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## Scandal:

### THE COUNCIL OF EUROPE FOOLED AGAIN BY ANKARA

*The right to individual complaint has been rendered almost impossible though Turkish Government said earlier that there would not be restriction*

As we reported in the preceding number, the Turkish Minister of Foreign Affairs Vahit Halefoglou, with the purpose of obtaining the closure of the file relative to the five European countries' complaint against the Ankara regime, announced at Strasbourg that "Turkey has recognized the competence of the European Commission of Human Rights to receive petitions from any person." On the questions of some deputies, he repeatedly declared that "Turkey has recognized the Commission's competence without any restriction."

Few days later, the Turkish press reported that the Ankara government had, in contrast with Halefoglou's claim, put many restrictions on the Commission's jurisdiction. Now, we have the official text of the Turkish Government's declaration which proves that the Ankara Regime has deceived once more the Council of Europe. We reproduces below the full text of the Declaration:

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**STOP-PRESS**

**TURKISH AIRCRAFTS BOMBED INNOCENT KURDISH PEASANTS**

March 4, 1987... Turkish jets attacked three villages in northern Iraq which Ankara claimed were Kurdish guerilla bases. International press agencies report that at least 100 people were killed. The Turkish Minister of State, Hasan Celal Güzel, said the 30-minute air raid was carried out under an agreement with the Iraqi government for hot pursuit of "rebels" by Turkish forces. He said the 30 planes bombed camps, hide-outs and caches in the Sirat, Era and Alanis areas.

However, a spokesman of the guerilla movement (ERNK) led by the PKK (Workers' Party of Kurdistan) said that their fighters carry out their struggle within the territory of the Republic of Turkey and there were not any *peshmerges* in the said region. "Those who were killed by using napalm bombs are not our fighters, but only innocent peasants," he said.

The Kurdish guerilla attacks and the Turkish air raid represent a serious escalation of the undecleared war between the Turkish Army and the ERNK. The guerillas stage hit-and-run attacks on Turkish military garrisons and settlements near the border.

An electrified fence flanked by watchtowers and minefields runs along the unbroken length of the border. But in the high mountains between Turkey and Iraq it is almost impossible to maintain a closed border. During the last six months, as the Iran-Iraq War has escalated in the south, there has been a build up of Turkish forces close to the Iraqi bor-

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## TURKISH AIRCRAFTS BOMBED INNOCENT KURDISH PEASANTS

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der in the north. Hundreds of West German-built Leopard and upgraded American M47 and M48 battle tanks have moved by rail to bases at Siirt and Tatvan in the Kurdish region.

Turkish officials say 134 members of their security forces have been killed since August 1984, when the Kurdish guerrillas started their latest campaign in pursuit of autonomy for Turkish Kurdistan's estimated 12 million Kurds. ERNK has lost its 242 fighters, while 211 civilians have also died.

According to the Financial Times of March 5, 1987, "the attacks have dented the assumption that Turkey's military hold on the area was too strong even to challenge."

During the past two years the Turkish Government has been extending its policy of arming village "protectors" (korucu) and paying them to root out "separatist" elements in the countryside. ERNK fighters have been waging a campaign against these people who "collaborate" with the Turkish authorities. Recently, peshmergas raided, on February 21 and 24 in the provinces of Siirt and Hakkari, the houses of two "protectors" and killed 16 people in total and wounded 13.

On February 20, a Turkish engineer working at a construction in Northern Iraq was kidnapped. Turkish Government claims that it was an act of Kurdish "separatists".

Ankara justifies the last air raid as a retaliation for these Kurdish attacks.

However, it does not seem logical to gather two third of Turkish troops in this region for cracking down on a handful Kurdish guerrillas and the anxiety grows that all these preparations, in fact, aim at the occupation of Kirkuk and Mousul oil zones in Iraq by the Turkish Army. (See: "Scenario", *Info-Türk*, October 1986).

## DEPORTATION OF KURDISH VILLAGERS

A new repressive measure aimed at Kurdish people was unveiled by the daily *Cumhuriyet* of February 15, 1987: Deportation of 50,000 villagers of Tunceli (Dersim) to the western provinces of Turkey. Pretext: To provide them with lands to be opened to agriculture in the provinces of Antalya, Mersin, Mugla and Izmir.

