BAR HUMAN RIGHTS COMMITTEE OF ENGLAND & WALES

INTERIM TRIAL OBSERVATION REPORT

Hearing of "Taraf" journalists

Istanbul High Criminal Court

October 2016

Written by Gráinne Mellon

Bar Human Rights Committee

Bar Human Rights Committee of England and Wales

Doughty Street Chambers
53-54 Doughty Street
London WC1N 2LS
England

Produced by BHRC

Contents

About the Bar Human Rights Committee

1. The Bar Human Rights Committee ("BHRC") is the international human rights arm of the Bar of England and Wales. It is an independent body, distinct from the Bar Council of England and Wales, dedicated to promoting principles of justice and respect for fundamental human rights through the rule of law. It has a membership of lawyers, comprised of barristers practicing at the Bar of England and Wales, legal academics and law students. BHRC's fifteen Executive Committee members and general members offer their services *pro bono,* alongside their independent legal practices, teaching commitments and/or legal studies. BHRC also employs a full-time Coordinator.

2. BHRC aims:
   - to uphold the rule of law and internationally recognised human rights norms and standards;
   - to support and protect practicing lawyers, judges and human rights defenders who are threatened or oppressed in their work;
   - to further interest in and knowledge of human rights and the laws relating to human rights, both within and outside the legal profession;
   - to advise, support and co-operate with other organisations and individuals working for the promotion and protection of human rights; and
   - to advise the Bar Council of England and Wales in connection with international human rights issues.

3. As part of its mandate, BHRC undertakes legal observation missions to monitor proceedings where there are reasons to believe that the judiciary may not be independent or impartial and/or the defendant might otherwise be denied the right to a fair trial.

4. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England and Wales. This reflects the Committee's need to maintain its role as an independent but legally-qualified observer, critic and advisor.

Acknowledgements

5. The observation and reporting of this Report was undertaken by Gráinne Mellon BHRC Executive Committee member and barrister at Garden Court Chambers. It also draws on information conveyed in meetings and publicly available in reports, statements and news articles. The report was authored by Ms. Mellon and its legal conclusions approved by the BHRC Executive Committee.

6. BHRC was assisted by a delegation led by Article 19 who provided two professional interpreters for the hearing and assisted with the access to core documentation. BHRC spoke to the delegation and to a number of defence lawyers in the case. The Mission invited the Public Prosecutor to discuss the case but the invitation was declined.

7. The conclusions reached within this report are those of BHRC exclusively, which assumes sole responsibility for the report's content and for the views expressed within.

8. The Mission was funded by the Bar Council of England and Wales' trial observation grant to BHRC. The Bar Council had no influence over this trial observation.

Introduction

9. This observation report documents the preliminary findings of BHRC's legal observation mission to Istanbul from 1-3 September 2016 to observe the first hearing in the trial of five journalists in Istanbul High Criminal Court.

10. The case concerns five Turkish journalists, several of whom were previously working with Taraf, a daily newspaper in Turkey. They are: the former editor, Ahmet Altan; former deputy editor, Yasemin Çongar; two Taraf journalists, Mehmet Baransu and Yıldıray Oğur, and a fifth journalist, Tuncay Opçin.

11. The charges are detailed in a 276 page indictment, which was accepted on 20 June 2016 by the Istanbul High Criminal Court, sixteen months after the initiation of the investigation.

12. All five journalists are facing charges of *"acquiring and divulging documents concerning the security of the state and its political interests"* contrary to articles 326-327 and 329 of the Turkish Criminal Code for which the maximum sentence is 50 years imprisonment.

13. The charges relate to reports published by Taraf in the period 20-29 January 2010- although it remains unclear as to what precisely it is said was published and why doing so was unlawful.

14. Two of the journalists, Mehmet Baransu and Tuncay Opçin are facing additional charges of '*membership and administration of a terrorist organization'* (namely the Gulen movement), contrary to article 220 of the Turkish Criminal Code, and face a possible 75-year prison term.

15. While three of the Defendants have not been detained pursuant to these charges, one Defendant, Mr. Baransu has been in pre-trial detention since 2 March 2015, a period of 16 months before charge. One Defendant, Mr. Opcin, fled the jurisdiction in advance of the trial. BHRC understands that a warrant has been issued for his arrest

16. Although the charges in this case pre-date the 15 July 2016 coup attempt, this is the first high profile trial of journalists since the declaration of the State of Emergency in Turkey under which at least 40 journalists have been detained on related charges and around 100 newspapers closed.

