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GENERAL

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ENGLISH

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COUNCIL COMMITTEE ON
NON-GOVERNMENTAL ORGANIZATIONS

LIST OF COMMUNICATIONS RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS
GRANTED CATEGORY B OR C CONSULTATIVE STATUS

The following communication is listed in accordance with the provisions of paragraph 1¹/₁ of rule 81 of the rules of procedure of the Council:

International Association of Democratic Lawyers
(Association internationale des juristes démocrates)

In a communication dated 25 January 1950, the Association forwards a letter addressed to Mr. Husnu Cakir, Minister of War of Turkey; Mr. Fuat Sirmen, Minister of Justice of Turkey; His Excellency Shukru Saracoğlu, President of the National Assembly of the Turkish Republic, which may be summarized as follows:

"NAZIM HIKMET, a great poet, has been imprisoned for twelve years. He was sentenced in 1938 by the Court of the Turkish Military College Command and by the Court of the Fleet Command to 28 years and 4 months imprisonment.

"He was arrested in 1938 for 'having dealings with military personnel', because copies of his works had been discovered in the lockers of Army and Navy officer cadets. This act was not punishable under the laws in force.

"After his sentence, the Turkish Military Penal Code was amended. The text of the amendment contains a statement to the effect that the Act was designed to fill a gap in Turkish legislation, which did not refer to

1/ This communication was received before 27 February 1950, on which date the Council adopted new provisions revising the arrangements on consultative status. It is thus submitted in accordance with the rules of procedure in force at that time.

'activities' such as those attributed to Nazim Hikmet. And, further, under this new Act, the maximum sentence was only 1 to 5 years imprisonment.

"A former judge of the Military Court stated in the press that he considered Nazim Hikmet's sentence unjust.

"Nazim Hikmet was deprived of the assistance of his defence counsel under Article 112 of the law on the organization of the Bar, which reads as follows:

'A barrister convicted of continually appearing as defence for Communists may be disbarred.'

"Nazim Hikmet, deprived of the assistance of his counsel, was sentenced in camera on the second occasion.

"His life is now in danger: he is suffering from attacks of angina pectoris.

"The Association requests his release under the Turkish law now in force and particularly Article 2 of the Penal Code, which provides that:

'No one shall be punished for an act not considered as an offence under the law in force at the moment when the act was committed. No one may be sentenced for faults which were not considered as legal offences until a date subsequent to that upon which they were committed. If such sentence has been passed, its execution and its legal consequences are ipso facto rendered null and void.'

The above communication was signed by D. N. Pritt, K.C., M.P., of the United Kingdom, and by Joë Nordmann, Barrister of the Court of Paris, Secretary-General of the International Association of Democratic Lawyers.
