

## Trial Observation Mission Report: hearing in the ongoing trial against ÖHD-lawyers

Report by Lawyers for Lawyers

16.2.2024

From 7 – 9 February 2024, Lawyers for Lawyers representatives visited Turkey on a trial monitoring mission. This is a report about the mission and the hearing in the trial against the lawyers from the ÖHD. The aim of the mission was to attend a hearing in the trial against the ÖHD, which may come to an end in April. Several French lawyers were also there to observe the ÖHD-hearing. See below for our report on the hearing and the meeting.

The atmosphere in Istanbul was rather tense, since on 6 February 2024 an attack took place near the court house. The two attackers, suspected to be member of the listed terrorist organization DLKP-C, were killed. The same day 4 lawyers of the People's Law Office, also members of the ÇHD, were arrested, most likely in connection to this attack. Because of this, there was more police presence than normal in front of the court house.

### Background to the case

Twelve lawyers, all members of the Association of Libertarian Jurists (ÖHD), are prosecuted since 2016 on [suspicion](#) of membership of a terrorist organisation (PKK). Nine of them were arrested in March 2016 at their homes, the other three were not there during the raids and were therefore not arrested. It concerns lawyers Ramazan Demir, Ayşe Acinikli, İrfan Arasan, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Tamer Doğan, Mustafa Rüzgar, Ayşe Gösterişlioğlu, Sinan Zincir, Raziye Öztürk and Ruşen Mahmutoğlu.

During their interrogation, the lawyers were questioned about their activities. These activities include the complaints they had filed with the European Court of Human Rights about human rights violations in Eastern Turkey, their visits to their clients in prison, the interviews they had given to (Western) media, their activities together with TUAD, an organisation that supports the families of prisoners of conscience, their tweets about the courts cases before the European Court, their defence of Gezi-activists and relationship with the international human rights community.

The prosecutor claims that the lawyers are not prosecuted for professional activities. However, L4L has reason to believe that these lawyers, similar to the lawyers in the other cases we monitored, were arrested because of their work as lawyers representing clients suspected of terrorism or opposing the Turkish government. Several lawyers were not only charged with membership of a terrorist organisation, in violation of article 314 subsection 2 of the Turkish Penal Code, but also with terrorist propaganda (which would constitute a violation of article 7 subsection of the Anti-Terror Law), and/or with insulting the state (in violation of article 301 of the Turkish Penal Code. For example, Ramazan Demir was charged with:

- Being a member of a terrorist organisation for activities including visiting clients in prison who are suspects in political or terrorist cases, and representing people arrested at the Gezi Park-protests and detained in June 2013;
- Terrorist propaganda for activities including tweeting about cases about human rights abuses Ramazan brought to the European Court of Human Rights, protesting against the curfew in the southeast of Turkey in Kurdish areas, as well as the effects this has on the population<sup>1</sup>, and holding press conferences, including about the human rights abuses during the Gezi Park protests

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<sup>1</sup> See [this report](#) of a 2018 trial monitoring mission by Défense Sans Frontière – Avocats Solidaires, p. 2.

- Insulting the state for activities including bringing cases to the European Court of Human Rights, being in contact with international delegations (such as us) and giving interviews to (Western) newspapers and newsoutlets.

Another example is Raziye Öztürk, who was charged with:

- Membership of a terrorist organisation for activities including visiting a client in a political case in prison; visiting her uncle, who has been a political prisoner for 30 years, and others in prison (also during her childhood), being a member of the board of TUAD, being driven to prisons by TUAD-members, and transmitting messages from PKK to the prisoners;
- Terrorist propaganda for activities including participating in a womens´ walk on the 8<sup>th</sup> of March making a picture of someone holding a banner with a picture of Sakine Cansiz (one of three Kurdish women killed in Paris in 2013), which was then posted on Facebook by a friend; posting a picture of a child of ca. 9 years that was killed in Mardin (supposedly he and his father were terrorists) on Facebook and commenting that this is what the government does;
- Insulting the public state for activities including giving an interview to a Spanish journalist.

After the initial arrest and release of the lawyers between 16 – 19 March 2016, new arrest warrants were issued against four of them on 22 March 2016. On 6 April 2016, lawyers Ramazan Demir and Ayşe Acinikli were re-arrested. Ramazan Demir and Ayşe Acinikli were held in pre-trial detention from 6 April until 7 September 2016. On 22 November 2016, three organisations representing lawyers - the ÖHD, ÇHD and MHD - were permanently banned.

Hearings in the case have taken place since 2016 on a regular basis. The case is still ongoing, and hearings [keep being adjourned](#).<sup>2</sup> Lawyers for Lawyers observed many of them, for example on 25 May 2022 and 7 November 2023. As was mentioned in the report of the hearing of 7 November 2023, the lawyers thought that the hearing of 8 February 2024 might be the last one, if the prosecutor would present his opinion in time, and they feared a conviction.

### **Hearing of 8 February 2024**

On 8 February 2024, representatives of Lawyers for Lawyers, together with about 8 lawyers from different parts of France, observed the hearing in the trial against the lawyers of the ÖHD.

Several of the accused lawyers were present, including Ramazan Demir, Raziye Öztürk and Ayşe Acinikli, and several of the other defendants (members of TUAD). The prosecutor did not present his opinion before the hearing, so this would not be the last hearing after all.

One of the defendants (not a lawyer) was heard online. He stated that he knows all defendants in this case, but he did not commit any crimes. TUAD is a legal organization with legal activities.

Then the Court heard an anonymous witness. The witness testified with a distorted voice. He said he knows the defendant and stated that the defendant organized and coordinated activities on behalf of PKK and brought messages of PKK to the prison between 2010 and 2014. According to the witness the defendant was member of a committee for prisoners with a link to the lawyers. The role of the lawyers was to uphold contact between the PKK and the prisoners and vice versa.

One of the defense lawyers interrupted and said: you are reading a prepared statement. The defense lawyer questioned the trustworthiness of the witness, especially since he is anonymous. The witness denied that he was reading a statement. He said he knows the organization. The terrorists are educated in the mountains and the lawyers are collecting money for the prisoners during fixed months. He gave the names of some of the committees. The defense lawyers asked the witness if he is prosecuted himself. The witness did not answer this question.

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<sup>2</sup> See, for example, the hearings in [2016](#), and [May](#) and [December](#) (p. 4) 2018.

One of the defense lawyers states that they suspect the witness is collaborating with the police in order to avoid prosecution himself. The defense lawyer dismisses the witness' statement.

Another defense lawyer asks for more time to respond to the accusations, another one asks for more time in order to examine expert reports and technical reports. A fourth lawyer requests for the lifting of the restrictions imposed on his client, since his client is ill.

The accused lawyers did not speak.

The court adjourned the case to **30 April 2024**. The court requested the prosecutor again to send his opinion to the lawyers before the next hearing.

After the hearing, the defense lawyers explained that they successfully have re-introduced several investigation requests that most likely will cause the case to carry on for some time.