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STATE AND DEMOCRACY

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The political and administrative concept of Turkey as a centralised unitary state

The Turkish republic was set up in the aftermath of the collapse of the Ottoman empire in the First World War and the defeat by nationalist forces led by Mustafa Kemal (Atatürk) of the Greek armies in the Greco-Turkish war of 1920-22. The Ottoman empire was a multi-national, multi-ethnic and multi-religious polity, which despite a growing emphasis in the last decades of its existence on the Turks as the main political element, was for most of its existence a polity in which the population was divided using religious rather than ethnic or linguistic criteria. This was the *millet* system. However, modern concepts of nationalism had progressively penetrated the empire in the 19th Century, beginning with the Orthodox Christian populations, leading to the gradual retreat of the empire in the Balkans and the setting up of successor 'national' states. By the time of the First World War the new creed of nationalism had begun to affect predominantly Muslim groups such as the Albanians and the Arabs as well as the Turks themselves.

The citizens of the new state, which roughly equated to the militarily defensible Anatolian heartland, were seen to be essentially the Muslim population of Anatolia. However, this population was itself divided in religious belief between Sunnis, those with Shiite tendencies (the Alevis) and a small secularised elite, as well as between those who spoke differing mother-tongues: Turkish, Kurdish, Laz or other languages. There were also deep cleavages between the small urban elites and the traditional villagers, as well as between nomads and settled populations, and, especially in the east and southeast, tribal and non-tribal structures. It appears that Kemal initially saw the national movement as embracing Turks and Kurds (separately identified¹) and even went as far as to promise the Kurds autonomy in areas where they constituted substantial populations.² Kemal quickly introduced a number of sweeping reforms with the expressed aim of modernising the new state. These reforms included a new alphabet and change of script from Arabic to Latin, language reform, an attempt to relegate Islam to the private sphere and remove it as a potential political force — this despite Kemal's use of it in this manner in the resistance war as a rallying cry against the 'Christian' invaders — and the closing of all the *tarikats*. There were even laws regulating dress with the banning of certain headgear — usually Islamic in character — which were seen as symbols of reaction. Islam was clearly seen as a reactionary force and an obstacle

¹ His famous speech of October 1927, *Nutuk*, in which he explained and justified his actions in the liberation struggle, repeatedly refers to the Kurds as separate from the Turks.

² This reportedly happened at a meeting in İzmit in 1923, but the Sheikh Said revolt in 1925 (see below) resulted in all references to this promise subsequently being censored from official accounts of the meeting. See 2000'e Doğru, 1978, no. 35, and 1988, no. 46, and Baskın Oran, *Atatürk Milliyetçiliği: Resmi İdeoloji Dışı Bir İnceleme*, (Ankara: Bilgi Yayınevi, 3rd edn, 1993), p. 211.

to modernisation. Although the state progressively viewed itself as a secular one³ there was never any real separation of state and religion. On the contrary, the Kemalist state continued and amplified the late Ottoman practice of incorporating the official urban *ulema* into the central state authority.

There were strong reactions against the sweeping reforms especially in the east where Sunni Kurds led by Sheik Said rose in mass revolt in 1925 even before the bulk of the reforms came about. Although this revolt appears to have been essentially religious rather than ethnically Kurdish, Kemal backtracked on previous hints at including the Kurds as a separate component of the new state. Instead, a conscious attempt was made to inculcate Turkish nationalism as the primary focus of political loyalty for all citizens. To achieve this, the central institutions of the state, including the educational system and the army, were used. As Islam was now relegated to the private sphere, the new state's nationalism began to exhibit a strong 'ethnic' component.⁴ The entire Ottoman period was effectively negated. Instead, the state ideologues looked back, in classic nationalist fashion, to a mythologised 'golden era'— in this case to pre-Islamic Turkish history. Strong social and other pressure was brought to bear to make all citizens speak Turkish as their mother tongue. The state only recognised the small religious minorities as guaranteed in the 1923 Lausanne Treaty.⁵ All manifestations of ethnic difference between Turkish and non-Turkish Muslims were taboo and the Kurds were referred to officially as 'mountain Turks', and penalties were levied against the use of Kurdish language. Although anything between 40,000 and 250,000 died when the Said revolt was put down, and Ankara decided to forcibly remove large numbers of Kurds from the area, revolts in the Kurdish areas continued. Mass deportations and an official policy of settlement by Turks continued throughout the 1930s and the army was engaged in almost permanent fighting with rebels.⁶ The Kemalist catch-phrase 'What happiness to call oneself a Turk', was displayed in all schools and army barracks throughout the country, as well as being prominently displayed in public places.

³ The Caliphate was abolished in 1924 but the new constitution did emphasise the central place of Islam in Articles 2 and 26. Article 2 stated that 'The State religion of Turkey is the Muslim religion', while Article 26 mentioned the *Şeriat* as the holy law. Kemal himself saw this as a purely temporary measure "to satisfy the exigencies of the time. When the first favourable opportunity arises the nation must eliminate these superfluities from our Constitution." *Nutuk*, vol. 2 p.328.

⁴ The two classic models for nationalism are the 'territorial' and 'ethnic' models. The territorial model is essentially an inclusive one whereby all those within a particular territory (and not anybody outside) are seen as members of the nation, while the ethnic model views as members all those sharing certain characteristics (language, culture or whatever) as belonging regardless of where they live. This latter model tends to be exclusive as it rejects those without the necessary defining characteristics even if they have resided in the actual state territory for considerable time. France is often held up as the classic territorial model, while Germany is seen as the classic ethnic model. The 'French' model tends to negate any concept of minorities within the state viewing all members (in theory at least) as 'Frenchmen/women' or whatever, and correspondingly is essentially assimilatory in practice.

⁵ These were viewed with official distrust and have been subjected to repeated pressures. As a result the number of Greek Orthodox citizens in Turkey fell from some 100,000 at the time of Lausanne, to some 10,000 in 1974 and today numbers only a few thousand.

⁶ Especially in Dersim (now Tunceli) which remained outside of government control until 1938 and under martial law until 1946. David McDowall, *The Kurds: A Nation Denied*, (London: MRG, 1992), p. 38.

The Kemalist state was, despite short-lived experiments like the setting up of the Free Party in 1930, a one-party state ruled by the Republican People's Party (CHF — CHP after 1935). The 1930s saw a *Gleichschaltung* of political and cultural life, in which the CHP party-state took over all forms of political and cultural activity, and the official ideology was propagated through the education system. There was national conscription of all males which was used in a similar role as a 'builder of the nation'. However, the state was not totalitarian in the manner of Stalin's Soviet Union or Hitler's Germany, and while the elites dominated in the urban centres, people in the country-side continued to live in the main according to traditional norms. These were usually Islamic but in areas in the east tribal as well.

Thus, the Kemalist state was a strongly centralised unitary state in which the only officially recognised minorities were small religious ones as per the Lausanne Treaty. All concepts of ethnic groups other than 'Turks' was taboo. Assimilation was deliberately used to overcome ethnic differences. In this Turkey can be seen as following perceived 'modern' norms of the time,⁷ and despite penalties and other pressures brought against those expressing other identities, there was no 'ethnic' bar to Kurds and others rising to top posts in the bureaucracy as long as they abandoned their own culture and adopted the state approved Turkish model. This model remains essentially unchanged to the present day. This unitary nation-state model, which often includes a strong army to protect national boundaries, has recently gone out of fashion. The new concepts refer to the late or high-modern state where there is: greater emphasis on cultural diversity and multi-culturalism, regionalism (Catalonia, Wales etc); greater international freedom of movement; a multi-national economy operating on a global scale; the communications revolution which has seen the ending of the old 'modern' state's monopoly on media (and education); the beginnings of a 'global' morality based on liberal free-market capitalism and human rights; and the progress towards trans-national units like the European Union (i.e the end of the nation-state). In this climate, minorities are seen as potentially a good thing, and instead of 'benign neglect' (which can often lead to assimilation over usually two to three generations as without help the minority culture is clearly at a serious disadvantage vis-a-vis the dominant culture) the new thinking (since the end of the 1980s) is one where the state should actively support minority cultures. This is expressed in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, and more recently by the Council of Europe's Framework Convention on the rights of minorities.

Turkey post-1950 as a multi-party polity

When the one-party system was dismantled in the late-1940s and the 1950s, and democratic practices began to take root, the continuing Islamic sensibilities of the large majority of the population began to make themselves evident. To win elections, politicians needed to take this into account. The classic Kemalist elite attitude of ignoring religious sensibilities and dictating

⁷ This view fitted the prevailing wisdom of the times concerning 'the modern state' which was seen as being a unitary homogenised polity with guaranteed **individual** rights for all (non-discrimination, equality before the law etc) but not really for minorities. The ideal was the nation-state where the nation (however defined) coexisted completely with the state (i.e. all one nation live in one state without any minorities). In such a state everybody shared a common culture usually propagated by a centralised education system and other methods like the army (**national** conscription). The 'modern state' looked to be secular and industrialised and often seen as the French model.

cultural norms to the masses became increasingly untenable, and it is noticeable that since 1950, the secular Kemalist CHP and its successors have never won an outright majority of the electorate. At the same time, mass migration from the country-side to the urban centres began to change traditional attitudes for the first time. This process had two contradictory sides: on the one hand, the mass of the population began truly to be subjected to the centre's nationalist ideology. On the other, the centre itself had to take into account the (Sunni) Islamic wishes of the majority. These wishes included state support for mosque construction as well as for religious education in schools. However, overt politicisation of Islam remained taboo and parties seen as too radically Islamic were banned and dissolved.⁸ Thus, the parameters were set. Islam could be used to bolster electoral support but it had to be subordinated to Kemalist republicanism.

The role and function of the Turkish army in political life

Since Ottoman times the army has seen itself as a progressive force. Despite Kemal's partial withdrawal of the military from politics, it continued — and continues to this day to see itself as the ultimate guarantor of Kemalist norms and ideology. The army has remains among the most trusted institution in Turkey with some 80% of the population consistently viewing it as such in public opinion polls. In the single party period, the close association of the army with Kemalist norms proved unproblematic. However, the multi-party period and the subsequent failure of the CHP — the main political party claiming to represent Kemalist secularist norms — ever to win a majority of votes in elections was different. The military has repeatedly intervened directly in the political process whenever it feels that political forces are seriously challenging what it considers to be Kemal's legacy, or whenever it considers that politicians are not properly representing the nations' interests, as viewed by the army high command. This happened in 1960 with the coup against Adnan Menderes and subsequent 17 months of military rule, which saw the drafting of the 1961 Constitution. It happened again in 1971 with the 12 March 'coup-by-memorandum' which ousted Süleyman Demirel from power and ushered in close military control until 1973. As well as these periods of overt military control, there were other radical forces within the military⁹ who wanted the army to take an even more active role.

The 1980 Military Coup and its aftermath: the role of the National Security Council (MGK)

The 1970s were a decade of great political turbulence in Turkey with anti-systemic armed groups from both ends of the political spectrum fighting each other on the streets. The situation was exacerbated by a succession of seemingly powerless weak coalition governments. The violence dramatically escalated throughout the decade. On 12 September 1980 the military authorities stepped in to end the anarchy — apparently with a large degree of public support. The ensuing military regime of 1980-83, closed down all political parties and banned their leaders from political life. Large numbers of activists, especially those seen as left-wing, were imprisoned

⁸ For example the 1954 closing of the Nation Party which was accused of exploiting Islam for political ends and calling for a return of *Şeriat*.

⁹ Like Talat Aydemir who attempted coups in February 1962 and again on 20 May 1963. For the latter attempt he was executed on 5 July 1964. There were two other coup attempts in 1971 led by and navy First Lieutenant Sarp Kuray and Major Atif Ercikan who both attempted coups in 1971 supported by young Kemalists in the armed forces.

and many tortured. Unlike previous army interventions in 1960 and 1971, when military control was of limited duration, this time the military seemed determined to remain in power long enough to cement changes in attitudes and avert a repetition of the anarchy of the late 1970s. The regime oversaw the drafting and implementation of the 1982 Constitution, which remains in force today.

Despite the army seeing itself as the bastion of Kemalism, it appears that the military rulers concluded that a lack of religious instruction in Turkey's youth had resulted in a proliferation of anti-systemic ideologies such as Marxist-Leninism and fascism. Correspondingly, Article 24 of the Constitution stated that; "Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools." However, this state-propagated religion was not seen as a recipe for rampant Islamism, and the same article underlined that such practice could not violate the secular nature of the state. The new emphasis on Sunni Islam as social cement was clearly seen by the military as subordinated to Kemalist republican norms. This policy was widely known as the 'Turkish-Islamic synthesis' which aimed to merge Turkishness with moderate Sunni Islam.

This period saw the National Security Council (MGK) come to the fore. This body was established under Article 111 of the 1962 Constitution 'to assist the Council of Ministers in reaching decisions related to national security and coordination'. It comprises the chiefs of general military staff as well as the President and Prime Minister. Its powers were greatly enhanced in 1962 to provide 'preparatory and advisory assistance' to the government to assure 'coordination between organisations working in the fields of internal and external security.' Henceforth, the MGK was able to directly interfere in the political process under the guise of protecting 'national security', as defined by itself. After the coup, the civilian members of the MGK were purged and it became, in effect, the government. The 1982 Constitution set up a Presidential Council composed of the ruling MGK, with powers to examine laws passed by parliament and to advise the president (at that time coup leader General Evren). This body was wound up in November 1989 as per the timetable laid down in the Constitutional. The MGK, however, has remained with its powers intact. Another facet of the new Constitution was that the COGS remained answerable to the President not the Minister of Defence. Thus, policies concerning defence and matters of internal security were effectively removed from governmental control.

The return to democracy within restrictions on freedom of expression

In 1983, despite the military's stated preference to the contrary, the electorate voted in Turgut Özal's Motherland Party (Anap) as ruling party. Özal, partly of Kurdish extraction and a devout Sunni Muslim - he had personal affiliation to the Nakşibendi sufi sect - ushered in a number of far-reaching reforms including the opening up of Turkish economy through privatisation. Although many giant state enterprises remained, the privatisation was especially noticeable in the cultural field with the monopoly by the state of broadcasted and printed media broken. As a result a plethora of Islamic publications and cassettes became available. The new climate allowed the Islamic Welfare Party (RP) of Necmettin Erbakan — the successor to the banned National Salvation Party of the 1970s — to widen its appeal and become a mass party apparently operating just within the constitutional limits allowed regarding overt Islamism. At the same time

the Ministry of Religious Affairs responsible for overseeing Sunni Islam greatly expanded. Mosque construction carried on a pace with an average of some 1,500 built each year by the end of the 1980s. Many extra-curricula Koran schools were opened. The state continued to exert its central control over Islam by, among other methods, issuing central instructions for the content of *hocas* weekly sermons.

Özal also oversaw the relaxation on the restrictions on the private use of Kurdish which occurred by the end of the 1980s. Law 2932 of 1983 which in conjunction with Article 26 of the Constitution had penalised the use of Kurdish, was finally abolished in April 1991 along with Articles 142,143 and 163 of the Turkish Penal Code penalising Marxist and Islamic political activity. However, the Law to Fight Terrorism of April 1991 once more penalised freedom of expression (see below). In mid-1992 the ban on pre-1980 coup political parties and their leaders was lifted after a referendum, and leading politicians like former prime ministers Süleyman Demirel and Bülent Ecevit as well as Erbakan returned to open political activity.¹⁰ However, the political system remained to a large degree open to influence and control by the military through the National Security Council.

The Kurdish Issue and the Kurdistan Workers' Party (PKK)

As noted above, Kemalism viewed Turkey as a centralised unitary state and was very antithetical towards all concepts of minorities within the country with the exception of religious ones recognised by the Lausanne Treaty of 1923. This policy has remained a constant. Since the advent of multi-part politics since 1950, any party which openly campaigns for Kurdish causes has faced closure, often with its leaders being prosecuted. In 1984, the Kurdistan Workers' Party (PKK), an extreme left-wing group set up by Abdullah Öcalan in 1978 in a village near Diyarbakır, began armed attacks on Turkish security forces mainly in the south-east of the country. Since then the conflict has dramatically escalated and has claimed some 27,000 lives.

What the PKK aims are remains problematic. The Turkish authorities perennially refer to it as a 'separatist' and 'terrorist' organisation. It certainly uses terror as one of its methods. Regarding separatism, the founding programme drawn up by Öcalan and associates in 1977 clearly called for an independent Kurdistan which it saw as being divided into four regions by the 'exploiting countries: Syria, Iraq, Iran and Turkey.' Subsequently however, Öcalan became ambivalent on the PKK aims: at times calling for an independent Kurdistan and at others for a Belgian-style federal solution within Turkey. Currently the PKK and Öcalan himself reject secession completely. Given that huge numbers of Kurds have in the last few decades, along with all other sections of the population, migrated to the western cities like Istanbul, it could be argued that the population is so mixed that any partition along ethnic lines would be impossible without massive ethnic cleansing.¹¹

¹⁰ In the meantime they had continued to pull the strings behind post-coup mass parties.

¹¹ Additionally, Turks and Kurds share many close similarities and inter-marriage is common — unlike e.g. the case with Albanians and Orthodox Slavs whether the latter be Serbs or Macedonians.

To counter the threat from the PKK, the Özal government set up the Village Guard system in May 1985 whereby local villagers were armed and seen as an extension of the security forces. At this time the PKK still lacked mass support. However, it appears that in 1987 the authorities embarked on a more active policy and a state of emergency was set up in eight (in May 1990 two more were added) provinces of the south-east¹² and the Village Guard system expanded. Concomitant with this expansion was an increase in repressive measures by the authorities which seemed to greatly aid PKK recruitment by alienating many Kurds. At the same time, the PKK also committed numerous gross human rights abuses targeting all those it saw as agents of the state: the military; the Jandarma (Military police in rural areas); the police; Village Guards and their families as well as teachers and other state employees. These abuses, despite alienating many Kurds, escalated government reprisals and state terror which bolstered support for the PKK. PKK support was further increased after March 1990 when the National Security Council decided on full-scale evacuation of villages to create a 'security buffer zone'.¹³ This policy, begun under the government of Tansu Çiller, saw the forcible evacuation and destruction of over three thousand Kurdish villages and hamlets, often carried out with great brutality and disregard for human rights, with houses burnt and mass detention of villagers in appalling conditions. It reached a peak in 1994.¹⁴ As a result huge numbers of people have fled to the towns of the region or out of the area completely. To some extent the continuing state repression has reduced PKK effectiveness in the region.

Restrictions on the expression of Kurdishness

While there has been slow improvement since the end of the 1980s and the lifting in 1991 of the outlawing of all use of the Kurdish language, restrictions remain especially in the field of broadcasting. Currently Kurdish publications are legal (although most are repeatedly subject to sanctions for political reasons) as are the broadcasting of Kurdish music but spoken Kurdish remains taboo on the airwaves. The Turkish authorities have repeatedly attempted to end satellite broadcasts by MED-TV, set up in March 1995 with its headquarters in Brussels and broadcasting from London under license of the UK's Independent Television Commission (ITC). Although MED-TV broadcasts in Turkish and other languages besides Kurdish, it is essentially a Kurdish programme and currently plays a crucial role in propagating Kurdish culture and consciousness

¹² The original eight provinces in Decree 285 of 10 July 1987 were: Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Tunceli and Van, while Batman and Şırnak provinces were added by Decree 246 of 18 May 1990. In 1998 the measure was lifted from Bingöl, Batman, Elazığ and Mardin.

¹³ The fighting force of the PKK rose from about 3,000 armed militants at this time to 13,000 by November 1992 plus a reserve pool of 45-50,000 in the southeast underlining the relationship between state repression and PKK support — see İsmet G. İmset, *The PKK: A report on Separatist Violence in Turkey (1973-1992)*.

¹⁴ Human Rights Minister Azimet Köylüoğlu, who called the destruction 'state terrorism' stated on 11 October 1994 that 2 million people had been displaced during the previous ten years and that 600 villages and 790 hamlets had been evacuated — over half since the beginning of 1993. In January 1994 the İHD reported that some 1,500 villages or hamlets had been evacuated or destroyed. In July 1997 Deputy Prime Minister Bülent Ecevit announced that 3,185 villages and hamlets had been evacuated.

both within Turkey and other neighbouring Kurdish areas and in the Diaspora. The Turkish authorities view MED-TV as supportive of the PKK and have repeatedly protested to the ITC and to the British government about the station. In 1996 a number of countries refused to renew MED-TV contract apparently due to Turkish pressure, and in September there were simultaneous raids on its offices in London and Brussels. In January 1998 MED-TV was fined for breaching ITC programme codes for three programmes shown in 1997. The Turkish authorities periodically engages in illegal jamming of its signals.

Within Turkey, cultural associations created to promote Kurdish language and culture are legal but in practice face official censure and pressure. The main such organisation, the Mesopotamian Cultural Centre (MKM) has branches throughout the country, but the second half of 1997 witnessed police pressure on MKM branches in Adana, Mersin, Şanlı Urfa and Diyarbakır. This highlights the problem that although Kurdish plays and music performances are not illegal per se, the authorities tend to view such actions as suspect, and performers are at times prosecuted for the content of songs which are construed to promote Kurdish separatism.

Political Islam in relation to state and society

As noted above, Kemal attempted to remove Islam from the political agenda. However, the advent of multi-party politics saw it once more return, albeit within closely controlled limits. Turkey's population remains overwhelmingly Sunni Islamic by religion. As such many main stream political parties have attempted to tap into the religious sensibilities of the population to achieve electoral support. In addition there have been a number of attempts to set up overtly Islamic political parties. These have repeatedly run foul of successive constitutional and penal sanctions forbidding such parties. Despite these sanctions, the Islamic political movement has continued in a number of different guises and names, garnering support from the discontented and uprooted villagers who moved to the squatter settlements of the big cities. Under the leadership of Necmettin Erbakan — himself a member of the technocratic élite — it took part in weak governmental coalitions in the 1970s. Despite this participation in government, it remained electorally weak until the 1980s. This period saw the ushering in under Özal of greater opportunities for public expression and the ending of the state's monopoly on the means of expression. At the same time, a new generation of university-educated Islamic intellectuals appeared who were adept at taking advantage of the new situation. They were also adept at arguing their views in opposition to the old secular Kemalist élites. As a result, the Islamic Welfare Party (RP) managed to break out of its seemingly electoral prison and become a truly mass party challenging the main political groupings. It succeeded in even capturing the mayoralties of Ankara and Istanbul, and in December 1995 becoming the largest political party in Turkey with some 21% of the national vote allowing Erbakan to become Prime Minister in a coalition government with the DYP.

This growth in Islamic political influence saw the old secular élites experience something akin to panic. This was compounded by the appearance of radical Islamic groups willing to murder those they saw as enemies of their vision of society. The old élites were long used to dictating their vision of Turkish identity and culture unopposed. Now they were faced with an adversary

which they thought that modernisation would sweep away, but which, on the contrary, was both growing, and adept at using the new technological opportunities afforded by this modernisation.¹⁵ The RP also showed itself adept at grass-roots organisation and support for its members — this in marked contrast to some other mass parties whose local administrations became by-words for corruption and venality.

The struggle can also be seen as an economic one between the old élites based in Istanbul, Izmir and Ankara, and the new ones coming out of the conservative Anatolian heartland where a number of cities are becoming prosperous centres. These new élites are RP supporters and are challenging the old economic élites who are virtually part of the state. Turkey remains a polity where state patronage is a key factor in economic life. The Özal era of the late 1980s which saw a rise of new élites in the western centres who competed with the old Kemalist ones who tended to be centred on the bureaucracy. However the new Özal élites were still linked to the all powerful state, with many companies on the Istanbul stock exchange being state companies (i.e. public companies ruled by bureaucrats). Turkey today is characterised by the huge gap between the new 'haves' and the mass of impoverished others in squatter settlements, many of whom turned to RP both as a means of support as well as a protest. Thus there is a competition underway which is dressed up in Islamic clothes but is really about money and power, with the RP being the political representative of new rising societal forces. Either way, the MGK forced Erbakan out of office in June 1997 and the RP was banned by the Constitutional Court in January 1998. Just prior to the banning the Constitutional Court scrapped Article 103 of the Political Parties Law which stipulated that a party should be warned of unconstitutionality before banning. Furthermore, Erbakan and other RP leaders were banned from political life for five years and criminal prosecutions begun against some for speeches they had made.

Restrictions on political activity

Political parties which openly espouse politicised Islam like the RP, the Kurdish issue or radical left-wing views face censure for being unconstitutional and a number of such parties have been banned. In the last 15 years or so there have been a number of attempts to set up legal Kurdish parties which would run for election in parliament. The People's Labour Party (HEP) was formed in 1990 by seven members of parliament expelled from the Social Democratic Populist Party (SHP) for attending a conference in Paris in November 1989 on the Kurdish situation. These seven, along with three other SHP deputies established HEP on 7 June 1990. However SHP reabsorbed HEP just prior to the October 1991 election in a deal which allowed the Kurdish members to stand under the SHP umbrella¹⁶ and which bolstered SHP showing in Kurdish areas. The tensions inherent in the deal surfaced almost immediately when several of the new deputies took the parliamentary oath, which declares allegiance to Turkey as an indivisible state, in

¹⁵ For example, the RP was noted for its use of computer bases to target its voters.

¹⁶ Turkey has an electoral barrier which necessitates a party gaining at least 10% of the national vote to qualify for seats in parliament.

Kurdish rather than Turkish. A number of them eventually left SHP to re-establish HEP in 1992. HEP was subsequently closed by the Supreme Court for 'functioning with the intention of destroying the indivisible integrity of the state and nation' on 14 July 1993. To circumvent this ban, a new party the Freedom and Democracy Party (ÖZDEP) was founded in November 1992. This was also closed on 30 April 1993 and formerly banned on 23 November for 'making separatist propaganda'. Before ÖZDEP was banned, another party the Democracy Party (DEP) was formed on 7 May 1993 by 18 Kurdish deputies. DEP was similarly banned by the Constitutional Court on 16 June 1994, and this allowed 13 deputies whose parliamentary immunity had been lifted, to be charged with treason. Six fled to Belgium and the rest were sentenced to up to 15 years' imprisonment on 8 December 1994. Four of them remained detained. Another DEP deputy, Mehemt Sincar, was shot dead on 6 September 1994 in circumstances implicating the security forces. HEP was succeeded by the People's Democratic Party (HADEP), which was founded on 11 May 1994 and experienced much the same hostility from the state as its predecessors.

The state has constantly accused these parties of links with the PKK. Such charges are hard to assess, especially as little hard evidence is produced. However, even parties like that of former Minister of Public Works, Serafettin Elçi, a Kurd by origin, to set up a pro-Kurdish party clearly without any links to the PKK have been thwarted, and his Democratic Mass Party (DKP) prosecuted in June 1997 under Article 81 of the Political Parties Law concerning 'preventing the creation of minorities'.

HEP was succeeded by the current main Kurdish party, the People's Democratic Party (HADEP), founded on 11 May 1994 which while still legal has been subjected to a variety of pressures including the prosecution of its leaders on a number of charges and the closure of some of its branches in the southeast. Left-wing parties which espouse any form of communism even if non-violently have been banned. All these bans appear to be flagrant breaches of the European Convention to which Turkey is a party. The RP has stated that it will appeal to the European Commission and Court against its closure. In January 1998 the European Court unanimously found a violation of the Convention regarding the dissolution of the United Communist Party of Turkey (TBKP) by the Turkish Constitutional Court in July 1991 for calling for a peaceful solution to the Kurdish question.¹⁷ Again in May 1998 the Court ruled unanimously that Turkey had violated Article 11 of the Convention by closing the Socialist Party in 1988 for once more calling for a non-violent solution to the Kurdish question.¹⁸

Civil Society

Civil society is a key feature of modern pluralist democracies. It relates to sectors of society outside of control of the state. While it is usually used in the singular, in modern states it is not

¹⁷ European Court of Human Rights, TBKP v Turkey, judgement, Strasbourg 30 January 1998.

¹⁸ European Court of Human Rights, Case no 20/1977/804/1007, judgment, Strasbourg 25 May 1988.

and should not be monolithic — on the contrary it is a milieu whereby different groups with varying opinions can both express their views as well as exerting influence on the ideology and practice of the state. In this, civil society is a key counterbalance to the state centre in the liberal political system. As noted, the modern state appears to be evolving into one where diversity expressed through non-violent methods is seen more as a positive factor and less as a negative one.

The Turkish state has, as noted above, attempted to retain key features of the early Kemalist period, notably a centralised unitary ideology concerning nation and state, and a distrust of all forms of activity, whether they be for example primarily ethnic or religious — which it perceives a threat to this. The military especially is inimitable to all forms of expression other than the official Kemalist line. As such the Turkish polity is inimitable to civil society *per se*. There remains in Turkey a strong deference to the all-powerful state — *Devlet Baba* — which is the source of so much patronage and power. To some extent this is a continuation of the Ottoman period whereby the state (personified in the Sultan) was all powerful without competition from a hereditary nobility as in the western Europe.¹⁹ Additionally there were no major economic forces outside of the state to rival its power. In the field of the press and media, it is noticeable that the press centre was set up in areas adjacent to, and under the control of, the central authorities, rather than in for example London or Paris adjacent to the independent money centres of the city of London or the Bourse.

However, Turkish society is not, despite the wishes of the military and others, a homogenised block. It is divided along lines of religious belief (including those without religious belief at all), class, ethnicity, city and country etc. As noted, the RP can be seen as the political manifestation of Sunni Islamic conservative Anatolian society competing with other interest groups for power. Such a struggle, when it is conducted in a formalised and non-violent manner is in many ways the essence of pluralist democracy: similarly, expressions of minority identity and culture. The continuing pressure by the central state on all form of such differences are eloquent illustrations of the essential hostility to pluralism within Turkey.

Despite this hostility, civil society is beginning to grow in Turkey, especially in the main cities like Istanbul. Manifestations of this growth are the actions of non-governmental organisations (NGOs) like those detailed in section 9.3. An other manifestation is the civil disobedience campaign undertaken by writers and intellectuals to support freedom of expression in Turkey. This began in earnest in reaction to the trial which began on 23 January 1995 of Yaşar Kemal — perhaps Turkey's most famous writer — by the Istanbul State Security Court (DGM) for an article published in *Der Spiegel* magazine in Germany. Within a short time a petition on his behalf signed by 1,080 Turkish intellectuals had been collected, and the signatories co-published a volume entitled *Düşünceye Özgürlük* ("Freedom of Expression") and voluntarily presented themselves to the DGM prosecutor to similar charges as Kemal. Such actions have been repeated

¹⁹ At times when the centre in the form of the Sultan was weak, local magnates could and did create regional power bases. However, from the time of Mahmud II in the 19th century the centre retained its control.

at regular intervals in an attempt to highlight the current legal restriction on non-violent freedom of expression. On 15 March 1998 a two-day march in selected places between Istanbul and Ankara by NGOs and actors in support of freedom of expression in Turkey began. In February and early March 1997, a mass popular movement called "a minute of darkness" spread across the country as citizens turned off their household lights in protest at the allegations of complicity and corruption in high places revealed by the Susurluk affair (see below). Lawyer Esber Yağmurdereli organised a campaign to collect one million signatures to highlight the Kurdish conflict and handed the petition to the Speaker of parliament in mid-1997.²⁰

The 1982 Constitution and the legal framework

As noted, the Constitution was introduced by the military after the 1980 coup. It contained many articles which severely restricted democratic political activity. In July 1995, 16 amendments were ratified by the national assembly which removed both the references in the preamble praising the military intervention of 12 September 1980 as well as many of these undemocratic articles. For example, henceforth trade unions, cooperatives, associations, foundations and vocational institutions were allowed to participate directly in the political process, and university teachers and students were now able to join political parties.

However, these changes only effectively related to previous restrictions on political activity by specific groups, and some basic principles which clearly infringe the right to non-violent freedom of expression remain, as well as others which have been used as the basis for repressing free expression. The Constitution includes unalterable basic principles enumerated in Articles 2 and 3 which state that Turkey is a "secular state" and that its "territory and nation, is an indivisible entity. Its language is Turkish". These principles have been used to close down political parties for being "unconstitutional" for either allegedly being anti-secular or for espousing a Kurdish national consciousness, regardless of whether violence was used or advocated. Furthermore, Article 13 allows for the restriction by law of fundamental rights and freedoms in order to "safeguard the indivisible integrity of the State with its territory and nation...", while Article 14 states that none of the constitutional rights and freedoms may be "exercised with the aim of violating the indivisible integrity of the State with its territory and nation". This article forbids any action aimed at "establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas". Article 24 dealing with "Freedom of Religion and Conscience" forbids the exploitation of religion "in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, societal, economic, political, and legal order of the State".

