Rule Of Law In Turkey:

Judicial Administration

Dr. Orhan Gazi Ertekin

PEN NORWAY

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Written by
Dr. Orhan Gazi Ertekin:

Dr. Orhan Gazi Ertekin graduated from Ankara Faculty of Law in 1993. He received his Master’s Degree in 1998 and Doctorate in 2006, both from METU. He is the author of 5 books and has written a variety of articles focussing on the judiciary in Turkey, as well as on international relations and politics.

He is the co-chair of the Democratic Judiciary Association and is a judge in İzmir, Turkey.

INTRODUCTION

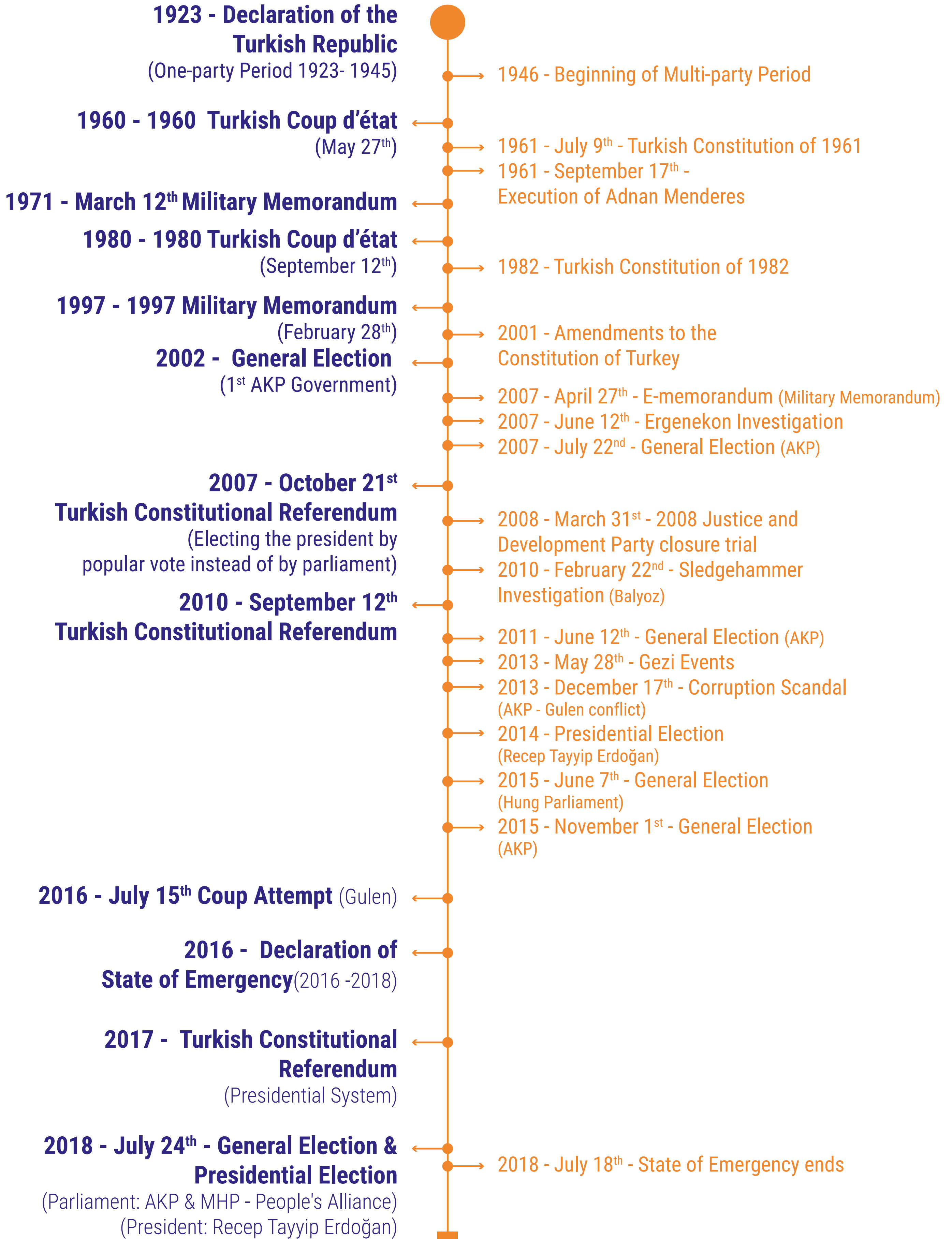
Turkey's judicial administration model has been changed seven times throughout the history of the Republic, which is almost a century old, and twice in the last ten years. Since legal changes in 2014 brought a major change in terms of work and division of labor, another addition can be made to these figures. When we consider it from another angle, since 1961, when judicial administration was organized as a separate and independent organization, the structure, method and division of labor in the organization has been changed six times. Changes that have been made frequently and close together bring great risks in terms of judicial administration and foreseeable decisions and increase suspicions about the degree to which the demand for "institutional security" is being met to an alarming level. The fact that three judicial administration systems have been implemented in the last ten years, combined with the other factors mentioned above is not something that serves to inspire confidence.

