

# PEACE AND DEMOCRACY PARTY

## INTERNATIONAL E-BULLETIN

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## **CONTENTS:**

1- THE HUNGER STRIKE ENDS BY MR. OCALAN'S CALL. BUT THEN?.....	3
2- LETTER FROM ARRESTED MP, MS. SELMA IRMAK .....	4
3- FOREIGN POLICY OF TURKEY, KURDS AND SYRIA .....	7
4- LETTER FROM ARRESTED BDP MEMBER AND TRANSLATOR, MS. AYŞE BERKTAY .....	10
5- ARTICLE REGARDING TO PARLIAMENTARY IMMUNITIES BY MP, MR. ERTUGRUL KÜRKÇÜ.....	14

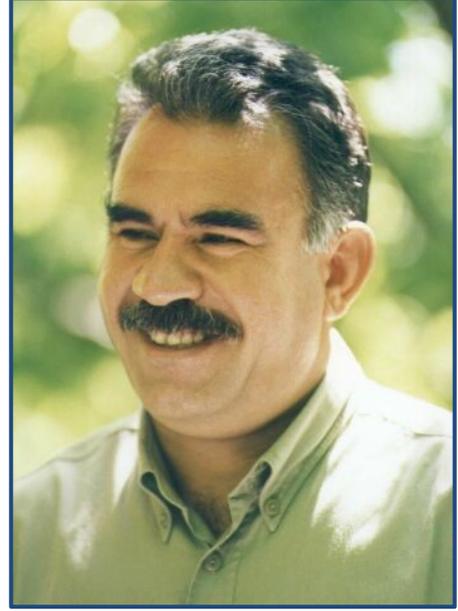


## THE HUNGER STRIKE ENDS BY MR. OCALAN'S CALL. BUT THEN?

In a written statement on behalf of Kurdish prisoners, Deniz Kaya announced on 18 November 2012, Sunday that they will end their protest in response to PKK Leader Mr. Abdullah Öcalan's call for the ending of the hunger strike without any hesitation.

Mr. Öcalan sent his message to the prisoners through his brother Mehmet Öcalan who visited him on Imralı Island on Saturday that in out of the visit day.

Peace and Democracy Party (BDP) Co-chair, Ms. Gültan Kışanak, Deputies Ms. Sabahat Tuncel, Mr. Sırrı Süreyya Önder and Democratic Society Congress (DTK) Co-chair, Ms. Aysel Tuğluk therewith paid urgent visits to two prisons in Diyarbakir to convey Öcalan's call.



BDP co-chair Kışanak announced on Sunday that 447 prisoners in Diyarbakir D Type Prison have ended their hunger strike early in the morning and that the hunger strikers in E Type will also announce their decision in same day. The inmates who have ended their protest are receiving treatment in prison and those in need of further healthcare are being referred to the regional research hospital under the supervision of Diyarbakir Chamber of Doctors.

Thousands of prisoners have ended the hunger strike in other 68 prisons. Co-chair of BDP, Mr. Selahattin DEMİRTAŞ made a statement about the hunger strike. Mr. Demirtaş called AKP Government to continue dialogue and soften the political ambiance. 63 prisoners in first group were in 67<sup>th</sup> day of the hunger strike. Dozens of them are still in medical control due to the heavy health problems.

The prisoners' all the demands are not met yet. The draft amendment on judicial defense in mother tongue includes unfair articles. Especially interpreter cost is not covered by the court according to the draft amendment. So, the defense in mother tongue in trial depends to economic power of the defense side.

Providing better conditions for Mr. Öcalan and securing the conversation with his lawyers was the main term of the prisoners in hunger strike. Ministry of Justice declared that a new boat is bought to transportation from the mainland to Imrali Prison Island. Unfortunately, the transportation issue is still continuing on the pretext of the "broken coaster".

Mr. Öcalan's call has prevented a chaotic process that causes many deaths in prisons and rising clashes between Kurdish People and the police in streets. We hope that, AKP Government understands Mr. Öcalan's key role and his clear intent for peaceful solution to the Kurdish Issue.



