

To:

His Excellency, Mr. Recep Tayyip Erdoğan
President of the Republic of Turkey
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Private letter to His Excellency, President Recep Tayyip Erdoğan, from the International Bar Association's Human Rights Institute

Your Excellency,

The [International Bar Association's Human Rights Institute](#) (IBAHRI) has voiced deep concern regarding the trial of six lawyers in Türkiye, —Burak Temiz, Pelin Durmuş, Sinem Mollahasanoglu, Tuğba Bal, Ayşe Toprak, and Arzu Gül—all of whom previously served as defence counsel for Adnan Oktar and over 200 of his associates, and who are scheduled to appear before the Istanbul 1st High Criminal Court on 27 May 2025, facing charges of “*membership in a criminal organization*.”(Case File No. 2024/74 E). With multiple reports suggesting violations of domestic, regional and international human rights law, the IBAHRI emphasises the importance of affording due process to the lawyers.

The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 170 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

Even though the Turkish Ministry of Justice stated on January 16, 2025, that the charges against these lawyers are personal and unrelated to legal practice, the charges—namely, “*membership of a criminal organization*”—appear to be based entirely on their professional activities, such as:

- Representing clients in criminal proceedings;
- Visiting clients in detention;
- Advising clients on legal strategy;
- Communicating with authorities on behalf of clients;
- Retaining case files and documentation in their offices;

- Receiving and documenting legal fees.

These are standard and essential functions of legal representation, protected under both **Turkish law** and **international human rights standards**, including:

1. United Nations Basic Principles on the Role of Lawyers (1990)

- *Principle 16:* Governments must ensure lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference. ... and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
- *Principle 18:* Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.
- *Principle 23:* Lawyers like other citizens are entitled to freedom of expression, belief, association, and assembly.

2. European Convention on Human Rights (ECHR)

- *Article 6:* Right to a fair trial, which includes the right to independent legal counsel.
- *Article 8:* Right to respect for private and family life, including confidential lawyer-client communications.
- *Article 10 & 11:* Freedom of expression and association, which are vital for a functioning legal profession.

3. Turkish Attorneyship Law (Law No. 1136)

- *Article 58:* Requires prior **authorization from the Ministry of Justice** before initiating investigations against lawyers **for acts committed in the course of their legal practice**.
- The failure to obtain such authorization constitutes a **violation of due process**, rendering the proceedings unlawful.

The **Council of Bars and Law Societies of Europe (CCBE)** and the **International Bar Association's Human Rights Institute (IBAHRI)** have already issued public statements raising serious concerns about the criminalization of legal representation in this matter.

We respectfully urge Turkish authorities to:

1. **Drop the charges** against the six lawyers, as they stem from constitutionally and internationally protected professional activities;
2. **Uphold Article 58 of the Attorneyship Law**, by ensuring that no criminal investigations or prosecutions are initiated without the legally required permission;
3. **Guarantee the independence of the legal profession**, as mandated by international human rights treaties to which Türkiye is a party, including the ECHR and the ICCPR;

4. **Ensure judicial impartiality**, and prevent the use of the judiciary as a tool of professional retaliation against defense lawyers.

Failure to uphold these standards not only undermines the rights of the accused lawyers but also erodes public confidence in the justice system and compromises the right to a fair trial for all.

We will continue to monitor the situation closely and remain ready to engage in dialogue to ensure the protection of fundamental legal principles and the rule of law in Türkiye.

Yours sincerely,

Mark Stephens CBE

IBAHRI Council Co-Chair



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