



## Appendix: Unlawful pressures on HDP municipalities

### President Recep Tayyip Erdoğan's threats before the March 31 local elections

At a February 26, 2019 election rally in the town of Yozgat, Erdogan said that if mayoral candidates of the Peoples' Democratic Party win, he will replace them with appointed trustees.<sup>1</sup>

### As a result of 31 March 2019 Local Elections, the HDP won

- Metropolitan Municipalities: 3
- Provincial [İl] Municipalities: 5
- District [İlçe] Municipalities: 45
- Township [Belde] Municipalities: 12
- **TOTAL: 65**
- Members of the Municipal Assembly [Belediye Meclis Üyeleri]: 1230
- Members of the General Provincial Assembly [İl Genel Meclisi Üyeleri]: 101

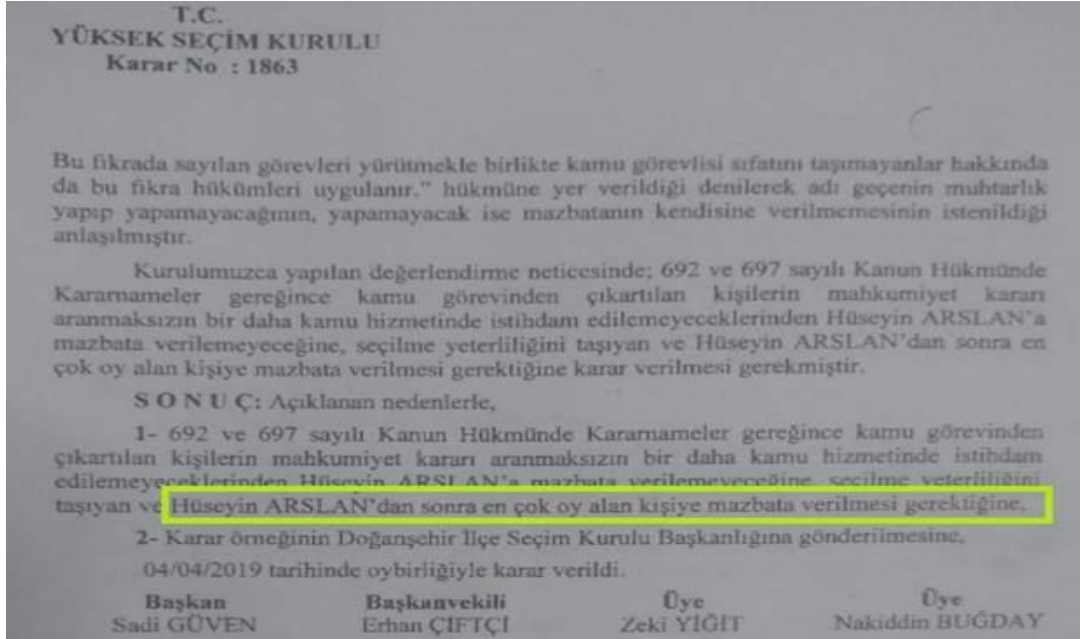
### Elected mayors previously dismissed by decrees barred from taking office

Turkey's Supreme Election Council (YSK) ruled by unanimous vote on April 10, 2019, that elected mayors previously dismissed by a decree issued during the state of emergency were not eligible to take office. Instead, via the majority vote, the YSK decided to award the seats to mayoral candidates who came in second place during the March 31, 2019 municipal elections. The decision affected **six mayors** of the Peoples' Democratic Party (HDP) in the districts of Van's Edremit, Çaldıran and Tuşba, Diyarbakır's Bağlar, Erzurum's Tekman and Dağpınar township of Dığor district of Kars. The decision came after Hüseyin Beyoğlu, Diyarbakır's Bağlar district candidate of the ruling Justice and Development Party (AK Party), claimed relevant laws and decree laws barred those dismissed or suspended by decrees from serving as public officials in the future regardless of their sentences.<sup>2</sup>

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<sup>1</sup><https://www.al-monitor.com/pulse/originals/2019/02/turkey-erdogans-threats-replacing-elected-mayors-backfires.html>

<sup>2</sup><http://www.hurriyetdailynews.com/diyarbakir-van-and-mardin-mayors-dismissed-over-alleged-terror-links-145874>



## Members of the municipal and provincial assemblies denied seats due to their dismissals by the emergency rule decree laws

In addition to the six elected mayors of the HDP, **eight co-mayors** were also denied municipal positions. These candidates were not official candidates as Turkey's domestic laws do not recognize the co-mayor system in local administrations. But they participated in the elections **as candidates for municipal assemblies. Forty-eight members of the municipal and general provincial assemblies** were also barred from claiming their seats despite being elected.

