

According to a recently published US State Department report on Turkey (1), Turkish Ministry of Justice figures show that, up to 15 July 2016, under the state of emergency a form of “criminal procedure” has been imposed on a total of 169,013 people. As per the Stockholm Centre for Freedom (SCF) these criminal procedures consist of anything from questioning, investigation, detention, arrest and judicial control to a ban on travelling.

It was after the July 2016 coup attempt that a full third of these people (55,665) were arrested on terrorism-related charges – for example, links to the Gülen movement and the Kurdistan Workers’ Party

(PKK) – but apparently many of those arrested were not given due process or access to the evidence for the offences with which they were charged.

The Turkish government has suspended or dismissed more than 150,000 people, including judges, teachers, police and civil servants, since

15 July 2016. Nearly a quarter of all Turkish judges, about 4,000 people, have been either dismissed or arrested since the coup attempt.

In this environment, a significant number of bar associations have expressed hesitation on the part of lawyers to take on cases.

Defendants accused of having links to Gülen or PKK come with the worry that the Turkish government will also exercise persecution and/or prosecution of the defence lawyers.

The Arrested Lawyers Initiative has been monitoring the situation in Turkey and claims that, since the coup attempt, over 570 lawyers have been arrested in the country – with a further 1,400 facing prosecution .

Critics of the Erdogan regime claim that intimidation by the Turkish government is sometimes also exercised in cases that are not terror-related. In these politically sensitive cases, the intention is to silence the defense lawyers.

According to reports, there have been prosecutions for attempts to destroy the Turkish republic that are only based on the fact that the accused uses a certain mobile application – a charge made without any other clarification or elaboration.

Specifically, it was claimed by the Turkish government that the ByLock messaging application indicated that users were members of the Fethullah Terror Organization (FETO) – what the government calls the Gülen movement. The Supreme Court of Appeals even went so far as to rule, on 26 September 2017, that the use of the ByLock app did indeed constitute prima facie evidence of membership to “FETO”.

On top of all of this, the Turkish government also seems to arrest and detain foreign citizens as hostages in its attempt to bargain with the West.

This seems to apply to the case of the arrested American pastor and the attempt to exchange him with a Turkish clergyman in the US, as well as the case of the imprisoned German Journalist.

The same applies to the case of the two Greek soldiers, where the ECBA intervened.

Two Greek soldiers, in a routine patrol, crossed the unmarked border with Turkey in March 2018. The soldiers had become disoriented and were unaware that they had entered Turkey. They have now been held in detention in Turkey for 5 months without charge.

The Turkish government seems to want to link the case with the return of Turkish political asylum seekers in Greece.

The Human Rights Committee wrote to H.E. Recep Tayyip Erdogan, The President of Turkey; Abdulhamit Gül, Minister of Justice of Turkey; Thorbjørn Jagland, Secretary-General of the Council of Europe; Michele Nicoletti, President of the Parliamentary Assembly of the Council of Europe; and Liliane Maury-Pasquier (who was elected and succeeds Mr Nicoletti as President) on 25 June 2018.

In application of the principle of good neighbourliness the soldiers should, out of respectful submission to the Committee, be returned home without further ado.

Similar concerns were raised by the European Parliament and CCBE.

On August 2018, the Turkish Court ordered their release, pending trial. At that time there were still no official charges against them.

The promised release of the two Greek soldiers is very much welcomed by the ECBA. It is important to continue tirelessly in all efforts for the release of all citizens, including many Europeans, who are being held in Turkey under charges that violate their fundamental rights, in what can only be described as an impermissible course of political prosecution.

This report used data from (1) the US State Department's Turkey Human Rights Report 2017 and was in parts adapted from (2) an article featured on the Stockholm Centre for Freedom's website.

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