



NEWS & VIEWS

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Information Note on CHP Deputy Enis Berberođlu Case

14th İstanbul Heavy Penal Court had sentenced CHP Deputy Enis Berberođlu to five years in jail in the case over a news report published on Cumhuriyet newspaper, on the charge of "disclosing information that has to remain confidential for the security of the state or domestic or foreign political interests for purposes of political and military espionage." He was accused of providing footage of the trucks to journalist Can Dündar and was sent to prison in 2017.

Following this ruling handed down by the İstanbul 14th Heavy Penal Court, Berberođlu was arrested on June 14, 2017. After Enis Berberođlu was re-elected as an MP from the Republican People's Party (CHP) on June 24 General Elections in 2018, he applied to the Court of Cassation and requested the stay of the execution of his prison sentence. This request was rejected on July 20. However, on September 20, 2018, the Court of Cassation accepted the request of stay of execution on the grounds of Berberođlu's legislative immunity and ruled that he should be released.

The final ruling on Berberođlu was read out at the General Assembly of the Parliament on June 4, 2020, and he was stripped of his MP status. He was detained and arrested the next day. On the same day, he was released from prison based on novel coronavirus (COVID-19) measures.

During the trial process, Berberođlu applied to the Constitutional Court while saying that it is against the law for the trial process to continue against a lawmaker who has automatically gained immunity from prosecution with re-election. He said that his continued imprisonment despite his re-election as a member of Parliament on June 24, 2018, had violated his rights.

Constitutional Court Decision and Local Court Decision

On September 17, 2020, the General Assembly of the Constitutional Court examined the application of Enis Berberođlu and concluded that his right to be elected and to engage in political activities and right to personal liberty and security had been violated. A month later, on October 13, the İstanbul 14th Heavy Penal Court defied this decision and concluded that there was no ground for retrial.

The case is now taken to İstanbul 15th Heavy Penal Court on October 15, after the 14th one ignored the Constitutional Court ruling that paved the way for his client's retrial.

CHP Chair Kemal Kılıçdarođlu has denounced the ruling of the local Court which has defied the decision of the Constitutional Court. "This country has a Constitution"

Kılıçdaroğlu has said, adding that “they, as 600 MPs, abide by the Constitutional Court rulings.” Kılıçdaroğlu also focused on the Article 11 and Article 153 of the Constitution which depict that laws cannot be against the Constitution; they bind the legislative body, the executive body, administrative authorities, judicial bodies as well as real and legal persons. He also said that this decision is unconstitutional since local courts have to comply with the decisions of the Constitutional Court and Constitutional Court rulings are binding. Also, it is the basis of chaos since not abiding by a Constitutional Courts prepares the ground for chaos in the system of Justice.

Press Conference by Ünal Çeviköz on EU's Turkey Country Report, Syria, Libya, Sudan, East Mediterrean, Varosha and Azerbajcani - Armenian Conflict

Distinguished members of the press,

Welcome to the first press conference of the legislative year. We haven't seen each other for a long time. First and foremost, I hope the new legislative year will be fruitful for all of us.

First, I will elaborate on the relations with the European Union as the first agenda item because as you might know the Turkey 2020 Country Report was published recently.

The accession negotiations were launched on October 3, 2005 following the Intergovernmental Conference in Luxembourg, and Turkey has officially pursued the accession negotiations for almost 15 years since then. However, though the rough relationship looked promising since as we crossed a milestone, currently we are furthest away from the EU to such an extent that we had never ever been at that point.

The most repeated term in the Country Report, for instance, is “backsliding”.

- The Report, therefore, argues that Turkey is going backwards in terms of democracy, human rights and the rule of law. And this is putting a huge strain on the relations between Turkey and the EU. I would like to draw your attention to a couple of points included in the Report:
- The Report argues that the state of emergency that was launched on July 15, 2016 and was lifted in 2018 still affects democracy, fundamental rights and freedoms adversely. The Report, moreover, argues that some restrictive elements of the emergency rule have been integrated into law and the key recommendations of the Council of Europe have not been addressed.
- The Report argues that “centralizing powers at the level of the Presidency without ensuring a sound and effective separation of powers between the executive, legislative and the judiciary” eliminates democratic accountability.

- The Report reads "There were concerns that dismissals in the absence of respect for due procedures caused self-censorship and intimidation within the judiciary."
- The Report argues "Serious concerns remained in terms of merit-based recruitment, promotion and appointment to managerial posts in the legal framework."
- The Report reads, "Overall, corruption is widespread and remains an issue of concern." And the Report, moreover, offers a criticism in that it argues "The absence of an anti-corruption strategy and action plan indicated the lack of political will to fight decisively against corruption."
- The Report argues "While the EU acknowledged the increased migratory burden and risks Turkey had been facing on its territory and the substantial efforts it was making in hosting refugees, it strongly rejected Turkey's use of migratory pressure for political purposes."
- The Report raises serious concerns with regard to the functioning of economy.

