

EXTERNAL (for general distribution)

AI Index: EUR 44/111/93

Distr: UA/SC

UA 410/93 Death Penalty

19 November 1993

TURKEY Seyfettin Uzundiz

Amnesty International is most seriously concerned about reports that for the first time in over nine years the Judicial Commission of the Turkish parliament has approved a death sentence. This move opens the way for what would be the first execution in Western Europe in over nine years.

On 17 November 1993, nine out of 15 members of the Judicial Commission (Adalet Komisyonu) approved the death sentence of Seyfettin Uzundiz. The other six members of the Commission were absent. Reportedly Seyfettin Uzundiz was convicted in 1992 by a criminal court in Istanbul of murder and armed robbery. His file will now be sent to the plenary of the Turkish Grand National Assembly (TBMM - parliament) for approval, which requires a simple majority. Execution is by hanging and may be carried out immediately the death sentence has been ratified by parliament.

This latest development must be seen in the context of the "total war" which the Turkish state and its security forces have declared on the guerrillas of the outlawed Kurdish Workers' Party (PKK) fighting initially for an independent Kurdish state and more recently for some degree of Kurdish autonomy. Armed activities by the guerrillas have steadily increased since they carried out their first attack in 1984 and so has the response by the security forces, leading to the loss of more than 10,000 lives and an equally steady increase in human rights abuses by both sides. In July 1993, the Turkish Government declared all-out war on the Kurdish insurgents in the southeast where 10 provinces have been under emergency rule since Martial Law was lifted there in 1987. Hundreds of Kurdish people are standing trial in State Security Courts, accused of belonging to, or supporting, the PKK, and a number of death sentences have been handed down in recent months as the first of these trials came to an end. Many more can be expected to be imposed, and the State Prosecutor in Ankara is currently seeking to have the immunity of 17 Kurdish members of parliament lifted so that they can also be tried on charges of separatism, under Article 125 of the Turkish Penal Code, which on conviction carries a mandatory death sentence.

In the present political climate, the lobby in favour of the death penalty in Turkey is very vocal and public opinion is moving in the same direction. The Prosecutor at Ankara State Security Court, which tries political offences, recently stated that in his opinion all death sentences should be carried out. It appears that ratification of the death sentence of an ordinary criminal may serve to clear the way for executions of people convicted of politically motivated offences.

BACKGROUND INFORMATION

The last executions in Turkey in October 1984 provoked an international outcry. Since then there has been a *de facto* moratorium on executions, as the Grand National Assembly did not vote on any death sentences brought before it for ratification. However, death sentences continued to be imposed. An earlier *de facto* moratorium from 1972 to 1980 was brought to an end when, following the military coup of 1980, a total of 50 people were executed: 23 of them had been convicted of ordinary crimes and 27 of politically related offences.

Under the Anti-Terror Law, passed in April 1991, hundreds of pending death sentences were commuted to terms of imprisonment. In November 1990, the Grand National Assembly ratified amendments to the penal code which reduced the number of offences punishable by death from 29 to 13. These include separatist offences under Article 125 and a number of other offences against the state or the constitution, as well as ordinary criminal offences including murder.

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

- expressing your profound disquiet about the approval by the Parliamentary Judicial Commission of the death sentence of Seyfettin Uzundiz;
- noting that if this death sentence were carried out in Turkey, it would be the first execution in over nine years in Western Europe and a severe setback for human rights;
- drawing attention to strong abolitionist trends in Europe, in particular the fact that a draft bill is now before the Greek parliament for the abolition of the death penalty in Greece;
- urging that Seyfettin Uzundiz not be executed and that no further death sentences be approved by the Judicial Commission;

APPEALS TO

1) Minister of Justice:

Mr Seyfi Oktay
Ministry of Justice
Adalet Bakanl____
06659 Ankara

Telegrams: Adalet Bakanligi, Ankara, Turkey

Faxes: +90 312 425 40 66

Salutation: Dear Minister

2) Prime Minister:

Mrs Tansu Çiller
Ba_bakanl_k
06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

Telex: 44061/44062/44063 bbmt tr; 42099 basb tr; 42875 bbk tr

Faxes: +90 312 417 04 76 PRIME MINISTER

+90 312 230 88 96 (attn: Prime Minister)

Salutation: Dear Prime Minister

3) Deputy Prime Minister:

Mr Murat Karayalçın
Ba_bakanl_k
06573 Ankara, Turkey

Telegrams: Deputy Prime Minister, Ankara, Turkey

Telexes: 44061/44062/44063 bbmt tr; 42099 basb tr; 42875 bbk tr

Faxes: +90 312 417 0476 DEPUTY PRIME MINISTER

+90 312 230 8896 (attn: Deputy Prime Minister)

Salutation: Dear Deputy Prime Minister

4) President of the Judicial Commission:

Mr Cemal _ahin

Adalet Komisyonu Ba_kan_

TBMM, Ankara, Turkey

Telegrams: Adalet Komisyonu, TBMM, Ankara, Turkey

Faxes: + 90 312 418 7601; +90 312 419 1664 (Attn: Adalet Komisyonu Ba_kan_)

Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

Minister of Foreign Affairs:

Mr Hikmet Çetin

Ministry of Foreign Affairs

D__i__leri Bakanl____

06100 Ankara, Turkey

Faxes: 90 312 287 3869

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 December 1993.