



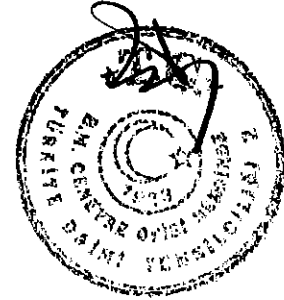
PERMANENT MISSION OF TURKEY
TO THE UNITED NATIONS
GENEVA

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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter by Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, dated 8 March 2016, concerning the court decision about Feza Media Group, has the honour to enclose herewith an information note compiled by relevant Turkish authorities.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the UN High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 1 April 2016



Office of the UN High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

**INFORMATION REGARDING THE LETTER RECEIVED FROM THE
SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION
OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION**

(REFERENCE: AL, TUR 2/2016)

The Government of Turkey would like to submit the following information regarding to the letter sent by Mr David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression:

On 3 March 2016, in accordance with the Article 133 of the Turkish Code of Criminal Procedure, Istanbul Chief Public Prosecutor's Office requested appointing trustees for "Feza Gazetecilik" company, which also owns Zaman newspaper and Cihan News Agency, due to the reason that Zaman newspaper made publications by order of the founder and the executives of the FETÖ (Fettullahist Terrorist Organization) in order to praise the members of the organization and to achieve its illegal goals.

Trustees have been appointed upon the decision of İstanbul Criminal Magistrates' Office dated 4 March 2016. The Court based its decision on ongoing investigations linked to terrorism, the reasoning of which includes inter alia:

- The existence of a number of ongoing investigations on establishing a parallel structure apart from state apparatus by use of force and violence.
- Warrants issued on Fethullah Gülen, (on the grounds of being the founder and executive of an armed terrorist organization, attempting to overthrow the Government or impeding its functioning, obtaining state information which should be kept secret for the purpose of political or military espionage)
- Warrant issued for similar charges for Ekrem Dumanlı, former Editor-in-Chief of Zaman.

Moreover, it has been indicated that the said organization made use of newspapers, TVs and radio channels in order to lay basis for and to achieve its illegal goals. It has also been stated that Zaman newspaper published stories serving these goals and that the newspaper has been administered by Gülen himself.

Evidence has also been found that the newspaper disseminated false circulation figures so as to increase its advertisement revenues.

In view of these allegations and the evidence, the Court decided for the appointment of trustees to Feza Gazetecilik company. In this context, the appointment of trustees to Feza Gazetecilik is the result of the decision taken by judicial authorities and the process is carried out by the independent judiciary.

The appointment of trustees is in no way related to any journalistic work or to the expression of opinions. Nor has the scope of the investigation anything to do with media freedom.

The protection and promotion of political rights, including media freedom in Turkey have always been among Turkey's primary objectives. Moreover, media freedom is a fundamental right guaranteed by the Constitution and the related laws in Turkey.

In addition, utmost care is shown for the rights of the company to be duly protected. It is a clear obligation to protect the rights of the company as stipulated by the Turkish law, in full accordance with international norms, including the case-law of the ECtHR.

Moreover, effective legal remedies exist in domestic law. There is a right of appeal at each stage in the judicial process, as well as the right to individual application to the Constitutional Court.