THE BERTRAND RUSSELL PEACE FOUNDATION

DOSSIER

2013 Number 119

TRIAL OF KURDISH LAWYERS

Tony Fisher prepared this Trial Observation Report for the Human Rights Committee of the Law Society of England and Wales.

This is a further report on the trial of 46 Kurdish lawyers and other professionals on alleged terrorist offences arising out of their position as representatives of the PKK leader Abdullah Öcalan. The trial was adjourned from November 2012 and resumed on the morning of 3rd January 2013 at Silivri court. This report should be read in conjunction with my earlier report dated 8th November 2012 (available online).

Immediately after the hearing in November 2012, the hunger strike amongst KCK defendants had been called off. This had happened on the instruction of Mr Öcalan. In the days before the resumed hearing news emerged from the Turkish government that members of the intelligence service had been in further discussion with Mr Öcalan with a view to re-opening talks to find a solution of the Kurdish issues in Turkey. On the day of the trial itself government members visited him for further discussions.

After the hearing in November 2012, I obtained a copy of the indictment against the defendants. It is 892 pages long. With the assistance of two members of the International Action Team (IAT) of volunteer lawyers and students who work with the Law Society of England and Wales, a summary of the indictment and the charges against each of the defendants translated into English has now been prepared. This shows that the essence of the case against each of the defendants is essentially the same i.e. that in their capacity as lawyers for Mr Öcalan they effectively acted as 'mediators' who provided members of illegal organisations with 'information and direction' from Mr Öcalan and, as such, were involved in the 'strategy and management' of the illegal organisations. The indictment also gives further insight into the methods used to collate evidence, including the use of telephone intercepts, search warrants in relation to both office and personal accommodation, and detailed analysis of

publications made and interviews given by various defendants to the media. Other forms of surveillance (including 'technical searches' making use of telephone signals to identify the geographical location of defendants) were also used. Items confiscated and examined included hard disks containing confidential client information with regard to other clients, together with their physical case files. These were also subject to detailed scrutiny in an attempt to secure evidence of the lawyers own involvement in terrorist activities.

Relevant Domestic Law

The main provisions under which the defendants are charged are Sections 314/1 and 314/2 of the Turkish Penal Code which read:

> '314. (1) Persons who found or run a military (armed) organisation in order to commit the offences in parts 4 and 5 of this chapter shall receive sentences of 10 to 15 years in prison.
> (2) Persons who are members of the organisations described in subsection 1 shall receive sentences of 5 to 10 years in prison.'

Offences under parts 4 and 5 are offences against national security, which would include becoming members of terrorist groups.

I understand (from research undertaken by the IAT members referred to above) that under sections 135 and 140 of the Turkish Law on Criminal Trials, the communications of a suspect or a defendant can be traced (subject to judicial authority being first obtained) whenever an investigation reveals good reasons to suspect that an offence has been committed and evidence cannot be obtained through other methods. This includes recordings of sound, audiovisual records and the monitoring of a person's behaviour in public areas. It appears that application had been made to judicial authorities to secure the necessary permissions for such monitoring to take place, although the authority given had allegedly been exceeded in many cases.

I understand that section 135 of the Law on Criminal Trials also takes account of the right to freedom of communication, which is enshrined in Article 22 of the Turkish Constitution. As a result, S135 imposes many restrictions on when and how 'bugging' can be used to gather evidence for a criminal investigation. These restrictions are based on proportionality and practicability and where evidence can be obtained by more than one method, the one that should be preferred is the method that is the least restrictive of the suspect's civil liberties. Thus, bugging can only be used

as a last resort where there are no other possible means by which evidence can be obtained. Evidence obtained in this way can be used in a trial only if it has been obtained lawfully.

In these cases, the indictment states that a court order was obtained to allow evidence to be gathered in this way. However, the decision of the court to grant the order can be criticised. It is not clear that use of these provisions was proportionate (especially since it involved the breach of legal professional privilege between the lawyer and other clients) and whether evidence of alleged involvement in terrorist activities could not have been obtained in any other way. All of the lawyers argue of course that despite the methods used, the evidence obtained is insufficient to warrant the prosecution, and various applications were made, as summarised below, for evidence to be excluded on the basis that it had been obtained illegally.

