



Turkish Ambassador

17.08.2016

Ms. Kazuko Ito
Secretary General
Human Rights Now
7F Creative One Akihabara Bldg. 5-3-4 Ueno
Taito-ku, Tokyo 110-0005

Dear Ms. Ito,

Having read with regret the statement of “Human Rights Now” (HRN) reflecting many unfounded allegations regarding the measures taken by the Turkish Government following the July 15 failed coup attempt in Turkey, I feel myself obliged to address the incorrect information in your statement.

First and foremost, I would like to emphasise that the State of Emergency which was declared by the Council of Ministers of Turkey as of 21 July 2016 for a period of 90 days is a measure permitted by the Turkish Constitution and regulated by relevant national legislation. It was declared in order to take necessary steps in the most prompt and effective manner in the fight against the Gulenist network which is behind the July 15 coup attempt. It is a practice permissible under international human rights law, including the European Convention on Human Rights (ECHR). Turkey is not the only country who resorted to declare State of Emergency in such circumstances. In fact, many other democratic countries did the same when facing similar or even lesser degree security threats. Moreover, contrary to your allegations, the State of Emergency was not declared by the Turkish President himself. In fact, the Council of Ministers took this decision in its meeting under the chairmanship of President Recep Tayyip Erdoğan, in view of the recommendation dated 20 July 2016, no. 498 of the National Security Council of Turkey. The decision was then approved by the Turkish Parliament on 21 July 2016.

Secondly, you mention in the HRN statement that the compliance with the ECHR would be suspended by Turkey. This claim also does not correspond to the facts. Turkey has resorted to the right of derogation as prescribed by the ECHR. Article 15 of the Convention allows the Contracting Parties to take measures derogating from their obligations under the Convention, in extraordinary circumstances such as a state of emergency. Many members of the Council of Europe, most recently France, have also made use of this flexibility allowed by the ECHR. The measures that Turkey may resort to under the State of Emergency, will conform to the principles of necessity and proportionality laid down in the ECHR. Furthermore, while taking these measures under Article 15 of the ECHR, Turkey continue to be subject to the supervision of the European Court of Human Rights.

In your statement, you refer to an article published in the Independent on 21 July 2016 by asserting that *“Those who were accused of being ‘coup plotters’ or ‘rebels’ have been detained, arrested, tortured, raped or killed in the name of ‘a state of emergency’ declared by Turkey’s President Recep Tayyip Erdoğan on July 20, 2016”*. If you carefully examine the article you refer to, you will notice that the issue of the people whom you claim to be “killed” has nothing to do with the rule of State of Emergency. These people were in fact brutally killed by the coup plotters whose aim was to overthrow the democratically elected government, the President and the constitutional order of Turkey. I think there is a sheer misunderstanding of the article you read.

Moreover, the references you have made to the Amnesty International’s unsubstantial and unfounded allegations that the suspects who were detained after the coup attempt were tortured and ill-treated do not reflect the truth. The rule of law is main principle of Turkey, and even under the rule of State of Emergency, arrest and custody procedures are performed in accordance with the national and international human rights law.

I also would like to clarify that the suspended lawyers, judges and public prosecutors mentioned in the HRN statement are considered to be members of, or have relation, connection or contact with the Gulenist network which poses a grave threat to survival and security of the Turkish state through its clandestine infiltration into the state mechanisms.

I would like to assure you that Turkey is fully aware of its obligations related to democracy, human rights, the principle of rule of law and international conventions in this process. Due respect will continue to be shown to fundamental rights and freedoms and the principle of supremacy of law will be strictly observed, as always.

In this respect, lawsuits may be filed with the competent courts against all kinds of acts and measures taken during the State of Emergency. Legal remedies are available, including the right of individual application to the Constitutional Court. I would also like to reiterate that the supervision of the European Court of Human Rights still continues.

I attach herewith my article on the failed coup attempt and the role of the Gulenist network for your information.

Yours sincerely,


A. Bülent MERİÇ
Ambassador