

FREE EXPRESSION IN TURKEY, 1993: KILLINGS, CONVICTIONS, CONFISCATIONS

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Introduction

Helsinki Watch is extremely concerned about the violations of freedom of expression in Turkey in the first half of 1993. Under the Anti-Terror Law which was introduced in 1991, many left-wing and pro-Kurdish journalists, writers and publishers continue to be tried, and many go on to be sentenced to prison terms and fines. Penal Code provisions that make it a crime to insult Ataturk, secularity, Islam, the security forces and the president continue to be used to restrict free expression. Newspapers and books are regularly confiscated. The Press Law allows prosecutors to stop distribution of a newspaper without a court order. The same provisions restrict freedom of speech on radio and television, in electoral speeches, symposiums, posters, and leaflets. Publishers and authors are also charged and imprisoned under these laws.

In the first seven months of 1993, four journalists were killed in Turkey. In southeast Turkey, one newspaper distributor and a newspaper vendor selling left-wing newspapers were killed during the same period. The government has made little effort to find and prosecute their killers. Many other journalists, newspaper vendors and distributors have received death threats. While journalists of the mainstream press are left alone for the most part, journalists from left-wing newspapers are frequently attacked, arrested or brought to trial. In southeast Turkey journalists are particularly at risk.

While the coalition government that came to power in November 1991 suggested that past restrictions on freedom of expression would be removed, their actions have proved extremely disappointing. After a promise by the government that private radio and television stations would be allowed, many private channels were started in Turkey. In January of 1993, however, the government closed down all these stations, declaring them unconstitutional.

The convictions of journalists, authors, publishers and artists under the Anti-Terror Law as well as under provisions of the Penal Code contravene the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Turkey is a signatory, as well as Article 19 of the Universal Declaration of Human Right and Article 19 of the United Nations International Covenant on Civil and Political Rights.

LEGAL FRAMEWORK

In 1991, the Turkish Parliament repealed Articles 141, 142 and 163 of the Turkish Penal Code, which legitimized prosecution based on "separatism." Unfortunately, the Anti-Terror Law was introduced to replace these provisions. Many actions that had been banned by the repealed provisions of the Penal Code are now banned by the new Anti-Terror Law.

The Anti-Terror Law (Law No.3713) retained penalties of two to five years imprisonment (in violation of Article 10 of the European Convention on Human Rights) for "written or spoken propaganda, assemblies, demonstrations and marches with the aim of damaging the indivisible unity of the state." The targets of the Anti-Terror Law are writers, journalists, publishers, politicians and musicians who are accused of advocating a separate state for Turkey's Kurdish minority.

The Anti-Terror Law defines terror broadly; it declares that terrorism is

any kind of action conducted by one or several persons belonging to an organization with the aim of changing the characteristics of the republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening or destroying or seizing the authority of the State, eliminating fundamental rights or freedoms, or damaging the internal and external security of the State, public order or general health by any one method of pressure, force and violence, terrification, intimidation, oppression or threat.¹

Two or more people gathering under a common aim constitute an organization under this law.

Article 8 of the Anti-Terror Law, which is most commonly used to charge journalists, writers and publishers, states:

Written and oral propaganda and assemblies, meetings and demonstrations aiming at damaging the indivisible unity of the State of the Turkish Republic with its territory and nation are forbidden, regardless of the method, intention and ideas behind it.

The sentence for the above offenses is between two and five years' imprisonment and a fine of between 50 million and 100 million Turkish liras (between \$4273 and \$8546 calculated at a rate of 11,700 TL to one dollar).

The Turkish Penal Code also limits political criticism. Article 158 makes it illegal to "degrade" the President:

Whoever insults the President of Turkey in his presence shall be punished by heavy imprisonment for not less than three years.

Whoever uses aggressive language against the President of Turkey in his absence shall be

¹ For further information on this law and its effects on political suspects, see Helsinki Watch newsletter, **Turkey: New Restrictive Anti-Terror Law**, June 10, 1993.

imprisoned for one to three years.

Article 158 adds that any aggression "by allusion or hint" even without the mention of the president but with "presumptive evidence" that the reference is to the president "shall be considered as expressly made against the president." The provision also adds that the punishment shall be increased by one-third to one-half if the offense is committed in a publication.

Insulting the government, the security forces and the nation is a crime under Article 159 of the Turkish Penal Code:

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

The following laws are also commonly used to restrict freedom of expression:

**Penal Code - Article 311: explicitly encouraging or instigating the commission of a crime,
Law 1117: The Law to Protect Minors from Harmful Publications,
Law 3257: The Act on the Works of Cinema, Video and Music,
Law 5816: The Law on Crimes Against Atatürk.**

In addition to using the above laws to restrict the content of the press, the Turkish government can use the Press Law to restrict printing and distribution of newspapers. The Press Law provides that a public prosecutor may, without securing a court order, stop distribution of a newspaper or magazine. After distribution has been stopped, the public prosecutor may apply to a state security court for an order approving his or her actions.² The Press Law also provides for "responsible editors" in each publication who bear legal responsibility for the publication's contents.

FREEDOM OF THE PRESS

1992 was a horrifying year for the independent press in Turkey: twelve journalists were assassinated, the highest number of killings of journalists in any country in the world,³ and the

² State Security Courts are made up of one military judge appointed by the Minister of Justice or the Minister of National Defense, and two civilian judges appointed by other government departments. These courts are set forth in Article 143 of the 1982 Constitution:

Courts of the Security of the State shall be established to deal with offenses against the indivisible integrity of the State with its territory and nation, the free democratic order, or against the Republic whose characteristics are defined in the Constitution, and offenses directly involving the internal and external security of the State.

³ Committee to Protect Journalists Report, *Attacks on the Press, 1992*, p. 179.

government failed to seriously investigate their murders; fourteen journalists were sentenced to a total of 228 years and 5 months in prison;⁴ and more than 300 newspapers and periodicals were confiscated. The twelve journalists killed in 1992 were: Hatip Kapcak, Namik Taranci, Bulent Ulku, Halit Gungen, Cengiz Altun, Izzet Kezer, Mecit Akgun, Hafiz Akdemir, Cetin Ababay, Yahya Orhan, Huseyin Deniz, and Musa Anter. See Helsinki Watch Newsletter, *Turkey: Censorship by Assassination*, December 1992. All but one of those journalists had written for left-wing or pro-Kurdish journals. Most were targeted for assassination, sometimes killed by one bullet in the back of the head. A mission by the International Federation of Journalists found in March that only one person had been prosecuted for the twelve murders (for the murder of Halit Gungen).⁵

Matters have not improved in 1993. Four journalists, one newspaper vendor and one newspaper distributor have been killed. In addition, journalists have been detained and tortured and sometimes sentenced to prison, and scores of publishers have been banned or seized.

Journalists Killed

Four journalists have been killed in 1993.

Ugur Mumcu

On January 24, Ugur Mumcu, the author of a daily editorial column in *Cumhuriyet*, a mainstream newspaper, was killed when a bomb exploded in his car seconds after he turned on the ignition. Mumcu was a well-known reporter who had published articles critical of Islamic fundamentalism, government corruption, drug trading, and terrorist violence. The Islamic Jihad has claimed responsibility for the killing, as have two previously unknown organizations.

Kemal Kilic

On February 18, 1993, Kemal Kilic was shot dead as he was on his way home from work. Kilic was walking towards the village of Kulunce when he was ambushed by four people. A night watchman at a bridge construction site nearby was the only witness to the struggle between the five men. Kilic's assailants reportedly escaped by car.

Kilic, the Urfa representative for *Ozgur Gundem* (*Free Agenda*), a Kurdish-owned newspaper, was a founding member of the Urfa Branch of the Turkish Human Rights Association. He had organized a press conference on that day in which he denounced the attempts made to stop the distribution of *Ozgur Gundem* and condemned the "silence" of the police.⁶ Kilic had been writing for the newspaper *Yeni Ulke* (*New Country*) since *Ozgur Gundem's* publication was suspended in January (See section on left-wing

⁴ *Cumhuriyet*, January 1993.

⁵ International Federation of Journalists, *Media Freedom in Turkey: Time for Dialogue*, March 14-22, 1993, p. 3.

⁶ International Freedom of Expression Exchange, Reporters Sans Frontieres, February 19, 1993.

newspapers below). On January 18, Kilic had been arrested for making a statement accusing the Urfa governorate and police headquarters of ignoring the obstruction of *Ozgur Gundem* distribution. He had later again been detained by the police for fifteen hours.⁷ Mehmet Senol, the Diyarbakir representative for *Ozgur Gundem*, reported that Kilic had applied for a gun license, but that his application had been rejected.⁸

Ihsan Karakus

On March 13, 1993, Ihsan Karakus, owner of the local newspaper "Silvan," published in Silvan district of Diyarbakir, was killed. Karakus was attacked by two unidentified men on the way to his office.⁹

Ferhat Tepe

Ferhat Tepe, 19, the Bitlis correspondent for *Ozgur Gundem*, was kidnapped by unidentified persons on July 28, 1993. An anonymous caller claiming to represent the Turkish-Ottoman Revenge Brigade reportedly called his family and claimed responsibility. Mr. Tepe's bruised body was found in Elazig on August 3, 1993.

On August 14, 1992, then-Prime Minister Demirel said, in relation to the earlier murders, "those killed were not real journalists. They were militants in the guise of journalists. They kill each other." On January 14, 1993, State Minister Mehmet Battalli claimed that Izzet Kezer was the only journalist to have been killed in the southeast.¹⁰

Newspaper vendors and distributors killed

In addition to the four journalists killed in Turkey this year, one newspaper vendor and one distributor have been killed in 1993.