17. On July 27 2016 and pursuant to a statutory decree issued as a result of the state of emergency, Taraf newspaper was closed down.

18. The State of Emergency Decree laws provide for individual detention without charge for up to 30 days and provision for individuals to access a lawyer only after a period of five days in detention. There has been widespread concern that the emergency laws are being used to silence critical voices within the county.[1]

19. BHRC considers this trial to be significant not only for the accused journalists, each of whom face significant sentences of imprisonment if convicted, but also more broadly in terms of the likely approach of the Turkish courts to the right to a fair trial and the right to freedom of expression under the state of emergency.

[1] See previous BHRC reports on the situation in Turkey including most recently http://www.barhumanrights.org.uk/sites/default/files/documents/biblio/bhrc_statement_on_arrest_of_turkish_judges_and_prosecutors.pdf and http://www.barhumanrights.org.uk/sites/default/files/documents/biblio/bhrc_statement_on_arrest_of_turkish_judges_and_prosecutors.pdf

Background

20. From 20-29 January 2010, *Taraf* published a series of news reports suggesting that a group of army officers led by the First Army Commander at the time Çetin Doğan had been plotting to overthrow the Justice and Development Party (AK Party) government ("Balyoz Plan").

21. *Taraf*'s coverage led to widespread discussion and debate in the country; and a group of intellectuals took it upon themselves to file a criminal complaint against the alleged plotters with the İstanbul Prosecutor's Office.

22. Following the complaint, the Prosecutor's office ordered the journalist who reported the initial leaks, Mehmet Baransu, to provide the documents that formed the basis of *Taraf*'s story.

23. Mr. Baransu submitted a suitcase full of the documents' original written and voice recordings to the prosecutor's office. The prosecutor later expanded the investigation into the coup plot, launching a criminal case against the alleged plotters with the Istanbul 10th High Criminal Court.

24. On Sept. 2, 2012, the Istanbul 10th High Criminal Court sentenced a group of military officers who allegedly devised the "Balyoz (Sledgehammer) Coup Plan," ruling that the officers had "plotted to overthrow an elected government." The higher court, the Supreme Court of Appeals, upheld the court's decision. The convicted officers applied to the Constitutional Court, demanding a retrial, maintaining that their right to defence and right to a fair trial had been violated. The Constitutional Court upheld their appeal and ordered a retrial. The court that heard the second trial acquitted the Defendants on March 31, 2015.

25. However, the Istanbul Anatolia Deputy Prosecutor appealed the decision on June 8, 2015, maintaining that there was solid evidence clearly indicating that Çetin Doğan, the number one suspect in the case, and seven other retired officers, had in fact plotted to overthrow the government. The documents regarding the case, which has come to be known as the Balyoz trial, are still being examined by the Supreme Court of Appeals and a final ruling has yet to be made.

Arrest and investigation

26. On 1 March 2015, five years after *Taraf*'s series of news reports titled "Sledgehammer Coup Plans" were published, the Public Prosecutor referred Baransu for arrest on charges of "Establishing an organization with the intent of committing a crime", punishable under the first paragraph of the Turkish Penal Code (TCK) Article 220; "Using documents concerning state security outside their purpose, damaging documents concerning state security, and stealing or acquiring such documents by deception and damaging them (TCK Article 326, Para. 1); "Acquiring confidential information regarding the security of the state (TCK 327/1); and "Revealing crucial information on state security and political interests that should remain confidential (TCK 329/1)."

27. On March 2, 2015, the İstanbul Fifth Criminal Court of Peace refused the prosecutor's request to arrest Mr. Baransu under TCK 220/1 (Membership of a [criminal] organization) and under TCK 329/1 (Revealing information regarding state security and its political interests), but ordered his arrest under TCK 326/1 (Using documents concerning state security outside their purpose, damaging documents concerning state security, and stealing or acquiring such documents by deception and damaging them) and 327/1 (Acquiring confidential information regarding the security of the

state by deceit). He remained in pre-trial detention until the observed hearing.

28. The remaining journalists, who were also Taraf newspaper executives in 2010, namely Yasemin Çongar, Ahmet Altan, Yildiray Ogur and Tuncay Opcin also became suspects in the same investigation.

