

Relentless crackdown - Turkish author Aslı Erdoğan's detention 'breaches convention on human rights'

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The novelist's pre-trial imprisonment on terror charges has been condemned by lawyers and academics, who say there are no grounds for this extreme measure

The imprisonment of celebrated novelist Aslı Erdoğan breaches both Turkey's constitution and the European convention on human rights, according to prominent lawyers and human rights activists.

The 18 experts, who include judges and academics, said the pre-trial detention of the writer was an extreme measure, seemingly imposed with the intent of reducing political opposition to, and criticism of, President Recep Tayyip Erdoğan's regime.

The writer was arrested in August and charged with membership of a terrorist organisation and "undermining national unity", although the latter charge was dropped last month.

A columnist and member of the advisory board of pro-Kurdish opposition daily Özgür Gündem, which was shut down under the state of emergency that followed the failed coup of 15 July, her arrest came alongside that of more than 20 other journalists and employees of the paper.

Canan Arin, a leading feminist lawyer, said: "What is happening is the destruction of Aslı Erdoğan's life for the purpose of intimidating people around her, and people like her."

Ayşe Batumlu, a Kurdish criminal lawyer, said the decision to detain Erdoğan was disproportionate and unlawful.

"Pre-trial detention should be applied in exceptional circumstances [where] the existence of facts show strong suspicion of a crime having been committed, and a good reason for detention," she said.

"In Aslı Erdoğan's case though, she is accused of a very serious crime but we cannot see any 'strong' proof showing this crime has been committed. Is being a dissident enough for these accusations? Of course not."

The lawyer said that Erdoğan's case did not meet the European convention of human rights's threshold for detention as a protective measure. The convention takes precedence over Turkish law in cases where the two are in conflict.

Batumlu, who is also a lawyer for Abdullah Öcalan, leader of the outlawed Kurdistan Workers' party (PKK), added: "Erdoğan is bravely writing about issues that burn whoever dares touch them, issues about the Kurdish question that the government banned discourse about outside of the scope it created, issues of murdered civilians, issues of the murderers who are not held accountable by the state ... We are facing the reality of a writer being punished just because she is expressing views

that the government and some other groups don't like."

The legal experts' concerns, gathered by theatre actor and director Mehmet Atak, are shared by the award-winning Turkish author Elif Şafak, who has written a letter to Erdoğan in her Istanbul jail [1].

In her letter, Şafak wrote: "They have accused you of 'such awful things' but no one in their right mind was convinced by the charges.

"You are someone who wishes to see the restoration of harmony between Turks and Kurds. You are someone who cares about your fellow human beings. You are one of the last people on earth who can be accused of 'inciting violence and terrorism'.

"We - a whole community of writers and readers - are waiting impatiently for the day you will walk out of those prison gates, ill-treated, yes, but undefeated."

The writer's case has drawn international criticism from human rights groups and the European Union, amid mounting concern over President Erdoğan's crackdown on the media and opposition groups in recent years [2]. The crackdown has only intensified following the failed coup in July and sweeping state-of-emergency powers granted to the government in its aftermath.

Cat Lucas, English PEN's Writers at Risk programme manager, said: "We believe Erdoğan's ongoing detention to be in violation of her right to freedom of expression and welcome the legal opinions confirming this and declaring that there are no legal grounds for her imprisonment. We urge the Turkish authorities to release her, and the many other writers unlawfully detained in the wake of the coup, immediately and unconditionally."

PEN International said that Erdoğan was being held solely for peacefully exercising her right to freedom of expression and called for her immediate release. Campaigns manager Sahar Halaimzai added: "The continued imprisonment of Asli Erdoğan is a shocking indictment of the repression of the Turkish government, who continue to wage a relentless crackdown on critics and dissenting voices."

The first hearing on her case is expected to be held on 29 December. Trials such as these are often lengthy.

David Batty
@David_Batty

P.S.

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<https://www.theguardian.com/books/2016/dec/22/turkish-author-asli-erdogans-detention-breaches-convention-on-human-rights>

Footnotes

[1] <http://www.pen-international.org/newsitems/elif-sahfak-writes-to-asli-erdogan/>

[2] <http://www.dw.com/en/reporters-without-borders-labels-erdogan-as-enemy-of-press-freedom/a-36228949>