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DIŐIŐLERİ BAKANLIĐI
Siyaset Planlama Genel M¼d¼rl¼Đ¼

7/2398
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SAYI : SPGM/2300-538-580
KONU: 7/2398 sayılı yazılı soru önergesi

6552/16323

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŐKANLIĐINA

İLGİ : 06.10.2000 tarih ve KAN.KAR.MD.A.01.0.GNS.0.10.00.02-6895 sayılı yazıları.

Ankara Milletvekili Sayın Oya Akgönenç Muğisuddin'in ilgide kayıtlı yazılarına konu soru önergelerinin yanıtları ilişikte sunulmuştur.

Saygılarımla sunarım.

1 RSM

İsmail CEM
Bakan

EKLER:
EK-1 Soru Önergesi Yanıtı (2 nüsha)

**ANKARA MİLLETVEKİLİ SAYIN OYA AKGÖNENÇ MUĞİSUDDİN'İN
YAZILI SORU ÖNERGESİ**

SORULAR:

1. 16.08.2000 tarihli Milliyet Gazetesinde İHANET manşetiyle bir haber yayınlanmıştır Bu haberde geçen ve şahsımı itham eden sözler gerçek ve doğru değildir. Ancak söz konusu haberde geçen sözleri ifade ettiğim ve bu sözlerimi Dış İşleri Bakanlığımızın Cenevre'deki Birleşmiş Milletler temsilcimizin cevapladığı ifade edilmektedir. Tehdit Altındaki İnsanlar Derneğine ayrılmış saatte İnsan Hakları Derneği Üyesi sıfatıyla vaki davet üzerine yaptığım konuşmanın çarpıtılarak basına yansıtılmasından dolayı Bakanlığınız personelini ima ve işaret eden yazılar gazete ve televizyonlarda yer almıştır. Gerek Yurt dışında ve gerekse yurt içinde gazetelerdeki şekilde basına bilgi veren bir görevliniz olmuş mudur?
2. Şayet Gazetelere Bu haberle ilgili bilgi verilmiş ise; Bilgi aktaran personel, bu hususta üstlerinden gerekli izni almış mıdır?
3. Eğer basına bilgi verilmiş ise, verilen bilginin tam metni nedir?
4. Basının bilgilendirilmesi konusunda, Bakanlığınız mensuplarının bir kusuru veya ihmali var ise, bu kişi veya kişiler hakkında ne gibi bir işlem yapmayı düşünüyorsunuz?

CEVAP:

Bilindiği üzere, BM İnsan Haklarının Korunması ve Geliştirilmesi Alt Komisyonu'nun faaliyetleri hakkında yayınlanan BM bültenleri kamuya açık olup, ilgi duyan basın mensupları Alt Komisyon toplantılarında yapılan konuşmaların ana hatları hakkında bu bültenler sayesinde bilgi sahibi olabilmektedirler. Nitekim ilişikte (Ek: 1) örneği ilişikte sunulan 15 Ağustos 2000 tarihli BM bülteninin ilgili sayfasında, Alt Komisyon'un 14 Ağustos günü toplantısında "Tehdit Altındaki Halklar Topluluğu (The Society for Threatened Peoples)" isimli sivil toplum örgütü adına Sayın Oya Akgönenç tarafından yapılan konuşmanın içeriği hakkında genel bilgi verilmektedir. Konuşmanın, BM Sekreteryası'ndan sağlanan örneği keza ekli (Ek: 2) tam metnin incelenmesinden, Bülten'de yeralan özetin, konuşmanın ana hatlarını yansıttığı görülecektir.

communities had to be taken into account; French authorities should be asked how much effect the Besson law had on the gathering places of Roma. In Spain, three children recently had been excluded from their school after other parents refused to allow them to be registered.

Yeung Kam Yeung Sik Yuen, Subcommission Expert, said that the statement made by the International Movement against all Forms of Discrimination and Racism was not on the right line with regard to his paper. When he was first appointed he was found to be the right person to deal with the problem of Roma. The representative of that NGO was referring to a paragraph to justify its criticism of the working paper on the Roma. The issue of the Roma should be treated with a very clean attitude.

STANISLAV OGURTSOV, Subcommission Expert, said it was indispensable that the working group on minorities be supported in its efforts to hold a dialogue with regional organizations such as the Organization for Security and Cooperation in Europe, the Council of Europe, and the Council of State of the Baltic Sea. The High Commissioner for Human Rights should organize a seminar as requested to discuss issues connected with the protection of minorities and to avoid overlap with the work of various international and regional organizations. It also was a good idea to support the working group's idea of appointment of an official within the Office of the High Commissioner to support the working group's activities.

JOSE BENGGOA, Subcommission Expert, congratulated Mr. Sik Yuen for the passion with which he had approached this issue. Within the framework of the study, there were questions of the problems of minorities and the idea of integration. This in particular affected minority groups, such as the Roma, who wished to have the same rights as others without wanting to change their lifestyle. This distinction had been clearly explained in the working paper. It was not a traditional integration and the question deserved more attention, not only with regards to the Roma but other similar groups. How could one ensure that people living according to ancient traditions could benefit from the modern society? The proposal regarding the Roma ought to be seen as a new social integration and the protection of human rights and everyone's culture. Equality was therefore necessary while making possible diverse lifestyles.

OYA AKGONENC, of the Society for Threatened Peoples, said the peoples of southeastern Turkey had to live between two fronts -- the terrorists and the security forces. The latest figures showed that some 3,248 villages had been shifted and about 2.5 million people had had to migrate. Most of these migrants still lived in poverty. These tragic events had been referred to as the Kurdish problem, but in reality this tragedy affected everybody in Turkey, and everyone suffered.

Restrictions and legal barriers to freedom of expression and the press made matters worse. Those now imprisoned under such unfair laws included several reputable journalists and lawyers, the ex-president of the Human Rights Association of Istanbul, the Chairman of the Turkish Human Rights Association, and the ex-Prime Minister and Chairman of the now-banned Welfare Party. The Subcommission should remind Turkey of its obligation to provide protection for all aspects of human rights, should express concern over gross human-rights abuses in the country, and should insist on a correct and fair legal system and its correct implementation in the country.

FAIZ NAGASHBANDI, of the Muslim World League, said the work carried out by Mr. Eide was enlightening. The dawn of the new century was a unique opportunity in the history of mankind to enforce the ideas enshrined in the Universal Declaration of Human Rights. First one had to condemn 'religious based majoritarianism' as having no place in the community of Nations. Unfortunately, the opposite trends were increasing in India. Following the election of the Hindu Government in India, there had been an increased hostility towards the religious minorities, particularly Muslims and Christians. This trend had involved incidents such as the slaying of priests, raping of Christian nuns, the demolishment of religious buildings and the pillaging of millions of persons belonging to minorities.

It was most unfortunate that the international community had chosen to ignore these gross and systematic violation of human rights and that Indian non-governmental organizations were making strenuous efforts to wrongly project Islam as the prime promoter of religious-based discrimination. The Subcommission was urged to take immediate steps concerning the situation of minorities in India and appoint a Special Rapporteur on their situation.

MAQBOOL AHMAD, of the World Muslim Congress, said more than 150 incidents of violence against Christians in India had been reported over the last two years. India's Muslim minority, by contrast, had suffered religious intolerance and legal and social discrimination for decades, beginning with India's independence from British rule. Gruesome anti-Muslim riots and pogroms in India literally numbered in the thousands. Discriminatory use of draconian laws, such as TADA, was making matters worse.

Representation of Indian Muslims in elective bodies continued to decline sharply, and the ruling political regime was a conglomerate of extremist and fundamentalist parties; under this influence, even the higher judiciary was starting to appease fundamentalists who openly indulged in anti-Muslim tirades. India should pay attention to its



52nd Session of the Sub-commission on the Promotion and Protection of Human Rights

Oral Statement submitted by the Society for Threatened Peoples referring to topic 8 and 9 of the agenda

Violations of Human Rights in Turkey

Dear Distinguished listeners

All of us here are highly sensitive to the problems of human rights. I believe that we have the courage and determination to get organized and work together on crucial issues, to produce solutions to combat human rights and minority rights violations all around the world. We all adhere to the principle of universal truth and principle of justice that are ~~shared~~ ^{shared} and for the benefit of all people regardless of their color, creed, race, religion, and location on the world.

