

Mr President, Mr Special Representative, Distinguished Members of the CCBE and Dear Guests:

Standing here today, I am honoured and extremely happy for this valuable recognition, but in the meantime, humbled and sad by the fact that my three other colleagues, my fellow recipients, are not standing beside me. Their situation shows how lawyers struggling for human rights in Turkey have been facing with serious attacks and security risks including but not limited to arrests, detentions, threats and intimidation. Even in this very moment there are a number of lawyers under police custody or in prison.

Struggle of lawyers in Turkey has not just started recently; it is a decade lasting one. Not too long ago, just a couple of years back, we were thinking that despite the difficulties, changes were possible, even limited, our actions were influencing the state policies. Helped by the EU accession process in early 2000s, reforms were under way giving us all hope and courage. I remember, just few years ago, our dear friend Tahir Elci adamantly stating in a meeting that some steps taken throughout this process were revolutionary. Sadly, now hopes let their places to worries and we are back to the dark times we thought we would never see again.

We started witnessing the backlash closely with the brutal police actions towards Gezi Park and Kobane demonstrators in 2013 and 2014 and the Government's open support and approval to the police misconduct. Shortly after, the peace process broke between the Government and PKK. The armed conflict has been brought into the cities by both parties initiating violent confrontations with amplitude never seen before. Re-emerged conflict affected lives of hundreds of thousands of civilians. Cities and districts have been taken under siege preventing anybody or organisation including the United Nations (UN) to enter, monitor or report from the ground. 24 hours round the clock curfews prevented inhabitants to obtain their most basic humanitarian needs. Human Rights Foundation (THIV) submits that during this period 1425 people died, more than 2500 people injured and 2 million people were affected as a way of forced displacement or damage to properties or so. The lack of any effective response from the international community to the grave violation of human rights taken place during that period has just been desolating.

All legal actions we took concerning the curfew practices failed, no judicial institution including the Constitutional Court and the European Court of Human Rights (ECHR) intervened in effectively. We all know that in the following years, there will be a number of judgements from the ECHR finding Turkey in violation of its human rights obligations but would a mere decision of such nature delivered years after the incidents provide an effective remedy for the victims or help preventing the state to stop its wrongdoings? The Courts which could have stopped severe human rights violations by only adopting an interim measure decision, refrained to do so. Instead, lawyers litigating against brutal state actions,

human rights defenders raising awareness to the situation and journalist writing about these have been targeted, harassed, arrested and detained.

Similar to early 1990s, immunity of the MPs of HDP, widely referred as a pro-Kurdish political party, were waived and a number of them unlawfully arrested. Right now 10 MPs including the co-chairs of the political party are in prison. A number of legitimately elected city or district mayors of south eastern region have also been imprisoned. The Ministry of Interior removed many mayors from their office and replaced them with pro-government trustees.

While all these policies have taken place, several DAESH suicide attacks in all around the country resulted in killing of more than 200 civilians. We witnessed a Coup attempt on 15th July 2016, which although luckily unsuccessful, damaged the rule of law and human rights severely. The Coup attempt was used as a ground for the Government to declare a state of emergency. It de facto transferred the legislative power from the parliament into the hands of a Government which unfortunately lost sight of basic democratic principles.

As of 30 November 2016, the Government adopted 11 decree laws under the state of emergency, each seriously limiting and in some cases totally waiving fundamental rights and freedoms. Turkey submitted two derogation notifications to the relevant UN and Council of Europe institutions using the state of emergency as a ground for it. Hundreds of civil society organisations were shot down, incommunicado detention has been brought back, news papers, radio stations, TV channels were closed. There is a strong censorship over the internet, social media and other ways of communication. Passports of thousands of people have been cancelled without any court order. Tens of thousands of public servants were removed from office; more than 3000 of them were judges and prosecutors. The courts' powers to review all these emergency state actions have been seriously limited. And with a recent judgement, the Constitutional Court found itself not competent to review state of emergency related decree laws despite its previous case-law indicating otherwise.

Lawyers' access to their clients has seriously been limited. In anti-terrorism law related cases, lawyer client interviews in prisons are being voice and video recorded. There is a prison officer inside the interview room hearing and intervening in the conversation. In most cases the number of lawyers for a client is limited to three and they can visit their clients once a week for duration of one hour in total. Documents from and to client are confiscated and heavily scrutinized. Clients have no access to lawyers for the first five days of police custody. A prisoner's right to see a lawyer could be banned for up to six months. Torture allegations have increased significantly. All protections provided for the legal profession and their clients by the domestic law and international law have been taken away in practice making it impossible for lawyers to properly represent their clients and protect their interest.

