

Turkey turns its back on democracy and Justice – a weekly news review

The Kobanê Case, which concluded on Thursday, has condemned 24 HDP politicians to sentences ranging from 9 to 42 years. The three-year trial was blatantly political, as has been recognised by the European Court of Human Rights. It was a charade, intended to make Erdoğan's autocratic decisions appear more palatable, and it crushes hopes that he might step back from the brink of total authoritarianism and decide on a more conciliatory path.

[10:57 am 18/05/2024](#)



Political trials are a complicated charade designed to sugar-coat authoritarian decisions with a pretence of legality and justice. Simply imprisoning political opponents might seem easier, but a trial can persuade others that

imprisonment is an appropriate thing to do. Even for those who are not genuinely persuaded, a trial gives them a reason not to engage with a political situation that might disturb their own comfort or not suit their own interests.

Verdicts and sentences in the Kobanê Case

The Kobani (Kobanê) case, which concluded on Thursday and put on trial members of the pro-Kurdish leftist Peoples' Democratic Party (HDP), was clearly political. The prosecution was without any legal basis, and this was explicitly recognised in rulings by the European Court of Human Rights. After a 3,530 page indictment, plus 324 folders and three years of hearings, Turkey's highly politicised justice system has sentenced 24 HDP politicians to years – in some cases decades – in prison. The final ruling saw the party's former co-chairs, Selahattin Demirtaş and Figen Yüksekdağ, sentenced to a total [of 42 years and thirty years](#) respectively, and a further 22 people given sentences of between 9 years and 22 ½ years.

Eighteen of the people sentenced were already behind bars, but five of these have now been released on account of time already spent in prison. A further eighteen defendants had had their freedoms restricted under judicial control. Of these, six have now been sentenced, and twelve acquitted. The remaining 72 people who were named in the indictment are described as “fugitives” and did not appear in court. Their cases have been separated off from the 36 people whose verdicts and sentences were given on Thursday.

One of those given a ten-year sentence was [Ahmet Türk](#), who was recently re-elected Mayor of Mardin. His 61-year political career, begun when he was twenty, has included several periods as an MP, and he was a leading figure in the emergence and growth of Kurdish parliamentary politics. He had been elected mayor twice before, and been replaced each time by a government-appointed trustee.

The crimes that Thursday's judgement claims were committed include “disrupting the unity and integrity of the state”, “incitement to commit a crime”, and “membership of a terrorist organisation”. Many defendants have been found guilty of more than one “crime” and been given lots of different

sentences that are added up, rather than allowed to run concurrently. Although the prosecutor had called for all 36 of the defendants heard to be found guilty of murder and given life sentences without parole, this charge was not deemed proven.

The detailed and varied sentences are a part of the charade. They give a semblance of authenticity – but only a semblance. They may also be intended to appear reasonable in contrast to what could have been. This is an old political trick – propose something so dreadful that everything else can be presented as an improvement – but shouldn't distract from the fact that none of these people should be behind bars, or even in a courtroom, at all.

Background to the case

The Kobanê case has its roots in the period when President Erdoğan turned away from what had been hailed as Turkey's most hopeful moves towards peace, and put the suppression of the Kurds at the centre of his political project. Even while the Turkish government was talking with Abdullah Öcalan and the Kurdistan Workers' Party (PKK), Turkey was viewing the emergence of Rojava with hostility. They did not want to see an autonomous Kurdish region based around Öcalan's ideas just over their border in Syria. When ISIS began attacking Rojava, and, in 2014, threatened to overrun the Rojava city of Kobanê, the world looked on in fear. But the Turkish government was more concerned to attack the Kurdish forces than ISIS, and Erdoğan appeared to welcome Kobanê's imminent downfall.

Across the world, demonstrations were called to protest against inaction in the face of the impending catastrophe, and especially against inaction by Turkey. Turkish forces just across the border were doing nothing to protect Kobanê, and, while Turkey had provided free passage for people joining ISIS, Kurdish volunteers from inside Turkey were being prevented from joining the Kobanê defenders.

