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AVVOCATI EUROPEI DEMOCRATICI
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EUROPEAN DEMOCRATIC LAWYERS

AYTAÇ ÜNSAL has to be released

Berlin, Barcelona, Madrid, Utrecht, Paris, Rome, Brussels, Athens, 16th December 2020

It is unacceptable that lawyer Aytaç Ünsal, convicted in an unfair trial, has been tortured and sent to prison despite his health conditions. Our colleague has to be released immediately.

People's Lawyer Aytaç Ünsal, was taken into custody in Edirne in the evening of the 9th of December 2020. Previously, on the 3rd of September 2020, he had been released by the Court of Cassation, which postponed the execution of his sentence due to the deterioration of his health as a result of his long hunger strike (213 days) demanding the right to a fair trial. The other lawyer who went on hunger strike with him, Ebru Timtik, died from her prolonged fast.

Recently, on the 23rd of November, police raided the house where Aytaç Ünsal was being treated. The raid put him on high risk of infection due to the Covid-19 pandemic and the collapse of his already weak immune system. Furthermore, Aytaç Ünsal's colleagues, who were present in the house during the police raid, were also detained and their belongings plundered.

Aytaç Ünsal, in very fragile health conditions as a result of the hunger strike, was tortured by the political police when he was taken into custody in Edirne. Our colleague was taken off the vehicle and laid on the ground, stepped on, and his head hit the asphalt ground. Due to this fall, Aytaç Ünsal's face and various parts of his body were injured.

AED/EDL calls on the Turkish authorities to restore the rule of law and stop the practice of targeting lawyers. By aggressing the Defence, personified in this case by Aytaç Ünsal, Turkish authorities are in fact attacking the rule of law and human rights in Turkey.

It must be highlighted that Aytaç Ünsal has been attacked in his role as a human rights defender and we therefore call on the Turkish authorities to let him, as well as all other lawyers, to work freely and safely.



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The international community is alarmed by the way Turkish judiciary displays, especially in terrorism-related cases, unprecedented levels of disregard for even the most basic principles of law, such as presumption of innocence, the necessity of a crime to justify a punishment, the non-retroactivity of crimes and the principle of non bis in idem (that is, not being judged for the same facts twice, as is the case in two ÇHD trials). At the same time, procedural guarantees such as adversarial proceedings, equality of arms and the right to a lawyer, are clearly and permanently eroded in these trials against lawyers.

Therefore, we call on the Turkish authorities to guarantee the independence of lawyers, and to protect procedural fair-trial guarantees. Furthermore, we raise concerns about recent developments jeopardising the effectiveness of the defense of human rights in Turkey. We stress the importance of civil society organisations and human rights defenders in a democratic society, as a vital and fundamental body for the defence of fundamental rights.

Finally, AED/EDL would like to draw attention to the worrying information we have received concerning the arrest and detention of human rights lawyers working for the non-governmental organization People's Law Office (*HALKIN HUKUK BÜROSU*) under accusations of membership in a terrorist organization.

According to the information received:

We express grave concern regarding the allegations of arrest and prosecution under accusation of membership in a terrorist organization of the above-mentioned lawyers of the People's Law Office. Moreover, serious concern is expressed at the mounting number of human rights defenders and lawyers under investigation for alleged links to terrorist organizations in Turkey, which seems to evidence a pattern of using this type of offence to target individuals and organizations legitimately expressing dissent with the policies of the current Turkish Government.

We declare the detention of this Human Rights defendants arbitrary, and we demand the Turkish Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to ensure fair proceedings before an independent and impartial court, in accordance with articles 9, 10 and 14 of the **International Covenant on Civil and Political Rights (ICCPR)**, ratified by Turkey on 23 September 2003.

We would also like to draw attention to **the Basic Principles on the Role of Lawyers**, which stipulate that governments have the duty to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and that lawyers 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 (Principle 16).



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We would lastly like to highlight the fundamental principles set forth in articles 1 and 2 of the **UN Declaration on Human Rights Defenders**, which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms.

In view of the urgency of the matter, we urge the Turkish authorities to safeguard the rights and life of lawyer Aytaç Ünsal, in compliance with international instruments and to free him immediately.

We urge the Turkish authorities to provide clear information on the measures adopted to respect the fundamental rights and life of Aytaç Ünsal.

Founded in 1987, the Association of European Democratic Lawyers (AED) is a confederation of trade unions and lawyers' organizations with the same democratic, modern and humane ideals in Europe. The AED intends to defend the rights of citizens by preserving the independence of lawyers with regard to any political, social, economic or ordinal power. As a professional organization, its international purpose is to ensure respect for the rights of the defense and, in particular, to safeguard the physical integrity and political and economic freedom of lawyers. The association also works to ensure that all individuals have access to national and international judicial appeals, particularly those who are in the most precarious situations and whose basic rights are not recognized or poorly recognized.

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- Associació Catalana per a la Defensa dels Drets Humans (A.C.D.D.H- Catalonia)
- De Vereniging Sociale Advokatuur Nederland (VSAN – Holland)
- Syndicat des Avocats pour la Démocratie (S.A D. – Belgium)
- Asociación Libre de Abogados y Abogadas (ALA – Madrid)
- Legal Team Italia (L.T.I. – Italy)
- Çağdaş Hukukçular Derneği (ÇHD - Turkey)
- ΕΝΩΣΗ ΔΙΚΗΓΟΡΩΝ ΓΙΑ ΤΗΝ ΥΠΕΡΑΣΠΙΣΗ ΤΩΝ ΘΕΜΕΛΙΩΔΩΝ ΔΙΚΑΙΩΜΑΤΩΝ (Greece)
- Komaleye Hıquqnasên ji bo azadiyê (ÖHD - Kurdish)

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