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Commission internationale de juristes - Comisión Internacional de Juristas

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14 January 2004

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*Re: Re-trial of Leyla Zana and three other Kurdish former
Parliamentarians at Ankara State Security Court*

Dear Sir,

As you know, the Centre for the Independence of Judges and Lawyers (CIJL) of the International Commission of Jurists (ICJ) is closely monitoring the re-trial of Leyla Zana and three other Kurdish former Parliamentarians before the Ankara State Security Court. The ICJ/CIJL observed the hearings that took place on 23 May, 20 June, 18 July, 15 August, and 15 September, 17 October 2003 and sent you its reports of these hearings.

We also observed the latest hearing which took place on **21 November 2003**. Accordingly, please find attached a report of this hearing.

As pointed out in previous reports that we sent you, the ICJ/CIJL is concerned at the numerous violations of article 6 of the European Convention on Human Rights (ECHR), such as the violation of the principles of the *equality of arms*, the *independence and impartiality of the tribunal* and the *presumption of innocence*.

Moreover, the ICJ/CIJL remains concerned by the repeated delays encountered during the course of the re-trial and the fact that the Court will not reach a verdict within a reasonable time. The ICJ/CIJL considers that the periods of inactivity in the trial, which is proceeding at the rate of one hearing a month, are unacceptable and therefore, that the obligation to proceed expeditiously has been violated, particularly given the fact that defendants have been in detention since 1994 despite repeated applications by defence counsel for their release.

The ICJ/CIJL is thus extremely concerned that the continued detention of the defendants constitutes a violation of their *right to liberty and security* pursuant to article 5 of the ECHR.

We strongly urge your Government to ensure that the defects in the re-trial of Leyla Zana and three other defendants are remedied and that the defendants' rights to a fair trial and to liberty and security are protected, pursuant to Turkey's international obligations.

Please accept the assurances of my highest consideration.

Yours sincerely,

Ernst Lueber
Acting Secretary-General

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