



## **The revival of the accession process and the growing disrespect for the separation of powers in Turkey**

The Ambassador of Turkey in Portugal criticized what she said is the "idea transmitted" by the press, that the revival of the accession process, decided following the EU-Turkey agreement on immigration, would be "a kind of Grand Prize" for that country.

Unfortunately, this is not just an idea conveyed by the press – it's the only conclusion that can be reached when examining closely the recent actions of the Turkish Government and its growing disregard for separation of powers and freedom of expression.

During the period between January and March 2013 554 judges and public prosecutors in Turkey were relocated, without their consent, to different positions. After that, more than a hundred people, without any judicial experience, previously employed in the ruling party, were appointed judges in courts of high instances to which otherwise only judges with at least fifteen years of experience can be appointed.

According to media reports, the Turkish president has, for the first 227 days since his election (10<sup>th</sup> August 2014), filed lawsuits for libel against 236 people; eight of them are in custody and against 105 of them the criminal proceeding is ongoing.

On 12<sup>th</sup> May 2015 the High Judicial Council dismissed, with no right to a legal remedy, judge Süleyman Karaçöl and four public prosecutors (Zekeriya Öz, Celal Kara, Mehmet Yüzgeç and Muammer Akkaş) who investigated the case of Turkish president's involvement in corruption.

On 6<sup>th</sup> May 2015 the arrest of chief public prosecutor of Adana Süleyman Bağrıyanık was ordered alongside three of his deputies Ahmet Karaca, Aziz Takçı, Özcan Şişman and former head of gendarmerie of the Adana Province (Özkan Çokay) on charges of attempted government overthrow as they intercepted two convoys of trucks near the Syrian border (Hatay and Adana)

on 1<sup>st</sup> and 19<sup>th</sup> January 2014, which were accompanied, as it turned out, by Turkish intelligence officers, with arms smuggled to Syria.

On 30<sup>th</sup> April 2015, two judges, Metin Özçelik and Mustafa Başer, were arrested on charges of being terrorists as they had reached a decision of termination of custody (according to which, contrary to the law, no action was taken); the reached decision on termination of custody referred to policemen and a journalist (also under suspicion of terrorism) who had, until that point, spent a year and a half in remand prison, all of them had earlier worked on the matters of exposing of state corruption. Judges still remain in custody, while on the same day of the first hearing (26<sup>th</sup> January 2016), it was made public that both of them were dismissed of judicial tenure. This is the first case in Turkey that judges are arrested on the basis of a decision they reached in performing their professional function.

In the beginning of February, the High Judicial Council has initiated disciplinary proceedings against several dozen of judges (in 78 courts) based on the complaint of the Ministry of internal affairs that they had been adjudicating against the Ministry.

Turkish president has recently organised a meeting with local governors and told them: “If necessary, leave the laws aside, do the work in your own way”, as well as: “We are successful because we adapted the laws. We have succeeded because we refused to abide them.”

It is in this context and in view of this background that the European Union decides to reward Turkey, highlighting the "progresses made" and accelerating the process of integration. Unable to give a coherent and humane response to the drama of the refugees, Europe breaks and gives up on its fundamental values.

Yes, most probably the true defenders of European values in Turkey will join the European Union, but unfortunately they will do it in jail, arrested for defending those same values.

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