

January 18, 2018

H.E. Mr. Recep Tayyip Erdoğan
President of the Republic of Turkey
Cumhurbaşkanlığı Külliyesi
06689 Çankaya, Ankara
Turkey

Office of the Treasurer

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Your Excellency:

Re: Concerns regarding the conviction or detention of 37 lawyers in Turkey

I write on behalf of the Law Society of Ontario* to voice our grave concern over the conviction or detention of 37 lawyers in Turkey.

The Law Society would like to express its concern regarding the convictions of 20 members of the Konya Bar Association. We understand that on October 25, 2017, they were sentenced to several years of prison by the Konya 6th High Penal Court. The former head of the Konya Bar Association, Fevzi Kayacan, was sentenced to 10 years and 6 months of imprisonment. Lawyers Berat Alper Kösterik, Erhan Şahin, Osman Buğur, Ahmet Bal, Mehmet Yıldırım, Mehmet Şimşek, Özgür Solak, Arif Özer, Veysel Köylü, Erdal Soydaş, Hatice Erdem, Nihat Karahan, Elşad Mehmethanlı, Hasan Hüseyin Avcı, Ibrahim Bakım, Ramazan Arı, Mehmet Balta, Orhan Özkavak and Muhammed Tahra were sentenced to imprisonment between 2 and 11 years. They have all been convicted of terror related offenses, and these offences have been associated with the Gülen movement. According to the information received, several lawyers were subjected to torture and ill-treatment during their detention.

The Law Society would also like to express its concern regarding the 17 Turkish lawyers in police custody in 4 different provinces. On November 1, 2017, 8 lawyers were taken into custody in Kastamonu. On November 2, 2017, 1 lawyer was taken into police custody in Batman. In the province of Erzurum, 7 lawyers were detained. In Istanbul, lawyer Selçuk Kozağaçlı was detained. Selçuk Kozağaçlı is the president of the Progressive Lawyers Association, which was shut down by an emergency decree. Selçuk Kozağaçlı has been representing the Soma Mine Disaster Victims,

activists Nuriye Gulmen and Semih Ozakça (who are on hunger strike), as well as other persecuted people.

It is reported that Selçuk Kozağaçlı was beaten while he was taken into custody and is now on hunger strike to protest his unlawful detention. Selçuk Kozağaçlı stated during the Ankara Bar Association's general assembly on October 16, 2017 that people imprisoned as part of the crackdown on the Gülen movement are being systematically tortured.

We understand that number of lawyers under criminal prosecution in Turkey raised to 1,433 and that 555 lawyers have been arrested since the coup attempt in July 2016.

The Law Society is deeply concerned about the situation of these 37 lawyers and urges Your Excellency to comply with Turkey's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Turkey to:

- a. reverse the convictions against the 20 Turkish members of the Konya Bar Association immediately and unconditionally;
- b. release the 17 Turkish lawyers held in police custody immediately and unconditionally;
- c. guarantee all of the procedural rights that should be accorded to all 37 Turkish lawyers in accordance with their right to a fair trial;
- d. guarantee that adequate reparation will be provided to any of the 37 Turkish lawyers if they are found to be a victim of human rights abuses;
- e. ensure that all people in Turkey, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression;
- f. ensure that all lawyers and judges in Turkey are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul Schabas
Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 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:

H.E. Mr. Selçuk Ünal, Ambassador of Turkey in Canada

The Honourable Chris Cooter, Ambassador of Canada in Turkey, Georgia, Azerbaijan and Turkmenistan

Vedat Ahsen Coşar, President, Union of Turkish Bar Associations

The Honourable Chrystia Freeland, Minister of Foreign Affairs

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada



Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales