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## TEXTS ADOPTED

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### **P9\_TA(2021)0360**

#### **The repression of the opposition in Turkey, specifically HDP**

#### **European Parliament resolution of 8 July 2021 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 19 May 2021 on the 2019-2020 Commission Report on Turkey<sup>1</sup>, of 20 January 2021 on the human rights situation in Turkey, in particular the case of Selahattin Demirtaş and other prisoners of conscience<sup>2</sup> and of 19 September 2019 on the situation in Turkey, notably the removal of elected mayors<sup>3</sup>,
- 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, and the fact that, as is the case for all 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 on external relations, 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, and to those of 21 and 25 December 2020,
- having regard to the joint statement of 18 March 2021 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

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<sup>1</sup> Texts adopted, P9\_TA(2021)0234.

<sup>2</sup> Texts adopted, P9\_TA(2021)0028.

<sup>3</sup> Texts adopted, P9\_TA(2019)0017.

Josep Borrell and the European Commissioner for Neighbourhood and Enlargement  
Olivér Várhelyi on latest actions regarding the Peoples' Democratic Party,

- 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,
  - having regard to the judgment of the ECtHR Grand Chamber of 22 December 2020 in the case of *Demirtaş v Turkey* (14305/17),
  - having regard to resolution 2347 of the Parliamentary Assembly of the Council of Europe (PACE) of 23 October 2020 entitled 'New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards', and to PACE resolution 2260 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) and (4) 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 applied to the Constitutional Court demanding the closure of the HDP, the third largest political party in the Turkish Parliament; whereas on 31 March 2021, the General Assembly of the Constitutional Court found procedural deficiencies in this indictment and decided to return it to the Chief Public Prosecutor's Office; whereas a revised indictment was submitted on 7 June 2021 and demanded, in addition to the closure of the party, a ban from the exercise of political activities for nearly 500 HDP politicians and a freeze on the party's bank accounts; whereas the General Assembly of the Constitutional Court unanimously accepted the revised indictment on 21 June 2021;
- C. whereas the Chief Public Prosecutor based most of his accusations against the HDP on the Kobanî protests, for which there is an ongoing legal case launched against HDP politicians, including former co-chairs Selahattin Demirtaş and Figen Yüksekdağ; whereas these accusations were 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 Kobanî against ISIS and against Turkey's embargo on Kobanî; whereas during the protests, more than fifty people, the overwhelming majority of whom were HDP members or sympathisers, were killed in clashes with the Turkish police;
- D. whereas there are 108 defendants from the HDP in the 'Kobanî 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 Kobanî trial and other relevant cases;
- E. whereas the Constitutional Court has in the past banned six pro-Kurdish political parties;
- F. whereas the ECtHR has repeatedly found that closing down political parties violates the right to association under Article 11 of the European Convention on Human Rights;

whereas in its conclusions of 24 June 2021 the European Council states that the targeting of political parties represents a major setback for human rights and runs counter to Turkey's obligations to respect democracy and the rule of law and that dialogue on this issue remains an integral part of EU-Turkey relations;

- G. 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; whereas in 2015 and 2016, hundreds of HDP party offices, including the headquarters in Ankara, were attacked and many were burnt down;
- H. whereas around 4 000 HDP members and functionaries remain in prison, including a number of parliamentarians;
- I. whereas three HDP MPs have been stripped of their parliamentary seats and parliamentary immunity and have subsequently been arrested;
- J. whereas on 30 June 2021, the Justice Ministry's prosecutors submitted to the Turkish Grand National Assembly Joint Parliamentary Constitution and Justice Committee summaries of proceedings seeking to lift the legislative immunity of 20 opposition lawmakers from six different opposition parties; 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);
- K. 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;
- L. whereas Mr Demirtaş, former co-chair of the HDP and a presidential candidate during the elections of 2014 and 2018, has been detained for more than four years on unsubstantiated charges and in spite of two ECtHR rulings in favour of his release;
- M. whereas in the same judgment, the ECtHR stated that the HDP headquarters' call for solidarity with the people of Kobani remained within the limits of political speech, insofar as they could not be construed as a call to violence; whereas the court stated that the acts of violence that took place between 6 and 8 October 2014, regrettable though they were, cannot be seen as a direct consequence of the tweets by HDP headquarters;
- N. 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 6 elected co-mayors still remain in prison;
- O. 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; condemns this

repression against the HDP and any other Turkish opposition parties, which undermines the proper functioning of the democratic system; 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. Calls 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 arbitrary application of the rule of law during the ongoing Kobanî trial, which led to the reopening of the case, and during its proceedings, in particular the lack of judicial independence, impartiality, total fairness and procedural safeguards; is deeply concerned by the misuse of the broad anti-terrorism legislation; reiterates its call on the Turkish authorities to align their anti-terrorism legislation with international standards in order to ensure the effective protection of fundamental rights and freedoms and proportionality and equality before the law;
7. 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; welcomes his release and urges the Turkish authorities and lower courts to implement the decision of the Constitutional Court and urgently restore his parliamentary status; calls for the immediate release of the other two HDP MPs and for all charges against them to be dropped; denounces the recurrent use of revocation of the parliamentary status of

opposition MPs, which seriously damages the Turkish Parliament's image as a democratic institution;

8. 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 ruling of 20 November 2018 in the case *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; urges full cooperation with the Council of Europe in strengthening the rule of law, the rights of minorities, democracy and fundamental rights;
9. 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;
10. Is deeply concerned about the increasing pressure on all opposition parties and the latest decision of the Justice Ministry's prosecutors to submit to the Turkish Grand National Assembly's Joint Parliamentary Constitutional and Justice Committee summaries of proceedings seeking to lift the legislative immunity of 20 opposition lawmakers from six different opposition parties; highlights that the generally hostile environment is affecting other opposition leaders such as the chair of the İYİ Party, Meral Akşener, who was recently verbally attacked in a visit to Rize by supporters of the ruling party;
11. 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, which undermines local democracy; notes the political, legislative and administrative measures taken by the Turkish Government to paralyse municipalities run by the mayors of opposition parties in Istanbul, Ankara and Izmir; regrets the fact that the incumbent government is abusing the financial resources and administrative authority of the state to weaken or silence the opposition;
12. 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;
13. 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; Calls on Turkey to ensure pluralism and to respect the freedoms of association and expression in line with the protections established in the Turkish Constitution and with Turkey's international obligations;

14. Calls on the EU Delegation to Turkey to further monitor the situation of the political opposition, *inter alia* by observing trials, including the ‘Kobani trial’, making public statements and requesting permission for prison visits;
15. Believes that, apart from improvements in foreign policy issues, progress on any positive agenda that could be offered to Turkey should also be dependent on improvements in the civil and human rights and rule of law situation in the country, including women’s rights, such as those guaranteed by the Istanbul Convention, religious freedom, and the rights of ethnic minorities and LGBTI community;
16. 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.