

Honourable Members of Parliament,

Distinguish guests,

Dear Colleagues,

On the façade of EU Parliament there is sign with wording “70 years at European democracy in action”. Yes, but not for all.

In occasions as this one, speaker would usually start with expressing that he or she is honoured and privileged to speak before such important audience.

By all means I also feel in this way in the name of 43 Associations of Member States but feelings that prevail in this particular case are sadness and anger of powerless and helpless individual because of the reason we gathered here today.

We are here to create additional attention to the situation of judges and prosecutors in Turkey and to provoke further effective actions because they are victims of unprecedented impudent breach of rule of law, fair trial, presumption of innocence, breach of numerous human rights guaranteed to every and each citizen of this great organization as Council of Europe.

We should never forget what were reasons to found Council of Europe, why it was formatted and what was one of the greatest ideas in post war Europe.

That in Europe never again individuals will be terrorized by the state powers.

Unfortunately, many judges and prosecutors and members of their families, and not only them, do not enjoy these rights.

What we can do as European Association of Judges?

We can never give up; we can never leave our colleagues with no hope alone in the desert.

EAJ in this past 7, almost 8 years did what we could.

We issued, alone or in association with other European Association of Judges united in so called “Platform for Turkey” at least 45 statements, letters, demands and protests to international community about situation with judges and prosecutors who were victims of overnight purge.

Just to remind you, even it is notorious at this stage, judges who rule out of line with the political will of the government have been degraded, relocated and imprisoned. The accusation in most cases was that they, like those charged in their rulings, have been involved in the coup and/or work in alignment with the Gülen movement. In other words, not only judges but lawyers as well have been at risk to be identified with their client. Family members are losing their jobs, even that their children have lost their place in kindergarten.

2.745 magistrates (out of around 15.000 of them) were dismissed in the first 12 hours after the putsch and arrest warrants were issued for all of them, a majority of those judges and prosecutors are detained, some lawyers which were defenders of detained magistrates have been detained afterwards, 48 judges of the State Council are dismissed, which is more than a half of them (those who would decide on appeals against decisions of administrative courts), as well as 140 of 150 judges of the Cassation Court, five judges, members of the HSYK Turkish High Council of Judiciary were dismissed, the assets of 3049 judges and prosecutors were seized. The way how Turkish authorities have in recent years before the coup acted towards judges in unacceptable way (transfer without consent, criminal investigations and

precaution, giving more and more authority to executive power towards judiciary) and from the data received from various independent sources which there is no reason not to believe, disturbing facts regarding the way judges and prosecutors are detained, the way how they were detained, the conditions of the detention (no necessary facilities etc.), no medical care, heart attacks of detained judges, no or reduced contact to family, no contact with lawyers, pressure on defense lawyers, no possibility for secrete conversation between defense lawyer and client, pressure on the judges, who are in charge of the procedures against their colleagues, no access to the files, only a summary accusation "to be on a list" as official reason for being detained motivated all four Associations of Judges on the European level (European Association of Judges, MEDEL, Judges for Judges and Association of European Administrative Judges) to form unique Platform and to ask Council of Europe authorities to react stating and demanding :

"the Platform sees all these elements as clear indications of and puzzle stones in a strategy of the government, which aims at taking judiciary under its control. An independent judiciary is a cornerstone in a democracy governed by the rule of law. It is not only in the interest of the Turkish people but also in the interest of all Council of Europe member states to reestablish this principle in Turkey. It is a task of the Council of Europe and its member states to try to stop these developments to abolish an independent judiciary and by this consequently to abolish democracy as such in Turkey.

That was in 2016.

Has anything been changed. Not much I am afraid.

At the end, please allow me to describe on of the concrete measures EAJ did for judges in Turkey.

We, with our own resources helped and supported from other national associations members of EAJ, with donations from individual judges formed so called "Provident Fund"

From 2017. to this very day we supported 536 judges or members of their families and transferred all together 285.401 Euro.

"I'm XY. I am currently residing in the province of ABC in Turkey. I was the judge. I was suspended on the charge of FETO with the decision of HSYK . I was dismissed from the profession with the decision of the General Assembly of the High Council of Judges and Prosecutors..... . I was detained I was arrested on and sent to Prison. The prison sentence given to me on ended. but I have almost no right to live here. Nobody is hiring. It is not possible to work in government institutions anyway, but I cannot find a job even in the private sector. Nobody gives me a job because I have a criminal record. I feel helpless and excluded. I seriously need financial and moral help. As a former colleague whose profession was taken away from you, the esteemed judges' association, I request financial and moral assistance."

This was one of hundreds requests we receive and answered positively.

Thank you for your attention.

