

Turkey

Human Rights Committee Consideration of Turkey

Submission on the List of Issues Prior to Reporting by the Lawyers for Lawyers Foundation

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I Introduction

Submitting Party

1. Lawyers for Lawyers ('L4L') is an independent, nongovernmental organization, supported by contributions from private individuals and organizations related to the legal profession. Established in 1986, L4L has special consultative status with ECOSOC since 2013.¹
2. L4L promotes and protects the independence of the legal profession through the support and empowerment of lawyers around the world who face reprisals, improper interferences, and undue restrictions, as a result of discharging their professional functions.² In doing so, we advocate for adherence to core values underpinning the legal profession, in conformity with internationally recognized human rights laws, norms and standards, including but not limited to the International Covenant on Civil and Political Rights ('ICCPR')³ and the Basic Principles on the Role of Lawyers ('Basic Principles').⁴

Concerning

3. In March 2011, Turkey submitted its first periodic report on its implementation of the ICCPR.⁵ At its 132th session, the Human Rights Committee ('the Committee') will adopt a List of Issues prior to reporting on Turkey ('State party'). L4L welcomes the opportunity to contribute to the List of Issues on the State party in preparation for its second periodic review by the Committee. Our submission will focus on the situation of lawyers in the State party, particularly the obstacles to the independent exercise of their profession and violations committed against them.

Methodology

4. L4L has been closely following the situation of lawyers in the State party. The information for this submission is collected through ongoing desk-research, interviews and engagement with and reports from lawyers from the State party and other local and international stakeholders.

II Substantive Part – Implementation of the ICCPR and related issues

Issues of concern

5. In this submission, L4L sets out its concerns with regard to the State party's failure to comply with Articles 9,14, and 19 (2) of the ICCPR. Based on first two provisions, the State party is required to uphold the right to equality before courts and tribunals as well as the right to a fair trial, which encompasses the obligation to guarantee effective access to legal services provided by an independent legal profession in accordance with the Basic Principles.⁶

¹ For more information visit our website: <https://lawyersforlawyers.org/en/about-us/>

² For more information visit our website: <https://lawyersforlawyers.org/over-ons/wat-doen-wij/>

³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 ('ICCPR').

⁴ Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 ('Basic Principles').

⁵ First Period Report Submitted by Turkey under Article 40 of the Convention, 17 March 2011, CCPR/C/TUR/1.

⁶ Interference in the work of lawyers may lead to violations of the right to a fair trial under article 14 of the ICCPR, as has been recognized by the Committee. Human Rights Committee, General Comment No.32, CCPR/C/GC/32, paragraph 34. In particular, the Committee has stated that "*lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter.*" See also Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular article 12.

6. Adherence to the UN Basic Principles on the Role of Lawyers is considered a fundamental precondition for the adequate protection of the human rights and fundamental freedoms to which all persons are entitled.⁷ In its task of promoting and ensuring the proper role of lawyers, the State party should respect and take into account the Basic Principles within the framework of its national legislation and practice.⁸
7. Consequently, it is the State party's duty under the ICCPR to respect and guarantee that all persons within its jurisdiction have effective and equal access to lawyers of their own choosing, and that lawyers are able to perform their professional functions without intimidation, hindrance, harassment or improper interference from any quarter, or be threatened with sanctions for any action taken in accordance with recognized professional duties, standards and ethics.⁹
8. The State party must also ensure that lawyers are adequately protected when their security is threatened because of carrying out their legitimate professional duties, and that they are not be identified with their clients or their clients' causes.¹⁰ In addition, the State party must recognize and respect that all communications and consultations between lawyers and their clients within their professional relationships are confidential.¹¹ The Basic Principles affirm that lawyers, like other citizens, are entitled to the right to freedom of expression and assembly.¹²
9. During the examination of the previous (first) periodic report of the State party at its 106th session (15 October – 2 November 2012), the Committee noted with concern that *“several provisions of the 1991 Anti-Terrorism Law (Law 3713) are incompatible with the Covenant rights. The Committee is particularly concerned at (a) the vagueness of the definition of a terrorist act; (b) the far-reaching restrictions imposed on the right to due process; (c) the high number of cases in which human rights defenders, lawyers, journalists and even children are charged under the Anti-Terrorism Law for the free expression of their opinions and ideas, in particular in the context of non-violent discussions of the Kurdish issue (arts. 2, 14 and 19)”*.¹³ The Committee also noted with concern *“that detainees do not have access to an effective mechanism to challenge the lawfulness of their pretrial detention, and do not always in practice have prompt access to a lawyer (art. 9)”*.¹⁴ Furthermore, the Committee expressed concern about the fact that *“human rights defenders and media professionals continue to be subjected to convictions for the exercise of their profession (...), thereby discouraging the expression of critical positions or critical media reporting on matters of valid public interest, adversely affecting freedom of expression in the State party”*.¹⁵
10. The Committee called on the State party to *“reduce the legal period of pretrial detention in compliance with article 9 of the Covenant, and ensure that it is only used as an exceptional measure. The State party should guarantee the access of detainees to a lawyer, and to an effective and independent mechanism to challenge the lawfulness of their pretrial detention (...)”*.¹⁶ The Committee also called on the State party to guarantee that *“human rights defenders and journalists can pursue their profession without fear of being subjected to prosecution and*

