



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

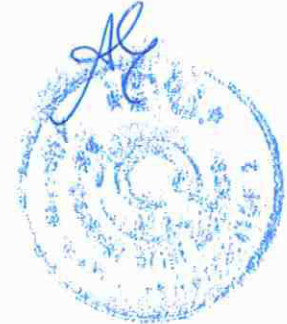
Z-2020/62441669/32046952 -

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 communication from Special Procedures, dated 7 October 2020 (REF: AL TUR 17/2020), 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, 2 December 2020

Encl: As stated



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

**INFORMATION NOTE IN REPLY TO THE COMMUNICATION FROM THE SPECIAL
RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS**

(Reference: AL TUR 17/2020)

1. With reference to the letter of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions dated 7 October 2020 regarding the killing of Mrs. Orouba Barakat and Ms. Halla Barakat, the Government would like to submit its observations herein below.
2. As for the proceedings conducted, in order to collect the evidence properly and not to hinder the aim of ongoing investigation, a restriction decision was taken for the investigation phase pursuant to Article 153 of the Criminal Code of Procedure. The restriction decision was then lifted in the prosecution phase and the hearings were held openly.
3. In the investigation phase, statements of [REDACTED] [REDACTED] were taken. While the family members took part in the proceedings as complainants, they did not request intervention under Article 238 of the Criminal Code of Procedure although they have the legal right to do so at any stage of the prosecution phase. They also did not present information or documents in support of their claims. Whereas the Ministry of Family, Labour and Social Services, which is also in charge of women rights in Turkey, took part in the proceedings as intervening party, since the case in question concerned violence against two women.
4. As Ms. Halla Barakat was a US citizen, the U.S Consulate in Istanbul was notified promptly on her death.
5. Following the investigation, it was concluded that [REDACTED] was the only perpetrator of the incident. He was apprehended and detained on 30 September 2017.
6. [REDACTED], in his statement taken on 6 October 2017 confessed that [REDACTED] murdered Mrs. Orouba Barakat over money problems and Ms. Halla Barakat to hide the murder.
7. In light of the camera recordings, criminal reports, historical traffical search data, witness statements, crime scene investigation report, DNA samples taken from the victims which matches the perpetrator, blood splash analysis, autopsy reports and the perpetrator's confession, a complete conscientious opinion was reached by the first instance Court that [REDACTED] committed both murders over family issues.

8. On 6 September 2018, [REDACTED] was sentenced to life imprisonment for murdering Mrs. Orouba Barakat and aggravated life imprisonment for murdering Ms. Halla Barakat with the intention of concealing or facilitating commission of an offense, destroying the evidences and prevent apprehension. The court also decided that the possessions in the judicial depository will be kept as evidence until the conviction decision is finalized.

9. The case is currently under review by the Appeal Court. As such, the conviction decision has not yet been finalized.

10. The Government would like to underline that the family members of the victims who are permanent residents in Turkey and also have high education and sufficient financial means, could have sought legal means within the Turkish legal system and request for intervention to the public case with a representative which would give the opportunity to present evidence and information to support their claims. As in all cases, the investigation and prosecution of the present case was carried out by Turkish authorities with utmost diligence. As the hearings were held openly, the Government is of the view that, due transparency was provided in the process.