



## President and board of Istanbul Bar Association acquitted

In Istanbul the President, Ümit Kocasakal, and the board of the Istanbul Bar Association were acquitted on February 2014. This was announced by the Dutch Lawyers for Lawyers Foundation (L4L). At the beginning of 2013, the President and the board of the Istanbul Bar Association were put on trial on suspicion of influencing the judge, after they stood up for the rights of lawyers, who had defended suspects in a mass-process. If convicted, they faced a prison sentence of two-four years in Turkey.

During the hearing on February 24 the judge acquitted both the President and the board of the Istanbul Bar Association, because there was a lack of evidence for the criminal offence. The President and the members of the board argued during the hearing that it is their duty as a bar association to defend the right to be defended by a lawyer. If they had not done this, they would have neglected their duty as a bar association; the Bar declared that it would do the same again.

**L4L** was present at all the hearings (on 17 May 2013, 7 January 2014 and 24 February 2014), and was accompanied by representatives of Bar Associations from the Netherlands who observed the proceedings on behalf of concerned colleagues from the Netherlands.

*Hans van Veggel*, former President of the Amsterdam Bar Association, observed the trial. He reacted to the verdict saying: *'Our travels to Istanbul have not been in vain, but a lot more has to be done before we can speak of a real democracy and an independent judiciary in Turkey.'*

### **Background to this case**

Ümit Kocasakal, the President, and the other board members of the Istanbul Bar Association were suspected of influencing the judge during the 'Sledgehammer-case'. President Kocasakal did not represent any clients in the case himself, but stood up for the defence lawyers who had for a long time complained that they could not do their work because they were not allowed to speak on behalf of their clients.

At a hearing on 26 March 2012, after a heated discussion between lawyers and prosecutors about the procedure in the Sledgehammer-case, the lawyers were ordered to leave the courtroom. The judge adjourned the case and asked Kocasakal to appoint new lawyers, which he refused. At the next hearing, on 6 April, Kocasakal and the entire board of the Istanbul Bar took their places in the courtroom, at the exact spot where the defence lawyers were supposed to sit, and Kocasakal gave a speech about the alleged lack of justice in the Sledgehammer-case. In doing this, according to the prosecutor, he violated the professional conduct of lawyers, for which he can receive a prison sentence of two- four years. On February 2014 the judge acquitted the entire board because of the lack of evidence.

## **Trends in cases against Turkish Lawyers**

Adrie van de Streek, Executive Director of L4L said: *'These charges against Kocasakal are part of a trend. Previously, on 22 November 2011, 46 lawyers were arrested and charged with "working for, or belonging to, a terrorist organisation." They were defending members of the banned Kurdish Labour party, the PKK. It is therefore of great importance that we, as a foundation, monitor these developments closely and support these lawyers, where possible, to guarantee them being able to perform their professional functions freely. Everywhere in the world.'*

**L4L** is also monitoring the cases against 15 lawyers, who were arrested on 18 January 2013, and charged with "working for, or belonging to, a terrorist organisation." These cases are still pending, and are closely monitored by **L4L**.

The fact that even the President of the largest Bar Association in Turkey was indicted, is a clear sign of the deliberate destruction of the Turkish Rule of Law. As Kocasakal stated in his press release. *'No civilian or organisation has legal certainty anymore in Turkey. Opponents (of the government, ed.) are now being silenced intimidated and eliminated by the legal system. The government is now targeting lawyers and the Bar Associations, but they shall not be silenced and will continue to oppose these measures.'*