



International Covenant on Civil and Political Rights

Distr.: General
31 October 2024

Original: English

Human Rights Committee

142nd session

Summary record of the 4163rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 24 October 2024, at 10 a.m.

Chair: Ms. Abdo Rocholl

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second periodic report of Türkiye (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Second periodic report of Türkiye (continued) (CCPR/C/TUR/2;
CCPR/C/TUR/QPR/2)*

1. *At the invitation of the Chair, the delegation of Türkiye joined the meeting.*
2. **The Chair** invited the delegation to reply to the questions raised by Committee members at the previous meeting.
3. **A representative of Türkiye** said that her country cooperated fully with the Working Group on Enforced or Involuntary Disappearances. The Turkish judicial authorities had prosecuted members of the Fethullah Terrorist Organization who had been deported by other countries on national security grounds; they had not been subjected to enforced disappearance. The Government had provided necessary information in relation to historical cases of enforced disappearance from the 1980s and 1990s.
4. Türkiye had been conducting counter-terrorism operations in northern Syria against the People's Protection Units, the Syrian Democratic Forces and the Kurdistan Workers' Party (PKK), which had been designated as terrorist organizations by the United States of America and the European Union. The Government firmly rejected allegations that it had effective control of the region. Only three such operations had been conducted for the purpose of self-defence in accordance with article 51 of the Charter of the United Nations, and areas that had been cleared of terrorist elements were run and controlled by the Syrian Interim Government.
5. **A representative of Türkiye** said that, since 2016, more than 130 court investigations had been carried out into allegations of torture by public officials. Six persons had been imprisoned and two had received fines. A further 15 trials were ongoing. As praising terrorist organizations was a crime in Türkiye, the prosecutor's office had brought charges against persons who had praised Fethullah Gülen's movement, which had been designated as a terrorist organization by the country's highest judicial authorities.
6. **A representative of Türkiye** said that emergency decree-laws passed by the parliament were subject to judicial review and possible annulment by the Constitutional Court. Individuals could also lodge petitions with that Court for the abrogation of decree-laws that ran counter to civil and human rights principles. Individuals, including prisoners, or their legal representatives could lodge complaints with the Inquiry Commission on the State of Emergency Measures through its easily accessible electronic platform. Complainants could monitor the progress of the Commission's review and see its outcome on the platform. The Commission's decisions were subject to review by the Ankara courts. Complainants in court cases were entitled to request legal aid, and any hearings could be held by videoconference if complainants were unable to attend in person.
7. **A representative of Türkiye** said that "terrorism" was defined in article 1 of the Anti-Terrorism Law (No. 3713) and "terrorist" was defined in article 2. The Court of Cassation had established a set of criteria for determining membership in a terrorist organization which included sympathy for the organization, an ideological connection, participation in the organization's activities and a demonstrable link between the individual and the organization. The European Court of Human Rights had approved those criteria. The law on judges and prosecutors had recently been amended to pave the way for persons with disabilities to take up those positions, and a candidate with visual impairment had been appointed as a judge following the amendment. Under the Penal Code, more severe penalties were imposed for killings motivated by honour or custom, and such motives did not constitute grounds for acquittal.
8. **A representative of Türkiye** said that the country collaborated with the Group of States against Corruption and had submitted reports to various agencies. Türkiye had completed the Group's first, second and third evaluation rounds and had implemented 12 of the 15 recommendations made in the fourth round. The country had recently embarked on the fifth round and would submit an interim progress report in 2025.

9. **A representative of Türkiye** said that, as a member of the Council of Europe, the country submitted data on its prison population and capacity, and prison statistics were regularly published on the official government website. The introduction of alternative measures to detention had been successful in reducing prison overcrowding. In 2020, inmates under an open prison regime had been permitted to work outside prison on a voluntary basis. Although the practice had been paused during the COVID-19 pandemic, it had since been resumed, and prisoners who engaged in regular work were eligible for early probation.

10. **A representative of Türkiye** said that the withdrawal of Türkiye from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) had not negatively impacted efforts to prevent violence against women thanks to the country's very robust laws and support mechanisms. The issue of violence against women transcended political ideologies, and there was a strong political will to address the problem. Türkiye had withdrawn for the same reasons that other countries had not become parties in the first place.

11. **Mr. Gómez Martínez** said that he wished to know how interference from the executive and legislative branches or political parties in the judiciary was avoided, given that none of the members of the Council of Judges and Prosecutors were appointed by judges. He also be interested to learn whether Law No. 7145, which allowed the President to appoint judges and prosecutors directly, remained in force, as well as how many bar associations had been formed in the State party since the entry into force of the Law on Lawyers and what measures had been adopted to avoid politicization of those associations. He would welcome comments from the delegation on reports that a large number of defence lawyers in terrorism cases had been investigated, arrested or detained on suspicion of belonging to a terrorist organization simply for performing their duties, and he would appreciate a response to reports that judges and prosecutors who had supported the attempted coup in 2016 had previously been leading investigations into large-scale corruption involving high-level government officials and their family members. He wondered how many of such judges and prosecutors had been arrested, detained or released with or without judicial control measures; how many had been reinstated in their posts; and what the current status was of the complaint on the matter that had been presented to the Council of Judges and Prosecutors in September 2020. He was keen to learn what body was responsible for appointing judges and prosecutors; what role the Council and the Justice Academy played in the appointment of judges; what part the Ministry of Justice played in the selection process; whether candidates had to pass a public examination; whether an unrecorded oral interview was part of the selection process; and whether newly appointed judges and prosecutors received initial training. It would be useful to have disaggregated data on the number of judges and prosecutors who had been transferred against their will by the Council in 2023.

12. He would be interested to hear an explanation of how the restrictions imposed on defendants' access to a lawyer for a maximum of 24 hours after arrest complied with articles 6, 7, 9, 10 and 14 of the Covenant and to learn whether the remedy of habeas corpus was available in terrorism cases. He wished to know why the State party had not complied with the binding judgments of the European Court of Human Rights in the cases pertaining to Osman Kavala, Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu.

13. **Mr. Ndiaye** said that it would be useful to have statistics on the number of people who remained in pretrial detention owing to their links to the Gülen movement. He wished to know what safeguards prevented the use of evidence obtained through coercion in the trials of such persons and how the State party ensured that no one was prosecuted retroactively for action they had taken in connection with the movement before it had been designated as a terrorist organization. He would appreciate an update on the status of the cases of persons who had been removed from public office since December 2021. He wondered what criteria had been used to assess successful appeals for reinstatement; what measures were in place to ensure fundamental legal safeguards were upheld; what steps had been taken to ensure the independence of the Inquiry Commission on the State of Emergency Measures and effective judicial oversight of its decisions; and what other legal remedies were available to public officials who had been removed from office. To what extent were the principle of proportionality and the right to access independent courts respected? It would be helpful to know what measures had been taken to respond to allegations of human rights violations,

including torture and ill-treatment, made by detainees accused of having links to the Gülen movement; what mechanisms were in place to guarantee an in-depth investigation into such allegations; and what measures had been adopted to ensure that all officials who had been removed did not fall victim to discrimination or rights violations, such as restrictions on their freedom of movement or right to leave the country.

14. He would be interested to learn how the State party ensured that the prosecution of human rights defenders, such as Osman Kavala and other individuals involved in the Gezi Park demonstrations, journalists, lawyers and Kurdish opposition politicians, was based on solid evidence of criminal conduct rather than their human rights advocacy; how the State party responded to concerns that charges against Mr. Kavala could be used to suppress legitimate legal defence activities as criminal conduct; and whether there was a programme in place to protect human rights defenders, environmental campaigners and other members of civil society, as well as Kurdish activists, journalists and lawyers who were regarded as critical of the Government, from reprisals and harassment. He wondered what measures had been taken to ensure a safe and supportive environment for civil society and to prevent harassment and persecution.

15. He wished to know what action the State party had taken to guarantee that the use of force during demonstrations would be strictly necessary, proportionate and lawful; whether security forces had on any occasion broken up peaceful demonstrations without using force; how decisions to close off certain public spaces for gatherings were made and publicized; and what measures were in place to protect the right of marginalized groups, such as the Saturday Mothers and members of the LGBTQI community, to peaceful protest. He was keen to learn to what extent Law No. 2911, which regulated public meetings, gatherings and demonstrations, was compatible with the right to freedom of association under the Covenant.

