

MEMORANDUM OF UNDERSTANDING

BETWEEN

ARTICLE 19

("A19")

AND

THE BAR HUMAN RIGHTS COMMITTEE OF ENGLAND AND WALES

("BHRC")

ON

"MONITORING FREEDOM OF EXPRESSION IN TURKEY"

Purpose of the Memorandum of Understanding

1. A19 and BHRC are combining freedom of expression and international human rights law expertise to address the ongoing breaches of protections, rights and remedies in Turkey.
2. The objective of this Memorandum of Understanding (MoU) is to acknowledge the partnership between A19 and BHRC in response to the deterioration of freedom of expression in Turkey, as well as to establish a framework for A19 and BHRC's important collaboration.
3. The MoU's intention is to outline the roles and responsibilities of A19 and BHRC regarding monitoring trials related to freedom of expression in Turkey and increasing the visibility of those trials, both within the UK and internationally. It includes methods of working and communication to enable exchange of knowledge, resources and expertise for this purpose.
4. This MOU shall be effective upon the signature of A19 and BHRC authorised officials. It shall be in force for an initial period of two years, from 21 May 2018 to 21 May 2020.

Background

5. Turkey has been under a state of emergency since a failed coup attempt on 15th July 2016. During this period, the authorities have severely restricted the right to freedom of expression and denied fundamental rights of due process. There are concerns that the government is repeatedly extending the state of emergency in order to use it to silence government critics.
6. Turkey is the world leader in imprisoning journalists and media workers: there are currently around 170 journalists in jail, many of whom face terror charges. Under the state of emergency, over 100,000 civil servants, military officers, judges, teachers and academics have been summarily dismissed and taken into custody, due to alleged association with terrorist organisations. This includes 30% of Turkish judges and prosecutors, exerting a chilling effect on the judiciary. Constitutional reforms allow the President to control judicial appointments, further jeopardising the independence of the judiciary.

7. A19 is an independent not-for profit organisation established in 1987, dedicated to the promotion of freedom of expression and access to information as fundamental human rights. It is head-quartered in London and is registered and regulated in the UK (charity number 327421). The organisation combines global standard setting and advocacy with regional and national knowledge through extensive programming in countries around the world. A19 has been working in Turkey for five years, and currently has two projects in Turkey, funded by the European Commission. Both projects include legal observation missions to Turkey, to monitor cases related to freedom of expression. Trial monitoring is embedded in a broader programme of activities including legal support, capacity building, campaigning and advocacy.
8. Founded in 1991 by the then Chairman of the Bar Council, Anthony Scrivener QC, BHRC is the independent, international human rights arm of the Bar of England and Wales. It is dedicated to promoting justice and respect for human rights through the rule of law. Its membership comprises barristers practising at the Bar of England and Wales, legal academics and law students. BHRC provides expert international human rights law guidance, advocacy, trial monitoring, Amicus Curiae interventions, fact finding and training around the world. It has worked, pro bono, on human rights issues in Turkey for over 15 years. Since the failed coup, it has carried out trial observations, drafted letters of concern including to Turkey's constitutional court and carried out fact finding.

Roles and Responsibilities

9. A19 shall undertake the following activities:
 - a. Identify appropriate trials related to freedom of expression in Turkey for BHRC to attend;
 - b. Provide background information on hearings to be observed by BHRC, including contextual information on the case and defendants, details of previous hearings and the charges and a summary of evidence in the case;
 - c. Organise travel logistics for BHRC, including flights, accommodation, transfers to and from airports in the England and Wales and in Turkey and transfers to and from court in Turkey;
 - d. Organise interpretation during hearings and in meetings surrounding the trial observations;
 - e. Support BHRC in setting up relevant meetings in Turkey;
 - f. Publicise any outputs produced by BHRC further to legal observation missions, including through translating the Executive Summary of trial observation reports into Turkish and sharing these with Turkish media.
10. Where possible, a member of A19 staff will travel with BHRC; however, if this is not possible, A19 will arrange for someone to accompany the BHRC representative to hearings.
11. BHRC shall undertake the following activities:
 - g. Identify a member of the Bar of England and Wales to attend at least three trial hearings related to freedom of expression in Turkey, identified by A19;
 - h. Publish and disseminate a trial observation report further to each of the hearings or further to a combination of hearings, depending on the particular case.
12. A19 and BHRC will conduct joint risk assessments prior to each trip and ensure an individual security plan is in place prior to travel.

13. A19 and BHRC will publicise the findings from BHRC trial observation reports with the aim of increasing the visibility of freedom of expression related trials. In addition to disseminating the reports, the organisations will seek to implement joint media outreach and joint events in the UK and at international human rights fora.

Funding

14. A19 will cover the costs of flights, accommodation, visas, per diems and airport transfers in line with A19 policy, translation and interpretation for a BHRC representative to attend at least three hearings prior to 21 May 2020. Per diems and other incidental costs will be covered by BHRC. The MoU does not include reimbursement for salaries or honorarium.
15. The funds for legal observation are included within two A19 projects funded by the European Commission's Instrument for Democracy and Human Rights, which include trial monitoring activities by third parties.

Signatories



Thomas Hughes
Executive Director
ARTICLE 19

7/6/18 Date



Kirsty Brimelow QC
Chair
Bar Human Rights Committee of England and
Wales

7/6/18 Date