



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

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Committee against Torture

List of issues prior to the submission of the fourth periodic report of Turkey* adopted by the Committee at its forty- ninth session (29 October - 23 November 2012)

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Article 2¹

1. In light of the concern expressed by the Committee in its previous concluding observations (para. 7) about allegations of torture or ill-treatment in unofficial places of detention, please provide information on any new measures adopted by the State party to prevent, prosecute, and punish such conduct during the reporting period. Please provide data on investigations undertaken into allegations of police abuse outside police stations and indicate how many resulted in prosecution and conviction, including any disciplinary or criminal sentences. Please provide information on any ongoing investigations or prosecutions concerning the case of Ahmet Koca, who has alleged that he was beaten by several police officers in the Fatih district of Istanbul in June 2012, both outdoors and while inside a police vehicle, and whose allegations appear to be partially corroborated by independent video footage.²

* The present list of issues was adopted according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention

¹ The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As stated in paragraph 3 of general comment No. 2 on the implementation of article 2 by States parties: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture.... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further Chapter V of the same general comment.

² <http://www.hurriyetdailynews.com/policemen-released-following-probe-for-beating-man.aspx?pageID=238&nID=24702&NewsCatID=341>.
<http://witnesshr.blogspot.com/2012/06/turkish-police-complain-victim-of-hours.html>.

2. Please indicate whether, as recommended by the Committee in its concluding observations (para. 13), the State party has reviewed the cases of individuals convicted under articles 265 (“using violence or threats against a public official”), 125 (“defaming the police”), 301 (“insulting Turkishness”) and 277 (“attempting to influence the judicial process”) of the Penal Code during the previous reporting period. Specifically, please clarify whether any of these convictions were the result of counter-charges brought against victims of alleged ill-treatment or their families by police as a means to intimidate them from reporting the alleged abuse. Please indicate whether any such convictions have been overturned as a result of such a finding and whether any new investigations into allegations of torture or ill-treatment by the police have been opened as a result. Please also indicate whether any public officials have been subjected to disciplinary or criminal penalties for bringing or threatening counter-charges against alleged victims or their family members during the reporting period. Please comment on the case of Fevziye Cengiz, who was reportedly charged with “injuring and insulting a civil servant” and threatened with six years’ imprisonment after she accused police in Izmir of abusing her in custody in July 2011.³

3. Please provide data on any cases since the last review in which law enforcement personnel have been subject to disciplinary or criminal penalties for excessive use of force or ill-treatment of demonstrators. In light of the Committee’s previous concluding observations (para. 13), please indicate measures taken to ensure that domestic laws, rules of engagement and standard operating procedures relating to public order and crowd control are fully in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and in particular that firearms may be used lethally only when strictly unavoidable in order to protect life⁴ and to introduce a monitoring system on the implementation of Law on Powers and Duties of the Police (Law No. 2559) to prevent its arbitrary use. Please provide further detail on the contents of the “Guidelines for Personnel in Charge of Riot Control” issued in November 2011 and describe measures taken to monitor their implementation⁵. Please also comment on the status of any investigation of the police response to a demonstration on 31 May 2011 in Hopa, in which police allegedly beat protesters during their dispersal of the demonstration and in detention, as well as the police response to a demonstration in Ankara against the violence in Hopa.⁶ Please comment on any investigation into the reported beating of 19 students from primary and high schools in Mardin by police following a student protest on 12 October 2011.⁷

4. Please provide updated information on measures taken by the State party to prevent, investigate, prosecute, and punish incidents of torture and ill-treatment in prisons. Please provide information on the status or outcome of any investigations into such conduct during the reporting period; indicate whether any perpetrators were prosecuted and convicted, the charges applied, and any sanctions handed down, and provide information redress provided to victims, including the amount of compensation awarded. Please specifically address:

³ <http://www.dailymail.co.uk/news/article-2073522/Video-shows-Turkish-police-beating-handcuffed-woman-station--SHE-faces-jail-reckless-behaviour.html>.

⁴ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, para. 9.

⁵ Follow-up information sent by the State party, 4 March 2012.

⁶ <http://www.hrw.org/world-report-2012/world-report-2012-turkey>.

⁷ <http://bianet.org/english/youth/136234-impunity-of-torture>.

