



The UIA Institute for the Rule of Law

STATEMENT

Paris, November 24, 2020

Turkey

ÇHD Trials: Injustice Against Turkish Lawyers Continues

UIA-IROL is deeply concerned about the latest development in the trials against lawyers of the Turkish lawyers' organization, ÇHD (Progressive Lawyers of Turkey), which appears to represent a systemic violation of due process and the Rule of Law.

Like numerous other trials in Turkey, the long lasting ÇHD trial I and ÇHD II trial raise the most serious concern with respect to frequency and degree of violation of defense rights, both as to the accused and their lawyers¹.

The ÇHD I case started in 2013, before the 18th Heavy Penal Court in Istanbul. The accused are 22 lawyers, all ÇHD members and all working in one of the two offices of the organisation of the People's Law Office. In 2018, with the approval of the 37th Heavy Penal Court, the prosecution initiated a second criminal case (the ÇHD II trial), also filed against lawyers of the ÇHD and the People's Law Office. Eight of the twenty lawyers prosecuted in the first case are also prosecuted in the second case based on the same facts and on the same counts. In both proceedings, the defendants are accused of supporting, being members of, or directing a terrorist organization, based on the same evidence.

The public prosecutor's office and the 37th Heavy Penal Court openly disregarded the principle "*ne bis in idem*" which prohibits prosecuting and sentencing defendants twice for the same crime.

In its analysis and report², the October 2019 fact-finding mission conducted in Istanbul by 23 lawyers' organizations and bar associations from all over the world identified violations of the `principles of fair trial in the two ÇHD trials.

Att. Ebru Timtik, who was accused in both trials, paid with her life for her struggle for fair trials; she commenced a hunger strike. The court refused to release her temporarily from detention in order to recover from the consequences of the hunger strike, and, after more than 230 days, she died. Her colleague, Att. Aytac Ünsal, who also went on a hunger strike, only survived because the Court of Appeal, aware of the worldwide protests following the death of Ebru Timtik, decided to release him.

In late September, the Court of Cassation upheld the heavy prison sentences against 14 of the lawyers from the Progressive Lawyers' Association. For a limited number of these lawyers, their cases will be reexamined and new hearings will be held before the 37th Heavy Penal Court.

¹ See the joint statement issued on November 10, 2020 "The judicial scandal has to come to an end - the imprisoned lawyers must be released", available at <https://lawyersforlawyers.org/wp-content/uploads/2020/11/Statement-CHD-I-trial-11-Nov-2020.pdf>

² See "Fact-finding mission on CHD's trials, Breach of Fair Trial, Independence of the Judiciary and Principles, on the Role of Lawyers, October 2019, Istanbul", published in June 2020, available [here](#).

Rapporteurs from the Parliamentary Assembly of the Council of Europe (PACE) expressed their concern over the situation of lawyers in Turkey, generally and about those lawyers whose sentences were confirmed, specifically.

On September 11, 2020, in a separate case, at least 47 Turkish lawyers were taken into police custody during dawn raids on their Ankara homes based on allegations that they were using their legal practices to support the group accused of orchestrating the 2016 coup attempt.

A few days before this last arrest, President Recep Tayyip Erdoğan, marking the beginning of the judicial year, suggested that lawyers deemed to have links with terrorist organizations could be dismissed from the profession. He declared that: “We will do what is necessary to cut off the bloody path from attorneyship to terrorism.”

UIA-IROL recalls once again that lawyers should not be criminalized for exercising their profession or convicted on dubious charges. Turkey must comply with the Basic Principles on the Role of Lawyers, which it adopted in Havana in 1990 during the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, and, specifically, with Principle n° 18: “Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions”.

UIA requests that these continued, systematic, and egregious attacks and prosecution against individual lawyers in Turkey, in disregard of the very fundamental principles of the legal profession and due process guarantees must immediately cease.

More about the UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

For more information go to: www.uianet.org - uiacentre@uianet.org
Press contact: Marie-Pierre LIENARD, *Communication Officer* mplienard@uianet.org