Interview with one of the accused lawyers

On the day prior to the trial I was given the opportunity, via Human Rights Watch, of interviewing one of the defendant lawyers in Istanbul. I will not identify the lawyer, but the lawyer was able to provide details of procedures which had to be followed in order to secure a visit to Öcalan to take instructions.

The Ministry of Justice would only accept applications made by fax via a single law office, the office of 'Asrin' law firm. Application had to be made at least a month before any prospective visit. Öcalan is held in an island prison. The lawyers attended the police facility on shore at the port prior to the visit. Each lawyer was subject to some nine searches before being allowed on the boat which transported them to the island. The lawyers were not allowed to take any telephones, pens, paper or documents with them to the island. After a two-hour boat trip, there was a further wait during which each of the lawyers was fingerprinted and photographed. Allegedly, each lawyer was searched a further 12 times which included walking through X-ray machines and being scanned with other equipment. They also had to surrender any other items (even wedding rings were removed). Shoes were checked. The guards were all senior personnel not below the rank of sergeant or officer. All carried small automatic weapons. There were nine guards. They were then taken to a room which contained three desks. One desk, which they sat at, had four chairs. Facing them was another desk to which Öcalan was brought. Between the two desks was a third desk at which an official sat with paper, pencils, and a tape recorder which was running (they could see the red

light). It was summer and very hot but there was no air conditioning in the room. They all introduced themselves by name and Öcalan asked questions about the current political situation and about the activities of the PKK. On this occasion no instructions were given but he clearly expressed his opinions and had clearly prepared carefully for the meeting. The lawyers were with him for an hour.

The visit was undertaken with the consent of the government (as, of course, all visits would have been). A note of the meeting was made later and stored with other records.

This defendant has been charged (in the same way as others) of committing terrorist offences. As with the other lawyers, all of the lawyer's electronic case files involving other clients were confiscated and examined without the consent of those clients.

The hearing on 3rd January 2013

The hearing was conducted within a much larger court at Silivri than the court used in November 2012. There was sufficient accommodation for all relatives as well as the lawyers and the international delegation to be present at all times.

The timing of the hearing immediately after the New Year period meant that the international delegation was much reduced in number. In all roughly 20 observers were present from the United Kingdom, France, the Netherlands, and Germany. It appeared that the number of Turkish lawyers representing the defendants had increased since, in all, there were over 100 lawyers present on the benches reserved for defendants' representatives. On enquiry, we were told that all of the lawyers were representing all of the defendants. Similar security arrangements were in place as had been seen in November with a large presence of gendarme and other security personnel. Many were in full riot gear and had water cannon on standby. All those entering and leaving the court house were being filmed.

The morning session

The morning started with an application by one of the lawyers for the proceedings to be adjourned to allow the new law, which had been announced at the time of the previous hearing (to allow the use of Kurdish in criminal proceedings where the defendant wishes the proceedings to be conducted in their mother tongue), to be passed. This was rejected.

The judge then invited a number of defendants to come forward for charges to be read and to answer questions with regard to the charges against them. All save one demanded an interpreter and refused to answer

questions unless one was provided. One lawyer, Umit Sisligün, was prepared to speak in Turkish and claimed that all allegations in his case file were untrue. He had been to see Öcalan only once and had followed the procedure demanded by the Ministry of Justice, had not been allowed to take anything with him, and the interview had been recorded so that the state was aware of everything that was said in any event. Further defendants refused to answer the charges in Turkish and there was a short adjournment.

Subesquent to the adjournment a long submission was made by one of the lawyers which focused on the lack of any 'rule of law' on the island on which Öcalan had been imprisoned. Reference was made to the fact that the European Court of Human Rights had found the mode of his incarceration in violation of article 3, and his isolation was made subject to an application to a domestic court to determine whether or not it was incompatible with Turkey's obligations under the European Convention on Human Rights. This had been refused. Attempts made to visit him had often been thwarted by representations that the boat used to transfer lawyers to the island was broken. Further representations were made concerning bail, and complaints were made concerning the recording of the interviews as a breach of client confidentiality under Turkish law. The hearing then adjourned for lunch and the international delegation were invited to meet the judges and exchange pleasantries. Opportunity was also given during the lunch break for the delegation to greet the accused but no effective communication took place.

The afternoon session

During the course of the afternoon a substantial number of lawyers made representations. Some made representations on behalf of all the defendants, some on behalf of particular defendants. The first lawyer to speak focused on the admissibility of the evidence presented by the prosecutor, and the fashion in which the investigations had been carried out. Her representations had apparently been drafted collectively by around 40 of the representing lawyers and in summary her principle points were as follows:-

- Privileged conversations between lawyers and clients are private and cannot be recorded under Turkish law. The privilege belongs to the client. Making a special case of Öcalan was not permitted and unlawful evidence of this nature should be removed from the files;
- In any event the telephone recordings made did not follow the procedural codes for the interception of telephone calls. There were 145

files of intercept evidence each of which contained over 500 pages of transcribed recordings. These should be removed from the files;

- Personal conversations between lawyers and their wives were included which was a gross breach of privacy. The contents of the calls were irrelevant to the case and only included to exert emotional pressure on the defendants and to humiliate them;
- Where privileged conversations between two lawyers had been included without the consent of the other lawyer (in relation to whom no authority had been obtained) they should be removed;
- Many of the recordings were of conversations taking place outside the time period for which authority to record had been given in any event and these should be removed irrespective of any other arguments regarding admissibility;
- No reasons were given on the authorities obtained to record telephone conversations. This was a requirement when such a gross violation of privacy, human rights, and professional privilege was being approved. Any such authority should be given as a last resort and full reasons given;
- 'Technical' searches – using telephone signals to locate individual defendants, had been undertaken without any permission having been obtained from a judge and any evidence obtained in this fashion should be inadmissible;
- After the defendants had been taken into custody access to lawyers and evidence had been denied for long periods and unauthorised intimate samples of DNA had been taken. The taking of such samples, which were not relevant to the charges under consideration, was illegal;
- Searches had been undertaken of defendants' offices and homes often in the early hours of the morning to cause maximum upset unnecessarily. Domestic searches have to be undertaken in the presence of another lawyer and this was not always respected. Much personal property was taken which was not relevant to the case. Often files were taken which related to other clients and when their return was requested they were handed over to the police so that privileged information was being given to the police rather than returned to the defendants; and
- Much of the evidence in the case files relating to conferences which the defendants may have attended, press coverage etc was entirely irrelevant to the charges and should be removed.

Mr Tahir Elci then addressed the judges. Mr Elci is the President of the Diyarbakir bar. He argued that the lawyers were not members of a terrorist group but were being punished for practising as lawyers. There have been

problems regarding the Kurdish issue for over thirty years in Turkey. The government had just confirmed that they are having negotiations with Öcalan. In these circumstances criminalising lawyers who have acted for him was a breach of their rights. Lawyers are the most important protectors of the democratic state. They should be free to practise without persecution. There were many provisions in the Turkish constitution which negated human rights. Lawyers were equal to the prosecutors.

Mr Elci referred to a case that he and 15 other Kurdish lawyers took to the European Court of Human Rights after they had been jailed and tortured for pursuing cases on behalf of applicants alleging gross violations of their rights in the 1990s. They were in prison for six months and the European Court found that their rights under Articles 3, 5.1 and 8 had been violated. In this case the lawyers had spent an unacceptably long period in pre-trial detention and their rights under Articles 5 and 6 of the European Convention on Human Rights were being violated. Steps were being taken by the legislature in Turkey to try and reduce pre-trial detention and the judges had to consider that. There was also no evidence to prove that the defendants took Öcalan's words to the PKK. The government speaks to Öcalan so why should his lawyers not speak to him. There were many decisions against Turkey at the European level. Many of the defendants had come back to Turkey to face the charges and were therefore very unlikely to abscond. They should be released.

Mr Elci was followed by the President of the Ismir bar association and 25 other representatives during the afternoon. In this report I cannot summarise every submission but the themes followed those set out above. The defendants who remain in custody have now spent over 400 days there. Many advocates pointed out that their clients had faced previous charges in relation to the same interviews with Öcalan but had been on bail during the trials and had been acquitted, yet they were now detained pending the present trial whilst some of their colleagues had been granted bail. There appeared to be no logical reason why they had been discriminated against in this way. All of those lawyers who represented lawyers who remained in custody pleaded for their release. Many had come back from other countries (Iraq/Syria) to face the charges and were therefore more unlikely to abscond. No reasons had been given for the refusal to grant them bail.

Further representations were made with regard to the role of the police. In many of the European Court cases historically, the Gendarmerie have been referred to as the 'eyes and ears' of the prosecutor in Turkey. However, in this case it appears that police statements on case files go

much further in terms of giving statements of opinion with regard to the implications of the factual evidence assembled. Complaint was made by many advocates that the police are attempting to usurp the role of the judge in terms of deciding the guilt of the defendants.

