



**To the president of  
Istanbul 37. Heavy Penal Court  
No: 2020/247**

**Düsseldorf, Barcelona, Vienna, Brussels. 11.01.2020**

**LAWYERS' ASSOCIATIONS DEMAND THE IMMEDIATE RELEASE OF  
TURKISH LAWYER OYA ASLAN**

We, the undersigned international lawyers' associations, have for many years condemned the criminal prosecutions and investigations targeted against lawyers in Turkey and internationally for performing the duties of their profession and representing people opposed or allegedly opposed to government policies.

Ten lawyers from the Peoples' Law Office and other members of the Progressive Lawyers Association have been in prison for more than three and half years. Eighteen lawyers from the Progressive Lawyers Association were sentenced to a total of 159 years and 2 months imprisonment following an unjust trial. Their right to defense and right to a fair trial were violated from the beginning to the end. The Turkish Supreme Court affirmed the unlawful convictions for fifteen of the accused lawyers. We have already published a detailed report on this ongoing prosecution and in this report we underlined that there are significant and unacceptable violations of the European Convention. Our report can be accessed via: <https://iadllaw.org/2020/06/fact-finding-mission-releases-report-on-trials-of-lawyers-in-turkey/>

During their incarceration, lawyers Ebru Timtik and Aytac Ünsal mounted a hunger strike to protest the unlawfulness of their convictions and demanded a fair trial for themselves and for every other person arrested. Tragically, Ebru Timtik died on the 238th day of her hunger strike. On the other hand, Aytac Ünsal, who was conditionally released by the Supreme Court due to his critical health condition, was arrested once again while his medical treatment was still going on. His mother, Nermin Ünsal – who is a former judge and a lawyer - reported that he is not able to access his medicines or consult with his doctors. Together with the threat posed by the covid-19 epidemic, his health is under a serious risk.

Oya Aslan is one of the defendants in this very same case. She is a member of Progressive Lawyers Association and worked in the Peoples' Law Office. She was arrested on December 27, 2019. She was subjected to torture during her detention and this appalling and outrageous situation was observed and reported upon by the international trial observers. The trial observers also reported that she demanded the court to make a complaint about the torture, however the court rejected her demand and did not take any action.

It is obvious that the Turkish government does not follow its domestic law, and it also systematically violates the *Basic Principles on the Role of Lawyers* (known as the *Havana Principles*). Under these principles, “Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.” In addition, “Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.” But it is the Turkish government that is threatening the security of these lawyers for discharging their functions. The principles further provide, “Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.”

Governments are obliged to remove obstacles to the professional activity of lawyers and they should prevent any kind of harassment or unlawful interference against lawyers. However, in Turkey the harassment of the legal profession has become the policy of the government itself.

We demand once again from your respected court to live up to its obligations under the law. We also demand the immediate release of Oya Aslan and all the other detained lawyers. Turkey must stop harassing lawyers and bar associations who are on the front lines of providing the right to defense. The hearing that is scheduled to be held on 12.01.2021 should open the window to reverse the ongoing unlawful implementation of the law. Your respected court has the chance to take a step forward for the rule of law, fair trial rights and the protection of lawyers. It is apparent that such a decision will be remembered as a natural, yet courageous, act of the court.

**International Association of Democratic Lawyers (IADL)**

**Avocat.e.s Européen.nes Démocrates / European Democratic Lawyers (AED / EDL)**

**European Association of Lawyers for Democracy & World Human Rights (ELDH)**