

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

Brussels, 7 February 2014

RE: Concerns over the four-year pre-trial detention of lawyer Muharrem Erbey

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 deep concern over the situation of Mr Muharrem Erbey, arrested in December 2009 and still held in pre-trial detention. Mr Erbey is a prominent human rights lawyer, vice-president of the Human Rights Association of Turkey (IHD) and recipient of the *Ludovic-Trarieux* International Human Rights Prize for 2012. During the past years, along with his representation of victims of human rights violations, Mr. Erbey also drew attention to human rights violations in southeastern Turkey before several national parliaments in Europe.

The CCBE has been informed that, on 24 December 2009, Mr Muharrem Erbey was arrested during an operation launched simultaneously in 11 provinces of Turkey on the basis of his alleged membership in the Kurdish Communities Union (KCK). The trial against Mr. Erbey and 151 other members of the political and civil society began in October 2010. The defendants have been charged with "*being member of an illegal organisation*" and face possible imprisonment terms varying from 7 to 15 years.

According to the information that we received, on 13 January 2014, the procedure against the defendants resumed; however, after four years, Muharrem Erbey is still kept in pre-trial detention and there are reliable sources reporting serious breaches of his fundamental defence rights.

The CCBE believes that Mr Erbey is being prosecuted because of his legitimate and peaceful activity as lawyer and human rights defender.

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

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, the CCBE urges your Excellency to take effective steps to ensure that Mr Muharrem Erbey is immediately and unconditionally released and processed according to fair trial standards. 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 dark ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
CCBE President