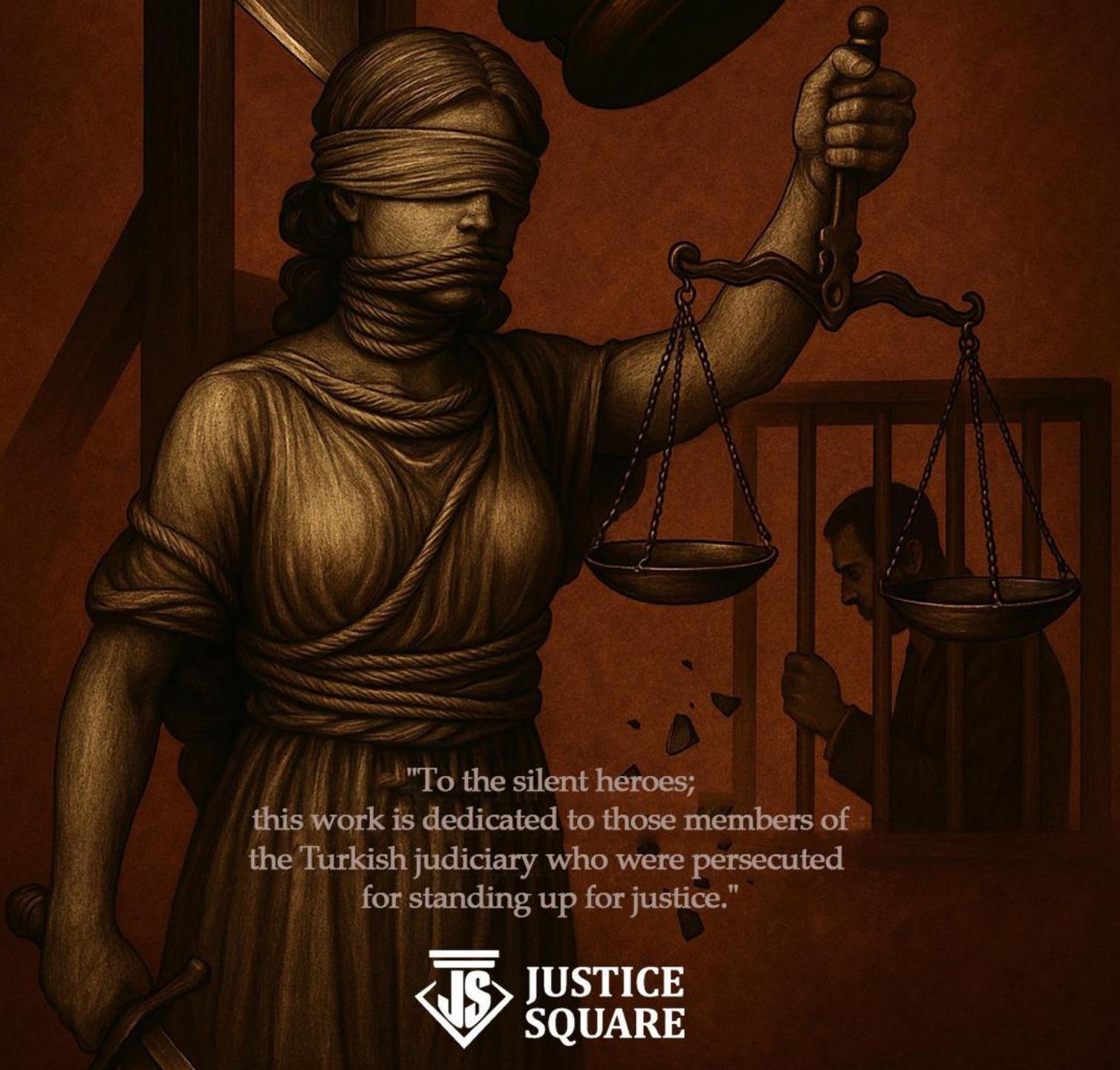


Stichting Justice Square

TURKISH JUDICIARY REPORT

THE PROCESS OF TRANSITION OF THE INDEPENDENT
JUDICIARY TO THE REGIME JUDICIARY



"To the silent heroes;
this work is dedicated to those members of
the Turkish judiciary who were persecuted
for standing up for justice."



JUSTICE
SQUARE

TURKISH JUDICIARY REPORT:
THE PROCESS OF TRANSITION OF THE INDEPENDENT JUDICIARY TO THE
REGIME JUDICIARY

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ABOUT US

Stichting Justice Square is an Amsterdam-based non-profit, non-governmental organisation that aims to make a lasting and meaningful difference in the lives of persecuted individuals, refugees, victims of war and displaced communities around the world. Promoting democratic values, the Foundation advocates for the protection of human rights and works to strengthen international cooperation. In particular, human rights violations in Turkey are meticulously monitored by the Foundation and these violations are presented to international institutions and organisations through regular reports and information letters. Stichting Justice Square is based on cooperation with academic circles and global stakeholders for a world where justice and human dignity are protected.

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ABBREVIATIONS

AKP	: Justice and Development Party
ATK	: Forensic Medicine Institute
CAT	: Committee against Torture
CC	: Constitutional Court
CGK	: Criminal General Assembly
CGTHK	: Law on the Execution of Criminal and Security Measures
CHP	: Republican People's Party
CISST	: Civil Society in the Penal Execution System Association
CMK	: Criminal Procedure Code
CPT	: European Convention against Torture and Inhuman or Degrading Treatment or Committee for the Prevention of Torture
ECtHR	: European Court of Human Rights
ECHR	: European Convention on Human Rights
HRFT	: Human Rights Foundation of Turkey
HRW	: Human Rights Watch
HSK	: Council of Judges and Prosecutors
IHD	: Human Rights Association
KHK	: Decree-Law
MIT	: National Intelligence Organisation
OECD	: Organisation for Economic Co-operation and Development
SoE	: State of Emergency
TCK	: Turkish Penal Code
TIHEK	: Human Rights and Equality Institution of Turkey
TTB	: Turkish Medical Association
UN	: United Nations

INTRODUCTION

Turkey's modernisation and democratisation process has been frequently interrupted by military coups and antidemocratic practices. These interventions, which were carried out with the claim of establishing democratic order, on the contrary, led to gross human rights violations, torture, executions and chaotic periods. Like the 1960 and 1980 coups and the 28 February post-modern coup, the 15 July coup attempt has also led to similar tragic consequences.

At this point, the 15 July coup attempt in Turkey, in which widespread human rights violations and grave crimes against humanity were committed, is very different from the others. This coup attempt is in a different position as it is a "*suspicious*" attempt in terms of its reality and formation process. This is because the 15 July coup attempt was described as a "*controlled coup*" from the very first moment by some opposition parties in the country and was met with suspicion in the international community. What makes this coup attempt so grave is that the Erdoğan regime turned it into an opportunity. The Erdoğan regime has used this shady and controlled coup attempt to build the totalitarian regime it aims for. Therefore, it has caused more serious violations of rights and grave crimes against humanity than any other military coup. As can be seen from the numerical data in the relevant sections below, with the State of Emergency (SoE) declared on the pretext of the 15 July coup attempt, the process has turned into a "*civilian coup*" directly targeting fundamental rights and freedoms.

Thus, the Erdoğan regime had the opportunity to implement its goal of "*one man regime*" or in technical terms "*authoritarian regime*", which it had turned into a road map after the 17/25 December ge bribery and corruption operations, with all its elements with the 15 July coup attempt. Thus, in recent years, under the Erdoğan regime, there has been a period of repression that surpasses even the previous periods. In this period, human rights violations, restriction of fundamental freedoms and unjust practices have spread to all areas of social life. The antidemocratic actions and activities prevailing in Turkey during this period have led to much more serious human rights violations than in previous periods.

This report deals with the unlawful interventions especially against the judiciary and the process of liquidation of the Turkish judiciary in this process in which Turkey has moved away from democratic values, the rule of law has disappeared and the country has almost turned into an open prison. In this context, the mass dismissals of members of the judiciary, severe isolation practices, marginalisation policies and the resulting deaths and suicides will be covered.

After 15 July, systematic, discriminatory and hate-motivated violations still continue with the same intensity. The Erdoğan regime has created a "*climate of fear*" with the authoritarian order it has established, and this atmosphere has captured the judiciary. The judiciary has lost its independence and has become "*the cudgel of the regime*". Although there are national and international reports on Turkey, there is a limited number of studies analysing in detail how the judiciary has come under the control of the regime. This report aims to fill this gap with dozens of cases and details. For a better understanding of the subject, the developments and critical events that paved the way for the formation of the Erdoğan regime will first be summarised.

➤ *The Coup Attempt and the Position of the Judiciary*

In December 2013, the Turkish judiciary and law enforcement agencies launched operations involving ministers and bureaucrats of the Erdoğan regime and members of Erdoğan's family in what became known as the "*17/25 December major bribery and corruption operations*"¹. In these investigations, ministers, members of parliament, bureaucrats and prominent members of the Justice and Development Party (AKP) and their families were accused of bribery and corruption allegations. A huge bribery and corruption scandal erupted, leading to a cabinet reshuffle in the government and major upheavals within the party.

Following the 17/25 December 2013 investigations involving ministers and bureaucrats of the Erdoğan regime and members of Erdoğan's family, publicly known as the 17/25 December great bribery and corruption operations, in an attempt to discredit these processes and close down the investigations, the Erdoğan administration described the operations as a coup against the government and made allegations against the judges, prosecutors and law enforcement officers involved in the investigations, without any concrete evidence, that they were linked to the Gülen Movement. These discourses were voiced by the Prime Minister of the time, Recep Tayyip Erdoğan, MPs and bureaucrats, and were constantly conveyed to the public through government-controlled media organs.

In this context, the judiciary has been systematically and deliberately targeted, and large-scale purges have been implemented. This process started with investigations into illegal activities involving government officials, ministers, ministers' children and especially Iranian-born businessman Reza Zarrab, whose testimony in the US confirmed the allegations in the investigations, and triggered sweeping changes in the Turkish judiciary.

The Erdoğan regime has introduced various legal and administrative regulations aimed at weakening the competence and functionality of the independent judiciary. In particular, fundamental changes to the structure of the Council of Judges and Prosecutors (HSK) have left the judiciary open to the influence of the executive branch. These reforms were seen as part of a process that undermines judicial independence and poses serious threats to the rule of law.

After 17/25 December, when the corruption and bribery investigations involving the Erdoğan regime began, the policies aimed at ending and destroying the independent Turkish judiciary were transformed into a state policy, this time on the grounds of the 15 July coup attempt.

The 15 July coup attempt,² in the words of the coup text, was a military coup attempt carried out in Turkey by a group of soldiers within the Turkish Armed Forces who identified themselves as *the "Peace at Home Council"*. However, as explained above, this coup attempt and its methodology have been found "*shady*" by the society and the

1 For detailed information see: Wikipedia, "17-25 December Corruption and Bribery Operation", https://tr.wikipedia.org/wiki/17-25_Aral%C4%B1k_Yolsuzluk_ve_R%C3%BC%C5%9Fvet_Operasyonu

2 For detailed information, see: Wikipedia, "15 July Coup Attempt", https://tr.wikipedia.org/wiki/15_Temmuz_Darbe_Giri%C5%9Fimi

main opposition parties. In this context, the Republican People's Party (CHP) has used the term "*controlled coup*" to explain this shady situation regarding the coup attempt.³

It has also been frequently stated that the Erdoğan regime has turned the 15 July coup attempt into an opportunity to destroy the democratic parliamentary system and build a "*one man*" regime.⁴ Although the Commission to Investigate the 15 July Coup Attempt established by the Grand National Assembly of Turkey⁵ repeatedly invited Hulusi Akar, the then Chief of General Staff, and Hakan Fidan, the Undersecretary of the National Intelligence Organisation (MIT), to the commission in order to shed light on the coup, neither of them appeared to testify.

What is even more serious is that the report prepared by the commission, which caused great controversy, was not published on the grounds that it was technically incomplete. In response to a parliamentary question on this issue, Süreyya Sadi Bilgiç, then Deputy Speaker of the Grand National Assembly of Turkey, made the following statement⁶ : "*The report submitted by the 15 July Coup Attempt Investigation Commission to former Parliament Speaker İsmail Kahraman on 12 July 2017 could not be printed and distributed during the 26th Legislative Term as it was not finalised. There is no report finalised by the Commission and submitted to the Presidency.*" This situation has resulted in the report, which was expected to eliminate suspicions about the coup attempt, being concealed from the public.⁷

After the 15 July coup attempt, which was accepted as "*a blessing of God*" by Recep Tayyip Erdoğan, systematic and mass detentions and arrests were made against opposition groups, especially members of the Gülen Movement, and unjust sentences were imposed on these people by the judicial authorities, which turned into regime courts, in violation of the principle that there is no crime and punishment without law. In this unlawful process, people's most fundamental rights such as the right to life, the prohibition of torture and ill-treatment, the right to liberty and security, the right to a fair trial and freedom of expression have been taken away as a state policy. People have been left to civil death both in prisons and in civilian life under the influence of this hate policy.

The judiciary has undoubtedly been one of the places where these unlawful and discriminatory practices, which have become a state policy in Turkey, have found the most life. The judiciary has ceased to be the protector of fundamental rights and freedoms and the provider of justice; it has turned into a regime judiciary that mediates the mass detention and arrest of opponents. These unlawful and arbitrary practices have started to be implemented in all levels of the judiciary within the framework of a plan.

3 BBC, " Kılıçdaroğlu: 15 July is a controlled coup attempt", 3 April 2017, <https://www.bbc.com/turkce/haberler-turkiye-39478777>

4 BBC, " Kılıçdaroğlu: 15 July is a controlled coup attempt", 3 April 2017, <https://www.bbc.com/turkce/haberler-turkiye-39478777>

5 Turkish Grand National Assembly Commission Minutes, https://www5.tbmm.gov.tr/develop/owa/komisyon_tutanaklari.tutanaklar?pKomKod=1021&pDone m=26&pYasamaYili=2

6 Diken, "Meclis Presidency: No official 15 July report", 18/07/2022, <https://www.diken.com.tr/meclis-baskanligi-resmi-olarak-15-temmuz-raporu-yok/>

7 DW, "Erdoğan made a statement in Istanbul", 16 July 2016, <https://www.dw.com/tr/erdo%C4%9Fan-i%CC%87stanbulda-a%C3%A7%C4%B1klama-yapt%C4%B1/a-19403922>

After the 15 July coup attempt, in the chaotic environment brought about by the State of Emergency (SoE), public officials committed offences of torture, rape, violence, threats, injuries and harassment against the opponents in prisons and detention centres, as well as direct discriminatory practices such as confiscation of bank accounts and assets. Likewise, other opposition groups were also severely affected by the culture of arbitrariness and impunity created by the state of emergency declared after the coup attempt. In this context, the writers and executives of *Cumhuriyet* Newspaper,⁸ one of the oldest newspapers in the history of the Republic, which publishes in a secular and social democratic manner, were arrested after the 15 July coup attempt on the grounds of being associated with the Gülen Movement despite the lack of any concrete evidence. Similarly, CHP MP Enis Berberoğlu and many opposition journalists, writers, politicians and academics such as Ahmet Altan and Mehmet Altan were subjected to the same unlawful practices.

➤ *State of Emergency Decree Laws - Mass Expulsions - Seizures*

In general, the main target of severe measures such as mass dismissals, detentions, arrests and confiscation of assets initiated after the 15 July coup attempt has been the opposition, particularly the Gülen Movement. Thanks to the chaotic environment created by the 15 July coup attempt and well-planned discriminatory policies, the Erdoğan regime has started to remove, exclude and devalue all opposition groups from the public and social sphere, especially those it considers to be affiliated with the Gülen Movement, and to impose the most severe measures such as detention, arrest and confiscation of assets against them.

In order to put these measures into practice, a state of emergency was declared on **20 July 2016**. During the State of Emergency, a total of **37** State of Emergency Decree Laws were issued in a systematic and planned manner with the aim of completely eliminating the opposition from the public and private sectors, confiscating their assets and facilitating their arrest. A total of more than **130,000** public officials were dismissed from their posts by the Decree Laws issued during the State of Emergency. There were coups in Turkey in the 1960s and 1980s, but only during the 15 July period were dismissals carried out by emergency decrees.

With the **Decree Law No. 672⁹**, more than **40,000** public officers were dismissed at once. There is no other similar case in the world. Again in Turkish and world history, the highest number of judicial personnel dismissed by a single decree was carried out by the HSK on **24 July 2016**.¹⁰ The General Assembly of the Council of Judges and Prosecutors dismissed **2,847** judges and prosecutors at once with the dismissal decree dated **24/08/2016**. It is seen that these dismissals were list-based, without the right to defence, and based on pre-prepared **lists**. Approximately **4,500** judges and prosecutors were dismissed from the profession during and after the State of Emergency.

8 Wikipedia, Cumhuriyet (newspaper), [https://tr.wikipedia.org/wiki/Cumhuriyet_\(newspaper\)](https://tr.wikipedia.org/wiki/Cumhuriyet_(newspaper)) "Erdoğan let it slip that he directed the operation", 22.07.2014,

9 No. 672 on Public Personnel within the Scope of State of Emergency Decree Law on Measures Taken, 01.09.2016 <https://www.resmigazete.gov.tr/eskiler/2016/09/20160901M1-1.htm>

10 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minute No: 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

On the other hand, 48 health institutions, 1,061 educational institutions, 800 dormitories, 223 courses and study centres, 155 foundations, 1,595 associations, 15 universities, 19 trade unions and 174 media outlets were closed down by the decrees issued during the State of Emergency in Turkey. Furthermore, 985 commercial enterprises were transferred to the Savings Deposit Insurance Fund (SDIF). Similarly, 70 newspapers, 20 magazines, 34 radios, 30 publishing and distribution companies and 33 television channels were closed down by emergency decrees. Similarly, **Bank Asya**, which was seized and transferred to the Savings Deposit Insurance Fund (SDIF) before the coup attempt, was also closed down.¹¹

The value of assets confiscated through the KHKs (Decree-Law) and the Anti-Terror Law during the State of Emergency period is estimated to be at least **USD 32.24 billion** as of 21 July 2016, when the State of Emergency was declared.¹²

➤ *Mass arrests and detentions*

In the witch-hunt launched by the Erdoğan regime, hundreds of thousands of dissidents, particularly those linked to the Gülen movement, have been subjected to terrorism investigations, unprecedented mass detentions and arrests. Grave violations of rights have been experienced in every field. This issue has been the subject of many reports and studies. In this context, when the data presented in the section titled "*Armed Terrorist Organisation Membership Cases*" of the report titled "*The Ordinarianisation of Lawlessness*" prepared by *the Democracy and Atılım Party (DEVA)* is examined, it is seen that between 2016 and 2020, at least 1,576,566 people in Turkey were investigated *for "being a member of an armed terrorist organisation"*.¹³

As reported in the US 2021 Human Rights Report on Turkey, as of the 5th anniversary of the coup attempt (2021), the Turkish Ministry of Interior announced that **312,121** people have been detained and **99,123** arrested since the coup attempt for alleged links to the Gülen Movement.¹⁴

In his statement dated 13 July 2023, Minister of Justice Yılmaz Tunç stated that as of 15 July 2016, the Gülen Movement had been targeted:

- 693 thousand 162 people were subjected to judicial proceedings,
- 67 thousand 893 people are still under investigation,
- 122,632 people were convicted,

11 Altıok, Zeynep: State of Emergency Balance Sheet Rights Violations Report, pp.15-16, <https://content.chp.org.tr/file/33743.pdf>

12 Yıldız, Ali/Spencer, Leighann: The Erosion of Property Rights in Turkey , 28.05.2020, <https://blog-iacl-aidc.org/2020-posts/2020/5/28/the-erosion-of-property-rights-in-turkey>

13 Yeneroğlu, Mustafa: "Ordinarianisation of Lawlessness: Armed Terrorist Organisation Membership Trials", September 2021, <https://cdn.devapartisi.org/422/Hukuksuzlugun-Siradanlasmasi.pdf>, p.2

14 United States Department of State, 2021 Human Rights Report-Turkey, https://tr.usembassy.gov/wp-content/uploads/sites/91/Human_Rights_Report_TR.pdf?_ga=2.172647078.426733446.1687045156-2084181857.1687045156 , pp.10-11

- He stated that there are a total of 15,539 detainees and convicts in prisons, including 12,108 convicts, 2,605 remand prisoners and 826 remand prisoners.¹⁵

In his last speech in the Parliament on 20 November 2024, Minister of Interior Ali Yerlikaya, in the context of the 2025 budget preparation works in the Parliament Plan and Budget Commission, stated that in the first ten months of 2024 alone, 4,177 operations were carried out against the Gülen Movement, 6,727 people were detained, 935 people were arrested and 1,317 people were given judicial control orders.

In order to ensure that public officials who carried out unlawful orders, engaged in torture, ill-treatment and degrading behaviour, and committed inhumane acts, decisions and actions beyond the scope of their duties during the operations carried out during the State of Emergency do not suffer afterwards and to ensure that they are comfortable in other operations to be carried out, these public officials have been given the "armour of irresponsibility" with the State of Emergency Decree Laws. In addition to this, civilian elements were also given this armour of irresponsibility. In this context, firstly, with the Decree Laws No. 667 and 668 dated 27 July 2016, it was stipulated that the legal, administrative, financial and criminal liability would not arise due to these duties and actions of the persons who took decisions and performed duties within the scope of the State of Emergency Decree Laws. Similar provisions were also included in subsequent decrees with the force of law.

➤ *The Transformation from the State of Law to the State of Regime*

In the process that started after the 17/25 December bribery and corruption operations in Turkey and continued with the 15 July coup attempt, the Erdoğan regime has systematically and deliberately made a number of legal and administrative arrangements in order to suppress the opposition, especially the Gülen Movement, and to erase and destroy them from social, public, political and economic life. First of all, it should be known that the regulations made in this process were mainly carried out through the judiciary. The structure of many fundamental institutions, especially the Council of Judges and Prosecutors¹⁶, has been changed and many new legal regulations have been introduced. The main reason for all this is the Erdoğan regime's desire to bring all powers under its control.

With the constitutional and legal changes made to its institutional structure, the state has turned into a "regime state" rather than a state of law. Rather than the independence of powers and institutions, Turkey has evolved into an antidemocratic process of consolidation and control of powers in one hand. As a natural consequence of the transformation of the state order into the Erdoğan regime, all elements of the power mechanism have adopted this policy. Likewise, the judiciary, which it took under its control after the 17/25 December process, has turned into a "regime judiciary".

15 Gazete Memur, "Bakan Tunç announced: There are 15 thousand 539 FETÖ members in prison", July 13, 2023, https://gazetememur.com/gundem/bakan-tunc-acikladi-cezaevinde-15-bin-539-fetocubulunuyor,sSU5_TNnRE2MvYwiwQU4nQ#google_vignette

16 By Article 14 of the Law no. 6771 dated 21/1/2017, the word "High" was removed from the name of the High Council of Judges and Prosecutors regulated in Article 159 of the Constitution. In order to avoid confusion, the term "Council of Judges and Prosecutors (HSK)" will be used hereinafter.

Around 4,500 judges and prosecutors were dismissed during the state of emergency declared after the 15 July coup attempt. In place of those dismissed, approximately 15,000 judges and prosecutors were recruited with simplified exams and politicised interview conditions. Therefore, the process of cadre formation in the judiciary has been completed and all elements of the regime's judiciary have been made ready. The judiciary has been turned into the shield and saviour of the regime.

People have been subjected to hate speech and crimes, discriminatory practices, torture and ill-treatment in detention centres and prisons, rape, threats, insults, abductions and disappearances in social and public life. These grave crimes against humanity committed by law enforcement forces and other public officials in a systematic and planned manner have been ignored by the judiciary. Instead of questioning these unlawful acts, the judiciary legitimised these inhumane practices with its decisions and made the culture of impunity dominant in the country. Arbitrary arrests, detentions, torture, ill-treatment and violation of the right to a fair trial as a result of systematic, discriminatory and totalitarian policies have been covered up by the judiciary. This attitude of the judiciary has led to the spread of the culture of impunity both in prisons and in social life and has become a state practice.

➤ *Liquidation of the Turkish Judiciary and Construction of the Regime Judiciary*

The State of Emergency declared in the aftermath of the coup attempt on 15 July 2016 has created deep ruptures not only at the political and social level but also in the judicial system. This period has gone down in history as the starting point of the Erdoğan regime's systematic interventions, purges and criminal sanctions against the judiciary. This process, which aims to eliminate the independence and impartiality of the judiciary, has caused Turkey to move away from the rule of law.

During and after the State of Emergency period, thousands of members of the judiciary who were alleged to be opponents of the regime were dismissed, arrested or forced into exile due to their alleged links to the "Gülen Movement". Although it is known that these judges and prosecutors are not affiliated with the Gülen Movement, the Erdoğan regime wanted to purge the judiciary, which it perceived as a threat to itself during the 17/25 December bribery and corruption operations, under the pretext of a coup d'état and claimed that these members of the judiciary were affiliated with the Gülen movement as a justification for this. In this context;

- Approximately 4,500 judges and prosecutors were investigated between 2016 and 2024. This number corresponds to a significant proportion of the total number of judicial personnel in Turkey. Considering that in 2016 the number of judges and prosecutors was around 15,000, one third of the Turkish judiciary was purged during the State of Emergency.
- Among the dismissed members of the judiciary are members of higher judicial bodies such as the Court of Cassation and the Council of State.
- Many members of the judiciary have been accused of legal and social acts that cannot be considered as evidence of crime, such as membership of the judicial association YARSAV, supporting independent candidates in the HSK elections

instead of the candidates of the government-backed Association for Unity in the Judiciary, and alleged use of the ByLock application.

While the administrative and criminal investigations against judges and prosecutors were ongoing, the State of Emergency was declared on **21 July 2016** and then the State of Emergency Decree Law No. 667 was issued on 23 July 2016.¹⁷ With this Decree Law, regulations have been introduced in terms of the trial and disciplinary proceedings of judges and public prosecutors, eliminating the basic guarantees in the Constitution and bypassing the disciplinary procedure in Law No. 2802. **2847**¹⁸ judges and prosecutors were dismissed in the first stage under the State of Emergency measures, without even taking the defence of judges and prosecutors, with the authority granted by the State of Emergency Decree Law No. 667. As of 2022, a total of **4,362** members of the judiciary were dismissed from the profession with 20 different decisions covering members of the Constitutional Court, the Court of Cassation, the Council of State and judges and prosecutors of first instance.¹⁹ Some dismissals were later cancelled through re-examination and appeal processes.

