

URGENT APPEAL FOR ACTION ON BEHALF OF JAILED HUMAN RIGHTS DEFENDER MR. MUHARREM ERBEY

DIYARBAKIR, SOUTHEASTERN TURKEY

04 JANUARY 2010

Dear Sir/Madam:

In the early hours of the morning of 24 December 2009, Mr. Muharrem Erbey – Vice President of the Human Rights Association of Turkey (İHD) and President of the İHD's branch office in Diyarbakır – was detained by Anti-Terror Units of the Diyarbakır Security Directorate as part of an operation launched simultaneously in 11 provinces of Turkey. The stated reason for Mr. Erbey's detention was his alleged membership of the KCK [*Kurdish Communities Union*], an organization said to be the 'urban branch' of the armed Kurdistan Workers Party (PKK). He was arrested on the same charge on 25 December 2009 and is currently being held in Diyarbakır D-Type prison awaiting trial, although no lawsuit has been opened against him yet.

We're writing to express our grave concern about the imprisonment of Mr. Erbey and to appeal for international action to secure his release. Mr. Erbey is regarded both in Turkey and internationally for his work as a human rights lawyer and defender. In recent years he's focused especially on getting to the bottom of unresolved cases of extra-judicial killings and enforced disappearances in the region. As a result of his standing he's in constant demand from national and international media outlets and international organizations looking for an independent view on the human rights situation in Turkey. In our view his imprisonment is a monumental loss, represents a grave escalation of state repression of the human rights movement in Turkey and demands a vigorous international response.

During his interrogation, Mr. Erbey was asked extensively about his work with the İHD, including several international visits he's conducted in order to draw attention to human rights abuses in the region. However, his lawyers are being prevented from accessing his case file and as such cannot know the exact charges or the evidence on which they are based. **Going by the record of Mr. Erbey's interrogation, however, it appears to us that he has been imprisoned on the basis of his work with the Human Rights Association – the oldest and largest organization of its kind in Turkey - and in his capacity as a human rights lawyer.** More information on the circumstances of his arrest and the charges facing him can be found in the documents attached to this message.

Similar charges as those against Mr. Erbey have been used as a pretext to repress those working for basic human rights in Turkey (and indeed the world) for many years. Mr. Erbey completely rejects the charges against him and, as his colleagues, so do we. His arrest is an attempt to intimidate and harass human rights defenders in Turkey, a violation of the UN resolution on the protection of human rights defenders.

We call on international civil society, international human rights organizations and people of conscience everywhere to write to the Turkish authorities expressing concern over Mr. Erbey's arrest and appealing for his immediate release. The contact information for the Turkish Interior Ministry, Foreign Ministry, Justice Ministry, Prime Ministry, and Diyarbakır Provincial Governorship are listed on the next page.* Please contact them at the earliest possible date and inform the Diyarbakır branch of the Human Rights Association of any actions you take at <diyarbakir@ihd.org.tr>

Attached in this file are the following:

- 1) The record from Mr. Erbey's interrogation by the public prosecutor (p.3);
- 2) The objection to Mr. Erbey's arrest filed by his lawyers (p.5);
- 3) The objection to illegal search and confiscations carried out at Diyarbakır İHD on the day of Mr. Erbey's detention, filed by Mr. Erbey's lawyers (p.7);
- 4) A copy of Mr. Erbey's CV and a list of threats and repression he's been subjected to in recent times (p.9);
- 5) A press statement from the Observatory for the Protection of Human Rights Defenders about Mr. Erbey's situation (p.11);
- 6) A press statement from the General Headquarters of the İHD about Mr. Erbey's situation (p.12);
- 7) A press statement from Diyarbakır İHD concerning Mr. Erbey's detention and the search and confiscation procedures carried out at our office (p.13);
- 8) A document which introduces the İHD and describes its work (p.14).

We thank you for your prompt attention to this matter and look forward to your response.

Serdar Çelebi, *Attorney at Law*

Rehşan Bataray, *Attorney at Law*

In the name of the Steering Committee of the Diyarbakır İHD, the İHD Central Executive Board, and Muharrem Erbey's Defense Counsel

*** PLEASE SEND YOUR APPEALS TO ALL OF THE FOLLOWING ADDRESSES AND BE SURE TO WRITE THE ADDRESSES IN TURKISH, AS BELOW. LETTERS CAN BE SENT IN ENGLISH, TURKISH OR ANY OTHER LANGUAGE. PLEASE NOTIFY US OF ANY ACTIONS YOU TAKE AT <diyarbakir@ihd.org.tr>**

Prime Minister's Office of the Republic of Turkey

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Foreign Ministry of the Republic of Turkey

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NOTE: THE BRACKETED, ITALICIZED TEXTS ARE NOTES FROM THE TRANSLATOR. THEY DO NOT APPEAR IN THE ORIGINAL TEXT. THEY'RE PROVIDED TO CLARIFY CERTAIN POINTS FOR READERS.

