

MEHMET DESDE CASE



Many of you have known the Initiative for Freedom of Expression for very long years. During our struggle for freedom of expression in Turkey, since 1995, we have never supported violence. But do we support a **“terrorist”** now? No, we have examined his court files carefully. There is not a single evidence except some statements -taken under torture- denied at the court hearings. Simply, whatever police demanded, the prosecutor accepted and -unfortunately- so did the court. Mehmet Desde has no other crime than having “leftwing” ideas and going so far to succeed in having his torturers tried at the court. Therefore we declare him as a “criminal of thought” and support him.

Yet that is not all. The decision of 9th. Penal Chamber of Highcourt means nothing short of denying law and the question now is “what do you do if salt gets rotten?”. It is clear that Turkey needs a more fundamental legal reform and it has been due for a long time.

MEHMET DESDE'S STORY

Mehmet Desde is among millions of Turks who has lived and worked in Germany for long years, he is a German citizen. He was arrested as he was in Turkey spending his annual leave and visiting family in 2002. He was tortured to sign a confession written by the police. *(He succeeded in taking his case over torture to the European Court. More difficult than this, he opened a case in Turkey and had his torturers tried, but could not get a satisfactory outcome, of course).*

Izmir State Security Court ordered Desde's imprisonment but the Supreme Court remanded the case . He was banned from returning to Germany and tried again. The Criminal Court num.8 (which replaced the abolished State Security Court) insisted on the sentence. The subject was once again sent to the 9th Chamber of Appeal Court. Despite the state prosecutor's demand of acquittal, the Chamber has approved the sentence. Now the lawyers of Mehmet Deste are trying to convince the State Prosecutor to object and get the case to be sent to General Assembly of Chambers of the Appeal Court, so that there may be one more chance to correct this judicial mistake.

We support him, we want to end his grievances. We have carefully examined his case. It is obvious that the judicial authorities do not comprehend or do not want to comprehend the spirit of the law. If there is a crime it belongs to the Highcourt. Unfortunately we are all doomed to bear this shame. We are condemned to live in a country which fails to be "a state of law" let alone "a democratic" one, where the highcourt decisions proove that everything is arbitrary.

Do we all deserve it? If not, we must prove it.

A LEGAL SUMMARY OF EVENTS

On 24.07.2003 Izmir State Security Court condemned Mehmet Desde, Mehmet Bakır, Maksut Karadag, Hüseyin Habib Taskın and

Seraffettin Parmak each with 4 years 2 months prison sentence, and 7.270.135.000 TL (Approximately €4.300) fine, with the charge of “setting up an illegal organisation.” Accused Metin Özgünay, Ömer Güner and Ergün Yıldırım were each sentenced with 10 months prison sentence and 662.500.000 TL fine. (Approximately €370)

9th Penal Department of the Appeal Court remanded the case on 08.04.2004. The explanation of the Supreme Court’s decision said "the law 4928 entered into force before the court decision and amended the article 1 of law 3713 and the law 4963 which entered into force after the decision and amended article 7/2 of the law 3713 should be taken into consideration and accordingly, a decision about the accused should be taken after an examination of the character of the organisation...".

Hence the case was sent back to İzmir 8th. High Criminal Court. This court repeated its first decision. Yet in the meanwhile Anti-Terror Law was amended and use of “force and violence” was made a precondition for “terror” as the new law read: **“Terror; by using force and violence; through one of the methods of repression, intimidation and threat ...”**. Judges has accepted in their decision that there was no use of “force and violence”, yet they decided that there was the use of “emotional force” and convicted the accused. Desde’s attorneys appealed against this unexplainable decision. 9th. Penal chamber of Highcourt approved the conviction despite the acquittal demand of the highcourt prosecutor. Desde’s attorneys applied to the Chief Prosecution office of the Highcourt and asked the decision to be sent to Highcourts Assemble of Penal Chambers. Highcourt prosecutors have not moved yet. But even if the prosecutor sends the case to the Assembly it does not stop the execution. Desde and his friends will be submitting themselves to the prosecutors to be sent to prison.

Desde was sent to Manisa Closed Prison on 9 June 2007 for the remaining one and a half year of 2 year and half month prison. He and Habib Taşkın were transferred to Alanya L type prison on 14 August 2007.

For further information:

Law. Çetin BINGOLBALI : +90 232 441 4367, Mobile: +90 532 486 4548
Law. Ayse KURU : +90 232 438 7892, Mobile.+90 533 312 56 28

IN HIS OWN WORDS

I was arrested on 9 July 2002 with my friend Mehmet Bakır as I came to Turkey for my fathers funeral. I was interrogated and tortured in Bozyaka Anti Terror Branch for four days and I was arrested and imprisoned in Kırıklar “F type” prison on 13.07.2002. I was discharged on 21 January 2003. Yet State Security Court banned me from going abroad despite the fact that I am a German citizen. The SSC convicted me on 24.07.2003 and the ban on travelling abroad was extended. Appeal Court’s 9th. Chamber remanded the case. But the 8th. Criminal Court (replacing SSC when it was abolished) insisted on the sentence and this time –despite the prosecutors demand of acquittal, the Appeal Court has approved the sentence.

I was tortured in this country, I have suffered mentally and financially. I did not have a fair trial. I was convicted on the basis of false confessions taken through torture which I denied at the court. I was presented as a terrorist in the press and the media. My basic rights as a human being have been violated and still are.

While you will be reading these words, I will probably have been returned to prison and isolation. I have never let my thoughts be chained and I never will. I will not regret the prison term I have served and the future term I will, if this reckless murder of law becomes the last straw and contributes to a reformation of judicial system in Turkey. May my suffering be gift to my country and to humanity.



DÜŞÜNCE SUÇU(!?)NA KARŞI GİRİŞİM

Tel.: +90 216 531 7080, +90 216 492 0504

antenna@antenna-tr.org

www.antenna-tr.org