Thursday 19 September 2019

P9_TA(2019)0017

Situation in Turkey, notably the removal of elected mayors

European Parliament resolution of 19 September 2019 on situation in Turkey, notably the removal of elected mayors (2019/2821(RSP))

(2021/C 171/02)

The European Parliament,

— having regard to its previous resolutions on Turkey, in particular those of 24 November 2016 on EU-Turkey relations ([1]), of 27 October 2016 on the situation of journalists in Turkey ([2]), of 8 February 2018 on the current human rights situation in Turkey ([3]) and of 13 March 2019 on the 2018 Commission Report on Turkey ([4]),

— having regard to the Commission communication of 29 May 2019 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU Enlargement Policy (COM(2019)0260), and its Staff Working Document accompanying the Turkey 2019 Report (SWD(2019)0220),

— having regard to the Council conclusions of 18 June 2018, and to the previous relevant Council and European Council conclusions,

— having regard to the preliminary conclusions of the election observation mission of the Congress of Local and Regional Authorities of the Council of Europe,

— having regard to the recommendations of the Venice Commission and Turkey's commitment to the European Charter of Local Self-Government,

— having regard to Resolution 2260 of the Parliamentary Assembly of the Council of Europe (PACE) of 24 January 2019, entitled 'The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?',

— having regard to the statements made by the European External Action Service (EEAS) Spokesperson of 19 August 2019 on the suspensions of elected mayors and detainment of hundreds of people in south-east Turkey,

— having regard to European Court of Human Rights judgment on the case of Selahattin Demirtaş v. Turkey,

— having regard to Resolution 2156 (2017) of the Parliamentary Assembly of the Council of Europe on the functioning of democratic institutions in Turkey,

— having regard to the fact that the EU's founding values are based on the rule of law respect for human rights and values, which also apply to all EU candidate countries,

— having regard to the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Turkey is a state party,

— having regard to the Universal Declaration of Human Rights,

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

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([1]) OJ C 224, 27.6.2018, p. 93.
([2]) OJ C 215, 19.6.2018, p. 199.
([3]) OJ C 463, 21.12.2018, p. 56.
([4]) Texts adopted, P8_TA(2019)0200.

A. whereas Turkey is an important partner of the EU and is expected, as a candidate country, to uphold the highest standards of democracy, including respect for human rights, the rule of law, credible elections, fundamental freedoms and the universal right to a fair trial;

B. whereas local elections were held in Turkey on 31 March 2019 and 'were conducted in an orderly way', according to the preliminary conclusions of the election observation delegation from the Congress of Local and Regional Authorities of the Council of Europe; whereas an impressive voter turnout was witnessed in the local elections; whereas the election was broadly criticised by observers due to excessive media bias in favour of the governing People's Alliance;

C. whereas, in the local elections of 31 March 2019, mayor Adnan Selçuk Mızraklı of Diyarbakır received a majority of 63 %, mayor Ahmet Türk of Mardin a majority of 56 %, and mayor Bedia Özgökçe of Van a majority of 54 % of the votes, meaning, therefore, that all three mayors obtained a clear popular mandate to fulfil the duties that concern their mayoral offices;

D. whereas all three mayors received approval from the Supreme Electoral Council of the Republic of Turkey (YSK) to stand in the elections as a candidate;

E. whereas the democratically elected mayors of Diyarbakır, Van and Mardin in south-east Turkey were replaced by government-appointed provincial governors/trustees on the grounds that they were currently under criminal investigation for alleged links to terrorism;

F. whereas the replacement of Adnan Selçuk Mızraklı, Ahmet Türk, and Bedia Özgökçe Ertan by state governors is of serious concern as it calls into question respect for the democratic outcomes of the 31 March 2019 elections; whereas an additional 418 civilians, mainly municipal council members and employees from 29 different provinces across Turkey, were detained on 18 August 2019 on similar, unsubstantiated allegations;

G. whereas in September 2016, the Turkish law on municipalities was changed in under a state of emergency decree to facilitate the administrative removal of mayors accused of having links to terrorism and their replacement with provincial governors; whereas the Venice Commission called on the Turkish authorities to repeal the provisions introduced by Turkish Decree Law Nº 674 of 1 September 2016 — which are not strictly required by the state of emergency –, in particular those concerning the rules enabling the filling of vacancies for the positions of mayor, vice-mayor and local council member by the way of appointments;

H. whereas on 9 April 2019, the YSK declared ineligible to assume office four other elected mayors and members of municipal councils in the south-east of Turkey, even though it had validated their candidacies prior to the elections of 31 March 2019, arguing that these candidates had previously been civil servants and were dismissed from their jobs by Government decree; whereas, following this decision, the YSK granted these positions to candidates from the Justice and Development Party (AKP); whereas the crackdown on the Turkish political opposition is taking place in a context of a shrinking space for democratic voices and against a background of continuous measures by the Turkish authorities that are aimed at silencing dissenting voices — including those of journalists, human rights defenders, academics, judges and lawyers;

I. whereas many of the measures taken are disproportionate, violate Turkish domestic legislation and are in breach of the commitments of a member of the Council of Europe and run counter to the ICCPR; whereas over 150 000 people were taken into custody in the post-coup crackdown and 78 000 have been arrested on charges of terrorism, while more than 50 000 people remain in jail — in most cases without conclusive evidence; whereas, as of December 2018, the total number of detainees in prison without an indictment or who are pending trial is around 57 000; whereas over 20 % of the imprisoned population is in jail for terrorism-related charges, including journalists, political activists, lawyers and human-rights defenders, leading to increased concerns about the independence of the judiciary;

