

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Zoë Bryanston-Cross
Tel: 03.90.21.59.62

Date: 29/10/2021

DH-DD(2021)1134

Document distributed under the sole responsibility of its author, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1419th meeting (December 2021) (DH)

Reply from the authorities (28/10/2021) following a communication from NGOs (Association of Lawyers for Freedom (Özgürlük için Hukukçular Derneği) Human Rights Association (İnsan Hakları Derneği), and Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı)) (12/10/2021) in the GURBAN group of cases v. Turkey (Application No. 4947/04).

Information made available under Rule 9.6 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

* * * * *

Document distribué sous la seule responsabilité de son auteur, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1419^e réunion (décembre 2021) (DH)

Réponse des autorités (28/10/2021) suite à une communication d'ONG (Association of Lawyers for Freedom (Özgürlük için Hukukçular Derneği) Human Rights Association (İnsan Hakları Derneği), and Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı)) (12/10/2021) relative au groupe d'affaires GURBAN c. Turquie (requête n° 4947/04) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI

28 OCT. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Ankara, October 2021

**THE TURKISH GOVERNMENT'S SUBMISSION
IN RESPONSE TO THE
RULE 9.1 COMMUNICATION OF THE APPLICANT EMİN GURBAN
AND
RULE 9.2 COMMUNICATION OF
ASSOCIATION of LAWYERS for FREEDOM and 3 OTHER ASSOCIATIONS
RELATED TO CASES**

ÖCALAN (2), KAYTAN, GURBAN and BOLTAN / Turkey (App No. 24069/03,
27422/05, 4947/04, 33056/16)

1. The Turkish authorities would like to make the following explanations in response to the submission, dated 11 October 2021, of the representative of the applicant *Emin Gurban* in respect of the case of *Gurban/Turkey (4974/04) and Association of Lawyers for Freedom and 3 others associations*, dated 11 October 2021, with respect to the cases of *Öcalan (2), Kaytan, Gurban and Boltan / Turkey* (App. No. 24069/03, 27422/05, 4947/04, 33056/16)

2. In the notification texts, the applicant *Emin Gurban's* representative and NGOs mainly argued that the Government has responded their previous notification submitted on 26 July 2021 regarding this group of cases, and that no concrete response was given to their allegations in the Government's submission on the issues raised. They further pointed out that Turkish legal system does not grant the right to conditional release, neither to the applicants nor to the people who had been sentenced to similar penalties under similar charges. Moreover, they claimed that the Turkey had not taken necessary steps for fulfilling the ECtHR's judgment.

3. First of all, the Government would like to underline that the allegations made in the said submission are of the same nature as the allegations made in the previous submissions by the same associations.

4. Therefore, the Government, at the outset, would like to reiterate the points raised in the Government's comments previously submitted on 7 September 2021 in response to the submission of the same associations dated 26 July 2021 with respect to the *Gurban* group of cases. Furthermore, the Government is of the opinion that the action plan, submitted on 1

October 2021, has detailed explanations regarding the issues included in the latest submission of the associations.

5. In this context, the Turkish authorities would like to note that conditional release is possible for the convicts who sentenced to aggravated life imprisonment as a rule. However, exceptionally certain offences are exempted from this possibility.

6. As regards the prison conditions of the Öcalan mentioned in the notification text, the Authorities would like to state that the Court found no violation as regards the conditions of the applicant's detention during the period after 17 November 2009. In fact, the Court expressed its appreciation for the improvements in the conditions of his detention.

7. Accordingly, the Government is of the opinion that the allegations concerning the existing conditions of the applicant's detention are not relevant to the judgment under execution.

CONCLUSION

8. The Turkish authorities kindly invite the Committee of Ministers to take into consideration the above-mentioned explanations within the scope of the execution of the cases of *ÖCALAN (2)*, *KAYTAN*, *GURBAN and BOLTAN/ Turkey* (App. No. 24069/03, 27422/05, 4947/04, 33056/16).

9. Furthermore, the Turkish authorities would not like to speculate on the claims raised in the communication that are not subject to any current application or judgment finding a violation.