

ELDH report on KCK lawyers trial

Trial observation, 14th November 2016, 09.30 a.m.

Court for Severe Crimes, 19th Chamber, Istanbul

15th day of the main hearing

5 On the 14th November members of DJS and Giuristi democratici attended the hearing in the KCK lawyers trial in Çağlayan Court house as representatives of ELDH. International observers from Italy, Switzerland, France, Germany, Netherland and England took part in the hearing. After the hearing the Italian and French consul met with a group of international observers to be informed about the trial.

10 Our Turkish colleagues were particularly upset because at 5 a.m. on the day of the trial, the lawyer Levent Pişkin, executive bureau member of ÖHD Istanbul association and LGBTQIA activist, has been arrested. Pro-governmental newspapers claim that he was arrested because – after meeting Demirtaş in prison in his capacity as an attorney – Levent Pişkin planned to give an interview to a German newspaper and therefore allegedly tried to help Demirtaş spreading “propaganda”.

15 The attended hearing was the first one with a new composition of the Court and also an exchanged public prosecutor. The change in the composition of the Court is connected to the aftermath of the failed coup d’etat, although the exact reasons for the exchange are not known.

20 The accused lawyer Erol Özgür stated clearly that the KCK lawyers trial is a political trial, saying that it is well known that police and public prosecutors which carried out the investigations are part of Gülen organisation and are now being trailed themselves – among other things – for collecting false evidence. Recently new paper evidence had shown that the KCK trials were part of a plot against the peace negotiations with PKK and therefore against a peaceful solution of the Kurdish question. He explained in detail the rules and procedures for lawyers in order to visit Mr. Abdullah Öcalan in İmralı. He personally requested to include new evidence regarding the above-named trials against police officials and asked to postpone the hearing in order to prepare his defence based on the new
25 evidence.

Avv. Rezan Sarica and Avv. Severay Ballikaya requested to postpone the hearing in order to acquire all the files from other trials against involved police-officers, secret-service employees, the public persecutor and Mehmet Ekinici, the previously responsible judge.

30 The Prosecutor made his requests according to lawyer’s requests, and the Court, mainly following the request of the Prosecutor, accepted to postpone the hearing to 9th March 2017, at 10.00 a.m. in order to:

- wait for the answer from Istanbul Public Persecutor about investigations regarding police as well as the public persecutor and the production of a copy of investigation files, including the indictment if existing;
- 35 - wait for the answer from Istanbul 3d Criminal Court about Mehmet Ekinici’s file, asking also for a copy of the file in the Court of Appeal;
- obtain a copy of the decision of Constitutional Court (see last report);
- give time to the accused to prepare his defence.

40 The Court rejected the request to renew the statements of the defendants and the collection of evidences in front of this Court. After the hearing, the international delegations attended a meeting held in the Courthouse to ask the release of the arrested journalists and their defendants of Cumhuriyet newspaper.