

Le Bâtonnier

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
Cumhurbaşkanlığı Külliyesi
06560 Beştepe, Ankara
Turkey

Email: contact@tccb.gov.tr

Geneva, 24 March 2016

Ref: Violation of the rights to defence in Turkey: Arrest of nine lawyers in Istanbul

Your Excellency,

As an association representing the interests of lawyers, the Geneva Bar Association places a great emphasis on the respect for human rights and the rule of law, and is particularly concerned by the situation of fellow colleagues in the world.

In this context, the Geneva Bar Association has been informed of the arrest and detention last 16th March 2016 in Istanbul of fellow lawyers İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan, Ramazan Demir and Mustafa Ruzgar.

These were allegedly arrested on suspicion of having ties with a terrorist organization. Now according to our sources, these nine lawyers were representing 46 lawyers prosecuted for their participation in the defence of the leader of the Kurdish Workers Party (PKK), Abdullah Öcalan, and had been called to appear at a hearing scheduled the day after, *i.e.* on the 17th of March. Due to their arrests, their clients have been deprived of their legal defence. If they have now fortunately been released from pre-trial detention, they will still be prosecuted and risk further sanctions.

The Geneva Bar Association fears that their arrest might have been due to their identification to their clients' causes and might have only served to curb their legitimate activities as attorney, which would be a clear violation of the rights of the defence as enshrined in all international and regional human rights instruments ratified by Turkey.

The Geneva Bar Association would like in particular to draw the Turkish authorities' attention to the 1990 UN Basic Principles on the Role of Lawyers, according to which "[l]awyers shall not be identified with their clients or their clients' causes as a result of discharging their functions" (Principle 18).

Furthermore, Turkish authorities have an obligation “to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties” (Principle 16).

The Geneva Bar Association therefore urges the Turkish authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligations under International Human Rights Law and to:

- **immediately end any proceedings initiated against İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan, Ramazan Demir and Mustafa Ruzgar and release them free;**
- **protect İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan, Ramazan Demir and Mustafa Ruzgar as well as all lawyers and human rights defenders in Turkey against any present or future harassment, intimidation and/or reprisal in the exercise of their profession and of legitimate human rights activities.**

I thank you for your attention to this very serious matter, which the Geneva Bar Association and I will continue to closely monitor.

Respectfully yours,



On behalf of Grégoire Mangeat
Chairman

Copy to:

Prime Minister Ahmet Davutoğlu
Vekaletler Caddesi Başbakanlık Merkez
Bina P.K.
06573 Kızılay / Ankara
Turkey
Email: ozelkalem@basbakanlik.gov.tr

Minister of Justice Bekir Bozdağ
Ministry of Justice
Adalet Bakanlığı
06659 Kızılay / Ankara
Turkey
Email: ozelkalem@adalet.gov.tr, info@adalet.gov.tr

Union of Turkish Bar Associations

Türkiye Barolar Birliđi Başkanlıđı Ođuzlar Mahallesi 1366
Sokak No:3 06520 Balgat
Ankara
Turkey
Fax: +90 312 286 31 00

Embassy of Switzerland

Atatürk Bulvari 247
P.K.25
06680 Kavaklıdere, Ankara
Turkey
Email: ank.vertretung@eda.admin.ch

Embassy of Turkey

Chancellerie Case postale 34, Lombachweg 33
3000 Berne 15
Switzerland
Email: botschaft.bern@mfa.gov.tr