

**JUDICIAL OBSERVATION REPORT**  
**7<sup>th</sup> hearing in the trial of the murder of Bar President Tahir Elçi**  
**Diyarbakir – Wednesday 5 July 2023**  
**& visit of lawyer Turan Canpolat in detention**  
**Elazig – Thursday 6 July 2023**

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## I. DIYARBAKIR – TRIAL OF THE MURDERERS OF BAR PRESIDENT ELCI – 5 JULY 2023

### A. Context of the hearing

#### 1. Background

The President of the Diyarbakir Bar Association, Tahir Elci, was murdered on 28 November 2015 in a shooting attack during a public conference 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 clashes between special forces sent by Ankara and Kurdish militants<sup>1</sup>.



The judicial observation report for the 5th hearing of the trial, on 15 June 2022, gave a detailed account of the biography of Bar President Tahir Elçi and the circumstances surrounding his death<sup>2</sup>.

In short, Tahir Elçi has been the target of insults and death threats on social networks, and has also been targeted by 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 organisation through the press".

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<sup>1</sup> [https://www.liberation.fr/planete/2015/11/29/tahir-elci-figure-de-proue-moderee-de-la-cause-kurde\\_1416981/](https://www.liberation.fr/planete/2015/11/29/tahir-elci-figure-de-proue-moderee-de-la-cause-kurde_1416981/)

<sup>2</sup> *Judicial Observation Report - OIAD - Trial of the assassination of Barrister Tahir Elçi - 5th hearing of 15 June 2022*

## 2. Background to 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 of the University of London, accessible by video, provides an understanding of the course of events on 28 November 2015<sup>3</sup>.

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

Summary of the investigation: The crime scene was open and accessible to the public for several months. Evidence may have been contaminated. It was not possible to find the bullet that killed Tahir Elçi, making it impossible to identify with certainty the weapon and therefore the perpetrator of the crime.

The numerous video recordings collected during the investigation have not enabled the circumstances of the crime to be established with any precision. Camera 4 in the Mardin Kepab house, which was aimed at the minaret, reportedly did not work. The recording from camera 5 at the post office on Yenikapi street was incomplete, with a 17-minute gap. Finally, the police recording was cut off for 12 seconds at the very moment when Tahir Elçi was shot, 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 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 bullet<sup>4</sup>.

**21 October 2020: First hearing** before the 10th Diyarbakir Criminal Court. 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.

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<sup>3</sup> YouTube - <https://youtu.be/iBESvMnd6Fs>

<sup>4</sup> *Judicial Observation Report - OIAD - Trial of the assassination of Barrister Tahir Elçi - 5th hearing of 15 June 2022*

The court refused to allow the lawyers representing 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 representing 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. Several technical malfunctions affected the hearing of the suspects.

The court repeatedly refused to allow the Elçi family's lawyers to speak and to 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 of 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.**

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

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

The three police suspects were heard 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.**

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

**15 June 2022: 5th hearing.**

Brief hearing of 3 of the 4 defendants, 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; that former Prime Minister Ahmet Davutoglu be heard; investigations to verify whether PKK members and Tahir Elçi were indeed under surveillance by the intelligence services on the day of the events; the testimony of members of the intelligence services and the inclusion of the intelligence file in the proceedings.

The court accepted the request to hand over 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.

**End of September 2022:** the Court informed the parties that the hearing of Mr Davutoglu had been cancelled 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 modest progress made at the hearing on 15 June 2022 has thus been practically wiped out. This makes us all the more concerned about the future course of the proceedings"<sup>5</sup>.

**23 November 2022: 6th hearing.**

Intermediate hearing at which, to the best of our knowledge, there were no oral arguments.

**B. Proceedings at the 7th hearing on 5 July 2023**

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<sup>5</sup> *Judicial Observation Report - OIAD - Trial of the assassination of Barrister Tahir Elçi - 5th hearing of 15 June 2022*

The hearing was set for 10am on Wednesday 5 July 2023. The OIAD delegation arrived at the Court at around 9.30am accompanied by a young colleague from the Diyarbakir Bar, Şoreş Deniz Tuğrul, who agreed to translate for us during the hearing.

We were also accompanied by Françoise Cotta, a lawyer 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 court, we immediately noticed a strong police presence. The situation was nevertheless calm.

After having to show our lawyer's cards and passports, we were finally allowed to enter the court building after waiting for around twenty minutes outside the gates. During this wait, we were able to meet the current Bar President of Diyarbakir, Mr Nahit Eren, and the Secretary General of the Bar Association.

Once we were allowed into the court, we once again noticed the (very) heavy police presence in the corridors. We made our way down to the courtroom in the basement. The courtroom is spacious (capacity of around 120 people), air-conditioned and equipped with a large screen on which several people appear, although they are difficult to identify. We learned that these included the police officers present at the scene of Tahir Elçi's murder. They are still on duty outside Diyarbakir.

The courtroom was packed and the lawyers, representing several bar associations in Turkey, were very active. According to us, around forty colleagues, including several Bar Presidents and former Bar Presidents, took their seats on either side of the courtroom.

For our part, we were seated in line with the three judges, the president accompanied by two assistants.

The hearing started at ten o'clock, as scheduled. We were unable to obtain a precise schedule for the hearing. At most, we were told that it would last between two and three hours.

The hearing began with a brief statement by the presiding judge, who declared that the results of the camera tests had not provided any evidence so far.

The Chairman then called a new witness. Following this, several lawyers, ten in all, took the stand. The Prosecutor then made a brief speech, before the hearing was suspended for two hours and the Court deliberated.

## 1. Brief hearing of an eyewitness

The hearing began with the first witness working in a restaurant (Mardin Kebap) close to the scene.

This was the first time a witness had been called in person since the trial had begun.

After answering a few questions from the presiding judge, he was questioned at greater length by one of the civil parties' lawyers.

However, this witness was inside the restaurant at the time of the events. He therefore saw nothing.

After about fifteen minutes, the hearing ended without any new elements having been uncovered.

He nevertheless stated that, although he had seen nothing of the scene, his brother, who also worked in the same restaurant, did have a video recording of it. However, his brother died in unclear circumstances a few months after the incident, and the video recording was never seen by the investigators.

The investigation, delayed for several months, did not really begin until the day after the (suspicious) death of this witness.

