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CONTRADICTORY ATTITUDES OF EUROPE TOWARDS THE TURKISH REGIME

Blatant human rights violations and bloody state terror in Turkey (for documentary evidence, see our previous issue) have been hotly debated at the Council of Europe Parliamentary Assembly on April 23, 1985.

One week earlier, at its 16 April session, the European Parliament had adopted without any debate a resolution accusing the Ankara regime of "having launched a systematic campaign of genocide against the Kurdish minority and calling for "an end to death sentences which provoke the justified abhorrence of international public opinion."

In strong contrast to this firm stance, the Council of Europe Parliamentary Assembly, even before the opening of the debate on the current situation in Turkey, has endorsed human rights violations in Turkey by its decision to validate the Turkish delegation's credentials and to hold a mini-session in Turkey in 1986.

As mentioned previously, in accordance with the instruction given by the Assembly on May 10, 1984, to the Political and Legal Affairs Committees to go on watching developments in Turkey, both rapporteurs of these committees, respectively Austrian Christian-Democrat Ludwig Steiner and Dutch Socialist Pieter Stoffelen have tabled their reports—written at the beginning of the debate—on the situation in Turkey and, in particular, on their visit to Turkey from March 5 to March 9.

Their approach to certain questions and the weight they gave to each of them was different, but they agreed to criticize the upholding of martial law in many regions, the permanence of certain restrictions imposed on radio and television news as well as on the rights of the defence before the courts, the upholding of the existing laws in this field, even though they have meanwhile been mitigated; in addition the fact that the political parties, trade unions and other democratic associations are still being prevented from exercising their rights. They also criticized the application of the death penalty in time of peace.

But to the observers' astonishment, even before the opening of the debate on these reports, the conservative majority adopted two decisions that amount to endorsing the regime's repressive practices.

At the first session on April 22, while the Permanent Committee's activity report was being presented, it was announced that the latter had accepted the Turkish Parliamentarians' invitation to hold a mini-session of the Parliamentary Assembly in Turkey in March 1986. This decision aroused strong reactions from progressive MP's.

British MP Hardy pointed out that, for its part, the Socialist Group had opposed this decision. He went on to say: "If the Assembly proceeds now to make arrangements to hold a mini-session in Turkey in 1986, it will be acting unwisely and incautiously. Such an acceptance will be seen outside Turkey as an endorsement of conditions as they are within that country now. Such an acceptance will be regarded within Turkey as a seal of approval from this body. Members of my party and of the Socialist Group are not prepared to sacrifice our commitment to human rights."

Danish MP Elmuist asked the Committee if it had obtained guaranties as to the complete lifting of martial-law by the time of the mini-session. In reply, the chairman of the session pointed out that Mr Inan, the head of the Turkish delegation, had not been able to guarantee absolutely that martial law will not be in force in Istanbul next year.

Despite this statement, the holding of the mini-session in Turkey was approved by 59 votes, against 49 "no's" and three abstentions.

In this respect, it should be reminded that prior to the Assembly's plenary session in Strasbourg, another Committee, the Budget and Programme Committee, had met in Istanbul on April 12, 1985.

As regards the presence of the representatives of the Turkish regime within the Assembly, French MP Pignion pointed out that the Socialist Group questioned the Turkish delegation's credentials, "considering that concrete progress has not been accomplished by the Turkish government for a return to a real democratic life and for a full respect of human rights."

Thereupon, at a meeting of the Rules Committee, the validation of the Turkish delegation's credentials was approved by 9 votes against 6.

This decision of the Committee was opposed by the Communist and Socialist Groups, whereas the Liberal Group gave it its backing.

Communist Group spokesperson Gianotti: "The statutes of the Council of Europe has laid down very strict conditions for affiliation to this body: It is not possible to respect the human rights on even days and not respect on odd days. Although the Council wanted to continue its dialogue with Turkey, dialogue did not imply recognition or admission to full membership."

Socialist Group spokesperson Pignion: "Had Spain and Portugal returned to democratic life only in homeopathic doses just as Turkey does today, they would never be members of the Council of Europe."

In order to consolidate the backing given by the Conservatives and Liberals, the spokesperson of the Turkish delegation, Kamran Inan, resorted to the Turkish regime's usual demagoguery and blackmailing: "Today, the Western World spends each year about 400 billions dollars for the defence of its freedoms, its way of life, its civilisation and its institutions against a certain imperialism. It is pity to destroy by internal conflicts the values which we defend... We are sure that our partners will never leave us alone in the way of democracy."

Following these interventions, the Turkish delegation's credentials, after a roll-call vote, were declared valid.

In addition, the head of the Turkish delegation, Mr Inan was re-elected deputy chairman of the Parliamentary Assembly.

After these two *fait accompli*, the European MP's started discussing the reports of both the Political and Legal Affairs Committees.

