

European Court confirms ban on Turkish Islamic Party

Justus Leicht
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The European Court for Human Rights in Strasbourg ruled July 31 that the ban on the Islamic Refah (Welfare) Party in Turkey did not constitute a violation of Article 11 of the European Convention on Human Rights, which upholds the right to assemble and maintain political parties. The judgement was delivered only a short time after a ban was imposed by Turkish courts on the successor party to Refah, the Fazilet (Virtue) Party.

The Refah Party was banned at the beginning of 1998. Its property was confiscated and a number of the party's prominent functionaries, including its chairman Necmettin Erbakan, were banned for a number of years from participating in politics. Now, according to the judges in Strasbourg, these measures were justified in order to protect democracy in Turkey.

The first question which naturally arises is: what democracy?

With over four million members, Refah was Turkey's biggest political party. In parliamentary elections at the end of 1995 the party clearly won most of the votes and mandates. On this basis in the following year Erbakan was appointed prime minister.

In its period in government Refah encouraged religious prejudices and backwardness. In so doing, however, it followed a course not dissimilar to that pursued by established conservative parties over the past decades. Unlike the German CSU (Christian Social Union—based in the southern German state of Bavaria), for example, Refah had not gone so far as to call for defiance of the constitutional court to ensure the presence of religious symbols in schools.

Neither the authorities in the Turkish capital of Ankara nor in Strasbourg were able to prove that Refah had violated the law or constitution. Erbakan failed to carry out any of the demagogic promises he had made

in the course of the election campaign. He rejected breaking links with the EU or Israel, and made no moves to close American military bases in Turkey. The only basis for the Strasbourg judgement, therefore, were a few passages patched together from speeches, going back some years, made by party functionaries, some of whom had been immediately expelled from the party.

Nevertheless the Turkish military aided by the media and trade unions mounted a massive campaign of fear, intimidation and repression, which peaked in the middle of 1997 with a "bloodless coup", which brought down Erbakan. The putsch was rounded off by the Turkish constitutional court which sanctioned the action of the military and banned Refah.

The latest decision in Strasbourg means that the European Court has expressed its solidarity with the Turkish military conception of democracy—although in Turkey there is hardly a week which passes without condemnations being made of abuses of human rights. Cases range from extreme forms of torture to the "disappearance" of individuals and the burning down of entire villages.

Certain German newspapers criticised the decision. The Berlin daily *Tagesspiegel* (August 1) commented: "The ban is not based on the programme of the party, but on the deeds and speeches of some of its members. The court conceded that a recognition of the head scarf in itself is not sufficient grounds for a ban, but then in line with Ankara, regarded the advocacy of the head scarf as an 'implicit aim' of an Islamic religious state. With such speculation over the motives of a party which in power has done nothing concretely wrong, then fundamental rights fall by the wayside."

The *taz* newspaper commented: "You can be sure that it is always possible to deduce a threat to the

constitutional order. If it is not possible to find something in the party programme, then incriminating material can be found in the street: the structure of the organisation, the rhetoric of its politicians and party propaganda.”

There can be no doubt about the right-wing and reactionary nature of Refah and its successor organisations. Nevertheless the popular support for the party is a confused and distorted expression of growing social opposition to Turkey’s ruling elite. Under conditions where social democrats, conservatives, fascists, trade unions and the military work closely together, while living conditions for the population as a whole are collapsing, the Islamists present themselves as the only political force which is not totally integrated into the political system.

The influence of the Islamists can only be repulsed in an open political struggle for the construction of an independent movement of the working class. The suppression of Refah through the doing away of elementary democratic rights only serves to encourage the military and creates, at the same time, a precedent for suppressing any political opposition.

The judgement by the European Court for Human Rights constitutes not only an expression of solidarity with the Turkish generals. It makes clear the hypocrisy at the heart of the claim by the EU to be a “democratic community based on shared values.” It is a warning of what is to come in Europe itself. Confronted with the growth of a political movement of which they do not approve, then European institutions and governments are prepared to treat democratic basic rights with contempt.



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