The Laws and Institutions between Universality and Locality

The frequent changing of constitutional institutions such as judicial administrations not only requires us to think inquisitively about social and political changes but can also trigger concerns that an all-out "unconstitutional period" has been commissioned. Judicial and judicial administration boards are comprised of one of the fields in which authoritarian tendencies that create concern on a global scale are most felt. In this sense, Turkey purports to be a laboratory in which we can keep tabs on the legal order as it exists, and offers a looking glass.

It pays to remember that just as much as the problem of justice and judicial administration in Turkey serves as a universal lesson, it also has very complex political, cultural and historical features that cannot easily be translated to another language. Therefore, in terms coming to the point of today's problems and understanding the integrity of our current subject, it pays to conduct some historical research into how justice and judicial administration was established in Turkey and how its customs and customary laws developed.

Breaking Points in Political History of Turkey



THE HISTORY OF JUDICIAL ADMINISTRATION ON TURKEY

In the Turkish-Ottoman state customary law emerged not as a result of local power's conditions for independence and demands for privilege against central power, but on the contrary as a routine administrative activity taken by the central power. Therefore, independence and neutrality have not been values that are jealously defended against the central power in terms of the Turkish-Ottoman judicial customs. On the contrary, the Turkish judge has gained its historical characteristics and identity from loyalty and servitude to a central hub. The Republic of Turkey's judicial administration has taken over a "tradition of bureaucracy" from the past as its distinctive term of identity.

It would be helpful to study the judicial administration of the Republic's history by dividing it into two periods. The first period is 1924-1961, in which judicial administration was carried out by representatives of the Ministry of Justice and the appellate court as a dependent institution. The second period, from 1961 until the present, has been a period in which judicial administration has been built as a separate institution with an independent and constitutional characteristic.

THE FIRST PERIOD JUDICIAL ADMINISTRATION OF THE REPUBLIC (1924-61)

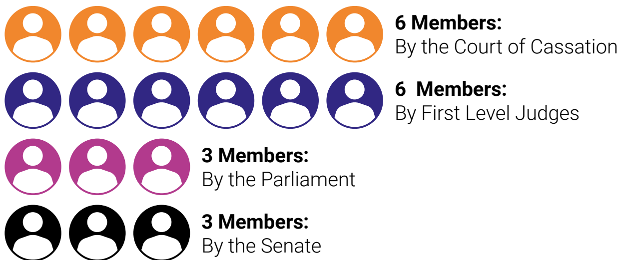
Judgement has not been a priority political issue from the perspective of the Republican elites. For instance, just as a constitutional court was not considered in the first constitution of the Republic (1924), great discussions were not held on the subject of judgement. Judicature was not seen as a carrier or missionary profession of the Republic in the same terms as the military, education or district governor (district administrator) roles in terms of the ruling party exclusives; but as an ordinary professional position. This was the case all the way until the Republic's elites divided into two and began practicing politics in two different parties in the 1940s. The judicial and judicial administration issue in Turkey became one of the main fields of tension and conflict between the two parties that emerged from the decision to move to a multiparty system in 1946. As a result of the 1954, 1956, 1958 and 1961 rivalries between the two parties, wherein both sides removed judicial staff in place of the other, judicial administration became a constitutional and independent institution with the launch of the 1961 constitution.

In this first period one can frequently encounter prosecutors and courts being used as a "club" against the Kurds, Socialists and Islamists that were declared "enemies of the republic". Fair trial and freedom of expression were by no means fields by which the judicial system was sensitive in terms of citizens' rights. On the contrary, even when courts and judges conducted openly unlawful judicial practices they were congratulated and even rewarded. The unlawful trials of the poet Nazım Hikmet and author Dr. Hikmet Kıvılcımlı in 1930-40 can be presented as the foremost examples of these unlawful trials in this sense.

On the other hand, as of the mid 1940s the authority of the Prime Minister and Minister of Justice in judicial administration became a serious political issue and especially in the 1950s, judges and trials became the fundamental field of conflict between the ruling Justice Party and the opposing CHP. The attempt of Prime Minister Adnan Menderes to openly interfere in the trial of opposing politician Kasım Gülek was quickly brought to the public agenda and when the attempt to intervene could not produce results, the tactic of retiring judges was resorted to. The prime minister at the time, who openly put pressure on judges and forced many into retirement, was put on trial after the coup of 1960 based on a number of false accusations, sentenced to death and consequently executed. French revolutionist Danton also faced the judges about to sentence him to death and said:
“I am the one who prepared the administration of your court”. The prime minister of Turkey did not look at his judges as Danton did, but with fear. This was not just the personal tragedy of Adnan Menderes, who interfered with the judicial system for his own interests and was subsequently immediately put on trial in an unlawful manner. The judicial history of Turkey has really been a “history of tragedies”. We will see this more clearly in the coming periods.

THE PERIOD OF INDEPENDENT JUDICIAL BOARDS

The First Judicial Administration as an Independent Board (1961-1971):



It can be said that with the 1961 constitution, the constitutional groundwork was prepared for a democratic judicial administration board. While a “High Council of Prosecutors” was being established in this period, a High Council was also created for judges. One third of the council, comprised of 18 principle and three reserve members, was elected from members of the Supreme Court; one third was elected by senior judges in the first class from amongst themselves and the remaining one third was selected from judges in the superior court, or that of equal status. It was also set forth that three be selected by the Grand National Assembly of the Republic of Turkey and three by the Senate. The provision that the Minister of Justice could attend the meetings held by the High Council of Judges when deemed necessary but did not have voting rights was also accepted. Thus, the constitutional groundwork was established for a democratic judicial administration, entirely elected from among judges for which the election process was completely left to various judicial organs including legislative organs. Leaving the Minister of Justice and his staff completely out of the running was an expression of another important democratic approach.

The 1971-1980 Judicial Administration Process

1971 High Council of Judges

Total Principle Members: 11 (+3 Reserve)

14 Members: By the General Assembly of the Court of Cassation

The first attempt at democratic judicial administration began to be criticized with different complaints and concerns. Some claimed that the parliament and senate's authorization to select a member pushed some judges into using political means to be elected and that this was not becoming to the qualities of a judge. Others defended that some lower level judges abused their right to elect members. But the concern that was most remarkable amongst these was the difficulty of having rulers in manipulating and managing a judicial administration that had a relatively high rate of divergence and diversity. Therefore, as safe-guard that came about as a result of the democratization that emerged as a result of the sociological and political diversity in the wake of the coup of 1971, the representation of judges on a broad scale was minimized. This is why a smaller council that could be controlled more easily and that was comprised of smaller interest groups was created. The New High Council of Judges was after that comprised of ten members – all elected from the Supreme Court by Supreme Court members. Another change was made in the fact of the provision that the Minister of Justice could act as the chairman of the High Council of Judges when deemed necessary as a step was accepted.

