President of Turkey, Recep Tayyip Erdoğan
Cumhurbaşkanlığı Külliyesi
06560 Beştepe-Ankara
Fax: (+90 312) 525 58 31 E-mail: contact@tccb.gov.tr

London, 5 April 2019

Dear President Erdogan,

Friday 5 April 2019 is the "Day of the Lawyer" in Turkey; however, many Turkish lawyers will be unable to celebrate the day on account of being imprisoned or awaiting prosecution. Since the coup attempt of July 15, 2016, it is understood that 275 Turkish lawyers have been sentenced to a cumulative total of nearly 1800 years in prison and many more are awaiting trial.[1] It appears that in the discharge of their professional duties, lawyers are being associated with their clients' political views (or alleged political views), and are consequently being prosecuted for the same or related offences of which their clients are accused. The office of the United Nations High Commissioner for Human Rights reports that it has observed 'a pattern of persecution of lawyers representing individuals accused of terrorism offences.'[2]

If, as appears to be the case, this is true, it undermines the independence of legal professionals, threatens to silence critical voices and endangers human rights protection in Turkey. Turkey would also be in breach of its international obligations to protect lawyers and allow them to carry out their vital work free of fear or intimidation. The arrest of lawyers who are simply performing their professional duties not only affects their human rights, it also offends against the core principles of the independence of the legal profession and the rule of law. We are also deeply concerned about the continued reports of torture and ill-treatment of detained lawyers.

---

[1] Available at: https://arrestedlawyers.org/2019/03/29/court-sentences-21-lawyers-to-150-years-in-prison/
[2] Available at: https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf. At [9] of the Executive Summary.

In 2003, Turkey ratified the UN International Covenant on Civil and Political Rights. Amongst the rights protected are the right to liberty and security of person (Article 9), the right to a fair trial and presumption of innocence (Article 14), the right to freedom of expression (Article 19), and the rights to freedom of assembly (Article 21) and association (Article 22). These are all rights of detained lawyers, which appear to be being currently violated by Turkey. The European Convention on Human Rights, which was ratified by Turkey in 1954, also appears to be being violated.

The actions of the Turkish authorities also offend the UN Basic Principles on the Role of Lawyers (1990), in particular Principles 16, 17, 18 and 23. Lawyers should be free to perform their professional functions without intimidation, hindrance, harassment or improper interference, and should not suffer or be threatened with sanctions for any action taken in accordance with their professional duties (Principle 16). The security of lawyers should be adequately safeguarded by the authorities (Principle 17). Lawyers should not be identified with their clients' causes (Principle 18), and lawyers, like other citizens, are entitled to freedom of expression, belief, association and assembly (Principle 23).

You will know that we wrote to you last year, but, to our great concern, there has been no discernible improvement in the safeguarding of lawyers and their rights.

We once again call upon the Government of Turkey to stop the arbitrary arrest, detention and wrongful prosecution of lawyers, and to ensure and safeguard the independence of the legal profession and to uphold its obligations under international law. We also call upon the Government of Turkey to reinstate in office those wrongly detained, prosecuted and dismissed from their posts.

Richard Atkins QC

Chair of the Bar

Schona Jolly QC

Chair of BHRC