

In the Central Criminal Court

Case No.

Regina

– v –

Ali Goren

**Matters of honour in Turkish
families:
An Anthropological Perspective**

by

Roger Ballard M.A., Ph.D., F.R.A.I.

Consultant Anthropologist

Centre for Applied South Asian Studies
Red Croft,
Howard Street,
Stalybridge, SK15 3 ER

Phone/Fax 0161-303-1709
Email roger@casas.org.uk
Web <http://www.casas.org.uk>



4th October 2009

Table of Contents

Contents

1	THE BASIS ON WHICH THIS REPORT HAS BEEN PREPARED	1
1.1	My instructions	1
1.2	My academic and professional knowledge and experience of issues in this sphere	1
1.3	The materials on which I have relied	2
1.4	Statement of truth	3
2	KEY ISSUES	3
2.1	The context Charge laid against Ali Goren	3
2.2	New evidence	4
2.3	The prosecution case	5
2.4	My immediate reaction to the prosecution case	7
3	FAMILY, MARRIAGE AND THE MAINTENANCE OF HONOUR IN TURKISH CONTEXTS: AN ANTHROPOLOGICAL PERSEPECTIVE	9
3.1	My approach to the issues	9
3.2	Ethnography and Anthropology	10
3.3	The findings of Professor Stirling	11
3.3.1	Conventions governing interpersonal relationships within the family	11
3.3.2	Namus: the notion of honour	13
3.3.3	Marriage	13
3.3.4	Pre-marital Sex and Elopement	15
3.3.5	Marriage by “kidnap”	16
3.3.6	Violence	16
3.3.7	Feuds	17
3.3.8	Contextual considerations in the dynamics of feud	18
3.3.9	A commentary of Professor Stirling’s observations	18
3.4	My own experience in this sphere	19
4	A COMMENTARY ON THE DEVELOPMENTS PRECIPITATED BY TULAY’S INVOLVEMENT WITH HALIL	21
4.1	Facts	21
4.2	A comparative exercise	21
4.3	An overview of factual developments	22
4.3.1	The passage to Britain	22
4.3.2	Tulay’s first encounter with Halil	22
4.3.3	The confrontation between Mehmet and Halil	23
4.3.4	The Police arrive	24
4.3.5	Bilal makes a formal proposal of marriage on Halil’s behalf	26
4.3.6	Turay is under-age: the effort to legitimise the marriage in English Law fails	27
4.3.7	Mehmet and Hanım make a surprise visit to Halil’s flat	28

4.3.8	Further jousting	30
4.3.9	A family gathering	31
4.3.10	After the guests had left	33
4.3.11	Tulay disappears	35
4.4	Ali Goren's perspective	36
5	THE PROSECUTION CASE AGAINST ALI GOREN	41
6	PROFESSOR SIR'S REPORT	43
6.1	The character of Professor Sir's expertise	43
6.2	A commentary on Professor Sir's analytical perspective	43
6.3	Honour Killing and the role of Family Councils	44
6.4	A wholly unacceptable marriage?	45
6.5	Familial approval for a wedding?	47
6.6	A sub-plot?	48
6.7	Who was Halil to Trust?	49
6.8	A real exercise in double crossing?	51
7	CONCLUSION	55
7.1	Professor Sir's perspective	55
7.2	My own perspective on these issues	56
7.3	How far would Halil have been regarded as a necessarily unacceptable partner for Tulay	58
	ROGER BALLARD CV	62

1 The basis on which this report has been prepared

1.1 My instructions

This report has been prepared in response to instructions from Ms. Kinneri Patel of Joseph Hill Solicitors to prepare anthropologically-grounded report on the social, cultural and familial factors relevant to understanding the underlying dynamics of incidents of honour killing, most particularly in a Turkish context.

1.2 My academic and professional knowledge and experience of issues in this sphere

During the course of my professional career as a social anthropologist I have taken a specialist interest in South Asia. As an academic, I have been actively involved in researching these developments for the past thirty years, and during the course of so doing I have conducted extensive ethnographic fieldwork in both India and Pakistan, as well as amongst the settlers from those areas who have established themselves in the UK. Over the years I have published a large number of academic papers outlining my findings, with the result that I can now reasonably claim to be one of Britain's leading academic experts in this field.

As a result of my experience am frequently called upon to prepare expert reports for use in all manner of proceedings in which people of South Asian descent have found themselves involved. By now I have produced over 500 such reports for use in the Criminal and Civil Courts as well as the Asylum and Immigration Tribunal. Five years ago I retired from my post as Senior Lecturer in the University of Manchester, although I have retained my position as am since become the Director of the Centre for Applied South Asian Studies. As a result I now divide my time between academic activities and the provision of consultancy services, with the result – amongst other things – that I have also begun to include papers reflecting on my experience of acting as an expert anthropological witness in my list of publications (see the fuller CV as an Appendix to this document).

With respect to the specific issues at stake in the current proceedings I can also confirm that I have by now completed over thirty expert reports for use in cases of homicide in which both the defendant(s) and the deceased were of South Asian descent; moreover in virtually all of these case issues of *izzat* (honour) were in some way at stake. Hence even though my experience has taught me to be extremely cautious (for reasons which I will explain later) about using the catch-all label 'honour killing', I can nevertheless reasonably claim to have a great deal of experience of the varied circumstances in which such incidents of (largely

domestic) homicide can and indeed have taken place within South Asian communities in Britain.

But whilst the incidents of the kind which have led to charges being laid against the defendants in this case are – at least from my perspective – familiar enough, the context within which those incidents occurred is much less so, since I do not have first-hand ethnographic knowledge of current developments in Britain's still-burgeoning Turkish communities of both Alevi and Sunni Muslim origins. With that in mind I was initially somewhat hesitant about accepting instructions to prepare a report for use in these proceedings. However given that I was unable to recommend any other anthropological expert with a first-hand knowledge of Turkish communities which paralleled my own personal knowledge of those drawn from South Asia, I eventually concluded that in the light of my awareness that honour-driven societies found in a wide band of territory reaching from the shores of Mediterranean through Turkey to South Asia all operated according to much the same principles, and that I was also familiar with the work of Professor Paul Stirling (now sadly deceased) on these issues in rural Turkish contexts, I eventually came to the conclusion that I was indeed in a position to accept this brief.

1.3 The materials on which I have relied

In preparing this report I have relied on the following documents:

- i. The prosecution case summary
- ii. Witness statements by Hanil Unal
- iii. Witness statements by Hanim Goren
- iv. Expert reports prepared by Professor Aytekin Sir
- v. Witness statement by Professor Yakin Erturk
- vi. Witness statement by Ali Goren
- vii. Witness statement by Husseyin Goren
- viii. Witness statement by Guler Ceyhan

all of which I have considered and reviewed in the light of my professional knowledge of corporately oriented families such as those found in rural Turkey, as well as my experience of acting as an expert witness in cases where contradictions within such families had precipitated incidents of severe domestic violence, often culminating in homicide.

Insofar as my personal ethnographic experience of such matters is largely restricted to Punjabi contexts, I have also relied on the following published sources to reinforce my

appreciation of the distinctive ways in which these processes might be articulated in rural Turkish contexts. They include

Stirling, Paul, (1965) *Turkish village* London: Weidenfield and Nicolson (1965)

Hart, Kimberly (2005) “Marriage in Turkey” in Suad, Joseph (editor) *Encyclopaedia of Women & Islamic Cultures* p 262 - 264.

Kudat, Ayse (1965) “Kidnapping and Elopement in Rural Turkey” in *Hacettepe Bulletin of Social Sciences and Humanities* p 97 - 104

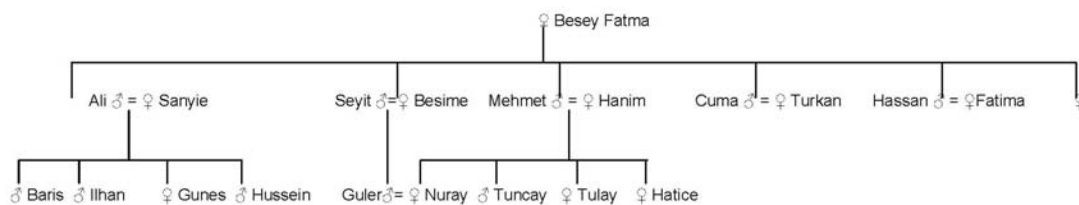
Zeidan, David (1999) “The Alevi of Anatolia” *Middle East Review of International Affairs* Vol. 3, No. 4 (December 1999) p. 74 - 88

1.4 Statement of truth

In preparing this report, I have taken it for granted that my principal obligation is to the tribunal, rather than to those instructing me. In fulfilling my instructions I have also made my best efforts to present an objective account of the dynamics of interpersonal relationships in social contexts where issues of honour are of pressing concern. I can consequently confirm that all the analyses I have developed and conclusions that I reached in the Report represent my considered professional opinion and are true to the best of my knowledge and belief.

2 Key issues

2.1 The context Charge laid against Ali Goren



The Goren brothers and their wives and children

Ten years ago Ali Goren’s younger brother, Mehmet Goren, was found guilty of a vicious assault on Halil Unal, a young man who had become involved with, and had sought to marry, Mehmet’s youngest daughter Tulay. Some ten days before this incident occurred Tulay had disappeared from her parents’ home, since when nothing has been heard from her. Although there good reasons to suppose that Tulay might have been murdered, especially in the light of

Mehmet's potentially homicidal attack on Halil, but in the absence of concrete evidence – and most especially the absence of a body – no such charges were brought.

2.2 *New evidence*

However on October 2008 Hanim, Mehmet's wife, felt confident enough to come forward with further evidence as to what might actually have happened to Tulay. On November 25th 2008 she made a statement in which she substantially revised aspects of the statement which she had given to the police on 1st February 1999, in the immediate aftermath of Tulay's disappearance. Having noted that her husband Mehmet had been arrested earlier that morning (presumably as a result of information which she had had previously given to the police) Hanim opens her statement by indicating that

I believe that my husband Mehmet was responsible for the murder of my daughter Tulay. There is no other explanation for her sudden disappearance and for the lies which my husband has told me since I last saw her.

Hanim's revised statement contains a great deal of additional circumstantial information about the events which had taken place during the course of the months prior to Tulay's disappearance. However the key elements in her statement which appear to have led the Police to re-open their investigation are those which relate to the circumstances in which Tulay disappeared.

Early in January 1999 Tulay had been persuaded to return to her parents' home, having spent the previous two weeks with her prospective husband-to-be Halil. Her father Mehmet was still disgusted by his daughter's behaviour. However in her new account Hanim she went on to provide a much more detailed account of what had transpired around the time of Tulay's disappearance. The essence of what she had to say was that there were two occasions on which her husband Mehmet and his brother Cuma had persuaded her to go spend some time with her sisters-in-law, Cuma's wife Turkan on the first occasion, and the eldest brother Ali's wife Sanyie on the second.

During her first period of absence (during the afternoon and evening of January 7th 1999) indicates that Mehmet and Cuma would have had an opportunity to dispose of Tulay (who had been left with her father at home), and that she had subsequently also found evidence that appeared to confirm Mehmet might have done so. Besides finding the shirt which Mehmet had been wearing earlier in the day drying over a radiator with what appeared to be blood stains which had not been fully washed out of it, on the following morning she noted that a substantial patch of ground in the back garden had recently been dug over. The obvious

implication was that Mehmet and Cuma had had an opportunity to kill Tulay, and that they had buried her body in the back garden.

Hanim then goes on to further extend this hypothesis by stating out that during her second period of absence (overnight between 13th and 14th January at Ali's house) Mehmet was at home, and that when she returned she found that his clothes were full of mud and that the patch of soil in the back garden had been further dug over and changed shape. The obvious implication was that during her absence Tulay's hastily buried body had been disposed of during her absence.

Hanim also indicated that she had been too frightened of Mehmet when she was questioned by the police immediately after Tulay's disappearance. As a result much of what she said in her original statement had not been truthful.

2.3 The prosecution case

In the light of this new evidence Mehmet, his elder brother Ali and his younger brother Cuma are accused of reaching an agreement that Tulay should be killed. Mehmet is accused of her murder.

Having noted that Ali Goren is the head of an extended family consisting of four brothers and two sisters, together with their mother Fatima Goren, the case summary prepared by the prosecution sets out the following argument:

the family was most disturbed when they became aware that Tulay, who was only fifteen years old at the time, had become intimately involved with a much older man, Halil Unal. On the grounds that this was entirely unacceptable, the family made various efforts to put an end to what was regarded as Tulay's wilfulness and Halil's defiance. Eventually, after meeting had been convened on 6th January 1999 at the family home, which Tulay initially refused to attend and tried to run away from, her father Mehmet and uncles, Cuma and Ali, set a trap for the lovers the following day.

Although there were repeated attempts by Mehmet to persuade Halil to go the house, he was warned of the trap in a telephone call from Tulay. Tulay was never seen again after 7th January and it is the prosecution's case that she was murdered her at home. The body was hidden in the back garden for a while and removed later in January. Tulay Goren's remains have never been recovered.

Although Halil Ulan avoided being ensnared on 7th January Mehmet Goren contrived a meeting with him on 20th January to which Halil took a friend and some community elders. On the promise of an opportunity to speak to Tulay on the telephone Mehmet persuaded Halil to move away from the group. Mehmet then struck Halil in the back of his neck with large a meat cleaver. He was convicted of wounding with intent to cause grievous bodily harm in August 2000. He was sentenced to seven years' imprisonment (reduced on appeal to five years).

Against this background the prosecution has launched two sets of charges. In Mehmet's case the charge is simply one of murder, to substantiate which the prosecution will need to convince the jury that over and above his proven assault on Halil, Mehmet was also or responsible his daughter's death. However if the prosecution charge of *conspiracy* is to hold water, what the prosecution must show is that that in doing so Mehmet in concert with his alleged co-conspirators, and that the whole operation was instigated and directed by their elder brother Ali in his role as head of the extended family.

It follows that a further key feature of the prosecution case is that the Goren family operated as a collectivity, and that its members were consequently consistently subject to the authority and guidance of its head, the eldest brother Ali. With this in mind the prosecution argues that even if Mehmet was individually responsible for Tulay's murder, as well as for his subsequent assault on Halil, both actions were part and parcel of a wider exercise of collective, honour-driven familial revenge. A conspiracy, in other words. It will also seek to argue that this conspiracy was hatched and developed during the course of two 'Family Councils' the first of which was held at Mehmet's house on 16th December, and the second at Cuma's on 6th January.

To sustain this argument the prosecution will seek to rely on an expert report prepared by Professor Sir, in which he concludes that Tulay was disposed of as a result of an honour killing which was collectively organised and directed by a family council which

had decided back in January that both Tulay and Halil were to be killed. Once the Council decision is made, it has to be carried out. In this case it appears that Mehmet was tasked to conduct the killing of Tulay and Halil.... Once the decision is made, and the instructions are given to the person who is to conduct the honour killing, that person has no option but to carry out the instructions given to him.

Insofar as the prosecution seeks to rely on Professor Sir's hypothesis, it follows that the prosecution will need to convince the jury that Tulay met her death not just as a result of Mehmet's angry but ultimately individual response to his personal feelings of humiliation and loss of dignity in the face of his daughter's and Halil's behaviour (which is clearly a possibility), but as the result of deliberately conceived a conspiracy mounted by the extended family, whose members were united in their hostility to Tulay's involvement with Halil, and equally united – under Ali's leadership – to the proposition that firm action was necessary to erase the condition of collective dishonour which their relationship had precipitated.

Hence it comes as no surprise that the prosecution repeatedly suggests that members of the Goren family consistently saw themselves as a collectivity, and hence systematically acted on a collective/familial basis as they set about responding to the deeply challenging discovery that 15 year old Tulay was having an affair with, and indeed wished to marry, a man twice her age.

A sexual relationship outside marriage was so disapproved of that the male relatives of the girl involved would believe it was their duty to salvage the besmirched honour of their family by murdering at least the girl, and probably both lovers.

The family left Tulay in no doubt that in their view Halil was unsuitable and a relationship was out of the question.

.. during this period the Goren family realised that Tulay was beyond chastisement and had a settled intention to marry Halil. In what may have been a spirit of resignation and a desire to recover some dignity out of the situation, discussions began about a swift marriage. There were also requests from the Goren family, principally Hanim, for money to be paid by Halil to secure Tulay as his bride.

Halil sent his community elders and mends to give him a character reference and to seek formally, Mehmet's permission for Halil to marry his daughter. Ali Goren's permission was required before this could be considered. He was consulted and told Halil that "these things should be done according to our customs and traditions.

