Paying the Price

Freedom of Expression in Turkey

Helsinki Watch

International Freedom to Publish Committee
Of the Association of American Publishers
PAYING THE PRICE:
FREEDOM OF EXPRESSION IN TURKEY

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International Freedom to Publish Committee of the Association of American Publishers
This report is based largely on information gathered by Lois Whitman, an attorney and consultant to the Helsinki Watch Committee, and Thomas Froncek, an editor with Reader's Digest Condensed Books and a member of the International Freedom to Publish Committee of the Association of American Publishers, during a fact-finding mission to Turkey in September and October 1988. It was written by Lois Whitman and Tom Froncek.

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<tr>
<td>DISK</td>
<td>Confederation of Revolutionary Trade Unions</td>
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<td>DSP</td>
<td>Democratic Left Party</td>
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<td>DYP</td>
<td>Correct Way Party</td>
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<td>HRA</td>
<td>Human Rights Association</td>
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Note: This report reflects developments in Turkey through March 15, 1989.
PAYING THE PRICE:
FREEDOM OF EXPRESSION IN TURKEY
INTRODUCTION

"Turkey is a country of paradoxes," Dogu Perincek, the editor of the weekly journal, 2000'e Dogram (Towards 2000), told us in Istanbul. "Magazines like ours are now freer to break taboos than at any time since the restoration of civilian government in 1983. You have the freedom to write, but only if you're willing to pay the price for it."

Many editors, writers and journalists are indeed paying the price for what they have written--in harassment, criminal charges, detention, torture, trials and sometimes imprisonment. On our trip to Turkey in October 1988 we talked with many brave Turks who, every day, put themselves at risk for speaking their minds.

This report is the seventh report on human rights in Turkey issued by Helsinki Watch since 1982. It does not cover all aspects of human rights in Turkey, but rather concentrates on freedom of expression--in the press, radio and television, publishing, film, music and in freedom of association. It is based largely on a fact-finding mission to Turkey undertaken in October 1988 by Helsinki Watch and the International Freedom to Publish Committee of the Association of American Publishers.

Turkey has changed enormously since the first Helsinki Watch trip in mid-1983. At that time the country was still under martial law, and had been so since the military coup of 1980. The military had not yet turned the government back to civilians -- no elections had been held since the coup. Independent organizations had either been banned or taken over by the military. The press operated under military control, printing only those stories approved by the military. Public criticism of the military coup and of the military government was almost non-existent; anyone brave enough to attempt such criticism ran a heavy risk of arrest, torture and a long prison sentence. Many thousands of Turks were in prison for political statements or actions.
The Turkey of today is a different country — it is a parliamentary democracy with a multi-party system, although not all political parties are permitted to take part. National elections have been held twice. Martial law has ended, and a state of emergency exists only in southeastern Turkey, where Kurdish separatists continue to wage guerrilla warfare. There is no day-to-day censorship of the press, and government policies and actions are openly criticized.

But within this structure of democracy, terrible problems still exist. Although the Turkish government in 1988 signed and ratified both the United Nations and European conventions to prevent torture, Turkish citizens continue to be tortured in the same police stations as before, using the same kinds of implements and methods of torture. If the number of people being tortured has declined, that is because fewer people are being detained on political charges, not because the rate of torture has decreased. According to reliable reports, at least seventeen people died during torture in 1987 at the hands of police or the military, and at least five more died under torture in the first half of 1988. Lawyers representing defendants in political cases told us that well over 90 percent of political defendants are tortured today.

And many thousands of political prisoners remain in prison—some convicted of political crimes, and some in detention, still awaiting the conclusions of their trials. Conditions in Turkish prisons are so degrading that more than 2,000 prisoners took part in hunger strikes in 1988.

As for freedom of expression, the positive side can be seen in the proliferation of journals that openly criticize the government and try to expand the areas in which free speech is permitted. The negative side is the confiscation of many issues of these journals and the many charges brought against their editors and authors — some of which end in torture and imprisonment. At least 41 Turkish journalists and editors are now in prison, serving time for what they have written or published. Some have received absurdly long sentences—in one case, 1,086 years, later reduced to about 700 years on appeal. (None, however, will serve more than 36 years, the maximum time permitted by Turkish law.) According to an April 20, 1988 article in Cumhuriyet, an influential Turkish daily newspaper, in the five years since the end of military rule in 1983, 2,127 journalists have been tried in 1,426 cases.
In the two years since the weekly journal, 2000'e Dogru (Towards 2000), began publishing, 28 cases have been brought against it for such crimes as "insulting the president," "weakening national feelings," "making anti-Turkish propaganda," insulting religion, the military, or the memory of Kemal Ataturk, founder of the Republic. So far, nine of the 28 cases have been brought to trial. In three, a "not guilty" verdict was returned. In the six others, the journal, an editor and sometimes the writer of an article have been found guilty. In one case, a prison sentence was converted to a monetary fine. But in five cases, Fatma Yazici, the magazine's "responsible editor" (the person who, according to the Turkish Press Law, bears legal responsibility for the contents of the publication), has been sentenced to prison terms ranging from 12 months to six years and three months. The appeal process has been completed in three cases. In two of these, sentences totaling 28 months were upheld. One of these cases involved "insulting the president" by printing an article about two apartments bought by Turkey's President Kenan Evren for two daughters at unusually low prices; the magazine printed copies of the deeds of sale. The other involved "being disrespectful of religion and the Prophet Mohammed."

The longest sentence that Ms. Yazici and 2000'e Dogru have received to date—six years and three months—was for publishing, without editorial comment, a summary of the March 1988 Helsinki Watch Report, Destroying Ethnic Identity: the Kurds of Turkey. That decision was upheld by an appeals court in March 1989. Needless to say, it is of special concern to us. Ms. Yazici is scheduled to start serving all three sentences in March 1989. The sentences total eight years and seven months.

Another journal is also in trouble for printing a summary of a Helsinki Watch report—Toplumsal Dirilis (Social Resurrection), a small socialist monthly. Its editor has been charged with "weakening national sentiments" and "making communist propaganda" for printing the section on Turkish Kurds that appeared in the December 1987 Helsinki Watch report, State of Flux—Human Rights in Turkey. The journal has published four issues; three of them have been confiscated from newsstands, and charges have been brought against the editors for all four issues.
Many other small socialist journals have been harassed by the police, their editors charged with violations of the Press Law and the Penal Code for what they have published. Some staff members have been interrogated, tortured and imprisoned.

The mainstream press also suffers from government pressure. During our October visit, members of the press and others concerned with free expression in Turkey were upset by two recent incidents of government interference with two large daily newspapers. The first was the confiscation of an issue of Milliyet, a moderate mainstream daily with a circulation of 300,000. Before the paper reached the newsstands, police raided the printing plant and seized the June 17, 1988, issue which contained the first in what was to be a series of interviews with the head of a Kurdish separatist group that is carrying on guerrilla warfare in southeastern Turkey. The newspaper was forbidden to print further installments of the interview. The writer who had conducted the interview, prominent journalist Mehmet Ali Birand, and the paper’s responsible editor, Eren Guvener, were charged with "propaganda detrimental to feelings of patriotism in Turkey." Each faces a possible 15-year prison sentence; the trial is continuing at a state security court.

The second incident, which also took place in June 1988, involved a police raid on the Ankara bureau of Cumhuriyet, a respected center left daily with a circulation of 150,000, and the four-day detention of Erbil Tusalp, one of the paper’s leading journalists. The government’s action was based on a story by Tusalp about the interrogation of the man who had shot and tried to kill Prime Minister Turgut Ozal in June. Mr. Tusalp has been charged with violations of the Press Law and with publishing information banned by the authorities; he faces possible prison sentences totaling fourteen years.

Book publishing is also a hazardous occupation in Turkey. In general, writers have not been sent to prison for their writings, but many have seen their books confiscated and destroyed. Others have been tried for publishing works thought to be "harmful to minors." The government has officially banned from Turkey some 2,000 books and journals, including works by Moliere, Voltaire, Camus and Albert Einstein.
Cases against writers and publishers fall into two categories: political cases and obscenity, or "harmful to minors," cases. In a recent political case, Muzaffer İlhan Erdost, a writer and publisher, was tried for re-publishing in 1987 a book he had originally issued in 1966, called Semdinli Report. The book consisted of a series of interviews Mr. Erdost did in 1965 with Kurds who lived in a village in southeastern Turkey. Although the book had been published without incident in 1966, the 1987 re-issue was considered "dangerous" by the government. A trial was held in September 1988, and all copies of the book were ordered destroyed.

A number of authors have been interrogated, charged and tried in connection with books believed by authorities to be "harmful to minors." One author, Pınar Kur, has seen two of her books, A Woman to be Hanged and Unending Love, banned as "harmful." In both cases the books were eventually acquitted, but in the meantime their sales fell off precipitately.

Turkish writers openly admit censoring themselves for fear of bannings, confiscations and court charges.

Radio and television are owned and run by the Turkish government. By all accounts, television is the most influential medium in Turkey today, reaching about 96 percent of the country. In contrast, total newspaper circulation is about three million (out of a total population of about 55 million), and book sales of 5,000 are considered very good.

Turkish television is sharply criticized by human rights activists and others for its news coverage, which is said to favor the party in power. It is said that many writers, filmmakers, musicians and others are blacklisted from Turkish television; the government acknowledges that a blacklist system existed, but asserts that it was ended early in 1988.

Prior censorship is a fact of life for filmmakers and musicians in Turkey today. All films and cassettes must be submitted to a film or music censorship board which is made up largely of representatives of government agencies. These boards can ban films or music, approve them, or order cuts or changes.

Since 1986 another form of censorship has plagued filmmakers and musicians: censorship after a film or cassette has been released. Any of the governors of the 67 provinces in Turkey can legally order the banning of films,
videos and music, even if the work in question has been approved by the national film or music censorship board. Under the law permitting such actions, a work can be banned or prosecuted if a local administrator believes that it "violates the inseparable unity of the state, including the territory and the nation, or contravenes national sovereignty, national security, the public order, general law and order, the public interest, the general morals and health, or customs and traditions." This language is so broad that any provincial governor can ban any film, music or video for virtually any reason at any time. Many Turkish and foreign films have been banned as a result.

Filmmakers and musicians also run the risk of prosecution under the same articles in the Penal Code that are used against journalists and writers. They can run afoul of the "Law to Protect Minors from Harmful Publications" as well.

"Turkey is a country that erodes any motivation to creativity," one filmmaker told us, after recounting her difficulties with provincial governors' bans of her film, *Su da Yanar (Water Also Burns)*. The film, ironically, is about a film director who is not allowed to make a film he wants to make. Approved by the Film Censorship Board, the film was later banned by the governor of Gaziantep in southeastern Turkey on the grounds that it violated national security, public order, law and order, and customs and traditions. Nineteen other provincial governors have since followed suit, with the result that the film can be shown in some provinces but not others.

Musicians suffer similar bans, particularly singers of protest and folk songs. One popular singer, Selda Bagcan, told us that she had been investigated nine times since 1977 because of her songs. Although subsequently acquitted in all nine cases, she spent a total of four months in prison during the interrogations and trials. Some provincial governors have forbidden her concerts in their provinces, and she is banned from performing on radio or television. "I'm tired of going to prison for my songs," she told us. "People censor themselves--who wants to go to prison? But I love my country, and I believe that these anti-democratic laws will be changed in the future." Another popular singer, Bilgesu Erenus, was detained for ten days in June 1988 after performing at a political rally.
In the years immediately following the military coup of September 1980, few associations were permitted to exist in Turkey. In the last two years or so the government has eased its restrictions somewhat, and a growing number of associations now operate within the rigid requirements of the Associations Law of 1983. Associations must submit their charters and by-laws to government officials for approval. Even if an association is approved, it cannot legally pursue political aims, engage in political activities, support political parties, or take joint action with other groups, such as unions, professional organizations or foundations. If an association violates legal requirements, it can be dissolved in a court proceeding. The activities, membership and procedures of associations are prescribed and closely regulated by law.

One association now operating legally in Turkey is the Human Rights Association (HRA), which received permission to exist in December 1986. The HRA now has branches in twenty-two cities throughout Turkey and 5,000 members who support the organization with dues. The aim of the HRA is to defend human rights in Turkey; it produces reports and holds press conferences and panel discussions on such subjects as political prisoners, prison conditions and deaths under torture. The group has started campaigns for a general amnesty and to end the death penalty (which is still in force but has not been carried out since 1984).

The Human Rights Association has been harassed by interrogations, charges and trials. In one case, the Ankara branch paid a fine for issuing a press release without prior permission. Police have disrupted some public meetings of the association; in other instances, police have surrounded meetings but have not actively interfered.

Another association operating with the approval of the government is the Association of Families of Convicts and Detainees (TAYAD). This group holds meetings, gives press conferences and organizes demonstrations to protest torture and ill-treatment of prisoners. The group has been indicted ten times, charged with violations of the Associations Law; another ten investigations are under way and may result in additional charges. TAYAD leaders have been detained in connection with some of the cases. In one case thirteen TAYAD members were detained for seven months; all were later acquitted.
Other associations operating with government approval include the Turkish Writers' Union, Physicians for the Prevention of Nuclear War, the Turkish-Greek Friendship Association, and the Women's Organization for Democracy.

A number of organizations have been banned by the authorities. A doctors' group that advocated the abolition of the death penalty was forced to disband; its leaders were tried and acquitted in September 1986, but the group was not permitted to re-open. An Association for the Purification of the Turkish Language was closed down in June 1987.

As we have reported in the past, the source of most human rights abuses in Turkey can be found in its current Constitution and in many of its repressive laws. The Constitution, drafted during military rule, provides protection for the government against its citizens, but provides little protection for citizens from their government. Many articles of the Constitution begin by asserting individual rights, such as freedom of expression and freedom of association, but go on to spell out restrictions that effectively cripple the exercise of those rights.

Turkey's Penal Code, which was adopted in 1938 from the penal code of Mussolini's Italy, contains articles that severely restrict human rights. The articles used most frequently to stifle dissent are: 141 (leading an organization that intends to establish the domination of one social class); 142 ("communist" propaganda); 158 (insulting the president); 159 (insulting the authorities--Parliament, the government, the military); and 163 (leading an organization that intends to convert the State to religious rule). Penalties range from three to fifteen years for each violation.

Other laws enacted since 1983 have also eroded individual freedoms. These include the Law on Associations, which forbids associations to engage in political activity; the Law on Assembly and Demonstrations, which requires that protest activities be authorized by the government; the Press Law, which sharply restricts press activities; the Law to Protect Minors from Harmful Publications, which has been used to ban books, magazines and films; and the Act on the Works of Cinema, Video and Music, which gives provincial governors the power to ban almost any work of art.
If Turkey wishes to become part of the community of nations that respects individual liberties and rights, it must rewrite or sharply revise the 1982 Constitution and abolish the many laws that drastically restrict its citizens' freedoms. It must also put an end to torture and to the practice of detaining people for long periods of time under inhuman and degrading conditions.

During earlier Helsinki Watch trips to look into human rights in Turkey, the Turkish government was very cooperative—in December 1985 our mission was able to meet with Prime Minister Ozal and many other government officials. On this trip, however, as well as on our previous trip in June 1987, the government of Turkey was not willing to permit us to meet freely with officials involved with free expression. As a result, we were able to meet with only one official and to talk with one minister of state on the telephone.

With private citizens it was another matter entirely. We met and talked at length with over eighty Turks. All but one gave us permission to quote them directly and to use their names, even though for some of them this presented real risks of government harassment and criminal charges.

"The struggle for democracy," a Turkish human rights lawyer told us in Ankara, "that's the most important thing for outsiders to understand about Turkey -- that in spite of the terrible problems we face -- torture, imprisonment, a lack of freedom of expression -- thousands of Turks are struggling to make democracy a reality in Turkey." We were enormously impressed with the intelligence, candor and bravery shown by these people. Many of them are struggling every day for rights they believe the Turkish people deserve, and many, sadly, are paying the price for that struggle.

Lois Whitman
Thomas Froncek
March 1989
FREEDOM OF THE PRESS

Freedom of the Press in Turkey Today

During our visit to Turkey in October 1988, many journalists and human rights activists voiced their concern about what they felt to be a deteriorating situation with regard to freedom of the press. On the one hand, there is much more open criticism of the government than there was two or three years ago, and many more journals are being published that espouse views in opposition to those of the government. Although some taboos still exist—for example, a journalist cannot criticize the military takeover of 1980 or the principle of Turkey as a secularist state or praise communism or fascism—other taboos have been broken. It is now possible for a newspaper to use the word "Kurd" in describing the Kurdish minority (approximately one-sixth of Turkey's population) in southeast Turkey, although a writer still has to be careful to describe the Kurds as militants or terrorists, or use other pejorative language.

On the other hand, the risks run by these journalists are great—the number of issues of journals confiscated by police has risen sharply in the past three years, and significant numbers of journalists and editors have been, and are being, prosecuted for what they have written and published. Many press cases result in fines, but some journalists have received prison sentences. It is little wonder that there is a good deal of self-censorship.

In a strongly-worded declaration issued in October 1988, the Istanbul Journalists' Association said "The Turkish press faces conditions which deteriorate with each passing day." The statement detailed newspaper seizures,
police searches of newspaper offices, bans on certain publications and other practices as "acts incompatible with press freedom which aggravate the restrictive and punitive atmosphere created by the laws presently in force."

Legal Framework

The 1982 Constitution: The legal framework for freedom of expression is found in the current Turkish Constitution, adopted in a 1982 referendum conducted under military rule, and in laws enacted by Parliament both before and after the military coup of 1980. The Constitution starts out by setting forth very broad guarantees of freedom of expression, but then goes on to restrict them severely.

Article 25 sets out the principles of freedom of expression:
Everyone has the right to freedom of thought and opinion. No one shall be compelled to reveal his thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused on account of his thoughts and opinions.

Article 26 grants broad freedoms for speech and thought:
Everyone has the right to express and disseminate his thought and opinion by speech, in writing or in pictures or through other media, individually or collectively. This right includes the freedom to receive and impart information and ideas without interference from official authorities...

Article 22 says: "Everyone has the right to freedom of communication."
Article 25 says: "Everyone has the right to freedom of thought and opinion." Article 29 states:
Publications of periodicals or non-periodicals shall not be subject to prior authorization or to the deposit of a financial guarantee.

* Dateline Turkey, October 15, 1988.
In a section entitled "Freedom of the Press," Article 28 sets forth broad guarantees:

The Press is free, and shall not be censored. The establishment of a printing house shall not be subject to prior permission and to the deposit of a financial guarantee...The State shall take the necessary measures to ensure the freedom of the Press and freedom of information.

Article 28 then goes on, however, to restrict severely that very freedom:

Anyone who writes or prints any news or articles which threaten the internal or external security of the State or the indivisible integrity of the State with its territory and nation, which tend to incite offence, riot or insurrection, or which refer to classified State secrets and anyone who prints or transmits such news or articles to others for the above purposes, shall be held responsible under the law relevant to these offences. Distribution may be suspended as a preventive measure by a decision of a judge, or in the event delay is deemed prejudicial by the competent authority designated by law...

Periodical and non-periodical publications may be seized by decision of a judge in cases of ongoing investigation or prosecution of offenses prescribed by law; and, in situations where delay could endanger the indivisible integrity of the State with its territory and nation, national security, public order or public morals, and for the prevention of offence, by order of the competent authority designated by law...

Periodicals published in Turkey may be temporarily suspended by court sentence if found guilty of publishing material which contravenes the indivisible integrity of the State with its territory and nation, the fundamental principles of the Republic, national security and public morals...

Article 30 provides that:

A printing press or its annexes duly established as a printing house under law shall not be seized, confiscated, or barred from operation on the grounds of being an instrument of crime, except in cases where it is convicted of offences against the indivisible integrity of the State with its territory and na-
tion, against the fundamental principles of the Republic or against national security.

The Press Law: In addition to the Constitution, freedom of the press is governed by many laws enacted by Parliament. One of these, the Press Law, including a number of amendments added in 1983, significantly restricts freedom of the press. It provides, among other things, that a public prosecutor may, without securing a court order, stop distribution of a newspaper or magazine containing material that constitutes an "offense against the state"—a vaguely-defined offense that includes political expression. After distribution has been stopped, a public prosecutor may apply to a state security court* for an order approving his action. The public prosecutor can also seize publications already distributed. In addition, where a state of emergency exists, the government has a right to ban published material (a state of emergency still exists in eight provinces in southeast Turkey). The Press Law also provides that each publication must have on its staff a so-called "responsible editor," who bears legal responsibility for the publication's contents.

The Penal Code: The laws that are used most often in prosecuting journalists for what they have written are certain articles in the Penal Code which date back to 1938 and were adopted from the Italian Penal Code of Mussolini's time. Chief among these are Articles 141, 142 and 163.

Article 141 deals with "establishing the domination of a social class over other social classes or exterminating a certain social class." It is used frequent-

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* State security courts are special courts made up of one military judge appointed by the Minister of Justice or the Minister of National Defense, and two civilian judges appointed by other government departments. These courts hear cases concerning violations of Articles 141, 142 and 163 of the Penal Code, cases that originated with military tribunals under Martial Law, and other cases of political and security offences committed after May 1, 1984. The basis of their jurisdiction is set forth in Article 143 of the 1982 Constitution: "Courts of the Security of the State shall be established to deal with offences against the indivisible integrity of the State with its territory and nation, the free democratic order, or against the Republic whose characteristics are defined in the Constitution, and offences directly involving the internal and external security of the State."
ly in cases where writers are accused of communist activities. (For the full text of Article 14l, see Appendix A.) Penalties range from five years to death.

Article 142 deals with "making propaganda with the purpose of establishing the domination of one social class over others, exterminating any of the social classes, overthrowing any of the established basic economic or social orders of the country, or totally exterminating the political or legal orders of the State" (see Appendix A for the full text). Penalties range from two to ten years. Certain acts, if committed by means of publication, increase the sentence by half.

Article 163 criminalizes the act of establishing or advocating societies that would adapt "the basic social, economic, political or judicial orders of the State to religious principles and beliefs" (full text in Appendix A). Penalties range from two to fifteen years. Certain acts, if committed by means of publication, increase the sentence by half.

Other articles in the Penal Code greatly limit the right of political criticism. Article 158 makes it illegal to "degrade" the president even by a "hint." The elements of the crime are vague (full text in Appendix A). The penalty is imprisonment for not less than three years. Commission of such a crime by the press increases the penalty.

Under Article 159, criticism of the administration, the ministries, the armed forces and the security forces is considered an insult, punishable by heavy penalties.

Article 140 penalizes acts against "national interests." Added to the Italian Penal Code by Mussolini, this article was used to punish anti-fascists who escaped from Italy to democratic countries and criticized Mussolini. It has been used in Turkey to punish criticism of political policies by Turks living abroad.

Another article, No. 312, makes it a crime to criticize the social class structure, leading to "hatred and hostility" among classes. Such criticism is a crime even if it does not advocate the rights of one social class above others or propose social class changes. The article provides penalties of imprisonment for three months to one year and fines. The penalty is increased if the crime is committed by the press.
According to the daily newspaper, Gunes (June 6, 1988), the following articles in the Penal Code are also used to restrict press freedom:

Articles 132, 136 and 137: receiving and publishing secret documents;

Articles 153 and 154: instigating soldiers to disobey the laws;

Articles 161 and 162: publication that would create anxiety in time of war;

Article 164: crimes against foreign heads of state and ambassadors;

Article 192: publication that may violate the honor, prestige or reputation of a person or damage his wealth;

Article 197: publishing a letter against the will of the sender;

Article 268: insulting a person in print;

Article 311: explicitly encouraging or instigating the commission of a crime;

Article 426: publishing pornography.

The Law to Protect Minors from Harmful Publications: A law that has been used extensively against the press, book publishers, writers, magazines, filmmakers and musicians is the Law to Protect Minors from Harmful Publications, Law No. 1117. In effect since March 1986, the law is directed at publications that "damage the integrity and morals of minors." According to Resmi Gazete, the official Turkish record, of March 12, 1986, Paragraph 426 provides that:

Anyone selling...any sort of book, newspaper, pamphlet, magazine, document, article, advertisement, picture, depiction, poster, banner, television or tape cassette, photograph, cinematic film or other mode of expression which offends people's sense of modesty or arouses and exploits their sexual desires in a matter contrary to general morals...will be fined between 2,000,000 and 10,000,000 Turkish lira.

In addition, publications can be banned or ordered to be sold only in opaque bags.

The law is administered by an 11-member "Council to Protect Minors from Harmful Publications." Ten of the Council's members represent various
government departments, including one who represents the universities; the eleventh represents the press. The Council makes the initial decision as to whether a publication is harmful to minors. That decision can be appealed in court.

According to a Cumhuriyet editorial of December 27, 1987, the enactment of this law "marked the beginning of a new era in Turkey." In support of this statement, the editorial stated that the members of the Council to Protect Minors act as experts in the law courts; that it is natural for these people to act in accordance with the wishes of the government, since they are appointed by the government; that the law courts are therefore in danger of being guided by the executive; that the concept of obscenity in the Turkish Penal Code is being changed to comply with the National Education Ministry's law on basic education; that publications intended for adults are now assessed on the basis of standards that apply to minors; and that fines on newspapers and magazines totaling billions of Turkish lira (millions of dollars) were exerting pressure on these publications. The newspaper concluded that "The Law to Protect Minors and the Council to Protect Minors constitute a threat to press freedom in Turkey."

Other laws that restrict press freedom: On June 6, 1988, Gunes listed other laws that regulate and restrict the functioning of the press. They include:

- The Law on Crimes Against Ataturk; the Law on the Protection of Freedom of Belief and Assembly; the Penal Code; the Military Penal Code; the Extraordinary Situation Law; the law which bans the use of titles such as "efendi, bey, pasha;" the Law on the Introduction and Application of the Turkish Alphabet; the Law to Ban Religious Sects and Related Titles; the Law of Treason; the Law of Printing Presses; the Banking Law; the Medicinal Preparations Law; the Law on the Conduct of the Medical Profession; the Attorneys' Law; the Administrative Law; the Turkish Civil Code; the Police Law; the Turkish Trade Law; the Law on the Collection of Printed Verse and Pictures; the Civil Servants' Law; the Law Regulating the Relations between Employers and Employees in the Press; the Turkish Radio and Television Law; the Law on Works of Thought and Art; the Higher Education Law, and others.
Many journalists, lawyers and others concerned with freedom of expression told us in October 1988 that without changes in the many restrictive laws governing the press journalists will not be free to write objectively about events in Turkey. Attila Coskun, an Istanbul attorney who represents many political defendants, told us: "In my professional experience the main barriers to freedom of expression in Turkey in legal terms are Articles 141, 142 and 163 of the Penal Code. There is no similar legal tradition in European countries or NATO countries. Turkey is the only European, NATO country with such anti-democratic provisions. In this respect, Turkish law contradicts the United Nations Human Rights Declaration, the Rome Convention and the Helsinki Accords."

We were told by several people, including Eren Guvener, the "responsible editor" of Milliyet, that a new draft of the Penal Code had been prepared by a government commission. Although the draft has not yet been made public, we were told that it does not propose significant changes in Articles 141, 142 and 163.

Eren Guvener is also the president of the Turkish Journalists' Union. The union has 3,500 members, of whom 1,500 are journalists and 2,000 are blue-collar newspaper workers; it represents journalists on all but two of the nationwide newspapers in Turkey. Mr. Guvener told us that the union is working toward repealing the anti-democratic laws and anti-democratic modifications of the Constitution. Turkey entered a new period with the 1982 Constitution, which has a very different structure from the 1961 Constitution. The Press Law, the Trade Union Law, and the Associations Law are all based on the new Constitution, and together provide a much more restrictive framework. The Constitution was prepared during the military period by civilian attorneys, but it carries the characteristics put forward by the military.

When the civilian government was elected in 1983, it took for granted all the laws passed by the military. It is these laws that now govern Turkey. Before 1980 terror reigned supreme in Turkey, especially in the larger cities; but the bill for this ter-
ror is still being paid by the trade unions and the associations and the press.

Mr. Guvenener told us that the union is working on different levels against these "anti-democratic" laws--by holding panel discussions on censorship, by testifying at hearings of Parliamentary committees, and by opposing legislation that would further restrict the press. An example of the latter was the "False News" bill proposed by the government in January 1988. This bill provided fines of up to 100 million Turkish lira (between $50,000 and $60,000) for publication of "false news," not defined in the bill. Turkish journalists and newspaper owners of all political views protested the draft bill, and it was eventually withdrawn by the government. Prime Minister Turgut Ozal has since expressed regret for the withdrawal of the bill and said the government should go ahead with it.*

"The only thing that consoles us," we were told by Mr. Guvenener, "is that the government is now in the habit of having a dialogue with us; they seem to have the courage to listen to us, and this helps them see reality better. If this continues, we can hope that by installments we can improve the situation. We have a sincere wish to see Western democracy reapplied in Turkey."

Confiscations

Journalists with whom we talked in Turkey are concerned about a government practice of confiscating issues of journals and newspapers that print articles that are offensive to the government. The number of such confiscations has been increasing. Some of this increase may be explained by the fact that more journals have been published in the last two years, and that more of them print articles critical of the government.

