



Strasbourg, 21 June 2023

On 21 June 2023, a side event is dedicated to the rule of law situation in Türkiye during the plenary session of the Parliamentary Assembly of the Council of Europe (PACE).

Since 2013, our associations have addressed European institutions multiple times to urge the Turkish government to respect the international standards of an independent and impartial justice.

Judicial independence in Türkiye had been regressing for years and the attempted « Coup d'Etat » on 15 July, 2016, marked a low point regarding the independence of the judiciary vis-à-vis the executive. In the face of these unacceptable violations of the rule of law, in August 2016 our organizations decided to create the « Platform for an independent judiciary in Turkey ».

Since 2016, thousands of judges and prosecutors have endured a targeted campaign by the government, forcing many out of their positions while others have been detained.

In several judgements the European Court of Human Rights came to the conclusion that detention and/or imprisonment represented violations of the ECHR

A large number of judges and prosecutors are still in custody, and they are suffering from their long prison sentences in life-threatening conditions. By way of example, we would like to draw your attention to the tragic situation of judge Murat Arslan.

Murat Arslan was president of the Judges and Prosecutors Association (YARSAV), which the government dissolved by an emergency decree in 2016. For his contributions to the defence of human rights, he was awarded the Václav Havel Human Rights Prize in 2017 by the Parliamentary Assembly of the Council of Europe (PACE). Murat Arslan has been detained since October 2016. Like thousands of other Turkish judges and prosecutors, he was held in pre-trial detention until January 2019, when he was sentenced to 10 years in prison for “participation in a terrorist organization.” In March 2022 he was additionally sentenced to a prison sentence of 1 year for defamation of president Erdogan. Mr Murat Arslan has always fought for a truly independent and impartial judiciary, one of the necessary pillars of a democratic state based on the rule of law. The fact that the legal framework and structure of the judiciary in Türkiye does not meet the essential principles of an independent judiciary is also confirmed by the extensive case law of the European Court of Human Rights (ECtHR). In particular, Turkish courts have not followed minimum fair trial standards in the proceedings against the detained judges and prosecutors.

Against this backdrop, the members of the Platform for an Independent Judiciary see it as their duty to once again remind European leaders and institutions that further strong actions are necessary to underline that the Turkish authorities must restore the rule of law in Türkiye.

Stressing that the level of protection of fundamental human rights in Türkiye is unacceptable by all democratic standards developed in the Council of Europe, the members of the Platform:

- 1) stress the importance that all possible efforts should be undertaken to act upon Türkiye to establish a legal framework that allows the judiciary to perform its duties independently and impartially, respecting European standards;
- 2) emphasize that the ongoing serious violations of human rights cannot be accepted;
- 3) underline that under these circumstances the platform will continue to show solidarity with the dismissed and incarcerated Turkish judges and prosecutors;
- 4) urgently call upon all governmental leaders and parliaments to do their utmost to ensure that Türkiye meets its obligations with regard to the protection of fundamental rights and to live up to European standards in restoring the rule of law.

AEAJ (President Sylvain Mérenne)

EAJ (President Duro Sessa)

J4J (President Tamara Trotman)

MEDEL (President Mariarosaria Guglielmi)