## LETTER FROM ARRESTED MP, MS. SELMA IRMAK

### Let's talk about solution, not death!

We are living the calmest and quietest moments of autumn. As the leaves of our ivy turn yellow, they gently tumble into the emptiness... Nature is getting ready for a peaceful silence... And yet we are burning with such feelings that it is as if we are living at the heart of hell itself. Every day, we are startled with another statement, shaken to the core by more terrifying words. We are watching how conscience goes blind, and it torments our humanity.



The hunger strike that began on September 12 has long crossed the critical threshold. We cross a line of flame. We walk as if on a red-hot sheet of metal. The words used by the head of the government are like gas thrown on a fire that makes it rage all the more. The Minister of Justice said 'Either say something beneficial or shut up. Start a fast of language!' But I think it is to the Prime Minister himself that this should be said. In these speeches, the Prime Minister assumes an attitude that polarizes and divides the community. They are invitations to death, not to solutions. We are at a point where his evaluation of the hunger strike has long exceeded the limits of conscience. Who could believe that this Prime Minister, who makes sure he 'gets his cut' from any situation and chases a political profit, once was a man of action holding to an ideal that insists on standing with the oppressed against cruelty? How can Erdogan refer to the words of Sheik Edebali for his mottoes yet do such things that make him roll in his grave?

For those having trouble in understanding, let me say this: 'The human will is more power than anything.' Neither medicine nor science is sufficient to explain the power of the human will. Those who do not skip even one meal of the day will of course assume that it is not possible to maintain a hunger strike for 2 months. The most obvious proof that the impossible is possible is our very action here! Every friend who takes part in the hunger strike has had a difficult struggle for life and their will is as strong as water-hardening steel. A short, comfortable, convenient lifestyle is not their perception of living. Their perception of life is one based on the idea that we live together from the distant past into the distant future that the past is in harmony with today, that we design with the aim of planting the seeds of tomorrow. They are people of conscience from head to toe. They are political and put existence before all else. On to the Prime Minister's words. He said, "they are receiving instructions from somewhere." One of our friends on strike said that "Yes, we are receiving instructions from our conscience." And these words were more than enough to explain everything. Of course, perceiving such a life philosophy is not a reality that every brain can handle and wrestle with. That's why the Prime Minister is hiding behind the claim that "They are eating lamb-kebab."

These statements, these frivolously made comments aim to reduce the power and meaning of the action. Condescending, belittling declarations such as "they are eating and drinking" are aimed to cast our action into disrepute. The people and revolutionaries of Turkey are no strangers to such accusations. This attitude is typical of the defense reflexes of states. The State adopts such tactics in order to ensure its security as if the actual system created for that very purpose was not sufficient. Is



not psychological violence already a method of torture? In fact, on the basis of torture lies the attempt to crush the psyche, capture the spirit, and break apart and injure the personality. Curses, abuse, rape, and the robbing of dignity all aim to reduce resistance.

For a while now, the psychological warfare against the hunger strike has been carried out through precisely such a torture method.

Another objective of this manipulative method is to deceive public opinion. Notice that what public opinion has been discussing and talking about for a while are not the demands of the hunger strikers nor what the strikers want to express to the public; but rather the responses given to the accusations of the government and to the prime minister as a representative of that government. A psychology of defense needed to be developed. Even the need to make statements like "It was there, it wasn't there, it was like that, it was like this," created a possibility for the government to maneuver and to divert the political agenda.

I have doubts that the psychological war or propaganda that has been carried out could be the work of the USA. We have seen numerous examples of the American method. It's always thus: "Make a claim to which the masses will show sensitivity. It doesn't matter if it is a pack of lies or slander." You will reach your aim while the opponents are still trying to exonerate themselves!! You keep your opponent on the defensive in order to seize the psychological upper hand. Was not this the way they declared wars in Iraq, Afghanistan, and Libya? The Prime Minister's advisers are also trying this method. But it is a poor imitation of course... For example, in my opinion, the Prime Minister threw himself a curve while he was making a statement to the press in Germany with Merkel when he showed a photograph which was taken at a dinner months ago. Merkel was probably saying to herself 'Enough already!' with those disbelieving eyes as wide as saucers, for she was gazing at the Prime Minister in astonishment and also, I'm guessing, with a little jealousy. She was probably thinking "Even I could not go that far!"

