

FACTS ABOUT TURKEY



- martial law and violation of the constitution
- illegal trials before the military courts
- tortures applied to political prisoners

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TURKEY UNDER MARTIAL LAW



The situation in Turkey has continued to be more and more alarming since the generals' ultimatum was imposed on March 12, 1971 and the military regime has come into power. In spite of a so-called Parliament's existence, all the political and administrative power is in the hands of high-ranking generals. The National Security Council, an advisory body, became the real ruler of the country (the military members of this Council can overthrow any parliamentary government and force the Parliament to legislate any law). The March 12, 1971 has been a veiled military coup d'Etat.

According to the generals, the reason of that coup d'Etat was the "danger to state" and "anarchy". Under the pretext of establishing "law and order", the military-backed government declared the Martial Law on April 26, 1971. And since that time, facts are as follows :

1. All the democratic mass organizations as the Turkish Labour Party (TIP), the Teachers' Union of Turkey (TOS), the Progressive Youth Federation of Turkey (DEV-GENC), the Cultural Organization of Eastern Anatolia (DDKO), the Socialist Youth Organization (SGO), the Federation of Social Democrat Associations (SDDF) have been banned by the military authorities.
2. Thousands of people including intellectuals, writers, journalists, publishers, university professors, teachers, lawyers, workers, peasants, students and trade-union leaders have been detained and arrested by the Martial Law authorities.
3. All socialist and progressive periodicals as Ant, Aydinlik, Devrim, Emek, Halkin Dostlari, Isçi Köylü, Kurtulus were prohibited, tens of thousands books were confiscated, all daily newspapers were compelled to change their policy and turned into media of propaganda for the military rule. The autonomy of the TRT (Turkish Radio-Television Broadcasting Corporation) was completely abolished. An army general was appointed as the general director.
4. All strikes, Trade-Union meetings, collective bargainings were forbidden without any court decision and many trade-union leaders and workers have been arrested. The military rule aims at stabilizing the wages and liquidating all progressive trade-unions, especially the Progressive Trade-Unions Confederation (DISK). All state-employees lost their right to form trade-unions.
5. In order to abolish all the fundamental rights and freedoms, the military junta forced the Parliament to change the 1961 Constitution completely and succeeded it on September 22, 1971.
6. While the military junta was changing the 1961 Constitution by force, thousands of people have been accused of "trying to change 1961 Constitution by force" and brought in front of the military court-martials. Ten extraordinary military courts attached to the six martial law commanders are acting without any consideration of the Constitution, the international human rights treaties and the basic principles of law.

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7. 23 young persons have been condemned to death by the military tribunals. In spite of a great protest reaction and many appeals from the democratic governments and international organizations, the military rule executed the death sentences of three young revolutionaries, Deniz Gezmiş, Yusuf Aslan and Hüseyin İnan, on May 6, 1972.
8. A country-wide "man-hunt" has been held since the beginning of the Martial Law and more than 30 persons have been murdered by the police forces and military units.
9. The military rule tortures the political prisoners as a matter of policy. The military prosecutors bring the "confessions" obtained by torture as the main evidence and the military judges decide that it is legal to torture the political prisoners in order to obtain the "truth".

At the beginning, the military-backed government had stated that the number of the all enemies of state were not more than 200. But in spite of the arrestation of tens of thousands, the military rule has not been satisfied with the result, prolonged the Martial Law six times, increased the "man-hunt" and tortures and forced the Parliament to legislate new anti-democratic bills. Even, since the Erim's Government could not apply the "sledge-hammer operation" as brutal as they want, the militaries forced first Prime Minister Erim to resign and appointed a well-known McCarthyist, Ferit Melen, as premier. He is the vice-president of the extreme rightist National Security Party (MGP).

After having taken confidence vote, one of the first decisions of Melen was to charge one of his state ministries with "fighting against communism".

During the following period :

1. The man-hunt was whipped, hundreds of people were detained without any court warrant. According to the Constitution, the Martial Law authorities have no right to keep any person in prison more than a week without any court decision. But the detainees have been kept for weeks and months.
2. The previous decisions of the military courts were considered as unsatisfactory and the military judges were forced to change them. For example, the leaders of the Turkish Labour Party (TİP) and the defendants of the Turkish Communist Party (TKP) had been released by the military courts eight months ago. After Melen's Government was formed, the military courts were forced to arrest them again. Meanwhile, the First Court-Martial of Istanbul, which had refused to apply death sentence in spite of the military prosecutor's demand, was immediately dissolved.
3. The death sentences about three other defendants, Necmi Demir, Kamil Dede and Ziya Yılmaz, had been annulled by the Fourth Section of the Military Court of Cassation. But, the General Assembly of the Military Court of Cassation approved the death sentences of Ziya Yılmaz on July 7, 1971.
4. Until the first anniversary of the coup d'Etat, the tortures had been applied by the policemen under the command of the military authorities. But after Melen's government was formed, the officers of the National Intelligence Agency (MIT) undertook to apply torture to the political prisoners and hundreds of them have been tortured at the unknown torture-centers of the MIT.

5. The military authorities led the anti-cultural campaign to its climax and the 3rd Court-Martial decided to confiscate 138 books published previously. According to the Turkish Press Code in force, it is illegal to confiscate any book six months later than being published (Among the confiscated books, there are also works written 350 years ago and the ones published 3 or 4 years ago).

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In November 1971, the International Association of Democratic Lawyers, deeply concerned by information on systematic violations of Law and Human Rights in that country, sent Mrs Madeleine Lafue-Veron, advocate at the Court of Paris, as an observer to Turkey. Mrs Lafue-Veron attended trials, visited prisoners and met different personalities in Istanbul and Ankara. In the report on her facts finding mission, the French jurist gave important data which confirmed and completed the reports already received in Western Europe. Her conclusions about the characteristic aspects of most of the trials before the military courts in Turkey were :

1. Torture was used to obtain "confessions" ;
2. Legal assistance was no more secured for political prisoners and counsels and advocates were prosecuted ;
3. Sentences were very heavy and out of proportion with the charges.

Since November 1971, escalation has continued in repression and arbitrary. From different sources and especially from the Democratic Resistance of Turkey, official statements, etc., we have collected reports and documents on recent events in Turkey.

The following three reports include the facts on :

1. The alterations of the 1961 Constitution and the abolishment of the fundamental human rights and freedoms.
2. The illegal trials at the Court-martials.
3. The ill-treatments and tortures applied by the Military rule.

THE VIOLATION OF THE CONSTITUTION

The most factual document on how human rights and freedoms have been abrogated in Turkey after the March 12th, 1971 coup d'Etat, is the series of amendments to the 1961 democratic Constitution carried out through the use of force and pressure.

As a matter of fact, not one single word was uttered even suggesting the possibility of such alterations in the program of the first Erim Government, formed just after the March 12 putsch.

On the contrary, in the speech made following approval of this government by parliament, Mr. Erim stated: "...We came here to put the constitution into practice. For example, to protect the functions of the Constitutional Court, the Council of State, the Court of Cassation, the autonomy of the courts, the autonomy of the state radio and television, the autonomy of the universities... I became the head of this government because I personally believe in the importance of such institutions. Therefore, I cannot just come forward and as for these constitutional rights to be changed". (Daily Cumhuriyet, April 10, 1971).

Only a few weeks later, the same Mr Erim proclaimed martial law and on launching his famous "Sledge-hammer Operation", he described the 1961 Constitution in a speech delivered on May 1, 1971 as a "luxury for Turkey". On June 5, 1971, Mr Erim put forward draft amendments on 40 different articles of the democratic constitution. The amendments of the constitution were voted by parliament in short order and came into force on September 22, 1971. The amendments received the approval of 357 members of Parliament, being rejected by only two independent members. (x)

(x) The attitude of the political parties and the parliamentarians can only be regarded with suspicion. Until March 12th, 1971, none of the political parties in Turkey other than the Justice Party, had ever spoken publicly of the need for such amendments. On the contrary, the political parties had systematically opposed the idea whenever the question was brought up for discussion or proposed by the Justice Party. After the draft amendments were made public by the Erim government, the other political parties, including the "center-left" wing of the Republican People's Party, did not express any opposition to them and gave in to all the desires of the military rulers of Turkey by voting in Parliament for the amendments with only a few slight, insignificant changes. Even Mr Ecevit, leader of the center-left-wing of the Republican People's Party, publicly stated on August 19, 1971 that "...We have prepared a text which will ensure the continuation of democracy in Turkey, keeping our sacrifices at a minimum level". In addition to the threat of abolishing parliament if these constitutional amendments were not accepted, personal interests of the parliamentarians seemed to have played a major role in determining the attitude of the political parties. If the constitution was not modified, it would be impossible to increase the salaries of the parliamentarians by almost 100 %. Mr Nihat Erim who had strongly opposed the action of certain parliamentarians who, prior to March 12, 1971, proposed an increase in their salaries by amending the appropriate article of the 1961 Constitution, became one of the main supporters of the same proposal, and as Prime Minister he promised his parliamentarian colleagues an increase of salary of almost 100 % (a ten thousand-dollar annual salary), on the condition that the junta's demands be implemented. In Turkey, the national annual per capita income is only 321 dollars.

Is the Constitution guilty ?

The government of the junta stressed the following points in their attempt to explain the constitutional amendments :

"The 1961 Constitution has many loop-holes. In this constitution there is not one single decree or statement which would prevent exercising fundamental rights and freedoms against a free and democratic society. Therefore, such unlimited conditions of freedom create considerably large operational fields for the extremists as well as a constant state of anarchy".

On the contrary, the basic characteristics of the 1961 Constitution clearly reveal that the reasons put forward by the government for changing the constitution are baseless. As indicated in the preamble to the 1961 Constitution, the basic purpose of the Constitution is the "establishment of a constitutional state based on social and legal principles".

In accordance with Article 2 of the constitution, *"The Republic of Turkey is a national, democratic, secular, social and constitutional state which stands on human rights and the fundamental principles laid forth in its preamble"*. The following quotation is taken from the introductory paragraph to Article 2 and clearly demonstrates that the concept of a "social state" is a necessary and undeniable element of the Constitution :

"A social state is not a type of state structure which provides or achieves only the classic freedoms for individuals, but is one which at the same time accepts, as an obligation, to provide and/or create those conditions whereby individuals may obtain those means necessary to live as human beings. A modern constitution is based on the idea that a human being cannot be considered to be free and independent unless the state prepares, furnishes or creates the appropriate health, educational and especially housing facilities, as well as adequate living standards, and it must therefore guarantee certain social rights for all individuals. A contemporary state which accepts as a duty to provide prosperity for the masses of every social class in the society will protect those individuals who are economically weak, especially the workers and low-income wage-earners. Only in this way, can we be sure that the classic rights and freedoms will not ridicule or mock reality. A democracy which is not based on social rights and principles will be devoid of merit and will eventually disappear or be destroyed".

These words clearly indicate that the classic rights and freedoms are inseparable from the social and economic rights in the spirit of the 1961 Constitution and that they are an integral part of the constitution.

Ignoring or discarding the obligations of the state as put forth in Chapter III of the Constitution on social and economic rights of individuals and then, very suddenly claiming that the freedoms guaranteed by the Constitution are too far-reaching can only be considered either as disdain for the people of Turkey by placing social obligations under the will of the government or as a complete misinterpretation of the Constitution. The situation described as "anarchy" either by the Justice Party or the military junta was not created as a result of the exercise by the people of their classic rights and freedoms, but on the contrary, was the natural consequence of withholding their social rights from the people.

The Destruction of the Constitution

As Professor Tarik Zafer Tunaya has stated : *"The proposed draft goes far beyond a few limited amendments ; it aims at destroying the constitution as a whole"*. (Daily Cumhuriyet, June 19, 1971).

Article 11 which concerns "the spirit of fundamental rights" is the basis for some 40 articles amended by the joint action of the junta and parliament.

The following is the former text of the article :

"Fundamental rights and freedoms can only be limited by law and such limitations must be in accord with the spirit and text of the constitution. Even if the latter are introduced in the interest of public or common morality, public order, social justice or national security, the law cannot break or destroy the spirit of any fundamental right".

It is interesting to note that the junta begins its amendments with Article 11, since the amendments made within the framework of this article constitute the basis for all the other limitations of freedom and liberty and also for the bills to be introduced to secure such limitations. The view of the junta reveals itself even in the change of title of the article in question. According to the 1961 Constitution, the spirit of the fundamental rights has superiority even over questions of public or common morality, public order, social justice and national security. However, since the junta finds it more important or gives priority to restricting fundamental rights and freedoms, they have formulated the title of the article in question as follows : *"The spirit of fundamental rights and freedoms, their limitation and means of preventing their misuse."*

The new text of the article reads as follows :

"Basic rights and freedoms can be restricted by law, in accordance with the spirit and text of the constitution, for the purpose of protecting the territorial and national unity of the State or the Republic, national security, public order, public interests, the general welfare and morality as well as for the particular reasons indicated in other articles of the constitution."

"The law cannot break or destroy the spirit of basic rights and freedoms."

"None of the rights and freedoms laid forth in this constitution can be used or exercised for the purpose of nullifying human rights and freedoms or the territorial and national unity of the Turkish State or for destroying the Republic by misusing or exploiting the differences between linguistic groups, races, social classes, religions or creeds".

Thus, Article 11, which limits the authority of the State with respect to the basic rights and freedoms of individuals, has been systematically diverted, becoming nothing more than a means to restrict fundamental rights and freedoms. Most important of all, these amendments make it impossible to form political parties and organizations, to issue publications, or to undertake any political activity based on a "distinction between the social classes".

In the new text, the wording which actually enabled the power structure to limit basic rights and freedoms such as "the territorial and national unity of the State", "national security" and "public order" were inserted first whereas phrases such as "public interests" were pushed to the bottom of the text and "social justice" was completely eliminated from it.

Mistrust of the Courts of Law

In his defence of his government's amendment of Article 11, Prime Minister Erim cited in particular Article 18 of the German (Bonn) Constitution as an example to back-up his action. (Daily Cumhuriyet, May 28, 1971). However, Article 18 of the Bonn Constitution can only come into force on a decision of the Constitutional Court and no authority whatsoever is recognized as competent for a change in the executive and/or legislative powers. However, in Turkey, the political power structure mistrusts the courts of law.

This mistrust has led the military junta to change the constitutional status of the judicial organs. The legitimate authorities of the Council of State, the Constitutional Court and other courts of law have been considerably limited by the constitutional amendments.

The authority of the Council of State to revise decrees or executive orders has been restricted by the new wording of Article 114 of the constitution: *"Authority of control cannot be used or exercised for the purpose of limiting the accomplishment of the duties of the executive power"*.

Article 149 concerning the abrogation of laws by the Constitutional Court has been made restrictive. The military junta based its view on the fact that, even though the outlawed Turkish Labour Party had no parliamentary group, it could apply to the Constitutional Court for annulment of hundreds of anti-democratic laws passed by parliament within the last ten years. To stop such attempts, Article 149 was amended as follows:

"Only those political parties which have their own groups in parliament or the political parties which receive at least 10 % of the legal vote at a general election may apply to the Constitutional Court for annulment of laws."

By changing articles 140 and 141, the authority for the control of the legal aspects of appointments or promotions of military personnel was taken away from the Council of State and given to a special body coming under the Military Court of Cassation. Furthermore, the members of the Military Court of Cassation who are normally elected from among eligible and authorized military judicial personnel, are now to be appointed in accordance with a new system imposed and accepted as an amendment. Military judicial personnel will now be appointed to the Military Court of Cassation by military commanders on the basis of their rank and seniority. Thus, the military judicial system was put under complete control of the junta.

According to the amendments to Article 138, the legal attributions of the military tribunals have been increased and crimes committed by civilians against military personnel shall no longer be tried in civil court but in military courts.

Breach of the Rights of the Individual

The amendments to articles 15, 16, 22 and 29 authorize the legal administrative body concerned to disband all sorts of associations, to search houses, to confiscate newspapers and periodicals, to search individuals, their belongings and personal letters and to confiscate them without obtaining a court order since any delay in obtaining such a court order might constitute a danger for national security and public order.

Such amendments expressed mistrust of the judges. The authority of the executive power was therefore substantially increased.

In accordance with the 1961 Constitution, no Turkish citizen can be detained more than 24 hours without a proper court warrant for his detention. However, with the amendment of Article 30 by the junta, the period of detention has been extended to 48 hours for crimes committed by a single person and to 7 days for crimes committed jointly by more than one person.

Furthermore, in accordance with Article 32 of the Constitution, it was clearly stated that no person could be put on trial by an extraordinary or special tribunal without a decision from his normal presiding judge. However, concerning this article, the title was first amended to read "Legal Means of Judgement" and then a phrase was inserted in the article stating that "no obstruction exists within the law for establishing special courts". By inserting this wording in the article in question, the doors were left open to establish or appoint special courts after the termination of martial law. As a result, any Turkish citizen may be divested at any time of his constitutional right to be tried only by a civil court judge.

The amendment of Article 22, actually enables the executive power to limit the freedom of the press and information gathering for the "protection of the territorial and national unity of the state, public order, and the protection of secrecy necessary for national security". Therefore, in addition to court judges, the administrative body appointed by law is authorized to confiscate any publication or to censor any correspondence.

As amendment of Article 46 also limits the right of employees to establish labour unions. State employees and teachers are now deprived of this fundamental right. Furthermore, the right of workers to establish unions can be restricted for the purpose of "*protecting the territorial and national unity of the State, national security, public order and morality*".

After their unions were banned, state employees and teachers apparently retained the right to establish associations. In accordance with Article 119 of the Constitution, state employees can establish associations in order "to protect and improve their interests with respect to their professions". However, these associations do not have the right to collective bargaining or to strike, which are necessary to protect and to improve their economic and social status.

Moreover, according to the amendment introduced in Article 29, the right to establish associations has also been restricted. This amendment authorizes the interested administrative body appointed by law to close down an association without obtaining a court order, this in the interest of "*protecting the territorial and national unity of the state, national security, public order and morality*."

Abrogation of University and Radio Autonomy

Amendments to articles 120 and 121 of the Constitution have denied the universities and the Turkish Radio-Television Broadcasting Corporation (TRT) their former autonomy.

Academic and administrative autonomy was granted to the universities in 1946. However, the Menderes Government (DP) responded to growing university criticism of the government by restricting university autonomy in 1953. Several professors were suspended or not promoted because of their opposition to the government. At that time, Nihat Erim, then a university professor, resigned from his academic post so as to defend the principle of university autonomy and to protest against Prime Minister Menderes' decision.

19 years later, Professor Erim became prime Minister and still posed as one of most ardent defenders of university autonomy. In the speech he made just after his government received approval of the parliament, Mr Erim stated :

"...I interpret university autonomy in this way : A professor must be entirely free to reveal his thoughts and beliefs before his students. The government should have no authority to suspend or to dismiss him for his opposition to the government". (Daily Cumhuriyet, April 10, 1971)

It is interesting to see that two months after this speech, on introducing the series of draft amendments to the constitution, the same professor, Prime Minister Erim, completely changed his line and attacked university autonomy in the following terms :

"...There are some professors who instigate the youth by stating, '...human rights, basic freedoms are tricks of the bourgeoisie. They cannot be considered as genuine freedoms. Genuine freedoms can be obtained by applying Maoism and Marxism.' We cannot tolerate this kind of attitude". (Daily Cumhuriyet, June 13, 1971).

The amendment to Article 120, abrogates university autonomy as follows :

"Police forces are authorized to enter the university buildings and annexes for the purpose of pursuing a criminal, without obtaining authorization from the university administration".

"All administrative organs of the universities are placed under the strict control of the executive power".

"The Council of Ministers can seize administration of the universities and the faculties, institutes and foundations connected with the universities if freedom of education is endangered in or the administrative bodies of the universities are unable to meet this danger".

The amendment of Article 121 puts an end to the autonomy of the TRT turning this corporation into a governmental body. In actual fact, the heaviest blow to the autonomy of the TRT was the appointment of an army general as director general just prior to the rewriting of the constitution. In addition, through these amendments, the government is now authorized to control broadcasts of the TRT for the purpose of "protecting the territorial and national unity of the state and national security".

Extraordinary Prerogatives of the Martial Law Commanders

Through the amendments made in Article 124 of the Constitution, the number of circumstances under which martial law can be proclaimed was increased to include even suspicions or forebodings. The text of the article on the proclamation of martial law now reads as follows :

"In the case of circumstantial evidence that widespread terrorist activities aimed at endangering, internally or externally, the territorial or national unity of the State or overthrowing the free democratic order or fundamental freedoms and rights, martial law may be proclaimed..."

In addition, the government was authorized to proclaim martial law for two months, instead of one month as previously authorized.

In actual fact, this amendment simply legalizes the present violation of the 1961 Constitution. According to the former text of the Constitution, in order to proclaim martial law the government was obliged to prove the existence of a state of war, civil war or uprising. In spite of the fact that none exist, the Erim government proclaimed martial law in eleven provinces on April 26, 1971.

Later, the military compelled Parliament to enact a special law to authorize the appointment of martial law commanders. The new Act of Martial Law came into force 20 days after the proclamation of martial law, on May 15, 1971, and restricted fundamental rights and freedoms by authorizing the martial law commanders :

1. To search all dwellings, all buildings of political parties, associations, trade unions, clubs, all offices and workshops, all establishments (including autonomous ones), to search individuals and to confiscate their belongings and personal correspondences without obtaining a court order.
2. To censor all broadcasts or publications of the radio and television, photos, written documents, spoken texts and films ; to examine individual correspondence, letters, telegrams, etc. ; to restrict the publishing or printing of newspapers, magazines and books and to censor them ; to forbid the entrance of publications in provinces under martial law ; to close printing houses which print banned publications.
3. To outlaw strikes.
4. To close casinos, clubs and coffee-houses.
5. Under the same act, all military and police forces were put under the command of the martial law commanders. These forces were authorized to shoot on sight.
6. The military courts of martial law were authorized to try anyone under arrest on charges levelled by the martial law commanders.
7. The martial law commanders were authorized to maintain individuals in custody for a one-month period without a court warrant.
8. A sentence of imprisonment pronounced by a military court of martial law cannot be commuted to a fine.
9. Following the period of martial law, those cases brought before the military courts of martial law will not be transferred to a civil court, but will be decided by a military court.

Martial Law Commanders : A Violation of the Constitution

The new Act of Martial Law not only constitutes a violation of the former text of the 1961 Constitution, but also of its modified version. It is not in accordance with the original text of the 1961 Constitution for the following reasons :

1. Whereas the 1961 Constitution limited the period of detention to 24 hours, the special act authorized the martial law commanders to detain an individual for 30 days without a court warrant. In applying this unconstitutional provision, the martial law commanders were able to keep thousands of people in the military jails for more than 24 hours without a court warrant.

Furthermore, whereas Article 14 of the 1961 Constitution strictly forbids any and all forms of torture, hundreds of political detainees were brutally tortured in military headquarters and police centers by agents under the command of the martial law commanders.

2. In accordance with the Article 32 of the 1961 Constitution, it was clearly stated that no person could be sent for trial to an extraordinary or special tribunal other than by his presiding judge. In spite of this provision, not only the "crimes" committed during the period of martial law, but also the "crimes" committed three or four years ago were also brought before the military courts of martial law. Hundreds of writers, journalists, translators, editors and university professors were tried in the military courts of martial law on the basis of publications edited by them prior to the time when martial law was instituted.

In addition, the martial law commanders have not limited themselves to the eleven provinces but have put anyone and everyone in the military jails of the six martial law headquarters ; and the military courts of martial law have tried and condemned them for "political crimes".

3. The martial law commanders have also violated articles 15, 16, 22 and 29 of the 1961 Constitution by closing down all sorts of associations, by searching dwellings, by confiscating newspapers, periodicals and books, by searching individuals' belongings and personal correspondence and by confiscating the latter without a court order.

Despite the Constitutional Court's Decision

Between April 26, 1971, the date on which martial law was enforced, and September 22, 1971, the date the amendments of the 1961 Constitution came into force, during a period of six months, the orders and actions of the six martial law commanders were in direct violation of the Constitution.

After September 22, 1971, the majority of these extraordinary powers became "constitutional", but two important provisions of the special act were even a violation of the new text of the Constitution.

In accordance with the new text of the Constitution, no Turkish citizen could be detained more than 48 hours for crimes committed by a single person and seven days for crimes jointly by more than one person. However, even after September 22, 1971, on the basis of the unconstitutional articles of the Act of Martial Law, the martial law commanders continued to keep their victims in the military jails for weeks and months without a proper court warrant.

The military commanders have not even taken into consideration decisions of the Constitutional Court. Just after the Act of Martial Law came into force, the Turkish Labour Party (TIP) appealed to the Constitutional Court for the purpose of annulling the unconstitutional provisions of the Act. Seven months after the TIP had been banned, on February 23, 1972, the Constitutional Court stated that two articles of the Act of Martial Law were not in accordance with the modified text of the Constitution. The high court annulled the following articles of the act :

1. The article which authorized the martial law commanders to maintain an individual in custody for thirty days without a proper court warrant.
2. And the article which authorized the military courts to try non-military personnel even after the period of martial law had been terminated.

The martial law commanders, however, have persistently taken no account of the decision of the Constitutional Court and even after February 23, 1972, they continued to maintain hundreds of people in their custody without court warrants, as it can be seen in the following examples :

- Kadriye Ezel Incili was taken into custody by the Istanbul Martial Law Headquarters on March 25, 1972 and arrested on April 25, 1972 (31 days).
- Ferdane Yurtsever was taken into custody by the Ankara Martial Law Headquarters on March 13, 1972 and arrested on March 24, 1972 (11 days).
- Ayse Bilge Dicleli was taken into custody by the Istanbul Martial Law Headquarters on March 25, 1972 and arrested on April 24, 1972 (30 days).
- Ayse Baykara was taken into custody by the Ankara Martial Law Headquarters on February 12, 1972 and arrested on March 10, 1972 (28 days).
- Selma Veyisoglu was taken into custody by the Ankara Martial Law Headquarters on February 14, 1972 and arrested on March 16, 1972 (32 days).
- Altan Öymen (writer) was taken into custody by the Ankara Martial Law Headquarters on May 26, 1972 and arrested on June 22, 1972 (28 days).
- Erdal Öz (writer) was taken into custody by the Ankara Martial Law Headquarters on May 26, 1972 and arrested on June 22, 1972 (28 days).
- Dogu Perinçek (university assistant) was taken into custody by the Izmir Martial Law Headquarters on May 21, 1972 and arrested by the Ankara Martial Law Headquarters on June 24, 1972 (35 days).
- Halil Berktaş (university assistant) was taken into custody by the Izmir Martial Law Headquarters on May 21, 1972 and arrested by the Ankara Martial Law Headquarters on June 24, 1972 (35 days).
- Emil Galip Sandalci (writer) was taken into custody by the Ankara Martial Law Headquarters on May 26, 1972 and arrested on June 15, 1972 (21 days).
- İlhan Kalaylıoğlu (editor) was taken into custody by the Ankara Martial Law Headquarters on May 26, 1972 and arrested on June 15, 1972 (21 days).

If the files of the cases before the military courts of martial law were examined, hundreds of examples of unconstitutional detentions would be observed.

The martial law commanders do not take into account the constitutional provisions concerning freedom of the press. Even after the amendment of the Constitution, Article 22 pertaining to press freedom did not give power to the martial law commanders to confiscate books published previously. In accordance with the Press Code currently in force, it is illegal to confiscate any book more than six months after its publication. But the Third Military Court of Ankara MLH decided to confiscate books edited prior to the six-month period. Among the confiscated books are some written 350 years ago and reprinted in the last three or four years.

The Laws Are Now Being Adapted to the Modified Version of the Constitution

The military junta is not satisfied with simply modifying the Constitution and providing the martial law commanders with arbitrary powers ; they have ordered the government and parliament to change more than twenty laws to bring them into line with the amendments of the Constitution. The military-backed government has now brought 23 bills before parliament in order to change the following laws :

1. Turkish Penal Code
2. Turkish Press Code

3. TRT (Turkish Radio-Television) Act
4. Associations Act
5. Expropriation Act
6. Regulation of the Grand National Assembly
7. State Personnel Act
8. National Security Council Act
9. Council of State Act
10. State Employees Union Act
11. Universities Act
12. Judges and Prosecutors Act
13. Military Criminal Procedure Code
14. Military Court of Cassation Act
15. Supreme Council of Judges Act
16. Constitutional Court Act
17. Election Act
18. Political Parties Act
19. Duties and Authorities of Police Act
20. Military Criminal Code
21. Criminal Procedure Code
22. Control Act
23. Meetings and Demonstrations Act.

Some of these bills have been enacted by Parliament bringing restrictions on fundamental rights and freedoms.

Restrictions on Democratic and Political Activities

Through the amendment of the Associations Act, passed by the National Assembly on June 15, 1972, governors and police chiefs are authorized to permanently control or ban any association without a "court order". This for the purpose of "protecting the territorial and national unity of the state, national security, public order and morality".

Associations must obtain the approval of the public prosecutor in order to issue any announcement whatsoever. The radio-television and the press cannot bring to the public's attention any announcement without the approval of a public prosecutor.

All associations are forbidden to have international relations, to be affiliated to an international organisation.

Associations are deprived of the right to declare their views on political matters. By this provision, any association can be banned under the pretext of carrying out political activities. As a result, more than 40 thousand associations throughout Turkey are under the threat of being closed down.

The amendments of the Political Parties Act makes it impossible for a socialist party to be founded on a class base, in other words on a working class base. In addition, the leaders of political parties banned by the authorities may not form a new political party or become members of another party. That is to say, the leaders of the Turkish Labour Party, which was banned after the March 12th coup, are now deprived of the right to exercise their political prerogatives.

Moreover, university professors and assistant professors are also deprived of the right to be affiliated to a political party.

According to the amendment to the Meetings and Demonstrations Act, any meeting not in line with the policy of the executive authorities can be postponed for thirty days by the Minister of Internal Affairs. In addition the organizers of any unauthorized meeting or demonstration can be sentenced to up to ten years of prison.

With the amendment of the Duties and Authorities of Police Act, the police forces are empowered to ignore the fundamental rights and freedoms of the individual. The police can close down any association, can search houses and the personal belongings and correspondences of any individual and can confiscate them without obtaining a proper court order. The police has also been authorized to shoot at sight.

Restriction of Justice

According to the amendment of the Criminal Procedure Code passed by the Justice Commission of the National Assembly on April 15, 1972, "crimes committed for the purpose of nullifying human rights and freedoms or the territorial and national unity of the Turkish State or destroying the Republic by misusing or exploiting differences between linguistic groups, races, social classes, religions or creeds" need not be subjected to a preliminary investigation in order to decide whether they can be prosecuted or to determine the identity of the "offender". The public prosecutor will directly proceed with the case by indictment. Moreover, the public prosecutor may bring any such case to felony court of any province. In due time, therefore, certain felony courts will be turned into special courts for such "crimes".

The new bill also changed the basic principles of criminal procedure. According to the amendment, the obligation to prove a crime has been withdrawn from public prosecutor and the defendant is obliged to prove innocence of the charge.

The Military Criminal Procedure Code was also changed in the same spirit by Parliament on June 8, 1972. First of all, the military prosecutors and judges come under the authority of the local military commanders and the military commanders are authorized to intervene into the investigation at any moment.

In addition, a "Military Judicial Inspection Commission" will be constituted by the Ministry of National Defense and this commission will inspect all military courts.

In accordance with the new text of the Military Criminal Procedure Code, if any defendant insists on his objections, the military court can arrest him under pretext of *"insulting the judges or the military prosecutor or the guards on duty"* and prevent his attendance at the trial. His trial can be held without his presence and the judgment can be made by default. In the same way, if any "suspect" is not caught, his trial can also be held by default. The military courts are also authorized to impose censorship on news about trials.

The amendment of the Military Criminal Code passed by the National Assembly on July 4, 1972, authorized the military courts to try not only military personnel, but also civilians. If a civilian is accused of *"insulting the armed forces or any military person on duty"*, he will be considered military personnel and the military court may sentence him to up to 5 years of prison. For example, if a driver has an argument with a private who is conducting traffic or if a journalist criticizes military expenditures, they can be tried in the military courts.

The same amendments strictly forbid military personnel from taking part in political activities or conversations, even from reading a political book or from recommending it to another person in the military. Punishment for such crimes is 5 years imprisonment.

The amendment of the Supreme Council of Judges Act voted by Parliament on June 21, 1972, sets up a "Judicial Inspection Commission" by the Ministry of Justice. This commission is even authorized to raid the residences of judges and to search their personal belongings.

The Military-backed government brought the bill amending the Films Control Act before Parliament on June 13, 1972. If this bill is enacted by Parliament, the administrative bodies will be authorized to outlaw the making of any film in order to "protecting the territorial and national unity of the state, public order, morality". The same authorities can also ban any film on the pretext that it is "insulting for the armed forces or the security forces".

The military junta was not, however, satisfied with all these amendments and the President of the Republic called all the political leaders together on July 7, 1972 to impress upon them the necessity of new changes in the Constitution aimed at giving more authority to the executive power. If the Parliament accepts these new amendments, the Parliament itself, the Council of State, the judicial organs will loose all power of control with respect to the executive authorities. The military insists on establishing extraordinary security courts and is demanding the amendment of Article 32 of the Constitution. This because the Constitutional Court declared null and void the article of the Martial Law Act which authorized the military courts to try non-military personnel after the period of martial law is terminated. The military junta demands that all citizens stamped as "enemies of the state" not to be tried in the normal courts, but rather in the extraordinary security courts.



