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TURKEY: Imprisonment of Ismail Safer, editor of a weekly magazine

Turkey has a Kurdish ethnic minority estimated to be some 10 million people, which is not officially recognized by the authorities. Even the right to enjoy a separate cultural identity has been denied by successive governments, and the public use of the Kurdish language is prohibited. The Kurdish population lives mainly in southeastern Turkey. In the past two years the Kurdish question has been discussed more openly in the press, in parliament and in public events, meeting with official sanctions in many cases.

As of June 1990 emergency legislation was in force in 10 provinces in southeastern Turkey. They and a further three provinces are ruled by a regional governor with increased powers who was appointed by the Cabinet on 19 July 1987. The powers of the Emergency Legislation Regional Governor are laid down in a decree having the force of a law, based on Article 121 of the 1982 Constitution and Article 4 of Law No. 2935 of 25 October 1983 on the Competences of Governors. These increased powers include the right to command regular and special security forces, to change posts of civil servants including military personnel and to resettle or deport individuals and the population of whole villages.

These measures were the government response to activities by Kurdish guerrillas who, under the command of the illegal Kurdish Workers Party, PKK, started a guerrilla war on 15 August 1984 with attacks on gendarmerie stations in Erurh and Semdinli. Since then some 2,000 people have been killed on both sides and among the civilian population in southeastern Turkey as a result. In April and May special decrees were issued in response to recent clashes between the local population and the security forces in March and April, which to some extent took on the form of a popular uprising and were termed by some inside and outside Turkey as the "Kurdish intifada". The decrees further increased the exceptional powers of the Emergency Legislation Regional Governor.

Under these decrees, individuals considered to be "dangerous" can be sent into "internal exile" (ordered to live in a specified town outside the region and to report daily to the local authorities). The latter provision appears to contravene international conventions such as the International Covenant on Civil and Political Rights which, in Article 12, provides that: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

Ismail Safer, editor-in-chief of the weekly magazine Halk Gerçeği (People's Reality), was arrested in Istanbul on 22 June 1990 and sent to Sagmalcılar Prison on charges under Article 142(3) of the Turkish Penal

Code. He is accused of "having weakened national feelings" (by disseminating separatist propaganda) in two articles in the sixth issue of the magazine. He is currently awaiting trial in Istanbul State Security Court. No date has been set as yet for the first hearing.

The weekly magazine Halk Gerçeği started publication at the end of April 1990. Many articles referred to the conditions and incidents in southeastern Turkey. Two out of nine issues have been confiscated so far. On 28 June the magazine was closed down by the authorities under the provisions of Decree 413 of 9 April 1990, as amended by Decree 424 in May. They provide that publications whose reporting on southeastern Turkey "could lead to public unrest" can be banned, penalized with high fines or, together with the printers, closed down altogether. Besides Halk Gerçeği, the weekly magazine 2000e Dogru (Towards 2000) and the printing house Il_cak, which was printing both magazines, were closed down on 28 June.

Amnesty International knows of no evidence that any of the articles in Halk Gerçeği advocated the use of violence. Ismail Safter is, therefore, considered to be a prisoner of conscience and his imprisonment to be in violation of his right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights, to which Turkey is a State Party. Amnesty International is appealing for his immediate and unconditional release.