**TO THE ATTENTION OF THE 16TH CHAMBER OF THE CRIMINAL COURT OF APPEALS**

**Docket no: 2020/1499 E.**

**URGENT REQUEST**

**İstanbul Circuit Court of Appeals 2nd Criminal Chamber Docket no: 2019/877 E. - 2019/605 K.**

**İstanbul 37th Court of High Crimes Docket no: 2018/84 E. - 2019/125 K.**

**DEFENDANT ATTORNEYS: 1. Selçuk KOZAĞAÇLI, 2. Aycan ÇİÇEK, 3. Aytaç ÜNSAL, 4. Barkın TİMTİK, 5. Behiç AŞÇI, 6. Ebru TİMTİK, 7. Engin GÖKOĞLU**

**REMARKS:**

20 lawyers that are members of the Contemporary Lawyers Association, who took the cases of victim families of the Soma and Ermenek mining massacres, people who have been forced out of their homes due to urban transformation projects, those who were killed by torture in prisons and police stations, those being prosecuted for their opinions, public labourers, workers and revolutionaries, have become the target of accusations through legal proceedings initiated in 2017 with respect to their attorney work, by use of vague anonymous witness statements.

All 17 detainee lawyers were released during the first hearing of the case before the 37th Court of High Crimes. However, following an objection filed by the prosecutor’s office, 10 hours after their release, the same panel of judges issued an arrest warrant for 12 lawyers. Subsequently, the panel of judges who had ruled for the release of the arrested lawyers was disbanded and moved to other courts. As for the new panel of judges, this has been formed by the judges who were involved in the investigation and prosecution of the anonymous witness, whose statement constitutes a basis for the case file against the lawyers.

This arrest warrant, which has been issued with the intention of hiding these lawyers and the cases they are pursuing from the public agenda, silencing and condemning their clients by depriving them from legal defence, was followed up by onerous conviction rulings, which completely undermine the principle of right to a fair trial, shaped up at each moment by political motivations, in an arbitrary manner.

During the hearings, the counsel for defendant’s statements were repeatedly interrupted, their microphones were turned off and they were all even forced out of the courtroom. Motions for widening the scope of inquiry were rejected even before they were filed, by way of a pre-emptive ruling providing that no such motions would be accepted. During this trial, where the defendants themselves are lawyers, neither they, nor their counsel were given the right to defend their case. Our colleagues were never asked for their defence or their last words, and the ruling was given in their absence and the absence of their counsel.

At the end of the trial; the prison visitation statistics of the lawyers, their participation in judiciary processes, and even video footage they obtained through official requests in the course of legal proceedings they were following, were all considered to be incriminating evidence and cited in the court’s reasoning. The court’s ruling was based on an anonymous witness statement, which cited documents that were not present in the case file. The same documents were also found to have no bearing as legal evidence, according to a scientific report. The reasoned court ruling also relied on press statements which had previously been found to fall within the scope of freedom of expression, as well as certain documents relating to an ongoing lawsuit concerning 8 of the lawyers, filed in 2013, therefore violating the principle of *non bis in idem* or double jeopardy on both counts. Given that the allegations set out in the indictment relate to the same actions (or a continuation thereof) covered by the subject matter of the case file dated 2013, the court of appeals precedents dictate that the two case files should be pursued under a single lawsuit by way of a joinder of offenses.

From among the lawyers, who have been sentenced to an aggregate of 159 years of imprisonment, detained lawyers Ebru Timtik and Aytaç Ünsal are on an indefinite hunger strike, requesting a fair trial in face of the unlawful treatment they have subjected to. Given the scale of the global Covid-19 pandemic, its spread rate and the uncertainties surrounding the question of when it can be contained, on top of the victimisation caused by postponement of hearing and negotiations due to the same, as well as the weakening in Ebru Timtik and Aytaç Ünsal’s immune systems, due to their having long passed the 100th day of their indefinite hunger strike; the ongoing unlawful detention must be terminated as soon as possible.

**CONCLUSION AND REQUEST:**

In order to prevent further unlawful treatment of our colleagues, who are facing legal proceedings which undermine the procedures and assurances envisaged by applicable laws, intended to put on trial a certain style of legal counselling, and taking into account the life threatening conditions in prisons, aggravated by the court of appeals’ postponement of appeals and negotiations due to the ongoing pandemic, on top of the detention period of 2 YEARS and 6 MONTHS to date, we hereby request the rightful RELEASE of our colleagues.