**TURKISH REPUBLIC
DIYARBAKIR
CHIEF PUBLIC PROSECUTOR'S OFFICE
(Tasked with Investigating Crimes Written Under Article 250 of the Code of Criminal Procedures)**

Investigation Number: 2007/996

RECORD OF INTERROGATION

THE DEFENDANT * :

Turkish Republic Identity Card Number : 18172864962
Name and Surname : MUHARREM ERBEY
Defense Counsel : Meral DANIŞ BEŞTAŞ, Attorney at Law, Serdar ÇELEBİ, Attorney at Law,
Serdar TALAY, Attorney at Law
Father's and Mother's Names : SELAHADDİN – FATMA
Birthplace and Date : HAZRO – 23/06/1969
Place where Identity Card was Issued : DİYARBAKIR, HAZRO, BAHÇE MAHALLESİ
Residence or Legal Residence : Ali Emiri 1. Sk. Değer Ap. Kat.4 No:16 Yenişehir
Merkez/DİYARBAKIR
Workplace Address : Ali Emiri 1. Sk. Değer Ap. Kat.4 No:16 Yenişehir
Merkez/DİYARBAKIR
Telephone Number if any (Home-Work-Mobile-Connection) : 0532 452 0621
E-Mail Address : muharremerbey@hotmail.com
Profession, Economic Situation : Lawyer, 2,500 Turkish Lira [*roughly 1,250 Euro*] monthly
income
Marital Status, Number of Children : Married, two children
Location where Statement was Taken : Diyarbakır CMK Madde Ile Görevli Cumhuriyet
Başsavcılığı [*Diyarbakır Chief Public Prosecutor's Office*]
Tasked with the Code of Criminal Procedures

The crime of which he's been accused is explained to the deponent, it is told him that he has a right to choose a counsel of defense and that he can benefit from its legal advice, that the counsel of defense has a right to be present at the interrogation, that if he is in no position to choose a council of defense and he demands to benefit from its legal advice, a council of advice will be appointed by the bar association, that it will be immediately reported to any of his kinsmen that he has been captured, that it is his right to not declare anything about the attributed crime, it is reminded and explained to him that that he can demand the collection of concrete evidence so that he can evade suspicion.

I understood my rights as a suspect. With the suspect's demand of declaration of his defense in the legal counsel of Lawyer Meral Daniş BEŞTAŞ, Lawyer Serdar TALAY and Lawyer Serdar ÇELEBİ of the Diyarbakır Bar Association, he is asked in the presence of his lawyers for his defence and evidence.

THE SUSPECT'S DEFENSE: I'm a lawyer registered with the Diyarbakır Bar Association. At the same time I'm vice president of the Human Rights Association and President of the Diyarbakır branch [*of the Human Rights Association*]. I've worked at the Human Rights Association for 10 years. Our organization always refuses violence. Our approach accentuates the importance of human dignity, freedom of thought and expression, and freedom of association. The struggle for human rights has a certain language and manner. At the same time it has universal principles. While doing my work I carry out my duties within the framework of these principles. Because I'm President of the Human Rights Association [*sic*] I receive e-mails, letters and telephone calls from many different people. Also, many people want to meet with me. I meet with all of these people. I don't know who they are or where they come from. I listen to these people in their capacity as victims. I don't accept the accusations being put against me in any way. I don't know what KCK [*Kurdish Communities Union*] does. I'm learning about its expansion for the first time right now, in your presence. I don't participate in activities within this structure. And up until the present I've never had any sort of relationship with any illegal structure whatsoever.

I translated it as follows: I did not, as claimed, work in the non-governmental organizations, which take place in the Article 14 of the KCK covenant that you read now, appertaining to the social area center ordered under the third article. As I clearly stated above, I've worked with the Human Rights Association from the year 2000 until the present. I haven't had an active function in political organizations. The place where I can best express myself is the field of human rights.

About three months ago I participated in the Constitutional Commission within the Democratic Society Congress together with other civil society organizations in Diyarbakır. The president of the Bar Association, the president of Mazlum-Der and some members of parliament also participated in this commission. This was a legal undertaking.

I'm a human rights defender. I am not in charge of the KCK International Relations Committee which appertains to political area center among other area centers which you have asked and read to me. Because I work with the Human Rights Association I continuously receive invitations from abroad. All of these invitations are official. Severe human rights violations are experienced in our region. As an impartial person I'm repeatedly called on from Europe. Human Rights [Association] has been active in Diyarbakır for approximately twenty two years. It has got itself accepted.

As I have stated above, I receive e-mails from several countries of the world. I answer these peoples' e-mails because I don't know their positions or political views. Approximately five, six months ago an e-mail came to me from an individual named Ahmet Gülabi Dere. In the mail there was an invitation from a senator in the Belgian Parliament named Geri Lambirt [as far as can be determined there is no individual named GERİ LAMBIRT serving in the Belgian Parliament. The individual in question is most likely GEERT LAMBERT], and later I also received an official invitation. I got a visa with this official invitation. On the date I specified, Abdullah DEMİRBAŞ, journalist Orhan Miroğlu and I went to Belgium and speeches about the Kurdish issue were made in the Belgian parliament. I delivered a speech about human rights. I stand by the things I said in the speech. I don't know whether there is a warrant out against Ahmet Güldabi Dere or not, I don't know him. I met him when we went to Belgium.

It's the first time that I am hearing about the individual named ÖZLEM TANRIKULU you have asked me about. But in 1998 an Italian journalist had been arrested with the charge of "organization propaganda". I had met this Italian in Istanbul before. When he was here he hired me as a lawyer. He issued a proxy. In this process, his siblings and friends invited me to Italy. I accepted the invitation and went to Italy. Here an individual who introduced herself as HEVİ did our interpretation for us. The individual named hevi could be Özlem TANRIKULU. Up until 5 months ago I exchanged emails with this Hevi on special days. I don't know Özlem TANRIKULU's organizational connections, that's not possible. Five months ago the individual named HEVİ invited me to a Kurdish film festival in Italy. I went to Italy. In Italy, I delivered a speech about stone-throwing children with a legal interpretation before a film was shown.

I'm a human rights defender. I make speeches concerning human rights violations on all television channels. I'm someone who plays a role in the Human Rights Association and knows Kurdish very well. Because of this I make presentations about human rights violations on all television channels without distinction.

Within the framework of the Human Rights Association's activities we work to provide the people who apply to us with legal assistance without looking at their identities. We tell the people who apply to us to do so through mail, appearing in person or through the agency of their own lawyers. On average about 20 applications a month come in this way.