16. **Mr. Teraya** said that he wondered what the relationship was between the Personal Data Protection Authority and the National Intelligence Organization; whether the Authority could effectively safeguard privacy rights in the light of the expanded powers that had been granted to the Organization in 2014; and what legal framework was in place to provide independent, effective and adequate remedies and redress to individuals whose right to privacy had been infringed. He would welcome statistics on the decisions rendered by the Authority in response to complaints related to data protection. He wished to know how the State party ensured that data collected during criminal or disciplinary investigations were not used for purposes not explicitly authorized by law; what oversight mechanisms were in place to ensure the protection of the right to privacy during such investigations; whether the Personal Data Protection Authority played a role in that regard; and how the State party protected the right to privacy in mobile phone communications, given the obligatory registration of SIM cards and the mandatory use of identity cards.

17. He would be interested to hear how the State party justified the compatibility of article 318 of the Penal Code, which criminalized “alienating the public from military service”, with the Covenant, particularly in the light of international jurisprudence on conscientious objection, and whether the State party intended to amend the Penal Code to bring it into line with international human rights standards in that regard. He wondered which religions were recognized by the Government based on its interpretation of the Lausanne Peace Treaty of 1923; what the current status was of the appeal by Amanda Jolyn Krause against the termination of her short-time residence visa on public order and security grounds; and whether the Law on Foreigners and International Protection (No. 6458) was viewed as being compatible with article 18 (3) of the Covenant. He wished to know how the right to freedom of belief was upheld in the case of religious minorities that were unable to register their associations; whether laws governing the registration of religious groups were enforced in an expeditious, transparent, fair and inclusive manner that was neither formalistic nor discriminatory; whether the process for establishing places of worship was conducted in a way that reflected the actual circumstances of religious minorities; and whether zoning laws were enforced in a manner that accommodated the unique needs and situations of those minorities.

18. **Mr. Helper** said that he would appreciate the delegation’s comments on reports of the arbitrary enforcement of the Anti-Terrorism Law and certain provisions of the Penal Code in situations involving political opponents, journalists and civil society groups. He wondered

whether the State party would consider issuing clear guidelines to prosecutors and judges to ensure that the legitimate exercise of freedom of expression was not curtailed by criminal allegations made in the absence of concrete evidence. He would also be keen to learn how the State party ensured that action to enforce broadcasting regulations served a legitimate purpose and was necessary and proportionate; what steps were being taken to review and potentially lift blocks on more than 260,000 websites and tens of thousands of social media accounts; whether the amendments to Law No. 5651 currently being considered by the parliament would ensure proportionality, transparency and judicial oversight in accordance with article 19 of the Covenant; and whether the State party would consider restricting the power of the President of the Information and Communication Technologies Authority to unilaterally remove content without judicial review. It would be helpful to hear an explanation of the steps taken to bring provisions that criminalized insulting the President into line with international standards on freedom of expression. He would welcome the delegation's comments on reports that anti-terrorism laws still lacked clear criteria or definitions and failed to fully reflect judgments of the Constitutional Court and the European Court of Human Rights. What further reforms was the State party considering in order to ensure that such laws were not arbitrarily enforced as a means of stifling free expression?

19. According to reports, more than four fifths of media outlets that had been closed following the attempted coup in 2016 remained closed. He wished to know what the legal basis was for preventing them from reopening. He would appreciate additional information on the procedures that media outlets now had to follow in order to apply for the restoration of their assets and for compensation and on the number of cases in which assets had been restored or compensation provided. He would be interested to learn how many press cards, including those of foreign journalists critical of the Government, had been cancelled and how many had been reissued. It would be useful to have a comprehensive breakdown of the types of organizations that had been closed during the state of emergency declared in 2016. He wondered what the justification was for targeting such a broad range of civil society institutions; what evidentiary standards were applied to determine whether an organization posed a genuine threat to national security; what safeguards existed to ensure that closures were not politically motivated or used to suppress dissent; how the risk assessments that allowed the Ministry of the Interior to audit associations and the evidentiary standards used to justify the audits were defined in Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction; and what steps had been taken to implement the Constitutional Court judgment of 3 April 2024 annulling several articles of that Law.

20. **Ms. Tigroudja** said that she wished to know how it was possible that, in a State governed by the rule of law, the Court of Cassation would systematically refuse to apply Constitutional Court judgments regarding parliamentary immunity and the detention of opposition members of parliament. She would also like to know what measures had been adopted to bring the rules on parliamentary immunity into line with the Covenant; how many members of parliament had had their immunity revoked; what steps had been taken to restore their immunity and halt all criminal proceedings concerning remarks that had been made in the performance of their duties; and whether the State party would reconsider the provision that deprived conscripts, military cadets and persons convicted of intentional crimes, regardless of the severity of their crimes or the length of their sentences, of the right to vote. She would appreciate further information on how persons with disabilities were able to exercise their right to vote in practice.

21. She wondered what plans were in place to reform the framework for general and presidential elections to comply with the recommendations made by the Organization for Security and Cooperation in Europe (OSCE) following the 2023 elections; whether there were plans to grant the Constitutional Court the power to hear electoral disputes or to ensure the full independence and impartiality of the Supreme Election Council, especially vis-à-vis the executive branch and the governing political party; and how the State party intended to go about implementing the general measures ordered by the European Court of Human Rights in the case of *Selahattin Demirtaş v. Turkey* (No. 2). Lastly, she would be interested to hear how the State party intended to ensure that criminal laws were not misused to target political opponents and reduce the scope of free democratic debate in local, legislative and presidential elections.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

22. **A representative of Türkiye** said that Law No. 7145 was no longer in force; it had been an interim law that had been repealed in 2022. In order to become a judge, candidates must have completed a judicial internship, be accepted by the Council of Judges and Prosecutors, be a Turkish citizen over 35 years of age and have graduated from law school. They were also required to pass written judicial examinations and an interview and to be eligible to work in the civil service. The independence of the judiciary was established in article 9 of the Constitution. Judges performed their duties at their sole discretion in accordance with the law, free from outside pressure, and they could not be dismissed or forced into retirement before the age stipulated by law. Any attempt to influence members of the judiciary was an offence under the Penal Code. The country followed the Bangalore Principles of Judicial Conduct and the European Charter on the statute for judges. For the purpose of posting judges to different regions, the country was divided into judicial districts based on the socioeconomic profiles of the various cities and areas, and the length of judges' assignments depended on the region in which they were posted. The duration of assignments was longest in the largest cities and shortest in the smallest cities or districts.

23. In the case of *Selahattin Demirtaş v. Turkey*, the Government had submitted its defence, which was pending consideration by the European Court of Human Rights. Mr. Demirtaş was currently imprisoned and his case was being reviewed by the national courts. Türkiye had complied with almost 90 per cent of all rulings issued by the European Court of Human Rights, which was one of the highest rates among all member States of the Council of Europe.

24. Freedom of opinion and freedom of the press were enshrined in the Constitution. However, those freedoms were subject to certain restrictions, as was recognized in the case law of the national courts and of the European Court of Human Rights. Criticism of the Government did not constitute a crime. As no one was above the law, journalists were liable to be investigated and prosecuted if they engaged in criminal offences, but they were not prosecuted simply for practising their profession.

25. **A representative of Türkiye** said that his country had a system of compulsory military service. While the Penal Code did contain a provision for penalizing persons for discouraging members of the public from performing military service, that provision was rarely applied in practice. The rulings being issued by Turkish courts were in line with those of the European Court of Human Rights concerning the rights of conscientious objectors.

26. Members of parliament enjoyed immunity from prosecution unless they had committed a serious crime. In the event that they were suspected of having done so, an order for the initiation of an investigation would be issued by the public prosecutor's office in Ankara and transmitted to the parliament for appropriate action.

27. Cases involving journalists or NGO representatives were handled in a non-discriminatory manner by the public prosecution services. In such cases, as in others, the prosecutor's office first initiated an investigation to determine whether there was enough evidence to proceed to trial. Decisions to dismiss a case based on a lack of merit usually went in favour of defendants. Defendants had the right to appeal any decision against them, including before the higher courts.

28. All individuals were entitled to have access to a lawyer and the documents pertaining to their case. The Court of Cassation and the Constitutional Court had ruled, however, that access to a lawyer could be restricted when an individual was considered to pose a threat to public security. There were currently 83 independent bar associations nationwide, and those associations operated actively and independently in all the country's cities. Any association found to have engaged in activities outside the scope of their designated duties and responsibilities could be closed. The courts would issue a decision on appeals against such closures within three months.

