



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

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Summary record of the 960th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 November 2010, at 10 a.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 10.05 a.m.

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

Third periodic report of Turkey (continued) (CAT/C/TUR/3; CAT/C/TUR/Q/3; HRI/CORE/TUR/2007)

1. *At the invitation of the Chairperson, the members of the delegation of Turkey took places at the Committee table.*
2. **Mr. Esener** (Turkey), replying to questions the Committee had asked at the previous meeting, said that article 90 of the Constitution gave judges a basis for not applying provisions of domestic legislation if they deemed the provisions to be in conflict with international standards and fundamental human rights. In training courses, judges were encouraged to invoke that article in their judgements and to cite case law from the European Court of Human Rights and other relevant international mechanisms in order to create a basis for those decisions. Over 10,000 judges and prosecutors had undergone human rights training incorporating that constitutional right.
3. Broad consultations were under way with civil society on a national preventive mechanism to fulfil the requirements of the Optional Protocol to the Convention, which would be ratified shortly. The mechanism would need to conform to the relevant international standards and requirements, particularly the Paris Principles. The relevant bill that had gone before parliament had proved inadequate and was currently being amended.
4. Turkish legislation contained specific provisions concerning the notification of custody and the obligation of law enforcement officials responsible for making arrests to confirm that notification in writing. While derogations from that right might be possible during a state of emergency and in times of martial law or war, there had been no specific ruling on how long such derogations might last. Should such a situation ever occur, it would be up to parliament to make that decision. The European Court of Human Rights had clearly ruled that it was possible to hold detainees in custody beyond the normal 24 hours, and Turkey had decided that up to four days was reasonable. Safety measures would be applied should such lengthy detention ever be necessary, in line with the practice in other European countries.
5. His Government took accusations of excessive use of force by law enforcement personnel extremely seriously. In order to ensure that security personnel wearing riot gear could be identified, identity numbers were now printed on their helmets. While it was impossible to ensure that isolated incidents of excessive force did not occur, the Government was keen to do all it could to prevent them and to prosecute the perpetrators when necessary. Training was ongoing in that regard, including on the implementation of European Union (EU) best practices.
6. Current legislation, which had been drafted in line with the standards set by the European Committee for the Prevention of Torture (CPT), stipulated that law enforcement officials were not allowed to be present when detainees were undergoing medical examinations. In practice, exceptions had been necessary when the doctor had felt unsafe in the detainee's presence. In those cases, the official was requested to stay in the room, but out of earshot of the detainee and the doctor so as to maintain patient confidentiality.
7. Detainees with psychiatric problems that did not affect their legal capacity were held separately from other detainees in one of the five specialist units that had been set up within prisons.
8. The Istanbul Protocol was included in the training given to police and gendarmerie personnel.

9. Most of the mechanisms currently in place to monitor detention centres had been set up as a result of criticism from several bodies that there had previously been none. The Government had found them to be effective and made use of their findings and recommendations. He cited a report from south-east Turkey where 11 detention centres and 26 gendarmerie stations had been visited in August and September 2010. There had been no allegations of torture or ill-treatment. The parliamentary Human Rights Inquiry Commission was the most important independent mechanism for monitoring places of detention. The Government adopted prompt measures to respond to the recommendations in the Commission's reports whenever possible.

10. Overcrowding was a significant problem in Turkish prisons, which currently housed about 60,000 unconvicted and 60,000 convicted prisoners. The Government found that situation unacceptable and was striving to find solutions. The issue had been discussed by a high-level reform monitoring group in Istanbul in July 2010; it had, inter alia, considered whether any legislation required amendment. Currently, judges often ruled that suspects should be detained throughout their trials, which sometimes took up to 10 years. Clearly, the judiciary should use alternatives to deprivation of liberty in such cases. At the beginning of 2000, the prison system had switched to "F-type prisons", with the help of the CPT. While those prisons conformed to international standards, there were insufficient resources to build new prisons. As at 1 June 2010, there had been 27,128 prison staff and over 8,000 vacant posts, which the Ministry of Justice was working to fill.

