



## **Statement on the eve of the EU-Turkey leaders' meeting in Varna**

Europe, 22<sup>st</sup> March 2018

Everyone in Europe is aware that 150 journalists are detained in Turkey and that the majority of them have no idea what the indictments are. All judgments issued to date fundamentally contradict the rights and principles which form the (common) basis of European law.

Additionally, over 25% of all Turkish judges and prosecutors, namely more than 3,000, are also facing pre-trial detention.

First of all, this shocking reality signifies that a large number of innocent persons are illegally prosecuted and this situation must not be ignored as individuals and the country as a whole will suffer from the adverse effects.

Secondly, the dismissal of 4279 judges and prosecutors (out of a total of approximately 12,000 throughout Turkey) creates huge and damaging losses within the offices of the Turkish judiciary and prosecutors.

The existence of a highly qualified and independent judiciary within a country is one of the corner stones of a democracy under the rule of law.

It is therefore of utmost importance that Europe makes all possible efforts to persuade Turkey to remedy this unacceptable situation and it is without doubt a major concern for both Turkey and Europe.

The Platform for an Independent Judiciary in Turkey is composed of four major European associations of judges:

1. The Association of European Administrative Judges (AEAJ)
2. The European Association of Judges
3. Judges for Judges
4. The "Magistrats Européens pour la Démocratie et les Libertés" (MEDEL)

These associations have been closely following the developments of the Turkish judiciary for a number of years. The regression of independence alongside the increasing influence of the government and President plus pressures put on judges and prosecutors all started prior to 2016. Then the abuse which took place regarding the state of emergency following the "coup d'etat" in 2016 has left the country deprived of an independent judiciary and consequently no governing by rule of law.

It is a fact that several current criminal proceedings (which have been under observation) clearly demonstrate how low standards are. High standards are essential elements in a State governed by the rule of law. The red line in the ongoing proceedings, proof or no proof, reveals that judgements have to follow internal directives from the executive power. Disobeying these orders will endanger the life of any judge or prosecutor who dares to follow his/her professional conscience.

In short, there is no independent judiciary in Turkey. This fact not only has consequences for the thousands of illegally detained persons (not only judges), but also will affect all areas/facets of daily life in Turkey and also relations between Turkey and other countries.

Political pressure convinced the Turkish government to free some of the detained journalists, one of whom was Deniz Yucel whose plight was thoroughly covered by international media reports. However, many judges, prosecutors, lawyers and journalists are still being held hostage.

Turkey continues to give the impression of 'business as usual' and is again trying to re-instate contact with Europe whilst simultaneously refusing to stop the witch-hunt of opponents who are being detained and prosecuted without foundation.

The Platform for an Independent Judiciary in Turkey reminds all stakeholders of the European Union and member states not to close their eyes in this instance to a neighbouring country where fundamental European principles and values do not exist - whilst it (Turkey) remains a candidate for EU membership.

Whitewashing the situation will only evoke distrust among the European population and it would also have an immense effect on further co-operation between the European Union and Turkey because no independent judiciary exists any longer in Turkey.

#### **In conclusion:**

The Platform for an Independent Judiciary in Turkey is highly appreciative of the dialogue based in high-level contacts between Turkey and Europe which still exist and are cherished but it strongly requests that the prime aim of such exchanges is to convince and urge Turkey to:

- a.** return to the rule of law
- b.** stop procedures where there is no proof of any involvement in criminal offence
- c.** free all political prisoners
- d.** reinstate unduly/unfairly dismissed judges and prosecutors and return their confiscated assets
- e.** end the state of emergency and return to the principles of a fair trial as established in the

European Convention of Human Rights and Fundamental Freedoms

- f.** to consider the very recent decisions of EHCroF 20<sup>th</sup> March 2018 in condemning Turkey for violations of the right to liberty and security and of the right to freedom of expression.



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