

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
December 6, 2016 10:47:29 AM GMT+01	+41227340859	151	3	Received
06/12 2016 10:46 +41227340859	MISSION TURKEY TO UNOG			#4115 P.001/003



PERMANENT MISSION OF TURKEY  
TO THE UNITED NATIONS  
GENEVA

2016/62441669-BMCO DT/11688760

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 joint urgent appeal sent by Mr. Setondji Roland Adjovi, Chair-Rapporteur of the Working Group on Arbitrary Detention, Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, Mr. Maina Kiai, Special Rapporteur on the rights of freedom of peaceful assembly and of association and Ms. Monica Pinto, Special Rapporteur on the independence of judges and lawyers, dated 28 July 2016 and Reference: UA TUR 6/2016, has the honour to enclose herewith an information note comprising the response of the Government of the Republic of Turkey to the aforementioned appeal.

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

Geneva, 6 December 2016



Encl: As stated

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

**Information Note on the Urgent Appeal of the Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers**

**(REFERENCE: UA, TUR 6/2016)**

1. In the scope of an investigation (Investigation File No. 2014/39856) related to the *Fettullahist Terrorist Organization/Parallel State Structure* (FETÖ/PDY) held by İstanbul Public Prosecutor's Office, Orhan Kemal Cengiz and his wife were taken into police custody on 21 July 2016, when they arrived at Atatürk Airport back from a meeting they attended in London.
2. According to the scope of the investigation, it was established that FETÖ/PDY aims to overthrow the democratically elected, legitimate Government of Turkey by way of conducting comprehensive covert operations in many fields, including media in particular.

It was revealed that Fethullah Gülen, the leader of FETÖ terrorist organization, designated the publication principles of the dailies *Zaman* and *Today's Zaman* which were published by Feza Gazetecilik Company. According to the statements of the previous editors-in-chief and columnists of these dailies and witnesses, Fethullah Gülen had been personally determining the newspaper headlines and no important decision could have been taken in the newspaper administrations without his approval.

3. In respect of the aforementioned investigation, it is suspected that the dailies *Zaman* and *Today's Zaman* became criminal elements of the terrorist organization; that encrypted or public instructions were sent to those who are members of, or linked to, the terrorist organization through these dailies. Furthermore, these dailies have made publications praising a previous coup attempt of 17-25 December 2013 by way of its members in the judiciary against the Government through conducting trumped-up investigations. Consequently, it was suspected that these dailies were used as propaganda tools of the FETÖ/PDY.
4. An investigation concerning Orhan Kemal Cengiz was initiated for being a member of FETÖ/PDY as he contributed to the above-mentioned acts as a columnist in this newspaper and also by aiding FETÖ/PDY and trying to facilitate the work of the terrorist organization.
5. Mr. Cengiz was sent to İstanbul Public Prosecutor's Office on 24 July 2016. İstanbul 2<sup>nd</sup> Criminal Magistrate's Office rendered the decision of judicial control (No. 2016/250) under which he was released from custody. Accordingly, a ban on leaving the country has been imposed by the judicial control decision until his statement is taken before the court in case a criminal case against him is opened.

6. On the other hand, the spouse of Orhan Kemal Cengiz, Sibel Semira Hurtaş, is not a suspect according to the said investigation file and there does not exist any action or any decision for custody concerning her.
7. Moreover, the rest of the issues raised in the current appeal has already been replied in Government's response to the urgent appeal reference no. TUR 7/2016.