But cowards die many times before their deaths. All of these efforts are in vain. They are not enough and will not be enough to cast a shadow on the power of this right and meaningful action. Neither psychological war techniques nor strategies of torture could diminish the morale and excitement of the action. But the words spoken remained as distasteful voices under the vault of heaven. When the time comes, those words will come back to bite their owner, of course. After all, what comes around goes around.

As the poet said, it makes one lament for both friendship and enmity to be made noble. Every war has its own rules of ethics and morality. The Prime Minister sometimes emulates Saladin but can he act like this great leader whose sophisticated, cool-headed, self-aware attitude on the battlefield was respected by his enemies?

Not even a bit! Yet, we are not enemies. We are two fellow communities who want to leave on the same land with equality and freedom...

The ones that give their bodies to hunger in prisons also point to this reality. They pursue such an action in order to ensure the natural flow of life. They are struggling to repair the bridges between the two peoples and rebuild the broken ties on the right foundation.

Therefore, what we want to say to the public is that now is the time to talk about solutions, not deaths. What needs to be done is to focus on the demands of the protesters and work more



seriously, more focused on practical results in order to meet those demands. It is quite natural and very human that society is now in an emotionally charged atmosphere. Yet being emotional alone is not enough to solve the problems. Our emotions only have meaning if we do what our hearts command. If the society embraces the demand for legal defense in the mother tongue, there will likewise be a call to use the mother tongue in all public spheres; if this demand can be accepted by the masses, the results will be profound. But how profound can it possibly be if this demand is embraced only by the prisoners? Moreover, the demand for education in the mother tongue is also a natural right, but the government, relying on the power of assimilation policies, says that this demand is a luxury, not a necessity. Do we honestly have no role to play in how the government addresses this issue? Likewise, if the solution to the Kurdish problem is on Imrali, a more decisive campaign and hard-work is required to ensure the health, security, and freedom of movement in prison that Mr. Ocalan has spoken of. Certainly this is no easy challenge. Rights have always been won at a high cost. When Mahatma Gandhi went on his hunger strike, he did not ask the people of India to join the strike but to fight against British colonialism. For example, he advised them not to sell anything to the British soldiers in the markets, and be persistent and stubborn about buying Indian fabric instead of British fabric. As a result, Great Britain, the gendarme of the world, failed and had to leave India after being defeated by the country's poor.

To sum up, no one shall mention death. Let death keep its distance. We have so many more springtime to live. Let's talk about solution, not death. Let's seek a remedy. Let's work and struggle. We cannot forget that if we do not shed sweat for peace, we will go on shedding tears...

**Selma IRMAK / Diyarbakır E Type Prison**

**16 November 2012**



## FOREIGN POLICY OF TURKEY, KURDS AND SYRIA

The Middle East has entered its greatest period of change since the Sykes-Picot and the Lausanne Treaties of the early 20<sup>th</sup> Century. The position of the Kurds in this process of change is of critical importance. When their geographical position and organizational capacity is taken into account, the Kurds can be seen as "the locksmith of the Middle East" in face of all the deadlocks in the region.



There is one main issue that needs to be underlined: in the course of historical developments, Kurds have become a major regional player. The fact is the Kurdish people have completely abandoned narrow-minded approaches like fighting amongst themselves or ignoring one another. Despite the fact that Kurds don't have their own state, they are a force who can play a decisive role in terms of regional balances. Although in Turkey, Iraq, Syria, and Iran, Kurds may seem as if they are moving according to dynamics independent from one another, in essence, they are part of an all encompassing phenomenon in which there are intense interactions. Any incident that affects Kurds in Syria has also an effect on Kurds in Iran, Turkey and, of course, Iraq as well. Therefore, when discussing the Kurds within the context of the Middle East, it is useful to evaluate this phenomenon as a whole.

It should be noted from the start that the artificial borders have no serious impact on Kurds. These borders were not established by the Kurds. Of course the other peoples of the region did not play a decisive role in determining these borders, either. Therefore, we need to question the current political instability at the source, which is the artificiality of borders. With this in mind, it is clear that change is inevitable. This may not appear as changes in borders, but considering the developments, it has been made apparent to the world that without Kurds it is not possible to have a nation state nor is it possible to implement a constitution.