Overall, the Report points out to the fact that the EU-Turkey relations have deteriorated over the past 15 years and stands at a worsened level.

There is only one point in the Report, in which Turkey made some progress: migration and asylum policy. However, there is some criticism voiced in the Report due the fact that the governing powers used migratory pressure for political purposes.

Dear members of the press,

EU's criticism points out to a significant conclusion. Single man rule puts Turkey on the brink of bankruptcy.

Deterioration in the field of human rights, rule of law and democracy as well as moving away from the Copenhagen criteria deeply impact the stance of Turkey in international institutions and organizations. We cannot overlook and disregard these criticisms towards Turkey. We cannot fix our deteriorating image by neglecting critiques. These criticism does a major blow to our reputation, and harms Turkey.

Some do not want to accept these criticisms. When we, as opposition, call them out and say "let's fix these for the sake of our country and let's eliminate the negative points so that our deeds will make us proud", they blame us for not being local and national enough. Conversely, when such organizations state one single positive comment regarding Turkey, they cheer up. We haven't forgotten such cases!

The government does not enjoy the right to bequeath one more negative heritage to our country.

These policies that could not state the interest of our country to the European capitals and left our country alone in the field of diplomacy, have unfortunately condemned us to "carrot and stick" policy.

The government reduced the relations with the EU to the renewal of the Customs Union and the EU-Turkey Statement of March 18, 2016.

Moreover, we would like to highlight the subjective stance of the EU towards the Eastern Mediterranean issue.

Turkey, for sure, is not a full member to the EU. Nevertheless, it is a European country though not a full member. Yet again, when we have a look at the way the relations have evolved and the reports that have been issued, we see that Turkey is not considered as a European country. We do not welcome the subjective and unjust statements of the EU and its taking sides with regard to the Eastern Mediterranean issue just for the sake of standing close to a member country.

Dear members of the press,

As CHP (Republican People's Party) we invite the government to heed the calls of the EU as well as the other institutions of which we are members and to take the required steps to make Turkey a well-respected country again.

Firstly, we believe that 7th Reform Action Group meeting that has not been held though promised should be held promptly.

The government should definitely clarify the bargains it had with the EU over Eastern Mediterranean.

What will be the gains of Turkey regarding the migration agreement that remains on the agenda to be updated? The answer to this question should be shared with the public opinion.

Dear members of the press,

The Turkey Report does not only cover the Turkish-EU relations but it dwells on a variety of international topics. Syria is one of those topics. The report reads "Turkey maintained its military observation posts on the ground, including those situated in territories now controlled by the Syrian regime, and brought in further reinforcements to the region."

As you might recall, recently the Ministry of Defense made a declaration, and it was noted in that declaration that the Turkish Observation Missions numbered 3, 4, 5, 6, 7,

8 and 9 were left in the areas controlled by the regime and the soldiers were somehow surrounded.

Now that the soldiers are under such a risk, we invite the government not to flare up the tension that is already high in the region.

A bewildering chaos is reigning over Idlib. Russian aircraft began the air attacks and the attacks ramped up heavily. In addition to the Syrian media, the Russian media is also covering the news, too. Although there are some comments that there won't be an operation in the end, we consider that this case might cause the terrorist elements get close to our borders, and we are concerned about it.

Once again, I would like to ask whether the government is ensuring the safety of the soldiers who are under siege alongside the safety and security of Turkey.

The report touches upon Libya, as well. There are serious events unfolding in Libya these days. As you might know, the Libyan Prime Minister Fayez al-Sarraj made an announcement on the public media on September,17 and declared that he will step down.

Subsequently, Presidential Spokesman Mr. İbrahim Kalın responding to the questions of Reuters, noted that the issue was taken up in the bilateral discussion between Mr. Tayyip Erdoğan and French President Macron and added that we can work with France in Libya alongside the other countries.

On one hand, the swordplay between France and Turkey which wouldn't befit any diplomatic discourse is still ongoing. On the other hand, the government declares that it could work together with France.

Similarly, the government argues that Turkey stands against the coup d'états. The level of our diplomatic relationship with the Egypt-one of the most important actors in Eastern Mediterranean- still doesn't elevate to the Ambassadorial level. However, the Minister of Foreign Affairs hastily visited Mali, another country in Central Africa, in which a coup was staged, and the Turkish government, thus, held talks with the coup plotters.

Dear members of the press,

The government has caused a division in Syria and Libya with its biased and nonobjective foreign policies. The deeds of the government that are seemingly attaching importance on the territorial integrity of these two countries, do not look sincere at all.

