

European Fact-finding mission to clarify the circumstances leading to the conviction of 18 Turkish lawyers

A group of 15 lawyers from seven European countries met in Istanbul from 13 till 15 October 2019 for a fact-finding mission to clarify the legal circumstances that led to the conviction of 18 Turkish lawyers by the High Criminal Court in March of this year, resulting in long prison sentences.

There are currently two mass trials in Turkey against members of the Turkish lawyers' organisation ÇHD (Çağdas Hukukçular Derneği/Progressive Lawyers Association). In the first trial, which opened in 2013 22 lawyers are accused (CHD I proceedings).

In the second, which was opened in autumn 2008, 20 lawyers have been accused (CHD II proceedings).

Eight of the lawyers accused in both cases are identical, with the same accusation of being a member of a terrorist group.

In the second trial in March 2019, 18 defendants were sentenced to between 3 and 18 years and 9 month imprisonment. The chairman of the ÇHD was sentenced to 11 years and 3 months.

All lawyers were convicted for activities connected with their professional functions and were identified with their clients' causes.

Istanbul Regional Court has rejected the appeal without an oral hearing. All of them will seize the Supreme Court.

The European lawyers come from Belgium, Catalonia/Spain, Greece, Germany, France, UK, Italy and Austria. They represent, among others, two international associations of lawyers, two European lawyers' organisations, the European umbrella association of bar associations, various national and regional bar associations and lawyers' organisations.

Most of the European lawyers have already participated as observers in the mass trials of lawyers in Turkey and other politically motivated proceedings. Their main focus was on the question of whether Turkish and European law was violated in the proceedings.

The results of these observations were recorded in reports.

The observations of the two ÇHD trials as well as numerous other politically motivated trials in Turkey, raised serious concerns about the respect for the rights of the accused and the defence lawyers. This was particularly the case with the 37th Heavy Criminal Court in Istanbul.

Among other cases, it was in charge of the proceedings against Selahettin Demirtas (one of the two HDP presidents), Canan Kaftancıoğlu (the Istanbul CHP president), Ahmet Altan (writer and journalist), Şebnem Korur Fincancı (the president of the Human Rights Foundation of Turkey and one of the academics for peace), Ihsan Eliaçık (theologian and author).

During their stay in Istanbul, the European lawyers held talks with the defence lawyers of the 18 Turkish lawyers convicted, with 4 lawyers imprisoned in Silivri, including the chairman of the Turkish lawyers' organisation CHD, Selçuk Kozagaçlı, with defence lawyers from other politically motivated trials before the 37th High Criminal Court (see above), with the President of the Istanbul Bar Association, and with members of the Turkish Parliament.

They have also examined the question, taking into account the reasons for the judgement,

- the extent to which the independence of the court was respected in the proceedings
- whether the principle that no one should be tried twice for the same offence has been respected (ne bis in idem)
- whether the principles of a fair trial applicable under Turkish and European law have been respected
- whether the evidence satisfied the legal requirements,

Following their visit, the observers will record the results of their visit in a report, draw the necessary legal conclusions and ask the Turkish Minister of Justice for an interview to present the results of their visit and their conclusions.

Represented organisations:

- * ELDH - European Association of Lawyers for Democracy and World Human Rights
- * AED-EDL - European Democratic Lawyers
- * The foundation The Day of the Endangered Lawyer
- * IADL - International Association of Democratic Lawyers
- * Progress Lawyers Network
- * Giuristi Democratici
- * CCBE The Council of Bars and Law Societies of Europe
- * French National Bar Council
- * OIAD - Observatoire International des Avocats (The International Observatory of Endangered Lawyers)
- * Unione Camere Penali Italiane

- * Consiglio Nazionale Forense (Italian National Bar Association)
- * DSF AS - Défense Sans frontière - Avocats Solidaires
- * UIA (International Association of Lawyers)
- * OBF/Avocats.be (Association of French speaking Bars of Belgium)
- * Paris Bar Association
- * Athens Bar Association
- * Barcelona Bar Association
- * Berlin Bar Association
- * Brussels (French-speaking) Bar Association
- * Brussels (Dutch-speaking) Bar Association (NAOB)
- * Liège Bar Association
- * Vienna Bar Association

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