

April 2018

## The Arrested Lawyers Initiative



Photo: Detained  
Lawyers in the  
province of  
Kayseri

**103**  
**CONVICTED**

**580**  
**ARRESTED**

**1539**  
**HAVE BEEN**  
**PROSECUTED**

# INCARCERATION OF TURKISH LAWYERS

**EN MASSE ARRESTS &  
CONVICTIONS (2016-2018)**

<https://arrestedlawyers.org/>

Report 4

## RELENTLESS CRACKDOWN AGAINST LAWYERS IN TURKEY

There has been a relentless campaign of arrests which has targeted fellow lawyers across the country. In 77 of Turkey's 81 provinces, lawyers have been detained and arrested on trumped-up charges as part of criminal investigations orchestrated by the political authorities and conducted by provincial public prosecutors. As of today, 1539 lawyers have been prosecuted and 580 lawyers have been arrested. So far, [103 lawyers have been sentenced to long imprisonment](#) by the first instance courts under article 314<sup>1</sup> of the Turkish Penal Code. <sup>2</sup>

NAME OF THE PROVINCE	NUMBER OF THE CONVICTED LAWYERS	NAME OF THE PROVINCE	NUMBER OF THE CONVICTED LAWYERS
Afyonkarahisar	1	İzmir	3
Aydın	1	Niğde	3
Bolu	1	Kırıkkale	3
Diyarbakır	1	Tokat	4
Gaziantep	1	Antalya	5
Kocaeli	1	Erzurum	6
Malatya	1	Adana	8
Erzincan	2	Sivas	10
Adıyaman	2	Eskişehir	13
İstanbul	2	Kayseri	13
Kırşehir	2	Konya	20

**Graphic: Number of convicted Turkish lawyers (since 2016 July), more than 1300 lawyers are still under prosecution.**

<sup>1</sup> Armed Organisation

Article 314 (1) Any person who establishes or commands an armed organisation with the purpose of committing the offences listed in parts four and five of this chapter, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years. (2) Any person who becomes a member of the organisation defined in paragraph one shall be sentenced to a penalty of imprisonment for a term of five to ten years. (3) Other provisions relating to the forming of an organisation in order to commit offences shall also be applicable to this offence.

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2016\)011-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2016)011-e)

<sup>2</sup> <https://arrestedlawyers.org/category/situation-in-turkey/>

## THE 14 PROVINCIAL BAR ASSOCIATIONS' PRESIDENTS HAVE BEEN ARRESTED OR DETAINED

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14 of the persecuted lawyers are presidents (or former presidents) of their respective provincial bar associations, namely;

**President of Konya Bar Association Fevzi Kayacan,**  
**President of Trabzon Bar Association Orhan Öngöz,**  
**President of Siirt Bar Association Cemal Acar,**  
**President of Gumushane Bar Association Ismail Tastan,**  
were arrested and unlawfully unseated.

Former president of Konya Bar Assoc  
Fevzi Kayacan was sentenced to 10  
years 6 month imprisonment. 20 lawyers  
were sentenced 3 to 11 years



8:35 PM - 27 Oct 2017

President of Konya Bar Association, Fevzi Kayacan was arrested 23 July 2016, he  
was sentenced to 10,5 years on 2017 October

## Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)



President of Trabzon Bar Association, Orhan Öngöz was arrested (and unseated) 27 September 2016

### Siirt Baro Başkanı Acar Tutuklandı

Fetullahçı Terör Örgütü/Paralel Devlet Yapılanması'na (FETÖ/PDY) yönelik soruşturma kapsamında gözaltına alınan Siirt Baro Başkanı Mehmet Cemal Acar tutuklandı.

23 Eylül 2016 Cuma 11:14



President of Siirt Bar Association, Cemal Acar was arrested (and unseated) 23 September 2016



## Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

### 14 Presidents or Former Presidents of Provincial Bar Associations were detained or arrested in Turkey.

BY EDITOR on 24 JULY 2017 • ( 27 )



Former Presidents of Manisa, Erzurum, Erzincan, Afyon Bar Associations Zeynel Balkiz, Mehmet Güzel, Cemalettin Özer, Mehmet Akalın have also been arrested.<sup>3</sup>

On the other hand, presidents of the Aksaray and Kahramanmaraş Bar Associations, Levent Bozkurt and Vahit Bağcı respectively, and former presidents of Yozgat Bar Association Hacı İbis and Fahri Acikgoz were detained for a certain period of time before they were released on bail.