⁷ Basic Principles, preamble, paragraph 9.

⁸ Basic Principles, preamble, paragraph 11.

⁹ Idem, Principles 1,2 and 16.

¹⁰ Idem, Principles 17 and 18.

¹¹ Human Rights Committee, General Comment No.32, CCPR/C/GC/32, paragraph 34. In particular, the Committee has stated that lawyers should also be able to *“meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications.”* See also Principle 22 of the Basic Principles.

¹² Principle 23 of the Basic Principles.

¹³ Human Rights Committee, Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session (15 October - 2 November 2012), CCPR/C/TUR/CO/1, 12 November 2012, par. 16.

¹⁴ Ibid, par. 17.

¹⁵ Ibid, par. 24.

¹⁶ Ibid, par. 17.

libel suits, having in mind the Committee's general comment No. 34 (2011) on freedoms of opinion and expression (...).¹⁷

11. According to our information, however, the State party fails to fully respect and ensure the guarantees for the proper functioning of lawyers under Articles 9 and 14 of the ICCPR.
12. This submission highlights the following issues that give rise to L4L's concerns:
 - A. Improper restrictions of lawyers
 - B. Harassment and intimidation of lawyers
 - C. Prosecution of lawyers
 - D. Violations of freedom of expression of lawyers
 - E. Increasing pressure on the bar associations
13. As a result, the professional rights and privileges of lawyers in the State party are violated systematically. This impairs their ability to provide effective legal representation and consequently severely undermines the proper functioning of the rule of law and the adequate protection of rights to which all persons are entitled, including the rights to effective remedy and fair trial. The work of lawyers is indispensable for the public confidence in the administration of justice and to ensure effective justice for all person.
14. In addition to the violations of their professional rights and privileges under article 14 of the ICCPR, these violations also encroach upon other rights that lawyers, like other citizens, are entitled to, including the rights to security of person (article 9), and freedom of expression (article 19).
15. Given the vital role of lawyers in the protection of the rule of law and the protection of rights, and the fact that lawyers in the State party are specifically targeted because of their work as lawyers, L4L would like to recommend the Committee to specifically address the position of lawyers, whenever appropriate, when reviewing the State party's implementation of the ICCPR.

A. Improper restrictions of lawyers

16. For years, lawyers in the State party have been unable to fulfil their professional duties effectively, due to external pressure and improper interference. Prior to the state of emergency, lawyers were already hindered in carrying out their professional activities and this interference has subsequently increased and led to amongst other things, intensified judicial harassment.
17. Following the failed coup d'état of 15 July 2016, the Turkish government declared a state of emergency and adopted a series of decree-laws which, according to Office of the United Nations High Commissioner for Human Rights (OHCHR), "*facilitated the deterioration of the human rights situation and the erosion of the rule of law in Turkey*".¹⁸
18. While the state of emergency was lifted in July 2018, a number of the decree-laws that were enacted by Parliament during the state of emergency were incorporated permanently and mainly into Turkey's Criminal Procedure Code (CPC). A non-exhaustive summary of the most critical limitations the government has placed on lawyers since July 2016 will follow.

¹⁷ Ibid, par. 24.

