

PRESS RELEASE

“We cannot allow the eight to be extradited to Turkey. We can’t sacrifice our values, because it’s dangerous.”

Conclusions of the Press Conference with Regards to the Possible Extradition of 8 Turkish Officials

Athens, 15th of December 2016

Highlighting the importance and necessity of the Turkish officers’ non-extradition, given the breakdown of the rule of law in Turkey and reasonable grounds that they will face persecution and inhuman treatment if they are extradited, a press conference was held today, the 15th of December 2016, in the Technical Chamber of Greece (TCG) on the subject: ***“The Rule of Law with Regards to the Possible Extradition of 8 Turkish Officials”***. The Press Conference was jointly organized by the Hellenic League for Human Rights and SolidarityNow, with parallel interventions by prominent organizations of civil society, various institutions, and members of the academia.

At the beginning of the Press Conference, Clio Papapantoleon, a lawyer and coordinator of today’s discussion, stressed that *“I want to make clear that we’re not interested whether the requested persons are guilty or innocent, whether they participated or not in the coup attempt, if they are political friends or enemies of Gülen’s, etc. We’re not interested, this isn’t what this press conference is about. And that’s because in matters of human rights, you don’t ask what is the organization the persecuted parties belong to, so as to defend their rights only if you approve of it.”*

Nikos Alivizatos, Professor Emeritus of Constitutional Law in the School of Law in the University of Athens, referred to the recent report by the European Commission for the Democracy through Law (an advisory body to the European Council), where it is noted that *“the Turkish government interpreted too widely the extraordinary powers that it awarded itself, and put in effect measures that are far in extent of what is provided for in the Turkish Constitution. One of the main goals of a state of emergency, wherever it’s imposed, is the reinstatement of the democratic rule of law and it’s impermissible to extend it indefinitely for no reason. If a government exercises its power for a long time based on a state of emergency, it will unavoidably lose its democratic legitimacy, whereas it should be noted that there are rights that must never be repealed, such as the prohibition of torture.”* Mr. Alivizatos stressed the need for the use of legal procedures in the European Court of Human Rights, including interim measures to prevent extradition.

Konstantinos Tsitselikis, President of the Hellenic League for Human Rights, reported that it is a matter crucial to the Greek legal order. The suspension of the

European Convention for Human Rights by the Turkish government, according to Mr. Tsitselikis, dismantles the institutional framework that guarantees the protection of human rights in Turkey. ***"The situation as it stands today shows that a fair trial is impossible if the presumption of innocence is merely a pretext, the courts operate with prearranged compositions, and lawyers face persecution, or when there is absolutely no guarantee of humane treatment. On the contrary, there are testimonies of maltreatment and torture,"*** he stressed.

Kostis Papaioannou, former Secretary General of Transparency and Human Rights of the Ministry of Justice, pointed out that no one is contesting the sovereign right of the Turkish government to safeguard the rule of law. The extension of the state of emergency has caused multiple breaches to the respect of human rights. He said: ***«We aren't interested in the degree of involvement of the requested persons in the coup attempt, we're only interested in their fate at the hands of the Turkish authorities. Greek judges are called to reach a decision based on their conscience, and not on vague appeals to national interests. They are called to uphold the rule of law which can't stand for courts staffed with judges of dubious independence, obstruction of access to a lawyer, the possibility of the death penalty, and the certainty of inhuman treatment in detention.»***

Panagiotis Perakis, a lawyer and Board Member of the Athens Bar Association and Head of the Committee for the Rights of Refugees and Migrants, connected the discussion with the agreement between EU and Turkey, mentioning that the Council of Bars and Law Societies of Europe (CCBE) has ruled that the agreement is not in accordance with the rule of law. Also, special mention has been made to the matter of the reinstatement of the death penalty in Turkey, while on the occasion of the world day for human rights, the CCBE issued a release that denounces the collapse of the rule of law in Turkey. He said: ***"The right of access to justice is put in doubt, and access and communication with a lawyer encounters numerous obstacles, and there are more than 300 lawyers and 3,000 judges under arrest."*** It is evident, he stressed, ***"that we do not seek to forestall a personal judgment, we are merely calling on the Greek judges to reach their decision based on the evidence and the rule of law."***

Dimitris Christopoulos, President of the International Federation for Human Rights, sent a written announcement that was read to the audience present at the Press Conference, saying: ***"If there's one thing that is still standing in this tottering Europe of our age then it's a prestige that relates to –not the policies that it puts into effect– but a few foundational values that have made it what it is in modernity. These are the rule of law and human rights. [...] The eight cannot be allowed to be extradited in Turkey. Not because we like them, but because we cannot afford to sacrifice the core of our values in the name of political expediency. Or else we'll have no values. And that's not only immoral, it's also dangerous."***

Spyros Koulocheris stressed that if someone strips away the political importance of the matter, the case is legally unambiguous. Both national legislation and Supreme Court case law make clear that the requested Turkish officers cannot be extradited, ***«because their asylum applications are still pending, but also due to the fact that there are reasonable grounds to assume that they will face persecution due to their political activity.»***

Elli Varhalama, the representative of the General Confederation of Greek Workers (GSEE), mentioned the great and long solidarity and cooperation with

the Turkish labor unions, as well as the turbulent history of union rights violations in Turkey, which have been confirmed by the European Court for Human Rights. *"The Greek labor unions also call for the refusal of extradition of the 8 Turkish officials, given that their lives and safety, as well as those of their families', are already threatened,"* Ms. Varhalama noted.

Statements were made by the "Citizen Committee against the Extradition of the 8 Officials", and by the officers' defense counsel Mr. Omiros Zelios. Present at the Press Conference was the President of the Special Permanent Committee on Institutions and Transparency of the Greek Parliament, Ms. Anastasia Christodouloupoulou.

Interventions were made by:

- Nikos Alivizatos, Professor emeritus of Constitutional Law at the University of Athens
- Konstantinos Tsitselikis, President of the Hellenic League for Human Rights and professor of Human Rights Law at the University of Macedonia
- Kostis Papaioannou, former Secretary General of Transparency and Human Rights of the Ministry of Justice
- Panagiotis Perakis, Board Member of the Athens Bar Association and Head of the Committee for the Rights of Refugees and Migrants
- Representative of the General Confederation of Greek Workers (GSEE)
- Dimitris Christopoulos, President of the International Federation for Human Rights and associate professor at Panteion University
- Spyros Koulocheris, Scientific Coordinator of the Greek Council for Refugees

For more information & interview requests contact:

SolidarityNow

Valia Savvidou, Events and Press Manager

valias@solidaritynow.org | tel. 210 6772500, 6970 417260

Hellenic League for Human Rights

Elena Vanger, Press Officer | project.hlhr@gmail.com, tel. 213 0264975