* On January 19, Orhan Karaagar (30), a distributor of *Yeni Ulke* and *Ozgur Gundem*, was killed in Van. He had reportedly been threatened not to distribute pro-Kurdish newspapers.¹¹

* Hasim Yasa (34), a newspaper vendor in Diyarbakir, was shot in the head and killed by unidentified persons on June 15. Yasa was fifty meters from his home in Diyarbakir when he was shot. The only witness was his seven-year-old son. Hasim Yasa had reportedly often received

⁷ Kurdistan Information Center Press Release, February 19, 1993.

⁸ *Cumhuriyet*, February 20, 1993.

⁹ Letter from the Turkish Human Rights Foundation to Helsinki Watch, April 15, 1993.

¹⁰ *Cumhuriyet*, January 14, 1993.

¹¹ See Helsinki Watch Report, *The Kurds of Turkey: Killings, Disappearance and Torture*, March 1993, p.20.

death threats and his nephew Esref Yasa had been severely wounded in an attack by unidentified persons last year.¹²

Vendors attacked

Many newspaper vendors have been attacked, some reportedly by the police, in southeast Turkey. On January 15, 1993, for example, Esref Yasa, the owner of a newspaper kiosk in the Ofis district of Diyarbakir, was shot on the street. Yasa reported:

I was going to the shop in the morning with my son who was seven years old. ... I was about 300 meters from the Urfa Gate and about 500 yards from the Mardin Gate Police Station when a person drew a gun and shot at me. Another attacker was keeping watch. I did not recognize them. I fell to the ground and my son ran away. Because I knew something like this was going to happen, I had acquired a pistol. I fired at the attackers but did not hit them. I was hit eight times. One bullet entered my thigh and then my stomach. I was hit on one arm, the middle finger of my left hand, and the end of my thumb was shot off. Three shots hit me in the back but did not go in. I do not know if anybody saw it, but nobody came forward to say what happened.

A taxi passing by picked Esref Yasa up and took him to the hospital. The taxi driver was reportedly beaten by the plainclothes police who said, "We will get you for this."

Esref Yasa reportedly has received death threats from the police.¹³ In 1992, he reportedly received demands from the police to stop selling left-wing newspapers and publications. On November 15, 1992, his kiosk was burned down and he was detained, interrogated, and threatened by the police.¹⁴

In March 1993, Esref Yasa's kiosk was taken over by his uncle Hasim Yasa. That month, the kiosk was raided by the police who were searching for weapons. They found none. On June 14, Hasim Yasa was killed by unknown persons.¹⁵ During preparations for his uncle's funeral later that day, Esref Yasa was allegedly detained and beaten at the local police station. He was then taken to Diyarbakir Police Headquarters where he was allegedly beaten again and told: "You survived last time, but you should have been finished off. We will kill you next time. It should have been you, not your uncle." Esref Yasa was taken to the forensic medicine institute where the doctor noticed a swelling on his forehead, but did not issue a certificate indicating an injury. Yasa was released on

¹² *Ozgur Gundem*, June 15, 1993.

¹³ International Freedom of Expression Exchange Action Alert, Amnesty International, June 16, 1993.

¹⁴ International Freedom of Expression Exchange Action Alert, Amnesty International, June 16, 1993.

¹⁵ See section above on "Newspaper vendors and distributors killed."

the morning of June 15.¹⁶

After the attack on Esref Yasa, the prosecutor opened an investigation against Esref Yasa for possession of an unlicensed weapon. No prosecutor so far has taken his statement about the attack and it appears that no investigation is being carried out.

In Diyarbakir, two children selling *Ozgur Gundem*, Enver Yakut (15) and Hamit Yakut (13), were reportedly beaten by policemen in January.

In December 1992, 87 newspaper sellers, holding a conference in Diyarbakir, announced that they were being threatened for selling left-wing publications such as *Ozgur Gundem*, *2000'e Dogru* (Towards 2000), *Yeni Ulke, Azadi* (Freedom), and *Gercek* (Truth).

Harassment of left-wing newspapers

While most mainstream newspapers in Turkey are not harassed by the government, it is very difficult for left-wing and pro-Kurdish newspapers to function normally. Below are examples of three left-wing newspapers that have encountered serious problems, including attacks against their staffs and government harassment, confiscations, raids and trials.

Ozgur Gundem

Ozgur Gundem, a Kurdish-owned newspaper, is one victim of government press restrictions in Turkey. Between its initial publication in May 1992 and April 1993, 39 out of 228 issues of *Ozgur Gundem* were confiscated by the State Security Court. The proprietor, Yasar Kaya, has been fined in total 187,538,000 TL (\$16,029). The news editor has been fined 94,000,000 TL (\$8,034) and threatened with 54 years' imprisonment.¹⁷

Six journalists from *Ozgur Gundem* (Musa Anter, Huseyin Deniz, Hafiz Akdemir, Yahya Orhan, Kemal Kilic and Ferhat Tepe), three distributors (Kemal Ekinci, Lokman Gunuz, and Orhan Karaagar), a vendor (Hasim Yasa), and a taxi driver who was carrying *Ozgur Gundem* (Halil Adanir) have been killed since June 1992, an appalling total of eleven deaths.¹⁸

The pressure on *Ozgur Gundem* was so strong that, on January 15, 1993, Yasar Kaya announced its closure and a loss of 30 million TL.¹⁹ The financial problems began when the distribution company was said

¹⁶ International Freedom of Expression Exchange Action Alert, Amnesty International, June 16, 1993.

¹⁷ *Ozgur Gundem* press release, April 29, 1993.

¹⁸ *Ozgur Gundem* press release, July 3, 1993. See discussion of murdered journalists and newspaper vendors above.

¹⁹ *Ozgur Gundem* press release, July 3, 1993. See discussion of murdered journalists and newspaper vendors above.

to have been pressured to break its contract with the newspaper. The paper's attempt to organize distribution by volunteers failed after frequent attacks and death threats against reporters and volunteer distributors.²⁰

Ozgur Gundem started publication again on April 26, 1993, and *Yeni Ulke*, a newspaper which had been closed during that time, merged with *Ozgur Gundem*.²¹ The April 28 issue of *Ozgur Gundem* was confiscated by the Istanbul State Security Court. The Court's reason was that the newspaper had attempted to portray Turkish citizens as Kurds and that this was an "act of separatism." The Court also found that the use of the words "Kurd" and "Kurdistan" was a breach of the Constitution in which Turkey is defined as a unitary state.²² In the following 68 days, 41 issues of *Ozgur Gundem* were confiscated.²³ Since then, harassment of *Ozgur Gundem* journalists and distributors by the police have continued:

* Besir Ant, Cizre (Sirnak) representative for *Ozgur Gundem*, was taken into police custody in Cizre on March 12, 1993, and held for 23 days. After being released, Ant stated that he had been tortured by members of the Department for Combatting Terrorism.²⁴ Ant was reportedly detained again on May 13.

* The house of Rauf Yildiz, the Diyarbakir correspondent for *Ozgur Gundem*, was raided by the police on May 6.²⁵ After the raid, Ozer Yildiz, brother of Rauf Yildiz who was not at the house at the time, was kept in detention for an hour. During the raid, a sound recorder, tapes and photographs belonging to Rauf Yildiz were seized.²⁶

* On June 4, Mahmut Dogan, a reporter for *Ozgur Gundem*, was detained with Abdullah Koc, who is a representative of the Diyarbakir branch of the Human Rights Association and a local government official. They were reportedly held blindfolded for six days in Bingol Police Headquarters until they were released without charge by a prosecutor.²⁷ Mahmut Dogan was taken into custody again on July 2, 1993, in Bingol.²⁸

²⁰ *Ozgur Gundem*, January 15, 1993.

²¹ Turkish Human Rights Foundation, April 26, 1993.

²² *Ozgur Gundem* Press Release, April 29, 1993.

²³ *Ozgur Gundem* Press Release, July 3, 1993.

²⁴ *Yeni Ulke*, April 11-17, 1993, No.14.

²⁵ *Ozgur Gundem*, May 8, 1993.

²⁶ *Ibid*.

²⁷ International Freedom of Expression Exchange Action Alert update, June 11, 1993.

²⁸ *Ozgur Gundem* Press Release, July 1993.

* On June 22, Ali Celikten, who distributes *Ozgur Gundem*, was allegedly beaten and detained by the police.²⁹

* On July 3, the Van representative of *Ozgur Gundem* was reportedly arrested by the Van police and released after four hours with threats.³⁰

* A news editor of *Ozgur Gundem*, Ahmet Hamdi Akkaya, is in prison for an article he wrote in another newspaper.³¹ Akkaya was arrested on May 26, 1993, and charged with writing "separatist propaganda" under Article 8 of the Anti-Terror Law. He was then transferred to Bayrampasa Prison where he is awaiting trial.³²

A press release by *Ozgur Gundem's* editorial board announced on July 3 that the publishers and editors of the newspaper had been charged with total fines of 8,617,441,000 TL (about \$736,500) and sentenced to prison terms totalling from 155 years and 9 months to 493 years and 4 months.

On July 12, 1993, the Istanbul Court of First Instance decided to ban *Ozgur Gundem's* publication. The decision was taken on the grounds that "chief editor of the newspaper Davut Karadag did not communicate his new address to the Istanbul Governorate." *Ozgur Gundem*, however, did not suspend its publication.³³ Davut Karadag was arrested on July 15, 1993, as a result of about thirty articles which were published in *Ozgur Gundem* on July 12, 13, 14, and fifteen of which, according to the Istanbul State Security Court, "disseminated separatist propaganda."³⁴ At the time this newsletter was written, *Ozgur Gundem* was still on trial regarding its closure.

