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HAPPY
NEW YEAR

ALARM-CRY OF A TRADE UNIONIST IN THE SHADE OF THE GALLOWS

On the occasion of the Christmas, the European mass-media could broadly talk about the trade unionists which have been prosecuted for their trade union activities in divers countries. Yet, the leaders and the advisers of the Confederation of the Progressive Trade Unions of Turkey (DISK) who have gone mouldy in the military prisons since the military coup d'Etat of September 12, 1980 and, who have been tried for a year in the military court of Istanbul with the demand for 62 capital punishments were again forgotten. However, in the course of the session of December 15, 1982 that a delegation from ICFTU on a visit to Turkey attended, Abdullah Bastürk introduced a charge setting forth the illegality of this trial and calling for their release. Nevertheless, this rightfull request was rejected without any plausible explanation. We are publishing this charge of Bastürk entirely, in order to remind the world public opinion of the existence of the DISK trial and, to avoid it to be lost in the European mass-media's oubliettes.

The president of the DISK, Abdullah Bastürk was born in an Anatolian village in 1929. Because of his family's poverty, he had to leave the high school at the beginning and started his career as an agricultural worker from the age of 14.

Later on, he worked in the public and industrial sectors. He entered in the trade union struggle while he was working in the municipality of Istanbul, and set up a local trade union. In 1962, he founded with his comrades the national trade union GENEL-IS gathering all employees in the public sector in Turkey and was elected to its presidency. The Genel-is first affiliated with the confederation TURK-IS. Criticizing its conciliatory attitudes, the Genel-is shifted to the DISK with its 100,000 members and became the largest trade union in this progressive confederation.

Meanwhile, Mr. Bastürk was elected deputy from the People's Republican Party (CHP) of Mr. Ecevit. He was elected the president of the DISK at the 6th congress held at the end of 1977. Prosecuted for several times owing to the actions led by the DISK for the defence of the trade union and democratic rights, Mr. Bastürk was arrested by the martial law authorities in order to prevent the massive celebration of the May-Day, twice in 1979 and 1980.

Mr Bastürk and his comrades were among the first persons arrested and tortured following the coup d'Etat of September 12, 1980.

Mr. Bastürk and 61 of his comrades actually risk the death penalty in the military court of Istanbul.

ABDULLAH BAŞTÜRK



REQUEST OF ABDULLAH BASTURK

"Even though no sentence has been rendered and though we believe it is impossible for such a sentence to be given, the death sentence that is wanted for us has slowly but concretely begun to be executed through the conditions of confinement we are suffering."

1. The 867-page indictment prepared for the DISK lawsuit is a totally unlawful document. "Crimes" which do not exist in laws have been ARTIFICIALLY created to be crimes. The accusations have been based on the methods of ANALOGY and SUGGESTION, which have been declared unlawful in the Penal Code.

These accusations are assertions of subjective appraisals like predictions, distrusts and hypothetical statements. The indictment is a biased political document of polemics full of contradictions and false-reasoning based on the effort to create chain crimes based on collective accusation, which is contrary to the principles of the Constitution and the codes defining the personal character of crimes. According to us, the Military Prosecutor has resorted to FRAUDULENT ALTERATION of facts, in order to find basis for his unlawful methods.

The most striking peculiarity of the indictment is that it is not based on evidence.

There is not one single piece of evidence in the indictment, proving that DISK is an illegal organization conspiring to overthrow the state order, and showing that DISK was guilty of deliberate violation of article 146, 141 and 142 of the Turkish Penal Code.

The identification of the defendants in the indictment is uncertain. The legal basis of the accusations is not presented. The offenses are not described, which is contrary to article 1 of the Turkish Penal Code. The attempt to penalize the cases which have already been brought up to Court and finalized, is a very concrete example of violation of the basic principles of Law.

The indictment has not been able to assert a single case which can be considered under the titles of "physical compulsion", "psychological compulsion" and "evil intention" in the Turkish laws. Moreover, it is not possible to look for evil intention in the trade union activities we have undertaken, nor in the posts we have been elected to through secret vote and public census. None of our activities can be declared unlawful.

The Military Prosecutor has openly declared that he will not assent to any decision taken by the Supreme Courts and law authorities.

The paper we were forced to sign under heavy torture and oppression, have been used as the preparatory statements. The Public Prosecutor, by implication, seems practically to approve of torture in his observations on page 781 of the indictment. Our petition concerning tortures has been removed from our files.

