



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 16 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Social Rights Democracy Privacy
No Racism Peace No War Civil Rights
Self-Determination of Peoples No Torture
Human Rights Rights of Migrants

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EUROPEAN LAWYERS: PROTEST AGAINST ONGOING ARRESTS IN TURKEY

ELDH is gravely concerned about the ongoing wave of arrests in Turkey.

Some 8.000 politicians, trade-unionists, journalists, artists, students, human rights activists as well as their lawyers have been the victims of mass arrests in Turkey since 2009. Most of them have been arrested as part of the KCK operation mounted by the Turkish Government. The KCK or Union of Communities in Kurdistan is a Kurdish organization, founded by Abdullah Öcalan, which is suspected by the Turkish Government of collaboration with the PKK. The arrests took place on the basis of the Turkish Anti-Terror Law of 1991.

In a response to the concerned request of the European Commission, the Turkish government acknowledged in October 2011 only the continued detention of 605 persons. Many others are facing long prison sentences. Although the European Union has expressed its concern, the wave of arrests is still going on.

In October 2011 a great number of human rights activists were arrested, among them Mr. Ragıp ZARAKOLU (Publisher, who has been nominated for the Nobel Prize by members of the Swedish Parliament. He is one of the founders of the Turkish Human Rights Association IHD) Prof. Büsra ERSANLI (a constitutional law expert), Ayşe BERKTAY (Hacimirzaoglu), a respected translator, researcher and global peace and justice activist, and also one of the main organizers of the World Tribunal on Iraq in Istanbul in 2005. Their trial has started on 2nd July 2012 in Istanbul. There are 205 defendants in this case altogether. The next hearing will be on 4th February 2013.

These violations of human rights have culminated in mass arrests of 36 Turkish and Kurdish lawyers, during raids which were simultaneously carried out in many Turkish cities and provinces in November 2011. In 2010 the vice president of the IHD (The Turkish Human Rights Association) Muharrem Erbey, a lawyer from Diyarbakir, had already been arrested. He is still in prison without judgment and was not even released to receive the Ludovic-Trarieux Prize from the German Minister of Justice in November 2012. In January this year, ELDH together with other lawyers associations organized protests in front of Turkish Embassies in several European countries against these arrests. Their trial has started on 16th July 2012 also in Istanbul. The next hearing will be on 3rd January 2013 in Istanbul.

Similar raids were carried out on 20 December 2011 against journalists in Turkey, and 20 have been arrested. 44 of them stand on trial now. The trial started on 10th September 2012 in Istanbul. On **27th December 2012 will be the** next hearing in OdaTV case.

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On 8-9th of May 2012 anti-terror squads carried out simultaneous raids in more than 10 cities and took 94 people into custody; they were accused of being members of a terrorist organization called RPLP-F (Revolutionary People's Liberation-Front). Then, a couple of days later 33 of them were arrested. At the end of May 2012 the prominent Kurdish MP, Leyla Zana, was sentenced to 10 years prison for allegedly 'spreading propaganda' for the banned Kurdistan Workers Party (PKK) in nine speeches she delivered over a period of time.

In the most recent wave of arrests, the trade unionists of Turkey have been targeted. On 25th June 2012 police raids in 8 cities of Turkey took place and 58 trade unionists who are members of the Confederation of Public Worker's Unions (KESK) and of the Union of Education (Egitim-Sen) were arrested. Among them is the Chair of KESK, Mr. Lami Özgen. KESK is the biggest organisation of public workers in Turkey, which is also member of the *European Trade Union Confederation, ETUC*.

Following the arrests, mass trials have started or will start in different places, in some cases many months or even years later. Turkish Minister of Justice Sadullah Ergin, in his answer to the parliamentary question by Peace and Democracy Party (BDP) MP Emine Ayna, stated that 2,146 people are tried within the scope of the Kurdish Communities Union (KCK) investigations in Turkey. Among the KCK suspects, 992 are in prison and 274 are elected representatives, according to figures by the Ministry of Justice.

Within its resources ELDH has undertaken trial observations and will continue to do so.

During the last decades many European and international organisations have expressed grave concern at gross human rights violations in Turkey. However, neither the European Union nor the UN has ever threatened Turkey with sanctions as a result.

In its Progress Report for 2011 the European Commission states: "Frequent use of arrests instead of judicial supervision, limited access to files, failure to give detailed grounds for detention decisions and revisions of such decisions highlight the need to bring the Turkish criminal justice system into line with international standards and to amend the anti-terror legislation." The European Commission criticizes in particular procedural deficiencies in the KCK trial in Diyarbakir and the arrest of locally elected representatives and of human rights activists.

The UN Human Rights Council concluded in its Report of the Special Rapporteur on the Independence of Judges and Lawyers, published in 2012: "Another serious challenge for the judiciary in Turkey is the need to ensure that the measures used to combat terrorism are compatible with international human rights principles and standards."

The concern felt by ELDH is confirmed by the report of the European Court of Human Rights, published in February 2012. Since the establishment of the Court the majority of its violation judgements concern Turkey, even more than Russia. Over the whole period there have been 2,747 judgments against Turkey, and only in 57 cases were no human rights violation found.

Against the background of the wave of mass arrests and reports on human rights violations in Turkey ELDH condemns in the strongest possible terms the above mentioned actions and demands the following:

- The release of all political prisoners in Turkey, including Abdullah Ocalan
- The stay of all politically based proceedings against political opponents, human rights activists, journalists and their lawyers, especially the procedures against the Kurdish MP Leyla Zana, against the lawyer and IHD Vice President Muharrem Erbey, and the Chair of KESK, Mr. Lami Özgen
- The elimination of the legislative basis for such proceedings in the Turkish constitution and the Turkish criminal law. The Turkish Anti-Terror Law of 1991 protects the security of the state at the expense of the freedom and security of individuals, violates international human rights law and must therefore be repealed.
- The rehabilitation and compensation of the victims of such prosecution in Turkey
- The elimination of all shortcomings concerning human rights as described by the reports of the European Commission, the UN Human Rights Council and the European Court of Human Rights.
- An international independent investigation into the actions noted above with the objective of holding those responsible for these arrests accountable for violations of fundamental human rights.

ELDH demands from the European Union and the United Nations that these organisations should not content themselves with writing reports on Human Rights violations in Turkey, but should use their political and economic influence on Turkey to put an end to arbitrary and politically motivated mass arrests.