

From the President

Mr. Abdullah Gül
President of Turkey
Cumhurbaşkanlığı 06100 Ankara
Turkey



The Law Society

4 December 2013

Dear Mr President

Turkey - Mr. Ramazan Demir - lawyer at risk

The Law Society is the professional body representing more than 166,000 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.

The Law Society of England and Wales is profoundly concerned about reports of ongoing and sustained judicial harassment against Mr. Ramazan Demir. We have received credible reports that Mr. Demir has been a victim of harassment in his role as legal representative to persons allegedly responsible for various acts of terrorism in one of the major KCK trials.

We have been informed that on July 16, 2013, he was charged with "insulting or (...) offending the dignity of a public authority in the performance of his duties", pursuant to Section 125 of the Criminal Code which provides for up to two years of imprisonment. We understand that these charges have emerged in response to the legal representation that Mr. Demir has provided to the 44 journalists who stand accused of terrorism-related offences in Silivri.

The statements which have been attributed to Mr. Demir and which form the basis on which prosecution has been instigated against him have been made in the course of his duties as part of defence speeches he gave during a hearing held on November 16, 2012. In these speeches, Mr. Demir is perceived to have challenged the ability of the prosecutor to ascertain the impartiality and independence with which the journalists standing trial have acted when making a request that the court hears expert evidence with respect to this matter.

In addition, we are aware that, further to the charges, Mr. Demir will also be the subject of a disciplinary investigation which has been opened by the Istanbul Bar in relation to the same incident. This was initiated by the Bar on November 7, 2013 upon a complaint received from the Special Prosecutor of the 15th Criminal Court. Subject to the outcome of this investigation, it is understood that Mr. Demir may face an official warning, a fine, suspension from practicing in the legal profession or even disbarment.

We note with grave concern that Mr. Demir appears to have been prosecuted for no reason other than exercising his legitimate duties as a lawyer. It is thought that the actions taken against Mr. Demir amount to an attempt to interfere with his legal work on behalf of his clients.

Furthermore, particularly concerning to us is that the allegations against Mr. Demir appear to be part of a series of incidents of harassment employed against some of the other defence lawyers acting in the same case who reportedly face charges of the same nature. There is some suggestion that such charges are now becoming commonplace throughout the KCK trials.

With regard to Mr. Demir and the other lawyers concerned, we wish to respectfully draw your attention to Articles 16 and 18 of the UN Basic Principles on the Role of Lawyers (1990) which state that:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

18. *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

On behalf of the Law Society, I respectfully urge you to use all the powers vested in you to ensure that the criminal charges and proceedings, as well as allegations of professional misconduct, against Mr. Demir are dropped immediately. I further urge you to act in accordance with recognised international human rights law, ensuring that harassment of legal professionals in Turkey ceases and ensure that they are properly protected against all forms of harassment while carrying out their work.

Yours sincerely



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President

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