



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
28 April 2016

Original: English

Committee against Torture Fifty-seventh session

Summary record of the 1406th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 26 April 2016, at 10 a.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(continued)

Fourth periodic report of Turkey

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-06895 (E) 270416 280416



* 1 6 0 6 8 9 5 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fourth periodic report of Turkey (CAT/C/TUR/4; CAT/C/TUR/Q/4)

1. *At the invitation of the Chairperson, the delegation of Turkey took places at the Committee table.*
2. **Mr. Çarıkçe** (Turkey) said that various legislative, administrative and judicial reforms had been carried out in Turkey in line with its zero-tolerance policy on torture, and the sophistication of the country's legislative provisions had been noted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. A reform process had been under way in the country for 15 years to align legislation with international human rights obligations; promote national remedies through the establishment of human rights mechanisms; and train and engage in dialogue with stakeholders to implement the new legal and institutional framework.
3. Progress had been achieved through the adoption of judicial reform packages which had included legislative amendments to strengthen the independence of the judiciary and access to justice. The reforms had led to the abolition of the statute of limitations for the crime of torture, thereby improving investigations into such offences. In addition, amendments had been made to the Code of Criminal Procedure regarding compensation for detainees who had been prevented from filing an appeal against the length of their detention and reviews of detention. Other legislative amendments had been made to abolish specially authorized courts, reduce the maximum period of detention for a suspect pending trial to five years, and address the problem of overcrowding in prisons. The action plan on the prevention of violations of the European Convention on Human Rights had been adopted in 2014, under which a Working Group had been established to review legislation found to be inconsistent with that Convention by the European Court of Human Rights. The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2011 also represented significant progress. A draft law on victims' rights was under preparation which would provide for victim assistance. Various bodies had been established with a view to improving domestic remedies. The relevant legislation had been revised to permit individual complaints over excessively lengthy detentions to be submitted to the Constitutional Court.
4. The Turkish Human Rights Institution served as the national preventive mechanism, and had been so designated in 2014. The Law establishing the Institution had been revised to expand the Institution's mandate to cover equality and non-discrimination. The Ombudsman's Institution had been introduced in 2013. It operated as an independent body and was authorized to visit places of detention. Preparations were under way for the establishment of a law enforcement oversight commission for the investigation of allegations of ill-treatment by law enforcement officials.
5. In order to ensure implementation of the new legal and institutional frameworks, continuous human rights training was provided for public servants and officials, particularly the police and judiciary. The European Committee for the Prevention of Torture had welcomed the specific training on prisoners' rights provided to prison staff. Government Ministry circulars were regularly issued to reinforce torture prevention, and prison monitoring was conducted on a regular basis by various bodies at all levels. It was incumbent on governmental, judicial and prison officials to look out for and report any ill-treatment, and monitoring boards were responsible for overseeing of detention facilities.
6. The Government had extended a standing invitation to special procedures mandate holders. Since the previous reporting cycle, the country had received visits from

representatives of various United Nations bodies, including the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

7. Furthermore, legislation had been strengthened to improve the protection of family members and prevent violence against women. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence had been signed and had entered into force in 2014; and the national action plan to combat violence against women (2016-2019) had been prepared, drawing on relevant international conventions to which Turkey was a party.

8. Turning to the migration crisis, he said that Turkey had a history of accommodating migrants and persons fleeing conflict zones. The country currently hosted the largest number of refugees in the world, who had come from Syria and other countries. The Law on Foreigners and International Protection had been enacted in 2013 to align asylum procedures with international regulations. The principle of non-refoulement had thereby gained a legal basis; procedures relating to humanitarian residence permits and temporary protection had been codified; and the Directorate General for Migration Management had been established. There remained an urgent need to develop global responses to the migration crisis: Turkey had led several initiatives and would host the World Humanitarian Summit in May 2016.

9. The country had joined the Group of Friends of the Convention against Torture Initiative to provide support and promote the universal adoption of the Convention in a climate of rising violent extremism and xenophobia.