In Turkey, the executive board of the HDP put out four tweets calling people to come onto the streets and demonstrate. The resultant massive protests were met by violent counter-protests – especially by the right-wing Islamists of the

Free Cause Party (HÜDA PAR) – and by armed security forces; and the initially peaceful demonstrations became engulfed in violence. Amidst the destruction, an estimated 46 people died, of whom the majority were members or supporters of the HDP. The HDP made clear that they were against the use of violence, and offered to work with the government to bring peace. They have since made repeated calls for a proper investigation into what happened – all of them rejected.

Kobanê didn't fall – it's brave defenders, aided by American airstrikes, were able to turn the tide against ISIS – and the HDP overcame the hurdle of the 10% voting threshold to win 80 seats in the June 2015 general election. There were hopes for a better future, but Erdoğan was not happy that the peace discussions had benefited the HDP rather than his Justice and Development Party (AKP), so depriving the AKP of their overall majority. He was not happy that the HDP refused to make a deal to increase his political power; and he was not happy with Rojava's military successes. He turned his back on the peace process, denying its draft agreement, and formed a new political alliance with the Nationalist Movement Party (MHP), which has pulled the AKP firmly towards fascism. The MHP is virulently anti-Kurdish and is the driving force behind the ongoing HDP closure case, which is piggy-backing off the Kobanê case.

It became open season for attacking HDP politicians, especially after the coup attempt in 2016. This has been blamed on Erdoğan's former partners in the Gülen Movement, but he has used it as an excuse to crack down on all opposition. The Kobanê case is part of this attack. On the basis of their tweeted call for protest, the HDP politicians were blamed for the violence and destruction that occurred when protestors came under attack.

Erdoğan particularly enjoyed describing Demirtaş as a murderer. He accused Demirtaş of murdering everyone who lost their lives in the protests – including the sixteen-year-old HÜDA PAR supporter, Yasin Börü, whose death has been used by the government as an emblem of supposed HDP/PKK brutality. Although the charge of murder was found unproven, Erdoğan's slander and contempt of court remains unpunished.

The European Court of Human Rights

The main arguments of the Kobanê case were looked at by the European Court of Human Rights when they [examined](#) Demirtaş's extended pre-trial detention in December 2020.

The HDP's co-chairs and seven other HDP politicians had been arrested in the first phase of the Kobanê case in November 2016. The European Court's ruling was clear: the tweets "cannot be construed as a call for violence", and "The acts of violence that took place between 6 and 8 October 2014, regrettable though they were, cannot be seen as a direct consequence of the tweets in question." The court also found that other evidence against Demirtaş – from political speeches and meetings – similarly provided no clear link with the offences for which he was detained. They concluded that the case was not only baseless, but politically motivated. The same conclusions were reached when the court later [looked at](#) the cases of Yüksekdağ and twelve others.

Turkey has refused to comply with the Court's rulings – a refusal that, so far, they have been able to operate without consequence.

"Evidence" and malpractice

Other ongoing cases against the politicians on trial were merged into the Kobanê case file, but the only "evidence" presented against them were the initial tweets, speeches made as part of their political duties, and what Human Rights Watch has [described](#) as "a few statements, including from anonymous witnesses, making unsubstantiated and generalized assertions against the politicians."

As a political trial with no basis in fact, the [Kobanê case](#) relied on gross, and frequently blatant, judicial malpractice – beginning with the appointment of a judge (subsequently replaced) who was shown to be a member of a criminal organisation. "Witnesses" produced identical statements to each other, or were found to know nothing about the people or events they were supposed to have witnessed. Reports describe documents that were left unread, lawyers

prevented from speaking, and defendants' microphones cut off. The timetable and conditions prevented proper preparation. Aysel Tuğluk was interrogated when clearly incapacitated by dementia.

(Tuğluk's family and friends had been forced to undertake a long campaign to get her released from prison, where she was no longer capable of looking after herself. She is one of the people who has now been acquitted.)

No one was ever in any doubt that the result of this trial would be decided by Erdoğan and not by the official judges. Government politicians repeatedly spoke about the accused as if they were already found guilty. In his victory rally after last year's presidential election, Erdoğan [declared](#) that Demirtaş would never be released under his rule – and was met by calls for him to be given the (abolished) death penalty.

