

Mandates of 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 independence of judges and lawyers.

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5 and 26/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of the arrest and detention of 31 people, including high ranked media personnel, directors and producers of popular television serials and police officers, across Turkey on 14 December 2014 for exercising their legitimate right to freedom of expression. Those arrested allegedly have ties to the Gülen opposition movement and include Mr. **Ekrem Dumanli** and Mr. **Hidayet Karaca**.

The current arrests come in the context of a spate of arrests of journalists in Turkey this month. According to available data, as of 1 December 2014, 49 journalists were imprisoned for actions related to their work.

According to the information received:

On 14 December 2014, the Turkish police arrested and detained 31 people in Istanbul and other cities across Turkey, including journalists, television producers and police officers. Those arrested are allegedly close to the country's Gülenist opposition movement. The Turkish government has previously accused the movement of cleric Fethulla Gülen of trying to overthrow the current administration, and on 19 December 2014 issued an arrest warrant for the cleric himself on charges of operating an armed terror group.

Among those arrested in the 14 December 2014 raids were Mr. Ekrem Dumanli, the editor-in-chief of the newspaper *Zaman*, and Mr. Hidayet Karaca, the chief executive of *Samanyolu* television. Both the *Zaman* newspaper and *Samanyolu*

television are allegedly close to the Gülenist opposition movement. Over 20 other journalists working for media outlets thought to be sympathetic to the Gülen movement were also arrested and detained.

On 12 December 2014, Mr. Dumanli and Mr. Karaca had gone to the Istanbul Chief Public Prosecutor's Office to inquire into any investigation against them. The prosecutor reportedly consulted the National Judicial Network Project and informed the two of them that there was no investigation against them. Their arrest two days after followed the passing of a law, approved by the President on 12 December 2014, which enabled prosecutors to detain persons based on 'reasonable suspicion'.

After their arrest and detention on 14 December 2014, Mr. Dumanli and Mr. Karaca were questioned for seven hours on 17 December 2014. It is reported that for 72 hours they were held in solitary confinement. The investigation dossier was made confidential, and neither of them was informed of the charges against them before being questioned. Their lawyers were prevented from examining the investigation file, contacting their clients and speaking with the prosecutors.

Mr. Dumanli has been charged under anti-terror laws with establishing and administrating an armed organisation, as well as with people of liberty by using force, threat and tricks, and slander. Allegedly, the basis of the charges is two op-ed pieces published in *Zaman*, along with an article concerning a speech of Fethulla Gülen. Mr. Dumanli was released from detention on 19 December 2014 due to lack of evidence. It is unknown whether the charges against him have since been dropped.

Mr. Karaca has been charged under the anti-terror laws with forming and leading an armed terrorist organisation. Mr. Karaca remains in detention.

Without prejudging the accuracy of the aforementioned allegations, we would like to express serious concern about the arrest and detention and charges against the 31 persons, in particular journalists, screenwriters and producers including Mr. Dumanli and Mr. Karaca for what seems to be a legitimate exercise of the right to freedom of opinion and expression. Concerns are also expressed for the apparent lack of due process in the arrest and detention of the two men, as well as for the physical and psychological integrity of Mr. Karaca who remains in detention.

The arrest and prosecution of Mr. Dumanli and Mr. Karaca, as well as the detention of the latter, appear to be in contradiction of articles 9, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), as well as articles 9, 19 and 20 of the Universal Declaration of Human Rights (UDHR). These articles include the right not to be deprived arbitrarily of liberty, the rights the freedom to hold opinions

without interference and to impart the information and ideas through any media, and the right to freedom of association with others.

In connection to the allegations of lack of due process, we would like to draw attention to article 9 of the ICCPR that requires anyone arrested to be informed, at the time of their arrest, of the charges against them and to be brought promptly before a judge. We would also like to draw attention to article 14 of the ICCPR which requires the detained persons be given adequate time and facilities for preparing their defence and to communicate with counsel of his own choosing. Further, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, and in particular the guarantees for lawyers to freely consult with their clients and to freely access appropriate information in sufficient time to provide effective legal assistance.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility under the mandates provided to use by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your prompt observations on the following matters:

- 1) Please provide any additional information and any comment you may have on the above-mentioned allegations.
- 2) Please provide information concerning the legal grounds for the arrest of Mr. Dumanil and for the arrest and detention of Mr. Karaca and how these measures are compatible with international human rights norms and standards, as stated, inter alia, in the UDHR and the ICCPR.
- 3) Please provide information on the total number of persons currently charged and the number of persons currently detained under provisions of the anti-terror law, indicating how these prosecutions are compatible with the aforementioned international human rights norms and standards, in particular articles 19 and 22 of the ICCPR.
- 4) Please indicate what measures have been taken to ensure that journalists, writers and television producers and people associating to express dissenting views are able to carry out their legitimate work in a safe and enabling environment without fear of criminalization.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
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