

DUBLIN

Front Line Defenders – Head Office First Floor, Avoca Court Temple Road, Blackrock Co. Dublin, A94 R7W3, Ireland

info@frontlinedefenders.org www.frontlinedefenders.org

phone +353 1 212 3750 fax +353 1 212 1001 **BRUSSELS**

Front Line Defenders – EU Office Square Marie-Louise 72 1000 Brussels Belgium

euoffice@frontlinedefenders.org www.frontlinedefenders.org

phone +32 2 230 9383 fax +32 2 230 0028

Mr. Mehmet Şimşek
Minister of Treasury and Finance
Republic of Türkiye Ministry of Treasury and Finance
Ankara, Türkiye

30 September 2024

Dear Minister Şimşek,

I am writing to express my grave concern about the decision to freeze the assets of Göç İzleme Derneği, under Article 7, para. 3 of the Law on Prevention of Financing of Terrorism (Decision no:2024/6 of the Ministry of Treasury and Finance, published on the Official Gazette dated 31 August 2024). The assets of its former chair, Songül Köse and staff members İlyas Erdem, Mehmet Zana Kibar and Halit Karahan have also been frozen based on the claim that they were "affiliated with the PKK/KCK terrorist organisation".

We understand that the Ankara 4th Heavy Criminal Court has approved the decision but interested parties have not been served with the notification. This is an additional source of concern, as it should serve as a basis for an appeal, in line with the rights to a fair trial of the individuals impacted.

Front Line Defenders has been following the criminal case against the human rights defenders who are the former and current executives and staff of Göç İzleme Derneği, as well as others who were affiliated with the human rights organisation, since they were arrested on 3 June 2022. The 331 page indictment charged them with "membership of a terrorist organisation", partly informed on report No. 2021/250857 by the Financial Crimes Investigation Board (MASAK), under the Ministry of Treasury and Finance.

We welcomed the decision by the Istanbul 26th Heavy Criminal Court on 9 February 2024 to acquit all defendants of the charges of "membership of a terrorist organisation", as well as the decision by the prosecutor to not appeal this decision, rendering it final. No additional charges of aiding a terrorist organization were pressed against them.

We are also following the ongoing case at Bakırköy 15th Civil Court of First Instance, opened on 12 October 2022, concerning the dissolution of Göç İzleme Derneği on the charges that "the association operates in line with the aims and goals of the PKK/KCK terrorist organisation". The next hearing of this lawsuit will be held on 11 October 2024.

This is to say, the four human rights defenders whose assets have been frozen by your Ministry on grounds of prevention of financing of terrorism were acquitted as recently as February of terrorism-related charges. The case concerning the dissolution of Göç İzleme Derneği is still ongoing. Therefore, we are concerned that the decision to freeze the assets of the four human rights defenders lacks sufficient grounds and ignores the February 2024 ruling by the Istanbul 26th Heavy Criminal Court. The decision to freeze the assets of Göç İzleme Derneği would seem premature, as the case against the organization is ongoing.

In light of these concerns, and since the Court did not make public a reasoned decision when it approved your Ministry's decision, we respectfully ask for the justification for this decision to be made public. Unless substantiated, the decision to freeze the assets of the human rights defenders and of Göç İzleme Derneği would seem as arbitrary and in contravention of the UN Declaration on Human Rights Defenders, in particular Articles 2 on fair trials; 5(b) on freedom of association and 17, on access to resources.

Front Line Defenders is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on Human Rights Defenders adopted by General Assembly resolution 53/144 of 9 December 1998. Front Line Defenders has been awarded the 2018 United Nations Human Rights Prize, and is the lead partner in ProtectDefenders.eu, the EU mechanism for human rights defenders at risk.

I look forward to your reply.

Yours respectfully,

Álvaro Gómez del Valle Acting Head of Advocacy

Front Line Defenders