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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1419th meeting (December 2021) (DH)

Communication from the authorities (19/11/2021) concerning the case of Selahattin Demirtas v. Turkey (No. 2) (Application No. 14305/17).

Information made available under Rule 8.2a 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 : 1419^e réunion (décembre 2021) (DH)

Communication des autorités (19/11/2021) relative à l'affaire Selahattin Demirtas c. Turquie (n° 2) (requête n° 14305/17) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

Ankara, November 2021

**Additional Information on the Execution of the Judgment of
Demirtaş v. Turkey (Appl. No. 14305/17)**

1. In addition to information submitted in the action plan dated 1 October 2021 the Turkish authorities would like provide following information on individual measures to update the Committee of Ministers.

2. The Turkish authorities have summarised and submitted detailed and updated information as to the legal grounds for the applicant's current situation in the Communications to the Committee of Ministers ("CM") dated 2 July 2021, 29 July 2021, 30 July 2021, 21 October 2021, 28 October 2021 and 16 November 2021. The Turkish authorities reiterate these explanations in this regard and submit following additional information on the execution of prison sentence imposed by Istanbul 26th Assize Court for updating the Committee:

3. On 26 April 2021 the Court of Cassation upheld the judgment. The applicant began serving the remainder of the sentence imposed on him on 3 May 2021. He might be conditionally released on 3 November 2021. The date of completion of the prison sentence was predetermined as 3 January 2023

4. The applicant's lawyers applied to the Istanbul Assize Court to have the days he had spent in pre-trial detention during the criminal proceedings in the Ankara Assize Court deducted from the final sentence imposed in the criminal proceedings in the Istanbul Assize Court 3 November 2021.

5. This application dealt with by the Edirne execution judgeship, where the applicant is currently held. This court admitted this request and decided that the term spent in detention within the scope of criminal proceedings before the Ankara 22th Assize Court was to be deducted on 15 November 2021.

6. As a consequence, the applicant's prison sentence stemming from Istanbul 26th Assize Court judgment, which is delienated by the Court as the second set of proceedings, has come to an end on 16 November 2021.

7. As a point of principle, the Committee should not have examined an application that was not examined by the Court on points of law, notably the Istanbul Assize Court's

judgment, or in other words “second set of proceedings”. Furthermore, the Turkish authorities would like to draw the Committee’s attention to an important point. The applicant could have requested deduction at the very beginning of the execution process, even on 4 May 2021. In such a case, the execution of the prison sentence would have ended on that date which would have left the questions surrounding the examination of the second set of proceedings by the Committee of Ministers redundant.

8. As a result, the applicant is not currently convicted. He is detained because of the ongoing proceedings before the 22nd Ankara Assize Court. Furthermore, the last hearing was held before the 22nd Ankara Assize Court on 18-27 October 2021. The Assize Court reviewed the applicant’s detention in this hearing and decided that his detention to be continued. It has been decided that the next hearing will be held on 8-19 November 2021.

Conclusion

9. The Turkish authorities would kindly ask that the updated information will be taken into account in respect of the upcoming DH meeting. The authorities will maintain submitting further information on the individual and general measures taken or envisaged to be taken in due time. In this respect, the Committee of Ministers will be kept informed on further developments.