



**Lawyers' Rights Watch Canada**



**United Nations Human Rights Council  
37<sup>th</sup> Regular Session 26 February to 23 March 2018  
Agenda Item 3**

**Interactive Dialogue with the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Joint Statement of the International Bar Association's Human Rights Institute (IBAHRI), Bar Human Rights Committee of England and Wales (BHRC), Judges for Judges (J4J), Lawyers for Lawyers (L4L), Lawyers' Rights Watch Canada (LRWC), The Law Society of England and Wales, Union International**

**1 March 2018**

The International Bar Association's Human Rights Institute and seven co-sponsoring organisations note the Special Rapporteur's report on Turkey and call on the government of Turkey to ensure effective implementation of the recommendations.

We share concerns raised about the widespread use of torture and other ill-treatment in the aftermath of the attempted coup and the lack of effective investigations. We are deeply concerned by the gravity and number of reports of torture we continue to receive, such as the reports early this week of 80 persons tortured by the police at Mersin Provincial Security Directorate.<sup>1</sup>

Also of concern are the widespread and systematic arbitrary arrests and detentions of judges and lawyers in Turkey. Reliable reports indicate that since July 2016:

- At least 1525 lawyers have been prosecuted, 578 have been arrested and kept in pre-trial detention and 99 sentenced;<sup>2</sup> and
- More than 4400 judges and prosecutors have been investigated with more than 2400 put in pretrial detention.<sup>3</sup>

<sup>1</sup> Stockholm Centre for Freedom, "Eighty Women Reportedly Being Tortured under Custody by Turkish Police at Mersin Provincial Security Directorate", 25 February 2018, at <https://stockholmcf.org/eighty-people-reportedly-being-tortured-under-custody-by-turkish-police-at-mersin-provincial-security-directorate/>.

<sup>2</sup> The Arrested Lawyers Initiative, as of 28 February 2018. See <https://arrestedlawyers.org/>.

<sup>3</sup> IAPL Monitoring Committee on Attacks on Lawyers, "Turkey: Turkey jails 2,431 judges, prosecutors, dismisses 4,424 to date: Top Court", 9 August 2017, at <https://defendlawyers.wordpress.com/2017/08/09/turkey-turkey-jails-2431-judges-prosecutors-dismisses-4424-to-date-top-court/>.

These reports also indicate the use of torture, ill-treatment and excessive solitary confinement against legal professionals, which can be highlighted in the case of a senior judge held in solitary confinement for more than a year and a lawyer arrested with 17 colleagues who were allegedly tortured by prison officials.

Finally, on 5 January 2017, the Prosecutor's Office in Trabzon ruled that Decree Law No. 667 grants State officials immunity for any act committed within their duties under the state of emergency decrees, including acts of torture and ill-treatment. The prohibition on the use of torture and the duty of states to prevent and punish torture are non-derogable rights under international human rights law and, therefore, cannot be limited or suspended under any circumstance. We call on the Special Rapporteur to investigate and recommend remediation of the potential impunity for torture granted to State officials.

**We invite Council to urge Turkey to:**

- **Stop and remedy the arbitrary arrest, detention and wrongful prosecution of legal professionals; and**
- **Prevent, investigate and punish the use of torture and ill-treatment by State officials.**

**The following organisations have endorsed this statement:**

- 1. Bar Human Rights Committee of England and Wales (BHRC)**
- 2. International Bar Association's Human Rights Institute (IBAHRI)**
- 3. Judges for Judges (J4J)**
- 4. Lawyers for Lawyers (L4L)**
- 5. Lawyers' Rights Watch Canada (LRWC)**
- 6. The Law Society of England and Wales**
- 7. Union International des Avocats (UIA)**