



# **Observation of the trial of Osman İşçi, human rights defender and trade-unionist**

**Ankara, 10 April 2013**

The **EMHRN** (Euro-Mediterranean Human Rights Network) gathers more than 80 human rights organisations, institutions and individuals based in 30 countries around the Mediterranean. It works to promote and protect human rights within the framework of the Barcelona Process and the co-operation between the European Union and the Arab world.

## CONTENTS

<i>Executive Summary</i>	3
1. <i>Objectives</i>	5
2. <i>Observation team</i>	5
3. <i>Methodology</i>	5
4. <i>Background to the Turkish Penal System</i>	6
5. <i>Background to the case</i>	6
6. <i>Nature of the hearing</i>	7
7. <i>Analysis – Compliance with international fair trial standards</i>	10
8. <i>Summary of topics discussed with Embassies</i>	12
9. <i>Conclusion and recommendations</i>	12
10. <i>Annex – Extract from Indictment</i>	14

## **EXECUTIVE SUMMARY**

- 1.1** EMHRN sent a mission to observe a trial hearing on 10th April 2013 at the Heavy Penal Court, Ankara in the case of Osman İşçi, a human rights defender, language expert and trade unionist who faces proceedings for allegedly supporting a terrorist organization.
- 1.2** Prior to the hearing, observers met with human rights defenders and members of Mr. İşçi's legal team in Ankara and noted concerns expressed about the nature of the proceedings brought against him and others, and particularly the chilling effect that such prosecutions appeared to be intended to have on the various communities directly affected, whether lawyers, journalists or in this case trade unionists and human rights defenders.
- 1.3** Observers attended the hearing and noted that it had been conducted with courtesy by all participants, and defendants and their lawyers had been permitted to take an active part in the hearing.
- 1.4** Nevertheless observers noted with concern that a number of central features of international fair trial standards appeared to be absent from the hearing, and from the proceedings generally, most notably:

### **The unequal relationship of the parties and the context of the hearing**

- 1.4.1** The defendants are entitled to be tried in courts that are wholly independent of the Executive, in a case prosecuted by an independent and non-political prosecution authority. Observers were not satisfied that these conditions were met.
- 1.4.2** The principle of equality of arms did not appear to be respected – in that the role, opportunities and influence of the prosecutor were in no way equivalent to that of the defence lawyers.

### **Inadequate time and facilities for an effective defence**

- 1.4.3** Observers did not find effective compliance with the obligation to make prompt investigation and disclosure of material that could assist the defendants.
- 1.4.4** Observers found limited opportunity for the defendants to challenge disputed evidence

**1.4.5** Procedural safeguards as to the inadmissibility of evidence obtained unlawfully were not triggered, despite reasoned objections raised by the defence.

### **Delay and Lack of Transparency**

**1.4.6** The case was adjourned to 8th July 2013 for a further hearing – more than a year after the initial arrests. Such delays prevent early and active engagement with the issues in the case, and mean that the case, with its very Draconian sanctions, hangs over defendants and indeed witnesses for an indefinite period.

**1.4.7** It was not clear whether the outcome of the hearing – granting interim release to 22 defendants after 10 months of custody without effective review - related to anything that had occurred in court at the observed hearing, as opposed to developments outside court.

**1.4.8** In such circumstances it is important that the Turkish judicial authorities make clear in their conduct of such cases that they do not intend the very existence of these proceedings to act as a bargaining chip in external political developments; alternatively as a punishment to the defendants and as a deterrent to others. Until the Turkish authorities do so the perception will be that prosecutions such as that of Osman İşçi and others operate as a cover for what amounts to selective internment at the discretion of the Executive and are designed to have a chilling effect on the Civil Society, trade union and professional groups that are targeted, pending a resolution of wider political issues.

**1.5** Observers later met with representatives of the Danish Embassy, the UK Embassy and the EU delegation to Turkey and raised the above concerns and requested further coordinated international pressure to address what appeared to be a growing gap between the Turkish judicial process and the norms set out in domestic Turkish criminal law and procedure; in Council of Europe jurisprudence, and in UN standards. In particular it was requested that further efforts be made to coordinate the monitoring of such trials by international observers and the dissemination of observations to Civil Society and NGO groups within Turkey and outside.

### **Recommendations:**

**1.6** The Observation report recommends that EMHRN monitors the progress of the hearings in this case over the next months and possibly years, with trial observers being sent to the most important hearings. EMHRN is invited to consider the possibility of more systematic observation of the many human rights related trials in Turkey, both to support individual Human Rights Defenders on trial and to monitor Turkey's continuing compliance with international fair trial standards.

## **1. OBJECTIVES**

The objectives of the mission were to

- Assess the degree of fairness of the trial and its compliance with national and international law protecting human rights, Human Rights Defenders and trade-union rights.
- Demonstrate to local, national and EU authorities the international concern raised by this trial.
- Bring solidarity and moral support to Osman İşçi and other defendants, the Human Rights Association and Human Rights Defenders in general in Turkey.

