

**Statement by Justice for Rule of Law Association
regarding the Judicial Independence & Implementation of the ECtHR Judgments
in Türkiye**

Türkiye remains one of the countries with the highest number of pending cases before the ECtHR with many cases highlighting systemic human rights violations. Prominent rulings of the ECtHR highlight the systemic issues within Türkiye's judicial system. Considering the record number of cases that have already reached Strasbourg dominates the ECtHR's work load, forcing the Turkish government to abide by the ECtHR rulings seems crucial to end the long-lasting persecution in the country.

Considering 24,200 pending cases (as of August 2024) from Türkiye that correspond to 37,2% of all pending cases from 46 member states, there is an evident need to address this problem. As for the cases pending execution, as of December 2023, there were 446 cases pending execution before the Committee of Ministers. Thus, Türkiye ranked third (after Ukraine and Romania) in Europe with the highest number of non-implemented ECtHR judgments.

Besides, Türkiye is the only member state to the CoE that has been demoted to monitoring status in 2017 (Resolution 2156) and the only country currently subjected to Infringement Procedure since 2022 due to its failure to implement the ECtHR rulings.

In its rulings regarding Osman Kavala and Selahattin Demirtas, the ECtHR found Türkiye in violation of Article 18 of the Convention, implying that the proceedings against them constituted a misuse of the criminal justice system with an ulterior purpose of silencing them.

Yet, in May 2024, Selahattin Demirtaş has been sentenced to 42 years in prison, based on charges stemming from his political activities and social media posts.

Notwithstanding the PACE Resolution 2518 (2023) and Recommendation 2261 (2023) concerning the implementation of the ECtHR judgment and the Infringement Procedure launched by the Council of Europe bodies, Osman Kavala is still being kept behind bars.

It should also be noted that Committee of Ministers decisions reveal that implementation of the Kavala judgment requires not only the immediate release of Mr Kavala, but also legislative amendments, primarily and most importantly on the structure of the Council of Judges and Prosecutors with a view to ensuring its independence from the executive.

Most recently, the ECtHR in Yalcinkaya judgment has ruled that the principle of “no crime and punishment without law”, guaranteed under Article 7 of the Convention, was breached in a systemic and widespread manner. This basic principle constitutes the backbone of the rule of law in any country. However, on 12 September 2024, the national court concluded the case again contrary to the ECtHR ruling.

The ECtHR explicitly stressed that the said ruling is pertinent to more than 8.000 pending cases in Strasbourg and more than 100.000 cases before the Turkish courts. Most of these 100.000 cases are also expected to reach the ECHR in a few years. Referring to these cases, United Nations Working Group on Arbitrary Detentions (WGAD) has also repeatedly stated that widespread and systematic imprisonment practice based on vague terrorism charges in Türkiye since 2016 may constitute crimes against humanity.

Failure to implement judgments -not only in high-profile cases, but also in thousands of others- highlights the systemic problem of political control over the judiciary in Türkiye. Hence, we once again urge Türkiye to introduce reforms needed to restore judicial independence with a view to abide by the ECtHR rulings.