

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: EUR 44/015/2011  
10 November 2011

## Turkey: KCK arrests deepen freedom of expression concerns

On 1 November an Istanbul court ordered the detention pending trial of 44 people, as part of the ongoing prosecution of individuals for suspected membership of the Kurdistan Communities Union (KCK) an organization linked to the armed Kurdistan Workers' Party (PKK).

Amnesty International has written to the authorities expressing concern about the arrests. Among those detained are writer, publisher and human rights defender Ragip Zarakolu and Professor Büşra Ersanlı. The detention of these two individuals raise particular concerns since the reason for their arrest appears to be solely due to speeches made to the Peace and Democracy Party (BDP) Politics Academy and their academic work

Ragip Zarakolu, Professor Büşra Ersanlı and the other 42 people arrested are being prosecuted for "membership of a terrorist organization", under flawed anti-terrorism legislation. These are the latest in a series of arrests since 2009 targeting thousands of individuals, many of them activists or officials representing the pro-Kurdish BDP, a recognised political party in Turkey. Hundreds remain in extended pre-trial detention pending the outcome of the trials.

Records of their interrogation by prosecutors show that both Ragip Zarakolu and Büşra Ersanlı were asked about their participation with the Politics Academy. Büşra Ersanlı was also asked about notes she made at various academic meetings she participated in and Ragip Zarakolu regarding various unpublished manuscripts of which he was the writer or editor.

Ragip Zarakolu has been repeatedly prosecuted in Turkey in cases that violated his right to freedom of expression, including under Article 301 of the Penal Code for "denigrating Turkishness".

Amnesty International is concerned that although no concrete evidence linking Ragip Zarakolu or Büşra Ersanlı to KCK or to any terrorism related offences was presented, they were charged and remanded in pre-trial detention.

Amnesty International has long held concerns regarding Turkey's anti-terrorism legislation and its application. The definition of terrorism in this law is overly broad, vague and lacks the level of legal certainty required by international human rights law. Fundamentally, it defines terrorism by its political aims rather than its tactics.<sup>1</sup> Provisions criminalising membership of a terrorist organization have also led to abuses. Persons can be found guilty of membership of a terrorist organization without being a member of the organization if found to have committed a crime 'in the name of such an organization'.

Prosecutions brought under anti-terrorism legislation have frequently been based on secret witness testimony that cannot be examined by defence lawyers. Amnesty International is also

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<sup>1</sup> For a detailed description of the definition of terrorism in Turkish law see Amnesty International, *Turkey: All children have rights: End unfair prosecutions of children under anti-terrorism legislation in Turkey*, (Index: 44/011/2010), p15

concerned that people have been convicted of terrorism offences despite a lack of reliable evidence.

Amnesty International calls on the Turkish authorities to prevent unfair prosecutions under anti-terrorism legislation by bringing the definition of terrorism into line with international standards and norms, notably the principals of legality and legal certainty.

The Turkish authorities should conduct an urgent review of ongoing prosecutions brought under anti-terrorism legislation and send guidance to judges and prosecutors regarding the application of international human rights law and standards in this context.

Amnesty International calls on the Turkish authorities to release Ragıp Zarakolu, Büşra Ersanlı and other persons detained under anti-terrorism legislation without delay if it cannot present credible evidence linking them to acts whose criminalization does not violate human rights law.

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