

Statement (Turkey): Solidarity call for Can Atalay!

Tuesday 12 September 2023, by [Collective / Multiple signers](#), [Petition / Sign-on Letter](#) (Date first published: 11 September 2023).

The following statement is to denounce the unlawful prevention of Can Atalay from fulfilling his legislative duties in the National Assembly of Turkey. Despite his election as the Member of the Parliament to represent the Province of Hatay on the 14th of May 2023 General Elections, Can Atalay is unconstitutionally detained in prison based on politically charged “Gezi Park Trials” after being unjustly convicted of “attempting to overthrow the government.”

We invite all our international friends to support the following statement and stand in solidarity by sending in their signatures as an email to int.tip.org.tr with their full names, phone numbers, and titles/affiliations. The statement and the signatories will be made public on September 17, 2023. Please send your signatures by 21.00 (GMT+3) on September 17 at the latest.

This statement is open to signatures from academics, writers, journalists, MPs and Senators, and Political Party/ Group representatives.

RESPECT THE CONSTITUTION AND PEOPLE’S ELECTORAL WILL: FREE CAN ATALAY!

“A deputy who is alleged to have committed an offence before or after election shall not be detained, interrogated, arrested or tried unless the Assembly decides otherwise.”
(Constitution of the Republic of Turkey, Article 83.)

Can Atalay is a human rights lawyer who has defended many political prisoners, journalists, and victims of mining catastrophes, among several other major court cases in the recent history of Turkey. Atalay is elected as a Member of the Parliament from the Workers’ Party of Turkey (TİP) to represent the Province of Hatay on the May 14th, 2023, General Elections in Turkey. He was elected while his arbitrary detention was ongoing, and his case was still before the Supreme Court of Turkey. Even though he received his mandate upon election and has been officially registered as an MP in the records of the Grand National Assembly of Turkey, following an application to the Supreme Court, his arbitrary detention continues. Atalay’s detention is blatantly unconstitutional and the Supreme Court continues to violate the Constitutional article on Parliamentary Immunity.

The continuing unlawful detention of Can Atalay, the elected representative of Hatay, severely violates his right to liberty and security of person (ICCPR, Art. 9 and ECHR, Art. 5), his right to run and be elected in free and fair elections (ICCPR, Art. 25(b)). Moreover, Atalay’s unlawful and illegitimate detention violates the people of Hatay’s most basic democratic rights to vote and be democratically represented (ICCPR, Art.25(b)).

We demand all obstacles to the elected Parliamentarian Can Atalay's participation in legislative activities to be removed immediately. His freedom is essential for his constituencies' right to vote and be rightfully represented and his right to be elected, which are protected by the Constitution of Turkey, as well as regional and international human rights instruments.

We demand and invite all constitutional actors to respect the Constitution and fundamental democratic rights of the electorate and the elected representative.

For Further Information:

*Who is Can Atalay?

<https://www.frontlinedefenders.org/en/profile/can-atalay>

<https://www.raillynews.com/2023/06/who-is-can-atalay-from-where-type-of-deputy-can-atalay-got-out-of-jail/>

*Information about Gezi Park Trials:

<https://www.frontlinedefenders.org/en/organization/gezi-park-trial-hrds>

*700 signatories called for "Freedom for Can Atalay!" in June 2023:

<https://www.evrensel.net/haber/491852/700-bilim-insani-sanatci-ve-hukukcudan-yargitaya-can-atalay-cagrisi>
