

## A new meaning for Hope

### **The Provident Fund of the European Association of Judges**

Established only few months after the collapse of Rule of Law in Turkey, the Provident Fund of the European Association of Judges has helped hundreds of judges and prosecutors. However, their situation deteriorated once again due to the pandemic. A renewed gesture of solidarity shall be rendered by European judges; our Turkish colleagues will never be alone.

From *José Igreja Matos*

The terrible numbers speak, powerfully, for itself.

Since 2016, more than 4500 Turkish judges and prosecutors have been dismissed and, at least, 2450 of them were arrested.

Judges and prosecutors have been held in common prisons, packed in overcrowded cells or in cruel solitary confinement, in conditions that violate the most basic human rights. They found themselves dismissed without even the imitation of a due process, their assets confiscated and the Association that independently represented the judiciary (YARSAV), a prominent member of EAJ, administratively disbanded. When, and if, released from prison, they are treated as social pariahs. Methodically stripped of all their belongings, it is almost impossible to find a job since labelled as “terrorists” throughout a special mention on their social security number. To employ one of these colleagues, even for the humbler occupations, entails a serious danger.

The subsequent anguish promptly approached us - several hundreds of letters written by Turkish colleagues, by their husbands and wives, by their families, arrived at our head office in Rome. The words were pungent, the grief almost unbearable; it became very clear that EAJ should react.

For the past five years, the International Association of Judges (IAJ) and its regional branch, the European Association of Judges, have issued an imposing number of 96 public statements to denounce the situation of the Turkish Judiciary, including several letters to EU and Turkish major authorities. Unfortunately, for too many times, EAJ was only confronted with a complicit silence.

As president of the European Association of Judges, I recurrently addressed in public appearances the terrible ordeal of our Turkish colleagues, alerting the European community for

the unprecedented level of violation of human rights, targeting the judicial system. EAJ has officially prepared and submitted the candidacy of Murat Arslan, the heroic president of YARSAV, for the Vaclav Havel Prize of Council of Europe (CoE); his election on 2017 was a distinguished acknowledgement of “a staunch supporter of the independence of the judiciary” to apply the exact words of the Parliamentary Assembly of CoE.

However, EAJ identified that a supplementary effort should be done on the humanitarian perspective. The tormented call for help expressed on all those letters could not be ignored.

Therefore, taking into account the article 6° of its Statute and article 10° of the Statute of the IAJ, and pursuant to the authority of the IAJ Central Council given as early as October 2016, a Provident Fund was established to the assistance of members of the judiciary in countries whose judiciary is represented by the EAJ.

It has been decided to provide financial assistance to those colleagues who asked for support and presented adequate evidence for urgent assistance. The Regulation Rules of the Fund, approved by the General Assembly, defined as a priority criterion to assist those applicants who have small children or severe diseases. In order to benefit as many families as possible, the donations were set on the modest amounts of 900 or 500 Euros. A Committee composed by judges of five countries, including Germany, was promptly established to select the supports and the amount of donations.

During the past five years, the Fund has handed over the important sum of around 205.000 Euros, helping more than 300 families.

Regarding our Turkish Colleagues, the moral support has always been as significant as the financial one. For that reason, when responding to requests for assistance, we always add a message of solidarity and togetherness, in the following terms: “As for moral support, IAJ/EAJ, in particular the European judges, express a warm solidarity wishing the best for you and to all Turkish colleagues in these difficult times. You are not alone.”

The numerous grateful answers we received are, definitively, our best incentive. Allow me just to mention two of them. A direct quote: “Thank you for your kindness. Unfortunately, we have long forgotten that we are human. Even if my application turned out to be positive or negative, you reminded us that we are human. Thank you for that too”. And another message from a colleague describing how her three-year-old son had been moved by the modest toy she had given him. “How could you buy it, Mom?”, he asked. “Thanks to very kind fellow judges throughout Europe” – answered the mother.

The generous contributions of the German Association of Judges (DRB) have been paramount for the achievements of the Provident Fund in providing material and spiritual support to hundreds of Turkish judges and their distressed families. The EAJ – the largest organization of judges in Europe comprising the 44 more representative national associations of our Continent - wishes to publicly praise the continuous commitment of the German judges, through its Association, also expressed by individual donors.

Unfortunately, even though long and painstaking years have passed, the despondent motives that validate the Fund stay immutable, if not enlarged. The authoritarianism of the regime remains inflexible whilst the degradation of the economic crisis in Turkey is severely aggravated by the Covid-19 pandemic. These circumstances explain why during only 3 months of the present year EAJ received more new demands than the total in 2019 and half of 2020.

The devastating effects of Covid-19 are intensified on the more fragile members of our societies. Additional efforts are necessary and would be much valued, particularly in the difficult times we all are living.

The crisis of Rule of Law in Europe, namely in Poland and Hungary, forced a tenacious involvement of European Judges and their Association in the international setting – European Union, Council of Europe, United Nations, etc. Thus, our presence is more significant than ever before and EAJ is constantly asked by the major key players in Europe to contribute on matters related to the judiciary.

That said, nothing has made us more gratified than this effort to support the Turkish judiciary.

Judges and prosecutors, like jurists in general, must be on the frontline towards an ethical commitment in defence of an uncompromising judicial integrity. As the German philosopher Arthur Schopenhauer once said, at the end of the day, compassion is the main foundation of morality. Counting on your generosity, we will continue to support - no matter what - our Turkish Colleagues and their families. They prove us, every day, through adversity and resilience, how to find a new meaning for hope.