

Lawyers on hunger strike near death

The undersigned organisations have been following recent developments in the cases of human rights lawyers Ebru Timtik and Aytaç Ünsal, who have been on hunger strike since February 2020. On 5 April 2020, the Turkish Day of the Lawyer, Timtik and Ünsal announced that they would persist in their hunger strike even if it leads to their deaths. Their health is deteriorating quickly, and they are now being held in hospital.

Background

Ebru Timtik and Aytaç Ünsal are part of a group of eighteen lawyers who have been convicted and sentenced to long-term imprisonment. They are all members of the Progressive Lawyers Association (Çağdaş Hukukçular Derneği, ÇHD) and People's Law Office (Halkın Hukuk Bürosu), known for their representation of clients who are considered opponents of the Turkish government. In a profoundly unfair trial, these lawyers have been sentenced to many years of imprisonment for alleged terrorist-related offences. Ebru Timtik has been sentenced to 13 years and 6 months and Aytaç Ünsal to 10 years and 6 months, both for membership of a terrorist organisation.

From the beginning of their trial, many incidents occurred that raised concerns about the impartiality and independence of the proceedings. For instance, the judges who initially ordered the release of the lawyers from pre-trial detention were removed from the case, and the released lawyers were re-arrested; some witnesses' identities were kept anonymous and they testified remotely by video link system (SEGBIS), not in person, which prevented their identity or free will to testify from being verified. It also prevented the defence from being able to effectively examine the witnesses. In addition, the charged lawyers were frequently interrupted or escorted out of the courtroom during the hearings. After challenging the Chief Justice on the grounds of lack of impartiality, the lawyers' requests for recusal of the bench were repeatedly rejected by the court, and their unjust treatment continued.

On 20 March 2019, the judgement was delivered. An appeal to the Istanbul Regional Court of Appeal was rejected in October 2019. A further appeal before the Supreme Court is pending.

Hunger strike

Ebru Timtik and Aytaç Ünsal are on hunger strike to strengthen their demand for fair trials and the administration of justice in Turkey. Turkey is bound to uphold the right to a fair trial according to a number of international treaties of which Turkey is a signatory, including Article 6 of the European Convention of Human Rights and Article 14 of the International Covenant on Civil and Political Rights. Timtik and Ünsal are demanding that these obligations are observed not only for themselves, but also for all others who are on trial or in prison without having their fair trial rights respected.

Their wish is to ensure that the Turkish authorities observe the rule of law in Turkey. We support them unequivocally in these demands and objectives and aim to ensure that the world is aware of their plight. We urge the Turkish authorities to address these demands without delay, starting by giving the detained lawyers in this case the opportunity to await the outcome of their current appeal in freedom. We also urge the Supreme Court to conclude the appeal of 18 lawyers with due consideration being given to the serious violations by the lower court of the lawyers' rights to a fair trial and the protections to which they are entitled as lawyers.

We are gravely concerned for the safety of Timtik and Ünsal and urge that the Turkish government act quickly to ensure their rights.

This statement was endorsed by:

The Foundation day of the Endangered Lawyer

The Dutch League for Human Rights

Council of Bars and Law Societies of Europe

European Bars Federation

European Bars Federation Human Rights Commission

Avocat.e.s Européennes Démocrates / European Democratic Lawyers

The Defence of the Defence Commission of the Barcelona Bar Association

International Association of Democratic Lawyers

Lyon Bar Association

Asociación Americana de Juristas

Lawyers' Rights Watch Canada

The International Legal Intervention Group

Confederation of Lawyers of Asia and the Pacific

Nepal Lawyers Association

European Criminal Bar Association

Norwegian Bar Association

European Association of Lawyers

National Union of Peoples' Lawyers

The Hellenic Union of Progressive Lawyers.

European Association of Lawyers for Democracy & World Human Rights

Arab Lawyers Association

Defense Sans Frontiere-Avocats Solidaires (DSF-AS)

Osservatorio UCPI Avvocati Minacciati

Rotterdam Bar Association