

CONCERN OVER ARRESTS OF TURKISH LAWYERS

LAWASIA, the Law Association for Asia and the Pacific, expresses its deep concern over recent reported arrests of nine lawyers in Turkey, some of whom are understood to be the legal representatives of other lawyers who were earlier arrested in conjunction with their defence of the leader of Kurdish Workers Party (PKK), Abdullah Öcalan.

It is understood that the houses of Turkish lawyers İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan, Ramazan Demir and Mustafa Ruzgar, who are members of the Libertarian Lawyers Association (Ozgurlukcu Hukukcular Derneği – OHD) were raided in the early hours of 16 March, and the lawyers were arrested and detained, reportedly, with no explanation given for their arrest. The group was to face court hearings on 17 March and it is understood that they have subsequently been released but will still face prosecution.

LAWASIA draws attention to the *UN Basic Principles on the Role of Lawyers*, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, which indicate:

16. *Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) 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.*
17. *Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.*
18. *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

LAWASIA notes that these and other recent arrests in Turkey raise very serious concern, shared by many international organisations, as to whether such arrests occur in a climate where efforts to combat terrorism also act to suppress legitimate dissent. In this context, it also draws attention to the preamble of *Resolution 2178* of the United Nations General Assembly, which states:

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[...] Reaffirming that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law, underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism, and noting that failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of the factors contributing to increased radicalization and fosters a sense of impunity, [..]

Prashant KUMAR (Mr)

PRESIDENT

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