

«An entire profession on trial»

Press release issued by the legal Fact Finding Mission, taking place in Istanbul from 15 September to 20 September, to monitor and observe current mass trials against lawyers in Turkey.

A group of approximately 30 lawyers from Belgium, France, Germany, Italy, the Netherlands, Norway, Spain and Switzerland, representing international organizations, bar associations and the Council of Bars and Law societies of Europe (CCBE), participated in a Fact Finding Mission in Istanbul from 15 to 20 September 2021 to monitor and observe mass trials against lawyers in Turkey. The Fact Finding Mission participants observed two hearings, visited lawyers detained in Edirne, Kandıra and Silivri maximum security prisons (F-Type), and held meetings with the president of the Istanbul Bar Association, members of the defense and other lawyers in Turkey.

Currently, there are several trials against members of the lawyers' organization Çağdaş Hukukçular Derneği (ÇHD), in which 34 criminal defense lawyers are accused of being members of a terrorist group. Some of the defendants have already been convicted and sentenced to prison, others are still in pretrial detention. All lawyers in question were convicted or face charges stemming from the performance of their professional activities. In violation of the UN Basic Principles on the Role of Lawyers, they are, firstly, identified with their clients' causes, and, secondly, limited in their freedom of expression, which includes the right to take part in public discussions about human rights. The main focus of the Fact Finding Mission was to determine whether fair trial standards are being respected. A detailed report on the observations and conclusions will follow.

With respect to the judicial hearings, the most important issues for the defense were, on one hand, Selçuk Kozagaçlı's, Barkın Timtik's and Oya Aslan's release from pretrial detention, and, on the other hand, the procedure of taking evidence, especially receiving full access to the alleged evidence. On 15 September, included among the defense team of 148 lawyers were 10 presidents of regional bar associations. According to the bar presidents, in their concise but compelling statements, by maintaining the allegations against the defendants, the legal profession itself is put on trial. After reminding the court that the arbitrary judicial system currently in effect in Turkey can also turn against the court itself, the 10 bar presidents called upon the court to «write history» by ensuring a fair trial and releasing the defendants from pretrial detention. However, none of the defendants were released, and both trials observed were adjourned until November and December 2021, respectively. Nevertheless, the court, holding the observed hearing on 20 September 2021, finally granted the request the defence has been posing since the beginning of the trials and agreed to search for the originals of the evidences apparently so far available only as copies.

The observers learned that the conditions in F-Type and high security prisons are particularly harsh, due to a disproportionate reduction of fundamental rights, including, in particular, the right to maintain contact with other persons. These harsh conditions are further exacerbated by COVID-19.

The trials against the lawyers of ÇHD are part of a larger pattern of attacking lawyers in Turkey and identifying them with their clients. Lawyers are unjustly criminalized and prosecuted for exercising their professional duties. This is especially true in politically sensitive cases. According to the observers, the fair trial standards are not respected in the cases they observed. This is a clear violation of international law.

Therefore, we demand the immediate release of all lawyers incarcerated merely because they are performing their duties and functions as lawyers and/or exercising their rights to freedom of expression. We will continue to insist on upholding the fundamental principles of the rule of law, including the right to a fair trial.

As Irma van den Berg, president of Lawyers for Lawyers, so aptly noted: «Lawyers play an essential role in defending the rule of law and ensuring the protection of human rights. The Turkish state should offer them protection, not instigate their prosecution».

Istanbul, 20 September 2021

Represented organizations :

UIA-IROL (the Institute for the Rule of Law of the International Association of Lawyers)
Council of Bars and Law societies of Europe (CCBE)
European Democratic Lawyers (AED)
European Association of Lawyers for Democracy and World Human Rights (ELDH)
ECBA-HRC (European Criminal Bar Association - Human Rights Committee)
International Observatory of Lawyers at Risk (OIAD)
Asociacion Libre de Abogados y Abogadas (ALA)
Syndicat des Avocats pour la Démocratie (SAD)
Syndicat des Avocats de France (SAF)
Lawyers for Lawyers
Défense Sans Frontières – Avocats solidaires (DSF-AS)
Conférence des Bâtonniers de France
Conférence du Grand Ouest
Bar of Rennes (France)
Bar of Bordeaux (France)
Bar of Hauts de Seine (France)
Association of French and German speaking Bars of Belgium (OBFG/Avocats.be)
Bar of Brussel (french-speaking) (Belgium)
Bar of Liège-Huy (Belgium)
Justis Lawyers Group
Bar of Berlin (Germany)
German New Associations of Judges – international section
Swiss Democratic Lawyers
Unione Camere Penali Italiani (UCPI)
Norwegian Bar Association Human Rights Committee

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