly. They are not allowed to support any political party or candidate during an elections campaign.

- Trade unions are not allowed to have contact with associations, foundations or professional organizations.

- Trade unions have to inform the public prosecutor before giving out a press release.

- Annual meetings shall be supervised by public election boards. The names of the candidates shall be reported to the local public election board before the annual meeting.

- Meetings and demonstrations are subject to official permission.

- Membership in international organizations is subject to permission from the government. If the statutes or activities of these international organizations are against the constitution of the republic of Turkey, shall the government annulate the membership.

- The activities and finances of trade unions is to be inspected by the ministries of finance, interior and labour, at least once a year. Furthermore are all trade unions, organizations and professional bodies to be inspected by The State Revision Board which is elected by and responsible to Evren himself.

#### Freedom of organisation

The right to found organizations are restricted by the law of organizations. Organizations and their activities are to be under regular control. Students are to be allowed to build only one organization. What this organization is to be and membership in this organization is due to permission of school inspectors.

Even teachers and other employed in educational institutions are deprived the right to build organizations. This prohibition applies to everyone who is employed in the public sector, which organizations are to be build and who is allowed to be a member in these is also to be approved by the company the employees are working at. Organizations are like trade unions not allowed to deal with politics, have contact with trade unions or professional bodies. The ministries that shall control the trade unions are to control the organizations as well.

The junta was not contented with these restrictions. The organisational activities of the Turkish citizens living abroad are also regulated. These are to receive instructions that their organisational activities are to be according to the Turkish constitution.

According to the law Turkish citizens who build an organization have to report the names of the board members to the ministry of interior through the Turkish embassies. The ministry after necessary investigations can make recommendations as to whom it considers appropriate as members of the board. If the members of the board do not follow these recommendations, they can be punished in Turkey. These organizations are not under any circumstances to criticise Turkey. This is one of the ways the regime wants to oppress the Turkish workers abroad.

#### The perpetuation of martial law

Martial law has been abolished in some provinces following the so called elections of the 6th of November 1983. But instead of martial law, extraordinary rule has been introduced. And this practice is presented as development of democracy. Both the constitution and other laws show how a permanent martial law is practiced in the country.

According to articles 117, 120 and 121 as well as the law of extraordinary rule, extraordinary rule is to be declared under the following circumstances:

- deep economic crisis
- spreading of violence and serious threat to the social order in the country
- natural catastrophes and epidemics

Under extraordinary rule the provincial governors are provided with the following powers:

- Everyone between 16 and 60 years can be forced to do compulsory service without payment
- all private and public schools and educational institutions, as well as student hostels can be closed for a definite period or indefinitely
- all sorts of communication to and from the province can be stopped
- the activities of trade unions as well as strikes can be stopped
- Trade unions can be inspected and even closed
- the governors and the responsible officials cannot be charged for their deeds (the same applies to the military in case of martial law)
- individuals and their homes can be searched and they can be forbidden to stay or meet in certain places
- the publishing of newspapers and other periodicals, pamphlets, books and their distribution can be stopped
- certain people can be forbidden to enter the province, meetings and demonstrations can be stopped
- theater and film shows can be forbidden
- municipalities cannot put into practice their decisions without permission from the provincial or regional governors

Thus all the power that martial law commanders have is also given to the regional governors. Therefore the abolishing of martial law means nothing in practice. It is a false play.

According to a law that was put in power 4.10.1983 has Turkey been divided into eight regions each with its own regional governor. The regional governors have been given the powers of the martial law commanders. The appointment of these governors is very much like that of the martial law commanders. The appointment of a regional governor approves by the National Security Council.

The National Security Council consists of the president, the prime minister, some ministers, the commander in chief of the armed forces, as well as the commander of the army, navy, airforce and the gendarmery.

Article four of the law states: "The regional governor is the representative of the state, the government the ministries and their political executor as well as the chief administrator."

Thus the regional governor becomes the continuation of the commander of martial law.

Law number 2845 (dated 18.6.1983) provided the establishment of National Security Courts (DCM). These courts are established in eight cities on May 1, 1984. The court consists of military as well as civilian judges. The military judge is appointed by the commander in chief. The civilian judges are chosen by a committee representing the constitutional court and the attorney general. These courts deal with cases that otherwise martial law courts deal with. Thus they function as permanent martial law courts.

All the members of the constitutional court, office of the attorney general, the courts of administration and appeal are appointed by Evren himself. The independence of the judicial power is thus totally eliminated.

#### The media and Turkish radio-TV

All the media and the radio-TV is under the total control of the junta. All the news and other programmes are controlled before being sent. Thus a free formation of opinion is hindered. Only information that serves the purpose of the junta is broadcasted. The practice of censorship is written in the constitution. Newspapers and periodicals are closed for definite or indefinite periods. New newspapers or periodicals is possible only after permission from the authorities. Writers and journalists have after the military take over been put on trial and sentenced for their professional activities.

A law that was put in effect 10th November 1983, gave already existing practices named above judicial justification. Even articles that criticise the economy are forbidden. According to law shall newspapers and periodicals that do not follow these restrictions be closed and the printing presses confiscated. For the bribery scandal at the customs in Kapikule July 1984 and the military operations in eastern Turkey, publication ban was declared.

After the 12 of September 1980 have journalists, writers, translators and artists received prison punishment amounting to 316 years 4 months and 20 days. Of this 184 years 4 months and 15 days were given to chief editors of different newspapers. Daily newspapers in Istanbul have been closed in 198 days. Editors and owners of newspapers, writers, theater and cinema artists have been on trial, police investigation etc 181 times.

927 publications have been forbidden between 12.9.1980 and 12.9.1984. A new law has been adopted that makes it possible to burn forbidden publications. 1984 there were reports in the papers that courts have decided that 118,000 books were to be burned. These were published by the ministry of culture and

are now waiting in the cellars of the ministry to be burned.

All of this is being practiced in the name of democracy. This is the juntas reestablishment of democracy.

By the same methods have total control been established on the turkish radio and television. The highest administrative board of the radio-tv is appointed by Evren himself. According to the law that regulates the broadcasts of the radio and television, are all programmes to be decided by a joint ministerial committee after consultation with the National Security Council. After the military take over have 600 employees been fired from the turkish radio and television (TRT).

A film based upon a novel of the author Kemal Tahir "The tired warrior" later considered to be dangerous and burned.

Dear guests,

When the generals took over the 12th of September 1980 there was martial law in 19 of Turkey's 67 provinces since 25.12 1978. That is, the generals were already in charge of stopping terrorism.

But terrorism was stopped first after the military coup, because now those who created and supported it had taken power. ever since has terrorism been replaced by an extensive stateterror.

