

Brussels, 11 November 2019

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Dear Mr Marques, dear Mr Igreja Matos, dear Ms Zeller, dear Ms Trotman,

Thank you for your letter of 21 October addressed to President Juncker and myself on the situation of Murat Arslan and his family and on the broader situation of criminal proceedings in Turkey.

I read your letter once again with great concern. As I previously expressed, the European Commission shares your concerns about the judiciary in Turkey and has voiced these on several occasions. The EU has repeatedly called on Turkey to safeguard its parliamentary democracy, including the respect for human rights, the rule of law, fundamental freedoms and the right of everyone to a fair trial also in conformity with its commitments as a candidate country.

I draw your attention to the latest country report on Turkey that the Commission services published in May this year, in particular regarding the section on the judiciary¹.

The report makes very clear recommendations to Turkey including on fair trials, namely that Turkey should limit any suspension of judges, as a major infringement of guaranteed judicial independence under the Constitution, to cases where there are well-founded suspicions of serious misbehaviour. The Commission also stressed in its report that in relation to the administrative and judicial measures taken against individuals, Turkey should ensure that any allegation of wrongdoing or crime is subject to due process, based on evidence, in line with fully transparent procedures under the authority of an independent judiciary respecting the fair trial criteria of the ECtHR.

¹ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf>

Mr Filipe Marques, President of Magistrats Européens pour la Démocratie et les Libertés (MEDEL)

Mr José Igreja Matos, President of the European Association of Judges (EAJ)

Ms Edith Zeller, President of the Association of European Administrative Judges (AEAJ)

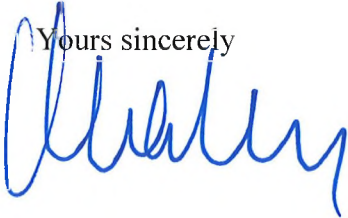
Ms Tamara Trotman, President of Judges for Judges

These procedures must indeed fully respect procedural rights, in particular the presumption of innocence, individual criminal responsibility, legal certainty, the right to a defence, the right to a fair trial, equality of arms and right to an effective appeal.

The European Commission is not competent to follow up on individual cases. However, the EU Delegation in Ankara as well as diplomats from the EU Member States and like-minded countries observed the trial along with Turkish judicial organisations, civil society, Members of Parliament, representatives of your organisation and the International Association of Judges and judges from EU Member States.

Rest assured that the European Commission will continue to closely monitor the situation in Turkey, including the developments regarding your associations. We will continue to raise our serious concerns at all levels as part of our dialogue with Turkey. On behalf of the European Commission, let me once again thank you for your invaluable work on the separation of powers and helping peers in Turkey.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Christy', written in a cursive style.