



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 in 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 letter by David Kaye - Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Clement Nyaletsossi Voule - Special Rapporteur on the rights to freedom of peaceful assembly and of association and Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, dated 4 March 2019 (Ref: AL TUR 3/2019), 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, 14 May 2019



Encl. A/S

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

**INFORMATION NOTE IN REPLY TO THE JOINT COMMUNICATION  
FROM SPECIAL PROCEDURES (AL TUR 3/2019) REGARDING 47  
PERSONS WHO HAVE SIGNED THE DECLARATION “ACADEMICS  
FOR PEACE” DATED 4 MARCH 2019**

1. With reference to the joint communication dated 4 March 2019, sent by 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 association; and the Special Rapporteur on the situation of human rights defenders, the Government would like to submit its observations herein below.

2. Extensive information about the counter-terrorism operations in South-eastern Turkey and PKK terrorist organization’s violent activities have previously been conveyed by the Government to the Special Rapporteurs. In that respect, Government refers to its replies to communications TUR 3/2016, TUR 4/2016, TUR 1/2017, TUR 13/2017.

3. On 11 January 2016, following a call made by one of the leaders of PKK for intellectuals to support the PKK’s so-called “self-governance” units, 1128 academics signed and published a declaration titled “We will not be a party to this crime” (hereinafter “the Declaration”).

4. The Declaration, in its support for the violent methods of PKK, is far from what could be considered a “peace petition”. It disregarded the threat posed by PKK against civilians as well as the necessity of counter-terrorism operations, calling it “illegitimate”. Furthermore, it groundlessly accused security forces of committing “deliberate and planned massacres”. Declaration’s support for the terrorist acts perpetrated by the PKK is also evident in the expressions used therein such as “a war against the security forces” and “we intend to initiate a fight for freedom”.

5. Accordingly, on 14 January 2016, an investigation was launched by the Istanbul Chief Public Prosecutor’s Office against a number of individuals who have signed the Declaration under the name “Academics for Peace”. They were charged with making propaganda of a terrorist organization in accordance with Article 7/2 of the Counter-Terrorism Law (Law Number 3713). Almost half of the suspects have been acquitted in this process and there is no individual under detention in the context of the investigation as of April 2019.

6. As a democratic state of law and a founding member of the Council of Europe, Turkey is devoted to human rights, the rule of law and democracy. It continues to fight against terrorist organizations within the framework of its Constitution and national laws and in compliance with its international obligations. It is Turkey's priority to strike a proper balance between public security and human rights, including freedom of expression and the freedom of peaceful assembly.

7. Freedom of expression is guaranteed in Article 26 of the Constitution, wording of which is parallel to Article 10 of the European Convention of Human Rights (ECHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

8. Freedom of peaceful assembly is also safeguarded in Article 34 of the Constitution, which is in line with Article 11 of the ECHR and Article 21 of the ICCPR. Accordingly, peaceful demonstrations are held without any restrictions. 99.2 per cent of 46.389 demonstrations that were held in Turkey in 2018 faced no interference from the public authorities. Percentage of demonstrations that were intervened by police officers in 2019 is 0.4 as of 17 March 2019.

9. Freedom of expression and the freedom of peaceful assembly are not absolute rights and can be restricted by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. Limitations upon freedom of expression and the freedom of peaceful assembly are also prescribed in the above mentioned articles of the ECHR and the ICCPR.

10. Judicial proceedings against Şebnem Korur Fincancı and Gençay Gürsoy as well as other persons who have signed the Declaration is within the scope of the said limitations since the Declaration was written and published at a time when PKK accelerated its terrorist activities with the aim of destroying the governance structures in several cities in South-eastern Turkey and taking control of these cities by the use of force. This constituted a severe threat against public security, therefore the security forces had to resort to counter-terrorism operations in order to prevent disorder in the region. As such, independent judiciary deemed it necessary in a democratic society to initiate proceedings against certain persons who supported, propagated and glorified the methods of PKK by way of signing the declaration.

**11.** All judicial proceedings were initiated in accordance with the Criminal Code and Counter-Terrorism Law, meaning that they are based on restrictions provided by law.

**12.** The provision which the investigations are based on, Article 7/2 of the Counter-Terrorism Law (Law Number 3713) was also amended to narrow the scope of the offense “making a propaganda of a terrorist organization”. According to the amendment, legitimizing, glorifying or encouraging not all methods of terrorist organizations but only methods involving use of force, violence and threat amounts to said offense.

**13.** Legal remedies are available to persons who have signed the declaration and are subject to investigations. Accordingly, they can lodge an individual application before the Constitutional Court, and apply, after the exhaustion of domestic remedies, before the European Court of Human Rights.

**14.** In light of the explanations provided above, the Government is of the view that allegations communicated to the Special Rapporteurs are ill-founded and therefore should be dismissed.