

Joint Statement by the International Legal and Human Rights Community on the Actions Against the Istanbul Bar Association

The international legal and human rights community is deeply concerned by prosecuting authorities' recent criminal investigation and lawsuit against the Istanbul Bar Association, particularly its President, İbrahim Kaboğlu, and the executive board. These actions stem from a statement issued by the Bar Association on 21 December 2024, drawing attention to the deaths of journalists Nazım Daştan and Cihan Bilgin, killed on 19 December 2024 in northern Syria while monitoring developments in the region. The statement highlighted that the targeting of journalists in conflict zones constitutes a violation of International Humanitarian Law and called for an effective investigation into the incident.

In response, the Istanbul Chief Public Prosecutor's Office launched a criminal investigation against the Bar's leadership, citing allegations of "making propaganda for a terrorist organisation" and "publicly disseminating misleading information." On 14 January 2025, the Prosecutor's Office escalated its actions by filing a lawsuit seeking the dismissal of the Bar Association's president and executive board under Article 77(5) of the Turkish Attorneyship Law. The grounds for the lawsuit allege that the Bar's statement exceeded its professional mandate and constituted conduct incompatible with its official role.

This criminal investigation and lawsuit represent a direct challenge to the independence and functioning of the Istanbul Bar Association, an institution that plays a vital role in safeguarding human rights and upholding the rule of law in Turkey.

The arrest of lawyer Fırat Epözdemir, an executive board member of the Bar Association, on 23 January 2025, upon his return from an advocacy visit to Council of Europe institutions has further deepened these concerns. On 25 January 2025, a judge ordered Mr. Epözdemir's detention on remand on allegations of 'membership in a terrorist organization' and 'making propaganda for a terrorist organization'. This decision has been strongly criticized by the legal community in Turkey as lacking credible grounds, and reinforces the perception that the investigation may be part of retaliatory actions targeting the Istanbul Bar.

The actions taken against the Istanbul Bar Association are in stark violation of international human rights law and the principles governing the legal profession:

Freedom of Expression

The statement issued by the Istanbul Bar Association falls squarely within the protected realm of freedom of expression as outlined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the European Convention on Human Rights (ECHR), as well as Principle 23 of the United Nations Basic Principles on the Role of Lawyers. Professional organisations, including bar associations, have a right and a duty to speak out on issues of public concern, particularly where they pertain to the rule of law and human rights.

Independence of the Legal Profession

Principles 16, 23, and 24 of the United Nations Basic Principles on the Role of Lawyers underscore that lawyers and bar associations must operate independently without undue interference from authorities. The principle of independence is also enshrined in the Council of Europe Committee of Ministers' Recommendation (2000)21 on the freedom of exercise of the profession of lawyer. The authorities' attempts to prosecute and dismiss elected members of a bar association simply for exercising their rights and fulfilling their professional duties constitute an attack on their independence, undermining the ability of legal

professionals to carry out their mandate and risking the erosion of the rule of law and the realization of the right to a fair trial.

Retaliation Against Advocacy

The lawsuit and criminal investigation constitute reprisals against the Istanbul Bar Association for fulfilling its legitimate role in advocating for accountability and adherence to international law. These actions contravene the Preamble and Principles 16 and 17 of the United Nations Basic Principles on the Role of Lawyers, which explicitly prohibit retaliation against lawyers and bar associations for fulfilling their professional responsibilities. Such measures undermine public trust in the legal profession and create a chilling effect on lawyers and bar associations in Turkey.

Calls for Action

We call on Turkish authorities to:

- Immediately cease all investigations and legal proceedings targeting the Istanbul Bar Association's leadership for exercising their professional duties and in line with their mandate.
- Release Mr. Epözdemir immediately and unconditionally.
- Respect Turkey's obligations under international law to ensure the independence of the legal profession and the right to freedom of expression.
- Guarantee that bar associations can fulfil their professional duties without interference or intimidation.

We urge the United Nations Special Rapporteur on the Independence of Judges and Lawyers and other relevant special mandate holders to:

- Issue an urgent communication to the Government of Turkey expressing concern about the actions against the Istanbul Bar Association.
- Monitor and report on the situation as part of broader efforts to safeguard the independence of legal professionals worldwide.