The rapporteur of the Political Affairs Committee, Mr Steiner, pointed out that since May 1984 a great many events have occurred and that several political realities coexist: the Government, the Turkish Grand National Assembly which resulted from a restricted election, the Army and the political parties. He reminded that martial law has been lifted in 44 out of 67 provinces, but that it remains in force in the most densely-populated. He pointed out that although the parties which are represented at the Grand National Assembly are allowed to develop their activities, some subjects remain taboo. Mr Steiner, found out that, even though some progress has been made with regard to human rights, lots of shortcomings still exist. For example, a great many university professors have been ousted; es-

timates range from 500 to 1,600 if those who reportedly quitted on their own decision, —out of discouragement— are taken into account. He added that all legal political parties of Turkey deny the very existence of any problem with regard to ethnic minorities.

As for the Legal Affairs Committee's rapporteur, Mr Stoffelen, he noticed no change in the Turkish Constitution nor in Turkish laws. He emphasized the interferences of the National Security Council in the general election and the restrictions laid on the powers of the Grand National Assembly. Mr Stoffelen cannot understand how it is possible that martial law is still in force in Ankara and Istanbul. He expressed concern about the fate of the prisoners of opinion: "How could a trade-unionist understand that membership of a trade union is a serious crime. I've got indignant at the news of the opening of a new investigation against the members of the Peace Movement. If some members of this Assembly (of the Council of Europe) were Turkish citizens, they could be jailed!" The rapporteur expressed his concern about the number of death sentences and went on to say: "All those who visited Turkey last year will remember well the shocking description of the serious restrictions on the rights of defence. The present situation is at least as bad. There is no free contact between the detainee and his or her lawyer. The penal legislation, especially Articles 142 and 146, follow the example of Italian penal law during the Fascist regime."

Mr Stoffelen, after having repeated his preoccupations concerning human rights, concluded his view as follows: "It is clear that we can detect real progress towards the full restoration of a normal parliamentary democracy and full respect of human rights... Yet, there is a long way to go to the restoration of normal parliamentary democracy and full respect for human rights." Nevertheless, he advised the Parliamentary Assembly to maintain dialogue with the Turkish regime.

After the presentation of the reports of the committees, European deputies were called to express their views on the situation in Turkey. Having obtained the validity of their credentials, Turkish deputies also stood up to speak and even interrupted the European deputies criticizing the Turkish regime.

While French MP Dreyfus-Schmidt was speaking of the rights of the minorities in Turkey, the former foreign minister Bayülken interfered by shouting: "The minorities question is not the subject." He was responded by the orator: "This the freedom of expression!"

The Turkish spokesperson, Inan accused French socialists: "Instead of insisting upon European spirit, they try to win agreement for socialist ideology. They create gap between us. Your country (France) is the place of refuge for Italian terrorists, the center of terrorism... You are member of a Parliament of Louis-Philippe style, Mister Dreyfus-Schmidt!"

Another Turkish deputy, Ozarslan accused European countries by claiming that "Thousands of terrorists who had been obliged to flee from Turkey have found refuge in European countries. The aim of these persons is to do everything in order to provoke a rupture in Turco-European relations."

His colleague Celikbas made himself ridiculous by asking a question: "I would like to know if the existence of communist party is a *sine qua non* condition of a parliamentary democracy?"

While the right-wing deputies, Lord Reay, Geoffrey Finsberg and Corrie (United Kingdom), Cavaliere and Bianco (Italy), Spies von Bullesheim and Schwartz (FRG) and Blenk (Austria) were defending the Turkish regime, the progressive deputies criticized it as follows:

Mr Riesen (Switzerland): "Turkey showed a new open-mindedness towards the Council's criticisms but that had to be followed by action. The Turkish delegation had to justify Turkey's policies in relation to the Council's resolutions. Turkey had scorned Recommendation 974, which demanded the withdrawal of Turkish troops from Cyprus. Although immediate withdrawal of their troops could not be expected, they should reduce the number of their troops in Cyprus."

Mr Dreyfus-Schmidt (France) said that the report showed too much optimism about Turkish democracy. The only question at issue was whether democracy currently existed in Turkey. The rapporteurs should have added to their reports the fate of minorities in Turkey. Everybody knows that, according to the Turkish authorities, there is no Kurds in Turkey. They are banned to say that they are Kurds and to have an education in their mother tongue... Somebodies hope a spring of Ankara... Our rapporteurs believe in seeing one swallow. But one swallow does not make a summer."

Mr Hesele (Austria) took note of the comment in Mr Stoffelen's report that the situation in Turkey did not comply with the statutes of the Council of Europe. It was important to remedy that. He regretted that there had been no amnesty. He regretted the continuation of torture and the death penalty. Finally, he said that too little had been said of the situation of the Kurds.

