



Plenary sitting

B9-0074/2021

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

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on behalf of the Verts/ALE Group

B9-0074/2021

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

The European Parliament,

- having regard to its previous resolutions on Turkey, in particular those of 18 September 2019 on the situation in Turkey, notably the removal of elected mayors, of 8 February 2018 on the human rights situation in Turkey, of 13 March 2019 on the 2018 Commission Report on Turkey, and of 27 October 2016 on the situation of journalists in Turkey,
- having regard to the most recent Commission reports on Turkey, in particular the 2020, 2019 and 2018 Commission Reports,
- having regard to the relevant statements by the EEAS Spokesperson, in particular those of 25 December 2020 and 21 December 2020,
- having regard to the relevant Council and European Council conclusions and in particular to the Council conclusions of 11 December 2020 and of 1 October 2020 and to the General Affairs Council Conclusions of 26 April 2004 and of 18 June 2019,
- having regard to the ECtHR Grand Chamber Judgment in the case *Selahattin Demirtaş v. Turkey* (No. 2), of 22 December 2020,
- having regard to the ECtHR Judgement in the case of *Kavala v. Turkey* of 10 December 2019 (which became final on 11 May 2020) and to the Council of Europe’s Committee of Ministers decisions of 1 October 2020 and 3 December 2020 urging Turkey to assure Osman Kavala’s immediate release,
- having regard to Resolution 2347(2020) of the Parliamentary Assembly of the Council of Europe of 23 October 2020, “New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards”,
- having regard to Resolution 2260 of the Parliamentary Assembly of the Council of Europe of 24 January 2019, “The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?”,
- having regard to the Report of the Office of the United Nations High Commissioner for Human Rights on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, of March 2018,
- having regard to the report of the UN Working Group on Enforced or Involuntary Disappearances from 30 July 2019,
- having regard to the statement by several UN Special Rapporteurs of 2 September 2020,
- having regard to the Charter of Fundamental Rights of the European Union,

- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to Rule 132(2) and (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 European Court of Human Rights (ECtHR);

B. Whereas crackdowns on political opposition and civil dissent have intensified in recent months in Turkey, with numerous investigations and prosecutions targeting local politicians, members and former members of parliament, members of opposition political parties and lawyers; whereas the ongoing crackdown of Turkish political opposition is taking place in a context of a shrinking space for democracy and rule of law and of continuous measures by the Turkish authorities aimed at silencing dissenting voices, including those of journalists, human rights defenders, academics, judges and lawyers;

C. Whereas terrorism charges continue to be massively abused, among others against Kurdish democratic leaders, to restrict the rights to free expression and association in the fourth year after the coup attempt; whereas, as of July 2020, Ministry of Justice and Interior figures stated that 58,409 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 lengthy pre-trial detention is reportedly used as a punishment for dissidents;

D. Whereas Selahattin Demirtaş, former co-chair of the opposition Peoples' Democratic Party (HDP), presidential opposition candidate in 2014 and 2018 (with 9.76% and 8.32 % of the votes), has been held in Edirne F-type Prison since 4 November 2016 on terrorism charges, for which he faces a possible 142-year prison term if convicted, as well as a separate terrorism investigation opened against him in September 2019 for his alleged role in incidents for which he is already on trial and was previously detained; whereas Selahattin Demirtaş is one of the numerous prisoners of conscience in Turkey;

E. Whereas, in its judgment in the case of Selahattin Demirtaş v. Turkey (No. 2) issued on 22 December 2020, the Grand Chamber of the European Court of Human Rights condemned Turkey for the violation of the right to liberty regarding prolongation of detention, and of the right to free and fair elections and found that by detaining Selahattin Demirtaş Turkey had "pursued the ulterior purpose of stifling pluralism and limiting freedom of political debate"; whereas the Court has found no clear link between Mr Demirtaş' speeches and terrorism offences and ruled that Turkey should take immediate measures to release him;

1. Urges the Turkish government to urgently reverse its autocratic policies and to work

towards strengthening democracy, rule of law, human and civil rights, which include political pluralism, as well as freedom of association, assembly and expression; stresses that democracy presupposes an environment in which political parties, civil society and the media can function without threats or arbitrary restrictions;

2. Notes with great concern that the People's Democratic Party (HDP) and its youth organisations, have been specifically and continuously targeted by Turkish authorities; strongly condemns the continued detention of HDP parliamentarians and functionaries, including the co-chair Figen Yüksekdağ and former co-chair Selahattin Demirtaş; calls on the Turkish authorities to immediately and unconditionally release Selahattin Demirtaş and other imprisoned members of the opposition and to drop all charges against them; stresses that the Turkish authorities must let them exercise their democratic mandate independently and free of threat and impediment;

