

Press Release

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Sadak, Zana, Dicle and Dogan should be released pending outcome of appeals, says Chair of Committee of Ministers

Strasbourg, 22.04.2004 - The Chairman of the Committee of Ministers of the Council of Europe, Dr Bernard Bot, Minister of Foreign Affairs of the Netherlands, expressed his disappointment at yesterday's outcome of the re-trial in the case of Selim Sadak, Leyla Zana, Hatip Dicle and Orhan Doğan, confirming their original convictions to a 15-year prison sentence. The re-trial had been prompted by a finding of the European Court of Human Rights in 2001 that the original convictions had been imposed in violation of their right to a fair trial.

Minister Bot said that, after the delivery of the European Court's judgment, the Committee of Ministers had pressed the Turkish authorities into adopting legislation paving the way for the re-opening of the proceedings in this case and, thereafter, had called for the applicants' release pending the outcome of the new trial. Concerns had also been expressed following numerous reports questioning the fairness of the re-trial.

He deplored the fact that the Committee of Ministers' repeated requests - most recently expressed in an Interim Resolution of 6 April 2004 - had been ignored. He underlined that the fact that the applicants had continued to be treated as convicted persons throughout the re-trial raised serious issues regarding the presumption of innocence.

Minister Bot noted that it was the stated intention of the applicants' lawyers to lodge an appeal against today's ruling and stressed that Turkey's obligation to comply with the European Court's ruling required the applicants' release pending the final outcome of all relevant appeals before the Turkish Courts. Arguments based on the independence of the judiciary could not release Turkey from this obligation.

He concluded that this case was an important test of the efficacy of the recent raft of reforms in Turkey, which had been wholeheartedly welcomed by the international community, and in particular of the Turkish courts' readiness to accept the European Human Rights "acquis".

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