Hopes shattered

The AKP's losses in the recent local elections, and Erdoğan's subsequent meeting with Özgür Özel, the leader of the main opposition Republican People's Party (CHP), led to hopes that the President might choose to detach himself from the MHP and shift to a more conciliatory politics. People talked about political "normalisation" and Erdoğan [referred to](#) a "softening of the political atmosphere".

These hopes have been shattered by the Kobanê verdicts and sentences.

In truth they were already severely strained. On Wednesday, a retrial request for Osman Kavala had been rejected. Kavala, a businessman, philanthropist and defender of human-rights, was imprisoned for life without parole in another blatantly political trial, where it was baselessly claimed that he led the 2013 Gezi protests and attempted to overthrow the government. Kavala's case, and that of other Gezi prisoners, was high on Özel's agenda, and a new court panel had been formed to hear the request, but the new panel claimed that there was [no case for a retrial](#). There had been a belief that Erdoğan might step back from autocracy in other areas, even as he continued to oppress the Kurds, but the Kavala case suggests that this, too, is unfounded.

Widespread condemnation

Condemnation of the Kobanê case verdicts and sentences has not been restricted to the Equality and Democracy (DEM) Party – the inheritors of the HDP mantel. It has also come from the CHP and other opposition leaders, from lawyers, from rights organisations, and from international politicians.

Özel, interviewed on television on Thursday evening, noted that he had always referred to it as a political case, and [observed](#) that the case “does not indicate normalisation”. Former CHP leader, Kemal Kılıçdaroğlu, tweeted that “The scales of justice were broken once again today” – and was then [castigated](#) for his own complicity in supporting the unconstitutional mass removal of the parliamentary immunity of HDP politicians in 2016, which enabled the initial arrests. Sezgin Tanrıkulu, CHP MP for Diyarbakir, [called the case](#) a “political vendetta” that can be overcome by “common solidarity and common struggle”.

Erkan Baş, chair of the Turkish Workers’ Party (TİP) [told the press conference](#) held after the hearing, “We have to expand the joint struggle of Kurdish workers and Turkish workers against the government’s policies of isolating the Kurdish people and taking their political representatives captive.”

Human Rights Watch [observed](#) that “[the convictions] of 24 Kurdish politicians on bogus charges of crimes against the state follows a manifestly political and unjust trial”; and their Europe and Central Asia Director commented that they were “the latest move in a campaign of persecution that has robbed mainly Kurdish voters of their chosen representatives, undermined the democratic process, and criminalized lawful political speech”.

The Left in the European Parliament [described](#) the case as “one of Turkey’s largest show trials”, and observed that “Anti-IS protests in Turkey have been criminalized.” Many individual politicians have also tweeted their solidarity with those sentenced. The EU’s Turkey Rapporteur, Nacho Sánchez Amor, curiously [restricted his comments](#) to an economic observation from the perspective of foreign investment, noting that “Such actions & a dysfunctional judicial system undermines Turkey’s credibility.”

As so often in Turkish affairs, news reports that are presented as neutral lack background and give little indication of the issues at stake; however, quotes from Human Rights Watch have helped, especially when these are [foregrounded](#), as in the Financial Times.

The response from the DEM Party

And what of the response from the DEM Party? In the [press statement](#) issued outside the prison where the case was held, both co-chairs spelt out the party's message of resistance. Tuncer Bakırhan stated, "We do not recognise this decision... They have been acquitted in the hearts of Kurds, Turks, workers, women and young people. They are free." Tülay Hatimoğulları ended her speech by stating "we do not recognise this decision taken by fascism", and calling for people to work "shoulder to shoulder against fascism". [Protests](#) were held in the cities, and DEM Party MPs protested inside the parliament.

