



SOUTHERN AFRICA
LITIGATION CENTRE



Human Rights
Institute



JOINT STATEMENT ON THE SITUATION OF MUSTAFA AYDIN

The undersigned organizations are very concerned about the ongoing pre-trial detention of and lack of medical treatment for Mustafa Aydin, a lawyer from Istanbul.

Mr Aydin will be heard in court this Wednesday, 27 June 2018.

Mr Aydin was arrested on 16 August 2016 and has been in pre-trial detention ever since. Fifteen months later, on 10 November 2017, he was indicted and charged with being a member of an armed terrorist organisation, which is punishable under article 314 of the Turkish Criminal Code.

We were informed that Mr Aydin is accused of having ties with the Gülen Movement. We understand also that one of the charges is that as a lawyer he represented a police officer who was arrested in December 2013 after investigating accusations of bribery and money laundering against members of the AKP. Such a charge is not compliant with article 16 of the Basic Principles on the role of lawyers, that stipulates that governments must ensure that lawyers do not suffer prosecution for any professional action taken in accordance with recognized professional duties, standards and ethics.

Also, since about a year Mr Aydin is experiencing serious health issues. In April 2018 he has been diagnosed with prostate cancer. He also has a hernia. We were informed that Mr Aydin does not receive adequate medical treatment for these conditions while in detention. Mr Aydin also has a 10-year-old son living with a disability, who is dependent on him for emotional support.

The denial of adequate medical treatment to Mr Aydin, when he has a potentially life threatening condition such as prostate cancer, is a violation of the right to life and the right not to be subjected to an inhuman or degrading treatment, as protected by articles 2 and 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and articles 6 and 7 of the International Covenant on Civil and Political Rights.¹

¹ *Salakov and Ilyamova v. Ukraine*, [2013] ECtHR, 14 March 2013, Application no. 28005/08, [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-117134#{"itemid":\["001-117134"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-117134#{), *Lantsova v. Russian Federation* (26 March 2002) UN Doc CCPR/C/74/763/1997 para 9.2.

The undersigned organisations respectfully and urgently request the Turkish authorities:

- to release mr Aydin from pre-trial detention in order to enable him to undergo immediate and adequate medical treatment;
- to ensure that mr Aydins' right to a fair trial is respected and to drop the charges for any activities that he carried out in his professional capacity as a lawyer and for any other activities that do not constitute a criminal offence;
- to take all necessary measures to guarantee that all lawyers in Turkey can perform their professional duties without fear of prosecution, reprisal, hindrance, intimidation or harassment, in order to preserve the independence of lawyers and the integrity of the administration of justice.

Sincerely,

Fair Trial Watch

International Bar Association Human Rights Institute

Lawyers for Lawyers

Lawyers' Rights Watch Canada

Southern Africa Litigation Centre

The Human Rights Committee of the Norwegian Bar Association