



THE OBSERVATORY
for the Protection of
Human Rights Defenders



**INTERNATIONAL
OBSERVATORY
FOR LAWYERS**

Joint report of trial observation

Case of “Saturday Mothers/People”





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Table of content

CONTEXT OF THE HEARING	6
1. General and Background information	6
(1.1) Saturday Mothers / People	6
(1.2) Constitutional Court judgments	6
(1.3) The indictment	7
(1.4) The accused individuals	8
(1.5) The vigil of 950 th week on which the case is based	8
2. Violation of rights within the context of the trial	9
(2.1) Right to peaceful assembly and demonstration:	9
(2.2) Right to liberty and security	10
(2.3) Prohibition of torture, inhuman or degrading treatment or punishment	11
(2.4) The assessment of right to a fair trial in the light of the non-recognition of the Constitutional Court decisions	12
PROCEEDINGS OF THE HEARING	14
1. The physical conditions within and surrounding the courtroom	14
2. Notes on defendants' statements and lawyers' arguments	15
CRITICAL ANALYSIS OF THE TRIAL AND HEARING	17
CONCLUSION AND RECOMMENDATIONS	19

This Report is jointly prepared and published by the delegates of the below mentioned organisations who attended the hearing on 27 February 2024:

- The International Observatory for Lawyers in Danger (OIAD):
- The International Federation of Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders
- The World Organisation against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

This trial observation mission was smoothly carried out thanks to the facilitation of Human Rights Association (HRA) and Human Rights Foundation of Turkey (HRFT). We are grateful for their support in accessing the case file, conducting interviews with the defendants' lawyers, engaging with other actors in the field, and managing the entire process.



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CONTEXT OF THE HEARING

1. General and Background information

(1.1) Saturday Mothers / People

The Saturday Mothers/People, or *Cumartesi Anneleri/İnsanları* in Turkish, convene every Saturday at noon in Istanbul's Galatasaray Square. This peaceful assembly which was inspired by the model of the Argentinian "Las Madres de Plaza de Mayo" serves as a vigil where they advocate for investigations and seek accountability for the enforced disappearances of their family members during the political unrest in Turkey during the 1980s and 1990s. These gatherings are a symbol in Turkey of the mobilisation of civil society in favor of justice, human rights and accountability. First initiated in 1995, their gatherings at Galatasaray Square were interrupted twice due to the disproportionate interference of law enforcement authorities. They were first banned from protesting in 1999, which prevented them from gathering until 2009. Following political developments which brought the state agents' involvement in the enforced disappearances into public debate more widely, they resumed their vigils in 2009 until they faced a second interruption in 2018, with a ban on the 700th vigil on August 25, 2018 by the Beyoğlu district governorship. On that day, the police violently dispersed the participants by using tear gas and excessive force and detained many¹. Following this ban, they started to hold the vigils at the Istanbul branch of the Human Rights Association/İnsan Hakları Derneği (İHD).

The Human Rights Association initiated the first vigils in 1995 and through the establishment of a Commission Against Disappearances, has for several decades supported the citizen movement of the Saturday Mothers.

This was not the first criminal case against the Saturday Mothers / People and their lawyers. On October 2020, the Istanbul Chief Public Prosecutor's Office filed a lawsuit against 46 people who had attended the 700th vigil on August 25, 2018 and charged them with the offence "*Attending illegal demonstrations and marches without arms and failing to disperse despite warning*" under article 32/1 of Law No. 2911 on Assemblies and Demonstrations, claiming that the vigil was illegal as the Governor's Office was not notified beforehand. Saturday Mothers/People lawyer Jiyan Tosun who is also the daughter of Fehmi Tosun, who was forcibly disappeared in 1995, and another lawyer, Lezgin Özalp, are also among those who are tried in this case. This case is still ongoing and the next hearing will be held on September 13, 2024.

(1.2) Constitutional Court judgments

Following the police intervention during the 700th vigil that took place on August 25, 2018, two of the protestors applied to the Constitutional Court (CC) of Turkey claiming that the constitutional right in article 34 of the Turkish Constitution to organise assemblies and demonstrations was violated due to the intervention in the event and that the prohibition of ill-treatment enshrined in article 17 of the

¹ See İHD, "Statement On The 700th Sit-In By Saturday Mothers", August 25, 2018, <https://ihd.org.tr/en/ihd-statement-on-the-700th-sit-in-by-saturday-mothers/>; Amnesty International, Turkey: "Authorities must ensure relatives of people forcibly disappeared can continue with their peaceful weekly vigil", 29 August 2018, <https://www.amnesty.org/en/documents/eur44/9009/2018/en/>. For an overview, see Hakikat Adalet Hafıza Merkezi, Keep the Volume Up, <https://www.sessizkalma.org/en/defender/saturday-motherspeople>. For more information on the context please see the "Communication from NGOs in the case of Oya Ataman v. Turkey Application no 74552/01 submitted to the Council of Europe, Committee of Ministers", [https://hudoc.exec.coe.int/#/{%22execidentifier%22:\[%22DH-DD\(2023\)1504E%22\]}](https://hudoc.exec.coe.int/#/{%22execidentifier%22:[%22DH-DD(2023)1504E%22]}).

Constitution was violated due to the disproportionate use of force by law enforcement officers during the intervention². The CC, on November 16, 2022 in its *Maside Ocak Kışlakçı* judgment held that the right to freedom of peaceful assembly of the applicant had been violated³. The CC further decided to send the judgment to the *Beyoğlu* district governor's office "for the prevention of new violations." On March 29, 2023, the CC delivered an identical decision on the same ban of the August 25, 2018 vigil in its *Gülseren Yoleri* judgment, where the applicant is a long-time lawyer of the Saturday Mothers/People who had also attended the 700th vigil⁴. In both of its judgments, the CC specifically emphasised that the peaceful gatherings of the Saturday Mothers/People "must be respected in a democratic society."

