



PERMANENT MISSION OF THE REPUBLIC OF TURKEY
TO THE UNITED NATIONS OFFICE IN GENEVA

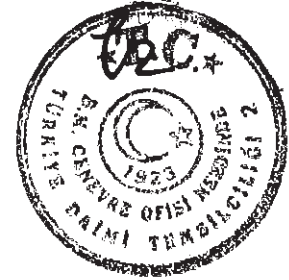
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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the joint communication sent by the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, dated 31 August 2018 (REF: AL TUR 10/2018), has the honour to enclose herewith an information note compiled by relevant Turkish authorities, in reply to the information request stated in the aforementioned letter.

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, 14 December 2018

Encl: As stated



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

**Information Note in Response to the Joint Communication Sent by the
United Nations Special Rapporteurs regarding Consular Protection Provided
to the Detained or Prosecuted Turkish Citizens in Iraq for Their Alleged
Affiliations with the Terrorist Organisation DEASH
(AL TUR 10/2018)**

With reference to the Joint Communication dated 31 August 2018, by the United Nations Vice-Chair of the Working Group on Arbitrary Detention, Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self – determination (AL TUR 10/2018), we would like to convey the following information;

1. There are a number of Turkish citizens who have been detained by the Iraqi Security Forces (ISF) and subjected to criminal prosecution by the Iraqi judicial authorities on the ground of alleged terrorism charges. The allegedly Turkish affiliates of terrorist organization DEASH and their family members (women and children) in Iraq practically fall within three categories in accordance with the treatment they have been subjected to by the Iraqi authorities. These categories are as follows; a) the men who are allegedly involved in DEASH's criminal activities; b) the women and the children above age 10 who are allegedly involved in DEASH's criminal activities or aided and abated DEASH terrorists; c) the children under age 10.
2. From the outset, Turkey has been closely following the legal processes of these men, women and children who are detained and prosecuted in Iraq. Information about their whereabouts and the status of legal cases against them has also been conveyed to their families in Turkey to the extent that the Iraqi authorities provide.
3. Turkish diplomatic and consular representations in Iraq (Baghdad Embassy and Erbil Consulate General) have requested the facilitation of Iraqi authorities to bring back to Turkey the women and their children who have involved in no criminal act. So far, 81 women and children have been repatriated in collaboration with authorities of the Iraqi Government and the KRG of Iraq.
4. Turkey has no jurisdiction over Iraqi territory concerning the cases of Turkish citizens who were

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allegedly involved in DEASH's terrorist activities and their family members who accompanied them into conflict areas in Iraq. However, the Government of Turkey effectively uses its right to provide consular protection to its citizens in Iraq in accordance with the Article 5 of the Vienna Convention on Consular Relations and to this end, is engaged with the Government of Iraq to ensure fair trial and due processes are observed by the relevant Iraqi authorities in accordance with the Article 36 of the Convention.