



5 March 2024

The risks of impunity: a call for fair and impartial proceedings ahead of the 6 March hearing in Tahir Elçi's case

In light of the upcoming hearing in the trial of the deceased human rights lawyer Tahir Elçi, Lawyers for Lawyers is concerned about the Turkish authorities' failure to guarantee fair and impartial proceedings, and the ensuing risks of impunity. Lawyers for Lawyers calls upon the Turkish authorities to ensure that those responsible for Mr Elçi's death are held to account according to international law, by upholding the rule of law and delivering justice, so as to prevent a chilling effect on the legal profession.

Tahir Elçi was a prominent Kurdish human rights lawyer and former chairman of the Diyarbakir Bar Association. He was a fierce critic of both the Turkish security forces and PKK militants' practices during the resurgence of violence in south-east Turkey that followed stalled peace negotiations. Mr Elçi was further known for having defended victims in several leading cases brought before the European Court of Human Rights (ECtHR) concerning forced evictions of Kurdish villages, enforced disappearance and ill-treatment by the security or state-affiliated forces. Following a statement on live television on 15 October 2015, Tahir Elçi was charged with 'propaganda making for a terrorist organisation' and detained in his office at Diyarbakir Bar Association before being released on probation. He was then assassinated in broad daylight on 28 November 2015 by a gunshot wound while delivering a statement condemning the clashes between the PKK militants and Turkish security forces. The perpetrators have yet to be held accountable.

The lack of an adequate response from the Turkish authorities to the murder of Mr Elçi raises grave concerns as to access to a fair and impartial trial in the country. Investigations into this assassination began in February 2019, more than three years after the assassination, and only after the publication of a technical report by the London-based group Forensic Architecture, which identified the three men, two police officers and an alleged PKK militant, involved in the shooting. Besides delays, investigations reportedly violated procedural standards; evidence was inadequately collected and the police, who were ostensibly involved in the death of Tahir Elçi, conducted the inquiry themselves.

More than just the investigation, the trial in itself raises concerns. Lawyers for Lawyers has been present at several hearings ([23 November 2022](#) and [29 November 2023](#)) and reported on the frustrating lack of progress in the investigation. The court initially agreed to call the Prime Minister as a witness to question his knowledge of the crime, before withdrawing such a decision following a separate request from the prosecutor in the absence of all other parties. Similarly, the court disregarded the claim that CCTV footage had been tampered with, contradicting the technical report by Forensic Architecture, which identified gaps of 13 and 17 seconds in the footage of the two cameras at the crime scene. Throughout this trial, [Lawyers for Lawyers and other organisations](#) have witnessed the court's repeated dismissal of the defence's demands without providing sufficient legal grounds, yet consistently answering the prosecutor's demands. Such a conduction of trial raises grave concerns about the impartiality of the judiciary and prosecutor, especially in the context of the politicisation and backsliding of the rule of law in Türkiye.



Lawyers for Lawyers wishes to draw attention to the chilling effect such practices have on the legal profession and the dangers this represents to the right to a fair trial, as enshrined in Article 14(1) ICCPR and 6 ECHR, and fight against impunity in Türkiye. In recent years, numerous organisations — including Lawyers for Lawyers — have reported on Türkiye’s ‘crackdown’ on lawyers, stressing the rise of impunity. It has been [reported](#) that, as of the end of 2023, more than 1,700 lawyers have been arrested and prosecuted and 553 lawyers have been sentenced on the grounds of membership of an armed terrorism organisation or of spreading terrorist propaganda, like Mr. Elçi. Such high rates of sentencing appear to violate the [presumption of innocence](#) when trying lawyers, to be taking peaceful acts and statements, as protected under the freedom of expression, as proof of criminal activity, and of [associating](#) lawyers with the work of their clients. Türkiye has been home to a crackdown on human rights lawyers and bar associations where [trials](#) have appeared to blur the separation between the office of the prosecutor and the judiciary and to neglect the defence’s rights. This has been found to greatly affect the work of lawyers in Türkiye, their ability to defend rights, and thereby impeding access to justice for all. On top of infringing on lawyers as defendants’ right to a fair trial, such tactics are further used to infringe their right to a fair trial as victims; where their accusations of human rights violations, torture and even killings are expedited without sufficient investigations and considerations, as seen in Mr. Elçi’s trial.

Lawyers for Lawyers is greatly concerned about this dual attack on the rights of lawyers, and the consequential chilling effect unleashed if impunity were to prevail in the case of Tahir Elçi’s murder. We therefore call on the Turkish authorities to ensure that the hearings in the case of Tahir Elçi’s murder comply with international standards regarding the right to a fair trial, and are conducted before an independent and impartial court, to guarantee justice for Mr Tahir Elçi and his family in the face of risking impunity.

Lawyers for Lawyers will continue to monitor the trial closely.