



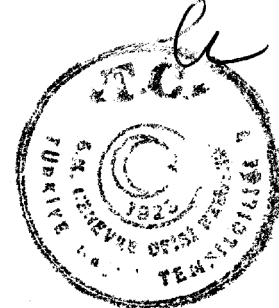
PERMANENT MISSION OF THE REPUBLIC OF TURKEY
TO THE UNITED NATIONS OFFICE IN GENEVA

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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 Urgent Appeal from Special Procedures , dated 30 June 2020 [Ref: UA TUR 9/2020], has the honour to enclose herewith the documents provided by the relevant Turkish authorities.

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, 22 July 2020



Encl. A/S

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

OHCHR REGISTRY

24 JUL 2020

Recipients : *SPB*
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**OBSERVATIONS OF THE TURKISH GOVERNMENT IN REPLY TO THE JOINT
URGENT APPEAL FROM SPECIAL PROCEDURES**

(Reference: UA TUR 9/2020)

1. The Government would like to present its observations herein below in respect of the joint urgent appeal dated 30 June 2020 of the Special Rapporteur on the situation of human rights defenders; 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 assembly and of association; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
2. First of all, the Government would like to express its concerns over the statement made by the Special Rapporteur on the situation of human rights defenders on 2 July 2020 regarding Taner Kılıç and others. The Government regrets that the statement was made before the Government could even submit its reply to the present communication. This statement, which was published before receiving the Government's response, overshadows the objectivity and reliability of the mandate-holders in forming their opinions. In this sense, the Government would like to remind the mandate-holders of their responsibilities stated in Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. Nevertheless, the Government, in spirit of cooperation and good-faith, would like present additional information on the present case.
3. The Government would like to refer to its observations in response to the joint urgent appeals of the Special Procedures (UA TUR 7/2017 and UA TUR 1/2018) and inform that comprehensive information has already been submitted regarding Fethullah Terrorist Organization (FETO), measures taken for human rights defenders to perform their activities in a safe and enabling environment and the investigation and prosecution processes of Taner Kılıç and others.
4. As for the latest developments of the present case; on 3 July 2020 the İstanbul 35th Assize Court, found that Kılıç's membership to FETO is evident and sentenced him to 6 years and 3 months in prison under Article 314/2 of the Turkish Penal Code (TPC) for the offense of "*being a member of an armed terrorist organization*". For Günel Kurşun, İdil Eser and Özlem Dalkıran, the Court found that while the said persons are not involved with the hierarchical structure of FETO, they did aid and abet the organization knowingly and willingly and sentenced them to 1 year and 13 months in prison under Article 220/7 of the TPC. The other defendants; Ali Ghravi, Nejat Taştan, Veli Acu,

İlknur Üstün, Nalan Erkem, Peter Frank Steudtner and Muhammed Şeyhmus Özbekli are released by the Court. The decision can be appealed within 7 days of the date the decision was rendered.

5. The Turkish Constitution as well as ICCPR enshrine the principle of equality of all persons before the law, courts and tribunals. While everyone is under the guarantee of the State in terms of protection and promotion of human rights and freedoms at both national and international level in accordance with the requirements of democratic society regardless of their title or profession; this guarantee does not give an absolute immunity from being subjected to the law. In this respect, the said persons, as with anybody suspected of the same crime would be, were investigated, prosecuted and tried by the independent and impartial judicial authorities.

6. Since the court decision have not yet been finalized and subject to review by higher courts upon appeal, the Government is of the view that, reaching conclusions on the present case in terms of violations of human rights is premature and prejudicial. The Government expects from the mandate-holders to uphold their responsibilities with regard to principles of cooperation, genuine dialogue, objectivity and non-selectivity in their communications.