Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Judicial proceedings against the Justice and Development Party in Turkey

Written declaration No. 409

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

We are concerned about judicial proceedings recently instituted by the general prosecutor in Turkey to dissolve the Justice and Development Party and ban 71 of its members from politics. We are concerned that the Constitutional Court has declared this request admissible.

Recognising the independence of the judiciary and prosecution, we emphasise that the freedoms of association and expression are essential in a pluralist democracy. Forming and joining political parties and expressing political opinions are integral parts of the rights guaranteed by Articles 10 and 11 of the European Convention on Human Rights (ECHR). This includes opinions which amount to seeking to change the constitutional order, provided they do not incite violence.

We expect the Turkish prosecution authorities and judiciary to respect the case law of the European Court of Human rights when considering political party closure and bans on individual members.

Turkey has a legacy of political party closures. Cases concerning party closures have resulted in the European Court ruling that they contravened the ECHR. Despite reforms of the Constitution of 1995 and 2001 and of the Law on Political Parties in 2003, attempts to close parties continue. Further reforms are needed.

Encouraged by the resolute commitment of Turkey to pursue the democratic reform process, we urge Turkey to consider, without delay, further constitutional and legislative reforms to conform fully with the ECHR.

Signed (see overleaf)

Signed[1]*:*

BRANDE Luc, Van den, Belgium, EPP/CD
ALIGRUDIĆ Miloš, Serbia, EPP/CD
BIBERAJ Aleksandër, Albania
BRAUN Márton, Hungary, EPP/CD
EÖRSI Mátyás, Hungary, ALDE
FEDOROV Valeriy, Russian Federation, EDG
GARDETTO Jean-Charles, Monaco, EPP/CD
GROSS Andreas, Switzerland, SOC
HARUTYUNYAN Davit, Armenia, EDG
JAZŁOWIECKA Danuta, Poland
KOSACHEV Konstantin, Russian Federation, EDG
KOX Tiny, Netherlands, UEL
LINDBLAD Göran, Sweden, EPP/CD
LINDEN René, van der, Netherlands
MARMAZOV Yevhen, Ukraine, UEL
MARTY Dick, Switzerland, ALDE
McCAFFERTY Christine, United Kingdom
NAKASHIDZÉ Nino, Georgia
RIGONI Andrea, Italy, ALDE
SEYIDOV Samad, Azerbaijan, EDG
WILLE Paul, Belgium

Total = 21

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1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left