Dear guests,

As you know, after the coup the leaders of DISK and its member unions and leaders of other democratic organizations were interrogated and later arrested. After 9 months of interrogation and custody, Istanbul's military attorney demanded death sentences for 51 of DISK leaders. Then it was declared that the trial would include more than 2000 persons affiliated to DISK. DISK leaders were fri after 4 years in custody. Two of them Özcan Kescec and Mustafa Aktolgalı were sentenced for membership in TIP (Turkish Workers Party) and are still in prison.

DISK leaders were subjected to inhuman treatment during the four years they were kept in prison. Very little of this become known inside and outside the country. The international solidarity and opinion was of great importance in the realise of the leaders of DISK. Their trial however is still continuing.

The trial against DISK member unions have been united with the DISK trial and the number of the people on trial is now 1565. 78 death sentences are demanded.

The trials against the democratic mass organizations are still continuing. The teachers association, TÖB-DER is finished, and its leaders are sentenced, as well as the peasant cooperative KÜY-KOOP, the leaders of which have received heavy sentences.

#### Peace on trial

One of the most important trials after the coup was that against the turkish Peace Association headed by the former ambassador, Mahmut Dikerdem. In the executive board of the Peace Association was also Orhan Apaydin, president of the Istanbul Bar Association, Erdal Atabek, president of the Association for doctors professor Metin Özek, pedagogue Reha İsvan, Ali Sirmen, journalist and writer. Atal Behramoglu, poet, four members of the turkish parliament from CHP (The Republican Peoples Party), engineers, lawyers, artists, teachers and other outstanding persons from different social classes.

The members of the board were arrested 28 February 1982 and interrogated by Istanbul's marshall law court under conditions of state of war. The interrogation lasted 18 months. The trial ended with 8 years imprisonment for 18, and five years for five of the members of the executive board of the Peace Association.

They have been deported to a province in Anatolia to serve their sentences. They have appealed to a higher court to declare the sentences invalid because of insufficient evidence, but they are still in prison today.

As the interrogations continued, the appeals to fri Mahmut Dikerdem and his friends became stronger for every day. Pressure was put on the turkish government, Mahmut Dikerdem was nominated for the Nobel Peace Prize. The appeals to get Dikerdem fri continued with increased intensity. Finally at the session held on the 8th of November 1984, the court decided to fri Mahmut Dikerdem and five other members of the Peace Association.

But in the meanwhile a new trail "Peace-2" was started against members of the Peace Association. 48 members were interrogated and 151 were being searched. A spectacle in this context was that the lawyers who had defended the leaders of DISK and the members of the Peace Association were now tried at this new

trail.

A heavy pressure was put on the lawyers and their association. The Bar Association is under total control now. Even the statutes for the Bar Association has been changed in order to enable better control of its members.

If a lawyer is on trial with the accusation of crime against the state, he loses his right to be a lawyer. If a lawyer claims that his client has been tortured he can be tried for insulting the police and thus lose the right to work as a lawyer.

So when the trial against the Peace Association started most of the lawyers who were willing to defend them could not do so as they had lost the right to practice their profession. The ministry of justice and the martial law has demanded that the lawyers association expell such lawyers.

Dear guests,

Firstly the leaders and members of the Peace Association are put on trial in very hard conditions. Then their lawyers are put on trial, and they are left without defence. But despite all, the leaders of the Peace Association are continuing to defend peace without resignation.

These words uttered by Dikerdem are a good exempel of the situation.

"Mr. Chairman, as the president of the Peace Association I would like to present the following to your court. Do not believe the charges against us. We expressed the sincere desires of our people and are now being accused of a product of fantasy. A scientist who expressed that the world rotates was tried by the inquisition. But it is a reality, the world rotates, in the same manner it is a reality that the people living on earth do not want to commit collective suicide, but want to live in peace side by side."

Dear guests,

Arrests, interrogations, new trials, death sentences and demand for new death sentences, an inhuman treatment of prisoners is increasing every day in Turkey. I would like to present the following figures.

One year after the coup (12.9.1981) Evren said in a speech the following: "There are 3735 persons in custody, 24.300 under arrest and 1898 are searched

by the police."

Similar declarations were made by different authorities until the elections on the 6th November 1983. After the elections the following figures were given by the minister of justice, Nejat Erdem in January 1984: "At the end of december 1983, 46.202 persons were sentenced by the courts. Of these 2348 are terrorists. 29.417 persons are in prison."

Cüneyt Canver, deputy of the popular party (HP) said the following when he proposed a limited amnesty to the parliament: "There are 37.000 persons in the military prisons and 80.000 in the civilian prisons, arrested as well as sentenced".

The 2nd April, 1984 the commander in chief of the armed forces gave the following information: "The number of arrested and sentenced prisoners in military jails is 63.092"

The minister of justice declared the number of prisoners as being 72.000. He said that special jails would be build for the political prisoners, in order to splitt them in different prisons and avoid a reorganization of prisoners belonging to the same ideology.

The following shows that the inhuman conditions in the jails are expressed even through official statements.

The former general Turgut Sunalp, president of the Nationalist Democracy Party, MDP, said that in jails 125 prisoners were living in halls build for 65.

The following can be read in areport given out by a committee of the State Planning Department, DPT "There are 640 prisons in the country. Of these only 337 are built for this purpose. The others are hired from individual owners of property. These do not have acceptable standarts of hygiene. The number of prisoners at present are 65.951, but as this increases steadily work locals are used as dormitories."

Beside this inhuman treatment, the prisoners are not allowed to get visits from their relatives and their lawyers. They are not either allowed to posses a pen or paper to write their defence.

Between 12.9.1980 and 12.9.1984, 178.565 people have been detained, 64.505 arrested and 41.707 have received different sentences of prison. 326 persons have

been condemned to death.

In October 1984, death penalty began to be executed again. Evren said the following: Capital Punishment exists in our religion as well as in the Bible. It is practiced even in the USA, the most democratic country in the world. Is there any reason why it should not exist in Turkey?"

With this statement Evren gave a signal to the courts to give death sentences as well as for these to be executed. In the same month two persons were hanged. 27 death sentences have been executed up to now. One of them was a 17 years old teenager.

#### Oppression of the Kurdish people

Oppression of the Kurdish people is increasing every day. This has received the characteristics of extermination during the last years. Kurdish peasants are tortured collectively. People living in villages near the borders are forced to immigrate.

In the prisons where Kurdish democrats and progressives are kept, torture, oppression and murder reached immense proportions. This is especially true for the Diyarbakir prison. When this prison was set on fire by the authorities seven prisoners were killed. In April 2, 1984, the commander in chief admitted that 53 prisoners had died in prison, seven of these in Diyarbakir prison.