Azadi

Another target for violations of freedom of press in Turkey is the *Azadi* newspaper. So far, the editor-in-chief and correspondents have been sentenced to more than 50 years of imprisonment and more than 1.5 billion TL (about \$128,200) in trials. Of the 36 issues of *Azadi* that have been published, 13 have been confiscated, many of them immediately after they appeared.³⁵ According to a press release from *Azadi*, the reasons for confiscation of these issues were:

²⁹ *Aydinlik*, June 22, 1993.

³⁰ *Ozgur Gundem* Press Release, July 3, 1993.

³¹ *Ozgur Gundem* Press Release, July 3, 1993.

³² International Freedom of Expression Exchange Action Alert Update, July 12, 1993.

³³ *Ozgur Gundem*, July 15, 1993.

Cumhuriyet, July 16, 1993.

³⁵ *Azadi* Press Release, January 28, 1993.

* "motivating the people to resist military duty and making propaganda for a terrorist organization;"

* violating the Anti-Terror Law;

* violating paragraph 160 of the Turkish Criminal Code (insulting the president or "swearing overtly at the laws of the Turkish Republic or at the decisions of the Grand National Assembly"); and

* violating Article 311/Section 2 of the Turkish Penal Code ("inciting to commit a crime").³⁶

Because of threats and attacks to owners of newspaper kiosks and the contracted distributor of the paper, the newspaper is no longer being distributed in many parts of the country.³⁷

* Ikamettin Oguz, owner of the *Azadi* newspaper, announced in May that Sedat Karas, the newspaper's editor-in-chief, has been sentenced to six months imprisonment and fined 41 million TL (\$3,504) for having allowed the publication in the second issue of an article that was found by the Istanbul State Security to be spreading subversive Kurdish propaganda. In addition, Hikmet Cetin, the owner of the paper at the time of publication, was fined 83 million TL (\$7,094).³⁸

* The Van office of *Azadi* was raided and searched by the police on March 9. After the search, *Azadi* reporter Hakan Kartal, was detained. Kartal was arrested on March 10 and sent to prison.³⁹

Aydinlik

On May 23, 1993, *Aydinlik* newspaper, a left-wing daily of which Aziz Nesin is a shareholder and chief columnist, announced that it would publish excerpts from Salman Rushdie's *The Satanic Verses*. This angered some Islamic groups. The Istanbul office of the newspaper, as well as Kaynak Publishing House downstairs and two nearby shops, were attacked and seriously damaged on May 28.⁴⁰ The Izmir office was attacked twice in the following week. A crowd attacked the Diyarbakir office and tried to set fire to it.⁴¹ *Aydinlik* vendors and distributors were attacked and threatened throughout Turkey in the following weeks. A vehicle distributing *Aydinlik* was set on fire in Kayseri on June 1.⁴² Explosives were thrown into two kiosks

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Cumhuriyet*, May 12, 1993.

³⁹ Turkish Human Rights Foundation, March 12, 1993.

⁴⁰ International Freedom of Expression Exchange Action Alert, International Pen, June 4, 1993.

⁴¹ *Ibid.*

⁴² *Turkish Probe*, June 8, 1993, p.20.

in Gebze and Osmaniye, Adana, on the night of June 2.⁴³

The reaction of the Turkish government to these events has been very disappointing. Although the newspaper has asked for police protection, none has reportedly been given. An application by the newspaper staff to obtain gun permits was reportedly refused by the police. The government confiscated all twelve issues of *Aydinlik* which printed excerpts from *The Satanic Verses*. The *Aydinlik* newspaper and its chief editor Hale Soysu were brought to trial under Article 175 of the Turkish Penal code for insulting Islam.⁴⁴ Moreover, four employees of *Aydinlik* were detained on May 26 and five others on June 1. The detainees were released the next day in both cases.

Journalists sentenced

Many journalists for left-wing newspapers have been sentenced to prison terms recently. Some examples are:

* On December 10, 1992, Kamil Ermis, editor-in-chief of the newspaper *Deng*, was sentenced by the Istanbul State Security Court to five months imprisonment and a penalty of 41 million TL because of articles published in the March 1991 issue. The Court accused Ermis of spreading "propaganda against the indivisibility of the state, its territory, and its people." The Court's reason was "calling eastern and southeastern Anatolia Kurdistan ... and calling the people living there Kurds" in the articles in question. The Court of Appeals subsequently confirmed the sentence passed by the Istanbul State Security Court (Case No.1992/201).⁴⁵

* In February 1993, Tuncay Atmaca of *Emek* was sentenced to two years and six months and fined 83,333,000 TL (\$7,122) under Article 8 of the Anti-Terror Law.⁴⁶

* Editor Hidir Ates of *Odak (Focus)*, who was on trial for his article, "Let us oppose the killing of Kurdish people," was sentenced to six months' imprisonment and a fine of 100 million TL (\$8,547) on February 4, 1993. Ates was convicted by the Istanbul State Security Court under Article 6 of the Anti-Terror Law.⁴⁷

* In April 1993, the Istanbul State Security Court fined Huseyin Alatas, owner of *Newroz* magazine, a

⁴³ *Turkish Probe*, June 8, 1993, p.15.

⁴⁴ *Cumhuriyet*, June 19, 1993.

⁴⁵ *Azadi*, April 12, 1993.

⁴⁶ Turkish Human Rights Foundation, February 15, 1993.

⁴⁷ *Hurriyet*, February 5, 1993.

total of 166 million TL (\$14,188) for spreading subversive Kurdish propaganda. The former and current editors-in-chief, Celal Albayrak and Fatma Karabacak, were sentenced to five months' imprisonment and fined 41 million TL (\$3,504) each.⁴⁸

* Editor-in-chief Elanur Kaya of *Hedef* was sentenced in April 1993 to five months in prison and a fine of 41 million TL (\$3,504) by the Istanbul State Security Court.⁴⁹

* In May, 1993, Yusuf Cacim of *Yeni Ulke* was sentenced to ten months' imprisonment and a fine of 166,666,666 TL (\$14,245).⁵⁰

* On May 3, 1993, editor Bulent Aydin of *Yeni Ulke* was sentenced to 5 months in prison and a fine of 117 million TL (\$10,000) by the Istanbul State Security Court.⁵¹

* A sentence of five months for Salih Bal, chief editor of *Medya Gunesi*, was confirmed in June 1993 by the Ninth Chamber of the Turkish Appeals Court for an article which appeared in February 1992 in *Medya Gunesi*.⁵²

Arrests, raids, beatings

Many journal offices have been raided, journalists have been beaten, and hundreds of journalists have been detained and interrogated during 1993:

* On February 8, 1993, Guler Celik, a 32-year-old correspondent for *Ozgur Halk*, was detained and interrogated at the Anti-Terror Branch of Istanbul Police Headquarters. According to an International Freedom of Expression Exchange report, she was not permitted to see her lawyer until after her interrogation, which lasted eight days.⁵³ The interrogators claimed that she had links with the Kurdish Worker's Party (PKK), a separatist group engaged in guerilla warfare in Turkey since 1984. The following is a summary of her testimony:

⁴⁸ *Cumhuriyet*, April 9, 1993.

⁴⁹ Turkish Human Rights Foundation, April 12, 1993.

⁵⁰ *Ozgur Gundem*, May 14, 1993.

⁵¹ *Ozgur Gundem*, May 5, 1993.

⁵² International Freedom of Expression Exchange Action Alert, June 29, 1993.

⁵³ International Freedom of Expression Exchange Action Alert, Amnesty International, March 26, 1993.

Between interrogation sessions, Guler Celik was held in a cell measuring 2m x 1.5m. She alleges that while being interrogated she was stripped to her underwear by force in addition to being insulted, hit, and having her hair pulled; her feet were strapped to a device she could not see because of the blindfold and the soles of her feet were beaten; her arms were strapped to a crucifix-like apparatus and she was hoisted off the ground; while she was suspended, she was given electric shocks to her fingers and toes; ... she was hosed with ice-cold water; she was repeatedly subjected to sexual assault. She was interrogated under such torture three times during the first week of her detention.⁵⁴

*** Cemal Ozcelik, owner of the biweekly journal *Medya Gunesi*, was arrested in March 1993 because of his article entitled "Spring Syndrome as Part of the Dirty War" in the March 7 issue of the journal. Ozcelik was ordered arrested on March 12 by the Istanbul State Security Court and charged under Article 8 of the Anti-Terror Law.⁵⁵**

*** Following an operation conducted by the police on the Ankara office of the journal *Tavir* on April 19, 1993, about 80 people were reportedly harassed and detained. It was also reported that material damage occurred in the office during the raid.⁵⁶ Helsinki Watch has the names of the detainees.**

*** Erdogan Atilgan, Elazig correspondent for the newspaper *Zaman*, was arrested in April 1993 on the grounds that he took photographs without permission of the judge during the last hearing of the trial launched by Elazig Criminal Court No.2 against the newspaper *Zaman*.⁵⁷**

*** Ahmet Akkaya, the editor-in-chief of the Kurdish News Agency, was arrested in Istanbul on May 26, 1993. He was accused of "malicious agitation" because of a commentary he wrote about the PKK ceasefire.**

*** On June 16, 1993, the Istanbul-based Press Council released a press statement in which it demanded that those police officers who had beaten reporter Mehmet Oguz thirty-three days earlier and broken his leg while he "was only trying to do his appointed duty" be immediately investigated and tried.⁵⁸ Mehmet Oguz is a reporter for *Hurriyet*, a mainstream newspaper.**

Arrests of foreign journalists

Two foreign journalists have been arrested in 1993 on the charges of being couriers for the PKK.

⁵⁴ *Ibid.*

⁵⁵ Turkish Human Rights Foundation, March 15, 1993.

⁵⁶ Turkish Human Rights Foundation, April 20, 1993.

⁵⁷ *Hurriyet*, April 24, 1993.

