



Annex 1: The Rule of Law Situation in Turkey

Turkey is a sophisticated, modern democracy that signed and acceded to the European Convention on Human Rights in 1954 and International Convention on Civil and Political Rights on 23 September 2003.

The response to the failed coup – the mass detentions and trials, the huge number of dismissals, the continuance of the state of emergency, changes to the constitution to vastly increase executive power, and the suppression of opposition – has done precisely that which the government charges the alleged plotters: diminished the rule of law and substantially undermined the democratic institutions.

Summary points

- Since the coup, 2431 (out of 4560 dismissed) judges and prosecutors, 580 lawyers and 319 journalists and media workers have been arrested, an estimated 1000 judges and prosecutors, 400 lawyers and 180 journalists and media workers are still detained, with more than 5,966 facing prosecution. Most of them are being targeted solely for carrying out their professional activities. In many cases, they are detained on non-specific terrorism related offences.
- Prosecutions are brought against lawyers for defending their clients in cases which are politically motivated. Lawyers are identified with their clients or a cause or issue. Such issues include criticizing the State and its institutions, including the independence of the judiciary and the impunity of the State for human rights violations and expressing religious and ethnic minority rights. Judges are dismissed and cases brought against them when they do not allow their independence to be compromised in trying cases before them. Many arrests are based on a list of names, unsupported by any evidence or by evidence to requisite international law standards as set out in the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) to which Turkey has acceded.
- The Bar Council and BHRC are not alone in expressing concern over the ongoing deterioration in fundamental rights and freedoms and the rule of law in Turkey since the failed coup of 2016. In the last three months, the [European Parliament](#) and the [Office of the United Nations High Commissioner for Human Rights](#) have condemned the current human rights situation in Turkey and have called on Turkish authorities to end the state of emergency.
- Concerns over the widespread persecution of lawyers, journalists, judges and prosecutors in Turkey have also been expressed by international organisations and lawyers' associations around the world, including [Amnesty International](#), [Human Rights Watch](#), [International Bar Association's Human Rights Institute](#), [International Association of Lawyers](#), [Council of European Bars and Law Societies of Europe](#),

[European Association of Judges](#), [European Federation of Journalists](#), [Reporters Without Borders](#) and more.

- In the recent cases of [Şahin Alpay v. Turkey](#) and [Mehmet Hasan Altan v. Turkey](#), the European Court of Human Rights ruled that Turkey had violated the right to liberty and security (Article 5) and the right to freedom of expression (Article 10).
- BHRC has observed four hearings in two separate cases and found the proceedings had the appearance of show trials with breaches of fundamental fair trial standards. Many defendants received limited to no access to their lawyer prior to their hearing first hearing and many of their visits in custody were supervised. The observations also found that the charges against the defendants lacked significant specificity or credible evidentiary support. These reports can be found at www.barhumanrights.org.uk/country/turkey/
- BHRC recently conducted interviews of Judges and prosecutors who have been dismissed from their positions and fled Turkey. Evidence was obtained of the use of State pressure upon these professionals to abandon their independence to the detriment of defendants appearing before the courts.