Mrs Aasen (Norway): "A political refugee from Turkey came to Norway in 1975. He belonged to the Kurdish minority in Turkey. He was a journalist and had earlier been imprisoned in Turkey because he protested against the way in which the Kurds were treated. In 1982 he was granted Norwegian citizenship. Last year he returned to Turkey for seeing his aged mother. Although he has been Norwegian since 1982, Turkey has not taken the consequences of this change of citizenship. It still insists on his being a Turkish citizen. He has been imprisoned. Mrs Reha Isvan, a peace worker and the wife of the former mayor of Istanbul, has been in a military prison for 18 months. I agree with Arthur Miller that there is either democracy or none of it. The Turkish people do not deserve a second-class democracy."

Mr Anastassakos (Greece) said that Amnesty International had reported last month that the Turkish Government continued to torture and execute political prisoners. The draft resolution was over-optimistic about the slight liberalisation that had occurred. Freedom could not be achieved through a dictatorship, which would create fresh social problems. Greece had experienced that. The Turkish delegates should tell their government that public opinion in Europe was shocked by the violation of human rights.

Mr Budtz (Denmark): "In the draft resolution we say that we shall once more instruct our Political Affairs Committee and Legal Affairs Committee to continue to follow the evolution of the position of Turkey and report back. Nothing more. What it means in practise is that we shall do nothing, because it has been proved that the Turkish authorities, which are strictly controlled by the Turkish forces and the generals, could not care in the slightest about what we say. Two reports also prove that the so-called Turkish parliament is not representative, yet representatives from the so-called parliament are sitting in this Assembly and participating in the democratic votes. It is absurd, and it harms the reputation of and respect of the Council of Europe."

Mr Martinez (Spain): "Progress in Turkey towards democracy and human rights has been unsatisfactory. Turkey has to be judged by the standards members

set for their own countries. There cannot be first-class and second-class democracies. Turkey was only a semi-democracy in a forum of full democracies."

Mr Alemyr (Sweden): "Even if some progress can be noted in the restoration of democracy in Turkey, this Assembly of the Council of Europe must ask for more, because we must be guided by the statutes of our organisation and the principles laid down in the European Convention on Human Rights. The fact remains that Turkey cannot be regarded as democracy. The reports provide evidence that things are a little better in Turkey than they were a year ago, but that they are not good enough for a member state of the Council of Europe."

Mr Alegre (Portugal) said that fact and fiction about Turkey was not in accord with the statutes of the Council of Europe. The fiction was that the Council could influence Turkey. The reports simply put forward regrets and hopes about a situation that was not democratic at all. The so-called progress was simply the institutionalisation of a regime comprising elements of both democracy and dictatorship. Either a country was a democracy or it was not. The Council of Europe should be aware of the more vigorous attitude of the EEC to human rights and should not confine itself to tactical consideration of these matters - unless it was prepared to reduce its credibility. He did not have double standards: he was against all dictatorships.

Mr Vial-Massat (France) regretted that, despite the evidence in the two reports, the Assembly had ratified the credentials of Turkey. One year later there was no decisive change but the draft resolution noted with satisfaction that progress had been made... The Assembly should remember the experience of some of its own members in those situations where the imprisonment of communists was followed by the imprisonment of democrats and the rise of fascism.

Mr Gianotti (Italy) emphasised that, unlike the Atlantic Assembly, WEU or the European Parliament, the Council of Europe had a specific responsibility to defend the ethics and the culture not only of Europe but of other countries. At the further risk of displeasing the rapporteur of the Rules Committee, he would reassert the indivisible principle of freedom. Did the Council of Europe want to support democracy or frustrate it? The behaviour of the majority of the Assembly in 1984 had not encouraged but prevented democracy in Turkey. He was not satisfied with all aspects of the draft resolution.

Mr Neumann (FRG) observed that Mr Inan had said that Turkey had been criticised by socialists for several years. It was not true. Socialists had criticised only those in Turkey who were denying their fellow Turks basic human rights. Socialists and Conservatives could agree on the defend of these rights. Turkey had many more prisoners than any other country belonging to the Council of Europe. People there were imprisoned for reasons not considered criminal elsewhere.

Mr Hardy (United Kingdom): "The absence of proper democratic structures and inadequate concern and provision for human rights would disqualify Turkey from membership of the Assembly were it to be merely an applicant country... I am told that a teachers' organisation has suddenly been declared illegal. Its members are banned from public employment because of their membership of an illegal organisation. I am told that members of another organisation have been imprisoned because they seek to change the social order. What a precedent for members of the British Labour Party, who make no secret of their belief that the social order should be changed. I suppose that some Conservative members of the Assembly would

rather like to see some of my colleagues and me behind bars."

Lady Fleming (Greece) said that in five years little had changed in Turkey. The Council of Europe consisted of twenty democracies and one dictatorship. There was no such thing as a part-democracy. Turkey did not accept the basic principles of the Council of Europe. It continued to deny freedoms: people were in prison for reasons of conscience. The Greeks had experienced dictatorship and wished to help the Turkish people gain their freedom. The Assembly knew that Turkey was a bloody dictatorship: she wondered what the Council was waiting for.