The minister of interior has with a decree forbidden the usage of Kurdish names. Military authorities have forbidden cassettes with Kurdish music, and singing Kurdish songs. Violation of this forbid is punishment.

On January 2, 1985, in an article in Svenska Dagbladet, a Swedish daily, states that Turkish authorities regard the establishment of Kurdish nurseries in Sweden as separatism. Turkey protested Sweden for this purpose. These are undoubtedly not enough to explain the oppression of the Kurdish people. But they can serve as some examples of this oppression.

Dear Guests,

It is widely known that the economic model that is practiced in Turkey since 24.1.1980 is the same model as the military governments implied in Chili and Argentine. The result of this model is freezing of the wages, the abolishing of collective bargaining, the postponement of the external debts, and low minimum wages. But there is still no opening for the economy. According to

official statements has the purchasing power of the people declined to the level of 1963. Inflation was at the rate of 57,5 % in December 1984. Larger companies and banks become bankrupt. The negative development of the economy can be followed in the official communiques.

A so called election was held under these circumstances. Or rather an election farce, with a scenario written in advance.

Those to found parties, those who were to become members in these parties, and those who were to candidate for the parliament were strictly decided by the junta.

Thus hundreds of people were not allowed to build parties or become candidates for the parliament. The junta used its veto against these people. Some parties were closed down immediately, their leaders were put under custody. All criticism against the election procedure was forbidden.

The following parties were allowed to participate in the elections. Motherlands-party (ANAP) which was headed by the former vice-prime minister in the junta-government, the National Democracy Party under the leadership of the former general Turgut Sunalp and the Popular Party (HP) headed by the junta's advisor to the prime minister.

The vote were distributed as follows: ANAP received 45.15%, HP 30.46% and MDP 23.27%

In the municipal elections on the 25th of March 1984 6 parties participated, of those three were parties that were not allowed to participate in the parliamentary ballot.

The Social Democracy Party (SODEP), The Truth Way party (DYP) and Welfare Party (RP) received together 42,7% of the votes. This means that 42,7% of the people do not have any representatives in the parliament.

It is not possible to speak about democracy when such a large part of the population is not represented.

Please judge for yourselves the nature of the so called reestablishment of democracy in Turkey.

Dear Guests,

It is evident that the elections were not democratic, that torture is still practiced, that state terror exists extensively, a general amnesty is not allowed, the most elementary human rights and freedoms are not respected. A petition signed by 1256 Turkish intellectuals was presented to Evren and to the parliament as evidence of the lack of basic freedoms in the country.

The petition given to the authorities on the 15th of May 1984, has been declared by Evren to be treason and separatism. Later the intellectuals were interrogated and 56 of them are put on trial.

The information we have presented is consistent and unveils the oppressive nature of the Turkish regime. Thousands are in prison. All positive thinking is under suppression. Trade union members, intellectuals, artists and advocates of peace are arrested and put on trial. A pseudo election has been accomplished. Oppression and torture are intensified under the cover of parliamentary regime. Evren has named himself as president. All of these show that there has not been a democratic development in Turkey. Instead of democracy is oppression and an authoritarian regime institutionalised.

Many letters sent by children to their parents in prison unveil the character of the regime. The children write to their parents: "Mother and father when shall you come back?". "We want you to come back when we wake up".

These letters written by the children are directed to all of us, to all supporters of freedom, democracy and human rights, to institutions and individuals who want to defend these.

Shortly the constitution that institutionalises this oppressive and authoritarian regime should be declared invalid.

A general amnesty must be declared.

In practice new laws adopted in Turkey are a blow to democracy and human rights. These laws must be abolished.

I believe the conference is going to discuss all details in this context.

Again I would like to express my belief that this conference is a well organised example of international solidarity against the Turkish regime. And I believe that it will lay the foundations of continued activity.

Thank you.



Lennart Groll, the president of the Swedish section of the International Commission of Jurists and president of the Swedish Helsinki Human Rights Committee

#### REPORT:

THE CONSTITUTIONAL AND LEGAL SITUATION IN TURKEY SINCE THE 1980 MILITARY COUP

#### Background

Modern Turkish history begins with the end of the first World War, 1918 - 1922. The centuries-old Ottoman empire was overturned and power transferred to a nationalist movement, led by Mustafa Kemal, subsequently known as Kemal Ataturk. Until his death in 1938 he was the absolute ruler, and started a rapid modernisation of Turkish society. Among other reforms, the strong religious influence in administration, legislation and education was abolished, and the Latin alphabet was introduced.

Ataturk's successor, Ismet Inonu, began a process of democratisation. Opposition parties were permitted and the 1950 general election resulted in a change of government. The political situation remained unstable for some decades. The military forces periodically seized power. The second part of the 1970's saw a great deal of civil unrest and terrorist action.

On September 12th 1980, power was seized by the military forces under

the leadership of General Kenan Evren, and the country was subsequently governed by the National Security Council, which was headed by Evren, and consisted of the heads of each of the armed forces, and the police.

#### Main Events 1980 - 1983

The National Security Council declared its intention to eliminate "elements which were hostile to national unity and social peace", and thereby bring about a return to order and national security. Before democracy was restored, a new legal and political apparatus was to be created, which was to be an improvement on the previous legal and political systems in Turkey. On assuming power, the National Security Council issued a decree which transferred to the Council both executive and legislative powers, on a temporary basis.

In time, the military appointed an assembly which was to produce a new constitution to replace the constitution of 1961. This assembly submitted a draft constitution which, after revision by the military, was the subject of a referendum in November 1982, and was accepted by 91% of the voters. In a separate referendum held on the same day, General Evren was appointed President for a 7 year period; under the new constitution, a presidential election will not be held before that period has elapsed.

Elections to the National Assembly were held on November 6th 1983, and Parliament met one month later. The National Security Council was dissolved, and replaced by a Presidential Advisory Council with a similar composition of members. According to the military, parliamentary democracy had thereby been re-introduced in Turkey. Later in this report some aspects of the new constitution and the legal situation are dealt with, to clarify the issue of whether Turkey can be regarded as a parliamentary democracy and a constitutional state.

regions for a period of up to 6 months.

Legislative power rests with parliament. But if President does not approve a law, he can return it to parliament for further consideration. He can also request that the Constitutional Court (appointed by the President) annul laws on the grounds that they do not comply with the constitution. He also has the power to dissolve parliament.

#### 3. The Judiciary

As a guarantee of democracy and human rights, the role of the courts has been weakened by the new constitution, compared to their earlier powers in Turkey. A Constitutional Court has been set up to judge whether laws and ordinances are constitutional. But, as already mentioned, its members are appointed by the President. In addition, laws which have been passed under the military regime are expressly exempt from this procedure.