3. Stresses that in its final judgment dated 22 December 2020 the ECtHR Grand Chamber ordered the immediate release of Selahattin Demirtaş and emphasizes that any failure to do so will violate Turkey's obligation to comply with the rulings of the European Court of Human Rights;

4. Strongly condemns the re-arrest and continued detention of important figures, including Ahmet Altan and Osman Kavala, and urges the Turkish authorities to immediately release them, as well as all imprisoned human rights defenders, journalists, academics and others who have been detained on unsubstantiated charges and to drop all charges against them, including in the cases of Can Dündar and Erol Önderoğlu;

5. Highlights the case of Cihan Erdal, member of the youth wing of the Turkish Green/Left party, who was arrested and detained on 25 September 2020 while visiting his family in Turkey; notes with great concern that he has been indicted on 7 January 2021 together with more than 100 defendants including Selahattin Demirtaş as part of a so called "Kobane case", whereas the indictment calls for 38 counts of life sentences without parole and the evidence in Cihan Erdal's case is limited to merely two "retweets" dating from 2014;

6. Is deeply concerned about the disregard by the Turkish judiciary and authorities of ECtHR rulings and the increasing non-compliance of lower courts with the judgments of the Turkish Constitutional Court; calls on Turkey to ensure full compliance with the provisions of the ECHR and decisions of the ECtHR; urges full cooperation with the Council of Europe in strengthening rule of law, minorities' rights, democracy and fundamental rights; hopes that the ECtHR will be able to expedite its decisions in numerous cases involving the situation in Turkey, notably the case of prominent writer Ahmet Altan, pending since 2017; calls on the Committee of Ministers of the Council of Europe to supervise the execution of the decision of the European Court of Human Rights about Selahattin Demirtaş;

7. Is deeply concerned about the constant attacks and pressure on the opposition parties, which undermines the proper functioning of democratic system; notes the political, legislative and administrative measures taken by the government to paralyse municipalities run by mayors of opposition parties in İstanbul, Ankara, İzmir in majority-Kurdish south-eastern cities, as in Kars, Van, Diyarbakir, Mardin where the mayors have been dismissed, replaced with appointed trustees, and detained; regrets that the incumbent government abuses financial resources and administrative competences of the state to weaken or silence the opposition;

8. Calls on the EU Delegation in Ankara to further monitor the situation of political prisoners and human rights defenders, including by observing trials, making public statements and requesting permission for prison visits;

9. Expresses great concern at the shrinking space for civil society and the promotion of fundamental rights and freedoms; denounces the arbitrary closure of civil society organisations, including prominent human rights non-governmental organizations and media; warns against the additional detrimental impact which the recently adopted Law on Preventing Financing of Proliferation of Weapons of Mass Destruction, entered into force on 31 December 2020, will have on the right to freedom of association, as it now accord ample discretionary powers to the Ministry of Interior to curtail and restrict the legitimate activities of non-governmental organisations;

10. Expresses its concern about the new Turkish governments' decision to appoint a rector of the Boğaziçi University in violation with the established rules and practices of University governance and condemns the brutal crackdown on peaceful protesters legitimately defending academic freedom and autonomy of their university;

11. Is appalled about numerous consistent reports of intimidation, harassment and violence against human rights defenders, journalists, academics, doctors who provided assistance to victims of torture and other activists, especially those in the Kurdish community, and urges Turkey to refrain from detaining and prosecuting journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting on human rights issues; urges Turkey to promptly and independently investigate reported instances of intimidation and harassment of human rights defenders, journalists, academics and civil society activists, and to hold accountable those responsible for such abuses;

12. Calls on Turkey to terminate all incommunicado detention and in unofficial detention locations; is deeply concerned by the hygienic and sanitary situation in Turkey's overcrowded prisons exacerbating the deadly danger of the COVID 19 for prisoners; is appalled by the decision of the Turkish Grand National Assembly to exclude political prisoners from the legal provisions to release up to 90.000 prisoners, thus deliberately exposing imprisoned journalists, human rights defenders and other alleged political opponents, to the deadly risk of COVID 19 infection;

13. Calls on the EU and its Member States to strengthen their pressure on the Turkish government, and their support for human rights defenders in Turkey, including through emergency grants, and to ensure full implementation of the EU Guidelines on Human Rights Defenders by the EU Delegation and Member State embassies and consulates;

14. Reminds the European Council that any improvement of the official EU-Turkey relations and any move on the positive agenda as offered in the European Council Conclusions of October 2020 and December 2020 dependent on an improvement of the civil and human rights and rule of law situation in Turkey;

15. 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 and Security Policy, the Member States, and the President, the Government and Parliament of the Republic

of Turkey, and calls for this resolution to be translated into Turkish.