Mr Gardia (Portugal): "The changes sought in Turkey have not happened. There has been dialogue with some results, but I doubt whether dialogue prevails when the Assembly is discussing Turkey. The overweening arrogance and vehemence of many speakers is alarming and I whether on certain major issues the Assembly is becoming a forum for *realpolitik*. The future is uncertain and one day the Turkish concept of democracy may be considered applicable to other member states. The Assembly's members are friends of Turkey but greater friends of democracy."

Mr Cox (United Kingdom): "If the powers-that-be in Turkey wish Turkey to remain a member of the Council of Europe, they must be in doubt about what the rules of the Assembly are. Where is the real power in Turkey now? Is it with parliament or with the army? They both cannot have it. There have been comments about visits to prisons. It is no good just walking around a prison; one has to know what is going on within it."

In spite of all these criticisms, the two rapporteurs defended their position at the end of the debate and insisted that the proposition of Resolution should be adopted without any change. Nevertheless, Mr Steiner admitted that there was a great problem with minorities in Turkey, but rapid progress could not be expected and such a problem could be resolved only if there were movement towards genuine democracy.

Finally, after having made a few changes, the Parliamentary Assembly of the Council of Europe adopted the following text of Resolution:

RESOLUTION OF THE COUNCIL OF EUROPE

The Assembly,

1. Having examined the reports of its Political Affairs Committee (Doc. 5378) and its Legal Affairs Committee (Doc. 5391), which take account of the fact-finding mission carried out in Turkey by the respective rapporteurs from 5 to 9 March 1985;

2. Recalling its previous positions, in particular its Resolution 822 (1984), detailing a number of measures which would be conducive to furthering the restoration of democratic normality and respect for human rights, in accordance with the statutory obligations of Council of Europe membership;

3. Noting with satisfaction the progress achieved over the past year towards the normalisation of political and parliamentary life, although it is still restricted, notably due to martial law which implies the suspension of several rights and liberties as well as of the separation of powers;

4. Noting with satisfaction the progressive lifting of martial law, this measure having been implemented in a further 11 provinces on 19 March 1985, but regretting that these emergency provisions still remain in force in 23 of Turkey's 67 provinces;

5. Noting that the press today is more free in discussing and criticising the government, the Grand National Assembly and political life in general, while still

being subject to certain restrictions especially where radio/television is concerned;

6. Welcoming the spirit in which the seven-member committee of the Grand National Assembly on prison conditions is approaching its work, which it has chosen to interpret as a long-term mandate;

7. Concerned at the restrictions imposed in the life of the universities;

8. Concerned also by the fact that mass trials, like those of members of DISK and the Turkish Peace Association (TPA), are still continuing, and that new trials are being prepared against TPA, several of whose members are still in prison;

9. Reiterating its serious concern at the restrictions on the right of defence which affect both the accused and their lawyers in the ongoing mass trials, some of which have entered their final stages;

10. Recalling its Resolution 727 (1980), appealing to parliaments of those member states of the Council of Europe which have retained capital punishment for crimes committed in times of peace, to abolish it from their penal systems, and deploring that the death sentence is so often asked for and pronounced in Turkey, before being submitted for ratification by the Grand National Assembly, in accordance with the Constitution;

11. Expressing its indignation at the continued terrorist attacks on Turkish citizens, and diplomats in particular, and stressing that this sort of action in no way serves the cause of democracy, but on the contrary tends to strengthen the enemies of democracy in Turkey;

12. Reaffirming its interest in the result of the proceedings currently pending before the European Commission of Human Rights which recently carried out its decision, following an invitation by the Turkish Government, to send a delegation to Turkey to gather first-hand information on the current situation as it relates to Turkey's obligations under the European Convention on Human Rights;

13. Noting the express assurance of the Turkish Prime Minister that the period of remand in custody without contacts with family or lawyer, still legally set at 45 days, is now in practice restricted to ten days, subject to two extensions each for a further ten days, and noting also that this practice is likely soon to be given legal force, but expressing its concern that any period of such detention is a grave infringement of human rights and its anxiety that such detention should be reduced to an absolute minimum as soon as possible;

14. Recalling its constant concern for the removal of the restrictions which continue to affect the exercise of the rights of trade unions, of political parties and of minorities,

15. Urges the Turkish Government and the Grand National Assembly that they should continue to give attention to all the measures listed in Resolution 822 (1984), and in particular:

i. to make full use of their constitutional powers to secure the continued abolition of martial law and of the state of emergency which has often replaced it in most of the provinces, until normal civilian courts have full jurisdiction over the whole country;

ii. to take immediate steps toward granting amnesty to those prosecuted or convicted for their opinions, exploiting to the full those possibilities which exist short of amending the Constitution, such as specifying the notion of "crime against the state" in such a way that those who are not condemned or accused of crimes of violence can be freed, at least conditionally;

iii. to accelerate progress towards the necessary full affirmation of political pluralism and human rights,

RESOLUTION OF THE EUROPEAN PARLIAMENT

While the Parliamentary Assembly of the Council of Europe was adopting a moderate text concerning the situation in Turkey, the European Parliament, on April 18, 1985, adopted a Resolution accusing the Ankara regime of pursuing the violation of human rights and a bloody State terror.