10. **Mr. Bruni** (Country Rapporteur) asked for information on measures adopted by the State party to prevent, prosecute and punish torture or ill-treatment by public officials in unofficial places of detention and for data on investigations undertaken into allegations of police abuse outside police stations. Would the delegation comment on allegations that the Homeland Security Package, Law No. 6638, had been introduced in order to legitimize unofficial places of detention? He would be grateful for updated information on the trials concerning allegations of torture of Ahmet Koca and Fevziye Cengiz; the case before Hopa Magistrates' Court in respect of one official who had been charged with professional misconduct on 15 November 2012; the case concerning the demonstration on 31 May 2011 in Hopa; the case of reported beatings of students in Mardin by police following a student protest on 12 October 2011; the investigations into allegations of ill-treatment of minors at Pozanti Prison in 2011; and the outcome of proceedings regarding the incident of sexual abuse in the closed-down Tekirdağ Prison. He would also like clarification on the specific prisons that had been closed down.

11. Further information was required on the activities of the Turkish Human Rights Institution in its capacity as the national preventive mechanism. Reports that certain members of that Institution were elected by the Government cast doubt on its independence. He asked what budgetary resources had been allocated to the mechanism; how its independence was guaranteed in the monitoring of places of detention; whether the mechanism coordinated with other monitoring bodies; how frequently visits were conducted to places of detention; whether unannounced visits were carried out; whether the mechanism was authorized to visit military prisons; and whether the reports and recommendations of the mechanism were made public. He wondered what the maximum duration was of the penalty of solitary confinement in military prisons. He invited the delegation to comment on the fact that Turkish legislation provided for the solitary confinement of civilians for up to 20 days, whereas the revised Standard Minimum Rules for the Treatment of Prisoners defined confinement for a time period in excess of 15 consecutive days as "prolonged". Would the Government envisage revising the legal provisions governing solitary confinement?

12. He asked what the maximum time period was before a person arrested or detained was brought before a judge, especially for collective offences and in other exceptional circumstances, as indicated in paragraph 76 of the report. He would like to know what procedures were foreseen by law in the case that the person arrested was suspected of terrorism. What accounted for the installation of digital image and sound recording systems in provincial security directorate anti-terror branch offices, which did not allow terror suspects any privacy?

13. In respect of overcrowding in prisons, press reports indicated that, despite an increase in capacity since 2015, the number of detainees had also risen and still exceeded capacity, leading to problems with hygiene, bed space and violence between inmates and against prison staff. He would be interested to know whether the planned further increase in capacity would represent real progress towards solving the problem, which was partly caused by the high numbers of pretrial detainees. Had the planned new E-type and juvenile prisons in Gaziantep and Şanlıurfa brought the situation there, where particularly acute overcrowding had been noted by the European Committee for the Prevention of Torture in June 2013, into line with the recommendation of 4 square metres per detainee? It would also be useful to know the outcome of the judicial investigation conducted into the allegations of ill-treatment made during that visit by juvenile detainees in Ankara-Sincan juvenile prison and Şanlıurfa and Gaziantep E-type prisons. Lastly, was the State party considering ratifying the International Convention for the Protection of All Persons from Enforced Disappearance?

14. Recognizing the extremely difficult situation in which the State party found itself in respect of migrants, asylum seekers and refugees, he said he would like to know whether reports that the border with Syria was still blocked were correct. Given that, even if it refused to grant asylum, the State party would not repatriate an asylum seeker who might be exposed to the death penalty, indiscriminate violence or torture on return to his or her country of origin, it would be interesting to know which authority was responsible for deciding on cases, how it took such decisions and where and for how long the person concerned would then stay.

15. Subsequent to the State party's agreement with the European Union on stemming the flow of migrants towards Europe in exchange for financial support to improve living conditions for refugees, special measures of protection were clearly required, particularly in respect of Syrian asylum seekers. However, reports from December 2015 indicated that hundreds of refugees and asylum seekers were being held for prolonged periods in remote centres without communication with the outside world, and some of them, after having signed a form in Turkish that they did not understand, had been forcibly returned to Syria or Iraq, where they would be exposed to the risk of serious human rights violations. It was alleged that around 100 Syrians had been thus returned to their country each day between January and April 2016. He would welcome comments from the delegation on allegations that the Turkish army had shot at civilians approaching the new border wall between Syria and Turkey, and that migrants and refugees transiting through Turkey had been subject to disappearance or expelled to countries where that might happen.

