

TRIAL OBSERVATION REPORT

Case of Necat Çiçek, Hearing No. 6, 9 September 2025

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I. CONTEXT OF THE HEARING

1. Reminder of the facts

[Reminder of relevant and disputed facts]

On April 25, 2023, a large-scale police operation in 20 provinces across Turkey led to the detention of approximately 200 individuals, including journalists, lawyers, artists and human rights activists. The operation took place also in Diyarbakir, where the Chief Public Prosecutor's Office demanded the detention of twentytwo lawyers. Eighteen of them were released under travel bans, the others were formally arrested.

Lawyer Necat Çiçek, branch manager of the Lawyers for Freedom Association (ÖHD) in Diyarbakir, faced a search of his house, the seizure of his informatic materials and a travel ban that remains in place at the time of publication of this report.

The case was initiated with the statements of a cooperating witness, Ümit Akbıyık, and led to hundreds of accusations connected to terroristic activities.

2. Reminder of the inquiry

3. Reminder of the legal procedure

[Duration of the inquiry / reminder of relevant information / hearings / analysis of the inquiry]. [Type of hearing: Appeal/referral hearing Reminder of previous hearings Indictment]

The indictment prepared by the Diyarbakir Chief Public Prosecutor's Office seeks a sentence of up to 15 years in prison for Çiçek, facing charges of "membership in a terrorist organization".

The facts at the basis of this accusation are his membership in ÖHD, the participation in press conferences, and allegations that he relayed instructions to members of an outlawed group. In particular, this last point concerns the allegation of exchanging a note from the outside to a client in detention at Yozgat prison, Mustafa Karatepe.

He is the sole defendant in the ongoing trial and is represented by a defence team composed of the following lawyers: Mehdi Özdemir, Muhittin Moğuş and Gizem Miran.

Among the previous hearings, the most substantial was the one held in October 2024, during which the main witnesses were heard:

- Ümit Akbıyık, the main informant connected to the case, testified via SEGBIS (Turkey's judicial video system), claiming that Çiçek was involved in activities with the ÖHD. He admitted to having no further information beyond this point;
- Muhammed Uluer, a prison officer from Yozgat Prison, stated that he had never seen Çiçek pass a note to an inmate and that he was not involved in conducting the body searches;
- Mustafa Karatepe, the inmate with whom Çiçek had met in prison, stated that the lawyer was professionally representing him and that the meeting, during which no note was passed between him and the solicitor, was held to discuss his legal situation.

Çiçek rejected the allegations against him.

At the hearing prior to the one covered by this report the court dropped the planned testimony of a witness, decided to formally request the investigation file of another case involving Çiçek from the Tekirdağ Chief Public Prosecutor's Office, and ruled to maintain a travel ban imposed on him.

II. PROCEEDINGS OF THE HEARING OF SEPTEMBER 9TH 2025

[Report on: Testimony / Submissions / Pleas in law raised by the defence / Deliberations]

The hearing started at around one hour late, in the morning of September 9th 2025 in front of the 5th High Criminal Court of Diyarbakir.

In the court room there were the judges (two women, one man) and the Public Prosecutor (a man), all sitting side by side and in a higher position than the defence.

The defendant, colleague Necat Çiçek didn't take part in the hearing; he was represented by two colleagues, Mehdi Özdemir and Muhittin Moğuş.

The defence's attorneys have underlined the presence of OIAD and DSF delegations of observers (together with colleagues Françoise Cotta and Thierry Marville we attended the trial from the stands of the arena-shaped courtroom).

The Public Prosecutor insisted that this case be tried together with the one with investigations pending against Necat Çiçek in Tekirdağ.

Both lawyers of the defense have spoken against this request, because the facts and matters involved are different and because they could not have access to any of the accusation documents in the other case, since it is still under investigation.

In particular, in particular, they emphasised to the court that the Tekirdağ Chief Public Prosecutor's Office had not submitted any documents related to the investigation it is conducting against Çiçek. Moreover they emphasized that Çiçek was being prosecuted solely for his professional activities as a lawyer and requested that the travel ban imposed on him be lifted. They also asked the court to reverse an interim decision to request the Tekirdağ file and instead forward the case to the prosecution for a final opinion.

The prosecutor requested the court to reject the demand to lift the travel ban and instead seek clarification on the status of the Tekirdağ investigation file.

The court ruled to inquire about the status of the investigation file from the Tekirdağ Chief Public Prosecutor's Office and rejected the request to lift the travel ban.

The trial was adjourned to the next hearing, on 25th November 2025.

III. CRITICAL ANALYSIS OF THE TRIAL AND HEARING

Make a critical analysis

Report on the critical analyses made by the people you meet (colleagues, parties in the trial, journalists, etc.)

On September 9th, after the hearing ended, we held a meeting with defence lawyer Muhittin Moğuş, colleague Abdulkadir Guleç, former Chairman of Diyarbakir Bar Association (new Bar Council was elected in November 2024), and our colleague Ahmet Mullamuhammed, who also provided support as an interpreter.

His attorney emphasised that the charges against Çiçek are inconsistent and violate his right to practise law. He also stressed that the travel ban against him, who must also report to a specific police station twice a month to sign, has profound consequences on his work and personal life.

Colleagues have emphasised that the failure to send investigative documents from Tekirdağ Chief Public Prosecutor's Office is yet another violation of Çiçek's right to a fair trial. In any case, they are convinced that the investigation concerns a fundraising for the Rojava region in Syria, which took place over 10 years ago. For that fundraising campaign, with an operation that began in 2025, more than 600 people are now under investigation.

IV. MEETINGS DURING THE MISSION

We used that same meeting on September 9th to get an update from our colleagues on the general situation in the city and in the local professional community.

Colleagues described a slightly more relaxed atmosphere than in the past, with quieter relations with Government and Judicial Authorities.

In any case, among the 3000 lawyers of the Diyarbakir's Bar, 55 of them are under trial; the joint number considering those under investigation (but often is an unknown situation) is 104 lawyers.

75% of them are facing accusations of terrorism; the others are in any case related to their professional mandates.

At the moment of the meeting there are no detained colleagues.

The criminal investigation into fundraising for the Rojava region, more than 10 years after the events and involving more than 600 people, is causing great concern.

V. CONCLUSION / RECOMMENDATIONS

Next steps / Hearings

Our colleagues in Diyarbakir have repeatedly emphasised the importance of our presence as international observers. Even just being able to mention the presence of the OIAD and other international organisations in the courtrooms helps to hold the judicial authorities accountable and provides significant support, including moral one.

With regard to the upcoming hearing concerning our colleague Çiçek, we have been advised to stay in touch and update each other at the beginning of November 2025 to understand whether it will be a postponement for procedural reasons or whether it will have a substantial impact on the continuation of the proceedings against our colleague.