



**Ambassador
Permanent Representative
of
the Republic of Turkey**

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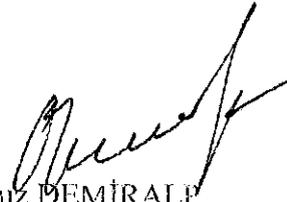
*Govt reply
Ebu/Palome
Telene! Goo, Kim*

13 December 2011

Dear Mr. Sow,
Dear Mr. Sarkin,
Dear Ms. Sekaggya,

With reference to your letter dated 28 October 2011, I have the pleasure to enclose herewith a non-paper which contains information received from the Turkish Ministry of Interior regarding the arrests of Mr. Kemal Aydın, Mr. Seihattin Tekin, Mr. Cemal Bektaş and Mr. Nahide Fren.

Please accept the assurances of my high consideration.


Oğuz DEMİRALI
Ambassador

Permanent Representative

Encl: As stated

Mr. El Hadji Malick Sow
Chair-Rapporteur of the Working Group
On Arbitrary Detention

Mr. Jeremy Sarkin
Chair-Rapporteur of the Working Group
On Enforced or Involuntary Disappearances

Ms. Margaret Sekaggya
Special Rapporteur
On the Situation of Human Rights Defenders

OHCHR REGISTRY

16 DEC 2011

Recipients: ... SPD (Original)

*The fax copy registered & dated
on 15/12*

13 December 2011

With reference to your letter of 28 October 2011, The Republic of Turkey wishes to submit the following information regarding Kemal Aydın, Selahattin Tekin, Cemal Bektaş and Nahide Eren (Ormancı):

The said persons have been arrested for their illegal activities falling within the scope of the investigation on a terrorist organization known as PKK/KCK.

In 2007, the Diyarbakır Chief Public Prosecutor Office initiated an investigation (No.2007/997) to transcribe the activities of the so-called "Koma Civaken Kurdistan Parliament of Turkey (KCK/TM)" that operates as the urban wing of the illegal PKK/KONGRA-GEL terrorist organization. The information that was provided by the relevant authorities is presented here below:

Concerning the terrorist organization PKK/KCK

It is well known that PKK is a terrorist organization which is included in the list of terrorist organizations of the European Union and NATO as well as those of many countries. PKK and its chieftain are responsible for countless crimes against humanity, including not only murders, but also kidnappings, tortures, extortion, illegal drug trafficking, etc. Many of its leading figures are internationally known criminals searched through Interpol channels.

Since 1984, PKK's terrorist activities resulted in the death of more than 30.000 Turkish citizens, among whom were innocent civilians, teachers and other public servants, many deliberately murdered.

Following the arrest of its head terrorist Abdullah Öcalan, in 1999, the supporters of the organization started claiming that it switched its strategy to peaceful methods and would pursue political struggle from then on. In accordance with this policy of appearing as a born-again legitimate organization, PKK changed its name to KADEK on April 2002 and to KONGRAGEL on November 2003. In this line, KCK ("Koma Civaken Kurdistan") was created on May 2007 as the urban wing of PKK.

However, the organization has been continuing to carry out hit and run attacks mainly on southeastern Anatolia. PKK has hideouts in northern Iraq, and illegal network in Europe, where it finds financial support through extortion, illegal drug trafficking and money laundering.

The organic link between PKK and KCK is explicitly presented in the KCK document called "KCK Convention". PKK leader Abdullah Öcalan is also designated as the head of its urban wing. The new structure, strategic activities and name of the PKK/KCK terror organization were all presented as having been determined following the instructions and approval of Öcalan.

KCK/PKK activities are not limited to Turkey. They pursue separatist violent aims also in Iran, Iraq and Syria.

The so-called "KCK Convention" openly states that "Kurdistan's Democratic Confederation" is based on the experience of PKK.

In paragraph 36 of the same document, it reads that PKK constitutes the ideological power of KCK and all PKK members serving within the KCK system are bound by the PKK structure's ideological, moral, organizational and vital principles. It also stated that every KCK member should act in accordance with PKK's ideological and moral standards.

In paragraph 43 of the same document KCK forces are instructed to act in line with PKK/KONGRA GEL's political will.

Concerning the allegations related to the arrest of Kemal Aydın, Selahattin Tekin and Cemal Bektaş, members of Yakay-der:

Istanbul Chief Prosecutor's Office (investigation file Nr: 2009/2401, 2010/213, 2010/521 and 2011/1263) carried out on 4 October 2011 an operational work to apprehend the persons determined to be involved in the following activities of the KCK/PKK terrorist organisation:

- Organizing acts of mass violence that occurred within the province in line with the instructions of the terror organization,
- Establishing regional committees and taking operational decisions;
- Recruiting members to carry out the activities at terror organizations targeted rural places;
- Directing the members of the terror organizations youth structure operations;
- Establishing the structure of all the proponent associations/institutions (NGOs, foundations etc.)

In the framework of this investigation, Selahattin Tekin and Kemal Aydın were apprehended at their domicile on 4 October 2011.

Cemal Bektaş was apprehended on 11 October 2011 while leaving Yakay-der's office.

In the indictment (No.2011/1903) of the Chief Public Prosecutors Office, Selahattin Tekin and Cemal Bektaş were accused for committing the crime stipulated in article 314/2 of the Criminal Code Law No. 5237ⁱ and Kemal Aydın was accused for the charge in article 314/1 of the said Codeⁱⁱ.

Following the submission of the Chief Public Prosecutors Office's indictment to the Court of Inquiry and the court hearings held accordingly, the said Court ordered the arrest of the accused persons.

Contrary to the allegations, all the suspects had the opportunity to be assisted by lawyers and their relatives were informed about their situation.

It should be noted that, none of the suspects lodged a complaint against any of the law enforcement officers involved at the investigation process.

Concerning the case of Nahide Eren:

Following the operations carried out by the Turkish armed forces against PKK terrorists in the Şırnak Province on 12 May 2011, a protest demonstration was held by a group of PKK sympathizers in Silopi on 15 May 2011. Subsequently, a group of demonstrators attacked the security forces by throwing stones. Recordings of this incident revealed that Nahide Eren was part of this group. She was filmed while throwing stones to the security forces.

Within the investigations conducted on the illegal PKK/KONGRA-GEL terrorist organization's urban wing KCK, the Silopi Chief Public Prosecutor Office delivered on 10 October 2011 a search warrant with the aim to arrest those who were spotted participating under KCK's Silopi structure to planned attacks (with stones and molotov cocktails) against security forces during unauthorized demonstrations. Nahide Eren was taken into custody on this warrant, on 11 October 2011.

Following the Chief Public Prosecutors investigation (No.2011/2548), Nahide Eren was arrested upon the decision no: 2011/72 of the Silopi Criminal Magistrate Court dated 12 October 2012 for crimes stipulated in 314/2 and 265/1 of the Criminal Code Law No.5327ⁱⁱⁱ and was sent to Mardin E type prison on the same day to serve her imprisonment.

Nahide Eren was taken into custody after a search at her domicile, conducted upon the instruction of Silopi Chief Public Prosecutor Office, dated 10 October 2011. She was detained for 48 hours upon the written instruction of the Prosecutor's office. A member of her family named Selahattin Ormanlı was informed during the search at her domicile. Nahide Eren assisted by her lawyer while under custody.

During the investigation stage, Nahide Eren benefited from her legal rights and did not lodge a complaint against any law enforcement officer involved in the process.

ⁱ **ARTICLE 314-(1)** Any person(s) who forms organized criminal groups to commit the offenses listed in fourth and fifth sections of this chapter, and commands these groups, is punished with imprisonment from ten years to fifteen years.

ⁱⁱ **(2)** Those who enlist to the organized criminal group defined in the first subsection is sentenced to imprisonment from five years to ten years.

ⁱⁱⁱ **Article 265-(1)** "using violence or threats against a public official to prevent them from carrying out a duty"