Gültan Kışanak – former mayor of Diyarbakır (Amed) and an MP before that who was released due to time already served – [stated](#), "The issue is not about being released, it is about creating an environment where this country can solve its problems. We want to live in a country where women, people and beliefs are free, and identities and languages are not a problem." Sebahat Tuncel, also released due to time served, [drew attention to AKP hypocrisy](#): "AKP members say they are in solidarity with the Palestinian people. We also stand in solidarity with the oppressed Palestinian people, there is a great massacre there. But in 2014, there was a massacre against the Kurdish people, carried out by ISIS. The People's Democratic Party could not remain silent against the ISIS brutality and genocide... We protected human dignity. Today, human dignity is being punished with this decision."

The party will, of course, appeal the convictions, and members will be wary of what might happen next with the closure case, which has the potential to prevent 451 people from taking part in any party politics.

More Turkish authoritarianism

Even apart from these cases, Turkey has shown little sign of a softer politics. A new bill is in preparation that would imprison those carrying out research deemed to be in line with foreign interests and against Turkey's interests. Its ambiguity has led to it being described as incompatible with legal principles, and an [instrument of repression](#).

New austerity cuts in public spending – which are also supposed to bring down inflation – have been [criticised](#) for punishing those on low incomes while leaving the wealthy unscathed.

This last week has also seen a large number of house raids and detentions. At least [68 people](#) were detained in dawn raids on Thursday, and 55 were detained on Monday in connection with the protests in [Van](#) following the government's attempt to usurp the Van mayorship.

Turkish foreign aggression

Looking beyond Turkey's borders, Erdoğan has already made clear his resolve to continue his anti-Kurdish and irridentist foreign policy, with attacks calculated to destroy all Kurdish hopes of autonomy and recreate Ottoman dominance.

There have been more reports about Turkish use of [chemical weapons](#) against the PKK guerrillas in the mountains of the Kurdistan Region of Iraq; and Turkey continues to issue [threats](#) to the Patriotic Union of Kurdistan (PUK), which, unlike the rival Kurdistan Democratic Party (KDP), refuses to toe the Turkish line and join Turkey's attacks against the PKK. Turkey is also pressing Iraq to [clear the "PKK"](#) – read Yazidi Şengal Resistance Units – from Sinjar (Şengal), while praising Iraq for strengthening control over the border with Syria. Connection with the Autonomous Administration of North and East Syria has been made more difficult with a new [concrete barrier](#), and the Iraqi border guard has been building new [military posts](#).

In North and East Syria, Turkey and Turkish mercenaries have continued to attempt to undermine the Autonomous Administration by destroying the basis of normal life. They have been [setting fire](#) to the fields just as the farmers prepare for harvest.

The region feels pressure from Iran, too. The PUK forced the [cancellation](#) of an event organised by the Kurdistan Democratic Party of Iran – presumably at Iran's bidding – and it has been reported that Iran's President Raisi is likely to [travel](#) to Erbil as part of his upcoming visit to Iraq.

Both Iraq and Syria also continue to be threatened by ISIS sleeper cells, and in [Deir ez-Zor](#), in eastern Syria, there is ongoing tension with Arab tribes. This has been encouraged by Iran and by Assad's Syrian Government. Last Saturday three fighters from the Syrian Democratic Forces (SDF) were killed by an ISIS suicide bomb attack in Deir ez-Zor and seven others were hurt. When the SDF were tending the wounded, they were attacked by local Arab fighters aligned with Iran, and a further SDF fighter was killed. The SDF's Women's Protection Units (YPJ) have announced that two weeks ago they [prevented](#) a major ISIS attack planned for Raqqa, arresting four militants.

The Kurdistan Region of Iraq and the Autonomous Administration of North and East Syria are both also due for elections. In the Kurdistan Region of Iraq, where the PUK wants elections to take place in June as planned, and the KDP is manoeuvring for a delay, the prospects are still uncertain: Iraq's Federal Court and Iraq's High Electoral Judiciary have issued [contradictory rulings](#) about the legality of postponement.

In North and East Syria, the election date has been [put back](#) from 30 May to 11 June to allow more time for preparations. It would be nice to be able to think that the logistics of voter lists and ballot boxes was all they had to worry about, but in that part of the world, a lot can happen in 3 ½ weeks.

Kobanê itself is still under threat of attack, but now from Turkey.

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