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**President of the Republic of Turkey, Recep Tayyip Erdoğan**

**Minister of Justice, Mr. Abdülhamit Gül**

**Minister of Interior, Mr. Süleyman Soylu**

**Ambassador Mehmet Kemal Bozay, Diplomatic Mission of Turkey to the European Union in Brussels, Belgium**

**Ambassador Mr. Sadık Arslan, Permanent Mission of Turkey to the United Nations in Geneva, Switzerland**

Human Rights Association of Spain (APDHE) has been informed by the Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), about the continuing judicial harassment of Ms. Nurcan Baysal. A journalist and 2018 Global Laureate for Human Rights Defenders at Risk by Front Line Defenders, Ms. Nurcan Baysal has been documenting and writing about human rights abuses in the South East Turkey, a region predominantly populated by Kurdish people.

According to the information received, on the morning of April 20, 2020, Diyarbakır police headquarters invited Ms. Nurcan Baysal to the police station to give her statement within the scope of a new investigation on her social media posts. When Ms. Nurcan Baysal went to the police station with her lawyer in the afternoon, she found out that the new investigation was launched into her two tweets published in February 2018 and October 2019. She was accused of “inciting hatred and enmity among public” (Article 216 of the Criminal Code) and was released after giving her statement. The investigation against Ms. Nurcan Baysal is still pending, and the Prosecutor will decide to whether file a lawsuit against her in the upcoming period.

The tweet from February 17, 2018 which is pinned to Ms. Nurcan Baysal Twitter account, was announcing that she started restoring her house in Sur that was torn down during the clashes, calling the inhabitants of Sur, Cizre and Şırnak to show solidarity with the people who lost their houses, and urging them to send postcards to prisoners. The tweet of October 2019 was a response to a precedent post from Mr. Temel Karamollaoğlu, the leader of the Felicity Party – an opposition party, regarding the Turkish military operation in Syria.

APDHE recalls that this new investigation came only three weeks after Ms. Nurcan Baysal was requested to give a statement in the framework of an investigation on her



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social posts and articles regarding the authorities' response to the Covid-19 crisis and support to fellow human right defender Raci Bilici (see background information).

APDHE firmly condemns the continuing judicial harassment of Ms. Nurcan Baysal, which seems to be only aimed at sanctioning her legitimate human rights activities and exercise of freedom of expression. APDHE calls on the Turkish authorities to immediately put an end to any act of harassment, including at the judicial level, against Ms. Nurcan Baysal and all human rights defenders in Turkey.

Background information:

On March 30, 2020, an investigation was launched by the Prosecutor's Office in Diyarbakır against Ms. Nurcan Baysal on the accusation of "inciting public to enmity and hatred" (Article 216 of the Criminal Code). The accusation is based on Ms. Baysal's social media posts, which include letters from prisoners, news articles and her opinions on authorities' response to coronavirus, expression of solidarity with the recently convicted human rights defender Raci Bilici and, finally, calls from prisoners' families on inadequate conditions in prisons against coronavirus. Some of her social media posts also include a link to her article published on Ahval news website about the anti-coronavirus measures taken in her hometown, Diyarbakır.

On March 30, 2020, upon the request of the Cyber Crimes Division, Ms. Nurcan Baysal went with her lawyer to the Cyber Crimes Division of the Police Directorate in Diyarbakır and gave her statement about the accusation. An official procedure for police custody was followed after her statement at the Police Directorate, but she was not physically taken into police custody due to coronavirus risk. Ms. Baysal was asked to show up at the Prosecutor's Office again on March 31, 2020.

On March 31, 2020, Ms. Nurcan Baysal was interrogated by the Prosecutor, who referred her case to the 3<sup>rd</sup> Peace Judgeship, requesting imposition of judicial controls on her. The judge refused the prosecutor's request on the grounds that she was a journalist and that she declared exercising her right to inform the public and ordered her release. Subsequently, Ms. Nurcan Baysal was released from police custody. The investigation against Ms. Nurcan Baysal is still pending, and the Prosecutor will decide to whether file a lawsuit against her in the upcoming period.

APDHE calls on the authorities of Turkey:

- i. Put an end to all forms of harassment, including at the judicial level, against Ms. Nurcan Baysal and against all human rights defenders in Turkey;



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ii. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular its Articles 1 and 12;

iii. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Turkey.

*Madrid (Spain), May 6, 2020, Spain*