After the CC judgments, Saturday Mothers/People were prevented and arrested by the police for the first time, while trying to go to Galatasaray Square for the 941st vigil on April 8, 2023. Since that week, Saturday Mothers/People were prevented by the police and taken into custody, except for May 13, 2023. During the 971st vigil on November 4, 2023, they were not detained for the first time. Finally, as of the 972nd vigil on November 11, 2023, they are allowed to read a press statement in Galatasaray Square as long as it is limited to 10 people.

(1.3) The indictment

According to the indictment, the defendants were prosecuted on the grounds that they gathered on 10/06/2023 for their 950th vigil at İstiklal Caddesi Galatasaray Square in Beyoğlu district (İstanbul), but despite the banning order being communicated by law enforcement officers and their warning, they did not end the protest of their own accord. The 20 people who participated in the protest are accused with the offence "*Attending illegal demonstrations and marches without arms and failing to disperse despite warning*" under article 32/1 of Law No. 2911 on Assemblies and Demonstrations. The prosecutor requests imprisonment for up to three years for Saturday Mothers/People.

Following the indictment, a case was initiated before the Istanbul 39th Criminal Court of First Instance on September 13, 2023. The hearing on February 27, 2024, observed by the committee mentioned above, was the first hearing of the criminal case.

At this point, it should be underlined that there is a contradiction between the facts in the 950th week observation report prepared by human rights organisations⁵ and the indictment. The indictment is based on a police footage analysis report. For instance, while the arrest report states that two of the defendants were arrested for "protesting by applauding," this is not mentioned in the police footage analysis report and therefore not in the indictment either. The two defendants are presented as being arrested at the same time and for the same action as the other 18 people.

It is also important to note here that the indictment was prepared by the same prosecutor who issued a decision of non-prosecution in relation to the investigation initiated in relation to the 941st vigil.

² Article 34 of the Turkish Constitution reads as follows: "Everyone has the right to organise unarmed and non-violent meetings and demonstrations without prior permission (1). The right to hold meetings and demonstrations may be restricted by law only for the purpose of national security, public order, prevention of crime, protection of public health or morals, or the protection of the rights and freedoms of others (2). The form, conditions, and procedures for the exercise of the right to organize meetings and demonstrations are specified by law (3)". According to article 17 of the Constitution; "Everyone has the right to life, to the protection and improvement of his material and spiritual existence (1). No one shall be subjected to torture or cruelty; no one shall be subjected to punishment or treatment incompatible with human dignity (3)".

³ *Maside Ocak Kışlakçı*, No: 2019/21721, 16/11/2022.

⁴ *Gülseren Yoleri*, No: 2020/7092, 29/3/2023.

⁵ Cumartesi Anneleri / İnsanları 950. Hafta Gözlem Notları, Hafıza Merkezi (Memory Center) - Media and Law Studies Association (MLSA) - Amnesty International, https://hakikatadalethafiza.org/wp-content/uploads/2023/06/2023.06.10_CumartesiAnneleri950HaftaGo%CC%88zlemRaporu-1.pdf.

(1.4) The accused individuals

There are 20 defendants on trial in this case, most of whom are relatives of individuals forcibly disappeared and are part of the Saturday Mothers/People group. Within this group, defendants (Eren) Yarıcı, Ali Ocak, Ali Tosun, Hanife Yıldız, Hasan Karakoç, İsmail Yücel, Leman Yurtsever, Maside Ocak Kışlakçı, Mikail Kırbayır were present at the hearing. Defendants Besna Tosun, Cüneyt Yılmaz, İrfan Bilgin, Saime Sebla Arcan Tatlav and Selbi Gülmez who are also members of Saturday Mothers/People, could not attend the hearing. They were represented by their lawyers.

There are also human rights defenders and a lawyer among the defendants who attended the 950th vigil in support of the Saturday Mothers/People. Human rights defenders Meryem Bars, Mukaddes Şamiloglu, Ümmügülsüm Aylin Tekiner and Hatice Korkmaz were also present at the hearing as defendants. Another human rights defender Hunkar Hudai Yurtsever could not attend the hearing.

Another defendant, lawyer, Oya Meriç Eyüboğlu, registered at the Bar Association of Istanbul, is a recognised lawyer in Turkey, who defends a number of journalists and rights activists threatened by the Turkish authorities. She was not present at the hearing due to her illness, but was represented by her lawyers.

(1.5) The vigil of 950th week on which the case is based

According to the statements of the defendants heard during the trial, as the Saturday Mothers/People were walking towards Galatasaray Square, the police officers present at the time of the vigil announced that their vigil was illegal under the ban of Beyoğlu District Governorship. The vigil area was then surrounded by police officers holding shields, but no corridor was opened for the group to disperse. It is important to note that this practice called as “security circle” by the police which is not envisaged in any law or regulation was used by the police to intervene in the vigils for 29 weeks adding a new dimension to the arbitrary detention practices. Then, the protestors were handcuffed although they did not resist the arrest and taken into the police vehicles that were brought near the vigil location. Additionally, two individuals who are part of the Saturday Mothers / People group were also taken into custody at another location on İstiklal Street, on the grounds that they would have made a press statement⁶.” A total of 20 people were taken into custody in the end, including lawyer Oya Meriç Eyüboğlu. The protestors mentioned during the hearing that they were kept in the airless arrest vehicles under hot weather, without water. The majority of Saturday Mothers/People are elderly people. They requested for the handcuffs to be removed, their request was refused by the Police, although there was no obvious reason to implement such a measure according to Article 93 of the Code of Criminal Procedure No. 5271 which requires the use of handcuffs only in cases where there are indications that they may escape or pose a danger to their own or others’ life or physical integrity. Those who were taken into custody were questioned at the police station, underwent a medical examination, and were released on the same day.

⁶ Cumartesi Anneleri / İnsanları 950. Hafta Gözlem Notları, Hafıza Merkezi (Memory Center) - Media and Law Studies Association (MLSA) - Amnesty International, https://hakikatadalethafiza.org/wp-content/uploads/2023/06/2023.06.10_CumartesiAnneleri950HaftaGo%CC%88zlemRaporu-1.pdf

2. Violation of rights within the context of the trial

The incident that gave rise to the discussed criminal investigation and subsequent trial and the legal process surrounding the case have resulted in multiple human rights violations. Firstly, the intervention by the police against the Saturday Mothers/People's vigil constitutes a violation of the right to peaceful assembly and demonstration as well as the right to liberty and security and the prohibition of ill-treatment. Furthermore, despite the aforementioned judgment of the CC rulings that the peaceful gatherings of the Saturday Mothers/People "must be respected in a democratic society", the failure of the administrative authority and the police to implement this decision, thus ignoring the Constitutional Court's authority, should be discussed under the right to fair trial as it violates fundamental rule of law principles.