In his statement dated **24.02.2024**, Minister of Justice Yılmaz Tunç said;

- In this process, **4,006** judges and prosecutors were dismissed from their jobs,
- **3,888** of them filed a lawsuit,
- He stated that **387** of those who filed a lawsuit were reinstated by the Council of State.²⁰

Many of the members of the judiciary, who were reinstated with the cancellation decision of the 5th Chamber of the Council of State, were suspended again after the cancellation decision of the Council of Administrative Chambers of the Council of State²¹ following Erdoğan's statement that "we will pursue this matter and we will follow up on it".

On the other hand, it was announced that **2,230** judges and public prosecutors under investigation were under arrest as of **21 September 2016** after the declaration of the **State of Emergency**. After this date, suspensions and dismissals continued as well as arrests.²² Furthermore **2** members of the **Constitutional Court**, **140** members of the **Court of Cassation** and **48** members of the **Council of State** were detained.

During this period, lawyers and jurists who were considered to be close to the regime were appointed to replace the purged members of the judiciary, thus completely

17 Official Gazette, Statutory Decree No. 667 on Measures Taken within the Scope of the State of Emergency, 23 July 2016, <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

18 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minute No: 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

19 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/tr/haberler/darbe-sonrasi-turkiyede-hakim-ve-savcilarin-toplu-ihraclari/>,

20 "Minister of Justice Yılmaz Tunç Answered Questions on Live Broadcast", 24.02.2024 https://www.adalet.gov.tr/adalet-bakani-yilmaz-tunc-canli-yayinda-sorulari-yanitladi_94526

21 Diken, "Danıştay and AYM are in Erdoğan's crosshairs: It bothers us", 15/02/2024, <https://www.diken.com.tr/danistay-ve-aym-erdoganin-hedefinde-bizi-rahatsiz-ediyor/>

22 Yasal Haber, "2,230 judges and prosecutors arrested", 28.12.2016, <https://www.hukukihaber.net/2-bin-230-hakim-ve-savci-tutuklandi>

eliminating the independence of the judiciary. In this context, only in 2016, a total of **4,610**, new judges and prosecutors were admitted to the profession. Again, very shortly after, on 24 December 2016, an exam was announced for the recruitment of a total of **3,800** judges and prosecutors. In other words, considering these figures only in 2016 (4610+ 3800: **8410**), it can be easily understood how the coup process was turned into an opportunity and how the regime judiciary was rapidly built.^{23,24}

Yıllara Göre Toplam Hâkim Savcı Sayısındaki Artış							
Yıl	Sayı	Yıl	Sayı	Yıl	Sayı	Yıl	Sayı
1998	8.676	2004	9.169	2010	11.659	2016	15.945
1999	9.140	2005	9.084	2011	12.040	2017	16.101
2000	9.004	2006	10.176	2012	12.483	2018	19.427
2001	9.242	2007	10.882	2013	13.603	2019	20.629
2002	9.467	2008	11.176	2014	14.810	2020	21772
2003	9.265	2009	11.481	2015	14.729	2021	22800
2022	22861	2023	23.759				

➤ *Judicial Officers Left for Dead*

Although Turkey has been frequently criticised by international judicial bodies and independent human rights organisations for these unlawful practices, the pressure on members of the judiciary has continued to increase. The Erdoğan regime not only dismissed the purged members of the judiciary from their jobs, but also targeted them with criminal sanctions. Most of the arrested members of the judiciary were subjected to isolation, threats, torture and other inhumane acts in prisons and suffered severe health problems. In this process, some members of the judiciary lost their lives in prison.

During and after the State of Emergency, many members of the judiciary attempted to leave the country illegally due to the unlawful ban on leaving the country. However, these attempts, especially those made via the Aegean Sea and the Evros River, resulted in tragic deaths. The members of the judiciary who lost their lives in this process had to resort to migration routes under inhumane conditions in order to escape the regime's pressures. As can be seen, while some members of the judiciary lost their lives in prison during this extraordinary conditions, others faced tragic events and deaths while trying to flee abroad. Some of them struggled with difficult living conditions in the countries where they sought asylum and lost their lives in the process.

On the other hand, as a result of the culture of impunity that started with the State of Emergency in Turkey, torture and similar treatments have been intensively committed both in detention centres and prisons. In this process, as in all segments of the society, judges and prosecutors who were detained or arrested were subjected to torture and similar inhumane treatments. The main purpose of torture against judges and prosecutors was to force them to make statements against themselves or others. These physical and psychological tortures inflicted on judges and prosecutors during the State of Emergency

23 Minutes of the TBMM Plan and Budget Commission, 22.11. 2016, https://www.sbb.gov.tr/wp-content/uploads/2020/02/22-Kas%C4%B1m-2016_PBK_Gorusmeler.pdf

24 <https://www.turkiyehukuk.org/hakim-ve-savci-sayilari-2023/>

were carried out with the knowledge and even with the instructions of judges and prosecutors who are colleagues of these individuals.²⁵

This report aims to shed light on the effects of the post-SoE purges and cadres on the Turkish judiciary, the tragic consequences of the unlawful practices and decisions in this period, including the right to life of judicial personnel, and to reveal the scope of the Erdoğan regime's intervention in the judiciary in detail. In this context, firstly, the process in which the Turkish judiciary lost its independence and turned into a regime judiciary and what happened in this period will be briefly summarised. The judiciary's perspective on the rights violations both before the state of emergency and after the state of emergency decrees issued after the state of emergency will be discussed in general terms. In the second part, the short stories of the valuable members of the independent judiciary, which the Erdoğan regime firstly abolished in order to dominate the country, who lost their lives due to the injustices, unlawfulness and inhuman treatment they suffered both in prison and outside will be included.

25 CBJ, Report on Torture of Judges and Prosecutors in Turkey (May - 2022), Prepared by: Mustafa Doğan, 27 May, 2022, <https://www.crossborderjurists.org/tr/turkiyede-hakim-ve-savcilara-yonelik-iskence-raporu-mayis-2022/>

I. SECTION:

THE PROCESS OF TRANSITION FROM AN INDEPENDENT JUDICIARY TO A REGIME JUDICIARY AND ITS SEVERE CONSEQUENCES

A. THE STATE OF EMERGENCY AND THE COLLAPSE OF THE INDEPENDENT JUDICIARY

The 15 July 2016 post-coup purge of the judiciary has seriously weakened judicial independence in Turkey. The dismissal of judges and prosecutors and the restructuring of the Council of Judges and Prosecutors have raised serious concerns about the impartiality of the judicial system. This weakened judiciary is unable to provide adequate oversight or accountability for allegations of torture and ill-treatment.

Taking advantage of the state of emergency declared after the coup attempt, Erdoğan's regime, with the decree laws they issued together with the lists they had prepared in advance, dismissed and arrested people they determined to be opponent, especially the Gülen Movement, and then dismissed and arrested them from their professions. These lists, which were prepared by state institutions and intelligence agencies, were legitimised by a circular issued during the government of Ahmet Davutoğlu, thus creating a legal basis for the lists.²⁶

On the night of 15 July, while the coup attempt was still taking place, the Ankara Chief Public Prosecutor's Office notified thousands of judges and prosecutors about the investigations it was conducting against them, and the HSK initiated disciplinary proceedings against them. These members of the judiciary were first suspended and shortly afterwards dismissed from the profession.²⁷ However, these decisions were taken in the absence of some HSK members who had been detained the night before, leading to serious procedural violations. It appears that all this was part of a well-prepared plan.

News of the suspension and dismissal of judges and prosecutors was widely reported in media outlets close to the Erdoğan regime, often accompanied by personal information about their families. Moreover, the fact that the lists of those who have already retired, resigned or passed away clearly shows that the targeting was planned in advance. Judges and prosecutors were labelled as "*terrorists*" in print, visual and social media before they were even put on trial, and detained judges and prosecutors were brought before the media, especially in handcuffs behind their backs.²⁸

26 Circular No. 2016/4 on Public Employees in Contact with Organisations and Structures Threatening National Security, <https://www.resmigazete.gov.tr/eskiler/2016/02/20160217-7.pdf>

27 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minutes No : 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

28 Anadolu Agency, "2,474 of 3,200 soldiers, police officers, judges and prosecutors for whom detention warrants were issued were arrested", 18.07.2016, <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/3-bin-200-gozalti-karari-alinan-asker-polis-hakim-ve-savcidan-2-bin-474u-yakalandi/610427>



TERS KELEPCELİ TOPLU
GÖZALTILAR



OSMAN SANAL

On the other hand, State of Emergency Decree Law No. 667, which entered into force shortly after the coup attempt, deprived judges and prosecutors of basic constitutional guarantees and rendered disciplinary processes ineffective. Thousands of members of the judiciary were arbitrarily dismissed without any legal process and without the right to defence.

Decree Law No. 667, which is based on vague concepts such as membership, affiliation, liaison and association, has led to arbitrary actions far from the law. This regulation, which is contrary to the Constitution and universal principles of law, has been

harshly criticised by international organisations such as the Venice Commission²⁹ for its lack of evidentiary standards and due process.

The European Court of Human Rights (ECtHR) found the mass arrests of judges and prosecutors in violation of constitutional guarantees to be unlawful following the judicial proceedings against them during the State of Emergency and the subsequent suspension and dismissal decisions. In the cases of *Alpaslan Altan v. Turkey*³⁰ and *Hakan Baş v. Turkey*,³¹ the ECHR recognised that the mass arrests violated the rights to liberty and security of judges and prosecutors.

Similarly, the Grand Chamber of the ECtHR, in its judgment of 26 September 2023 in the case of *Yüksel Yalçınkaya v. Turkey*, made important findings on the trials conducted on allegations of membership in the Gülen Movement, especially after 15 July 2016, and ruled that Article 6 of the European Convention on Human Rights (ECHR) regulating the right to a fair trial, Article 7 regulating the principle of no crime without law, and Article 11 regulating freedom of association and assembly were violated.³²

The Venice Commission and the Council of Europe have also condemned the mass purges in the judiciary, stating that the process lacks transparency and legal standards.³³ According to a recent OECD report, the suspension, exile, arrest and/or dismissal of large numbers of Turkish judiciary is a matter of serious concern. The OECD emphasises that dismissal decisions are not always supported by sufficient evidence and that the dismissal of members of the judiciary without adequate grounds and due process is one of the most serious violations of judicial independence.³⁴

In conclusion, the judicial purges carried out under Executive Decree 667 were used to consolidate the power of the Erdoğan regime and to carry out discriminatory,

29 European Commission for Democracy through Law (Venice Commission), Opinion on the Duties, Powers and Functioning of Criminal Judgeships of Peace, **Venice, March 10-11, 2017**, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur)

30 ECtHR, *Alpaslan Altan v. Turkey*, Application No: 12778/17, K.T:16.04.2019, <https://hudoc.echr.coe.int/tur#%7B%22itemid%22%3A%5B%22001-194102%22%7D>

31 ECtHR, *Hakan Baş v. Turkey*, Application No: 66448/17, K.T: 03/03/2020, <https://hudoc.echr.coe.int/tur#%7B%22fulltext%22%3A%5B%22Hakan%20Ba%C5%9F%22%22%22documentcollectionid%22%3A%5B%22GRANDCHAMBER%22%22%22CHAMBER%22%22%22itemid%22%3A%5B%22001-201907%22%7D>

32 ECtHR, *Yalçınkaya v. Turkey*, Application No:15669/20, CT: 26.09.2023, <https://hudoc.echr.coe.int/eng#%7B%22appno%22%3A%5B%2215669/20%22%22%22itemid%22%3A%5B%22001-227636%22%7D>

33 Opinion on Emergency Decree Laws Nos. 667 to 676 issued in the aftermath of the failed coup attempt of 15 July 2016: "...recognises that the connection required to justify suspensions (or even dismissals) may be less intense than the connection required to identify a person as a "member" of a criminal organization. "Membership" requires an "organic relationship" with the criminal organisation. The removal of a public official from office (temporarily or permanently) may require a weaker connection to the criminal organisation. Nevertheless, this connection must be meaningful - in other words, it must raise objective doubts about the public official's loyalty and exclude innocent, accidental, etc. connections. The Venice Commission recommends that the wording in the decrees be corrected accordingly: dismissal may be ordered only on the basis of a combination of factual elements which clearly demonstrate that the public official has acted in a manner which raises objectively serious doubts about his or her loyalty to the democratic legal order...(**Prg.130-131**)", [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037)

34 OECD (2024), *Implementing the OECD Anti-Bribery Convention Phase 4 Report: Turkey*, OECD Publishing, Paris, <https://doi.org/10.1787/2db5c502-en>

arbitrary and unlawful practices against the opposition, particularly the Gülen Movement. These actions not only undermined the independence of the judiciary, but also eroded fundamental rights and legal guarantees for targeted individuals.³⁵

B. CONSTRUCTION OF THE REGIME JUDICIARY

In the process that started after the 17/25 December Turkey and continued with the 15 July coup attempt, the Erdoğan regime has systematically and deliberately made a number of legal and administrative arrangements in order to suppress the opposition, particularly the Gülen Movement, and to erase and even destroy them from social, public, political and economic life. First of all, it should be known that the regulations made in this process were mainly carried out through the judiciary. The structure of many fundamental institutions, especially the Council of Judges and Prosecutors, has been changed and many new legal regulations have been introduced. The main reason for all this is the Erdoğan regime's desire to gather all powers under its control. In this context, the Erdoğan regime has made important structural changes in order to eliminate the independent judiciary, which it sees as a threat to itself, and to build a regime judiciary.

With the constitutional and legal changes made to its institutional structure, the state has turned into a regime state rather than a state of law. Rather than the independence of powers and institutions, Turkey has evolved into an antidemocratic process of unification and control of powers in one hand. As a natural consequence of the transformation of the state order into the Erdoğan regime, all elements of the power mechanism have adopted this policy. Likewise, the discriminatory and arbitrary policies of the government were adopted as a thesis by institutions such as the judiciary, which it took under its control after the 17/25 December process, and the propaganda discourses of the Erdoğan regime were reflected in judicial decisions almost verbatim. The judiciary has been turned into a protective element of the Erdoğan regime.

On the other hand, the fact that Turkey has switched from a democratic regime to an Erdoğan regime is frequently brought up by journalists who now openly propagandise for the Erdoğan regime. In this context, journalist Rasim Ozan Kütahyalı said in a programme he participated in: *"Today there is a de facto second republic. They are angry about this. In 2016, a new regime was established. CHP members, who still think that we are still in the pre-2016 parliamentary period, say 'We will enter the elections, we will be in power'."*³⁶ . Cem Küçük, one of the loyal journalists of the Erdoğan regime, similarly stated that *"After 15 July, Turkey switched to a new system. The army, police, judiciary and institutions were restructured. Seventy per cent of today's security bureaucracy was appointed after 15 July... They still think they will win elections. They did not understand the system established after 15 July."*³⁷ . These and similar statements clearly reveal that the 15 July process was a process of liquidation and the construction of the Erdoğan regime.

35 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/actuality/mass-dismissals-of-judges-and-prosecutors-in-turkey-of-post-coup-period/>

36 <https://x.com/ensonhaber/status/1905615849341264001>

37 Short Wave, Cem Küçük, 'They did not understand the system established after 15 July' and addressed the opposition: 'They still think they will win elections', 02 April 2025 <https://kisadalga.net/haber/gundem/cem-kucuk-15-temmuz-sonrasi-kurulan-sistemi-anlamadilar-deyip-muhalefete-seslendi-hala-secim-kazanacaklarini-saniyorlar-123820>

a. Establishment of Criminal Judgeships of Peace

In the aftermath of the 17/25 December bribery and corruption operations, the Erdoğan regime has made a number of legal and administrative changes in order to suppress groups and opposition groups that it perceives as a threat to itself and to suppress movements that may emerge against it. One of the important changes made by the Erdoğan regime is the establishment of criminal judgeships of peace. During the process of establishing criminal judgeships of peace, then Prime Minister and now President Erdoğan said: "...*We are working on a project. We are creating the infrastructure for this work. When that is finished, the process will accelerate. Just as they filed hundreds of lawsuits against us, we will file hundreds and thousands of lawsuits against them. Then the situation will develop differently*". Erdoğan also stated on 21 July 2014 regarding the operation against the police officers who took part in the 17/25 December bribery and corruption operations through the criminal judgeships of peace, "*The judicial process is starting. Criminal Judges of Peace will take this process forward*", revealing the purpose of the establishment of these judgeships.³⁸

Established by Law No. 6545, which entered into force on 28 June 2014, criminal judgeships of peace have functioned in line with the expectations of the political establishment since their establishment and especially after the 15 July coup attempt, and have led to the emergence of many violations of rights. The unlawful practices of the criminal judgeships of peace and the statements of politicians about the purpose of these courts reveal that these judgeships are one of the important pillars of the discriminatory and arbitrary regime practices put into effect in Turkey to eliminate the opposition, especially the Gülen Movement. These judgeships have become the centre of all unlawful practices and decisions under the guise of courts. These courts are special and politically motivated courts established to provide so-called legitimacy in all kinds of operations against the opposition. These courts have become organisations that implement systematic discriminatory regime practices that have become state policy.

In its Opinion on the Duties, Competences and Functioning of Criminal Justices of the Peace,³⁹ the Venice Commission states that the criminal judgeships of peace issued tens of thousands of arrest warrants after the coup attempt, that the judgeships work with a closed circuit objection procedure and that there is no effective objection mechanism against the decisions of these judgeships, that objections to arrest and requests for release during the State of Emergency period are decided on a case-by-case basis, and the reasons for the decision to detain, The lack of adequate communication of the decision to the party concerned, the lack of adequate justification of decisions that have a strong impact on the fundamental rights and freedoms of individuals, the dismissal of many judges and prosecutors after the failed coup attempt, and the detention and arrest of many judges and prosecutors as ordinary citizens by the decision of criminal judges of peace were expressed as reasons for concern and criticism.

b. Redesigning the Judiciary through the HSK

38 "Erdoğan let it slip that he was directing the operation", 22.07.2014 <https://www.siyasetcafe.com/erdogan-operasyonu-yonetigini-agzindan-kacirdi-6005h.htm>

39 European Commission for Democracy through Law (Venice Commission), *Opinion on the Duties, Competences and Functioning of Criminal Judgeships of Peace*, (Venice, 10-11 March 2017), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur)

While the Erdoğan regime motivates the society with its own antidemocratic policies on the one hand, on the other hand, it has started to take some measures to ensure that the planned, systematic, discriminatory and arbitrary regime process is carried out through the judiciary and that the process runs flawlessly in line with the expectations of the political institution. In the first stage, Law No. 6524 dated 15/02/2014 was enacted, which amended the structure of the HSK and gave the Minister of Justice wide powers in many matters such as the appointment of judges, prosecutors and justice inspectors, disciplinary investigations, etc.⁴⁰ With the new regulation introduced by Law No. 6524, the structure of the departments in the Council was changed and the duties of the examining judges, directors and all personnel working in the Council were legally terminated and thus, with the entry into force of the law on 28 February 2014, the HSK was liquidated with all its staff. In fact, the Erdogan Regime has initiated a process similar to the 28 February process, which it has always stated that it was victimised by the Erdogan regime, this time against the Gülen Movement on another 28 February.

Although these legal regulations of the Erdoğan regime, which clearly contradict the Constitution, were met with great reaction by the society and the then President Abdullah Gül stated that *"...I saw that 15 points in 12 articles of the proposal clearly contradicted the Constitution and I called the Minister of Justice and warned him ... Apart from these clear contradictions that have been corrected, I thought that it would be more appropriate for the Constitutional Court to evaluate the other articles of the Law, which were discussed for and against, and I deemed it appropriate to publish them..."* Even though the unconstitutionality of the law was expressed in the words of the Constitutional Court, this law, which was designed by the judiciary, which was determined as the actor of this unlawful process, was approved and entered into force⁴¹. Some of these amendments were rejected by the Constitutional Court on 10/4/2014, E.: 2014/57, K.: Although some of these amendments were cancelled by the Constitutional Court's Decision dated 10/4/2014 and numbered E: 2014/57, K.: 2014/81,⁴² this intervention to organise the judiciary by the legislative and executive branches has achieved its purpose since the cancellation decisions are not retroactive and the cancelled provisions are symbolic and the fundamental amendments were not annulled by the Constitutional Court. Here, the duties of the HSK employees, whom they were claimed to have connections with to the Gülen Movement through direct fiche, in direct violation of the principle of equality and non-discrimination, were legally terminated. It is clear that the Erdoğan regime acted with the awareness that even if the Constitutional Court cancels this law, this cancellation will not be retroactive and carried out a legislative operation to take over the judicial power.

In 7 different judgements of the ECtHR regarding these appointments made during this period, the ECtHR ruled that a total of 166 judges, prosecutors and inspectors violated

40 Law on the Amendment of Certain Laws dated 15/02/2014 and numbered 6524 <https://www.resmigazete.gov.tr/eskiler/2014/02/20140227M1-1.htm>

41 "Abdullah Gül approved the HSK law", 26.02.2014 <https://www.ensonhaber.com/amp/gundem/facebook/abdullah-gul-HSK-yasasini-onayladi-2014-02-26>

42 The Constitutional Court's judgement dated 10/4/2014, E.: 2014/57, K.: 2014/81, <https://normkararlarbilgibankasi.anayasa.gov.tr/ND/2014/81?EsasNo=2014%2F57>

their right to a fair trial because they were transferred to other places against their will or their membership in the Council of State and Court of Cassation was terminated.⁴³

In order to ensure the road safety of the operations to be carried out through the HSK and the judiciary, it was necessary to reset not only the membership structure of the High Council of Judges and Prosecutors but also its personnel structure, and therefore the operation to reset the Council administratively was thus carried out by law. The legal arrangement was heavily criticised both by the European Commission and its authorised bodies and domestic public opinion on the grounds that it did not comply with the principles of "rule of law" and "separation of powers".⁴⁴ In the 2014 European Commission Report on Turkey, it was emphasised that serious concerns were raised about the way corruption allegations were handled and that allegations of misconduct might not be dealt with in a non-discriminatory, transparent and impartial manner in relation to the operations that started in December 2013.⁴⁵



YARGIDA BIRLIK DERNEGININ AHMET DAVUTOGLU'NU ZIYARETI

The Erdoğan Regime also intervened in the election process in order to dominate the HSK, whose majority members are elected by provincial judges and prosecutors according to the constitutional regulation. The Unity in the Judiciary Platform (YBP),⁴⁶

43 <https://hudoc.echr.coe.int/eng?i=001-234697;> <https://hudoc.echr.coe.int/tur?i=001-237422;>
<https://hudoc.echr.coe.int/tur?i=001-238261;> <https://hudoc.echr.coe.int/eng?i=001-238785;>
<https://hudoc.echr.coe.int/?i=001-241728> ; <https://hudoc.echr.coe.int/?i=001-241726>

44 2014 European Commission Turkey Report p.13 : *"The amendments to the Law on the High Council of Judges and Prosecutors, the subsequent dismissal of staff and the transfer of a large number of judges and prosecutors, raised serious concerns about the independence and impartiality of the judiciary and the separation of powers. The Constitutional Court found several articles of the law unconstitutional and gave the legislature three months to adopt revised legislation. The Constitutional Court's judgement was not retroactive, although some of these articles included those relating to the dismissal of staff. Parliament adopted legislation implementing the Constitutional Court's judgement in June. By reinstating the legal provisions adopted in 2010, this legislation re-established the role of the General Assembly, which is key to guaranteeing the independence of the judiciary."*

45 See European Commission Turkey Report 2014 p.13,
https://www.ab.gov.tr/files/ilerlemeRaporlariTR/2014_ilerleme_raporu_tr.pdf

46 "New alliance in the judiciary against the congregation", 23.04.2014,
<https://www.cumhuriyet.com.tr/haber/yargida-cemaate-karsi-yeni-ittifak-64117>

founded by the bureaucrats of the Ministry of Justice, organised the HSK elections and won the HSK member elections. YBP members were openly supported and officially accepted by then President Erdoğan, Prime Minister Ahmet Davutoğlu and Minister of Justice Bekir Bozdağ. The newly elected Council acted in tandem with the Erdoğan regime, abusing the discretionary power granted by the legal regulations, making hundreds of appointments in the high judiciary, issuing dozens of decrees outside the ordinary decree periods, and reassigning dissident judges and prosecutors who supported other individuals and groups who did not vote for them, especially judges and prosecutors who were labelled as members of the Gülen Movement, to other places and positions in violation of the provisions of the legislation on seniority and tenure of office. Criticism and concerns were expressed by a large part of the domestic and foreign public opinion that the new composition of the HSK constitutes a sort of "regime judiciary". This was clearly emphasised in the European Commission's 2015 Turkey Report.⁴⁷

Immediately after the 14 October 2014 HSK elections were won by the candidates of the YBP, the prosecutors investigating the 17 December bribery and corruption files were reassigned to other places. Later, the 17 December bribery and corruption files were closed with the decision of non-prosecution issued by Ekrem Aydiner, the Istanbul public prosecutor assigned to conduct these investigations. Similarly, the Istanbul Chief Public Prosecutor's Office had previously issued a decision of non-prosecution against 96 suspects in the 25 December bribery and corruption investigation.⁴⁸

With its new structure dependent on the Erdoğan regime and accepting to work together from the beginning, the HSK went out of routine and issued **12 decrees** in 2014 alone.⁴⁹ With these decrees, judges and prosecutors working in important investigations and occupying critical positions were replaced and many of them were dismissed within the scope of the investigations initiated against the judges and prosecutors handling these investigations. In this period, especially judges and prosecutors who are members of the Platform for Unity in the Judiciary (YBP), which openly supports the Erdoğan Regime and makes statements in written, visual and social media that are clearly against the impartiality of judges and prosecutors, were appointed to critical positions.