29. The increasing use of information and communications technology in criminal activity had prompted the need for effective mechanisms to tackle their misuse. As counterfeit SIM cards, for instance, were used to engage in fraudulent activity, the allocation and usage of SIM cards had to be closely monitored.

30. **A representative of Türkiye** said that many of the country's minority groups were recognized under the Lausanne Peace Treaty. Almost half of the approximately 450 places of worship for non-Islamic minorities had been built for groups, such as Protestants, Jehovah's Witnesses and Alevis, who were not covered by that treaty. Individuals belonging to those minorities were able to exercise their religion freely. The same rules applied to all religions with regard to the opening of new places of worship or the conversion of existing buildings for such uses. In October 2023, the Mor Ephrem Syriac Orthodox Church had been opened by the President. Recent years had also seen the restoration of the Grand Synagogue of Edirne and the Bulgarian Saint Stephen Church.

31. Fifty-five schools had been established to serve students from minority groups and provide them with instruction in their religion and language. Such groups had around 20 newspapers and their own websites. In recent years, national law had been amended to enable the more than 160 associations representing different religious groups to elect their own governing bodies. Visitors from around 30 countries had travelled to Türkiye to hold religious ceremonies in a variety of venues.

32. **A representative of Türkiye** said that police interventions in demonstrations were regulated by article 34 of the Constitution and several national laws. Officers were first required to attempt to negotiate with protestors and received training in negotiation techniques to that end. In the event that negotiations proved unsuccessful, three calls to disperse would be issued to protestors over loudspeakers. Individuals who failed to heed those calls could then be subjected to escalating means of force, such as the use of police shields and then tear gas to push them back. Officers employed their batons only as a last resort and were trained in doing so safely. It had been calculated that the rate of police intervention in the more than 69,000 protests that had been held from 2022 to date was 3 interventions per 1,000 events.

33. In accordance with article 34 of the Constitution, the provincial authorities were responsible for determining what areas demonstrations could be held in. Groups such as the Saturday Mothers and those representing the lesbian, gay, bisexual and transgender community had applied to hold protests on İstiklal Avenue, which was not permitted owing to the street's crowded nature and the adverse impact that such events would have on the many businesses that lined it. On 25 August 2018, police had intervened in the 700th gathering of the Saturday Mothers and had arrested a number of participants, including members of the Kurdistan Workers' Party. Between April and October 2023, around 760 members of the Saturday Mothers had continued to hold demonstrations in unauthorized locations, resulting in the initiation of legal proceedings against 694 participants.

34. The family was considered the most sacred unit in Turkish society, and family values and gender roles were shaped mostly by Islamic beliefs. Accordingly, the movement for the rights of the lesbian, gay, bisexual and transgender community was perceived as representing a threat to the family unit and was thus deemed unacceptable by a large segment of Turkish society.

35. **A representative of Türkiye** said that approximately 16 per cent of the associations closed following the declaration of a state of emergency in 2016 had reopened. The associations had been closed in line with the procedure provided for under the state of emergency, which had been incorporated into national law following the lifting of the corresponding declaration. While Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction provided for the amendment of Associations Law No. 5253, that amendment had never actually been implemented, and no associations had therefore been closed or had their activities suspended pursuant to its provisions. The freedoms of association and expression were guaranteed under the Constitution; any individual who wished to join an association was able to do so and should not face oppression or pressure as a result. The Government had given effect to the recommendations of the Financial Action Task Force by conducting risk assessments aimed at averting situations in which associations might inadvertently become involved in money-laundering and terrorist financing. It ran activities to raise associations' awareness of those issues and worked with them when organizing such activities and preparing relevant laws.

36. **A representative of Türkiye** said that the imposition of entry bans, the denial of visas and the extradition of foreign nationals were regulated by Law No. 6458 on Foreigners and International Protection. Decisions to prohibit an individual from entering the country or to refuse a person's visa application could be appealed before an independent and impartial court. No individuals could be barred from entry based on their race, religion, beliefs or social group.

37. **A representative of Türkiye** said that provisions on the confiscation and seizure of assets were contained in Anti-Terror Law No. 3713 and the Penal Code. All decisions on those matters were made by the courts. The individuals concerned had the right to appeal such decisions and seek compensation. Türkiye was a member of the Financial Action Task Force and was working with it to combat illicit financial flows more effectively and improve its asset recovery practices.

