



From the President

Mr Kenan Ipek
Minister of Justice
Ministry of Justice
Adalet Bakanligi
06659 ANKARA
Turkey

20 January 2016

Dear Mr Ipek

Mr Tahir Elci

The Law Society is the professional body representing more than 160,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

I wrote to you in October 2015 to express concern about the arrest and detention on 20 October 2015 of Mr Tahir Elci. Mr Elci was a Turkish Lawyer and a prominent human rights lawyer practising in Diyarbakir in South East Turkey. He was the President of the Diyarbakir Bar Association. Subsequent to my having written to you, on Saturday 28 of November 2015 Mr Elci was shot dead in Diyarbakir at the end of a press conference when he had made a call for an end to the violence in that city.

Subsequent to the attack the Prime Minister Mr Davutoglu made press announcements indicating that four investigators had been assigned to the case. Notwithstanding the Prime Minister's statement concerns have been expressed with regard to the efficacy of the subsequent investigation. Despite the time which has now passed since Mr Elci's death there appears to have been no concrete development in the investigation. Particular issues which have been brought to our attention include the following: –

1. There have been reports that no effective post-mortem was carried out after the shooting and that the scene of the crime was not adequately protected in order for an effective forensic investigation to be undertaken as a result which the crime scene was compromised. The bullet which killed Mr Elci has not been found. We understand that a fragment of a bullet produced to press as being part of the bullet which killed him was later found not to be of any evidential value by the Ankara Forensic Medicine Institute;
2. Notwithstanding the fact that the shooting occurred during the course of a gun battle between police and unidentified gunmen, and that it is quite possible that the fatal shot was fired by a police officer, there has apparently been no independent investigation but all investigations have been carried out by the police rather than the gendarme. It would appear that the officers should have been questioned under the criminal procedure law rather than simply as witnesses;
3. I understand that statements have been taken from some police officers but not others and that other witnesses have not been interviewed;
4. Evidence which had been collated (referenced as evidence no: 42 and 47) have been lost;

5. Reports have been received that notwithstanding the fact that much video evidence was available there are gaps in the video evidence and in particular a crucial 17 second section of video shot at the exact time of the shooting has been lost; and
6. Documents submitted to the file apparently show that the list containing the names of the police officers assigned to observe the press statement being given by Mr Elci was prepared on 18 December 2015 some three weeks after he was killed. This appears to indicate that there was no official record of who was in fact on duty that day or that evidence may have been interfered with.

I am writing to express concerns with regard to the manner in which the death of a prominent human rights lawyer such as Mr Elci is being investigated and to remind you of the international obligations to which Turkey is subject with a view to your intervening in the matter to ensure that justice is done and both domestic and international legal norms with regard to the investigation of this serious crime are respected.

In the light of the above facts I would urge you to ensure that the investigation concerning Mr Elci is undertaken fairly, expeditiously and with proper regard to his rights as a citizen of Turkey. The eyes of the legal profession across the world are focused on the steps being taken to ensure those responsible for his death are brought to justice.

Yours sincerely,



Jonathan Smithers
President

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