11. Under current legislation, human rights boards could conduct monitoring visits to prisons if they gave prior notice. In principle, members of civil society organizations could also conduct such visits. Once the Optional Protocol to the Convention was ratified, the national preventive mechanism would be able to conduct visits in accordance with the provisions of the Protocol, which should lead to increased and more effective monitoring.

12. Until recently, the authorities had been unable to find a solution to the massive influx of refugees and asylum-seekers into Turkey since it had not had any relevant framework legislation. The European Court of Human Rights 2009 ruling in the *Abdolkhani and Karimnia v. Turkey* case had been indicative of the problems the country had been encountering. The Ministry of the Interior had taken action to provide a number of prompt solutions, which had been implemented without need to amend legislation. In cooperation with the European Court of Human Rights, the Council of Europe, the CPT and the European Commission against Racism and Intolerance, three bills had been drawn up concerning refugees, asylum-seekers and other foreigners. The drafts were ready for consideration by parliament and, once adopted, would be instrumental in preventing future violations of the type found by the European Court in that case. Under the new legislation, asylum-seekers who had nowhere to live would be housed in new shelters that were being built and would be managed by the Turkish Red Crescent. Once registered, refugees and asylum-seekers were assigned to a particular city where they were free to take up residence and were required to report to the appropriate office at regular intervals.

13. The measures that were in place to ensure that cases of torture and ill-treatment were investigated had proved effective. Between February 2005 and April 2010, there had been a total of 191 cases of disciplinary action against law enforcement personnel on the grounds of torture and ill-treatment, and some 265 cases of judicial action.

14. While all detainees who complained about torture or ill-treatment had the right to be transferred to another facility, they often did not want to be transferred owing to their proximity to family members and the social contacts they had established in the prison where they were being held.

15. The statute of limitations for all crimes had been increased from 15 to 40 years, which was the same as that imposed for crimes against humanity.

16. The legal requirement for detainees to be registered within a reasonable period after their arrest was strictly enforced. The authorities did all they could to prevent law enforcement officials from becoming involved in situations where they could abuse their power.

17. It had not yet been possible to install video recording technology in all detention centres nationwide owing to a lack of resources. Judges could request records as evidence if there was no recording available or if a recording device had malfunctioned. All the persons who had been prosecuted in the Engin Çeber case had been apprehended on the basis of such video recordings. There was no additional information available on that case, which was still pending before the Court of Cassation. It would doubtless provide useful case law which would give guidance for future prosecutions.

18. The Minister of the Interior was working on the establishment of an independent police complaints mechanism to ensure that independent inspectors, and not the police, examined allegations of police misconduct. The independent mechanism would have the authority to order administrative investigations and request the prosecutor to intervene and launch a judicial prosecution in cases of gross misconduct.

19. He drew attention to the response to question 18 contained in the periodic report and to the remark by Mr. Bruni that it was not sufficient that Turkey should state in its report that it had given “serious consideration” to, and implemented to the extent possible, the recommendations of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism regarding the investigation of allegations of torture and extrajudicial killings. In fact, the great majority of the Special Rapporteur’s recommendations had been implemented or were in the process of being implemented, including “the creation of an independent and impartial investigation mechanism with the power to investigate promptly allegations of torture or other ill-treatment”. The authorities were also establishing a rapid procedure whereby persons convicted of or charged with terrorist crimes could obtain a retrial in cases where the evidence against them did not meet the standards of zero tolerance of torture. Turkey was in the process of applying standards of impartiality and transparency throughout its justice system, although the system was at present overburdened and prone to delivering delayed justice.

20. He acknowledged with reference to question 25 that detention on remand for excessively long periods was a problem. Turkey had been the subject of a number of violation judgements from the European Court of Human Rights on that issue and was attempting to remedy the situation.

