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Turkey attempts to silence human rights activists

The Turkish authorities continue to curb freedom of speech by using controversial Article 312 to silence human rights activists, Amnesty International said today.

Leading human rights activist Akin Birdal has been sentenced to two one-year prison terms for speeches he gave on World Peace Day in 1995 and 1996. Just two days before he is due to go to prison again on March 23, Akin Birdal will have to stand trial in Adana for a third speech he made during an election campaign in Tarsus.

An Amnesty International representative will observe the trial in Adana and accompany Akin Birdal during his last days of freedom.

“Akin Birdal is risking his freedom and his life in the struggle for basic human rights in Turkey. If his imprisonment is not stopped, Amnesty International will again adopt Akin Birdal as a prisoner of conscience and campaign for his unconditional and immediate release,” Amnesty International said.

Many people have been sentenced under articles of Turkish law which deny freedom of expression and directly contravene the European Convention on Human Rights to which Turkey is a state party.

Victims of Article 312 (2) of the Turkish Penal Code include; Akin Birdal, lawyer and human rights activist Esber Yagmurdereli who has been imprisoned since June 1998, the former Mayor of Istanbul, Recep Tayyip Erdogan, and recently convicted former Prime Minister and leader of the banned Welfare Party, Necmettin Erbakan.

Amnesty International hopes the current debate on Article 312 in political and media circles will lead to swift and thorough legal reforms in order to bring Turkish law into line with international human rights law.

Background

Akin Birdal was charged with “inciting people to hatred and enmity on the basis of class, race or regional difference” under Article 312 (2) of the Turkish Penal Code. His offence was to call for a peaceful approach to the Kurdish issue and to use the phrase “the Kurdish people” in speeches he made at public meetings in September 1995 and September 1996. He was imprisoned despite medical concerns on 3 June 1999.

Shortly before several important international summits and as a result of international campaigning for his release, Akin Birdal was temporarily released from prison on 25 September 1999 for six months on medical grounds. Amnesty International welcomed this step, but declared it insufficient and continued to call for all charges against him to be dropped.

Akin Birdal's temporary release from prison was meant to enable him to receive proper medical treatment, however he was banned from leaving the country and prevented from taking advantage of offers of specialized medical treatment abroad.

Akin Birdal was the president of Turkey's largest human rights organization, the Human Rights Association (IHD), until he was forced to resign on 22 June 1999. He has been deprived permanently of his right to be a member of any association.

In an assassination attempt in May 1998, two men repeatedly shot at Akin Birdal in the office of the IHD in Ankara in broad daylight. In Amnesty International's view the Turkish authorities created the climate for the shooting of Akin Birdal by falsely associating him with the Kurdistan Workers' Party (PKK). In the immediate aftermath of the attempted murder the then Prime Minister claimed that the shooting was an "internal settling of accounts", linking the IHD to the PKK. In fact, investigations led to the indictment of people from an ultra-nationalist group, the Turkish Revenge Brigade" (TIT), including a retired army officer and a serving gendarmerie officer. On 29 December 1999 nine of them were sentenced to prison terms from one to 19 years in relation with this crime.

The assassination attempt and his imprisonment are part of a broader campaign against the IHD and other human rights organizations in Turkey. The IHD branch in Diyarbakir has been closed since May 1997, the branch in Malatya since 28 February 2000. Amnesty International calls on the Turkish authorities to allow the closed branches to be reopened and all human rights defenders to safely monitor and report human rights matters as set out in the UN Human Rights Defenders Resolution of 9 December 1998.

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For more background information please consult the report "Turkey: Creating a silent society: Turkish Government prepares to imprison leading human rights defender", February 1999, AI Index: EUR 44/05/99 and the News Service: 107/99 Turkey: Akin Birdal adopted as prisoner of conscience by Amnesty International, 3 June 1999, AI Index: EUR 44/37/99

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