

Statement Andrew DAWSON, United Kingdom, Head of the Delegation of the Congress of Local and Regional Authorities, Council of Europe

Good morning everyone,

I'm pleased to welcome you all on behalf of the Delegation of the Congress of Local and Regional Authorities of the Council of Europe.

Some of you were present at the press conference in Ankara after the Turkish local elections held on 31 March. Who would have thought that we would meet again so soon and in Istanbul.

The events that followed Turkey's local government elections in March this year elections should make us all think and ponder hard. Democracy has been put to the test here in Turkey over the last few weeks and months.

Before I go on to talk about yesterday's election it is perhaps worth just recapping why we are here.

Our electoral observation mission began with an invitation from the Turkish authorities to observe the local government elections in March this year. With the challenges that followed those elections, particularly here in Istanbul, the Congress Bureau decided that it would continue its observations both of the legal challenges made to the various results and, ultimately to the re-run of the Istanbul Mayoral election.

I am grateful personally, and I know the Congress is grateful that the Turkish authorities again invited us to observe yesterday's elections. I must also thank the Turkish authorities and everyone who met us or who worked behind the scenes to ensure that we were able to meet so many people who wished to give us their views or who could help us understand the various election processes and challenges.

Turkey is rightly proud of its status as one of the early founders of the Council of Europe - and we welcome Turkey's full participation in the Council of Europe and all its institutions.

So turning to our recent mission...

I was honoured and privileged to lead a team of 14 observers from 13 different European countries. Most of our observers are elected mayors or councillors in their own right.

Between us we have run in or supervised countless elections across Europe.

We met up last Thursday in Ankara and on Friday amongst others meetings we met members of the Supreme Election Board including its President Mr Guven. I will return to what we learnt from our meetings later - however I will move first to our specific observations of yesterday's voting.

Our observers divided into 6 teams. Between us we visited 90 ballot box committees in some 30 Districts of Istanbul.

We observed the voting arrangements in randomly selected places, from the opening of the polls at 8 am in the morning until the closing. All of our six teams were in the position to observe the counting. All of us wore credentials provided by the Supreme Election Board and were supported by interpreters. In many places, we received an open and friendly welcome.

However in some places our observers were given a less than friendly reception. We had an instance of an outright refusal of a Ballot Box Committee to provide any information.

We had too many unnecessarily aggressive and argumentative encounters to ignore. Worse still we had outright attempts to intimidate our teams - sometimes by people who appeared to be party representatives in individual cases. This sort of behaviour towards a Congress observation mission is rare. And it is because of this rarity that I have felt it necessary to highlight what happened. I must also place on record my thanks and gratitude to the Turkish police who helped defuse some of these situations, to our interpreters who found themselves in the middle of some frightening encounters and to my colleagues who were the subject of these threats and who remained calm throughout.

We have given much thought why this happened.

A possible explanation is the tense atmosphere that prevailed yesterday and in the weeks before this election.

It was evident that there was a lot at stake for many people.

Clearly this was so for the candidates the political parties and their supporters. However it was also the case for the thousands of people on the Ballot Box Committees and all the electoral staff administering this re-run election and we saw plenty of evidence of this anxiety.

We understand Mr Öner, the President of the Istanbul Provincial Election Board, is in hospital. We wish him well and a speedy recovery. We met him for a briefing late on Saturday afternoon. Our meeting was a friendly encounter - no doubt one of many meetings he has had in the recent days and weeks. Organising elections well is difficult and requires much effort by many people. Organising elections in difficult circumstances no doubt brings significant stresses to many people too.

Now, we can say that in the vast majority of the polling stations we visited the members of the Ballot Box Committees carried out their duties competently and in accordance with the applicable rules. I can repeat today what I said in Ankara on 1 April:

From what we saw, technically speaking, the elections were conducted competently. Polling was conducted overall in an orderly and professional manner for the vast majority of the 10.5 million voters in this fascinating, vibrant city.

The organisational effort was impressive with more than 60,000 Bashkans or Chairs of the Ballot Box Committees, supported by their Deputies and other members from their respective political parties. The vast majority had been recently trained in the procedures and had guidance and support available to them. We estimate that at least some 125,000 people received training.

Checklists had been prepared for the members of the Ballot Box Committees to lead them through the Election Day and to help them avoid procedural errors. E-mails and text messages were used to

support this impressive effort. It was heartwarming to see significant numbers of citizens observing the election procedures. Some were from NGOs, others from political parties.

I must mention the arrangements for supporting disabled people. It was a striking feature of these elections to see so many people anxious to vote - even those who needed significant help to enter the polling stations. In some cases the arrangements struck us as unnecessarily unhelpful. We saw genuine pain and anguish and rigid application of rules which in individual instances served to make things more difficult. With Turkish electoral law supporting the use of mobile ballot boxes we wonder whether much greater use could be made of them?

Having also commented last time on the relatively few number of women I had encountered as Bashkans in and around Ankara on 31 March I was delighted to see so many more women as Bashkans yesterday.

However, yesterday we also encountered many of the thousands of lawyers reputedly deployed by the political parties and others to provide immediate legal advice. That was a striking feature of this election.

Given the decision of the Supreme Election Board to annul the 31 March Istanbul Mayoral election on the basis that the Bashkans (Chairs) and their Deputies at 754 polling stations were not civil servants, as required by Turkish law we asked each and every Ballot Box Committee whether the Chairs and Deputies were civil servants. We met many teachers, nurses, social services officials and tax officials. Whilst the vast majority of these people were evidently very competent and certainly committed to their task, we also saw very many worried and stressed people trying their best in difficult circumstances.

Our observer teams also watched the counting at the end of the day.

We knew from speaking with the Supreme Election Board, and from reading their judgement that these technical procedures are seen as vital - and that any shortcomings in completing the paperwork precisely could lead to results being challenged and potentially overturned.

As I'm sure you'll all agree there is much more to democratic elections than simply counting votes.

Genuinely democratic elections mean respecting the will of the people and the intention of the individual voter. It means making sure that every candidate has the same fair and equal chance. It means a consistent, fair and readily understandable set of rules and laws.

In short hand, and above all, it means respect for the fundamental values of the Council of Europe. I remind you - Turkey has been a member of the Council of Europe since 1950, for almost 70 years now. Democracy is about the rule of law and legal certainty, it is about human rights, freedom of expression and free media. It's also and foremost, in connection with elections, about the recognition of the free will of the voter.

It was against the background of these fundamental values that we asked, in particular, the President of the Supreme Election Council and his Deputy for more details of the decision of 6 May to annul the election of the Istanbul Metropolitan Mayor.

We particularly wanted to know why the decision was taken to annul only one of the elections held on 31 March in Istanbul when the same procedural irregularities would have affected the other elections held at the same time. We were told that the majority of the Supreme Election Board Judges

took the view that they only had a complaint about these irregularities relating to Mayoral election - and therefore it was only that election that was annulled. However ask yourself the following questions. Did these procedural errors affect the results? Could they have affected the results? Would it have been possible to check - by perhaps recounting the ballot papers?

Many commentators, including leading Turkish lawyers, have pressed on us their view that the Supreme Election Board judgement was at the very least unsatisfactory. They also pressed on us that the impression was given that that significant political pressure had been applied. We cannot know whether this was the case or not. However if one is to have the rule of law - one has to have a clear separation of powers. An independent judiciary free from political interference is essential.

Over the next few weeks and months we will examine these issues further. The Congress may well ask the legal specialists of the Council of Europe, the experts from the Venice Commission, to look deeper into this question and prepare a legal Opinion on the constitutionality of the cancellation of the Istanbul elections of 31 March 2019.

Ultimately, the Supreme Election Council still owes us - and perhaps more importantly owes the Turkish people - a reply to the central question:

To what extent did or could the ostensible procedural irregularity of not have civil servant Bashkans and Deputies at 754 Ballot Box Committees affect the election result of 31 March?

We may also ask the Venice Commission to express a legal opinion on the appointment of second placed candidates as mayors in various locations in the south east of the country following the decision not to allow the winning HDP candidate to assume office.

The President of the Congress, Anders Knappe, has already in a statement made it clear that we all expect the democratic choices of the people to be fully respected. Electoral rules must be fair and consistent. They must be applied consistently both before and after the elections. Surely candidates accepted as being eligible for election before Election Day must be given the opportunity to assume office if they win the election and to exercise freely their mandate in accordance with the European Charter of Local Self-Government that binds all of the Council of Europe's 47 Member States including Turkey.

Ladies and gentlemen, despite what happened following the local election in Istanbul on 31 March and the discussions that will take place in Congress on a possible detailed legal analysis of the annulment of 6 May, I believe it is now time to turn to a new page.

Yesterday, the citizens of Istanbul elected a new mayor in a well-organised and transparent vote, albeit in tense circumstances.

The result is very clear. We expect the freely expressed will of the voters will be respected. The ballot box, not the court, is the best place to decide elections. Polling stations should be full of voters. It shouldn't be necessary to have them filled with lawyers.

Turkey is a wonderful country. It's is very clear that its people want and demand full and free participatory democracy through genuinely democratic elections. We will do everything we can to support them.

I will be reporting to the Congress Bureau on Friday in Brussels about this election and to the Congress Monitoring Committee in Oslo on 3 July. I anticipate that a full report on the entire round of local

government elections will be made at the Congress's next Plenary Session in Strasbourg in October. I will ask the Congress Bureau to invite Ekrem Imamoglu to Strasbourg to address this session.