



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 19, 2017

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
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Your Excellency:

Re: Conviction of lawyer Muharrem Erbey

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the conviction of lawyer Muharrem Erbey. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Muharrem Erbey is a human rights lawyer, former Vice-President of the Human Rights Association (IHD) and former Chairperson of IHD Diyarbakır. The Law Society first intervened on his behalf in June 2014, after he was arrested and charged with “being a member of an illegal organization”. The organization in question is the Kurdish Communities Union (KCK), which is alleged to be the “urban branch” of the armed Kurdistan Workers Party (PKK).

It has come to the Law Society’s attention that on March 28, 2017, Muharrem Erbey was convicted of the above-noted charge and sentenced to six years and three months in prison. He has since filed an appeal.

Human rights organizations believe that Muharrem Erbey’s conviction is linked to his activities as a high-profile human rights lawyer and is intended to criminalize peaceful dissent as well as Kurdish political and cultural expression.

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 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, economic 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. immediately and unconditionally vacate the conviction rendered against Muharrem Erbey;
- b. guarantee all of the procedural rights that should be accorded to Muharrem Erbey in accordance with his right to a fair trial;
- c. ensure that Muharrem Erbey is afforded regular access to his lawyer(s) and family during his incarceration;
- d. put an end to all acts of harassment against Muharrem Erbey and all other lawyers in Turkey;
- e. guarantee in all circumstances the physical and psychological integrity of Muharrem Erbey;

- f. ensure that all lawyers in Turkey can carry out their professional duties and activities without fear of reprisals, physical violence 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 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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