Dersim has been the center of many Kurdish uprisings in the course of the Republic's history and thousands of Kurdish villagers have been massacred by the Turkish Army. Since the last military coup, most repressive practices have been carried out in this province. Even after the foundation of civilian government, the governor of the province dismissed all public servants of Kurdish origin, by claiming that all of them were connected with outlawed Kurdish organizations.

## CONDEMNATIONS OF KURDS

The Military Court of Cassation ratified on February 24, 1987, a 15-year prison term pronounced earlier by a military tribunal against Mr. Mehdi Zana, former mayor of Diyarbakir.

Zana, aged 47, was imprisoned following the military coup of 1980 and tortured for 32 days. In May 1981 Zana was tried by a military court in Diyarbakir with 90 other defendants charged with membership of the Socialist Party of Turkey Kurdistan (TKSP). In October 1983 he was convicted and sentenced to 15 years' imprisonment.

In May 1984 he was sentenced by a military court in Diyarbakir to a further seven years and eight months' imprisonment for shouting "Long live Kurdish people's democratic struggle!" during the announcement of his sentence in 1983.

A mission of the International Human Rights Federation was present at the Military Court of Cassation during the announcement of the ratification.

On February 19, the same higher court ratified the death sentences for 9 militants of the PKK. So, the number of the capital punishments to be ratified by the National Assembly rose to 141.

Other condemnations:

5.2, in Diyarbakir, a PKK militant condemned to 8-year prison term by a military court.

13.2, again in Diyarbakir, four different trials against militants of PKK and Rizgani ended in the condemnation of four people to 40 years' imprisonment in total.

19.2, in Eskisehir, a military court condemned 2 members of Dev-Yol to death sentence and another one to life-prison.

24.2, in Istanbul, 2 members of Rizgani were condemned by a military court to life-prison and 27 others to prison terms of up to 24 years.

## FAMOUS FOLK SINGERS' TRIAL FOR KURDISH BALLADS

On February 24, 1987, famous folk singer Ibrahim Tatlisces was indicted by public prosecutor for having sung two Kurdish ballads at a cultural soiree organized in Sweden. Facing a prison term of up to 5 years for "harmful propaganda" abroad, he will be tried at the State Security Court in Istanbul.

"The Government of Turkey, acting pursuant to Article 25 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms hereby declares to accept the competence of the European Commission of Human Rights to receive petitions according to Article 25 of the Convention subject to the following:

"(i) the recognition of the right of petition extends only to allegations concerning acts or omissions of public authorities in Turkey performed within the boundaries of the territory to which the Constitution of the Republic of Turkey is applicable;

"(ii) the circumstances and conditions under which Turkey, by virtue of Article 15 of the Convention, derogates from her obligations under the Convention in special circumstances must be interpreted, for the purpose of the competence attributed to the Commission under this declaration, in the light of Articles 119 to 122 of the Turkish Constitution;

"(iii) the competence attributed to the Commission under this declaration shall not comprise matters regarding the legal status of military personnel and in particular, the system of discipline in the armed forces;

(iv) for the purpose of the competence attributed to the Commission under this declaration, the notion of a 'democratic society' in paragraphs 2 of Articles 8, 9, 10 and 11 of the Convention must be understood in conformity with the principles laid down in the Turkish Constitution and in particular its Preamble and its Article 13;

"(v) for the purpose of the competence attributed to the Commission under the present declaration, Articles 33, 52 and 135 of the Constitution must be understood as being in conformity with Article 10 and 11 of the Convention.

"This declaration extends to allegations made in respect of facts, including judgments which are based on such facts which have been occurred subsequent to the date of deposit of the present declaration. This declaration is valid for three years from the date of deposit with the Secretary General of the Council of Europe."

## ANALYSIS OF THE DECLARATION

### *(i) Restriction within the boundaries of the Turkish territory:*

First of all, more than 2 million Turkish citizens live abroad due to the phenomenon of emigration or to the political self-exile. This mass of citizens face very often acts or omissions of Turkish public authorities carried out abroad by means of Turkish diplomatic missions. Privation of national passport or of Turkish citizenship is only one of these practices.

Besides, the Turkish Armed Forces still occupies the northern part of Cyprus and many Cypriots, of Turkish or Greek origin, suffer very often from arbitrary acts or omissions of these occupation forces, though the Turkish Constitution is not applicable there.

So, at least three million people cannot benefit from the European Commission's jurisdiction.