I'm a director of an incorporated association. We continuously develop projects within the framework of the law. The Delegation of the European Commission to Turkey secures the financing of these projects. Everything is carried out within a legal framework.

I'm the official legal advisor of Osman BAYDEMİR, who is the Mayor of Diyarbakır Metropolitan Municipality. I help him with legal matters. I take fees from the municipality in exchange for my services.

I don't have any connection with the PKK terror organization. I'm not part of its cadre. I don't have a place in the KCK/TM's [Kurdish Communities Union/Turkey Assembly] structure. I live on the same street that local administration unit that I was asked about is located. However I've never gone to this place even once. The owner of that location is Ahmet CENGİZ. He's a contractor. I bought a house from this individual. Maybe once to see Ahmet CENGİZ. As I specified above I do not accept any of the accusations against me. There's no additional point I'm going to add. I don't accept any of the accusations against me. None of the questions you've asked me show that I have an organic connection with a terror organization.

JOINT STATEMENT OF THE SUSPECT'S DEFENSE COUNSEL: My client is a human rights defender. At the same time he's Vice President of the Turkey Human Rights Association. In the last fifteen years, nowhere in Turkey has a branch president of the Human Rights Association been detained, including in Diyarbakır. None have been arrested. We evaluate the detention of our client and colleague as seriously unfortunate. All of the questions put to him concern the work he does within his identity as a human rights defender. All of them are also based on defense, concrete and official data. There was no question that he couldn't answer. There's no data concerning his participation in illegal activity, and nor is it possible for there to be. At the same time he's a legal practitioner. He's part of the judicial authority. There could be no explanation for him being deprived of his freedom. Because he's the president of an organization that works in a way that is transparent to the public. It's known that he'll accept the judiciary's summons at the requested time. For this reason we request that he be released from prison. After the written content of the 147th article of the Code of Criminal Procedures was read the minutes were read and signed by the individual who gave the statement and those who were present. 25/12/2009.

Mustafa Kemal YILMAZ
Republican Prosecutor 35288

CENGİZ ÖZSOY
Court Clerk 68317

MUHARREM ERBEY
Suspect

Serdar ÇELEBİ, Attorney at Law
Law, Defense Counsel

Meral Daniş BEŞTAŞ, Attorney at Law
Defense Counsel

Serdar TALAY, Attorney at Law
Law, Defense Counsel

**TO THE OFFICE OF THE HIGH CRIMINAL COURT ON DUTY
(Tasked with Article 250 of the Code of Criminal Procedures)**

DİYARBAKIR

Individual Objecting to Arrest : Muharrem Erbey

Defense Council : Reşan BATARAY SAMAN and Serdar CELEBİ, *Attorneys at Law*, Aliemiri 1. Sk. Yılmaz 2004 Ap. 1/3 DİYARBAKIR

Topic of Request : Our request is to submit our objection to the decision concerning the arrest of our client and that a decision be made for his release.

Statement :

1. Muharrem Erbey – Vice President of the Human Rights Association and President of the Diyarbakır branch of the İHD – was detained with the accusation of being a member of the KCK [*Kurdish Communities Union*] at around 5:00 in the morning on 24.12.2009 and arrested with the same justification on 25.12.2009.

First of all, in the course of the search that was performed in our client's home while he was being detained, the his and his wife's telephones were confiscated in a way contradictory to the law, and despite his request that his lawyers be present during the search of his house, in a manner contrary to the law permission wasn't given to the lawyers to monitor the search. From this perspective, the search procedures that were conducted were completely in violation of legal regulations. Also, after the search procedure was performed at our client's house, the authorities went to the Human Rights Association office (our client is President of the Diyarbakır branch of this national organization) and in a way contradictory to the law search and confiscation procedures were also performed at the organization's office. We don't see a need to discuss this matter in detail at present as we have filed a separate objection to the search and confiscation procedures performed at the İHD's building.

2. Due to the fact that there's an existing judicial decision to prevent access to the case file, it's not possible for us to investigate the file, determine exactly which crimes and acts our client was arrested for or to know the basis of the accusations being put against him. However, what the questions put to our client at the prosecutor's office and by the judge show is that there's no concrete evidence whatsoever for the crimes our client is being accused of, and that our client was included in this inquiry's file and arrested due to various activities and projects initiated within the framework of the Human Rights Association. The asking of questions pertaining to foreign visits, projects, and press statements initiated within the framework of the İHD suggests that our client was arrested solely in the context of his work relating to human rights and the activities of the İHD.

3. The Human Rights Association is a voluntary human rights organization that carries out projects related to human rights and freedoms, is non-governmental and independent of governments and political parties. All of the association's projects and activities are rooted in a framework of universal human rights principles which are protected by international agreements. In the context of these principles, some of the organization's goals are to research, assess and share with the public information concerning issues in the field of human rights, initiate efforts in order to reduce violations, to produce projects in this regard, and various other activities of this nature. With the goal of giving life to basic human rights principles, the Human Rights Association initiates joint projects with national and international human rights organizations, carries out visits to certain institutions in this context, and prepares projects. Detailed information concerning the fundamental goals and working principles of the İHD can be obtained from its founding charter, which is attached as an appendix to this document.

It can't be legally accepted that the president of the Diyarbakır branch of the İHD be interrogated and arrested on the basis of activities and efforts carried out in a way consistent with the goals and principles of the Human Rights Association, virtually the only organization in Turkey which has branch in many different provinces, has proven itself to be independent, impartial and reliable in the area human rights as well as the national and international spheres.