We go into Egypt as we dwell on Africa; we elaborate on Syria in our near geography; we talk about Libya. However, there is one more country of vital importance in our close geography. And it is Sudan. Nonetheless, Sudan is almost invisible in Turkish media. Part of the reason is that Sudan, suffering under the sharia regime for a very long period of time, has evolved into a secular country with the last public upheaval.

We, therefore, welcome the recent developments in Sudan. We believe the Turkish-Sudanese relations will continue in a way that would benefit two secular countries. As CHP, we are of the opinion that we should lend a hand to meet all the requirements of newly established government in Sudan and we offer them our full support.

Now that we are dwelling on foreign policy, Azerbaijani- Armenian conflict is the most recent hot topic on the agenda of foreign politics.

The clashes began with the provocation of Armenia on September, 26 and subsequently Azerbaijan responded to the clashes and set out to save its territory that was under occupation for three decades. Today is October, 8th. And the first negotiation between Azerbaijan and Armenia will be held today. Needless to say, no ceasefire was declared; however, the fact that diplomatic contact is ongoing and the negotiations will take off in Geneva is a good sign.

I would like to underscore that Azerbaijan is highly successful in both the military field and diplomatic table since September, 26. Hence, it is doing well in both the military operations and diplomacy.

Azerbaijan set out to save its territory under occupation and it is, therefore, a highly justified and legitimate operation. We kindly would like the entire international community to support this righteous cause. On this occasion, I would like to underscore once more that we lend support to Azerbaijan on its just cause.

Russia, a primary actor in the region, has not sided with Armenia indicating that the conflict is not taking place in the Armenian territory, but in Nagorno- Karabakh indeed, and has implicitly manifested that it respects the rule of law and is on the side of Azerbaijan in its righteous cause and legitimate operation. This, indeed, is a stance of vital importance. What Armenia has to do in an attempt to decrease the tension and prevent the loss of lives is to end the occupation on the Azerbaijani land and to withdraw from Nagorno- Karabakh.

Last but not least I would like to elaborate on the Eastern Mediterranean issue.

The first high level discussions over the tension between Turkey and Greece that has been ongoing since July was held today in the capital of Slovakia, Bratislava (October,

8). Minister of Foreign Affairs Mr. Mevlüt Çavuşoğlu met his Greek counterpart Nikos Dendias, and it was reported in the news.

It goes without saying that the highest-level representative of the Turkish diplomacy in foreign diplomacy is the Minister of Foreign Affairs. We, therefore, welcome the diplomatic contacts on ministerial level. Previously, we stated that holding the meeting between Turkey and Greece on the level of consultants in Berlin and hiding the content of the deliberations from the media is wrong, and we still believe it would be wrong to do so. We hope this time it will be different and the content of the deliberations will be shared with the public opinion.

Dear Member of the Press,

CHP's policy in Eastern Mediterranean is quite clear. We believe that the issues should be solved out through negotiations and diplomacy. And we insist on the fact that negotiations are the right way to go. This does not mean having negotiations with Greece merely. Turkey should, thus, elevate the diplomatic relations with Israel and Egypt again to the Ambassadorial level and improve its relations with Syria in an attempt not to create a political void in the Eastern Mediterranean, or to put it more correctly, in order to swiftly fulfill the gap that was created up until now. Otherwise, you will have to make Oruç Reis travel from one place to the next just like you did with the tomb of Süleyman Şah.

Dear Members of the Press,

It marks the end of my remarks today. If you have any questions, I will be glad to answer them.

It marks the end of my remark today. I

Question: What is your take on opening of the closed Maras region?

Answer:

Dear friends, as you might know the Maras issue has long been considered an element of a comprehensive solution with regard to the Cyprus issue. What we mean by comprehensive solution is that Turkish Cypriot people should be regarded on the basis of equality by the Greek Cypriots. The solution might be a federation, as well. However, no matter what the solution is, first, the equality between the Turkish and Greek Cypriots should be ensured and then there should be steps taken with regard to Maras and an opening should be ensured accordingly.

The opening of Maras currently, however, is relegated to opening one public street and coastline to transportation merely. It is wrong to claim that this is an opening and it

covers the entire Maras region. I would like to highlight this truth. We, as CHP, are of the opinion that the entire Maras region should open. However, we consider Maras a key element of a comprehensive solution, as I noted. We believe that opening Maras that way, by dividing it street by street and coastline by coastline as if it were something to be divided, just like a salami, is a move that should not have been undertaken before Sunday's presidential elections. There are already rumors in TRNC alleging that this is an act based on domestic political purposes. All in all, it gave way to the breaking up of the coalition government in the TRNC.