### *(ii) Exception in the light of Articles 119 to 122 of the Turkish Constitution:*

Articles 119, 120 and 121 stipulate declaration of a State of Emergency on account of a natural disaster or

serious economic crisis, widespread acts of violence and serious deterioration of public order, and Article 122 stipulates declaration of martial law in the event of widespread acts of violence which are more dangerous than the cases necessitating a state of emergency or in the event of war, the emergence of a situation necessitating war, an uprising or rebellious actions.

It is a fact that the gravest violations of human rights are committed in Turkey whenever state of emergency or martial law are declared: Arbitrary arrests, torture, long-term detention without a court warrant, trials at military tribunals under the command of the Chief of Staff or at state security courts, confiscation of all belongings of any individual or any organization, suspension of the activities of political parties, democratic organizations and trade unions, censorship on all mass media, man-huntings, etc.

It should be remembered as well that declaration of martial law or state of emergency is a method of governing in Turkey to which the ruling circles very often resort. In the course of a 78-year period, the country has undergone martial law for 39 years in total. For the time-being, five provinces are still under martial law and eight others under state of emergency.

### *(iii) Exception of the military personnel and discipline:*

In Turkey which has the second biggest army of NATO, 850,000 people are under the military status and discipline. By the virtue of the legislation on martial law, those who are arrested by the military during martial law period are considered "military personnel". This exception automatically deprives an important part of the population of the Commission jurisdiction.

### *(iv-v) European Convention is to be interpreted in conformity with the military's Constitution:*

The Ankara regime, instead of conforming its Constitution to the European Convention of Human Rights, asks the Council of Europe to conform the European notion of "democratic society" to that of militarist "democracy".

The Preamble of the Turkish Constitutions reads: "No protection shall be afforded to thoughts or opinions contrary to Turkish national interests, the principle of the existence of Turkey as an indivisible entity with its state and territory, Turkish historical and moral values, or the nationalism, principles, reforms and modernism of Atatürk."

Article 13 of the Turkish Constitution reads: "Fundamental rights and freedoms may be restricted by law, in conformity with the letter and the spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State with its territory and nation, national sovereignty, the Republic; national security, public order, general peace, the public interest, public morals and public health, and also for specific reasons set forth in the relevant articles of the Constitution. The general grounds for restriction set forth in this article shall apply for all fundamental rights and freedoms."

Articles 33, 52 and 135 of the Turkish Constitution set forth a series of restrictions on freedoms of association, trade union and professional organizations. They stipulate that all these bodies "shall not contravene the general grounds of restriction in Article 13,

nor shall they pursue political aims, engage in political activities, receive support from or give support to political parties, or take joint action" with other organizations of the different nature.

Daring to ask the European Commission of Human Rights to deal out justice in conformity with the anti-democratic articles of the Turkish Constitution is in one word an unprecedented insolence.

Moreover, the Turkish Government does not accept the Commission's jurisdiction for the facts which have occurred before January 29, 1987 and recognizes it only for three years from this date.

It means that, even if any act or omission which is not object of preliminary restrictions can reach to the European Commission of Human Rights, the Turkish Government can object to its jurisdiction on the pretext that this act or omission is in entire conformity with the notion of "democracy" set forth by the Turkish Constitution.

If the European Commission takes no heed of this argument and condemns the Turkish authorities, the latter will never be obliged to apply this decision, because the Turkish Government has solemnly excluded the recognition of the "obligatory jurisdiction" of the European Court of Human Rights.

In brief, the so-called Chairman of the Ministers' Committee of the Council of Europe has perfectly deceived once more the Council of Europe and he, despite this shameful forgery, continues to chair foreign ministers of 20 other western countries.

This is a shame also on the European governments who attributed him this "honour" and put up with this insolence.

## TURKISH REGIME ACQUITTED!

What is more incredible is the fact that the European Commission of Human Rights too, even without waiting this so-called recognition of its jurisdiction, closed the complaint file lodged by five European countries against the Turkish regime, by acquitting the latter on January 19, 1987. The "Final report on the dialogue between the European Commission of Human Rights and the Government of Turkey as provided in the friendly settlement" issued on January 30, 1987, reads:

"The Commission notes that more than 31,000 convicted prisoners have been released under the Law on the Execution of Sentences which came into force on 19 March 1986. It was also noted that the number of persons detained at military detention facilities has been considerably reduced and that many facilities have closed down. The Commission has gained the impression that conditions have improved in the military detention centers and expects that they will continue to improve until the transfer or release of all detainees from military detention.

"Both sides are of the view that the work of the State Supervisory Council is of great importance in relation to conditions in detention places. Although the reports of the State Supervisory Council to the President of the Republic are by law confidential, the Commission has gained the impression from the terms of

reference of this organ as well as from the system of implementation of their recommendations set up within the Prime Minister's Office that it has an important role in ensuring the strict observance of Article 3 of the Convention in detention centers throughout Turkey. Both sides have also noted with satisfaction the investigations into prison conditions carried out by the Parliamentary Committee of the Grand National Assembly.

"The Commission has noted with satisfaction the determination of the Government of Turkey to investigate such allegations and, where necessary, prosecute those responsible and is of the view that this should be done with the utmost vigor. The Commission has been informed of cases where courts have required prosecutions to take place after the prosecutor had not deemed it justified to open proceedings. It has noted that the Turkish courts of law are, in general, acting in full independence and with impartiality.

"The Commission has gained the impression, not only from visits and interviews with Turkish officials but also from interviews with independent personalities in Turkey, that conditions in police detention have improved.

### "Conclusion:

"The present Report concludes the dialogue under the friendly settlement reached between France, Denmark, the Netherlands, Norway and Sweden, on the one hand, and Turkey on the other and adopted by the European Commission of Human Rights on 7 December 1985."

## "IMPRESSIONS" AND THE FACTS

What were the complaints of the five countries against the Turkish regime, lodged in 1982:

*Violation of Articles 3, 5, 6, 9, 10 and 11 of the European Convention on Human Rights, relative respectively to prohibition of torture and inhuman or degrading punishments or treatments; individual's right to freedom and security; right to a fair trial before an independent and impartial tribunal, freedom of opinion, conscience and religion; freedom of expression; freedom of meeting and association.*

The Commission had decided first on the receivability of the petitions and later on, at the beginning of 1985, sent a mission to Turkey. The conclusion of the visit: "Too many violations of human rights do not allow Turkey to take place among real democracies." The delegation's confidential report was leaked out on March 13, 1985, by the Associated Press.

However, the Commission, on the reaction of the Turkish Government, denied the existence of such a report. Moreover, to the astonishment of human rights circles, the Commission announced on December 7, 1985, that the Turkish Government and the petitioning five governments adopted a "friendly" settlement.

This settlement, without taking into consideration the continuation of the above-mentioned violations of the European Convention, was based only on the Turkish Government's promises related to amelioration of the conditions in detention houses and prisons, lifting of martial law from all provinces in 18 months, modi-

fication of all legislation concerning fundamental rights and freedoms, release of prisoners of opinion.

Is there since then any factual amelioration on the points subject of the Turkish Government's promises? Of course some, but not in a way to justify the Turkish regime's acquittal.

Martial law is still in force in four provinces and state of emergency in eight provinces.

The conditions in detention houses and prisons are still incompatible with human treatment and prisoners go very often on hunger strike for protesting against torture and ill-treatment. In the Eastern provinces, Kurdish people very often undergo mass arrests, torture and even deportation. The investigation carried out by the Parliamentary Committee has not had any effect on the situation.

As for the State Supervisory Council, it is under the authority of General Evren and one cannot expect any remedy from it as long as it remains attached to the responsible No.1 of the military regime. It is also deplorable that the European Commission has not been allowed to see this council's reports on the pretext that they are by law confidential.

The legislation concerning fundamental rights and freedoms has been rendered more repressive since then and the government still drafts new antidemocratic laws. By the virtue of a new law related to "harmful publications", the press has been subjected to the threat of unbearable fines.

Many convicted prisoners have been released, but it is rather due to the fact that they have already served their prison terms of up to five years. Those who have been released according to the Law on the Execution of Sentences are in majority not political prisoners but the convicted for common crimes. Because of their resistance against arbitrary and inhuman practices in prison, many prisoners of opinion cannot benefit from this law.

The Justice Minister Mahmut Oltan Sungurlu announced on December 23, 1986 that although the number of prisoners and detainees which had fallen to 40,000 after the modification of the Law on the Execution of Sentences in 1986, it rose again up to 62,711 within one year: 31,396 prisoners and 21,315 detainees.