## **2. OBSERVATION TEAM**

- Mr. Marc Schade-Poulsen, EMHRN executive director. Mr. Schade-Poulsen has considerable experience of diverse legal systems across Europe and North Africa and has supported Human Rights Defenders in each jurisdiction.
- Mr. Jo Cooper, lawyer, member of Solicitors International Human Rights Group. Mr. Cooper is a UK and international criminal lawyer with experience of practice in adversarial, civil and hybrid legal systems. He has experience of fact-finding missions on judicial and fair trial standards within Europe. Mr. Cooper trains and supports Human Rights Defenders, and he lectures and writes on fair trial issues in England and abroad. Mr. Cooper is a former Chair of SAHCA, the professional organization of Solicitor Advocates in England and Wales.

## **3. METHODOLOGY**

Observers met a variety of lawyers, defendants, human rights defenders and foreign diplomats over three days in Ankara. Observers attended the trial hearing on 10 April together with two interpreters, took a detailed note of proceedings and remained until the conclusion of the hearing. Observers met other international observers from ETUC, UK, Germany, Netherlands, Denmark, France and Tunisia, predominantly teacher union representatives, who were in attendance at the hearing. Observers also met observers from the EU delegation to Turkey and the embassies of Denmark, Norway, Netherlands, Belgium

and Switzerland. Observers met Mr. Osman İşçi after his release, and discussed his perceptions of the trial process as well as the conditions of his detention.

## 4. BACKGROUND TO THE TURKISH PENAL SYSTEM

- 4.1** Turkey is a parliamentary democracy with a judiciary whose independence is guaranteed by the constitution. Its Penal Code is enforced by a system of criminal courts headed by the Heavy Penal Courts which handle cases involving a penalty of over five years of imprisonment, often with a political dimension. Terrorism offences are often dealt with in such courts.
- 4.2** Turkey is a party to core international human rights instruments, including all of the seven main UN international human rights treaties. Turkey is also a party to 96 of the 200 Council of Europe conventions, including the European Convention on Human Rights (ECHR). As a participating State of the Organisation for Security and Cooperation in Europe (OSCE), Turkey is also politically bound by the relevant human dimension commitments included in the core OSCE documents.
- 4.3** In preparing this report the Observers had particular regard to the provisions of the Turkish Penal Code, provisions relating to Terror offences, as well as fair trial standards set out in the European Convention on Human Rights, Article 6 and in the following documents:
  - United Nations Basic Principles on the Independence of the Judiciary
  - UN Declaration on Human Rights Defenders
  - International Covenant on Civil and Political Rights
  - International Covenant on Economic, Social and Cultural Rights

## 5. BACKGROUND TO THE CASE

- 5.1** Osman İşçi is a member of the Human Rights Association (IHD) and as a research assistant, he is also member of the Education and Sciences Public Workers Trade Union (Eğitim-Sen), affiliated to the Confederation of Public Workers Trade Unions (KESK). Mr. İşçi has long worked on promoting freedom of expression and association and minorities' rights in Turkey. He has represented the IHD in EMHRN working groups on freedom of association and human rights education for several years. He was elected to the EMHRN Executive Committee on 2 June 2012.

- 5.2** Mr. İşçi was detained, along with other 72 members of independent trade unions (all affiliated to the KESK), on 25 June 2012 by “anti-terror” police forces. Mr. İşçi and 27 other people were maintained in pre-trial detention. 6 detainees were released on 15 February 2013 with the remaining 22 continuing to be held in custody. During the period prior to 15 February 2013 the accusation files remained secret. This proceeding is apparently common in so called “anti-terror” cases.
- 5.3** On 15 February 2013, after 8 months of detention without charges, the indictment (Annex) was finally published. It accuses the defendants of belonging to an illegal organization, the Union of Kurdistan Communities (KCK), alleged by the government to be the “urban branch” of the PKK.
- 5.4** The principal allegation appears to be based on covert surveillance of certain union meetings in which it is said that individual defendants expressed support for the objectives of the PKK.
- 5.5** In Mr. İşçi’s case, the Indictment alleges inter alia that he expressed support for the Union’s policy of international outreach by increasing its capacity to provide translation services in several languages including Kurdish so that it can better interact with trade union organizations in neighbouring states. Mr. İşçi is a professional linguist. The prosecution claim that such an initiative coincides with certain aims of KCK (a proscribed organization) and as such any person who expresses support for such an initiative is at risk of prosecution for membership or support for the aims of a proscribed organization.
- 5.6** Defence lawyers emphasise that there appear to be no candid exchanges between individuals offering express support for KCK or PKK, even private exchanges between individuals who did not think they were under surveillance. They argue that the covert material provides no more than mundane information about day to day union activities and that the wholesale prosecution of the leadership of the Union indicates that this is a punitive prosecution designed to suppress legitimate trade unions’ activity as well as people sympathetic to minority rights and their promotion.

## 6. NATURE OF THE HEARING

- 6.1** The hearing took place in the Ankara Courthouse, 13th Heavy Penal Court on 10 April 2013. The hearing started shortly after 11am and continued to around 19.30.
- 6.2** The courtroom consisted of a raised tier for the judges and prosecutor, an interim level for the court clerk, and a lower level for defendants and their representatives. Defendants were housed in the centre of the well of the court, surrounded by a

changing guard of around 15 gendarmes, one of which carried a machine gun. Certain of the gendarmes stood directly in front of the defendants such that they were unable to see the tribunal, and requests to move were ignored. However the guard changed every 20 minutes or so, and the obstruction was not repeated.

- 6.3** On either side of the defendants, in rows facing into the centre of the court, were around 40 lawyers for the defendants. Access by lawyers to the defendants and vice versa was inevitably unwieldy given this arrangement.
- 6.4** The public gallery faced the court, consisting of banked seating to accommodate around 400 members of the public and international observers. Further observers were permitted to stand beside and behind the seating.
- 6.5** The acoustics in the room were poor and there was no amplification of the words of lawyers, defendants and judges. In practice, despite being placed immediately behind the defendants, observers had to strain to hear certain parts of the proceedings. Despite this, proceedings were listened to with respect, courtesy and patience.
- 6.6** To the left of the court was a large screen on which the contents of the clerk's court file were displayed. The details on the court file were updated in real time by the clerk. It was notable that the submissions of the defendants and their lawyers were not directly transcribed into the court record but were summarized by the judge in cursory form – typically by recording several sentences for each ten minutes worth of submissions. From time to time there were queries or objections raised by defence advocates and these were received with courtesy by the judge and sometimes reflected in alterations to the court record.
- 6.7** It was clear that the indictment was lengthy and detailed and contained factual allegations which were clear. However it also contained frequent commentary and subjective analysis by the prosecutor which was criticised by defence advocates and defendants at various stages of the hearing.
- 6.8** The morning session consisted largely of confirmation of the personal details of the individual defendants. After a break for lunch the defendants addressed the court in turn to deny the charges and argue for acquittal. Defence lawyers made submissions at the beginning and end of the court day.
- 6.9** Mr. Yusuf Atalas, appearing as a defence lawyer, argued that the 1144 page indictment was focused predominantly on establishing that the PKK and KCK were illegal organisations. The prosecutor's assessment of the link between individual defendants and PKK/KCK was scant. "There is no link established between a person and the evidence. The establishment of the link with the terror organization is not made".

**6.10** Defendants addressed the court in turn each denying any illegal act or any association with KCK. The first defendant, KESK President Lami Özgen stated that “Our activities in the trade union have been portrayed as if they are the activities of an illegal organization. However these are peaceful and democratic activities.”

**6.11** A number of contradictions were pointed out during the course of the hearing:

- i) It was pointed out that Mr. Özgen was being prosecuted by the State as a terrorist, yet invited by the State to dialogue as a member of the so-called “Wise Men” Delegation seeking to resolve Turkey’s internal tensions.
- ii) It was pointed out that members of the Turkish Government, and their officials, were openly acknowledged to be in dialogue with PKK leader Mr. Öcalan, itself a criminal offence under the very widely drawn Anti-Terror law. None of the defendants had engaged in such contact.
- iii) It was pointed out that some of the charges were based merely on advocacy of the development or use of the Kurdish language. Since the date of the defendants’ arrests this language was now acknowledged as a proper language to address the court. Defendants pointed out the irony that they were now able to address the court and in Kurdish, which was more than some had done to be charged in the first place.

**6.12** Eight of the defendants chose to address the court in Kurdish through interpreters they had hired. The Court was receptive to this approach, and the judge even exchanged a few words in Kurdish with one of the defendants. Leaving to one side the profound significance of this development, the arrangements for interpreting appeared to be very ad hoc, with long stretches of speech not being interpreted. In one case a defendant’s address to the court that took 23 minutes was not translated contemporaneously, but only at the end. The translation took 15 minutes, indicating that much material was simply never translated. In relation to another defendant the lengthy address in Kurdish was dictated very quietly to the court clerk so as to be inaudible to the defendants and public gallery.

**6.13** Towards the end of the hearing a number of the defence advocates addressed the court expressing concern about the scope of the indictment, the admissibility of covert surveillance evidence that was said to have been obtained illegally, and inadequate disclosure of material to the defence.

**6.14** Lawyers argued for the pre-trial release of all defendants. The Prosecutor indicated that the case against each individual was strong, but that the evidence was independent and objective and not susceptible to interference by defendants so objections to release were withdrawn. The court was then cleared and the public were excluded when a decision was made regarding pre-trial release. In the event all 22

defendants in custody were granted provisional release, without conditions or restrictions.

**6.15** The observers left court having been told that the defendants would be released from the prison where they were held.

**6.16** The observers met Mr. İşçi on 11th April following his provisional release.

## **7. ANALYSIS – COMPLIANCE WITH INTERNATIONAL FAIR TRIAL STANDARDS**

### The relationship of the parties and the context of the hearing

**7.1** Independent Tribunal– it was unclear to the Observers that the position of the judges during the hearing was independent of the role of the prosecutor. In particular the judges wore the same robes as the prosecutor, entered and left by the same door, sat at the same level as the prosecutor and all had access to the judges' computer system. The conduct of the hearing gave no confidence that the two roles were functionally independent.

**7.2** Equality of Arms – At the hearing there was clearly no equivalence between the position and role of the prosecutor, on the one hand, and the defence lawyers on the other. The former had privileged access to the judges before, during and after the hearing and spoke from the same level as the judges whereas the defence lawyers spoke from the well of the court. The prosecutor had direct access to the court computer, the defence advocates did not. The Prosecutor was robed as a judge, whereas the defence advocates were robed differently.

**7.3** Independent Prosecution authority – the indictment that ultimately forms the basis of the case sets out allegations which appear to be a simple repetition of statements obtained by police without any independent judgment or further investigation being led by a competent prosecution authority.

**7.4** A timely trial in accordance with the Rule of Law – the proceedings had been going 10 months with 22 defendants in custody without any clear idea of when or if any meaningful review of interim detention would be made, how long the proceedings as a whole would take, and the criteria on which interim detention decisions or any final verdict in the case would be taken. The indictment was not prepared for over 7 months and during this time the defendants were wholly unaware of the details of the case against them.

### **Time and facilities for an effective defence**

- 7.5** Investigation and disclosure of material that could assist the defendant - Lawyers for defendants complained that there had been a complete failure by the police to investigate material that undermined the case or supported the defence, and in particular the claim by individual defendants that their behavior was wholly consistent with diligent trade union activity.
- 7.6** Disclosure of evidence – Observers were told that certain real evidence such as documents and tape recordings relied on by the Prosecutor, had not been disclosed to the defence, such that they were not in any position to verify or to challenge claims made as to the identity of speakers at particular parts of the covert recordings. Since these are central to an assessment of the strength or weakness of the case, and to any decision on interim release, they should be disclosed at a sufficiently early stage to enable informed assessments to be made.
- 7.7** Procedural safeguards as to the inadmissibility of evidence obtained unlawfully – although concerns were raised that the use of covert listening devices on private property was in breach of the Turkish Penal Code these issues were left unresolved with no timetable or assurance given that they would be addressed in due course.
- 7.8** Opportunity to challenge disputed evidence – it became apparent during the hearing that there had as yet been no effective opportunity to challenge disputed evidence from statements contained or reproduced within the indictment. Witnesses had not been called to face cross-examination and no timetable was set for them to do so.

### **Transparency**

- 7.9** Although at the end of the hearing a decision was taken to grant provisional release to all 22 defendants it was not readily understandable what the basis of that decision was, and whether it was a consequence of anything said or done during the course of the hearing. The impression created was that the determining events in these decisions took place outside court.

### **Delay**

- 7.10** The case was adjourned to 8th July 2013 for a further hearing – more than a year after the initial arrests. Such delays prevent early and active engagement with the issues in the case, and mean that the case, with its very Draconian sanctions, hangs over defendants and indeed witnesses for an indefinite period. The case is to be relisted at the discretion of the Prosecutor and Judge, thereby reinforcing the perception that

the timing of hearings is influenced by outside considerations which the individual defendants cannot influence.

**7.11** In such circumstances it is important that the Turkish judicial authorities make clear in their conduct of such cases that they do not intend the very existence of these proceedings to act as a bargaining chip in external political developments; alternatively as a punishment to the defendants and as a deterrent to others. Until the Turkish authorities do so the perception will be that prosecutions such as that of Osman İşçi and others operate as a cover for what amounts to selective internment at the discretion of the Executive and are designed to have a chilling effect on the Civil Society, trade union and professional groups that are targeted, pending a resolution of wider political issues.

## 8. SUMMARY OF TOPICS DISCUSSED WITH EMBASSIES

**8.1** Observers discussed the need for continuous monitoring of such cases, coordinated by embassies.

**8.2** Observers discussed dissemination of trial observers' reports and a central online database of forthcoming hearings which would serve to highlight the delay which is inherent in the Turkish criminal justice system.

## 9 CONCLUSION AND RECOMMENDATIONS

**9.1** Although certain aspects of the hearing were conducted appropriately, the Observers considered that there were significant concerns about the conduct of the individual hearing on 10 April 2013, in particular in relation to:

- Equality of Arms – the representatives of prosecution and defence were treated quite differently by the Court, with the prosecutor having privileged access to the judges, the court computer and a place at the judges' right hand. Defence lawyers were required to remain in the well of the court.
- Delay – the case was over 10 months old. Up to this hearing there was no effective assessment of the need for pre-trial detention. There has still been no opportunity as yet to consider and challenge live evidence.
- Use of interpreters – there were significant shortcomings in interpretation, and in particular no attempt at simultaneous or

consecutive translation on a sentence by sentence or even paragraph by paragraph basis. It was not apparent that everything that defendants wished to say had been received and understood by the judges.

- Transparency – it was unclear whether the decision to grant interim release to 22 defendants was influenced by anything that had occurred in the course of the hearing.

**9.2** These are matters which may have a profound effect on the conduct and outcome of the case as a whole and will call into question any convictions which might result from the process.

**9.3** Further, even if these specific concerns were met in future in relation to individual hearings, the harm done by these prosecutions would remain. There is a strong appearance that the criminal law is being used as a weapon in the external diplomatic developments which are clearly in progress and were referred to openly in court. This has the effect of undermining any confidence in the Rule of Law as being an essentially judicial process which is wholly independent from Executive and Parliament and fuels the perception that the fact of these prosecutions, and indeed the way they are pursued, is highly dependent on extra-judicial influences.

**9.4** International concern about Turkey's compliance with human rights norms may well have an impact in improving some aspects of judicial behavior and hence the quality of justice in individual cases. Such international concern should continue to be articulated by NGOs such as EMHRN and its in-country partner organisations. EU and Council of Europe Embassies based in Ankara and Istanbul also have a significant role to play in coordinating international awareness of ongoing trials.

**9.5** It is recommended that the EMHRN monitors the progress of the hearings in this case over the next months and possibly years, with trial observers being sent to the most important hearings.

**9.6** EMHRN is invited to consider the possibility of more systematic observation of the many human rights related trials in Turkey, both to support individual Human Rights Defenders on trial and to monitor Turkey's continuing compliance with international fair trial standards.

## 10 ANNEX – EXTRACT FROM INDICTMENT

### Introduction to the indictment:

The prosecutors, who had written the indictment, did not pay much attention to the meaning of the sentences. Sometimes they omitted some essential parts of the sentences and most of the speeches converted to written form were not edited. But some mistakes are intentional: like writing “kurdistan”, “elebaşıabdullahöcalan”. The negligence can be confirmed by reading in the original Turkish version of the indictment. The following English translation aims at reflecting the original inconsistent formulation of the whole indictment.

### Abbreviations:

Egitim-Sen: Education and Science Workers Trade Union

DEMENP: Demokratik Emek Platformu/ Democratic Labour Platform

Koma Ciwaken Kurdistan-Kurdistan Communities League /Assembly of Turkey (KCK/TM), the KCK is allegedly intended to organize the Kurdish people as an umbrella organization that includes Kurdistan Workers Party (PKK).

KESK: Confederation of Public Employees Trade Unions

TÜM BEL-SEN: Tüm Belediye ve Yerel Yönetim Hizmetleri Emekçileri Sendikası/Trade Union of Workers of All Municipality and Local Government Services

PKK: Kurdistan Workers' Party

### 54. OSMAN İŞÇİ (65th Folder)

Suspect was ascertained to be a member of KCK/DEMENP which had been established as affiliated to PKK/KCK terror organisation TM (Assembly of Turkey) and to settle and to expand the organisation in the vocational field. The suspect had participated in the actions and activities mentioned below in the structure of KCK/DEMENP and the actions were determined with the minutes of technical surveillance. The suspect's attributed membership to the terror organisation is absolute with the evidences that are explained below and which are in the case folder.

**54.1.** The meetings of the KCK/DEMENP that the suspect was participated and relevant minutes of technical surveillance;

**54.1.1.** Suspect Osman İşçi, was participated in the KCK/TM/Assembly of Turkey meeting that took place in EĞİTİM-SEN General Centre in Ankara Province Çankaya District, Cinnah Avenue, Willy Brant Street No. 13 on 05/06.05.2012.

It is understood that there are footage and photographs from the meeting but voice record could not be obtained.

**54.1.2.** Suspect Osman İşçi, was participated in the KCK/DEMEL Assembly of Turkey meeting in EĞİTİM-SEN General Centre on 14.04.2012 at 10.00 a.m. to 6.30 p.m.

There are footage and photographs of the Osman İşçi from the meeting and it is determined that he was amongst the people participated in the meeting but voice record could not be obtained.

Following topics related with the organisational activities took place in the speeches of the suspects in the meeting on 14.04.2012, that its full content was mentioned above;

- A moment of silence was done for the persons, who died in the armed activities of the PKK/KCK terror organisation in the rural areas,
- They talked about PKK/KCK terror organisation as HAREKET (Movement), terror organisation's gang leader Abdullah Öcalan as ÖNDERLİK (Leadership) and ÖNDERLERİ (their leaders),
- They told that the activities that they should done should be in accordance with the perspective and orders of the terror organisation's gang leader Abdullah Öcalan,
- They told that terror organisation's gang leader Abdullah Öcalan's isolation in prison and the operations against the organisation should be constantly brought forward and actions and activities should be conducted on the topics,
- They exchange opinions on the democratic autonomy is the real aim of the persons who were active in the structure of the PKK/KCK-TM-DEMEL and the ones who had participated in the meeting and activities should be conducted in accordance with it.
- They mentioned that the organisation of the people is necessary before the armed struggle for the so-called Kurdistan that they would like to constitute in accordance with the aim and ideology of the PKK/KCK terror organisation and if it is necessary they should be included in this war,

- The necessity of making a report from the decisions that had taken in the meeting and opening these decisions into discussion in the meetings of was participated in the Assembly of Turkey,
- Planned and conducted works, actions and activities in all the areas of life, the rights of health, public transportation and education in native tongue, activities to protest and stop the so-called isolation condition of Abdullah Öcalan, and the operations of army and police against the PKK/KCK terror organisation,
- Planned and organised massive actions on the important days such as Newroz, Labour Day with the orders of PKK/KCK terror organisation,
- it is understood that they conducted financial activities on behalf of PKK/KCK terror organisation and collected money under the name of fee.

**54.1.3.** Suspect Osman İşçi, was participated in the meeting of KCK/DEMEL Assembly of Turkey in EĞİTİM-SEN General Centre on 15.04.2012 10.00 a.m. to 6.30 p.m.

In the meeting;

Steering committee : Thank you, Friend Osman.

OSMAN İŞÇİ : "Hello friends, I also salute the steering committee and participating friends. I will make some suggestions on the speeches that were going on since yesterday. I will present three suggestions. First providing translation services on the issue of native tongue. In the activities on the level of KESK, providing translation service in Turkish, Kurdish and other languages even in Assyrian, in every language possible. Because this not something that block the education of native tongue (*It seems here is a remark of the prosecutor or law enforcement that was put here in brackets:* According to the Article 4-h of the KCK CONTRACT, which is in the position of the constitution of PKK/KCK Terror organisation it is defined as<sup>1</sup> "realising the democratic resolution of the Kurdish Issue, providing the acceptance of the Kurdish Identity in every level and ensuring the development of Kurdish language, literature, art and culture. Giving priority to the learning, talking and freedom of education in native tongue and accepting the equality of and development of all cultures and languages.") Contrary it consolidates/supports the education. Learning a native tongue is not something that could be done in two days like learning how to drive a car. I am saying this as someone working in the field of language. I will be glad if you note this. It is something important from my viewpoint. The other one is the matter

---

<sup>1</sup> What is defined here is not comprehensible in the passage given by the authorities; it may be the job of the members (?) (translator's note).

of diplomacy. We should conduct diplomacy in national and international level. There is a diplomacy work we conducted until today and I share some of it vocally with friends here but I will reiterate it here for the sake of records. National diplomacy, I mean 4+4+4 (the new education system that was started in 2012-tn) was passed very rapidly or our friends were detained and get into prison but the (reports-tn) related with these could be prepared in Turkish and in other languages including Chinese, including Chinese one of the working languages of the United Nations, Arabic, Persian in any language... The Turkish ones (reports) could be presented from the sub-commissions to the commissions and after it passes from commission they could be presented to the embassies inside and outside the country, EU delegation and UN. It is possible to use them in Geneva, Brussels and in Middle East. I will not give details but I can tell to the friends who demand about the technical planning of it because I have been working in this field.

For example form the Peace and Democracy Party (BDP) ERTUĞRUL KÜRKÇÜ has been in Council of Europe's Parliamentarian Assembly. The prepared report sent to him in one of the six working languages of UN, could be represented there. If he will not go there our deputy friend Kars province who is a teacher of English language, I could not remember her name... Mülkiyet Birdane is in the reserves, she can also go. And doing these are not works that would bother. All of them possible due to the presence of the file in our province now (just a wrong and meaningless transformation of the speech -tn). The English website of the Al Jazeera could be followed from everywhere. The Arabic one is also followed but the English one could be followed from everywhere. It is possible to follow this. It could be done very easily. We could find support<sup>2</sup> from the trade unions in Europe but we should look to the trade unions in the Middle East. They know us as people. Like in Europe, they say we should support you because you are the victimised people, but they create a relation among equals because we are the people of this country. I think that we should turn our face to Middle East. I think that we should do some part of this work aiming there, I will be very glad if you note this in this framework. In July-August visiting trade unions in the Middle East and learning this issue called Arab Spring from the viewpoint of trade unions... There is no visa relation with most of the Middle East countries. One could travel without a visa, they could come here. This is one of the things we talked before. In September a conference can be organised. The conference on the Middle East and the preparations could be considered before it. These are related with the diplomacy.

Lastly the thing I will say about us is Yiğit talked about the journal. Our friend is related with periodicals. We have a journal. WE published its three issues, "Emek ve

---

<sup>2</sup> It should be "support" but a closer word "meslek/job" instead of "destek/support" used here.

Toplum/Labour and Society". The forth issue will be on democratic society and trade unionism. Our relevant friends could send their articles or the ones who do not send articles could find satisfactory articles on the matter. We have a web site, this website [www.emekvetoplum.org](http://www.emekvetoplum.org), [www.emekvetoplum.gov](http://www.emekvetoplum.gov), [www.emekvetoplum.wep](http://www.emekvetoplum.wep). We will upload the information in one week. The design of it was prepared and we will upload information. The use of the site is possible and you can check from there. To adopt our perspective on the field of trade unions, one of our friends said something on the curriculum. I could not remember, who. One of our friends from Diyarbakır Province in the EĞİTİM-SEN working group on politics, curriculum preparation group there, I cannot remember his name right now, I know that there is such an activity. Without lengthening that is all." It is determined that he made such a speech.

Following topics related with the organisational activities took place in the speeches of the suspects in the meeting on 15.04.2012, that its whole content which is mentioned above;

- They exchanged opinions that the DEMOCRATIC AUTONOMY is the real aim of the persons who were active in the structure of the PKK/KCK-TM-DEMEL and the ones who had participated in the meeting and activities should be conducted in accordance with it. They mentioned that the members of the organisation should be raised especially in the field education and health and with the help of these members democratic autonomy should be told to the people, and the PKK/KCK terror organisation's final aim, independent Kurdistan, could be realised through democratic autonomy,
- They talked about PKK/KCK terror organisation as HAREKET (Movement), terror organisation's gang leader Abdullah Öcalan as ÖNDERLİK (Leadership) and ÖNDERLERİ (their leaders),
- They talked about their and PKK/KCK terror organisation's discontent about the State's activities and the persons active in the structure should struggle more with these,
- They mentioned that the organisation of the people in every field is necessary before the armed struggle for the so-called Kurdistan that they would like to constitute in accordance with the aim and ideology of the PKK/KCK terror organisation,
- They mentioned that they should support hunger strikes to protest the ban of meetings of PKK/KCK terror organisation gang leader Abdullah Öcalan with his lawyers,

- They mentioned that actions should be conducted against the operation targeting PKK/KCK terror organisation on the country scale,
- They uttered their discontent on the oath which is read in primary schools every morning.
- It is determined that they talked about the necessity of celebrating the anniversary of the day that of PKK/KCK terror organisation's gang leader had been brought to Turkey on 15 February and his birthday on 4 April with more massive actions<sup>3</sup>,

**54.1.4.** Suspect Osman İşçi, was participated in the KCK/DEMEN ANKARA Province Meeting in EĞİTİM-SEN ANKARA 2nd Branch on 25.04.2012 at approximately 6.00 p.m.

ÇERKEZ AYDEMİR: Friends, let's start to finalise this early. I called you here today because there is [another] meeting (...) I call you whenever there is a [another] meeting as if it is a daily/normal practise. There is a presentation of a professor on the practices in language; what it says in the book? Wednesday Talks

Talks goes on.....

M.İRFAΝ İŞIK: Recently in our study....about the things said there, foremost friends said in the opening speeches, there is no problem in the media in relation with the KESK, "everything is fine" type positioning, everyone tried to carry out the process in harmony, and liberalised it, I have a criticism to the execution on it.

YILMAZ YILDIRIMCI: Osman (OSMAN İŞÇİ (EĞİTİM-SEN) Welcome.

M.İRFAΝ İŞIK: I am going to say only this to go on. In this regard, in my opinion, in this report, this only, it should be said that there are talks that this report is not prepared emphasising the work done. It says that this experienced for the first time among us. In other words about the creeds [actually it should be alliances -tn], friends also mentioned this. No one said that we have such an alliance. We did not say this to these friends, you know to the base, you know to the women, you know no one hold us in esteem. I mean I think like this.

ÇERKEZ AYDEMİR: My Esat, there cannot be such thing but you should mention these there. Hello OSMAN FRIEND WELCOME. I will give you information. We should first do the planning“, the meeting was over after such speeches.

---

<sup>3</sup> Although the Kurdish opposition has been protesting instead of celebrating the anniversary of 15 February, the prosecutor did not make a distinction (tn).

Following topics related with the organisational activities took place in the speeches of the suspects in the meeting on 25.04.2012, that its full content was mentioned above;

- Talks were made on the meeting of the Peoples' Democratic Congress/Halkların Demokratik Kongresi (HDK) which was established with the orders of the PKK/KCK terror organisation's gang leader Abdullah Öcalan that will be held on 28 and 29 of that month and every one from every unit should participate in that meeting,
- Opinions were exchanged on persons acting in the structure of PKK/KCK-TM-DEMEL and participated in the meeting should work for the democratic autonomy initiative,
- They started endeavours under the title of "democratic society trade unionism", accepting the decisions taken in connection with the unions as orders and which were mentioned in the Article 42 of the KCK Contract,
- Talks were made on the content of the planned meeting (On 4 April PKK/KCK terror organisation's gang leader Abdullah Öcalan's birthday activities and Halabja Massacre),
- four meetings were organised under the title of training activity on democratic society trade union; two of them were held in KESK, another one was held in the province, they did not mention the place of the last one but they worked on the statute in the stated meeting,
- They mentioned that they made a road map in the training activity which was held in the province; that is (should be-tn) the road map which is revealed by the PKK KCK terror organisation's gang leader Abdullah Öcalan, as we evaluated,
- Talks were passed that the units in the structure of the PKK/KCK-TM-DEMEL do not hold regular meetings, they have several problems concerning organisation, even TÜM BEL-SEN that had organised regular meetings deteriorated recently,
- They talked on Özkan Yorgun from the PKK/KCK-TM-DEMEL structure, who was called and was warned not to talk about anyone around, not to use telephones for organisational aims. The person prepared an autocritique report on his activities and left it to Çerkez Aydemir; ÇERKEZ AYDEMİR will present the report in Diyarbakır Province which is planned to be held on 28 of the same month,

- Planned and organised massive actions on the important days such as Newroz, Labour Day with the orders of PKK/KCK terror organisation,
- They developed an alliance with the left and socialist groups under the title of HDK, with the order of the PKK/KCK terror organisation's gang leader Abdullah Öcalan in order to realise the aims and ideologies of the terror organisation, is determined.

**54.1.5.** Suspect Osman İşçi, was participated in the meeting of KCK/ DEMEP Regional Meeting in EĞİTİM-SEN General Centre on 29.04.2012 between 3.00 p.m. to 7.30 p.m.

In the meeting;

X ERKEK: Friends welcome again. Now we are living the ground to our friend Mehmet.

MEHMET BOZGEYİK: Before commencing the meeting I invite you to a moment of silence for memory of our friends that we lost.

---The Moment of Silence---..... (silence) (a moment of silence was done for the persons, who died in the armed activities in the rural areas of the PKK/KCK terror organisation)

YUNUS AKIL:... has been receiving, in the last stage this things (...) Regularly in none of the months friends, our friends do not fulfil their responsibilities, In here there is an arbitrary attitude, there is a situation (...) none of their responsibilities. In that period (...) friends approximately 150 items collected (...) 11 items were collected in this year's thing. Collected total 17,500, monthly average...

OSMAN İŞÇİ: Friends we are giving a break till 4 p.m. I mean ten minutes." It is concluded that such speeches were made.

Following topics related with the organisational activities took place in the speeches of the suspects in the meeting on 29.04.2012, that its full content was mentioned above;

- A MOMENT OF SILENCE was done for the persons, who died in the armed activities in the rural areas of the PKK/KCK terror organisation,
- They talked about PKK/KCK terror organisation's gang leader Abdullah Öcalan as ÖNDERLİK (Leadership) and ÖNDERLERİ (their leaders),
- They told that the activities that they should done should be in accordance with the perspective and orders of the terror organisation's gang leader Abdullah Öcalan,

- They told that terror organisation's gang leader Abdullah Öcalan's isolation in prison and the operations against the organisation should be constantly brought forward and actions and activities should be conducted on the topics,
- They took a decision to maintain the activities under the title of social alliance inside Peoples' Democratic Congress/HALKLARIN DEMOKRATİK KONGRESİ (HDK) which was established with the order of PKK/KCK terror organisation's gang leader Abdullah Öcalan,
- They saw the Republic of Turkey as an enemy and the Republic of Turkey has been practising the enemy law [on them -tn],
- The necessity of making a report from the decisions that had taken in the meeting and opening these decisions into discussion in the meetings of was participated in the Assembly of Turkey,
- Planned and conducted works, actions and activities in all the areas of life, the rights of health, public transportation and education in native tongue, activities to protest and stop the so-called isolation condition of Abdullah Öcalan, and the operations of army and police against the PKK/KCK terror organisation,
- Planned and organised massive actions on the important days such as Newroz, Labour Day with the orders of PKK/KCK terror organisation; they saw these actions and activities as uprising,
- They presented opinions on the distribution and reading of the magazines and newspapers in the direction of the PKK/KCK terror organisation and also they took a decision for the reading of the books written by terror organisation's gang leader Abdullah Öcalan.

#### 54.2. Suspect Osman İŞÇİ stated shortly in his account that;

He is a member of the EĞiTİM-SEN, and a research assistant in Hacettepe University; he had participated in the training meeting on 14 April (2012), stayed for a short time, talked with a lawyer from [Ankara] Bar Association he did not use any word related with the organisation; he did not participated in the successive meeting on 15 April; he did not participated in the meetings in EĞiTİM-SEN on 5 and 6 May, but he was in the divorcing process with his wife so he had been using the guesthouse of the EĞiTİM-SEN; he has no relation with terror organisation.



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME  
**الشبكة الأوروبية - المتوسطية لحقوق الإنسان**

**Title of Publication:** Observation of the trial of Osman ISÇI, human rights defender and trade-unionist

**First date of publication:** May 2013

Copenhagen

Euro-Mediterranean Human Rights Network

Vestergade 16

1456 Copenhagen K

Denmark

Tel: + 45 32 64 17 00

Fax: + 45 32 64 17 02

E-mail: [info@euromedrights.net](mailto:info@euromedrights.net)

Website: <http://www.euromedrights.org>

© Copyright 2013 Euro-Mediterranean Human Rights Network

Publication of this report was made possible thanks to the generous support of the Danish International Development Agency (Danida) and the Swedish International Development Agency (Sida).



The content of this report is owned by the Euro-Mediterranean Human Rights Network and cannot in any way be seen as representing or reflecting the position of Danida or Sida.