



Inter-Parliamentary Union

For democracy. For everyone.

Turkey

Decision adopted by consensus by the IPU Governing Council at its 202nd session (Geneva, 28 March 2018)¹



Demonstrators hold pictures of Figen Yüksekdağ during the trial in front of the court in Ankara on 13 April, 2017 © Adem Altan/AFP

TUR69 - Gülser Yildirim (Ms.)
TUR70 - Selma Irmak (Ms.)
TUR71 - Faysal Sariyildiz
TUR72 - Ibrahim Ayhan
TUR73 - Kemal Aktas
TUR75 - Bedia Özgökçe Ertan (Ms.)
TUR76 - Besime Konca (Ms.)
TUR77 - Burcu Çelik Özkan (Ms.)
TUR78 - Çağlar Demirel (Ms.)
TUR79 - Dilek Öcalan (Ms.)
TUR80 - Dilan Dirayet Taşdemir (Ms.)
TUR81 - Feleknaş Uca (Ms.)
TUR82 - Figen Yüksekdağ (Ms.)
TUR83 - Filiz Kerestecioğlu (Ms.)
TUR84 - Hüda Kaya (Ms.)
TUR85 - Leyla Birlik (Ms.)
TUR86 - Leyla Zana (Ms.)
TUR87 - Meral Daniş Beştaş (Ms.)
TUR88 - Mizgin Irgat (Ms.)
TUR89 - Nursel Aydoğan (Ms.)
TUR90 - Pervin Buldan (Ms.)
TUR91 - Saadet Becerikli (Ms.)
TUR92 - Sibel Yiğitalp (Ms.)
TUR93 - Tuğba Hezer Öztürk (Ms.)

TUR99 - Altan Tan
TUR100 - Ayhan Bilgen
TUR101 - Behçet Yıldırım
TUR102 - Berdan Öztürk
TUR103 - Dengir Mir Mehmet Fırat
TUR104 - Erdal Ataş
TUR105 - Erol Dora
TUR106 - Ertuğrul Kürkcü
TUR107 - Ferhat Encü
TUR108 - Hişyar Özsoy
TUR109 - Idris Baluken
TUR110 - Imam Taşçier
TUR111 - Kadri Yıldırım
TUR112 - Lezgin Botan
TUR113 - Mehmet Ali Aslan
TUR114 - Mehmet Emin Adıyaman
TUR115 - Nadir Yıldırım
TUR116 - Nihat Akdoğan
TUR117 - Nimetullah Erdoğan
TUR118 - Osman Baydemir
TUR119 - Selahattin Demirtaş
TUR120 - Sirri Süreyya Önder
TUR121 - Ziya Pir
TUR122 - Mithat Sancar

¹

The delegation of Turkey expressed its reservations regarding the decision.

TUR94 - Abdullah Zeydan
TUR95 - Adem Geveri
TUR96 - Ahmet Yildirim
TUR97 - Ali Atalan
TUR98 - Alican Önlü

TUR123 - Mahmut Toğrul
TUR124 - Aycan Irmez (Ms.)
TUR125 - Ayşe Acar Başaran (Ms.)
TUR126 - Garo Paylan

Alleged human rights violations

- ✓ Failure to respect parliamentary immunity
- ✓ Revocation of the parliamentary mandate
- ✓ Lack of due process in the proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Arbitrary arrest and detention²
- ✓ Ill-treatment³

A. Summary of the case

Over 600 criminal and terrorism charges have been brought against the members of parliament of the People's Democratic Party (HDP) since 15 December 2015, when the Constitution was amended to authorize the wholesale lifting of parliamentary immunity. Hundreds of trial proceedings are ongoing against the HDP parliamentarians throughout Turkey. Some of the parliamentarians also continue to face older charges in relation to the KCK first-instance trial that has been ongoing for seven years, while others face more recent charges. In these other cases, their parliamentary immunity has allegedly not been lifted.

According to the complainant, most HDP members of parliament have been repeatedly arrested and forcefully brought to court for questioning since November 2016. Some of them have been placed in pre-trial detention, while most were granted release by the trial courts pending completion of the criminal proceedings. The complainant affirmed that at least 14 HDP parliamentarians, eight of whom were women, have received prison sentences of one year or more. A number of acquittals have also been handed down.

The complainant further stated that the parliament has ended the parliamentary mandate of nine of its members (including five women parliamentarians): three for their prolonged absence from parliament and six following final convictions (apparently partially related to older charges not covered by the blanket amnesty law and for which parliamentary immunity was therefore not lifted, according to the complainant). Two of the parliamentarians, Mr. Sariyildiz and Ms. Hezer Öztürk, may also be deprived of their citizenship. According to the complainant, one member of parliament – Ms. Figen Yüksekdağ, HDP Co-Chair – was further deprived of her HDP membership and executive position and banned from exercising any political activities, pursuant to a final court conviction.

Ms. Yüksekdağ remains subject to other criminal proceedings: an IPU trial observer was mandated to attend the hearings in her case on 18 September and 6 December 2017 (as well as the hearing of 7 December 2017 in the case of Mr. Demirtaş). The trial observer was denied access to the courtrooms during her December mission but regained access “as a member of the public”, rather than as an observer, at the 20 February 2018 hearing in Ms. Yüksekdağ's case. The judges indicated that the observer would be granted accreditation for future hearings in the case.

