

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Resolution 367 (2014)<sup>1</sup>** **The situation of Leyla Güven** **and other local elected representatives** **in detention in Turkey**

1. Leyla Güven was arrested on 29 December 2009, shortly after her appointment to the new Turkish delegation to the Congress of Local and Regional Authorities of the Council of Europe and her keynote speech in the October 2009 Congress plenary session. She has now been in remand detention for more than four years.

2. The Congress continues to follow her case. The Congress Bureau already expressed its concern at the situation of Mrs Güven and the other detained elected representatives in its May 2010 “Declaration on elected representatives detained in Turkey”. In March 2013, in its “Declaration on the situation of local and regional politicians in Turkey”, the Congress reaffirmed its position that the massive detention of local politicians in Turkey is debilitating for local democracy.

3. On 7 December 2013, in accordance with the decision taken by the Congress Bureau at its meeting of 3 December 2012, the Congress rapporteurs visited Leyla Güven in Diyarbakir prison. The report of their visit, which they presented to the Congress Bureau at its meeting on 10 February 2014, is reproduced in the explanatory memorandum to this resolution.

4. As Turkey prepares itself for new local elections, in March 2014, a large number of mayors, deputy mayors and municipal councillors remain in long-term remand detention, a situation unparalleled in Council of Europe member States.

5. The Congress notes that, following the 4 December 2013 ruling of Turkey’s Constitutional Court in the Mustafa Balbay case, ordering his release on the grounds that his remand detention had been excessive and unlawful and that his right to be elected had been violated as he had been unable to perform his public duties while in detention, the Turkish courts have now released all five members of parliament who were detained in similar circumstances and on similar charges to Leyla Güven.

6. The Congress regrets that this ruling has not been applied to Leyla Güven, nor to the 15 mayors, 23 deputy mayors and several dozen municipal councillors who remain in detention in Turkey.

7. The Congress therefore:

*a.* bearing in mind the report of the visit of its rapporteurs to Leyla Güven in Diyarbakir E-type prison on 7 December 2013, as well as the report of their previous visit to Leyla Güven on 6 October 2011;

*b.* convinced that such detentions constitute a serious obstacle to the democratic process in Turkey and also raise serious questions about the rule of law and the protection of human rights in this country;

*c.* resolves to keep following the case of Leyla Güven and all other local elected representatives who find themselves in similar situations;

*d.* instructs its Bureau to continue to examine this issue at each of its meetings, until the people in question have been released and to maintain a file on Leyla Güven, including her photo and information about her detention, on the homepage of its website.

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1. Debated and adopted by the Congress on 26 March 2014, 2nd Sitting (see Document [CG\(26\)6FINAL](#), explanatory memorandum), rapporteurs : Anders Knape, Sweden (L, EPP/CCE) and Leen Verbeek, Netherlands (R, SOC).