



Plenary sitting

B9-0072/2021

19.1.2021

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Human rights situation in Turkey, notably the case of Selahattin Demirtas and other prisoners of conscience
(2021/2506(RSP))

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on behalf of The Left Group

B9-0072/2021

European Parliament resolution on Human rights situation in Turkey, notably the case of Selahattin Demirtas and other prisoners of conscience (2021/2506(RSP))

The European Parliament,

- having regard to its previous resolutions on Turkey,
- having regard to the Commission Annual Progress reports on Turkey,
- having regard to the European Convention on Human Rights,
- having regard to the Statement by the EEAS, “the Rule of Law and Human Rights Situation in Turkey”, 25 December 2020,
- having regards the European Court of Human Rights’ rulings on Osman Kavala and Selahattin Demirtas cases,
- having regard to the Statement of the Council of Europe, ““Selahattin Demirtaş must be released now’: rapporteurs urge the Turkish authorities to implement the Court’s final judgment”, 23 December 2020,
- having regard to the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the United Nations Declaration on Human Rights Defenders of 1998,
- having regard to Rule 144 of its Rules of Procedure,

A. whereas Selahattin Demirtaş, former co-chair of the Peoples’ Democratic Party (HDP), has been held in prison in Turkey since November 2016; whereas the Grand Chamber of the European Court of Human Rights (ECHR) ordered on December 22, 2020, his immediate release; whereas the Court concluded that the Turkish government pursued an ulterior purpose 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”;

B. whereas both the Grand Chamber and the 2018 sentence of the regular chamber, found that Turkey had violated articles 5.3 (right to liberty regarding prolongation of detention), Article 3 Protocol 1 (the right to free and fair elections), and Article 18 (misuse of limitations on rights in the Convention); whereas the Grand Chamber also found a lack of reasonable suspicion to justify Demirtaş’ initial detention (violating Article 5.1) and that Demirtaş had been detained on the basis of a second investigation into his alleged role in incidents for which he is already on trial and was previously detained;

- C. whereas President Erdogan, Minister of Interior and the leader of the Nationalist Movement Party, affirmed that the ECtHR on the case of Demirtaş was not binding;
- D. whereas the detention of Demirtaş and eight other democratically elected HDP members of parliament, was the start of the government's ongoing assault on the party and part of a broader pattern of politically motivated prosecutions and incarcerations; whereas dozens of HDP politicians and thousands of party members have also been arrested or imprisoned on terrorism-related charges over the last five years and the party has been effectively banned from mainstream media appearances; whereas despite winning 65 mayoralties across the country in local elections in 2019, just 6 HDP mayors remain in office today, with the rest removed from office or jailed and replaced with government-appointed trustees; whereas on December 2020, Leyla Güven, unlawfully unseated deputy of the HDP and the co-chair of Democratic Society Congress, was sentenced to more than 22 years in prison accused of membership of a terrorist group;
- E. whereas on 7 January 2021, the judiciary accepted an indictment against 108 politicians, including HDP's former co-chairs Selhattin Demirtas and Figen Yuksekdag, and former central executive board members, for their alleged role in the Kobane protests in October 2014; whereas the evidences against Demirtas are the same for which the ECtHR already ruled that it had not given rise to a suspicion justifying his pre-trial detention; whereas the Nationalist Movement Party leadership announced that if the Prosecution Office of the Court of Cassation did not use the Kobane indictment to launch a specific case to shut down the HDP, they will initiate the closure case by making a formal application;
- F. whereas on January 13, Anadolu Agency reported that the Chief Public Prosecutor in Ankara was preparing inquiries to lift the parliamentary immunities of 9 more HDP deputies (Pervin Buldan, Meral Daniş Beştaş, Hakkı Saruhan Oluç, Garo Paylan, Hüda Kaya, Sezai Temelli, Serpil Kemalbay Pekgözegü, Pero Dündar, and Fatma Kurtulan) so that they can be prosecuted due to their alleged role in the Kobane protests; whereas 6 of these deputies were members of the Central Executive Board of the HDP at the time; whereas the inquiries will be sent to the Ministry of Justice, who will transfer them to the Turkish parliament where the governing parties AKP and MHP have the majority;
- G. whereas the targeting of politicians, journalists, academics, lawyers, human rights defenders, LGBTI+ people and civil servants has escalated during the wave of repression that has gripped Turkey since the 2016 coup d'état attempt; whereas the post-coup crackdown by the government has seen an ongoing assault on civil society which has resulted in the closing of more than 1,300 NGOs and 189 media organizations, over 100,000 people have faced criminal investigations and potential prosecutions, over 50,000 people have been imprisoned pending trial, and the arbitrary dismissal of almost 130,000 public service workers;
- H. whereas in February, an Istanbul court acquitted rights defender Osman Kavala and nine others who were being criminalized in the so-called Gezi trial; whereas hours after his acquittal another court ordered Kavala's detention in the scope of an investigation into his alleged role in the July 2016 attempted coup and therefore, he is kept in arbitrary

detention; whereas Kavala has been detained since November 2017, despite the ECHR' judgment ordered on 10 December 2019 his release on the grounds that his detention has been pursued for political aims; whereas the Council of Europe's Committee of Ministers called for Kavala's immediate release, given the 'strong presumption' that his current detention is a continuation of the violations found by the Court; whereas on 29 December the Constitutional Court ruled that Osman Kavala's three-year detention without conviction did not violate his rights to liberty and security;