(2.1) Right to peaceful assembly and demonstration:

The essential object of the right to peaceful assembly and demonstration, guaranteed by the European Convention on Human Rights (*ECHR*) (art. 11), the International Covenant on Political and Civil Rights (art. 21) and Turkish Constitution (art. 34), is to protect the individuals against arbitrary interference by public authorities with the exercise of this right.

It is not, in principle, contrary to the spirit of Article 11 if, for reasons of public order and national security, the holding of an assembly is subjected to notification or authorisation procedures as long as the purpose of the procedure is to allow the authorities to take reasonable and appropriate measures in order to guarantee the smooth conduct of any assembly, meeting or other gathering⁷. Article 10 of the Law No. 2911, which constitutes the legal basis of this trial, also stipulates such a procedure of notification to the local authority at least 48 hours prior to the assembly.

The reason cited by the Police for the intervention in the 950th week vigil of the Saturday Mothers/People, which is the basis of the trial under observation, was the ban imposed by the Beyoğlu District Governorship. According to the "Notification of Prohibition on Assemblies and Demonstrations dated 09/06/2023 and numbered 2023/666 of the Beyoğlu District Governorship": all the vigils, assemblies, marches, sit-ins, and protest actions, press statements, etc. to be held in Taksim Square and its surroundings and Istiklal Avenue on June 10, 2023, were prohibited by the Beyoğlu District Police Department for a period of one day. This decision was based on the General Order issued by the Provincial Administrative Board following the bomb attack carried out on Istiklal Avenue in November 2022, months before the vigil, and on the 2023 UEFA Champions League Final in Istanbul which was to take place on the same day⁸.

Both this ban and the police intervention constitute an interference with the right to peaceful assembly and demonstration. As emphasised by the CC in its *Maside Ocak Kışlakçı* and *Gülseren Yoleri* rulings, any interference with the right to freedom of peaceful assembly will constitute a breach of the right to peaceful assembly and demonstration unless it is "prescribed by law", pursues one or more legitimate aims (the interests of national security or public safety, the prevention of disorder or crime, the protection of health or morals or the protection of the rights and freedoms of others), and is "necessary in a democratic society" for the achievement of the aim or aims in question. According to the CC, firstly, the ban on the vigil does not provide any explanation or clarity on how the gatherings of the Saturday Mothers/People would disrupt public order or harm the rights and freedoms of others. Additionally, as emphasised in the CC's decision, when it comes to a peaceful protest, the administration - in accordance with its positive obligations to ensure the effective exercise of the right to assembly and demonstration depending on the circumstances of the specific case - should take measures to facilitate the organisation of the gathering, but instead, it automatically resorted to prohibition.

⁷ Oya Ataman v. Turkey, December 5, 2006, No. 7552/01, § 37; Sergey Kuznetsov v. Russia, October 23, 2008, No. 10877/04, § 42.

⁸ Cumartesi Anneleri / İnsanları 950. Hafta Gölem Notları.

Also, it is apparent that the Saturday Mothers'/People's vigils are presented as a reason for intervention due to being "unauthorised" or organised "without notification". However, as stated in the aforementioned CC rulings, the Saturday Mothers/People have been holding peaceful gatherings at a specific time and place for approximately 24 years and were tolerated by the authorities for many years. Therefore, statements by the administrative authorities claiming not having been informed of the vigil are not convincing and, as such, their gatherings cannot be considered illegal in this respect either. Hence, the ban of the administrative authority, the intervention and arrests based on it are devoid of legal basis and constitute a violation of the Saturday Mothers'/People's right to assembly and demonstration.

Regarding the criminal case in question, it is also important to highlight here the jurisprudence of the European Court of Human Rights, stating that a peaceful demonstration should not, in principle, be rendered subject to the threat of a criminal sanction, and notably to deprivation of liberty⁹.

Furthermore, this case cannot be evaluated solely based on the single intervention on June 10, 2023. In this assessment, the police intervention during the 700th week's vigil and the subsequent criminal trial process, as well as the repeated police interventions and arrests over the following seven weeks, and the gathering bans imposed during the 748th and 749th weeks, should also be taken into account¹⁰. Viewed alongside with the interventions of prior weeks, these restrictions have gained a regular character, which illustrates that the police interventions against the Saturday Mothers/People persist in a varied manner and have escalated to the point of administrative and judicial harassment.

In conclusion, all of these measures imposed to Saturday Mothers'/People's vigil and the criminal trial process have a negative impact on their efforts to raise public awareness about the fate of the forcibly disappeared. They do not only criminalise the gatherings of the Saturday Mothers/People but they also have a chilling effect on those who have been subjected to persecution, discouraging them from taking part in future meetings, which in itself constitutes an interference in the right to peaceful assembly and demonstration. Finally, it is important to underline that this can also have a serious potential to deter other HRDs and supporters from attending demonstrations and, more generally, from participating in open political debate.

(2.2) Right to liberty and security

The key purpose of the right to liberty and security, guaranteed under Article 5 of the ECHR, Article 9 of the International Covenant on Political and Civil Rights and Article 19 of the Turkish Constitution is to prevent arbitrary or unjustified deprivations of liberty of individuals. Within the context of these provisions, a person may be detained within the context of criminal proceedings, among other reasons, to bring them before the competent legal authority on suspicion of having committed an offence or in the case where it is reasonably considered necessary to prevent the commitment of an offence. However, this does not permit a policy of general prevention directed against an individual or a category of individuals who are perceived by the authorities as being dangerous or having the propensity to commit unlawful acts. Furthermore, it must not appear that the alleged offences themselves were related to the exercise of the individuals' rights guaranteed under the Constitution and the ECHR.

