

THE TRUSTEE REGIME IN TURKEY

DENIAL OF THE RIGHT TO VOTE
AND THE RIGHT TO BE ELECTED

(31 MARCH 2019 – 18 MAY 2020)



Peoples' Democratic Party

Peoples' Democratic Party (HDP) Representation in Europe

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Summary of Report

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On 20 November, the Peoples' Democratic Party (HDP) Headquarters in Ankara released a 35-page long report called "[The Trustee Regime in Turkey](#)".

We, the HDP Representation office in Europe, provide this short summary.

Status: 18.05.2020

Key Numbers

After the municipality elections on the 31 March 2019 the HDP won:

3 Metropolitan Municipalities
5 Provincial Municipalities
45 District Municipalities
12 County Municipalities
1230 Municipal Council Members
101 Provincial Council Members

Since the last local elections, the numbers of...

...Municipalities that were seized under the name of "Emergency Decree Laws" are:	6
...Municipal council members who were removed from their offices are:	76
...Municipal council members who were detained are:	11
...Provincial council members who were removed from their offices are:	7
...Municipalities that trustees were appointed to are:	45
...Co-mayors who were detained are:	22

Key Findings

- The decisions are based on highly controversial anti-terror laws
- The trustee regime is ultimately a tool of opposition repression by the Turkish government
- The practice is a de facto continuation of the state of emergency
- The HDPs democratic right to be elected in the municipalities is negated
- The trustee regime is part of the repression policies shown towards those who oppose the AKP
- This practice is most likely to continue

Summarized Content and Context

After the failed coup attempt of 15 July 2016, the Turkish government declared a state of emergency. It was renewed every three months for a total period of two years. The state of emergency has been applied without any legal framework and has been transformed into an instrument of authoritarian repression against opposition groups in society. Countless human rights violations with irreversible consequences have been committed, through decree-laws, in different areas: freedom of the press, the right to elect and be elected, economic and social rights, individual freedom and individual security. The regime used the state of emergency to ignore the constitution and international agreements and to threaten opposition groups: to deprive them of their social and economic rights or to arrest them. All of this was done arbitrarily using anti-democratic measures. Although the state of emergency has been officially lifted, it continues to be applied in the Kurdish provinces, which are the HDP's electoral strongholds.

One of the most repressed rights is the right to elect and be elected. This has resulted in the usurpation of town halls administered by the Democratic Regions Party (DBP, the regional component of the HDP). Acting by decree-law, the Turkish government seized, between 2016 and 2018, 95 of the 102 DBP mayorships and arrested 93 of its mayors. 15 of those have now been convicted. The majority of them are still behind bars. Not only them. Our former co-chairs, Selahattin Demirtaş and Figen Yüksekdağ, were among 13 HDP MPs arrested, four of whom were later released. Additionally, around 15000 HDP members and functionaries were detained. Around **5000 of those are still imprisoned.**

The State of emergency measures have continued after the municipal elections of 31 March 2019. Following these elections, several newly elected mayors and municipal councillors were refused entry into office. The pretext used was that they had previously been dismissed under decree-laws issued under the state of emergency, even though their candidatures had been accepted by the Supreme Electoral Council (YSK). Most of them were members of the HDP. Their terms in office have been allocated to losing AKP candidates or to government-appointed administrators. Since then, the purge has continued with impunity. So far:

- 45 municipalities have been seized. (Status: 18.05.2020)
- 22 co-mayors have been arrested. (Status: 18.05.2020)

After the removal of the mayors (15.05.20) of Siirt, Iğdir, Baykan, Kurtalan and Altinova, **HDP Co-chair Mithat Sancar** said: *"for some time now the government's spokespeople have been wasting the people's time with rumours of coup. By spreading these rumours they are once again trying to play the victim. In reality, they were planning a coup themselves. We just witnessed the implementation of this coup. The government removed five of our elected mayors. This now means that out of the 65 municipalities that we won on 31 March, 2019, 45 of them have been unlawfully taken by the government. The people's will has been completely disregarded. With this policy the government is waging war against the Kurdish people."*

This means that the will of 3,448,706 voters has been completely disregarded as a result of the government's policies.