## Elected HDP Mayors Replaced by the Appointed Governors

1. Adnan Selçuk Mızraklı, the mayor of Diyarbakır Metropolitan Municipality, was suspended on August 19, 2019 and replaced by Hasan Bahri Güzel, an appointed governor for Diyarbakır.

Mızraklı's suspension is based on;

- Ongoing criminal cases for alleged terrorist offenses
  - Employing people who had been suspended by the trustee back in 2016.
  - Establishing a parallel structure within the municipality
  - Threatening contractors and extorting money from them.
2. Bedia Özgökçe Ertan, the mayor of Van Metropolitan Municipality, was suspended on August 19, 2019 and replaced by Mehmet Emin Bilmez, an appointed governor for Van.
    - Ongoing criminal cases for alleged terrorist offenses
    - Executing the co-mayor system
    - Discrimination of district municipalities based on the political parties in charge

- Changing the positions of municipal staff previously assigned by the trustee back in 2016
  - Pressuring the staff to change their unions.
3. Ahmet Türk, the mayor of Mardin Metropolitan Municipality, was suspended on August 19, 2019 and replaced by Mustafa Yaman, an appointed governor for Mardin. Türk was elected to be the mayor of Mardin in 2014 but was replaced by Mustafa Yaman in 2016 by a decree law.
- Ongoing criminal cases for alleged terrorist offenses
  - Employing people suspected of having terror links
4. Mehmet Fatih Taş, the mayor of Kulp Municipality, a district of Diyarbakır, was suspended on September 17, 2019 following his incarceration for allegedly using municipal vehicles to plant an IED which killed seven civilians in Kulp, Diyarbakır on September 12, 2019. Tas was immediately replaced by Mustafa Gözlet, an appointed governor for Kulp, Diyarbakır.
5. Melike Göksu, the mayor of Karayazı Municipality, a district of Erzurum, was suspended on September 18, 2019 for her conviction on the same date. Göksu was replaced by Mesut Tabakçioğlu, an appointed governor for Karayazı, Erzurum.

Around 500 people, some of whom were working for the municipalities of Van, Mardin and Diyarbakır, were detained amid police raids. The trustees of Mardin, Van and Diyarbakır effectively suspended most of the municipal staff and heads of departments assigned by the elected mayors.<sup>3</sup>

### Legal basis for suspensions

- Article 127 of Turkey's Constitution:

*“Local administrative bodies are public corporate entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose decision-making organs are elected by the electorate as described in law, and whose principles of structure are also determined by law. The formation, duties and powers of the local administration shall be regulated by law in accordance with the principle of local administration. The elections for local administrations shall be held every five years in accordance with the principles set forth in Article 67. However, general or by-elections for local administrative bodies or for members thereof, which are to be held within a year before or after the general or by-elections for deputies, shall be held simultaneously with the general or by-elections for deputies. Special administrative arrangements may be introduced by law for larger urban*

<sup>3</sup><https://gazetekarinca.com/2019/08/van-kayyumu-tum-daيره-baskanlarini-gorevden-aldi-belediye-meclisini-feshetti/>

*centers. The procedures dealing with objections to the acquisition by elected organs of local government or their status as an organ, and their loss of such status, shall be resolved by the judiciary. However, as a provisional measure, the Minister of Internal Affairs may remove from office those organs of local administration or their members against whom investigation or prosecution has been initiated on grounds of offences related to their duties, pending judgement. The central administration has the power of administrative trusteeship over the local governments in the framework of principles and procedures set forth by law with the objective of ensuring the functioning of local services in conformity with the principle of the integral unity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs, in an appropriate manner. The formation of local administrative bodies into a union with the permission of the Council of Ministers for the purpose of performing specific public services; and the functions, powers, financial and security arrangements of these unions, and their reciprocal ties and relations with the central administration, shall be regulated by law. These administrative bodies shall be allocated financial resources in proportion to their functions.”<sup>4</sup>*

- Article 47 of the Municipal Law No 5393:

*“Municipal organs or members thereof in respect of which or whom an investigation or prosecution is initiated on account of an offence connected with their duties may be suspended from office by the Minister of Interior pending the final judgment. The decision of suspension from office shall be reviewed every two months. If the continuation of suspension from office no longer serves the public interest, it shall be lifted. The decision on suspension from office shall be lifted in the cases where no prosecution is initiated, or the public case is dismissed or ends in acquittal, or lapses due to general amnesty, or ends in a conviction for an offence which does not require removal from office. A suspended mayor shall receive two thirds of his monthly allowance for the period of suspension from office and continue to enjoy his other social rights and benefits.”<sup>5</sup>*

The government used powers under the state of emergency adopted following the July 2016 attempted coup to take direct control of municipalities and remove elected mayors. A September 1 decree ([no. 674](#)) amended the Law on Municipalities to permit the takeover of municipalities suspected of supporting terrorism. In 2016, mayors in 94 of the 103 municipalities controlled by the DBP were suspended from office on alleged suspicion of

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<sup>4</sup><http://www.ilo.org/dyn/travail/docs/2435/Constitution%20of%20Turkey.pdf>

<sup>5</sup><http://www.lawsturkey.com/law/municipality-law-5393>

terrorist offenses and the municipalities taken over by government-appointed provincial authorities. Mayors from other parties were removed in four other municipalities but in each case the authorities allowed other elected local representatives to take over their duties.<sup>6</sup>

### **Twenty-seven members of the municipal and provincial assemblies suspended**

**Twenty members** of the municipal assembly and **seven members** of the general provincial assembly have been suspended since the local elections on March 31, 2019.

