

PUBLIC

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Further Information on UA 36/05 (EUR 44/006/2005, 15 February 2005) Fear for safety/harrassment

TURKEY

Hüseyin Aygün (m), aged 35, lawyer and human rights defender

In February 2005, Hüseyin Aygün reportedly received a series of threats from the Commander of Gendarmerie Forces in Tunceli province. In the same month, Hüseyin Aygün lodged a complaint about the threats with the State Prosecutor, who began an investigation. However, shortly afterwards, while the investigation was in progress, legal proceedings were swiftly launched against Hüseyin Aygün in relation to the complaint he had lodged. As a result, three cases were opened against him for charges of defamation and damaging the reputation of the Gendarmerie Commander.

Hüseyin Aygün called a press conference in Tunceli on 13 February to draw attention to the threats he had received from the Gendarmerie Commander. His remarks were published by the national newspaper *Özgür Gündem*. As a result, the Gendarmerie Commander lodged a complaint with the State Prosecutor and a defamation case was opened against Hüseyin Aygün, the editor-in-chief and the chief executive of *Özgür Gündem*. If found guilty, they could be imprisoned for between three months and one year, or they could receive a fine. The State Prosecutor has requested that any punishment the three men receive be increased because they allegedly committed a crime against a state official on duty. At the second hearing of this case on 11 July the judge decided to merge the case with a second case that was launched concerning the complaint. No date has been set for the next hearing. A third separate case against Hüseyin Aygün has been opened, in which the Gendarmerie Commander is seeking compensation of 30,000 Turkish lira for the damage to his reputation. The hearing for this case is due to take place on 20 July.

Meanwhile, the legitimacy of the role and work of human rights defenders continues to be threatened in Tunceli. On 24 June, near Tunceli, a taxi hit a land mine, which may have been laid as part of the conflict between government forces and the armed group the Kurdistan Workers' Party (PKK). The security forces investigating the scene put up notices on the wreckage of the taxi, some of which state: "Human rights defenders, have you seen this car? Tunceli Bar Association, why are you silent? Those that make press statements about even the birds in the mountains; will they make a press statement about this? We are waiting with interest."

Tunceli Bar Association lodged a complaint about these notices with the State Prosecutor, who ordered that the notices be taken down. The Head of Tunceli Bar Association stated: "Tunceli Bar Association has always been on the side of the law. The people who wrote those notices are uncomfortable with the work of Tunceli Bar Association and civil society organizations."

Amnesty International believes that the notices placed on the wreckage of the taxi could lead others to question the role of human rights defenders, and may result in threats and attacks on those engaged in human rights activities, as has happened in the past. The organization considers it particularly important that the Turkish authorities condemn this kind of action and publicly confirm the legitimacy of the role and aims of human rights defenders and human rights organizations. Up to now the authorities have failed to do this and therefore no precedent has been set for those with responsibilities in regional State authorities, the judiciary and the security forces to follow. Furthermore, the Turkish authorities should take steps to closely monitor investigations opened against human rights defenders and take effective action against state officials found to have abused the judicial system.

Many thanks to all who sent appeals on this case. We will continue to campaign on Hüseyin Aygün's behalf using longer term action forms. If possible, please send a final round of appeals to arrive as quickly as possible, in English or your own language:

- expressing concern about the charges brought against Hüseyin Aygün and the employees of *Özgür Gündem* newspaper in relation to Hüseyin Aygün's complaints that he had been threatened;
- noting that these legal proceedings are especially worrying given that an investigation into these complaints is still in progress;
- welcoming this investigation by the authorities into the allegations of threats by gendarmerie officers against Hüseyin Aygün, calling for its results to be made public and for anyone found responsible to be brought to justice;
- calling on the authorities to take effective action to ensure all public servants recognize the legitimacy of the work of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals, as laid out in the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Liberties;
- calling for a full and impartial investigation into the incident on 24 June, in which security forces allegedly put up notices implying that human rights defenders sympathized with armed groups, for the results to be made public and for anyone found responsible to be held accountable;
- urging the Turkish authorities to publicly condemn the action of the security forces in this incident and to make a public statement confirming the legitimacy of the role and aims of human rights organizations, including the Tunceli Bar Association.

APPEALS TO

Minister of Justice

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Salutation: Dear Minister

Minister of the Interior

Mr Abdulkadir Aksu
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COPIES TO:

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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 26 August 2005.