All of DISK's actions so far have been legal and in line with the principle of the Constitution. The trade union activities of DISK have always been within the framework of the trade union heritage cumulated in Western Europe for 200 years, in accordance with the ILO principles and the approach adopted by ETUC, of which DISK is a candidate member.

Nothing has been concealed from the Turkish and world media. The activities and actions have been publicised through the daily papers, radio and T.V.

All the domestic and international activities of DISK have been under the strict control of the State through the Law No. 274 on Trade Unions, especially items 10 and 29. The documents at the Ministry of Labour and the Ministry of Internal Affairs, particularly, are good evidence of this fact.

The activities of DISK have either been carried out under judicial supervision or else have never been prosecuted at all. All of DISK's press-publication act-

ivities have been pursued within the limits of the relevant law and all its publications have been inspected by the Press Prosecutors. According to the Press Law, publications which have undergone prescription cannot be further prosecuted; nor can new accusations be brought forward based on them.

All the Congress meetings held by DISK have been attended to by the authorities, its by-laws approved, its resolutions certified by the public notary, and presented to the relevant office upon request.

The meetings and conferences have been held under the consent and supervision of the State, which granted the necessary legal authorizations. The strikes carried out by the affiliated trade unions are in accordance with Law No. 275 on Collective Bargainings and Strikes. No suit was brought against any of these strikes at the time.

It is against both the law and democracy to regard our views and activities as crimes after so many years. This approach is a total violation of the principle of "Permanence of the State". Likewise, the Penal Code Law, which states that "no deed can be punished which was not considered against the law at the time it was committed" has been violated. Acts which were legal and in agreement with the Constitution under normal conditions, are proclaimed illegal in extraordinary periods.

DISK has always defended the idea that the Constitution should be entirely implemented and perfectly applied, and that democracy should be practiced wholly with all its institutions and rules. DISK has taken offices of representation at various institutions of the State, its members serving as members of Parliament, its practices have been taken as models for Court resolutions. DISK is also mentioned in university textbooks.

On the other hand, DISK has always expressed a clear attitude against terror and anarchy and has always been on the side of democratic rights and freedoms.

During the trial, DISK and its affiliated members were accused by some authorities of being responsible for and taking part in "anarchy and terror". It can be understood from the contents of the indictment and from the study of documents in the case file, that the accusations have no material foundation.

2. On the other hand, even though no sentence has been rendered and though we believe it impossible for such a sentence to be given, the death sentence that is wanted for us has slowly but concretely begun to be executed through the conditions of confinement we are suffering.

Indeed, 18 of us are squeezed into each cell, described by doctors as "dangerous for life", because the extreme difficulty of breathing. Because of the chimney's smoke which fills our airing yard with soot and gas, we are in danger of dying from slow poisoning in our cell. Under these conditions, we are unable to get fresh air for a total of 60 minutes a week, as getting fresh air means breathing poisonous gas in an even more concentrated form.

Except for these poisoning gases which may cause many diseases including cancer, the general conditions also threaten our health: the cells and the airing yard receive no sunlight, the dishes must be washed with cold water, each person has 2 to 3 minutes of bathing water per week, etc.

The lighting system is in a position to severely da-

mage the eyes. Watering and burning of the eyes are frequent. Those among our friends who have asked to see an eye doctor, have been put on a list of 200 people still waiting to be examined. According to an announcement, their turn will come in nine weeks. The regular medical control is made by looking at the face of the arrested person through the loophole every week or every ten days. The prescribed medicine cannot be obtained on time.

On the other hand, our talks with our lawyers are carried under the supervision of soldiers, which is unlawful. A lawyer is allowed a total of 20 minutes to talk with his 10-15 clients. We are not given the trial minute statements and defence documents which our lawyers bring for us. A book including the Constitution of 1924, 1961 and 1982 is forbidden to the defendants; the word "harmful" has been added under the title of the 1961 Constitution.

In short, our defence rights are extremely limited.

The ten minute talks we may have with our families are threatening the family institution and are very humiliating.

On the other hand, in the jail house, getting searched, being hit with chains on the back, being insulted, being subject to dishonoring manners and words are things which occur frequently and are very hard to endure.

Being under arrest does not mean that the arrested person should be physically, mentally, psychologically sick. But under the prison conditions that are imposed upon us, it is even doubtful if we will live to the sentence stage of the trial.

I hope that history will not be the witness of the execution of innocent trade unionists, who are put to trial on the basis of an unlawful indictment and in view of the death sentence, before the verdict which -according to us- will acquit these men.

(The text has been released by the DISK Liaison Office in Brussels.)