16. He asked what protection was offered to asylum seekers from countries other than Syria and, specifically, whether unaccompanied children were treated in the same way as, and held alongside, adults and then subject to removal to their country of origin, as paragraph 205 of the State party's report would seem to indicate.

17. **Ms. Gaer** (Country Rapporteur), referring to question 36 in the list of issues prior to reporting, said that she would like to know whether the Government's response to the threat of terrorism was in compliance with its obligations under the Convention. Excessive use of lethal force, torture and ill-treatment of persons detained in that connection had been reported in the south-east of the country. She would be interested to know whether there

had been any investigation into a number of well-known cases, including those of: a detainee who had allegedly been severely beaten in Silopi in August 2015; a 17-year-old suspected of membership of the Kurdish Workers' Party (PKK) who had been denied medical treatment in July 2015; and the many persons, including minors, who had been beaten in detention by the security forces in Cizre between December 2015 and February 2016. Furthermore, whole communities were being subjected to cruel and inhuman conditions, including the imposition of curfews that prevented them from accessing medical care.

18. On the matter of extrajudicial killings, question 32 of the list of issues had mentioned specific cases on which the Committee would welcome clear information: had the military court come to a decision on the incident in Uludere in which 34 persons had been killed by the military, was it true that the Constitutional Court had refused to review the case and had the Human Rights Inquiry Commission of the Turkish Grand National Assembly called for the identification of those responsible for the lack of communication that had led to the deaths? In the case of the attack on the Şemdinli bookstore, on which an official investigation had been ongoing since November 2005, it would be useful to know whether the prosecution was still pending. It was also reported that the courts had refused to hear the Kaymaz case, despite the European Court of Human Rights having determined in February 2014 that the killings of the father and son had been illegal. More broadly, she would like to know what the State party had done to investigate and bring prosecutions in cases of extrajudicial killings by security officers, and what penalties had been handed down. She was very concerned at reports that over 100 persons had been killed at checkpoints and in anti-terrorism raids in 2015. There were also allegations that the State party's policies on the burial of those killed hindered investigations; information would be welcome on any measures taken to ensure that the bodies were returned to their families.

19. With reference to question 33 of the list of issues, she noted that, while the State party asserted that the human rights defenders named were in prison because they had broken the law, it might be construed that anti-terrorism legislation was being used to target persons who had accused the State of committing human rights violations. She would like to know whether the State party was doing anything to arrange independent reviews of certain cases, the list of which she would transmit to the secretariat. She would also welcome information concerning the reasons for the convictions of more than 30 journalists on terrorism-related charges in 2015, and on how the State party was ensuring effective investigations into: the death of Hrant Dink in 2007, given that the Constitutional Court had ruled that the original investigation had been ineffective; and the 7 September attack on the Istanbul office of the *Hürriyet* daily newspaper, after which the alleged leader of the attack had reportedly been appointed Deputy Minister for Youth and Sports.

20. Although the European Committee for the Prevention of Torture had been granted access to prisons during its visit, no national or international civil society organizations were allowed to monitor prison conditions or speak to detainees on a regular basis. Given the accusations of widespread torture and ill-treatment in prisons, it would assist the State party if such groups were allowed to speak to detainees and inform the authorities if problems were detected. Were the authorities considering enacting regulations to make that possible? Although the State party considered prison monitoring to be adequate, the information provided about the visits made by prison monitoring boards did not indicate whether allegations of torture or ill-treatment had been detected. She would appreciate specific information on such complaints, the State party's response to them and whether any criminal investigations had resulted.

