

STATEMENT

Paris, May 21, 2021

Turkey Must Cease Malicious Prosecution of Bars

UIA-IROL has been informed that Turkish prosecutors have launched an investigation into the Diyarbakır Bar Association with respect to a statement it released on April 24, Armenian Genocide Remembrance Day. Executives of the bar association are facing charges of “insulting the Turkish nation, the Turkish Republic, the state's institutions and organs.”

According to our information, on April 24, 2021, the Diyarbakır Bar Association shared brief information about the events of April 24, 1915 and its aftermath.

The Bar made a call to start a process *"to reveal the truth"* so that *"the crime committed against the Armenian people and denied could be faced and the souls of the Armenian neighbors scattered all across the world could find peace."*

Following this statement, the Turkish government instituted an investigation and prosecution of the Diyarbakır Bar Association. Thereafter, Bar Chair Nahit Eren made a brief statement about the investigation on his social media account: *"Defending the freedom of expression of everyone to the end, the Diyarbakır Bar Association will not restrict its own freedom of expression due to pressures and investigations"*.

Reminding the public about the investigations and prosecutions faced by the Bar over its previous statements on April 24, the Bar Chair continued: *"In fact, no matter how we call this calamity and sorrow, they do not change depending on what we call them."*

UIA-IROL recalls that according to the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in September 1990: *"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"* (Principle #23).

Similarly, the Recommendation Rec (2000) 21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer protects lawyers' freedom of expression as well as the fundamental role lawyers and associations of lawyers play in ensuring the defense and protection of human rights and fundamental freedoms.

Those texts must be respected by Turkey, as it was present for the adoption by consensus of the above Basic Principles and as a member of the Council of Europe. Furthermore, as a State party to the International Covenant on Civil and Political Rights, Turkey has the obligation to protect and not prosecute the exercise of freedom of expression.

Instead, however, Turkish authorities have weaponized judicial harassment and a policy of persecution against lawyers who exercise their rights according to Turkish and international law to hinder or prevent lawyers from defending human rights. Therefore, UIA-IROL calls upon the Turkish authorities to refrain from persecuting independent bars such as the Diyarbakir Bar Association simply because they exercise their rights to freedom of expression and defend the Rule of Law.

More about the UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

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