- I. whereas on 26 November, the Court of Appeal upheld the convictions of 4 human rights defenders in the Büyükada case, including Günal Kurşun, İdil Eser, Özlem Dalkıran and Taner Kılıç; whereas they were convicted on terrorism related charges, despite the absence of any evidence of criminal activity and the fact that allegations against these defendants had repeatedly been disproven;
- J. whereas the case against 18 students and teachers who participated in the Middle East Technical University (METU) Pride March in 2019, continued at an Ankara criminal court; whereas at the hearing held on 10 December the decision was postponed yet again, to 30 April 2021; whereas the repeat postponements infringe on their human rights;
- K. whereas Defence lawyers representing defendants in terrorism prosecutions have also faced arrest and prosecution on the same charges as their clients; whereas in September 2020, the Court of Cassation upheld the conviction of 14 out of 18 lawyers for links with an outlawed leftist organization; whereas one of them, Ebru Timtik, died on August 27 after a prolonged hunger strike in demand of a fair trial;
- L. whereas the various legislative changes to the judiciary, have generally limited the independence of the judiciary, and it is becoming more obvious that the judiciary is being used as a tool to intimidate and suppress critical voices; whereas the purge of the judiciary and the prosecutions of lawyers have seriously undermined the ability of the criminal justice system to deliver fair and impartial trials;
- M. whereas Turkey is ranked 154th out of 180 countries in RSF's 2020 World Press Freedom Index; whereas dozens of journalists and media workers are in pre-trial detention or serving sentences for terrorism offenses; whereas the Public Advertising Agency (BİK) is being abused by the government to financially damage critical daily newspapers; whereas, according to International Press Institute (IPI) research, the BİK imposed advertising bans on 39 national and local newspapers in the first five months of 2020 alone, totaling 316 days, and whereas these practices are being pushed even further, as demonstrated by the 45-day advertising ban imposed on the daily Evrensel a few days ago (this was the longest public advertising ban against a newspaper to date); whereas Can Dündar, a journalist critic of the Turkish president, was sentenced in absentia to more than 27 years in jail on terrorism-related charges; whereas critical media outlets have either been closed down or bought by people with links to Erdoğan's ruling party;
- N. whereas in the context of Covid-19, the Interior Ministry announced that hundreds of people were under criminal investigation or detained by police for social media postings; whereas using Covid-19 as a pretext, provincial governors banned peaceful

protests of women's rights activists, healthcare workers, lawyers, and political opposition parties;

- O. whereas Police used tear gas and water cannons to disperse a peaceful protest held at the Boğaziçi University on 4 January; whereas at least 45 students were detained during dawn raids between 5 to 7 January after their alleged participation in the protest and many among them have alleged ill-treatment, and some LGBTI+ students threatened with rape and they were publicly stigmatized as "terrorists" by the President of the Republic and the Minister of the Interior, while they only raised the demand that the election of the rector must be done by the university itself and not be appointed by the President of the Republic;
- P. whereas femicide and domestic abuse are significant problems in Turkey; whereas women's rights groups have reported that 474 women were killed in 2019, as a result of domestic violence; whereas the government appears unwilling to prevent and combat this form of violence, as it plans to withdraw from the "Istanbul Convention", which Turkey was among the first to ratify in 2014;
- Q. whereas the European Committee for the Prevention of Torture (CPT) has identified ill-treatment in police custody and degrading conditions and overcrowding in prisons; whereas there are no meaningful investigations into such allegations;
- R. whereas Turkey crackdowns on civil society also through the abuse of anti-terrorism legislation and related measures, which fall short of international standards, continues to restrict the public's rights to participation, freedom of expression, information and assembly; whereas as of July 2020, Ministry of Justice and Interior figures stated that 58,409 people were on trial and 132,954 still under criminal investigation on terrorism in cases linked to the Gülen movement, of those 25,912 were held in prison on remand; whereas there are at least 8,500 prisoners held on remand or convicted for alleged links with the PKK; whereas from May to July, at least 45 Kurdish women's rights activists were detained and face prosecution for links with the PKK; whereas Kurdish people are constantly being persecuted and arbitrarily detained;
1. Calls for the immediate and unconditional release of Selahattin Demirtaş, in accordance with the 2018 judgment of the ECHR and the December 2020 ruling of the Grand Chamber of the Court; states that any failure to release Demirtaş would prolong the violation of his rights and breach Turkey's obligations; demands all charges against him to be dropped;
 2. Rejects the harassment and attacks against the HDP and its members and calls the Turkish authorities to immediately end the crackdown against them; urges the release of the HDP members, including Figen Yüksekdağ and Leyla Güven, and demands all charges against them to be dropped;
 3. Rejects the lack of Implementation of the Council of Europe decisions and the ECHR Judgments, and reminds Turkey the binding nature of these decisions and its obligation to implement them;

