

# Murder in Paris and the judiciary as a weapon of war – a weekly news review

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## Sarah Glynn

Yet again, Kurds have been gathering in emergency protests but this time the attack they are responding to with sadness and with anger took place in the heart of Europe, just a few streets away from where three Kurdish women leaders were murdered ten years ago next month. Just before midday yesterday, a man was dropped off outside the Ahmet Kaya Kurdish Culture Centre in rue d'Enghien. After shooting into the centre, he crossed the street

and attacked a Kurdish restaurant and then a Kurdish barber, where he appears to have been apprehended by the people working in the shop. By that time, he had left two people dead and a third fatally wounded. A fourth person is also critically hurt. The three people killed were Emine Kara, a leading figure in the Kurdish Women's Movement, the singer, Mir Perwer, and Abdullah Kızıl from the Cultural Movement. At the time of the attack, a women's meeting had been scheduled to take place in the centre to discuss commemorations of the 2013 murder, but this had been delayed. Had it taken place as planned, the carnage could have been a lot worse.

The murderer, who is under arrest, is a 69-year-old retired train conductor with previous convictions for violence with weapons and prohibited possession of weapons, who had been charged with attacking a migrant camp with a sabre a year ago. That case has not yet been brought to trial and he had been remanded in custody, but he was released under supervision just eleven days ago as pretrial detention is not meant to exceed a year.

While the French authorities are not treating this as terrorism, few Kurds doubt that there is a Turkish hand behind the attack. Whether or not this lone wolf was in fact working with Grey Wolves, it is too early to say, but French politicians can be blamed for creating a society that encourages a brutal racism, and the judiciary will be facing some difficult questions. There is a lot of anger that the police seem more intent on curtailing Kurdish activity than protecting Kurds from threats against them, and this is compounded by the persistent reluctance of the French state to complete investigations into the plot behind the 2013 murder, which is generally understood to have been the work of the Turkish Intelligence Service. Coupled with heavy-handed French policing, this led to scuffles between Kurdish youth and police officers in Paris and also Marseille. Yet again, Kurds have been made to feel that nowhere is safe.

It is difficult to say more so soon after the attack, so I will return to the discussion of how the judiciary has become a weapon of war, which I had almost completed when I saw the news from Paris.

## Politicised judiciary in Turkey

Yesterday morning in Turkey, police [raided](#) the headquarters and provincial organizations of the Democratic Regions Party – a component part of the Peoples' Democratic Party, HDP. The raids took place simultaneously in nine cities and also included homes of party members. Fourteen people were taken into custody, including the party's Co-Chair, Keskin Bayındır, and many provincial co-chairs. The HDP [described](#) the raids as "an anti-democratic election operation of the AKP-MHP government, instrumentalizing the judiciary and aiming at political engineering." As is being demonstrated time and again, the Turkish judicial system has become almost entirely a tool of the government.

On Tuesday, it was [reported](#) that Turkey's chief public prosecutor had demanded that the state grant to the HDP be ended immediately. All Turkey's political parties that have received over 3% of the vote in the previous election are eligible for state aid, but the public prosecutor is demanding that the money for the HDP be blocked as part of the case to close the party that is currently going through the courts. Such a decision, which is being pushed by the government's far-right partner, the National Movement Party (MHP), would have to go through a semblance of legal process, but it is generally acknowledged that the court decision will reflect the will of the government.

Meanwhile, in the latest session of the Kobanê case, in which 108 people, including leading members of the HDP, face potential life imprisonment without parole, the defendants [highlighted](#) false witness statements.

The Turkish government's contempt for the idea of an independent judiciary was demonstrated in their response to Sweden's refusal to extradite the former newspaper editor, Bülent Keneş, who was one of the names mentioned in the list of demands that Turkey is attempting to extort from Sweden in exchange for lifting their veto on Sweden joining NATO. As I have previously observed, the Swedish asylum system seems readier to consider the risk of persecution for a follower of Fetullah Gülen, Erdoğan's erstwhile Islamist ally who he has accused of being behind the 2016 coup attempt, than for members of the PKK; however, my point here is not this apparent political

prejudice within Swedish law, but Turkey's assumption that the legal system should be totally subservient to the politicians. After Sweden's supreme court ruled against extradition, Turkey's Foreign Minister, Mevlüt Çavuşoğlu, made clear his view that the Swedish government should override the court, [declaring](#), "the important thing is not who decides what, but meeting our expectations". In truth, it probably does not matter much to Turkey whether or not Sweden responds to particular demands. The Turkish Government's main aim is to demonstrate Turkish power, and especially Turkish power over the West, and they can do that by stopping Sweden's NATO membership as well as by forcing concessions to approve it.

