

President Vedat Ahsen COŞAR
Türkiye Barolar Birliği Başkanlığı
Oğuzlar Mahallesi,
Baris Manco Caddesi NO.44,
TR-06460 BALGAT ANKARA

Re: Concerns regarding the situation of lawyer Ms Zeynep Ceren Boztoprak

Dear President,

I am writing to you about two issues which have arisen in relation to the Union of Turkish Bars Association and the CCBE.

First, it has been brought to my attention that, since the retirement of Ms Derya Yesiladali as the representative of the Union of Turkish Bars Association to the CCBE earlier this year, we have not received the name of her replacement as the representative of your organisation. We very much value the membership of your Bar within the CCBE, and I would highlight that it is very important that we have someone nominated to follow our business. Our Plenary Session takes place in Antwerp next week on the 25-26 November, and we hope that we can welcome a representative from your organisation to be present for the proceedings.

Secondly, as you may know, the CCBE, through its Human Rights Committee, follows human rights cases concerning lawyers in many parts of the world. When a case concerns the country of one of our members, we first of all take it up with that member to receive comments, before sending off a letter to the government of the country concerned. That is why we are writing to you now, since a case concerning a Turkish lawyer has been brought to our attention.

The CCBE is seriously concerned about the situation of Ms Zeynep Ceren Boztoprak, a 24-year-old lawyer at Ankara Bar, who is accused of propaganda for an illegal organization. Ms Boztoprak is involved in human rights defence and was arrested on 18 May 2010 in Ankara. She was transferred to Askaray, where she spent four days in custody. On 22 May 2010, the Askaray Court issued a decision on detention and she was transferred to Adana prison.

The CCBE is informed that the charges against Ms Zeynep Ceren Boztoprak are mainly based on proposals for legal amendments that she drafted in the framework of her work for a human rights association and which were transmitted to the Law Commission, as well as on the advice to remain silent she gave to one of her clients. In addition to the fact that the confidentiality of the conversation between Ms Zeynep Ceren Boztoprak and her client was not ensured, it should be noted that the right to remain silent is guaranteed to any accused or suspect by the Turkish Constitution (article 38) and by article 147.1.(e) of the Criminal Procedure Code.

The CCBE notes that Ms Zeynep Ceren Boztoprak was tried before the Adana Special Criminal Court, and she was provisionally released on 22 October 2010. The prosecution requested a guilty verdict, and also that she be punished according to the law. Her trial is still on-going and the next hearing is scheduled for 16 November 2011. Ms Zeynep Ceren Boztoprak faces a sentence of 5 years' imprisonment.

In this context, the CCBE would normally draw to the attention of the government concerned 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 would like to ask you for the views of your bar on this case, before we write to your government with our concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Dal', written over a long horizontal line that extends to the right and then curves upwards at the end.

Georges-Albert Dal

President