

Written evidence from Turkish Embassy in London (TUR0043)

1) President Erdogan spoke to us about the dismissal of public officials after the coup attempt of 15 July, and about the institutions that have been established to restore them to work. The President provided us with some numbers, but could you please clarify for us:

a) How many people, in total, have so far dismissed from their jobs after the coup attempt (we have been given a number of 135,000 for example but we understand that the investigations continue)?

b) Does this number relate only to public officials? Or does it include private sector employees?

c) How many of them have been permanently dismissed?

d) How many of them have been temporarily suspended?

e) What is the latest number for how many have been able to return to work (President Erdogan told us that this was approximately 19,500 for example)?

The foiled terrorist coup attempt of 15th of July revealed the fact that FETO (Fetullah Gülen Terrorist Organization) constitutes a direct and imminent threat to the survival of the state and the life of the nation. Over the years, FETO elements infiltrated to the State organs; recruited their members by cheating on exams; misused their authority and public resources to serve the terrorist organization. These crimes led to blatant violations of fundamental rights of many people. They also established their own network in private sector, including the media to finance their illegal goals.

FETO is not the only threat that Turkey has to counter. Besides FETO, Turkey has been countering various terrorist organizations simultaneously, including DEASH, PKK/YPG and DHKP/C.

Due to increasing threats against the survival of the state and the nation, it has thus become inevitable to take measures under State of Emergency since 21 July 2016.

Following the principles of proportionality and necessity, measures are taken within the limits of the rule of law and Turkey's international obligations. With respect to these measures, legal remedies are available under Turkish legal system, including individual application to the Turkish Constitutional Court. The supervision of the ECtHR naturally continues as usual.

Moreover, all these measures are taken in complete transparency and debated at the Parliament. Since the terrorist coup attempt, we have continuously kept informing our international partners. Uninterrupted cooperation with the international human rights mechanisms, in particular the Council of Europe, the UN and the OSCE, continues.

Meanwhile, there are open public discussions via media and press on how to completely overthrow the FETO threat. In this respect, State of Emergency measures are constantly reviewed. In this process, close dialogue is maintained with the Council of Europe organs and mechanisms in particular.

As the investigations continue, the numbers of those dismissed/suspended are not definite. The point of cardinal importance is that measures taken in line with the principle of proportionality and in consideration of the exigencies of the situation, whereas domestic

remedies exist for those who believe they have been “wrongfully suspected” in the anti-terrorism probes.

With the existing domestic remedies, to date, more than 31 thousand public employees have been reinstated (for more info see question # 4).

With the decree laws issued on 23 January 2017, further improvements of considerable scope have been introduced. Inquiry Commission on State of Emergency Measures has been established as a domestic legal remedy (for more info see question # 4).

2) Can you clarify for us how these individuals were dismissed?

b) Was it by executive decree?

c) Do all of these individuals have criminal charges placed against them?

d) What are these individuals being investigated for? Is it involvement with the coup attempt and FETO?

Dismissals can be made via lists annexed to Decrees or through Board decisions that function within public institutions in accordance with the Laws and Decrees.

Dismissals should not be seen as criminal punitive actions. Decisions are taken on the basis of administrative proceedings. The State uses its discretion to select the personnel for public positions. In this process, relevant Boards and authorities make assessments in order to determine whether the public employees fully comply with the norms that are expected from civil servants and whether they follow the rules and regulations accordingly.

On the other hand, levying criminal charges is at the discretion of judiciary authorities who carry out their investigations separately. In certain cases, the person in question may be subject to both administrative and criminal investigations, as a result of which s/he may be both dismissed and subject to criminal charges.

Public prosecutors carry out their investigations in accordance with the relevant legislation, including the Turkish Criminal Code and Anti-terrorism Law. The nature of the criminal acts determine the scope of the investigations.

3) How many of those dismissed have so far been found guilty and sentenced? Or has the legal process not yet finished?

b) How many people have been imprisoned in Turkey for involvement in the coup and with FETO?

As the judicial process is in progress, the number of those subject to criminal investigations is not definite. Less than half of them (around 40%) are detained on demand.

4) President Erdogan spoke to us about ‘boards’ that were in place to restore people to their jobs. We have also been told about a ‘Commission of Inquiry’.

a) Can you explain to use what institutions and processes are in place, as President Erdogan referred to them, to determine the innocent from the guilty and to restore the innocent to their

jobs?

b) Do those who have been dismissed have an ability to challenge their dismissal?

In addition to information as provided in the previous sections, it should be underlined that utmost attention is paid to fully respect individual liability, concerning dismissals. Measures are carefully scrutinized and revisions are introduced where necessary.

As mentioned, Domestic remedies exist for those who believe they have been “wrongfully suspected” in the anti-terrorism probes.

For dismissals; boards have been established at the office of Prime Minister, within the public institutions and the Offices of Governors across Turkey. Upon individual applications to these boards, over 31 thousand public employees have been reinstated, to date.

Moreover, with the Decree 685 dated 23 January 2017, a special commission (Inquiry Commission on State of Emergency Measures) has been established as a binding legal remedy to address measures that are taken directly with Decrees.

In this respect, the Commission will assess applications regarding acts and measures that are taken directly with Decrees. These include dismissals of public employees and closure of associations, institutions, as well as media outlets, as listed in relevant Decrees. Establishment of the Inquiry Commission provides an effective domestic legal remedy concerning such cases.

This Commission is entitled to take binding decisions with due process. Decisions taken by the Commission are also subject to judicial control. Its decisions can be challenged before relevant courts.

These revisions demonstrate once again our determination to follow the principles of necessity and proportionality in State of Emergency measures.

5) President Erdogan told us that the EU had paid Turkey only a small amount of the money promised to assist Turkey’s hosting of refugees.

a) Can you explain for us how much was promised, and how much has been delivered by the EU?

3+3 billion Euros for the period of 2016-2018 were promised by the EU in order to meet the needs of Syrians under temporary protection in Turkey through the Facility for Refugees in Turkey. The disbursement process of this amount is being conducted in a project-based manner.

The total amount contracted under the Facility has reached 1.45 billion Euros so far; out of which 748 million Euros have been disbursed.

b) How high is public support for Turkish membership of the EU at the moment? [Prime Minister Yildirim told us that it was low.]

Support for EU accession in the past had reached record highs. Unfortunately, the level of trust in public opinion has decreased and the support for EU accession in Turkey has fallen very low. Some say to 20 %.

Three reasons can be pointed out:

First, the fact that no new chapters can be opened in the accession process due to one member, the Greek Cypriots, is not comprehensible. The accession process should not be blocked due to political subjective blockages. These should be able to continue at the technical level.

Second, some member states are acting in a way so as to harm Turkish-EU cooperation. For example, at the EU General Affairs Council on 13th December, Austria asked to freeze the accession negotiations with Turkey. This was fortunately not accepted by other member states.

Third, and probably the most important, is that the EU was unable to understand what Turkey went through during the foiled coup attempt of 15 July. They reacted in a wrong way and too late.

Turkey is going through very difficult time and Turkish public needs to feel that the EU understands and reacts much better to the terrorist threats Turkey is facing, whatever source they may come from.

Turkey does not have any other option but to take all necessary measures to eliminate this grave threat to our national security. Naturally, all these measures are in accordance with Turkey's international obligations, as well as the guiding principles of the rule of law and human rights.

We need to take concrete and constructive steps in order to move Turkey-EU relations forward and to restore Turkish nation's belief and trust in the EU process.

6) President Erdogan told us that there was evidence of weapons supplied by the US in Syria being transferred to, and used by, the PKK in Turkey.

a) Are you able to share any of the evidence with our inquiry, or say to us what evidence you have seen?