Following the elections of 31 March 2019, **6 officially elected HDP co-mayors were prevented from taking office** following the invalidation of their election by the Supreme Electoral Council (YSK). The mandates that belonged to them were given to the AKP candidates who had lost the elections.

- Zeyyat Ceylan, co-Mayor of Diyarbakır-Bağlar
- Leyla Atsak, co-Mayor of Van-Çaldıran
- Gülcan Kaçmaz Sağyiğit, co-Mayor of Van-Edremit
- Yılmaz Berki, co-mayor Van-Tuşba
- Müzahit Karakuş, co-mayor of Erzurum-Tekman
- Abubekir Erkmen, co-mayor of Kars-Digor-Dağpınar

Similarly, **8 of our co-mayors were deprived of their mandate** by decision of the Turkish electoral authority:

- Hülya Alökmen Uyanık, co-mayor of Diyarbakır (metropole)
- İbrahim Çiçek, co-mayor of Diyarbakır-Yenişehir
- Necati Piriñçiođlu, co-mayor of Diyarbakır-Kayapınar
- Seher Kadirođlu Ataş, co-mayor of Hakkari
- Salih Kудay, co-Mayor of Mardin-Kızıltepe
- Mehmet Yasin Kalkan, co-Mayor of Mardin-Savur
- Resul Kaçar, co-mayor of Siirt
- Mahmut Pala, co-mayor of Van-Ercis

Article 127/4 of the Turkish Constitution stipulates: *"The mandate of local elected officials may only be attributed or withdrawn by judicial means. However, if the persons concerned are investigated, the Ministry of the Interior may suspend them from their duties until a final decision is taken by the courts"*. However, none of the mayors or municipal councillors concerned had been prosecuted, which once again demonstrates the arbitrary and illegal nature of these usurpations. Even more absurd, some of the accusations made against elected officials who have been dismissed date back to before the date on which they took office. The example of Selcuk Mizrakli, co-mayor from the Greater City of Diyarbakir, is striking: elected on 31 March 2019, he was dismissed the next day, although he had not yet had time to exercise his mandate. By usurpation, the management of town halls has been assigned to the State, via its territorial administration.

Article 47 of Law 5393 stipulates that if an elected representative is suspended from office, it is the responsibility of the municipal council of the town hall concerned to replace the elected representative with one of its own. However, all HDP Mayors dismissed in recent years have been systematically and automatically replaced by a prefect or sub-prefect.

The government has used several decree-laws, notably those of 15 August 2016 and 10 November 2016, to seize the town halls as it pleased. However, these decree-laws, issued under the state of emergency regime, were no longer valid after that period. To extend their application, the government was supposed to submit them to a vote in parliament, which was not done. Thus, the said dismissals

are based on obsolete provisions and, consequently, constitute unconstitutional practices. **A municipal council usurped and emptied of its members, is not a body representative of the popular will, it is a serious violation of democratic principles.**

Turkey's most important problem is the Kurdish problem, and, unfortunately, the HDP is suffering the consequences of this unresolved problem. The government's approach and practices, which consist of using war and violence to solve this problem, only make the situation worse. But this does not prevent the government from persisting in its authoritarian and violent policy. These serious violations, particularly those of the right to elect and be elected, constitute serious damage to the rule of law and accentuate the polarization of society. These illegal practices against elected officials undermine the credibility of elections in the eyes of the population. These illegal practices against elected officials undermine the credibility of elections in the eyes of the population and are a real danger to democracy. Such arbitrary decisions, without a legal framework, ignore all the foundations of democracy and have irreversible consequences.

Human rights organizations and observers say that there are currently 150 journalists imprisoned in Turkey. This makes Turkey one of the largest prisons for journalists in the world. Furthermore, the Turkish Vice President, Fuat Oktay, has said that the press cards of 685 journalists were cancelled over "national security." The renowned exiled journalist Can Dündar, who had to flee Turkey because of its lack of democracy and press freedom, stated in an event at the European Parliament on 20 November, that the 17 years of AKP rule has resulted in the concentration of power in Erdogan's hands.

"Unfortunately, in Turkey, not only have we lost our European dream, but we are also losing our dream of democracy. I would like to end on a positive note. Despite all of this oppression. In Turkey, we are still fighting for democracy. So this is the 17th year of the AKP Government. The Parliament is under AKP control. All the Ministries are working as if they are part of Erdogan's palace, his own employees so to say. The Justice System belongs to the Government. 90% of the Media belongs to them. NGOs, military, they are all directly controlled by Erdogan..."

The de facto state of emergency continues in Turkey. There is almost no more room for political work and democratic organizations in the country. The number of more than 5,000 HDP officials and members imprisoned for their political engagement, alone, speaks for itself. That's why it's right for the HDP deputy from Batman, Mehmet Rüştü Tiryaki, to say in the Turkish parliament: *"Your policy of forced administration is like the courts of independence (İstiklal Mahkemeleri)¹. First, you execute and then you pronounce the verdict."*

¹The Independence Courts (Turkish: İstiklal Mahkemeleri) were Turkish special courts established during the Turkish War of Independence of 11 September 1920. From October 1920 to May 1923, a total of 3,919 people were sentenced to death by the Independence Courts. An appeal against the judgments of the court was not possible.

List of Seizures – conducted either by the Ministry of Interior or court decision

- 1) **DIYARBAKIR METROPOLE**, Co-mayors A. Selçuk Mızraklı &, *Dismissal 19.08.2019, replaced by the prefect of Diyarbakır. **Co-mayor Selçuk Mızraklı is in jail.***
- 2) **MARDIN METROPOLE**, Co-mayors Ahmet Türk & Necla Figan Altındağ, *Dismissal 19.08.2019, replaced by the prefect of Mardin.*
- 3) **VAN METROPOLE**, Co-mayor Bedia Özgökçe Ertan & Mustafa Avcı, *Dismissal 19.08.2019, replaced by the prefect of Van.*
- 4) **DIYARBAKIR KULP**, Co-mayors Mehmet Fatih Taş & Fatma Ay, *Dismissal 13.09.2019, replaced by Kulp's Deputy Prefect*
- 5) **ERZURUM KARAYAZI**, Co-mayor Melike Göksu, *Dismissal 17.09.2019, replaced by the Karayazı sub-prefect. **Co-mayor Melike Göksu is in jail.***
- 6) **HAKKARI CENTRE**, Co-mayor Cihan Karaman, *Dismissal 18.10.2019, replaced by Hakkari Prefect. **Co-mayor Cihan Karaman is in jail.***
- 7) **HAKKARI YÜKSEKOVA**, Co-mayor Remziye Yaşar & Irfan Sarı, *Dismissal 18.10.2019, replaced by the sub-prefect of Yüksekova. **Co-mayor Remziye Yaşar is in jail.***
- 8) **MARDIN NUSAYBIN**, Co-mayors Ferhat Kut & Semire Nergiz, *Dismissal 18.10.2019, replaced by the sub-prefect of Nusaybin. **Co-mayor Ferhat Kut is in jail.***
- 9) **DIYARBAKIR KAYAPINAR**, Co-mayor Keziban Yılmaz, *Dismissal 22.10.2019, replaced by the Deputy Governor of Kayapınar.*
- 10) **DIYARBAKIR BISMİL**, Co-mayor Orhan Ayaz, *Dismissal 22.10.2019, replaced by Bismil's sub-prefect.*
- 11) **DIYARBAKIR KOCAKÖY**, Co-mayor Rojda Nazlıer, *Dismissal 22.10.2019, replaced by a state administrator. **Co-mayor Rojda Nazlıer is in jail.***
- 12) **VAN ERCİŞ**, Co-mayors Bayram Çiçek & Yıldız Çetin, *Dismissal 22.10.2019, replaced by the sub-prefect of Ercis. **Co-mayor Yıldız Çetin is in jail.***
- 13) **SIRNAK CIZRE**, Co-mayors Berivan Kutlu & Mehmet Zirig, *Dismissal 29.10.19, replaced by the sub-prefect of Cizre.*
- 14) **VAN SARAY**, Co-mayors Caziye Duman & Şahabettin Bilmez, *Dismissal 02.11.2019, replaced by the sub-prefect of Saray.*
- 15) **MARDIN KIZILTEPE**, Co-mayors Nilüfer Elik Yılmaz & Salih Kuday, *Dismissal 04.11.2019, replaced by the Kiziltepe sub-prefect. **Co-mayor Nilüfer Elik Yılmaz is in jail.***
- 16) **VAN IPEKYOLU**, Co-mayors Şahzade Kurt & Azim Yacan, *Dismissal 08.11.2019; replaced by the sub-prefect of Ipekyolu. **Co-mayors Şahzade Kurt and Azim Yaçın is in jail.***
- 17) **DIYARBAKIR HAZRO**, Co-mayors Gülistan Ekti & Ahmet Çevik, *Dismissal 13.11.2019, replaced by the sub-prefect of Hazro.*
- 18) **DIYARBAKIR YENİŞEHİR**, Co-mayors Belgin Diken & Ibrahim Çiçek, *Dismissal 13.11.2019, replaced by the sub-prefect of Yenişehir.*
- 19) **SIRNAK IDİL**, Co-mayors Songül Erden & Murat Sen, *Dismissal 13.11.19, replaced by the sub-prefect of Idil.*
- 20) **DERSİM AKPAZAR**, Co-mayors Songul Dogan & Orhan Celebi, *Dismissal 13.11.19, replaced by a state administrator.*
- 21) **MARDIN SAVUR**, Co-mayors Gülistan Öncü & Mehmet Yasin Kalkan, *Dismissal 15.11.2019, replaced by the sub-prefect of Savur. **Co-mayor Gülistan Öncü is in jail.***
- 22) **MARDIN DERİK**, Co-mayors Mulkiye Esmez & Mehmet Şerif Kıran, *Dismissal 15.11.2019, Replaced by the subprefect of Derik. **Co-mayor Mülkiye Esmez is in jail.***
- 23) **MARDIN MAZIDAGI**, Co-mayors Nalan Özeydin & Ibrahim Çoko, *Dismissal 15.11.2019, Replaced by the sub-prefect of Mazidagi.*
- 24) **URFA SURUC**, Co-mayors Hatice Cevik & Abdullah Polat, *Dismissal 15.11.2019, replaced by a state administrator. **Co-mayor Hatice Yaşar is in jail.***

