INTERNATIONAL COMMISSION OF JURISTS
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REPORT OF

THE APPEAL OF LEYLA ZANA

AND THREE OTHER KURDISH

FORMER PARLIAMENTARIANS

Before

THE COURT OF CASSATION, ANKARA

on

8 July 2004
14 July 2004

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I. Executive Summary

The appeal of Leyla Zana, Selim Sadak, Hatip Dicle and Orhan Dogan, all Kurdish former parliamentary deputies, was heard before the 9th Penal Chamber of the Court of Cassation, Ankara on **8 July 2004**. The Centre for the Independence of Judges and Lawyers (CIJL) of the International Commission of Jurists (ICJ) appointed an observer, Mr. Stuart Kerr, a barrister of England and Wales to monitor and report on the appeal. The judgment was delivered on **14 July 2004.**

Leyla Zana and her co-defendants had been convicted on 8 December 1994 by the Ankara State Security Court of "*membership of an armed gang*" contrary to Article 168 of the Turkish Penal Code and were sentenced each to a term of 15 years imprisonment. However, on 17 July 2001, the European Court of Human Rights (ECtHR) ruled that the said former parliamentarians had not received a fair trial at the Ankara State Security Court which at the time of the trial included a military judge.[1] The ECtHR held that the Ankara State Security Court, as composed then, was not "*an independent and impartial tribunal within the meaning of Article 6 of the Convention.*"[2] Following this ruling, Leyla Zana and her three co-defendants were granted the right of a re-trial, which was heard over fifteen hearings at No.1 Ankara State Security Court. The hearings took place monthly, beginning on 21 February 2003, and concluding with the announcement of the guilty verdict on 21 April 2004[3].

On the basis of the observation of the hearing of the appeal, the ICJ/CIJL welcomes practices which indicate that many aspects of the right to a fair trial in the context of the appeal were respected. Although misgivings remain about the length of the proceedings as a whole, the ICJ/CIJL welcomes the relative expedition with which the appeal was listed before the Court of Cassation, i.e. within three months of the verdict of the State Security Court. Additionally, the fact that the appellants had on 8 June been released on bail pending their appeal is a significant positive development.

The ICJ/CIJL is satisfied that no limitations were placed on Mr. Yusuf Alatas of the Ankara Bar, the lawyer who represented the defendants, in the exercise of his professional duties. Indeed, the defence had been provided with the Public Prosecutor's observations on the merits of the appeal in good time, as early as 8 June 2004, a full month before the hearing. Further, the ICJ/CIJL is satisfied that the right to a public hearing was respected. No limitations were placed either on the appellants, who although they chose not to attend, were entitled to do so, or on the public in their ability to attend the hearing. In fact, the proceedings in the courtroom were televised by all the major Turkish television channels, and photo-journalists were permitted to photograph at will. The ICJ/ CIJL welcomes this practice given that there was only limited seating available for the public and that a wide public interest in the outcome of the appeal had developed.

In the light of grave concerns that the appellants had not been afforded the right to be presumed innocent in their re-trial, the ICJ/CIJL is pleased to note that there was no evidence that this violation of a right to a fair trial was duplicated or maintained in their appeal before the Court of Cassation. In fact, part of the Court of Cassation's judgment reflected concerns that the presiding judge of the State Security Court ought to have disqualified himself for making prejudicial comments about the guilt of the accused.

[1] *Sadak and Others v. Turkey* (no.1) (App. Nos. 29900/96, 29901/96, 29902/96 and 29903/96), para.40.
[2] Ibid.
[3] There was no hearing between 21 November 2003 and 16 January 2004.

Nevertheless, the ICJ/CIJL believes that defects emerged regarding the principles of *equality of arms* between the prosecution and the defence and the *independence and impartiality of the tribunal*. In summary, the ICJ/CIJL is concerned that a fair trial was undermined by the layout of the Court and the positioning of the Public Prosecutor next to the panel of judges. Concerns persist over the appointment and disciplining of the judiciary by the High Council of Judges and Prosecutors. In addition, the ICJ/CIJL is concerned that, considering the totality of the length of the proceedings, the right to be tried within a reasonable time continues to be violated.