Others complained that the prosecution authorities had effectively made it an offence to represent Öcalan. One lawyer complained that after every interview with Öcalan the prosecutor had started an investigation. There had been over 100 such investigations which had led to many charges prior to the current trial, many involving some of the same defendants. There had been no convictions and, prior to the present trial, the defendants had not been held in custody. He suggested that the President of the current court had made rulings in previous cases that the recordings of the Öcalan interviews could not be used as evidence. What had changed?

Since the judge had indicated throughout the day that the court would finish at 5pm many advocates complained that they had to rush their submissions, some having less than five minutes to put forward submissions towards the end of the hearing. The hearing concluded at 5.50pm with an adjournment before a decision was made.

The decision was announced at approximately 6.30pm. In effect all applications made to exclude evidence obtained illegally were dismissed. The trial was adjourned until 28th March 2013. Bail was renewed for those on bail, and one further prisoner was bailed (significantly, this was Umit Sisligün, the only defendant who was prepared to answer questions and make representations in Turkish). The remaining defendants were remanded in custody.

It should be noted that the Prosecutor, although present in court throughout, took no active part in the day's proceedings.

Commentary

Observations made on 3rd January 2013, and the interview on 2nd January, highlight the highly unusual and political nature of this trial. Political and cultural issues are inextricably interwoven with legal issues, principles and procedures. All parties, including the prosecuting authorities, the defendants' lawyers and the defendants themselves are contributing to the politicisation of the trial. The collective decision to refuse to co-operate with the trial process by the vast majority of the defendants unless they are allowed to speak in their mother tongue, whilst understandable, is curious. All of them conduct their day to day business in the courts as lawyers in Turkish, and all of the submissions made on their behalf at the trial have been in Turkish. Whilst the struggle to pursue respect for the Kurdish

culture and language is, of course, a very legitimate struggle there is a question mark over whether this struggle is best developed via this particular case. That, of course, is a matter to be dealt with between the defendants and their advisers. However in some ways it detracts from the other issues in the trial.

What has become clear, however (now that further detail is available concerning the activities of the Turkish prosecuting authorities) is that there are many aspects of the case which should be of considerable concern to the international legal community. The methods used to secure evidence in support of the charges against the lawyers raise very significant issues:

- under articles 5, 6 and 8 of the European Convention on Human Rights, (both in relation to the defendants themselves and in relation to the breach of confidentiality of other clients of the accused lawyers); and
- under article 8 (in relation to the issues which the invasion of family life resulting from searches of the defendants homes and intercepts of their private conversations with their families raise).

Perhaps more fundamental to the role of the lawyers who are charged with these offences are the apparently clear breaches of the United Nations Basic Principles on the Role of Lawyers adopted in 1990. These provide various guarantees for the functioning of lawyers the relevant sections of which are set out below:-

> 'Guarantees for the functioning of lawyers
>
> 16 Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
>
> 17 Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.
>
> **18 Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.**
>
> **22 Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.'** (Emphasis added)

There are also substantial issues surrounding breaches of domestic law for failing to obtain appropriate judicial orders to intercept communications, failing to respect the boundaries of the orders which were obtained, and

also concerning the probity of those orders being made anyway. There is also the question of the length of pre-trial detention of all the defendants who are not on bail, which now seems excessive. All of these issues should be investigated and further monitoring of the trial should take place.

The trial resumes on 28th March 2012

JOURNALISTS ON TRIAL

Barry White of the European Federation of Journalists reports on an ongoing trial of journalists in Turkey.

Soner Yalcin, international journalist and owner of Odatv news web site, was released at the end of the 15th hearing of the Odatv trial at the Judgment Palace in Istanbul on 27 December 2012. However, he can't leave Turkey and he will have to report weekly to the court. He was first imprisoned in February 2011, along with nine other journalists working for the internet news site. They were accused of being involved in the alleged 'Ergenekon' coup plot to overthrow the government. The defendants have always maintained that the case was an excuse to bully independent and critical journalists. One journalist, Yalcin Kucuk remains in prison, along with former intelligence officer, Hanefi Avci.