Firstly, as mentioned in the judgments of the CC, the vigils held by the Saturday Mothers/People in Galatasaray Square for almost 24 years to make press statements are considered within the exercise of their constitutional rights. Therefore, there is no justification for the claim that the detention of the defendants is based on the suspicion of committing the offence specified in Article 32 of Law No. 2911.

⁹ The Court therefore examines with particular scrutiny the cases where sanctions imposed by the national authorities for non-violent conduct involve a prison sentence (Ekrem Can and Others v. Turkey, March 8, 2022, No. 10613/10 § 92).

¹⁰ Cumartesi Anneleri / İnsanları 950. Hafta Gözlem Notları.

Furthermore, both in the observation report of human rights organisations representatives¹¹ and in the statements of the defendants, it is stated that after the warning of the police to disperse, no corridor was opened for the protestors and therefore there was no possibility for them to disperse, and despite their non-resistance, a corridor was opened only to forcibly handcuff and arrest them and to get them on the police vehicles. Thus, the police intervened without even allowing the demonstrators to gather, and they were taken under custody without even getting a chance to disperse after the announcement.

Finally, considering the importance of the right to liberty and security of person, the necessity of the measure applied must be subject to strict scrutiny in a democratic society. However, despite the non-resistance of the Saturday Mothers/People and human rights defenders in the vigil area and their lack of posing any danger in terms of security, they were handcuffed and taken into custody. In this respect, the arrest can be deemed unnecessary and disproportionate to the aims it intended to achieve.

For these reasons, the arrests were illegal and violated the protestors' rights to liberty and security. Moreover, considering all the conditions surrounding the arrests and the fact that this attitude has become a customary practice for some time, it suggests that the arrests were made to deter protestors and prevent the vigils from happening.



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(2.3) Prohibition of torture, inhuman or degrading treatment or punishment

The prohibition of torture, inhuman or degrading treatment or punishment enshrined in Article 3 of the ECHR, Article 7 of the International Covenant on Political and Civil Rights and Article 17 of the Turkish Constitution, may be described in general terms as imposing a primarily negative obligation on the State to refrain from inflicting serious harm on persons within their jurisdiction. The right of every individual to be protected from “ill-treatment” is a fundamental principle of civilisation that is closely linked to respect for human dignity.

Within the case-law of the ECtHR, the prohibition of ill-treatment has been commonly applied in contexts in which the proscribed form of treatment has emanated from intentionally inflicted acts of State agents or public authorities. According to the well-established case-law of the Court, in general, ill-treatment must reach a certain level of severity to fall under the scope of Article 3. The determination of this level is relative and depends on various factors, including the duration of the treatment, its physical or mental effects, and sometimes the sex, age, and health of the victim¹².

To assess whether the threshold of severity has been met, other factors may also be considered, such as: (a) the purpose and intention behind the ill-treatment, although the absence of an intention to humiliate or degrade the victim does not necessarily prevent a violation of Article 3; (b) the context

¹¹ Cumartesi Anneleri / İnsanları 950. Hafta Gözlem Notları.

¹² Muršić v. Croatia (GC), October 20, 2016, No. 7334/13, § 97.

in which the ill-treatment occurred, including any heightened tension or emotions; and (c) whether the victim was in a vulnerable situation¹³.

However, when an individual is deprived of their liberty or, more generally, is confronted with law-enforcement officers, any recourse to physical force which has not been made strictly necessary by the person's conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention. This is especially true when physical force is used against an individual without being strictly necessary based on their behavior, regardless of the impact on that person¹⁴. Although the ECtHR has emphasised that Article 3 does not forbid the use of force by State agents in specific circumstances, such as for making an arrest, it also underlines that this force can only be used if absolutely necessary and must not be excessive¹⁵.

The use of instruments of restraint, such as handcuffing, if imposed in connection with lawful arrest or detention and does not entail the use of force, exceeding what is reasonably considered necessary in the circumstances, does not normally give rise to an issue under the prohibition of ill-treatment. Therefore, the specific circumstances of each case should be examined to conclude whether the use of restraint – handcuffs in the particular case – was necessary. In this regard, it is of great importance, for instance, whether there is reason to believe that the person concerned would resist arrest or abscond, cause injury or damage or suppress evidence¹⁶. In line with this case-law, Article 93 of the Code of Criminal Procedure no. 5271 stipulates that; handcuffs can be used during the transfer of arrestees or detainees only in cases where there are indications that they may escape or pose a danger to their own or others' life or physical integrity. When we assess the arrest of the Saturday Mothers/People and their being placed in handcuffs in light of the Turkish legal framework, the Convention, and its case-law; it becomes evident that the criterion of "strictly necessary" is not met, and the use of force should therefore be deemed disproportionate. There was no resistance to the police warning to "disperse," and there was no significant 'resistance' during the arrest. Furthermore, the Saturday Mothers/People are known for organising peaceful gatherings every Saturday at a specific location, with no history of violence or incidents endangering public safety. Many of the demonstrators are elderly and could be described as "vulnerable." In these circumstances, insisting on handcuffing the protesters and failing to remove the handcuffs despite requests to do so constitutes a violation of the prohibition of ill-treatment¹⁷.

(2.4) The assessment of right to a fair trial in the light of the non-recognition of the Constitutional Court decisions

As reiterated in various parts of the report, the CC issued two separate judgments stating that the ban on the 700th weekly vigil of the Saturday Mothers/People on August 25, 2018 by the Beyoğlu District Governorship and the disproportionate use of force during the intervention by the police violated the right to peaceful assembly and demonstration guaranteed by Article 34 of the Constitution. In these judgments, the CC noted that the vigils of the Saturday Mothers/People organised to enquire about the fate of their forcibly disappeared relatives and raise public awareness about them should be respected in a democratic society, and ordered the judgments to be sent to the Beyoğlu District Governorship and the Ministry of Justice to prevent new violations. However, despite this, vigils continued to be banned by the Beyoğlu District Governorship in the following weeks until the 950th weekly vigil on June 10, 2023, which was the subject of the trial under observation. Additionally, except for Saturday,

¹³ *Khlaifia and Others v. Italy* (GC), December 15, 2016, No. 16483/12, § 160.

