

MEDEL STATEMENT

TURKEY: HEAVY AND UNJUSTIFIED CONVICTION OF MURAT ARSLAN, VACLAV HAVEL HUMAN RIGHTS PRIZE WINNER

Today, January 18th, 2019, was held the last session of the trial against Murat Arslan, unlawfully accused and persecuted by the Turkish authorities and arrested since October 19th, 2016.

In today's session, the court issued the decision, sentencing Murat Arslan to 10 years of imprisonment.

The sentence issued today by the Turkish court was not a surprise. The whole procedure before the Turkish courts was not transparent and didn't meet the criteria of a due process of law.

Murat Arslan faces very difficult conditions of detention. He is in an overcrowded cell, with 16 other inmates: 8 sleep on the floor, 8 have a bed and there aren't enough toilets.

Monthly reviews of pre-trial detention were made only on paper, and the detention was automatically extended without any Court hearing, in accordance with emergency legislation. Files had been classified, and lawyers didn't have access to them before the trial. Murat Arslan has been punished by the prison authorities, with no visiting rights for a month, for having written a letter to his wife criticising the situation.

The judge presiding to the hearing has changed four times and (with the exception of the first change) no explanation of the motives for those changes has been given. Requests from the defence to hear all the witnesses again (so that the same judge would hear them all) were rejected by the court.

During the hearings, a witness has been heard by a different court, without knowledge or presence from Murat Arslan's defence. More, the identity of that witness has not been disclosed to the defence and a request to hear this witness again was rejected.

A lot of witnesses testified in favour of Murat. Some witnesses who had previously charged him did not confirm the charges before the court – they said that they had not been able to read their deposition when they were interrogated in prison or that they were in a stressful situation. Some witnesses charged Murat in the hearings of the court but were not able to give details.



After each hearing, the defence asked to release Murat, but the court always rejected it, although nothing concrete was proved, and many witnesses did not confirm what they said before.

During the hearing, new charges based on facts never before mentioned were brought against Murat Arslan. A new indictment has been brought against him because of the letter he wrote to his wife.

Murat Arslan (1974, Ankara, Turkey) was elected President of the Executive Board of YARSAV in March 14, 2011. YARSAV, with almost 1800 members among judges and prosecutors, is the first and the most representative judicial association in Turkey.

During his mandates, Murat Arslan has had a fearless and courageous intervention in Turkish society, denouncing all the abuses that were increasingly being made by the Executive and Legislative Powers against the rights of citizens and the independence of the Judicial Power. His constant intervention in social media, newspapers and institutional forums was never stopped by the growing menaces that the Turkish Government was directing to all those who defied the hegemonic power of President Erdoğan, that was threatening Turkish society.

While he was President of YARSAV, he participated in the meetings of international organisations of Judges and Prosecutors (IAJ, MEDEL, EAJ) as representative of YARSAV. His intervention in Turkey was made in various channels: conferences, seminars, panel discussions, articles published in newspapers and magazines (Birgün, Evrensel, Cumhuriyet, Hukuk Defterleri), interviews to different newspapers (always focusing on the Rule of Law and the need to respect Human Rights and the Independence of the Judiciary). Murat Arslan also participated in civil society organisations: "Turkey is looking for justice movement" and "Resistance in Artvin Gold Mine". He has had an active role in the observation of political trials organised by the Executive Power against İlhan Cihaner, Can Dündar & Erdem Gül, and Istanbul Bar Association's executive board member, Deniz Feneri.

Precisely because of his intervention as president of YARSAV, he was dismissed in August 03, 2015, from his post of assistant judge to the Constitutional Court and was appointed to the Chamber of Accounts (an appointment that was announced in newspapers with the title of "Exiled to the Chamber of Accounts").

After the attempted *Coup d'État* in July 2016, YARSAV was administratively disbanded – it was the first governmental decree announced after the declaration of state of emergency, in July 23, 2016 – and Murat Arslan was dismissed, as well as thousands of other Judges and Prosecutors. However, YARSAV still remains a member of *Magistrats Européens pour la Démocratie et les Libertés - MEDEL*, *International Association of Judges (IAJ)* and *European Judges Association (EAJ)*.

He was arrested while serving his third mandate as YARSAV president.

Turkey is currently the biggest prison of Judges and Prosecutors in the world.

On October 9th, 2017, the Parliamentary Assembly of the Council of Europe awarded Murat Arslan the 2017 Václav Havel Human Rights Prize.

His incarceration did not silence him: a representative of MEDEL was able to make his voice heard, and his beautiful and courageous speech was read before the Parliamentary Assembly in Strasbourg. That same evening, the Turkish government criticized the "*honour given to this terrorist*". A month later, Turkey decided to reduce its financial contribution to the *Council of Europe*.

MEDEL – MAGISTRATS EUROPÉENS POUR LA DEMOCRATIE ET LES LIBERTÉS:

- **DENOUNCES ALL THE INFRINGEMENTS ON BASIC CRIMINAL PROCEDURAL RULES OCCURRED DURING MURAT ARSLAN'S TRIAL;**
- **PUBLICLY STATES THAT THIS WAS NOT A FAIR TRIAL, THAT THE SENTENCE ISSUED TODAY BY THE TURKISH COURT IS NOT LEGITIMATE AND, THEREFORE, THAT IT DOES NOT RECOGNIZE THIS CONVICTION;**
- **REAFFIRMS ITS FULL SOLIDARITY WITH MURAT ARSLAN AND HIS FAMILY AND, THROUGH HIM, WITH ALL THE TURKISH JUDGES, PROSECUTORS, LAWYERS AND ALL OTHER CITIZENS WHO ARE BEING UNLAWFULLY PERSECUTED EXCLUSIVELY BECAUSE OF POLITICAL MOTIVES;**
- **MAKES A STRONG APPEAL TO ALL EUROPEAN AND INTERNATIONAL AUTHORITIES TO CALL ON THE TURKISH GOVERNMENT TO IMMEDIATELY CEASE THE ONGOING VIOLATION OF BASIC HUMAN RIGHTS AND TO IMMEDIATELY RELEASE MURAT ARSLAN AND ALL THE OTHER POLITICAL PRISONERS.**

In this sad day, let us once again recall the words of Murat Arslan in his speech of acceptance of the Vaclav Havel Human Rights Prize:

"I am speaking to you from a jail in a country where the rule of law is suspended, that moves far away from democratic values, where dissidents are silenced, human rights defenders, journalists, people asking for peace, people who shout out that children should not die are labelled as terrorists and jailed. (...) The price that we are paying just raises our faith in the coming days where the rule of law and democracy will be internalized".

Let us also recall his words of hope, in the letter he wrote to his wife and by which he was punished and is being once again persecuted:

"Every night I go to sleep with hope in better days and inner peace, every morning I wake up smiling. The smile never left my face. In this regard, an idea crossed my mind: history never wrote about any dictator who went to grave with a smile on his face, and never will."

January 18th, 2019