



The Council of Bars and Law Societies of Europe (CCBE), which represents the Bars and Law Societies of 45 countries, and through them more than one million European lawyers, follows closely and with great concern the situation of lawyers and the rule of law in Turkey.

In this context, the case of lawyers Ebru Timgik and Aytaç Ünsal is emblematic of the current situation in Turkey¹.

In March 2019, Ebru Timgik and Aytaç Ünsal were among 18 lawyers from the Contemporary Lawyers' Association (ÇHD) and the People's Law Office (HHB) to be sentenced to prison terms ranging from just over 3 years to just under 19 years, for alleged terrorist- related offences. Ebru Timgik has been sentenced to 13 years and 6 months and Aytaç Ünsal to 10 years and 6 months, both for membership of a terrorist organisation under Article 314(2) of the Turkish Penal Code. Their case is now pending before the Turkish Supreme Court.

From the outset of their trial, many incidents occurred that raised concerns about the impartiality and independence of the proceedings. These incidents were observed and analysed during a fact-finding mission² from 13 to 15 October 2019. This fact-finding mission consisted of a group of 15 lawyers from 7 European countries who met in Istanbul to clarify the legal circumstances that led to the conviction of these Turkish lawyers by the 37th Istanbul High Criminal Court in March 2019.

For instance, the judges who had initially ordered the release of lawyers in pre-trial detention were removed from the case and the released lawyers were re-arrested; the identity of some witnesses was kept anonymous and they testified remotely by video link system (SEGBIS), not in person, which

¹ More information about the actions already put in place in their support available on the Human Rights portal of CCBE's website: <https://www.ccbe.eu/actions/human-rights-portal/>

² Mission's final report available here:

https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Human_right_portal/EN_20200618_Final-Report-Fact-Finding-Mission-on-CHD-s-Trials-Oct-2019-June-2020.pdf

prevented verification of their identity or free will. This also prevented the defence from being able to effectively question the witnesses. In addition, the accused lawyers were frequently interrupted or escorted out of the courtroom during hearings. After challenging the Chief Justice of the Supreme Court for lack of impartiality, requests for disqualification were repeatedly rejected by the court, and their unfair treatment continued.

In their fight for a fair trial and a better administration of Justice in Turkey, lawyers Ebru Timtik and Aytaç Ünsal respectively started a hunger strike in January and February 2020. On 5 April 2020, which is the lawyers' day in Turkey, they announced their intention to turn their strike into a death fast until their call for justice is heard.

On 28 August 2020, it is with great sadness that we learned about the death of Ebru Timtik in the evening of 27 August. A letter was directly sent to the Turkish authorities to express our shock and to urge the Turkish authorities to do everything in their power to save her colleague, lawyer Aytaç Ünsal from a tragic end such as that of Ebru Timtik³. As of 28 August 2020, Mr. Ünsal have been on a hunger strike for 208 days.

In the face of the injustice, urgency and distress caused by this situation, we share this open letter so that anyone who wishes to do so can lend their support to these two lawyers and their just cause in defence of the rule of law by calling on the Turkish authorities to do everything in their power to guarantee lawyer Aytaç Ünsal a fair trial, ensure his good health and eventually restore his freedom.

³ [Death of lawyer Ebru Timtik and continuing hunger strike of Aytaç Ünsal \(28/08/2020\)](#)