



Plenary sitting

B9-0406/2021

6.7.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the repression of the opposition in Turkey, specifically the Peoples' Democratic Party (HDP)
(2021/2788(RSP))

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on behalf of the S&D Group

European Parliament resolution on the repression of the opposition in Turkey, specifically the Peoples' Democratic Party (HDP) (2021/2788(RSP))

The European Parliament,

- having regard to its previous resolutions on Turkey, in particular those of 5 May 2021 on the 2019-2020 Commission Report on Turkey¹, of 20 January 2021 on the human rights situation in Turkey, notably the case of Selahattin Demirtaş and other prisoners of conscience² and of 19 September 2019 on the situation in Turkey, notably the removal of elected mayors³,
- 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 EU-Turkey negotiating framework of 3 October 2005, and the fact that, as is the case for all EU candidate countries, Turkey's accession to the EU depends on full compliance with the Copenhagen criteria,
- having regard to the European Council conclusions of 24 June 2021, and to other relevant Council and European Council conclusions on Turkey,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 22 March 2021 on the state of play of EU-Turkey political, economic and trade relations (JOIN(2021)0008),
- having regard to the statement made by the European External Action Service Spokesperson for Foreign Affairs and Security Policy on 19 August 2019 on the suspensions of elected mayors and detainment of hundreds of people in south-east Turkey,
- having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Commissioner for European Neighbourhood Policy and Enlargement Negotiations of 4 November 2016 on the detention of several HDP Members, including the party's co-chairs,
- having regard to Article 46 of the European Convention on Human Rights, which states that the High Contracting Parties undertake to abide by the final judgments of the European Court of Human Rights (ECtHR) in any case to which they are parties, and to the resulting obligation of Turkey to implement all judgments of the European courts,

¹ Texts adopted, P9_TA(2021)0243.

² Texts adopted, P9_TA(2021)0028.

³ OJ C 171, 6.5.2021, p. 8.

including those of the ECtHR,

- having regard to the judgment of the ECtHR Grand Chamber of 22 December 2020 in the case of *Selahattin Demirtaş v Turkey* (14305/17), and to the judgment of the ECtHR of 20 November 2018 in the same case,
- having regard to resolution 2260 of the Parliamentary Assembly of the Council of Europe of 24 January 2019 entitled ‘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 Rule 132(2) of its Rules of Procedure,
- A. whereas against the backdrop of a general backsliding affecting fundamental freedoms and the rule of law, opposition parties in Turkey – and particularly the People’s Democratic Party (HDP) – have been continuously and increasingly targeted by the Turkish authorities;
- B. whereas on 17 March 2021, the Chief Public Prosecutor of Turkey’s Court of Cassation first submitted an indictment to the Constitutional Court demanding the dissolution of the HDP;
- C. whereas on 31 March 2021, the General Assembly of the Constitutional Court conducted the first examination of the indictment, finding procedural deficiencies, and decided to ask the Chief Public Prosecutor’s Office to rectify these deficiencies;
- D. whereas on 7 June 2021, the Chief Public Prosecutor submitted a revised indictment to the Constitutional Court requesting the dissolution of the HDP;
- E. whereas in addition to asking for the party to be dissolved, the revised indictment, like the original one, demands a political ban for nearly 500 HDP politicians and a freeze on the party’s bank accounts;
- F. whereas on 21 June 2021, the General Assembly of the Constitutional Court carried out its first examination of the revised indictment and accepted it unanimously;
- G. whereas the Chief Public Prosecutor based most of his accusations against the HDP on the Kobane protests, for which there is an ongoing legal case launched against HDP politicians, including former co-chairs Selahattin Demirtaş and Figen Yüksekdağ;
- H. whereas these accusations are mainly based on a tweet posted by the HDP’s Central Executive Board (dated 6 October 2014), which invited people to protest in solidarity with the people of Kobane against ISIS and against Turkey’s embargo on Kobane;
- I. whereas there are 108 defendants from the HDP in the so-called Kobane trial; whereas 28 of them have been arrested pending trial; whereas there are judicial restrictions on six people and arrest warrants against 75 people; whereas Parliament will continue to closely follow the Kobane trial and other similar cases;
- J. whereas on 17 June 2021, Deniz Poyraz, an employee and member of the HDP, was

murdered in the party's offices in İzmir; whereas she was allegedly mutilated after her death;

