**Thursday 21 January 2021**

P9_TA(2021)0028

# Human rights situation in Turkey, in particular the case of Selahattin Demirtaş and other prisoners of conscience

**European Parliament resolution of 21 January 2021 on the human rights situation in Turkey, in particular the case of Selahattin Demirtaş and other prisoners of conscience (2021/2506(RSP))**

(2021/C 456/22)

*The European Parliament,*

— having regard to its previous resolutions on Turkey, in particular those of 8 February 2018 on the current human rights situation in Turkey ([1]), of 13 March 2019 on the 2018 Commission Report on Turkey ([2]), and of 19 September 2019 on the situation in Turkey, in particular the removal of elected mayors ([3]),

— having regard to the Commission communication of 6 October 2020 on EU enlargement policy (COM(2020)0660) and to the accompanying Turkey 2020 Report (SWD(2020)0355),

— having regard to the Negotiating Framework for Turkey of 3 October 2005,

— having regard to Council Regulation (EU) 2020/1998 ([4]) concerning the global human rights sanctions regime,

— having regard to the Council conclusions of 10 and 11 December 2020, and to other relevant Council and European Council conclusions on Turkey,

— having regard to the judgment of the European Court of Human Rights (ECtHR) Grand Chamber of 22 December 2020 in the case of *Demirtaş* v *Turkey* (14305/17),

— having regard to the judgment of the European Court of Human Rights (ECtHR) of 20 November 2018 in the case of *Demirtaş* v *Turkey*,

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas Turkey is an EU candidate country and a long-standing member of the Council of Europe; whereas, as member of the Council of Europe, Turkey is a party to the European Convention on Human Rights (ECHR) and bound to the provisions and the case law of the ECtHR;

B. whereas, since mid-September 2020, Turkish police have been carrying out large-scale dawn raids across Turkey in which dozens of politicians, political activists, lawyers, and other civil society actors have been detained under 'terrorism'-related charges; whereas on 31 December 2020 the new law on Preventing Financing of Proliferation of Weapons of Mass Destruction entered into force in Turkey, with only six of its articles including means and regulations to combat the financing of terrorism and the rest granting the Turkish Interior Ministry and the President extensive authority to restrict the activities of non-governmental organisations (NGOs), business partnerships, independent groups and associations and to diminish their role;

C. whereas Mr Selahattin Demirtaş, former member of the Turkish Parliament between 2007 and 2018, former co-chair of the Turkish Peoples' Democratic Party (HDP) and presidential candidate during the elections of 2014 and 2018 (receiving 9,76 % and 8,32 % of the votes), has been detained for more than 4 years on unsubstantiated charges and in spite of two ECtHR rulings in favour of his release;

([1]) OJ C 463, 21.12.2018, p. 56.
([2]) Texts adopted, P8_TA(2019)0200.
([3]) Texts adopted, P9_TA(2019)0017.
([4]) OJ L 410 I, 7.12.2020, p. 1.

**Thursday 21 January 2021**

D. whereas Mr Demirtaş was initially detained on 4 November 2016 with eight other democratically elected HDP Members of Parliament, including the former HDP co-chair Ms Figen Yüksekdağ, and was prosecuted on charges of 'membership of a terrorist organisation' 'spreading terrorist propaganda' and many other crimes, which was the start of the Turkish Government's ongoing assault on the party and part of a broader pattern of politically motivated prosecutions and incarcerations; whereas, despite winning 65 mayoralties across the country in local elections in 2019, just six HDP mayors remain in office today, with the rest removed from office or jailed and replaced with government-appointed trustees;

E. whereas on 20 September 2019, the same day on which Mr Demirtaş should have been released in accordance with a decision of the Istanbul 26th Assize Court, the Ankara chief prosecutor cited an old and dormant ongoing investigation as grounds for detaining Mr Demirtaş and Ms Yüksekdağ once again; whereas Mr Demirtaş therefore remains in pre-trial detention in relation to an investigation into the October 2014 protests that took place against the siege of Kobane by ISIS and in criticism of the Turkish Government's inaction and silence in the face of an imminent massacre, which turned violent and claimed dozens of lives;

