



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

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The Permanent Mission of the Republic of Türkiye 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 from Special Procedures dated 28 February 2025 (AL TUR 2/2025), has the honour to enclose herewith the information note provided by relevant Turkish authorities. The translation of the annexes to the aforementioned note is currently underway and will be conveyed in due course upon completion.

The Permanent Mission of the Republic of Türkiye avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 April 2025



Encl: As stated.

Office of the High Commissioner for Human Rights
Palais Wilson
Rue des Pâquis 52
1201 Geneva

INFORMATION NOTE IN REPLY TO THE JOINT COMMUNICATION FROM THE SPECIAL PROCEDURES

(Reference: AL TUR 2/2025)

1. With reference to the joint letter of the Special Rapporteurs on the independence of judges and lawyers; 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 peaceful assembly and of association and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, dated 28 February 2025, the Government would like to submit its observations herein below.

I. FACTS AND OBSERVATIONS

A. “Self-Governance” Declarations Made by the PKK/KCK Terrorist Organization

2. In a statement made by the PKK/KCK terrorist organization on 12 August 2015, it was asserted that “... *the People’s Assemblies of Cizre, Silopi, Nusaybin and Şırnak hereby declare that they no longer recognize the authority of the public institutions, that they will establish their self-governance mechanisms and that their legitimate right of self-defence will be used if they are attacked...*”. In the following period, so-called “self-governance” declarations were also made in Siirt, Batman, Yüksekova, Varto, Bulanık, Edremit (Van), İpekyolu, Sur, Silvan, Lice, Doğubeyazıt and Hizan as well as in the Gülsuyu and Gazi districts of Istanbul. On 25 December 2015, the elements of “YDP-H Cizre” declared in a website that a “*YPS-Botan Unit*” was established and that so-called armed resistance would be carried out by the said unit.

3. The PKK/KCK terrorist organization attacked security forces and civilians in areas where it declared so-called “self-governance”. Roads, bridges, public buildings including schools and hospitals; vehicles belonging to the public or private persons as well as other properties were also targeted by this terrorist organization. As a result of the attacks of the PKK/KCK terrorist organization, access to the main public services such as education, health and transportation nearly came to a standstill; furthermore, 335 civilians and 860 public personnel, including the district Governor of Derik, lost their lives while 2.106 civilians as well as 4.711 members of the security forces were injured.

B. Judicial Proceedings Regarding the Detention of ██████████

4. Relevant authorities in Türkiye initiated several investigations to unveil the organizational structure of the “People’s Democratic Congress” (HDK), which was established upon the instructions of the PKK/KCK terrorist organization. Within the context of these investigations, a search was conducted by law enforcement units at the headquarters of the HDK. Several digital materials were seized during this search. As a result of the examination of these digital materials, it was detected that ██████████ name was on the executive staff of the HDK. As part of another investigation, it was found through the examination of a suspect’s digital materials that ██████████ had joined a WhatsApp group titled ██████████ and attended an event with the so-called PKK flag.

5. Upon the examination of the above-mentioned evidence, the Istanbul Public Prosecutor’s Office launched an investigation regarding ██████████ on grounds of committing the offences of membership of an armed terrorist organization (Article 314 § 2 of the Turkish Penal Code (TPC)) and propaganda in favour of terrorist organization (Article 7 of the Anti-Terror Law).

6. On 23 January 2025, ██████████ was taken under custody. During this process, ██████████ was informed of the grounds for his detention, the offences imputed to him as well as of his rights to benefit from the legal assistance of a lawyer, to adduce evidence against the accusations made to him, to remain silent about the allegations brought against him, to inform his relatives and to file a petition with the magistrate’s judgeship requesting an immediate release from the custody pursuant to Article 91 § 5¹ of the Criminal Code of Procedure (CCP). Epözdemir was fully able to contact with his legal counsels without any impediment during his custody.

7. On 25 January 2025, after duly being reminded of his rights, the Istanbul Public Prosecutor’s Office took ██████████ statement in the presence of his counsels. Later on, the

¹Article 91 - Custody

(...)

(5) With a view to obtaining immediate release from custody, the arrested person, his/her lawyer, legal representative, spouse or a blood relative of the first or second degree may file a petition with the magistrate judge against the arrest procedure or the written order issued by the public prosecutor for his/her placement into custody or for extension of his/her custody period. The magistrate judge shall immediately conduct an examination on the basis of the file and shall promptly decide on the request before the period of 24 hours has expired. If the judge considers that the arrest, placement in custody or extension of the custody period is appropriate, the request shall be dismissed or it shall be decided that the person arrested is to be immediately brought before the public prosecutor together with the investigation documents.”

(...)

Istanbul Public Prosecutor's Office referred him to Istanbul Magistrate's Judgeship and requested his placement in pre-trial detention for the above-mentioned offences. On the same day, subsequent to his questioning in the presence of his counsels, Istanbul 4th Magistrate's Judgeship placed [REDACTED] under pre-trial detention for the offences imputed to him, taking into account the existence of strong suspicion of a crime, the grounds for the detention request submitted by the prosecutor, the proportionate nature of detention to the case at hand and the fact that other judicial control measures would be insufficient.