4. The president of the Diyarbakır branch of the Human Rights Association, Mr. Muharrem Erbey, has initiated projects and activities with the goal of preventing abuses and actualizing basic human rights which are secured by many international agreements to which Turkey is a states party. The fact that he was arrested and exposed to various procedures on the basis of his efforts in this regard is completely contrary to national and international law. Furthermore, the freedom of human rights defenders from legal inquiries and arrests carried out as a consequence of their struggles against authorities, statements or projects concerning the actions of states is secured by international agreements, as is their independence from all states and authorities. In this context, the UN declaration on the protection of human rights defenders must be taken into account to when the procedures connected to the investigation of our client are carried out, when the legal articles which will be applied to him are designated, and when the evidence is evaluated. An evaluation within the framework of the principles outlined in the above-referenced document must be carried out.

5. Furthermore, our client is authorized to carry out procedures related to the İHD Diyarbakır branch's bank accounts and to withdraw money, and in this context the association's accounts have been used. Questions

related to the use of these accounts were put to our client, however our client performed activities related to the association's accounts at the bank. No evidence has been submitted to contradict this.

6. When it was necessary for our client and the other detained suspects to be interrogated by the judge on duty, it was done in a way contrary to legal regulations and precepts on this matter, as the interrogation was carried out by judges which were not on duty and who were appointed to the case and employed on the basis of unknown principles.

CONCLUSION AND REQUEST _____ : In accordance with the above-stated points, we respectfully request the acceptance of our objection concerning our client's arrest and the issuance of a decision for his release.

APPENDICES _____ : The Human Rights Association's founding charter and the UN resolution concerning the protection of human rights defenders.

REHŞAN BATARAY SAMAN, ATTORNEY AT LAW

SERDAR ÇELEBİ, ATTORNEY AT LAW

TO THE OFFICE OF THE HIGH CRIMINAL COURT
(Authorized under and Tasked with Article 250 of the Code of Criminal Procedures)

DİYARBAKIR

Person Filing Objection : Reşan BATARAY SAMAN, *Attorney at Law*,
on behalf of the Diyarbakır Branch of the Human Rights Association, Aliemiri 1
Sk. Yılmaz 2004 Ap. 1/3 DİYARBAKIR

Topic of Objection : The search and confiscation warrant which was contrary to national and international regulations and was issued within the framework of investigation number 2007/996 being pursued by the Diyarbakır Chief Public Prosecutor's Office tasked with and authorized under Article 250 of the Code of Criminal Procedures.

Statement :

For the Diyarbakır Chief of Public Prosecutor's Office to issue a search and confiscation warrant upon a police officer's telephone call on the basis of the "as a matter of urgency" justification constitutes a contradiction of Turkey's domestic law and regulations just as it does all of the international agreements to which we are a party.

First of all, as human rights defenders it can't be accepted that an organization like the Human Rights Association, which takes principles in opposition to human rights violations wherever they occur in the world or our country without exception, is independent of all political actors, and the defense of human rights – which is accepted by international agreements – as its basis, and is not even suspected in Turkey or the world regarding its independence in the monitoring, reporting and sharing with the public information concerning human rights abuses, be searched in a reckless way as part of an operation begun in our region without justification even being shown. From its establishment in the year 1986 until the present, the Human Rights Association has clearly demonstrated its position of opposition to human rights abuses carried out in Turkey and the world, and has remained independent from states and political structures while doing so. It preserves this independent position in every press statement it issues, in every report it publishes, and in every activity it participates in. Until the present, no legal inquiries have been opened concerning any actions, activities, or press statements concerning human rights violations it has initiated, and the inquiries concerning individuals that have been opened against it have ended in a dismissal of proceedings or acquittal.

As part of the investigation that's being named "the KCK operation", our branch Chairpeson and Vice President of Headquarters, Mr. Muharrem Erbey, *Attorney at Law*, was detained and his house and work office were searched. With an ambiguous statement, a decision was also made to search Muharrem Erbey's office at the Human Rights Association. This decision was taken on 23.12.2009 at around 20:45. On the basis of the decision in question, on 24.12.2009 at around 9:00 in the morning a prosecutor and teams from the Anti-Terror Department [of the Diyarbakır Directorate of Security] came to our organization's building and searched the Office of the Presidency there. Our organization was searched for approximately eight hours on the basis of a search and confiscation warrant dated 23.12.2009 at 08:25 in the morning and issued by a telephone call due to the "matter of urgency" justification given by the prosecutor pursuing the investigation. This justification is inexplicable. In the course of the search no element of crime was found. Despite this, CDs and some cassettes with footage of our work, the hard disks of our computers, various reports concerning human rights violations and reduction of print pastes were taken.

As we stated above, the search procedure was contradictory to the law just as it was our domestic law. For despite the fact that our organization was searched with a warrant issued on 23.12.2009 at 08:25 in the morning on the basis of the "as matter of urgency" justification, the home and workplace of our president, Muharrem Erbey, was searched with a warrant taken from a court at 20:45 on 23.12.2009. It's certain that if it was possible to obtain a warrant from the court on the evening of 23.12.2009 at 20:45 it would've also been possible to obtain one at 08:25 on the same morning. As a result, it was definitely contrary to the law for a warrant to be issued by the prosecutor's office on the basis of the "as a matter of urgency" justification, as warrants must be issued by courts. The fact that the warrant was arbitrarily issued by an authority other than the court despite the fact that there was sufficient time and possibility for one to be obtained from the court constitutes a contradiction of both Turkey's domestic law and all of the international agreements to which we are a party.

No element of crime was found in our office as a result of the search based on the illegally issued search and confiscation warrant. Because no such element of crime could be found. In the search conducted no document in the form of a written text belonging to our organization was confiscated. However some CDs and cassettes involving our organization's activities were confiscated, as were the hard discs of some of our computers.

