

TÜRKİYE

- **TUR-COLL-02:** 68 parliamentarians
- **TUR-COLL-04:** 39 parliamentarians
- **TUR-55:** Mehmet Sincar



Inter-Parliamentary Union

For democracy. For everyone.

Türkiye

Decision adopted unanimously by the IPU Governing Council at its 215th session (Tashkent, 9 April 2025)



A demonstrator holds up a picture of Figen Yüksekdağ during the trial of the co-leader of the pro-Kurdish party People's Democratic Party (HDP) in front of the court in Ankara on 13 April 2017. ADEM ALTAN/AFP

- | | |
|---------------------------------------|-----------------------------------|
| TUR-69 - Gülser Yildirim (Ms.) | TUR-107 - Ferhat Encü |
| TUR-70 - Selma Irmak (Ms.) | TUR-108 - Hişyar Özsoy |
| TUR-71 - Faysal Sariyildiz | TUR-109 - Idris Baluken |
| TUR-73 - Kemal Aktas | TUR-110 - Imam Taşçier |
| TUR-75 - Bedia Özgökçe Ertan (Ms.) | TUR-111 - Kadri Yildirim |
| TUR-76 - Besime Konca (Ms.) | TUR-112 - Lezgin Botan |
| TUR-77 - Burcu Çelik Özkan (Ms.) | TUR-113 - Mehmet Ali Aslan |
| TUR-78 - Çağlar Demirel (Ms.) | TUR-114 - Mehmet Emin Adiyaman |
| TUR-79 - Dilek Öcalan (Ms.) | TUR-115 - Nadir Yildirim |
| TUR-80 - Dilan Dirayet Taşdemir (Ms.) | TUR-116 - Nihat Akdoğan |
| TUR-81 - Feleknas Uca (Ms.) | TUR-118 - Osman Baydemir |
| TUR-82 - Figen Yüksekdağ (Ms.) | TUR-119 - Selahattin Demirtaş |
| TUR-83 - Filiz Kerestecioğlu (Ms.) | TUR-120 - Sirri Süreyya Önder |
| TUR-84 - Hüda Kaya (Ms.) | TUR-121 - Ziya Pir |
| TUR-85 - Leyla Birlik (Ms.) | TUR-122 - Mithat Sancar |
| TUR-86 - Leyla Zana (Ms.) | TUR-123 - Mahmut Toğrul |
| TUR-87 - Meral Daniş Beştaş (Ms.) | TUR-124 - Aycan Irmez (Ms.) |
| TUR-88 - Mizgin Irgat (Ms.) | TUR-125 - Ayşe Acar Başaran (Ms.) |
| TUR-89 - Nursel Aydoğan (Ms.) | TUR-126 - Garo Paylan |
| TUR-90 - Pervin Buldan (Ms.) | TUR-128 - Aysel Tuğluk (Ms.) |
| TUR-91 - Saadet Becerikli (Ms.) | TUR-129 - Sebahat Tuncel (Ms.) |
| TUR-92 - Sibel Yiğitalp (Ms.) | TUR-130 - Leyla Güven (Ms.) |
| TUR-93 - Tuğba Hezer Öztürk (Ms.) | TUR-131 - Ayşe Sürücü (Ms.) |
| TUR-94 - Abdullah Zeydan | TUR-132 - Musa Farisogullari |
| TUR-95 - Adem Geveri | TUR-133 - Emine Ayna (Ms.) |
| TUR-96 - Ahmet Yildirim | TUR-134 - Nazmi Gür |
| TUR-97 - Ali Atalan | TUR-135 - Ayla Akat Ata (Ms.) |
| TUR-98 - Alican Önlü | TUR-136 - Beyza Ustün (Ms.) |
| TUR-99 - Altan Tan | TUR-137 - Remziye Tosun (Ms.) |
| TUR-100 - Ayhan Bilgen | TUR-138 - Kemal Bulbul |
| TUR-101 - Behçet Yildirim | TUR-140 - Gültan Kışanak (Ms.) |

