

Ministry of Justice
Kenan İpek
Minister of Justice
06659 KIZILAY / ANKARA
REPUBLIC OF TURKEY
info@adalet.gov.tr

Brussels, 26 May 2015

Dear Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers.

One of the CCBE objectives is to monitor actively the defence of the rule of law, the protection of fundamental human rights and freedoms, including the right of access to justice, and the protection of democratic values inextricably associated with such rights.

The Union of Turkish Bar Associations has drawn our attention to a recent case of a lawyer registered with the Afyon Bar, Mr. Umut Kilic, who was arrested on 21 April 2015. We understand that Mr Kilic participated in the selection process for future judges. He did not pass the oral exam and wanted to receive further information about the reasoning of his not passing the exam and to express his views on the oral testing process. We also understand that the exchange of views between him and members of the selection panel ended in the arrest of Mr Kilic (on the ground of having insulted the President of Turkey).

In light of the existing rather fragile situation for lawyers in Turkey overall, and the repeated violation of lawyers' rights over the past years, on which the CCBE has voiced its concerns, the CCBE felt it important to comment on this case, because it believes that it could add to creating an overall climate of mistrust and tension towards lawyers.

The CCBE does not have detailed information on all the circumstances of this case and, thus refrains from drawing concrete conclusions. Nevertheless, the CCBE wishes to draw your attention to one of the basic freedoms guaranteed in international and European legal instruments - the freedom of expression - which it finds of particular importance in the case of Mr Kilic. The CCBE believes that any democratic society based on the rule of law must allow - in principle - for the freedom of expression to be exercised freely, without interference by public authorities and regardless of frontiers. The right encompasses both the freedom to hold opinions and the freedom to receive information, as is stated in:

- Article 19, Universal Declaration of Human Rights, 10 December 1948

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

- Article 10, European Convention on Human Rights, 4 November 1950

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."

- Article 19, International Covenant on Civil and Political Rights of the United Nations, 16 December 1966

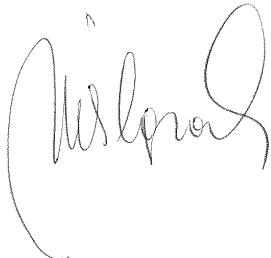
"1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Any invasion of this right must have regard to the principle of proportionality and the necessity of any restrictive measure in a democratic society. Criminal sentences, in particular imprisonment, can endanger the very core of the freedom of expression.

Dear Minister, the CCBE kindly asks you to look into the case of Mr. Umut Kilic, having regard to the above mentioned principles, in order to ensure the rule of law and the protection of democratic principles. We would also kindly ask you to inform us about the state of play of the case.

Yours sincerely,



Maria ŚLĄZAK
President