In addition to issuing extraordinary decrees with its new structure, the HSK, in line with the actions and discourses of the Erdoğan regime, created lists of judges and prosecutors who did not vote for them in the HSK elections and whom they claimed to be members of the Gülen Movement, through both inspectors and some individuals in the courthouses. Some of these lists were subject to appointment, promotion and disciplinary investigations until the 15 July coup attempt. Turgay Ateş, a member of the HSK at the time, stated on 14 June 2016 at the *iftar programme* organised by the YBP at the poolside

47 European Commission 2015 Turkey Report p.13-14: "The independence of the judiciary and the observance of the principle of separation of powers have been undermined and judges and prosecutors have come under strong **political pressure**. In the coming year, Turkey should in particular: limit the role and influence of the executive power on the High Council of Judges and Prosecutors and provide adequate guarantees that judges are not replaced against their will; *"The High Council of Judges and Prosecutors should introduce further safeguards to prevent its interference in the judicial process."*

48 "What happened on 17-25 December 2013 and where are the 17 actors of that period today?", 17.12.2021, <https://tr.euronews.com/my-europe/2021/12/17/17-aralikin-17-aktoru-bugun-nerede>

49 For the decrees, see: <https://www.hsk.gov.tr/Kararnameler/2014.aspx>

facilities of İnönü University in Malatya⁵⁰ that they could not get the quick results they wanted due to some safeguards in the Constitution and that extraordinary methods should be applied to clean the judiciary in their own way. Despite this, many judges and prosecutors were victimised by many administrative actions until 15 July.

On the other hand, one of the important pillars of the Erdoğan regime's process of transforming the Turkish judiciary into a regime judiciary through the HSK is the constitutional amendment made in 2017. As it is known, with the constitutional amendment adopted by the 16 April 2017 referendum, Turkey has transitioned from a parliamentary system to a "Presidential Government System", in fact it was a transition to a "one-man regime".

While the duties and powers of the Council of Judges and Prosecutors have been preserved with this Constitutional amendment, the organisation of the Council has been fundamentally changed. With this amendment, the number of members of the Council was reduced from twenty-two regular and twelve substitute members to thirteen, and the substitute membership was abolished. Furthermore, while it was previously envisaged that the HSK would work in three chambers, the amendment stipulates that the HSK will work in two chambers. As can be seen, four first class judges and prosecutors representing the bench will be directly elected by the President of the Republic, and three members of the Court of Cassation and one member of the Council of State representing the higher judiciary will be directly elected by the Parliament. With the 2010 constitutional amendment, the system of electing members with the participation of bench judges was abandoned. This amendment means that members of the judiciary, who have been directly or indirectly involved in the selection of members of the judicial council since the 1961 Constitution, are excluded from the selection of members for the first time. This is

50 *"...I want to speak sincerely and sincerely, otherwise I have not made any preparation; we have seen this: The judiciary will not be able to get up from where it has fallen without the cleansing of the unfortunately known structure within the judiciary. The first priority of our HSK is to realise this goal with the power given to us by the Association for Unity in the Judiciary. Of course, in order to realise this goal, the HSK has various procedures at its disposal. These procedures can only be finalised within the framework of the legislation. This process takes too long. In response to the suggestion of the State Supervisory Board to the HSK on 'what kind of things we can do in terms of struggle', I personally and other colleagues in the board, 'We need a legislation, we can engage in a serious activity at the point of combating this structure within the framework of this legislation'. After this legislative work is carried out, of course, we will struggle with these friends according to the procedures we have. How much we can get the result, that is from God. But we will continue this work with the same will every day in order to do our duty to the end. We know that you have put your hand under the stone, this judiciary will stand up with you, we have no one else to take refuge with. There are maybe 45-50 per cent of colleagues from the known structure, they have no intention of contributing to this profession. The more this profession collapses, the more they will say 'Look, we told you so'. I say, most of us have been colleagues for 15-20 years, maybe we have younger colleagues, we have come to this profession by scratching and scraping with our fingernails, you all are like that. But we need to continue this. Because some people are trying to pull us, they want 'the judiciary to collapse, there should be problems at every level of the state'. We say that the judiciary should not collapse. In order to prevent the collapse of the judiciary, the burden on our shoulders is heavy, but let's take a little more burden, if we can..."*, "Judges and prosecutors met at iftar: 'We are with the state', 14.06.2016, <https://www.cnnturk.com/turkiye/hakim-ve-savcilar-iftarda-bulustu-devletin-yanindayiz>

also in contradiction with the now established European criteria that at least half of the members of the judicial council should be elected by the members of the judiciary from among themselves.

The new regulation creates a board structure designed by the political institution. In other words, the control centre of the regime's judiciary has been established with this Constitutional amendment. In other words, the control centre of the regime's judiciary has been established with this Constitutional amendment. 7 members of the HSK are elected by the Turkish Grand National Assembly, 4 members are appointed by the President of the Republic and the President of the Republic appoints the Minister of Justice and the Deputy Minister, who are also left as members of the Council. In this case, 6 seats are left for the President and 7 memberships are left for the TGNA; however, although it is considered that the majority is symbolically in the TGNA, it is clear that the weight of the President on the HSK will be much more in the Presidential Government System, which dominates the majority of the Parliament, considering that the system is based on the idea that the President will also dominate the TGNA. Considering the method of election of the members of the Parliament, it will in any case result in the election of the candidates determined by the majority coalition within the Parliament. In other words, a situation is emerging where politics, the political party or coalition that holds the majority will easily shape the CJP.⁵¹ Thus, the Erdoğan regime has become the dominant element of the Turkish judiciary.

Criticisms and concerns on this issue were also voiced by the Venice Commission. The Commission emphasised that under the new system, the President would not be a neutral power and would be involved in party politics and therefore his appointments would not be politically neutral. According to the Venice Commission, by holding the Presidential and parliamentary elections on the same day, the President's majority in the legislature is virtually guaranteed, making it possible for members appointed by the President and members elected by the legislature to together form a majority in the Council, or even for all seats to be filled by the candidates chosen by the President. According to the Commission, this would seriously jeopardise the independence of the judiciary in Turkey. Noting the importance of the duties and powers of the HSK, the Venice Commission emphasised that placing the Council under supervision would mean placing judges and prosecutors under supervision.

When the new structure of the HSK is evaluated in the light of the above-mentioned information, it becomes clear that the HSK is structured in a way that is open to partisanisation rather than securing the independence of the judiciary. It is clear that the system introduced by the constitutional amendment is far from creating a judicial board that will be the institutional guarantee of judicial independence and putting an end

51 Çelik, Demirhan Burak: *"16 April Constitutional Amendment and an Evaluation on the New Council of Judges and Prosecutors"*, Ankara University SBF Journal, Y.2018, C.73, No. 4, p.1082

to the debate in this field.⁵² The fact that the HSK has become controversial in domestic and foreign public opinion today is due to the fact that this political influence has clearly emerged. The most obvious indication of this is the fact that the criticisms voiced by the legislative, executive and political institutions against the acquittal and release decisions of the courts, especially in current cases, are immediately turned into action by the HSK and disciplinary investigations are initiated against the relevant judges and their posts are changed. Therefore, it is clear that with its current political structure, the Council has become the most effective institution threatening the internal independence of the judiciary instead of protecting it. Due to this nature of the Council, it can be said that the external factor, the legislature, has a high level of interference and influence on judges and prosecutors. In this case, it is clear that the disciplinary investigations to be conducted by the HSK will be far from maintaining the independence of judges and prosecutors. The HSK has ceased to be an independent Council and has become the control mechanism of the Erdoğan regime over the judiciary.

There have been many recent examples in this regard in Turkey. In this context, a former Lieutenant General, who was sentenced to aggravated life imprisonment by the Ankara 2nd Assize Court for participating in the coup attempt on 15 July 2016 and was dismissed from the Turkish Armed Forces, was acquitted and released by the 20th Criminal Chamber of the Ankara Regional Court of Appeals on 15/01/2020 during the appeal review on file number 2018/2730. Immediately after the heavy criticism and accusations from influential political persons and institutions of the Erdoğan regime after the decision, this release decision was cancelled and the judges who re-arrested and acquitted the person concerned were assigned to other provinces, which is the most concrete examples of this.⁵³

Similarly, following the acquittal of 9 defendants, including Osman Kavala, by the Istanbul 30th High Criminal Court in the case known as the Gezi Trial, the judges who issued the acquittal verdict were subjected to heavy accusations and criticism. On the

52 Çelik, p. 1090

53 Both the acquittal decision given by the 20th Criminal Chamber of the Ankara Regional Court of Appeals on 15/01/2020 in the appeal examination on the file numbered 2018/2730, and the manner in which this decision was lifted led to criticism, as well as the President's statement, "It has been a very, very sad step for our judicial community. And the interesting thing is that, of course, we have given instructions for them. The fact that the person or persons who made the decision are FETÖ members shows how far this has gone. It also shows what kind of games may be behind it. Sooner or later, justice will eventually prevail. Imagine that they are going to release a person who has been sentenced to life imprisonment. How can a court take such a step? This is not understandable. Thanks to the Ministry of Justice and our prosecutors, they took steps and caught him with an operation, and the criminal sanctions started to be applied again. It is understood that his remarks are in the nature of interference in the judiciary rather than criticism of the judiciary and that the HSK's disciplinary and relocation actions against the judges who gave acquittal and release decisions in line with these remarks clearly destroy the independence of the judiciary.

same day, disciplinary proceedings were initiated against the judges who issued the acquittal verdict.⁵⁴

All this shows that in Turkey, the independence of the courts is immediately taken away if they do not make certain judgements rather than being criticised. The consequences of the Erdoğan regime's pressure on the judiciary and its effects on the independence of judges and courts can be clearly understood through these two cases.

C. THE LIQUIDATION OF THE TURKISH JUDICIARY OVERNIGHT

a. Mass Dismissals in the Judiciary with the State of Emergency and the Liquidation of the Judiciary

The biggest step for the construction of the regime's judiciary was taken with the list-style purge of the Turkish judiciary after the 15 July coup attempt. The process in which the Erdoğan regime could carry out the rapid purges it desired and apply the extraordinary methods desired for the design of the judiciary began with the 15 July coup attempt. The coup attempt, which the President described as "*blessing of God*" on the night of the coup attempt, was turned into an opportunity and on the same night, while the coup attempt was still in progress, the members of the HSK convened at the Ankara Judges' House.⁵⁵ The plugging lists, which Mehmet Yılmaz,⁵⁶ then a member of the HSK, and the Minister of Justice stated that they had been working on for three years, were made the subject of a coup investigation by the Ankara Chief Public Prosecutor's Office on the grounds that "*there is a serious criminal offence*". Members of the judiciary, who would have remained independent and impartial instead of being under the command of the Erdoğan regime, were first suspended from duty and then subjected to detention and arrest measures on the grounds of alleged links to the Gülen Movement without any concrete evidence against them.

After the 15 July coup attempt, thousands of judges and prosecutors were suspended, arrested and then dismissed one day after the coup attempt on charges of "*attempted coup*" and "*membership of an armed terrorist organisation*" in violation of Articles 139 and following of the Constitution and the procedures and principles in Law No. 2802. The information of these individuals and their families was reported in the media and many media outlets reported them with headlines such as "*organisation member judge prosecutors*". The HSK, which convened in Ankara Judges' House on the night of the coup, announced on 16 July 2016 that **2,745** judges and public prosecutors were suspended.⁵⁷ The HSK dismissed the largest number of judicial personnel with a

54 Commenting on the verdicts in the Gezi Trial, the President said, "*There are Soros-type people who stir up some countries and stir them up. As you know, his pillar in Turkey was in jail and they tried to acquit him yesterday with a manoeuvre.*" and the HSK's disciplinary and relocation actions against the judges who gave acquittal and release decisions in line with these words clearly destroy the independence of the judiciary.

55 "What happened that night?" 12.08.2016, <https://www.aksam.com.tr/yazarlar/emin-pazarci/o-gece-neler-oldu/haber-540829>

56 "HSK 2nd Chamber President: The FETÖ list we have was not made in one night, we had been working on it for 3 years", 21.09.2016

57 HRW, Turkey: Judges, Prosecutors Unfairly Jailed", August 8, 2016, <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed>

single decision in Turkish and world history on 28 July 2016.⁵⁸ The General Assembly of the Council of Judges and Prosecutors dismissed **2,847** judges and prosecutors at once with the dismissal decree dated **24/08/2016**.

Considering that these dismissals were made by list procedure, that they were not granted the right to defence and that they were based on pre-prepared fiche lists, it is seen that the Erdoğan Regime turned the 15 July coup attempt into an opportunity to control the Judiciary. During and after the State of Emergency, a total of **4,362** members of the judiciary were dismissed from the profession as of 2022 within the scope of **20 decisions** covering members of the Constitutional Court, Court of Cassation, Council of State and first instance judges and prosecutors.⁵⁹ Some dismissals were later cancelled through re-examination and appeal processes. Minister of Justice Yılmaz Tunç stated on **24.02.2024**;

- During this period, **4,006** judges and prosecutors were dismissed from their jobs
- **3,888** of them filed a lawsuit,
- He stated that **387** of those who filed a lawsuit were reinstated by the Council of State.⁶⁰

When all these explanations and data are evaluated together;

- Approximately **4,500** judges and prosecutors were investigated between 2016 and 2024. This number corresponds to a significant proportion of the total number of judicial personnel in Turkey. Considering that in 2016 the number of judges and prosecutors was around **15,000**, one third of the Turkish judiciary was purged with the State of Emergency.
- Among the dismissed members of the judiciary are members of higher judicial bodies such as the Court of Cassation and the Council of State.
- Many members of the judiciary have been accused of legal and social acts that cannot be considered as evidence of crime, such as membership of the judicial association YARSAV, supporting independent candidates in the HSK elections instead of the candidates of the government-backed Association for Unity in the Judiciary, and alleged use of the ByLock application.

While the administrative and criminal investigations against judges and prosecutors were ongoing, the State of Emergency was declared on **21 July 2016** and then the State of Emergency Decree Law No. 667 was issued on 23 July 2016.⁶¹ With this Decree Law, regulations have been introduced in terms of the trial and disciplinary proceedings of judges and public prosecutors, eliminating the basic guarantees in the Constitution and bypassing the disciplinary procedure in Law No. 2802. **2847** judges and prosecutors were

58 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minute No: 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

59 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/tr/haberler/darbe-sonrasi-turkiyede-hakim-ve-savcilarin-toplu-ihraclari/>

60 "Minister of Justice Yılmaz Tunç Answered Questions on Live Broadcast", 24.02.2024, https://www.adalet.gov.tr/adalet-bakani-yilmaz-tunc-canli-yayinda-sorulari-yanitladi_94526

61 Official Gazette, Statutory Decree No. 667 on Measures Taken within the Scope of the State of Emergency, 23 July 2016, <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

dismissed⁶² in the first stage under the State of Emergency measures, without even taking the defence of judges and prosecutors, with the authority granted by the State of Emergency Decree Law No. 667. As of 2022, a total of **4,362** members of the judiciary were dismissed from the profession with **20 separate decisions** covering members of the Constitutional Court, Court of Cassation, Council of State and first instance judges and prosecutors.⁶³

Some dismissals were later cancelled through re-examination and appeal processes. However, many of the members of the judiciary who were reinstated with the cancellation decision of the 5th Chamber of the Council of State were suspended again after the cancellation decision of the Council of Administrative Chambers of the Council of State⁶⁴ following Erdoğan's statement that '**we will watch this matter**'.⁶⁵

On the other hand, it was announced that **2,230** judges and public prosecutors under investigation were under arrest as of **21 September 2016** after the declaration of the **State of Emergency**. After this date, suspensions and dismissals continued as well as arrests.⁶⁶ After the 15 July coup attempt, detention warrants were issued for **2** members of the Constitutional Court, **140** members of the Court of Cassation and **48** members of the Council of State.

On 16 July 2016, just hours after the coup attempt, Serdar Coşkun, a public prosecutor at the Ankara Chief Public Prosecutor's Office, issued a letter of instruction to the chief public prosecutors' offices of all provinces and the General Directorate of Security, ordering the arrest of thousands of judges and prosecutors. Prosecutor Coşkun stated that "all provinces should be contacted and the judges and prosecutors on the list should be taken into custody immediately" and "the detained judges and prosecutors should be arrested". Even before the actors of the coup attempt have been identified and no investigation has begun against the soldiers who allegedly participated in the coup attempt, Prosecutor Coşkun has ordered the detention and arrest of the judges and prosecutors on the list by declaring them as members of the organisation and coup plotters in advance. The prosecutor's letter contained the following sentences:

"Since it is understood that the crime of attempting to overthrow the government and forcibly overthrow the constitutional order is still being committed throughout Turkey and that there is a possibility that the members of the 'Fethullahist terrorist organisation' who committed this crime may flee and hide abroad, the list of judges and prosecutors belonging to the 'Fethullahist terrorist organisation' throughout Turkey is attached herewith.

62 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minute No: 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

63 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/tr/haberler/darbe-sonrasi-turkiyede-hakim-ve-savcilarin-toplu-ihraclari/>

64 Diken, "Danıştay and AYM are in Erdoğan's crosshairs: It bothers us", 15/02/2024, <https://www.diken.com.tr/danistay-ve-aym-erdoganin-hedefinde-bizi-rahatsiz-ediyor/>

65 Son Tv, "Flash decision from the Council of State on 40 judges reinstated after FETÖ dismissal", 27 April 2024, <https://www.son.tv/danistaydan-feto-ihraci-sonrasi-goreve-iade-edilen-40-hakimle-ilgili-flas-karar/>

66 Yasal Haber, "2 thousand 230 judges and prosecutors arrested", 28.12.2016, <https://www.hukukihaber.net/2-bin-230-hakim-ve-savci-tutuklandi>

"1- All provinces should be contacted and the judges and prosecutors named in the list should be taken into custody immediately,

2- Conducting searches in their residences, work rooms and vehicles in accordance with Article 116 of the Code of Criminal Procedure and carrying out confiscation procedures in accordance with Article 327 of the Code of Criminal Procedure in case elements of crime are detected,

3- Ensuring that the detained judges and prosecutors are referred to the Public Prosecutor's Office and **arrested** in accordance with Article 309/2 of the Turkish Penal Code,

4- In the event that digital materials are seized as a result of search operations, to coordinate with the relevant Public Prosecutor's Offices and to carry out the necessary examinations by obtaining an examination order from the relevant Criminal Judgeships of Peace in accordance with Article 134 of the Criminal Procedure Code,

5- Since there is a possibility that the named persons may flee abroad, their departure abroad should be prevented immediately,

6- It is kindly requested that the investigations are completed and the results of the investigations on the judges and prosecutors belonging to this structure throughout Turkey are notified. 16.07.2016"

T.C.
ANKARA
CUMHURİYET BAŞSAVCILIĞI
ANAYASAL DÜZENE KARŞI İŞLENEN SUÇLAR SORUŞTURMA BÜROSU

Soruşturma No:

EMNİYET GENEL MÜDÜRLÜĞÜNE

Türkiye genelinde hükümeti devirmeye ve anayasal düzeni cabren ilgaya teşebbüs etmek suçunun halen işlenmeye devam ettiği, bu suçun işleniş Fethullahçı terör örgütlenmesi üyelerinin yurt dışına kaçıp sığınma ihtimali bulunduğu anlaşıldığından Türkiye genelindeki Fethullahçı terör örgütlenmesine mensup hakim ve savcılar listesi ekte gönderilmektedir.

- 1-) Bütün iller ile ilgili olarak adı geçen hakim ve savcıların acile göz altına alınmaları.
- 2-) İşletmelerinde, çalışma odalarında ve araçlarında CMK 116. Md gereğince arama yapıp suç unsuru tespit edilmesi halinde CMK 127 md gereğince el koyma işlemlerinin gerçekleştirilmesi.
- 3-) Göz altına alınan hakim ve savcıların Cumhuriyet başsavcılıklarına sevklerinin sağlanması.
- 4-) Arama işlemleri sonucunda dijital materyallerde elde geçirilmesi halinde ilgili Cumhuriyet Savcılıkları ile koordinasyon kurularak ilgili Suhr Ceza Hakimliklerinden CMK 134 md uyarınca inceleme kararı alınarak gerekli incelemelerin yapılması.
- 5-) Adı geçenlerin yurt dışına kaçma ihtimali bulunduğundan yurt dışı konsullarına acile bilgilendirilmesi.
- 6-) Soruşturmanın tamamlanarak Türkiye genelinde bu yapıya mensup hakim ve savcılarla ilgili yapılan soruşturma işleminin sonuçlarının bilgilendirilmesi için olarak 16/07/2016

SERİFOĞLU
Cumhuriyet Savcısı
1599000

Judges and prosecutors, who are supposed to be independent and impartial, and who are responsible for protecting citizens from attacks on their fundamental rights and freedoms, punishing these attacks when necessary and ensuring their legal security, have started to implement the unlawful, arbitrary, antidemocratic and discriminatory policies put forward by the Erdoğan regime. Rather than legal decisions, the judicial mechanisms made decisions in line with the expectations of the Erdoğan regime and legitimised the unlawful practices of the regime.

With the 15 July coup process, thousands of pages of indictments prepared by the judiciary, unlawful decisions in which the political discourse of the government is reflected in the justifications, unlawful practices faced by people trying to seek their rights in courthouses, systematic ill-treatment, torture, strip searches, discriminatory practices applied to prisoners and their visitors, and negative decisions given in judicial applications against these practices reveal a very grave picture. Decisions and practices that legitimise these violations of the law in this process have led to the legitimisation of discriminatory and hateful practices by the judiciary.

b. Deceased or Retired Judges and Prosecutors or Resigned Judges and Prosecutors on the Suspension List

Immediately after the 15 July coup attempt, judges and prosecutors were detained even before the soldiers allegedly involved in the coup attempt. Less than 12 hours after the coup attempt, 2,745 judges and prosecutors were suspended from duty and detained on 16 July 2016. Just one day after the 15 July coup attempt, the suspension and dismissal decisions of judges and prosecutors were shared on pro-government print, visual and social media platforms along with personal information about their families before they were notified.

306	Gaziantep	37851	KAMBER ÜNAL	B.İ.M. Üyesi	FATMA ÜNAL EV HANIMI	2387656136
307	Gaziantep	41505	HASAN KARAKUŞ	B.İ.M. Üyesi	ZEYNEP ŞEN KARAKUŞ EV HANIMI ÇALIŞMIYOR	22679657958
308	Gaziantep	101525	AHMET CAMBOLAT	İdare Mah. Üyesi	YELİZ CAMBOLAT HAKİM-SAVCI VERGİ MAHKEMESİ ÜYESİ GAZİANTEP BİM	54406667558
309	Gaziantep	119367	OMER GÖKKAYA	İdare Mah. Üyesi	SALIHA GÖKKAYA	21761806786
310	Gaziantep	97746	BEKİR DURAN	İdare Mah. Üyesi	SEHER DURAN HEMŞİRE Dr Münif İslamoğlu Kastamonu Devlet Hastanesi	29981118122
311	Gaziantep	101096	YELİZ CAMBOLAT	Vergi Mah. Üyesi	AHMET CAMBOLAT HAKİM-SAVCI İDARE MAHKEMESİ ÜYESİ GAZİANTEP BİM	68206009630
312	Gaziantep	152939	NAZİM BOZ	Vergi Mah. Üyesi	AYŞE BOZ HAKİM SAVCI ADAYI	19814090046
313	Gaziantep	167840	MURAT AYDIN	Vergi Mah. Üyesi		30064216710
314	Gaziantep	37795	CEMALETTİN YALIM	Vergi Mah. Üyesi	ÖZLEM YALIM	41974234510
315	Gaziantep	165684	MUHAMMED AKİF EROL	Vergi Mah. Üyesi	AYSUN EROL	25219070354
316	Gaziantep	152977	ENİSE YÜSRA YAVUZ TOK	Vergi Mah. Üyesi	TALHA TOK	49192053654
317	Gaziantep	167797	ESRA AYDIN	Vergi Mah. Üyesi	MURAT AYDIN	12359659662
318	Gaziantep	102685	AKİF ÇELİK	Vergi Mah. Üyesi	AYŞE ÇELİK ÇALIŞMIYOR	36679613180
319	Gaziantep	101990	ERKAN ALTIN	İdare Mah. Üyesi	GÖNÜL ALTIN ÖĞRETMEN ÖĞRETMEN	37867874482
320	Gaziantep	101495	SELMA ÇİL	Danıştay Tetkik Hâkimi		15442038658
321	Gaziantep	107164	KAMİL ÇİL	Danıştay Tetkik Hâkimi		37472040210

The presence of judges and prosecutors who died, retired, resigned or changed their position or title before the date of the decision shows that these lists were prepared in advance. For example, Bandırma C. prosecutor **Ahmet Biçer**, who died of a heart attack

on **23 May 2016**, was included in the suspension list of the HSK dated 16 July 2016.⁶⁷ This clearly shows that the lists were prepared well in advance and were announced and executed with the meeting held at the Ankara Judges' House on the night of 15 July and the decisions taken on 16 July. In any case, it is contrary to the ordinary course of life that such a mass suspension is finalised within a few hours. Of course, all these procedures are in clear violation of the Constitution No. 2709, Laws No. 6087 and 2802.

c. Labelling Activities Conducted through the Association for Unity in the Judiciary

The Erdoğan regime has carried out a number of activities, especially after the 17/25 December operations, in order to control the independent judiciary, which it sees as a threat to itself, and ultimately to build a regime judiciary. One of these activities was the establishment of the YBP in March 2014 in order to control the HSK elections to be held in October 2014. This organisation, which initially started its activities as a platform, later on continued its activities as the YBD.

The Association for Unity in the Judiciary, the establishment of which was organised by the then Minister of Justice and bureaucrats, allegedly recruited members according to fiche lists allegedly created by MIT in order to prevent opposition figures from becoming members of the YBD and to ensure that the YBD's activities were carried out in the desired direction.⁶⁸



YARGIDA BİRLİK DERNEĞİNİN
CUMHURBAŞKANI ERDOĞAN'I ZİYARETİ

The YBD has been active in order to organise the HSK member elections to be held in October 2014, to prevent the election of undesirable people, to organise "alliance negotiations" with judges and prosecutors and groups other than the members of the judiciary whom they labelled as "opposition-parallel-traitor" and to create a judicial

67 "One of the prosecutors suspended by HSK in connection with the coup attempt died 2 months ago", 20.07.2016, <https://t24.com.tr/haber/HSKnin-darbe-girisimine-iliskin-aciga-aldigi-savcilardan-biri-2-ay-once-olmus,350943>

68 Cumhuriyet, "Yargıda MİT fiche supported organisation in the judiciary", 26.08.2015, <https://www.cumhuriyet.com.tr/haber/yargida-mit-fisi-destekli-orgutlenme-353361>

profile in line with the demands of the Erdoğan regime. During the election process, all financial, technical and social means of the Erdoğan regime were utilised and all means, including military helicopters, were mobilised for the candidates of the YBP, especially in the eastern and southeastern regions for safe and fast transportation. In this way, the candidates of the HSK who were members of the YBP emerged victorious from the HSK elections.

On the other hand, it is observed that during this process they systematically labelled judges and prosecutors who did not support them through the members of the Association and prepared detailed labelling lists.⁶⁹ The most important event in which these lists were put into action was the 15 July coup attempt. Following the 15 July 2016 coup attempt, in the first hours of 16 July, the Ankara Chief Public Prosecutor's Office issued detention orders for 2 members of the Constitutional Court, 140 members of the Court of Cassation, 48 members of the Council of State and 2745 judicial and administrative judges and prosecutors before even the soldiers, who were the main suspects in the coup attempt, were arrested and interrogated. The HSK also suspended members of the judiciary on the same day. **Mehmet Yılmaz**, Deputy President of the HSK and founding member of the HSK, made a statement on 21 September 2016 regarding the detention and suspension orders issued against 2745 judicial members, stating that the lists of judicial members subject to these orders were not prepared overnight and that they had been working on them **for three years**.⁷⁰

Mehmet Yılmaz made a statement on 30/7/2016; *"...17 of us here, together with our secretaries general, examining judges, inspectors and prosecutors who transfer information and documents to us from the neighbourhood, are trying to bring out the most ideal and fairest"*,⁷¹ made a statement on 22/9/2016; *"...we have taken the necessary action regarding judges and prosecutors whose actions were reflected to the outside world. We gave permission to prosecute the prosecutors in the MIT –Trucks investigation and a case was filed at the Court of Cassation, but no conviction had been obtained yet. We continued our work and identified those associated with the organisation"*⁷² and in an interview with a television channel on 21/11/2016, regarding the suspension of 2745 judges and prosecutors during the hours of the coup attempt, he said: *"Our general means of proof was witness statements. All of our witnesses are judges and prosecutors. The list of this organisation consisted of the testimonies of chief prosecutors, presidents of heavy penal courts and judges in the provinces. Our General Assembly has formed a 35-member committee consisting of examining judges and inspectors. All the evidence is first analysed by these people."*⁷³

69 Crossborder Jurists, *The Shadow Over the Turkish Judiciary: Report of the Association for Unity in the Judiciary*, <https://www.crossborderjurists.org/tr/turiye-yargisinin-uzerindeki-golge-yargida-birlik-dernegi-raporu/>

70 T24, "HSK 2nd Chamber President: The FETÖ list we have was not made overnight, we had been working on it for 3 years", 21 September 2016, <https://t24.com.tr/haber/HSK-2-daire-baskani-elimizdeki-feto-listesi-bir-gecede-yapilmadi-3-yildircalisiyoruduk,360895>

71 Arseven, Serdar, "We will clean the judiciary from FETÖ", <https://www.yeniakit.com.tr/haber/yargiyi-fetoden-temizleyecegiz-197952.html>

72 Cumhuriyet, "HSK explained why the dismissals were pending the coup", 22.09.2016 <https://www.cumhuriyet.com.tr/haber/HSK-ihraclarin-neden-darbeyi-bekledigini-acikladi-604177>

73 Sabah, "HSK Deputy President Mehmet Yılmaz'dan çarpıcı açıklamalar", 21.11.2016, <http://www.sabah.com.tr/webtv/turkiye/HSK-baskanvekili-mehmet-yilmazdan-carpici-aciklamalar>

However, Yılmaz's statements raise the following questions:

- Since there was no judicial or administrative investigation conducted until 15 July against the 2,745 members of the judiciary who were suspended from duty in the first phase, according to which provisions of the legislation did the members of the judiciary who testified in the creation of the list referred to by the Deputy President as *the "organisation list"* testify and on what grounds and how did the HSK accept these testimonies?
- If the people on the list are members of the organisation, why has the HSK not taken any action against them?
- If there is such a testimony, where are these witness statements? Who were the witnesses? Why were these witness statements not included in the dismissal decision?
- Why were the defences of those concerned against the witness statements not received and their counter statements not asked?

The fact that these questions were left unanswered in all the statements made reveals that the witness statements mentioned by the Deputy President do not exist. In fact, what is meant by the witness statements is the information obtained from other judges and public prosecutors about the plugging, and this is admitted with the statement *"our prosecutors who transferred information and documents to us from the neighbourhood"*. Since the deputy chairman knew that the list was based on the plugging and that this constituted a criminal offence, he used the term *"witness statements"*, which is a legal concept, to give legality to the plugging lists. However, it is not possible to eliminate the violation of the law with the expressions used.

Another indication that the list was based on labelling is the letter written by Muharrem Özkaya, then a member of the 2nd Chamber of the HSK, to the President of the Republic, the Prime Minister, the Minister of Justice and those conducting the investigation into Birol Erdem, former Undersecretary of the Ministry of Justice, which was reported in the press. In this letter; *"Birol Erdem prepared the list of FETÖ members in the Court of Cassation, Council of State and high courts. Birol Erdem again carried out the identification of 456 FETÖ members in the administrative judiciary"*.⁷⁴

Similarly, Metin Yandırmaz, who was the Deputy President of the HSK at the time, stated on 06/3/2016 that *"nearly 5,000 names have been identified as being close to or within the judicial branch of the parallel organisation and that the number of judges and prosecutors who will be investigated for allegedly being members of FETÖ organisation may increase in light of the reports from the Inspection Board"*.⁷⁵ As can be seen from this statement, the determination regarding members of the judiciary is not based on a judicial or administrative investigation, but rather on data from the labelling system. The fact that it is stated that

74 Çakır Elif, *"Detention that disturbs the conscience of the judicial community"*, 13/06/2017 <http://www.karar.com/yazarlar/elif-cakir/yargi-camiasinin-vicdanini-rahatsiz-eden-gozalti-4235> .

75 Hürriyet, *"5 thousand judges and prosecutors identified"*, 06.03.2016, <http://www.hurriyet.com.tr/gundem/5-bin-hakim-savci-tespit-ettik-40064585>

the number of persons to be subjected to these proceedings may increase according to the report to be received from the Inspection Board and that as of the date of the statement, there is no investigation regarding the nearly five thousand persons identified, shows that the persons to be subjected to these proceedings are determined according to the lists of the labelling. Moreover, the fact that the number of judges and prosecutors who were suspended on 16 July 2016 and dismissed afterwards is the same as the number that the Deputy President stated that they had identified months before the attempted coup shows that the list and the decision to be taken regarding the persons to be dismissed were ready months ago and that the coup attempt was waited for this decision to be taken.

On the other hand, considering that the average number of votes received by candidates who were not members of the Unity in the Judiciary Platform was around 5,000 in the HSK membership election held on 12 October 2014, it is understood that those who did not vote for the Unity in the Judiciary Platform during the HSK election process were directly labelled as "parallelists" in the words of the Deputy President.⁷⁶

Similarly, in an opinion column published two months before the coup attempt; *"The Ministry of Justice has finalised the preparations it has been making for a long time. In the coming days, a major operation against FETÖ's judicial branch is on the agenda. Hundreds of judicial members belonging to FETÖ, who were identified by MIT's long-term meticulous work, will not only be dismissed from their jobs, but some of them will also be brought before the judiciary on charges of espionage. According to a Justice Ministry official I spoke to, the Court of Cassation and the Council of State are being restructured. Accordingly, in the new restructuring, many of the former members will not be able to continue their duties and some of them will be accused of organisation membership. According to what I heard, two members of the HSK will appear before a judge on charges of espionage. Likewise, with the organisation case to be opened, some members of the Constitutional Court will be included in the investigation."*⁷⁷

The statements of the Deputy Presidents who are the founders and members of the Unity in the Judiciary Platform, the letter of the HSK member and the news in the press are the most important indicators of the unlawful and systematic plugging of the persons on the dismissal list three years before their dismissal⁷⁸ and the public admission by the highest authorities of the commission of offences under Articles 134 et seq. of the Turkish Penal Code and the violation of the rights to private and family life⁷⁹ of the persons concerned. This process was conducted mainly through the YBP.

76 Final Results of the Election for Membership of the High Council of Judges and Prosecutors Among Judges and Prosecutors of the Judicial Judiciary, 12.10.2014, <https://www.yhk.gov.tr/doc/dosyalar/docs/2014HSK/2014HSK-AdliKessinSecimSonuc.pdf>

77 Aydınlık, "Hundreds of FETÖ members are being expelled from the judiciary!", 10 May 2016

78 Deputy President Mehmet Yılmaz, in his statement following the HSK's dismissal of 107 judges and prosecutors on 5 May 2017, admitted that the dismissed judges and prosecutors were included in the lists prepared in advance with the following statements; *"this is the last dismissal made in lists. From now on, as new names come with confessions, the Board after us will evaluate the situation, but the work on the existing list has ended. There is no more list we are working on."* <https://www.cnnturk.com/turkiye/son-dakika-107-hakim-ve-savci-hakkinda-gozalti-karari>

79 In his statement dated 09/10/2016, Deputy President Mehmet Yılmaz stated that statements such as *"she was drinking, she was a modern woman, she wore a mini skirt, she had Atatürkist thoughts, she was a nationalist"* were made about the persons they decided to dismiss and that they were very surprised by these statements and revealed that the dismissal decisions were based on plugging and related to

he admitted that there were plugging studies in the ministry, the high judiciary and all judicial units in the provinces.⁸¹

Sauğun FETÖ'ye karşı yürüttüğü mücadele kapsamında yargı teşkilatında FETÖ'cülerin tespitine yönelik yaptığı çalışmaya ilişkin olarak: **Birol ERDEM'in görevden alınmadan önce FETÖ'cü Yargıtay üyeleri, Danıştay üyelerinin tespitine dönük çalışmalarını yaptığı ve dosyalar halinde çoğalttığını, MIT müsteşarı Hakan FIDAN'a verdiğini net olarak bildiğini, kendisiyle beraber Şeref MALKOÇ'a gittiklerini ve Birol ERDEM'in çalıştığı listenin bir örneğini Şeref MALKOÇ'a birlikte verdiklerini, yine listenin bir örneğini Mustafa ŞENTOP'a da verdiğini, yani siyasetin ve bürokrasinin etkin insanlarına bu listeyi verdiğine bizzat şahit olduğunu, o dönemde söz konusu listeleri Ankara C.Başsavcılığına verip vermediğini hatırlamadığını.**

HARUN KODALAK'IN İFADESİ

As can be understood from these examples, it is seen that judges and prosecutors were labelled by the Association for Unity in the Judiciary, which represents the presence of the Erdoğan regime in the judiciary, during the 2014 HSK election period. The fact that this labelling was carried out is also evidenced by the statements given by some other members of the association at the hearings. In this regard, it has recently been revealed with documents that dozens of judges and prosecutors were labelled by Mehmet Burçin Çetinkaya (Registry no: 41868), who was the President of Sivas High Criminal Court and President of the Judicial Justice Commission in 2016. Çetinkaya, who is a member of the Association for Unity in the Judiciary, made a statement to the HSK inspector on 16.1.2018 to be used as witness evidence against judges and prosecutors in his duty area in their trials.⁸²

olduğunu tam olarak bilemiyorum. Hakim olarak da [REDACTED] ismini hatırlıyorum. Şüpheli ve Gemerek Adliye ziyaretlerinde tepki ile karşılaşmıştık. Ancak Zara Adliyesine ziyarette herhangi bir anormallik yaşanmadı. Adliye olarak bizleri gayet güzel karşıladılar. Hakim [REDACTED] daha önce Sivas'ta avukatlık yaptığı ve Fetö'nün ileri gelenlerinden olduğu ortaya çıktı. [REDACTED] in Hakim [REDACTED] ile ilgili o tarihte bizimle herhangi bir bilgi paylaşmaması dikkat çeken bir olaydır. Gerçi diğer Cumhuriyet Savcısı [REDACTED] da herhangi bir bilgi paylaşmadı ancak hal ve hareketleri bize daha sıcak geliyordu. Seçim zamanı safalar belirgindi, bu nedenle Fetöcü olanlar ile ilgili bilgi paylaşılması gerektiğini düşünüyorum. Hatta Koyulhisar Adliyesini ziyarete gittiğimizde hâlen Adana Cumhuriyet Savcısı olan Hakime Harde Hanım, bizi tanımamasına karşın, yemeğe giderken yol gösterme bahanesiyle bizim araca bindi ve örgüte himmet veren, Fetöcü olan hakim ve savcılara bize tek tek söyledi. Aynı hassasiyeti Zara Adliyesinde görevli meslektaşlardan da beklerdik. Zira Başsavcımız ile birlikte Sivas iline yeni atanmıştık, dolayısıyla görev yapan hakim ve savcılar hakkında malumat sahibi değildik.

TANIK İFADE TUTANAĞI

Adı-Soyadı	Mehmet Burçin ÇETINKAYA
T.C. Kimlik Numarası	[REDACTED]
Anne-Baba Adı	[REDACTED]
Doğum Yeri ve Tarihi	[REDACTED] 1977
Nüf. Kayıtlı Olduğu Yer	[REDACTED]
Yerleşim Yeri Bilgileri	Sivas Adalet Sarayı
İletişim Bilgileri	[REDACTED]
İş/Mesleği	Sivas 2. Ağır Ceza Mahkemesi ve Adalet Komisyonu Başkanı
İfadeyi Alan	Mehmet Şirin DİK - HSK Başmüfettişi Aydan ERDEM - HSK Müfettişi
İfademin Atıldığı Yer	Kayseri Adalet Sarayı Müfettiş Odanı
İfade Tarihi ve Zaman	16.01.2018 Saat 12:50
Dilimi	[REDACTED]

MEHMET BURÇIN ÇETINKAYA'NIN İFADESİ

In this statement, Çetinkaya described in detail the "labelling" he carried out in the courthouses they visited during the election process. Çetinkaya admitted that during

81 <https://x.com/drgokhangunes/status/1405919310321700866>

82 <https://x.com/hasandursun6003/status/1888371161857212820>

these visits they observed the judges and prosecutors in charge and categorised them according to whether they showed closeness to them or not and whether they provided information against their colleagues or not.

In an example given in his witness statement, Çetinkaya praises the "patriotism" of Hande Dağdelen Keçeoğlu (registration: 109458), a judge at the Koyulhisar Courthouse, who was later appointed as a prosecutor in Adana and is now a member of the Adana Regional Court of Appeals, states that this judge, although she did not recognise them, got into their car on the pretext of showing them the way and told them the names of the judges and prosecutors working at the courthouse "one by one". He also stated that some judges in the courthouse they visited did not treat them well and that some of them did not provide them with information (intelligence) against others, and that these people were "terrorists".

All of these examples show that the Erdoğan regime has been carrying out labelling activities through the Association for Unity in the Judiciary, which it has established within the judiciary. Although the members of the judiciary who are members of this Association know that the acts of profiling are crimes against humanity, they have actively participated in these activities in order to find a place in the judiciary of the Erdoğan regime and to reach important positions.

On the other hand, after the 15 July coup attempt, the judges and prosecutors who are members of the Association for Unity in the Judiciary have taken an active role in the arrest and punishment processes of the judges and prosecutors they had tagged. They have openly declared this in their statements as the Association.⁸³

D. ROLES IN THE REGIME JUDICIARY THROUGH EXTRAORDINARY METHODS AND ELECTIONS

a. Intensive Appointments Realised in a Short Time

The Erdoğan regime has recruited approximately **15,000** judges and prosecutors with simplified exams and politicised interview conditions to replace those dismissed in order to form the regime judiciary. Therefore, the process of cadre formation in the judiciary has been completed and all elements of the regime's judiciary have been made ready. The judiciary has been turned into the shield and saviour of the regime. Minister of Justice Yılmaz Tunç, in his presentation on the budget of the Ministry of Justice for the year 2025 at the TBMM Plan and Budget Commission on **28 November 2024**, announced that they increased the number of judges and prosecutors from **9,349** in 2002 to **24,691** and that they have enabled **1,195** judges and prosecutors to start their profession this year.⁸⁴ These figures clearly reveal the liquidation of the Turkish judiciary and the Erdoğan regime's cadre in the judiciary.

83 Son Tv, Flash 15 July statement from Yargıda Birlik, 13 July 2019, <https://www.son.tv/yargida-birlikten-flas-15-temmuz-aciklamasi/>; <https://www.memurlar.net/haber/732489/bazi-hakim-ve-savcilar-feto-ye-biat-etti.html>

84 Posta, "Bakan Tunç announced: Number of judges and prosecutors reached 24,691", <https://www.posta.com.tr/gundem/bakan-tunc-acikladi-hakim-ve-savci-sayisi-24-bin-691e-ulasti-2787559>

During this period, lawyers and jurists who were considered to be close to the regime were appointed to replace the purged members of the judiciary, thus completely eliminating the independence of the judiciary. In this context, only in 2016, a total of **4,610** were admitted to the profession. Again, very shortly after the coup, on 24 December 2016, an exam announcement was made for the recruitment of a total of **3,800** judges and prosecutors. In other words, when these figures (4610 + 3800: **8410**) in 2016 alone are taken into consideration, it is easily understood how the coup process was turned into an opportunity and how the regime judiciary was rapidly built.^{85,86}

Yıllara Göre Toplam Hâkim Savcı Sayısındaki Artış							
Yıl	Sayı	Yıl	Sayı	Yıl	Sayı	Yıl	Sayı
1998	8.676	2004	9.169	2010	11.659	2016	15.945
1999	9.140	2005	9.084	2011	12.040	2017	16.101
2000	9.004	2006	10.176	2012	12.483	2018	19.427
2001	9.242	2007	10.882	2013	13.603	2019	20.629
2002	9.467	2008	11.176	2014	14.810	2020	21772
2003	9.265	2009	11.481	2015	14.729	2021	22800
2022	22861	2023	23.759				

b. Election of a Judge to the Constitutional Court by an Unusual Selection Procedure

In the process of the transformation of the Turkish judiciary into a regime judiciary, the Erdoğan regime has brought some members of the judiciary, whom it considers loyal to itself, to very important positions through extraordinary appointment and election procedures. Although there are many examples in this context, the most serious example is the election of İrfan Fidan as a member of the Constitutional Court.

Mr. Fidan is known as the prosecutor of the most critical cases of the Erdoğan regime. Known as the prosecutor who wrote the Gezi Trial and Osman Kavala indictments, Fidan's name is known for the first time in the 17-25 December process with the non-prosecution decisions he gave in accordance with the theses of the Erdoğan regime. The prosecutors who conducted the 17-25 December bribery and corruption investigations were removed from the files and the files were handed over to Fidan. On 25 December, Fidan was given the file and after the investigation he issued a decision of non-prosecution against 96 suspects, including President Tayyip Erdoğan's son Bilal Erdoğan, then Interior Minister Muammer Güler, Economy Minister Zafer Çağlayan, Environment and Urbanisation Minister Erdoğan Bayraktar, European Union Minister Egemen Bağış and Rıza Sarraf. Because of these decisions, he was among the names trusted by the Erdoğan regime. Therefore, he was appointed as Istanbul Chief Public Prosecutor in a very short period of time.

İrfan Fidan, while serving as Istanbul Chief Public Prosecutor, was elected as a member of the Court of Cassation by the decision of the Council of Judges and Prosecutors dated **27 November 2020** and numbered 606. Three days after İrfan Fidan was elected as a member, an election was to be held on **1 December 2020** at the General Assembly of the

85 Minutes of the TBMM Plan and Budget Commission, 22. 11 . 2016, https://www.sbb.gov.tr/wp-content/uploads/2020/02/22-Kas%C4%B1m-2016_PBK_Gorusmeler.pdf

86 <https://www.turkiyehukuk.org/hakim-ve-savci-sayilari-2023/>

Court of Cassation to determine the three candidates to be proposed to the President for the membership of the Constitutional Court. However, the Presidency of the Court of Cassation postponed this election to 17 December 2020 due to Covid-19. As soon as İrfan Fidan was appointed as a member of the 12th Criminal Chamber of the Court of Cassation, he became a candidate for the Constitutional Court membership election at the Court of Cassation. Immediately after taking office at the Court of Cassation, Fidan ranked first by receiving the highest number of votes in the election for nomination to the Constitutional Court held on **17 December 2020**. On **22 January 2021**, the President appointed İrfan Fidan as a member of the Constitutional Court among the three candidates nominated by the General Assembly of the Court of Cassation.

As can be seen, İrfan Fidan, who was newly elected as a member of the Court of Cassation, who has not even signed under any decision or judgement in the Court of Cassation and who has no experience in the Court of Cassation, received the highest number of votes in the nomination elections for the membership of the Constitutional Court held at the General Assembly of the Court of Cassation on 17 December 2020. Fidan received the highest number of votes among the candidates to the Constitutional Court only **20 days** after his appointment to the Court of Cassation through an extraordinary election method contrary to customary practices. It is an unprecedented event in the history of the Court of Cassation that a member of *only 20 days old* participated in the elections for nominating candidates for the membership of the Constitutional Court and received the highest number of votes in these elections, surpassing candidates who had worked at the Court of Cassation for years. Since the establishment of the Constitutional Court, a total of **44 members** have been elected to the Constitutional Court from the Court of Cassation. The average term of office of the members elected from the Court of Cassation to the Constitutional Court is **nine years**. In other words, in the history of the Court of Cassation, a member of the Court of Cassation had to serve an average of *nine years in* the Court of Cassation in order to be elected as a member of the Constitutional Court. In order for İrfan Fidan to be nominated by the Court of Cassation as a member of the Constitutional Court, it was enough for him to serve in the Court of Cassation *for twenty days*.⁸⁷

As can be seen, in the history of the Court of Cassation, apart from İrfan Fidan, no other member of the Court of Cassation has been elected as a member of the Constitutional Court or nominated to the President for election 20 days after his appointment. These statistical data show that there is an abnormal and unusual situation in which the Erdoğan regime has used extraordinary elections and methods to secure itself by making judges loyal to itself members of an important court such as the Constitutional Court.

E. JUDGES AND PROSECUTORS ARE ROUTINELY LABELLED AS TERRORISTS AND ARRESTED

a. Arrests Contrary to Constitutional Guarantees

With the instruction letters sent by the Ankara Chief Public Prosecutor's Office to other chief public prosecutor's offices in accordance with Article 94 of Law No. 2802, thousands of judges and prosecutors have been subjected to detention, arrest and arrest

87 Gözler, Kemal: Goodbye Constitutional Court: The case of İrfan Fidan, <https://www.anayasa.gen.tr/irfan-fidan-olayi.htm>

measures on charges of "attempting to change the constitutional order (Article 309 of the Turkish Penal Code) and membership of an armed terrorist organisation (Article 314 of the Turkish Penal Code)" since 16 July. Through the discourse of the media and politicians, these judges and prosecutors were clearly labelled as terrorists. In this context, in the statement made by Fuat Oktay, the Vice President of the Republic at the time, on 14 July 2021, "...the number of terrorists disguised as judges and public prosecutors who have been dismissed since 15 July is 3,968..."⁸⁸ The expression "...*terrorists disguised as judges and public prosecutors*..." reveals how the highest level bureaucrat of the Erdoğan regime uses hate speech effectively, even though 5 years have passed since the coup.

Although there is no latest data released by the Ministry of Justice, almost the majority of judges and prosecutors suspended or dismissed during this period have been arrested. Following the 15 July coup attempt, detention warrants were issued for 2 members of the Constitutional Court, 140 members of the Court of Cassation and 48 members of the Council of State. In his reply to a parliamentary question, the then Minister of Justice Bekir Bozdağ stated that 2,230 judges and public prosecutors under investigation were in detention as of 21 September 2016. After this date, suspensions and dismissals continued as well as arrests or detentions.⁸⁹

The arrests took place in an almost automated procedure and without a single concrete piece of evidence in the file. The only common point in all the files is the content of the HSK's upper letter stating that the person concerned has been suspended. The judges and prosecutors included in the lists sent by the HSK to the chief public prosecutors' offices were arrested in a hurry in violation of the guarantees set out in the Constitution and Law No. 2802. Pursuant to Article 94 of Law No. 2802, in order to conduct investigations and prosecutions against judges and prosecutors in accordance with the general provisions, two conditions required by the law must be fulfilled together and this issue is mandatory. The first of these conditions is that the offence subject to investigation is "*an offence falling within the jurisdiction of a serious criminal court*" and the other is the existence of a "*case in flagrante delicto*". The state of red-handedness has come to the fore especially in terms of the investigations of judges and prosecutors tried during the State of Emergency.⁹⁰ In the first paragraph of page 4 of the decision of the General Assembly of the HSK dated 24.08.2016 and numbered 2016/426, it is accepted that the investigation on the dismissed judges and prosecutors was initiated in accordance with Article 94 of the Law No. 2802.⁹¹

88 "Fuat Oktay's statement on the fight against FETÖ", 14/07/2021, <https://www.haber7.com/guncel/haber/3120366-fuat-oktaydan-feto-ile-mucadele-aciklamasi>

89 Yasal Haber, "2,230 judges and prosecutors arrested", 28.12.2016, <https://www.hukukihaber.net/2-bin-230-hakim-ve-savci-tutuklandi>

90 Aras, Bahattin: Judges and Prosecutors' Disciplinary Investigations and Judgement Procedures, Yetkin Publications, Ankara 2020, p. 543 et seq.

