

London, 28 December 2017

Minister of Public Order and Citizen's Protection  
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**Re: Salih Bayram Akinci**

Dear Minister,

The case of Mr Salih Bayram Akinci is of great concern to the Human Rights Committee of the European Criminal Bar Association.

We understand that Mr Akinci was arrested on 1 December 2017 on his arrival at Athens airport for entering Greece illegally and that since then he has been held in administrative detention at the Aliens Department of the Athens Police Directorate, 24 Petrou Ralli Str, Tavros Athens, Πέτρου Ράλλη 24, Ταύρος 177 78.

The reason for his arrest is apparently that he presented an invalid passport to the Greek immigration authorities.

We are informed, however, that Mr Akinci came to Greece to escape persecution by Turkey and that as part of that persecution Turkey, unbeknown to Mr Akinci, reported his passport as lost or invalid to Interpol. We are also informed that Mr Akinci has applied for asylum in Greece, but that Greece may decide to deport him to Turkey.

On the evidence we have seen, though, Mr Akinci needs the protection of the Hellenic Republic. His application for asylum should be thus be granted and he should be released from administrative detention forthwith.

Mr Akinci is a criminal defence lawyer. As such he has, from the evidence we have seen, defended many persons accused of supporting Fetullah Gülen and thus of supporting the attempted coup against the President of Turkey of 15 July 2016. As a result of fulfilling his professional duties Mr Akinci was, in September 2016, placed on a list of 15 lawyers to be arrested and tried for subversion.

It appears, therefore, that the alleged crimes of his clients are being imputed to Mr Akinci. If that is correct then, Turkey is violating essential principles of international and European law, namely:

1. Principle 16 of the United Nations Basic Principles on the Role of Lawyers (Basic Principles) which provides that “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”;

2. Principle 18 of the Basic Principles which provides that lawyers “shall not be identified with their clients or their clients' causes as a result of discharging their functions”;

3. Principle 20 of the Basic Principles which provides that lawyers “shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority”;

4. Principle 17 of the Basic Principles which provides that where “the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”;

The Basic Principles, being indispensable for political democracy and the rule of law fall under the protection of the European Convention on Human Rights and Fundamental Freedoms (ECHR) in general and in particular of Recital 4 and Article 6 thereof;

In addition, Recommendation N° R (2000)21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer proclaims similar principles in general and in particular proclaims in Principle 16 that all necessary measures “should be taken to ensure the respect of the confidentiality of the lawyer-client relationship (...)”.

In these circumstances Mr Akinci is being persecuted by Turkey and would seem to meet the criteria for being granted asylum in Greece.

In addition there is every reason to fear that should Mr Akinci be deported to Turkey, then

i) he would be held indefinitely in pre-trial detention (the maximum period for pre-trial detention has recently been increased from 5 to 7 years in Turkey);

ii) the conditions of his detention would amount to inhuman or degrading treatment;

iii) the likelihood of his receiving a fair trial are remote in the extreme, so that there would be a denial of justice, and consequently


iv) Articles 3, 5 and 6 of the European Convention of Human Rights would be infringed by Greece, were Greece to deport Mr Akinci to Turkey.

In the light of the foregoing the Human Rights Committee respectfully urges the Greek Authorities:

- i) to release Mr Akinci from detention;
- ii) not to deport him to Turkey, and
- ii) to grant his asylum application as expeditiously as possible.

Yours faithfully,

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Scott Crosby  
Avocat  
Chairman HR Committee



Prof. dr. Holger Matt  
Chair of the European Criminal Bar Association