Article 26, dealing with "Freedom of Expression and Dissemination of Thought", states, *inter alia*, "[n]o language prohibited by law shall be used in the expression and dissemination of

²⁰ *Human Rights Watch 1998 Annual Report*, p 283

thought" and calls for seizure of all offending materials. The application of this provision in conjunction with Law 2932 of 1983 which declared the mother tongue of Turkish citizens to be Turkish resulted in the use of the Kurdish language being penalised for over a decade. Article 27 of the Constitution dealing with "Freedom of Science and Arts" forbade scientific or artistic dissemination which could be used to change Articles 1,2 and 3 of the Constitution.²¹

Article 28 deals with "Provisions relating to the Press and Publication". It begins by stating that "[t]he press is free, and shall not be censored". However, it then goes on to enumerate a number of limitations including forbidding publication "in any language prohibited by law"; or "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". It also allows the seizure and temporary suspension by court order of publications which endanger or contravene this same "indivisible integrity".

Article 120 also allows the 'Declaration of a State of Emergency on Account of Widespread Acts of Violence and Serious Deterioration of Public Order'. Currently such provision covers six provinces in the southeast (see sect, and Article 148 exempts from control by the Constitutional Court all decrees issued during a state of emergency. In addition, provisional Article 15 stipulates that "[n]o allegation of unconstitutionality shall be made in respect of decisions or measures taken under laws or decrees having force enacted" in the period from 12 September 1980 when the military took power to the first post-coup general elections in 1983. This measure covers 426 laws which are thus deemed to be outside of the constitutional control. A proposal to amend this article in the Constitutional amendment package of July 1995 was rejected by the national assembly.

Although Article 125 allows recourse to judicial review against all actions of the state administration, the same article exempts "acts of the President of the Republic in his own competence, and the decision of the Supreme Military Council" from judicial review. In 1997, The Supreme Military Council (YAS) summarily dismissed 306 officers and non-commissioned officers from the military apparently for their religious (Islamic) views although reportedly they were not informed of the actual charges.

Article 174, dealing with the "Preservation of Reform Laws" states, that no provision of the constitution can be interpreted as rendering unconstitutional a number of laws dating from the early republican period "which aim to raise Turkish society above the level of contemporary civilisation and to safeguard the secular character of the Republic". These include Act No 671 of 25 November 1925 "on the Wearing of Hats", and Act No 2596 of 3 December 1934 on "the Prohibition of the Wearing of Certain Garments". These two laws prohibit the wearing by men of certain head gear like the fez and the turban aiming to replace them by a 'western-style' hat, as well as banning the veil for women. Also included is Act No 677 of 30 November 1925 which closed all the Sufi *tarikats*. These laws, introduced by Atatürk to modernise Turkey, clearly infringe on the individual's rights concerning the freedom of religious activity.

²¹ Article 1 states: "Turkey is a Republic."

Penal sanctions

As well as the constitutional limits, there are a large number of legal measures which severely curtail freedom of expression and political activity in Turkey. Currently, the main legal instruments used in freedom of expression cases are: Article 158 and 159 of the Turkish Penal Code (TCK) which penalise any "insult" to the President or "the Turkish nation, the Republic, the Grand National Assembly, or the moral responsibility of the Government or the military or security forces of the State or the moral responsibility of the judicial authorities"; the Law to Protect Atatürk of 1951 which carries sentences of between one and three years' imprisonment for anyone "who reviles or openly insults the memory of Atatürk", and up to five years for destroying or defacing any of the huge number of his statues, busts or monuments; Article 312 of the TCK which carries sentences of six months to two years for anybody who "openly praises or incites others to disobey the law", and sentences of between one and three years' for anybody who "incites hatred based on, class, race religion, or religious sect, or incites hatred between different regions" (this article has been widely used against left-wingers, Islamists and those raising the Kurdish issue); and above all the Law to Fight Terrorism of 1991.

This law, introduced in 1991, has been used against thousands of people usually accused of aiding or being members of the PKK or extreme left wing groups. In the first 10 months of 1996 alone, 1,024 people were in custody and a further 1,943 people charged but not in custody relating to offences under this law.²² It has been and continues to be widely used to suppress freedom of expression in Turkey. It defines terrorism so broadly and vaguely that almost anyone can be convicted of an offense under it. Article 6 includes writing and reporting ideas as methods of "pressure" proscribed under article 1 if the government deems them to threaten the state on a number of bases, including by damaging the "indivisible unity of the State" and endangering "the existence of the Turkish State and Republic". Article 8, amended in October 1995, still prohibits written and oral propaganda, assemblies, meetings and demonstrations "aimed at damaging the indivisible unity of the State... regardless of method, intention, and ideas behind them" and in which there is an element of incitement to violence.

The Press Law of 1950 empowers a public prosecutor, without securing a court order prior to actions, to stop distribution of a newspaper or magazine. The 1983 addition to the Press Law requires that there be "responsible editors" in each publication who bear legal responsibility including possible imprisonment, for the publication's contents. Law no 3984 regulating radio and television broadcasting allows the government body responsible for broadcasting, RTÜK set up in 1994, to fine and close for up to 30 days radio and television stations without court order.

Under Decree with the Force of Law No. 430, the Minister of the Interior has the power to ban any publication from circulation in emergency regions (currently six provinces in the south-east) or to order the closure of its printing press for up to 30 days (irrespective of its location),

²² US Department of State, 'Turkey', Country Reports on Human Rights Practices for 1996, Bureau of Democracy, Human Rights and Labor, February 1997, p. 1161.

provided a warning is first issued to the owner or publisher of the publication.

All the above laws fall well below the internationally accepted standards and have been and continue to be used to widely curtail freedom of expression and political discussion in Turkey.

Proposed changes

At the time of writing there were a number of proposed changes to the existing penal sanctions. However, as has happened repeatedly in the past, the promised improvements either did not happen, or were themselves open to criticism. The changes included a draft penal code which, despite reported objections from the Minister for Human Rights, Hikmet Sami Türk, is expected due to pressure from the military, to reintroduce the essence of the previously discredited Article 163 of the TCK which was abolished in April 1991. This carried stiff prison sentences for those who aim to adapt, even partially, the basis of the state along religious lines. The draft bill reportedly envisaged the abolition of the Law to Fight Terrorism but the Justice Minister Oltan Sungurlu reportedly stated that the scope of this law would be covered by other paragraphs penalising propaganda which threatened the social order.²³

