

25 October 2017

## STATEMENT

### **BHRC calls on the Turkish authorities to release İdil Eser and Taner Kılıç, the Director and Chair of Amnesty Turkey, and other defendants charged with them, immediately and unconditionally**

On 25 October 2017 a Turkish court will conduct the first hearing in the trial of İdil Eser and Taner Kılıç, the Director and Chair of Amnesty Turkey, and 9 other defendants. The indictment in their case was accepted by the court on 17 October 2017. On that date John Dalhuisen, Amnesty International's Europe Director said “This indictment fails to provide a shred of incriminating evidence to substantiate the trumped up terrorism charges it contains. In accepting this indictment the Istanbul Court has missed a golden opportunity to bring this grotesque miscarriage of justice to a halt.”<sup>1</sup>

These defendants join thousands of other human rights defenders, judges, lawyers and journalists who have been arrested and arbitrarily detained since the failed coup in Turkey of July 2016.<sup>2</sup>

### **Background**

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<sup>1</sup> <https://www.amnesty.org/en/latest/news/2017/10/turkey-dismay-as-fantastical-allegations-accepted-by-court/>

<sup>2</sup> Previous BHRC letter.

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On 5 July 2017, 10 human rights activists, including Idil Eser, were arrested on terrorism charges stemming from the failed coup of July 2016. They have become known as the Istanbul 10.<sup>3</sup> The Chair of Amnesty International Turkey, Taner Kilic was arrested just days earlier.

Six of those who were arrested alongside Idil Eser during a workshop on the 5 July—Günel Kurşun, Özlem Dalkıran, Veli Acu, Ali Gharavi and Peter Steudtner have also remained in custody since their arrest. Only two of those arrested are currently released on bail.

They are accused of ‘committing crimes as part of a terrorist organisation without being members;’ however reports suggest that the Turkish government is attempting to link them to three unrelated terrorist organisations with ideologically opposing agendas.<sup>4</sup>

Some reports suggest that the human rights defenders arrested on 5 July may remain in pre-trial detention for two years or more before their case is complete.

To date, more than 50,000 people have been detained and accused of ties to the ‘Fethullahist Terrorist Organisation,’ including nearly 2,500 members of the judiciary and dozens of journalists. An additional 169,000 are accused of ties with terrorist organisations but have yet to face legal proceedings.<sup>5</sup> The sheer number of those arrested since Turkey’s failed coup raises serious concerns of the Turkish government’s intolerance of dissonance and its flagrant disregard for international law. There have also been documented cases of torture, inhumane treatment and deteriorating conditions of detention since the failed coup.<sup>6</sup>

## **Legal framework**

The indictment and continued detention of human rights defenders without sufficient evidence violate some of the most fundamental international human rights standards, including the right to liberty, the presumption of innocence, and freedom of expression and assembly.

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<sup>3</sup> Previous BHRC letter.

<sup>4</sup> Previous BHRC letter.

<sup>5</sup> Previous BHRC letter.

<sup>6</sup> <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture>

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Turkey is under a legal obligation to protect these standards.

On 23 September 2003 Turkey ratified the UN's International Covenant on Civil and Political Rights (ICCPR), which protects the right to not be arbitrarily detained (Article 9), to be presumed innocent to enjoy a fair trial (Article 14), to enjoy freedom of thought and conscience (Article 19), to freely assemble (Article 21) and to associate (Article 22).<sup>7</sup>

In 1954 Turkey ratified the European Convention on Human Rights (ECHR). Turkey derogated from the ECHR after announcing a state of emergency under Article 15 following the attempted coup; however, certain rights under the convention are non-derogable, such as the prohibition on torture, and derogation from other articles is only permissible where there is an emergency threatening the life of the nation (Article 15). The continuing restrictive actions of the Turkish authorities go well beyond the scope of derogation permitted under Article 15 and are in violation of the European Convention on Human Rights' prohibition of torture (Article 3), right to liberty and security (Article 5), right to a fair trial (Article 6) and freedom of assembly and association (Article 11).

The Turkish government's actions, including the detention and indictment of İdil Eser and the Istanbul 10, represent a clear and unambiguous violation of these obligations.

## **Conclusion**

The clear message of these arrests and indictments is that dissent of any kind, and even the work of human rights protection, will not be tolerated by the Turkish authorities. BHRC considers that these violations of fundamental human rights are of serious concern. The actions of the Turkish government not only violate international law, but demonstrate the deep flaws in the Turkish justice system. Without respect for fundamental human rights, and the rule of law, the people of Turkey are left without safeguards against torture, arbitrary arrest and inhumane treatment, and other violations of their fundamental rights.

BHRC urges Turkish authorities to immediately and unconditionally release İdil Eser and Taner Kılıç, the 9 defendants facing the first day of trial on 25 October 2017, and the many other human rights defenders who are being detained without evidence.

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<sup>7</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

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**ENDS.**

## **NOTES FOR EDITORS**

1. For an interview with our spokesperson, please contact Amanda June Chadwick, Executive Officer, on +44 (0)7854 197862 or [coordination@barhumanrights.org.uk](mailto:coordination@barhumanrights.org.uk)
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.

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