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Ambassador

Mr. Richard Ottaway MP
Chairman of Foreign Affairs Committee
House of Commons
London SW1A 0AA

24th May 2012

Dear Mr. Ottaway,

I am writing to you to share my Government's views on the Twelfth Report of Session 2010-2012 of the House of Commons Foreign Affairs Committee (FAC) on "UK-Turkey relations and Turkey's regional role" which was published in April 2012.

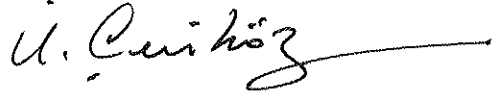
Let me express at the outset my appreciation for the extensive work of the Committee members and staff to draw up the said report. I believe that the decision itself by the FAC to conduct an inquiry on Turkey-UK relations is evidence of the growing importance of our partnership. The report is a comprehensive and noteworthy document that analyses various aspects of our multidimensional relations as well as Turkey's increasing role in world affairs. It embraces significant recommendations on how to further strengthen the UK-Turkey relationship such as broader efforts to increase Turkey's visibility in the UK especially among the business community, to enhance popular support in the UK for Turkey's EU accession, to promote mutual awareness of both countries in their respective public opinions and to seek possibilities of simplifying the UK visa regime for Turkish nationals.

We welcome the Committee's recognition of the importance of the Turkey-UK strategic partnership, Turkey's value as a foreign policy partner and its rising political and economic role on the world stage. We also welcome that the Committee highlights the importance of the UK Government's continuing support for Turkey's EU membership and the added value that Turkey's membership would bring to the EU in terms of its economic growth and international weight.

The report also contains a number of remarks and assertions particularly on Turkey's democratic and human rights practices as well as the "Kurdish situation" which are not entirely accurate and do not reflect the reality. Therefore, further to our earnest telephone conversation following the release of the report last month, I deem it necessary to bring to your attention our views, in a detailed note attached, on various parts of the report with the hope that they would be helpful to remove uncertainties or possible misperceptions in the Committee.

With this understanding, I would also be happy to meet with you and the other esteemed members of the Committee soon to have an extensive discussion on the report.

I avail myself of this opportunity to renew the assurances of my highest consideration.

A handwritten signature in black ink, reading "Ü. Çeviköz" with a long horizontal flourish extending to the right.

Ünal Çeviköz

TURKEY'S VIEWS ON THE HOUSE OF COMMONS FOREIGN AFFAIRS COMMITTEE'S REPORT ON "UK-TURKEY RELATIONS AND TURKEY'S REGIONAL ROLE"

-Domestic situation, human rights and judicial reform

Chapter 3 of the report attributes considerable coverage to Turkey's democratic and human rights practices. It mentions "poor standards" in terms of long detention periods, judicial capacity and independence of the judiciary. It would have been expected that the report had devoted more space and energy to the reform process in Turkey so as to give a complete picture.

As part of the implementation of the Turkish Judicial Reform Strategy, three reform packages were prepared with the aim of, *inter alia*, strengthening the independence and impartiality of the judiciary, enhancing its efficiency and facilitating access to justice. The first two reform packages have been already adopted by the Turkish Parliament and took effect. The third reform package which was presented to the Turkish Parliament on 30 January 2012 is currently before the Commission of Justice of the parliament.

1. (Criticisms on long detention periods and excessively long proceedings)

The third reform package contains several components, including the amendments to speed up the judicial process and tackle issues regarding the length of proceedings and long detention periods. The following improvements can be cited as an example in this regard:

-Individuals may submit all kinds of petitions to the related offices of administrative courts without waiting for the judge and those individuals will be given a free paper which states the date of their submission.

-Cases on issues that are valued at less than TL 50,000 will be finalized in regional administrative courts.

-The new package rearranges the duties of the Board of Administrative Cases of the Council of State so as to make it possible for the Board to work for three years without interruption. With the new system, approximately 6,000 appeal cases backlogged in the Council of State's chambers for administrative cases will be concluded within two years, instead of ten.

2. (Criticisms on the freedom of expression and media)

Freedom of expression and media are safeguarded by the Constitution and other relevant legislation in Turkey. In order to align the legal framework with the standards and principles set by the European Convention on Human Rights, a new Penal Code was enacted in 2005, bringing also a more liberal approach to freedom of expression and media issues.

Article 301 of the Penal Code was further amended in 2008 in order to overcome certain difficulties that were faced in the implementation. As a result, there is a substantial decrease (97.3 %) in the number of cases opened.

Turkey is in dialogue with the OSCE Representative on Freedom of the Media regarding the issues related to freedom of expression and freedom of media in Turkey. The OSCE Media Representative visited Turkey in December 2011.

Views expressed by the OSCE Media Representative and by other observers on the recent cases of journalists taken into custody as suspects are carefully considered by the Turkish authorities.

According to the information provided by the chief prosecutors, these journalists were taken into custody, based on concrete evidence which is not related to their activities as journalists. These journalists are presumed innocent until proven guilty. Statements made on this subject should not interfere with the judicial process. In fact, the great majority of the convicts referred to as “journalists in prison in Turkey” were charged of being a member of, or supporting illegal armed terrorist organizations. In those cases, their imprisonment has no relation with their being journalists.

The list of “imprisoned journalists” referred to in the recent (2 April 2012) statement by the OSCE Media Representative tends to confirm that the great majority of these individuals are detained for charges unrelated to journalism.

One of the most important amendments in the reform package on freedom of expression and media is the postponement of the judicial fines, investigations, prosecutions and verdicts demanding or ruling up to five years of imprisonment imposed on journalists related to the freedom of expression or actions carried out through the press. This revolutionary feature of the amendment may be considered an amnesty for press-related offences which will affect the thousands of cases about journalists in Turkey.

Furthermore, the new judicial reform package aims to make it difficult for courts to issue detention orders. The courts will be required to cite concrete evidence prior to the decision on arrest of a suspect and to explain why the arrest measure is preferred over other precautionary measures.

Moreover, as stated by the Minister of Justice of Turkey during the Brighton Conference on the future of the EctHR on 19 April 2012, the comprehensive constitutional amendments adopted in September 2010 introduced the right to submit individual applications to the Turkish Constitutional Court. The individual application procedure before the Turkish Constitutional Court will reduce the number of applications against Turkey before the EctHR.

The Government remains determined to expand the scope of the freedom of expression and will continue to address possible shortcomings in relation to freedom of expression and media. We firmly believe that guaranteeing fundamental freedoms is a must to further strengthen democracy.

-Religious freedoms:

Regarding religious freedoms in Turkey, we welcome that with reference to the Law on Foundations adopted in 2011, Turkey’s commitment to an extensive reform programme on religious freedoms is positively mentioned in para73. The disappointment expressed in the same paragraph as to the Orthodox seminary at Halki indicates that the necessity of similar steps on the part of Greece towards the Turkish minority in Western Thrace is overlooked.

-“Kurdish situation”:

Chapter 3 of the report also evaluates the “Kurdish situation” in Turkey. As is known, the PKK has been listed as a terrorist organisation by the European Union since 2002 and the United Kingdom since March 2001. As a terrorist organisation and by its very nature, the PKK wishes to undermine democratic processes within Turkey by resorting to violence. Regrettably, the report falls short of reflecting this fact. Paragraphs 14 and 85 of the report attribute equal responsibility to the State and a terrorist organization in terms of civil casualties. Furthermore, the use of the term “the jail leader of the armed Kurdish nationalist organisation, the PKK” while referring to Abdullah Ocalan, the leader of the terrorist organisation (Paragraph 77) is not acceptable. Members of a proscribed terrorist organisation in the United Kingdom should not be called “rebels” or “senior commanders”, as well. The term “senior commanders” generates the impression that the Turkish army fights against regular armed forces, which is not the case at all. Such wording not only jeopardises joint international efforts to fight against terrorism, but also encourages those persons involved in terrorist activities.