* Committee to Protect Journalists, Update #24, October 1988.
On June 25, 1988, Cumhuriyet published a list of newspapers and magazines confiscated in 1986, 1987 and through June 1988; the article stated that no journals had been confiscated during the first two years following the restoration of a civilian government in 1983. With the exception of Bulvar in 1986 and Milliyet in 1988, both of which are daily newspapers, all of the publications listed are political journals:

<table>
<thead>
<tr>
<th>Year</th>
<th>Journal</th>
<th>Issues Confiscated</th>
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<tbody>
<tr>
<td>1986:</td>
<td>Bulvar</td>
<td>June 30</td>
</tr>
<tr>
<td></td>
<td>Dunsun</td>
<td>December 10</td>
</tr>
<tr>
<td></td>
<td>Yeni Cozum</td>
<td>December 12</td>
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<tr>
<td>1987:</td>
<td>Ilk Adim</td>
<td>February 18</td>
</tr>
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<td></td>
<td>Mektup</td>
<td>February 25</td>
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<tr>
<td></td>
<td>Yeni Gundem</td>
<td>March 19</td>
</tr>
<tr>
<td></td>
<td>Cagdas Yol</td>
<td>March 20</td>
</tr>
<tr>
<td></td>
<td>Yeni Cozum</td>
<td>March 27, September 11</td>
</tr>
<tr>
<td></td>
<td>Akis</td>
<td>May 27</td>
</tr>
<tr>
<td></td>
<td>Vardiya</td>
<td>May 27, June 19</td>
</tr>
<tr>
<td></td>
<td>2000'e Dogru</td>
<td>August 31, September 22,</td>
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<tr>
<td></td>
<td></td>
<td>October 22, December 14</td>
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<td></td>
<td>Bulten</td>
<td>October 27</td>
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<td></td>
<td>Gercek Sanat</td>
<td>November 23</td>
</tr>
<tr>
<td>1988:</td>
<td>Yeni Demokrasi</td>
<td>January, February, May, June</td>
</tr>
<tr>
<td></td>
<td>2000'e Dogru</td>
<td>February</td>
</tr>
<tr>
<td></td>
<td>Emegin Bayragi</td>
<td>March, April, June</td>
</tr>
<tr>
<td></td>
<td>Yeni Cozum</td>
<td>March, April, May, June</td>
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<tr>
<td></td>
<td>Yeni Oncu</td>
<td>March</td>
</tr>
<tr>
<td></td>
<td>Emek Dunyasi</td>
<td>April, June</td>
</tr>
<tr>
<td></td>
<td>Gunese Cagri</td>
<td>March</td>
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<td></td>
<td>Demokrat Arkadas</td>
<td>May</td>
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<tr>
<td></td>
<td>Medya Gunesi</td>
<td>May</td>
</tr>
<tr>
<td></td>
<td>Yeni Acilim</td>
<td>June 7, June 16</td>
</tr>
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<td></td>
<td>Toplumsal Kurtulus</td>
<td>June</td>
</tr>
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</table>
Since this list was published additional confiscations have taken place:

- Three of the four issues published by Tophumsal Dirilis since it began publishing in June of 1988 have been seized.
- On June 19, 1988, the Istanbul State Security Court ordered the confiscation of the June issue of the monthly review, Varit, for communist propaganda. This was reported in Cumhuriyet, July 14, 1988.
- In June 1988 issues of the following journals were confiscated: Yeni Demokrasi, Emegin Bayragi, Yeni Acilim, Isciler ve Toplum and Cagdas Yol.
- Issue No. 11 of the monthly review Yeni Oncu was confiscated on July 23, 1988.
- The August issue of Emek Dunyasi was confiscated, and in August the June issue of Cagdas Yol was seized by order of the Istanbul Security Court.
- The Committee to Protect Journalists reported in October 1988 that issues of 2000'le Dogru and Yeni Demokrasi were seized in August 1988.
- Info-Turk reported in October 1988 that the September issue of the monthly Genclik Dunyasi was confiscated by order of the State Security Court for having published an article about the right to speak one's mother tongue.
- According to the Associated Press, issues of at least five journals were confiscated in October: ABECE, October 4; Emegin Bayragi, October 7; Dunyaya Bakis, October 12; Dirilis, October 18; and Yeni Demokrasi, October 19. Info-Turk reported in November 1988 that issues of Yeni Cozum, Gunese Cagri and Gorus had also been confiscated in October.
- On November 1 an issue of Yesil Baris (Green Peace), a monthly magazine of the Turkish Greens, was seized. In November issues of Yeni Cozum, Demokrat Arkadas, Sorum and Yonelis were also confiscated.
- The December issue of the monthly Yeniyol was confiscated, charged with making Communist propaganda. An investigation was initiated into an article by R. Isik entitled "The Independent Political Activity
of the Working Class." (Cumhuriyet, December 18, 1988, as reported in Foreign Broadcast Information Service, December 23, 1988.)

On August 23, 1988, Milliyet reported that police units had brought to the basement of the State Security Court 23,035 different confiscated reviews weighing more than four tons; the number of confiscated reviews and books was so big that the basement was full. Milliyet reported that the confiscated publications would be sent to the Izmit Paper Mill to be pulped.

Journalists in Prison

The number of journalists prosecuted for what they have written--crimes of thought--is staggering. In the five years since the end of military rule in 1983, 2,127 journalists have been tried in 1,426 cases.* At least 41 journalists and editors are now in prison for what they have written (see Appendix B for list). Most of these editors and journalists were arrested and tried after the 1980 military coup because of articles they had written before the coup--articles that had been perfectly legal at that time. Most of them have received extremely harsh sentences after being found guilty of such charges as "communist propaganda," "insulting state authorities" or "inciting a crime."

Because judges can give 7-1/2 year sentences for each article deemed offensive, some journalists are serving absurdly long sentences--661 years in one case and 748 in another, for example. The record is apparently held by journalist Veli Yilmaz, 38, who wrote for and edited a Maoist publication that was legally published before the military coup. Yilmaz has received sentences totaling 1,086 years. On appeal, his sentence was reduced by about 300 years. He has been charged with 91 counts of spreading communist and anti-state propagan-

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In actuality, neither Yılmaz nor any of the other imprisoned journalists will serve more than 36 years, the maximum time permitted under Turkish law.

Amnesty International has adopted as prisoners of conscience several journalists and editors whom it considers to be opposed to violence. In its January 1989 publication, "Turkey--Brutal and Systematic Abuse of Human Rights," Amnesty reported on two of these writers:

One of them is Mehmet Özgen, born in 1957. He was tried in a number of court cases at Istanbul Military Court and Izmir Criminal Court. He was convicted of making communist propaganda (Article 142) and of insulting the state authorities because of articles which appeared in the late 1970s in the political journals Bagımsız Türkiye, (Independent Turkey) and Devrimci Milliyan, (Revolutionary Militant). His sentences added up to 41 years' imprisonment. On appeal the sentences were combined and reduced to 36 years' imprisonment, the maximum permitted sentence which is the equivalent of life imprisonment in Turkey. He is in Canakkale E-type Prison, a special civilian prison for political prisoners.

Both publications edited by Mehmet Özgen were affiliated to the Turkish Labor Party (TEP) led by Mihri Belli. The party and its journals were legal until the 1980 military coup and did not follow a policy of violence. Soon after TEP was founded in the mid-1970s, 33 of its leading members were put on trial, charged under Article 141 of the penal code. Under an indictment dated 21 April 1976, their trial started at Istanbul State Security Court. However, shortly afterwards state security courts were declared unconstitutional and in November 1976 dissolved. The court case was transferred to a civilian court in Istanbul. As this court had not reached a verdict by 1980 the case was transferred to a military court, which in March 1986 ordered the defendants' acquittal.

Another imprisoned journalist is Alaattin Sahin, born in 1948. In 1976 a group of people had organized themselves around the publication Halkin Yolu, (People’s Way), which appeared legally until 1978. That year the group split and the majority, including Alaattin Sahin, joined Aydınlik, (Enlightenment), a group that later set up the TIKP [Turkish Workers’ and Peasants’ Party] which was strongly opposed to the political violence of the late 1970s in Turkey. Following the September 1980 military coup this party was banned, like all political parties, and many of its members were prosecuted and sentenced.

Alaattin Sahin was arrested in Malatya on 26 May 1980, before the military coup. From 31 January to 1 November 1977 he had been the editor-in-chief of Halkin Yolu. At Izmir Criminal Court and Istanbul Military Court he was charged with disseminating communist propaganda, insulting the authorities and inciting to crime in 32 regular and 12 special issues of the journal. He received sentences adding up to more than 130 years’ imprisonment. After confirmation by the appeal court they were combined to the maximum possible sentence of 36 years’ imprisonment.

Prime Minister Turgut Ozal has denied that the 41 imprisoned writers are journalists and has described them as "pamphleteers."

When asked in October 1988 whether these writers are journalists, Nezih Demirkent, the President of the Turkish Journalists’ Association in Istanbul, said:

It’s not up to me to decide whether these people are journalists. If any person who contributes an article to a newspaper is a journalist, then these are journalists. If responsible editors for publications are journalists, then those are journalists too. But if you apply other norms, some of them are not journalists, because they are not members of professional organizations; they have no government press cards and some of them did

not have journalism as a permanent job. But my approach is not to look at whether these are journalists or not, but at whether it's appropriate to punish people for expressing opinions. It's ironic that many of those who used guns before 1980—who used terrorist means—have been released, but not those who served the same causes with their writings.

Ahmet Abakay, the president of the Contemporary Journalists' Association in Ankara, a nationwide organization of 1,100 members, told us that at least 24 of the men in prison are, indeed, journalists and responsible editors—serving time for what they wrote or published, and "not because they are murderers or smugglers or have committed other crimes."

**Government Harassment of the Mainstream Press**

Recent government harassment of the press in Turkey can be divided into two areas: actions against the mainstream daily newspapers, and actions against the smaller left-wing journals.

Two incidents of government interference with the free expression rights of large daily newspapers took place in June 1988: the confiscation before it reached the newsstands of *Milliyet*, a moderate mainstream daily with a circulation of 300,000; and a police raid on the Ankara bureau of *Cumhuriyet*, a respected center-left daily with a circulation of 150,000, and the four-day detention of Erbil Tusalp, one of its leading journalists.

*Milliyet*: In the *Milliyet* case, the paper published two announcements on consecutive days—June 13th and 14th—indicating that it would publish an interview with Abdullah Ocalan, known as Apo. Ocalan is the head of the PKK—the Kurdish Workers' Party that is carrying on guerrilla warfare in southeastern Turkey. On the third day, June 15th, the paper began printing and distributing the first installment of the interview. At midnight on June 16th, police vans sent under the authority of the public prosecutor of the state security court surrounded the *Milliyet* printing plants in Istanbul and Ankara; police confiscated all copies of the June 17th issue at the plants and stopped the newspaper's trucks from delivering any other copies. The newspaper went to press without the
Ocalan interview; it was prevented from publishing any further installments as well.

On July 15, 1988, the public prosecutor brought charges against the interviewer--journalist Mehmet Ali Birand--and against Eren Guvener, the responsible editor of Milliyet. Stating that the interview had portrayed Ocalan, a murderer and leader of a terrorist organization, as the leader of a legitimate organization, the prosecutor charged the two men with publishing "propaganda detrimental to feelings of patriotism in Turkey," a violation of Article 142 of the Penal Code. Birand and Guvener each face a possible 15-year prison sentence.

Appearing in court at the first hearing in the case in September 1988, Birand said:

Turkey is greatly disturbed by the Kurdish separatist PKK but it knows nothing about the group. Even the security forces have insufficient information about the PKK...I acted on professional motives and wanted to inform Turkey about the PKK and its leader, about the structure of this illegal organization and the mental framework of its leader...If one knows his enemy well he can struggle with it more effectively.*

At a hearing in the case in November, the public prosecutor demanded 15-year sentences for both men.**

In an interview in October, Eren Guvener told us that this was the "most concrete and recent instance of de facto pre-publication censorship since the military coup of 1980." He went on to say:

A publication should be indicted, if at all, only after an article is published. At present, a newspaper can be censored prior to distribution, and even before printing. If a public prosecutor gets information about an article that's about to be

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* Dateline Turkey, September 10, 1988.
** Dateline Turkey, November 12-18, 1988.
published that he deems against the public interest, the Press Law entitles him to stop publication. Such practices are wrong, if Turkey is to become a democratic country.

Several journalists told us that they were particularly disturbed about the confiscation of the Apo story because it was so important—such an interview with a PKK leader had never appeared in the Turkish press. Erbil Tusalp, a Cumhuriyet reporter, told us that he considered this incident an alarming new development in the treatment of press freedom in Turkey. He believes that this indicates that at the present time freedom of the press is worsening in Turkey.

_Cumhuriyet:_ Journalists and others concerned with free press issues in Turkey are extremely concerned about a second incident involving the mainstream press: a police raid on the Ankara offices of _Cumhuriyet_ and the detention of one of the paper's well-regarded reporters, the deputy bureau chief of its Ankara bureau, Erbil Tusalp.

While _Cumhuriyet_’s 150,000 circulation makes it only the seventh largest daily in Turkey, its influence far exceeds its size. A serious and well-regarded newspaper, it has been called Turkey's equivalent of _The New York Times_. Even Prime Minister Ozal, who is frequently at odds with the paper, has said that "60 percent of the decision-makers read _Cumhuriyet._" The paper has covered such previously taboo topics as torture, mistreatment of prisoners, and passport denials.

On June 21, 1988, _Cumhuriyet_ ran a story written by Erbil Tusalp about the interrogation of Kartal Demirag, the man who had shot and tried to kill Prime Minister Ozal three days earlier. Mr. Tusalp told us in October that police went to the Ankara bureau of the newspaper later on June 21st and demanded that he reveal the source of his information. Tusalp refused. He was then taken to the police interrogation center. About 20 police officers then searched the
offices, going through files and desks of all the employees, looking for information on Tusalp's sources. Yalcin Dogan, the daily's editor-in-chief, commented that "even the former military regime did not treat the press in such an undemocratic fashion."*

Mr. Tusalp was detained by the police for four days. During the day he was kept with 14 people arrested for links with the would-be assassin; at night he was kept in a solitary cell. He told us that while the police were rude and insulting to him, he was not physically tortured.

Mr. Tusalp has been charged with violations of the Press Law; the possible penalty is 6 to 12 months. On October 31, 1988, he was formally indicted in a State Security Court, charged this time with publishing information banned by the authorities. In this case he faces a possible prison sentence of 13 years.

Cumhuriyet has been the target of numerous other investigations, some of which have resulted in charges and trials. In its February 1988 issue, Info-Turk listed some of these investigations:

- In September 1986 Responsible Editor Okay Gonensin was tried and acquitted for referring to the "Council for the Protection of Minors from Harmful Publications" as the "Harmful Council."
- In December 1986 Cuneyt Arcayurek was tried for a series of articles, "Five Minutes to Democracy."
- In March 1987 Ilhan Selcuk, a columnist, and Okay Gonensin were tried for a December 1986 column which purportedly insulted the National Security Council.
- In 1987 Ilhan Selcuk was tried for an article in which he said that the trade union DISK was the future, not the past (DISK was outlawed in 1986 after a five-year trial); he was acquitted.

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* Committee to Protect Journalists, Update #34, October 1988.
• In February 1988 Ilhan Selcuk and Okay Gonensin were interrogated by the public prosecutor for an article entitled, "The fascism of 12th September and ANAP."
• In February 1988 Ugur Mumcu and Okay Gonensin were indicted for articles criticizing National Defense Minister Vuralhan.
• In February 1988 Ali Sirmen and Okay Gonensin were indicted for an article on political conflicts prior to the 1980 coup.
• On September 22, 1988, a criminal court in Ankara opened a trial against six journalists accused of libeling Prime Minister Ozal and Defense Minister Vuralhan. The journalists are Cuneyt Arcayurek, Ugur Mumcu and Okay Gonensin of Cumhuriyet, Engin Ardic of the weekly Tempo, and Fatma Yazici of 2000`e Dogru. Each faces a possible prison term of six years. (Info-Turk, October 1988.)

On October 29, 1988, Dateline Turkey reported that a court in Istanbul had sentenced Cuneyt Arcayurek and Okay Gonensin in October 1988 to five months, 25 days in jail on charges of insulting Prime Minister Turgut Ozal. The court later commuted the prison sentences to fines of 81,666 Turkish lira ($46) each.

Okay Gonensin told us in Istanbul in October 1988 that so many cases have been brought against Cumhuriyet that he has lost track of the number. The state security court obliges him by scheduling all of the cases against Cumhuriyet on the same days; he spends two days a month in court on various charges. Many of the cases have ended in guilty verdicts and fines.
Government Harassment of Political Journals

Political journals that publish articles that the government finds offensive have even greater problems in the area of free expression than do the mainstream newspapers. These problems seem to have been accelerating. As indicated earlier in this report, numerous issues of these magazines have been confiscated, and the number of confiscations has been growing. Of course, this is also a reflection of the increase in the number of journals that are being published, as well as their increasing willingness to tackle hitherto taboo issues.

2000'e Dogru: One of the journals that has had the most frequent run-ins with the authorities is 2000'e Dogru (Towards 2000), a left-wing periodical that began publishing in January 1987. Its circulation is around 22,000, although its sales sometimes reach 40,000 when it prints an article that is particularly newsworthy. It is number two in circulation among newsweeklies--only Nokta has higher sales--but a number of people told us that it is number one in political impact. Halil Berktay, the Ankara representative of 2000'e Dogru, told us that while other journals have suffered from the government's withdrawal of ads (see section on Economic Pressures on Newspapers and Journals), 2000'e Dogru's advertising revenue is up because it has gradually been accepted by the private sector. It is now a well-established part of the social scene, with an influential readership. The magazine has taken on a number of taboo subjects--the military, the President and the Kurdish minority in Turkey, among others.

In the short time in which 2000'e Dogru has been published, the authorities have brought 28 cases against it for violating various articles in the Penal Code. As the journal's "responsible editor," Fatma Yazici has been named as a defendant in all 28 cases. Nine of these cases have been tried. In three, the journal and Ms. Yazici were found not guilty. In six, a guilty verdict was returned; five of these have been appealed (in the sixth, a 3 to 5 month sentence was converted to a fine, which the journal paid). In three cases the appeal process has been completed. In the first, Ms. Yazici was found guilty of "insulting the president" by publishing an article about two apartments bought by President Kenan Evren for his two daughters at unusually low prices (the jour-
nal published copies of the deeds). Ms. Yazici was sentenced to 16 months. In the second, the court affirmed a guilty verdict of "being disrespectful of religion and the prophet Mohammed" and a sentence of 12 months. In the third case, in March 1989 an appeals court upheld a sentence for Ms. Yazici of 6 years and 3 months for "weakening national sentiments" by publishing an article that summarized, without editorial comment, a March 1988 Helsinki Watch report, *Destroying Ethnic Identity: The Kurds of Turkey.* At this writing, Ms. Yazici is scheduled to begin serving in March 1989 sentences totaling 8 years and 7 months in prison.

When we met Ms. Yazici in October 1988, we commented on her bravery in taking on the job of responsible editor. "I'm not brave," she said, "the magazine is brave. I'm just doing what would be normal anywhere else--here it looks like bravery." When we asked how she felt at the prospect of spending months in prison, she said, "Maybe it will be more comfortable in prison. After all, in prison we'll be able to talk more freely with no fear of imprisonment."

Later during our trip, we asked another journalist why Yazici had taken on the job of responsible editor; the journalist replied as though the answer should have been obvious: "You have to understand, she's an idealist."

A list of the cases against *2000'e Dogru* is an illustration of the kinds of problems faced by the Turkish press:

- Issue 12, March 22-28, 1987. "Sex Life of Mohammed the Prophet" (basic Islamic sources were published). Found guilty of being disrespectful of religion and the Prophet; 12-month sentence. Sentence affirmed by appeals court.


same issue: musa anter’s article, "The Kurd cannot do without Western Anatolia." Indictment: harming national unity. Case at the State Security Court.

issue 37, September 6-12, 1987. Cover story on prime minister ozal’s career in the private sector. Case opened on ozal’s written request. Writer of the story, Ms. Neyyir Kalaycioglu, and Ms. Yazici, as responsible editor, condemned to three to five months of imprisonment; later converted to a fine of 49,000 Turkish lira for each.


issue 44, October 25-31, 1987. A story on a local magician, who said "Evren guaranteed that nothing would happen to me." Confiscated, then released by the court. Not guilty.


same issue. Leading editorial by dogu perincek, "The vicious circle of the state." Indictment: being disrespectful to the Republic. Case continuing.


• Secret Presidential archives bought with a check for 100 million Turkish lira. Ms. Yazici is on trial for theft and preparing false papers.


• Same issue. "Report of the National Intelligence Organization to the President." Case opened at Prime Minister Ozal's direction. Case continuing.

• Issue 14, March 27, 1988. "Kurdish leader Talabani criticizes the PKK." Indictment: disrespectful to the Turkish Republic. Case continuing at Criminal Court.

• Same issue. Publishing a paid obituary notice marking the second anniversary of the death of a suspected Kurdish leader, Mahsum Korkmaz, killed in a clash with security forces. Indictment: making anti-Turkish propaganda. Guilty; three-year sentence.


• Issue 28, July 3, 1988. Publishing a call by prominent personalities from all over the world for the protection of Kurdish culture in Turkey. Appeal was also published in many other newspapers including Le Monde and The International Herald Tribune. Indictment: weakening national sentiments. Case continuing at State Security Court.


• Issue 33, August 7, 1988. Decisions taken at a PKK conference were published. The issue was confiscated. Indictment: weakening national sentiments. Case at State Security Court.


• The Associated Press reported on January 23, 1989, that editor-in-chief Dogu Perincek had been convicted on December 20, 1988, of insulting Kemal Ataturk in an article entitled, "Ataturk and God," that appeared in the November 22-28, 1987 issue. The article consisted of handwritten notes and letters of Ataturk that showed his atheist views. Perincek was sentenced to one and a half years in prison. The case is on appeal.

Dogu Perincek, the editor-in-chief of 2000'e Dogru, told us in October 1988 that "Turkey is a country of paradoxes--you have freedom to write, but only if you're ready to pay the price for it. 2000'e Dogru benefits from this freedom, but pays a heavy price. I don't mean that we are granted this freedom --I mean we can take advantage of the democratic inheritance of Turkey and can break down certain taboos.

"It's as if Turkey is balanced on the edge of a knife," he continued, "with black on one side and white on the other, light against darkness, difficulties against hopes, and there is a continuous duelling between these things. It's the same with the press--we take advantage of our freedom, but 28 legal cases have been brought against us, and two issues were confiscated before distribution and six after distribution."
Mr. Perincek also described to us the economic pressures the government uses against the press: "In Turkey no press organ can live on its own sales, but only through ads. As long as you don't have enough ads, however big your sales, your costs will always be bigger than your revenues. Because we deal with taboo subjects—the state, the police, the army—we can't get the ads that we should. We get no ads from the government sector—state enterprises and banks give us no ads; they would normally advertise in a magazine with this high a circulation. The government’s price policy for newsprint also hurts us. Also we are supposed to get a 50 percent discount on telephone costs, but for the last nine months the owner of our journal, Kamil Aslanturkoglu, has not been able to get a press card, so we can't get the discount. All of these things have hurt us."

As to the case against the journal and Fatma Yazici for publishing an article that summarized Helsinki Watch’s March 1988 report on the Kurds, Mr. Perincek said that the article was merely a summary of the report and contained no editorial comments. The public prosecutor has said that the Helsinki Watch report was forbidden in Turkey, but such a ban is supposed to be published in the Turkish Official Gazette, and Mr. Perincek said it had not appeared there. Article 162 of the Penal Code forbids republication of material that was originally published illegally. Helsinki Watch has asked the Turkish government whether its report on the Kurds has been banned, but as of this writing no response has been received.

In a November issue of 2000'e Dogru, one of its reporters, Selami Ince, described his detention at Ankara Police Headquarters from November 10th to November 22nd. Mr. Ince said he had been tortured for all twelve days, and had witnessed the torture of other prisoners, including Erdal Cayir of Yeni Cozum (see below).*

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Toplumsal Dirilis: Also in trouble for publishing a summary of a Helsinki Watch report is Toplumsal Dirilis (Social Resurrection), a small socialist journal, which summarized the section on Turkish Kurds that appeared in our December 1987 report, State of Flux–Human Rights in Turkey. Cemal Yalvac, the owner of the journal, told us in October 1988 that he believed that as a result of the case brought against his journal by the public prosecutor, the Helsinki Watch report had effectively been banned nationwide, since he believes that decisions of the Istanbul State Security Court are valid throughout the country.

"Turkish officials can't tolerate the publication of facts by an internationally recognized independent organization," he said. "We wanted to publish it because we wanted to let our people know that their reality was accepted and recognized by an independent organization. But there are two taboos in Turkey: you can’t publish anything about the Kurds or anything critical of Kemalism [the policies instituted by Kemal Ataturk, the founder of the Turkish Republic]."

For publishing the summary of State of Flux, the journal has been charged with weakening national sentiments and making separatist propaganda. We learned after our visit that the public prosecutor has now charged that it was Toplumsal Dirilis itself that produced the report, not Helsinki Watch—in spite of the fact that the English-language of the cover of the report was reproduced in the article, and that the report itself had received wide coverage in Turkey when it was released in December 1987. The case against Toplumsal Dirilis is continuing. A Helsinki Watch inquiry to the Turkish government as to the status of State of Flux has not been answered.

Mr. Yalvac describes Toplumsal Dirilis as an independent magazine that is philosophical, theoretical and political, but that represents no political or ideological organization. He said that it concentrates on the political structure of Turkey, the duties of intellectuals, and the changes that have taken place in Turkey since the 1980 military takeover. It has devoted several articles to the Kurdish question.

Four issues of the journal had been published by the time of our visit to Turkey. The first issue appeared on June 15, 1988; it was not seized, but two charges were brought against it—weakening national sentiments and making separatist propaganda—for an article which speculated that Turkey might seize
the oil-rich Mosul region of Northern Iraq. Each of the subsequent three issues has been confiscated shortly after publication. Cases on all four issues are continuing; the authors and the responsible editor have been charged but not detained on those charges. In early November 1988, however, Cemal Yalvac and other members of the editorial board were detained for questioning; subsequently, they were formally arrested, charged with forming an illegal secret organization. At the time of this writing, they are still incarcerated in Saguinalcilar Prison in Istanbul.

Toplumsal Kurtulus: Toplumsal Kurtulus (Social Liberation) is a critical political journal first published in July of 1987; its circulation is between 5,000 and 7,000. It is described on the front page as a "Monthly theoretical and practical socialist discussion journal." Its May 1988 issue was confiscated by police for an article by Hasan Sonmez called "Life is Resistance," a call for Turks not to accept the political status quo.

In June 1988 the journal published an article by attorney Husnu Ondul criticizing the state security courts. As a result, the issue was confiscated and five people were taken into custody. Bilgesu Erenus, a playwright, actress and singer who is the owner of the journal told us in October 1988 that, "In June, sudden and unexpected repression was directed against us. I believe it happened because the authorities had become aware that Toplumsal Kurtulus was not only being read, but being discussed and debated." The five people detained by police were Bilgesu Erenus, Husnu Ondul, Yalcin Kucuk, the editor-in-chief, Ilhan Akalin, the general editor, and Orhan Gokdemir, who had been the responsible editor. Husnu Ondul is the legal adviser to the journal. Yalcin Kucuk is a lecturer, political commentator and former academic. At one time an Amnesty International Prisoner of Conscience, Kucuk served 10 months in prison in 1983 for communist propaganda for a book he wrote called "For a New Republic."

Bilgesu Erenus told us that on June 13th she left Istanbul for Ankara to attend the trial of Felemez Ak, who had replaced Orhan Gokdemir as responsible editor of Toplumsal Kurtulus. (Ak and ten other representatives of socialist
journals had been detained and charged in connection with a meeting about the Palestinian question. Ak was detained for a month and a half.)

At 2:00 on the night after Ms. Erenus had left for Ankara, the Police Rapid Deployment Force went to her apartment in the Ayaspaşa district of Istanbul and took into custody her husband, Mustak Erenus, a lawyer, and their 19-year-old son, Ali, a student. Both men were interrogated about illegal organizations, placed in solitary cells with no light and released after 20 hours.

Ms. Erenus and the others were detained in Ankara and interrogated about any connections they might have with illegal organizations. All five were kept in the police division known as DAL, in the section called DERIN—the "Laboratory for In-Depth Investigations."

Ms. Erenus described her detention to us:
They kept us all in one-person cells. My cell was about six feet by four feet. I was lucky to have a very dirty bed there. The others didn’t have beds at all; they had to lie on the wet, cold floor. In two of the cells the floors were actually covered with water. There was a small hole in the cell door; three times a day I was handed a small piece of bread and a small piece of cheese through the hole. If I wanted to go to the toilet I had to knock on the cell door; guards opened it only when they wanted to. I was blindfolded with a very dirty piece of cloth to be taken to the toilet. Yalcın Kucuk was kept in a filthy cell with excrement on the floor.

