

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
Minister of Justice
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Re: International law obligations regarding lawyer Eren Keskin

Dear Mr. Gül,

We write (again) on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and human rights defenders who promote international human rights, the independence and security of human rights defenders, the integrity of legal systems and the rule of law through advocacy, education and legal research. LRWC has Special Consultative Status with the Economic and Social Council of the United Nations.

LRWC has written in the past with respect to various Turkish lawyers and human rights defenders who have been detained, arrested, charged, and/or imprisoned in violation of Turkey's international human rights law obligations and Turkey's own Constitution. Communications to the Government of Turkey have been made by LRWC regarding the cases of: Selçuk Kozağaçlı, Şebnem Korur Fincancı, Ramazan Demir, Erin Keskin, Mustafa Aydın, Can Tombul, Taner Kilic and numerous other Turkish lawyers. LRWC has also made oral and written statements to the UN Human Rights Council and submissions to Special Procedures regarding widespread persecution of lawyers, journalists and other human rights defenders through wrongful prosecutions and convictions, arbitrary detention and other grave rights violations.

We have previously written to you regarding Turkish lawyer Eren Keskin, most recently on July 19, 2019 and on 5 April 2019. Ms Keskin has been the target of an ongoing campaign of political and judicial harassment, having been charged and convicted on multiple occasions of charges that contravene both the principle of legality and the notice and fair trial requirements of the International Covenant on Civil and Political Rights and other instruments and cannot therefore not provide a lawful justification for convention or detention. We understand that –most recently, A Turkish court imposed on Ms. Keskin (on 21 May 2019) to a term of imprisonment of 3 years and 9 months in relation to the illegitimate charges of “propaganda on behalf of a terrorist organization” under Article 7(2) of the Anti-Terrorism Law.

LRWC is once again concerned regarding the continuing and unjust persecution of lawyer Eren Keskin. As stated in our previous correspondence, the criminal charges are illegitimate and unfounded.

Background of Ms. Keskin

Ms. Keskin, 59 years of age, is a lawyer and vice-president of the Human Rights Association in Turkey (İHD) and the co-founder of the Legal Aid For Women Who Were Raped Or Otherwise Sexually Abused by National Security Forces. She has been a strong advocate for fundamental rights and freedoms in

Turkey, especially for the Kurds, women and the LGBTQ community. As a human rights advocate for almost thirty years, Ms Keskin has contributed significantly to the protection of minority rights, countered violence against women, campaigned to end torture, and challenged militarism.

Ms. Keskin is an internationally respected human rights lawyer. She is an honorary member of the Paris Bar Council, and the winner of international awards for her peace and human rights work namely: the 2004 Aachen Peace Award "for her courageous efforts and activities for human rights"; the 2005 Theodor Haecker Prize for Civic Courage and Political Integrity; and the 2018 Helsinki Civil Society Award.

In support of the right to freedom of expression and a symbolic gesture of support to the imprisoned editorial staff, from 2013 to 2016 Ms. Keskin held the title of ‘editor-in-chief’ for *Özgür Gündem*, one of the few independent newspapers in Turkey critical of the government and known for its extensive reporting on the Kurdish-Turkish conflict. Due to her title as ‘editor-in-chief’ at *Özgür Gündem*, over 120 criminal cases have been lodged against her in Turkish courts.

The Most Recent Violation and Ongoing Persecution of Ms. Keskin

On October 22, 2019, police officers conducted a raid against the house of Ms. Eren Keskin.

As reported by *Mezopotamya Agency*, Ms. Keskin spoke with the police after the raid, who reportedly told her that she was required to go to the Anti-Terror Branch. Her lawyer, Zeynep Ceren Toprak, has stated that Ms. Keskin went to the Anatolian Courthouse to be deposed.

Legal Analysis

1. Legality and Vagueness

In our letter of July 19, 2019, we provided our legal analysis explaining why the above-stated charges against Eren Keskin violate the international criminal law principles of legality, certainty and notice. You may access the link to that letter at <https://www.lrwc.org/turkey-international-law-obligations-to-release-lawyer-eren-keskin-letter/> Neither the Penal Code of Turkey nor the *Law on Fight against Terrorism* define what constitutes an armed terrorist organization or the criteria for what constitutes membership or content of consequences of communications that could constitute propaganda. absent such definitions, the charges against Ms. Keskin, and the search of her house, are illegitimate by any international standard. Please refer to our previous letter.

2. The Role of Lawyers

This ongoing persecution and harassment of Ms. Keskin demonstrates a failure by Turkey to comply with Turkey’s obligations under international human rights laws, including the International Covenant on Civil and Political Rights and the United Nations’ (UN) *Basic Principles on the Role of Lawyers*. In our letter of July 19, 2019, we provided our legal analysis explaining how Articles 16, 18 and 23 are designed to ensure that governments guarantee the protection of lawyers to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and not be subject to threats, prosecution or administrative, economic or other sanctions for performance of their recognized professional duties, standards and ethics, and to further ensure that lawyers are not identified with their clients or their clients' causes as a result of discharging their functions.

The charges against Ms. Keskin, i.e., “making propaganda on behalf of a terrorist organization” under Article 7 (2) as a consequence of her advocacy, in her role as a lawyer, on behalf of persons accused of being connected with a terrorist organization, are a clear violation of these principles, as well as a violation of Turkey’s international legal obligations and Turkey’s own Constitution. It is your obligation to uphold the independence of Turkey’s judicial system, which independence is also enshrined in Turkey’s constitution.

Conclusion

LRWC urges the Government of Turkey to:

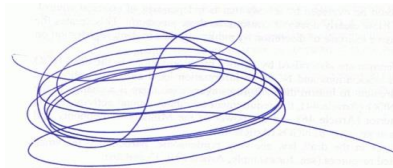
- a. immediately and unconditionally withdraw all charges against Ms. Keskin;
- b. immediately vacate all convictions of Ms. Keskin and the sentences imposed;
- c. put an end to all acts of harassment against Ms. Keskin;
- d. ensure that all lawyers, journalists and other human rights defenders in Turkey can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments, including the ICCPR and the ECHR.

Thank you for your prompt attention to this important matter.

All of which is respectfully submitted:



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Gail Davidson, LRWC Executive Director

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