



PRESS RELEASE

Geneva, 3 February 2010

Mr. Muharrem ERBEY (lawyer), human rights defender, has been imprisoned for having denounced human rights violations in Turkish Kurdistan at a conference held at the Palais des Nations (Geneva) in September 2009.

Mr. Muharrem ERBEY, national vice President and President of the Diyarbakir section of the Association of human rights of Turkey (IHD)¹, was arrested on 24 December 2009 during a police sweep in Turkish Kurdistan when at the same time dozens of elected officials (notably mayors and municipal councilors), former representatives and leaders of the Party of the Democratic Society (DTP) which was forbidden on 11 December 2009.

In the last municipal elections, held in March 2009, the DTP had conquered close to one hundred municipalities in Turkish Kurdistan, doubling its representation. It seems that the Turkish authorities were unable to digest the electoral success of the DTP because a wave of arrests (qualified as "vengeance" by Mr. HAS. TÜRK) continues among the elected officials, leaders and functionaries of the DTP. Turkish prisons actually hold close 1000 elected official, leaders and functionaries of the pro-Kurdish party, the DTP, and of its successor, the Party for Peace and Democracy (BDP). Among these, is the arrest on 22 January last of Mr. Mehmet Nuri GÜNES, the Mayor of Iğdir, with 60 other persons.

It is necessary to specify that these persons, as in the case of the Geneva trade unionist, Murad AKINCILAR, arrested in Istanbul in September 2009, are arrested by special units and are

¹ The IHD receives many allegations of human rights violations committed in Diyarbakir. Its principal activities consist of undertaking investigations, elaborating reports and initiate legal procedures in aid of victims on a pro bona basis. The IHD also develops and carries out projects designed to assist vulnerable groups, such as women and children, victims of torture and ill treatment. For the past 50 weeks, the IHD has organized a sit-in in Diyarbakir to claim an investigation into the 17,000 victims of summary and extra-judicial executions (occurred over the last 25 years). The Association has contributed to the discovery of numerous mass graves, containing the bodies following forced disappearances. Apparently, the Association's activities disturb; since its foundation in 1986, 22 leaders and members of IHD have been summarily executed, hundreds have been arrested, imprisoned and tortured.

prosecuted under the anti-terrorist legislation. These arrests are very much publicized with photos of the handcuffed elected officials, intended to terrorize the population².

On 24 January 2010, Mr. ERBEY sent a letter to the headquarters of his association (IHD) in which he relates the conditions of his arrest and the accusations made against him when being questioned.

Mr. ERBEY affirms having been arrested at his domicile on 24 December at 4h50 in the morning. The policemen who made the arrest did not allow him to call a lawyer colleague. They took him directly to the seat of the association and confiscated the hard discs of 12 computers and all the CDs, DVDs, books and documents. He was presented to the media handcuffed, outside the Court of Justice, just like the elected officials of the DTP.

During his questioning by the Prosecutor, who presented all his activities within the IHD as defender of the human rights as offences (projects, lectures, participation in international meetings, etc.). Mr ERBEY then declared that if this was all he was reproached for, he assumed them all and would continue his actions on release from prison.

Mr. ERBEY was accused of belonging to an illegal organization, particularly of the following activities:

- 1) to have elaborated projects and organized the teaching of the rights of the children, women, etc.
- 2) to have participated in the development of a civil and democratic constitution along with civil society organizations;
- 3) to have served as legal adviser to the Mayor of Diyarbakir, Mr. Osman BAYDEMIR, to have defended him at lawsuits against him and to have gone frequently to the City Hall of Diyarbakir;
- 4) to have granted one interview to Roj TV (while since two years he granted interviews to the local and international media without concern);
- 5) to have "ridiculed" the Turkish State (according to the vocabulary used by Turkish authorities) in his interventions made in the Swedish, Belgian and British parliaments, as well as at the Geneva Office of the United Nations³;
- 6) to have "ridiculed" the Law and Order forces, to have given moral support to the organization (Kurdistan National Congress, n. d. t.) and to have motivated the population although no legal measures were taken against the hundreds of press releases that he had signed in the two last years.

Basing himself on testimony (under X) which accuses Mr. ERBEY of acting on behalf of an illegal organization, the Prosecutor brought him before an examining Magistrate. The latter asked him of all things: "Why do you assure the defense of persons without being paid?".

Mr. ERBEY replied that many victims of torture and bad treatments, of violations of the right to life and freedom of opinion and of expression turn to the IHD. As human rights defender he gives pro bona legal assistance to deprived individuals. He added that this was the lot of human rights

² See joint report CETIM – MRAP (http://www.cetim.ch/fr/interventions_details.php?iid=334)

³ Roundtable organized by CETIM and MRAP on September 24, 2009 in margin of the 12th session of the Human Rights Council

defenders around the world and asked why such an act was considered to be an offence in Diyarbakir? He also specified that human rights defenders make no distinction (origin, sex, social class, political opinion, etc.) between the victims needing to be defended. Thus, one can find among them parents of soldiers, spouses of policemen, village guardians (Kurdish militias armies paid by the Turkish government, n. d. t) as well as sympathizers of the PKK and girls wearing the scarf.

At the end of the hearing, the judge ordered imprisonment on the ground that he undertook these activities for the organization (Kurdistan National Congress, n. d. t). Mr. ERBEY is currently held in a high security prison (type D) in Diyarbakir.

CETIM, MRAP and WILPF firmly condemn the arrest of Mr. Muharrem ERBEY and his imprisonment. We urge the Turkish authorities to liberate him immediately.

CETIM, MRAP and WILPF call on Turkey to conform to the general norms and international human rights treaties to which Turkey is a party.
