

**BY EMAIL**

Minister of Justice  
H.E. Abdulhamit Gül  
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Amsterdam, 20 October 2020

Subject: judicial harassment of Levent Pişkin

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers is concerned about the legal proceedings initiated against prominent human rights lawyer and defender Levent Pişkin. The final hearing in his court case will be held on the 18<sup>th</sup> of November 2020.

According to our information, Mr. Pişkin, was taken into custody on 14 November 2016 in a police raid conducted to his house in Istanbul. At the time of his arrest, Mr. Piskin was representing the arrested former HDP Co-Chair Selahattin Demirtaş. It was alleged in the media that Mr. Pişkin would give Demirtaş's messages to a magazine in Germany so that they could be used for purposes of propaganda. After giving a statement at the prosecutor's office in Bursa, Mr. Pişkin was released after three days on condition of judicial control. In April 2017, Mr. Pişkin was, along with 11 other people, indicted<sup>1</sup> by the Bursa Chief Public Prosecutor and accused of "membership of the terrorist organization" and "making propaganda for the organization". The fact that Pişkin visited his client Selahattin Demirtaş in prison by using his lawyer identity card and WhatsApp messages of the lawyer were cited as criminal evidence.

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<sup>1</sup> The indictment, noting that there are phone communications with another suspect on the same case, lists the acts as follows:

- a) "engagement in international lobbying efforts against our country" by visiting the then Chair of People's Democratic Party (HDP) Selahattin Demirtaş in Edirne prison using his status as a lawyer, and conveying him the request of the German magazine Der Spiegel to send a hand written note to Germany in particular and to European countries and asking him to write it on the notebook of another lawyer who is also a suspect in the same file to avoid confiscation risk (as the lawyers are exempt from searches) and thus, bringing the arrest of Demirtaş to the attention of international community.  
The indictment refers to a newspaper reporting, quoting Levent from a WhatsApp group chat saying that he is the LP on the news and that Der Spiegel asked a note from him. It then goes on explaining how Der Spiegel has published many false news and articles aiming to degrade and humiliate the Turkish state and insult "our president recep tayyip erdogan", and "has a publishing policy that aims to discredit our country in the international platform by creating a public opinion against our country".
- b) During the house search his iPad with a SIM card installed was confiscated. The examination of the contents shows that Levent Piskin is registered in the mailing list called "HDP Istanbul", and the messages under this mail group contain the same action orders as the orders sent by terrorist organisation and published by its news agency called ANFNews. However, no further content that proves the accusation was given by the prosecutor.
- c) Three of the messages sent from HDP ISTANBUL mail group which gives information about the time and dates of three separate condolence ceremonies. The indictment argues that deceased are PKK members who were killed by Turkish security forces.

We were informed that at the last hearing in the case, in September 2020, the Public Prosecutor has reiterated the remarks uttered in the indictment, demanding that lawyer Mr. Pişkin has to be penalized on charges of "propagandizing for the organization" and "membership of the organization", under Article 314/2 of the Turkish Penal Code.<sup>2</sup> The evidence and statements presented by the defence during the hearings in almost three years of trial proceedings is not reflected in the final opinion of the prosecutor.

Lawyers for Lawyers fears that the judicial harassment of Mr. Pişkin is connected to, and serves to curb his legitimate activities as an attorney.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers<sup>3</sup>, and more in particular Article 16, 18 and 23, which read:

*16. Governments shall ensure that lawyers ( a ) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ( ..... ) and ( c ) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

*18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

*23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.*

In view of the above, (name of organization) respectfully urge you to immediately:

- Drop all charges against Levent Pişkin unless credible evidence is presented in proceedings that respect fair trial guarantees and put an end to all acts of harassment against Levent Pişkin, including at the judicial level;
- Guarantee in all circumstances that all lawyers in Turkey are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your immediate attention to this very important matter. We are confident that the government of the Turkey will give this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,  
LAWYERS FOR LAWYERS

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<sup>2</sup> Armed Organisation article 314 of Turkish Penal Code:

(1) Any person who establishes or commands an armed organisation with the purpose of committing the offences listed in parts four and five of this chapter, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.

(2) Any person who becomes a member of the organisation defined in paragraph one shall be sentenced to a penalty of imprisonment for a term of five to ten years.

(3) Other provisions relating to the forming of an organisation in order to commit offences shall also be applicable to this offence.

<sup>3</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.