¹⁴ *Bouyid v. Belgium*, September 28, 2015, No. 23380/09, §§ 100-101.

¹⁵ *Necdet Bulut v. Turkey*, November 20, 2007, No. 77092/01, § 23.

¹⁶ *Malafani v. Croatia*, July 9, 2015, No. 32325/13, § 120.

¹⁷ It is also important to note that in the following vigils monitored by the HRFT, it was reported that there were instances where the use of handcuffs reached to the level of torture. The monitoring organisations (Human Rights Foundation of Turkey - HRFT, Truth Justice and Memory Center, Amnesty International Turkey and Media and Law Studies Association - MLSA), present at the 968th vigil stated that are of the opinion that such practices were deliberate so as to punish and deter Saturday Mothers/People from coming back to Galatasaray Square. For more information please see *Gözlem Raporu: Cumartesi Anneleri/İnsanları 968. Hafta Buluşması*, <https://tihv.org.tr/arsiv/gozlem-raporu-cumartesi-anneleri-968-hafta/>.

May 13, for 7 weeks, Saturday Mothers/People representatives were arrested every time they went to Galatasaray Square to carry out their peaceful demonstrations.

The human rights organisations observing the process of banning press statements and the arrests of the Saturday Mothers/People and other human rights defenders based on these bans for six weeks have found that during their observation period, the administrative authorities did not implement the relevant judgments of the CC and continued their practices that were deemed to be in violation of the right to peaceful assembly and demonstration according to these judgments¹⁸. This constitutes a violation of the right to a fair trial enshrined in Article 6 of the ECHR and Article 36 of the Turkish Constitution.

The right to a fair trial applies to all stages of legal proceedings including the stages subsequent to the judgment on the merits. The non-execution of court decisions would render dysfunctional both the trial itself and the right to access to a court. Therefore, the execution of a judgment given by any court is considered an integral part of the “trial” for the purposes of right to a fair trial enshrined in Article 6 of the Convention¹⁹.

Additionally, the correct and effective implementation of court decisions is one of the key features of the rule of law in a country. Therefore, the failure to implement court judgments that find violations represents a serious violation of the principle of the rule of law and the constitutional order based on this principle, as well as of the right to an effective remedy, enshrined in Article 13 ECHR and Article 36 of the Turkish Constitution.

Moreover, the obligation to follow judicial decisions, especially those of the Constitutional Court, is clearly outlined in Articles 138 and 153 of the Turkish Constitution. According to these provisions, legislative, executive and administrative bodies must adhere to court decisions. This means that no institution, including the judiciary, has the discretion to ignore or make exceptions to the implementation of the CC’s decisions and judgments.

While instituting aimed at enabling individuals to bring complaints to the Constitutional Court, the leading motive of the Turkish legislature was to set up an effective filtering mechanism to diminish the number of applications lodged to the ECtHR. Hence, the individual complaint mechanism before the CC is designed to be an effective venue for human rights and fundamental freedoms. Apart from its role in deterring further applications to the ECtHR, the individual complaint mechanism should serve as a source of precedents set by the CC that can guide other state bodies involved in human rights protection, thereby preventing repetitive violations and cases. This underscores the importance of all branches of government, as well as individuals and entities, adhering to the binding nature of CC judgments due to their significant impact on the public and society at large, beyond individual applicants in a given case. Recognising this impact, the ECtHR has acknowledged the individual application to the CC as an effective domestic remedy. To maintain this effectiveness, it is crucial though that the judgments rendered as a result of the individual application procedure shall be respected. Consequently, the administration and all judicial bodies should abide by the principles established in a judgment that finds a violation, without waiting for new applications, in order to prevent further violations in similar cases. This also necessitates the implementation of general measures to prevent violations similar to those identified by the Court.

In the present case, failure to enforce the judgment of the CC deprives Article 6 § 1 of the ECHR of its full practical effect. This denial of effective judicial protection affects not only the applicants in the specific cases addressed by the Constitutional Court but also the general public. Furthermore, the actions undertaken by executive authorities—including the prohibition and prevention of vigils, as well as the subsequent arrest and detention of participants—demonstrate a disregard for the authority and the rulings of the Constitutional Court. Additionally, the non-implementation of these judgments, coupled with the initiation of criminal cases against vigil participants, constitutes a violation of the principle of legal certainty. This overall conduct by the executive undermines the principles of the rule of law and democratic checks and balances.

¹⁸ Cumartesi Anneleri / İnsanları 950. Hafta Gözlem Notları.

¹⁹ *Hornsby v. Greece*, March 19, 1997, No. 18357/91, § 40; *Romańczyk v. France*, November 18, 2010, No. 7618/05, § 53.

PROCEEDINGS OF THE HEARING

1. The physical conditions within and surrounding the courtroom

The trial was held at the Istanbul 37th Criminal Court of First Instance, which was administered by a single judge, in accordance with the formation principle of criminal courts of first instance within the judiciary organisation. Also present at the trial were the prosecutor and a clerk.

There was a strong police presence in plainclothes around the Courtroom before and during the hearing. Apart from the defendants and their lawyers, there were around 30 people in front of the courtroom including human rights defenders and Human Rights Association representatives present to support the cause of the Saturday Mothers/People, as well as journalists and observers from different local and international human rights organisations, and from diplomatic missions.

The Courtroom where the hearing was scheduled was quite small with only a few seats for the defendants and their lawyers and a row of 10 seats for the public. Although only 13 of the 20 defendants were present, there was not enough room for all of them to sit and only 6 of the defendants' lawyers could sit, while the others remained standing alongside with the majority of the public who attended the hearing. It is important to note here that the lawyers of the Saturday Mothers/People requested a larger courtroom before the trial. However, this request was denied by the judge.

The hearing started with a minor delay and most of the public who were present to support the hearing remained outside due to lack of space within the courtroom. The judge appeared disturbed by the massive public presence and asked that everyone, apart from the defendants and their lawyers, left the room, but some of the attendees remained in the courtroom in spite of the judge's order to leave.

