

Minister of Justice
Mr Abdullhamit Gul
Ministry of Justice
Adalet Bakanlığı
06659 Ankara, Turkey
Fax: +90 312 419 33 70
Email: ozelkalem@adalet.gov.tr



London, 20 July 2017

Dear Minister Gul,

I write to you as the chair of the Bar Human Rights Committee of England and Wales regarding the arrest, continued detention and prosecution of human rights defenders, known as the Istanbul 10, who were arrested on 6 June and 5 July 2017.

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 recognized legal standards relating to human rights and the right to a fair trial.

BHRC raises grave concern at the arrest and detention of director of Amnesty Turkey, Idil Eser, on 5 July and the chairman of Amnesty Turkey, Taner Kilic, on 6 June, together with other human rights defenders. This includes six of those known as the 'Istanbul 10' who were arrested alongside Idil Eser during a workshop on the 5 July—Günal Kurşun, Özlem Dalkıran, Veli Acu, Ali Gharavi and Peter Steudtner. They are reportedly accused of 'committing crimes as part of a terrorist organisation without being members.' Reports also indicate that Turkish authorities are attempting to link them to three unrelated and opposing terrorist organisations. These seven human rights defenders, including Idil Eser and Taner Kilic are currently being held in pre-trial detention.

These arrested are the most recent example of a disturbing trend in Turkey to detain those who speak out against the government. Current reports indicate that more than 50,000 people have been detained and accused of ties to '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. The sheer numbers belie any serious argument that there is evidence satisfying the accusations.

The continued detention of these judges, journalists and human rights defenders without trial also raises serious issues concerning length of detention and conditions of confinement. In summary, Turkey is in flagrant breach of international law.

Since the failed coup in July 2016, thousands of those who have been arrested have yet to face trial. 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. This is an unacceptable deprivation of

Bar Human Rights Committee of England and Wales (BHRC), 53-54 Doughty Street, London WC1N 2LS
Chair: Kirsty Brimelow QC | Vice-Chairs: Blinne Ní Ghrálaigh & Schona Jolly

coordination@barhumanrights.org.uk | www.barhumanrights.org.uk
+44 (0) 20 7404 1313 ext. 359 | +44 (0) 7854 197862

liberty. There have also been documented cases of torture and deteriorating conditions of detention since July 2016 (<https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture>).

Yesterday, the British Foreign Office Minister, Sir Alan Duncan called upon the Turkish government to ‘uphold international standards with regard to the rule of law, including the presumption of innocence, and to protect fundamental rights including freedom of expression and assembly.’

BHRC supports Sir Alan Duncan’s comments and requires implementation of international law in these cases. The arrests and subsequent are an apparent breach of Turkish government’s international law obligations as a party to the following fundamental treaties:

International Covenant on Civil and Political Rights

- Article 14(2): presumption of innocence
- Article 19: freedom of expression
- Article 21-freedom of assembly
- Article 22-freedom of association

European Convention on Human Rights

- Article 3: prohibition of torture
- Article 5- right to liberty and security
- Article 6-right to a fair trial
- Article 11-freedom of assembly and association.

By arresting human rights defenders, the Turkish government appears to be using its judicial power to demonise critics and halt civil society engagement while depriving thousands of people of their fundamental rights.

We request the Department of Justice ensures that the courts are functioning in line with international law. This will ensure the immediate release of Idil Eser, Taner Kilic, the “Istanbul 10” and others who are being detained without evidence and/or without proper consideration of bail. Due process and freedom from arbitrary detention is not being protected in Turkey and we request that responsible bodies function to implement change.

The Department of Justice must uphold the rule of law in Turkey and protect the fundamental rights of all persons to peacefully assemble and engage with civil society. We remain willing to assist Turkey to comply with international law and standards in respect of those individuals working peacefully for the rights of others in civil society. However, ultimately the responsibility and obligation is with Turkey. We look forward to hearing the news of the immediate release of the Istanbul 10.

Yours sincerely,



Kirsty Brimelow QC

Chair, Bar Human Rights Committee of England and Wales (BHRC)

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.

Bar Human Rights Committee of England and Wales (BHRC), 53-54 Doughty Street, London WC1N 2LS
Chair: Kirsty Brimelow QC | Vice-Chairs: Blinne Ní Ghrálaigh & Schona Jolly

coordination@barhumanrights.org.uk | www.barhumanrights.org.uk
+44 (0) 20 7404 1313 ext. 359 | +44 (0) 7854 197862

Bar Human Rights Committee of England and Wales (BHRC), 53-54 Doughty Street, London WC1N 2LS
Chair: Kirsty Brimelow QC | Vice-Chairs: Blinne Ní Ghrálaigh & Schona Jolly

coordination@barhumanrights.org.uk | www.barhumanrights.org.uk
+44 (0) 20 7404 1313 ext. 359 | +44 (0) 7854 197862