

BULLETIN ABOUT

**“ARRESTMENT STORM” AGAINST
KURDS IN TURKEY**

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Kongreya Neteweyî ya Kurdistan
Kurdistan National Congress
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“ARRESTMENT STORM” AGAINST KURDS IN TURKEY

TMK was approved in Turkey in 1991, four years after the state of emergency was introduced in Turkish Kurdistan. Although since 2002 certain improvements were made to TMK in accordance with EU accession, in June 2006 many of the improvements were retracted. TMK today is in place to prioritize the states freedom and security as opposed to the people’s freedom and security, many liberties are severely restricted. Whereas it is increasingly difficult to stand up against human rights abuses through the justice system, on the other hand security forces are given a certain degree of immunity in the face of the law. TMK should be completely abolished. The courts are allowed to determine an individual is a member of a criminal organization if they have been deemed to have committed a crime on behalf of that organization. Due to this legislation the courts have imprisoned thousands of Kurdish people not least of all many hundreds of children for participating in peaceful protests, distributing pamphlets, attending press conferences and taking part in similar activities. And all of these people have been charged with being members of a terrorist organization.

The “arrestment storm” against the Kurds has been ongoing since 14 April 2009. Especially after the general elections on 12 June 2011, the arrestments have accelerated and the judicial process has decelerated. Therefore, Kurdish politicians, NGO members, activists, lawyers, members of trade unions and students are still arrested because of the slow judicial system. Actually, we define this situation as punishment without trials. The organized democratic forces including members of the unions are facing an unprecedented wave of attacks and pressure and all of the arrested people are being accused as “members of KCK”. KCK is the Union of Communities in Kurdistan. None of these arrested politicians were part of the violence. According to the Anti Terror Law, all speeches or democratic demonstrations for demanding the “Kurdish Identity” are regarded as “terrorist activity” by the prosecutors in Turkey.

Turkey takes the lead with 12,897 convictions for terror offences which make up more than a third of all terror convictions around the world, but in the last 6 months the number of terror convictions in Turkey rocketed to 14,953. There is still a significant gap to China as the second country on the list with about 7,000 convictions. The number of convictions of terror offences in Turkey has increased after amendments of the Anti-Terror Law from 273 in 2005 to 6,345 in 2009. This wave of violence is devoted to eliminate Kurdish politicians. We have to remember that 8 of them include 5 Labor, Democracy and Freedom Block deputies remain behind bars. During the last legislature, 21 deputies have collected 656 indictments in relation to speeches made in public.

About 100 people, most of them lawyers, were taken into custody in the course of the latest KCK operations in several provinces of Turkey on 22 November. The ÖzgürGündem newspaper was raided as well as many private homes and offices. One of the last “Anti-KCK Operation” in Istanbul has been the most argumentative implementation of Turkish Government. BDP’s Political Academy in Istanbul was raided on 28-29 October 2011. More than 50 people were taken into custody by the police’s concurrent operations. 44 of them have been arrested. Prof. BüşraErsanlı, 61 year old (Member of Party Assembly and member of the constitution commission, Lecturer in Marmara University), Mr. RagıpZarakolu, 63 year old (Author, publisher and founder member of Human Rights Association), Mr. Mustafa Avcı (Member of Executive Board of BDP) are some of the arrested figures.

The detentions and arrestments of people without any concrete and serious evidence under the primitive mentality is against human rights. Up until now, about eight thousand active BDP members have been taken into custody and among them five thousand have been arrested within the scope of detention and arrest terror since the local elections in March 2009. Among those arrested are a large number of deputies, mayors, academics, human rights defenders, journalists and intellectuals.

To defend peace against war more powerfully, to give a parliamentary support to the people who are resisting against attacks, to strengthen the resistance front against political operations and to contribute to the struggle of ensuring freedom for HatipDicle and all arrested politicians, the BDP have decided to take part in parliamentary works, to open the way to democratic politics and to re-conduct negotiations.

But detention operations have been intensified since the BDP's return to the Parliament; all the detainees are BDP executives, mayors and central office directors. They began with party members, then they continued to arrest party members but they also began taking party executives and majors into custody. An unprecedented unlawfulness is applied by the police and politicized courts with special authorities under the command of the AKP government which wants to suppress the political opponents in politics under the cover of the fight against terror.

The detentions were part of a wider pattern of repression of pro-Kurdish politicians, and in fact the December 2009 arrest operation was the fourth major crackdown on Kurdish politicians since the DTP won a landslide victory in the local elections of March 2009. Immediately following this success, executives of the DTP, including the party's deputy co-chairmen, were taken into custody and arrested.

As a "model of democracy" for the Arab world, Turkey is now the world's biggest prison far ahead of Iran for journalists, activists, students, children and we have also to include 18 elected mayors and eight deputies. The aim is to create a society silent and dumb into subservience. These tendencies are led from the centre and according to a specific program and this new wave of arrests showed that the Prime Minister does not recognize the right to make politics on legal grounds for Kurds. The "system" seems to know exactly what it is doing.

These operations have no legal basis and the Government wants to intimidate the whole society.

In this contest, the AKP is preparing to make the same old Constitution but dressed with new clothes. These attacks target the reduction of the Kurdish people's influence to build a new Constitution in a democratic way.

We underline that the last operation targeting the lawyers would aim to leave the public without defense and this last violation aims to isolate lawyers from the society. Also, we think that the Government has the real scope to intimidate the people; AKP suspended talks and negotiations with Öcalan and now they are targeting his lawyers.

This is an unacceptable operation against society and those who work and struggle for justice and democracy. This is the last chapter of a Political Genocide. We would say the World is underestimating the regression of civil liberties in Turkey. The International Community, after so many years of its support for the AKP government are finally coming to grips with the tragic reality, which is that Turkey, is an authoritarian and ultra-conservative Government.

When considering the freedom of the press and freedom of expression Turkey is a state in the worst possible condition. It is the country with the highest number of violations in the fields of freedom of the press and freedom of expression.

A total of 71 journalists are behind bars. They have been arrested under allegations of membership to an organization, propaganda for an illegal organization, influencing a fair trial and praising crime and criminals. The list of convicts, defendants and people in pre-trial detention is getting longer and longer.

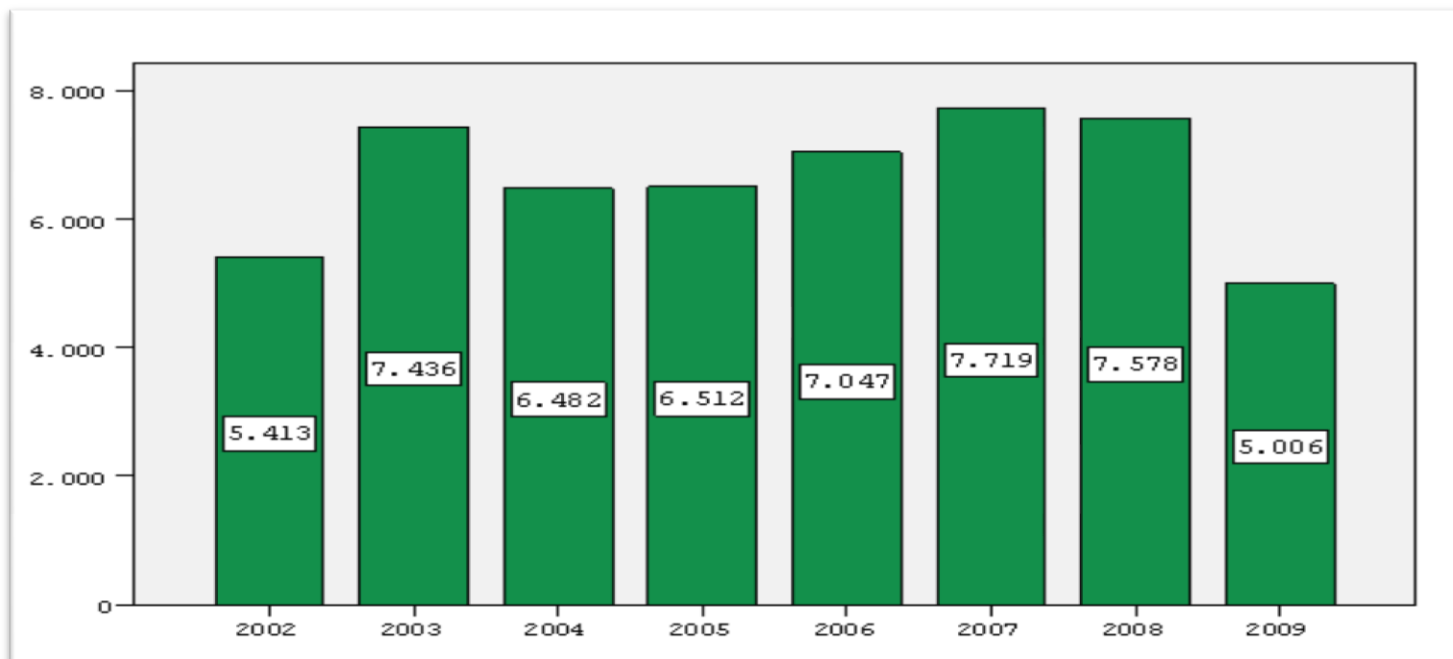
There are many problems arising from freedom of expression in Turkey, especially the Anti-Terror Law. Articles 2 and 5 are not in compliance with the case law of the ECHR and the European Convention on Human Rights. International journalism, human rights organizations and international institutions urged to remove obstacles before freedom of expression in Turkey in their statements.