⁵⁸ *Turkish Probe*, June 22, 1993, p.17.

On January 22, Stefan Waldberg (25), a German journalist who was arrested for being a courier for the PKK, was sentenced to three years and nine months in jail.⁵⁹ Waldberg, a freelance journalist for Germany's Radio Dreyeckland, had visited Turkey and Iraq last fall to collect information on the political situation in southeastern Turkey and northern Iraq. While in Iraq, he interviewed members of the PKK.⁶⁰

Waldberg was convicted under Article 169 (assistance and shelter of members of an armed gang). Article 5 of the Anti-Terror Law was applied, which requires that the sentence be increased by 50 percent; a three-year sentence, the lowest permissible, was therefore increased to four and a half years. (Even though Waldberg provided evidence at trial that he is a journalist, the court wrote in the decision that Waldberg "is a worker but in his spare time a journalist.") The Court also wrote that the items seized were "evidence that he helped and sheltered the PKK."⁶¹

On April 29, Waldberg was transferred from Diyarbakir Prison to Buca Prison and will reportedly serve 20 months in prison, benefitting from conditional release.

Andrew Norman Penney, who was arrested at the Iraqi/Turkish border on May 16 for being a courier for the PKK and harboring PKK militants, was released in the first hearing of the trial launched against him by Diyarbakir State Security Court.⁶²

Freedom of speech

Many restrictions on freedom of speech in Turkey are continuing in 1993. People are tried, fined, and sentenced for voicing their beliefs. Many are penalized for having posters, leaflets, or flags representing their opinions.

Turkish laws restrict what people can say. See the section on freedom of the press above that lists some of the laws under which many cases have been prosecuted to restrict speech.⁶³ Recently, people have been charged with laws against "malicious agitation," "making separatist propaganda," "praising illegal organizations," "making propaganda for illegal organizations," "insulting Ataturk," "insulting the security forces," "insulting Islam" and "making propaganda against secularity."

⁵⁹ *Info-Turk*, January 1993, p.4.

⁶⁰ *The Kurds: Recent Wire Reports*, April 30, 1993.

⁶¹ International Freedom of Expression Exchange Action Alert, February 1, 1993.

⁶² *Hurriyet*, May 26, 1993.

⁶³ For further information on the laws restricting freedom of speech in Turkey, see Helsinki Watch Report, *Paying the Price: Freedom of Expression in Turkey*, 1989.

Making separatist propoganda

The Turkish government makes frequent use of Article 8 of the Anti-Terror Law, which prohibits making separatist propoganda:

regardless of methods, goals, and opinions, no published or verbal propoganda, meetings, demonstrations and marches targeting to destroy the integrity of the Republic of Turkey's and its nation can be organized. Those who conduct such activities shall be sentenced from two to five years in prison and given a heavy fine from 50 million TL (\$4,273) to 100 million TL (\$8,547).

The following are cases in 1993 in which people were charged with making separatist propoganda or propoganda against the unity of the state:

*** A trial was launched in April 1993 against Yasar Kaya, the owner of the daily *Ozgur Gundem*, because of his speeches in a program named "Red Armchair" which is broadcast by a private television channel. Trials were also launched against Nese Duzel and Ahmet Altan who prepared and presented the program. Sentences between two to five years are being sought for all three defendants.⁶⁴**

*** In May 1993, Mehdi Zana, the former mayor of Diyarbakir who has served many years in prison, was brought to trial for making propoganda against the unity of the country during a speech he delivered at the European Parliament on December 3, 1992. Zana will be tried in criminal court on charges of insulting the security forces.⁶⁵**

*** In June, the Ankara State Security Court Prosecution Office initiated an investigation against the People's Labor Party (HEP) President Ahmet Turk and Diyarbakir Deputy Leyla Zana in connection with speeches they delivered during their visit to the US in May. The deputies are accused of making separatist propoganda.⁶⁶**

*** The Ankara State Security Court Prosecution Office also launched an inquiry against Mus Deputy Sirri Sakik for praising the PKK in certain press statements.⁶⁷**

*** Hacay Yilmaz was sentenced to twenty months' imprisonment and a fine of 42 million TL (\$3,589) for a speech he delivered during a meeting in the Soke district of Aydin in February 1992. The Court of Appeals ratified the sentence, which was ordered under Article 8 of the Anti-Terror Law.⁶⁸**

⁶⁴ *Hurriyet*, April 28, 1993.

⁶⁵ *Ozgur Gundem*, May 14, 1993.

⁶⁶ *Ozgur Gundem*, June 11, 1993.

⁶⁷ *Ozgur Gundem*, June 11, 1993.

⁶⁸ *Aydinlik*, July 8, 1993.

The authorities have taken the "making separatist propaganda" charge so far that supporting peace can become a crime when it is related to the Kurdish issue:

*** In April 1993, the mayor of the Kurdish district of Cizre, Hasim Hasimi, was taken into temporary custody by the security forces because, in an interview with the BBC, he expressed support for the peace declaration of the Kurdish leaders.⁶⁹**

Insulting Ataturk/Turkish nation/Islam

A number of individuals have recently been convicted for or charged with insulting Ataturk, the Turkish nation, or Islam:

*** Mustafa Kaplan, a columnist for *Yeni Asya* (*New Asia*), was sentenced to one year of imprisonment by the Usak Criminal Court in connection with his speech at a 1989 meeting in Usak where he allegedly insulted Ataturk. In January of this year, his sentence was reaffirmed by the Court of Appeals.⁷⁰**

*** In December 1992, in Konya, Halit Cigal, a teacher, was sentenced to 18 months' imprisonment for propaganda against secularism and Ataturk. He was discharged from his post as well.⁷¹**

*** On December 2, 1992, four people were arrested in Urla on the grounds that they had insulted Mustafa Kemal Ataturk.⁷²**

*** On February 4, 1993, the Istanbul Penal Court opened a case against Aziz Nesin, a well-known author and humorist, demanding a maximum sentence of six years for calling all Turks "stupid fools" on the grounds that he had "insulted the Turkish nation."⁷³**

*** Semra Surucu, who was studying at the Faculty of Law at Istanbul University, was sentenced in April 1993 to one year in prison by Istanbul Criminal Court No.2 for insulting the bust of Ataturk.⁷⁴**

On July 1, during a speech at a cultural festival in Sivas, writer and publisher Aziz Nesin declared that he was an atheist, that religion should be modernized, and that it was not necessary to obey books

⁶⁹ *Kurdistan News*, April 27, 1993.

⁷⁰ *Cumhuriyet*, January 13, 1993.

⁷¹ *Info-Turk*, December 1992, p.6.

⁷² *Info-Turk*, December 1992, p.5.

⁷³ *Sabah*, February 4, 1993.

⁷⁴ *Sabah*, April 9, 1993.

written hundreds of years ago, including the Koran. This led to a demonstration on July 2 by approximately 2,000 people denouncing secularism and Nesin. The crowd then attacked with clubs and stones the office of the Governorate and the Sivas Cultural Center. The crowd then went to the hotel where Nesin was staying, and poured gasoline on the hotel. Thirty-six people were killed in the fire which resulted. Videotapes indicate that the police did nothing to prevent or stop the violence at the hotel until well after it had been set on fire. At that point, police reportedly shot into the air and dispersed the crowd.

The Turkish government's initial reaction was to blame Aziz Nesin for provoking the demonstrations and thereby causing the deaths following the demonstrations. Helsinki Watch sent a letter to Prime Minister Tansu Ciller and issued a press release condemning the lack of government respect of freedom of speech. Since that time, the government has arrested and charged several people in connection with the fire.

Restrictions on political speech

The Anti-Terror Law is also used by the Turkish government to restrict election campaigns and speech:

* On December 16, 1992, Huseyin Aslan, a candidate for mayor in Narlibahce (Izmir), was sentenced to 18 months' imprisonment and fined 83 million TL (\$7,094) for his electoral speeches.⁷⁵

* Publisher Serhat Bucak was brought to trial in December 1992 and was charged under Article 125 of the Turkish Penal Code, which carries the death penalty, in connection with statements he allegedly made at a recent HEP (Labor Party) rally.⁷⁶

* Labor Party (IP) Chairman Dogu Perincek was given a two-year prison term and fined 50 million TL (\$4,273) by the Ankara State Security Court in January 1993 on the grounds that he supported separatism in his election speeches and brochures.⁷⁷ The Court said that Perincek's election speeches and party literature had supported the PKK and its objective of an independent Kurdistan, opposing Turkey's national and territorial unity, and, therefore, violating Article 8 of the Anti-Terror Law.⁷⁸ The Court of Appeals found the sentence insufficient in the first week of July and ordered a retrial.⁷⁹ Perincek had earlier been acquitted after standing trial at the Ankara Criminal Court on charges of insulting the Constitutional Court. At a time when the Constitutional Court was considering a ban on the Socialist Party (SP), Perincek had said that it was the Constitutional Court

⁷⁵ *Info-Turk*, December 1992, p.6.

⁷⁶ *Index on Censorship*, March 1993, p.40.

⁷⁷ *Info-Turk*, January 1993, p.4.

⁷⁸ *Ibid.*

⁷⁹ *Cumhuriyet*, July 6, 1993.

that needed to be dissolved.⁸⁰

* Ertan Urunga, a military judge among the Ankara State Security Court judges who sent Labor Party (IP) chairman Dogu Perincek to two and a half years' imprisonment, was assigned to Diyarbakir, a province in the southeast. The *Turkish Probe* reported on June 22 that the reason for the "exile" was the fact that Urunga was the only one among the judges who had raised an objection to the otherwise unanimous decision, stating that the decision was unconstitutional.⁸¹

Posters/leaflets/flags

The Anti-Terror Law, as well as the laws against insulting Ataturk, the security forces, the President and Islam, are used not only to silence speech but to prevent people from putting up posters or handing out leaflets on certain topics. In the past few months, people have been brought to trial for postering for various causes: the Hizbullah organization, communism, to protest extra-judicial executions, and to protest against certain government actions.

