

# THE JUDICIARY IN TURKEY:

INEFFICIENT  
AND UNDER  
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## INEFFICIENT AND UNDER POLITICAL CONTROL

In recent years, Turkey has experienced a massive deterioration in the independence and impartiality of both the judiciary and the adherence to the rule of law. This decline began in 2014, when the Union in Judiciary Platform<sup>1</sup>, a group endorsed by the Turkish Government, won the election for the Turkish Council of Judges and Prosecutors. This deterioration accelerated following a coup attempt on July 15, 2016, after which the Turkish administration declared a state of emergency (SoE) that empowered the Government to pass decree laws without legislative or judicial oversight. By dismissing more than 4,000 judges and prosecutors and hiring more than 9,000 new judges within the two-year state of emergency, the Turkish Government grasped full control of the judiciary. Although, the SoE ceased on July 18, 2018, all of the measures adopted under this emergency regime have been incorporated into permanent legislation.

This Factsheet provides the reader with an insight into the partiality and subjection of the justice system and the government's political grip over the judiciary in Turkey. We, in seven chapters, have summarized the political control over the Turkish Constitutional Court, the insecurity of the tenure of judges, the ineffectiveness of decisions to release, the ineffectiveness of the decisions of the Turkish Constitutional Court, international courts and tribunals, and political interference in the judicial process.

### Turkish Constitutional Court (TCC)

The 1961 Turkish Constitution created the TCC and endowed it with the power to review the constitutionality of laws and decrees with the force of law. This system of constitutional review was preserved in the 1982 Constitution, with minor changes.<sup>2</sup>

The ruling party, the Justice and Development Party (AKP), changed the TCC's structure twice, in 2010 and 2017. Currently, the TCC consists of 15 judges. Three of these judges are elected by the Parliament (TGNA). A further 12 judges are selected by the President of the Republic.<sup>3</sup>

While only three judges are elected by the Parliament, rather than the President, Parliament is likely to be under the control of the same political party as that to which the President belongs. Consequently, a single political party could dominate the country's highest court. So indeed, twelve of the incumbent judges were selected either by former president Gul or by the incumbent president, Erdogan, both are founders of the ruling party AKP.<sup>4</sup>

Immediately after the coup attempt of 2016, two judges of the TCC (Alparslan Altan and Erdal Tercan) were detained in breach of the procedural safeguard laid down in the Law on the Constitutional Court (6216). The TCC remained silent in the face of their detention which was condemned by the ECtHR as arbitrary and unlawful. Moreover, the TCC dismissed these two judges without the due process required by Law 6216. These dismissals encouraged the Government and triggered the dismissal of 125,678 public servants by ad-hominem Decree Laws.<sup>5</sup>

The TCC also dismissed the Main Opposition Party's (CHP) actions for annulment, lodged against the emergency Decree Laws on the grounds of a lack of jurisdiction.<sup>6</sup>

## ABOUT US:



**The Arrested Lawyers Initiative:** A rights group consists of lawyers making advocacy to ensure lawyers and human rights defenders perform their duty without fear of intimidation, reprisal and judicial harassment. The Arrested Lawyers Initiative is the member of the International Observatory for Lawyers. A rights group consists of lawyers making advocacy to ensure lawyers and human rights defenders perform their duty without fear of intimidation, reprisal and judicial harassment.

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**Human Rights Defenders e.V.:** HRD is a non-profit and independent civil society organization campaigning to defend human rights and to help people facing persecution all around the world and with a special focus on Turkey. HRD was established in 2018 Köln-Germany, by Turkish lawyers, former bureaucrats and entrepreneurs who are political-asylum seekers in Germany and Europe. HRD is preparing reports concerning human rights violations, establishing contacts to other Human Rights NGO's and stakeholders, State Officials and regional as well as international organizations. HRD is also giving legal advice to victims, initiating litigation procedures on behalf of the victims and preparing official petitions and communications to the relevant UN Human Rights Mechanisms.