However, it was foreseen that comprehensive changes to the Turkish Penal Code would take some time, and thus to deal with immediate high profile cases there was also a draft bill endorsed by the Parliamentary Justice Commission on 26 March 1998 which called for three amendments to the Penal Code and one to the Law to Fight Terrorism. This bill proposed amending Article 17 of the TCK so that conditional release would only be subject to revoke if the person is subsequently prosecuted and sentenced to over one year in prison for another subsequent offense. This measure was apparently introduced so that the blind lawyer Eşber Yağmurdereli would not have to serve 17 years in prison for a speech he made on 8 September 1991 at a meeting in Istanbul organised by the Turkish Human Rights Association in which he criticised the State's treatment of the Kurds in the southeast. Yağmurdereli, one of a group of Turkish intellectuals who deliberately confront the state over freedom of expression (see above), was sentenced to 20 months's imprisonment — subsequently reduced to 10 months' — for this speech under Article 8 of the Law to Fight Terrorism which, under existing law, breached the terms of his conditional release from a life sentence given in 1985 in trial condemned by international human rights organisations as being clearly in breach of international standards for a fair trial. He had already served 13 years and five months of that sentence. The other amendments refer to reducing the sentence for defaming the organs of state under Article 159 to six months to three years; the removal of the fine for those convicted under Article 312 as well as a change in wording which would allow the courts greater leeway; and a reduction in the prison sentences and fines proscribed in Article 8 of the Law to Fight Terrorism. However, in June 1998 the draft bill was dropped from the parliamentary agenda, and Yağmurdereli, who emphasised that he wanted fundamental freedom of expression for all Turkish citizens rather than a specific amnesty for himself, was imprisoned on 1 June 1998 and currently faces many years in detention.

²³ Reuters, 28 Jan. 1998, quoting *Yeni Yüzyıl*.

The State Security Courts (DGMs)

Most trials concerning freedom of expression in Turkey are heard by the State Security Courts (DGMs). These are constituted as per Article 143 of the Constitution "to deal with offenses against the indivisible integrity of the State and its territory and nation, offenses against the Republic which are contrary to the democratic order enunciated in the Constitution, and offenses which undermine the internal or external security of the State." Thus the DGMs have jurisdiction over Articles 125-172 and 312 of the Turkish Penal Code, and Articles 6 to 8 of the Law to Fight Terrorism, and thousands of cases have been brought before them. There are currently eight DGM precincts; Ankara; Istanbul; Izmir; Konya; Kayseri; Erzincan; Diyarbakır and Malatya, and 17 tribunals, five of which are in Istanbul. The DGMs comprise three members, one of whom is a military judge. Article 7(a) annexed to the Law on Military Judges makes eligibility for promotion, seniority in grade and salary increments of military judges serving in DGMs dependent on "the first hierarchical competent superior". The presence of a military judge answerable to his military superiors in the judging of civilians has given rise to doubts of judicial independence, and the DGMs have been condemned by the European Court as not impartial.²⁴

Extrajudicial measures: torture and killings by 'unknown' assailants and 'disappearances

Along with the above detailed battery of formal legal measures, those who raise taboo topics have also been subjected to a variety of extra-legal measures. These include arbitrary arrest, threats, physical violence and even murder.

Torture and other cruel inhuman and degrading treatment remains endemic in Turkey despite governmental promises to end the abuse, and is routinely used against those arrested for political reasons. Those responsible are often not brought to justice, and if they are they receive lenient sentences. In December 1996, the Council of Europe's Committee for the Prevention of Torture (CPT) issued a "Public Statement on Turkey". This condemned the "flagrant examples of torture encountered by CPT delegates". These included electric shocks, squeezing of the testicles, suspension by the limbs, the use of blindfolds and tripping prisoners naked. Such methods were often used during interrogation especially in connection with those held under the Law to Fight Terrorism. During a public debate in the Turkish parliament on 28 February 1996, a former Justice Minister, Firuz Çilingiroğlu, admitted that torture was a widespread practice especially during periods of custody when detainees did not enjoy the necessary legal protection. However, those responsible for torture were increasingly being brought to trial and he quoted a figure of 252 prosecutions for such offenses in 1993 and 224 for 1994. The High Council for Human Rights recommended various reforms to end such practices notably a reduction to a four-day maximum period of custody (from 15 days under the Law to Fight terrorism and 30 days in the State of Emergency Region) and giving detainees the possibility to consult a lawyer.²⁵ In March

²⁴ European Court of Human Rights, *Incal v Turkey*, Case No 41/1997/825/1031, Strasbourg, 9 June 1998

²⁵ Commission of the European Communities, Report on developments in relations with Turkey since the entry into force of the customs union, COM(96) 491 final, Brussels, 30 October 1996, p 7.

1997 the Refahiyol coalition government reduced the maximum period of detention for security detainees to seven days, or 10 days in the State of Emergency Region. However, torture continues, with reports alleging torture of detainees occurring virtually on a daily basis, leading at times to deaths of the victims.

The murder of people for their views began in earnest in 1990 with some 20 killings. For example on 6 October 1990 Bahriye Üçok, a retired professor of religion, was killed by a parcel bomb. Her death was claimed by an extremist Islamic group who acted because of her 'opinion on the veil'. Other notable leading secularists killed included Cumhuriyet journalist Uğur Mumcu, murdered in January 1993, and journalist-writers Onat Kutlar and Yasemin Cebenoyan who died after a bomb attack of 30 December 1994. This last outrage was reportedly perpetrated by the Great Islamic Raiders-Front (İBDA-C), an organisation which has claimed responsibility for a number of similar outrages in recent years and is described by the police as an underground organisation intent on creating a Sunni state. In September 1997 Vasat, an İBDA-C splinter group killed one person and injured 24 others in a grenade attack on a book fair in Gaziantep.

While such killings of prominent secularists in centres like Ankara and Istanbul continued, 1991 saw political killings of left-wing Kurds by radical Islamic organisations, especially the shadowy Hizbullah group (which has no connections with the Lebanese organisation with a similar name), become systematic in the southeast of the country, reaching a peak in 1993/4. There were 20 such killings in 1991, 362 in 1992, 467 in 1993, 423 in 1994, 166 in 1995 and 78 in 1996 and 36 in 1997. Some of the victims appear to have been killed as a result of internecine feuding in Hizbullah. Those murdered included journalists and news vendors selling pro-Kurdish left-wing papers like Özgür Gündem.²⁶ As well as radical Islamic movements, extreme-rightist groups and the PKK were responsible for some of these murders. There have also been a number of allegations of official complicity in these killings, allegations which have been confirmed in the wake of the Susurluk affair (see below).

