



3 December 2018

Call to Observe the Hearing of the Case of HDP MP Ms. Leyla Güven

Ms. Leyla Güven, who is the only MP remaining jailed in the 27th term of Turkish Parliament, is under pre-trial detention for almost one year. The fourth hearing of her case will be held on **26 December 2018 at 10:00 a.m. at the Diyarbakır 9th Heavy Penal Court.**

Leyla Guven had been first elected to the Parliament in 7 June 2015 elections. After losing her seat in the snap elections of 1 November 2015, she continued her activism under the roof of the Kurdish civic initiative, Democratic Society Congress (DTK). She was detained on 31 January 2018 while serving as DTK's co-chair and has since been held under pre-trial detention in Diyarbakır E-type High Security Prison. In the recent 24 June Parliamentary elections, she was elected as an MP for Hakkari from jail.

In the morning of 29 June 2018, Diyarbakır 9th Heavy Penal Court issued Guven's release upon her lawyers' appeal under Constitution and Law on Criminal Procedures that as an MP she could not be tried under arrest. While Diyarbakır E-type Prison administration kept delaying Guven's release unlawfully for hours, Diyarbakır Office of the Public Prosecutor objected to the Court's release decision arguing for a risk of her escape lest she would be tried without arrest. In the afternoon of same day, the Court issued a new decision for the continuation of Guven's pre-trial detention. The Prison administration cancelled Guven's release upon oral receipt of this warrant.

The prolonging of Guven's pre-trial detention involves serial violations of procedural law. It has to be underlined that Diyarbakır Prison Administration twice violated the law in this process, first, by not implementing the Court's release decision and, second, by implementing its arrest decision without written receipt of notice. Insofar as the arrest warrant itself is concerned, it is significant to note that prosecutors in Turkey were granted an unprecedented authority to object court decisions with a recent State of Emergency Government Decree. However, even under this emergency system, the procedural law obliges courts to review a file in its entirety when handling any prosecutorial objection. It is practically impossible that the court board in question could have re-examined Guven's file which comprises hundreds of pages in four dossiers in the matter of a few hours (during when its judge was heading hearings in other cases). It is obvious that the board's decision was not based on any legal review but on a Government order.

Ms. Güven has been on hunger strike since November 7 to protest the politics of isolation imposed on Mr Abdullah Öcalan at the Imralı Island Prison since 5 April 2015. This hunger strike has spread to several other prisons of Turkey and seems likely to grow even further.

We invite you to observe the hearing of Ms. Güven to create awareness on this unlawful and anti-democratic court case. We particularly call upon international women organizations to observe this hearing and bear witness to the politicization of the judiciary against a female MP and to raise the voice of a woman who devoted her life to the struggle for freedom, equality and justice.

Please do not hesitate to contact us if you have any questions or need assistance for the necessary arrangements to observe the hearing.

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