CONSTITUTIONAL VIOLATION OF HUMAN RIGHTS

In the course of its meeting on January 24 1983, the Parliamentary Assembly of the European Council shall discuss the constitutional referendum of November 7, 1982 in Turkey and, shall adopt a definite position regarding its contents and Turkey's status in the bosom of this European institution.

The socialist member of the Parliamentary Assembly Mr. Claude Déjardin studied, in collaboration with Mr. Jack Deboek from the University of Liège, the conformity of the Turkish Constitution with the European Convention on Human Rights and, prepared a report to submit to the Assembly.

We present you with large extracts of this important report demonstrating the "constitutional violation" of human rights in Turkey.

"The Turkish Constitution is not perfectly conformable to the European Convention of Human Rights. Two types of non-observance of the Convention can be distinguished: serious irregularities and others which are less important than the formers.

"A. SERIOUS IRREGULARITIES

"1. concerning all rights warranted by the ECHR

"Article 13 of the Constitution enumerates the hypothesis of legitimate restriction of the fundamental rights. Besides it states that these 'general reasons set forth (...) are valid for all fundamental rights and freedoms.'

"This disposition is contrary to the ECHR, because:

a) Some warranted rights do not suffer from any exceptions: It concerns the right to not to be submitted to the torture or to degrading treatments (Art. 2 ECHR), the right set forth by article 7 ECHR, the right to get married (Art. 12 ECHR), the right to the

All the requests we have submitted to the office concerned about our living conditions in the prison, have remained unanswered.

This trial, as the Military Prosecutor who has his signature under the indictment stated himself in one of his remarks, is a political trial.

By this unlawful indictment, it is not the things we do nor our activities, but rather our ideas and views on trade-unionism, which are under accusation.

It is not so much DISK which is being accused and sentenced by this indictment, as it is trade union rights and freedoms, and the United Nations and ILO principles. The principles of the European Trade Unions Confederation, to which we are a candidate member, are being interrogated and tried.

DISK, as a national, independent and democratic workers' union, has worked for the development of the basic rights and freedoms and democratic workers' rights. It has defended the Constitution, democracy and national liberty, has protected labour and has struggled against exploitation, anarchy and terrorism.

DISK has defended progress, truth, reality and labour. Our greatest witness is history and the social realities of our times. Reality will absolve DISK.

The question is not whether a crime has been committed against the State, or whether the written evidences, which in our view contain no incriminating elements against us, could be completely destroyed. (If I was to be released, T.N.) Likewise, the presence of conditions stated in Item 71 of article 353 cannot be proved.

Since after the interrogations it is obvious even at this stage of the trial, that the claims put forward and the evidence brought do not form an offense by content and quality, therefore, and because of the conditions I have attempted to describe above, which result in an unjust execution, - I ask for and request my release.

grant of an effective recourse in the case of the violation of a right set forth (Art. 13 ECHR) and, the right to the equality of treatment in the exercise of the warranted rights (Art.14 ECHR) as also the right set forth in an absolute manner by article 6 of the Convention.

"There is no doubt that, regarding these rights, article 13 of the Turkish Constitution, stated in a general manner and without restriction, is contrary to the Convention.

"b) Other rights are set forth in a less absolute manner by the ECHR: The Convention provides possibilities for impairment, but they are provided in a very precise manner. It concerns the right to life (Art. 2 ECHR), the right set forth by Article 4 ECHR and, the right to not to be deprived of one's freedom (Art. 5 ECHR).

"Article 13 of the Constitution is formulated in such a way that it authorizes, indeed, the derogations provided by articles 2, 4 and 5 of the ECHR in the exercise of these rights but, it equally allows others. In that degree, it is contrary to the Convention (...).

"2. concerning articles 9, 10 and 11 - freedoms of thought, of conscience, religion, expression and associations. (*)

"I. Art. 9, 10 and 11 ECHR

"The Turkish Constitution gives the expression to the will of privileging and protecting, by all means, a philosophical and political doctrine.

"a) To Protect Atatürk's Doctrine

"The 'principles, reforms and modernism' or the 'nationalism' of Atatürk is the essence of the Turkish Republic (Art. 2) The ideas which are contrary to it do not deserve any protection (Par. 9 of the preamble -NB art. 176)

"Article 2 gives this doctrine a value equivalent to the fundamental rights', adoption of a definite position which shall never be modified (Art. 4) as also the restrictions on all fundamental rights are legitimate when they are condemned by the safeguard of Atatürk's doctrine (Art. 13).

"This will of protection directly violates the freedom of thought and the consequent liberties that are of expression and association. The Constitution itself consecrates this violation.