All our belongings were taken from us; I had to comb my hair with a bobby pin that they forgot to take. Since we had no idea of the time, we could not distinguish day from night. I spent most of the time lying down. Suddenly they would come in and take me to a room for questioning; when I was being questioned I was not blindfolded, but the questioners concealed themselves behind a very strong light.

We were accused of publicizing the PKK, acting as a legal front for the PKK, mailing our journal to criminals in prison free of charge, receiving illegal publications through the mails, printing whatever the Soviets told us to print, and many other things.
After four days, when they couldn't prove that we belonged to an illegal organization, things eased up a bit, but we were still detained and not taken to the State Security Court. We later learned that another issue of our journal was banned and seized during that time, and that the police had raided our office, destroyed our belongings and confiscated all the documents and equipment.

After ten days I was taken to the State Security Court and released. When I realized that the others were not being released I began to weep. It is something you will never experience in your country—our human rights are quite different. When I was about to leave, with my belongings in my hands, police took me to the public prosecutor, the man who had interrogated me. He said, "Why are you crying?" I said "I'm crying because of my friends." He said, "Well, if you're so upset, let us take you in again." Then he started to talk to me as if I were a primary school pupil: "You are an artist, go engage in your art, not in politics." I said, "If I can't engage in politics, I can't engage in art. We, the leftists, are part of the reality in Turkey. We tolerate the right and the right must tolerate us." The public prosecutor's reply was very revealing and a terrible shock to me. He said, "We tolerate you," meaning that he was acknowledging that he was a part of the right.

Yalcin Kucuk and Husnu Ondul were released after 65 days; Orhan Gokdemir and Ilhan Akalin were released on September 15, 1988, after three months of imprisonment. The case against these five and eleven others is continuing at the State Security Court. Fifteen of the defendants are in Turkey; one is in Europe. Some of the defendants are convicted prisoners serving time in prisons who had sent articles and letters to the journal, which printed them.

The indictment cites 15 articles published between November 1987 and June 1988. The public prosecutor has asked for sentences totaling 256 years for the sixteen defendants.

Ms. Erenus told us that the September issue of Toplumsal Kurtulus had just been seized—she did not know why. "We are living with a police state," she said. "These are the consequences." The October and November issues have since been confiscated. The December issue was seized at the printing shop.
before it could be distributed. Cases have been filed against the journal for each issue confiscated. In November chief editor Ilhan Akalin and responsible subeditor Felemez Ak were arrested. In December the Izmir representative, Hosip Akgul, was arrested.

The Associated Press reported that Yalcin Kucuk was again detained on January 24, 1989, for 16 hours, charged with writing an article in Toplumsal Kurtulus that made communist and separatist propaganda.

Ms. Erenus told us about another incident--this one took place on September 19, 1988. She, Yalcin Kucuk, and three others were detained by police in Gaziantep after taking part in a panel discussion. Taken into custody and led, blindfolded, into a large police department building, Ms. Erenus was interrogated and then kept sitting on a chair in a hallway for 16 hours. Yalcin Kucuk was taken into another room and beaten by police for having resisted arrest (he had initially refused to enter a police van).

The other three people detained were from the organizing committee of the journal Emek Dunyasi (World of Labor). They are Mehmet Emin Sert, the general coordinator and a contributor to the journal; Nuran Degerli, the journal’s accountant; and Sait Uner, the journal’s owner. All five were released the next day, after being warned by the police to stay out of Gaziantep. After Cumhuriyet published a letter Mr. Kucuk had written to his lawyer, describing the events of September 19-20, the Gaziantep public prosecutor announced that he would investigate the behavior of the police.

When we asked Ms. Erenus how she felt about being taken into custody, she laughed and said, "I don't know if it's courageous or not, but I'm getting used to it. Last night when I went to sing at a public meeting I took a toothbrush and thick socks with me, just in case."

Abece: Abece is a monthly review for teachers that is published by EGIT-DER, an organization of retired teachers. Its circulation is about 6,000. The September issue was confiscated by the public prosecutor of the Ankara State Security Court because of several articles. The first, an article called "What is Democracy?", discussed different definitions of democracy. It was written by well-known publisher and author Muzaffer Ilhan Erdost. In October Mr. Er-
dost told us that in the article he pointed out that since the 1980 coup one part of the elite had grown wealthier, and the present system of democracy was working for them; but for the rest of society there were many hardships, so democracy for them was diminishing. The prosecutor thought this article constituted communist propaganda and praised anarchy and terror. (Other cases involving Mr. Erdost are discussed in the section of this report on book publishing.)

In a second article, Halit Celenk, a prominent Ankara lawyer known for his defense of political prisoners, wrote about the legal procedures in military trials.

On October 29, 1988, Dateline Turkey reported that both men had been taken from their homes by police at midnight on October 26th and detained for the Abece articles on orders from Nusret Demiral, the chief prosecutor of the Ankara State Security Court. Both were charged with making communist propaganda. Both were released after 18 hours following interrogation by a judge at the State Security Court. The judge rejected Demiral's request to arrest the two men formally, and ruled that the articles constituted legitimate criticism. However, Info-Turk reported in January 1989 that a trial had begun against both men at the Ankara State Security Court on December 15, 1988.

Yeni Cozum: Yeni Cozum (New Solution) is a small monthly socialist journal with a circulation of about 14,000 that has been publishing since December 1986. As we were told by Suavi Urkmezer, its publication consultant, Yeni Cozum was the first socialist journal to start publishing after the 1980 coup. Mr. Urkmezer described it as a theoretical and journalistic monthly review which aims to explain the struggles of many sectors within Turkey. He told us that the review had gotten into trouble right from the start; police have confiscated from newsstands ten of its seventeen issues as well as two special editions, one on the Kurds and one on the September 1988 referendum on changing the date of local elections. The seventh and twelfth issues were seized 24 hours after they were distributed. In southeast Turkey police have pressed sellers to give them the names of buyers of the journal; some packages have been returned unopened—police have prevented distribution.
Mr. Urkmezer listed for us the problems that the review has had: the cost of paper, a distribution system that denies them the wide distribution they want, the detention and arrest of its responsible editors and some staff members. The first responsible editor, Ertugrul Mavioglu, was sentenced to three years in prison in March 1987; he has been in prison since then. He received a second three-year sentence on September 21, 1988, for "making communist propaganda." The second responsible editor, Celik Malkoc, was sentenced in September 1988 to seven years for an article called, "Chain Around the World." Mr. Malkoc is at large--a warrant has been issued for his arrest. Both have been charged with many crimes, including "making communist propaganda." Mr. Malkoc faces a total of up to 261 years in prison in eight different cases. The third responsible editor started working in that position ten days before our visit. Many other trials are pending on various charges for articles in the confiscated issues.

"We are doing everything we can," Mr. Urkmezer said. "We have started a campaign--'The Socialist Press Cannot Be Silenced.' In May and June of 1988 Yeni Cozum's owner, its responsible editor and three others went on a hunger strike for thirteen days to protest the state's treatment of us. As a result, we were arrested by the police. The aim of the hunger strike was not to get the police to accept the socialist press, but for the political regime to tolerate us. There is real oppression against us--almost every day we get a telephone call telling us that one of our offices has been raided by police. We have eleven offices in Turkey and one abroad. Two of our staff members in Kars were detained in September 1988, tortured and released after three months. Two of our Izmir staff members were detained for three months, starting in May 1988. Erkin Zengin, our Adana representative, was detained for engaging in a hunger strike in our Adana office. They're all on trial."

- Erdal Cayir, an Ankara representative for Yeni Cozum, was detained by police in Ankara on November 9, 1988. On November 14, Cayir was reported to have cut his wrists. He was taken to a hospital, but later returned to Ankara Police Headquarters. On November 22 he was formally arrested and charged with membership in Dev Sol (Revolutionary Left). (Amnesty International Urgent Action, December 1, 1988.)

- Amnesty International reported on December 5, 1988, that 100 people had been detained following a bomb attack on the State Prosecutor responsible for Buca Prison. The Prosecutor was seriously injured. Most of the detainees were released, but three people connected with *Yeni Cozum*, Recep Guler and Ilker Alcan of the editorial staff, and Meral Coskun, a reader for the journal, were still in detention. AI reported that on December 1st these three were taken to the hospital from the Izmir Police Headquarters where they had been held for interrogation. The two men were later returned to Police Headquarters in spite of the doctors' recommendation that they needed further treatment. Ms. Coskun was reported to be in intensive care at Izmir State Hospital.

- On December 27, 1988, the December issue of *Yeni Cozum* was confiscated and three members of the editorial board, Recep Guler, Ilker Alcan and Meral Coskun were taken into custody. A group of 42 people protesting against this arrest were also detained by police. (*Info-Turk*, January 1989.)

**Union of Socialist Publications**

During our October trip to Turkey, we met with a delegation of 15 journalists representing some of the socialist publications that had recently formed a union to try to bring attention to the treatment they are receiving from the government. The journals were: *Medya Gunesi, Toplumsal Dirilis, Gunese Cagri, Hedef, Yeni Oncu, Emegin Bayragi, Ozgurluk Dunyasi, Cagdas Yol, Cagdas, Isci Dunyasi, Demokrat Arkadas, Toplumsal Kurtulus, Yeni Demokrasi, Sinif Bilinci* and *Isli Sozu*.

In one of its first actions, on June 21, 1988, editors of five reviews, *Yeni Cozum, Yeni Demokrasi, Gunese Cagri, Emegin Bayragi* and *Toplumsal Dirilis* left a black wreath in front of the State Security Court in Istanbul to protest the government’s treatment of the socialist press. Police then detained Ozcan Sapan
from Emegin Bayrağı and Emir Bilgin from Yeni Demokrasi. Two days later, on June 23rd, the editors of these five journals held a press conference in Istanbul to call on "all democratic forces in Turkey to act in solidarity with the socialist press, since the confiscations and bans are being carried out in order to destroy left-wing publications."

In July six editors of socialist journals were detained after carrying out a hunger strike to protest the confiscation of left-wing publications.

Suleyman Kilic, of Cagdas Yol, acted as the spokesperson during our meeting in October. He told us that 24 journals belong to the union. The group hopes to tell the public about the government's repression of the socialist press; one of its main aims is to seek first hand contacts with international press organizations.

Mr. Kilic told us that there are many examples of repression against union members. "Recently, on September 29, 1988, Medya Gunesi was raided by police, and one staff person, Can Gulsenoglu, was detained for protesting the massacre of Iraqi Kurds with chemical weapons. He has been tortured and has been taken to prison in Ankara. Medya Gunesi was the first socialist publication to be issued by Kurdish socialists after the military takeover. All four issues of the review have been seized and various charges filed against it for defending the rights of Kurds. Its responsible editor, Cemal Ozcelik, was sentenced to three and a half years on August 18, 1988. Following his trial, Vahit Aba of Medya Gunesi and Kadir Akbaba of Emek Dunyasi were arrested for placing a black wreath at the entrance to the Istanbul State Security Court to protest his imprisonment."

A speaker from Isci Dunyasi told us that his journal wants to "inform the international public about the hypocrisy of the Turkish government: the government signed international documents against torture, and international public opinion thinks the government acts accordingly, but it's not true."

A representative of the youth journal, *Gunese Cagri*, told us: "There is not only repression against publications, but against people working for them. Last year our office was raided and eleven staff people taken into custody; they spent nine months in prison without a trial. Then they were released; the trial is still going on."

Another journalist told us that there were two sides to the repression: one was the legal side, using Articles 141 and 142; the other was the extra-legal side, involving actions by administrative authorities such as raids on journal offices without court orders and pressures brought to bear on newsstands not to sell socialist publications. These acts may or may not lead to court proceedings.

A representative of *Emegin Bayragi* told us that seven of its eight issues have been seized and its responsible editor is on trial, facing a 15-year sentence. He also said that on September 7, 1988, members of the socialist press began a campaign about the massacre of the Iraqi Kurds. They held a press conference, issued a press release, and laid a black wreath at the Iraqi Consulate. Although they wanted to issue a press release in Ankara, police prevented them from doing so. Those who laid the wreath were taken into custody and tortured; five are still in prison. Police raided offices of three publications and took into custody whoever was there and whoever entered during the raid—30 people altogether. The raids took place in Istanbul on September 10, 1988, and in Ankara on September 17, 1988.

Those detained include Nadir Nadi Usta, editor-in-chief of the political magazine, *Yeni Asama (New Phase)*, and Hatice Onat of *Emegin Bayragi*. Both have told their lawyers that during 12 days of incommunicado detention at Ankara Police Headquarters they had been tortured. The torture included severe beatings, electric shock, and being hosed with ice-cold water. Legal cases have been brought against them, but the exact charges are not known.*

On January 23, 1989, the Associated Press reported that six journalists from small leftist magazines had been detained during the first week in December for leaving a black wreath in front of the Iraqi Embassy. They were held for two weeks and then released. Those detained were: Nadir Nadi Usta, Hatice Onat and Metin Faruk Pamer from *Isci Dunyasi*; Mehmet Ali Cakiroglu and Rida Resat Cetinbas from *Yeni Demokrasi*; and Can Gulsenoglu from *Medya Gumesi*.

At the same time, the Associated Press listed thirty-six charges currently lodged against small socialist publications:

- *Yeni Cozum* 8
- *Emek Dunyasi* 4
- *Gunese Cagri* 3
- *Emegin Bayragi* 3
- *Vardiya* 2
- *Yeni Demokrasi* 6
- *Cagdas Yol* 3
- *Medya Gumesi* 1
- *Ilk Adim* 1
- *Bulten* 1
- *Toplumsal Kurtulus* 1
- *Yeni Oncu* 1
- *Genclik Dunyasi* 1
- *Demokrat Arkadas* 1

This is by no means a complete list; as described earlier, for example, *Toplumsal Kurtulus* is the target of at least seven cases, and *Toplumsal Dirilis*, not included in the AP’s list, has been named in at least four cases.

**Actions Against Other Journals**

The Turkish press has reported a number of other actions by the state against various journals.
Yeni Gundem: Yeni Gundem, a political journal that subsequently closed for financial reasons, was prosecuted five times between April 1986 and March 1988:

- January 11, 1987, issue: article by Baskin Oran on official in the Ministry of Education, Youth and Sports. Charged with "insulting the authorities."
- Issue no. 5 of April 7, 1987: Mehmet Senol, correspondent, sentenced to one year by Diyarbakir Military Court for "inciting the people" in violation of Article 312 of the Penal Code. On appeal.
- March 9, 1987. Cengiz Turhan sentenced by State Security Court to 7-1/2 years for communist propaganda. (Info-Turk, April 1987.)
- March 10, 1988: Cengiz Turhan sentenced to 7-1/2 years by State Security Court in Istanbul for publishing an interview with Kendal Nezan, the president of the Kurdish Institute of Paris. (Libe, March 10, 1988.)

Limon:

- Three staff members of the satirical review, Limon, received sentences of 11 months and 2 days for cartoons; they were editor Kemal Murat Kuruz and Cartoonists Ahmet Sukru Yavuz and Birol Vural. (Index on Censorship, October 1987.)

Yanki:

- Eight members of the editorial board of the weekly, Yanki, were indicted by the Istanbul State Security Court on September 10, 1987, for a detailed article on Iranian leader Khomeini's private life. They were charged with violating Article 128 of the Penal Code: provoking hostility between Turkey and a foreign country. They face possible 10-year sentences. The board members are: Nimet Arzik, Kurtul Altug, Ilhami
Soysal, Turhan Temucin, Argun Berker, Haluk Oncel, Metin Catan and Attila Bartinlioglu. *(Info-Turk, September 1987.)*

**Yeni Asama:**

- *Turkey Briefing* reported in September 1988 that *Yeni Asama (New Phase)*, a small left-wing monthly, had been closed down altogether after its editor laid a black wreath in front of the Iraqi Embassy.

**Economic Pressures on Newspapers and Journals**

Virtually all of the journalists, editors, lawyers and publishers with whom we discussed press freedom emphasized the harm that is being done to newspapers, magazines and book publishing by various economic pressures being exerted by the government. First among these is the cost of newsprint.

Paper is a government monopoly in Turkey--the government controls both the supply of newsprint and the price. Although the rate of inflation in Turkey is very high--ranging between 25 percent and 80 percent over the past few years--the cost of newsprint has outstripped it. *Dateline Turkey* reported on May 14, 1988, that the government had raised newsprint prices in April, making a total increase of 225 percent in 16 months. We were told in October 1988 that the increase over three years had amounted to 300 percent; this figure was also cited by Salim Cesur, a spokesman for the Seluloz-Is union (the paper-workers' union) in a report published by the *Turkish Daily News* on October 13, 1988.

A joint statement by Turkey's ten major dailies on April 23, 1988, said, "We must regretfully say that the government has opted for a policy line aiming at destroying newspapers financially and economically just because they have been publicizing its shortcomings and faults." Erdal Inonu, the leader of the opposition Social Democratic Populist Party (SHP), said: "These increases are not
the result of economic necessity. They are the outcome of arbitrary, clumsy and irrational policies." Suleyman Demirel, the leader of the conservative opposition True Path Party (DYP), characterized the price increases as "vengeful." One reporter told us that when the government was angered by stories in the press, the price of newsprint could be raised overnight.

While we were in Turkey a strike was underway at the government paper plant, SEKA, which made the situation even more difficult. Newspapers were forced to pay higher prices for newsprint imported from Romania and Finland; some were forced to print fewer pages and some raised their newsstand prices. We heard many allegations that the Ozal administration had either caused the strike or failed to use its best efforts to settle it. The strike was finally settled in January 1989.

Another bone of contention with the press is the question of advertisements placed by government enterprises. Banks and many other enterprises in Turkey are state-owned. Erbil Tusalp of Cumhuriyet told us that the state controls approximately 40 percent of the ads placed in newspapers and magazines. Publishers and editors informed us that the state had recently established a pattern of withholding ads from newspapers and journals which criticized the government, and that this practice was seriously affecting the financial well-being of the press. Several journalists told us that four newspapers had been particularly affected: Tercuman, Cumhuriyet, Gunaydin and Bulvar. The advertising revenues of Tercuman, a right-wing daily that supports Suleyman Demirel, went way down, and the editor, Nazli Ilicak, was forced out because of her opposition to Prime Minister Ozal. When Gunaydin was embargoed by state advertisers, its income suffered a severe decline; the owner decided he didn't want to fight the government and sold the paper. Cumhuriyet, the only major newspaper that has no other business interests, tries to survive on its sales alone. Ahmet Abakay, the president of the Contemporary Journalists' Association,

told us that five or six left-wing journals had closed in the past year because they could not get ads.

"There is a growing belief in the Turkish press that Ozal is out to take revenge on the newspapers for their criticism of the government during the 1987 election campaign," said editor Ilnur Cevik, writing in the *Turkish Daily News* in May 1988. "Recent developments give some credibility to these claims."

**Reports of Other Actions against Journalists**


- Hasan Selim Acan, responsible editor of political review *Halkin Kur- tulusu*, convicted. Total prison terms 331 years. Still faces 100 years in other press trials. Three other editors of same review received sentences:
  - Veli Yilmaz, 748 years
  - Osman Tas, 660 years
  - Mustafa Yildirimturf, 155 years.
  (Info-Turk, November 1987.)


- Journalist Emil Galip Sandalci, Economist Arslan Baser Kafaoglu, Publisher Ragip Zarakolu, Arslan Kahraman and Adnan Aktaş charged at Istanbul State Security Court for articles that appeared in the daily *Demokrat* before the 1980 military coup. Accused of giving
support to an extreme left organization and making communist propaganda. Paper was closed down in 1980. All face a possible 10 years. (Info-Turk, January 1988.)

- Huseyin Unaldi, publisher of Yeni Osmaniye, arrested in Adana January 21, 1988, for insulting public prosecutor and governor of the district. Faces three years. (Info-Turk, January 1988.)

- Mehmet Tuncay Akgun, editor of satirical weekly, Limon, given three-month sentence at Istanbul Criminal Court on Jan. 19, 1988, for insulting the wife of Prime Minister Ozal. (Info-Turk, January 1988.)


- On June 7, 1988, police raided the Istanbul office of the monthly review Yarin and detained eight people, including the Istanbul representative of the review, Bulent Eryilmaz. (Info-Turk, June 1988.)

- On July 1, 1988, a representative of the monthly review Cozum, Caffar Akel, was detained in Malatya, charged with membership in an illegal organization. (Info-Turk, June 1988.)

- On July 13, 1988, Sefik Calik, the responsible editor of the monthly review Alinleri was tried at a criminal court in Istanbul for publishing the allegations of torture made by TBKP officials, Yagci and Sargin. He is charged with insulting state security forces, and faces a possible penalty of six years. (Cumhuriyet, July 14, 1988.)

- On July 13, 1988, two journalists from the monthly review Vardiya, Fuat Musaoglu and Bulent Ramazan Ongan, were sentenced to 7 years, 3 months and 15 days in prison for making communist propaganda. Musaoglu's sentence was later commuted to a monetary fine of 798,000 Turkish lira. (Cumhuriyet, July 14, 1988.)

- On August 7, 1988, Talat Halman, the New York correspondent for Milliyet, and responsible editor Eren Guvener were indicted for libel-

- On August 28, 1988, the publisher of the monthly review Devrimci Der-
  lenis, Ahmet Kale, and the Istanbul representative of the monthly Gun,
  Taner Renda, were taken into custody by Ankara police. (Info-Turk, September 1988.)

- On September 5, 1988, journalist Suleyman Coskun, who had spent
  three years in prison after the military coup, was sentenced to seven
  months, accused of membership in the outlawed Turkish Communist
  Party. (Info-Turk, October 1988.)

- In October 1988 Erbil Tusalp told us that Nevzat Sevinc, a journalist
  who wrote for Orta Dogu, an Islamic paper, had finally been convicted
  in a case which had begun on May 8, 1978. Mr. Sevinc was accused of
  insulting Turkish laws in an editorial entitled, "Be a Soldier." He was
  sentenced to ten months; his appeal was rejected and he is in prison
  now. This is one of the few cases against the right-wing press.

- On October 20, 1988, two journalists of the weekly, Tempo, Engin
  Ardic and Yetkin Iscen, were sentenced by a criminal court in Istan-
  bul to 21 months for an article that criticized Prime Minister Ozal.
  (Info-Turk, November 1988.)

- On October 26, 1988, a State Security Court sentenced Sefik Calik, the
  managing editor of the monthly Yeni Acilim, to a fine of 684,000 Turkish
  liras ($342.) for making communist propaganda in an article which
  described the future plans of prominent Turkish communist leaders
  who were then living in exile. The court had first sentenced Calik to a
  six-year prison term, but later commuted it to the fine. (Associated
  Press, November 2, 1988.)

- On November 19, 1988, Reha Maden, a journalist with the semi-offi-
  cial news agency Anadolu Ajansi, was detained in Ankara. Four or five
  days later his wife, Aysegul, was also taken into police custody. Both
  are accused of sheltering political activists suspected of planning as-
  sassinations. (Amnesty International Urgent Action, December 7, 1988.)
• On November 30, 1988, Nurettin Karakoc, a journalist and owner of the political magazine Hedef, was detained at the Istanbul Police Headquarters. His relatives were not able to obtain any information on the charges against him. (Article 19, Censorship Appeal, December 15, 1988.)

• In November 1988, Hasan Kilic and Inan Goksel of the daily, Gunaydin, and Sabahat Aksakal of Yeni Nesil were put on trial for insulting Prime Minister Ozal. (Info-Turk, December 1988.)

• On November 25, 1988, Guner Icoglu, a 23-year-old cartoonist, began serving a ten-month prison term for "insulting the feelings of the Turkish nation." His conviction was based on a cartoon that appeared in the weekly humor magazine, Limon, depicting Turkish tourists looking at ancient sites in Greece; the tourists were called "hicks." Limon is an Istanbul-based popular magazine with a circulation of about 70,000. According to the Associated Press, Icoglu was released on the 20th day of his imprisonment; he benefitted from a new law that states that minor sentences (those under a year) can be converted to fines.

• According to the Associated Press, Tuncay Akgun, the managing editor of Limon, went on trial on January 24, 1989. He faces a two-year sentence for having published a letter from a reader who criticized the Imams because their calls to prayer are loud and disturb people.

• On January 24, 1989, Cumhuriyet reported that three journalists from Ozgur Gelecek were arrested. Owner and general manager Mehmet Bayrak and managing editor Bakir Kesen were arrested on January 23rd, charged with making separatist propaganda. Bayrak was charged with republishing in Ozgur Gelecek a story that appeared in the January 16, 1988, issue of 2000'e Dogru, "Nazim Hikmet and the Brotherhood of the Turkish and Kurdish nations." He had been tried for the original story and acquitted. After publishing the same article in his journal, he was arrested. This was the second issue of the journal Ozgur Gelecek. Both issues have been confiscated.
Kesen was arrested because of an article entitled, "Fortieth Anniversary of the Human Rights Convention." The magazine advocates freedom for Kurds living in Turkey. Both were still in detention on January 30, 1989.

- Two editors of Hedef Publications, Nurettin Karakoc and Mehmet Demir, were taken into custody on December 1, 1988. (*Info-Turk, January 1989.)*

- A prison term of three months and 15 days for Necmettin Kurucu, editor of the daily Inanis in Zonguldak, was ratified by the Court of Cassation on December 12, 1988. (*Info-Turk, January 1988.)*

- On December 21, 1988, six journalists were indicted by the Ankara State Security Court for issuing a press release against the Iraqi government's use of chemical weapons against Kurds. The six journalists, Nadir Nadi Usta (Yeni Asama), Hatice Onat (Emegin Bayragi), Metin Faruk Tamer (Isi Dunyasi), Riza Resat Cetinbas and Mehmet Ali Cakiroglu (Yeni Demokrasi), and Can Gulsenoglu (Medya Gunesi), face prison terms of up to six years. (*Info-Turk, January 1989.)*

- Turkish sociologist Ismail Besikci was detained by police on December 29, 1988, for an interview he gave to the monthly, Ozgur Gelécek. Dr. Besikci has spent more than ten years in prison for his writings on the Kurds. (*Info-Turk, January 1989.)*

The Law to Protect Minors

"The Law to Protect Minors against Harmful Publications," the obscenity law described earlier in this section, has been used frequently against book and magazine publishers. In February 1987, less than a year after the law was instituted, Cumhuriyet reported that 57 legal proceedings had already been brought against five daily newspapers and twelve weekly or monthly magazines for "harmful articles." Since that time many more publications have been charged with violating this law. Heavy fines have been assessed against fourteen newspapers. The Turkish edition of *Playboy* received the heaviest fines, which originally totaled about 3,946,054,160 Turkish lira (about $4 million). The daily

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newspaper Tan (Dawn) was fined $415,000 for three articles and two photos. Because these fines were so large that some publications were in danger of bankruptcy, Parliament changed the law in May 1988 to reduce the possible fines to one-tenth of what they had been originally.

Criticism by the International Press Institute

In May 1988 the International Press Institute (IPI) held a three-day meeting in Istanbul attended by 200 journalists from 64 countries. IPI director Peter Galliner said that Turkish press conditions had improved dramatically since the end of military rule in 1983. But he called for an "urgent amnesty" for at least 48 imprisoned journalists and for reform of the laws restricting freedom of the press that led to excessive fines for press offenses. The IPI sent a letter to Prime Minister Ozal protesting restrictions on Turkish publications, and noted that legal action had been taken against 23 publications in August alone.

At the end of the conference, the IPI passed this resolution:

The IPI, representing leading journalists, editors, broadcasters and publishers in Asia, Africa, the Americas and Europe, welcomes the improvement in the press situation in Turkey as part of the transition to a full democracy.

However, restrictive press laws still exist. IPI urges the government to repeal them forthwith.

As a human rights organization, IPI also urges amnesty for all media professionals who are jailed or awaiting trial as a result of their commitment to freedom of expression.

IPI expresses concern about direct and indirect pressures on newspapers. These include excessive price increases for newsprint, provision for heavy fines that can ruin publications, and withholding of advertising by some state banks from some newspapers critical of the government.

IPI applauds and vigorously supports its colleagues of the Turkish press who have already raised these serious matters with the government.

In IPI's view, such measures are forms of censorship.
In a letter sent to Prime Minister Ozal on December 1, 1988, the IPI's director, Peter Galliner, criticized the Turkish government's "hostility" to the press, and said:

Your country's press laws and laws that concern freedom of speech run counter to those of every other country in the European community, not to mention the other countries of Western Europe. We urge you to fundamentally change them without delay, according to the most basic principles of democracy.

Galliner specifically referred to the case against Milliyet writer Mehmet Ali Birand and the many cases against Fatma Yazici of 2000'e Dogru.*

In its "Press Freedom Report" for 1988, issued in December, the IPI again criticized the Turkish government for actions against the press. The report stated that prison sentences handed out to editors and writers of left-wing publications total 5,000 years.**

The Government's Response to Criticism

In preparation for our October 1988 trip, Helsinki Watch requested through both the Turkish Ambassador in Washington and the American Ambassador in Ankara appointments with Turkish officials concerned with freedom of expression, including, for example, Minister of State for Press Affairs, Mehmet Yazar. Officials in the Foreign Ministry, to whom these requests were sent, were not willing to arrange such appointments because of their dissatisfaction with earlier Helsinki Watch reports about human rights in Turkey. As a result, we were not able to meet with Mr. Yazar or others to discuss freedom of the press.