(a) Investigations of allegations of torture and ill-treatment, including rape and beatings, of at least 25 minors at Pozanti Prison made by the Human Rights Association and Human Rights Foundation in 2011, and any measures to prosecute the perpetrators.⁸

(b) Measures to ensure accountability of perpetrators of rape, sexual violence, and other acts of torture and ill-treatment of women deprived of their liberty by or with the consent or acquiescence of public officials, in light of the Committee's previous concluding observations (para. 19);

(c) Measures to hold accountable officials at Kalkandere Prison in Rize and Tekirdag prison following allegations of abuse of inmates.⁹

5. In light of the Committee's previous concluding observations (paras. 11 and 17), please provide information on measures to ensure that all detainees are guaranteed the right to the fundamental safeguards listed below and information on how their implementation is monitored. Please also provide data on the number of police, prison, and security personnel disciplined or punished for failing to respect them, and indicate any sanctions imposed.

(a) Ensure that all persons deprived of their liberty, including those detained under the Law on Combating Terrorism (Law No. 3713), have the right to prompt access to a lawyer and to notify a family member from the actual moment of deprivation of liberty. In particular, indicate whether any changes have been made to the new sections 10(b) and 10(e) of the Law 3713 which may deny those detainees' rights. Noting the State party's follow-up submission, which indicates that legal aid is available to all detainees, please provide data on the number of requests for legal aid received and the number of requests granted, specifying the number of recipients charged with crimes carrying sentences of less than five years imprisonment.¹⁰

(b) Ensure that all persons deprived of their liberty have the right to an independent medical examination from the actual moment of deprivation of liberty. In light of the Committee's previous concluding observations (para. 8), please provide information on measures that ensure consideration by officials of medical reports from all competent medical personnel and forensic doctors, including those not affiliated with the Forensic Medicine Institute of the Ministry of Justice. Please provide additional information on the effect of the August 2011 Protocol on "Medical Service for Detainees" in ensuring the confidentiality of medical examinations, and provide the number of cases in which physicians have requested police presence during examinations since it was signed;¹¹

(c) Ensure that all detainees are brought promptly before a judge;

(d) Ensure that all persons deprived of their liberty are registered promptly from the actual moment of deprivation of liberty and not only upon formal arrest or charging. Noting the concern expressed by the Committee in its previous concluding observations (para. 18) at reports of law enforcement officials committing torture or ill treatment against individuals held in custody but not registered, please indicate if the State party's law has been amended to specify the precise period of time in which detained persons must be registered. Please indicate whether family members of the detained can access the registers.

(e) Provide information on whether video surveillance cameras were installed in all police stations for routine use in interrogations. Please provide the total number of police stations in the State party and the number in which such cameras have been installed.

⁸ <http://english.al-akhbar.com/node/5023>; <http://www.cpt.coe.int/documents/tur/2012-07-02-eng.htm>.

⁹ <http://www.mesop.de/2011/03/09/human-rights-foundation-of-turkey-tihv-february-2011/>.

¹⁰ Follow-up information sent by the State party, 4 March 2012.

¹¹ Ibid.

6. In light of the Committee's previous concluding observations (para.23), please detail measures to ensure fundamental legal safeguards for persons requiring psychiatric care in psychiatric facilities, mental hospitals and penitentiary institutions.

7. According to information before the Committee, detainees continue to be held on remand for excessively long periods of time. Please provide information on measure taken to release or bring detainees to trial and prevent such situations in the future.

8. Please provide the Committee with information on measures taken to ensure effective, transparent and independent investigations into all outstanding cases of alleged disappearances, including the large number still outstanding from the 1974 conflict in Cyprus, which the European Court has held to constitute a continuing violation. What measures have been taken to follow these investigations with actions to identify and, as appropriate, bring to justice those responsible for breaches of the Convention concerning the members of this group of victims? In addition, please clarify whether relatives of the victims have been notified of the status of such investigations and prosecutions. Noting the State party's follow-up report to the Committee, please provide additional information on all cases of disappearances clarified with the United Nations Working Group on Enforced and Involuntary Disappearances, including whether the perpetrators were prosecuted and the outcome of any trials, and indicate measures being taken to resolve the 60 cases unresolved as of March 2012.¹² Please also describe measures taken to comply with outstanding judgments of the European Court of Human Rights concerning disappearances, including the judgments in *Cyprus v. Turkey* and *Varnava and Others v. Turkey*.¹³ Please also indicate whether the State party is considering ratifying the International Convention for the Protection of All Persons from Enforced Disappearances¹⁴.

