

COMMUNIQUÉ DE PRESSE

Le CCBE dénonce les atteintes répétées à l'État de droit en Turquie

12/12/2016

À l'occasion de la journée mondiale des droits de l'homme le 10 décembre, le CCBE dénonce les atteintes répétées à l'État de droit en Turquie.

En juillet 2016, le CCBE a publié un communiqué pour exprimer ses inquiétudes concernant la situation en Turquie à la suite de la tentative de coup d'État du 15 juillet. Le CCBE était particulièrement inquiet de la révocation et de l'arrestation de plusieurs milliers de juges. Depuis lors, le CCBE a suivi de très près l'évolution de la situation en Turquie, en particulier concernant les avocats.

Selon nos derniers chiffres, environ 300 avocats et 3000 juges ont été arrêtés et/ou sont actuellement détenus en Turquie.

Après le coup d'État manqué, les droits de l'homme et l'État de droit ont été gravement menacés par onze décrets lois promulgués dans le cadre de la législation relative à l'État d'urgence. Des centaines d'organisations de la société civile ont été dissoutes, beaucoup de leurs membres ont été détenus au secret, les médias ont été largement censurés, et des milliers de fonctionnaires (notamment des juges et des procureurs) ont été destitués de leurs fonctions et arrêtés. Dans un tel contexte, les avocats font face à des obstacles majeurs dans la défense de leurs clients.

Dans les affaires liées aux lois anti-terroristes, la confidentialité avocat-client est à peine présente : les entretiens avec les clients sont filmés et se tiennent souvent en présence d'un agent de police ; les documents sont confisqués et contrôlés ; les clients n'ont pas accès à un avocat lors des cinq premiers jours de leur garde-à-vue, et ce droit peut leur être refusé jusqu'à six mois.

L'avocate turque défenseur des droits de l'homme, Ayşe Bingöl Demir, l'une des lauréates du prix des droits de l'homme du CCBE, s'est exprimée lors de la session plénière du CCBE le 2 décembre dernier à Bruxelles. Elle a indiqué qu'il n'y avait pas eu de réponse efficace de la communauté internationale face aux graves violations des droits de l'homme durant cette longue période. Elle a souligné l'importance du soutien des avocats défenseurs des droits de l'homme par la communauté internationale,

car ce soutien montre que le travail des avocats turcs est entendu par quelqu'un et qu'il y a encore de l'espoir.

Le mois dernier, l'*Union of Turkish Bar Associations* (UTBA) et les barreaux locaux ont publié un communiqué (en annexe) informant de la répression qui sévit depuis la tentative de coup d'État et déclarant que les avocats continueront à se battre et à défendre l'État de droit en Turquie.

Prix des droits de l'homme du CCBE

Le 2 décembre dernier, le CCBE a décerné son prix des droits de l'homme 2016 à quatre avocats turcs qui ont été particulièrement actifs dans la défense des droits de l'homme et de l'État de droit : Tahir Elçi (à titre posthume), avocat assassiné en novembre 2015, Ayşe Bingöl Demir, Ayşe Acinikli et Ramazan Demir.

À propos du CCBE

Le Conseil des barreaux européens (CCBE) représente les barreaux de 45 pays, soit plus d'un million d'avocats européens. Fondé en 1960, le CCBE est reconnu comme le porte-parole de la profession d'avocat en Europe par les institutions européennes. Il assure la liaison entre l'Union européenne et les barreaux nationaux. Le CCBE est en contact régulier avec les représentants de la Commission, les eurodéputés et leurs collaborateurs responsables des questions concernant la profession d'avocat. Le CCBE est établi en Belgique sous la forme d'une association internationale sans but lucratif.

Pour plus d'information,
contacter Madeleine KELLEHER
Communication et affaires publiques
Tél. : +32 (0)2 234 65 10
E-mail : kelleher@ccbe.eu
Suivez-nous sur   

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.**

**Prof. Dr. Metin Feyzioğlu, Esq.
President of the Union of Turkish Bar Associations**