



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

October 9, 2017

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Your Excellency:

**Re: Detention of lawyers Didem Baydar Ünsal, Aytaç Ünsal, Ahmet Mandacı, Yağmur Ereren, Barkın Timtik, Ebru Timtik, Şükriye Erden, Engin Gökoğlu, Ezgi Çakır, Süleyman Gökten, Ozgur Yılmaz, Oya Aslan, Ayşegül Çağatay, Behiç Aşçı, Aycan Çiçek, Günay Dağ, Zehra Özdemir and Özgür Yılmaz**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the detention of lawyers Didem Baydar Ünsal, Aytaç Ünsal, Ahmet Mandacı, Yağmur Ereren, Barkın Timtik, Ebru Timtik, Şükriye Erden, Engin Gökoğlu, Ezgi Çakır, Süleyman Gökten, Ozgur Yılmaz, Oya Aslan, Ayşegül Çağatay, Behiç Aşçı, Aycan Çiçek, Günay Dağ, Zehra Özdemir and Özgür Yılmaz. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

These 18 lawyers were taken into custody as the result of a police raid on September 12, 2017, and they are currently detained in Ankara, Istanbul and Diyarbakır, Turkey.<sup>1</sup> There have been reports that Ozgur Yılmaz has been subjected to torture.<sup>2</sup>

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<sup>1</sup> "Re: Concerns regarding 18 lawyers taken into custody in Ankara, Istanbul and Diyarbakır", *Council of Bars and Law Societies of Europe* (13 September 2017) at 1, online: <[http://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS\\_LETTERS/Turkey\\_-\\_Turquie/2017/EN\\_HRL\\_20170913\\_Turkey\\_Concerns-regarding-18-lawyers-taken-into-custody-in-Ankara-Istanbul-and-Diyarbakir.pdf](http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Turkey_-_Turquie/2017/EN_HRL_20170913_Turkey_Concerns-regarding-18-lawyers-taken-into-custody-in-Ankara-Istanbul-and-Diyarbakir.pdf)> [CCBE Letter].

<sup>2</sup> CCBE Letter, *supra* note 1 at 1.

The lawyers are members of the People's Law Office (Halkın Hukuk Bürosu) and Umut Law Office. They have been representing the arrested activists and educators, Nuriye Gülmen, a professor of literature, and Semih Özakça, a primary school teacher.<sup>3</sup> The two educators have been on hunger strike since they were dismissed from their jobs. They were arrested on May 23, 2017, and were scheduled to be on trial in Ankara on September 14, 2017.<sup>4</sup>

The arrest of the 18 lawyers came two days before the lawyers were scheduled to defend the educators in court. It has been suggested that the arrests are an attempt to deprive the educators of a proper defence.<sup>5</sup>

Since these 18 lawyers were taken into custody on September 12, 2017, there have been reports that one of the lawyers, Ahmet Mandacı, has been released on probation.<sup>6</sup> There have also been reports that as of September 21, 2017 the lawyers had been referred to the prosecutor's office and subsequently arrested.<sup>7</sup>

Human rights organizations have noted that as of the time of the arrest of these additional lawyers, the number of lawyers under criminal prosecution in Turkey has reached to 1,343.

The Law Society is deeply concerned about the situation of these 18 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,

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<sup>3</sup> "Re: Arrest and Detention of lawyer Didem Unsal and 17 additional lawyers", *Lawyers' Rights Watch Canada* (13 September 2017) at 1, online: <<http://www.lrwc.org/ws/wp-content/uploads/2017/09/LRWC-Re-Didem-Unsal-and-17-others-170913.pdf>> [LRWC Letter].

<sup>4</sup> LRWC Letter, *supra* note 3 at 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> "ELDH demands the release of detained Turkish lawyers", *European Association of Lawyers for Democracy & World Human Rights* (21 September 2017), online: <<http://www.eldh.eu/declarations/publication/eldh-demands-the-release-of-detained-turkish-lawyers-282/>> [ELDH Statement].

<sup>7</sup> ELDH Statement, *supra* note 6.

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. withdraw immediately and unconditionally all charges against Didem Baydar Ünsal, Aytaç Ünsal, Ahmet Mandacı, Yağmur Ereren, Barkın Timtik, Ebru Timtik, Şükriye Erden, Engin Gökoğlu, Ezgi Çakır, Süleyman Gökten, Ozgur Yılmaz, Oya Aslan, Ayşegül Çağatay, Behiç Aşçı, Aycan Çiçek, Günay Dağ, Zehra Özdemir and Özgür Yılmaz;
- b. release immediately and unconditionally these 18 lawyers;

- c. guarantee in all circumstances the physical and psychological integrity of these 18 lawyers;
- d. ensure that these 18 lawyers are not subjected to torture or other ill-treatment, have regular, unrestricted access to their families, lawyers of their choice, and medical care;
- e. guarantee all of the procedural rights that should be accorded to these 18 lawyers in accordance with their right to a fair trial;
- f. guarantee that adequate reparation will be provided to these 18 lawyers if they are found to be victims of human rights abuses;
- g. put an end to all acts of violence against lawyers in Turkey;
- h. 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
- i. 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.*

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