

AMERICAN JUDGES ASSOCIATION

Resolution 1

In Support of Due Process and Judicial Independence in Turkey

WHEREAS, the American Judges Association recognizes the critical importance of judicial independence. Judicial independence is not an end but the means to the end of providing people with a judiciary that is fair, accountable and effective; and

WHEREAS, pursuant to "Basic Principles on the Independence of the Judiciary," endorsed in 1985 by the United Nations General Assembly, judges shall be suspended or removed only after "a fair hearing," and "only for reasons of incapacity or behaviour that renders them unfit to discharge their duties"; and

WHEREAS, a substantial number of judges in Turkey were taken into custody and detained, including judges on the Supreme Court of Turkey, the Council of State (the Supreme Administrative Court of Turkey), and the Constitutional Court; and

WHEREAS, under emergency laws now in effect, constitutional protections for these judges have been suspended;

NOW, THEREFORE, BE IT RESOLVED that the American Judges Association urges Turkey to adhere to its long history of promoting democracy, the rule of law and the independence of the judiciary to ensure due process for the detained judges, and the protection of judicial integrity and independence. A fair, accountable and effective judiciary is essential for the people of Turkey.