



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Turkey
Title:	Turkish Constitutional Court sets precedent by allowing for the first time NGOs to present amicus curiae brief
Date:	17 February 2015
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<u>Context</u>	
Issue at stake:	The legal standing of NGOs to present amicus curiae briefs to the Constitutional Court
Ground of discrimination:	All grounds
Source:	National court decision (Constitutional Court, application no: 13/2640)
Field:	N/A

Content

Case: The case concerns the enforced disappearance of a Kurdish individual following his detention by the police on 20 July 1992¹ and originates from an individual petition filed before the Constitutional Court by the victim's wife, following the exhaustion of all prior legal remedies.

Decision of the Court: In a landmark decision constituting a first in Turkey, the Constitutional Court granted seven national NGOs and a European NGO² leave to submit amicus curiae briefs in this ongoing case. While this is not a discrimination case nor has the applicant made a claim under the equality clause of the Turkish Constitution or the anti-discrimination provision of the European Convention on Human Rights, the decision of the Constitutional Court to accept amicus curiae from civil society has set a significant precedent which will likely be used by civil society organisations in supporting victims of discrimination.

The internal rules of the Turkish Constitutional Court are silent on the amicus curiae procedure. The applicant NGOs based their petition on the procedural rules of the European Court of Human Rights (ECtHR), specifically Article 44/3(a) which allows the submission of amicus curiae briefs. The willingness of the Constitutional Court to take the procedural rules of the ECtHR as a basis is a further aspect that renders the decision significant.

The Court has not yet issued a judgment in the case.

¹ Information received from Truth, Justice and Memory Centre, the lead NGO which prepared the amicus curiae plea with the contribution of the remaining six organisations.

² Truth Justice and Memory Centre, The Turkish Economic and Social Studies, Human Rights Foundation of Turkey, Human Rights Association, Human Rights Agenda Association, Helsinki Citizens Assembly, Human Rights Research Association and European Centre for Constitutional and Human Rights.

Internet link source and additional information: Since the Constitutional Court has not issued a ruling in the case, there is no publicly available information.