4. Reiterates its concern at the ongoing deterioration of fundamental freedoms and the rule of law in Turkey, and condemns the use of arbitrary detention, judicial and administrative harassment, travel bans in addition to other means intended to persecute thousands of Turkish citizens;
5. Urges the Turkish authorities to end the arbitrary and prolonged detention of politicians and elected officials, civil servants, members of civil society organisations, LGBTI+ people, journalists and media workers, lawyers, academics and countless ordinary citizens and prosecutions based on their non-violent activities instead of credible evidence of criminal activities; calls for the release of all detained for peacefully exercising their rights to freedom of expression and assembly and that the charges against them be immediately dropped or cancelled, and their travel bans lifted;
6. Strongly condemns the arrest of Osman Kavala, reiterate its call for his immediate and unconditional release according with the 2019 ECHR ruling and demands all charges against him to be dropped;
7. Deeply regrets that terrorism charges continue to be widely misused to restrict the rights to free expression and association; urges Turkey to end the misuse of terrorism charges and to limit the use of pre-trial detention to cases where there are compelling and credible grounds to hold people in detention pending trial and implement ECHR decisions which have repeatedly found violations of the right to liberty and fair trial;
8. Urge the Turkish authorities to make its Penal Code, the Law No. 3713 on Prevention of Terrorism and the Law on Meetings and Demonstrations, compliant with international human rights standards; reiterates, that broadly defined Turkish anti-terrorism legislation should not be used to punish citizens and media for exercising their right of freedom of expression, or to arbitrarily remove elected representatives and replace them with Government trustees;
9. Condemns provisions of the Law on Preventing Financing of Proliferation of Weapons of Mass Destruction, approved on 31 December 2020, which risk being used to crack down on independent civil society rather than to prevent the financing of weapons of mass destruction or money laundering; urges the Turkish authorities to retract its provisions;
10. Strongly condemns the use of the Turkish justice system for political purposes; insists that the Turkish authorities put an end to all forms of harassment and repression, including at judicial level; calls on the Turkish authorities to ensure that all individuals have the right to due process and to have their cases reviewed by an independent judicial court, in accordance with international standards;
11. Expresses its serious concern over the monitoring of social media platforms and the closedown of social media accounts by the Turkish authorities as well as the harassment against journalist and media workers; calls on the Turkish authorities to repeal the latest amendments to the Internet Law and reverse the restrictions on the exercise of the right to freedom of expression;
12. Strongly condemns the increase of torture cases of detainees in prisons; calls the authorities to implement the recommendations of the European Committee for the

Prevention of Torture (CPT); particularly those related to the policy of isolation imposed on prisoners, which is the reason behind ongoing hunger strikes in Turkish prisons;

13. Calls on the Commission to initiate the freezing of the accession negotiations and consider resumption when the rule of law has been restored; remains, however, committed to democratic and political dialogue with Turkey;
14. Calls on the Council to agree on an EU-wide arms embargo on Turkey; also calls on the European Union and its Member States to ensure that no jobs will be lost as a result of the implementation of this embargo;
15. Calls on the Members States to end all programs to promote economic cooperation with Turkey, such as guaranties for investments;
16. Calls on the HR/VP's to use all upcoming exchanges with the Turkish authorities, including the meeting with Foreign Minister Mevlüt Çavuşoğlu on 21 January, to seek tangible human rights commitments and genuine reforms;
17. Requests President of the EP and VR/HR for Foreign Affairs and Security Policy, to establish urgent communication with the Committee of Ministers of the Council of Europe and bring to their attention the significance of the Demirtaş case for the future of democracy, rule of law, and human rights in Turkey; asks the Committee of Ministers to urgently review, in its March 2021 meeting, Turkey's refusal to execute the judgment of the Grand Chamber of the ECtHR, and take the necessary steps to ensure that Turkish authorities implement this judgment without any further delay;
18. Instructs its President to forward this resolution to the Council, the Commission, and the VP/HR of the Union for Foreign Affairs and Security Policy, the Governments and Parliaments of the Member States the Government and Parliament of Turkey, the UN Secretary-General and the Committee of Ministers of the Council of Europe.