It is not only Sweden that faces Turkish pressure. Many other countries have allowed their relationship with the Kurds to be affected by their relationship with Turkey – especially Germany where, this week, Kurds in Nuremberg suffered early morning raids, and high-profile Kurdish activist, Tahir Köçer, was arrested.

A week ago, the opposition mayor of Istanbul was given a prison sentence for describing those who called for a rerun of the 2019 mayoral election as foolish. This week, Ankara's Chief Prosecutor refused to prosecute the Interior Minister, Süleyman Soylu, for slandering the HDP's imprisoned co-chair, Selahattin Demirtaş, as a murderer. The excuse given by the prosecutor was that Soylu's actions related to his duties as minister, which caused Demirtaş to [observe](#) that "The Prosecutor's Office officially accepted that Soylu's duty was to insult."

No one could accuse the HDP of failing to respond to the government's attempts to use the legal system against them. HDP resistance does not only take place in the courts, where they are defending themselves against attempts to wipe them off Turkey's political map, but also on the streets.

Last Sunday, HDP politicians and activists joined prisoners' families to protest the mistreatment of sick prisoners. Turkey's Human Rights Association estimates that Turkey has more than 1,500 sick prisoners, with well over a third of these being critically ill. Prison conditions – especially for political cases – destroy prisoners' health, deprive them of medical treatment, and

block their release even when they can no longer care for themselves. There have been regular protests about this situation, and these have been regularly attacked by the police. On this occasion, a police officer slapped Ferhat Encü, the HDP's İstanbul co-chair, on the face. Encü, a former MP who lost many members of his family in the Roboski Massacre of 2011, when the Turkish military bombed and killed 34 Kurds, has himself been a political prisoner. The slap was caught on camera, and the camera operator who recorded the image was detained, along with Encü and other protestors, who were beaten by the police. The following day, HDP deputies and members [trying](#) to make a press statement outside their office building were blockaded by police, with one co-chair prevented from leaving the building and the other prevented from entering. Mithat Sancar, the co-chair who was blockaded outside, described the blockade and the attack the previous day as a picture of the government's fear of the struggle for democracy and freedom.

Beginning on Wednesday, HDP parliamentarians have [started](#) a rolling daily protest outside the Ministry of Justice to demand an end to the isolation of imprisoned Kurdish leader, Abdullah Öcalan. Öcalan is denied visits from his family and his lawyers, and his last known contact with the outside world was a phone call with his brother in March 2021, which was cut short after a few minutes. His lawyers' twice-weekly requests for a meeting are met with silence, and fears have been raised that he did not even meet with the delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) when they visited the prison in September. The MPs have taken their protest to the street because questions in parliament are met with government denial. They have also submitted their own requests to the ministry to visit the prison. Again, journalists are being prevented from covering the HDP's action.

Öcalan's imprisonment is both literally and symbolically the incarceration of hope for a better future, and the model for the torture of other political prisoners. One of the last people to meet with Öcalan, apart from the prison authorities, was Newroz Uysal, one of the lawyers who were finally permitted to go to the prison after a mass hunger strike in 2019. She is now being accused under the terrorism act, and, on Wednesday, the prosecutor called for

a sentence of seven and a half to fifteen years. The next hearing of her trial will be in March. At a different trial of others of Öcalan's lawyers, an "anonymous witness" who had previously testified against the lawyers, failed to recognise them. The persecution of defence lawyers is, of course, a major attack on judicial independence and the justice system.

Turkey has a brutal history of prison violence. The United Nations states that "Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights".

<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-treatment-prisoners> But for political prisoners in Turkey, incarceration is just the first step into a regime of sadistic torture. The extreme physical violence of the 1980s and 90s has been replaced, to a large extent, by more insidious psychological tortures based on regimes of isolation, of which Öcalan's case is the most extreme example.

Prisoners in Konya are on hunger strike to protest their conditions. They told a visiting delegation of lawyers and human rights activists, "We can't see any person for 23 hours a day. This has now become psychological violence. There is one window in each room and it is fully covered by iron bars. We can't even see the sky because of the walls and fences. We don't have kettles, televisions and radios in our rooms. We can neither benefit from publications such as newspapers, magazines and books. There is a daily quota on the amount of hot water. It is not enough when used for cleaning. We are constantly harassed by some correction officers. We are not even allowed to say hello to other prisoners." Families of the hunger strikers are seriously [concerned](#) about their welfare, but the prison governor is dodging their attempts to meet him. A journalist being held in Sincan High Security Prison No. 1 writes, "The purpose of the prison, where we are kept in single cells that cannot see the sky, is to break the will of the prisoners."