<sup>3</sup> <https://arrestedlawyers.org/2017/07/24/14-presidents-or-former-presidents-of-provincial-bar-associations-were-detained-or-arrested-in-turkey/>

## 103 LAWYERS WERE SENTENCED RANGE TO 2 AND 14 YEARS

### *PROVINCE OF KONYA (20 lawyers)*



[Konya 6th High Assize Court sentenced Fevzi Kayacan<sup>4</sup>](#) who is former president of Konya Bar Association and 19 other lawyers to imprisonment for up to 14 years. The Court sentenced;

- lawyer Fevzi Kayacan 10 years 6 months imprisonment,
- lawyers Berat Alper Kösterik, Erhan Şahin, Osman Buğur, Ahmet Bal, Mehmet Yıldırım, Mehmet Şimşek, Özgür Solak to 9 years,
- Arif Özer, Veysel Köylü, Erdal Soydaş, Hatice Erdem to 7 years 6 months,
- Nihat Karahan, Elşad Mehmethanlı, Hasan Hüseyin Avcı to 6 years 3 months,
- İbrahim Bakım, Ramazan Arı, Mehmet Balta, Orhan Özkavak, Muhammed Tahra range to 2 and 4 years imprisonment.

<sup>4</sup> <https://arrestedlawyers.org/2017/10/27/the-20-members-of-konya-bar-association-including-former-president-kayacan-were-sentenced-range-to-2-and-11-years-imprisonment/>

***PROVINCE OF ERZINCAN (2 lawyers)***

**Judicial Persecution: Former President of Erzincan Bar Association and former board member were sentenced to 9 and 10 years imprisonment**

BY EDITOR on 27 JULY 2017 • ( 25 )



Erzincan 2nd High Penal Court (which is specially authorized to adjudge terror linked cases) sentenced lawyers Cemalettin Ozer and Talip Nayir who are (respectively) former president of Erzincan Bar Association and former board member of association 8 years 9 month and 10 years. Mr. Ozer and Mr. Nayir were taken into custody in 25th October 2016 and subsequently arrested. After 8-month pretrial detention 2 lawyers were sentenced with terror linked offences such as being member of armed terrorist organisation or to run armed terrorist organisation.

[Erzincan 2nd High Assize Court sentenced](#) lawyers Cemalettin Ozer, former president of Erzincan Bar Association, and Talip Nayir, a former board member of the same organisation, to 8 years 9 month and 10 years in prison respectively.<sup>5</sup>

<sup>5</sup> <https://arrestedlawyers.org/2017/07/27/judicial-persecution-former-president-of-erzincan-bar-association-and-former-board-member-were-sentenced-to-9-and-10-years-imprisonment/>

## *PROVINCE OF ERZURUM (5 lawyers)*

### **5 Lawyers including former president of the Erzurum Bar Association sentenced range to 1 and 13 years**

BY THE ARRESTED LAWYERS INITIATIVE on 10 OCTOBER 2017 • ( 6 )

On 10th October, former President of Erzurum Bar Association, lawyer Mehmet Güzel who is under arrest since 4th August 2016, was sentenced to 13 years imprisonment with charge of to run armed terrorist organisation; along with him, 4 other lawyers (MSB, SA, ŞYL, HD) also were sentenced range to 1 and 5 years imprisonment.



Lawyer Mehmet Güzel, Former  
President of Erzurum Bar Association  
(2010-2012)

Erzurum 2nd High Penal Court convicted five lawyers with terror-related offenses such as to be the member of armed terrorist organization and to establish or run an armed terrorist organization and sentenced them range to 1 and 13 years imprisonment.

[Erzurum 2nd High Assize Court has given Mehmet Güzel](#), former president of Erzurum Bar Association, and four other lawyers custodial sentences varying from 1 to 13 years in prison.<sup>6</sup>

<sup>6</sup> <https://arrestedlawyers.org/2017/10/19/report-the-persecution-on-turkish-lawyers-10-19-october/>



# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF SIVAS (10 lawyers)

[Sivas 2nd High Assize Court](#) have sentenced ten lawyers between 3 and [9 years in prison](#).<sup>7</sup>

### 9 Lawyers in Sivas were sentenced ranging from 3 to 9 years imprisonment

BY THEARRESTEDLAWYERS on 20 NOVEMBER 2017 • ( 5 )

9 of 13 defendant lawyers were sentenced to ranging from 3 to 9 years imprisonment with charge on being member of armed terrorist organisation by Sivas 2nd High Penal Court; the remaining four lawyers acquitted.

Omer N., Halil Ibrahim D, Fatih S., Erdal O, Dilek F.T. and other 4 lawyers were sentenced to ranging from 3 to 9 years on the hearing dated 25th September. The Court released the four lawyers (who are under arrest for more than one year) at the end of the summary judgement.