"b) Consequences on the freedoms of expression and association.

"The freedom of expression cannot be used with the object of imperiling the Republic, so, especially Atatürk's doctrine. Indeed, the freedom of science and the arts and, the freedom of expression through the channels of press or TV are set forth, but only to the extent that 'the fundamental characteristics of the Republic as they are defined in article 2 of the Constitution' are preserved (Art. 27, 28 and 133). The freedom of association as it is concretized as trade unions and political parties is also warranted provided that their statutes are in conformity 'with the principles of the Republic' and they do not use the freedom of expression with the object of jeopardizing the Republic. (Art. 68, 69 and 51). In the event of their non-observance these prescriptions, these trade unions and political parties shall be dissolved. In addition, president and members of Parliament take the oath that they 'shall remain committed (...) to the principles and reforms of Atatürk' at their induction into office (Art. 81 and 103). The legislative immunity of a member of Parliament shall be suspended in the case of the breach of this oath (Art. 83).

"Under these conditions what remains us from the freedoms of press, individual expressing and, collective expressing set forth by the Constitution?

"c) Used means

"The Turkish Constitution, on the one hand, ensures the freedoms of conscience, religion and education, on the other hand it imposes preventively an education and a formation 'dispensed in the spirit of the principles and reforms of Atatürk' (...)

"In fact, those who would, in spite of all, attempt to show the wrongness of the doctrine of Atatürk or the rightness of another one would be sanctioned by an exceptional court: the State Security Court. Indeed, the Constitution institutes 'State Security Courts charged with knowing (...) crimes and misdemeanours which aim at the Republic as they are defined in the Constitution (...)' (Art. 143).

"II. Art. 10 ECHR: The Freedom of Expression in Particular.

"a) The freedom of expressing by written ways, records, recording, video or thought is warranted but, some languages banned by the law cannot be used (Art. 23 and 28)

"A language constitutes the vehicle of the thought and banning it is to interfere with the freedom of expression and in a wider sense the freedom of thought, for example in the case of those who are in the Turkish territory and can only speak one of the banned languages (f.e. the Kurdish)

"On the other hand, to assure the individuals who speak the authorized languages and not to assure those who speak a banned language reverts to a discrimination in the exercise of the freedom of expression, discrimination contrary to article 14 of the ECHR.

"b) In order to ban the publication of events of the day or to suspend, confiscate, seize the periodicals and non-periodicals a court judgement is sufficient (Art. 28 and 29).

"Art. 10 ECHR requires that such a decision is made only when it is necessary for the pursuit of the objectives enumerated in the art. 10 par. 2 ECHR.

"c) Art. 67: 'The soldiers and junior officers on the active list, students of military academies as also the prisoners and condemned men in prisons and gaols cannot vote.' (...)

"The downfall of the right to vote constitutes then a sanction without trial (violation of Art. 6 par. 1 ECHR) and a violation of the principle according to which 'Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.' (Art. 6 par. 2 ECHR).

"Moreover, this sanction is contrary to and violates Art. 10 ECHR (freedom of expression) without any possible justification regarding the outline of Art. 10 Paragraph 2 ECHR.

"d) Art. 76 states the conditions to be elected a deputy.

"Its 2nd paragraph provides that 'whosoever (...) was condemned for (...) participation to ideological actions (...) shall not be elected a deputy even if he was granted a free pardon.'

"For lack of precisions and the notion of 'ideological actions', this paragraph of Art. 76 opens the door for the worst abuses and is capable of grounding violations of freedoms of thought and expression set forth by articles 9 and 10 of the ECHR (...)

"III. Art. 11 ECHR: The Freedom of Association in Particular.

"1. Trade Unions (Art. 51)

"Conditions provided by the law are hardly to suspend and to ban trade union activities. The 2nd paragraph of art. 51 is not in conformity with art. 11 ECHR, to the extent that suspensions or interdictions can be set in cases other than those provided by art. 11 paragraph 2 ECHR.

"Besides, the statutes of the trade unions shall not infringe especially 'the characteristics of the Republic as they are defined by the Constitution' (Art. 2 and 51). This obligation could be equally sanctioned by paragraph 2.

"The last paragraph is also contrary to the Convention since the doctrine of Atatürk cannot be integrated to one of the interest of art. 11 paragraph 2 ECHR.

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(*) Art. 11 ECHR warrants at one end the same time the individual freedom to associate and the collective freedom of associations, that is to say the freedom of expression of associations.