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Although emergency regimes pose a severe risk to fundamental rights and freedoms, the TCC refused to carry out its institutional duty by diligently reviewing the Government's actions, including the controversial decrees. By doing so, it provided the Government with a blank check to do whatever it wanted. This is a dramatic turnaround from its previous ruling 25 years ago, when Turkey's top court constitutionally reviewed emergency measures and ruled that decrees could not contradict or negate the fundamental rights defined in the Constitution of Turkey.<sup>7</sup>

### Judges and Prosecutors are Often Reassigned as a Result of Their Decisions<sup>8</sup>

Turkey's Council of Judges and Prosecutors has not only dismissed thousands of judges and prosecutors but has also continuously intervened in the course of justice by the use of resolutions of appointment, which it has issued on almost a daily basis. Since 2014, hundreds of judges and prosecutors have been reassigned because of the decisions they given, which were somehow displeasing to the government. (For the instances took place between 2014 and July of 2016.)<sup>9</sup> <sup>10</sup> Some of the other significant instances are as follows:

- Murat Aydın, a judge in Karşıyaka and the Vice-President of the Judges and Prosecutors' Association (YARSAV), was reassigned and exiled to Trabzon, after he applied to the Constitutional Court for the annulment of the legal article that related to "insulting the president."<sup>11</sup>
- The Chief Judge of the Istanbul Regional Appeal Court, Sadık Özhan, was reassigned after his decision to reverse the CHP Deputy Enis Berberoglu's conviction.<sup>12</sup>
- The Istanbul Court which released twenty-one detained journalists was dismantled, and the Council of Judges and Prosecutors suspended the three judges who released twenty-one journalists after eight months of pre-trial detention. Judges İbrahim Lorasdağı, Barış Cömert and Necla Yeşilyurt Gülbiçim, were suspended by the CPJ.<sup>13</sup>
- Judges of the Istanbul 37<sup>th</sup> Heavy Penal Court were removed by the CPJ after the Court released seventeen detained lawyers.<sup>14</sup>
- Ankara 20<sup>th</sup> Regional Appeal Court was dismantled a day after the Court acquitted a military officer of coup attempt charges. Four Judges of the Court were unseated and subjected to disciplinary investigation. President Erdoğan called the judges terrorists.<sup>15</sup>

### The Decisions to Release are Ineffective<sup>16</sup>

In addition to arbitrary mass arrests of dissidents, orders which courts seldom give for their release, are constantly being cancelled by direct political intervention.

1. Twenty-one journalists who were released on 1<sup>st</sup> April, 2017, after 10-months in pre-trial detention, were rearrested at the exit gate of the Silivri Prison. The Istanbul 25<sup>th</sup> High Criminal Court had previously ordered the release of 21 of the 26 journalists who were accused for membership in the faith-based Gülen movement, which has been registered as a terror organization by the Turkish government, and has been accused of orchestrating the failed coup of July, 2016. The reason that the 21 journalists were denied release was either because a prosecutor appealed against their release, or because a new investigation was hastily launched following the court order to release them.

The moment after the court's decision was announced for the release of the 21 journalists, pro-government figures, including journalists, immediately launched a campaign on social media, which passionately demanded their re-arrest.<sup>17</sup>

2. Many Kurdish MPs, including Ayhan Bilgen, Nursel Aydoğan, Ferhat Encü, Besime Konca, were re-arrested shortly after their release by the court.<sup>18</sup>
3. Enis Berberoglu, a prominent journalist and a CHP Deputy, remains in prison, despite a court decision which quashed his conviction. Worse still, the Chief of the court which quashed his conviction was himself banished to another court.
4. On 2<sup>nd</sup> May, 2017, Aysenur Parıldak, a 27-year old Turkish journalist, was re-arrested only a few hours after an Ankara court released her from her nine-months pre-trial detention, in what has been seen as a new form of repression against critical and independent journalists in Turkey.<sup>19</sup>
5. Cahit Nakıboğlu, a 70-year-old businessman who spent almost eighteen months in jail as part of the government's post-coup crackdown on the Gülen movement, was re-arrested only a day after he was released from prison, and he was put under house arrest.<sup>20</sup>
6. Taner Kılıç, who is the Chair of Amnesty International's Turkey branch, was re-detained even before his release from Izmir Sakran Prison, and was then rearrested by the same court which had decided to release him. Taner Kılıç was taken into custody on 6<sup>th</sup> June, 2017, and was subsequently arrested by the Izmir Peace Criminal Judgeship on 9<sup>th</sup> June, 2017. On 31<sup>st</sup> January, 2018, the Istanbul 35<sup>th</sup> High Penal Court decided to release him at the trial's third hearing. However, after the prosecutor's appeal against the court's decision, his release procedure was frozen, and Mr. Kılıç was re-detained by prison guards, taken into the courthouse, and re-arrested by the same court that had decided to release him only hours previously.<sup>21</sup>
7. In almost all of the cases of re-arrest, decisions to re-arrest have been triggered either by an AKP politician's statement, or by a message from a pro-Erdoğan journalist that has been posted online.
8. At the time that the said decisions to re-arrest (except in the case of Taner Kılıç) were made, there existed no right of appeal against release orders. Only after 4<sup>th</sup> December, 2017, the date when Decree No: 696 came into effect, did prosecutors and complainants have the right to appeal against release orders.
9. The İstanbul 37<sup>th</sup> High Assize Court, which had ruled for the release of the lawyers at the first hearing of the trial of 20 lawyers on the Friday, ruled to re-detain 12 of them, including the Association of Progressive Lawyers' (ÇHD) Chairman, Selçuk Kozağaçlı.<sup>22</sup>
10. Ahmet Altan, a Turkish journalist and author, was detained a week after the Istanbul Regional Appeal Court released him.<sup>23</sup>
11. Metin İyidil, a military officer, was detained a day after the Ankara Regional Appeal Court had acquitted and released him.<sup>24</sup>
12. On 18<sup>th</sup> February, 2020, Osman Kavala was acquitted on charges related to the "Gezi Protest" trials but, on the very same day, he was re-arrested with the claim being made against him that he was involved in the attempted coup in 2016, and also with espionage.<sup>25</sup>

