



## Public Statement

### **The Law Society of Upper Canada expresses grave concerns about the mass arrests and suspensions of lawyers and judges in Turkey**

TORONTO, ON — The Law Society of Upper Canada expresses grave concerns about the mass arrests and suspensions of lawyers and judges in Turkey.

Reports indicate that following a failed military coup d'état attempt in Turkey on Friday, July 15, 2016, approximately 755 judges and prosecutors have been detained. Furthermore, an additional 2,745 judges and prosecutors have been suspended by the Turkish High Council of Judges and Prosecutors. It is the Law Society's understanding that the number of judges and prosecutors arrested and suspended amounts to one-fifth of Turkey's justice system. Human rights organizations note that there is no evidence to support the allegations that the judges and prosecutors in question were linked to the attempted coup.

The Law Society has noted that since 2014, a number of lawyers and judges have faced barriers to their abilities to exercise their legitimate duties, including attacks and threats; prosecutions; and sanctions against judges who make controversial or unpopular rulings. The Law Society believes strongly that the protection of judicial independence and the independence of the legal profession are essential to the maintenance of the rule of law.

The Law Society of Upper Canada strongly urges the government of Turkey to comply with its obligations under international human rights laws, including the *European Convention on Human Rights* (ECHR), the *International Covenant on Civil and Political Rights* (ICCPR) - which both speak to the obligation to respect human rights, the prohibition of torture, the right to liberty and security, and the right to a fair trial - the United Nations' *Basic Principles on the Independence of the Judiciary* and the United Nations' *Basic Principles on the Role of Lawyers*.

Article 1 of the *Basic Principles on the Independence of the Judiciary* states:

The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.

Additionally, Articles 17, 18, 19 and 20 read as follows:

17. A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential, unless otherwise requested by the judge.

18. Judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.

19. All disciplinary, suspension or removal proceedings shall be determined in accordance with established standards of judicial conduct.

20. Decisions in disciplinary, suspension or removal proceedings should be subject to an independent review. This principle may not apply to the decisions of the highest court and those of the legislature in impeachment or similar proceedings.

Article 16 of the *Basic Principles on 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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

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. release and reinstate lawyers and judges who have been arrested or suspended in relation to the attempted coup on July 15, 2016 unless credible evidence can be provided of their involvement in criminal activity;
- b. guarantee all the procedural rights that should be accorded to lawyers and judges who have been arrested or suspended in relation to the attempted coup on July 15, 2016;
- c. guarantee in all circumstances the physical and psychological safety and integrity of reinstated lawyers and judges who have been arrested or suspended in relation to the attempted coup on July 15, 2016; and
- d. put an end to all acts of harassment against judges, lawyers and human rights defenders in Turkey;

- 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 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.*

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