

Le Bâtonnier

H.E. Recep Tayyip Erdoğan
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Geneva, December 2nd 2015

Ref: Assassination of Mr Tahir Elçi, President of the Diyarbakir Bar Association

Your Excellency,

On behalf of the Ordre des avocats de Genève (ODAGE), I am writing to you further to my letter of 10 November 2015 regarding Mr Tahir Elçi, President of the Diyarbakir Bar Association, prominent lawyer and human rights activist.

We are deeply shocked by the news of his murder on 28 November 2015.

According to reports, Mr Tahir Elçi was shot in the head and killed shortly after making a press statement at the Diyarbakir province's central Sur district. Two police officers were also killed and several people injured in the attack. At the time of this writing, the factual circumstances surrounding the case remain unclear.

Mr Tahir Elçi was the lead lawyer in numerous cases involving Kurdish issues. In particular, he represented before the European Court of Human Rights, numerous victims of serious human rights violations allegedly perpetrated by the Turkish security forces.

Last month, Mr Tahir Elçi was briefly arrested as part of an investigation initiated by a Turkish prosecutor for "*spreading PKK propaganda*" in relation to remarks he allegedly made on a CNN Turk late night television show on 14 October 2015.

Further to this event, the ODAGE wrote to you on 10 November 2015 to express its concern about Mr Tahir Elçi's situation and the serious and significant procedural irregularities which appear to have marred Mr Tahir Elçi's arrest and, more generally, the serious threat to the freedom of expression posed by the criminal prosecution facing Mr Tahir Elçi.

The ODAGE would like again to draw the Turkish authorities' attention to the 1990 UN Basic Principles on the Role of Lawyers, according to which they have an obligation "*to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties*" (Principle 16).

Furthermore, according to Principle 23, "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action of their membership in a lawful organization."

Finally, according to Principle 17, "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."

The ODAGE therefore urges the Turkish authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligations under International Human Rights Law and to:

- immediately end any proceedings initiated against any lawyers and human rights defenders for carrying their profession and exercising legitimate human rights activities;
- protect all lawyers and human rights defenders in Turkey against any present or future harassment, intimidation and/or reprisal in the exercise of their profession and of legitimate human rights activities;
- ensure that the investigations into Mr Tahir Elçi's murder is independently and impartially conducted. All necessary steps should be adequately taken to bring to justice those responsible, in accordance with international standards.

I thank you for your attention to this very serious matter, which the ODAGE and I will continue to closely monitor.

Respectfully yours,

Jean-Marc Carrice

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