#### 4. The Political Parties and the 1983 Election

In October 1981 the military junta dissolved all the existing political parties. At a later date, permission was given to form new parties, and a number of parties were founded, some of which did not bother to conceal their links with parties that had been dissolved. This aroused the anger of the military junta and General Evren declared that there should be no inflation in the number of parties and that the old politicians were not permitted to become politically active again. Since the new constitution forbids politicians who were previously active to take part in politics for the next 5 - 10 years, there is no risk that this will happen.

The parliamentary elections of 6th November 1983 took place under conditions that are hardly acceptable in a democracy. The

#### The New Constitution

##### 1. Provisional Articles

The new constitution, which has considerable scope, consists of a total of 174 articles. There is a section with a number of "provisional articles" or transitional regulations, which should be mentioned at this point. These provisional articles introduced the Presidential Council mentioned above, which has the task of examining the laws passed by parliament, etc.

The transitional regulations include an important directive, stating that all laws and ordinances enacted by the National Security Council in exercising its legislative power, are to remain in effect in the future, and whether they conform with the new constitution cannot be questioned.

##### 2. The President and Parliament - The Division of Power

In common with the constitutions of other countries, the new Turkish constitution contains directives on the composition and powers of the government bodies. A striking aspect is the prominent role given to the President in the new system. His powers greatly exceed what is normal in western parliamentary democracies. A general provision gives the President the task of supervising the application of the constitution and ensuring that the work of government bodies proceeds regularly and smoothly. Among the other important functions allotted the President is control of the military forces. The President has sole control of a considerable number of important appointments, among them military appointments, for example the Chief of Staff; in the judiciary, e.g. judges in the Constitutional Court; and in the educational system, the principals of universities. The Cabinet, of which the President is Chairman, also has wider powers; among others, the power to declare a state of emergency in one or more

National Security Council, by virtue of a law which it had passed itself, granted itself the power to decide which parties were to be permitted to take part in the general election. Finally, only three parties, all of which are more or less close to the military junta, were permitted to take part in the election. (Presumably, other speakers at the conference will deal with this matter in more detail).

##### 5. Civil Rights and Liberty under the New Constitution

Perhaps the most interesting issue is the way in which the new constitution safeguards the civil rights and liberty of individuals and groups. At first glance, the constitution appears quite attractive on this issue: it guarantees citizens a large number of rights. A whole chapter in the constitution is devoted to civil rights, for example personal freedom and security, the right to a private life, religious freedom, freedom of speech and thought, freedom of the press, the right to organise and hold meetings and demonstrations. A number of economic and social rights are also guaranteed, for example the right to education and work.

It is, however, characteristic of these rules that they are linked to regulations concerning individuals' responsibilities towards the state. Thus the heading of the chapter is: "Basic Rights and Responsibilities". In addition, every provision concerning a right has restrictions. Thus the provision concerning the right to liberty and personal security, for example contains a detailed list of various situations in which this right is limited (article 19).

Article 51 grants workers and employers the right to form trade unions and employers' confederations without prior permission. However, article 52 states that trade unions are not permitted to take part in any political activities whatsoever.

Article 26 deals with freedom of speech and thought, and article 28 with freedom of the press. These articles also list a number of restrictions to these liberties which go further than what is considered normal in democratic countries. Among other things, writing or printing news and articles which "constitute a threat to the state's indivisible integrity with its territory and the nation", is a criminal offence.

The general restrictions to liberty and rights in articles 12 - 16 are even more serious.

At the beginning of this section, in article 12, there is a statement that everyone has basic rights and freedoms which are inviolate and irrefutable. This is followed by article 13, which contains a series of restrictions to these rights and freedoms. One reason for restricting them is for the purposes of maintaining the indivisible integrity of the state and its territory and the nation, national security, public order, public peace and to serve the public interests, morals and health. This declares that for every individual right is restricted as described above.

Article 14 deals with preventing the abuse of basic liberties and rights. It says that none of the rights and freedom guaranteed in the constitution may be exercised with the intention of violating the state's indivisible integrity with its territory and the nation, or to put at risk the Turkish state and republic, to transfer power to an individual or a group, or create discrimination on the basis of language, race, religion, etc.

Under article 15, the basic rights can be wholly or partly suspended "to the extent that the situation requires", in the event of war and mobilisation, and when martial law or a state of emergency is in force. The article further states that even under the above conditions, the individual's right to life should be respected except when death occurs through legal acts of war, or

by carrying out a sentence of death.

It is difficult to give a detailed picture of all the implications of these general formulations of exceptions to the rights guaranteed by the constitution. But it is clear that the possibilities for restrictions and exemptions are so comprehensive that the basic rights and freedoms enshrined in the constitution become, in practice, an illusion. It is, for example, remarkable that there is no right that is absolute under the constitution. Even the ban on the use of torture and inhuman treatment, which is in the constitution (article 17), can be set aside in order to serve the interests stated in articles 13 to 15.

#### 6. Comparison with the European Convention on the Protection of Human Rights and Basic Freedoms.

This convention was produced by the Council of Europe in 1950, and has been adopted by most West European Nations. Turkey is a member of the Council of Europe. Since the question of Turkey's continued membership of the Council is currently under review, the Council of Europe has had the new constitution examined by experts to establish whether it can be regarded as meeting the standards guaranteed by the European convention in the matter of democratic government and respect for human rights.

In their statement, these experts have, quite naturally, concentrated on the constitution's shortcomings in safeguarding human rights. In a summarising opinion, one of the experts states that "the protection of basic freedom and rights required by the European convention" is not achieved by the new Turkish constitution.

On the basis of the short presentation made in that report, it may be said that the entire section on human rights in the constitution appears to be a sham, and of no real value to the citizens of that country.



Ulla Birgegård,  
president of the Swedish section  
of the Amnesty International

#### REPORT:

#### THE HUMAN RIGHTS AND FREEDOM IN TURKEY SINCE THE MILITARY COUP 1980

Amnesty International's concerns in Turkey continue to be as they have been for some years past, the imprisonment of prisoners of conscience, widespread and systematic torture and ill-treatment of political prisoners and the imposition and use of the death penalty. There is also concern that the difficulties lawyers experience in seeing their imprisoned clients and preparing the defence case and the use of statements in court which are alleged to have been induced by torture may affect the fairness of trials in military courts.

The exact number of political prisoners in Turkey at the present time is not known. On 1 August 1984 a government spokesman told the press agency, *Agence France Presse*, that 7,500 political prisoners were held in military prisons. However, this figure does not include those political prisoners whose legal proceedings have been completed and who are serving their sentences in civilian prisons, nor does it include those persons not yet charged, but held under martial law which permits incommunicado detention in police stations for 45 days.