## 2. Pleadings of the lawyers

The first lawyer to take the floor was Duygu Köksal (fluent in French), representing Tahir Elçi's wife, Türkan Elçi, who has just been elected as a member of the National Assembly for the CHP Republican Party. During her fifteen-minute speech, the lawyer complained about the slow pace of the proceedings, initially scheduled to last 330 days, the failure to take into account certain evidence, including the report by the agency responsible for scientific research (TÜBİTAK), which was never communicated, and the failure to hear several key witnesses, including the chief of police, Mr Vedat Gönen, and members of the intelligence services.

The witness heard earlier was the first to be heard in this case: however, there are still 25 police officers present at the scene to be heard.

She also pointed out that, from the very beginning, the crime scene had not been properly protected, which had prevented the investigators from carrying out their work properly. She noted that it was impossible to carry out a reconstruction of the crime scene on the pretext of "security reasons". The absence of any reconstruction does not help to advance the investigation. She asked the court to order a reconstruction in the presence of the police officers in charge, in particular Vedat Gönen, Halil Dügan and Umit Mardin.

She stressed that there was a link between the start of the investigations and the death of the witness's brother by suicide.

Generally speaking, she pointed to the court's inertia, as no activity had been recorded in this case for 8 months.

Duygu Köksal felt that the only concrete step forward was the expert report produced by the Forensic Architectur Institute in London.

This first plea was followed by one from the lawyer representing the Turkish Bar Association. The latter agreed, criticising the lack of investigation and the absence of evidence.

He explained that the prosecutor's job was to gather evidence and protect it, but that he was doing nothing.

He also referred to the contradictory testimony given by certain witnesses who, in his view, had been forced to give false evidence. He also drew attention to the fact that the surveillance camera recordings are not entirely available and that certain parts are still missing, even though they are essential for establishing the facts.

He insisted on the fact that the lawyers did not have access to all the camera recordings. He would like to have access to the content of camera no. 4 in the restaurant, the only one filming outside. It seems that the recording tape has been corrupted, and the lawyers are asking for this to be investigated and for a 12-second recording to be erased, even though it is crucial for determining the facts.

For this lawyer, it is inconceivable that, eight years after the events, we are still talking about the investigation, without the facts having been established with any plausibility, and that any substantive debate is therefore impossible. Clearly, the Prosecutor has not done his job properly and has not shown the will to move this case forward.

He concluded by arguing that if Tahir Elçi had died in a road accident, the investigation would have been conducted in a much better way, and we would have a much more detailed report.



Two other lawyers then took the floor briefly to support the requests for further investigations.

The President of the Diyarbakir Bar Association, Mr Nahit Eren, pleaded the case. He began by thanking the lawyers and the foreign observers present, including the ICDAO delegates, who were named by name.

He then recalled that this case was of capital importance and highly symbolic for Kurdish society.

According to him, the ramifications of this case go beyond the case of Tahir Elçi. The search for the truth is hampered by the fact that the stakes are much higher. He accused the judicial authorities of not doing their job properly, which prevents the victims' lawyers from being able to defend their clients with full knowledge of the case.

Clearly, this is a denial of justice, because some people don't want the truth to come out.

In his view, the decision not to interview the former prime minister, Ahmet Davutoğlu, can only be explained by "how can we not be curious about the statements made by this leading political figure? The Court's about-turn is indeed puzzling.

Similarly, the intelligence services should be heard, given their role in this case. The assassination of Batônier Elçi was publicly announced. The intelligence services, charged with protecting him, bear responsibility. It is astonishing that the trail of his killers could not be followed more quickly.

The same applies to the main suspects, who were neither present nor heard.

Four lawyers then took the floor to denounce the length of the proceedings, the shortcomings of 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 to help find the truth and apportion blame.

### 3. Prosecutor's intervention and Court's deliberations

Around midday, the Public Prosecutor intervened.

The scene was somewhat surreal, as he spoke for no more than two minutes and simply read out a few brief handwritten notes.

Unfortunately, our translator was unable to adequately relay the almost inaudible words of the Prosecutor.

The hearing was suspended until 2pm.

At that time, we all returned to the Court to hear the Court's ruling on the applications submitted by the lawyers.

**The court rejected all the requests made during the hearing by the civil parties' lawyers,** in particular that the chief of police be heard, that the police officers present be heard, and that the crime scene be reconstructed.

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

### C. Critical analysis of the audience

In the opinion of several people with whom we spoke, the course of the hearing was widely expected. In view of last autumn's U-turn, there were no surprises.

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

There was calm at the end of the hearing. The courtroom emptied quickly, with no noticeable protests or raised voices. We could detect a form of fatalism permeating the audience. We were reminded that this scenario was foreseeable, so several people expressed their powerlessness in the face of this political trial.

A press conference by the main lawyers involved in the hearing was held outside the court at the end of the hearing, under the watchful eye of the many police officers guarding the court premises. International observers stayed away from this public statement.

In summary, at this 7th hearing, almost 8 years after the disappearance of Bar President Elçi, we witnessed the "trial of the trial". All the lawyers who took the stand denounced in unison the same errors and shortcomings in the investigation, as well as the passivity of the prosecuting authorities and the Court.

As a matter of fact, no new evidence was discussed and no new major witness was heard, although it may be noted that for the first time a witness was heard in person and on the stand during these proceedings.

The strong mobilisation of our Turkish colleagues, in great numbers to denounce the blatant deficiencies of the investigation despite the passing years, is to be emphasised. Their courage

and determination to shed light on the assassination of Bar President Elçi is 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.

#### D. Encounters within the framework of the mission

Our participation in the hearing on 5 July 2023 as observers was also an opportunity for us to maintain certain links and establish new ones with our colleagues in Diyarbakir.

The Bar President of Diyarbakir, Mr Nahit Eren, greeted us on our arrival at the court and we were able to exchange views with him over lunch hosted by the Bar. We were also able to speak with the Secretary General of the Bar Association. Unfortunately, we were unable to organise a formal meeting with the Diyarbakir Bar Association, as the religious holidays that took place the week before the trial disrupted the diaries of our contacts. In the future, however, we think it would be wise to organise a more formal meeting in advance, either before or after the hearing.