Moreover, those political prisoners who have been released are always considered "suspect" and cannot enjoy the right to work in public services or to freely travel. Still thousands of prisoners of opinion are in military or civilian prisons. All former political leaders are still deprived of their political rights. Even former prime ministers are still being condemned for having expressed their opinions on political matters.

Amnesty for all political prisoners and suppression of death sentence are still out of question for the government. On the contrary, the leading members of the Progressive Trade Union Confederation (DISK) and the Turkish Peace Association have been condemned to heavy prison terms. These two important organizations as well as parties of the working class and the Kurdish people are still outlawed.

The press is full of information on the continuing violation of human rights in Turkey.

On the other hand, on December 16-17, 1986, the European Parliament's Political Affairs Committee, adopting Mr. Julien Guimon Ugartechea's report by 25 votes to 0 and 2 abstentions, reaffirmed its anxiety concerning Turkey:

"Particular mention might be made in this connection of Turkey, Pakistan and certain ACP countries where the human rights situation has been thoroughly debated by Parliament since 1985. In the case of Turkey, Parliament, while recognizing that there had been certain improvements, called for relations to remain 'frozen': your rapporteur believes this standpoint was right with regard to a country which is a candidate member of the Community."

The European Commission of Human Rights should also have listened to the European trade union movement's protests after the mass condemnation of DISK leaders.

Alas! Instead of listening to the democratic forces of Europe, this supreme judicial organ has been contented with false "impressions", "promises" and hasty "appreciations" which should never be the basis of a judicial judgment in any society of law.

#### DETAILS OF THE NEW PENAL DRAFT

The new draft of penal code has give rise to big reaction in public opinion. All jurist associations and democratic organizations have announced that in the case of adoption of this draft by the National Assembly, citizens will face a threat of imprisonment for any gesture or word.

We had already given the principle points of the new draft in the preceding number.

The daily *Milliyet* of February 6, 1987, gives new details on the punishments stipulated in the new draft:

- To dirty a mosque or a grave: Prison up to 8 months and fine up to 50,000 TL.
- To listen a telephone conversation: Prison up to 6 months.
- To refuse paying a bill: Prison up to 3 months and fine up to ten fold of the bill's sum.
- Drunkenness: Prison up to 2 months and fine up to 150,000 TL.
- To sell alcoholic drink to a minor: Prison up to 6 months and fine up to 300,000 TL.
- To break wind in public: Prison up to one year.
- Exhibitionism: Prison up to one year.
- To sing erotic songs: Fine up to 10 million TL
- To invite anyone to make love: Prison up to 6 months.
- To kidnap a married women: Prison up to 7 years.
- To molest a lady in the street: Prison up to 2 years.
- To enter in a forbidden zone: Prison up to 5 years.
- Unrespect to the flag of a friendly State: Prison up to one year.

On the other hand, the Justice Committee of the National Assembly adopted a new draft which stipulates prison terms up to 3 years and fine up to 100,000 TL for the acts of disrespecting God, the celestial religions or their prophets.

## FAMILIES' MARCH TO GENERAL STAFF

A group of parents marched from Kizilay Square the General Staff Building on January 21, 1987, in order to submit a petition to the Army Chief demanding their children have separate cells in the Mamak Military Prison from those who disagree with their political views. They said that both right-wing and left-wing prisoners at Mamak Military Prison were kept in the same cells together and that frequent clashes take place because of opposing political views. During a confrontation taking place on January 15, one of the inmates, Erdogan Genc, was seriously injured during the fight.

## HUNGER-STRIKE AT ADANA PRISON

61 detainees in the Adana Prison went on a hunger-strike on February 17 for protesting against ill-treatment. They complain of restrictions on family visits, bad conditions of living in cells and ban on recreation.

Prisoners of Kurdish origin say that their parents, despite the fact that they do not know Turkish, are not allowed to speak in Kurdish during their visit.

## 149 DOUBTFUL DEATHS IN DETENTION

The Human Rights Association of Turkey, founded last year, announced on February 12, 1987, that at least 149 political detainees have died in detention under doubtful circumstances. The Chairman of the association, Mr. Nevzat Helvacı added that hundreds of people have become physically or mentally disabled due to torture or ill-treatment.

Of the 149 deaths:

24 are said to be from suicide,

97 from torture,

14 from lack of treatment after torture,

4 during the arrest by security forces,

10 resulting from hungerstrikes against prison conditions.

## THREE NEW TORTURE ALLEGATIONS

On January 5, 1987, a medical report delivered by a doctor of the Konya State Hospital certifies that teacher Ahmet Yılan, detained in December 1986, has on his body many scars caused by beating. A journalist, Mr. Sihali Yalciner, who was detained at the same time, said that he too had been tortured by police. He said he does not have any trace of torture, because torturers, taking into account that he is journalist, had beaten him so as not to leave any proof.

On February 13, 1987, in Ceylanpinar, a group of peasants were arrested on the charge of hiding firearms in a field. During the interrogation, on February 17, one of the detainees, Mr. Adnan Tüysüz was reportedly shot dead by gendarmes on the pretext that he tried to escape. A group of parliamentarians have established that Tüysüz had surrendered himself to authorities and there was not any reason for trying to escape.

On February 21, in the village of Kúpas in the province of Diyarbakır, Mr. Zülfikar Bayram was killed

under torture. His wife announced that all the members of the Bayram family had been detained for getting information on the whereabouts of her son, wanted by the security forces, and tortured until fainting. Mr. Bayram passed away when he was being taken to the State Hospital.

## BOOK-HUNTING IN "DEMOCRATIC" TURKEY!

According to the daily Cumhuriyet of February 19, 1987, since the transition to civilian rule, with a 3.5-year period, 240 publications have been the object of legal proceeding and their all copies confiscated. All copies of those publications of which legal proceedings ended in condemnation have been sent to the paper mill in Izmir for destruction.

The last operation of destruction occurred on December 18, 1986. That day, five lorries transported books of 39,028 Kg in total to the paper mill which immediately used them as raw material for producing paper.

Among the confiscated publications are also "Map of the World" and "Map of Europe" published by The Penguin; "Academic American Encyclopedia" by the Grolier International Inc.; "National Geographic Atlas of the World"; "Atlas de Poche-Larousse"; the Turkish edition of the "Encyclopedia Britannica" and "Nouveau Petit Larousse Illustré". All of them are declared "means of separatist propaganda" by the Turkish authorities for containing articles or maps related to the history of the Armenians and the Kurds.

Even the copies of socialist reviews published 15 years ago such as ANT, Türk Solu, Aydinlik were also confiscated and destroyed.

## 57 PUBLICATIONS DECLARED "HARMFUL"

Since the entrance in force of the Law against Publication Harmful to Minors on March 12, 1986, within a one-year period, 57 issues of different periodical publications have been the object of legal proceedings. The daily *Tan* is pursued for 19 different issues, *Sabah* for 9, *Günaydin* for 5, *Günes* for 2 and *Hürriyet* for one issues. All of them take place at the top of the list of best-seller newspapers of the country.

Of monthly reviews, *Playboy* is tried for 5 issues, *Playmen*, *Erkekce* and *Bravo* for one issue each.

Of weekly magazines, *Hafta Sonu* and *Sabah Yildizi* are pursued for 4 issues each. *Nokta*, *Yeni Gündem*, *Video Haber*, *Süper Gazete* and *Haftanın Sesi* are the object of one proceeding each.

## DOUBTFUL FIRE AT A THEATER

Theatres which stage plays considered by authorities "harmful" face not only exaggerated fines and banning from performance, but also menace of destruction.

On February 8, 1987, historical San Theater, got fire after the performance of a play entitled "Harmful Musical" and completely ruined in a very short time.

The theatre building belonged to an Armenian foundation in Istanbul and was rented by the theater group "Ortaoyunculari" for staging the said musical which ridicules religious fanaticism. Since the beginning, the

theater director and players had received many anonymous telephone calls and letters of threat.

The play has also been the object of a legal proceedings in the virtue of the Law against Harmful Publications. The theater director, Ferhan Sensoy, is still being tried by a tribunal.

Another play staged by the Istanbul Municipal Theater, "The Thousand and One Nights" is also pursued by public prosecutor.

On February 16, 1987, the responsables of the cultural organization BUFSAD were interrogated by public prosecutor for having projected Alan Parker's famous film "The Wall" during the "Cinema Days" in the city of Bursa.

On February 19, in Izmir, a cafe-keeper, Memis Yildiz, and his son were detained by police for showing to their clients a video-film of famous actor Kemal Sunal. They face prison terms of up to 15 years for "communist propaganda" because of a scene in which some leftist slogans appear on the wall.