21. Responding to the question about the independence of the Ombudsman, he explained that the position was not government-appointed. Under article 74 of the Constitution, the Ombudsman would be elected by parliament by secret vote.

22. Turning to the questions put by Ms. Gaer, he said that, in recent years, Turkey had made progress in its endeavours to eradicate torture and ill-treatment, a process to which it was entirely committed. It was true that the police did stop members of the public to ask for their identity papers; it was a practice that, if used within safe parameters, was understandable given the serious terrorism problem in Turkey. The police in Turkey did not request sight of identity papers on the basis of a person’s ethnic origin.

23. On the question whether the right to see a lawyer could be denied for 24 hours, he said that under the Criminal Procedure Code, a lawyer was assigned to an accused or suspect who stated that he or she was not able to hire a lawyer. Particular attention was paid to the observance of that rule in practice. The right to a defence was guaranteed under national and international law. According to the Criminal Procedure Code, lawyers were automatically assigned to minors, persons with disabilities and persons who were liable to a

minimum sentence of five years' imprisonment. The fact that someone had waived the right to a lawyer did not preclude their right to request one on a subsequent occasion.

24. Despite certain limitations that had been put in place by the Ministry of Justice, members of the parliamentary Human Rights Committee could still visit terrorist suspects in detention.

25. He confirmed that a large number of cases from Turkey were currently before the European Court of Human Rights and that Turkey willingly submitted itself to that scrutiny. It took its responsibilities in respect of human rights with the utmost seriousness, accepted judgements and guidance from the European Court, and strove to take corrective action. Most of the judicial reforms introduced by the Government between 2001 and 2004 had been based on judgements by the European Court. In recent years, the number of judgements concerning the right to life and prohibition of torture had declined. Most of the judgements referred to by the Committee had occurred in the 1990s: the ruling concerning *Aydin v. Turkey*, a terrible case relating to events in 1993, had been issued in 1997 and the Government's record had steadily improved since that time.

26. Allegations of torture could be supported by medical evidence from a doctor or the Forensic Medical Institute. Most medical experts on torture worked with the Institute and therefore it could draw on the relevant expertise required to conduct examinations. It was possible that the Institute might benefit from some capacity-building exercises.

27. He could not comment on the allegations concerning what had been referred to as the Ergenekon case since proceedings were still under way.

28. In regard to the questions on legal safeguards, relatives were informed immediately concerning a detention as long as the suspect agreed to that action.

29. According to recent data on prosecutions under articles 94 and 95 of the Penal Code, 83 of the total of 276 cases had been brought in 2009, while 191 cases had been brought under article 256.

30. In accordance with government policy, no statistics concerning the ethnicity of the victims of honour killings were kept in Turkey.

31. Where torture claims were made during legal proceedings, charges relating to the torture were dealt with by a separate prosecutor chosen through an impartial process who was not involved in the proceedings under way.

32. The application of geographical limitation in respect of asylum-seekers and refugees, as outlined in paragraph 88 of the report, might be lifted in the future if an agreement on burden-sharing could be agreed with the EU.

33. Concerning the expulsion of illegal migrants, the European Court of Human Rights received applications from many individuals before they crossed into Turkey, whereupon it immediately ordered interim measures. Cases were handled in accordance with the EU *acquis* standards.

34. Minority issues had been dealt with in Turkey's third periodic report to the Committee on the Elimination of Racial Discrimination (CERD/C/TUR/3).

35. His Government acknowledged that violence against women in police custody and in prisons and incidents of domestic violence occurred in Turkey, as in other countries, and it was currently reviewing its response to them. Assessment of awareness-raising activities and gender-sensitivity training programmes for the police and gendarmerie and in the justice system as a whole was carried out by the Ministry of the Interior and the Ministry of Justice. Under changes to the Penal Code, honour killings were treated as aggravated murder, a factor taken into account in sentencing. Training programmes concerning honour

crimes and the prevention of domestic violence had been designed for law enforcement officials and for the public at large.

