



PERMANENT MISSION OF THE REPUBLIC OF TURKEY  
TO THE UNITED NATIONS OFFICE IN 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 joint urgent appeal letter by Ms. Elina Steinerte, Vice-Chair 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, Ms. Annalisa Ciampi, Special Rapporteur on the rights to freedom of peaceful assembly and association, Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders and Ms. Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights while countering terrorism dated 26 October 2017 (Ref: UA TUR 11/2017) ), has the honour to enclose herewith an information note comprising the response of the Government of the Republic of Turkey.

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, 26 December 2017



Encl: As stated.

Office of the High Commissioner for Human Rights  
Special Procedures Branch  
Geneva

<p><b>Observations Regarding the Joint Urgent Appeal of the Working Group on Arbitrary Detention; the 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; and the Special Rapporteur on the promotion and protection of human rights while countering terrorism</b></p>
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**(REFERENCE: UA TUR 11/2017)**

The Government would like to present its observations herein below in respect of the Joint Urgent Appeal of the Working Group on Arbitrary Detention; the 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; and the Special Rapporteur on the promotion and protection of human rights while countering terrorism dated 26 October 2017.

The Government considers that the allegations raised in the Joint Urgent Appeal should be better assessed by giving due consideration to the scope and the necessity of measures taken in Turkey with respect to severe and multiple terrorist threats that Turkey continues to face pursuant to terrorist coup attempt of July 15. Therefore, the Government would like to briefly point out the general context under which the investigations conducted against the persons in question take place prior to submitting the information on the points raised in the Communication.

**A. GENERAL CONTEXT**

The Republic of Turkey, a member of the United Nations and a founding member of the Council of Europe, as a democratic State, having adopted the principles of respect to human rights, rule of law and democracy, maintains its fight against terrorist organizations within the bounds of the Constitution and laws, in line with the basic principles of a democratic state and universal law. Utmost care is displayed on this matter.

The Government wishes to highlight that the claims regarding State of Emergency measures in Turkey should be evaluated in light of the terrorism threat faced by Turkey in recent years emanating from terrorist organizations such as FETÖ/PDY (Fetullahist Terrorist Organization/Parallel State Structure), PKK, DAESH and DHKP-C (The Revolutionary People's Liberation Party/Front).

It is unequivocal that ensuring terrorist coup plotters are brought to justice, holding them accountable and eliminating the existing threat of a coup are among the positive obligations of any state. To this end, taking the necessary steps to prevent future terrorist attacks is also a responsibility of the state.

**i) State of Emergency**

In Turkey, two types of emergency rule procedures have been defined in the Constitution, characterized by the reason of their declaration. The emergency rule defined in Article 119 of the Constitution is based on a “natural disaster, dangerous epidemic diseases or a serious economic crisis”, whereas the emergency rule defined in Article 120 shall be declared “in the event of serious indications of widespread acts of violence aimed at the destruction of

the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence”. Moreover, how these powers shall be used are laid down in detail in the State of Emergency Law (no. 2935), adopted based on the powers conferred by the Constitution.

Also, in a number of international human rights instruments, states are allowed in time of war or other public emergency threatening the life of the nation, to take measures derogating from their obligations relating to fundamental rights and freedoms, consistent with international law. This circumstance have been laid down in Article 4 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the European Convention on Human Rights (ECHR).

In this context, taking into account the extent of the threat posed to democratic constitutional order by the terrorist coup attempt of July 15, the adopted measures are in line with the Constitution and international obligations.

Indeed, the Constitutional Court has ruled in the individual application *Aydın Yavuz and Others* (no. 2016/22169, 20 June 2017) and in another application for the annulment of State of Emergency decree laws on unconstitutionality (2016/177 E, 2016/160 K) that State of Emergency was constitutional and legal, that actions were taken in conformity with the powers conferred in the Constitution and dismissed allegations of unconstitutionality. The said judgments have been published in the Official Gazette of Turkey and are also available at the website of the Court.

## **ii) Notices of derogation under Article 4 of the ICCPR and Article 15 of the ECHR**

Within the context of the State of Emergency, declared in accordance with the Constitution and international law, Turkey has made notices of derogation under Article 4 of the ICCPR and Article 15 of the ECHR regarding obligations of protecting rights and freedoms emanating from these conventions.

