

# European Court of Justice allows complaint against death sentence by Kurdish Workers Party leader Ocalan

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On December 15 the European Court of Justice in Strasbourg accepted a complaint filed by the lawyers of Abdullah Ocalan. Last year a Turkish court passed a death sentence on the leader of the nationalist Kurdish Workers Party (PKK).

The seven judges at the initial hearing accepted 12 of 13 points of the complaint as relevant. At the same time, they referred the case to the full court of 17 judges, because of its possible consequences and political explosiveness. The fact the court has accepted the complaint has no formal bearing on its legal value. According to a court spokesperson, it is an open matter whether the Strasbourg judges will set further hearings and when a judgement is to be expected.

Ocalan was kidnapped in February last year in Kenya by the Turkish secret service and was taken to Turkey. There he was displayed like a trophy and denied access to legal advice for weeks. Later his lawyers were subject to chicanery and repeatedly kept away from their client using all possible pretexts.

The death sentence came following a political show trial. Ocalan was seated in a glass cage. The only spectators permitted were relatives of army members who had been killed in the fight against the PKK. They were allowed to wave Turkish flags inside the court and openly express their bitterness towards Ocalan. The only television channels permitted to send reports from the court were Turkish nationalist stations. In parallel with the trial, the media, police and fascist groups provoked an atmosphere of chauvinist hysteria throughout the whole country. There were mass arrests among the Kurds.

The decision of the European Court of Justice to accept the complaint comes at a time of increasing political tension in Turkey and threatens to further weaken the fragile government coalition comprising the social democratic DSP, the conservative ANAP and fascist MHP. It is not only the execution of Ocalan's death sentence that is disputed in the government, but the general attitude to the Kurds, Turkey's relationship with the European Union (EU) and how to deal with an ever more aggressive military.

The government coalition was already facing breakdown when it decided to await the decision of the European Court of Justice regarding Ocalan. Military and nationalist circles reacted with extreme bitterness. The MHP pushed through an agreement that the death penalty would not be abolished before a final decision over the enforcement of the Ocalan judgement.

Prime ministers Buelent Ecevit, ANAP boss Mesut Yilmaz and vice-premier Develet Bahceli, the MHP leader, will have greeted the recent decision in Strasbourg with mixed feelings.

In the heterogeneous ANAP ("Motherland Party") there are factions representing Kurds, fascists, liberals and Islamic groups. The members of the MHP ("Party of the Nationalist Movement", better known as the "grey

wolves") remain relatively faithful to the "Basbug" (Turkish for "leader"). However, a hard core of fanatical racists and fascists, Mafiosi and death squads dominates the party. Some parliamentary delegates are condemned murderers. It is hardly possible to transform this organization into a "respectable" rightwing conservative force, as Bahceli wants, along the lines of Fini's National Alliance in Italy.

On the one hand, Strasbourg has now provided Ecevit, Yilmaz and Bahceli with a breathing space again. They can place the responsibility for Ocalan's fate with the European Court of Justice and keep their supporters calm with nationalist rhetoric. On the other hand, however, court hearings will place the Kurdish question forcefully back on the agenda.

It may possibly come to extensive hearings and arguments before the court. Kerim Yildiz, one of Ocalan's lawyers, hopes this is the case: "The experiences of the Kurds, the repression of the Kurdish people, and the domestic war that occurred will once more be debated in the Strasbourg courts.... After they move on to the principles of the case, the court gives us the authority to question everyone. In this situation, information will be asked from a great number of people ranging from state officials to military and political staff in Turkey." The lawyers also want to bring up the role of Germany, Italy and Greece, who delivered Ocalan to his executioners.

The political disputes this will raise can prove explosive for the Turkish government coalition and will also strain the country's relations with the European Union. And in the long run, the Turkish state will probably not be spared from passing its own judgement: The European Court of Justice is not authorised to decide upon the death penalty imposed. The death penalty is not banned under the European human rights convention, only in a supplementary protocol that Turkey has not signed.

Recent developments clearly reveal the growing social and political tensions in Turkey.

A series of banks, in whose management can be found members of the political and military establishment as in many other Turkish large-scale enterprises, were placed into state administration because of suspicions of fraud and corruption. Following this in November, the stock exchange fell through the floor and an economic collapse was fast approaching. The IMF finally helped out with \$7.5 billion credit, but insisted that the government must implement an extensive "reform program", including cuts in real wages, a rapid privatisation of the banks, Turkish Telecom and aviation, the cancellation of subsidies and a restructuring of the country's agriculture.

On December 1, employees in the public service took a one-day general strike.

The EU is calling for similar "free market reforms", but in a country where people are flogged for stealing a piece of bread, as in the recent Islamic celebration of Ramadan, its calls for "political reforms" are

substantially more moderate. They are elaborated in an official EU document concerning Turkish membership. Being careful not to put off anyone, the document speaks quite generally of the necessity for greater rule of law, more democracy and human rights. The word "Kurd" or even national "minorities" does not even occur. It merely addresses the "rights of all Turkish citizens" to use their native language in education and the media.

After indignant protests by Kurdish organizations, it became known that the European Union Commission had written a letter to the PKK, obviously in order to appease it. The EU subsequently dissociated itself from the letter.

Under pressure from Greece, in addition to calling on Turkey to support UN efforts to settle the conflict in Cyprus, a resolution of the Greco-Turkish controversy over sovereignty rights was also raised.

Moreover, the European parliament passed a non-binding resolution condemning the genocide of the Armenians under the Ottoman Empire in 1915. The American Congress had not voted on a similar resolution, after the Clinton administration exercised great pressure, pointing to "US national security in the Middle East". The otherwise violently divided Turkish parliament thereupon passed a joint resolution, denying the Armenian genocide and sharply attacking the European parliament. The former Prime Minister and leader of the opposition conservative DYP demanded the deportation of Armenians living in Turkey.