## The Turkish Constitutional Court's Decisions are Ineffective: The Altan and Alpay Cases<sup>26</sup>

13. The journalists, Şahin Alpay and Mehmet Altan, who have been under arrest, respectively, since 31<sup>st</sup> July, 2016, and 22<sup>nd</sup> September, 2016, were not released, despite the Turkish Constitutional Court having ruled that decisions to arrest them were unlawful.
14. As per Article 153 of the Constitution, and Article 66/1 of the Law on the Establishment and Rules of Procedures of the Constitutional Court, Code No: 6216, "The decisions of the Constitutional Court are final. The decisions of the court are binding for the legislative, executive and judicial organs of the state, administrative offices, real and legal persons."
15. On 11<sup>th</sup> January, 2018, the Turkish Constitutional Court decided that decisions to arrest relating to the journalists, Sahin Alpay and Mehmet Altan, are unlawful and constitute the violation of rights that is envisaged by the Turkish Constitution and the European Convention on Human Rights. On the same day, the Istanbul 13<sup>rd</sup> and 26<sup>th</sup> High Penal Courts refused to release Altan and Alpay, on the grounds that the decisions (of the TCC) had not yet been published in the Official Gazette. On 14<sup>th</sup> January, 2018, the Istanbul 13<sup>th</sup> and 26<sup>th</sup> High Penal Courts refused to release Altan and Alpay again, on the grounds that the TCC had exceeded its authority, which was drawn from the Constitution. On 15<sup>th</sup> January, 2018, the Istanbul 14<sup>th</sup> and 27<sup>th</sup> High Penal Courts refused the objections of Altan and Alpay's lawyers.<sup>27</sup>
16. For the first time in Turkey's legal history, the constitutional authority of the Turkish Constitutional Court was thus ignored in seven separate court decisions.

## The European Court of Human Rights' Decisions are Ineffective: The Cases of Selahattin Demirtas, Alparslan Altan and Osman Kavala<sup>28</sup>

17. Alparslan Altan, who was the Deputy Chief Justice of the Turkish Constitutional Court, was detained hours after the coup attempt, and he was subsequently arrested by the Ankara Criminal Peace Judgeship. The European Court of Human Rights, on 16<sup>th</sup> April, 2019, decided that his detention was unlawful.<sup>29</sup> However, since then he has not been released and, on the contrary, he has been sentenced to eleven years in prison.<sup>30</sup>
18. Selahattin Demirtas, who was the Co-Chair of pro-Kurdish Party, HDP, was detained on 4<sup>th</sup> November, 2016. On 20<sup>th</sup> November, 2018, the ECtHR decided that Turkey had violated Article 18 of the Convention, in conjunction with Article 5 § 3, and therefore the detention was unlawful.<sup>31</sup> However, Mr. Demirtas has not been released.
19. Osman Kavala, a prominent civil society leader, was detained in October, 2017. On 10<sup>th</sup> December, 2019, the ECtHR decided that Kavala's detention was a breach of Article 18 of the Convention, in conjunction with Article 5 § 3.<sup>32</sup> However, on 24<sup>th</sup> December, 2019, and 28<sup>th</sup> January, 2020, the trial court (the Istanbul 30<sup>th</sup> Heavy Penal Court) refused to release Mr. Kavala.<sup>33</sup> Furthermore, on 18<sup>th</sup> February, 2020, Osman Kavala was acquitted on charges related to the "Gezi Protest" trials but, on the very same day, he was re-arrested with the claim being made against him that he was involved in the attempted coup in 2016, and also with espionage.<sup>34</sup>