THE ILLEGAL TRIALS BEFORE THE MILITARY COURTS

Since the beginning of the martial law, eleven extraordinary military courts -three in Istanbul, three in Ankara, one in Izmir, one in Eskisehir, one in Adana and two in Diyarbakir- have tried thousands of people and condemned 23 young persons to death and hundreds of them to imprisonment.

In accordance with Article 32 of the 1961 Constitution, it was clearly stated that no person could be sent for trial to an extraordinary or special tribunal other than by his presiding judge. In spite of this provision, the military compelled Parliament to enact a special law to authorize the martial law commanders to constitute extraordinary military courts. According to the new Act of Martial Law passed by Parliament on May 15, 1971, not only the "crimes" committed in the period of martial law, but also the old cases of writers, editors, workers, peasants and student leaders were also brought before the military courts of martial law.

In addition, the martial law commanders have not limited themselves to the eleven provinces but have put anyone and everyone in the military jails of the six martial law headquarters ; and the military courts of martial law have tried and condemned them for "political crimes".

These military courts of martial law are counter to the basic principles of law and human rights, because :

- All the members of these courts are military officers under the command of the military junta. Even the presidents of the military courts are not military judges, but simply army officers. The prejudices of the Military Junta against the victims were declared at the beginning of the martial law. Moreover, it is very well known that the military junta appointed army officers known for their anti-democratic convictions, as the judicial advisors, prosecutors and judges of these extraordinary military courts.
- The trials are held under the shadow of arms. The courts and defendants are surrounded by guards on duty with bayonets and machine-guns.
- All objections of the defence against putting the juridical procedure into practice are being systematically rejected by the military tribunals and if the defence insists on the objections, armed officers and guards can forcefully remove him from the courtroom. In addition to this, many lawyers have been arrested by the military courts during the trials.
- In such important cases, the military prosecutors can bring only the police and Turkish National Intelligence Agency (MIT) agents and militants of fascist organizations as main witnesses. By cooperating with them the military prosecutors have prepared their formal charges -whose falsity can be recognized at first sight- and hundreds and hundreds are being condemned to death or imprisonment on such false evidence.
- The military prosecutors also use "confessions" of the defendants as evidence. These "confessions" have been obtained by means of medieval-like tortures. The victims and their lawyers have revealed these tortures during the trials and at great personal sacrifice had the courage to present written and signed

documents. Yet the extraordinary military courts have refused to investigate the claims about the tortures, saying "...the Court believes it impossible to find out whether the defendants have been tortured for obtaining the 'truth' or forcing them to acknowledge crimes that they have never committed". This verdict shows that the extraordinary military courts appreciate such tortures which were applied to the victims in order to obtain the "truth".

- The decisions of the military courts contradict each other. While the First Military Court of Istanbul Martial Law Headquarters was refusing to apply Article 146 of Turkish Penal Code to the defendants of the Naval Officers' Case, on the other hand, three young men condemned to death under the same article by the First Military Court of Ankara Martial Law Headquarters were executed. Neither the Military Court of Cassation nor Parliament did not take into consideration this contradiction.
- Moreover, the First Military Court of Istanbul Martial Law Headquarters was immediately dissolved because of not applying the subject article.

A. THE PRINCIPAL CASES AT THE MILITARY COURTS

The following chronological text divulges certain facts about the illegal trials :

1. The Popular Liberation Army of Turkey :

The trials of 23 members of the Popular Liberation Army of Turkey began at the First Military Court of Ankara Martial Law Headquarters on July 16, 1971. They were accused of "trying to change the Constitution (of 1961) by force", under Article 146 of the Turkish Penal Code. The evidences that the military prosecutor used against them were some bank robberies and the kidnapping of four US soldiers. In fact they did not kill them, but released immediately. In their defence, the defendants insisted that they had fought against the corrupt Demirel Government which had avoided putting the 1961 Constitution into practice, and that they had fought against US hegemony over Turkey. The 1961 Constitution was changed by not these defendants, but by the military junta on September 22, 1971.

In spite of this contradiction, the military court condemned 18 young students to death on October 9, 1971 :

Deniz Gezmis (25), Yusuf Aslan (25), Hüseyin Inan (23), Attila Keskin (27), Metin Yıldırım Türk (28), Ahmet Erdogan (25), Mehmet Nakiboglu (25), Recep Sakin (24), Ercan Öztürk (24), Osman Arkis (21), Hacı Tonak (21), Semih Orcan (21), Mustafa Yalçiner (22), Cengiz Baltacı (25), Metin Güngörmüş (21), Mete Ertekin (25), Mustafa Cubuk (23) and Mehmet Asal (21).

Kor Koçalak, İrfan Uçar were sentenced to imprisonment for 5 years. Sevim Onursal, the only female defendant of the case, was also sentenced to imprisonment for 5 years. Three defendants, Hüseyin Özdoğan, İbrahim Seven and Necmettin Baca were acquitted.

The lawyers of the defendants appealed to the Military Court of Cassation for the following reasons :

- a) The formation of the military courts is against the Constitution.
- b) The defendants did not commit the crimes mentioned in Article 146 of the Turkish Penal Code. They fought for the independence of their country.

- c) Some evidence in the files of the case was not read in court by the military prosecutor.
- d) The necessary observations were not made on the spot.
- e) The witnesses were not sufficiently heard by the court.
- f) The court did not take into consideration the claims about torture.
- g) The defendants were not allowed to make any statement when the verdict was handed down.
- h) The court did not investigate the situation of the US bases whose status violates Turkey's sovereignty.
- i) Serious mistakes were made in linking the different cases together.

In spite of these objections, the Military Court of Cassation approved the death sentences of Deniz Gezmiş, Yusuf Aslan and Hüseyin İnan on January 10, 1972.

While many countries have long ago abolished capital punishment for political offences, these three young men -in spite of their by now unanimously recognized humanitarian attitude towards those they had to kidnap- were nevertheless sentenced to death. The military court's death warrant aroused immense protests in the country as well as abroad. Tens of thousands of signatures were gathered in Turkey ; abroad, hundreds of thousands people, hundreds of organisations and even governments addressed messages to the president of the Republic to prevent the executions.

Yet, the Turkish military rule gave no consideration to these reactions and the death sentences were voted in Parliament under army threat. As the verdict on the capital punishment was at first found to be legally defective, the Constitutional Court cancelled it. But the military junta had the law hurriedly voted by Parliament once again on May 2, 1972, this time with "correct legal procedure".

At the last moment the lawyers of three defendants appealed to the Military Court of Cassation to review the decision for the following reasons :

- a) While three defendants were being sent to the scaffold, other 15 defendants' death sentences were commuted to imprisonment. In accordance with Article 226 of the Military Criminal Procedure Code, the military courts were not able to discriminate between the defendants who were accused of to commit same offence.
- b) Another military court, the First Military Court of Istanbul Martial Law Headquarters refused to apply Article 146 of the Turkish Penal Code to other defendants who were also tried under same accusation.
- c) Other cases for hundreds of defendants who are also accused of to commit same offence have not come to an end yet.

The Military Court of Cassation did not take into consideration these rightful reasons and rejected to review the sentences.

On May 6th, 1972, the president of the Republic signed the death sentences and three freedom fighters were hanged.

After these executions, on July 3, 1972, the First Military Court of Ankara Martial Law Headquarters adopted the final decision of the Military Court of Cassation and commuted death sentences of other 15 defendants to imprisonment as follows : Mustafa Yalçiner (life imprisonment), Ahmet Erdoğan (life

imprisonment), Metin Güngörmüş (life imprisonment), Hacı Tonak (life imprisonment), Recep Sakin (15 years), Mehmet Nakiboglu (15 years), Metin Yıldırım Türk (15 years), Attila Keskin (15 years), Ercan Öztürk (15 years), Semih Örcan (15 years), Osman Arkis (15 years), Mehmet Asal (15 years), Cengiz Baltacı (15 years), Mete Ertekin (10 years), Mustafa Cubuk (15 years). The period of imprisonment for Sevim Onursal was decreased to 2,5 years and for Kor Koçalak to 3 years and 4 months.

2. The Popular Liberation Front of Turkey :

The trials of 26 members of the Popular Liberation Front of Turkey began at the Third Military Court of Istanbul Martial Law Headquarters on August 16, 1971. They were also accused of "trying to change the Constitution by force" according to Article 146 of the Turkish Penal Code. The evidences that the military prosecutor used against them were some bank robberies and the kidnapping of the Consul General of Israel. In their defence the defendants admitted the appropriations and the kidnapping and claimed that they had done them with the aim of to organize the liberation front against the United States and the military rule and to save their friends from the jails. But they persistently refused the accusation of murdering the consul general. According to their statements, the consul general had been shot by an army officer in spite of the decision of the central committee of the Popular Liberation Front of Turkey. After having shot the hostage, this army officer, Captain İlyas Aydın, had escaped and the military authorities could not catch him. Unless Captain Aydın is caught, this point would remain obscure.

The defendants of this case also insisted that the 1961 Constitution was changed not by themselves, but by the military junta.

Many of the defendants had been tortured before the trials and put in cells during the trials. Their right of defence was restricted during the whole process of the case.

Under these conditions, three of the defendants, Mahir Cayan (26), Ulas Bardakçı (25) and Ziya Yılmaz (34) for whom the military prosecutor had demanded death sentences, were obliged to escape from the military jail on November 30, 1971.

Five of other defendants, Necmi Demir (27), Kamil Dede (22), İlkey Demir (26), Kadriye Deniz Özen (24) and Rüçhan Manas (27) were condemned to death on December 27, 1971. The death sentences of three female defendants, İlkey Demir, Özen and Manas were commuted to imprisonment for life.

Omer Erim Süerkan and Necati Sagir were sentenced to 15 years imprisonment ; Omer Güven was sentenced to 10 years imprisonment ; Ayse Emel Mesçi, Mustafa Aynur, İrfan Uçar and Mehmet Balaban were sentenced to 5 years imprisonment ; Mustafa Coskun and Ayni Yalçın were sentenced to 1 year imprisonment ; Abdullah Ceceoglu and Tülay Tad were sentenced to 10 months imprisonment.

After their escape, Ulas Bardakçı was shot to death by the police forces and Ziya Yılmaz was wounded on February 19, 1972. Ziya Yılmaz was tried again and sentenced to death on March 15, 1972. Mahir Cayan was also murdered in the bomb explosion carried out by the government forces in Kizildere on March 30, 1972.

On the appeal of the lawyers, the Fourth Section of the Military Court of Cassation canceled three death sentences and ordered a new trial. Thereupon, the chief military prosecutor appealed to the General Assembly of the Military Court of Cassation. The general assembly approved the annulment of the death sentences of Kamil Dede and Necmi Demir, but decided that the death sentence of Ziya Yilmaz must be executed.

In accordance with the criminal procedure, the death sentence of Ziya Yilmaz will be discussed in Parliament.

3. Young Naval Officers :

The trial of 84 defendants began at the First Military Court of Istanbul Martial Law Headquarters on August 11, 1971. The Majority of the victims were young naval officers and cadets. They also were accused of "trying to change the Constitution by force" according to Article 146 of the Turkish Penal Code. At the first session the military prosecutor had demanded death sentences for 41 defendants. But the only evidences of this case were only the statements of the police agents and the militarist organizations militants.

On May 3, 1972, the First Military Court refused to apply Article 146 to the defendants and condemned only 14 defendants in accordance with other articles pertaining to their offences as follows :

Lieutenant Ahmet Coker (36 years), Naval Cadet Hasan Cetin (36 years), Lieutenant Selim Yalçiner (30 years), Lieutenant Sarp Kuray (30 years), Police Chief Muzaffer Yilmaz (18 years), Lieutenant Saim Kiroglu (10 years), Lieutenant Erkan Dirik (10 years), Lieutenant Hikmet Celik (10 years), Lieutenant Seçkin Padir (6 years), Lieutenant Ergin Türüsel (6 years), Student Namik Kemal Boya (1 year and 8 months), Tailor Bayram Akgün (1 year and 8 months), Lieutenant Ibrahim Akim Altug (6 months).

The following 70 defendants were acquitted :

Irfan Solmazer (a member of the National Unity Committee which overthrew the power of the Democratic Party on May 27, 1960), Ruhi Koç (the former secretary general of the Progressive Youth Federation of Turkey), Sinasi Maktav (naval cadet), Rafet Kaplanlı (police chief), Coskun Erkan (lieutenant), Bülent Dincer (lieutenant), Vahidittin Ergin (lieutenant), Ayhan Kandas (lieutenant), Kadir Birdal (naval cadet), Taner Onder (naval cadet), Metin Serefoglu (student), Attila Sarp (the former president of the Progressive Youth Federation of Turkey), Şahin Aldogan (lieutenant), Hüseyin Atalay (lieutenant), İsmail Cankardes (lieutenant), Ali Kirca (lieutenant), Zafer Ergün (naval cadet), Nejat Çetin-kaya (lieutenant), Cengiz Kiliç (cadet), Abdullah Gelgeç (cadet) Mehmet Akman-ner (lieutenant), Maksut Catak (cadet).

Mahmut Ozen (TRT employee), Yücel Ersoy (lieutenant), Mehmet Sagcan (lieutenant), Samil Altan (cadet), İhsan Yanar (lieutenant), Celal Sayarar (cadet), Erol Kizilirma (lieutenant), Lütfi Yilmaz (lieutenant), Ercüment Toker (lieutenant), Ali Ercan (lieutenant), Mehmet Sengör (lieutenant), Ahmet Ergüden (lieutenant), Ziya Büyükkayalar (lieutenant), Ruhi Demirören (lieutenant), İzzet Demirhan (lieutenant), Ulusal Berrak (lieutenant), Mustafa Faruk Türün (teacher), Volkan Risvanoglu (lieutenant), Erol Kartal (lieutenant), Orhan Altan (lieutenant), Emin Babakus (lieutenant), Bahadır Ergül (lieutenant), Erhan Unal (lieutenant), Sakir Undeyici (lieutenant), Hasan Koca (lieutenant), Mehmet Aktüre (lieutenant), Cumali Ulgün (student), Remzi Arasan (cadet), Kemal Köksal (cadet), Okan Esmen (lieutenant), Yakup Hindistan (lieutenant), Kubilay Kutlu (cadet), Mehmet Arabaci (cadet), Muhsin Gül (student), Saffan Özdemir (unemployed), Fahrettin Karayel (lieutenant), Dogan Seçer (cadet), Nihat Deger (Air

Forces colonel), Mukbil Ozyörük (assistant professor), Cetin Algon (lieutenant), Cahit Uzunhasan (lieutenant), Mustafa Süzer (lieutenant), Mehmet Tuncay (lieutenant), Fahri Kivanç (lieutenant), Seref Tas (lieutenant), Ozmetin Azman (lieutenant), Ahmet Akküçük (cadet), Mülayim Tuncelli (cadet), Faik Bakkalci (cadet).

The First Military Court also decided to start legal proceedings against 11 informers, Nursin Inal, Kaya Inal, Ozel Onar, Sevket Özgül, Müjgan Kiziltas, Tamer Unsal, Kubilay Kutlu, Serhat Unaldi, Dogan Yildirim, Nejat Köseoglu and Omer Gökbayrak, who were brought as witnesses before the military court by the military prosecutor, because of giving false testimony.

On this decision, the military prosecutor immediately appealed to the Military Court of Cassation by insisting on to demand death sentences for Irfan Solmazer, Sarp Kuray, Erkan Dirik, Ibrahim Akim Altug, Ruhi Koç, Sinasi Maktav, Hasan Cetin, Ahmet Coker and Selim Yalçiner on May 10, 1972.

And on May 17, 1972, the Ministry of National Defence dissolved the First Military Court of Istanbul Martial Law Headquarters which had refused the demands of the military prosecutor and the judges of this court, Colonel Remzi Sirin, Major Refik Kara, Major Saydam Erdek were transferred to the military units in Anatolia.

4. Istanbul Section of the Popular Liberation Army of Turkey :

19 members of the Popular Liberation Army of Turkey were tried by the same court, the First Military Court of Istanbul Martial Law Headquarters. The trials began on October 6, 1971. They also were accused of "trying to change the Constitution by force", according to Article 146 of the Turkish Penal Code and the military prosecutor demanded death sentences of 8 of the defendants.

Many of the defendants had been tortured before the trials and put into cells by the Martial Law Commander during the trials. Under these conditions, two of the defendants, Cihan Alptekin (24) and Omer Ayna (23) were obliged to escape from the military jail on November 30, 1971 together with the three members of the PLFT. But both of them were later murdered in the bomb explosion carried out by the government forces in Kizildere on March 30, 1972.

At the end of the trials, the First Military Court of Istanbul Martial Law Headquarters decided that Article 146 could not be applied in this case, because the deed of the accused had particular aims that could not be considered as offences under that article of the Penal Code. And as a result of this interpretation, the court rejected the military prosecutor's demands for death sentences and condemned only two defendants, Nahit Töre and Osman Bahadır, to life imprisonment. Oktay Kaynak, Yavuz Yildirimtürk, Ali Aydın Cig, Zerruk Vakıfahmedoglu, Tayfun Cinemre, Elif Gönül Tolon, Rifat Güney, Dursun Cagli, Alparslan Ertug and Faruk Kurtulus were sentenced to imprisonments up to 36 years, on April 22, 1972.

5. Turkish Labour Party :

The trial of 20 leaders of the Turkish Labour Party (TIP), which had been closed down by the Constitutional Court, began on August 19, 1971 at the Third Military Court of Ankara Martial Law Headquarters. They were accused of "trying to establish the domination of one class over other classes and to follow a separatist policy", under Article 141 of the Turkish penal Code.

The military prosecutor brought the programme of the party which had been in force for nine years and the resolution on the democratic rights of the Kurdish people adopted by the party convention in 1970 as the main evidences.

The military prosecutor demanded imprisonments up to 15 years for Mrs Behice Boran (the chairman of TIP and assistant professor), Saban Erik (the secretary general of TIP and trade union leader), Sait Ciltas (the secretary general of TIP), Sadun Aren (university professor), Osman Sakalsiz (trade union leader), Adil Ozkoi (assistant professor), Yalçin Cerit (worker), Nejat Oktem (trade union leader), Turgut Kazan (lawyer), Hüseyin Ergün (editor), Hüseyin Korkmaz (trade union leader), Adnan Keserbiçer, Erdal Orhan (journalist), Nurettin Pirim (editor), Ejder Imer (worker), Kemal Burkay (lawyer), Mehmet Tuncel, Oral Calislar (student) and Savas Al (worker).

All of the defendants were released on October 6, 1971, but arrested again on June 24, 1972.

6. Turkish Communist Party (TKP)

The trial of 33 defendants began on October 27, 1971 at the Third Military Court of Istanbul Martial Law Headquarters. They are accused of "trying to establish the domination of one class over the other classes" and "to be affiliated to the clandestine Turkish Communist Party abroad".

According to Article 141 of the Turkish Penal Code, the military prosecutor demanded imprisonments up to 15 years for the following defendants :

Sadi Alkiliç (retired state employee and writer), Cetin Ozek (assistant professor), Dogan Ozguden (writer and editor - the military authorities have not been able to seize him yet), Harun Karadeniz (engineer), Nihat Sargin (physician), Osman Saffet Arolat (editor), Ragip Zarakolu (writer), Sabahattin Eyuboglu (writer and university professor), Vedat Günyol (publisher and translator), Azra Erhad (writer), Siar Yalçin (public prosecutor), Matilda Gökçeli (translator), Süleyman Balkan (engineer), Masis Kürkügil (publisher), Hülya Kinalioglu (student), Isitan Gündüz (student), Necmi Demir (student - he was sentenced to death in another case), Ilkay Demir (student - she was sentenced to life imprisonment in another case), Vahit Tulis (worker), Cihan Senoguz (student), Hayri Eroglu (engineer), Magdelana Rufer (pianist), Erdöl Boratap (speaker of T.R.T.), Seçkin Cagan (translator), Tanju Cilizoglu (journalist), Aydin Engin (actor and editor), Taner Kutlay (student), Zeynep Sagnak (student), Dincer Yücesan (student), Faruk Pekin (engineer and writer), Nurseli Varli (student), Gülay Varli (student), Irvem Keskinoglu (student).

After the trials began all the defendants of this case were released, but on June 29, 1972 many of them were arrested again.

7. Teachers' Union of Turkey (TOS) :

The trial of 143 defendants began on October 26, 1971 at the Second Military Court of Ankara Martial Law Headquarters. The majority of the defendants are teachers and members of the Teachers' Union of Turkey (TOS). They also were accused of "trying to establish the domination of one class over the other classes" under Article 141. The military prosecutor demanded imprisonments up to 15 years for the following defendants :

Fakir Baykurt (the president of TOS and a famous novelist), Dursun Akçam (the vice-president of TOS and a famous novelist), Osman K. Akol (the secretary general of TOS), Veli Kasimoglu, Abdullah Ozcan, Hülya Zagyapan, Celal Yıldiz, Ahmet Gültekin, Muharrem Tekin, Nezihe Orcan, Fikret Soysal, Gün Zileli, Ahmet Say, Hasan Zorlu, Yilmaz Demir, Ibrahim Bayar, Basri Ozdogan, Kaya Odabasi, Recep Cüre, Mümin Dogru, Babür Ergüney and Ömer Yigit.

The military prosecutor demanded various imprisonments for the following defendants :

Ayla Aftur, Abdullah Akin, Mustafa Akman, Ahmet Albayrak, Kasim Altin, Selahattin Altinok, Niyazi Arslan, Ferhat Arslantas, Latifi Atay, Fikri Aytekin, Nuri Ayvali, Gülsen Baskan, Latif Baskan, Ibrahim Bayar, Muammer Bektas, Rusen Berber, Ismet Birkan, Hayrettin Bozal, Cahit Bozalp, Halil Erdem, Hilmi Erdem, Hüseyin Erdural, Süleyman Ersan, Cemalettin Etli, Mehmet Gökçe, Kemal Bulut, Omer Celp, Necati Cinar, Cumali Çiçek, Yilmaz Demir, Emine Dinç, Ahmet Gültekin, Kamil Günay, Mehmet Günay, Yahya Gündüz, Kerim Yasar Icad, Ihsan Ilıkayaz, Saadet-tin Kaygi, Gönül Kayir, Aslan Keçeci, Mehmet Kir, Seyhan Kolday, Mahmut Kolu-kisa, Ismail Kömürcü, Saim Mermer, Kerim Metli, Zeki Oguz, Harunresit Özçiçek, Ali Riza Özdemir, Dursun Ozden, Attila Ozova, Hilmi Peksirin, Ayhan Saglam, Oya Sencer, Veli Sevinçhan, Mahmut Adem Solak, Ayse Soysal, Sultan Sönmez, Yakup Simsek, Niyazi Tan, Ekrem Tigli, Halil Tokat, Fuat Turgut, Kadir Ulusoy, Aygün Unal, Sedat Vural, Salih Yakin, Idris Yalçin, Nazmi Yalçin, Kudret Yaman, Osman Yaman, Fikri Yavuz, Ibrahim Seven, Gürol Ilban, Akin Oktay, Güner Kelek, Orhan Cipli, Aziz Aydın, Yüksel Erbaytar, Hasan Yalçin, Ahmet Yanar, Meral Kayir, Mevlut Güvercin, Güler Koç.

8. Teachers' Union of Turkey (Adana Section) :

The trial of 17 defendants, the majority of whom are also members of TOS, are held at the Military Court of Adana Martial Law Headquarters. They were likewise accused of "trying to establish the domination of one class over the other classes", under Article 141 of the Turkish Penal Code.

The military court condemned eight of the defendants to imprisonment for eight years : Emin Tunçbilek, Yasar Gökoglu, Sevim Demirpençe, Mehmet Özel, Mahir Cemiloglu, Zihni Ayhan, Tahir Pekmezci, Mehmet Özel.

The other defendants -Necati Deniz, Ramazan Adigüzel, Mehmet Tahrangil, Hüseyin Gürkan, Sefik Aydın, Kazim Aydogan, Ali Seydi Simsek, Ender Yigiter, Arif Akça and Dogan Tekbas - were acquitted on February 22, 1972.

9. Progressive Youth Federation of Turkey (Dev-Genç) :

The trial of 236 members of the Progressive Youth Federation of Turkey has opened at the First Military Court of Ankara Martial Law Headquarters since February 21, 1972. They were likewise accused of "trying to abolish the Constitution by force" and "trying to establish the domination of one class over the other classes", under Articles 146 and 141 of the Turkish Penal Code.

The military prosecutor has demanded death sentences for thirteen of the defendants : Attila Sarp, Irfan Uçar, Ahmet Bozkurt, Ruhi Koç, Tuncay Celen, Gün Zileli, Oral Calislar, Saban Iba, Hüseyin Yavuz, Cemal Salman Pakoglu, Levent Eren, Aktan Ince and Adnan Altiparmak.

There are also non-student defendants among them, like Muammer Aksoy (law professor of the Ankara University), Sedat Ozkol (President of the Engineers' Chamber) and Suat Sükrü Kundakçi (President of the Building Workers' Union).

10. Progressive Cultural Organization of Eastern Turkey (DDKO) :

The leaders of the Progressive Cultural Organization of Eastern Turkey (DDKO) are being tried at the First Military Court of Diyarbakir Martial Law Headquarters since December 12, 1971. They are accused of "trying to establish the domination of one class over the other classes and to follow a separatist policy on behalf of Kurdish people", under Article 141 of the Turkish Penal Code.

The military prosecutor demanded imprisonments up to 15 years for the following defendants :

Tarik Ziya Ekinci (physician and the former secretary general of the Turkish Labour Party and former member of Parliament), Canip Yildirim (lawyer), Musa Anter (writer), Mehmet Emin Bozarslan (writer), Niyazi Sönmez, Ihsan Aksoy, Yümnü Budak, Ibrahim Güçlü, Sabri Cevik, Zeki Kaya, Ihsan Yavuztürk, Nurettin Kiliçarslan, Nezir Semikanli, Fikret Sahin, Faruk Aras, Ali Beyköylü, Mehmet Demir, Isa Geçit, Ferit Uzun and Hasan Acar.

According to the official communique of the Diyarbakir Martial Law Headquarters, 5 teachers, 4 state-employees, 33 students, 21 professionals, 1 physician, 1 religious leader and 1 foreigner are also being tried at the First Military Court of Diyarbakir Martial Law Headquarters since June 23, 1971. But their names were not disclosed.

11. Izmir Section of the Popular Liberation Front of Turkey :

10 defendants are accused of "trying to change the constitution by force" and "trying to establish the domination of one class over the other classes" under Articles 146 and 141. Their trial began on November 3, 1971 at the Military Court of Izmir Martial Law Headquarters.

The military prosecutor charged the defendants with preparing plans in order to save the members of the Popular Liberation Front of Turkey by kidnapping some important persons, but could not bring any evidence to prove this charge.

The defendants are under the threat of various imprisonments : Engineer Bingöl Erdumlu (32 years), Semra Cafer and Tugrul Pasaoglu (9 years), Oguz Elçi, Yasar Göre, Fevzi Peker, Haluk Menemencioğlu, Muzafer Yaskurt (5 years), Mehmet Ali Tazedal and Isa Aykanat (1 year).

12. Students of Hacettepe University :

The trial of 65 students began on August 17, 1971 at the First Military Court of Ankara Martial Law Headquarters. The military prosecutor accused them of "attacking the police forces" prior to the Martial Law.

The military court sentenced the following defendants to imprisonment for 4 years and 2 months :

Mehmet Pektas, Semir Bulut, Ihsan Gülersoylular, Fahrettin Sener, Necat Kenan Özgüler, Leyla Dikeç, Sidika Ulker, Hilal Aybars, Faris Colak, Ismail Seker, Mehmet Metin, Ali Ihsan Yamaner, Ismet Aydemir, Umit Mehmet Okkes, Mehmet Umar Usman, Mehmet Nohutçu, Namik Güler, Servet Özgül, Volkan Koçer, Kamil Pinarci, Mehmet Salih Özgökçe, Egemen Akyalçin, Perihan Resat, Dürdane Görevin, Sükrü Dursun, Mehmet Özhan, Mehmet Gültekin Pamir, Ali Rıza Cigerci, Safiye Suapaydin, Nihat Dehni, Hasan Hüseyin Turan, Ramis Dogan, Dicle Ciftci, Sadullah

Cosar, Necati Dokuzoguz, Abdullah Enver Ozeren, Ahmet Murat Cakil, Halim Tekin, Ramazan Gök, Cevdet Ekmen, Dumrul Olçen, Eyüp Çiçek, Mustafa Haluk Aydın, Muammer Gönen, Fikret Kargi, Mehmet Balkanay, Seyhun Ekebas, Kutlu Anil, Binnur Ak-türk, Nilgün Basaran, Ayku Basaran, Hüseyin Özdağ, Tunay Senlet, Tamer Yilmaz, Ali Rıza Demirtaş, Mehmet Yesilova, Hacı Ahmet Sahinöz.

Onur Uran was sentenced to 2 years 9 months and 10 days imprisonment. Five defendants, Süleyman Yadimclier, Okkes Necip Kıpçak, Cevdet Arslan, İhsan Tamer and İhsan Kurus, were acquitted.

13. Students of Political Sciences Faculty :

Their trial began on November 2, 1971 at the First Military Court of Ankara Martial Law Headquarters. The military prosecutor accused them of "attacking the police forces" prior to the martial law and demanded 2-11 years imprisonment for the following students :

Dilaver Sümbüller, Sabri Günenç, Timur Kiliçaslan, Rakim Pekin, Ahmet Kinacilar, Fatih Yavas, Skandal S. Shamsi, Refik Ali, Attila Özbek, Durmus Zeybek, Mahmut Zerey, Ramiz Madikandika, İsmail Kersu, İbrahim Altug, Timur Cem Obuz, Dogan Ozkan, Yilmaz Elis, Nüvit İlkay Batum, Sinan Kazım Özudogru, Ozer Semi, Celal Polat, Kamil Gürbüz, Ahmet Sensila, Murat Atag, Nazan Isik, Kadri Öztürk, Yusuf Alatas, Yavuz Çiçek, Vedat Akarsu, Sabahattin Karatas, Saban İba, Abdurrahman Demirci, Ali Dibekeoglu, Ahmet Akgün, Bülent Servili, Tanju Omer Oner, Nadir Bingöl, Nihat Karadağ, Aktan Ince, Nurettin Çekici, Turgut Akdemir, İsmail Keçeli, Ali Ahsan Saner, Baha İlkay Bayram, Oral Dünyaogullari, Ahmet Kir, Attila Süngü, Tugrul Agcatas.

14. Leaders of the Progressive Trade Unions' Confederation (DISK) :

29 trade union leaders are being tried at the Second Military Court of Istanbul Martial Law Headquarters since December 6, 1971. They are accused of "inciting the people to rise against the government" during the workers movement of June 1970.

According to the Law numbered 171, the military prosecutor demanded various imprisonments for the following Trade Union leaders :

Kemal Türkler (President of DISK), Kemal Sülker (Secretary General of DISK), Sinasi Kaya (Vice President of Metal Workers' Union), Cavit Sarman (Vice President of Metal Workers' Union), Hilmi Güner (Vice President of Metal Workers' Union), Yasar Onsel (Vice President of Rubber Workers' Union), Orhan Müstecapli, Kadir Karatay, Saffet Kayalar, Neset Demircan, Ugur Özdoğan, Celal Alçinkaya, Cemal Dogan, Rafet Yıldırım, Burhan Sahin, Omer Geçer, İsmet Demir, Semsettin Akbas, Fehmi Nasuhoglu, Recep Akgül, Turgut Alaçag, Hakki Öztürk, Remzi Arslan, Orhan Adem Sevinç and Hüsnü Özdemir.

15. 85 Workers of Otosan Automotive Factory :

They are being tried at the Second Military Court of Istanbul Martial Law Headquarters since December 8, 1971. The workers are accused of holding an illegal demonstration during the workers movement of June 1970.

16. Lawyers of THKO Defendants :

After Deniz Gezmis and his friends were sentenced to death, the military prosecutor initiated legal proceedings against their eleven lawyers. They are accused of "insulting the armed forces and the government" when they were de-

fending their clients. The trial began on February 23, 1972 and the Third Military Court of Ankara Martial Law Headquarters and eleven lawyers, Niyazi Agirnasli, Halit Celenk, Zeki Oruç Erel, Mükerrer Erdogan, Kemal Yücel, Sadik Akincilar, Ozden Timurkaynak, Refik Ergün, Kamil Savas, Ersen Sansal and Orhan Izzet Kök, were condemned to three months imprisonment under Article 266/3 of the Turkish Penal Code on June 30, 1972.

17. Lawyers of THKO (Istanbul Section) Defendants :

The trial of five lawyers of the THKO Istanbul Section began on December 7, 1971 at the Second Military Court of Istanbul Martial Law Headquarters. They were accused of "insulting the military judges and military prosecutors" when they were defending their clients in court. Under articles 266-268 of the Turkish Penal Code, three lawyers, Demir Özlü, Necati Sagir and Yalçın Öztürk, and one of the THKO defendants, Elif Gönül Tolon, were condemned to six months imprisonment ; two lawyers, Orhan Aarsal and Nebil Varuy, were acquitted on June 19, 1972.

18. Progressive Youth Federation of Turkey (Istanbul Section) :

154 members of the Progressive Youth Federation of Turkey (Dev-Genç) and other progressive student associations are being tried at the Second Military Court of Istanbul Martial Law Headquarters since July 31, 1972. They were likewise accused of "trying to change the constitution by force" and "trying to establish the domination of one class over the other classes", under articles 146 and 141 of the Turkish Penal Code.

