



Europe, October 21<sup>st</sup> , 2019

## **CRIMINAL CONVICTION OF MR MURAT ARSLAN – PROTEST NOTE**

Vaclav Havel Human Rights Prize Winner Murat Arslan, President of the Independent Turkish Judges Association YARSAV, has been convicted under charges of being member of an armed terrorist organization (namely of being active member of FETÖ/PDY) and sentenced to 10 years imprisonment by a Turkish first instance criminal court in January 2019. We had drawn your attention to this fact in our public statement of January, 19<sup>th</sup>, 2019.

As we have also laid down in our prior letter, Mr Murat Arslan is a Turkish judge and president of the Turkish Association of Judges and Prosecutors (YARSAV). He has been arrested in October 2016 and remains since then in (pre-trial) detention.

Again, let us stress that he was awarded the Václav-Havel Human Rights prize of 2017 by the Parliamentary Assembly of the Council of Europe in October 2017 – when he was already in pre-trial detention.

Now we have learnt to know that Mr Murat Arslan's appeal was rejected and the first instance conviction was confirmed.

The same setting and pattern of a penal procedure lead to this judgement.

Namely no trial was held, no hearing was made. It was a summary sentence without any reasoning. No evaluation of the evidence was made in the appeal procedure either. Again, a template was obviously used and is the basis of the criminal conviction of Mr Murat Arslan.

This ignorance of basic principles of a fair trial – which could be perceived immediately by European trial monitors in the hearings – shows clearly that this was a purely politically motivated judgment, again bringing to light the lack of rule of law in Turkey.

Mr Murat Arslan has not only shown to give full protection of fundamental rights within his duties as a judge, but has also resisted emerging pressure: both, pressure on Turkish judiciary and pressure against him. In all his activities as president of YARSAV he never restrained, despite his

personal, judicial career was cracked down (having served as rapporteur in the Turkish Constitutional Court, he was later transferred). Inter alia, he openly pleaded for international support in the course of the worsening situation of judicial independence after the corruption scandal of political power had emerged in December 2013.

**In this grave moment, the Platform wants to publicly express:**

- **its solidarity to our Colleague Murat Arslan and his family, who will never be alone or without our solidarity and support**
- **its appeal to all European institutions to cease any cooperation with Turkish judiciary until Rule of Law is restored in the country and to use all means to convince Turkey to end its witch-hunt against judges and prosecutors**

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Addressing directly the Honorable Ministers of Foreign Affairs assembled today in Brussels:

**The Platform, that represents all the major associations of European judges, urges Your Excellencies in all your exchanges with Turkish representatives on the European level to persuade Turkey to:**

- a. **Stop procedures where there is no proof of any involvement in criminal offence**
- b. **Free all political prisoners and re-open final proceedings which had ignored basic international standards of a fair trial**
- c. **Reinstate unduly/unfairly dismissed judges and prosecutors and return their confiscated assets**
- d. **Return to the principles of a fair trial as established in the European Convention of Human Rights and Fundamental Freedoms**

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