

EXTERNAL

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Prisoner of conscience / Health concern

14 May 1997

TURKEY Hasan Do_an, lawyer, in his 50s, member of Turkish Human Rights Association (IHD) and former local board member

Kurdish lawyer Hasan Do_an has been arbitrarily detained in Malatya, southeast Turkey, since 6 May 1997. He is said to be suffering from a heart complaint, having had several heart attacks previously, and from high blood pressure.

Hasan Do_an, married with four children, is a member of the HADEP executive committee. HADEP is a legal political party with predominantly Kurdish membership, which has seen many of its members and officials imprisoned, killed or "disappeared". He is one of the few lawyers in Malatya who are defending clients standing trial in the State Security Court, including defendants in PKK (Kurdish Workers' Party) trials. For this reason he has reportedly been subjected to harassment, pressure and threats, as have his clients so that they would change their lawyer. On one occasion he was allegedly told by an official that he was fortunate that extrajudicial executions had not been introduced in Malatya, since he would certainly have been one of their first targets.

Hasan Do_an was called to the State Security Court Prosecutor on 6 May to give a statement following an argument with the judges in a trial at Malatya DGM when his client retracted a confession made under duress. He was formally arrested and committed to Malatya E-Type Prison to await trial. It appears that he is accused on the basis of testimony given by a "confessor", possibly of support for an armed organization, under Article 169 of the Turkish Penal Code. Under the so-called Repentance Law former members of illegal organizations who give state's evidence can obtain a reduction in sentence if they implicate others in their confessions.

Amnesty International considers Hasan Do_an to be a prisoner of conscience, held on account of the lawful exercise of his duties as a lawyer. Article 18 of the United Nations Basic Principles on the Role of Lawyers states: "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

BACKGROUND INFORMATION

Many former PKK members who have turned state witnesses in exchange for reduced prison sentences under the "Repentance Law" - popularly known as "confessors" - benefited from the Repentance Law and reportedly worked thereafter on an undercover or irregular basis for the security forces.

In early 1997 two such "confessors" contacted journalists in order to give information about their activities on behalf of the State. They provided extremely detailed accounts of illegal activities, including participation in political murder on the orders of, or with the knowledge of, high ranking officers.

Özgür Politika (Free Politics) published an interview on 11 February this year in which one of the two, Murat Ipek, describes his participation together with other "confessors" in the killing of Kurdish writer Musa Anter, and his escape from the scene of the crime in Diyarbakır in 1992 (see UA 149/92 update of 22 September 1992, EUR 44/92/92). He also gives an account of the killing at his own hand of Kurdish schoolgirl Bi_eng An_k in __rnak earlier that year

(see EXTRA 35/92, EUR 44/34/92 and update of 31 March 1992, EUR 44/38/92). The use of "confessors" by security agencies for nefarious and illegal activities, including murder, has been attested in court, and also in a report prepared by the Commission of the Turkish Parliament on Unsolved Killings, published in April 1995.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- calling for the immediate and unconditional release of the lawyer Hasan Do_an, who is a prisoner of conscience arbitrarily detained since 6 May 1997 in Malatya on account of the lawful exercise of his duties as defence counsel;
- expressing concern also about his reported ill-health, in particular a heart complaint and high blood pressure;
- seeking assurances for his personal safety, once released from prison.

Please bring to the attention of lawyers groups.

APPEALS TO:

1. Minister of Justice:

Mr Sevket Kazan

Adalet Bakanl____

06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey

Faxes: +90 312 425 4066; 417 3954

Salutation: Dear Minister

2. Chief Prosecutor at Malatya State Security Court:

DGM Ba_savc_s_

Devlet Güvenlik Mahkemesi

Malatya, Turkey

Telegrams: DGM Bassavcisi, Malatya, Turkey

Salutation: Dear Prosecutor

3. State Minister with responsibility for Human Rights:

Mr Lütfü Esengün

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara, Turkey

Telegrams: Minister Esengun, Basbakanlik, Ankara, Turkey

Faxes: +90 312 417 0476

Salutation: Dear Minister

COPIES TO:

Minister of Foreign Affairs

Mrs Tansu Çiller

Ministry of Foreign Affairs

D_i_leri Bakanl____

06100 Ankara, Turkey

Fax: +90 312 419 1547

and to diplomatic representatives of TURKEY accredited to your country.

You may also send copies of your letters to the prisoner via his office as follows:

Av Hasan Do_an'a iletilmek üzere
Boztepe Cad.
Ortaklar Ishani
Kat 1, No 29
Malatya

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 2 July 1997.