21. Referring to question 25, she welcomed the data on investigations conducted into complaints of torture or ill-treatment made against police and prison staff, but asked how many complaints had been received between 2011 and 2015. It seemed that, despite the

2,900 investigations carried out between 2011 and 2013, very few had led to disciplinary measures or fines, only six sentences of imprisonment had been handed down and none had been classified under “torture”. Could the delegation explain the significant disparity between the number of investigations and the number of punishments handed down? It would also be useful to have the relevant information for 2014 and 2015. In its 2010 concluding observations, the Committee had encouraged the State party to record statistical information on the ethnic origin of complainants of torture or ill-treatment to be able to identify trends. It would be helpful to know whether such a measure was being considered. Information would also be welcome on the number of police or prison staff who had been suspended during investigations of complaints of torture. Reports indicated that such staff were generally allowed to remain in their posts or were even promoted. It would be useful to know whether a policy on the issue was being considered.

22. According to the State party’s reply to question 27 of the list of issues, a Draft Law on the Establishment of a Law Enforcement Monitoring Commission and on the Amendment of Certain Laws had been submitted to Parliament in 2012. She asked whether the legislation had been enacted. The Committee had been informed that the only monitoring initiative currently under consideration in the Turkish Grand National Assembly would create a police oversight body under the umbrella of the Ministry of the Interior. She asked how the independence of such a body would be ensured.

23. The State party indicated, in its reply to question 28 of the list of issues, that it had amended the Code of Criminal Procedure in order to permit the reopening of legal proceedings in cases on which the European Court of Human Rights had issued a final judgment, even when the statute of limitations had expired. She asked whether any prosecutions had been launched to ensure full implementation of judgments concerning cases involving torture or ill-treatment.

24. The preliminary observations of the Working Group on Enforced or Involuntary Disappearances on its visit to Turkey referred to the almost complete lack of accountability for cases of enforced disappearance in the 1990s on account of the lack of criminalizing legislation, the fact that the burden of proof was placed on relatives, the existence of a 20-year statute of limitations, and a palpable lack of interest in seriously investigating, prosecuting and adjudicating cases lest such action would harm the interests of the State. She asked whether the visit had prompted the State party to draft new legislation with a view to facilitating investigations into enforced or involuntary disappearances.

25. Question 8 of the list of issues requested information regarding investigations into disappearances of both Turkish and Greek Cypriots following the 1974 conflict. Noting that 61 cases were in the collection process, 185 in the assessment process and 48 in the focused investigation process, she asked whether judicial proceedings had been conducted in any of the cases concerned since the submission of the report and, if so, whether any perpetrators had been convicted and punished.

26. Turning to question 9 concerning violence against women, she asked how many of the 3,661 investigations and 2,058 convictions reported for the crime of felonious homicide against family members related to domestic violence against women and honour killings. She also wished to know whether the sentences handed down had been commensurate with the crimes. NGOs had reported to the Committee that 10 women had been killed in 2013 and 25 in 2014 although they had been granted or had applied for protection orders. The State party had not replied to the Committee’s question as to whether any law enforcement personnel had been subjected to disciplinary or criminal penalties for ignoring requests for protection from women complaining of domestic or gender-based violence. She also wished to know whether steps had been taken to increase the number and capacity of shelters.

27. The State party had failed to provide information in its reply to question 35 of the list of issues concerning measures to investigate and prosecute abuse of army conscripts by fellow soldiers. The Committee had been informed that almost 200 soldiers had died in their barracks since 2012 and that no investigations had been undertaken into the cause of death. She asked whether any soldiers had been prosecuted and punished. With regard to the death of army conscript Uğur Kantar, the State party had indicated in its reply that the trials of seven suspects were pending. She asked whether any progress had been made in the meantime and whether jurisdiction could be exercised by civilian rather than military prosecutors.

28. Turning to question 29 of the list of issues, she requested additional information concerning compensation paid to victims of torture or ill-treatment during the reporting period.

