

Address by Nurettin Demir, Member of Grand National Assembly of Turkey

OSCE PA General Committee on Democracy, Human Rights and Humanitarian Questions

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Dear Chairman and distinguished guests,

First of all, I would like to share with you that Mr. Mehmet Haberal, who is also an MP, could not join us since his departure from Turkey was banned by the court decision. Therefore, instead of him, I am participating at the meeting. Although he was evicted from the prison, the court decision still disallows him to leave Turkey. Mr. Haberal's case shows the situation of democracy in Turkey.

To begin with, I am from Turkey and a member of the Parliament from the main opposition party, the Republican People's Party (CHP). Along with the other tasks, I was assigned to monitor the violations of rights in prisons in Turkey.

Within this scope, "The Commission for Examining and Monitoring Prisons" was formed by CHP in order to detect human rights violations in prisons. The commission has been visiting prisons and interviewing detainees without making any distinction. Moreover, our commission unfolds sorrows and unfair practices in the prisons by having prepared several reports.

Legislative activities of a country indicate the level of democracy in that country. However, in recent years, we have been witnessing undemocratic practices in Turkey which should not have happened in any democratic system. Thus, besides our work in the Turkish Parliament, we have been visiting the prisons since 2011 when I was elected as an MP.

Together with the other members of the commission, Mr. Veli Ağbaba, Mr. Özgür Özel and Mr. Muharrem Işık, we have interviewed nearly a thousand prisoners since we have been elected.

With the conclusion of the visits, we became those deputies who visited the largest number of prisons, and unfortunately we beat the record of visiting the largest number of imprisoned deputies.

We came to the point that Turkey has become a prison itself and we are still facing this fact. Turkey has gone down in history as a country which arrested the largest number of scholars, journalists, students, unionists, lawyers, deputies and soldiers ever.

Today, almost everyone who criticizes and disagrees with the government, and those who don't agree with its way of life are perceived as a potential threat by the Turkish government. People who express their discontent against the government are labeled as terrorists. Also, people who stand for freedom of speech and freedom of thought are taken under police

custody and sent to prisons through operations conducted at dawn. Therefore, today, it is not possible to mention the existence of the rule of law and fundamental human rights in Turkey.

Within the scope of our studies, we have visited and interviewed sick prisoners, imprisoned unionists, lawyers, journalists, students, soldiers, scientists and deputies. Then, in order to share their voices with the public, we have come up with three published reports:

- Report On Imprisoned Deputies
- Report On Sick Prisoners
- Report On Imprisoned Journalists

Dear participants,

The 16<sup>th</sup> article of the French Declaration of the Rights of Man states that: “A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

Unfortunately, in Turkey, constitutional guarantees and freedoms are not guaranteed by the state. Rather, they are suspended. The right of fair trial of people is ignored and neglected.

Legal guarantees for protecting and implementing rights are being abolished on arbitrary basis. People are denigrated via fabricated evidences.

I would like to express that there is no rule of law in Turkey. Besides, fundamental rights and justice are not the case. In short, Turkey has no democracy. So much so that, the murderers and instigators of many valuable intellectuals have not been arrested yet. Hearts of Turkish people are still suffering from the murder of intellectuals, journalists and bureaucrats such as Uğur Mumcu, Gaffar Okkan and Hrant Dink.

At this point, it is crucial to mention that AKP government hinders the Turkish Parliament to operate in line with democratic rules. Several pieces of legislation, dissolving constitutional rights and freedoms were passed in the parliament through AKP's majority. Judges, who are in charge of reviewing laws to their conformity with the constitution, act according to the governments instructions and are therefore biased. The government is in control of the judiciary and has hence lead to its politicization.

The shame of imprisoned deputies is the absolute display of the lack of the rule of law in Turkey. We sadly have to witness that the Turkish Grand National Assembly has now turned into the Grand Prison for Deputies.

Deputies elected through the free will of the peoples are charged with "leading terrorist organizations" and have been kept detained for a long time, due to that they might "flee abroad".

We have suffered from the absence of the deputies, because they have been obstructed from undertaking their duties. Representing the will of the peoples, with its deputies, the parliament steers the destiny of the country. However, by continuing the detention of the duly elected

members of parliament, the judiciary is acting contrary to the Turkish Constitution and with this, is preventing the parliament of implementing the free will of the people.

The deputies' continuing detention has lead the deeply rooted "problem of freedom of speech" in Turkey, to merge with a new "problem of freedom of the legislative". The case clearly demonstrates the distortion and the imbalance in the separation of powers in the country to a point, where the functioning of even parliamentary democracy in Turkey is impeded.

We stress out that, under these circumstances, the continuation of the detention of members of parliament and the refusal of their demand to be tried without detetention can only be witnessed in the frames of a totalitarian and despotic regime. Unfortunately, the governments fascistic practices become clearer day by day.

Recently, deputies Mehmet Haberal, Mustafa Balbay, Kemal Aktaş, İbrahim Ayhan, Selma Irmak, Faysal Sarıyıldız and Gülser Yıldırım were released from detention by the court. But this has not wiped out the shame, democracy had to experience in Turkey in any way. Because there is still a deputy kept behind bars; Mr. Engin Alan. Besides this, the Turkish Supreme Election Council has discharged Hatip Dicle from being a member of parliament. This is another demonstration of the dilemma Turkish democracy is faced with.

Another example which shows the extent of illegal practices in Turkey is the situation of Mr. Doğu Perinçek, who is the leader of the Labour Party. He and other prominent members of the party are now under arrest for about 7 years. They are charged with false evidences. It is indeed quite confusing to see that, to keep a political leader as a captive in order to silence him and the opposition has no wider impact on both the Turkish and World public opinion.

Politically motivated trials; like Ergenekon, Balyoz, Oda TV and Gezi Park show the severe violation of the right of fair trial in Turkey. While the Gezi Park protest, seven young men; Ali İsmail Korkmaz, Ethem Sarısülük, Mehmet Ayvalıtaş, Ahmet Atakan, Medeni Yıldırım, Abdullah Cömert and Hasan Ferit Gedik were murdered by the brutal and excessive use of force by the police. Also here, we had, and still have to witness several grave instances where the investigations and trials are not in line with the responsibilities of a democratic state and an independent judiciary.

Trials in Turkey have turned into fascist operations under the cover of fair judgment. Investigations and trials are used to clear the murders and to obscure the distressing realities.

The practice of double standards will only lead to the corruption of democracy.

We believe that a sustainable solution to the issues mentioned, can only be reached through freedom and democracy. I therefore, call upon the world public and international law institutions to be in solidarity with the people of Turkey and condemn all acts against democracy, freedoms and the rule of law.

Thank you.