



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 11th June 2013

STATEMENT OF CONCERN

INDISCRIMINATE USE OF FORCE AND THE ARREST OF LAWYERS IN TURKEY

The BHRC expresses its urgent concern about today's arrests of a further 45 lawyers at Caglayan Court in Istanbul. The lawyers were attending the courthouse in solidarity with Gezi Park demonstrators who had been arrested earlier in the day.

According to the Progressive Lawyers Association of Turkey, the lawyers were in the process of issuing a press release relating to the protests when their arrests began. A video published online by Milliyet TV shows the lawyers, in their court robes, being roughly handled; some having their hands strapped behind their backs before being dragged onto a police bus.

The BHRC deplores the arbitrary arrest and detention of human rights defenders which is currently taking place in the context of the violent repression of peaceful anti-government protests across Turkey.

It is widely reported in the international media and detailed by the Progressive Lawyers Association that the police have used tear gas and water cannons against protesters who were exercising their right to peaceful association, in the centre of Istanbul. Further, there are unconfirmed reports of the use of rubber bullets. Human Rights Watch reports that one man with a serious head injury is in intensive care and 15 more have been admitted to hospital for tear gas inhalation.

Security forces are justified in using force where this is strictly necessary and police, when monitoring demonstrations, are often compelled to make rapid and difficult decisions about unfolding events. However, crucially, force must only be used where non-violent methods of achieving the desired result have been exhausted. The level of force employed must be proportionate to the legitimate objective to be achieved.

The aggressive dispersal tactics and indiscriminate use of force being used by security forces against the protesters in Taksim Square and Gezi Park are in breach of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

In addition, this disproportionate use of force is in breach of the right to free assembly enshrined in Article 21 of the International Covenant on Civil and Political Rights and Article 11 of the European Convention on Human Rights.

Lawyers play a critical role in ensuring that human rights are protected and the rule of law is upheld. These arrests and the wider, systematic intimidation of lawyers is a direct attack on their legitimate activities promoting and protecting human rights.

The BHRC calls on the Turkish government:

- to investigate the police violence that has occurred against protesters;
- to implement effective measures to ensure that disproportionate use of force is not further applied;
- to immediately release the 45 lawyers arrested today in the course of their professional duties and peaceful protest;
- to cease the misuse of legal procedures to punish the legitimate work of lawyers defending human rights and the rule of law.

NOTES FOR EDITORS

1. The Bar Human Rights Committee of England and Wales (“BHRC”) is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.

2. The BHRC has been observing the trials of lawyers over the past year in Turkey and issued statements of concern relating to these ostensibly political actions. See [BHRC statement “A Further 15 Turkish Lawyers Arrested”](#) 19th January 2013. Also, see Turkey trial observation reports, launched on 5th February 2013 [\[1\]](#) and 30th April [\[2\]](#). A detailed report is forthcoming.

3. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, see paragraphs 4 &

END.

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BHRC website

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