



The Rt. Hon. Theresa May MP
Prime Minister
10 Downing Street
London
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London, 27 January 2017

Dear Prime Minister,

In advance of your meeting with the Turkish President on Saturday, the Bar Human Rights Committee (BHRC) and the Bar Council of England and Wales would like to draw your attention to the systematic persecution of the legal profession, both lawyers and judges in Turkey, particularly in the months following the unsuccessful coup of July 15th 2016.

Combined with the imprisonment of elected representatives, the suppression of free speech and the ongoing violence against its largest minority, the Kurds, in the South-East of Turkey, this amounts to an egregious attack on democracy itself in Turkey. BHRC and the Bar Council request you to express your concern about this continuing repression at your meeting with President Erdoğan.

Given the seriousness of the threat to the Turkish state from the attempted coup, it was understandable that a state of emergency be declared. However, many of the measures adopted during this period under a series of decrees with the force of law, aimed at the legal profession, the public sector and the media, have been highly excessive, disproportionate and lacking in any proper procedural guarantees. They also are continuing when the threat to Turkish institutions has significantly diminished.

These measures have resulted in sweeping, ongoing violations of the human rights of many thousands of people. Among those directly affected are the approximately 3,400 judges and prosecutors who have been dismissed since 15th July, and a further 70-100,000 civil servants suspended or dismissed. In addition, there has been a liquidation of at least 1000 NGOs without any judicial procedures, initial detention of some 14 members of parliament (with the continuing detention of 11), and targeting of the businesses and families of suspects.

The suppression of freedom of expression has had a devastating and chilling effect on public debate. According to a statement issued by the Turkish Publishers Association, three news agencies, 16 television stations, 23 radio stations, 45 newspapers and 15 magazines had been shut down; warrants were issued for more than 40 journalists as well as 47 newspaper employees, within 2 weeks of the coup attempt. The assault on the media has further intensified since then: Human Rights Watch stated last month that “Keeping 148 journalists and media workers in jail, and closing down 169 media and publishing outlets under the state of emergency, shows how Turkey is deliberately flouting basic principles of human rights and rule of law central to democracy.”

BHRC and other international organisations held concerns relating to the administration of justice in Turkey long before the attempted coup last summer. The Venice Commission, Council of Europe Consultative Council of European Judges and the International Commission of Jurists have all

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expressed concern and alarm at political interference in the work of judges, prosecutors and lawyers that continues to undermine the right to a fair trial. BHRC has conducted a number of trial observations and fact finding missions in Turkey over the last three years, which lead it to concur that trials in relation to significant numbers of lawyers, journalists and politicians suspected of widely drawn terrorism charges are likely to be unfair.

Additionally, the return to conflict in South-East Turkey, following the breakdown of the cease fire in July 2015, has resulted in a massive crackdown on civil society and the displacement of hundreds of thousands of Kurds from their homes. A report by Amnesty International on 6th December 2016 concludes that this brutal crackdown may amount to collective punishment of the civilian population.

BHRC and the Bar Council urge you to call for the repeal of the emergency decrees, in particular those which allow for extreme arbitrariness of application in dismissals and detentions. We strongly believe that it is in the interests of Turkey and the wider region that there is a return to non-emergency legislation, and to an acceptance of the will of the people as expressed through democratic institutions.

Whilst we expect you to express your condolences to the Turkish people in relation to the brutal attacks by terrorists in Turkey, we also urge you to express the opinion that the battle against terrorism in Turkey, and indeed everywhere, is most effectively conducted while fully upholding human rights, as well as the rule of law.

As a signatory to the European Convention on Human Rights, Turkey must return to the presumption of innocence, individuality of criminal responsibility and punishment, the principle of no punishment without law, non-retroactivity of criminal law, legal certainty, an independent and impartial judiciary and the right to an effective defence under conditions of equality of arms.

The massive and disproportionate response to the attempted coup is now itself subverting the very same democratic values it should be seeking to uphold.

Yours sincerely,



Kirsty Brimelow QC

Chairwoman, Bar Human Rights Committee of England and Wales (BHRC)



Andrew Langdon QC

Chairman of the Bar of England and Wales

The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.

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