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** Dateline Turkey, December 24-30, 1988.
Through a member of Parliament, however, we were able to talk with Adnan Kahveci, the Minister of State for Television and Radio. He told us that he believes that it is much easier for the press to criticize the government or the military now than it was before 1980. Mr. Kahveci said:

The articles in the Penal Code about which people complain are not new; they have been there since the establishment of the Republic. I think they will be repealed or modified in time. As democratization improves, tolerance improves, and then it will be easier to change the codes. Today I am happy because the two radical groups—the radical right and the radical left—are discussing their problems without violence. There is a softening in the opposing ideas—they tolerate each other.

Regarding the recent confiscation of Milliyet for its interview with a Kurdish rebel leader, Mr. Kahveci said:

I don’t want to comment on the Milliyet case; I don’t know the exact reason for the confiscation of the newspaper. It’s related to our view of citizenship in Turkey. Some people claim there are two races in Turkey; we don’t believe that is true. Anyone who is a citizen is a Turk—they may have had different origins, but we are all Turks. You can see the different origins of Turks just by looking at faces in the street. Our attitude toward our nation is more like the United States’s attitude, and not like the Soviet Union’s, where different races have different republics. Mr. Birand’s article was probably stopped because it endangered the basic tenets of the Republic—we are trying to create a Republic with no racial lines.

Prime Minister Turgut Ozal has been quoted as saying that "the Turkish Press has a role and a responsibility they should not exceed." He called for balanced coverage and "an end to the use of newspapers to further proprietorial interests."*

On August 2, 1988, Dateline Turkey quoted Minister of Culture Mustafa Tinaz Titiz as saying:

I also dislike the terms censorship or press bans. But Turkey has such a wide spectrum that you can encounter publications describing how to manufacture a petrol bomb or murder people alongside genuine works of art. As for the Law to Protect Minors, some measures are necessary to protect youths from obscene publications.

The state has to provide room for all and protect its own existence at the same time, within the limits of democratic freedoms. Since democracy is the name of the regime where people govern themselves according to their own will, this makes it vulnerable to elements which aim at destroying it...

Those who say there are not sufficient individual liberties in Turkey must also see that there is a threat aimed at the existence of these rights themselves. And somebody should take the floor and say what can be done against this threat...As the attempts to misuse the media decrease more freedom will be granted.
FREEDOM OF EXPRESSION IN TELEVISION AND RADIO

Legal Framework

Radio and television in Turkey are owned and run by the state. The framework is established in the 1982 Constitution; Article 133 declares:

Radio and television stations shall be established only by the State, and shall be administered by an impartial public corporate body.

The law shall provide that broadcasts are made in a manner to safeguard the existence and independence of the Turkish State, the indivisible integrity of the country and the nation, the peace of society, public morals, and the fundamental characteristics of the Republic as outlined in Article 2 of the Constitution; and, it shall observe the principle of impartiality in the administration and supervision of the Corporation, in the formation of its administrative organs, and in all radio and television broadcasts...

Under Article 31 of the Constitution individuals and political parties are guaranteed access to radio and television. The article also provides broad guarantees for public access to ideas and information:

Individuals and political parties have the right to use mass media and means of communication other than the Press owned by public corporations. The conditions and procedures for such use shall be regulated by law.

The law shall not impose restrictions preventing the public from receiving information or forming ideas and opinions through these media, or preventing public opinion from being freely formed, on grounds other than the general restrictions set forth in Article 13.
The "general restrictions" in Article 13 fundamentally alter the guarantees described in Article 31. Article 13 states that:

Fundamental rights and freedoms may be restricted by law, in conformity with the letter and 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.

Thus the Constitution provides for freedom of expression in television and radio, but circumscribes those guarantees in such a way as to make it extremely difficult to secure them.

Television and Radio in Turkey Today

By all accounts, television is the most influential medium in Turkey today. As we were told by Mahmut Tali Ongoren, a university professor, writer and broadcaster who was the first director of Turkish television (from 1968 to 1971):

Turkish television is very important—it affects more people than films, which are expensive—or plays, which get small audiences. If a book is reprinted twice, it may sell 4,000 copies—publishers consider sales of 5,000 to be very good. The press has a total circulation of about three million—say nine million if three people read each copy—and that's optimistic. But television and radio reach almost the whole country. Whoever runs the country runs television, and so runs the cultural side of the country—creating new values and killing old values.

Serpil Akillioglu, the head of television in the Turkish Radio and Television Corporation (TRT), told us that television now reaches about 96 percent of the country, including rural areas where most people don't own their own sets, but watch village-owned sets. The total number of sets is between four and six million. Two channels now carry programs: TV 1, according to Mr. Akillioglu, is a general station for the mass audience; it broadcasts in the morning, then from mid-afternoon until midnight. TV 2 is for the elite—the level of lan-
language is different; it broadcasts only in the evening. TV 1 carries 45 minutes of news a day; TV 2, 30 minutes. The government is considering establishing a third channel that would be an educational channel, with lessons in language, math and social studies. According to Deniz Baykal, the Secretary-General of the Social Democratic Populist Party (SHP), the literacy rate of Turkey is now above 70 percent. Others told us the rate was over 80 percent.

Turkish television is criticized by many for its news coverage. Mr. Ongoren told us that news programs relate what is happening in Europe and other parts of the world, but not what is happening in Turkey. "Our Human Rights Association, for example, raises many important issues, but the TRT never allows our positions to be discussed."

SHP leader Deniz Baykal told us that television news mostly covers trivial events—for example the visit of the Prime Minister or another cabinet minister to a nursery school. "Television should be used to educate people on important legal decisions, and to explain the statutes, laws and regulations of government," he said. "For example, an expert should talk about the Value Added Tax, or someone from the Forestry Ministry should talk about how it's not good to hunt at certain times. But the Prime Minister uses the government's half hour monthly program for sheer propaganda—to tell people what good programs he has achieved."

The opposition parties complain that they have inadequate access to television. Michael Austrian, the political officer in the American Embassy in Ankara, told us that television time for political parties is regulated by a complicated law that allocates time based on a party's representation in Parliament. During the recent campaign for a referendum to decide when local elections would be held, ANAP, the party in power, had three television appearances to one each for the SHP and the rightist DYP (True Path Party led by Suleyman Demirel). Mr. Austrian told us that he believes the opposition's complaints about inadequate access to television are legitimate.

"The government controls television," said SHP leader Baykal, "and I say without hesitation that it is unfairly used. During the recent referendum period the government had much greater access. For example, the TRT broadcast a program on the anniversary of the 1980 coup in order to refresh people's
memories of the pre-coup period and give a one-sided view of those events, which frightened people and no doubt had an impact on the election. We must equalize the political use of television and radio."

Many people complained to us about Prime Minister Turgut Ozal's use of television. Nezih Demirkent, the president of the Turkish Journalists' Association, told us that Mr. Ozal uses television to criticize journalists and newspapers who oppose him: "He makes grave accusations against those who criticize him. Right after the referendum he attacked Hasan Cemal, the editor-in-chief of Cumhuriyet, saying Cemal would ruin Cumhuriyet, and that the paper should get rid of him. He has accused columnists of being 'cheerleaders for the opposition."

Deniz Baykal told us that he believes that the TRT should be privatized—that it should not be a state monopoly: "There will no doubt be problems if private capital controls television, but those problems are preferable to having a state monopoly."

Many people in the arts told us that their writing or music was not permitted on radio or television. One of these was Selda Bagcan, a very popular protest singer whose situation is described in the section of this report dealing with Freedom of Expression in the Arts. Ms. Bagcan's songs are banned from radio and television, and other protest singers' songs are prohibited as well. Sheila Austrian, the press officer for the American Embassy in Ankara, told us that the works of Aziz Nesin, a humorist who is one of Turkey's best-known writers, are not allowed on television, nor are Kurdish songs or the leftist folk songs of Ruhi Su.

According to Mahmut Tali Ongoren, the one-time director of Turkish television, censorship pervades Turkish television and radio:

All leftist artists are banned from television. They are not invited to appear on interview programs and their works—plays, novels—are not produced on television. If, during a taped interview, an interviewee mentions a writer who is blacklisted, his or her name is erased from the tape. Adnan Kahveci, the Minister of State for Television, says this is not true, that all are welcome on television. But it's not so—TRT doesn't invite them to appear and doesn't use their work. Cem Duna, the
head of TRT, was interviewed in last Sunday's Hurriyet. He said Aziz Nesin cannot appear on TV. Two weeks ago he said that no film by Yilmaz Guney would ever be shown on Turkish television. Usually it's writers who are banned, like Muzaffer Ilhan Erdost and Demirtas Ceyhun. But filmmakers suffer too--Ali Ozgenturk's films have never appeared. Three years ago the television department listed Ozgenturk's "Horse" as a film that would soon appear on TV. It never did. I called the head of the film department; he told me it had been banned.

In the structure of TV the Department of Control is a very important department--as important as the News Department; in protocol, they're on the same level. They control every radio and television program--cut names, cut appearances and so on.

Some of the other films that have been banned from TV in the past are: George Cukor's 1972 film, Journey with My Aunt (for disparaging the Turkish police and the Turkish people);* George Roy Hill's Hawaii (for containing Christian propaganda);** and Michael Curtis's Mission in Moscow (for showing Russians as likeable people).*** Some have been shown but cut drastically. For example the Turkish film, Namuslu (The Honest Man), was cut in 48 places; the beginning of the film, including the credits, was cut, as was the final scene.****

The current director of TRT, Cem Duna, a former diplomat and close adviser of Prime Minister Ozal, has recently been under fire from the conservative True Path Party and the right wing of the ANAP party (the party in power) for hiring two or three top level administrators whom the right considers too

* Ozgururge, September 1986.
** Info-Turk, November 1986.
*** Ozgururge, September 1986.
liberal. Adnan Kahveci, the Minister of State in charge of television, recently survived a vote of censure in Parliament called for by rightists because of Duna's appointments.

Duna, meanwhile, has made some changes in the TRT. A notable example is his reversal of the last TRT director's directive that banned 205 Turkish words from television. This ban had been scrupulously carried out: if a speaker used one of these words, the program was not transmitted. If a person being interviewed on tape used a forbidden word, the taping was stopped.

The forbidden words were new Turkish words that had been introduced in the past three years. Mr. Ongoren explained the situation to us: "There are many Persian, Arabic and French words in the Turkish language. Many Turkish writers have begun using Turkish words as synonyms, but the government and the military don't want these words used; they prefer to use the old words. Cem Duna abolished that list. "Serpil Akillioglu, the head of Turkish television, and one of the three appointees for whom Cem Duna was criticized, told us that Mr. Duna believes that to put restrictions on a living language is wrong. "Instead of saying this word is all right and that one is not, the decision should be left to the producers. Turkish is a living language--the old Ottoman words can be used by older people, and the new Turkish words by the younger generation."

Minister of State Adnan Kahveci spent considerable time giving us his views on the TRT. In response to the opposition parties' complaints about inadequate access to television, Mr. Kahveci said: "The opposition argues that it should have access to TV every day, regardless of whether what they say is newsworthy. Even in the United States the opposition doesn't get that. A high council that is independent of the government makes policy decisions for the TRT, and television tries to give newsworthy news. What's more, the courts have ruled against the opposition in cases they've brought against the government and the TRT. The opposition is often not covered in the press, either--TV gives more coverage to the opposition than the press does."

Mr. Kahveci acknowledged that there had indeed been a blacklist for television and radio and that it had existed since at least the beginning of Turkish television. He told us, however, that the blacklisting had ended in early 1988.
When we asked him whether Aziz Nesin's works would be allowed to appear on television, he said that Mr. Nesin had not sent in any scripts, but that if he did, they would stand a good chance of getting on TV.

As for Yilmaz Guney, the writer and filmmaker of, among other films, the widely-acclaimed Yol, set in eastern Turkey, Mr. Kahveci said, "Any movie that advocates two different races harms the national unity we've been striving for and building up since the 1920s. There's not much chance it will get on television. Ten years from now, maybe it won't be so controversial. When you look at Turkey, you can see that we nearly had a civil war here in 1980, like Northern Ireland. People develop prejudices as a result of this kind of thing. To eradicate those prejudices takes a lot of time. Now at least people are not fighting with guns; maybe it will all change in a couple of years."
FREEDOM OF EXPRESSION IN BOOK PUBLISHING

Legal Framework

Book publishing in Turkey is regulated and restricted by many of the same Constitutional provisions, Penal Code Articles and laws that were described in the section of this report dealing with Freedom of the Press. As with the press, the most important of these laws are Penal Code Articles 141 and 142, which are used to prosecute books, writers and publishers for political offenses, and the Law to Protect Minors against Harmful Publications, which is used to prosecute obscenity.

In addition, Articles 426, 427 and 428 of the Penal Code provide heavy fines for writers, editors, publishers, distributors and sellers of intellectual works that are "offensive to the feelings of shame and modesty of the people, or are provocative or exploitive of sexual desires or are against general morals."

Publishing in Turkey Today

Book publishing in Turkey is not a major industry. Erol Erduran, the publisher of Remzi Editions, one of the oldest publishing groups in Turkey, is the head of the Turkish Book Publishers' Association, which was formed in 1985. In October 1988, Mr. Erduran told us that the government had announced that 7,500 titles had been published in Turkey in 1987. He told us that this includes some titles that are not really books -- for example, pamphlets and catalogues. According to Mr. Erduran: "The overall total of books published in 1987 was close to 5,000, after subtracting pamphlets and catalogues. The 5,000 total, however, includes official government publications that are not sold in bookstores. Once you subtract government publications, the total is closer to 2,000. This figure includes both textbooks and cultural books. About 500 cul-
tural titles -- novels, literary works and non-fiction -- were published in 1987. That's about the number of cultural works being published each year in Turkey at present. Our experience indicates that the number of books published was increasing until 1975. Since then it has been on the decline. The average bookstore keeps about 500 titles at any given point. The first item on the agenda of our Book Publishers' Association is to conduct our own study on the quantitative aspects of the Turkish publishing industry; next year I hope we'll have better answers."

According to Mr. Erduran, five hundred publishing houses are officially registered. One hundred ten of these are members of the Book Publishers' Association. He estimates that this constitutes 80 percent of the "serious" publishing houses in Turkey. By this, he means publishing houses with continuity, not, for example, a company that is set up by a poet to publish his own poems and not to publish anything else. But many of the "serious" publishers issue only a few titles each year.

Asked why publishing had declined since 1975, Mr. Erduran told us: It's hard to reduce to one or two reasons -- a whole range of factors is responsible. We're still discovering new factors, economic, political, social. After 1975, and especially after 1980, the incomes of potential readers declined steeply. The average price of a novel is between 4,000 and 5,000 Turkish lira [$2.50 - $3.00]. And the costs of production rose steeply. The financial position of publishing houses has weakened considerably; publishers are now weaker and more fragile. We can't get bank credits and interest rates are too high. So we have to rely on our own means. Therefore, there has been a decline in sales figures and less variety in the books we publish.

There are political factors, too. In the recent period of anarchy [just before the military coup of 1980] the state identified books with weapons used in terrorist acts. When terrorist groups were caught by police, photographs were taken of them with their weapons in front of them--and their books were displayed, too. These books were not just illegal underground pamphlets, but also perfectly legal books that were sold in bookshops.
The government's attitude is contradictory. Sometimes officials are anti-intellectual, and sometimes they make statements of support. In my experience, most government people don't like books.

Other political factors play a role—for example, provisions in the law that belittle books and book publishing, like the Law to Protect Minors, which is a form of censorship.

Social factors are important, too. The influence of the family and of formal education are determining factors. Neither in the family nor in school is book-reading encouraged. Even the textbooks discourage the reading of books. Many students buy no books after they graduate. Some parents discourage their children from reading: "Just do your homework -- don't waste your time reading." And, of course, television and other forms of entertainment play a part, too.

But the main difference between Turkey and other parts of the world in which costs are also rising, is that in Turkey the level of income of the middle class, the potential book buyers, is not rising.

Mr. Erduran is not alone is his distress. Book publishing in Turkey is "suffocating under economic and political pressures," according to a statement issued in May 1988 by a group of forty Turkish publishers. While most industry representatives with whom we spoke agreed that the climate for publishers has improved considerably since the days of the 1980 military coup, they also agreed that restrictions on writers, publishers and booksellers have become more frequent and more widespread during the last two years. In addition to severe economic pressures brought about by the high paper costs and rising inflation described in the Freedom of the Press section of this report, those working in the publishing industry have been confronted with increasing restrictions imposed at all levels of the Turkish bureaucracy and legal system.

Perhaps most detrimental to publishers has been the Law to Protect Minors. According to the daily *Cumhuriyet* of September 28, 1987, in the 18-month period since the adoption of the Law to Protect Minors (in March 1986), the number of indictments against printed media of all kinds has risen by 65 per-
cent. In 124 different cases, 200 editors, journalists or writers had been brought before the Istanbul Court of First Instance.

It was a case involving this law that prompted the forty publishers quoted above to issue their protest in May 1988. That month, an Istanbul court had ordered the confiscation and destruction of all copies of an expurgated edition of Henry Miller's *Tropic of Capricorn*, which the court deemed to be obscene under the terms of the Law to Protect Minors. Responding to an earlier court decision ordering the destruction of a complete edition of the book, the forty publishers had banded together to issue a "cleaned-up" version, to which they added a prologue quoting the original court decision. In a bizarre twist, however, a second Istanbul court found that the text of the original court decision was itself obscene, and so the expurgated edition, too, was ordered destroyed. In February 1989 an appeals court affirmed this decision, and the book was destroyed.

This is the kind of confusing atmosphere in which Turkish publishers find themselves operating today. Nor is it just the courts and the public prosecutors that hover over the shoulders of Turkey's writers, editors and publishers. Various administrative authorities, such as the Board of Higher Education and the Training Department of the Naval Forces, have been imposing bans on the teaching of certain books, basing their decisions on many of the same laws referred to above.

"If this is a democracy, people should be able to decide for themselves what to read and what not to read," we were told by publisher Erduran. But an examination of recent judicial and administrative decisions makes clear the extent to which authors and editors are being restricted in the kinds of books they are allowed to read.

**Banned Books**

Thousands of books have been banned by Turkish authorities. The Council of Ministers has the authority to keep books from coming into the country, and frequently does so. Other books are banned by provisional governors and by the police.
Cumhuriyet reported on January 11, 1988, that since the 1980 military coup the government had banned 440 different publications from being brought into Turkey. Two hundred sixty-seven of these were banned by the military government between 1980 and 1983; 173 were banned by the Ozal administration. The list included 195 books, 106 periodicals, 46 pamphlets, 22 newspapers, seven newsletters, 32 communiques, three postcards, one poster, five calendars, two maps, six albums, eight poems, two music cassettes, two tourist guides, one article and thirteen other kinds of publications.

In December 1987 the Public Security Directory of the large coastal city of Izmir distributed to all librarians and booksellers a list of 2,028 books that it said were forbidden to be sold or distributed. The list included the works of many prominent Turkish and foreign authors, poets, scholars, political leaders and cartoonists. It included Einstein’s Theory of Relativity and the complete works of Turkey’s most renowned poet, Nazim Hikmet. Some of the other books had already been the object of local proceedings and had been acquitted in various court decisions.*

In Ankara, the State Police Chief, who has authority over all police in the country, issued a list of hundreds of banned and "suspicious" publications in early 1988. The list was circulated to all of the nation’s police chiefs as a guide to what to look for in raids on homes of suspicious persons. The list includes books, magazines and articles by writers on the religious right, the Marxist left and others (see Appendix C for the complete list).

Other large-scale bannings have been reported:

- On March 2, 1987, the Army’s Land Forces Headquarters circulated a list of 280 books written by 96 authors; officers, non-commissioned officers, and soldiers were forbidden to read them. Among the authors were novelists Orhan Kemal, Sabahattin Ali, Yasar Kamal, Fakir Baykurt, Aziz Nesin and Kemal Tahir; and academics Hifzi Veldet

Velidedeoglu, Niyazi Berkes, Server Tanilli and Dogan Avcioglu. (Info-Turk, July and August 1987.)

Confiscation on Political Grounds: State Security Courts frequently ban books on political grounds, usually based on Articles 141 or 142 of the Penal Code.

- On January 25, 1988, a new book, What Kind of Democracy Do We Want?, by Professor Server Tanilli, was confiscated by order of the State Security Court. The author was accused by the prosecutor of making separatist propaganda by raising the question of democratic rights for the Kurdish people of southeastern Turkey. (Info-Turk, January 1988.)

- On February 19, 1988, police confiscated two novels on Bulgarian resistance during the Second World War, published by the Habora Publishing House. One of these novels had been reprinted six times in eleven years; the other had been published ten times in nineteen years.

- On June 4, 1988, a new book entitled After Che, published by the Kiyi Publishing House, was confiscated under orders of the Istanbul State Security Court. (Info-Turk, July/August 1988.)

- On August 12, 1988, a book entitled Socialism and Parliamentary Democracy was confiscated by order of the State Security Court of Istanbul on grounds that it contained communist propaganda. (Info-Turk, September 1988.)

- On September 21, 1988, a book that published the court testimonies of two Turkish communist leaders, Haydar Kutlu and Nihat Sargin, was seized under instructions of the chief prosecutor of the Istanbul State Security Court. (Dateline Turkey, September 24, 1988.) On December 22, Haydar Kutlu was indicted by the Ankara State Security Court for a book of speeches and writings. (Info-Turk, January 1989.)

On November 11, 1988, Fascicles of the *Encyclopedia of Modern Times* (*Yakin Tarih Ansiklopedisi*) were confiscated on the grounds that they contained articles that insulted Ataturk. (*Info-Turk*, November 1988.)

On November 25, 1988, 70-year-old novelist Kerim Korcan and publisher Rabia Sen Suer were brought before the State Security Court in Istanbul. They were charged with communist propaganda in Korcan's novel, *Bridge of Fire*, which related torture practiced for thirty years at the Political Police Section in Istanbul. (*Info-Turk*, December 1988.)

On December 9, 1988, editor Asuman Ozcan was charged by the Istanbul State Security Court for having published Losovsky's work on trade unions. He faces a possible 7.5-year prison term. (*Info-Turk*, January 1989.)


On January 18, 1989, defense lawyer Ibrahim Acan, 72, was arrested. He is charged with "making communist propaganda" and "praising a crime" in a book he edited entitled *Judging Defense*, which is a collection of defense speeches made by political defendants in open court. He is in Ankara Closed Prison. His head has been shaved, and he has been denied telephone contact with his family. Turkish law permits publication of court documents after the legal proceedings have been concluded. *Judging Defense* contains speeches only from trial proceedings which have been concluded. (*Lawyer to Lawyer Network*, Lawyers Committee for Human Rights, January 1989.)

Confiscation on Grounds of Obscenity or Threatening Public Morals: Under the Law to Protect Minors and Articles 426, 427 and 428 of the Penal Code, courts have frequently ordered the confiscation of books deemed harmful to minors. Some of these books have been charged as obscene or por-
nographic, and others have been assailed as threatening public morals or social mores.

Erdal Oz, the owner of Can Publishing House, told us that the Council to Protect Minors can either ban a book entirely, or can order it to be placed in an opaque plastic bag. Only the title of the book and "Harmful to Minors" can be written on the opaque bag. The book cannot be displayed, advertised, or taken into schools. The purpose is to stop the sale of these books to minors. In practice, however, the sales to adults of bagged books decline precipitously.

According to Mr. Oz, most booksellers have no special area in which to put such books, and are afraid to display them on shelves with other books. So sometimes the books are not sold at all. In addition, in those stores in which the bagged books are displayed, many readers are embarrassed to be seen buying books in opaque bags. Also, the added expense of bagging the book causes publishers to increase the price of the book by about 25 percent, making the book considerably more expensive.

In some cases, a public prosecutor will read the Council's decision on banning or bagging a book, and will bring a proceeding in court against the book. A member of the Council will then serve as an expert witness in court, testifying about the obscenity or harmfulness of the book. In other cases, the author or the publisher may challenge the Council's action in court. In either event, the trial court's decision can be appealed to a court of appeals. Since the Law to Protect Minors is relatively new, few books have gone through the appeal process as yet.

Thirty-five books published by Erdal Oz's Can Publishing House have been banned by the Council to Protect Minors. Pinar Kur is the author of two of them. In her case, sales of both books virtually stopped, even though one had been made into a popular movie. The first of the books, Woman to be Hanged, was acquitted by the trial court in March 1988. The second, Unending Love, was acquitted in May 1988. "It's very sad," Ms. Kur told us. "My books are not dirty books, but when they were displayed in opaque bags, the sales immediately dropped off, and the books disappeared from the bookshelves. It's political attitudes that underlie the obscenity prosecutions. People who don't read, people with no imagination, are in charge of banning books. The writer is always the
guilty one. The idea behind it is that reading is dangerous, and that writing a book is even more dangerous. How can a judge who hasn’t read the book, and probably hasn’t read a novel in his whole life decide what is obscene? A judge may decide thirty cases in a day, and then go home to read my book to decide if it’s obscene. It makes me furious."

Another of Can’s authors, Ahmet Altan, wrote a book that was banned by the Council. The book, Trace in the Water, was then ordered destroyed by the trial court on March 22, 1988, and the author and publisher were fined. The story of a former woman terrorist, the book was considered pornographic. First published in 1985, the book had sold 15,000 copies and topped the best-seller list for nine weeks before charges were brought against Altan and Can Publishing House. On February 13, 1989, an appeals court upheld the trial court’s order; the novel has now been destroyed. According to the Associated Press, the fines levied against the author and publisher amounted to only about four or five dollars each, but had the book been published after the Law to Protect Minors took effect the fines could have been as high as $8,000 each. Speaking to us about the court’s order to destroy his book, Altan said: "It’s hard to accept such a situation. It goes against all law, all logic, all human rights."

Other cases have been reported in which books have been destroyed or confiscated for obscenity:

- On July 7, 1987, the Second Criminal Court of Istanbul ordered that all copies of a novel entitled Auger be destroyed for "praising and encouraging adultery." The author, Mrs. Fusun Erbulak, and the publisher, Ramazan Yasar, were fined. (Info-Turk, July and August 1987.)

- On October 15, 1987, an Istanbul court, acceding to the request of the public prosecutor, ruled that all copies of a book called Sexual Culture, by Dr. Haydar Dumen, should be destroyed on grounds that its contents were immoral and tended to provoke sexual desire. (Info-Turk, July and August 1987.)

- On November 9, 1987, Dr. Arslan Yuzgun’s book, Women with Blue Identity Cards, was confiscated as "harmful to public morals." (Info-Turk, November 1987.)
In some cases children's books have been found "harmful" by the Council. Aygoren Dirim, a publisher of books for pre-school and school-age children, told us that this has led to the "absurd practice of putting a 'restricted' or 'X-rated' stamp on books--restricting children from reading books that are designed only for children."

Writers and publishers with whom we talked were divided on the question of whether the Law to Protect Minors has been used to ban politically sensitive books. Publisher Erduran believes that it has not. Cetin Ozek, an attorney who has represented many defendants in free expression cases, told us that he considers the law a strong potential political threat to writers and publishers. Others told us that the use of the law against books that threaten social mores constituted political censorship. In one such case, the Council condemned a novel called The Woman Without A Name, by Duygu Asena. It is a fictional account of a Turkish woman's harassment by men and of what we were told was "the general oppression of women" in the male-dominated Turkish culture. The book was enormously successful, selling over 100,000 copies before it was cited by the Council. While making no claim that the book was obscene or pornographic (it contains no explicit sex scenes), the Council found the book's feminist message offensive to the public order. According to the Council's decision, the book, while not banned outright, could be sold only if it was covered in an opaque bag. The effect was essentially the same as banning. The opaque bag both added to the cost of the book and gave it a shameful, secret aura, which made many readers reluctant to buy it. Sales fell immediately and The Woman Without A Name all but disappeared from the bookstores. The case is on appeal.

Books Banned in Schools: In addition to preventing the general public from reading certain books, Turkish authorities exert strict controls over what books may be read in schools and universities. Publisher Erdal Oz told us that all books recommended for primary and high school students must be approved by a committee in the Ministry of Education. The Higher Education Council (YOK) lists all books that can be recommended for university students. He told us that two or three years ago the daily Cumhuriyet had published the list of books permitted for high school students. It was so narrow that contemporary
Turkish literature was represented by only two authors: Orhan Veli and Sait Faik. A well-known writer with whom we spoke told us that the writers on the list were largely rightists and chauvinists.

A number of incidents of specific book bannings have been reported in the press:

- In November 1987, the National Education Ministry banned from all public schools Moliere's *Le Bourgeois Gentilhomme*, Voltaire's *Candide*, and Camus's *La Peste* on the grounds that they contain anti-Turkish and anti-Islamic statements. (*The Guardian*, January 22, 1988.)