¹⁸ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN report details extensive human rights violations during protracted state of emergency', 20 March 2018, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>

19. Meetings between lawyers and their clients in prison can now be restricted in duration upon the prosecutor's order. Moreover, meetings between lawyers and their clients in prison can be monitored and recorded by the authorities, if the authorities deem that there may be a threat to national security and in terrorism-related cases.¹⁹ Prosecutors can now authorize the police to restrict lawyers from meeting with clients for the first 24 hours of their police custody.²⁰ The number of lawyers permitted to represent a client in court in terrorism case has been limited to three.²¹ Measures directly impacting the work of lawyers include, the power of the courts to carry out hearings and issue verdicts in the absence of the lawyers if the court deems they have not provided reasons for their absence²², and granting courts the power to reject lawyers requests to hear witnesses if the court rules the aim is to prolong the trial.²³
20. As a result of these legislative amendments, lawyers are restricted in their ability to discharge their professional functions in ways compatible with fair trial standards including the principle of equality of arms.

B. Harassment and intimidation of lawyers

21. In accordance with Principle 16(a) of the Basic Principles, governments must ensure that lawyers "are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference".
22. Lawyers for Lawyers has long been concerned about attempts to harass and disrupt the work of lawyers in the State party who have been targeted solely because they are carrying out their professional activities. Some lawyers in the State party have been targeted through criminal investigations which have led to, amongst other things, illegal searches of their houses and offices and judicial control measures in the form of (international) travel bans.
23. During these searches, the Turkish police confiscated electronic devices and other items such as books, notebooks and written notes, that contain information which should have remained confidential to protect lawyer-client confidentiality, as outlined in the Basic Principles which state that: "*Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their relationship are confidential.*"²⁴ The harassment and intimidation of lawyers in the form of illegal searches of their houses and offices is illustrated by the following examples:

Raids in March 2020

*On 12 March 2020, the houses and offices of multiple prominent human rights lawyers were raided and their computers were seized. The lawyers were all taken into police custody and later released on 17 March 2020. They were arrested on suspicion of "assisting a terrorist organisation" through enabling communication between detainees in prison. The Ankara Bar Association's Lawyers Rights Center has raised concerns about violations of legal procedures in the searches of lawyers' offices and homes.*²⁵

Largescale raids since mid-September 2020

Since mid-September 2020, Turkish police carried out largescale raids across the

¹⁹ Emergency Decree Law No. 676, Articles 6, 59 (5) and (11) of the Law on the Execution of Sentences and Security Measures (Article 59 (5) and (11) .

²⁰ Emergency Decree Law No. 676, Article 154 CPC.

²¹ Emergency Decree Law No. 676, Article 149 (2) CPC.

²² Emergency Decree No. 69651, Article 188/1 and 216 (3) CPC.

²³ Emergency Decree Law No. 676, Article 178 CPC.

²⁴ Basic Principle 22.

²⁵ Human Rights Watch, 'Turkey: Lawyers Arrested in Terror Probe', 16 September 2020, available at: <https://www.hrw.org/news/2020/09/16/turkey-lawyers-arrested-terror-probe>

State party in which the homes and offices of a large number of lawyers were searched. Dozens of lawyers were also detained. On 11 September 2020, almost fifty lawyers were detained, reportedly as part of an investigation on “FETÖ lawyers’ structure”. The Ankara Bar Association stated that “the houses of the suspected lawyers were searched without calling the representatives of the bar association, resulting in a clear violation of the law. Moreover “phones were seized at dozens of addresses without allowing the lawyers to call their lawyers.”²⁶

Raids in November 2020

On 20 November 2020, at least seventeen lawyers were detained during house raids in the province of Diyarbakır, reportedly as part of an investigation against the Democratic Society Congress (HDK). It was reported that books and electronic devices were confiscated.²⁷

24. According to information received by L4L, various lawyers have been subjected to judicial control measures in the form of (international) travel bans during recent years.²⁸