The increased broadening of social and political preferences in this period and the state showing diversity exceeding the existing dual-party flanks, was making it difficult govern in the traditional sense. The increasing broadening of new social relationships; migration from villages to cities, new work areas opening up, the industrialization of agriculture and the growing workforce brought about an unquantifiable public life. The uneasiness felt in the face of these new social and political developments was what was behind the attempt to transform the judicial administration into a narrow and central structure. They didn't want law, judgement and justice to come up against the new and competing claims that had emerged in Turkey.

The coup of 1971 set out to realize this anti-democratic expectation, but because expectations were not met sufficiently it was going to be necessary to expect the coup of 1980 to pave the way for a harder "sledgehammer" effect.

The 1980 Coup and HSYK (High Council of Judges and Prosecutors)

1982 High Council of Judges and Prosecutors

Total Principle Members: 7 (+ 5 Reserve)

1 Natural Member:
Minister of Justice (President)

1 Natural Member:
Undersecretary of the Minister of Justice

3 Members: By the President of the Republic
(Among candidates of the Court of Cassation)

2 Members: By the President of the Republic
(Among candidates of the Council of State)

One of the first institutions created after the coup of 1980 was the High Council of Judges and Prosecutors and this structure was later attached to the constitution of 1982. In other words, the council of judicial administration was not established by a constitution but by a law set forth by putchists and was regulated as a structure similar to the National Security Council that the military units responsible for the coup represented. Accordingly, the High Council of Judges and Prosecutors served as the new judicial administration and was comprised of seven principle and five reserve members. The Minister of Justice was the chairman of the council and the undersecretary to the minister was a member of the council. The other five members were to be determined by the President from among Supreme Court and Council of State members. As will be immediately clear, the councils of judges and prosecutors would thereby be brought together. The change was not limited to this. The profession of Judges and Prosecutors would be subject to the same law and strangely enough be transformed to a "new" and complex profession that could be expressed as "judge-prosecutor".

It was thought that now the Minister of Justice and their undersecretariat would unwaiveringly work with the HSYK made up of Supreme Court members. In fact, it can be said that this prediction was proven to have come about up until 2002. But as of 2002, when the government switched to a more politically Islamic rooted party, a new phase of the conflicts experienced in the 1950s could be observed. The tension in the High Council between the Minister of Justice and his undersecretary from the ruling party and the members of Superior justice from the ideological and cultural world of traditional powers was rising gradually. On the other hand, it appeared that some preventive measures were being taken inside the judicial system against the new ruling party, the AKP. Contrary to constitutional procedure and customs, the selection of the new ruling government's President was being prevented, bans were being produced against the wearing of headscarves in universities, and what's more, cases with very weak material were being filed in order to try to close the governing party and a demand was being submitted to the Constitutional Court for the closure of the governing party.

Although there was an attempt made to ignore all constitutional procedures and prevent the Presidential election, the attempt failed and in 2007 the government elected a partisan president. But again, the supreme court members could not be changed because all members elected by Supreme Court members were made up of individuals chosen outside of the government. The government pushed for a referendum to move to a new constitutional structure that would break the monopoly that had accumulated in the judicial system. Accordingly, four of the members of the new HSYK would be chosen by president of the universities, one would be chosen from

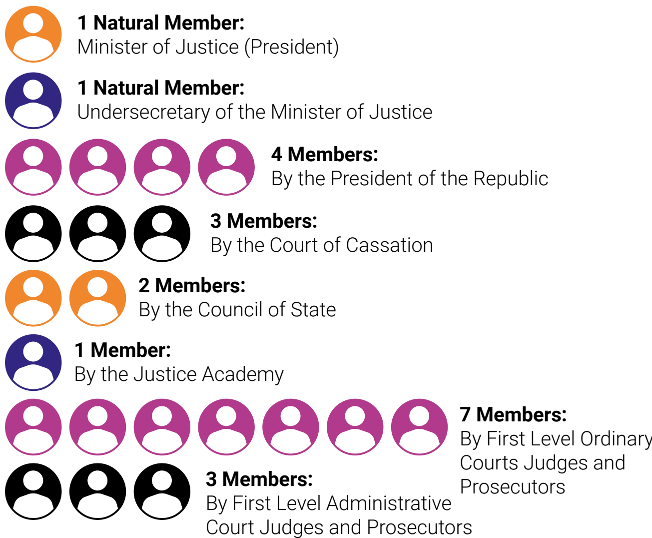
Justice Academics reporting to the Ministry of Justice, seven principles members would be chosen by judicial judges and prosecutors, three principles by administrative justice judges and the remaining five members would be chosen as three from the Supreme Court and two from the Council of State. In the newly proposed 22-member HSYK, the Minister of Justice and his undersecretary would maintain their positions.