- In June 1988 *2000'e Dogru* reported that the Training Department of the Naval Forces had ordered all military schools under its command to burn forty books in school libraries. Among them were many classical works written centuries ago. (*Info-Turk*, June 1988.)

- According to recommendations issued in September 1988 by Cihan Yamakoglu, a preliminary judge in the Ministry of Justice, the following authors should not be studied in Turkish schools since they have "harmed human thinking" and undermine Turkey's national integrity: Voltaire, Malthus, Darwin, Freud, Marx and Bergson. (*Dateline Turkey*, September 3-9, 1988.)

Authorities have also made it difficult for university students to obtain certain books. Author and publisher Muzaffer Ilhan Erdost told us in October 1988 that students seeking to withdraw "suspicious" books from libraries are interrogated by librarians and sometimes police, their names are taken down, and they are usually refused access to the requested books.

The Effect on the Publishing Industry

In the face of such actions as these, those who write, publish and sell books in Turkey are having an increasingly difficult time. While there is no prior censorship of books, every writer and publisher is responsible for the consequences of his or her efforts to publish. And the consequences can be severe: court cases, heavy fines, occasional detention by police, and destruction of
books that have taken authors many years of effort to write and that have cost publishers considerable amounts of money to produce.

According to press reports, in the last year some one hundred publishing houses have closed down and fifty more have stopped printing new books because of grave financial difficulties and government restrictions on writers and publishers. As mentioned earlier, the financial difficulties are similar to those faced by newspaper publishers: rising costs of paper, skyrocketing inflation, the declining income of book buyers, and the difficulty of obtaining financial backing for new investments.

The burden, of course, falls most heavily on small publishers, who do not have the cash reserves needed to weather economic storms. In addition, publishers who are known for publishing controversial works are likely to have more trouble obtaining loans from the government-run banks. It is difficult to separate the economic from the political pressures. As we were told by Erol Enduran, whose Remzi publishing house is one of the oldest in Turkey (it was established in 1923, the same year the Republic itself was founded): "Censorship has not affected my business directly, but if Can [the house that published Tropic of Capricorn as well as several other banned works] cannot sell books because of these laws, it does affect me. It affects the climate for all publishers."

Erdal Oz, a novelist who is also the editor-in-chief of the Can Publishing house is one of the publishers who have been singled out for particular attention by the police, by prosecutors and by the Council to Protect Minors. Oz has published many classics of Western literature, including Turkish editions of the works of Hemingway, Fitzgerald, Gorky, and Kafka; it was he who published the now-notorious Turkish edition of the Tropic of Capricorn. He also publishes the works of Pinar Kur and Ahmet Altan, as well as many children's books. Since the Law to Protect Minors was instituted in March 1986, Oz has seen fifteen of his adult novels prosecuted. Of the children's books on his list, some twenty have either been banned outright or stamped as being restricted to adults only. One such book, a pastoral tale of a boy's love for a hen, was accused of being "communist propaganda." While the book was not banned outright, it was forbidden to be used in schools. Oz told us that he himself was investigated for communist sympathies for having published the tale.
Also singled out for official scrutiny has been a small Ankara publisher named Muzaffer Ilhan Erdost, who specializes in publishing Marxist classics. In the wake of the 1980 military coup, Erdost and his brother Ilhan, a co-founder of Erdost's publishing venture, were detained and beaten -- Ilhan so severely that he died of his injuries. More recently, the fact that Erdost is a member of the executive committee of the Turkish Human Rights Association (HRA) seems to have earned him renewed attention from Turkish authorities. Erdost, as reported in the section of this report dealing with Freedom of the Press, was detained for 18 hours in November 1988 in connection with a speech he made at an HRA meeting and an article that appeared in the journal Abece, and is now on trial.

Under his two imprints, Sol (Left) and Onur (Honor), Erdost has published the works of Marx, Lenin, Engels and Stalin, as well as Darwin's *Origin of the Species*, a biography of Albert Einstein, and an essay on Einstein's *Theory of Relativity*. During the twenty years that he has been publishing, nearly every one of the fifty-eight books circulated under his two imprints has been the subject of prosecution at one time or another. Since most were acquitted, however, and none was included on any list of banned books, Erdost was somewhat surprised when, on February 18, 1988, his Ankara bookstore was raided by the police.

Acting on a decision issued the day before by the Ankara prosecutor (Decision No. 13/1092), three policemen came into the store and seized "for examination" copies of every book that Erdost had ever published.*

Included among the seized books was Erdost's own most recent work, *Sedinitli Report*, a sociological study of the Kurdish people living in the southeastern border area of Semdinli which he published in 1987. *Sedinitli Report* was the only one of the confiscated books that was singled out for

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* A complete list of the confiscated books, as printed by the newspaper Cumhuriyet, can be found in Appendix D.
prosecution. The report had been originally published as an essay in a weekly journal in 1966, and no attempt was made to censor it at the time.

"Since there were already court decisions and acquittals for the other books, this was the only one they could bring a case against," Erdost told us. The prosecutor charged that the book violated Articles 142 and 143 of the Penal Code by being "divisive of Turkish unity." The charge centered on aspects of Kurdish life that were described in Erdost's report. Another charge was based on Erdost's report of the day-to-day "smuggling" that went on between the ethnic Kurds living on the Turkish side of the border and their cousins living on the Iranian side. While acknowledging that there was some smuggling of antiquities, drugs and other contraband, Erdost had also pointed out that most of what was officially considered smuggling consisted of the simple day-to-day exchange of goods between related peoples for whom the national boundary consisted of no more than a narrow stream running between their villages. Erdost had labeled this illicit exchange "a fact of life, a matter of survival." His assessment, however, was judged by the prosecutor to be "praising an offense" -- a violation of Article 312 of the Penal Code.

In September 1988, the State Security Court in Istanbul issued its decision: Semdinli Report was "condemned to destruction." However, since the one-year statute of limitations had run out on the original 1966 publication, no penalty was leveled against Erdost himself. Erdost and his lawyers are appealing the destruction order.

Erdost theorizes that the reason behind the February 18th seizure of his books and the subsequent case against Semdinli Report have less to do with the books themselves than with a calculated effort on the part of the government to frighten and intimidate him because of his activities on behalf of the Turkish Human Rights Association. There is, of course, no way to verify whether or not this assumption is valid, but the wholesale confiscation of Erdost's books "for examination" strongly suggests that the seizure was a fishing expedition and that the prosecutor was determined to find something incriminating against the man.

Another publisher who has been singled out is Suleyman Ege. Eighty or ninety titles published by Ege, including works by Lenin and Stalin, were con-
fiscated by the Public Prosecutor in 1982. Eventually the books were acquitted. But when Ege demanded their return, the Ankara Martial Law Command ordered them destroyed; 133,607 copies were pulped at the Izmit Paper Mill. We were told by publishers in Istanbul that Ege is now suing the state for $240,000, the value of the destroyed books. Many writers and publishers told us that rightist publishers have not faced the kind of government harassment suffered by left-wing publishers.

Publishers with whom we talked were divided as to whether the courts are acting to protect freedom of expression. Aygoren Dirim, the children’s book publisher, told us: "The courts are not that bad; we have gotten acquittals. Military courts would not have acquitted the same books." Erdal Oz, on the other hand, told us that it was too early to say that convictions were being overturned on appeal, because so many are still awaiting decision in the courts. "Judges and courts are not independent from political authorities," he told us. "They'll need to be appointed again. Before the military take-over, all appointments of judges were made by a high council of judges. Now the government is involved in all appointments, so a judge's independence is restricted."

The Chill Factor

Prosecutors are not always successful in proving their cases against writers, editors and publishers. Yet the mere fact that a case is brought can often have a chilling effect upon those involved and upon their colleagues, causing them to practice self-censorship in order to avoid debilitating legal entanglements.

Such was the case in a recent legal action involving a joint publishing venture between the Chicago-based Encyclopedia Britannica and the Turkish publishing house Ana Yayincilik. Together the two publishers are producing a Turkish edition of the encyclopedia, with translations, adaptations and other editorial work being done in Istanbul but with final supervision being carried out by the Britannica’s senior staff in Chicago and London. About a quarter to a third of the encyclopedia consists of articles concerning Turkish history and society, written by Turkish authors especially for the Turkish edition. The edi-
tion is known as the AnaBritannica, and is published in a series of soft-cover, magazine-sized installments of 56 pages each, which are sold on newsstands and in bookstores, with a new installment being offered each week.

The project had hardly gotten under way when the Turkish company and its responsible editor were prosecuted for an article appearing in the second installment. The article was about the southern Turkish town of Adana and included a passing reference to the fact that in the sixth or seventh century the town had been part of an Armenian kingdom. A complaint was brought to the prosecutor, who filed charges against AnaBritannica on the grounds that the reference to a separate Armenian ethnic identity constituted violation of Articles 141 and 142 of the Penal Code (referring to the "weakening of national sentiments" and the undermining of national unity). The installment was withdrawn from the stands pending a court decision, and the offending section had to be deleted before the installment could be reprinted.

When the case finally came to court, lawyers for the publishers provided expert witnesses who testified that the offending passage had actually been taken directly from official Turkish publications; therefore no offense could be considered to have taken place. The court agreed. The publishers and the "responsible editor" were acquitted. But the effect on the editorial staff was chilling. Britannica editors from London and Chicago flew to Istanbul, where they met with the local editors and agreed that any issues that seemed even remotely sensitive would be treated with the utmost caution. We were told by a senior Britannica editor in the United States: "We want to tell the truth, but we don't want to upset the government unduly."

In the two years since that second installment was issued, more than a hundred new installments have been published "without any trouble," according to the senior Britannica editor. These included an issue that contained a lengthy article on the Armenians themselves. There is no way to tell whether it is the editor's self-censorship that has been effective or it is the government that has been less hasty to bring prosecutions. But the fear remains, as indicated by the senior editor's remarks about AnaBritannica's soon-to-be-published article on the Kurds: "The Turkish writers who prepared the article have included more on the Kurds than we've done in our English edition. They come right out and
say that the people living in southeastern Turkey are Kurds. And that’s scary. We don’t know what’s going to happen."

The increasing frequency of prosecutions and censorship have had a profound impact on Turkey's writers. We asked a group of writers whether they censor themselves. Novelist Ahmet Altan at first replied with an unequivocal "No!" But he later qualified this after listening to another popular novelist describe how, in his writing, he deliberately avoids certain subjects. "I know I cannot criticize religion, for instance," he said. "I know there will be trouble if I write about communism or sex or the Kurds or Ataturk." At this mention of the founding father of the Turkish Republic, Altan nodded soberly. "Ah, yes," he said. "Ataturk." His expression clearly conveyed that when it came to this particular subject, even he would exercise particular caution in what he wrote. Some writers try to avoid the problem by referring, for example, to "people full of metal on their shoulders," instead of using the word generals.

Pinar Kur described how her editor and publisher, Erdal Oz, asked her to delete a paragraph in one of her books because he knew he would be prosecuted if he tried to publish it. "I took the paragraph out," she said, "but the book got banned anyway." At one point, Ms. Kur became so discouraged by the repeated legal actions against her that she gave up writing. However, she has since begun work on another book, a murder mystery. She chose the subject, she says, because she feels "murderous" over what has happened to her over the past two years. Here, too, she has problems. "You can’t criticize the police," she said. "That makes writing a mystery very difficult." Ms. Kur told us that at one point she had even considered emigrating. Eventually she decided against it. "It’s too difficult to write in a foreign language," she said. "And it’s very hard on a writer to leave her own society and country."

A young university instructor who did not want us to use her name described to us her anxieties every time she publishes a professional paper:

I have to publish in order to get promotions, and when I apply to the Higher Education Council for a promotion I have to send them everything I write. But I never know what they will make of it. To me, my subjects are professional. To them, they may appear to be ideological.
If I write something, I think twice before taking it to a journal or a publishing house. I know of cases -- one happened to a friend of mine, Ahmet Demirel. He translated a book by a British author about the good side of parliamentary democracy -- it was not about socialism. But because of certain sentences in the book he was prosecuted. He went to London and stayed there for two years. When the trial was held, he was acquitted.

Then the publishing house, Iletism, decided to issue a second edition with the same title. They put an ad in the papers saying, "We are publishing this book which was confiscated by the authorities without waiting for a final decision from the court." Within a week, before the book was published, charges were brought against both the publishing house and the translator. The book is called *Parliamentary Democracy*.

The Turkish Writers' Union

The Turkish Writers' Union has recently begun operating again (see the section in this report dealing with Freedom of Association). Its secretary general, Demirtas Ceyhun, told us that the first priority of the group is to "wage a struggle against the government’s restrictions on free expression and creativity."

On January 21, 1988, under the leadership of their chairman, the novelist and humorist Aziz Nesin, the union’s members joined with other distinguished intellectuals in initiating a petition addressed to the Minister of Culture. The petition criticized the government’s "anti-culture" policies and demanded that solutions be found immediately to the current crisis in the book industry. Among the solutions urged by the signers of the petition:

- The immediate annulment of Articles 140, 141, 142, and 163 of the Turkish Penal Code.
- An immediate reduction in the price of print paper.
- The launching of an official campaign to promote the sale of books.
- To date there has been no official response from the government.

The Writers’ Union also advocates abrogating:
The vaguely-defined articles in the Penal Code that criminalize "praising a crime," and "instigating to commit a crime;"
The Law to Protect Minors;
The portions of the Press Law that permit confiscation of publications and printing machines without court orders and the banning of works printed abroad by decisions of the Council of Ministers.

The Writers' Union also condemns the detention for investigative purposes of artists, writers and journalists because of their writings. Such detentions have been reported in the press:

- On July 7, 1988, writer and poet Metin Demirtas was detained by the police in Antalya and his personal books were confiscated. (*Info-Turk*, July/August 1988.)
- On September 29, 1988, the newspaper *Cumhuriyet* reported that a worker in the southern city of Adana was detained by the police after he had visited the Ana bookstore and purchased a book that was "most likely banned." The book buyer's house was searched. The owner of the Ana bookstore, Hamza Gul, was also detained. He was taken to court for selling banned books.
From even a cursory reading of these provisions, it is clear that what the drafters of the Constitution did was to establish the principle of free expression and then to restrict and dilute it in such a way that it is almost meaningless.

Various provisions of the Turkish legal system have also had the effect of restricting and diluting freedom of expression in the arts. These include a law that gives provincial governors the power to ban works of art; a law "to protect minors," and a provision in the Penal Code that outlaws obscenity. Many articles in the Penal Code are used in restricting freedom in the arts, including Articles 141, 142, 163 and others discussed earlier in the section on Freedom of the Press. The Police Law also contains provisions that enable the police to prevent concerts, theatrical performances and the like from taking place.

A Law that Permits Banning of Film, Video and Music: In Law No. 3257, "The Act on the Works of Cinema, Video and Music," enacted in 1986, the legislature created a law that gives extremely broad powers of censorship to local administrators—which in most instances means the provincial governors.

Article 9 of the law says that a work of cinema, video or music can be banned and prosecuted if it is considered by a local administrator to "violate the inseparable unity of the state, including the territory and the nation, or to contravene national sovereignty, national security, the public order, general law and order, the public interest, the general morals and health, or customs and traditions."

The language in this law is so broad that any provincial governor can ban any film, music or video for virtually any reason at any time. Michael Austrian, the political officer at the American Embassy in Ankara, told us that legislation has been proposed that would restrict the powers of the provincial governors. Under the proposed law, provincial governors could not ban films that have been approved by the Film Censorship Board.

The Law to Protect Minors: The Law to Protect Minors from Harmful Publications, Law No. 1117, went into effect in March 1986. Directed at publications that "damage the integrity and morals of minors," the law has been used frequently against films. For a detailed description of this law, see the section in this report on Freedom of the Press.
Freedom of Expression in Film Today

The Film Censorship Board: The film industry in Turkey is subject to prior censorship as well as censorship after a film has been shown. Filmmakers also run the risk of prosecution under a number of articles in the Penal Code; prosecution can be for political reasons as well as for obscenity.

In 1987, 185 Turkish films were made, according to *Dateline Turkey* (July 23, 1988). Each film had to be submitted to the Film Censorship Board, sometimes called the National Control Commission, under the Ministry of Culture and Tourism.

Cetin Ozek, an attorney who has handled many free expression cases, explained to us in October 1988 how the Film Censorship Board works. The board actually consists of two committees. The first screens the film and decides whether the second should examine it. The first committee consists of three people; chaired by a member of the Ministry of Culture appointed by the Minister, it also includes representatives from the Ministry of Internal Affairs and from the Military General Staff. Many films pass this committee without being referred on to the Board itself. Those that pass tend to be films with no political significance.

The second committee (the Board) is made up of one representative each from the Ministries of Culture, Interior, Foreign Affairs, Education, the Military General Staff, the Police Department, the National Security Council (representatives of various armed forces—land, air, naval and gendarmerie), as well as one person representing film producers and one artist active in films who is appointed by the Ministry of Culture (if the case concerns a music cassette, this person will be a musician). Mahmut Tali Ongoren, a former director of Turkish television and an expert on film censorship, told us that the members of the Censorship Board are lower echelon officials, not heads of departments, and that in general they have little or no knowledge of the cinema.

The Board has three choices: it can approve the film, ban it outright, or order specific cuts or changes in scenes it deems offensive. The decision of the Board can be appealed to the Administrative Court; in some instances the decisions of the Board have been reversed by the court. Mr. Ozek said that the
criteria used in deciding whether to ban or cut a film are "generally abstract--"the unity of the state," or "the violation of the foreign policy of the country," and could apply to any film or the lyrics of any piece of music."

The official whose jurisdiction includes the Film Censorship Board is Cevdet Turkeroglu, the Ministry of Culture and Tourism's director of Intellectual and Artistic Works. In an interview in October 1988, Mr. Turkeroglu said: "Before a film is shown, we control and supervise the content of the film and control the filmmaker's selling and producing activities. Of the 200 or so films examined each year, only one or two are banned."

When we asked Mr. Turkeroglu how the Board decides what films can be shown, he said that the decision was determined by the Law of the Cinema, Law 3257, the provisions of which are spelled out above. When we asked him what criteria or guidelines were used, he said only, "the law is their guide. The Commission will not generally forbid films, and if it does, it can be overruled by the courts." Asked for what reasons films were not permitted to be shown, Mr. Turkeroglu said, "Our main aims are to preserve the moral values and health of our children and youth, the general security of Turkey, and to prevent scenes of terror, violence, pornography, or the encouragement of crime or drug addiction." Asked whether this included the banning of films with political opinions in opposition to the government's, Mr. Turkeroglu said the government had no right to intervene in the Commission's work; the decisions are the Commission's and may be overturned only by the courts.

Contrary to Mr. Ozek's description, Mr. Turkeroglu said the Censorship Board, or Control Commission, is made up of seven persons -- four government officials and three representatives of the film industry. He emphasized that the Ministry of Culture supports film producers and preserves their moral and economic rights; in some cases it provides financial support for producers.

Mahmut Tali Ongoren, at one time the director of Turkish television, is an expert on freedom of expression in films, television and radio, having written extensively on the subject. When we spoke with him in Ankara, he told us:

Film censorship is worse now than it was before 1980. A film censorship board existed before 1980 in the Ministry of the Interior. Seven people from various ministries served on the board. No one from the film industry was included. The board
approved or disapproved films; the government and the police accepted the decision of the board. If a film was approved by the board, it could be shown anywhere in Turkey.

After 1980 the censorship board was moved from the Ministry of the Interior to the Ministry of Culture and Tourism, which was supposed to be an improvement. But after a civilian government was elected in 1983, it began drafting a law on cinema in Turkey—the first time such a law had ever existed. The government said this represented the democratization of censorship. But according to the new law [Law 3257] the governors of each province had the power to ban films, no matter whether the Film Censorship Board had approved a film or not. The civilian government also passed the Law to Protect Minors, which affected not only films, but music, records, cassettes, books, magazines and newspapers.

In April 1988 the Film Censorship Board banned five films that were among 160 to be shown at the seventh annual International Film Festival in Istanbul. The five were Betty Blue, by French director Jean-Jacques Beineix, Deshina, by Swiss director Beat Kuet, and O Bobo, by the Portuguese director Jose Alvaro Morais, all of which were judged "obscene and pornographic;" The Cry, by Soviet director Tengiz Abuladze, which was considered "anti-Islamic;" and Su da Yanar (Water Also Burns), by Turkish director Ali Ozgenturk, which was declared "harmful to the morality of society."

After the films were banned, a number of Turkish directors, producers and actors walked out of the festival. Nine members of the jury that was to award the "Golden Tulip" prize, along with the American director, Elia Kazan, protested the Board's action as "uncivilized." The group also asked the Turkish government to end the ban on the films of Yilmaz Guney, the internationally-known Turkish director of such films as Yol, The Wall, Hope and The Herd. Guney died in exile in Paris in 1984. All of his films and books have been
banned.* In October 1988 *Info-Turk* reported that a world-wide campaign had been started by filmmakers from the United States, Belgium, France, Greece, Holland, Hungary, Spain, England, Italy and Canada to persuade the Turkish government to permit the showing of Gucený's films.

Following international expressions of concern about film bannings during the film festival, the Council of State decided to reverse the ban on *Betty Blue*, and not to censor any future films in international festivals.** On December 10, 1988, *Dateline Turkey* reported that a Greek film festival would take place in Istanbul from December 12-18, and that there would be no censorship of the films to be shown.

**The Asya Film Company:** In Istanbul we met with Isil Ozgenturk of the Asya Film company, who wrote the screenplay for and co-produced *Su da Yanar*, and is married to Ali Ozgenturk, the director of the film. She told us that the film, which was made in 1987, was banned on February 2, 1988, by the governor of Gaziantep Province in southeastern Turkey on the grounds that it violated national security, public order, law and order, and customs and traditions.*** As part of his action, the governor confiscated the reels of the film.

Ms. Ozgenturk told us that once a provincial governor takes legal action against a film, he notifies the governors of all 66 other provinces, and many of them follow suit. *Su da Yanar* had been shown for eight weeks in Istanbul, but following the Gaziantep banning, the Istanbul governor also banned the film. Next came Izmir, and then 18 other provinces. Ms. Ozgenturk said that for a while she hated to hear the phone ringing—it would mean more governors had

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* *Index on Censorship*, June 1988.


*** On September 29, 1988, *Cumhuriyet* reported that the Gaziantep governor held the record for banning the largest number of films and music cassettes.
banned the film. She noted that, in this "Kafkaesque situation," all of these actions were taken in spite of the fact that the Film Censorship Board of the Ministry of Culture and Tourism had originally approved the film.

In order to challenge the banning by a provincial governor, a filmmaker must appeal to the Administrative Court in the province in which the act took place. The court then appoints a group of experts who review the film and report to the court on whether they think the film should be prohibited. The court can accept the experts' recommendation or not, as it chooses. This process takes an average of two months; the film cannot be shown while the court proceeding continues.

Ms. Ozgenturk told us that challenging the banning in all 20 or so provinces is simply too expensive for a filmmaker to undertake; Asya Film has started proceedings in only two provinces—Gaziantep and Istanbul. Ms. Ozgenturk told us that "the Istanbul governor told a journalist that he had banned the film without seeing it; 'I have to sign 5,000 documents a day,' he said, 'so how can I see it before banning it?'" She told us that the Gaziantep governor says the same thing—that he doesn't see films or listen to cassettes before banning them. Instead, he relies on the opinion of a police officer who has seen the film or listened to the cassette.

Some initiatives are now being taken by filmmakers and other intellectuals to repeal or alter the law that gives so much power to provincial governors, according to Ms. Ozgenturk. She said that following the ban of Su da Yanar and the four foreign films at the Istanbul film festival, various press communiques were issued by various film groups. A small march was organized; ten people who took part were interrogated by the police but not detained, and no charges were brought. As a result of this publicity campaign, a bill was drafted to amend the Film Law to take the power to ban away from provincial governors. The bill is now in Parliament.

In a parallel proceeding, director Ali Ozgenturk was charged with violating Article 160 of the Penal Code by "offending the security forces and the armed forces of the state" with the film Su da Yanar. The public prosecutor asked a penalty of six to ten years. Dateline Turkey reported on November 19, 1988, that Ozgenturk had been acquitted a few days earlier.
Su da Yanar is about a film director who wants to make a film about Nazim Hikmet, a famous Turkish poet, many of whose works have been banned; he is not allowed to make it, and the film concerns his embarrassment and reflections on his past. Ms. Ozgenturk said that this was the first film in which Hikmet’s name had been mentioned. The director in the film is arrested and taken into custody for a film he had made ten years earlier about the dreams of a ten-year-old child. Police interrogate him—"Why did you make a film about a working class child?"—and charge him with making communist propaganda. Ms. Ozgenturk said the film is supposed to be fiction, but that in real life Ali Ozgenturk had been arrested for a film he had made three years before the military takeover; the film, Yasak (Forbidden), had won the second award at the 1977 International Moscow Film Festival.

In addition to the possible criminal penalties for Su da Yanar, the legal proceeding has complicated the Ozgenturks’ production activities. The income from the film has been reduced considerably because of its banning in several provinces; besides that, foreign investors are reluctant to invest money in films which may be banned or halted.

In July 1988 Su da Yanar was to be shown at a festival in the city of Izmir where the film had been banned by the governor. Ms. Ozgenturk went to the governor and asked permission to show the film for one night. The governor asked for copies of the reports of the court’s experts in the Gaziantep and Istanbul cases. Half an hour before the film was to be shown, the governor gave his permission, but with the proviso that 25 separate scenes would have to be cut from the film. That meant that only 40 of the 115 minutes of the film could be shown. Ms. Ozgenturk planned to go ahead; during the blacked-out periods she planned to stand and tell the audience what had been cut out. But the governor’s permission was not in writing, and oral permission did not suffice for the local police. To have shown the film would have been to risk its confiscation by the police. The Ozgenturks felt this was too high a price to pay—each negative costs about two and a half million Turkish lira (about $1500). As a result, no part of the film was shown.

Ms. Ozgenturk said that almost anything in a film can be seen as a violation of the Film Law. "For example, if a woman loves two men at the same time,
that is a violation of 'customs and traditions.' If an 18-year-old boy falls in love with a woman in a brothel, it 'violates moral standards.' If a lawyer rapes a client, it 'violates public order;' such a scene was objected to by the Istanbul Bar Association. In any literary or artistic work, you can't show a member of Parliament in an extra-marital relationship. There are severe restrictions on book publishing, but film is a visual art, and it seems to provoke the censors even more."

The Ozgenturks' company, Asya Film, is a small one; it makes only one or two films a year, mainly in joint productions with other companies. Ms. Ozgenturk said that not only has the banning been very expensive in legal fees and lost income, but that it has been "a nerve-wracking process that has led to a lack of motivation to do further projects. That's the answer to the question as to why better films aren't being made in Turkey. In a country where you have to try to avoid so many pitfalls, there's no way to do anything good or right."

"Now I'm writing a script that I can't finish," she went on. "It has to do with the 'Su da Yanar' process. I can't write what I'd like to. Today Turkey is a country that erodes any motivation to creativity. Artists are turned into conformists. Questioning and rebellion are suppressed and so art can accomplish very little."

Ms. Ozgenturk told us that films were burned by martial law commanders before martial law was ended, including the films of Yilmaz Guney. "Su da Yanar" ends with a nightmare of the director--he dreams about seeing his films burned.

Other cases of film censorship: Su da Yanar is not an isolated case. About six months ago a film called Season in Hakkari was banned by the governor of Diyarbakir; it concerned regional problems but was not about the Kurds. Following the Diyarbakir banning, the governors of eight other provinces banned the film.

Mahmut Tali Ongoren told us that about three years ago the board censored a Turkish film about a village child. In one scene a woman was washing laundry while 50 meters away school children were singing the national an-
them. Censors banned that scene because the woman did not stand to sing the national anthem.

Numerous other cases of film bannings have been reported in recent years:

- Basar Sabuncu's film, *A Woman to be Hanged*, based on Pinar Kur's novel of the same name, was banned by the Film Censorship Board on the grounds that it was "not in compliance with general morals, our customs and traditions, and the national culture." The film was subsequently cleared by the Administrative Court of Appeals. (*Cumhuriyet*, April 3, 1987.)

- In February 1987 officials in Bursa banned the showing of Alan Parker's film, "The Wall," as part of a cinema event arranged by an amateur film club, BUFSAD, in Bursa. The ban was later repealed by the telephone order of the town governor, who was also the honorary president of the club. (*Ozgurluje*, March-May, 1987.) Subsequently the film club cancelled the remaining "cinema days" for fear the police would close down the association. (*Cumhuriyet*, February 4, 1987.)

- On February 19, 1987, a cafe owner, Memis Yildiz, and his son were detained by police in Izmir for showing 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 a wall. (*Info-Turk*, February 1987.)


- On September 21, 1986, the banning of Bernardo Bertolucci's film, *1900*, was challenged in the Administrative Court by the company that imported the film. The film had been banned because "it encourages the institution of the dictatorship of one class over another, it conducts propaganda in this vein, it depicts sexual relations in conflict with public morality and it carries elements harmful to the moral health of the public since it uses violence and force." (*Ozgurluje*, November 1986.)
In July 1986, the Governor of Bursa did not permit the showing of eight of the nine films on the program of "Cinema Days," part of an international art and culture festival. Among the films banned were: Austrian productions What Price Glory, Countess Mizzi, and The Portrait of Oscar Kokoschka; and FRG films The Red Stocking and Lina Braake. (Ozgurluğe, September 1986.)