[The failure to implement the marriage because it was discovered that Tulay was underage] was a further humiliation for the Goren family.

2.4 *My immediate reaction to the prosecution case*

A key element of the prosecution case is that the behaviour of all three defendants was powerfully conditioned by cultural factors, and most especially with respect rural Turkish ideological and behavioural conventions with respect to inter-personal relationships with the family, to the arrangements surrounding marriage, and above all on the impact of consideration of *namus*, honour. In no way would I disagree with that proposition.

However so far as Ali Goren is concerned, that is not the key issue in this case. I have little doubt that he is just as deeply involved in, and committed to, rural Turkish ideological and behavioural conventions as are his fellow defendants. Hence he will be just as familiar with considerations of *namus* as is any other member of the extended family. Likewise he doubtless agree that as a result of those conventions he is not only entitled to be treated with respect by his younger siblings, but also that he has a reciprocal obligation to offer them support and guidance with respect to both personal and familial affairs as an when they are appropriate.

However support and guidance is one thing: a capacity to order others to comply with one's demands – especially when they head independent households of their own – is quite another. Hence whilst fathers in markedly hierarchically organised families are frequently be in a better position to dictate terms to their sons, especially when the patriarch holds all the financial cards, when an eldest son succeeds his father his authority over his younger brothers is much more limited. Hence his position is essentially one of *primus inter pares*, such that he has to negotiate with and seek to accommodate the (often conflicting) interests of the extended family – and especially his potentially autonomous siblings – if he is to hold the collectivity together.

But whilst my experience of the internal dynamics of such extended families is that in normal circumstances they hang together because the benefits of mutual collaboration serve to outweigh – although often only by a small margin – fissiparous tendencies arising from internal differences of interest and opinion, external challenges to the family's interests, and especially challenges which might impinge on their collective status and reputation (and hence their *namus*) will routinely cause them close ranks. In an honour-driven society *namus* is a quality which must always be defended.

However there are a variety of ways in which this can be achieved. One possibility is to up the *ante*, and go head to head with one's challengers, giving them as good as they got. When the option of escalation is chosen (for it is not the only option), killing frequently resorted to on the grounds that it is the only way of cleansing the dishonour which the family has suffered. This can all too easily lead to tit-for-tat feuds as each side seeks to vengeance for the dishonour which it has suffered,

But this is by no means the only option: the alternative – and in the long run an equally honourable – course is to negotiate a settlement, not least because all sides have a great deal to lose if they fail to do so. So it is that in such a society young hot-heads regularly call for instant vengeance in response to slights, whether real or imagined, the elders most usually take the view that an honourable settlement represents by far the best solution. Of course efforts to negotiate such settlements sometimes collapse, either because those on the other side remain intransigent, or because some young hothead undermines the prospect of a settlement by exacerbating the issue in some way. But despite all Professor Sir's experience of the horrific consequences can all too often occur when no such settlement can be reached, all the experience of anthropological observers suggests they elders' strategies most usually

prevail over those of the hotheads, such that violent non-solutions (as honour killings are perhaps best described) are much more the exception than the rule.

All of which brings us back to the issues in the current proceedings. So far as I can see the prosecution take the view that the Goren family as a collectivity were so angered and insulted by Halil's interference with Tulay's modesty, as well as by Tulay's shameless willingness to enter into such an association that Ali decided, in consultation with his brothers, that the only viable solution was to instruct Mehmet to remove the stain on the family's honour by eliminating both Tulay and Halil.

By contrast Ali Goren seeks to argue that in no way did he know, approve or order Mehmet to do what he did. Rather he was doing his best to try and negotiate a solution whereby the *de facto* existence of the relationship between Tulay and Halil could be accepted within the family at large, and this would be solidified into a formal state-recognised marriage as soon as English law allowed. He also suggests that Halil was doing his best to facilitate such a settlement by consistently treating his 'father-in-law' Mehmet with as much respect as was possible in the circumstances in which he found himself.

It is around the assumption that one the central issues on which the jury will have to make up its mind is as to which of these discrepant perceptions best fits the facts of this case that I set about preparing this report.

3 Family, Marriage and the maintenance of honour in Turkish contexts: an anthropological perspective

3.1 My approach to the issues

Whilst Professor Sir writes as a Psychiatrist who has had firsthand experience providing clinical support to young women who have been subjected to violent assault by their kinsfolk in rural Turkey, the source of professional knowledge and experience on which I have relied in the process of preparing this report is quite different. I write as an anthropologist rather than a psychiatrist, and as I have indicated in section 1.2 above, my own personal firsthand experience of patterns of inter-personal behaviour – and of incidents inter-personal homicidal violence – in contexts where issues of honour and shame are a powerful driving force is not grounded in fieldwork in Turkey. Instead it derives from

- i. my ethnographic observations of family life within Hindu, Sikh, and Muslim communities in rural Punjab

- ii. my further observations of the ways in which Punjabi Hindu, Sikh and Muslim settlers reconstructed their families in the midst of the ethnic colonies which they went on to establish in most British cities
- iii. my consequent opportunities to observe and reflect upon the dynamics of the honour-driven interpersonal conflicts which I observed (and/or was told about) during the course of my fieldwork, further supplemented by my experience as an expert witness, as a result of which I was able to gain access to witness statements and interview records generated by both the prosecution and the defence in the course of some 30 proceedings for murder.

Given my own personal ethnographic experience of the issues on which I have been instructed to comment has largely been restricted to developments in a Punjabi context, the court will doubtless wish to know the basis on which it might be appropriate to accept an anthropological report commenting on parallel developments which have taken place within a family of rural Turkish origin as admissible.

3.2 *Ethnography and Anthropology*

Professional anthropologists routinely draw a distinction between processes of ethnographic *observation*, which they invariably prefer to do first hand on the basis of active involvement in the everyday lives of their informants, and anthropological *analysis* – in which they take the opportunity to reflect on their raw ethnographic findings to draw out the principles around which the social, cultural and familial processes they have been constructed, using an analytical terminology which will enable them to compare and contrast (and to debate) their findings with those arrived at by other anthropologists elsewhere. Hence whilst ethnography is on necessity fine-tuned to the specific characteristics of a given local community or context, anthropology seeks to provide an objective analytical perspective on the underlying social and cultural processes which have generated ethnographically observable outcomes, and to do so within the context of an analytical vocabulary which facilitates exercises in cross-cultural comparison and generalisation on a universalistic basis.

But whilst ethnography provides the empirical foundations of anthropological analysis, constraints of time, let alone of language, necessarily restrict the range and extent of the ethnographic experience which any given anthropologist can hope to gain. Hence whilst engaging in a lengthy spell of ethnographic fieldwork is still regarded as a necessary prerequisite to gaining access to the ranks of professionally qualified anthropologists, all anthropologists would nevertheless readily insist that they are also ‘standing on the shoulders of giants’, in the sense that their *analytical* insights rely at least as much on the achievements

of the predecessors and colleagues as they do on the quality of their own personal ethnographic observations.

With respect to the current proceedings, I do indeed have access to the findings of a ‘giant’ on whose shoulders I have taken the opportunity to stand: the late Professor Paul Stirling, and his classic study *Turkish Village*¹.

3.3 *The findings of Professor Stirling*

Stirling’s study was the outcome of a series of lengthy spells of ethnographic observation of everyday activities in a village near Kayseri in central Turkey, which he conducted during the course of the 1950s. Amongst other things his study includes a lengthy commentary on patterns of inter-personal relationships with the family, on the ways in which marriages are arranged – and sometimes collapse, as well as the significance of overarching notions of honour within which he observed these activities to be framed in the rural Turkish context in which he conducted his ethnographic investigations. Many of his summary observations about these matters – which I have taken the opportunity to set out below – run closely congruent to my own ethnographic observations in Punjabi contexts.

3.3.1 *Conventions governing interpersonal relationships within the family*

Fathers and sons. The father's authority is strongly emphasised. Sons are expected to obey their fathers, and on the whole they do. Respect is based on a series of formal rules. One does not answer back, one does not speak in public in one's father's presence without specific invitation, and under no circumstances do fathers and sons refer to sexual matters in each other's presence, nor manifest any sexual behaviour. Sons do not smoke in their father's presence. Schooling apart, fathers are almost entirely responsible for educating and training their sons in socially acceptable behaviour, and in the essential farming skills. Sons are expected from about the age of eight to watch, water and feed the household animals, and at about twelve they learn to handle a plough.

Brothers. More than any other kin, brothers are thrown together by the social system. If they are fairly close in age, they are likely to be lifelong neighbours, and the intimacy of a childhood under a common roof is likely to continue throughout life as neighbourly co-operation and mutual dependence. Bound by common interests in inheritance and common duties to their parents and to their close agnates, they very often maintain a flow of daily contact and mutual services throughout life.

¹ Stirling, Paul, *Turkish village* London: Weidenfield and Nicolson (1965).

Mothers and daughters. Women want sons, but this does not mean that they do not love daughters. Girls grow up with the women of the household, and learn their most important lessons from their mother, helping her in all the household tasks. This intimacy, greater than that between any other pair of different generations, is violently interrupted by the girl's marriage. Marriage normally takes place about puberty or soon afterwards.

Sisters. Before marriage, sisters are as close to each other as brothers; how this initial intimacy develops in later life depends on the physical distance and social relations between the households into which they marry. If they marry into the same household, or two very closely related households, or even if they are in the same village, they will normally maintain close co-operation throughout life.

Mother-in-law and daughter-in-law. The most critical relationships among the women within the household are between the incoming strangers. A girl starts as a new bride, and slowly increases her stake in her husband's household until she becomes in her turn mother-in-law.

Brothers' wives. Turkish has a standard word for husband's brother's wife, *elti*. Brothers' wives normally begin married life by sharing a household. Even when the husband's father is dead, brothers often remain together until after they are all married. Nevertheless, in fact, very few households at any given time contain married brothers.

Men and women. Men and women live in different social worlds. Only within the household do the two worlds touch closely, and even here the separateness of the sexes in the society at large affects individual relations between them.

Husband and wife. The basis of the household is the relationship of a husband and wife for the procreation of children. Marriage is a sharply defined status, with a clear-cut ceremonial beginning, and only a married woman is permitted to have sexual relations. Pre-marital and extra-marital relations are punished by violence or serious disgrace.

Mother-son. Every woman desires above all things the birth of a son. The new bride's position in her husband's household depends on this. Everyone will be pleased. Her son, moreover, is a permanent acquisition. As he grows, her position in her husband's household becomes increasingly assured; when he is adult he will marry and provide her with a daughter-in-law to wait upon her. A woman with sons will never be in want or homeless.

From a Punjabi perspective all the conventions, together with the consequential behavioural outcomes, are thoroughly familiar. The only significant difference I would note is that in a Punjabi context brothers display a rather stronger commitment to continuing to live cooperatively together under the same roof following the death of the father than do their Turkish counterparts.

3.3.2 *Namus: the notion of honour*

An honourable man is ready to fight, resentful of insults, able to keep his women pure from all taint of gossip, if necessary by killing them, and incapable of underhand and deceitful practices. The opposite of *namuslu*, honourable, are *namussuz*, without honour, or *ayip*, shameful. These two words are in constant use, mainly for reproving children or for critical gossip.

Except in jest, they are not said lightly by an adult to a social equal. They imply both internal personal rottenness, and at the same time a loss of public face. They are used to children to inculcate conventions – for example the correct greeting for elders – as well as for the really serious matters of uprightness and sexual propriety.

To make approaches to the women of known enemies or outsiders would be manly and courageous, perhaps even honourable in some contexts. On the whole, virility seems to be no more than one element in the concept of male honour.

Women's honour is more closely tied to sex; that is to modesty and an undefiled reputation. *Namus* is said to be the most important quality of a bride. The whole social system with its segregation of men and women, and its insistence on constant companionship, especially among the women, makes it difficult for a girl to show any interest in boys or men without immediately losing *namus*. Women who fail to show respect for elders, or in other non-sexual ways defy custom, might be called *namussuz*, but in general for a woman *namus* is very largely a matter of sexual modesty.

Specific accusations of dishonour or moral slackness, especially by known enemies, have little effect on a person's standing. But households, generally poor households, may become known as ritually slack, or worse, as careless of their honour, while others, sometimes also fairly poor, may conversely earn a reputation for morality, or for nobility and generous conduct.

Once again Turkish conventions in this sphere appear to be closely congruent with those with which I am familiar in Punjab, although terminology differs. Hence whilst *Namus* is clearly congruent with the Punjabi concept of *izzat*, *ayip* appears to be similarly congruent with the twin concepts of *sharam* (modesty) and *besharm* (lacking modesty and hence shameless) deployed in Punjabi contexts.

3.3.3 *Marriage*

Initiative lies with the father of the groom. In theory, the young people themselves have no say at all, and the women can only suggest and advise. It is the household head who decides, and it is he who makes the formal approach. In fact, a boy's own wish may often influence his father's choice, and even a girl of strong character and skill may be able to exercise some influence. As for the women, marriage is their main interest, and their gossip and planning must be a major factor in the decision which is formally their husband's right.

A boy is normally married between the ages of sixteen and twenty-two or so, though there are always exceptions. Girls are normally married at about fourteen to eighteen years of age.

Once a man has fixed his choice, he goes with, or sends, one or two close kin, and a respected senior man less close to him as negotiator, to pay a formal visit to the girl's home. They are received by a similarly constituted committee, and negotiations are conducted with great delicacy through the intermediaries. I was told that a bride price is agreed at this meeting, and a first instalment (*hecelik*) is expected either on the spot or within a few days.

In the instant case Halil appears to have sent his boss Bilal to visit Tulay's family to act as his negotiator in this sense.

The next step, betrothal (*nishan*), follows within a month or so. A group of women, four or five or more, including the groom's mother, and kin and non-kin neighbours, pay a formal visit to the girl's home, accompanied, if the journey requires it, by two or three men. They are given a large ceremonial meal, which they reciprocate the next morning from supplies which they have brought with them. The men leave the women to make the acquaintance of their future affines, returning to fetch them after a day or two. The two groups of women spend the evenings in dancing and singing - strictly without men. They bring presents - ideally including gold ornaments - for the bride, and throw her coins when she dances for them.

During the betrothal period which follows, the couple are not supposed to see each other, and people say that the father will use violence if he discovers that his daughter has broken this rule. Nevertheless, couples normally do meet, with the connivance of the women of the bride's household. All fathers in fact know the custom, and are presumably normally careful not to make embarrassing discoveries. The groom is expected to visit the household of his betrothed from time to time, bringing her gifts, and these visits provide the necessary opportunities.

The unofficial courting of the betrothal period comes out into the open if an engagement is broken. Then it is said that the girl's honour is blemished because she has been secretly embraced by her betrothed, and thus her chances of a good marriage have been lost.

There are several clear parallels between these arrangements and those with which I am familiar in the Punjab: firstly that it is the elders who take the initiative - at least in formal terms - of broaching the prospect that a marriage should take place, and secondly that it is an initiative which generates an affinal connection between two families, rather than a simple conjugal connection between the two spouses.

Secondly the groom's side are expected to pay a substantial bride-price for the favour of allowing the bride join her in-laws, in contrast to the Punjabi expectation that the most significant transfer of wealth at marriage will flow in the opposite direction in the form of a substantial dowry which the bride takes with her on his wedding day.

Thirdly, although the Turks appear to put just as much emphasis as do the Punjabis on the importance of brides sustaining a reputation for sexual innocence prior to marriage, in broad terms appear to display a considerably greater capacity to look the other way when a betrothed couple (or even a couple who are about to be betrothed) begin to relate to one another in a far from innocent fashion.

3.3.4 Pre-marital Sex and Elopement

The highly prized honour of a marriageable daughter is naturally well defended. Young women are seldom left alone, and older members of their households are constantly on the watch. Many of the girls undoubtedly share their elders' morality, and avoid opportunities. They are mostly married fairly soon after puberty - and people say explicitly that it is unwise to keep a mature girl unmarried lest she lose her honour.

The young men marry later, and for most of them adventure in the village must be difficult and dangerous. Open courtship is absolutely out of the question. It is impossible to know how much goes on in secrecy. Certainly the caves behind and below the houses, which are used for storing straw, have a reputation for illicit love, but I doubt if they are very often used by girls before betrothal, simply because they are so seldom allowed out of the sight of their elders. It was generally agreed by informants, whether they disapproved or not, that most young men solve the problem of physical satisfaction by paying for their pleasure in town.

Some men claimed that village women, particularly the young ones, are so unsophisticated that if a man can only engineer the opportunity, seduction is simple. Others said that even a betrothed girl will defend her virginity until after marriage, and a priori I find it difficult to believe that girls do not know a great deal about sexual matters very early in life. The village women are less prudish among themselves than the men, and sex and reproduction form a major interest in their conversation.

