



Turkey: Re-arrest of human rights lawyer Aytaç Ünsal

URGENT APPEAL - THE OBSERVATORY

New information

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Arbitrary detention /

Judicial harassment

Turkey

January 8, 2021

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Turkey**.

New information:

The Observatory has been informed about the re-arrest of **Aytaç Ünsal**, a prominent human rights lawyer from the Progressive Lawyers' Association (Ça?da? Hukukçular Derne?i - ÇHD), who was provisionally released on health grounds on September 3, 2020 after 213 days of hunger strike asking for his right to a fair trial be respected.

On December 9, 2020, Aytaç Ünsal was taken into police custody in Edirne (North West of Turkey, near the Greek border). The Minister of the Interior stated that Mr. Ünsal was arrested in order to prevent him from "fleeing abroad". During the police custody, his necessary medication was not provided to him and, according to the images shared on the social media, he was subjected to ill-treatment.

The suspension of his prison sentence, pronounced by the Court of Cassation on September 3, 2020 due to his health condition, was lifted on December 10, 2020 for allegedly "breaching the conditions of the suspension" after he left Istanbul for Edirne. His colleagues and lawyers, on the other hand, stated that leaving Istanbul did not breach the conditions of the suspension of his prison sentence, and they therefore challenged the lifting of the suspension before local courts. At the time of the publication of this urgent appeal, the procedure is pending before the Istanbul Regional Appeals Court.

Aytaç Ünsal was sent to the Edirne Type F Prison despite his critical health condition, the ongoing Covid-19 pandemic, and the fact that the Court of Cassation had ruled that he should only be returned to prison once his treatment is completed. It was reported that his necessary medication was not provided to him by the prison administration, and that his health condition remains fragile.

Since the suspension of his sentence by the Court of Cassation on September 3, 2020, Aytaç Ünsal was subjected to several acts of harassment, including inadequate medical treatment at the hospital due to alleged pressure on the hospital administration by the authorities, and the raid on his home by armed security officials.

The Observatory recalls that Aytaç Ünsal and several other ÇHD lawyers were arrested in the last months of 2017 and later detained on terrorism-related charges. The lawyers have represented clients in high profile cases such as Soma and Ermenek mining massacres, forced re-locations due to urban transformation projects, police violence and torture incidents, and others being prosecuted for their opinions. Over the course of the trial, their right to a fair trial was regularly violated, and the case was based on "evidences" such as the statement of an anonymous witness and their prison visits to their clients. On September 15, 2020, the Court of Cassation of Turkey upheld the lower court's sentences against Aytaç Ünsal and 13 other ÇHD lawyers, definitively condemning them to between three years, one month and 15 days in prison and 13 years and six months in prison. Mr. Ünsal was sentenced to 10 years and six months in prison.

The Observatory further recalls that on February 5, 2020, Aytaç Ünsal and several of his colleagues announced they were on a hunger strike, demanding fair trials both for their clients and themselves. He decided to turn it into an indefinite death fast on April 5, 2020, Lawyers' Day in Turkey. On September 4, 2020, Mr. Aytaç Ünsal subsequently announced that he was ending his hunger strike, following the suspension of his prison sentence by the 16th Criminal Chamber of the Court of Cassation and his subsequent provisional release.

The Observatory expresses its utmost concern about the new arrest and arbitrary detention of Aytaç Ünsal, which appear to be only aimed at sanctioning his legitimate human rights activities as a human rights lawyer. The Observatory is particularly alarmed by his fragile health, which is incompatible with detention, and fears that it may deteriorate further in prison due to the lack of adequate medical care.

The Observatory further condemns the ongoing arbitrary detention of his colleagues **Aycan Çiçek, Barkın Timtik, Oya Aslan, Behiç Açı, Engin Gökoğlu** and **Selçuk Kozaçıl**.

The Observatory calls on the Turkish authorities to release the seven imprisoned human rights lawyers and to put an end to any act of harassment, including at the judicial level, against them as well as against all human rights defenders in Turkey.

Actions requested:

Please write to the authorities of Turkey asking them to:

- i. Guarantee in all circumstances the physical integrity and psychological well-being of Aytaç Ünsal and ensure he receives the medical care that his health condition requires;
- ii. Immediately and unconditionally release Aytaç Ünsal, Aycan Çiçek, Barkın Timtik, Oya Aslan, Behiç Açı, Engin Gökoğlu and Selçuk Kozaçıl, as well as all human rights defenders arbitrarily detained in Turkey, since their detention is arbitrary as it seems to be merely aimed at sanctioning their legitimate human rights activities;
- iii. Put an end to all forms of harassment, including at the judicial level, against Aytaç Ünsal, Aycan Çiçek, Barkın Timtik, Oya Aslan, Behiç Açı, Engin Gökoğlu and Selçuk Kozaçıl, and all human rights defenders in Turkey.

Addresses:

- President of the Republic of Turkey, Mr. Recep Tayyip Erdoğan, Email: contact@tccb.gov.tr
- Minister of Justice, Mr. Abdülhamit Gül. Email: info@adalet.gov.tr.
- Minister of Interior, Mr. Süleyman Soylu. Email: diab@icisleri.gov.tr; sti@icisleri.gov.tr
- Ambassador Mr. Mehmet Kemal Bozay, Diplomatic Mission of Turkey to the European Union in Brussels, Belgium. Email: info@turkdeleg.org; tr-delegation.eu@mfa.gov.tr
- Ambassador Mr. Sadık Arslan, Permanent Mission of Turkey to the United Nations in Geneva, Switzerland. Email: turkey.unog@mfa.gov.tr

Please also write to the diplomatic missions or embassies of Turkey in your respective country.

Paris-Geneva, January 8, 2021

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

To contact the Observatory, call the emergency line:

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