

AMNESTY INTERNATIONAL

Public Statement

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Turkey: Three children on trial in case over freedom of expression

Tomorrow, 19 June, three boys, aged 15, 15 and 17 at the time that the alleged offence was committed, will go on trial in Diyarbakır in the south east of Turkey accused of violating Article 7/2 of the anti-terror law that criminalizes “making propaganda for a terrorist organisation or its aims”. The article carries a maximum sentence of five years’ imprisonment.

The prosecution was brought after the children, who are all members of the Diyarbakır Yenişehir Municipality Children’s Choir, sang a Kurdish language anthem *Ey Raqıp* (Hey Enemy) at a world music festival in San Francisco in October 2007. The choir sang songs in a total of nine different languages including a Turkish patriotic song (*Çanakkale Marşı*). Six other members of the choir who are under 15 years of age are being prosecuted for the same offence at a Children’s Court.

While international human rights law permits states to impose certain limitations on freedom of expression, these can only be such as are necessary and proportionate for certain purposes - protecting the rights and freedoms of others, public health or morals, or national security or public order. The singing of *Ey Raqıp*, a historical anthem, cannot be regarded as a threat to public order, and the prosecution threatens the right to freedom of expression. If these children are convicted and imprisoned, Amnesty International would consider them to be prisoners of conscience.

Amnesty International is also concerned that those between the ages of 15 and 17 are being tried in an adult court. Under the Convention on the Rights of the Child, which applies to everyone under 18, states should aim to establish laws, procedures, authorities and institutions specifically applicable to children accused of infringing the penal law. The UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), adopted by the UN General Assembly in November 1985, stipulate in particular that proceedings for children should be conducive to the best interests of the child and shall be conducted in an atmosphere of understanding allowing them to participate and to express themselves freely, and that the well-being of the child should be the guiding factor in the consideration of the case.

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