## The UN Human Rights Committee's Decisions are Ineffective<sup>35</sup>

20. On 26<sup>th</sup> March, 2019, the UN Human Rights Committee, in the case of İsmet Özçelik, Turgay Karaman and I.A v. Turkey, decided that the detention of applicants who were subject to refoulement (from Malaysia to Turkey), breached Article 9 § 1-3 (the right to the security of liberty) of the International Covenant on Civil and Political Rights.<sup>36</sup> However, Turkey has ignored the UN Human Rights Committee's decision.

## The UN Working Group on Arbitrary Detention Decisions is Ineffective<sup>37</sup>

21. Since 2016, the UN WGAD has decided on nine occasions that Turkey has breached the right to the security of the liberty of applicants. The WGAD also concluded that the Turkish Government's detention praxis against the members of the Gülen Movement forms a Category V violation (a violation of the right to liberty on the grounds of discrimination that is based on nationality, religion, ethnic or social origin, political or other opinions, or any other status).<sup>38</sup> Some of these applicants were those who were subjected to rendition from Pakistan to Turkey. Turkey has ignored all nine decisions and has not released any of the applicants.

## Political Interference in the Judicial Process<sup>39</sup>

22. According to The World Justice Project's annual reports, entitled Rule of Law Index, Turkey, with regard to constraints on government powers, was ranked 108<sup>th</sup> amongst 113 countries in 2016<sup>40</sup>, 111<sup>st</sup> position out of 113 countries in 2017, and 2018<sup>41</sup>, and was 123<sup>rd</sup> out of 125 countries in 2019.<sup>42</sup> This shows the Executive's absolute power over the judiciary and legislative.
23. President Erdoğan and the Ministry of Justice often intervene in judicial processes and have the decisions and judgments of the Courts reversed in hours or days. Three of the countless instances are as follows:
  - The Metin İyidil Case: Metin İyidil, who was a three-star general, was detained and convicted by the First Instance Court for attempting to overthrow the Government. Upon his appeal, the Ankara 20<sup>th</sup> Regional Appeal Court acquitted him, when it was proven that he was abroad for a holiday during the coup attempt and was not involved in it. However, a day after the acquittal, the Court was dismantled, all of the judges who had rendered this decision were unseated and subjected to investigation. Later, President Erdoğan acknowledged that he interfered in the case. He said "How can a court follow getting a person sentenced to life imprisonment, by getting him acquitted or releasing him immediately? This is not understandable. Thank God, our Justice Minister and prosecutors were involved. They caught him as soon as possible [...]. It has been a cheerless step for our legal community. We gave all the necessary instructions on it. [...] He is now inside [in prison]."<sup>43</sup>
  - The Selahattin Demirtas Case: On 21<sup>st</sup> September, 2019, The Turkish President, Recep Tayyip Erdoğan, said his government would not allow the release of Selahattin Demirtaş, the jailed former Co-Chair of the People's Democratic Party (HDP). "This nation does not forget, and will not forget, those who invited people to the streets and then killed 53 of our children in Diyarbakır. We have been following, will follow, this issue, until the end. We cannot release those people. If we release them, our martyrs will hold us accountable,"<sup>44</sup> said Erdoğan. On the very same day, Selahattin Demirtas was detained under a new investigation to prevent his release from the ongoing detention.

