

OIAD REPORT: A LOOK BACK AT THE EMBLEMATIC TRIAL OF FORMER BAR PRESIDENT TAHIR ELÇI'S MURDERERS

BACKGROUND

- **Tahir Elçi** was a fervent human rights defender who was **shot dead** during a press conference **on 28 November 2015**. He was about to make a statement on the destruction in recent months of the historic district of Sur, the old town of Diyarbakir, during fighting between police forces sent by Ankara and Kurdish militants.
- Tahir Elçi **had already been the target of insults and death threats** on social media. He was also targeted by the pro-government media for the positions he took on a television programme during which he stated that the PKK was not a terrorist organisation.
- An **indictment** was issued **against him on 20 October 2015** by the Barkirköy Chief Public Prosecutor for "disseminating propaganda for a terrorist organisation through the press".

BACKGROUND ON THE INVESTIGATION AND LEGAL PROCEEDINGS

28 November 2015

- **Bar President Tahir Elçi was shot** in the head during a gunfight in Diyarbakir.
- The sequence of events in video <https://youtu.be/iBESvMnd6Fs>

17-18 March 2016

On-site investigation began marked by negligence and undue delays.

- The crime scene was open to the public for roughly 5 months, giving the **evidence time to be altered**.
- **The bullet** that killed Tahir Elçi **could not be found**, making it impossible to identify the weapon and therefore the perpetrator of the crime.
- 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

Diyarbakir **public prosecutor's indictment**: "Elçi was killed accidentally by three police officers and intentionally by Ugur Yakisir".

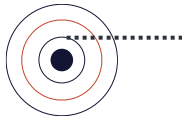
- *Actually, Tahir Elçi was only hit by a single bullet.*

Submissions of the public prosecutor:

- A sentence of between 3 and 9 years' imprisonment for 3 police officers (Messrs Mesut Sevgi, Faut Tan and Sinan Tabur) for "manslaughter of former Bar President Tahir Elçi through criminal negligence";
- A sentence of 3 times aggravated life imprisonment for PKK militant Ugur Yakisir for "killing of two policemen", "attempted homicide of a policeman" and the "killing of Elçi with intent".

21 October 2020 - June 2024

9 court hearings before the 10th Diyarbakir Criminal Court.



21 OCTOBER

2020

1st hearing

- Requests made by the Elçi family's lawyers were rejected and their right to seek investigative measures was denied.
- The Elçi family's lawyers were repeatedly denied the opportunity to speak and threatened with expulsion from the courtroom.

- The court's attitude towards the civil parties' lawyers changed for the better. The lawyers were able to express themselves and the court questioned the suspects.
- The three police suspects were interviewed by videoconference and all denied their responsibility for Tahir Elçi's death. Their requests to be remanded in custody were rejected.
- The witnesses who linked Tahir Elçi's murder to the PKK during the investigation phase withdrew their statements in court, claiming that they had acted under coercion.

3 MARCH

2021

2nd hearing

- Several witnesses claim to have been tortured and threatened by the prosecutor and police officers to coerce them to testify in accordance with the prosecutor's request.

14 JULY

2021

3rd hearing

- Rejection of the Diyarbakir Bar Association's request to open an investigation of prosecutor Kenan Karaca and prosecutor Umut İnci for irregularities during the investigation phase.
- New rejection of requests to hear witnesses in person rather than by videoconference.
- Rejection of requests to interview intelligence officers and officers in charge of the cameras.

12 JANUARY

2022

4th hearing

- The Diyarbakir President of the Bar made various requests, including that the 59 main witnesses be heard by the court in person.
- The court agreed to:
 - Appendices to the report on the enquiry ordered by the Home Office in 2017;
 - A hearing of former Prime Minister Ahmet Davutoglu.

12 JUNE

2022

5th hearing
OIAD report

- The Court informed the parties of the cancellation of Mr Davutoglu's hearing following a request made by the Prosecutor.
- Observers report intense pressure on the judge, reversing the meagre progress made at the previous hearing.

END OF SEPTEMBER

2022

During the two years of the trial, 20 of the 38 requests to extend the investigation were rejected.

23 NOVEMBER
2022
6th hearing

- The brief hearing was closed by the Court on grounds of "disturbance of the order and discipline of the Court by certain lawyers and observers"

- First hearing of a witness called in person in court
- Pleadings of the many lawyers who criticised :
- The lack of investigation and evidence.
- The contradictory testimony of certain witnesses forced to give false evidence.
- Partial access to surveillance camera recordings.
- The duration of the procedure
- The fact that the Court's complicity in this case is as political as it is symbolic.

The court rejected all the claims made by the civil parties' lawyers.

5 JULY

2023

7th hearing
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29 NOVEMBER
2023
8th hearing
OIAD report

- All the requests made by the various lawyers who intervened and by the civil parties were once again rejected, with absolute inertia on the part of the prosecutor.

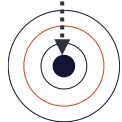
- The case was due to be heard at the end of this hearing, but the prosecutor requested an extension as he had not had sufficient time to prepare his indictment.
- The Court rejected all the requests made by the civil parties and postponed the case until 12 June, when the verdict is expected to be handed down.

Observers point to the proximity of the municipal elections scheduled for 31 March 2024 and the lack of interest in a decision before that date.

6 MARCH

2024

9th hearing
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12 JUNE
2024
10th hearing

- Verdict expected.



The International Observatory for Lawyers in Danger remains determined to follow this case closely and to ensure that justice is done in accordance with international standards.