



The Rt. Hon. Theresa May MP
Prime Minister
10 Downing Street
London
SW1A 2AA

London, 15 May 2018

Dear Prime Minister,

Ahead of your meeting with the Turkish President on Tuesday 15th May, the Bar Council of England and Wales and the Bar Human Rights Committee (BHRC) of England and Wales again seek to draw your attention to the ongoing deterioration in the rule of law and judicial independence in Turkey. In part, this has been facilitated by the ongoing State of Emergency, which has been renewed on seven occasions. However, the State of Emergency does not allow derogations from the right to life, the prohibition of torture and that there cannot be punishment without law.

Since 15th July 2016, there has been a campaign of prosecutions and detention against thousands of judges, lawyers, journalists, teachers, students for alleged involvement in the failed coup or being members of a terrorist organization.

Cases are brought against lawyers for defending their clients' in cases which are politically motivated. Lawyers are identified with their clients or a cause or issue. Such issues include criticising the State and its institutions, including the independence of the judiciary and the impunity of the State for human rights violations and expressing religious and ethnic minority rights. Judges are dismissed and cases brought against them when they do not allow their independence to be compromised in trying cases before them. Many arrests are based on a list of names, unsupported by any evidence or by evidence to requisite International Law standards as set out in the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) to which Turkey has acceded.

Since the attempted coup, an estimated 3,015 lawyers and judges have been arrested with 5,832 being prosecuted. 4,424 others have been dismissed. Turkey has suspended more than 150,000 judges, teachers, police and other civil servants. Having been dismissed, had their houses raided, assets frozen and observed the arbitrary detention of their colleagues, many have fled Turkey and are seeking asylum in other European countries. Currently, there are approximately 400 lawyers, 1,000 judges and prosecutors and 254 journalists in detention. Torture and solitary confinement continues to be reported. Prison and pre-trial detention conditions deteriorate as they house more than capacity. To date, three judges have died in custody and there have been a reported 110 suspicious deaths in detention, with the exact number unknown.

BHRC has been conducting trial observations and recently conducted a fact-finding exercise, interviewing lawyers and judges who have fled Turkey. BHRC has observed breaches of fundamental human rights and fair trial standards, contrary to the ECHR and ICCPR, including the right to liberty and security of person, the right to legal assistance without undue delay, the right to specificity of charges and sufficiency of evidence and the right to a public trial within a reasonable time. Since our previous letter of January 2017, more breaches of the right to life cases are being documented.

The Bar Council and BHRC respectfully request that you act to raise concern over the misuse of the rule of law as an instrument of persecution in Turkey. We await an indication that these systematic human rights breaches will be raised with President Erdoğan during your meeting and guarantees sought from Turkey that it will start to comply with its obligations, pursuant to international human rights law.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Walker', with a horizontal line underneath the name.

Andrew Walker QC
Chair of the Bar of England and Wales

A handwritten signature in black ink, appearing to read 'Kirsty Brimelow', with a horizontal line underneath the name.

Kirsty Brimelow QC
**Chairwoman of the Bar Human
Rights Committee**

cc. Rt Hon David Gauke MP
Rt Hon Boris Johnson MP