F. whereas on 22 December 2020, the ECtHR Grand Chamber ruled that in initially detaining Mr Demirtaş and then prolonging his detention for over 4 years, the Turkish Government had pursued an ulterior motive of preventing him from carrying out his political activities, depriving voters of their elected representative, and 'stifling pluralism and limiting freedom of political debate: the very core of the concept of a democratic society', and had violated Article 18 of the ECHR; whereas the final ruling concluded that there were insufficient reasons for continued detention and again ordered Mr Demirtaş' immediate release; whereas according to the ECtHR, Turkey also violated freedom of expression (Article 10 of the ECHR), the right to liberty and security (Articles 5(1) and 5(3) of the ECHR) and the right to elect and to be elected (Article 3(1) of the ECHR); whereas the ECtHR found no clear link between Mr Demirtaş' speeches and terrorism offences;

G. whereas on 7 January 2021, a Turkish penal court approved the indictments of 108 defendants, including former HDP co-chairs Mr Demirtaş and Ms Yuksekdag, as part of a probe into the deadly 2014 terror incidents, rebuffing demands by the ECtHR for Mr Demirtaş's release and demanding 38 aggravated life sentences for the defendants, of whom 27 are in custody;

H. whereas, despite the ruling of Turkey's Constitutional Court of 9 June 2020 that Mr Demirtaş's lengthy pre-trial detainment violates his constitutional rights, he remains detained in an Edirne F-type high-security prison; whereas he is but one of the many illegitimately people imprisoned in Turkey on politically motivated charges;

I. whereas the recurrent political statements made at the highest level by Turkish Government officials and leaders of the ruling coalition about the case of Mr Demirtaş and the close temporal links between the political statements and the clearly illegal actions of the judiciary, provide yet more evidence of the political motivations behind the case and severely undermine the independence of the Turkish judiciary;

J. whereas, in another case, on 10 December 2019, the ECtHR ruled that the pre-trial detention of a prominent civil society figure, Mr Osman Kavala, was in violation of the ECHR and that the Turkish authorities had to secure Mr Kavala's immediate release; whereas despite the ECtHR's ruling, on 9 October 2020, the Istanbul Court extended Mr Kavala's detention on charges of espionage and attempts to overthrow constitutional order during the Gezi Park protests in 2013; whereas Turkey has continued to act in violation of the ECHR by failing to release Mr Kavala from detention in spite of the calls from the Committee of Ministers of the Council of Europe;

1. Calls for Mr. Demirtaş's immediate and unconditional release from detention in compliance with the 2018 judgment of the ECtHR and confirmed by the ruling of its Grand Chamber of 22 December 2020 and to drop all charges against him and Ms Yüksekdağ, former co-chairs of the opposition HDP and the other imprisoned members of the party; stresses that the Turkish authorities must let them exercise their democratic mandates independently and free from threats and impediments; reiterates its support to all those who continue to work to end these and other cases of sheer injustice and to return Turkey to the path of a fully-fledged democracy;

2. Reminds the Turkish authorities that their failure to release Mr Demirtaş constitutes a direct violation of the ECHR and of its domestic law, an unjustifiable prolongation of the violation of Mr Demirtaş's rights and a blatant breach of Turkey's obligation to implement the rulings of the ECtHR; insists that the ECtHR judgment means that the Turkish authorities must release him immediately;

3. Stresses that the ECtHR judged the lengthy and unlawful pre-trial detention of Mr Demirtaş to be politically motivated; expresses its deep concerns over the irregular practices and political statements made around this case, which suggest that the Turkish Government interfered in judicial affairs related to the prolonged detention of Mr Demirtaş;

4. Calls on the Committee of Ministers of the Council of Europe to urgently review, in its next meeting on 21 March 2021, Turkey's refusal to execute the judgment of the Grand Chamber of the ECtHR in the case of *Demirtaş* v *Turkey*, to adopt a declaration on the matter, and to take the necessary steps to ensure that the Government of Turkey implements this judgment without any further delay; is fully confident that the German Presidency of the Committee of Ministers of the Council of Europe will take all appropriate and necessary measures to ensure the implementation of the Grand Chamber ruling in Mr Demirtaş's case; calls on the EU Delegation to the Council of Europe to redouble its efforts in ensuring the implementation of the ECtHR judgments on Turkey;

5. Condemns the Turkish authorities' treatment of Mr Demirtaş, which violates his rights under the ECHR, the International Covenant on Civil and Political Rights, Turkish domestic law, and his human dignity as enshrined in Article 17 of the Constitution of the Republic of Turkey; considers the unlawful extension of Mr Demirtaş' detention for more than 4 years a cruel and politically motivated punishment that is causing irreparable personal and political damage to him, his family and his party; calls on Turkey to refrain from further intimidation measures against him and to guarantee his human rights as enshrined in the Turkish Constitution and in European and international law;

6. Urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission and the Member States to continue to bring up the case of Mr Demirtaş and all other cases of human rights defenders, lawyers, journalists, politicians and academics subjected to arbitrary detention with their Turkish interlocutors, and to provide diplomatic and political support for them; calls on the Commission and the Member States to increase the use of emergency grants for human rights defenders and to ensure the full implementation of the EU Guidelines on Human Rights Defenders by the Delegation of the EU and Member State diplomatic representations to Turkey; urges the Delegation of the European Union to Turkey to continue to closely monitor the case of Mr Demirtaş and other prisoners, including through attending their trials, and to continue to raise their situations with the Turkish authorities;

7. Is deeply concerned about the disregard shown by the Turkish judiciary and authorities for ECtHR rulings and the increasing non-compliance of Turkish lower courts with the judgments of the Turkish Constitutional Court; calls on Turkey to ensure full compliance with the provisions of the ECHR and the decisions of the ECtHR; urges its full cooperation with the Council of Europe in strengthening the rule of law, minority rights, democracy and fundamental rights; hopes that the ECtHR will be able to expedite its decisions in numerous cases involving the situation in Turkey; urges the Turkish Government to ensure that all individuals have the fundamental right to due process and to have their cases examined by a fully independent and functioning judicial system, in accordance with international standards;

8. Is deeply concerned about the constant attacks and pressure on the opposition parties, in particular the continuous specific and politically motivated targeting of the HDP and its youth organisations by the Turkish authorities, which undermines the proper functioning of democratic system, and calls on the Turkish authorities to immediately end their crackdown against them; expresses particular concern as to the ongoing debate about the closure of the HDP and the lifting of the immunities of nine HDP MPs, both for the same Kobane protests of October 2014 for which Mr Demirtaş is being detained; highlights the case of Cihan Erdal, member of the youth wing of the Turkish Green/Left party, who was detained on 25 September 2020 and indicted on 7 January 2021 together with more than 100 defendants, including Selahattin Demirtaş, as part of the 'Kobane case'; is seriously concerned about the continuous political and judicial harassment of Canan Kaftancıoğlu, Istanbul provincial chair of the Republican People's Party (CHP), who was sentenced on September 2019 to almost 10 years in prison on a politically motivated cases, for which a Supreme Court decision is pending, and who was indicted in December 2020 in a new case for which she faces another 10 years;

9. Expresses its great concern at the shrinking space for civil society and the ongoing deterioration of fundamental rights and freedoms and the rule of law in Turkey; highlights, in particular, concerns over Turkey's sustained backsliding as regards the independence of the judiciary; calls on the Turkish authorities to put an end to its judicial harassment of human rights defenders, academics, journalists, spiritual leaders, lawyers and members of the lesbian, gay, bisexual, transgender and intersex community, whose fundamental rights have been infringed, especially after the failed coup d'état attempt; urges the

Turkish Government to immediately release the prominent civil society figure Osman Kavala in compliance with the ECHR judgment of May 2020 and following the repeated calls and resolutions from the Committee of Ministers of the Council of Europe;

10. Recalls the recently approved EU Global Human Rights Sanctions Regime, a mechanism for monitoring and sanctioning the serious violations of human rights, as is the case in Turkey, targeting individuals, entities and bodies involved in or associated with serious human rights violations;

11. Is highly concerned about the situation of media freedom in Turkey; calls on the Turkish authorities to immediately reply and act on all alerts issued with regard to Turkey on the Council of Europe Platform and to promote the protection of journalism and the safety of journalists; calls on the Turkish authorities to ensure fair access to justice and to end politically motivated lawsuits against journalists and media professionals, such as the recent case of journalist Melis Alphan, who was charged with disseminating terrorist propaganda and faces up to 7 years and 6 months in prison; expresses its serious concern over the monitoring of social media platforms and condemns the shutdown of social media accounts by Turkey's authorities; considers this to be a further restriction of the freedom of expression and a tool to repress civil society;

12. Takes note of Turkey's intention to turn a new page in its relations with the EU, its determination to implement reforms and its full commitment to the accession process, as expressed by President Erdogan and other top government officials on 9 January 2021; is of the view that respecting and applying the rulings of the ECtHR would be an important step in confirming the credibility of such statements using real data; reiterates the EU's openness to a new start; underlines, however, that better and deeper relations are fully dependent on, inter alia, tangible improvements in respect for democratic principles, the rule of law and fundamental rights within Turkey;

13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the German Presidency of the Committee of Ministers of the Council of Europe, and the President, Government and Parliament of Turkey, and requests that this resolution be translated into Turkish.