C. Prosecution of lawyers

25. According to Principle 16 of the Basic Principles (c) “governments shall ensure that lawyers 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”.
26. L4L has reported that attacks on lawyers range from threats and surveillance to judicial harassment, including arbitrary (mass) arrest, detention, and criminal prosecution. These attacks and improper interferences have become so widespread and systematic, that this has created a climate in which lawyers eventually refuse to represent clients connected to politically sensitive or controversial issues out of fear of becoming the target of acts of harassment. This severely compromises the universal right to effective legal representation and defence as well as the proper functioning of the rule of law and the protection of human rights and fundamental freedoms.
27. It has been reported that currently, the State party has imprisoned more lawyers than any other country in the world. Since the failed coup, it has been stated that approximately 1600 lawyers have been arrested and prosecuted, 615 lawyers detained (pretrial detention), and 450 convicted and sentenced to a total of 2,786 years in prison.²⁹
28. Prosecution of lawyers is frequently the direct consequence of the identification of lawyers with their clients or their clients causes. In many cases, the victims are lawyers who represent or defend people who are considered ‘enemies of the state’, such as people who are accused under counter-terrorism laws, or who have been critical of the government’s policies or behaviour, including journalists, opposition leaders or members of minority groups. In this respect, OCHR observed “a pattern of persecution of lawyers representing individuals accused of terrorism offences, being associated with their clients’ cause (or alleged cause) while discharging their official functions, and consequently prosecuted for the same or related crime

²⁶ Statement from the Ankara Bar Association, available at:

<http://www.ankarabarasosu.org.tr/HaberDuyuru.aspx?DUYURU&=7348>

²⁷ Bianet, ‘Seventeen lawyers detained during house raids in Diyarbakır, 26 April 2021, available at:

<https://m.bianet.org/english/politics/234725-seventeen-lawyers-detained-during-house-raids-in-diyarbakir>

²⁸ For example: <https://lawyersforlawyers.org/letter-on-continuing-judicial-harassment-of-12-prominent-human-rights-lawyers-in-turkey/> and <https://lawyersforlawyers.org/arrest-of-ozturk-turkdogan/>.

²⁹ The Arrested Lawyers Initiative, ‘Mass Prosecution of Lawyers in Turkey (2016-2021), January 2021, available at:

<https://arrestedlawyers.files.wordpress.com/2021/01/report-2016-2021.pdf>

attributed to their client".³⁰ This violates the UN Basic Principles on the Role of Lawyers, which states that lawyers shall not be identified with their clients or their clients' causes.³¹

29. The ongoing and systematic detention and criminal prosecution of lawyers in the State party is illustrated by the following cases:

Asrin law firm case

*46 lawyers are being prosecuted since 2012 for at some point representing Abdullah Öcalan, visiting him in prisons and allegedly communicating orders from him to PKK-members. The visits were carried out and/or organized by Asrin law firm. Abdullah Öcalan is a PKK-leader who is serving a life sentence in prison on Imrali Island since 1999. The lawyers are charged with "membership of a terrorist organization" and "terrorist related activities". On 22 November 2011 46 lawyers, three employees of a law firm and a journalist were arrested. Their offices and their houses were raided. The lawyers have pleaded not guilty, first and foremost because they carried out their professional duties as lawyers and there is no proof of any crime. All lawyer-client interviews at Imrali Prison were monitored by state authorities who also made notes and tape recordings. The lawyers claim that the case is politically motivated.*³²

*The case was brought before the court for the first time from 16 – 18 July 2012. Ever since 2012, dozens of hearings have taken place. Up until March 2014, the case was tried in Silivri before a Specialized Heavy Penal Court for terrorist related crimes. On 6 March 2014, a law came into effect that abolished those specialized courts. Since then, the case is tried before the ordinary Heavy Penal Court in Istanbul.*³³ *Many of the accused lawyers were in pre-trial detention for a long time. The case is still ongoing.*

ÇHD-I and ÇHD-II cases

*The ÇHD-1 case started in January 2013, when 15 lawyers were arrested and their offices were searched. The lawyers were working for Halkın Hukuk Bürosu (Peoples' Law Office) and/or member of lawyers organization ÇHD (Progressive Lawyers Association). After four days of pre-trial detention, 6 lawyers were released while 9 others stayed in prison. Later, 22 lawyers were charged: two of "leading a terrorist organization", one of "trying to overthrow the constitutional order", the others with "membership of a terrorist organization". It is believed that the ÇHD lawyers are the subject of prosecution in connection to their professional activities and the clients they have defended.*³⁴

In 2018, the prosecution initiated a second criminal case (ÇHD II). Of the 20 lawyers accused in the ÇHD II case, 8 were also accused in the ÇHD I case. In the ÇHD-II case, eleven lawyers have been in custody since September 2017. Half a year after the opening of the proceedings, the accused were sentenced to prison terms between 2

³⁰ https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf, par 56.

³¹ Principle 18 of the Basic Principle.

³² Lawyers for Lawyers, 'L4L and FTW in Istanbul for hearings', 15 May 2018, available at: <https://lawyersforlawyers.org/en/l4l-and-ftw-in-istanbul-for-hearings/>.

³³ OMCT, 'Continued judicial harassment of 47 lawyers, one journalist, one legal secretary and two drivers', 20 March 2014, available at: <https://www.omct.org/en/resources/urgent-interventions/continued-judicial-harassment-of-47-lawyers-one-journalist-one-legal-secretary-and-two-drivers>

³⁴ The accusations against the lawyers are based on legal documents stemming from criminal cases in the Netherlands and Belgium in 2004, on the testimonies of 5 witnesses (of whom only one has testified in person) and on the fact that the lawyers advised their clients, accused of terrorism, that they had the right to remain silent. After the attempted coup on 15 July 2016, all prosecutors and judges in this case were arrested and charged with falsifying evidence.

and over 18 years. The sentences in the ÇHD-II case were largely confirmed in the Court of Appeal and the Supreme Court on 15 September 2020.³⁵

EHB case

In this case, two lawyers from the Law firm of the Oppressed (EHB) were arrested and detained on 19 October 2017. Two other lawyers from the EHB were tried without arrest. The lawyers were prosecuted and charged with “membership to a terrorist organisation” and “making propaganda for a terrorist organisation” because they represented family members of people who died in Syria whilst fighting ISIS, offering legal aid to repatriate the bodies of the deceased, and attended autopsies and funerals, which allegedly links them to a terrorist organization.³⁶ On 5 October 2018, the two lawyers were released after being held in pre-trial detention for almost one year.³⁷

D. Violations of freedom of expression of lawyers

30. In paragraph 16 of its Concluding observations, which were adopted in 2012, the Committee noted with concern “the high number of cases in which human rights defenders, lawyers, journalists and even children are charged under the Anti-Terrorism Law for the free expression of their opinions and ideas, in particular in the context of non-violent discussions of the Kurdish issue (arts. 2, 14 and 19)”.³⁸
31. Over the years, different bodies have prepared several reports, which include concerns and recommendations with regard to the anti-terrorism legislation of the State party and upholding fundamental rights and freedoms, especially the right to freedom of expression.
32. Following his visit to the State party in November 2016, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that “state of emergency cannot justify the adoption of disproportionate and arbitrary measures representing a severe blow to freedom of expression, media freedom and access to information in Turkey”.³⁹
33. In another report, published in 2019, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stated “that “legitimate expression of opinions or thought must never be criminalized. Non-violent forms of dissent are at the core of freedom of expression”.⁴⁰
34. Moreover, in a Human Rights Comment the Commissioner for Human Rights of the Council of Europe noted “(...) the dangers, arbitrariness and abuses of anti-terrorism laws to stifle freedom of expression in Turkey, where several provisions of the Turkish Criminal Code relating to

³⁵ Lawyers for Lawyers, Court of Cassation upholds the prison sentences of all lawyers from the ÇHD, 20 September 2020, available at: <https://lawyersforlawyers.org/court-of-cassation-upholds-the-prison-sentences-of-all-lawyers-from-the-chd/>

³⁶ Lawyers for Lawyers, L4L and FTW in Istanbul for hearing Ezilenlerin Hukuk Bürosu’, 22 July 2018, available at: <https://lawyersforlawyers.org/l4l-and-ftw-in-istanbul-for-hearing-ezilenlerin-hukuk-burosul/>

³⁷ Lawyers for Lawyers, ‘L4L and FTW observe hearing observe hearing lawyers Ezilenlerin Hukuk Bürosu’, 4 December 2018, available at: <https://lawyersforlawyers.org/l4l-and-ftw-observe-hearing-lawyers-ezilenlerin-hukuk-burosul/>

³⁸ Human Rights Committee, Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session (15 October - 2 November 2012), CCPR/C/TUR/CO/1, 12 November 2012, par. 16.

³⁹ Office of the United Nations High Commissioner for Human Rights, ‘Report on the impact of the state of emergency on human rights in Turkey, including an update on the South- East (January – December 2017)’, March 2018, p. 22, available at https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf

⁴⁰ Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 2019, A/HRC/40/52, par. 75 (b).

