



SMMP

Sindicato dos Magistrados
do Ministério Público

Statement of support to the Turkish judges and prosecutors as well as to YARSAV's Chairman, *Murat Arslan*

1. The Sindicato dos Magistrados do Ministério Público Português (SMMP) [Professional Association of the Portuguese Public Prosecutors] expresses its deep consternation and concern over the current situation of the Turkish counterparts.
2. Apart from the known arrest of judges and prosecutors who were in charge of sensitive investigations into politicians, whose circumstances and grounds still remain unclear and in relation to which the international political community is - strangely enough - indifferent, we consider that the most recent removal of Murat Arslan, Chairman of YARSAV (Turkish Association of Judges and Prosecutors), as Judge Rapporteur of the Turkish Constitutional Court - a post to which he was appointed in 2005 and which he had held for the past 10 years -, on 3 August 2015, emphasizes the concerns and violates the type of independence that must be guaranteed to the judiciary and that its legitimate representatives should deserve, particularly where the underlying motive for such removal is not based on any known fundamental grounds.
3. The climate conditioning the judiciary's power to initiate investigations on its own initiative in corruption cases affecting Turkish high ranking officials and the most recent proposals for legislative amendments that enable them is very alarming, if we take into account the recent news reported by our counterparts in the Turkish Association.
4. The attacks on the independence of the judiciary and the intimidation of prosecutors through swift expulsion proceedings undermine the rule of law, the separation of powers and a democracy of minimums which, in turn, makes Turkey move further away from the European standards enshrined in the "Copenhagen criteria", pursuant to which the existence of stable institutions guaranteeing democracy, the rule of law and human rights are the sine qua non criterion for acceding to the status of a modern European democracy.
5. The SMMP therefore expresses its full support to the Turkish colleagues and praises their courage and fighting spirit that are so necessary to resist the collapse of the rule of law and the attack aimed at intimidating them and prejudicing their personal and institutional dignity, through the necessary fighting forms.
6. The international community and the European Magistrates for Democracy and the Freedoms, - an organization of which the SMMP is a founding member -, must simply reject that state of affairs and denounce the arbitrary use and abuse of power that seriously victimize the Turkish prosecutors. Its duty is therefore to publicly denounce the situation, disseminate and communicate it to the relevant international bodies, in particular the UN and its Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, as well as inform the Turkey's diplomatic representation in Portugal of these concerns.

Lisbon, 21 August 2015

The SMMP's Management Board