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Warsaw, 18 September, 2017

## **The situation of representatives of the judiciary in Turkey**

### **Coup d'état attempt and state crackdown**

On 15 July 2016, a coup d'état was attempted in Turkey. The attempt which was carried out by a faction within the Turkish Armed Forces against the rule of the Turkish President Recep Tayyip Erdoğan and supporting government led to the massive crackdown on human rights, democratic freedoms and the rule of law in the country. Based on a state of emergency imposed by the government, more than 100 000 public officials were dismissed and 47 000 more were pre-trial detained due to the accusations of links to the movement of Fethullah Gülen, Turkish preacher and major political figure abroad, accused for alleged leading role in the failed coup attempt. Additionally, hundreds of media outlets and NGOs were closed down and journalists, civic activists and opposition politicians were detained.<sup>1,2</sup>

### **Arrests and pre-trial detentions**

Repression was also met by representatives of the judiciary. The High Council of Judges and Prosecutors of Turkey issued a list of 2,745 judges and prosecutors to be detained, from which at least 1,684 people were put in arrests to await their trials, mostly without any basic evidence of committing a crime. Assets of at least 3,048 representatives of the judiciary under investigation were also frozen.<sup>3</sup>

### **Dismissals, frozen assets and legal difficulties**

On 31 July, 2016, with the declared state of emergency and decisions based on the governmental decree, all assets of the representatives of the judiciary were frozen and their families, since in many cases they have been left without any income, had to seek refuge at other relatives. The families of the representatives of the judiciary face also difficulties to receive any official and written documentation regarding the status of frozen assets.

Starting from 23 July, 2016, the representatives of the judiciary were dismissed from their positions as a result of personal decisions of the High Council of Judges and Prosecutors of Turkey and a decree issued by the government. The rationale for judges and prosecutors dismissals is the same alleged reason for their arrests, that they are members of the so-called Fethullah Gülen Terrorist Organization/Parallel State Structure (FETÖ/PDY) recognized by the government as “an armed terrorist organization”.

Detained representatives of the judiciary have had also difficulties in finding lawyers to represent them. After the failed coup attempt, a series of threats and arrests of advocates in different parts of Turkey took place, therefore many of them have been afraid to provide any legal help to people being allegedly associated to the Gülenists, in order not to be linked to the movement themselves. Often lawyers appointed by the Turkish bar association to defend those arrested refused to do so.

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<sup>1</sup> Amnesty International, Turkey: <https://www.hrw.org/evropa-i-srednyaya-aziya/turkey>

<sup>2</sup> Human Rights Watch: Turkey 2016/2017: <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>

<sup>3</sup> Human Rights Watch, Turkey: Judges Prosecutors Unfairly Jailed: <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed>

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Additionally, based on the governmental decrees from 23 and 27 July, 2016, meetings and communications between lawyers and detainees have been restricted, as well as on the basis of the state of emergency and confidentiality orders, requests for access to their cases documents have been rejected. Limitations were also imposed on family visits. In some cases monthly open visits were reduced to once in two months and phone calls which usually took place weekly can only be made twice a month.

## **Conclusion**

The numerous cases of the representatives of the judiciary are bright examples that the right - contained in the European Convention on Human Rights and its article 6. - "to a fair and public hearing within a reasonable time by an independent and impartial tribunal (...)", with prompt information of the nature and cause of the accusation, as well as presumption of innocence and maintenance of minimum rights like defense through legal assistance, is violated in Turkey. As one of signatories of the ECHR, the country does not respect its international obligation.

Therefore, **Global Advocates** urges the Turkish authorities and international community, particularly the EU and OSCE member and participating states to:

- immediately release the representatives of the judiciary due to the lack of formal charges against them and other violations of their right to a fair trial;
- unfreeze all of their assets;
- put continuous pressure on the government of Turkey by political and economic means to uphold basic human rights and the rule of law in the country.

For more information, please contact:

**Tomasz Kłosowicz** ([tomasz.klosowicz@globaladvocates.eu](mailto:tomasz.klosowicz@globaladvocates.eu))