Throughout our stay in Diyarbakir, we were able to count on the presence and support of a young colleague who spoke perfect English, Şoreş Deniz Tuğrul. He was a great help in translating and organising our trip to Elazığ.

He also organised a meeting with the Association of Lawyers for Freedom, [ÖHD](#) (*Özgürlük için Kukucular Derneği*).<sup>6</sup>

Following the hearing, we had a working meeting with several representatives and members of this Diyarbakir-based association, including Gizem Miran and Muhittin Müğüç. At this meeting, we mainly discussed the intimidation and pressure to which many of our colleagues are subjected in Turkey, and in Diyarbakir in particular. In fact, in April 2023, more than 200 people, including 25 lawyers, were arbitrarily arrested in Diyarbakir.

They were accused of working on behalf of people described as "terrorists" by the Turkish authorities. Of the 25 lawyers arrested and held in police custody for 3 days, four were deprived of their liberty for a month and placed in detention. These 25 lawyers, and perhaps others in the future, are currently awaiting trial.

They have told us that they would like the OIAD to be present, if possible of course. No date has yet been set, but they hope to be able to count on the presence of international observers.

For the time being, they are being judicially harassed: they have had to surrender their passports, which prevents them from leaving the country; they also have to appear in court

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<sup>6</sup> <https://ozgurlukicin hukukcular.org/tr>

every week; their PCs and mobile phones have been confiscated; and they are under constant threat from the judicial and police authorities.

This pressure is being exerted against a resurgence of political tension linked to the recent national elections in May 2023. During the campaign, Interior Minister Süleyman Soylu called for the arrest of lawyers linked to the PKK. In his view, to get rid of the PKK, the Turkish authorities must first target its lawyers. The legal profession remains the target of the central Turkish authorities.

In the current Turkish context, lawyers and bar associations still represent an important counter-power, albeit under threat. We therefore feel it is vital to demonstrate and renew our support for our Turkish colleagues who take risks on a daily basis in the exercise of their profession.

## E. Conclusions and recommendations

The eighth hearing of the Elçi trial has been set for 29 November 2023.

In the absence of a precise timetable and investigative measures initiated by the prosecutor's office or ordered by the court, questions are being raised about the conduct of this future hearing.

In view of the conduct of the hearing on 5 July 2023 and the attitude of its chairman, it is to be feared that the court will once again remain passive, if not absent. 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.

Given the symbolic nature of the trial in terms of the victim's personality and the political involvement of his wife, who is now a Member of Parliament, the media attention is high and the presence of international observers is 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.

Regarding the presence of the OIAD at the next hearings, and after discussions with other international observers, we have concluded that not attending the hearings of this trial would be a concession to the authorities, who are hoping to provoke fatigue among the lawyers and observers. Such an abandonment would be damaging.

In spite of everything, we must remain lucid 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.

## II. VISIT IN DETENTION OF MR TURAN CANPOLAT IN ELAZIG ON 6 JULY 2023

Turan Canpolat is a Turkish lawyer at the Malatya Bar. Arrested on 27 January 2016 while assisting one of his clients during a search, he was taken into custody and then imprisoned two days later. At the end of a one-way investigation, he was sentenced to ten years' imprisonment under Turkish anti-terrorism provisions.

Although the main witness for the prosecution against Mr Canpolat withdrew his testimony during the hearing, he was ultimately charged with acts that were not contained in the indictment, namely *"having represented several companies that were closed down by emergency decrees and for having downloaded and used ByLock Messenger"*.

His own lawyers were arrested and detained, including Mehmet CANPOLAT, who remained in prison for 3 years, and Me Mustafa ATALAR.

On the pretext of a high risk of escape, Turan Canpolat was placed in complete isolation in his Malatya prison. The COVID-19 epidemic also prevented him from receiving visitors for several months.

Mr Canpolat has lodged several applications with the Turkish Court of Cassation over the last two years (more than twenty appeals, which have long remained unanswered by the judicial authorities).

On the initiative of DSF-AS, the Human Rights and Public Freedoms Committee of the Lyon Bar Association has taken up the case of Mr Turan Canpolat in order to provide him with moral support and organise a campaign on his behalf. Letters have been sent to him and several French and European elected representatives have been made aware of Turan Canpolat's situation. A written question on Turan Canpolat's fate was submitted to the Commission by Sylvie Guillaume MEP (Appendix 2).

The judicial observation mission to the Elçi trial in Diyarbakir included a visit to the high-security Elazig prison to see Turan Canpolat, who has been imprisoned for 7 years.

### A. Background

**5 January 2016:** The police started an investigation into an association of businessmen in Malatya, one of whose regular lawyers is Mr Turan Canpolat.

Mr Mehmet Tannverdi (an employee of this association) went to Mr Canpolat's house that day to say that he was being threatened by the police and that he was being pressured to accuse other people. Mr Mehmet Tannverdi gave Mr Canpolat a mandate to act on his behalf and defend him.

**18 January 2016:** Mehmet Tannverdi went back to his lawyer Turan Canpolat and confirmed that he had been threatened.

**26 January 2016:** According to the police, Mehmet Tannverdi went to the General Directorate for Combating Terrorism (TEM) at 5.50am to make a statement about the so-called Malatya Businessmen's Association. He reportedly stated that the members of this association, as well as the association itself, had terrorist aims and that Mr Canpolat was their lawyer.

Mr Mehmet Tannverdi's statement ended at 4pm. He was placed in police custody and asked that no-one close to him be informed.

Following these statements, the public prosecutor opened an investigation (2016/1722) into the various suspects. This was followed by a search, approved by the juge des libertés, on the basis of a document provided by the police (the original of which cannot now be found and which listed the addresses of the 13 suspects, but not that of Me Canpolat).

**January 27, 2016:** just 12 hours after Mr. Mehmet Tannverdi's statements, the suspects were identified, and searches ordered early in the morning.

Mr. Muzaffer Ersan's home was searched. Mr. Ersan called on his lawyer, Me Canpolat, who came to assist him.

On the same day, Me Canpolat asked to meet his clients. After a 15-minute wait, he was still unable to see them. He then called the 155 hotline to declare that he was being prevented from carrying out his duty as a lawyer, and to lodge a criminal complaint against the police officers.

The police then informed the public prosecutor in charge of the investigation (Aziz Yasar Yetkinoglu), who ordered Turan Canpolat's detention for 24 hours.

