

EXTERNAL

AI Index: EUR 44/51/97

EXTRA 92/97

Fear of arrest as prisoner of conscience

30 June 1997

TURKEYE ber Ya murdereli, lawyer

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Lawyer E\_ber Ya\_murdereli is facing imminent arrest, and imprisonment as a prisoner of conscience until the year 2014, as a result of a speech he made in commemoration of Human Rights Day in 1991.

E\_ber Ya\_murdereli has already served 12 years as a result of an unfair trial and conviction based on statements allegedly extracted under torture. He was first arrested in 1978 and charged with "trying to change the constitutional order by force" under Article 146 of the Turkish Penal Code. He was sentenced to death but this was commuted to life imprisonment on account of his physical disability - he has been blind since the age of 10. His trial failed on a number of counts to meet internationally recognized minimum standards governing fair trials. In 1990 the Minister of Justice offered E\_ber Ya\_murdereli a pardon on grounds of "ill-health", but he rejected the offer saying that to accept would amount to an admission of guilt. Instead he asked for a fair retrial but this request was denied. In 1991 E\_ber Ya\_murdereli benefited from a conditional amnesty which suspended 4/5 of prison sentences for offences such as that contained in Article 146. Where prisoners reoffend they may be required to serve the whole of the remainder of their sentence.

In 1991, E\_ber Ya\_murdereli made a speech at a meeting organized by Istanbul Human Rights Association to commemorate Human Rights Day. A sentence of 10 months for "separatism", under Article 8 of the Anti-Terror Law, was handed down by Istanbul State Security Court, and E\_ber Ya\_murdereli was informed last week that the Court of Appeal had confirmed the sentence. He expects to be arrested at any time, but meanwhile his lawyers have registered an objection to the Court of Appeal. Amnesty International considers that E\_ber Ya\_murdereli would be a prisoner of conscience.

In addition to the 10-month sentence, E\_ber Ya\_murdereli will serve the balance of his life sentence unless urgent steps are taken. These steps could include one or all of the following: to reform or repeal of Article 8 of the Anti-Terror Law, as promised by the Turkish Government earlier this year; to quash the conviction under Article 8 as being in contravention to Article 10 of the European Human Rights Convention, which safeguards freedom of speech; to overturn the original conviction under Article 146 as having been obtained on the basis of statements allegedly extracted under torture - allegations which were never properly investigated as required by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Turkey is a State Party.

While in prison in the 1980s E\_ber Ya\_murdereli became known as a gifted short-story writer, winning a national competition in 1986. Mediation by E\_ber Ya\_murdereli (together with the novelist Ya\_ar Kemal, Refah (Welfare Party) parliamentary deputy Mukadder Ba\_egmez, and musician, writer and politician Zülfü Livaneli) was critical in bringing to a conclusion the hunger-strike of summer 1996 in which 12 prisoners died.

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

- asking for urgent steps to be taken to ensure that E\_ber Ya\_murdereli is not imprisoned for exercising his right to freedom of expression;

- pointing out that Amnesty International would consider him a prisoner of conscience;
- pointing out that E\_ber Ya\_murdereli would serve, in addition to the 10 months for his speech in 1991, a further 16 years in respect of a sentence imposed after an unfair trial, in which the court in question failed in its duty under the UN Convention against Torture to investigate allegations of torture.

**APPEALS TO:**

1. The Chief Prosecutor, Court of Appeal  
Yargitay Cumhuriyet Bassavcisi  
Yargitay  
Kizilay  
Ankara  
Turkey

**Telegrams: Chief Prosecutor, Court of Appeal, Ankara, Turkey**

**Salutation: Dear Chief Prosecutor**

2. Prime Minister Mr Mesut Yilmaz  
Office of the Prime Minister  
Ba\_bakanl\_k  
06573 Ankara, Turkey

**Telegrams: Prime Minister, Ankara, Turkey**

**Telex: 44061/44062/44063 bbmt tr; 42099 basb tr**

**Faxes: +90 312 417 0476**

**Salutation: Dear Prime Minister**

3. Deputy Prime Minister Mr Bülent Ecevit  
Office of the Prime Minister  
Ba\_bakanl\_k  
06573 Ankara, Turkey

**Telegrams: Deputy Prime Minister, Ankara, Turkey**

**Telex: 44061/44062/44063 bbmt tr; 42099 basb tr**

**Faxes: +90 312 417 0476**

**Salutation: Dear Deputy Prime Minister**

**4. The Minister of Justice**

Mr Oltan Sungurlu  
Adalet Bakanl\_\_\_\_  
06659 Ankara, Turkey

**Fax +90 312 418 5667**

**Telegrams: Justice Minister, Ankara, Turkey**

**Salutation: Dear Minister**

**COPIES TO:**

State Minister with responsibility for Human Rights:

Mr Lütfü Esengün  
Office of the Prime Minister  
Ba\_bakanlik

06573 Ankara, Turkey

Telegrams: Minister Esengun, Basbakanlik, Ankara, Turkey

**Faxes: +90 312 417 0476**

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 31 July 1997.