The defendants of this case :

Omer Güven, Selahattin Uzunismail, Demir Kuçukaydin, Nesat Eyüp Yıldırım, Hasmet Atahan, Salahattin Okur, Yüksel Gürsel, Erkan Simsek, Tarik Almaç, Abdül-gani Yagci, Bülent Arman, Yalçın Yalçın, Mustafa Karsilayan, Hüseyin Karanlık, Aydoğan Sahin, Turan Gürcan, Nail Satilgan, Ezel Inanç, Sümmani Can, Fahri Aral, Mustafa Zülkadiroglu, Mustafa Lütfi Kiyici, Yavuz Hakyemez, Namik Kemal Boya, Gökalep Eren, Omer Erim Süerkan, Rafael Avidor, Tümer Onder, Mehmet Erkan Mete, Taner Kutlay, Isitan Gündüz, Tuncay Altug, Cavit Iyigün, Ibrahim Ozdemir, Salman Kaya, Necati Sagir, Hüsnü Akkaya, Zeki Tekes, Adem Ercan, Esat Korkmaz, Avni Deniz, Mehmet Umit Devrim, Arif Uzer, Ibrahim Sara, Savas Tuncaboğlu, Hilmi Bastopcu, Mustafa Aynur, Selim Ergüenalp, Melih Uzel, Baris Trak, Zülfikar Dicleli, Bünyamin Güler, Mehmet Öztürk, Hüseyin Üstün, Hamza Ozkan, Kürsad Istanbulu, Münir Danisman, Kayhan Edip Sakarya, Veysi Sarisözen, Bekir Sitki Coskun, Güray Tekinöz, Savaskan Oral, Ahmet Ayhan, Metin Esrefoglu, Nihat Fındıklı, Masis Kürkçügil, Taner Mersin, Ertugrul Tigliy, Nabi Yagci, Hasan Yalçın, Mehmet Altun, Rahmi Aydın, Ahmet Mete Sönmez, Mustafa İlker Gürkan, Celal Dogan, Mehmed Mehdi Bospinar, Ibrahim Yusuf Baha Gürcan, Ocal Okay, Cemal Sariyer, Mustafa Buzkiran, Metin Karavelioglu, Rasim Ozkan, Harun Karadeniz, Cetin Uygur, Süleyman Balkan, Mehmet Ulusoy, Mehmet Bekar, Ali Uzun, Ali Kirmiziçiçek, Beysafa Tarhan, Münip Coskun, Bozkurt Nuhoglu, Attila Coskun, Ural Yıldırımoglu, Halit Feridun Sakar, Yusuf Kayabasi, Necmettin Büyükkaya, Omer Ozsökmenler, Bora Berzenç, Ersin Kaya, Kazim Kolcuoglu, Targan Ülbeyli, Mehmet Cavit Kavak, Mehmet Sürücü, Necla Özgür, Yücel Gürsel, İsmet Oran, Yücel Özbek, Mehmet Günes Sahiner, Sükrü Muslu, Kasif Ongunyurt, İhsan Cerehan, Cihat Sar, Safak Morgül, Kemal Bingöllü, Osman Saffet Arolat, Attila Ozdemiroglu, Serdar Yıldırım, Yüksel Bastürk, Hakki Karadeniz, Kenan Rifki Ertugrul, Salih Alever, Akin Citakoglu, Erkut Selçuk, Süleyman Arslan, Bahadır Azyüksel, Cahit Tan, Tahir Kaymak, Ali Riza Görener, Hasan Yalçın, Fatma Genç, Zeki Bastürk, İlker Hekimoglu, Ibrahim Cihan Senoguz, Ahmet Ozdemir, Ali Osman Altin, Ayhan Ozer, Yahsi Karamollaoglu, Zeki Erginbay, Süleyman Asaf Taneri, Garbis Altinoglu, Yasar Yilmaz, Sagkal Özbek, Ahmet Turhan Celayin, Faruk Kurtoglu, Nihat Behramoglu.

The military prosecutor demanded various imprisonments up to 36 years for the defendants of this case. 75 of the defendants are under arrest and 29 have not been caught by the military authorities yet.

19. Democratic Party of Kurdistan :

The military prosecutor brought a case against 36 persons at the Second Military Court of Diyarbakir Martial Law Headquarters on May 22, 1972. They were accused of "to be affiliated to the Democratic Party of Kurdistan" with the aim of "to follow a separatist policy on behalf of Kurdish people", under Article 141 of the Turkish Penal Code.

The defendants of this case :

Abdülkadir Oktem, Sebah Bilgeç, Agit Tanrikulu, Arif Zeyrek, Hursit Onuk, Mehmet Tayfan, Tahir Okten, Hasan Okten, Mehmet Gündüz, Ramazan Hasimoglu, Yusuf Ugurlu, Abdullah Kayaalp, Hasan Tatar, Abdülcelil Erkan, Sabri Vesek, Serafetin Elçi, Nurettin Sik, Halil Ciftçi, Nadir Ciftçi, Ahmet Kaya, Yusuf Bilek, Abdi Oner, Selahattin Teymurtas, Tahir Görentas, Fahrettin Yavuz, Süleyman Fakhan, Kasim Bagdur, Edip Karahan, Musa Anter, Zülküf Sahin, Ali Kaplan, Sait Kirmizitoprak, Nazmi Balkas, Dr. Faik Savas, Hikmet Buluttekkin and Hasan Yikilmis.

20. Kizildere Defendants :

The military prosecutor brought a case against 34 persons who are accused of to help the members of the Popular Liberation Army of Turkey and the Popular Liberation Front of Turkey to kidnap three foreign technicians and to kill them at Kizildere on March 30, 1972. (x)

According to the official communique dated April 28, 1972, the military prosecutor demanded death sentence for the following 23 defendants :

Sener Sadi (lawyer), Ali Kaynar (lawyer), Ferhat Seker (teacher), Dursun Külünk (goldsmith), Avni Kayaci (tailor), Riza Akpolat (peasant), Seadetin Gümüs (teacher), Mustafa Sengül (teacher), Yusuf Atasoy (student), Hasan Pekbüyük (driver), Kemal Yurtsever (driver), Fikri Sönmez (tailor), Mehmet Atasoy (peasant), Resul Güneytepe (teacher), Mehmet Atasoy (peasant), Harun Saruhan (student), Mehmet Bayrak (driver), Ismail Yesilyurt (peasant), Hüseyin Gümüs (teacher), Hasan Yilmaz (trader), Ismet Öztürk (owner of coffee-house) and Hasan Altin.

The defendants will be tried at the Third Military Court of Ankara Martial Law Headquarters.

(x) *After all legal possibilities to save the lives of three condemned persons had disappeared, their friends kidnapped three foreign technicians in order to prevent the executions. They promised that if the death sentences would be commuted to imprisonment, they would release the hostages. But the military authorities refused negotiations and murdered all of them, including the three foreign hostages by bombing the hide-out. The military junta issued some contradictory statements in order to prove that the three hostages had been killed by the revolutionaries and thereupon all of them were shot to death in a room-to-room shootout with the police forces. But the photographs of the destructed house and the mutilated corpses of the victims gave evidence in support of the other version : the massacre had been committed by the military forces by bombing the house.*

21. Military Personnel of Maltepe Prison

They were accused of helping the members of the THKO and the THKC to escape from the Military Prison of Maltepe on November 30, 1971. The trial of 19 defendants began on July 17, 1972 at the Third Military Court of Istanbul Martial Law Headquarters.

The military prosecutor demanded imprisonment up to 6 years for Lieutenant Mehmet Berker under articles 240-302, 40, 71 of the Turkish Penal Code and Article 32 of the Military Penal Code ; and 3 years for Colonel Rusen Beyazit, Lt. Colonel Irfan Cimentepe, Captain Ali Yücel, Captain Rafet Güney, Captain Cumhuri Tanrisever, Lieutenant Ali Haydar Yedek, Lieutenant Ayhan Arat, Sergeant Nazim Güney, Sergeant Ihsan Yavuz, Sergeant Abdurrahman Cerçi, Sergeant Ali Simsek, Sergeant Cemal Özgül, Sergeant Fikri Turan, Sergeant M. Ali Kaya, Private Fahrettin Keser, Private Zülküf Özek, Private Halil Basacan, Corporal Emin Simsek under articles 303, 40 of the Turkish Penal Code and Article 34/1 of Military Penal Code.

22. Members of the Popular Liberation Army of Turkey (Ankara Section) :

34 defendants are accused of being members of the Popular Liberation Army of Turkey and were brought before the First Military Court of Ankara Martial Law Headquarters on July 24, 1972. The military prosecutor demanded death sentences for the following defendants under Article 146 of the Turkish Penal Code :

Fevzi Bal (student), Gülay Cazkir (bank employee), Halis Öztürk (student), Türkan Sabuncu (unemployed), Huriye Üstün (employee), Gülay Özdes (student), Seyfi Alkan (student).

The following defendants also are tried under Article 146 and the military prosecutor demanded imprisonment up to 15 years for them :

Olca Altınay, Ahmet Tuncer Sümer, Osman Bilemen, Hüseyin Simsek, Adem Topal, Sadık Soysetenci, Mustafa Demir, Besir Akgün, Cevdet Taspınar, Cemil Tatlıbal, Mete Gönültaş, Selim Gültekin, Hüseyin Ceran, Muhammed Zeki Gümüşel, Fehmi Erbas, Mustafa Kiral, Ahmet Fazıl Boyacı, Selahattin Yıldırım, Fatih Uludere, Nilgün Karagözoglu, Montes Eroglu, Canan Yücel.

The following defendants are accused of to hide the suspects and the military prosecutor demanded imprisonment up to 5 years for them :

Hüseyin Sayilir, Halil Yagbasan, Mehmet Yaskesen and Mazhar Zümrüt.

OTHER CASES AT THE MILITARY COURTS

23. Members of the Cocaelli Workers-Peasants Association are being tried at the Second Military Court of Istanbul Martial Law Headquarters since September 9, 1971. The military prosecutor has demanded imprisonments up to 15 years for the defendants -the majority of whom are teachers and workers- under Article 141. The most important of the 24 defendants in this case are Basri Dede, Bilal Yesilyurt, Halil Barut, Osman Dönmez, Omer Yüce, Turhan Görgülü, Ahmet Mukadder Gönül, Hüseyin Ozyamanoglu, Mehmet Kurt, Nurettin Dogan, Necati Cig-sar, Mutlu Öztürk and Reha Yilmaz.

24. The defendants who are accused of "robbing Ziraat Bankasi (a State owned Bank)" are being tried at the Military Court of Izmir Martial Law Headquarters since December 22, 1971. The military prosecutor demanded 20-36 years imprisonment for Aktan Ince, Kadir Kaymaz (bank employee), Ertan Gürçine and Hikmet Çiçek, and 2-12 years imprisonment for Fatih Oktümüs, Erol Gültekin, Erhan Erel, Yasar Kayasli, Gülfem Yoldascan (physician), Selahattin Bora, Altan Imer, Osman Yoldascan, Mete Yoldascan (state employee), Fehmi Erbas, Deger Dilek (TRT employee), Erkin Eren, Muzaffer Doyum, Bekir Taskin, Hale Gülpinar, Mehmet Celiktaş, Ilknur Alpay, Ozden Demirhan, Fevzi Büyükvural, Isik Alamur, Hüseyin Yavuz, Tugrul Tunçlar and Ali Cimen.

25. Two members of the TRT (Turkish Radio-Television Broadcasting Corporation) Board, Adnan Öztrak (former director general) and Prof. Mümtaz Soysal together with five program producers of TRT were tried at the Second Military Court of Ankara MLH on July 5, 1971. The military prosecutor accused them of "inciting the people to rise against the government" by radio broadcast, under articles 155 and 311 of the TPC. The court declared itself incompetent to try the defendants and transferred the case to the civil courts. But the military prosecutor held a new prosecution against them and the Second Military Court of Ankara MLH began to try the members of the TRT Board anew on February 11, 1972. The Former Director of TV, Mr. Mahmut Tali Ongören is also included in the same case.

26. Sixteen defendants who were accused of hiding Nahit Töre and other members of the Popular Liberation Army of Turkey were tried at the First Military Court of Istanbul MLH. The trials began on January 20, 1972 and the military court condemned the defendants under Article 169 of the TPC on April 24, 1972 as follows : 2 years, 11 months imprisonment for Halis Findik, Güher Karaçavus and Yusuf Karaçavus ; 1 year, 11 months, 10 days imprisonment for Saniye Inci Ataberk, Yasar Uçar (editor) and Tahsin Özeressiz ; 1 year, 3 months, 16 days imprisonment for Veli Yilmaz ; 1 year, 5 months, 15 days imprisonment for Murat Yesilyurt ; 11 months 20 days imprisonment for Hüseyin Imik ; 5 months, 25 days imprisonment for Hüseyin Tasdemir ; 4 months, 5 days imprisonment for Abdullah Ozkan and Semra Sürendalli. Six defendants, Sevgi Ozkan, Güven Korusan, Hüseyin Hulki Testel, Selma Testel, Fikret Ataman, Mehmet Ataberk were acquitted.

27. Six peasants from Adiyaman, who were accused of "hiding members of the Popular Liberation Army of Turkey", were tried under Article 163 of the TPC and sentenced to imprisonment for three years each at the Third Military Court of Ankara MLH on November 11, 1971. But the Military Court of Cassation cancelled the decision and ordered a new trial on March 1, 1972. Suha Omürhan, Mustafa Serap, Ibrahim Akpınar, Ömer Kiral, Hüseyin Altın, Kamber Erdogan and Mustafa Göçmen were tried again by the same military court and were condemned to imprisonment of two years each on June 6, 1972.

28. İlhan Selçuk (columnist) and Oktay Kurtböke (editor of Cumhuriyet) were tried at the Second Military Court of Istanbul MLH. They were accused of "insulting the government and the army" by an article published just one day before the proclamation of martial law, and were sentenced to one year imprisonment each under Article 159 of the TPC on July 5, 1971. But on August 21, 1971, the Military Court of Cassation declared that the military court was unauthorized to try the defendants and the case was then transferred to a civil court. The First Aggravated Felony Court of Istanbul acquitted them on April 10, 1972.

29. Omer Ayna, member of the Popular Liberation Army of Turkey, was tried by the First Military Court of Istanbul MLH under the accusation of "robbing a bank" and was condemned to 36 years imprisonment on May 20, 1971. But the Military Court of Cassation found the penalty inadequate and imposed a new trial with the demand of a death sentence in accord with Article 146. Thereupon this case was made part of the case "The Popular Liberation Army of Turkey (Istanbul Section)".

30. Sertaç Celik (student) was sentenced to 30 days imprisonment by the First Military Court of Istanbul MLH on May 25, 1971. He was accused of "writing some anti-regime slogans on the walls of the Istanbul University".

31. Six Trade Union leaders and workers are being tried at the Second Military Court of Istanbul MLH since May 25, 1971. Yusuf Bayir, Niyazi Cetin, Durmus Öztürk, Mehmet Ali Kaya, Cemil Dogan and Mehmet Turan were accused of "breaking martial law regulations".

32. Two students, Nihat Hakeren and Hasan Iskit, were sentenced to imprisonment for two years by the Second Military Court of Istanbul MLH on May 28, 1971. They were accused of "being involved in terrorist activities".

33. Bozkurt Nuhoglu, the president of the Turkish National Youth Organisation, was sentenced to one year imprisonment by the Second Military Court of Istanbul MLH on August 6, 1971. But the Military Court of Cassation cancelled the sentence, and he was then acquitted by the same court on November 3, 1971.

34. Cetin Altan (columnist) was tried at the Second Military Court of Istanbul MLH under the accusation of "insulting the government and the army", because of an article published in the daily Aksam prior to the imposing of martial law. The military court declared itself incompetent to try the defendant and transferred the case to civil court on June 10, 1971.

35. Remzi Serbest, the headman of Kavakeli Village at Gördes was accused of "making propaganda for communism" under Article 142, and the Military Court of Izmir MLH sentenced him to 8 years and 2 months imprisonment on July 27, 1971. The verdict was approved by the Military Court of Cassation.

36. Abdurrahman Ergun was sentenced to imprisonment for 10 months by the First Military Court of Istanbul MLH on June 10, 1971. He was accused of "insulting the government and the army" under Article 159 of the Turkish Penal Code.

37. Sarp Kuray (lieutenant) and Ruhi Koç (former secretary-general of Dev Genç) were accused of "being involved in terrorist activities" by the military prosecutor and the Military Court of Ankara MLH sentenced Kuray to 8 years imprisonment and Koç to 15 years imprisonment on June 30, 1971. But the Military Court of Cassation found the penalty inadequate and sent the case's file back to the court in order to increase the punishments, in accordance with Article 146. Thereupon this case was made part of the case of "Young Naval Officers".

38. Yakup Hindistan (lieutenant) was sentenced to 10 months imprisonment on June 16, 1971 by the First Military Court of Ankara MLH. Accusation: "To keep arms without a licence".

39. Salman Kaya (student) and Hasan Yalçın (student) were tried at the Second Military Court of Ankara MLH on June 18, 1971. The military prosecutor accused them of "robbing a bank". But they were found innocent and acquitted. Then the military prosecutor accused Salman Kaya of "insulting the police forces" and brought a new suit at the Third Military Court of Istanbul MLH. Now Kaya is being tried again since February 23, 1972, under Article 159 of the Turkish Penal Code.

40. Three students were accused of "robbing a bank" and the Third Military Court of Istanbul MLH sentenced Yücel Kut to imprisonment for 28 years, Osman Süleyman Agaoglu for 61 years and Ibrahim Basak for 6 years on July 29, 1971. But the Military Court of Cassation canceled these sentences and imposed a new trial under Article 146. This time the same court's sentence was life imprisonment for Süleyman Agaoglu, 15 years imprisonment for Yücel Kut and 10 years imprisonment for Ibrahim Basak on February 18, 1972.

41. Cumhur Aydinoglu, lawyer, was accused of "hiding his brother who was being wanted by the military authorities" and was sentenced to one month imprisonment at the Second Military Court of Ankara MLH on June 26, 1971.

42. Mehmet Erdogan was accused of "hiding ammunition" and was sentenced to imprisonment for 2 years at the First Military Court of Ankara MLH on July 5, 1971.

43. Özel Becer was accused of "breaking martial law regulations" and was sentenced to one month imprisonment at the Second Military Court of Ankara MLH on July 7, 1971.

44. Seyit Ahmet Kaplam, Mayor of Elmadag Town, and Hasan Küçükceylan, employee of the municipality, were accused of "hiding dynamite", and the Third Military Court of Ankara MLH sentenced them on July 30, 1971, 6 months imprisonment for Kaplan and 7 days imprisonment for Küçükceylan.

45. Ismet Yalçinkaya, Niyazi Türk, Tevfik Aldemir and Süleyman Ersan, the teachers of Isikveren Secondary School of Zonguldak, were accused of "making propaganda for communism" and are being tried at the Second Military Court of Istanbul since July 19, 1971, under Article 142.

46. Sadik Karamustafa and his wife Gülsüm Karamustafa, speaker of TRT, were accused of "hiding some wanted students", and the Third Military Court of Istanbul MLH sentenced them on July 27, 1971, to two years imprisonment for Mr. Karamustafa and six months imprisonment for Mrs. Karamustafa.

47. Three students, Cihan Alptekin, Osman Bahadır and Yavuz Yıldırım Türk, were accused of "robbing a bank" and tried at the Second Military Court of Istanbul MLH on July 26, 1971. But later this case's file was also made part of the case of "the Popular Liberation Army of Turkey (Istanbul Section)".

48. Zeki Öztürk (bookseller) was accused of selling some "forbidden books" and the Second Military Court of Istanbul MLH condemned him to imprisonment for 5 months, on July 29, 1971.

49. Two students, Dilber Agca and Serpil Calislar, were accused of "distributing anti-regime pamphlets", and the Military Court of Ankara MLH sentenced them to two months imprisonment for each on July 30, 1971.

50. Four employees of the Ministry of Interior Affairs, Fevzi Turgut, Ercan Targay, Mehmet Kusçu and Kazım Dagdeviren, are being tried at the Third Military Court of Ankara MLH since August 3, 1971. The military prosecutor accused them of "making propaganda for communism" under Article 142.

51. Serdar Yildirim, Naci Islimyeli and Vefaettin Senarar were accused of "hiding some wanted persons" and their case has been on trial at the Second Military Court of Istanbul MLH since August 9, 1971.

52. Burhan Gültekin, who is accused of "insulting the government", was sentenced to ten months imprisonment at the Military Court of Izmir MLH on August 10, 1971 under Article 159 of the Turkish Penal Code.

53. Sinan Sahinkaya (lieutenant), who is accused of "making propaganda for communism", is being tried by the Military Court of Izmir MLH since August 10, 1971 under Article 142 of the Turkish Penal Code.

54. Hursit Kanap, who is accused of "praising an activity which is classified as a crime by law" under Article 312 of the TPC, was tried at the Military Court of Izmir MLH on August 10, 1971. But the military court declared itself incompetent to try the defendant and transferred the case to the civil court.

55. Naim Sevik, Erdogan Dogan, Ahmer Cakirgöz, Zülfikar Tezol, Ekrem Karakurt and Suat Yarali were accused by the military prosecutor of breaking Articles 311 and 159 of the TPC and their case has been on trial at the Military Court of Izmir MLH since August 13, 1971.

56. Muzaffer Satür, Necati Mert, Mükrimin Tekin, Burhan Bursa (teacher), Ahmet Sahin (worker), Ahmet Erdinç Balaban (student) were accused of "making propaganda for communism" under Article 142. The Second Military Court of Istanbul MLH tried them on August 16, 1971, declared itself incompetent to try the defendants and transferred the case to the civil courts.

57. Ayten Okan (tailor) and Vefik Okan (businessman) are accused of "making propaganda for communism" and are being tried at the Military Court of Izmir MLH since August 19, 1971 under Article 142 of the Turkish Penal Code.

58. Sevgi Sabuncu Soysal (program producer of TRT and writer), Ela Güntekin (program producer of TRT) and Mehmet Keskinoglu (actor) were accused of "breaking martial law orders". They were tried at the Military Court of Ankara MLH. Güntekin and Keskinoglu were sentenced to one month imprisonment each, Soysal was acquitted on August 31, 1971.

59. Cetin Altan (columnist) and Irfan Derman (editor of the daily Aksam) were accused of "insulting the government" because of an article published prior to the martial law. The Military Court of Istanbul MLH tried them on August 25, 1971 and sent the case's file to the civil courts, declaring itself incompetent. But the Military Court of Cassation ordered to try them at the military court. Thereupon, their trial began anew on April 24, 1972 at the Second Military Court of Istanbul MLH.

60. Uluç Gürkan, editor of the weekly Devrim, was tried at the Second Military Court of Ankara MLH. First the military court declared itself incompetent to try him and transferred the case to the civil courts on August 28, 1971. But in another case, he was sentenced to six months imprisonment.

61. Muharrem Bengi, the tailor from Odemis, was accused of "making propaganda for communism" and sentenced to 11 years imprisonment by the Military Court of Izmir MLH on September 2, 1971, under Article 142. The Military Court of Cassation cancelled the verdict on December 17, 1971.

62. Abdullah Nefes, the translator of Mao Tse-tung's Quotations, whose case was being tried at the Military Court of Ankara MLH since September 7, 1971, was sentenced to 7,5 years imprisonment on December 31, 1971 under Article 142.

63. Two students, Nuran Agirnasli and Ayten Canatan, are being tried at the First Military Court of Ankara MLH since September 18, 1971. They are accused of "praising Sinan Cemgil" who had been shot to death by the military forces.

64. Erdal Oz, writer and bookseller, was tried at the Second Military Court of Ankara MLH. The military prosecutor accused him of "making propaganda for communism" by wrapping books with printed papers. After having been held under arrest for six months, he was acquitted on December 1, 1971.

65. Erol Tasdemir was accused of "being involved in terrorist activities" and sentenced to three days imprisonment by the Second Military Court of Ankara MLH on September 25, 1971.

66. Mümtaz Soysal, professor of constitutional law, was accused of "making propaganda for communism" and the military prosecutor produced his books, including some references to socialist thinkers, as evidence for "offence". The trial began on September 30, 1971, and the Third Military Court of Ankara MLH sentenced him to 6 years and 8 months imprisonment under Article 142, on December 3, 1971. But the Military Court of Cassation was obliged to cancel the verdict on March 9, 1972 and to release the professor after having held him under arrest for ten months, thanks to external pressure exerted on the military regime. But the Third Military Court of Ankara MLH insisted on the condemnation on April 26, 1972. Thereupon, the General Assembly of the Military Court of Cassation cancelled again the verdict on July 14, 1972.

67. Two students, Kayhan Edip Sakarya and Muazzez Akçam were accused of "breaking martial law orders". The Second Military Court of Istanbul MLH acquitted them on October 8, 1971.

68. Sacit Gökkaya, state employee, was accused of "making propaganda for communism" and tried at the Third Military Court of Ankara MLH under Article 142. The court released him on October 8, 1971.

69. Nazim Ata, lieutenant, and Nezir Taner, non-commissioned officer, were accused of "making propaganda for communism" under Article 142. They were tried at the Second Military Court of Ankara MLH and were acquitted on October 20, 1971.

70. Five students, Yusuf Aslan, Kamil Dede, Mustafa Kaçaroglu, İlhami Aras and İrfan Uçar, were accused of "being involved in terrorist activities". Their trials began at the First Military Court of Ankara MLH on November 5, 1971 and all of them were acquitted. But İlhami Aras, Mustafa Kaçaroglu and Mahir Sayin were sentenced to 11 years imprisonment each by the same court on December 22, 1971. The Military Court of Cassation cancelled the verdict and ordered a new trial under Article 146 on December 22, 1971.

71. Veli Sevinçhan, teacher, is being tried at the Third Military Court of Ankara MLH since November 23, 1971. He is accused of "praising Deniz Gezmiş, one of the students condemned to death and hanged". The military prosecutor demanded five years imprisonment for him.

72. Emil Galip Sandalci, member of TRT Board and former chief editor of the foreign news desk, was accused of "making propaganda for communism" under Article 142. His trial began on November 24, 1971 and the First Military Court of Ankara MLH acquitted him on January 5, 1972.

73. Turan Külahoglu, student, is being tried at the Third Military Court of Ankara since November 23, 1971. He is accused of "insulting the government" under Article 159 of the Turkish Penal Code.

74. Bahri Savci, professor at the Political Sciences Faculty of Ankara University, was accused of "inciting the people against the laws". His trial began on November 24, 1971 and the Third Military Court of Ankara MLH acquitted him on May 9, 1972.

75. 27 defendants, who are under arrest at the military jail of Mamak, are being tried at the Second Military Court of Ankara MLH since February 2, 1972. The military prosecutor has accused them of "rising against the authorities of the prison" and demanded 1-4-5 years imprisonment.

76. Three students, Hamdi Güvenç, Mehmet Sinasi Ipek and Mustafa Calik, were accused of "trying to prevent the examinations at the Political Sciences Faculty" and were sentenced to one month imprisonment each by the Military Court of Ankara MLH on June 18, 1971.

77. Ramazan Duman was accused of "insulting the Army" and sentenced to ten months imprisonment by the First Military Court of Ankara MLH on June 18, 1971.

78. Three students of the Law Faculty of Ankara University, Raif Cakin, Mahmut Güler and Necdet Nakiboglu, were accused of "distributing pamphlets against the military regime" and are being tried at the Third Military Court of Ankara MLH since December 2, 1971. During the trials, another student, Mustafa Güngör, was also accused of "giving false testimony" and arrested on December 22, 1971.

79. Two teachers, Nurten Gezer and Bahattin Durak, were accused of "being members of a clandestine organization" and are being tried at the Second Military Court of Ankara MLH since December 18, 1971 under Article 141.

80. Yüksel Birdal, engineer, was accused of "making propaganda for communism" and sentenced to 16 months imprisonment by the Second Military Court of Ankara MLH on February 22, 1972 under Article 142. During the trial he was also accused of "insulting the military prosecutor" and sentenced to 6 months imprisonment on February 23, 1972 by the same military court.

81. Mukaddes Doyum, student, was accused of "tearing down the posters about the wanted persons" and sentenced to one month imprisonment by the Military Court of Izmir MLH on December 8, 1971.

82. Three student, Onder Unlü, Yavuz Olagan and Edip Kale, were accused of "distributing some forbidden pamphlets" and sentenced to six months imprisonment each by the Third Military Court of Ankara MLH on December 9, 1971. In the same case, three other defendants, Feyyaz Kalafat, Ertugrul Esatogly and Kutsi Alyamac were acquitted.

83. Gökders Candemir was accused of "hiding suspect persons" and is being tried at the Military Court of Izmir MLH since December 17, 1971.

84. Mustafa Kiliç, Alparslan Berk, Ahmet Nedim Aytaç are accused of "making propaganda for communism" under Article 142 and are being tried by the Military Court of Izmir MLH since December 17, 1971.
85. Güney Dinç, lawyer, was accused of "being involved in activities of Dev Genç" and tried at the Third Military Court of Ankara MLH on December 28, 1971. But the court declared itself incompetent to try the defendant and transferred the file of the case to the Military Court of Izmir MLH.
86. Sefer Sadikoglu, ship-owner, and his 19 friends were accused of "smuggling arms and ammunition" and are being tried by the Second Military Court of Istanbul MLH since January 10, 1972. The military prosecutor demanded imprisonment up to 15 years for Sefer Sadikoglu, Davut Gökdeniz, Refik Akyüz, Ali Lermioglu, Mehmet Beyhan and imprisonment up to 4 years for other 14 defendants.
87. Ertan Acaroglu, vice director of the Middle East Technical University, was accused of "hiding suspect persons and helping them to escape" and tried at the Third Military Court of Ankara MLH. The court acquitted him on January 17, 1972.
88. Isik Alamur, Ilhami Akman, Nazmi Tavgaç, Selami Vural and Sina Ciladir were accused of "making propaganda for communism" and are being tried by the Third Military Court of Istanbul MLH since January 18, 1972, under Article 142.
89. The military prosecutor brought a new suit against Attila Sarp, who is one of the main defendants of Dev Genç and Naval Officers cases, by accusing him of "insulting the prosecutor". The trial of this case began on January 18, 1972 and the Third Military Court of Istanbul MLH condemned him to 4 months and 15 days imprisonment on May 24, 1972.
90. Four high school students, Bülent Egel, Erdal Ataç, Gökhan Saka and Seyfettin Uluçam were accused of "making propaganda for communism" under Article 142 of the Turkish Penal Code. They are being tried by the First Military Court of Istanbul MLH since February 17, 1972.
91. Ugur Semerci, Lieutenant, was accused of "making propaganda for communism" and sentenced to 17 months and 15 days imprisonment by the Third Military Court of Ankara MLH on February 19, 1972 under Article 142.
92. The leaders of the Turkish Labour Party Zonguldak Section, Ahmet Hamdi Dinler, Sabri Uilmaz (lawyer), Yildirim Eryilmaz, Oner Güven, Nurden Orpen, Arif Yörük and Oktay Zor, were accused of "trying to annihilate national feelings" and are being tried at the Third Military Court of Istanbul MLH since July 16, 1971.
93. Four teachers from Orhaneli Town, Ramazan Köksal, Sabri Biber, Turan Yilmaz and Yasar Ince, were accused of "forming a clandestine organization" and are being tried by the Second Military Court of Istanbul MLH.
94. The members of Kadirli Cultural Club were accused of "making propaganda for communism" and tried at the Military Court of Adana MLH under Article 142. The court condemned Erdogan Demirci, Halil Altinkizil, Hazim Ozdemir and Ali Durmus to 8 years imprisonment each. Tülay Ozdemir (student) was also tried for having said "revolution is much more important than love" under Article 142. The court condemned her to 5 years and 4 months imprisonment. The Military Court of Cassation cancelled the verdicts on March 25, 1972 and demanded that the defendants be tried again.

95. The Second Military Court of Istanbul MLH condemned Ahmet Hamdi Dinler, member of TIP, to 8 years and 6 months imprisonment under Article 142 on March 30, 1972.
96. The Third Military Court of Istanbul MLH condemned Mustafa Lütfi Kiyiçi, student, to 7 years and 6 months imprisonment under Article 142 of the TPC.
97. The Third Military Court of Istanbul MLH condemned Metin Tas to 10 months imprisonment on March 30, 1972. He was accused of "carrying arms".
98. Twenty students are being tried at the Second Military Court of Ankara Martial Law Headquarters since April 5, 1972. The military prosecutor accused them of "publishing and distributing a clandestine newspaper" and demanded punishment under Article 142.
99. Sevgi Sabuncu Soysal, who had been tried and acquitted previously (See : N°. 58), was arrested again just after her husband, Prof. Mümtaz Soysal, was released (See : n° 66). She was accused of "insulting the Armed Forces" and tried at the Military Court of Ankara MLH. The court condemned her to one year imprisonment on April 26, 1972. But the Military Court of Cassation canceled the verdict and ordered a new trial on July 13, 1972.
100. Dr. Ismail Besikçi, assistant at the Political Sciences Faculty of Ankara, is being tried at the Military Court of Diyarbakir MLH since July 22, 1971. The military prosecutor accused him of "making propaganda for communism and separatism" in his scientific researches and books. His book entitled "The Social Order of Eastern Anatolia", which is known as the most reliable source on this subject, was also shown as evidence of his "offence" under Article 142.
101. Seref Gürle was accused of "inciting the prisoners to break the prison regulations" is being tried by the Third Military Court of Ankara MLH since April 25, 1972.
102. Niyazi Agirnasli, lawyer, was sentenced to 10 months imprisonment on July 17, 1972 by the First Military Court of Ankara MLH. He was accused of "insulting the government" under Article 159 of the TPC.
103. Niyazi Agirnasli, lawyer, and two trade union leaders, Ismet Demir Uluç and Ismail Basbug, were condemned to six months imprisonment each on June 28, 1972 by the Third Military Court of Ankara MLH. They were accused of "inciting the people to break the laws" by issuing a pamphlet against the visit of US Sixth Fleet.
104. Ten students of the Political Sciences Faculty of Ankara, Ahmet Bahadır Boso, Ramazan Özcan, Metin Yalçın, Mustafa Sanlıoğlu, Abdullah Ocalan, Faruk Güldü, Yümnü Ağahan, Doğan Firtına, Mehmet Filiz and Haluk Altay are being tried by the Third Military Court of Ankara MLH under Article 142 of the TPC since July 31, 1972. They were accused of "making propaganda for communism and inciting their friends to break the laws" while they were protesting the Kizildere Massacre, on March 31, 1972. The military prosecutor brought another case against 16 students of the same faculty besides this case, on July 31, 1972 under Article 142.
105. Mehmet Emin Zorkun (teacher) and Adem Muhan (student) were tried at the Second Military Court of Ankara MLH. The military prosecutor accused them of "inciting one class against other classes" under Article 312 of the Turkish Penal Code. The court acquitted them on July 31, 1972.

