



TURKEY – FOUR YEARS OF DISMANTLEMENT OF RULE OF LAW

Four years ago, on July 15th 2016, a failed coup d'état in Turkey set in motion an unprecedented and orchestrated campaign to destroy the Rule of Law and the independence of the Judiciary.

The huge impact and subsequent national trauma caused by the events on July 15th 2016 should be acknowledged. But those responsible should be made accountable through an open, fair and impartial judicial process, conforming with international standards.

In the early hours following the coup, thousands of Judges and Prosecutors have been arrested under dubious charges of links with terrorist organizations, based on a list of names that had evident signs of having been pre-prepared long before the coup took place.

Judges and prosecutors have been held in common prisons, in overcrowded cells or in solitary confinement, in conditions that violate the most basic human rights. They have been permanently dismissed from their positions by their Council without a fair and contradictory process, their assets have been frozen, they are forbidden to leave the country and the association that independently represented them (YARSAV) has been administratively disbanded.

The Turkish High Judicial Council (HSYK) has not only failed to serve as guarantor of the independence of the Judiciary in face of the other powers of the State, but became a mere extension of the Executive Power, promoting or allowing all the abuses being made, as its suspension by the December 8th, 2016 decision of the European Network of the Councils for the Judiciary (ENCJ) clearly showed.

Four years later and the situation has gone even worse.

MURAT ARSLAN, the President of YARSAV – winner of the 2017 Vaclav Havel Human Rights Prize, awarded by the Parliamentary Assembly of the Council of

Europe – was convicted to 10 years in prison after a trial that has not met any of the requirements of due process of law.

Judges, prosecutors and lawyers continue to face unfair persecution simply because they stand for the values of Rule of Law. Those who are in jail face precarious conditions and ill-treatment.

MEHMET TOSUN, former rapporteur judge at the Council of State of Turkey, passed away at 29 years of age on March 6th, 2017. Like many other judges, he was dismissed and detained under severe conditions after the attempted coup with no evidence and solid reason. He suffered from an autoimmune illness. According to his lawyer, Hüseyin Aygin, Mehmet Tosun was mistreated in jail and his state of health deteriorated. Although he spent his last months at hospital due to his heavy health problems, he was deprived of even his assets and personal savings, access to his personal bank accounts which were crucial for his medical treatment which obviously costed enormous amount of money for a dismissed person with no social security.

SULTANI TEMEL has been arrested (followed by pre-trial detention) since 16 January 2017 (with exception for the period of 5 October 2017 to 6 June 2018), together, until recently, with her five-year-old daughter. Whereas judge Temel suffers from a major depression without having access to adequate medical treatment, her daughter suffers equally, being denied to see her mother since February 2020.

The most recent and worrying case is that of Judge HÜSAMETTİN UĞUR, a former member of Turkey's Supreme Court of Appeals, who has been isolated in a one-person cell in a Kırıkkale prison since July 2016. According to his daughter and the TR724 news website, Judge Uğur was beaten by four guards in a room without cameras on February 17. Judge Uğur's daughter tweeted: "When they left him alone after he collapsed on the ground, they said, 'Only your dead body will leave here'.", further revealing that the guards subsequently forged a medical report suggesting that it was Hüsametdin Uğur who attacked them so that he cannot file a criminal complaint.

Democracy and human rights are questioned in several Council of Europe's member states. The developments in Turkey have to be seen as destroying both, but especially the erasing of an independent judiciary is a key element to make these negative developments possible.

On this day and date, the ***Platform for the independence of the judiciary in Turkey*** reaffirms its solidarity and support to all those judges, prosecutors and lawyers in Turkey that are truly independent and are engaged in the struggle for a free judiciary and the return of the rule of law in Turkey.

The **Platform for an Independent Judiciary in Turkey** gathers four European Associations of Judges and Prosecutors:

- Association of European Administrative Judges (AEAJ),
- European Association of Judges (EAJ),
- Judges for Judges* and
- Magistrats Européens pour la Démocratie et les Libertés* (MEDEL)

July 15th 2020