As happened at the last hearing on 16 November, the day kicked off with a rally outside the court. There were speakers from the Freedom for Journalists Platform, the head of the Ankara Bar Association, a woman MP from the main opposition party, the Republican People's Party (CHP), and myself, on behalf of the European Federation of Journalists.

However, the situation soon degenerated into farce and 'low level' harassment. Our entry to the courtroom was blocked by security staff and we soon learnt that the courtroom would only be able to hold some 40 or so observers (families, supporters and reporters numbered around 80). In what is the biggest court-house in Europe, we were at a loss to understand why such a small room had been chosen by the authorities to hear the case. We concluded that it was all part of the harassment undertaken by the authorities to make life difficult for us. We further learnt that the judge had refused to allow all the defence lawyers, representing the dozen defendants, admission to the courtroom. I heard that some 17 were initially refused admission.

After considerable argument we were finally allowed into the overcrowded courtroom's public area to hear defendant Yalcin Kucuk put

his case to the judge. But not for long, as the proceedings were interrupted by the remaining defence lawyers being admitted to the court. Then proceedings were halted again to investigate a possible breakdown in the recording equipment, which turned out to be a false alarm. After nearly one hour, Yalcin sat down, it was Soner Yalcin's turn to address the court. He was defiant and said that he was the victim of a conspiracy by those who allegedly had wiretapped Prime Minister Erdogan. Trial suspects also believed that incriminating documents found on their computers were sent by unknown persons via a computer virus, a point restated by Soner. After his twenty-minute address, he sat down to applause from his supporters and the buzzing court adjourned for lunch at noon.

Returning from lunch we found that the heavy security had vanished, but the courtroom was still overflowing into the outside corridor with people unable to get a place in the main public area. During the lunch break an overhead projector and screen had been set up for use by former intelligence officer, Hanefi Avci. He gave a detailed account of the way incriminating evidence had been placed on the computers. His background in the murky world of intelligence meant that he spoke with some authority on the subject. He finished at 2.15pm when the court adjourned for 15 minutes, at which point the lawyers took the floor for their submissions which continued late into the afternoon.

Along with Ercan Ipekci, head of the Turkish Journalists Union (TGS), I had to leave the proceedings around 3pm to meet journalists at the ULUSAL Kanal TV. Their editor in chief, Turhan Ozul, has been held in Silivri state prison, over 60k outside Istanbul, since 23 August 2011, also facing charges in connection with the alleged 'Ergenekon' coup plot. Ercan has done a great job in recruiting the staff to the union. After his meeting with them had finished I did an interview to camera about the current situation and the support the EFJ was giving to the imprisoned journalists. Turhan is being supported by the Swedish Journalists Union and his case comes up again on 10 January 2013 at Silivri.

On our return to the TGS office, we had a call to say that Soner had been released. It was from his partner Halide Didem, who was overjoyed and thanked the EFJ for all their support. However, the ten journalists have not been acquitted and, along with the two remaining suspects still in prison, they will be attending the Istanbul court on 21 March for a further hearing.

The next day we attended the court for the Devrimic Karargah case (which did not take place while I was there). We met up with a number of journalists and supporters from the previous day's Odatv trial including Muyesser Yildiz, who has been adopted by the National Union of

Journalists in Briatin, and her husband. It was a good opportunity to talk about the previous day's events and we parted knowing that we will all meet again!

Travelling back on the plane to London it was interesting to read in the English edition of *Hurriyet – Daily News* that the Turkish authorities had recently launched an 'information campaign' in capital cities world wide, to explain the reasons for jailing of journalists. According to the article published on 28 December, the Turkish Foreign Ministry and the Justice Ministry organised the joint production of the booklets which were delivered to each Turkish embassy in foreign capitals during the past three months in response to criticisms and questions about journalists held in prison. Should make interesting reading and shows that the campaigning is having an impact! Meanwhile the EFJ campaign to get all the charges dropped against Turkish and Kurdish journalists will continue into 2013. We are also concerned that a few weeks ago Prime Minister Erdogan called for a debate about reintroducing capital punishment for 'terrorists', a crime of which many journalists stand accused.

EYEWITNESS IN TURKEY

Tony Simpson of the Bertrand Russell Peace Foundation and Professor Patrick Deboosere of the Free University of Brussels issued this account of their observations of the mass trial of BDP activists in Silivri in July 2012. Subsequent hearings took place in October and December, with a further one scheduled for March. Many defendants, including Ayse Berktay, remain imprisoned.

