



BY AIRMAIL

Mr. Kenan İpek, Minister of Justice
Ministry of Justice
Adalet Bakanligi
06659 ANKARA, **TURKEY**

Amsterdam, 18 March 2016

Re: Police raid on- and arrest of 9 lawyers

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. Fair Trial Watch is an independent and non-political Dutch Foundation that promotes a fair trial for anybody around the world.

Lawyers for Lawyers and Fair Trial Watch express their deepest concern about the police raid on- and the arrest of 9 lawyers in Istanbul, Turkey.

According to our information, in the early morning of 16 March 2016, police raided the houses of 9 lawyers in Istanbul, Turkey. After the search, lawyers *Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan* and *Mustafa Rüzgar* were taken into custody. They are all members of the Libertarian Lawyers Association (Özgürlükçü Hukukçular Derneği – ÖHD). Against one more lawyer an arrest warrant was ordered.

There has not been given any justification for these arrests and searches. The case file on the arrests is confidential. Allegedly the lawyers are arrested on suspicion of having ties with a terrorist organization. It seems that these lawyers suffer judicial harassment because they are identified with their clients or their clients' causes. Lawyers for Lawyers and Fair Trial Watch therefore fear that the arrests of the 9 lawyers on 16 March serve solely to curb their legitimate activities as attorney.

All the lawyers that were arrested represent the 46 lawyers who were arrested in 2011 on suspicion of "working for, or belonging to, a terrorist organization". A hearing in the trial against these lawyers took place only one day after the arrests, on 17 March 2016. The arrest of their lawyers means that they are deprived from their legal defense.

Lawyers for Lawyers and Fair Trial Watch are extremely worried about the state of the rule of law in Turkey, which is quickly deteriorating. We would draw your attention to the UN Basic Principles on the Role of Lawyers¹, more in particular Principles 16 and 18, which read:

16. *Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) 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.*

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

18. *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

Lawyers play a fundamental role in the justice system and in defending the rule of law. It is crucial that they are able to carry out their professional duties freely and independently, without fear of being threatened, intimidated or arrested, and that the Turkish government does everything to ensure this.

In view of the above, Lawyers for Lawyers and Fair Trial Watch urge you to:

- Immediately release lawyers *Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar, Tamer Doğan* and *Mustafa Rüzgar* and drop the criminal investigation;
- Abstain from identifying lawyers with their clients or their clients' causes;
- Put an end to all forms of harassment against lawyers in Turkey;
- Guarantee in all circumstances that all lawyers in Turkey are able to carry out their legitimate activities without fear of reprisals, intimidation, threats and free of all restrictions.

We respectfully request your response to our requests as soon as possible. We will continue to monitor this important matter closely.

Yours sincerely,

Lawyers for Lawyers

Fair Trial Watch



Adrie van de Streek
Executive director
On behalf of the President
of Lawyers for Lawyers,
Phon van den Biesen

Newal Çiftçi
Chairwoman Fair Trial Watch

Letters concerning the same topic were sent to:

- Mr. Ahmet Davutoğlu, Prime Minister of the Republic of Turkey

A copy of these letters was sent to:

- Prof. Dr. Mónica Pinto, Special Rapporteur on the Independence of Judges and Lawyers
- H.E. Mr. C. van Rij, Ambassador Netherlands Embassy in Ankara