



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

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COMMITTEE AGAINST TORTURE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

TURKEY

1. The Committee considered the second periodic report of Turkey (CAT/C/20/Add.8) at its 545th and 548th meetings (CAT/C/SR.545 and 548), held on 2 and 5 May 2003, and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the second periodic report of Turkey, which outlines the new measures and developments relating to the implementation of the Convention that have taken place in the State party since its submission of the initial report in 1990. It also welcomes the updated and detailed information as well as the extensive responses provided by the delegation of the State party.

3. The Committee nevertheless regrets the long delay in the submission of the report, which was overdue by eight years.

B. Positive aspects

4. The Committee welcomes the following positive aspects:

- (a) The abolition of the death penalty for peacetime offences;
- (b) The lifting of the long-standing state of emergency;

(c) The constitutional and legal reforms intended to strengthen the rule of law and to bring the legislation into line with the Convention, including the reduction of periods of detention in police custody; the elimination of the requirement to obtain administrative permission to prosecute a civil servant or public official; and the decrease in the number of crimes under the jurisdiction of State Security Courts;

(d) The inclusion in domestic legislation of the principle that evidence obtained through torture shall not be invoked as evidence in any proceedings;

(e) The establishment of Prison Monitoring Boards that include the participation of members of non-governmental organizations in their individual capacity, with a mandate to carry out inspections in penal institutions;

(f) The bill submitted to Parliament concerning the establishment of the Ombudsman institution;

(g) The acceptance, in a spirit of cooperation by the State party of visits by monitoring bodies such as the special rapporteurs of the United Nations Commission on Human Rights, and the release to the public of reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

C. Subjects of concern

5. The Committee expresses concern about:

(a) Numerous and consistent allegations that torture and other cruel, inhuman or degrading treatment of detainees held in police custody are apparently still widespread in Turkey;

(b) The failure by police always to comply with the safeguards concerning the registration of detainees;

(c) Allegations that persons in police custody have been denied prompt and adequate access to legal and medical assistance and that family members have not been promptly notified of their detention;

(d) Allegations that despite the number of complaints, the prosecution and punishment of members of security forces for torture and ill-treatment are rare, proceedings are exceedingly long, sentences are not commensurate with the gravity of the crime, and officers accused of torture are rarely suspended from duty during the investigation;

(e) The importance given to confessions in criminal proceedings and the reliance of the police and the judiciary on confessions to secure convictions;

(f) The alarming problems in prisons as a result of the introduction of the so-called "F-type prisons" which have led to hunger strikes causing the deaths of more than 60 inmates;

(g) The State party's failure to comply fully with judgements of the European Court of Human Rights ordering the payment of just compensation.

6. The Committee is also concerned about:

(a) The lack of training of medical personnel dealing with detainees in matters relating to the prohibition of torture;

(b) Allegations according to which the expulsion of illegal aliens to their country of origin or to neighbouring countries is often accompanied by ill-treatment, in violation of the safeguards contained in article 3 of the Convention;

(c) The continuing reports of harassment and persecution of human rights defenders and non-governmental organizations.

D. Recommendations

7. **The Committee recommends that the State party:**

(a) Ensure that detainees, including those held for offences under the jurisdiction of State Security Courts, benefit fully in practice from the available safeguards against ill-treatment and torture, particularly by guaranteeing their right to medical and legal assistance and to contact with their families;

(b) Take the necessary measures to guarantee that prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment are carried out, and to ensure in this connection that an efficient and transparent complaint system exists;

(c) Repeal the statute of limitations for crimes involving torture, expedite the trials and appeals of public officials indicted for torture or ill-treatment, and ensure that members of the security forces under investigation or on trial for torture or ill-treatment are suspended from duty during the investigation and dismissed if they are convicted;

(d) Ensure that ongoing inspections of prisons and places of detention by judges, prosecutors or other independent bodies (such as prison monitoring boards) continue to take place at regular intervals, and that appropriate action is taken by the responsible authorities in response to the inspection reports and recommendations;

(e) Guarantee that the detention records of detainees in police custody are properly kept from the outset of the custody period, including for the times they are removed from their cells, and that such records are made accessible to their families and lawyers;

(f) Solve the current problems in prisons generated by the introduction of “F-type prisons” by implementing the recommendations of the CPT and by entering into serious dialogue with those inmates continuing hunger strikes;

(g) Review the current legislation and practice in order to ensure that the expulsion of irregular aliens is carried out with full respect for the legal guarantees required by international human rights standards, including the Convention;

(h) Ensure that fair and adequate compensation, including financial indemnification, rehabilitation, and medical and psychological treatment are provided to the victims of torture and ill-treatment;

(i) Ensure that human rights defenders and non-governmental organizations are respected, together with their premises and archives;

(j) Include the prevention of torture in the Human Rights Education Programme of Turkey (1998-2007) and ensure that all the new developments in legislation are made widely known to all public authorities;

(k) Intensify training of medical personnel with regard to the obligations set out in the Convention, in particular in the detection of signs of torture or ill-treatment and the preparation of forensic reports in accordance with the Istanbul Protocol;

(l) Provide in the next periodic report detailed statistical data, disaggregated by crime, region, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, as well as related investigations, prosecutions, and penal and disciplinary sentences;

(m) Provide in the next periodic report information on the implementation of the “Return to Village Programme” regarding internally displaced persons;

(n) Widely disseminate the Committee’s conclusions and recommendations in the State party in all appropriate languages.

8. The State party is invited to submit its next periodic report, which will be considered as the third, by 31 August 2005.
