



Mrs. Pia Kjærsgaard
Speaker of the Danish Parliament
Copenhagen

MODTAGET
LEDELSESSEKRETARIATET

Dato 07.06.16 Kl.

Copenhagen, 3 June 2016

Dear Mrs. Speaker,

I have regretfully been informed that the Danish parliament has adopted a "Proposal for Approval" on 26 May 2016, following an "Urgent Enquiry" under the title of "Prosecution of the Elected Parliamentarians in Turkey". I feel obliged to bring to your kind attention some of the facts regarding the removal of immunity of the parliamentarians at the Grand National Assembly of Turkey (GNAT).

First of all, I would like to point out that owing to the well-established parliamentary government experience which goes back to well before the foundation of the Republic, our Parliament has been functioning with all the parliamentary privileges that have been extended to the MPs, elected by periodic, fair and competitive elections. In this respect, the critical importance and the sanctity of the principle of parliamentary immunity has been fully acknowledged.

Moreover, being among the founding members of the Council of Europe, whose standard setting role in the fields of democracy, human rights and the rule of law has been globally recognized, Turkey has been strongly supporting the work of the Council of Europe and other international organizations. Thus, besides IPU (International Parliamentary Union), the Turkish Parliamentarians have been actively engaged in inter-parliamentary fora, including those of the Council of Europe and the OSCE, with a view to further strengthening and promoting our common democratic values.

Against this backdrop, it should be underlined that the latest amendments to the Constitution on the immunities of the MPs purely reflect the discretion of the legislative authority. The amendments have been adopted by a parliamentary vote on secret ballot. Amending the constitution is a right granted to the GNAT by the Turkish Constitution explicitly, leaving no room for doubt regarding the Turkish Parliament's authority on the issue.

Following a long public debate on the issue and extensive deliberations at the parliament, the GNAT decided that there is an appropriate ground to justify the removal of the immunities. Relevant parliamentary procedures were employed during this process.

The legislative change is not a measure against parliamentary non-liability of MPs and will not lift the MPs immunity from prosecution regarding what they express in any platform as MPs. In other words, it has nothing to do with the freedom of expression of the MPs.

This amendment will not be effective for possible future offenses. Removal of immunity of MPs from prosecution, in no way means withdrawal from membership in the parliament. The legislative change opens the way for prosecution of those MPs, for whom files exist on criminal charges involving various crimes ranging from smuggling of weapons for a terrorist organization to breaching the law on environmental protection.

On the other hand, the claims that amendments are targeting opposition parties do not reflect the truth. On the contrary, files exist for numerous MPs from all political parties in the Parliament, including the ruling one. The amendments will enter into force pursuant to the approval of the President of the Republic.

Following the entry into force of the amendments, allegations will also be examined by the independent judicial authorities, decisions of which can be appealed at any stage of the judicial process. As is the case for all judicial procedures in our Constitutional system, all judicial remedies exist at domestic law.

I would appreciate it if the content of this letter is kindly forwarded to the esteemed members of the Danish parliament.



Mehmet DÖNMEZ
Ambassador of the Republic of Turkey