

WRITTEN QUESTION E-2448/04
by Ioannis Varvitsiotis (PPE-DE)
to the Commission

Subject: New Turkish penal code

The Commission has described last Sunday's adoption of the new penal code by the Turkish National Assembly as representing significant progress and a vital prerequisite for setting a date for accession negotiations to begin.

The adoption of the new code is a major step forward and introduces significant advances. Will the Commission say, however, whether it is familiar with all the provisions of the new code, including one section in particular, which places clear restrictions on freedoms?

Is the Commission aware of the details of the new provisions, and specifically Article 306, which stipulates prison sentences for actions threatening 'essential national interests', in other words independence, territorial integrity, national security and the fundamental principles of Turkish democracy? Cited as examples of such actions are 'propaganda in favour of the withdrawal of Turkish troops from Cyprus, advocating acceptance of a settlement against Turkish interests, or alleging that genocide of the Armenians took place'. Furthermore, the framework governing criminal proceedings under the new code has been defined rather vaguely, leaving a broad margin of interpretation to the courts.

If it is aware of this situation, what efforts has the Commission made during pre-accession negotiations with Turkey to secure changes to these provisions, which run counter to European basic rights? What action will it take on this matter if Turkey is finally granted a date for negotiations to begin?