29. On 20 June 2016, the Istanbul High Criminal Court accepted the indictment in the case. The first hearing was scheduled for 2 September 2016.

30. The Defendants each deny the charges. They deny that Taraf ever published any details of the Egemen Operation Plan and further that what was published in January 2010 related only to the Balyoz Plan which was simply not, on any account, a state secret or a matter which warranted prosecution.

The hearing

31. The hearing took place as scheduled at the High Criminal Court in Istanbul on 2 September 2016. The hearing started mid-morning and lasted for the remainder of the day.

32. The Presiding Judge was Judge Bulent Dalkiran, who sat alongside two additional judges, Sezgi Tanrikulu and Yusuf Boke.

33. The case was prosecuted by Ilkay Ozkan and each of the defendants was represented by separate lawyers including Gokccin Afsar, Veysel Ok and Ahmet Emie Burak. Mr. Opcin was not represented in proceedings and BHRC understands, but has not received explicit confirmation, that the trial against him is proceeding in his absence.

34. The hearing was attended by a fact-finding delegation of international media and civil society organisations led by Article 19 and including representatives from the European Federation of Journalists, German PEN, Index on Censorship, PEN International, a number of European PEN organisations.

35. Relevant consulates were also in attendance including representatives from the US, Italian, Swiss, Dutch, German, Czech, and Belgian Embassies.

36. The morning hearing was conducted in a courtroom unsuitable in size for the nature of the hearing. A large number of those who attended, including some supporters of the Defendants and a number of international observers were unable to gain access to the hearing. BHRC gained access but this was more by fortuity rather than by design.

37. The hearing commenced with the Defendants identifying themselves. It became apparent when the Court Clerk began reading the indictment that the unsigned indictment on the court file was not the same indictment which had been served on the Defence. There then followed an application by the Defence Teams that the indictment which the Court should rely was the signed copy served on the Defence. BHRC understands the court granted this application but reasons were not provided in open court. An application was then made by an intervener on behalf of the retired military officers implicated in the case which was also granted by the Court.

38. In the afternoon, the hearing was listed in a second court room which provided sufficient room for all of the observers. The Judge began the process of the "interrogation of the accused" in accordance with procedure in the Turkish Criminal Procedure Code.

39. Each Defendant read an opening statement in which they outlined their response to the charges. Each of the Defendants expressed concern as to the lack of clarity of the charges against them. Mr. Baransu further raised concern as to the length of his pre-trial detention, the difficulty he had preparing his case in detention and the difficulties he had obtaining legal advice and accessing such advice in detention. An application was made on behalf of Mr. Baransu for his release.

40. At the conclusion of the hearing, the Presiding Judge ordered that Mr. Baransu should be afforded a period of time every day to access computers in order to prepare for the trial. The Judge also recorded that Mr. Baransu should have access to a lawyer but it is unclear what precise arrangements have been made for this.

41. At the conclusion of the hearing, Mr. Baransu continued to be remanded in custody.

42. The hearing was adjourned until 23 November 2016 where BHRC understands that the Court will continue with the "Presentation of Evidence" (article 206 of Turkish Criminal Code) and "Discussion of Evidence" (article 216 of Turkish Criminal Code).

Events following the hearing

43. BHRC understands that in/around 10 September 2016, one of the Defendants, Ahmet Altan and his brother Mehmet Altan, a Professor of Economics, were detained on allegations related to expressing support for the coup. According to their lawyer, the prosecutor has accused the brothers of putting out subliminal messages supporting the coup during a television programme in which they criticized President Erdogan. The television programme was aired on 14 July 2016, the day before the failed coup took place.

44. BHRC understands that both men have been charged with offences related to *"membership of a terrorist organisation"* and *"attempting to overthrow the government and obstruct its duties".* BHRC understands that both men remain in pre-trial detention.

45. BHRC notes that a range of civil society organisations and prominent individuals have called for the release of the two men. [2]

[2] See for instance:
https://www.theguardian.com/commentisfree/2016/sep/11/turkey-coup-ahmet-altan-mehmet

Concerns

46. BHRC acknowledges that proceedings are at an early stage but nonetheless has identified a number of concerns which are highlighted in turn below.