TUR-102 - Berdan Öztürk
TUR-105 - Erol Dora
TUR-106 - Ertuğrul Kürkcü

TUR-141 - Semra Güzel (Ms.)
TUR-142 - Salihe Aydeniz (Ms.)
TUR-143 – Can Atalay

Alleged human rights violations

- ✓ Failure to respect parliamentary immunity
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings and excessive delays
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Arbitrary arrest and detention
- ✓ Ill-treatment
- ✓ Abusive revocation or suspension of the parliamentary mandate

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 20 May 2016, when the Constitution was amended to authorize the wholesale lifting of parliamentary immunity. They are being tried on terrorism-related charges and charges of defamation of the President, Government or State of Türkiye. Some of them also face older charges in relation to the Kurdistan Communities Union (*Koma Civakên Kurdistan* – KCK) first-instance trial that has been ongoing since 2011, while others face more recent charges. In these cases, their parliamentary immunity was allegedly not lifted.

Since 4 November 2016, scores of parliamentarians have been detained, and others have gone into exile. Since 2018, over 30 parliamentarians have been sentenced to prison terms. At least 15 HDP members of parliament have lost their parliamentary mandates in recent years, largely as a result of their criminal convictions. Six former parliamentarians are in prison, namely the former HDP co-chairs, Mr. Selahattin Demirtaş and Ms. Figen Yüksekdağ, as well as Ms. Leyla Güven, Ms. Semra Güzel, Mr. Nazmi Gür, and Mr. Can Atalay.

In addition to other charges, several of these individuals were prosecuted, together with other former HDP parliamentarians and members, in relation to events that unfolded soon after the siege of Kobane in Syria in 2014. The persons concerned were charged with various offences, including attempts to "destroy the unity and integrity of the State", in connection with protests that erupted over the perceived inaction of the Turkish Government during the Islamic State's siege of the Syrian town of Kobane. On 16 May 2024, the Ankara 22nd High Criminal Court delivered its verdict, sentencing several HDP politicians, including Mr. Demirtaş and Ms. Yüksekdağ, to decades-long prison terms. Spokespersons for the European Parliament and the Parliamentary Assembly of the Council of Europe have denounced these convictions, expressing concern over judicial independence and the rule of law. In their written note provided on 28 March 2025, the Turkish Delegation to the IPU stated that evidence obtained during the Kobane trial established a link between the Kurdistan Workers' Party (*Partiya Karkerên Kurdistanê* – PKK) leadership, the violent events, and the HDP administration. According to the note: "Witness statements confirmed that the incidents of October 6–8 were not spontaneous protests spiralling out of control but were premeditated actions orchestrated by the PKK and KCK terrorist organizations. To ensure mass participation, the PKK, KCK and HDP coordinated efforts, issuing synchronized statements and calls to mobilize people onto the streets". The complainant maintains, however, that the claim that the HDP administration coordinated with the PKK to orchestrate the Kobane protests rests on broad and vague allegations, rather than on specific, individualized evidence tying HDP leaders to violent acts. Many of the witnesses provided their testimony anonymously or in secret, a method that severely limited the defence's ability to cross-examine and challenge the credibility of the testimony. The complainant also states that the HDP's public appeal was framed as a political protest against what it viewed as Turkish complicity in allowing

Case TUR-COLL-02

Türkiye: Parliament affiliated to the IPU

Victims: 68 opposition members of parliament (34 men and 34 women)

Qualified complainant(s): Section I.(1)(c) of the Committee Procedure (Annex I)

Submission of complaint: June 2016

Recent IPU decision: March 2024

IPU mission: June 2019

Recent Committee hearings: Hearing with the Turkish delegation at the 150th IPU Assembly (April 2025)

Recent follow-up:

- Communication from the authorities: Letter from the Head of the Turkish Delegation to the IPU (March 2025)
- Communication from the complainant: April 2025
- Communication to the authorities: Letter to the Head of the Turkish Delegation to the IPU (March 2025)
- Communication to the complainant: April 2025

ISIS to overrun a Kurdish town and points out that there is no conclusive evidence that the HDP's call included instructions or support for violence. Protests spiralled into violence in several cities – but this does not prove premeditated orchestration by HDP leaders.

According to the complainant, the charges against HDP members of parliament in the Kobane trial are emblematic of a wider pattern and show that the evidence adduced to support such charges relates to public statements, rallies and other peaceful political activities carried out in furtherance of their parliamentary duties and political party programme. Such activities include mediating between the PKK and the Turkish Government as part of the peace process between 2013 and 2015, publicly advocating political autonomy and criticizing the policies of President Erdoğan. The complainant alleges that these statements, rallies and activities do not constitute any offence and that they fall under the clear scope and protection of the fundamental rights of members of parliament.

An IPU trial observer concluded in 2018 that the prospects for Ms. Yüksekdağ and Mr. Demirtaş receiving fair trials were remote and that the political nature of both prosecutions was evident. A 2018 IPU review of 12 court decisions issued against HDP members reached similar conclusions.

On 22 December 2020, the Grand Chamber of the European Court of Human Rights delivered its judgment in the case of *Demirtaş v. Türkiye* (No. 2) (Application No. 14305/17) and held that there had been violations of his rights to freedom of expression, to freedom and security, to a speedy decision on the lawfulness of detention and to free elections. On 8 November 2022, the European Court of Human Rights ruled that Türkiye had violated Articles 10 (freedom of expression) and 5 (subparagraphs 1, 3 and 4 concerning the right to freedom and security) of the European Convention regarding the pretrial detention of 13 HDP parliamentarians elected to parliament in November 2015.

On 1 February 2022, the European Court of Human Rights ruled that the lifting of the parliamentary immunity of 40 HDP lawmakers, who had brought their case to the European Court following the constitutional amendment in May 2016, had violated their right to freedom of expression. In so doing, the Court responded to their assertion that the lifting of their immunity came in response to their political opinions and drew for its conclusions on this point on its rulings in the cases of *Demirtaş v. Türkiye* and *Demir v. Türkiye*.

On 19 October 2021, in the landmark decision *Vedat Şorli v. Turkey*, the European Court of Human Rights found that Article 299 of the Turkish Criminal Code, which criminalizes insulting the President, was incompatible with the right to freedom of expression, and urged the Government to align legislation with Article 10 of the European Convention on Human Rights.

On 6 July 2023, the European Court of Human Rights ruled in the case *Demirtaş and Yüksekdağ Şenoğlu v. Türkiye* that the surveillance of the meetings between Mr. Demirtaş and Ms. Yüksekdağ and their legal counsel and the seizure of documents violated Article 5 § 4 of the European Convention on Human Rights, which guarantees the right to a speedy review of the lawfulness of detention. In addition, since July 2023, there have been at least three other important rulings by the European Court of Human Rights (*Gümüş v. Türkiye* (Application No. 40303/17) – Judgment of 11 July 2023; *Özlü v. Türkiye* (Application No. 58339/09) – Judgment of 28 November 2023; *Uçar v. Türkiye* (Application No. 52392/19) – Judgment of 16 January 2024), which reflect systemic issues in Türkiye's approach to political dissent and the exercise of fundamental freedoms.

The Turkish authorities have repeatedly justified the legality of the measures taken against the HDP parliamentarians, and invoked the independence of the judiciary, the need to respond to security and terrorism threats and legislation adopted under the state of emergency. The authorities have provided detailed information on parliament's May 2016 "provisional constitutional amendment" on parliamentary immunity, which has been used to prosecute parliamentarians from all parties. They have asserted that there is no "HDP witch hunt" in Türkiye; that women parliamentarians are not being specifically targeted; that there is no Kurdish issue in Türkiye and no current conflict in south-eastern Türkiye; that Türkiye is facing a terrorism issue on many levels involving the PKK and its "extensions"; that the HDP has never publicly denounced the violent activities of the PKK; that HDP members, including members of parliament, have made many statements in support of the PKK and their "extensions"; that HDP members have attended funerals of PKK suicide bombers and called for people to take to the streets, which has resulted in violent incidents with civilian casualties; and that this does not fall within the acceptable limits of freedom of expression. To illustrate the point that the HDP was an extension of the PKK, in the hearing with the Committee on the Human Rights of Parliamentarians at the 150th IPU Assembly (April 2025), the Turkish IPU delegation showed photos of Ms. Semra Güzel with an armed

PKK member with whom she was in a relationship at the time. However, it should be noted that Ms. Güzel was not involved with the HDP when the photos were taken. In addition, the photos were taken in 2014 during the peace process, a time when the HDP was engaging directly with the PKK on behalf of the Turkish Government. Moreover, in most legal systems, a photo alone – in the absence of further conduct – would be insufficient to establish criminal liability.

On 17 March 2021, the chief prosecutor of the Turkish Court of Cassation referred a request for the dissolution of the HDP to the Constitutional Court, accusing the HDP of terrorist activities, by drawing heavily on the trial against several HDP politicians in the 2014 Kobane case referred to earlier. The file is currently at the stage where the Constitutional Court rapporteurs will examine the merits of the case. In the face of dissolution, the HDP leadership refrained from formally dissolving the party; its members decided to run in all 2023 elections under the Green Left Party (YSP) banner, a legally distinct but politically aligned structure. In October 2023, the YSP renamed itself the DEM Party (Peoples' Equality and Democratic Party), hence becoming the *de facto* successor to the HDP.

On 27 February 2025, Mr. Abdullah Öcalan, the imprisoned founding leader of the PKK, called for the group to disarm and dissolve. In response, the PKK declared a unilateral ceasefire on 1 March 2025. Turkish President Recep Tayyip Erdoğan reportedly characterized the development as an "historic opportunity" to dismantle barriers of terror and foster national unity.

On 28 March 2025, the Head of the Turkish Delegation to the IPU provided an extensive written report on the individual situation of the current and former parliamentarians, as well as on some overarching issues that have arisen in this case. The Turkish delegation further elaborated on the contents of the report in its hearing with the Committee on the Human Rights of Parliamentarians during the 150th IPU Assembly (April 2025). The report makes the following recommendations to the Committee on the Human Rights of Parliamentarians, namely to close the cases of: (i) Erol Dora, Burcu Çelik Özcan, Alican Önlü, Mithat Sancar and Musa Farisoğulları due to the absence of any pending criminal cases against them; (ii) Mr. Kadri Yıldırım, due to his death in 2022; and (iii) Meral Daniş Beştaş, Pervin Buldan, Berdan Öztürk, and Sırrı Süreyya Önder, due to their current status as members of parliament.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Head of the Turkish IPU Delegation to the IPU for her latest communication and the extensive information provided on the legal situation of the individuals concerned in this case; *acknowledges* that this required painstaking research and verifications given the high number of persons affected and the multiple legal proceedings brought against them; *also thanks* the Turkish delegation for the information provided at the hearing with the Committee on the Human Rights of Parliamentarians during the 150th IPU Assembly (April 2025) and for their openness to dialogue;
2. *Notes* that the case for the dissolution of the People's Democratic Party (HDP) has not yet been concluded but that the party has in effect been sidelined, with its members now largely operating through its successor Peoples' Equality and Democracy Party (DEM Party); *remains concerned* that the rationale behind the dissolution proceedings continues to conflate, without substantiated legal reasoning, the HDP and the Kurdistan Workers' Party (PKK); *reaffirms* that the HDP is a legally constituted political party that does not advocate violence and that dissolution or banning of political parties should only be considered as a measure of last resort in line with European Court of Human Rights jurisprudence; *calls on* the Constitutional Court to render its judgment in strict accordance with these standards; *notes* in this regard that the Turkish Delegation to the IPU has stated that, as a result of implemented reforms, the closure of political parties has been made more difficult and is considered an exceptional measure; and *wishes* to be kept informed of the final decision of the Constitutional Court;
3. *Is deeply concerned* about the outcome of the Kobane trial, in which a large number of HDP leaders and elected officials were handed heavy prison sentences in May 2024; *strongly believes* that these convictions, including those of Mr. Selahattin Demirtaş and Ms. Figen Yüksekdağ, appear to have been based largely, if not exclusively, on political speech and association and contradict the rulings and legal standards set forth by the European Court of Human Rights; and *considers* that the trial raises serious questions about the independence of