The public prosecutor then claimed that Mr. Canpolat was already a suspect. Mr. Canpolat therefore requested that the phone call be listened to, to prove that he had been called as a lawyer and not as a suspect, unsuccessfully.

Mr. Canpolat maintained that his name had been added to the investigation much later to prevent him from practicing his profession. The Prosecutor's Office was unable to submit the originals of the documents mentioned, but added an order dated January 26. Mr. Canpolat is convinced that this order was produced and added to the file after the date indicated.

**29 January 2016:** Mehmet Tannverdi and Turan Canpolat were transferred to the public prosecutor's office. When questioned by the public prosecutor, Mr Mehmet Tannverdi stated that Mr Turan Canpolat was "a member of a terrorist organisation that was in charge of the courthouse", without giving any further details. He also repeated what he had said at the police station: that Mr Canpolat had forced him to give him a power of attorney. Mr Canpolat denied this.

While in police custody, Mr Mehmet Tannverdi was taken by the police to a notary's office in order to dismiss Mr Canpolat as his lawyer (part of the notary's fees were paid by the police).

Mr Turan Canpolat was then taken into custody and Mr Tanriverdi was released.

**17 February 2016:** third incriminating statement by Mr Tanriverdi taken by the prosecutor's office, based on allegations without concrete evidence.

**11 April 2016:** Indictment stating that Turan Canpolat has been a suspect since the beginning of the investigation. The prosecution recalled that on 26 January he had been summoned as a suspect.

A confidentiality ruling in the case was lifted, revealing a search and seizure request from a man named Muhammed Cice.

**14 June 2016:** Two months after these new documents surfaced, the 2nd Malatya District Court requested the originals of these documents. These documents, unsigned and bearing different names, were registered as evidence. In this context, the public prosecutor requested the release of Turan Canpolat, which was cancelled by the 2nd Malatya District Court.

**15 July 2016:** In the context of the coup attempt, more than 4,000 judges and prosecutors, and more than 1,000 lawyers have been detained. The 4 lawyers who represented Mr Canpolat were also imprisoned.

**26 July 2016:** The public prosecutor and the judge of freedoms sent different answers when the court requested the original documents. Indeed, the dates, as well as the grounds for the requests did not match. The police documents showed that neither the original version of the search request nor the seizure request were in the investigation file. No justification or explanation was given for these documents, either by the police or the judge.

During the rest of the hearing, Mr Mehmet Tanriverdi made a **new statement** contradicting all the previous ones, stating that he had never claimed that this association or its members had a terrorist aim.

## B. State of the case and means of appeal

Despite the retractions of the main prosecution witness, Mr Canpolat was sentenced to 10 years' imprisonment by the Malatya High Court in 2016, a decision that was upheld by the Gaziantep Court of Appeal.

Since then, 25 different requests for release have been sent by the applicant to the Court of Cassation, as well as requests for release to the Court of Appeal and the Court of First Instance, all of which have gone unanswered.

Mr Turan Canpolat was placed in solitary confinement for several months.

Mr Canpolat's appeal was rejected by the Court of Cassation on 9 September 2020, after a wait of more than 25 months.

Several associations (DSF-AS, The Arrested Lawyers Initiative, Barreau de Lyon) have taken action on Turan Canpolat's situation.

An application to the European Court of Human Rights was filed in 2022, and the Lyon Bar's Human Rights and Public Freedoms Committee helped to draft it, assisted by a group of students from the MASTER II in Fundamental Rights at Lyon III University.

## C. Visit on 6 July 2023

The idea of a visit by Turan Canpolat was raised during 2022 with the aim of providing moral support to the prisoner and continuing to publicise his situation in prison.

The possibility of a counter-productive effect and a negative reaction from prison staff towards the prisoner following a visit from international observers were assessed by Turan Canpolat's defence team and ruled out.

Initial contact was made in 2022 with the Malatya Bar Association, which had refused to visit their colleague until 2020/2021. Following elections and a change of leadership at the head of the Malatya Bar Association, a delegation paid an initial visit to Turan Canpolat.

Contact was made with a French-speaking colleague from Malatya with a view to a possible visit to Elazig prison. Unfortunately, this colleague was forced to leave her country to seek refuge in Belgium.

The visit on 6 July 2023 was organised quickly and efficiently by the son of Turan Canpolat, who has been granted political refugee status in France and lives in Paris. After an initial



refusal from a colleague in Ankara, Turan Canpolat's son appointed a lawyer from Diyarbakir, Şoreş Deniz Tuğrul, to accompany us in detention and act as interpreter.

The journey between Diyarbakir and Elazig is made by bus for safety reasons, as our guide considers a journey by car by road to be more dangerous.

Elazig prison is one of 14 high-security prisons in Turkey. These prisons house political prisoners and detainees accused of terrorism. Elazig prison is located on the outskirts of the city, around 10 minutes from the town centre.

After a first checkpoint supervised by armed men, where our identities were not checked, we took a bus for a short 200 metre journey to the first single-storey administrative building. Two guards welcomed us. Our escort gave them the notarised powers of attorney that had been drawn up beforehand and handed over in originals the same day when we arrived in Elazig. We also presented our passports and our lawyer's professional cards. We were allowed to wait in a large empty hall. We were told that the headmaster was in a meeting and that we would have to wait. About 5 minutes later, we were finally allowed to enter the prison. We handed in our passports and business cards again, before carrying out an eye check. We were then allowed to enter a second building making up the actual prison. We had to cross a long courtyard bordered by an enclosure around 5 metres high. The prison staff gave us a cordial welcome. We were not allowed to carry anything except our notepads.

The lawyer's visiting room was made up of several small rooms along a fairly bright corridor, lit by several windows overlooking the prison's inner courtyard. The room where we spoke to Turan Canpolat was not designed to accommodate 4 people and our Turkish colleague, Şoreş Deniz Tuğrul, was practically in the corridor, with the door left open. We would be the only visitors to the prison when we came. We didn't see any other prisoners.

Turan Canpolat appeared to be very combative and physically in good health. He seemed to be in good spirits and told us several times of his faith and confidence in the future, despite the last 7 years of unjustified detention and 28 months in solitary confinement.