91 "...with regard to judges and public prosecutors who were found to have a connection with the FETÖ/PDY armed terrorist organisation, even at the level of association, a judicial investigation was initiated within the scope of general provisions based on the determination that there was a case of overt crime falling under the jurisdiction of the heavy criminal court within the scope of Article 94 of the Law No. 2802 on Judges and Public Prosecutors, and within the scope of the said investigation, as of today, 2.146 judges and public prosecutors are under arrest, efforts are ongoing for the execution of arrest warrants for 190 people for whom arrest warrants have been issued, 539 people have been released by applying judicial control measures,...(p.4)"

In the lawsuits filed against unjustly arrested judges and prosecutors on the charge of being a member of a terrorist organisation, actions such as being a member of the judicial association YARSAV within the scope of freedom of association and assembly, travelling abroad for training, holding a titled position, working in the central organisation of the HSK or the Ministry of Justice, supporting independent candidates other than the candidates of the Unity in Judiciary Platform in the 2014 HSK elections, and receiving high grades in inspection audits were considered as organisational activities.

b. HSK's issuance of an instruction booklet on the arrest and release of judges and prosecutors

In this process, search, detention, arrest, arrest and continuation of detention decisions were taken against the judicial members in question in clear violation of Articles 139 and 140 of the Constitution, Article 88 of Law No. 2802 and Article 5/1 of the ECHR. In addition, it was revealed that the discretionary powers of the judges and prosecutors who made decisions regarding the arrested judges and prosecutors were taken away from them with the instruction document titled "*Terrorism Investigations Information Booklet*" dated 6 April 2017 of the Ministry of Justice General Directorate of Criminal Affairs. Under the heading "Matters related to the personal offences of judges and prosecutors" of the aforementioned official document, after stating how the evidence will be interpreted in the investigations against judges and prosecutors, the judges and prosecutors were instructed how the process should be carried out with the official written booklet stating "*Release will be made after consultation with the HSK*".⁹²

c. Confiscation of All Assets of Judges and Prosecutors

Shortly after their arrest, despite the relevant provisions of the European Convention on Human Rights, the Constitution and the Criminal Procedure Code, without any research, examination and individualisation, Ankara 1st Criminal Judgeship of Peace issued a decision dated 29.07.2016 and numbered 2016/3971 to impose an injunction on all assets, bank accounts and all kinds of rights and receivables of approximately 3500 judges and prosecutors on the list sent as a **digital list**. Although some of these injunctions were lifted after a long period of time, they caused serious victimisation.

d. Closure of Turkey's First Association of Judges and Prosecutors

After the 15 July coup attempt, there have been many changes in the judiciary and the first association of the Turkish judiciary, YARSAV (the Association of Judges and Prosecutors) was closed down on 23 July 2016 with the State of Emergency Decree. The closure of an association that has not been involved in any criminal offence by such a decree is a violation of Article 11 of the ECHR.

On the other hand, Murat Arslan, the president of the YARSAV, which was shut down after the 15 July coup attempt, was first arrested and sentenced to 10 years in prison by the Ankara 25th High Criminal Court on 19 January 2019 in line with the expectations of the Erdoğan regime, which is disturbed by the independent and impartial stance of the YARSAV Association, despite the lack of any concrete evidence against him. Despite all

92 Aydın, Engin: Hello 'law' get out of the way!..., Cumhuriyet, 01 March 2018, <https://www.cumhuriyet.com.tr/yazarlar/aydin-engin/alo-hukuk-cik-aradan-935540>

objections, the unlawful conviction against Arslan was finalised. Arslan was also subjected to unlawful practices in prison. Arslan's requests for probation and conditional release were rejected on the same unlawful grounds. The Sincan Prison Administration and Observation Board, which had previously found Arslan to be in "good behaviour", this time rejected the conditional release request of Arslan, who had no disciplinary penalties or any negative conditions that would prevent him from integrating into society. The Board rejected Arslan's request for conditional release on the grounds that "it could not be determined whether he regretted the offence or not, and that he had no active efforts to integrate into society".⁹³ In 2017, Arslan was awarded the **Vaclav Havel Human Rights Prize** by the Parliamentary Assembly of the Council of Europe, where Turkey is also represented, for his "work for the independence of the judiciary".⁹⁴ Similarly, **the International Association of Judges** recognised Murat Arslan, President of the YARSAV, with the "Judicial Independence" award.⁹⁵

F. OHAL KHK'S USED THROUGHOUT THE PURGING PERIOD

While criminal investigations were ongoing, the State of Emergency Decree Law No. 667, which was issued with the State of Emergency declared on 21 July 2016, introduced regulations that eliminate the basic guarantees of judges and prosecutors in the Constitution in terms of disciplinary proceedings and disable the disciplinary procedure in Law No. 2802. With the authority granted by the State of Emergency Decree Law No. 667, a total of **4362** members of the judiciary were dismissed from the profession within the scope of the State of Emergency measures without even receiving the defences of judges and prosecutors, initially 2847⁹⁶ and with the subsequent dismissal decisions, within the scope of **20 decisions** covering the members of the Constitutional Court, Court of Cassation, Council of State and first instance judges and prosecutors as of 2022.⁹⁷ The fact that these dismissals were arbitrary and unjustified was also mentioned in the Venice Commission's Opinion on the State of Emergency Statutory Decrees No. 667 to 676 issued in the aftermath of the failed coup attempt of 15 July 2016.⁹⁸

93 Birgün, "No evacuation for YARSAV President", 30.04.2024, <https://www.birgun.net/haber/yarsav-baskanina-tahliye-yok-525413>

94 Council Of Europe, Václav Havel Human Rights Prize 2017 awarded to Murat Arslan, 9 OCTOBER 2017, https://www.coe.int/en/web/portal/news-2017/-/asset_publisher/StEVosr24HJ2/content/vaclav-havel-human-rights-prize-2017-awarded-to-murat-arслан

95 Turkish Minute , "Jailed Turkish jurist granted Judicial Independence Award by int'l judges", September 22, 2022, <https://www.turkishminute.com/2022/09/22/judicial-independence-award-by-intl-judges/>

96 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minute No: 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

97 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/tr/haberler/darbe-sonrasi-turkiyede-hakim-ve-savcilarin-toplu-ihraclari/>

98 Opinion on Emergency Decree Laws Nos. 667 to 676 issued in the aftermath of the failed coup attempt of 15 July 2016: "...recognises that the link required to justify suspensions (or even dismissals) may be less intense than the link required to identify a person as a "member" of a criminal organisation. "Membership" requires an "organic relationship" with the criminal organisation. The removal of a public official from office (temporarily or permanently) may require a weaker connection to a criminal organisation. Nevertheless, this connection must be meaningful - in other words, it must raise objective doubts about the loyalty of the public official and exclude innocent, accidental, etc. links. The Venice Commission recommends that the wording in the decree-laws be amended accordingly: "dismissal may be ordered only on the basis of a combination of factual

G. DISMISSED JUDGES AND PROSECUTORS AND CIVIL DEATH

After the 15 July coup attempt, hundreds of thousands of people were detained, arrested and dismissed from their jobs. In the second stage of this policy of erasure and annihilation from society, people were left to civil death between concrete walls in prisons, while discriminatory and arbitrary practices were applied to those who remained outside or were released as a result of the hate policy.

As a result of hate and discriminatory regime practices based on marginalisation and destruction, people who were dismissed from their professions, whose institutions were closed down, whose assets were confiscated, were almost left to civil death and starvation. One of the most widespread and comprehensive violations during the State of Emergency has been the right to work. More than one hundred thousand public officials were dismissed from public office without any concrete evidence, without the right to defence and fair trial. At this point, people have not only been left unemployed by being dismissed from public office or by closing down their institutions, but they have also been stigmatised, declared guilty, detained, arrested, deprived of all their financial rights, even their retirement bonuses, and many of them have been prevented from finding a job in the private sector. In addition, the passports of those dismissed were confiscated and their freedom of movement and the right to work in another country were eliminated and they were subjected to the practice called "civil death".

At this point, all State of Emergency Decree Laws, which include dismissals from public service, state that "*...persons who are dismissed from public service are stripped of their rank and/or civil service **without a conviction**, and these persons cannot be re-admitted to the organisation they served in; they cannot be employed in public service again, they cannot be directly or indirectly assigned; all kinds of trustee boards, boards, commissions, commissions, boards of directors, audit boards, liquidation boards and other duties held by them are deemed to be terminated.*" Those who were dismissed based on the provisions of the Decree Law are prohibited from working in public service again.

Within the scope of systematic and planned hate and discriminatory regime policies, some restrictions have also been introduced to prevent those dismissed and those working in closed institutions from working in the private sector. The Ministry of Labour and Social Security has introduced a number of regulations in order to keep track of those who have been dismissed or whose institutions have been closed down and to put employers under pressure. In this context, with the circular no. 2016-16 issued on 2 August 2016, the Ministry added to the codes used by the SSI for dismissals. The code number '36' has started to be used for employees whose workplaces were closed down by the State of Emergency Decree Laws, and the code number '37' and the note "*Dismissed from Public Office (According to Law/KHK)*" has started to be used in SSI records for those who were dismissed from the public sector with the lists attached to the Decree Laws. Therefore, it has become virtually impossible for those dismissed by decree laws or whose institutions were closed down by decree laws to work in the private sector.

elements which clearly demonstrate that the public official has acted in a manner which raises objectively serious doubts about his or her loyalty to the democratic legal order... (Prg.130-131)"
[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037-tur)

As will be explained in detail in the relevant section below, just as during the Hitler era, Jews were embroidered with a "*Yellow Star of David*" badge on their clothes in order to be recognised, the aforementioned discriminatory regime codes were given to the people with emergency decree laws in order to make them known in every field and to prevent them from being employed. The state's systematic and planned monitoring of those with emergency decree laws has caused concern in the private sector and thus indirectly prevented those with emergency decree laws from working in the private sector. Some employers who do not want to incur the wrath of the state have resorted to uninsured labour in order to ensure that their employees work without being registered.

The regulations, which are nowadays also referred to as "*civil death*" and which prohibit those who have been dismissed from their professions and whose institutions have been closed down from being employed in the public service again and prevent them from working in the private sector, have nothing to do with the legitimate purpose pursued by the declaration of the State of Emergency and are clearly contrary to the ECHR. The ECtHR finds it unacceptable to deprive those concerned of all employment opportunities even in cases where a total ban on public employment can be justified.⁹⁹ Although all these issues are known, these regulations have been systematically introduced within the scope of hate and discriminatory regime policies.

The dismissed judges and prosecutors, who are among the addressees of these unlawful practices, made individual applications to the Constitutional Court due to the rejection of their applications to obtain the opportunity to practice as lawyers, and after their individual applications to the Constitutional Court were kept pending for a long time, inadequate and far from inclusive decisions were given only in terms of those who were given a decision of non-prosecution or acquittal, stating that the practice was unjust.¹⁰⁰ Other dismissed judges and prosecutors against whom public lawsuits have been filed are still unable to practice as lawyers.

Decree Emergency Decree holders have felt the practices of civil death and discriminatory regime in every aspect of their lives. Many banks have closed the bank accounts of those dismissed by emergency decree and cancelled the credit cards they had issued to them. In a document sent to the Human Rights Investigation Commission of the Grand National Assembly of Turkey by Halkbank, it was understood that being dismissed with a decree law was cited as a justification for restricting credit cards.¹⁰¹ In addition, those dismissed by emergency decree have been subjected to many practices such as non-payment of their monetary rights accumulated in special funds, denial of loans, denial of student scholarships, and arbitrary denial of their right to medical treatment.

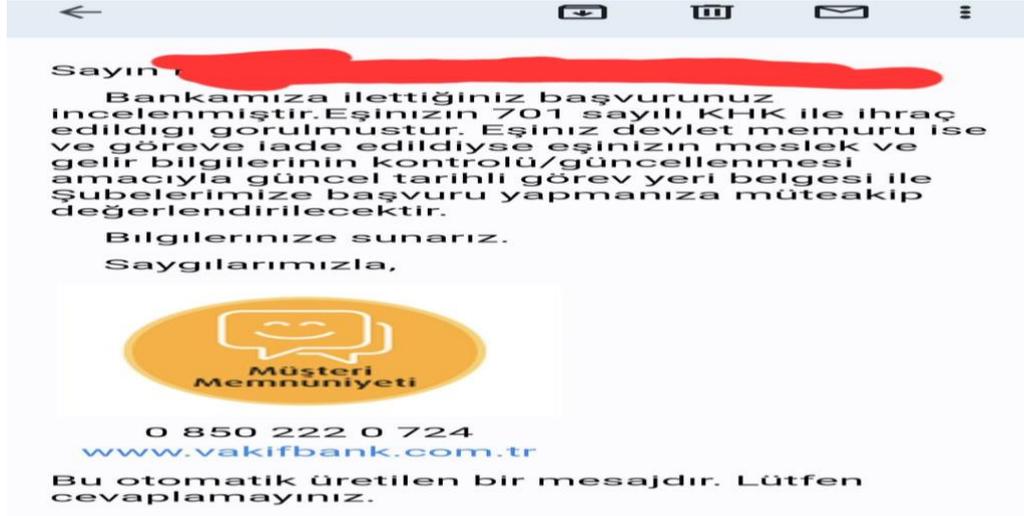
99 ECtHR, *Naidin v. Romania*, Application No: 38162/07, K.T: 21/10/2014, Prg.54, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-169115%22%5D%7D>

100 For a sample judgement, see: Constitutional Court, *Tuğba Çetinkaya Decision*, Application No: 2018/17932, K.T: 14/10/2020, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/17932?BasvuruAdi=Tu%C4%9Fba+%C3%87etin+kaya>

101 "The credit card of a teacher with a state of emergency decree was cancelled", 07.05.2020, <https://www.dw.com/tr/bankadan-khk-yan%C4%B1t%C4%B1-kart%C4%B1-ihra%C3%A7-nedeniyle-kapat%C4%B1ld%C4%B1/a-53363760>

In this context, the wife of dismissed prosecutor Vedat Demir, who had to move from Hatay to Ankara with her family after the earthquake on 6 February 2023, applied for a bank loan for earthquake victims at the Ankara Kolej Branch of the Vakıflar Bank of Turkey, but her application was rejected on the grounds that her husband had been dismissed by the Decree Law.¹⁰²

Citizens dismissed by state of emergency decrees are prevented from opening accounts or obtaining credit cards at state and private banks. In this context, as can be seen from the documents below, the credit card applications of a doctor and a dismissed prosecutor¹⁰³ and¹⁰⁴ of another citizen whose spouse was dismissed by the Decree of Emergency Decree were rejected.



Likewise, Executive Decree 691 Articles 6, 9 and 10 of the Decree Law No. 691 added to the Law on Notary Public, Law on Mediation in Civil Disputes and Law on Expertise, stipulating that those who are affiliated or connected to terrorist organisations will not be admitted to these professions. Thus, judges and prosecutors who were dismissed from their professions based on the State of Emergency Decree Law are banned from acting as mediators, notaries and experts.

H. THE RESPONSE OF INTERNATIONAL ORGANISATIONS AND INSTITUTIONS TO THE PROCESS OF DISSOLUTION OF THE TURKISH JUDICIARY

a. Important judgements of the ECtHR

The criminal proceedings conducted against judges and prosecutors with the broad powers granted by the State of Emergency, the decisions of the Court of Cassation, the Council of State and the Constitutional Court, and the decisions of the Court of Cassation, the Council of State and the Constitutional Court regarding these decisions are

102 "There is no earthquake victim loan for the spouse of a member of the Justice and Development Council (KHK): Not you but your spouse is on the black list", 18.03.2023, <https://kronos36.news/tr/vakifbank-khkli-esine-de-depremezede-kredisi-vermedi-siz-degil-ama-esiniz-kara-listede/>

103 <https://twitter.com/crkml/status/1642265215323496448?t=PRs4cC0AgkOeev-LK53yRw&s=09>,

104 <https://twitter.com/crkml/status/1645510689551679490>

clearly unlawful and contrary to universal law, which has been determined by the ECtHR's judgements *Alparslan Altan v. Turkey*¹⁰⁵ and *Hakan Baş v. Turkey*¹⁰⁶ and other judgements of the same nature citing these judgements.

In its judgments in *Alparslan Altan v. Turkey*, a former member of the Constitutional Court, and *Hakan Baş v. Turkey*, a former judge, the ECtHR found a violation of the principle of legal certainty in relation to the application of the provisions of the law in a manner different from their usual and consistent interpretation in the process conducted in relation to the applicants who were first suspended, then arrested and dismissed by denying their constitutional guarantees. The Court emphasised that it found unlawful the viewpoint of the local court, the Court of Cassation and the Constitutional Court, which differed from the past interpretations of the interpretation of the "state of public prosecution" enabling the arrest of judges and prosecutors, and which eliminated constitutional guarantees and rendered ineffective the procedural safeguards provided to members of the judiciary against the interventions of the executive branch. Following these pilot judgements, the ECtHR issued collective judgements on thousands of judges and prosecutors in series, notably the *Turan and Others* judgement.¹⁰⁷ Following these pilot judgements, the ECtHR ruled serially that 1,201 judges and prosecutors were unjustly detained.¹⁰⁸ These judgements once again confirmed that the arrests and convictions of thousands of judges and prosecutors were unlawful.

Similarly, the Grand Chamber of the ECtHR, in its judgment dated 26 September 2023 in the case of **Yüksel Yalçinkaya v. Turkey**,¹⁰⁹ made very important findings and assessments regarding the trials in Turkey after 15 July 2016, especially with regard to alleged membership of the Gülen Movement, and ultimately ruled that Article 6 of the ECHR regulating the right to a fair trial, Article 7 regulating the principle that there can be no crime without law, and Article 11 on the right to freedom of association and assembly were violated.

b. Views of Other International Institutions and Organisations

The purges of judges and prosecutors through State of Emergency Decree Laws in violation of constitutional guarantees and the criteria set by Law No. 2802 have also been heavily criticised by international organisations. In this context, the Venice Commission's Opinion on the State of Emergency Decree Laws No. 667 to 676 issued in the aftermath of

105 ECtHR, *Alpaslan Altan v. Turkey*, Application No: 12778/17, K.T:16.04.2019, <https://hudoc.echr.coe.int/tur#%7B%22itemid%22:%5B%222001-194102%22%7D>

106 ECtHR, *Hakan Baş v. Turkey*, Application No: 66448/17, K.T: 03/03/2020, <https://hudoc.echr.coe.int/tur#%7B%22fulltext%22:%5B%22Hakan%20Ba%C5%9F%22%22%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%22%22CHAMBER%22%22%22itemid%22:%5B%222001-201907%22%7D>

107 *Case Of Turan And Others V. Turkey*, Applications nos.75805/16 and 426 others, 23 November 2021, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%222001-213369%22%7D>

108 ECtHR *Tercan v. Turkey* 1, *Turan and Others* 427, *Acar and Others* 50, *Ulusoy and Others* 21, *Bayram and Others* 108, *Ataman and Others* 31, *Geleş and Others* 70, *Başer and Özçelik* 2, *Moral and Others* 32, *Sevinç and Others* 135, The Court found 82 judges and prosecutors in *Güngör and others*, 19 in *Subaşı and others*, 131 in *Ayvaz and others*, 13 in *Kılınçlı and others*, 26 in *Kuriş and others*, 51 in *Elibol and others* to have been unjustly detained. <https://justicesquare.org/violation-by-the-ecthr-15-july-may-2024/>

109 ECtHR, *Yalçinkaya v. Turkey*, Application No:15669/20, KT: 26.09.2023, <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2215669/20%22%22%22itemid%22:%5B%222001-227636%22%7D>

the failed coup attempt of 15 July 2016¹¹⁰ "...recognises that the link required to justify suspensions (or even dismissals) may be less intense than the link required to define a person as a "member" of a criminal organisation. "Membership" requires an "organic relationship" with the criminal organisation. The removal of a public official from office (temporarily or permanently) may require a weaker connection to a criminal organisation. Nevertheless, this connection must be meaningful - in other words, it must raise objective doubts about the loyalty of the public official and exclude innocent, accidental, etc. links. The Venice Commission recommends that the wording of the decrees be amended accordingly: "dismissal can only be ordered on the basis of a combination of factual elements which clearly demonstrate that the public official has acted in a manner which raises objectively serious doubts about his or her loyalty to the democratic legal order...(Pg.130-131)", expressing its criticism of the measures of suspension and dismissal during this period.

In its Opinion¹¹¹ the Venice Commission assessed the HCJ's decision no. 2016/428 of 28 August 2016 on the dismissal of approximately 3,000 judges and prosecutors and found it worrying and open to criticism that the HCJ, in a decision taken on the basis of the extraordinary powers granted to the Council by Article 3(1) of Legislative Decree No. 667, dismissed thousands of judges and prosecutors whose names were listed in the annexes to the decree.

According to the Venice Commission, the emergency decrees do not set a standard of evidence and do not include the requirement that the final assessment be reasoned and evidence-based. The decision does not mention any specific evidence to support the allegations against the thousands of judges and prosecutors whose names appear on the attached list, nor any individualisation. Therefore, the existence of a link between the dismissed judges and prosecutors and the organisation cannot be objectively established.

The Council of Europe 2016 Turkey Report¹¹² emphasised that in the days and weeks following the coup attempt, the HSK suspended 3,508 judges and prosecutors, one fifth of the total number of judges and prosecutors, and subsequently dismissed 3,390 of them; detained 2,229 judges and prosecutors from the courts of first instance, 109 from the Court of Cassation, 109 from the Court of Cassation, 41 from the Council of State, 2 members of the Constitutional Court and 5 members of the HSK; and detained a total of 2,386 judges and prosecutors, including 2,229 from the courts of first instance, 109 from the Court of Cassation, 41 from the Council of State, 2 members of the Constitutional Court and 5 members of the HSK. 386 judges and prosecutors; and the rapid appointment of a large number of new judges in just two weeks following the coup attempt, the scale and speed of these measures raised doubts in terms of universal criteria. It was emphasised

110 European Commission for Democracy through Law (Venice Commission), Opinion on the State of Emergency Statutory Decrees No. 667 to 676 issued after the failed coup attempt of 15 July 2016, 12.12.2016, Pg.137-139, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037-tur)

111 European Commission for Democracy through Law (Venice Commission), Opinion on the State of Emergency Statutory Decrees No. 667 to 676 issued after the failed coup attempt of 15 July 2016, 12.12.2016, Pg.137-139, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037-tur)

112 Council of Europe 2016 Turkey Report, 9.11.2016, p.17, https://www.ab.gov.tr/files/pub/2016_ilerleme_raporu_tr.pdf

that these large-scale dismissals and the large-scale recruitment of judges and prosecutors posed a serious challenge to the performance and independence of the judiciary.

As a matter of fact, the United Nations Working Group on Arbitrary Detention, in its decision on Hamza Yaman (Turkey) (Opinion No. 78/2018), a member of the Court of Cassation, at its 83rd Session on 19-23 November 2018, stated that "*...the applicant complained that he was targeted because of his profession and made a prima facie justifiable claim that he was among the 3000 judges and prosecutors arrested because he was not a member of the Judicial Unity Platform supported by the Government*" (Prg.86). It is stated that even in a state of emergency, members of the judiciary should be treated with sensitivity. It is stated that the Government has failed to provide an adequate explanation for Yaman's detention and has failed to provide concrete evidence of membership of a terrorist organisation. In conclusion, the Working Group concludes **that Yaman was targeted because he did not support the Government in the performance of his judicial duties and was arrested on the basis of discrimination based on his political or other opinion (Prg.87)**".

The judgements of the ECtHR and the open opinions of international organisations confirm that a "*discriminatory regime*" is applied legally and administratively to judges and prosecutors. Considering that the violations of rights and unlawful practices stated in the court decisions issued in this process are applied to all dismissed and arrested judges and prosecutors, it is clear that the violations of rights are not individual and are systematic as a whole against a group. In addition, while the provisions of the Constitution and laws that have been applied for decades and the past case law of the high courts on this issue are obvious, local courts, high courts, the Constitutional Court and the HSK have entered into completely unlawful, arbitrary and idiosyncratic new practices. Since these are also practices that eliminate legal security, certainty and predictability, the court has ruled a violation.

İ. THE MAIN ARGUMENT USED FOR THE PURGE OF THE JUDICIARY: "FETÖ"

The main reason for describing the liquidation process of the Turkish judiciary within the framework of the Decree Law No. 667 above is to reveal the situation of the judiciary, which has an important role in the execution of the policies and discriminatory regime practices of the Erdoğan regime. With these operations, the judiciary has been transformed into a regime judiciary rather than an independent judiciary. In this process carried out by the HSK, the chaotic environment created by the State of Emergency was turned into an opportunity and approximately 1/3 of the Turkish judiciary was purged unlawfully. These members of the judiciary were dismissed on the grounds that they were allegedly affiliated with the Gülen Movement, although there was no concrete evidence against them.

In fact, the majority of the judges and prosecutors dismissed from the Turkish judiciary were not members of the Gülen Movement, but rather they were tagged for their votes and preferences in the 2014 HSK membership election process and then dismissed after the 15 July coup attempt. Thousands of judges and prosecutors were first labelled as "**Brotherhood/Parallelists**" and then dismissed because they did not support the candidates of the Unity in the Judiciary Platform, which was established under the control of the Erdoğan regime, despite the fact that they had nothing to do with the Gülen Movement and there was not a single concrete piece of evidence in this regard. Although

it is known by the HSK, local courts and prosecutor's offices, as well as the HSK, that these individuals have no ties with the Gülen Movement, they have been arrested and sentenced to heavy penalties for membership of an organisation because of their votes and preferences during the election process. All opposition judges and prosecutors in the judiciary who do not support the Erdoğan regime have been targeted with the "FETÖ" discourse. Thus, as in other institutions, all judges and prosecutors in the judiciary who might oppose the Erdoğan regime were purged with the slander of "FETÖ".

J. LEGITIMISATION OF DISCRIMINATORY AND ARBITRARY REGIME PRACTICES AND UNLAWFUL TRIALS BY THE HIGH JUDICIARY

During the 15 July coup attempt, the State of Emergency Decree Laws issued during the State of Emergency have rendered Turkey completely unregulated, and a regime in which discriminatory regime practices prevail in all areas of life has emerged. The Constitutional Court, the Court of Cassation and the Council of State, which are obliged to administer justice against this unlawful order in Turkey, which has been created both by the State of Emergency Decree Laws and the practices of the judicial authorities, have not only failed to fulfil these functions, but have also made decisions that give total legitimacy to these unlawful practices of the Erdoğan Regime and have made statements to the public in this direction.

As an important result of the design process of the judiciary that started with the 17/25 December process in the Turkish judiciary, the high courts, which should guide the legislature, the executive and the local courts with their jurisprudence, have started to act within the framework of the principles imposed by the Erdoğan Regime and to make decisions as desired by the political institution. At this point, it has abandoned its past practices and jurisprudence of nearly 100 years and started to act within the framework of the principles that the executive power has drawn the road map. Here, a legitimisation process has taken place through the high judiciary.

The Constitutional Court rejects applications for the annulment of legal provisions that are clearly contrary to the universal rules of law and individual applications for the violation of constitutional rights with unjustified or unlawful pseudo-justifications. In particular, although the Constitutional Court sometimes makes decisions on violation of rights due to pressure from domestic and foreign public opinion, it has actually become the protector and guardian of the systematic and planned antidemocratic, oppressive and totalitarian policies and discriminatory regime practices of the Erdoğan Regime.

