



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

May 10, 2017

H.E. Recep Tayyip Erdoğan  
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Your Excellency:

**Re: Dismissal of 227 judges and prosecutors**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the dismissal of 227 judges and prosecutors. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society's information states that on February 20, 2017, the Government of Turkey dismissed 227 judges and prosecutors as part of its ongoing investigations into the failed coup of July 2016.

You may recall that back in July 2016, directly on the heels of the attempted coup, the Law Society intervened on behalf of approximately 3,500 judges and prosecutors – 755 of whom were detained by Turkish authorities and 2,745 of whom were suspended by Turkey's High Council of Judges and Prosecutors (the "High Council"). The number of judges and prosecutors arrested or suspended at that time amounted to roughly one-fifth of Turkey's justice system. With this latest round of dismissals, the High Council has now relieved more than 3,886 judges and prosecutors from their posts since mid-July 2016.

Human rights organizations are concerned that the coup is being used as a pretext to stifle dissent. They have also noted in the past that there is no evidence to support the allegations that the judges and prosecutors who have been arrested and/or dismissed were linked to the attempted coup.

The Law Society of Upper Canada urges Your Excellency to comply with Turkey's obligations under international human rights laws, including 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.

Articles 16, 17 and 18 of the *Basic Principles on the Role of Lawyers* state:

16. 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.

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

18. 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. reinstate the judges and prosecutors who have been dismissed, unless credible evidence of their involvement in the attempted coup can be provided;
- b. guarantee all of the procedural rights that should be accorded to the dismissed judges and prosecutors;
- c. put an end to all acts of harassment against lawyers and judges in Turkey;
- d. guarantee in all circumstances the physical and psychological integrity of lawyers and judges in Turkey;

- e. ensure that all lawyers and judges in Turkey can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas  
Treasurer

*\*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.*

cc:

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