the judiciary and the use of the criminal justice system to stifle legitimate political opposition;

4. *Remains deeply concerned* in this regard that six former parliamentarians remain in prison and that many others continue to be prosecuted; *considers* that the information recently received from the Turkish authorities, while extensive, fails to dispel – in the absence of concrete information on the facts underpinning the former parliamentarians' prosecution and/or conviction – its concerns that their continued imprisonment appears to result from their legitimate political activities and expressions; *urges* the Turkish authorities to review their cases and ensure their immediate release where appropriate; and *requests* detailed information on the concrete evidence underpinning their convictions and/or conviction;
5. *Decides*, nevertheless, to close the case of Mr. Kadri Yıldırım, who died in 2022, pursuant to paragraph 25(a), section IX, of Annex I to its revised Rules and Practices; *is pleased* to learn from the Turkish Delegation to the IPU, as confirmed by the complainant, that there are no legal proceedings pending against Mr. Erol Dora and *decides* to close her case under paragraph 25 of the same section; and *continues* to examine, however, the situations of the other individuals for which the Turkish Delegation to the IPU has asked to close examination, given that the complainant states that these persons remain subject to legal proceedings;
6. *Expresses the hope* that the renewed calls for dialogue will contribute to the creation of conditions conducive to the resumption of a meaningful peace process between the Turkish Government and representatives of the Kurdish movement, including the PKK, aimed at achieving a comprehensive and lasting resolution to the decades-long conflict in south eastern Türkiye that addresses the root causes and legitimate aspirations of the Kurdish population in accordance with democratic principles and Türkiye's constitutional and international obligations;
7. *Appreciates* the invitation extended by the Turkish Delegation to the IPU to the Committee on the Human Rights of Parliamentarians during the hearing held at the 150th IPU Assembly (April 2025) to come to Türkiye to discuss the different cases in more detail, including by facilitating access to the case files, and to continue its exchange of views directly with the relevant parliamentary, judicial and executive authorities; and *requests* the Secretary General to make the necessary arrangements with the Turkish Delegation to the IPU to facilitate the speedy organization of this mission;
8. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.



Inter-Parliamentary Union
For democracy. For everyone.

Türkiye

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 177th session (Tashkent, 4-8 April 2025)



Peoples' Equality and Democracy Party (DEM) on 15 October in Ankara.
Credit: Dem Party press office.

