



Inter-Parliamentary Union

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# Turkey

TK69 - GÜLSER YILDIRIM (Ms.)	TK97 - ALI ATALAN
TK70 - SELMA IRMAK (Ms.)	TK98 - ALICAN ÖNLÜ
TK71 - FAYSAL SARIYILDIZ	TK99 - ALTAN TAN
TK72 - İBRAHİM AYHAN	TK100 - AYHAN BILGEN
TK73 - AYCAN İRMEZ (Ms.)	TK101 - BEHÇET YILDIRIM
TK74 - AYŞE ACAR BAŞARAN (Ms.)	TK102 - BERDAN ÖZTÜRK
TK75 - BEDIA ÖZGÖKÇE ERTAN (Ms.)	TK103 - DENGİR MIR MEHMET FIRAT
TK76 - BESİME KONCA (Ms.)	TK104 - ERDAL ATAŞ
TK77 - BURCU ÇELİK ÖZKAN (Ms.)	TK105 - EROL DORA
TK78 - ÇAĞLAR DEMİREL (Ms.)	TK106 - ERTUĞRUL KÜRKCÜ
TK79 - DİLEK ÖCALAN (Ms.)	TK107 - FERHAT ENCÜ
TK80 - DILAN DIRAYET TAŞDEMİR (Ms.)	TK108 - HIŞYAR ÖZSOY
TK81 - FELEKNAS UCA (Ms.)	TK109 - İDRİS BALUKEN
TK82 - FIGEN YÜKSEKDAĞ (Ms.)	TK110 - İMAM TAŞÇIER
TK83 - FILİZ KERESTECİOĞLU (Ms.)	TK111 - KADRI YILDIRIM
TK84 - HÜDA KAYA (Ms.)	TK112 - LEZGİN BOTAN
TK85 - LEYLA BİRLİK (Ms.)	TK113 - MEHMET ALI ASLAN
TK86 - LEYLA ZANA (Ms.)	TK114 - MEHMET EMİN ADIYAMAN
TK87 - MERAL DANIŞ BEŞTAŞ (Ms.)	TK115 - NADİR YILDIRIM
TK88 - MIZGIN IRGAT (Ms.)	TK116 - NİHAT AKDOĞAN
TK89 - NURSEL AYDOĞAN (Ms.)	TK117 - NİMETULLAH ERDOĞMUŞ
TK90 - PERVIN BULDAN (Ms.)	TK118 - OSMAN BAYDEMİR
TK91 - SAADET BECERİKLİ (Ms.)	TK119 - SELAHATTİN DEMİRTAŞ
TK92 - SİBEL YİĞİTALP (Ms.)	TK120 - SİRRI SÜREYYA ÖNDER
TK93 - TUĞBA HEZER ÖZTÜRK (Ms.)	TK121 - ZİYA PİR
TK94 - ABDULLAH ZEYDAN	TK122 - MİTHAT SANCAR
TK95 - ADEM GEVERİ	TK123 - MAHMUT TOĞRUL
TK96 - AHMET YILDIRIM	

***Decision adopted unanimously by the IPU Governing Council  
at its 199<sup>th</sup> session (Geneva, 27 October 2016)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of the above-mentioned 55 members of the Grand National Assembly of Turkey (GNAT), which were considered by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the examination and treatment of complaints (Annex 1 of the Revised Rules and Practices),

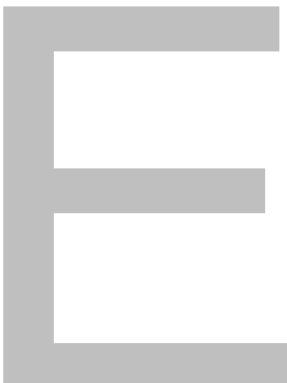
*Taking into account* the letter dated 13 October 2016 of the President of the Turkish IPU Group and the allegations submitted by the complainant,

*Referring to* the hearing held with the complainant,

*Pointing out* that the possibility of a hearing was also offered to the Turkish delegation at the 135<sup>th</sup> IPU Assembly,

*Referring to* the mission report on the mission conducted to Turkey by the Committee in February 2014 (CL/195/11(b)-R.1),

1. *Notes with deep concern* that 55 of the 58 parliamentarians of the People's Democratic Party (HDP) are facing over 600 terrorism charges in prosecutions initiated throughout Turkey, after they were stripped of



their parliamentary immunity following the adoption of a constitutional amendment on 20 May 2016; this suspended the ordinary procedure for the lifting of immunity and authorized a blanket removal of immunity for a total of 139 members of parliament from all political parties;

2. *Further notes with concern* that the complainant alleges that the evidence adduced to support the charges against the 55 members of parliament relates to public statements, rallies and other peaceful political activities that they carried out in furtherance of their parliamentary duties and of their political party programme, such as mediating between the Kurdistan Workers' Party (PKK) and the Turkish Government as part of the peace process between 2013 and 2015, advocating publicly in favour of political autonomy, and criticizing the policies of President Erdogan in relation to the current conflict in South-Eastern Turkey (including denouncing the crimes committed by the Turkish security forces in that context);
3. *Is concerned* furthermore that the need to respond to the many charges and likely court hearings across the country will make it impossible for many members of parliament to devote themselves meaningfully to their parliamentary responsibilities;
4. *Recalls* that the fundamental rights of parliamentarians must be upheld at all times, that members of parliament should be able to speak freely without fear of reprisals, that parliamentary immunity is crucial to protect members of parliament from politically motivated allegations, but also to protect the independence and integrity of the institution of parliament as a whole;
5. *Reaffirms* its long-standing position that parliament should set aside the necessary time to consider requests for the lifting of parliamentary immunity, and to apply the basic principles of due process, including a hearing of the parliamentarian(s) affected, and that a decision to lift immunity should always be agreed by a parliamentary vote on a case-by-case basis and should require valid and credible allegations supported by serious evidence;
6. *Observes* that these requirements were all the more important at a time of increased polarization, when the Grand National Assembly of Turkey should have carefully checked that peaceful and legal political activities by Turkish members of parliament were not presented as evidence of criminal and terrorist acts, given the serious allegations made in the present case and the long-standing concerns over freedom of expression and association in relation to anti-terrorist legislation;
7. *Considers* that the developments in Turkey since the failed coup d'état of 15 July 2016 make it all the more necessary to monitor extremely closely the ongoing judicial proceedings related to the 55 HDP parliamentarians; *refers* in this regard to the numerous reports pointing to the summary dismissal of prosecutors and judges and the increasingly limited opportunities afforded to journalists, civil society and others to voice any criticism of the authorities;
8. *Considers* that the magnitude and seriousness of the cases at hand may well make it essential to promote a comprehensive solution that goes beyond the consideration of the concerns in each individual case; *requests* that the Committee enhances its contacts with the parliamentary authorities, in tandem with the executive and judicial authorities, in order to examine all possible avenues to reach such a solution;
9. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.