38. **A representative of Türkiye** said that free and democratic elections had been held in May 2023 and March 2024, with very high voter turnouts. The presidential elections of May 2023 had been monitored by around 500 international observers, including a delegation from OSCE. The local elections of March 2024 had been observed by a delegation from the Congress of Local and Regional Authorities of the Council of Europe, which had monitored the balloting unhindered and had taken note of the high turnout. The Government sought to facilitate the work of observers and valued its constructive cooperation with OSCE and the Council.

39. **A representative of Türkiye** said that individuals being held in pretrial detention retained the right to vote, as did those who had been convicted of unintentional offences. The voting rights of individuals found guilty of intentionally committing a crime were, however, subject to certain restrictions. Efforts to limit those restrictions had been made in response to a ruling by the European Court of Human Rights that the blanket refusal by the Turkish authorities to allow convicts to vote constituted a violation of their electoral rights. The Supreme Election Council, for instance, had ruled that the voting ban should apply only to convicts who were being held in correctional facilities, which meant that those who had been granted conditional release or probation were able to vote. The authorities' response to the Court's ruling had been shared with the Committee of Ministers of the Council of Europe, and the relevant cases had been closed.

40. **Mr. Gómez Martínez** said that the procedure for the appointment of judges was still not clear to him. He would like to know whether the Council of Judges and Prosecutors, the Ministry of Justice or the President ultimately had decision-making power; which body organized and oversaw the selection process; and whether the interviews during which candidates' suitability and probity were assessed were conducted in public or in private. He would also like the delegation to clarify its reasons for not complying with rulings of the European Court of Human Rights and, in particular, with the Court's call for the immediate release of the applicant in *Selahattin Demirtaş v. Türkiye* – a straightforward request that could be complied with relatively easily. He wondered whether the State party had the necessary political will and any specific plans to ensure effective compliance with such rulings.

41. **Ms. Tigroudja**, echoing Mr. Gómez Martínez's concerns, said that, according to a recent report of the Parliamentary Assembly of the Council of Europe, compliance with rulings in a considerable number of cases involving Türkiye had been pending for more than five years. Furthermore, in September 2024, the Committee of Ministers of the Council of Europe had issued a strongly worded call for the immediate release of the applicants in some of those cases, including Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu. Did the State party envisage strengthening its judiciary and the rule of law in order to protect the civic space and electoral democracy?

42. **Ms. Helfer** said that the delegation had provided ample information about the content of laws, decrees and policies, but the essential element required for compliance with the Covenant was the implementation of those laws, decrees and policies in practice. The Committee appreciated the difficulties that the State party had faced, particularly during the state of emergency. However, the measures adopted to address such challenges must be necessary and proportionate. Accordingly, information about the practical application of

laws, including, for example, information on how many individuals had been prosecuted and how many organizations had been shut down under emergency provisions, was vital.

43. In two specific cases, namely *Mukadder Alakus v. Türkiye*, considered by the Committee under the Optional Protocol in 2022 ([CCPR/C/135/D/3736/2020](#)), and *Yüksel Yalçınkaya v. Türkiye*, heard by the European Court of Human Rights in 2023, the determination by the Turkish Court of Cassation that use of the messaging application ByLock constituted conclusive proof of a link with a terrorist organization had been found to be contrary to the principle of legality. He would like to know whether the State party accepted those findings and what steps it would take to ensure their implementation. The delegation might also comment on recent reports that similar proceedings had been brought against users of the messaging application Signal, whose use had been recommended by human rights experts of the United Nations. Did the State party accept that such applications could be used for legitimate purposes?

44. He would also welcome the delegation's comments on how its observation that the lesbian, gay, bisexual and transgender movement was a threat to the Islamic family structure was concordant with its affirmation during the previous meeting ([CCPR/C/SR.4162](#), paras. 37 and 41) that there was no discrimination in the areas of health services or education in Türkiye on grounds of sexual orientation or gender identity.

45. **Mr. Ndiaye** said that he was awaiting statistics on the number of persons still being held in connection with the Gülen movement. He wondered how the State party ensured that those persons had not been prosecuted for events that had taken place before the Gülen movement had been listed as a terrorist organization. Additionally, he would like to know what legal remedies were available for the more than 125,000 people who had been removed from public service; whether their removal had been followed by restrictions in areas such as freedom of movement, access to healthcare and access to employment; and whether any programmes were in place to protect human rights defenders and prevent them from being criminalized because of their activities.

