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Dear Robert Spano,
President, European Court of Human Rights

We have learnt from the press that you would be visiting Turkey on 3-4 September 2020. It has also been reported that you would receive an honorary doctorate in law from İstanbul University on 3 September 2020 and teach at the Turkish Justice Academy a day later in Ankara. We noticed in your program that you had no plans to visit civil society organizations working in the field of human rights and law, particularly those critical of the political power's practices.

Dear President, we would like to remind you of the fact that Turkey has been going through a climate of armed conflict for the last five years brought about by the failure to come up with a solution to the Kurdish problem while Turkey is a country that holds its armed forces at its disposal for mobilization in military offensives in Syria and Iraq. Moreover, the country went through a two-year non-stop state of emergency between 20 July 2016 and 19 July 2018 although the attempted coup d'état of 15 July 2016 was quenched merely a day after. Turkey is a country where gross human rights violations were committed during this period.¹ On top of this, authorities extended the powers that should have been eligible only during a state of emergency for another three years by introducing Law No. 7145.² These powers are still in effect.

The setback in human rights in Turkey specifically in recent years has been identified by independent observers, notably the Council of Europe bodies. The Council of Europe Venice Commission has explained in detail the degree to which the constitution that was amended by the referendum of 16 April 2017 threatened judicial independence.³ The Commission also issued reports that revealed the destruction of democracy and human rights in Turkey created by the state of emergency decree laws, curfews, the system of criminal peace judgeships, appointment of state trustees to replace elected mayors, Internet censorship, and criminal legislation restricting freedom of speech among others.

The office of the Commissioner for Human Rights, another human rights body within the Council of Europe, has also been closely following the problems posed by the rising

¹ Please see Human Rights Joint Platform's report on the state of emergency in Turkey. <https://ihop.org.tr/wp-content/uploads/2018/04/SoE_17042018.pdf>

² Please see Human Rights Association's special report on Law No. 7145. <<https://ihd.org.tr/en/regarding-law-no-7145-regulating-permanent-state-of-emergency/>>

³ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2017\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2017)005-e)

authoritarianism in Turkey. The former Commissioner Nils Muznieks depicted such setback in human rights in Turkey in his reports and memorandums, while Muznieks' successor Dunja Mijatovic identified the judicial problems in Turkey and the repression that human rights defenders faced in detail in her report published this year.⁴

Dear President, the ECtHR has been denounced for failing to take the necessary steps during this process. In spite of this, your court has also exposed the panorama of the state of emergency Turkey in its judgments in the cases of politicians like Selahattin Demirtaş, journalists like Mehmet Altan and Şahin Alpay, civil society activists like Osman Kavala, and judges like Alparslan Aslan and Baş. The judgments delivered in the cases of Osman Kavala and Selahattin Demirtaş were the first Article 18 violation judgments delivered for Turkey and these judgments represent the overt instances of how the judiciary was placed under political guardianship in Turkey.

A visit to Turkey under such circumstances solely addressing state institutions may mean that you condone all that has been happening. This state of affairs becomes even more alarming when one takes into account the institutions you will be speaking at within the scope of your visit.

Universities in Turkey are controlled by the Board of Higher Education that was established in the aftermath of the 12 September 1980 coup d'état. Universities in Turkey do not have scientific or administrative autonomy whatsoever. In the past university rectors were elected by academics serving that university but now they are being appointed by the president himself, the head of the executive branch, following changes introduced during the latest state of emergency period. Furthermore, İstanbul University that we learnt was presenting you with an honorary doctorate dismissed hundreds of academics through the state of emergency decree laws and it is one of the institutions that has virtually become the symbol of the state of emergency.⁵

Dear President, you will see young judges and public prosecutors before you at the Justice Academy of Turkey where you are going to teach. During the state of emergency between 2016 and 2018 more than 4,200 judges and prosecutors were dismissed from their posts while more than 8,000 judges and prosecutors were inaugurated. These figures indicate that 45% of all judges and prosecutors on active duty have three years of professional experience or less. Moreover, complaints lodged by thousands of judges and prosecutors are still pending before judicial authorities for the deliverance of a ruling.

Dear President, we do see the will to maintain communication with Turkish authorities in spite of all these negative developments. Turkey, however, is not merely composed of the political power itself. There stand before your court, on one side, the political power alleged to have violated rights and on the other side the victims of those rights violations. Turkey has a quite developed and dynamic web of civil society organizations working in the field of human rights

⁴ <https://www.coe.int/en/web/commissioner/-/turkish-authorities-must-restore-judicial-independence-and-stop-targeting-and-silencing-human-rights-defenders>

⁵ Please also see Prof. Dr. Mehmet Altan's open letter to you. < <https://www.expressioninterrupted.com/open-letter-to-president-of-the-european-court-of-human-rights/>>

in spite of all these setbacks. In order for your visit to Turkey to genuinely be beneficial, your lending an ear to these civil society organizations that make the voices of rights victims be heard bears vital significance. We can list the following as examples: women's organizations that have been defending the Council of Europe İstanbul Convention at a time when withdrawal from the Convention was on the agenda, Saturday Mothers who have long been searching for their children lost under custody and whose right to assembly has been prohibited, bar associations that objected to Law No. 7249 introducing multiple bar associations and regulations that went against the right to defense, and associations of lawyers who advocate for justice and rights, who are imprisoned to this end, who go on hunger strikes. We believe that it is not late to organize a public meeting with the press during which you can answer questions by civil society organizations.

As the largest and oldest human rights organization in Turkey, the Human Rights Association would be honored to host such a meeting, which would eliminate the perception that the ECtHR was supporting the government and condoning its practices. We sincerely hope that you accept our invitation.

Yours faithfully,

Öztürk Türkdoğan
Co-Chairperson
Human Rights Association