This proposal constituted a more democratic shift compared to the previous HSYK structure and made the member selection of first degree judges quite critical and definitive. In response to this, long and tense discussions ensued on the government's attempt to increase its power of representation in judicial administration and the principle of the majority traditional powers not letting go of their advantageous position.

The HSYK of 2010: Reaching Authoritarianism while Striving for Democracy

2010 High Council of Judges and Prosecutors

Total Principle Members: 22 (+12 Reserve)



The referendum was accepted with a 58% vote in favor of the AKP, which was under siege from the traditional judicial system. However, it was understood once again that establishing legal and institutional fields on the grounds of equality would not necessarily come to mean democracy. The constitutional referendum of 2010 and the new HSYK election held afterwards, produced adverse results – since it was not supported on a social or political level – despite new constitutional steps toward democratization. It was seen once again that in a country lacking a strong civil and social movement, liberal laws could also serve as a tool for antidemocratic political objectives. No doubt, this is not quite as tragic as the fate of the Weimar Constitution's article 48 – which led to the 3rd Reich, but it was an important lesson in the fact that laws alone do not bring about democracy.

For one thing, the period set forth for an election was so short it was almost impossible for the candidates to prepare an introduction of themselves. This made a group of candidates centered in the Ministry of Justice that followed and knew all the judicial members closely to be more advantageous. What's more, it was discovered that these judges working in the ministry headquarters had used their positions systematically and in an organized way to achieve results in their own favor. Thus the HSYK member elections of first degree judges were seized upon by Gülen Organization members, who were quite powerful in the judicial system and had a concealed alliance with the government for quite a long time. Those that were elected to the judicial administration board as members were either members of the Gülen

Organization or comprised of people the organization favored. Finally, after the 2010 referendum, in the "first round" of judicial administration elections, the traditional powers were defeated and in fact started to be put on trial as defendants in cases managed by judges who had newly taken over. The victims of the justice system only a few years prior were using the same methods as their political rivals and administering justice in front of the political proceedings they wanted. The senior level military members that were the most privileged group among the traditional powers were being brought in front of courts for the first time and being imprisoned for plotting a coup. The legal grounds for the accusations against them were quite weak and material evidence in the files was limited or almost nonexistent. The judicial administration was taken over by new political powers, but the same methods of the past were now being practiced against those who had had practiced them. And so, everything had changed, yet nothing had changed.

As we know from Macbeth, there is no "dream of a pure and joyous rule" that does not end in a nightmare. There never was... it did not happen again... The concealed alliance between the AKP government and the Gülen Organization began to break as of the end of 2013 and, in fact, ended up in open enmity. Back to the drawing board. The government became the minority within the HSYK with this crisis and tried to change all the procedures and methods of a constitutional institution with a simple law. The government placed itself in the 1st office of the HSYK, organized in three circles reporting this and ensuring that strategic decisions were made by this office. This was clearly unconstitutional. But the fight for power continued. The HSYK, which was the center of command in judicial administration, was again at the center of political conflict.

AND THE COLLAPSE OF JUDICIAL ADMINISTRATION IN TURKEY: TOWARDS AN ANCIENT ROMAN BASILICA

Up until the HSYK elections of 2014, in Turkey the "judicial conflicts" were founded on taking over a "mechanism". The question of "who should the judicial system belong to?" was the main question guiding all conflicts. The judiciary here was portraying features of a closed "device" with its own operating system, autonomous rules and its own staff. Whatever power took over the command of this device would be the one deciding against whom cases were to be filed and who would be eliminated.

The Coup Attempt of July 15, 2016 and the End of Justice

Up to the coup attempt on July 15, 2016 Turkey has witnessed countless conflicts and tensions based on taking over judicial administration and owning the power and authorization over assigning and promoting judges and over their benefits, determining and guiding political cases and seizing the privilege to decide on judicial discretion following economic policies and going along with them. What happened after the coup attempt of July 15th is not a "judicial crisis". For one thing justice, judgement

and judicial administration had completely lost its legal and institutional autonomy as a whole. The traditional conflict based on the "struggle to take over justice as an instrument" experienced a qualitative change and became the "abolishment of justice". Since justice was no longer a legal and institutional field the fight based on "taking over justice" and replaced by a process to use the function of justice in free style without institutional or legal limits.

The July 15th experience actually passed by two principle judicial administration models. Since the HSYK of 2014 and the new Council of Judges and Prosecutors (HSK) in 2017 determined the practices and rules of the justice and judicial administration we experience today, I am of the opinion that they should be handled together.

The HSYK Elections of 2014 and the End of the Justice Wars

The 2nd term of the HSYL elections in 2014 arrived on top of the crisis within the ruling alliance that was clarified with the Referendum of 2010. Friends and enemies needed to be changed once again in the election of new members. While the ruling AKP party was attempting an alliance with the main body of "enemies" in the 2010 referendum, the Organization chose to work with groups that remained and were decisive as the opposition. While the AKP government and its allies won by a small margin, it was clear that the war within the judicial administration would continue and the end result would be announced in the judicial system. Up until the coup attempt of July 15, 2016 the low-intensity conflict continued within the judicial system. After the coup attempt of July 15, we were facing a "new element" in terms of justice and judicial administration.

The HSYK of 2014 reflected an administration that would remove justice entirely from being a legal and institutional field. Nearly 4,000 judges and prosecutors were expelled from their professions and within the next four years nearly 20,000 new judges and prosecutors were accepted into the profession. Thus, almost 80% of judicial members acquired a seniority equivalent to 0-4 years of work. This is a very striking rate that is presented in the judicial system, as a profession and as an organization, had completely and institutionally collapsed, because the rate in question means being deprived of all knowledge that could pass on the professional tradition, that could create a judicial culture and a standard for legal information. As we can easily in the indictments and verdicts of the past few years, a freestyle judicial practice began emerging. It is possible to see all the consequences of the 2014 verdicts in the indictments and verdicts following July 15th. Not only was the verdict by the ECHR that businessman Osman Kavala's imprisonment was not reasonably justified not enforced by courts, but in terms of some defendants – such as author Mehmet Altan, who was put on trial – the verdicts of Turkish Constitutional Courts were not even enforced in violation of the constitution.

On the other hand, four HSYK members, 79 Supreme Court members and nearly 4,000 judges and prosecutors were detained and put on trial after the July 15th coup attempt. When we look at a large majority of the files belonging to the people who were tried, we can see that almost the same questions as in the McCarthy era were used. It is clear that almost all of the points of interrogation – such as whether or not the defendants or

their children went to Organization schools, whether or not they deposited money into Organization banks, whether or not they followed Organization media or whether or not they were in contact with Organization members are not actions that constitute a crime.

It is tragic that the government, which was the victim of unjust judicial practices in the past, take a political lesson from this by being even harsher than the "judicial crisis". Unfortunately, an understanding that justice is a "legitimate weapon" of political interest has settled in. In contrast to this, the government even found the structures and decisions of the 2014 HSYK that had generated functional results for them, to be insufficient and in 2017 recommended and constitutionalized a new judicial model.