### LAWYER ERSIN COSMAN WAS SENTENCED TO 6 YEARS AND THREE MONTHS IMPRISONMENT

BY THE ARRESTED LAWYERS INITIATIVE on 17 DECEMBER 2017 • ( 1 )



Lawyer Ersin Cosman who is the member of Sivas Bar Association was sentenced to six years three months imprisonment with the charge of the member of an armed terrorist organisation by the 2nd circuit of Sivas High Penal Court.

Thus, number of the member of Sivas Bar Association who was sentenced to heavy penalties for sham terrorism charges raised to ten.

<sup>7</sup> <https://arrestedlawyers.org/2017/11/20/9-lawyers-in-sivas-were-sentenced-ranging-from-3-to-9-years-imprisonment/>

# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF ADANA (8 lawyers)

[Adana 11th High Assize Court](#) have sentenced eight lawyers between 3 and 9 years in prison.<sup>8</sup>

### Weekly Report: The Persecution On Turkish Lawyers (14-20 November)

BY THE ARRESTED LAWYERS INITIATIVE on 20 NOVEMBER 2017 • ( 4 )

#### LAWYER KARA & HIS WIFE WERE SENTENCED IN THE PROVINCE OF ADANA



Adana 11th High Penal Court sentenced lawyer Ismail Kara who has been under arrest for 15 months to 12 years imprisonment. The court also sentenced his wife LK to 7,5 years imprisonment and decided to arrest her. #ArrestedLawyers

So far, six lawyers were sentenced range to 6 and 12 years imprisonment by #Adana 11th High Penal Court.

#### 3 LAWYERS WERE SENTENCED TO 9 YEARS IMPRISONMENT IN ADANA

Lawyers Mustafa Kokten, Mehmet Aygun and Melek Sarı were sentenced to 9 years 2 months imprisonment with charge on being member of armed terrorist organisation by Adana 11th High Penal Court on 29th September.

Lawyer Mustafa Kokten has been under arrest since 2 September 2016; Mehmet Aygun who was released before was re-arrested with the verdict of conviction. Lawyer Melek Sarı was not arrested because of being sufferer of stage 4 cancer.



Lawyers Mustafa Kokten, Mehmet Aygun, Melek Sarı (left-to-right)

<sup>8</sup> <https://arrestedlawyers.org/2017/11/20/3-lawyers-were-sentenced-to-9-years-imprisonment-in-adana/>

***PROVINCE OF ADANA (8 lawyers)***

**LAWYER AYHAN GUL WAS SENTENCED TO 9 YEARS IMPRISONMENT IN ADANA**

Lawyer Ayhan Gül who is member of Adana Bar Association was sentenced to 9 years 2 months imprisonment with charge on being member of armed terrorist organisation by [Adana 11th High Penal Court](#) on 4th October.



**LAWYER NAZMI DEĞİRMENCI WAS SENTENCED TO 6 YEARS IMPRISONMENT IN ADANA**

Lawyer Nazmi Değirmenci who is member of Adana Bar Association was sentenced to 6 years 3 months imprisonment with charge on being member of armed terrorist organisation by [Adana 11th High Penal Court](#) on 4th October.



Lawyer Değirmenci who was arrested in the September of 2016, was released in the March of this year.

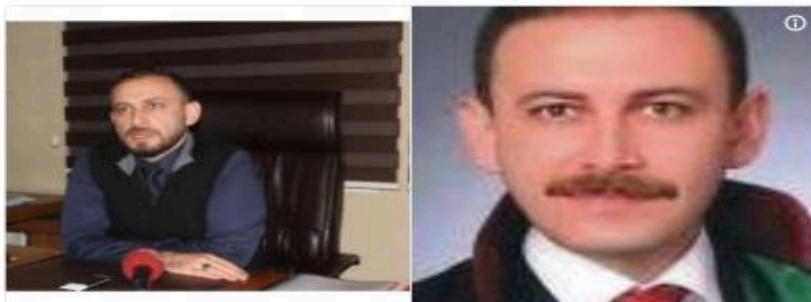


# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF ADANA (8 lawyers)

26 January 2018| Adana| **LAWYER SERKAN ULURFER WAS SENTENCED TO 9 YEARS IN PRISON**

Lawyer Serkan Ulufer who was the president of Adana Nizam Lawyers Association that was shut down with the Decree Law 667, was sentenced to 9 years in prison by Adana 11th High Penal Court.



**The Arrested Lawyers**

@ArrestedLawyers

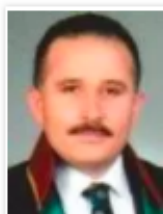


Lawyer SU was sentenced to 9 years in prison due to being member of a lawyers society that was shut down under emergency rule.  
He is the 80th lawyer who has been convicted in the last one and half year.