For practical purposes, the judge asked each of the defendants to speak in turn and then leave the courtroom. This was refused by the lawyers.

The judge then proceeded to identifying the defendants calling them one by one by name, and their lawyers. Some of the defendants were not present and were excluded.

After a very quick reading of the indictment by the Judge, defendant Eren İkbâl Yarıcı, the one among the Saturday Mothers' representatives who had the longest defence statement to make, took the stand. After summarising the facts leading her to demonstrate, the defendant reiterated her claim whereby the 750th week demonstration was peaceful in nature and constituted a lawful exercise of her and the other defendants' rights to inquire after their relatives who had disappeared and call for accountability for their fate. She reminded that the CC had ruled in their favour, stating that their acts were constitutional and that, despite the ruling, they had been unlawfully arrested, taken into custody and handcuffed (incl. Reverse handcuffing) for 29 weeks. She also confirmed that the police had surrounded the demonstrators on the day of the events and prevented them from dispersing despite the order by blocking people's access to the square by deploying police officers in a double row holding shields around the area. The fact that on the same day a football match was taking place and that football fans gathering in the streets were left alone although they were causing trouble, while the Saturday Mothers/People's representatives were targeted by law enforcement pointed, according to the defendant, to a double standards policy in implementing orders.

At the end of her statement, the President of the Court noticed the presence of the international trial observers because he was disturbed by the voices of whispering interpreters. Lawyers of defendants then strongly stated that if the room was not so small, he could preside over his hearing without any difficulty.

Taking into account the number of defendants present in the courtroom, as well as their lawyers, the observers and others attending the trial, the defence lawyers argued that the courtroom was very

small, had ventilation issues, and requested a larger courtroom. This request was taken into consideration, and the judge decided to continue the trial in a larger courtroom on the same day at 13:30.

The hearing restarted at 13:30 in the afternoon in a larger courtroom (High Criminal Court n° 14). The new courtroom had a 60-70 people capacity and could accommodate the defendants, their lawyers and other attendees, including observers.

There were 18 lawyers present at the hearing as representatives of the defendants.

During the second part of the hearing, two vice-presidents from Istanbul Bar Association were also present in the Courtroom as observers.

2. Notes on defendants' statements and lawyers' arguments

Without repeating all the defendants' statements, it seems relevant to include some extracts.

All those who are prosecuted had in common to request their acquittals and to refuse that the verdict's announcement be deferred.

All of the defendants who are members of the Saturday Mothers/People recalled the stories of their forcibly disappeared relatives. The enforced disappearances, which is considered amongst a crime against humanity has been committed repetitively in Turkey and ignored by the authorities for decades. They highlighted that despite voicing their demands for truth, justice and accountability at their vigils for 24 years, not a single perpetrator responsible for the disappearance, torture and killing of their loved ones have been held accountable. Their numerous attempts to obtain information about the investigations or the prosecutions have been systematically blocked. Instead, it has been the Saturday Mothers/People who faced criminal accusations and put on trial. They emphasised that they gathered peacefully every Saturday at Galatasaray Square to find out the truth about what happened to their forcibly disappeared relatives. However, they have not been in safety and from their 700th vigil, in 2018, they have been facing obstructions and arrests week after week.

Defendant *Maside Ocak Kışlakçı* who is the sister of Hasan Ocak who forcibly disappeared 29 years ago, recalled the Constitutional Court's ruling on her application and stated that as Saturday Mothers/People, they submitted applications to the Governorship of Beyoğlu district requesting an appointment, but received no response. She mentioned that from April 8 onwards, they went to Galatasaray Square to emphasise that their struggle for rights was not a crime, but that the true crime was committed against their forcibly disappeared relatives, to demand an end to this process, which constitutes a crime against humanity, and call for the prosecution of those responsible. She also highlighted the contradiction between the Constitutional Court and the Prosecutor, with the former recognising their vigils as a right and the latter considering them a crime, noting that this discrepancy was very troubling for justice. She underlined that the decisions of the Constitutional Court are binding on everyone. They all expressed their demands for the impunity to come to an end and the perpetrators of these crimes be held accountable. They also stated that many of the members of the Saturday Mothers/People have passed away without knowing the fate of their loved ones, deprived from a single place to mark as the graves of the forcibly disappeared.

Defendant *Hasan Karakoc*, whose brother Rıdvan Karakoç had been imprisoned and tortured 29 years ago, addressed to "the conscience of justice" in his statement. He reminded the Court that they themselves were the conscience of all these missing people and that those who need to be prosecuted are the perpetrators, not the Saturday People.

Almost all of the defendants mentioned the CC rulings in their favor and criticised the fact that it has been ignored by the authorities and the law enforcement. Defendant *Mikail Kırbayır*, brother of Cemil Kırbayır who was forcibly disappeared 43 years ago, stated in his statement that law enforcement agencies committed a crime by carrying out illegal orders and ignoring the Constitutional Court's decision. He added that he is not the defendant, but rather the 'plaintiff'.

Some of the defendants also spoke about the day of the incident connected to the indictment, June 10, 2023, explaining that the vigil was prevented due to the police intervention and the conditions of the custody referring to the unnecessary use of handcuffs by the police and how they were kept in the arrest vehicle in extreme heat and without water for many hours.

Defendant *Eren İkbâl Yarıcı* also mentioned that from November 11, 2023, the police forced a limit of 10 people allowed to attend the Galatasaray vigil, stating that this kind of attitude cannot but increase their sufferance and pain; and she added, as long as they are alive, they will go to that Square.

