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The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?

Addendum to the report

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe
(Monitoring Committee)

Co-rapporteurs: Ms Marianne MIKKO, Estonia, Socialists, Democrats and Greens Group, and Mr Nigel EVANS, United Kingdom, European Conservatives Group

Dissenting opinion by Mr Akif Çağatay KILIÇ (Turkey, EC),¹ member of the committee

The report is simply unjust and misleading. The request for urgent debate and the related report are based on the situation that Selahattin Demirtaş, Leyla Güven and Ertuğrul Kürkçü put themselves in. Parliamentarians or not, we have to take responsibility for the choices we make.

The report is bent on misreading the judgments of the European Court of Human Rights and misleading the members of the Parliamentary Assembly of the Council of Europe and the public at large.

I recommend a thorough reading of the Demirtaş judgment of the Court and drawing correct conclusions.

The Court found that lifting of the immunity, arrest and detention of Demirtaş were lawful. The decision is clear on this: "Mr Demirtaş had been arrested and detained on reasonable suspicion of having committed a criminal offense." Therefore lifting of the immunity, arrest and detention of Demirtaş are lawful, hence not in violation of the European Convention on Human Rights. Please take into consideration that his immunity was lifted by the Parliament.

Accordingly, the same arguments apply for other Parliamentarians mentioned in the report. Mr Kürkçü was acquitted of two different charges and a third acquittal is actually pending before the Court of Cassation. He was recently convicted of making propaganda for a terrorist organisation, the decision is not final yet. From our encounter with Mr Kürkçü on our way to Strasbourg, he did not seem to be concerned about any Government interference, nor did he appear to be in need of any urgent protection.

Leyla Güven's record is even more considerable, hence the more serious situation that she has put herself in. She has been incessantly inciting the public to violence and engaging in propaganda for a terrorist organisation. She has been glorifying terrorism and the leader of a terrorist organisation. Leyla Güven is charged with being among the leadership of the terrorist organisation. She is currently on hunger strike to protest the imprisonment of Abdullah Öcalan, leader of PKK, the terrorist organisation responsible for the murder of thousands of innocent people.

1. Rule 50.4 of the Assembly's Rules of Procedure: "The report of a committee shall also contain an explanatory memorandum by the rapporteur. The committee shall take note of it. Any dissenting opinions expressed in the committee shall be included therein at the request of their authors, preferably in the body of the explanatory memorandum, but otherwise in an appendix or footnote."



There is nothing urgent or unfair about the situation of these persons who only would like to use democracy when it suits them, but support violence in every occasion. This is in total disrespect for democracy and human rights. One cannot incite violence or ethnic hatred and expect immunity for his/her actions. Parliamentarians have to be even more careful since their words carry more weight.

I urge my fellow parliamentarians to look closely at the allegations put forward. We are all faced with terrorism and certain politicians are not able to distance themselves from terrorists that aim to destroy the very foundations of our democracies.

How would you respond if one of your own was praising the deeds of the perpetrator of the December 11 attack in Strasbourg last year?

How would you respond if these individuals were inciting more violence and trying to recruit the youth to join these peddlers of violence?

Say no to apology of terrorism. Say no to incitement to violence or hatred.