



Pre-Sessions of UPR of Turkey

International Commission of Jurists

ICJ

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

Issues of concern

Turkey's judicial system fails to meet international standards on the independence and accountability of the judiciary and of prosecutors:

- Dismissals, arrests and transfers of judges (chilling effect)
- Structural changes of the judiciary
- lack of institutional independence of the judiciary
- diminished quality and experience of the new members of the judiciary appointed.

Issues of concern

Remedies for mass dismissals in the public sector:

- currently, no effective remedy exists in Turkey against dismissals based on emergency decrees, contrary to Turkey's obligations under international law

Issues of concern

- Fair trial rights in the criminal justice system:
 - measures limiting the confidentiality of lawyer/client communications
 - thousand lawyers are reported to have been subject to prosecution and trial under “terrorism”
- prosecution of a high number of human rights defenders in the country
- closure of several human rights non-governmental organizations
- repression of peaceful demonstrations, and the prosecution of protesters.

Recommendations

- Abolish the Commission on State of Emergency Measures, and provide direct access to administrative courts.
- Amend constitutional provisions on the appointment of members of the Council of Judges and Prosecutors to ensure that a majority of the members of the Council be elected by their peers.
- Provide for judicial review of all decisions of the CJP.

Recommendations

- Authorize individual complaints to the Constitutional Court against the decisions of the CJP.
- Abolish Article 26 of Law no. 7145, which essentially extended the emergency powers over judges and prosecutors for a further three years.
- Reform the Anti-Terrorism Law no. 3713 and related counterterrorism legislation in order to provide a definition of terrorism that is clear and in line with principles of legality and international human rights and counter-terrorism standards.

Contact details

Thanks for your attention

kerem.altiparmak@icj.org

massimo.frigo@icj.org