



Joint Press Release

Turkey: New violation of the rights to defence in Turkey. Worrying arbitrary arrests of advocates and defenders of human rights

Paris-Geneva-Brussels-Ankara, January 28, 2013. The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), the *Union internationale des avocats* (UIA), the *Conférence Internationale des Barreaux de Tradition Juridique Commune* (CIB), Human Rights Association (İnsan Hakları Derneği – İHD) and the Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı - TİHV) express their deepest concerns following the recent wave of arrests targeting lawyers engaged in the representation of defendants in politically sensitive cases or in the representation of victims or the families of victims of serious human rights violations in Turkey.

On January 18, 2013, at 4 am, several lawyers were arrested in Istanbul, Izmir, Ankara, Antalya, Hatay, Bursa and Kocaeli in the framework of an operation allegedly targeting members of the illegal Revolutionary People's Liberation Party–Front (DHKP-C). These lawyers belong to the Progressive Lawyers Association (Çagdas Hukukçular Dernegi – ÇHD), one of the most important associations of lawyers engaged in the defence of human rights, in particular the fight against police violence¹, as well as the Platform for the freedom to defend². This operation continued on January, 21, some of the lawyers having travelled abroad, bringing the list of lawyers arrested to a total of 14³.

¹ Almost 2,500 lawyers belong to this association.

² The platform was created in 2012 as a terrorism investigation targeted lawyers.

³ Nine lawyers remain in custody: Mr. **Selçuk Kozağaçlı**, National President of ÇHD (Ankara Bar Association) ; Mr. **Taylan Tanay**, President of the Istanbul branch (Istanbul Bar Association) ; Mr. **Güçlü Sevimli**, member of the Istanbul branch (Istanbul Bar Association) ; Mr. **Naciye Demir**, member (Istanbul Bar Association) ; Ms. **Şükriye Erden**, member (Istanbul Bar Association) ; Mr. **Günay Dağ**, member (Istanbul Bar Association) ; Ms. **Ebru Timtik**, member (Istanbul Bar Association) ; Ms. **Barkın Timtik**, member (Istanbul Bar Association) ; Ms. **Nazan Betül Vangölü Kozağaçlı**, member of the Ankara branch (Ankara Bar Association).

Five lawyers were released: Mr. **Efkan Bolaç**, former President of the Istanbul branch and member (Istanbul Bar Association) ; Ms. **Gülvin Aydın**, member of the Istanbul branch (Istanbul Bar Association) ; Mr. **Serhan Arıkanoğlu**, former President of the Istanbul branch (Istanbul Bar Association) ; Mr. **Zeki Rüzgar**, member (Antalya Bar Association) and Mr. **Güray Dağ**, member (Istanbul Bar Association).

Arrest warrants have been issued against other lawyers, including Ms. **Oya Aslan**, member of the national bureau.

ÇHD's headquarters as well as the law firm "People's Law Office" would have been searched by the police without the presence of the Prosecutor in charge of the case and the representative of the Bar Association, in clear violation of the applicable provisions under Turkish law. Mr. **Efkan Bolaç**, charged by the Bar Association to monitor police raids, was himself also arrested. During the searches, police seized and copied confidential information held by the lawyers.

On January 21, 2013, several lawyers were referred to the Prosecutor accused of being "members or leading members of an illegal organisation" in accordance with Article 7 of the Anti-Terrorism Laws, for "transmitting instructions from imprisoned leaders of illegal organisations"⁴. This new wave of arrests is reminiscent of those that took place in November and December 2011, during which 40 lawyers were remanded in custody in connection with an operation allegedly aimed at dismantling the Kurdistan Communities Union (*Koma Ciwaken Kurdistan - KCK*) – an umbrella organisation said to be the "urban branch" of the armed Kurdistan Workers Party (PKK) intended to organize the Kurdish people that includes the Kurdistan Workers Party (PKK). Today, no fewer than 46 lawyers face lawsuits related to their participation in the defence of the leader of the Kurdistan Workers Party (PKK), Abdullah Öcalan.

Several gatherings organized by lawyers to denounce the arrests were also repressed over the weekend.

Our organisations again denounce the recurrent attacks suffered by Turkish lawyers on the basis of anti-terrorism laws which are being abused. We particularly deplore the fact that they are systematically identified with their clients or to the cause defended by their clients. Such assimilation violates the principles protecting the profession⁵. It also undermines the rights to defence as enshrined in all international and regional instruments of protection and human rights ratified by Turkey⁶.

Our organisations are equally alarmed by the consequences this may have for the effective defence of both people prosecuted under terrorism charges as well victims of human rights violations in general, because in such a repressive environment it is increasingly difficult to represent them.

Recalling the role of lawyers as agents in the administration of justice, our organisations call upon the Turkish authorities to guarantee all the procedural rights that should be accorded to the lawyers arrested and to release them immediately if it appears that no charges could and should be held against them. Meanwhile, their safety and integrity must be guaranteed.

Finally, we call on the authorities to put an end to all kinds of harassment against lawyers involved in the defence of human rights, ensuring in all circumstances respect for human rights and fundamental freedoms.

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⁴ The provisional detention order was dated January 20, though the decision was made public on January 21, 2013.

⁵ See in particular the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990.

⁶ See in particular Article 14 of the International Covenant on Civil and Political Rights of 1966.