



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

April 28, 2014

Prime Minister Recep Tayyip Erdoğan  
Office of the Prime Minister  
Bakanlıklar, P.K. 06573  
Ankara, Turkey

Office of the Treasurer

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Tel 416-947-3415  
Fax 416-947-7609

Dear Prime Minister Erdoğan:

**Re: Arrest and prosecution of Ramazan Demir**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the arrest and prosecution of Ramazan Demir. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Ramazan Demir is a lawyer known for his participation as defence counsel in the Koma Civakên Kurdistan (KCK) trials. During his clients' hearing in Silivri on November 16, 2012, Ramazan Demir rebutted the allegation of the prosecutor that the journalists on trial were not independent journalists. He challenged the capacity of the prosecutor to determine that the journalists were conducting activities that were not "normal" or "independent" journalistic activities and requested that the court call and hear expert testimony on the subject.

Six months later, on May 13, 2012, the Special Prosecutor of the 15<sup>th</sup> Serious Crimes Court filed a complaint against Ramazan Demir regarding his submissions to the court. On September 9, 2013, the Special Prosecutor was authorized by the Ministry of Justice to file an indictment against Ramazan Demir charging him with "insulting or (...) offending the dignity of a public authority in the performance of his duties" under s. 125 Turkey's *Criminal Code*.

Lawyers must be allowed to make statements and submissions that they deem to be relevant for the defence of their clients. In particular, they are entitled to, and should be able to challenge the charges that their clients are facing without having to worry that their advocacy might have negative consequences for themselves.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and 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”. Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.”

The Law Society urges the government of Turkey to,

- a. guarantee all the procedural rights that should be accorded to Ramazan Demir and other human rights defenders in Turkey;
- b. guarantee in all circumstances the physical and psychological integrity of Ramazan Demir;
- c. put an end to all acts of harassment against Ramazan Demir and other human rights defenders in Turkey;
- d. ensure that all Turkish lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Thomas G. Conway  
Treasurer

*\*The Law Society of Upper Canada is the governing body for 46,200 lawyers and 6,200 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

copy: Mr. Başbakan Yardımcıları, Deputy Prime Minister  
Responsible for Human Rights and Counter Terrorism  
Bakanlıklar  
Ankara, Turkey

Mr. Sadullah Ergin, Minister of Justice  
Ministry of Justice  
Adalet Bakanligi, 06659  
Ankara, Turkey