Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1030 (1994)[1]

Arrest and detention of six members of the Turkish Grand National Assembly on 2 and 3 March 1994

Parliamentary Assembly

1. The arrest of eight members of the Turkish Grand National Assembly, on 2 and 3 March 1994 (two of whom were released on 4 March), immediately raised deep concern at various political levels in Europe, especially as the detained parliamentarians, in view of the charges brought against them and in accordance with Article 125 of the Turkish Penal Code, are liable to the death penalty.

2. Grave concern was voiced by the President of the Assembly in letters which he addressed to the Chairman of the Committee of Ministers, to the chairmen of the national parliamentary delegations to the Council of Europe and to the leaders of the Assembly's political groups. His proposal to hold an urgent debate during the April 1994 part-session was taken up by the Committee on Legal Affairs and Human Rights at its meeting of 21 March 1994.

3. The Assembly, once more, wants to express its abhorrence of all terrorist acts and use of violence, irrespective of by whom they are perpetrated, and fervently hopes that the dreadful and bloody conflict in south-eastern Turkey will very soon find a peaceful solution.

4. The Assembly is fully aware of the need to preserve the political unity and territorial integrity of the Republic of Turkey and acknowledges that finding a peaceful, democratic and non-separatist solution to this problem is solely the responsibility of the citizens of that republic.

5. However, by making their declarations, the six detained members of the parliament - all of Kurdish origin and members of the Democratic Party (DEP) - did not go beyond using their right to freedom of expression which is guaranteed in Article 10 of the European Convention on Human Rights as well as in the Turkish Constitution.

6. Thus, the Assembly cannot accept the lifting of the parliamentary immunity, the prosecution, the arrest and subsequent detention of six members of the Turkish Grand National Assembly for charges solely based on the public statements and writings of these members claiming recognition of a Kurdish identity and advocating some form of (cultural) autonomy for the region which has a population of predominantly Kurdish origin.

7. In conclusion, the Assembly:

7.1. impresses on its Turkish parliamentary delegation and on the Turkish authorities, that the arrest, detention and prosecution of members of the Grand National Assembly for their political views because these views are - in the opinion of these authorities - of a criminal nature, is a possible threat to the very essence of parliamentary democracy, and that such a prosecution - if it is necessary - should be conducted with the greatest concern for parliamentary rights and civil liberties;

7.2. calls on the Turkish authorities to withdraw the existing charges before the state Security Court against the six members of parliament which are based on political statements that are allegedly treasonable, as it cannot reasonably be treasonable to advocate constitutional change by parliamentary means;

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1. Assembly debate on 13 April 1994 (13th Sitting)(seeDoc. 7067, report of the Committee on Legal Affairs and Human Rights, Rapporteur: Mr Jurgens). Text adopted by the Assembly on 13 April 1994 (13th Sitting).

7.3. calls on the Turkish authorities to withdraw their request before the Constitutional Court to "close" the DEP party on the grounds of treasonable aims (that is separatism), this request being based solely on one single document and on two statements which urge changes within the Turkish Constitution, and therefore seem to fall within the limits of free speech, certainly for a parliamentary party;

7.4. calls on the Turkish authorities to make use of the possibility of preparing its case against the six DEP deputies - if the authorities insist on pursuing the prosecution - without holding them in detention, as this makes their work as representatives of the people impossible;

7.5. calls on the Turkish authorities to take initiatives for a peaceful and political solution to "the Kurdish question" within its frontiers, including the repeal of all legislation which makes normal political discourse and free speech about specific changes in the constitution (in this case "the indivisibility of the state") a treasonable offence;

7.6. calls on all its members to use every opportunity to raise the case of their six Turkish colleagues with the Turkish authorities;

7.7. urges especially its Turkish parliamentary delegation to create a political middle-ground in the Turkish Parliament for a dialogue that recognises the existence of "the Kurdish question" and seeks a peaceful political solution for it.