On the other hand, many members of the European Parliament have tabled oral and written questions and propositions of resolution on the situation in Turkey.

We are reproducing below the full text of the adopted Resolution:

The European Parliament,

A. whereas the present regime in Turkey has launched a systematic campaign of genocide against the Kurdish minority,

B. having regard to the recent death sentence given to 30 Kurdish soldiers by the military court of Diyarbakır,

C. having regard to the new trial of 84 Kurdish fighters in the special military court of Diyarbakır for 13 of whom the prosecuting officer requested the death penalty (including two who were youths under the age of 16), while 4 other persons were unable to appear in court since they had died in the meantime from the torture inflicted upon them during their imprisonment,

D. aware that the Turkish authorities carry out death sentences, as happened in the case of Hıdır Aslan who was hung in the Burdur prison.

E. having regard to the recent condemnation by two famous playwrights, namely the American, Arthur Miller and the Briton, Harold Pinter who, on a visit to Turkey, said that human rights were being violated there and intellectual freedom suppressed by torture,

1. Calls for an end to the death sentences issued by the Turkish military courts which provoke the justified abhorrence of international public opinion;

2. Demands that the death sentences that have been issued are not carried out;

3. Calls on the Turkish authorities to bring an end to the inhuman conditions surrounding the treatment, detention and interrogation of political detainees since this constitutes a ruthless violation of human rights;

4. Calls on the governments of the Member States and, in particular, the Foreign Ministers meeting in political cooperation to exert as much pressure as possible to ensure that a halt is called to the death sentences and executions, and the human rights and freedoms of the Turkish people upheld;

5. Instructs its President to forward this resolution to the Council, the Commission, the Government of the Member States and the Turkish authorities.

encompassing freedom of association including within trade unions, freedom for political personalities including those temporarily excluded from parliament, all rights of minorities, of the press, and especially broadcasting, and of education;

16. Express the hope that the Grand National Assembly will not ratify the death sentences at present referred to it;

17. Instructs its Political and Legal Affairs Committee to continue to follow the evolution of the situation in Turkey, and to report back to it at the latest at the beginning of the 38th session of the Parliamentary Assembly, in the light of the response and concrete action taken by the government and Grand National Assembly.

FAILURE AT THE MINISTERIAL COMMITTEE

On the other hand, despite all efforts of the "Turkish lobby" in Strasbourg, the Turkish Government did not succeed in having its Foreign Affairs Minister appointed to the presidency of the Council of Europe Ministerial Committee of the next 6-month term.

In May 1981, under the military government, Turkey had "voluntarily" renounced to her turn which falls successively, every six months, to a member country of the "21", in alphabetical order. The Ministerial Committee had decided that Turkey could assume the presidency, as soon as democracy will be restored in that country.

At the meeting of the Ministerial Committee of November 22, 1984, a few months after the Turkish "parliamentarians" reintegration into the Parliamentary Assembly, Turkey had claimed the presidency of the Ministerial Committee, but, for lack of a favorable consensus, the Ministerial Committee postponed

once again the discussion on the presidency to the next year.

Furthermore, following this decision, the Turkish Government has withdrawn its ambassador from the Ministerial Committee, where she represented the Turkish Minister since November 1984.

PIET DANKERT IN TURKEY

Former Speaker of the European Parliament, Dutch Parliamentarian Piet Dankert made a one-week visit to Turkey to find out about the state of human rights in this country.

After meeting some prominent journalists, trade union officials, academics and public figures in Istanbul on March 23-24, Mr Dankert proceeded to Ankara and afterwards to Diyarbakır.

In Ankara, he met with the Speaker of the Turkish National Assembly, Necmettin Karaduman, Prime Minister Turgut Ozal, Justice Minister Necat Eldem, the leaders of the present political parties as well as with former Prime Ministers Ecevit and Demirel, who have been banned from taking part in political activities for ten years.

During his Ankara talks, Mr Dankert said pertinent elements exist to revive ties between Turkey and the EEC and insisted that the Turkish regime should make further efforts on some burning questions such as granting a general amnesty, abolishing the death penalty, full respect for human rights. "As a member of the Council of Europe, Turkey should act in conformity with the human rights standards adopted by Europe. Of all Western European countries Turkey is the only one which keeps capital punishment in force. Trade union rights should be entirely respected. Since Turkey is a member of the Council of Europe, no one

can accept the establishment of an 'oriental democracy' in this country. Turkey should abide by the provisions of the European Convention on Human Rights as one of its signatories," he said.

