



The Law Society of
Upper Canada

Barreau
du Haut-Canada

June 2, 2014

Office of the Treasurer

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

Dear Prime Minister Erdoğan:

Re: The judicial harassment of Muharrem Erbey

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the arrest, lengthy pre-trial detention and trial of Muharrem Erbey. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Muharrem Erbey was arrested on December 24, 2009 by the Anti-Terror Unit of the Diyarbakir Security Directorate, which took part in a country-wide security sweep. He was charged with “being a member of an illegal organisation”, pursuant to Article 314 of the *Turkish Criminal Code*.

However, the minutes from Muharrem Erbey’s interrogation on December 25, 2009 show that his arrest was linked to his human rights work. As a human rights defender, Muharrem Erbey 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 detention. His release comes well after his trial began in October 2010 and after it resumed on January 12, 2014. While we welcome the court’s decision to release Muharrem Erbey, we are concerned about the persistence of charges against him and the ongoing judicial harassment of him for his human rights work.

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 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.

Yours very truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for 46,000 lawyers and 6,300 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.*

Cc:

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