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## **MOTION FOR A RESOLUTION**

further to the Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

by Hannes Swoboda

on behalf of the PSE Group

on the outcome of the trial against Leyla Zana and others in Ankara

**European Parliament resolution on the outcome of the trial against Leyla Zana and others in Ankara**

*The European Parliament,*

- having regard to its previous resolutions on human rights in Turkey,
  - having regard, in particular, to its resolution of 1 April 2004 on Turkey's progress towards accession (Oostlander report),
  - having regard to Rule 37(2) of its Rules of Procedure,
- A. whereas in 1994 Mrs Leyla Zana, Mr Hatip Dicle, Mr Orhan Dogan and Mr Selim Sadak, Turkish MPs of Kurdish origin representing the DEP, were sentenced to 15 years' imprisonment for their political activities in support of the fundamental rights of the Kurdish people,
- B. whereas, in its judgment of 17 July 2001, the European Court of Human Rights (ECHR) in Strasbourg noted the lack of independence and impartiality of the State Security Court in Ankara, breaches of the rights of the defence and the presence in court of military judges, a judgment which prompted the Turkish authorities to hold a new trial against Leyla Zana and others,
- C. whereas Turkey has enacted new legislation which provides for the re-opening of trials declared 'unfair' by the ECHR in Strasbourg, and whereas a new trial against Leyla Zana and others opened on 28 March 2003,
- D. pending the final verdict in the trial, which is due to be announced on Wednesday, 21 April 2004,
1. Calls for the immediate release of Mrs Leyla Zana, winner of Parliament's 1995 Sakharov Prize, and the three other former Turkish MPs of Kurdish origin;
  2. Takes the view that a fresh judgment convicting the accused would seriously undermine EU-Turkey relations;
  3. Condemns the breaches of the rights of defence which have occurred during the new trial against Leyla Zana and others, such as the presence of the State Prosecutor in all the rooms where the judges were required to take decisions concerning the accused, the failure to acknowledge the right of the accused to be released in accordance with the ECHR judgment of 17 July 2001, and the inability of the defence to check the veracity of the accusations made by the State Prosecutor;
  4. Reiterates its call for the immediate abolition of the State Security Courts, and calls on the Turkish parliamentary and governmental authorities to take practical steps to deal with this issue;

5. Instructs its President to forward this resolution to the Council, the Commission and the Turkish Government and Parliament.