Looking at the 5000 years of civilization's history in the Middle East, it can be seen how deep historical ties and the relationships between its peoples have been throughout the development of that civilization. On the other hand, the monolithic Turkish foreign policy cites the date 1071 in which the Turks entered Anatolia, as a milestone. This situation leads us into a misreading of the Middle East and causes the implementation of misguided policies. The history of the Middle East did not begin in 1071. Long before, there was a common culture and civilization created by the ancient peoples of the Middle East. Therefore, if Turkey claims to be a part of this civilization, it should put its problematic historical thesis aside and reposition itself.

Since the conservatives came to power, Turkey sees itself as the heir of the Ottoman Empire, and on this basis, the AKP's government puts into play a neo-Ottoman strategy and tries to drag the Middle East into a "powerful" role like it enjoyed during the 400 years Ottoman period. The AKP government should know well that there was not a Turkist mentality in the tradition of the Ottoman State. This Turkist approach is a diseased reflection of the Committee of Union and Progress (*İttihat ve Terakki*) regime which dragged the peoples of Anatolia into disaster. It was nothing but an adventurous delusion of Enver Pasha which caused the death of hundreds of thousands.



Unfortunately, the Turkist disease of the *Committee of Union and Progress* has also infected the Republican period. Everybody knows that the Kurds have been in search of their status in Turkey since 1923. This struggle has come to light sometimes through intellectual discussions and sometimes through battles. However, the results of the Turkist practices of neglect, oppression and mass killing promoted by the policy makers of Turkey have been harsher and more intense. Turkey has shaped its relationships with its Middle Eastern neighbors on this basis.

Considering the Turkish governments and the balance they want to realize in the Middle East; it is obvious that they want to continue the status quo and eliminate Kurds. The fact that the Kurds lack a status is perceived as a sign of "stability" by the Turkish state. Any rights or any acquisitions for Kurds in any field are clearly accepted as a "threat". This foreign policy is reflected in the relations with neighboring countries in the Middle East; the Islamic Regime of Iran, Saddam's oppressiveness in Iraq, The centralist politics of the Iraqi Central Government, the Assad dictatorship of Syria and the politics of the radical organizations that may follow Assad in terms of their ignorance of Kurds are the natural allies of Turkish foreign policy. From this analysis, it is clear that the spiritual twins of the Turkish governments are these pro-status quo regimes.

Europe and the U.S. still have an increasing political influence on the Middle East. The "Arab Spring", which is the last form of interventionism, has created a greater instability in Libya, Egypt and Syria. Radical religion-based organizations have attained an advantageous position in the power balances of the region. Now it is very difficult to speak of freedoms in these countries and there is an imposed "Sharia Law" as the basis of governing policy. It is very obvious that the European powers had a major role in Tahrir which ended in the sovereignty of one group among the various factions.

The rich tapestry of the Middle East could be eliminated by the conservative and pragmatist mentality that may develop after a mobilization of the clones of the AKP government in these countries. The export of Turkey's intolerance will deepen the crises in these countries. Unfortunately, when conservatism is turned into a type of state instead of a way of life, it allows a monolithic and security based approach to entrench itself. This state model does not offer stability in the Middle East. In our 5000 year civilization history, similar slaver states and repressive regimes have brought only destruction. This time, in our contemporary global world, the destruction of the Middle East would affect the entire world.

The main reason for this ever-deepening crisis is the destruction caused by the state model we mentioned earlier and its political approach. Democratic actions, press releases, and demands based on collective rights are being suppressed by violence. Due to the "Anti-Terrorism Act" enacted in 2006, everyone can be judged as a "terrorist" and could be kept in prison for many years without a formal conviction. According to the 2012 statistics, 36,000 people charged with being 'a terrorist' are in prisons worldwide 12,000 of these are in Turkey. That means, in the whole world, every one in 3 "terrorists" is in Turkey. Particularly since 2001, through the US-led "War on Terror", every totalitarian state has eroded the foundations of democracy by qualifying its opponents as "terrorists", first and foremost in the Middle East. Turkey's terrorists are the Kurds as a people. Russia's terrorists are the Chechens. The Palestinians are Israel's terrorists. West Sahrawians in Morocco, the people of Darfur in southern Sudan, and many more, are cut off from the most basic rights of identity.