On **14 July 2004**, the Court of Cassation announced its decision to allow the appeal of Leyla Zana and her co-defendants, quash the conviction and remit the case to the newly established Heavy Penal Court. The re-trial will commence on 22 October 2004.

Although the ICJ/CIJL welcomes the decision of the Court of Cassation to allow the appeal, continuing concerns arise from the fact that the proceedings will be remitted to the Heavy Penal Court for a third trial, where many of the same personnel, including the presiding Judge, Orhan Karadeniz, may be involved in the proceedings. There is a real risk that unfair features of the first two trials may be repeated. The ICJ/CIJL therefore considers that a third trial will be an over-zealous approach to take, and that, given the totality of the length of the proceedings, the right to be tried within a reasonable time will be violated.

Consequently, the ICJ/CIJL reiterates its exhortation to the Turkish Government to recognise that *equality of arms* between the parties before a Court is essential and of fundamental importance to the notion of a *fair trial* under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It therefore, once again, urges the Turkish Government to ensure that it organises its justice system in order that all the provisions of Article 6 of the ECHR and Article 14 of the ICCPR, to which the Republic of Turkey is a party, be fully respected and implemented.

II. Introduction

Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak were members of the Turkish National Assembly and the Democracy Party (DEP).[4] On the basis of repeated applications over the course of nearly three years by the public prosecutor to the Ankara State Security Court, on 2 March 1994 the National Assembly lifted the applicants' parliamentary immunity. Shortly thereafter, the defendants were taken into police custody. On 16 June 1994, the Constitutional Court dissolved the DEP and ordered the party's MPs to vacate their parliamentary seats.

The defendants were initially charged with "*treason against the integrity of the state*", a capital offence under Article 125 of the Penal Code. That charge was later changed to "*membership in an armed gang*" within the meaning of Article 168 of the Penal Code, which provides as follows:

"Any person who, with the intention of committing the offences defined in Article 125[5] … forms an armed gang or organisation or takes leadership … or command of such a gang or organisation or assumes some special responsibility within it shall be sentenced to not less than fifteen years' imprisonment.

The other members of the gang or organisation shall be sentenced to not less than five and not more than fifteen years' imprisonment."

The prosecution case was based firstly, on the activities that Leyla Zana and her co-defendants are alleged to have engaged in on behalf of the Workers Party of Kurdistan (PKK) (harbouring militants, negotiating with local leaders and threatening them as a way of forcing them to help the PKK establish itself in their regions). Secondly, the prosecution based its case on the content of oral and written statements made by the defendants in defence of Kurdish rights in which they allegedly express support for PKK activities.

The defence case is that Leyla Zana and her co-defendants have never advocated the formation of a separate Kurdish state through armed action. Rather, through their speeches and writings they have sought to forge a peaceful, democratic resolution to the conflict between the Turkish government and its minority Kurdish population, a resolution in which the basic rights and distinct cultural identity of Turkey's Kurds are recognised by the Turkish state authorities. The defence maintains that the political leaders associated with the Kurdish issue are being prosecuted solely in order to silence persons who have sought to criticise the Turkish government.

In its judgement of 8 December 1994, the Ankara State Security Court sentenced the defendants to 15 years imprisonment within the meaning of Article 168. The Court rejected the charge under Art. 125. It found, in sum, that defendants had engaged in intensive "separatist" activity under instructions from the PKK – a separatist armed group seeking to fund a Turkish state in south-eastern and eastern Turkey.

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[4] For all factual information cited, refer to *Sadak and Others v. Turkey* (no. 1) (App. Nos. 29900/96, 29901/96, 29902/96 and 29903/96).

[5] Article 125 of the Turkish Penal Code provides:
"It shall be an offence punishable by death to commit any act aimed at subjecting the State or part of the State to domination by a foreign State, diminishing the State's independence, breaking its unity or removing part of the national territory from the State's control."

On 17 January 1996, the former parliamentarians lodged an application with the then European Commission on Human Rights alleging, by reference to Articles 6 and 10 of the ECHR that they had not been afforded a fair hearing by an independent and impartial tribunal and that their freedom of expression had been infringed.

