

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 355 (2014)¹ **The situation of Leyla Güven** **and other local elected representatives** **in detention in Turkey**

1. On 29 December 2009, Leyla Güven was arrested, one of many people detained in a wave of arrests. At the time she was mayor of Viranşehir, elected in the 2009 local elections and member of the Congress of Local and Regional Authorities of the Council of Europe. Today, more than four years later, she is still in detention. She has been on trial since 2010, with no end to her trial in sight.

2. She is not alone in this case. As Turkey prepares itself for new local elections, in March 2014, 15 mayors, 23 deputy mayors and several dozen municipal councillors find themselves in similar long-term remand detention, a situation unparalleled in Council of Europe member States.

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 recommendation.

4. The Congress, believing that a basic principle of justice is that you are innocent until proven guilty, notes that:

a. according to Mrs Güven's lawyers, her pre-trial detention has already far exceeded any sentence which could result from her charges;

b. on 4 December 2013, Turkey's Constitutional Court issued a landmark ruling in the similar case of the MP Mustafa Balbay, also detained since 2009 and ordering his release, on the grounds that his remand detention had been excessive and therefore unlawful and that his right to be elected had been violated as he was unable to perform his public duties while in detention;

c. as a result of this ruling, the Turkish courts have now released the five members of parliament who had been detained in similar circumstances and on similar charges to Leyla Güven, while the 15 mayors, 23 deputy mayors and several dozen municipal councillors remain in detention, unable to carry out the mandates for which they were elected.

5. The Congress therefore asks the Committee of Ministers to invite the Turkish authorities:

a. to apply the same standards and principles to local elected politicians as it does to its members of parliament, and therefore,

b. to release Leyla Güven and all the Turkish local elected representatives who find themselves in a similar situation and to do so in the context of the March 2014 Turkish municipal elections.

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).