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### DH-DD(2025)788

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Meeting: 1537<sup>th</sup> meeting (September 2025) (DH)

Communication from NGOs (Turkey Human Rights Litigation Support Project, Human Rights Watch and the International Commission of Jurists) (06/06/2025) in the group of cases Selahattin Demirtas v. Turkey (no. 2) (Application No. 14305/17).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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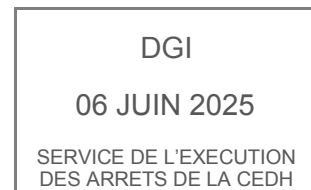
Réunion : 1537<sup>e</sup> réunion (septembre 2025) (DH)

Communication d'ONG (Turkey Human Rights Litigation Support Project, Human Rights Watch and the International Commission of Jurists) (06/06/2025) dans le groupe d'affaires Selahattin Demirtas c. Turquie (n° 2) (requête n° 14305/17) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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**6 June 2025**

**Rule 9.2 submission to the Committee of Ministers by the Turkey Human Rights Litigation Support Project, Human Rights Watch and the International Commission of Jurists on the measures required for the implementation of the *Selahattin Demirtaş (no. 2) v Turkey* (Application no. 14305/17) group of cases<sup>1</sup>**

## **EXECUTIVE SUMMARY**

This submission provides updates on the measures required for the implementation of *Selahattin Demirtaş (no. 2) v Turkey [GC]* and *Yüksekdağ Şenoğlu and others v Türkiye*, concerning the prosecution and detention of 14 Members of Parliament from the HDP (a pro-Kurdish and minority rights opposition party). It assesses the Government's latest submissions concerning this group of cases in light of previous NGO recommendations and recent developments in Türkiye.

*Individual measures:* Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu, the HDP's former co-leaders, remain detained since 2016 and were convicted of purported "terrorism" and "national security" related offences in 2024. In April 2025, new criminal proceedings were initiated against Mr Demirtaş for speeches made in 2016, disregarding his parliamentary immunity. These new proceedings form part of the applicants' continued persecution and Türkiye's repeated tactics to avoid implementing the ECtHR's judgments, which require their immediate and unconditional release. They must therefore be strongly condemned. Similarly, the Government's references to 'new evidence' against the applicants and other justifications for non-implementation are wholly without merit and must be firmly rejected, particularly in the absence of a reasoned verdict for the applicants' conviction. Charges relating to the 'Kobani events' of 2014 and/or stemming from the arbitrary lifting of the applicants' parliamentary immunity in 2016 must be considered void, including for the remaining applicants against whom proceedings remain pending. The NGOs provide the Committee of Ministers with further recommendations to ensure that the protracted political persecution of Mr Demirtaş, Ms Yüksekdağ Şenoğlu and the other applicants comes to an end.

*General measures:* Türkiye has failed to adopt any of the measures previously indicated by the NGOs as necessary to implement the ECtHR's Demirtaş group judgments. First, judicial harassment of opposition MPs and the arbitrary denial of parliamentary immunity remain prevalent. The facts and figures presented by the Government in this respect are highly

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<sup>1</sup> [https://hudoc.exec.coe.int/ENG?i=CM/Del/Dec\(2024\)1514/H46-38E](https://hudoc.exec.coe.int/ENG?i=CM/Del/Dec(2024)1514/H46-38E).

misleading. Türkiye must secure the annulment of criminal proceedings initiated during MPs' terms based on the targeted lifting of parliamentary immunity by the May 2016 constitutional amendment or by judicial authorities under Articles 14 and 83 of the Constitution; ensure that the judiciary implements the jurisprudence of the Constitutional Court precluding the setting aside of parliamentary immunity without parliamentary approval; end the widespread issuance of summaries of proceedings (*fezleke*) requesting the lifting of immunity in response to MPs' exercise of rights protected under the Convention; and ensure the effectiveness of parliamentary safeguards. The NGOs recommend that the Committee of Ministers request detailed data on MPs targeted by these practices. Secondly, Türkiye has launched a new and severe crackdown on political opposition, aimed at stifling pluralism. This includes mass arrests and detentions of municipality officials from the main opposition party CHP since October 2024, including Istanbul Mayor Ekrem Imamoglu, a key opposition figure. This crackdown is visibly tied to the issues of judicial independence and Government influence giving rise to Article 18 violations in the *Demirtaş* group judgments. Türkiye must release and drop charges against opposition politicians, protestors, and others detained and tried as part of this mass crackdown on Convention rights; and ensure that the judiciary effectively applies Convention rights and standards. It must take the measures needed to guarantee judicial independence and impartiality, including adequate reform of the Council of Judges and Prosecutors; refrain from harmful rhetoric against opposition politicians and other perceived dissenters; and remove other obstacles to elected opposition politicians' free exercise of their mandate.

## I. INTRODUCTION

1. This communication is submitted by the Turkey Human Rights Litigation Support Project, Human Rights Watch and the International Commission of Jurists ("the NGOs") to provide an update to the Committee of Ministers ("the Committee") on developments and measures affecting the implementation of the European Court of Human Rights' ("the ECtHR" or "the Court") judgments of *Selahattin Demirtaş (no. 2) v Turkey* [GC] (Application no. 14305/17, 22 December 2020) and *Yüksekdağ Şenoğlu and others v Türkiye* (Application no. 14332/17, 8 November 2022, final on 3 April 2023). It offers recommendations to ensure these judgments' effective implementation, drawing on previous recommendations made jointly by the NGOs that, to date, remain unimplemented.<sup>2</sup> It should therefore be read in conjunction with the NGOs' previous

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<sup>2</sup> Rule 9.2 submission by the Turkey Human Rights Litigation Support Project and Human Rights Watch on the *Selahattin Demirtaş (no. 2) v Turkey* (Application no. 14305/17) group of cases, 17 January 2025, 1521<sup>st</sup> meeting of the Committee of Ministers (March 2025)(DH) DH-DD(2025)97 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2025\)97E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2025)97E)); Rule 9.2 submission by the Turkey Human Rights Litigation Support Project, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights concerning the group of cases *Selahattin Demirtaş v. Turkey (No. 2)* (Application No. 14305/17), 12 February 2024, 1492<sup>nd</sup> meeting of the Committee of Ministers (March 2024) (DH), DH-DD(2024)216 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2024\)216E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2024)216E)).

submissions,<sup>3</sup> which set out in more detail the individual and systemic failures in the implementation of these judgments.