Rauf Denktaş, leader of the "Turkish Republic of North Cyprus," which is only recognised by Turkey, broke off negotiations with the UN as a "waste of time" and received express backing from the government, president, general staff and parliament in Ankara.

At first, it seemed that sections of the establishment were suggesting taking a more flexible line on the Kurdish question. Prime Minister Ecevit, Yılmaz and secret service chief Atasugun who had organised Ocalan's kidnap, spoke out for permitting the transmission of Kurdish programmes on state-run television and against the enforcement of the death penalty against Ocalan.

But during the recent European Union summit in Nice, the general staff, in a provocative statement, spoke against making any concession on the Kurdish question, thereby giving support to the MHP. They condemned "Recognition of our citizens of Kurdish roots as a separate nation and including this in the Constitution; establishment of autonomous administrations in some of our regions by strengthening local administration; pardoning the terrorist leader [Ocalan]" and also "mother-tongue education, radio/TV broadcasting in native language" as the "second dimension of terrorism".

"The TSK [Turkish Armed Forces], aware that accepting this or even debating this is out of the question, is resolute and determined to continue the struggle until this threat is completely eradicated," the statement goes on. The army accused "some circles in both domestic and foreign public opinion", in particular the EU, of making this "fight" more difficult.

The Turkish government seems to have understood the admonishment from their uniformed masters. The programme of political reforms required for entry to the European Union, which the government wanted to pass this month, has now been postponed. According to press reports, the version now being submitted by the government will take into consideration "the reservations of the Turkish armed forces".

In the last days there have been violent conflicts in parliament and on the streets concerning "prison reforms" and an "amnesty".

For almost two months, several hundred leftwing political prisoners have been on hunger strike, or "Fast to the death" as they call it. They want to prevent the introduction of solitary confinement and achieve humane prison conditions. Prisoners are presently kept in cells containing 60 inmates; in the planned "F-type" cells it would be at most three. The prisoners oppose this because they fear isolation will make them more vulnerable to torture and massacre.

This was acknowledged by Sema Piskinsuet, former social democratic chairman of the parliamentary human rights commission. At a meeting he pointed out that prisoners come predominantly from poorer social layers, and said that 90 percent of them had been tortured. Piskinsuet was removed from her post a few weeks ago, after making a series of unannounced visits to police stations she revealed that torture was being systematically practiced everywhere. Her successor was an MHP deputy, who immediately stopped the inspections.

The government has adopted a hard attitude to the prisoners' demands and only announced a "shift" in the timing of the introduction of the new cells, to which the hunger strikers did not respond at first. Allegedly some 64 PKK members were said to have ended their hunger strike on December 14. An MHP deputy publicly stated, "Let them die."

Solidarity demonstrations were attacked by thugs from the grey wolves and were violently dispersed by the police. In an attack on a solidarity meeting in Holland, one left-winger was killed—probably by the grey wolves.

On December 13, the Turkish Interior Ministry, under ANAP, published a statement in which they said: "death fasts and similar actions, which are carried out in line with the directives of the terrorist organisations, aim at providing support to terrorism. It should be known that making concessions to these activities will lead to the promotion of terrorism."

On the same day Prime Minister Ecevit explained: "The government will not be responsible if there are any deaths. Friends of those people, who pushed them to death, will be responsible."

On Thursday, Minister of Justice Hikmet Sami Tuerk announced that the State Security Court had decided that the press may not report any more information about the hunger strikes, which could harm the government's reputation.

Turkey has also witnessed demonstrations by rightwing policemen over the past days. Following a terrorist attack killing two police officers, thousands of policemen participated in illegal protests, ignoring the orders of their superiors and the government. They waved rifles and Turkish flags, sang the national anthem, beat up journalists, loudly insulted the government and called for the resignation of the Interior and Justice Ministers.

Further slogans were: "revenge", "an eye for an eye, and a tooth for a tooth," as well as "policemen sit in prison, while murderers are released". The latter was a reference to the recently decided partial amnesty, which has released over 30,000 prisoners from the overcrowded jails. Those amnestied include common criminals as well as political prisoners, but excluded leftwing activists, those from underground Kurdish and Islamic groups, as well as "traitors" like Ocalan.

Against the bitter resistance of the MHP, the Justice Minister had prevented the few policeman condemned for torture being amnestied, which aroused the anger of fascists and policemen against him. Ecevit was accused by MHP deputy Ali Guengoer, who had been condemned of a political murder, of getting accustomed to "granting clemency to traitors".

The fact that the military and extreme right have acted so aggressively and provocatively is in part due to foreign policy considerations.

US President Clinton opposed the Armenia resolution in the American Congress because he does not want to annoy these forces in view of increasing tensions in the Middle East, and wants to retain Turkey as a well-armed military outpost of the West. The EU largely shares the American view and is providing arms for Turkey, but wants to stabilise the country by integrating Kurdish-nationalist and Islamic forces.

Turkish foreign policy experts generally expect that military cooperation with the USA under George W. Bush will become closer still. Under his father George Bush, who was friendly with the deceased Turkish President Ozal, Turkey had supported the war against Iraq and thereby acted as America's regional policeman.

Domestic policy considerations are no less serious. The demands of the

IMF and the EU are driving ever-broader layers of the population into poverty. Under these conditions, an influential part of the ruling elite fear any change to the traditional structures of rule. That could upset their positions of power, which rest upon corruption, nepotism and intimidation, and could unleash an independent intervention by the population, which is deeply alienated from the state and official politics. Since Ecevit and Yilmaz also share this concern, they are neither capable nor willing to seriously oppose the rightwing and military.



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