



Human Rights
Institute

Organization: Lawyers' Rights Watch Canada

Item: Item 3: Interactive Dialogue with the Special Rapporteur on Interactive dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Date: 14 March 2022

Speaker: Brian Samuels

Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), International Bar Association's Human Rights Institute (IBAHRI), and Lawyers for Lawyers (L4L), NGOs in special consultative status

Turkey: Abuse of anti-terrorism laws to arbitrarily detain human rights lawyers and defenders

Mr. President,

Lawyers' Rights Watch Canada, the International Bar Association's Human Rights Institute, and Lawyers for Lawyers appreciate the Special Rapporteur's work,¹ including numerous communications to Turkey expressing concern about abuse of anti-terrorism laws for illegitimate prosecutions and arbitrary detention of human rights defenders.²

Among those arbitrarily detained under Turkey's overbroad terrorism laws are numerous lawyers. Since July 2016, human rights organizations have reported more than 1,600 prosecutions of lawyers; with more than 615 remanded to pretrial detention, and more than 450 sentenced to prison.³ Many lawyers are charged with the same overbroad anti-terrorism offences as their clients, in violation of the UN *Basic Principles on the Role of Lawyers*.⁴ Unfair trials, and ill-treatment of unlawfully detained lawyers and defenders are commonplace.

We ask the Council to urge Turkey to:

1. Review and revise all anti-terrorism laws in line with recommendations of Treaty Bodies and Special Procedures, in full consultation with civil society;
2. Immediately accept the Special Rapporteur's request for a country visit, issued in 2014 with a reminder in 2017;
3. Unconditionally release and drop charges against all legal professionals and defenders illegitimately detained under overbroad anti-terrorism laws; and
4. Ensure respect for the UN *Principles on the Role of Lawyers*.

Thank you, Mr. President.

¹ UN Human Rights Council, Follow-up report on the Joint Study (2010) on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism. Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/HRC/49/45, Advance Unedited Version, 28 February 2022, para. 1, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Documents/A_HRC_49_45_AdvanceUneditedVersion.docx. See particularly Communication OL TUR 3/2021, 11 February 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26004>.

² See, e.g. Information received concerning cases of human rights defenders who have allegedly been arbitrarily detained and sentenced to 10 years or more, or those at risk of being sentenced to 10 years or more, in connection to the promotion and defence of human rights. Communication dated 20 May 2021, Turkey, [TUR 9/2021](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26538), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26538>.

³ <https://arrestedlawyers.files.wordpress.com/2021/12/the-crackdown.pdf>; Lawyers' Rights Watch Canada and Lawyers for Lawyers, Turkey: Continued Deterioration of the Rule of Law and Persecution of Lawyers and Human Rights Defenders, Joint Written Statement to the 46th Session of the UN Human Rights Council, A/HRC/46/NGO/56, 24 February 2021, <https://www.lrwc.org/turkey-continued-deterioration-of-the-rule-of-law-and-persecution-of-lawyers-and-human-rights-defenders-joint-statement-to-the-46th-session-of-the-un-human-rights-council/>.

⁴ UN, Basic Principles on the Role of Lawyers, 7 September 1990, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>. The UN General Assembly welcomed the Basic Principles in Resolution 45/166, 18 December 1990, adopted without a vote.