

President
Dr. Abdullah Gül
Cumhurbaşkanlığı Genel Sekreterliği
06689 Çankaya, Ankara

Brussels, 16 January 2014

RE: Concerns over the judicial harassment of lawyer Ramazan Demir

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further twelve European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its concerns over the situation of Mr Ramazan Demir, a human rights lawyer involved in the defence of several lawyers suspected of ties with the Kurdish Communities Union (KCK).

We understand that, following an incident which took place during a court hearing on 16 November 2012, in which Mr. Demir participated as a lawyer, he was recently charged by the Silivri Prosecutor with "insulting or (...) offending the dignity of a public authority in the performance of his duties". On 9 September 2013, the Silivri Prosecutor obtained authorisation from the Justice Ministry to file an indictment.

According to reliable sources it seems that, during a hearing held on November 16, 2012, Mr Demir challenged the capacity of the Prosecutor to determine what can constitute "normal" and "independent" journalistic activities and also requested the court to call and hear an expert to testify in this regard. The CCBE has ground to believe that Mr Demir's statement was not aimed at insulting or offending the court and constituted a legitimate expression of the right of defence. In addition, the CCBE is deeply concerned about this judicial procedure against a lawyer acting in the defence of his clients.

In this context the CCBE would draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other

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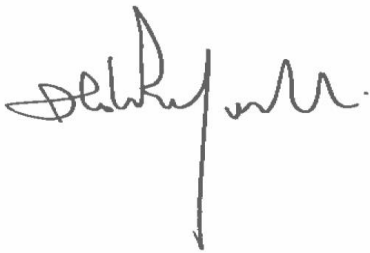
sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 20 states that:

Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

In view of the above, the CCBE urges your Excellency to take effective steps to ensure that all the charges against Ramazan Demir are immediately and unconditionally dropped. The CCBE also asks you to take all necessary measures to guarantee that lawyers in Turkey are able to carry out their professional activities in all circumstances, without fear of reprisal, intimidation or judicial harassment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
CCBE President