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

Z-2025/62441669/40880027 - URGENT

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 8 September 2025 (Ref: AL TUR 10/2025), has the honour to enclose herewith the information note provided by relevant Turkish authorities.

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, 4 November 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 COMMUNICATION FROM THE SPECIAL PROCEDURES**

**(Reference: AL TUR 10/2025)**

With reference to the joint letter from the Special Procedures dated 8 September 2025, the Government of the Republic of Türkiye (hereinafter, "the Government") would like to submit its responses and observations hereinbelow.

**1.** The Republic of Türkiye, a founding member of the Council of Europe and the United Nations, is a democratic state governed by the rule of law, which upholds and respects human rights and freedoms. Article 90 of the Constitution of the Republic of Türkiye (hereinafter "the Constitution") clearly stipulates that, in the case of a conflict between domestic legislation and duly ratified international agreements concerning fundamental rights and freedoms, the provisions of the international agreements shall prevail.

At the outset, the Government would like to reiterate that Türkiye is fully committed to protect and promote human rights and fundamental freedoms, and continues to take all necessary measures prescribed by law in order to ensure full compliance with its international obligations.

**2.** Upon many complaints filed by citizens against Enes Hocaoğulları, the İstanbul Chief Public Prosecutor's Office initiated an investigation in connection with the offence of "public dissemination of misleading information" regulated in Article 217/A-1 of the Turkish Penal Code (hereinafter, "the TPC"). Separately, the Ankara Chief Public Prosecutor's Office initiated another investigation in connection with the offences of "public dissemination of misleading information" and "incitement of the public to hatred and hostility" regulated in Article 216/1 of the TPC.

**3.** Upon the requests of the Offices of the İstanbul and Ankara Chief Public Prosecutors , arrest warrants have been issued respectively, with the possibility of appeal, by the İstanbul 7$^{th}$ Criminal Judgeship of Peace and the Ankara 11$^{th}$ Criminal Judgeship of Peace in accordance with Article 98 of the Turkish Criminal Procedure Code (hereinafter, "the CPC") on the grounds that Enes Hocaoğulları could not be summoned or reached and had failed to appear despite being called to give a statement by the Public Prosecutor's Offices.

**4.** Since Enes Hocaoğulları's official residence address was registered in Ankara and the offence of "public dissemination of misleading information" is considered a continuous offence, the İstanbul Public Prosecutor's Office issued on 14 April 2025 a decision of lack of territorial

jurisdiction and decided to transmit the investigation to the Ankara Public Prosecutor's Office. The Ankara Public Prosecutor's Office joined the investigation files.

**5.** On 5 August 2025, Enes Hocaoğulları was arrested at the Esenboğa Airport (Ankara) upon his entry into Türkiye and was brought before the Ankara Public Prosecutor's Office to give his testimony. On the same day, the Ankara 2nd Criminal Judgeship of Peace interrogated him and ordered his pre-trial detention, with the possibility of appeal, in accordance with Articles 100 and 101 of the CPC.

**6.** On 8 August 2025, the Ankara Public Prosecutor's Office issued a bill of indictment against Enes Hocaoğulları for the offences of "public dissemination of misleading information" and "incitement of the public to hatred and hostility".

**7.** Following the issuance of the bill of indictment, the Ankara 86th Criminal Court of First Instance reviewed the detention of Enes Hocaoğulları and, decided on 11 August 2025 the continuation of his pre-trial detention.

***8.*** During the hearing held on 8 September 2025, having regard to the stage reached in the proceedings and considering the maximum sentence applicable to the offences attributed to him, as well as the fact that all the evidence had been collected, the said court decided to release Enes Hocaoğulları and impose an obligation to report and sign in to the nearest police station monthly as a judicial control measure. As of the present stage, Enes Hocaoğulları remains under judicial control pending trial.

**9.** Upon a complaint made by a citizen residing in Kırşehir through the Communication Centre of the Presidency of the Republic of Türkiye (CİMER), the Kırşehir Public Prosecutor's Office initiated an inquiry against Enes Hocaoğulları for the offence of "degrading the organs [military and security organisations] of the State" regulated in Article 301 of the TPC. On 22 May 2025, the said Prosecutor's Office issued a decision of "lack of territorial jurisdiction" and transmitted the file to the Ankara Public Prosecutor's Office.

On 27 June 2025, in its summary of proceedings, the Ankara Public Prosecutor's Office requested the initiation of investigation proceedings as the offence regulated in Article 301 of the TPC requires the permission of the Minister of Justice in order for an investigation to be launched. According to the latest information in the file, the request remains pending before the Minister of Justice.

**10.** As a democratic state governed by the rule of law, in Türkiye, all judicial measures are taken by independent and impartial courts. Rights of individuals subject to a judicial process are

protected. Furthermore, effective domestic legal remedies, including the right to lodge an individual application before the Constitutional Court, are available. Pursuant to the examination of the relevant evidence, courts decide whether or not the suspect should be released or detained.

**11.** Pointing to the inaccuracy of the allegations in the joint communication, the Government would like to underline that the judicial proceedings related to Enes Hocağulları are completely within the legal framework. In light of the foregoing, the Government would like to stress that the finalisation of the ongoing judicial process should be awaited by all pursuant to the principle of the rule of law.

**12.** The Government would also like to emphasise that it pursues a constructive dialogue with the Congress of Local and Regional Authorities of the Council of Europe. In this regard, the President of the Congress, Mr. Marc Cools, paid 3 visits to Türkiye in only 2025. During his latest visit on 4-5 September, Mr. Cools visited Enes Hocaoğulları in the prison with the permission of the Minister of Justice.