- 25) **VAN ÖZLAP**, Co-mayors Dilan Örenci & Yakup Almaç , *Dismissal 06.12, replaced by a state administrator. Co-mayors Yakup Almaç and Dilan Örenci is in jail.*
- 26) **VAN MURADIYE**, Co-mayors Leyla Balkan & Yılmaz Şalan, *Dismissal 06.12, replaced by a state administrator. Co-mayor Yılmaz Şalan is in jail.*
- 27) **VAN BAŞKALE**, Co-mayors Erkan Acar & Şengül Polat, *Dismissal 06.12, replaced by a state administrator.*
- 28) **BATMAN BEŞİRİ**, Co-mayors Hatice Taş & Osman Karabulut, *Dismissal 06.12.2019, replaced by a state administrator.*
- 29) **MUŞ VARTO**, Co-mayor Ülkü Karaaslan Beytaş & Mahmut Yalçın, *Dismissal 18.12.2019, replaced by a state administrator. Co-mayor Ülkü Karaaslan Beytaş is in jail.*
- 30) **MUŞ BULANIK**, Co-mayors Adnan Topçu & Eylem Saruca, *Dismissal 18.12. 2019, replaced by a state administrator. Co-mayor Adnan Topçu is in jail.*
- 31) **MUŞ ERENTEPE**, Mayor Dilaver Keskin, *Dismissal 18.12.19, replaced by a state administrator.*
- 32) **DIYARBAKIR SUR**, Co-mayors Feyme Filiz Buluttekin & Cemal Özdemir, *Dismissal 20.12. 2019, replaced by a state administrator. Co-mayor Feyme Filiz Buluttekin is in jail.*
- 33) **DIYARBAKIR SILVAN**, Co-mayors Naşide Torak & Abbas Hilmi Azizoğlu, *Dismissal 24.03.20, replaced by a state administrator.*
- 34) **DIYARBAKIR LICE**, Co-mayors Tarık Mercan & Ruken Yılmaz, *Dismissal 24.03.2020, replaced by a state administrator.*
- 35) **DIYARBAKIR ERGANI**, Co-mayors Ahmet Kaya & Meryem Yıldız, *Dismissal 24.03.2020, replaced by a state administrator.*
- 36) **DIYARBAKIR EGİL**, Co-mayors Mustafa Akkul & Gülistan Ensarioğlu, *Dismissal 24.03.2020, replaced by a state administrator. Co-mayor Mustafa Akkul is in jail.*
- 37) **BATMAN CENTRE**, Co-mayors Mehmet Demir & Songül Korkmaz, *Dismissal 24.03.2020, replaced by a state administrator.*
- 38) **BITLİS GÜROYMAK**, Co-mayors Hikmet Taşdemir & Dilek Ozan, *Dismissal 24.03.2020, replaced by a state administrator.*
- 39) **IGDIR HALFELİ**, Co-mayors Hasan Safa & Alya Akkuş, *Dismissal 24.03.2020, replaced by a state administrator. Co-mayor Hasan Safa is in jail.*
- 40) **SIIRT GÖKÇEBAG**, Co-mayor Serhat Çiçek, *Dismissal 24.03.20, replaced by a state administrator.*
- 41) **SIIRT CENTRE**, Co-mayors Berivan Helen Işık & Peymandara Turhan, *Dismissal 15.05.2020, replaced by a state administrator.*
- 42) **SIIRT BAYKAN**, Co-mayors Ramazan Sarsılmaz & Özden Gülmez, *Dismissal 15.05.2020, replaced by a state administrator.*
- 43) **SIIRT KURTALAN**, Co-mayors Baran Akgül & Esmer Baran, *Dismissal 15.05.2020, replaced by a state administrator.*
- 44) **IGDIR CENTRE**, Co-mayors Yaşar Akkuş & Eylem Çelik, *Dismissal 15.05.2020, replaced by a state administrator. Co-mayor Yaşar Akkuş is in jail.*
- 45) **MUŞ KORKUT-ALTINOVA**, Mayor Casım Budak, *Dismissal 15.05.2020, replaced by a state administrator.*

