



## RESOLUTION

### ON THE ELECTION OF THE TURKISH HIGH COUNCIL OF JUDGES AND PROSECUTORS

1. Whereas on 5 March 2014, having been advised by the Turkish Association of Judges and Prosecutors (YARSAV) of troubling developments concerning the independence of the judiciary and the prosecution system, the effective separation of powers and the rule of law, the President of the EAJ sent a letter to the President of Turkey and various European and international organisations<sup>1</sup> in which the President of the EAJ expressed the EAJ's deep concerns and drew attention to the relevant international standards; and
2. Having been further advised by the Turkish delegation at the meeting of the EAJ in Limassol of the continuing lack of improvement in those concerns; and
3. Having been further advised, in particular, of dangers threatening the forthcoming election to the HCJP; and
4. Being conscious of the need for independence and impartiality in the constitution and functioning of the HCPJ in order that it contributes fully to the independence of the judiciary and the rule of law;

The European Association of Judges, meeting in Limassol on 16 May 2014

- a. REMINDS the authority of the Turkish Republic of the following , relevant international standards:
  - Item 27 of Opinion No. 10 of the CCJE<sup>2</sup>;
  - Para 1.3 of the European Charter on the Statute of the Judges<sup>3</sup>,

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<sup>1</sup> Mr. Baudelaire Ndong Ella, President of the Human Rights Council at the United Nations,  
- Mrs. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers (UN)  
- Mr. Didier Burkhalter, Chairperson-in-office of the OSCE  
- Mr. Herman Van Rompuy, President of the European Council  
- Mr. Jose Manuel Barroso, President of the European Commission  
- Mrs. Catherine Ashton, High Representative of the European Union for foreign affairs and security policy  
- Mrs. Viviane Reding, Vice-President of the European Commission - Justice, fundamental rights and citizenship  
- Mr. Stefan Fule, Member of the European Commission - Enlargement  
- Mrs. Rias Oomen-Ruijten, Rapporteur for Turkey (European Union)  
- Mr. Martin Schultz, President of the European Parliament  
- Mr. Thorbjorn Jagland, Secretary General of the Council of Europe  
- Mr. Jean Claude Mignon, President of the Parliamentary Assembly of the Council of Europe  
- Mr. Nils Muiznieks, High Commissioner for human rights at the Council of Europe  
- Mr. Bart Van Lierop, President of the Consultative Council of European Judges  
- Mr. Antonio Mura, President of the Consultative Council of European Public Prosecutors  
- Mr. Gianni Buquicchio, President of the Venice Commission  
- Mr. Dean Spielmann, President of the European Court of Human Rights

<sup>2</sup> "...Without imposing a specific election method, the CCJE considers that judges sitting on the Council for the Judiciary should be elected by their peers following methods guaranteeing the widest representation of the judiciary at all levels."

and

- b. CALLS upon those authorities to be wholly neutral, refrain from any step or action, such as imposing any kind of list or names to judges and prosecutors, obscuring their free will, which directly or indirectly may impede proper conduct of the forthcoming election to the HCJP or may adversely affect the fairness and impartiality of those election; and, in particular, to refrain from providing any government support endorsement or financing for particular candidates.
- c. STRESSES the importance of respecting the elected members and regarding them as legitimate representatives of the judiciary, whose Powers should be enjoyed without any doubt as to their independency and impartiality.
- d. ESTABLISHES a special committee of the EAJ to observe the whole election process and to report immediately any allegations of breach of fair and free competition rules and to take necessary measures if allegations proved to be true.

Limassol, Cyprus, 17 May 2014

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<sup>3</sup> “...In respect of every decision affecting the selection, recruitment, appointment, career progress or termination of office of a judge, the statute envisages the intervention of an authority independent of the executive and legislative powers within which at least one half of those who sit are judges elected by their peers following methods guaranteeing the widest representation of the judiciary.”