The HSK of 2017: Moving on from Judicial Administration to "The Spiritual Leader of Justice"

2017 Council of Judges and Prosecutors

Total Principle Members: 13

1 Natural Member:
Minister of Justice (President)

1 Natural Member:
Undersecretary of the Minister of Justice

4 Members:
By the President of the Republic

7 Members:
By the Parliament Turkey

When we look at the constitutional level the new judicial administration structure now has 13 members. While the Minister of Justice is the board's chairman, his assistant is a natural member of the board. Three members of the board are selected from among first class judicial court judges and one member is selected from among administrative court judges by the president. Three of the remaining members are selected from the supreme court and one member is selected from the Council of State. The other three members are selected by the Grand National Assembly from among academicians in law and attorneys. According to this, the latest element is that judges and prosecutors are completely removed from the "constituents" base of the new judicial administration. It appears that this is more a desire for the government to be free of "weights" and "unwieldy" functions such as elections rather than insecurities against existing judges and prosecutors. Thus, the government has the power to choose anyone they wish to be a member.

A President Centered Judicial Administration

The 2017 change to the judicial administration model was not just a change at a constitutional level. It also brought with it a new judicial operation in which the president was at the core. Since then on, the president became justice itself in political reality. The new government system with the president in its center has required the understanding of the president's "personal" will and to behave accordingly for all employees in the judicial administration as in all institutions. The new judicial administration style also appears to be specific in terms of authoritarian customs and covers two different political cycles. A cycle that spans to the people from the leader and the cycle that spans to the leader from the people:

- In the first cycle the direct command and governance of the president is the principle item. The arrest, trial and release of a person is immediately executed with the announcement of the president's command.

- In the second cycle pertains to the reactions of the president's own base to the decision made by the president. These reactions are again considered by the president and the judicial system and the judicial administration is made to amend their decision. Those who make decisions and acknowledge the expectations of their base are again up to the president. Decisions are able to be changed daily and even hourly. In fact, directly after the acquittal verdict in a case in which businessman Osman Kavala was put on trial, the reactions of the ruling party's base on social media were taken into consideration and within a few hours a new investigation was created and he was arrested once more.

The new judicial administration "system" makes three different offices prominent. The first and principle power and authority is the president himself. The president is the solidified organic form of justice. The second is the official judicial organs and the HSK as the judicial administration board and the third is the varying interests and expectations of the ruling power's base. The judicial system in Turkey now operates on this triple structure. For example, even though social media phenomenon Taylan Kulaçoğlu was acquitted by the courts, the reactions of the ruling party's base on social media were considered and later it was decided he would be detained again. Many more examples can be provided. Another example is the opening of an official investigation against two judges who declared they were saddened by the death of one member of a band that died as the result of a hunger strike, when the ruling party's base objected on social media. (Orhan Gazi Ertekin, Ayşe Sarısu Pehlivan)

The Judicial Administration as an Ancient Roman Basilica

The law has never been the carrying power of the state in any period of the republic's judicial system, but it has succeeded in creating modern institutions and was bale to form the professional traditions of prosecutors and judges and legal information standards. Despite all political judgement, the legal and judicial order of the republic was based on institutional maturity at a mid-range level and autonomy gaining experience. It managed to create a "sense of legal security" among the middle class despite harsh and excessive tendencies regarding political opposition.

Now we appear to be in an ancient Roman Basilica. The distinctions between holy-secular, institutional-behavioral, punishment-execution and increasingly legal-illegal are becoming blurred and are being reestablished in "organic union" with the spiritual and physical existence of the president. Now, the judicial administration in Turkey is just like an ancient Roman Basilica; it has entered a new era in which the place where decisions are made and executed and the place where worshipping is conducted are rendered connected to one another in the same structure and spatial and institutional diversity is replaced by union.

Conclusion

Tiresome judicial conflicts comprised of long, tense and mostly revengeful confrontations have left a hopeless impression on the Turkish people. Trust and credibility in justice is being questioned more and more every day. Conflicts and inconclusive struggles that have no creativity and arguments that keep going back to square one show that the main and most important problem in the Turkish judicial system is related to "solution culture" in reality. Since "taking over" the judicial system means it can be taken over by others, the establishment of a new and real judicial system and judicial administration is constantly being postponed by repetitive political games. Whoever takes over the judicial system does not consider that they are actually preparing it for the use of the "enemy". Turkish justice and its administration has experienced the last century as the principle field for such a war and it appears that there is no souvenir left from this in the ruins other than the memories of the war.