* On October 28, 1992, a young woman named Nihal Aslanturk was wounded and detained by police in Izmir for hanging up a poster for "the Union of Revolutionary Communist of Turkey" (TIKB).⁸²

* Filiz Cinar, a university student (21), was detained on November 18, 1992, for putting posters on the university's wall. After her release, Cinar stated that she had been subjected to torture during her interrogation. Traces of torture were certified by a medical report.⁸³

* *Hurriyet* reported on February 3, 1993, that fifteen members of the Hizbullah organization were detained on charges of having hung flags and posters on walls in Denizciler town of Iskenderun district of Hatay. Five of the fifteen were later arrested. They were Husamettin Dogrul, Abdulbaki Aydin, Faruk Cercer, Hamza Begic, and Adil Goksu.⁸⁴

* Five leaders of the People's Labor Party (HEP) Mugla Provincial Organization were brought to trial in February 1993 because of leaflets they had released in protest of the events during the Newroz holiday (Kurdish New Year) last year. They were Mehmet Nuri Ermis, Zulfu Atay, Mehmet Salih Hekimoglu, Mehmet Okur, and Ihsan Sahin. On February 23, they were sentenced to 1 year and 8 months in prison by the Izmir State Security Court. They were also fined 41,660,000 TL (\$3,560).⁸⁵

⁸⁰ *Turkish Probe*, January 5, 1993, p.17.

⁸¹ *Turkish Probe*, June 22, 1993, p.17.

⁸² *Info-Turk*, December 1992, p.4.

⁸³ *Info-Turk*, December 1992, p.5.

⁸⁴ *Hurriyet*, February 3, 1993.

⁸⁵ *Cumhuriyet*, February 24, 1993.

* In April, 1993, at the Ege University Faculty of Literature, police intervened when a group of students wanted to hang placards on walls protesting extra-judicial executions, and detained thirty students.⁸⁶

* Ayse Capur, a 21-year-old nurse, Yusuf Akcay (19), Ferhat Tuncer (20), Mete Tuncer and two others under 18, who had been detained while distributing leaflets in Adana on April 4, were arrested.⁸⁷

Speeches at the Human Rights Association

*On December 12, 1992, Dr. Tayfun Gonul, a member of the Association against War, was detained in Izmir after delivering a speech at a meeting of the Human Rights Association.⁸⁸

*In June 1993, the Ankara State Security Court launched an investigation against five people in connection with the speeches they delivered in meetings held during activities in Human Rights Week organized by the Human Rights Association (IHD) in December 1992. The five are IHD President Akin Birdal, IHD Izmir Branch former President Alpaslan Berkday, Former Deputy from Istanbul Husnu Okcuoglu, lawyer Ali Yildirim, and journalist-writer Yalcin Kucuk. It has been reported that the investigation was launched on the grounds that they had tried to alienate people from each other through race discrimination.⁸⁹

Restrictions on the Kurdish language

Although some restrictions in the Kurdish language have been lifted recently, the government's attitude is illustrated by President Suleyman Demirel's April 1993 statement on demands for increased freedom to use the Kurdish language: "What more do they want? Education, television (in Kurdish) ... No! The Constitution states that the official language of the state is Turkish."⁹⁰

In 1991, Turkey lifted a ban on speaking Kurdish in public.⁹¹ For the last two years, Kurdish has been allowed in newspapers and in public speech. A Kurdish radio station, "Voice of Dicle" has been allowed to

⁸⁶ Turkish Human Rights Foundation, April 16, 1993.

⁸⁷ *Sabah*, April 9, 1993.

⁸⁸ *Info-Turk*, December 1992, p.6.

⁸⁹ Turkish Human Rights Foundation, June 18, 1993.

⁹⁰ (Demirel quoted in *Milliyet*, April 4, 1993) (*Kurdistan News*, April 27, 1993).

⁹¹ Law 2932 on "Publications In Languages Other Than Turkish" was abolished with the introduction of the Anti-Terror Law in 1991.

broadcast.⁹² In March, the then-Minister of the Interior, Ismet Sezgin, announced that the restoration of Kurdish names to thousands of renamed towns and villages would be allowed. Moreover, parents will reportedly be free to give their children Kurdish names.⁹³

However, the Turkish Human Rights Foundation reports that official complaints can still be filed with prosecution offices about names which are against the law in the opinion of the Ministry of the Interior.⁹⁴ Also, the ban on speaking Kurdish was lifted only for what the Turkish government deems "non-political communication." Political communication is still punishable under the new Anti-Terror Law.⁹⁵ Moreover, Kurdish cannot be used in court or other official places, even by defendants who do not speak Turkish. In December 1992, Turkey refused to sign an agreement on protecting and promoting minority and regional languages at the Council of Europe.⁹⁶

Restrictions on freedom of assembly

A symposium on the Kurdish problem, which was to be held jointly by the Human Rights Association (HRA) and a group of Turkish and Kurdish intellectuals, was banned on June 16 by a government communique saying "The symposium is not appropriate for the present when the conditions and new developments are taken into account."⁹⁷ In a letter sent to the Human Rights Association on June 16, Deputy Governor Mehmet Capraz said that the symposium had been barred "on the governor's orders," because it would "have irrevocable consequences" when the "circumstances of the day and developing events were considered." Without elaborating as to what these consequences could be, the letter said that for "these reasons," the symposium was not approved by the governor's office "for the time being."⁹⁸

HRA leaders applied to the Regional Administrative Court and demanded that the ban decision be lifted, but the court rejected its application. In a June 25 decision, the Ankara Administrative Court pointed out that "the Constitution and the laws enabled governorates to ban meetings if necessary."⁹⁹ This symposium would have been the first of its kind in Turkey. President Suleyman Demirel, then-Acting Prime Minister Erdal Inonu, political party representatives, representatives from various professions and well-known human rights activists were all scheduled to speak at the symposium.

⁹² See section on "Television and Radio" below.

⁹³ *Financial Times*, May 7, 1993.

⁹⁴ *Turkish Human Rights Foundation Annual Report*, 1992, p.171.

⁹⁵ *Kurdish Life*, Winter 1993.

⁹⁶ *Info-Turk*, December 1992.

⁹⁷ *Turkish Probe*, June 22, 1993, p.9.

⁹⁸ *Turkish Probe*, June 22, 1993, p.9.

⁹⁹ Turkish Human Rights Foundation, June 25, 1993.

Some other examples of symposiums being banned because of subject matter are:

*** In May, six students were detained by police for holding a forum at the Goztepe campus of Istanbul Marmara University in protest of extrajudicial executions.¹⁰⁰**

*** On July 1, the Governor of Istanbul banned the First Congress of Homosexual Solidarity, scheduled to start July 2.¹⁰¹ The Congress was reportedly banned on the grounds that it contravened "the traditions and morals values of the society" and that it would "disturb the ease of the society."¹⁰² Twenty-four foreigners and three Turks who wanted to hold a press conference to protest the ban were detained by the Istanbul police. The foreigners who had been detained were deported on the evening of July 3, 1993.¹⁰³**

Freedom to publish

Freedom to publish continues to be restricted in Turkey. Penal code provisions that make it a crime to insult the President, Atatürk, security forces and Islam are used to restrict freedom to publish. The Anti-Terror Law is also used to bring authors and publishers to court for "making separatist propaganda." In 1992, twenty books were confiscated by the government.¹⁰⁴ On November 15, 1992, then-Prime Minister Suleyman Demirel declared, "You cannot say that a book is never a means of crime. Separatism, Kurdish racism, Kurdish separatism are crimes in our country. There are other interdictions by virtue of Article 14 of the Constitution. Police have to execute the orders given by tribunals."¹⁰⁵

The Law to Protect Minors from Harmful Publications is also used commonly to restrict the contents of books. It states that

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

This law, which has been in effect since 1986, is administered by an eleven-member "Council to Protect Minors From Harmful Publications," which makes the initial decision as to whether a publication is harmful

¹⁰⁰ *Ozgur Gundem*, May 4, 1993.

¹⁰¹ *Turkish Probe*, July 6, 1993, p.18.

¹⁰² *Sabah*, July 4, 1993.

¹⁰³ *Cumhuriyet*, July 4, 1993.

¹⁰⁴ *Turkish Probe*, February 23, p.9.

¹⁰⁵ *Info-Turk*, December 1992, p.8.

to minors. This decision can be appealed in court.

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

Making separatist propaganda

Edip Polat

In 1988, Edip Polat published his first book, *The Truth about Diyarbakir*, a first-hand account of the conditions suffered by mainly-Kurdish political prisoners in the notorious Diyarbakir military prison. Its second edition, with a new foreword by the author, led to his imprisonment for six weeks and eventual acquittal on charges of "making separatist propaganda". Edip Polat was tried under Article 142 of the Turkish Penal Code.