With its decision dated 10 January 1991 and numbered K.1991/1, the Constitutional Court had ruled that emergency decrees can only be applied during the state of emergency. After the 15 July coup attempt, an annulment case was filed before the Constitutional Court against the state of emergency decree laws, but the Constitutional Court reversed its 1991 case law with its decision dated 12 October 2016 and numbered E.2016/166, K.2016/159 and decided that it does not have the authority to review the state of emergency decree laws. Thus, the Constitutional Court, which is the highest court in Turkey, declared that the State of Emergency decrees cannot be taken to the judiciary and that no application can be made to the Constitutional Court for their cancellation. In other words, the 1991 jurisprudence stating that the State of Emergency decree laws cannot be amended, disciplinary provisions cannot be amended and regulated, and that the State of Emergency decree laws are valid only during the State of Emergency and can always be

reviewed by the Constitutional Court in case of violation of these rules has been abandoned.

On the other hand, during the darkest period of the Turkish judiciary, the Court of Cassation and the Council of State performed similar functions to the Constitutional Court. Both high courts ignored the unlawfulness that occurred in disciplinary and criminal investigations carried out by applying the most severe protection measures against them by eliminating the constitutional guarantees of the people, by abandoning their past consistent decisions. Both courts have tried to legitimise the unlawfulness in criminal and disciplinary processes with a jargon used by the Erdoğan regime rather than preventing and eliminating them.

The most obvious example of this is the Court of Cassation's abandonment of its past practices in determining the existence and membership of an armed terrorist organisation, and its new decisions that abolish constitutional guarantees. As a result, thousands of judges and prosecutors have been sentenced for membership of an armed terrorist organisation even though they have committed a single act.

The Court of Cassation, instead of supervising the practices that destroy universal principles of law by applying the investigation provisions introduced by the State of Emergency Decree Laws, which abolish the investigation and prosecution provisions of the Criminal Procedure Code, has legitimised these practices and legitimised the most destructive practices of the discriminatory regime with the new definitions it introduced in this process for the concept of terrorist organisation.

Although the Council of State, in its previous decisions, found unlawful the dismissal decisions issued without obtaining a defence and without applying other procedural provisions regarding disciplinary investigations, the Council of State abandoned this consistent jurisprudence regarding the dismissals during the State of Emergency and considered the non-application of these procedural safeguards within the scope of the State of Emergency measures and found the dismissal decisions issued against public officials on the grounds that they violated their obligation of loyalty to the state lawful. At this point, it legitimised the unlawful dismissal of thousands of judges and prosecutors.

The decisions of the Council of State that there is no illegality in the dismissal procedures for violating the obligation of loyalty to the state, without taking into account the clear illegality, especially regarding the constitutional guarantees of judges and prosecutors that have been destroyed and the procedural provisions that have not been applied on the grounds of the State of Emergency, are merely a copy of the theses expressed by the government in its defences in these cases. These decisions, which were made in line with the expectations of the executive power, should be considered as an activity to cover up and legitimise unlawful practices by using the law rather than being legal. It is not legally possible to accept these new types of decisions and conjunctural case law changes, which are absolutely incompatible with the consistent annulment decisions of the Council of State in its past practices and decisions, primarily due to the lack of the right to defence and the non-compliance with constitutional guarantees.

The high courts have abandoned their jurisprudence and practices shaped within the framework of ECtHR judgements in the past, especially with the chaotic advantage of

the SoE period, and have started to produce jurisprudence in line with the expectations and desires of the Erdoğan regime. Especially as clearly emphasised by the ECtHR in the Alparslan Altan and Hakan Baş judgments, the high courts are trying to manage this process with unlawful practices and decisions that completely eliminate constitutional guarantees.

This unlawful behaviour of the High Council of Judges and Prosecutors and the high courts has paved the way for lower courts to apply arbitrary practices and has turned into a means of pressure and intimidation on individuals. The violation judgements of the ECtHR regarding the injustices in this process, especially those on Osman Kavala and Selahattin Demirtaş, were not implemented and ignored by the local courts. The biggest loss in this process is that the gains achieved by the Turkish judiciary with the European Union harmonisation process have been lost and unlawfulness and arbitrariness have started to dominate the Turkish judiciary.

II. SECTION: MEMBERS OF THE JUDICIARY DRAGGED TO THEIR DEATHS BY THE ERDOGAN REGIME

A. JUDICIARY OFFICIALS WHO DIE IN PRISON OR COMMIT SUICIDE

In the repressive, totalitarian and chaotic order created by the Erdoğan regime, many people have been subjected to torture, ill-treatment and inhuman conditions in prisons and detention centres. According to the latest data of the Human Rights Association (IHD), as of 30 November 2023, there are a total of 1,517 ill prisoners and convicts in prisons, 651 of whom are seriously ill. As it can be understood from the reports, many political prisoners and convicts are not released despite being seriously ill and are left to die inside.

According to MED-TUHADFED data, 52 people died in prisons in 2021, 78 in 2022, 43 in 2023 and 26 in the first six months of 2024¹¹³. According to the data of the Ministry of Justice, a total of 2,258 detainees and convicts lost their lives in prisons between 2018 and 2023. According to the data of the Civil Society in the Penal System (CISST), the number of detainees and convicts who lost their lives in prisons was 107 in 2019, 95 in 2020, 128 in 2021, 101 in 2022 and 108 in 2023¹¹⁴.

Similarly, suicide rates in prisons have also increased during the State of Emergency. Dozens of people committed suicide during this period because they could not bear the aggravated prison conditions, pressures, threats and torture. According to data released by the Ministry of Justice, 66 people committed suicide in prisons in 2016 alone, and 40 people committed suicide between 15 July 2016, the date of the coup attempt, and 19 October 2017.¹¹⁵

In the report titled "**Suicides during the State of Emergency**",¹¹⁶ which was made public by CHP MP Veli Ağbaba on 20 April 2017, it is stated that 35 people who were dismissed, arrested or subjected to investigation committed suicide in the first nine months of the state of emergency declared after the coup attempt. These include seventeen police officers, four soldiers, four teachers, two correctional officers, one guidance counsellor, one district governor, one mosque imam, one prosecutor, one engineer, one student, one doctor and one dentist. Seven of the suicides took place in prison and one in a detention centre.

These numerical data clearly demonstrate the severe and inhumane conditions in prisons and the grave and devastating consequences of these conditions. Diseases, deaths and suicides in prisons, which are discussed in the report, are also included in many national and international reports. However, the exact number of people who have lost

113 'Prisons Rights Violations Report' by Mezopotamya Agency, ÖHD and MED TUHAD-FED, 27 April 2024, <https://mezopotamyaajansi.net/tum-haberler/content/view/240335>

114 Civil Society in the Penal Execution System Association (CISST), Prison Statistics, <https://cisst.org.tr/hapishane-istatistikleri/>

115 Birgün, "The number of suicides in prisons is increasing", 20.10.2017, <https://www.birgun.net/haber/cezaevlerinde-intihar-edenlerin-sayisi-artiyor-185609>

116 Cumhuriyet, "OHAL is killing: Number rises to 35", 29.04.2017, <https://www.cumhuriyet.com.tr/amp/haber/ohal-olduruyor-sayi-35e-yukseldi-730232>

their health and died or committed suicide due to discriminatory regime practices is still unknown. One of the main reasons for this is that the Erdoğan regime does not inform the public on this issue. Limited data is available through the work of international and national human rights organisations.

Amnesty International's report *"Turkey: Amnesty International's Brief On The Human Rights Situation"*,¹¹⁷ it is emphasised that detained journalists, activists and those dismissed by emergency decrees have limited access to health services and solitary confinement practices increase psychological problems. The 2021/22 report¹¹⁸ addressed the lack of emergency medical care in prisons and the insufficiency of Forensic Medicine officers, while the 2022/23 report¹¹⁹ drew attention to allegations of torture and ill-treatment.

Similarly, Human Rights Watch's (HRW) October 2016 report *"A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture"*,¹²⁰ the October 2016 report stated that units given broad powers and judicial oversight under the state of emergency have widened the use of ill-treatment. Deaths in custody and suicides were observed, but no independent monitoring was carried out.

HRW's report *"Turkey: COVID-19 Puts Sick Prisoners at Grave Risk"*¹²¹ highlights that seriously ill detainees at mortal risk are denied early parole or house arrest arrangements due to the anti-terrorism law.

In HRW's 2024 report,¹²² it is stated that since 2016, the police and gendarmerie have not rigorously investigated allegations of torture and ill-treatment in detention and prisons, and perpetrators have not been adequately prosecuted. **The European Committee for the Prevention of Torture (CPT)** has carried out three visits to Turkey since 2016 and the Turkish government has authorised the publication of two CPT reports from 2017 and 2019 visits describing ill-treatment in police custody and degrading conditions and overcrowding in prisons¹²³.

According to the statistics announced by the Constitutional Court on 21.02.2025,¹²⁴ the number of violations of rights regarding the prohibition of torture and ill-treatment

117 Amnesty International, "Turkey: Amnesty International's Brief On The Human Rights Situation, 1 February 2019, <https://www.amnesty.org/en/documents/eur44/9747/2019/en/>

118 Amnesty International Report 2020/21: **The state of the world's human rights**", April 7, 2021, <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

119 Amnesty International Report 2022/23: **The state of the world's human rights**", March 27, 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>

120 Human Rights Watch, "A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture", October 25, 2016, <https://www.hrw.org/report/2016/10/26/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>

121 HRW, "Turkey: COVID-19 Puts Sick Prisoners at Grave Risk", [https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk#:~:text=\(Istanbul\)%20E2%80%93%20An%20examination%20of,arrest%20despite%20their%20conviction%20under](https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk#:~:text=(Istanbul)%20E2%80%93%20An%20examination%20of,arrest%20despite%20their%20conviction%20under)

122 "Human Rights Watch 2024 Turkey Report, <https://www.hrw.org/world-report/2024/country-chapters/turkey>

123 "Human Rights Watch 2021 Turkey Report, <https://www.hrw.org/world-report/2021/country-chapters/turkey#8d3ef8>

124 Presidency of the Constitutional Court, Individual Application Statistics, <https://www.anayasa.gov.tr/media/9630/bbistatistikler.pdf>

has reached 1,103. 513 of these judgements were given only in 2024. Even though the members of the government say "*there is no torture in the country*", the Constitutional Court, with its judgements, says that there is torture and ill-treatment in excess. When the number of files pending before the Court is added to these numbers, it will be understood how much torture and ill-treatment is.¹²⁵

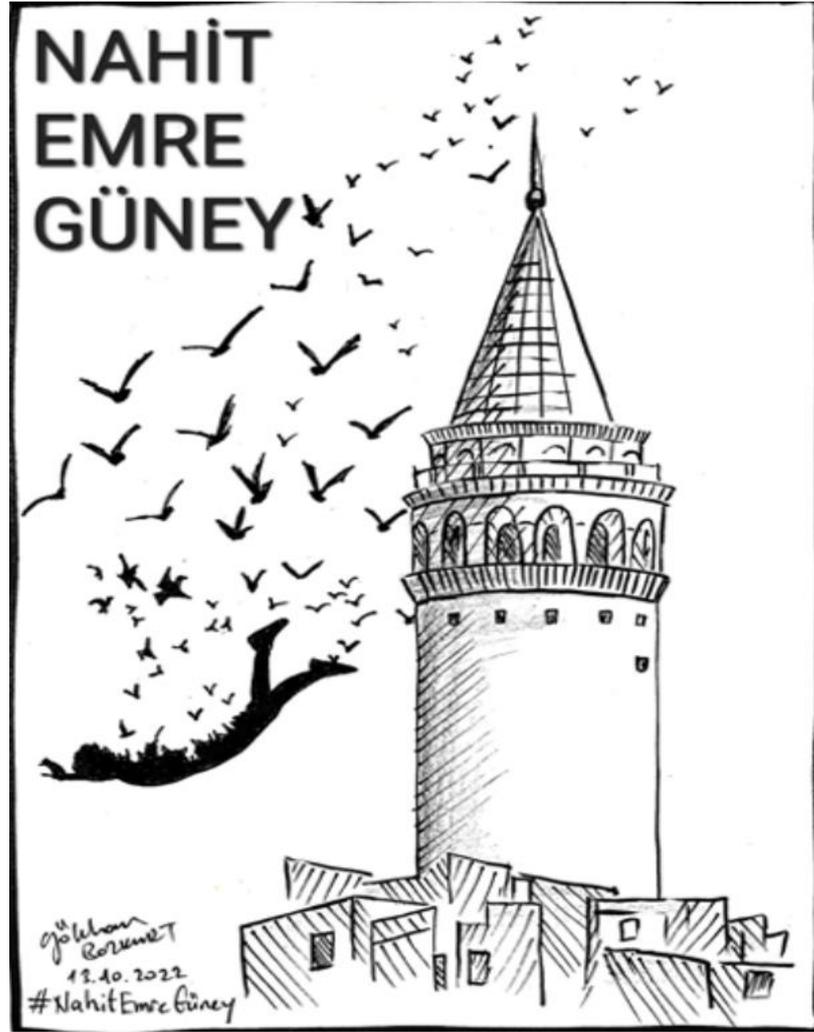
These reports prepared by international institutions and national human rights organisations clearly reveal human rights violations in prisons. However, due to the repressive attitude of the Erdoğan regime, these violations are not sufficiently reflected in national and international public opinion.

It is observed that prisons in Turkey have turned into coffins. In this context, judges and prosecutors who were unlawfully arrested were forced to live in the most inhumane conditions in prisons. Although Turkey has been frequently criticised by international judicial bodies and independent human rights organisations for these unlawful practices, the pressure on members of the judiciary has continued to increase. The Erdoğan regime not only dismissed the purged members of the judiciary from their jobs, but also targeted them with criminal sanctions. A large number of arrested members of the judiciary have been subjected to isolation, threats, torture and other inhumane acts in prisons and have suffered severe health problems. In this process, some members of the judiciary lost their lives in prison. Some members of the judiciary committed suicide because they could not bear the severe injustice and inhumane conditions.

In addition, it is a known fact that the policies of hate, isolation and marginalisation created by the Erdoğan regime have affected not only judges and prosecutors, but also their family members and especially children. As a result of severe pressures, many suicides have occurred. Although 9 years have passed since the State of Emergency, these cases are still very serious. There are many examples in this regard. In this context, Nahit Emre Güney, the son of former Council of State member Haşim Güney, who was sentenced to 10 years in prison on charges of membership in the Gülen Movement, committed suicide by jumping from the Galata Tower on 12 October 2022¹²⁶. The hateful practices of the Erdoğan regime continued in the funeral ceremony of the suicide brought about by the unlawful and oppressive practices prevailing in the country and his father Haşim Güney was brought to the funeral in handcuffs.

125 <https://x.com/myeneroglu/status/1892894572029583377>

126 Relatives of Nahit Emre who took his life on the Galata Tower: They were evicted from their lodgings overnight, they had no home to go to", 15/10/2022, <https://boldmedya.com/2022/10/15/galata-kulesinde-canina-kiyan-nahit-emrenin-yakinlari-bir-gecede-lojmandan-cikardilar-gidecek-evleri-yoktu/>



On the other hand, it is a fact that the Erdogan regime has recruited staff through purely political interviews. Suicides have occurred as a result of the severe injustice and unfairness caused by the selection of judges and prosecutors under the name of interviews, which are conducted in violation of merit and objective criteria. In this context, in the written exam for the position of judge and prosecutor, Mr Mert Akdoğan, a lawyer registered to the Istanbul Bar Association, achieved great success and ranked 115th, but was eliminated in the oral interview. Akdoğan committed suicide as a result of the depression he suffered due to this injustice.¹²⁷

a. Non-Release of detained Court of Cassation Judge Mustafa Erdoğan until his death

Mustafa Erdoğan, a member of the Court of Cassation, was arrested on 3 February 2017 by Antalya 3rd Criminal Court of Peace on the basis of an arrest warrant issued against him while he was in hospital for brain tumour surgery.

127 Evrensel, "Mert Akdoğan, who scored high in the judgeship exam but was eliminated in the interview, ended his life", 9 January 2025, <https://www.evrensel.net/haber/539443/hakimlik-sinavinda-yuksek-puan-alip-mulakatta-elenen-mert-akdogan-yasamina-son-verdi>

Erdoğan, who had undergone a major operation, spent six months in the detention ward of the hospital where he was held, half of his body paralysed. Since the day of his arrest, Erdoğan has requested his release through his lawyers on the grounds of his health condition, but these applications have remained inconclusive.

Erdoğan's requests for release were rejected and his applications to meet with his family were not responded to. The application to the Constitutional Court for Erdoğan's release on the grounds of health problems was also rejected on the grounds that "*the detainee is not in any danger*".



Erdoğan, who was ordered to be kept in solitary confinement under inhumane conditions until his death, was taken to intensive care at the hospital in August 2017 due to the progression of his illness. Erdoğan, who was not allowed to meet with his family, was released on 18 August 2017 upon the request of the public prosecutor and the court's decision. However, Erdoğan struggled for life in intensive care unconscious for four days after his release and died on 23 August 2017.¹²⁸

b. Teoman Gökçe's Death, Former Member of HSK

One of the deaths brought about by the heavy pressure, inhumane conditions and isolation in prison is the death of Judge Teoman Gökçe, a former member of the High Council of Judges and Prosecutors. Between 2010 and 2014, Judge Teoman Gökçe, who was a member of the HSK, was working as a judge in Ankara West Courthouse during the 15 July coup attempt. Gökçe was arrested and detained immediately after the coup attempt on 17.07.2016 at around 20.35 and was subsequently arrested on 21.07.2016 on a number of charges, primarily for violating the Constitution. Gökçe was placed in Sincan T Type Closed Penal Institution. As if his arbitrary, unlawful and illegal arrest was not enough, Gökçe was subjected to arbitrary and discriminatory practices in prison. In this context, he was subjected to isolation in solitary confinement. Gökçe's objections to both

128 TR724 News, "Persecution of a high judge by the Supreme Court of Appeals and the courts: Detention until death", 24.08.2017, <https://www.tr724.com/aym-mahkemeler-eliyle-bir-yuksek-yargica-yapilan-zulum-olene-kadar-tutuklama/>

the unjust arrest and the solitary confinement have been fruitless. After his arrest, Gökçe was placed in Sincan T Type Closed Execution Institution and was put in solitary confinement as of 9 December 2016. He was kept in solitary confinement for sixteen months until his death.

His family was informed that Gökçe died in prison on 02.04.2018 due to ill health. According to the minutes kept after his death, Teoman Gökçe, who was ill in his solitary cell, was taken to Ankara Penal Institutions Campus State Hospital by lifeguard at 17.38 after the intervention of lifeguards and the arrival of gendarmerie to accompany the patient transfer. According to a medical certificate, Teoman Gökçe was brought to the hospital at around 17.45 in a state of unconsciousness and with an open blood vessel; no signs of beating, cuts or hangings were detected and no pulse could be taken. Resuscitation efforts lasting approximately 45 minutes did not yield any results and Gökçe died¹²⁹. Gökçe, who died at the age of 49, struggled for sixteen months to get out of cell No. 8 at Aüst, where he died under inhumane conditions. It is also known that the windows of the cell were covered with wire mesh.

Gökçe wrote petitions to the Ankara Western Execution Judge and appealed twice to the Constitutional Court on the unlawfulness of his detention, the prohibition of ill-treatment and violation of the principle of equality. However, all his petitions and appeals were rejected.



His wife made a complaint about Teoman Gökçe's arrest in violation of constitutional guarantees, being kept in poor prison conditions, being subjected to isolation in solitary confinement, being subjected to severe pressures in detention and in prison; the lack of a mechanical and digital warning system in the solitary confinement cell that could be used to call for help in cases such as heart attack or loss of consciousness, the fact that it turned out that it was not possible to use the existing system in the event of

129 TR724 News, "Another suspicious death in prison: Former HSK member Teoman Gökçe lost his life", 02.04.2018, <https://www.tr724.com/cezaevinde-supheli-bir-olum-daha-eski-HSK-uyesi-teoman-gokce-hayatini-kaybetti/>

a heart attack, and the lack of rapid intervention after his illness, but no results were obtained.



In the individual application to the Constitutional Court, a decision of inadmissibility was given.¹³⁰ In its judgement, the Constitutional Court only directly examined the incident of death and rejected the application without examining many aspects that led to Gökçe's death, such as prison conditions, psychological pressure, lack of adequate living conditions. In addition, the Supreme Court did not carry out the necessary examination and research on the objections regarding the failure to discuss the reasons leading to Gökçe's death in the report of the Expertise Board, such as whether the conditions of being kept in isolation in the cell for a long time were effective in Gökçe's death, whether the intervention was late and inadequate.

c. Court of Cassation Judge Mehmet Sait Demiröz

Mehmet Sait Demiröz was a jurist who served in the judiciary for many years and held an important position in the justice system as a member of the Court of Cassation. However, the state of emergency period that started after the 15 July 2016 coup attempt made him, like many other members of the judiciary, a target of unlawfulness and injustice. Mehmet Sait Demiröz was among the names targeted in the purge process initiated by the Erdoğan regime against the judicial community immediately after the coup attempt. In 2016, he, like many judges and prosecutors, was dismissed from his profession with the KHK's. Although there was no concrete accusation or evidence against him, he was detained and arrested on the allegation of being a member of the Gülen Movement. Following his arrest, he was put on trial before a heavy criminal court. Despite his defences and evidence to prove his innocence, he was not fairly evaluated in the judicial process. After his arrest, he spent 85 days in Ankara Sincan Prison and then was sent to Konya Ereğli T Type Prison. Demiröz, who spent 40 months in solitary confinement in Konya, was hospitalised in October 2019 when he fell into a diabetic coma. Demiröz, who had no illness before entering prison, developed diabetes, heart and lung

130 Batuhan Gökçe and Others Decision, B. No: 2018/36427, K.T: 06/10/2021), <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/36427>

diseases in prison. He underwent lung surgery and was then put back into prison. After unlawful trials, he was sentenced to 13 years and 6 months in prison and released on the grounds of 'illness'. Demiröz, who was sent to Ödemiş Prison on 6 April 2022 after his sentence was approved, suffered a relapse due to his treatment being interrupted.



Mehmet Sait Demiröz started to experience serious health problems in the later stages of his detention. Demiröz's medical needs were not met in prison and he was subjected to neglect. Although he underwent surgery for a lung condition, he was sent back to prison without completing the recovery process. This situation worsened his health. During his imprisonment, his family and lawyers informed the authorities of his deteriorating health condition. However, despite appeals, adequate medical support for treatment was not provided. After a long wait, Demiröz was diagnosed with pleurisy and underwent surgery on 16 December 2019. He was sent back to prison on 7 January 2020, 3 weeks after the operation.¹³¹

In the examinations carried out in the infirmary close to his death, it was stated that he was "**in good condition**" and further examinations were not deemed necessary. However, his family stated that he was struggling with serious illnesses and that it was becoming more and more difficult for him to live in prison conditions.

As his health deteriorated, Mehmet Sait Demiröz and his lawyers made an individual application to the Constitutional Court. However, as in many similar cases, the Constitutional Court did not process this application for a long time. Therefore, an application was also made to the ECtHR. Unfortunately, Mehmet Sait Demiröz's condition reached a critical point during the ECHR process. Approximately one year after Demiröz's death, the ECtHR ruled a violation of rights on the grounds that he had been unlawfully detained¹³². Although this ruling demonstrates that his rights and those of many similarly detained members of the judiciary were violated, it was too late for Mehmet Sait Demiröz.

131 TR724 NEWS , "He had been arrested despite serious illnesses; former Supreme Court of Appeals member dies", 22 July 2022, <https://www.tr724.com/agir-hastaliklarina-ragmen-tutuklanmisti-eski-yargitay-uyesi-hayatini-kaybetti/>

132 Case Of Ayvaz And Others V. Turkey, Ap. no.14347/17 and 130 others, 11 July 2023, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-225765%22%5D%7D>

Mehmet Sait Demiröz, a member of the Court of Cassation who was not released despite his serious illnesses, died on 22 July 2022 at the age of 58 in the intensive care unit of Ödemiş Prison where he was taken on the morning of 17 July.¹³³

Mehmet Sait Demiröz's experiences revealed the unlawfulness and human rights violations in Turkey after 15 July. This process, in which the presumption of innocence was ignored, arrests were made without evidence, sick prisoners had great difficulties in accessing treatment, cost the lives of many lawyers like him. The violation judgements issued by the Constitutional Court and the ECtHR after his death were recorded as an indication of delayed justice. However, these judgements will not bring back Mehmet Sait Demiröz and hundreds of people like him seeking justice.

d. Public Prosecutor Seyfettin Yiğit

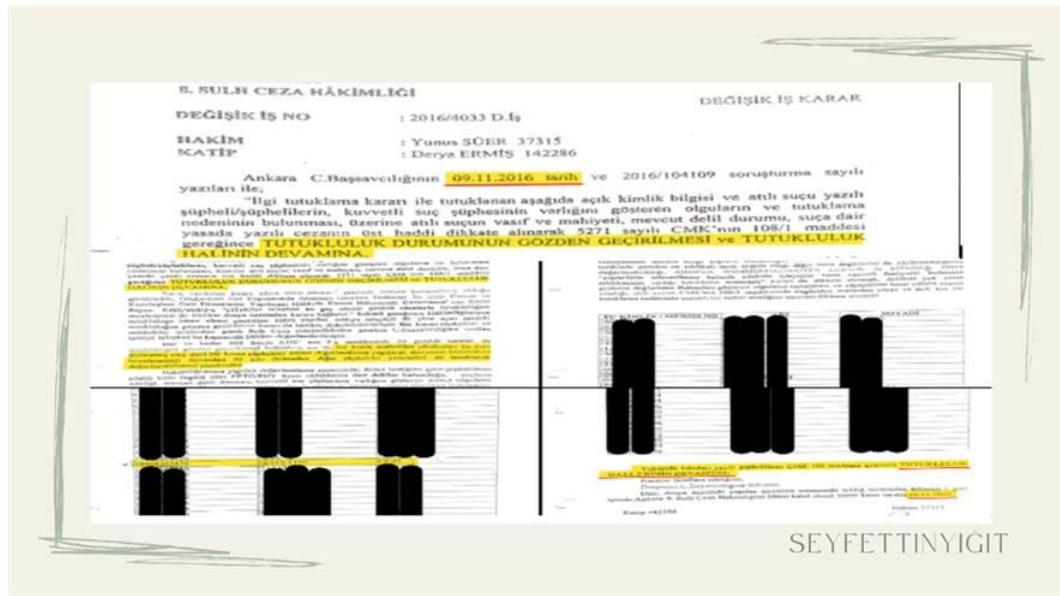
On 15 September 2016, Seyfettin Yiğit, a public prosecutor who was on duty in Bursa during the 15 July coup attempt, was found dead in Bursa E Type Prison, where he had been arrested in connection with an investigation against the Gülen Movement, although there was no concrete evidence against him. The prison administration announced this death as suicide. The family of Yiğit, who alleged that he committed suicide with a clothesline, claimed that the death of prosecutor Yiğit was not suicide but murder.



