
Statement on the situation of lawyers in Turkey

5 April 2019

On this day, 5 April 2019 – celebrated as Lawyers’ Day in Turkey – the undersigned organisations take the opportunity to strongly condemn the ongoing crackdown against lawyers in Turkey.

Following the failed coup d’état of 15 July 2016, the Turkish government declared a state of emergency and adopted a series of decree-laws that seriously undermined human rights and the rule of law across the country. Although the state of emergency was lifted in July 2018, many of the decree-laws were integrated into ordinary laws and the persecution of lawyers continues, including mass arrests, unfair trials and harsh sentences.

According to the latest information available, since July 2016:

- 1546 lawyers have been prosecuted;
- Almost 600 lawyers have been arrested;
- 274 lawyers have been sentenced to long prison terms - the average prison term being 7 years.

Lawyers are being targeted solely because they are carrying out their professional activities, on the basis of alleged accusations of supporting terrorist organisations. The use of “mass trials” against lawyers or lawyers’ associations is frequent and fundamental rights and procedural safeguards are often not respected.

As a recent example, in March 2019, 18 lawyers from the Contemporary Lawyers' Association (ÇHD) and the People's Law Office (HHB) were sentenced to prison terms ranging from just over three years to just under 19 years. One lawyer has been convicted of "founding and managing a terrorist organisation" under Article 314-1 of the Turkish Penal Code, while all other defendants were found guilty of "belonging to a terrorist organisation" under Article 314-2 of the Turkish Penal Code.

Given the seriousness of the situation, attacks against Turkish lawyers were the focus of the 2019 Day of the Endangered Lawyer for the second time. The difficult situation facing lawyers in Turkey had already been highlighted during the Day of the Endangered Lawyer in 2012.

Several Turkish lawyers who have been particularly active in the defence of human rights and the rule of law in Turkey received the Council of Bars and Law Societies of Europe (CCBE) Human Rights Award in 2016. The Award was granted posthumously to Tahir Elçi, President of the Diyarbakır Bar Association who was murdered on 28 November 2015, and to lawyers Ayşe Bingöl Demir, Ayşe Acinikli and Ramazan Demir.

The undersigned organisations stress that the independence of the legal profession is an essential component in upholding the rule of law in a free society. Lawyers play a fundamental role in ensuring the protection of human rights and fundamental freedoms. The right to legal representation is guaranteed in Article 14(3)(b) of the International Covenant on Civil and Political Rights (ICCPR), to which Turkey is a party. The Council of Europe Recommendation on the freedom of exercise of the profession of lawyer N°R (2000) 21 from 25 October 2000 highlights that “*all necessary measures should be taken to respect, protect, and promote the freedom of exercise of the profession of lawyers without discrimination and without improper interference from the authorities or the public, in particular in the light of the relevant provisions of the European Convention on Human Rights*”.

Furthermore, in accordance with the United Nations Basic Principles on the Role of Lawyers, governments must ensure that lawyers are able to perform all their professional functions without intimidation, hindrance, harassment, or improper interference (Principle 16). In addition, lawyers must not be identified with their clients or their clients' causes as a result of discharging their functions (Principle 18). Everyone has the right to freedom of expression. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

The undersigned organisations urge the Turkish government to uphold the rule of law and bring an end to the persecution of lawyers. All lawyers who have been unduly detained for carrying out their professional activities should be immediately released.



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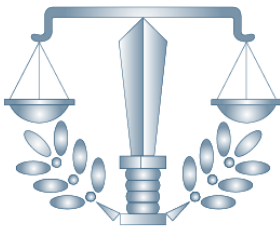
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