



European Democratic Lawyers (AED-EDL)
European Association of Lawyers for Democracy and World Human Rights (ELDH)

Joint declaration of AED and ELDH

Haarlem, Dusseldorf, Rome, London
25 November 2011

OPEN LETTER WITH URGENT REQUESTS TO THE TURKISH AUTHORITIES
TURKISH PRIME MINISTER RECEP TAYYIP ERDOGAN
TURKISH PRESIDENT ABDULLAH GUL
AND ALL MEMBERS OF THE TURKISH GOVERNMENT

The AED and ELDH, which represent lawyers' associations in 16 European countries, are united in their deep concern at news of the arrest on one day of 51 Turkish lawyers during raids, which were simultaneously carried out in many Turkish cities and provinces.

The AED and ELDH carry out their work on the basis of the Preamble on the Function of the Lawyer in Society, adopted by the CCBE (Council of the Bars and Law Societies of the European Union).

This provides that every lawyer must serve the interests of justice, as well as the interests of those whose rights and liberties he or she is entrusted to defend.

Respect for the professional function of lawyers is an essential condition for the rule of law and democracy in every society.

These arrests are the latest step following on from the very recent threats by the Turkish prosecutors and courts, to persecute the large number of lawyers who are defending 152 accused in a mass trial in Diyarbakir. This trial is due to be continued on 6 December 2011.

In this trial the lawyers took the principled position that they were not able to defend their clients any further after the Diyarbakir Court ordered that the accused were not permitted to speak their own native, Kurdish language, in their trial.

All the defence lawyers, as a group, and also the Leader of the Diyarbakir Bar, were threatened in strong terms in advance by the Prosecutors, and by the Court itself, that they

would be persecuted if they did not immediately continue to defend their clients in the Turkish language.

We respectfully draw the attention of the Turkish authorities to the fact that the arrests and threats constitute grave violations of every human rights treaty to which Turkey is a party.

Furthermore, it would appear that the Basic Principles on the Role of Lawyers, adopted by the UN Congress in Havana in September 1990 do have not been respected at all.

According to these principles, governments are obliged to ensure that lawyers are able to perform all of their professional duties without intimidation, hindrance, harassment or improper interference.

Governments must also guarantee that lawyers do not suffer persecution or threats of persecution or any sanctions for carrying out their duties as lawyers.

Unfortunately, the Turkish Government appears to be acting contrary to these Principles.

Therefore we call upon the Turkish authorities to implement the following measures without delay:

- the immediate release and reinstatement in their duties as lawyers of all the lawyers who have been arrested or threatened
- the restoration of the full and free exercise of their independent advocacy role

The AED and ELDH respectfully inform the Turkish authorities that they and their members in 16 European countries will continue to follow the mass trial closely.

The AED and ELDH also urge the Turkish authorities to respond as soon as possible with a full and positive response to the serious matters raised in this letter,

Yours respectfully

Prof. Bill Bowring, President of ELDH
WWW.ELDH.EU
Mr Gilberto Pagani President of AED
WWW.AED-EDL.NET

Mr. Thomas Schmidt, Secretary General of ELDH
Mr Hans Gaasbeek
Vice president of AED
Coordinator of the commission defence for the defence