Case TUR-Coll.1

Turkey: Parliament affiliated to the IPU

Victims: 57 individuals (47 current and 10 former parliamentarians, all members of the HDP opposition party (34 men and 23 women))

Complainant(s): Section I.1(c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: June 2016

Recent IPU decision: [October 2017](#)

IPU Mission: [February 2014](#)

Recent Committee hearings: Hearings held with the Turkish delegation and the complainants at the 138th IPU Assembly (Geneva, March 2018)

Recent follow-up:

- Communication from the authorities: Letters from the President of the Turkish IPU Group (January 2018)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter to the President of the Turkish IPU Group (March 2018)
- Communication from the IPU to the complainant: March 2018 ■

¹ Concerns only the members of parliament placed in detention.

² Concerns three male members of parliament (Mr. Adiyaman - TUR114; Mr. Behçet Yıldırım - TUR101; Mr. Mahmut Toğrul - TUR123) and three women members of parliament (Ms. Feleknaş Uca - TUR81, Ms. Besime Konca – TUR76 and Ms. Sibel Yigitalp – TUR92).

Nine members of parliament continue to be held in detention. They are no longer in solitary confinement but are still held in remote high-security prisons under restrictive conditions applicable to terrorism suspects (video surveillance, seizure of books and letters, restricted visits, etc.), which according to the complainant prevent them from exercising their parliamentary mandate.

The other members of parliament are free but have had their freedom of movement restricted; many have been placed under judicial control and are banned from travelling abroad. Four have also sought refuge abroad. This, together with the multitude of ongoing trials against them throughout Turkey, has restricted their ability to exercise their parliamentary mandate. A few HDP members of parliament, after expressing their opinion in the parliamentary debate, have also been subjected to physical attacks, including inside parliament, and to disciplinary sanctions.

The complainant alleges that, through the ongoing proceedings, the ruling party intends to exclude the Kurds, and other marginalized peoples represented by HDP, from the Parliament of Turkey. According to the complainant, the charges against the HDP members of parliament are groundless and violate their rights to freedom of expression, assembly and association. The complainant claims that the evidence adduced to support the charges against the members of parliament relates to public statements, rallies and other peaceful political activities carried out in furtherance of their parliamentary duties and their political party programme. Such activities include mediating between the PKK and the Turkish Government as part of the peace process between 2013 and 2015, advocating publicly in favour of political autonomy, and criticizing the policies of President Erdoğan in relation to the current conflict in south-eastern Turkey and at the border with Syria (including denouncing the crimes committed by the Turkish security forces in that context). The complainant alleges that such statements, rallies and activities did not constitute any offence, and that they fall under the clear scope and protection of the fundamental rights of members of parliament. The complainant also alleges that proper standards of due process are being disregarded. The complainant does not believe that the judicial process is being administered in a fair, independent and impartial manner. The complainant has submitted extensive and detailed information in support of its claims, including excerpts of indictments and court decisions and the exact words of the incriminating speeches made by the parliamentarians that are being used as evidence of terrorism activities. Concerns also exist in relation to restrictive conditions of detention and to the denial of prison visits to foreign observers. Many of these claims are the subject of a petition to the European Court of Human Rights, which is pending. The IPU has made a submission to the Court as a third party intervener.

The Turkish authorities deny all these allegations. They have invoked the independence of the judiciary, the need to respond to security/terrorism threats and existing legislation, including decrees adopted under the state of emergency, to justify the legality of the measures taken. Some detailed information on the charges and ongoing prosecutions was provided by the authorities, but it is purely legal and does not provide any information on the facts and evidence underlying the charges despite repeated requests to that end. The Turkish authorities have rejected in two instances the Committee's request to conduct a fact-finding mission to Turkey on the grounds that it "could negatively affect the judicial process" and was not considered "appropriate".

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Turkish IPU Group and the complainant for the information provided and for meeting with the Committee on the Human Rights of Parliamentarians to discuss the cases and concerns at hand;
2. *Remains deeply concerned* at the allegations of widespread and systematic violations of the rights of HDP parliamentarians, which reportedly obstruct their ability to undertake their parliamentary duties and to represent their constituencies in an effective and unhindered manner, given that over 600 criminal and terrorism charges have been brought against them since December 2015, and that nine parliamentarians continue to be held in detention, at least 14 have received prison sentences and nine have been stripped of their parliamentary mandate in recent months;

3. *Welcomes* the invitation extended to the Committee by the Turkish delegation to the 138th IPU Assembly to visit Turkey to meet with the parliamentary and executive authorities; *trusts* that written confirmation of the approval of the mission will be forthcoming at the earliest convenience;
4. *Expresses the hope* that the fact-finding mission will facilitate progress in the case and enable the Committee to collect first-hand information about the serious allegations raised by the complainant and make an in-depth and objective assessment of the prior concerns expressed in the case;
5. *Is also pleased* that the Turkish authorities granted access for the IPU trial observer to the last hearing in the case of Ms. Yüksekdağ; *decides* to renew the mandate of the IPU trial observer for future hearings, including the next hearing scheduled on 17 May 2018; *expresses the hope* that the observer will be duly granted access to all future hearings as decided by the judges; *looks forward* to receiving a full report on the hearings upon the completion of the observer's mandate;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information and to proceed with all necessary arrangements to organize the requested mission by a Committee delegation and future trial observation missions;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.