<http://mezopotamyaajansi35.com/en/ALL-NEWS/content/view/192270> He describes mesh cages over the windows, cameras looking into the cells, and restrictions on the air getting in.

Two practices calculated to mess with prisoners' minds are long periods of pre-trial detention, and delayed release. Turkish law allows [suspects](#) in "terrorism" related cases to be held in prison for up to seven years before trial. The 16 Kurdish journalists arrested six months ago have still not been indicted.

Release from prison can be delayed with petty excuses. Erdal Tuncel, brother of imprisoned politician Sebahat Tuncel, has seen his expected release from a thirteen-and-a-half-year prison sentence postponed four times on the grounds that "he did not leave his friends, he used water and electricity too much". His father has described this treatment as an attempt to demoralise prisoners and create despair.

Round-ups and detentions of people opposed to the government continue, including nearly 20 people violently detained in Amed last Saturday,

Yesterday also saw the first hearing in the trial of Şebnem Korur-Fincancı, the head of the Turkish Medical Association, who is being charged with "terrorist propaganda" for saying that Firat News Agency's video of dying PKK guerrillas appeared to show the use of toxic gases, and that accusations of Turkish use of chemical weapons should be subject to an independent investigation. That these comments from Fincancı, who is an expert in forensic medicine, should have resulted in a criminal charge, is itself evidence of the politicisation of Turkey's judicial system. The form of the trial [continues](#) to demonstrate politically-inspired prejudice, even down to addressing Dr Fincancı by the familiar "sen" – equivalent to the French "tu". Fincancı noted that she is using her time behind bars as an opportunity to investigate prisons from the perspective of a human rights defender.

## **Iran**

The weaponizing of the law as part of a war against opposition forces is not, of course, restricted to Turkey. The revolution in Iran has focused world attention on the way that the Iranian judiciary has become no more than a tool of the state – a killing machine that functions through torture and forced confessions. Information [coming](#) out of Iran is limited by internet restrictions,

but the revolution continues, with another three days of strikes and accompanying protests this week, and there has been no let-up in the government response. A [banner](#) in this Friday's protest in Zahedan read, "We will never give up. We will either win or die trying."

While many people have been killed and wounded by government forces on the streets, and others have been tortured to death, the Iranian state, like other authoritarian regimes, likes to put up a façade of legal order. Detainees are put through sham trials without lawyers and tortured into making so-called confessions. We can [read](#) about the process in a few well-publicised cases, but similar plots are being played out for very many others, abducted from their homes by a frightened and vengeful government.

Last weekend saw another major outbreak of state violence in a Tehran prison. When prisoners protested to try and prevent other prisoners being taken to solitary cells as a prelude to execution, they were met with live ammunition. At least one prisoner was [killed](#) and over a hundred were injured.

## **Syria**

In the Turkish occupied regions of northern Syria there is less pretence at a rule of law, but mercenary jihadist groups run systems of arrest and punishment under the oversight of the Turkish Intelligence Service, targeting minorities and anyone who gets in their way. This week it was reported that Kurdish lawyer, Luqman Hamid Hannan, was tortured to death by Turkish mercenaries of the Sultan Murad Brigade after being [arrested](#) for refusing to give up his house.

Of course, Turkey is also continuing to carry out more conventional low-level warfare in Syria. Last Saturday, a Turkish drone attack killed three civilians, including a child. And on Thursday, Turkey shelled a water station, seriously injuring four people who worked there. On the Yazidi holiday of Eida Rojiet Ezi, when Yazidi families visit the graves of their ancestors, the Yazidi burial ground in Basofan village, in occupied Afrîn, was vandalised.



## **The Kurdistan Region of Iraq**

In Turkey, Iran, and occupied Syria, the targets of this lawfare are disproportionately Kurdish, but the Kurdistan Regional Government in Iraq is not immune from abusing the law to silence its own enemies, albeit on a much smaller scale than its neighbours. The trials and imprisonment of journalists and activists from Badinan have been widely criticised by Human Rights organisations. This Tuesday, a singer, Bilind Amêdî, was [sentenced](#) to six months imprisonment for sharing a song that he wrote in support of the Badinan prisoners.

I want to follow these legal nightmares with one bit of positive news. This week, the leader of the Patriotic Union of Kurdistan (PUK), Bafel Talibani, visited North and East Syria and met with civilian and military leaders to discuss joint security concerns. It is unclear how much Talibani can influence events – the PUK is very much the junior partner in the Kurdistan Regional Government, where the dominant Kurdistan Democratic Party works increasingly closely with Turkey – but all involved welcomed the strengthening of fraternal links.

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