

PRESS RELEASE

The ROMANIAN JUDGES' FORUM Association, an independent, non-profit, non-governmental and apolitical association of Romanian judges, having legal personality under Romanian law, having as main goals the following: 1. the progress of society through actions aimed to create an independent, impartial and efficient justice; 2. the assertion and the defense of the independence of justice in relation to the other powers of the state; 3. the initiation, organization, support, coordination and implementation of projects concerning the improvement, the modernization and the reform of the administration of justice, **expresses its deepest concerns over the current situation in Turkey, regarding the Judiciary.**

Noticing the fluid and complex situation in Turkey,
Having in mind the necessity of clarification, under every relevant aspect, of the events that took place recently, in the night of 15 – 16 July 2016,

The Romanian Judges' Forum Association urges the Responsible Executive Authorities of Turkey to respect the principles laid down in the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948 and in the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome, on 4th of November 1950, Turkey being a party of both these two international juridical instruments.

We are pointing especially to the situation of the members of the Judiciary, already detained or about to be detained, and also of the thousands of judges and prosecutors removed from their offices, just hours after the events of the night of 15 – 16 July 2016.

We strongly reaffirm the NEED TO RESPECT of the PRINCIPLES of the RULE OF LAW, the RIGHT TO LIBERTY (*habeas corpus*) and the INDEPENDENCE OF THE JUDICIARY.

According to **Article 9 of the Universal Declaration of Human Rights:**

„No one shall be subjected to arbitrary arrest, detention or exile”.

According to **Article 5 paragraph 1 and paragraph 3 of the European Convention on Human Right**, Right to liberty and security,

„1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: (a) the lawful detention of a person after conviction by a competent court; (b) the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law; (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion

of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so ...;

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.”

According to pct. 54 („Tenure and irremovability”) of the **Explanatory Memorandum of the Recommendation CM/Rec(2010)/12, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010**, Turkey being a part of this organization, „*judges cannot, except from disciplinary reasons, be removed from office ...*”

According to **Article 138 of the Turkish Constitution**, *the independence of the courts and judges is guaranteed*. Also, according to **Article 139** dealing with security of tenure of judges and public prosecutors, “*Judges and public prosecutors shall not be dismissed, or unless they request, shall not be retired before the age prescribed by the Constitution; ... Exceptions indicated in law relating to those convicted for an offence requiring dismissal from the profession, those who are definitely established as unable to perform their duties because of ill-health, or those determined as unsuitable to remain in the profession, are reserved.*”

Acknowledging the necessity to conduct a proper and effective investigation *in casu*, The ROMANIAN JUDGES’ FORUM Association calls the Turkish Executive Authorities to abstain from any conduct that may lead to the infringement of the rule of law, of the independence of the Judiciary and of the right to liberty of every magistrate who is or will be subject to any investigation related to the events that took place at the night of 15 – 16 July 2016.

The Romanian Judges’ Forum Association

**Bucharest,
17 July 2016**