

JUDICIAL OBSERVATION REPORT
Trial of the murder of Bâtonnier Tahir Elçi
Diyarbakir, mission from 28.11.23 to 30.11.23
8^e hearing, 29.11.2023 from 10.00 to 15.30

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I. **DIYARBAKIR - TRIAL OF THE TAHIR ELCI MURDERERS – 8th HEARING 29.11.2023**

A. **CONTEXT OF THE HEARING**

1. **The facts**

The President of the Diyarbakir Bar Association, Tahir Elci, was murdered on 28 November 2015 in a shooting attack during a public lecture at the foot of the 500-year-old "four-legged" minaret. He was about to make a statement on the destruction that had occurred in recent months in the historic district of Sur, the old town of Diyarbakir, during fighting between special forces sent by Ankara and Kurdish militants.

On that day, a taxi with plate number 21 TT 0980 in which PKK activists Mahsum Gürkan and Uğur Yakışır were travelling, was intercepted by police. The latter retaliated by firing shots at police officers Ahmet Çiftaslan and Cengiz Erdur who had intercepted the taxi and killed them.

While armed, Mahsum Gürkan and Uğur Yakışır began to flee and took to Yenikapı Street, where Tahir Elçi was delivering his press statement under the Minaret on all fours. Anadolu Agency journalist Aziz Aslan was injured and Tahir Elçi lost his life after an exchange of gunfire and being hit by a bullet.

The judicial observation report for the 5th hearing of the trial, on 15 June 2022, went into detail about the biography of Bâtonnier Tahir Elçi and the circumstances surrounding his death¹.

In short, Tahir Elçi has been the target of insults and death threats on social networks, and has also been taken to task by the pro-government media for the positions he took during a television programme on 14 October 2015, during which he stated that the PKK was not a terrorist organisation.

An indictment was issued against him on 23 October 2015 by the Chief Public Prosecutor of Barkirköy for "*disseminating propaganda for a terrorist*

¹ *Judicial Observation Report - OIAD - Trial of the assassination of President of the Bar Tahir Elçi - 5th hearing of the trial, 15 June 2022, available [online](#).*

organisation by means of the press" and he faced a prison sentence of between one and a half and seven and a half years.

2. Review of the investigation and legal proceedings

Timeline

28 November 2015: Bar President Tahir Elçi is shot in the head during a shootout under the so-called "*four-legged minaret*" in the old town of Diyarbakir.

The summary of the work of the Forensic Architecture Institute at the University of London, accessible via video, provides a clear understanding of how the events of 28 November 2015 unfolded. ²

17-18 March 2016: Investigation begins at the scene. This delay was justified by the authorities on alleged security grounds, preventing access to the scene of the shooting.

The investigation in brief: The crime scene was open and accessible to the public for several months. The evidence may have been contaminated. It was not possible to find the bullet that killed Tahir Elçi, preventing the weapon and therefore the perpetrator from being identified with any certainty.

The numerous video recordings collected during the investigation have not made it possible to establish the precise circumstances of the crime. Camera 4 at the Mardin Kepab house, which was aimed at the minaret, allegedly did not work. The recording from camera 5 at the post office in rue Yenikapi was found to be incomplete, with a 17-minute break.

Finally, the police recording showed a 12-second gap at the very moment Tahir Elçi was hit, making it impossible to identify the original shot.

20 March 2020: Indictment by the Diyarbakir public prosecutor. He requests a sentence of between 3 and 9 years' imprisonment for 3 policemen (Messrs Mesut Sevgi, Faut Tan and Sinan Tabur) for "*causing death by conscious recklessness*" and a sentence of three times the maximum life sentence for PKK militant Ugur Yakisir for "*murder of two policemen*", "*attempted murder of a*

² YouTube - <https://youtu.be/iBESvMnd6Fs>

policeman" and "murder of Elçi by possible intent". The indictment states that "Elçi was killed accidentally by three policemen and intentionally by Ugur Yakisir", whereas in reality Tahir Elçi was hit by only one bullet³.