In the Middle East not only Kurds, but also Christians, Alevis, Assyrians, Druze and many other identities, minorities and religious groups are under attack. This report card of Europe is extremely weak in the face of these attacks. For instance, regarding the democratization process in Turkey, only "individual rights" are emphasized. However, the main problem in Turkey's democratization is in the field of collective rights. Any step taken in this area can contribute both to the solution of the Kurdish issue, and also to democratization. This situation will have, of course, a positive effect on the Middle East.

BDP has very clear offers for solution; these offers are not only for the Kurds. It is expressed that more or less problems and knots and deadlocks in the Middle East are analyzed.

As mentioned earlier, collective rights should be taken as a basis. The way for identities to be lived freely should be opened in every region.

The concept of terrorism should be handled more carefully. It must not be used by governments as a means of silencing the opposition.

The problems should be solved with peaceful methods and dialogue. Just like in 2009, negotiations should be held. As in Turkey, discussions must be continued taking into account the political will of both sides.

Europe and the United States should play a constructive role in resolving the problems; this role can be played by a defense of fundamental rights on the basis of democratic principles and human rights. Education and life in the mother tongue, autonomy and democratic self-government in the context of administrative reforms should be supported.

The time of centralized and rigid states is now over. Sovereignty should be shared. A body of authority should be set up in each region.

The definition of citizenship must encapsulate all countries. The rights of identities should be guaranteed.

The political prisoners must be released without exceptions. Truth commissions must be established.

Social and psychological measures should be developed for reconciliation. Hate speech must be prevented. In this regard, everyone' from the politicians to the media, must take responsibility.

When it comes to the most basic human rights, everyone in the world has the right to take a side and defend it.

**Foreign Affairs Commission of BDP**



## LETTER FROM ARRESTED BDP MEMBER AND TRANSLATOR, MS. AYŞE BERKTAY

***Translator, academic and member of the BDP, Ayse Berktaay was arrested during the KCK operations under the larger umbrella of arrests and detentions of BDP members in general by the Republic of Turkey. She writes from prison:***

"At the end of 2009, I became a member of the DTP (*The Democratic Society Party*). When the DTP was closed by the government, I became a member of the BDP (*The Peace and Democracy Party*). In 2010, I was elected first as General Director of the Istanbul Province and then as a member of the Central Women's Council. I worked on the party's press commission and in the external relations department.



I grew up learning that to oppose injustice and inequality was a virtue. I was advised to read and research and never to memorize or give up questioning and learning. From my mother and my father I learned that human beings are equal; that discrimination and arrogance are the greatest shames; and that labor and freedom are the supreme values.

I have always tried to live with commitment to these values. I became a socialist.

In the course of my life, I have learned that being committed to these values does not mean the clichés of "sacrifice", "bravery", "leadership", "awareness" or "teaching". I've endowed it with meaning as a call for socialization: to know injustices are done to all of us and not only to one of us and not to accept such a life, to not settle for the idea of life in a society where there is injustice and inequality, to develop an awareness by learning from one another and to accept that our grievances are common grievances.

I've always had a very special gift for language, for words, for understanding and explanations. I've also respected different peoples and languages, and I've always approached them with curiosity, interest, love, and respect. The strong relationship between me and my mother tongue and my penchant for languages led me to the field of interpretation. I wanted to contribute to the sharing of words; I wanted to be a bridge.

In the last 10-15 years, I've worked at the Historical Foundation, The Foundation of Human Rights for Women, The Peace Initiative, The Truth and Justice Commission of Diyarbakir Prison, and The Women's Initiative for Peace. During my years at the Historical Foundation, I tried to overcome the gap between the official and the real history, my efforts went toward confronting the official history. At the Foundation of Human Rights for Women I tried to contribute to the studies of women's rights. I prepared publications; I took part in the Prime Ministry's Human Rights Advisory Board as a representative of the Foundation.

The efforts of the Peace Initiative formed after September 11 were focused on obstacles to peace in the country, the region, and the world: namely, the Kurdish issue, the Armenian issue, the Cyprus problem, relations with Greece, the Palestinian issue, the blockade of Gaza, the occupations of



Afghanistan and Iraq, and so on. We questioned prejudice, nationalism, and militarist policies. We attempted to create an alternative language against the politics of war, to produce a vocabulary for peace and solutions. In an effort to create forums for dialogue, we held panels and meetings.

