



The Law Society of
Upper Canada

Barreau
du Haut-Canada

February 23, 2017

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
T.C. Cumhurbaşkanlığı Genel Sekreterliği
06100 Ankara, Turkey
Fax: +90 312 468 5026
Email: cumhurbaskanligi@tccb.gov.tr

Your Excellency:

Re: Detention of Dr. İřtar Gözaydın

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

Dr. İřtar Gözaydın is a professor of law and politics and founder of the human rights NGO the Helsinki Citizens Assembly. She is known for her positions against capital punishment and mob violence in Turkey.

It has come to the Law Society's attention that Dr. İřtar Gözaydın was taken into custody on December 20, 2016, and formally arrested on suspicion of "being a member of an armed terror organization" on December 28, 2016. The charge is based on the alleged testimony of a secret witness and an intelligence report. Reports indicate that she is currently being detained at řakran Prison in İzmir Province.

It is our understanding that Dr. İřtar Gözaydın was initially denied access to her lawyer and that when her lawyer was finally permitted to see her, he was barred access to the investigation file on her case. Additionally, to date, her husband has been refused permission to visit her.

While the investigation into Dr. İřtar Gözaydın is based on allegations that she is connected to terrorist organizations, human rights groups believe that her detention is a form of retaliation for her human rights activities. As such, Dr. İřtar Gözaydın's detention is arbitrary and constitutes harassment.

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.

The Law Society urges the Government of Turkey to:

- a. immediately and unconditionally release Dr. İřtar Gözaydın;
- b. guarantee in all circumstances the physical and psychological integrity of Dr. İřtar Gözaydın;
- c. provide Dr. İřtar Gözaydın with regular access to her lawyer;

- d. ensure that any proceedings against Dr. İřtar Gzaydın are carried out in full compliance with her right to a fair trial, as protected under international law;
- e. put an end to all acts of harassment against Dr. İřtar Gzaydın and all other human rights lawyers and defenders in Turkey; 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:

H.E. Mr. Selcuk Unal
Ambassador
197 Wurtemberg Street
Ottawa, Ontario
K1N 8L9
Fax: +1 (613) 789-3442
Email: embassy.ottawa@mfa.gov.tr

zdemir Skmen
President of the Izmir Bar Association

İzmir Barosu Başkanlığı (Izmir Bar Association)
1456 Sokak, No: 14, Alsancak / İZMİR
Fax: +90 (232) 463 66 74
Email: info@izmirbarosu.org.tr

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales