JOINT STATEMENT ON THE ARREST OF 48 LAWYERS AND 7 INTERN LAWYERS IN ANKARA, TURKEY (16.9.2020)

Through the new "alternative bar associations" legislation and President Erdogan's own words "*Those who act as the lawyers of terrorists may not act like terrorists themselves. If they do so, there must be a price to pay*", which he said in the presence of judges and prosecutors in the new judicial year opening ceremony, the Turkish government had already signaled that a new phase in the persecution of lawyers was about to start. Only a few days after President Erdogan's speech, today (11 September 2020), the Ankara Chief Public Prosecutor has ordered the arrest of 48 lawyers, 7 trainee lawyers, 4 purged judges and a law graduate, for being "members of a terrorist organisation"

According to the report of the state-run Anatolian News Agency, their arrests were sought for no other offence than representing those whom the government considered dissidents and who were accused of being involved in "terrorism". The arrested lawyers were not to be allowed a conference with anybody and would be held in custody for at least 12 days, in violation of the existing criminal procedure laws. It has also been reported that during the arrest and search procedure (of the residences of the lawyers) procedural laws were violated, and woman lawyers were handcuffed with their hands behind their backs and were subjected to ill-treatment.

It is a widely-accepted fact that, in Turkey, "terrorism" charges are political in nature and are used to repress, intimidate and silence any opposition. Contrary to what the government has been suggesting, those who are arrested, detained and convicted are subjected to such unlawful actions, only because of their political views and their criticism of the government.

In Turkey, lawyers are being arrested and prosecuted on a massive scale following the attempted coup of 15th July, 2016. It all started with the arrest of the President of the Konya Bar Association and has continued ever since without losing any momentum. To date, over 1600 lawyers have been arrested, and more than 600 of them imprisoned. 441 lawyers have, on the other hand, been convicted of "being a member of a terrorist organisation".

The mass arrests are carried out to intimidate and deter lawyers, as they serve a critical purpose in the fight against the various unlawful actions of the police and the judiciary, including torture and ill-treatment. The persecution of lawyers facilitates the torture and ill-treatment of detained persons and prevents them from asking that their fundamental human rights be respected.

The fact that the arrests in question were carried out in Ankara[5], which has the highest number of COVID-19 infections, is another cause for concern. This has happened at a time when the Council of Europe and the UN's human rights organs have stressed that custodial measures, such as arrest and detention, should not be carried out during the pandemic unless such measures are absolutely necessary.

According to the UN Basic Principles on the Roles of Lawyers, governments shall ensure that lawyers:
(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;
(b) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions, for any action taken in accordance with recognized professional duties, standards and ethics,
(c) shall not be identified with their clients, or their clients' causes, as a result of discharging their functions.

These safeguards are not a professional luxury granted to lawyers, but are a necessity in order to protect the rights and freedoms of individuals. Hence, criminal investigations about lawyers are to be carried out under a specific procedure (which involves additional safeguards) as long as there is not a situation of 'in flagrante delicto'.

As established by the European Court of Human Rights (in the cases of Alparslan Altan vs Turkey and Hakan Bas vs Turkey), the Turkish judiciary's interpretation and application of in flagrante delicto breaches the principle of legality and the right to liberty. Accordingly, the mass-arrest of lawyers with police raids, which has become the new normal since July 15 [2016], is an apparent violation of the law.

The detention of 60 lawyers, the majority of whom are women, is an important part of the objective to silence lawyers. Remaining silent about this will deprive all citizens of their rights and liberties.

We call on the Turkish government to:
a) cease the mass-arrest campaign against lawyers,
b) ensure that all arrested and imprisoned lawyers are released immediately,
c) ensure that those responsible for arbitrary and unlawful arrest and imprisonment of lawyers are investigated,
d) fully comply with the UN Basic Principles on the Role of Lawyers.

1) Barreau de Lyon (Lyon Bar Association) - France
2) Consiglio Nazionale Forense (Italian National Bar Council) - Italy
3) Federation des Barreaux d'Europe / European Bars Federation - France
4) Fundación Internacional de Derechos Humanos - Spain
5) Human Rights Foundation - United States
6) International Association of People's Lawyers (IAPL) - France
7) The International Bar Association's Human Rights Institute (IBAHRI) - UK
8) International Observatory of Human Rights - UK
9) L'association Défense Sans frontière - Avocats Solidaires (DSF-AS) - France
10) Lawyers' Rights Watch Canada - Canada
11) La Conférence des Bâtonniers de France - France
12) La Plataforma Pro Derechos y Libertades - Spain
13) MEDEL - Magistrats européens pour la démocratie et les libertés - Germany
14) Monitoring Committee on Attacks on Lawyers - France
15) Open Dialogue Foundation - Belgium
16) Platform for Peace & Justice - Belgium
17) Raoul Wallenberg Centre for Human Rights - Canada
18) Scotland Against Criminalising Communities (SACC) - Scotland
19) Social Justice Action Campaign (SOJAC) – South Africa
20) The Arrested Lawyers Initiative - Belgium
21) The Law Society of South Africa – South Africa
22) Universal Rights Association – South Africa


ORDRE DES AVOCATS
Barreau de Lyon


Consiglio Nazionale Forense
presso il Ministero della Giustizia


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des
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Fundación
Internacional
de Derechos
Humanos


Human
Rights
Foundation


INTERNATIONAL BAR ASSOCIATION


Human Rights
Institute
25 years promoting and protecting
human rights worldwide


International Association of People's Lawyers
IAPL
FOUNDED 2000


INTERNATIONAL
OBSERVATORY
HUMAN RIGHTS


défense sans frontière
avocats solidaires


Conférence
des
Bâtonniers


MEDEL
Magistrats Européens pour la
Démocratie et les Libertés


Lawyers' Rights Watch Canada

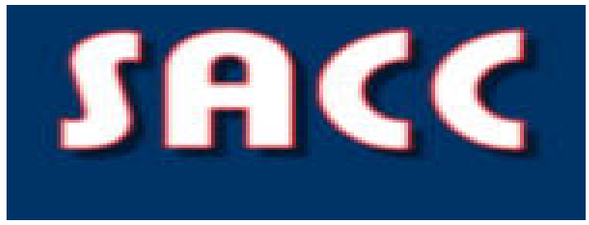

LAW SOCIETY
OF SOUTH AFRICA


OPEN DIALOGUE

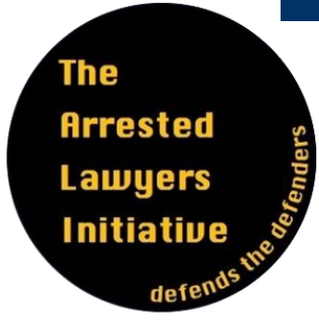

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RAOUL WALLENBERG
CENTRE FOR HUMAN RIGHTS


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URA
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