106. Adnan Sahin and Hüseyin Naneci were condemned to three months imprisonment on July 17, 1972 by the Third Military Court of Ankara MLH. They were accused of "praising Deniz Gezmiş".

107. Emine Dinç, Usuf Savas Emek, Gökdere Candemir, Sumru Zarifoglu, Mehmet Ali Zarifoglu were accused of "being affiliated to a clandestine organization and making propaganda for communism" under articles 141 and 142 of the Turkish Penal Code. The Military Court of Izmir MLH condemned Mehmet Zarifoglu and Sumru Zarifoglu to 8 years and 8 months imprisonment each under Article 142, Yusuf Savas Emek to 6 months imprisonment under Article 351 and Gökdere Candemir to 7 months imprisonment under Article 269, on June 21, 1972.

108. Osman Saffet Arolat, editor, was condemned to 2 years imprisonment by the Second Military Court of Istanbul MLH on June 22, 1972. He was accused of "insulting the security forces".

109. Ruhi Koç (former secretary-general of Dev Genç) and his friends were accused of "distributing pamphlets against the regime" under Article 311 of the TPC. Their trials began on June 26, 1972 at the First Military Court of Ankara MLH.

110. Hülya Zagyapan, the defendant of the TOS Case, was also tried by the First Military Court of Ankara MLH because of "insulting the military judges" and condemned to 6 months imprisonment on June 26, 1972.

111. 19 persons were condemned to one month imprisonment each on May 13, 1972 by the Military Court of Ankara MLH. Mehmet Durmus, Cahit Kabadayi, Mehmet Feridun, Fikret Ozer, Hasan Kökten, Ramazan Tanyeri, Süreyya Sensoy, Mehmet Kirabali, Ismail Sahin, Ismail Sedat Kansak, Ilhami Öztürk, Omer Arslan, Tuncay Güven, Remzi Basarir, Selahattin Özdoğan, Niyazi Boran, Hüseyin Davutoğlu, Osman Aydoğdu and Mehmet Basarir were accused of "breaking the martial law regulations".

112. Mehmet Arkis, retired army colonel, was condemned to 1 year and 4 months imprisonment on May 16, 1972 by the Third Military Court of Ankara MLH. He was accused of "insulting the Armed Forces" while he was consoling his son who had been condemned to death by the military court.

113. Meliha Kalayci, state employee, was condemned to 10 months imprisonment on July 17, 1972 by the First Military Court of Ankara MLH. She was accused of "insulting the Armed Forces" in her letter which she had written to her fiancé who was under arrest.

114. Ismail Aydın, student of the Law Faculty, was condemned to 6 months imprisonment on May 31, 1972 by the First Military Court of Ankara MLH under Article 142. He was accused of "distributing a pamphlet against the military regime".

115. Three female defendants were tried by the Military Court of Ankara MLH on a charge of "hiding suspected persons". On March 8, 1972, the military court condemned Tülin Bingöl to 2,5 years imprisonment, Nihan Serifoglu to 20 months imprisonment and Sibel Serifoglu to 2,5 years imprisonment. The Military Court of Cassation canceled the verdict and ordered a new trial. But the military court insisted on its decision on June 3, 1972.

116. Professor Ugur Alacakaptan, Dean of the Law Faculty, Mukbil Ozyörük, assistant professor, Ugur Mumcu, assistant, Adil Ozkol, assistant, Mehmet Ali Kislali, journalist, Mahmut Güler, Imdat Balkoca, Ismet Tufan Yazici, students, are being tried by the First Military Court of Ankara MLH under article 146 and 142. The military prosecutor demanded imprisonment up to 15 years for the defendants on June 7, 1972.

117. Jülide Zaim, the defendant of the THKC Case, are being also tried because of "hiding her fiance". Her trial began on July 19, 1972 at the Second Military Court of Istanbul MLH.

118. Cemil Akgül, Mayor of Kurtalan Town, Ceto Akgül and Mehmet Ali Taner were condemned to one year imprisonment each on July 28, 1972, by the Military Court of Diyarbakir MLH. They were accused of "making propaganda for separatism" under Article 142. Three other defendants were acquitted.

119. Six persons were tried by the Third Military Court of Ankara MLH because of hiding Hasan Ataol, who is wanted by the military authorities under the accusation of "attempting to assassinate the Commander of Gendarmerie. On July 29, 1972, the military court condemned Hasan Fehmi Nemli, Cemal Ozsoy and Ayten Canatan to 4 years, 2 months imprisonment each under Article 296, Mehmet Turan and Erdal Turan to 2 years and 6 months imprisonment, Durmus Bozkir to 5 months imprisonment.

120. The military Prosecutor brought a law-suit against Faik Muzaffer Amaç, the lawyer of the THKC Case's defendants under articles 266-268 of the Turkish Penal Code. He was accused of "insulting the military judges and prosecutors" by publishing a book entitled "The Case at the Military Court of Cassation". Although the book includes solely the file of case, the Military Court of Istanbul MLH arrested the lawyer on July 29, 1972. His another book which includes the court minutes about the tortures had been confiscated by the military authorities previously.

B. CHRONOLOGICAL NOTES ON THE TRIALS

21 July, 1971 : At the trial of Deniz Gezmiş and his friends, defendant Hüseyin İnan stated : "At this moment we, the 20 young men, are being accused of high treason in the presence of this court. You are trying to hold us responsible for the last 50 years. Now we realize that you are trying to make the crime fit the punishment, instead of making the punishment fit the crime". He also rejected the accusation of "trying to change the Constitution", saying : "My last words will be : Long live the democratic Constitution of 1961".

3 August, 1971 : The Military Court of Cassation nullified the May 20th, 1971 decision of the Military Court of Istanbul Martial Law Headquarters condemning Ömer Ayna to 36 years imprisonment because of a bank robbery. The reasons for the annulment of the decision are as follows :

"There is no doubt that the accused is a marxist and a revolutionist and that the offences committed have an ideological aim : as he himself admitted in his defence, his crime cannot be considered as ordinary for the reason that the ideology and the methods that he applied are not allowed by the Constitution of the Turkish Republic and have characteristics of an offence the aim of which is the destruction of the Constitution.

Because destroying the Constitution was a necessary step for the delinquent to achieve his goal. It would have been impossible for the accused to commit this crime (that one can almost qualify as a destruction of the Constitution and which fulfills all the conditions of Article 146 of the Penal Code), alone and by the means he employed. The accused committed this crime as a member of an illegal organization, and since he was encouraged, together with three companions belonging to the same communist cell, by this organization, the complicity must be investigated while taking into consideration the relationship between the leader and the members of this group and we must act accordingly".

Considering the terms of the Military Court of Cassation's pronouncement there can be no doubt that the death sentences will be confirmed. With these decisions the Military Court of Cassation, composed of members of the Armed Forces itself, wanted to provide a justification for the military courts of martial law. It is no longer a question of jurisdiction ; it is a matter of destroying the opposition physically and psychologically.

9 August, 1971 : During the trial of Deniz Gezmiş and his friends, defendant İrfan Uçar disclosed the tortures he underwent at the Police Headquarters. He is the most deadly injured on by tortures. Although the trial of the Popular Liberation Army of Turkey began on July 17, 1971, he could not be brought to trials until today, not being able to stand on his feet because of tortures.

11 August, 1971 : The First Military Court of Istanbul Martial Law Headquarters started to try 84 defendants under Article 146 of the Turkish Penal Code. During this first session, the defendants were manhandled by soldiers, Hasan Cetin and Vahidittin Ergin, two defendant officers, were beaten on the head with truncheons.

12 August, 1971 : At the trial of the 84 defendants, Naval Lieutenant Sarp Kuray stated : "As a matter of fact, the leaders of the Justice Party (AP) are the ones who tried to change the present Constitution by force. If the military prosecutor has the courage, he must bring them before the military court instead of us". He also disclosed that torture was used against him at the Police Headquarters and said : "When I was taken into custody, I was interrogated under great torture. if I were not a revolutionist, I would have committed suicide".

- The Parliament started to debate the modification of the 1961 Constitution under the pressure of the military junta. Deniz Gezmiş and his friends started a hunger strike for four days in order to protest the amending of the Constitution.

13 August, 1971 : 84 defendants at the First Military Court of Istanbul Martial Law Headquarters declared that they also started a hunger strike for 48 hours in order to protest the amending of the 1961 Constitution.

16 August, 1971 : The trials of Mahir Cayan and his 26 friends started at the Third Military Court of Istanbul Martial Law Headquarters. During this first session, the defendants and their lawyers disclosed the tortures applied at the Police Headquarters.

23 August, 1971 : Mahir Cayan divulged that he was still being kept in chains in a cell isolated from his friends and stated : "Our aim is to struggle for protecting the 1961 Constitution, which is ignored by the ruling classes. The Justice Party Government could not amend the Constitution by legislative ways because it was not strong enough to do this, but they ignored it by not putting its orders into practice. We were obliged to start the illegal struggle when the government organized some outlaw establishments in order to support murderers". At the same session, lawyer Faik Muzaffer Amaç informed the court of not being allowed to consult with his client, Mahir Cayan, by the military authorities.

25 August, 1971 : At the trial of Mahir Cayan and his friends, the judge dictated the rejection of the claim about the tortures as follows : "It is impossible to find out whether the defendants were tortured for obtaining the truth or whether they were forced to accept crimes that they have never committed". Thereupon, all of the defendants sat on their chairs in order to protest the decision. Ensuring the discipline of the trial is the duty of the court president according to the Military Criminal Procedure Code. But while Colonel Vecdi Müftüoğlu, the president, was not interfering, Lt. Colonel Akdemir Akmut, the judge ordered the officers and the soldiers forced the defendants to stand up by twisting their arms or by strangling them.

27 August, 1971 : The defendants of Mahir Cayan Case complained to the Ministry of National Defence of the military court because, in spite of their insistent claims, the court did not inform the responsible authorities of the tortures. The lawyers of the defendants informed the court of the complaint and requested them to abstain from the trial. But the military court rejected to abstain. Thereupon the defendants and their lawyers rejected these judges and demanded for other judges by giving a formal requisition to the Court. A new judicial assembly was formed by other military judges, but they also rejected the requests of the defendants.

2 September, 1971 : Deniz Gezmiş stated during his trial that they never killed anybody, and treated the four kidnapped US soldiers kindly. And he appealed to the Court to listen to the four US soldiers whom they kidnapped lately as witnesses. His application was rejected. The application of the lawyers demanding the Court to inquire whether the US bases limit the independence of Turkey was also rejected.

5 September, 1971 : The 1961 Constitution was changed through the pressure of the military junta on the National Assembly, with 357 votes for and only 2 against.

9 September, 1971 : At the First Military Court of Ankara Martial Law Headquarters, the military prosecutors demanded death sentences for Deniz Gezmiş and his 17 friends accused of "trying to change the Constitution by force".

20 September, 1971 : The alteration of the 1961 Constitution was passed by the Senate with 134 votes for, 12 against and 1 abstention under the pressure of the military junta.

- At the trial of Mahir Cayan and his friends, the lawyers wanted the army officers to be removed from the court room, saying : "Take these officers away ! You are trying to oppress us by keeping them beside us". Their demands were rejected.

23 September, 1971 : At the trial of Mahir Cayan and his friends, the lawyer Nebil Varuy stated that they were still prevented from consulting with their clients. Thereupon the Court decided to eject two lawyers from the court room, accusing them of violating the Court's decision. When the judge declared that he would complain about this lawyer to the Bar, Mahir Cayan shouted at him and the others : "You are not an objective judicial assembly ! We are tried here not by you, but by US imperialism !".

6 October, 1971 : First Military Court of Istanbul Martial Law Headquarters started to try Cihan Alptekin and his friends under Article 146 of the Turkish Penal Code. During this first session, the defendants disclosed the tortures applied to them at the police headquarters.

8 October, 1971 : At the trial of Cihan Alptekin and his friends, the defendant Osman Bahadır stated : "Why did I take up arms and organize in the mountains in my last semester as a 22 years old student at the Technical University ? We revolted in the mountains, blowing up US bases springing up like mushrooms everywhere in Turkey. At the beginning of the student movement we had no arms in our hands. Our legal rights were violated. Students who took part in legal demonstrations were beaten with police truncheons. They prevented and suppressed our attempts to legally spread our socialist thought. We soon realized that we could do nothing except to take up arms, and we did".

9 October, 1971 : Deniz Gezmiş and his 17 friends were sentenced to death. Before the trial started, the court room was surrounded by hundreds of military guards and by plain-clothes police agents. Nobody except three journalists, the correspondants of news agencies, lawyers of defendants and parents of certain defendants, were allowed into the court room. At 9.05 a.m., Deniz Gezmiş and Yusuf Aslan were brought into the court room. When they learnt that they had been sentenced to death, they started to shout, "long live independent Turkey !" But the military guards carried them out of the court room holding their mouths shut to prevent them from shouting. Hüseyin İnan and other defendants were also brought into the court room two or three at a time, and each pair tried to shout "long live independent Turkey", but the military guards also held their mouths shut and did not allow them to shout.

13 October, 1971 : At the trial of Cihan Alptekin and his friends, defendant Oktay Kaynak spoke as follows : "We do not speak to you here in order to affect the result. We already know your decision against us. US imperialism and its local collaborators forced us to take up arms. You can try us for fighting against them, but you cannot try us for violating the Constitution.

At the same session, the judge decided to have Cihan Alptekin taken out from the court room, whereupon the lawyer Demir Özlü withdrew from the session taking off his academic robe and throwing it in front of the court yard. The other lawyers followed Özlü out the hall.

14 October, 1971 : The military prosecutor initiated legal proceedings against five lawyers who boycotted the session at Cihan Alptekin and his friends' trial. Orhan Arsal, one of these lawyers, was taken into custody. Five other lawyers again left the court room for protest.

15 October, 1971 : The military prosecutor in Ankara began legal proceedings against the eleven lawyers who defended Deniz Gezmiş and his friends. They were accused of insulting the army and the government in their defences.

16 October, 1971 : Nebil Varuy, the lawyer of Cihan Alptekin and his friends, was taken into custody. He is accused of insulting the military judges and the military prosecutor during the trials.

18 October, 1971 : The lawyers Demir Ozlü, Necdet Sagir and Yalçın Oztürk were also taken into custody. During the trial of 84 defendants, the lawyers Ziya Nur Erün and Ozer Kirca, left the court room in order to protest the legal proceedings taking place against the lawyers of the earlier cases.

19 October, 1971 : At the trial of Mahir Cayan and his friends, the lawyer Faik Muzaffer Amaç demanded a recess due to the fact that the other lawyers in the case were taken into custody. When his demand was rejected, the lawyer Amaç demanded other judges, but this was also rejected.

25 October, 1971 : During his trial at the Third Military Court of Istanbul MLH, Mahir Cayan stated to the court that he was still being kept in an isolated cell and prevented from consulting with his lawyers. The other defendants of the case also claimed that they lost their right to defend themselves due to the fact that their lawyers were taken into custody.

1 November, 1971 : Mahir Cayan stated that he was still being kept in an isolated cell, that he was prevented from consulting with his lawyers, and for this reason he started a hunger strike eight days ago.

16 November, 1971 : At the trial of Cihan Alptekin and his friends, the defendant Ali Aydın Cig stated : "My confession was obtained at the Police Headquarters by applying 60 volts of electric current on my sexual organs. I lost my virility because of this torture. But now I am manlier than those who caused me to loose my virility".

17 November, 1971 : Mahir Cayan and his friends started to read their 220 pages defence. In the joint defence of the Popular Liberation Front of Turkey and the Popular Liberation Party of Turkey, it is stated : "We, who are charged here of trying to change the Constitution by force, are the ones who have defended the 1961 Constitution against those who have not put it into practice since 1965. The 1961 Constitution was violated by the ruling classes, who prevented it from being put into practice, and classified it as a "luxury for Turkey". This is a historical paradox. The death sentences against us were already decided quite a long time ago. These trials are held in order to deceive world opinion".

25 November, 1971 : During the trial, Mahir Cayan accused the military prosecutor, saying : "The military prosecutor is the puppet, the representative of a gang of plotters. He is the traitor", after the military prosecutor accused them of being thieves.

26 November, 1971 : At the trial of Mahir Cayan and his friends, the defendants divulged that the judge Akdemir Akmut was reading novels behind the bench when they were reading their defence. Cayan also classified judge Akdemir Akmut as a provocateur and stated : "Akdemir Akmut is the most reactionary and the most fascist of the martial law judges".

29 November, 1971 : All prisoners, including the ones sentenced to death, began passive resistance in order to protest ill-treatment in the military prison of Ankara. The Martial Law Headquarters of Ankara officially announced that the prisoners had armed themselves by breaking and filing the iron legs of the tables and heaping up the bed-steads behind the doors in order to prevent the guards from entering the cells. They boycotted the meals. Some of them attempted to pierce the ceiling of the prison.

30 November, 1971 : In Istanbul, Mahir Cayan, Ulas Bardakçi, Ziya Yilmaz, defendants of the THKC Case, and Cihan Alptekin and Omer Ayna, defendants of the THKO (Istanbul Section) Case, escaped from the military prison by digging a tunnel 15 meters long. The Martial Law Headquarters of Istanbul tried to conceal the fact of the escape from the public, because this would seriously weaken the prestige of the military rule. But in spite of all attempts at concealment, Cayan's friends revealed the fact at the military court during their trial.

2 December, 1971 : After the escape, four of the other defendants in the Mahir Cayan Case -Necmi Demir, Kamil Dede, Yüksel Erdogan and Osman Bahadır-were put in isolated cells at Harbiye Caserne (Military Police Headquarters). At the trial Kamil Dede said : "They did not even allow us to get our personal belongings. We have been kept under inhuman conditions, and have been brought here exhausted. We have no strength to make our defences. The last 18 pages of our written defence have been lost". Ilkay Demir declared that all the defendants began the "death fast" in order to protest the putting of their friends into isolation cells, and said : "Even the possibility of death would be too high, we prefer to fall in struggle instead of waiting in jail like caged animals for our executions. Our five friends also foresaw this. They escaped because they wanted to fight for the independence of our country. As for those of us who have remained under arrest, the military authorities have selected our four friends and began to inflict ill-treatment on them. Why were they taken to Harbiye Caserne ? Is there any court decision about this punishment ? All of us began to resist, one by one, on tuesday morning. We shall continue to fast until our friends are taken out of those isolated cells. Otherwise, they would put all of us into cells".

3 December, 1971 : At the trial of Cayan's friends, the illegal behaviour of the military judge provoked new disturbances. The defendants, who had been locked in isolated cells, could not complete their defence owing to the fact that the last pages of their joint defence were not completed and ordered them to say their last words. The defendants objected and said that as long as the defence was not completed, it was illegitimate to ask for the last words. But the judge reiterated his order.

Thereupon, Ilkay Demir said : "Not only is he biased, but this judge is also deliberately trying to infuriate us. We have been on a hunger strike for four days, and cannot waste time on the personal caprices of Judge Akdemir Akmut".

Since the dispute between the judge and the defendants became severe, the court's president called on the officers and soldiers on guard to attack the defendants, Kamil Dede, Necmi Demir and Ilkay Demir were kicked out of the court room.

6 December, 1971 : During their trial, Ilkay Demir informed the court of the continuation of the defendant's death fast and said that the military authorities had began severe ill-treatment against the prisoners, in addition to taking away their beds and blankets and letting them sleep on the concrete ground without any protection. Kamil Dede, one of the defendants being kept in an isolated cell, revealed that their healths were getting worse in cells day by day and that the authorities would not give them any paper and pencil to write their defence. Defendant Necati Sagir said : "We are not afraid of death ! We spit in the forehead of death ! Nobody can hang the label of high treason around our necks. Now, gentlemen ! Condemn us ! In the future, the people of Turkey will carry on the struggle against imperialism".

27 December, 1971 : The Third Military Court of Istanbul MLH condemned Necmi Demir, Kamil Dede, Ilkay Demir, Kadriye Deniz Ozen and Rüçhan Manas to death, under Article 146. The death sentences of three female defendants were commuted to life imprisonment.

22 April, 1972 : While the death sentences of Deniz Gezmis, Yusuf Aslan and Hüseyin Inan were being approved at the parliament, the First Military Court of Istanbul MLH contradicted these death sentences by rejecting to apply Article 146 of the TPC to the Istanbul Section of the Popular Liberation Army of Turkey.

3 May, 1972 : On the day the President of Republic signed the death sentences of the Three young men, the First Military Court of Istanbul MLH contradicted these death sentences again by rejecting to apply Article 146 to the defendants of the Young Naval Officers Case.

6 May, 1972 : In spite of the contradiction in the verdicts of the military courts on Article 146 of the TPC, Deniz Gezmis, Yusuf Aslan and Hüseyin Inan were executed in Ankara.

C. OBJECTIONS RAISED TO THE DEATH SENTENCES

After the Third Military Court of Ankara Martial Law Headquarters condemned Deniz Gezmis, Yusuf Aslan, Hüseyin Inan and their 15 friends to death, the defendants' lawyers, Halit Celenk, Niyazi Agirnasli, Kamil Savas, Orhan Izzet Kök, Zeki Oruç Erel, Özden Timurkaynak, Mükerrrem Erdogan, Refik Ergün, Sadik Akincilar, Ersen Sansal and Kemal Yücel, appealed to the Military Court of Cassation (Section 2, File No. 2, 1971-457) to set aside the verdict dated October 10, 1971 (No. 1971/13 and 23).

The following is a short summary of the 275 page text presented to the Military Court of Cassation by the 10 defence attorneys :

"In this historic trial, the Military Court of Martial Law paid no attention to the defence's plea. Our case was submitted in a 300 page long statement prepared by us and our clients in which we analyzed the prevailing socio-economic conditions which gave meaning to the deeds committed by our clients. We then sought to ascertain whether these deeds could in fact be considered 'crimes' under Article 146/1 of the Penal Code. We requested that the Constitutional Court rule on the constitutionality of the martial law itself and the extraordinary courts it instituted, but the Court refused to go into this question. Nor would it give any weight to our arguments based on the country's socio-economic conditions. The court took no account of our rightful requests."

The Unconstitutionality of the Proceedings

"Law No. 357, authorizing the designation of military judges and military prosecutors, unconstitutional by virtue of articles 16 and 40 contained therein. Indeed, in direct contradiction to articles 7, 132 and 138 of the Constitution which stipulate that courts and judges must be independent and sovereign, these articles provide that the military judges and military prosecutors shall be designated by the Ministry of National Defence, that is, by the Government itself. Yet jurisprudence as well as previous decisions of the Constitutional Court require, as does the Constitution, that the courts remain free from any and all

interference on the part of the executive power. In accordance with the historic decision of the Constitutional Court in 1968 (JO, 18.4.68, 12878), even public prosecutors, are no longer designated by the Ministry of Justice. Numerous precedents thus prove that the Constitutional Court would hold the designation of military judges by the army chiefs of staff and by the Ministry of National Defence to be unconstitutional.

"It is a mockery of the very principle of the 'rightful judge (normal presiding judge)' and the 'independence of the courts'. Under these circumstances, several serious irregularities are evident which jeopardize the independence of the courts. Furthermore, as these nominations are unconstitutional, none of the usual legal guarantees can be invoked.

"The creation of the First Military Court of Ankara Martial Law Headquarters runs counter to the principle of the 'rightful judge', as defined in Article 132 of the Constitution. For here we are clearly faced with a 'post delictum' case. Rightful proceedings are distinguished from exceptional proceedings by the criterion of whether or not the nature of the court and the competent judge were legally defined before the offence committed. Now, the actions charged against our clients were committed long before the courts that are trying them were created. Martial law was proclaimed on April 26, 1971 and the judges were named on April 30, 1971. But our clients committed their 'crimes' prior to martial law. Their rightful judges therefore cannot be the military courts of martial law, for otherwise articles 16 and 40 of Law 357 would directly conflict with articles 7, 8, 32, 132 and 138 of the Constitution.

"But the Court took no heed of this argument. We insist that this law presents a serious question of unconstitutionality, and it is primarily on this point that we base our request to annul the verdict and order a re-trial.

"The military prosecutor maintains that the Constitution itself legitimizes resort to military tribunals. But such courts must conform to the principle of the 'rightful judge' and the 'independence of the courts', and there must be guarantees concerning the judges.

Article 146/1 of the Penal Code and the Actions of the Accused :

"It is fundamental to the modern view of criminology that offences and penalties must be clearly defined by law. In this way arbitrariness can be guarded against and complete justice assured. This, by the way, has become a basic principle underlying all constitutions.

"Offences must be defined by law together with their component parts. If such part is missing, the court must take this into consideration. In the case of these defendants, this has not been done. In articles 61-62 of our penal code provision is made for 'attempts'. Attempts and unsuccessful attempts. To which the Court added the author's 'attitude to the punished act'. It is not in conformity with the principles of our penal code to assign Article 146/1 a separate status for being concerned with crimes against the 'established order'. Actions preceding the offence are not to be included as component parts of the offence defined in Article 146/1. For those other actions are dealt with in articles 168-172 of the same penal code. Italian authors agree with us here. 'Action committed with special objectives in mind' is not enough to warrant talking of 'attempts'. Action in preparation of the offence are punished only in accordance with articles 169-172 of the Penal Code.

Attempts and their Component Parts :

"Article 146 speaks of premeditated action, but it is violence which is the determining characteristic.

"In order to qualify as an offence, an action must clearly be defined by law. That is the tangible element of the offence. Article 146, however, does not clearly state what this action consists of, and hence even attempts can be considered as tangible elements of the offence. These actions must be appropriate to achieve results considered to be offences and punishable as such. For the actions which are punishable under Article 146 are acts actually carried out. If the action is not suitable and does not achieve the intended results, then the offence has not taken place, even if the action itself is extremely dangerous. There must be causal link between the act committed and the intended result. The best criterion in this matter is whether or not a suitable means has been employed. This implies that actions incapable of achieving the intended results cannot be considered as the carrying out of those results.

"Now, Article 146 speaks of intended results : 'to completely or partially alter the Constitution, to abolish it ; to prevent parliament from discharging its functions'. It is not enough to have engaged in acts with these objectives in mind ; the means employed must also have been appropriate to their realization.

The Components of an Attempt :

"The Turkish Penal Code lists four requirements that have to be fulfilled before an action can be considered an attempt :

- "1) Actual premeditation (kasit).
- "2) The use of a suitable means.
- "3) Execution of the attempt actually begun.
- "4) If the objective was not achieved, this was due to factors independent of the will of the author.

"Let us discuss our clients' case in the light of these requirements.

"The Court said : 'We have considered all the actions committed as parts of a whole and have thus defined the moral aspect of the offence. If these actions were considered separately, one would be dealing with ordinary crimes. But that would imply ignoring the ideological objective which is the basis for all these acts. And it is precisely this action in common which is the ultimate objective of the authors'.

"Here we find expressed the nature of the offence : a political offence. However, our penal code deals with this political offence in a number of places. Hence other criteria have to be used, such as 'suitable means' and 'execution actually begun'.

"Was there premeditation behind these actions ? And what were the accused's objectives ? According to the Court, their goal was to violate and abolish the Constitution.

"The Court gave the trial an ideological coloring. But the articles it referred to were not even written by the accused. Some of the articles which were used as proof against them were written long after January 15, 1971, the date when the action was carried out. Besides, their actions had nothing to

do with marxism-leninism. Here is what they themselves say :

"We worked for an independent and democratic Turkey, but we were brutally beaten... We wanted the Constitution put fully into practice, but we were murdered... We were arrested, incarcerated, tortured... We were attacked by the armed bands of those in power, so we had to arm ourselves in self defence. Our purpose is not to violate the Constitution ; on the contrary, we want the Constitution truly respected... Our aim is to carry out the reforms provided for in this Constitution, above all the land reforms. Our aim is to restore our country's independence...".

"Why then does the military prosecutor speak of marxist-leninist ideology ? Nothing the defendants sought was unconstitutional. Besides, the Court ascribes to the defendants ideas they do not acknowledge as their own : 'They want to abolish private property, the capitalist class, the right to strike, individual freedom and the parliamentary system'. No proof is offered to show that this is what they actually wanted. But analogy is not considered a valid argument under penal law. Article 1 of the Penal Code clearly states that no one can be punished except for a specified offence clearly committed. On the other hand, the accused have always defended the Constitution against those in power. The last thing they would want is to abolish the basic principles of the Constitution which they defend. During the trial, many defendants have shouted 'Long live the Constitution !' Listen to Deniz Gezmiş : 'It is said that we tried to abolish the Constitution... On the contrary, we are the ones who have been its best defenders from the very beginning. Those who have violated it are on the other side. We are the ones who want it put fully into practice. And they are asking for our lives. They are used to letting the weight of 36 millions of people be borne by 20 young men. As for us, we have desired only Turkey's independence and we are ready to lay down our lives for it. We are consecrated to Turkey's people... If the memorandum of March 12 had not been successful, those responsible for it would now be in the dock instead of us. For the memorandum of March 12 openly accuses Parliament of not having put the Constitution into practice'.

"Indeed, as stated in the memorandum of March 12, the Constitution has constantly been violated by those in power, both by parliament and by the government.

"The defendants have actively supported land reform. Land reform implies distributing land to the peasants, land which will be their private property. How then can they be accused of wanting to abolish private property ? Man is responsible for his actions. The accused, also, are responsible for theirs. Their actions are well known... An objective is not the same thing as premeditation. But the Court asserts, in support of its sentence, that the accused wanted to institute a socialist order. And even if that were true, is that a reason for sentencing them ? Is it in accordance with law to condemn a man for his long-term goals ? Can a man be tried for his beliefs concerning a far-off future ?

"Let us look at this aspect of the case compared to the Council of Europe's Treaty concerning the protection of human rights and fundamental liberties', signed at Rome in 1950 and adopted as law by Turkey on March 19, 1954 :

"Article 2 : Everyone's right to life shall be protected by law.

"Article 9 : Everyone has the right to freedom of thought, conscience and religion ; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

"Article 14 : The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

"According to the Court, in order to prove the 'premeditated' component of these offences one has only to study the theory concerning national democratic revolutions to see that the accused are indeed marxist-leninists. 'Our court', says the text, 'has examined the actions as a whole and has therein discovered the moral aspect of the offence. If we had examined the actions one by one, we would have lost the thread of the ideological objective which ties all these actions together. Their political opinions prove their guilt'. This is contrary to the provisions of our Constitution and to the Convention for the Protection of Human Rights and Fundamental Freedoms. The Court has acted contrary to law. We demand that the verdict be annulled.

"Appropriate Means"

"A real attempt implies that action was undertaken by appropriate means. Only on that condition can one talk of incipient execution. According to the Court, this incipient execution took place on December 29, 1970 when Deniz Gezmiş, Yusuf Aslan, Hüseyin İnan and Sinan Cemgil fired at a police station in front of the US Embassy at Ankara. Four revolvers were used in this action, and it is inconceivable that the ascribed offence should begin by these means, which are incapable of bringing about the intended results of that action. The Court alludes to the armed superiority of the accused even when compared to the army ! But in reality they were found to have only 9 revolvers, 5 stens, 4 thomsons, 10 guns, 11 jumelles, 4 grenades and certain amount of dynamite and capsules. With these arms it is not possible to abolish the Turkish Republic's Constitution nor to keep its rightful institutions from functioning !

"In order to judge whether a means is appropriate you have to bear in mind the intended goal and the means employed to attain it. In the given case, it is impossible to believe that with only 4 revolvers the State could be destroyed. For a hold up, or for killing someone, there we would agree that these arms could serve their purpose, but not for overthrowing the government ! Under such circumstances the offence defined in by Article 146 could not possibly have been committed ! And these defendants must not be punished for an action they could not have committed, for no one may be punished for an unrealizable act.

Execution of the Offence Must Have Begun

"To shoot at a police station is not necessarily the first step in the execution of the offence of overthrowing the government or abolishing the Constitution. Besides, even if it were so, it would hold only for three of the defendants, since they are the only ones who did the shooting ! All those actions which, when carried out, constitute offences, are considered to be 'acts of execution'. All others are held to be preparatory and may not be punished ; even when they have been accomplished the offence of overthrowing the government and abolishing the Constitution will not have been committed. Moreover, it is necessary to clearly prove premeditation on the part of each of the defendants, and the actions of each of the defendants must be placed in the framework of the execution of a coherent action intended to reach the goal pursued by the author. The defendant must be so close to the goal that

he is at a point of no return. Our clients however were far removed from such a point. The intent to commit this crime can be attributed to them by analogy only, a method excluded under penal law. Our clients should normally be judged according to articles 168-172 of the penal code and not article 146.