In 1992, Edip Polat was indicted for his second book, *NevrozladiK Safaklari* (*We Made Each Dawn a Newroz*). The book described Polat's trial for his first book. In December 1992, Polat was convicted on charges of "making separatist propaganda" in the book, under Article 8, Section 2 of the Anti-Terror Law. The State Security Court in Ankara sentenced him to two years' imprisonment and a fine of 50 million TL (\$4,273). Polat's publisher and the owner of Basak Publishing, Hikmet Kocak, was sentenced to 1 billion 728 million TL (\$152,137). A new record for fines for book publishing was registered on December 24, 1992, when the combined sentences of Polat and his publisher reached 1 billion 778 million (\$156,410). Both Polat and Kocak appealed these convictions. On June 9, 1993, the Turkish Appeals Court confirmed the sentence of two years' imprisonment for Edip Polat.¹⁰⁶ According to the sentencing system in Turkey, Polat will serve eight months and 24 days in prison. The sentence for Hikmet Kocak, the publisher of the book, was overruled by the Court of Appeals.¹⁰⁷

Edip Polat was also brought to trial for his third book, *Kurds and Kurdistan in the Language of Science*, in 1992. The book lists plants, insects and one mammal (the subspecies Kurdish fox - *vulpes vulpes kurdistanicus*) which contain references to Kurdistan in their Latin classifications. The book also gives the view of Turkish scientists on the use of such classifications and describes the uneasiness with which these classifications have been met in some academic circles in Turkey.¹⁰⁸ Polat was indicted and faced a prison term of up to 5 years and a fine of up to 50 million TL (\$4,273). Publisher Vedat Yeniceri and Dr. Ismail Besikci, who wrote the preface, were tried with the author. Polat and Besikci were acquitted on April 2. The Court agreed that the book contains scientific content.

¹⁰⁶ International Freedom of Expression Exchange Action Alert, June 29, 1993.

¹⁰⁷ Turkish Human Rights Foundation, June 12, 1993.

¹⁰⁸ International Freedom of Expression Exchange Action Alert, June 29, 1993.

Unsal Ozturk

Three separate trials are in progress against Unsal Ozturk, the owner of Yurt Publishing House. The charges are "making propaganda for illegal organizations," "praising activities proscribed as a crime," and "insulting the justice system and the security officers" at Ankara State Security Court, Ankara First Instance Court No.17 and Ankara Heavy Penal Court No.2 respectively. Three to eleven year sentences are being demanded. For his book *Bogazici Isgali* (*The Occupation of the Bosphorus*), which was confiscated last November, Ozturk is accused of inciting people to crime.¹⁰⁹

Ozturk has reported that Ankara State Security Court has demanded a 26 billion TL fine for the printing of allegedly pro-Kurdish books. He says that he will refer the issue to the European Human Rights Commission.¹¹⁰

Ismail Besikci

Ismail Besikci, a sociologist who has fought the Turkish government for many years in order to be able to write about the Kurds and Kurdish rights, was brought to trial again in 1993. Besikci served ten years in prison between 1971 and 1987 because of his publications on the Kurdish question in Turkey; he himself is not Kurdish.¹¹¹

On May 28, 1993, Besikci was brought to trial at Ankara State Security Court for making separatist propaganda in *The Imperialist Repartition Struggle in Kurdistan 1915-25* under Article 8 of the Anti-Terror Law. On June 2, 1993, Besikci was sentenced to one year and eight months in prison in connection with his book entitled *CHP Program-1931, Kurdish Problem*.

On July 2, 1993, the Ankara State Security Court sentenced Besikci to four years and eight months in prison and a fine of 58,473,333 TL (\$4,997) for fifteen separate books. Unsal Ozturk, the owner of Yurt Publishing which published the book, was sentenced to two years and four months, but his sentence was later converted to a fine of 4,390,000 TL (\$375).¹¹²

On July 15, 1993, Besikci's book, *The Way Opened By Courts*, was confiscated by the Istanbul State Security Court on the grounds that it disseminated separatist propaganda. The book describes Besikci's trial of 1991.¹¹³

¹⁰⁹ *Info-Turk*, December 1992, p.9.

¹¹⁰ *Sabah*, March 8, 1993.

¹¹¹ *Info-Turk*, April 1990.

¹¹² *Ozgur Gundem*, May 28, 1993.

¹¹³ *Ozgur Gundem*, July 16, 1993.

Other sentences and confiscations

Some of the other recent sentences for and confiscations of books are:

* On November 25, 1992, Ankara State Security Court imposed a fine of 100 million TL (\$8,547) for Mehmet Bayrak's book, *My Memoirs on Dersim and the Kurdish National Question*.¹¹⁴

* On December 1, 1992, Istanbul State Security Court launched a trial against Murat Ilyas Burak, the owner of Melsa Publications, for violating the Anti-Terror Law with a book titled *The Little Peshmerga*.¹¹⁵ In April 1993, Burak was sentenced to 1,125,921,000 TL (\$96,232) by the same court for publishing the book *Ulkeye Donus (Return to the Homeland)*. Hasan Bildirici was sentenced to twenty months' imprisonment and a fine of 43 million TL (\$3,675) for editing it.¹¹⁶

* On December 12, 1992, a new book containing the texts of the International Conference on the Kurdish Question, held in 1989 in Paris, was confiscated.¹¹⁷

* *The Logic of the Revolution and the Question of Power* by Salih Iler was confiscated in December 1992 by the Istanbul State Security Court for inciting people to revolt.¹¹⁸

* In January 1993, Fikret Ontas, owner of Donusum Publishing, was sentenced to a fine of 1,503,076,000 TL (\$128,468) under Article 8 of the Anti-Terror Law by the Istanbul State Security Court for having printed a book entitled *The Situation in the World and in Our Country*.¹¹⁹

* The State Security Court of Istanbul sentenced Hikmet Cetin, the former publisher of Deng Publishing House, to a penalty of 83 million TL (\$6,923) for publishing the Kurdish language instruction book *Dersen Zmani Kurdî*. The Court accused the publisher of having violated Article 8/2 of Anti-Terror Law, forbidding "separatist propaganda." The sentence of the First State Security Court in Istanbul was upheld by the Court of Appeals. (Case no.1992/321)

* Huseyin Karatas was brought to trial in Istanbul State Security Court on charges of "disseminating separatist propaganda" in his poetry book entitled *Bir Isyanin Turkusu Dersim (Dersim, Folk Song of an Insurrection)*, which had been confiscated in 1991. In March 1993, he was sentenced to one year and eight months in prison and a fine of 41 million TL (\$3,504). His publisher Sevki Omeroglu was fined 1.016.028.000 TL (\$86,840). Karatas and Omeroglu were sentenced

¹¹⁴ *Info-Turk*, December 1992, p.9.

¹¹⁵ *Info-Turk*, December 1992, p.9.

¹¹⁶ *Yeni Ulke*, April 18-24, 1993.

¹¹⁷ *Info-Turk*, December 1992, p.9.

¹¹⁸ *Info-Turk*, December 1992, p.7.

¹¹⁹ *Info-Turk*, January 1993, p.5.

under Article 8 of the Anti-Terror Law.¹²⁰

Publications with religious content

Ilhan Arsel

In February 1993, the second edition of Ilhan Arsel's book entitled *Aydin ve Aydin (Intellectual and Intellectual)* was confiscated by Istanbul Criminal Court No.2.¹²¹

The first edition of the book had been sold out within three weeks of publication. The Press Prosecutor obtained from the Istanbul Court a decree which found the book in violation of Article 175 of the Turkish Criminal Code, prohibiting the publication of material that blasphemes Islam. The Prosecutor's actions came after he submitted the text to a cleric at the Religious Affairs Department, who was said to have given the book an unfavorable review. The prosecution is seeking up to two years' imprisonment for Arsel. The publisher, Hikmet Ersavas, is being tried with Arsel. The trial was scheduled to start in July 1993.

Arsel has been the target of a religious death threat since the publication of *Seriat ve Kadin (Women and Islam)* in 1988. The death threat was pronounced by Cemalettin Kaplan, a Muslim cleric living in Germany, who is said to have led demonstrations in German streets calling for Arsel's death.¹²² *Seriat ve Kadin*, which was published in 1988 and sold 50,000 copies, was confiscated by the Istanbul Press Prosecutor in March 1993 as a result of a trial about the book.¹²³

Aziz Nesin

In a much-publicized case, Aziz Nesin announced on February 3 that he would translate and publish Salman Rushdie's *The Satanic Verses*. Importing and distributing the book had been banned since 1989. Nesin's announcement led to death threats against Nesin from Islamic groups in Turkey as well as to a *fatwa* against him issued by the Iranian government-affiliated daily *Cumhuri Islam*.¹²⁴

Publications with sexually explicit content

* Three controversial books by Umit Oguztan, *Kralice Sisi (A Queen: Sissy)*, *Ahlaksizlar (Indecent People)*, *Lezbiyen (Lesbian)* were banned because of their sexually explicit content. In April 1993,

¹²⁰ *Cumhuriyet*, March 12, 1993.

¹²¹ Pen America Center, *Freedom-to-write Bulletin*, May/June 1993.

¹²² Pen America Center, *Freedom-to-write Bulletin*, May/June 1993.

¹²³ *Sabah*, March 11, 1993.

¹²⁴ *Turkish Probe*, June 8, 1993, p.14.

Oguztan fled the country for Germany after failing to pay a fine of 3.8 billion TL (\$307,692). Oguztan faces a prison term of 20,000 years for not paying the fine.¹²⁵

Raids on book fairs and publishing houses

* On November 9, 1992, police raided the 11th Annual Book Fair in Istanbul, halting sales or display of several books including those by Ismail Besikci and Musa Anter, a writer assassinated in September 1992. Some publishers and two journalists who were trying to take photographs were detained.¹²⁶

* On November 15, 1992, the Kurdish Institute in Istanbul was raided by police who arrested five people, confiscated books and magazines on Kurdish language, literature, and history, handwritten material in Kurdish, Turkish and Arabic, and films, cassettes, and computer discs.¹²⁷

* On February 2, 1993, Melsa Publishing House and *Ozgur Halk* magazine's central bureau were raided. Many documents, articles, photographs, books and archive materials were confiscated in the raid. According to a press release issued by the magazine and the publishing house, the police said they were confiscating the documents in order to burn them. The owner of the magazine, Haydar Demir, one of the editors, Hazan Tepe, one of the owners of the publishing house, Sukru Pilic, and other employees were reportedly taken to the police station and beaten.¹²⁸

* A book fair in Afyon in which religious and right-wing books were sold was raided and searched by the political police on March 17, 1993. Books entitled *Cilenin Boylesi*, *Yuruyenler ve Surunenler*, and *Huzur Sokagi*, written by Huseyin Uzmez, Sadik Albayrak and Sule Yuksel, were seized. The books seized are reportedly freely sold in the market.¹²⁹

At the beginning of Library Week in March 1993, Culture Minister Fikri Saglar announced that the ban on books had been lifted and that 1,358,000 formerly-banned books had been put back in the market.¹³⁰ However, Helsinki Watch continues to get reports about book bannings in Turkey, as the above examples indicate.

