

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 44/012/2006 (Public)
News Service No: 156
20 June 2006

Turkey: Court convicts two in Semdinli bombing case, but questions remain unanswered

The trial of two gendarmerie intelligence officers in connection with the November 2005 bombing of a bookshop in Semdinli, Hakkari province, southeast Turkey concluded yesterday, with both men sentenced to imprisonment of 39 years, five months and 10 days. The trial of a former PKK member turned informant also accused of involvement in the incident will continue on 3 August.

Amnesty International continues to have questions about the nature of the operation which led to the bombing, and is concerned that the investigation into the full circumstances of the incident has not been thorough, impartial and independent. Moreover, the concerns that there may have been a cover-up of the whole incident are strengthened by the unprecedented speed with which the trial was conducted, and the change in charges against the defendants.

The trial has consisted of four hearings on 4-5 May, 1 June, 13 June and 19 June 2006 and, by the standards of other trials in Turkey against members of the security forces accused of human rights violations, has been carried out at unprecedented speed. Amnesty International has long documented the fact that such cases usually go on for many months or years. However, in this case Amnesty International considers that its rapid conclusion, based on the new charges, has meant that the full circumstances of the bombing incident were not examined in court.

The three defendants were initially charged with "undertaking activities aimed at destroying the unity of the state and territorial integrity of the country" (Article 302 of the Turkish Penal Code), which carries a maximum penalty of life imprisonment and "forming a gang to do this" (Article 316). At the second hearing of the case on 1 June, the prosecution requested that the charges be changed to "setting up a criminal organization" (Article 220), which carries a lesser sentence. The two intelligence agents were convicted on this charge as well as on charges of murder and attempted murder and wounding.

The new charge -- categorizing the crime as the work of a local organized criminal gang acting independently -- meant that any investigation of higher level official involvement was precluded. Investigation into possible chain-of-command involvement had been specifically blocked by the General Chief of Staff. Amnesty International had previously commented publicly on the high degree of political interference in the Semdinli investigation by the government, state officials and senior military personnel. The organization has also expressed deep concern about the assault on the independence of the prosecution when the public prosecutor who prepared the initial indictment was removed from office (see *No impunity for state officials who violate human rights: Briefing on the Semdinli bombing investigation and trial*, AI Index EUR 44/006/2006). There is continuing concern that the questions raised by the public prosecutor's initial indictment have not been answered through an impartial, independent and thorough

investigation – instead they appear to have been suppressed.