"Articles 168-172 punish actions taken in preparation of a crime, such as the formation of a guerilla army, incitation to crime, etc. Actions of that kind are the component parts of a unique plan having a specific objective which is considered a punishable crime. Whatever the stage in their development, these actions are punished. The law punishes unlawful desires, but not desires in and of themselves. This desire must have been tangibly expressed in the formation of a guerilla army in order to be punishable.

"On the other hand, they must also be present many authors of the actions having a common purpose (how many, the kind of arms, a common goal... p. 225). The guerilla is the work of the Popular Liberation Army of Turkey and thus only members of that organization, and no others, are punishable under Article 168. According to the Court, the incipient execution of the offence took place at the time when the defendants shot at the police station. For the reasons we have already indicated, the material components of the offence which would warrant the defendants being punished are not present :

"a) The execution of the offence was not begun.

"b) Even according to Article 146, each defendant has the right to know when and where the execution of the offence began.

"c) Appropriate means were not used for committing the stated offence."

D. ARTICLES ORIGINATED IN THE FASCIST PENAL CODE OF MUSSOLINI

In spite of these objections, the Military Court of Cassation approved death sentences of three defendants, Deniz Gezmiş, Yusuf Aslan and Hüseyin İnan and they were executed on May 6, 1972. And up to date 21 defendants have been condemned to death under Article 146 of the Turkish Penal Code, and the military prosecutors are demanding the same penalty for hundreds of more defendants.

The military prosecutors and the military judges have used also article 141 and 142 of the Turkish Penal Code as well as Article 146.

These articles were quoted from the fascist Penal Code of Mussolini thirty years ago and have been always used against socialist intellectuals, worker leaders, even liberal minded persons.

The following extracts give the possibility to judge to what extent articles 141-142 of the Turkish Penal Code and articles 270-272 of Mussolini's Penal Code are similar :

Article 270 of Mussolini's Penal Code :

"In state territory whoever attempts to create associations, establish them, organize them or direct them with the aim of imposing by force the dictatorship of one social class over others or of abolishing one class is liable to a penalty of 5 to 12 years imprisonment".

Article 141 of the Turkish Penal Code :

"All those who create direct or inspire associations having the aim, by whatever name it may be called, of assuring the domination of one social class, or overthrowing any fundamental institution, economic or social, existing in the country, are liable to 8 to 15 years imprisonment. Those who direct a few or all of these associations are liable to the death penalty."

Article 272 of Mussolini's Penal Code :

"In state territory whoever propagandizes with the aim of introducing by force the dictatorship of one social class over another is liable to a penalty of 1 to 5 years imprisonment".

Article 142 of the Turkish Penal Code :

"All those who, under whichever form that it be, would propagandize in order to assure the domination of one social class over another or to eliminate one social class or in order to overthrow one or more fundamental economic and social institutions existing in the country, or would aim to destroy the political and legal order of the State, are liable to 5 to 15 years imprisonment."

In addition to augmenting the length of the penalties, the Turkish Penal Code also eliminated the clause "by force" present in the Italian articles in order to apply the fascist articles also to pacific class struggle.

As it has been clearly seen in the list of the trials by the military courts, these articles can be applied to everyone who writes a personal letter to his fiancée or who says "revolution is more important than love" or who translates a book on socialism or who publishes a socio-economic research. Under these articles, the award of making a scientific research on socio-economic structure of Turkey or translating of a marxist classic to Turkish language is 7.5 years imprisonment.

Besides these articles, hundreds of people are brought before the military courts under three other articles of the Turkish Penal Code.

Under Article 159, all those who insult the moral personality of the government or the armed forces or the security forces, are liable up to 6 years imprisonment.

Under Article 158, all those who insult the president of the Republic are liable up to 5 years imprisonment.

Under Article 312, all those ^{who} incite any class against other classes are liable to 2 years imprisonment.

E. THE COMPLAINTS AGAINST THE MILITARY JUDGES

At the trials before the military courts of martial law, the military judges have never taken heed of what the Penal Code and the Criminal Procedure Code order.

The law numbered 353 orders that the defendant can request the consultation of his lawyer at every stage of the investigation. But the defendants tried at the military courts have been persistently deprived of their lawyers' consultation.

Mahir Cayan's lawyer, Faik Muzaffer Amaç, requested the possibility of the consultation according to the law No. 353 at the session dated August 23, 1971 of the Third Military Court of Istanbul Martial Law Headquarters. But the judicial assembly declared that the court had no authority over the administrative and executive matters pertaining to the arrested ones such as their detentions, personal problems and consultations, etc.

Thereupon the defendants complained to the Ministry of National Defence of the military court because, in spite of their insistent claims, the Court did not inform the responsible authorities of the tortures and isolations.

The members of the Court against whom the formal complaint was made to the Ministry of National Defence are as follows :

Infantry Colonel Vecdi Müftüoğlu, the president of the court ; Lt. Colonel Akdemir Akmut, the judge ; Major Coskun DüNDAR, the judge ; Major Naci Gür and Captain Ulgen Sözer, the military prosecutors.

The lawyers informed also the Court of the complaint and requested them to abstain from the trial. But the judicial assembly rejected to abstain under the following justification :

"A judge cannot accept to abstain owing to some abstract claims of the defendants. Otherwise, it will be a precedent for all defendants and lawyers who try to put aside a court which seems unpleasant to themselves".

Thereupon the defendants and their lawyers rejected these judges and demanded for other judges by giving a formal requisition to the Court. In the answer to this request, Captain Ulgen Sözer, the military prosecutor, claimed that Faik Muzaffer Amaç, the lawyer of Mahir Cayan was violating the order of trial and therefore disciplinary measures should be applied to him.

The Court decided to forward the claim of the defendants to another judicial assembly. The new judicial assembly was formed by Artillery Colonel Turgut Bozkurt, the president ; Major Ferruh Senerdem, the judge and Major Muzaffer Bostancı, the judge.

At the session dated August 27, 1971, the defendants and their lawyers declared the justification of their rejection as follows :

"1) They (the rejected judicial assembly) were uninterested in the tortures.

"They insisted on their decision about the tortures : 'It is impossible to find out whether the defendants were tortured for obtaining the truth or whether they were forced to accept crimes that they have never committed'. It means that, 'the tortures, if they were applied in order to obtain the truth, is lawful !"

"The former assembly has committed a crime against the law by rejecting the request to inform the concerned authorities of the tortures. Furthermore, that assembly was aware of the tortures, because they personally have seen the bad situation of İrfan Uçar, Jülide Zaim owing to the tortures. These defendants were motionless and could not come to the court as a result of the tortures and those military judges were obliged to go to the cell in order to arrest them.

"2) There are serious complaints about the judicial assembly :

"The defendants have complained to the Ministry of National Defence of those military judges. But the assembly objected to this complaint and stated : 'If it is accepted, it will be a precedent for all defendants who try to put aside a court in order to prolong a trial'. What is the use of prolonging a trial at the military court ? It could be thought that if the trial can be prolonged, it may be possible to transfer the case to a civil court at the end of the martial law. But, according to the new law, even after the martial law, these defendants will be tried at the military courts. In that case, what is the use of prolonging the trial ? May be the assembly has prejudged that these defendants would certainly be sentenced to death. Because, a defendant under arrest may desire to prolong a trial in order to postpone the execution. Therefore, if a judge accuses a defendant trying to prolong a trial, it means that he has a prejudice.

"3) The minutes of the trials are not correct :

"The judge has prevented the dictation of certain statements of the defendants and the events which occurred in the court hall. Therefore, Mahir Cayan was obliged to give his statement written to the court and to force the judge to put it into the file of the case.

"4) The event at the session dated August 25, 1971 :

"At the session dated August 25, 1971, when the judge was dictating the rejection of the claim about the tortures, all of the defendants sat on their chairs in order to protest. Ensuring the discipline of the trial is the duty of the Court president. But while Colonel Vecdi Müftüoğlu was not interfering, Lt. Col. Akdemir Akmut, the judge, ordered the officers in charge to force the defendants to stand up and passed the limit of his authority.

5) Putting Cayan in chains :

"The objected judicial assembly has not taken the claims about putting Mahir Cayan in chains into consideration and has rejected the demands to prevent this torture".

After reading the official requisition, the military prosecutor stated that since the beginning of the trials the defendants and their lawyers have tried to prolong the judgment and to create suspicion about the Court in order to conceal their crimes.

And the provisional judicial assembly rejected unanimously all of the demands and fined the defendants LT 250 each under the pretext of attempting to prolong the judgment and to create suspicion about the Court by demanding for other judges.

After the rejection of the claims, the judicial Assembly, Colonel Müftüoğlu, Lt. Colonel Akmut and Major Coskun Dünder, took their places again at the session dated August 27, 1971.

At the same session, this judicial assembly gave the following decision :

"The lawyers named Faik Muzaffer Amaç, Necdet Sagir, Yalçın Öztürk and Aykut Ergil have permanently tried to obstruct the trials, to deviate the judgment from its legal procedure.

"Therefore, it has been decided to complain about these lawyers to the Bar of Istanbul, to the Bars' Union of Turkey and to the Ministry of Justice so that legal proceedings can be arranged about them". (Court Minutes, p. 41)

F. A JUDGE FILLED WITH APPREHENSION

The same judicial assembly condemned two defendants, Necmi Demir and Kamil Dede, to death on December 27, 1971 and another defendant, Ziya Yilmaz, on March 15, 1972.

Faik Muzaffer Amaç, the lawyer of the condemned defendants, appealed to the Military Court of Cassation on May 15, 1972 and demanded to cancel the verdict with the following reasons :

1. The name of the court is unconstitutional and unlawful. The law courts can only use "their rights to judge defendants" on behalf of the Turkish Nation, not on behalf of a headquarters. The name of the Third Military Court of Istanbul Martial Law Headquarters (Istanbul Sikiyönetim Komutanligi Uç Numarali Askeri Mahkemesi) shows that this court is dependent on the Martial Law Commander of Istanbul. This name is contrary also to Article 11 of the Law No. 1402.

2. The designation of military judges and military prosecutors is unconstitutional. Because in accordance with Article 138 of the Constitution the courts and the judges must be independent and sovereign. But the judges and prosecutors of the First Military Court of Istanbul Martial Law Headquarters were designated by the Ministry of National Defence.

3. The trials were not held in open court. Only the ones who could obtain a special permission from the headquarters attended the trials. In addition, the press was forbidden to publish all details of the trials.

4. The minutes of the trials are not sound. The judge prevented the dictation of certain statements of the defendants and the events which occurred in the court hall.

5. The Court was not interested in the tortures and insistently rejected the request to inform the concerned authorities of the tortures.

6. The Court restricted the defendants' right to defend themselves by not permitting them to put a question to witnesses or by removing their lawyers from the court room or by not permitting them to check the file of case.

7. The judges showed their hostility against the defendants and their lawyers during the whole period of the trials.

But one of the most important reason for demanding the cancellation of the verdict was pertaining to the mental situation of Akdemir Akmut, the judge who carried out trials.

According to two documents presented to the Military Court of Cassation by lawyer Faik Muzaffer Amaç, Judge Lt. Colonel Akdemir Akmut is filled with apprehension.

In 1948, when he was a student of Diyarbakir High School, he started to show his reaction against the progressive opinions and did not hesitate to denounce his teacher because of talking on moral courage and an advanced democracy.

After having condemned three young persons to death to have the illusion that anybody will be kidnapped whenever he sees a rope. Even he went too far that he put his 17 years old son in a hospital owing to that he had drawn a picture of rope. At the Capa Psychiatric Clinic of Istanbul University, his son was registered with number 1972/148 on March 13, 1972.

On the questionnaire about his son's attitudes, Lt. Colonel Akmut answered a question as follows :

" - Has he attempted to harm anybody ? Which way ?

" - I witnessed that he prepared a piece of rope and some bread in order to tie or to kidnap a person and drew a meaningless plan on a piece of paper."

G. ABOLITION OF THE RIGHT OF DEFENCE

In spite of these objections, on the one hand the Military Court of Cassation approved one of death sentences on June 16, 1972, on the other hand the same judges, including Lt. Colonel Akdemir Akmut, were charged this time with trying another group, the defendants of Dev Genç (Istanbul Section) Case, under Article 141 since July 31, 1972.

Moreover, in addition to the arbitrary attitudes of these military judges, from then on, the new trials have been held under the modified Military Criminal Procedure Code.

In accordance with the modified Constitution, the Military Criminal Procedure Code was also changed by Parliament and new law came into force on June 26, 1972.

By the amendments of 23 articles of the code, the right of defence was completely abolished at the military courts of martial law as follows :

a) The military prosecutors and military judges are put under the authority of the local military commanders. Those military commanders are authorized to intervene into the investigation at any moment.

b) The defendants, even if they are civilians, will be considered military personnel by the military courts of martial law and will be tried under the Military Criminal Procedure Code.

c) The defendants are deprived of the right to reject any military judge and to demand for other judges, even if the military judge loses his impartiality.

d) It will not be possible anymore to inform the public opinion of the partiality of the military judge, because he is authorized to impose censorship on any news about the trials.

e) If any defendant or his lawyer insists on their objections, the military court can remove them from the court room, even arrest them. In that case, the trials can be held without the presence of the defendant and his lawyer, and the judgment can be made by default.

f) If there is only one witness in any case, the military court is not obliged to listen to him at the court room. The military judges are authorized to be contented with the written statement of the "witness" obtained and put in the file of case previously, during the preparatory investigation. That is to say, the military judges can decide according to a false statement. The defendants will not have the right to verify whether the statement is sound, even such a witness really exists or not. By this amendment, the military prosecutors and the military judges can send any person to prison without any concrete evidence.

g) The military courts are authorized to restrict the period of defence as short as they want.

Under these conditions, also the lawyers loose their all functions at the military courts.

Taking into consideration these amendments, Lawyer Faik Muzaffer Amaç wrote a letter to his clients tried at the military courts of martial law on July 24, 1972. After having explained the amendments and their unavoidable results, at the end of his letter, Mr. Amaç says :

"As far as it will be impossible to make a real defence at the military courts of martial law, I am obliged to inform you with regret of that I cannot attend at the trials anymore. Therefore, I suggest you to appeal to the Bar for the appointment of counsel."

And five days later than this letter be written, the Military Court of Istanbul Martial Law Headquarters arrested Faik Muzaffer Amaç on July 29, 1972. The military prosecutor accused him of "insulting the military judges and prosecutors" by publishing a book entitled "The Case at the Military Court of Cassation" and brought a law suit under articles 266-268 of the Turkish Penal Code. Whereas, in the book there are not other things than the Mr. Amaç's appeal to the Military Court of Cassation.

THE FIGURES ABOUT THE TRIALS

The cases mentioned in this chapter are the ones which have been disclosed by the military authorities or appeared in the daily newspapers. But, besides the mass trials, the military authorities do not give any information about the cases of individuals. Even, since the beginning of 1972, the press has been forbidden to publish any detail about also the mass trials. Especially the trials carried on by the military courts of Diyarbakir, Adana, Izmir, Eskisehir martial law headquarters are completely obscured.

On March 20, 1972, the Press Administration issued statistics on the trials at the military courts of martial law. According to these statistics, the military courts have condemned 382 defendants in Ankara, 73 in Istanbul, 41 in Izmir, 51 in Eskisehir, 58 in Adana, 82 in Diyarbakir. Then the trials of 526 defendants in Ankara, 158 in Istanbul, 30 in Izmir, 21 in Eskisehir, 13 in Adana, 59 in Diyarbakir were still going on.

According to the latest official communique of Istanbul Martial Law Headquarters dated May 25, 1972, up to that date, the military courts of Istanbul tried the defendants of 342 cases. 153 cases came to an end with condemnation and 59 cases with acquittal. The military courts of Istanbul declared itself unauthorized to try the defendants of 59 cases. 71 cases are being carried on by the same courts.

According to the official communique of Diyarbakir Martial Law Headquarters, up to July 10, 1972, the military courts of these headquarters condemned 104 persons and the trials of 124 persons are still being carried on.

The Martial Law Headquarters of Ankara declared on August 1, 1972 that the military courts of Ankara have tried the defendants of 887 cases since the beginning of the martial law. 779 cases came to an end and the others are still being carried on by the military courts.

The figures gleaned from daily newspapers are less than these official figures. While the official communiques announce that 1229 cases have been brought solely before the military courts of Ankara and Istanbul martial law headquarters, in the daily newspapers only 120 cases have been mentioned for all martial law headquarters.

According to the information given by the newspapers, the total number of those tried by the military courts is only 1570. Whereas, more than ten thousands persons have been taken into custody or arrested since the beginning of the martial law. Their cases have been obscured.

The difference between the figures given by the military authorities and those gleaned from the newspapers is greater for the trials held by the Military Court of Diyarbakir where the Kurdish leaders are being tried under the accusation of "separatism". The official communique says that 104 defendants have been condemned by the military courts, but only the names of three condemned persons were disclosed up to date.

As it has been seen in this chapter, the period of the trials carried on by the military courts are generally more than one year. According to official communiques, new mass trials, like the Safak Case, the Hijacking Case, the Popular Liberation Front of Turkey Case, the Kizildere Case and the Democratic Party of Kurdistan Case will be brought before the military courts of martial law.

In addition, all the cases about the "crimes" committed prior to the martial law are being brought again to the military courts. At the beginning of the martial law, some military courts had declared themselves unauthorized to try the "crimes" prior to the martial law and sent the files of these cases to the civil courts. But the Court of Cassation decided that the military courts are also authorized to try those "crimes" committed prior to the martial law and hundreds of political cases, especially of the journalists, editors, translators were brought again to the military courts.

August 1972

TORTURES APPLIED TO POLITICAL PRISONERS



Since March 12, 1971, the military rule of Turkey has adopted inhuman methods and applied torture to the political prisoners as a matter of policy. The military junta and its government are clearly responsible for torture in Turkey, not simply in the way government is responsible for the acts of their agents, but because the practice has been known for one and a half years and the regime has taken no known measures to stop it or to punish the guilty.

The military rule has applied all kinds of ill-treatments to the political prisoners :

- a) Brutal arrests carried out between midnight and dawn without a court warrant.
- b) The methods which make the prisoner feel that it is futile to resist consisting of taking away all the elements of his daily life which give him security, holding him incommunicado until he speaks under fear of torture.
- c) Physical tortures as falanga (bastinado), electro-shock, burning, sexually oriented tortures.
- d) Non-physical methods as assaulting the prisoner by obscenities, lies and threats from the very first moment, exposing him to noise, stripping him or her naked, exploitation of psychological weaknesses, obliging the prisoner to listen to other being tortured, mock executions, destroying the prisoner's sense of reality and forcing him to sign declarations against his beliefs.

In addition, some prisoners have been tortured before his or her family.

In certain cases the conditions of detention can be considered a form of torture. Prisoners are deprived of food, water and sleep. Locked in filthy, verminous, solitary confinement cells, they are not allowed to use the toilet.

Those who are tortured will never be the same again. The following affidavits give depressing and tragic clinical evidence of the devastating effects of tortures.

The organizations that carry out the torture are the civilian police forces -the security police and the gendarmerie ; the armed forces- military police (merkez komutanliklari), army intelligence and the National Intelligence Agency (MIT). There is both cooperation and a sense of competition among the different services. There are undeniable affidavits which declare that the martial law commanders, the military prosecutors and the military judicial advisors have given order to torture the political prisoners, even they have personally supervised the torturing. Moreover, the military courts have decided that any prisoner might be tortured with the aim of obtaining the "truth".

The following affidavits of the victims, the observations of the foreign journalists and jurists show that the military rule of Turkey has violated both the Universal Declaration of Human Rights and the European Convention of Human Rights : "No one shall be subjected to torture".

And the military rule of Turkey is still continuing to torture political prisoners in spite of all the efforts by the democratic forces to prevent the violation of human rights.

I. TORTURES APPLIED TO THE DEFENDANTS OF MAHIR CAYAN CASE

The statements in this chapter were given by the defendants of Mahir Cayan Case at the Third Extraordinary Military Court of Istanbul. But none of these statements appeared on the daily newspapers under the pressure of the military rule. Thereupon the lawyer of the tortured defendants attempted to publish a booklet including the divulgences on tortures on September 27, 1971. The booklets were printed, but the lawyer was not able, to distribute them, because they were confiscated by the military authorities, while they were being bound. A few copies of the booklet could be saved from the military authorities and be brought secretly out of Turkey.

In the foreword of the booklet, Mr. Faik Muzaffer Amaç, the lawyer of Mahir Cayan and his 25 friends, says :

"Hundreds of the most advanced young intellectuals of the country are being tried for their lives by the extraordinary military courts. They are intended to be sentenced to death because they have committed some 'crimes' without seeking personal advantages, but for the good of their country and their people. Their cases, of course, strongly affect the public opinion. But especially now, neither the press, nor the T.R.T. (Turkish Radio-Television Broadcasting Corporation) publicise these cases and the trials in a way commensurate with their importance for the public opinion.

"The law courts can only use 'their rights to judge defendants' on behalf of the Turkish Nation ; the people therefore should be able to judge the courts, even while the courts try the defendants. The necessity of making sessions open to the public is a constitutional compulsion so that the nation would be able to judge "courts". It can not be claimed that the trials are being held really open to the public in a country where the news media are not able to divulge the trials neutrally.

"I am not the one who divulges information in this booklet ; the information comes from files of the Third Extraordinary Military Court. Only the records of the trials, and the formal requisitions and reports put into the court's file after being read at the sessions are talking in "this booklet".

NECMI DEMIR - Born in 1944. 8th semester student at the Faculty of Economics of Istanbul University. He was tried according to the Article 146 of Turkish Penal Code and condemned to death on December 27, 1971. His deposition taken down at the police headquarters on June 1, 1971 was read in the Court. The defendant refused the deposition revealing it was taken down under severe torture by police agents. He also did not accept the prosecutor's formal charge based on the same deposition. (Court's minutes, p. 33). The following statement about tortures was written by Necmi Demir and put into his official court file after being read in the court on August 25, 1971 :

"I was taken into custody on the evening of May 27, 1971. I was first locked in a cell at the political section of Police Headquarters. About two hours later, I was brought into the room of the Istanbul Police Chief Muzaffer Caglar, being kicked and cuffed on the way. In the room there was also an army general. They talked quite shortly and definitely : "Do him to death ! Kill him !"

"Thereupon, they brought me into the Political Section's Chief Ilgiz Aykutlu's room. There were also two army officers, one major, and one colonel. Aykutlu shouted at me : "Here neither the Constitution nor the Declaration of Human Rights exists any more. You are going to confess everything that we want you to say". Then I was carried into the first cell in which I had been locked before, and the torture started. The torture, which they call 'operation' continued for 14 hours. During this time, the torture teams were permanently changing and while two policemen were fustigating me, the others were watching the 'operation'. After 14 hours, at 12 a.m. on May 28, 1971, I was carried into the Criminal Section of the Headquarters. There, they bound my hands behind my back and threw me onto the ground, tied my feet to a stick and started to beat my soles. There were about ten policemen. Among them I could recognize the Police Superintendent Dursun Karaduman, Cazip, Zekeriya Aydin (the leader of the torture team, who always applies electrodes to defendants). During the torture they wanted me to say that I shot at the Consul. But later I learnt that Irfan Ucar and Necati Sagir were also forced to 'confess' to the same 'crime'.

"They beat me with thick twisted cables on the naked soles of my feet until 6 p.m. When one of them was tired the other took his place immediately. They were not only beating my feet but also kicking my face, my chest and one was putting his foot on my mouth. After a while my soles were torn. When they saw the blood, they increased the violence of the beating like vampires who become more enthusiastic when they drink blood. At 6 p.m., they tried to put my feet into a bucket, but I was not able to sit down so the bucket was overturned. They became quite angry and hit me with their fists shouting, 'why have you overturned the bucket'. They wrapped my feet with a piece of rag then, and locked me into the same cell. For two days I was left there in 'strict isolation', being obliged to urinate and defecate in the cell.

"The third day my wife Ilkay Demir was permitted to cure my soles. On June 13, eighteen days after they took me into custody, I was still not able to walk, however, I was carried to Harbiye Caserne (*) and locked in a solitary confinement cell, where the military judge decided to arrest me.

"... On June 13th, eighteen days after the operation I was still not able to walk easily. But Irfan Ucar and Jülide Zaim were worse off than I ; so the members of the Military Court had to hold the trial in their cells in order to arrest them. On June 30th they sent me to Haydarpasa Military Hospital with Irfan Ucar, Jülide Zaim and Kadriye Deniz Ozen. I was treated there until the 20th of July, then they brought me to Maltepe Military prison. Now I still have traces of tortures in spite of passing 87 days after the "operation". Two toe nails of my right foot and one toe nail of my left foot had fallen off because of the bastinado torture and the others were severely bruised. A deep split up to the bones was open on my right foot. I still have the traces of all of them".

After Necmi Demir read this Report, his lawyer Yilmaz Dereli appealed to the court for obtaining a decision in order to nominate an expert for ascertaining the physical damages that the defendant was submitted. His application was followed by the requisitions of the other tortured defendants : Abdullah Cецelogl'u, Rasin Ozkan, Irfan Ucar, Necati Sagir, Omer Erim Suterkan, Jülide Zaim, Kadriye Deniz Ozen and Yüksel Erdogan in order to have medical expertise. (Minutes of the Court p. 34).

(*) Harbiye Caserne : Headquarters of the Military Police Forces.

ILKAY DEMIR - Born in 1946. 10th semester student at Istanbul Medicine Faculty. She was tried according to the Article 146 of Turkish Penal Code and condemned to death on December 27, 1971. But her sentence was commuted into life term later on.

"While I was being interrogated at the Police Headquarters, I was threatened by Ilgiz Aykutlu, chief of the Political Section. He showed me the tortured Kadriye Deniz Ozen and Julide Zaim. They were forcing Kadriye in order to obtain a confession that she was one of the kidnappers".

"When we were being interrogated, Irfan Ucar was also among us. For the public opinion they had announced that Ucar was the 'murderer' of the Consul. But when they recognized that he was quite far from 'confessing' to it Ilgiz Aykutlu commended his policemen to carry him into the 'torture room' downstairs. But in spite of the torture they were not able to obtain such a confession. Thereupon, as a second important suspect, they turned towards my husband, Necmi Demir. They carried him into the torture room. Later, when I was also brought into the same room, I learnt that they were able to make him say : 'Yes I am the one who shot at the Consul'. They wanted me to prove this untruth. I refused it. Then I was thrown onto the ground and my feet were tied to a stick in order to begin the 'falanga' (the bastinado) operation. Thereupon Necmi wanted me to certify that he shot at the Consul. So I said that Necmi had done it, then they left me. The following day my husband's name appeared in the newspapers as the killer of Elrom".

"But when Mahir Cayan and Hüseyin Cevahir were surrounded at Maltepe the police authorities forced us to 'confess' that Cayan is the killer this time". (Minutes of the Court pp. 45-46)

The following affidavit, written by Ilkay Demir, was also read at the session on August 25, 1971 and put into the Court's file.

1. "On 27th of May, when we were brought into the room of Ilgiz Aykutlu, we found him talking on the telephone to a colonel who is the Military Legal Adviser of Istanbul Martial Law Headquarters. Bearing in mind Necmi Demir, Irfan Ucar, Necati Sagir and me, he said : 'We took their photographs. Now we are going to start the operation. After the operation, we cannot give their photos to the press. What about giving these photos immediately to the press together with the news about their seizure ?'

"His offer might have been approved by the Military Legal Adviser, He said he would send the photos immediately. As a matter of fact, the following day only those photos, taken before the tortures, appeared in the papers.

"During this telephone-conversation there was also another army colonel in the room. I intended to argue with him about my 'operation'. He did not answer me and only hung his head, while Aykutlu was swearing at the Constitution and at us".

2. "During the first two days, about a thousand policemen spat and swore at me through the observation hole of my cell. And some of them were kicking me entering into my cell while the others were telling in the most loathsome details how they were going to rape me.

"These psychologic tortures continued for 48 hours. My friends in the other cells and my husband have heard all the details".

3. "On the evening of May 28, Ilgiz Aykutlu brought me to the Criminal Section. He showed my bloodstained husband Necmi who was just carried out of the 'Torture Room' and laid on a desk to me. They were trying to wrap his bleeding feet. The corridor was like a lake of blood. A woman was trying to wash the blood in vain. Later I learnt it was not only the blood of Necmi but also the blood of Irfan.

"They look me into a 'falanga' room in order to apply the same 'operation'. In addition to the team of torturers, some police chiefs of both Criminal and Political Sections were in the room. They have tied my feet to the bastinado, thrown me onto the ground. In order to save me from torture, my husband wanted me to say he was the one who shot at Elrom. This untruthful 'confession' saved me from torture. Otherwise they were intent upon obtaining it by force in the end!"

4. "On May 28, they had beaten Irfan Uçar starting at 9 a.m. till 5 p.m. At the same time they were also beating Necmi. I know all the details about the situation of Irfan's health beginning from that day until we were brought to Harbiye Caserne. In fact he was at death's door. For many days he laid motionless on the concrete ground of his cell. He was continuously talking in his sleep. His breath was very short. For fifteen days his urine was quite bloody. The first medical treatment to his feet was done by me, therefore I know the sores very well!"

5. "On May 27 and 28 I saw Kadriye Deniz Ozen twice and Jülide Zaim once in Aykutlu's room. Aykutlu was trying to frighten me by saying that the same thing would happen to me, showing their swollen feet and their exhausted states".

6. "A few days later Rasim Ozkan and Cihan Alptekin were also violently tortured. I gave medical treatment to them also. Savaskan Oral, who is under arrest in Kartal now, also witnessed the states of Irfan, Necmi, Rasim and Cihan. In addition, Nadir Ozal, student of Istanbul Technical University and Tektas Agaoglu (writer who is now under arrest at Sagmalcilar Prison) also saw the scene.

"..... A friend of Aykutlu's, Dr. Garabet Arman from Capa Hospital is also a witness of these tortures. He examined Uçar, Necmi Demir, Jülide Zaim and Kadriye Deniz Ozen medically in front of me, prescribed three ointment for their feet and ordered me to cure them!"

7. "....."

8. "On the 18th of June Irfan and Jülide could not be brought into the court hall because of being unable to move. So the court members were obliged to come to their cells and communicated the court's decision about their arrestation. They both applied for medical expertise in order to ascertain the physical damages that they were submitted.

"Later the court members controlled every cell and saw our friends in their conditions, suffering from the pains of torture. The Chief of the Military Police, General Sahap Yardimoglu, had also at many times seen the state we were in!"

9. "On Sunday June 27, Irfan Uçar was carried to the military prosecutor on a stretcher!"

10. "I was brought in front of the military prosecutors on June 28. I told both military prosecutors, Naci Gür and Ulgen Sözer, all about the tortures. I wanted my revelations taken down in the minutes but the prosecutors refused my application!"

KADRIYE DENİZ OZEN - Born in 1948. 6th semester student at the Fine Arts Academy of Istanbul. She was tried according to the Article 146 of Turkish Penal Code and condemned to death on December 27, 1971. But her sentence was commuted into life term later on. The following report was written by Kadriye Deniz Ozen and put into the Court's file after being read at the trial dated September 1, 1971 :

1. "I was taken into custody on May 17, 1971"
2. "I was arrested by the Military Court on June 18, 33 days after being kept in custody"
3. "I was brought into prison on July 20, 1971"
4. "Before being brought into prison :
 - a) Between May 17 and June 12 I was kept in the 'Political Section of Istanbul Police Headquarters'.
 - b) Between June 12 and June 30 I was kept in a solitary confinement cell at the Military Police Headquarters (Harbiye Caserne).
 - c) Between June 30 and July 20 I was kept at Haydarpasa Military Hospital in order to be treated medically.
 - d) Since the 20th of July I have been in Maltepe Military Prison".
5. "From May 17 to June 12, I was tortured and pressured physically and morally in the Police Headquarters"

"On the night of May 27, they applied electrodes to me at the Criminal Section of Headquarters. I was blindfolded so that I was not able to see how many persons were in the torture room. But as I could recognize them by their voices, they were : Ilgiz Aykutlu, Police Superintendent Fahrettin, army officers on duty from the Martial Law Headquarters, officials from the National Security Organization (MIT)".

"Increasing its dose, the electric shock was applied twice. The electric current was applied first to my legs and later to my arms, and then concentrated on my head. They were rubbing the electrodes against my head forcibly so as to cut through the skin of my head. Not being satisfied with this, they wanted me to get undressed. I refused and resisted it. One of the army officers' who became angry with me hit my head with his fists at least fifteen times. Then I was told that they would bring my family from Ankara and torture them also. One of them was sent out in order to inform the Martial Law Headquarters of Ankara about my family. They gave up the 'operation' when my head, my legs and arms began to bleed in different places. Then with my eyes still bound, I was carried out by a policeman. In order to prevent me remembering the location of the torture room he went around with me for a while, then left me at another place."

"The following day they brought me into the room of Police Chief Muzaffer Caglar. They asked if I knew the names of the kidnappers. They stated that they would let me free if I would tell the names of the kidnappers, otherwise they would plan some 'good operations' for me. Then I was carried into another room where some army officers on duty from the Martial Law Headquarters told me the same things. As soon as I told I knew nothing, Ilgiz Aykutlu got extremely angry and shouted : 'Take her away ! In a short time she will start talking !'".

