

## **R E S O L U T I O N**

### **ON THE IMPRISONMENT OF JUDGES AND PROSECUTORS IN TURKEY**

MEDEL, gathered in Athens on May 23 to commemorate its 30th anniversary, was alarmed by the worsening of the situation of justice in Turkey.

MEDEL therefore draws the attention of the international community to the situation of Turkish judiciary in which government orchestrating assault on judges and prosecutors reaches another low with every passing day.

#### ***Two judges put on custody for issuing release orders***

On 30 April 2015 two judges (İstanbul 29th Court of First Instance judge Metin Özçelik and judge Mustafa Başer from the İstanbul 32nd Court of First Instance) were arrested because of release orders they issued for police officers who had investigated government corruption one and a half years ago and put behind bars due to these cases in pre-trial detention stage. In modern Turkish State history this is the first time judges are arrested because of their judgment and for professional judicial activity. Additionally release orders were not applied by relevant prosecutors, which is a crime.

#### ***Four Prosecutors Arrested For Searching Arm-laden Trucks That Were Bound to Syria***

One week after the two judges were arrested, arrest warrants were issued for four prosecutors who were involved in search of Syria-bound trucks in January 2014. Prosecutors Süleyman Bağrıyanık, Ahmet Karaca, Aziz Takçı, Özcan Şişman were investigating illegal arm-smuggling to ISIS.

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#### **President**

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***Four Prosecutors and a Judge Expelled From Duty for Investigating Corruption***

On 12.05.2015, the Supreme Board of Judges and Prosecutors dismissed from their professions four prosecutors and a judge who carried out major corruption probe that went public on Dec. 17, 2013. The Second Chamber of the Supreme Board voted five-two to dismiss Prosecutors Zekeriya Öz, Celal Kara, Mehmet Yüzgeç and Muammer Akkaş as well as Judge Süleyman Karaçöl without even getting defense pleas from them.

The nature of the cases and Turkish President's interference on this issue is a clear sign that arrests and dismissals are politically motivated and the judiciary is under strict government control.

**MEDEL stresses that the arrest of Judges and Prosecutors based on decisions they made as part of their job clearly contradicts the Turkish Constitution, the European Convention on Human Rights, all other international texts on this matter and the basic principles of Judicial Independence.**

**MEDEL declares that it is unacceptable to use arrests and dismissals to intimidate and deter Judges and Prosecutors when they work on critical cases and stresses that arrests and dismissals must not be misused as punishment from the government.**

**MEDEL condemns the arrest and dismissal of Judges and Prosecutors on the basis of decisions taken in the exercise of their judicial functions and calls for the immediate release of the Judges and Prosecutors and their reinstatement in their former duties.**

MEDEL (*Magistrats Européens pour la Démocratie et les Libertés*), association of 25 European organizations of Judges and Prosecutors has as its main objectives the promotion and protection of human rights and the defense of the independence of the judiciary.

Athens, May 2015