



Europe, 17 October 2022

Mrs. Ursula Von der Leyen, President of the European Commission

Ms. Vera Jourova, Vice President of the European Commission for Values and Transparency

Mr. Didier Reynders, European Commissioner for Justice

Mr. Josep Borrell Fontelles, High Representative of the European Union

Mr. Olivér Várhelyi, European Commissioner for Neighbourhood and Enlargement

Ms. Marija Pejčinović Burić, Secretary General of the Council of Europe

Ms. Dunja Mijatović, Commissioner for Human Rights (CoE)

Your Excellencies,

The undersigned representatives of the main European organizations of judges and prosecutors address you once again regarding the situation of the Rule of Law in Türkiye.

We reflect on the fact that Murat Arslan was arrested on 26 October 2016, after having been dismissed as a judge in July 2016, in the immediate aftermath of the attempted coup d'État.

Six years have passed and Murat Arslan – awarded by the Parliamentary Assembly of the Council of Europe in 2017 with the Vaclav Havel Human Rights Prize - has remained in (pre-trial) detention since then. Not only is Murat Arslan president of the independent judicial association YARSAV¹, but he (like many other Turkish judges) has proven to stand for the full protection of fundamental rights, resisting the – since many years – constantly rising pressure on the Turkish judiciary from the Turkish political leaders.

As in numerous open letters before, we once again highlight that Turkish courts are not independent, that there is no will to implement the rulings of the European Court of Human Rights, that there is an open disrespect of the Rule of Law and that massive and systemic human rights violations take place in Türkiye.

Mr Murat Arslan has always protected and fought for a truly independent and impartial judiciary, one of the necessary pillars of a democratic state based on the Rule of law. In vain he has openly pleaded for international support in the course of the worsening situation in December 2013.

Mr. Murat Arslan has been illegally detained for six years for speaking out and struggling for these democratic values. Many other Turkish judges and prosecutors have also been dismissed, leaving them and their families with no income or possibility to work in Türkiye.

How can any citizen expect and hope that his or her case will be heard before an independent and impartial judge, when judges can be dismissed, detained and brought to the verge of existence by the executive's grip?

¹ Closed by decree in July 2016.

Recently the Council of the European Union has invited Türkiye to participate in the European Political Community (EPC). Whatever the political reasons for this decision, against the just outlined background and the situation of the judiciary in Türkiye, it should be clear that the EPC may not turn a blind eye on these fundamental violations of the Rule of Law. Negotiations with the Turkish government are built on quicksand when such basic democratic principles and European values are excluded.

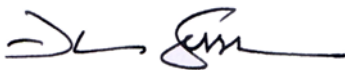
We urge your Excellencies to take all necessary steps and measures to make sure Türkiye observes the principles of the Rule of Law and respects the independence of the judiciary and the basic human right of a fair trial for all.

In light of the aforementioned, we respectfully urge your Excellencies to take all necessary steps to persuade Türkiye

- **to immediately release Murat Arslan and all the other illegally detained judges and prosecutors**
- **to immediately and fully reinstate all illegally dismissed judges and prosecutors**
- **to give full execution to all the decisions of the European Court of Human Rights**
- **to return to the principles of a fair trial established by article 6 ECHR**
- **to re-open all the final proceedings which have ignored basic international standards of a fair trial, as declared by the ECtHR.**



Edith Zeller
President of the Association of European Administrative Judges (AEAJ)



Duro Sessa
President of the European Association of Judges (EAJ)



Tamara Trotman
President of Judges for Judges



Filipe César Marques
President of Magistrats Européens pour la Démocratie et les Libertés (MEDEL)