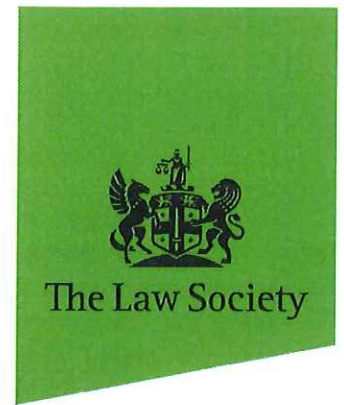


From the President



Mr Kenan Ipek
Minister of Justice
Ministry of Justice
Adalet Bakanligi
06659 ANKARA, Turkey

26 October 2015

Dear Mr Ipek,

Re: Lawyer at Risk - Tahir Elci

The Law Society is the professional body representing more than 160,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

I am contacting you to express concern about the arrest and detention on 20 October 2015 of Mr Tahir Elci. Mr Elci is a Turkish Lawyer and a prominent human rights lawyer practising in Diyarbakir in South East Turkey. He is the President of the Diyarbakir Bar Association. Mr Elci has been taking cases to the European Court of Human Rights since 1992, as well as representing numerous applicants before the domestic courts in South East Turkey in relation to criminal matters mainly on behalf of individuals victimised by clashes between the PKK (Kurdistan Workers Party) and the Turkish Army. Much of the work undertaken by Mr Elci in connection with these cases and in connection with the criminal cases in which he represents defendants domestically has involved him in serious personal risk. He has on numerous occasions been threatened and has been taken into custody with colleagues and tortured on one occasion. This incident led to an application before the ECHR as a result of which the Court decided on 13 November 2003 (*Applications nos. 23145/93 and 25091/94*) that Mr Elci (along with certain other colleagues) had been tortured in custody.

On Wednesday 14 October 2015 Mr Elci appeared on Turkish television and during a debate expressed a personal view that the PKK, as well as carrying out terrorist activities, is a political movement which has important political demands and which enjoys widespread support. As a result of this statement being made we understand that the Bakirkoy public prosecutor's office requested the Bakirkoy 2nd penal Court to issue an arrest warrant for Mr Elci. We understand that the warrant was issued and that Mr Elci was arrested at the offices of the Diyarbakir Bar Association early on the morning of 20 October 2015. He was transported in an armoured police vehicle from Diyarbakir to Istanbul and after a four hour hearing, was released pending further investigations and subject to travel restrictions which prevent him from leaving the country.

I am writing to express concerns with regard to the manner in which a prominent human rights lawyer such as Mr Elci has been treated and to remind you of certain international obligations to which Turkey is subject with a view to your intervening in the matter to ensure that justice is done and both domestic and international legal norms with regard to freedom of expression are respected. The particular matters of concern are as follows:

1. The Arrest

I understand that the request for the arrest warrant was made on the basis of representations that Mr Elci's whereabouts were not known and that a summons to testify before the prosecutor could not be issued. Contrary to these representations, I understand that Mr Elci made it known to the prosecutor on 19 October 2015 that he was willing to surrender voluntarily for questioning. As he did not receive any summons, he waited at his office at the Diyarbakir Bar Association together with a group of lawyers and politicians. It appears therefore that the arrest warrant was both unnecessary and obtained incorrectly.

2. Freedom of Expression Issues

Turkey is of course a signatory to the European Convention on Human Rights. Article 10 of the Convention provides for all citizens to have freedom of expression in the following terms:-

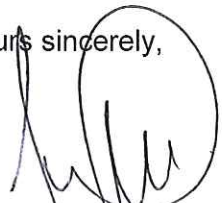
"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

Articles 25 and 26 of the Turkish Constitution also protect freedom of expression and freedom of thought. Article 90 of the Constitution makes provision for international human rights instruments to prevail wherever there is conflict with any domestic provision.

Mr Elci clearly has a right to express his views subject to both domestic and international rules and norms governing the boundaries of freedom of expression. I understand that the views he expressed on television reflect views which have been expressed by many other prominent public figures in Turkey, none of whom have been arrested or charged with any criminal offences or been subject to any criminal enquiry. I understand that Mr Elci has called on numerous occasions for an immediate end to the conflict and a peaceful resolution of the Kurdish issue. He has also worked steadfastly over the last two decades to assist those whose rights have been violated to seek redress through domestic and international procedures. He is widely regarded internationally as a key figure within the legal professions in Turkey in terms of upholding the rule of law and holding the state authorities to account where violations of fundamental human rights have occurred.

In the light of the above facts, I would urge you to ensure that the investigation concerning Mr Elci is undertaken fairly, expeditiously and with proper regard to his rights both as a citizen and as an advocate for freedom of expression and the protection of fundamental rights and freedoms in Turkey. In view of his willingness to co-operate with any investigation, we would also invite you to ensure that any restrictions concerning his movement during the investigation process are removed.

Yours sincerely,



Jonathan Smithers
President

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