Although civilian government was restored to Turkey following elections in November 1983, martial law continues in 34 of the 67 provinces and a state of emergency exists in nine further provinces. Political offences continue to be tried by military courts, although special State Security Courts have been established to deal with political offences when martial law is lifted.

The Turkish authorities usually refer to all political prisoners as "extremist militants" or "terrorists". Although many of those now in prison for political offences have been charged with violent crimes, Amnesty International knows of hundreds of political prisoners whom it considers to be prisoners of conscience, imprisoned for their non-violent political or religious activities or beliefs, in violation of their rights to freedom of expression and association as laid down in the European Convention on Human Rights to which Turkey is a State Party. They include members of the Turkish Peace Association, the Turkish Workers' Party, the Turkish Socialist Workers' Party, the Turkish Workers' and Peasants' Party, the Turkish Communist Party, TOB-DEM, the teachers' association and İGD, the Progressive Youth Association.

Many journalists, publishers, writers, translators and academics have been prosecuted under Article 142 of the Turkish Penal Code with "making communist propaganda", simply because of their involvement in the publication of material which expresses left-wing political ideas. Nearly 1,500 trade unionists are on trial because of their legitimate trade union activities. Although the leading members of DISK, the Confederation of Progressive Trade Unions, have now been released from prison, their trial, which started in December 1981, continues and with the incorporation of DISK affiliated unions in the trial the total number of defendants is now 1,474.

Some of Amnesty International's adopted prisoners of conscience are Kurds charged with "separatist activities". The lack of recognition by the Turkish authorities of the existence of the Kurdish ethnic minority and the prohibitions on the use of the Kurdish language or any manifestation of a Kurdish cultural identity had led long before the military coup of 1980 to the establishment of many different Kurdish groups, some of which used violence and others which worked non-violently for the preservation of the Kurdish language and culture and for the official recognition of the Kurds. The Turkish authorities have not made any distinction between groups which used violence to achieve their aims and those which neither advocated nor practised violence and Kurdish prisoners include people from both categories.

Other persons regarded as prisoners of conscience by Amnesty International are those charged under Article 163 of the Turkish Penal Code with trying to change the secular nature of the Turkish state. Many of these are members of Islamic sects, but in June and July 1984 and again in December 1984 Amnesty International received reports of the imprisonment of members of the Jehovah's Witness religion, 23 of whom have now been sentenced to between four and six years' eight months' imprisonment for their non-violent religious activities.

Both before and after the 1980 coup Amnesty International received allegations that people taken into custody for political offences have been tortured and that in some cases the torture was alleged to have resulted in death. From the extensive number of verbal and written accounts it has accumulated over a period of years and from information provided by the Turkish authorities themselves in response to Amnesty International inquiries, Amnesty International has concluded that torture is widespread and systematic in Turkey. Amnesty International believes that all persons detained in Turkey are in danger of being tortured and that only a very few detainees are not subjected to some form of ill-treatment. The Turkish authorities have repeatedly denied that torture is systematic and maintain that all complaints of torture are investigated and that when torture has occurred those responsible are prosecuted. From time to time official figures are published of investigations which have taken place, prosecutions, convictions and acquittals, but Amnesty International knows of many cases in which complaints of torture have been made, very often by defendants in court during their trials, where no investigation of any kind appears to have taken place. Amnesty International continues to receive allegations of torture and believes that all the information in its possession indicates that torture is still being carried out as a routine practice in most police stations in Turkey and that ill-treatment of prisoners is carried out routinely in military prisons. It is worth noting in this respect that

the Jehovah's Witnesses who were detained in Ankara in June and July 1984 were alleged to have been tortured and that in recent months the Turkish press itself has carried reports concerning the alleged torture of customs officials held in connection with alleged smuggling activities at Kapikule on the border with Bulgaria. These allegations were made by the Minister of Finance and Customs, Vural Arikan, who was later dismissed. These indications that not only political prisoners are subjected to torture are supported by other information given to Amnesty International over the years about the torture of common criminals during interrogation.

Executions, which had not taken place in Turkey since 1972, were resumed within one month of the military coup and to date 50 people have been executed, 27 in connection with politically motivated killings. More than 400 prisoners are under sentence of death and in approximately 30 cases legal proceedings have been concluded and the death sentences are awaiting ratification by the Turkish parliament. Amnesty International opposes the use of the death penalty without reservation in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment and has pointed out to the Turkish authorities many times that Turkey is the only Western European country to have carried out executions in recent years, the trend in Western Europe being towards total abolition of the death penalty.



Gunnar Nilsson, member of the parliament and former president of the Swedish Trade Union Confederation (LO)

#### REPORT:

THE TRADE UNION RIGHTS IN TURKEY  
SINCE THE MILITARY COUP 1980

#### BACKGROUND

##### The military and the Trade Unions

Immediately after the military take over on 12th September 1980 a state of emergency was declared in the whole of Turkey. Parliamentary democracy was crushed and all political parties were prohibited. Under a special decree from the new leaders all strikes and lockouts were forbidden. All union activities were suspended, among both employees and employers. All kind of trade union activity ceased.

Before the military coup the following central trade unions existed in Turkey:

Türk-İs, the largest central organization for employees, with about 1,5 million members. Türk-İs was founded in 1952 and since then had been in close contact with the political leaders. In their own words they have tried to appear to be conscious of their social responsibility. As part of their "social responsibility" one may point to the fact that the Secretary General of the organization, Sadik Side, immediately after the coup was appointed minister of social affairs in the Turkish military government. These circumstances, like other dubious aspects of its activities, make it clear that there is great hesitation within the free trade union movement whether Türk-İs can be considered an organization that protects the interests of its members.

DISK (Progressive Workers Union), which was founded in 1976, quickly won many adherents. Before the coup d'état the number of the members was estimated to 600.000.

MISK (National Workers Union) was close to the now dissolved and prohibited fascist group, The National Action Party. The Union had about 100.000 members.

Some days after the military take over the prohibition of Türk-İs was lifted while thousands of DISK activists, among them the leadership of DISK and trade unions affiliated to DISK, were arrested by the military.

The Collective Agreement Act was rescinded. A Board for Collective Bargaining, whose members were appointed by the junta, was appointed. Its task is to conclude and regulate collective agreements.

#### THE TRIAL OF DISK

On 25 June, 1981 the military prosecutor of Istanbul at a press conference made public that a trial against DISK would be started. The prosecutor said that the chairman of DISK, Abdullah Bastürk, and 51 members of the leadership of DISK would be sentenced to capital punishment.

Under an Act (no. 2316) adopted by the military junta on 11th October, 1980 all property belonging to DISK and trade unions affiliated to DISK was confiscated.

