

PUBLIC

AI Index: EUR 44/006/2005

15 February 2005

UA 36/05 Fear for safety/Harassment

TURKEY Hüseyin Aygün (m), aged 35, lawyer and human rights defender

Lawyer Hüseyin Aygün has been threatened repeatedly by a local military commander, apparently as a result of his work as a human rights defender. Amnesty International is concerned for his safety.

Hüseyin Aygün is the former head of the local Bar Association of Lawyers in Tünceli province, south eastern Turkey and has worked with victims of human rights violations including torture and "disappearances". He is currently working on behalf of the families of seven people who "disappeared" from Midrik village in Tünceli while Turkish army commandos were operating in the area in September 1994. He and other lawyers working on the case recently called for further investigations into these "disappearances". Their efforts to draw attention to this case led to it being raised recently at the Human Rights Commission of the Turkish Parliament.

On 3 February, the Commander of Gendarmerie Forces (members of the army who carry out policing functions in rural areas) in Tünceli province visited the workplace of a relative of Hüseyin Aygün. The Commander told the relative that that Hüseyin Aygün was "a traitor to the country" and "an enemy of the state". The Commander also claimed that "soon you'll see that we have discredited him". At a meeting with Hüseyin Aygün on 7 February, the Gendarmerie Commander made similar statements, and told the lawyer that: "...we know you well, you are under every stone, our institution considers you very negatively... your family are good, but why are you like this? Don't go against us in every incident. OK, you are doing your job but don't do it any more – just leave it to others".

On 11 February, Hüseyin Aygün was visited by three members of the gendarmerie wearing plain clothes, who told him that the Gendarmerie Commander wished to meet with him again. When Hüseyin Aygün telephoned the Gendarmerie Commander to find out more, the Commander reportedly tried to blackmail him, saying that "I have in my hands some solid evidence, this time there's no saving you. However, I'm hesitant as to whether or not I should transfer these files to the Prosecutor... perhaps if you listen to us we can come to some agreement with you."

Hüseyin Aygün told Amnesty International: "If these kinds of tactics can be used against a human rights lawyer, what sort of pressures can the citizen on the street be subjected to? The profession of lawyer is guaranteed by the law and constitution of Turkey. My professional activities are not the responsibility of the Gendarmerie Commander – rather that is the legal responsibility of the State Prosecutor and the local Bar Association."

BACKGROUND INFORMATION

Human rights defenders in Turkey have been subjected to physical harassment, death threats and arbitrary detention for their work promoting human rights. Some have been detained, tortured or even killed.

Despite numerous legal reforms enacted by the current government, human rights defenders – including lawyers, doctors, trade unionists and environmentalists - continue to face harassment and restrictions against their activities as a result of their legal activities including the opening of large numbers of cases and investigations which constitutes a form of "judicial harassment". In October 2004, Hina Jilani, the UN Special Representative on Human Rights Defenders, visited Turkey and expressed her concern at the opening of large numbers of cases against human rights defenders and recommended that all cases pending against human rights defenders should be reviewed.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of lawyer and human rights defender Hüseyin Aygün;
- calling for immediate steps to be taken to guarantee his safety, in accordance with his wishes;
- urging the authorities to conduct a full and impartial investigation into allegations that gendarmerie officers have threatened the lawyer, for the results to be made public and for those responsible to be brought to justice;
- expressing concern that Hüseyin Aygün appears to have been threatened as a result of his activities in defence of human rights;
- calling on the authorities to take effective action to ensure all public servants recognize the legitimacy of the work of human rights defenders, in line with the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Liberties, which recognizes the legitimacy of the activities of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals.

APPEALS TO:

Minister of the Interior

Mr Abdulkadir Aksu

Ministry of Interior

Iciseri Bakanligi

Ankara, Turkey

Fax: + 90 312 418 1795

Salutation: Dear Minister

COPIES TO:

Foreign Minister and State Minister for Human Rights

Mr Abdullah Gül,

Office of the Prime Minister,

Basbakanlik,

06573 Ankara, Turkey

and to diplomatic representatives of Turkey accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 March 2005.