10:53 AM - Jan 26, 2018

1 See The Arrested Lawyers's other Tweets

## January, 19 | ADANA| ADANA 9th HIGH PENAL COURT SENTENCED LAWYER DOGAN TO 9 YEARS IN PRISON



Lawyer Serhat Dogan who is the president of the Adana based Nizam Lawyers Association that was dissolved under Emergency rule was sentenced to 9 years in prison.

Erdogan Regime dissolved 34 lawyers association across Turkey under the state of emergency rule and almost all member lawyers of those have been prosecuting.

Thus far, nine lawyers in Adana were sentenced ranging 6 to 12 years with the charge of being member of an armed terrorist organisation.

So far 572 Turkish lawyers have been arrested and 79 lawyers were convicted since 2016 July.



# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF IZMIR (3 lawyers)

### LAWYER ALI AKSOY WAS SENTENCED TO 3 YEARS IN THE PROVINCE OF IZMIR



Lawyer Ali Aksoy was detained on 21st July 2016; only 5 days after the failed coup attempt.

Izmir 2nd High Criminal Court sentenced lawyer Ali Aksoy to 3 years imprisonment because of his press statement about "the prosecutorial misconducts" against his clients. Lawyer Aksoy has been under arrest since 2016 July.

### LAWYER MELIH DIKAYAK WAS SENTENCED TO 7,5 YEARS IMPRISONMENT

BY THE ARRESTED LAWYERS INITIATIVE on 17 DECEMBER 2017 • ( 2 )



Lawyer **Melih Dikayak** who is the member of Izmir Bar Association was sentenced to **seven and half years imprisonment** with the charge of the member of an armed terrorist organisation by the 2nd circuit of Izmir High Penal Court because of (allegedly) downloading i-message app named **Bylock**.

Since 15 July 2016, 102 lawyers in Izmir have been under criminal prosecution with 42 of whom arrested. So far, 3 members (**Fethi Ün**, **Ali Aksoy**, Melih Dikayak) of Izmir Bar Association were sentenced ranging 3 and 12 years.

### LAWYER FETHİ ÜN WAS SENTENCED TO 12 YEARS IN THE PROVINCE OF IZMIR



Lawyer Fethi Ün, 70, who has represented the Erdogan's greatest enemy Fethullah Gulen for four years (1990-1994), was sentenced 12 years prison sentence with the charge to be the member of the armed terrorist organization.

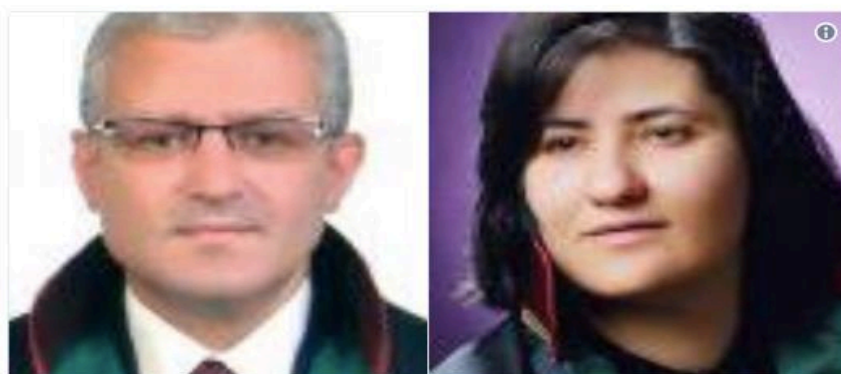
# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## *PROVINCE OF KAYSERI (13 lawyers)*

**February, 10 | Kayseri | LAWYER COUPLE WERE SENTENCED TO LONG IMPRISONMENT**

Kayseri 2nd High Penal Court sentenced lawyer Suleyman Gurkok who was president of the shuttered law association named "Anadolu Hukuk Dernegi" eight years and nine months in prison, the court also sentenced his wife lawyer Sibel Gurkok to six years and 3 months in prison. Both lawyers were convicted of being the member of the armed terrorist organisation.

11 members of Kayseri Bar Association so far have been sentenced to long imprisonment because of sham terrorism accusations.



**February, 20| KAYSERI | LAWYER EKREM H WAS SENTENCED TO THREE YEARS AND FOUR MONTHS**

Ekrem H who is the member of Kayseri Bar Association and Anatolian Lawyers Association ([shut down under the State of Emergency Rule](#)) was sentenced to three years and four months in prison by the Kayseri 2nd High Criminal Court with the charge of being the member of the armed terrorist organisation.

**February, 27| KAYSERI | LAWYER ALI OSMAN T WAS SENTENCED TO THREE YEARS AND ONE MONTH**

Ali Osman T who is the member of Kayseri Bar Association and Anatolian Lawyers Association ([shut down under the State of Emergency Rule](#)) was sentenced to three years and one month in prison by the Kayseri 2nd High Criminal Court with the charge of being the member of the armed terrorist organisation.

