

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Mr. Abdulhamit Gül
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Re: Release 21 arbitrarily imprisoned members of the Istanbul Bar Association

Dear President Erdogan and Minister of Justice Gül,

We are writing on behalf of Lawyers Rights Watch Canada (LRWC), a committee of Canadian lawyers who promote human rights and the rule of law internationally. LRWC also provides support to lawyers and other human rights defenders in danger because of their advocacy.

We have written to you in the past with respect to various Turkish lawyers who have either been detained, arrested, charged, and/or imprisoned in violation of international human rights law. Some of the lawyers with respect to whom we have written to you include Ramazan Demir, Erin Keskin, Mustafa Aydin, and others.

Many of these lawyers were found guilty of “membership in an armed terrorist organization” or “propaganda of terrorism”, charges which are ill-defined and for which the evidence against these lawyers is insufficient to justify conviction of any criminal offence. It appears that in some cases, the only evidence on which the conviction was based was that the lawyer was simply been performing his or her job by defending a politically sensitive defendant, or was found guilty “by association” because friends, colleagues or relatives had been under suspicion by the Turkish authorities.

Background

These convictions and sentences are part of an on-going campaign of widespread and systematic persecution of lawyers in Turkey. The goal of such persecution appears to prevent voices of dissent and opposition from being heard and critics from having legal representation. As of 20 August 2018, we understand that Turkey has prosecuted 1,544 lawyers on overly broad charges based on questionable accusations that preclude the right to a defence; 582 lawyers remain under arrest; and 162 lawyers have been sentenced to jail terms ranging from three to 12 years.¹ Such charges include: spreading propaganda for an armed terrorist organisation (Law on Fight against Terrorism, Article 7(2)); denigrating the Republic of Turkey, institutions and organs of the State (Criminal Code (CC), Article 301); insulting the President (CC, Article 299); membership in an armed terrorist organization (CC Article 314(2)); membership in an armed organization with the purpose of committing the offences listed parts four and five of this chapter (CC, Article 314 (2)).

21 of the lawyers wrongly convicted and arbitrarily imprisoned, whose names and sentences are listed below, are members of the Istanbul Bar Association.

1. Eren Keskin: 7½ years - spreading propaganda for an armed terrorist organization;
2. Ayşe Batumlu: 5 months, spreading propaganda for an armed terrorist organization;
3. Akın Atalay: 7½ years, spreading propaganda for an armed terrorist organization;
4. Mustafa Kemal Güngör: 4 years, spreading propaganda for an armed terrorist organization;
5. Bülent Utku: 2 years, spreading propaganda for an armed terrorist organization;
6. Suphi Bat: 8 years & 9 months, membership in an armed terrorist organization;
7. Burak Keskin: 7½ years membership in an armed terrorist organization.
8. Burak Karaduman: 7 years, membership in an armed terrorist organization;
9. Özge Elif Hendekçi: 7 years & 11 months, membership in an armed terrorist organization;
10. Yılmaz Çiçek: 7¼ years, membership to an armed terrorist organization;
11. Mustafa Çağlar Akgun: 6¼ years, membership in an armed terrorist organization.
12. Ali Rıza Mete: 6¼ years, membership in an armed terrorist organization.
13. Selim Ozkan: 6¼ years, membership in an armed terrorist organization.
14. Coşkun Taşkın: 6¼ years, membership in an armed terrorist organization.
15. Salih Boyalı: 6¼ years, membership in an armed terrorist organization.
16. Turan Öztürk: 6¼ years, membership in an armed terrorist organization.
17. Yakup Başer: 6¼ years, membership in an armed terrorist organization.
18. Kamil Ata: 6¼ years, membership in an armed terrorist organization.

¹ Arrested Lawyers' Initiative, "21 Lawyers were sentenced in Istanbul" 20 August 2018, <https://arrestedlawyers.org/2018/08/20/21-lawyers-were-sentenced-in-istanbul/>.

19. Fidel Okan: 1½ years, insulting a public officer.
20. Ramazan Demir: 11 months, spreading propaganda for an armed terrorist organization;
21. Dogan Akkurt: 5 years & 10 months, membership in an armed terrorist organization.

LRWC strongly urges you to:

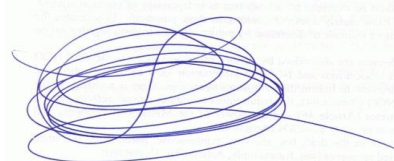
- a. Immediately release all of the 21 lawyers named;
- b. Ensure that the sentences imposed are vacated;
- c. Cease the widespread systematic campaign to target lawyers in Turkey with wrongful prosecutions and arbitrary imprisonment.

Thank you for your prompt attention to this important matter.

All of which is respectfully submitted:



Brian M. Samuels, Barrister and Solicitor
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Gail Davidson, LRWC Executive Director

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