



IAJ·UIM *International Association of Judges*
Union Internationale des Magistrats

RESOLUTION

ON THE SITUATION OF THE JUDICIARY IN TURKEY

At its meeting in Barcelona on October 8th 2015, the International Association of Judges (IAJ) considered –

- the arbitrary transfer of thousands of Turkish judges without their consent;
- the suspension of Turkish judges without reason and without effective remedy;
- the detention and arrest of Turkish judges on the ground of their professional activities, and without having regard to the principles of the due process;
- the use of disciplinary measures against Turkish judges without any foundation for doing so.

These measures violate international standards of judicial independence.

According to Recommendation Rec (2010) 12, of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, Point 25, judges are free to form associations whose activities are confined to defending independence and their professional interests.

According to Recommendation CM/Rec (2010) 12, security of tenure and irremovability of judges are key elements of the independence of judges. (Article 49). In addition, a judge should not receive a new appointment or be moved to another judicial office without consenting to it (Article 52). Furthermore, a permanent appointment should only be terminated in cases of serious breaches of disciplinary or criminal provisions established by law, or where the judge can no longer perform judicial functions (Article 50).

The suspension from office and the arrest and detention of judges without proper grounds, regard to principles of due process and effective remedy, are self evidently serious infringements of the independence of the Turkish judiciary.

Of utmost concern to the IAJ is, in particular, the removal, without his consent, of the Chairman of YARSAV from his post as Judge Rapporteur of the Constitutional Court of the Turkish Republic without any evident reason other than his chairmanship of YARSAV. This action by the Turkish authorities not only offends the international standards on the independence of the judiciary referred to above but also infringes the right of judges freely to form a professional association and to participate in the association (Point 25 of the above mentioned Recommendation).

Accordingly, the IAJ calls upon the authorities of the Republic of Turkey to desist immediately from their continuing failures to respect the independence of the Turkish judiciary and to secure that independence by complying fully with the relevant international standards.