Thus far, 35 lawyers were taken into custody, 22 lawyers were arrested and 13 lawyers were convicted to long imprisonment in the province of Kayseri.



# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF KAYSERİ (13 lawyers)

### Two lawyers were sentenced to 6 years in Kayseri

BY THE ARRESTED LAWYERS INITIATIVE on 21 NOVEMBER 2017 • { 9 }



Kayseri 4th High Penal Court sentenced lawyers HŞ and HHA 6 years 3 months prison sentence with the charge to be the member of the armed terrorist organization only for allegedly downloading the Bylock i-message app.

The victim lawyer, Hacı Hasan Aydın said (in his tweet below) that despite the digital forensic report presents that I have never downloaded the BYLOCK secure i-message application, the court sentenced me 6 years 3 months, I wish hell for them.

Previously, Kayseri 4th High Penal Court sentenced lawyers Hilmi Ş and Hacı Hasan, Nejla BK and Mutlu K to 6 years 3 months prison sentence with the charge to be the member of the armed terrorist organization only for allegedly downloading the Bylock i-message app.



# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## *PROVINCE OF KAYSERI (13 lawyers)*

31 January 2018 | Kayseri | FOUR LAWYERS WERE SENTENCED RANGING FROM 6 TO 9 YEARS



Lawyer Bekir Sıddık Çelik was sentenced to 6 years and 3 months

Kayseri 4th High Penal Court sentenced four lawyers who are the members of Kayseri Bar Association ranging from 6 years and 3 months to 8 years and 9 months imprisonment. Lawyers Bekir Sıddık Çelik, Oğuz Holat and Hakan Özbek were sentenced to 6 years and three months, and Ahmet Kemal Göncü was sentenced to 8 years and nine months with the charge of being the member of the armed terrorist organisation.





### PROVINCE OF ESKISEHIR (11 lawyers)

#### Judicial Persecution: 11 lawyers were sentenced to range 4 to 12 years imprisonment in Eskisehir

BY EDITOR on 26 JULY 2017 • ( 25 )

Eskisehir 2nd High Penal Court (which is speacially authorized to adjudge terror linked cases) sentenced 11 lawyers to range 4 to 12 years imprisonment. 13 lawyers who were taken into custody in 30th August 2016 and 8 of them have been arrested in 2nd of October 2016 after 30-day police custody. Last week 12 lawyers were sentenced to range 4 to 12 years imprisonment and one lawyer acquitted.

11 lawyers were sentenced with terror linked offences such as being member of armed terrorist organisation or to run armed terrorist organisation. The Court released 6 of 11 convicted lawyers but decided to keep remaining 5 lawyers under arrest during appeal procedure.

### PROVINCE OF AYDIN (1 lawyer)

#### AYDIN | LAWYER YALCIN KAYAALTI WAS SENTENCED TO 9 YEARS IN PRISON

Aydin 2nd High Penal Court sentenced lawyer Yalçın Kayaaltı nine years in prison because of the identities on his clients. As reported by the local media, lawyer Mr Kayaaltı was sentenced, because of representing some private companies who had being operating private schools and dormitories before shut down with the decree law.

#### Aydın'da 4 FETÖ sanığına hapis cezası

AYDIN'ın Nazilli ilçesinde, FETÖ/PDY soruşturması kapsamında haklarında dava açılan, örgüte bağlı dersane ve özel okulların avukatlığını yapan Yalçın Kayaaltı'nın da aralarında bulunduğu 4 sanık, çeşitli hapis cezalarına çarptırıldı.



27 Ocak 2018 Cumartesi, 00:24

Yazı boyutu : b+ b-

Bu haberi yazdır :

Beğen 0 Paylaş

Tweetle

# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF ADIYAMAN (2 lawyers)

### ADIYAMAN | LAWYERS MEHMET C AND CÜNEYT G WERE SENTENCED TO 12 AND 9 YEARS IN PRISON

Adiyaman 2nd High Penal Court sentenced lawyer Mehmet Canpolat to 12 years in prison on grounds of using the i-message app named **Bylock**. The Court also sentenced lawyer Göküş to 9 years in prison on same reason. The Court convicted both lawyers for being the member of the armed terrorist organisation.



 **The Arrested Lawyers**  
@ArrestedLawyers

#Turkey #Adiyaman #UnjustConviction

Lawyers Mehmet C and Cüneyt G were sentenced to 12 and 9 years in prison because of sham terrorism accusations. @IBAHRI @CCBEinfo @BarHumanRights @Anwaltverein @VlaamseBalies @Advocatennet

1:57 PM - Feb 12, 2018

## PROVINCES OF BOLU, ISTANBUL

### TWO LAWYERS WERE SENTENCED TO 5 AND 7 YEARS PRISON SENTENCE



On 23 November, Istanbul 34th High Penal Court sentenced lawyer DA to 5 years 10 months. Bolu High Penal Court sentenced lawyer ÖB to 7 years 6 months imprisonment.

Both lawyers were convicted on the charge of being the member of the armed terrorist organization, on the grounds that (allegedly) using or downloading the BYLOCK messaging app.



# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF MALATYA (1 lawyer)

### January, 15 | MALATYA | THE MALATYA COURT SENTENCED LAWYER M.A.C TO 6 YEARS AND 3 MONTHS IN PRISON

Lawyer M.A.C who is member of Malatya Bar Association, was sentenced to 6 years and 3 months in prison because of (allegedly) using i-message application named **ByLock**.

ByLock, an encrypted online messaging application, has emerged as the Turkish government's favourite tool throughout mass arrest campaign which targeted critics of its policies. AKP officials claim that BYLOCK has exclusively been used by the members of the Gülen Movement as a secret communication tool. The government claims that anybody who might have downloaded it is in fact a "terrorist."



## PROVINCE OF KIRIKKALE (3 lawyers)

### 1 FEBRUARY 2018|KIRIKKALE| 1st HIGH PENAL COURT SENTENCED THREE LAWYERS TO 6 YEARS 9 MONTHS IMPRISONMENT

Lawyer Mustafa B, Osman K and Mikail Ü who have been under pre-trial detention for more than a year, sentenced to respectively 6 years and 9 months, 6 years and 3 months and 6 years and 9 months by the first circuit of Kırıkkale High Penal Court on February 1, 2018.



The lawyers were convicted of being the member of the armed terrorist organisation because of allegedly using or downloading i-message app named **Bylock**.

# Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

## PROVINCE OF ISTANBUL





## Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

NAME OF THE PROVINCE	NUMBER OF THE CONVICTED LAWYERS	NAMES OF THE CONVICTED LAWYERS - TERM OF GIVEN SENTENCE - DATE OF DECISION
Afyonkarahisar	1	Ali Rıza Kucukilhan (12 years, 20.4.2017)
Aydın	1	Yalcın Kayaaltı (9 years, 27.1.2018)
Bolu	1	Özgür Beyarslan (7 years & 6 months, 24.11.2017)
Diyarbakır	1	Aysel Tuğluk (10 years, 16.3.2018)
Gaziantep	1	Ömer Kayar (6 years & 8 months, 11.12.2017)
Kocaeli	1	İsmail Onur Aktan (6 years & 3 months, 18.6.2017)
Malatya	1	Mehmet Ali Canpolat (6 years & 3 months - 8.1.2018)
Erzincan	2	Talip Nayır (10 years) (Cemalettin Özer 9 years) (30.5.2017)
Adıyaman	2	Mehmet Canpolat (12 years) Cüneyt Gökçü (9 years) (January 2018)
İstanbul	2	Doğan Akkurt (5 years & 10 months, 23.11.2017), Ramazan Demir (11 months, 12.1.2018)
Kırşehir	2	Şerafettin Sarıgül (10 years, June 2017), Hasibe Toklucu (6 years & 3 months)
İzmir	3	Melih Dikayak (7.5 years, 11.12.2017), (Ali Aksoy, 3 years, 18.11.2017), Fethi Ün (12 years, 20.11.2017)
Niğde	3	Yasin Ü, Hakan A, Okan Y (3 years, 1 Month & 15 days) (June 2017)
Kırıkkale	3	Mustafa Babayigit (6 years & 9 months, Mikail Ünal & Osman Karataş, 6 years & 3 months) (February 2018)

## Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

Tokat	4	Mesut Böğrek (2 years), Ferhat Kızılkaya, (2 years) Şaban Top (2 years) Kadir Tulum (3 years) (December 2016)
Antalya	5	AOY, SA, AT (6 years & 10 months) ÖB, ES (6 years & 3 months) (January 2018)
Erzurum	6	Mehmet Salih Bayoğlu, Serhat Akbulut & Lokman Pirim (1 Year, 6 months, 22 days) Şerafettin Yaşar Laloğlu & Hakan Dişkeser (4 years, 8 months, 7 days) (Mehmet Guzel (13 years) (10.10.2017)
Adana	8	<ul style="list-style-type: none"> <li>• Mustafa Kokten, Mehmet Aygun &amp; Melek Sarı (9 years 2 months. November 2017)</li> <li>• Serkan Ulufer (9 years, January 2018)</li> <li>• Ayhan Gül (9 years), Nazmi Değirmenci (6 years &amp; 3 months) (November 2017)</li> <li>• Fatma Cilem Omeroglu (2 years &amp; 6 months, March 2018) (27.10.2017), Ismail Kara (12 years, November 2017)</li> </ul>
Sivas	10	Omer N., Halil Ibrahim D, Fatih S., Erdal O, Dilek F.T. & Other 4 lawyers (from 3 to 9 years, 25th September 2017) Ersin Çoşman (6 years & 3 months, December 2017)
Eskişehir	13	Turgay Balaban, Hakan Ata, Murat Uzun, Selamet Şen, Ilyas Özkan, Ahmet Taktak, Akkiz U, Mustafa Erhan Oğur. Ramazan Ural, Fatih Türk, Evliya B (Ranging From 3 years & 9 months to 12 years) (18.7.2017)

## Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

Kayseri	13	<ul style="list-style-type: none"> <li>• Süleyman Gürkök, Ahmet Kemal Göncü (8 years &amp; 9 months)</li> <li>• Hakan Özbek (7 years &amp; 6 months)</li> <li>• Sibel Gürkök, Oguz Holat, Hacı Hasan Aydın, Hilmi Şençanlar, Bekir Sıddık Çelik, Mutlu Karayılan, Nejla B.K. (6 years &amp; 3 months)</li> <li>• Ali Osman T (3 years &amp; 1 Month), Mahmut Aydın (1 Year &amp; 10 months), Ekrem Horozoglu (4 years &amp; 3 months)</li> </ul>
Konya	20	<ul style="list-style-type: none"> <li>• Fevzi Kayacan (10 years &amp; 6 months)</li> <li>• Arif Özer, Veysel Köylü, Erdal Soydaş, Hatice Erdem (7 years &amp; 6 months)</li> <li>• Nihat Karahan, Elşad Mehmethanlı, Hasan Hüseyin Avcı (6 years &amp; 3 months)</li> <li>• Ibrahim Bakım, Ramazan Arı, Mehmet Balta, Orhan Özkavak, Muhammed Tahra (from 2 to 4 years) (27.10.2017)</li> </ul>

## LEGAL ENVIRONMENT & TURKEY'S TOXIC ANTI-TERROR LAWS

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All persecuted lawyers are being charged with terror-linked offenses; the main two accusations directed against them are membership to an armed terrorist organisation, and forming and leading an armed terrorist organisation. Article 314<sup>9</sup> of the Penal Code criminalises the establishment and commanding of (Article 314/1)<sup>10</sup>, as well as membership (Article 314/2) to an armed organisation.<sup>11</sup> Under the Turkish Penal Code, these two offences attract 7,5 to 22,5 years imprisonment.

The Penal Code does not contain a definition of an armed organisation or an armed group.<sup>12</sup> The lack of legal definitions and criteria of the armed terrorist organization and the crime of membership in the armed terrorist organization make them prone to arbitrary application. *Vague formulation of the criminal provisions on the security of the state and terrorism and their overly broad interpretation*<sup>13</sup> by the Turkish judges and prosecutors make all lawyers and other human rights defenders a prospective victim of judicial harassment.

This blurred area under the Turkish Penal code is actively used by the Turkish government to investigate, prosecute and convict opponents. As it has become a common practice in

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<sup>9</sup> Armed Organisation

Article 314 (1) Any person who establishes or commands an armed organisation with the purpose of committing the offences listed in parts four and five of this chapter, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years. (2) Any person who becomes a member of the organisation defined in paragraph one shall be sentenced to a penalty of imprisonment for a term of five to ten years. (3) Other provisions relating to the forming of an organisation in order to commit offences shall also be applicable to this offence.

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2016\)011-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2016)011-e)

<sup>11</sup>CDL-AD(2016)002-e Opinion on articles 216, 299, 301 and 314 of the Penal Code of Turkey

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)002-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)002-e)

<sup>12</sup> In its judgment E. 2006/10-253 K. 2007/80 of 3 April 2007, the General Criminal Board of the Court of Cassation made a definition: *The group has to have at least three members; there should be a tight or loose hierarchical connection between the members of the group, the members should have a common intention to commit crimes (even though no crime has yet been committed); the group has to present continuity in time; and the structure of the group, the number of its members, tools and equipment at the disposal of the group should be sufficient/appropriate for the commission of the envisaged crimes.*

<sup>13</sup> <https://rm.coe.int/third-party-intervention-10-cases-v-turkey-on-freedom-of-expression-an/168075f48f>



## Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)

after the 15<sup>th</sup> July Coup attempt, 402.000<sup>14</sup> individuals have been investigated, prosecuted and / or convicted for terrorism offences stipulated in article 314 of Turkish Penal Code.<sup>15</sup>