With regard to the practice of tortures, he reminded that "if a Turkish migrant worker is beaten in a police station in Holland, not only the staff of this center but the Dutch Government as well bears responsibility for this act. Therefore, it is not convincing to claim that the beating in some police stations in Turkey is out of the sphere of responsibility of the Turkish Government."

After his talks with city administrators and his visit to the military prison in Diyarbakır, Mr Dankert told the press that he had been able to obtain all information required concerning the conditions of political detainees and that he contemplated elaborating them afterwards.

Speaking about his contacts with the Turkish social-democrat leaders who are divided in three political parties, Mr Dankert expressed his hope that the Social democrats will win in the next general election, but he refused to favor any of the three parties.

Before leaving Turkey on March 30, Mr Dankert held a press conference in Istanbul and revealed that prisoners in Diyarbakır Military Prison told him they had been tortured.

"Allegations on torture, proceeding according to the Turkish authorities from western sources, are more or less the same as those prisoners made in my presence," he said.

He urged the Turkish parliament to be more active on human rights issues so as to remove all obstacles preventing the stalled relations between the European Community and Turkey from taking a fresh start.

The former Speaker of the European Parliament is to report to the Socialist Group of the European Parliament and to submit his impressions to the five countries which have lodged a complaint against Turkey with the European Commission for Human Rights.

TURKS OF BULGARIA, KURDES OF TURKEY

During the recent meetings of the Parliamentary Assembly of the Council of Europe, the Turkish delegation made attempts for putting on the agenda a report and a draft resolution on the fate of the Turkish minority in Bulgaria, but this demand was not accepted by the Standing Committee.

Thereupon, the spokesman of the Turkish delegation, Kamran Inan, tabled the following amendment to the Resolution on the situation in Turkey:

"(The Assembly), expressing its concern that the Turkish minority in Bulgaria is deprived of the right to enjoy its own culture, to exercise its religion, to speak its own language and is subject to a systematic campaign which includes violence and murder in order to force the members of this minority to change their names into Bulgarian ones, calls on the Government of the Popular Republic of Bulgaria to put an immediate end to this repressive policy and to allow the Turkish minority to enjoy fully all the rights stipulated in international agreements and in the Bulgarian Constitution."

Referring to this draft amendment, some European deputies made the following remarks during the debates:

Vial-Massat (France): "If it is true, as underlined by this proposition, that the right to enjoy their own culture, to exercise their own religion, to speak their own language, to maintain their traditions and morals and to safeguard their national and cultural unity should be a reality in all countries as well as in Bulgaria,

that should be more necessary for a country which is member of the Council of Europe. And the Kurdish people, that is to say 10 million citizens of Turkey, should benefit from the same rights of ethnic minorities as they are defined by our Assembly. It is very far from being the case. For me, this draft amendment is a manoeuvre of diversion, I remind a famous French proverb: 'Those who wish to sweep others' homes should sweep first of all the front of their houses.'"

Gianotti (Italy): "After the draft amendment of Mr Inan on the Turks of Bulgaria, I intend to present a new amendment in order that the Kurdish minority of Turkey should no more be deprived of its cultural and religious rights and that it should no more be victim of the violence and man-huntings banned by international agreements and the Turkish Constitution."

Neumann (FRG): "If it is legitimate to examine the violation of human rights of which the Islamic minorities of Bulgaria are victims, it seems reasonable, as underlined by Gianotti, to evoke the situation of the Kurdish minority in Turkey as we are debating the situation in this country. I wonder if the Turkish Government treats its own minority in the way which it waits that the Bulgarian Government should respect?"

In order to avoid the insertion of a harsher paragraph concerning the fate of Kurds and other minorities into the Resolution, Inan was obliged to withdraw his amendment.

However, Inan and two other Turkish deputies as well as seven European deputies have made a written declaration to the press, "deploring that no opportunity is to be given during this plenary session to debate the appalling breaches of human rights being inflicted on the Turkish minority in Bulgaria."

On the other hand, two Belgian deputies, Vandemeulebroucke and Kuijpers, tabled on March 22, 1985 the following draft resolution at the European Parliament on the fate of the Turkish minority in Bulgaria:

The European Parliament,

A. having regard to its resolutions of May 1984 on human rights in the world,

B. having regard to Article 27 of the International Covenant on Civil and Political Rights which stipulates that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the rights, in community with the other members of their group, to enjoy their culture, to profess and practice their own religion, or to use their own language,

C. whereas the Bulgarian security forces are conducting a reign of terror in hundreds of towns and villages in Bulgaria where the Turkish community is resisting Government pressure on them to adopt Bulgarian names and whereas many people have died in these attacks,

1. Protests strongly at the repression of the Turkish minority in Bulgaria;

2. Calls on Bulgaria to observe Article 27 of the International Covenant on Civil and Political Rights;

3. Instructs its President to forward this resolution to the Council, Commission and foreign Ministers meeting in political cooperation.