The notice of derogation based on Article 4 of the ICCPR was submitted to the Secretariat-General of the United Nations on 2 August 2016 and renewed upon extension of the state of emergency. The articles that would be subject to derogation were specified clearly in the notification. Therefore, there exists a notice of derogation duly put into effect, which is applicable in the present case.

To shed light on the issue and provide a comparative view, the case law of the European Court of Human Rights (ECtHR) and practices should be noted as regards the implementation of Article 15 of the ECHR. For example, according to ECtHR, in an emergency, an extended interference with freedom of expression as compared to normal periods for the protection of public order might be “necessary in a democratic society” (*Brind v. United Kingdom*, no. 18714/91). A similar conclusion can be made when a need arises to secretly monitor terror suspects, certain restrictions may be brought on the right to private life (*Klass and others v. Germany*, Series A, no. 28). More importantly, the Court acknowledged that following a notice of derogation by the UK Government with respect to IRA activities in Northern Ireland, normal legislation offered insufficient resources for the campaign against the massive wave of violence and intimidation by the IRA and that recourse to measures outside the scope of the ordinary law proved necessary. In this context, the European Court did not find it established that derogations from paragraphs 1 to 4 of Article 5 (extrajudicial deprivation of liberty in breach of Art. 5 § 1

and deprivation of liberty in breach of Art. 5 § 4) exceeded the extent strictly required by the exigencies of the situation, for coping with the public emergency (*Ireland v. the United Kingdom*, no. 5310/71, 18 January 1978). How the administration shall act in such circumstances are laid down clearly in Article 15 of the Constitution, similar to Article 4 of the ICCPR and Article 15 of the ECHR. In accordance with these provisions, the principles of “absolute necessity” and “proportionality” are diligently followed in the measures taken during the post-coup State of Emergency.

### **iii) Steps taken on aligning State of Emergency measures with Turkey’s international human rights obligations**

In Turkey, the measures taken during the State of Emergency have not caused any major changes in daily life. No restrictions are imposed on fundamental rights and freedoms which would affect the daily lives of people. The measures taken have remained limited to the issues required by the State of Emergency. State of Emergency was not declared to restrict the rights and freedoms of individuals but to ensure a prompt response by the State in the fight against terrorist organizations whose acts threaten the exercise of fundamental rights of the citizens. It is a natural right by the State to use its legal powers to protect democracy and to take necessary measures to maintain the safe environment for the exercise of fundamental rights and the freedoms.

Following the attempted coup, Decree-Laws were issued to start necessary proceedings for the persons in state institutions who were deemed to have a membership, affiliation or connection to terrorist organizations. During this process, legal principles are followed and each case is assessed with utmost care.

There are mechanisms in place to review the measures for those who claim violations of their rights. Through the administrative boards of review, more than 38 thousand public employees have been reinstated to date. Nearly 350 institutions have also been reopened. Moreover, an Inquiry Commission on the State of Emergency Measures has been established as an effective domestic legal remedy. This Commission is entitled to take binding decisions with due process. Its decisions are also open to judicial control.

State of Emergency measures are regularly reviewed to meet changing circumstances. Issues raised within the context of the experts dialogue established between Turkey and the Council of Europe (CoE) and recommendations by other CoE organs and UN mechanisms are taken into consideration. In that regard, a number of improvements have been made in terms of State of Emergency measures.

Accordingly, the upper limit of 30 days for police custody in terror and collective crimes, which had not been actually implemented, was decreased to 7 days in conformity with the case-law of the ECtHR, ensuring compliance with the judgments of *Aksoy v. Turkey*, *Lawless v. the United Kingdom* and *Demirel* group of cases by the Court. Custody period may be prolonged only once for utmost 7 days. It is worth noting that, for the remaining types of offenses and for the said offenses after the end of the State of Emergency, the maximum period of detention in police custody shall be one day under general provisions, which can be extended to four days in compelling cases.

