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# Turkey's opposition bloc appears to have agreed to a very bad judicial deal



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Next month, Turkish parliament will elect seven new members into the country's top judicial body - the Council of Judges and Prosecutors (HSK). The HSK, as it stands, consists of 13 members. Seven of its members are elected by parliament, four are directly appointed by President Recep Tayyip Erdoğan and the remaining two seats belong to the minister and deputy minister of justice.

The upcoming HSK election offered, until today, a golden opportunity to the opposition, particularly the secularist Republican People's Party (CHP) and centre-right Good Party (İYİP) bloc, as for the first time the ruling Justice and Development Party (AKP)- far-right Nationalist Movement Party (MHP) bloc, dubbed the People's Alliance, did not have enough seats to pass the qualified majority threshold. There

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**Download Ahval App** were rumours that the ruling alliance had approached the İYİP for their support in the election and offered them a seat in the HSK.

Now, it is being reported that the AKP at last has gotten the deal it had been desperately seeking. According to reports, the CHP and İYİP bloc have finally agreed to support the candidates of the ruling alliance in exchange for receiving three seats in the HSK.

Sharing the HSK seats along political party lines will further politicise the judicial body and consequently the judiciary as a whole. On the other hand, such an agreement with obvious political motives will normalise AKP's political control over the judiciary.

It is not difficult to see what the CHP-İYİP bloc is thinking. They would rather be inside than outside and try and make a change. But the three seats which the CHP and İYİP bloc have reportedly been offered, will not give them a meaningful power within the HSK as the remaining 10 seats will continue to be controlled by the ruling alliance and President Erdoğan.

On the other hand, by joining the People's Alliance controlled HSK with three seats, the CHP and İYİP bloc will risk being complicit in potential human rights violations being carried out by the Turkish judiciary. For instance, they will be unable to complain about the imprisonment of businessman Osman Kavala, prominent Kurdish politician Selahattin Demirtas, the conviction of CHP official Canan Kaftancıoğlu or even potential political prosecutions of CHP mayors Ekrem İmamoğlu and Mansur Yavaş.

Thirdly, such a deal would do little or nothing to improve the independence and impartiality of the judiciary. The 10 seats, which the People's Alliance will continue to hold, will legally be able to remove any member, who may pose a risk to their often-

**Download Ahval App** unlawful agenda. That was exactly the case when five HSK members were unseated without due process after the 2016 coup attempt.

The CHP-İYİP bloc should also bear in mind that while HSK sits at the apex of the Turkish judicial system, it has all but lost its international credibility. The Council of Europe, including the Commissioner for Human Rights and the Venice Commission, the European Union and international human rights NGOs have all been strongly critical of the HSK itself and its overtly political decisions. It should also be noted that the HSK has been suspended by the European Network of Councils for the Judiciary for not being independent of the executive and the legislature.

Moreover, the deal excludes the Kurdish HDP, which means its six million or so voters will have no say in the administration of justice and the Kurdish minority will continue to be targeted by the overly politicised judiciary.

Rather than striking such a bad deal, i.e. three seats with little or no power, the CHP-İYİP bloc should ask the People's Alliance to come up or support a meaningful reform package that would at least involve Articles 299 on insulting the President of the Republic and 314 on membership to an armed terrorist organisation, of the Penal Court, which have been abused by the judiciary and resulted in the wrongful prosecution and imprisonment of 30,000 and 300,000 people, respectively. This alternative strategy is more likely to make a huge impact on the lives of millions of Turkish citizens.

If the rumours prove to be true, CHP-İYİP bloc would definitely have wasted another opportunity to assist those who have been targeted by the government, and who are more likely to be voting for them in the next general election.

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