21 October 2020: First hearing before the 10th Criminal Court of Diyarbakir. This hearing was marked by the rejection of the requests made by the Elçi family's lawyers and, more generally, by the denial of their rights to request investigative acts.

The Court refused to allow the lawyers of the Bar President's family to be heard first, as provided for in the Turkish Code of Criminal Procedure, and refused to allow the lawyers of Tahir Elçi's widow to be recognised as a party to the proceedings and therefore to be able to file requests for documents.

The Court refused to hear the police suspects face-to-face, and upheld their appearance by videoconference (via SEGBIS). The suspects were not visible to the Elçi family's lawyers due to the small size of the video screen and they were not in the presence of a designated magistrate, in accordance with the rules of Turkish criminal procedure, which prevented the suspects from being identified with certainty. A number of technical malfunctions affected the hearing of the suspects.

The Court repeatedly refused to allow the Elçi family's lawyers to take the floor and support their claims. It threatened the lawyers and Mrs Elçi that if they insisted, they would be forcibly removed from the courtroom. The lawyers asked for the magistrates to be recused, to no avail.

The extremely tense atmosphere at this first hearing led several international organisations and European bar associations to refer the matter to various United Nations special rapporteurs in a letter dated 2 March 2021 (see **appendix 1**), in anticipation of the second hearing in the trial.

3 March 2021: 2nd hearing.

³ *Judicial observation report – OIAD 5th trial hearing, 15 June 2022.*

The Tribunal's attitude towards the civil parties' lawyers changed for the better. The lawyers were able to express themselves and the Tribunal asked the suspects questions that the observers considered relevant.

The Court reversed its decision to question the suspects first and gave the floor first to the family of President Elçi and his lawyers. The Court agreed that only the relatives of the Bar President and the Diyarbakir Bar Association should formally become parties to the trial.

The three police suspects were interviewed by videoconference (SEGBIS) from different cities.

They denied any responsibility for the death of Bar President Elçi and disputed the findings of the Forensic Architecture Institute at the University of London. The suspects were questioned by the Elçi family's lawyers.

The lawyers' requests to remand the suspects in custody were rejected.

14 July 2022: 3rd hearing.

12 January 2022: 4th hearing.

Further rejection of requests to hear witnesses in person rather than by videoconference (via the SEGBIS system). Requests to interview intelligence officers and camera officers were also rejected.

15 June 2022: 5th hearing⁴.

Brief hearings of 3 of the 4 accused, by videoconference. The Diyarbakir Bar President made various requests, including that the 59 main witnesses be heard by the Court in person; that the prosecutor in charge of the investigation be heard; that the police officers present at the scene of the shooting and the coordinating police officer be heard; and that former Prime Minister Ahmet Davutoglu be heard; investigations to verify whether the PKK members and Tahir Elçi were indeed under surveillance by the intelligence services on the day of the

⁴ *Judicial observation report – OIAD 5th hearing of the trial, 15 June 2022, available [online](#).*

events; the testimony of members of the intelligence services and the inclusion of the intelligence file in the proceedings.

The Court accepted the request for the annexes of the "research report" of 23 June 2017 concerning the investigation ordered by the Ministry of the Interior, as well as the hearing of former Prime Minister Ahmet Davutoglu. The return of the forensic institute's expert report on the CCTV cameras is awaited. The other requests have been rejected.

At the end of September 2022: the Tribunal informed the parties of the cancellation of the hearing of Mr Davutoglu following a request made by the Prosecutor. As it stood, the hearing would not contribute to the ascertainment of the truth. *"Observers can only conclude from this that the judge was subjected to intense pressure in the meantime and that the meagre progress made at the hearing on 15 June 2022 has thus been practically wiped out. The concern about the future course of the proceedings is therefore all the greater"⁵.*

23 November 2022: 6th hearing.

Interim hearing at which, to our knowledge, there were no oral arguments.

5 July 2023: 7th hearing. ⁶

Hearing of a first witness working in a restaurant (Mardin Kebap) close to the scene. This was the first witness to be called in person since the trial began.