In addition, the provision which enabled the public prosecutor to restrict the suspect’s right to meet a defense lawyer for five days during a State of Emergency, is now repealed. On

this matter, the general investigation provisions laid down in Article 154 § 2 of the Code of Criminal Procedure (CCP) apply. Accordingly, a suspect's right to meet a defense lawyer may be restricted for 24 hours at the request of the public prosecutor, during which period no statement shall be taken. It should be underlined that, the mentioned provision has been brought in line with the judgments of *Ibrahim v. the UK*, *Simeonovi v. Bulgaria* and *Salduz v. Turkey* group of cases by the ECtHR.

**B. Proceedings against Didem Baydar, Şükriye Erden, Ayşegül Çağatay, Ebru Timtik, Aytaç Ünsal, Zehra Özdemir, Yağmur Ereren, Engin Gökoğlu, Süleyman Gökten, Aycan Çiçek, Naciye Demir, Behiç Aşçı, Barkin Timtik And Özgür Yılmaz:**

The Government would like to underline that right to freedom of peaceful assembly and of association, the right to freedom of expression, equality before the courts and tribunals as highlighted in the Urgent Appeal with respect to present case are safeguarded by the Turkish Constitution and the relevant national legislation.

Moreover, within the framework of the comprehensive judicial reforms that have been undertaken over the fifteen years, upholding the international standards and principles for the protection and promotion of freedoms of expression, assembly and association, as well as the rule of law and impartiality of the judiciary have also been addressed. Accordingly, the national legislation is developed fully in line with the conventions to which Turkey is a party, in particular, the ICCPR and the ECHR.

Taking this opportunity, the Government further stresses that utmost importance is attached to the maintenance of vibrant and pluralistic nature of Turkish civil society, as well as to the work of human rights defenders. Whereas, the abovementioned reform process has greatly contributed to the enabling environment for the civil society, the work of civil society is always acknowledged as valuable contribution to Government's further efforts in this respect.

Against this backdrop, the Government strongly rejects unsubstantiated accusation that individuals and organizations legitimately expressing dissent with the policies of the Government are targeted by alleged links to terrorist organizations. Those who are strongly suspected to have links with terrorist organizations on evidentiary basis face judicial proceedings brought by the independent judiciary.

**i. Investigation Process**

DHKP/C is a terrorist organization which aims to overthrow the constitutional order in Turkey and establish a communist order based on Marxist-Leninist principles. In the instant case, an investigation is being carried out upon the allegation that People's Law Office ("PLO") of which the suspects are members, constitutes one of the structures of the DHKP/C terrorist organization. In addition, it is alleged that PLO was established with the instruction of Central Committee, which is the higher executive unit of the terrorist organization. Furthermore, it is alleged that attorneys who conduct activities within PLO are nicknamed as "*Sporcular*" in the organization. In relation with these allegations, there exist organizational information and documents, statements of anonymous witnesses and confessor suspects who are members of the organization and several fact-finding reports.

Moreover, within the context of the investigation, there exist statements and identification of a member of the armed wing of the terrorist organization ("Armed Propaganda

Units”) who makes declarations regarding the activities and members of the terrorist organization in order to enjoy the provisions of effective remorse.

It is alleged in these statements that, the suspects working as attorneys within the PLO serve as couriers; enable communication within the organization and convey the instructions that they receive from the executive unit of the organization to the members who are convicts/detainees or to the members abroad; apart from their legal profession, direct and instruct the members, of whom judicial proceedings are conducted, for the confidentiality of the organization and for the activities of the organization not to be disclosed. Accordingly, these statements are referred by the investigative authorities as concrete evidence for the strong suspicion that the suspects had committed the offenses in question.

Furthermore, in the aftermath of the killing of Public Prosecutor Mehmet Selim Kiraz by the members of the terrorist organization Ş.Y. and B.D, a paper torn into 34 pieces found in the examination and autopsy made on the body of the Ş.Y. The expert report of the Forensic Medicine Institute of Istanbul (no. 2015/30865/3371) dated 10 April 2015, which was prepared through joining the pieces of the paper together, established that “People’s Law Office” was written on the front page, Attorney Aycan Çiçek, Attorney Ebru Timtik, Attorney G.D., Attorney O.A., Attorney Şükriye Erden together with their identity numbers were written on the back page of the mentioned paper.