- | | |
|---|--|
| TUR-144 - Ayten Kordu (Ms.) | TUR-164 - Nejla Demir (Ms.) |
| TUR-145 - Beritan Güneş Altın (Ms.) | TUR-165 - Nevroz Uysal Aslan (Ms.) |
| TUR-146 - Burcugül Çubuk (Ms.) | TUR-166 - Nuran İmir (Ms.) |
| TUR-147 - Ceylan Akça Cupolo (Ms.) | TUR-167 - Oya Ersoy (Ms.) |
| TUR-148 - Dilan Kunt Ayan (Ms.) | TUR-168 - Pero Dundar (Ms.) |
| TUR-149 - Fatma Kurtulan (Ms.) | TUR-169 - Sabahat Erdoğan Sarıtaş (Ms.) |
| TUR-150 - Gülcan Kaçmaz Sayyigıt (Ms.) | TUR-170 - Sait Dede |
| TUR-151 - Gülderen Varlı (Ms.) | TUR-171 - Serhat Eren |
| TUR-152 - Gülistan Kılıç Koçyiğıt (Ms.) | TUR-172 - Serpil Kemalbay (Ms.) |
| TUR-153 - Hakkı Saruhan Oluç | TUR-173 - Sezai Temelli |
| TUR-154 - Hasan Özgüneş | TUR-174 - Sümeyye Boz (Ms.) |
| TUR-155 - Hüseyin Kaçmaz | TUR-175 - Tülay Hatimoğulları Oruç (Ms.) |
| TUR-156 - Hüseyin Olan | TUR-176 - Yılmaz Hun |
| TUR-157 - Kamuran Tanhan | TUR-177 - Zeynep Oduncu (Ms.) |
| TUR-158 - Kemal Peköz | TUR-178 - Zülküf Uçar |
| TUR-159 - Keskin Bayındır | TUR-179 - Çiğdem Kılıçgün Uçar (Ms.) |
| TUR-160 - Keziban Konukcu Kök (Ms.) | TUR-182 - Ömer Faruk Gergerlioğlu |
| TUR-161 - Mehmet Rüştü Tiryaki | TUR-180 - Ömer Öcalan |
| TUR-162 - Mehmet Zeki Irmez | TUR-181 - Öznur Bartin (Ms.) |
| TUR-163 - Murat Çepni | |

Alleged human rights violations

- ✓ Ill-treatment
- ✓ Threats, acts of intimidation
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association

A. Summary of the case

This case concerns 39 incumbent and former opposition parliamentarians from the People's Equality and Democracy Party (DEM Party), the Democratic Regions Party (DBP), and the Peoples' Democratic Party (HDP) in Türkiye. The alleged violations affecting them span from 2018 to 2025 and relate to a broad pattern of reported harassment, intimidation, criminal prosecution and violence targeting Kurdish and other opposition parliamentarians.

According to the complainant, the violations occurred in multiple locations across Türkiye, particularly in provinces with significant Kurdish populations, including Diyarbakır, Van, Hakkari, Şırnak, Siirt, Mardin, Sanliurfa, and İstanbul, as well as in Ankara, from where many of the legal proceedings were initiated. Several incidents took place during large-scale demonstrations, party-organized events, parliamentary speeches and peaceful marches such as the "Great Freedom March" held in February 2024 and the protest against electoral interventions in Van in April 2024. Many incidents also date back to earlier events, including the 2014 Kobane protests and Newroz celebrations between 2019 and 2023.

The complainant points out that most of the parliamentarians are under investigation for charges such as "terrorist propaganda", "membership of a terrorist organization", "incitement" or "participating in unlawful assemblies". The alleged offences often involve peaceful activities such as giving speeches, attending funerals, joining public marches, making social media posts, or expressing solidarity with hunger strikes. A number of members of parliament, including female members, reported physical violence and threats by law enforcement officers, particularly during protests in Silopi, Yüksekova, Hakkari, and Diyarbakır. Despite complaints being filed, prosecutors have reportedly frequently refused to investigate law enforcement misconduct, or investigations remain unresolved.

Most of the legal proceedings are handled by public prosecutor's offices in Ankara, reflecting the centralization of judicial control over political cases. The complainant maintains that parliamentary immunity has often been disregarded or is lifted in summary proceedings, and vague anti-terror legislation is applied to criminalize political speech and dissent. The complainant asserts that the constant legal pressure, threats and physical harassment severely impair the individuals' ability to represent their constituents and exercise their parliamentary functions. The complainant argues that the constant criminalization of political activities during and after their term in parliament sends a dangerous message to people considering an active role in politics because of what follows after their term is done. In this regard, according to the complainant, the situation of the 39 current and former parliamentarians also has to be seen against the background of the shrinking democratic space in Türkiye and the instrumentalization of the judiciary against legitimate opposition actors.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1(a), (b) and (c) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);