In any case, much less than a secret assignation is needed to rouse gossip and bring a girl's honour into question. One girl of a rather poor family was married very suddenly to her fiancé in another village with no ceremonies at all. It turned out that one of the village young men had been making passes at her, and was said to have paid an old man in potatoes for charms to win her affections.

Her father's reaction was to hurry her out of harm's way - and incidentally to exchange the prestige of a proper wedding for a cash advantage, for, though he forwent part of the bride price, he escaped with a much reduced trousseau, and no expensive entertaining. In spite of the strict rules and defences, boys and girls are bound to see each other in the ordinary daily round of work. Some at least manage to exchange messages and arrange secret meetings. Occasionally such an affair ends in elopement.

3.3.5 Marriage by “kidnap”

The Turkish *kız kaçırma*, to make a girl run away, is nearer in meaning to ‘kidnapping’ than ‘elopement’, and puts the responsibility firmly on the man. It is a recognised, although dangerous and disapproved, method of acquiring a wife.²

It not only provides for passion in a system in which it is formally ignored, it also provides a way of evading the heavy costs of normal marriage; and occasionally it can be a move in hostilities between lineages.

Five out of the 134 contemporary marriages in Sakaltutan were known to me to have begun with elopement, and I am confident there were others about which I did not hear. Three cases were said to have taken place in a neighbouring village during our stay in Sakaltutan, and one actually occurred in Elbashī during our stay there. I would estimate that about one marriage in twenty begins by elopement.

An elopement involves three parties, the families of the two young people, and the couple as a new unit. Normally, the young man takes his bride to his own household, who ought by rights to be ashamed, but in fact are usually not unduly distressed. The bride's family of the other household are expected to react strongly, to threaten violence, and to be difficult to reconcile. In practice, what happens depends on the situation.

Shot-gun marriages ‘arranged’ as between young couples who are found to be having an affair are by no means unknown in Punjab, although they are invariably carefully hushed up.

By contrast ‘marriage by kidnap’ appears to be a much more open affair in a Turkish context, so much so that Stirling estimated that around 5% of all marriages came into being on that basis. It follows that a relationship which has its origins in *kız kaçırma* need not significantly negative consequences in terms of *namus*, provided that the two sides can amicably agree on the bride-price to be paid. However as himself Stirling emphasises, if the gap in status between the two families is so wide that no settlement can be agreed, violence may well ensue.

Given that Halil only sent Bilal to negotiate with Tulay’s family after she has eloped with him, his actions would appear to have been congruent with the implementation of an exercise in *kız kaçırma*.

3.3.6 Violence

People, particularly the men, are quick to anger, and quick to draw knives or guns. Even the boys carry knives, and hardly any adult villager goes unarmed. On one

² Further details of the practice of *kız kaçırma* in an analysis produced by a Turkish ethnographer can be found in the article entitled “Kidnapping and elopement in rural Turkey”, which I have attached as an appendix to this report.

occasion a twelve-year-old lad was brought into us with a severe cut across his fingers. He had attempted, exactly like his elders, to intervene between two comrades who had drawn knives in anger, and had caught one knife by the blade.

This incident provided the villagers with a peg on which to hang public denouncement of the folly of village violence. I was to grow accustomed to these self-accusations of wildness, barbarity and trouble making, but the harangues seemed to make little difference to the realities of village life.

3.3.7 Feuds

The primary function of lineage groups, defence in quarrels, is no minor matter. Normally it is regarded as the duty of a man to side with his agnates on all occasions, and to be prepared if necessary to fight for them. People said that the two causes of lineage hostility which can never be settled are homicide and insults to women.

This violent hostility between lineages exists only within villages. In no case did the killings I have listed take place between villages. Whatever may have been the case in the past, in 1950 to 1952 effective and serious long-term hostility was always between lineages of the same village.

When two persons quarrel they are said to be *küs*. This word is constantly heard. On one occasion a grandmother left to cook and to mind her baby granddaughter while the rest of the household went out to harvest in the fields, remarked jokingly at the end of the day that she and the baby were *küs*. The dictionary meaning for this word is 'sulk', but this is too undignified a word. *Küs* implies the behaviour of Achilles in his tent, a formal breaking off of social relations, usually in the interests of honour. Its converse is the word for speaking together, *konushmak*.

This formal state of hostility often exists for longer or shorter periods between individuals or households. A man may be *küs* with his parents-in-law, or husband and wife may be *küs* with each other. But if it is established between two normal non-kin households then the agnates on each side are likely to be involved.

No recognised machinery exists in the village for the settlement of such quarrels. It is always possible for people to decide to resume social relations, and this may be done simply by a single formal visit. Sometimes third parties with ties to both sides may attempt to bring them together.

But if the matter involves violence or interference with the honour of a woman, then in theory no reconciliation is possible. Revenge is necessary to satisfy honour and in turn leads to further revenge. Not even time was recognised as a palliative. Even after fifty years, people said vengeance may still be exacted.

Nevertheless it is always the duty of bystanders to intervene to prevent violence. Once moved to anger people will quickly resort to violence and must be prevented. On one occasion I myself lost my temper with a young lad, chased him across the village and punched him on the jaw. A large pack of villagers pursued me and laid hands on me for fear we should injure each other. On another I was severely censured for not leaping to the defence of a wife who was being physically threatened by an angry husband.

This pattern I saw repeated many times. It is the duty of everyone to prevent violence, even at considerable risk and even in intimate relationships.

3.3.8 *Contextual considerations in the dynamics of feud*

In this institution we find many of the typical ideas and customs of the feuding situation the solidarity of close agnates, the duty to seek revenge, the notion of honour, the importance of 'insults' to women for whom the men are responsible. Yet compared with many examples of feuding it is highly informal and unsystematic.

In practice, not all agnates feel themselves committed; revenge is not necessarily specific or immediate; no system of compensation or reconciliation seems to exist and it is not precisely laid down who is and who is not involved. The system is similar to that found by Barth among the Kurds, and unlike that of the Arabs or of some African peoples.

The disorganised and unsystematic nature of the feud [in this context] may itself provide an answer. Everyone fiercely insisted on the duty of revenge. But this may be indefinitely postponed. In the course of years the implacable may become less implacable. There is evidence to show that after a time the offer of a woman in marriage to the victim's lineage to provide heirs to replace him, and to establish a political alliance, may end the state of open hostility.

Moreover, new quarrels are constantly happening. Each new generation is likely to see new elopements, new arguments about land, and so on. Old enemies may well find themselves on the same side. If every serious quarrel lasted for ever no lineage would be on speaking terms with any other. In fact, therefore, in time reconciliations must take place. In some cases a chain of killings may follow a homicide, but in others the threats do not materialise, and after a number of years social relations return to normal.

People did not normally speak of wrongs done in past generations. It does not follow that they were not remembered, but if so they would be selectively remembered, that is, they would be remembered if they reinforced existing hostilities, and forgotten if they cut across existing alliances.

3.3.9 *A commentary of Professor Stirling's observations*

Considered from the perspective of my own Punjabi experience, I find Stirling's remarks about the varied and invariably contextually grounded dynamics of the conflicts precipitated when honour-conscious males take steps to respond to situations in which women for whom they are responsible – whether as a father, a brothers a husbands – have been dishonoured entirely familiar.

Hence whilst all such incidents of dishonour demand revenge, which can most dramatically, comprehensively and indeed honourably achieved by eliminating the perpetrator, and whilst the agnates (brothers) of the offended person are in principle honour-bound to step in an support efforts to achieve retribution, the prospect that retribution will actually be

implemented invariably precipitates powerful counter-currents. Hence when the prospect of violence looms, elders and kinsfolk are expected to step in and bring the violence to halt, and to persuade the contestants to reach a mutual acceptable – and hence honourable – settlement. If necessary such a negotiated settlement can be accompanied by a compensatory payment of some kind, thereby enabling both sides to save face

Hence incidents of ‘kidnap’ and so forth tend to precipitate fully fledged collective feuds only when they are accompanied by, and yet further exacerbate, mutual grievances between the two sides (feuds by definition always involve a conflict between two collectivities). It follows that it is relatively exceptional for interpersonal slights to precipitate full-scale feuds. Indeed my own experience in Punjab – which is supported by Professor Stirling’s observations in rural Turkey – that insults to someone’s personal honour tend only to precipitate organised feuds when they exacerbate further underlying tensions which were present well before the incident in question took place.

However this is not to suggest that feuds, in which whole *parties* of persons are involved on either side of the dispute, are the only circumstances in which honour-driven homicidal take place. As Stirling remarks, in rural Turkey “People, particularly the men, are quick to anger, and quick to draw knives or guns. Even the boys carry knives, and hardly any adult villager goes unarmed.” To be sure he also qualifies these remarks by noting that “it is always the duty of bystanders to intervene to prevent violence. Once moved to anger people will quickly resort to violence and must be prevented” – an observation which is also true of Punjab.

Nevertheless when armed individuals confront one another, and grow steadily more angry as they begin to exchange mutual abuse, it is all too easy for one or other of the parties to lose their cool. In these circumstances vengeance for slighted honour can all too easily be taken before anyone else is in a position to intervene to halt the confrontation.

3.4 *My own experience in this sphere*

In my own experience of thirty homicide cases in the UK with respect to which I have been instructed to prepare a report, only two fell unequivocally into the former category. All the others appeared to have been perpetrated by individuals acting alone, most usually because they had lost their cool in the midst of an inter-personal slanging match.

Taking an overall view of the issues in the instant case, it seems to me that the discrepant interpretations of what went on set forth by the prosecution on the one hand and by Ali Goren on the other can be approached within just such a framework.

Whilst the prosecution suggest that Tulay was murdered, and that Halil was assaulted, within the context of a collectively organised ‘honour killing’ which was actively directed by Ali Goren, the eldest of the four siblings, Ali himself comprehensively denies that he fulfilled any such role. Whilst it is quite clear that he did indeed have a significant role within the family as the eldest of his parents’ four sons, the essence of the defence case is case is that his capacity to exercise authority over – as opposed to offering advice and support to – his younger brothers. With this in mind Ali indicates that even in Turkey he and Mehmet had not got on at all well, given his brother’s stubbornness and his refusal to listen to suggestions. Moreover their relationship appears to have deteriorated still further after Mehmet’s arrival in Britain, largely as a result of Ali’s disapproval of his brother’s serious gambling. Last but not least Ali also argues that after he became aware of Tulay’s involvement with Halil, all his efforts had been directed at brokering an amicable (and ideally a consensual) settlement of the tensions and contradictions which had been precipitated by their relationship.

The greater part of the remainder of this report is consequently devoted to an exploration of the extent to which one or the other of these two comprehensively discrepant perspectives on the events in questions appears best to fit what we know of the facts.

I should also add that in the light of the unusually extensive opportunities to consider the details of the domestic and familial contexts within which such incidents of violence took place – by no means all of which actually led to homicide – I have remained extremely cautious about using the recently popularised term ‘honour killing’ in the course either of my experts reports or my academic publications. This is not for any want of knowledge of incidents of homicide which have occurred in close-knit extended families of the kind from which the defendants in this family are drawn, or a lack of awareness that issues of honour and shame frequently powerfully condition the behaviour of individual members of families of this kind.

Rather my reticence about using the term ‘honour killing’ stems from my fear that such a conjunction of ‘honour’ and ‘killing’ can all too easily generate stereotyped understandings of the way of which the first can precipitate the second. My own experience suggests that all such generalisations are unreliable. In the first place incidents of domestic violence – up to and including homicide – are by no means restricted to societies where families are close-knit and extended, nor to those in which considerations of honour powerfully condition behaviour; and in the second my experience also suggest that such incidents can be

precipitated in just as varied ways in societies where those conditions hold as those where they do not.

4 A commentary on the developments precipitated by Tulay's involvement with Halil

4.1 Facts

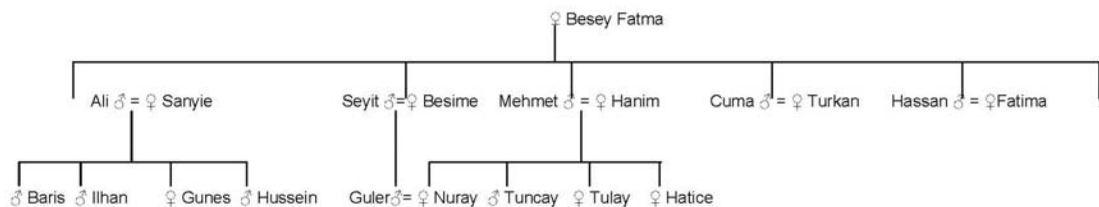
It goes without saying that the jury will be the ultimate finders of facts in this case. But having said that, it also goes without saying that I can only hope to fulfil the task outlined above if I take a position on what those facts might be, whilst at all stages providing a clear indication as to why I have favoured one interpretation rather than another in seeking to establish what those facts might be. It consequently that my representation of the 'factual' what went on must be regarded as provisional, since it merely represents my best effort to establish the truth of the matter in the light of the evidence set before me.

4.2 A comparative exercise

Moreover I am not the only analyst to have conducted such an analytical exercise in 'fact-finding' in these proceedings: Professor Sir has conducted a very similar interpretive exercise in the expert report which he has produced on the basis of instructions received from the prosecution, in which he has reached a strikingly different set of conclusions of his own. With this in mind I have decided that my best strategy in this report is *not* to include my own detailed review of the circumstantial evidence in the body of my report, but instead to leave it as a free-standing analysis of 'the facts' as I see them, which I have set out in Appendix 1. As such that it effectively enjoys the same status as does Professor Sir's second report.

I have adopted this strategy on heuristic grounds, since it enables me to move straight on to set out a commentary on the developments precipitated by Tulay's involvement with Halil in which I have sought systematically to compare Professor Sir's perspectives on and conclusions about these developments with my own.

4.3 An overview of factual developments



The Goren brothers and their wives and children

4.3.1 The passage to Britain

- i. 1981: Tulay is born into an Alevi family in eastern Turkey, the eldest daughter of Mehmet Goren and his wife Hanim
- ii. 1993: Hanim, accompanied by her two sons, enters the UK in the back of a lorry. And teams up with those of her husband's siblings who have established themselves in the UK

Meanwhile Tulay and Hatice are left with their grandparents (maternal or paternal?) in Turkey: i.e. *not* with Mehmet.

- iii. 1995: Tulay and Hatice join their mother and brothers in the UK
- iv. 1996: Mehmet arrives in the UK

4.3.2 Tulay's first encounter with Halil

- v. Late 1997/early 1998, Tulay introduced to Halil. There is talk of marriage: not clear by whom the discussion is initiated
Hanim warns Halil that that Tulay is 'still too young for marriage'. (n.b. she does not dismiss the prospect out of hand)
- vi. During the course of 1998 a relationship develops between Tulay and Halil, apparently instigated by Tulay. Conducted over the telephone at first, from September onwards they begin to meet during lunch-breaks at school.
- vii. September – December 1998: there are strong signs that Tulay's mother Hanim soon becomes aware of the fact that a relationship has developed between her daughter and Halil. She is still in occasional contact with Halil himself, and in any even Hassan and Fatima are both still working at the workshop of which Halil is the manager.

Tulay is also misbehaving at school: there is a prospect that she might be expelled. It is appears that she does not inform her father, of whom she is frightened and with

whom she has a difficult relationship. Instead Tulay asks the school to approach her “uncle” Bilal, who is Halil’s boss and speaks good English, to discuss her problems.

- viii. 10th December 1998: Mehmet visits the school himself, and discovers that something odd had been going on. Makes an appointment to visit the headmaster two days later.
- ix. 12th December, Mehmet visits the school in the company of Baris, his brother Ali’s eldest son. Discovered, as Mehmet feared, that an unknown “uncle” has been dealing with the school on Tulay’s behalf. When Tulay came home from school Mehmet confronted his daughter, demanding to know why she had been truanting and where she had gone. When Tulay denied everything, her father slapped her several times. Tulay manages to call the police from a phone box.

During her absence from the house Cuma arrives; taking Tulay’s younger sister Hatice with him, he goes out to search for her. Having spotted Tulay sitting in a police car, Cuma negotiates with the officers, and in due course Tulay accompanies her uncle back to his house in Walthamstow where Tulay (and her sister?) stay the night.

Tulay’s involvement with Halil had been rumbled by her father. Mehmet was angry, and his anger would undoubtedly have increased when Tulay called the police, on the grounds that she was hanging out the family’s dirty washing in public. In these circumstances Tulay’s uncle Cuma appears to have stepped in as a peace maker: Tulay accepted the proposition that she should spend the night with her uncle and aunt, so allowing tensions to cool off.

