51st SESSION

Report
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Request of the Congress to intervene as a third party in Application no. 37204/25

Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the respect of Human Rights and the Rule of Law at local and regional levels (Monitoring Committee)

Rapporteur[1] : Gudrun MOSLER-TÖRNSTRÖM, Austria (L, SOC/G/PD)

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Summary

Following the decision of the Congress Bureau to request leave from the European Court of Human Rights to submit written observations by way of third-party intervention in application no. 37204/25, lodged by Ekrem İmamoğlu, Mayor of the Metropolitan Municipality of Istanbul, against Türkiye, the Congress expresses its readiness to intervene in the case. Such an intervention aims at providing the Court with insights relating to its contextual assessment, in the interest of the proper administration of justice.

The Congress Standing Rapporteurs on Human Rights, in co-operation with the Rapporteurs on the implementation of the European Charter of Local Self-Government in Türkiye, will submit written observations on behalf of the Congress. These observations will draw notably on the relevant Congress reports, resolutions, recommendations and declarations concerning local democracy in Türkiye.

1. L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
PfE: Patriots for Europe Group
NR: Members not belonging to a political group of the Congress

RESOLUTION 538 (2026)[2]

1. The Congress of Local and Regional Authorities of the Council of Europe ("the Congress"):

a. underlines its role as the only consultative political assembly of the Council of Europe entrusted with the mandate to represent and support local and regional elected representatives, and to promote and defend local democracy, human rights and the rule of law at the grassroots level across Europe;

b. draws attention to its regular monitoring, fact-finding and high-level missions and reports concerning the situation of local elected representatives in Türkiye, particularly regarding instances of dismissal and prolonged detention of such representatives;

c. refers to:

i. the Opinion on the provisions of the Emergency Decree Law No. 674 of 1 September 2016 which concern the exercise of local democracy in Turkey (CDL-AD(2017)021), prepared by the European Commission for Democracy through Law (Venice Commission) at the request of the Congress, notably as regards "the impact of the Provisions of Emergency Decree Laws on Local democracy in Turkey and the Long-Term effects of the dismissal and detention of local elected representatives";

ii. the Report of the Venice Commission on the impact of pre-trial detention of mayors on local democratic governance (CDL-AD(2025)045);

iii. Application no. 37204/25, *Ekrem İmamoğlu against Türkiye* lodged on 10 November 2025 with the European Court of Human Rights, which addresses the dismissal and detention of a Turkish local representative and raises issues at the intersection of human rights protection and local democracy;

iv. Article 36, paragraph 2, of the European Convention of Human Rights which, in the interest of the proper administration of justice, allows the Court to invite any person concerned who is not the applicant to submit written comments or take part in hearings where their special knowledge or expertise may contribute to the Court's understanding of the broader legal and factual context;

d. highlights the value for the Court of receiving information, observations and analyses from bodies whose specialised experience and involvement at the institutional level in relevant fields may enlighten its deliberations;

e. underlines in this respect the value of the Congress's extensive experience, expertise and first-hand observations, thereby contributing specialised knowledge and institutional insight for local democracy and the rights of local elected representatives.

2. The Congress expresses its readiness, pursuant to Article 36(2) of the European Convention of Human Rights and Rule 44(3) of the Rules of the Court, to make available to the Court written observations in the context of an intervention as a third party in the Application no. 37204/25, thereby ensuring that the Court's assessment is supported by comprehensive and context-specific information on the situation of local democracy and human rights in Türkiye.

3. Subject to a positive decision by the Court, the Congress instructs its Standing Rapporteurs on Human Rights, in co-operation with the rapporteurs on local democracy in Türkiye, to submit written observations on behalf of the Congress within the deadline set by the Court, based on the reports adopted by the Congress.

2. Debated and adopted by the Congress on 29 October 2026 (see document CG(2026)51-27, explanatory memorandum), rapporteur: Gudrun MOSLER-TÖRNSTRÖM, Austria (L, SOC/G/PD).

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1. INTRODUCTION

1. On 23 March 2026, the European Court of Human Rights (the Court) commenced the examination of Application No. 37204/25 lodged by Ekrem İmamoğlu, Mayor of the Metropolitan Municipality of Istanbul, against Türkiye, concerning the applicant's pre-trial detention. This case sits at the intersection of human rights protection and local democracy and directly concerns the Congress, the Council of Europe's only consultative political assembly with a specific mandate to promote local and regional democracy and human rights at local and regional levels.

2. The comprehensive and reliable information on the state of local democracy and human rights in Türkiye, available to the Congress, is directly relevant to the above-mentioned application.

3. Specifically, the issue of pre-trial detention of local elected representatives and its impact on local democracy in Türkiye has consistently featured on the Congress's agenda. For over a decade, through its activities in Türkiye, the Congress has documented and raised concerns about the dismissals, arrests and prosecutions of opposition mayors in this country on grounds of terrorism, leading to their replacement by appointed administrators, and in corruption investigations.

4. This pattern has deteriorated in the aftermath of the 2024 local elections. It is estimated that close to 80 municipalities have experienced challenges in upholding electoral outcomes, due to trustee appointments, dismissals, arrests, and changes in political affiliation. More than 20 mayors have been imprisoned, and hundreds of members of the main opposition party, the Republican People's Party (CHP), have been held on corruption charges and remain in pre-trial detention.[3]

5. On 19 March 2025, the arrest of Ekrem İmamoğlu, the Metropolitan Mayor of Istanbul and President of the Union of Municipalities of Türkiye, who remains in custody to date, marked a new escalation.

