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.

Key Numbers

After the municipality election 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

Meanwhile the numbers of...

...Municipalities that were seized under the name of “Emergency Decree Laws” are: 6  
...Municipal council members who were arrested are 44  
...Municipal council members who were removed from their offices are: 30  
...Municipal council members who were detained are: 9  
...Provincial council members who were removed from their offices are: 7  
...Municipalities that trustees were appointed to are: 24  
...Co-mayors who were detained are: 14

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 neglected  
- The trustee regime is one part of the repressonal policies towards AKP opposition in general
Sumarized 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 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 HDPs electoral strongholds.

One of the most repressed right 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 were already sentenced. The majority of them are still behind bars. Not only them, but also our former co-chairs, Selahattin Demirtaş and Figen Yüksekdağ, were only two of 13 HDP MPs arrested, four of whom were later released. Additionally, over 6,500 HDP members and functionaries are imprisoned. Their numbers accumulated in the course of several arrest waves since July 2015.

The State of emergency measures are 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 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:

- 33 co-mayors (including 19 women) have been dismissed on various charges.
- 26 co-mayors (including 18 officials) have been arrested.
- 13 (including 9 officials) have been placed in detention.
- 24 municipalities have been seized.

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 was 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 Pirinçcioğlu, co-mayor of Diyarbakır-Kayapınar
- Seher Kadiroğlu Ataş, co-mayor of Hakkari
- Salih Kuday, 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-Erci

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 totally 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. The nonsense attributed to elections is a real danger to democracy. Such arbitrary decisions, without a legal framework, ignore all the foundations of democracy and have irreversible consequences.

Human rights organisations and observers say that there are currently 150 journalists imprisoned in Turkey. This makes Turkey one of the largest prison for journalists in the world.

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 organisation in the country. The number of more than 6,500 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). 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 judgements of the court was not possible.
List of Seizures – conducted either by the Ministry of Interior or court decision

1) **DİYARBAKIR METROPOLE**, Co-mayor A. Selçuk Mızraklı, Dismissal, Released on August 19, 2019, replaced by the prefect of Diyarbakır, Arrested on October 21, in custody on October 22.

2) **DİYARBAKIR KULP**, Co-mayor Mehmet Fatih Taş, Dismissal, Arrested on 13 September 2019, detained on 16 September; Released September 17, replaced by Kulp’s Deputy Prefect

3) **DİYARBAKIR KAYAPINAR**, Co-mayor Keziban Yılmaz, Dismissal, Arrested on October 15, 2019, in custody on October 22 Released October 22, replaced by the Deputy Governor of Kayapinar.

4) **DİYARBAKIR BİSMİL**, Co-mayor Orhan Ayaz, Dismissal, Arrested on October 15, 2019, released on judicial supervision on October 22; Released on October 22, replaced by Bismil’s sub-prefect.

5) **DİYARBAKIR HAZRO**, Co-mayors Gülistan Ensarioglu & Orhan Ayaz, Dismissal, Released on November 13, 2019, replaced by the sub-prefect of Hazro.

6) **DİYARBAKIR KOCAKÖY**, Co-mayor Rojda Nazlıer, Dismissal, Arrested on October 15, 2019, in custody on October 22. Released October 22, replaced by Kocakoy Deputy Warden.

7) **DİYARBAKIR YENİŞEHIR**, Co-mayors Belgin Diken & Ibrahim Çiçek, Dismissal, Released on November 13, 2019, replaced by the sub-prefect of Yenishehir.

8) **MARDİN METROPOLE**, Co-mayor Ahmet Türk, Dismissal, Released on August 19, 2019, replaced by the prefect of Mardin.

9) **MARDİN NUSAYBIN**, Co-mayors Ferhat Kut & Semire Nergiz, Dismissal, Arrested on October 15, 2019, in custody on October 17; Relinquished on October 18th, replaced by the sub-prefect of Nusaybin, Released under judicial supervision on November 15.

10) **MARDİN SAVUR**, Co-mayor Gülistan Öncü, Dismissal, Arrested on November 15, dismissed on November 16, replaced by the sub-prefect of Savur.

11) **MARDİN DERIK**, Co-mayor Mulkiye Esmez, Dismissal, Arrested November 15, dismissed on November 16, Replaced by the subprefect of Derik.

12) **MARDİN MAZIDAGI**, Co-mayor Nalan Özaydın, Dismissal, Arrested on November 15, dismissed on November 16, Replaced by the sub-prefect of Mazidagi.

13) **MARDİN KIZILTEPE**, Co-mayors Nilüfer Elik & Yılmaz Salih Kuday, Dismissal, Released on November 4, 2019, replaced by the Kiziltepe sub-prefecture.

14) **VAN METROPOLE**, Co-mayor Bedia Özgökçe Ertan, Dismissal, Released on August 19, 2019, replaced by the prefect of Van.

15) **VAN SARAY**, Co-mayor Caziye Duman, Dismissal, Arrested on November 1, 2019, dismissed on November 2, replaced by the sub-prefect of Saray.

16) **VAN İPEKYOŁU**, Co-mayors Sehzade Kurt & Azım Yacan, Dismissal, Arrested on November 8, 2019; Placed in detention on 11 November; Released on November 9, 2019, replaced by the sub-prefect of Ipekyolu.

17) **VAN ERCİŞ**, Co-mayors Bayram Çiçek & Yıldız Çetin, Dismissal, Arrested on October 15, 2019, in custody on October 22 Released October 22, replaced by the sub-prefect of Ercis.

18) **HAKKARİ CENTRE**, Co-mayor Cihan Karaman, Dismissal, Arrested on October 15, 2019, detained on October 17; Released on October 18, replaced by Hakkari Prefect.

19) **HAKKARİ YÜKSEKOVA**, Co-mayor Remziye Yaşar, Dismissal, Arrested on October 15, 2019, in custody on October 17; Released on October 18, replaced by the sub-prefect of Yükselkova.

20) **SIRNAK IDİL**, Co-mayors Songül Erden & Murat Sen, Dismissal, Released November 13, 2019, replaced by the sub-prefect of Idil.

21) **SIRNAK CIZRE**, Co-mayors Berivan Kutlu & Mehmet Zirig, Dismissal Released October 29, replaced by the sub-prefect of Cizre.

22) **URFA SURUC**, Co-mayor Hatice Cevik, Dismissal, Arrested on November 15, dismissed on November 16, replaced by the Deputy Governor of Suruc Always in custody.

23) **ERZURUM KARAYAZI**, Co-mayor Melike Göksu, Dismissal, Arrested and detained on 17 September 2019 Released on 18 September, replaced by the Karayazi sub-prefect.

24) **DERSİM AKPAZAR**, Co-mayors Songül Dogan & Orhan Celebi, Dismissal, Released on November 13, 2019, 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 Human Rights Association IHD (İnsan Hakları Derneği) has 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-terrorist 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

Furthermore, the letter of Mr. Hişyar Özsoy, the Deputy Co-chair of HDP Responsible for Foreign Affairs provides further information and our political position. He states:

“We urge Turkey’s larger political opposition and the international democratic community to lose no time in acting against appointed trustees coup”


26.11.2019, Peoples' Democratic Party (HDP) Representation in Europe