On February 25, in Istanbul, public prosecutor filed a

proceeding against the authors of a 8-year old film, *Whore of the rushes covered roof*, for "containing harmful scenes".

#### NESIN TAKES ON GENERAL EVREN

Famous author Aziz Nesin sued "President of the Republic" Kenan Evren at a civil court in Ankara on February 5, 1987, claiming the head of state had insulted him as "traitor" during a speech in 1984.

General Evren, in that speech, described intellectuals who had presented him with a petition on May 15, 1984, as "traitors". The group which included Nesin, Chairman of the Turkish Writers' Union (TYS), called for improvement in Turkey's human rights.

Nesin demanded that General Evren should pay him compensation worth TL 500,100 (\$ 625) and that the decision of the court be broadcast on radio and TV.

However, the tribunal immediately refused to deal with the case on the pretext that the "President of the Republic" has constitutional immunity.

#### EUROPEAN TRADE UNIONS' EXEMPLARY SOLIDARITY WITH DISK

In spite of the military tribunal's decision to dissolve the Progressive Trade Unions' Confederation of Turkey (DISK) and to condemn its 264 leading members to prison terms of up to 15 years, the condemned DISK leaders organized an impressive international meeting in Istanbul, on February 13, 1987, marking the 20th anniversary of the confederation so as to reaffirm their determination to carry on their trade union struggle.

This celebration was followed next day by a seminar on trade union rights and freedoms, which was organized by the Social Democrat Populist Party (SHP).

A top-level delegation of the European trade union movement, composed of chairmen or other leading officials of each national trade union center, took part at both events and manifested international trade union solidarity with DISK.

The 300 seminar participants, more than 50 of whom were trade union officials from the European Trade Union Confederation (ETUC), the International Confederation of Free Trade Unions (ICFTU), the World Confederation of Labour (WCL) and national ETUC affiliates, condemned the Turkish authorities, which still have not restored democratic and trade union rights and which were continuing to violate the international labour conventions.

As to the Turkish part of the participants, the European guests witnessed the courage and determination of the DISK leaders on the one hand, and on the other, the surprising attitude of some political leaders who are also victims of the military's repressive measures. While the SHP Chairman Erdal İnönü and other leaders of this party were attending both meetings and expressing their full support to DISK, neither Bulent Ecevit nor Söleyman Demirel, two prime ministers prior to the military coup d'état, showed any sign of solidarity and their seats remained empty.

On the contrary, a presence at the seminar has been as surprising as the absence of the two politicians. The Chairman of the Turkish Trade Union Confederation (TURK-IS), Mr. Sevkettin Yılmaz, who had always been an accomplice of the military regime and had made declarations supporting the military prosecutor's accusations against DISK, was there and even shook Bastürk's hand. However, the journalists remarked that Yılmaz's this gesture was willy-nilly and was not so warm as his embracing Mr. Narin, chairman of the Employers' Union of Turkey (TISK), on other occasions. Later on the Turkish press reported that Mr. Yılmaz had no intention to attend the seminar, but he was obliged to do it on the insistence of Mr. Vanderveken, Secretary General of the ICFTU. In fact, before the meeting, Mr. Vanderveken had popped in Ankara in order to avoid a possible unpleasant situation so that the ICFTU takes part in a meeting where its affiliate in this country is not represented.

At the seminar, ETUC Secretary General Mathias Hinterscheid expressed his organization's solidarity with the workers and people of Turkey, at the same time severely condemning the Turkish Government.

"We know," Hinterscheid said, "that many political leaders in the European institutions and European governments share the ETUC's concern at this violation of human and trade union rights, but we are extremely disappointed at the feebleness of any practical action taken."

"The Western European institutions want relations with Turkey to return to normal, and the Turkish government is pressing for membership in the European Community. The ETUC considers that this return to normal can only come about if Turkey

- restores true political democracy;
- restores the full respect of human rights;
- restores workers' rights and trade union freedoms as defined in the ILO Conventions;
- honors its commitments as a member state of the Council of Europe as regards democracy and human and trade union rights;

" - and resolves to make restitution of the property and assets which belong to DISK but were confiscated by the military authorities."

Underlining once again the ETUC's respect and admiration for the endurance and tenacity demonstrated by the DISK colleagues, M. Hinterscheid assured the DISK of the ETUC affiliates' support and absolute solidarity in their fight for a return to democracy in Turkey.