Within the context of the investigation, on 12 September 2017 a search was conducted duly in the PLO building in Istanbul. During search, police officers found some documents which indicates the late leader of the terrorist organization “D.K” and the title “People’s Front” as well as a booklet with the title as “Secret Groups in the Fight Against Fascism”. By examining the booklet, it was revealed that the booklet included information regarding the behavior of the members of the terrorist organization (e.g. how to behave in order not to be followed, stashing, saving notes and documents, gathering intelligence, conducting research on the place of action, providing vehicles on the way to action, armed training, methods for trying molotov bombs, using a code name etc). In addition, organizational and training-oriented illegal activities are included in the booklet as well.

With the judgment of the 16<sup>th</sup> Criminal Chamber of the Court of Cassation (File no: 2015/7527 - Decision No. 2016/534) dated 02.02.2016, “People’s Front” was regarded as the sub-unit of the terrorist organization. The records determining that the suspects participated in many activities under “People’s Front” and their declarations with the signature of PLO were published in the “Yürüyüş Journal” which is the publication organ of the organization, were added to the investigation file.

The investigation is conducted regarding suspects other than Özgür Yılmaz and Barkın Timtik on suspicion of being member of the armed terrorist organization. The investigation is carried out on the grounds that they are in a “member” position engaging in continuous, various and intense activities within PLO with an organic link to the terrorist organization and they are in a position of “having the special task” conducting ideologically instructive and guiding activities and differ from the other members of the organization due to the nature of their ongoing activities.

The investigation is carried out on suspicion of “being the executive of the armed terrorist organization” regarding Barkın Timtik and Özgür Yılmaz. The investigation is conducted on the grounds that they carry out continuous, various and intense activities with an organic link to the terrorist organization and that they have the qualification of “executive”

having the authority to organize the activities of the terrorist organization and to assign its members and ensuring the proper functioning of the terrorist organization in line with its purposes.

## **ii. Detention Process**

### **- Regarding Aytaç Ünsal, Ebru Timtik, Yağmur Ereren, Zehra Özdemir:**

On 20 September 2017, the public prosecutor referred Aytaç Ünsal, Ebru Timtik, Yağmur Ereren and Zehra Özdemir to the court, asking for their detention pending trial with the accusation of being a member of an armed terrorist organization. On the same day, İstanbul 13<sup>th</sup> Criminal Magistrates' Office interrogated the aforementioned suspects. During the interrogation, their attorneys were present. The suspects were informed of their legal rights.

İstanbul 13<sup>th</sup> Criminal Magistrates' Office examined the request of public prosecutor for the detention of the suspects and after due consideration, decided for the detention pending trial.

Criminal Magistrate's Office held in its decision that, given the existence of concrete evidence demonstrating the strong suspicion of crime, the ongoing investigation regarding the confirmation of the information brought by witnesses and revelation of the other contacts, the detailed statements of the anonymous witnesses as well as the possibility of the attempt to exert pressure on the witnesses, the fact that the two attorneys whom the judicial proceedings were initiated were still escapees and therefore the possibility of obfuscation of the evidence, also the fact that the armed terrorist organization was based on the cell structure and took part in certain armed activities, taking into account the state and nature of the charges, the detention of the suspects was a proportionate measure and judicial control measures would be insufficient. Detailed explanation and the evidence are included in the justification of the decision.

In addition, it was added in the decision that an objection may be filed against this decision.

### **- Regarding Engin Gökoğlu, Naciye Demir, Süleyman Gökten and Aycan Çiçek:**

On 20 September 2017, the public prosecutor referred Engin Gökoğlu, Naciye Demir, Süleyman Gökten and Aycan Çiçek to the Court, asking for their detention pending trial with the accusation of being a member of an armed terrorist organization. On the same day, İstanbul 1<sup>st</sup> Criminal Magistrates' Office interrogated the aforementioned suspects. During the interrogation, their attorneys were present. The suspects were informed of their legal rights.

İstanbul 1<sup>st</sup> Criminal Magistrates' Office examined the request of public prosecutor for the detention of the suspects and after due consideration, decided for the detention pending trial.