36. In a joint project with the EU, eight shelters were being built for women who had suffered violence and a further 14 shelters were available in various towns. The Government had learned from the 2009 judgement of the European Court of Human Rights in the *Opuz v. Turkey* case and would seek to prevent such instances of domestic violence from recurring.

37. A Gender Equality Commission had been created under the auspices of the Turkish parliament in 2009; it had two subcommittees which dealt with early-age marriages and prevention of domestic violence against women. An investigatory commission had also been established by parliament to determine the causes of domestic violence and honour killings and to specify prevention measures to protect women and children. The Directorate-General for the Status of Women had been given the task of coordinating and reporting on those activities.

38. The human rights training provided to some 3,000 doctors had also been made available to judges and prosecutors; it had been coordinated by the Ministry of Justice and the Ministry of Health. The Government was preparing an action plan with a view to meeting its obligations under the United Nations Convention on the Rights of Persons with Disabilities.

39. The Government's proposals concerning constitutional safeguards in relation to the independence of the High Council of Judges and Public Prosecutors had been praised at a recent meeting of the Venice Commission. The Commission would provide guidance to his Government on introducing the new legal provisions.

40. Recent changes in anti-terror laws meant that minors who distributed propaganda for terrorist organizations would no longer be dealt with under that legislation. Consequently, 196 children who had been charged under anti-terror laws had been released from detention. One 14-year-old and 41 young people between the ages of 15 and 18 were currently awaiting trial, although they would not be prosecuted under anti-terror laws.

41. Referring to the questions on missing persons, he said it seemed that more concern had been shown for those of Greek-Cypriot origin than for those of Turkish-Cypriot origin. It was necessary to recall that the violations of human rights in Cyprus had begun in 1963 and the infamous "Green Line" had been drawn between the communities by the United Nations in order to protect Turkish Cypriots. The judgement against Turkey in the interstate case had been issued in 2001. Most of the issues outlined in the case had been satisfactorily implemented. All property applications from Greek Cypriots had recently been rejected by the European Court of Human Rights. The case of missing persons was a humanitarian issue that was being dealt with in a successful manner by the Committee on Missing Persons in Cyprus. The allegation that there were missing persons in Turkey was unfounded.

42. He was unaware of any problem of corporal punishment of children in Turkey.

43. The report of the European Committee for the Prevention of Torture on its visit to Turkey in 2009 would be made public as soon as the requisite procedures had been completed. The report on a visit by the same Committee in January 2010 had already been published.

44. With regard to self-incrimination, Turkish legislation made no provision for a "Miranda warning". Hence the importance of ensuring that all suspects had access to a lawyer. He would raise the issue with the relevant authorities on returning to Turkey.