Despite the fact that the majority of these murders and associated 'disappearances' were taking place over a period of some years in an area under emergency legislation akin to martial law, large numbers of them remained unsolved and were officially ascribed to 'unknown assailants'. Despite the state's denial of knowledge of these crimes, both internal and external human rights organisations have since the murders began in earnest pointed to clear manifestations of official complicity on these murders and other attacks. It is noticeable that Hizbullah which was set up in 1987 in Batman and is committed to establishing a Sunni Islamic state, only appeared as a prominent actor in the southeast after a purge of pro-Islamic police officers from Ankara in July 1991 and their transfer to the region. It appears that Hizbullah's policy of assassination of perceived enemies appears to have been initially tolerated by the authorities, as the victims were seen as working against the unity of the Turkish state and thus as enemies. Indeed, the authorities

²⁶ See ARTICLE 19, Turkey: Censorship by the Bullet, September 1992, and ARTICLE 19, The Kurdish Human Rights Project, the British Bar Human Rights Committee and Medico International, Censorship and the Rule of law in Turkey: Violations of press freedom and attacks on Özgür Gündem.

refused to even use the name Hizbullah until 1994, and it was not until mid-1994 that Hizbullah members began to be arrested and charged with murder.²⁷ A parliamentary Commission of Investigation of Killings Whose Murderers Are Unknown was set up in February 1993 and completed its findings in a report of April 1995. The report implicated members of the security forces and village guards in some of the killings. This 1991 purge did not apparently affect the reputed ultra-nationalist domination of the country's political police which became more evident with the Susurluk affair, which also made clear the involvement of the state in many of the murders.

On 3 November 1996 a car-crash occurred in Susurluk in western Turkey. Three passengers were killed and one injured. The dead were Abdullah Çatlı - a leading ultra-rightist militant wanted by Interpol and Turkish police for a number of crimes including political murders and narcotics smuggling -, his girl-friend, and ex-police chief Hüseyin Kocadağ. The injured man who was also the car owner was Sedat Bucak - Anap parliamentarian and Zaza Kurdish tribal leader who controls some 20,000 tribal members who fight in the village guard system against the PKK. In the car were also a number of firearms, 12 separate identity papers including an official Turkish passport (for use of state officials only) made out for Çatlı, as well as a large amount of cash.

The accident showed a clear connection between an internationally wanted terrorist, the police and a powerful political figure, and opened up the whole question of state responsibility for many of the unsolved murders and other crimes. The ramifications from the incident were taken up by many sections of the media who began to uncover collaboration between the security forces and organised crime. A parliamentary committee was set up to investigate the incident but was unable to access much of the information with the military and the National Intelligence Organisation (MİT) reportedly refusing to give crucial information. The government set up an investigation under Kutlu Savaş and in January 1998 Prime Minister Yılmaz began to reveal the findings of the report. Although not all the report was published - apparently sections relating to direct involvement of the military remain secret - the findings were damaging enough. The report confirmed what many alleged: namely that "an execution squad was set up within the state" and that members of MİT, the police and JITEM - the military's intelligence unit operating under control of the Military police in rural area (the Jandarma) - were all involved.

The report confirmed the state involvement in the bombings of the offices of pro-Kurdish newspaper Özgür Gündem, as well as the assassination of its owner Behcet Cantürk.²⁸ The

²⁷ The clamp down on Hizbullah gathered pace with the clamp down on "fundamentalism" following the outlawing of the RP in January 1998. It seems that Hizbullah's use in the fight against Kurdish activists was no longer needed. A detailed report on Hizbullah by the head of anti-terrorism branch of the Şanlı Urfa security forces was distributed to all governors and police chiefs in March 1998, and on 3 April it was announced that 79 Hizbullah members including leading activists in the organisation had been caught in Diyarbakır, and that some 1,000 others were now being hunted.

²⁸ The report stated "Although it was obvious who Cantürk was and what he did [the report alleged he was involved in drug smuggling as well as financing the newspaper], the state was unable to cope with him. Because legal routes were inadequate 'the newspaper Özgür Gündem was blown into the air with plastic explosives and when Cantürk moved to set up a new establishment...it was decided by Turkish Security Organisation to kill him and the decision was carried

report also confirmed that the state had been responsible for the murder of Kurdish writer and founder member of the Kurdish political party HEP Musa Anter in a gun attack in Diyarbakır on 20 September 1992. The report shows no remorse on the part of the state. On the contrary, the murder of Cantürk is justified by due to him being a drug-dealer and close association with ASALA (the Secret Army for the Liberation of Armenia) as well as a Kurdish activist, while it states that "Musa Anter was not involved in an armed action, that he was more concerned with the philosophy of the matter [the Kurdish issue], and that the effect created by his murder exceeded his own true influence and that the decision to murder him was mistaken."

The report confirms that "[t]here are also other journalists who were murdered." JITEM was given a carte blanche for murder: "we [JITEM] had the authority to execute almost everyone in Diyarbakır and its environs whom we suspected of being connected with the PKK..Instead of handing them over for justice we adopted a method of 'murder by unknown assailant'. This was what was wanted of us. We received instructions to this effect."

However, many questions as to the exact nature of complicity by leading members of the state as well as the military remain unanswered. The report concentrates on the period 1993-5 when Tansu Çiller, a bitter opponent of current Prime Minister Yılmaz, was Prime Minister. She appointed Mehmet Ağar as police chief and later Minister of the Interior with a brief to direct a special police team to smash the PKK's financial links with Turkey's major drug dealers. Within two years most were dead. However, many of the killings took place when Turgut Özal was Prime Minister and Yılmaz initially foreign minister and then later Prime Minister. The continual reporting of the ramifications of this affair began to upset the top echelons of the military, apparently because they themselves were in danger of being implicated. After a mass 'briefing' of selected press by the military, most media dropped Susurluk entirely (after six months solid reporting) and instead switched to attacking the RP.

Conclusion

Turkey is a democracy functioning within severely imposed limits. Despite proposed changes, and government promises, freedom of expression in Turkey, the basic pre-condition for democracy, remains severely curtailed. People continue to be prosecuted and imprisoned for the non-violent exercise of their right to freedom of expression. Many of the problems stem directly from the nature of the state, its self-perceived secularism and its relationship with its Kurdish minority. Hiding behind such special pleadings as 'Kurdish terrorism and irredentism', 'Islamic fundamentalism' and the like, the authorities continue to severely hinder democratic development, and continue to fail to draw and adequate distinction between armed groups in opposition to the state - primarily the Kurdistan Workers Party (PKK) and extreme left-wing organisations - and those peacefully advocating full implementation and protection of the rights of racial and ethnic minorities, in conformity with international obligations voluntarily assumed by the state.

out."

The military, which sees itself as the self-appointed guardians of Kemalist secularist norms, continues to interfere in the political process through its dominant position on the highly influential National Security Council. Such overt military interference in the political process is at odds with the essence of a modern pluralist democracy is essential that the military be brought under control of the elected representatives of the people rather than the reverse.

Turkey is a party to the European Convention on Human Rights and is therefore bound by its provisions, including the substantive articles establishing the rights to freedom of expression, freedom from racial or ethnic discrimination, and the right to a fair trial; as of 1991 Turkey became subject to the compulsory jurisdiction of the European Court. As detailed above, many of Turkey's laws and practices are in direct contravention of the Convention, and as of 30 January 1998, 16 of the 116 pending cases at the Court concerned Turkey. Unless Turkey changes its laws and practice, the number of such cases will certainly rise and Turkey will continue to be found wanting by the Court.

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