



19th January 2013

A FURTHER 15 TURKISH LAWYERS ARRESTED

The BHRC is extremely concerned by the arrest of a further 15 lawyers in Turkey on the 16th January 2013. The 15 lawyers are human rights lawyers working in Istanbul and across seven provinces in Turkey.

Nine of the lawyers are members of the Progressive Lawyers Association (CHD), which is affiliated to the European Association of Lawyers for Democracy and World Human Rights (ELDH). ELDH has an affiliated association in the UK, a number of whose members are active in the BHRC.

The lawyers who have been arrested are known for their work in representing persons accused of crimes against the state and terrorism, and members of minorities.

This recent arrest follows the arrest in November 2011 of 46 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 have now been in pre-trial detention for 14 months.

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.

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.

The 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.

The 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 lawyers as soon as possible, and to afford them an effective right to bail, in accordance with Article 5 ECHR.

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Notes to Editors

1. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.
2. The BHRC has conducted observations of two hearings held relating to the charges against the 46 prior arrested lawyers, and has grave concerns for the fairness of their trials and the basis upon which the charges have been brought against them.
3. Wide scale arrests have been directed against Kurdish activists whom the government claims are members of the Union of Communities in Kurdistan (KCK), an illegal organisation set up by Abdullah Ocalan, the leader of the PKK convicted of terrorism in 1999 and serving a life sentence in solitary confinement on Imrali Island. The KCK was set up to further his ideas of federalism. The 46 prior arrested lawyers deny membership of this organisation and many are members of the mainstream Peace and Democracy Party. Other arrests have targeted Kurdish politicians, locally elected mayors and members of municipal councils, journalists, human rights defenders, trade unionists and academics.
4. The evidence against the 46 lawyers on trial appears to have primarily been gathered from confidential communications between the lawyers and their clients, elicited without proper consideration of the right to privacy under article 8 ECHR or legal professional privilege, recognised by the European Court of Human Rights as an integral part of the right to an effective defence under article 6 ECHR. If admitted this will form the decisive basis of the case against them. Moreover, so far, equality of

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arms with the prosecutor does not appear to have been exercised in the court, nor has the right to Kurdish interpretation been granted.