Pleadings by numerous lawyers, including the lawyer for Tahir Elçi's wife, Türkan Elçi.

All the lawyers who spoke criticised the lack of investigation and the absence of evidence, as well as the work of the prosecutor, who was supposed to be working to collect evidence and protect it, but who was doing nothing.

All the lawyers who spoke emphasised the contradictory testimony of certain witnesses who were forced to give false statements. It was also pointed out that the surveillance camera recordings are not entirely available and that certain

⁵ Judicial observation report – OIAD 5th hearing of the trial, 15 June 2022, available [online](#).

⁶ Judicial observation report – OIAD 6th hearing of the trial, 5 July 2023, available [online](#).

parts are still missing, even though they are essential for establishing the facts. The lawyers did not have access to all the camera recordings.

All the lawyers denounced the length of the proceedings, the flaws in the investigation, the lack of evidence and the complicity of the Court in this case, which is as political as it is symbolic. The lawyers reiterated their support for the victim's family and expressed their determination, although they were unable to work towards finding the truth or establishing responsibility.



The Prosecutor intervened briefly, and the Court deliberated, rejecting all the requests made during the hearing by the civil parties' lawyers, in particular to hear the Chief of Police, the police officers present and the reconstruction at the scene.

The case has been adjourned until 29 November 2023, the day after the eighth anniversary of Tahir Elçi's murder.

B. PROCEEDINGS OF THE HEARING ON 29.11.2023: 8th hearing

The hearing has been set for 10am on Wednesday 29 November 2023.

The OIAD delegation, made up of Barbara Porta and Benedetta Perego from the Turin Bar (Italy) and Adam Zaki from the Geneva Bar (Switzerland), arrived at the Tribunal at around 9.30am accompanied by a young colleague from the Diyarbakir Bar, Şoreş Deniz Tuğrul, who agreed to translate during the hearing, to accompany us during the mission and to give us a note of the hearing.

We were also accompanied by Françoise Cotta, Laure Desforges and Pierre Guillon, lawyers at the Paris Bar, mandated by the DSF-AS association, as well as two Dutch colleagues present at the hearing on behalf of *Lawyers for Lawyers*.

When we arrived outside the Tribunal, we immediately noticed a heavy police presence and armoured vehicles. The situation was nevertheless calm.

Our delegation, along with observers from other associations, was stopped by the police in front of the Palais de Justice, asked to produce our passports and lawyer's cards and to explain why we were there. Even before we handed in our passports and entered the courthouse, the police seemed to know some of our names. A second identity check was carried out at the gates outside the Tribunal, followed by a third inside the Tribunal, during which we were again asked for our passports and lawyer's cards, which the police photographed using a mobile phone.

After these three requests for documents and security checks, we were finally able to enter the court building after waiting for around twenty minutes outside the gates. During this wait, we were able to meet the Secretary General of the Ordre and other members of the Bar.

Once we were allowed into the Tribunal, we once again noticed the (very) heavy police presence in the corridors.

We were escorted to the Diyarbakir bar room to wait between hearings; it was packed with colleagues from Diyarbakir and all over Turkey.

After waiting for around ten minutes, we went down to the courtroom in the basement, crossing a narrow corridor in single file, with a massive deployment of police on either side.

1. Start of hearing

The courtroom is spacious (capacity of around 200/220 people), air-conditioned and equipped with a large central screen and two other large side screens, for a total of three screens.

The courtroom was crowded with lawyers from all over Turkey and police officers.

The Tribunal was made up of three magistrates, including a President, accompanied by two assistant judges. Six clerks and two police officers were seated under the magistrates. We took our seats in the central part of the courtroom, facing the judges. The videoconference, in which only one of the accused police officers was present, was projected onto the screen.

To facilitate the composition of the room, we have attached a sketch plan of the courtroom.

The hearing began at around 10.20am.

We were unable to obtain a precise schedule for the hearing. At most, we were told that the hearing would last all morning and possibly longer.

At 10.20am, the three magistrates entered the room and the first to speak was one of the clerks who, without rising, read out the Tübitak report (technical forensic investigation). The state of the security cameras was explained. Problems such as malfunctioning security cameras, etc. were examined. The last camera images were taken before the incident.

2. Pleadings by lawyers

The lawyers for the civil parties admitted to the trial then took the floor.

Several lawyers took the floor.

Here, in order, is a summary of the arguments put forward by the lawyers of the Diyarbakir Bar as reported to us by our colleague Şoreş Deniz Tuğrul:

Mr Gamze: The evidence was not collected and stored correctly. Evidence was left at the scene of the incident. The crime scene was tampered with and compromised due to the curfew imposed. The case cannot progress because evidence has not been preserved. Witnesses are being led by prosecutors. Footage from the surrounding surveillance cameras at the time of the incident has been lost. When Tübitak examined the cameras that clearly framed the scene, he found that the camera images were missing and Tübitak conducted an unscientific examination. The evidence was concealed and not collected. No effective investigation was carried out to discover the perpetrator of the crime.

Counsel Mahsuni: The investigation was carried out reluctantly and ineffectively. The same applies to the prosecution. The images of the crime scene obtained by the police are a montage. The police officer stated that he was recording, but that he moved when he heard the shots. However, there is no vibration in the camera and the image transition is stable. Examining Tübitak's cameras at the

scene is a game. Image recordings should be technically assessed from the outset.

Maître Zahide: The requests to examine the reconstruction of the crime scene and to hear witnesses were rejected, the Tübitak report was awaited. Now that the report has arrived, a reconstruction of the crime scene must be carried out. Witnesses must be heard during the reconstruction of the crime scene.

Diyarbakir Bar President Nahit Eren: The accusation is hollow and unfounded. Witnesses have been manipulated by the prosecution. Witnesses in prison have stated that they have received visits and threats from the secret services, but the court has ignored them. Witnesses in prison must be given a proper hearing. The judicial system throughout the country is dependent and biased. Tahir Elçi was the victim of a political assassination and history will remember this case.

Maître Orhan: The civil parties have never made a political claim, they have always made legal claims, but the Court has always rejected them. Their requests remain and are reiterated here.

A number of other lawyers from the Diyarbakir Bar Association and other bars in Turkey then took the floor, arguing that the investigations were irregular and unfair, that they did not comply with the principles of the rule of law, that there was no concrete evidence and that witnesses to the facts of the case should be heard. They also denounced the length of the proceedings, the flaws in the investigation, the lack of evidence and the complicity of the Tribunal in this case, which is as political as it is symbolic. The lawyers reiterated their support for the victim's family and expressed their determination, although they were unable to work towards finding the truth or establishing responsibility.

In all, around twenty lawyers took the floor.

3. Intervention by the Prosecutor and lawyer of one of the defendants connected via SEGBIS and whose image was difficult to see.

At around 12.50 p.m., the Prosecutor in charge of the case, who, we would point out, left the courtroom for about half an hour during the civil parties' pleadings without the Court interrupting the hearing, spoke for no more than three or four minutes and confined himself to requesting the dismissal of all the civil parties' lawyers' motions.

The lawyer for the only defendant present by videoconference via SEGBIS also spoke briefly, stating that he had nothing to say and insisting on the rejection of all the lawyers' requests. The hearing continued until 1:00 p.m., resuming at 3:00 p.m. for the reading of the Court's decision on the civil parties' motions.

4. Deliberations of the Court

At 3pm, we all returned to the Tribunal to hear its decision on the claims presented by the civil parties' lawyers.

In essence, the Court rejected all of the requests made during the hearing by all of the civil parties' lawyers, in particular that the Chief of Police be heard, that the police officers present and other witnesses be heard, and that the crime scene be reconstructed at the scene.

The case was adjourned for continuation until 6 March 2024.

C. CRITICAL AUDIENCE ANALYSIS

In the opinion of several people with whom we spoke, the course of the hearing was largely predictable and there were no surprises in the end.