- The Can Dundar and Erdem Gul Case: When the Turkish Constitutional Court decided that the detention of the journalists, Can Dündar and Erdem Gül, was unlawful, President Erdoğan stated that he would neither recognize, nor obey, the Constitutional Court's ruling. He said: "the prosecutor may object to the decision, and an upper court may start a new process". He further noted that Turkey is ready to pay compensation if an upper court's decision - detaining the two journalists again - were to be appealed before the Strasbourg Court. "The State can object to the European Court of Human Rights if it gives a decision supporting the Constitutional Court, or it can pay the compensation", he said.<sup>45</sup> Moreover, the Minister of Justice, Bekir Bozdağ, declared that "the decision is certainly an examination of evidence: the Constitutional Court replaces the Court of First Instance, and makes an examination in substance. The Constitution does not accord the TCC such a right".<sup>46</sup>

## Endnotes

- 1 <http://www.platformpj.org/report-witch-hunts-judicial-club-platform-unity-judiciary/>
- 2 "Does the Turkish Constitutional Court Provide Effective Remedies for Human Rights Violations?" IACL-AI-DC Blog (19 November 2019), <https://blog-iacl-aidc.org/2019-posts/2019/11/19/does-the-turkish-constitutional-court-provide-effective-remedies-for-human-rights-violations>
- 3 Ibid.
- 4 Ibid.
- 5 Ibid.
- 6 Ibid.
- 7 Ibid.
- 8 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 9 Platform for Peace and Justice (PPJ). The Non-Independence and Non-Impartiality Of the Turkish Judiciary
- 10 Kemal Karanfil, the former Criminal Justice of the Peace of Eskişehir, who, in one of his decisions as a Criminal Judge of Peace, held that Criminal Peace Judgeships were devoid of independence and impartiality, and they lacked due judicial process, a decision which he sent to the Turkish Constitutional Court for consideration, and he was consequently appointed to a court in Zonguldak on the 15<sup>th</sup> January, 2015, only 6 months after he took office in Eskişehir.

The 7<sup>th</sup> Assize Court Judges, İsmail Bulun and Numan Kılıncı, who had dismissed a case about the illegal wiretapping of the, then, Prime Minister's office, were removed from their posts shortly after their decision. This removal was carried out by an HSYK resolution, dated the 25<sup>th</sup> July, 2015.

Judge Fatma Ekinci, who released a defendant called Hasan Palaz, was appointed to another court after her decision.

Judges Hülya Tıraş, Seyhan Aksar, Hasan Çavaç, Bahadır Çoşlu, Yavuz Kökten, Orhan Yalmanlı, Deniz Gül, Faruk Kırmacı, were the first Criminal Peace judges to be appointed to the Ankara Courthouse by the HSYK decree, dated the 16<sup>th</sup> July, 2014. In just a year, between the 16<sup>th</sup> July, 2014, and the 28<sup>th</sup> July, 2017, seven of the eight Criminal Peace judges (with the exception of the judge of the 8<sup>th</sup> Criminal Court of Peace) were all dismissed. Firstly, Judges Yavuz Kökten and Süleyman Köksaldı were removed from office because of their decisions to acquit some police officers inculpated by the ruling party.

Judge Orhan Yalmanlı was dismissed from bench because of his refusal, on the 1<sup>st</sup> March, 2015, to arrest certain police officers. Hasan Çavaç, who dismissed the motions concerning Judge Orhan Yalmanlı's decision, and Seyhan Aksar, who had released the officers earlier, were also dismissed on the 9<sup>th</sup> March, 2015. The Judge of the 8<sup>th</sup> Criminal Court of Peace, Hülya Tıraş who released 110 officers who had been detained for 110 days, was relieved of her duty two weeks after her decision. Judges Yaşar Sezikli and Ramazan Kanmaz were dismissed for the same reasons on the 23<sup>rd</sup> July, 2015.

Judge Osman Doğan, who did not arrest 18 officers who were detained under the scope of the illegal wiretapping investigation, was also relieved of his duty for the same reasons. Similar practices were observed in other provinces, especially in Istanbul and Izmir.

Nilgün Güldalı, a judge in the Bakırköy 2<sup>nd</sup> Assize Court, who voted for the release of the arrested judges, Mustafa Başer and Metin Özçelik, during a monthly detention evaluation hearing on the 24<sup>th</sup> July, 2015, was appointed to a Labour Court only a day later, by an HSYK resolution.

The 4<sup>th</sup> Administrative Court Chief Judge, Cihangir Cengiz, who granted a motion for a stay of execution regarding the TIB's (Turkey's Presidency of Telecommunication and Communication) decision to ban access to YouTube, was appointed to the Konya Administrative Court before the end of his tenure.

