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## **MOTION FOR A RESOLUTION**

further to the Commission statement

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

by Joost Lagendijk, Daniel Marc Cohn-Bendit, Nelly Maes and Marie Anne Isler Béguin

on behalf of the Verts/ALE Group

on the situation of Leyla Zana, 1995 European Parliament Sakharov prize laureate, imprisoned in Turkey

**European Parliament resolution on the situation of Leyla Zana, 1995 European Parliament Sakharov prize laureate, imprisoned in Turkey**

*The European Parliament,*

- having regard to Rule 37(2) of its Rules of Procedure,
  - A. whereas Leyla Zana was convicted on 6 November 1991 for having spoken in Kurdish during the inauguration the Turkish National Assembly and for having said the words: ‘I take this oath in the name of fraternity between the Turkish and Kurdish peoples’,
  - B. whereas up until 3 March 1994 she was protected by her parliamentary immunity but shortly before the local elections in March 1994 the acting Turkish Prime Minister, Mrs Ciller, lifted Leyla Zana's parliamentary immunity, for electoral propaganda reasons, and on 4 March 1994 had her arrested within the precincts of the National Assembly and taken to prison,
  - C. whereas Leyla Zana, and her colleagues Orhan Dogan, Hatip Dicle and Selim Sadak, were sentenced on 8 December 1994 to 15 years' imprisonment for supporting a terrorist organisation, despite the fact that this point was not mentioned in the charges,
  - D. whereas the European Court of Human Rights noted in its judgment of 17 July 2001 that the trial of Leyla Zana was in breach of Article 6 of the Human Rights Convention as basic aspects of the right to a fair trial had not been respected,
  - E. whereas the recent reforms of the judicial system incorporating the rulings of the European Court of Human Right into Turkish law allowed the trial of Leyla Zana and her colleagues to be reopened in March 2003,
1. Calls for the immediate release of Leyla Zana, 1995 European Parliament Sakharov prize laureate, and of her colleagues Orhan Dogan, Hatip Dicle and Selim Sadak;
  2. Notes that the conduct of the trial since it was reopened by the State Security Court is regarded by NGOs and human rights lawyers as a violation of the Human Rights Convention;
  3. Notes that the judges and prosecutors have failed to respect the rights of the defence and due process by refusing to allow defence witnesses to be questioned;
  4. Is convinced that the State Security Court cannot guarantee the impartiality of the legal proceedings against Leyla Zana and her colleagues and therefore approves the government's plan to abolish this body;
  5. Hopes that the Turkish final Court of Appeal will put an end to the repeated injustices committed against Leyla Zana and her colleagues, who have been imprisoned for ten years without ever having received a fair trial;

6. Calls on the Turkish government finally to apply the judicial reforms so as to prevent judicial errors such as those of which Leyla Zana and her colleagues have been the victims;
7. Instructs its President to forward this resolution to the Council, the Commission and the government and parliament of Turkey.