Although prosecutor Seyfettin Yiğit committed suicide in prison on 15 September 2016 following his unlawful arrest, then Criminal Judge of Peace Yunus Süer decided to continue Yiğit's detention two months after his death on 09/11/2016. This was because there was no real assessment of detention during the State of Emergency. The lists received from the chief public prosecutor's offices were automatically finalised. Therefore,

133 Samanyolu Haber, "Detained member of the Supreme Court of Justice who was told 'you are fine' died in prison", 22 July 2022 <https://www.samanyoluhaber.com/revirde-bir-seyin-yok-denilen-tutuklu-yargitay-uyesi-cezaevinde-hayatini-kaybetti-haberi/1395772/>

it was decided to continue the detention of Seyfettin Yiğit, whose death certificate was found even in UYAP records.¹³⁴



B. DEATHS ON MIGRATION ROUTES AND ABROAD

During and after the SoE period, many members of the judiciary, who were unlawfully banned from leaving the country, attempted to leave the country illegally against the ban and had to resort to migration routes under inhumane conditions in order to escape the pressures of the Erdoğan regime. However, these attempts, especially some escapes via the Aegean Sea and the Evros River, resulted in tragic deaths and caused a great human tragedy. Some members of the judiciary have struggled with difficult living conditions in the countries where they have sought safe harbour and asylum and lost their lives in the process.

a. Judge Fatma Işık and her husband Judge Candidate Nazir Işık, who lost two children in the Aegean Sea

Many families who embarked on such a journey with their children, risking everything, including death, to escape the oppression of the Erdoğan regime, have experienced difficulties and deaths during this journey. The Işık family was one of these families.

Fatma Işık, a young judge who was dismissed and arrested for allegedly being a member of the Gülen Movement while she was working as an independent and impartial judge, and her husband Nazir Işık, a candidate judge who was also dismissed, decided to go abroad illegally in order to get rid of the pressure they were subjected to and not to be arrested again. However, 4-month-old Mahir and 3-year-old İbrahim Işık lost their lives

134 Bold Medya, "Justice in Turkey: Judge Yunus Süer orders continuation of detention of prosecutor who died in prison", 15/09/2023, <https://boldmedya.com/2023/09/15/turkiyede-adalet-hakim-yunus-suer-cezaevinde-olen-savcinin-tutuklulugunun-devamini-istemis/>

when the boat they were on to cross to Greece capsized in the Aegean Sea. The Işık couple buried their children on the island of Chios.¹³⁵



b. Prosecutor İbrahim Gündüz and his wife Nurdan Gündüz died in the Aegean Sea

İbrahim Gündüz and his wife Nurdan Şenocak Gündüz are a couple who were dismissed from their jobs in the aftermath of the 15 July 2016 coup attempt and tragically lost their lives. Following the 15 July 2016 coup attempt, public prosecutor İbrahim Gündüz and his wife Nurdan Gündüz, a clerk, were dismissed from their jobs, as were many other public officials, with the KHK. İbrahim Gündüz was arrested and imprisoned in Osmaniye T Type Prison for 15 months and was sentenced to 6 years and 10 months at the end of his trial.



135 "Judge Fatma Işık, who lost her baby in the Aegean, wrote a letter to Çölaşan", 01.10.2019, <https://www.shaber3.com/ege-de-bebegini-kaybeden-hakim-fatma-isik-colasan-a-mektup-yazmis-haberi/1335150/>

Following their dismissal, the Gündüz couple faced social and economic difficulties like many others who were subjected to the emergency decree. İbrahim Gündüz's imprisonment deeply affected the family's life. In this period, the couple, deprived of their profession and social status, sought to build a new life in Turkey due to the pressures they faced. Therefore, on 2 December 2021, Gündüz couple planned to cross to Kos Island in Greece and seek asylum. However, the speedboat they were on capsized in the Aegean Sea on 3 December 2021 and both of them lost their lives. Thus, they lost their lives on their way to a free life. Nurdan and İbrahim Gündüz had married only four months before they lost their lives.

İbrahim Gündüz's body was buried in Buruk Cemetery in Sarıçam district of his hometown Adana. The body of Nurdan Gündüz was buried in Kos Island on 8 January 2022 upon the decision of her family.



This tragic incident has once again brought to the agenda the difficulties and human rights violations faced by public officials dismissed by emergency decrees in Turkey. The experiences of the Gündüz couple illustrate the efforts of many people to leave the country due to similar pressures and the dangers they face in the process. The story of İbrahim and Nurdan Gündüz will be remembered as an example that should raise awareness in all segments of society on the rule of law, justice and human rights.¹³⁶

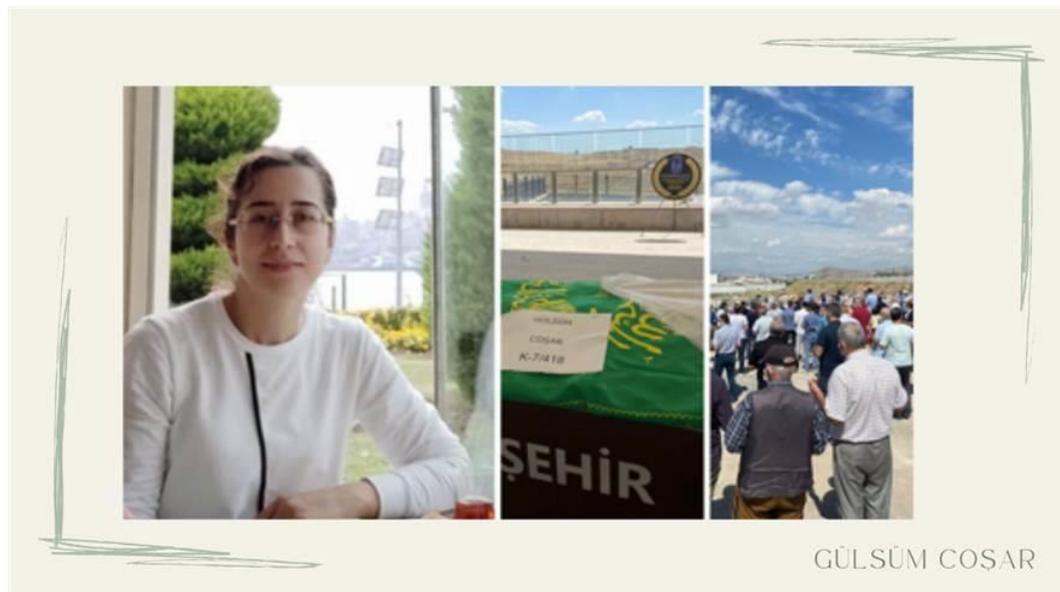
136 TR724, "dismissed prosecutor İbrahim Gündüz who died in the Aegean Sea was buried with prayers", 29.01.2022, <https://www.tr724.com/ege-denizinde-vefat-eden-ihrac-savci-ibrahim-gunduz-dualarla-topraga-verildi/>



The humour magazine Leman also carried the last photographs of the couple on a bench watching the Maiden's Tower and Bosphorous, based on a photo they shared on their Twitter account on 10 November 2021, and commemorated the Gündüz couple with two roses.

c. Judge Gülsüm Coşar

Judge Gülsüm Coşar and her husband Aykut Coşar, while working in Gaziantep, were taken into custody immediately after they were suspended on the pretext of the 15 July coup attempt with the very serious charge of "attempted coup and membership of an armed terrorist organisation". Gülsüm Coşar was not arrested because she was pregnant and due to give birth very soon, but her husband Aykut Coşar was arrested. Gülsüm Coşar and her husband Aykut Coşar, who were dismissed from their jobs in violation of constitutional guarantees, were convicted on charges of membership of an armed terrorist organisation, despite there being no evidence against them. Gülsüm Coşar was sentenced to 7 years and 6 months in prison, while her husband Aykut Coşar was sentenced to 9 years and 2 months in prison.



GÜLSÜM COŞAR

Judge Gülsüm Coşar decides to leave Turkey due to the risk of being imprisoned with her baby if the conviction is upheld by the Court of Cassation. Coşar left her husband in prison and crossed the Evros River to Greece in November 2020, risking death with her son Yusuf, who was only 4 years old at the time, and stayed in Greece until July 2021. After crossing from Greece to Germany, Coşar and her son Yusuf were placed in a refugee camp in Mannheim, Germany, where she sought asylum. Coşar was hospitalised here due to his illness and diagnosed with an inflammation of the heart valve and stayed in hospital for about 20 days. Coşar died on 1 September 2021, unable to endure his heart disease and the difficulties he experienced.

While he was in a refugee camp in Germany, Coşar left behind his 5-year-old Yusuf, who was in tears and his wife who was imprisoned in prison. Coşar's funeral was buried in Ankara, but his wife in prison did not attend the funeral due to coronavirus measures.¹³⁷

d. Judge Dursun Ali Kurt

Judge Dursun Ali Kurt was one of thousands of members of the judiciary who were unjustly arrested on the pretext of the 15 July coup attempt. Although there was no concrete evidence against him, the Ankara 15th High Criminal Court convicted him of membership in an illegal organisation and decided to continue his detention. Kurt, who had no health problems when he entered prison, started to deteriorate while in prison. He was released after being in prison for about 5 years. After his release, he was diagnosed with stage 4 soft tissue cancer. In this difficult process, he suffered indescribable hardships, but he never compromised his faith, patience and stance as a lawyer. Due to the ongoing investigations against him and the risk of being arrested again, he had to leave Turkey with his family. However, Kurt, whose illness progressed further, passed away on 13 March 2025.



C. DEATHS DUE TO DISEASE AND OTHER CAUSES

137 Kronos, "Exported judge Gülsüm Coşar, who died in exile, was buried", 06 September 2021, <https://kronos38.news/surgunde-vefat-eden-khkli-ihrac-hakim-gulsum-cosar-topraga-verildi-esi-cezaevinde-5-yasindaki-oglu-tek-basina-kaldi/>

As can be seen from the above examples, many judges and prosecutors have died in prisons and on migration routes. In addition, many members of the judiciary have died due to heart disease and similar illnesses, either because they became ill due to lack of access to effective health services and treatment in prison conditions, or because their existing illnesses progressed, or as a result of the injustices and oppression they suffered in Turkey. The pressures during and after the State of Emergency, the practices of civil death, and being the target of hate speech have caused many people to suffer severe traumas and illnesses.

a. Judge Alparslan Gngr

Immediately after the 15 July coup attempt, Alparslan Gngr, a judge in Çankırı's Çerkeş district, was detained¹³⁸ and immediately arrested. Gngr was released after 18 months of imprisonment. Due to the troubles he experienced during his imprisonment, he contracted lung cancer. As a result of this disease, he died on 16 April 2021.¹³⁹



Gngr's husband, also a judge, was dismissed and sentenced to 6 years and 3 months in prison. Gngr had 2 children aged 1 and 5.¹⁴⁰

b. Court of Cassation Judge Mahmut Kış

Mahmut Kış, former member of the Supreme Court of Cassation who was dismissed by HSK on 24 August 2016, is sentenced to 7 years and 6 months for *"being an armed terrorist organisation member"*.¹⁴¹ He was released shortly before his death, passed away due to a heart attack on 1 September 2021.¹⁴² Mahmut Kış had stated in his defence in the hearing in 2018: *"I have always pursued the law throughout my professional life"*.¹⁴³

138 <https://www.iha.com.tr/karabuk-haberleri/-1447630>

139 <https://www.crossborderjurists.org/alparslan-gungor-judge/>

140 <https://www.freejudges.eu/tr/2021/04/17/ihrac-edilen-ve-3-yil-tutuklu-olarak-cezaevinde-kalan-hakim-alparslan-gungor-akciger-kanserinden-16-4-2021-gunu-vefat-etti/>

141 <https://www.aa.com.tr/tr/turkiye/eski-yargitay-uyesine-fetoden-7-5-yil-hapis/1479576#>

142 <https://www.crossborderjurists.org/mahmut-kis-member-of-supreme-court/>

143 Bold Medya, "His heart could not withstand the persecution of the Justice and Development Council: Former Supreme Court of Appeals member Mahmut Kış lost his life", 02/09/2021;



MAHMUT KIS

c. Member of the Council of State Mesut Güngör

Mesut Güngör, a member of the Council of State, was detained and arrested one day after the coup attempt on 15 July 2016. After spending 5 months in Sincan Prison and 13 months in Kırıkkale Keskin Prison, Güngör was released on 28 August 2018 to be tried without arrest due to his celiac disease. Güngör, who was sentenced to 7 years and 6 months in prison for allegedly being a member of the Gülen movement despite the lack of any concrete evidence, was at the appeal stage at the Court of Cassation.



MESUT GÜNGÖR

During the 28 February period, Güngör was subjected to disciplinary penalties for ruling in favour of lifting the headscarf ban, and was dismissed from his job after 15 July on charges of membership in a terrorist organisation. Güngör was one of the first judges to rule in favour of students during the 28 February period when headscarved students

were expelled from universities. Güngör, who ruled that the expulsion of three students from Trakya University was unlawful while working in Edirne, and two other judges on the panel were investigated and asked to be dismissed from the profession, but they were given a lower penalty of suspension of progression. Güngör was later reinstated with the amnesty law known as the "Rahşan amnesty".

Mesut Güngör, a member of the Council of State with a state of emergency decree, died on 7 July 2023 at the age of 55 in hospital following a heart attack at his home in Ankara.¹⁴⁴ Three days after Güngör's death, the ECtHR ruled that 144 judges and prosecutors had been unlawfully detained. Among the judges whose rights were violated was Mesut Güngör, a member of the Council of State. Three days after Güngör's death, the ECtHR issued a violation of rights judgement against him on the grounds that he had been unlawfully detained.¹⁴⁵ This judgement shows that his rights and the rights of many similarly detained members of the judiciary were violated.

d. Judge Abdulnasir Aslan

36-year-old judge Abdulnasir Aslan, who was dismissed from his job during the state of emergency declared after 15 July, was living in Mardin's Kocasirt village after his dismissal.¹⁴⁶ He was trying to raise livestock in his village. Father of 3 children, Judge Abdulnasir Aslan's resistance was very low due to the diseases he contracted during his years in prison. Judge Aslan left this world with disappointments at the age of 36.¹⁴⁷



ABDULNASIR ASLAN

144 Kronos, "Güngör, a member of the Council of State with a state of emergency decree law who was also dismissed from his job on 28 February, dies", 08 July 2023, <https://kronos38.news/khkli-danistay-uyesi-mesut-gungor-hayatini-kaybetti-basortusu-lehine-karar-veren-ilk-hakimdi/>

145 Case Of Ayvaz And Others V. Turkey, Ap. no.14347/17 and 130 others, 11 July 2023, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-225765%22%7D>

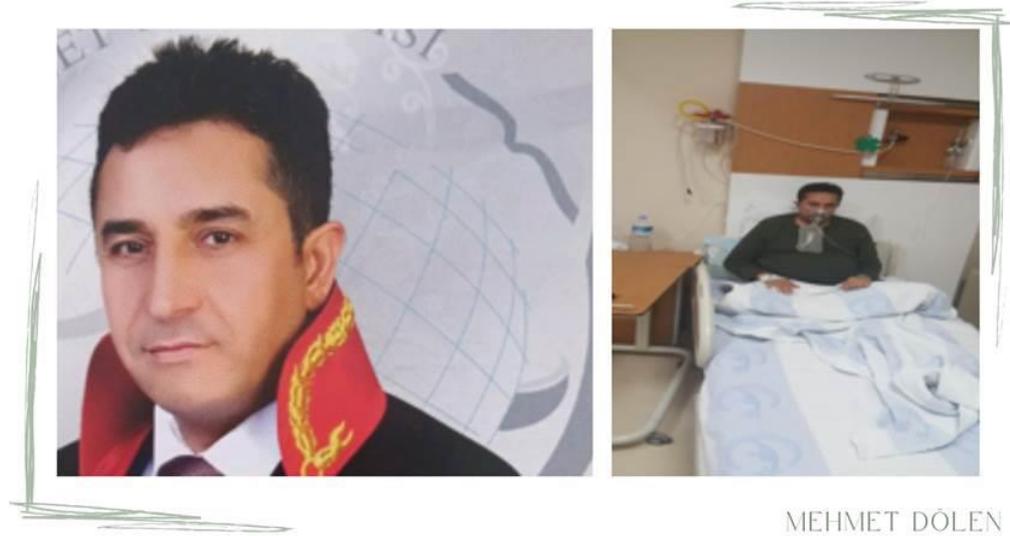
146 <https://aktifhaber.com/gundem/gergerlioglu-duyurdu-khkli-hakim-abdulnasir-aslan-covid-19-nedeniyle-vefat-etti-h167312.html>

147 https://x.com/gergerliogluof/status/1445745169660145677?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwetembed%7Ctwterm%5E1445745169660145677%7Ctwgr%5E5e7daa39ab94194335945e0464e94f28d947d274%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Faktifhaber.com%2Fgundem%2Fgergerlioglu-duyurdu-khkli-hakim-abdulnasir-aslan-covid-19-nedeniyle-vefat-etti-h167312.html

Abdulnasır Aslan was tried on charges of being a member of a terrorist organisation and was sentenced to 7 years and 6 months imprisonment after 2 years in prison.¹⁴⁸ He was released on judicial control conditions until the end of the appeal process.¹⁴⁹ Abdulnasır Aslan had previously served as a coordinator judge at the Justice Academy.¹⁵⁰

e. Judge Mehmet Dölen

After the 15 July coup attempt, Mehmet Dölen, who was dismissed by the HSK, was detained and arrested. Dölen was released after 26 months of imprisonment and sentenced to 7 years and 6 months in prison. He died due to Covid-19 disease he contracted after his release.



During his illness, he told his father *"...daddy, I forgive my rights to everyone, but I don't forgive only one person, I don't forgive S.Y, my friend of 27 years, I will wait for him in the Great Court and I will settle accounts with him..."* and stated that he did not forgive his former friend who made false statements about him and caused him to be detained for a long time.¹⁵¹

f. Judge Abdurrahman Sakar

While he was working in Gaziantep, he was dismissed in 2016 with the decision of the Council of Judges and Prosecutors after the coup attempt on 15 July 2016, and although there was no evidence against him, he was imprisoned for about 6 months during this period. Sakar was not reinstated although he was acquitted of the lawsuit filed

148 <https://www.crossborderjurists.org/abdunnasir-aslan-judge/> E.T. 31.01.2025

149 <https://www.freejudges.eu/unfair-convictions/purge-victim-judge-abdunnasir-aslan-died-of-covid-19-on-7-october-2021-after-serving-2-years-in-prison-and-conditional-release/> E.T. 31.01.2025

150 <https://www.odatv.com/guncel/adalet-akademisinde-hakim-ve-savci-adaylarina-din-dersi-verildi-68310> E.T. 02.02.2025

151 Bold Medya, **"Last words of former judge Mehmet Dölen who passed away: I do not do my right to one person"**, 03.06.2021, <https://www.boldmedya.com/2021/06/03/kovid-den-vefat-eden-eski-hakim-mehmet-dolenin-son-sozu-bir-kisiye-hakkimi-helal-etmiyorum/>

against him within the scope of the investigations carried out with the allegation of membership to the Gülen Movement.



Judge Abdurrahman Sakar, who suffered from cancer after being dismissed by the HSK, died on 6 August 2022 at the age of 42.¹⁵²

g. Judge Lale Yıldız

Judge Lale Yıldız, while serving as a judge in Istanbul, was first suspended from duty and then detained within the scope of investigations against the Gülen Movement. In the indictment against her, the programme named ByLock was shown as evidence.¹⁵³



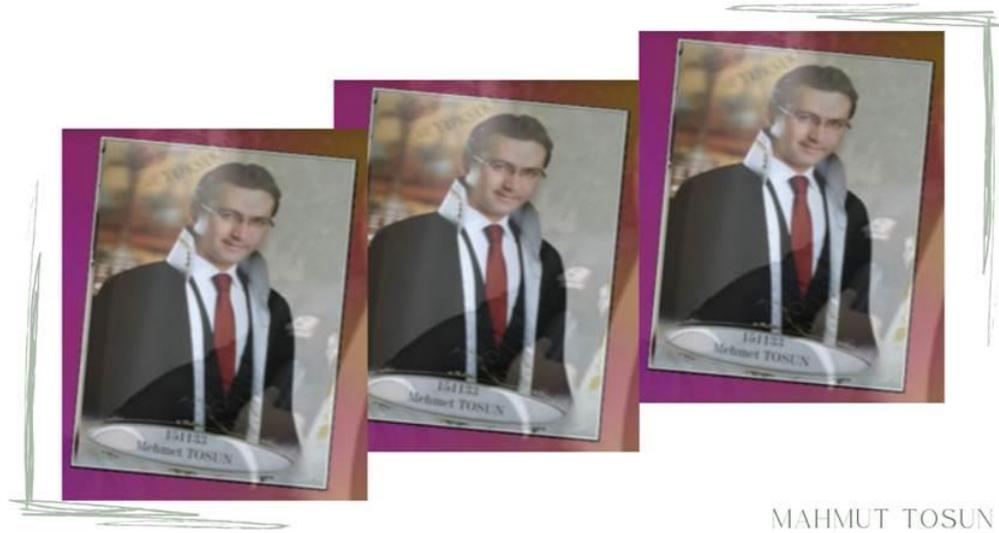
Yıldız, who was reinstated to duty after it was found out during the trial that he was not a user of the aforementioned programme, died of a heart attack on duty on 22 May 2019.

152 Tr724 News, "KHK judge Abdurrahman Sakar passed away: He was not reinstated despite his acquittal", 7 August 2022, <https://www.tr724.com/khkli-hakim-abdurrahman-sakar-vefat-etti-beraat-ettigi-halde-goreve-iade-edilmemisti/>

153 Sözcü, "FETÖ victim judge sent to his last journey," 23.05.2019, <https://www.sozcu.com.tr/feto-magduru-hakim-son-yolculuguna-ugurlandi-wp4906891>

h. Judge Mahmut Tosun

Judge Mehmet Tosun was dismissed from his job as an examining judge at the Council of State on 3 August 2016 as part of investigations against the Gülen Movement. He was subsequently detained and his trial continued without arrest.



