

News Service: 125/99
AI INDEX: EUR 44/43/99
29 June 1999

Amnesty International calls for a retrial of PKK leader Abdullah Öcalan

Amnesty International calls for a full retrial of Kurdistan Workers Party (PKK) leader Abdullah Öcalan who was sentenced to death on 29 June 1999.

“Abdullah Öcalan should be retried before a competent, independent and impartial tribunal and under conditions which ensure the strictest compliance with fair trial guarantees enshrined in national and international law,” the human rights organization said, adding that, “he was sentenced to death at the conclusion of a trial that violated both national law and international standards for fair trials”.

Amnesty International is deeply concerned that Turkey may resume executions after a 15 years’ *de facto* moratorium. The organization calls on the Turkish authorities not to execute Abdullah Öcalan or any other person under sentence of death and reiterates its appeal for total abolition of the death penalty in Turkey. Amnesty International is unconditionally opposed to the death penalty in all cases without exception.

“Fair trial concerns begin from the moment of arrest and encompass the preliminary investigation, the trial, all appeals and the imposition of the sentence,” Amnesty International said.

Violations of Abdullah Öcalan’s right to a fair trial include:

Failure to allow prompt access to a judge: Abdullah Öcalan was brought before a judge only on the seventh day after his arrest. The European Court of Human Rights has ruled that detaining a person for four days and six hours violates the right to be brought promptly before a judge.

Violations of the right to defend oneself in person or through legal counsel:

Failure to allow prompt access to a lawyer: Abdullah Öcalan’s first meeting with his lawyers did not take place until 10 days after his arrest.

Failure to allow adequate time to communicate with his counsel: the meetings with his counsel were restricted to two hours a week at the most throughout the investigation period and the trial.

Violation of his right to confidential communication with his counsel: during the meetings with his lawyers in the first two months, guards were present and not only within sight, but also within hearing distance.

Failure to allow adequate time and facilities to prepare his defence and failure to inform him promptly of the charges against him: his lawyers received the written indictment two days after parts of it were read out at a press conference and the indictment distributed to the press. They were not allowed to bring any written or printed material to the meetings with their client. The lawyers’ request to adjourn the trial to allow them more time to prepare the defence was rejected by the court.

Failure to provide a full trial before a competent, independent and impartial tribunal:

Abduallah Öcalan was tried by a State Security Court (SSC). The fact that a military judge made rulings in the Öcalan trial until it was adjourned on 8 June for the preparation of the final defence undermines his right to a full trial before a competent, independent and impartial tribunal. When the trial of Abdullah Öcalan continued on 23 June, the military judge had been replaced by a civilian judge who had not actively participated in the trial from the beginning. Amnesty International believes that it is a fundamental principle of fairness that if there is a change of judges, the trial should be repeated from the beginning.

- The substitute civilian judge had issued the arrest warrant against which the defence lawyers appealed. Amnesty International, therefore, believes that he should not have participated in the final decision.

Amnesty International considers that the conditions of detention in which Abdullah Öcalan was held amounted to solitary confinement and as such may have constituted cruel, inhuman or degrading treatment. In violation of his right to be presumed innocent until convicted, he was presented to the public as guilty from the very beginning. His lawyers were repeatedly harassed and threatened both by government authorities and by angry crowds being left without protection by the security forces.

The last executions in Turkey took place in October 1984 and provoked an international outcry. Hidir Aslan, aged 28, was executed on 25 October 1984 after being convicted of belonging to an illegal organization in Izmir. He was however not convicted of killings.

Since then, death sentences have continued to be imposed. But there has been a *de facto* moratorium on executions, as the Turkish parliament did not vote on any death sentences brought before it for approval. Amnesty International welcomes the moratorium.

“The death penalty is the ultimate form of cruel, inhuman and degrading punishment. It has never been shown to prevent crime - least of all politically-motivated crime - more effectively than other punishments,” Amnesty International said.

Background

Turkey, a member of the Council of Europe and party to the European Convention of Human Rights, is one of the few remaining European states not to have abolished the death penalty. The resumption of executions in Turkey would be a severe setback for total abolition in western Europe, of which Turkey considers itself a part. It would be a bad example for eastern European countries considering abolition, and a blow for human rights in Turkey. Amnesty International urges the Turkish authorities to realize previous plans to abolish the death penalty. ENDS.../

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