"2. Political Parties (art. 68)

"Here, also restrictions arise, because parties' statutes have to be in conformity especially 'with the principles of the Republic'. In default, the Constitutional Court can pronounce their dissolution (art. 68 and 69). This restriction in so far as it can be set for the safeguard of the doctrine of Atatürk is not in conformity with art. 11 ECHR since it does not fall within those provided by art. 11 par. 2 ECHR.

"In addition, 'the judges and prosecutors, members of higher courts, teaching staff members of the higher educational institutions, State civil servants and those of public institutions and establishments except for those who are regarded as workers, students and members of the armed forces CANNOT JOIN POLITICAL PARTIES'.

"This last paragraph of art. 68 directly violates the freedom of association set forth by art. 11 ECHR. Nothing can justify, in the sense of article 11 paragraph 2 ECHR, such a restriction on the freedom to join a political party with respect to this people.

"If, contrary to all logic, we came to the point of admitting that article 68 presents a justified interference, then we would have to admit that, in this case, there would be a violation of art. 14 ECHR which warranted the equality of treatment in the exercise of the fundamental rights. Indeed, there would be a discrimination between:

- the members of the higher courts and those of others;
- the teaching staff members of the higher educational institutions and those of others;
- State civil servants regarded as workers and others.

"In addition, the Constitution itself sets this sanction of obligation for the magistrate, Art. 129 for the State civil servants and, Art. 130 for the teaching staff members of the higher educational institutions.

"3. Professional Association in the Nature of Public Organizations.

"Art. 135 seems to aim at professional associations of individuals who cannot be regarded as workers or employers in the sense of the first paragraph of art. 51: those who carry on free or independent professions and State civil servants.

"Professional associations in the nature of public organizations are set up by the law and, therefore, individuals shall not have the right to initiate in this respect. In this case, there is violation of art. 11 ECHR since, the persons aimed do not have any possibility to found a trade union.

"On the other hand, contrary to the foregoing, the persons aimed by art. 135 other than the State civil servants shall be bound to join these organizations and, so the freedom of association shall not be guaranteed for them.

"4. Other Associations (Art. 33)

"Here also, restrictions arise in the extent that conditions provided by the law have to be fulfilled hardly to the dissolution.

"This article is not in conformity with art. 11 ECHR in the case that the dissolution can arise in circumstances other than those provided in art. 11 paragraph 2 ECHR. On the other hand, this obligation set forth in the 5th paragraph is not favourable to the judicial security. It is even contrary to art. 6 ECHR in the case that the dissolution would be automatic without interference of a judge.

"Finally, this article 'does not prevent putting restrictions on the rights of armed forces personnel and

security forces members to form associations, or to ban them from exercising this freedom.'

"It should be necessary, at least, to state precisely that these restrictions or interdictions can exist only for the safeguard of one of the objectives of art. 11 par. 2 ECHR. In the case that restrictions and interdictions can exist beyond the limits allowed by art. 11 par. 2 ECHR, there is violation of this article. It is violated if, there is no justification conformable to its 2nd paragraph. In fact, none of the objectives of art. 11 par. 2 can justify such restrictions or interdictions.

"Freedom of Expression of Associations

"1. Trade Unions

"Art. 51: '...functioning of trade unions and trade union confederations shall not infringe ... the characteristics of the Republic as they are defined by the Constitution.' This means that, if the doctrine of Atatürk implies choices in economic and social matters, trade unions cannot criticize it. In this case, whereas the doctrine of Atatürk cannot be included in art. 11 par 2 ECHR, there is violation of the freedom of expression of associations.

"Art. 52: 'Trade unions ... cannot foster political objectives, cannot devote themselves to political activities, cannot support or be supported by political parties, and cannot collaborate with vocational institutions and foundations which are in the form of public establishments.' Here, it is a disposition that can be found also for political parties (art. 69), for professional associations in the nature of public organizations (art.133), for other associations which is in question. In other words, the Turkish Constitution far from recognizing the freedom of expression of associations and the freedom of association as two general principles, recognize four types of association and each of them lives and functions in an insulated 'world' with respect to others. They would not become allies and express their identical opinion by common consent, when they have identical objectives. Here, it is a bursting violation of their freedom of association and expression.

"On the other hand, these dispositions are far from being clear. Particularly:

- for trade unions, it means that a trade union cannot have a political colour. Then, where is the trade union plurality? It means that a trade union cannot protest against a governmental measure unfavourable to the workers. Then, where their freedom of expression and their role come to?
- for political parties, does it mean that a party cannot have an objective in the way of workers' interest? If so, then the Turkish Constitution does not agree to the existence of a socialist party such as in Western Europe.

