



WITH LAWYERS  
IN 18 COUNTRIES

# ELDH European Association of Lawyers for Democracy & World Human Rights

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

Düsseldorf, 14 July 2017

## The press should respect the law and the “International principles of conduct of journalists” by the International Federation of Journalists

ELDH is utmost concerned about articles in the Turkish press in which the Turkish lawyer Selçuk Kozağaçlı, who is also member of the ELDH Executive Committee, is defamed and accused of crimes in a way which violates international and European law as well as the “International principles of conduct of journalists” by the International Federation of Journalists.

The journalist of these articles neither presented any evidence for their allegations nor did they take the trouble to ask the lawyer for his opinion. They violated the following rule in the “International principles of conduct of journalists”.

“The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.”

Art. 6.2 ECHR is also applicable to the press: “Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law”.

Journalists should be aware that

- Hunger strike is not a crime even if the health is affected or the life of the hunger striker is endangered.

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- It can be exercised a part of one's right to liberty and also as part of one's freedom of expression. The state has to respect the decision of the hunger striker. It has to assure the necessary medical examination requested by the hunger strikers, if necessary by external doctors.
- The World Medical Association Declaration of Malta on Hunger Strikers provides among others
  - Physicians should respect individuals' autonomy. This can involve difficult assessments as hunger strikers' true wishes may not be as clear as they appear. Any decisions lack moral force if made involuntarily by use of threats, peer pressure or coercion. Hunger strikers should not be forcibly given treatment they refuse. Forced feeding contrary to an informed and voluntary refusal is unjustifiable. Artificial feeding with the hunger striker's explicit or implied consent is ethically acceptable.
  - If a physician is unable for reasons of conscience to abide by a hunger striker's refusal of treatment or artificial feeding, the physician should make this clear at the outset and refer the hunger striker to another physician who is willing to abide by the hunger striker's refusal.
- These rules apply also to prison doctors. Prisoners have the right to be examined by doctors who respect these rules. If they have reasons to doubt that this is done by the prison doctors they have the right to be examined by doctors outside the prison who follow these principles.
- That similar rules apply to lawyers. They have to respect their clients' autonomy. They have to inform the hunger strikers about their rights.

In the present situation in Turkey and also in this particular case journalists should be aware the dismissal of several hundred thousands of public servants and the destruction of any economic basis for the victims of this arbitrary state policy, many people in Turkey are in an absolutely desperate situation. Many of them have committed suicide. Other have gone on hunger strike to protest against their unjustified dismissal and to demand their reinstatement.

ELDH demands

- That lawyer Selçuk Kozağaçlı get fully compensated for the damage done to his reputation as a lawyer as well as for the economic damage.
- That the newspapers apologize officially.
- That the newspapers give lawyer Selçuk Kozağaçlı the opportunity to publish an article of the same length with his counterstatement