



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 21 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

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Covid-19 - Immediate release of imprisoned lawyers in Turkey

Your Excellency,

The ELDH writes to express its grave concern over the danger lawyers currently imprisoned in Turkey are facing due to the Covid-19 outbreak. On March 11, the World Health Organisation (WHO) characterized the outbreak of Covid-19 as a “pandemic”.

On March 20, the European Committee for the Prevention of Torture stated that several principles should be applied by all relevant authorities responsible for persons deprived of their liberty within the Council of Europe area. These include

- the need to take “... all possible action to protect the health and safety of all persons deprived of their liberty. Taking such action also contributes to preserving the health and safety of staff...”; and
- “concerted efforts should be made by all relevant authorities to resort to alternatives to deprivation of liberty. Such an approach is imperative, in particular, in situations of overcrowding.”

Last week, more than 70 lawyers from all over the world joined a video conference in solidarity with lawyers imprisoned for political reasons in Turkey, with interventions from Ayşe Bingöl of the Turkey Human Rights Litigation Support Project, Barbara Spinelli of the Italian Giuristi Democratici, and Şerife Ceren Uysal, of the Turkish Progressive Lawyers Alliance (ÇHD). The lawyers unanimously called for the immediate release of the lawyers detained in Turkey. The lives of the imprisoned lawyers, including 7 lawyers of the ÇHD and 3 lawyers of the ÖHD, are acutely endangered by the spreading Covid-19 pandemic and the shocking prison conditions in Turkey. 32 Turkish bar associations demanded on 19 March 2020 that the Turkish

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government takes appropriate measures to protect the lives of the detainees from the pandemic and to release them. The bar associations explicitly mentioned lawyers who have been imprisoned for political reasons.

The conference was organised by the Haldane Society of Socialist Lawyers (England), the International Association of Democratic Lawyers (IADL), the European Association of Democratic Lawyers (ELDH), the European Democratic Lawyers (EDL).

In the meantime, the Turkish government has decided to release 90,000 of the total of 300,000 detainees due to the spreading epidemic. However, persons who have been convicted of supporting terrorism are excluded from this measure. The lawyers concerned and their defence lawyers have all appealed against their convictions. They point out that the accusations lack any factual basis and were based on incorrect assessment of the evidence. This opinion was also shared by the participants in the video conference, many of whom had in the past observed the trials against the lawyers.

The competent Turkish court, which had jurisdiction, initially had no reservations about releasing the defendants from custody during the ongoing proceedings. Only after a questionable exchange of judges was detention ordered again. There is therefore no justification for endangering the lives of the lawyers by the increased risk of infection due to the prison conditions.

The ELDH has sent observers to many mass trials against lawyers in Turkey and expressed, on multiple occasions, its concerns over the convictions of a large number of these lawyers as it is believed that their sentencing is solely based on their activities as lawyers. Therefore, the ELDH urges Your Excellency to release all imprisoned lawyers as they should not be considered as terrorists. Not releasing these prisoners would constitute a huge responsibility for the State since it is almost impossible to secure the conditions of protection against Covid-19 in prisons

In view of the above, the ELDH respectfully urges Your Excellency to do everything in your power to protect the health and safety of all lawyers deprived of their liberty in Turkey. Furthermore, the ELDH asks that you take 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. The full application of the UN Basic Principles on the role of lawyers in particular Principles 16, 17 and 18 on Guarantees for the functioning of lawyers, the European Convention on Human Rights, in particular Article 2 2 on the rights to life will facilitate your decision.

Yours sincerely,



Thomas Schmidt