He currently shares his cell with three other people. At present, he is allowed to telephone once a week. He has been waiting for his release for a year, but has refused to sign a declaration stating that he is not linked to any terrorist organisation, including the Gülenist movement.

He hopes to resume his work as a lawyer in Malataya and continue to defend human rights in his country. He warmly thanks all his colleagues and the organisations that rallied for his release.

During his imprisonment, he witnessed the detention of several innocent people. For example, he crossed paths with a soldier based in Diyarbakir, who was arrested and sentenced for taking part in the July 2016 coup d'état in... Ankara.

He himself claims to have been threatened and subjected to psychological torture during his detention. On several occasions, the prison authorities sought to force him to make statements about Fethullah Gülen in exchange for his immediate release. Turan Canpolat has always refused these attempts at blackmail.

Following the earthquake on the night of 5 to 6 February 2023, in which Turan Canpolat lost his mother, he agreed to sign a document stating that he was not a member of a terrorist organisation.

Turan Canpolat wished to go back over the details of his case and the biased investigation carried out against him. Even then, the prosecuting authorities (police and prosecutors) tried to extract statements from him about other suspects. He explained that he had always refused to denounce innocent people.

As the evidence against him was non-existent and the only witness against him withdrew during the hearing, he was finally convicted for alleged participation in the coup d'état of July 2016, even though he had been in prison since... January 2016.

The judge in charge of the hearing was very displeased with his attitude during the trial, and he was immediately sent to the high-security prison in Elazig. He quickly found himself isolated, abandoned by his bar association (Malatya) and also by the National Union of Lawyers, which did not reply to his letters.

He warmly thanked us for the support given during this visit and the efforts made over the years to highlight his situation.

#### D. Conclusions and recommandations

The two OIAD delegates, accompanied by Françoise Cotta for the DSF-AS association and Şoreş Deniz Tuğrul, a lawyer at the Diyarbakir bar, were appointed as Turan Canpolat's lawyer in order to visit him.

Indeed, it would not have been possible to visit him in detention if we had not been his lawyers, in this case in the context of his appeal to the ECHR.

This position obviously creates a difficulty, as we have been forced to give up our observer status in order to take on - temporarily - the role of Mr Canpolat's lawyer, in order to meet the criteria laid down by Turkish prison regulations.

With this limitation in place, we felt that this visit was essential during our 4-day visit to Turkey.

The case of Turan Canpolat is emblematic of the treatment to which lawyers are subjected in Turkey, where they are treated in the same way as their clients. Our visit was an opportunity

to let him know that the OIAD member Bars and Law Societies would continue to stand by him. It also sent a message to the Turkish authorities that we were paying close attention to the fate of our colleague, who has been eligible for conditional release for several months.

A list of imprisoned Turkish colleagues whose legal proceedings have been completed could be drawn up in order to monitor their sentences and any possible adjustments.

**Brussels and Lyon, 19 July 2023**

**Jean-Baptiste Farcy and Franck Heurtrey**

## Appendices

1. Submission to the United Nations Special Rapporteurs dated 2 March 2021.
2. Written question from Sylvie Guillaume, MEP, to the Commission n°E-006788/2020, and Mr Varhelvi's response on behalf of the European Commission.
3. Authorisation granted to Elazig prison.

Quick Response Desk  
Office of the High Commissioner for Human Rights  
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Switzerland

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2 March 2021

**FOR THE ATTENTION OF:**

- **Special Rapporteur on the independence of judges and lawyers**
- **Special Rapporteur on the situation of human rights defenders**
- **Special Rapporteur on extrajudicial, summary or arbitrary executions**
- **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**
- **Special Rapporteur on the promotion and protection of human rights while countering terrorism**
- **Special Rapporteur on minority issues**

**URGENT ACTION:** Dear UN Special Rapporteurs,

The undersigned organisations request your urgent action ahead of the next hearing in the criminal trial of those accused of killing lawyer Tahir Elçi. We urge you to request the Turkish authorities to ensure a fair trial by an impartial and independent tribunal (respecting the procedural rights of Tahir Elçi's family), as well as carry out a prompt, effective, impartial, and independent investigation into his death.

**I. Background**

1. Tahir Elçi was a prominent figure within the international and domestic lawyers' community. He had practiced law for around 25 years. At the time of his death, he was the President of the Diyarbakır Bar Association. He was well known for having acted for victims in a number of leading cases brought before the European Court of Human Rights (ECtHR) concerning, for example, the forced evictions of Kurdish villages, enforced disappearances, summary executions, and torture and ill-treatment by the security and/or state-affiliated

forces.<sup>1</sup> Through his work on these cases, he contributed to the ECtHR's case-law, especially on the right to life and prohibition of torture. Throughout his personal and professional life, he fought against impunity and contributed to this struggle significantly. In addition to his work before the ECtHR, he was engaged with, and in some cases was a founding member of, several prominent non-governmental organizations (NGOs), including the Human Rights Foundation of Turkey and Amnesty International Turkey. He has received several prestigious awards nationally and internationally.

2. On 12 October 2015, during a TV interview, he shared his views on the Kurdish issue and the end of the peace process on a national channel, CNN Turk. Following his interview, he received numerous death threats and insults through social media and telephone. Government supporters and pro-government media appeared to start a campaign of intimidation and harassment against him. A few days later, after a request from the Bakırköy Public Prosecutor, an arrest warrant was issued against him by the Bakırköy 2nd Criminal Judgeship of Peace. He was arrested and subsequently charged with an alleged offence of "propagandising for a terrorist organisation through the press," which carries a sentence of imprisonment of up to 7.5 years.<sup>2</sup>

3. During the summer of 2015, violent clashes occurred between the Kurdistan Workers' Party (PKK) and the Turkish state forces in south-eastern Turkey. The government adopted stringent measures affecting the lives of thousands of civilians in the region and imposed 24-hour curfews in many cities, sometimes for months on end. Tahir Elçi, amongst others, commenced legal actions against the unlawful security measures of the government and its local administrative personnel. He also advocated to address the increasingly violent situation in the region. As a part of these activities, as the president of Diyarbakır Bar Association, he helped to organise a press conference to draw attention to the damage inflicted on the cultural and historic heritage in the region during the armed clashes. The press conference took place in front of a historic minaret damaged by security operations on the morning of 28 November 2015. During this conference, an armed clash took place between two armed PKK militia members and the police, during which Tahir Elçi was shot dead. His killing was publicly denounced by the international community.<sup>3</sup>