I am here to share with you some of our views and opinions on human right violations in Turkey. Today in Turkey the individuals face undue political and cultural limitations. Although Turkey is a developing country that has progressed rather steadily since 1923, it still lags behind in providing protection of human right and proper development of democratic institutions.

The peoples of the Southeastern part of Turkey had to live under the cross-fire between the two fronts—namely, the terrorist and the security forces. Many families had chosen migration as a partial solution to their problems. The last figures show that during these events 3,428 villages had been shifted and about 2.5 million people had to migrate and resented elsewhere. Most of the migrant population today still lives in poverty and lack necessary economic recovery for a better life. These tragic events have often been referred to as the Kurdish problem. In reality this tragedy effected everybody in Turkey. And everybody suffered

Turkish politicians, writers, media personalities and intellectuals face sever limitation on freedom of thought and expression, regardless of their background, whether they are of Turkish, Cherkeziang, Kurdish, Arab, Gregorians or Albanian origins. The human rights violations and legal barriers on freedom of thought stand as two fundamental probelms of Turkey

Writers, journalists and academicians are unable to perform their jobs freely. Researcher and sociologist Ismail Besikci had been sentenced to 100 years of imprisonment because of his different approach to the Kurdish problem in Turkey. In Turkey, the legal system was used as a tool for achieving political goals. Thus, causing serious human rights violations in the country. At this point, a few examples would help to clarify the magnitude of the misuse of the legal system. In recent years, a number of popular individuals, in Turkey,

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were given prison terms, under the Turkish penal code article 312, section 2. To illustrate the gravity of the situation, it may be useful to cite some of the individuals suffering from this legal code. These are, Esber Yagmurdereli, a lawyer, Haluk Gerger, a newspaperman; Ercan Kanar, expresident of Human Right Association in Istanbul; Sanar Yurdatapan, a well known musician; Mustafa Islamoglu, a writer; Recep Tayyip Erdogan, ex-mayor of Istanbul; Professor Dr. Fikret Baskaya, an academician; Oral Caluslar and Yasar Kaplan, both newspapermen; Eren Keskin, a lawyer; Ilknur Birol, a teacher; Akin Birdal, chairman of the Turkish Human Rights Association; Abdurrahman Dilipak, a popular journalist; Leyla Zana, ex-parliamentarian; Hasan Celal Guzel, ex-minister of state and chairman of the Yeni Dogus Party, and last but not the least, Professor Dr Necmettin Erbakan, ex-prime Minister and chairman of the banned Welfare Party.

Since 1946, over fifty political parties have been banned for various reasons by the state apparatus. Various associations, foundations and unions are under a great deal of pressure and their actions are under constraints. There are prohibitions on newspapers and journals and other media channels, such as TV stations. One very popular political party which received a record support from the voters was banned on flimsy legal grounds and this decision is now being reviewed by the Human Rights Court in Strasbourg.

The decision of the court to sentence Prof Dr. Erbakan to one year imprisonment and ban him from political life for ever under article 312 of the penal code has become a case study in violations of human rights. Prof. Erbakan has been sentenced by a court in the eastern part of Turkey for allegedly planting seeds of hatred and separatism among citizens of Turkey. The speech of which he was tried was made in 1994 in Bingol. I will cite the part of Prof Erbakan's speech in Bingol that brought him one year penalty "If you say I am Turkish, I am right, I am industrious, then a Muslim son of a Kurd gained right to say, really? And I am a Kurdish, I am more right, I am more industrious, and thus you have alienated the people of this country from each other. When our party come to government, we will give all those rights to Kurds without shedding blood and without any struggle."

First of all, there is no intent or content in the speech he made/could be construed as being conducive to arousing separatist feelings among the people. Secondly, on the contrary, he tried to encourage brotherhood and peace by practising the Islamic concept of brotherhood. Thirdly, He asked the people not to create any differentiation among themselves for any reason. His speech was listened to with approval and the audience dispersed peacefully after the meeting, causing no disturbance. However, in March 2000, Prof Erbakan was sentenced to jail for one year.

We, therefore, kindly request the subcommission:

- To remind Turkey of its obligation to take necessary and immediate measures in providing protection for all aspects of Human Rights as required by the UN Human Rights Charter.
- The UN institutions should express their concerns over the gross human rights violations in Turkey and insist on a correct and fair legal system and its correct implementation in the country.