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

Letter dated 25 March 2011 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

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 comments below concerning the statement made on 15 March 2011 by the representative of the Syriac Universal Alliance on behalf of the said non-governmental organization, under agenda item 3 of the sixteenth session.

Turkey appreciates the work done by non-governmental organizations 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. Baseless and biased allegations do not contribute to the promotion and protection of human rights and they cast a shadow over the credibility of any future statement made by those organizations.

In Turkey, all citizens are equal before the law; they 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; Assyrians therefore enjoy the same rights as any other citizen in Turkey. The Turkish nation is not a juxtaposition of communities or groups: it is composed of citizens who are equal before the law regardless of their origin.

Turkish citizens belonging to non-Muslim communities enjoy and exercise the same rights and freedoms as the rest of the population. Turkish citizens of Assyrian origin are no exception to this fact. They enjoy the same rights together with the rest of society.

Achieving equality among all provides the necessary protection to all, including equal treatment, the right to security of the person, the right to freedom of opinion and expression and the right to freedom of thought, conscience and religion.

Turkish citizens of Assyrian origin enjoy freely their religious rights without any unlawful or arbitrary restrictions. This naturally includes the protection of their religious places and related property rights. Turkish citizens of Assyrian origin can also freely use their own language.

With regard to the migration of Turkish Assyrians to other parts of Europe, there is no doubt that social and economic factors have played a dominant role.

Turkish authorities have been taking measures to ensure that Assyrians of Turkish nationality living abroad can return safely to their home settlements in Turkey. Turkish citizens of Assyrian origin residing in foreign countries are free to travel within Turkey without any restriction.

Recent improvements to the legal framework in Turkey and specific measures addressing the problems of Assyrians have significantly contributed to the revival of Assyrian cultural activity in the settlements where Turkish Assyrians have traditionally lived. Relations between Turkish Assyrians living abroad and the Turkish authorities have greatly improved. Representatives of this community, including some members of parliament and civil society organizations of the countries where community members live, are in frequent contact with Turkish missions. Thus, representatives of the Turkish Assyrian community living abroad frequently highlight their commitment to their ancestral land, which is welcomed by the Turkish authorities.

With regard to the allegations on the land disputes concerning the Mor Gabriel (Deyrulumur) monastery, the Republic of Turkey wishes to inform that the cadastral surveys recently carried out in the vicinity of the monastery in Midyat have given rise to judicial disputes and claims, which have been subject to lawsuits. The cadastral survey of the region was carried out on the basis of field maps dating back to 1956, as well as forestry plans and aerial photographs taken in 1986. At present, there are two walls encircling the monastery. There are disputes concerning the land “de facto” occupied by the monastery in and outside the walls.

There are three lawsuits regarding the monastery. The legal process has not yet been completed. At the last hearings of the first case on 24 June 2009, the Cadastral Court ruled that the forest land claimed by the monastery belonged to the Treasury. The monastery has applied to the Court of Appeal regarding this case. However, the Court of Appeal decided in favour of the decision of the Cadastral Court. There is one more option to appeal against this ruling.

With regard to the second case, the Midyat Court decided in favour of the monastery, ruling that approximately 273 decares of land were to be registered for the monastery. The Court of Appeal ruled against the decision of the Midyat Court. There is one more option to appeal against this ruling.

The third case is against the monastery on the charge of illegal occupation of forest land. The decision regarding this case will be made on the basis of the decision of the Court of Appeal concerning the above-mentioned case.

Concerning the claims by headmen of the neighbouring villages against the monastery, the Midyat Public Prosecutor dropped the cases on 16 December 2008.

At present, the monastery is fully functioning and there are no limitations on its activities. Allegations claiming that the monastery is under pressure are totally unfounded.

The Permanent Mission of the Republic of Turkey kindly requests that the present letter be circulated as a document of the sixteenth session of the Human Rights Council.
