



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Note verbale dated 24 March 2010 from the Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Secretariat of the Human Rights Council and has the honour to place on record the following comments with regard to the joint NGO statement in document A/HRC/13/NGO/18 and other NGO statements made during the 13th session of the Human Rights Council under agenda items 3, 4 and 5.

Turkey appreciates the work done by the NGOs in the field of human rights and continues to extend its support to them in line with the importance it attaches to the promotion and protection of human rights worldwide. However, it has come to our attention that certain NGOs focus their work on individuals who have been detained and went under judicial process due to their links with the terrorist organization PKK. We also note that this has been the only issue for these NGOs with regard to Turkey.

One of the statements made under agenda item 3 went as far as alleging that "Kurdish people were ethnically cleansed". Although Turkey fully respects the work of the NGOs, such baseless or biased allegations do not contribute to the promotion and protection of human rights and cast shadow over the credibility of any future statement by those particular NGOs.

Turkey upholds the principle of the rule of law and the judicial processes with regard to those persons have been conducted in full conformity with the relevant legislation as well as Turkey's commitments under international human rights law.

Upon the application by the Public Prosecutor of the Court of Cassation to the Constitutional Court, the Court unanimously decided for the closure of the Democratic Society Party (DTP) on 11 December 2009 based on DTP's link with the terrorist organization (PKK) and the supporting evidence of that link. The verdict of the Court went into effect as of 11 December 2009 and the legal personality of the Party ceased to exist on the same date. The reasoning of the verdict was published in the Official Gazette on 31 December 2009. The Court in its judgment, has taken into account the relevant international

human rights conventions to which Turkey is a party and related case-law of the European Court of Human Rights.

In the past months, a number of criminal acts and violent demonstrations have been organized by PKK linked groups, upon the instructions of the terrorist leader Abdullah Öcalan. On 24 December 2009, simultaneous operations have been initiated in six different cities and 92 people have been detained with a number of supporting evidence. Following their transfer to the judicial authorities, 70 have been arrested and 22 of them have been released. Those arrestees include members of DTP as well as Muharrem Erbey, the head of Diyarbakır branch of Human Rights Association. The judicial process is underway on their cases.

Murat Akıncılar, a member of trade union UNIA based in Geneva, has been arrested on 3 October 2009, after his fingerprints were found in a terrorist cell attached to a terrorist organization which is called "Devrimci Karargah Örgütü / Revolutionary Headquarters Organization". In line with relevant procedure, Akıncılar's relatives and his attorney were informed of the case and his attorney was present during his interrogation. Revolutionary Headquarters Organization perpetrated armed attacks against military and police units in İstanbul and on 27 April 2009 killed one police officer and a civilian and wounded 8 others. This organization is also held responsible for a bomb attack against a political party's İstanbul office, which resulted in a death of one person.

Remzi Kartal and Zubeyir Aydar, who were referred to as human rights defenders by an NGO, are in fact two high-ranking members of the terrorist organization PKK arrested in Belgium on March 4th during operations against the above-mentioned outlawed organization.

With reference to the children who committed offences in support of the terrorist organization, a new law has been drafted which includes amendments to the Law on Combating Terrorism No:3713. Upon the entry into force of these amendments, (a) all children who commit acts of terrorism would be heard before the juvenile courts irrespective of their age, (b) aggravated sentencing would not be applicable to children, (c) postponement of the promulgation of sentence and converting the sentence into optional sanctions or postponement of sentence would be applicable to all children irrespective of their age.

The statements made by some NGOs on the above-mentioned issues are based on biased information and they ignore significant positive developments in Turkey. In addition to the information provided in document A/HRC/12/G/8, the Turkish Government recently launched the Democratic Initiative (DI), which is also called as a "National Unity and Brotherhood Project" in conjunction with the ongoing reform efforts since 2001. This aims at expanding the scope and extent of fundamental rights of all Turkish citizens regardless of their ethnic origin, political ideas or gender, among others. By further consolidating democracy and the rule of law in Turkey, the Government aims at preventing the exploitation of certain issues by the terrorist organizations such as PKK. The Minister of the Interior has been assigned to coordinate and undertake the DI. The Minister announced that this process encompasses four new mechanisms: (a) an independent National Human Rights Institution in accordance with Paris Principles, (b) an independent Anti-Discrimination and Equality Commission, (c) a National Monitoring Mechanism for Prevention of Torture in line with OPCAT, (d) an independent complaint mechanism against acts of the law enforcement units.

In Turkey all citizens are equal before the law, enjoy the same rights and have the same obligations without discrimination of any kind. Article 10 of the Constitution of the Republic of Turkey guarantees equality before the law. In this vein, Assyrians enjoy the

same rights as any other citizen in Turkey. The status and the rights of minorities in Turkey are clearly defined in Lausanne Peace Treaty of 1923.

The Permanent Mission of the Republic of Turkey kindly requests that these comments be circulated as a document of the thirteenth session of the Human Rights Council.

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