I have taken part in European and World Social Forums and in antiwar assemblies within the global and national antiwar movements against the policies of war and domination and against the 'either with us or against us' mentality that has spread across the globe since September 11th under the guise of a struggle against terrorism. We conducted local and global campaigns against the March 1 memorandum (translators note: a bill in parliament to permit the United States' use of bases in Turkey to attack Iraq). I am one of the founders and coordinators of The World Tribunal on Iraq (WTI) which was founded within the global antiwar movement to judge the occupiers of Iraq and to question the international systems and institutions that enabled the invasion of Iraq. For three years, this global network, which also had the active support of the Russell Foundation, implemented a serious campaign and won a world-wide reputation for its strenuous efforts.

Between the years of 1980-84, I participated in 3 studies for the Diyarbakır Prison Truth and Justice Commission. In the first phase, we held meetings with old prisoners. While conducting this study, we stayed in Diyarbakır, Urfa, and Batman. This contributed in a very concrete way to my facing the Kurdish reality in this country. People who were sharing their experiences with us looked at me and said:

"Welcome, but it's a little late now. Where have you been?"

"If you had listened to us in the West, if you had raised a strong objection, we would not have had to live under such heavy persecution."

I will never forget what they said: "How was our voice not heard? How could no one come and ask what was happening here? Why did no one come to listen to us and how could you not let loose your rage and let all hell break loose in light of such atrocity?"

I was in Diyarbakır in 2008 for Newroz. I saw people fill that festival ground to overflowing, people who knew what they wanted, who pursued the truth without fear, who had in fact crossed the threshold of fear with such dignity, commitment and calm that their attitude had turned them into giants.

I joined the Women's Initiative for Peace which was formed by Turkish and Kurdish women based on the slogan "For peace, we have words, to make it happen, we have power." Together, we tried to explain and figure out what war and war policies meant for women.

We have worked to establish a language of peace capable of reaching beyond mere slogans by emphasizing that the politics of war, which feed on nationalism, racism and militarism, mean nothing but unbridled sexism, violence and rape for every single woman in Turkey, be she Kurdish, Turkish, Armenian or Arab. We tried to promote the demand for a peaceful and democratic resolution. Feminists, socialist women, and revolutionary Kurdish women fought together for liberation. We tried both to know and understand each other and to comprehend the struggle we had to wage together. Moreover, we were always preoccupied with spreading debate, mobilization and a critical questioning among non-Kurdish women.



2009 was a challenging year. When the PKK declared a ceasefire, the state continued military operations. The success of the DTP in local elections was greeted with astonishment in western Turkey. The press had neither seen nor reported the great election demonstrations or the enthusiasm of Newroz celebrations in the Kurdish provinces prior to the local elections. As for those who followed the Kurdish press, it went all according to expectations. The PKK again extended the ceasefire...

And a day later, a sweeping political operation was launched against the DTP, the Kurdish women's movement and the local administration. 2000 politicians were arrested over several months. On the one hand, efforts to promote peace went on creating an atmosphere that made a solution seem imminent, on the other hand attacks and strikes continued as well. Bones sprang from the soil of mass graves, and searches began in the wells of the Botaş Corporation for the dead and disappeared.

In the meantime, the Peace Group arrived (*'the Peace Group': 8 guerillas from Qandil Mountain and 26 refugees from Maxmur Camp by the call of Abdullah Ocalan in October 19, 2009*) I followed and shared the joy of the Kurdish people in the press, on the TV and on the internet. Within a few days, insults were thrown in answer to the joy of 'peace and resolution'. An organized lynch campaign of hatred was provoked and joy gave way to mobs, attacks, and racist terror.

The DTP convoy was attacked and Ahmet Turk (A Kurdish deputy, translator's note) was targeted. Groups of girls and boys made ostentatiously patriotic displays in the pages of newspapers. Taksim and Tarlabasi drew masses of people to persecute Kurds. In public squares, stands were set up to gather signatures demanding the reinstatement of the death sentence. Justifying themselves with their nationalism, they insolently and violently assaulted Kurds and Kurdish politics. The social environment was dominated by a mentality which drowned out and terrorized all voices but its own into silence.