<b>City</b>	<b>District</b>	<b>Status</b>	<b>Name</b>	<b>Date of Dismissal</b>	<b>Replaced By</b>
Diyarbakır	Kayapınar	MA*	Adnan Akgül	August 21, 2019	M. Zülküf Güler, an employee of the District Governor's office
Van	Çaldıran	MA	Faruk Demir	August 9, 2019	
Van	Çaldıran	MA	Necmettin Şahin	August 25, 2019	
Van	Çaldıran	MA	Pınar Demir	August 25, 2019	
Van	Çaldıran	MA	Hülya Darak	August 25, 2019	
Van	Çaldıran	MA	Mehmet Sıddık Moraner	August 25, 2019	
Van	Edremit	MA	Medeni Özer	August 10, 2019	Ercan Karahan, the head of District Agricultural Directorate
Van	Edremit	MA	Savaş Encü	August 21, 2019	Vedat İli, an employee of the municipality
Van	Edremit	MA	Sevinç Şeker	August 21, 2019	
Van	Edremit	MA	Atiye Şen	August 21, 2019	Abdullah Ekinci, the head of municipal police
Van	Tuşba	MA	Ercan Yılboğa	August 21, 2019	
Bitlis	Tatvan	MA	Serap Çakmak Genç	May 21, 2019	
Bitlis	Tatvan	MA	Suat Yetişkin	May 21, 2019	
Bitlis	Tatvan	MA	Diyar Orak	May 21, 2019	

<sup>6</sup><https://www.hrw.org/news/2017/03/20/turkey-crackdown-kurdish-opposition>

Bitlis	Tatvan	MA	Ahmet Sağnıç	May 21, 2019	
Bitlis	Tatvan	MA	İsa Taş	May 21, 2019	
Bitlis	Tatvan	MA	Şükrü Aydemir	May 21, 2019	
Bitlis	Tatvan	MA	Mehmet Nedim Türemiş	May 21, 2019	
Bitlis	Tatvan	MA	Çetin Yılmaz	May 21, 2019	
Bitlis	Tatvan	MA	Selami Karahan	May 21, 2019	
Muş	Center	GPA**	Kader Erol	September 9, 2019	
Muş	Center	GPA	Mehmet Demir	September 9, 2019	
Muş	Bulanık	GPA	Filiz Aydın	September 9, 2019	
Muş	Bulanık	GPA	Ceyhan Aydemir	September 9, 2019	
Muş	Malazgirt	GPA	Suat Kalın	September 9, 2019	
Muş	Korkut	GPA	Mehmet Şakir Tuğrul	September 9, 2019	
Muş	Varto	GPA	Musa Kaya	September 9, 2019	

\* MA: Member of the Municipal Assembly

\*\* GPA: Member of the General Provincial Assembly

The suspension of these elected members shifted the majority in municipal assemblies who make decisions in these districts and provinces.

### Detentions of the elected figures

City	District	Status	Name
Erzurum	Karayazı	Co-mayor	Burhanettin Şahin
Mardin	Nusaybin	Co-mayor	Ferhat Kut
Diyarbakır	Bismil	Co-mayor	Gülşen Özer
Mardin	Nusaybin	MA*	Mehmet Emin Alkan
Mardin	Nusaybin	MA	Samiye Demir
Diyarbakır	Bağlar	MA	Nursel Örmek
Siirt	Kurtalan	MA	Abdulgaffur Kubilay
Şanlıurfa	Ceylanpınar	MA	Dilan Ablay

\* MA: Member of the Municipal Assembly

### Incarceration of elected figures

City	District	Status	Name
Tunceli	Center	GPA**	Mithat Kaya
Bitlis	Center	GPA	Medeni Yalçınkaya
Ağrı	Patnos	MA*	Mehmet Şahin Savcı
Diyarbakır	Kulp	Co-mayor	Mehmet Fatih Taş
Diyarbakır	Kulp	Co-mayor	Fatma Ay
Erzurum	Karayazı	Co-mayor	Melike Göksu

\* MA: Member of the Municipal Assembly

\*\* GPA: Member of the General Provincial Assembly