

## **Leyla Zana**

### **European Parliament's Sakharov Prize Winner of 1995**

#### **Background Note**

Leyla Zana has been honoured with many international peace prizes - nominated as well for the Nobel Peace Prize in 1995 and again in 1998 - but she had been unable to accept them in person. When the European Parliament awarded her its Sakharov Prize in 1995 for her courageous defence of human rights and commitment to forging a peaceful, democratic resolution to conflicts between the Turkish government and its minority Kurdish population, she had been jailed for one year of a 15-year sentence.

Zana's personal history shows that she developed her political consciousness the hard way. Born in 1961 in the small village of Bache in Eastern Turkey, Leyla Zana married as a 15-year-old with no formal schooling, the former mayor of Diyarbakir, Mehdi Zana. In 1984, Leyla Zana started school, in three years she earned her primary and secondary diplomas, and she took a job with the then newly established Human Rights Association in Diyarbakir.

Her husband, Mehdi Zana, was jailed during military rule in the 1980s having been charged with "separatism". After being released in 1992, he was sentenced once more in 1994 to four years' imprisonment, notably because he had voiced his opinion on the situation of Turkish citizens of Kurdish origin before the European Parliament's Subcommittee on Human Rights in December 1992.

Leyla became involved in the plight of women whose husbands were imprisoned by the military regime. In the course of defending the rights of her imprisoned husband and other detainees, Zana herself fell victim to official brutality. She was detained during a protest in front of Diyarbakir prison in 1988 and for seven days she was interrogated under torture.

Eventually, she assumed an unsolicited leadership role. Her personal development was seen as virtually synonymous with the realisation of fundamental rights for the Kurdish population, and this culminated in her candidacy for Parliament in the 1991 elections in Turkey. An extremely popular candidate, Leyla received 84 percent of the votes in her district of Diyarbakir representing the Social-Democratic Party (SHP) coalition. Leyla Zana became the first and only ethnically Kurdish woman elected to Turkey's Parliament. She openly identified herself as a Kurd at her inauguration in 1991 and promised in Kurdish to "struggle so that the Kurdish and Turkish peoples may live together in a democratic framework." Leyla Zana's parliamentary immunity prevented authorities from arresting her.

But, Turkish authorities had long maintained a practice of closing down political parties that address Kurdish rights issues. In 1994, when the SHP became under pressure, Leyla Zana and three other Kurdish deputies - Hatip Dicle, Orhan Dogan and Selim Sadak - were forced out of the SHP party and joined the newly formed Democracy Party.

Leyla Zana's immunity was finally lifted when the Turkish Parliament accepted the charge that Democracy Party members were affiliated with the PKK. Based on her actions at the inauguration and subsequent speeches and writings in defence of Kurdish rights, a Turkish court

began trying Leyla Zana in September 1994 for treason. The charges later were reduced to membership in the illegal armed Kurdistan Workers' Party (PKK). The Ankara State Security Court convicted Leyla Zana and her co-defendants in December 1994 to sentences of 15 years' imprisonment. The Democracy Party was outlawed and other former MPs went into exile in Belgium.

Leyla Zana has paid a high price for her struggle, both in years and in health. The government offered in 1997 to release her for health reasons, but Zana rejected the offer, preferring to win her freedom on the justice of her cause. Leyla Zana remained in prison, while her husband, son, and daughter were in exile in Europe. Her last article on Newroz, the Kurdish New Year, resulted in additional two years imprisonment sentence by Ankara State Security Court in September 1998.

In July 2001, the European Court of Human Rights ruled that Zana and a dozen other MPs did not receive a fair and independent trial. Subsequently, in its bid for membership in the European Union, the Turkish government adopted numerous reforms in August 2002, among them the "Harmonisation Law," designed to bring Turkey closer to EU human rights standards. The law mandates a retrial when the European Court of Human Rights rules - as it did in Zana's case - that the original trial was unfair. The retrial started in April 2003, but, against expectations, Ankara refused to release the prisoners on bail as a gesture of good faith.

On 21 April 2004, the four former Kurdish parliamentarians were convicted by the Ankara State Security Court to serve the remainder of their 15 year prison sentence, although the decision of the ECHR and the provisions of the European Human Rights Convention were fully known. Leyla Zana's lawyer declared that the whole retrial "was just a virtual trial for show" and he added that they would go to the ECHR if they could not get a positive result from the appeals court. International observers of the retrial, among them a delegation from the European Parliament, had as well denounced the continuing disregards of the principles of independence and impartiality of the Court. The new proceedings seemed to be a replay of the original trial, designed to uphold the original verdict.

Although the military judge present in the original trial had been removed, the international observers were particularly concerned with the persistence of the States Security Courts system. The European Court of Human Rights had pointed out that these courts fall short of presenting all the guarantees of a fair and impartial trial. Subsequently, States Security Courts in Turkey have been abolished in order to ensure that Turkish justice meets international standards.

On June 9, 2004 Turkey's Appeal Court decided to release from jail Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan. The ruling followed a request by the Turkey's chief prosecutor to overturn their 15-year sentences.