

UA 450/94

Prisoners of conscience

22 December 1994

TURKEY Mahmut _akar, lawyer, secretary of Diyarbakir branch of the Turkish Human Rights Association (HRA)
Nimetullah Gündüz, lawyer, board member of Diyarbak_r HRA
Abdullah Ça_er, lawyer, board member of Diyarbak_r HRA

Sedat Aslanta_, lawyer, former president of Diyarbak_r HRA
Mahmut Akkurt, lawyer

Yavuz Önen, President of Turkish Human Rights Foundation (TIHV)
Fevzi Argun, board member of TIHV
Ak_n Birdal, National President of the HRA
Hüsnü Öndül, lawyer, HRA General Secretary

In a further grave setback to human rights in Turkey, three prominent human rights lawyers have been imprisoned, pending trial, for publishing a report on human rights violations in southeast Turkey. As trials of other leading human rights defenders reach their final stages, Amnesty International is urgently concerned that the persecution of such activists in Turkey must be halted.

Mahmut _akar, Nimetullah Gündüz, and Abdullah Ça_er, all officials of the Diyarbak_r branch of the Turkish Human Rights Association (HRA), were arrested on 16 December 1994 and are now in custody, pending trial, at Diyarbak_r E-type Prison. They are charged under Article 8 of the Anti-Terror Law which provides for long terms of imprisonment for "separatist propaganda" irrespective of whether the writings or speeches in question contain any advocacy of violence.

The Diyarbak_r HRA's report on violations in southeast Turkey was published in November. On 13 December it was banned by Diyarbak_r State Security Court. To Amnesty International's knowledge, the report contained no advocacy of violence, and the organization considers the three lawyers to be prisoners of conscience, detained in violation of Article 10 of the European Convention on Human Rights, which safeguards the right to freedom of expression. Turkey is a State Party to the Convention.

Several trials of human rights defenders are now reaching their final stages. Sedat Aslanta_, arrested on 5 December 1994, has been sentenced to three years' imprisonment under Article 8 of the Anti-Terror Law for a speech he made at the HRA's congress in October 1992. He is currently being held in Ankara Closed Prison. Mahmut Akkurt, arrested on 31 October 1994, has been sentenced to 14 months' imprisonment for a speech he made two years ago at a public meeting when he was president of the Bal_kesir branch of the HRA. Mahmut Akkurt was convicted under Article 312 of the Turkish Penal Code for "praising a crime". To Amnesty International's knowledge he did not advocate violence. He is currently serving his sentence in Kepsut prison, Bal_kesir province.

Among the dozens of other human rights defenders, not currently in custody, but on trial and threatened with imprisonment, are Yavuz Önen and Fevzi Argun. Both are being prosecuted under Article 8 of the Anti-Terror Law by Ankara State Security Court for alleged "separatism" in two sentences contained in the TIHV publication *Torture File 1980-1994*, a comprehensive survey of torture and deaths in custody since the military coup of September 1980. Verdicts

are expected in January 1995 in trials against the Ak_n Birdal and Hüsnu Öndül, in respect of their publications on human rights issues.

BACKGROUND INFORMATION

Founded in 1986, the HRA has 56 branches throughout the country and a membership of 15,000. The HRA is not linked to any political party or movement. As well as monitoring abuses by government forces, the HRA has on numerous occasions condemned human rights abuses by armed opposition groups. A sister organization, the Turkish Human Rights Foundation (TIHV), runs three treatment centres for torture survivors in Ankara, Izmir and Istanbul, and a documentation centre in Ankara.

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

- calling for the immediate and unconditional release of the Turkish Human Rights Association officials Mahmut _akar, Nimetullah Gündüz, and Abdullah Ça_er, who are currently held in Diyarbak_r E-type Prison, pending trial.
- stating that these human rights defenders are imprisoned for expressing their non-violent opinions, and are therefore prisoners of conscience held in violation of Article 10 of the European Convention on Human Rights, which safeguards the right to freedom of expression;
- pointing out that Turkey is a State Party to the European Convention on Human Rights;
- expressing concern at the increasing number of human rights activists imprisoned (for example, Sedat Aslanta_ and Mahmut Akkurt), or threatened with imprisonment (Yavuz Önen, Fevzi Argun, Ak n Birdal and Hüsnu Öndül);
- calling for Article 8 of the Anti-Terror to be repealed or amended as a matter of urgency.

APPEALS TO

Please send appeals to one or more of the following, who are among those members of parliament who have opposed reform of the Anti-Terror Law which might have halted the imprisonment of prisoners of conscience:

1. Necmettin Erbakan, leader of Refah (Welfare Party)
2. Mesut Y_lmaz, leader of ANAP (Motherland Party)
3. Alparslan Türke_, leader, MHP (Nationalist Action Party)
4. Baki Tu_, True Path Party (DYP)
5. Co_kun K_rca, True Path Party (DYP)
6. Ya_ar Topçu, True Path Party
7. Oltan Sungurlu, ANAP

Parliament address:

Türkiye Büyük Millet Meclisi
Ankara
Turkey

Faxes: +90 312 420 5165 or +90 312 420 6941

Telegrams: (MP's name), TBMM, Ankara, Turkey

Salutation: Dear Minister

Minister of Justice:

Mr Mehmet Mo_ultay
Adalet Bakanl____

06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey

Faxes: +90 312 417 3954

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Hürriyet (Newspaper)

Bab_ali Cad. 15/17

Posta Kodu 34360

Ca_alo_lu-_stanbul, Turkey

and to diplomatic representatives of Turkey accredited to your country.

You may also send copies of your appeals, and best wishes to the prisoners:

Av Mahmut _akar, Av Nimetullah Gündüz, Av Abdullah Ça_er

Diyarbak_r E-tipi Cezaevi, 31. Ko_u_, Diyarbak_r, Turkey.

Av Sedat Aslanta_

Ankara Merkez Kapal_ Cezaevi, Ankara, Turkey

Av Mahmut Akkurt

Kepsut Cezaevi, Kepsut, Bal_kesir, Turkey

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your office, if sending appeals after 15 February 1995.