After the statements of the defendants, six of the lawyers that were present made their defences. This included the Presidents of the Muş Bar Association and of the Batman Bar Association. It is relevant to highlight some key points of the lawyers' statements without repeating all of them:

- The lawyers recalled that despite Turkey's condemnations by the ECHR, the Law no. 2911 on Assemblies and Demonstrations had not been amended and it was urgent to modify this law. Mentioning that this was the very first trial after the CC's Maside Ocak Kışlakçı and Gulseren Yeleri judgments, they emphasised that the vigils of the Saturday Mothers/People are lawful under this law even in its current form and the elements of the crime attributed to the defendants were not established. They added that the Court was also bound by the CC's ruling and that it was the Court's responsibility to ensure its implementation, and therefore, in case the Court wouldn't rule in line with these judgments, the legal battle would have to continue so that the rule of law would finally be established.
- The lawyers stated that although bans can be imposed by local authorities on demonstrations, they have to meet certain criteria and can only be imposed once and not on a repetitive basis pursuant to Law no 2911. Since the criteria in the Law has not been met in the present case, the bans should be deemed unlawful. They also specified that the decision of the Constitutional Court had nevertheless been sent to the Ministry of Justice and Governorship of Beyoğlu and yet they continued to regularly prohibit the demonstrations for political reasons. They finally called the authorities to hold the Beyoğlu District Governor accountable for ignoring the CC's judgments.
- The lawyers also reminded that there have been several investigations initiated by the Istanbul Chief Public Prosecutor's Office into Saturday Mothers/People vigils which resulted in decisions of non-prosecution.
- They stated that there were significant deficiencies in the indictment: the nature of the demonstration has not been accurately presented; the justification for the police intervention has not been elaborated, and despite video footage taken on the day of the vigil showing that a corridor was not opened for the dispersal of the protesters following the police's warning, they were accused of "failing to disperse despite the warning." The prosecutor should have provided a detailed explanation that this crime attributed to the defendants was committed. None of these are included in the indictment. The fact that this case has been brought in the absence of all these elements gives the impression that there have been instructions by the executive to do so and the Court should not act in line with this picture.
- The lawyers finally reminded that Turkey has ratified the UN Convention for the Protection of All Persons from Enforced Disappearance, which obligates it to end impunity. Recalling that according to the Turkish Constitution, international conventions form part of its legal framework, they emphasised that failure to adhere to its own laws, including ratified international conventions and rulings of the ECtHR and its Constitutional Court, signifies a lack of rule of law in the country. Continuing this trial would place us outside the law. Combating impunity also involves establishing the rule of law by ensuring the judiciary functions properly and is protected from executive interference.

On these grounds, they requested the acquittal of all defendants.

The Prosecutor then asked for time in order to be able to submit his requisitions for all of the people being prosecuted, but not all of them had testified. The judge concluded that an immediate acquittal would not be possible, as a new hearing had to be set to hear the defendants whose statements had not been taken and to allow the prosecutor to submit his requisition. The next hearing was initially set for October 3, 2024. However, in the face of strong objections from all the lawyers, **the next hearing was set on June 7, 2024 at 2pm.**

CRITICAL ANALYSIS OF THE TRIAL AND HEARING



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It should be noted that the conditions of a fair trial were duly respected during the hearing.

Speaking time was allotted to the defendants, and their lawyers. They were able to make their statements for the most part without interruption.

Starting from the second testimony the judge raised the question of the duration of the hearing while summarising the statements shortly. However, while the judge was dictating to his clerk the statement of Besna Tosun, a debate arose over the accuracy of the transcription. The judge justified the shortening of the statements for transcription with time-limit. The lawyers objected to that and requested the hearing to be recorded through the Audio and Visual Informatics system called SEGBIS in accordance with articles 147/1-h and 129 of the Criminal Procedural Code. The judge accepted the request. Considering the large number of defendants and the scope of the case file, and with the idea that it would be appropriate for the effective and efficient use of time and also for the right to defence, the continuation of the trial was decided to be conducted openly with the assistance of SEGBIS.

At the end of their statements, each defendant was asked whether they accepted the “deferment of the announcement of the verdict” in accordance with Article 231 of the Code of Criminal Procedure No. 5271. According to this article, if the defendants are sentenced to a period of imprisonment up to 2 years or a fine at the end of the trial, the announcement of the verdict may be deferred for 5 years in the presence of the necessary conditions. In case of such a decision, the defendant shall be subject to a period of supervision for five years. If no new offence is committed intentionally within the supervision period and the obligations regarding the probation measure are complied with, the judgment deferred to be announced shall be cancelled and the case shall be dismissed. According to the law, the decision to defer the announcement of the judgment can only be objected by the defendant. However, appeal is not possible.

All defendants rejected the deferral of the announcement of the verdict by stating that they wanted their acquittal.

This was the first hearing of the criminal case against the Saturday Mothers/People following the judgments of the CC, and is thus significant. In the hearing, both the defendants in their statements and their lawyers in their defences have repeatedly referred to this issue. It is also important to underline that, as mentioned again on several occasions by the defendants and their lawyers, until this case, a great number of investigations following the arrest of Saturday Mothers/People during their vigils have led to decisions of non-prosecution. Looking at the overall picture including the vigils held

between April 8 and November 4, 2023; despite systematic prevention and arrests, 26 investigations initiated by the Istanbul Chief Public Prosecutor's Office into Saturday Mothers/People vigils resulted in decisions of non-prosecution. Some of these decisions were finalised before the 950th Week meeting, which is the subject of this trial observation. None of the non-prosecution decisions referred to the CC judgments in the cases of Maside Ocak Kışlakçı and Gülseren Yoleri. Prosecutors justified their decisions of non-prosecution against 625 people, some of whom were arrested during the Saturday Mothers/People vigils prevented by security forces, on the grounds that the legal elements of the offence specified in Article 32/1 of Law No. 2911 on Assemblies and Demonstrations did not occur.

At this point, another issue regarding the indictment should also be emphasised. Although the indictment plays a crucial role in the criminal process as a source for the accused to understand the factual and legal basis of the offence that is attributed to them, in the present case it includes a mass accusation with an identical “cause” for all of the defendants. This lacks clarity and **without further information as to how the offence is committed by the defendants, the prosecution does not provide full, detailed and individualised information concerning the charges against them.** Even when considering the defendants taken under custody outside the vigil area, it becomes clearer that the indictment is prepared with a generalised approach without providing the correct information about the details of the incident. In this regard, it is evident that the indictment does not contain sufficient clarity, as it lacks the detailed information that would enable the defendants to clearly understand the factual basis of the accusations against them.