## II. Failure of Turkey to effectively investigate Tahir Elçi's killing

4. Despite assurances given by the Prime Minister, Mr. Ahmet Davutoğlu, that four investigators had been assigned to the case, no independent effective investigation was carried out. Notwithstanding the fact that the police officers at the scene should have been regarded as suspects, the police themselves carried out the investigations. The current prosecution did not

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<sup>1</sup> See <http://hudoc.echr.coe.int/eng?i=001-61442>;

[https://cdn.knightlab.com/libs/timeline3/latest/embed/index.html?source=1ZqhYni2bmCMKCUoO3OYe7uDcHypWmv9EALzjBPhy4O8&font=Bitter-Raleway&lang=tr&initial\\_zoom=2&height=650](https://cdn.knightlab.com/libs/timeline3/latest/embed/index.html?source=1ZqhYni2bmCMKCUoO3OYe7uDcHypWmv9EALzjBPhy4O8&font=Bitter-Raleway&lang=tr&initial_zoom=2&height=650)

<sup>2</sup> <https://www.hrw.org/news/2015/10/20/turkey-rights-lawyer-faces-terrorism-probe>

<sup>3</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16827&LangID=E>;

<https://www.amnesty.org/en/latest/news/2015/11/at-the-funeral-of-tahir-elci-a-giant-in-turkeys-human-rights-movement-the-sense-of-loss-is-deafening/>; <https://www.hrw.org/news/2015/11/28/turkey-human-rights-lawyer-murdered>; [https://www.ccbe.eu/NTCdocument/HR\\_Letter\\_Turkey\\_Tah1\\_1449055818.pdf](https://www.ccbe.eu/NTCdocument/HR_Letter_Turkey_Tah1_1449055818.pdf);

<https://lawyersforlawyers.org/en/turkey-lawyer-tahir-elci-shot-dead/>; <https://www.uianet.org/en/actions/uia-condemns-murder-lead-lawyer-tahir-elci-president-diyarbakir-bar-association>.

begin until after a London based group, Forensic Architecture, published its report on the incident in February 2019. This report concluded, after a detailed forensic investigation of the video footage of the scene at the time Mr. Elçi was killed, that three police officers were engaged in active shooting at the time of the killing and that:

*"- Tahir Elçi was killed when he was struck by a single bullet fired within the time frame of 7 seconds and 12 frames (07:12), at approximately 10:55 am on 28 November 2015.*

*- Neither of the two PKK members appear to have fired the fatal shot.*

*- All of the shots fired in the investigative time frame have similar sonic signatures and show no auditory evidence of a long-range weapon fired from a considerably different distance.*

*- Three police officers (A, C, and D) had a direct line of fire towards Elçi, and are seen discharging their weapons multiple times. Of them, police officer C is the only officer who discharges his weapon with a clear, unobstructed view towards Elçi."<sup>4</sup>*

5. Following the publication of the Forensic Architecture report, the prosecutor was left with little choice than to indict the 3 police officers named in the report as the potential perpetrators. However, we, the undersigned, are concerned about a number of aspects of this indictment:

- The indictment has many serious flaws, e.g., in its determination of the events, legal classification of the acts, and sentencing request against the police officers.
- Regarding the determination of events, it is suggested in the indictment that the situation of general chaos at the time of the shooting made it impossible to identify who fired the shot which killed Tahir Elçi. The prosecutor had postulated that it was possible that one of the militants could have fired the shot and prosecuted the militant for intentional homicide. This conclusion is in direct contradiction to the findings of the Forensic Architects report which found that *"none of the forty gunshots that are visible or audible during the period of the shooting (during which time multiple cameras were recording the scene) were fired by the two PKK militants. Rather, the only shots that could have been that which killed Elçi were fired by one of the three officers we identified."*<sup>5</sup>
- Under the Turkish Penal Code, intentional homicide requires life-time imprisonment (Article 81) while under aggravated circumstances, it can be sentenced with aggravated life-time imprisonment (Article 82), which includes additional restrictions in prison. In cases of homicide with malice these sentences are reduced to at least 20 years imprisonment for Article 81 and life-time imprisonment for Article 82 (with Article 21(2)). In the indictment, however, the prosecution charged the 3 police officers under Article 85(1) of the Penal Code instead of Article 81 or 82, and legally classified the acts committed as "negligent homicide" which provides that: "Any person who causes the

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<sup>4</sup> [https://content.forensic-architecture.org/wp-content/uploads/2019/03/FA-TE-Report\\_12\\_English\\_public.pdf](https://content.forensic-architecture.org/wp-content/uploads/2019/03/FA-TE-Report_12_English_public.pdf)

<sup>5</sup> <https://forensic-architecture.org/investigation/the-killing-of-tahir-elci>

death of a person by negligent conduct is punished with imprisonment from two years to six years.”

- The prosecutor requested the court to apply Article 22(3) of the Penal Code which requires that: “Where an act of person creates the legal consequence defined in the laws beyond his will, this is considered as intentional negligence; in such case, the punishment imposed for the negligent act is increased from one third to one half.” We are concerned that the prosecutor’s classification of offense on which to prosecute the police (Article 85(1) with 22(3) of the Penal Code) does not correspond with the seriousness of the offence committed and its grave consequences.

### III. Trial before the Diyarbakır 10th Heavy Penal Court

6. We are also concerned that due process may not be followed forthcoming hearings of the trial of the officers and that the rights of Mr. Elçi and his family may not be respected during the proceedings. These concerns are based on several serious violations of due process that took place during the first hearing. The first hearing took place on 21 October 2020 at 10 am, before the Diyarbakır 10th Heavy Penal Court.

