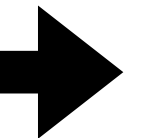


ARTICLE 19

ONLINE MODULE ON INTRODUCTION TO TRIAL OBSERVATIONS

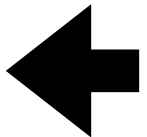


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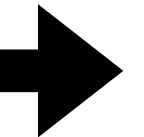


Introduction

Watch the introduction video to this online module given by lawyer and trial monitoring expert Lionel Blackman:

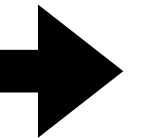
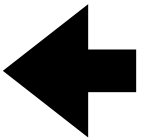


Previous slide

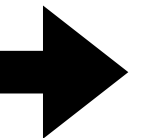
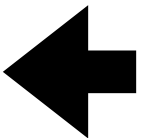


Next slide

What are the objectives of a trial observation?

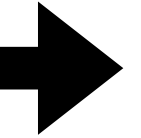
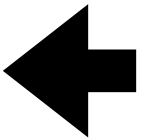


1. To be “the eyes and the ears” of a trial: to monitor the conduct of judges and lawyers during a trial and assess whether the trial is compliant with international human rights standards on fair trials.
2. To report any violation of international human rights standards as observed during the trial through broadcast, mobile, written or electronic communication channels.
3. To collect information and show patterns on the fairness and functioning of the justice system in the country; so that this information can be used for advocacy purposes.
4. To show solidarity with defendants and their families.

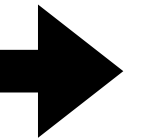
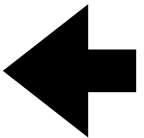


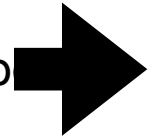
“By observing court proceedings, gathering information on the trial of defender and analysing legal practices, trial monitors demonstrate support for defenders and contribute more broadly to the strengthening of the judicial system”

(UN Special Rapporteur on the situation of HRDs, A/HRC/31/55, 1 February 2016, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/55)

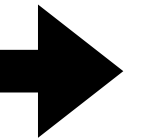
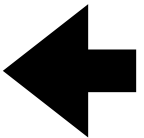


What are the principles of trial observation?



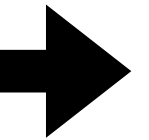
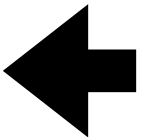
- **A Reflexive Approach (Impartiality):** Be transparent about your goal for monitoring the trial and consider how your conduct might affect your goal. Eg: If you are observing a trial as a lawyer, or for a report on rights violations, you must remain neutral and avoid showing a bias or preference for any one side during the trial. Impartiality in your conduct improves the credibility of your report and your communication on the case. However, if you are an activist or a campaigner and intend to show solidarity with the defendant, you may wish to publicly support them on social media.
- **Objectivity:** when reporting on your observations, you must stick to observable facts and include supporting evidence to ensure that you provide complete information. Objectivity also requires reporting on negative and positive attitudes from the judiciary. This will benefit your report or any communication you put out.
- **Don't confuse Impartiality with Objectivity!** Impartiality means not showing any sign of support of one party during the proceedings, in order not to compromise one's observation, whereas objectivity means to evaluate the proceedings fairly, assessing the level of compliance of the proceedings with international human rights standards.
- **Non-interference:** according to the principles of trial monitoring, observers should not interrupt the proceedings or make comments during the hearings. This is important to ensure that the procedural guarantees of justice are followed without any interruption from the public and to assess if standards are respected.
- **Informed observation:** good preparation on the case helps trial observation. Read the next section to b  understand how to prepare yourself for a trial observation.

How do I prepare for a trial
observation?



A. Read the following relevant international and national legal sources:

- *International human rights law*: **International Covenant on Civil and Political Rights**, Article 14, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (in English); <http://www.un.org.tr/humanrights/images/pdf/3-MedeniVeSiyasiHaklaralliskinSozlesme.pdf> (in Turkish)
- *Regional human rights law*: **European Convention on Human Rights**, Article 6, https://www.echr.coe.int/Documents/Convention_ENG.pdf (in English); https://www.echr.coe.int/Documents/Convention_TUR.pdf (in Turkish)
- *National law*: **Constitution of Turkey**, <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2709.pdf> (in Turkish); **Turkish Penal Code** <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf> (in Turkish) and other legislation as appropriate to the case.



