Joint Statement on the arrest and detention of lawyer Ruken Gülağacı

21 May 2025

The undersigned bar associations and lawyers' rights organisations express their deep concern over the detention of lawyer Ruken Gülağacı on 20 May 2025. On 21 May, the Criminal Peace Judgeship issued a house arrest order against Ms Gülağacı—an alarming escalation that further compounds our concern.

Ms Gülağacı is a member of the Istanbul Bar Association and an executive board member of the Association of Lawyers for Freedom (Özgürlük için Hukukçular Derneği – ÖHD), and frequently represents academics, lawyers, and Kurdish politicians. She is also an active member of the Foundation for Society and Legal Studies (TOHAV), a board member of the European Association of Lawyers for Democracy and World Human Rights (ELDH), and a dedicated advocate for human rights in Türkiye.

On the evening of 20 May 2025, Ms Gülağacı was arrested by police officers while visiting Kandıra Prison to meet with her client. She was detained overnight at the police station and transferred the next day to Çağlayan Courthouse, where she gave her statement before the Prosecutor at approximately 3 PM local time.

According to the lawyers accompanying Ms Gülağacı, the Prosecutor's questioning directly targeted her professional activities. She was interrogated about the clients she represents and her meetings with them—actions that are part and parcel of a lawyer's core duties. It was evident that her lawful professional work, and by extension her right to freedom of expression and association, was being criminalised.

Following her interrogation, the Prosecutor referred Ms Gülağacı to the Criminal Peace Judgeship with a request for judicial control in the form of house arrest. A house arrest order was then issued *in absentia*, without her being brought before a judge, and solely on the basis of documents. No written justification was provided for this decision, in direct contradiction with Constitutional Court precedent and despite the explicit request of her defence counsel for her to appear in person. This ruling, rendered without even the minimal procedural guarantees, will be remembered as a grave breach of judicial independence and a stain on the rule of law.

We are deeply concerned that Ms Gülağacı's arrest and ongoing restriction of liberty are directly linked to her work as a lawyer. The identification of Ms Gülağacı with her clients or their causes is a violation of international standards protecting the independence of the legal profession.

Further procedural irregularities cast doubt on the fairness of the proceedings: Ms Gülağacı was not allowed to defend herself in person before the court; and she was

arrested without prior formal notification, despite being a practicing lawyer who attends court daily. These factors alone render the arrest procedure defective from the outset and raise serious concerns regarding the right to a fair trial.

These events unfold amidst a broader and troubling context. Türkiye is currently witnessing an unprecedented crackdown on the legal profession and civil society. In the wake of mass protests following the arrest of Istanbul Mayor Ekrem İmamoğlu, hundreds of demonstrators have been detained, often without access to legal counsel or procedural safeguards. The legal representation of political dissidents is increasingly treated as a criminal act in itself.

The measures taken against Ms Gülağacı constitute a direct and dangerous interference with the right to legal defence, impede access to justice, and further criminalise the work of lawyers representing dissenting voices. This marks a deepening erosion of the guarantees of a fair trial and the rule of law.

As a State Party to the International Covenant on Civil and Political Rights and the European Convention on Human Rights, Türkiye is obligated to ensure that no one is subjected to arbitrary arrest or detention and that any deprivation of liberty is lawful and justified. Fair trial rights, including the presumption of innocence and access to legal representation, must be upheld at all times.

In line with the United Nations Basic Principles on the Role of Lawyers:

- Principle 16 affirms that lawyers must be able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.
- Principle 18 provides that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

We, the undersigned, call on the Turkish authorities to:

- Immediately and unconditionally lift the order of house arrest against Ruken Gülağacı and the release of all other lawyers detained solely for performing their professional duties;
- Ensure that pre-trial detention and house arrest are applied only as exceptional measures of last resort, with full respect for due process and the right to be heard before a judge;
- End all forms of harassment, intimidation, and arbitrary detention targeting lawyers, and refrain from unlawfully identifying lawyers with their clients or their clients' political or social positions;
- Promptly sign and ratify the Council of Europe Convention for the Protection of the Profession of Lawyer, thereby reinforcing its commitment to the international

legal framework governing the independence and protection of legal professionals.

We will continue to closely monitor the case of Ms Gülağacı and the broader situation facing the legal profession in Türkiye.

Signatories:

- Asociación de Derecho Penitenciario “Rebeca Santamalia” – Estado español (ASDEPRES)
- Asociación Libre de Abogacia (ALA) (Spain)
- Asociación Pro Derechos Humanos de Andalucía (APDHA)
- Avocats Européens Démocrates - European Democratic Lawyers
- Bologna Bar Association (Italy)
- CCBE – Council of Bars and Law Societies of Europe
- Cooperative of Women Lawyers in Barcelona (IACTA)
- Cyprus Democratic Lawyers Association (CDLA)
- Défense Sans Frontière – Avocats Solidaires.
- Democratic Jurists (Italy)
- Democratic Lawyers of Switzerland (DJS-JDS)
- Deutscher Anwaltverein (German Bar Association)
- European Association of Lawyers for Democracy and World Human Rights (ELDH)
- Euskal Herriko Giza eskubideen Behatokia (Basque Country)
- Foundation Day of the Endangered Lawyer (the Netherlands)
- Lawyer Leonardo Arnau, the Chair of the Human Rights Committee of Consiglio Nazionale Forense (Italy)
- Il Centro di Ricerca ed Elaborazione per la Democrazia (CRED) (Italy)
- Institut des Droits de l’Homme du Barreau de Montpellier (France)
- Institute for the Rule of Law of the *Union Internationale des Avocats* (UIA-IROL)
- International Association of Democratic Lawyers (IADL)
- International Bar Association’s Human Rights Institute (IBAHRI)
- International Observatory for Lawyers in Danger (OIAD)
- Lawyers for Lawyers (the Netherlands)

- Legal Centre Lesvos, (Greece)
- Legal Team Italia
- Le SAD – Syndicat des Avocats pour la Démocratie (Belgium)
- MAF-DAD – Association for Democracy and International Law e.V. (Germany)
- Osservatorio Avvocati Minacciati (Italy)
- Republikanischer Anwältinnen- und Anwälteverein (RAV e.V.) (Germany)
- Socialist Lawyers Association of Ireland
- The Defence Commission of the Barcelona Bar Association
- The Law Society of England and Wales (UK)
- The Norwegian Bar Association
- Turkey Litigation Support Project (TLSP)
- Turin Bar Association (Italy)
- Unione delle Camere Penali Italiane (UCPI)
- Vereinigung Demokratischer Juristinnen und Juristen e.V. (VDJ) (Germany)
- Vereniging Sociale Advocatuur Nederland (VSAN) (the Netherlands)