



Association of European Administrative Judges/Vereinigung Europäischer Verwaltungsrichter /
Fédération Européenne des Juges Administratifs
Associazione dei Magistrati Amministrativi Europei /
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Honourable Madame, honourable Sir,

Referring to the ongoing mass dismissal and mass arrests of Turkish judges, AEAJ is – in line with many other international, European and national judges associations, representing European judges – deeply concerned and shocked about these dramatic developments in Turkey.

AEAJ fully supports and agrees with the statement of the IAJ/EAJ of 17th July 2016:

- a forceful attempt to change a legitimate government is not acceptable, those responsible for this attempt must be held responsible through a fair and impartial ruling
- the mass suspension of about 3000 Turkish judge colleagues is strongly opposed and not in accordance with common constitutional standards – especially as there seems to be no evidence that these judges were involved in this “coup d’etat”.
- The fact that this mass suspension started almost immediately after the “coup d’etat” reinforces our concerns that the failed “coup d’etat” is now being exploited to remove judges who are not in line with government expectations.

<http://www.iaj-uim.org/iuw/wp-content/uploads/2016/07/Statement-Turkey.pdf>

In the latest developments many Turkish judge colleagues have also been arrested. To our knowledge these arrests of judges are still ongoing. So far primarily Turkish judge colleagues of the first instance courts are affected by this detention policy.

AEAJ fully agrees with the concerns and statement of IAJ/EAJ, referring to the basic international standards of independence.

Out of the basic principle that judiciary must be independent, only personal misconduct or personal serious misbehaviour can lead to a suspension of a judge. In these cases disciplinary proceedings in an individual case must follow the standards foreseen in Art. 6 ECHR.

In the very recent developments of cases of mass arrests of Turkish judge colleagues – without having profound proof of the preconditions for this (in line with legal standards as well as Art. 5 ECHR) in order to deprive individual liberty of a person – is strongly opposed.

Referring to the statement of IAJ/EAJ of 17th July 2016 as well as to the statement of the CCJE Bureau of 20th July 2016, CCJE-BU (2016)4, AEAJ has serious reason to assume that these recent activities of the Turkish executive power against Turkish judiciary are part and is till now climax of an ongoing pressure on judges over the last years.

To give examples on this, AEAJ wants to refer in this context to:

- the Progress Report on Turkey, European Parliament Resolution, 10th June 2014, Commission Progress turkey (2014/2953/RSP),
- the Declaration of the Venice Commission of 20th June 2015 on Interference with Judicial Independence in Turkey,

- to the comments of the CCJE Bureau of 12th June 2015, CCJE-BU (2015)5, on the alleged major threats on the personal and institutional independence of the judiciary,
- to the AEAJ situation report to the Consultative Council of European Judges (CCJE) of 13th July 2015,
- the report of CCJE Situation report on the judiciary and judges in the Council of Europe member States, updated version n° 2 (2015), which was welcomed by the Committee of Ministers
<https://www.coe.int/en/web/human-rights-rule-of-law/-/the-committee-of-ministers-welcomes-the-ccje-situation-report-on-the-judiciary-and-the-judges-in-europe>
- as well as to the answer of CCJE to an AEAJ request on the enforced transfer of judges in Turkey of 5th July 2016, CCJE-BU(2016)3.

On the basis of these (among others) serious violations of independence of Turkish judiciary, the now ongoing mass arrests and mass suspensions can only be seen in the light of this already existing massive pressure on the Turkish judiciary over the last years.

Thus also the reasons for these tremendous attacks on Turkish judiciary can only be seen in the overall context of past violations, giving reason to doubt an involvement of the arrested or suspended Turkish judge colleagues in the „coup d’etat“.

In a democratic state legislative power, executive power and jurisdiction must be equal to each other. Only if a sufficiently independent judiciary exists, a democracy exists.

These recent, dramatic developments against Turkish judges can only lead to the conclusion that basic democratic standards do not exist or are being abolished.

AEAJ – in line with IAJ/EAJ – urges Turkish authorities to limit suspensions of members of the judiciary only to those against whom a concrete suspicion of an involvement in the “coup d’état” occurs and to respect as well as to guarantee the independence and irremovability of the other judges.

AEAJ – in line with IAJ/EAJ – urges also all the international authorities to be alert towards the present situation, expressing our deep and founded alarm about the safety of those judges and their families.

AEAJ also urges representatives of the European Union to strongly and clearly express and lay down the conditions and limits of such practises on Turkey, so that basic, internationally agreed standards of independence of judiciary might again be followed by the Turkish authorities. In this context AEAJ also wants to specifically draw attention to the statement of the CCJE Bureau of 20th July 2016, CCJE-BU (2016)4.

Vienna, 22nd July 2016,

Edith Zeller

President AEAJ

per pro. Karin Winter


General Secretary AEAJ