Case TUR-COLL-04

Türkiye: Parliament affiliated to the IPU

Victims: 39 opposition members of parliament (17 men and 22 women)

Qualified complainant(s): Section I.1(a), (b) and (c) of the Committee Procedure (Annex I)

Submission of complaint: March 2025

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities:
Letter from the President of the Turkish IPU Group (March 2025)
- Communication from the complainant:
April 2025
- Communication to the authorities:
Letter to the President of the Turkish IPU Group (March 2025)
- Communication to the complainant:
April 2025

2. *Notes* that the complaint concerns incumbent members of parliament at the time of the alleged facts;
3. *Notes* that the complaint concerns allegations of lack of due process in legal proceedings, violations of freedom of opinion and expression and of freedom of assembly and association, ill-treatment, and threats and acts of intimidation, allegations which fall within the Committee's mandate;
4. *Considers*, therefore, that the complaint is admissible pursuant to the provisions of section IV of the Procedure and declares itself competent to examine the case;
5. *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;
6. *Decides* to continue examining this case.



Inter-Parliamentary Union

For democracy. For everyone.

Turkey

TK/41 - Hatip Dicle
TK/67 - Mustafa Balbay
TK/68 - Mehmet Haberal
TK/69 - Gülser Yildirim (Ms.)
TK/70 - Selma Irmak (Ms.)
TK/71 - Faysal Sariyildiz
TK/72 - Ibrahim Ayhan
TK/73 - Kemal Aktas
TK/74 - Engin Alan
TK/55 - Mehmet Sinçar

Decision adopted unanimously by the IPU Governing Council at its 195th session (Geneva, 16 October 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the above-mentioned parliamentarians and to the resolution adopted at its 194th session (March 2014),

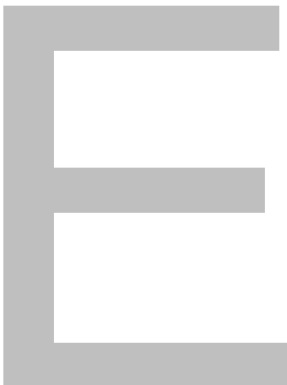
Referring to the full report on the mission conducted to Turkey by two members of the IPU Committee on the Human Rights Parliamentarians, Vice-President of the Committee, Ms. Ann Clwyd and Ms. Margaret Kiener Nellen, from 24 to 27 February 2014 (CL/195/11(b)-R.1),

Recalling that the nine parliamentarians above were all elected in June 2011 while in prison and are being prosecuted for destabilizing or overthrowing the constitutional order, including by being members of terrorist organizations, in three complex cases known as the “Sledgehammer/Balyoz case”, the “Ergenekon case” and the “KCK case”,

Considering that the nine parliamentarians have now been released pending the completion of ongoing proceedings following groundbreaking decisions of the Constitutional Court of Turkey on the excessive length of pretrial detention, the right of elected parliamentarians to sit in Parliament and the need to respect international fair-trial guarantees; Mr. Alan and Mr. Dicle were granted provisional release on 19 and 28 June 2014, respectively,

Considering that they are now able to exercise their parliamentary mandate with the exception of Mr. Dicle, who lost his parliamentary status at the time of his invalidation; Mr. Balbay’s and Mr. Haberal’s restrictions on the freedom of movement have been lifted,

Recalling that Mr. Mehmet Sinçar, a former member of the Grand National Assembly of Turkey, of Kurdish origin, was assassinated in September 1993 in Batman (south-eastern Turkey),



Considering that the appeal in Mr. Sinçar's case was concluded in January 2011; the decision does not make any specific reference to the murder of Mr. Sinçar, to the appeal lodged by his family or to any of the arguments raised by their lawyers; it does not indicate that the judicial process effectively probed the political and security context prevailing at the time of the murder and the possible responsibility of the chain of command of the Turkish intelligence and security officers, in particular existing information implicating five agents in planning and executing the crime,

Considering that the mission concluded and observed the following:

