

**Statement by the Ambassador of the Republic of Turkey**

**H.E. Mr Ahmet Üzümcü**

**On the report by the Special Rapporteur on the Promotion and  
Protection of Human Rights and Fundamental Freedoms while Countering  
Terrorism, concerning his mission to Turkey**

Mr. President,

Turkey welcomes this opportunity for a dialogue with the Special Rapporteur Prof. Scheinin. Our observations on the final report of the Special Rapporteur concerning his visit to Turkey, have been provided in detail in document "A/HRC/4/G/4".

Terrorism is the biggest security threat that the entire world faces. It is a crime against humanity. The killing of innocent people cannot be justified under any circumstances or by any pretext. Indeed, the right to life is the most important fundamental human right.

We fully agree, however, that in combatting terrorism, human rights should not be sacrificed. Turkey has not derogated from any of its treaty obligations on human rights even at times when the heinous terrorist attacks were on the rise. Our counter-terrorism measures have always been subjected to judicial scrutiny, primarily by the European Court of Human Rights.

Since 2001, Turkey has initiated a far-reaching reform process with a view to strengthening democracy, consolidating the rule of law and ensuring full respect for fundamental rights and freedoms. These reforms were acknowledged and praised by the Special Rapporteur in his report.

The definition of terrorism is an international challenge. The formulation in Turkey's Anti-Terror Law is in line with the principle of legality which is safeguarded by the Constitution. The report suggests that this definition focuses only on the aims of terrorism but not on violence used to further these aims. However, in 2003 an amendment was introduced to the definition of terrorism in the Law which now makes the 'use of force and violence' a pre-condition.

The report raises concern over the effectiveness of Damage Assessment Commissions established under the 'Law on Compensation of Damages Resulting from Terrorism and Combatting Terrorism'. The European Court of Human Rights has decided that these commissions are useful instruments in that they provide for an effective domestic remedy.

Regarding the composition of the Provincial and District Human Rights Boards, I would like to underline that they have gone through an institutional restructuring process aimed at enhancing their inclusiveness, effectiveness and NGO participation.

On the question of IDPs, I will only refer to the report of Prof. Kalin discussed last week here in the Council. Prof. Kalin praised Turkey for its strategies, policies and budget allocations in search of durable solutions for IDPs.

As regards the repatriation of refugees in Makhmour Camp, Turkey is currently working with UNHCR and other relevant parties in order to create the suitable conditions for the safe voluntary return of her citizens and to facilitate their social and economic reintegration.

Within the framework of the reform process and the zero tolerance policy against torture, many legal safeguards have been introduced, all acknowledged

by the Working Group on Arbitrary Detention and the European Committee for the Prevention of Torture.

In the report, it is stated that terrorism coincides with a difficult socio-economic situation in the East and South East of Turkey. In this respect, shortage of economic, social and cultural rights in the region are suggested as causes of violence. However, the Special Rapporteur fails to explain why many schools, educational and social institutions, factories and income generating activities in the region were the strategic targets by the same terrorist organization. I would like to emphasize that a sound analysis on the root causes of terrorism in a given country requires cross-disciplinary approach, including but not limited to legal perspective.

Having said that, I would like to point out that neither the root causes nor the prevention of terrorism are included in the mandate of the Special Rapporteur. Making assessments on 'hard' or 'soft' security measures against terrorism by States, requires primarily a security risk assessment, which is entirely beyond his mandate.

Turkey will continue to support the Special Rapporteur in fulfilling his mandate. We look forward to a continued dialogue and cooperation with him in the future.

I thank you.