7. The lawyers representing the Elçi family argued in their submission to the court that (inter alia):

- Following the interview on CNN Turk, Tahir Elçi received several serious death threats. The State was under the obligation to protect him, but it failed to do so.
- The case file reveals that the two suspects who were affiliated with the PKK had been closely followed by the police in Diyarbakır on the day of the incident and their movements had been known to the police before the incident.
- Neither Tahir Elçi nor other lawyers from the Diyarbakır Bar Association at the scene had been warned about a potential operation in the same area against suspects who were likely armed.
- The security forces planned and carried out the operation against the two suspects without proper regard for the safety of the public who were present nor did they take necessary measures to mitigate potential harm to civilians.
- The police officers at the scene did not use their firearms carefully and diligently. They did not take necessary measures to protect the lives of the civilians around them and they did not warn people to hide for their own safety. If the planning of the operation to catch the two suspects had been done properly, Tahir Elçi still would be alive.
- The onsite investigation was not carried out promptly as required by the Minnesota Protocol,<sup>6</sup> but only 110 days after the death of Tahir Elçi (between 17 and 18 March 2016). According to the prosecution, the reason for this delay was the ongoing armed clashes in the area. The crucial evidence from the scene, including the bullet that killed Tahir Elçi, disappeared during this time. This represents a significant failure of Turkish authorities to preserve evidence and to carry out an effective, transparent, and prompt

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<sup>6</sup> UN OHCHR, The Minnesota Protocol on the Investigation of Potentially Unlawful Death 2016. The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, 2016, para. 10, available at: [https://www.un-ilibrary.org/human-rights-and-refugees/the-minnesota-protocol-on-the-investigation-of-potentially-unlawful-death-2016\\_0389ae17-en](https://www.un-ilibrary.org/human-rights-and-refugees/the-minnesota-protocol-on-the-investigation-of-potentially-unlawful-death-2016_0389ae17-en).



investigation into the death of Tahir Elçi as required by Turkey's international legal obligations.

- Other serious defects in the investigation included that the police officers who were at the scene and fired their guns were not questioned as suspects by the prosecutor until early 2020, more than four years after the killing. In addition, several apparent inconsistencies in the statements of those investigated were not adequately followed up by the prosecution. The prosecutor also refused to hear several witnesses put forward by the lawyers of Tahir Elçi's family and did not summon the police officers who were responsible for the planning and execution of the operation and monitoring of the press conference.
- The video recordings from the security cameras around the scene and the MOBESSE (police security cameras in the area) were tampered with or not obtained. Several crucial recordings were either missing or the relevant parts covering the time of the killing have been deleted.
- The expert reports the prosecutor obtained, e.g., from the national forensic medicine institute, claimed that the time of the death of Mr. Elçi could not be determined and the suspects could not be identified. However, the expert reports obtained by the Elçi family's lawyers, e.g., the report of the Forensic Architecture and a forensic medicine expert, reached a contrary conclusion on both matters.

8. The hearing before the Diyarbakır 10th Heavy Penal Court on 21 October 2020 was highly problematic:

- The court, among other requests, refused the request of the Elçi family's lawyers to be heard at the beginning of the hearing. The court refused to allow Türkan Elçi, Tahir Elçi's wife, to take the floor and submit her requests as the complainant. Without hearing the complainants and their request to become formal parties to the proceedings, the complainants could not question the suspect which is a right that is granted to them clearly under the Code of Criminal Procedure.
- The court refused to hear the accused police officers in person, instead, insisting on hearing them through SEGBIS (an official video communication system).
- The suspects were not visible to the family of Tahir Elçi or his lawyers, because the small screen was too far away from them to be seen. There were several technical issues making it difficult to hear the statement of the suspects, and these technical issues were not resolved by the court, even upon request of the family's lawyers.
- The court refused several times to allow the lawyers to speak and submit their requests. It threatened the lawyers and Mrs. Elçi that if they insisted on speaking, they would be expelled from the courtroom by force.

9.

10. The trial has been adjourned until 3 March 2021.

11. The lawyers asked the judges to recuse themselves from hearing the case based on these occurrences during the hearing. However, the court did not rule on this request. Under the rules of procedure, before moving forward with the hearing, the court should have dealt with these requests as a matter of priority. The recusal request was later referred to the Diyarbakır

11<sup>th</sup> Heavy Penal Court which rejected it without any sufficient grounds. This was the first hearing in what may be a protracted trial of the police officers accused of the homicide of Tahir Elçi.

12. More than 5-year delay in the proceeding and the arbitrary rejection of the requests of the lawyers representing the Elçi family indicate the authorities' failure to carry out a genuine investigation in conformity with the ECtHR's case-law on the procedural obligations of the state with respect to the right to life.

#### **IV. Actions Requested**

13. We request the Special Rapporteurs call on the Turkish authorities to ensure;

- i. The case is heard by an independent, impartial, and competent court that is capable of establishing the facts and truth around the killing of Mr. Elçi;
- ii. All future hearings comply with international standards regarding the right to a fair trial, in which the victims' rights are also recognised;
- iii. The hostile attitude from the court towards the Elçi family and their lawyers and the court's persistent refusal to follow the rules of procedure and principles of both domestic and international law are not repeated in future hearings;
- iv. The lawyers for the Elçi family are given reasonable opportunities to be heard and to make their applications in relation to the procedure and the evidence;
- v. Where submissions are refused, reasons for refusal are given in accordance with the case law of the ECtHR;
- vi. Following a fair judicial procedure, those who are responsible for Mr. Elçi's killing are held accountable and serve sentences appropriate to the gravity of the crime committed; and
- vii. Mr. Elçi's family is provided with appropriate redress for the violations they and their loved one have suffered in accordance with the international obligations of Turkey and the Minnesota Protocol.