Lawyers have particularly been targeted due to identity or affinity of their clients. **United Nations High Commissioner for Human Rights reports that the OHCHR** has observed a pattern concerning persecution of lawyers representing individuals accused of terrorism offences, where they are associated with their clients political views (or alleged political views) in the discharge of their professional duties and are consequently prosecuted for the same or other related offences of which their clients are being accused.<sup>16</sup>

The Bar of Ireland, The Bar of N.Ireland, The Law Society of N.Ireland, The Law Society of England and Wales, Law Society of Scotland, Law Society of Ireland, The Bar Council, Faculty of Advocates<sup>17</sup>, The Council of Bars and Law Societies of Europe (CCBE)<sup>18</sup>, German Federal Bar (Bundesrechtsanwaltskammer)<sup>19</sup>, The Italian Bar Council (Consiglio Nazionale Forense)<sup>20</sup>, The International Observatory for Lawyers in Danger (OIAD)<sup>21</sup> Belgium Francophones & Germanophone (Avocats.be) Bar Association and Belgium

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<sup>14</sup> At least 402,000 people have been the subject of legal proceedings initiated by the Turkish government over alleged links to the Gülen movement, according to a report by the state-run Anadolu news agency on Thursday. The report said that while the Turkish judiciary had conducted investigations into 171,970 people over their suspected links to the movement as of July 2017, that number has now increased to 402,000.<https://stockholmcf.org/turkish-govt-has-thus-far-investigated-402000-people-over-alleged-links-to-gulen-movement/>

<sup>15</sup> In clear violation of the Turkish Constitution and the ECHR, the Turkish government is using membership in duly authorized and officially registered institutions as pretexts to arrest and prosecute people although such membership is not defined as a crime in the law at all. For example, the private schools, cram schools, Bank Asya, union organizations, professional associations, charity organizations, foundations, media outlets and others that were founded by businessmen and professionals who were believed to be linked to the Gülen movement were declared terrorist entities overnight in Turkey after the failed coup of July 15, 2016. By extension, the government claimed, employees, members, volunteers and those who have sort of connections to these entities were deemed as terrorists. Stockholm Center for Freedom  
<https://stockholmcf.org/wp-content/uploads/2017/09/Turkeys-Contempt-for-The-Rule-of-Law.pdf>

<sup>16</sup> **Office of the United Nations High Commissioner for Human Rights. “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January – December 2017.”**  
[http://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](http://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>17</sup> <https://arrestedlawyers.org/2017/07/23/bar-associations-law-societies-of-united-kingdom-wrote-a-joint-letter-regarding-arrested-turkish-lawyer-and-mass-dismissal-of-judges-and-prosecutors/>

<sup>18</sup> <https://arrestedlawyers.org/2017/07/23/the-ccbe-wrote-a-letter-of-concern-regarding-arrested-turkish-lawyers/>  
<sup>19</sup> <https://arrestedlawyers.org/2017/07/23/german-federal-bar-president-asks-bozdog-to-guarantee-lawyers-to-perform-their-duties/>

<sup>20</sup> <https://arrestedlawyers.org/2017/07/23/italian-bar-council-slams-turkish-government-over-arrested-lawyers/>

<sup>21</sup> <https://arrestedlawyers.org/2017/07/24/the-international-observatory-for-lawyers-in-danger-oiad-denounced-arbitrary-arrests-of-turkish-lawyers/>

## **Incarceration of Turkish Lawyers | En Masse Arrests and Convictions (2016-2018)**

Flemish (Orde van Vlaamse Balies) Bar Association<sup>22</sup>, Athens and Paris Bar Associations<sup>23</sup> the International Bar Association's Human Rights Institute (IBAHRI) denounced the crackdown against the Turkish lawyers and the right to defence with the joint or separate letters and declarations on various times.

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<sup>22</sup> <https://arrestedlawyers.org/2017/07/24/belgium-bar-associations-react-arbitrary-arrests-of-lawyers/>

<sup>23</sup> <https://arrestedlawyers.org/2018/01/04/athens-and-paris-bar-associations-denounce-the-ongoing-persecution-against-turkish-lawyers/>

## **RECOMMENDATIONS**

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The efforts and cooperation of the above mentioned international organizations together with any others which may join them in the future, is paramount in exerting pressure on Turkey to respect universal human rights and to bring its criminal law in line with the standards specified by the European Convention on Human rights and acceptable to the European Commission and the European Union. The unified front of the Bar Associations and other legal organizations in the European Countries which will be showed to the Turkish authorities to make them stop criminalizing Turkish lawyers is absolutely crucial for the existence of right to defence and separation of powers in Turkey. Arrested lawyers and human rights defenders who have to suffer inhumane treatment at the hands of Turkish officials desperately need such action coming from European organizations. Any effort in support of arrested lawyers, human rights defenders and other victims of the Turkish government's unlawful actions is highly appreciated.

END.