PYD/YPG's affiliation with PKK is clear. They share the same leadership cadres, organizational structure, strategies and tactics, military structure, propaganda tools, financial resources and training camps. PKK changed its organizational structure in 2005 (as PKK/KCK) so as to unite its structures not only in Turkey but also in Syria, Iraq and Iran under an umbrella organization. In other words, KCK is the embodiment of PKK under a new name. PYD, on the other hand, is the PKK/KCK's political offshoot operating in the Syrian territory.

The situation in Syria provided these terrorist groups to present themselves as the allies of the West in the region against DAESH terrorism. They clearly have another agenda in the region and benefit from the situation in the region. However, this does not change the fact that PKK and its offshoot PYD/YPG are terrorist organizations. Fighting a terrorist organization with the assistance of another does not legitimize any of them.

There are many incidents in which PYD/YPG elements are involved in acts of terror carried out in Turkey. These are documented by court decisions. For instance, the terrorist who conducted the car bomb attack that took place in Ankara on 13 March 2016 had received training in PYD/YPG camps in Syria. Then she entered Turkey illegally and was given a new role by PKK. The terrorist who blew himself up in the car bomb attack on 17 February 2016, in Ankara was also a PKK member who went to Syria, fought with YPG cadres and entered Turkey registering himself as a Syrian refugee.

There are also incidents that the security authorities in Turkey capture arms and weapons belonging to YPG at the hands of PKK.

Over the recent years terrorist organizations access to weaponry has reached a new level. There are certain reasons for that. Particularly in the case of PKK terrorist organization, there is a major element as that is the supply of arms to PYD/YPG which is an offshoot of PKK in Syria. Arms supplied to PYD/YPG does end up at the hands of PKK as they are the same entity.

PKK and its affiliate PYD/YPG is being provided with significant amount of manpads and rocket launchers/missiles such as SA-7/Strella air defense missiles, MILAN anti-tank missile launchers, METIS M1 air defense missile launcher, AT-4, AT-5 KONKURS, AT-13 TAS anti-tank missile launchers, SA-16 GIMLET IGLA-1 , ZPU-1, ZU-23-2, ZSU-23-4 AAA, Kannas and 12,7 mm. Zagros sharp shooter rifles and many AK-47 infantry rifle, Dochka anti-aircraft gun, BKC machinegun, 82 mm. mortar and explosives.

Most of these weapons belong to national armies of our allies and it is not possible for these terrorist organizations to provide these kind of weapons via black market.

Attached are photos of aforementioned captured weapons. (Please see attachment)

b) Have you shared the evidence with the United States, and do you believe that their policy in Syria will now change?

We shared the evidences on weapons transfer form PYD/YPG to the PKK with all our allies including the United States of America. We hope that the new administration's policy on providing a terrorist organization heavy weapons will change and our cooperation will increase with the USA.

7) President Erdoğan told us that Turkey wanted to construct a 5,000 square kilometer "terror-free zone" in northern Syria, and ultimately to settle Syrian refugees there. Can you give us more details about this policy, such as where in Syria Turkey wants to build this zone, and which refugees it wants to house there?"

Since the start of the Syrian crisis, the violent policies of the Syrian regime has posed significant risks and threats to Turkey on both humanitarian and security grounds.

On the seventh year of the crisis, these risks and threats are even further increased due to the presence of DEASH and other terrorist groups in the areas in close vicinity of our borders.

The Syrian population, which is trapped between the violent policies of the regime and the terrorist groups seek refuge in other countries, first and foremost in Turkey.

The mass migration waves which emerged from Syria have resulted in severe consequences not only locally but also regionally and globally.

Through the swift and effective execution of the Operation Euphrates Shield, the strike capabilities of DEASH in northern Syria has been eliminated and DEASH has been put on defensive in the Syrian heartland.

So far, an area close to 2000 km² has been cleared from DEASH. The aim is to extend this area gradually by cleaning there from all terrorist elements.

As the territories under DEASH control in Syria are liberated, the sustainable security of these areas will have to be ensured, also with the support of air operations.

Creating such a terror-free safe zone in northern Syria will naturally encourage the displaced Syrians who live under temporary protection in Turkey to voluntarily return to their homeland.

[Attachments for question 6](#) (opens in new document)