

Public Statement

The Law Society of Upper Canada expresses grave concerns about the ongoing judicial harassment of Muharrem Erbey in Turkey

The Law Society of Upper Canada is gravely concerned about the arrest, the 1,570 days of pre-trial detention and trial of Muharrem Erbey in Turkey.

Muharrem Erbey is a human rights lawyer and writer. He is well known for standing by victims of human rights violations, extrajudicial killings and enforced disappearances as well as his support of Kurdish rights. He was arrested on December 24, 2009 by the Anti-Terror Unit of the Diyarbakir Security and charged with “being a member of an illegal organisation”, pursuant to Article 314 of the *Turkish Criminal Code*.

Muharrem Erbey’s arrest is related to the Koma Civakên Kurdistan (KCK) counter terrorism arrests. Since 2008, over 8,000 people have been arrested in the context of the KCK investigations. In 2012, 44 journalists were arrested on terrorist charges and accused of backing the illegal pan-Kurdish umbrella group KCK. These arrests are seen as a way for the Turkish government to criminalize peaceful dissent as well as Kurdish political and cultural expression. These investigations often target human rights defenders.

The minutes from Muharrem Erbey’s interrogation on December 25, 2009 show that his arrest was linked to his human rights work. He has represented clients before the European Court of Human Rights and is the vice president of the Human Rights Association of Turkey (IHD) and president of the local IHD in Diyarbakir, Turkey.

Additionally, Muharrem Erbey spent 1,570 days in pre-trial detention and was only recently released from that detention. His release comes well after his trial began in October 2010 and after it resumed on January 12, 2014. If convicted, Muharrem Erbey faces up to 15 years in prison.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. 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 Muharrem Erbey and other human rights defenders in Turkey;
- b. guarantee in all circumstances the physical and psychological integrity of Muharrem Erbey;
- c. put an end to all acts of harassment against Muharrem Erbey 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.

The Law Society of Upper Canada is the governing body for 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada, and 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.

The Law Society urges the legal community to intervene in support of members of the legal profession in their effort to advance the respect of human rights and to promote the rule of law.

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