

26 September 2007

**HUMAN DIMENSION IMPLEMENTATION MEETING
(Warsaw, 24 September-5 October)**

Working Session 4: Fundamental Freedoms I, including Freedom of thought, conscience or belief, freedom of movement

RIGHT OF REPLY

Mr. Moderator,

There has been a reference to the heinous murder of three persons in Turkey. This brutal act remains to be isolated and it cannot, indeed should not, be presented to constitute a trend as it would run against the legislation and traditions of a historically non-discriminating and tolerant culture of the Turkish nation.

This heinous murder of three employees of the Zirve Publishing House on 18 April 2007 prompted a profound reaction in all segments of the society in Turkey conveying the powerful message that perpetrators must remain isolated from the nation. The political leadership of the country without exception and unequivocation condemned this brutal act in the strongest terms. It must be source of consolation that the perpetrators of this crime were captured soon after the incident. A judicial investigation was immediately launched in connection with the murder. The four suspects, who were arrested after the incident, are currently in prison in Malatya on charges of murder, complicity to murder, depriving a person of liberty as well as terrorism charges under the Anti-Terror Law. The investigation is ongoing.

Another incident mentioned was the killing of a Catholic priest in Trabzon. The 16 year-old perpetrator was arrested shortly after the shooting and sentenced to the heaviest sentence in prison allowed within the law for minors. This brutal act of murder was also strongly and publicly condemned by the Government.

The question regarding the status of the Patriarchate in Istanbul, its title and issues relating to its school of learning and title to property have been a topic for much contention and debate. Several steps taken by successive Turkish Governments and lately by the present one through legislation and executive order are designed to alleviate the circumstances and provide for redress within the founding principles of the State as enshrined in the Turkish Constitution. Two observations will ensue:

Those who argue this case with criticism and dissatisfaction must understand that the premises and expectations in the way they voice them do not bridge the gap, neither are seen as helpful by the Orthodox community in Turkey nor by those who explore the ground in the realm of what is possible. It cannot be in their interest that these premises will remain in a state of fundamental and eternal conflict with the Constitutional principles.

Secular character of the Republic which govern State practice disallow private religious education both for the Christian and the Muslim faiths, does so justly and equally. I am not aware of the 30 Muslim schools which a participating NGO referred to as being active. If they are, the Patriarchate, for example, as a Turkish institution could approach the Prosecutor General with a claim for unequal implementation of law.

Thank you.

(Written reply)

In the written text of the US intervention at this session, as circulated by the said delegation, a reference is made *inter alia* to Turkey's laws and practices regarding external manifestations of religions or beliefs either through *attire* or display of other religious symbols. The accommodating formulation of policy in the subsequent paragraph dealing with the same subject by paying recognition to "... *different countries have different legal traditions ...*", "... *governments must balance competing priorities and interests...*" and "...*respect, wherever possible...*" must apply equally and unexceptionally to the US assessment of the situation in Turkey. All the more so as the European Court of Human Rights has ruled on the constitutionality of the law on the subject matter.