"Art. 52 and provisional art. 14: '...financial inspection and incomes and expenditures of the trade unions shall be regulated by law ... they shall deposit all their incomes in national banks'. It is quite easy to take necessary measures to make them ineffective by controlling their incomes. The government can prevent the trade union to carry on a social policy, thus its freedom of expression is impeded. Finally, knowing their incomes and expenditures the government will know their resistance capacity in the case of strike (if the strike is possible!)

"Thus, in Turkey everything happens in view of a pure and simple role for trade unions without allowing them any opposition.

"The first paragraph of art. 54 recognizes a right

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to strike for workers, but this recognition is completely devoided of its contents.

"Paragraph 2: the right to strike cannot be exercised 'in any way which contradicts principles of probity which harms the society, or which destroys social wealth'.

"Such a restriction with so fuzzy terms allows even itself to prevent all strike whatever it is. Nevertheless, the Constitution does not stop at that point. The last paragraph of art. 54 which forbids a good many strikes, as a matter of fact, finally prohibits all strikes.

"It is quite true that the ECHR does not guarantee the right to strike, but it guarantees the freedom of expression of associations. Well then, what is the use of being free to express an idea, if one cannot convince of its wrightness? Precisely, the strike is a tool disposed by the trade unions and workers to convince the State or the employers. And, it is the only efficient tool which is in question. (European Social Charter)

"Since the strike is repressed, the freedom of expression of associations is violated.

"2. Political Parties

" - According to the 4th paragraph of art. 68, po-

litical parties cannot preach to a doctrine other than Atatürk's. Art. 11 ECHR is violated.

" - The 2nd paragraph of art. 69 is violating Art. 11 ECHR.

" - The 6th paragraph of art. 68 is contrary to art 11 ECHR to the extent that such restrictions are possible out of the bounds of art. 11 par. 2 ECHR.

" - The last paragraph of art 83: 'political party groups shall not hold debates and pass resolutions in connection with legislative immunities,' when the suspension of the immunity of any member of Parliament is in question. Such an interference with the exercise of the freedom of expression of associations is not allowed by art 11 par. 2 ECHR. There is again violation of this article of the Convention.

" - It is the same way with the 2nd paragraph of art. 84 and the 4th paragraph of art. 135.

" - SANCTIONS FOR THE OBSERVANCE OF THESE OBLIGATIONS: art. 69 paragraphs 6 and 7.

"3. Professional Associations in the nature of public organizations.

Identical commentaries to those concerning the trade unions and the political parties are to be expressed concerning the similar dispositions applicable to these associations."

POLITICAL LIFE

- General Evren, addressing the residents of the city of Artvin, said: "When we say 'you may start political activity', they may start political activity. I would like to remind those who are in such a campaign, of this."

- The new political party law will pass the assembly and be submitted to the National Security Council in January 1983.

- Prime Minister Ulusu declared that the reorganization of public institutions will be completed by the end of 1983.

- Although the military junta claimed that the legislative power would be transferred to the National Assembly to be elected in autumn 1983, the Turkish press reports that more than half of 80 fundamental

laws will be acted by the National Security Council until that date. Among them are also the laws on collective bargainings and strikes, on the emergency and war regimes, on the foundation of state security courts. It is also reported that, after the general elections, the martial law regime will be replaced by the emergency case regime and the martial law courts will transfer the political lawsuits to the state security courts which are to be established in seven important provinces of Turkey.

- The Ministerial Council submitted to the Consultative Assembly three law projects amending the Turkish Penal Code, the Criminal Procedure and the Law on the execution of punishments. According to the amendment on the Penal Code, the prison term

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TURKISH JUNTA SUMMONED TWO EDITORS OF INFO-TURK TO RETURN AND TO SURRENDER TO MILITARY AUTHORITIES

While claiming to accelerate the process of "returning to democracy" after the referendum of November 7, the Turkish military junta announced on December 14 that two Turkish journalists living in Europe for ten years, would have to return to Turkey until December 31, 1982 and to surrender to military authorities.

This appeal accusing Dogan Ozguden and Inci Tugsavul of carrying out activities against the Turkish State abroad was announced by the Turkish Radio and press.

Seven months ago, the General Consulate of Turkey in Brussels had refused to renew the passports of the two journalists.

Ozguden and Tugsavul are the members of the editorial board of Info-Türk.

In September 1982, the Turkish Embassy had asked the Municipality of Brussels to dismiss Inci Tugsavul from the post of teaching Turkish language and culture to Turkish children.

Actually, Ozguden and Tugsavul are under the protection accorded by the United Nations to political refugees.

