



## Statement of AEAJ, EAJ, MEDEL and Judges for Judges

### **Rejection decision of the president of the European Court of Human Rights (ECtHR) of 28 January 2021 concerning the application as third-party intervener**

For many years, judges and prosecutors are unduly detained in Turkey, under the alleged pretext of being members of - or supported - armed terrorist organisations. Their hope of a fair trial by the Turkish judiciary was disappointed, which is not surprising due to the fact that the Turkish judiciary is fully dependent on the Turkish President.

Many of our Turkish colleagues seek their liberation from this nightmare through the applications to the ECtHR. Most of them, so far, fruitlessly. A long waiting time passes whilst they are exposed to inhuman prison conditions, endangering their health and lives.

Finally, after a lengthy period, the Court formed four groups of cases: Altun vs. Turkey and 545 others (application 60065/16), Murat Ulusoy vs. Turkey and 168 others (application 73062/16), Samil Sevinc vs. Turkey and 252 others (application 63634/16) and Ibrahim Tufan Ataman vs. Turkey and 53 others (application 14676/17).

Regarding the last three groups of cases, on 16 October 2020, the ECtHR invited the parties to answer additional specific questions to clarify the facts of the cases. On 7 January 2021, the three European judges' associations European Association of Administrative Judges (AEAJ), European Association of Judges (EAJ) and Magistrats Européens pour la Démocratie et les Libertés (MEDEL) applied to the ECtHR to be admitted as third-party interveners (according to Article 36 point 2 ECHR), as MEDEL had already done in 2019 regarding the first group.

The main focus of these applications was to provide the Court with additional proof that the independence of the judiciary in Turkey ceased to exist, a fact the three associations considered essential for the correct decision of the concerned cases.

The ECtHR rejected these applications.

We therefore hope this ruling can be considered as a clear sign that the Court is already sufficiently informed about the situation of the judiciary in Turkey and its dependency on the government, a situation so visible that it has been strongly highlighted by several international organisations.

Inter alia, the European Network of Councils for the Judiciary recalled in its statement of 8 December 2020, “Four years later, unfortunately, the situation has not improved and has in fact deteriorated considerably. The Council for Judges and Prosecutors is a Council in name only, as none of its actions or decisions demonstrate any concern for the independence of the judiciary. Without a Council to protect and guarantee the independent delivery of justice in Turkey, there is little hope for the Rule of Law in Turkey in general and for access to independent, fair and impartial courts for all who come before the courts including Turkish citizens”.

The robust arguments in the applications of the cases, the underlying trend of the Court’s recent jurisprudence - among others especially in *Demirtas vs. Turkey*, *Bas vs. Turkey*, *Zarakolu vs. Turkey* - cause a substantiated hope that the many pending cases regarding detained Turkish judges and prosecutors will lead to a conviction of Turkey.

We are now optimistic that there will not be further delays in the proceedings and in a very short time the ECtHR will adopt ground-breaking verdicts upholding the independence of the judiciary in Turkey.

The Platform for an Independent Judiciary in Turkey, composed of AEAJ, EAJ, MEDEL and Judges for Judges, will continue to observe the developments in Turkey and the proceedings at the ECtHR and will not stop to support the unduly persecuted Turkish judges and prosecutors whenever and wherever it will be necessary.

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