

## **TURKEY:**

### **DO\_U PERINÇEK**

## **Politician faces Imprisonment for peace appeal**

In the autumn of 1991, while taking part in a televised discussion programme concerning the conflict in the Kurdish South-East of Turkey, Do\_u Perinçek, Chairman of the Workers' Party (DP), argued, "*We cannot have unity by force. We can only achieve unity by recognising and accepting the wishes of the Kurdish people with good will and in a spirit of brotherhood.*" These 'separatist' remarks prompted a lengthy prosecution against him, which has now led to a three-year prison sentence due to commence in June 1995.

#### ***How could Do\_u Perinçek be prosecuted for this statement?***

Do\_u Perinçek was prosecuted for the above statement under Article 8/1 of the Turkish Anti-Terror Law, a law which deems it an offence to spread 'separatist propaganda'.

Article 8 of the Anti-Terror Law prohibits "written or spoken propaganda, assemblies, demonstrations and marches with the aim of damaging the indivisible unity of the state" irrespective of whether there is advocacy of violence. The targets are usually writers, journalists, publishers, politicians - sometimes even musicians playing a Kurdish tune or dance in public - who are accused of advocating a separate state for Turkey's Kurdish minority. Prosecutions for the expression of non-violent opinion violate Article 10 of the European Convention on Human Rights, to which Turkey is a state party.

#### ***Two year sentence for wanting peace was 'insufficient'***

Prosecution of Do\_u Perinçek for this statement commenced in December 1991. The case was later combined with a separate prosecution, also under Article 8, from September 1992 for another statement that he made around the same time. The combined verdict was pronounced on 15 January 1993: Do\_u Perinçek was convicted and sentenced to two years' imprisonment and a fine of 50 million Turkish Lira (about £3500).

Defence and prosecution both appealed against this verdict. While the defence appeal was unsuccessful, appeals by the State Security Court prosecutor were upheld. The case eventually went to the General Board of the Criminal Panels of the High Appeals Court, who judged the two-year sentence Do\_u Perinçek had received to be insufficient, and recommended an increase to three years. The case is now being referred back to the State Security Court, but, since it is legally obliged to abide by the General Boards' recommendation, endorsing the three-year sentence is only a formality. Once this has occurred, probably around June 1995, a warrant will be issued for Do\_u Perinçek's arrest and he will begin a three-year prison sentence.

#### ***The trials of Do\_u Perinçek...***

During his long career in politics and publishing, Do\_u Perinçek, now aged 52, has been the subject of innumerable court cases. Although acquitted in many of these, he was convicted in others. He served a long sentence following the military coup of 1971, and another for "making communist propaganda" in the years after the 1980 military coup. He was then adopted by Amnesty International as a prisoner of conscience.

Two further trials are currently under way against Do\_u Perinçek. In a case which commenced in Istanbul in December 1994 he faces one to six years' imprisonment on charges of insulting the army while taking part in a television programme, *Çapraz Ateş* (Crossfire). This trial has now been transferred to Bakırköy Criminal Court. The second trial was launched in January 1995, in connection with remarks made in an interview published in the journal *Özgür Bilim* (Free Knowledge). In this trial, he is accused - also under Article 8 - of disseminating separatist propaganda through publication, and if convicted faces a heavy fine and a further two years in prison.

### *The need for reform*

Amnesty International is concerned that people like Do\_u Perinçek are still being prosecuted for the expression of their non-violent opinion. This concern seems to be shared by certain Turkish politicians - in September 1994, for example, former Minister of Culture and the then Minister of State Fikri Sa\_lar visited two prisoners of conscience at Haymana Prison, both of whom are serving 20-month prison sentences for written "separatist" propaganda. Speaking to the two academics, Minister Fikri Sa\_lar said, "I feel the dishonour of this shame and ask your forgiveness. After a time, society will ask your forgiveness. We are trying to put an end to this disgrace" (*Cumhuriyet*, 4 September 1994).

The present Minister of Culture Ercan Karaka\_ has proposed, together with 14 other parliamentarians, a revision of Article 8 of the Anti-Terror Law which would rule out the prosecution or imprisonment of people for the expression of "separatist" views, provided that they did not advocate violence. Amnesty International believes that the enactment of this proposal would be a major step forward to safeguard freedom of expression and human rights in Turkey.

### *Amnesty International's appeal.*

Amnesty International is appealing to the Turkish authorities to ensure that Do\_u Perinçek does not once more become a prisoner of conscience, and for a revision of Article 8 of the Anti-Terror Law so that people can no longer be imprisoned for the non-violent expression of their views.

Please write, outlining the details of the case and Amnesty International's concerns, to:

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Salutation: *Dear Prime Minister*