"This time I was brought into a very crowded room. First they swore at me, then shew me the photographs of the tortured ones hanging on the walls and threatened me by saying the same things would happen to me if I would not talk in the way they wanted me to. The photographs on the wall were of Omer Ayna and Salman Kaya, taken just after torture."

I was insisting on my ignorance in this matter. In fact I knew nothing. Suddenly a huge terrifying man entered the room, cuffed my face severely without saying anything. (One side of my face became swollen later, because of this cuff). The others were continuing to swear at me with such disgusting words that I cannot repeat them here and had never heard up till then. They threatened me, saying they were going to rape me. The Chief of the Criminal Section also repeated the menace swinging the long stick which he was holding. After a while he ordered his men to find trousers for me. They brought a big one and however much I refused to put it on, I had to do it under their pressure in the end. Suddenly I heard a voice, 'throw her down !' one of them shouted. And I found myself lying on the floor. They tied my feet to a stick. Two of them held the stick, another one put his foot on my shoulder, the others were continuing to swear at me and shouting, asking where the Consul was ! The more I said I knew nothing, the more they fustigated me violently. After a while they lifted me up, threatening that I would again be beaten if I do not think it over and remember where the Consul was."

"Meanwhile, they brought in Erim Süearkan in order to torture him. While he was being beaten, they took me closer to him, to show how they torture ! They have also shown me my nephew being tortured. His feet were blistered and his clothes were torn. In fact he was not involved in any way."

"Then they applied to me the 'falanga' once more. This time they were blind with anger and beating my feet over and over. They were saying that I was still lying but sooner or later I would 'confess the truth' ! Otherwise I would be killed by beating. They were repeating over and over this sentence : 'Do not forget ! Both the Armed Forces and the Government are on our side. Nobody would hold us responsible if we kill you !' They were still beating my soles, although they were bleeding. They wanted me to tell where the Consul was hidden. I knew nothing about this business, but I also was no longer able to bear the pain of the sticks beating my soles. So I decided to lie and recounted at length several addresses that I knew by heart, Consul was at none of them, they got mad and started to beat me up telling that they would do me to death. Then lifting me up again, they surrounded me and forced me to run on my bleeding feet while they swore at me, kicking and hitting my bloodstained legs with fists and truncheons. I was dead-beat and could not stand because of a kick given in my back. So they put my feet in a bucket full of salty water. In the evening the policeman Cafer from the Criminal Section carried me in his arms into an isolation cell. I was neither able to lie down nor to sit, because of blisters all over my body. I examined my body, there were big wellings around my left eye, on my back, on my arms and many parts of my body had become bruised. I was not able to move my right hand and the fingers of it swelled up and were severely bruised because of being twisted while they were trying to break them. And of course my feet... They were swollen and bloodstained!"

"The following day, on May 19, the Istanbul Martial Law Commander General Faik Türlün visited the Police Headquarters. When he saw my state, he said if I were to continue resisting and not inform them of the names of the kidnappers and if they could not catch them, they were going to execute me by hanging instead of kidnappers. Also, an army colonel from the Martial Law Headquarters stated : 'We shall exterminate you ! We shall not leave this country in the hands of vagabonds such as you. To hell with the lot of you !' And Ilgiz Aykutlu added that they could easily sacrifice all of us, and among the 36 million people, we, one million of them, had no value."

"Later on June 12, we were all locked into the solitary confinement cells of Hârbiye Caserne. The same day the military prosecutor made up our identities, and forced us to sign some papers stating that we had approved the depositions taken down at the Police Headquarters".

"A few days later I felt that some illness was manifesting itself in my body. Formerly I had slight gastric pains in my stomach. Now it was getting stronger and the pain was becoming unbearable. I was fainting from time to time. The wounds on my soles were still suppurating and swelling more and more. According to the regulations we were bearing treated in our cells. But our 'doctor' was a non-commissioned officer instead of a doctor. When I was called by the prosecutor for interrogation I could not accept his invitation because of not being able to walk. So, an army colonel, the Political Section's Chief of the Military Police Headquarters examined my soles and ordered them not to use force on me during investigations until I would get better. I was becoming more sick from day to day, and at last on June 30, at night, I was sent to the Haydarpasa Military Hospital together with three other tortured ones. I was brought to the hospital with my feet wrapped. There they diagnosed that an extreme anaemic and gastric deterioration was menacing my health. In the clinic, the visible traces of torture were treated. The reason for the appearance of gastrid and anaemy was the torture. I was still not able to stand up when the military prosecutor came to the hospital to interrogate me. So one of the non-commissioned army officers and one policeman carried me in front of the prosecutor. There were some points in my deposition that I wanted to reject. But I was so exhausted by my illness that I was not able to make the effort."

"Before I got perfectly well, they took me out of the hospital and brought me into the Maltepe Military Prison. I could climb the stairs of the prison with the help of an army colonel. A few days after, I was put into prison, I had a sudden crisis. They brought me again to the hospital but it was on Saturday and there were no doctors. So, they gave me an injection in order to stop the pain and sent me back to prison. Now, I am still not healthy and still have to be treated."

"People who were present when I was being tortured :

1. "During the electric torture : Ilgiz Aykutlu (Political Section's Chief), Superintendant of Police Fahrettin (from Group K of Political Section), an army officer on duty from the Martial Law Headquarters. (I could not recognize the other, because I was blindfolded)"

2. "During the falanga operation : Chief of Criminal Section Zekeriya Aydin, who was beating my soles, police superintendant Nuri Korkut from Political Section, a woman superintendant of police whose name I was not able to learn, a police superintendant from the Criminal Section, Cafer (I could not learn his family name), and some others whose names I could not learn"

"Witnesses, who saw me after being tortured :

"Omer Erim Sürkan and Jülide Zaim, who were also tortured at the same time ; Tülay Tad and Rüçhan Manas ; Ilkay Demir and her parents ; Yücel Gürsel, Levin Ozgen and Bursin Tümay, students from the Fine Arts Academy ; Mustafa Karsilayan, student of Chemistry Faculty ; Esin, Isil Gürsoy, Afitap, Purut and Hafize Ipekten from the Telephone Exchange Station ; Safa Tarhan, student of Capa Teachers' School, my sister Mualla Ozen and my nephew Dinçer Tüzün"

"Police agents, who saw ne after tortures :

"Chief Superintendants of Police : Ismail Tasbilek and Fahrettin, Police Superintendants Cevdet Demirel, Faruk Circi, Lerzan Yildiz (female), police agents : Mustafa Kalayci, Adnan Güneysu, Baki Güler, Saban Cebeci, Aktan Tufan, Hüsnü Erdöl and Rana Aral".

"Witnesses at Harbiye Caserne :

"Trained nurse Güler (from Gümüşsuyu Military Hospital), non-commissioned army officer Macit Aybar, the Colonel who is the Chief of the Military Police Headquarters' Political Section, General Sahap Yardimoglu, the Commander of Harbiye Caserne, some high ranking army officers whose names could not be learnt, three guards : Selami, Ali and Hakki.

"At Haydarpasa Military Hospital :

"All medical experts and doctors including the chief of the doctors, Dr. Ismail, specialist of internal illnesses who also treated us, trained nurses : Nedret Aktok, Sevim Ugurlu and Selma, assistant trained nurse Ahmet, non-commissioned officer Aydın".

RUCHAN MANAS - Born in 1945. 6th semester student at Ankara Social Services Academy. She was tried according to the Article 146 of TPC, and condemned to death on December 27, 1971. But her sentence was commuted into life term later on. The following statement was made by her at the Third Extraordinary Military Court of Istanbul and recorded in the minutes of the Court (p. 54) :

"I was not tortured at the police station physically, but I was under pressure morally. I was tortured with the anxiety of being raped. As a matter of fact, Saban Cebeci, the guard on duty tried to rape me, when Kadriye Deniz Ozen, Tülay Tad and I was being kept in the same cell. For this reason, I accepted everything which the policemen wanted me to sign. So, my deposition taken down at the police station is of no value".

JULIDE ZAIM - Born in 1950. 8th semester student at Psychology Section of Istanbul Literature Faculty. She was tried according to the Article 146 of TPC, but acquitted. The following statement was made by her at the Third Extraordinary Military Court of Istanbul and recorded in the minutes of the Court (p.56) :

"I was taken by a policeman from the hospital where I went for medical treatment on May 22, 1971 and brought to the Political Section of Istanbul Police Headquarters. There I was beaten by Ilgiz Aykutlu and many other policemen with slaps and cuffs and they started to give me a third degree, kicking and hitting wherever they found a spot where there nobody hitting. Then I was brought to the Criminal Section where Zekeriya Aydın bastinated me personally. They applied to me several kinds of tortures. And they stated that they could probably kill me and throw out of the window and declare to the public that I committed suicide. They also said that I could be raped by them. A major on duty from the Martial Law Headquarters named Necati (I could not learn his surname) talked to me approving of torture. Later, Ilgiz Aykutlu stated that they could sacrifice one million of us for the remaining 36 million people."

"At the Police Headquarters, the tortured one Hasan Cetin was shown to me as an example and I warned that if I did not talk, the same thing would be done to me. At the Political Section I was fainting very often. For this reason they called in two doctors in order to examine us. The prosecutor of this court (Naci Gür, the military prosecutor of Istanbul Third Extraordinary Military Court at which these defendants were tried and sentenced) visited me at the Police Headquarters and interrogated me. I was not able to move my right arm because of the torture. So the prosecutor held my hand and forced me to sign the deposition."

"When I was sent to Military Police Headquarters, I met there Necmi Demir, Kadriye Deniz Ozen and Irfan Uçar. They were still carrying the visible traces of severe tortures. We were told that we would be interrogated by the Military Court. I and Irfan Uçar were not able to walk because of the 'falanga' torture. They took us out of our cells and set us on chairs. I met this present judicial assembly for the first time there. They were not wearing their uniforms. The judicial assembly stated that we were arrested because of trying to change the constitution by force. When I complained about the tortures, I was told I could repeat the same complaint at the trial"

"Later I was sent to the Military Hospital. The diagnosis of my sickness was anaemy". (Court's Minutes, pp. 55-56)

NECATI SAGIR - Born in 1947. 4th semester student at the Fine Arts Academy of Istanbul. He was tried according to the Article 146 of TPC and condemned to 15 years imprisonment. The following statement was made by him at the Third Extraordinary Military Court of Istanbul and recorded in the minutes of the Court (p. 59) :

"I was also tortured like my other friends at the Police Headquarters of Istanbul. For this reason I was obliged to enumerate several rames as kidnappers of Elrom. But at each progress in the events, they have torn my depositions up and taken down new ones with third degree. At each progress they have bastinadoed me saying : 'You have lied, have not you ! Come on, we will find the truth immediately'. Now, I reject all my depositions taken down at the police station. At our first inquisition by the military prosecutor at the police station, the same threats were repeated by the military prosecutor himself. For this reason, I also refuse the depositions obtained by the prosecutor".

The affidavit on tortures given by Necati Sagir and put in the case's file by the Third Extraordinary Military Court on September 3, 1971, stated :

"I was caught on May 27, 1971 together with Necmi Demir, Ilkay Demir and Irfan Uçar and brought into Istanbul Police Headquarters. I was first brought in front of Muzaffer Caglar, the Police Chief of Istanbul. There were present also some high ranking army officers. Caglar started his speech by saying : 'To hell with the lot of you, sons of a bitch !' Then they brought me into the room of the Political Section's Chief, where I was interrogated by officers of the Martial Law Headquarters. As I could learn of the marks on their collars, some of them were military prosecutors and the others were military judges. They heard the question of the political Section's Chief, when he asked his men whether the 'operation room' was ready ? Thereupon some of them turned their faces to me and warned : 'You see, if you are not going to talk you will get an operation !'"

"In spite of the military prosecutors' (Naci Gür and Ulgen Sezer, the prosecutors of the Third Extraordinary Military Court of Istanbul) denials the fact is that the tortures have been made upon their own instigation. We can prove it by witnesses when it is necessary".

"Just after that light third degree I mentioned above, with their own expression 'the operation' was applied to me, which was developed by their torture experts. It was midnight when they started drubbing me murderously at bastinado (falanga). They were shouting : 'The Consul was killed. You are one of the killers. Enumerate the names of the others !'"

"However, I said I was not among them. Then I realised soon, the impossibility of insisting under such circumstances. Finally I broke down and enumerated many names of people who were not involved in any way. They succeeded to obtain such untrue 'confessions' from me in the same way. When they were not content with my answers, I was being subjected to falanga. They were drubbing over and over, opening blisters which appeared on the soles of my feet with pins and then they forced me to walk. From time to time they were putting the stick into my anus with which they were beating my soles. This operation continued until morning uninterruptedly. For three days I was almost speechless. Even in this state, policemen visited my cell many times and trampled on me for 15 or 20 minutes each time. When I needed to go to the W.C., I had to ask for two other's help. For 15 days I could not stand on my feet. A trained nurse who came to the Police Headquarters of Istanbul and saw the state we were in, tried to treat my soles medically. Before we were sent to Harbiye Caserne, Istanbul Martial Law Commander visited the Police Headquarters and witnessed how badly tortured we were. Also the Martial Law prosecutors interrogated us in the presence of police agents and were informed of the tortures. And also, there present prosecutors of this case were personally the witnesses of our tortures."

To the first judicial assembly which arrested us, we stated that we had been interrogated by the prosecutor at the police station under such pressure and we refused the depositions taken down by the prosecutor. Therefore we were interrogated by the prosecutor of Harbiye Caserne again while being an exhausted state. The prosecutor forced me to accept the deposition he imposed, threatening me by saying : 'You are lying. What a dishonesty !' So it seems that you were not tortured enough at the Police Headquarters. And the other prosecutors were adding : 'Deny it as much as you want ! In any case we shall create enough evidence against you by every possible means!'"

"Our aim is not to beg the mercy of this judicial assembly, disclosing these facts. We are just trying to publicize that democracy does not exist here and the ruling classes violate even their own laws. This is all !"

"All defendants who have been taken into custody in the same time with me and all arrested at the Maltepe Military Prison are witnesses of my torture. They all are ready to witness to it when it is necessary".

AYSE EMEL MESCI - Born in 1950. Actress of the Municipal Theatre of Istanbul. She was accused of "to hide arms for the organization" and condemned to 5 years imprisonment. The following statement was made by her at the Tird Extraordinary Military Court and put in the case's file :

"Although I refused my deposition taken down at the police station while I was being interrogated by the military prosecutor, but he did not pay attention to my insistence and included the mentioned deposition into the minutes. I stated, I would disclose all of this at the court. Thereupon I was visited at Maltepe prison by army Major Necati, accompanied by two police agents and I was threatened by them. Also before being taken into custody I was visited by an army colonel and two army majors at home. They told me that they had been following for a long time and were well-informed about me (...) They said to me : 'You are an artist and a pretty nice future is in front of you. If you talk in the way we want you to, this subject will be closed and we shall stop following you. This is the best solution for you. But if you are going to insist on not doing what we want, then we can take you to the police station. There you will talk in some way or other, under pressure !'"

"I answered them that I had never committed a crime, but if I were supposed to be a criminal and I were really guilty I would prefer to be punished. Thereupon they brought me into the Police Headquarters where I was interrogated for two nights uninterruptedly. Police authorities tried to persuade me to accept a deposition prepared by them. They were saying that many of my friends had 'confessed' during the 'operation'. Each day Ilgiz Aykutlu repeated that they were going to torture me at falanga which they call 'Operation K2'. During one of those conversation he asked : 'Will you talk or do you want me to call the operators ?', I replied that I had nothing to tell. Thereupon he rang the bell and called a policeman and ordered him to prepare the falanga. There was also a doctor in his room. The doctor asked me if I had certain illness before. I replied I had a nervous breakdown two years ago and had a doctor's report. So, the doctor and Aykutlu whispered something and decided upon not applying falanga to me. But both of them told me : 'You have a doctor's report that you had a nervous breakdown. We shall probably throw you out of the window and declare that you went off your head and committed suicide'."

"At each inquisition they were showing me other tortured defendants such as Cihan Alptekin and Rasim Ozkan. At last nine of us were confronted in a room. They menaced Rasim Ozkan to apply the falanga again when he refused to sign the deposition and holding his hand they obtained his signature by force. I also had to sign my deposition in the same way."

"... Therefore I refuse the deposition taken down at the police station. The military prosecutors also copied the same deposition. As a matter of fact I was not menaced by military prosecutors. But I heard one of the prosecutors telling Rasim Ozkan : 'You had insisted at the Police Headquarters. If you also insist here, I shall send you all together back to the police station', when he was interrogating him. For this reason I accepted everything that the military prosecutor imposed". (Minutes of the Court, pp. 67-68)

IRFAN UCAR - Born in 1947. 10th semester student at the Machinery Faculty of Ankara Middle East Technical University. He was tried at the Third Extraordinary Military Court of Istanbul under the accusation of "not to inform the authorities about the activities of the organization in spite of his knowledge in this matter", and condemned to five years imprisonment. He was tried also at the military courts of Ankara. He divulged the tortures applied to him during the trials. The following statement was made by him at the Third Extraordinary Military Court of Istanbul on September 3, 1971 and recorded in the Court's minutes, pp 34, 70-71 :

"I was also tortured as the others were. I appealed to military prosecutors four times in order to be sent to legal medicine for ascertaining the physical damages that I was submitted. All my applications were refused. I still carry the visible traces of torture on my body. Even at the time when this judicial assembly declared that I was arrested, I was sick due to torture; I divulged this fact to you at that time and it was replied that I have the right of appealing to the authorities whom it may concern. But I still could not get permission from you in order to go to Legal Medicine!" (p. 34)

"... When I was brought into the police station, I was tortured permanently by Istanbul Police Chief Muzaffer Caglar, by Political Section Chief Ilgiz Aykutlu and by other police agents under their order. The chief military prosecutor of Istanbul Martial Law Headquarters was also present".

"Necmi Demir, Ilkay Demir and Necati Sagir were also tortured. They particularly forced me to say : 'Yes, I am the one who killed the Consulate !' The more I refused their requests, the more they drubbed me. At a severe moment of torture Necmi Demir had 'confessed' that he had shot the Consulate. Thereupon I also was forced to prove that he was the killer, but they were not able to obtain such an untrue 'confession' from me, much as they bastinadoed me severely. I also witnessed the tortures applied to Hasan Cetin, Ahmet Coker and Sarp Kuray at the Police Headquarters. The bastinado was being applied particularly by Zekeriya Aydin who was being called 'Zekeriya the Bald' among his friends. Not being able to obtain the 'desired confession' from me, angered the policemen."

"... After we were tortured at the Police Headquarters, we were brought into Harbiye Caserne where we were treated better. After a while I was carried into the Military Hospital with Necmi Demir, Jülide Zaim and Kadriye Deniz Ozen."

"We have been arrested by this present military judicial assembly at the Military Police Headquarters. When I asked who you were, you replied that you were members of the Extraordinary Military Court and were present here so as to terminate the necessary official formalities about my arrestation. When I appealed to you for an investigation about tortures and asked to be sent to Legal Medicine, you answered that I was allowed to give an official application to the military prosecutor and also allowed to hire a lawyer and to see my family. But still I was not examined by a medical expertise. Since 80 days I am not allowed to see my family nor get in touch with my lawyer". (Minutes of the Court, pp. 70-71)

The following affidavit about tortures applied to Irfan Uçar was written by him and put into the official file of the Court after it was read in the trial.

"I was taken into custody on the evening of May 27, 1971 in Istanbul. I was tortured at the 'Political and Criminal Sections' of Police Headquarters until sunrise. At 08.00 a.m., they carried me into another room : the office of the Criminal Section Chief's. They bound my hands on my back with a handcuff and tied my feet with ropes to a thick cane. They threw me down and started to fustigate the soles of my feet with sticks and truncheons. They drubbed me from 08.00 a.m., till 5.30 p.m., in order to 'persuade' me 'confess' that I had taken part in those actions mentioned in the formal charge of the military prosecutor. They were beating my soles for 10 minutes and after each ten minutes were forcing me to walk on the salty water poured on to the floor."

"While three of them were beating my soles in turns, two others were trampling on my arms. Another was putting his foot on my mouth, and the fourth one who put his truncheon into my anus, was trying to keep me motionless by forcing my anus with his truncheon. This operation continued until noon without any pause and my feet became swollen.

"At noon they made a break in order to go for lunch. They set me in a corner and put my feet in a bucket, full of salty water. At 1 p.m., when they returned from lunch, the same torture began again. At about 3 p.m., my soles were torn... At the very moment, they stopped and stated that I would at last break down and sign the deposition written by them and enumerate the crimes that I had taken part in. I refused to sign such an untrue deposition and they started to continue torturing my bleeding and burst feet.

"About 5.30 p.m., my soles had been torn thoroughly and the bones of them started to appear. Thereupon, they ceased the fustigation, because at each strike my blood was splashing on their clothes. They wrapped my feet with a piece of rag and locked me in a half-faint state in a small solitary confinement cell. For three days I was left in this isolation cell lying down on the cement ground without any medical treatment. I was deprived of food for those three days. I had to reply on the buttermilk and water. On the fourth day, my friend Ilkay Demir, student at the Faculty of Medicine, was permitted to enter my cell and treat my soles. They were obliged to call a doctor when they realized that my feet were going to become gangrenous. Dr. Garabet Arman from Capa Hospital could not provide a remedy for my feet saying he was ^{not} trained in this subject. He only gave me some medicines to prevent the hypotension caused by bleeding, and some other to ease the pain on several parts of my body, especially my anus"

"As long as the doctor could not do anything for my feet, one of the policemen on duty pierced the suppurating parts of my feet with scissors. From that day on I was treated by my friend Ilkay Demir"

"Until the 13th of June I was kept in a solitary confinement cell at the Police Headquarters. There was no bed and I was obliged to sleep on the cement ground with only my thin dress separating my body from the floor as sick as I was. During this period I was not able to move, so I was using little boxes for urinating and for defecating I was being carried to the latrine in the arms of my friends once every four days."

"On June 13, I was carried to the Harbiye Caserne. I was locked there again in an isolation cell, a cell which at least had a bed to sleep on. Here they also gave me food, three times a day. Medical treatment by a doctor was also provided. My whole body was aching. And the running sores on my feet were not getting better. Therefore, they were finally obliged to carry me into Haydarpaşa Military Hospital. I was treated there starting on July 1st. I was discharged from the hospital after the running sores got better. And I was sent to the Prison of Ankara, on August 12, 1971".

OMER ERIM SUERKAN - Born in 1946. 4th semester student at the Faculty of Law (Istanbul). He was tried according to the Article 146 of TPC and condemned to 15 years imprisonment. The following statement was made by him at the Third Extraordinary Military Court of Istanbul on September 3, 1971 and recorded in the Minutes of Court (pp. 74-76) :

"In the night of May 18, they brought me to the Police Headquarters of Istanbul. First of all, they asked me where the Consul was. I answered that I had no knowledge about it. But they were insisting and suggesting that if I said where he was being kept, I could avoid the danger of being sentenced to death. Once even, the Martial Law Commander of Istanbul, who had come to the Police Headquarters, also talked with me on this point. When I said I knew nothing, they tortured me.

The torture was started the night I was brought to the Police Headquarters. In the newspapers dated May 26, 1971, it was mentioned that Kadriye Deniz Ozen, Julide Zaim and I had been caught. That is to say, if the ones who kidnapped the Consul could not be caught, we would be considered the kidnappers (*)."

The declaration of the defendant which had been obtained by the Police on May 20, 1971 was read in the trial. Suerkan stated that he had given that deposition under torture. Therefore it had no legal worth. The other deposition of the defendant which had been obtained by the military prosecutor on June 29, 1971 was read. The defendant said :

"While I was interrogated, the military prosecutor threatened me by saying, 'it seems as if you were not tortured sufficiently at the Police Headquarters'. The deposition was obtained under this psychological pressure. I was not in normal conditions". (Minutes of the Court, p. 76)

ABDULLAH CECELOGLU - Born in 1942. He was tried according to the Article 146 of TPC and condemned to 10 months imprisonment. The following statement was made by him at the Third Extraordinary Military Court of Istanbul and recorded in the Minutes of the Court.

"I refuse all the depositions which have been considered as a base of the formal charge. They are too far from the realities, and deprived of foundation. They have been obtained by torturing me"

"I was caught in Ankara and brought to Istanbul. A naval officer at the Legal Advisory Bureau of the Martial Law Headquarters sent me to the Police Headquarters in spite of my insistence that I was innocent. I had enough knowledge about the tortures made at the police centers. Therefore I accepted at once that I had changed the licence plate of a car. In addition to this, they forced me to sign a deposition stating that I had given the paper including numbers of banknotes (which had been appropriated before) to Ziya Yilmaz. They had not been able to find out who was the one who drove the car to Erenkoy. I was told that this was also me. In order not to be tortured again, I accepted it too, because they had applied heavy tortures to me at the Police Headquarters. When I was being interrogated by the military prosecutors, one of them was threatening to send me again to the Police Headquarters, and the other one offered me a cigarette. Another prosecutor ranked lieutenant colonel who is sitting on the tribunal now, told me that if he knew that I were to be tortured he would not send me to the Police. In fact, all of them are the guardians of the interests of imperialism and its collaborators. Therefore, I repeated the same statement in front of the prosecutors. I was an active member of the Turkish Labour Party when I was in Fatsa. I remain revolutionaries' respectfully, but in fact, I committed none of those crimes". (Minutes of the Court, pp. 77-78).

"My interrogation was made after ten friends of mine have already been interrogated, for whom the prosecutor now demands death sentences. My deposition was rearranged according to their statements. Their depositions and my deposition were obtained with tortures. Therefore I do not accept this deposition". (Minutes of the Court, p. 79)

(*) Although Suerkan had been caught in the night of May 18, 1971, the Martial Law Headquarters of Istanbul declared in its official communique that he was caught during the general raid on May 23, 1971.

At the session dated 6.9.1971, the lawyer of Ceceloglu presented the following affidavit about the tortures applied to him and the affidavit was put into the file of the case after being read. (Minutes, p. 82)

"I was caught on June 18, 1971 in Ankara. I was kept there in Yildirim Military Prison for 12 days. On the 13 th day, I was brought to Istanbul and was put into custody at Selimiye Caserne. During the night I stayed there and in the morning, I was interrogated by a naval officer at the legal Advisory Bureau. Much as I told the truth, he was not satisfied and said : 'We know what the truth is. We would rather send you to the Police Headquarters in order to obtain the truth'. I was quite healthy when I was put into the hands of the police authorities."

"Although I told everything that I knew about the events, at the Police Headquarters the interrogator superintendant of police Dursun Karaduman was not satisfied. First they attacked me by kicking, by hitting me with their fists, by cursing and swearing at me, by accusing me of being a 'traitor'. After that they began to interrogate me again. I repeated the truth once more, but they were still not satisfied and bastinadoed (falanga) me. Two policemen were holding a piece of wood to which my feet were tied, four others were putting their feet on my mouth when I was crying and shouting owing to my pain, and were kicking other parts of my body. And four policemen were beating the soles of my feet in turn"

"The names of the police chiefs, who have beaten me with sticks and cables, were Zekeriya Aydin, Dursun Karaduman, Cemal (I was not able to learn his surname) and another police chief all grizzled and goggle-eyed."

"Before starting to strike while my feet were tied to the falanga, Zekeriya Aydin gave a speech at my side : 'Let's begin for the sake of the security of the country and the unity of the nation!' And the falanga torture was started. Although I said the truth, they went on fustigating me with eagerness and could not be satisfied. Before long I understood that each of them was a specialist on torturing and a sadist. Therefore I accepted everything that was being imposed on me and signed the deposition arranged by them, without reading."

"After my interrogation I was held in custody for three days. Later I was put into a cell of the Political Section of the Police Headquarters. And there I tried to treat my torn soles with some medicines I had ordered myself and thanks to the help of my friend Osman Arolat with whom I became acquainted there".

"The eyewitnesses of the tortures applied to me were Osman Arolat, Cihan Alptekin, Tayfur Cinemre, Masis Kırkçugil, Rasim Ozkan, Safak Morgül, Ali Aydin Cig, Rifat Güney, Osman Bahadır and others who were in custody at the same time."

"After being kept four days in a solitary confinement cell, being ruined corporally, I was brought to Selimiye Caserne. There, I was kept in a humid cell at the foot of a stair for one day and in another cell next-door to the latrine for four days. And on the sixth day, the military prosecutor interrogated me."

"... Later I was taken into another military prison at Kartal-Maltepe. (...) In order to treat my chest which was mutilated by the beatings of the torturers, I appealed to the physician of the prison three times. He did not send me to the hospital and each time he gave me some different medicines. But I did not use them, because I did not want to be a guinea-pig"

"... My three toes, their nails pulled off, my waist with a sharp pain and my written deposition in your hands are the visible traces of severe tortures. And according to such a deposition, obtained under these conditions, I am being tried for my life".

TULAY TAD - Born in 1941. She was tried according to the Article 146 of TPC and condemned to 10 months imprisonment. The following statement was made by her at the Third Extraordinary Military Court of Istanbul and recorded in the Court's Minutes.

"No torture or pressure was applied to me by the police. But after being caught, when I was brought to the Martial Law Headquarters, a naval colonel charged into the Juridical Bureau and asked me to say where Bingöl Erdumlu (her former husband who was also one of the suspects) was and added they would set me free if I would tell them his place of hiding. When I said that I knew nothing he sent me to the next room. There Kenan Koç, the Deputy Chief of Police, asked me the same thing, calling me names and threatening me. But he could not obtain anything. Thereupon I was sent to the Police Headquarters. There they forced me to reveal Erdumlu's place". (p.84)

"... After being sent to the military prison, the military prosecutor Naci Gür caused me to be brought to Selimiye Caserne again. In his room there was also Kenan Koç, the Deputy Chief of Police. Koç asked me : 'to which place have you brought the money and to whom have you given it ?' When I expressed my amazement, he said that Mahir Cayan had already 'confessed' to it. And they showed a deposition to me. I read the parts that interested me. Koç said, 'tell the truth, if you do not want to go to the Police Headquarters!' and left the room. Naci Gür, the military prosecutor offered me a cigarette and stated that he was against the use of violence. But before leaving the room, Koç had already said that they might keep me sleepless for many days and nights, that they even might fustigate me. And the military prosecutor had already heard those threats. The military prosecutor obtained my deposition because of these threats".

"During interrogation, the military prosecutor also threatened me by saying that he would arrest my father and sister. Thereupon I accepted the story as it is written in the deposition". (Minutes of the Court, p. 85)

OMER GUVEN - Born in 1948. 6th semester student at the Faculty of Medicine. He was tried under the accusation of "not to inform the authorities of the activities of the organization in spite of his knowledge on this matter", and condemned to 10 years imprisonment. The following statement was made at the Third Extraordinary Military Court of Istanbul and recorded in the Minutes of the Court.

"I and my friends, especially Rasim Ozkan, were tortured. The Prime Minister gave a speech and said that the state apparatus had obtained its unity again. This unity is the unity of torturing. The Deputy Chief of Police, Salih Bora did not admit journalists into the Police Headquarters. The military prosecutor has knowledge about the tortures applied to us. Therefore I name two prosecutors of this case as 'plotters' and request them to abstain from the trial. The decision about us has already been arrived at by the political power. In the play named 'democracy' judicial procedure is applied only formally. We do not reveal these tortures in order to beg mercy for ourselves, but we reveal them in order to denounce this game of democracy of the political power and of the establishment under its order, to the world!"

"... At Istanbul Police Headquarters, I was subjected to several tortures. Later I was deported to Harbiye Caserne. I was interrogated there by the military prosecutor who has sent me to the police again when he was not content with my statement. I was again tortured there. (...)" (p. 114)

MUSTAFA COSKUN - Born in 1947. Employee at the Municipal Theatre. He was tried under the accusation of "hiding arms for the organization and to carry arms without a licence" and condemned to one year. The following statement was made by him at the Third Extraordinary Military Court of Istanbul and recorded in the Court's Minutes.

"In the evening of June 30, 1971, I was sitting in a coffee-house with my friends, at Rumelihisari (Istanbul) when the policemen came. I was taken by them and deported to the local police station by them. From the local police station, they brought me into my home in order to search the house. When the search was over, they deported me to Istanbul Police Headquarters."

"I was threatened at the Police Headquarters. I said my friend named Elif suggested that I should commit suicide, because they had offered me to be an agent for them. When they intended to apply the falanga torture to me, an army major suggested to me : 'Say that you have done so and so ...'"

"I saw my friends there, Emel Mesçi, and Avni Yalçın. They were in a terrible situation. Even Emel Mesçi said murmuring : 'I am not able to bear anymore. They have an old accusation about arms and ammunition. Accept it, do not insist !'"

"At the Police Headquarters I saw a policeman strangling a youngman by shouting, 'why are you Armenian ?' (...) Later, we were brought into Selimiye Caserne. We were arranged in a row in front of a wall. At first I thought they would execute us on the spot. Rasim Ozkan was not able to stand on his feet. But the army officers forced him to stand up by calling him names. After a while we were brought in front of the military prosecutor and he interrogated us in a mocking way". (p. 100)

"... The very first day we met Major Naci Gür, the military prosecutor, he shouted at me threatening with his fists : 'Well, you Shiite fellow ! I'll show you ! You are a Shiite, is that so !'" (p. 101)

OGUZ ODER - Born in 1945. Last semester student of Sisli Economics and Commerce Academy. He was tried according to the Article 146 of TPC and condemned to 10 years imprisonment. The following statement was made by him at the Third Extraordinary Military Court of Istanbul and recorded in the Minutes of Court.

