

The ENCJ unites the national institutions in the Member States of the European Union which are independent of the executive and legislature, and which are responsible for the support of the Judiciaries in the independent delivery of justice. It aims to improve cooperation between, and good mutual understanding amongst, the Councils for the Judiciary and the members of the Judiciary of the European Union (or candidate) Member States.

It is a condition of membership, and for the status of observer, that institutions are independent of the executive and legislature and ensure the final responsibility for the support of the judiciary in the independent delivery of justice.

The ENCJ became concerned that the procedures adopted by the High Council for Judges and Prosecutors of Turkey (HSYK) indicated that this condition was no longer satisfied.

The General Assembly of the European Network of Councils for the Judiciary (ENCJ) gathered in The Hague on 8th December 2016 to discuss and decide on the position of the HSYK in the Association.

The ENCJ has been following developments in the judiciary in Turkey since 2014 and has expressed its concern both in its correspondence with the HSYK and publicly in the Declaration of the Hague (June 2015), the Declaration of Warsaw (June 2016) and more recently after the mass-suspension of judges and prosecutors and again following their dismissal.

The HSYK has been given ample opportunity to explain their actions. They took the opportunity to do so by sending its resolution of the 31st August and by explaining the situation at the extraordinary General Assembly in The Hague on 8th December 2016.

The ENCJ acknowledges the huge impact and subsequent national trauma caused by the events on 15th July 2016. Those responsible should be made accountable through an open, fair and impartial judicial process conforming with international standards.

It is no part of the function of the ENCJ to take a position on the internal political situation in Turkey. However, taking into account the failure of the HSYK to satisfy the ENCJ that its standards have been complied with, the statements of the HSYK, as well as information from other sources including the reports and statements of the European Parliament, the European Commission, the Human Rights Commissioner of the Council of Europe and Human Rights Watch and the Venice Commission, the ENCJ decided that the actions and decisions of the HSYK, and therefore the HSYK as an institution cannot be seen to be in compliance with European Standards for Councils for the Judiciary. Therefore, the HSYK does not currently comply with the ENCJ Statutes and is no longer an institution which is independent of the executive and legislature ensuring the final responsibility for the support of the judiciary in the independent delivery of justice.

The General Assembly accordingly resolved to suspend, with no Council voting against, the observer status of the HSYK. Therefore, the HSYK is, for the time being, excluded from participation in ENCJ activities. The ENCJ is however open to staying in contact with the HSYK and is prepared to offer its assistance and guidance in setting out and compliance with the European Standards for Councils for the Judiciary.

Done in The Hague 8 December 2016