

# PRESS BRIEFING

## CCBE Human Rights Award 2013

29/11/2013

**The Human Rights Award 2013 is granted to Mr. Ümit Kocasakal, President of the Istanbul Bar Association, and to the Members of the Bar Council of the Istanbul Bar Association in recognition of their outstanding commitment, perseverance and courage in support of human rights in Turkey.**

**President Ümit Kocasakal and Members of the Bar Council of the Istanbul Bar Association have brought honour to the legal profession by upholding the highest values of professional and personal conduct in the field of human rights.**

### Biography



Associate Professor **Ümit KOCASAKAL**, Attorney-at-Law, was born in 1966 in Cologne, Germany. He graduated from Galatasaray High School in 1986 and earned his bachelor's degree from Istanbul University, Faculty of Law in 1990. He worked as a legal practitioner followed by his academic career as an assistant at Criminal and Criminal Procedure Law Discipline at Galatasaray University in 1995. He earned his Ph.D. with his thesis on Money Laundering Crime in 2000. He was awarded the title of Associate Professor for his thesis on the Fundamentals of Criminal Code of the European Union in 2005. Current Head of Criminal and Criminal Procedure Law Discipline at the Faculty of Law of

Galatasaray University, he has also lectured at several universities. Chairman of the Human Rights Centre of the Istanbul Bar Association from 2004 to 2006, he has also been an active member of the Board of Directors of the Istanbul Bar Association from 2008 to 2010 before becoming President of the Istanbul Bar Association in 2010 for a two-year mandate. He was re-elected to this position in 2012.

Based on an 1876 edict on the regulation of attorneys, the Istanbul Bar held its first meeting in 1878, and published its first listing of lawyers in 1908. Along with the Union of Turkish Bar Associations and the Bars, it has a long history of fighting for the independence of the legal profession, freedom of association and abolition of the death penalty.

The Board of the Istanbul Bar is comprised of Vice-President Mr. Mehmet DURAKOĞLU, Secretary-General Mr. Hüseyin ÖZBEK, Treasurer Mr. Ufuk ÖZKAP, and Board Members Ms. Füsün DİKMENLİ, Ms. Aydeniz Alisbah TUSKAN, Ms. Süreyya TURAN, Mr. Turgay DEMİRCİ, Ms. Özlem AKSUNGAR, Mr. İsmail ALTAY, Mr. Hasan KILIÇ.

## **Background**

At present, lawyers in Turkey are facing serious difficulties and multiple hostile actions. The President and Members of the Bar Council of the Istanbul Bar Association have faced multiple acts of harassment both by the political power and the judiciary in connection with their legitimate activity in defence of defence lawyers in the controversial Sledgehammer conspiracy (Balyoz Harekâti) trial.

Opened in February 2010, the trial involved 365 defendants, including retired and active senior officers, generals and admirals of the Turkish Armed Forces facing accusations of preparing a "coup d'état".

Defence lawyers, put under pressure with cell phone seizures, surveillance of conversations with their clients, and harassment in the courtroom culminating with being denied the right to plead, eventually refused to appear.

In April 2012, the Istanbul Bar Association formally requested the court orally and in writing to conduct the trial according to law and fair trial principles. As a result of this intervention, the President and the Board of the Istanbul Bar Association have been indicted on criminal charges of "attempts to influence the court", facing prison terms of 3 months to 6 years.

The first hearing against the Bar's officers took place before the 2nd Criminal Court of First Instance in Silivri on 17 May 2013. Many international bar leaders, including representatives from the CCBE, attended to show their support for the Istanbul Bar Association, only for the hearing to be promptly postponed first to October, then to January 2014. CCBE 3<sup>rd</sup> Vice-President Michel Benichou will attend the next hearing on behalf of the CCBE.

## **Mass arrest of lawyers in Istanbul, June 2013**

On 11 June more than 50 lawyers were arrested in Istanbul's Çağlayan Courthouse during a peaceful demonstration against the repression of the Taksim Gezi protests, and released only after a hundred of their colleagues gathered to protest outside the local police station where they were being held. Many of the lawyers reported having been beaten or otherwise ill-treated during the police intervention.

