



The UIA Institute for the Rule of Law

STATEMENT

Paris, 21 January 2025

Statement on the Prosecution of the Istanbul Bar Association

The Union Internationale des Avocats' Institute for the Rule of Law (UIA-IROL)* expresses its deep concern at the investigation and prosecution by the Istanbul Public Prosecutor's Office of the President of the Istanbul Bar Association and the Executive Board members of the Istanbul Bar, on charges of "terrorist propaganda" and "disseminating misleading information". UIA-IROL notes that the Istanbul Bar Association, along with other bar associations, have been at the forefront of protecting the independence of the profession, and a bedrock for the Rule of Law. Regrettably, as a result of this courageous and legitimate stance, bar associations have repeatedly become the target of attacks.

UIA-IROL takes note of the communiqué, the publication of which on 21 December 2024 by the Istanbul Bar Association has led to an investigation and prosecution. The communiqué denounces the death of journalists Nazım Dastan and Cihan Bilgin, who were in a Turkish drone strike in Syria on 19 December 2024. The statement recalls that the intentional targeting of civilians, including journalists, constitutes a war crime within the meaning of Article 8/2/b/ii of the Rome Statute, and calls for compliance with the rules of international humanitarian law, in particular the protection of journalists in areas of armed conflict.

UIA-IROL deploras:

- The authorisation granted on 25 December 2024 by the Ministry of Justice to institute proceedings, in accordance with Article 58/1 of the Lawyers Act;
- The request made on 14 January 2025 by the Istanbul Public Prosecutor's Office to dismiss the President of the Bar and place the Istanbul Bar Association under guardianship.

UIA-IROL expresses its solidarity with Mr İbrahim Özden Aboğlu, President of the Istanbul Bar Association, and the members of the Bar Council who were questioned by a dozen prosecutors on 8 January 2025:

- Ms Rukiye Leyla Süren, Deputy President of the Bar;
- Ms Hürrem Sönmez, Secretary General of the Bar;
- Mr Ahmet Ergin, Treasurer;
- Members of the Bar Council: Ms Bengisu Kadi Çavdar, Mr Metin Iriz, Mr Mehmedali Barış Beşli, Ms Yoçak Urfa, Mr Fırat Epozdemir, Ms Ealvarici, and Mr Eklimoğlu.

UIA-IROL recalls that the United Nations Basic Principles on the Role of Lawyers (1990) guarantee lawyers, like all citizens, freedom of expression, belief, association and assembly. These principles stipulate that lawyers have the right to participate in public discussions on the law, the administration of justice and the promotion of human rights (Principle 23). Any attempt to limit this fundamental role must be strongly condemned.

UIA-IROL

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Further, the UN Basic Principles provide that “(t)he executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference (Principle 24)”.

UIA-IROL remains concerned with the increasing attacks on the independence of the bar associations in Türkiye. These attacks include the adoption of controversial legislation and the misuse of anti-terrorism legislation, which represent a serious threat to the Rule of Law. These practices, including repeated investigations and prosecutions of lawyers for their legitimate professional activities, have been regularly denounced by UIA-IROL in recent years. The bar associations of Türkiye perform their function of regulating the practice of law, and protecting the independence of lawyers, admirably and with great courage in the face of attacks on their independence.

UIA-IROL:

1. Urges the Turkish authorities to cease the proceedings brought against the Istanbul Bar Association and its members.
2. Calls for respect for the democratic process that led to the regular election of the President of the Istanbul Bar Association, Mr Kaboğlu, on 20 October 2024.
3. Insists on the need to guarantee lawyers, both individually and collectively, the right to promote the Rule of Law, to participate in public debates, and to defend human rights without fear of reprisals, and the independence of bar associations that represent and regulate the practice of law, which includes the Istanbul Bar Association.
4. Calls for the protection of the independence and autonomy of lawyers and the representative bodies of the profession, in accordance with the United Nations Basic Principles on the Role of Lawyers.

UIA-IROL will continue to follow this case closely and reaffirms its unwavering support for the Turkish bar associations, which, despite extremely difficult circumstances, continue to defend their independence and the fundamental values of the legal profession.

*** More about 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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