

AMNESTY INTERNATIONAL

Public Statement

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Turkey: Human rights defenders in Izmir harshly sentenced

Amnesty International is concerned to hear of the sentencing to prison on 13 February 2004 of 31 people including members of the Izmir branch of the Human Rights Foundation of Turkey (HRFT), the Izmir branch of the Human Rights Association, lawyers, trade unionists and senior members of political parties. The defendants were convicted on the basis of articles of Law 2911 on Meetings and Public Demonstrations to sentences ranging from one to three years. Among those convicted of "resisting dispersal by violent means" (article 32/3) were Dr Alp Ayan (a psychiatrist at the HRFT) and Ms Günseli Kaya (Member of the General Board of the HRFT). Amnesty International considers that the sentences of Alp Ayan and Günseli Kaya to 18 months respectively represent a particularly harsh application of Law 2911 on Meetings and Public Demonstrations, and that Dr Alp Ayan and Ms Günseli Kaya were exercising their legitimate right to peaceful assembly and acting in their capacity as human rights defenders. Were they imprisoned Amnesty International would consider them to be prisoners of conscience. Amnesty International is also concerned about other defendants harshly sentenced, but has insufficient information to comment further on their cases at present.

On 30 September 1999 the defendants assembled in the village of Helvaci (in the Aliaga subdistrict of Izmir) to attend the funeral of Nevzat Ciftci, a prisoner killed during the Ulucanlar Prison Operation in Ankara. They were forcibly prevented from attending the funeral by gendarmerie officials. Video footage, which was accepted by the court as evidence, revealed that the security forces did not issue a warning to the crowd to disperse and used disproportionate force against the assembled gathering. In December 1999 Amnesty International took up the cases of Alp Ayan and Günseli Kaya. The trial has lasted four years. Currently Alp Ayan, Günseli Kaya and other defendants are at liberty and appealing against the verdict.

Amnesty International has had longstanding concerns about the application of Law 2911 on Meetings and Public Demonstrations, which has been and continues to be used to curtail the right to freedom of assembly. On 12 February 2004 Amnesty International published a report on the pressure against human rights defenders in Turkey (*Turkey: Restrictive Laws, Arbitrary Application - The Pressure on Human Rights Defenders*; AI Index EUR 44/002/2004). The organization considers this latest verdict against Dr Alp Ayan and Ms Günseli Kaya to be further evidence of a disturbing pattern of pressure against human rights defenders. The case also raises the issue of disproportionate use of force by law enforcement officials during public assemblies, and is illustrative of a general tendency to investigate and prosecute those who participate in public assemblies while failing to investigate public order policing violations. This is a pattern that continues in the present time and was raised as a concern by Amnesty International in its recent memorandum to the Turkish Prime Minister (*Turkey: Memorandum to the Turkish Prime Minister on the occasion of the visit to Turkey of a delegation led by Irene Khan, Amnesty International's Secretary General, February 2004*; AI Index EUR 44/001/2004).