¹²⁵ *Cumhuriyet*, April 12, 1993.

¹²⁶ *Index on Censorship*, March 1993, p.40.

¹²⁷ *Info-Turk*, December 1992, p.8.

¹²⁸ Melsa Publishing House and *Ozgur Halk* magazine press release, February 11, 1993.

¹²⁹ *Zaman*, March 18, 1993.

¹³⁰ (FBIS-WEU, 3/29/93) (Ankara TRT Television Network in Turkish 1000 GMT 3/29/93)

Television and radio

Turkey has had an eventful year in the area of freedom of expression in television and radio. Until 1992, Turkey's television and radio stations were all government-owned. In June 1992, the government announced that it would permit private television and radio channels. Many private television and radio channels were started on the basis of this statement. In January of 1993, however, the government ordered all private television and radio stations closed.

Legal background

Article 133 of the 1982 Constitution declares:

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

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

Article 31 appears to guarantee individuals and political parties access to radio and television and public access to ideas and information:

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

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

However, the "general restrictions set forth in Article 13" state:

Fundamental rights and freedoms may be restricted by law, in conformity with the letter and spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State with its territory and nation, national sovereignty, the Republic, national security, public order, general peace, the public interest, public morals and public health, and also for specific reasons set forth in the relevant articles of the Constitution.

Private television and radio stations

On January 22, 1993, all private television and radio stations were banned by a directive from the Ministry of the Interior. The directive sent to the governors by the Interior Ministry stated that the radio and

television monopoly was given to the TRT (Turkish Radio and Television) by the state and that private transmissions should be suspended. The directive stated that the Public Prosecutor's Office would be informed of those who continue with the transmissions, and that their equipment would be seized and their workplaces sealed.¹³¹ A few hundred radio stations as well as several television stations were closed as a result.¹³²

A government promise to liberalize the networks had prompted more than 200 private radio stations, many based in Istanbul, to begin broadcasting in June 1992. The stations had won large audiences, but officials have said that radio stations transmitting on unauthorized FM frequencies were interfering with air traffic, naval, coastguard and police communications.¹³³

On February 2, 1993, the then-Minister of the Interior Ismet Sezgin sent a new directive to governors informing them not to obstruct broadcasting via satellite from abroad. Sezgin said that upon investigation it was found that it would be legally impossible to ban satellite transmission.¹³⁴

On March 31, 1993, Turkish authorities again decided to close all privately-owned radio and television stations in the country and ordered all stations to cease broadcasting. This move silenced a few hundred radio stations, as well as about fifty local television stations that had been established in recent years but are considered illegal because of Article 133 in the constitution. Parliament is reportedly currently considering an amendment of the Constitution that would permit private ownership of television and radio stations. The Directorate of Wireless Communications, part of the Ministry of Transport and Communications, stated that both the television and the radio channels had been "operating illegally and creating chaos." Then-Prime Minister Suleyman Demirel said that until the laws are changed all private television and radio stations are unconstitutional. "We will stop those who do not obey the laws of the country," Demirel announced.¹³⁵

Many Turkish private radio and television broadcasters have resisted government efforts to shut them down. Osman Ataman, the secretary general of the Istanbul-based association of radio operators, vowed that his members would continue broadcasting and said that he hoped their defiance would speed up proposed legislation.¹³⁶

Broadcasters have reported that the police shut down more than 100 radio stations in the provinces of Konya, Sakarya, Eskisehir, Nevsehir, and Kayseri. No television stations have been closed. Three radio stations in Istanbul, Kent FM, Metropol and Power FM, stopped broadcasting on February 1

¹³¹ FBIS-WEU source, February 3, 1993 (Ankara TRT Television network in Turkish 1800 GMT 31 Jan 1993)

¹³² International Freedom of Expression Exchange, April 14, 1993.

¹³³ *The Kurds: Recent Wire Reports*, February 3, 1993.

¹³⁴ FBIS-WEU 2/4/93 (London Kanal 6 Television in Turkish 1730 GMT 2/2/93).

¹³⁵ *The Kurds: Recent Wire Reports*, April 13, 1993.

¹³⁶ *The Kurds: Recent Wire Reports*, February 3, 1993.

rather than being forcibly shut down.¹³⁷

On April 7, owners of four separate private radio stations broadcasting locally in Nazilli (Aydin) were arrested by the Nazilli Court of First Instance on charges of opposing Law No.2813. The names of those arrested were Atilla Toraman (Radio Ozlem), Orhan Narin (Radio Nazar), Mustafa Subakan (Radio Gun), and Filiz Guven (Radio Venus).¹³⁸

On April 21, 1993, *Sabah* newspaper reported that requests to re-open by ten private television and radio stations that had been closed upon the directives of Wireless General Directorate of the Ministry of Transportation, were rejected by the State Council. The authorities did not offer any justification for the rejection but said "We have nothing to do in accordance with the Constitution."

On June 14, four of Turkey's private radio stations, three in Istanbul and one in Izmir, and Ankara's Flash TV, which were all closed down 74 days before June 14, started broadcasting again.¹³⁹ The new Prime Minister, Tansu Ciller, has announced that allowing privately-owned television and radio stations will be a priority of her government.¹⁴⁰

Restrictions on freedom of speech on the air

In recent months people have been brought to trial for voicing their opinions on the air:

* On November 19, 1992, the Chief of General Staff of the Turkish Armed Forces, General Gunes, asked the Ministry of Justice to launch a legal proceeding against journalist Mehmet Ali Birand for an interview with Osman Ocalan, the brother of PKK leader Abdullah Ocalan, broadcast on November 16 by a private television channel. Gunes claimed that the film was prepared with cuts from earlier appearances and gave the impression that the PKK had not suffered any losses during the last Turkish military operation against the PKK camps in Northern Iraq. Refuting this claim, Birand presented to the press the originals of the films shot by his television team at the interview with Osman Ocalan.¹⁴¹

* *Hurriyet* reported on April 28, 1993, that Nese Duzel and Ahmet Altan, the hosts of a public affairs program on the private TV channel, Kanal 6, owned by the late President Turgut Ozal's son Ahmet Ozal, and by Yasar Kaya, owner of the pro-Kurdish newspaper *Ozgur Gundem*, have been accused by the Istanbul State Security Court of spreading subversive Kurdish propaganda during an interview.

¹³⁷ *Ibid.*

¹³⁸ *Cumhuriyet*, April 8, 1993.

¹³⁹ *Turkish Probe*, June 22, 1993, p.18.

¹⁴⁰ *Hurriyet*, June 14, 1993.

¹⁴¹ *Info-Turk*, December 1992.

The Court demands sentences of up to five years and fines of 100 million TL (\$8,547) each.¹⁴²

Freedom of the arts

Legal background

Article 26 of the Turkish Constitution states that "Everyone has the right to express and disseminate his thought and opinion by speech, in writing or in pictures, or through other media, individually or collectively." In the same way, Article 27 states that "Everyone has the right to study and teach freely, explain, and disseminate science and arts and to carry out research in these fields." The article then states that this right "shall not be exercised for the purpose of changing the provisions of Article 1, 2 and 3 of the Constitution."¹⁴³

Under "The Act on the Works of Cinema, Video and Music" (Law No.3257), local administrators can ban and prosecute a work of cinema, video or music if they consider it to violate the inseparable unity of the state, including the territory and the nation, or to contravene national sovereignty, national security, the public order, general law and order, the public interest, the general morals and health, or customs and traditions.¹⁴⁴

Films can be banned under "The Law to Protect Minors from Harmful Publications" (Law No.1117) which states that

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

Moreover, a Film Censorship Board and a Music Censorship Board exist in Turkey to examine and

¹⁴² *Hurriyet*, April 28, 1993.

¹⁴³ For more information, see chapter on "Freedom of expression in the arts" in Helsinki Watch report *Paying the Price: Freedom of Expression in Turkey*, 1989, p.87.

¹⁴⁴ For a broader discussion of this law, see the chapter on "Freedom of Expression in the Arts," in the Helsinki Watch Report, *Paying the Price: Freedom of Expression in Turkey*, 1989.

approve, ban or edit films and songs.

Recent Restrictions

In recent months, the police have continued to ban concerts, songs and plays because they were in Kurdish:

*** In December 1992, ten attorneys of Kurdish origin were taken into custody in Diyarbakir for having chanted Kurdish songs during a wedding ceremony.¹⁴⁵**

*** With Decree No.271 of February 11, 1993, the prefecture of the province of Diyarbakir banned the reproduction and sale of twenty-three Kurdish music cassettes. The cassettes had been legally produced in Turkey and were freely sold in large cities in western Turkey. After the prefecture issued this decree, the provincial police took immediate action, confiscating these cassettes after searching music stores. A similar decree, No.333, was issued on January 27 in Van.¹⁴⁶**

*** On February 28, Hamit Eldemir was detained during a police raid on a wedding celebration in Adana. Eldemir was reportedly tortured in detention at Adana Police Headquarters. On March 8, he was charged with making propaganda by singing a Kurdish song at the wedding and was sent to prison pending trial.¹⁴⁷**

*** The Turkish Human Rights Foundation reported on March 2, 1993, that any future performances of the play "Mirin U Jivan" (Life and Death) were prohibited in Ankara. The decision, given by Ankara Governorate, was conveyed to the play's directors a short while before the performance. The People's Labor Party Secretary General Kemal Okutan, protesting the decision, claimed that the play was prohibited because it was performed in Kurdish. Police entered the theater and forced the audience to leave.¹⁴⁸**

Raids on cultural centers

Helsinki Watch has reports of raids on cultural centers by police. In these raids, police confiscated books, documents and computer discs, and arrested members of the centers:

*** On November 15, 1992, the Kurdish Institute in Istanbul was raided by police who arrested Huseyin Keytan, who was on duty at the time, his friends Basin Uysal and Sedat Tuncer, as well as two people from Mardin (names unknown). They confiscated books and magazines on Kurdish**

¹⁴⁵ *Info-Turk*, December 1992.