This was already the eighth hearing in this case, where the investigation and proceedings have deliberately stagnated. For the lawyers with whom we spoke, including our translator, the course and outcome of this new hearing were unfortunately expected, if not set in stone.

Calm reigned at the end of the hearing. The courtroom emptied quickly, with no noticeable protests or raised voices. We were able to detect a form of fatalism among the audience. We were reminded that this scenario was foreseeable, so many people were showing a form of powerlessness in the face of this political trial.

A press conference by the main lawyers involved in the hearing was held outside the courtroom at the end of the hearing, under the watchful eye of the many police officers surrounding the courtroom.



At this 8th hearing, all the lawyers who took the stand in turn denounced in unison the same errors and shortcomings in the investigation, as well as the passivity of the prosecuting authorities and the Court.

In fact, no new parts were discussed.

The strong mobilisation of our colleagues from various Turkish bar associations, present in large numbers to denounce the blatant failings of the investigation despite the passing years, is to be commended. Their determination and their battle to shed light on the assassination of President Elçi are compelling, even though no one involved in this trial seems to be fooled about the chances of achieving a significant result, given the lack of evidence and the insurmountable shortcomings of the investigation.

However, despite the outcome of the 8th hearing, the civil parties' lawyers do not intend to stop there. Indeed, we understand from our discussions with them that, even though they do not expect a turnaround in the situation for the next hearing and that its outcome will certainly be similar to this one, they will persist in vehemently demanding that investigative acts be carried out.

Another procedural problem is the inability of the parties to appeal immediately against the Tribunal's decisions in response to requests for documents. This results in the following procedural cumbersomeness: the same requests can be presented again at each hearing and argued in a different way but will always be

re-examined (and *a fortiori* refused) by the same Tribunal, which artificially lengthens the time taken to reach a decision.

However, according to our Turkish colleagues, the March hearing could well be the last, at the end of which the case would be closed or a verdict of not guilty would be handed down. They expect nothing from the national justice system to any degree whatsoever.

Our Turkish colleagues, whose determination and courage we would like to emphasise once again, are already prepared to go through all the stages of the procedure at national level, and then to appeal to the European Court of Human Rights to complain of multiple violations of the conventional principles governing the rule of law.

Still from the perspective of the critical analysis of the conduct of the hearing, there appeared to be a total lack of interest on the part of the Tribunal, whose judges appeared to us to be very young and probably inexperienced. There was no involvement or interest on their part, and the same attitude was observed among the public prosecutors.

Nevertheless, we can only salute the organisation and determination of the Turkish colleagues assisting the civil parties, who are perfectly familiar with the case, particularly in its technical aspects, and are showing a constantly renewed determination to try to overcome the shortcomings of the investigation in order to obtain answers in this case.

The prosecutor's departure for about half an hour and the continuation of the hearing as if nothing had happened seemed to us to be a very serious breach of procedure, but nobody seemed to raise this point.

D. CONCLUSIONS AND RECOMMENDATIONS

In view of the course of the hearing on 29 November 2023 and the attitude of the presiding judge, it is to be feared that the Tribunal will once again remain passive and unresponsive to the plaintiffs. In the absence of any new information, the lawyers can only insist, with one voice, on the shortcomings of the investigation and the complicit passivity of the Tribunal.

As this is a highly symbolic trial in terms of the victim's personality, and now also the political involvement of his wife, who is now a Member of Parliament, the media attention is high and the presence of international observers essential to show solidarity with our Turkish colleagues and to indicate to the Turkish authorities that we are keeping a close eye on the outcome of this trial.

It seems that it is not possible for the IADO to intervene either actively (*i.e.* to plead Bar President Elçi's case orally) or as *amicus curiae* in this trial. It is therefore imperative that we retain our role as observers and **maintain the IADO's link with this group of extremely courageous lawyers, who wish to benefit from our presence throughout the proceedings and in particular at the forthcoming hearings, which may see important developments.**

Even so, we must remain clear-headed about our influence and impact on such a trial, where we sometimes had the impression that we were taking part in a form of staging.