WCL BEHIND DISK

At the end of March, the Deputy Secretary General of the World Confederation of Labor, Mr Flor Bleux, paid a working visit to the leaders of DISK who had recently been released. Even though the WCL considers that it is a step in the good direction, the fact remains that the DISK leaders are still under pressure of a trial which is not expected to come to an end in the near future. During his meeting with the

DISK leaders. Flor Bleux said the WLC is prepared to support DISK in its struggle for freedom of trade union organization in Turkey.

ICFTU ADDRESSING COUNCIL OF EUROPE

Prior to the session of the Council of Europe Parliamentary Assembly, the International Confederation of Free Trade Unions (ICFTU) has sent a letter to the Speaker, Mr Ahrens, expressing the Confederation's concern about the violation of trade union rights and basic liberties.

The ICFTU once again insisted that the unjust trial of the DISK leaders be halted and that DISK's property be returned to its legitimate owner.

SOLIDARITY WITH PEACE ACTIVISTS

In late March, several personalities of the West-German Peace Movement addressed an appeal to the "President of the Turkish Republic", Kenan Evren, calling for the release of those among the members of the Turkish Peace Committee who were already imprisoned, and calling for an end to arrests and trials as well as the possibility to develop freely activities in favor of peace.

In their appeal, these German personalities say: "We have learned from the history of our country what dangers can result from the persecution of groups and persons committed to peace. Persecutions of groups working for peace always have had the effect of reinforcing those political forces which were seeking to attain their objectives by brandishing in the end military threats or by resorting to violence - and which, by doing so, plunged the people into war."

CENSORSHIP IN AUSTRALIA

As part of a program called "Our Songs Are Sisters...", Kurdish singers Sivan Perwer and Gülistan, along with Turkish artists Melike Demirağ and Sanar Yurdatan, performed two concerts in Melbourne, Australia, on February 9 and 16.

On this occasion, all of them were interviewed by Radio 2EA, a radio station based in Sydney. But the broadcasting of this interview was cancelled under pressure of the Turkish Consulate and of some sympathizers of the Turkish regime within this broadcasting corporation. This act of censorship has subsequently been denounced by Kurdish and Turkish associations in Australia and by a great many democratic organizations. As a result of these strong reactions, Radio 2EA was forced in the end to broadcast it nonetheless, but certain parts remained censored.

Several democratic organizations, both in Australia and in Europe, have blamed this radio station for yielding to the Turkish regime's pressure.

BLATANT DISTORTION BY TURKISH AMBASSADOR

Mrs Raymonde Dury, Member of the European Parliament, addressing to the Turkish Embassy in Brussels, has drawn the Turkish regime's attention to two alarming cases:

1. Mr Tamer Kayas, a Turkish journalist who was sentenced to 10 years' imprisonment simply because he had made use of freedom of expression.

2. Mr Recep Marashi, former chief editor of Kozal Publishing House, who was sentenced to several prison terms totalling 19 years' jail. These sentences were upheld by the Military Court of Appeal.

Both were convicted of contravening articles 142,

143, 155, 159, 173 and 311 of the Turkish Penal Code, pertaining to propaganda of socialist or "separatist" ideas.

The reply of the Turkish Ambassador in Brussels, Mr Faik Melek, to Mrs Dury's letters illustrates once again the Turkish regime's conception of "opinion-offenses". This conception is in no way compatible with the European Convention on Human Rights.

We have reprinted below the Turkish Ambassador's reply, dated February 15th 1985, with regard to journalist Tamer Kayas.

"To the Honorable Member of Parliament,

"I have received your letter of January 28th 1985, in which you refer to the sentence passed by the Turkish Courts on Mr Tamer Kayas.

"Having gathered all necessary information on this subject, I would like to inform you that Mr Tamer Kayas, journalist, has not been sentenced to 10 years' imprisonment simply for making use of the freedom of expression every Turkish citizen fully enjoys, but in fact because he has been convicted of contravening articles 142, 143, 155, 159 and 173 of the Turkish Penal Code pertaining to offenses against the state and its institutions, notably illegal attempts aiming at suppressing the Constitution of the Republic of Turkey, either directly or through propaganda, at enforcing the rule of one class upon the others or at introducing discriminations based on language, race or religion.

"Since then, the fact has been established that the propaganda used to this end, far from being a simple use of freedom of expression, has had the effect not only of inciting, but also of fueling terrorism, which from 1975 to 1980 resulted in a death toll of over five thousand.

"I would also like to emphasize that the Turkish Penal Code, which is in force since 1926, comprises precise provisions with regard to the acts and offenses it defines.

