



Inter-Parliamentary Union

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Parliamentarians at Risk Around the World

**Briefing organised by the Tom Lantos Human Rights Commission
and the Inter-Parliamentary Union
co-hosted by the House Democracy Partnership**

Capitol Building (room H-313), Thursday, September 19, 2019
10:30-11:30 a.m.

**Statement by Hişyar Özsoy, Deputy Chair of HDP
and Member of Parliament, Turkey**

The Case of Parliamentarians at Risk in Turkey

Turkey is rapidly moving away from her already weak democracy and the rule of law due to authoritarian policies of President Erdoğan– particularly with respect to the Kurdish issue. This authoritarianism has gained momentum since 2015, dragging the country into political conflict and violence, social turmoil, and economic decline. With the “presidential system” established under emergency rule in 2017, Erdoğan has virtually monopolized all executive, legislative, and judicial powers. There is no separation of powers in the country; the judiciary is under direct control of the government, while the parliament is mostly dysfunctional.

How did we come to this point? President Erdoğan suspended the peace process with the Kurdish movement and initiated a very aggressive crackdown after the general elections on 7 June 2015, when his party lost parliamentary majority thanks to the Peoples’ Democratic Party’s (HDP) passing of the ten-percent national election bar. Since then his government has been using all means at its disposal, particularly the security apparatus, the judiciary, and a monopolized media, to wipe out the HDP. In May 2016, our parliamentary immunities were lifted in violation of the Turkish Constitution and the European Convention on Human Rights. Two months later, a failed coup attempt took place, which was masterfully exploited by Erdoğan to destroy the opposition towards building an extremely authoritarian presidential system. Although emergency rule was formally lifted in July 2018, all of its practices continue full force thanks to the “Turkish-type presidential system.” We now live under a permanent emergency rule, where anybody who dares to criticize the government, especially its Kurdish policy, is criminalized and penalized as a terrorist, traitor, or enemy of the state.

Over the last three years, over seventy thousand citizens of Turkey were arrested on charges related to terrorism or the coup attempt, including politicians, members of parliament, elected Kurdish mayors, academics, journalists, human rights activists, and the like. Among these were more than five thousand HDP members and administrators. Our former co-chairs Mr. Selahattin Demirtaş and Ms. Figen Yüksekdağ and seven other deputies have been in prison since 4 November 2016. Many other HDP deputies spent months or years in prison and then released. About twenty of them had to flee the country and became refugees in European countries. Also, over fifty elected Kurdish mayors are still in prison. The case of HDP and her parliamentarians provide a unique window into the current state of parliamentary democracy and democratic institutions in the country, and, in particular, the control of the government over the judiciary. The following quote from the observation report of the IPU on the cases of HDP co-chairs well summarizes the situation:

Considering the prevailing political situation in Turkey, the near suppression of all dissent in the country and heavy government interference in the judiciary, the prospect for former parliamentarians Mr. Demirtaş and Ms. Yüksekdağ to receive a fair trial is remote. The political nature of both prosecutions is evident... What is at stake here is freedom of expression and the prosecution *is not about combating terrorism, but combating a political vision and a political program different from the current government's one (emphasis added)*... [In these politically charged cases] it would require particularly courageous judges prepared to put their career and possibly their own and their family's well-being at stake to ignore injunctions from the executive and instead abide by the country's national and international human rights obligations.

The overwhelming majority of charges brought against the HDP deputies concern violating the anti-terror law, violating the law on assembly, and insulting the President. Virtually all of these charges are about political speeches, press releases or peaceful marches, protests, and meetings that clearly fall within the scope of political activity in their capacity as deputies of HDP. As the Venice Commission's report on the lifting of parliamentary immunities in Turkey noted: "non-violent pursuit of non-violent political goals... cannot be the subject of criminal prosecution." An "extremely cautious approach" is due when the political speech of MPs is at stake, particularly when, as in the case of HDP, nearly all MPs of an opposition party are concerned. An "additional reason for caution" is the fact that the European Court of Human Rights (ECtHR) has a sizeable case law against Turkey where it found the prosecution of political speech on terrorism grounds to violate freedom of expression.

In fact, in its judgment regarding the prolonged detention of Mr. Demirtaş on 20 November 2018, the ECtHR stated that Turkey violated his rights on multiple grounds and demanded his immediate release. The judgment emphasized that Turkish courts were particularly harsh in the attitude towards HDP deputies, elected Kurdish mayors, and other oppositional voices in general. According to the Court, the reason for the targeting of the applicant was not merely due to the individual circumstances of his prosecution, but because he was one of the leaders of the political opposition; and it was not only the individual rights and freedom of the applicant that were under threat, but the entire democratic system in Turkey itself. The judgment underlined that the primary aim of Mr Demirtaş's detention was "to stifle pluralism and limit the freedom of political debate." The Turkish government refused to implement the ECtHR decision for the release of Mr. Demirtaş.

Since the revocation of our parliamentary immunities, we have been in regular dialogue with the IPU Committee for the Human Rights of Parliamentarians. The Committee kindly appointed a rapporteur to regularly observe court hearings of our co-chairs in Turkey. Also, it made a third party intervention into the case of Mr Demirtaş vs. Turkey at the ECtHR. In addition, a high-level IPU delegation, led by Ms President herself, visited Turkey to assess on the ground the general political situation and the legal cases of parliamentarians in 2019, when they could finally get permission from Turkish authorities. The IPU has also passed a series of resolutions and recommendations regarding the situation of HDP deputies. We very much thank for these invaluable efforts— and expect their continuation.

Parliamentary democracy is under serious threats due to the rising tide authoritarianism across the globe; such threats are definitely not issues specific to a few countries. In such challenging times for parliaments and democracy, it is essential for national legislatures to build solidarity with us and amongst each other. We want to

thank the Tom Lantos Human Rights Commission for sponsoring this event together with the House Democracy Partnership and also for advocating for Mr. Demirtaş through the Defending Freedoms Project. His case is emblematic of the crackdown on the HDP, the Kurdish people, and the broader democratic opposition in Turkey. One simple and meaningful act of solidarity would be for a member of Congress to agree to sponsor his case through the project.

We also want to see legislatures to take a clear stance on democratic politics and Kurdish rights in Turkey through legislation. Members of the US Congress have introduced in the past resolutions calling for the freedom of Kurdish political prisoners and a fair and peaceful settlement to the conflict in Turkey. Now I want to take this opportunity to invite members of Congress to come to Turkey and see the political situation for themselves. Members of various parliaments in Europe have already done this by visiting parliamentarians at risk in Turkey, observing and reporting on trials of our co-chairs and deputies in prison, organizing debates in their parliaments, and encouraging their governments to take action against assaults on democracy. Similar acts of solidarity by elected US representatives will surely contribute to parliamentarians in Turkey who risk their safety and freedoms everyday in order to protect democracy.