

## URGENT APPEAL - THE OBSERVATORY

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**New information**  
**TUR 001 / 0509 / OBS 070.5**  
Judicial harassment  
**Turkey**  
October 27, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Turkey**.

### **New information:**

The Observatory has been informed by the Human Rights Association (*İnsan Hakları Derneği* - İHD) about the continuing judicial harassment of Ms. **Filiz Kalayci**, lawyer and İHD Executive Committee member, as well as Messrs. **Hasan Anlar**, İHD Deputy Secretary General, **Halil İbrahim Vargün** and **Murat Vargün**, İHD lawyers and members.

According to the information received, on October 6, 2011, the trial against the four human rights lawyers resumed before the 11th Heavy Penal Court of Ankara, under the charge of "membership to an illegal organisation" under Article 314 of the Turkish Penal Code (TPC). During the hearing, the Public Prosecutor called for the sentencing of the four lawyers. On the next hearing, scheduled on December 2, 2011, the defense team shall present its pleadings. The four human rights lawyers face a prison sentence of between six to 15 years of imprisonment.

The Observatory is concerned by the ongoing judicial harassment against Ms. Filiz Kalayci and Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün, which seems to merely aim at sanctioning their human rights activities, and calls upon the Turkish authorities to put an immediate end to it. It recalls that dozens of human rights defenders are currently subjected to prolonged judicial harassment for abusive terrorism charges in Turkey.

### **Background information:**

On May 12, 2009, in Ankara, the offices and homes of Mss. Filiz Kalayci, Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün were raided by officers of the Anti-Terror Unit of the police, who were in possession of a search warrant and a detention order against them. They were immediately arrested, placed in police custody in the Anti-Terror Forces Unit detention centre, and released in the night of May 14, 2009. The Public Prosecutor brought Ms. Filiz Kalayci, Messrs. Hasan Anlar, Halil İbrahim Vargun and Murat Vargun before the 11th district High Criminal Court of Ankara and requested that they be remanded in detention. However, the court decided to release Ms. Filiz Kalayci, Messrs. Hasan Anlar, Halil İbrahim Vargun and Murat Vargun, but imposed a travel ban on them, on the basis of Article 109 of the Code of Criminal Procedure or CMK No. 5271 dated 2004, which is still in force except for Mr. Murat Vargun.

The Public Prosecutor appealed the decision, and issued a warrant of arrest against Ms. Filiz Kalayci on May 25, 2009. On May 28, 2009, Ms. Filiz Kalayci was re-arrested on the basis of an allegation of "aiding illegal organisations". Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün were also subject to the same allegations but not arrested.

These acts of harassment intervened after the publication by İHD of a report on human rights violations in prisons of Turkey on February 6, 2009 and made it public to draw attention on

these violations. İHD had shared this report with the authorities. In addition, Ms. Filiz Kalayci, Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün had been working on cases of human rights violations that occurred in detention, and as a consequence they often received letters of complaint from prison inmates. The charges are notably related to contacts entertained by the lawyers with their clients.

Their first hearing was held on November 9, 2009 before the 11th district High Criminal Court of Ankara. Although the defence lawyers claimed that the accusation of the Prosecutor against İHD lawyers and members was unfair and the evidence was both illegal and insufficient, the court rejected the petition. On January 28, 2010, Ms. Filiz Kalayci as well as Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün, appeared before the 11th Heavy Penal Court of Ankara, which ordered Ms. Filiz Kalayci's release. The trial was postponed several times until it resumed on October 6, 2011.

### **Actions required:**

Please write to the Turkish authorities, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Filiz Kalayci as well as Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün, as well as all human rights defenders in Turkey;
- ii. Put an end to all acts harassment, including at the judicial level, against Ms. Filiz Kalayci, as well as Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün, as well as against all human rights defenders in Turkey;
- iii. Comply with the provisions of the UN Declaration on Human Rights Defenders, especially its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", as well as Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- iv. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Turkey.

### **Addresses:**

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- President of Turkey, Mr. Abdullah Gül, Cumhurbaşkanlığı 06100 Ankara, Turkey; Fax: +90 312 468 5026; Email: [cumhurbaskanligi@tccb.gov.tr](mailto:cumhurbaskanligi@tccb.gov.tr)
- Prime Minister, Mr. Recep Tayyip Erdogan, Office of the Prime Minister Basbakanlik 06573 Ankara, Turkey, Fax: + 90 312 417 0476; [receptayyip.erdogan@basbakanlik.gov.tr](mailto:receptayyip.erdogan@basbakanlik.gov.tr)
- Deputy Prime Minister Responsible for Human Rights, Mr. Beşir Atalay, Email : [besir.atalay@tbmm.gov.tr](mailto:besir.atalay@tbmm.gov.tr), Fax: 00 90 (312) 422 13 98
- Interior Minister, Mr. Idris Naim Şahin, 06644 Ankara, Turkey; Fax: + 90 312 418 17 95 / +90 312 418 7696,
- Justice Minister, Mr. Sadullah Ergin, Ministry of Justice/ Adalet Bakanligi, 06659 Ankara, Turkey; Fax: + 90 312 414 62 26
- Foreign Minister, Mr. Ahmed Davudoglu , Office of the Prime Minister, Basbakanlik, 06573 Ankara, Turkey; Fax: +90 312 287 88 11

- Ambassador, Mr. Oğuz Demiralp, Permanent Mission of Turkey to the United Nations in Geneva, Ch. du Petit-Saconnex 28b - CP 271, CH-1211, Geneva 19, Switzerland, E-mail : [mission.turkey@ties.itu.int](mailto:mission.turkey@ties.itu.int), Fax: +41 22 734 08 59
- Ambassador, Mr. Selim Kunalp, Diplomatic Mission of Turkey to the European Union in Brussels, Avenue des Arts 36-38, 1000 Bruxelles, Belgium, Fax: + 32 2 511 04 50.

Please also write to the embassies of Turkey in your respective country.

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Geneva-Paris, October 27, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- Email : [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
- Tel et fax FIDH : + 33 1 43 55 25 18 / 33 1 43 55 18 80
- Tel et fax OMCT : +41 22 809 49 39 / 41 22 809 49 29