



HUMAN RIGHTS FOUNDATION OF TURKEY IZMIR REPRESENTATION

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Total 576 Months (48 years) Prison Terms for 31 Human Rights Defenders at the Helvacı-Aliaga Trial!

The last hearing of the Helvacı Case, which has been continuing since more than four years against staff members of the HRFT-Izmir Representative, Dr. Alp Ayan, Günseli Kaya and Berrin Esin Kaya, was held on 13 February 2004 before Aliaga Penal Court of First Instance.

As already known, representatives and members of trade unions, chambers, associations and political parties, including the HRFT Izmir staff and members of the Izmir Branch of the HRA, gathered in Helvacı quarter of Aliaga district in Izmir. This gathering was in order to participate in the funeral of Nevzat Çiftci, a prisoner who was killed during the massacre in Ankara Ulucanlar Prison on September 26, 1999. Among the participants, 69 were beaten, arrested and detained; and 14 of them, including Dr. Alp Ayan and Günseli Kaya were imprisoned for 113 days on the charge of violating the Law No. 2911.

The public prosecutor summed-up the case on the hearing dated 19 December 2003. He demanded the acquittal for 9 of the 69 defendants, and said that the court was not responsible to hear the cases against 4 defendants on the grounds that they had been under 18 years old on the day of the incident. The prosecutor furthermore demanded imprisonment for 30 defendants from 3 to 5 years imprisonment on the ground of the Article 32/3 of the Law No. 2911 (including Dr. Alp Ayan and Günseli Kaya from the HRFT, Haydar Cenan, former chairman of Labor Party (EMEP) for Izmir province, and 4 members of the Izmir Bar Association, lawyers Sevgi Binbir, Seray Topal, Zeynek Kaya and Erdal Yagceken). On the other hand, he demanded imprisonment for 26 defendants from 1 to 3 years on the ground of the Article 32/1 of the same law (including HRFT staff Berrin Esin Kaya, HRA Izmir board members Aysel Çiçek and Gülsün Yasar).

The last hearing was held on 13 February 2004, and lasted for six hours. At the hearing, final defenses of the defendants and their lawyers were taken. The defenses were underlining that "participation in a funeral cannot be considered under the scope of the mentioned law; even if it is considered, the offence had not materialized regarding the place and form of the funeral; security forces had not issued any warning, which is a prerequisite of any violation of the law; participants of the funeral had not resorted to brute force and the VCR material, which was accepted by the court as evidence, showed this fact".

The court sentenced **Adnan Akin** to 3 years 1 day imprisonment, while **Alp Ayan** to 1 year 6 months 1 day and the other defendants [**Günseli Kaya** (HRFT Izmir Administrative Secretary, member of the General Board), **Mihdi Perinçek** (HRA General Board member), **Haydar Cenan** (EMEP Izmir Head at that time), **Birol Karaduman** and **Irfan Gülseser** (HADEP Izmir Board members at that time), **Mehmet Bahri Akan** (Teachers Trade Union Head of 1st Region), **Hacay Yilmaz** (author, trade unionist), **Murat Hañer** (General Trade Union Head of 5th Region at that time), **Rahsan Çetiner**, **Turgut Yenidünya**, **Erhan Polat**, **A. Birge Uzuner**, **Ihsan Durmus**, **S. Cem Pakdemir**, **Sevda Dag**, **Ayten Moral**, **Buket Acarturk**, **Timur Baspinar**, **Celal Saglam**, **Nedim Sarikaya**, **Binali Güler**, **Selma Topcuoglu**, lawyers **Erdal Yagçeken** and **Seray Topal**, **Betül Kilicaslan**, **Baris Bozyigit**, **Cem Cihan Erkul**, **Zafer Dogan**, and **Alev Yazici**] to 18 months imprisonment and a 60 million TL fine each. The sentence was not delayed due to the “tendency of the defendants to commit crimes”.

The following persons attended the hearing for observation and solidarity:

- * **Dr. Waltraud Wirtgen**, Amnesty International (**AI**) Medical Group, German section of International Physicians for the Prevention of Nuclear War (**IPPNW**)-Germany
- * **Selma Ekşiođlu**, Representative of the the Consulate of the German Federal Republic, Izmir
- * **Lawyer Bahattin Ozcan Acar**, Chairperson of the Izmir Bar Association
- * **İbrahim Dogangül**, Chairperson of the Petrol-Is Aliaga Section (Trade Union)
- * **Ahmet Dađlı**, Human Rights Association (**HRA**), Member of the National Board
- * **Prof. Dr. Veli Lök**, HRFT Izmir Representative

Submitting to your information and evaluation,

Respectfully yours,

HRFT Izmir Representation