



**Permanent Representation
of Turkey
to the Council of Europe**

DGI

16 FEV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Strasbourg, 16 February 2021

**2021/33766324/32351470
Demirtaş (14305/17) v. Turkey**

Ms Ovey,

I enclose herewith the Turkish Government's Submission in response to the Rule 9.2 Communication of İFÖD and 4 other associations concerning the execution of the above-mentioned judgment.

Please accept, Ms Ovey, the assurances of my high consideration.

Çağla Pınar TANSU SEÇKİN
Co-Agent of the Government of the Republic
of Turkey
before the ECtHR
Deputy to the Permanent Representative

Enc.: As stated

Ms Clare OVEY
Head of Department a.i.
Department for the Execution of Judgments of the ECHR
Directorate General Human Rights and Rule of Law
Council of Europe

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SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Ankara, February 2021

**THE TURKISH GOVERNMENT'S SUBMISSION
IN RESPONSE TO THE RULE 9.2 COMMUNICATION OF
İFADE ÖZGÜRLÜĞÜ DERNEĞİ (İFÖD) and 4 OTHER ASSOCIATIONS
*Demirtaş v. Turkey (no. 14305/17)***

1. The Turkish authorities would like to make the following explanations in response to the submission of *İfade Özgürlüğü Derneği* (“İFÖD”) and 4 others associations with respect to the case of *Demirtaş v. Turkey* (no. 14305/17).

2. At the outset, the Communication of the Turkish Government to the Committee of Ministers (“CM”) submitted on 1 February 2021 in respect of the *Demirtaş* case comprises Turkey’s actions regarding the issues raised in the communication of *NGOs*. The Turkish authorities would like to reiterate their submissions in this regard.

3. In this submission, the authorities would like to clarify the following issues raised in the communication of *NGOs*.

4. As is known, on 22 December 2020 the judgment was delivered by the European Court of Human Rights as Grand Chamber (“the Court”) in the case of *Demirtaş v. Turkey* (no. 14305/17) and on the same day it became final.

5. By the notification made on 18 January 2021, the Department for the Execution of Judgments of the European Court of Human Rights requested information to be submitted to the Committee of Ministers as regards the Court’s finding on the urgent individual measures under Article 46 of the Convention.

6. In this scope, on 1 February 2021, communication letter was sent to the Committee of Ministers. In the said letter the Turkish Authorities firstly drew the Committee’s attention to the scope of the Court’s judgment. Then the period between 7 December 2018 and 31 October 2019 was explained and then the applicant’s current detention which is not in the scope of the Court’s said judgment was explained.

7. On this basis, the Turkish authorities would like to reiterate that a new application lodged by the applicant was communicated by the Court to the Government. The Government will continue to inform the Committee of Ministers about the current developments in relation

to general and other individual measures within the framework of the execution of the *Demirtaş v. Turkey* judgment.

8. On the other hand, it has been understood that, by the submission of 5 February 2021 made within the scope of the Rule 9.2, 5 different NGOs including the Freedom of Expression Association (*İfade Özgürlüğü Derneği*) communicated their assessments concerning the judgment of *Demirtaş v. Turkey* to the Committee of Ministers.

9. In the relevant communication, comments were made mainly on the parliamentary immunity. However, at this stage, the judgment in question has been put on the agenda of the March DH meeting within the scope of urgent individual measures. Information has been requested from the Government within the limits of this scope.

10. The authorities would like to recall that the six-month period prescribed for submission of an action plan has not expired yet. At this stage, the examination of the Committee should therefore be restricted to the urgent individual measures.

11. With respect to this issue, the Turkish authorities would like to reiterate that the applicant's detention within the scope of the proceedings which constituted the subject-matter of the violation judgment of the Grand Chamber ended. The applicant's current detention is the subject matter of a different case file. In the same vein, the Court communicated a new application to our Government. The preparation process of the Government observation within the scope of the new application in question is still ongoing.

12. Accordingly, there is no longer any urgent individual measure to be taken for the applicant. Furthermore, it is considered that within the scope of the Grand Chamber's judgment in question the assessments regarding general measures should be considered when the action plan is submitted in this respect.

CONCLUSION

13. The Turkish authorities kindly invite the Committee of Ministers to take into consideration the above-mentioned explanations within the scope of the execution of the *Demirtaş* case.

14. Furthermore, the Turkish authorities would not like to speculate on the claims raised in the communication that are not subject to any current application or judgment finding a violation.