6. On 18 June 2026, the Bureau of the Congress decided to request the authorisation of the European Court of Human Rights to submit written observations through a third-party intervention in case no. 37204/25 and to entrust the Monitoring Committee with the task of preparing and approving a preliminary draft resolution in this respect, for submission to the Congress for adoption at its 51st Session in October. The Monitoring Committee therefore submits this explanatory memorandum accompanying the draft resolution.

2. RECENT ACTIVITIES AND OBSERVATIONS OF THE CONGRESS CONCERNING TÜRKIYE

7. The Congress has a long-standing co-operation with the authorities of Türkiye at all levels since the country's ratification of the European Charter of Local Self-Government in 1992. It has conducted several monitoring, election observation, fact-finding and high-level visits to Türkiye to assess the state of local democracy, address specific concerns and, together with national and local authorities, seek remedies that are consistent with democratic norms and standards, human rights and the rule of law.

8. The most recent Congress report on monitoring the application of the Charter in Türkiye was adopted in 2022.[4] The relevant Congress recommendation and resolution highlighted that the government continued to suspend mayors when a criminal investigation was opened against them on grounds of terrorism and to replace them by non-elected officials, thus seriously undermining the democratic choice of Turkish citizens and impeding the proper functioning of local democracy in Türkiye.

9. The Congress called on the Turkish authorities, inter alia, to discontinue the practice of suspending mayors without court decisions and to exercise the utmost caution and a restrictive approach regarding suspensions, with the aim of respecting the presumption of innocence and the system of democratically elected representatives.

3. See, among others, the European Parliament resolution of 13 February 2025 on the recent dismissals and arrests of mayors in Türkiye (2025/2546(RSP)).

4. Document CG(2022)42-14, explanatory memorandum), rapporteurs: Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and David ERAY, Switzerland (R, EPP/CCE).

10. The Congress consistently reiterated this position during multiple engagements in Türkiye, including during election observation missions (March 2024) post-monitoring visits (November 2023, June 2024 and September 2024), fact-finding visits (May, June and September 2025) and a high-level visit on 9-11 February 2026.

11. On 27 March 2025, the Congress adopted Declaration 12 (2025) on the dismissals of mayors in Türkiye[5] in reaction to the steady deterioration of the working conditions for local elected representatives and the weakening of fundamental freedoms and of the rule of law in Türkiye. It called on the Turkish authorities to implement previous Congress recommendations,[6] abolish the trustee system, remove excessive limitations on freedoms of assembly and expression, and stop prosecuting and detaining elected representatives from opposition parties based on a broad interpretation of offences such as terrorism and defamation. It called for the immediate release of current detainees, including Mayor İmamoğlu, and urged authorities to refrain from making extensive use of pre-trial detention when clear evidence of reasonable suspicion is missing.

12. On 24 October 2025, the European Commission for Democracy through Law (Venice Commission) issued a report on the impact of pre-trial detention of mayors on local democratic governance (CDL-AD(2025)045), prepared at the request of the Congress. This report concludes that pre-trial detention and suspension of democratically elected local representatives have negative effects on local democracy when procedural safeguards established in Article 5 of the European Convention on Human Rights and the principles of the rule of law are not met.

13. During the most recent high-level visit to Türkiye on 9-11 February 2026, the Congress delegation obtained additional first-hand information with particular regard to the personal situation of several local elected representatives remaining in pre-trial detention. The delegation met for the second time with detained Mayor İmamoğlu.

14. The delegation noted that the mass detention of local politicians from the main opposition parties, restrictions on opposition rights, the use of anonymous witnesses, threats to judicial independence and imprisonment without formal indictment, all previously documented in Congress reports, recommendations and resolutions, persisted. The delegation reiterated its concerns regarding the extensive and prolonged use of pre-trial detention, especially in cases where charges have not been formally brought.

15. In April 2026, the Rapporteurs on Türkiye of the Congress, of the Parliamentary Assembly of the Council of Europe, of the European Parliament and the President of the Working Group on Türkiye of the European Committee of the Regions issued a joint open letter calling on Turkish authorities to urgently reverse these trends.

3. PROPOSALS FOR FURTHER ACTION

16. Pursuant to paragraph 2 of Article 36 of the European Convention of Human Rights, the European Court of Human Rights is empowered to invite any person concerned who is not the applicant to submit written comments or take part in hearings. This provision is particularly pertinent in circumstances where the submission of third-party observations, drawing on specialised knowledge or expertise may assist the Court in better understanding the wider legal and factual context in which the alleged violations of the Convention are situated.

17. The possible intervention of the Congress as a third party in the case of Ekrem İmamoğlu v. Türkiye could effectively support the Court in its contextual assessment, in the interest of the proper administration of justice.

18. It is therefore proposed that the Congress express its availability to provide insight, based on its expertise derived from its reports supported by visits, into the legal and political situation at local level in Türkiye. Should the Court grant the application for third-party intervention, the Congress Standing rapporteurs on human rights will be tasked, in co-operation with the rapporteurs on the application of

5. Congress of Local and Regional Authorities, "Declaration 12 (2025): Dismissals of mayors in Türkiye", 27 March 2025.
6. Congress of Local and Regional Authorities, "Recommendation 519 (2024): Local elections in Türkiye" and Venice Commission, "(CDL-AD(2020)011): Turkey - Opinion on the replacement of elected candidates and mayors", 18 June 2020.

the European Charter of Local Self-Government in Türkiye, with submitting written observations on behalf of the Congress, based on the relevant Congress reports, resolutions, recommendations and declarations pertaining to local democracy in this country.