



U R G E N T

BY EMAIL AND FAX

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Amsterdam, 3 April 2020

Re: Release lawyers at risk of COVID-19 in prisons

Your Excellency,

We write to you on behalf of the Dutch Lawyers for Lawyers Foundation.

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

On March 11, the World Health Organisation (WHO) characterized the outbreak of COVID- 19 a “global pandemic”, which spreads exponentially. In connection to this, United Nations High Commissioner for Human Rights Michelle Bachelet urged governments and authorities to work to quickly reduce the number of people in detention. She noted, that “now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views”.¹

Furthermore, on 20 March 2020, the European Committee for the Prevention of Torture stated that several principles should be applied by all relevant authorities responsible for persons deprived of their liberty within the Council of Europe area. Among them, the need to take “all possible action to protect the health and safety of all persons deprived of their liberty. Taking such action also contributes to preserving the health and safety of staff” and that “concerted efforts should be made by all relevant authorities to resort to alternatives to deprivation of liberty. Such an approach is imperative, in particular, in situations of overcrowding”.²

It is reported that on 21 March 2020, there were 947 cases of COVID-19 confirmed in Turkey as it was only 191 on 18 March 2020 with the number of deaths rising up (situation as per today: more than 18.000 infected, 356 casualties).

We understand that an amendment in the penal system in Turkey has been discussed on 31 March to release a large number of prisoners in order to stem the spread of COVID-19 in Turkish prisons.

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

² <https://rm.coe.int/16809cfa4b>



However, it is reported that those who have been imprisoned for certain charges including terror-related accusations are exempted from benefitting from this regulation.

Lawyers for Lawyers has asked attention on many occasions for the worrying situation of lawyers in Turkey. According to the latest information received, more than 300 lawyers are currently detained in Turkey under terror-related or political-related charges. Lawyers for Lawyers has campaigned for many lawyers who are targeted under terrorism laws in Turkey in connection with their professional and legitimate activities. These lawyers are placed in lengthy pretrial detention or sentenced to long prison sentences without sufficient legal basis. These lawyers are now at risk of catching the COVID19 virus simply for doing their job.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers³, and more in particular Article 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; (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.

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

Furthermore, we recall article 2 of the European Convention on Human Rights:

Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

We urge the Turkish government to respect the principle of equality in any legislation concerning the imprisoned, to include lawyers who are detained under terror-related or political-related charges in the measures regarding the outbreak of COVID19 and release them.

On behalf of the President of Lawyers for Lawyers, Ms. Irma van den Berg,

Yours sincerely,

LAWYERS FOR LAWYERS (L4L)

Sophie de Graaf, executive director

³ 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.