

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association
and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9)
TUR 2/2012

8 February 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/21 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **an alleged illegal search of the offices of several non-governmental organizations in Diyarbakir carried out by the anti-terrorist unit of the police.**

According to the information received:

On 13 January 2012, the anti-terrorist unit of the police raided the offices of several NGOs in the city of Diyarbakir in the context of a wide ranged anti-terrorist operation intended to dismantle an alleged terrorist network. The organizations affected include the IHD (Human Rights Association), the General Centre of the Public Workers' Trade Union (KESK), Egitim-Sen, Kurd-Der and Tuhay-Der.

The anti-terrorist unit of the police reportedly confiscated the computers and several papers in possible relation to having been allegedly used to commit the crimes being investigated. All the materials were later returned except those confiscated in IHD's offices.

It is further reported that the warrant which authorized the raid was not issued in accordance with the law. According to the source, the warrant was issued by the Istanbul Heavy Penal Court No. 10 on the demand of the Istanbul Chief Public Prosecution Office, while such a warrant should have reportedly been issued by the Diyarbakir Chief Public Prosecution.

It is alleged that this forms part of a continuing harassment campaign against human rights defenders and organizations in Turkey, and particularly against IHD members, members of trade unions and those fighting against the impunity of serious crimes and calling for a peaceful resolution of the Kurd question.

Concern is expressed that these investigations may prevent associations, particularly those working on human rights, from exercising their right to association. Concerns are further expressed that such investigations may be part of a broader campaign aimed at intimidating and silencing NGOs working on the Kurdish question. Serious concerns are also expressed that the raids against several NGOs may be directly related to their peaceful and legitimate work in defence of human rights.

Without expressing at this stage an opinion on the facts of the case, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the respect of the rights to freedom of association, in accordance with article 20 of the Universal Declaration of Human Rights (UDHR) and article 22 of the International Covenant on Civil and Political Rights (ICCPR).

In addition, we would like to draw your Excellency's Government's attention to Resolution 15/21 of the Human Rights Council in which the Council "calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely [...] including persons espousing minority or dissenting views or beliefs and human rights defenders [...] seeking to exercise or to promote these rights."

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5, points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the cases accurate? Please provide the details of the associations concerned.
2. Has a complaint been lodged by or on behalf of the concerned associations?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases.
4. Please provide information concerning the legal grounds for these searches and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders