

OPINION

• MUSTAFA AKYOL

The tragedy of Turkish justice

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Turkey was shaken last week by the release of hundreds of notorious suspects from jail.

These included many members of the “Kurdish Hizbullah,” a brutal terrorist organization that committed horrible tortures and killings in the 90s. The media, naturally, got outraged, while the government and the high judiciary accused each other. Yet still, men who are probably responsible for unspeakable crimes walked out freely – and cheerfully.

(As a side note here, let me say the “Kurdish Hizbullah” has no relation to the real Hezbollah in Lebanon, which looks all too moderate when compared to this fanatic group in southeastern Turkey. It should be added that this “Kurdish Hizbullah,” which fought with the “infidel PKK,” made a name for itself for being an indirect arm of the counter-terrorism campaign of the Turkish state. Yet they have killed moderate Islamic figures, too, including prominent figures from the “Nurcu” community.)

Justice delayed

The reason for the scandalous release of these suspects in question was nothing other than the unbelievable sluggishness of the Turkish justice system. They were on trial since 1999, and they simply reached the end of the maximum custodial period of 10 years. In other words, Turkish courts could not reach a final verdict in a decade. In fact, they were all sentenced (mostly for life) in the local courts where they were first tried but their files were simply stuck in the terribly long cue at the Supreme Court of Appeals in Ankara, which was supposed to give the final word.

These days, every political camp is trying to put the blame of this legal scandal on the other side. The truth, however, is that we have an inefficient and incompetent justice system that needs urgent and radical reform.

Just look at the figures. As pundit Mehmet Altan noted, there are only some 7,000 judges in Turkey, which means 90 judges per million citizens. In Germany, the number of judges per million citizens is 240.

And while the German Republic spends 9 million euros a year on its justice system, the Turkish Republic spends only 2 million.

This poverty of Turkish justice is partly due to the fact that Turkey is a poorer country. But it is also related to the way we Turks decide to spend our public resources. As columnist Kanat Atkaya noted, public expenditure on the military is four times larger than that of the judicial system. The expenditure on the police forces is only half of what goes into the military. We spend much more on guns, in other words, than we do on justice.

Yet when justice lags, all else gets corrupted. That's why the government should plan and implement a comprehensive reform of the system. It is good that they have recently built larger and nicer buildings – "justice palaces" – to have better courtrooms. What is more important, though, is radically increasing the number of judges by employing new ones – and employing them according to objective criteria.

The latter point is particularly crucial, for Turkish society really has little belief in the impartiality of the judicial class. First, on the most mundane level, there is the widespread belief that some judges might be compromised by indecent proposals. (Hence comes the popular saying, "don't hire a lawyer, hire a judge.")

Ideology vs objectivity

Besides that, there is a perception that some judges uphold their ideology over objectivity. The Kemalist cadre has been quite unabashed about that, for prominent judges in that camp they have repeatedly said that their foremost job is to "protect the principles and revolutions of Atatürk," besides everything else. (Reflecting a similar mindset, a recent survey among top judges showed that many of them proudly uphold "the interests of the state" above anything, including the rights of the citizens.)

Yet this doesn't mean that other ideological camps, including the conservative one, have a better reputation when it comes to impartiality. There have not been too many instances yet to test the impartiality of conservative judges and prosecutors, but the perception in society – created by the recent controversies over the "Ergenekon" and "Sledgehammer" cases – is that they are hardly any different than the Kemalists in terms of coping with the expectation of a powerful political agenda.

That's why I think the tragedy of Turkish justice is a "bipartisan" problem, in the sense that it pervades both sides of the political divide. Of course, we have many righteous judges as well, but their virtues have been overshadowed by both their less principled colleagues and the inefficiency of the overall system.

Therefore we should stop seeing the judiciary as the battlefield of competing ideologies and start to think together about how to rebuild it in a way that really serves justice, and serves it swiftly.