As a civil society organization, the Diyarbakır branch of the Human Rights Association has very serious responsibilities, especially regarding applicants who have been exposed to various human rights violations. The

İHD is a member of the International Federation for Human Rights, based in Paris, and the Euro-Mediterranean Human Rights Network, based in Copenhagen. We have responsibilities including reporting on the İHD's activities and sharing this information with the public and pursuing the applications of victims. For example, our organization's Legal Commission still has more than 100 lawsuits pending before the European Court of Human Rights. The confiscation of our computer hard disks has left us with our hands tied. In order to fulfill our responsibilities and activities our computer hard discs and CDs – which were confiscated as a result of a search that was carried out in an illegal way -- must be immediately handed over to us. Otherwise we'll be in a situation where the continuation of neither our domestic lawsuits nor those before the European Court of Human Rights will be possible. For this reason we're forced to bring this matter before the ECHR. Failure to immediately return to us the confiscated CDs and computer hard drives will in a serious way lead to Turkey's inability to full its "responsibility regarding cases still pending before the European Court of Human Rights" and clear the way to irreperable harm.

CONCLUSION AND REQUEST : For the reasons stated above, I respectfully request that the necessary procedures for the handing over to us of the computer hard discs that were confiscated as a result of a search and confiscation procedure which was carried out in an illegal way be undertaken. 28.12.2009

Rehşan BATARAY, *Attorney at Law*
In the name of the İHD National Executive Board &
Steering Committee of the Diyarbakır Branch of the İHD

APPENDIX : The 1986 founding charter of the Human Rights Association.

AUTOBIOGRAPHY/CV



Name and surname: Muharrem Erbey

E-mail: muharremerbey@hotmail.com

Muharrem Erbey was born in the walled district of Diyarbakır in 1969. He completed his basic education in Diyarbakır. In 1990, he began his higher education at the Istanbul University Faculty of Law and finished it at the Dicle University Law Faculty in 1996. He's been doing pro-bono legal work since 1997. From 2005 to 2006 he was advisor to the president of the Union of Southeast Anatolian Municipalities (GABB) and between 2006 and 2008 he was the mayor's advisor responsible for Social Projects at Diyarbakır Metropolitan Municipality. Since 2000 he's participated in the struggle for human rights at the Diyarbakır branch of the Human Rights Association (İHD) and since May 2008 he's been President of the branch. In November 2008, he became national Vice President of the Human Rights Association. Since 1998, he's published many articles concerning cultural, artistic, and children's rights, the Kurdish question, human rights and democracy in various arts and culture magazines, newspapers, and websites. He's a member of the Diyarbakır chapter of the Literary Association, the Turkish chapter of PEN and the Kurdish Writers' Association. He was a founding member of the Sarmaşık Association to Fight Against Poverty in 2006. He's married and has two children, named Robin and Rober.

Publications (partial list):

- 1) *My Father, Aharon Usta*. New collection of stories due to be published in the near future.
- 2) Together with Dilevar Zareq, edited and prepared for publication the Turkish and Kurdish-language stories of 35 distinguished writers. In 2007, five-thousand copies of the collection were published by the Diyarbakır Metropolitan Municipality and distributed free of charge so as to allow everyone to have access to the book.
- 3) *Missing Pedigree (Yitik Şecere)*, a collection of short stories. Bajar Publications, 2004. Expanded edition republished as *Disappeared Pedigree (Kayıp Şecere)* by Agora Books in 2006.

THREATS AND REPRESSION MUHARREM ERBEY HAS BEEN EXPOSED TO AS A WRITER AND HUMAN RIGHTS DEFENDER IN THE YEARS 2008 AND 2009

- 1- On 8 May 2008 I was elected President of the Diyarbakır branch of the Human Rights Association. A few months later I began to intensively prepare press statements and prepare reports about human rights violations. At the beginning of July 2008 someone with a gun on his hip began to stop in front of the Human Rights Association's building. For a few days this man began to continuously wait at the door and watch me. I noticed him. I showed the man to my colleagues and friends at the organization. We went and spoke to him, and he quickly went away. We took notice.
- 2- Two months after the May 2008 Human Rights Association congress, I called my wife with my mobile phone. A man answered. The sound of hand radios began to come through. After that I hung up and called again. My wife answered and said she was at school. At that moment I understood that they were listening to my phone.
- 3- Turkish – Kurdish Story Anthology: In the year 2008 I prepared an anthology of 20 Turkish-language and 15 Kurdish-language stories with the Kurdish writer Dilaver Zeraq. The volume was printed by Diyarbakır Metropolitan Municipality. Afterwards, a lawsuit was opened about the book and about the mayor who was responsible for printing it. The basis of the lawsuit was that a crime concerning Turkish letters had been committed under article 222 of the Turkish Penal Code; the case number was 2007/604 Esas and it was heard at Diyarbakır Fifth Court of First Instance. At the 2008 trial I defended Osman Baydemir as a lawyer. I organized a signature campaign with writers called "Freedom for Stories". 300 writers signed on. I presented these signatures to the court. At the end of the trial, Baydemir was acquitted.