Another possible proactive approach by the OIAD could be to send a letter to the Turkish authorities reminding them of the principles of the rule of law and in particular the obligation of the prosecuting authorities to investigate a case, regardless of its background, as well as the right of civil parties to a fair trial.

We remain at the disposal of the OIAD for any information it may require.

II. PARALLEL MEETINGS AS PART OF THE MISSION

A. Meeting with ÖHD lawyers

At the end of the hearing on the assassination of Bar President Elçi, at around 3.30pm-4pm, we visited the offices of Özgürlük için Hukukçular Derneği (ÖHD), the association of lawyers for freedom.

ÖHD is an association that works on behalf of human rights, in particular in the fight for the liberation of women, for a dignified status for the Kurdish people, for oppressed classes and also on behalf of lawyers persecuted and prosecuted in the exercise of their functions.

The ÖHD premises were not far from the Tribunal. There too, we were accompanied by Şoreş Deniz Tuğrul, in his capacity as interpreter.

We were welcomed by around ten lawyers who are members of ÖHD; these lawyers have the common feature that they are all currently being prosecuted and persecuted by the Turkish government for the offence of *participating in a terrorist organisation*.

In particular, most of the ÖHD lawyers present at the meeting are being prosecuted for supporting or defending Kurds or Armenians. In particular, we were told that the mere fact that a lawyer had accepted the defence of Kurds, Armenians or other people opposed to the political power in power, had publicly taken a stand for them or had visited them in prison was enough for the government to consider that such lawyers were taking part in a terrorist organisation.

Some of them have been arrested, held in police custody and even detained for several days. Some of their colleagues, prosecuted on the same grounds, are still being held in Diyarbakir prisons.

The proceedings conducted by the Diyarbakir criminal prosecution authorities against ÖHD lawyers are generally biased and incompatible with the principles of the rule of law, in particular the right to a fair trial. The procedural status of defendants attributed to them is generally tinged with oppression and inequality of arms at trial. For example, we were told that the prosecutor and the police did not tell them the reasons for their arrest or the charges against them for several days. During investigative hearings, the prosecutor merely asks the lawyers being prosecuted why they support the causes of the Kurds, Armenians, LGBT, etc. (considered to be terrorist causes in the eyes of the government).

Nevertheless, we were struck by the courage, tenacity and honourable determination shown by our ÖHD colleagues on a daily basis. They are prepared to take a stand and fight against public opinion and the ideas of the government in power, even though they know that they could face prosecution and even years of unjustified detention. They are prepared to risk their freedom to change morals and attitudes in Turkey.

In short, the lawyers being prosecuted and who are members of the ÖHD clearly represent cases that the OIAD could support.

Also, in the same vein as for the trial linked to the assassination of Bar President Elçi, the OIAD could consider sending a letter to the Turkish authorities in support of the ÖHD lawyers.

B. Meeting with the Diyarbakir Bar Association

At the end of our meeting with the ÖHD lawyers, at around 5.45pm, we concluded our mission with a business meeting at the Diyarbakir Bar Association, in the Barosu Palace.

We met the Deputy President of the Diyarbakir Bar Association, Mehdi Özdemir, and the Secretary General, Serdar Özer, in the main council chamber, under the effigy of Tahir Elçi.

We first discussed the trial relating to the assassination of Bar President Elçi.

The Deputy Bar President next hearing (6 March 2024), on which they have no hope.

They expect nothing from the national judicial system, not even from the Constitutional Court, their aim being to appeal to the European Court of Human Rights against a final Turkish decision.

Furthermore, confirming that the current trial is nothing more than "theatre", manoeuvred by political powers that do not want light to be shed on a political murder (as defined by the former Turkish Prime Minister, Ahmet Davutoglu, in 2015), today the possibility of a hearing by the Court of Mr Davutoglu himself was definitively ruled out, it being specified that his hearing was first ordered and then revoked by the Court itself.

Thus, as noted, the objective of the civil parties' lawyers is now to obtain justice at international level. They therefore consider the presence of international observers all the more important and are counting on our presence at the next hearing(s).