According to the "Arrested Students Report" prepared by the Istanbul Branch of the Contemporary Lawyers Association (ÇHD), a total of 89 high school and university students are currently being incarcerated in the Gebze M Type Prison, prisons in Kandıra and Tekirdağ, the Edirne F Type Prison and the Bakırköy (Istanbul) Women and Juveniles Detention Centre.

The report states that the overall number of imprisoned students all over Turkey is much higher than that. Attention is drawn to the fact that "oppression of university students has increased and that serious problems occurred regarding the right to freedom of expression and to defence". The report points out that the majority of arrested students are being prosecuted according to Articles 220 and 314 of the Turkish Penal Code (TCK) and Article 7/2 of the Anti-Terror Law (TMK). Many of the students are also being tried on the grounds of the Law on Assembly and Demonstrations (Law No.2911) and under allegations of resistance against the police as stipulated in Article 265 of the TCK.

41 lawyers were taken into custody in Istanbul in November with the accusation of being members of the Union of Communities in Kurdistan (KCK). 33 of them were arrested and detained in prison on 26 November after they had been interrogated at the Beşiktaş (Istanbul) Courthouse. The professionals detained include defense lawyers who are engaged in the main KCK trial handled by the Diyarbakır 6th High Criminal Court. These recent arrests seem to ignore the "Basic Principles on the Role of Lawyers" (Havana Rules) as adopted at the United Nations (UN) Congress in Havana/Cuba in 1990. Law has to guarantee lawyers to carry out their profession with no interference and harassment. The ruling Justice and Development Party (AKP) is also responsible for long periods of detention and arbitrary custodies of dozens of trade union members because everyone has become a target of the AKP, including elected persons of civil rights organizations who are not members of the AKP.