¹⁴⁶ *Azadi*, February 21-27 1993, No.41.

¹⁴⁷ Amnesty International, *Urgent Action*, March 4, 1993.

¹⁴⁸ *Yeni Ulke*, March 2, 1993.

language, literature and history, handwritten material in Kurdish, Turkish and Arabic, and films, cassettes, and computer discs.¹⁴⁹

* On April 18, 1993, a large number of police raided the Ekin Arts Center in Ankara. Witnesses reported that the police broke musical instruments and other equipment, and that during the operation some of the police officers used an electric truncheon on people who moved or refused to obey instructions. A statement by the employees of the arts center announced that there was material damage worth 100 to 150 million TL (\$8,547 to \$12,820). Approximately 85 people were detained.¹⁵⁰ Access to families was denied on the basis that the detainees were being interrogated for suspected membership in an armed organization. Two journalists and a magazine employee were among 37 people arrested.

Moreover, in January 1993, an Istanbul court rejected an application to establish a Kurdish Cultural Foundation with the aim of conducting research into the Kurdish language, literature, history, geography, folklore, music, sociology, and the arts.¹⁵¹

Music

A Music Censorship Board is in charge of examining cassettes, records and live performances in the same way the Film Censorship Board examines films. Songs, like films, can be banned before or after they are released.¹⁵²

Helsinki Watch has received reports of concerts being banned and singers detained after concerts:

* On January 22, 1993, 18 university students were detained in Eskisehir during a musical concert.¹⁵³

* After a Grup Ekin concert in Izmir on February 19, 1993, 39 people were taken into custody. Many detainees were reportedly subjected to torture and two detainees were transferred to the hospital.¹⁵⁴ The released detainees reportedly stated they had been beaten by the police with truncheons and iron sticks. Two applied to the Izmir Center for the Rehabilitation of Torture

¹⁴⁹ *Index on Censorship*, March 1993, p.40.

¹⁵⁰ Amnesty International Report, April 21, 1993.

¹⁵¹ *Info-Turk*, January 1993, p.

¹⁵² Helsinki Watch report *Paying the Price: Freedom of Expression in Turkey* (1989) describes these laws in greater detail.

¹⁵³ *Info-Turk*, January 1993, p.4.

¹⁵⁴ *Mucadele*, February 27, 1993.

Victims of the Human Rights Foundation for treatment.¹⁵⁵

*** A festival named "Respect to Democracy" to be organized by Kizilirmak Music Group on April 17, 1993, in Malatya, was not allowed by the Governorate on the grounds that the festival might turn into political propaganda.¹⁵⁶**

*** In May 1993, a trial was launched by the Izmir State Security Court against members of Grup Yorum in connection with their concerts in Denizli. Two members of the group, Kemal Gurel and Elif Sumru Gurel, were sentenced to one year and eight months in prison and fines of 42 million TL (\$3,589) each.¹⁵⁷**

*** In June 1993, Murat Ozdemir, a soloist with Grup Ekin, was detained by police at the Ankara Justice Building where he had gone to get back his belongings from the Ankara State Security Court. His belongings had been seized by the police in the raid on April 18.¹⁵⁸**

*** On June 12, 1993, Metin Turan, lead singer for the band Grup Ekin, was detained by the police at Antalya airport on his return from Germany. His wife told *Cumhuriyet* newspaper on June 18 that she had heard nothing from her husband in six days, that the police would not make any statements about Turan to her, and that she was worried that he might be tortured.¹⁵⁹**

Film

The film industry in Turkey is subject to censorship by the Film Censorship Board. The Board, which reviews all movies made in Turkey before they are released, works under the Ministry of Culture and Tourism.¹⁶⁰

Helsinki Watch has reports of two foreign movies which have failed to get approval from the Film Censorship Board in recent months:

*** In December 1992, Deputies of the Welfare Party, an Islamic Party, filed a complaint with the Ankara Public Prosecutor's office after the first screening of the movie *Basic Instinct* on the basis**

¹⁵⁵ ***Info-Turk*, February 1993, p.9.**

¹⁵⁶ ***Cumhuriyet*, April 16, 1993.**

¹⁵⁷ ***Aydinlik*, May 20, 1993.**

¹⁵⁸ ***Ozgur Gundem*, June 12, 1993. see section on "Cultural Centers" for more information about the raid.**

¹⁵⁹ ***Cumhuriyet*, June 18, 1993.**

¹⁶⁰ **For more information on the Film Censorship Board, see the chapter on "Freedom of Expression in the Arts" in the Helsinki Watch Report, *Paying the Price: Freedom of Expression in Turkey, 1989.***

that the film "would produce corrupting effects on Turkish society and should therefore be banned." *Basic Instinct* was then banned in a series of legal proceedings by the Ankara and Istanbul public prosecutors.¹⁶¹

Two movie theater owners, Irfan Demirkol and Fatih Cilkadaroglu, as well as their two technicians, Saban Sondul and Mustafa Altiparmak, were fined 30 million TL (\$2,564) each for screening *Basic Instinct*, contravening the ban. Ankara prosecutor Hayri Tayhan announced on December 23 that the movie owners who screen the film will be given a minimum fine of 20 million TL (\$1,709). If they fail to pay the fine, the amount may be increased to 50 million TL (\$4,273) with a court decision. Those who fail to pay that amount may be given a prison sentence. The ban was lifted by the Istanbul Bakirkoy First Criminal Court in April.¹⁶²

* Ozcan Ertuna, the General Coordinator of the private TV station which broadcast *9 1/2 Weeks* on December 7, 1992, was condemned to a fine of 30 million TL (\$2,564) when the film was found obscene by the "Obscene Publication Board." If the fine is not paid, a trial will be launched against Ertuna.¹⁶³

Theatre

* *Cumhuriyet* reported on March 1 that the Samsun public prosecutor's office had filed a complaint against the Ankara Birlik Theatre Company at the Ankara State Security Court for staging *The Mother*, an adaptation by the late German playwright Bertoldt Brecht of Russian author Maxim Gorky's novel of the same name.¹⁶⁴

Recommendations

With regard to freedom of expression, Helsinki Watch makes the following recommendations to the Turkish government:

* Investigate promptly, thoroughly, and impartially the murders of the sixteen journalists and five vendors and distributors assassinated since February 1992; prosecute those responsible;

* Release from prison and detention all journalists, writers and artists imprisoned or detained for

¹⁶¹ *Info-Turk*, December 1992, p.7.

¹⁶² *Turkiye*, April 15, 1993.

¹⁶³ *Sabah*, April 28, 1993.

¹⁶⁴ *Cumhuriyet*, March 1, 1993.

their writings or the peaceful expression of their views;

*** Cease all legal actions against journalists, writers, publishers and artists based on the substance or circulation of their writings or the peaceful expression of their views;**

*** Repeal the Anti-Terror Law;**

*** Amend the Constitution to remove those portions that restrict free expression;**

*** Amend the Penal Code to remove all articles that restrict free expression;**

*** Amend the Press Law to remove those portions that restrict freedom of the press;**

*** Repeal the Law to Protect Minors from Harmful Publications;**

*** Repeal the Act on the Works of Cinema, Video and Music;**

*** Abolish the Film and Music Censorship Boards.**

*** Repeal or amend all other laws that unduly restrict freedom of expression; and**

*** End restrictions that deprive Kurds of their ethnic identity, including restrictions on the use of Kurdish language, music and dance.**

Helsinki Watch recommends that the United States government publicly condemn the human rights abuses detailed in this report and use its best efforts to persuade the government of Turkey to put into practice Helsinki Watch's recommendations.

In addition, Helsinki Watch recommends that the United States government end all military and security assistance to Turkey until Turkey no longer manifests these violations.¹⁶⁵

* * *

Helsinki Watch was established in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The chair of Helsinki Watch is Jonathan Fanton and the vice chair is Alice Henkin. Jeri Laber is executive director; Lois Whitman is deputy director; Holly Cartner and Julie Mertus are counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; and Pamela Cox, Christina Derry, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates.

Helsinki Watch is a division of Human Rights Watch, which includes Africa Watch, Americas

¹⁶⁵ Turkey is the third largest recipient of U.S. aid; in 1993, Turkey will receive \$450 million in loans for military assistance and \$125 million in economic assistance.

Watch, Asia Watch, and Middle East Watch. The chair of Human Rights Watch is Robert L. Bernstein and the vice chair is Adrian W. DeWind. Kenneth Roth is acting executive director; Holly J. Burkhalter is Washington director; Gara LaMarche is associate director; Ellen Lutz is California director; Susan Osnos is press director; Jemera Rone is counsel; Michal Longfelder is development director; Dorothy Q. Thomas is Women's Rights Project director; Joanna Weschler is Prison Project director; Kenneth Anderson is Arms Project director.

Helsinki Watch is affiliated with the International Helsinki Federation in Vienna, Austria.