



# 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

WITH LAWYERS  
IN 21 COUNTRIES

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

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## Lawyers Day in Turkey – solidarity with lawyers in Turkey

5th of April is the Lawyers Day in Turkey, the country where lawyers have been exposed to an extreme political motivated persecution.

On this, the “Day of the Lawyer” in Turkey, we believe it is fitting and proper to raise our voice in protest.

According to a report for 2017 by the United Nations High Commissioner for Human Rights, nearly 570 lawyers were arrested, 1,480 faced with some form of prosecution (more recent reports mention even 1539 cases), 79 sentenced to longer terms of imprisonment. 34 lawyers' organisations in 20 provinces were banned by decree without trial for alleged support of terrorist organisations. These

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include the ÇHD (Progressive Lawyers' Association in Turkey) and ÖHD (Lawyers' Association for Freedom in Turkey), two member organisations of the ELDH-EJDM and AED-EDL. During the state of emergency both organisations have been banned by decree law. In two mass trials a total of about 80 members of these two organisations are accused of alleged membership in or support of terrorist organisations.

Numerous lawyers from European and non-European countries observed these trials from the outset. Among them were representatives of the International Association of Democratic Lawyers (IADL), the European Association of Democratic Lawyers (AED-EDL), the European Association of Lawyers for Democracy and World Human Rights (ELDH), Lawyers for Lawyers, Défense Sans Frontière – Avocats Solidaires (DSF AS), Bar Associations from Belgium, France, the Netherlands, Italy and Norway, the Italian Democratic Lawyers, the Italian Association of Criminal Lawyers, and Legal Team Italy.

After the mass arrests and the mass trials against lawyers, on 20 March the first mass conviction of lawyers took place. Wednesday 20 March 2019, the İstanbul 37th Heavy Penal Court in Silivri Courthouse. announced its verdict in the case of the ÇHD (Çağdaş Hukukçular Derneği, Association of Progressive Lawyers). The lawyers have been sentenced to prison terms between 2 years, 13 months, and 15 days and 18 years and 9 months. One of them is the chairman of the ÇHD, Selçuk KOZAĞAÇLI. The Court delivered its judgment without taking into account the lawyers defence.

The allegations were: alleged „founding and managing a terrorist organization“, alleged “membership in a terrorist organisation”, alleged „willingly and knowingly aiding a terrorist organization,“

After the court had issued the verdict the observers held a press conference to declare

“We have been witness to flagrant and shocking violations of violations of fundamental principles of the rule of law such as the independence of the judiciary, the right to a fair trial and the rights of the defense.”

Milena Buyum, Amnesty International’s Senior Campaigner on Turkey, who observed the trial hearing, commented: “Today’s convictions are a travesty of justice and demonstrate yet again the inability of courts crippled under political pressure to deliver a fair trial.”

From the beginning the trial observers had the impression that the defendants were only accused for practising their legal profession according to the Turkish, European and International rules. This impression was confirmed when the court released 17 lawyers from pre-trial detention on 14 September 2018 only for them to be rearrested one day later after the judge was replaced. On 18 March 2019 the presiding judge expressed his decision not to admit any new evidence or any other applications of the defence lawyers. Finally he excluded the defence lawyers from the trial.

Other courts in Turkey or in Europe will have to decide if they accept this blatant violation of the rule of law and of the principles of a fair trial.

The Council of Bars and Law Societies of Europe (CCBE) has also sent multiple letters regarding the deteriorating situation for lawyers in Turkey.

In the view of ELDH, the verdict is politically motivated by the state of emergency, despite the fact that the state of emergency was lifted a few months ago. The present charges have all the hallmarks of intimidation of lawyers, and the sentences will prevent them from carrying out their professional duties.

## ELDH demands

- the lift of the banning of the Progressive Lawyers organisation ÇHD and the Lawyers for Freedom organisation ÖHD, both member organisations of ELDH
- the immediate acquittal of all the 18 ÇHD lawyers as well as the acquittal of accused ÖHD lawyers and other lawyers who are accused out of political motivation
- that the government takes all necessary measures to guarantee that all lawyers in Turkey are able to carry out their professional duties without fear of reprisal, hindrance, intimidation or harassment, in order to preserve the independence, integrity of the administration of justice and the rule of law.
- respect for the UN “Basic Principles on the Role of Lawyers”, in particular Art. 16 “to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and Art. 18 “Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”
- respect for Art. 6 ECHR and Art.14 International Covenant on Civil and Political Rights (right to a fair trial)