

## What does ECHR'S Demirtaş Decision Mean?

### News:

The Grand Chamber of 17 Judges, serving as Appellate Body of the European Court of Human Rights (ECHR), asked Turkey to take necessary measures to immediately release Demirtaş, former co-leader of People's Democratic Party and who has ongoing detention. (Source: [hurriyet](http://hurriyet.com.tr)).

### Comment:

After removal of parliamentary immunity, a lawsuit was filed against former HDP chairman Selahattin Demirtaş, with a request for a prison sentence of up to 142 years on charges such as "establishing and managing a terrorist organization", "propoganda of organization", "praising a crime and criminal", as a part of investigation carried out in Diyarbakır in November 2016. On September 2, 2019, the court decided Selahattin Demirtaş, who was jailed pending trial in Ankara 19th High Criminal Court, to be released on bail. However, his detention continued due to another file. During this period, Demirtaş applied to the ECHR and on November 20, 2018, the ECHR gave the first breach decision and asked his release. However, local courts did not release Demirtaş for various reasons. Finally, on December 22, 2020, the ECHR Grand Chamber decided that Demirtaş's detention violates five articles of the European Convention on Human Rights and Demirtaş must be released immediately.

In Turkey, the government members, especially President Erdoğan, criticized the court decision. Regarding the decision, Erdoğan said: "These steps are entirely political, and we know the reason for this." Soylu, Minister of Interior, said: "Demirtaş is a terrorist. The decision taken by the ECHR is a decision in a vacuum. It has no meaning. It is very clear and straightforward."

The decisions taken by the ECHR and the statements made by the government officials can be evaluated as follows:

1- As is known, since many years, tensions with different sizes occur between Turkey and EU. On the other hand, the policies that HDP has followed up to now have mainly been UK-oriented. Therefore, the decisions made by the ECHR are reflections of this with another dimensions.

2- Regarding the domestic politics of Turkey, it is seen that Erdoğan and his party will face a serious problem if elections are held ahead of time. Although, in 2020, Erdogan and his party worked to divide the HDP and get some of its votes on its side, they did not succeed. HDP politicians did not bow to the arrests and threats posed by Erdoğan and did not change their ways. Lastly, the ECHR decisions came in this context. However, despite this fact, harsh statements were made by both Erdoğan and Soylu. There were even discussions on the TV screens about closing HDP. It was aimed to give an extremely serious appearance to the threat against HDP by bringing this issue to the agenda, especially, by Devlet Bahçeli.

3- However, on the other hand, during his speech in the opening ceremony of the Ankara Gölbaşı City Crossing, President Erdoğan gave kind of green light by saying: "Any development in the world reaffirms Turkey's strength. We don't have any particular issue or insoluble problem with Europe, the US, Russia, China or any other country in our region."

4- With the result that the decisions taken by the ECHR, besides being reflection of Turkey-EU conflict from past to present, is mainly a pressure tool against Erdoğan rulership which is going through tough times due to economy and potential votes. Because Erdogan will be a presidential candidate again in the elections planned to be held in 2023. However, current statistics show that Erdogan will not win the elections. For this reason, Erdoğan focuses, especially, on the Kurdish votes and works to get their votes. For this reason, last week, he made a meeting with the chairman of the HÜDA-PAR.

**Written for the Central Media Office of Hizb ut Tahrir by  
Muhammet Hanefi YAĞMUR**