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Turkey: Injustice continues despite welcome reforms

Amnesty International is shocked by the decision to prolong the imprisonment of Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan. As prisoners of conscience, they should be released immediately and without condition.

Their sentencing today to 15 years imprisonment represents a missed opportunity to end the previous injustice. In addition, Amnesty International is seriously concerned about the fairness of the retrial's proceedings and calls on the Turkish authorities to abolish the State Security Courts in order to ensure that Turkish justice meets international standards.

Amnesty International members around the world have been campaigning for the release of the four former deputies of the Turkish parliament since they were sentenced in December 1994 to 15 years' imprisonment for membership of an illegal armed organization, the Kurdish Workers' Party (PKK). Amnesty International adopted Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan as prisoners of conscience.

The organization considers the prosecution to have been motivated by a decision to punish the four former deputies who had based their non-violent political activities around the Kurdish question (for further information see Amnesty International report *Turkey: The colours of their clothes -- parliamentary deputies serve 15 years' imprisonment for expressions of Kurdish political identity*, AI Index: EUR 44/85/97, December 1997).

The retrial of the four former deputies started in April 2003. It results from a Turkish law introduced in February 2003 that allows for new trials of individuals where Turkish court proceedings had been found by the European Court of Human Rights to have been in violation of the European Convention on Human Rights (ECHR). Although Amnesty International believes that the former deputies should have been released unconditionally, the retrial offered the opportunity to end the injustice of their continued imprisonment.

However, court proceedings have apparently violated the four individuals' right to the fair trial in the same way as the original verdict in 1994 that imprisoned them, which the European Court of Human Rights condemned in 2001. The new proceedings seem to be a replay of the original trial, designed to uphold the original verdict.

Although the military judge present in the original trial has been removed from State Security Courts, this is not enough to ensure that a trial is conducted according to internationally agreed standards of fairness. While Amnesty International welcomes the measures the current Turkish

government has introduced in the area of human rights protection, this verdict -- and those in many other trials -- raise important concerns regarding State Security Courts. Amnesty International therefore calls on the Turkish government to abolish State Security Courts to meet international standards and to take steps for the immediate and unconditional release of Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan.

Background

Amnesty International delegates observed several sessions of the retrial and reported practices that were apparently short of international fair trial standards. They repeat aspects of the first trial of Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan, which the European Court of Human Rights ruled in July 2001 was unfair.

Amnesty International noted several areas of concern including:

- The chief judge displayed a pre-formed opinion about the case since he had initially opposed the request for a retrial on the grounds that, in his opinion, the initial trial was not in contravention of the ECHR. Although he was overruled by two other judges, he continued to preside over the case;
- The State Security Court has continually refused to suspend the prison sentences of Leyla Zana, Orhan Dogan, Hatip Dicle and Selim Sadak and release them on bail pending the verdict of the retrial -- despite the fact that they have already been imprisoned for nine and a half years;
- The different approach of the State Security Court to witnesses, lawyers and evidence of the defence and those of the prosecution, including the denial of the right of the defendants and their legal representatives to cross-examine the witnesses who testified against them.

Public Document

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