On 17 July 2001, the European Court of Human Rights ruled that the co-defendants had not received a fair trial. The Court ruled that there had been a violation of Article 6 because the Ankara State Security Court, which at the time of the trial included a military judge, was not "an independent and impartial tribunal". The Court further unanimously held that the applicant's rights under Article 6(3)(a) and (b) had been violated in so far as there had been a change in the characterisation of the offence during the last hearing of the trial and the applicants had not been allowed additional time to prepare their defence against the new charge. Furthermore, the Court ruled that the applicants had been denied an opportunity to examine or have examined key witnesses for the prosecution.

On 3 February 2003, Turkey's President, Ahmet Necdet Sezer, ratified the most recent 'Harmonisation Law' aimed at bringing the country closer to meeting European Union membership requirements pertaining to human rights. According to the new law, when the European Court has ruled that a person has been denied a fair hearing in accordance with Article 6, that person shall have the right to a re-trial. On 4 February 2003, the ex-parliamentarians officially lodged an application for a re-trial pursuant to the new law adopted by the Turkish Parliament.

In the retrial, which was heard before the No.1 State Security Court in Ankara between February 2003 and April 2004, the ICJ/CIJL identified several features of the trial which fell well below international fair trial standards. In particular, the ICJ/CIJL considered the *principle of equality of arms, the presumption of innocence, the right to a public hearing, the independence and impartiality of the tribunal, and the right to be tried within a reasonable time* were all violated during the course of the trial. The ICJ/CIJL was also critical of the continued detention of the defendants during the trial, especially given the protracted nature of the proceedings, plus the failure of the Court or the Prosecutor to instigate a thorough and independent investigation into allegations of mistreatment of two of the defendants. The ICJ/CIJL concluded that the trial had represented a total failure of the State Security Court to consider afresh the charges against the defendants in a rehearing. [6]

On 7 June 2004, the Public Prosecutor submitted a declaration to the Court of Cassation on the safety of the guilty verdict reached by the State Security Court. The declaration concluded that the conviction ought to be quashed. The Public Prosecutor had identified several flaws in the trial, including the decision of the Court not to allow some defence witnesses to be heard, the failure to allow experts to examine tape recordings, and the fact that the Judges had not provided any reasons for refusing to disqualify themselves after having made prejudicial remarks about the innocence of the defendants.

On 8 June 2004, in the light of the Public Prosecutor's declaration, an application for bail was made on behalf of Leyla Zana and her co-appellants to the Court of Cassation, which was granted, pending appeal, a decision which is greatly welcomed by the ICJ/CIJL.

[6] See, *ICJ/CIJL Report of the Re-trial of Leyla Zana and Three Other Kurdish Former Parliamentarians before No. 1 Ankara State Security Court*, July 2004, available at <www.icj.org>

III. Legal Framework

The ECHR is the primary binding regional instrument to have been ratified by Turkey. In addition, relevant persuasive non-treaty standards include the Universal Declaration of Human Rights of 1948 (UDHR), the UN Basic Principles on the Independence of the Judiciary of 1985[7] and the UN Basic Principles on the Role of Lawyers of 1990.[8] In June 2003, the Republic of Turkey also ratified the International Covenant on Civil and Political Rights (ICCPR).

Under the terms of Article 90 of the Turkish Constitution, the above instruments form an integral part of Turkish domestic law.

Article 6 of the ECHR guarantees the *right to a fair trial* in criminal proceedings. The object and purpose of the provision is "to enshrine the fundamental principle of the rule of law"[9] The principle that there should be *equality of arms* between the parties before the Court is of fundamental importance to the notion of a fair trial under this Article. Each party in a case is to have a reasonable opportunity of presenting its case to the Court under conditions which do not place that party at substantial disadvantage vis-à-vis its opponent.[10] Article 6 further provides that everyone is entitled to a fair and public hearing by "*an independent and impartial tribunal established by law*".

An appeal against a conviction by the State Security Court can be brought to the Court of Cassation pursuant to article 305 of the Turkish Penal Procedure Code.

IV. The Appeal Hearing

The appeal was heard by a panel of five Judges of the Court of Cassation, beside which sat the Public Prosecutor. The Chair of the panel, Hasan Geçeker, began proceedings by reading aloud the Public Prosecutor's declaration to the courtroom, after which submissions on the merits of the appeal were made orally to the court on behalf of the appellants by their lawyer, Mr. Yusuf Alatas. No contemporaneous record was taken of these submissions, but at their conclusion the presiding Judge, who had been taking a handwritten note, summarised the submissions to the court clerk, who in turn made a handwritten record. The Judge then adjourned the appeal for deliberations and to announce the ruling on the appeal on 14 July.

During the hearing, reporters from all the major Turkish television channels, and photo-journalists from the print media were permitted to photograph at will. No restrictions were placed on members of the public who wished to attend the hearing including international observers from the European Parliament and embassy staff. The appellants' themselves, although they were entitled to attend the hearing, chose not to as their attendance was not required.

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[7] Basic Principles on the Independence of the Judiciary, adopted by Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan 1985, endorsed by General Assembly Resolution 40/32 of 29 November 1985 and Resolution 40/146 of 13 December 1985. See G.A. Res. 40/32, UN GAOR, 40th Sess., Supp. No. 53, at 204, UN Doc. A/40/53 (1985); Res. 40/146, UN GAOR, 40th Sess., Supp. No. 53, at 254, UN Doc. A/40/53 (1985).

[8] Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana in 1990, and welcomed by the General Assembly in Resolution 45/121 of Dec. 14, 1990. G.A. Res. 45/121, 45th Sess.

[9] *Salabiaku v. France*, ECtHR judgment of 7 Oct. 1988, Series A141-A, paragraph 28.

[10] *Kaufman v. Belgium,* ECtHR decision on admissibility of 9 December 1986.

On the 14 July, the Court of Cassation handed down its ruling and decided to allow the appeal. The Court cited seven reasons for its verdict:

(i) The refusal of the presiding Judge of the State Security Court to disqualify himself after making prejudicial comments about the guilt of the accused had not been explained by legal reasons;
(ii) There had been a failure to consider the re-trial as completely independent of the previous trial. Some procedural rules governing the trial had not been implemented. For example, the indictment had not been read to the court, and the alteration of the charge from article 125 (treason/ breaking the unity of the State[11]) to article 168 of the Turkish Penal Code (membership of an armed gang) had not been explained to the accused;
(iii) The decision not to hear defence witnesses had not been sufficiently reasoned;
(iv) The decoding of audio and visual tape recordings had not been undertaken by impartial experts;
(v) A speech made by Orhan Dogan had been used as incriminating material against Hatip Dicle.
(vi) There was a failure to include in the judgment reference to the fact that the appellants' civil rights will be restricted only while they are imprisoned and will cease to be enforceable on their release;
(vii) The violations of a fair trial identified in the judgment of the ECtHR had not been sufficiently eliminated.

As a result the Court of Cassation remitted the case to the newly-established Ankara Heavy Penal Court No11 for a further re-trial, which is due to begin on 22 October 2004.

The observer noted the following aspects of the appeal fell below the standards expected of a fair trial:

(1) The Layout of the Court

The layout of the Court and the proximity of the judges and the prosecutor, who were all physically removed from the defence lawyer, gives rise to legitimate grounds for fearing that the tribunal is submitted to external influence and pressure and, consequently, was not independent nor impartial. Moreover, the fact that the prosecutor sits so close to the judges and on the same level with them undoubtedly indicates that in Turkey the prosecutor is given more importance and is held in higher esteem than the defence lawyer. Initially, the observer believed that the appeal was being heard by a panel of six judges and not five, so close to the panel of judges was the prosecutor. The fact that the defence was placed at some distance from the judges and the prosecutor, on the same level as the public leads the ICJ/CIJL to conclude that there was, once again, a clear violation of the principle of the equality of arms between the prosecution and the defence.

Furthermore, the ICJ/CIJL is concerned that the large courtroom was not equipped with a public address system so that everything that was being said in this open and public trial could be easily heard and followed by all attending, the general public included. It was quite difficult sometimes to hear and understand what the Presiding Judge was saying or dictating as very often he spoke in a very low and subdued voice. It is

[11] See footnote 4, above

noted that in accordance with the standards enunciated in the ECHR, hearings must be open and public and, consequently, they cannot give rise to doubts and suspicions. The trial must be one where anyone attending can clearly see, hear and follow all that is happening without any hindrance whatsoever.[12]

For all these reasons, the ICJ/CIJL concludes that the layout of the Court and the disparity in the treatment of the defence and the prosecution give rise to a significant fear that the principle of equality of arms was not respected and that the tribunal was neither impartial nor independent.