2. The cases concern the detention and prosecution of the former co-leaders of the Peoples' Democratic Party ("HDP", a pro-Kurdish and minority rights opposition party), Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu, along with 12 other HDP Members of Parliament ("MPs"). In 2016, following the adoption of a targeted constitutional amendment lifting their parliamentary immunity, they were charged with purported "terrorism-related offences". The ECtHR found that their prosecution was based on political statements made in their capacity as MPs and primarily concerning their views and comments on the "Kurdish issue" and the human rights violations committed in the predominantly Kurdish southeast of Türkiye. The Court held that their arrest and detention lacked reasonable suspicion, violating Articles 5 (right to liberty) and 10 (freedom of expression) of the European Convention on Human Rights ("the Convention" or "the ECHR"). It also held that the detentions aimed to suppress pluralism and debate, breaching Article 18 (limitation on use of restrictions on rights) in conjunction with Article 5. Their right to sit as MPs (Article 3 of Protocol no. 1) was also violated. The group of cases remains under enhanced supervision by the Committee.

## II. INDIVIDUAL MEASURES

3. Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu have been detained since November 2016. On 16 May 2024, they were convicted in the "Kobani trial" on multiple purported "terrorism" and "national security" related offences. Mr. Demirtaş was sentenced to 42 - years' imprisonment, and Ms. Yüksekdağ Şenoğlu, to 30 years and 3 months. The Assize Court has still not issued the reasoned verdict, thus delaying the possibility of appealing the convictions and sentences on the merits. On 24 April 2025, new criminal proceedings were initiated against Mr. Demirtaş, with the prosecution requesting up to 15 years' imprisonment and a political ban, for speeches he had made in 2016.<sup>4</sup>

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<sup>3</sup> Ibid. See also Rule 9.2 submission by the Turkey Human Rights Litigation Support Project, HRW, ICJ, and FIDH in the case of Yüksekdağ Şenoğlu and Others v. Türkiye, 23 October 2023, 1483<sup>rd</sup> meeting of the Committee of Ministers (December 2023) DH-DD(2023)1326-rev ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2023\)1326revE](https://hudoc.exec.coe.int/ENG?i=DH-DD(2023)1326revE)); Rule 9.2 submission by the Turkey Human Rights Litigation Support Project, ARTICLE 19, HRW, ICJ, and FIDH in the case of Selahattin Demirtaş v. Turkey (no. 2), 4 November 2022, 1451<sup>st</sup> meeting of the Committee of Ministers (December 2022) DH-DD(2022)1245 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2022\)1245E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2022)1245E)); Rule 9.2 submission by the Turkey Human Rights Litigation Support Project, ARTICLE 19, HRW, ICJ, and FIDH in the case of Selahattin Demirtaş v. Turkey (no. 2), 24 May 2022, 1436<sup>th</sup> meeting of the Committee of Ministers (June 2022) DH-DD(2022)586 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2022\)586E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2022)586E)); Rule 9.2 submission by ARTICLE 19, HRW, ICJ, FIDH and the Turkey Human Rights Litigation Support Project in the case of Selahattin Demirtaş v. Turkey (no. 2), 26 July 2021, 1411<sup>th</sup> meeting of the Committee of Ministers (September 2021) DH-DD(2021)759 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2021\)759E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2021)759E)); and Rule 9.2 submission by ARTICLE 19, HRW, ICJ, FIDH and the Turkey Human Rights Litigation Support Project in the case of Selahattin Demirtaş v. Turkey (no. 2), 8 February 2021, 1398<sup>th</sup> meeting of the Committee of Ministers (March 2021) DH-DD(2021)192-rev ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2021\)192revE](https://hudoc.exec.coe.int/ENG?i=DH-DD(2021)192revE)).

<sup>4</sup> Cumhuriyet, 'New case against Demirtaş with 15-year prison sentence: First hearing on 24 September' [Turkish], 24 April 2025 (<https://www.cumhuriyet.com.tr/siyaset/demirtasa-15-yil-hapis-istemiyle-yeni-dava-ilk-durusma-24-eylulde-2332044>).

4. On 6 March 2025, the Committee adopted Interim Resolution CM/ResDH(2025)34,<sup>5</sup> urging the authorities to ensure Mr. Demirtaş and Ms. Yüksekdağ Şenoğlu's release, the delivery of the reasoned verdict, and a timely Constitutional Court determination of their pending applications. This is the third interim resolution since the Grand Chamber's judgment of 2020 in Mr. Demirtaş's case. In its latest submission, the Government claims the case's complexity justifies the delay in the delivery of the reasoned verdict<sup>6</sup> and argues that the applicants' current detention falls outside the scope of the ECtHR judgments<sup>7</sup> and that the conclusion of the pending proceedings before the Constitutional Court and the ECtHR must be awaited.<sup>8</sup>
5. The ECtHR judgments unambiguously require Mr. Demirtaş and Ms. Yüksekdağ Şenoğlu's immediate, unconditional release.<sup>9</sup> The NGOs have previously described the tactics used by Turkish authorities to evade their obligation to comply with the ECtHR judgments in this group of cases,<sup>10</sup> in particular, the obligation to release Mr. Demirtaş and Ms. Yüksekdağ Şenoğlu. Such tactics have included claims that further judicial decisions are needed or that purported 'new evidence' justifies their continued detentions.<sup>11</sup> These claims are without merit, since, as set out in the NGOs' previous submissions,<sup>12</sup> the applicants' convictions relate to the same factual bases and context already examined by the ECtHR – namely, the 6-8 October protests and calls to protest on the HDP's Twitter account – and the Court's findings under Article 18 ECHR, among others, vitiate new and

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<sup>5</sup> Interim Resolution CM/ResDH(2025)34: Execution of the judgments of the European Court of Human Rights Selahattin Demirtaş (No. 2) group v. Türkiye (Adopted by the Committee of Ministers on 6 March 2025 at the 1521st meeting of the Ministers' Deputies).

<sup>6</sup> Rule 8.2a communication from the authorities (28/03/2025) concerning the case of Selahattin Demirtaş v. Turkey (no. 2) (Application No. 14305/17), 31 March 2025, 1531st meeting of the Committee of Ministers (June 2025) (DH), DH-DD(2025)373 (<https://search.coe.int/cm?i=0900001680b51288>), para. 13.

<sup>7</sup> Ibid., para. 28

<sup>8</sup> Ibid., paras. 14-15 and 27-29.

