

Criminal Court Hearing against ELDH executive member Ruken Gülağacı

Trial Monitoring Report by Louis Lemkow (ELDH)

Istanbul, 13th April 2026

Overview

Over the past decades there has been innumerable judicial proceedings against lawyers, civil society organisations and legalised opposition political parties in Türkiye in the framework of systematic attacks on human and political rights by the instruments of the Turkish state (police and judiciary). In this context, lawyers have been a particularly vulnerable collective, having been extensively criminalised for undertaking their professional activities especially in the field of human rights. The case of ÖHD human rights lawyer Ruken Gülağacı is paradigmatic of the systemic interventions of agents of the state against legal professionals.

Description of hearing April 13th

There were no issues related to access to the court building, which was uneventful, correct and fluid. The hearing started with only a minor delay.

The defence began with an intervention by the Secretary General of the Istanbul Bar Association stating that she was at the hearing not only to support the accused but also to defend the legal profession. She argued that the Advocacy Act Article 58 (protection of lawyers) was being infringed and the court was reminded by the Secretary General that the Havana Rules (UN basic Principles on the Role of Lawyers 1990) should be respected and that the prosecution of legal activities is prohibited and should be free from intimidation. The above-mentioned procedural guarantees had not been taken into account in this case.

Ruken G began her statement by announcing the presence at the hearing of colleagues from six European human rights organisations including ELDH. Their role in this hearing was to monitor judicial proceedings – particularly with respect to the rule of law and the right to a fair trial. She continued by presenting the incongruities of the prosecution case especially in relation to her links to the legal political organisation People’s Democratic Congress (HDK). The indictment alleged that HDK constituted an “illegal structure under a legal appearance”. This was refuted and it was pointed out citing numerous decisions that established the legitimacy of HDK. None of Ruken Gülağacı’s activities (she was listed and photographed as participant in HDK meetings) were in any way clandestine under any criteria. Her activities in relation to HDK and over 15 years as a practicing human rights lawyer were completely

legitimate. Many contradictions in the prosecution case were underlined. The prosecutor asked for the imposition of the relevant penalty without presenting any arguments.

The Defence lawyer, returned to the issue of the UN basic Principles on the Role of Lawyers and in addition to the Council of Europe Ministers' Committee "Convention on the Protection of the Legal Profession" where non signatory countries (such as Türkiye) are expected to comply with the guarantees of the convention. The defence went over many of the same arguments that were presented by the defendant. An acquittal was called for, the removal of the travel ban and the return of Ruken's computer and related materials.

It should be pointed out the presiding judge took notes and there was eye contact with the defendant and her defence lawyers.

After a short break the court was reconvened and an acquittal was announced.

Conclusion

The hearing of 13 April 2026 ended with the acquittal of Ruken Gülağacı, which is a welcome outcome. However, the case itself illustrates a broader and continuing pattern in Türkiye whereby lawyers, human rights defenders and members of civil society are subjected to criminal proceedings in connection with their legitimate professional and civic activities.

The prosecution of lawyers for acts falling within the scope of their professional duties undermines the independence of the legal profession, weakens the right to defence, and has a chilling effect on the exercise of fundamental rights and freedoms. Lawyers play an essential role in upholding the rule of law, ensuring access to justice and protecting human rights. They must therefore be able to carry out their professional functions without intimidation, harassment, judicial interference or the threat of criminalisation.

While the acquittal in this case is significant, such proceedings should not have been brought in the first place. The continued use of criminal investigations, travel bans, seizures of professional materials and similar restrictive measures against lawyers is incompatible with international standards relating to the independence of lawyers and the right to a fair trial.

ELDH calls on the Turkish authorities to put an end to the judicial harassment of lawyers and human rights defenders, to fully respect international standards on the role of lawyers, and to guarantee that legal professionals can perform their work freely and safely.