

PETITION

On 22 November 2011 46 lawyers were arrested in Turkey and charged with offences related to their participation in the defence of the leader of the PKK, Abdullah Öcalan. Their trial started on July 2012. 22 of them are still in jail to date. Soon their pretrial detention will reach 500 days.

Through this petition we protest against the detention of our colleague lawyers.

We, the undersigned, are all lawyers and lawyers' organizations working in different countries all over the world. International observers have been following this trial from the beginning and have attended all court hearings. What they have observed has only deepened our concerns. The trial keeps being adjourned, increasing the duration of the defendants' incarceration. As of now no substantial proof for the accusations has been presented by the prosecutor. The defence keeps filing requests for the release of all lawyers and has substantiated these requests with extensive arguments. All applications keep being denied by the court with hardly any reasoning or no reasoning at all.

International law prohibits arbitrary detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. Pre-trial detention must be lawful, reasonable and necessary in all the circumstances. In this trial it is unclear what the individual grounds for continuation of pre-trial detention are and why one lawyer is released and another one is not.

International law requires that the independence and safety of lawyers in their professional and personal capacity is ensured and protected by the authorities. In particular this is laid down in the United Nations Basic Principles on the Role of Lawyers. The authorities should guarantee the proper role and functioning of lawyers. Lawyers must not be identified with their clients or clients' causes as a result of discharging their functions. This protection applies even when lawyers represent clients accused of terrorism or other criminal activities aimed at the government.

We perceive that the lawyers accused in this case are being identified with their client's cause and that these criminal proceedings are being used to repress, intimidate and punish the lawyers concerned for the fact that they represent a client involved in a politically sensitive case. Criminal cases against lawyers seem to have become a trend in Turkey. In December 2012 and in January 2013, 6 lawyers in Adana and Ankara were sentenced to lengthy prison terms. Several other criminal proceedings against lawyers are going on right now. On 18 January 2013, another 15 lawyers have been arrested, amongst whom are several lawyers who are part of the defence in this case.

We are alarmed by the ongoing attacks on lawyers on the basis of vaguely worded anti-terrorism laws and we call on the Turkish authorities to stop all harassment of lawyers, to publicly proclaim that they perform a vital role in a democratic society, and to ensure their professional independence and physical safety.

Istanbul, 29 March 2013

Union internationale des Avocats (UIA)

Conférence Internationale des Barreaux (CIB)

Fair Trial Watch

International Association of Democratic Lawyers

International Association of People's Lawyers

Lawyers for Lawyers (L4L)

**European Association of Lawyers for Democracy and World Human Rights
ELDH**

European Democratic Lawyers (EDL / AED)

Human Rights Commission of the Federation of European Bar Associations

Law Society of England and Wales

Netherlands Bar Association

Amsterdam Bar Association

German Bar Association

**Republikanischer Anwältinnen- und Anwälteverein (RAV)
Berlin/Deutschland**

Lawyers' Rights Watch Canada (LRWC)

Ordre des barreaux francophones et germanophone de Belgique

Institut des droits de l'homme des Avocats européens IDHAE

Avocats sans Frontières - France

National Lawyers Guild International Committee

Solicitors International Human Rights group (SIHRG/UK)

Institut des Droits de l'Homme du barreau de Bruxelles

Vereniging Sociale Advocaten Nederland (VSAN) [Hollanda Sosyal Avukatlar Derneği (VSAN)]

Vereinigung Berliner Strafverteidiger e.V.

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Supported by :

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT)

League for Human Rights

Front Line Defenders