<sup>9</sup> See Rule 9.2 submission of 17 January 2025 by the Turkey Human Rights Litigation Support Project and Human Rights Watch on the Selahattin Demirtaş (no. 2) v Turkey (Application no. 14305/17) group of cases (supra n 2), para. 5.

<sup>10</sup> Ibid., para. 8; Communications from NGOs in the case of Selahattin Demirtaş v. Turkey (No. 2) (Application No. 14305/17), 24 May 2022, paras. 20-32 and 4 November 2022, paras. 14-15, cited in their 23 October 2023 submission in Yüksekdağ Şenoğlu and Others v. Türkiye (Application no. 14332/17 and 12 other applications), paras. 15-16.

<sup>11</sup> The Government claims that there is a distinction between investigations relating to the 6-8 October events and those relating to calls for an 'uprising' in that context. The passages cited refer to statements by 'secret witnesses' according to which the HDP leadership intended to cause a violent uprising (Action Plan of 17 January 2025, Communication from Türkiye concerning the group of cases of Selahattin Demirtaş v. Turkey (no. 2) (Application No. 14305/17, 1521<sup>st</sup> meeting (March 2025), DH-DD(2025)70 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2025\)70E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2025)70E)), paras. 30-43).

<sup>12</sup> Rule 9.2 submission by the Turkey Human Rights Litigation Support Project, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights concerning the group of cases Selahattin Demirtaş v. Turkey (No. 2) (Application No. 14305/17), 1492<sup>nd</sup> meeting of the Committee of Ministers (March 2024) (DH), DH-DD(2024)216, para.14

extant charges relating to these events.<sup>13</sup> The over 12-month delay in issuing the reasoned verdict, impeding an appeal and thus the potential for an effective remedy for the applicants, is incompatible with Türkiye's obligation to implement the Court's judgments. The applicants' continued detention falls within the ECtHR's findings and the authorities' persistent failure to implement individual measures by not releasing them amounts to a serious failure to abide by its Convention obligations, particularly given the repeated decisions and interim resolutions by the Committee.

6. The NGOs are alarmed by the new proceedings against Mr Demirtaş, which are blatantly incompatible with the findings and spirit of the ECtHR judgments. Despite no longer enjoying parliamentary immunity, Mr. Demirtas remains protected by parliamentary non-liability for speeches given during his time as an MP.<sup>14</sup> The new case, incriminating him for speeches Mr Demirtaş made as an MP in 2016, disregards this safeguard and the ECtHR's findings under Article 10 in *Demirtaş (no. 2)*, thereby perpetuating the violation of Article 18 ECHR found by the Court in his case. The Constitutional Court's rulings on similar cases against other HDP politicians, as cited in the Action Plan, also fall short of Convention standards,<sup>15</sup> reinforcing concerns about systemic violations of Article 10 ECHR rights, as well as the lack of independence of the Constitutional Court.<sup>16</sup>
7. 11 other applicants are still awaiting a decision by criminal courts or the Constitutional Court in relation to the proceedings against them.<sup>17</sup> As the Committee noted, in the absence of new evidence, acquittals in these cases are necessary to ensure *restitutio in integrum*.<sup>18</sup> The prolonged, politically motivated prosecutions have infringed the applicants' Convention rights as elected representatives.
8. The Committee's suggestion that there should be either release of Mr Demirtaş and Ms Yüksekdağ Şenoğlu or judgment by the Constitutional Court or the Assize Court by June 2025<sup>19</sup> risks enabling a further delay in the applicants' release. Similarly, its proposal for

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<sup>13</sup> See the ECtHR's ruling in proceedings under Article 46(4) in the case of Osman Kavala (ECtHR, *Proceedings under Article 46§4 in the case of Kavala v Türkiye* [GC] (Application no. 28749/18, 11 July 2022), para. 145 and para. 172).

<sup>14</sup> In accordance with Article 83(1) of Türkiye's Constitution, which provides: "*Members of the Grand National Assembly of Turkey cannot be held responsible for their votes and words during Parliament's work, for the ideas they put forward in the Assembly, and for repeating or revealing them outside the Assembly, unless decided otherwise by the Assembly upon the proposal of the Presidency Council in that session.*"

<sup>15</sup> Action Plan of 17 January 2025 (supra n 11), paras. 30-43.

<sup>16</sup> See Rule 9.2 submission by the Turkey Human Rights Litigation Support Project and Human Rights Watch concerning the case of Kavala v. Turkey (Application No. 28749/18), 17 January 2025, 1521<sup>st</sup> meeting of the Committee of Ministers (March 2025) (DH) DH-DD(2025)98 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2025\)98E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2025)98E)), para. 23.

<sup>17</sup> Rule 8.2a communication from the authorities (28/03/2025) concerning the case of Selahattin Demirtaş v. Turkey (no. 2) (Application No. 14305/17) (supra n 6), paras. 34-36.

<sup>18</sup> Committee decision CM/Del/Dec(2025)1521/H46-33 of 6 March 2025, H46-33 Selahattin Demirtaş (No. 2) group v. Türkiye (Application No. 14305/17), 1521<sup>st</sup> meeting of the Committee of Ministers (March 2025) (DH) ([https://hudoc.exec.coe.int/ENG?i=CM/Del/Dec\(2025\)1521/H46-33E](https://hudoc.exec.coe.int/ENG?i=CM/Del/Dec(2025)1521/H46-33E)).

<sup>19</sup> Interim Resolution CM/ResDH(2025)34 (supra n 5).

*“alternative measures to detention”*<sup>20</sup> risks legitimising the applicants’ detention and the consequent continuing violations of their Convention rights,<sup>21</sup> including as prominent opposition politicians.

### III. GENERAL MEASURES

9. The Government’s latest Action Plan claims that Türkiye has *“taken a number of general measures aiming at preventing reoccurrence of similar violations”*,<sup>22</sup> yet fails to identify any steps taken in response to the ECtHR’s judgments. In reality, none of the necessary general measures, as previously proposed by the NGOs, such as measures to strengthen parliamentary immunity or safeguard pluralism, have been adopted.<sup>23</sup> On the contrary, violations of elected representatives’ human rights have become endemic.

#### **Judicial harassment of opposition MPs and arbitrary denial of parliamentary immunity**

10. While the Government maintains that the *Demirtaş* and *Yüksekdağ Şenoğlu* cases concern isolated incidents and the existing legal framework in Türkiye protects parliamentary immunity and political debate, this claim is irreconcilable with the factual reality and current political context in Türkiye.