29. With regard to question 30, she asked whether the State party supported the work of NGOs which provided rehabilitation for victims of torture or ill-treatment by the authorities. The Committee had been informed that the State party had engaged in reprisals against some persons who had provided medical and psychological assistance and that it had enacted legislation prohibiting the unauthorized provision of services in emergencies. It had also been informed that persons lodging claims against Government officials for torture or ill-treatment had been subjected to reprisal claims that were generally handled before the claims of torture and ill-treatment were investigated. She asked how many such countersuits had been lodged by way of intimidation and what outcomes they had generated.

30. The State party had clarified, in its reply to question 31 of the list of issues, that victims of torture or ill-treatment could receive redress even if the perpetrator had not been criminally convicted. She requested data on awards of compensation by administrative courts, and on the number of cases in which perpetrators had been convicted, subjected to disciplinary sanctions or acquitted.

31. The State party's reply to question 3 concerning protests and demonstrators failed to indicate whether the disciplinary or criminal penalties had been imposed on officers for excessive use of force in response to protests or in connection with interrogations. None of the 129 trials had resulted in the conviction of a law enforcement officer at the time of submission of the report. She requested updated information on convictions for excessive use of force against protestors and for torture under article 94 of the Penal Code. She also wished to know whether law enforcement officers had been disciplined or whether criminal proceedings had been initiated against them for their conduct during the Gezi Park protests in 2013. The Committee had been informed that although four persons had died and more than 7,000 had been injured, the Chief Public Prosecutor's Office in Istanbul had decided not to bring any prosecutions. She enquired about the reasoning behind that decision and asked whether any investigations would be conducted.

32. In 2013 the European Committee for the Prevention of Torture had expressed similar concerns about excessive use of force against protestors, stating that in both Ankara and Istanbul its delegation had received many allegations from detained demonstrators that they had been subjected to excessive use of force at the moment of their apprehension, such as kicks, punches and blows with sticks or batons, including on the head or in the face. Further, a number of persons had claimed that they had been beaten while being taken to a police van and during transportation. She asked whether the State party had investigated those allegations.

33. **Mr. Touzé** said that the definitions of torture contained in articles 94 and 95 of the Penal Code were somewhat confusing and fell well short of the definition in the Convention. No account was taken of the intensity of the suffering inflicted or of the deliberate nature of the acts perpetrated. Article 94 stipulated that the penalty could not be

reduced if the offence was committed by negligence. The Convention, on the other hand, specified that the pain or suffering must be intentionally inflicted. No reference was made either to acts of torture inflicted on third persons with a view to intimidating them or obtaining information or a confession. He asked whether the State party planned to align the definition with that contained in the Convention.

34. He requested reliable statistics for the number of deaths in detention recorded during the period under review, the cause of death and the measures taken to prevent suicide in places of detention.

35. He expressed concern about the failure to initiate criminal proceedings systematically against law enforcement officers who committed violent acts against civilians or to impose penalties that were proportionate to the offences perpetrated.

36. The High Commissioner for Human Rights had expressed serious concern on 24 March 2016 about the Agreement between the European Union and Turkey on the migrant crisis. He had stated that even if Turkey expanded its definition of a refugee to include non-Europeans, or passed laws qualifying certain nationalities for “temporary protection”, it could not be considered fully safe for all returns in the near future. The High Commissioner had stressed that refugee and migrant protection systems were not simply words on paper, but required trained personnel, tailored policies, infrastructure and other concrete practical measures that took time to establish.

37. He asked whether the State party possessed the material, human and financial resources required to implement the Agreement in line with its obligations under the Convention, particularly the obligation to conduct an individual review. He also queried the compatibility of the State party’s reservation to the 1951 Convention relating to the Status of Refugees with the Agreement. The Agreement provided for the non-retroactive admission of migrants with effect from 20 March 2016, a date which was unverifiable in practice. In addition, a ceiling of 72,000 persons had been set. He enquired about the status of migrants who fell outside that quota.

38. If the Agreement was applied solely to Syrians, the principle of non-refoulement might be breached if other migrants were returned to countries such as Afghanistan, Iraq and Iran, with which Turkey was negotiating agreements on repatriation. He drew attention in that connection to the chart in paragraph 179 of the report, which showed the number of cases for each country in which applications for asylum had been rejected. According to a recent report by Amnesty International, asylum seekers who feared attacks by the Taliban had been denied access to the asylum procedure and returned to Kabul. He asked the State party how it planned to ensure that non-Syrians or migrants who fell outside the quota were treated in a manner consistent with its obligations under the Convention.

