

Judicial harassment of human rights defenders Turkey – ‘repeal one law, use another’.

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Human rights defenders in Turkey continue to be targeted for harassment and intimidation by state officials. Trials and investigations are frequently opened against human rights defenders. While such trials usually end in acquittal or a sentence which is suspended or commuted to a fine, Amnesty International considers them to be a form of state harassment designed to intimidate human rights defenders and restrict their activities.

The level of this judicial harassment means that many human rights organizations and activists have great trouble keeping track of the investigations and cases opened against them and the result is a heavy impediment to their work. Such pressure has the impact of discouraging others from becoming involved in the defence of human rights. Many such cases result in financial penalties against an individual or organization. Such fines are often a heavy burden upon human rights organizations who struggle to pay them.

Despite recent legal and constitutional reforms, the law contains many possible pretexts with which to restrict or punish the work of human rights defenders in Turkey. As some laws have been changed, new regulations are found with which to obstruct their activities - a case of ‘change one law, use another’. Prosecutions are arbitrary and vary throughout the country – activities which may go allowed in one province will be restricted, investigated or prosecuted in another.

An example of these ‘alternative charges’ are the legal proceedings which were opened against the Human Rights Association (İnsan Hakları Derneği, IHD) when it printed posters to commemorate Human Rights Day in December 2003. The posters, which were distributed nationally, carried the words “Peace will win, everybody is equal, everybody is different” in Turkish and Kurdish.

In Van, a city in eastern Turkey, the posters written in Kurdish were confiscated on the order of the Public Prosecutor on the basis that the display of posters in Kurdish ‘was damaging to the basic qualities of the [Turkish] Republic’. Subsequently, the posters were confiscated in other cities. While this decision was swiftly overruled by the Ministry of Justice, the damage had already been done since by that time Human Rights Week had passed.

Instead, legal proceedings were opened against IHD representatives under other pretexts. Trials were opened against Vetha Aydın, the chair of the Siirt branch, and Hüseyin Cangir, the chair of the Mardin branch, ostensibly because posters had been hung on municipal billboards without permission from the governor. While Vetha Aydın was acquitted on 19 April 2004, Hüseyin Cangir was given a heavy fine on 21 April.

Furthermore, a trial began on 12 October 2004 in which lawyer Mikail Demiroğlu is being prosecuted for ‘exerting influence and force to prevent the execution of any of the provisions of law or regulations.’ According to his statement and those of several witnesses, he had advised members of the IHD branch in Hakkari, whose offices are in the same building as his, that police officers were entitled to confiscate the posters if they had a warrant to do so. The police officers did not have a copy of the warrant with them and therefore had to return later.

Recommended actions

Country and TURKRAN coordinators and groups working on human rights defenders should send politely worded letters to the Turkish authorities in English or your own language:

- expressing concern about the ongoing trial against Mikail Demirođlu, and the fine against Hüseyin Cangir – both human rights defenders;
- calling on them to act to ensure that state officials respect the legitimacy of the work of human rights defenders and allow them to carry out this work without hindrance or harassment;
- asking them to review all outstanding prosecutions of people for the peaceful exercise of their rights to freedom of expression, association and assembly;
- requesting that they closely monitor investigations opened against human rights defenders and take effective action to sanction state officials who abuse their powers to harass human rights defenders or restrict their legitimate activities.

<p>Minister of Justice</p> <p>Mr Cemil Çiçek Ministry of Justice Adalet Bakanlığı 06659 Ankara, Turkey</p> <p>E-mail: <a href="mailto:cemilcicek@adalet.gov.tr">cemilcicek@adalet.gov.tr</a></p> <p>Fax: +90 312 287 3869</p> <p>Salutation: Dear Minister</p>	<p>State Minister with responsibility for Human Rights</p> <p>Mr Abdullah Gül, Office of the Prime Minister, Başbakanlık, 06573 Ankara, Turkey</p> <p>E-mail: <a href="mailto:abdullah.gul@basbakanlik.gov.tr">abdullah.gul@basbakanlik.gov.tr</a></p> <p>Fax: + 90 312 287 8811</p> <p>Salutation: Dear Minister</p>
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Please send copies of your letters to diplomatic representatives of Turkey accredited to your country.