

Law Council urges diplomatic engagement with Turkish Government after disturbing attacks against lawyers and judges

The Law Council of Australia has expressed deep concern over the attacks against lawyers and judges in Turkey and will raise its concerns with the Australian Government, encouraging representations to be made to the Turkish Government.

Law Council of Australia President Stuart Clark AM said recent developments were extremely worrying.

“The Law Council of Australia has arranged a meeting with the Department of Foreign Affairs and Trade, and we will be urging engagement with senior representatives of the Turkish Government in a private and public capacity,” Mr Clark said.

“On behalf of the Australian legal profession, the Law Council of Australia will continue to monitor developments affecting lawyers and judges in Turkey and persist in calling upon the protections in the [International Covenant on Civil and Political Rights](#), the [United Nations Basic Principles on the Role of Lawyers](#), the [Basic Principles on the Independence of the Judiciary](#) and [Rule of Law Principles](#) to be upheld.

“The situation in Turkey underlies a deteriorating state in the protection and promotion of human rights and the rule of law.

“All lawyers in Turkey must be able to practise without fear of retribution for carrying out their professional duties. No lawyer should have to face intimidation, hindrance or improper interference in their work.

“Regardless of who a lawyer represents, they should be treated in a manner consistent with Article 9, 10 and 14 of the [International Covenant on Civil and Political Rights](#) and the [United Nations Basic Principles on the Role of Lawyers](#)”

On 16 March 2016, nine Turkish lawyers, known for their work in representing minority groups and people accused of crimes against the state, were arrested in raids on their homes. Lawyers who then sought to represent their detained colleagues were attacked by riot police during a press conference on the steps of the court room on 17 March 2016.

The nine lawyers were arrested the day before they were due to represent another group of 47 lawyers who are now being prosecuted on charges alleging association with a terrorist association. While the nine lawyers have been released, they remain under prosecution on undisclosed evidence in breach of fair trial rights.

The recent attacks against lawyers follow on from similarly targeted attacks against judges and prosecutors in Turkey, on the grounds of being members of “Parallel Structure” and “Gülenists”. To date, 14 judges and prosecutors have been disbarred from the profession,

while 680 judges and prosecutors are due to be suspended, on these grounds. In total, 5000 judges and prosecutors are currently under investigation.

“Gülenists” are alleged followers of Fethullah Gülen, who is regarded as a terrorist by the Turkish Government. He was until 2013 an ally of the current Turkish President, Recep Tayyip Erdogan, but the relationship broke down once Mr Gülen made serious corruption allegations against the Government.

The Law Council joins the [International Association of Judges](#) and the [Judicial Conference of Australia](#) in expressing its deep concern with the persecution of the judiciary in recent months.

“It is the duty of the Turkish Government to respect and observe the independence of the judiciary. There shall not be any inappropriate or unwarranted interference with the judicial process. Judges should be treated in accordance with the [International Covenant on Civil and Political Rights](#) and the [United Nations Basic Principles on the Independence of the Judiciary](#),” Mr Clark said.

“The targeting of lawyers and judges is part of a wider attack on the rule of law and human rights in Turkey. It also marks a disturbing turn of events, as Turkey continues to shift further and further away from being a democracy.”

The Law Council of Australia joins the [International Bar Association](#), LAWASIA, the [Bar Council of England and Wales](#) and the [Bar Human Rights Committee of England and Wales](#) in expressing its deep concern with the actions against lawyers in Turkey in recent months.

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