

EXTRA 142/96 Prisoner of conscience / Fear of arrest as POC 3 September 1996

TURKEY Ak_n Birdal, President of Turkish Human Rights Association
Mehmet Ihsan Arslan, Vice-President of Mazlum-Der

Amnesty International is deeply concerned about the detention of Ak_n Birdal, President of the Turkish Human Rights Association, in connection with a failed humanitarian mission to Northern Iraq to secure the release of Turkish soldiers held by the armed opposition group, the PKK (Kurdish Workers' Party) (see below).

Amnesty International considers that he is a prisoner of conscience and fears that another delegate to Northern Iraq, Mehmet Ihsan Arslan, Vice-President of *Mazlum-Der*, also a human rights organization, may be arrested as a prisoner of conscience.

At 10.30pm on 2 September 1996, plainclothes police came to the house of Ak_n Birdal in Ankara to detain him. As he refused to open the door, police called in the chief prosecutor at Ankara State Security Court. When he arrived, Ak_n Birdal opened and police searched his home before detaining him. His lawyers and other officials of the Human Rights Association (HRA) who had also come to the house, were not allowed to attend the search, but were forced to leave the house. Ak_n Birdal was then taken to Ankara Police Headquarters. Police also went to the house of Mehmet Ihsan Arslan to detain him, but did not find him at home. It appears that a warrant was issued for his arrest.

The Chief Prosecutor at Ankara State Security Court has reportedly stated as the grounds for the detention of Ak_n Birdal and the arrest order for Mehmet Ihsan Arslan that "those who had gone to Northern Iraq to take [and bring back] the soldiers held hostage by the PKK, had met with representatives of the PKK under the flags of the PKK". Ak_n Birdal and Mehmet Ihsan Arslan are now accused under Article 169 of the Turkish Penal Code of "aiding an illegal organization" which carries a prison sentence of between three and five years.

BACKGROUND INFORMATION

On 27 August 1996 a delegation consisting of Ak_n Birdal, President of the Turkish Human Rights Association (HRA), Y_lmaz Ensario_lu, President of Mazlum-Der, an organization approaching human rights from an Islamic perspective, its Vice President Mehmet Ihsan Arslan, and the Welfare Party deputy Fetullah Erba_, went to Northern Iraq in an attempt to secure the release of 17 Turkish soldiers. The soldiers had been taken prisoner by the PKK and are being held by the PKK in Northern Iraq. The delegation was accompanied by relatives of some of the soldiers and by members of the Turkish media. They had obtained the necessary official permission from the Turkish authorities to travel to Northern Iraq.

According to newspaper reports the delegation first met with representatives of the Iraqi Kurdistan Democratic Party (KDP) before moving on to a PKK camp in the Amadiya region where they negotiated the soldiers' release with PKK representatives. When it became apparent that the PKK had finally decided not to release the Turkish soldiers, but indicated that they might be released in the near future, the delegation left on 29 August to return to Turkey. The soldiers' relatives stayed behind to await their eventual release.

After wide media coverage of the delegation's humanitarian mission, with reportedly one photograph showing Ak_n Birdal, Mehmet Ihsan Arslan and Fetullah

Erba_ at the PKK camp under a PKK flag, and much criticism when the mission failed, the delegation was declared by the Turkish authorities to have been in support of the PKK and as such liable to prosecution. Fetullah Erba_ has parliamentary immunity from prosecution.

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

- expressing concern about the detention of Ak_n Birdal three days after return from a failed humanitarian mission to Northern Iraq to secure the release of Turkish soldiers held by the PKK;
- pointing out that Ak_n Birdal has in no way advocated or committed violence and is, therefore, considered to be a prisoner of conscience;
- calling for his immediate and unconditional release;
- seeking assurances that he is being treated humanely in detention in accordance with international standards;
- expressing concern also about the arrest warrant issued for Mehmet Ihsan Arslan who would also be a prisoner of conscience if detained.

APPEALS TO:

1. Prime Minister:

Mr Necmettin Erbakan
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

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

Faxes: +90 312 417 0476

Salutation: Dear Prime Minister

2. State Minister with responsibility for Human Rights:

Mr Lütfü Esengül
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

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

Faxes: +90 312 417 0476

Salutation: Dear Minister

3. Chief Prosecutor at Ankara State Security Court:

Mr Nuh Mete Yüksel
Ankara DGM Ba_savc_s_
Ankara DGM Savc_l____
Ankara, Turkey

Telegrams: DGM Bassavciligi, Ankara, Turkey

Salutation: Dear Prosecutor

COPIES TO:

Minister of Foreign Affairs

Mrs Tansu Çiller
Ministry of Foreign Affairs
D_i_leri Bakanl____
06100 Ankara, Turkey

Fax: +90 312 419 1547

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 5 October 1996.