In its decision the Criminal Magistrate's Office referred to a strong suspicion that the suspects had committed the offence of being a member of an armed organization having regard the fact that the suspects were carrying out continuous, various and intense activities within PLO in line with their interests and purposes via an organic link to the terrorist organization. In addition, it was stated that, taking into account the sentence provided in the legislation for the alleged crime and the fact that the alleged crime was among the catalogue crimes which were considered as significant and serious, reason for detention was deemed present in accordance with the legislation. The Criminal Magistrates' Office also held that, judicial control measures

would be insufficient and would not serve the purpose, as there were doubts that the suspects may flee and obfuscate or hide the evidence and exert pressure on the witnesses since the investigation has not been finalized yet. Detailed explanation and the evidence are included in the justification of the decision.

In addition, it was added in the decision that an objection may be filed against this decision.

**- Regarding Ayşegül Çağatay, Didem Baydar and Şükriye Erden:**

On 20 September 2017, the public prosecutor referred Ayşegül Çağatay, Didem Baydar and Şükriye Erden to the Court, asking for their detention pending trial with the accusation of being a member of an armed terrorist organization. On 21 September 2017, İstanbul 11<sup>th</sup> Criminal Magistrates' Office interrogated the aforementioned suspects. During the interrogation, their attorneys were present. The suspects were informed of their legal rights.

İstanbul 11<sup>th</sup> Criminal Magistrates' Office examined the request of public prosecutor for the detention the suspects and after due consideration, decided for the detention pending trial.

Criminal Magistrates' Office stated in its decision that, having regard the explicit statements of the anonymous witnesses on the actions of the suspects, witness statements indicating that the suspects participated in and organized the funerals of the members of the terrorist organization and the fact that the suspects have carried out collective actions such as chanting slogans and resisting during the investigation process. The Criminal Magistrates' Office also held in its decision that, the charge attributed to the suspects fell within the scope of the Article 100 of the CCP, the risk of fleeing of the suspects or obfuscating or hiding the evidence and exerting pressure on the witnesses by the suspects was likely, therefore taking into account the state and nature of the charges judicial control measures would be insufficient. Detailed explanation and the evidence are included in the justification of the decision.

In addition, it was added in the decision that an objection may be filed against this decision.

**- Regarding Barkın Timtik, Özgür Yılmaz and Behiç Aşçı:**

On 20 September 2017, Barkın Timtik and Özgür Yılmaz were referred to court for establishing or managing armed terrorist organization and Behiç Aşçı was referred to court for being a member of the armed terrorist organization. On 21 September 2017, İstanbul 12<sup>th</sup> Criminal Magistrates' Office interrogated the aforementioned suspects. During the interrogation, their attorneys were present. The suspects were informed of their legal rights.

İstanbul 12<sup>th</sup> Criminal Magistrates' Office examined the request of public prosecutor for the detention of the suspects and after due consideration, decided for the detention pending trial.

In its decision the Criminal Magistrates' Office referred to a strong suspicion that the suspects had committed the offence having regard that the suspects were carrying out continuous, various and intense activities through an organic link to the terrorist organization; that they had the capacity as "executive" who were authorized to organize and execute the activities of the organization and ensure the proper functioning of the organization in line with its purposes. The Criminal Magistrates' Office also stated in the decision that, taking into



account the state and nature of the charges, the detention of the suspects was a proportionate measure and judicial control measures would be insufficient. Detailed explanation and the evidence are included in the justification of the decision.

In addition, it was added in the decision that an objection may be filed against this decision.

All of the suspects appealed against the decisions of detention on various dates. Different Criminal Magistrates' Offices examined their appeals and their appeals were rejected. On 18 October 2017, İstanbul 1<sup>st</sup> Criminal Magistrates' Office reviewed their continued detention and ordered their continued detention pending trial. The investigation is still pending.

### **C. OBSERVATIONS ON THE ALLEGATIONS RAISED IN THE JOINT URGENT APPEAL**

At the outset, it was laid down in Article 15 of Turkish Constitution that in a State of Emergency, save for certain exceptions, measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation. According to said Article, in decree laws to be enacted during a state of emergency, no provisions shall be formed contrary to the right to life, prohibition of torture and ill-treatment, prohibition on being compelled to reveal one's religion, conscience, thought or opinion, nor being accused on account of them; the principle of no punishment without law, prohibition of slavery and presumption of innocence. The remaining rights and freedoms may be restricted by decree-laws enacted during a State of Emergency. In any case, it is ensured that such restrictions are compatible with the principles of legality, necessity and proportionality.

