



INTERNATIONAL LAW BREACHED AS TURKISH LAWYERS ARRESTED

JOINT STATEMENT: BAR HUMAN RIGHTS COMMITTEE AND BAR COUNCIL

Bar Human Rights Committee and Bar Council of England and Wales express deep concern over attacks against lawyers in Turkey

22 March 2016

The Bar Human Rights Committee of England and Wales (BHRC) and The Bar Council of England and Wales are extremely concerned to hear reports of raids on the houses of nine lawyers in Istanbul in the early hours of 16 March 2016.

After the search, lawyers Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan and Mustafa Ruzgar were taken into custody. The lawyers are human rights lawyers and members of the Libertarian Lawyers Association (Ozgurlukcu Hukukcular Dernegi – OHD). The lawyers arrested are known for their work in representing people accused of crimes against the state, terrorism and in the protection of minorities.

Many of these lawyers have been engaged in the representation of another group of 47 lawyers who are now being prosecuted on charges alleging association with a terrorist organisation. The charges relate to carrying out legal representation of alleged terrorists. Many of those lawyers were held in pre-trial detention for 14 months, despite their professional status and strong community ties.

BHRC has been engaged in observing this trial since 2012 and has registered concerns that unless many features of the trial are remedied, the lawyers will be denied a fair trial according to internationally agreed standards.

The United Nations Special Rapporteur for the Independence of the Judiciary and Lawyers visited Turkey in October 2011. She expressed her deep concern about the rising number of arrests, detentions and prosecutions under terrorism related charges of lawyers defending individuals accused of terrorism-related crimes. Since her visit the number of arrests has risen exponentially.

The mass arrest of these lawyers appears to be in breach of the United Nations Basic Principles on the Role of Lawyers. Principle 18 provides that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions, and principle 20 affirms that lawyers shall enjoy civil and penal immunity for relevant statements made in good faith or in their professional appearances before courts and tribunals.

BHRC is concerned that these principles are increasingly being breached in Turkey and that lawyers are being prevented from performing their professional functions without improper interference, or, worse, arrest for affiliation with their clients' causes.

Turkey has ratified the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), both which enshrine the right to a fair hearing and which includes the right to legal representation. By arresting and trying lawyers, the right to effective legal representation is being denied to those charged under anti-terrorism legislation. Moreover, their lawyers may face conviction for simply performing their professional obligations.

BHRC and the Bar Council further express their deep concern about reports that riot police assaulted lawyers who were representing their detained colleagues during a press conference outside the court room. The assault was witnessed by members of an international delegation of lawyers, including lawyers from the UK, who were observing the trial of the 47 lawyers. It appears that the assault was unprovoked. BHRC and the Bar Council deplore the use of violence against our professional colleagues in Turkey.

BHRC calls on the Turkish Government to comply in full with its obligations under Article 6 ECHR and Article 14 ICCPR, and to implement the UN Basic Principles on the Role of Lawyers. It also calls upon the Turkish authorities to bring forward a reasoned case against the arrested lawyers as soon as possible, and to afford them an effective right to bail, in accordance with Article 5 ECHR.

NOTES FOR EDITORS

1. For an interview with the Bar Human Rights Committee spokesperson, please contact Céline Grey, Project Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>

3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
4. For Further information from the Bar Council, please call the Press Office on 020 7222 2525 and Press@BarCouncil.org.uk.
5. The Bar Council represents barristers in England and Wales. It promotes:
 - The Bar's high quality specialist advocacy and advisory services
 - Fair access to justice for all
 - The highest standards of ethics, equality and diversity across the profession, and
 - The development of business opportunities for barristers at home and abroad.

The General Council of the Bar is the Approved Regulator of the Bar of England and Wales. It discharges its regulatory functions through the independent [Bar Standards Board](#)