In 1985 the Film Censorship Board banned the British film, Memed My Hawk, based on the novel by Yasar Kemal, a leading Turkish writer. Starring Peter Ustinov, the film deals with conflicts between an autocratic landowner and peasants in his village in 1923. The government had previously denied the filmmakers permission to shoot the film in Turkey. (The London Observer, August 25, 1985.)

The Turkish press has also reported a number of incidents involving the banning of theatrical productions:

- In February 1987 the police banned the performance of the play, 403rd KM, which the SHP district administration had planned to show free. Police said they acted because the Minister of the Interior had banned such activities by political parties. (Cumhuriyet, March 1, 1987.)

- On January 27, 1987, the play A Thousand and One Nights, staged by a municipal company in Istanbul, was found "immoral" and five actors were fined for their performances. An expert testified that there were immoral dialogues and actions in the play. The playwright, French writer Richard Soudee, stated that there was no pornography in the play or in the tales on which it was based. (Ozgurluğe, March-May 1987.) The actors were later acquitted. (Cumhuriyet, April 16, 1987.)

- On January 13, 1987, the Governor of Ordu forbade students in secondary educational institutions to watch any play performed by the municipal Black Sea Theater Company on the ground that these plays are objectionable. The company had opened the season with a play by Orhan Asena, which had been staged countless times in the country and had never been the subject of an interrogation. (Ozgurluğe, March-May 1987.)
• On January 8, 1987, Aziz Nesin's play, Impudence, was taped by the security forces on the basis that some parts of the play were "objectionable." (Ozgurluje, March-May 1987.)

• On December 25, 1986, Ferhan Sensoy, the author and leading player of Objectionable Musical, was charged with pornography and "insulting religion." The play criticized the recent upsurge in religious extremism in Turkey, as well as the use of religion to serve personal ends. (Turkish Daily News, January 6-12, 1987.)

Censorship of Music

Music in Turkey--cassettes, records and live performances--is censored in the same manner, and by the same laws, as film. A Music Censorship Board performs the same role as the Film Censorship Board. Cassettes and records must be given to the censorship board for approval or disapproval before they can be sold. No music store is permitted to sell cassettes or records that do not have a sticker supplied by the board certifying approval. Moreover, provincial governors have the authority to ban live or recorded performances, and frequently do just that. The Law to Protect Minors is also used to ban or censor music; Mahmut Tali Ongoren told us that this law is often used to ban cassettes with political content.

In Istanbul in October 1988 we met with Selda Bagcan, a singer who is known professionally simply as "Selda" and who is very popular in Turkey. (Four of her cassettes have sold over a million copies each.)

Ms. Bagcan has been singing for 25 of her 40 years, but her professional career really began in 1971. Since then she has released about one cassette a year, with an average sale of 300,000 to 400,000 copies per cassette. She is one of ten singers in Turkey whose cassettes have sold continuously for 17 years.

In spite of her popularity, Ms. Bagcan is banned from performing on Turkey's state-owned radio and television networks. Her cassettes are banned from radio and television as well. The banning has to do with her leftist views, which she often acknowledges in her songs. "The role of an artist is to be inde-
pendent," she told us. "I would oppose the existing Soviet regime if I lived in the USSR. It's the duty of an artist to criticize existing conditions."

Since 1977 Ms. Bagcan has been investigated by Turkish authorities nine times. Although she was subsequently acquitted in each of the nine cases, she spent a total of about four months in prison during the course of the various investigations and trials. She told us that she was treated better in prison than her friends, all of whom were tortured: "I was treated as an artist, because they [the government] didn't want any publicity abroad." Still, she was chained and handcuffed from behind every time she was taken to court.

In 1984, after her latest release from prison, Ms. Bagcan started the company that now produces her records. She told us that many of her friends learned English and started companies after being released from prison because, not being on good terms with the government, they were not able to get jobs. No one would hire them.

Ms. Bagcan was for many years denied a passport, which kept her from accepting the many invitations she received to perform abroad. It was only through pressure from the producers of an English music festival and from young people in the Ozal administration that she was finally given her passport in 1987. She has since given concerts in many countries, including Australia, and will perform in Israel in 1989.

Ms. Bagcan has been fighting bans on her recorded music for years. "The verses of all my songs are in books that are freely sold. Many are in repertoires of the state radio and television. But when I sing them, they are forbidden."

Ms. Bagcan's lawyer, Erhan Erel, told us that "before the 1980 coup, the government could seize books or cassettes only after a court decision. But in recent years, the power has gone to the provincial governors. In practice, it is not the provincial governors themselves, but low-ranking officials who decide what is to be banned. If one finds a cassette 'subversive,' he tells the governor, who bans it and then informs all the other governors by telex. The official who receives the information passes it on to the local police. In some cases, where a cassette has not been banned, police will nonetheless seize it from the stores."
In this way a low-ranking official assumes the powers of the Minister of the Interior."

Mr. Erel said that the governor’s decision can be appealed, but that it "takes a long time and, meanwhile, the cassette is dead. We would prefer to stand a criminal trial because that way we could defend ourselves. But we can’t defend ourselves against the banning. The banning violates the Helsinki accords and Turkish laws too. Banning is a combination of an economic blockade and political pressure."

Ms. Bagcan’s latest cassette, To Design Freedom and Democracy, was issued on July 20, 1988. It was promptly banned in Corum, Malatya, Diyarbakir, Canakkale, Bursa—altogether in more than 30 provinces covering half the territory of Turkey. Although it can still be sold in Adana, Izmir, Istanbul, Ankara and Antalya, which are among the country’s main tourist areas, the banning has nevertheless had a drastic effect on sales. Even in provinces where the cassette is legal some shopkeepers will not stock it because they do not want to invite trouble. As a result, Ms. Bagcan’s company has sold only 200,000 of the cassettes—less than half of the 500,000 they expected to sell.

Ms. Bagcan has appealed the banning of her latest cassette in Corum. Since it is far too expensive to appeal the actions of all the provincial governors, her hope is that if she wins the Corum case the other bans will be removed as well. But there is no guarantee that this will happen.

In the Corum case the judge will call an expert witness to give an opinion as to whether the cassette should be banned. Ms. Bagcan and her lawyer believe that a conservative judge who wants to convict her will appoint a conservative law professor to act as the expert witness. (It is a judge who will decide, for there is no jury system in Turkey.) As Ms. Bagcan told us:

I rely on Turkish judges. They have acquitted me nine times. But there is always a danger—a threat. If the judge is biased or very conservative he can make a bad decision. The general pattern is that artists and intellectuals are detained, tried and, in the end, acquitted. But ordinary people are convicted. People can spend three to five years in prison and then be acquitted; they never get any money damages for the time they
spent in prison. It's a real tragedy, to spend five years in prison and be acquitted.

I've been acquitted because there was never any solid legal basis for the charges against me. The present government is very conservative and intolerant. They're aware of the influence that artists have on the public; a book may sell 5,000 copies, but a cassette can sell one million copies, and ten million people will listen to it. So to stop what they think is 'communist propaganda,' they arrest you; but since there's no legal basis for it, you are acquitted.

As for the Music Censorship Board, Ms. Bagecan and her lawyer told us that the board used to listen to all the cassettes that were released, but now far too many are produced every year, and the board hasn't time to listen to all of them. As a result, it gives formal approval to a cassette on the basis of a producer's affidavit stating that the cassette is not "subversive." Ms. Bagcan told us that she had demanded that the board actually listen to her cassettes, but the board refused. None of her cassettes has been banned by the board, but she feels that approval by a board that had actually listened to her cassette might help her in proceedings against the provincial governors. "I'm tired of going to prison for my songs," she said.

Ms. Bagcan's concerts have been banned as well. Last year she was not permitted to sing in Diyarbakir or Bursa. "The provincial governors are like sultans," she said. "They have the power of Ottoman sultans. Intellectuals are scared because of the military interventions that have taken place every ten years. People censor themselves--who wants to go to prison? But I love my country, and I believe that these anti-democratic laws will be changed in the future."

Mr. Erel, Ms. Bagecan's lawyer, has represented several other artists who have been in trouble with the government. He told us that cassettes of nine or ten singers had been banned in the last year--they are all protest singers, mostly university graduates. Rahmi Saltuk, a well-known folk singer who is also a lawyer, has had cassettes or performances banned several times. On March 3, 1988, a performance in Ankara was cancelled by the governor on the grounds that it would be harmful to public order.
Actions against other musicians have been reported in the press:

- On December 8, 1988, a public prosecutor began legal action against folk-singer Cem Karaca for a music cassette. *(Info-Turk, January 1989.)*
- On November 26, 1988, a concert to be given by the folk music group *Yorum* was banned by local police in Mersin. *(Info-Turk, December 1988.)*
- Two members of the folk music group *Yorum*, Efkan Sesen and Tunçay Akdogan, were detained in Ankara on November 12, 1988, for singing Kurdish songs. *(Info-Turk, December 1988.)*
- The Ministry of Culture and Tourism issued new regulations on October 11, 1988, on folk-songs that may be printed or broadcast. According to the new rules, the words of a folk-song cannot contravene the Constitution, laws or public morality. A consultative board will be charged with examining the words and notes of folk-songs and, if necessary, to make changes before they are printed or broadcast. *(Info-Turk, November 1988.)*
- On October 3, 1988, four cassettes produced by three well-known singers, Ahmet Kaya, Selda and Zulfu Livaneli were banned by the governor of Bilecik Province. *(Info-Turk, November 1988.)*
- The songs of Sadik Garbuz, a protest singer, are banned on Turkish Radio and Television; his concerts are prohibited in Izmir and several other Anatolian cities. Garbuz's songs express "the frustrations faced by the people and by intellectuals, the grief of exile and injustice, the distress of imprisonment and the problems of society, in particular those of the lower classes" *(Dateline Turkey, October 22, 1988.)*
- SHP Member of Parliament Cuneyt Canver told us in October 1988 of a case in which, at an SHP meeting in Istanbul on September 28, 1988, a music group sang five Kurdish songs. One of the singers, Metin Kahraman, a Kurd, was detained by police.
- Ibrahim Tatlısés, a popular folk singer, was indicted on September 19, 1988, for words spoken at a concert. At a cultural evening in Usak, Tatlısés was asked by a businessman to sing a song in Kurdish. Tatlısés
refused, saying, "I am a Kurd, but the laws ban me from singing in Kurdish." The local prosecutor then began a legal proceeding against Tatlıses and businessman Mehmet Yılmaz for separatist propaganda. (Info-Turk, October 1988.) In 1987 Tatlıses was found not guilty of charges of "activities detrimental to national interests," for singing two folksongs in Kurdish in Sweden in December 1986. (Cumhuriyet, April 4, 1987.)

- On August 22, 1988, Gaziantep Governor Husnu Tuglul banned ten music cassettes including Difficult Years by Zulfu Livaneli. Announcing that he would challenge the ban in court, Livaneli said: "On the basis of what esthetics and musical experience does the governor's office take this decision? Soon I will be touring abroad. There they will ask me, 'Are you able to work freely in your country?' I will have to answer, 'No.' But the governor's office should be accountable for this, not I."

The governor defended his decision by saying that he is not the only governor to ban cassettes; he said he had received from the Ministry of the Interior a "telegraphed order" to ban Difficult Years, but refused to reveal the telegram's contents.

The nine other banned works included cassettes by Ahmet Kaya, Selda, Arif Kemal and five others. (Cumhuriyet, September 29, 1988.)

- On June 4, 1988, the governor of Gaziantep Province banned the distribution and sale of Ahmet Kaya's cassette, Tired Democrat. (Turkey Newsletter, November-December 1988.)

- In April 1987 a cassette by Hanefi Unver in the popular "arabesque" style was banned by the Censorship Board because of one sentence: "A nation that is hard working will not be affected by over-population;" the charge was "instigating people against birth control." (Turkish Daily News, April 14-20, 1987.)

- A cassette by popular singer Baris Manco was banned for export on the grounds that "it might contain information on the Bosphorus Bridge and be oriented toward intelligence which might damage the country's security." (Nokta, April 26, 1987.)
FREEDOM OF ASSOCIATION

Legal Framework

The legal framework for freedom of association in Turkey is contained in Article 33 of the Turkish Constitution of 1982 and in the Law on Associations. Although Article 33 of the Constitution states that "Everyone has the right to form associations without prior permission," the article then goes on to describe the many restrictions imposed on freedom of association.

First, Article 33 says that associations "shall not contravene the general grounds of restriction in Article 13." Article 13 states:

Fundamental rights and freedoms may be restricted by law, in conformity with the letter and 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.

Article 33 then goes on to say that associations shall not pursue political aims, engage in political activities, receive support from or give support to political parties, or take joint action with labour unions, with public professional organizations or with foundations.

Associations deviating from their original aims or conditions of establishment, or failing to fulfill the obligations stipulated by law shall be considered dissolved.

Associations may be dissolved by decision of a judge in cases prescribed by law. They may be suspended from activity by the competent authority designated by law pending a court decision in cases where delay endangers the indivisible integrity of the State with its territory and nation, national
The Law on Associations, Law 2098, a highly restrictive law that was enacted in October 1983, governs the formation of associations in conformity with the 1982 Constitution. This law defines who can belong to associations, what the associations can and cannot do, the procedure for securing permission to form an organization, and the penalties for setting up an illegal association. The law strictly limits the goals and activities an association can pursue; no association is allowed to engage in political activities or to support political parties.

Law 2098 states that any person over 18 years of age who has not been deprived of the use of his or her civil rights may form an association, but then goes on to list a number of categories of people who are not permitted to do so. These include:

- Judges, prosecutors, law enforcement personnel,
- Members of the Armed Forces,
- Certain administrators and public servants,
- Elementary and high school teachers,
- College professors and employees of the Ministry of National Education,
- Students in elementary schools, high schools and colleges, and
- People who have been convicted of certain crimes, including political and ideological crimes.

Forbidden from forming an association for a period of five years are:

- People who have been convicted of establishing forbidden associations or who have carried out prohibited activities in associations, and
- People who have been expelled permanently from a political party under certain provisions of the Political Parties Law.

The Associations Law proscribes the establishment of associations that have principles contrary to the Turkish Constitution. In addition, associations may not be set up if they have certain other aims, including:

- Impairing the "indivisible integrity of the Turkish state;"
• Performing activities that endanger national sovereignty, national security, public order, public interests, morals and health;

• Performing activities that exploit regional, racial, social class, religious or sectarian differences;

• Claiming that minorities with racial, religious, sectarian, cultural or linguistic differences exist in the Turkish Republic or creating minorities by protection of languages and cultures other than the Turkish language and culture;

• Ensuring the supremacy or privileges of the adherents of a given religion or sect or class or of the inhabitants of a given region;

• Establishing the supremacy of a social class over other social classes or overthrowing established economic or social orders or demolishing the political or legal order of the state;

• Establishing a state system based on religious tenets;

• Derogating Ataturk’s personality, principles, work or memory; or

• Working for or against political parties or candidates.

In addition, not more than one student association may be established at an institution of higher learning.

Law 2098 also forbids associations to carry out international activities or to become members of national or international associations established outside of the country unless they receive permission from the Council of Ministers, the Ministry of the Interior and the Ministry of Foreign Affairs.

Associations set up abroad may establish branch offices in Turkey only with the permission of the same ministries.

Associations may not carry out activities outside of their fields. Student associations must confine their activities to educational issues, and may not involve themselves in politics or national issues. Public servants’ organizations may deal only with the social, economic, recreational, cultural and professional needs of their members.

Statements and publications of an association must be submitted to the local administrator and to the public prosecutor 24 hours before publication, and may be prohibited by those officials.
People who violate the Associations Law may be fined or imprisoned for up to three years.

**General Requirements**

The Associations law sets forth in detail the information required in the charter and by-laws, the form that the association must take, membership requirements (some people who are forbidden to form associations may become members of groups formed by other individuals), quorum requirements, meeting procedures, board responsibilities, bookkeeping, auditing procedures, penal provisions and so forth.

The charter and by-laws of a proposed organization must be submitted for approval to the highest-ranking local administrator, or, for those associations that wish to operate in more than one province, to the Ministry of the Interior. The local administrator is required to approve or reject the charter within 30 days; the Ministry of the Interior has 90 days in which to take action. Authorities can request changes in the charter and by-laws; if the changes are not made by the association within 30 days, a prosecutor's office can take steps to dissolve the association and ban its activities in the meantime.

Associations formed abroad by Turkish citizens must give copies of their by-laws as well as lists of their board members and the names of all members to the Turkish consular office. They are bound by the regulations that govern organizations formed within Turkey.

**Turkish Associations since the Military Coup of 1980**

In the years immediately following the military coup of September 1980, few associations existed in Turkey. The authorities clamped a tight lid on such groups and permitted little freedom of association.

Perhaps the most notorious case was that of the Turkish Peace Association (TPA), a group formed legally in 1977 by the Istanbul Bar Association to promote nuclear disarmament, compliance with the Helsinki accords and the peaceful settlement of international disputes. The group considered itself a "Helsinki group," with its focus on the security provisions of the Helsinki ac-
cords, rather than on human rights compliance. Among its leaders were some of the most prominent people in Turkey, including the former president of the Istanbul Bar Association, the former head of the Turkish Medical Association, the former general secretary of the Turkish Writers Union, the wife of the former mayor of Istanbul, a former diplomat and ambassador, former members of parliament, and a number of prominent writers, journalists and intellectuals.

After the imposition of martial law in 1980, the TPA was banned and ceased functioning. In 1982, 26 leaders of the TPA were arrested and charged with illegal activities in the years preceding the imposition of martial law; some spent three years or more in prison awaiting trial. Subsequently, 48 additional members were arrested. In April 1987, following two lengthy trials, the TPA was found to have been:

- an illegal society with the purpose of establishing the domination of a social class over other social classes or exterminating a certain social class or overthrowing any of the established basic economic or social orders of the country.

The association was permanently banned and its property confiscated. In addition, twelve defendants were convicted and given prison sentences of up to four years and two months. The case is now on appeal.*

Officially permitted organizations: During the last year or two, the government has eased its restrictive policies somewhat. Associations have sprung up and are operating, some with permission from the government, and some without.

Human Rights Association: Perhaps the most significant of the Turkish associations now functioning with official permission is the Human

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* Since all of the convicted TPA members had spent considerable time in prison, most would not have to serve additional time if the sentences are upheld; two, however, would have to serve an additional seven months and eleven days.
Rights Association (HRA). Based in Ankara, the group has branches in twenty-two cities throughout Turkey, including Istanbul, Adana and Izmir.

The struggle to establish the association was not easy; the HRA submitted its charter and by-laws to the Ministry of the Interior three times before it was finally given permission to exist in December 1986. The group was initially denied approval on various grounds: that its aims were not clearly spelled out, that the association might attempt to usurp areas of competence belonging to the state, or that it might engage in politics. The association amended its statutes to satisfy the objections of the authorities.

The aim of the HRA is to defend human rights in Turkey. It has over five thousand members throughout the country. The 98 people who founded the group on July 7, 1986, include lawyers, writers, doctors, journalists, relatives of prisoners, architects, and engineers. Nevzat Helvaci, the president of the association, reports that the group does not concern itself with the political outlook of its members; although no well-known rightist has joined as yet, Mr. Helvaci says that all are welcome.

The HRA is well-established in Ankara: its rented office consists of two rooms and a reception area; there is a paid secretary and a part-time janitor. Helvaci, a lawyer, spends a good deal of time on organization matters—as much as full time, when necessary. Neither he nor the other officers are paid. The association is supported by dues and contributions from individuals—members pay annual dues of 12,000 Turkish lira (less than $10.)—as well as by income from fund-raising events.

The HRA’s ambitious program includes producing reports and holding press conferences and panel discussions. The association has been forthright in describing human rights in Turkey since the military coup in 1980. In September 1988, for example, it reported that during the eight-year period since the coup:

- 700,000 people had been detained for political reasons;
- prosecutors had opened 210,000 legal proceedings, of which 202,501 had been completed;
- between October 8, 1980, and October 25, 1984, 50 people were executed on the decisions of military tribunals; 220 death
sentences are currently awaiting approval by the Parliament and 100 others by the Military Court of Cassations;
177 people had died under torture, seventeen of these during the year 1987;
1,392 detainees are still in five military prisons [since then, most of these detainees have been transferred to civilian prisons], on trial before military courts, although martial law has been lifted; of these people, 1,099 are left-wing, 216 right-wing and 77 are smuggling suspects;
in 639 civil prisons there are 49,839 inmates, of whom 31,500 have been convicted and 18,339 are awaiting trial; of the convicted, 1,820 are left-wing and 389 right-wing; of the detainees, 709 are left-wing and 39 right-wing;
about 30,000 people left the country as political refugees and are living in Europe; 14,000 of these have been deprived of their citizenship. (Info-Turk, October 1988.)

In December 1987 the group organized a large meeting at which human rights experts discussed human rights in Turkey and the rest of the world. The meeting, attended by about 1,000 people, lasted two days. The HRA has held other meetings to discuss human rights; a panel discussion in Diyarbakir was attended by over 3,000 people. A meeting in Adana filled a large sports auditorium with thousands of people.

The Istanbul branch, which has 600 members, has sponsored three or four panel discussions: on a proposed penal code, on women’s rights and on torture. It has also helped individuals with human rights problems--victims of torture, for example. On November 27, 1988, the group held a public meeting attended by between 3,000 and 4,000 people; the main issue discussed was prison conditions. The group asked for the resignation of Minister of Justice Mehmet Topac. Although police surrounded the meeting, they took no action to stop the it. After the meeting, police briefly detained three or four people who had attended. The Istanbul branch opened an office of its own in September 1988.
The HRA is not allowed to have a formal relationship with a foreign organization, but maintains informal contacts with other groups and exchanges information with them.

The group has been frequently harassed by government charges and trials. In December 1987 two rallies were held in Istanbul, one by the HRA and one by the Association of Families of Detainees and Convicted Prisoners (TAYAD--see below), seeking freedom for political prisoners and protesting torture. A few days later the public prosecutor launched an investigation of the Istanbul HRA. Chairman Emil Galip Sandalci and six other board members were questioned about posters they had carried during the HRA's rally that had not been cleared ahead of time with authorities. No charges were filed, but several other HRA members were tried for distributing leaflets at the same rally; they were subsequently acquitted.

On March 1, 1988, Mr. Sandalci and Ragip Zarakolu, the vice-chairman of the HRA in Istanbul, were put on trial in a criminal court for having launched a campaign demanding a general amnesty and an end to capital punishment. Under their direction, the HRA had gathered 150,000 signatures on a petition, which they had then presented to Yildirim Akbulut, speaker of the National Assembly. Both men were ultimately acquitted.

In December 1987 the Ankara branch of the HRA was investigated for issuing what government officials described as a "public announcement" without prior permission; HRA officials described it as a press release. On February 5, 1988, five members of the Ankara branch received three-month sentences which were later converted to fines. The case was not appealed.

A Public Prosecutor brought a case against representatives of the Izmir HRA branch after two doctors from Denmark talked to the Izmir members and to a general audience about establishing a rehabilitation center for victims of torture. The authorities claimed they should have secured permission first. A similar case was brought in Adana. The HRA representatives were acquitted in both cases.

In April 1987 the Malatya Public Prosecutor brought charges against three men, Ilhan Scluk, Akin Birdal and Muzaffer Ilhan Erdost, for speaking at a Human Rights Association meeting. The prosecutor charged that the three
men had asked people to violate laws. The trial is continuing. Following a panel
discussion in Adana organized by the Human Rights Association, the same
three men were charged under Article 312 of the Penal Code with provoking
people against the establishment. That trial is also continuing.*

Police have, on some occasions, disrupted public meetings held by the
Human Rights Association in various cities, including Izmit and Hatay in Sep-

In the most serious case to date, association chairman Nevzat Helvaci
and ten other members were indicted on September 22, 1988, for their campaign
for a general political amnesty and the abolition of the death penalty. The in-
dictment called not only for prison sentences of up to four years, but also for
the disbanding of the association. Dateline Turkey reported on December 17,
1988, that Mr. Helvaci and all the others had been acquitted, and that the court
had rejected the prosecutor’s plea to close the association.

In December 1988 the governor of Kocaeli Province, Ihsan Dede, or-
dered the Kocaeli branch of the HRA closed on the grounds that it had taken
actions (unspecified) beyond what is permitted in the Associations Law. As of
this writing, the Public Prosecutor has not yet brought charges against the group
or its officers, but the office has been closed and the group is not functioning.

The Association of Families of Convicts and Detainees: Since 1986 the
Association of Families of Convicts and Detainees (TAYAD) has been active
in Istanbul, holding meetings and demonstrations and giving press conferences.
The organization applied for permission to operate in February of 1986, and 8-
l/2 months later the group’s application was approved. In 1988 TAYAD sub-
mitted to Parliament a petition signed by 25,000 people asking for an end to
torture and ill-treatment in prisons.

* Cumhuriyet, October 6, 1988.
TAYAD has been continually harassed by the police and the Public Prosecutor. The group has been indicted ten times, charged with violations of the Associations Law because of its press conferences, statements and demonstrations. Another ten investigations are under way which may result in additional charges. About 25 TAYAD members are involved in these cases and investigations.

TAYAD leaders have been detained in connection with some of the charges. In 1987, for example, a case was brought against 18 TAYAD directors in connection with a demonstration in front of Sagmalar Prison. They were charged with violating the Associations Law. Thirteen men were detained for seven months, five women for three months. All were subsequently acquitted.

Seven TAYAD leaders were brought before a State Security Court in Istanbul in February 1988 in connection with a public meeting discussing freedom for prisoners. All were acquitted.

On October 31, 1988, TAYAD carried out a five-hour sit-in inside Parliament to demand the cancellation of the prison rules announced by the new Minister of Justice, Mehmet Topac, on August 1, 1988. The new rules make prison uniforms compulsory for detainees as well as convicted prisoners, forbid relatives from sending food to prisoners, and require that prisoners be transported in chains to court or other appointments. Approximately 2,000 prisoners have undertaken hunger strikes to protest the new rules. Most of the hunger strikes had ended by December.

About 70 members of TAYAD took part in the sit-in in Parliament. When they left, police took 21 into custody. As of November 5, 1988, they were still in detention.*

Mustafa Eryüksel, TAYAD's president, says that the police harass the group continually. Police sometimes deny permission for meetings. More often, instead of granting permission 15 days ahead, as they are supposed to do, police

* Dateline Turkey, November 5, 1988.
will give the organization permission only one day ahead, making it difficult to arrange the meeting.

According to Mr. Eryuksel, a suspicious fire severely damaged the TAYAD publications office on September 18, 1988. The group’s secretary general saw three persons whom he knows to be political police walking in front of the office at the time of the fire.

Moreover, according to Mr. Eryuksel, police monitor all public meetings of TAYAD to the point where sometimes there are as many police in the audience as association members.

Turkish Writers’ Union: The Turkish Writers’ Union was formed in 1974. After the military coup in 1980 the activities of the group were banned and warrants were issued for the arrest of all of its 19 board members. Aziz Nesin, the president, and many others were out of Istanbul at the time, but Demirtas Ceyhun, now the group’s secretary general, was arrested and detained for three months.

Eventually all 19 board members were charged with violating various provisions of the Associations Law and the Trade Union Law. In addition, some defendants were charged with violations of Articles 141 and 142 of the Penal Code—making Communist propaganda. Under martial law the trial was held in a military tribunal. In 1987 all defendants were acquitted on all counts, and the organization began functioning again.

The Writers’ Union is organized under the Trade Union Law, not under the Associations Law. Under the Associations Law an organization is forbidden to seek material benefits for its members. This is not true under the Trade Union Law; the Writers’ Union hopes to work for the financial interests of its members, for example by acting as a party in lawsuits against publishers for royalties for its members.

The newly organized group held its first general congress in March 1987. It has 300 members who pay dues of 1,000 Turkish lira a month (less than a dollar). It receives money from no other sources. According to Mr. Ceyhun, its first priority is to wage a struggle against restrictions on free expression and creation. It is trying to accomplish this by holding press conferences, sending
memos to ministries, and working with political parties to make freedom of expression an indispensable part of the democratic process.

Mr. Ceyhun believes that a number of laws are preventing writers from exercising their right to free expression: Articles 141, 142 and other articles in the Penal Code, the Press Law and the Law to Protect Minors. In addition, he cited provisions in the Police Law that permit the police to seize publications and books from printers and to confiscate printing machines, and provisions of the Provincial Governors’ Law that give the provincial governors the power to ban and seize books, films and cassettes, and to ban concerts, autograph sessions and the like (see earlier sections on Freedom of the Press and Publishing). The Union advocates the abolition of Articles 140, 141, 142, 163 and the like from the Penal Code. It also favors abrogation of the Law to Protect Minors from Harmful Publications and portions of the Press Law, as well as amnesty for writers convicted for what they have written.

