



MEDEL's Voice for Rule of Law in Türkiye

MEDEL has been closely following legal developments in Türkiye, particularly concerning judicial independence and the rule of law.

Since July 15, 2016, we have observed with increasing concern the judiciary's growing subjugation to political power. Today, Türkiye stands at the center of a profound legal and human rights crisis, where judicial mechanisms are increasingly perceived as tools of political control rather than impartial dispensers of justice. Allegations of torture and inhumane treatment have reached the International Criminal Court. Furthermore, ECtHR has repeatedly ruled against Türkiye for violations of fundamental rights, including Article 18 (misuse of judicial power for political purposes) in the cases of Selahattin Demirtaş and Osman Kavala, and Article 7 (no punishment without law) in the case of Yüksel Yaçınkaya, a ruling that directly affects more than 100,000 individuals and over 8,000 pending cases before the ECtHR.¹ The Turkish government has yet to implement these binding rulings, and its persistent non-compliance appears to be a deliberate policy choice rather than an oversight. The Venice Commission's December 2024 report on the Turkish Council of Judges and Prosecutors (HSK) reaffirmed these concerns, observing that the power of the President and Parliament to appoint almost all the members of Council *gives the executive complete control over the body that is supposed to guarantee the independence of the judiciary, and that the latter is inevitably compromised.*²

Meanwhile, fundamental legal safeguards continue to erode. Judges, lawyers, journalists, and academics have faced systematic restrictions on parole and conditional release. Murat Arslan, a prominent advocate for judicial independence, remains arbitrarily incarcerated despite fulfilling all legal requirements for release. Beyond the judiciary, broader democratic principles are also under strain. Elected officials have been removed from office and subjected to legal proceedings, as seen in the case of Istanbul Mayor Ekrem İmamoğlu. Similarly, the recent dismissal of Prof. İbrahim Kaboğlu, President of the Istanbul Bar Association, together with its executive board members, is another example of the repression extended to legal professionals. At the core of this crisis stands the judiciary itself. Every judicial decision carries profound consequences, shaping not only individual cases but also the broader trajectory of justice in Türkiye. In the presence of undeniable political pressures, it is eventually up to those who serve within the judiciary to preserve its integrity. The overwhelming control of the judiciary by the Judicial Unity Association (Yargıda Birlik Derneği), a government-backed entity shaping judicial appointments and rulings, provides a further channel for the executive to control the judiciary, cementing it as a tool of political power rather than an arbiter of justice in Türkiye³.

MEDEL urges Türkiye's judges, prosecutors and judicial institutions to uphold justice, judicial independence and human rights. Justice is not an instrument of power. It must remain the cornerstone of a free and fair society.

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¹ Implementation of judgments of the European Court of Human Rights – 12th Report
file:///C:/Users/O/Downloads/AS-JUR-(2025)-CEDH-12th-report.pdf

² Türkiye - Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members, adopted by the Venice Commission at its 141st Plenary Session (Venice, 6-7 December 2024)
<https://www.coe.int/en/web/venice-commission/-/cdl-ad-2024-041-e>

³ EC, commission staff working document, Turkey 2020 Report, 6.10.2020,
https://enlargement.ec.europa.eu/system/files/2020-10/turkey_report_2020.pdf; [Turkey-Judiciary-in-Peril-Publications-Reports-Fact-Findings-Mission-Reports-2016-ENG.pdf](https://www.coe.int/en/web/venice-commission/-/cdl-ad-2016-041-e)