



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

February 23, 2017

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H.E. Recep Tayyip Erdoğan
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Your Excellency:

Re: Arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl are all human rights lawyers and members of the Human Rights Association (“IHD”), a Turkish human rights non-governmental organization. They are also members of the Mesopotamia Lawyers Association (“MHD”), which was shut down pursuant to an emergency decree by the Turkish government on November 24, 2016.

The Law Society recently learned that on November 21, 2016, these four lawyers were arrested and taken to Mardin Police Headquarters pursuant to an arbitrary order issued by Public Prosecutor Vural Eker and that the four lawyers remain in detention. During their first five days in detention, they had no access to their lawyers. From thereon, their access to their lawyers was severely limited by the police. In addition, it is reported that the lawyers are being held with five other people in a cell designed for two people and that they have been denied medical check-ups.

As far as we understand it, the police have not yet taken the statements of the four detained lawyers or filed formal charges against them. There is speculation in the local press that their arrests and detentions may be linked to their activities as

counsel for the city of Mardin, whose mayor was accused of being linked to the Kurdistan Workers' Party (the "PKK") and consequently taken into custody on November 21, 2016.

The Law Society is concerned that the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl are tied to their human rights work.

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, 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.

The Law Society urges the Government of Turkey to:

- a. immediately and unconditionally release Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl;

- b. guarantee in all circumstances the physical and psychological integrity of Seher Acay, Fevzi Adsiz, Ziya Bađı and Mahmut Bingöl;
- c. ensure that any proceedings against Seher Acay, Fevzi Adsiz, Ziya Bađı and Mahmut Bingöl are carried out in full compliance with their right to a fair trial, as protected under international law;
- d. put an end to all acts of harassment against Seher Acay, Fevzi Adsiz, Ziya Bađı and Mahmut Bingöl, as well as all other human rights lawyers and defenders in Turkey; and
- e. 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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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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