

Brussels, 28. September 2017
Pres(2017) 4742093

Dear Dr Zeller,

I would like to thank you and the co-signatories for your e-mails of 17 July and 20 July 2017 addressed to President Juncker, Vice President Timmermans, Commissioner Jourová, and myself, in which you share your serious concerns regarding developments affecting the judiciary in Turkey.

The European Commission shares your concerns and has expressed these on several occasions in its bilateral contacts with the Turkish authorities as well as publicly. The EU has repeatedly stressed that Turkey, as a candidate country, is expected to apply democratic standards and practices, and needs to guarantee human rights, in line with the European Convention on Human Rights. In its 2016 annual report on Turkey, the Commission expressed growing concerns about the serious backsliding in the areas of rule of law and fundamental rights in the past year in Turkey.

On the occasion of the EU-Turkey High Level Political Dialogue of 25 July 2017, co-chaired by High Representative/Vice-President Mogherini and myself as well as Turkish Foreign Minister Çavuşoğlu and European Affairs Minister Çelik, the EU has clearly and repeatedly conveyed its concerns with regards to the recent developments in the areas of fundamental rights and the rule of law, stressing the importance of the full respect for the presumption of innocence, the right to a fair trial as well as to due process.

The European Commission does not have the formal competence to follow up individual cases, but these cases are followed up by the European Court of Human Rights. However, the European Commission is closely monitoring the ongoing and upcoming trials and detentions, notably of human rights defenders and other critical voices in Turkey, and will continue to raise its concerns on these developments, in all bilateral contacts with Turkey at the highest level.

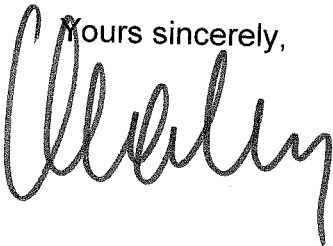
Dr Edith ZELLER
President
Association of European Administrative Judges (AEAJ)

The State of Emergency Decree-Law No. 685 issued by the Government in January 2017 aims to establish a domestic remedy in the form of an administrative committee, the "Committee for Examination of State of Emergency Actions", in order to assess and decide on applications lodged against actions taken directly on the basis of the provisions of decree-laws. The European Commission takes note of the fact that this mechanism has started receiving applications on 17 July 2017 and hopes that it will represent an efficient remedy for unjustly dismissed individuals and closed entities. We call for this committee to produce effective results in a reasonable timeframe.

Following the results of the referendum of 16 April 2017, the Commission has again called on the Turkish authorities to apply the right to a fair trial, to guarantee respect for human rights, the rule of law, and fundamental freedoms, as well as to publish the latest reports on Turkey by the Council of Europe's Committee for the Prevention of Torture. The European Commission shares the recommendations of the Venice Commission, as outlined in their opinions on Turkey, and it will be important that Turkey follows up on them. Further close cooperation between the Turkish authorities and the Council of Europe is particularly crucial in this regard.

The Commission will continue to monitor the situation very closely and will report on developments in its next annual report in spring 2018.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'C. Delors', written in a cursive style.