45. The allegation concerning the killing of nine women by the gendarmerie was extremely vague. The Kurdish Human Rights Project shadow report referred to another report, which his delegation had consulted, but it contained no names of the persons or places concerned. He promised to reply if the Committee offered more substantive details.
46. The delegation had enquired about the transgender persons who had allegedly been beaten up by the police in May 2010. According to the Ankara police, a car had failed to stop for a routine police check. When the police had managed to halt the vehicle shortly afterwards, the five transgender persons inside had resisted arrest and the police had sprayed them with gas and taken them to a police station. Judicial action had been taken against them on the grounds of resisting arrest and insulting the police. They had all been released the following day pursuant to an order by the public prosecutor.
47. Festus Okey, who had died in custody in obscure circumstances, had been a Nigerian asylum-seeker. Administrative action had been taken against the police officer involved. The criminal case was ongoing and there was a court hearing that very day.
48. He failed to understand why the Committee had referred to the European Court of Human Rights judgements in the cases of *Timurtaş v. Turkey* and *Çiçek v. Turkey*. Both cases had been brought in the early 1990s and concerned effective investigation issues. He assured the Committee that there had since been a change of mentality in the law enforcement agencies, and a change in operating procedures.
49. The dialogue with the Committee could be rendered more effective and user-friendly if delegations were informed a few days in advance of the questions that the Committee intended to raise. It was virtually impossible to prepare answers to lengthy and detailed questions overnight.
50. **The Chairperson** expressed appreciation of the legal changes that had occurred in Turkey and of the political will that they reflected. The delegation's views on the dialogue process would be taken into account when the Committee discussed its working methods.
51. **Mr. Bruni**, First Country Rapporteur, commended the delegation for the detailed information it had provided in response to the Committee's questions within a very short time.
52. He was pleased to hear that the institution for the prevention of torture would be established in consultation with civil society and that it would be based on the Paris Principles relating to the status of national institutions.
53. According to the report, persons arrested or detained must be promptly notified in writing, or orally when that was impossible, of the grounds for their arrest or detention and the charges against them. He enquired about the circumstances in which it would be impossible to provide written notification.
54. Welcoming the fact that the presence of a police officer or prison warder during the initial medical examination of a detainee was now prohibited by law, he asked whether the same rule applied to medical examinations conducted after interrogation.
55. He was also pleased to hear that human rights defenders were now permitted to visit places of detention, since the Committee had been informed that serious obstacles had been placed in their way in the past.
56. He asked whether confidentiality was strictly respected during meetings between detainees and their legal counsel. He also wished to know whether disciplinary sanctions included solitary confinement and, if so, whether and how such confinement was monitored.

57. The Human Rights Board that had conducted visits to gendarmerie and police lock-ups had reported that 333 lock-ups had had physical shortcomings. He asked for details of those shortcomings.

58. **Ms. Gaer**, Second Country Rapporteur, said that the Committee had provided the State party with a detailed list of issues several months prior to reporting. The argument that the issues raised by the Committee had come as a surprise was therefore somewhat inappropriate. Moreover, the documents received from NGOs had been posted on the Committee's website. Very few of the issues raised during the dialogue with the delegation had not been mentioned in those documents.

59. While she welcomed the delegation's replies, she had not received adequate answers to a number of questions concerning investigations, impunity, victim intimidation, retaliation against complainants and suspended sentences.

60. The Committee had requested statistical data in eight or nine of the questions raised in the list of issues but had received data in response to only two. No data had been received, for instance, on the work of the Ombudsman, expulsions, trial duration and access to detention records.

61. She had read the State party's replies to the questions raised by the Committee on the Elimination of Racial Discrimination. The delegation had suggested that it was inappropriate for the Committee against Torture to request data disaggregated by ethnicity or national minority. However, as noted in paragraph 20 of the Committee's general comment No. 2, the principle of non-discrimination was a basic and general principle in the protection of human rights and was included within the definition of torture itself in article 1, paragraph 1, of the Convention, which explicitly prohibited specified acts when carried out for "any reason based on discrimination of any kind". The Committee addressed the issue of protection for minorities and marginalized individuals as part of its obligation to prevent torture or ill-treatment by States parties.

62. Although some of the European Court of Human Rights cases that she had mentioned had occurred many years previously, they raised ongoing procedural issues and the issue of compliance with article 4 of the Convention, which required States parties to ensure that all acts of torture were offences under its criminal law and that such offences were effectively prosecuted. She would have welcomed some information concerning follow-up to the judgements.

63. With regard to the *Timurtaş* case, she pointed out that, although the delegation claimed that disappearances in south-east Turkey were a myth, the Working Group on Enforced and Involuntary Disappearances had considered 88 such cases. She asked whether investigations had been conducted into the *Timurtaş* case and other cases of disappearance leading, where appropriate, to judicial proceedings and punishment of offenders.

64. The *Karabulut v. Turkey* case concerned a 14-year-old girl who had been killed by the gendarmerie in 1998. Judicial proceedings for manslaughter had eventually been instituted against the gendarmerie officers involved, but they had received suspended sentences on 19 December 2009.