Court records started only on 24th December, 1981. The military judge declared that martial law would be in force during the trial, which means, i.e. that the defendant's chances of seeing his lawyer and family are negligible, and that the defendant is taken to and from the court in chains.

#### WHAT ARE THE CHARGES AGAINST THE DISK LEADERS?

The chairman of DISK, Abdullah Bastürk, and the other people prosecuted in the DISK trial are accused of violation of articles 141 and 146 of the Turkish criminal code.

In his indictment the military prosecutor claims that the prosecuted trade union leaders as members of an illegal Marxist-Leninist organization of revolutionary character have tried to overthrow the state and constitutional order (article 146) and have intended to establish the dictatorship of the proletariat under the leadership of DISK (article 141)

In a letter to the military court in Istanbul dated 15th December 1982 Abdullah Bastürk writes from gaol that "the accusation against him containing 867 pages and which has been made the DISK trial is a completely illegal document." Crimes which do not exist have been created artificially to become crimes. The accusations have been based on comparisons and proposals which have been declared illegal in the criminal code.

These accusations are claims based on subjective assessments like predictions, doubts and hypothetical claims. The charges form a biased political document containing contradictions and misjudgements resulting from attempts to create a chain of crimes based on accusations against, a group, and contrary to those principles defined by the constitution and the laws as the outer character of the crime. According to the leadership of DISK, the military prosecutor has used false charges of facts in order to motivate his illegal methods.

The most striking peculiarity of the accusations is that they are not based on evidence in the accusations showing that DISK is an illegal organization conspiring against the state in order to overthrow it, or showing that DISK is guilty of a conscious violation of any article in the Turkish criminal code. This has also been confirmed by several independent lawyers.

"There is no evidence supporting the prosecutor's view that DISK is an illegal and revolutionary organization and one of the leading elements preparing a coup in Turkey", writes the lawyer Tomas Rothpfeffer in his report. He has visited the trial on behalf of the International Confederation of Free Trade Unions, ISKA and the Swedish Municipal Workers' Union. "My view" he states, "has been reinforced since my previous stay in Turkey that the aim of the trial is not to administer justice but to eliminate important and independent organizations in Turkey. DISK was established in

accordance with the existing law and their activities were completely public. The prosecutor has not been able to prove that DISK, which itself is a subject to terrorism, has committed any acts of violence, or that DISK has been in favour of the use of violence".

#### CONDITIONS IN THE GAOL AND TORTURE OF THE DISK LEADERS

Most DISK leaders, like other political prisoners, were forced to sign the interrogation protocols after having been subjected to torture.

Abdullah Bastürk and several other trade union leaders were subjected to electrical torture, they have been in a so called echo chamber, an isolation cell where they over loudspeakers could hear tapes of torture interrogations, and they were subjected to simulated executions. Bastürk was once held out of a window on the 7th floor and they threatened to let him go.

The prosecuted DISK leaders were earlier kept in Davutpasa, a military gaol outside Istanbul, but in November 1982 were sent to the military prison of Metris. Torture, degradation and inhuman treatment were everyday practices in the notorious Metris gaol.

#### THE RELEASE OF THE DISK LEADERS

In August 1984 the DISK leaders were released after spending four years in gaol. The release should be seen as a victory of the worldwide solidarity which was shown to imprisoned trade union leaders.

However, the trial of the DISK leaders has not been concluded. It has rather been extended as new defendants have been included in the DISK trial.

The trials against individual trade unions have been merged with the DISK trial. Today 1474 people are being prosecuted. 76 people face capital punishment in this trial.

Much points to that the DISK trial will be deliberately delayed some years more. It is also likely that the result of the trial will be influenced by political developments in the country and public opinion abroad.

#### THE NEW ACT ON TRADE UNIONS

The new trade union rights in Turkey have already been severely limited in the new constitution, which was "approved" in a referendum held on 7th November 1982.

The Trade Union and Collective Agreement Act, which was adopted by the so-called National Security Council on 7th May, 1983, further limited union rights.

- Salaried employees have no union rights at all. They are forbidden to found unions.
  - In order to win the right to found or hold a position of trust in a union a person must have worked for 10 years in the branch concerned.
  - No person previously sentenced for crimes against the state, i.e. sentenced by military or national security courts, may be elected a position of trust.
- This means in practice that all people prosecuted in the DISK trial, regardless of however mild sentences they may get, will be disqualified as trade union representatives.
- Trade unions are prohibited to act on so called political issues, i.e. co-operate with political parties, non profit making organizations or trade associations. If this happens, the trade union concerned will be banned.
  - Trade unions must ask permission from the government to become members of international organizations. The law also says that international trade union organizations, of which an individual Turkish trade union is a member, shall have aims and activities which do not violate the Turkish constitution, and the Trade Union Act. If this is not the case membership is abolished by the government.
  - The law regulates collective agreements. The Board for Collective Agreement decides what shall be included in the agreement.
  - The right to strike has in practice been abolished. In the oil and mining industries, transport, banking and the local sector there is a total prohibition. In other branches the government has in practice, the right to postpone the implementation of a decision for more than 1½ years.

- The activities of trade unions must be scrutinized by the Ministry of Labour and the Ministry of Finance at least once a year.
- The Government Audit Board, which is appointed by and directly subordinate to, the president, is entitled to scrutinize trade unions at any time in accordance with orders from the president.
- The above authorities have full powers to prohibit trade unions if it is considered necessary for the "welfare of the country".
- The trade union must inform the Ministry of Labour of the name and address of a new member in writing.

#### CONCLUSIONS

From what has been said above, it is evident that there exists no trade union rights in the Turkey of today, neither any free and independent trade unions. Restrictions and acts regarding trade unions clearly show that the military leaders aim at a strictly controlled society. Despite the fact that the trials of the DISK leaders have gone on for three years, the courts have so far not been able to prove that Bastürk and the other DISK leaders have committed any of those crimes for which the military prosecutors want to sentence them to death.

On the other hand the number of prosecuted people at the trial has steadily increased, so that today they include 1474 trade unionists, who now are in a very precarious situation.

Therefore the Swedish trade union movement has become strongly involved in different ways in national and international fora for the establishment of trade union rights in Turkey.

This conference proves that there is every reason to continue.



Hans Larsen,  
general secretary of the International  
Federation of Journalists

#### REPORT:

#### THE CENSORSHIP OF THE PRESS AND FREEDOM OF OPINIONS AND EXPRESSION IN TURKEY SINCE THE MILITARY COUP 1980

Whenever a repressive regime seizes power in a country, certain groups of citizens find themselves particularly exposed to persecution and repression in the various forms practised by those in power.