9. In light of the Committee's previous concluding observations (para. 20), please provide information, disaggregated by age, ethnicity, and geographical location, on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of violence against women, including domestic violence and "honour killings," since consideration of the State party's last report. Please also provide information on any prosecutions for incitement to suicide of women believed to have violated so-called "family honour." Describe efforts taken by the State party to encourage women to report acts of violence against them to the authorities, as well as efforts to increase authorities' granting and implementation of protective orders to women. Please also indicate if any law enforcement personnel have been subjected to disciplinary or criminal penalties for ignoring requests for protection from women complaining of domestic or gender-based violence, and particularly describe any remedial action following the death of Ferdane Col, who reportedly repeatedly sought police protection from her husband prior to her murder in October 2011.¹⁵ Please also describe any actions to increase available shelters or establish hotlines for victims and provide data on redress awarded in cases of violence against women since the last review, including compensation or rehabilitation.

10. Following the State party's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, please indicate whether the State party has established a national preventive mechanism (NPM)¹⁶.

¹² A/HRC/16/21, para. 15. Follow-up information sent by the State party, 4 March 2012.

¹³ http://www.redress.org/Grand_Chamber_18_Sept_2009.pdf.

¹⁴ CAT/C/TUR/CO/3, para. 9 and Follow-up information sent by the State party, 4 March 2012.

¹⁵ <http://www.nytimes.com/2012/01/19/world/europe/turkish-charity-tells-battered-women-how-to-save-their-lives-with-a-gun.html?pagewanted=all>; <http://www.hurriyetdailynews.com/just-die-already-policeman-tells-abused-woman.aspx?pageID=238&nID=24276&NewsCatID=339>.

¹⁶ Follow-up information sent by the State party, 4 March 2012.

Noting the State party's follow-up submission, please provide additional information about the NPM's mandate and confirm whether it will conform to the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and will be independent from the executive branch¹⁷.

11. Please provide information on measures to guarantee independence of the judiciary, and particularly to ensure independence of judges from prosecutors, noting concerns expressed by the Special Rapporteur on the Independence of Judges and Lawyers.¹⁸

Article 3

12. Regarding the Committee's previous concluding observations (para. 15 (b)), please indicate whether the State party has taken steps to ensure that non-European asylum seekers are eligible for protection.¹⁹ Please provide data on the number of asylum seekers, disaggregated by country of origin, who have been returned, extradited or expelled. Please provide details including the countries to which individuals were returned and the grounds on which they were returned. Also, please clarify the number of cases in which asylum seekers have appealed negative determinations, the body that considered each appeal, and the outcomes. Please also indicate the number of persons, disaggregated by country of origin, who have been granted asylum or humanitarian protection on the grounds that they would face a risk of torture if expelled, returned, or extradited.

Also, please indicate the number of Syrian refugees presently accommodated in camps on the territory of the State party and data on the number of Syrian refugees who have obtained legal status and documentation authorizing them to remain in the territory of the State party. Please describe measures to ensure that the Office of the United Nations High Commissioner for Refugees (UNHCR) and independent human rights organizations have unlimited access to them²⁰ and indicate what is being done to ensure such persons access to asylum procedures.²¹

13. In light of the Committee's previous concluding observations (para.15), please provide information on the following measures relevant to the State party's compliance with the Convention's requirements on non-return of any person facing a risk of torture:

(a) Measures to ensure access by personnel of the United Nations High Commissioner for Refugees (UNCHR) to all persons in detention and to monitor compliance with the Circular of the Ministry of Interior providing for such access.

(b) Measures taken to ensure that all detained foreigners have effective access to the asylum procedure, including guaranteed access to lawyers, legal aid for all persons detained, access to judicial review to challenge decisions on asylum applications, and suspension of deportation proceedings during consideration of asylum requests.

(c) Measures to ensure access by independent monitoring bodies to "foreigners' guesthouses" and other removal centres in order to prevent ill-treatment.

¹⁷ E/C.12/TUR/CO/1, para. 8.

¹⁸ Preliminary observations by the Special Rapporteur on the Independence of Judges and Lawyers: Visit to Turkey (10-14 Oct.2011).

¹⁹ CAT/C/TUR/CO/3, para. 15; CRC/C/TUR/CO/2-3, para. 61.

²⁰ Amnesty International, Public statement, "Ensure safety of Syrian refugees and access for national and international monitors", 12 June 2012.

²¹ Euro-Mediterranean Human Rights Network, "Syrian Refugees in Turkey: A status in Limbo", October 2011.

(d) Steps taken to construct new guesthouses and removal centres with safe and healthy living conditions in order to address serious overcrowding.

14. Please indicate whether the State party undertook measures to review its Aliens legislation in order to introduce a maximum period for the administration detention of foreign nationals. Please also provide information on measures taken to improve the conditions of detention in the Aliens Detention Centers, mainly in Ağrı Center and to ensure a prompt access to health care, in particular regarding minors.

15. Please indicate whether the State party has provided or received diplomatic assurances against torture or the equivalent thereof, during the reporting period, and if so, the number of cases as well as any instances in which the State party has made such assurances. What are the minimum contents of any such assurances, and do they provide for post-return monitoring?

Article 4

16. With reference to the Committee's previous concluding observations (para. 7), please provide information on measures taken to ensure that all perpetrators of torture are prosecuted under article 94 ("torture") or 95 ("aggravated torture") of the Penal Code. Please also indicate whether guidelines have been adopted to determine when article 256 ("excessive use of force") or 86 ("intentional injury") of the Penal Code should be used to prosecute ill-treatment instead of article 94.

17. Please provide statistical information on prosecutions of officials for torture or ill-treatment since the last review, specifying the title and rank of each defendant, the article(s) under which the defendant was charged, whether the defendant was convicted, and the sentence awarded in each case. Please also provide updated information on the status of any retrial (following a September 2011 judicial decision overturning the convictions) of the 19 persons convicted in 2010 of the death in detention of Engin Ceber in 2008, which reportedly resulted from abuse by security and prison officials,²².

18. In light of the previous concluding observations (para. 8), please describe measures to ensure that special permission is not needed to prosecute high level officials for torture or ill-treatment, and indicate whether article 161, paragraph 5, of the Criminal Procedure Code has been amended and article 24 of Law No. 5353 of 25 May 2005 repealed.

19. In light of the previous concluding observations (para. 24), please indicate whether the Penal Code has been amended so that torture is not subject to a statute of limitations²³.

Article 10

20. In light of the Committee's previous concluding observations (para. 25), please provide information on new educational and training programmes implemented to ensure that officials are fully aware of the Convention and that breaches will not be tolerated. Please also indicate whether the State party has developed a methodology to assess their effectiveness, and if so, provide information on it.

21. Please discuss efforts since the last review to train all professionals involved with detainees and documenting and investigating torture on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and the results of such training. Please clarify whether the Istanbul Protocol is used in asylum determination procedures.

²² Amnesty International submission under the Committee's follow-up procedure, May 2012.

²³ CommDH (2012)2, para. 48.

Article 11

22. As requested by the Committee in its previous concluding observations (para. 16), please indicate whether the State party has adopted formal regulations explicitly authorizing civil society representatives, lawyers, medical personnel, and members of bar associations to undertake independent, unannounced visits to places where persons are deprived of their liberty, including prisons, police stations, psychiatric facilities and mental hospitals, and provide the number of visits undertaken by them. Please also provide information about the number of visits, announced and unannounced, undertaken by official bodies with a mandate to inspect places of detention during the reporting period, describe any findings or recommendations concerning treatment of detainees or prison conditions that could amount to torture or ill-treatment, and indicate the follow-up measures undertaken in response.

23. With reference to the Committee's previous concluding observations (para. 17),²⁴ please provide information on measures taken to:

(a) Bring an end to reported excessive pretrial detention and overcrowding, including by encouraging the judiciary to consider alternative measures to deprivation of liberty. In this regard, please provide data on the prisoner capacity and the actual number of imprisoned persons at the places of detention in the State party. Please indicate the total number of detained persons held in remand detention;

(b) Address the shortage of medical personnel in prison facilities and ensure access to adequate health care for ill prisoners, including whether sentences are deferred. Please also address the measures taken to ensure the health of detainees on hunger strike;

(c) Restrict the privileges of prisoners in solitary confinement relating to group activities to exceptional and well-defined situations only;

(d) Ensure the separation of children, including girls, from adults in detention.

24. With regard to the Committee's previous concluding observations (para. 17), please describe any legal review undertaken by the State party of articles 15-28 of the Law on the Right to Access Information (Law No. 4982), which could restrict access to information about detention facilities, in order to assess their compatibility with the Convention.