Mr. Ceyhun believes that the government harasses many of the Union’s members by denying them the opportunity to write for or appear on the government-owned television and radio, as well as by denying them the right to travel abroad. In September 1988 both Aziz Nesin and Ilhan Selcuk were denied passports. (Nesin, however, later received permission to leave the country.)

Physicians for the Prevention of Nuclear War: In January 1987 a group of doctors set up a society called Physicians for the Prevention of Nuclear War. Three months later the group was banned by the governor of Ankara. In a letter dated April 30, 1987, Assistant Governor Yahya Gur stated that the association’s articles had been examined by the Ministry of the Interior, and went on to say that:

... random explanations made by the members and officers of an association who have absolutely no responsibility in such a delicate and total war as nuclear war may cause public panic; furthermore . . . the aims and subjects of activity adopted by your association coincide with those of the Turkish Atomic Energy Institute and the Civil Defense Directorate of the Ministry of Interior Affairs, and hence might produce an ambiguity in function and authority.
The public prosecutor subsequently opened a case against 49 founders of the organization. After an investigation the constitution of the group was accepted, and the group has been functioning legally since October 1987. In the spring of 1988, however, the Minister of the Interior challenged at the High Administrative Court the group’s right to exist. The organization is now awaiting the court’s decision.

Meanwhile, the association continues to function. Its membership is 126, of whom about 100 are physicians, and the rest are dentists, pharmacists, nurses or medical administrators. Most are from the Ankara area. Annual dues from members of 6,000 Turkish lira (less than five dollars) constitute its only financial support, other than income from its journal. The association would like to open branches in other cities, but cannot do so unless the court case is resolved satisfactorily. It would also like to join the international association of physicians against nuclear war, but cannot do so at present. Nor can it hold a general congress.

The Turkish Medical Association has been supportive of the Physicians Against Nuclear War, but provides no financial assistance. Dr. Leziz Onaran, the president, told us in October 1988 that the group hopes to expand—there are 6,000 doctors in Turkey—when the question of their status is finally resolved. The main purpose of the organization is to educate the public about the dangers of nuclear war. The group would like to hold press conferences, issue statements and carry out educational programs. The association has held several public meetings, one of which was attended by 300 people.

**Turkish-Greek Friendship Association**: In February 1988 the Council of Ministers issued a permit for the establishment of a Turkish-Greek Friendship Association, based in Istanbul. The association had been active since May 1987. A Turkish-Greek Business Council has also been formed.

**Women’s Organization for Democracy**: In December 1987 an organization called "The Association of Women in Democratic Struggle" applied to the Istanbul governor for permission to operate. The group was at first denied permission: authorities did not like the word "struggle," nor did they like the
group's statements on equality for men and women, stating that such equality was already prescribed in the Constitution. After some negotiations, the organization changed the wording of its application and changed its name to "Women's Organization for Democracy." It was then given permission to function.

The group has demonstrated for solidarity with the Palestinian people, and carries out projects in poor areas of Istanbul to help people get houses, water, electricity and toilets. It has held panel discussions on health problems of poor women. Police have interrogated the leaders several times, but so far have brought no charges against them.

Prohibited Associations: In spite of what appears to be some easing in the government's restrictive policies concerning the forming of new associations, Turkish authorities have forbidden the establishment of several fledgling organizations.

A doctors' group that advocated the abolition of the death penalty was forced to disband. Its leaders were tried and acquitted in September 1986.

In June 1987 the governor of Ankara closed down an Association for the Purification of the Turkish Language because he believed the government should carry out such activities.

University students try frequently to organize student associations but are usually denied permission. Twenty-five students from a student association at Middle Eastern Technical University (METU) in Ankara were detained in February 1988 in connection with a demonstration on Palestinian rights. Eight were still in Ankara Central Closed Prison in October 1988, charged with membership in illegal organizations. They say they have been tortured with electric shocks and water pressure.

Two other students received three-year sentences in April 1988 for speeches given at METU criticizing the Higher Education Council (YOK) and its actions against student associations. They are now in prison in Ankara. A group of their fellow students told us in October 1988 that the situation has recently improved somewhat in that there are now more approved organiza-
tions, but that the police have been getting more aggressive in harassing the groups by interrogating and threatening their members.

Unofficial Organizations: Since 1986 some associations have sprung up and are operating unofficially. Feminist groups have formed in Ankara and Istanbul, where they have held demonstrations protesting the beating of women. Police observed the Ankara demonstration in the spring of 1987 but made no effort to stop it. Nor did the police interfere when three thousand people marched for women's rights in Istanbul in June 1987.

In other developments:

- An association of ex-faculty members was started in Ankara in November 1986. It is made up of former university professors who were dismissed from positions by martial law commanders under Martial Law 1402. In January 1987 the Ministry of the Interior rejected the group’s application to function legally. The group is under investigation, but has not been banned.

- An unofficial group supporting homosexual and transsexual rights demonstrated in Istanbul’s Taksim Square in April 1987 to protest police brutality against transsexuals and transvestites. The group was dispersed by police.

Turkish PEN Club: On November 3, 1988, novelist Yasar Kemal was elected the chairman of the newly-founded Turkish PEN Club. The first Turkish PEN Club was dissolved by its leaders just after the 1980 coup. Members of the executive committee of the new PEN Club are short story writer Bekir Yildiz, jurist Dr. Rona Aybay, and writers Hifzi Topuz, Salim Sendil, Sukran Kurdakul and Muzaffer Abayhan. The group has petitioned the government for official recognition.*

* Dateline Turkey, November 5-11, 1988.
THE ROLE OF THE UNITED STATES AND WESTERN EUROPE

The United States and Turkey

Turkey is a longstanding ally of the United States; the friendship goes back many years. Turkey is also a long-time recipient of United States economic and military aid—after Israel and Egypt the third largest recipient of such aid.

In *Freedom and Fear*, the Helsinki Watch report of March 1986, we wrote:

Turkey, a bulwark in the NATO system, is of great strategic importance to the West. Poised at the crossroads between Europe and the Middle East, it shares boundaries with Greece, Bulgaria, Iran, Iraq and Syria, as well as a sea and land border with the Soviet Union that runs some 1,000 linear miles. There are more than five thousand U.S. troops stationed in Turkey. U.S. intelligence agencies carry on electronic surveillance operations in Turkey, monitoring the Soviet Union, Iran and other strategic areas. Turkey maintains an army larger than that of West Germany or Great Britain and is fully aware of its importance to the West. Dr. Sukru Elekdag, Turkish Ambassador to the United States, recently stressed: "Turkey, one of sixteen NATO countries, defends one third of the NATO frontier. This indicates dramatically the important role that we play."

The United States government, deeply aware of Turkey's significance, maintains an important defense pact with Turkey. Turkey is the third largest recipient of U.S. military aid.... The Turkish government wants still more military aid in order to modernize its armed forces. It objects to the routine annual Congressional cut in the aid package. It objects to the 7-10 ratio by which military aid is targeted for Greece and Turkey....
Turkey places great importance on its relations with the West. Financial aid is a large part of it, of course, but there is also the wish to be fully integrated into the Western alliance and not to be treated as a second-class partner. Turkish leaders, following the direction established by Atatürk, are proud of the fact that they are the only Moslem country that considers itself part of Europe and the West.

For these reasons, it is humiliating for Turkish leaders to have their country singled out as the only egregious human rights offender in NATO. Their efforts to correct that impression—by suppression of the facts, by denial of the accusations, by attempts to reform the system, and by negotiations with accusing countries—stem from their desire to be accepted fully by the Alliance.

In 1988, United States aid to Turkey was $532 million ($500 million in military assistance and $32 million in economic assistance). For 1989, the administration recommended $623.5 million in aid—$553.5 million in military aid ($550 million in military sales credits and $3.5 million for military training and education) and $70 million in economic aid. Congress has earmarked $503.5 million in military aid and $60 million in economic aid—a total of $563.5 million.

Because of its longstanding ties with Turkey and its continued provision of economic and military aid, the United States is in a position to exert influence on human rights in Turkey. But it has been reluctant to do so. In freedom of expression, the chief area of concern of this report, the United States has described problems, but has consistently minimized them. In the 1988 Country Report on Turkey, issued by the U.S. State Department, the administration described some of the articles in the Penal Code that are used to prosecute journalists and others. For the first time, it detailed a number of cases that have been brought against writers and editors for what they have written or published. But its over-all assessment was that the Turkish press is "lively and vigorous." It failed to mention the 41 imprisoned journalists and editors or the extent to which the Turkish press has been harassed by constant court proceedings, trials and detentions. It also failed to describe the harassment of independent associations, which have been subjected to continuous investigations, charges and trials.

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Western Europe and Turkey

Countries in Western Europe have taken a far more critical look at human rights practices in Turkey than has the United States. During the past two years, both the Council of Europe and the European Parliament have frequently and strongly criticized Turkey for such things as torture, continued incarceration of political prisoners, mistreatment of Turkey’s Kurdish minority, insufficient political freedom and inadequate freedom of expression.

Founded in 1949, the Council of Europe has twenty-one members—almost every country in Western Europe, including Turkey. In 1987 and 1988, members of the Parliamentary Assembly of the Council of Europe criticized the Turkish government for arresting two communist leaders, Haydar Kutlu and Nihat Sargin, upon their return to Turkey on November 16, 1987, from exile in Western Europe. In March 1988 39 members of the Parliamentary Assembly issued a written declaration on the situation of political refugees from Turkey:

The undersigned members of the Assembly,
1. Echoing the views expressed in the past by the Assembly on the rights of political refugees;

2. Demanding for Turkey full enjoyment of the basic human rights and freedoms, and particularly freedom of speech and association;

3. Request, for political refugees desiring to return to their country, that all the present obstacles to their return be removed, that their right to engage freely in political activity in Turkey be guaranteed, and that a general amnesty be declared forthwith. (Info-Turk, March, 1988.)

The European Parliament, a constituent body of the European Community, has been even more forthright in its criticism of Turkey’s human rights practices. During the past two years, it has issued several resolutions concerning Turkey.

In November 1987, the European Parliament adopted a resolution expressing concern about the arrest of Kutlu and Sargin, demanding their immediate release, and calling for guarantees of freedom of political activity in Turkey in the future.

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In January 1988 the European Parliament approved a resolution calling on the Turkish government to end the death penalty, protesting the detention of a young French guide on charges of separatist activities, and asking for the release of the imprisoned former mayor of Diyarbakir, Mehdi Zana.

A May 1988 resolution condemned "flagrant violations of democratic rights" in Turkey, called for the release of 69 people arrested in Istanbul on May Day and of all other political prisoners in Turkey, and called for the full restoration of trade union and political rights for all currently-banned democratic groups.

In its most recent resolution on Turkey, the European Parliament voted on September 15, 1988, to reconvene the Joint Parliamentary Commission of the European Community and the Turkish Parliament. Established to discuss relations between Turkey and the European Community, the Joint Commission had been suspended since the 1980 military coup. In its detailed resolution the Parliament noted the steps that Turkey had taken toward democracy and the observance of human rights: acceptance of the individual right of petition for Turkish citizens to the European Commission of Human Rights, signing and ratification of both the European and United Nations conventions against torture, the restoration of the political rights of leading politicians, the holding of elections.

But the resolution also called for:

- an end to "widespread torture and inhuman conditions;"
- revision of the Turkish Penal Code, in particular Articles 141, 142 and 163;
- the supremacy and independence of the civil courts and the right to a speedy and impartial trial with full legal defense, and noted that the state security courts do not comply with European standards;
- an end to indefinite detention in solitary confinement of people who have not been convicted;
- abolition of the death penalty;
- lifting restrictions on political and trade union activities;
- an end to restrictions on freedom of opinion;
- restoration of citizenship to Turkish nationals who had been stripped of their nationality for political reasons;
- release of all political prisoners who had been prosecuted for their political views or for membership in a party or association; and
- recognition of the basic human rights of the Kurdish minority in Turkey.

Turkey, which has been an associate member of the European Community since 1963, applied for full membership in April 1987. Full membership would have enormous economic advantages for Turkey in trade and in the free circulation of Turkish workers. Full membership is perhaps the major foreign policy goal of the Ozal administration. The reconvening of the Joint Parliamentary Committee is an important step in that direction. Many European parliamentarians continue to state, however, that drastic improvement in Turkey's human rights practices is a requirement for full membership in the European Community. Because of Turkey's desire for full membership, the European Community is in a good position to exert its influence on the Turkish government to persuade it to end the human rights abuses that the September 1988 resolution spelled out in such detail. Among them are the restrictions of free expression that are discussed in this report.
RECOMMENDATIONS

In past reports, Helsinki Watch has made certain recommendations with regard to free expression. These included recommendations that the Turkish government should:

- Cease all legal actions against the press and against writers and publishers that are based on the substance or means of circulation of their writings;
- Allow independent organizations, associations, professional institutions and trade unions to operate in Turkey and to be involved in politics;
- Transfer to civilian courts cases presently being tried in military courts, except cases of military discipline against members of the armed forces.

As a result of our closer look at the current state of freedom of expression in Turkey, we would now, in addition, urge the Turkish government to:

- Amend the Constitution to remove those portions that restrict the exercise of free expression;
- Amend the Penal Code to remove Articles 140, 141, 142, 158, 159, 163, 311, 312 and other articles that restrict freedom of expression;
- Abolish the Law to Protect Minors from Harmful Publications;
- Abolish the Act on the Works of Cinema, Video and Music;
- Amend the Press Law to remove those portions that restrict freedom of the press;
- Amend the Associations Law to remove those portions that unduly restrict freedom of association;
- Amend the Law on Assembly and Demonstrations to remove those portions that unduly restrict freedom of assembly and demonstration;
• Abolish or amend all other laws that unduly restrict freedom of expression;
• End all existing television and radio blacklists; permit greater access to television and radio for opposing parties and other groups;
• End current economic pressures on the press and publishing;
• Abolish film and music censorship boards.

We also recommend that the United States government exert whatever influence it has on the government of Turkey to encourage it to undertake these reforms.

In addition to the above recommendations, of course, there are our earlier recommendations on ending torture, shortening detention periods and permitting detainees immediate access to attorneys, improving prison conditions, granting amnesty to prisoners of conscience, and acknowledging the existence of the Kurdish minority and granting them the civil and political rights held by other Turkish citizens.
APPENDIX A

SELECTED ARTICLES FROM THE TURKISH PENAL CODE

140.

A citizen who publishes in a foreign country untrue, malicious, or exaggerated rumors or news about the internal situation of the State so as to injure its reputation or credit in foreign countries, or who conducts activities harmful to national interests, shall be punished by heavy imprisonment for not less than five years.

141.1

Those attempting to establish or establishing, or arranging or conducting and administering the activities of, societies in any way and under any name, or furnishing guidance in these respects, with the purpose of establishing domination of a social class over other social classes or exterminating a certain social class or overthrowing any of the established basic economic or social orders of the country, shall be punished by heavy imprisonment for eight to fifteen years.

Those conducting and administering some or all of such societies shall be punished by death.
Those attempting to establish or establishing or arranging or conducting and administering the activities of societies in any way and under any name, or furnishing guidance in these respects, with the purpose of totally exterminating the political and legal orders of the State, shall be punished by heavy imprisonment for eight to fifteen years.

Those attempting to establish or establishing or arranging or conducting and administering the activities of societies, or furnishing guidance in these respects, with the purpose of governing the State by one person or by a group of persons, contrary to the principles of republicanism or democracy, shall be punished by heavy imprisonment for eight to fifteen years.

Those attempting to establish or establishing or arranging or conducting and administering the activities of societies, or furnishing guidance in these respects, the purpose of which societies is to abolish partially or entirely because of race, the civil rights provided by the constitution, or to exterminate or weaken nationalist feelings, shall be punished by heavy imprisonment for eight to fifteen years.

Those entering the societies indicated in above paragraphs 1, 2 and 3 shall be punished by heavy imprisonment for five to twelve years.

The punishment to be imposed on persons who commit the foregoing acts within government offices, municipalities, or within syndicates, schools, or among officials, employees or members of such organizations, shall be increased by one-third.
141.7

If any of the perpetrators of the crimes defined in this article informs the respective authorities of the crime and identity of other perpetrators prior to the initiation of the final investigation and if his information is true, heavy imprisonment for not less than ten years instead of death shall be adjudged; and heavy imprisonment and imprisonment punishments shall be reduced by one-fourth.

141.8

The societies mentioned in this article are defined as two or more persons uniting for the same purpose.

142.1

Whoever makes propaganda with the purpose of establishing the domination of one social class over others, exterminating any of the social classes, overthrowing any of the established basic economic or social orders of the country, or totally exterminating the political or legal orders of the State, shall be punished by heavy imprisonment for five to ten years.

142.2

Whoever makes propaganda in any manner for the governing of the State by one person or by a group of persons, contrary to republicanism or to the principles of democracy, shall be punished by the same punishment.

142.3

Whoever makes propaganda directed to abolish for racial reasons partially or entirely the civil rights secured by the constitution, or to exterminate or weaken nationalist feelings, shall be punished by heavy imprisonment for five to ten years.

142.4

Whoever speaks favorably of the acts indicated in the foregoing paragraphs shall be punished by heavy imprisonment, for two to five years.
142.5

The punishment for persons committing the offenses defined in the foregoing paragraphs, in the organizations or among persons specified in paragraph 6 of Article 141 shall be increased by one-third.

142.6

If the acts in the foregoing paragraphs are committed by means of publication, the punishment to be imposed shall be increased by one-half.

142.7

If any of the participants of the crimes defined in this article informs the proper authorities of the crime and the identity of other perpetrators prior to initiation of the final investigation, and his information is true, heavy imprisonment and imprisonment periods shall be reduced, depending upon the circumstances, by not more than one-fourth.

143.

Whoever establishes, organizes, regulates or conducts, without the permission of the Government, societies of international character or societies the headquarters of which are in foreign countries, shall be punished by imprisonment for fifteen days to six months and by a heavy fine of 500 to 2,000 liras.

If the perpetrator of the foregoing offense obtains such permission by means of a fraudulent or incomplete statement, he shall be imprisoned for one to five years and shall be fined by a heavy fine of not less than 1,000 liras.

Whoever participates in Turkey in societies or institutions or branches thereof organized without obtaining necessary permission shall be fined by a heavy fine of 100 to 1,000 liras.

Turkish citizens residing in Turkey who participate, without permission of the Government, in societies or institutions located outside of Turkey, shall be punished by the foregoing punishment.
Whoever insults the President of Turkey in his presence, shall be punished by heavy imprisonment for not less than three years.

Whoever uses aggressive language against the President of Turkey in his absence, shall be imprisoned for one to three years. If the aggression is done by allusion or hint, without mentioning the name of the President of Turkey, but if there is presumptive evidence beyond reasonable doubt that the aggression was directed toward the person of the President of Turkey, the aggression shall be considered as expressly made against the President.

If this offense is committed by any means of publication, the punishment shall be increased by one-third to one-half.

Whoever overtly insults or vilifies the Turkish nation, the Republic, the Grand National Assembly, or the moral personality of the Government or the military or security forces of the State or the moral personality of judicial authorities, shall be punished by heavy imprisonment for one to six years.

If the name of the victim of the crimes specified in paragraph 1 is not explicitly mentioned, in case there is undoubted presumptive evidence to the effect that one of the persons mentioned in paragraph 1 was insulted or degraded, it shall be treated as if the aggression was explicitly uttered.

Republication of a publication which is a crime by law is an independent crime and its perpetrator is subject to the same punishment. Addition of a reservation that the contents of the publication have not been acknowledged or that the news is being related with precautions against its truth or that all responsibilities to arise were assumed by another person shall not relieve the relator of news from responsibility.
Whoever, contrary to laicization establishes, organizes, regulates or administers societies with the purpose of adapting, even partially, the basic social, economic, political or judicial orders of the State to religious principles and beliefs, shall be punished by heavy imprisonment for eight to fifteen years.

Whoever becomes a member of such a society or urges others to become members of such societies, shall be punished by imprisonment for five to twelve years.

Those who establish, organize, regulate or administer again under fictitious names or false appearance the societies mentioned above which had been ordered to be disbanded, shall be punished by the punishment prescribed in the foregoing paragraph increased by not less than one-third.

Whoever, contrary to laicization, makes propaganda or suggestions with the purpose of adapting, even partially, the basic social, economic, political or judicial orders of the State to religious principles or beliefs, or with the purpose of obtaining political benefits or personal influence by making use of religion or religious sentiments or sacred things, shall be punished by heavy imprisonment for five to ten years.

Where the above act is committed by means of publication, the punishment shall be two to five years.

For those committing the foregoing crimes in public education or labor institutions, the punishment shall be increased by one-third.

If the crimes in paragraphs 3 and 4 are committed in publications, the sentence shall be increased by one-half.

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* Freedom of Government affairs from religious interference.
### APPENDIX B
**JOURNALISTS IN PRISON**

<table>
<thead>
<tr>
<th>Name of Journalist</th>
<th>Name of Publication</th>
<th>Name of Prison</th>
<th>Sentence (yr/mo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hasan Selim Acan</td>
<td>Halkin</td>
<td></td>
<td>331</td>
</tr>
<tr>
<td></td>
<td>Kurtulusu</td>
<td></td>
<td></td>
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<td>Nevzat Acan</td>
<td>Halkin</td>
<td>Canakkale</td>
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<td>Gunsece Cagri</td>
<td></td>
<td>7/6</td>
</tr>
<tr>
<td>Kazım Arlı</td>
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<td>Ankara Closed Prison</td>
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APPENDIX C

LIST OF PRINTED WORKS WHOSE CONFISCATION HAS BEEN DECIDED UPON BY THE COURTS OR WHOSE INTRODUCTION INTO TURKEY OR DISTRIBUTION HAS BEEN FORBIDDEN IN ACCORDANCE WITH THE 31ST CLAUSE OF THE PRESS LAW

3. Afgan Boerimi ve emarpayolizmin telc. spertinizmin genc garici teyfasim içguzü birikim ve devirimi gol eleştirisi (= The true story of the Afgan (opium) Revolution and the panic opportunism of imperialism's reactionary group: Critique of the accumulation and revolutionary way).
10. Aşke Boymayıken Kadin (=Woman who can't get enough of love). Beok. 1975.
11. Barışlay Savaş Güzeller (=Beautiful who shock Europe).
14. Aşgısımlığı ülkelerde sosyalizmin kuruluşu geçiş ekonomisi sorunları (=The establishment of socialism and transitional economy problems in underdeveloped countries).
19. Beşevlerde faşist içgazları kıracağız (=We will smash the fascist occupation in Beşevler (place name)).
20. Bir gündük düş ve gerçek (=Dream and reality that lasted for one day). Beok.
23. Büyük ve küçük bey cap posteri (=Pocket poster of big and little sizes).
24. Büyük okul durumuna doğru Stalin (=Stalin towards the great October revolution)
25. Cem (=Type of head woven rag). Beok.
29. Çıldırıtan kâçalar [=Ravishing thighs]. Book.
30. Çılgın erezular [=Crazy desires]. Book.
31. Çılgınlık dişi [=Stark naked female]. Album.
32. Çin halk Komünleri [=China's Folk Communists].
33. Çin üzerinde düşünceler [=Thoughts on China]. Book.
34. Dandy. Periodical.
36. Demokratik eğitim kurultayı üzerine [=On the Democratic educational assembly].
37. Demokrat kadın [=Democratic woman]. Periodical. (Erkal Çalakoğlu -?editor/author's name)
38. Dengi Komkar [=Worker's Voice (Kurdish)]. Periodical.
39. Derisi sıcak [=His/her flesh is hot]. Book.
42. Devlet ve hukuk üzerine [=On the state and law]. Book.
43. Devrim yolunda gençlik [=Youth on the way to revolution]. Periodical.
49. Devrimci Terör ve Devrimci Politika [=Revolutionary Terrorism and Revolutionary Politics]. Book.
50. Devrimci Doğu Kültür ekitleri [=Eastern Revolutionary Culture Centers]. Report D.O.K.D.
51. Devrimci gençler yaşamın gençliğinin devrimci estetimin birliği Wâs Bardak Türkiye halklarının kurtuluşu için faşizma karşı savaşarak öldü yaşamın halkın emperyalizme ve eliğeri karşı savaşa [=Long live the revolutionary youth! Wâs Bardak, the Union of youth for revolutionary activities died fighting against fascism for the sake of the liberation of the peoples of Turkey: Long live our people's struggle against imperialism and oligarchy]. (Pamphlet?). February 2 1977.
54. Devrimci Yol [=Revolutionary way]. Periodical. Yaşata Aslan (author?). y97
60. Dişi kuş uçuça hazırlanmış | Female bird I'm ready to fly my beloved. | Book.
64. Doner adamları para | The money in my underpants. | Book. Muzafer Izgi (author).
66. Dünden bugüne Aşık İhsani - Aşık sine başı | Ashik Ihsani from yesterday to today (a popular bard/singer who was imprisoned for his leftist activities). | April 1976.
68. D.S.M. için ileri | Forward for D.S.M. | Brochure.
75. Erkek dediğin çiçek olur, kadın nasıl tavşanır | The so-called men gets naked how does the woman get tricked?. | Tomke Publications. January 13, 1976.
76. Esat faşistlere mazara placek, off! | Esat (place name) will be the fascists' grave (?). | Book. Nazif Ağaçoğlu (author). December 14, 1978.
78. Faşist çeteler bir kardeşimiz daha katlettiler | Fascist bands have murdered one more of our brothers. | Report. February 9, 1977.
85. Fondip. Album of pictures. | A. Bilent Hazar (author?).
86. Foto Saksı | Photo Sou. | Magazine. Ufuk Reis (author?).
90. Gordak genç | Wedding night. | Mustafa Sınavozlu (author).


95. Gürurla baktığım dünyaya [=I look at the world with pride]. Book.


106. Hızı kızlar [=Rapid girls]. cenan Kayş (author).


114. İslam ülkelerinde ideolojik savaş [=Ideological struggle in Islamic countries].


119. İşçinin sessi [=Worker’s voice]. May-June 1981.

120. İşçiler-emekçiler, kaderler [Workers - proletarians, brothers]. TSIP [=Turkish Socialist Worker’s Party].


123. Kartpostal [=Postcard]


162. Marksizm ve gençlik (=Marxism and the young). Book.
170. Modern gazete (=Modern gazette). Engin Aktel (author). Istanbul. D. Öz...
182. Modern gazete (=Modern gazette). Pop Kazanova (=pop casanova)....
185. Nasıl yarınah (=How to do it). Magazine.
187. ODTÜ beşlik, Bülten (=Bulletin, Middle East Technical University (in Ankara)). ODTÜ direniş K... (=M.E.T.U. Protest Committees?)
189. Okay (=Okay; also name of game similar to Mah Jong). Newspaper. Canil Cengiz (editor).
198. Olaylı yillar ve gençlik (=Event-filled years and youth). Book.
201. O'nun hikayesi seks kölesi [=His/her story; or, The Story of O, saw slave]. 1975.
203. 15-16 Haziran yolunda ileri [=Forward on the road to June 15-16]. Poster.
204. 15-16 Haziran 9. yıl dönümünde özgürlük ve sosyalizmin için ileri [=On the 9th anniversary of June 15-16, forward for freedom and socialism].
205. Dünbinlerin Türkistenten geçişsi [=The migration of tens of thousands from Turkistan]. Book. Ksen Bfen Komal (author?).
221. Političa ve ekonomi politik sözük [=Politics and economy political dictionary].
224. Proletar birlik ve kızıl yol [=Proletarian unity and the red way]. #3. Printed work
225. Bosisi cumhurîe hasbiyet ve İmam hedef lizeledi melezle [=A friendly chat with the head of the nation and the problem of the Imam Heeip (Islamic religious) high schools]. A. Çiftci (author).
228. Reviyanism ve (?...) yeniliği Marksizm-Leinizmin zefere getirir [=Revisionism and (?...) lead to defeat, Marxism-Leninism to victory]. Book.
236. Savaş yolu (=Road to war). Book.
238. Seçme oserler (=Selected works of Mao Tse Tung). Book.
239. Seks (=Sex). Book.
240. Seks ART. Book.
244. Seks okulu-2 (=Sex school #2). Album.
249. Seks webün. Book. (Kurdish?)
250. Sav doyasıya (=Love to fulfillment). Book.
252. Sınıf sindir? (=What is class?). Brochure. Ismail Kersteci (author).

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301. Türkiye halkı İran halkının dövürmci ideracını destekliyor (=The people of Turkey support the revolutionary leadership of the people of Iran). 1979.
303. Türkiye Komünist Partisi programı (=Turkish Communist Party program).
304. Uzun yürüş (=The long walk). Book.
309. Utan haini değil Utan dostu Sultan Dahidettin (=Sultan Wahid al-Din was a friend of the nation, not a traitor). N. Fazıl D. K. Kürk (authors).
311. Vietnam ulusal kuruluş savaş ve ekonomi politikası (=Vietnamese national liberation and the politics of economics). Book. Özgürlük (=Freedom) (Publisher?).
313. Valanjanin seck günlari poşinle (=In search of Valanjan's son days).
328. Yurttik doenuf fergadi (=Cry of the torn underwear). Book.
1. Belasına sahdalandığım bebek (=Baby whose misfortune I fell passionately in love with). Kemal (author?).
3. Emperyalizmin zayıf hankası Türkiye (=Turkey, imperialism's weak link).
12. Sol kandini anlatıyor [=The Left describes itself]. M. Behram {author}.

