

## **Türkiye: Lengthy prison sentences imposed on ÖHD lawyers and TUAD members for lawful professional and human rights work**

The undersigned international legal and human rights organisations strongly condemn the conviction and sentencing of ten lawyers who are members of the Association of Lawyers for Freedom (*Özgürlük İçin Hukukçular Derneği*, ÖHD) and of 20 executives and staff of the Prisoners' Families Solidarity Association (*Tutuklu Aileleri ile Dayanışma Derneği*, TUAD) by the Istanbul 14<sup>th</sup> Heavy Penal Court on 28 January 2026. The unjust sentences, imposed after nearly ten years of proceedings, are the latest alarming example of a broader pattern of criminalising the legal profession and human rights defence in Türkiye. Those convicted and sentenced are at liberty pending appeals of their convictions.

### **Criminalisation of lawful professional and human rights activities**

The case originates from a criminal investigation launched in 2016 against ÖHD lawyers and TUAD members, based on allegations that they had facilitated communication between prisoners held in separate prisons and the outside world between 2011 and 2014. All defendants in the case were charged with "membership of an armed organisation" and, in some cases, with "making propaganda for an armed organisation", solely on account of their lawful professional and advocacy activities.

During the arrests carried out in 2016, nine ÖHD lawyers were taken into police custody. Although all were initially released, three were remanded in prison upon the prosecutor's objection. Hüseyin Boğatekin was released after 15 days, while Ayşe Acinikli and Ramazan Demir were held in pre-trial detention for six months.

The evidence relied upon by the prosecution appears, on the basis of the case file and trial record, to consist entirely of lawful activities. These included prison visits, trial monitoring, legal representation of clients, public statements, and communications with colleagues and clients carried out by ÖHD lawyers, as well as TUAD's work documenting prison conditions, issuing public statements on rights violations, and monitoring the health of prisoners during the 2012 hunger strikes. None of these activities involved incitement to violence, coercion, or any form of unlawful conduct.

### **A trial marked by fair trial violations**

Throughout the nearly ten-year trial, the court consistently rejected defence requests to exclude evidence obtained unlawfully, including material collected by prosecutors and authorised by judges who were later dismissed and/or prosecuted and convicted of membership of "Fethullahist Terrorist Organisation" (FETÖ, the term used by the Turkish authorities to designate the Gülen Movement, which the government accuses of creating a parallel state and orchestrating the coup attempt of July 2016).

The prosecution relied upon evidence obtained through unlawful surveillance measures. Wiretapping and technical surveillance orders were extended repeatedly; carried out for over a year; and listening devices were installed inside TUAD premises, without proper regard to the exceptional nature of such measures and the safeguards, limitations and conditions laid down in the Turkish Code of Criminal Procedure. Defence arguments that lawyers were being prosecuted simply for acts carried out in the course of their professional duties - and that, under domestic law, such investigations and prosecutions require Ministry of Justice's prior authorisation - were dismissed without adequate reasoning.

### **Sentences imposed**

Despite these shortcomings, and other violations reported in the proceedings, the Istanbul 14<sup>th</sup> Heavy Penal Court convicted 10 ÖHD lawyers and 20 TUAD members on 28 January 2026, imposing sentences ranging from 10 months to 12 years 6 months of imprisonment. The convictions were based primarily on charges of “membership of an armed organisation” under Article 314(2) of the Turkish Penal Code (TPC) and, in some cases, “making propaganda for an armed organisation” under Article 7(2) of the Anti-Terrorism Law - provisions that are routinely misused in Türkiye to criminalise lawful professional activity, expression, and association. The sentences imposed on the lawyers are as follows:

- **Adem Çalışçı** – 1 year 3 months (Article 7(2) of the Anti-Terrorism Law)
- **Ayşe Acinikli** – 6 years 3 months (Article 314(2) of the TPC)
- **Ayşe Gösterişlioğlu** – 6 years 3 months (Article 314(2) of the TPC) and 7 months 15 days (Law No 6136)
- **Hüseyin Boğatekin** – 7 years 6 months (Article 314(2) of the TPC)
- **Ramazan Demir** – 7 years 6 months (Article 314(2) of the TPC) and 3 years 9 months (Article 7(2) of the Anti-Terrorism Law)
- **Raziye Öztürk** – 6 years 3 months (Article 314(2) of the TPC)
- **Ruhşen Mahmutoğlu** – 6 years 3 months (Article 314(2) of the TPC)
- **Şefik Çelik** – 1 year 3 months (Article 7(2) of the Anti-Terrorism Law)
- **Sinan Zincir** – 7 years 6 months (Article 314(2) of the TPC)
- **Tamer Doğan** – 4 years 6 months (Article 7(2) of the Anti-Terrorism Law) and 1 year 2 months (Article 299((1) of the TPC on insult to president)

The remaining convictions in the case concern TUAD members and similarly relate solely to lawful human rights and solidarity activities, including documenting prison conditions, publicly reporting on human rights violations, and advocating for the protection of prisoners’ health and dignity.