- K. whereas the HDP building in İzmir had been targeted for months before the attack; whereas HDP party officials in İzmir had talked with the police and the governorship regarding the possibility of an attack against them, but the police had taken no precautions; whereas these attacks took place in a climate of increasing political pressure fuelled by actions and statements by the parties of the ruling coalition and the government;
- L. whereas three HDP MPs have been stripped of their parliamentary seats and parliamentary immunity and have subsequently been arrested;
- M. whereas on 30 June 2021, the Justice Ministry's prosecutors submitted to the Turkish Grand National Assembly's Joint Parliamentary Constitution and Justice Committee summaries of proceedings seeking to lift the legislative immunity of 20 opposition lawmakers from six different opposition parties;
- N. whereas these proceedings target 15 MPs from the HDP, the Republican People's Party (CHP) leader Kemal Kılıçdaroğlu and one lawmaker from each other opposition party, namely the Democratic Regions Party (DBP), the İYİ (Good) Party, the Workers' Party of Turkey (TİP) and the Democrat Party (DP);
- O. whereas Mr Kılıçdaroğlu, as the leader of the main opposition party, is being prosecuted for allegedly insulting the President of Turkey, for which he faces a sentence of up to four years; whereas he is also facing a lawsuit filed by President Recep Tayyip Erdoğan on 11 January 2021 to pay TRY 1 million in damages;
- P. whereas as of 1 March 2021, a total of 1 267 summaries of proceedings are under review in the Turkish Grand National Assembly Joint Parliamentary Constitution and Justice Committee, of which 955 (75 %) are against 59 HDP MPs;
- Q. whereas Mr Demirtaş, a former member of the Turkish Parliament from 2007 to 2018, a former co-chair of the HDP and a presidential candidate during the elections of 2014 and 2018 (receiving 9.76 % and 8.32 % of the votes respectively), has been detained for more than four years on unsubstantiated charges and despite two ECtHR rulings in favour of his release;
- R. whereas since the local elections held on 31 March 2019, 59 of the 65 democratically elected HDP mayors in the south-east of Turkey have been replaced by government-appointed provincial governors or trustees on the grounds that they were under criminal investigation for alleged links to terrorism; whereas of the 36 arrested, 32 were released during the judicial process, but whereas six elected co-mayors still remain in prison;
- S. whereas the deteriorating structural problems leading to a lack of institutional independence in the judiciary continue to have an impact on the rights of opposition parties;
- 1. Remains deeply concerned by the constant attacks and pressure on opposition parties in Turkey, and particularly by the way that the HDP, including its youth organisation, has

been specifically and increasingly targeted by the Turkish authorities; urges the Turkish Government to put an end to this situation and ensure that all political parties in the country can freely and fully exercise their legitimate activities in accordance with the basic principles of a pluralist and democratic system;

