

# Human Rights Watch

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(Istanbul) - The third attempt to convict the human rights activist and writer Pnar Selek on allegations that she was involved in a 1998 deadly explosion is a travesty of justice, Human Rights Watch said today.

On February 9, 2011, Selek is scheduled to stand trial for her alleged involvement in a 1998 explosion in Istanbul's Spice Bazaar that killed seven people and injured more than 100. It is the third attempt to convict her for carrying out a lethal bombing, despite substantial evidence that there was no bombing and that the explosion was the result of a gas leak.

"The trial of Pnar Selek is a perversion of the criminal justice system and abuse of due process," said Emma Sinclair-Webb, Turkey researcher at Human Rights Watch, who will attend the trial. "The pursuit of this case for 12 years violates the most basic requirements for a fair trial. These baseless charges should be dropped once and for all."

Well-founded concerns persist in Turkey about politically motivated prosecutions, Human Rights Watch said. Prosecutors and judges have pursued unwarranted cases against journalists and editors, human rights defenders, individuals participating in demonstrations, and those engaged in legal pro-Kurdish political activity.

The court where the third round of this trial will be held, Istanbul Heavy Penal Court No. 12, has acquitted Selek and her former co-defendant twice on the same charges, in 2006 and 2008. The prosecutor appealed each time.

Despite the evidence from multiple expert bodies showing that the explosion was caused by a gas leak, Turkey's top court of appeal, the Court of Cassation, ordered her retrial again on February 9, 2010, saying that the explosion was a bombing she carried out on behalf of the outlawed Kurdistan Workers' Party (PKK). Selek's co-defendant, who later testified that he did not know her, had originally made a false confession under police torture, implicating Selek. While he was acquitted of all charges, and his acquittal upheld, the inadmissible evidence in the form of this confession remains the sole basis of the case against Selek.

The Court of Cassation's most recent ruling calling for the third trial said that Selek should be retried under article 125 of the previous Turkish Penal Code (law no. 765), which deals with crimes against the integrity of the state, including armed attacks by outlawed separatist groups. She would face a sentence of aggravated life imprisonment, a life sentence without the possibility of release.

Selek is a sociologist who has campaigned and written extensively on human rights issues in Turkey, including issues of gender, lesbian, gay, bisexual, and transgender rights as well as Kurdish and other minority rights. Her trial is one of the most striking instances of this pattern of unfair trials that appear politically motivated, Human Rights Watch said.

"The 12-year-long campaign to convict Selek for something that the evidence has repeatedly demonstrated beyond reasonable doubt that she could not have done, shows that Turkey has a long way to go toward upholding fair trial standards and ensuring judicial independence," Sinclair-Webb said.

### Background

In 1998, Selek, then 27, had been working on a street art project in Istanbul when she was arrested. A 19-year-old youth, Abdlmecit ztrk, was also arrested. The case against them was based on the repeatedly contested claim that the explosion was caused by a bombing and on an allegation of Selek's guilt made by ztrk during interrogation. He later retracted his allegation in court, saying he had been coerced into making the accusation under torture by police. Selek also alleges she was severely tortured in police custody.

Police reports initially discounted a bombing and suggested the explosion was caused by a gas leakage. While the prosecutor who indicted Selek and ztrk labelled the explosion a bombing, this was later refuted by three separate reports from experts in different

university departments. Autopsy reports from the Forensic Medical Institute's First Special Department and later its General Board did not find any evidence that the deaths were caused by a bombing.

When ztrk was acquitted on all charges, which the Court of Cassation upheld, the original trial court ruled that his statement was inadmissible as evidence against Selek. No other evidence, testimonial or forensic, was ever offered to establish any link between Selek and the explosion.

A written statement purportedly made by ztrk's aunt in which she allegedly identified Selek as having visited her home was shown to have been fabricated when it became clear in court that his aunt spoke only Kurdish, not Turkish, and she testified that the police had forced her to sign a paper whose contents she did not know. In court, both ztrk and his aunt stated that they had never even met Selek.

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