



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 18 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

London/Düsseldorf, 20 May 2014

Press-release

OVER THREE HUNDRED VICTIMS IN SOMA:

- **EUROPEAN LAWYERS ASSOCIATION DEMANDS FREE ACCESS FOR LAWYERS AND INVESTIGATORS**

ELDH condemns in the strongest possible terms the arrest and ill-treatment of 8 lawyers in Soma.

According to reports and witnesses 8 lawyers were taken into custody on May 17th in Soma, including the President of the Progressive Lawyers Association (ÇHD) Selçuk Kozağaçlı.

The arrest took place after one lawyer objected against an arbitrary police identification control of the visitors to the place where the lawyers were working. When this lawyer was arrested 7 other lawyers objected against his arbitrary arrest. Together with the 8 lawyers, 26 other people were arbitrarily arrested. The lawyer were detained for approximately 6,5 hours.

All arrested lawyers were members of ÇHD. The names of the lawyers are :Selçuk Kozağaçlı, Nergiz Tuba Arslan, Günay Dağ, Efkân Bolaç, Fatma Demirer, Mürsel Ünder, Dinçer Çalım, Gökhan Erkuş. The lawyers are also members of the Ankara , İstanbul and İzmir Bar Associations.

The lawyers were part of the Committee of Justice for Soma which was established on the 14th of May 2014. This committee is composed of different institutions namely ÇHD (Progressive Lawyers Association), KESK (Confederation of Public Employees Trade Unions), TMMOB (union of chambers of turkish engineers and architects),TTB (Turkish Medical Association), İHD (Human Rights Association), TODAP (Association of Psychologists for Communal Solidarity) , ÖHD (Association of Lawyers for Freedom), Manisa Akademik Odalar Birliği (Manisa Union of Academic Chambers) , Eğitim-Sen Soma Office, Halk Cephesi, BDP (Peace and Democracy Party), HDP (Peoples' Democratic Party), EMEP, Yeşillerve Sol Gelecek Partisi, SYKP, Kaldıraç, ESP and BDSP.

This mission of this Committee is to stand in solidarity with the families of the workers who were killed and injured, and to be a part of the struggle for justice following the Soma massacre. The purpose of the committee is to ensure that the persons responsible for the deaths of the workers in

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Soma are held accountable and to defend the rights of the victims during criminal and administrative investigations and proceedings.

There were no legal grounds for the arrest of the lawyers, which therefore violated Turkish and international law. The police officers and the prosecutor did not show an arrest warrant to the lawyers, nor did they inform the lawyers that they were formally under arrest. When the prosecutor was asked afterwards, he answered that he did not order the arrest. This was also confirmed by a police officer.

These arrests violated the following provisions of the "Turkish Criminal Code" and the "Regulation on the Arrest Without Custody, Arrest and Interrogation". The arrest of the lawyers was not in accordance with Article 90 (Arrest without Custody), Article 91 (Custody) of the Turkish Criminal Procedure Code. The lawyers were not informed that they had been arrested. They were brutally taken to a sports hall and were detained by the police. So this was an arbitrary arrest or rather a kidnapping by the police.

Article 97 of the Turkish Criminal Procedures Code was violated. The arrest of the lawyers was not recorded at first hand as an official arrest. The lawyers were not able to talk to the other lawyers (their lawyers) for several hours.

The lawyers were not brought to a hospital for forensic reports at the beginning of the arrest period. At the end of the arrest period, the police officers wanted to release the lawyers without making an official report of the arrestment. The lawyers insisted on a forensic examination to have the scars on their bodies documented. Only after they insisted were they taken to a hospital and examined by a doctor who will prepare a forensic report.

All 8 lawyers were injured (some of them severely) and subjected to ill-treatment. The methods of ill-treatment used by the police officers were: squeezing testicles, beating, kicking, assaulting, swearing, and handcuffing on the back. The lawyers were subjected to ill-treatment in violation of Article 94 of the Turkish Criminal Code.

The perpetrators are not known by name at the moment, but the lawyers can identify them. The chief police officer in Soma and the police officers who were involved in arresting the lawyers and involved in torture are responsible.

The lawyers filed a complaint to the Public Prosecutors' office on 20th May 2014 and asked for the identification of the perpetrators.

ELDH demands

- An independent investigation into these unlawful acts of the police and the prosecution of the responsible police officers
- An investigation into the responsibility of Turkish politicians for these acts and the prosecution of the responsible politicians
- Compensation for the lawyers who had to endure these unlawful acts
- Free access of lawyers and experts to Soma to help the families of the dead miners
- The prosecution of the responsible managers and politicians who are responsible for the killing of the miners

ELDH will do all it can to help the lawyers to fulfil their professional duties.