

Yasin Turker

I am one of the 328 victims who have been sentenced to 16 years in prison in the "Sledgehammer" case, after a year-long detention, on charges of attempting to overthrow the Government of Turkey through force and violence in 2003. The entire "Sledgehammer" case was based on unprinted and unsigned digital fabricated files. No single piece of evidence or eyewitness supported the indictment.

As a Lieutenant Commander in 2003, I have been accused and convicted because of the appearance of my name in couple of these MS Word files. Independent US, German and Turkish forensic experts and universities conclusively verified that these digital files were forged. They could not have been created or edited in 2003, because they contain the digital fingerprints of MS Office 2007, namely Calibri, Cambia fonts and XML schemas.

The trial took place at a court located inside a top-security prison campus out of the public eye and without attorney-client confidentiality. The burden of proof has shifted to defendants, who were expected to prove their innocence. The court omitted a proper evidence evaluation phase, refused to investigate the authenticity of digital files offered as evidence by the prosecution, and refused to call any defendants' witnesses. No opportunity was given to the defendants to cross-examine the prosecutors' experts. The partiality of the judges is illustrated by the fact that they refused only one single request from the prosecution while accepting only six of the 980 requests of defendants. The job of judges should be to apply the law, not to indulge their personal preferences. The great English philosopher John Locke propounded this fundamental truth in 1690; "Wherever law ends, tyranny begins."

In its recent Progress Report on Turkey, EU underlined its concerns regarding the shortcomings of Turkish judicial proceedings citing our case as an example. The UN Working Group on Arbitrary Detention is currently examining our case and will issue its findings in December. Comparing this case with the historical successful "coup d'état" trials of South America, Greece even Turkey, the number of suspects as well as their status suggest that this trial being a witch-hunting in the name of democracy. Once more, the judiciary has turned into a tool for settling scores, silencing the opposition, restructuring Turkish society, and undermining its secular institutions.

Rule of law is not an arid legal doctrine, but the foundation of a fair and just society, a guarantee of responsible government, and an important contributor to economic growth. Thus, no one should feel himself safe in Turkey, until the real criminals who fabricated these files are brought to justice. Unfortunately, the damage caused by this case will extend far beyond the suffering of the hundreds of innocent individuals who have been locked up under false pretenses, and their families.

As you agree, democratic, secular and modern Turkey established on the principle of rule of law is utmost important for the stability and prosperity of the Europe, Caucasus and Middle East. I think that the damage caused by this case will certainly have an effect on the operational capability and secular integrity of Turkish Armed Forces not only in the short term, but also in the long term. At the moment, it is unclear who benefits, but it is clear that the costs and liabilities are rising not only for Turkey, but also for whole NATO Alliance.

Frankly, I believe that we deserve to receive more attention and oversight especially from US public on the violation of human rights and disregarded fair trial principles in "Sledgehammer" case. This would also help to correct the perception in Turkish public eye as US Government might be involved or supported those who fabricated these evidences. May this "allegation" sound outrageous, but Wikileaks correspondences showing Secretary of State Mrs. Clinton's specific interest in the so called involvement of Turkish Navy in "Ergenekon" case is surprising and in a way linking.

I am sincerely asking you not to ignore the fact that "Sledgehammer" case is a severe violation of human rights and please follow the progress of the case. I am sure it will raise some concerns of yours and you will be voice of us to convey violation of our right of fair trial on various platforms.

As the history illustrated many times in the past, ignorance of basic human rights is not innocent and the results might be critical for all human kind as well as the free world.

Sincerely yours

Ph(D) Yasin Türker , Captain, Turkish Navy

PS: You may follow the development and also find detailed information about the case in Web Page [www.balyozdavasivegercekler.com](http://www.balyozdavasivegercekler.com)