



**Ref No.: 500.50/2008/BMCO DT/8385**

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organisations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's Note dated 12 September 2008 has the honour to transmit herewith Turkey's views on the draft General Comment No. 33 prepared by the Human Rights Committee with respect to the State Parties' obligations under the first Optional Protocol to the International Covenant on Civil and Political Rights.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 September 2008

Encl.:1

**Office of the High Commissioner  
for Human Rights  
United Nations at Geneva  
Palais des Nations  
CH- 1211 Geneve 10**

**Turkey's views on the Draft General Comment No 33**  
**(The Obligations of States Parties under the Optional Protocol to the International**  
**Covenant on Civil and Political Rights)**

1. Turkey agrees with the Human Rights Committee that State Parties should implement and interpret in good faith the provisions of the International Covenant on Civil and Political Rights as well as its Optional Protocol. The principle of good faith should equally apply to the engagement of States Parties with the Human Rights Committee.

2. Turkey would like to make two suggestions concerning paragraphs 5 and 22 of the draft General Comment.

3. In paragraph 5, it is stated that *"In its response to a communication, a State Party, where it considers that this condition has not been met, is under an obligation to specify the available and effective remedies that the author of the communication has failed to exhaust."* Since the exhaustion of domestic remedies is an admissibility criteria, individuals who submit communications to the Committee should prove that they have exhausted all available domestic remedies. In other words, the burden of proof in the initial phase rests with the author of the petition. Turkey is of the view that this aspect should also be indicated in paragraph 5 of the draft General Comment.

4. In paragraph 22, it is stated that *"In order that it could discharge its functions under the Optional Protocol, the Committee established under its Rules of Procedure, the right to issue interim or provisional measures of protection."* Turkey fully understands the necessity of interim measures to protect the victim against irreparable harm, for instance in cases where death penalty or deportation order is to be executed. Under these circumstances, possible irreparable harm should be prevented and the Committee should be able to discharge its functions under the Optional Protocol. However, this measure derives from the Rules of Procedure of the Committee. The Optional Protocol does not have an explicit provision on interim measures. Turkey is of the view that this fact should be reflected in paragraph 22 of the draft General Comment accordingly.