*terrorism and the Anti-Terrorism Law continue to generate some of the most serious violations of freedom of expression in the country”.*⁴¹

35. Lawyers, like any other individual, have the right to freedom of expression. In particular, they have the right to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights.⁴² This right is guaranteed under Article 19 of the ICCPR. The freedom of expression that lawyers enjoy in connection to their professional functions should not only be guaranteed in light of the rights of the lawyers, but also in protection of the rights of their clients. The lawyer should be enabled by the State party to effectively protect the rights and interests of their client.
36. L4L was informed that lawyers are being sentenced to prison and banned from practising law under anti-terrorism laws for exercising their right to freedom of expression. Lawyers have been the subject of criminal prosecution in connection to their reporting on human rights violations, social media posts and giving interviews to media. This, for example, has been the case for free speech and press rights lawyer Veysel Ok, who was given a 5-months suspended sentence by the Istanbul 2nd Penal Court of First Instance for insulting the Turkish judiciary in a newspaper article in 2015 on 12 September 2019.⁴³
37. Reports that we have received from other lawyers indicate that more lawyers in the State party have been subjected to harassment, improper interference, arbitrary arrest, prosecutions, and convictions because they have exercised their right to freedom of expression.

E. Increasing pressure on the bar associations

38. Recently, also Bar Associations have been targeted, resulting in a further deterioration of the rule of law in the State party. Over the years, prominent bar associations have played an increasingly important role in documenting human rights abuses and commenting on the erosion of the rule of law and fair trial rights in the State party. Recent amendments to the Law on Lawyers of the State party aiming to reform Bar Associations in the State party, are believed to be an effort to fragment professional bodies and use information about political affiliation for potential persecution of their members.⁴⁴

III Conclusions and recommended questions

39. According to our information, the State party fails to fully respect and ensure the guarantees for the proper functioning of lawyers under Article 14 of the ICCPR. As a result, the lawyers' professional rights and privileges are violated. These violations impair the ability of lawyers to provide effective legal representation and makes them increasingly wary of working on sensitive cases. It also severely undermines the proper functioning of the rule of law and the adequate protection of rights to which all persons are entitled, such as the right to effective remedy and fair trial. The work of lawyers is indispensable for the public confidence in the administration of justice and to ensure effective justice for all persons in the State party.

⁴¹ Human Rights Comment, “The Misuse of Anti-Terror Legislation Threatens freedom of expression”, Council of Europe, 12 December 2018: https://www.coe.int/en/web/commissioner/blog/-/asset_publisher/xZ32OPEoxOkq/content/misuse-of-anti-terror-legislation-threatens-freedom-of-expression/pop_up?_101_INSTANCE_xZ32OPEoxOkq_viewMode=print&_101_INSTANCE_xZ32OPEoxOkq_languageId=en_GB

⁴² Principle 23 of the Basic Principles.

⁴³ Lawyers for Lawyers, ‘Veysel Ok given a 5-months suspended sentence’, 16 September 2019, available at: <https://lawyersforlawyers.org/en/veysel-ok-given-a-5-months-suspended-sentence/>

⁴⁴ Lawyers for Lawyers, ‘Concerns about draft bill on the reform of Turkish Bar Associations’, 2 July. 2020, available at: <https://lawyersforlawyers.org/concerns-about-draft-bill-on-the-reform-of-turkish-bar-associations/>.

40. In addition to the violations of their professional rights and privileges under article 14 of the ICCPR, these violations also encroach on other rights that lawyers, like any other citizens, are entitled to, including the rights to security of person (article 9), and freedom of expression (article 19). Given the vital role of lawyers in the protection of the rule of law, the protection of rights, and the fact that lawyers in the State party are specifically targeted because of their work as a lawyer, L4L recommends the Committee to specifically address the position of lawyers, whenever appropriate, when reviewing the State party's implementation of the ICCPR.

Recommended Questions to State Party

Please provide information on what measures the State party has taken to ensure that lawyers are able to carry out their professional functions safely and independently without fear of threat, intimidation, hindrance, harassment, improper interference, reprisals, or criminal prosecution.

Please respond to the reports of harassment, the improper interference, the arbitrary arrest, the prosecutions, and the convictions in relation to lawyers who have exercised their right to freedom of expression.

Please respond to the reforms of Bar Associations and the reports that these reforms could undermine the independence of the Bar Associations.