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Turkey: When freedom of expression is a crime

Charges against Turkish journalist Nadire Mater should be dropped immediately, Amnesty International said today.

"If she is convicted she would be considered to be a prisoner of conscience."

Nadire Mater will stand trial on 24 August and could be sentenced to several years in prison. Her publisher Semih Sökmen also faces a fine. Her sole "crime" is to have conducted and published interviews with former conscripts who were deployed in the region mainly inhabited by Kurds and thus participated in the armed conflict there.

In her defence statement in the first trial session on 29 September 1999, Nadire Mater said: "Indeed, those who are being tried in this court room are not myself and my publisher but the 42 veterans who for the first time after 15 years of bloody fighting were provided a channel to express themselves, their frustrations, fears and hopes. ... All I have done, as a genuine journalist, is to hold a microphone for these young men and reflect their words truthfully. The indictment is ironic in the sense that not even a single word of mine is presented as an evidence for my 'guilt'."

*Nadire Mater has been charged with having insulted and vilified the Turkish military with the publication of her book *Mehmedin Kitab - Mehmet's book* ("Mehmet" stands for the Turkish soldiers). Nadire Mater intended to look at the armed conflict in southeastern Turkey from the perspective of its participants and to present a picture of what the*

"Mehmets" experienced. For this purpose, she conducted a total of 42 interviews with young men who did their military service in the region under emergency rule between 1984 and 1998, and with two relatives of soldiers. She took special care to include in her sample the different ethnic, religious, confessional and cultural groups, rightists as well as leftists, nationalists as well as Islamists, supporters and opponents of the conflict.

The indictment refers solely to the interviews, not to her own introductory text. The quotes from the book with which the author allegedly insulted the army contain references to deliberate intimidation of civilians; accounts or criticism of human rights violations; war crimes and extreme brutality against PKK militants; brutality of senior soldiers against conscripts; allegations of drug abuse or smuggling; and the existence of Islamists in the army.

Amnesty International urges the Turkish authorities 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 Nadire Mater and her publisher should be dropped," Amnesty International said. "All prisoners of conscience should be immediately and unconditionally released."

Background

Nadire Mater, born in 1949, has been working as a journalist since 1981. Since 1991 she has worked as a correspondent for IPS (Interpress Service) and since 1994 as the Turkey representative of Reporters sans frontieres. At the same time she has been actively struggling for human rights in Turkey. She is also one of the representatives of the "Saturday mothers" -- human rights defenders and relatives of people who "disappeared" in police custody -- who had gathered every Saturday

since May 1995 until they ended their vigil due to heavy-handed police repression. The Saturday Mothers have been demanding that the Turkish authorities investigate the fate of the "disappeared".

In June 1999, after the fourth edition of the book had been published, a court decided upon the request of the General Staff Command to ban the book. An indictment against Nadire Mater and Semih Sökmen was issued on 9 August 1999, just shortly before the Turkish parliament adopted a law on the postponement of sentences related to crimes committed via the media. On 29 September a trial was opened before Beyoglu Heavy Penal Court No.2. The two were charged with having insulted the army under Article 159/1 of the Turkish Penal Code.

One of the incriminating paragraphs includes the following report of a former conscript: "We received the order: 'You will bring all civilians found during the search of the region to the nearest gendarmerie station. And you will not interrogate them.' Of course we found such civilians, many of them were children. At the age of eight or ten, with callous hands, on the back a bag with a piece of bread, cheese, and sugar wrapped in a piece of paper, nothing else. The child is a shepherd, we bring him to the station. In the gendarmerie station I saw it with my own eyes. The commander - I could give his name - slapped the child. I said 'You are not supposed to slap him'. Upon my protest I was beaten myself. I was detained for two days and released on the third day. I said to the superior that I will report. And he said 'I won't make the rest of your military service easy. I will punish you all the time.' " (P. 179)

Article 159 is often used to restrict freedom of expression in Turkey.

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