Turkey "must stand together as the enemy" of Kurds and their demands. It seemed like there was a natural consensus in this regard. Then I closed to the DTP. I had accepted membership in the DTP, heeding the call of a group of intellectuals who were against the politics of isolation and against the normalization of cruelty, enmity, pressure and ultimatums against Kurds and democratic Kurdish politics. With the belief that equality, democracy, freedom, and identity for the Kurds are not only Kurdish issues, but the issues of a democratic Turkey as a whole, I first became a member of the DTP. When the DTP was disbanded, I became a member of the BDP that replaced them.

Actually, although I was involved in politics, I did not choose to locate myself within a party structure. However, that climate of isolation and assault made me feel that I should enter the BDP to keep up my efforts to break down the walls and make my cause understood. In order to inspire the people from the western side of the country to exert an effort for a peaceful and democratic solution, it was essential to inform them of the concerns of the democratic Kurdish political movement so that the walls between the two sides could be torn down and the isolation shattered.

I was welcomed with love and respect to the BDP. I took just a tiny, friendly step; they respected this, they saw value in this. The BDP was the place where I finally got to know Kurdish people and Kurdish politics which, until that day, I had only supported both morally and with my vote from afar.



I found a horizontal system instead of a classical hierarchical party structure, a democratic structure where decision making is based on discussion. They place importance on self-criticism and criticism. It's a place where you feel the supervision of the people at all times. It is hard to find party like this, where the average person can open the door and enter at any time, where they feel their word has weight, where they can comfortably share their joy or sorrow...

I've always kept my faith in democratic methods instead of violence for solving our problems. We still have the words for peace and the power to make them real. Even now!

**Ayse Berktay**

**Bakirkoy L-type Women's Prison**



## BDP deputies' parliamentary immunity under severe threat in Turkey

Turkey's PM Tayyip Erdoğan and his ruling Justice and Development Party (AKP) spokespersons have been threatening opposition BDP (Peace and Democracy Party) with lifting of the deputies' parliamentary immunity under charges of "solidarity with the guerrilla PKK" after media reports and video footage of an encounter between a BDP-led fact-finding mission and a group of PKK guerrillas in countryside Semdinli district of the mainly Kurdish populated southeast Hakkari province last month.

### The context

The incident took place in Nehri village in the war ridden countryside Semdinli, Hakkari, scene to heavy fighting between the PKK guerrillas and Turkish government forces since July when the PKK stepped up military campaign for gaining control of the area. The escalation of the armed conflict reportedly caused many lives, leaving behind a controversy concerning the casualties and losses on both sides as well as dimensions of the physical and psychological damage suffered by the locals.



The fact-finding mission was tasked with investigating into the sufferings of the local people and probing into the casualties on both sides as well as observing the situation in the conflict areas where the government claims to have restored peace and order and gained full control of the countryside. On 16 August a convoy of 100 cars carrying the fact-finding mission -a group of 9 BDP deputies alongside officials from the Freedom and Solidarity Party (ÖDP), Socialist Party of the Oppressed (ESP) and Party of Labor (EMEP)- accompanied by 300 local people and local journalists was forcibly stopped by an armed guerrilla band of five on the way back from the Nehri village to Semdinli.

The guerrillas, as it appeared, were on routine road control and performing armed-propaganda. However, the guerrillas, albeit armed, failed to keep the locals who got out of the cars away from themselves and were surrounded particularly by the women and the elderly who rushed to cheer, greet and hug them. In the midst of this climate of mutual empathy the deputies and other members of the fact finding mission too exchanged words with the guerrillas, giving messages of reconciliation and raised hopes of a solution to the armed conflict. The guerrillas urging the journalists in the group reflect the truth left the scene after shaking hands with and hugging the deputies and the people.

The media reports were immediately on air. The government spokespersons' initial sarcastic reactions in the following days turned into a torrent of allegations and denunciations that the encounter was "planned", the encounter was deliberate with the preconceived aim of "PKK propaganda", and that the deputies had committed "high treason".