Yours faithfully,

**Ayşe Bingöl Demir, Turkey Human Rights Litigation Support Project**

**(and on behalf of the following organisations endorsing the letter)**

**Amsterdam Bar Association, the Netherlands**

**Article 19**

**Bar Human Rights Committee of England and Wales (BHRC), the United Kingdom**

**Bar Human Rights Committee of England and Wales, the United Kingdom**

**Cartoonists Rights Network International**

Confederation of Lawyers of Asia and the Pacific (COLAP)  
Council of Bars and Law Societies in Europe (CCBE)  
Defence Without Borders - Solidarity Lawyers (DSF-AS)  
Dutch League for Human Rights  
European Association of Lawyers for Democracy and World Human Rights (ELDH)  
Fair Trial Watch, the Netherlands  
French National Bar Council (CNB)  
Gelderland Bar Association, the Netherlands  
Geneva Bar Association, Switzerland  
Giuristi Democratici, Italy  
Human Rights Commission of the European Bars Federation (FBE)  
Lawyers for Lawyers, the Netherlands  
Lawyers' Rights Watch Canada  
Limburg Bar Association, the Netherlands  
Lyon Bar Association, France  
Midden-Nederland Bar Association, the Netherlands  
Netherlands Helsinki Committee  
Noord-Holland Bar Association, the Netherlands  
Noord-Nederland Bar Association, the Netherlands  
Oost-Brabant Bar Association the Netherlands  
Overijssel Bar Association, the Netherlands  
Research Institute on Turkey, the United States of America  
Rotterdam Bar Association, the Netherlands  
Swiss Democratic Lawyers, Switzerland  
The European Association of Lawyers (AEA-EAL)  
The Foundation day of the Endangered Lawyer  
The Hague Bar Association, the Netherlands  
The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL)  
The International Association of People's Lawyers (IAPL)  
The International Observatory for Lawyers in Danger (OIAD)  
The International Observatory of Human Rights (IOHR)  
The joint Presidents of the Local Bar Associations of the Netherlands  
The Law Society of England and Wales, the United Kindgdom

Turkey Human Rights Litigation Support Project (TLSP), the United Kingdom  
Zeeland-West-Brabant Bar Association, the Netherlands

**Question avec demande de réponse écrite E-006788/2020  
à la Commission**  
Article 138 du règlement intérieur  
Sylvie Guillaume (S&D)

Objet: Le cas de l'avocat Turan Canpolat détenu en Turquie

Turan Canpolat, avocat, a été arrêté en janvier 2016 puis condamné à dix ans de prison en vertu des dispositions anti-terroristes turques. Au prétendu motif d'un risque d'évasion élevé, Turan Canpolat a été placé à l'isolement complet dans sa prison de Malatya. Depuis l'épidémie de COVID-19, il n'est plus possible de le rencontrer. M<sup>e</sup> Canpolat a formulé plusieurs demandes auprès de la Cour de cassation de Turquie depuis deux ans. À ce jour, aucune réponse n'a été apportée à ses multiples recours (14 recours restés sans réaction des autorités judiciaires).

Quelles mesures la Commission peut-elle mettre en œuvre pour faire évoluer ce dossier?

La Commission peut-elle appuyer la demande des avocats de M<sup>e</sup> Canpolat d'avoir accès à leur client?

Plus généralement, quelles sont les mesures de la Commission en faveur des personnes détenues arbitrairement en Turquie?



Ευρωπαϊκό Κοινοβούλιο / Parlamento Europeo / Evropský parlament / Europa-Parlamentet / Europäisches Parlament / Euroopa Parlament / Ευρωπαϊκό Κοινοβούλιο / European Parliament / Parlement européen / Parlaimint na hÉirí / Európski parlament / Parlamento europeo / Eiropas Parlaments / Europos Parlamentas / Európai Parlament / Parlament Ewropew / Europees Parlement / Parlament Europejski / Parlamento Europeu / Parlamentul European / Európsky parlament / Evropski parlament / Euroopan parlamentti / Europaparlamentet

Directorate-General for the Presidency / Direction générale de la Présidence  
Directorate for the Plenary / Direction de la séance plénière  
Members' Activities Unit / Unité Activités des députés

EN

Please find attached the answer given by the institution concerned to your Question.

Yours sincerely,

FR

J'ai l'honneur de vous transmettre, ci-jointe, la réponse à votre question donnée par l'institution interrogée.

Je vous prie d'agréer, Madame/Monsieur le député, avec mes respects, l'expression de mes sentiments dévoués.

Francisco PEYRÓ LLOPIS  
Head of Unit/Chef d'unité

FR

E-006788/2020

Réponse donnée par M. Várhelyi  
au nom de la Commission européenne  
(4.2.2021)

Dans son rapport de 2020 sur la Turquie<sup>1</sup>, la Commission a souligné que les avocats fournissant une assistance juridique aux défenseurs des droits de l'homme et aux militants civils et politiques se heurtent à des obstacles considérables dans leur travail et risquent d'être arrêtés, placés en détention et poursuivis pour leur action en faveur des droits de l'homme. La Commission a également demandé une nouvelle fois aux autorités turques de libérer des avocats ainsi que des journalistes, des défenseurs des droits de l'homme, des écrivains et des universitaires détenus injustement.

Dans le contexte de la pandémie de COVID-19, il est d'autant plus crucial que les autorités turques veillent à ce que les droits fondamentaux de toutes les personnes qui restent en détention soient respectés et que les besoins spécifiques des détenus les plus vulnérables continuent d'être pris en compte.

En tant que pays candidat et membre de longue date du Conseil de l'Europe, la Turquie est censée appliquer les normes et pratiques démocratiques les plus élevées. La Commission continuera de suivre de près la situation des avocats ainsi que celle des personnes détenues injustement dans ce pays et abordera ces questions dans le cadre de son dialogue politique régulier avec les autorités turques.

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<sup>1</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/turkey\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/turkey_report_2020.pdf)





## AVUKAT GÖRÜŞMESİ BEYAN FORMU

HÜKÜMLÜ TUTUKLU BİLGİLERİ				
Adı Soyadı	Durumu	Kaldığı Oda	Görüşmeye Gelen Avukatın Vekâletnamesi	Görüşme talep edilen hükümlü veya tutukluya isnat edilen suçun, 5275 sayılı Kanununun 59/4 maddesi kapsamında olup olmadığı
TURAN CANPOLAT	Hükümlü	SOL - B2 - B20	Var	Evet

209639  
Ziyaretçi Kabul Bürosu Görevlisi

299020  
İdare Memuru

- Şoreş Deniz TUĞRUL (Diyarbakır - 3398) beraberinde gelen yabancı avukatlar
- Franck HEURTREY
- Fnancoise COTTA
- Jean Bapsite FARCY

AVUKAT BİLGİLERİ	
Adı Soyadı	ŞOREŞ DENİZ TUĞRUL
Baro Adı	DIYARBAKIR
Baro Sicil No	3398

Yanımda getirdiğim belge ve dosyaların, görüşmek istediğim hükümlü/tutuklunun savunmasıyla ilgili olduğunu beyan ederim. 06/07/2023

ŞOREŞ DENİZ TUĞRUL

Avukat