8. In the detention decision, Istanbul 4th Magistrate's Judgeship stated the following evidence as grounds for strong suspicion of crime:

- In the examination of the content of the digital materials seized during the search in the HDK's headquarters, a list of individuals who take part in the HDK was found and [REDACTED] name appeared on this digital material;
- Upon the examination of digital materials seized in another investigation, the detection of a WhatsApp group titled [REDACTED] and [REDACTED] participation in this group as well as the content of the conversation taking place in the group chat;
- The instructions of the KCK terrorist organization regarding Cizre and the events taking place afterwards;
- [REDACTED] visit to Cizre after the statements and instructions of the KCK terrorist organization;
- In the examination of the digital materials conducted in another investigation file, the detection of photos of a person named [REDACTED] holding a pistol and a long-barreled weapon and the fact that [REDACTED] had a photo with the said person;
- The content of [REDACTED] HTS data.

9. In its decision, Istanbul 4th Magistrate's Judgeship notified [REDACTED] and his legal counsels that they can appeal within two weeks to penal court of first instance against the pre-trial detention decision. [REDACTED] appealed this decision. On 4 February 2025, Istanbul 74th Penal Court of First Instance rejected his appeal, having regard to the nature of the offences imputed to him and the existing evidence.

10. The Istanbul Public Prosecutor's Office filed an indictment, requesting [REDACTED] to be sentenced for the offence of membership of an armed terrorist organisation pursuant to Article 314 § 2 of the TPC and Article 7 § 2(1) of the Anti-Terror Law. On 14 April 2025,

Istanbul 24th Assize Court accepted the indictment and decided that the first hearing of the case will be held on 29 May 2025.

11. On the other hand, Epözdemir filed an individual application to the Constitutional Court against his pre-trial detention. In his application, ██████████ requested his acquittal, alleging that his right to liberty and security has been violated due to the unlawful nature of his detention. The said application is pending before the Constitutional Court.

3. The Lawsuit Filed Against the Chairman and the Executive Board of the Istanbul First Bar Association

12. On 21 December 2024, the Istanbul First Bar Association issued a press release, titled “Let International Humanitarian Law Apply”, in its “X” social media account. The Istanbul Public Prosecutor’s Office filed a lawsuit to Istanbul 2nd Civil Court of First Instance against the Chairman and the Executive Board of the Istanbul First Bar Association due to the content of the press release. The Istanbul Public Prosecutor’s Office asserted that in the press release, the Istanbul First Bar Association referred to ██████████, for whom arrest warrants were issued by judicial authorities on the grounds of membership of an armed terrorist organization and who were later neutralized in Syria in a clash with security forces.

13. In the said press release of the Bar Association, the above-mentioned individuals are referred as follows: *“On December 19, they lost their lives as a result of an attack while following the developments in Syria”, “While an investigation should be launched into the incident, which violates the International Humanitarian Law, and its perpetrators, the detention of the media workers, who use their Constitutional rights and mourn the loss of their colleagues, and our colleagues is unacceptable.”*

14. Consequently, the Istanbul Public Prosecutor’s Office opened a lawsuit on 14 January 2025 pursuant to Article 77 § 5² of the Attorneyship Law No. 1136 and requested the removal from duty of and the election of replacements for the responsible organs for the Istanbul

² **Article 77 - Establishment of bar associations, removal and deposition of their organs**

(...)

(5) The removal from duty of, and the election of replacements for the bar associations and the responsible organs of the Union of Turkish Bar Associations engaged in activities outside their purposes will be adjudicated by the local civil court of first instance according to simple trial procedure upon the request of the Ministry of Justice or the local public prosecutor; and the trial will be concluded within three months at the latest.

(...)

First Bar Association, *i.e.* the Chairman and the Executive Board, on the grounds that they had engaged in illegal activities outside their mandates and duties enshrined in the relevant law.

15. Istanbul 2nd Civil Court of First Instance transmitted the case file and all the attached document therein to the Chairman and the members of the Executive Board, and notified the defendants that they could respond to the lawsuit brought against them and present evidence in their favour within two-weeks, and that the first hearing of the case would be held on 4 March 2025. The said Court also granted an additional two-weeks to the defendants, upon their request.

16. All the defendants attended the first hearing of the case, save for [REDACTED]. The Chairman of the Union of Türkiye's Bar Association was also present during the hearing. Istanbul 2nd Civil Court of First Instance took the statements of all defendants and their legal counsels. At the end of the hearing, Istanbul 2nd Civil Court of First Instance decided to accept the Union of Türkiye's Bar Association's request to intervene to the case, to hold the next hearing on 21 March 2025, to transmit the hearing record to Epözdemir and to take his statements in the next hearing.

17. In the hearing took place on 21 March 2025, after having duly taken the statements of the the Chairman of the Union of Türkiye's Bar Association and Mr. [REDACTED], together with the defendants and their counsels, Istanbul 2nd Civil Court of First Instance decided to remove the Executive Board of the Istanbul First Bar Association from their duties and to hold elections for the new members of the executive board within one month (Annex-1).

18. Istanbul 2nd Civil Court of First Instance issued its reasoned judgement on 18 April 2025 (Annex-2). In the reasoned judgement, it was examined in detail whether the press release of the Istanbul First Bar Association subject to the case file is compatible with the purposes and duties enlisted in the Attorneyship Law, and whether the press release can be deemed within the meaning of Article 26 of the Constitution, titled "freedom of expression and dissemination of thought".

II. CONCLUSION

19. The Government is of the view that the judicial proceedings regarding [REDACTED] and the Istanbul First Bar Association which are currently ongoing before the independent courts are within the legal framework and in line with its international human rights obligations. Any interference to ongoing judicial proceedings should be avoided pursuant to the principle of the rule of law.