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Turkey-- Öcalan case: Amnesty International asks Turkish Prime Minister for fair trial

Abdullah Öcalan's trial must respect international justice standards, Amnesty International said today in a letter to the Turkish Prime Minister Bülent Ecevit.

The organization acknowledges in the letter the high emotions involved in the case, and stresses that "fair trial concerns begin from the point of arrest -- which in this case was apparently not lawful -- and continue throughout the preliminary investigation."

The organization expresses concern at the fact that Abdullah Öcalan did not have access to a lawyer until seven days after his detention.

"The Turkish authorities's treatment of Abdullah Öcalan so far undermines confidence that standards of justice will be respected during the later stages of the trial," Amnesty International said. "He must be immediately granted access to a lawyer of his choice."

"Incommunicado detention -- permitted for up to four days under Turkey's Criminal Procedure Code -- threatens a detainee's right to a completely fair trial as well as increasing the risk of ill-treatment or torture."

In its letter, the organization remind Prime Minister Ecevit that the world will use international human rights standards to judge the fairness or otherwise of the trial which Abdullah Öcalan is to face.

"These standards are not foreign prescriptions, inappropriate to the Turkish situation, but were composed with the participation and approval of Turkish governments," Amnesty International stressed. "Those in the form of treaties were freely ratified by the Turkish parliament, and under Article 90 of the Turkish Constitution, form an integral part of Turkish domestic law."

The organization also expresses concern that Abdullah Öcalan is to be tried under the rules of a State Security Court.

One of the three State Security Court judges, and often the prosecutor, is a serving soldier. It is clearly far from satisfactory for a civilian on trial for his life, and who has been in bloody conflict with the Turkish armed forces for at least 15 years, to be tried by a semi-military tribunal, Amnesty International argues.

In a previous case (*Incal v Turkey*), the European Court of Human Rights ruled that "the applicant had legitimate cause to doubt the impartiality of Izmir State Security Court."

In admitting the case of *Ciraklar v Turkey*, the European Human Rights Commission stated that the State Security Court's "lack of independence and impartiality has been established."

"Our observation of many trials in Turkey leads Amnesty International to believe that the principle of 'equality of arms' is not consistently recognized in State Security Courts," Amnesty

International stresses. The arrangement of the court places the prosecutor alongside the judges and the defendant and their counsel in a visibly junior position. This relationship is frequently reflected in the conduct of the trial itself -- since judges very frequently ignore the defence counsel's requests to call, examine and cross-examine witnesses, or to call court surveys or other mechanisms which might establish innocence or mitigation.

Amnesty International's letter reminds the Prime Minister that both the prosecution and the defence must be treated in a manner ensuring that they have procedurally equal positions during the course of the trial, and are in an equal position to make their case.

The organization is calling on the Turkish authorities to do all in their power to ensure that hearings are held as openly as possible. Except in narrowly defined circumstances, all court hearings must be public, according to Article 10 of the Universal Declaration of Human Rights and the European Convention. This right is relied upon by trial observers. The UN Declaration on Human Rights Defenders underlines their right "to attend public hearings, proceedings and trials, so as to form an opinion on their compliance with national law and applicable international obligations and commitments."

"Everyone has the right to be presumed innocent, and treated as innocent, until and unless they are convicted," Amnesty International says. "Judges and prosecutors must refrain from pre-judging any case - but this responsibility also applies to all other public officials who should not make statements about the guilt or innocence of an accused before the outcome of the trial." The letter also calls on the authorities to understand their duty to prevent, using legal action if necessary, the news media from influencing the outcome of the case by pronouncing on its merits.

Abdullah Öcalan faces charges which carry the death penalty. Since Turkey has not carried out any executions since 1984, it is classed by Amnesty International as a *de facto* abolitionist state. This was a great step forward, which has not been sufficiently recognized. Amnesty International urges the Turkish parliament to maintain its moratorium on executions, and the Turkish Government to sign the sixth optional protocol to the European Convention and thereby remove the death penalty altogether.

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To request a copy of the full letter or to arrange an interview, please call Amnesty International's Press Office on +44 171 413 5566 or 5562.

