



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

Z-2020/62441669/32099043 -

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 the Joint Communication from Special Procedures dated 10 November 2020 (AL TUR 20/2020), has the honour to enclose herewith the observations provided by 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, 16 December 2020

Encl: As stated.



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

GOVERNMENT OF TURKEY'S OBSERVATIONS IN REPLY TO THE JOINT COMMUNICATION (AL TUR 20/2020) FROM THE UNITED NATIONS SPECIAL PROCEDURES

In reply to the Joint Communication AL TUR 20/2020 dated 10 November 2020 sent by the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Government of Turkey would like to submit its observations herein below.

On 15 July 2016, Turkey was faced with an unprecedentedly large-scale and brutal coup attempt perpetrated by the Fethullahist Terrorist Organization (FETÖ). FETÖ, a clandestine terrorist organization which insidiously infiltrated into critical government posts, attempted to destroy democracy, and take over the democratically elected Government on 15 July. Terrorist acts perpetrated by FETÖ on that night cost the lives of 251 Turkish citizens and injured over 2000. Several key institutions representing the will of the Turkish people, first and foremost the Parliament, were heavily assaulted.

In order to restore the Turkish democracy and protect the rights and freedoms of the Turkish citizens, structures into which FETÖ infiltrated thousands of its members for decades within all branches of government as well the military and the judiciary needed to be completely rooted out. State of Emergency (SoE) was declared shortly after the attempted coup, which was endorsed by the Turkish Parliament on 21 July 2016.

Throughout the SoE, Turkey acted in line with its international human rights obligations while maintaining its close cooperation and dialogue with international organizations including the United Nations and the Council of Europe. SoE was terminated on 19 July 2018.

Effective domestic legal remedies, including the right to lodge an individual application before the Constitutional Court, which is recognized by the European Court of Human Rights (ECtHR) as an effective domestic remedy, are available in Turkey. In addition to existing domestic remedies, Inquiry Commission on State of Emergency Measures was established with a view to receiving applications regarding administrative acts carried out pursuant to Decree Laws enacted during the SoE. Further remedies are available against the decisions of the Commission. The ECtHR recognized the Commission as a domestic remedy. Furthermore, an application can be lodged before the ECtHR after the exhaustion of domestic remedies.

Even before the attempted coup, FETÖ was known to employ complex strategies to advance its agenda. These included blackmailing politicians and bureaucrats, cheating on a mass-scale in public exams in order to place its members in key government posts, practicing social engineering, manipulation and indoctrination, presenting fabricated stories to spark off judicial proceedings against its opponents through its extensive network of media outlets, businesses, schools and NGOs.

FETÖ is now employing the strategy of presenting itself as the victim of human rights violations to hide its crimes. Its members deliberately try to deceive and manipulate international public opinion by spreading false allegations against Turkey. These include unfounded claims of arbitrary arrest and detention, torture and even enforced disappearances while its members go in hiding at the orders of their leader. In fact, it is FETÖ itself that perpetrated grave human

rights violations in Turkey, including cold bloodedly killing innocent civilians thus violating the very fundamental right to life of hundreds of Turkish citizens.

In line with the explanations provided above, Turkey requests the Special Procedures not to allow FETÖ and its members to abuse these mechanisms and to dismiss their allegations.

The Government would also like to underline that Turkey has submitted detailed replies to all communications mentioned in the present communication and requests the Special Procedures to refer to them.

Turkey will continue to uphold human rights and freedoms and maintain its long-standing cooperation with international organizations.