

EIN briefing to the Committee of Ministers on 30th May 2022

Main recommendations on [Selahattin Demirtaş \(No. 2\) case v Turkey](#)

Taking into account the fact that Mr Demirtas has been unlawfully imprisoned for around five and a half years and that his continuing detention will have a seriously negative impact not only on his individual rights and freedoms but also on the rights and future of people in Turkey in course of the upcoming general elections, we, the Turkey Human Rights Litigation Support Project, ARTICLE 19, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights, invite the Committee to:

- Insist on requesting the immediate release of Selahattin Demirtaş as required by the ECtHR judgment.
- Confirm that the Grand Chamber judgment clearly applies to Mr. Demirtaş's ongoing pre-trial detention, the criminal proceeding under which he was convicted, and to any other ongoing or future proceedings or detention, in which the factual or legal basis is substantially similar to that already addressed, and found to violate his Convention rights, by the ECtHR in its judgment.
- Call for the halt of all criminal proceedings initiated against Mr. Demirtaş following the constitutional amendment lifting his parliamentary immunity, as the Grand Chamber found that the amendment did not meet the legality standard of the Convention, and that all proceedings initiated pursuant to it should therefore be deemed unlawful.
- Request the Government of Turkey to end using evasive judicial tactics to justify Mr. Demirtas's ongoing detention and cease the persecution targeting him through abusive criminal proceedings, including by dropping all charges under which he has been investigated, prosecuted and detained, which have pursued an ulterior purpose of stifling pluralism and limiting freedom of political debate, in conformity with the Court's finding that his rights under Article 5(1) in conjunction with Article 18 were violated, and that his exercise of the right to freedom of expression was wrongfully used as evidence to incriminate him.
- Emphasise the continuing nature of the breach and that *restitutio in integrum*, in this case, requires – *inter alia* - the cessation of the persecution of Mr. Demirtaş through criminal proceedings, in the form of ongoing and future investigations, prosecutions and detentions, including pre-trial detentions, solely for his political activities and his political speech.
- In the event that Selahattin Demirtaş remains in detention at the time of the 8-10 June 2022 meeting, to take the necessary steps to trigger infringement proceedings against Turkey under Article 46(4) of the Convention on the ground of its continued failure to comply with the ECtHR Grand Chamber's judgment.

Recent Rule 9 Communications:

[1436th meeting \(June 2022\) \(DH\) - Rule 9.1 - Communication from the applicant \(13/04/2022\) in the case of Selahattin Demirtas v. Turkey \(no. 2\) \(Application No. 14305/17\) \[Anglais uniquement\] \[DH-DD\(2022\)424\]](#)

[1411th meeting \(September 2021\) \(DH\) - Rules 9.2 and 9.6 - Reply from the authorities \(02/08/2021\) to communication from NGOs \(ARTICLE 19, Human Rights Watch, the International Commission of Jurists, the International Federation for Human Rights and the Turkey Human Rights Litigation Support Project to the Council of Europe Committee of Ministers\) \(26/07/2021\) in the case of](#)

[Selahattin Demirtas v. Turkey \(No. 2\) \(Application No. 14305/17\) \[anglais uniquement\] \[DH-DD\(2021\)759\]](#)

Another rule 9.2 was submitted by Turkey Human Rights Litigation Support Project, ARTICLE 19, Human Rights Watch, the International Commission of Jurists, and the International Federation for Human Rights on 24th May but is not public yet.