



Public Statement

The Law Society of Upper Canada expresses grave concerns about the persecution of nine human rights lawyers in Turkey

TORONTO, ON — The Law Society of Upper Canada expresses grave concerns about the persecution of nine human rights lawyers in Turkey.

Reports indicate that on 16 March 2016, police raided the houses of nine lawyers in Istanbul, Turkey. The following lawyers were taken into police custody: Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu), Tamer Doğan and Mustafa Rüzgar. All nine lawyers are members of the Libertarian Lawyers Association (Özgürlükcü Hukukçular Derneği – ÖHD). All of the lawyers represented one or more of forty-six lawyers arrested in 2011 while defending the leader of the Kurdish Workers Party (“PKP”) on suspicion of “working for, or belonging to, a terrorist organization.”

On 18 March 2016 Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu), Tamer Doğan and Mustafa Rüzgar attended a pre-trial release hearing at the 1st Criminal Peace Court. İrfan Arasan and Mustafa Rüzgar were unconditionally released. After a 13-hour pre-trial release hearing the following day, the Court ordered the pre-trial release of the remaining seven lawyers subject to a travel ban.

On 21 March 2016, the prosecutor appealed the pre-trial release order to the 1st Criminal Peace Court and was unsuccessful. On the same day and without notice to the defendants or their legal counsel, the prosecutor appealed to the 2nd Criminal Court of Peace. The 2nd Criminal Court of Peace summarily reversed the 1st Criminal Peace Court’s pre-trial release order with respect to four of the lawyers: Hüseyin Boğatekin, Ramazan Demir, Ayşe Acinikli and Ayşe Başar (Gosterislioglu). [← This is the first instance of this surname being used. Is it correct?] On 22 March 2016, warrants were issued for their arrest. Two of the lawyers were re-arrested immediately but were released two days later. On 6 April 2016, lawyers Ramazan Demir and Ayşe Acinikli were re-arrested.

Lawyers for Lawyers and Fair Trial Watch addressed a joint submission to Kenan İpek, Minister of Justice, following the lawyers’ arrest on 18 March 2016. On 24 March 2016, Lawyers’ Rights Watch Canada intervened on behalf of all nine lawyers in a letter addressed to Recep Tayyip Erdoğan, President of Turkey, and Ahmet Davutoglu, Foreign Minister. In their letter, they noted that the detention of any of the lawyers on the authority of the 22 March 2016 decision of the 2nd Criminal Peace Court would be “arbitrary and contrary to law.” They also noted that, “the 21 March proceedings violated rights to notice, fair trial, presumption of innocence, freedom from arbitrary detention and the right to be heard by an impartial, independent and competent tribunal.”

The Law Society of Upper Canada urges the government of Turkey to comply with Articles 16 and 23 of the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 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.

Moreover, Article 23 states:

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 charges against all the named lawyers of “propagandizing for a terrorist organization” and “working for, or belonging to, a terrorist organization”;
- b. Vacate the 22 March 2016 order immediately and unconditionally;
- c. Put an end to all acts of harassment against Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu)., Tamer Doğan and Mustafa Rüzgar as well as other human rights lawyers and defenders in Turkey;
- d. guarantee all the procedural rights that should be accorded to Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu)., Tamer Doğan and Mustafa Rüzgar;
- e. Guarantee in all circumstances the physical and psychological safety and integrity of Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu)., Tamer Doğan and Mustafa Rüzgar; and
- f. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

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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