Fatma Şahin Minister of Family and Social Policies signaled on Aug. 24 that the BDP deputies who "did not keep the necessary distance with the terrorists and hugged the murderers should better not



to sit on the parliament's benches", and PM Tayyip Erdoğan on 5 Sept. during a party officials' meeting stated -in blunt violation of the principle of the independence of the judiciary from the executive- that "we have already told the justice all what is needed and they are acting accordingly and we in turn will do whatever necessary in the Parliament." Vexed and conflicting reports by ministers and AKP officials about the governments intentions are daily on the media, but one thing is certain, all charges and allegations by the ruling AKP leaders and spokespersons are in conflict with the current laws and procedures pertaining parliamentary immunities in Turkey.

### **The procedures**

According to Article 83 of the Turkish Constitution

"A deputy who is alleged to have committed an offence before or after election, shall not be arrested, interrogated, detained or tried unless the Assembly decides otherwise. This provision shall not apply in cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority shall notify the Turkish Grand National Assembly immediately and directly.

"The execution of a criminal sentence imposed on a member of the Turkish Grand National Assembly either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership. Investigation and prosecution of a re-elected deputy shall be subject to whether or not the Assembly lifts immunity in the case of the individual involved."

Thus in any case a parliamentary debate on the lifting of the immunity of any deputy should necessarily have been initiated by a legal application by a judiciary authority to the parliament speaker. And until this day Turkish parliament relying on Article 83 has postponed the discussion of 757 files of which 481 pending from the 2007-2011 period. There exists no reason why the files of 9 BDP deputies should be exceptionally examined with the highest priority before the pending 757 even in the case that a legal charge is carried to the parliament speaker's office.

According to reports leaking from the office of the Prosecutor of The Republic of Van Province an investigation against 9 BDP deputies have been launched under charges of "disseminating propaganda of the terrorist organization", following the call by PM Tayyip Erdoğan in that direction.

### **The prospects**

Thus, if a parliamentary debate on the 9 BDP deputies' immunities should start by 1 October when the Turkish parliament is reopened for the new legislative year, it will start as a blunt violation of the Constitution and of the conventional procedures with an unjust political motive for silencing the BDP's opposition particularly against the government's apparently unsuccessful policies to respond the Kurdish unrest and demands with force.

It is highly likely that the AKP majority in the parliament in spite of advises and warnings from specialists and opinion makers and even from its own government ministers could take the undemocratic path. According to a report by English language daily Hürriyet Daily News "At the



Parliamentary Joint Commission, there are currently 757 files on political immunity. Of these, 579 belong to Peace and Democracy Party (BDP) deputies. Soon the files of Gültan Kışanak, who is accused of hugging members of the outlawed Kurdistan Workers' Party (PKK), as well as those of Aysel Tuğluk, Ertuğrul Kürkçü, Sebahat Tuncel, Esat Canan, Adil Kurt, Nazmi Gür, Halil Aksoy and Hüsamettin Zenderlioğlu will arrive. If the Justice and Democracy Party (AKP) doesn't change its stance at the last minute, the parliamentary immunity of the nine deputies will be lifted, with the support of the Nationalist Movement Party (MHP)."

If this would be the case the BDP group in the parliament will be fragmented into 3 parts  
Those 6 still in prison albeit elected in 11 July 2011 general elections

1. Those 9 before the courts tried and possibly arrested under "terrorism" charges
2. Those 15 still in the parliament but with pending files which would be moved any time for lifting their immunities on the will of the majority

This practically gets as far as to devoid the BDP of its parliamentary capacities and paralyzes its parliamentary activity through unjust use of power and exploitation of the parliamentary majority arbitrarily and unlawfully.

### **Conclusion**

I wish our comrades both in their national parliaments and in the Parliamentary Assembly of The Council of Europe raise their voices against the intentions of crushing the BDP's parliamentary activity with unjustified and undemocratic arguments.

Our comrades and our group chairpersonship alongside open declarations can also contact the Turkish delegation in the Assembly and warn them concerning the would be negative impact of the ambitions of pushing the BDP outside the parliament on the efforts of bringing peaceful outcome to the ongoing armed conflict in Kurdistan.

I am open for further advises for raising the issue in the PACE as a group or personally.

In solidarity

**Ertuğrul Kürkçü**  
**MP for Mersin**