The Chief of the 4<sup>th</sup> Istanbul Administrative Court and two of its members were transferred to other cities for holding a motion for the stay of an execution, which concerned the environmental impact assessment report for Istanbul's Third Airport, and the demolition of the 16/9 towers that spoil the Istanbul skyline.

The Chief Judge of the Istanbul 10th Administrative Court, Rabia Başer, and an associate judge, Ali Kurt, who repealed the Gezi Park & Taksim Square Projects, were appointed to different courts and different cities after their decisions, and before the end of their tenure.

Judge Cemil Gedikli, who issued a verdict of detention for the suspects in a corruption investigation, dated 17<sup>th</sup> December, 2013, was appointed first to Erzurum, then to Kastamonu, within a year, without his request or consent.

The Judge of the Bakırköy 2<sup>nd</sup> Criminal Court of First Instance, Osman Burhaneddin Toprak, who admitted that the indictment stating that the news appearing in pro-government newspapers that there were assassination allegations against Sümeyye Erdoğan, was slander, was then appointed to Konya, without his request or consent, and before the end of his tenure, on 15<sup>th</sup> October, 2015.

Shortly before the general elections that were held on the 1<sup>st</sup> November, 2015, certain TV channels were arbitrarily removed from Digiturk, a digital TV platform. The Judge of the 1<sup>st</sup> Consumer Court of Mersin Province, Mustafa Çolaker, who ruled in favour of these channels, namely, STV and Bugün TV, in a court case that was filed against the Digiturk platform, was appointed to the Çorum Province, and disciplinary procedures under the supervision of an inspector were also launched.

The Court of Cassation prosecutor, Mazlum Bozkurt, who upheld the decision for a conviction verdict that was issued by the Court of First Case for the defendants, Colonel Hüseyin Kurtoğlu and five other military officers, at a Court of First Case, was suspended on the 1<sup>st</sup> December, 2015, by the HSYK.

The Judge at the Ankara Criminal Court of Peace, Süleyman Köksaldı, who issued a rebuttal order for the news about the cancellation of Fetullah Gülen's passport and spying allegations at the TIB, was appointed as the Ankara 21<sup>st</sup> Labor Court Judge, without his request or consent, and before the end of his term.