"On the other hand, I would like to draw your attention to the fact that the articles of the Turkish legislation are *de jure* invalidated, if they happen to be in contradiction with the international documents which have been signed and ratified by Turkey. Therefore it is impossible for me to share the view you put forward on the incompatibility of article 142 of the Turkish Penal Code with article 10 of the European Convention on Human Rights. In addition, to my knowledge, paragraph 2 of article 10 of the aforementioned Convention is in perfect harmony with the Turkish Penal Code."

In his reply, the Turkish Ambassador is trying to distort blatantly the facts.

- First, all articles of the Turkish Penal Code which are being referred to, have no relation to the "illegal attempts" described in the letter. They are merely articles relating to "offenses" of propaganda, that is to the use of freedom of expression. A publication meant to bring about some changes in the Constitution and to defend claims of the working class or of an ethnic community does never constitute an "offense" in the countries which have signed the European Convention on Human Rights.

- Second, the aforementioned articles were taken from Mussolini's Penal Code and integrated into the Turkish Penal Code in 1936. These anti-democratic articles are no longer in force in Italy.

- Third, despite the fact that these articles are in contradiction with the European Convention on Human Rights, which has been signed and ratified by Turkey, they have not yet been invalidated *de jure*, on the contrary, the present regime is enforcing them systematically against all his opponents, both left-wingers and Kurds.

- Fourth, paragraph 2 of article 10 of the European Convention regarding restrictions to the exercise of freedom of expression, must not be interpreted arbitrarily by any signatory country. If a text published by a European journalist does not constitute an "offense" and if it is not subjected to any restriction of freedom of expression in the other signatory countries, one single country cannot be entitled to jail this journalist.

Whereas the communist parties are fully legal and represented in the national assemblies as well as in the European Parliament and in the Council of Europe, guarantor for the European Convention on Human Rights, the enforcement of article 142 against a marxist journalist in Turkey is a blatant abuse of paragraph 2 of article 10 of the European Convention.

LAWYERS REBUFFED BY AMBASSADOR

The Turkish Ambassador in Brussels is not the only one to behave as diplomatic missions of dictatorial regimes use to do.

One March 29, 1985, the Turkish Ambassador in the Netherlands, Mr Ayhan Kamel, refused to receive a delegation of the Dutch Bar Association. As part of Amnesty International's campaign against torture, the Bar Association wanted to express its concern about the fact that in Turkey too prisoners are subjected to torture.

According to lawyer G.A. Stuyling de Lange, the Bar Association wished to get further information about the fate of their colleague Mümtaz Kotan, who was arrested in 1980. After a first eight-year prison sentence was quashed, he was again put on trial.

According to the Dutch daily *Volkskrant* of March 30, A.I. has learned from several sources that Kotan was tortured on several occasions, since his arrest. A colleague of Kotan, who was arrested at the same time in April 1980, described afterwards how they had been treated on their way back from the court room to the prison.

"Soldiers were sitting on top of the van. Three soldiers got into the van behind us. Before the van

shot off, one of them said: 'Why did you submit a written defence (to the court)?' Thereupon, they started striking on my head and back, then in my neck and on my back. During the ride, all of us were being hit by them. Particularly Mümtaz Kotan was mercilessly beaten nevertheless he didn't say anything..."

Following a previous intervention on behalf of the political detainees, Ambassador Ayhan Kamel recognized, in a letter addressed to A.I., that there had been human rights violations in his country. But, in his view, these events were isolated ones which have been investigated. He blamed A.I. for not being objective. It would have been better, he said, that A.I. underlines during its campaign that things had improved in Turkey as regards human rights.

THE TIMES' REPORT ON KOTAN

The case of Mümtaz Kotan had been made public a few months ago by the British daily *The Times*. On November 27, 1984, the correspondent of the daily, Mrs. Caroline Moorehead reported the details below:

"A 42 year-old lawyer from Ankara, imprisoned in Diyarbakır military prison since April, 1980, is believed to have been tortured repeatedly since his arrest.

"Mümtaz Kotan is a Kurd and he has been sentenced to eight years in prison to be followed by two years and eight months internal exile, on charges of belonging to the illegal Kurdish organization Rızgari. He has not been charged with any involvement in violent activities.

"This is Mümtaz Kotan's second prison sentence. In 1971 he was arrested and tried for membership of a Kurdish cultural organization. In his defence speech, he upheld the Kurdish language and culture and stated that he believed Kurds were being wrongly oppressed. He was then sentenced to 16 years in prison, but released after the general amnesty of 1974.

"There have been several hunger strikes at Diyarbakır military prison to protest against torture and prison conditions. In August last year, Mümtaz Kotan's health was said to have been critical because of repeated torture."

TO OUR READERS

This issue of the Bulletin is entirely devoted to the Turco-European relations. The detailed information of recent months on the other subjects such as the State Terror and political life will appear in the coming issue to be published in a few weeks.