



Le Président

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To

Mr Thorbjørn Jagland, general secretary of the Council of Europe
Marina Kaljurand, Chair of the Committee of Ministers and Minister for Foreign Affairs of Estonia
Pedro Agramunt, President of the Parliamentary assembly of the Council of Europe
Martin Schulz, President of the European Parliament
Donald Tusk, President of the European Council
Jean-Claude Juncker, President of the European Commission
Frans Timmermans, European commissioner in charge of better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights
Věra Jourová, European commissioner in charge of Justice, Consumers and Gender Equality
Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission
Johannes Hahn, European commissioner in charge of European Neighbourhood Policy & Enlargement Negotiations

Honorable President,

The European Association of Judges would like to express its deep concerns as to the recent attempt of a coup d'état and its consequences in Turkey. There is an urgent need to protect the endangered fundamental human rights in the country.

The European Association of Judges, regional group of the International Association of Judges (IAJ/UIM), is the most important association of judges and prosecutors in Europe, as it encompasses currently 44 national member associations of all Europe. It is a non-political organization. The main aim is to safeguard the independence of the judiciary (judges and

prosecutors) which is an essential requirement of the judicial function, guaranteeing human rights and freedom.

The only independent association of judges and prosecutors in Turkey, YARSAV, is a member of the EAJ and IAJ. Almost all leading members and many ordinary members of YARSAV have been arrested and suspended in their function as judges and prosecutors in the aftermath of the failed coup d'état in a massive purge made by the executive within the judiciary (as well as in other professional branches, such as teachers, professors). All judges/prosecutors who are on so called "lists of suspicion" shall be dismissed without any disciplinary investigation. On Saturday, 23rd July, the EAJ got the information that YARSAV *"is closed down as of today according to the list annexed to the emergency law. There is no YARSAV anymore"*.

For several years the EAJ is very much concerned about the constant degradation of the situation of the Turkish judiciary, especially by the massive violation of the European standards of an independent and impartial judiciary.

Since the end of 2013, when corruption procedures were launched against relatives and people close to the then prime minister ERDOGAN, the Turkish executive did not desist from infringing upon the independence of the judiciary as the following examples may show:

The last elections to the High Council of Judges and Prosecutors (HCJP) in Ankara, to which the EAJ sent an observer mission, simply proved to be false. Turkish government created a judges' association and funded it well so as it could campaign for the HCJP. Meeting rooms and buses to bring people there were put at disposition to this association for free, judges were "invited" to take part in those meetings. It was offered together with information such as personal E-mail domains, SMS addresses and telephone numbers. Promises were made to raise the salaries of judges, to stop disciplinary actions against some of them if the new association gained the elections. Finally, the existing rule of casting the votes was changed instead of the courts of appeal which cast the votes up to then it was now each tribunal at all levels which had to cast the votes. This allowed government to identify those judges and prosecutors who didn't vote for the government supported candidates for the HCJP. Moreover, the other judges' associations such as YARSAV could not make any election campaign. Their candidates and the leading members of the association were kept at their courts and all the planned meetings of the association were forbidden. The result of the elections met with the expectation of government. A majority of HCJP members close to Government were elected. Today the HCJP is one of the government tools to make the actual purge! Five members of the HCJP who were not elected on the list of the government supported candidates, have been dismissed just now.

Since 2014 the infringements on the independence of the judiciary have remarkably increased: violation of the principle of immovability of judges (thousands of judges/prosecutors have been removed from office and transferred to other places often dangerous ones, e.g. near the Syrian border; all this without consent of the respective judges).

Countless disciplinary procedures have been launched against judges/prosecutors, the basis of which is more than doubtful.

Criminal proceedings against judges/prosecutors have been opened and judges and prosecutors were arrested for being a member of an armed terroristic group without any real proof.

The president of YARSAV was forced to finish his function at the Constitutional Court.

Prohibition order to the Turkish delegate to take part at the annual congress of the EAJ in Jerusalem in 2016.

The EAJ did regularly inform the European authorities about these events in Turkey. All the authorities did show their interest in getting informed and did also inform the EAJ.

The EAJ has also learnt for several weeks that the HCJP had made a list of names of judges/prosecutors who should get dismissed from office because they had engaged in safeguarding independence. Many members of YARSAV are on that list.

The use of the failed coup d'état by president ERDOGAN of last week in order to purge the judiciary (and other public institutions /bodies) from all of those who fight for safeguarding democracy in Turkey appears, in the context mentioned above, obvious.

Since last week, the EAJ has received many deeply moved witnesses from Turkish colleagues who ask for help. According to our knowledge judges/prosecutors have been arrested at home without consideration of their families. In detention they have no possibility to meet a lawyer nor are they informed on what cause they are arrested. Only one reason is brought forth: you are arrested because your name is on the list made by the HCJP.

The EAJ and the IAJ are alerted. Many national associations in Europe and in the whole world are informing their respective governments and try to make them sensitive on this issue. You will find the respective "Declarations, open letters, appeals etc. on the IAJ internet site: <http://www.iaj-uim.org/fr/home>

Today, only the international mobilization can save the Turkish judges and prosecutors and - in a larger perspective - democracy in this country.

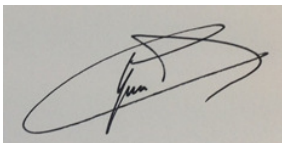
EAJ and IAJ strongly ask you to put all your efforts to stop these developments and try to bring the respective Turkish authorities to restore democracy and the rule of law in their country.

One means we invite you to consider is a suspension for the time being of all European and International Programs for cooperation in the field of judiciary.

In this way Europe could express its commitment to these values and increase pressure on the Turkish government to come back to a state of democracy, human rights and the rule of law.

Yours,
Sincerely

Christophe REGNARD
President of the European Association of Judges



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