Mr. Hinterscheid announced also that the ETUC Executive Committee, which met in Brussels on 12th February, had decided to pursue and to step up its action to promote the return of democracy in Turkey.

"The ETUC calls on the member states of NATO to broach the issue of human rights in Turkey in the NATO context, and particularly in the context of the North Atlantic Assembly. In its representations to the governments of the Member States of the European Community, the ETUC is urging them to abide by their firm stand as regards the return to normal of the relations between the EEC and Turkey until such time as all trade union and other democratic rights have been restored in that country. The ETUC calls on the Council of Europe and on its Parliamentary Assembly and the Legal Affairs Committee to pass judgement on Turkey on the basis of Article 11 of the Convention on Human Rights," he said.

ICFTU Secretary General John Vanderveken, speaking at the same seminar, drew the attention to the fact that, despite some encouraging developments within Turkey over the last two years, Turkey still has a restrictive Constitution, a harsh penal code, a great deal of repressive legislation, a cumbersome court system, protracted mass trial procedures and widespread human and trade union rights violations.

"The much-vaunted *'transition to democracy'* is at best an extremely slow process," he said. "So slow that it is a continuing infringement of Turkey's obligations as a member of intergovernmental institutions and alliances -OECD, ILO, NATO, the Council of Europe- which exist primarily to defend and promote freedom, justice and democracy. It is in the light of that non-fulfillment of Turkey's treaty obligations at the present time that the international trade union movement looks at the question of normalising Ankara's relations with Western Europe."

As for the WCL Secretary General, Mr. Jean Kulakowski, after having criticized and condemned the Turkish Government's disrespect to trade union rights, he qualified DISK Chairman Bastürk as a symbol of free and democratic trade union movement and reaffirmed his organization's entire solidarity with the progressive trade union movement of Turkey.

The WCL, in order to mark the DISK's 20th anniversary, has issued a pamphlet entitled "Turkish March" which gives the historical background of the DISK Trial and reproduces the documents concerning the WCL's actions of solidarity with DISK.

During the meetings, a crucial question was raised very often:

What is the present legal situation of DISK?

According to the DISK officials, the court still has not written its justification and decision. It might be written within a year. After the verdict is announced in writing, it will move to the Court of Cassation. It should continue there for two years. If the judgment is overruled, the file will return to the military tribunal again. After a second trial, the new judgment will go again to the Court of Cassation. This at first glance looks like it may take six years.

DISK's property has already been seized without waiting the definitive court decision. All the vehicles, the furniture and the building are in the hands of someone else. All of DISK's financial possessions were also taken. The latter comes to nearly 20 billion TL and the buildings, vehicles and furnishings are worth 350 billion TL (\$ 438 million). As has appeared in the press, DISK's financial wealth is falling but how it is being spent has not been shown. The automobiles and vehicles have been left to rust. DISK's money is being given as credit to investment circles by the banks. The buildings and the holiday establishments were immediately rented out with long-term leases.

## RESTRICTION ON WORKERS' STRIKES

The first mass strike since the military coup, launched on November 18, 1986, by the 2,650 workers of the NETAS Factory ended on February 18, 1987 with the conclusion of a collective agreement stipulating a wage hike of 40.5% for the first year and 30% for the second.

A delegation of 6 European trade unionists taking part in the DISK anniversary paid the strikers a visit on February 15 and manifested their solidarity with strikers. By the virtue of the Law on Strikes, only two strike pickets are allowed to be at the entrance of the workshop. When other workers gathered there to welcome the visitors, police brutally intervened in to break them up.

Trade unions are carrying on collective bargaining on behalf of 650,000 workers. Bargaining for 82,362 workers have already ended in disagreement and trade unions announced that they would go on strike.

Since the military coup of 1980, wage-earners have

lost about a half of their purchasing power due to the suspension of collective bargaining and strike.

The table below published by the daily *Hürriyet* of February 1st, 1987, shows the dramatic restriction on strikes:

<i>Year</i>	<i>Strikes</i>	<i>Strikers</i>
1977	132	48,082
1978	184	27,208
1979	269	41,187
1980	390	53,742
1981	0	0
1982	0	0
1983	0	0
1984	4	561
1985	21	2,410
1986	17	1,595 (Until July)

On the other hand, strike is forbidden by law for 560,000 workers in eleven economic sectors considered "vital" for national interests and public order.