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PUBLIC STATEMENT

TURKEY

Freedom of expression denied

On 31 July the Secretary General of Amnesty International, Pierre Sané, wrote to the then Justice Minister Oltan Sungurlu expressing concern about a number of issues, including the sentence imposed by Diyarbakır State Security Court on Recep Tayyip Erdoğan, the mayor of Istanbul on 21 April 1998.

The sentence of 10 months' imprisonment was imposed under Article 312/2 of the Turkish Penal Code, for a speech Recep Tayyip Erdoğan had delivered in Siirt on 6 December 1997. The indictment referred specifically to four lines from a poem by Ziya Gökalp -- lines which in no way advocate violence, and which, moreover, appear in a book recommended to students and teachers by the Ministry of Education.

The sentence against Recep Tayyip Erdoğan, which is clearly in breach of the European Human Rights Convention, has been referred to the Court of Appeal. If the sentence were to be upheld and Recep Tayyip Erdoğan imprisoned, Amnesty International would consider him a prisoner of conscience and work for his immediate release.

In this connection it should be emphasized that Amnesty International would oppose any attempt to reimpose limits on freedom of expression concerning religion and politics in Turkey.

An apparently genuine draft of a law severely limiting freedom of expression related to religious issues was leaked in late September 1997. Among other provisions the proposed law provides for heavy terms of imprisonment (up to 15 years and eight years respectively) for leaders and members of organizations wishing to bring the state under religious rule "*aiming to change the characteristics or right of exercise of sovereignty or bring the use of basic rights and freedoms and the structure of the state in conformity with religious principles*", and up to five years for persons spreading propaganda for such purposes or six years for those participating in demonstrations to the same end.

Such provisions are virtually a restatement of the infamous Article 163 of the Turkish Penal Code, the abolition of which Amnesty International publicly welcomed in 1991.

Amnesty International, which recognized a number of people jailed under Article 163 as prisoners of conscience, and continues to campaign worldwide for the freedom of religious expression, would consider any renewal of such repressive provisions as a grave retrograde step.

The Republic of Turkey is a State Party to the European Human Rights Convention, Article 10 of which safeguards freedom of expression. There is little doubt that the imprisonment of any person under such provisions, should they become law, for the expression of their non-violent opinions would be successfully challenged as being in breach of the Convention.

Amnesty International therefore urges the Turkish Government to reject any initiatives to limit the freedom of expression of Turkish citizens provided for under international human rights law.

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