

PUBLIC

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UA 31/07 **Prisoners of Conscience / Unfair Trial**

TURKEY **Mehmet Desde (m)**
Mehmet Bakır (m)
Hüseyin Habip Taşkın (m)
Maksut Karadağ (m)
Şerafettin Parmak (m)
Metin Özgünay (m)
Ömer Güner (m)
Ergün Yıldırım (m)

The eight men named above are facing imminent imprisonment, solely for their non-violent political beliefs. They were convicted following an unfair trial, largely on the basis of statements allegedly extracted under torture. If the eight are imprisoned, Amnesty International will consider them to be prisoners of conscience.

On 25 December 2006, the 9th Chamber of the Court of Cassation, Turkey's highest court, upheld the March 2006 convictions of Mehmet Desde, Mehmet Bakır, Hüseyin Habip Taşkın, Maksut Karadağ and Şerafettin Parmak for "membership of an illegal organization", and of Metin Özgünay, Ömer Güner and Ergün Yıldırım for "supporting an illegal organization". The convictions relate to the men's alleged connection with the Bolshevik Party (North Kurdistan/Turkey), a small, non-violent opposition party. During their trial the men denied being members of the group.

The evidence used to convict the eight consisted mainly of statements allegedly extracted from some of them under torture, as well as the discovery of legal journals in their possession, and leaflets and stickers in the name of the Bolshevik Party (North Kurdistan/Turkey). The eight were detained on 9-10 July 2002.

The men are currently at liberty and living in different towns in Turkey, but face imprisonment in the coming days when arrest warrants are issued on the basis of the Court of Cassation's decision. Mehmet Desde, Mehmet Bakır, Hüseyin Habip Taşkın, Maksut Karadağ and Şerafettin Parmak face 30-month prison sentences (of which they will serve around 17 months, having already served six months), while Metin Özgünay, Ömer Güner and Ergün Yıldırım face 10-month sentences (of which they will serve seven and a half months).

The decision by the 9th Chamber of the Court of Cassation to uphold the convictions comes after a prolonged judicial process which has seen two retrials of the eight men, and two previous decisions by the Court of Cassation to quash verdicts of the lower court in the town of Izmir. The Izmir public prosecutor in both retrials had recommended the acquittal of the defendants, and the Chief Public Prosecutor of the Court of Cassation recommended that the verdicts be quashed.

The decision by the Court of Cassation is all the more disturbing in view of the fact that a separate case against four police officers accused of torturing Mehmet Desde when he was first detained in 2002 is continuing. The 8th Chamber of the Court of Cassation has been considering an appeal against the acquittal of the police officers since December 2004.

Amnesty International regards the final verdict against the eight as evidence of a continuing pattern of unfair trial proceedings which blights Turkey's criminal justice system. The background to the unfair trial of Mehmet Desde and others is documented at length, alongside other cases, in a report focusing on trials for those charged under anti-terrorism legislation published by Amnesty International in September 2006 (*Turkey: Justice Delayed and Denied: The persistence of protracted and unfair trials for those charged under anti-*

terrorism legislation, AI Index: EUR 44/013/2006). The right to a fair trial is enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights. As a State Party to both these conventions, Turkey has a legal obligation to uphold the right to a fair trial for all those under Turkish jurisdiction.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French, or your own language:

- expressing concern at the decision by the 9th Chamber of the Court of Cassation to uphold the convictions of the eight men named above;
- stating that Amnesty International will regard the eight men, if imprisoned, as prisoners of conscience punished solely for their non-violent political beliefs;
- calling on the Chief Public Prosecutor at the Court of Cassation to take urgent steps to apply to the General Penal Board of the Court of Cassation for the cancellation on substantive grounds of the verdict by the 9th Chamber of Court of Cassation of 25 December 2006;
- recalling that the case against four police officers alleged to have tortured Mehmet Desde in July 2002 continues, and that a decision of the 8th Chamber of the Court of Cassation to confirm or quash their acquittal has been pending since December 2004

APPEALS TO:

Mr Nuri Ok
Chief Public Prosecutor of the Court of Cassation
Yargıtay Cumhuriyet Başsavcısı
Yargıtay Cumhuriyet Başsavcılığı
Bakanlıklar, Ankara, Turkey
Fax + 90 312 419 1652
Salutation: Dear Mr Ok

Mr Osman Şirin
President of the General Penal Board of the Court of Cassation
Yargıtay 1. Başkanı Vekili
Yargıtay Ceza Genel Kurul
Yargıtay Ana Bina, Ankara, Turkey
Fax: + 90 312 425 9814
Salutation: Dear Mr Şirin

COPIES TO:

Mr Cemil Çiçek
Minister of Justice
Adalet Bakanlığı, 06659 Kızılay, Ankara, Turkey
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Mr Abdullah Gül
Minister for Foreign Affairs and State Minister with responsibility for Human Rights
Ministry of Foreign Affairs, Dışişleri Bakanlığı, 06100 Ankara, Turkey
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and to diplomatic representatives of Turkey accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 March 2007.