Articles 12 and 13

25. With reference to the Committee's previous concluding observations (para. 7 and 12), please provide detailed data on complaints relating to torture and ill-treatment made during the reporting period, disaggregated by body receiving the complaint; and ethnicity, age and sex of the alleged victim. Please indicate how many of these complaints were investigated, and by what authority, how many led to criminal prosecution, and how many prosecutions resulted in convictions, and any penal or disciplinary sanctions applied.

26. Please indicate measures ensuring that all public officials accused in prima facie cases of torture or ill-treatment are suspended or reassigned during the investigation and provide information on any cases during the reporting period in which this occurred.

27. In light of the Committee's previous concluding observations (para. 8), please provide information on measures taken by the State party to establish impartial and independent mechanisms to ensure prompt, effective, and independent investigations into all allegations of torture and ill-treatment. Noting the State party's assertion in its follow-up submission that pursuant to Circular No.9 of the Ministry of Justice, investigations concerning allegations of torture and ill-treatment by law enforcement officers should be

²⁴ CommDH (2012)2, para. 27.

conducted by the Public Prosecutor and not by law enforcement officers,²⁵ but in light of the concern expressed by the Committee in its previous concluding observations (para. 8) that despite the existence of this Circular, law enforcement officers commonly conduct such investigations, please provide data on the number of investigations into torture or ill-treatment alleged to have been perpetrated by police carried out by the Public Prosecutor during the reporting period and indicate the outcome of all such investigations. Please provide information on the number of investigating prosecutors and judicial police in the State party, disaggregated by location. Please also comment on the status of the effort to establish an independent police complaints mechanism.

28. Noting the State party's follow-up response, asserting that implementation of judgments of the European Court of Human Rights is a priority, please indicate whether the State party has carried out independent and impartial investigations into allegations of torture or ill-treatment and prosecuted the perpetrators following judgments of the European Court of Human Rights, including in the cases of *Uzer v. Turkey*, *Yazgul Yilmaz v. Turkey*, *Ebcin v. Turkey*, and *Sacilik and Others v. Turkey*.²⁶

Article 14

29. With reference to the Committee's previous concluding observations (para. 14) please provide data on redress obtained by victims of torture or ill-treatment or their heirs during the reporting period. This information should include the number of claims made, the number granted, the redress awarded (including amount of compensation and form of rehabilitation where applicable), and the redress actually provided to claimants.

30. With reference to the Committee's previous concluding observations (para. 14), and particularly its recommendation that the State party consider developing a specific programme of assistance for victims of torture and ill-treatment, please provide information on the kinds of rehabilitation programmes available for victims of torture, ill-treatment, trafficking and domestic and other sexual violence, including medical and psychological assistance, as well as the accessibility of such programmes. Please provide information on the level of collaboration with specialized non-governmental organizations in this area and indicate whether the Government provides financial and/or other support for their effective implementation. Please provide data on the number of individuals who benefitted from such programmes during the reporting period.

31. Please clarify whether the right to redress for victims of torture and ill-treatment is conditional upon the conviction of the perpetrator in a criminal proceeding. If not, please indicate how many victims of torture and ill-treatment have been awarded redress in cases where the perpetrator was not convicted by a court, and provide other relevant case information. Please indicate if victim of torture or ill-treatment can obtain compensation if the perpetrator has been subjected to a disciplinary, but not a criminal, penalty.

Article 16

32. With reference to the Committee's previous concluding observations (para. 10), please indicate measures taken to promptly, effectively and impartially investigate allegations of extrajudicial killings by security and law enforcement officials during the reporting period and ensure the perpetrators are prosecuted and punished appropriately. Please indicate all cases investigated, the investigating authority, whether prosecution and conviction resulted and any penalties imposed. In particular, please provide information on:

²⁵ Follow-up information sent by the State party, 4 March 2012.

²⁶ http://www.coe.int/t/dghl/monitoring/execution/reports/pendingcases_en.asp?toPrint=yes&CaseTitleOrNumber=&StateCode=TUR&SectionCode .

