



BY AIRMAIL

Minister of Justice
Ministry of Justice
Adalet Bakanligi
06659 ANKARA, **TURKEY**

Amsterdam, 15 June 2017

Subject: Trial of lawyer Deniz Sürgüt

Your Excellency,

Lawyers for Lawyers (L4L) is an independent, non-political and not-for-profit foundation that seeks to promote the proper functioning of the rule of law by pursuing the free and independent exercise of the legal profession.

L4L is concerned about the arrest and prosecution of lawyer Deniz Sürgüt. We fear that his arrest and prosecution might be connected to his legitimate professional activities as a lawyer.

According to our information, on 6 August 2015, Mr. Sürgüt, together with three others, was arrested in Idil (in the province of Sırnak) for allegedly attacking a police officer. He was charged with, amongst others, 'belonging to a terrorist organization' and 'jeopardizing the territorial integrity of the state'.

At the time of his arrest, Mr. Sürgüt was mandated and sent to Idil by the Association of Lawyers for Liberty (Özgürlükçü hukukçular derneği, ÖHD) to meet with city officials, unions and local politicians as well as other relevant individuals and report on violations of human rights in the region. He was arrested when he was leaving a building. Out on the street there was a clash between police and a group of persons. As we understand it, Mr. Sürgüt was out of this situation and, when he was arrested, stated to the police that he is a lawyer. No evidence has been found linking him to the crimes he is accused of. The others that were arrested have declared they don't know him. Nevertheless, and despite several requests to release Mr. Sürgüt, he is still in prison today.

On 21 April 2017, after the defendants had been in pre-trial detention for 20 months, the first substantive hearing took place at the Gümüşhane High Criminal Court. Mr. Sürgüt stated that he has been a victim of physical violence several times in prison. His lawyers pointed out that there is no evidence that he committed the crimes he is accused of. The prosecutor requested his release (while asking continuation of the detention of the others) but this was denied by the court, for reasons unknown to us.

We have been informed that the next hearing in the trial against the four defendants will take place on Friday 16 June 2017.



Deniz Sürgüt's case is not an isolated one. Many other lawyers were arrested on suspicion of involvement in terrorism after representing political opponents or taking on other politically sensitive cases, especially since the attempted coup in July 2016.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers¹ ('Basic Principles'), and more in particular, Article 16:

16 Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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.

L4L expresses deep concern about the ongoing judicial and other harassment of lawyers in general and Mr. Sürgüt in particular, in disregard of Turkey's obligation to comply with international law such as the Basic Principles. We hereby urge you to:

- Release mr. Deniz Sürgüt immediately and unconditionally;
- Make sure that the trial against him is fair, and that he will be acquitted in the absence of legitimate and convincing evidence
- ensure due process rights;
- Ensure that mr. Sürgüt is treated well in prison, in conformity with standards of international law such as article 3 of the European Convention on Human Rights
- Guarantee in all circumstances that all lawyers in Turkey are able to carry out their legitimate activities without fear of reprisals, intimidation, threats and free of all restrictions, so that they can carry out their professional duties freely and independently and fulfil their role as essential agents of the administration of justice.

We respectfully request your response to our requests as soon as possible. We will continue to monitor this important matter closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

LAWYERS FOR LAWYERS (L4L)

Adrie van de Streek
Executive Director

¹ 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.