### **An assault on human rights**

The arrest, detention, prosecution and conviction of lawyers for carrying out their professional activities violates the rights of the individuals concerned and impacts human rights more broadly, creating a chilling effect for lawyers wanting to take on human rights cases and challenge abuses of power. The targeting of members of ÖHD working in the field of human rights – particularly those involved in cases concerning pro-Kurdish and minority rights in an environment marked by the politicisation of the judiciary and sustained attacks on the legal profession – is particularly alarming. These convictions must be understood in the context of a broader strategy to intimidate lawyers, dismantle independent legal advocacy, and suppress human rights monitoring in Türkiye.

### **Incompatibility with international standards on the legal profession and human rights**

The prosecution and conviction of ÖHD lawyers in these proceedings raise serious concerns of incompatibility with Türkiye’s obligations under international human rights law and standards governing the legal profession. International instruments, including the United Nations Basic Principles on the Role of Lawyers, require that lawyers must not be identified with their clients or their clients’ causes and must not face prosecution or sanctions for actions taken in accordance with their professional duties (Principles 16 and 18). They further affirm the right of lawyers and their professional associations to engage in public discussion on matters concerning the

administration of justice and human rights without fear of retaliation (Principle 23). These guarantees are reflected in the Council of Europe Convention for the Protection of the Profession of Lawyer and the Committee of Ministers' Recommendation (2000)21 and, which underscore the independence of lawyers and their freedom from intimidation, interference, or improper sanctions. The proceedings also raise issues under Articles 6, 10 and 11 of the European Convention on Human Rights and Articles 14, 19 and 22 of the International Covenant on Civil and Political Rights, in light of the apparent criminalisation of lawful professional activity, expression, and association, as well as the reported reliance on unlawfully obtained evidence.

### **Call for action**

The undersigned organisations:

- Condemn the convictions and sentences imposed on ÖHD lawyers and TUAD members for their lawful professional and human rights activities;
- Call on the Turkish authorities to quash these convictions and terminate all proceedings targeting lawyers and civil society actors simply for the exercise of their professional duties and rights to freedom of expression and association;
- Call on the Turkish authorities to sign and ratify the Council of Europe Convention for the Protection of the Profession of Lawyer, and to take immediate steps to align domestic law and practice with its safeguards, including by ensuring that lawyers are not subjected to criminal investigation, prosecution, or sanction for acts carried out in the legitimate exercise of their professional duties; and
- Urge the international community, including United Nations, Council of Europe and European Union mechanisms, to closely monitor this case and the wider pattern of persecution of lawyers and human rights defenders in Türkiye, and to engage with the Turkish authorities to demand compliance with their international human rights obligations.

### **Signatories (in alphabetical order):**

Barreau de Paris – Paris Bar Association

Behatokia – Basque Country Human Rights Observatory

Center for Research and Analysis for Democracy – CRED, Italy

Council of Bars and Law Societies of Europe (Conseil des Barreaux Européens, CCBE)

The Defense Commission of the Barcelona Bar Association

Défense Sans Frontière-Avocats Solidaires (DSF-AS)

Democratic Jurists Italy

Demokratische Jurist\*innen Schweiz (Switzerland)

European Association of Lawyers for Democracy and World Human Rights (ELDH)

European Democratic Lawyers (AED)

Foundation Day of the Endangered Lawyer

Haldane Society of Socialist Lawyers, United Kingdom

Human Rights Association (İnsan Hakları Derneği)

International Association of Democratic Lawyers (IADL)

International Association of Russian Advocates

International Bar Association's Human Rights Institute (IBAHRI)

International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders

International Observatory for Lawyers at Risk (OIAD)

The Law Society of England and Wales (LSEW)

Lawyers for Lawyers

Lawyers for the Rule of Law

Lawyers' Rights Watch Canada (LRWC)

Legal Centre Lesbos, Greece

Legal Team Italia

MAF-DAD (Association for Democracy and International Law e.V)

National Union of Peoples' Lawyers (NUPL)

New York City Bar Association

Progressive Lawyers' Association (Çağdaş Hukukçular Derneği, ÇHD)

Republikanischer Anwältinnen- und Anwälteverein (RAV e.V., Germany)

Socialist Lawyers' Association of Ireland

Turkey Human Rights Litigation Support Project (TLSP)

Vereinigung Demokratischer Jurist:innen e.V. (VDJ)

World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders