



Joint Statement on 10 years of Destruction of Judicial Independence and Democratic Governance in Türkiye

Ten years after the events of 15 July 2016, Türkiye presents one of the clearest contemporary examples of how the destruction of judicial independence can lead to the erosion of democratic governance, fundamental rights, and the rule of law. What occurred after 2016 was not a temporary state response to an exceptional security crisis. It became a systematic transformation of the judiciary and, ultimately, of the constitutional order itself.

More than 4,500 judges and prosecutors were dismissed through collective measures lacking individualized evidence and effective judicial safeguards. Thousands were detained, prosecuted, or forced into exile. Courts were emptied of experienced judges and rapidly refilled through recruitment and promotion mechanisms increasingly shaped by political loyalty rather than judicial independence.

Judges and prosecutors lost not only their positions but also their liberty, livelihoods, reputations, and futures. Families were subjected to poverty, social exclusion, confiscation of property, travel restrictions, forced migration, and years of uncertainty. Behind every statistic stands a destroyed professional life and a family marked by lasting suffering.

The purge of the judiciary was accompanied by a structural reconfiguration of judicial governance. Following the 2017 constitutional amendments, the Council of Judges and Prosecutors (HSK, the body responsible for appointments, promotions, disciplinary proceedings, transfers, and dismissals), came under the decisive control of political authorities.

European institutions recognized the implications of this transformation. The European Network of Councils for the Judiciary suspended the status of Türkiye's judicial council after concluding that it no longer met the requirements of institutional independence. It constituted an unprecedented acknowledgement by the European judicial community that the body responsible for safeguarding judicial independence could no longer be regarded as independent itself.

The same period witnessed the progressive dismantling of merit-based judicial recruitment. The statutory requirement that judicial candidates obtain a minimum passing score in written examinations was abolished, removing one of the most important objective safeguards in judicial appointments. For years, judges and prosecutors entered the profession under a system in which merit could be subordinated to discretion, reinforcing concerns that loyalty had replaced competence as the decisive criterion for advancement.

Independent judicial voices were simultaneously eliminated. YARSAV, the largest independent association of judges and prosecutors in Türkiye, was dissolved by decree. Its president, Murat Arslan, recipient of the Václav Havel Human Rights Prize, was imprisoned. At the same time, structures widely perceived as aligned with executive power acquired growing influence over judicial careers and institutional governance.

Over the last decade, the European Court of Human Rights has repeatedly found violations concerning the detention, prosecution, and dismissal of judges, prosecutors, politicians, journalists, lawyers, academics, and civil society representatives. In judgments including *Baş*

v. Türkiye and Yalçınkaya v. Türkiye, the Court identified systemic deficiencies affecting fundamental rights, legal certainty, due process, and the principle of legality.

The continued non-execution of binding judgments of the Court, including those concerning Osman Kavala and other politically sensitive cases, represents one of the most serious challenges ever faced by the Convention system. The Committee of Ministers launched infringement proceedings, while the Parliamentary Assembly of the Council of Europe described the situation as an unprecedented threat to the authority of the European Court of Human Rights.

Türkiye became the first Council of Europe member state ever to be returned to the full monitoring procedure. Subsequent discussions within European institutions have included calls for targeted measures against officials responsible for the persistent disregard of binding human rights judgments. Last month the European parliament expressed grave concern at the continuing serious erosion of the rule of law and the lack of judicial independence in Türkiye.

What is at stake is far more than the independence of a single institution. An independent judiciary is the mechanism through which democratic choices, constitutional guarantees, and fundamental rights are protected. Once courts cease to operate independently, elections alone cannot preserve democracy. Rights exist only on paper, constitutional limitations lose practical significance, and law becomes an instrument for exercising power rather than constraining it.

We therefore call for:

- the immediate and full implementation of all judgments of the European Court of Human Rights;
- effective remedies for dismissed judges and prosecutors, including reinstatement wherever possible;
- the release of individuals detained in violation of fundamental rights and binding judicial decisions;
- the restoration of an independent and politically impartial system of judicial governance;
- the re-establishment of merit-based judicial recruitment and promotion;
- concrete action by European institutions against persistent non-compliance with fundamental rule-of-law obligations.

Sylvain Mérenne, President, Association of European Administrative Judges (AEAJ)

Sabine Matejka, President, European Association of Judges (EAJ)

Tamara Trotman, Chair Judges for Judges

Mariarosaria Guglielmi, President, Magistrats Européens pour la Démocratie et les Libertés (MEDEL)