In the same appeal, the junta announced that if they did not return and surrender to military authorities until the day of New Year, they would lose their nationality and their property in Turkey would be confiscated by the government.

The two journalists had been obliged to flee the country during the period of preceding military regime of 1971-73 because of political indictments for their publications.

for those who found association or band with the aim of committing crime against the State will be increased from 10 years to 15 years.

MAN-HUNTINGS

Within the month of November the security forces have reportedly arrested 7 members of the Progressive Cultural Association of Eastern Anatolia (DDKD) in Diyarbakır, 29 members of the Revolutionary Liberation Organization (DKO) in Istanbul, 21 members of the Revolutionary Left (Dev-Sol) in Bursa, 28 members of the Communist Party of Turkey (TKP) in Kahramanmaraş, 26 members of the Liberation by Socialist Revolution (SDK), 53 members of the Islamic Party of Kurdistan in Diyarbakır.

Besides, 38 persons were apprehended in Ankara on the charge of participating in the activities of the Revolutionary Path (Dev-Yol), the Liberation, the Revolutionary Communist Party of Turkey (TDKP) and the TKP; 32 persons of the Socialist Workers' Party of Turkey (TSIP) and the TKP in Istanbul; 48 persons of different left organizations in Diyarbakır.

POLITICAL TRIALS

A new mass trial was started at the military tribunal of Antakya against 312 persons accused of being militants of the Communist Party of Turkey/marxist-leninist (TKP/ML), on November 24.

In Izmir, the prosecutor asked prison terms up to 28 years for 3 militants of the Popular Liberation Party/Front of Turkey (THKP/C), on November 30.

16 members of the Popular Culture Association of Bucak were brought before the military tribunal on November 21 in Izmir.

In Diyarbakır, the trial of 53 members of the Hizb-i Islam, a clandestine fundamentalist organization was started on November 15 at a military tribunal.

CONDEMNATIONS

Nov. 6: Five agents of the Riot Police were condemned in Ankara to 20-month prison each for having participated in a demonstration prior to the coup.

Nov. 8: Two persons were condemned in Konya up to 15-year prison.

Nov. 9: At the military tribunal of Erzurum, 12 persons were condemned to imprisonment up to 13 years.

Nov. 16: A member of Dev-Yol was condemned to life-prison by the military court of Ankara.

Nov. 27: 6 members of the Dev-Sol were condemned by the military tribunal of Istanbul to prison terms up to 16 years.

Nov. 28: 4 members of the Dev-Yol were condemned in Izmir to imprisonment up to 4 years each.

Nov. 29: Four persons condemned by the military tribunal of Adana to imprisonment up to 24 years.

TORTURE

At the trial of the TKP in Ankara, defendant Mehmet Kayabaşı stated on November 30 that he was taken to the police headquarters while he was under arrest in a military prison and brutally tortured. Other defendants, Ahmet Ozbalı, Ali Akgün, Sükrü Bekel, Sermet Yağcın and Haydar Topay also revealed that the torture practice was being carried on even after the preliminary police interrogation ended.

Same day, at the two different trials of the Dev-Yol members, defendants Fahrettin Demiral and Mustafa Reisoglu declared that they were tortured and showed the traces of torture.

18 WRITERS INDICTED

At the end of November, the military prosecutor of Istanbul opened a new political case against 18 distinguished writers of Turkey. Aziz Nesin, Bekir Yıldız, Adnan Özyalçın, Sükran Kurdakul, Demirtaş Ceyhan, Alpay Kabacalı, Osman Saffet Arolat, Atilla Özkırımlı, Atalol Behramoğlu, Hasmet Zeybek, Orhan Apaydın, Asım Bezirci, Tekin Sönmez, Aziz Calışlar, Emil Galip Sandalcı, Kemal Sülker, Vedat Türkalı and Mehmet Ali Sebük are accused of transforming the Turkish Writers' Union (TYS) into a clandestine revolutionary organization. The prosecutor requested prison terms up to 15 years for each. Lawyer Orhan Apaydın, chairman of the Istanbul Bar Association, and poet Atalol Behramoğlu are also among the defendants of the case of Turkish Peace Committee. Behramoğlu was recently awarded with the Prize of Lotus by the Union of Asian-African Writers.

OTHER CASES AGAINST INTELLECTUALS

- Famous composer and folk-singer Sadık Gürbüz was brought before the military tribunal of Istanbul under the charge of communist propaganda, on November 14.

- University professor Tahsin Yılmaz was indicted on November 18 by the military prosecutor for his text-book on the same charge.