4.3.3 *The confrontation between Mehmet and Halil*

But whilst Tulay went off with her uncle, Mehmet took the opportunity to pursue Halil at his clothing factory, taking his wife Hanim with him. On the way they met Hasan, who also worked at the factory. Mehmet had not met Halil before, and initially mistook him for Bilal. Once he had identified Halil Mehmet grabbed him by the collar and started punching and kicking him.

Hasan called the police (in another effort to facilitate peacemaking?) but it took fifteen minutes before a police car arrived.

Before they did so Bilal emerged from the factory, parted Halil from Mehmet and took him upstairs to his office. Mehmet, Hanim and Hasan stayed downstairs, where Cuma and Baris soon joined them.

A further perspective on just what was going on during the course of this confrontation can be found in Baris’ statement:

La.ter that evening my m. other received a phone call from Hanim to say that Mehmet was beating up someone. She asked me to come, and to call the police to translate. She went on to say that she was worried that Mehmet was going to kill this

man. Mehmet was very strong and nobody had been able to get this man away. Cuma collected me in his red car he was driving and we made our way to the factory.

When we arrived at the factory, I saw Mehmet in the yard holding this man by the neck and slapping his head. Hanim was next to Mehmet, with Hasan nearby. They were saying "enough, enough, enough," and appeared shocked.

By this time it was dark. It was not well lit but I could see what was going on by the street lighting. Mehmet said "Who the fuck do you think you are? I'm gonna kill you, you're fucking dead. Mehmet continued to hit this man around the head. Cuma was also shouting and swearing, but did not lay a hand on the man. I do not remember Cuma responding to Mehmet at all, he was swearing at the man.

The factory owner was trying to calm things down. Mehmet then said "Shut up you fucking idiot, you knew what was going on." The factory owner stated that this was not the best way to deal with it; he knew nothing of the relationship with Tulay and to call the Police, which I did. It was at this point that I realised the man Mehmet was holding, had been having a relationship with Tulay and that he was the factory manager.

4.3.4 *The Police arrive*

When the police arrived one officer went upstairs to talk to Halil, who gave an account of the assault to which he had been subjected, whilst the other talked to Mehmet, who indicated that he wished to register a complaint about Halil's involvement with his daughter. In the end the officers persuaded everyone to go home.

With respect to developments at this stage, there appear to be strong indications that

- *Tulay had a difficult relationship with her father, such that she was eager to leave home*
- *Mehmet displays a propensity to react with violence, especially when he feels his sense of authority and honour has been challenged.*
- *Hanim regularly to have found space to act autonomously, despite her husband's propensity to behave in a highly authoritarian fashion*
- *There are good reasons to suppose that everyone who gathered at the factory – with the exception of Mehmet – had at least some inkling of the existence of some sort of relationship between Tulay and Halil well before this confrontation took place.*
- *All members (female as well as male) of the Goren extended family kept in close touch with one another by phone, with the result that everyone tended to be drawn in and/or sought to make themselves available as and when disputes and confrontations occurred.*

- *Whilst they rarely directly challenged Mehmet's propensity to act in a violent matter in his confrontation with Tulay, and subsequently with Halil, the remaining members of the family appear to have displayed a marked tendency to stand to one side of the confrontation, and instead took steps – with varying degrees of enthusiasm – to cool things down.*

Moreover as a result of this confrontation the cat was now out of the bag: Tulay's relationship with Halil was no longer secret. All sections of the Goren family were now aware of relationship – and gossip networks would almost certainly ensure that knowledge of the affair would rapidly circulate within the Turkish community at large.

- x. 13th December: Having looked after Tulay overnight Cuma's wife Turkan to school, along with her own children, the following morning. However when she returned to pick them up that evening, there was no sign of Tulay.

Mehmet informed the Police of her disappearance, and was subsequently informed that she had been found and was at Leytonstone Police Station. Both Mehmet and Hanim promptly set off to the Police Station, but Tulay indicated that she would only talk to her mother, who eventually persuaded her to come home.

- xi. Monday 15th December: Tulay wanted to go to school, and was eventually allowed to go, despite her father's objections. However her uncle Cuma appears to have been keeping an eye on her, with the result that he spotted her using a call box. In due course he took her home to Mehmet's house, where further confrontations followed.

However that evening Tulay managed to escape, and having reached Stratford Station, phoned Halil. Having picked her up he took her back to her flat, where Tulay made it quite plain that she had had enough of her situation back home, and that she wished to marry Halil. That night the couple had sex together for the first time.

In effect the couple had laid down the gauntlet with respect to Mehmet. As a result of their having slept together the Goren family had two options. Either they could accept that a de facto elopement (kız kaçırma) had taken place, which could in due course be legitimated by both sides in a formal marriage, with the result that all concerned could retain their namus; or they could refuse to countenance the legitimacy of the couple's actions, and by doing so effectively declare that Tulay, no less than Halil was namussuz – that is they had dishonoured themselves by behaving shamelessly,

But it also followed that if the second option was adopted, it would have serious consequences for the entire Goren family, for namus is ultimately much more an attribute families than of individuals. It followed that if the Goren family refused to legitimise Tulay's elopement by recognising it as a case of kız kaçırma, they would implicitly be making a public statement that they had been unable to adequately to preserve the modesty of one of

their daughters: in other words that their collective namus had been impugned. And as we saw earlier, and as Professor Sir accurately observes, in a rural Turkish context the only way in which a family can restore its namus when it has been so seriously impugned is by taking out those responsible for besmirching its good name: an 'honour killing', in other words.

4.3.5 Bilal makes a formal proposal of marriage on Halil's behalf

- xii. 16th December: There can be little doubt that the Goren family, no less than Halil, recognised that such a gauntlet had been thrown. The day after Tulay eloped Halil dispatched a delegation, led by his patron and boss Bilal Deniz, to seek Tulay's hand in marriage. Moreover given that the reputation of the entire Goren family was effectively at stake, all four brothers, together with their wives, their mother and a range of more distant kinsfolk all gathered in Mehmet's house to receive the delegation on the evening of 16th December.

When all the introductions were complete Bilal laid out Halil's case, and suggested that a quick marriage should be performed at the Register Office, with the full Islamic celebrations taking place at a later date.

As is conventional in these circumstances this gave rise to a debate about the merits of such a union. Tulay's grandmother expressed the view that Tulay was very young and that Halil must be advised to 'have patience' with her. Bilal responded by saying that whilst Halil had once been somewhat wayward, but that he would keep an eye on the couple and help them find accommodation. He assured the family that Halil would continue to work in the clothing factory, and would soon earn be in a position to buy a house.

It was also pointed out that Tulay had not yet reached her sixteenth birthday, and suggested that this would cause problems at the registry office. However Bilal indicated that he would 'sort the matter out'. At the end of the evening it was agreed the marriage would indeed take place, and was provisionally booked for 21st December.

If the above is an accurate assessment of the proceedings of the 'family meeting' held the day after Tulay eloped with Halil, the family took a collective decision to follow the first of the two options outline xi. above: rather than upping the ante in terms of namus, it was decided that despite Tulay's youth, and that Halil followed the Sunni tradition of Islam rather than that of the Alevis, Halil was a suitable husband for Tulay. Hence it was agreed that efforts should be made to legitimise their de facto relationship at the earliest possible opportunity.

It is also worth noting that this 'family meeting' – if it took place on the basis described by Ali Goren in his statement – was manifestly not a Family Council in the sense which Professor Sir identifies on page 8 of his second report. If Ali Goren's account is accurate, the

family meeting which took place on the evening of 16th November was not an all-male affair: the participants included wives as well as husbands, and a penumbra of more distant kinsfolk in addition to the four brothers. Ali's statement also makes it clear that at least one woman, the brother's mother, made an active contribution to the debate, and that the strategy which I have identified as option one should be adopted

By contrast the Professor Sir hypothesises that the all male Family Council of the kind which he posits would have gathered in these circumstances would have come to precisely the opposite conclusion: namely that if their collective namus was to be restored, they would inevitably have taken the view that they had no alternative but to adopt option two. But whilst Professor Sir thereby wholly overlooks the prospect that any alternatives might have been available in his report, at the point at which he did so he did not have access – at least so far as I am aware – to Ali Goren's proof of evidence. In my view he might well wish to revise some aspects of his conclusions as and when he gains access to further evidence of this kind.

4.3.6 Tulay is under-age: the effort to legitimise the marriage in English Law fails

- xiii. 21st December: Mehmet had been advised that the marriage would take place at Hackney Town Hall. Mehmet and Hanim arrived first, and when Tulay arrived, accompanied Halil and Bilal, she promptly sought to kiss her father's hand. He refused to let her do so: a bad omen.

Mehmet had been insisting that the marriage could not go ahead because she was under-age in English law – and so it proved. Much to their disappointment Halil and Tulay were advised to return in March when Tulay reached her sixteenth birthday.

Hanim was equally distressed: she believes that if this wedding had gone ahead Tulay might still be alive and with her to this day.

But despite the failure of this effort to legitimate the couple's relationship, the status quo remained unchanged: Tulay did not rejoin her parents, but continued to cohabit with Halil.

- xiv. 22nd December 1998– 5th January 1999 Tulay and her mother kept in close contact by phone. Tulay and Halil made two visits to her parents' house to meet Hanim; Mehmet appears to have made himself scarce during the course of these visits. On the second of these visits Hanim gave Tulay two gold bangles: gifts appropriate for a bride.

During this period Tulay's parents also received phone calls from Halil's parents in Turkey: they were clearly delighted to have received the news that their son was to marry Tulay.

As this went on Mehmet also began to conduct background research on Halil's origins, during the course of which he came across allegations that Halil had once

been charged with murder. Mehmet promptly called Halil, and took the view that his responses to his queries were unsatisfactory.

4.3.7 Mehmet and Hanim make a surprise visit to Halil's flat

- xv. 6th January At Mehmet's insistence, he and Hanim make a surprise visit to Halil's flat. Tulay is at home, but Halil is out. In her statement Hanim provides a detailed account of what happened next:

Tulay served her parents tea, and under close questioning by her father, appears to have reacted in such a way that Mehmet concluded that she had mixed feelings about the situation in which she has found herself.

After a while the phone rang: it was Halil. Tulay told him of her parents' unexpected arrival. Halil told her he would be back shortly. Before Halil returned, Yilmaz, who shared the flat with Halil, came downstairs in his pyjamas having just woken up. Mehmet was scandalised: Tulay had been left alone in a house with an unrelated male.

When Halil returned he promptly offered his in-laws a formal welcome, whilst Bilal stood at the door offering a faux complaint: "How can this be? Am I forever going to leave my business and deal with your problems?" However Mehmet felt insulted and told Bilal "Why should our problems concern you? Who asked you to come?" Having threatened Bilal with violence he told him "Go away, get out! Our problems don't concern you, who are you to come and meddle in our affairs?" Bilal promptly made himself scarce.

After he had gone Mehmet told Halil. He said, "You are 30 years old, my daughter is 15 years old. How can you bring my daughter to live" among bachelors? She is a lady; she will need the toilet, the bath. She might want to go to the toilet during the night, how can she share the same toilet and bath with other people she doesn't know at all? I'm going to take my daughter away until you find a house for yourself. Until then she should stay my house."

In the face of these arguments Halil found himself in a serious quandary. His father-in-law, whose respect he was desperately seeking to earn, was accusing him of failing to accommodate Tulay in such a way that her namus would be shielded from strange men. In the context of the small and crowded flat which he shared with Yilmaz, there was significant substance to Mehmet's claim. In these circumstances asked Tulay to accompany him upstairs for a private consultation.

As Hanim goes on to say in her statement Tulay and Halil went upstairs for about 10 to 12 minutes. When Halil came downstairs he told Mehmet that he accepted Mehmet's criticisms, and that he agreed that Tulay should return to her parents' home until he had found appropriate accommodation, whereupon Mehmet agreed that she could rejoin Halil once such accommodation had been found.

Tulay then packed up all the clothes which Halil had bought her into three big purple plastic bin bags, whereupon she, Tulay and Mehmet went back home in a minicab which Halil had called.

In his statement Halil gives an account of these events which is closely congruent with that provided by Hanim, but with one additional dimension: two telephone conversations with Ali Goren. As he puts it:

As a matter of fact what Mehmet was saying was made sense, and I found his suggestion perfectly reasonable. Despite this I telephoned Ali GOREN from my mobile telephone upstairs [to ask his advice]. He told to me, "There is nothing wrong in this, trust me, I give you my word of honour, find a flat and come and take the girl away tonight."

After we went down to the lounge my mobile telephone rang, it was Ali calling. He said to me, "Can you pass me to Mehmet," and I gave my mobile to Mehmet, who then went out into the street to talk. When he came back he gave the telephone back to me and Ali told me "Halil, I have spoken to Mehmet, there is nothing wrong in him taking the girl away, I assure you that nothing will happen, send the girl away."

If Hakim's and Halil's accounts of what transpired in the course of the visit to Halil's flat is accurate – and I can see no obvious reason why doubt should be cast on its veracity – a further deal had been negotiated, and had received Ali's explicit imprimatur. As the eldest male in the family he had assured Halil that nothing would happen to Tulay. She could consequently safely return home with her parents until Halil had found suitable accommodation for a married couple. After that Tulay could rejoin him once again. In his proof of evidence (prepared nearly a decade later) Ali also appears to confirm that he supported – and added his imprimatur to – a deal of this kind. Meanwhile Hanim's statement contains a note indicating that her husband told her sotto voce that he had no intention of keeping to his agreement. Indeed there are strong indications that the agreement had begun to unwind as soon as Tulay and her father had gone home.

In her statement Hanim reports that on the way home from Halil's house she stopped off to do some shopping in Walthamstow, while Tulay went on home her father. Soon after they got back Halil rang to check that they had got back safely.

An hour later Halil rang again to inform Mehmet that he had found a house in which he and Tulay could live. This only angered Mehmet, who asked "How did you manage to find a house in an hour? Are you being funny?" Then he hung up.

When Hatice came from school she went straight up to her sister's room where they talked for a long time. They were both weeping. Hatice was begging her sister not to go.

Mehmet told Tulay "Daughter, that man is not suitable for you, there is a great age difference; he will be 40 when you are 25. And also, he doesn't see you as a wife, if he did, he wouldn't have taken you to house where bachelors are staying. He would not have let you live among them".

But Tulay felt that she could not bring herself to do so, and told her "Mum, how can you ask me to return home? How can I look at your faces? How can I go out in the community?"

What Tulay seems have been acutely aware of is that either of the options before her were being rendered equally untenable. Given that there was now no way of covering up the fact that she had had a sexual relationship with Halil, if the legitimacy of her relationship with him was rejected by her family, she would inevitably regarded as a fallen woman who had besmirched her namus by the community at large, by potential future bridegrooms, and last but not least by her own parents. Hence her rhetorical question: now that she had lived together with Halil as wife, "how can you ask me to return home? How can I look at your faces? How can I go out in the community?"

4.3.8 Further jousting

In the midst of all this Halil reports that he made a further call to Tulay to tell her that he had found a flat in which it would be more suitable for them to live together.

The call was answered by Mehmet. I asked for Tulay, but the response was, "I fuck your mother. Come here and I will see how you measure up to me." And with those words he hung up. I was stunned and completely shocked. I could not believe my ears.

About half an hour later Hanim telephoned and said, "This matter is over for once and for all. We are not giving you our daughter and do not call us again." I asked her, "Why have you acted in this way," but she hung up on my face. There was no further contact between us that night. I was devastated by this incident and completely grief stricken.

Meanwhile Hanim goes on to recount that

Later that evening Hatice came downstairs and said, "Dad, Tulay wants to speak with you," We both went upstairs immediately. Tulay said to her father, "Take me to the police." Her father asked, "What are you going to do at the police station?" Tulay told him "I'm going to make a complaint about Halil, Bilal and Yilmaz." Mehmet suggested that she record what she wanted to say on a cassette, but Tulay smelt a rat and refused to do so.

Mehmet was equally adamant that he would not take Tulay to the Police station, on the grounds that she would only take temporary refuge with the Police before going back to Halil.

4.3.9 *A family gathering*

In her statement Hanim indicates that in the midst of all this a large number of guests turned up at the house, presumably by invitation. They included

her mother-in-law Besey Fatima, Ali's wife Sanyie and her brother-in-law Cuma from the inner core of the family a substantial number of rather more distant relatives were drawn into the debate, including Kamber DENLI, Irfan, Besime GULER, Seyit GULER, Ali DOGAN and his wife, Aydiner DOGAN and his wife, Cumhur DOGAN and Bektas MONTU.

But she also reports that Tulay didn't want to come down to see them; she stayed in her room upstairs. She was weeping and smoking continuously. The girl was in such a state that it was as if we were talking to a wall. She was weeping all the time. To some people she was saying "I'll stay" and to the others, "I'll go." At times the meeting became quite heated with people trying to convince her not to go back to Halil. During the meeting Mehmet suggested sending Tulay to Workington for a few days where his brother Ali ran a Kebab shop. He said it might make Tulay feel better.

However Ali Goren's son Husseyin has recently prepared a new statement setting out his own perceptions of what happened that evening.

When I was at Cuma's house my aunt said that I should have dinner at her house and bring my wife and child because she was expecting guests that day. I was intending to take her up on this offer. When I went home my mum told me that Hanim had rung and had invited us over to her house for dinner since Tulay had come home.

I did not go to Cuma's house for dinner as originally planned; instead my mum, my wife and I went to Hanim's house. Also, I wanted to go to see my grandmother who I knew was there.

I recall speaking to my dad and telling him that I was going to Mehmet's house. He told me that he could not reach Tulay on the phone, and asked me to get her on the phone for him when I got to Mehmet's house. This was an unusual request, so I asked him 'why'. He told me because every time he had asked for Tulay, someone at Mehmet's house would tell him she was busy or engaged. But he did not tell me what he wanted to speak to her about.

However, he said that if she wanted to come to Workington with me I should take her and that he could give her a job and accommodation. The same applied for Halil.

He also said that if she wanted money to rent a property for her and Halil, I should give it to her. I cannot remember how much money he said I should give her.

Having read my statement of 05.10.99, I agree with what I said then. This was not a 'meeting', and that there was no agenda. It was certainly not to discuss Tulay and Halil. In my father's statement he says that in the Turkish culture, it is common to get together when somebody has been away from home. This is correct.

I remember that Tulay was in good spirits that evening. I remember Tulay saying to me that she did not like going to school. She told me she was in love and wanted to get married.

I made sure that I rang my dad and put Tulay on the phone to him. I did not listen to their conversation. I remember that Mehmet went to the phone to speak to my dad. I did not hear their conversation.

I was aware that Mehmet and Hanim had visited Tulay at Halil's flat and that she was living with unmarried man. I heard about this at the meeting from other family members but cannot remember who. We were not specifically speaking about Halil and Tulay but rather it came out as part of the general conversation.

I told Tulay that if she wanted to come to Workington with me she could. I knew that my dad had offered Tulay and Halil work in Workington as well as accommodation.

However, on that evening she refused my offer because she wanted to speak to Halil about it. I knew my dad had offered them accommodation/work because he told me. I had no problem with my father offering Tulay and Halil work, because it was a family business, and my father helped me out with the shop a lot. He did not need to consult me about this.

In my view there can be little doubt that a substantial family gathering took place at Mehmet's house on the evening of 6th February, that it was arranged at fairly short notice, and that it took place amongst other things to celebrate Tulay's return home. However everyone seems to have been aware that this was an unusual kind of home-coming, since Tulay had come home after spending around a fortnight living with a man to whom she was not yet formally married. Besides that I have before me two significantly discrepant account of Tulay's behaviour that evening. According to Hanim, Tulay spent most of the evening upstairs with Hatice, feeling deeply uncertain about her future; meanwhile Huseyin states that Tulay was in good spirits that evening. She told him that she did not like going to school; she was in love and wanted to get married.

I am in no position to resolve this contradiction: that is a matter for the jury to decide. What I can say, however, is that in my opinion the prospect that Tulay's return home after having spent the previous fortnight with an unmarried man with whom she eloped would have been celebrated in the fashion described if the prospect of her marriage to Halil was not being positively approved of is remote.

If the relationship which had been established as a result of her elopement with Halil was not in the process of being rendered licit, there is in my opinion no reason why there should have been anything like such positive response to her return. Instead the best she could expect is to find herself facing a gathering of elders who would tick her off in no uncertain terms. Having shamed herself and the family, a celebratory dinner to welcome her home would have been out of the question,

But even if I am right in concluding that the dinner was a much more celebratory than a condemnatory occasion (to gather the provisions for which Hanim may well have stopped off to purchase on their way home from Halil's) Huseyin's statement also points to the fact that there were still all manner of tensions lurking in the background. Hence the instructions he received from his father to make sure that Tulay phoned him, together with the message that he was happy to offer both Tulay and Halil employment in his café, and/or to help them out with a deposit with which to secure a flat.

If Ali was indeed acting in this way, his role would have been entirely in keeping with the promises he had made to Halil earlier in the day: namely that he would continue to look after his niece's interests, and in doing so to facilitate the legitimacy of her return to her de facto husband.

Moreover inviting all the guests to the family gathering Hanim would also appear to have been working to exactly the same agenda. But despite the flow of wider family sentiment in that direction, there is gathering evidence that Mehmet was still not on board. If I understand the Turkish concept aright, he was in a gathering state of küs, and hence was sulking like Achilles in his tent, as Professor Stirling puts it.

4.3.10 After the guests had left

Hanim goes on to pick up the story thus

After all the guests had left, Tulay picked up her bags and went upstairs. Her sister Hatice helped her to unpack and hung her dresses up for her. Hanim went upstairs and suggested that Tulay should take a shower, or failing that have something to eat or drink. She refused to do so, and likewise turned down her mother's offer to bring her some pyjamas. Instead she lay down on the bed with her clothes on. Hanim covered her up and went downstairs.

However this was by no means the end of a very long day. As Hanim goes on to recount

Soon afterwards Mehmet and I heard the toilet door close. The toilet is on the first floor, immediately above the kitchen. The window is straight over the kitchen door.

The kitchen opens on to a small patio, and you can go on into the garden from there. As soon as I heard the toilet door close, I opened the kitchen door and looked upwards. Both of Tulay's feet were hanging out of the bathroom window.

I shouted, "What are you doing Tulay?" She pulled her feet in as soon as she heard my voice. I went upstairs immediately with her father. He was angry and I saw him slap her a couple of times with his hands and fists.

Then we took her downstairs. I made some coffee for all of us. The coffee was milky and sugary Nescafe, but Tulay didn't want to drink it since she said the coffee had a funny taste. Mehmet took Tulay's coffee, had a couple of sips and told Tulay "If your mother has poisoned you, let me die, you see I'm drinking it." After this Tulay drank part of her coffee. We sat around for about half an hour.

Tulay fell asleep where she was sitting. I brought some cushions from upstairs and put them in front of the radiator. I gave her a pillow for her head and covered her with a blanket. She slept there. My husband slept on the sofa and I placed my head at Tulay's feet and slept on the rug.

xvi. 7th January

On the morning of 7th January Mehmet told Hanim to keep Hatice and Tuncay off school for the day. This had not been planned. Later that morning Mehmet told Hanim to leave him alone with Tulay, and to take the younger children to stay at Cuma's house. Tulay did not protest.

Tulay woke up towards 10.00 am, and said "I'm going to the toilet," Hanim went into the toilet with her because she was afraid Tulay would try to jump out of the window again. Then she went downstairs to prepared breakfast. Tulay did not want to eat, but Hanim forced her to have some bread and cheese and a cup of tea.

At this point Hanim changes her testimony in her more recent statement, on the grounds that immediately after Tulay's disappearance she was still so frightened of Tulay that she told lies to protect him. Hence she replaced her previous fanciful tale – which included a fanciful tale about Halil drugging Tulay and then climbing into bed alongside Hanim, she goes on to recount that:

Before she left home to go to Cuma's house for the day shortly before midday, she told to Tulay "I don't want you to go and live with this man. But you are not listening. You are upsetting me very much." Then Mehmet told her, "Leave us alone and I will convince her."

Before leaving Mehmet told her to fetch their son Tuncay. His father told him to kiss his sister goodbye because this was the last time that he would see her. Tuncay kissed Tulay her as instructed. Hanim then goes on to comment "Even to this day in 2008 I remember this, but at the time I did not question it."

If these exchanges did indeed occur in the way in which Hanim describes, I have little doubt that they would still be etched in her memory. From a Turkish perspective her husband's words and actions were extremely ominous. By instructing his son to say goodbye to his sister in this way, he was publicly proclaiming that Tulay did not have much life on this earth. Given that Hanim had spent the previous night lying on the floor with her head placed protectively on her daughter's feet, I find it difficult to believe that she would have left the house with any degree of equanimity if her husband had spoken and acted as she suggests he did.

But whatever actually happened on the morning of 7th January, I can only presume that Hanim did indeed take she did indeed take Hatice and Tuncay with her to Cuma's house, and that having spent the day with his wife Turkan, she and the children stayed there overnight, and that Tulay was left back in the family home with her father.

The only other indication of what might have been going on during the course of that day comes from Halil, who states that

The next day at about 1730 - 1800 Mehmet telephoned me and said, "How are you? I am sorry for being abusive, I was extremely angry at the time. My anger has now passed away. Come tonight after 7pm, sign a piece of paper that you are undertaking all responsibility for the girl and take her away." I said, "I am not coming over there. I do not trust you." He said, "Here's Tulay, speak to her."

Tulay got on the telephone and said, "Halil, last night, my father and my uncle's Cumali and Hasan had a meeting and asked me whether or not I wanted to marry you and I said that, I did. They accepted. Come, pick me up and take me away. I said to her, "I am sorry, I am not coming over there, if you love me you come over here."

A short while after this telephone conversation I was outside the hairdresser's at Dalston in order to pay the deposit money when my mobile telephone rang. It was Tulay whispering she said to me, "Halil, don't come over, they are trying to lure you into a trap".

If this report is accurate Tulay was still alive at around 5.30 – 6.00 on the afternoon of 7th January.

4.3.11 Tulay disappears

8th January 1999

Taking up Hanim's account again, she goes on reports that on the following morning

Cuma went out and brought Mehmet back to his house. It was about 9.00 or 10.00 am when they arrived. We all had breakfast together then they went upstairs to sleep. They did not get up until 3.00 or 4.00 pm.

I noticed that Mehmet was wearing different clothes from those he wore the day before. I noticed that Mehmet had scratches on his hands as if he had been gardening without gloves. They were that type of scratches get when you pull up grass or weeds or work with little branches. On his left hand near the wrist was a deeper wound, like rose thorn scratches. I did not have the courage to ask about the scratches at this point.

Baris and Sanyie came over and we all had dinner and then they sat with us for a while and Mehmet was telling them about Tulay running away. Later, Baris gave us a lift home in his car at about 9 or 10 pm. When I entered the house I had a bad feeling. I thought that perhaps Tulay was tied up somewhere in the house and Mehmet was not telling me. I was frightened to look upstairs and so I sent Hatice to look.

Hatice came back down and told me to go and look for myself because Tulay had taken all of her clothes apart from one blouse, which she brought down and showed it to me. Mehmet told her to take it away and throw it in the rubbish bin. There was a basement under the stairs where we stored shoes and things. I thought that Tulay may have been locked in there so I sent Hatice to look.

We looked around the house and found that only a jacket and a pair of shoes were left behind. Tulay had returned to us with three big bags of clothing that had been bought for her by Halil. All of those items had gone when we came back from Cuma's house.

Mehmet announced that henceforth we were going to disown Tulay he said, "Our four children are no longer four children. From now on we only have three children." He warned me that if I ever mentioned Tulay again it would be the end of us.

I cannot help but comment that in contrast to the immense detail in which Hanim describes the events of 6th January, her account of developments on 7th and 8th January – a period during which one would expect she (and many other members of the family) would have been worried sick about Tulay's fate – her account of what transpired is exceedingly sparse.

For the avoidance of doubt I should also add that in my opinion Mehmet's announcement that "Our four children are no longer four children. From now on we only have three children" was by no means an explicit acknowledgement that Tulay was no longer alive. As in Punjab, the most serious sanction which Turkish parents can exercise against children who have dishonoured themselves is to comprehensively disown them, proclaiming by proclaiming that he (or she) is dead to us.

4.4 Ali Goren's perspective

Nevertheless we also have a further perspective of what transpired in the period between Tulay's arrival back home from Halil's place on 6th January, and her mother's return home following her stay at Cuma's house on the evening of the 8th January. This is set out in Ali

Goren's Proof of Evidence which – it should be remembered – was prepared the best part of a decade after the events question occurred. However his proof appears to have been prepared in the light of the details of the phone logs set out in the prosecution case summary, given that Ali had returned to Workington by the time that Tulay was persuaded to leave Halil's place and return to her parents' house.

With this in mind I have summarised the relevant details of Ali Goren's Proof below:

6th January

At 18.12 and 18.16 I call Nuray, Tulay's sister, twice. This call must have been interrupted by a customer that needed serving. Nuray was close to Tulay. I wanted to know what Nuray thought of the whole thing and how she thought Tulay was. Whenever I spoke to Tulay she was a bit down and I think Nuray told me that Tulay sounded upset and was suffering with mood swings.

I was also told that Tulay was reporting Bilal and Halil to the Police. I think Hanim told me this. This didn't make sense, as whenever I spoke to Tulay, she seemed very happy to be with Halil and I raised my concerns with Nuray. Nuray told me that Tulay was telling people to mind their own business. Tulay did not want to stay at Mehmet's house without Halil.

It was for this reason that I offered them both to stay in Workington and I even suggested to Tulay that her mother could come with her.

I was suspicious that every time I called to speak to Tulay I was given excuses. I then instructed my son Huseyin to make sure Tulay called me or answered the phone when he got to Mehmet's house. When I eventually spoke to Tulay she couldn't speak properly. I remember speaking to Mehmet. I think she passed the phone to him. He told me that he was unhappy with Halil's behaviour because he had allowed her to stay in a house with single men walking around in their underwear. He insisted that Tulay should stay at his house until Halil found a more suitable house in which them to live.

I asked Mehmet to allow Tulay to come to stay with me. Mehmet thought that I was trying to blame him for everything.

At some point I spoke to Tulay again. She told me that her father would not let her stay in Workington and that she would have to wait for Halil to find accommodation for them both. She told me that Halil had not called her so I called him myself.

At 20.19 I appear to call Nuray again. I can't remember why this was. It might have been that she hadn't yet arrived at her father's house.

If Ali's account of what was said during the course of these calls is accurate, he was driven by intense concern for what was happening to Tulay, and was trying to broker a temporary

resolution of the tension between his niece and his brother by suggesting that Tulay should come and stay with him in Workington for a while.

At 22.01 I call Halil on his mobile phone for 1 minute 55 seconds. Halil makes no mention of this himself. I remember speaking to him because Tulay was upset. I knew that she was happy to come to Workington if Halil came too, but he did not want to come. I don't know whether it was too far for him. I know that he had responsibilities with the factory in East London, but it was his responsibility to find suitable accommodation for him and Tulay to live in.

I spoke to Tulay again. I told her that Halil should be calling her. I told her I had spoken to him. I again left it open for her to come to Workington the following morning. She could have got the train if she wasn't going to come with Huseyin.

If Ali's account of what was said during the course of these calls is accurate, he was driven by intense concern for what was happening to Tulay, and was trying to broker a temporary resolution of the tension between his niece and his brother by suggesting that Tulay (and possibly Halil) should come and stay with him in Workington for a while.

Ali also goes on to comment on the family meeting which was going on in Mehmet's house in London more or less as these phone calls were made:

I have been asked about understanding of the purpose of the "meeting" which took place that evening. It is very common in Turkish culture when somebody has been away from home for a long time or abroad, for family members to gather and greet them. This is basically what happened with Tulay who had been away from home for about a month. It was not about making a plan or make a decision about Tulay's future.

At one level Ali's comment is quite accurate: such familial get-togethers routinely occur when a long-absent member of the family returns home. However Tulay the basis on which Tulay had left home was highly exceptional: she had eloped with Halil, and their attempt to legitimate their union in English Law had failed because Tulay was still under age. Hence even if Ali is correct in saying that this assembly was not in a position to make a plan or a decision about Tulay's future, there is in my opinion no question that since all those who were present were close relatives, such matters – and how they could best be resolved – would inevitably have been the focus of intense discussion. Meanwhile Ali goes on to make what he alleges was his own position on the matter plain:

Halil apparently said he was going to come to Mehmet and Hanim's house but I do not know why he didn't. The purpose was not to discuss Tulay's marriage to Halil.

In my eyes they were effectively married and Tulay had been living with Halil, and only her age had stopped a legal marriage in England. However I tried to persuade Tulay to wait at home until suitable accommodation was found by Halil because it was not acceptable in our culture for her to be living in a flat with single men.

