



The Bar Council



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND & WALES



Deutscher **Anwalt** Verein



The Law Society
of England and Wales



**LAWYERS FOR
LAWYERS**

BY AIRMAIL

President of Turkey
H.E. Recep Tayyip Erdoğan
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17 September 2020

Re: Arrest of approximately 55 lawyers in Ankara

Your Excellency,

The undersigned organisations have learned of the arrest of approximately 55 lawyers and trainee-lawyers in Ankara. According to the information received, on 11 September 2020, the Ankara Chief Public Prosecutor's Office issued detention warrants for approximately 55 lawyers and trainee-lawyers for being "members of a terrorist organization". Their offices and places of residence were searched. It was reported that their arrests were sought in connection to their representation of clients, or assistance with such representation, who are suspected of alleged affiliation with the Gülen movement. During interrogations, the arrested lawyers were asked questions in relation to their professional activities, some of which allegedly violate the principle of lawyer-client confidentiality.

The undersigned organisations fear that the arrest of these lawyers is connected to, and serves to curb their legitimate activities as lawyers. If this is the case, then this is contrary to the UN Basic Principles on the Role of Lawyers and possibly also a violation of the fair trial rights of the clients they represent.

On many occasions the undersigned organisations have drawn attention to the worrying situation of lawyers in Turkey. For years lawyers in Turkey have been subjected to judicial harassment, including mass arrests, threats, surveillance, unfair trials and harsh sentences. Many lawyers who legally represent clients in politically sensitive cases or otherwise carry out their professional duties in accordance with the rule of law are being arrested on suspicion of involvement in terrorist activities. The Office of the High Commissioner for Human Rights, among other bodies, has "*identified a pattern of persecution of lawyers representing individuals accused of terrorism offences*"¹.

Lawyers play a vital role in the protection of the rule of law and human rights. It is the responsibility of lawyers to defend the rights of citizens from whatever quarter they may be threatened. Their work is

¹ UN Office of the High Commissioner for Human Rights (OHCHR), *Report on the Impact of the State of Emergency on Human Rights in Turkey, Including an Update on the South-East*, March 2018, https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf



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indispensable for ensuring effective access to justice for all. To fulfil their professional duties effectively, lawyers should be able to practise law independently in accordance with recognised laws, standards and ethics. They should be free from improper interference, any fear of reprisals, or unreasonable restrictions.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers², and in particular Article 16 and 18, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) (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.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

In view of the above, the undersigned organisations respectfully urge you to immediately:

- Release the 55 lawyers and trainee-lawyers, drop all charges against them unless credible evidence is presented in proceedings that respect fair trial guarantees and put an end to all acts of harassment against them, including at the judicial level;
- Guarantee in all circumstances that all lawyers in Turkey are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your attention to this very important matter. We are confident that the government of Turkey will give this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,

Lawyers for Lawyers
The Law Society of England and Wales
The Bar Human Rights Committee of England and Wales
The Council of Bars and Law Societies of Europe
The Bar Council of England and Wales
Deutscher Anwaltverein

² The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.