



# 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, 14 June 2018

## ELDH demands the immediate release of CHD lawyers from prison

Since November 2017 Selçuk KOZAĞAÇLI, the president of ÇHD, the Progressive Lawyers Association has been detained in pre-trial solitary confinement in the Silivri prison camp. He is suffering as a result of the isolation. His repeated demands for occasional contact with other prisoners have been rejected.

Selçuk KOZAĞAÇLI is accused together with 19 other ÇHD lawyers of membership in a terrorist organisation (DHKP-C, the Revolutionary People's Liberation Party/Front). Some of them are also charged with leadership of DHKP-C. 8 of them are also accused in the ÇHD lawyer's trial in which 22 lawyers are on trial. The trial started in December 2013, and will be continued on 24 October. The lawyers who are accused in both trials are accused of more or less the same crime, membership in a terrorist organisation, DHKP-C. Their trial is expected to start on 10<sup>th</sup> September 2018.

ÇHD is one of the two member organisations of ELDH in Turkey. Selçuk KOZAĞAÇLI himself is member of the ELDH Executive Committee. He has a high reputation outside Turkey as a human rights defence lawyer. In 2014 he was awarded the Hans-Litten-Prize by the German lawyers' association Vereinigung Demokratischer Juristinnen und Juristen e.V. VDJ. The biggest German lawyers association Deutscher Anwaltsverein DAV wrote on occasion of his arrest in November 2017: "According to the DAV, the arrest of Kozağaçlı exemplifies a number of cases in which lawyers in Turkey have been arrested for defending their clients."

ELDH has strong reservations about the ordering of pre-trial detention in respect of Selçuk KOZAĞAÇLI. He as well as 7 other defendants were accused of more or less the same charges in another trial which started in 2013; thus the principle *ne bis in idem* is violated. The prosecutor and the judge are also ignoring the fact that he was released from pre-trial detention in the other case about 4 years ago. If there were no reasons for pre-trial detention in the other case, involving more or less the same charges, there cannot be reasons for detention in the new case, furthermore there is no legal foundation for solitary confinement in his case.

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The UN Human Rights Committee has declared that the use of prolonged solitary confinement may amount to a violation of Article 7 of the ICCPR (General Comment 20/44, 3. April 1992). The UN Committee against Torture has made similar statements, with particular reference to the use of solitary confinement during pre-trial detention. In 2012 the ECtHR ruled in *Horych v Poland* (Application no. 13621/08), judgment of 17 April 2012, that solitary confinement is a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) if it is not justified by special circumstances.

ELDH therefore demands

- the immediate release of Mr. Selçuk KOZAĞAÇLI and the other detained ÇHD lawyers
- until their release the immediate end of solitary confinement
- the termination of the procedure as far as the principle *ne bis in idem* is violated
- the adequate compensation of all prisoners whose rights have been violated.