



The Law Society
of England and Wales

Lawyers' Rights Watch Canada



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Speaker: Leroy Niekoop

Oral Statement to the 45th Session of the UN Human Rights Council Regular Session - Item 6: UPR Adoption Turkey | Lawyers for Lawyers, The Law Society of England and Wales, Lawyers' Rights Watch Canada and the International Bar Association's Human Rights Institute.

Mme. President,

We welcome Turkey's supportⁱ of some recommendations relating to the rights of human rights defenders, including lawyers, made at its 3rd UPR. We call on Turkey to effectively implement these recommendationsⁱⁱ without delay.

A fundamental aspect of the rule of law and an effectively functioning justice system is access to legal representation by an independent legal profession. Lawyers should be able to carry out their professional duties without harassment, intimidation, or improper interference.

For years, lawyers in Turkey have been subjected to judicial harassment, including mass arrest and criminal prosecution, as well as threats, surveillance, and lack of fair trials of their clients and themselves. Many lawyers who represent clients in politically sensitive cases and speak out on rights violations against their clients, are being arrested. Some lawyers are charged with the same terrorism-related offences of which their clients are accused. This violates the UN Basic Principles on the Role of Lawyers, which states that lawyers shall not be identified with their clients or their clients' causes. On 11 September 2020, a further 60 lawyers were arrested in such circumstancesⁱⁱⁱ.

This month, UN experts expressed dismay about the "preventable" death of lawyer Ebru Timtik, who died while on hunger strike demanding the right to a fair trial in Turkey.^{iv} Lawyers should not have to die or be imprisoned for asking that the rule of law be respected.

We are also gravely concerned about amendments to Turkey's Law on Lawyers aiming to reform Bar Associations in Turkey, which we believe is an effort to fragment professional bodies and use information about political affiliation for potential persecution of their members.

We urge Turkey to:

- effectively implement all supported UPR recommendations without delay;
- take immediate measures to safeguard the independence of lawyers and provide protection against any form of undue interference with their work; and
- guarantee the independence of all bar associations in Turkey and reverse legislative or other measures that negatively affect their independence.

Thank you.

ⁱ Report of the Working Group on the Universal Periodic Review of Turkey, Addendum, 24 June 2020, A/HRC/44/14/Add.1.

ⁱⁱ Report of the Working Group on the Universal Periodic Review of Turkey, 24 March 2020, A/HRC/44/14.

45.175 Ensure the creation of a safe, enabling environment for journalists, human rights defenders and civil society, both online and offline (Ireland);

45.176 Take further measures to promote freedom of expression and the press, including fostering a political and social environment that more broadly embraces media activities (Japan);

45.177 Ensure that human rights defenders, lawyers and journalists are not subjected to intimidation or arbitrary arrest in undertaking their work (New Zealand);

45.178 Fully respect the right to assembly and create a safe and enabling environment for human rights defenders (Norway);

45.179 Ensure that human rights defenders, academics and journalists continue to enjoy fully the right to freedom of expression (Peru);

45.180 Adopt all measures aimed at guaranteeing the freedom of expression of journalists and human rights defenders (Argentina);

45.181 Allow journalists, human rights defenders and all non-governmental organizations to freely exercise their right to freedom of expression and opinion (Portugal);

ⁱⁱⁱ <https://lawyersforlawyers.org/joint-letter-on-arrest-55-lawyers-from-ankara/>

^{iv} UN Human Rights Council, Turkish human rights lawyer dies after hunger strike, 2 September 2020,:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26203&LangID=E>