

Peace in Kurdistan

Campaign for a political solution of the Kurdish Question

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Patrons: Lord Avebury, Lord Rea, Lord Dholakia, Baroness Sarah Ludford MEP, Jill Evans MEP, Jean Lambert MEP, Jeremy Corbyn MP, Hywel Williams MP, Elfyn Llwyd MP, Conor Murphy MP, John Austin, Bruce Kent, Gareth Peirce, Julie Christie, Noam Chomsky, John Berger, Edward Albee, Margaret Owen OBE, Prof Mary Davis, Mark Thomas

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12 December 2012

Appeal to Prime Minister Erdogan to end the KCK trials

Leading British lawyers, who recently observed the latest session of the mass trial of lawyers in Istanbul on 6 November 2012, briefed British and Irish parliamentarians on their concerns. Hosted by Hywel Williams, MP for Plaid Cymru, and sponsored by Peace in Kurdistan campaign, the meeting took place on 27 November in Westminster. It was addressed by barristers Margaret Owen OBE, Bronwen Jones and Melanie Gingell, who took part the observer delegation along with lawyers Tony Fisher and Ali Has. Barry White, UK representative of the European Federation of Journalists, also addressed the meeting to draw parallels between this trial and ongoing trials of journalists in Turkey.

Present at the meeting were Labour Party MP Mary Glendon and Sinn Fein MP Pat Doherty, as well as Lord Rea. Among the other participants were Rebecca Harvey, Haldane Society of Socialist Lawyers; Professor Hovannes Pilikian; Urko Aiertza Azurtza, Basque lawyer and Senator in Madrid on behalf of AMAIUR coalition; Jayne Fisher of Sinn Fein; Akif Wan, UK representative of the Kurdistan National Congress; Yuksel Gonul of the Kurdish Federation; and David Morgan from Peace in Kurdistan Campaign.

All participants of the meeting were so seriously alarmed by the situation that they agreed to write to PM Erdogan and issue the following appeal:

We express our grave concern about the ongoing case against lawyers representing the jailed Kurdish leader Abdullah Ocalan, about conduct of this trial and its political implications.

The lawyers, 47 in total, are formally charged and tried for terrorism related offences within the scope of the wider KCK trial process but we are of the view that the lawyers are actually being tried simply for carrying out their professional duties as lawyers.

We also have concerns about the conduct of the court proceedings as well as the method and timing of the arrests; in fact, the highly politicised nature of this whole legal proceeding is tantamount to a show trial and exposes huge shortcomings in the Turkish legal system.

Having informed British parliamentarians of the numerous shortcomings in the trial that we witnessed, we draw your attention to some of the key areas of concern that demand your urgent response:

We believe that the trial was initiated as part of the wider clampdown on Kurdish opposition parties and organisations launched by your government immediately following the last national election two years' ago when the pro-Kurdish BDP party made significant electoral gains. The timing of this process is a clear indication that there are political motives behind the trial rather than any genuine quest for justice;

The fact that the lawyers were all arrested at the same time and that this occurred alongside the arrest of other professional groups is a further indication of a political motivation behind the trial;

We question the legal competence of the Turkish court to try the accused when the judge who was appointed to deliberate on the case had been involved in drawing up the prosecution case;

The conduct of the trial on the day that we were present appeared farcical and chaotic giving us no confidence that justice is going to be done;

We are concerned that evidence gathered by means of tapping private meetings between Abdullah Ocalan and his lawyers is being permitted in this case and is a flagrant breach of confidentiality. We would not expect evidence gathered from such a source to be allowed in a normal court of law;

It is a severe shortcoming that the defendants were not given full access to the prosecution case against them and therefore they have been seriously impeded in the preparation of their defence cases. This constitutes a serious weakness in legal procedure;

We were informed that the correct procedure laid down by the Turkish legal code demanded before initiating proceedings against a lawyer was not followed in the case against these lawyers;

The failure to grant bail in most cases means that the lawyers are being held in detention for long periods before the trial came to court. This prolonged detention of lawyers is outrageous by any standards;

From our discussions with Barry White, a journalist who campaigns for press freedom and against the persecution of journalists, we are aware that journalists in Turkey suffer similar treatment to that meted out to the lawyers. They are rounded up in mass arrests, held in detention for long pre-trial periods and are then paraded before judges who have been handpicked not for their legal competence but on the basis of their political affiliation. This is a gross breach of the principle of due impartiality, an essential pre-requisite for any system of justice anywhere in the world.

We demand that you as Prime Minister of Turkey respond as a matter of urgency to the serious concerns expressed by ourselves acting as independent observers.

If you really expect the international community and the European Union in particular to have any confidence in your country's justice system, you must take action to address the shortcomings that we have identified.

For the fact is that Turkey's legal system falls far short of what is expected in a democratic country that supposedly abides by international norms.

We firmly believe that Turkey should bring to an end these farcical trials that bring a stain on its legal system.

However, we believe that the root cause of these trials lies in Turkey's failure to resolve the continuing conflict with the Kurds. Opportunities that have been presented to Turkey by the Kurdish side have simply not been grasped. We urge you to open formal negotiations towards a solution with Kurdish representatives.

The important role that could be played by Abdullah Ocalan to resolve the Kurdish conflict was evident in the influence he brought to bear to end the recent hunger strike among Kurdish prisoners. By bringing this action to an end without any fatalities, Ocalan proved instrumental in halting a deepening crisis inside Turkey.

We therefore call upon Prime Minister Erdogan to stop playing politics with the Kurdish issue and resume genuine peace talks with Abdullah Ocalan as a matter of urgency.