



Europe, le 10 octobre 2016

The PLATFORM FOR AN INDEPENDENT JUDICIARY IN TURKEY, which is composed of the four European judges associations

Association of European Administrative Judges (AEAJ)

European Association of Judges (EAJ)

Judges for Judges

Magistrats Européens pour la Démocratie et les Libertés (MEDEL)

**CONSIDERING** that Turkey had suffered a terrible attack against its democratic institutions on 15.7.2016 which killed almost three hundreds of its people and left much more seriously wounded, an event which has to be strongly condemned

**UNDERLINING** that those whose involvement in this coup d'état have been proved should be hold accountable

**WELCOMING** the fact that all political parties and the Turkish people have delivered a strong statement for democracy

**REMINDING** that a basic pillar of democracy is the rule of law and a commitment to the safeguarding of human rights, enshrined in the European Convention of Human Rights (ECHR), to which Turkey is a party,

**AFFIRMING** the fact that every emergency law and likewise the suspension of the European Convention of Human Rights according to Article 15 have their limits regarding the extent of the measures in so far as all restrictions have to be kept as narrow as it is absolutely necessary due to the extraordinary situation

**STRONGLY INSISTING** that fundamental procedural principles have to be followed even in extraordinary circumstances like the right to access to a lawyer, like the necessity that there is at least a concrete suspicion of an involvement in a crime etc.

**HINTING AT** the universal accepted fundamental principle that even those who have committed a crime have an indispensable right of a fair trial

**Notices that**

- thousands of judges and prosecutors have been arrested and dismissed without an adequate procedure,
- their property has been seized

- that very often the evidence to be member of a terroristic organisation seems to be very weak and that the Turkish law regarding terroristic organisation is much too far-reaching with international standards and therefore often criticised by the international institutions
- that there are many claims about the situation in the detention centres which include assertions of torture

**appeals to the Turkish authorities:**

- to end the state of emergency and re-establish the procedural guarantees of a fair trial and immediately stop all non-derogable rights violations as provided in Article 15 of the European Convention on Human Rights and any measures derogating disproportionately to the obligations of the Convention
- to adopt the legislation on fighting terrorism to international standards
- to respect the independence of the judiciary and stop influencing courts and especially the High Council of Judges and Prosecutors
- restore the property of judges and prosecutors and their families , which was seized under the emergency decree
- guarantee that the European Prison Rules (CM Rec(2006)2 ) are obeyed in all detention centres and to held accountable those who have violated them
- annul the dissolution of the only independent judges association YARSAV

**urges all European authorities in particular all bodies of the Council of Europe and the European Union**

- to convince and to support Turkey in fulfilling the claims, which were enumerated above
- to requests Turkey to meet its obligation under Article 15 para 3 of the ECHR
- to remind the Turkish government to follow its obligation under the Turkish constitution
- to establish a commission of independent experts to examine the current situation in Turkey regarding fundamental rights and especially if the measures taken by the emergency decree follow the principle of proportionality, which is an underlying element of Article 15 of the ECHR, a commission in which the platform is prepared to participate
- to entrust observers to follow the criminal procedures against Turkish judges and prosecutors
- to ask the European Committee for Prevention of Torture to examine every individual assertion of torture and the circumstances of every suicide of judges and prosecutors in the detention , especially the reported death of Seyfettin Yigit, who was found hanged on September, 16h.