- With regard to freedom of expression:
 - The protection of freedom of expression in Turkey has been a long-standing issue of concern in prior cases before the Committee on the Human Rights of Parliamentarians which, since 1992, has repeatedly called on the Turkish authorities to take action to enhance respect for this fundamental right;
 - Peaceful and legal political activities of the parliamentarians concerned have been regarded as evidence of criminal and terrorist acts by the prosecution and the courts, and that despite progress made in legislative reforms; the Turkish legal framework and judicial practice continue to largely fail to distinguish between peaceful protest and dissenting opinions on the one hand, and violent activities pursuant to the same goals on the other;
 - In the case of Mr. Dicle, his statement publicly expressing a non-violent opinion supportive of the PKK fell within the scope of freedom of speech; he was therefore convicted in violation of his right to freedom of expression and that, as a consequence, his parliamentary mandate was arbitrarily invalidated,
- With regard to fair-trial guarantees:
 - In light of the information and documentation reviewed during and after the mission, the delegation has concluded that the judicial process under which the parliamentarians concerned have been, and continue to be, tried is not in compliance with international standards of due process, that justice was neither achieved nor perceived to have been achieved, and that the large scope of the proceedings and the broader context lend weight to the allegations that the judicial proceedings may have been politically motivated,

Considering that the Constitutional Court ruling of 18 June 2014 concluded that fair-trial violations occurred in the Sledgehammer case, which will pave the way for a retrial of Mr. Alan and other defendants in the case,

Considering that, in their observations on the mission report, the parliamentary authorities have stated that:

- They did not have any general objections to the findings of the delegation;
 - Further legislative reforms were completed with the amendments made by Law No. 6526 of 21 February 2014, known as the Fifth Judicial Reform Package;
 - The first hearing of the retrial of the persons accused in the Sledgehammer case, including Mr. Alan is scheduled for 3 November 2014,
1. *Thanks* the Turkish authorities for their observations and *notes with interest* that they generally share the findings of the mission;
 2. *Further thanks* the mission delegation for the work done and endorses its overall conclusions; and *trusts* that the Turkish authorities will implement its recommendations promptly;
 3. *Notes with satisfaction* that all parliamentarians have been released pending the completion of the ongoing proceedings and, with the exception of Mr. Dicle, are now able to exercise their parliamentary mandate; *also notes with interest* that the travel

restrictions on Mr. Balbay and Mr. Haberal have been lifted; *welcomes* the legislative reforms undertaken by the authorities;

4. *Deeply regrets*, however, that the parliamentarians concerned spent over half of their parliamentary term and an average of four years in detention before a solution was found; and *urges* the Turkish authorities to adopt appropriate constitutional and legislative amendments to fully implement the rulings of the Constitutional Court as regards the pretrial detention of parliamentarians;
5. *Is deeply concerned* that the peaceful and legal activities of the parliamentarians concerned were regarded as evidence of criminal and terrorist acts by the prosecution and the courts, and *calls on* the authorities to urgently strengthen freedom of expression and association, in particular concerning anti-terrorist legislation and the offence of membership of a criminal organization; *wishes* to be kept informed about legislative reform envisaged on these issues;
6. *Expects* that the judicial proceedings will provide appropriate redress for the acknowledged violations of due process and will be completed swiftly in compliance with international standards; *wishes* to be regularly apprised of their status and outcome;
7. *Urges* the Turkish authorities to pursue further investigations in the case of Mr. Sınar and fully take into account existing information implicating five agents of the Turkish intelligence Services in planning and executing the crimes; *further invites* the parliamentary authorities to consider establishing a parliamentary commission to investigate the murder, together with other human rights violations committed in the 1990s in south-eastern Turkey, including abuses by State perpetrators;
8. *Trusts* that the parliamentary authorities will liaise with the competent executive and judicial authorities to keep the Committee apprised of any future developments, so as to facilitate a dialogue conducive to a satisfactory settlement of the cases under examination;
9. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.