Tosun, who was a cancer patient, had a disease related to the immune system, which progressed during this process and he dropped to 45 kg in the period close to his death. Tosun passed away on 6 March 2017 at the age of 29.¹⁵⁴

i. Court of Cassation Examining Judge Nurfer Akgül

Nurfer Akgül, who was dismissed from her position as a Court of Cassation examining judge by the Supreme Council of Judges and Prosecutors on 15 November 2016, died on 2 September at the age of 38 following a brain haemorrhage.¹⁵⁵ Akgül donated her organs three years before her death and her heart, lung, liver and two kidneys were transplanted to other people.¹⁵⁶

154 CBJ, "Mehmet Tosun (Judge)", 06.10.2021, <https://www.crossborderjurists.org/mehmet-tosun-judge/>

155 <https://www.hukukihaber.net/5-kisiye-can-olan-avukat-nurfer-akgul-organlarini-3-yil-once-bagislamis> E.T . 01.02.2025

156 <https://www.tr724.com/medya-organlariyla-5-kisiyi-kurtaran-hakim-nurfer-akgulun-haber-yapti-khkli-oldugunu-gizledi/#:~:text=Hakimler%20ve%20Savc%C4%B1lar%20Y%C3%BCksek%20Kurulu,iki%20b%C3%B6bre%C4%9Fi%20ba%C5%9Fka%20insanlara%20nakledildi>



NURFER AKGÜL

On the day of the incident, 30 August 2021, Akgül was going on holiday from Kocaeli to Ankara Beypazarı with his two sons, a friend and their children. Akgül, who became ill around Mudurnu, pulled his car to the side of the road and called 112. Akgül was taken to Bolu İzzet Baysal Training and Research Hospital by the arriving medical teams and it was determined that he had a brain haemorrhage. Two days later Akgül was declared brain dead.¹⁵⁷ The press reported about Nurfer's death and the donation of her organs¹⁵⁸ but none of them dared to write that she was an unlawfully dismissed judge.¹⁵⁹

j. Member of the Council of State Gürsel Ceylan

Gürsel Ceylan, a member of the Council of State who was dismissed in 2016 due to alleged membership in the Gülen Movement and against whom an investigation was launched, was hospitalised in February 2022 after contracting the coronavirus. In serious condition, Ceylan's judicial procedures were carried out while he was hospitalised and he was released with a ban on travelling abroad. Ceylan, who could not recover from the coronavirus for about three months, died on 25 May 2022 in Ankara.¹⁶⁰

157 <https://kronos38.news/organlari-bes-kisiye-hayat-olan-nurfer-akgule-khk-sansuru/> E.T. 02.02.2025

158 <https://www.haberturk.com/organlarini-bagisladi-son-dakika-5-kisiye-can-oldu-avukatin-kahreden-olumu-video-haber-3181815> E.T. 01.02.2025

159 <https://boldmedya.com/2021/09/16/organlariyla-5-kisinin-hayatini-kurtaran-hakim-nurfer-akgule-khk-sansuru/> E.T. 01.02.2025

160 Bold Medya, "Dismissed Council of State member Gürsel Ceylan dies from corona", 26/05/2022, <https://boldmedya.com/2022/05/26/ihrac-danistay-uyesi-gursel-ceylan-koronadan-hayatini-kaybetti>



GÜRSEL CEYLAN

k. Judge Celaleddin Kolutek

Judge Celaleddin Kolutek was first suspended within the scope of the operations that started after 15 July and then an investigation was initiated against him on the allegation of being a member of the Gülen Movement. Kolutek was arrested on 17 July 2016 within the scope of this investigation and sent to Osmaniye T Type Closed Prison No.1. Celaleddin Kolutek died on 03 December 2021 due to coronavirus .¹⁶¹



CELALEDDIN KOLUTEK

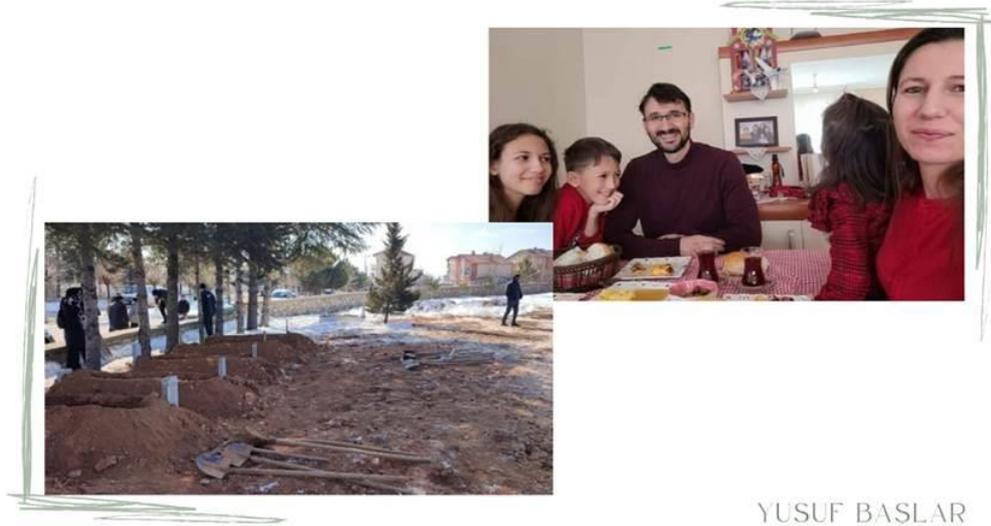
1.Public Prosecutor Yusuf Başlar

Public Prosecutor Yusuf Başlar,¹⁶² who was dismissed from his profession with the decision of the HSK General Assembly dated 24.08.2016, was residing in Adana. Yusuf

161 TR724 News, "AYM delivers the right of a judge with a state of emergency decree 3 years after his death", 29 June 2024, <https://www.tr724.com/aym-khkli-hakimin-hakini-oldukten-3-yil-sonra-teslim-etti/>

162 <https://www.hsk.gov.tr/eklentiler/files/liste.pdf> 11.02.2025

Başlar, his wife Fatma Başlar, a teacher, and 3 children of the family were trapped under the rubble when the apartment building they lived in collapsed in Adana, one of the provinces devastated by two major earthquakes centred in Kahramanmaraş in 2023. The lifeless bodies of the mother, father and 3 children were removed from the rubble and buried in their hometown Konya/Hüyük.¹⁶³



m. Court of Cassation Judge İrfan Doğan

Following the 15 July 2016 coup attempt, an investigation was launched against former Supreme Court of Cassation member İrfan Doğan on charges of membership in an armed terrorist organisation. The case, conducted by the 9th Criminal Chamber of the Court of Cassation, included allegations that Doğan was associated with the Gülen Movement. However, there was no concrete evidence of this. Therefore, Doğan stated that the allegations were not based on concrete facts and that the witness statements were in line with his own statements. Despite this, Doğan was detained for a long time¹⁶⁴ Doğan was released on 20 March 2018.¹⁶⁵ On 2 July 2019, the 9th Criminal Chamber of the Court of Cassation sentenced him to 7 years and 6 months in prison on the charge of membership in a terrorist organisation and maintained his ban on leaving the country.¹⁶⁶

163 Painful farewell to prosecutor father, teacher mother and their 3 children in Konya', 11.02.2025, <https://haberdaresi.com/konya/savci-baba-ogretmen-anne-ve-3-cocuklarına-konyada-aci-veda-90419h>

164 'Former Supreme Court of Appeals judge released', 12.02.2025, <https://www.ntv.com.tr/turkiye/eski-yargitay-uyesine-tahliye,bEY-vMP3pkKoWDb7iwEnFw>

165 Former Court of Cassation member released for the second time, 12.02.2025, <https://www.haberabd.com/eski-yukse-yargi-uyesine-ikinci-kez-tahliye-13674h.htm>

166 Former Supreme Court of Appeals member İrfan Doğan sentenced to prison for FETÖ, 12.02.2025, <https://www.hurriyet.com.tr/gundem/eski-yargitay-uyesine-irfan-dogana-fetoden-hapis-cezasi-41261607>



İRFAN DOĞAN

İrfan Doğan, a member of the Court of Cassation, lost his wife and one child in the earthquake in Adıyaman on 6 February 2023.¹⁶⁷

D. JUDGE MUSTAFA BAŞER LEFT TO DIE IN PRISON

After 15 July, all the practices of discriminatory regime policies have unfortunately been brutally exhibited in prisons. The most serious of all these practices is that sick prisoners and convicts are left to die by being deprived of access to treatment and health facilities with a conscious policy. Hundreds of people were first arrested and then left to die in prisons despite being too seriously ill to stay in prison or having chronic severe illnesses. These convicts, who were not released due to their illnesses and whose sentences were not postponed, were not benefited from the rights of probation and conditional release on unlawful grounds, almost as if sick convicts were asked to die in prison. One of them is dismissed judge Mustafa Başer.

Following the major bribery and corruption operations of 17/25 December, the police officers who carried out these operations were unjustly and unlawfully arrested. Mustafa Başer, the 32nd Criminal Judge of First Instance at the time, who assessed the appeals of these police officers against their arrest, had ruled for the release of more than 60 police officers. Başer, against whom an investigation was initiated due to this decision, was arrested on 1 May 2015 on the charges of 'attempting to overthrow the Government of the Republic of Turkey or partially or completely preventing it from performing its duties' and 'being a member of an armed organisation'.

Mustafa Başer, a dismissed judge who has been imprisoned in Sincan F1 Type Penal Institution since 1 May 2015, has not benefited from his right to probation, which he is legally entitled to, despite the fact that he was entitled to probation due to the time he spent in prison and that he has bladder cancer. Although Başer was entitled to conditional release as of 27 September 2022 after a serious surgery, he was not benefited from this right either. Although thousands of prisoners in the same position in prisons benefit from probation and conditional release, dismissed judge Mustafa Başer is not

167 <https://x.com/cbjurists/status/1623092018523123714> 12.02.2025

benefiting from these legal rights. In the meantime, Mustafa Başer's cancer has relapsed for the third time.¹⁶⁸



MUSTAFA BASER

HDP Kocaeli MP Ömer Faruk Gergerlioğlu submitted a parliamentary question on the issue. Judge Mustafa Başer is being subjected to discriminatory and arbitrary practices because of his decision to release the police officers who carried out the 17/25 December operations involving ministers of the current government and who were unlawfully arrested for this. As if it was not enough for Başer to unlawfully serve his sentence in solitary confinement, he has been denied release and left to die, knowing that he has severe cancer, out of revenge and hatred. Başer was released days before the end of his conditional release period.

E. MEMBERS OF THE JUDICIARY SUBJECTED TO TORTURE IN DETENTION AND IN PRISON

As a result of the culture of impunity that started with the State of Emergency in Turkey, torture and similar acts have been intensively committed both in detention centres and prisons. Acts such as inhuman ill-treatment, torture, strip search, rape, harassment, forced impregnation in prisons and detention centres have almost become state practice. People are deprived of the most fundamental rights and protections such as protection from torture, inhuman and degrading treatment, the right to life, the right to liberty and security of person, the right to a fair and public (transparent) trial, the right to know the truth, the recognition of legal status and the right to equal protection before the law.¹⁶⁹ Since the arrested person is deprived of his/her freedom and plunged into a dark

168 Samanyolu Haber, "His illness relapsed for the 3rd time in prison: Başer's son calls on authorities to apply the law", 11.01.2023, <https://www.shaber3.com/cezaevinde-hastaligi-3-kez-nuksetti-baser-in-oglu-yetkilileri-hukuku-uygulamaya-cagirdi-haberi/1404643/>

169 Gündoğan, Gündoğan, Şerife: Zorla Kaybetme within the Framework of the State's Obligation to Protect the Right to Life of the Individual, Istanbul Şehir University Institute of Social Sciences Department of Public Law Master's Thesis, August 2016, p.69

uncertainty, the right to liberty and security is ignored, and the right to life is also violated by practices that violate the prohibition of inhuman treatment and torture. Prisons have been turned into centres of revenge and concrete coffins by the Erdoğan regime.

As a matter of fact, the UN Human Rights Committee, in its resolution dated 30 October 2022, included important findings and violations regarding the acts of torture and ill-treatment and the death of teacher **Gökhan Açıkkollu**, who was detained within the scope of the investigations launched immediately after the 15 July coup attempt.¹⁷⁰

The UN Committee against Torture considered the fifth periodic report of Turkey at its 2123rd and 2125th meetings held on 17 and 18 July 2024 and adopted the present concluding observations at its 2134th meeting held on 25 July 2024. The Committee expressed concern about torture, ill-treatment and other inhumane acts against Turkey and made recommendations and requests to Turkey on the following issues. The Committee underlines that allegations of torture increased after the coup attempt in 2016 and that ill-treatment such as beatings, sexual assaults and electric shocks are common in detention centres.¹⁷¹

Similar observations are made in reports prepared by organisations such as Human Right Watch,¹⁷²⁻¹⁷³ Amnesty International¹⁷⁴ and Ankara Bar Association.¹⁷⁵

In this period, as in all segments of society, judges and prosecutors who were detained or arrested were subjected to torture and similar inhumane treatment. The main

170 UN Human Rights Committee, 30/11/2022, CCPR/C/136/D/3730/2020, <https://documents.un.org/doc/undoc/gen/g23/012/81/pdf/g2301281.pdf?token=lpkEbBqhWC01HJqBDh&fe=true>

171 UN Committee against Torture, Experts of the Committee against Torture Commend Turkey on its Strong Commitment to Fight Violence against Women, Ask about Life Sentences in Prison and the Communication of Detainees with Family Members, 18 July 2024, <https://www.ohchr.org/en/news/2024/07/experts-committee-against-torture-commend-turkiye-its-strong-commitment-fight-violence>

172 HRW, 'Turkey: COVID-19 Puts Sick Prisoners at Grave Risk', [https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk#:~:text=\(Istanbul\)%20%E2%80%93%20An%20examination%20of,arrest%20despite%20their%20conviction%20under](https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk#:~:text=(Istanbul)%20%E2%80%93%20An%20examination%20of,arrest%20despite%20their%20conviction%20under)

173 'Human Rights Watch 2024 Turkey Report', <https://www.hrw.org/world-report/2024/country-chapters/turkey>

174 Amnesty International, 'Turkey: Amnesty International's Brief On The Human Rights Situation, 1 February 2019', <https://www.amnesty.org/en/documents/eur44/9747/2019/en/>

175 Ankara Bar Association, Human Rights Centre Reports Published in Accordance with the Recommendation Decision Taken at the 67th Ordinary General Assembly, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/02.03.2022_tarihli_ihm_rapor.pdf ; Ankara Bar Association, Report on Torture Allegations in Ankara Provincial Security Directorate | 28.05.2019 , <https://www.raporlar.org/ankara-il-emniyet-mudurlugundeki-iskence-iddialarlarina-iliskin-rapor-ankara-barosu/> ; Human Rights Centre Reports Published in Accordance with the Recommendation of the 67th Ordinary General Assembly of the Ankara Bar Association, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/26.01.2022_tarihli_ihm_rapor.pdf ; United States Department of State, 2020 Human Rights Report - Turkey, <https://tr.usembassy.gov/wp-content/uploads/sites/91/insan-haklari-raporu-turkiye-2020.pdf>

purpose of torture against judges and prosecutors is to force them to make statements against themselves or others. These inhumane acts, physical and psychological tortures against judges and prosecutors who were subjected to judicial proceedings during the State of Emergency were carried out with the knowledge of their colleague judges and prosecutors and even in line with their instructions.¹⁷⁶

As clearly reflected in the statements of members of the judiciary who have been subjected to torture and other inhumane treatment by the Erdoğan regime, judges and prosecutors have been subjected to continuously burning lights and playing propaganda music in crowded areas, without basic necessities, in extreme heat or cold, under the pretext of unlawful investigations. Judges and prosecutors subjected to unjust investigations were kept handcuffed behind their backs before and during forbidden interrogations called interviews. During these interrogations they were subjected to beatings, torture and ill-treatment, threats and severe insults. People were threatened through their family members. Detained judges and prosecutors were paraded around the corridors of the courthouse handcuffed and exposed as if they were criminals. Some judges and prosecutors were subjected to isolation, especially by being placed in solitary cells. There have been many cases in this field. A few examples will be given below in order to understand the gravity of the issue. Since the victims of some cases are still in prison or in Turkey, their names have been abbreviated.

a. Member of the Court of Cassation Hüsametdin Uğur

On 17 February 2020, Hüsametdin Uğur, a member of the Court of Cassation who was arrested immediately after the 15 July coup attempt, was physically assaulted by the wardens in Keskin Prison, where he was kept in a solitary cell, and was subjected to threats such as *"your corpse will come out of here"*. After Uğur's daughter, who is Uğur's lawyer, shared the torture and threats on social media, Uğur was subjected to threats such as *"your daughter should take care of herself"*¹⁷⁷. Hüsametdin Uğur demanded a change of prison due to torture and ill-treatment and was transferred to Afyon Closed Prison on 4 February 2021, where he was subjected to isolation in solitary confinement.¹⁷⁸

176 CBJ, Report on Torture of Judges and Prosecutors in Turkey (May - 2022), Prepared by: Mustafa Doğan, 27 May, 2022, <https://www.crossborderjurists.org/tr/turkiyede-hakim-ve-savcilara-yonelik-iskence-raporu-mayis-2022/>

177 https://twitter.com/nalandilora/status/1282352336283762688?s=20&t=45_SYY5gkDnmulfGFjvRBg

178 CBJ, Report on Torture of Judges and Prosecutors in Turkey (May - 2022), Prepared by: Mustafa Doğan, 27 May, 2022, <https://www.crossborderjurists.org/tr/turkiyede-hakim-ve-savcilara-yonelik-iskence-raporu-mayis-2022/>

Hüsametdin Uđur shared his experiences in an open letter made public on 06.11.2021.¹⁷⁹ International associations of judges and prosecutors such as MEDEL reacted to the acts of torture and ill-treatment against Hüsametdin Uđur.¹⁸⁰

**b. Former Secretary General of the Supreme Council of Judges and Prosecutors
Judge Muzaffer Bayram**

It was announced that Muzaffer Bayram, who served as the secretary general of the High Council of Judges and Prosecutors until 28 February 2014, broke both of his arms by falling in his cell in Kırkkale Keskin Closed Prison. Bayram was suspiciously kept in solitary confinement despite the fact that he had two broken arms and was unable to look after himself.¹⁸¹ Bayram is still being held in solitary confinement despite the long period of time that has passed.¹⁸²

c. Judge A.K.

Judge A.K., in his statement taken at the hearing held at the ... Assize Court on 05.10.2017, described in detail the torture practices he had experienced. While he was on trial without arrest, he was arrested by the court because he gave information about torture and made statements contrary to what the court had requested. Judge A.K., *"I was interrogated on 19 August, 20 August and 22 August. On 19 August I was taken for my so-called statement ... I was handcuffed and sat on the concrete on the floor and was beaten many times that day. I was beaten with fist-like slaps. I was grabbed by the ears many times and made to crawl on the floor. I was kept in forced positions for hours on many occasions until I could no longer feel my feet and legs. I was subjected to insults and swearing for 4 days and I experienced these and similar things all day long on 20 August and again on 22 August until almost evening. I was interrogated under the name of interview from the beginning of working hours in the morning until midnight. I was kept in a dark room with no windows on the ground floor of the relevant building to sleep at night ... I was subjected to psychological torture, insults and threats many times by On 22 August, towards the evening hours, they stated, pressured and threatened me many times that if I*

179 Nalan Dilara Uđur on Twitter: *"This is the open letter of my father Hüsametdin Uđur, a former member of the Court of Cassation, who has been held "captive" in prison for 5.5 years and subjected to systematic torture, to all institutions and organisations concerned with human rights and to everyone who says "I am human" @adalet_bakanlik @TCYargitay <https://t.co/VQZ8WUNHOs>" / Twitter , <https://kronos35.news/tr/eski-yargitay-uyesi-husametdin-ugur-insanim-diyen-herkese-acik-mektup/> , I I I I tñ n Institutions and Organisations, n interested in Human Rights, everyone who says "Insanim" aç open letter....pdf - Google Drive*

180 MEDEL on Twitter: "In times where peace and justice are celebrated, our solidarity to the Turkish magistrates who face injustice. A letter by Hüsametdin UđUR, Court of Cassation judge, in jail for 5.5 years: "this petition (open letter) has been written in order to ensure injustice is registered". <https://t.co/MZrROcX48H>" / Twitter

181 <http://www.haberdar.com/gundem/eski-HSK-genel-sekreteri-nin-iki-kolu-kirilip-tek-kisilik-hucreye-konuldu-h48056.html>

182 CBJ, Report on Torture of Judges and Prosecutors in Turkey (May - 2022), Prepared by: Mustafa Dođan, 27 May, 2022, <https://www.crossborderjurists.org/tr/turkiyede-hakim-ve-savcilara-yonelik-iskence-raporu-mayis-2022/>

did not accept what they wanted, they would hand me over to the Ankara Anti-Terror Branch, that I would be made miserable there, that I would be introduced to Palestinian hangers and that I would be used until the end of my detention period and that I could not even imagine what I would go through there”

d. Judge M.S.Ö.

Judge M.S.Ö. testified on 10.10.2017 at the ... High Criminal Court that he was detained with 39 judges who worked for the military and that they were tortured by a police officer named Tahir.¹⁸³

e. Judge T.Ö

Judge T.Ö, In his testimony taken on 06.10.2017 at the High Criminal Court, he stated that he was kept handcuffed for 16 days in a carpet pitch under conditions that can be described as systematic torture.¹⁸⁴

As can be seen from the case examples given here, the Erdoğan regime has turned the State of Emergency into an opportunity for arbitrariness. Members of the Turkish judiciary who were not subject to the regime were arrested and subjected to torture and ill-treatment. The state of emergency created a favourable psychological, political and judicial environment in which many judges and prosecutors could be tortured. The acts and methods of torture, which the Erdoğan regime has turned into a state practice, have been applied to judges and prosecutors in the most severe way. The more serious part of the matter is that although the tortured judges and prosecutors have expressed their torture to the prosecutors through complaints or in court hearings through statements, the judiciary under the control of the Erdoğan regime has chosen to cover up or ignore these acts instead of investigating them.

183 CBJ, Report on Torture of Judges and Prosecutors in Turkey (May - 2022), Prepared by: Mustafa Doğan, 27 May, 2022, <https://www.crossborderjurists.org/tr/turkiyede-hakim-ve-savcilara-yonelik-iskence-raporu-mayis-2022/>

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CONCLUSION

Following the 15 July 2016 coup attempt, the independence of the judiciary in Turkey was completely abolished and a regime judiciary was built. In this process, more than 4,500 judges and prosecutors were dismissed from their jobs, thousands were arrested and sent to prisons. A large number of judges and prosecutors have been detained on charges of "membership in a terrorist organisation" without legal grounds and have been subjected to torture, ill-treatment and inhumane housing conditions. The biggest judicial purge in the history of Turkey has taken place and the judiciary has come completely under the control of the Erdoğan regime.

During this period, serious violations of rights were committed against members of the judiciary held in prisons. Detained members of the judiciary were left to die in overcrowded wards, deprived of nutrition and health services. They were subjected to torture and ill-treatment. As a result of these practices, which are recognised as torture in international law, many judges and prosecutors became ill in prisons and some judges and prosecutors died as a result of these illnesses they contracted in prisons.

For example, **Mehmet Sait Demiröz**, a member of the Court of Cassation who spent 40 months in solitary confinement in Konya after his arrest, suffered from diabetes, heart and lung diseases in prison, although he had no illness before his imprisonment. He died in prison due to inadequate health and treatment services. Judge **Mustafa Erdoğan**, a member of the Court of Cassation, was arrested on 3 February 2017 based on an arrest warrant issued against him while he was in hospital for brain tumour surgery. Erdoğan, who was not released despite his severe illness, was released after he lost consciousness in intensive care. Erdoğan died four days after he was released unconscious. Judge **Teoman Gökçe**, a former member of the High Council of Judges and Prosecutors, died of a heart attack in a solitary cell after being arrested in violation of constitutional guarantees, being kept in poor prison conditions, being subjected to isolation in a solitary cell for 16 months, and being subjected to severe pressure in detention and in prison. Similarly, Public Prosecutor **Seyfettin Yiğit** committed suicide in prison as a result of an unlawful process and pressures in prison. Judge **Alparslan Güngör**, who had been in prison for 18 months, contracted lung cancer and died shortly after his release. As can be understood from these examples and the cases mentioned in the report, judges and prosecutors who were arrested in violation of constitutional guarantees were deliberately left to die in prisons and prisons were turned into concrete coffins.

Another issue that is as grave as the deaths in and out of prisons is that judges and prosecutors dismissed from their jobs have been left to *"social death"* in the eyes of society and the state. The dismissed members of the judiciary are not only excluded from the public sphere, but are also prevented from finding a job in the private sector. Judges and prosecutors, who were labelled with codes 3637 by the Social Security Institution, were rendered unable to work in any institution. Their bank accounts were closed, their passports were cancelled and they were banned from travelling abroad. As a result of these practices, the dismissed members of the judiciary were left to civil death.

In this climate of persecution, many members of the judiciary and their families had to flee abroad, and tragic deaths occurred on the way. Judge **Fatma Işık** and her husband **Nazir Işık**, who lost their two children in the Aegean Sea, and Prosecutor

İbrahim Gündüz and his wife **Nurdan Gündüz**, who drowned in the Aegean Sea, are some of the names of those who lost their lives while fleeing repression in Turkey.

The end of judicial independence in Turkey has been repeatedly reported by international organisations: **The Venice Commission** has stated that the judiciary has come under the control of the political power and emphasised that especially the Criminal Judgeships of Peace take arbitrary decisions. Many organisations within the **UN** have also stated in their resolutions, opinions and reports that the independence of the judiciary in Turkey has come to an end and that mass arrests are unlawful.

The European Court of Human Rights has ruled that the trials in Turkey after the coup d'état were not fair and has given violation of rights judgements in many cases. In particular, in the **Alparslan Altan and Hakan Baş** judgements on judges and prosecutors, the ECtHR ruled that the principle of legal certainty was violated in relation to the application of the provisions of the law in a manner different from the usual and stabilised interpretations in the process operated in relation to the applicants who were first suspended, then arrested and dismissed by ignoring their constitutional guarantees. In the **Yüksel Yalçınkaya judgment**, the ECtHR made a more comprehensive and pilot judgment and ruled that the 15 July trials violated Article 7 of the Convention, which regulates the principle that there can be no crime without law, Article 6 on the right to a fair trial and Article 11 on the right to freedom of association and assembly.

The instrumentalisation of the judiciary by the Erdoğan regime is clearly seen with the Decree Law No. 667 issued during the State of Emergency. With this decree law, mass dismissals of members of the judiciary were carried out and the presumption of innocence was disregarded. Using 15 July as an excuse, the Erdoğan regime has completely liquidated the independent judiciary and replaced it with a judiciary mechanism dependent on politics. More than 15,000 new judges and prosecutors were appointed after 2016, most of them selected on the basis of political loyalty. Thus, the Turkish judiciary came under the control of the executive and became an instrument of repression against dissent. In other words, the independent judiciary has been replaced by the regime's judiciary.

In this process, decisions taken by the judiciary were directly in line with the instructions of the political establishment. Dissidents were arrested on arbitrary grounds, journalists and human rights defenders were silenced. A climate of fear has prevailed in the country thanks to the regime judiciary established by the Erdoğan regime and other institutions serving the totalitarian order. The phrase "*Silivri is too cold*" has started to be widely used in the society, referring to the prison. It has now become commonplace for anyone who does not accept the Erdoğan regime or acts against the interests of the Erdoğan regime to be sent to Silivri Prison, which has become a symbol by the regime judiciary.

The events that took place in Turkey after 15 July not only created individual victimisation, but also completely destroyed the country's status as a rule of law. The rule of law has been replaced by a judicial system based on political loyalty. Many judges and prosecutors who devoted their lives to justice have been dismissed from their jobs and left to die in prisons, deliberately deprived of health services and not released until their death.

The violations in this process are not only a domestic issue for Turkey, but also a matter of serious concern for international law. Harsh criticism of Turkey by organisations such as the Venice Commission, the ECtHR and the UN reveals that the law has been completely instrumentalised. In order to restore the independence of the judiciary in Turkey, the dismissed members of the judiciary must be reinstated and the universal principles of law must be restored. However, under the current circumstances, the fact that Turkey is ruled by an authoritarian regime and that the independent judiciary has been completely abolished and replaced by a "*regime judiciary*" is increasingly recognised by the international community.

At this point, Turkey is under the influence of a climate of fear. This climate of fear, which increases its effect day by day with the use of the judiciary as a tool, has led the country away from democracy, human rights, freedom of expression and science.

The loss of trust in the judiciary and the failure to ensure judicial independence and impartiality are among the most important reasons for the climate of fear. In particular, judicial decisions made under the influence of political power and the lack of transparency in legal processes have led to people being unjustly arrested and convicted. As a result, according to assessments by international organisations, Turkey ranks very low in the world in terms of the rule of law. According to the 2024 Global State of Democracy report of the International Institute for Democracy and Electoral Assistance (International IDEA), Turkey ranks 145th out of 173 countries in terms of rule of law;¹⁸⁵ according to the 2024 World Rule of Law Index report, Turkey ranks 117th out of 142 countries. The country has regressed to the pre-1990 level in the rule of law.¹⁸⁶

The human rights violations experienced by members of the judiciary, who are subjected to injustice and unlawful practices because they do not deviate from justice, show how far Turkey has moved away from the principles of democracy and the rule of law. This process, in which an authoritarian approach to governance prevails instead of the rule of law, has deeply affected not only the members of the judiciary but also the entire society in Turkey. Therefore, it is imperative to take strong steps at national and international level to restore justice.

185 Euronews, "Democratic values 2024 report: Democracy is weakening in Europe", 17/09/2024, <https://tr.euronews.com/my-europe/2024/09/17/demokratik-degerler-2024-raporu-avrupada-demokrasi-zayifliyor>

186 The World Justice Project, World Rule of Law Index, 2024, <https://worldjusticeproject.org/rule-of-law-index/global/2024>