

Open Letter to the Newly Elected President of the Court of Cassation of Turkey

31 May 2024

Dear Mr. Ömer Kerkez,

We, as a coalition of human rights organisations and legal professionals, extend our heartfelt congratulations on your election as President of the Court of Cassation. We wish you every success in your new role.

The independence and impartiality of the judiciary are of paramount importance to all nations. In this regard, we greatly value your commitment to addressing the current issues facing the judiciary and your dedication to removing any grounds for questioning its integrity.

In light of your recent appointment, we would like to bring to your attention a pressing matter detailed in a report¹ we have received “*MAY 7 OPERATION | An Attack on the Future*” (here are the [English](#) version of the report and the [Turkish](#) versions). According to this report, 28 girls aged between 15 and 20 have been detained for actions that, under universal legal standards, do not constitute a crime. Additionally, 10 university students have been arrested following detention processes. From statements given by released detainees and police records of other detainees, it appears they have been interrogated about their alleged use of the ByLock app, whether they held an account with Bank Asya, or their membership in a trade union. Referring to the landmark Yalçinkaya judgement of the European Court of Human Rights (ECtHR), none of these activities constitutes a crime.

Considering the reasoning behind the criminal judgements of peace judge’s arrest warrants and the police interrogation questions, there are serious concerns about the legality of these detentions and arrests. We are enclosing the report for your review.

The detention of university students and the interrogation and detention of high school girls represent serious issues that judicial bodies and members of the judiciary must address with utmost diligence. We thank you in advance for the attention you will give to this matter.

As legal professionals who share your goals, we once again congratulate you and wish for the best outcomes for your country and its judicial system.

¹ An Attack on the Future, Solidarity with Others,
https://www.solidaritywithothers.com/files/ugd/b886b2_e725982b64ac4ed4a9ca200af61f676c.pdf

Recommendations:

1. **Immediate Review of Detention and Arrest Cases:** We recommend an immediate and thorough review of the cases involving the detained girls and arrested university students to ensure that all judicial actions comply with international legal standards and human rights norms.
2. **Implementation of ECtHR Yalçinkaya Decision:** Fully implement the European Court of Human Rights' Yalçinkaya decision to ensure that actions deemed non-criminal under this judgement are not subject to punitive measures.
3. **Judicial Training on Human Rights:** Implement ongoing training programs for judges and law enforcement officers on international human rights standards to prevent future unlawful detentions and arrests.
4. **Establishment of an Independent Oversight Committee:** Form an independent committee to oversee detention and arrest practices, ensuring transparency and accountability within the judicial system.
5. **Promotion of Judicial Independence:** Reinforce the independence of the judiciary from external pressures to maintain public confidence in the legal system.

We trust that these recommendations will assist in promoting justice and upholding human rights within Turkey.

Yours sincerely,

Signatories

Javier Cremades

President of the World Law Foundation

Dr. Chloë Gilgan

Senior Lecturer in Law, University of Lincoln

Prof. Dr. Mirosław Granat

Head of the Department of Constitutional Law since 2003, Judge of the Polish Constitutional Tribunal from 2007 till 2016

Zoë Grossi

PhD researcher in international criminal law and teaching assistant at KU Leuven

Johan Heymans

Managing Partner at Van Steenbrugge Advocaten. VSAAdvocaten, New York University School of Law

Dr. Nicolas Kang-Riou

Senior Lecturer in Law, University of Lincoln

Walter van Steenbrugge

Belgian human rights and criminal lawyer and author, Van Steenbrugge Advocaten

Dr. Maria Xiouri

Senior Lecturer in Law, University of Lincoln