65. She asked what action the Government was taking to ensure that offenders were effectively prosecuted instead of receiving suspended sentences, and to prevent the intimidation of detainees who complained of torture or ill-treatment and the prosecution of their families for defamation and other alleged offences against public officials.

66. She deplored the dismissal of serious allegations by NGOs or Committee members regarding the abuse by the Turkish police of the law permitting identity checks, as well as inappropriate references to situations that were irrelevant to Turkey's record.

67. The delegation had referred to the *Cyprus v. Turkey* case at the European Court of Human Rights and the Committee on Missing Persons in Cyprus, but it had not answered her question as to whether formal investigations had been conducted by the Turkish authorities.

68. **Mr. Mariño Menéndez** thanked the delegation for its response to the many complex questions raised by the Committee.

69. He noted that no fewer than three bills on asylum-seekers and refugees were currently being discussed and that the geographical reservation to the 1951 Convention relating to the Status of Refugees might be reviewed. He emphasized that the Convention was universal and was not just applicable to nationals of EU member States. Above all, refugees or asylum-seekers should not be returned to a country where they were at risk of torture or ill-treatment.

70. He agreed with Ms. Gaer that it was quite appropriate for the Committee to request data concerning minorities in the light of article 1 of the Convention, which referred to torture or ill-treatment based on discrimination. It was also essential to prevent the persecution of persons “for reasons of race, religion, nationality, membership of a particular social group or political opinion”, as stated in article 1 of the 1951 Convention relating to the Status of Refugees. He knew that there were recognized minorities in Turkey, but he wished to know whether there was any statute that covered unrecognized minorities.

71. He had also enquired about Turkey’s reservation to article 27 of the International Covenant on Civil and Political Rights concerning minority rights. A number of European States had recommended its withdrawal in the context of the Human Rights Council’s universal periodic review, but Turkey had rejected the recommendation. He asked why it was unwilling to withdraw the reservation, given that minorities, even if not formally recognized, required greater protection than others on account of their vulnerability.

72. **Ms. Belmir** said that she was well aware of the problems that arose when courts were overburdened with proceedings. The European Court of Human Rights had noted that detainees awaiting trial in Turkey often spent excessively long periods in police custody. It had awarded compensation to victims of torture and ill-treatment under such circumstances. Action must be taken to ensure that judicial decisions were taken within a reasonable period. She failed to understand the delegation’s reference to “liberal judges”. All judges must be held responsible for their acts and were required to respect the principle of due diligence. It was intolerable to leave persons in detention for years without a judgement, thereby denying them the possibility of appealing to regional or international bodies. The Committee on the Rights of the Child had also urged Turkey to comply with relevant international standards concerning juvenile justice and juvenile detention.

73. **Ms. Kleopas** said that the Committee applied the same standards to all States parties and would continue to ask questions of a State party until all torture had been eradicated. That was why she had asked about the army officer who had been found guilty of rape by the European Court of Human Rights and who, according to the delegation’s replies, had been removed from his post. The Committee considered rape to be an offence of the greatest seriousness that should not be covered by a statute of limitations. According to a report from the Global Initiative to End All Corporal Punishment of Children, corporal punishment in the home was lawful in Turkey. The Committee’s position was that the corporal punishment of children should be prohibited in all settings.

74. There was ample evidence that Turkish army officers had committed human rights violations during the invasion of Cyprus in 1974, and the State party had an obligation to investigate the matter, as stated in the decision of the European Court of Human Rights. Owing to the narrow scope of its investigations, the Committee on Missing Persons in Cyprus was not the appropriate body to carry out that task.

75. **Ms. Sveaass** said that raising awareness of violence against women, while commendable, was not sufficient; accountability among law enforcement officials was also very important. Reports indicated that as many as one in three women in Turkey were physically abused. She asked how many cases had been brought to court and how many sentences handed down in cases of domestic violence, rape and other violence against women by police officers, and trafficking of women. She asked what follow-up there had been in the case of Murad Akincilar, a trade unionist living in Geneva who had been imprisoned upon his return to Turkey.

76. **The Chairperson** recalled that the Secretary of the Committee had informed the States parties that NGO submissions would be placed on the Committee's website and that it would be useful for delegations to review those submissions prior to the meetings with the Committee. He praised article 149 of the Criminal Procedure Code, which made it an offence to obstruct justice by denying a detainee access to a lawyer, and asked whether that article was being enforced. He wondered whether the Government planned to address the reported shortage of doctors in the country. He asked what restrictions were placed on access to prisons. He wished to know whether any investigations had been carried out regarding the 4 asylum-seekers who had allegedly drowned on 23 April 2008, when they and 14 others had been forced to swim across the border river to Iraq.

77. He commended Turkey for its efforts to train as many as 10,000 judges and prosecutors on article 90 of the Constitution, which stated that international agreements had the force of law. While raising the statute of limitations for torture to 15 years was a step in the right direction, torture should be an imprescriptible offence; any statute of limitations was a violation of the principles of international law. He asked if there was a standardized procedure for the families of detainees to enquire about the status of their loved ones. He asked the delegation to respond to allegations that the State had failed to protect women exposed to violence, and the allegations that police had attacked transgender rights activists.

78. **Mr. Esener** (Turkey) confirmed that the presence of a law enforcement official during a medical examination was illegal unless requested by the examining doctor. Police officers were vigilant in ensuring medical examinations, as doing so was also in their best interest. His Government cooperated fully with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which frequently visited places of detention in Turkey.

79. Conditions in solitary confinement cells were not very different from those in standard cells; rather, solitary confinement was a disciplinary measure that involved depriving the prisoner of certain privileges. Prisoners in solitary confinement were not kept alone for long periods and had the right to meet with their lawyers and to appeal the measure. Major efforts were under way to modernize places of detention. In gendarmeries, 95 per cent of cells currently conformed to international standards, and 30 per cent were equipped with cameras.

80. While fighting discrimination was a priority for the Government, it did not collect statistics on ethnicity for obvious reasons and did not intend to do so. He explained that he had not meant to say that the disappearance of Abdulvahap Timurtaş was a myth. The Committee of Ministers of the Council of Europe had approved Turkey's follow-up to that case, and it had been off the agenda for some time.

81. The Committee on Missing Persons in Cyprus was doing valuable work, and the Committee of Ministers of the Council of Europe shared that view. The remains of more than 300 people had been discovered, and more than 100 of those had been handed over to the families following DNA matches. The former Committee also investigated the circumstances of disappearances in Cyprus, not just the whereabouts of missing persons. It

was not true that some of those missing persons were being held in prisons or doing forced labour in Turkey; all such allegations had been proved false.

82. In practice, Turkey's geographical limitation to the 1951 Convention relating to the Status of Refugees did not exist, because the Government took full responsibility for asylum-seekers as soon as they entered Turkish territory and responded to all interim measures requested by the European Court of Human Rights with regard to refugees. Nevertheless, Turkey had the right to retain the geographical limitation and its reservation to article 27 of the International Covenant on Civil and Political Rights.

83. In 2008, 25 people had been convicted of "custom killing": 8 had received prison sentences only, while 17 had been sentenced to imprisonment and a fine. He would attempt to provide further statistical information on that question. The Government was aware of the shortcomings of the Forensic Medicine Institution and was working to expand its capacity. The new Constitution had made access to information a constitutional right, and citizens could petition the Government for information on any issue apart from national security matters. He confirmed that Mr. Hasan Anlar, Ms. Filiz Kalayci, Mr. Halil İbrahim Vargün and Mr. Murat Vargün, along with other human rights defenders mentioned in the annual report of the International Federation for Human Rights, had been prosecuted for aiding illegal organizations. Those individuals had not been subjected to any violation of the Convention.

The meeting rose at 1.10 p.m.