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TURKEY: DISAPPOINTING LEGAL CHANGES WILL NOT RESTORE FREEDOM OF
EXPRESSION

Amnesty International expressed deep disappointment over the modifications to Article 8 of the Anti-Terror Law agreed by the Turkish parliament and president over the weekend.

"We can find little to applaud in changes which leave intact legislation under which people can be jailed for expressing non-violent opinions," Amnesty International said today.

"The changes in the Anti-Terror law neither secure the release of prisoners of conscience currently in custody, nor rule out future prosecutions and prison sentences for people expressing non-violent opinions."

Under the revision "separatist propaganda" remains an imprisonable offence, even when the defendant has in no way advocated violence, but the phrase "irrespective of the methods and aims and ideas" has been removed. Maximum sentences were reduced from five years to three years, and in dealing with first offences, courts are given discretion to fine or give suspended sentences. Prisoners already serving sentences will, however, be considered for possible release by State Security Courts during the next month.

Pressure for change to Article 8 increased during 1995, largely as a result of the European Parliament's condition that a planned customs union between the European Union (EU) and Turkey could only be approved after clear progress in human rights. As it became obvious that the Turkish government was not even considering the urgently needed broader reform, including measures for the prevention of torture and "disappearance", argument began to focus on Article 8 as a minimum gesture. This minimum gesture has now been trimmed almost to insignificance.

Amnesty International noted that as pressure for change increased, prosecutors switched to alternative articles of the Turkish Penal Code (TPC) in their prosecution of dissident writers, artists, journalists and human rights activists. Aliza Marcus, a *Reuters* correspondent currently on trial in Istanbul State Security Court for a news dispatch issued by the news agency in November 1994, is one of a growing number of people tried under Article 312 which covers various forms of incitement. On 23 October Fevzi Gerçek, president of a health workers' union, began a two year sentence under Article 312 for an article in a minor political journal.

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