In the report Turkish citizens of Kurdish origin are inaccurately referred to as “Kurdish minority”. In line with international law Turkish citizens of Kurdish origin cannot be legally qualified as minorities. Likewise, the call addressed to the Foreign and Commonwealth Office to make an initiative as to the peaceful participation of Turkish citizens of Kurdish origin in public life denotes unawareness of the political situation in Turkey and unrestricted access of Turkish citizens of Kurdish origin to public life. Turkey is committed to implementing a comprehensive and multi-faceted strategy in the fight against the PKK. Besides necessary security measures, this strategy is being strengthened by wide-ranging social, economic and cultural instruments.

(Paragraph 63) The legal case concerning the Union of Communities in Kurdistan (KCK) cannot be identified as “controversial”. The case was initiated on the evidence acquired as a result of a long and detailed investigation process. The individuals were detained due to their proven links with the terrorist organisation.

(Paragraph 82) It is a misleading approach to compare the Peace and Democracy Party (BDP) in Turkey with Sinn Féin. Such a comparison is also rejected by the co-chair of BDP Selahattin Demirtaş who has stressed in his recent statements that BDP is not Sinn Féin.

As regards the cross-border operations by the Turkish Armed Forces (Paragraph 79), Turkey respects the territorial integrity and independence of Iraq. However, the PKK presence in northern Iraq must be brought to an end. We convey our concerns and expectations regarding the activities of the terrorist organization in various contacts with the Iraqi authorities and regional Kurdish organizations. In any case, Turkey will continue to take necessary steps against the PKK presence in northern Iraq and to use its rights emanating from international law.

-Syria:

With regards to the observations listed in paragraph 111,

As Turkey prefers cohabitation of different cultures and societies in the region, she approaches all ethnic, religious and sectarian groups in Syria with a comprehensive understanding and pays attention to remaining equidistant to all these groups.

The allegations made on purpose by Syrian official or government led press that Turkey is supporting or defending the Sunnis are completely baseless. Turkey regards Syrian society as a whole and tries her best to act in solidarity with all segments of this society.

In partnership with the Arab League, Turkey hosted the Syrian opposition meeting in Turkey on 26-27 March 2012. In this meeting the Syrian opposition endorsed the “National Covenant for a new Syria” in which they envisaged a new, democratic, pluralist Syria which respects the rule of law, division of powers and where the fundamental rights and freedoms of all citizens are guaranteed by the constitution. Turkey respects and supports this vision which accepts the ethnic, religious and sectarian differences as a richness of the country.

-Turkey’s relations with Israel:

Paragraph 126 refers to the Israeli attack on the humanitarian aid convoy with a selective approach and dismisses several pertinent issues related to this attack. The FAC also concluded that “Turkey is a more valuable partner for the UK when it has strong relations with Israel than when it does not” (paragraph 129). The main reason for the deterioration of relations between the two countries is the Israeli military attack on an international humanitarian aid convoy in international waters. The report dismisses the facts that Turkey offered Israel a solution and endeavoured hard to solve the issue diplomatically. An ‘ad referendum’ understanding (including apology and compensation) was reached among the Turkish and Israeli delegations and this understanding was approved by the Israeli Prime Minister Netanyahu, however it could not be implemented due to disagreements within the Israeli cabinet. Unless the Israeli Government takes necessary steps, it is not going to be possible to go back to the status quo ante. Therefore, it would be helpful to underline the Israeli Government’s responsibilities to mend relations while commenting on this issue.

-Energy security:

Paragraph 135 asserts that Turkey has no oil or gas of its own. Albeit limited in capacity, Turkey produces oil.

It is stated in Paragraph 139 that the capacity of Trans-Anatolian Gas Pipeline [TANAP] will be increased to 24 bcm. This data is incorrect and the negotiations as to the capacity of the pipeline are still ongoing.