46. **Mr. Teraya** said that, while he understood the challenges associated with technology-related crime, he wondered how mandatory SIM card registration could be considered necessary and proportionate, as the requirement could potentially infringe users' individual rights. He would appreciate confirmation of the situation regarding conscientious objection to military service and urged the delegation to provide relevant statistical data. If, as the delegation had implied, conscientious objection was not an issue, then certain amendments to the Penal Code to dispel any doubt on that point might be appropriate. He also urged the delegation to provide clarification regarding the current situation of Amanda Jolyn Krause and the reasoning behind the decision to deny her residence, which appeared to be disproportionate and potentially a violation of article 18.3 of the Covenant.

47. **A representative of Türkiye** said that written examinations and selection interviews for both administrative and ordinary court judges were organized by a graduate selection and appointment board and that the questions asked of the candidates were established by law. Interviews were conducted by a panel composed of the President of the Inspection Board, the heads of the General Directorate of Criminal Affairs, the General Directorate of Civil Affairs and the General Secretariat, and a representative of the Turkish Justice Academy. Their purpose was to assess candidates' general judgment, competency, loyalty and suitability for the profession, taking into account recent technological advances. All judges and prosecutors served as assistant judges or prosecutors for three years before being eligible for appointment to full judgeships by the Council of Judges and Prosecutors.

48. The Turkish authorities had actively cooperated with the Council of Ministers of the Council of Europe in the case of Selahattin Demirtaş. However, after examining the finding of the European Court of Human Rights of a violation and its call for his immediate release, as well as Mr. Demirtaş' case file, the Turkish Assize Court had identified new grounds for his detention and had thus ruled that he should remain in custody. In May 2024, the Assize Court had issued a reasoned judgment of conviction in respect of Mr. Demirtaş.

49. Regarding article 314 of the Penal Code, which dealt with membership in an armed organization, and the possibility of its arbitrary application, it should be noted that the issues of determination of membership and retroactive application to periods prior to an

organization having been listed as a terrorist organization had been considered by the European Court of Human Rights in *Yasak v. Türkiye*. The Court had assessed the jurisprudence of the Turkish Court of Cassation, which set forth principles regarding the determination of the presence of links to a terrorist organization, including the extent, range and duration of relevant activities, and had concluded that the jurisprudence was sound.

50. **A representative of Türkiye** said that the jurisprudence of the Court of Cassation and higher criminal courts showed that use of the closed messaging application ByLock, which was known to have been used during the attempted coup, could be considered strong evidence of a link to a terrorist organization. However, such evidence was evaluated in conjunction with other evidence – not in isolation – in order to determine affiliation. Other factors considered included whether the suspects had engaged in extensive, continuing and diversified terrorist activities and whether they had made suspicious bank transactions.

51. Conscientious objection was not regulated in the country's criminal law. Statistics could be provided subsequently, but the number of cases would be negligible, probably fewer than 10.

52. **A representative of Türkiye** said that article 10 of the Constitution and articles 4 and 8 of the National Education Basic Law outlawed discrimination of any kind on any grounds, including language, race, gender, disability and religion.

53. **A representative of Türkiye** said that access to healthcare was a fundamental right for everyone and was enshrined in Turkish law. Healthcare professionals were required to focus on medical needs without discrimination.

54. **A representative of Türkiye** said that the delegation was pleased to note that the country's periodic report had attracted considerable attention. The Committee's questions and comments had been duly noted and would be carefully evaluated. Her Government would continue to cooperate fully with the Committee and would take its concluding observations and recommendations into account with a view to strengthening the protection and promotion of human rights. It would spare no effort to achieve higher standards in the future. Her delegation hoped that the detailed information provided in the periodic report and during the interactive dialogue would be duly reflected in the concluding observations.

55. **The Chair**, thanking the members of the delegation for their efforts to answer the questions as fully as possible, along with all other parties who had contributed to the review process, said that the Committee hoped that the State party would support its call to protect human rights defenders and uphold their rights, in Turkey and elsewhere. She reminded the delegation that additional information should be submitted in writing within 48 hours.

The meeting rose at 1.05 p.m.