Under these circumstances, it has been observed that there was a general expectation for an immediate acquittal of all the defendants. All defendants have made similar statements, all of them rejecting the request for the deferment of the announcement of the verdict and requesting their acquittal. However, despite this general expectation, no developments meeting this expectation has occurred, and the judge did not wish to issue a sentence in the absence of the other defendants. Thus, the trial has been adjourned to June. It should be underlined that this raises a critical problem of violation of the principle of individualisation of prosecutions and personalisation of punishment.

Moreover, considering that the judgments of the CC are binding not only on administrative authorities but also on the Court conducting the trial, it is important to emphasise the significant responsibility of the Court in upholding the fundamental rule of law principles, ensuring effective protection against ongoing violations of the right to peaceful assembly and demonstration, and in terms of the right to a fair trial and effective remedy.



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CONCLUSION AND RECOMMENDATIONS

The trial of the Saturday Mothers/People can be seen as highly symbolic, not just for those directly involved, but also because it highlights the violation of the fundamental rights of individuals who have been forcibly disappeared in the past.

The presence of international observers is essential to show solidarity with the Saturday Mothers / People whose vigils are a symbol in Turkey of the mobilisation of civil society in favor of justice, human rights and accountability. The question of impunity, raised through the movement of Saturday Mothers /People and also many times during the hearing appears to be a long-lasting issue in the current picture of Turkey.

This hearing was also important to highlight the failure of the authorities and the judiciary to implement the Constitutional Court judgments which constitutes a serious violation of the right to a fair trial and the principle of the rule of law. In this regard, we would also like to underline that the unlawful decision imposed by the Istanbul Provincial Security Directorate to limit the gatherings to 10 people from the 974th week onwards mean a continuation of this violation.

In addition, attending as international observers these cases directly related to human rights violations, especially those involving human rights defenders, along with organisations advocating for human rights in an environment where the civic space in Turkey is so restricted, is also of great importance in terms of solidarity shown with human rights defenders and lawyers who participate in these cases. In this regard, we deem it important to emphasise the importance of civil society organisations, bar associations, and international/regional diplomatic missions observing the trial process of such cases and monitoring their outcomes as a critical responsibility.

In light of the above, OIAD and the Observatory call on:

- the Turkish authorities to:
 - Immediately put an end to all acts of judicial, administrative and any other forms of harassment against the Saturday Mothers/People, and human rights defenders in Turkey, including by dropping all charges brought against them by the public prosecutor's office;
 - Fully, promptly and effectively implement the Constitutional Court's judgments of *Maside Ocak Kışlakçı* and *Gülseren Yoleri* by ensuring that the Saturday Mothers/People can exercise their constitutional right to freedom of peaceful assembly by holding their weekly vigils in Galatasaray Square without any unjust restrictions and dropping all charges against them which are linked to the exercise of their right;
 - Launch effective, thorough and independent investigations into the fate of the forcibly disappeared, with a view to uncovering truth and holding those responsible to account in line with international standards;
- International organisations, such as the United Nations, the, the European Union and the Council of Europe, and their Member States to:
 - Monitor the case against the Saturday Mothers/People, including by attending trials as observers and publicly reacting to developments in support of the Saturday Mothers/People;
 - Condemn the unjust restrictions on the vigils of the Saturday Mothers/People and the harassment they face, publicly as well as in their diplomatic relations with Turkey and in international fora;
 - Raise the demands of the Saturday Mothers/People for truth and accountability for enforced disappearances, publicly as well as in their diplomatic relations with Turkey and in international fora.

Our organisations call in particular on:

- The United Nations:
 - To follow up on the communication dated December 27, 2023 sent to the Turkish government by the Special Rapporteur on the situation of human rights defenders, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association concerning the violent interference by the police with the peaceful weekly vigils of the Saturday Mothers/People and the judicial harassment of human rights defenders taking part in these vigils, urging it to ensure that the Saturday Mothers/People can fully exercise their rights without hindrance or fear of reprisals, and to halt any harassment against them and all human rights defenders in Turkey;
 - To raise the case of the Saturday Mothers/People and issue recommendations in relation to the Saturday Mothers/People and to human rights defenders and civic space in Turkey in the context of the upcoming Universal Periodic Review;
- The European Union:
 - To monitor the case and address it in the European Commission's and European Parliament's annual reports on Turkey, as well as in diplomatic relations with the Turkish government and parliament;
- The Council of Europe:
 - To address the issue in the monitoring of the implementation of judgments by the European Court of Human Rights, including in the Oya Ataman group cases, and other cases related to human rights defenders and civic space in Turkey, with a view to following up on the Turkish government's failure to execute those judgments (and its own Constitutional Court's judgments);
 - To raise the issue at the level of the Parliamentary Assembly, including by holding debates and issuing resolutions in the context of the monitoring procedure;
 - To raise the issue in private and public communications with the Turkish authorities, including by the CoE Commissioner for Human Rights and Secretary General.

Establishing the facts

Investigative and trial observation missions – Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion – FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS -Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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International Observatory For Lawyers in Danger (OIAD)

Launched in 2016, the International Observatory for Lawyers in Danger (OIAD) is a joint initiative of the French National Bar Council (Conseil National des Barreaux) and the Barreau de Paris (both in France), the Consejo General de la Abogacía Española (Spain) and the Consiglio Nazionale Forense (Italy). The OIAD's primary objective is to protect lawyers threatened in the practice of their profession and to denounce situations that infringe the rights of the defence.

The OIAD works to complement defence rights mechanisms in collaboration with established networks, particularly those dedicated to human rights lawyers. With more than 40 bar associations, the OIAD is now a recognised international player defending lawyers at risk.

E-mail: contact@protect-lawyers.org / abogaciaenriesgo@abogacia.es



THE OBSERVATORY

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened cooperation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- > A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- > The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- > International missions of investigation and solidarity;
- > A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- > The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- > Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- > Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, called Emergency Line, can be reached through:

E-MAIL: alert@observatoryfordefenders.org

FIDH TEL: + 33 1 43 55 25 18

OMCT TEL: + 41 22 809 49 39



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