

Le Bâtonnier

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
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Geneva, 2nd Mai 2016

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

Your Excellency,

We refer to our letter of 24 March 2016 regarding our fellow lawyers İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan, Ramazan Demir and Mustafa Ruzgar.

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 were arrested on 16 March 2016 after having been called to appear at a hearing scheduled the day after their arrest, *i.e.* on the 17th of March. While all nine lawyers were released on 19 March 2016, their detention had for effect that their clients have been deprived of their legal defence and that the hearing had to be delayed to 28 June 2016.

Furthermore, since our letter of 24 March 2016, the Geneva Bar Association has been informed that:

- Hüseyin Boğatekin and Ayşe Başar were arrested and placed in detention for a second time on 22 March 2016 but released a couple of days later further to the decision of the Court of Appeal;
- Ramazan Demir and Ayşe Acinikli were arrested and placed in detention for a second time on 6 April 2016. Their appeal against the arrest warrants has however been rejected and they remain therefore detained to date.

The Geneva Bar Association strongly 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 and human rights defender, 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, once again, 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 Ayşe Acinikli and Ramazan Demir and release them free;**
- **immediately end any (possible) proceedings initiated against İrfan Arasan, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan and Mustafa Ruzgar;**
- **protect Ayşe Acinikli and Ramazan Demir as well as İrfan Arasan, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan, and Mustafa Ruzgar and 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,



Grégoire Mangeat
Chairman

Copy to:

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