



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

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COMMITTEE AGAINST TORTURE
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**List of issues prior to the submission of the
third periodic report of TURKEY***

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

Article 2

1. With reference to the previous conclusions and recommendations of the Committee¹, please provide detailed information on the measures ensuring 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.
2. Also with reference to the previous Committee's recommendations², please provide detailed information on the measures to ensure that ongoing inspections of prisons and places of detention by judges, prosecutors or other independent bodies (such as prison monitoring boards) take place at regular intervals, and that appropriate action has been taken by the responsible authorities in response to the inspection reports and recommendations.
3. Pursuant to the Committee's recommendation³ to solve the current problems in prisons generated by the introduction of "F-type prisons" by implementing the recommendations of the

* The present list of issues was adopted by the Committee at its thirty-ninth session, 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 CAT/C/CR/30/5, para. 7 (a).

² Ibid., para. 7 (d).

³ Ibid., para. 7 (f).

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and by entering into serious dialogue with those inmates continuing hunger strikes, please provide detailed and practical information on the measures adopted and the results obtained.

4. The previous report refers that a draft law on the creation of the “Public Inspector”, which will function as an Ombudsman, has been presented to Parliament.⁴ Please provide detailed information on the mandate, resources, activities, and results of this institution and its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134. annex), including the relevant statistical data.

5. Please provide information on the implementation of the 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, and its results.⁵

6. Under which conditions do human rights defenders have access to places of detention, and to information and statistics on government policies?⁶

Article 3

7. Please provide statistical data on the number of immigrants, asylum-seekers and refugees in Turkey. Please also provide detailed statistical information with regard to expulsions, including the number of appeals to decisions on expulsions, their outcome and the countries of expulsions.

8. What changes have been introduced in 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?⁷

Article 4

9. Currently, under which specific norms are perpetrators of acts of torture prosecuted, including with regard to military personnel? Please provide detailed statistical information on the prosecution and convictions of perpetrators of acts of torture, including military personnel.

Articles 5, 6, 7 and 8

10. Please provide information on the measures taken to establish the State party’s jurisdiction over acts of torture in cases where the alleged offender is present in any territory under its jurisdiction, either to extradite or prosecute him or her, in accordance with the provisions of the Convention.

⁴ Ibid., para. 4 (f).

⁵ Ibid., para. 4 (e).

⁶ Report on the visit of the Special Representative of the Secretary-General on the situation of human rights defenders to Turkey (E/CN.4/2005/101/Add.3), paras. 115 (c) and 123.

⁷ CAT/C/CR/30/5, para 7(g).

Articles 10 and 11

11. What measures were adopted for the inclusion of prevention of torture in the Human Rights Education Programme of Turkey (1998-2007)⁸ and what has been its practical outcome to present? How were the new developments in legislation disseminated to all public authorities and to the public at large? Please indicate training for public officials, including law enforcement and military personnel. Does the military interrogation rules and instructions include the absolute prohibition of torture?

12. With regard to the recommendation for intensifying the 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, please indicate what concrete measures have been adopted, and their results.

Articles 12 and 13

13. Please provide detailed statistical data,⁹ 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. Please also provide information on the number of officers accused of torture that have been suspended from duty during investigation of torture or ill-treatment, including with regard to cases that occurred during the expulsion of aliens.

14. Pursuant to the recommendations previously made by the Committee¹⁰, please provide detailed information on the measures adopted 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

15. Please inform the Committee if the statute of limitations for crimes involving torture has been repealed; if not, provide the reasons for not implementing this recommendation and the steps that have been taken in that direction. Expediting the trials and appeals of public officials indicted for torture or ill-treatment and ensuring 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 were also Committee's recommendations¹¹; Please update the Committee with regard to those concerns, including with comparative data specifying trial duration and numbers of suspended and dismissed public officials, related to torture and ill treatment.

16. Please provide information¹² on the measures taken to guarantee that the detention records of all detainees in police custody are properly kept from the outset of the custody period,

⁸ Ibid., para. 7 (j).

⁹ Ibid., para. 7 (l).

¹⁰ Ibid., para. 7 (b).

¹¹ Ibid., para. 7 (c).

¹² Ibid., para. 7 (e).

including for the times they are removed from their cells, and that such records are made accessible to their families and lawyers. With regard to this guarantee, please indicate what is the procedure to access the records and provide statistical data on their access.

17. With reference to the Committee's recommendations¹³, what measures have been taken to 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. Please provide detailed statistical information in this regard, including the number of compensations provided to victims and their amounts as well as on the rehabilitation and treatment that were carried out.

18. Please provide information on the measures taken to implement the recommendations contained in paragraph 91 of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his visit to Turkey, regarding the investigation of allegations of torture and extrajudicial killings and the fight against impunity.¹⁴

Article 14

19. What measures are in place in the State party with regard to compensation and rehabilitation of victims of torture? Please provide relevant statistical information.

Article 15

20. Please provide information on the implementation of the principle that evidence obtained through torture cannot be invoked as evidence in any proceedings.¹⁵

Article 16

21. Please provide information on the measures taken to implement the recommendations contained in paragraph 79 of the report on the visit to Turkey of the Special Rapporteur on Violence against Women, its causes and consequences with regard to the implementing a zero-tolerance policy towards all forms of violence against women, identifying, prosecuting and adjudicating cases of forced suicide and disguised murders, protecting women at risk of violence, improving the database on violence against women, its causes and consequences and taking suicide prevention measures.¹⁶ What specific measures have been taken with regard to preventing and combating domestic violence?¹⁷

22. Please provide information on the measures taken to implement the recommendations contained in paragraphs 102 and 103 of the report on the visit to Turkey of the Working Group on Arbitrary Detention with regard to detention in the juvenile justice system as well as to the forms of deprivation of liberty outside the criminal justice process.¹⁸

¹³ Ibid., para. 7 (h).

¹⁴ A/HRC/4/26/Add.2, para. 91.

¹⁵ CAT/C/CR/30/5, para. 4 (d).

¹⁶ A/HRC/4/34/Add.2.

¹⁷ CEDAW concluding comments (CEDAW/C/TUR/CC/4 -5), paras. 27 and 28.

¹⁸ A/HRC/4/40/Add.5, paras. 102 and 103.

23. Please provide detailed information on the resources, activities, and results of the National Task Force to Combat Trafficking in Human Beings since its establishment, as well as of its National Plan of Action, adopted in 2003¹⁹.
24. Please provide information²⁰ on the measures adopted to ensure that human rights defenders and non-governmental organizations are respected, together with their premises and archives, the results of such measures as well as on complaints received for the violation of such rights and the related investigation.
25. According to information before the Committee²¹, some detainees have been held on remand for excessively long periods of time, e.g. for more than ten years, which constitutes a violation of the Convention. Please provide information on the legal framework for detaining persons on remand of the new Criminal Procedure Code adopted in 2005, as well as on the measures taken to release or bring those detainees to trial and prevent such situations in the future.
26. Please provide information on the review measures available to all persons deprived, de facto or de jure, of their liberty²², as well as the possibility that persons who allegedly have been subject to torture have to complain.
27. Please provide information on the implementation of the "Return to Village Programme" regarding internally displaced persons²³. What has been the practical outcome of such programme?
28. According to information before the Committee²⁴, conditions in psychiatric facilities, orphanages and rehabilitation centres in the State party can often constitute cruel, inhuman or degrading treatment or punishment. Please provide detailed information on the measures taken to improve such a situation, including ending the use of unmodified electroconvulsive treatment (ECT), segregation of children from adults, provision of adequate food and health services, protecting the security of persons detained in those institutions, and adopting international mental health standards. Has an independent inspection and monitoring mechanism been established, including to assess the arbitrary detention in those institutions?

Other issues

29. Please indicate the concrete measures that have been taken to widely disseminate the Convention as well as the Committee's conclusions and recommendations in all appropriate languages in the State party²⁵, including through the media and non-governmental organizations.. What actions or programmes have been taken in cooperation with non-governmental

¹⁹ Concluding observations of the Committee on the Rights of the Child, (CRC/C/OPSC/TUR/CO/1), paras. 4 (d), 7 and 8.

²⁰ CAT/C/CR/30/5, para. 7 (i).

²¹ A/HRC/4/40/Add.5, para. 101.

²² Ibid., para. 96.

²³ CAT/C/CR/30/5, para. 7 (m).

²⁴ A/HRC/4/40/Add.5, paras. 91-96.

²⁵ CAT/C/CR/30/5, para. 7 (n).

organizations? Please indicate how civil society organizations have been involved in the preparation of the report.

30. Please provide information on the measures to prevent and prohibit the production, trade and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatments.

31. Does the State party envisage ratifying the Optional Protocol to the Convention? If so, has the State party taken any steps to set up or designate a national preventive mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

32. Taking into consideration the relevant resolutions of the Security Council, please provide information on the legislative, administrative and other measures the State party has taken to respond to the threats of terrorism, explain if these measures have affected human rights safeguards in law and practice and how it has ensured that those measures taken to combat terrorism comply with all its obligations under international law.

33. Please provide detailed information on any difficulties preventing the State party from fully implementing the provisions of the Convention and the Committee's previous recommendations.

34. Please indicate the reasons for the delay in submitting the third periodic report, which is overdue since 31 August 2005.

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

35. Please provide detailed information on the relevant new developments in 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.

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

37. 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 2003, including the necessary statistical data, as well as on any events that occurred in the State party which are relevant under the Convention.
