

## **Resolution of the International Association of Judges (IAJ)**

**RECOGNISING** that on 15 July 2016 Turkey suffered a serious military attack on its democratic institutions in which almost three hundred of its people died and many more were seriously injured and that this event is to be strongly condemned;

**UNDERLINING** that those whose involvement in this attempted coup d'état has been properly proved should be held accountable;

**WELCOMING** the fact that all political parties and the Turkish people have voiced strong support for democracy;

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

**AFFIRMING** that any emergency law and likewise any suspension of the European Convention of Human Rights, under Article 15, must be kept within proper limits, and in particular that any restrictions on the citizens' rights and liberties must be only such as are absolutely necessary to address the extraordinary situation;

**STRESSING STRONGLY** that even in extraordinary circumstances it remains necessary to observe fundamental procedural principles such as the right to access to a lawyer; or the necessity that for any criminal proceedings there be at least reasonable, concrete grounds of suspicion of an involvement in a crime; and the universally accepted fundamental principle that even those who have committed a crime have an indispensable right to a fair trial;

### **THE INTERNATIONAL ASSOCIATION OF JUDGES -**

#### **notes with concern**

- that thousands of Turkish judges and prosecutors have been arrested and dismissed without any adequate procedure;
- that their property has been seized;
- that frequently the evidence, if any, of membership of a terrorist organization offered by the authorities is at best flimsy;
- that Turkish legislation regarding terrorist organisations is so far-reaching in its effects as to be incompatible with international standards and is therefore criticised by international institutions;
- that many complaints are made about the situation of detainees in detention centres, including complaints of torture; and

#### **therefore appeals to the Turkish authorities**

- to end the state of emergency; to re-establish the procedural guarantees of a fair trial; immediately to end all violations of the rights specified as non-derogable under Article 15 of the European Convention on Human Rights; and to refrain from any measures derogating disproportionately from the obligations of Turkey under the provisions of that Convention.

to respect the independence of the judiciary and to cease influencing courts and especially the High Council of Judges and Prosecutors;

- to restore the property of judges and prosecutors and their families , which was seized under emergency decree;
- to guarantee that the European Prison Rules (CM Rec(2006)2 ) are observed in all detention centres and to hold accountable those who have violated them;
- to reverse the dissolution of YARSAV, the only independent association of Turkish judges, the dissolution of which is contrary to the internationally accepted principle that judicial office holders have the right to form, and be members of, a professional association of judges; and

**urges the international community, including in particular the members of the United Nations, the Council of Europe and the European Union**

- to persuade the Republic of Turkey of the urgent need to respond to the appeals to its authorities made in this resolution and to afford support to Turkey in meeting that need;
- to remind the government of the Republic of Turkey of its need to observe its obligations under the Turkish constitution;
- to establish a commission of independent experts to examine the current situation in Turkey regarding fundamental rights and particularly whether the measures taken pursuant to the emergency decree follow the principle of proportionality, the International Association of Judges being willing to participate in that commission, if desired; and
- to permit independent observers to follow any criminal proceedings brought against Turkish judges and prosecutors.