Among these groups are, invariably, journalists, authors, artists, and the - somewhat diffuse - grouping known as intellectuals. The reason that these citizens are seen by dictators as potentially dangerous is obvious.

They are the people who communicate, who express ideas, thoughts, criticism and suggestions for other and better ways. In the case of journalists, an additional reason often is, simply, that they report to the public facts and events which those in power prefer to keep hidden from the people.

It is one of the characteristics of repressive societies that such activities are seen as potentially dangerous to the rulers - who call themselves the State - and that their practitioners are made the object of surveillance, restrictive measures and suppression.

This has certainly been the case in Turkey ever since the military takeover in September 1980. It is still very much the case today, regardless of the introduction of a new Constitution and the various changes in the formal power structure in later years.

Turkish university teachers and students, writers, artists and journalists are often the prime targets of repression. Despite formal recognition in the new Constitution of the right to freedom of speech and the freedom of the press, a large number of methods - legally institu-

tionalised as well as informal - exist and are used to curb exactly those basic freedom rights.

Among recent examples are two cited in a report to the Council of Europe Legal Affairs Committee.

When a group of mothers of political prisoners last year demonstrated in front of the Grand National Assembly Hall, it led to a series of critical questions concerning the treatment of such prisoners, to Prime Minister Turgut Özal during a subsequent press conference. Later the same day, Turkish newspapers received a written notice, stating that neither the demonstration nor the questions and answers to the Prime Minister could be reported. International news agencies Reuter and Associated Press received phone calls to the same effect. Although it was officially denied that censorship had occurred, no Turkish papers carried the story.

When, in May 1984, 1256 Turkish academics, artists, journalists, jurists and others in a petition to General Evren expressed their grave concern over the present situation in their country, especially pointing out the dangers to society resulting from the lack of freedom of expression, the press was prohibited from printing the text of the petition. Criminal investigations were started against a number of the signatories.

These are only two among thousands of such occurrences. They do, however, give an idea of the general atmosphere of repression and the total lack of recognition, on the part of the rulers, of the principles of freedom of expression and the right of the people to know what goes on in their country.

One of the topics dealt with in the petition of the 1256 prominent Turks mentioned above is the present situation of the educational system. It is pointed out that the primary objective of the educational system should be the bringing up of freely thinking, knowledgeable, constructive and productive human beings, and that the opposite, that is the creation of uniform people molded in the same form, is against modern development and the principles of parliamentary democracy, because, it is added, modern democracy aims at bringing up critically thinking human beings.

The changes brought about in the Turkish educational system since the military take-over have been aimed at curbing the independence of universities and other educational institutions. This development, and the claim of the generals that universities "have not deserved the right to govern themselves", is, in the words of the petitioners, equal to "denying that a functioning democracy can exist in our country". Leaving the administration of all higher educational institutions to an omnipotent governing body whose members are appointed by the President is a hindrance to good education of youth and good scientific work, and this creates great concern about the future of the country, the 1256 state. Their conclusion is that it is necessary to replace the present governing body (YÖK) with an elected, independent body.

In the field of press freedom - or rather the lack of it - recent events have also shown that the claims of the authorities that the situation has improved are without substance.

In November last year, the daily newspaper Tercüman was closed down by the martial law authorities for a period of 10 days. As is usual, no reasons were given publicly at that time. But last month, a martial law prosecutor in Istanbul opened proceedings against the paper's editor-in-chief, Yüksel Bastuno, and columnist Nazlı Ilıcak. They are accused of having broken a provisional article of the Constitution banning criticism of the military rule from 1980 to 1983.

A few months ago, similar military court proceedings were opened against three writers on the staff of the magazine Video-Sinema because of the contents of articles about recently deceased Turkish film maker Yilmaz Güney..

In one of the worst cases of persecution of journalists, the young Turkish correspondent for United Press International in Ankara, Ismet İnset, was sentenced last November to five years in prison on charges, most of which are denied by Mr. İnset, going back to events two years before the military coup. (More details concerning this case will be given in my verbal introduction at the conference).

The court proceedings against critical journalists, the closing down of newspapers, the letters and phone calls to editors about what should not be published and what should be written differently - all are part of the general system used to subdue and control the press.

Although there exists no formal system of censorship, the combination of zealous use of general legislation limiting the freedom of expression and informal threats and warnings is working quite efficiently. Certainly efficiently enough to justify the claim that Turkey to-day is a country where the basic principles of press freedom are being violated every day.

The authorities' grip on the press was further strengthened by the new press laws passed about a year ago. First of all, this legislation, by making the publisher (owner) of a paper directly responsible for all material printed - even clandestinely - on his press, and by introducing major increases in the length of prison sentences liable to be given to journalists and editors for press offences, has created a further atmosphere of insecurity and fear among journalists.

Such an atmosphere leads, inevitably, to self-censorship, which is exactly what repressive régimes everywhere are really aiming at. Even where actual pre-censorship does exist, it is one of its main goals to make itself superfluous by making editors and journalists do the job themselves.

The fear of having the paper closed, the fear of prison sentences or heavy fines, the fear of court proceedings started, dragging out and never finished, but remaining as a constant threat, the fear of a warning on the telephone leading to summons, to interrogations and maybe arrest - these are daily facts of life for our Turkish colleagues.

Despite all claims to the contrary by the military and civil authorities, this can only lead to one conclusion: The conditions in Turkey today all add up to a classical case of a repressive regime denying a people the basic human rights of a free press and freedom of expression.



Hans Göran Franck, member of parliament  
The Social Democratic Party of Sweden

#### REPORT:

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'état. Parliament was dissolved and the political parties were abolished. The so-called National Security Council assumed practically all power.

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 military junta's motivation for seizing power in Turkey was that the government and parliament 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. It promised to re-introduce democracy in the country "as soon as possible".

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, while the National Security Council continued to perform the functions that were previously the responsibility of the earlier National Council and Senate. It was also given the task of recommending a new constitution, a law concerning political parties and a law concerning the referendum on the 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.

A condition for appointment was that candidates had not been members of a political party on 11th September 1980.

#### 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 military was given direct influence on the decision-making process in constitutional procedures. For example, the government must follow decisions of the reconstructed National Security Council - under the chairmanship of President Evren - in all questions of "national security".

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 in some areas, 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 The President of the time, General Evren, would be automatically elected President for a further period of 7 years.

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 24th 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 a further three political parties were allowed to take part. In the election the three parties represented in parliament won a total of only 57.2% of the total votes.

From the election results it may therefore 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 totally unacceptable 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 basic human rights and a complete restoration of 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 in Turkey 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.



Hadar Cars, the former Minister of Commerce of Sweden and the president of the International Council of the Liberal Party of Sweden

#### REPORT:

#### SOLIDARITY WITH TURKEY

We all have good reason to feel warmth towards Turkey - warmth and pride. The cultures of the world have passed across its land: Assyrians, Babylonians, Hittites, Persians, Greeks and Romans. When Istanbul was still called Constantinople, it was one of the spiritual, religious and cultural centres of the world. On Turkish soil we find Ararat, Troy, Smyrna and countless places and names that call to us across the ages, and are part of our own history, our own traditions.

There are few places on earth that are as rich in archeological remains as Turkey. An historian once said of Turkey, "Scratch the ground with your toe and you will uncover part of an ancient statue".

But the truly remarkable feature of Turkey is that its diverse cultures have survived, and merged with a life pattern that always prevails, that always moves forward. The Turks came from the east with their traditions, their customs and their values. But their pattern of living - notable for its high degree of tolerance - combined with the civilisation that was already established there, giving birth to a new civilisation from an old. Turkey's great folk singers, whose epic songs went on for days on end, had a special stick which, placed on one knee and under the other, they used to beat time. Homer is portrayed on ancient vases using exactly the same kind of stick.

Turkey, then, is a country of memories, and at the same time a state that both historically, socially and technologically has its rightful place among those free democratic nations that have based their judicial systems on human rights. Or, to quote the words of Professor Server Tanilli yesterday, Turkey belongs to the European constitutional cultures that are based on the defence of the individual's human rights against those in power.

This country, Turkey, deserves our respect. Its people have earned our friendship and our solidarity.

We are therefore alarmed and appalled when we see that this is an oppressed people, and when citizens are denied democratic and human rights.

Traditionally, modern Turkey is a European democracy. The majority of its citizens are muslims, but the state has been secular since the days of Kamal Attaturk.

The separation of state and religion is a cornerstone of the structure of Turkish society. People who have attempted to change this, primarily the so-called fundamentalists, have never attained a strong position in Turkey in modern times. The major parties, the Justice party and the Republican Liberal party have developed from the foundations laid by Attaturk. Turkey's defence forces have also acted as protectors of the secularised state. This is worth bearing in mind in the discussions that are carried on here, in the Council of Europe and elsewhere, on ways in which we should show our solidarity with the people in Turkey who work for democracy and the respect of human rights and liberties for both women and men.

It is often said that Turkey is a bridge between Europe and Asia, between the humanism of ancient times and christian attitudes to life on the one hand and the muslim culture on the other. This is true, and Turkey should be, and wants to be such a bridge. There are however

people, for example in the Council of Europe, who conclude that Turkey is able to choose between these cultures - can opt to belong to one of them; that Turkey can make an "either - or" choice. And, for this reason, one cannot or should not make the same demands for democratic orthodoxy and respect for human rights and liberty in Turkey as one can in, for example, Greece, Portugal, Spain or Sweden.

For a number of reasons, it is my opinion that this attitude is wrong.

Firstly, the significance of concepts such as democracy and human rights and liberties must not become the subject of negotiation for democrats within or outside the Council of Europe. If this should become the case, faith in both democracy as such, and those appointed to be its principal defenders, will be eroded in the eyes of the rest of the world. This will then undermine respect for the importance of the observance of human rights and liberties, which is the most important contribution the western democracies make towards a better world, and which have been given concrete expression in the Convention of Europe.

Secondly, such an interpretation will serve to support the groups in Turkey who wish to continue to ignore demands for democracy and human rights and liberties. In the same way, this interpretation would be a betrayal, a blow below the belt for the teachers, journalists, trade union leaders, businessmen, peace workers, politicians, researchers, members of independent professions, and all other women and men who - by risking their own liberty - fight for universal freedom.

Thirdly, no regime in Turkey has been prepared to renounce membership of Europe. For Turkey, the Asiatic and Muslim cultural groups are not an alternative to the European. In the case of Turkey, this is not a question of an "either - or" choice; rather it is emphatically a question of "both - and".

There is, therefore, special justification for making the same demands

on the regime in Turkey for democracy and the observance of human rights and liberties as we make in Sweden and in the other member-nations of the Council of Europe. Turkey aims to preserve and strengthen its European identity. This is of value to us all, because Turkey is also sensitive to the signals originating in the Council of Europe and its member-states. If we stand for our own basic values, they will prevail. If we betray them, or compromise them, we cannot expect others to heed them.

In this context, Sweden has a responsibility, a tradition of its own to live up to.

Already in 1980, that is to say the year that the armed forces seized power in Turkey, the Swedish government of the time appealed to the Council of Europe to demand of Turkey the reinstatement of democratic institutions and the respect of human rights.

In parliament Ola Ullsten, then Minister of Foreign Affairs and leader of the Swedish Liberal Party said on December 8th 1980 that "the Turkish government is anxious to remain a member of the Council of Europe. A clear statement from our side that the present government in Turkey is incompatible with membership, can therefore help a speedy return to a parliamentary system in Turkey".

In his speech, Ola Ullsten also stated that the period prior to the military coup in Turkey was one of social unrest, increased violence and political terror. Such trends must be fought with the means available to a democratic state, said Ullsten, but, he continued, a freely elected government being deprived of its power by means of a military coup can never be accepted!

Swedish politicians have played an active part in ensuring that the unsatisfactory situation that prevails in Turkey has remained in the fore in the ongoing work in the Council of Europe's ministerial committee and in the parliamentary assembly.

We show our solidarity with Turkey - the Turkey in our hearts - now as before, not by evasions, by ignoring shortcomings in the democratic system and ignoring violations of human rights and liberties. The schisms that existed in Turkey before the armed forces seized power in 1980 do not justify the state of emergency that is currently in effect in large parts of the country, the restrictions in freedom of the press and freedom of speech, in political and trade union work and in the work carried out by peace organisations. Neither does it justify the barring from work, and the arrest, trial and sentencing of people who have dissenting opinions in Turkey today.

We show our solidarity - now as before - by producing and presenting factually accurate reports on these unsatisfactory conditions, and by urging the leaders in Turkey to take steps to correct them. We show our solidarity by giving our support to those both in and outside Turkey who are working for the same ideals as we. Finally, we show our solidarity by appealing to the Council of Europe and our own governments not to judge Turkey by other criteria than those applied to countries who are or wish to be regarded as democratic.

If this conference can make such a contribution, it will not have been in vain!

## RESOLUTION

The Stockholm Conference on Human Rights and Democracy in Turkey, which was participated by 200 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 trials against the opponents. More than 200 persons have been stripped of Turkish citizenship for political reasons and considerable groups of people, primarily Kurds - whose language and culture 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 stop executions,
- to declare general amnesty for political prisoners,
- to drop 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 review the situation in Turkey in May 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

From the resolution:

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