(2) The Guarantee to be Tried within a Reasonable Time

Article 6 (1) ECHR guarantees the right to be tried within a reasonable time. It is the view of the ICJ/CIJL that considering the totality of the length of the proceedings this right has and continues to be violated.

The trial was heard between February 2003 and April 2004 at the rate of one day per month. No adequate justification has been provided for proceeding at such a slow pace, particularly given that the defendants were held in detention throughout the proceedings. The progress of the trial was hindered by repeated, unjustified delays, caused by the inefficiency of the Court and the Prosecutor to proceed expeditiously. It is the opinion of the ICJ/CIJL that, having regard to the lack of legal and factual complexity of the case as well as the conduct of the accused and the judicial and prosecuting authorities, there are no factors that could justify such protracted proceedings.[13] There is no significant factual complexity to the case as the defendants face only one charge each. Moreover, there has been no impediment to the Court's collection of evidence as all the evidence which the prosecution needed to have compiled to present its case to the tribunal would have been available for the initial trial in 1994.

The protracted nature of the proceedings must be considered in conjunction with the fact that between July 2001 (when ECtHR ruled that Turkey had breached the defendants' right to a fair trial in the initial trial) and February 2003 (when President Sezer ratified the second "Harmonization Law" that granted the right to re-trial for those whom the ECtHR had ruled had not received a fair trial), there was no domestic remedy available to the defendants. Therefore, there was a delay of 19 months before the re-trial could even begin.

While Turkey's ratification of the second Harmonization Law is welcomed, it is the opinion of the ICJ/CIJL that the protracted proceedings that have been encountered during the trial have compounded an initial unacceptable delay. As a State party to the ECHR, Turkey must organise its legal system such that its courts fully comply with the provisions the ECHR as well as other treaties to which Turkey is a state party. The ICJ/CIJL considers that hearing a trial over a period of 14 months to date in addition to the delay of 19 months before the re-trial commenced demonstrates the inability of Turkey's legal system to comply with the reasonable time guarantee provisions of art. 6(1) of the ECHR[14].

That said, the ICJ/CIJL welcomes the relative expedition with which the appeal was able to be heard by the Court of Cassation, and notes that its ruling quashing the conviction was reached within three months of the verdict of the State Security Court. It is a matter of further congratulation that Prosecuting authorities

[12] *Stanford v UK*, ECtHR judgment of 23 Feb. 1994, Series A282-A, paragraphs 26 and 29.
[13] *Zana v Turkey*, ECtHR judgment of 25 November 1997, Reports 1997-VII, paragraphs 75-85.
[14] *See Bunkate v The Netherlands*, ECtHR judgment of 26 May 1993, Ser. A248-B, paragraph 23, where 15 1/2 months of inactivity and unjustified slowness violated article 6. See also *Matwiejczuk v Poland*, judgment of 2 December 2003, where 13 months without a hearing demonstrated that no "special diligence" had been displayed by the authorities.

reacted swiftly and fairly to the conviction, submitting their declaration within six weeks of the verdict. In addition, the fact that the Court of Cassation granted bail to the appellants prevented further and compounded violations of the right to liberty.

However, the ICJ/CIJL is concerned that the proceedings have been remitted for a third trial due to begin on 22 October 2004. Concerns are derived from the fact that the accused have faced unfair procedures for a period of over ten years, and well over three years since the European Court of Human Rights ruled that the accused had had an unfair trial.

Therefore, the ICJ/CIJL considers that it will be impossible for a third trial to comply with the right to be tried within a reasonable time and exhort the prosecuting authorities to call for the immediate acquittal of the accused. The ICJ/CIJL furthermore urges the Turkish Government to organise its legal system in order that its courts can comply with the provisions of art. 6 ECHR.