Note Also:

On 20 November, the Peoples' Democratic Party (HDP) Headquarters in Ankara released a 35-page long report called "The Trustee Regime in Turkey"

The complete report can be downloaded here:

<https://www.hdp.org.tr/images/UserFiles/Documents/Editor/HDP's%20report%20on%20trustees%20English.pdf>

The Human Rights Association IHD (İnsan Hakları Derneği) also published a report on the 4 November 2019.

IHD underlines that the state of emergency serves as an authoritarian tool of suppression. They also point out that the government is trying to legitimize violations of the law in the Kurdish provinces by invoking a controversial package of laws. This package contains highly controversial anti-terrorism measures. As a consequence, a de facto state of emergency continues.

The whole IHD report can be downloaded here:

<https://www.ihddiyarbakir.org/Content/uploads/4ede4fc5-a3b9-47e5-b7c2-9e548db1620f.pdf>

Mr Hişyar Özsoy, the Deputy Co-chair of HDP Responsible for Foreign Affairs, provides further information and our political position in a letter dated 18 November 2019.

He states:

"We urge Turkey's larger political opposition and the international democratic community to lose no time in acting against appointed trustee's coup"

His complete statement (18.11.2019) can be downloaded here:

<https://www.hdp.org.tr/en/english/news/news-from-hdp/we-urge-turkeys-larger-political-opposition-and-the-international-democratic-community-to-lose-no-time-in-acting-against-appointed-trustees-coup/13722>

Statement by Feleknaş Uca & Hişyar Özsoy, Co-spokespersons of HDP's Foreign Affairs Commission, 15 May 2020

"As of today, 21 Kurdish co-mayors elected in March 2019 remain behind bars and five of them are under custody. And dozens of our mayors previously elected in 2014, too, have been in prisons."

His complete statement (15.05.2020) can be downloaded here:

<https://hdp.org.tr/en/five-more-hdp-municipalities-seized-amidst-the-fight-against-the-coronavirus/14256>

18.05.2020, Peoples' Democratic Party (HDP) Representation in Europe