Para 139 further indicates that the line will be 80% owned by Azerbaijan’s state oil and gas company SOCAR, and 10% each by Botaş and Turkish Petroleum. While the total share will be 20%, respective shares of Botaş and Turkish Petroleum are not yet definite.

Paragraph 140, with reference to South Stream and Nabucco projects, argues that Turkey’s energy policy seems to be characterised by ambivalence. Permission granted by Turkey to Russia regarding the project is in line with contemporary international law practices and has certain stipulations. While the report asserts that the consent is given for the construction of the relevant section of South Stream in Turkey’s “territorial waters”, the pipeline will be constructed in Turkey’s “exclusive economic zone” in the Black Sea. On the other hand, it is

the basic fact that she has an obligation to align with it. The EU continues to negotiate and conclude FTAs with third countries without ensuring Turkey concludes parallel FTAs with those countries. This results in unfair market access conditions between Turkish and EU exporters; unfair access to raw materials between Turkish and EU producers and it also creates a trade deflection problem as the third country goods benefits from free circulation into the Turkish market through the EU within the Customs Union. This is contrary to the definition of the Customs Union under GATT Article XXIV which foresees that the parties of a Customs Union shall apply similar tariffs against third countries. The application of road quotas against vehicles registered in Turkey is another problem we face in the Customs Union. Quota application is not consistent with the very aim of the free movement of goods principle envisaged in the Customs Union Decision and a violation of the Article V of the General Agreement on Tariffs and Trade. The implementation of strict visa regimes by Member States against Turkish businessmen is another major problem for Turkey. It causes unfair competition between Turkish and EU businessmen and has serious repercussions on Turkey-EU trade relations. We expect the full recognition and implementation of our rights stemming from Article 41 of the Additional Protocol. In the light of the Decisions of the ECJ (Soysal/Savatlı; Luisi and Carbone), new visa requirements towards Turkish nationals (such as tourists, business person, nationals traveling to receive education or health services) after the entry into force of the Additional Protocol is a clear violation of the Additional Protocol.

-Cyprus:

We agree with the FAC's assessment that Turkey's EU accession is effectively hostage to the Cyprus dispute undermining the EU's credibility and leverage and the stalemate in the accession is detrimental to the UK objectives. We also confirm the expectation of Turkey, which is reflected in the report that the UK could be doing more to encourage a Cyprus settlement. On the other hand, we regret the wording in the report (Paragraph 195) that defines Turkey's position on its future relations with the EU Presidency in the second half of 2012 as "threat". As is known, this wording was inserted to the European Council Conclusions of 9 December 2011 under Greek Cypriot manipulation. However, the problem at hand is not of Turkey's making. The problems imported by the EU into its midst at that time now make it imperative for the Union to respond constructively to the present challenges it collectively faces.

The report includes a further recommendation that if this effort fails the Government should consider whether any alternative approach to the Cyprus situation might be more likely than previous efforts to yield a settlement. The current negotiations have been going on for four years. In fact, every avenue has already been explored in 44 years of negotiations, including the comprehensive Annan Plan. Unfortunately, the Greek Cypriots seem to want the current process to fizzle out without any tangible results. Therefore a new vision is needed. The aim is a negotiated and mutually agreed political settlement in Cyprus whatever form it takes, provided that it is based on political equality and co-ownership of the Island.

As regards the gas reserves off the Island, the report states that "Cyprus" had said that any gas revenues would be shared by both Cypriot communities; "Turkey" had proposed a UN commission to develop plans whereby this could be achieved and the FCO had backed this general idea. While the Greek Cypriot side's statements as to the sharing of the revenues remained only in rhetoric, it was TRNC President Mr. Eroğlu -rather than Turkey- who put forth a constructive proposal to the UNSG. We are pleased with the recommendation that the FCO should support the use of prospective revenues from possible gas reserves off Cyprus to

facilitate a settlement on the island. This is in line with Mr. Erođlu's proposal that the revenue shall be used to finance the implementation of the provisions of an eventual comprehensive settlement.