



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

Ambassador

Geneva, 17 May 2019

Mr. Special Rapporteur,

I am writing to you regarding the joint communication dated 25 March 2019 (Ref: AL TUR 1/2019), co-signed by you, Bernard Duhaime, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Fabian Salvioli, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

The abovementioned communication concerns some “alleging violations attributable to Turkey in relation to the tragic events that affected the Armenian minority from 1915 to 1923, and their consequences for the population concerned”. It outlines some allegations, some of which date back to 1915 and puts forward a set of questions.

I regret to inform you that my authorities were rather baffled by the communication, since it raises questions about the continuing respect to the basic principles of objectivity and impartiality by UN Special Mechanisms and causes concern regarding the principles guiding the UN system in general.

I will not dwell on the issues raised in the said communication.

Let me just express that, by taking up some wartime historical events that date back to 104 years ago, long before the UN was established and trying to link these events through some dubious connections to present day in an attempt to make it somewhat relevant, the communication is unfortunately ill-intended and politically motivated.

When read between the lines, it is very easy to identify who is behind these “allegations” and this biased exercise. The communication, in the way it is formulated, only serves the political motives of a well-known party. As such, regretfully, the communication casts a shadow on the objectivity and impartiality of the mandate of the UN Special Mechanisms. I feel obliged to stress that in line with their Code of Conduct, the mandate of the Special Rapporteurs is certainly not of creating a political controversy. This principle should be upheld at all times.

The communication builds upon and makes presumptions on some historical events; which are and can only be under the care of historians. These are well beyond UN’s mandate and responsibility, as was also clearly expressed by UN officials on various occasions. As a case in point, allow me just to remind the statement of UN Secretary General Ban-Ki Moon on 30 April 2007 during the opening of an exhibition in New York in which he stated that the “*The United Nations has taken no position on events that took place before the World War that led to the birth of the Organization*”. Also, UN Spokesperson has stated on 5 October

2000, *“...in any case, the UN hasn’t expressed any position on incidents that took place long before the United Nations was established.”*

If one is to bring before the UN selected narratives of many contested historical events and exploit platforms in this august institution, this will certainly risk harming both the UN Human Rights mechanisms and the UN system as a whole.

Furthermore, it will certainly not contribute to the efforts of dialogue between the different parties to come to terms about the past, to heal the wounds and further strengthen their ties.

The period in question needs to be understood in its entirety and the memory of so many lives lost has to be properly respected. Such an exercise requires a reliable factual basis, an open approach, and empathy. All of which I regret to say lack in the communication.

A peaceful common future between Turks and Armenians can only be built on a solid basis through dialogue. This understanding was also reflected in the letter President Recep Tayyip Erdoğan sent to General Vicar of the Armenian Patriarch of Turkey, Reverend Aram Ateşyan on 24 April 2019.

Furthermore, in 2005 Turkey extended an invitation to Armenia to establish a joint commission consisting of historians and other experts to study the events of 1915 in all the relevant archives, not just confined to Turkey and Armenia and to share their findings with the international public. This proposal is still on the table. However, it is unfortunate to see that in any occasion Armenians show their reluctance for such a comprehensive and objective scientific exercise and concentrate their efforts to propagate their unilateral narrative about 1915 events. We would recommend that the third parties should increase their efforts to convince the Armenian side to take their seat in such a Commission if the ultimate goal were to reach the historical truth and serve for a dialogue between the two nations. Unfortunately, your preference of action serves the opposite.

Finally, let me remind that, in Turkey the issue of the events of 1915 is not a taboo. Although the events of 1915 are freely debated in Turkey, the opposite is implicitly not allowed in some countries where there is no room for open debate.

As such this communication creates a dangerous precedence since neither the content nor the timing of the alleged subject matter falls in the scope and mandate of any UN body, and thus overshadows the impartiality and objectivity of the noble mandate of the UN Special Rapporteurs, who are integral parts of the UN human rights system.

Turkey has always been committed to its cooperation and dialogue with the UN Special Mechanisms. Turkey has respectfully responded to all communications addressed to the Government within the requested deadlines. In 2018, 24 urgent appeals and letters of allegation were addressed to my Government, all of which were answered within the deadline. In 2019, 5 communications have been received so far and all have been answered.

In light of the foregoing, I would like to bring to your attention that the communication Ref. AL TUR 1/2019 will be left unanswered by the Government of Turkey as it runs against the principles and spirit of impartiality that should prevail in the works of all UN mandate holders.

I am forwarding this letter to the other co-signatories of the said communication.

Please accept, Mr. Special Rapporteur, the assurances of my highest consideration.



Sadık ARSLAN
Ambassador
Permanent Representative

Mr. David Kaye
Special Rapporteur on the promotion and protection
of the right to freedom of opinion and expression

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