We call on the Council of Europe Commissioner for Human Rights and the European Committee on Legal Co-operation to:

- Conduct an immediate inquiry into the actions taken against the Istanbul Bar Association and their compliance with Turkey's obligations under the ECHR.
- Engage with Turkish authorities to ensure that bar associations can operate independently and without fear of reprisal.

We urge the European Union to:

- Condemn the actions against the Istanbul Bar Association in its communications with Turkish authorities.
- Make the protection of legal professionals' independence a central element in its discussions on human rights and rule of law in Turkey.

The international legal and human rights community stands in solidarity with the Istanbul Bar Association and all legal professionals in Turkey who continue to uphold the principles of justice, human rights, and the rule of law. We remain vigilant in monitoring developments

and are prepared to advocate for all necessary measures to protect the independence and integrity of the legal profession in Turkey.

Signatories (in alphabetical order):

Amnesty International

Arab Lawyers Association (UK)

Arab Lawyers Union

Asociación Americana de Juristas (Association of American Lawyers)

Asociación de Derecho Penitenciario Rebeca Santamalia (Rebeca Santamalia Penitentiary Law Association, ASDEPRES)

Associação Portuguesa de Juristas Democratas (Portuguese Association of Democratic Jurists, APJD)

Bar Human Rights Committee of England and Wales (BHRC)

Behatokia (Basque Observatory of Human Rights), Basque Country

Berlin Bar Association (Germany)

Center for Research and Elaboration on Democracy (CRED)

Commission Défense et Droits humains du Barreau de Marseille (Defense and Human Rights Commission of the Marseille Bar Association, CDDH)

Conselho Regional do Porto da Ordem dos Advogados (Porto Regional Council of the Bar Association, Portugal))

Council of Bars and Law Societies of Europe (CCBE)

Défense Sans Frontière-Avocats Solidaires (Defense Without Borders-Solidarity Lawyers, DSF-AS)

Democratic Lawyers Association of Bangladesh (DLAB)

Demokratische Jurist*innen Schweiz (Democratic Lawyers of Switzerland, DJS)

Deutscher Anwaltverein (German Bar Association, DAV)

Droit-Solidarité (Law-Solidarity, DS)

European Association of Criminal Bars (ECBA)

European Democratic Lawyers (AED)

Federation of European Bars (FBE)

Foundation of the Day of the Endangered Lawyer

Frantz Fanon Foundation

Geneva Bar Association (Switzerland)

Giuristi Democratici (Italian Democratic Lawyers)

Haldane Society of Socialist Lawyers

Human Rights Watch (HRW)

IACTA Cooperativa de Abogadas de Barcelona (IACTA Barcelona Women Lawyers' Cooperative)

Indian Association of Lawyers

Institut des droits de l'Homme du barreau de Bruxelles (Human Rights Institute of the Brussels Bar, Belgium)

International Association of Democratic Lawyers (IADL)

International Association of People's Lawyers (IAPL)

International Bar Association's Human Rights Institute (IBAHRI)

International Federation for Human Rights (FIDH)

La Conférence des Avocats au Barreau de Paris (The Paris Bar Lawyers' Conference)

Lawyers Rights' Watch Canada

International Observatory for Lawyers in Danger (OIAD)

International Publishers Association (IPA)

La Conférence des bâtonniers de France (The Conference of French Bar Associations)

Lawyers for Lawyers

Legal Team Italia

London Legal Group

Lyon Bar Association (France)

Magistrats Européens pour la Démocratie et les Libertés (MEDEL)

Marseille Bar Association (France)

National Association of Democratic Lawyers (South Africa)

National Lawyers Guild International Committee

New York City Bar (USA)

Rennes Bar Association (France)

Republikanischer Anwältinnen- und Anwälteverein (Republican Lawyers' Association, RAV)

Socialist Lawyers Association of Ireland

The Defence Commission of the Barcelona Bar Association

The European Association of Lawyers for Democracy and World Human Rights (ELDH)

The Law Society of England and Wales (LSEW)

The Turkey Human Rights Litigation Support Project (TLSP)

Union of Peoples' Lawyers in Mindanao (Philippines)