"I was brought to Selimiye Caserne on July 17, 1971. The military prosecutor Naci Gür interrogated me. After a few sentences he interrupted the interrogation and started to threaten me saying he would send me to the Police Headquarters if I did give a statement in the way he directed. A policeman named Kenan Koç also threatened me in the same way and reminded me to take the bad condition of my tortured friends into consideration. The prosecutor took me out of his room and sat on a desk in the corridor where Cihan Alptekin and his friends were also sitting on desks. There Kenan Koç, the policeman, drew near to me and showing those tortured ones to me he said if I did not sign a deposition as they wanted, I would be tortured in the same way. I was not brought into the Police Headquarters, but my interrogation was made under those conditions by the military prosecutor". (p.92)

AVNI YALCIN - Born in 1947. Actor at the Municipal Theater of Istanbul. He was tried under the accusation of "hiding arms for the organization" and condemned to one year imprisonment. The following statement was made by him at the Third Extraordinary Military Court and recorded in the Court's Minutes.

"As long as my friends have talked about the tortures, applied to us both in the Police and in the Martial Law Headquarters, I am not going to mention them once more. I am refusing all the depositions which have been obtained by medieval-like methods. When we were interrogated by the military prosecutor, we were obliged to repeat the same statements, which were obtained at the Police Headquarters by torture. Because, Major Naci Gür arranged nine of us in a row and said : 'You ought to repeat the depositions that you had signed at the Police Headquarters. Otherwise, I will apply to you the technical operation'."

"I was afraid of being sent to the Police Headquarters again when the military judicial assembly was trying me in order to arrest me. Because, as a matter of fact I had seen four workers at the Police station who had been brought there from Maltepe Caserne after being arrested. They had been there for 19 days. This in itself was a real torture. Furthermore, they were tortured during those days. One of them was Sina Ciladir, another one was Salih, but I cannot remember the names of the other ones". (pp. 103-104)

ISMAIL YUKSEL ERDOGAN - Born in 1943. 8th semester student at the Fine Arts Academy of Istanbul. He was tried under the accusation of "hiding arms for the organization" and he was condemned to one year. The following statement was made by him and recorded in the Court's Minutes.

"A deposition was dictated to me under pressure at the Police Headquarters. During the investigation, the military prosecutor Naci Gür also threatened that he would apply a special operation to us. At the Police Headquarters, they showed me the tortured Rasim Ozkan while they were interrogating me. In order not to be tortured as violently as him, I accepted the deposition which they imposed me ". (p. 105)

RASIM OZKAN - Born in 1950. 4th semester student at the Fine Arts Academy of Istanbul. He was tried under the accusation of "hiding arms for the organization", but acquitted. The following statement made by him was recorded in the Court's Minutes.

"After being caught I have been tortured at the Police Headquarters for six hours. My soles were torn. The plainclothesmen, with machine guns in their hands, brought me in front of an open window and threatened me : 'What do you prefer : Shall we kill you by machine guns or shall we throw you out of the window ?' I was kept in custody for 37 days and was tortured."

"I refused all those statements which were obtained either by police or by the prosecutor. All of them were obtained while I was subjected to physical and mental torture. At the Police Headquarters I was able to bear up against all of the tortures. When we were brought to Selimive Caserne, the military prosecutor said : 'Do not try to deny your depositions arranged at the Police. Otherwise, I shall send you there again. Even I can apply a special operation to you'. Later I was interrogated by the military prosecutor Naci Gür.

When I said that I had no connection with that ammunition affair, the military prosecutor looked at my feet. They were in bandages. He said : 'As I see that you were not beaten enough'. And went on : 'Tell me, do you accept the accusations against you ? If not, do you want to be sent to the room for special operations at the basement ?'"

"After the tortures at the Police Headquarters lasting for 37 days I had no strength left. Therefore I had to sign whatever he dictated". (pp. 106-107)

ABDURRAHMAN TURE - Born in 1950. 4th semester student at Besiktas Engineering and Architecture College. He was tried under the accusation of 'hiding arms for the organization', but acquitted. The following statement was made by him at the Third Extraordinary Military Court and recorded in the Court's Minutes.

"My deposition was obtained by medieval-like tortures at the Police Headquarters. (...) We, the nine of us were brought in front of the military prosecutor then. He threatened to send us again to the Police or to the special operation room in the basement of Selimiye Caserne, if we denied our depositions arranged by the Police."

"...The following day he interrogated me and re-arranged my old deposition into a new one. Therefore I reject this deposition arranged by the prosecutor". (Minutes of the Court, p. 108)

MUHARREM YANAR - Born in 1950. 8th semester student at the Faculty of Law (Istanbul). He was tried under the accusation of "hiding arms for the organization and to carry arms and ammunition without a licence", but acquitted. The following statement was made by him and recorded in the Court's Minutes.

"I had no connection with these events included in the prosecutor's formal charge. (...) When I stated this fact at the Police Headquarters, all of them attacked me by kicking and by slapping. When I insisted that I did not know anything, they threatened me by showing me the tortured friend Rasim Ozkan, in his bad situation and by telling me that they were also going to arrest my parents. (...) When I was being interrogated at the Police Headquarters, the police authorities from Group K told me that if I would deny my deposition which was dictated by them in front of the military prosecutor or in the trial, I could be brought again into the Police Headquarters, even from the military prison. For this reason, I did not reject that deposition neither at the prosecution office nor in the first trial". (pp. 110-111)

MUSTAFA AYNUR - Born in 1944. Last semester student of Besiktas Engineering and Architecture College. He was tried under the accusation of "hiding arms for the organization" and condemned to 5 years. The following statement was made by him and recorded in the Court's Minutes.

"After being caught I was brought to the Group K at the Police Headquarters. Five or six policemen attacked me by kicking and by hitting me with the fists. They were asking about some matters that I did not know (...) My deposition was obtained as a result of these tortures applied to me during 5-6 days (...) They said that if we were going to change those statements in front of the military prosecutor we would be brought to the Police Headquarters again."

"Major Naci Gür, the military prosecutor, also threatened us many times. He summoned me four times into his room and said : 'If you change your statement dictated at the Police Headquarters, we will apply the special operation to you'. Under such conditions I was interrogated. I do not accept these depositions. (...)" (p.113)

ERDOGAN KAMISOGLU - Born in 1946. 8th semester student at the Fine Arts Academy of Istanbul. He was tried under the accusation of "hiding arms for the organization", but acquitted. The following statement was made by him at the Third Extraordinary Military Court and recorded in the Court's Minute :

"Like the other ones of my friends, my deposition was also obtained by torturing me at the police station. I refuse all of them. (...)"

II. TORTURES APPLIED TO THE DEFENDANTS OF OTHER CASES

OMER AYNA - Born at a small district of Diyarbakir. He was a promising 23 years old student at the Galatasaray Engineering Faculty of Istanbul. He had been arrested on May 3, 1971 as a member of the People's Liberation Army of Turkey and tried under the demand of death sentence according to the Article 146 of TPC at the First Extraordinary Military Court of Istanbul. He had succeeded to escape from the military jail on November 30, 1970 with his other friends. He was killed by the bombs of the Armed Forces at Kizildere on March 30, 1972. In a document dated on October 1971, he declared :

"Immediately following my arrest, I was subjected to falanga. They have beaten my soles until they have started to bleed. They have pulled one of my toe nails in the same night - the trace still exists. After I had been subjected to the 'falanga' treatment, I was thrown into a solitary confinement cell of the Istanbul Police Headquarters where I was held for eight days. Then I was transferred to Selimiye Caserne, the Martial Law Headquarters of Istanbul. There I was obliged to lie down on the dirty damp cement of the isolation cell for 67 days, with only my thin summer dress separating my body from the floor."

"I was strictly forbidden of any communication. I remained unshaved. I was held in solitary confinement cell even after being sentenced to life term. As a result of these treatments I am now suffering of rheumatism".

CIHAN ALPTEKIN - Born in a village of Rize. He was a 24 years old student of Istanbul University. He was caught on May 31, 1971 as the Istanbul representative of Peoples Liberation Army of Turkey and tried under the demand of death sentence according to the Article 146 of TPC at the First Extraordinary Military Court of Istanbul. He had succeeded to escape from the military jail on November 30, 1971 with his other four friends. He was killed by the bombs of the Armed Forces at Kizildere on March 30, 1972. He declared :

"I was kept in Police Headquarters for 40 days where I was tortured severely. They applied bastinado torture to the soles of my feet. They also gave electro-shock to my genital organs and to my body. When I and Tayfur Cinemre were caught, they tried to lynch us ".

TAYFUR CINEMRE - He is a university student and defendant of Cihan Alptekin case.

"My name is Tayfur Cinemre. From the very first moment of my seizure in Tekirdag, I have been tortured in the most inhuman way. Immediately following my seizure, the police have beaten me in the presence of the military commander, public prosecutor and the police chief of Tekirdag. The fustigation has almost approached a lynch. Then I have been deported to Istanbul Police Headquarters where the torture operation continued in a very systematic way. Having been subjected to the 'falanga' treatment, I had to accept signing the statement which had been dictated and written by them. I have been kept there for 42 days..."

OSMAN BAHADIR - He is a university student and defendant of Cihan Alptekin case. He is sentenced to life term on April 22, 1972 at the First Extraordinary Military Court of Istanbul.

"I was tortured physically and mentally at Istanbul Police Headquarters. They obtained my deposition by torture".

ELIF GONUL TOLON - She is a university student and an active member of the Turkish Labour Party. She is a defendant of Cihan Alptekin case :

"At Istanbul Police Headquarters, I was subjected to the 'falanga' treatment. I was locked in a solitary confinement cell where policemen swore at me and I was insulted night and day continuously especially being a female".

RUKIYE DULGER - She is a university student and defendant of Alptekin Case.

"I was tortured uninterruptedly at Istanbul Police Headquarters physically and mentally and I was insulted all the times".

ZERRUK VAKIFAHMETOGLU - He is a university student and defendant of Alptekin case.

"While I was in custody at the Istanbul Police Headquarters, all kinds of physical and mental tortures were applied to me. Even, when I was turned over to the hands of the military prison authorities, the evidences of the tortures were still visible on certain parts of my body".

ALI AYDIN CIG - He is a university student and defendant of Alptekin Case.

"I was taken to the Police Headquarters of Istanbul on June 14, 1971. Only because I was a friend of Nahit Türe and Osman Bahadır, the authorities accused me that I took parts in the armed struggles and for this reason I was subjected to all kinds of physical and moral tortures. During the torture, they forced me to give the names of other young people who joined the revolutionary movement. They tied electrodes to my genitals. They made me to accept that I robbed 250.000 Turkish Liras, (approximately 17.000 U.S. dollars) from a bank. During one week time, I had urinated blood. I lost my virility. I am still sick and I am still waiting that the authorities to send me to a physician for a proper examination. Because of the severe torture, I had to sign every statement which were imposed to me by the authorities. I did not even know the contents of the statements." (...)

RIFAT GUNEY - He is a chemist and defendant of Alptekin Case.

"I was kept and tortured in Istanbul Police Headquarters for one month after I was caught on June 17, 1971. I gave an application to Istanbul Martial Law Headquarters, in order to prevent me from the tortures, but could not get any answer".

CEMIL TATLIBAL - He is a defendant of Alptekin Case.

"Immediately following my seizure, I have been brought into Küçükçekmece Police Station and subjected to the falanga treatment. More than 12 hours they have tortured and insulted me and cursed at me. They have transferred me to Istanbul Police Headquarters than, where I was kept for 25 days and beaten by a team of torturers, with intervals. I was forced to make 'confessions' by being deprived of food".

TAYFUN DEMIR - He is a defendant of Alptekin Case.

"My name is Tayfun Demir. From the very first day of my seizure (June 1, 1971) until I was deported to Selimiye Martial Law Headquarters, I was beaten permanently, was deprived of food. On June 1, 1971 they have taken me into custody at Küçükçekmece Military Police Station. There I was subjected to severe tortures more than two hours. Then I was deported to Istanbul Police Headquarters where I was subjected permanently to falanga for 26 days. I was obliged to sign the so-called 'deposition' under the threat of more torture and being deprived of food. Later they have sent me to the Selimiye Caserne where I was arrested without being interrogated by any prosecutor. The court warrant has been based on the 'deposition' imposed by police".

YAVUZ YILDIRIMTURK - He is a university student and defendant of Alptekin Case.

"My name is Yavuz Yildirimturk. I was subjected to the most inhuman tortures both at Criminal and Political sections of Istanbul Police Headquarters. They obliged me to accept several 'crimes' that I have never committed by skinning my soles at the falanga treatment. (...) As a result I was unable to stand on my feet for nine days".

ATTILA KESKIN - He is a university student and member of the Peoples Liberation Army of Turkey. He is one of the 18 students who were condemned to death with Deniz Gezmiş. His sentence was commuted to life imprisonment later by the Military Court of Cassation. He revealed about the tortures applied to him, at the session of Ankara First Extraordinary Military Court on June 16, 1971.

"After our seizure by gendarmes on Nurhak Mountains, I and my friends were tortured at the police and gendarme stations for eight days. The prosecutor says that our friend İrfan Uçar could not be brought to the trial that he was sick and being treated at the hospital. This not the truth. In fact he is not sick, but he cannot be brought here because he has been tortured and he is not able to stand or walk. His illness is this, and this is the real explanation why you were not able to bring him here".

SARP KURAY - He was a progressist naval lieutenant of the Turkish Army. He was expelled from the Navy in late 1969 because of his progressist activities. Later he has taken part in the activities of the Revolutionary Youth Organization (Dev-Genç). After the March 12th Coup d'Etat, he was taken into custody with the other 83 naval officers and cadets, and tried according to the Article 146 of TPC. Though the military prosecutor demanded death sentence for him, he was condemned to 30 years. During his trial at the First Extraordinary Military Court of Istanbul, on August 12, 1971, he stated that he was subjected to the most inhuman tortures during his interrogation, that caused him to urinate blood for a long time and he said : "With the tortures that they have applied to us at the Istanbul Police Headquarters, they even could made us to 'confess' in 20 minutes that we had burnt the city of Paris. If I were not a revolutionary, I would commit suicide. Because my psychological situation was such that death seemed a salvation. Yet, I did not realized the suicide, for the reason that I was thirsting for revenge".

The following protocol is prepared by 17 prisoners who were also jailed at Kartal Maltepe Garrison :

"We, undersigned, saw Sarp Kuray after he was tortured. On May 31, 1971 they brought him to Kartal-Maltepe military prison as worn out from the tortures. He told us about the tortures applied to him. He took his shoes and stockings off with difficulty and showed us his feet. His ankles were covered with running sores and there were visible blue rings around them. His ankles and feet were swollen and his soles were torn. His feet were entirely deformed. His body was covered with bruises. One of his front teeth was broken and his lips were burst."

"This protocol is prepared by us, on June 1, 1971, in the following day he was brought into prison.

"Signatures : Emin Babakus (lieutenant), Erdül Boratap (redacteur of the State Radio), Dr Nihat Sargin (former Secretary-General of the Turkish Labour Party), Sadi Alkiliç (writer), Siar Yalçın (former public prosecutor), Cetin Altan (columnist), İlhan Selçuk (columnist), Sabri Eryılmaz (lawyer), Cetin Ozek (assistant professor), Cumali Ulgen, Ahmet Dinler, Okan Esmen, Sinasi Maktav, Akin Altug, Mehmet Akman, Kubilay Kutlu, Abdullah Gelgeç".

MASIS KURKCUGIL - He is a publisher and one of the defendants' of TKP case who is on trial at the First Extraordinary Military Court of Istanbul. The following statement was made by him and recorded in the Court's Minutes.

"I have been kept 35 days at the Political Section of the Police Headquarters and tortured continuously. At the operation room of this section, my left eye has lost its function for one week, due to a truncheon's strike on my head. There was some electrodes in a bag in this room. They have applied those electrodes to the person, called Mustafa Köse, who had been taken into custody as a suspected spy for Bulgaria. But then, they understood he was innocent and had to release him. Among the tortures applied to me, there was also the solitary confinement cell, which they call as 'tabutluk'. I was kept in the 'tabutluk', an isolation cell 1.40 meters high and 70 cms wide, for one week, although my height is 1.80 cms".

III. PROTOCOLS AND WITNESSES ON TORTURES AND ILL-TREATMENTS

TURHAN SELÇUK - He is a world famous Turkish newspaper cartoonist. He was taken into custody together with many other famous Turkish writers, artists and editors during the general search in Istanbul on 22-23 May 1971. All the tortures applied to him was described in details in accordance with his own testimony on daily newspaper Aksam dated 8.6.1971. The followings are the excerpts from the subject article.

"Turhan Selçuk was taken to Besiktas District Military Police Center together with his 76 books by a search team on 23 May, 1971. After he was transferred to the headquarters of the riot-police at Balmumcu. While he was interrogated by the authorities, one of the police chiefs shouted at him as : 'Here, I am the law. I will crush your head, if you show any resistance to the authorities here. I have orders for this'. Selçuk replied : 'We know the laws and we respect them'. The police chief was angry on such reply and he shouted back : 'You bloody guy ! Are you going to teach me the laws ! Take him away !'"

"On the order of police chief, the policemen in the room attacked Selçuk, they started to harass him by kicking and hitting on his head with their truncheons and they threw him on the floor. While he was lying on the floor, at least 15 policemen attacked him and they started to kick his head, his shoulders and his abdomen. Since Turhan Selçuk had a medical treatment for a certain illness in his lungs about 1,5 years ago, this beatings created a terrible pain and swelling on his lungs. After the harassment, Selçuk was confined in a room which was used as classroom for riot-police. He demanded from the policemen to call a physician to examine his lungs and he also added that he would not bring any official complaint against themselves. However, the policemen did not bring any physician to examine Selçuk and also did not give him even an aspirine to reduce his pains."

"Afterwards, Selçuk was put in a small dormitory but he was warned by the policemen that he was not allowed to lie on the bed. He was only allowed to sit on a wooden chair. They left a guard beside him. After a while, Selçuk was taken into another room for further interrogations. There he was forced to be undressed as complete naked. Not only his clothes, even his naked body was searched very carefully by policemen."

"Whenever Selçuk wanted to go to the toilette, he was accompanied by few policemen. While he was in lavatory, he was kicked and insulted by his guards continuously. For this reason, afterwards, he did not dare to go to the toilette."

"Selçuk was also witnessed this kinds of ill-treatments, tortures applied to other 108 detained persons who were mainly intellectuals, artists, writers, editors, doctors, sportmen, etc... Finally, on the third day of his internment, he was released as no legal reason established to hold him under custody".

The following medical report was issued by the Legal Medicine Department concerning the results of the tortures applied to Selçuk.

Republic of Turkey
Ministry of Justice
Department of Legal Medicine
Istanbul

Number of Report : 9284

Date : 8.6.1971

To the Office of the District Attorney,

In the medical report issued for Mr. Turhan Selçuk by the hospital of Social Security Organization of Istanbul on June 8, 1971, it is indicated that the following diagnoses were made when he was examined in the polyclinic on May 28, 1971.:

A small coin size hematoma is found on his left cheekbone area with yellowish ecchymosis around it. Also, three yellowish ecchymosis are found on his left shoulder and one ecchymosis on his right shoulder. The 9th and the 10th ribs area is swollen and painful. On the right shin, there is a skinned part in the size of a small coin. His scalp is painful. On the right hip joint, a partly yellowish ecchymosis is found. On both ileus area, there are yellowish ecchymosis. No fracture is indicated on the body through x-ray.

The wounds occurred due to the beatings would not permit him to work for a period of one week and he would recover from his wounds and pains at least within four weeks time.

Med. Dr. Lütfi Tunca
Legal Diagnostician
(Signature and stamp)

KADRI CAGLI - "I was beaten by army officers, when I was caught by policemen at Florya. One of the army officers' kicked me with his heavy army shoes while he was tearing out the hair from my head and insulting me with the most disgusting words. After I was deported to Istanbul Police Headquarters. There, I was subjected to the most inhuman tortures and insults. I was deprived of food for many days. I was finally interrogated by the authorities 20 days after my capture". (October, 1971)

AZIZ ERKMEN - He is a worker and member of the Turkish Labour Party.

"On Sunday, May 23, 1971, at about nine o'clock, a police superintendent from Eyüp Police Station and a second-lieutenant searched my house thoroughly but without any violence. From my book shelves, they took all the leftist periodicals and books, and extracts from newspapers about various events, and also two annual volumes of the monthly Emek which were in parcels and sent from the central office of Turkish Labour Party (TIP) to our district. The district was closed, therefore the postman has left the parcels to my house. In addition to these, they also took some books which has no connection at all with left oriented literature. Then they took me to Eyüp Police Station accompanied by a soldier."

"At the Police Station they searched me and my pockets again. When they found the party stamp of the district, Süleyman (the policeman who was writing down the deposition and whose surname I do not know) shouted at me and said: 'We shall teach you the laws!' While I was trying to explain that I had not done anything that could be thought of as a law break up today and that those books were not banned books, that I had every kinds of books in my book-shelves, the same policeman threatened me and said: 'Then our treatment of you is illegal, we shall melt you one by one and exterminate you, if I ever get up I shall trample on you!' At that moment a fat and tall superintendent, whom they call Emin, entered the room. When he looked at my identity card he said: 'He is a member of city council. I'll fuck his mother, his wife and his blood!' Then he grabbed my throat with his two hands and banged my head against the wall and swore at me and said: 'You, son of a bitch, where are you from? Your blood is corrupted!' I told him that I was from Silivri. While he was pressing my throat against the wall with his left hand and punching my stomach with his right hand, he was swearing and asking: 'You are not from this country! Where did your father come from? Under the rain of punches, I told him, that my grandfather and my father were also army officers. He said that the blood were also corrupted and started to slap and punch me from right and left. With a left punch, my lower lip burst open and my teeth out through my right cheek from inside.'"

"While these swears and beats continued, a fat military sergeant who was present, was looking at me with a pleased expression on his face: (...) After the fustigation while they were taking me downstairs, he put his fingers into my eyes and said: 'If they'd give you to me at the Police Headquarters, I shall stab out your eyes. I'll hang you. I'll fuck your mother and your wife!' Then I was put into a cell where five others were put also into. Sometime later, the door was opened, a plainclothesnight guard policeman, named Halit said he wanted the man who came last, and took me out to the corridor. He started to beat me with his truncheon and said: 'I heard that you were going to complain of me! Now come, I'll show you how to complain!' I told him it might be a mistake, I had no reason to complain of him. But he said: 'Do you mean a superintendent with three stars is telling lies? I shall fuck your mother and wife and all the rest of your family...' Then he forced me to put my hands on each other and started to beat his truncheon on my hands with all his strength. My hands have swollen like a balloon. Then, when I was unable to stretch my arms any longer he pressed my neck and forced me to bend down and started to punch me on my kidneys. He forced me to put my hands into a tin, half full of water and rub them a little, then he started to beat them again. Then he asked me how many children I had. When I replied as four, he said, he had four children too, and he ordered: 'Make him rub his hands in water for half an hour, then put him in,' and he left".

"One of my cell-mates was Ceylan Tan, a member of TIP, two others were representatives of Union of Rubber Industry Workers, and two others were students, one of them named Orhan, whose eye was swollen and closed."

"The following day, they carried me to Davutpasa Military Caserne. I was unable to bow because of the punches I got on my kidneys. Dr. Esat Eskazan, who was also under custody in Davutpasa examined me and told that it could be dangerous and I had to be examined by a specialist. Together with Dr. Ali Savaser, who was also in custody there, I went to the major on duty, showed him my hands and told him about it. He called a doctor on Monday morning. The doctor was a first-lieutenant, he examined my hands and my back. He said that my kidneys were not damaged and gave me four kinds of medicine. On Monday night, just before I was released, a second-lieutenant who had written the protocol of questioning, saw my swollen hands and asked me if my waist was alright (...).

Adress : Islambey, Akincilar Sokak, 5
Eyüp - Istanbul

May 31, 1971

NURTEN TUC - Manager of "Dostlar" Theater in Istanbul.

"At 9 a. m., on 23rd of May, a search team combined with policemen and military came to my house. They confiscated 326 various books, my private letters and my periodicals. Then they carried me to Besiktas Police Station. There I saw a youngman, named Suphi Nuri Ileri, whose hands were swollen from beating. They had beaten him in order to learn an address".

"They took me later to the Political Section of Police Headquarters. It was around 1.00 a.m. I stayed there the whole night. We heard men and women screams until morning".

"In the morning I saw Jülide Zaim in the corridor. Her feet had been subjected to falanga, they made her to wear special shoes and were forcing her up and down in the corridor. A policeman told us that they would do the same thing to us at night. Afterwards, very suddenly they released me. During my release I checked the time, it was 9 p.m."

Adress : Bostancibasi Caddesi
Tayfun Palas 56/11
Galatasaray-Istanbul

MURAT ATES - Worker of Galatasaray High School and Member of Turkish Labour Party. Taken into custody during the general search.

"Because of a denunciation of a police informer, soldiers and policemen came to my working place on May 23, 1971 at 1 p.m. They took me to the Political Section of Istanbul Police Headquarters and closed me in "müteferrika" (an extremely dirty and humid cell with wet floor where they usually locked in lots of people together). I spent the whole night there with many others. The next day, they took us to a police chief's office. There were two policemen there. They asked why I was brought there. I told them that I was a member of TIP. One of them replied me : 'You son of a bitch, what do you have to do in the party, why do you get involved with them'. They slapped me and they insulted me by saying : 'You hungry dog, get your stomach filled first, then try in party business'."

"Then they took Hasan Özgür Away. We could hear his screams and when he was brought back, he was in a miserable condition. There was also a girl, who could not walk, they half carried her away".

HASAN OZGUR - He is a retired army officer who eldest son, Taylan, a university student, was shot dead at the university by police in September of 1969. The murderers were identified as two plainclothes policeman, but no legal action was taken against them. And in 1970, his youngest son Tarhan, a highschool student, was shot and badly wounded when he was sitting in a part outside of Technical University of Istanbul. The bullets were fired from a passing Mercedes. Hasan Ozgür, himself was also an active honorary member of Dev-Genç, the Revolutionary Youth organization. The following affidavit was written on 2.6.1971, by Hasan Ozgür.

"Three plain-clothes policemen took me by force on May 24, 1971, without giving me any reason or showing me their identity cards and without any court warrant. They put me then in police car. Beating me on the way, they brought me into Ortaköy Police Station. In the presence of the police chief, they beat, kicked and hit me (...). Afterwards they took me to the Political Section of Istanbul Police Headquarters. In the superintendants office I was insulted again and beaten. Later they put me in a cell which is know, as 'tabutluk (coffin room)', (a small detention cell by 1.20 meters wide x 2 meters length x 2 meters high without any window). All night they forced to stand up on the cement floor. In the same solitary confinement cell, Turan Zeren, a worker and a member of TIP, was also lying unconscious. He was also beaten very severely by the police."

"Next day, I was taken to another room, where six plain-clothes policemen subjected my feet to falanga with the order of Ilgiz Aykutlu, the chief of the Political Section of Istanbul Police Headquarters (...). They broke two sticks on the soles of my feet. While they were beating me, they were also trying to get answer from me about the hiding places of my wife, of my son Tarhan and my son in law Mustafa Lütfü Kiyici (one of the wanted suspects). The falanga operation continued for eight days. (...)"

"Every citizen whoever brought to the Political Section of the Police Headquarters, guilty or not, are beaten very severely which I believe is against the constitutional rights of the Turkish citizens. 22 persons who are still in the solitary confinement cells of the Police Headquarters have wounds and bruises all over their bodies. I even saw one of them, whose name is Necmi Demir. He was being carried out of his cell, I could not even decide either he was dead or unconscious. His body was in blood and his feet were torn. Ilkay Demir, the wife of Necmi and who was also taken into custody at the same time, tried to scratch the faces of the policemen after they insulted her and molested her with their hands. I also heard her saying : 'running dogs ! Fascists ! Cowards !'"

"As a citizen, I have notified the public prosecutor of the province of Istanbul about the conditions of these 22 citizens who are now being tortured in the solitary confinement cells. And demanded a medical examination for them. My application on this matter is now in the files of the preliminary investigation under the number 71/170025. I shall also reveal these same facts to the Martial Law Headquarters, to the Prime Minister, to the Turkish Parliament".

NUSRET GULAL - The Secretary of TIP for district of Uskudar.

"A search team combined with military and police forces came to my apartment around 2.30 a.m., on May 23, 1971. They search my apartment and took several of my books with them. They also took me to Uskudar Police Station. At the police station they prepared a statement and a list of my books. Although I explained to the chief of police station that there was not any prohibition for keeping books at my home and no such prohibition was declared by the Martial Law authorities, they insisted to send me to the Political Section of Istanbul Police Headquarters.

I explained them the same thing at the Police Headquarters. It was 9 a.m., when I was deported there. After my explanation, the policemen who were on duty, told me that it was a mistake and they should not send me there from the Police Station. They also added that I would be set free in the morning. Then they let me to spend night in the corridors. At 9 o'clock in the morning, the superintendant on duty took me to another department along fifteen or twenty other people who were also brought there for the same purpose. However, he was ordered by his superiors to keep us in custody. While I was spending the night in the corridor I saw a blond girl whose feet were wrapped in cotton. She could hardly walk and was leaning on a policeman. Also in another corner the police officers were harassing two people who look like hippies. On the second day, late in the evening they locked an old man in a solitary confinement cell by beating him, later on I found out that his name was Hasan Özgür. They threatened him with several things and forced him to stand up on his feet all the time. He was not allowed to sit."

"On May 25, 1971, around 2 p.m., they took me to the interrogation room of the Criminal Section and took my fingerprints and photographs. Afterwards they let me free by telling that there was not any prohibited books in my house."

Adress : Dogancilar, Sümbülzade Sokak
N° 21 A/9 - Uskudar, Istanbul

MEHMET ADNAN CELAYIR - Member of Turkish Labour Party.

"We were caught at 4 o'clock in the afternoon on May 20, 1971. I was immediately taken into custody at the Political Section of Istanbul Police Headquarters. First day I stayed in a cell together with some other people who were also brought there for other reasons. The police officers who were in duty at the Political Section opened the doors of solitary confinement cells, came into the cell whenever they wanted. When they came in they harassed and cursed at anyone in a barbaric way whomever they chose. Besides such ordinary beatings, Omer Erim Süerkan, Taner Kutlay, Ataman Tangör -a university assistant-, Dincer whose surname I do not know, a police officer from the Riot Squad and myself were taken into the torture room for falanga treatment. Second day, while I was still in custody I heard the policemen beating the workers from Grundig Factory who were also brought there by yelling : 'Why do you strike ! Why are you acting against your benefactors, your bosses ! Who came, visited and talked to you while you were on strike !' Later on they took us down to Miteferrika. I met the following people there : Adem Yilmaz, a member of Kesiktas District Committee of the Turkish Labour Party, Hasan Küçük, also a member of the Turkish Labour Party. They had been beaten very severely together with other labourers before I met them. Next day they took us from strict isolation cells, back to ordinary cells. That day, I found out that the representatives of the striking workers at Pertrix and the union representatives of Türk Demir Döküm Factory were also brought there. They were staying in a cell which was opposite to mine. Therefore, I heard them being beaten by the policemen for the same reasons. Same day, Saban Erik and Sait Ciltas, the general secretaries of the Turkish Labour Party, Muzaffer Erdost, owner and editor of Sol Yayinlari (a publication house) and Canan Biçakçi were also brought to the Political Section of Istanbul Police Headquarters and were locked into the cells. I also heard them being beaten and insulted there. That night they took us down to strict isolation block again. Over there, I saw some people with deep open wounds on their feet who could not walk. There were also some people whom police found innocent but obliged to keep them under custody due to the wounds on their feet, because they could not walk.

I found out that Hasan İzzettin Dinamo, a famous novelist and historian, was also brought in on May 23, 1971. He was insulted and beaten by the policemen. He had deep open wounds on his hands. I saw two persons being beaten in a barbaric fashion. They were brought in on May 24, 1971. One of them was a former lieutenant in the Turkish Navy. One had deep open wounds on his feet and was unable to walk. Later on Beklan Algan, a famous stage director and actor, was brought in and he was kept in solitary confinement cells of the Political Section for four days. I found out from him that he was beaten and insulted. Affan Balaban, a university teacher, who was also witness to some of the horrible incidents I described about and he was furious. I consider this as a duty to notify the judicial authorities about the sceneries I witnessed."

Adress : Mecidiyeköy, Güvenevler
Mehtap Apt. D. 13 - Istanbul

May 26, 1971

IV. CONDITIONS OF SOLITARY CONFINEMENT CELLS

MAHIR CAYAN - He was born in 1946, in Istanbul and 8th semester student of Ankara Political Sciences Faculty when he was arrested. Before the 12th March Coup d'Etat, he wrote many theoretical articles for socialist reviews and meanwhile took part in several activities of Dev-Genç. After 12th March, he took part among the founders of the Peoples' Liberation Party of Turkey and the Peoples' Liberation Front of Turkey. On June 1, 1971 he was trapped and wounded badly by bullets at Maltepe - Istanbul, and put in chains while he was treated at the military hospital when he was comatose. Later on he was locked in a solitary confinement cell at Selimiye Martial Law Headquarters. He was kept in chains in the same cell during whole process. His trial was started on August 16, 1971 at the Third Extraordinary Military Court of Istanbul, according to the Article 146 of TPC, under the demand of death sentence. He was deported to Maltepe Military Jail, when the trial arrived to the period of defence, in order to prepare his defence. He has succeeded to escape from the military jail on November 30, 1971 with his four other friends. He was killed by the bombs of the Armed Forces at Kizildere on March 30, 1971. During his trial he applied many times to the Court in order to be released from the chains and to be transferred into an ordinary military prison from his 'strict isolation' solitary confinement cell. He also stated during his trial on August 12, 1971 that he was subjected to torture by police when his medical treatment was over and said : ' I was half dead when the torture was over. I was being carried into prison hardly by five policemen. There in my cell I have been put in chains. In the Selimiye Caserne in my isolation cell I am still kept in chains. If there is a court decision to put me in chains, I am appealing for the cancellation of this order! "

The lawyer of Mahir Cayan, Faik Muzaffer Amaç, appealed the mentioned Court on August 16, 1971, in order to obtain a decision from the Court to free Cayan from the chains and handed the following application to the Court.

"To the Presidency of the Third Extraordinary Military Court,

"As I have been informed by my client, Mahim Cayan was kept in chains up to ten days ago. Since ten days this torture was not being applied to him during daytime. But my client is kept in chains everyday from 6 p.m., until morning."

"According to the 3th and 4th paragraphs of the 76th article of the Law N° 353, in some cases arrested persons can be put in chains only by the decision of a court. But these paragraphs have lost their legality entirely after a verdict of the Constitutional Court. Because the Constitutional Court has annulled these paragraphs by its verdict dated June 15, 1967, and numbered 966/34, 967/18. (...)

"For this reason, I claim that :

1. If there is any decision of your Court for putting Cayan, my client, in chains, that decision must be abrogated immediately.
2. If there is no such a decision, an end must be put to this torture".

In the same sitting of the court dated 16.8.1971 Cayan declared that he was under the menace of being killed. His lawyer also stated that the mother and the uncle of Mahir Cayan have been taken into custody at the same day and this was moral pressure on him. The judge asked the defender to give an official requisition and the lawyer handed his requisition to the Court at the following session dated August, 23, 1971. The requisition is as follows :

"Mahir Cayan, my client, claimed at the first session that he was under the menace of being killed and your court requested a formal requisition about this claim."

"On Friday, August 20, 1971, at 9 a.m., I went to Selimiye Caserne where my client was under arrest. I told the army officers at the gate that I wanted to see Cayan. At army captain brought me into the office of the military legal adviser. The military legal adviser threatened me and called me names at first and then told me that he would not let me meet with my client. Then he ordered his men to take me away to the Third Extraordinary Military Court's judge. A captain led me to the judge and told him that I wanted to talk with him, whereas I had requested to meet and converse with my client, not with the military judge. When I stated my requisition to the military judge, he sent me to the Military Legal Adviser again. He repeated his swears and curses at me and declared that it was necessary to get a permission from the Chief of Staff in order to meet with my client Cayan and I had to wait for a while."

"Such a procedure which prevented our consultation was exactly against the law. In order not to share that illegality, I stated that I was not going to wait for the permission of the Chief of Staff and I left the Caserne."

"...Your Court must be interested in such a prevention. It is very well known that the arrestation is not punishment, but is just a measure in order to ensure the trials. In that case, such a treatment which spoils the judgements should not be applied to the arrested ones. If there is such treatment, the Court must prevent it. This is your duty."

"...The law numbered 353 orders that the defendant can request the consultation of his defender at every stage of the investigation. But Mahir Cayan is now deprived of his lawyer's consultation. I request the possibility of the consultation according to the law n° 353".

The following petition was submitted to the President of the Third Extraordinary Military Court of Istanbul by defendant Mahir Cayan on November 1, 1971, in order to clarify his internment conditions at the solitary confinement cell.

"I have been detained in a small solitary confinement cell as isolated from other defendants at Selimiye Caserne which is not even a proper prison, for months, without getting in contact with any person including my own family. Even the books that I required from the authorities in order to prepare my defense case were refused."

"Despite the fact that Selimiye is used as a jail house, in practice it cannot be accepted as a proper place to be used for such purposes. Selimiye Caserne is only a place of detention where the defendants are taken prior to their preliminary interrogations by public prosecutors, only for a limited period. The defendants whose preliminary interrogations are completed by the prosecutors are usually transferred to the military prisons located at Kartal and Samandag. Even, General Faik Türtün himself, the Commander of the Martial Law at Istanbul Region, stated in one of his press interviews that Selimiye Caserne is not under a jail house status."

"However I am the only exception whose conditions are not regarded within his statement. There is not any other defendant who lives under the same conditions in which I live."

"Normally, no human being can live a long period in the cell where I am detained now. It is impossible, because, even though I wear all the sweaters and the socks, that they were sent to me, on top of each other and even though I wrapped myself with three blankets, I am still shivering in my cell. I have not seen the sunlight since I was detained, for this reason my eyes are dazzled when they bring me to the trial-room from my place of detention."

"During the recent days blood flows through my mouth."

"Are these the Laws and Justice that the authorities claim that such things exist in Turkey ? Why the procedures of internment are not obeyed by the authorities ?"

"I stated my conditions several times both to your presidency and also to the Military legal advisor. Nine of the officials did even care to reply my petitions. It was also stated by your assembly that this tribunal is not authorized to discuss this subject. However, in accordance with the Turkish Military Criminal Procedure Code, 'the lawful rights of a defendant are under the guarantee and protection of the military tribunal'".

"According to my rights as a defendant indicated in the Turkish Military Procedure Code, I want to clarify my detention conditions to this Court for the last time."

"If your assembly still insists that this subject is not under your responsibilities, in that case you have to move the sign away which is hanged behind you saying that : 'Justice is above all'."

"I do not want any special privilege from you. I only want to benefit my lawful rights which were given to me by the laws".

"Now I am in hunger- strike in order to protest this special illtreatments which are applied only to me in Turkey. Today is the eight day of my hunger-strike. Either you recognize my lawful rights or you will find my dead body in my cell".

IRFAN UCAR - The following petition was submitted to his lawyer by defendant Irfan Uçar on 12.1.1972, during his trial at the Third Extraordinary Military Court of Istanbul.



"Mr Necdet Sagir,
Attorney at Law,

"I was also one of the internments who stayed at the solitary confinement cells of Harbiye Caserne in Istanbul between 13-30 June, 1971. This detention block contains several cells. The followings are the actual conditions of the isolation cells. That is to say :

- 1." The dimensions of the cells are 2 mts long x 1.20 mts wide x 2 mts high".
- 2." In each cell, there are only one wooden bench to sleep on and one small wooden table on which the foods are served".
- 3." On the doors of the cells, there is only one small hole (7,5 cms x 7 cms) which is always covered with a wooden cover. On the ceiling, there is only a small hole (10 cms x 10 cms) for air ventilation which is also covered up with a wire fence. Besides these little holes, there is also another hole over the door (30 cms x 10 cms) for air ventilation."
- 4." It is impossible to see any place from the cells. Because, the cover of the hole on the door is opened only when the guards want to speak with the detainees".
- 5." The doors of the cells is opened only, when the detainees demand to go to toilet and when the meals are served".
- 6." In the cells, smoking and reading are strictly forbidden".
- 7." Despite the fact that I stayed in a cell of the Harbiye Caserne between 13-30 June, which means right in the middle of summer, the cells are very extensively damp and therefore health conditions were extensively poor. After a while, they allowed us to smoke 3 cigarettes per day. However, as soon as a cigarette was lighted, the color of it turned into a dirty yellowish color due to the heavy dampy atmosphere in the cell."
- 8." Since there was not any light in the cells, it was impossible to determine timewise, whether it was day or night".
- 9." The floor level of the cells is 1,5 meters or 2 meters lower than ground level. Therefore, the cells were wet. Even in the summer months, it was necessary to have heavy clothing on or to be wrapped in blankets".
- 10." In order to keep a normal blood circulation in the body, one has to walk at least 1,5 - 2 hours a day. This is one of the basic health requirements that every human being need. However, the internments in the detention block of Harbiye Caserne are not allowed to be taken out from their cells and have fresh air, under any condition at all."

V. REVELATIONS OF A POLICE CHIEF AND COURT DECISIONS ON TORTURE

As it can be find out from the mentioned statements, affidavits, protocols and petitions, the Military Rule of Turkey applies torture and ill-treatment to political prisoners as a matter of policy.

This fact was registered not only by these documents, but also by the following revelations of a police chief and by the court decisions.

MUZAFFER YILMAZ - He is a police chief who served at the plain-clothes department of Istanbul Police Headquarters Political Section for 20 years. After 12th March Coup d'Etat, he was arrested and included in the trial case of young naval officers and condemned to 15 years. He revealed the following facts at the First Extraordinary Military Court of Istanbul on August 17, 1971.

"The tortures put into practice at the Police Headquarters of Istanbul are even worse than the Spanish inquisition's. There is a trained team of policemen, who can obtain any desired 'confession' from a suspect by tortures. The mentioned 'torture team' is guided by Zekeriya Aydin, a high ranking police superintendant. They can have suspects to 'confess' anything they desire".

THE VERDICT OF ISTANBUL THIRD EXTRAORDINARY MILITARY COURT :

During the trials of Mahir Cayan and his friends, the defendants and their lawyers divulged the tortures applied to the political detainees at the Police Headquarters and appealed the court for obtaining a decision in order to nominate a medical expert for ascertaining the physical damages that the tortured ones were submitted. Yet, the Third Extraordinary Military Court of Istanbul rejected all demands on this subject and settled on the following decision on August 16, 1971.

"This defendants and their lawyers claim that the defendants were tortured. The truth of these claims cannot be confirmed by the documents in the files of the present case. But, it is necessary to mention so much the sooner that the military court give their verdicts according to their conscientious opinions. And therefore, there are no direct connections between the claims of the defendants and the subject of the case. The defendants are free to make their claims to the concerned authorities. Even if the military court accepts to investigate the claims about the tortures, and if it would be proved that the claims are true, the court believes the impossibility of finding out whether the defendants have been tortured for obtaining the 'truth' or for forcing them to accept the crimes that they have never committed. Therefore, the court does not believe the necessity of verifying the claims and decides unanimously to reject the objections". (Minutes of the Session dated 16.8.1971, p. 7).

At the session dated August 23, 1971, İrfan Uçar, the defendant, stated that he had been tortured at the Police Headquarters and the members of the Court are informed about this fact, and claimed that the judicial assembly must abstain from the case. The members of the court considered the claim and decided :

"Also at the previous session the defendants and their lawyers claimed that they had been tortured at the Police Headquarters and demanded to be sent to the Legal Medicine. As it has been mentioned at the concerned decision, in such a case there are the authorities whose interests is to verify the claims. Everyone, who wishes, can appeal to these authorities. The claim about the pressures or compulsions on the defendants is not connected with the present case, because the courts give their verdicts according to their conscientious opinions and estimate the evidence freely. As it has been mentioned at the decision of the previous session, it is impossible for the Legal Medicine to find out whether the defendants have been tortured for obtaining the 'truth' or were forced to accept the crimes that they had not committed. Therefore, the court does not believe it necessary to verify the claims".

"Our court is an independent establishment which judges on behalf of the Turkish Nation and takes its power from the Constitution and laws. Now, in this case which has an historical importance, to insist on this claim, if it is not aimed at obstructing the trial, cannot cause the present judicial assembly to abstain. Because we have thus not found any legal or conscientious reason, our court decided unanimously to reject the claim". (23.8.1971, p. 10)

At the session dated August 25, 1971, the claim about the tortures was rejected by the same judicial assembly with the same justification :

"The claims about the tortures and requisitions for controlling these claims by the Legal Medicine have been put forward by the defendants at the previous sessions. It was mentioned at the previous decisions that the case about the defendants contains only the facts which are declared in the formal charge of the military prosecutor. The claim about the tortures has no connection with the main subject of the case. Furthermore, as it was mentioned at our previous decisions, it is impossible to find out whether the fustigation was applied to them in order to obtain some false evidence or not". (26.8.1971, pp. 34-35)

VI. RECENT AFFIDAVITS FROM THE SAGMALCILAR PRISON

The following affidavits were written in the Sagmalcilar Prison in June 1972. They show that the military rule is still continuing to torture the political prisoners. In order not to endanger the lives of the victims, the names, dates and places were omitted.

Case n° 1 - "I was caught at 5.30 a.m., on ... 1972. I was kept in a solitary confinement cell of Harbiye Military Police Headquarters from ... to..., without any interrogation. Within these 25 days, I was kept in strict isolation. On ... I was handed over to a military police center at Kadıköy from where I was delivered blindfolded to another place which they call the 'counter-guerilla base' of the General Staff Headquarters.

There, they appropriated all my personal belongings, my dresses, my money, my watch and my wedding ring. They gave me a bloody and torn pyjama trousers and sandals to be wear. Then my feet and hands were chained. On April ..., I was threatened and forced to give a deposition. On April... (the following day), I was subjected to bastinado (the falanga torture) because of refusing to write a 'confession'. When I came round, the interrogation is started. I resisted and refused to give a deposition again and the falanga operation accompanied by collective trashing began once more. They applied then the electroshock to me because it is more effective. When my pulse speeded they ceased the current. The following night, interrogation and torture continued."

"They were thrusting my head into a bucket, full a dirty cold water, until I approach to be drawn, then letting me to breath for a moment and repeating the same treatment. The interrogation and torture continued the following day also in the same way. They decided to apply electroshock again. But when my pulse speeded abnormally, they have had to cease (or: they were oblige to cease) the current. Then they cursed and swore at me for a while. When they were convinced that I was relaxed enough, this time they thrust a truncheon into my vagina. On ... 1972, they have finished the interrogation. I was forced to read my deposition to a tape recorder. On ... 1972 I was brought into Selimiye Caserne early in the morning and handed over to Sagmalcilar Prison on ..."

"My first days in Sagmalcilar, I was suffering of several illnesses caused by torture. I had fever 39,5, my tension was 7-8, the pulse was 150. I had severe uterus and waist pain. My healt is still too bad. I am exhausted and my tension is quite low. I was deprived of good from... to ... (3days). When I was handed from somewhere to another, my hands were always cuffed".

Mrs.

Case n° 2

"I was taken from ... on ... 1972. Insulting me on the way they have driven to Uskudar district. Then I was brought into a building, I had been blindfolded, where my feet and hands were tied to long sticks and my skirt and stockings were stripped. There were 7-8 men in the room. I remained in front of them only with my panties on. Firstly they beat my soles, then they tied electric cables both to my right hand's little finger and to my left foot's little toe, and gave electric current. In the same time they continued to the falanga operation. This operation continued for two hours. After an interval of one hour, the operation started again. This time they stripped my panties, my blouse and my bra. I was completely stripped. They thrust a wooden truncheon into my vagina. Meanwhile they struck me on the soles, on the arms, in fact on every part of my body at random."

"Later they applied electric current through my ear about 3 hours. When they ceased the operation I was not able to move even my finger, however, they handcuffed me, and left the room after ordering the private on guard to shoot me if I stand up. I listened the dreadfull screams of the other tortures ones all night long. I was told that this place is the secret 'Counter-Guerilla Base' of the General Staff Headquarters ; I even might be killed if it is necessary, because the constitution and the laws do not count there."

"On ... 1972, the same kinds of torture are applied again, starting early in the morning. They were questioning me on such subjects that I do not know. Increasing its dose they gave me electric current on my right hand's thumb and little finger in the same time. The following day, they obliged me to put on pyjamas, and applied the same tortures. But in addition to this, I was hanged by my legs and by my arms and a high current of electrics is applied to my whole body. This time the period of operations are rather longer. Meanwhile the mental torture was steadily in practice. They threatened me of destroying my femininity without being responsible for it".

Case n° 3 - "My name is ... I am 19 years old, I am a student at ... Faculty.

On night of ... 1972 my house is raided. I was alone in the house with my mother and with my 10 years old nephew. They could not find anything in the house which can be considered as evidence of any crime. However, I was beaten severely -especially by the high ranking army officers who were leading the raid- They forced me to 'confess' such crimes that they wanted to be. Later they restricted me into another room of my house and applied falanga. All of these treatments were applied in front of my mother."

"When I refused those, they wanted me to do, they said 'we know how to force you to talk' and put me up into a car as my eyes were blindfolded. I was driven towards an unknown place. On the way they let forth terrible insults. (As examples : Since when you are pregnant ?, You, the prostitute !, How many men raped you ? etc...)"

"We arrived into a building. Later I have learnt that the place belongs to National Intelligence Agency (MIT). They untied my eyes there and without asking any question they ordered : 'Undress ! The private will have intercourse with you !' Then they turned to a private and said : 'Come on boy ! We brought you a new slave !'. But the private kept on staying motionless. So they left the room. Only one of them remained in. Walking towards to me he said : 'In that case, I'll have it with you !' But he realized soon that I would not obey his order and led me into another rather bigger room. I was ordered to be sit down. After tying strictly my hands and feet, they subjected falanga to me. They began to strike to me at random. Meanwhile the torturers and the spectators were cursing and swearing at me in a very disgusting way and laughing loudly. After the falanga, I was not able to defend myself anymore, so that they stripped me downwards from the waist and raped me with a truncheon. They were thrusting the truncheon especially into my anus."

"After they untied the falanga canes they forced me to jump on my feet about an hour, while they were striling on me at random. They pulled my hair, especially hit me in the head steadily. Then I was put in chains and locked into a cell. A big man came there and threatened me for applying electroshock to my sexual organs. 'It will be much better for you if you do not talk about the tortures applied to you here to anybody else !' he added."

"For three days I was tortured physically and psychologically in a very drastic way because of being a"

Miss

Case n° 4 - "My house is raided on ... 1972, about 7-7.30 a.m. by 30 armed men.

During the search in my house I was getting thrashing continuously. Then as blindfolded I was covered with an overcoat and brought to the 'Counter Guerilla Base' of the General Staff Headquarters (the National Intelligence Agency). There I was seated on a chair, still blindfolded in a cellar-like place until they prepare the cell that they would lock me in. I was harrassed steadily while I was waiting. My hairs were pulled, my feet and legs were kicked, my breasts were pulled and pressed. Then I was descended in another room downstairs, where they obliged me to put on pyjama and tied me to falanga. The pyjama was torn just on the knees. They put out cigarettes on my knee. I was subjected to falanga for a long time, meanwhile three men calling each other as 'my colonel', 'my lieutenant colonel' let forth the most disgusting insults, specially about my femininity. My torturer told me that he was in love with his wife, however, to taste me would not spoil this love and let forth terrible insults. At last they left the room saying that I can urinate and defecate in that tin they replaced over there."

"When the morning came I was again subjected to falanga. The falanga was over after a while and the collective beat torment started. 4-5 men struck me at random on the body murderously. They grabbed me by the hair and hit my head against the wall several times. I was forced to listen to the screams of the others in the next room when I was undergone the torture. Entering my room any time they threatened me saying : 'Listen, do you hear the cries ? You will cry in the same way again not before long'. They gave me food, but only as enough to remain alive. In fact, because of the unbearable smell spread out of the tin and because of being rather groggy, I was not able to eat anything. Apart this, my feet were in chains so that I could not urinate or defecate when I need. I was deprived of cigarettes, matches, newspapers, radio, medicines. Later they started to give one cigarette daily. Five days later a private took away the tin full of my used menstruation cottons. Apparatuses of torture were remained always in my room. (A special cane, electrodes, buckets full of water for thrusting the head into, etc...) They did not let me to sleep during nights. They entered the room with machine guns and trying to extract 'confession' about the hiding place of Mahir Cayan and forcing me to 'confess' that I am a member of the People's Liberation Front of Turkey. After these questions, they started to beat me again so as to learn where my husband is. I was blindfolded and seated on a chair. As I could guess from their voices, 6-7 persons pulled my hair and my breasts continuously. Their excruciating slaps on my face were followed by efforts to grip me by the throat. In the same time they let forth terrible insults. It will be shameful to repeat them there. They threatened me of leaving such marks on my body that will cause me to be ashamed of my femininity for ever ; of bringing my child there and torture him in front of me. And after all they said they would rape me since this would not cost them anything : 'We do not have to pay to ejaculate'. They also told me if I would die of torture, they could easily explain it saying 'she was shot to death while she had an attempt to escape'. Besides, they were supposed not to be obliged to give an explanation to anyone. Finally I was told that the private is ordered to shoot me if I move and they left me alone."

"During the 26 days I stayed there, my feet were kept in chains permanently. When I was led either to interrogation or to lavatory, my eyes were blindfolded. During the interrogation, I am obliged to admit many things which I do not know or I have never said. I was forced to read the testimony, of which many parts do not belong to me, to the tape recorder and to sign it".

Case n° 5 - "I was taken from my house at 3.30 a.m., on ... 1972. I was led to the security police center in ... The following evening at ... p.m., 2 MIT agents delivered me into the MIT building at ... On the way I was beaten and pressed both sides by MIT agents. My hands were twisted and my shoulders were pressed. They were addressing each other as 'my major' and 'my captain'."

"When we arrived to MIT, I was restricted to a room downstairs which has windows closed by newspapers and curtains. There I was subjected to falanga and electroshock two days. While I was subjected to falanga two privates were holding the cane tied to my feet, another one was putting his feet on my shoulders and the fourth one was beating my naked soles. I am told regularly that they were authorized to destroy my female functions or to kill me. They repeated that they were decisive to annihilate all of us since nobody would require them to explain their conduct".

"Then I was tied firmly to a chair with thick rope from my body, my arms and legs. One held the chair to keep me motionless. After all the electric current was applied to my toes, hands and ear, increasing its dose permanently. Meantime many palms and clubs and kicks were beating me at random. All my body became bruised".

"From then on my feet were always kept in chains. Sun glasses, covered with cottons, were put on my eyes when they led me to interrogation or to lavatory. When I was not undergone the torture, I was forced to listen to the others to be tortured. Our friends were subjected several kinds of tortures until they faint. When they fainted, the torturers were pouring water on them to be come to their senses and tortures were going on. Some of the tortured ones called his torturers : 'Please don't do brother !' But this phrase infuriated the torturers : 'We are not your brother ! You certainly deserved to receive 50 more strikes because of this word !' And they kept on beating him. I was obliged to listen to all of these."

"They gave food to me, but only enough to remain alive."

"During the nights, I was visited in any time in order to be threatened. They were trying to break me psychologically. They said they would kill my husband. They showed the photos of our friends' corpses published in newspapers and stated we all are to be killed in the same way."

"I was told that I also might be killed while being brought to MIT in Istanbul. They might make me to go out of the car and shoot. They could explain it without the necessity of any proof, as I was shot death while trying to escape."

"I was kept in MIT 25 days. They brought a doctor after the falanga. I would be beaten again when I get better after the medical treatment."

"After all I was taken away there blindfolded and handed over to Istanbul Police Headquarters. They took me into solitary confinement section where I was insulted terribly by policemen for a week. They came to my cell regularly in order to curse and swear at me and let forth the most terrible insults."

"Finally I was arrested and handed over to Sigmalcilar Prison. (...)"

Mrs

Case n° 6 - "My house in ... was raided by security forces combined with security police, riot police, MIT agents and military forces, on ... 1972. I was dragged along the ground until we arrived to Istanbul Police Headquarters. On the way I was kicked on my stomach and other parts of my body. They hit me with their fists and palms. I was beaten hard on the head with thompsons and I bled from my head. Meanwhile they let forth the most loadsome and terrible insults to me."

"I was kept 28 days in political section of Istanbul Police Headquarters. During this period I was led several times into the office of Mr Mahmut Dikler, Istanbul Security Police Chief. In his office I was beaten severely by him and his assistants. As a result, my face swollen and crushed, my lips were split, the gristle of my nose was broken, and all my body became bruised.. Drastic torture threats, loadsome cursings and insults were used as ordinary addressing and talking style."

"On ... my deposition was recorded. I was arrested on ... by the ... Military Court of Istanbul Martial Law Headquarters, and handed over to Sigmalcilar Prison".

"I was thinking that finally all tortures were over. But on ... (2 days later) two plain-clothes security policemen took me away the Sigmalcilar Prison and brought to Kadiköy. They were four plain-clothes army officers from MIT, waiting for me in another car. I was handed over to them. They blindfolded and drove me towards an unknown direction. We arrived a building where an army general told me, that place is the Intelligence Agency of the General Staff. They took away all my dresses and personal belongings. A pair of bloody pyjamas were put on me. They chained my hands and feet and ordered me to lie down without moving. They left the room and locked the door. I was started to be watched through the observation hole. In the evening they descended me downstairs as blindfolded and chained. I was subjected to falanga there after being cuffed, hit with the fists and severely harassed by an army major from MIT. (They were addressing each other with their ranks instead of their names). Previously I had informed them of my suffering from a heart illness. I was replied that 'they don't care a damn if I die'. They could easily get over of it with simple formalities. They could tell that I was shot death when I tried to escape."

"After being fustigated at falanga for a while, I had a strong heart attack. So, they were obliged to give up the falanga."

"The following day I was again blindfolded and examined by a doctor. The doctor informed my torturers of my intestinal inflammation. From then on I was not subjected to physical torture because of my delicate health. Yet, the non-physical torture was applied for 15 days."

"Within these 15 days I had the all meanings of an inhuman life. I was lack of food, the food they gave me was only enough to keep one alive. The law was not existing there any more. I listened the unbearable screams of other tortured friends".

"As long as my deposition was recorded previously, the reason of bringing me here was quite clear : To revenge and to torture. Actually my written deposition was never required at the -with their own words- 'Counter-Guerilla Base'. Using the most disgusting loadsome words and letting forth insults, they claimed that I have sexual relations with Mahmut Dikler, the Security Police Chief, which they knew themselves also it was not true. They brought slanders against ... my previous home mate Miss ... in order to oppress me".

"Not taken my written deposition in spite of my remain there for 15 days, proves their own words that I was brought there only for being tortured. As result of my insistence they have hardly decided to send me back. I was reminded that I can be brought there again any time they desire, also during the trials. After all, they even might kill us all together in the prison."

"Finally they blindfolded and drove me again to Kadiköy, under the observation of privates whose thompsons were aimed at me and who were ordered to shoot me if I move. At Kadiköy I was handed over to security police. I was led again to Istanbul Police Headquarters where I was kept in solitary confinement for one day. I was delivered again to Sigmalcilar Prison the following day."

"I was so weak, exhausted and sick. When I was at MIT, listening to the screams of the others, being insulted, listening the disgusting words used for my other friends and the provocation were worse than under going the torture. To be at that 'Counter-Gerrilla Base' caused me serious illnesses. This Counter-Guerilla Base was the main reason of the disappearance of the prisoners from Sigmalcilar Prison."

"When I was kept there, my family wanted to see me in the Sigmalcilar Prison. They applied there several times, however, the authorities of the prison could not find me although I was booked there."

"We are not safe neither now nor later".

Miss

Case n° 7 - "(...) taking me out of Ankara Martial Law Headquarters, few MIT agents put me into a car. They blindfolded me then drove towards a direction I do not know. I was beaten drastically on the way by my guards whose names I do not know. They untied my eyes when we arrive into a room. Under the rain of the rudest cursings I was informed that I would be interrogated next morning, and since nobody knows where I was, I will be killed by torturing if I do not tell the 'truth'. Then they left me alone after handcuffing my hands and chaining my legs. Until the sun rose I listened to the screams of the others, tortured in the next room. The private on guard was repeating that the same thing will be applied to me the next day. By this way he was aiming to frighten and to torture me psychologically."

"At 9 a.m., an army major led me another room which is used for interrogation and torture. After few questions, they called two privates and ordered them to throw me down. The privates threw me down, beating with truncheons, and tied my feet to falanga cane. An army major brought a cable and tied it both to my right hand's little finger and to little toe of my foot. He poured water on the cable and began to beat me with a truncheon which he got from one of the privates holding the falanga cane. The terrible coups were started to beat my soles, my hips and my legs. Meanwhile they were giving electric current to the cables with intervals."

"The operation continued until noon. Then they poured water on the floor and untied me. The army major mounted my back and ordered to run and jump on the wet floor, carrying him on my back. But since I was suffering from indescribable excruciating pains, I was not able to carry out his order. Thereupon the major started to beat me at random with a stick and again ordered me to run, if not I would be subjected to falanga again. So he made me to run and jump for about two hours. Then he examined my feet and saying that they were not any more too swollen, he subjected me again to falanga and applied the electrodes. I was groggy when they finally gave up the torture in the evening. They carried me into the next room. The major ordered me to undress, saying that he was going to intercourse with me. If I would insist not to obey him, he would have the privates to do so. But since I started to weep, he left the room."

"At 1.00 a.m., after midnight, they brought me into the torture room again. Four officers beat me all together."

"The next day, some other tortured ones, who were such in exhausted state, were brought and showed to me."

"Until the evening they kept on applying falanga, electrodes and non-physical tortures to me without any interval. During the falanga operation my soles were split and blood splashed on major's cloth. This costed me to receive a very strong dose of current and to be beaten until I approach fainting."

"Three days and three nights I was subjected to falanga and electrodes with short intervals. After all I was not able to stand on my feet and lost my sense of speaking."

"At the end of the third day they brought into two rubber hoses. One of them, which looks like a narcosis apparatus, was placed on my mouth. Since I was not able to defend myself, they stripped me downwards from the waist and thrust the other hose into my anus. They started to pump air through the hoses. I felt I was being burst and fainted. When I was coming to my conscious, they made me to come exactly round by applying electroshock. Then I was fustigated again at falanga, accompanied by electroshock, which again followed by pumping air. This torture repeated four times until the night. At the fourth time, they were obliged to bring a doctor since I could not come to. The doctor told them that my lungs were extremely swollen, and I may die if I receive even a slight blow of truncheon. Thereupon, they beat only my hands from then on."

"On the fourth day, they forced me and few other tortured ones to wash and clean the torture room, claiming that it got dirty because of us."

"Within the 11 days that I was kept in MIT, I listened to the screams of others. Then I was handed over the security police. They threatened me of bringing there and torture more brutally again if I would speak about the tortures applied to me there. I was kept in Security Police Section of Istanbul Police Headquarters, for one day and handed over to ... (....)"

Miss

Case n° 8 - "She was taken into custody on March 25, 1972 at 5.30 p.m. She was kept in the solitary confinement cells of Harbiye Military Police Headquarters, until April 18, 1972, deprived of any consultation and communication. She was even not interrogated within these 25 days. On April 18, she was handed over to a military police center at Kadiköy from where she was delivered to the 'Counter Guerilla Base' of the General Staff Headquarters, as her eyes were blindfolded. The very first day the interrogation started. The interrogation went on while she was subjected to falanga. She was not interrogated on 19-20-21 April. But during this period her nerves system was destroyed by using certain medicines, injections and by making her to listen to tape bands. The recorded drastic screams of the tortured ones and several threats were let her to listen through the tape recorder. Meanwhile she had continuous nervous break downs".

"After they noticed that the methods and the medicines applied to her for destroying her nerves, were really successful, they interrogated her again on April 22-23. In order to destroy completely her nerves, which are already broken, and to frighten her, they spoke to her in Russian and forced her to read some papers".

"She was driven to Selimiye Caserne on April 24. From there she was handed over to Sagmalcilar Prison on April 25."

"As a result of the moral tortures, her nerves were completely destroyed. She is now suffering from the symptoms of schizophrenia. The doctors, who examined her in the prison, reported that she must be sent to a hospital. She was sent and examined at Haydarpasa Military Hospital. But the authorities who examined her just superficially, reported that she was healthy, advising her : 'Go and claim of this at the court!' She was sent back to prison. Her mental illness is advancing now. Her application to the military court in order to be treated at the hospital is still not answered".

Friends of Adriye Ezel Incilli.
(She is not able to write)

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES
PASSED MAY 1, 1890, RELATIVE TO THE LANDS BELONGING TO THE
UNITED STATES IN THE TERRITORY OF ARIZONA
AND
A REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES
PASSED MAY 1, 1890, RELATIVE TO THE LANDS BELONGING TO THE
UNITED STATES IN THE TERRITORY OF ARIZONA

... ..

[illegible][illegible]

1. Die erste Gruppe ist die Gruppe der "Kriegsgefangenen". Diese Gruppe ist die größte Gruppe und besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind. Sie sind in verschiedenen Lagern untergebracht und werden für die Arbeit eingesetzt. Die zweite Gruppe ist die Gruppe der "Zivilarbeiter". Diese Gruppe besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind und die in den Lagern untergebracht sind. Die dritte Gruppe ist die Gruppe der "Kriegsgefangenen". Diese Gruppe ist die größte Gruppe und besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind. Sie sind in verschiedenen Lagern untergebracht und werden für die Arbeit eingesetzt. Die vierte Gruppe ist die Gruppe der "Zivilarbeiter". Diese Gruppe besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind und die in den Lagern untergebracht sind. Die fünfte Gruppe ist die Gruppe der "Kriegsgefangenen". Diese Gruppe ist die größte Gruppe und besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind. Sie sind in verschiedenen Lagern untergebracht und werden für die Arbeit eingesetzt. Die sechste Gruppe ist die Gruppe der "Zivilarbeiter". Diese Gruppe besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind und die in den Lagern untergebracht sind. Die siebte Gruppe ist die Gruppe der "Kriegsgefangenen". Diese Gruppe ist die größte Gruppe und besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind. Sie sind in verschiedenen Lagern untergebracht und werden für die Arbeit eingesetzt. Die achte Gruppe ist die Gruppe der "Zivilarbeiter". Diese Gruppe besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind und die in den Lagern untergebracht sind. Die neunte Gruppe ist die Gruppe der "Kriegsgefangenen". Diese Gruppe ist die größte Gruppe und besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind. Sie sind in verschiedenen Lagern untergebracht und werden für die Arbeit eingesetzt. Die zehnte Gruppe ist die Gruppe der "Zivilarbeiter". Diese Gruppe besteht aus denjenigen, die während des Krieges in die Hände der Deutschen gefallen sind und die in den Lagern untergebracht sind.

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