Furthermore, the continuation of this trial, which everyone knows has no outcome, is tending to tire the lawyers in Diyarbakir, who (with the exception of a few) despair and are afraid to act, given the risks they run when they defend cases that go against the criminal prosecution authorities. In the same vein, an acquittal of the defendants will only strengthen the government and police authorities in their perpetration of abuses, already a daily occurrence, against the entire category.

The meeting continued on other subjects.

A few hours before our arrival, an alarming communication reached them: **five lawyers from Diyarbakir (including one member of the ÖHD) had been summoned to the prosecutor's office for the following day, 30 November 2023, for having visited El Hachem prison five years ago** (a prison located in Diyarbakir and housing many people sentenced for the offence of participation in a terrorist organisation). The purpose of the visit was not to meet prisoners but to check on the general conditions of detention; the Diyarbakir colleagues expect that this summons to the prosecutor's office will be the prelude to an indictment for terrorism.

In particular, they expect to be warned because of the visit they organised of their own free will and without financial incentive.

We do not know the outcome, but it would be appropriate to request an update on the above-mentioned case, either electronically or during a forthcoming mission.

With regard to **the more general situation in which local lawyers practise**, the Deputy Bar President and the Secretary General told us that this has developed very negatively over the last ten years. In particular, between November 2022 and November 2023, 135 lawyers were arrested and generally subjected to judicial harassment; 3 of them are currently in prison. All are accused of terrorism for activities carried out in the exercise of their profession.

The Deputy Bar President and the Secretary General also pointed out to us that in Turkey too, as in France and Italy for example, there are precise rules concerning searches or arrests of lawyers, which also provide for the involvement of the Bar Association, but which are currently completely ignored or circumvented by the criminal prosecution authorities, who claim that these are not offences relating to the profession itself.

The Deputy Bar President also told us of a Turkish proverb which, in his opinion, should guide and inspire the lawyers of Diyarbakir and which means: "*Pressure is nothing to us*".

The Deputy Bar President and the Secretary General then gave us a **brief update on two ongoing cases**:

- **Abdullah Ocalan** (leader of the Kurdistan Workers' Party): There has been no news from him for three years. Neither his family nor his lawyers know whether he is alive. 107 lawyers jointly wrote to the Turkish Minister of Justice more than a year ago, without receiving a reply. The CPT, which visited him in the past, has disappeared for some time. They ask us if we can in any way request its action.
- **Turan Canpolat**, a Turkish lawyer sentenced to 10 years in prison, was visited during the last OIAD mission to Elazig prison. Colleagues from the Diyarbakir Bar Association told us that they had no active role in this case because, as far as they knew, his legal case was not related to the conduct of the profession.

Finally, the Deputy Bar President and the Secretary General informed us **of events for which they might need international support:**

- On 6 December 2023 the **verdict was reached in the trial of two former members of the Diyarbakir Bar**, accused of making anti-government statements commenting on the Armenian genocide. We do not know the outcome, but it would be appropriate to request an update on this case, either electronically or during a forthcoming mission.
- On 15 February 2024, **the trial of an ÖHD lawyer** accused of participating in a terrorist organisation in the exercise of his profession **will** take place. Sharing the case in good time, they ask the OIAD to consider a legal opinion (such as an *amicus curiae*) based on the international standards that have clearly been violated. At our request, they point out that no specific formalities are required for such an action.
- Since 2016, **28 lawyers in Diyarbakir have had their licences cancelled by the Ministry of Justice**. Without a licence, they risk social, professional and economic death. According to the Deputy Bar President and the Secretary General, any economic contribution to them would be invaluable.

* * * *

Turin and Geneva, 13 December 2023

Barbara Porta

Benedetta Perego

Adam Zaki



Annexes:

1. Map of the Diyarbakir Courtroom ;
2. Report of hearing of 29 November 2023 prepared by Şoreş Deniz Tuğrul, lawyer at the Diyarbakir Bar ;