

**Mandates of the Special Rapporteur on the independence of judges and lawyers; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL TUR 2/2025  
(Please use this reference in your reply)

28 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 53/12, 51/8, 52/9, 50/17 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **actions taken against the Istanbul Bar Association, its President and its Executive Board, as well as the arrest of a Board member, following a statement calling for an effective investigation into the deaths of two journalists in a conflict zone. The Prosecutor's Office has reportedly filed a lawsuit seeking the dismissal and re-election of the Executive Board of the Istanbul Bar Association.**

According to the information received:

On 21 December 2024, the Istanbul Bar Association issued a statement condemning the deaths of two journalists reportedly killed in a Turkish drone strike in Northern Syria on 19 December 2024. The statement highlighted that the targeting of journalists in conflict zones constitutes a violation of international humanitarian law, including the Geneva Conventions. The Istanbul Bar Association called for an effective investigation into the deaths of the two journalists.

On 22 December 2024, 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". In accordance with article 58 of the Lawyers' Act, the approval of the Ministry of Justice was required to initiate proceedings.

The authorization was not obtained until 25 December 2024, when the Ministry of Justice granted permission to the Public Prosecutor for prosecution concerning the Istanbul Bar Association's statement. The Prosecutor's Office claimed that both journalists were under investigation for alleged membership in and propaganda for a terrorist organization.

On 7 January 2025, the Istanbul Bar Association Board Members testified before five public prosecutors, rejecting all allegations.

On 14 January 2025, the President of the Istanbul Bar Association challenged the authorization granted by the Ministry of Justice before the Ankara Administrative Court.

On the same day, the Istanbul Chief Public Prosecutor's Office Terror Investigation Bureau filed a civil complaint with the Civil Court of First Instance seeking the dismissal of the Istanbul Bar Association's President and the Executive Board under articles 76 and 77 of the Turkish Attorneyship Law. The information suggests that the lawsuit alleges that the Bar's Statement exceeded its professional mandate and constituted conduct incompatible with its statutory duties. The first hearing in the case is scheduled to take place on 4 March 2025.

Article 76 amended as per article 4276/3 dated 18 June 1997 states that: *'Bar associations may not engage in activities other than those befitting their purpose of establishment.'*

Article 77 amended as per article 4276/4 dated 18 June 1997 states that: *'The removal from duty of, and the election of replacements for the bar associations and the responsible organs of the Union of Bar Associations of Türkiye engaged in activities outside their purposes will be adjudicated by the local civil court of first instance according to simple trial procedure upon the request of the Ministry of Justice or the local public prosecutor; and the trial will be concluded within three months at the latest.'*

The lawsuit has called for the election of a new President and Board, even though the last election took place on 20 October 2024, less than three months ago. The Prosecutor's filing has called for the election of a new President and Board, even though the last election took place on 20 October 2024, less than three months ago.

On 15 January 2025, the President and the Board of the Istanbul Bar Association convened an Extraordinary General Assembly, without conducting elections.

On 25 January 2025, Firat Epözdemir, a Board member of the Istanbul Bar Association, was detained, and is currently held in Silivri Prison.

The information suggests that the Prosecutor's lawsuit was filed in retribution for the actions of the President and the Executive Board in representing the Istanbul Bar Association as it played its legitimate role in advocating for accountability and adherence to international law.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern regarding the lawsuit filed by the Public Prosecutor's Office seeking the dismissal of the Executive Board of the Istanbul Bar Association as well as the arrest of Mr. Epözdemir. Further, we express our serious concerns at the allegations that describe criminal accusations that may seek to restrict lawyers' freedom of

expression.

If confirmed, the allegations described would amount to a serious breach of a number of international and regional standards. These standards provide that the legal profession and its free exercise are an essential element of the rule of law, the protection of human rights, and the functioning of an independent judicial system. In accordance with the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, lawyers and members of Bar Associations are, like other people in Türkiye, entitled to freedom of expression.

Further, the free exercise of the legal profession helps ensure access to justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment or interference. States must put in place all appropriate measures to ensure that lawyers are not subject to, or threatened with, prosecution or any administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

We wish to recall that without the protection provided by an independent bar association, lawyers are extremely vulnerable to attack and to restrictions on their independence, especially from State authorities. Professional associations of lawyers are also intended to ensure effective and equal access to legal services for all, in accordance with recognized professional standards and ethical principles. The kind of interference with the legal profession described may not only impede the work of the Istanbul Bar Association, but it may also harm the right of people in Türkiye to be informed of legal and judicial affairs, as well as their right to a fair trial.

We emphasize that the executive body of a professional association must be able to perform its functions without external interference. Actions seeking the dismissal of elected members of a bar association represent a direct threat to its independence, thereby undermining the capacity of legal professionals to effectively fulfill their mandate.

We also recall that articles 21 and 22 of the ICCPR guarantee the rights to freedom of peaceful assembly and of association. In particular, the principles enunciated by Human Rights Council resolution 24/5, in particular operative paragraph 2, “reminds States of their obligation to respect and fully protect the rights of all individuals to meet and assemble peacefully, [...] including persons espousing minority or dissenting views or beliefs [...] seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

We recall that, under international law, States have a duty to refrain from imposing restrictions to freedom of expression that go beyond those narrowly established in articles 19(3), 20 and 4 of the ICCPR, and from adopting any reprisal measure against those who exercise their right to freedom of expression in line with international standards, as well as an obligation to put in place effective measures to protect against attacks aimed at silencing those exercising such right (Human Rights Committee, general comment No. 34).

We recall that any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (general comment No. 34). We stress that counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and peaceful assembly, including to suppress peaceful minority groups and their members (general comment No. 34).

We express deep concern regarding the allegations of terrorism and propaganda associated with the statement emphasizing that the targeting of journalists in conflict zones constitutes a violation of international humanitarian law, the Geneva Conventions, and their protocols, as well as calling for an effective investigation into the deaths of the two journalists. We recall that lawyers are entitled to participate in public discussions on matters related to the law, the administration of justice, and the promotion and protection of human rights. These rights extend to discussion of compliance with the laws applicable in armed conflict and other public emergencies.

In line with our previous communications (OL TUR 13/2020), we reiterate our concerns about the vagueness of the counterterrorism legislative framework in Türkiye, and its compatibility with the obligations of your Excellency's Government under international and human rights law. We underscore that counter-terrorism legislation should be sufficiently precise to comply with the principle of legality recognised under article 15 of the ICCPR so as to prevent its use to unjustifiably limit the exercise of fundamental freedoms, including those of opinion, expression, and association.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain the factual and legal grounds for the lawsuit against the President and the Executive Board of the Istanbul Bar Association, as well as for the arrest and detention of Mr. Epözdemir, and indicate how these are compatible with international human rights law and Türkiye's international obligations, including the right to liberty under article 9 of the ICCPR.
3. Please indicate the measures taken to guarantee that the Prosecutor's lawsuit against the President and the Executive Board of the Istanbul Bar Association and the arrest and continuing detention of Mr. Epözdemir are not in retribution to their professional work as lawyers and/or the exercise of their right to freedom of expression in line with international

human rights standards.

4. Please provide information on how the judicial process involving the President and the Executive Board complies with due process and fair trial rights standards set forth in article 14 of the ICCPR of due process.
5. Please explain the measures taken to ensure that the Istanbul Bar Association and its Executive Board and all other Bar Associations in Türkiye can practice their professional duties without interference or intimidation.
6. Please provide information about any measures taken, or foreseen, by your Excellency's Government to review the counter-terrorism normative framework in Türkiye to ensure its compliance with the State's obligations under international human rights law, and as recommended in OL TUR 13.2020.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which such statements will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. Any such statement or press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Ganna Yudkivska  
Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental  
freedoms while countering terrorism

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee further asserted that there is a duty for States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stressed that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (general comment No. 34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective function" (general comment No. 34, para. 34).

We also recall that article 14 of the Covenant provides a set of procedural guarantees that must be made available to persons charged with a criminal offence. Article 14 (1) of the ICCPR provides that all persons are entitled to a "fair and public hearing" before a tribunal that is "competent, independent, and impartial". Article 14, paragraph 2 of the ICCPR and article 6, paragraph 2 of the European Convention on

Human Rights both provide that individuals charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. The Human Rights committee commented that it is a duty for all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused. ([general comment No. 32](#), para. 30).

Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the ICCPR).

In her report (A/79/263), the Special Rapporteur on the rights to freedom of peaceful assembly and of association states that “among those labelled as “terrorists” and stigmatized in the name of countering terrorism and terrorist financing are human rights defenders (..), humanitarian organizations, Indigenous Peoples and land rights activists (..), peaceful protesters and journalists reporting on protests, have also been vilified by public authorities in some States as supporting “terrorism”.” In addition, she also highlights that “branding civil society, movements and activists as “terrorists” or “traitors” has a serious impact on their lives, well-being, family life and economic situation; it can silence them and lead to the defunding of associations and their unlawful dissolution.” Finally, in the same report she notes that “hostile and stigmatizing rhetoric against civil society and activists has a severe impact on individuals and the broader rights to freedom of peaceful assembly and of association. This rhetoric leads to sweeping restrictions, fosters baseless suspicions, undermines reputations and isolates activists from their families and communities. It imposes excessive regulations, burdensome administrative requirements and heavy sanctions while cutting off their funding. Activists also face increased intimidation, physical attacks and online harassment, including sexual and gender-based violence, especially against women. In severe cases, activists’ families, including children, may experience harassment and attacks, both online and offline.”

We further wish to remind your Excellency’s Government that article 9 of the ICCPR prohibits arbitrary detentions. Specifically, it establishes that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be brought promptly before a judge or officer authorized by law to exercise judicial power. A person may only be deprived of liberty in accordance with national laws and procedural safeguards governing detention, and where the detention is not otherwise arbitrary. We stress that detention can be considered arbitrary when based on vague or imprecise legislation, on discriminatory grounds, or when it is imposed without a legal process or through one that is in clear violation of international fair trial standards. In accordance with the jurisprudence of the Working Group on Arbitrary Detention and general comment No. 35, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is considered arbitrary (para. 17). We remind your

Excellency's Government that the prohibition on arbitrary detention is absolute in international law and that no derogations are permitted, including when purporting to counter terrorism.

We would also like to refer your Excellency's Government 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 (Havana, Cuba), 27 August-7 September 1990.

Principle 23 entitles lawyers to freedom of expression, belief, association, and assembly. This principle expressly recognizes the right of lawyers to engage in public discussion of matters pertaining to the law, administration of justice, and protection of human rights, without professional consequences as long as their conduct remains in accordance with the law and the ethical standards of the profession. Under [A/HRC/RES/12/16](#), protecting the speech of lawyers is of paramount importance, as "the exercise of the right to freedom of opinion and expression is one of the essential foundations of a democratic society, ... and is instrumental to the development and strengthening of democratic systems."

Principle 24 states that lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

Principle 27 also requires that lawyers receive due process protections when facing charges or complaints made against them in their professional capacity. These protections must be in line with international standards, including that complaints are processed expeditiously and fair, that lawyers receive a fair hearing, and that they can be assisted by a lawyer of their choice.

Principle 28 provides that all disciplinary proceedings against lawyers are brought before an impartial committee, statutory authority, or court, and are subject to independent judicial review. These principles must be read in tandem with principle 29, which requires all disciplinary proceedings to be determined in accordance with the national code of professional conduct, international norms and standards, and in light of all of these principles.

Moreover, we would like to bring attention to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy), 26 August-6 September 1985. Principle 2 provides that the judiciary shall decide matters before it impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.

Principle 4 states that there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in

accordance with the law. Principle 6 entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.

Furthermore, we want to refer to the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 7 September 1990.

Principle 12 affirms that Prosecutors shall, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system.

Principle 13 affirms that in the performance of their duties, prosecutors shall: (a) carry out their functions impartially and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination; (b) protect the public interest, act with objectivity, take proper account of the position of the suspect and the victim, and pay attention to all relevant circumstances, irrespective of whether they are to the advantage or disadvantage of the suspect; (c) keep matters in their possession confidential, unless the performance of duty or the needs of justice require otherwise; (d) consider the views and concerns of victims when their personal interests are affected and ensure that victims are informed of their rights in accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

In addition, we affirm that it is in the function of a professional association of lawyers to ensure that an effective investigation into alleged violations of international humanitarian law takes place and as part of the function to promote and uphold the cause of justice. The International Bar Association Standards for the Independence of the Legal Profession in Standard No. 18 under the Functions of the Lawyer' Associations states that the functions of the appropriate lawyers' association in ensuring the independence of the legal profession shall be *inter alia* to promote and uphold the cause of justice, without fear or favour.

Although no universal treaty generally defines "terrorism", States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,<sup>1</sup> the General Assembly's Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004).<sup>2</sup> Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism<sup>3</sup> provides clear, "best practice" guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements. We underscore that the definition of terrorism and related offences must be accessible, formulated with precision, non-discriminatory and non-retroactive (A/HRC/16/51). Furthermore, the seriousness of, and punishment for, a criminal conviction must be proportionate to the culpability of the perpetrator. No one should be convicted of participating in a terrorist act, or facilitating or making propaganda for terrorism, unless it can be shown that that person knew or intended to be involved in acts of terrorism as defined by international

---

<sup>1</sup> See [https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_en.xml](https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml).

<sup>2</sup> A/RES/49/49, annex, para. 3.

<sup>3</sup> A/HRC/16/51, para. 28.

law. In line with human rights standards, non-violent criticism of the State or any of its institutions, including the judiciary, cannot be made a criminal offence in any society governed by the rule of law.

We also bring your Excellency's Government's attention to the principle of legal certainty under article 15(1) of the ICCPR which requires that criminal laws be sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, to target civil society on political or other unjustified grounds.<sup>4</sup>

We respectfully refer your Excellency's Government to the many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirming that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.<sup>5</sup> Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

We remind your Excellency's Government that States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.<sup>6</sup>

---

<sup>4</sup> [A/70/371](#), para. 46(b).

<sup>5</sup> Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

<sup>6</sup> See [A/HRC/RES/22/6](#), para. 10(a).