At 23.15 Mehmet's landline calls Cumhur Gunay. This is one of Hanim's relatives.

At 23.48 the call to Latife Berk is a distant relative of ours.

After midnight I called Mehmet's house a few times to speak to Tulay. Mehmet told me that she was sleeping. I didn't believe him. I was concerned for Tulay's welfare. I had been told that night, I can't remember by whom, that Tulay had been trying to jump out of the bathroom window. They took it as a suicide attempt because there is no garage or anywhere for her to jump onto if she fell out of the window.

I wanted to know for certain whether Tulay was coming to Workington or not. However Mehmet wanted me to mind my own business.

I can only guess that the call by me to Nuray at 3.40am would have been regarding Tulay's welfare. I regularly consulted Nuray about her sister's welfare.

7th January

It was normal for Nuray to call my house in Vaughan Gardens. She calls it for 18 minutes at 11.42 on 7th January. She was very close with my son Baris as they were the same age. I can only presume that they were talking about Tulay. Baris did not have a mobile phone back then.

I call my house at 11.36 for 1 minute and 26 seconds. I spoke to my wife who told me that Tulay had changed a lot. She was speaking like she was mad. She advised me to keep out of Mehmet's business. She said that Mehmet was angry for me suggesting that Tulay come to Workington.

The call at 12.01 to Cuma's landline would either have been myself or Kambler. I would have spoken to my mother who was living at Cuma's house; Kambler would be speaking to Cuma.

12.28 Mehmet's landline calls my cafe. I can't remember this call, let alone whether I spoke to Mehmet or not. The call duration has this call as "ND".

13.00 call Mehmet's landline. I think I spoke to Hanim or Tulay. I am not sure. I do remember speaking to Tulay about her general welfare to make sure she was okay. At this stage I think knew that she was not going to come to Workington.

At 14.17 Pedro's calls Kambler's landline and then calls Cuma three minutes later. This almost certainly would have been Kambler himself as I would have no reason to call his family home. It would have been him who called Cuma. 23 minutes later Pedro's calls my family home. That would have been me.

Pedro's calls Cuma's landline at 15.03 for 28 seconds. He of course would not have been home. If I knew he was at Mehmet's, surely I would have called Mehmet's landline or indeed either of their mobile phones.

At 17.54 I call Mehmet's landline for 5 minutes. I remember speaking to Mehmet who was angry and accused me of interfering with his family business.

Ali indicates that Huseyin may have initiated the call to see how Tulay was. Mehmet answered, and started arguing with Huseyin. As a result Huseyin asked Mehmet why he was blaming his father (Ali).

At this point Ali took the phone from Huseyin, whereupon Mehmet complained that Ali had encouraged Tulay to stay with Halil, and therefore to live away from home. Ali protested, but Mehmet would not listen. Moreover so far as he can remember he was not given an opportunity to speak directly to Tulay.

8th January

Ali reports that he cannot now remember exactly when it was that Tulay was missing, and who told him. He thinks it may well have been in the call he received me on 8th January 1999 at 20.58. He also cannot remember the first time that he spoke to Mehmet and Hanim about Tulay disappearing, and that at that stage he expected Tulay to turn up in a day or two. He assumed she was with Halil.

However Ali did not phone Halil to find out whether Tulay had fact joined him. Given that Mehmet had been so hostile to his earlier attempts to broker a settlement, he feared that his brother would adopt an even more hostile attitude towards him if he took a step which Mehmet would regard that as an interference in an issue which was none of his business.

If follows that if Ali Goren's account his involvement in the events and discussions which preceded Tulay's disappearance is true, there can be no substance in the prosecution charge that he led a conspiracy, along with his younger brothers Mehmet and Cuma, to do away with Tulay in an effort to assuage the insult to the extended family's honour precipitated by her relationship with Halil.

Although he was certainly the senior-most member of the sibling group, he suggests that he took precisely the opposite view from the one which the prosecution suggests he adopted. Hence far from seeking to organise the elimination of them both, he sought to protect them from Mehmet's wrath.

In my opinion he also had good grounds – no less in terms of namus than anything else – for so doing. Given that Tulay and Halil had spent some time living together as man and wife, that Halil appeared to be acceptable groom, and that in Turkish (although not in English) terms Tulay was of marriageable age, he took the view that his brother would be best advised to accept the fact that his daughter had chosen a husband for herself, no matter how immediately unpalatable he might find that prospect. Hence Ali did everything he could to facilitate Halil's efforts to find more suitable accommodation for Halil and his de facto wife,

and offered to take one or both of them under his wing whilst his brother Mehmet cooled down.

5 The Prosecution case against Ali Goren

The essence of the prosecution case with respect to the issue of conspiracy is set out in paragraph 2 of the case summary:

Tulay was 15 years old in 1998, when she began a relationship with Halil Unal, a much older man. In the Turkish community of which they were both a part, such a marriage was unacceptable. There were various attempts by her family to put an end to what was seen ' as Tulay's wilfulness and Halil's defiance. Eventually, after a meeting convened on 6th January 1999 at the family home, which Tulay initially refused to attend and tried to run away from, her father Mehmet and uncles, Cuma and Ali, set a trap for the lovers the following day. Although there were repeated attempts by Mehmet to persuade Halil to go the house, he was warned of the trap in a telephone 'Call from Tulay. Tulay was never seen again after 7th January.

It is the prosecution's case that she was murdered her at home.

The next mention of Ali's alleged involvement in a conspiracy is to be found in paragraphs 35 and 36 of the case summary:

35. Telephone traffic between the three defendants at this time (6th January) demonstrates that although he was not present Ali was very much involved in the process of deciding what should be done about Tulay and Halil's illicit relationship,

Between 12 noon and the meeting there were 6 calls to Cuma's home from Ali's business premises. In the same period there were 29 calls to Mehmet. There were also calls from Cuma's home to Mehmet in the afternoon, both before and after the meeting. There are 10 calls from Mehmet to Cuma and 6 to Ali's home or business between 3.00 pm and 11.49 pm.

36. After midnight the telephone calls continue: at 00.09 there is a call from Cuma's house to Mehmet, at 00.13 Cuma calls Ali, Mehmet calls Ali at 00.24, and at 00.33 a call comes from Ali's kebab shop to Mehmet. Ali then phones Cuma at 00.35 and then makes calls to Mehmet at 00.38 and 01.33. It is the prosecution's case that at this stage the decision was being reached between the three defendants, the principal male members of the family, as to what should now happen to Tulay given her obduracy at the family meeting

45. Telephone contact continued on 7th January between Glastonbury Avenue and the addresses of Ali and Cuma: there are calls between Ali's kebab shop and Cuma's home address at 12.01, 2.20, 3.03, 5.40, 6.10, 8.17, and 8.18pm during the course of 7th January (although Cuma was not there until the evening). There is a call from Cuma's address to Ali's shop at 3.15pm. There are calls from Ali to Mehmet at 1.00 pm and 5.54pm.

84. Ali Goren was arrested at 6.20am 25th November 2008. He provided a prepared statement in which he denied any involvement in the murder or conspiracy to murder, He made no further comment to all questions he was asked.

85. On 26th November 2008 he was charged with conspiracy to murder and he provided a prepared statement. In it he denies involvement in any conspiracy to murder Tulay or Halil Unal. He states that he is not held in esteem by the family and is not confided in by Mehmet before decisions are made. He admits making calls around the time that Tulay disappeared and states that he spoke to Tulay about lending her and her boyfriend Halil some money to set up home together. He admits knowledge of a gathering at Mehmet's house early in January and that he rang several times to speak to members of his family.

Whilst I have little doubt that the prosecution will seek to expand the foundations of their case against Ali Goren when the matter comes to trial, the grounds set out in the case summary must surely be regarded as slim pickings, most especially when the charge the defendant is facing is as serious as conspiracy to murder.

So far as I can see from the material set out above the essence of the prosecution case against Ali is grounded in three key hypotheses:

- i. As the eldest brother in a Turkish extended family, Ali was in a position to exercise unchallengeable authority over his younger brothers, especially where issues of honour were at stake.
- ii. The relationship between Halil and Ali's niece Tulay had seriously compromised the family's honour; this was a was entirely unacceptable
- iii. Despite Ali's protestations to the contrary, the fact that numerous calls were exchanged between the three of brothers (the contents of which are unknown, and many of which were made between landlines which were available to other family members) provides sufficient evidence to support the prosecution's core hypothesis: that in the course of these calls the three principal male members of the family decided that there was only way in which the family could restore its besmirched honour: by eliminating Tulay.

Shortly after these calls were exchanged, Tulay disappeared. In the absence of any other explanations, and especially in the light of the new evidence put forward by Tulay's mother, there is – so far as I can see – little doubt that she was murdered. But by whom and on what grounds?

One point is clear: whoever was actually responsible for responsible for murdering Tulay, it was not and could not have been Ali, since he was several hundred miles away in Workington when Tulay disappeared. Hence the charge against Ali is one conspiracy.

However the prosecution has little in the way of concrete evidence to support any of the three hypotheses outlined above. Instead – so far as I can see – it will seek to rely on the expert evidence of Professor Sir to reinforce its basic proposition: that all the circumstantial evidence suggests that its three key hypotheses hold good in this case.

6 Professor Sir's report

6.1 The character of Professor Sir's expertise

There can be no doubt whatsoever that Professor Sir has had a great deal of experience of the traumatic consequences of incidents of domestic and familial violence in Turkish contexts; moreover he is (quite rightly) concerned about the way in the honour driven dimensions of the Turkish socio-cultural order can so exacerbate contradictions within the family that violence – and sometimes homicidal violence – may readily ensue.

However it also so goes without saying that his clinical experience is largely limited to providing therapeutic support to the traumatised survivors of such incidents: his reports provide no indication that he has had an opportunity to conduct first-hand ethnographic fieldwork on the internal dynamics of Turkish families of rural origin. As a result I can only presume that he has little first-hand experience of the *varying* ways in which marriages, divorces, incidents of adultery and so forth may be dealt with the specific contexts from which patients who have encountered the traumas with which we are concerned here are drawn.

That is only to be expected: Professor Sir is a Psychiatrist not a Social Scientist.

6.2 A commentary on Professor Sir's analytical perspective

Nevertheless there is one point on which Professor Sir are manifestly agreed: that the incidents with which we are concerned cannot be properly understood unless careful and systematic reference is made to the social and cultural context within which they occur. But that also raises the issue of just how the impact of such factors is best understood – a matter of crucial significance when it comes to preparing an expert report of this kind.

In common with all my anthropologically-trained colleagues, I am acutely conscious of the deeply misleading consequences of presenting cultural conventions and expectations in such a way as to suggest that they *determine* their behaviour. By far the better view is that such conventions provide a conceptual framework within their users operate, with the result that cultural factors serve to *condition* behaviour, rather than determine it – in much the same way as grammar conditions speech.

My immediate reaction on reading Professor Sir's report was his marked tendency to slip into a deterministic analytical perspective. I have set out a few examples of his tendency to do so below:

Should [a woman's] husband find out that important information about a female family member had been withheld, he is likely to view this disobedience seriously and in all probability react violently towards his wife and his daughter.

Amongst parts of the Turkish/Kurdish population who follow the Honour Code, the mere suspicion of such friendships or actual relationships can result in physical harm such as beatings, mutilations or even the death of those involved.

The girl who brought about the dishonour *must* then be dealt with by her own family. In my experience girls in these circumstances are commonly killed or are forced to commit suicide.

I am in no doubt whatsoever that all the events I question *can* happen: my only query with respect to Professor Sir is as to how frequently homicidal violence *actually* occurs in the aftermath of the discovery of incidents of illicit and potentially honour-damaging behaviour. Beyond this I also have some further queries about the varied circumstances in which such homicidal attacks can be precipitated.

6.3 *Honour Killing and the role of Family Councils*

Professor Sir also provides a very precise account of the basis on which “honour killings” occur in his sense of the term:

Honour Killings are not committed on the basis of a spur of the moment decision or during a moment of temper. Honour killings take a great deal of discussion before a plan is decided upon and before instructions are given to the person who is to conduct the killing.

He also goes on to outline the basis on which such decisions are taken:

My experience of Honour Violence in Turkey has taught me that confirmation of a relationship entering a sexual stage would bring about high-level discussions among the elder male family members. These discussions are known as a Family Council.

Women are excluded from the Council and the decision of the elder male family members will ultimately decide the fate of the girl.

Once the decision is made, and the instructions are given to the person who is to conduct the honour killing, that person has no option but to carry out the instructions given to him.

Once again I would in no way query the prospect that honour-driven killings can be and are implanted in such an organised basis and in such a calculated way. Indeed the exercise of such calculated retribution, which is not infrequently implemented on a tit for tat basis over the generations, is regarded as by far the most honourable way of settling scores. Hence within the context of the community within which they occur, 'men of honour' who act in this way are invariably regarded with great respect, however criminal their actions may have been regarded by the state.

However I would also hasten to add that this is by no means the only basis on which incidents of honour-driven homicide can occur. When tempers rise and the perceived level of provocation is extreme, those who are unable to control their anger may well make a spur of the moment decision during a fit of temper. Such a fit of temper can readily precipitate what we might describe as a dishonourable form of honour-driven killing – or perhaps just plain murder.

Remarkably enough Professor Sir disregards the possibility that Tulay might have lost her life as a result of such a fit of anger: instead he does his best to fit the facts to his theory, and hence to suggest that that Tulay lost her life in a calculated killing carefully organised by Family Council.

6.4 A wholly unacceptable marriage?

Against this background Professor Sir takes the view that in the light of the fact that the Goren family are Alevis whilst Halil belong to a Sunni family, any prospect of a match between them would be entirely unacceptable. Whilst I am sceptical of that conclusion in the light of what subsequently transpired, I would in no way differ from his assertion that her father would be exceedingly seriously disturbed by his discovery that his daughter was established an unauthorised relationship with Halil, most particularly in the light of her youth.

On receiving the news, Mehmet promptly set off to confront Halil, and physically attacked him: Halil appears not to have made any significant efforts to retaliate, and when asked by the police officer who interviewed him whether he wished to bring a charge against Mehmet, he made it clear that he did not wish to challenge his 'father-in-law' in this way. Halil had been caught out, but remained committed to treating Mehmet with respect.

Nor was Halil's transgression particularly serious at this stage: although he and Tulay had been having a surreptitious relationship, it did not at this stage include an active sexual relationship: that only came about two days later when Tulay ran away from home two days later, and was followed up by Bilal making a formal offer for Tulay's hand on Halil's behalf the following day.

Nevertheless Professor Sir takes the view that an organised response to Halil's initiative by the entire extended family had already begun to crystallise as soon as Mehmet's confrontation with Halil took place:

In Turkish/Kurdish families where discipline is not being maintained by the father of the child, other male family members will take it upon themselves or would be instructed to take on the role of disciplinarian. I see Cuma Goren involved with Mehmet supporting him at the factory during his confrontation with Halil. I also note that Cuma and Baris arrived in a car, demonstrating the way that Turkish/Kurdish brothers act together to support one another

I would think it more than likely that they were trying to terrify Halil. Honour killings take a great deal of discussion before a plan is decided upon and before instructions are given to the person who is to conduct the killing. For Mehmet to ... suddenly attack Halil with a view to killing him, it would not in my experience be the way of things according to how Honour Killings are conducted.

However, the presence of Mehmet's brother and his nephew Baris demonstrates how male family members deal with these matters as a single group with the sole purpose of maintaining the honour of the entire family.

At this stage, I would expect that Mehmet would already have been in regular contact with his immediate male family members to discuss the matter of his daughter's indiscipline and unsanctioned relationship. The Goren family would typically be discussing the issue and at the point where the wider community begin to discover the relationship of Tulay and Halil, the honour of the entire family would be called into question.

In my opinion view all the above remarks must be regarded as entirely speculative. To be sure there are circumstances in which, as Professor Sir promptly goes on observe, where

plans to address such relationships are made in great detail by the male family members. The plans can extend over a period of months and will develop according to changes in circumstances.

However the core issue is whether such plans were actually being made by Mehmet and his siblings in this particular case.

6.5 Familial approval for a wedding?

In the absence of firm evidence to support the proposition that the entire family were implacably hostile to Tulay's involvement with Halil – as Professor Sir appears to assume – I prefer to keep an open mind on that front. But provided his remarks are restricted to Mehmet alone, I would no way disagree with Professor Sir's conclusion that when Tulay ran away to join Halil, he would have regarded his daughter as being whole out of control, and her behaviour as being entirely disgraceful.

