

Brussels, 21 September 2016  
*Ares (2016) 5483798*

Dear Mr Regnard,

Thank you for your letters of 25 July 2016, addressed to President Juncker, First Vice-President Frans Timmermans, High Representative/Vice-President Mogherini, Commissioner Jourová, President of the European Council Donald Tusk and myself, in which you share your concerns regarding the general situation of judges and prosecutors in Turkey and more precisely since the failed coup attempt of 15 July.

I would first like to reassure you that the European Commission attaches great importance to the issues you have mentioned as they are central to the functioning of the rule of law. In our joint statements of 16 and 21 July 2016, the High Representative/Vice-President Mogherini and myself have repeatedly condemned the coup attempt. Furthermore, we have called on the Turkish authorities to respect under any circumstances the rule of law, human rights and fundamental freedoms, including the right of all individuals concerned to a fair trial.

In the context of the investigations launched into individuals that were accused of involvement in illegal activities, it is crucial that Turkey abides by the highest democratic standards and practices, against which Turkey is measured as a candidate country. Any alleged wrongdoing or crime should be subject to due process. Legal proceedings against any individual suspected of involvement in this attempted coup need to fulfil all procedural guarantees, and fully respect fundamental rights including the rights of the defence and the right to a fair trial, as well as the presumption of innocence. It is the responsibility of the relevant police and judicial authorities in Turkey to ensure that these rights are respected.

In its 2015 Report on Turkey, the Commission had already pointed out that "judges and prosecutors have been under strong political pressure"<sup>1</sup> and issued the recommendation that Turkey should "restore all legal guarantees to ensure full respect for the independence of the judiciary in practice"<sup>2</sup>. In light of the recent developments, the Commission will continue to closely follow the developments with the highest level of scrutiny and address these issues with the Turkish authorities.

Mr Christophe Regnard  
President of the European Association of Judges  
First Vice-President of the International Association of Judges

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<sup>1</sup> Report on Turkey 2015,  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf), p. 55.

<sup>2</sup> Report on Turkey 2015,  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf), p. 56.

The High Level Political Dialogue which took place on 9 September 2016 in Ankara and chaired by High Representative/Vice-President Mogherini and myself, provided an opportunity to discuss all issues of common interest and concern with the Turkish counterparts.

We however do not consider at this stage suspension of all European programmes for cooperation in the field of judiciary as the best means to ensure respect for the rule of law. We invest in such programmes to bring the Turkish judicial system closer to European standards.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mogherini', written in a cursive style.