- 11 Stockholm Center for Freedom. Descent into Arbitrariness The End Of the Rule Of Law. <https://stockholmcf.org/wp-content/uploads/2017/04/Turkey%E2%80%99s-Descent-Into-Arbitrariness-The-End-Of-Rule-Of-Law.pdf>
- 12 Cumhuriyet. Kemal Kilicdaroglu ve Enis Berberoglu'nun davalarına bakan hakimler gece yarisi gorevden alindi. [http://www.cumhuriyet.com.tr/haber/siyaset/895122/Kemal\\_Kilicdaroglu\\_ve\\_Enis\\_Berberoglu\\_nun\\_davalarina\\_bakan\\_hakimler\\_gece\\_yarisi\\_gorevden\\_alindi.html](http://www.cumhuriyet.com.tr/haber/siyaset/895122/Kemal_Kilicdaroglu_ve_Enis_Berberoglu_nun_davalarina_bakan_hakimler_gece_yarisi_gorevden_alindi.html)
- 13 <https://www.turkishminute.com/2017/04/03/govt-suspends-judges-released-journalists/>
- 14 <https://odatv.com/turkiyenin-konustugu-karari-veren-hakimler-suruldu-mu-20091802.html>
- 15 <https://ipa.news/2020/01/19/general-re-arrested-as-erdogan-fumes-at-judges-for-freeing-him/>
- 16 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 17 Stockholm Center for Freedom. 21 Journalists' Re-Arrest Comes After Outcry Among Pro-Gov't Colleagues. [stockholmcf.org/21-journalists-re-arrest-comes-after-outcry-among-pro-govt-colleagues/](https://stockholmcf.org/21-journalists-re-arrest-comes-after-outcry-among-pro-govt-colleagues/)
- 18 <https://stockholmcf.org/turkish-court-rules-re-arrest-of-pro-kurdish-hdps-spokesperson-ayhan-bilgen/> <https://www.turkishminute.com/2017/05/02/arrest-warrant-issued-for-newly-released-hdp-deputy/> <https://turkeypurge.com/8023-2>, <https://stockholmcf.org/arrest-warrant-issued-for-released-hdp-deputy-konca/>
- 19 Stockholm Center for Freedom. Turkish Journalist Under Suicide Risk Re-Arrested A Few Hours After Release. [stockholmcf.org/journalist-parildak-re-arrested-before-leaving-prison-following-her-release-by-court/](https://stockholmcf.org/journalist-parildak-re-arrested-before-leaving-prison-following-her-release-by-court/)
- 20 Stockholm Center for Freedom. 70-Year-Old Turkish Businessman Re-Arrested After Erdoğan's Henchman Reacted To His Release. <https://stockholmcf.org/70-year-old-turkish-businessman-re-arrested-after-erdogans-henchman-reacted-to-his-release/>
- 21 Af Örgütü. Taner Kılıçın tahliye kararının ardından gerçekleşen hukuki süreç. <https://www.amnesty.org.tr/icerik/taner-kilicin-tahliye-kararinin-ardindan-gerceklesen-hukuki-surec>
- 22 <https://arrestedlawyers.org/2018/09/16/turkey-rearrests-12-lawyers-a-day-after-their-release/>
- 23 <https://ahvalnews.com/turkish-courts/turkish-journalist-ahmet-altan-detained-days-after-release>
- 24 <https://ipa.news/2020/01/19/general-re-arrested-as-erdogan-fumes-at-judges-for-freeing-him/>
- 25 <https://www.hrw.org/news/2020/02/20/turkey-prominent-civic-leader-rearrested-after-acquittal>
- 26 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 27 The Arrested Lawyers Initiative. Lawyers to Alpay and Altan say Constitutional Court rulings are binding on all. <https://arrestedlawyers.org/2018/01/16/lawyers-to-alpay-altan-say-constitutional-court-rulings-are-binding-on-all/>
- 28 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 29 Alparslan Altan v. Turkey - 12778/17, <http://hudoc.echr.coe.int/eng?i=002-12446>
- 30 <https://www.turkishminute.com/2019/03/06/former-deputy-chief-justice-given-11-year-jail-sentence-over-gulen-links/>
- 31 Demirtas v Turkey, Application no. 14305/17, <http://hudoc.echr.coe.int/eng?i=001-187961>
- 32 Kavala v. Turkey, Application no. 28749/18, <http://hudoc.echr.coe.int/eng?i=001-199515>,
- 33 <https://www.reuters.com/article/us-turkey-security-gezi/turkey-keeps-businessman-in-jail-despite-european-court-release-call-idUSKBN1YS0O1>
- 34 <https://www.hrw.org/news/2020/02/20/turkey-prominent-civic-leader-rearrested-after-acquittal>
- 35 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 36 CCPR/C/125/D/2980/2017, [https://arrestedlawyers.files.wordpress.com/2018/12/ccpr\\_c\\_125\\_d\\_2980\\_2017\\_28518\\_e.pdf](https://arrestedlawyers.files.wordpress.com/2018/12/ccpr_c_125_d_2980_2017_28518_e.pdf)
- 37 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 38 Opinions Nos. 53/2019, 10, 2019, 78/2018, 42/2018, 43/2018, 44/2018, 11/2018
- 39 Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial\\_.pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial_.pdf)
- 40 The World Justice Project. Rule of Law Index 2016-2017. <http://data.worldjusticeproject.org/pdf/rule-of-law-index-TUR.pdf>
- 41 The World Justice Project. Rule of Law Index 2017-2018. [https://worldjusticeproject.org/sites/default/files/documents/WJP\\_ROLI\\_2017-18\\_Online-Edition.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP_ROLI_2017-18_Online-Edition.pdf)
- 42 <https://worldjusticeproject.org/our-work/publications/rule-law-index-reports/wjp-rule-law-index-2019>
- 43 <https://ipa.news/2020/01/19/general-re-arrested-as-erdogan-fumes-at-judges-for-freeing-him/>
- 44 <https://ahvalnews.com/recep-tayyip-erdogan/turkeys-erdogan-signals-continued-imprisonment-former-hdp-leaders>
- 45 <https://en.haberler.com/president-erdogan-prosecutors-may-object-to- Dundar-889396/>
- 46 <https://globalfreedomofexpression.columbia.edu/cases/case-journalists-can-dundar-erdem-gul/>



## THE JUDICIARY IN TURKEY:

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