Nevertheless the day after Tulay ran away Bilal was received at her parents' house as the leader of a delegation seeking Tulay's hand on behalf of Halil. Moreover the delegation's request was accepted. How can such a turn-around be explained? As Professor goes on suggest

Mehmet would not have been in a position to give authorisation for this wedding to proceed without first deferring to the authority of his elder brother. Within a Turkish/Kurdish family a hierarchy exists amongst the male members. Their influence can depend on how many male members make up the family, their ages, experience and wealth. It follows that the eldest male member is regarded generally as the most experienced and family decisions in respect of investments, marriages or other family related matters are discussed jointly by the male members but final decisions come from the eldest or the most influential male member.

I believe in this case that there was no way that Mehmet would have carried the influence within this family to grant his daughter in marriage to Halil Unal. I feel that it would have been necessary for Ali Goren to give his permission and it is clear from his comments in which he says "these things should be done according to our customs and traditions" that he wanted to be involved in the wedding process.

Marrying a girl to a man who has taken her virginity is regarded as a last chance solution to this problem. I feel from the evidence that the Goren family are doing their best to try and find a resolution to the situation brought about by Tulay's relationship with Halil.

On this point I am in broad agreement with Professor Sir, and most especially with his conclusion that the evidence suggests that the Goren family the broadest sense were doing their best to try and find a resolution to the situation, however great Mehmet's personal reservations about the acceptability of the match might be.

6.6 *A sub-plot?*

Yet having so concluded, Professor Sir promptly posits the existence of an on-going sub-plot:

At this stage by Tulay living with Halil the family have confirmation that the couple are effectively living together as man and wife. I believe that at this stage the family council consisting of the core male family members would be already well in place and would be discussing options with regard to this family emergency.

I would stress that a girl who loses her virginity becomes a worthless commodity, and marrying her off removes her as a burden on her family. Similarly a girl who loses her virginity has without doubt brought great shame and dishonour on her family. In Turkey punishment for such behaviour can come in the form of visible mutilation revealing to the community the fact that the woman or girl has been punished. Alternatively, murdering the girl or woman is an outcome in very many cases.

Given the narrow scope of Professor Sir's analytical model, the emergence of such a sub-plot would indeed be inevitable (but only in the absence of marriage) on the grounds that Tulay had lost her virginity, thereby bringing great shame and dishonour on the family. But Halil had placed an offer of marriage on the table, which had been accepted at a family meeting³ at which included all four brothers, their wives and their mother, as well as numerous more distant kinsfolk.

Moreover to the extent that a resolution to the problem had been reached on the basis of a deal which appears to run closely parallel to the negotiations associated with the arrangement of a *kız kaçırma* as described both by Professor Stirling and by Dr. Kudat, it follows that 'things had been done according to our customs and traditions' just as Ali Goren had suggested. Moreover if this was indeed the case, there would have been no need for Tulay to return home after the failure to legitimate the marriage (in English terms) at registry office,

³ For the avoidance of doubt it is worth emphasising by Professor Sir's criteria this family meeting was *not* a Family Council, since women, no less than men, actively participated in its deliberations. It is also worth noting that meeting had executive functions. Its members reached a consensus that the relationship between Tulay and Halil should be accepted as licit despite their difference in age, and that their relationship should be formally legitimated at the earliest possible opportunity.

since the family meeting had already deemed their relationship to be licit. Hence Mehmet did not seek to undo the settlement by requiring Tulay to return home with himself and his mother after they left the registry office, thereby bringing his ‘dishonoured’ daughter with him.

Despite this Professor Sir promptly sails off in an entirely different direction which the facts do little to support. As he sees it

The whole situation would, without doubt, have been regarded as a crisis within the family and I have no doubt that on the day of that wedding Mehmet Goren would have been very much ashamed. It would not have been a celebratory occasion in the eyes of the Goren family.

The news that the wedding was cancelled would have been a source of additional embarrassment to the Goren's. There would have been much talk amongst everyone in the Turkish/Kurdish community placing them under great pressure to resolve this problem. This would not have been simply an issue for Mehmet Goren. The dishonour brought about by Tulay and Halil's actions would have created a burden that was felt by the entire family.

In the period after the failed marriage, it would be expected that Tulay return home with her family until the future wedding date. Her failure to do this and the fact that she went to live with Halil would cause the family council to review their decision, and in these circumstances an amended decision would be reached concern Tulay's fate. These discussions would have taken place in the period between the failed marriage and the first week of January 1999.

Besides being wholly speculative – and in my view very largely a product of Professor Sirs’ efforts to sustain ‘Family Council’ hypothesis – it does not appear to fit the facts. The Town Hall wedding was a deliberately low-key affair, since the only Goren family representatives present were Mehmet and Hanim; and whilst I have little doubt that news that the marriage had not gone ahead because Tulay was underage will have spread rapidly around the close knit Goren family, there are no reasons to suppose that news this rather minor difficulty (at least from a Turkish perspective) would have spread like wildfire amongst everyone in the local Turkish/Kurdish community.

6.7 Who was Halil to Trust?

So far as I can see the evidence appears to suggest that that the only person who was consistently hostile to Tulay’s involvement with Halil was her father. Hence even though the family meeting decided that their best option in the face of the fact of Tulay’s elopement was to recognise their relationship as licit – and hence not dishonourable – there appears to be

every reason to suppose that Mehmet was unhappy with the consensus which had been arrived at. Hence his efforts to 'dig the dirt' on Mehmet, and the enthusiastic way in which he spread the (so far as I can see specious) news that Halil was a murderer.

It was pursuit of that matter which gave Mehmet an excuse to make an unannounced call on Halil, and his subsequent discovery that an unmarried male was living in the same house as his daughter gave him further ammunition to add to his campaign. In the face of all this Halil sought to act as a dutiful son-in-law, and having rung Ali to seek both reassurance and his *imprimatur*, agreed that Tulay should return to her parents' house whilst he sought more appropriate accommodation. In this scenario whilst Halil overtly treats his father-in-law with respect, his consultation with Ali indicates that he is still treating Mehmet's promises with extreme caution.

So far as I can see Professor Sir directly accepts this interpretation when he notes that:

In speaking to Ali Goren via the telephone for confirmation of what he had been told by Mehmet, it is possible that Halil simply did not trust Mehmet but wanted the final word to come from someone of authority within the family. This is a further example of the way in which Turkish/Kurdish people defer to the person who is understood to speak on behalf of the family. In this case it is Ali Goren, and it was only on his authority and by giving his word that the girl would be safe that Halil decided to trust him and release Tulay back to her family.

The words that Ali Goren used demonstrate the way that the family are quite clearly followers of Turkish/Kurdish traditions and values. *Mehmet will either return her to you or kill her. Who would want her after what has happened? How can he give her to someone else?*

With respect to this final comment, I would simply ask what dimension of Turkish/Kurdish traditions and values he has in mind. So far as I can see Ali's aphorism neatly sums up the logic of *kız kaçırma*, since it suggests that returning Tulay to Halil once suitable accommodation has been found is Mehmet's only sensible option

However Professor Sir chooses to read this quite differently, and to argue that Ali Goren was quite deliberately double-crossing both Halil and his niece:

In convincing Halil to release Tulay to her father, Ali was instrumental in separating Tulay from the safety of Halil Unal and played a role in her forthcoming demise. Furthermore, I believe that prior to this stage there would have been extensive dialogue between Mehmet and his brothers and that it is

quite possible for a severe solution to the family problem to be under discussion or even to have already been decided upon.

In my experience it is highly likely that by that stage, the Goren men had already discussed retrieving Tulay in order that she could be fully controlled by them with a view to killing her in the name of Honour.

With all due respect to Professor Sir, it appears to me that this assertion is mere speculation. To be sure such the hypothesis that Ali Goren had been duping Halil and Tulay all the way along, culminating in this final treacherous act of betrayal is a convenient means of making his Honour Killing thesis 'fit the facts'. However members of the jury will have to ask themselves whether this hypothesis does indeed fit the facts, or whether Professor Sir has created imaginary facts in order to make his prior hypothesis stand up come what may.

In Turkey, it is unusual for both the girl and the man she is involved with to be killed. In Pakistan, Afghanistan, Bangladesh it is common for both parties to be killed. This is not however the case in Turkey unless the following circumstances apply. Where a girl elopes with a man and they run away together, the girl's family would go to great lengths to locate and retrieve her. In the custom and tradition of Honour Killing it would be seen as right and proper for both parties to be killed to cleanse the shame that had been inflicted on the family.

I note that Professor Sir cites no sources for any of these assertions.

6.8 *A real exercise in double crossing?*

Despite my scepticism about the prospect the Ali Goren might have doubled-crossed Halil as a means of luring her to her fate, I would in no way seek to suggest that those seeking to wreak vengeance for what they perceived to be a serious slight might deploy devious strategies to achieve their objective. Indeed if Halil's account of his final encounter with Mehmet is to be believed, Mehmet deliberately lured him into a meeting, by assuring Halil that he had changed his mind, and was now prepared to allow Tulay to rejoin him, always provided that Halil could find suitable accommodation for them both.

Halil's friend Kadir advised him to be cautious, but they nevertheless decided to go along and meet Mehmet.

We went to go to a cafe but we could not find one. In the end we went to a pub about five to ten minutes away from Stratford. At the pub I bought drinks all round and everybody sat down to discuss matters. I did not get involved in these conversations. It would not have been right for me to intervene in the presence of respected elders.

Kadir said to Mehmet, "We have found a flat, there is no point in going elsewhere and paying another deposit. What has happened has happened. You bring your daughter along together with your wife and view the flat. If there is anything missing or needed in the flat we'll buy it for them. After that the young couple can live there happily ever after.

Mehmet accepted this and told Kadir, "That's fine, my wife and I will bring Tulay to your home tomorrow." It was also agreed that I would marry Tulay on the 8th March. I was absolutely overwhelmed with delight at this news. I became tearful and very emotional. I got up on my feet and kissed my father-in-law's hand.

Mehmet then told Kadir that "I am going to do Halil a big favour. I am going to put him through to Tulay."

As there was a lot of noise inside the pub we went outside to make the call. There was heavy traffic outside the pub, so Mehmet suggested that we go to the side street across the road. Outside the pub Mehmet said to me, "I know how much you love Tulay, Tulay is at my older brother's shop, give her a call and speak to her."

On hearing this I was so delighted and overjoyed that I began to cry. We then went into the side road. It was dark. I took out my mobile telephone and I dialled the number. As I did so I asked Mehmet, "Who shall I ask for?" Mehmet replied, "Ahmet will be answering the telephone, ask him to pass you over to Tulay." I asked for Ahmet and the person on the telephone told me, "I am Ahmet, who are you." I said, "I am Halil, Tulay's husband." The man on the telephone said, "Hold on, I will pass you to the chef."

During this time Mehmet remained behind me. I could not see him, and then I felt a blow to my neck.

Mehmet had taken a meat cleaver to him.

Although there appears to be no dispute that Mehmet acted alone on this occasion, Professor Sir nevertheless does his best to interpret this development in such a way to fit it into his honour killing hypothesis. As he puts it:

These events demonstrate a clear intention to conclude the Goren family's dishonour our dispute with Halil Unal.

The comments made by Tulay on the night of 5th January⁴ where she warned Halil of a trap leads me to conclude that the council had decided back in January that both Tulay and Halil were to be killed. Once the Council decision

⁴ This call was actually made on 7th January, immediately before Tulay's disappearance.

is made, it has to be carried out. In this case it appears that Mehmet was tasked to conduct the killing of Tulay and Halil.

Although there is little doubt that the call was made, and every prospect that the last call which Halil received from Tulay would have remained etched in his memory, I can see no *evidential* basis whatsoever to support Professor Sir's conclusion that "that the council had decided back in January that both Tulay and Halil were to be killed, and Mehmet had been tasked to implement the decision" – other than such a decision *must* have been made for his collectively-grounded 'honour killing' hypothesis to stand up.

However that is in no way to suggest that *namus* was not an issue in the midst of all these developments: the issue, in my view, is much more as to precisely how considerations of *namus* conditioned the behaviour of those involved.

Halil took three community elders to the meeting with Mehmet. Disputes are often discussed by elders who mediate without interruption from the parties involved. In this meeting I would have expected Halil to defer to the men whom he took with him and let them do the talking with Mehmet.

Two points stand out here. Firstly, as Professor Sir implies, both Halil and the elders who he took with them would have seen this as a meeting who was one in which the differences between himself and Mehmet could be mediated and settled; and secondly that Halil acted honourably and respectfully by allowing the elders to speak on his behalf.

When Halil is given the news that he may marry Tulay he kisses the hand of Mehmet. This is indeed the action of a man who is delighted and offers his deep respect to the person whose hand he kisses.

I could not agree more

I believe that Mehmet's attempt to lure Halil outside away from his elders was a clumsy attempt to get Halil into a location where he could be attacked. Even if Halil had died of his injuries it would have been quite clear who was the last person seen with him.

As I understand the way in which the conventions of *namus*, the way in which Mehmet lured Halil within range of his cleaver was intrinsically *namussuz*, dishonourable. One should not attend a meeting of the elders secretly armed with a cleaver, let alone attempt to use it to assassinate a young man with whom one had just solemnly agreed to accept as one's son-in-law. To be sure it was clearly an act of vengeance. Moreover there is in my opinion every reason to suppose that that Mehmet was driven by feelings of personal outrage at what he perceived as Halil's dishonourable, and indeed dishonouring, interference in his daughter's

modesty. However I am most doubtful as to how far his adoption of such an underhand strategy as a means of gaining access to his victim would be regarded as being particularly 'honourable' in character, at least in terms of the understanding of that phenomenon which as Professor Sir has preferred to adopt.

The actions of Mehmet reflect an important Honour issue. For people who believe in the Honour Code it is more important that Honour is cleansed and that the community knows that it is done. This is preferable to living without Honour.

In my experience (admittedly in Punjab rather than in Turkey) when 'men of honour' take calculated vengeance, it is vital that their honour is cleansed in public, and that the community at large know that they have done so. Hence they do not conceal their actions in any way, and most usually have the support of their entire kindred in the efforts to wreak vengeance on their opponents.

However it is also my experience that only a small minority of inter- and intra-familial homicides take place on this basis. Instead the great majority are the outcome of ever-escalating processes of interpersonal confrontation in which all efforts by the other members of the family to broker a settlement have failed. In social and cultural context where issues of honour are of significance, such matters regularly play a major role in that process of escalation, especially when one party (or both) begins to take the view that the other has behaved in an insulting and disrespectful way.

It goes without saying that when vengeance is extracted as a result of such confrontations, it is neither organised nor implemented under the aegis of anything akin to a family council. Rather it is invariably an intensely personal matter, which is individually implemented.

However Professor Sir's model appears to allow no space for such a possibility:

However, as I have repeatedly stated, it must be remembered that the person or persons told to conduct the killing is not in my experience the decision maker or murder planner. It is frequently the most dispensable member of the family, someone who would least affect the operation of the family unit should they be caught and sent to prison.

In Turkey once a killer is sent to prison the extended family offer support to the family of the person convicted. Mehmet is a gambler and I understand is a poor provider for his family who were reliant on state benefits and the generosity of their extended family.

I believe that Mehmet was tasked to deal with Halil Unal in this way and it clearly fits the circumstances that I encounter in Turkey and have described above.

7 Conclusion

7.1 Professor Sir's perspective

It follows that whilst I have no reason to doubt that 'Honour killings' of the kind which Professor Sir has in mind do indeed occur in Turkey, and that they may well be replicated in amongst Turkish settlers in the UK, the question before the court is not whether 'Honour Killings' of this kind can occur, but rather the extent to which Professor Sir's understanding of this phenomenon actually serves to illuminate the facts of this case.

Whether or not it does so will ultimately be a matter for the jury to decide. Nevertheless in the light of my remarks above it should by now be quite clear that in my opinion the analytical and interpretive model which he has sought to apply to the facts of this case does more to obscure than to illuminate the circumstances which preceded and accompanied Tulay's disappearance.

I would also add that in my view this is not the outcome of Professor's Sir inexperience in the field as a whole: he has clearly spent a great deal of time providing therapeutic Psychiatric support to those traumatised by the experience of domestic violence, of the threats of homicide, and the experience of seeing close relatives murdered in the midst of society in which considerations of honour and shame condition large areas of personal and domestic behaviour, and most especially all dimensions of sexual activity.

But whilst Professor Sir may have a great deal of experience of picking up the debris after honour-driven confrontations have got out of hand, it seems plain to me that he has much less experience of the processes which actually generate those confrontations in the first place, and above all the efforts which bystanders to those confrontations (normally the elders and close kinsfolk) most usually take in an effort to negotiate some sort of compromise between the contending parties – not least because of their awareness of the extent of the negative blow-back which is likely to precipitated if no such settlement can be arrived at.