(a) The December 2011 killing of 34 civilians near Uludere by military plane²⁷;

(b) Incidents of extrajudicial killings in Kiziltepe and Semdinli allegedly perpetrated by security forces in 2004 and 2005.²⁸

33. Please provide information on the measures taken by the State party to ensure that all human rights defenders, including members of human rights organizations, journalists, trade union members and lesbian, gay, bisexual, and transgender (LGTB) activists, are protected from harassment, intimidation and violence, particularly by public officials, as a result of their activities. Please also describe any legislation recognizing such defenders or efforts to revise legislation allegedly used to harass human rights defenders, including the Anti-Terrorism Law. In particular, please comment on:

(a) The arrest and imprisonment of numerous journalists in Turkey, and particularly the use of the Anti-Terror Act against journalists. Please indicate the number of journalists held in remand detention, the number currently on trial, and the number serving prison sentences, and the grounds on which they were deprived of their liberty²⁹. Please comment on the cases of Ahmet Sik and Nedim Sener, who were allegedly charged with crimes related to their investigation of abuse by officials.³⁰ Please describe measures taken to respond to death threats against journalists Baskin Oran and Etyen Mahcupyan³¹.

(b) The arrest in October 2011 of Kemal Aydin, Selahattin Tekin, Cemal Bektas and Nahide Ormani, who investigated cases of disappearances and extrajudicial executions whose cases were raised with the State party by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; and the Special Rapporteur on the situation of human rights defenders.³²

(c) The June 2012 arrest of human rights defender and trade union member Osman Işçi and over 50 other trade union members on charges of “membership in an illegal organization” and related offences.³³

(d) Allegations of harassment of staff of LGBT organizations, including the October 2011 conviction on charges including resisting arrest of three transgender human rights defenders from the group Pembe Hayat, who alleged that they were arbitrarily detained on the basis of their transgender status.³⁴ Please describe measures taken to investigate and prosecute violence against LGBT persons during the reporting period, and any measures to eliminate judicial recognition of “undue provocation” as an extenuating circumstance in cases of violence against LGTB persons.³⁵

²⁷ Amnesty International report under Follow-up procedure, May 2012.

²⁸ <http://www.unhcr.org/refworld/pdfid/46a764362.pdf>.

²⁹ OSCE Office of the Representative on Freedom of Media update list of imprisoned journalists in Turkey including recent releases, 4 June 2012.

³⁰ Amnesty International, Turkey Annual report 2012; Reporters Without Borders, “A year in prison for no reason”, 3 March 2012.

³¹ Amnesty International, Turkey Annual report 2012.

³² http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-58-Rev1_en.pdf.

³³ İnsan Hakları Derneği-IHD, “Confirmed Pre-trial Detention for Human rights Defender Osman Işçi”, 29 June 2012; <http://www.pen.org/printmedia.php/prmMediaID/6665>.

³⁴ Amnesty International, Public statement “Activists alleging police ill-treatment convicted for insulting police”, 10 November 2011; OMCT International Fact-finding mission Report, p. 26.

³⁵ CommDH (2012)2, para. 57.

(e) Any further investigations, following the 2011 conviction of the immediate perpetrators, into the possible involvement of State agents in the 2007 murder of journalist Hrant Dink.³⁶

34. Please provide data on the number of persons imprisoned or facing trial for refusal to perform military service, and describe actions the State party is taking to grant a civilian alternative to military service in view of the findings of the European Court of Human Rights in *Salil v. Turkey* and *Savda v. Turkey*.³⁷

35. In light of the Committee's previous recommendations, please provide information on the measures taken to effectively investigate and prosecute alleged incidents of abuse of army conscripts by fellow soldiers during the reporting period. Please comment on any investigation into the death of army conscript Ugur Kantar in October 2011. Please also provide data on non-combat deaths recorded in the military during the reporting period, as well as information on cause of death.³⁸

Other issues

36. Please provide information on how the State party has ensured that all measures taken to respond to threats of terrorism comply with its obligations under the Convention. In this regard, please comment on actions taken to implement the recommendations of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, including to amend and narrow the definition of terrorism in the Anti-Terror Act.³⁹

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

37. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous periodic report, including any relevant jurisprudential decisions.

38. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the previous periodic report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

39. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in 2010, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.

³⁶ Amnesty International, « Turkey fails to deliver justice for murdered Armenian journalist as trial ends », 16 January 2012; Reporters Without Borders, « Outrageous verdicts in Hrant Dink murder trial », 18 January 2012.

³⁷ <http://www.ebco-beoc.org/node/205>.

³⁸ http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=B3873FBE68A18C8EE4418583802AD6F6?newsId=259925.

³⁹ A/HRC/17/27/Add.1, para. 2199.