- 4- On 1 September 2008, 100,000 people joined a rally to mark World Peace Day at Station Square in Diyarbakir. The meeting was organized in the name of the Turkey Peace Parliament, the organization that was also the chair of the organizing committee. I'm a member of the Turkey Peace Parliament. As a gesture of support for a solution to the Kurdish question, we released doves at the meeting. In October 2009 a lawsuit was opened against the 14-person organizing committee and myself by the Diyarbakir Chief Public Prosecutor's Office. We've given statements to the prosecutor.
- 5- In February 2009, a human rights delegation constituted in Diyarbakir went to Erzurum prison to investigate the severe human rights abuses experienced by inmates and prisoners there. After conducting our investigation and research we organized a press statement in front of the prison. Claiming that I had removed my wallet from a table in a harsh way and made insults, soldiers employed at the prison complained about me to the Diyarbakir Bar Association. When the Bar didn't open an inquiry, the prosecutor's office objected. I'm waiting for the outcome of the objection.
- 6- After May 2008 I noticed that I was being watched from nearby. Sometimes they were watching my car while sitting in their own vehicles. Plainclothes, civil people began to go to the same places as me on occasion. The press statements I gave began to be taken on camera by the police and gendarme. I began to have problem with my internet connections. Pornographic, virus-filled emails began to come to me. Sometimes I noticed that my e-mails had been opened even though I hadn't read them.
- 7- One night in December 2008 I saw that the door to the office I maintain for my legal work had been broken. I called the police. They said that thieves entered my office. However, nothing had been stolen. I saw that all of the folders and drawers in my office as well as my computer and CDs had been interfered with, mixed up.
- 8- One morning in September 2009 I saw that the handle on the door of my car had been broken and that the door was open. When I got in the car, nothing was working, and I saw that things had been searched. I brought it to a shop and got a new door handle.
- 9- In 2009 a few close relatives called me and said that at checkpoints or during identity card checks police had asked them "how are you related to Muharrem Erbey" and made them wait.
- 10- As a result of our work concerning enforced disappearances, murders perpetrated by unknown actors, and mass graves, when returning from the places we conduct our investigations we've begun to be stopped for inspection at checkpoints, followed at close range, and sometimes subjected to harsh and abusive language from security forces that we encounter face to face.
- 11- A lawsuit has been opened against me (case number 2009/359 Esas) at Bursa Fourth High Criminal Court on the basis that I committed the crime of 'praising a crime and a criminal' under article 215 of the Turkish Penal Code when I referred to Abdullah Öcalan as "Mr" during written correspondence in 2008. On 12 November 2009 I gave a statement at court in relation to this. My trial is continuing.

The Observatory for the Protection of Human Rights Defenders

TURKEY: HUMAN RIGHTS ASSOCIATION (İHD) REMAINS IN THE FIRING LINE

Paris - Geneva, December 29, 2009. The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), expresses its deepest concerns following the arrest of Mr. Muharrem Erbey, General Vice Chairperson of the Human Rights Association (İnsan Hakları Derneği – İHD) and Chairperson of its Diyarbakir Province Branch and the arbitrary search of İHD's offices in Diyarbakir.

On December 24, 2009, in the morning, the police officers belonging to the “anti-terrorism” branch launched an operation in at least 11 provinces in Turkey following an order issued by the Diyarbakir Chief Public Prosecution Office that led to the arrest of dozens of Kurdish opposition members, journalists and civil society activists including human rights defender Mr. Muharrem Erbey. Human rights lawyer Muharrem Erbey was then remanded into custody and charged by the Diyarbakir Special Heavy Penal Court 26 December 2009 of “being a member of an illegal organisation” pursuant to Article 314 of the Criminal Code, with reference to Article 220/6 of the Criminal Code in the Law No. 5237. He is currently detained in the Diyarbakir D Type Prison. He has access to his lawyer and family.

Mr. Muharrem Erbey is wrongly accused of being the international affairs representative of the illegal armed organisation called the Community of Kurdish Society (Koma Civaken Kurdistan – KCK) after having participated to the preparations of a workshop organised in Diyarbakir in September 2009 to discuss constitutional amendments aimed at ensuring a greater respect of minorities' rights, made a statement on the rights of the Kurdish minority in Turkey before the parliaments of Belgium, Sweden and England, participated to the “Kurdish Film Festival” in Italy in the summer of 2009 and being the legal adviser of the Mayor of Diyarbakir, Mr. Osman Baydemir.

Furthermore, simultaneously, the police attempted to raid İHD's offices in Diyarbakir without a warrant. Following objections by İHD staff, they obtained a court order within five minutes and proceeded to the search and confiscation of İHD's computers and documentation. Documents confiscated included in particular archives which had been collected during 21 years documenting serious human rights violations like politically motivated killings by unknown assailants, forced disappearance and torture cases.

The Observatory recalls that the Human Rights Association (İHD) has played a vital role in the promotion of human rights and democracy in Turkey. The Observatory is more generally concerned with the intensified crackdown faced by the İHD and its members and more particularly by the detention of its General Vice Chairperson, which merely aims at sanctioning his human rights activities in violation of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998.

The Observatory calls upon the Turkish authorities to immediately and unconditionally release Mr. Erbey as well as all other detained human rights defenders.

International Federation For Human Rights (FIDH)
World Organization Against Torture (OMCT)

ANOTHER HUMAN RIGHTS DEFENDER ARRESTED

FREEDOM FOR LAWYER MUHARREM ERBEY!

Huma Rights Association, 28 December 2009

Lawyer Muharrem Erbey, Vice President and Diyarbakır Branch President of Human Rights Association (IHD), was detained on early hours of the morning of 24 December 2009 in Diyarbakır and was arrested on the midnight of 26 December 2009 by the Diyarbakır Special Heavy Penal Court. To participate to the Constitution Workshop in Diyarbakır, to give a speech regarding to the Kurdish Issue in the parliaments of Belgium, Sweden and England, to participate to "Kurdish Film Festival" in Italy and to become a legal adviser of Osman Baydemir (the Mayor of Diyarbakır) are some of the accusations against Muharrem Erbey. These events were describes as illegal activities and Mr. Erbey was accused being "a member of an illegal organisation".

Following the detention of Muharrem Erbey, the police raided the Diyarbakır Branch of Human Rights Association in the hope of finding "more evidences". Besides the unlawful raid, the search and confiscation in our branch, which had not any relation with the related investigation, were a scandal in terms of law. The Diyarbakır Branch of IHD had not been raided even during the years of state of emergency. The accusations against Muharrem Erbey are the activities of a human rights defender. In this way, The United Nations of the Declaration on Human Rights Defenders was violated frankly.

Right to freedom of expression and association was violated once again with the arrest of Muharrem Erbey. With this imprisonment, the rule-of-law principle and Lawyer of Muharrem Erbey's right to be tried without arrest were violated.

A human rights defender was accused of being "the international affairs officer of an illegal organisation" because of his speeches on Kurdish Issue, which is the most important problem in Turkey, in the parliaments of Belgium, Italy and England. These countries are the members of European Union, for which Turkey negotiate for full membership. Thus, these countries should question the attitude of Turkey. Human rights is a universal concept. It should be expressed in everywhere. European Union and the related countries should not be just an onlooker to this situation.

The ongoing imprisonment of Lawyer Filiz Kalayci (board member of the Human Rights Association) in 2009, the imprisonment Ms. Yuksel Mutlu (a member of the Honorary Board of the Human Rights Association) for six months in 2009, the penalties of imprisonment and fines against Ethem Açıklın (Former President of Adana Branch of Human Rights Association) in 2009 and the investigations and cases against the other members and executives of IHD were the indicators of pressure on the human rights defenders in Turkey. All the activities of human rights defenders are within the frame of freedom of expression and freedom of association. According to the United Nations of the Declaration on Human Rights Defenders, the government should protect the human rights defenders. However, the ongoing investigations and cases against them indicate that there are serious violations in this area.

We request the immediate release of Muharrem Erbey.

HUMAN RIGHTS ASSOCIATION (IHD)

TO THE PRESS AND PUBLIC OPINION

(There must be an end to illegal practices and detentions)

25 December 2009

Esteemed members of the press:

Yesterday those struggling for peace, democracy and human rights once again experienced deeply injurious and unfortunate developments. More than 80 people were detained in simultaneous operations carried out in 11 provinces. Showing a huge example of injustice, among those detained in raids on homes and workplaces were sitting mayors who were elected by the people. We as the Human Rights Association experienced the biggest injustice that occurred within the framework of the operation. The İHD, whose only goal is to defend human rights, was subjected to a reckless police raid and for about 7 hours our office was held under occupation. The most important development was the detention of our Vice President and Diyarbakır branch President Mr. Muharrem Erbey, all of whose work is founded on a struggle for justice and defense of human rights. He was detained after his house was raided in the early hours of the morning of 24 December.

Those who were walking yesterday on the street where our office is located encountered scenes and confusion reminiscent of the days of emergency rule. The police, who had a warrant to search Muharrem Erbey's legal bureau, instead searched our office. When we objected that their warrant didn't include authorization to do this, authorization to search our entire office was given upon a police officer's request, which was made by telephone. This all occurred as our meetings to discuss this matter were continuing. Our organization was subjected to practices that weren't even experienced in the 1990s, in other words during the years of emergency rule. All of the correspondence found in our building was taken for investigation and our computers' hard disks were confiscated. Serious injustices were authorized during this attack.

Finally, the records of the statements that were taken during the raid that we've been able to access show once again just how far the raid and detention were from legal justification. A large portion of the questions put to our President concerned our work which is open to the entire public. International excursions carried out as part of our work, various projects we've prepared, activities we've initiated in the area of human rights, and efforts to inform the public about violations were asked about in such a way that suggested these things are illegal.

As stated in international agreements concerning the protection of human rights defenders, the fact that individuals and associations that defend human rights are independent from all authorities and struggle to reveal human rights violations and implement universal human rights principles is stated in a clear way. In order to achieve these goals, human rights institutions initiate common projects with national and international human rights organizations and in this sphere all varieties of projects and efforts can take place. This point is also secured by international agreements.

As our struggle furthers the realization of human rights and the realization of a democratic system, we wish to emphasize once again that the stance and practices adopted by the state toward the organizations struggling in this area is unacceptable to human rights defenders and that our struggles in this area will continue.

The illegal inclusion of our organization in an investigation into the KCK which has been continuing since 2007 – the contents of which we can't inspect due to a judicial decision to block access to the case file – and the implication of our organization in illegal activities is unacceptable. Nor can we accept the detention of our branch President due to his activities carried out within the framework of national and international human rights legislation. We request the immediate release of Muharrem Erbey and an end to the claims and accusations being made about our organization.

Human Rights Association, Diyarbakır branch

İNSAN HAKLARI DERNEĞİ DİYARBAKIR ŞUBESİ

DİYARBAKIR BRANCH OF THE HUMAN RIGHTS ASSOCIATION

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ABOUT THE HUMAN RIGHTS ASSOCIATION

The Human Rights Association (*İnsan Hakları Derneği - IHD*), established in 1986, is an independent, non-political and non-profit organisation working to secure the human rights of all persons in Turkey irrespective of their ethnic origin, gender, race, language, religion and so on.

IHD is a non-governmental organisation dedicated to promoting cooperation and understanding between communities. We work within a clear framework of international standards in a non-partisan way.

We campaign to ensure that victims of human rights abuses and those who are deprived of internationally-recognised rights can make their voices heard. We also seek to raise public awareness about human rights through training, education, media activities, and producing and distributing publications. Through legal cases, press releases and legal consultancy we support victims directly. We also seek to persuade decision-makers and the public of the need for long-term, sustainable change.

We support different ethnic and religious groups as they strive to maintain their right to identity, language and religion.

We also support everyone's right to equal opportunities in education and employment, and to full participation in public life.

Our work benefits all people in Turkey, particularly victims of human rights abuses in the southeastern part of the country. Although many of our beneficiaries are of Kurdish origin, our work benefits those of all origins both in the region and the country as a whole.

