

2 August 2000

AI Index EUR 44/039/2000 - News Service Nr. 148

### **Turkey: Erbakan is a prisoner of Conscience if Jailed**

*"I must say that I cannot be happy with Erbakan going to prison because of a speech he made six years ago."*

Turkish Prime Minister Bulent Ecevit commenting on the Appeal Court's decision to uphold a one year prison sentence against Necmettin Erbakan

"The sentencing and the possible imprisonment of former Turkish Prime Minister Necmettin Erbakan, the former leader of the Islamist Welfare Party (RP), are completely unacceptable," Amnesty International said today. The human rights organization urged the Turkish authorities to drop the charges and the prison sentence against Erbakan immediately.

On 5 July the Appeal Court upheld a sentence of one year's imprisonment against Necmettin Erbakan. Necmettin Erbakan had been put on trial for a speech he delivered in Bingol on 25 February 1994 during the local election campaign. They took place four and a half years later. The trial proceedings began shortly after his party, the RP, was closed and following Necmettin Erbakan's appeal to the European Court of Human Rights against his related ban from politics for five years.

Necmettin Erbakan was sentenced on 10 March 2000 under Article 312/2 of the Turkish Penal Code (TPC) which refers to incitement to hatred based on religious and ethnic difference. Amnesty

International considers that there was no incitement to violence in Necmettin Erbakan's speech and would consider him to be a prisoner of conscience if he were imprisoned and would campaign for his immediate and unconditional release.

As part of the election campaign Necmettin Erbakan had blamed the representatives of other parties for "false belief" and for being dependent on the infidel and the West. He is charged with having said: "There are not 12 political parties in this country, but only two, truth and false belief. Truth is represented by the belief of my brothers in Bingol. ... Everybody outside Refah Party is a false believer, they are all like one party. Hence they are in love with the infidel, they are not independent, but dependent on the West, they come to power, take their orders from there, oppress our people. They are all usurers, exploiting, all oppressive, and even worse we will quit the Islamic world and will join the Christians. Our laws will be issued by the infidel, who will govern us. They think that it is better to join the Common Market." Though using strong words, Necmettin Erbakan had, however, not called for the use of violence.

In his speech to the Kurdish electorate he also referred to the replacement of the Islamic invocation by a nationalist substitute as part of the Kemalist reforms in the first years of the Republic and said: "[They] abolished the 'Bi'smillahi ar-rahmani ar-rahim' (In the name of Allah the most gracious, the most merciful) at the schools and replaced it with 'I am Turkish, I am right, I am industrious'. If you say this, then a Muslim child of Kurdish origin gained the right to say 'Really? And I am Kurdish, I am more right, I am more industrious'. And thus you have alienated the people of this country from each other." He claimed that the first condition to end the political violence related to the Kurdish issue was to realize Muslim brotherhood.

Amnesty International urges the Turkish authorities not only to amend or repeal Article 312, but to conduct a thorough review of Turkish law and the constitution in order to lift any restrictions on the right to express opinions peacefully. Charges like those against Necmettin Erbakan should be dropped. At the same time all prisoners of conscience should be immediately and unconditionally released and their civil and political rights reinstated.

### **Background**

Professor Necmettin Erbakan, an engineer born in 1926, was the founder and leader of several Islamist parties: the National Order Party (Milli Nizam Partisi - MNP) which was banned in the early 1970s. The National Salvation Party (Milli Selamet Partisi - MSP) which formed part of several coalition governments in the 1970s and was closed after the Military coup in 1980 and the Welfare Party (Refah Partisi - RP), founded in 1983. In the 1994 local elections the RP won 19 % of the votes and 324 town halls, including in the metropolises of Istanbul and Ankara. In late 1995 the RP emerged as the winner of the general elections with 21 % of the votes. In 1996 the RP and the conservative True Path Party DYP formed a coalition government with Necmettin Erbakan as the Prime Minister. Upon the pressure of the military and under the threat of his party being closed, Necmettin Erbakan resigned from this position in June 1997. In early 1998, the RP was closed upon the ruling of the Constitutional Court. Necmettin Erbakan lost his seat in parliament and was banned from political life for five years.

Article 312/2 is often used to restrict freedom of expression on the Kurdish issue and the question of Islam in politics. For example, the imprisonment of Akin Birdal, the former president of the Turkish Human Rights Association IHD (who was re-imprisoned in March 2000), and of Recep Tayyip Erdogan, the former Mayor of Istanbul and a leading member of the RP, were based on sentences under Article 312/2. Due to

*their sentences both have been banned from politics and had to resign from their positions. Amnesty International is campaigning for the immediate and unconditional release of Akin Birdal and had also adopted Recep Tayyip Erdogan as a prisoner of conscience when he was imprisoned last year.*

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