(3) Trial by an independent and impartial tribunal

The ICJ/CIJL also has misgivings relating to the extent of the independence of the judiciary. Although the Turkish Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power, it is widely reported that in practice the Government and the National Security Council (NSC), a powerful advisory body to the Government composed of civilian Government leaders and senior military officers, periodically issues announcements or directives about threats to the state, which can be interpreted as instructions to the judiciary. Furthermore, the ruling body of the judiciary, the High Council of Judges and Prosecutors, has the potential to exert undue pressure on members of the judiciary. Established by Article 159 of the Constitution, the High Council is responsible for appointing, transferring, promoting, disciplining and dismissing judges. The High Council is chaired by the Minister of Justice, a Minster of Justice Under-Secretary and five judges selected by the President. The Minister of Justice and the Under-Secretary of the Minister of Justice each retain voting rights in the High Council and therefore there is direct Executive influence in the process of judicial appointment, promotion, transfer and discipline. Furthermore, decisions of the Council are not open to judicial review.[15] The ICJ/CIJL is concerned that the NSC, a powerful group within the Government, can be likely to influence the High Council which, in turn, can exert pressure on the judges in the instant highly politicised case[16].

The ICJ/CIJL therefore calls for the complete independence of the judiciary in Turkey and a dismantling in its present form of the High Council of Judges and Prosecutors.

In addition, the ICJ/CIJL is concerned about the constitution of the Heavy Penal Court, to which the trial has now been remitted. The personnel who make up the judiciary in the newly-established court reportedly are identical to those in the now-abolished State Security Court. Therefore, it follows that there is a real risk that the third trial will be presided over by judges who heard the re-trial. As such, legitimate fears have developed that the defendants will be tried by judges who already should have been disqualified owing to their prejudicial remarks about the guilt of the accused. In those circumstances, the ICJ/CIJL finds that it

[15] For a detailed discussion see Chapter VII of *The Independence of Judges and Lawyers in the Republic of Turkey: Report of a Mission, 1999*, published by the Centre for the Independence of Judges and Lawyers, Geneva, Switzerland.

[16] At the hearing on 15 September, Orhan Dogan alleged that the NSC had in fact named the four defendants (and others) as people "harmful to the state", in a document which had been distributed to the main institutions, including the Ministry of Justice.

will be impossible for a third trial to meet the standards expected by Turkey's obligations under international law. Accordingly, in addition to the concerns over the violation of the right to be tried within a reasonable time, the ICJ/CIJL calls on the Public Prosecutor to recognise that it will be impossible to try the accused fairly and call for their immediate acquittal, and for the judges to accede to such a request.

V. Conclusion

It is regrettable that the State Security Court failed to remedy the defects identified by the ECtHR in 2001. In addition, the ICJ/CIJL concludes that there are some deficiencies in the appeal system, in particular regarding the *principle of equality of arms*, which may impact on the fairness of the proceedings. However, it is recognised that the ruling of the Court of Cassation indicates that many of the defects of the second trial have been identified both by the Public Prosecutor and the Judges of the Court of Cassation, and as a result, these defects have been remedied. The fact that such a remedy has been available to the accused within the ambit of domestic procedures is a matter which reflects well on the interpretation of fair trial standards by the Turkish Courts.

For reasons explained, the ICJ/CIJL urges the Government to ensure that the above-mentioned defects are remedied in line with Turkey's international obligations, in order that potential unfair practices are not present in future proceedings.

The ICJ/CIJL concludes that Leyla Zana and her co-accused, Orhan Dogan, Hatip Dicle, Selim Sadak cannot now receive a fair trial in the proposed third trial due to begin on 22 October 2004, owing to (1) the impossibility of the court to be able to abide by the guarantee to try the accused within a reasonable time, and (2) for the danger of the third trial being heard by Judges who have already reached adverse verdicts as to the innocence of the accused. The ICJ/CIJL therefore call for the charges either to be dropped by the Public Prosecutor or the Court to rule that the trial cannot proceed, and acquit the defendants instantly.

VI. Methodology

The observer monitored the hearing at the Court of Cassation on 8 July 2004. He was very ably assisted throughout by an interpreter who translated the proceedings expertly.

After the hearing, the observer, along with the interpreter, met for over an hour with lead defence lawyer Mr. Yusuf Alatas at his law office. Here the defence lawyer answered all the questions which the observer put to him to clarify matters of procedure and certain aspects of Turkish law relevant to the present case, aspects of which have been incorporated in this report.

No observer was able to attend the hearing at the Court of Cassation on 14 July, when the ruling as announced. Mr. Yusuf Alatas provided the observer with a summary of the ruling, the contents of which have been incorporated into this report.