Reporting on these practices, criticising government policies, applying international monitoring bodies including the UN special procedures or the ECHR or appealing to the international community are exposed by the officials as a crime. In nowadays Turkey, high state officials can easily finger point you and label you as terrorist or supporter of terrorist organisations. Those incriminations on televised speeches have led to criminal investigations. It is self-evident that a system of oppression and harassment has been adopted gradually. In the meantime, all state institutions including the judiciary have taken actively part into the process but not to defend human rights and rule of law but to strengthen Government powers.

There is no need to say that working under these extreme conditions have not been easy for my colleagues and I. But we are determined. We are well aware of the vital need for protection and promotion of rights and freedoms of the people. We are strongly derived with our instinct of helping the others and trying to make a change. We also believe that if you are aware and yet remain silent, you are accomplice in this injustice.

It is indeed impossible for us to be in touch with so much suffering and not to do anything about it. Personally, throughout my professional journey, my clients' struggles have left an indelible trace on my soul. The story of two missing little girls of Dersim massacre of 1938 whom whereabouts are still unknown for example. A case, still making me feel guilty for the nights I have spent with my daughter, wondering how those little girls felt when they were forcibly taken away from their families and given to a family they didn't know. I remember crying a lot for a client of mine who had passed away years ago because her body was so weakened from the systemic violence and assault from her own family and later on from her husband she married under a forced underage marriage.

I did struggle a lot when I had to visit my friends and colleagues in prisons or police custody, as their lawyers, and having had to leave them there and not being able to take them out with me. At this point I want to pay a special regard to 70 years old linguist, author and peace defender Necmiye Alpay who has been imprisoned for months. When I visited her few weeks ago, she asked me to let her friends outside know that even in prison she was still fighting for peace by organising discussions and meetings among her cell mates to talk about peace. She is a woman being accused of terrorism. Situation of more than 2000 academics are very similar to hers. Each has been made subject to criminal investigations because they signed a declaration calling for a peaceful resolution to the Kurdish issue.

It is indeed true that being a human rights lawyer is not an easy task. Our mental state goes through constant challenges each strongly testing our ability to endure. The feelings inflicted on us when Hrant Dink was killed, Tahir Elci was assassinated. When the body of Taybet Inan, a 57 years old Kurdish woman killed during Cizre curfew, lied outside of her own family home on a street for 7 days and yet her family was not allowed to take the body and bury her with dignity. Or when two young bakery workers, one of them a child,

Muhammed and Orhan executed by the police in Diyadin/Agri. Bearing with all families still waiting for justice be done.

Or seeing millions of Syrian refugees trying to flee from the conflict zones and not having been given a safe passage to Europe or other safe places. Body of Alan Kurdi symbolising the tragic situation they have been left by us. Witnessing that lives are negotiated on strictly financial matters and that all principles the international community developed or supposed to have developed collapsed in front of our very own eyes. All these extreme, devastating situations living us speechless and yet giving us more reasons to fight for.

It was in these very dark days, when Tony Fisher, our very close friend from the Law Society of England and Wales let us know that our colleagues at the CCBE decided to give us the 2016 Human Rights Award. Recognition of this kind, undoubtedly gives you power and courage to carry on the struggle and step up more for human rights. It also shows that despite often feeling like you are shouting into the emptiness, your work is heard by someone and there is still hope. A recognition strong enough to turn the sky blue again, providing us who are still alive with a new and fresh breath of life.

I spent last week with a group of women peace defenders from Yemen, Libya, Philistine, Iraqi Kurdistan and Syria. It made me realise once again that our problems are common as well as their roots. And if I may use today's event as a platform for a simple and yet vitally important message this would be a call.... A call for Peace...

Yes, we need to do everything that we can for peaceful settlement of conflicts all around the World, including the one in Turkey. It is indisputable that without a peaceful resolution to the existed armed conflicts, we cannot restore the rule of law, human rights and any sustainable democracy in our countries.

I accept this award on behalf of all lawyers and human rights defenders who lost their lives in their struggle or imprisoned or harassed for merely protecting the rights of others, fighting for peace and justice. And I would like to dedicate it to my husband and daughter as a way to extend my deep love and gratefulness for their continuing support and love they have provided me throughout my struggle.

Thank you for this valuable recognition and the fresh breath of hope that you kindly extended to us.

Ayse Bingol Demir