- On November 27, university professor Sadun Aren was arrested as the one of the new defendants of the DISK trial in Istanbul. He was the director of the Research Office of the confederation.

- Same day, the editor of the daily Politika, Aydın Senesen was condemned to 18-month prison in Istanbul on the charge of "praising communism".

- As a consequence of the application of new regulation imposed by the Higher Education Council (YOK), 70 professors and assistant professors were dismissed from the Selçuk University of Konya.

- The military prosecutor of Ankara launched an inquiry about university professor Sezgin Tüzün on the charge that he used marxist terminology in his text-books.

SUBMISSION OF THE TÜRK-İS

While the new constitution practically annihilates all gained social rights and the progressive trade-union leaders are tried at military courts, the pro-governmental workers' confederation Türk-İs has manifested its submission to the dictatorship of General Evren.

Just after his inauguration, as the president of Republic, General Evren paid two meaningful visits, one to the Confederation of Turkish Labour Unions (Türk-İs) and the other to the Confederation of Employers' Union (TISK). During these visits, chief of the junta urged both unions to work for industrial peace and underlined: "They will be nothing like the strikes we observed in the pre-September 12 period."

Chairman of the Türk-İs, Sevet Yılmaz and his colleagues welcomed General Evren with a big enthusiasm and presented him a golden plate expressing their gratitude to the military junta.

On the other hand, the ICFTU, at the end of the executive committee meeting held on November 24-26 in Brussels, adopted a resolution asking Turkish authorities to release all detained trade-unionists, to end the ill-treatment of prisoners and especially to stop the grotesque trial against the DISK and its leaders.

The Executive Committee decided also to send a mission to Turkey to study the recent developments in Turkey in the place.

IMMIGRATION

The new German government announced its measures aiming to decrease the number of foreign workers in the country: Encouragement of returning to the country of origin by material incentives, ban on the entrance of migrant children above 6 years old and facilities for the naturalization. The new christian-liberal coalition formed a special committee for the preparation of the law projects to be enacted until March 1983.

On the other hand, the German authorities decided to send back about 70,000 candidates of political refugee coming from Turkey.

Within the 10 months of 1982, 7,702 Turkish workers have already returned to their country because of the rise of xenophobia in Germany.

RACIST ATTACKS ON TURKISH WORKERS

5.10: A Turkish coffee-house in Gent (Belgium) was attacked by a racist group and a young Turkish worker, Veli Kahraman was shot paralysed. On this incident, Turkish workers went on a hunger-strike for protesting against racist attacks.

7.10: Daughter of a Turkish miner, Cemile Cakir, 19, committed suicide in Bladbeck (Federal Republic of Germany).

16.10: A Turkish woman named Yasemin Yilmaz has reportedly disappeared in Usingen (FRG).

22.10: A Dutch review, Panorama, published a survey indicating that 39 p.c. of the Dutch population was in favour of the repatriation of all foreign workers, while 15 p.c. was considering this measure only for jobless foreigners.

23.10: In Berdolendorf (FRG), Turkish worker Bilal Durmaz, 45, committed suicide by throwing

himself into a canal. He had been complaining humiliating treatment of German racists.

23.10: The corpse of a 30 years old Turkish worker was found in the railway station of Arnhem (Holland).

28.10: A 17 year old Turkish girl was announced disappeared in Berlin.

28.10: A racist German group attacked a Turkish club in Bad Hamburg and destroyed its windows.

31.10: A 15 years old Turkish boy disappeared in Berlin.

31.10: In Königswinter (FRG), about 50 Germans attacked a Turkish club and beat the clients.

10.11: A Turkish mosque was set on fire in Munich/Mainburg.

10.11: Turkish worker Hasan Fikri Kosan, 29, burned himself to death in Hamburg.

13.11: In Gelsenkirchen (FRG), the local of a Turkish workers' association was set on fire. The upper flats of the building were inhabited by Turkish families. Prior to this incident, some persons had painted swastika on the door of the local.

23.11: In Neu Ulm (FRG), a time-bomb exploded in a dormitory where 50 Turkish workers stay.

24.11: In Wolfenbüttel (FRG), the house of Turkish worker Ismail Bezi was set on fire, his wife and three children burned to death.

27.11: In Ulm, the house of a 5-person Turkish family was set on fire.

23.11: The municipality of Schaerbeek in Brussels decided to impose new taxes on immigrant population for the execution some administrative formalities.

26.11: Following the municipalities of Schaerbeek and St. Gilles, the mayor of Anderlecht too declared that he would no more inscribe new coming foreigners.

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