

# EUROPEAN PARLIAMENT

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*Session document*

12 April 2000

B5-0352/2000 }  
B5-0358/2000 }  
B5-0368/2000 }  
B5-0379/2000 }  
B5-0385/2000 }

}RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50 of the Rules of Procedure

by the following Members:

Salafranca Sánchez-Neyra, Morillon, Koutsikou and Deprez on behalf of the PPE-DE Group  
Sakellariou and Schori on behalf of the PSE Group  
Malmström, Thors, Ludford and Duff on behalf of the ELDR Group  
Cohn-Bendit and others on behalf of the Verts/ALE Group  
Uca, Marset Campos, Papayannakis, Ainardi and Miranda on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- GUE/NGL (B5-0352/2000)
- ELDR (B5-0358/2000)
- PPE-DE (B5-0368/2000)
- PSE (B5-0379/2000)
- Verts/ALE (B5-0385/2000)

on the imprisonment of Akin Birdal

*The European Parliament,*  
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PE 289.497/  
PE 289.503/  
PE 289.513/  
PE 290.413/  
PE 290.419/ RC1  
Or. en/fr

- having regard to its previous resolutions on the human rights situation in Turkey and in particular its resolution of 14 May 1998 and 19 November 1998 on Akin Birdal,
- A. whereas Turkey was granted EU candidate country status by the Helsinki European Council in December 1999,
- B. whereas Turkey has ratified the European Convention on the protection of human rights and fundamental freedoms,
- C. recalling that, on 1 September 1998, the Security Court sentenced Mr Akin Birdal, President of the Human Rights Association of Turkey (IHD), to one year's imprisonment and to pay a fine of LT 420 000, on the grounds that a speech by Mr Birdal during the World Day of Peace constituted an incitement to hatred, and that the General Board of Criminal Departments of the Court of Appeals later ruled in favour of the Security Court's sentence, and noting that there is no higher national court to which Mr Birdal could appeal and that the Commission already in 1998 in its progress report on Turkey stated that 'by their very nature these courts ('State Security Court') do not offer defendants a fair trial',
- D. whereas Mr. Birdal was seriously wounded in an assassination attempt in 1998 and a medical report from the Ankara State Hospital, issued on 22 March this year, stated that the continuing effects of these injuries were a danger to his life – a report that, however, was contradicted by the Forensic Institute in Istanbul two days later,
- E. whereas Mr Birdal was released on 25 September 1999 on health grounds but the Turkish courts decided on 30 March 2000 that he must serve the rest of his sentence in prison,
- F. whereas the Turkish Criminal Code, and in particular Article 312 thereof limiting the freedom of expression in Turkey, has also been used to convict Mr Necmettin Erbakan, a former Prime Minister, and Mr Erdogan, a former mayor of Istanbul, as well as journalists, writers and political personalities,
- G. noting that the day before Mr. Birdal's imprisonment, Prime Minister Ecevit assured visiting MEPs that changes to the Criminal Code, including Article 312, were foreseen in the very near future,
- 1. Extremely disappointed by the re-imprisonment of Mr Birdal, not only out of sympathy with the man himself, but also because of the lack of sustained good will that Turkey is thereby showing in its relations with the EU, condemns his arrest and insists that the Turkish authorities release him immediately along with all other political prisoners;
- 2. Considers this measure to be a clear sign that the Turkish authorities are far from understanding what future EU membership means;
- 3. Emphasises and reiterates its commitment to the conclusions of the Helsinki Summit and to

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PE 289.497/  
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strict application of the Copenhagen criteria on respect for human rights in the applicant countries;

4. Calls on the Turkish Government urgently to restore the momentum of reform and democratisation that seemed to emerge just before Turkey was officially recognised as an EU candidate;
5. Calls on the government and political parties of Turkey to take advantage of the current constitutional revision procedure in order to implement, in the spirit of the Helsinki agreements, urgent reforms which would enable the Turkish State to guarantee the essential democratic rights of freedom of opinion and free speech, in keeping with Turkey's undertakings as a country applying for membership of the European Union, and calls furthermore for reforms to make the Turkish judicial system truly independent;
6. Instructs its President to forward this resolution to the Council, the Commission, the Turkish Government and the Turkish Grand National Assembly.