The judicial culture of Turkey, its mechanism and its administrative structures have frequently faced legal and constitutional changes. If it is possible to pinpoint an institutional problem here, the problem actually goes far beyond this. Legal-constitutional changes are, at the same time, part of an "administrative strategy". It is not just the administrative mechanism and structure of justice that is being changed. Its culture, tradition, knowledge and experience is also being changed, thereby making it more easily manageable.

Moreover, saying that the judicial administration in Turkey is just experiencing an "institutional problem" would not be considered correct and in fact mean a completely incorrect conclusion is being drawn from this despite all the periods we have been through, because the laws and institutions in the legal field in Turkey hold a broad sense of "freedoms" and "arbitrariness". When we consider the history of judicial administration, there are routine "oddities" that immediately surface surpassing the issue of institutionalization. For example, the fact that the HSYK was established as a judicial institution directly after the military coup of 1980 and then attached to the 1982 constitution is one of the items of historical fact that foremost need to be remembered. Thus, the institution of judicial administration somehow came into existence before the constitution and this is one of the features that will go down in constitutional history. This is an "oddity" that places the HSYK in a "founding will" position as a "special" and even "superior to the constitution" structure. Just like the National Security Council that had coup attempter generals in it, the HSYK was also transformed into a constitutional institution. Being established through a military coup and not with a constitution is a striking feature of the HSYK that implies an antidemocratic political character structure that we will encounter frequently in the later periods. The "extraordinary-ordinary" history of judicial administration in Turkey is not limited to this event, and as we can see, judicial administration has been at the heart of political conflicts in Turkey since 2006. The government, which became a minority when the alliance within the HSYK broke down after 2013, placed its own members in the 1st office of the institution that was organized in three cycles with a

legal change in 2014 to achieve majority in this office. They ensured that all strategic decisions were made by this office. Thus, the nongovernment majority in the HSYK was made ineffective and dysfunctional and it became possible for the minority to govern a majority. This change can be considered another type of the "gerrymandering" as lodged in accusations of electoral corruption in the U.S. and remembered as a "joke" of politics regarding the judicial system more than an "oddity".

Finally, last but not least, it is worthwhile pointing out two important pieces of information in the history of "oddities in judicial administration". The first is before the July 15, 2016 coup attempt, when four members of the HSYK were accused of being "members of a terrorist organization", arrested and put on trial. The claim that a "member of the judicial administration was a member of a terrorist organization" could seem strange to a reader not familiar with Turkish history, but just like the lack of institutional tradition, "perplexing" nature is another of the main features of the judicial administration in Turkey. Let us remind you: after the coup attempt of July 15, 2016 about 4,000 judges and prosecutors comprising nearly 30% of the HSYK's Turkish judicial system were removed from their professions. The oddities here are no doubt tragic for a judicial administration. Tragedy turning into history like this generally blurs the lines between literature and social sciences.

In the meantime, as will be apparent from a short historical tour, the history of Turkish justice and judicial administration is really the history of the struggle between "political powers". An autonomous and independent justice and judicial administration culture could not be created. An autonomous association of lawyers and legal thought could not be built. Power wars keep repeating without creating any "common public" field and legal proceedings and cases are not able to be made into the field of "res publica" with judgement, judges and judicial administration.

It will not be possible to reverse Turkey's fortunes, and change a hopeless future into a hopeful one unless Turkey bases its laws on a 'balance of powers', on a class of lawyers that produce their own profession and culture in resilient forms and on an idea of rights and law that is independent from the social and political rulers. But then again, we can't overcome tragedies by giving up all hope.

Dr. Orhan Gazi Ertekin

PEN
NORWAY

/NorskPEN

@PEN_Norway

@norskpen

norskpen.no