As mentioned above, Article 4 of the ICCPR regulates the procedure by which notices of derogation can be made under the Covenant by states in emergency situations. It is observed that the allegations raised in the Urgent Appeal are related to the rights and freedoms which fall within the notice of derogation of Turkey in respect of the ICCPR. Therefore, the purpose of the notice of derogation, its legal value and its impact on the present case should be taken into account.

The right to liberty and security, the rights of detainees and the right to a fair trial were secured and circumscribed in Articles 9, 10 and 14 of the ICCPR. Having said that, Turkish judicial authorities are also bound by relevant articles of the ECHR as well as the ECtHR case law, in accordance with the Article 90 of the Turkish Constitution, which stipulates that international conventions to which Turkey is a party bear the force of law.

In this respect, according to judgments by the ECtHR, the existence of reasonable suspicion or plausible reasons that the person(s) concerned committed the offense in question is a necessary condition for deprivation of liberty. This is a *sine qua non* requirement in terms of pre-trial detention. This condition must be present at every stage of detention and the suspect must be released upon the dissipation of the reasonable suspicion. The existence of reasonable suspicion, along with the evidence obtained and the particular circumstances of the case, should be sufficient to convince an objective observer with a detached view. If the evidence obtained, when presented to an objective observer, is sufficient to form an opinion in the observer that the suspect or defendant might have committed the offense, then it can be concluded that reasonable suspicion exists in a given case.

In other words, “*having a "reasonable suspicion" presupposes the existence of facts or information which would satisfy an objective observer that the person concerned may have committed the offence.*” (see. *Fox, Campbell and Hartley v. the United Kingdom*, no. 12244/86, 12245/86, 12383/86, 30 August 1990, par. 32; *O’Hara v. the United Kingdom*, no. 37555/97, par. 34.)

Moreover, according to Article 5 § 1 (c) of the ECtHR, the persistence of reasonable suspicion that the person arrested has committed an offence is a condition *sine qua non* for the lawfulness of the continued detention, but after a certain lapse of time it no longer suffices. In such cases, the Court must establish whether a genuine public interest continues to justify the deprivation of liberty.

In the instant case, İstanbul 13<sup>th</sup> Criminal Magistrates’ Office detained Aytaç Ünsal, Ebru Timtik, Yağmur Ereren and Zehra Özdemir; İstanbul 1<sup>st</sup> Criminal Magistrates’ Office detained Engin Gökoğlu, Naciye Demir, Süleyman Gökten and Aycan Çiçek; İstanbul 11<sup>th</sup> Criminal Magistrates’ Offices detained Ayşegül Çağatay, Didem Baydar, Şükriye Erden; İstanbul 12<sup>th</sup> Criminal Magistrates’ Office detained Barkın Timtik, Özgür Yılmaz and Behiç Aşçı pending trial, ruling that there was a strong suspicion that the suspects had committed the offenses in question. Criminal Magistrates’ Offices took into account the submissions of anonymous witnesses and confessors, documents obtained during the search, the expert report of the Forensic Medicine Institute of İstanbul and the judgment given by the Court of Cassation mentioned above. Furthermore, Criminal Magistrates’ Offices considered the possibility of the suspects to exert pressure on the witnesses as well as attempt to hide or obfuscate the evidence as the investigation has not been finalized yet.

In light of the foregoing, all detention orders in respect of the suspects were taken by independent judges, based on duly reasoned decisions. The allegations and evidence regarding the suspects were assessed by independent and impartial judicial authorities. Besides, the suspects have the right to appeal against these decisions. In addition, the suspects have the right to application for effective remedies at the national level in respect of their alleged damages.

Taking into consideration the magnitude of the threat and the legal safeguards available, the preventive measures taken were in line with international obligations and not contrary to the principles of legality, necessity and proportionality. Accordingly, the Government believes that detention proceedings against the suspects do not violate its obligations under the ICCPR.