



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

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Vienna, London, Düsseldorf, 23 March 2021

Threat of HDP ban: European lawyers demand credible EU response

A few days ago Turkey's Chief prosecutor of the Supreme Court filed an indictment seeking dissolution of the opposition Peoples' Democratic Party (HDP). The indictment accuses HDP leaders and members *"of acting in a way that flouts the democratic and international rules of law, colluding with the terrorist PKK and affiliated groups, and aiming to destroy and eliminate the indivisible integrity of the state with its country and nation"*.

On the very same day, the parliament removed the immunity of one of the most active deputies of HDP, Ömer Faruk Gergerlioğlu. Mr. Gergerlioğlu announced that he has not accepted the unlawful decision, and that he has decided not to leave the parliament. On the 21st of March, he was arrested within the parliament building. He was released the same day after he testified before the prosecutor, but he might be detained again in a couple of days. All these dangerous developments happened in the week of Newroz, which is one of the most significant days of struggle and celebration for the Kurdish people. Therefore, these systematic attacks can be interpreted as a way of diminishing the Kurdish people, and their political representation and existence too.

This indictment marks the beginning of a new stage of state repression against the HDP. In recent years, more and more HDP executives and elected officials have been charged with terrorism-related offenses. Lawyers representing accused HDP politicians in court have also been suspected of supporting the PKK in several mass trials.

To the extent that it is possible, ELDH sends observers to the respective court hearings and, in individual cases, carries out fact-finding missions together with other European and international advocacy organizations.

In their unanimous analyses, observers have concluded that the trials of elected HDP parliamentarians and their defence lawyers are politically motivated and violate the basic rules of fair trial. Numerous HDP politicians have paid for their democratically legitimate opposition to the ruling AKP government and the MHP with years in prison, among them the former Co-Presidents Figen Yüksekdağ and Selahattin Demirtaş. The Turkish government refused even to comply with the judgment of the Grand Chamber of the European Court of Human Rights to release Selahattin Demirtaş.

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The U.S. and the European Union have reacted with unusual speed and criticism to the recent state repression by their NATO ally against the HDP.

In a joint Statement (18 March 2021) the High Representative/Vice-President Josep Borrell and Neighbourhood and Enlargement Commissioner Olivér Várhelyi denounced the Turkish government's action: "Closing the second largest opposition party would violate the rights of millions of voters in Turkey. It adds to the EU's concerns regarding the backsliding in fundamental rights in Turkey and undermines the credibility of the Turkish authorities' stated commitment to reforms." They demand: "As an EU candidate country and a member of the Council of Europe, Turkey must urgently respect its core democratic obligations, including respect for democracy, human rights and the rule of law."

However, the official Turkish media also like to quote the same Josep Borrell who stated two days earlier: "The European Union should support Turkey for hosting more than four million refugees." Therefore, Turkey's government once again used the refugees as a subject of threat and negotiation.

The Turkish government is well able to distinguish between hot air and solid policy. Therefore it is not surprising that the Turkish government rejected the criticism of the banning procedure against the HDP which has now been initiated.

ELDH demands that the EU and other governments do not tolerate any longer the complete destruction of democracy in Turkey, the violation of human rights and the disregard of the jurisdiction of the European Court of Human Rights. The democratic forces in Turkey cannot pay the price for the military and economic interests of the EU and NATO. They cannot pay the price for the EU's inhumane refugee policy. Action is needed by the EU and other states which claim to be democracies. At the upcoming European Council meeting on March 26, 2021, the relationship with Turkey will be on the agenda. The EU must not miss this crucial chance to save one of the two opposition parties in the Turkish parliament. Another statement by the EU will not be sufficient. The EU has the political and economic power to enforce its demands.

Also, as today is Newroz, ELDH is expressing its solidarity with the HDP and the Kurdish people under these ongoing unlawful policies and the systematic attacks of Turkey's state authorities.

Turkey's state authorities should stop the harassment of the Kurdish people and their political representatives.

EU and the other governments should take an active position for ensuring the fundamental human rights of Turkish and Kurdish People

Finally; Newroz Piroz Be!