39. **Ms. Racu** said that the Committee had received reports of a shortage of health-care staff in the prison system. For example, the Izmir Aliaga Prisons Campus had only four physicians to provide health-care services for 5,000 prisoners. She also expressed concern about access of prisoners to psychiatric care. For example, Diyarbakir D-type Prison, Gaziantep Prison, Şanlıurfa E-type Prison and Tekirdağ F-type Prison No. 2 had not been visited by any psychiatrist in 2012. Patients had to be transferred to an external hospital and the delays involved had entailed violent incidents, self-mutilation and even suicide. She asked whether action was being taken to ensure that the prison system had access to the requisite number of doctors, nurses and psychiatrists.

40. Prisoners sentenced to aggravated life imprisonment were subjected to a special highly restrictive regime, particularly inmates of Izmir F-type Prison No. 2 and Tekirdağ F-type Prison No. 2. Many were allegedly held in solitary confinement for months or even years. The only guaranteed out-of-cell activity was one hour of outdoor exercise each day. She asked whether steps had been taken to improve the regime.

41. **Mr. Zhang** welcomed the news that 4,012 law enforcement officers had received training in human rights since the submission of the report, and that the Ministry of Justice and the Ministry of the Interior had continued to issue circulars with a view to preventing torture and ill-treatment during investigations. He asked whether the circulars and written orders that had been sent to all police departments warned against excessive or disproportionate use of force against demonstrators during peaceful assemblies. The police had reportedly used high levels of violence when dispersing demonstrators during the Gezi protests in Istanbul in 2013. Many protestors had allegedly sustained injuries from the firing of tear gas canisters. He asked how many complaints had been filed and how many investigations had led to prosecutions, convictions and penalties, including suspended sentences or fines.

42. **Mr. Heller Rouassant** commended the State party's standing invitation to special procedures mandate holders. He also welcomed its decisions to host the first World Humanitarian Summit and to join the Group of Friends of the Convention against Torture Initiative.

43. The bellicose regional environment, sectarian tensions with neighbouring countries, acts by terrorist non-State entities, the inflow of refugees and the collapse of negotiations with the PKK had seriously undermined human rights in the State party.

44. He noted the ratification of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in 2011, as part of a wave of reform in the State party. Given the establishment of the national preventive mechanism in 2012, he asked why another body had been set up two years later — the Human Rights and Equality Institution — and requested information on its membership criteria in light of reports that members were appointed by the Government. He wished to know why, in April 2015, under Law No. 6638, police had been granted greater powers to use force against demonstrators and detain persons considered a threat to law and order without judicial supervision.

45. He asked how the curfew in the south-east of Turkey was enforced, and for information on the reasons behind the decision to impose that curfew. He invited the delegation to indicate the number of persons detained since 2015 under the Anti-Terrorism Law and provide details of their legal status, the progress of their cases and information on whether they enjoyed access to lawyers and visits from family members. He wished to know whether the Agreement between the European Union and Turkey had reduced migrant flows.

46. **Mr. Hani** asked how the State party ensured that the proliferation of institutions focused on torture prevention comprised an effective system. He wished to know whether measures had been taken to establish a dedicated and independent department on prevention of torture within a future national human rights institution, in line with the Optional Protocol and standard practice in other States.

47. With reference to paragraph 38 of the report, he asked how peacetime was defined, who decided whether it was peacetime or wartime and who subsequently decided whether to reopen disciplinary prisons in wartime. Alternative information indicated that military prisons were not open to independent civil inspection intended to ensure that fundamental human rights were respected in places of detention. Communal activities would help to combat the negative effects of isolation in F-type high-security closed prisons. He requested information on the reasons behind the use of aggravated life imprisonment as a penalty, given that life imprisonment was already an aggravated punishment, and asked whether the Government intended to remove it from the statute books.

