

President  
Dr. Abdullah Gül  
Cumhurbaşkanlığı Genel Sekreterliği  
06689 Çankaya  
Ankara

Brussels, 16 April 2012

**RE: Concerns regarding the case of Mr Hasan Basri Özbey**

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 has also observer representatives from a further eleven 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 lawyer, Mr Hasan Basri Özbey, who has been banned from attending court proceedings before a court in Istanbul.

The CCBE has been informed that on 3 October 2011, Mr Özbey, attorney-at-law and member of the Ankara Bar Association, was prohibited by the 13<sup>th</sup> Special Heavy Penal Court in Istanbul to take part in 16 hearings and represent his client as a defence lawyer until the announcement of the opinion of accusation by the court.

The CCBE has been also informed about the conduct of the specially authorised courts in Turkey to weaken the status of defence counsel by limiting their plea time at trials to 15 minutes, and recording the communication between lawyers in court rooms.

The CCBE is concerned that the ban imposed on Mr Özbey and the manner in which the specially authorised courts act toward defence counsel at trials is part of a wider campaign to control and restrict the legal profession in Turkey. This situation is particularly worrying because it can leave the accused with no independent legal representation and endorse judicial harassment as one of the methods to silence dissenting voices among legal practitioners.

The CCBE believes that the right of defence is fundamental to guaranteeing the rule of law and independence of justice, and to enabling lawyers to perform their professional functions competently and without hindrance.

In this context, the CCBE wishes to 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*

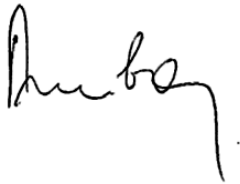
*threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

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 rights 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE urges you to take effective steps to ensure that the sanction against Mr Özbey is immediately and unconditionally overturned. The CCBE also urges you to guarantee in all circumstances that lawyers in Turkey are able to conduct their professional duties without fear of reprisals and free of all restrictions, in order to preserve the independence and integrity of the administration of justice and ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,



Marcella PRUNBAUER-GLASER

CCBE President