The CCBE expressed its deepest concern about this unjustified display of police brutality to the President of Turkey.

The CCBE is strongly committed to take further steps to express his firm support to the Turkish colleagues and to urge the Turkish authorities to guarantee that lawyers are able to freely exercise their profession and their fundamental right to freedom of expression.

## **Arrest of human rights lawyers in police raids, January 2013**

Among 85 people arrested in simultaneous raids across the country on 18 January 2013 were 15 human rights lawyers, well-known for their professional activity in defence of freedom of speech and victims of police violence. The raid targeted alleged members of the armed Revolutionary People's Liberation Party/ Front (DHKP/C), listed as a terrorist group in Turkey, while the arrested lawyers stand accused of "transferring instructions from organization leaders in prison to militants". The CCBE urged the Turkish authorities to comply with the procedural guarantees for the prosecution of lawyers. 9 lawyers are still in detention and awaiting trial.

According to information received by the CCBE the doors of at least three lawyers' firms were forced and searches conducted despite the Criminal Procedure Code mandating the presence of a member of the Bar. The trial of 22 lawyers, including 9 still in detention, is scheduled for 24-26 December 2013.

## **The CCBE Human Rights Award**

### **Why create a CCBE Human Rights award for European Lawyers?**

There are numerous human rights awards that exist at international level, but only a few honour lawyers in particular. Moreover, there is currently no human rights award especially designed to recognize the work of European lawyers. The objective of the CCBE is to honour distinguished lawyers/lawyers' organisations that have demonstrated outstanding commitment and sacrifice to uphold fundamental values. It will also be an effective and useful tool to raise awareness of the core values of the legal profession.

### **What is the CCBE Human Rights award?**

The award, which in principle will be granted yearly, consists of a certificate delivered by the CCBE, the true award being the public recognition of the work undertaken by the lawyer/lawyers' organisation selected. The certificate will be officially delivered to the winner by the CCBE President at the Plenary Session. The CCBE will cover the travelling and accommodation expenses for collecting the prize.

### **Who can be granted the CCBE Human Rights award?**

The CCBE award shall be granted to a lawyer or lawyers' organisation that has brought honour to the legal profession by upholding the highest values of professional and personal conduct in the field of human rights. The field of human rights shall be interpreted in the broadest way (this shall allow, for example, the possibility to grant the award to a lawyer who is the victim of human rights violations).

### **Procedure for the nomination of candidates for the CCBE Human Rights award**

- Candidates for the award are proposed through the CCBE's member or observer Bars and Law Societies.
- The CCBE Human Rights Committee considers the candidates and submits a proposal winner to the Standing Committee.
- The CCBE Standing Committee takes the decision to attribute the award to a candidate.

### **Previous recipients**

Since 2007, the Council of Bars and Law Societies of Europe (CCBE) has granted a Human Rights Award.

The Human Rights award 2012 was granted to Mr. Pavel Sapelko, in recognition of his unwavering involvement in campaigning for human rights in Belarus.

The Human Rights award 2011 was granted to Mr. Abderrazak Kilani, in his capacity as President of the Tunisian Bar Association, for his commitment and that of his Bar to human rights, in particular during the Jasmine Revolution (2010-2011).

The human rights award 2010, was granted to Mexican lawyers David Peña Rodríguez and Karla Micheel Salas Ramírez, members of the National Association of Democratic Lawyers (ANAD). David Peña Rodríguez and Karla Micheel Salas Ramírez represented the families of the victims of the uninvestigated assassinations of women in the Campo Algodonero case, also known as Ciudad Juárez femicides.

The human rights award 2009 was granted posthumously to assassinated Russian lawyer Stanislav Markelov.

The human rights award 2008, was granted to Li Heping, a well-known Chinese lawyer, and to the group of Spanish lawyers who represented defendants and victims in the trial following the 11 March 2004 Madrid train bombings.

The Award was granted for the first time in 2007 to the lawyers' organisation Avocats Sans Frontières (ASF).