**THINGS BANNED UPON ESTABLISHMENT OF THE MINISTRIES (?)**

1. A Babysitter for Baby. Magazine. USA.
3. A Biography of Martyr Ayatullah Boheşti [Şeyt Ayatullah Boheşti'nin Biyografisi].
4. Ayasofyan Musabadesi ve ýanârık [=The Hagia Sophia Treaty and Hellenism].
7. Adam. Periodical. USA.
8. Ağrı dağından düşünceler [=Thoughts from (or-about) Mt. Ararat]. Book. Beyrus {author}.
13. Akrite. Album. USA.
17. Allah Hakikettir [=God is Truth]. Book. USA.
19. Alpaslan Türkiye'nin Kızıl Sevci'Î cevabı [=Alpaslan Türkiye' answer to the red prosecutors] ['Translator's note: Alpaslan Türkiye is the head of the far right wing fascist party in Turkey]
26. Antakiyye üzerine alan Suriya haritası (=Map of Syria which includes the city of Antakya) (=Translator’s note: Antakya, ancient Antioch, is a city in the Hatay, a part of Turkey whose population is at least 50% Arabic speaking, which was ceded to Turkey from Syria in the 1920’s)
28. Arabça resnlär (=Epistles in Arabic).
33. ATIF, Almanya Türkiyeli İşçilr Federasyonu (=ATIF, (Initials of) German Federation of Workers from Turkey). Bulletin. Germany.
37. A Witness handbook for persons living or working among Turks. Book. USA.
38. Avrupa islamî gençlik teşkilati (=Organization of European Islamic Youth).
42. Azeri. Periodical. Tehran, Iran.
44. Bağimsızlık, demokrasi, sosyalizm gelenda gørçül (=Truth on the way to independence, democracy, and socialism). Germany.
48. Baskı ve sümürüyə korşə mücadəla (=Struggle against oppression and exploitation). Germany.
49. Bataklıktan kurtuluş (=Rescue from the swamp). Brochure. Germany.
54. Ben Günah İşlemadım (=I didn’t commit a crime). Brochure. Germany.
55. Ben Günah İşlemadım (=I didn’t commit a crime).
56. I Mayis’a Doğru (=Towards the first of May). Report. Germany.
57. İ Numaralı Mahkeme Neytince Dikdiri (=Report of the number one court committee). Germany.
59. Bir Teslağın Dostu (Ozan Arif imzası) (=Legend of a rough draft [signed by the
64. Bolşevik İşçi - Kayıklar Kurtuluşu (TKP/ML (B) yarım organı) [=Bolshevik worker-villagers' liberation (Turkish Communist Party/ [Marxist-Leninist?] publication organ). Periodical. Germany.
65. Çağrı (Araçça) [=Call/Invitation (in Arabic)]. Report. Egypt.
66. Çağdüş Yunan Tarımı (Ruence) [=Contemporary Greek History (in Greek)]. Book. Athens.
68. Şeyhülislam Şefik ve İsmail Şahîdestan 2 (1963) [=The position of Muallim Shahid Shari'eti in the revolution (in Persian)]. Book. Iran.
69. Cengel [=Jungle]. Periodical. USA.
70. Challenge - Desafio. Book. USA.
74. Class in Modern Society. Book. USA.
75. Citar Scale (in German). Book.
77. Cultane Armaneci (too garbled to be intelligible). Book. Spain.
80. Daily Grill (?) Playboy's Album. Germany.
86. Devşirme Sınavı [=Policy of devşirme (Ottoman practice of 'recruiting' Christian boys from the Balkans and training them to be Janissary guards; in Greek)]. Book. Salonica, Greece.
87. Der Kuran [=The Koran (in German)]. Book. Germany.
92. Der Weg Partei. (in German). Book. Dortmund, West Germany.
94. Demokrat Türkiye Gelecek, Güzel Günlere Merhaba [=Democratic Turkey will come: welcome good days!]. Periodical. Germany.
95. Dialogues avec le patriarche Athenagoras (in French). Book. Kostanz, Germany (?).
97. Die Wahrheit Wird Euch [=The truth will [?] you). Book. USA (?).
98. Dialogue (English). Book. USA.
100. Diegen Parre (?too gerbled to be intelligible). Book.
102. Die Liebe Schule der Apesia [=The deor school of Apesia (?) (in German)]. Book Germany.
103. Die Süüdigen Fasson (?too gerbled to be intelligible). Book. Germany.
106. Dialectical Materialism. Book. USA.
109. Do it. Book. USA.
110. Dört Kitapla Nakiketler [=Truths from the four books (?=the Old and New Testaments, the Koran, and the Book of Psalms)]. Book.
116. "Duşunun" başlıklı (Ozan Arif) Şiir [=Poetry by Arif (?=? Ahmet Arif, fine poet whose poetry is banned in Turkey) entitled 'Think']. Germany.
118. Ebedi Hayat Sevkedan Hakikat [=Truth which leads to eternal life]. Book. Germany.
120. Einmal ein isanije Tür zevi. (?too gerbled to be intelligible). Book. Germany.
121. Ecclesiastical History (in Greek?). Book.
134. **Al-Hudâ We-al-Tabârîr** | The guidance and the enlightenment (in Arabic). Book. Haifa, Israel.

135. **Al-'Aqr al-ilâhiyyah | The divine ego (in Arabic)). Book. Haifa, Israel.

136. **Al-'Aqr al-râbbânî fi al-'ilm al-rûbâni | the divine ego in spiritualism (in Arabic)). Book. Haifa, Israel.


154. **Al-Hudâ We-al-Tabârîr | Guidance and Enlightenment (in Arabic)). Book. Haifa, Israel.

157. **Al-Ashr râbbânî li ilm al-rûbâni | Divine secrets in spiritual studies (grammatically incorrect) (in Arabic)).

158. **Al-Akhbâr | The News (in Arabic)). Newspaper. Beirut.

160. **Al-Fayl Mu'tawwîli fi sharh muthallath al-... | Overflow in explanation of the triangle of... (in Arabic)). Book.

161. **Al-Jumhûr el-'Arabî | The Arab Public (in Arabic)). Newspaper. Aleppo, Syria.


165. **Al-Musewwar | Illustrated (in Arabic)). Periodical. Cairo, Egypt.

166. **Al-Wasiyyah | The Will (in Arabic)). Book. Israel.


171. **Al-Jumhûr | The Public (in Arabic)). Newspaper. Damascus, Syria.


173. **Al-Ayyûm | The Days (in Arabic)). Newspaper. Damascus, Syria.


175. **Al-Hudâ | The Guidance (in Arabic)). Newspaper. Syria.

176. **Al-'Ilm | The World (in Arabic)). Newspaper. Syria.

177. **Al-Ithnâ'ah | Broadcasting (in Arabic)). Syria.

178. **Al-'Ibsb | The Arab Socialist Party in Iraq (in
180. Al-Bilad [=The Country (in Arabic)].
182. Al-Udwan al-thulath `ala Misr [=Triple Enmity toward Egypt (in Arabic)]. Book.
197. Al-Ahram [=The Pyramids (in Arabic)]. Newspaper. Cairo.
201. Al-Jil [,The Generation (in Arabic)]. Newspaper. Cairo, Egypt.
204. Al-Tebrir [=The Liberation (in Arabic)]. Newspaper. Cairo, Egypt.
327. French polles (?). Book. USA.
335. Gobarhöyi ke dar tärki derrakhshîdeh / Karanlıkta parlayan incîlar [Paris that shine in the dark (in Persian)]. Iran.
345. Giant. Book. USA.
346. Giasul patriei [Voice of the fatherland (in Romanian)]. Romania.
347. Giasul patriei [Voice of the fatherland (in Romanian)]. Romania.
348. Quelques extraits de [Spanish (?) oeuvre [Some extracts from (?) work (in French)].
351. God's way is love. New York.
352. Granik bici tına trade ve aşkerî.
353. Gencin safarbarkişime çağı [Call to a campaign of the heart]. Germany.
354. Quotations from Chairman Mao.
356. Oeuvre choisie [Selected (literary) work]. Book.
357. Guvercin isimli kartpostal [Postcard entitled "Dove!"]
359. Hey târikh al-Turk wa-al— [History of the Turks and the ... (in Arabic)]. Book Egypt.
361. Hapiste ve Türk hürijeti için de bir komünist netlari [Notes of a Communist in prison for Turkish freedom (?)]. Moscow.
363. Hazreti Ica çarmhba gorilîyir [Jesus is crucified]. Greece.
447. İşçi Pansion [?garbled--Pasion?]. Newspaper. Germany.
448. İşçi Gazetesi [=Worker's Newspaper]. West Germany.
450. İşçi Birliği [=Worker Unity]. Newspaper. West Germany.
=Periodical. West Germany.
452. İşçinin Sesi [=Worker's voice]. Newspaper. West Germany.
454. İttihat ve Terakki [=Meeting of the paths (in Arabic)]. Newspaper. Athens.
455. İttihat-i İmam [=Prophet (in Persian)]. Report. USA.
456. Kayseri Tarihi [=History of Kayseri (a city in Central Anatolia)]. Book.
457. Kavim [=Followers of Kaveh (Iranian mythological figure)]. Periodical. Iran.
459. Karl Marx et sa doctrine [?garbled] (=Karl Marx and his doctrine (in French)). Book.
= Athens, Greece.
468. Kanûn Eviron’a açık mektup [=An open letter to Keman Eviron (president of Turkey)]. Poetry. West Germany.
469. Kişperisâe are (erna), tıran (?)
470. Kitâb durr al-mekhtûr [=The book of chosen pearls (?) (in Arabic)].
478. Kbra türkünâm gezerek davasî [=The real case of the Cypriot Turks].
481. Qisreî al-Akrîd [=Story of the Kurds (in Arabic)]. Book. Cairo.
492. Kim başlıktı ve o zaman Arif imzalı bildiri [=Report with the title "Kim.", signed by the minstrel Arif (in Turkish)].

493. Kitabî makâddes [=the Bible (in Turkish)]. Book.


496. Kore'yi (?) iatham edigatoruz [=We accuse Korea]. Book.

497. Korkma sâneâz bu şafaklarda yuzen al senâcak [=Do not fear, this red banner waving in the dawn will not be extinguished (first line of the Turkish national anthem)]. Pamphlet.


499. Konstantina polisîm ikinci defa sêthî [=The second capture of Konstantina by the police (in English)]. Pamphlet.


501. Komünist (TKP/ML merkez gezw organî) [=Communist (Turkish Communist Party/Marxist-Leninist central publication organ)].

502. Kötlükü gönlüm pekât költügü ilgîkkâ yezî [=Don't be defeated by evil, but rather defeat evil with goodness]. Book. Germany.

503. Krallığın bu iyi haberî [=This good news of royalty (in Turkish)].


508. Kürtîstan tarihinde Dersîm [=Dersim (now called 'Tunceli', scene of a major massacre of Kurds in this century) in the history of Kurdistan].


511. Kürtîstan [=Kurdistan (in English)]. London.


519. Le Bulgari [=Bulgaria (in French)]. Bulgaria.

520. Le tragédie (?) cyprîote continue [=The tragedy of Cyprus continues (in French)].


522. La vie syndicaliste (?). France.

523. Le Yeugoslavie [=Yugoslavia (in French)].

524. Leat of the Bible today.

525. La République populaire Românie [=The People's Republic of Romania (in French)].

526. L'Art architecture arménienne (?) au moyen âge [=Armenian (?) architecture in the
Middle Ages (in French)].
519. La Revue soviétique.
520. L'Affaire powers (?).
525. La ville de St-Jean ve axes dixièmes quatorze ans [Post cards contrary to laicism and reflecting extreme religious views]. Tehran (author?).
526. La Vie des travailleurs en ... [=The life of workers in ... (in French)]. Hungary.
528. Leçons (in French) [Tales (in French)]. Pamphlet. Bulgaria.
532. La Race (? de Traité Kostov et de son groupe [=The (?) of Traité Kostov and his group (in French)]. Pamphlet. Bulgaria.
534. Les Questions fondamentales [=Fundamental questions (in French)]. Book.
537. Let God be trave(?)]. Book.
539. Les Vingt meilleures nouvelles roses [=The twenty best pink short stories (in French)].
540. Los nos 131 leopardo (?). Book.
541. Les Socialistes et l'exercice du pouvoir [=Socialists and the exercise of power (in French)].
542. Le Belge (?) Les Kurdes, étude sociologique et historique [= (?) ; The Kurds sociological and historical study (in French)].
544. La Réforme scolaire en Tchécoslovaquie [=School reform in Czechoslovakia (in French)].
545. Le Développement du capitalisme. Le rôle de la violence (?) dans ... [=The development of capitalism: the role of violence (?) in ... (in French)]. Book. France.
547. L'Alphabetique instutitué-ensiklopedia [=Encyclopedia Institute Encyclopedia].
548. Le Nouveau [=The new (in French)]. Book. Candide (publishers?).
549. La Kurbistana ou le mort [=Kurdistan or death (in French)]. Book. France.
550. La Diable ... Quatro [=The devil ... four (in French)]. Book. France.
551. La Rue [=The Hours (in Italian)]. Book. Milan, Italy.


592. Menâşik ahir-i Tyâh (=Islamic legal rituals in Arabic or Persian?). Book.


602. Meme ve Zeyne (=Men and Zin (the most popular Kurdish romance epic)). Book. Beirut.


607. Merchant (?) from Ararat. Book. USA.

608. Middle and Near East (?)

609. MNP Genel Başkan Alparslan Türkiye'nin MGK'ne Mektubası (=Letters of Alparslan Türkeş, general director of the MNP [Milliyetçi Hareket PARTİSİ - Turkish Ultra-right wing fascist party] to MGK (?)). Book. Germany.


612. Mîkka Nola [sic]. Record.


616. Mukadderat Elmevsim Elsatafi [sic]. [mevsim/mawsim = season].

617. Mustafe Kemal Le Loup et Le Léopard (=Mustafa Kemal, the wolf and the leopard in French). Book.

618. Mustafa Sufhi kaşgasi ve düşünceleri (=Mustafa Subhi’s argument and thoughts). Book.


621. Müslüman Karadaplar Cumhuriyet Undelerinin [sic] Şehri (=City of the leaders [? of the Muslim Brothers' Republic]). Book.
622. Mushârik Anwâr el-Yaşaîn (=The sharer of the lights of certainty [?]).
626. Müslüman Karalaştrârname Başkhi ve Iran Taavutname Bakani M. Foûaî Imzal (Ararça) Bildiri (=Report in Arabic entitled "To my Muslim brothers", signed by the Iranian Minister of Transportation M. Foûaî). Iran.
630. Narodna Pesne (=Folk song (in Macedonian)). Book. Yugoslavia.
635. Nasiri Eller (=Calloused hands). Newspaper. West Germany.
636. Neue Berliner Illustrierte (=New Berlin Illustrated Magazine (in German)). Periodical.
638. Meşhûl unam (=Unknown (?)). Book.
639. Naubehar (=New spring (possibly the Kurdish-Arabic dictionary of the 17th century Kurdish poet Ahmed-i Khani)). Book.
640. Nashrat wakélât Tass (=Publication of the TASS news agency (? in Arabic)). TASS Bulletin.
644. New Masters Pictorial Encyclopedia.
650. Nubdhea min bagât re'is al-jumhûriyyah al-Shahid Rajê'i (=A piece of the life of the martyr Rajê, president of the republic (in Arabic)). Book. Iran.
651. Noin zur Junta/Cunta ya hayr (=No to the junta (in German/Turkish)). Germany.
652. MiDdêl el-sha'b (?) (=Struggle of the people (in Arabic)). Newspaper.
653. Nidâ el-khay'ch el-mu'essemeh bi-al-jam'îyyeh al-wataniyyeh bi-al-difâ' 'er el-selâm (=Call of the organization based on the national committee for the defense of peace (in Arabic)).
704. Photo arts yiligi (=Photo arts yearbook). Periodical. USA.
705. Photo. Book. USA.
707. Philosophie et revolution (=Philosophy and revolution (in French)). France.
710. Playboy. Calendar. USA.
715. Playgazin Pl. Magazine. USA.
718. Politikal frisonere relif (sic) (?garbled). Book.
719. Pour l'union socialista (=For the socialist union (in French)). Book.
721. Pomaklar—Raciallar (=The Pomaks (Bulgarian speaking Muslims in Bulgaria)). Pamphlet. Athens.
723. Pour l'union le front francais (=For the union, the French front (in French)). Book.
724. Polies. Calendar. USA.
726. Program (Kürtçe) (=Program (Kurdish)). Bulletin. Germany.
728. Problem of the peoples of the USSR.
729. Freies Leben (=Free life (in German)). Periodical.
733. Prelise. ______ (?)
736. Psycho-analysis of the Armenian nation.
776. Schönheit die begeistert (sic) Guzellîn meftunu [=Captivated by beauty (in German & Turkish)]. Album. Bern.
777. Saroush, the message of the ... [Surûsh = inspiration (in Persian)]. West Germany.
780. Selanik metropoliti ofstati kudulas Osun edebiyati (sic) (?)[Selanik = Salonica Greece; edebiyat = literature (in Turkish)]. Yugoslavia.
781. Şebbi el-khayr [=Good morning (in Arabic)]. Newspaper.
782. Thabît [=Stability (in Arabic)]. Newspaper. Cûmûlcine (?)
786. Thawrat (14) Tammûz fi îmîhi (?)[el-aawwal =The revolution of July 14 in its first year (in Arabic)]. Baghdad, Iraq.
787. Allah hâkitel olan Î-Let God be truel.
788. Selanik bölgesinde muhacir köyleri [=Immigrant villages in the region of Saloniki: (Greek Macedonia)].
793. Send up school mem (?). USA.
795. [sic] See tour. Book. USA.
796. See Witz [=See Joko (in German)]. Periodical. Germany.
799. Sosloîs-Nîda hâkitel savi [=Calling out, the voice of truth/God]. Germany.
801. Showboat. Magazine. USA.
802. Sîkîyönetimin içyüzü [=The true face of martial law]. Pamphlet.
811. Smet e jetes (Reviste kulturore) [=a cultural magazine in Albanian].
012. Gürîyah Gürîyah (Cyria, Cyria (in Arabic)). Pamphlet. Cyria.
014. Sovyet Rusya'da yaşanan bilumum metbuat [=General publications from Soviet Russia]. USSR.
015. Socialisme utopique et socialisme scientifique [=Utopic socialism and scientific socialism (in French)]. Book. France.
020. Solbolunan arap livesi (?) [=Arab district of Solboluman (?)]. Pamphlet.
021. Sol og sundhed [=Sun and health (in Danish)]. Periodical.
023. Solnitico.
024. Socialism and man. Book. USA.
026. Sor u ve ceaplarla kemunizm nödir [=What communism is, with questions and answers].
028. Sparkle. Book. USA.
029. Spread wide. Book. USA.
030. Stopanstvo i torgovia (Торговия и товарообмен) [=Farming and commerce (in Bulgarian)]. Periodical. Bulgaria.
032. Students against Spanish fascism.
033. [sic] Students study for building up a ...hina (?) [=China]. Book. Prague.
035. Sternstunden der Menschheit [=Highlights (?) of humanity (in German)]. Book.
036. Stalin, al-markeiyah wa-el-mesetül ve...ye (?garbled) [=Stalin, marxism, and ...?] (in Arabic)]. Book. Baghdad.
037. Stalin, al-qadîyeh al... (?) [=Stalin, the issue of (?) (in Arabic)]. Book. Baghdad.
041. Sur la veile de guerre (?) [=On the road to war (in French)].
042. Sunshine health. USA.
043. Sunk le... outsi (?garbled). Book. Egypt.
044. Süriyah al-thawrah (=Syria, the revolt (in Arabic)). Book. Syria.
847. Surekh ihtilaf [=Continuous (military) occupation]. Book. Switzerland.
848. Surûdh-e-yi inqilâb-i İslâmi [=Songs of the Islamic revolution (in Persian)].
France.
851. Syndicats yougosloves [=Yougoslav trade unions (in French)]. Pamphlet.
854. Şam rádyosu haber bülteni [=Damascus radio news bulletin]. Syria.
855. Şeâhadet [=Martyrdom/Witnessing/Reciting the Islamic tenet 'There is no God but Allah, and Muhammad is his prophet)]. Newspaper. USA.
856. Shems el-meâ'rîf el-kubrâ, shiffâ al-zâmân, sîrâ qalb al-Qurân [=Sun of the great knowledge, remedy of time, secret of the heart of the Koran (in Arabic)]. Book.
857. Şkerya. Newspaper.
860. Shumûs al-enwar [=Suns of the enlightened one (or—of Anwar (al-Sadat)) (in Arabic)]. Book. Egypt.
863. Tarâsu! kulesi [=The Watchtower (Jehovah's Witnesses' literature)]. Pamphlet. USA.
870. Tehilî-i tahbîş az didgâh-i İslâm [=Class analysis from an Islamic point of view (in Persian)].
871. Tarasut kulesi Yehova'nın krallığı ilan eder, bütün dinler insani tariya götürür mü [=The Watchtower announces Jehovah's kingdom; Do all religions bring one to God?]. Periodical. Switzerland.
872. Tarasut kulesî Yehova'nın krallığı ilan eder, Mukaddes kitêb duyûg kudretler arasindaki rekabeti önceden bildirdi mi [=The Watchtower announces Jehovah's kingdom; Did the Bible predict the competition between the world powers?]. Periodical. Switzerland.
873. Tarasut kulesi Yehova'nın krallığı ilan eder, mennun olmanın sîrî nedir [=The Watchtower announces Jehovah's kingdom; What is the secret to happiness].
874. Tanrı bana kızım dedi [="God called me 'daughter'"] Book. Germany.
879. Tatsachen aus der Türkei [="Facts from Turkey (in German)"]. Periodical.
881. Teenage man eater. Book. USA.
883. Telony (?) or the model. English.
886. Türk 4. federasyon büyük kurultayı [="Great general assembly of the fourth Turkish federation (?)"]. Periodical. Germany.
887. The Turkish empire. Book.
888. The dark angel. Book. USA.
889. The USSR; 100 questions. Book.
890. The long brown path.
891. The caravan moves on.
892. The Tempt... (?garbled)
893. The utopia of the almighty. Book.
894. The leading role of the world. Pamphlet.
895. The revolution is here. Newspaper.
900. The Greek Orthodox. Book. USA.
901. The Armenian Weekly. Book [sic]. USA.
905. The guerindisse [sic] (?) Book. USA.
906. The German ideology. Book. USA.
907. Theory of knowledge. Book. USA.
908. The maryan (?) revolution. Book. USA.
909. The house of war. Book. USA.
The children of this world. Germany.
The meaning of Jerusalem to Jews.
The Daw of Islamic [sic] [daw=jinn, genie]. Book. Iran.
Time. Newspaper [sic]. USA.
Tip Top. Periodical. USA.
Tidbse [=Timeless (?) (in Danish)]. Newspaper. Denmark.
Taaviritian Parti (in Armenian). Book.

932. [sic] Türkiye ve Hay Blaktan [=Turkey and Armenian (?) blocs]. Pamphlet.
933. Türkçe meznun havası [=Turkish verse ambiance]. Book.
935. Türk Hakkında Atinde [=Under Turkish sovereignty (in Greek)]. Book. Salonica.
937. Türk Sultanlarının Tarihi [=History of the Turkish sultans (in Greek)]. Book. Athens.
939. Turkey, Tordura and [sic]. Newspaper.
948. Türkş konuşıyor [Türkiye (general director of the MHP (Milliyetçi Hareket Partisi - Turkish Ultra-right wing fascist party) speaks]. Report. Germany.
991. Week end saw. Magazine.
995. World Congress of ... Bulletin.
996. World Senkin kond (?). Book.
999. Wochenende (?7) [=Weekend (in German)]. Book. Zurich.
1000. Wofur kämpft die ... [=What the (?) is fighting for (in German)]. Book. Germany.
1003. Yaşamanız için rabbî arayınız [=Seek the lord that ye may live]. Book. Germany.
1004. Yazik olur vatana: şiir [=It would be a shame for the homeland: poetry].
   Germany.
1006. [Totally unreadable entry]. Greece.
1007. Veryüzünde ebedîgen yaşayabilirsiniz [=You can live forever on earth].
1008. Yeni bir Türkiye? [unreadable] [=To (?) a new Turkey]. Book. USA.
1010. Yeni Rihden siyasi dersleri [=From the New Testament to political lessons]
   Book.
1012. Yeni bedelf [=New goal]. Newspaper. Germany.
1014. Unforgettable days in Soviet ... Book. Prague.
1017. Yugoslayva İşiçi Sendikleri Konfederasyonu [=Yugoslav Trade Union
1018. Yugoslayva Kadınlar Anti Faşist Cephesi Merkezi [=Yugoslav Women's
   anti-fascist front headquarters].
1021. Your will be done. Book.
1024. Yugoslayva Işiçi Sendikleri Konfederasyonu [=Yugoslav Trade Union
1029. Yunan [Totally unreadable entry] [=Greek ...]. Book. Salonica.


1032. 100 ate bělněn list (List divided into 100 (siets)). Book.


1036. 100 famous Beoufit (=beauties). Periodical. USA.


1038. Vranětan kilisesi (=Greek church). Calendar. Athens.

1039. Vranětan kilisesi tekuimi (=Greek church calendar). Calendar. Athens.

1040. (Totally unreadable entry). Germany.


1042. Zeuboreis(!) (=Enchantments (in German)). Periodical.


1045. Zeri pepellit (=Voice of the people (in Albanian)). Newspaper.


1047. Zülfü Livaneli adh şairin plëqi (=LP record of the poet named Zülfü Livaneli).

1048. Zülfüha (=Petipher's wife (a woman's name)). Book.
APPENDIX D
BOOKS CONFISCATED FROM SOL AND ONUR PUBLISHING HOUSES BY THE ANKARA PRESS PROSECUTOR ON FEBRUARY 18, 1988

Engels:

Marx:
Capital vols. 1 & 2, 1844 Hand Writings, The Misery of Philosophy, Wage Labor and Capital, Wage, Price and Profit, Class Wars in France, 1848-1850, Contribution to the Political Economy

Engels, Marx:
Selected Works vols. 1, 2 & 3, The Eastern Question, German Ideology, The Birth of the Communist Manifesto, Philosophical Etudes, Malthus and the Population Question

Engels, Marx & Lenin:
On the Workers’ Party, Anarchism and Anarcho-Syndicalism, Women and Family

Lenin:
Who are the Friends of the People and How to Fight Against the Social Democrats, Imperialism, Socialism and War, The National Question and the National Wars of Independence

Stalin:
Marxism and the National Question and the National Wars of Independence
Philosophy, Political Economy and Scientific Socialism

Politzer: The Beginning Principles of Philosophy, The Fundamental Principles of Philosophy
Nikitin: Political Economy
Solus: Economic Dictionary of Socialism
Leontiev: The Principles of Marxist Political Economy
Huberman: The Alphabet of Socialism
Osipov: Social Science
Lewerenz: The Analysis of Fascism in the Communist International
Zubritsky: Primitive Slave Society
Darwin: The Origins of Man, Sexual Selection
Infield: Albert Einstein
Russel: The Alphabet of Relativity
Ibn-i Haldun: Introduction
Brizon: The History of Labor and Laborers
Szaniawsky: The Social Function of School
Hegel: Collected Works
Gramsci: Prison Notes
Castro: The World Crisis
Rozaliev: Characteristics of the Development of Capitalism in Turkey
Glasneck: Fascist German Propaganda in Turkey, Kemal Ataturk and Contemporary Turkey
Novichev: The Semi-Colonization of the Ottoman Empire
Taha Parla: The Political Regime of Turkey
O. Balcigil: Diary of the Hanging
Neyyire Ozkan: Prison
Halit Celenk: Memories of the Eve of the Hanging
M. I. Erdost: Ilhan Ilhan, Semdinli Report, Between Science and Verse

SOURCES


Previous reports on Turkey are also available:


Violations of the Helsinki Accords: Turkey, November 1986, 91 pages, $6.00.


Copies of this report are available for $12.00 from:

HUMAN RIGHTS WATCH

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HUMAN RIGHTS WATCH

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PAYING THE PRICE

FREEDOM OF EXPRESSION IN TURKEY

"Magazines are now freer to break taboos than at any time since the restoration of civilian government in 1983," according to an editor interviewed by Helsinki Watch in October 1988. "You have the freedom to write, but only if you're willing to pay the price for it."

Many editors, writers and publishers are indeed paying the price for what they have written—in harassment, criminal charges, detention, torture, trials and sometimes imprisonment. Since 1983 over 2000 journalists have been tried for what they have written.

This report, the seventh on human rights in Turkey issued by Helsinki Watch since 1980, deals with freedom of expression in Turkey—in the press, radio and television, publishing, film, music and in association. It is based on a fact-finding mission to Turkey in October 1988 by Helsinki Watch and the International Freedom to Publish Committee of the Association of American Publishers.

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