

PRESS RELEASE

The CCBE denounces the ongoing crackdown on the rule of law in Turkey

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In light of World Human Rights Day on 10 December, the CCBE denounces the ongoing crackdown on the rule of law in Turkey.

In July 2016, the CCBE issued a statement highlighting its concerns over the situation in Turkey following the attempted coup of 15 July. It was particularly concerned about the reports of the dismissal and arrests of thousands of judges. Since then, the CCBE has been monitoring very closely the developments in Turkey, in particular, regarding lawyers.

According to our latest figures, there are approximately 300 lawyers and 3000 judges who have been arrested and/or detained in Turkey.

After the failed coup, human rights and rule of law have been severely undermined by way of 11 decree laws enacted under the state of emergency legislation. Hundreds of civil society organisations have been shut down, with many being detained incommunicado, a wide censorship on media has been put in place, thousands of public servants (including judges and prosecutors) have been removed from office and arrested. Against this background, lawyers are facing overwhelming obstacles in defending their clients.

In anti-terrorism law related cases, lawyer-client confidentiality is barely present: clients' interviews in prisons are recorded and often take place with the presence of a police officer in the room; documents are confiscated and checked; clients have no access to a lawyer for the first five days of police custody, and this right can be suspended for up to six months.

Speaking at the CCBE Plenary Session on 2 December 2016 in Brussels, Turkish human rights lawyer Ayşe Bingöl Demir – one of the winners of the CCBE Human Rights Award 2016 - stressed that there has been no effective response from the international community to the grave violations of human rights during this long period. Ms Bingöl Demir highlighted the importance of the support of human rights lawyers by the international community as it shows that the work of Turkish lawyers is seen and that there is still hope.

Last month, Union of Turkish Bar Associations and the Local Bar Associations issued a statement (in Annex) warning of the crackdown that has happened since the attempted coup and stating that lawyers will continue to stand firm and defend the rule of law in Turkey.

CCBE Human Rights Award

On 2 December, the CCBE granted its 2016 Human Rights Award to four Turkish lawyers who have been particularly active in the defence of human rights and the rule of law: posthumously to Tahir Elçi, assassinated in November 2015, Ayşe Bingöl Demir, Ayşe Acinikli, and Ramazan Demir.

About the CCBE

The CCBE represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers. Founded in 1960, the CCBE is recognised as the voice of the European legal profession by the EU institutions, and acts as the liaison between the EU and Europe's national bars and law societies. The CCBE has regular institutional contacts with those European Commission officials, and members and staff of the European Parliament, who deal with issues affecting the legal profession. The CCBE is an international non-profit-making association incorporated in Belgium.

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Annex: Statement of the Union of Turkish Bar Associations and the Local Bar Associations

THIS IS A WARNING ENOUGH!

During the murderous coup attempt on July 15th, the Union of Turkish Bar Associations and our entire local bar associations stood firmly against the coup attempters and alongside democracy and the Republic of Turkey.

And today, we have the responsibility to make the following historical warnings:

Our rightful warnings which we have been making over the years through the period that led to the events of July 15th and our firm stand against the coup attempt have made it obligatory for the authorities to take our thoughts into consideration. Turkey has no more tolerance for vital errors and weaknesses expressed by statements such as “*I was deceived, mistaken, wrong*”.

Whole state organization has been reshaped behind closed doors through the governmental decrees issued based upon the state of emergency which has been declared in order to fight against the coup plotter crime organization.

Even though the Grand National Assembly of Turkey has succeeded in common reasoning and working under the harshest conditions during the National War which we conducted with the leadership of Mustafa Kemal Atatürk; today we have come to a point where it is being ignored through governmental decrees.

The state of emergency has been distorted of its aim to fight the coup and has been transformed into a governing regime. The independence and impartiality of the judiciary, which were already problematic, have been completely demolished. This situation clearly reveals what is being aimed with the new order introduced as local presidential system.

Even the Lausanne Peace Treaty has been brought into discussion during the presidency propaganda run by the President. Thus, the boundaries of the Republic of Turkey determined as a result of our National War and recognized with international treaties have been rendered disputable.

The foundational principles of a Republic which are defined as unchanged and cannot be proposed to be changed in our Constitution are insistently being tried to be frayed and rendered dysfunctional.

The reinstatement of the death penalty will lead to Turkey being extracted from the Council of Europe. In spite of being aware of this, the political power has started the campaign for death penalty and has been escalating it with the aim to get a result. The extraction of Turkey from the Council of Europe means a radical shift in our path that we have been following since the Tanzimat reforms of the Ottoman period. This implies that we will no longer be a party to the European Convention on Human Rights. And to quit the European Convention on Human Rights means that the fundamental rights and freedoms of the citizens of the Republic of Turkey will become completely unsecured and that we will be robbed of our right to apply individually to the European Court of Human Rights.

The freedom of press has been restricted to an extent that cannot be accepted in a democratic society under any circumstances. Media that are not siding with the political power are being forced to self-censor, which is the most dangerous type of censorship. The arbitrary interruptions on the Internet and the social media are carrying this unlawfulness to the highest dimension. State power is being used in order to prevent the people from reaching news that the political power does not want them to. All the resources of the state are being mobilized for political propaganda.

The governmental decrees of the state of emergency are directly targeting the right to defence and the legal profession. The actual targets are the fundamental rights and freedoms of the citizens which are being defended by lawyers.

Almost every right within the scope of the right to a fair trial are being neglected.

Judicial proceedings have been distorted of their aim to distinguish between guilty and innocent and have been transformed into a means of labelling people with prejudice and of elimination. The society and our innocent citizens are harmed the most and the terrorist organizations ruining, demolishing and ensanguining our country have benefitted the most from this situation. Our citizens no longer trust the judiciary. The judiciary is no longer the guarantee of the country.

Each investigation and prosecution concerning the public has become a reason for the society to be more polarized and for our people to turn against each other.

The perception of acting partially and dependently has stuck on the judiciary. The opinion that the judicial proceedings have become a means of paving the way for politics has become dominant among the society.

The arrest of parliamentarians, mayors, judicial actors, journalists, academics and lawyers by courts open to the intervention of the political power are causing the terrorist organizations to gain grounds and widen their area of propaganda.

However; the only common denominator to make our 79 million citizens embrace is justice and the only way to be confident about the future and to ensure pluralist-participatory democracy is the rule of law.

As the Union of Turkish Bar Associations, we warn all our citizens about the clear and open danger created by the conditions we are being dragged into. We urge the President and the political power to abide by the universal rules of law and to end the tension within the society.

As Mustafa Kemal Atatürk said:

**“THERE ARE NO HOPELESS SITUATIONS. THERE ARE HOPELESS PEOPLE”
LAWYERS WILL CONTINUE TO STAND FIRM AND KEEP THE HOPES ALIVE IN TURKEY.**

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President of the Union of Turkish Bar Associations**