A political purge is under way in Turkey. Since 2009, thousands of activists from the Peace and Democracy Party (BDP) have been arrested in police raids and interned in extended pre-trial detention. Following elections in June 2011, the BDP has 36 members of the Turkish Parliament, elected mainly with the support of Turkey's substantial Kurdish minority.

Now, a series of trials has begun. In the latest of these, more than 200 people are before the 'Tribunal with Special Powers', charged with support for, and involvement in, the Union of Kurdish Communities (KCK), which is a banned organisation. This grouping, it is alleged by the Turkish Government of Prime Minister Erdogan, acts as the 'urban branch' of the Kurdish Workers Party (PKK), also banned in Turkey because of its long-

term armed campaign against the Turkish state. On this pretext, the Turkish authorities continue to arrest large numbers of activists throughout the country in regular raids. In recent weeks, prominent Kurdish trade unionists were detained.

Most of those before the court during the mass trial in Silivri are Kurdish members of the BDP, but some are Turkish supporters of the party, including Professor Busra Ersanli, the distinguished scholar and writer, and Ayse Berktay, the respected peace activist and translator. Ragip Zarakolu, a celebrated publisher of political commentaries and other writings, who has this year been nominated for the Nobel Peace Prize, was also in court, although he had been released from pre-trial detention following an international outcry. His request to address the court was not granted during open session.

Ayse Berktay has now been remanded in detention until the court reconvenes in October, together with most of the accused, although she has already been detained for nine months, since October 2011. On 13 July, the judges granted bail for an additional 16 accused, including Professor Busra Ersanli.

Our international delegation attended four of the eight days of proceedings in Silivri. The cavernous court house stands next to Europe's largest prison, housing some 11,000 detainees beneath high walls and dozens of watchtowers. During these days, there was time to read only part of the 2,400 page indictment to the court. On day seven, defendants had about an hour to make personal pleas, strictly in the Turkish language as the court refused to hear statements in Kurdish, although this was the preferred tongue of many of those in the dock. Sixteen individual defendants made such pleas.

Lawyers representing defendants collectively, as well as those representing some individual defendants, made submissions lasting about six hours during days seven and eight. Not all lawyers who wanted to speak had the opportunity to address the court. Those who did exposed serious inaccuracies and shortcomings in the lengthy indictment. The prosecutor spoke only briefly to oppose requests made to the court by defence lawyers.

The international delegation of three persons was excluded from the final session of the hearing, together with all the many relatives and friends of the accused. The reasons for this are unclear. We were therefore prevented from hearing the judgment of the court in refusing requests for release for many of the 200 people on trial. Apparently, the court, using some new provisions, granted only 16 more people bail, while many others

continue to be interned, awaiting October's hearing. Why people are treated so differently is not at all clear, so that the decision appears somewhat arbitrary.

Based on what we heard in court, our impression is that the indictment is extremely thin. There was not one convincing argument supporting the heavy accusation of terrorism. The elements of the dossier that have been presented in court are mostly related to membership of the BDP, or to the fact that the defendants were attending or giving courses at the political academy of the BDP. We are astonished that the judges decided to keep so many persons in prison on the basis of the inadequate evidence we heard. There is no relationship nor proportionality between the facts as presented, and the extreme measure of keeping so many of the accused under lock and key for long periods. In Turkey, people may be held for up to ten years in pre-trial detention.

A similar and related trial of lawyers has now commenced in Istanbul. This will be followed by a trial of journalists in September. International delegations are attending.

The proceedings in Silivri were accompanied by massive displays of force on the part of the jandarma security services, replete with armed riot squads, two water cannons, tear gas, and Alsation dogs. Such intimidatory displays are certainly inimical to democratic politics, bringing to mind, as they do, modern Turkey's troubled history of repressing free and open debate. They also seem to reflect an absence of public confidence in the court. This lack of trust may, perhaps, be explained in part by a recent assessment of the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, who has characterised the attitudes exhibited by Turkish judges and prosecutors as 'state-centred' rather than rights-centred.

The House of Commons Foreign Affairs Committee in the Westminster Parliament, in its recent report on Turkey, recommended that the British Foreign Office should ensure that its Turkish partners are 'in no doubt' that the shortcomings in the Turkish justice system are damaging Turkey's international reputation and leading to human rights abuses. Such damaging conduct was all too apparent in Silivri.