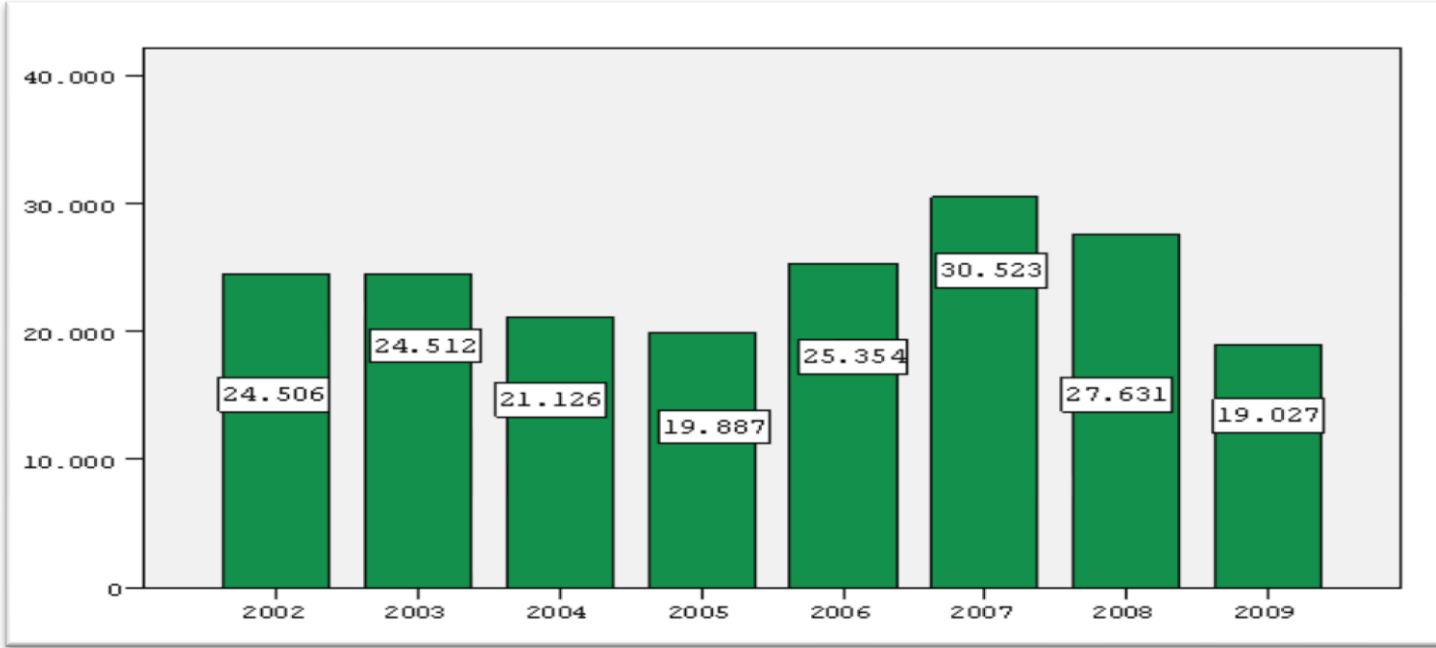
NUMBERS OF TRIALS FROM 2002 TO 2009 (OFFICIAL STATEMENT OF BDP)



TYPE OF TRIALS

ACCUSATION	NUMBERS	%
2911 s.y. (Assembly and Demonstration Law)	4716	8,9
TCK-214 (The inciting of crime)	237	,4
TCK-215-217 (The praising of crime and criminals)	6569	12,3
TCK-215 (The provocation of lawbreaking)	2621	4,9
TCK-216 (The incite malicious activity among the people)	681	1,3
TCK-220 (To form a criminal organization)	8511	16,0
TCK-301 (To hold the Turkish people, the Turkish state and/or its institutions in contempt)	3608	6,8
TCK-302 (To disturb the unity of the state and/or the unity of the country)	421	,8
TCK-307 (The destruction of military facilities or to sign agreements for the benefit of enemies)	7	,0
TCK-309 (Breach of the Constitution)	202	,4
TCK-311 (Crime against the legislature)	4	,0
TCK-314 (To form and command an armed organization)	11043	20,8
TCK-318 (The estrangement of the people from military service)	96	,2
TMK (Anti-terror law)	14477	27,2
Total	53193	100,0

TOTAL NUMBER OF ACCUSED THROUGH THE YEARS



TOTAL NUMBER OF ACCUSED ACCORDING TO ACCUSATIONS

ACCUSATION	NUMBERS	%
2911 s.y. (Assembly and Demonstration Law)	35914	18,7
TCK-214 (The inciting of crime)	523	0,3
TCK-215-217 (The praising of crime and criminals)	25669	13,3
TCK-215 (The provocation of lawbreaking)	6651	3,5
TCK-216 (The incite malicious activity among the people)	1395	0,7
TCK-220 (To form a criminal organization)	43816	22,8
TCK-301 (To hold the Turkish people, the Turkish state and/or its institutions in contempt)	5636	2,9
TCK-302 (To disturb the unity of the state and/or the unity of the country)	978	0,5
TCK-307 (The destruction of military facilities or to sign agreements for the benefit of enemies)	24	0,0
TCK-309 (Breach of the Constitution)	479	0,2
TCK-311 (Crime against the legislature)	4	0,0
TCK-314 (To form and command an armed organization)	31378	16,3
TCK-318 (The estrangement of the people from military service)	198	0,1
TMK (Anti-terror law)	39901	20,7
Total	192566	100,0