

Brussels, 1 February 2021

RE: implementation judgment Grand Chamber ECtHR Mr. Selahattin Demirtaş

Dear Ambassador,

We, leading Members of the main political groups in the European Parliament, call on you to do everything within your power to ensure the swift implementation of the judgment of the Grand Chamber of the European Court of Human Rights (ECtHR) in the case of Mr. *Selahattin Demirtaş v. Turkey (No. 2)*, including through the discussion of his situation at the upcoming meeting of the Committee of Ministers of the Council of Europe and the adoption of a strong declaration on the matter.

Mr. Demirtaş, who was a co-chair of the People's Democratic Party (HDP) and a member of the Turkish Grand National Assembly at the time of his arrest, has been in pre-trial detention on unsubstantiated charges in Turkey's high-security Edirne F-Type Prison since 4 November 2016, where he remains in spite of the ECtHR ruling in his favour of 20 November 2018 and the recent affirmative judgment of the Court's Grand Chamber.

In its final ruling of 22 December 2020, the Grand Chamber held that Turkey, as the respondent State, is to take all necessary measures to secure Mr Demirtaş immediate release. The Grand Chamber specifically holds Turkey to have violated Article 10 of the European Convention on Human Rights on freedom of expression, paragraphs 1 and 3 of Article 5 of the Convention on reasonable suspicion and on reasonableness of pre-trial detention, and of Article 3 of Protocol No. 1 to the Convention on the right to free expression of the opinion of the people. In addition, the Grand Chamber holds Turkey, through its continued refusal to release Mr. Demirtaş, to act in pursuit of the ulterior motive of stifling pluralism and limiting the freedom of political debate in violation of Article 18 of the Convention.

The highest Turkish authorities, including Turkey's President, Mr. Recep Tayyip Erdogan, and Turkey's Minister of the Interior, Mr. Suleyman Soylu, immediately rejected the Grand Chamber ruling. Rather than securing his immediate release, an Ankara court on 7 January 2021 accepted new indictments against Mr. Demirtaş and 107 others. Turkey's clear refusal to implement the ECtHR ruling in *Selahattin Demirtaş v. Turkey (No. 2)* therefore represents a stark violation of the obligations placed on a Member State of the Council of Europe and threatens to undermine the credibility of the Court.

We urge you to use any means at your disposal to ensure Turkey's full compliance with the Grand Chamber's judgment and secure Mr. Demirtaş' immediate release. Not only is his present situation a tragic miscarriage of justice on the part of the Turkish authorities that has come at the expense of Mr. Demirtaş and his family; it has also become symbolic for Turkey's backsliding on human rights, democracy and the rule of law. The people of Turkey deserve to live in freedom.

Sincerely,

Ms. Kati Piri MEP
S&D Vice-President for Foreign Affairs

Mr. Nacho Sanchez Amor MEP (S&D)
European Parliament Standing Rapporteur on Turkey

Mr. Sergey Lagodinsky MEP (Greens/EFA)
Chair of the European Parliament delegation to the EU-Turkey Joint Parliamentary Committee

Mr. Michael Gahler MEP (EPP)
EPP Spokesperson on Foreign Affairs

Ms. Hilde Vautmans MEP (Renew Europe)
Renew Europe Coordinator in the Committee on Foreign Affairs

Mr. Niyazi Kızılyürek MEP (The Left)
Member of the European Parliament for Cyprus