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Turkey: Prisoner release law 'woefully inadequate'

A new Turkish law providing for conditional prisoner releases "simply does not address concerns over Turkey's human rights record," Amnesty International said today.

Although the new law will result in the immediate release of thousands of prisoners, it still specifically excludes the release of others who have been imprisoned for peacefully expressing opinions, forming associations and assembling in public. As a result, some prisoners of conscience will remain incarcerated because they peacefully expressed their beliefs.

The new law was adopted in the week that the European Union summit agreed upon a document which stated that Turkey's accession to the EU is dependent upon an improvement in its human rights record. At present the Turkish Penal Code and Anti-Terror Law are used to restrict freedom of expression. Amnesty International believes they should be amended to ensure that this is not possible.

Among the scores of detainees who will not benefit from the new law is Sanar Yurdartapan. A composer, he initiated a freedom of thought campaign by persuading celebrities to publish banned articles in their names and to then file formal complaints against themselves. The campaign highlighted restrictions on freedom of expression. Sanar Yurdartapan was jailed last week and Amnesty International has adopted him as a prisoner of conscience and calls for his immediate and unconditional release.

Esber Yagmurdereli, a blind lawyer and human rights defender who has spoken up for Kurds in Turkey, will also remain imprisoned, as will four former Members of Parliament who represented DEP, the pro-Kurdish Democracy Party. The sole basis for the imprisonment of Esber Yagmurdereli and the four DEP MPs was the non-violent expression of their fundamental rights.

Ironically, although the new law excludes early release for people convicted of having participated in torture, it does allow for the conditional release of members of the security services who have been convicted of ill-treating detainees. Amnesty International has documented numerous cases of torture in Turkey, but prosecutions for these offences are rare and when convictions are secured they are usually for crimes classified as "ill-treatment."

"There should be a thorough review of Turkish law and the Turkish Constitution in order to ensure that there are no restrictions on the right to freedom of expression," the organization said. "A law that benefits people convicted of ill-treating detainees but does nothing for many prisoners of conscience can only be described as woefully inadequate."

Although a provision within the new law will result in early release for some prisoners of conscience who were excluded from a similar law passed last year, and postponement of sentencing for others - among them Necmettin Erbakan, the former Prime Minister and leader of the banned Welfare Party - Amnesty International is concerned that Erbakan and other possible and actual prisoners of conscience will continue to be banned from politics. Moreover, the organization demands that outstanding charges and sentences against all those who have peacefully exercised their right to freedom of expression are dropped altogether.

Necmettin Erbakan was due to be imprisoned in January 2001 under Article 312 of the Turkish Penal Code, used to limit freedom of expression.

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