

THE JURIDICAL FAULTIES IN THE PROCESS OF YILMAZ GÜNEY

The process which sent Yilmaz Güney to prison was not according to a normal procedure. It was conducted by intervention from the administration with an extra-ordinary procedure.

The interventions happened like following:

1: On the 13rd of September 1974 Ali Yalcin Ügütcan served as public prosecutor in the region of Yumurtalik close to Adana. The same night as this public prosecutor started the examinations he was taken away from his office by a telegraphed order from the ministry of justice. On special order he was replaced by a prosecutor named Cengiz Ataç who was chosen to continue the examinations. By making these examinations this public prosecutor only collected arguments against Yilmaz Güney.

2: This new prosecutor made a written proclamation though he had no right to do so. This proclamation was not accepted by the Cour d'Assises of Adana.

3: Cour d'Assises of Adana was the court to take up this process. The process of Yilmaz Güney was going to start on the 23rd of September 1974. But on the 20th of September the general director of penalty affaire (an department of Ministry of Justice) brings the case in front of Cour de Cassation.

The 3rd apartment of Cour de Cassation descides on the 23rd of September, before the process has started, to move the process from Adana to Ankara.

4: While the process was in the 1st Court of Ankara two judges were taken away from their offices. There is doubt that the judges appointed to replace them are really impartial.

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5: The court of Ankara judges Yilmaz Guney. Before the process is going to be brought in front of Cour de Cassaion two member of the jury which contents of five judges retire temporarily. ?

It is impossible by assert that the sentence given through a process that was conducted by administrative interventions reflects the truth and is compatible with justice.

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Yours faithfully
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