

Union Internationale des Avocats (UIA)
Conférence Internationale des Barreaux de Tradition Juridique Commune (CIB)
Fédération des Barreaux d'Europe (FBE)
European Democratic Lawyers (EDL / AED)
European Lawyers for Democracy and Human Rights
International Association of People's Lawyers
Solicitors International Human Rights Group (UK)
Lawyers for Lawyers (Netherlands)
Bar Association of the Netherlands
Lawyer's Rights Watch Canada (LRWC)
Democratic Lawyers of Switzerland
Fair Trial Watch (Netherlands)
Progress Lawyers Network (Belgium)
Lawyers Without Borders (Sweden)
Conseil National des Barreaux (France)
Conférence des Bâtonniers de France et d'Outre-Mer
Fédération Nationale des Unions de Jeunes Avocats (FNUJA)
Syndicat des Avocats de France (SAF)
Berliner Anwaltskammer
Ordre français des Avocats du Barreau de Bruxelles
Barreau de Grenoble
Barreau de Montpellier
Barreau de Paris
Barreau de Rennes
Institut des Droits d'Homme du Barreau de Bruxelles
Institut des droits de l'Homme du Barreau de Grenoble
Institut des Droits de l'Homme du Barreau de Montpellier

From July 16 to 18, 2012, our organisations attended in Istanbul the opening of the trial indicting 46 lawyers, 3 of their staff members and 1 journalist.

They insist that identifying a lawyer with his client amounts to an unacceptable criminalization of the lawyers' profession.

Our organisations denounce a mass trial that targets lawyers, who seem to be identified with their clients or their clients' political opinions. They are concerned by the remand into custody of 36 indicted lawyers, as well as by the fact that all demands for their release from pre-trial detention have been systematically denied for 8 months, without any sound reason.

The lawyers' defence raised multiple procedural irregularities and introduced several petitions, notably:

- The lack of jurisdiction of the Special Criminal Court to hear these cases;
- The lack of definition of the constitutive elements of the charges;
- The lack of individualisation in the proceedings;

- The lack of a hearing of the main witness, who is at the heart of the Prosecution.

All the petitions were postponed or dismissed, most of them without any sound reason.

It was further noticed that the material conditions in which the hearings were held are not consistent with the principles which govern the right to a fair trial:

- The capacity of the courtroom prevented many of the defendants' lawyers, as well as their families, to attend the proceedings;
- The lawyers who could access the courtroom had to work in particularly precarious conditions, which were incompatible with the normal defence practice.

Our organisations take note of the fact that 9 of the prosecuted lawyers were released at the close of these three days of hearings. They nevertheless express their concern about the coming developments that the 27 lawyers who remain in detention will have to face, and declare their intention to follow with the utmost attention the progress of these proceedings until their conclusion.

They are also concerned by the decision of the Court to delay the hearings to November 6, 2012, and remind that the European Convention on Human Rights requires Turkey to make a decision within a reasonable time frame – especially when the defendants are detained – in order not to unnecessarily extend their custody.

Our organisations express, at the close of these three days of hearings, their deepest concern about the way the trial is proceeding, as well as about the lack of respect of the fundamental guarantees of the rights of the defence. They call upon the Turkish authorities to take prompt action in order to remedy these irregularities, as well as to ensure that the internationally recognized principles of a fair trial are complied with.