

# ‘Grave concern’ won’t save democracy – a weekly news review

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Thousands of members arrested, leaders behind bars, elected representatives deposed – this would be enough to stop many political parties from functioning. But not the Peoples’ Democratic Party (HDP), whose support only grows stronger. Its predominantly Kurdish founders and supporters have got used to having their political parties closed down before rising phoenix-like from the ashes, and the spirit of resistance cannot be suppressed. This time – and despite calls from the government’s far-right coalition partners in the Nationalist Movement Party (MHP) – their party has not been banned, or at least not yet, but the possibilities for any form of democratic expression in Turkey are being extinguished. The HDP have described the attack they are facing as “political genocide”.

This week, as the screw continued to tighten, Western nations uttered a few words of disapproval, but much more will be needed. If President Recep Tayyip Erdoğan is to be persuaded not to continue along this path, he will have to believe that it would bring him serious negative consequences.

Turkey is no “faraway country of which we know little”. It has been a member of the Council of Europe since 1950, and ratified the European Convention of Human Rights in 1954. It has been a candidate country for full membership of the European Union since 1999, and it is a member of NATO. Many people in Europe also know Turkey directly as a favourite holiday destination. This important country of over eighty million inhabitants, on the edge of Europe and at a crucial juncture of the Middle East, is openly flouting the democratic rules and norms it has signed up to, as it consolidates its increasingly despotic and dictatorial regime. And, ever since the HDP broke through the 10% electoral threshold to deny Erdoğan a parliamentary majority in June 2015, he has been determined to crush them. Now that his support has fallen and his hold on power has weakened, that determination has become an obsession. But the Western countries who see themselves as defenders of democracy seem as incapable of taking action as a rabbit caught in the headlights.

This week’s review will take stock of the current assault on the HDP and the timorous international responses, before asking: what is to be done?

Even before this most recent round of attacks, the HDP counted thousands of members in prison, including MPs, mayors and the party’s former co-chairs, Selahattin Demirtaş and Figen Yüksekdağ. And almost all of its elected mayors had been deposed and replaced by government appointees, as had also happened after the previous mayoral elections.

Even autocratic regimes like to put up a show of legal process, and Turkey is no exception. That the charges made have become increasingly absurd is of no comfort to those who, nevertheless, are convicted to years – sometimes many lifetimes – behind bars. Meanwhile, favourite procedural tricks include long pretrial detentions and huge numbers of overlapping charges – all designed to bog people down in the system, while also making it even more confusing for outsiders to follow.

On 19 February, HDP MP Ömer Faruk Gergerlioğlu saw his two-and-a-half-year sentence for spreading terrorism propaganda confirmed by Turkey’s Court of Cassation; and last Wednesday he explained the history of his case to an

online seminar organised by the Centre for Turkish Studies. The political abuse of human rights and propaganda that it exemplifies is so blatant that he made comparisons with Nazi Germany.

Gergerlioğlu is a medical doctor with a lifelong passion for Human Rights. He is from a religious background, and he previously campaigned for the lifting of the headscarf ban imposed under Turkey's former militant secularism. More recently, he has highlighted the need for a peaceful solution for Turkey's Kurds, and it is this that threatens to take him out of parliament and into prison. He explains that the same language that the Turkish government used when they were carrying out peace negotiations with the PKK, between 2013 and 2015, can now get people penalised.

In October 2016 he shared a picture of two coffins and two mourning mothers, one with a Turkish flag and the other with the flag of the PKK. Below it he wrote, we would rather see our children alive, side-by-side, than side-by-side in coffins. Within a week, he was sacked from the job he had held for twenty years. He began to receive death threats, and was forced to leave his local mosque association.

A file was opened against him, but the state prosecutor admitted that his social-media post had not been illegal, so they were looking for something else. They picked on another post for peace – a retweet of an article headlined “PKK: if the state takes the initiative, peace can be achieved within a month”, which was illustrated with a picture of three guerrilla fighters.

Gergerlioğlu was convicted in February 2018, and that summer, while appealing the verdict, he was elected MP for Kocaeli. Now he was able to peruse human rights campaigns in parliament. When he highlighted the intimate strip-searching of women detainees, which the government tried to deny, this became a “me too” issue, and more and more women came forward to tell of their own experiences. Gergerlioğlu describes this as his most successful human rights campaign, but he believes it also led to the court confirming his sentence.

Gergerlioğlu expects to have his parliamentary immunity removed and to be sent to prison. He has one further possibility of appeal, at the Constitutional Court, and points out that a similar appeal did result in a legal annulment and reinstatement as an MP for Enis Berberoğlu last year, but Berberoğlu is a member of the Republican People's Party (CHP), not the HDP. Meanwhile, the government has launched a second investigation against Gergerlioğlu. They claim that the sorrow he expressed that prisoners lost their lives in the government's bungled "rescue" campaign and had not been released through peaceful negotiation, was actually pleasure at their deaths.

The big story that has been put together to justify the trials of 108 HDP leaders and activists hinges on events that took place over six years ago, when the Islamic State of Iraq and Syria (ISIS) was besieging the Kurdish city of Kobanê, just across the Syrian border. Although the Justice and Development Party (AKP) has made much of the fact that women who were strip-searched did not immediately come forward to protest, they seem to have no problem in making these charges so long after the event.

In October 2014, ISIS had reached the centre of Kobanê, and Kurds everywhere were desperate to aid the city's defence. In Turkey, they had seen how the government had enabled foreign fighters to enter Syria to join ISIS, and how they had allowed Turkey to become the main market for smuggled ISIS oil. Now, Turkish forces on the Syrian border were doing nothing to hold back ISIS, but were preventing Kurds from crossing to help their brothers and sisters in the YPG and YPJ.

The HDP's Central Executive Board called for people to join street protests, and they came out in large numbers. The protests were violently put down by state security forces, aided by reactionary Islamists who the government encouraged to form counter-protests. Over forty people died, predominantly those protesting in support of Kobanê.

Indictments in the Kobanê case charge HDP members with "disrupting the unity and territorial integrity of the state" and of 37 counts of homicide – the official number of people killed in the protests. The state is calling for life

sentences without parole, which, in itself, is contrary to the European Charter of Human Rights.

Last September, the Kobanê case was used as the basis for indictments against 82 HDP members of the Central Executive Board that called on people to protest, and more and more people are being pulled into the net. Processes are now moving forward for lifting the parliamentary immunity of a further nine HDP MPs – including one of the current co-chairs, Pervin Buldan – so that they can be brought to trial as part of this case.

There are now 25 MPs facing government calls to have their immunity lifted for various cases – 20 from the HDP, one from the related Democratic Regions Party, three from the CHP, and one from the centre-right Democratic Party. The ultimate decision on this depends on a vote in parliament, where Erdoğan's AKP and his partners in the MHP hold a majority.

Although the Turkish government regards the PKK as its number one enemy, this crackdown on the HDP could be interpreted as justifying the PKK's existence. Erdoğan's refusal to make a distinction between the parliamentary politics of the HDP and the armed struggle pursued by the PKK may lead more people to the conclusion that the parliamentary road leads to a dead end, and that taking up arms is the only option.

The most high-profile defendant in the Kobanê case is Selahattin Demirtaş, former co-chair of the HDP. When the European Court of Human Rights looked at his case in December, they not only demanded his immediate release, but concluded that it did not meet the standard of "reasonable suspicion" required by the Convention. They added, "Not only were the charges against the applicant based essentially on facts that could not be reasonably considered criminal conduct under domestic law, they related mainly to the exercise by him of his Convention rights". This assessment is not only applicable to the case against Demirtaş. It is relevant to all 108 of those indicted for the Kobanê protests. But Turkey has made it quite clear that they have no intention of abiding by the European Court's ruling.

Which brings us back to the question of what is being done by Europe – and also the United States – to put a break on Turkey’s cascade into fascism. The US State Department told Ahval News on Monday that they were “aware” of the Turkish government’s requests to lift the MPs’ parliamentary immunity and were “monitoring the situation”. They noted that the US “continues to closely watch any attempts to overturn the will of the voters including through legal proceedings”. But watching and monitoring is hardly enough.

The European Union stated on Tuesday that they are “gravely concerned about the continuing pressure against the HDP”, noting that, “As a long-standing member of the Council of Europe and a candidate country, Turkey must safeguard its democratic system, including respect for human rights and the rule of law and the freedom of political association”. As Turkey has already shown contempt for European Court rulings, words alone are not going to persuade them.

The HDP has also heard supportive words from the Council of Europe with respect to the court ruling in favour of Demirtaş, which will be discussed again in a bit over a week’s time. Turkey’s attack on human rights and democracy was discussed in this week’s foreign policy debate in the Swedish parliament, and there have been supportive statements from various European parties, who by themselves cannot do much, such as the Scottish National Party.

Politicians won’t act unless they feel pressure from below – from the people whose support they need to stay in power. But what should “we the people” be demanding that they do?

The most obvious demand must be a block on all arms sales to Turkey, including on replacement parts for servicing earlier purchases. A country that sells weapons to a known aggressor is morally responsible for how those weapons are used.

It should also be obvious that governments need to reject Turkish demands for extradition, that they should take seriously applications for refugee status by people from Turkey seeking political asylum, and that they should not succumb to pressure to restrict protest against the Turkish government.

Then there are economic measures. Sanctions can be a blunt weapon that governments can deflect onto their most vulnerable citizens, but they can also be targeted to hit political leaders and companies complicit in human rights abuses. In addition, European countries are important trading partners for Turkey, which gives them leverage if they choose to use it. That Turkey continues to be given preferential trade deals runs counter to any hopes for a more ethical foreign policy. They have preferential arrangements with the EU, and the UK government has not only matched these, but also allowed scope for further concessions. The British Trade Union Congress has called for this last deal to be put on hold (specifically with reference to workers' rights), but their call needs wider political support.

When it comes to international diplomacy, our politicians should not allow Turkey to exclude the Kurds from determining their own future – as in the unproductive Geneva talks on a future constitution for Syria, or the agreement on the future of Şengal (Sinjar), made over the heads of the Yazidis who live there.

And, if our politicians really want to see a peaceful future in the Middle East, they should support the demand for Turkey to negotiate with imprisoned Kurdish leader, Abdullah Öcalan, and ask themselves why they have allowed the Turkish government to decide who they treat as terrorists. A leaked Dutch counter-terrorism report recently expressed concern that the Turkish government was encouraging the growth of an ultra-conservative and sometimes violent Islamism among the Turkish diaspora. Meanwhile, Öcalan and the PKK have repeatedly called for the resumption of peace negotiations. Yet, in deference to Turkey, it is the PKK that is on the terrorist lists. Of course, if peace talks were resumed the Kurds would have to be confident that, this time, the Turkish Government was acting in good faith; and if the HDP again helped to facilitate discussions, as they did in 2013-2015, that should not, as now, be used as evidence against them. Today, few international politicians like to talk about their past criminalisation of Nelson Mandela. Those of us who are looking for a road to peace in the Middle East imagine that one day the same will be true for Öcalan.