

IMPUNITY PREVAILS IN THE CASE OF THE KILLING OF LAWYER TAHİR ELÇİ: DIYARBAKIR HIGH CRIMINAL COURT ACQUITS DEFENDANTS

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DIYARBAKIR, Turkey – On 12 June 2024, the Diyarbakır 10th High Criminal Court acquitted the three defendants of all charges in the case of the unlawful killing of lawyer and former president of the Diyarbakır Bar Association, Tahir Elçi. This follows a criminal process stained with serious defects in terms of due process. No adequate investigation into the facts was ever conducted.

The unlawful killing of lawyer Tahir Elçi

Tahir Elçi was a prominent and internationally recognized human rights lawyer who spoke out against state violence and brought several leading cases before the European Court of Human Rights. In October 2015, while acting president of the Diyarbakır Bar Association, he was targeted by pro-government news outlets and faced harassment and death threats after he publicly questioned the renewed use of armed violence by the state for solving the ‘Kurdish issue’, which also led him to be formally charged with ‘disseminating terrorist propaganda’. He was killed while holding a press conference on 28 November 2015, when an armed clash took place between police officers and two fleeing PKK militia members.

Lack of an effective investigation and due process defects

Following his death, the authorities failed to carry out an independent effective investigation. The onsite investigation only commenced 110 days after the incident, resulting in the disappearance of important evidence. Crucial frames of the CCTV-footage recordings at the scene went missing. The criminal procedure started more than four years after the killing and was exclusively prompted by [Forensic Architecture](#)’s incriminating report on the involvement of police. The indictment prepared against the three police officers present at the scene contained serious flaws and during the 11 hearings that took place, international observers documented flagrant infringements of the right to a due process and a fair trial. The court refused to hear important witnesses or carry out other investigative measures in order to find out what happened. None of the reasonable and relevant requests of (representatives of the) victims were granted. Furthermore, complaints about alleged torture and other ill-treatment in connection to witness statements were blatantly disregarded. These concerns were also highlighted in communications to numerous [UN Special Rapporteurs](#) and [public statements](#) by a coalition of international organisations, including Lawyers for Lawyers.

The hearing

At the hearing on 12 June 2024, hundreds of lawyers and over 40 presidents and other representatives of bar associations from all over Türkiye were present, as well as about 16 international observers from six European countries representing their bar associations and lawyers organisations (including Lawyers for Lawyers). Several lawyers and dozens of representatives of bar associations delivered impressive speeches, all denouncing the unwillingness of the prosecution and the court to proceed with the case and find out the truth about the killing of Tahir Elçi. At the request of the prosecutor, the court acquitted the three policemen who had been indicted.

Prior to the announcement of the verdict, the lawyers and Tahir Elçi's family left the court room in protest of what they knew would be an unfulfilling outcome, and marched to the four-legged minaret in the town centre of Diyarbakir where Tahir Elçi was killed.

Continued call for justice

The outcome of the Tahir Elçi case hearing and ensuing lack of accountability is a blow to human rights, lawyers at risk in Türkiye, and Tahir Elçi's family and colleagues. It is a depressing example of impunity, of the absence of an independent, impartial judiciary and of the lack of justice and the rule of law. In this case, Türkiye has clearly failed to meet its responsibility under international law to provide an effective remedy for human rights violations, which includes ensuring the right to access to justice, and to adequately safeguard lawyers where their security is threatened as a result of discharging their functions, which includes the obligation to properly investigate, arrest, and prosecute the perpetrators of attacks against them.

Nahit Eren, the president of the Diyarbakır Bar Association, [announced](#) that the case will be taken to the Court of Appeal, the Supreme Court, the Constitutional Court and the European Court of Human Rights. The next day, 75 Bar associations [issued](#) a joint statement, with the central message: 'We will never give up the struggle for justice for Tahir Elçi'.

Lawyers for Lawyers will continue to support the call for justice and will keep on urging the Turkish authorities to take up their responsibilities under international law.