2. Strongly condemns the indictment refiled by Turkey's Chief Public Prosecutor at the Constitutional Court seeking the dissolution of the HDP and a political ban on nearly 500 HDP members, including most of its current leadership, which would prevent them from conducting any kind of political activity in the next five years; is deeply worried by the Constitutional Court's decision to accept this case, which was unanimous; notes with grave concern that the HDP dissolution case is the culmination of a crackdown on the party that has been going on for several years, and which has seen thousands of party members, executives, MPs, local councillors and co-mayors tried, mainly on terrorism-related charges;
3. Firmly believes that not hampering the HDP's participation in Turkey's democratic institutions is a basic way to make Turkish society more inclusive and create a positive outlook leading to a peaceful settlement of the Kurdish issue; reiterates in this respect that, given the HDP's firm commitment to work through democratic institutions, banning the party would be a serious political mistake in the medium term and would represent an irreversible blow to pluralism and democratic principles, leaving millions of voters in Turkey without representation;
4. Strongly condemns the appalling killing of HDP member and worker Deniz Poyraz and the attack on the party's offices in İzmir; expresses its condolences to her relatives and friends; urges the authorities to investigate this case thoroughly and bring those responsible to justice;
5. Call on the Turkish authorities to refrain from fuelling incitement against the HDP and to take the necessary measures to protect the party's offices and officials, including MPs and elected local councillors and co-mayors;
6. Condemns the decision to strip HDP MPs Leyla Güven, Ömer Faruk Gergerlioğlu and Musa Farisoğulları of their parliamentary seats and immunity, and their subsequent arrests; welcomes the recent judgment of the Constitutional Court of 1 July 2021 in which it unanimously ruled that the rights of MP Gergerlioğlu to be elected and engage in political activity, as well as his right to personal freedom and security, had been violated; urges the Turkish authorities and lower courts to implement the decision of the Constitutional Court and to urgently release MP Gergerlioğlu and restore his parliamentary status; is deeply worried about the increasing non-compliance of the lower courts and Turkish authorities with the judgments of the Constitutional Court, which is a severe breach of the basic functioning of the rule of law and needs to be urgently addressed; calls for the immediate release of the other two HDP MPs and for all charges against them to be dropped;
7. Strongly condemns the continued detention since November 2016 of former HDP co-chairs Figen Yüksekdağ and Selahattin Demirtaş, opposition leader and former presidential candidate; recalls the ECtHR's ruling of 20 November 2018 in *Selahattin Demirtaş v Turkey*, confirmed by the ruling of its Grand Chamber on

22 December 2020, which calls on the Turkish authorities to immediately release Mr Demirtaş; is appalled by the Turkish authorities' continuous disregard for and failure to apply the rulings of the ECtHR, including in other cases such as the one of Osman Kavala, for which the Committee of Ministers of the Council of Europe could trigger infringement proceedings against Turkey;

8. Is deeply concerned about the gradually increasing pressure on the main opposition party (the CHP) and its leader Kemal Kılıçdaroğlu, including the confiscation of party brochures by court order, the threats made publicly against him and the physical attacks on him; condemns the request to lift the immunity of Mr Kılıçdaroğlu on the basis of his political statements, including his prosecution for allegedly insulting the President of Turkey, for which he faces a sentence of up to four years; reiterates its serious concern about the continuous political and judicial harassment of Canan Kaftancıoğlu, the Istanbul provincial chair of the CHP, who was sentenced on September 2019 to almost 10 years in prison in a politically motivated case, for which a Supreme Court decision is pending;
9. Condemns the recurrent use of revocation of the parliamentary status of opposition MPs, which seriously damages the Turkish Parliament's image as a democratic institution; condemns the decision made by the Turkish authorities to remove democratically elected mayors from office on the basis of questionable evidence and replace them with unelected trustees; stresses that these actions continue to undermine the ability of the political opposition to exercise their rights and fulfil their democratic roles; is deeply concerned by this serious backsliding on the freedom of the opposition parties to function, which reveals the dire human rights situation in Turkey and the continued erosion of democracy and the rule of law, in violation of the Copenhagen criteria;
10. Considers that the erosion of the rule of law and the systemic lack of independence of the judiciary continue to be linked to court decisions concerning the freedom of opposition parties to function;
11. Believes that the crucial area of fundamental rights and freedoms, which is at the core of the accession process, cannot be disconnected and isolated from overall relations and that it remains the main obstacle to progress on any positive agenda that could be offered to Turkey, which should also be contingent upon full respect for the opposition parties' rights and freedom to function; calls, therefore, on the Commission and the Council to seriously consider the current state of the rule of law, democracy and human rights and respect for international conventions and resolutions when implementing the European Council's recent decision to engage with Turkey in a phased, proportionate and reversible manner, subject to the fulfilment of the conditions set out in March and in previous European Council conclusions;
12. Instructs its President to forward this resolution to the President of the European Council, the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Government and Parliament of the Republic of Turkey.