



**ON THE DETENTION OF 56
LAWYERS, 7 LEGAL INTERNS,
4 DISMISSED JUDGES AND 1
LAW SCHOOL GRADUATE IN
ANKARA, TURKEY**

11.09.2020

Through the new “alternative bar associations” legislation and President Recep Tayyip Erdogan’s own words – *“Those who serve as the lawyers of terrorists should not act like terrorists themselves. If they do, there must be a price to pay”* – which he said in the presence of judges and prosecutors at the opening ceremony of the new judicial year, the Turkish government had already signaled that a new phase in the persecution of lawyers was about to start. Only a few days after President Erdogan’s speech, on Friday, 11 September 2020, the Ankara Chief Public Prosecutor ordered the detention of 56 lawyers, seven legal interns, four purged judges, and a law school graduate for “membership in a terrorist organization.”

According to a report by the state-run Anadolu News Agency, their detentions were sought for no offence other than representing people whom the government considers dissidents and accuses of involvement in “terrorism.”

The detained lawyers will reportedly be held in custody for at least 12 days, according to information provided by pro-bono lawyers who reached out to the public prosecutor, and will not be allowed speak with anybody, in violation of the Code on Criminal Procedure. It has also been reported that during the detention and search of the lawyers’ residences procedural laws were violated, and the lawyers were handcuffed from behind and subjected to ill-treatment.

It is a widely accepted fact that in Turkey, terror charges are political in nature (1) and are used to repress, intimidate, and silence any opposition. Those who are arrested, detained, and convicted are subjected to such unlawful actions, (2) contrary to what the government has been suggesting, only because of their political views and their criticism of the government.

In Turkey, lawyers have been arrested and prosecuted on a massive scale (3) since an attempted coup on 15 July 2016. It all started with the arrest of the president of the Konya Bar Association and has continued since then without pause. To date, more than 1,600 lawyers have been arrested and in excess of 600 of them have been imprisoned.(4) Four hundred forty-one lawyers have, on the other hand, been convicted of “membership in a terrorist organization”.

The mass arrests are carried out to intimidate and deter lawyers as they serve a critical purpose in the fight against various unlawful actions on the part of the police and the judiciary, including torture and ill-treatment. The persecution of lawyers facilitates the torture and ill-treatment of detained persons and prevents them from demanding that their fundamental human rights be respected.

The fact that the arrests in question have taken place in Ankara, which has the highest number of COVID-19 infections,(5) is another cause for concern. This has occurred at a time when the Council of Europe and UN human rights bodies have

stressed that custodial measures such as arrest and detention should not be carried out during the pandemic unless such measures are absolutely necessary.

According to the UN Basic Principles on the Role of Lawyers, governments shall ensure that lawyers:

- are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;
- shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics; and
- shall not be identified with their clients or their clients' causes as a result of discharging their functions.

These safeguards are not a professional luxury granted to lawyers, but a necessity to protect the rights and freedoms of individuals. Hence, criminal investigations into lawyers are to be carried out under a specific procedure that involves additional safeguards as long as there is not a situation of "flagrante delicto."

As established by the European Court of Human Rights in the cases of Alparslan Altan vs Turkey and Hakan Bas vs Turkey, the Turkish judiciary's interpretation and application of flagrante delicto violate the principle of legality and the right to liberty. Accordingly, the detentions of lawyers in police raids, which has become the new normal in Turkey since July 15, 2016, is a flagrant violation of the law.

The detention of 68 lawyers and jurists, the majority of whom are women, is an important part of the objective to silence lawyers. Remaining silent about this will deprive all citizens of their rights and liberties.

We, as lawyers and jurists, hereby declare that we will not remain silent.

We condemn in the strongest possible terms these unlawful raids and demand the release of our colleagues.

(1) <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25482>

(2) <https://arrestedlawyers.org/2020/07/06/abuse-of-the-anti-terrorism-laws-by-turkey-is-steadily-increasing/>

"... statistics highlight that Turkish public prosecutors have filed more than 392,000 charges under Article 314 of the Turkish Penal Code within the last seven-years. What is worse, between 2016 and 2019 more than 220,000 individuals have been sentenced for membership of an armed terrorist organisation."

(3) https://www.hrw.org/sites/default/files/report_pdf/turkey0419_web.pdf

(4) <https://arrestedlawyers.files.wordpress.com/2020/07/mass-prosecution-of-lawyers-in-turkey-aug-2020.pdf>

(5) <https://www.hurriyetdailynews.com/capital-ankara-has-the-highest-number-of-confirmed-cases-in-turkey-minister-157927>

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