

Independent and free advocacy is a minimum standard under the rule of law!

German and Turkish lawyers' associations exchange ideas in Ankara

Berlin/Ankara (DAV). **At the invitation of the Turkish Bar Association (UTBA), a delegation of the German Bar Association (DAV) travelled to Ankara from 17 to 19 June 2019 to discuss the principles of the right to a fair trial under Article 6 of the European Convention on Human Rights (ECHR). DAV President Edith Kindermann was accompanied by the two human rights experts Dr. Ulrich Karpenstein (DAV Board Member) and Stefan von Raumer (Chairman of the DAV Human Rights Committee).**

At a joint round table with the UTBA, various aspects of a fair trial were discussed; the independence of the lawyers and judges were of primary importance. **UTBA President Prof. Dr. Metin Feyzioğlu** pointed out that Turkey is undergoing a difficult process, but that there was reason for hope. Even in politically sensitive times, it is beyond question to uphold the principles of the right to a fair trial.

Feyzioğlu welcomed in principle the justice reforms recently announced by Turkish President Erdogan. However, he explained that the practical implementation had to follow promptly and that the legal profession would accompany this process constructively. At the same time, **Feyzioğlu** and **DAV President Kindermann** stressed that there could be no independent judiciary in Turkey without changing the current composition of the Council of Judges and Prosecutors. The Council of Judges is responsible for the appointment of Turkish judges.

*"As long as the judiciary in Turkey is not appointed independently, the reforms are of little use. Independent courts are the basic prerequisite for a functioning constitutional state and are required by the ECHR" says **Kindermann**.*

Minimum standards under the rule of law also require an independent legal profession that is free to practice its profession. It is indispensable that lawyers are not identified with the acts their clients are accused of and that lawyers are subject to criminal prosecution solely for the performance of their professional duties.

Both the UTBA and the DAV therefore see an urgent need for action beyond judicial reforms to bring about a noticeable improvement in the situation of citizens in Turkey.

Therefore other aspects were as well discussed, such as Turkey's law of criminal procedure, admissibility requirements for complaints before the ECHR and the right of inspection of files.

DAV President Kindermann assured the Turkish legal profession that she would continue to support this cause.

*"As lawyers' associations, we are called upon to defend the principles of the rule of law and the essential role of the legal profession," stresses **DAV President Edith Kindermann**. "The mutual support and the professional exchange between DAV and UTBA have a bridging function which expresses the close relationship between the two countries".*