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Türkiye: Proceedings against Istanbul Bar Association board a “direct assault” on independence of legal profession

Twelve legal and human rights organisations intervene in proceedings against the executive board ahead of trial*

Criminal and civil proceedings against the executive board of the Istanbul Bar Association are incompatible with Türkiye’s international human rights obligations and represent a direct assault on the independence of the legal profession, warned 12 legal and human rights organisations in a joint intervention to the court.

The joint *amicus brief* by leading human rights groups and professional legal bodies including the European Association of Lawyers for Democracy and World Human Rights (ELDH), has been submitted to the Istanbul 26th Heavy Penal Court on Friday, September 5, as the second hearing, scheduled to last two days, begins tomorrow.

The legal action targets the Istanbul Bar Association’s President, Prof. İbrahim Kaboğlu, and ten executive board members, and stems from a public statement issued by the Bar on 21 December 2024, following the killing of two Kurdish journalists, Nazım Daştan and Cihan Bilgin, allegedly in a drone strike in northern Syria.

In its statement, the Bar Association had recalled international legal protections that must be afforded for journalists in conflict zones, called for an effective investigation into the deaths, and demanded the release of protestors and lawyers detained at a demonstration held in Istanbul that same day. In response, prosecutors in Türkiye launched criminal proceedings against the Bar’s leadership for “propaganda for a terrorist organisation” and “disseminating misleading information,” and simultaneously filed a civil lawsuit seeking to dismiss the board on the grounds that it had acted beyond its legal duties. On 21 March 2025, the Istanbul 2nd Civil Court of First Instance ordered the termination of the entire board’s mandate, a decision that is currently under appeal.

The 12 organisations argue in their joint submission that these proceedings violate Türkiye’s obligations under international human rights law. The Istanbul Bar Association’s statement, they note, falls squarely within its professional mandate and legal duty to defend human rights and the rule of law.

“The criminal and civil proceedings against the Istanbul Bar Association’s executive board amount to retaliation for engaging in lawful, rights-based advocacy,” said Ayşe Bingöl Demir, Director of the Turkey Human Rights Litigation Support Project. “They are part of a broader effort to intimidate the legal profession and silence institutions that challenge state power.”

The organisations emphasise that bar associations must be free to speak out on legal and human rights concerns without fear of intimidation or punishment. As Thierry Wickers,

President of the Council of Bars and Law Societies of Europe (CCBE) stated, “These actions are not just an attack on the Istanbul Bar Association, they are an attack on the very idea of an independent legal profession, one of the main pillars of a democratic society and a fundamental guarantee for ensuring the rule of law and preventing abuse of state power.”

According to the amicus brief, the charges brought against the Bar’s leadership are both vague and legally baseless, relying on overbroad anti-terrorism and “disinformation” laws that fail to meet international standards of legality, necessity and proportionality. No part of the Bar’s statement can reasonably be interpreted as “inciting violence” or “promoting terrorism”. Instead, it reflects the Bar’s role as an institutional safeguard, defending its members and speaking out against unlawful detentions and alleged violations of international law.

“The Istanbul Bar’s statement was well within its statutory duties and its internationally protected role,” said Baroness Helena Kennedy, Director of the International Bar Association’s Human Rights Institute “To criminalise such a statement is both legally indefensible and politically alarming.”

The organisations stress that this case is not isolated but emblematic of a wider pattern in Türkiye, where bar associations have faced mounting interference, lawyers are increasingly prosecuted for their work, and dissenting institutions are subjected to coordinated pressure. Dinushika Dissanayake Amnesty International’s Deputy Regional Director for Europe warned that, “What is happening in this case is emblematic of a systemic pattern but also sets a dangerous precedent: criminal law is being misused to target lawyers, their professional body and human rights defenders for simply carrying out their work. Türkiye’s overly broad anti-terrorism laws are open to abuse. Prosecutions such as these send a chilling message that demanding the authorities abide by their human rights obligations comes at a heavy cost and that lawyers’, their representatives’ and all of our right to freedom of expression can be arbitrarily curtailed. In the face of this, the only fair outcome is the acquittal of all the leaders of Istanbul Bar Association at tomorrow’s hearing.”

In light of these concerns, the international organisations have requested the Istanbul court to assess the lawfulness and propriety of the ongoing criminal and civil proceedings in line with Türkiye’s binding obligations under international human rights law, including the standards on the independence of lawyers and bar associations and the rights to freedom of expression and association. As the amicus brief highlights, the charges and actions against the Istanbul Bar Association’s executive board contravene these standards, appear to pursue an ulterior political purpose, and risk setting a dangerous precedent for legal professionals and institutions engaged in rights-based advocacy.

The organisations that submitted the *amicus curiae* brief are: Turkey Human Rights Litigation Support Project, Amnesty International, Council of Bars and Law Societies of Europe, European Association of Lawyers for Democracy and World Human Rights, German Federal

Bar, Human Rights Watch, International Bar Association's Human Rights Institute, International Commission of Jurists, International Observatory for Lawyers in Danger, Law Society of England and Wales, Lawyers for Lawyers, and PEN Norway.

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