Hence whilst I have no doubt whatsoever that Professor Sir's model of collectively organised and implemented 'honour killing' does indeed fit *some* cases of honour driven homicide, it seems to me to be equally clear that one size most certainly does not fit all. Nevertheless because this is the only explanatory model which Professor has currently managed to place in

his analytical kit-bag (which in this case stands well outside his professional field of Psychiatry), he has sought to impose his model on the facts of the case in way which I have suggested is unacceptably deterministic.

In my view his approach to the issues at stake in these proceedings has had at least three particularly serious consequences:

- i. On the ground that the four Goren brothers, their wives and their children are all bound together by a network of mutual reciprocities, it is safe to conclude that Ali Goren occupies a position of executive authority over all members of the extended Goren family.
- ii. That Tulay's elopement with Halil was a wholly unacceptable challenge to the *namus* of the entire Goren family.
- iii. That three of the four brothers came together in a family council to agree that that the only way in which the slight to their collective honour could be assuaged was by eliminating both Tulay and Halil
- iv. That the task of so doing should be delegated to Mehmet, not so much because he was Tulay's father, but rather because seeing him locked up for a number of years would do the least damage to the family's collective interests

7.2 *My own perspective on these issues*

In my opinion all four of these hypotheses – on which the prosecution appears to intend to rely in so far as the charge against Ali Goren is concerned – is seriously mistaken.

- i. Although Ali is undoubtedly treated with great respect as the eldest of the Goren brothers, there is little evidence that has – or seeks to actively to impose – any kind of executive authority over his brothers. Hence, for example, whilst he clearly strongly disapproves of Mehmet's gambling habit, he has been quite unable to stop him doing so. This does not mean that he has not sought to influence the behaviour of family members: rather he appears to have done so in the role of a dispute-settler and a supporter of those in difficulty – not least in the case Mehmet's wife Hanim when she first arrived in the UK.

At the same time Professor Sir appears to have made the all too frequent mistake of focussing on the relationships between the male members of the family. All the evidence before me suggests that the brothers' wives had also established a close

network of reciprocities between themselves, which in all probability also included their mother-in-law.

Although there explicit evidence of the extent of the women-folk's contribution to the debates which would have followed Tulay's elopement with Halil (other than that provided by her mother), all my experience suggests that their attitudes towards Tulay would have been a great deal more sympathetic than that displayed by their father.

- ii. Whilst an elopement undoubtedly represents a potential threat to the *namus* of the person primarily responsible for protecting her modesty (normally her father), this only comes into force if no settlement to render the resultant sexual relationship licit can be agreed upon.

It is against this background that the logic of the practice of comes into focus. In her article on 'Kidnapping and elopement in rural Turkey' Dr. Ayse Kudat (see appendix 1) describes its logic thus:

After kidnapping the girl, the boy and his friend will take the girl to a place to serve as a hide-out (for several days, up to about a week), which will be a suitable place in the hills or a relative's house (preferably in another village), but not the boy's home since this would usually be an insult of the highest order to the girl's house, and therefore extremely dangerous. The basic objective of the kidnapping is to enable the boy to take the girl's virginity. Her virginity is a girl's most valued asset, and once it is lost the girl's chances of finding a suitor even nearly as desirable as those she can attract as a virgin drop immensely. The force of *kız kaçırma* derives from the fait accompli by which the *kız* is converted into a *kadin*, i.e. from a girl into a woman, as the very important distinction goes between a female who is a virgin and one who is not.

Given the importance attached to the matter it is no surprise that the girl should want to prove her initial virginity to everyone after the kidnapping, as she would in an approved marriage as well. The necessary evidence is provided by a piece of cloth on which the girl makes sure to record the blood of her *kizlik* (girlhood). This evidence will be the trump in her hand by which the boy will be bound to marry her.

Regardless of her initial feelings toward the boy, it is now in the interest of the girl to become the boy's wife, and when, as may often be the case her household sues the boy for rape she can take sides, with the boy in her testimony and save him. The fait accompli can thus be

extended so that usually there is nothing her household can do but to yield to the facts.

Although bitterness will probably continue between them and the boy's household (which now included the girl), the bridewealth paid is much less than it would have been for the same girl as a virgin, and if there is a ceremony it will be much less expensive than it would have been otherwise (Stirling 1965: 192-4; Vasa 1962: 34) No greater effort will be made to provide the girl with a large trousseau, of course, and the boy will be very lucky if there is any at all.

So far as I can see Tulay's elopement to join Halil closely followed the pattern set out by Dr. Kudat; but whilst there is clear evidence that Hanim and Ali (and one can only presume many other members of the extended family) were prepared to accept the implementation of just such a *fait accompli*, and hence to accept the legitimacy of Tulay's transformation from a *kız* into a *kadin*, her father could not bring himself to do so.

Hence whilst the remainder of the family appear to have been prepared to regard Tulay's *namus* as being unsullied despite her escapade with Halil by the simple step of recognising their relationship as legitimate, her father appears to have demurred.

- iii. As far as the family council is concerned, in the view of my remarks in i. above, I am personally of the opinion the executive family council which Professor Sir believes met to determine the fate of Halil and Tulay is a figment of his imagination.
- iv. In my view the prospect that Mehmet took vengeance on Tulay and Halil for *personal* reasons is much more likely than that which Professor Sir predicts on the basis of his contorted efforts to sustain the applicability of his preferred analytical model.

7.3 *How far would Halil have been regarded as a necessarily unacceptable partner for Tulay*

Engaging in an exercise of *kız kaçırma* is of necessity a dangerously provocative act: rather than respectfully approaching the girl's father and respectfully asking for his daughter's hand, the couple run off together, engage in intercourse which converts the *kız* into a *kadin*, thereby putting the girl's family over a barrel – before sending a delegation to apologise to the girl's father, and to seek her family's formal recognition of the union. There are good reasons to suppose that Mehmet's personality was such that he was exceedingly offended that Halil and his daughter had treated in this way, and hence that he was most reluctant to forgive them for the insult which he felt they had offered him.

However even if Mehmet did indeed react in this way, it does not follow that Tulay's mother, as well as the other members of the extended family, would necessarily have reacted in the same way. Hence a further set of questions must also be asked: leaving the issue of elopement to one side for the moment, is it the case – as Professor Sir appears to suggest – that the Goren family would have regarded Halil Unal as a wholly unacceptable son-in-law?

So far as I can see there were three specific grounds on which it has been suggested that Halil might have been regarded as being unfit adequately to fulfil that role:

- i. He had failed to protect Tulay's modesty by providing her with adequate accommodation.
- ii. The age gap between them was too great
- iii. He was a Sunni rather than a Shi'a.

As to the first issue, Halil instantly accepted the criticism, and promptly set out to secure more appropriate accommodation. In broader terms it is also worth noting that Halil and the Goren family appear to have been of a broadly similar class background. Moreover Halil appears to have been doing reasonably well in material terms: he was the manager of the factory in which several members of the Goren family had been employed as machinists.

The age gap was an issue appears to have been explicitly raised by Tulay's grandmother during the course of the family gathering which met to receive Bilal when he appeared before them to present Halil's request that the couple's *fait accompli* should be formally recognised. However Besey Fatima does not seem to have regarded this as an insuperable objection: rather she instructed Bilal to pass on a message that Halil should take care to treat such a young girl gently. Nor, so far as I can see, would Tulay have been regarded as being intrinsically too young to marry. Hart (2005: 263) [See appendix 2] reports that in eastern Turkey 37% of all women marry under the age of 15.

As to the third issue, I note that Professor Sir does not wholly exclude the possibility that the family might be prepared to accept a Sunni son-in-law. Noting that marriages between different sections of the Muslim faith are uncommon, he asserts that:

For the Goren family, allowing a wedding between Halil Unal who is a Sunni Muslim and Tulay Goren whose family are Alevi Muslims was an act of last resort.

My own reading of the current literature on Turkey suggests that whilst marriages across this particular sectarian dividing-line were relatively rare in the past, they have recently become

considerably more commonplace in recent years, most especially among those who have migrated from villages into cities.

As Country Research Section of the Australian Refugee Review Tribunal Reports (See Appendix 3)

The hypothesis that the attitudes of the Alevi Kurds differ from that of the non-Kurds and non-Alevis about the social issues such as the Alevi Kurd women marrying outsiders has been continuously eroded since Turkey began its move towards secularism and modernity. While the difference between them has been blurred, variables such as education level, rural/urban background and age play a more important role in explaining different attitudes of members of the groups....

Unlike Sunnism and mainline Shi'ism, Alevism does not possess a tradition of authoritative religious scholarship and official carriers of formal learning. To prevent penetration by hostile outsiders, the Alevis insisted on strict endogamy, which eventually made them into a quasi-ethnic group

As the community opened up to the outside world, the Alevis became increasingly secular and left-leaning, neglecting their traditional institutions. Solidarity loosened, ritual and ceremony lost some of their meaning, and the spiritual leadership gradually lost its authority. This change in Alevi internal structures was accelerated by massive migration to large cities, at a higher rate than Sunni Turks, leading to some intermarriage and a new generation not familiar with the Alevi "Way"

Women advocacy groups reported that there were dozens of "honour killings" of women suspected of being unchaste every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities (US Department of State 2004, *International Religious Freedom Report: Turkey*, 15 September). As yet no report has been sighted of the Kurdish or Alevi women killed, harmed, or discriminated for marrying non-Kurds, non-Alevis or Orthodox Christians, in a search through the sources consulted.

Such an outcome is in my view only to be expected given Zeidan's observation (see Appendix 4) that even the most traditionally minded Alevis take a far more liberal stance on the degree of freedom that their women-folk should be accorded than do their much more conservatively oriented Sunni counterparts.

In the light of all this I am of the opinion – for what it is worth – that the family gathering which took place on 16th December 1998 at Mehmet's house did indeed reach a consensus that Halil would make a suitable husband for Mehmet, although it may well have reached that conclusion despite Mehmet's reservations to the contrary. But if I am right in so concluding,

it would also seem clear that Mehmet's objections to the match increased steadily after he received information (which so far as I can see was deliberately erroneous) that Halil had committed murder before he had arrived in the UK, and which was further reinforced when he concluded that Halil had failed to ensure that his daughter was adequately protected from other strange males whilst in his company.

Finally I can confirm that I am ready and willing to attend the court to give evidence in person with respect to these matters. I can also confirm that I would also be very willing to meet Professor Sir – who so far as I can see so far been able to access a rather more limited range of evidential material, especially in the shape of Ali Goren's Proof of evidence and the statement recently prepared by his son Husseyin – to explore the extent to which we can resolve our differences of opinion.

A handwritten signature in black ink, appearing to read "Roger Ballard". The signature is written in a cursive style with a large initial 'R' and 'B'.

Roger Ballard

4th October 2009

ROGER BALLARD CV

Contact Address: Red Croft, Howard Street, Stalybridge, SK15 3 ER
 Phone/Fax 0161-303-1709 Mobile 07843 748 298
 email roger@casas.org.uk URL www.casas.org.uk

1. Qualifications

1966 B.A. in Social Anthropology, University of Cambridge
 1970 Ph.D. in Sociology, University of Delhi.

2. Membership of Professional Bodies

Fellow of the Royal Anthropological Institute
 Member, Association of Social Anthropologists
 Member, Institute of Expert Witnesses



3. Appointments

2002 – Director, Centre for Applied South Asian Studies, University of Manchester
 1989 – 2002 Senior Lecturer in Comparative Religion, University of Manchester
 1975 – 1989 Lecturer in Race Relations, University of Leeds.
 1971 – 1975 Research Associate, SSRC Research Unit on Ethnic Relations, University of Bristol.

4. Fieldwork Experience

India (District Jullundur):	1967-69 (18 months), 1972-73 (6 months), 1981 (6 weeks), 2000 (3 weeks)
Pakistan (District Mirpur)	1981 (6 weeks), 1984-85 (12 months), 2000 (3 weeks)
Bangladesh (District Sylhet)	2003 (1 week)
UK	Continuous contact (although of varying intensity) with Punjabi communities throughout the Pennine region during the course of the past 20 years

5. Languages spoken

Punjabi, Urdu

6. Research Fellowships and Grants

1996 – 1997 *Reconceptualising race and ethnicity in Britain* Leverhulme Research Fellowship
 1999 – 2002 *Kinship, entrepreneurship and the transnational circulation of assets*, supported by ESRC as a component of the Transnational Communities Programme

7. Recent consultancies

2003 *The Current Demographic Characteristics of the South Asian Presence in Britain: an analysis of the results of the 2001 Census* Foreign and Commonwealth Office
 2003 *The economic impact of migrant remittances* Department for International Development
 1999 Equal Treatment Advisory Committee, Judicial Studies Board (to contribute to second edition of the JSB's *Equal Treatment Benchbook*).

8. Professional activities

In 2003 I took early retirement from my teaching post in the University of Manchester in order to service an ever-growing number commissions to act as a Consultant Anthropologist. In doing so I have accepted instructions from a variety of central and local government agencies, but the mainstay of my business has turned out to be the preparation of expert reports for use in legal proceedings in which members of Britain's South Asian minorities have found themselves caught up, and in which social, cultural, linguistic, familial and religious issues are in some way at issue. I have now prepared over 500 such reports for use in the criminal, civil, immigration, family and administrative courts. Much (although by no means all) of the material in my current academic publications is now drawn from my experience of acting as an expert witness.

9. Selected Publications

- 2009 "Human Rights in Contexts of Ethnic Plurality: Always a Vehicle for Liberation?*" in Grillo, Ballard, Ferrari, J. Hoekema, and Shah (eds) *Legal Practice and Cultural Diversity* Aldgate
- 2008 "Inside and Outside: Contrasting perspectives on the dynamics of kinship and marriage in contemporary South Asian transnational networks" in Grillo, R. (ed) *The Family in Question: Immigrants and Minorities in Multicultural Europe* University of Amsterdam Press p. 37 - 70.
- 2007 "The South Asian presence in Britain and its Transnational Connections" in Sahoo and Maharaj (eds.) *Sociology of Diaspora: A Reader* Jaipur: Rawat Publications pp. 587 - 617.
- 2007 "Common Law and Common Sense: Juries, Justice and the Challenge of Ethnic Plurality" in Shah, P. (ed) *Socio-Legal Perspectives on Ethnic Plurality*. Leiden: Martinus Nijhoff. p. 69 -106.
- 2007 "Living with Difference: a forgotten art in urgent need of revival?" in Hinnells, J.R. (ed) *Religious Reconstruction in the South Asian Diasporas: From one generation to another* London: Palgrave Macmillan p. 265 - 301
- 2006 "Popular Islam in Northern Pakistan and its Reconstruction in Urban Britain" in Hinnells and Malik (eds.) *Sufism in the West* London: Routledge p. 160 – 186.
- 2006 "Ethnic diversity and the delivery of justice: the challenge of plurality" in Shah, Prakash (ed) *Migrations, Diasporas and Legal Systems in Europe* London: Routledge Cavendish p. 29 – 56
- 2000 "Religious reconstruction in an alien environment: the Sikh tradition in Britain", in Coward, H. and Hinnells, J.R. (eds), *The South Asian religious diaspora in Britain, Canada and the United States* New York: SUNY Press. pages 193 - 124
- 1996 "Islam and the Construction of Europe", in Shadid, W.A.R. and van Koningsveld, P.S. (eds.), *Muslims in the Margin: Political Responses to the Presence of Islam in Western Europe*, Kampen: Kok Pharos Publishers, pp.15 – 51
- 1996 "The Construction of a conceptual vision: ethnic groups and the 1991 Census" in *Racial and Ethnic Studies*, Vol. 20, no 1, pp. 182 – 194
- 1994 *Desh Pardesh: The South Asian Presence in Britain*. London: C. Hurst and Co., and Vancouver: University of British Columbia Press, pp. 297.
- 1993 "The Politicisation of Religion in Punjab", in Rohit Barot (ed.), *Religion and Ethnicity: Minorities and Social Change in the Metropolis*, The Hague: Kok Pharos pp. 80 – 95
- 1990 "Migration and Kinship: the differential effect of marriage rules on the process of Punjabi migration to Britain", in Clarke, C. Peach, C. and Vertovek, S. (eds.), *South Asians Overseas: Contexts and Communities*, Cambridge: Cambridge University Press pp. 219 – 249
- 1982 "South Asian Families: Structure and Process", in Rapaport, R. Fogarty, M. and Rapaport, R. (eds), *Families in Britain*, London: Routledge. pp. 179 - 204