11. The NGOs recall that 154 MPs – nearly one-third of Parliament – were stripped of their parliamentary immunity by the constitutional amendment of 2016, which the ECtHR deemed arbitrary and in violation of the Convention.<sup>24</sup> The Action Plan maintains that the effect of the 2016 constitutional amendment was temporary, and that no further action is therefore needed to address its impact on Convention rights.<sup>25</sup> However, ongoing criminal proceedings against current and former opposition MPs, enabled by this amendment, show the need for urgent reforms and full *restitutio in integrum*.

12. Opposition MPs remain threatened with or face the lifting of their parliamentary immunity and criminal proceedings for engaging in legitimate political activities. In this respect, the facts and figures presented by the Government concerning the parliamentary procedure are misleading: while it claims only two MPs’ immunity has been lifted by Parliament in the past 8 years<sup>26</sup> and *“currently there is no case awaiting before the plenary of the Parliament”*,<sup>27</sup> over 800 requests (*fezleke*) to lift MPs’ immunity have been submitted to Parliament by prosecuting authorities in the current legislative term alone,

<sup>20</sup> Ibid.

<sup>21</sup> See Rule 9.2 submission of 12 February 2024 by the Turkey Human Rights Litigation Support Project, HRW, ICJ, and IFHR on the Selahattin Demirtaş (no. 2) v Turkey (Application no. 14305/17) group of cases (supra n 2), para. 20.

<sup>22</sup> Action Plan of 17 January 2025 (supra n 11), para. 51.

<sup>23</sup> See Rule 9.2 submission of 17 January 2025 by the Turkey Human Rights Litigation Support Project and Human Rights Watch on the Selahattin Demirtaş (no. 2) v Turkey (Application no. 14305/17) group of cases (supra n 2), pages 10-11.

<sup>24</sup> See, ECtHR, *Kerestecioğlu Demir v Turkey*, App no. 68136/16, Judgment of 4 May 2021; *Encu and others v Turkey*, App no. 56543/16 and 39 others, Judgment of 1 February 2022.

<sup>25</sup> Action Plan of 17 January 2025 (supra n 11), paras. 82-93.

<sup>26</sup> Ibid., para. 86.

<sup>27</sup> Ibid., para. 81.

and are likely to surpass the last term's total if the trend continues.<sup>28</sup> Targeted MPs include Özgür Özel and Tülay Hatimoğulları, the leaders of the main opposition parties CHP (Republican People's Party) and DEM (People's Equality and Democracy Party, formally HDP).<sup>29</sup> Although prosecuting authorities occasionally issue non-prosecution decisions for offences related to MPs' political expression, based on their freedom of expression, and abstain from issuing a *fezleke*,<sup>30</sup> the sheer scale and focus of the requests show widespread prosecutorial and judicial harassment of opposition MPs and has a chilling effect on political participation.<sup>31</sup>

13. As already noted in the NGOs' previous submissions,<sup>32</sup> invoking vague exceptions under Articles 14 and 83 of the Constitution, prosecutors regularly bypass requirements of parliamentary approval for depriving an MP of their immunity. MPs are frequently prosecuted on the basis of investigations launched before their election, particularly for purported "terrorism offences".<sup>33</sup> The Government's justification that this 'exception' to immunity is permitted under the Constitution is legally unfounded: the Constitutional Court has repeatedly ruled that such use of these provisions violates legal certainty and foreseeability.<sup>34</sup> Yet, after being elected to Parliament in 2023, MP Can Atalay remained detained based on a prior case ("the Gezi Park case") and was convicted and stripped of his seat, in open defiance of three Constitutional Court's rulings on the issue.<sup>35</sup> The bypassing of legal safeguards protecting parliamentary speech and pluralism, exemplified recently in Mr Atalay's case, remains a systemic issue in Türkiye and has a profound chilling effect on freedom of political debate.

14. In a context where the judiciary lacks independence,<sup>36</sup> and the President also leads his political party, the prosecutors and courts are routinely used to silence opposition MPs and obstruct their mandates. Since 2015, at least 17 MPs have been stripped of their mandates, comparing to just 3 in the previous 95 years. Contrary to the Government's claims,<sup>37</sup> Mr Atalay's case illustrates that the Constitutional Court no longer functions as an effective safeguard against arbitrary decisions to lift parliamentary immunity: despite

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<sup>28</sup> Euronews, "17 new indictments on 14 deputies: Among them are Özel, Hatimoğulları and Dervişoğlu", 11 January 2025 (<https://tr.euronews.com/2025/01/11/14-vekil-hakkinda-17-yeni-fezleke-aralarinda-ozel-hatimogullari-ve-dervisoglu-da-var>).

<sup>29</sup> Ibid.

<sup>30</sup> Action Plan of 17 January 2025 (supra n 11), para. 74.

<sup>31</sup> See <https://mlsaturkey.com/en/former-hdp-mp-murat-sarisac-faces-20-lawsuits-following-loss-of-immunity>

<sup>32</sup> See Rule 9.2 submission of 12 February 2024 by the Turkey Human Rights Litigation Support Project, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights on the Selahattin Demirtaş (no. 2) v Turkey (Application no. 14305/17) group of cases (supra n 2), paras. 28-30.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> See Rule 9.2 submission of 12 February 2024 by the Turkey Human Rights Litigation Support Project, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights on the Selahattin Demirtaş (no. 2) v Turkey (Application no. 14305/17) group of cases (supra n 2), paras. 57-58.

<sup>36</sup> See Rule 9.2 submission of 17 January 2025 by the Turkey Human Rights Litigation Support Project and Human Rights Watch concerning the case of Kavala v. Turkey (Application No. 28749/18) (supra n 16), pars. 9-18.

<sup>37</sup> See Action Plan of 17 January 2025 (supra n 11), para. 83.



its binding judgments under Article 153 of the Constitution, the President's legal advisor declared the Constitutional Court's decision to restore Mr Atalay's mandate "legally null and void"<sup>38</sup> and stated that Parliament is not authorised to restore it.<sup>39</sup> This rhetoric and Mr Atalay's conviction mark an alarming departure by the executive and judiciary from the rule of law and separation of powers in Türkiye.

