

TURKEY AND THE RULE OF LAW
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Turkey has long been admired internationally for being a Muslim-majority democracy with an industrious people and strong economy. Under World War One hero and founder, Mustafa Kemal Atatürk, Turks obtained full independence in 1923, and later the rule of law, universal literacy, separation of state and religion, equal rights for women and a strategically important NATO membership.

Governing in the Atatürk tradition in their early years, Recep Tayyip Erdoğan and his Justice and Development Party (AKP) impressed many at home and abroad. He was elected mayor of Istanbul (1994), prime minister (2003- 2014) and president (2014). The economic well-being of many Turks improved markedly in his first five years as prime minister. Other achievements included temporarily winding down a 30-year conflict with Turkey's 15-million-strong Kurdish minority and accepting large numbers of refugees from Bashar al-Assad's Syria.

In 2013, however, when a corruption scandal broke involving Erdogan and his cabinet, no-one was charged. Judges, prosecutors and police were quickly re-assigned. Fethullah Gülen, the cleric and founder of the Gülen Movement/Hizmet (GM), who had supported him when they both sought membership in the European Union and further democratization of Turkey, broke with him that year and has since been declared "a terrorist" by Erdoğan.

The full details of the attempted coup on July 15, 2016, might never be fully known. A group of mid-ranking Turkish soldiers seized control of the Parliament in Ankara and Istanbul's bridges, airports and some police stations. Citizens, including police, courageously overpowered them although 250 persons perished during the violence.

Unfortunately for Turkey and the world, Erdoğan used the attempted coup to subvert democracy, which Turks had defended with their lives over 93 years, to achieve increasingly totalitarian goals. Like Putin in Russia,

Erdogan has since sought to create some formal institutions of a democracy, but to gut them of any meaning. Recent research by Burak Bekdil (Nov 2020) indicates that 38% of Turks consider they no longer belong in their country.

Rule of Law

Following the coup attempt, Erdoğan unleashed his campaign to destroy the rule of law and the independence of the judiciary. Judges/prosecutors were arrested under dubious charges, based on a list of names probably pre-prepared. About 4,000 were purged, many of them former Erdogan allies. First-instance judges were promoted to the appeals courts, and newcomers - some barely out of college - were appointed as replacements. Consequently, many cases were pushed up to appeals courts, which are overwhelmed. The average level of experience in practicing law of Turkey's 14,000 judges was about 2.5 years.

Judges and prosecutors have been held in prisons in deplorable conditions. Many have been permanently dismissed from their positions without fair process and their assets frozen. They cannot leave Turkey and the association that independently represented them (YARSAV) has been administratively disbanded.

The Turkish High Judicial Council (HSYK) failed to serve as guarantor of the independence of the judiciary in face of the other branches of the State, and became a mere extension of the president's authority, promoting or allowing all abuses being made. Its suspension on December 8th, 2016 by the European Network of the Councils for the Judiciary (ENCJ) illustrates the disappearance of rule of law across Turkey.

With a bare 51.3% of the vote on April 16, 2017, the "Yes" campaign won Turkey's historic referendum on constitutional amendments. Ruling by emergency decree, Erdoğan's government silenced independent media, restricted public debate, and jailed critical journalists and leaders of the pro-Kurdish opposition.

Following the referendum, the parliamentary system in Turkey was by legislatively transformed into an executive presidency: one-man rule. A massive threat to human dignity, the rule of law and the judiciary was created by giving Erdoğan power to appoint ministers, legislate by decree,

dissolve and reconstitute parliament, and control judicial appointments. The post of prime minister was abolished and parliamentary oversight of the executive was weakened, including termination of no confidence motions and even asking questions of the president. The rule of law was hollowed out; democratic governance was profoundly undermined.

Freedom of the press vanished. At least 10 major newspapers had changed hands. Owners were fined so heavily that they had to sell their newspapers. Writers/editors critical of the government were fired and replaced by propagandists as the media fell under government control. The few newspapers struggling to remain independent faced legal investigations - their staff sent to jail on bizarre charges.

The government says that Turkey remains a democracy because there are elections. But since 19 of 20 news TV channels laud Erdogan while his critics languish in jail, it's democracy in name only.

It's now a crime to insult the president, the flag, the republic, or the nation. Erdogan has an army of lawyers/prosecutors who check social media. Police arrive at the homes of critics. More than 46,000 people have already been prosecuted under this charge. Many lost jobs and went to jail.

In refusing to introduce a constitutional amendment to make the Council of Judges and Prosecutors independent of the executive, Turkey's justice system will remain under political control of the presidency and his political party, the AKP.

Turkish citizens deserve to live in a functioning democracy with the rule of law. Erdogan's goal appears to be to remove all elements of Atatürk's secular state. Turkey's global friends can only hope that he will accept the real lessons of the 2016 events, instead of terming it a "gift from God", and move back towards national reconciliation, democracy and the rule of law.