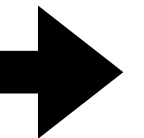
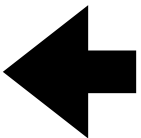
B. Look for exhaustive information on the case through:

- Research
- Meetings with the defence lawyers team
- Meetings with national or international organisations working on the case

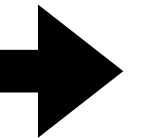
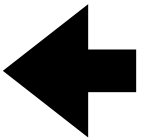
C. Create a communication strategy around the case –

For more information, check our comms checklist:

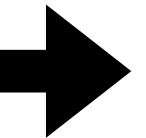
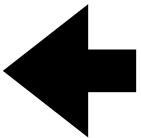
https://www.article19.org/?p=53253&post_type=resources&preview=1&ppp=cd14c87206



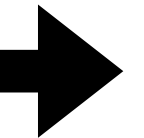
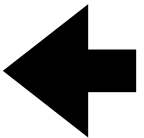
How do I conduct a trial
observation?



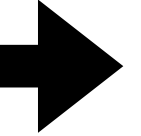
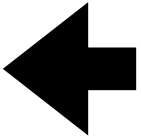
- A. Attend all the hearings of the case (if you can) to ensure you can collect information consistently and completely.
- B. Be transparent about your goal for monitoring the trial and consider how your behavior might affect your goal.
- C. Report all information objectively, considering all facts and supporting evidence.
- D. Do not interrupt the proceedings of the case.
- E. Take as many notes as possible on the proceedings, as these will help you to bring events to memory, to share clear information and to create up-to-date communications.
- F. If you can, live tweet the developments of the hearing.



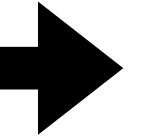
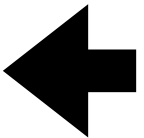
What should I do once the
observation of the trial is finished?



- A. Finalise and publish a press release or statement according to your communication strategy. Think about joint press releases and where this would be more effective (if sending them to media in Turkey or internationally). Check one of our statements as an example: <https://www.article19.org/resources/turkey-ahmet-altan-and-nazli-ilicak-released-but-judicial-harassment-continues/>
- B. Translate your press release for international reach, if appropriate.
- C. Draft and publish an article on the hearing and how it connects with the previous or future hearings.
- D. Depending on your role, whether as a lawyer, activist or journalist, you can consider writing a report analysing what you have observed during the trial.
- E. Think about how to use the report for advocacy purposes. Important! When drafting the report, think about your audience and what you would like to get out of it. Do not forget translation, if appropriate.
- F. Link the report and your observations to any relevant campaigns, to maximise the impact of your work. Example: you can use the Twitter hashtag: #FreeTurkeyJournalists

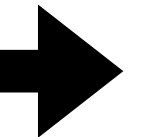
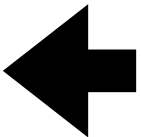


Additional resources on trial observation

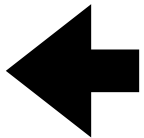


Additional resources on trial observation

- International Commission of Jurists: <https://www.icj.org/criminal-trials-and-human-rights-a-manual-on-trial-observation/>
- Organisation for Security and Cooperation in Europe: <https://www.osce.org/odihr/94216>
- Amnesty International: <https://www.amnesty.org/en/documents/POL30/002/2014/en/>
- Clooney Foundation TrialWatch: <https://trialwatchtraining.org/>
- Solicitors' International Human Rights Group: <https://drive.google.com/file/d/0B5isV6AyVcS3aFJaS1hCVUo2R1k/view> (also available in Turkish: <http://www.esithaklar.org/wp-content/uploads/2017/09/İnsan-Hakları-Aktivistleri-İçin-Dava-İzleme-Rehberi.pdf>).
- Bar Human Rights Committee of England and Wales: <http://www.barhumanrights.org.uk/category/publications/trialobservations/>



Congratulations for completing this module!



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