



Europe, 15 July, 2024

Ms. Ursula von der Leyen
President of the European Commission

Ms. Věra Jourová
Vice President of the European Commission - Values and Transparency

Mr. Didier Reynders
European Commissioner for Justice

Mr. Josep Borrell Fontelles
High Representative / Vice- President

Mr. Olivér Várhelyi
European Commissioner for Neighbourhood and Enlargement

Ms. Marija Pejčinović Burić
Secretary General of the Council of Europe

Mr. Michael O'Flaherty
Commissioner for Human Rights (CoE)

Your Excellencies,

This year marks the eighth anniversary of the attempted coup d'état in Türkiye. On this occasion, we therefore would like to once again draw your attention to the worrying situation there. The Platform for an Independent Judiciary, consisting of the four European judges' organisations, AEAJ, EAJ, MEDEL and Judges4Judges, has acutely observed the developments in the Turkish legal system for more than ten years. As already reported in previous statements, the rule of law in Türkiye suffered a dramatic crackdown at multiple levels since 2016. As the Türkiye 2023 Report of the European Commission¹ puts it succinctly: *“Serious backsliding continued and despite the several judicial reform packages in recent years, the structural deficiencies in the judicial system remained unaddressed. (...) Undue pressure by the*

¹ [Türkiye Report 2023 - European Commission \(europa.eu\)](https://european-council.europa.eu/media/e3000431/1/20231027_TURKEY_2023_Report_en.pdf), p 23

authorities on judges and prosecutors continued to have a negative effect on the independence and quality of the judiciary.” Although Türkiye is one of the oldest members of the Council of Europe, a realignment with the core values of this community regarding the functioning of the democratic system, respect for fundamental rights and the independence of the judiciary is vital.

Numerous calls from European and international institutions unfortunately remained unanswered and no significant steps have been undertaken to remedy the suppressing measures and deficiencies in the rule of law. We would like to recall the most alarming facts.

- More than 4500 Turkish judges and prosecutors have been dismissed and around 2450 of them have been imprisoned.
- Many of our colleagues are still detained in inhumane conditions.
- The two Vaclav Havel Human Rights Prize recipients are still kept in detention. Judge Murat Arslan, president of the now dissolved independent judicial association YARSAV, was awarded this prize in 2017. Human rights defender Osman Kavala received this award in 2023.
- In terms of fundamental rights, no legislative amendments have been passed to curtail remaining elements of the 2016 state of emergency laws.²
- The implementation of various rulings of the European Court of Human Rights (ECtHR) has been denied.³
- The Turkish judiciary is unable to administer justice and provide effective remedies and clearly lacking independence.

These circumstances are also reflected in the Rule of Law Index 2023, Türkiye now ranks 117th out of 142⁴ countries. All these factors show a clear disregard for the rule of law and the other pillars that form the foundation of a democratic state. The platform has repeatedly pointed out that Turkish judiciary has been politically captured and lacks independence. By way of example, we refer to the findings of an international delegation representing 27 law societies, bar associations, human rights groups and legal groups that undertook a fact-finding mission to Türkiye in November 2023, this delegation not only interviewed imprisoned lawyers but also observed court hearings. The report shows a worrying pattern of violations of international fair trial standards by Turkish courts.⁵

The Platform for an Independent Judiciary therefore grasps this opportunity to underline that these serious rule of law violations cannot be tolerated as Türkiye is a member of the Council of Europe and a candidate country for EU accession.

Therefore, we respectfully ask your Excellencies to take all necessary steps with the Turkish authorities in order to urge them

² [Key findings of the 2023 Report on Türkiye \(europa.eu\)](https://www.europa.eu)

³ [Statement of The Platform for an Independent Judiciary in Turkey on the Erosion of Rule of Law in Türkiye - MEDEL - Magistrats européens pour la démocratie et les libertés \(medelnet.eu\)](https://www.medelnet.eu)

⁴ [WJP Rule of Law Index | Türkiye Insights \(worldjusticeproject.org\)](https://www.worldjusticeproject.org)

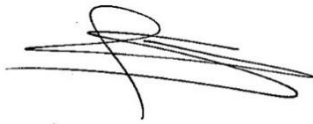
⁵ [New report details results of our recent fact-finding mission in Turkey | The Law Society](https://www.thelawsociety.org)

- to cease all repressions and intimidations against judges and prosecutors
- to release the imprisoned colleagues and guarantee respect for fundamental rights
- to reinstate unduly dismissed judges and prosecutors and return their confiscated assets
- to restore all conditions required by the rule of law and therefore also to comply to Türkiye's international legal obligation to implement the judgments of the European Court of Human Rights.

The Platform for an Independent Judiciary is available to provide any assistance, if needed and will continue to watch closely the situation in Türkiye.

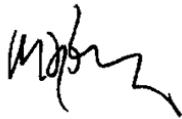
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