15. Mr Demirtaş's individual application to the Constitutional Court in November 2019, claiming that his pre-trial detention in this case is unconstitutional, has not been decided to date. The fact that the Constitutional Court has not ruled on the individual application for close to 6 years, on the one hand, and that the reasoned verdict of the pending criminal case has not been written for more than a year, on the other, make it impossible to examine the government's claim that there is 'new evidence' and that the applicant's current detention falls outside the scope of the ECtHR judgment. However, it is clear that the applicants cannot be held responsible for the failure of Contracting Parties to the Convention to guarantee the right to be tried within a reasonable time. The burden is on the Contracting Parties to establish whether there is "new evidence" in a case and to substantiate this claim by judicial decisions. As a result, the "new evidence" argument of the government, which does not fulfil this obligation, should be dismissed.

### **A new crackdown on political opposition and the stifling of pluralism**

16. Although the new Action Plan denies the existence of any restrictions on MPs' participation in political debate,<sup>40</sup> arguing that MPs are free to express their political views so long as these do not incite violence,<sup>41</sup> the repressive tactics identified by the Court have been increasingly entrenched in Turkish politics since the 2013 Gezi Park protests and the 2016 *coup* attempt. The recent mass crackdown on opposition mayors in Istanbul, a CHP stronghold, is the latest manifestation of the ruling AKP-MHP coalition's systematic criminalisation of political opposition.
17. In the local elections of April 2024, the opposition party CHP scored key victories, including in Istanbul and Ankara, in what has been qualified as a major electoral defeat for President Erdoğan and his government.<sup>42</sup> The success was partly attributed to the "urban consensus

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<sup>38</sup> Duvar, "Turkey's Constitutional Court rules parliament's decision to strip jailed opposition MP's status unlawful", 1 August 2024 (<https://www.duvarenglish.com/turkeys-constitutional-court-rules-parliaments-decision-to-strip-jailed-opposition-mp-can-atalays-status-unlawful-news-64739>).

<sup>39</sup> Cumhuriyet, "Reading of Can Atalay judgment in the Turkish Parliament: According to Mehmet Uçum, 'his parliamentary seat cannot be returned'" [Turkish], 21 April 2025 (<https://www.cumhuriyet.com.tr/turkiye/tbmmde-can-atalay-kararinin-okunmasi-mehmet-ucuma-gore-2320713>).

<sup>40</sup> Action Plan of 17 January 2025 (supra n 11), para. 57.

<sup>41</sup> Ibid., para. 62.

<sup>42</sup> Paul Kirby & Cagil Kasapoglu, 'Turkish local elections: Opposition stuns Erdogan with historic victory', BBC News, 1 April 2024 (<https://www.bbc.com/news/world-europe-68704375>).

strategy”, in which the DEM and CHP nominated joint candidates in swing districts.<sup>43</sup> Istanbul Mayor Ekrem İmamoğlu was re-elected by a wide margin, without DEM support, emerging as a leading contender for the 2028 presidential election.

18. On 31 October 2024, Ahmet Özer, the CHP mayor of Istanbul’s Esenyurt district elected through the “urban consensus strategy”,<sup>44</sup> was detained on purported “terrorism-related” charges and replaced by a “trustee”.<sup>45</sup> In early 2025, other CHP mayors and municipal officials, including Beşiktaş’s Rıza Akpolat, were arrested on similar grounds.<sup>46</sup> In a drastic escalation, on 19 March 2025, Ekrem İmamoğlu and 99 others, including journalists and businesspersons, were arrested for purported “corruption” and “terrorism-related” activities.<sup>47</sup> Mr. İmamoğlu was suspended and placed in pre-trial detention on 23 March 2025. Human rights organisations and monitoring mechanisms have denounced these waves of arrests, investigations and criminal proceedings targeting CHP-led Istanbul municipalities as politically motivated and pursuing the ulterior purpose of stifling pluralism.<sup>48</sup> Altogether, over 100 municipal officials and politicians have been detained since October 2024.<sup>49</sup>

19. These developments followed the October 2024 appointment of A.G., formerly President of the Istanbul 14<sup>th</sup> Assize Court and Deputy Minister of Justice, as Chief Public Prosecutor of Istanbul. A.G. is known for his involvement in high-profile cases against government critics. He presided over the Istanbul 14<sup>th</sup> Assize Court in 2018 when it sentenced Selahattin Demirtaş to 4 years and 8 months in prison for a political speech in 2013, and

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<sup>43</sup> See Volga Kuşcuoğlu, ‘Explained: The broader context behind Turkey’s crackdown on Istanbul mayor’, Bianet, 20 March 2025 (<https://bianet.org/haber/explained-the-broader-context-behind-turkeys-crackdown-on-istanbul-mayor-305645>).

<sup>44</sup> Anil Mert Özsoy, “Ahmet Özer: we achieved urban consensus in Esenyurt” [Turkish], Duvar, 3 April 2024 (<https://www.gazeteduvar.com.tr/ahmet-ozer-esenyurtta-kent-uzlasisini-gerceklestirdik-haber-1681445>).

<sup>45</sup> See Bianet, ‘Esenyurt mayor replaced by trustee, says investigation ‘politically motivated’, 31 October 2024 (<https://bianet.org/haber/esenyurt-mayor-replaced-by-trustee-says-investigation-politically-motivated-301276>); Duvar, “Turkish officials indicted over ‘terror’ links in urban consensus probe”, 8 March 2025 (<https://www.duvarenglish.com/turkish-officials-indicted-over-terror-links-in-urban-consensus-probe-news-65767>).

<sup>46</sup> Bianet, “Beşiktaş Mayor Rıza Akpolat detained in Balıkesir” [Turkish], 13 January 2025 (<https://bianet.org/haber/besiktas-belediye-baskani-riza-akpolat-balikesir-de-gozaltina-alindi-303560>); Bianet, “Ten detained in raids targeting CHP municipalities in Istanbul ‘terror’ investigation”, 11 February 2025 (<https://bianet.org/haber/ten-detained-in-raids-targeting-chp-municipalities-in-istanbul-terror-investigation-304447>).

<sup>47</sup> See Human Rights Watch, “Türkiye: Istanbul Mayor Detained”, 19 March 2025 (<https://www.hrw.org/news/2025/03/19/turkiye-istanbul-mayor-detained>); Amnesty International, “Türkiye: Massive escalation in ongoing crackdown including arrest of Istanbul mayor”, 19 March 2025 (<https://www.amnesty.org/en/latest/news/2025/03/turkiye-massive-escalation-in-ongoing-crackdown-including-arrest-of-istanbul-mayor/>); BBC News, ‘Protests erupt in Turkey after Erdogan rival arrested’, 19 March 2025 (<https://www.bbc.com/news/articles/c5yren8mvp8o> ).

<sup>48</sup> Human Rights Watch (supra n 47); Bureau of the Parliamentary Assembly of the Council of Europe (PACE), “The Bureau of the Assembly calls for the immediate release of Ekrem İmamoğlu, Mayor of Istanbul”, 19 March 2025 (<https://pace.coe.int/en/news/9805/the-bureau-of-the-assembly-calls-for-the-immediate-release-of-ekrem-imamoglu-mayor-of-istanbul>).

<sup>49</sup> See Human Rights Watch (supra n 47).

when it refused to comply with a Constitutional Court's judgment concerning another opposition MP, Kadri Enis Berberoğlu.<sup>50</sup>

20. A.G.'s involvement in the proceedings targeting CHP politicians, including Mr. İmamoğlu, highlights several striking parallels with the *Demirtaş* group of judgments. Like Selahattin Demirtaş before the 2018 elections, Istanbul mayor Ekrem İmamoğlu has emerged as an increasingly popular rival to President Erdoğan. On 23 March 2025, while in detention, he was elected as CHP's candidate for the 2028 presidential election. The wave of judicial proceedings against elected CHP politicians mirrors the targeting of the HDP in 2016. The indictments are based on their legitimate political statements and activities, including their ties with lawful organisations.<sup>51</sup> As with the applicants' detention in 2016,<sup>52</sup> the measures against Mr. İmamoğlu and other CHP politicians are part of a broader crackdown on opposition and dissent.<sup>53</sup>

21. Indeed, thousands of individuals were arrested within days of widespread protests sparked by Mr. İmamoğlu's arrest,<sup>54</sup> including journalists and human rights defenders monitoring the demonstrations.<sup>55</sup> Human rights organisations have reported serious human rights violations by the authorities, including police brutality, ill-treatment amounting to torture and mass arbitrary detentions.<sup>56</sup> Following systemic bans on protests, a consumer boycott campaign led by the opposition faced repression, with arrests, detention and criminal investigations on charges of "incitement to hatred and violence".<sup>57</sup>

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<sup>50</sup> See Rule 9.2 submission by the Turkey Human Rights Litigation Support Project, Human Rights Watch, and the International Commission of Jurists concerning the case of Kavala v. Turkey (Application No. 28749/18), 26 January 2024, 1492nd meeting of the Committee of Ministers (March 2024) (DH), DH-DD(2024)263 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2024\)263E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2024)263E)), para. 35.

<sup>51</sup> See Human Rights Watch (supra n 47); Duvar, "Turkish officials indicted over 'terror' links in urban consensus probe", 8 March 2025 (<https://www.duvarenglish.com/turkish-officials-indicted-over-terror-links-in-urban-consensus-probe-news-65767>).

<sup>52</sup> See *Selahattin Demirtaş (no. 2) v Turkey* [GC] (Application no. [14305/17](#), 22 December 2020), para. 436; *Yüksekdağ Şenoğlu and others v Türkiye* (Application no. [14332/17](#), 8 November 2022, final on 3 April 2023), para. 638.

<sup>53</sup> See Amnesty International (supra n 47);

<sup>54</sup> BBC News, 'Protests erupt in Turkey after Erdogan rival arrested', 19 March 2025 (<https://www.bbc.co.uk/news/articles/c5yren8mxp8o>); BBC News, 'Thousands turn out for Turkey protests after more than 1,400 arrests', 26 March 2025, (<https://www.bbc.co.uk/news/articles/ckgz58rz3k8o>)

<sup>55</sup> Ibid. See also Orla Guerin, "Don't speak, don't film': Journalist arrests fuel fears for democracy after Turkey protests", BBC News, 4 April 2025 (<https://www.bbc.com/news/articles/c5ypxedzny4o>) ; Medyascope, 'Swedish journalist Joakim Medin arrested in Turkey amid protests', 31 March 2025 (<https://medyascope.tv/2025/03/31/swedish-journalist-joakim-medin-arrested-in-turkey-amid-protests/>)

<sup>56</sup> 'Turkey: End brutal crackdown on peaceful protest and human rights defenders', Joint statement by ARTICLE 19 and 12 other organisations, 4 April 2025 (<https://www.article19.org/resources/turkiye-end-brutal-crackdown-on-peaceful-protest/>); Media and Law Studies Association (MLSA), "Journalists targeted, beaten by police during protests in Istanbul's Sarayhane district" (24 March 2025) (<https://mlsatrueky.com/en/journalists-targeted-beaten-by-police-during-protests-in-istanbuls-sarayhane-district>).

<sup>57</sup> Bianet, 'Turkey's opposition launches nationwide no-shopping boycott', 2 April 2025 (<https://bianet.org/haber/turkeys-opposition-launches-nationwide-no-shopping-boycott-306067>); Hürriyet,

22. In parallel, the Gezi Park investigation has been revived and expanded, with journalists and media figures arrested more than a decade after the 2013 protests for their alleged involvement in them.<sup>58</sup> The legal profession has also come under sustained attack for its legitimate professional activities, with members of the Istanbul Bar Association arrested or suspended for raising concern about alleged human rights violations.<sup>59</sup> Mr. Imamoğlu's own lawyer, Mehmet Pehlivan, was arrested following his client's arrest.<sup>60</sup> This pattern of large-scale arrests, detentions and abusive criminal proceedings targeting politicians, journalists, civil society actors, public servants and lawyers is strongly reminiscent of the periods of "purge" following the 2013 Gezi Park events and the 2016 attempted *coup*, including the politically motivated measures that targeted the applicants.
23. Ending this severe crackdown on perceived sources of opposition or resistance to the government requires urgent action to address the lack of judicial independence and impartiality in Türkiye. Ensuring judicial independence lies at the heart of the general measures required to end violations similar to those found in the *Demirtaş* group judgments,<sup>61</sup> given the direct link between the dismantling of safeguards shielding the judiciary from political pressure and influence, and judicial and prosecutorial authorities' widespread misuse of criminal legislation and detention powers to silence opposition and stifle pluralism.<sup>62</sup> Developments since the events examined by the Court in the *Demirtaş* group of cases confirm that the ruling AKP/MHP coalition has effectively captured the judiciary and uses it to advance its political interests.<sup>63</sup>

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'11 detained as part of probe over boycott calls', 3 April 2025 (<https://www.hurriyetdailynews.com/11-detained-as-part-of-probe-over-boycott-calls-207626>).

<sup>58</sup> For example, journalist İsmail Saymaz was placed under house arrest on 19 March 2025 for his alleged involvement in the Gezi Park events (BBC Türkçe, 'House arrest for İsmail Saymaz: what do we know about the Gezi Park investigation?' (Turkish), 20 March 2025 (<https://www.bbc.com/turkce/articles/c8e72xnxw1ro>)). See also the arrest, on 24 January 2025, and detention of Ayşe Barım, an agent and leading figure of the Turkish cinema industry, for having allegedly helped plan the protests (Bianet, 'Ayşe Barım arrested' (Turkish), 27 January 2025, at <https://bianet.org/haber/ayse-barim-tutuklandi-304003>), and the deportation on 2 April 2025 of German pianist Davide Mortello, known for playing the piano at Taksim Square in support of the Gezi Park protests in 2013 (Gerçek Gündem, "'Pianist of Gezi Park' deported' (Turkish), 3 April 2025, at [https://www.gercekgundem.com/guncel/gezi-parkinin-piyaniisti-sinir-disi-edildi-528230#google\\_vignette](https://www.gercekgundem.com/guncel/gezi-parkinin-piyaniisti-sinir-disi-edildi-528230#google_vignette)).

<sup>59</sup> See Joint Statement by the International Legal and Human Rights Community on Unacceptable Attacks on the Legal Profession in Turkey, 14 April 2024 (<https://www.turkeylitigationssupport.com/blog/2025/4/14/joint-statement-by-the-international-legal-and-human-rights-community-on-unacceptable-attacks-on-the-legal-profession-in-turkey>).

<sup>60</sup> Birgün, "İmamoğlu's lawyer Mehmet Pehlivan declared: Lawyers are being detained" [Turkish], 24 April 2025 (<https://www.birgun.net/haber/imamoglunun-avukati-mehmet-pehlivan-acikladi-avukatlar-gozaltina-aliniyor-617867>).

<sup>61</sup> The Court found in these judgments that the judiciary "reacted harshly" to political opposition, including the applicants – in other words, that it was not impartial (*Selahattin Demirtaş (no. 2) v Turkey* [GC] (Application no. 14305/17, 22 December 2020), para. 436; *Yüksekdağ Şenoğlu and others v Türkiye* (Application no. 14332/17, 8 November 2022, final on 3 April 2023), para. 638).

<sup>62</sup> See Rule 9.2 submission of 17 January 2025 by the Turkey Human Rights Litigation Support Project and Human Rights Watch concerning the case of *Kavala v. Turkey* (Application No. 28749/18) (*supra* n 16).

<sup>63</sup> See Rule 9.2 submission of 17 January 2025 by the Turkey Human Rights Litigation Support Project and Human Rights Watch concerning the case of *Kavala v. Turkey* (Application No. 28749/18) (*supra* n 16), pars. 9-18.

24. Alongside A.G.'s role in the investigations against CHP politicians, the government's influence over the prosecutorial and judicial targeting of the Istanbul municipality is clear from President Erdoğan's statements, such as: "the biggest secrets have not been revealed yet [...] they will be ashamed";<sup>64</sup> "[CHP should] account for the corruption, theft, bribes taken, and irregularities committed", and "as President of the Republic [...] we make sure that every step is taken to prevent our citizens' rights, laws, and resources [...] from being usurped by 3-5 bandits".<sup>65</sup>
25. These statements reflect a broader pattern whereby President Erdoğan and other senior officials of the ruling coalition systematically equate political opposition with "terrorism", "criminality", and "enmity toward the nation", while framing criticism of their policies as "incitement to hatred or violence" or "threats to national security".<sup>66</sup> In a recent speech, President Erdoğan explicitly claimed that "the fate of Türkiye and the fate of the AK Party and the People's Alliance [AKP and MHP coalition] are intertwined" and accused the opposition's electoral gains in March 2024 of enabling "corruption".<sup>67</sup> Following CHP leader Özgür Özel's description of President Erdoğan as "military junta leader" in the context of the ongoing repression, Erdoğan filed a compensation claim, and a coordinated smear campaign ensued led by numerous ministers and coalition officials accusing Mr Özel of "attempting to destabilise the nation".<sup>68</sup> In finding an Article 18 violation in the *Demirtaş* group judgments, the ECtHR highlighted that developments in the criminal proceedings against the applicants were preceded by statements by the President of the Republic that they must, as leaders of the HDP, "pay the price".<sup>69</sup> Recent statements targeting CHP politicians in the Istanbul municipality similarly reflect the continued interference of the President Erdoğan in matters that fall within the sole competence of the prosecutorial and judicial authorities, an interference that appears to have influenced actions taken by those authorities.

<sup>64</sup> <https://www.bbc.com/turkce/articles/cwygdje8wy8o>

<sup>65</sup> HalkTV, 'Erdoğan defends İmamoğlu operations: The big radishes in the bag will be revealed' [Turkish], 26 March 2025 (<https://halktv.com.tr/siyaset/son-dakika-erdogan-imamoglu-operasyonlarina-sahip-cikti-heybedeki-buyuk-turplar-924552h>)

<sup>66</sup> See Rule 9.2 submission of 12 February 2024 by the Turkey Human Rights Litigation Support Project, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights on the *Selahattin Demirtaş* (no. 2) v Turkey (Application no. 14305/17) group of cases (supra n 2), para. 65.

<sup>67</sup> Anadolu Agency, "President Erdoğan: All kinds of sabotage against the Turkish economy and the peace of the nation will be held accountable before the courts", 26 March 2025 (<https://www.aa.com.tr/tr/gundem/cumhurbaskani-erdogan-turkiye-ekonomisine-milletin-huzuruna-yonelik-her-turlu-sabotajin-hesabi-yargi-onunde-sorulacak/3520082>).

<sup>68</sup> Sözcü, "Open threat from Erdoğan's advisor to Özgür Özel: You will swallow these words one by one" [Turkish], 6 April 2025 (<https://www.sozcu.com.tr/ozgur-ozel-in-cuntaci-aciklamalarina-akp-li-yonetici-ve-bakanlardan-yanit-p160292>)

<sup>69</sup> *Selahattin Demirtaş* (no. 2) v Turkey [GC] (Application no. [14305/17](#), 22 December 2020), para. 426; *Yüksekdağ Şenoğlu and others v Türkiye* (Application no. [14332/17](#), 8 November 2022, final on 3 April 2023), paras. 637-638. See also its similar findings in *Kavala v. Turkey* (Application No. 28749/18, 10 December 2019), para. 229.

26. The dismantling of judicial independence and prosecutorial autonomy has resulted in the judiciary and prosecutors replicating this approach. Current opposition MPs continue to continue to face politically motivated criminal investigations based on their legitimate activities and political statements made before or during their parliamentary terms.<sup>70</sup> As a result, they now face the risk of having their parliamentary immunity unlawfully lifted under Articles 14 and 83 of the Constitution.
27. In light of the above, the NGOs submit that unless the Committee urgently and firmly addresses Türkiye's continued failure to implement the *Demirtaş* group judgments and ensures the adoption of meaningful general measures, Article 18 of the Convention risks losing its significance and effectiveness as a safeguard against democratic backsliding in Europe.

#### IV. RECOMMENDATIONS

**Regarding individual measures,** the NGOs urge the Committee of Ministers to:

- i. Call for the immediate release of Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu, as required by the ECtHR's judgments;
- ii. Strongly condemn the initiation of new criminal proceedings against Mr Demirtaş and call on Türkiye to ensure that these proceedings are promptly terminated, in line with the *Selahattin Demirtaş (no. 2)* judgment;
- iii. Affirm that the ECtHR judgments vitiate any charges against the applicants relating to the 6-8 October 2014 events;
- iv. Firmly dismiss the Government's claim that there is "new evidence" justifying the applicants' detention and conviction as, it remains wholly unsubstantiated;
- v. Urge the Turkish authorities to facilitate the acquittal of Mr. Demirtaş and Ms. Yüksekdağ Şenoğlu, including by ensuring the urgent delivery of the reasoned Ankara Assize Court judgment and enabling a prompt and effective appeal;
- vi. Call for a speedy conclusion of the pending criminal proceedings against the remaining applicants and for their annulment, insofar as they stem from the arbitrary lifting of the applicants' parliamentary immunity in 2016 and/or relate to the factual context already examined by the ECtHR;
- vii. Firmly condemn Türkiye's continued failure to implement the judgments, contrary to the very essence of Article 46 ECHR;
- viii. Indicate specific measures that the Committee intends to take, including the possible initiation of infringement proceedings under Article 46(4), to address this sustained and deliberate non-implementation;
- ix. Call on Türkiye to put an immediate end to the applicants' political persecution, in violation of their Convention rights, now ongoing for 8 and a half years.

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<sup>70</sup> Ibid., paras. 37-48.

**Regarding general measures,** the NGOs urge the Committee of Ministers to request that Türkiye address the following recommendations:

*End the judicial harassment of opposition MPs and the arbitrary denial of their parliamentary immunity by:*

- i. Securing the annulment of criminal proceedings initiated during MPs' terms based on the arbitrary lifting of parliamentary immunity by the May 2016 constitutional amendment or by judicial authorities under Articles 14 and 83 of the Constitution;
- ii. Ensuring that the judiciary implements the jurisprudence of the Constitutional Court precluding the setting aside of parliamentary immunity without parliamentary approval;
- iii. Ending the widespread issuance of summaries of proceedings (*fezleke*) requesting the lifting of immunity in response to MPs' exercise of rights protected under the Convention;
- iv. Providing the Committee of Ministers with detailed data, disaggregated by legislative term since 2016 (including the current term), on:
  - (a) the number of MPs prosecuted during their mandate;
  - (b) current MPs subject to investigations in connection with purported "terrorism" or "national security" offences initiated prior to their election;
  - (c) current MPs for whom *fezleke* have been submitted to Parliament;
- v. Ensuring that safeguards and remedies against arbitrary interferences with MPs' mandates, such as parliamentary non-liability and applications to the Constitutional Court, are effective in practice.

*End the current crackdown on political opposition and the stifling of pluralism by:*

- i. Releasing CHP officials detained in connection with the politically motivated wave of arrests targeting the Istanbul municipality since October 2024, including Istanbul mayor Ekrem Imamoğlu, and ceasing criminal proceedings against them arising from their legitimate political activities;
- ii. Upholding the right to freedom of peaceful assembly and freedom of expression ensuring that human rights violations against protesters and others allegedly connected to the demonstrations opposing Mr. Imamoğlu's and other CHP politicians' arrests and detentions are duly remedied;
- iii. Releasing detained protesters and other individuals detained in connection with the Istanbul municipality case, and ceasing criminal proceedings against them for their perceived support for the political opposition;
- iv. Ensuring that the judiciary:
  - (a) refrains from equating the legitimate exercise of Convention rights with criminal offences;

- (b) upholds freedom of expression and other Convention rights in its application of criminal, anti-terrorism and national security laws; and
- (c) effectively applies guarantees of the right to a fair trial and protection from arbitrary detention;
- v. Taking measures necessary to guarantee judicial independence and impartiality in line with the NGOs' recommendations submitted in the *Osman Kavala* case,<sup>71</sup> and the Venice Commission's Opinion of 9 December 2024 regarding the Council of Judges and Prosecutors;<sup>72</sup>
- vi. Ensuring that members of the Government or Parliament refrain from attacking and threatening opposition politicians and other perceived dissenters, from portraying them as convicted criminals based on ongoing proceedings, or from equating legitimate political opposition with "crimes against the State";
- vii. Implementing the NGOs' prior recommendations, including those set out in their Rule 9.2 submission of 17 January 2025,<sup>73</sup> to remove other obstacles to elected opposition politicians' free exercise of their mandate, and providing information to the Committee of Ministers on steps taken.

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<sup>71</sup> See Rule 9.2 submission by the Turkey Human Rights Litigation Support Project and Human Rights Watch concerning the case of *Kavala v. Turkey* (Application No. 28749/18), 17 January 2025, 1521<sup>st</sup> meeting of the Committee of Ministers (March 2025) (DH) DH-DD(2025)98 ([https://hudoc.exec.coe.int/ENG?i=DH-DD\(2025\)98E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2025)98E)).

<sup>72</sup> European Commission for Democracy through Law (Venice Commission), *Türkiye: Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members*, adopted by the Venice Commission at its 141st Plenary Session (Venice, 6-7 December 2024), CDL-AD(2024)041, 9 December 2024 (<https://www.coe.int/en/web/venice-commission/-/cdl-ad-2024-041-e>).

<sup>73</sup> See Rule 9.2 submission of 17 January 2025 by the Turkey Human Rights Litigation Support Project and Human Rights Watch on the *Selahattin Demirtaş* (no. 2) v Turkey (Application no. 14305/17) group of cases (*supra* n 2).