48. Alternative information indicated that crimes of torture were time-barred; he therefore wished to know what measures the Government intended to take to ensure that

crimes of torture were not subject to any statute of limitations. In light of the State party's role as a destination country for asylum seekers, he asked whether the Government intended to adopt a law on asylum and refugee protection under the Convention relating to the Status of Refugees. He also wished to know whether the State party intended to resume donations to the United Nations Voluntary Fund for Victims of Torture.

49. **Ms. Belmir** requested information on the definition of torture in the State party and the use of that definition in domestic courts. Given the concern expressed, among others, by the High Commissioner for Human Rights, at the excessive use of force by law enforcement agencies, the police should receive training and be disciplined as appropriate. Although torture and ill-treatment were addressed by a number of provisions in Turkish legislation, in practice preference appeared to be given to the provisions relating to assault and battery. Following reforms, the separation of duties for the different positions in the judicial system was unclear and the public reportedly lacked confidence in the system. The high number of cases involving Turkey that had been brought before the European Court of Human Rights indicated a risk of impunity for torture, which should be addressed. The age of criminal liability should be raised from the current age of 12 and the treatment of under-age detainees, despite improvements, required further action.

50. She asked the delegation to describe the circumstances in which civilians could be tried by military courts. Data indicating that ill-treatment by the police most frequently took place inside police vehicles should be explained.

51. **The Chair**, speaking as a member of the Committee, asked why the unauthorized medical attendance of detainees had been criminalized, since it hindered medical professionals' contribution to the prevention and identification of torture. He requested further details on the 4,730 persons who had received training on the Istanbul Protocol, in particular their job roles, the length of training and the number of cases of torture identified as a result of that training. Information should be provided on the procedure followed once a doctor had identified a victim of torture, including details of any independent investigation and whether doctors could refer cases of torture without fear of reprisal. The organizations that had visited places of detention, listed in annex 6 to the periodic report, were academic institutions, rather than NGOs. He therefore wished to know whether any NGOs had indicated their interest in monitoring places of detention and whether their requests for visits had been rejected. With respect to compensation for victims of torture, victims had reportedly received only monetary compensation. He wished to know how the State party was fulfilling its obligation to provide broad rehabilitation to victims of torture.

52. **Ms. Gaer** highlighted reported difficulties in access to health care for prisoners, in part due to long absences of prison doctors and problems in transferring prisoners to hospital. In light of the ruling of the European Court of Human Rights in the case of *Gülray Çetin v. Turkey*, she asked what measures had been taken to improve health care, including appropriate timely treatment for serious illness, for persons held in detention. Access to medical care was also a cause for concern in areas subjected to a curfew, which according to the United States Department of State could allegedly last up to one week, thereby resulting in inhumane conditions and a lack of access to food, shelter or medical care. The delegation should comment on any measures to ensure that laws and policies would not result in the prosecution of doctors who insisted on examining victims of torture in confidence, such as Dr. Biral who had been sentenced to imprisonment in 2013 for attempting to document prisoners' health according to the Istanbul Protocol. She wished to know whether the Istanbul Protocol was followed when making decisions on asylum claims.

53. Given allegations about the prosecution of 20 persons associated with the NGO Human Rights Association for allegedly belonging to or facilitating the activities of a terrorist organization, she asked whether the Government regarded that human rights monitoring and reporting as constituting a threat to the security and stability of the State

and whether it considered such monitoring and reporting to facilitate terrorist activities. If that was not the case, she wished to know why so many members of human rights organizations had been arrested and detained. Similarly, she asked whether reporting on human rights issues in the State party was viewed as a threat under legislation on terrorism and, if so, why. With regard to the treatment of Abdullah Öcalan, information provided to the Committee alleged that there had been no contact with him for a number of months. An update should be provided on his current situation.

54. **Mr. Çarıkçe** (Turkey) said that the questions posed by Committee members were complex. Questions about recently adopted laws were particularly difficult to answer because they fell within the purview of parliament. However, his delegation would do its best to respond at a meeting the following day.

The meeting rose at 12.50 p.m.