The right of a Defendant to know the case against them

47. The right of a Defendant to know the case against him/her, and to challenge it, is fundamental component of the right to a "fair trial" under Articles 5 and 6 European Convention on Human Rights ("ECHR") and Articles 9 and 14 International Covenant on Civil and Political Rights ("ICCPR"), to which both Turkey is a signatory. [3]

48. International human rights law is clear that if a defendant does not know the nature of the case against him, he is unlikely to be able to properly instruct his lawyer, obtain relevant evidence to support his defense or properly prepare for his defence.[4] He is therefore highly unlikely to be able to have a fair trial. He is also unable to challenge his detention.[5] Furthermore, established case law of the European Court of Human Rights ("ECtHR") affirms that it is a fundamental aspect of a fair trial that proceedings be adversarial with equality of arms between the prosecution and defence. The right to an adversarial trial means, in a criminal case, that both prosecution and defence must be given the opportunity to have knowledge of and comment on the observations filed and the evidence adduced by the other party.[6]

---

[3] Turkey ratified the ECHR in 1954 and the ICCPR in 2003.
[4] *Mattoccia v Italy,* App. no. 23969/94 (judgment 25th July 2000) (ECtHR), para 60. See also
[5] *Fox, Campbell and Hartley v UK*, App. nos. 12244/86; 12245/86; 12383/86 (judgment 30th August 1990) (ECtHR); (1991) 13 EHRR, para 40
[6] *Natunen v Finland,* App. no. 21022/04 (judgment 31st March 2009) (ECtHR); (2009) 49 EHRR 810, para 39, citing *Rowe and Davis v UK,* App. no. 28901/95 (judgment 16th February 2000) (ECtHR); (2000) 30 EHRR 1 and cases therein.

49. It was plain from this hearing that there were serious issues in relation to the indictment in this case. In particular, each of the Defendants raised concerns about content and lack of clarity in the indictment, including stating that they were unclear what the case against them was. Questions were repeatedly asked of both the Prosecutor and the Judge in order to ascertain the basis and nature of the charges. No answers were provided in open court to these questions.

50. BHRC has considered a translated summary of the indictment in this case and has noted a number of deficiencies including:

a. Accusations against the Defendants contained within the indictment that are not included in any specific charge;
b. Information contained in the indictment about several offences that bear no relation to the apparent proceedings in issue;
c. Failure to outline facts/evidence against each Defendant and link those to clear charges.

Balyoz Coup Plan

51. BHRC notes that while large parts of the indictment against the journalists focuses on a series of controversial news reports, titled the 'Balyoz (Sledgehammer) Coup Plan', published in Taraf between 20-29 January 2010, about an alleged military coup to overthrow the Justice and Development Party (AK Party) government, the charges do not, in fact, relate to this incident.

52. The indictment brings charges of acquiring and divulging state secrets against the five journalists concerning what is described as the "Egemen Operation Plan", which relates to a historic military war plan to respond to a Greek invasion. However, BHRC notes that the Turkish Constitutional Court previously concluded in a ruling dated

17 May 2016 case number 2015/7231 that Taraf did **not** publish state secrets regarding this operation. The Constitutional Court clearly stated: *"..Classified information within the scope of the Egemen Operation Plan have not been printed in Taraf newspaper."*

53. Moreover, BHRC notes that the Egemen Plan was actually made public anyway by a Court, when it was published in an indictment related to another case. The Plan itself was declared no longer in use in 2007, prior to when it was allegedly acquired by the Defendants.

54. In any event, the indictment does not make clear which confidential documents relating to the Egemen Operation Plan it alleges has been published by the Defendants between 20-29 January 2010 or outline which of the material published by Taraf is said to be "strictly confidential."

55. In these circumstances, it is unclear to BHRC how the charges against the Defendants in relation to the Egemen Operation Plan relate to criminal activity.

Gülenist Terror Organisation

56. BHRC notes that the indictment accuses two of the defendants of *"membership and administration of a terrorist organisation"* referring to alleged affiliation with the Gülenist Terror Organisation (Fetullahçı Terör Örgütü, FETÖ), the group that the Turkish government accuses of being behind the failed coup in July.

