

Speech by **David ERAY, Switzerland (R, EPP/CCE), Turkey, Part II**

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Debate on Monitoring of the European Charter of Local Self-Government: Turkey

Dear colleagues,

I would like to focus on what we consider the most sensitive issue of our report – the situation of local elected representatives in Turkey. They continue to be detained, arrested, suspended on the accusation in terrorism-related offences and replaced by non-elected trustees.

And I profoundly regret, that despite all the previous recommendations, statements and concerns expressed by the Congress on this issue – it remains unresolved.

The Congress expressed concerns on the arrest and detention of local elected representatives based on accusations of terrorism in Turkish legislation. The definition of terrorism had been criticised by Council of Europe bodies as not in conformity with the practice of most CoE member States.

The Congress pointed out that the replacement of mayors by appointed trustees in many municipalities, in particular in the south-east of Turkey, had had the effect of interrupting the practical exercise of local democracy.

Regrettably, we must conclude that the situation we saw last year is no different from what was revealed in 2016, if not to say worse. The political context for the exercise of mayoral functions, in particular in the south-east of Turkey, continues to be negatively pervaded by the intensive use of detention and suspension of mayors on terrorism-related offences.

During the first part of the visit, the government put forward detailed files to underpin their claims of validity of terrorism accusations of the suspended mayors of Diyarbakir, Van and Mardin. The rapporteurs were not able to comment on the veracity of the individual cases that have been presented to them and this is not the role of the Congress rapporteurs.

However, we reiterate that despite the fact there is no standard definition of terrorism in international law, the overly broad definition of “terrorism” - as we consider it - included in the Turkish anti-terrorism legislation leaves the door open to charges that in many cases do not appear to be really related to “true” terrorist actions. They seem rather of a trivial nature or simply relate to the exercise of political freedoms.

We reiterate that the practice of suspension of mayors by the Ministry of the Interior, without the court decision, and their replacement by non-elected trustees is unacceptable under elementary considerations of local democracy.

However, don't get us wrong. We do understand the country's security concerns and its legitimate right to defend itself against terrorist attacks. The Congress has always categorically condemned all forms of terrorism. Turkey faces serious security threats, and its strategic decisions are part of a broader political picture.

In July 2016, Turkey suffered a failed coup d'état which had a profound impact on the country and its national security. A “state of emergency” was declared, which was eventually lifted in July 2018.

At the same time, the often-heard argument of combating terrorism as a justification of curtailing certain human rights and freedoms is not to be used without any limitations. The security measures that the state takes should be strictly necessary to protect the public in a democratic society. And in a democratic society, the government must do its utmost to reconcile the legitimate fight against terrorism with the requirements of local democratic life.

In our opinion, this has not been achieved in Turkey.

Besides, criminal charges are brought mostly against members of opposition political parties, including the HDP and its sister party Democratic Regions Party (DBP). This casts serious doubts on the political impartiality of the whole process.

Therefore, in our draft recommendation we urge the Turkish authorities:

- to stop removing mayors without court decisions;
- to use the technique of the suspension of mayors with caution and restriction, while respecting the presumption of innocence and the system of democratically elected representatives;
- to stop appointing governmental trustees when mayors are suspended;

- to provide for a legal opportunity to the council to appoint an interim or acting mayor from among its members until the procedural situation of the suspended mayor is clarified. This possibility existed in the original version of the Municipality Law of 2005;
- to modify the definition of terrorism in the current anti-terror legislation to avoid its overly broad interpretation.

In addition, the draft resolution instructs the rapporteurs to update the Monitoring Committee regularly on the latest developments regarding local and regional government in Turkey, and in particular, on the shortcomings identified in the recommendation and report.

The Congress also undertakes to strengthen its political dialogue with the Turkish stakeholders at all levels with the aim of improving the situation of local democracy in the country in light of the provisions of the Charter.

I hope you will adopt the draft recommendation and resolution.

We are ready to take your questions.

Thank you.