

President Mr Tayyip Erdoğan
Cumhurbaşkanlığı Külliyesi
06689 Çankaya, Ankara
Turkey

Brussels, 6 February 2015

Re: Concerns over the arrest, detention and trials against lawyers in Turkey

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 associate and observer representatives from a further thirteen European countries' bars.

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

The CCBE would like to express once more its concerns regarding the arrest of 22 human rights lawyers who are members of the 'Association of Progressive Jurists' (*Çagdas Hukukcular Dernegi, 'CDH'*). We previously wrote to you about this case on 12 March 2013. These lawyers are well known for their professional activities in the defence of individuals' rights to freedom of speech and of victims of police violence. They were arrested as part of the simultaneous raids carried out in several cities on 18 January 2013. These raids were conducted under Turkish anti-terrorism laws and targeted alleged members of the armed 'Revolutionary People's Liberation Party/Front' (DHKP/C), which is listed as a terrorist group in Turkey. The arrested lawyers were accused of 'transferring instructions from organization leaders in prison to militants'. According to our information, a number of principles from the Turkish Criminal Procedure Code were allegedly violated by the police while conducting the investigations.

According to recent information, the CCBE was informed that these lawyers spent 14 months in detention before being tried by the 18th Penal Court in Istanbul on the 11 and 12 November 2014. We understand that the judge of this court said that '*a lawyer that defends a terrorist damages the goodwill of the State*'. Furthermore, he went further to say that '*being the lawyer of a terrorist was just like participating in the administration of the terrorist organisation as well as doing propaganda for them*'. The trial was postponed until the 13 and 14 May 2015.

The CCBE is also concerned about another case in which 41 lawyers were arrested during raids that were simultaneously carried out in Istanbul and 16 other Turkish cities and provinces on 22 November 2011. These arrests were ordered as part of an operation to dismantle an alleged terrorist network, 'Union of Kurdistan Communities'(Koma Civakên Kurdistan, 'KCK'), a Kurdish political organization of the PKK. These arrests were accompanied by a search of the lawyers' offices or homes. It has been alleged that these searches were conducted in violation of the applicable rules (i.e., without the proper authorisation from the prosecutor). The arrested lawyers were accused of participating in activities of the KCK organization, as well as passing orders to a terrorist organization and transmitting information to the press. Moreover, we were informed that early in the investigation, and with disregard to the presumption of innocence, these lawyers were treated as members of the KCK. Several trials were held in 2012 and 2013, and according to the latest information received by the CCBE, it appears that there are still 16 lawyers in detention.

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

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

Also, Principle 18 says that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Principle 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 respectfully urges you to take immediate and effective steps to release and reinstate these lawyers who were arrested due to their professional activities. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Turkey are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment, in order to preserve the independence and integrity of the administration of justice.

I look forward to hearing from your Excellency urgently.

Yours sincerely,



Maria ŚLAZAK
President