57. BHRC notes that the first official reference to this group as a terrorist movement was in an indictment in May 2015, and it was only added to the official list of outlawed terrorist organisations in Turkey in May 2016 – six years after the period to which the charges relate. BHRC is therefore unclear as to the legal basis or alleged

timeframe of this charge. Were this charge to be pursued it would appear to violate Article 7 ECHR and Article 15 ICCPR, which prohibits a person being found guilty of a crime that was not an offence at the time the act was committed.

58. In any event, BHRC notes that the indictment fails to outline any specific evidence, or the factual basis supporting this charge including any alleged relationship with the organisation in question.

Cumhuriyet Newspaper

59. Finally, BHRC notes with concern that large portions of the indictment appear to have been "copied and pasted" directly from an entirely separate indictment against Cumhuriyet editors, Can Dündar and Erdem Gül, who exposed illegal arms transfers by the Turkish Intelligence Service (MIT) into Syria and were sentenced to prison for five years for their reporting.

60. The degree of direct reproduction is evident from the fact that one paragraph of the indictment even starts with the words 'The Defendant Can Dündar'.

61. Further, it appears that both the first 46 pages of the indictment in relation to FETÖ/PYD and the subsequent 6 page section on state secrets is taken directly from the indictment on the Can Dündar- Erdem Gül trial.

62. BHRC shares the concerns expressed by international civil society that these deficiencies, at the very least appear, to undermine the basis of the prosecution case and further lend credence to the view that the decision to prosecute in this case has not been based on a careful assessment of the evidence on a case by case basis.

63. BHRC also notes that, as at the date of the hearing, the Defence had not been served with any of the Prosecution evidence in the case including that referred to in the indictment. This exacerbates the difficulties faced by the Defence in understanding and having the ability to respond to the case against them.

64. BHRC has serious concerns that the lack of clarity in the indictment renders it difficult for the defendants to properly understand, and challenge the case against them and is likely, unless rectified immediately, to lead to an unfair trial.

Freedom of expression

65. BHRC recalls that the right to freedom of expression, as outlined in Article 10 ECHR and Article 19 ICCPR is engaged in this trial as the Defendants are journalists who are being prosecuted for decisions alleged to have been taken by them in their professional capacity.

66. BHRC recalls that the right to freedom of expression is a right in respect of which no restriction may be imposed on the grounds of national security unless the government can demonstrate that the restriction is necessary in a democratic society to protect a legitimate national security interest. The burden of demonstrating the validity of the restriction rests with the government.

67. Moreover, any restriction on journalistic activity must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest.

68. BHRC notes in this case that the alleged state secret, the Egemen Secret Operation Plan, had already been published prior to charges being brought by a court, undermining the assertion that charges of acquiring, destroying and divulging this

plan is necessary to ensure state security.

69. BHRC also notes, with concern, the lengthy prison sentences sought by the prosecutor in this case - in the region of 50-75 years - which may raise issues of proportionality when the interest the Government wishes to protect is balanced against the right to the freedom of expression of professional journalists.

70. BHRC recalls its previous observations and statements in relation to criminal proceedings in Turkey[7] and strongly cautions against the charges in this case being used to silence voices of dissent in Turkey or to facilitate a "chilling effect" on investigative journalism in the country

Pre-trial detention

71. BHRC recalls that the prohibition on arbitrary detention in international human rights law, including in articles 5(3) and 6(1) of the ECHR and Article 9 of the ICCPR is non-derogable and therefore cannot be deviated from on the basis of a state of emergency or otherwise.[8]

72. Further, BHRC recalls that the UN Human Rights Committee has held that detention must be both reasonable and necessary, including by reference to all the circumstances of the case, for example to prevent flight, interference with evidence or the recurrence of crime.[9]

73. Furthermore, the European Court of Human Rights has made it clear that the

[7] Supra, fn 1
[8] UNHRC, CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency, 31 August 2001, CCPR/C/21/Rev.1/Add.11, para 11.
[9] See in particular Van Alphen v The Netherland, CCPR/C/39/D/305/1988 (15 August 1990).

seriousness of the crime charged cannot by itself justify continued pre-trial detention,[10] and has repeatedly emphasised the presumption in favour of release.[11]

74. In order to comply with the requirement of necessity, the State must demonstrate that there are no less invasive means of achieving the same ends other than detention in light of individual circumstances. [12]

75. BHRC notes in this case that one of the Defendants, Mehmet Baransu, has been held in pre-trial detention since his arrest on 2 March 2015- a period of just under 19 months and 15 months pre-charge.

76. BHRC has seen no evidence that the question of the necessity of Mr. Baransu's detention has been adequately explored or reviewed. BHRC notes that no reasons were given by the Court for the continued detention of Mr. Baransu following the hearing on 2 September 2016, particularly in light of both the fact that his co-Defendants were not remanded in custody and further in light of the fact that, on the face of it, Mr. Baransu is a professional with significant ties to the community, and further that the allegations against him are at best unclear. The ECHR requires a reasoned decision as to the need for continuing detention to be given by the court,[13] based on grounds approved by international law.[14]

---

[10] Olstowski v Poland, Application No. 34052/96 at [78].
[11] Michalko v. Slovakia, Application No. XXXX 21 December 2010, para 145.

[12] Baban v Australia, CCPR/C/78/D/1014/2001 (18 September 2003).
[13] *Yagci and Sargin v Turkey*, Application No. 16419/90, 16426/90, 8 June 1995, para 52; *Smirnova v Russia*, Application No. 46133/99, 24 July 2003, para 63; *Buzadj v. Moldova*, Application No. 23755/07, 16 December 2014, para 3.

[14] Which are the risk that they will fail to attend court hearing; interfere with evidence or witnesses; or commit further offences, see *Smirnova v Russia*, Application No. 46133/99, 24 July 2003, para 59 and *Muller v. France*, Application No. 21802/93, 17 March 1997, para 44.

77. BHRC considers that Mr. Baransu's prior and continuing detention pre-charge violates the ECHR and ICCPR in that it is arbitrary, and likely to be unlawful.

Access to a lawyer

78. BHRC recalls that both Article 6 of the ECHR and Article 14 (3) (b) and (d) of the ICCPR provides for the right to legal assistance and for the right for adequate time and facilities to prepare a defence.

79. Everyone has the right to defend himself/herself in person or to appoint a lawyer of his/her own choice in order to ensure an efficient defence. That right arises from the moment the suspect is first taken into custody upon arrest, to proceedings before the court before which *"the accused or his lawyer must have the right to act diligently and fearlessly in pursuing all available defences and the right to challenge the conduct of the case if they believe it to be unfair."* [15]

80. BHRC was concerned by the submissions of Mr. Baransu at this first hearing that he had been unable to effectively access his lawyer while in detention, or indeed facilities to properly prepare his defence (for instance a computer upon which he could access the indictment and associated paperwork). Mr. Baransu explained in open court that the legal advice he has been able to access has been extremely limited (20 minutes a week) which was not sufficient to prepare his defence. It is unclear for how long Mr. Baransu has struggled to access legal advice and if this has been the case throughout his detention. The European Court of Human Rights Grand Chamber in *Salduz v Turkey* (2008) made clear that the right to legal assistance begins during

[15] UN HRC GC 13m supra n99

police detention in order to exercise the rights of the defence and the right to a fair trial will be irretrievably prejudiced if this is not provided. Furthermore, in *Dayanan v Turkey* the ECtHR confirmed that it is necessary for the whole range of legal services to be possible to ensure a fair trial at this stage, including: discussion of the case, organisation of the defence, collection of evidence favourable to the accused, preparation for questioning, support of an accused in distress and checking of the conditions of detention.[16]

81. BHRC acknowledges that the Court has granted Mr. Baransu time for the preparation of his defence and ordered that he be provided access to a lawyer, and this is welcome. However, it is unclear to BHRC how this is to be made effective in practice.

82. BHRC reiterates the importance of the right to legal assistance, and to adequate time and facilities in which to prepare a defence.

[16] Application Number 7377/03 (13 October 2009), para 32.

Conclusion

83. BHRC acknowledges the complex factual history of these proceedings and the fact that they are in their early days.

84. However, BHRC raises preliminary concerns about a number of potential violations of international human rights law in this case, particularly in relation to the ability of the Defendants to understand the case against them, and to be able to challenge it through having adequate time and facilities to prepare their defence and effective access to a lawyer.

85. BHRC remains concerned as to the legality of Mr. Baransu's ongoing detention in this matter and reiterates that it has seen no evidence that his lengthy pre-trial detention is either reasonable or necessary.

86. BHRC proposes to continue to monitor these proceedings.