Thursday 19 September 2019

J. whereas the decisions by the YSK to re-run the metropolitan mayoral election in Istanbul and grant the mayoralty of individual municipalities in the south-east of Turkey to second-placed candidates is of serious concern, in particular with regard to respect for the legality and integrity of the electoral process and to the institution's independence from political interference;

K. whereas on 3 September 2019, the Turkish Interior Minister announced that further orders to remove elected officials were to follow, specifically threatening to replace the mayor of Istanbul, Ekrem İmamoğlu;

L. whereas on 6 September 2019, the Provincial Chairperson of the Republican People's Party (CHP), Canan Kaftancıoğlu, was sentenced to 9 years and 8 months in prison on charges of insulting the President, insulting public officials, humiliating the state, inciting the people to enmity and hatred, and using her social media channels to disseminate propaganda for a terrorist organisation between 2012 and 2017;

M. whereas several public demonstrations organised against the removal of the mayors have been banned on grounds of security, and those that have taken place have resulted in forceful dispersal by police, often with mass detentions and the prosecution of participants; whereas this is the result of legislation introduced immediately after the lifting of the state of emergency;

N. whereas Turkey has suffered a number of attacks and the 2016 coup attempt in which 248 people were killed;

1. Condemns the decision made by the Turkish authorities to remove democratically elected mayors from office on the basis of questionable evidence; stresses that these actions continue to undermine the ability of the political opposition to exercise their rights and fulfil their democratic roles; calls on the Turkish authorities to immediately and unconditionally release members of the opposition arrested as part of the crackdown on all voices of dissent in the country and to drop all charges against them;

2. Strongly criticises the arbitrary replacement of local elected representatives by unelected trustees, which further undermines the democratic structure of Turkey; calls on the Turkish authorities to reinstate all mayors and other elected officials who won local elections on 31 March 2019 and were prevented from assuming office or were dismissed or replaced with unelected trustees on the basis of unsubstantiated allegations;

3. Strongly condemns the politically motivated sentence of Canan Kaftancıoğlu, who is clearly being punished for having played a key role in the successful election campaign of the mayor of Istanbul, and demands its immediate reversal;

4. Condemns the threats of the Turkish authorities to dismiss other elected officials and calls on Turkey to refrain from further intimidation measures;

5. Reiterates the importance of good relations with Turkey that are based on shared values, respect for human rights, the rule of law, free and democratic elections — including the upholding of electoral results — fundamental freedoms and the universal right to a fair trial; calls on the Turkish Government to guarantee the human rights of all people, including those in need of international protection, that live and work in Turkey;

6. Reiterates its profound concern at the ongoing deterioration of fundamental freedoms and the rule of law in Turkey, and condemns the use of arbitrary detention, judicial and administrative harassment, travel bans in addition to other means intended to persecute thousands of Turkish citizens, including politicians and elected officials, human rights defenders, civil servants, members of civil society organisations, academics and countless ordinary citizens; expresses concerns over reported continuous prosecutions and investigations into overly broad and vague terrorism offences;

7. Urges Turkey to make its anti-terrorism legislation compliant with international human rights standards; reiterates that broadly defined Turkish anti-terrorism legislation should not be used to punish citizens and the media for exercising their right of freedom of expression, or to arbitrarily remove elected representatives and replace them with Government trustees;

8. Calls on the Turkish authorities to uphold international principles, ensuring pluralism and the freedoms of association and expression, best practices and guarantee an enabling environment for those elected through the free and fair expression of the will of the Turkish people; stresses that these decisions violate the right to free elections, the right to political participation, and the right to freedom of expression under the ECHR;

9. Reiterates its concerns over the excessive use of legal proceedings against local elected representatives in Turkey, and their replacement by appointed officials — a practice that seriously undermines the proper functioning of local democracy;

10. Calls on the Turkish Government to ensure that all individuals have the right to due process and to have their cases reviewed by an independent judicial court, in accordance with international standards, that can ensure redress — including compensation for the material and moral damage caused; calls on Turkey to ensure the operational, structural and financial independence of the Turkish Human Rights and Equality Institution and of the Turkish Ombudsman Institution in order to guarantee their capacity to provide genuine review and redress opportunities and to abide by judgments from the European Court of Human Rights;

11. Condemns the continued arrest of Selahattin Demirtaş, leader of the opposition and presidential candidate, and calls for his immediate and unconditional release; takes note of the ruling of the European Court of Human Rights on his case, which calls on the Turkish authorities to release him immediately;

12. Expresses serious concern over the monitoring of social media platforms and the closedown of social media accounts by the Turkish authorities;

13. Calls for the EEAS and the Commission to provide Parliament with a comprehensive debrief on the topics discussed during the EU-Turkey political dialogue of 13 September 2019;

14. Urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission and Member States to continue to bring up the situation of arrested members of the opposition, human rights defenders, political activists, lawyers, journalists and academics who are in detention with their Turkish interlocutors, and to provide diplomatic and political support for them, including trial observation and case monitoring; calls on the Commission and the Member States to increase the use of emergency grants for human rights defenders and to ensure the full implementation of the EU Guidelines on Human Rights Defenders;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Turkish President, Turkish Government and its Parliament and requests that this resolution be translated into Turkish.