IHD is a member of the International Federation of Human Rights (FIDH) and works in collaboration with different human rights organisations from both Turkey and abroad, including Amnesty International, Bar Associations of Southern France, Helsinki Watch, and the Kurdish Human Rights Project.

IHD has been working with and on behalf of the victims of human rights abuses for over 20 years. We have 33 branches all over Turkey, 13 of which are in the eastern and southeastern regions of the country.

Our campaigns target governments and the public with the goal of putting an end to human rights violations, and while doing so we promote a long-term view of these issues.

We work with victims as diverse as those subjected to torture, extrajudicial killing, forced disappearance, and discrimination on various grounds, to name but a few.

OUR PRINCIPLES

IHD;

1. Considers human rights universal and inalienable, indivisible, interdependent and interrelated.
2. Is a non- governmental, volunteer organisation.
3. Is an independent, non-political and non-profit organisation and works within a clear framework of international standards in a non-partisan way.

4. Always supports oppressed individuals, nations/peoples, genders and classes. This stance is based on the historical evaluation of human rights.
5. Opposes the death penalty in any country under any circumstances.
6. Supports fair trails and the right to legal defense everywhere and under any circumstances.
7. Supports peoples' right to self-determination in all aspects as a human right and without concession.
8. Accepts instruments of humanitarian law; calls for respect for the Geneva Conventions when circumstances require and calls on parties to war to obey Article 3, one the most important articles of the Convention.
9. Supports freedom of expression in a unlimited and unconditional way.
10. Considers the right to belief to be untouchable and supports this right in an unlimited and unconditional way.

OUR METHODOLOGY

Examples of methods and tools that have been used by IHD Headquarters and branches:

- 1- Activities to demonstrate democratic reactions: *street activities, press conferences, sending telegrams to officials, sit-in protests, etc.*
- 2- Producing written and visual documents: *newsletters, bulletins, books, monthly reports, annual reports, leaflets, training materials, etc.*
- 3- Cooperating with other human rights organisations, non-governmental organizations and political parties and working in collaboration when needed: *Diyarbakir Democracy Platform, Diyarbakir Bar Association, Diyarbakir Branch of the Union of the Turkish Doctors (TTB), Diyarbakir Representative of Human Rights Foundation of Turkey (TIHV), Mazlum- Der, etc.*
- 4- Cooperating and collaborating with non-governmental human organisations from abroad: *Amnesty International, Bar Associations of Southern France, Helsinki Watch, the Kurdish Human Rights Project, etc. (IHD is a member of the International Federation of Human Rights (FIDH))*
- 5- Joining meetings of supra-national organizations and receiving representatives from them: *United Nations, The Council of Europe, European Communication Networks, etc.*
- 6- Communicating with officials and local administrators in cities and towns, as well as legislative and executive organs: *Ministers, MPs, governors, mayors, etc.*
- 7- Diplomatic activities, including hosting visits from officials of various governments. This is a recognition of the universality of human rights and the fact that human rights cannot be considered the internal affairs of countries.

EXAMPLES OF OUR ACTIVITIES

We:

- 1) Conduct research and establish research centers on human rights with the goal of monitoring their implementation in our country, producing publications in accordance with our aims, ascertaining violations and reporting them to officials, the public, and relevant persons.
- 2) Organise forums, conferences, seminars, panels, symposiums and other types of public meetings, protests, concerts, exhibitions, and competitions.
- 3) Establish foundations in accordance with our aims.

- 4) Start economic enterprises in order to realize our aims specified in article 2 of our statute.
- 5) Conduct activities in order to ensure that prisoners and those who are in custody can survive in a humane environment, regardless of their race, colour, gender, language, religion, political views or beliefs, and inform the public about these matters.
- 6) Cooperate with national and international organisations that share our aims and open branches and representative offices abroad.

Presidents of the Diyarbakir branch of IHD since its foundation

1. Mehmet VURAL	1988–1990 (Financial Advisor)
2. Hatip DİCLE	1990–1991 (Civil Engineer)
3. Fevzi VEZNEDAROĞLU	1991–1993 (Lawyer)
4. Sedat ASLANTAŞ	1993–1994 (Lawyer)
5. Halit TEMLİ	1994–1995 (Teacher)
6. Mahmut ŞAKAR	1995–2000 (Lawyer)
7. Osman BAYDEMİR	2000–2002 (Lawyer)
8. Selahattin DEMİRTAŞ	2002–2007 (June) (Lawyer)
9. Ali AKINCI	June 2007 – May 2008 (Teacher)
10. Muharrem ERBEY	11 May 2008 - Present (Lawyer)

Our Membership Profile

Total Number of Members	: 800
Number of Female Members	: 188 (%23,5)
Number of Male Members	: 612 (%76,5)

Members' Academic Background

Illiterate	: 2 (%0.25)
Primary School Graduate	: 136 (%17)
Secondary School Graduate	: 55 (%6,875)
High School Graduate	: 167 (% 20.875)
University Graduate	: 340 (%42.5)
Unknown	: 100 (%12.5)

Average Age

18- 25 : 31 (%3,875)
26- 35 : 231 (%28,875)
36- 45 : 284 (%35,5)
46- 55 : 171 (%21,375)
56- ... : 83 (10,375)

Occupational Group of our members

Freelance	169 (%21,125)
Other	193 (%24,125)
Lawyer	100 (%12,5)
Worker	66 (%8,25)
Engineer	45 (%5,625)
Teacher	74 (%9,25)
Houswife	49 (%6,125)
Craftsperson	49 (%6,125)
Doctor/Paramedic	45 (%5,625)
Civil Cervant	10 (%1,25)

Total Number of Members : 800