



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

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Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 557th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 5 May 2003, at 3.30 p.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.557/Add.1.

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The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Second periodic report of Turkey (continued) (CAT/C/20/Add.8)

1. At the invitation of the Chairman, Mr. Kurttekin (Turkey) took a place at the Committee table.
2. Mr. KURTTEKIN (Turkey) said that he had been heartened to see that the Committee was aware of the important changes currently taking place in Turkey. He would endeavour to reply to all the questions that had been asked by Committee members, even though certain questions and comments had strayed beyond the Committee's terms of reference.
3. In reply to the question as to how new legislation was transmitted to the relevant authorities, he said that the Ministry of Justice and the Ministry of the Interior had duly informed all the bodies subordinate to them about the legal changes and had sent out regular circulars and instructions with a view to implementing the new laws in full. The Ministry of the Interior had thus issued instructions to the Directorate General of Security and the Provincial Directorates of Security, and the Ministry of Justice had communicated to the public prosecutors, directors of prisons and the relevant civil servants all the necessary information regarding the implementation of the new legislation. Several examples of such circulars had been provided in the additional information note submitted to the Committee on 25 April 2003. The extensive training and education programmes conducted by the ministries were also used to inform officials about new legislation. A series of lectures, seminars, conferences, courses and inter-service training initiatives had been organized throughout the country for the security forces and judicial staff by prominent academicians and high-level officials of the Ministry of Justice and the Ministry of the Interior, the aim being further to enlighten officials about the latest legal changes. In addition, decisions by the European Court of Human Rights were published by the Ministry of Justice in the Bulletin of Judicial Legislation and distributed to all members of the judiciary. Decisions by the European Court of Human Rights pertaining to freedom of expression had been translated into Turkish and compiled into a book, which had been distributed to all relevant institutions including the judiciary.
4. As for the question regarding legal assistance, especially in cases before the State Security Courts, Law No. 4778 of 2 January 2003 stipulated that a person detained by the security forces had the right to ask for legal assistance immediately, from the very outset of the detention period, regardless of the nature of the alleged crime. It made no difference whether the detainee was accused of committing a common crime or a crime coming under the jurisdiction of the State Security Courts. There appeared to have been a misunderstanding with regard to the length of periods of detention. Under the new legislation, the detention period for ordinary crimes was 24 hours, and 48 hours for crimes coming under the jurisdiction of the State Security Courts. If the crime had been committed "collectively", i.e. by three or more persons, the Public Prosecutor could extend that period up to a maximum of four days. It was impossible for the security forces to prolong the statutorily defined detention period. Turkish legislation was thus

in full conformity with international standards, including the European Convention on Human Rights. The Directorate General of Security had issued a circular to the Provincial Directorates of Security instructing them to implement the new legislation in full.

5. Some other provisions of the Regulation on Apprehension, Custody and Interrogation were also relevant and should be noted. Suspects, or their legal representatives, were entitled to choose defence counsel. If a suspect wished to be represented by counsel but had no one specific in mind, a lawyer would be provided by the Bar Association. Suspects could consult their counsel in a private room where they could not be overheard by security officers, with no restrictions on the duration of the meeting. Monitoring of the correspondence between suspects and their counsel was prohibited. A suitable place for legal consultations was available at every place of detention. Counsel was permitted to be present when the suspect was making a statement. The suspect's rights were set out in a leaflet delivered to him or her at the time of arrest.

6. Regarding the inspection of prisons and places of detention, he informed the Committee that penal institutions were constantly monitored by Chief Public Prosecutor, the Enforcement Judge, inspectors of the Directorate General of Prisons, inspectors of the Ministry of Justice, the Human Rights Inquiry Commission of the Parliament and civil monitoring boards, and also, in a broader sense, by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). A record was kept of all inspections. Members of non-governmental organizations (NGOs) were allowed to be present during such inspections, and could also take part as members of civil monitoring boards.

7. Regarding the criminal justice system for juveniles and the legal safeguards provided for them, under the United Nations Convention on the Rights of the Child and the terms of Law No. 2253, a juvenile must be at least 12 years old to be deemed responsible for an offence, the age of full criminal responsibility being 18. The legal safeguards provided for juveniles in Turkey were fully in keeping with international standards. Juvenile offenders were dealt with solely by the juvenile police, established in 2001 and operating in 80 provinces. Juvenile police units consisted of social workers, education workers and psychologists.

8. The interrogation of children was performed exclusively by the prosecutor and not by the police or any other civil servants. Juveniles were represented by counsel; if they were unable to hire a lawyer, the Bar Association was obliged to appoint one. Pre-trial detention could be ordered only in the case of serious crimes for which the penalty was a custodial sentence of three to seven years. Juvenile offenders were segregated from adults; they were tried in special juvenile courts and accompanied throughout the process by a social worker and an educationalist. Court hearings were held in private in order to protect the juvenile's interests. The judge was obliged to ascertain whether the juvenile had a "capacity of discretion" that should be documented by a medical authority. If the penalty for the crime did not exceed three years' imprisonment, the judge had the option of suspending the sentence.

9. During pre-trial detention, the juvenile was held in a detention centre; upon conviction he was transferred to a juvenile reformatory with educational facilities, which he was permitted to leave for educational and vocational purposes. Incidentally, under the Turkish legal system, it was quite inconceivable that, a child of 6 could be put on trial, as one Committee member had

asserted. The total number of juveniles in institutions in Turkey was only 2,400, which was on the low side compared to some Western countries. Juveniles who had served two fifths of their term of detention could be conditionally released by the judge; those between 12 and 15 years of age received half the normal sentence for any given crime, whereas those between 16 and 18 received two thirds of the normal sentence. Juveniles convicted of crimes for which the penalty was life imprisonment received 10-year sentences.

10. On the subject of F-type prisons and hunger strikes, the Committee should bear in mind that Turkish penitentiary institutions had formerly been of the dormitory type, and that had led to extremely negative consequences. Prisons had become virtual indoctrination centres for organized criminals and terrorist organizations. To remedy that situation, F-type prisons had been introduced based on small cells for one to three prisoners, as recommended by CPT. The new prison system in Turkey was fully compatible with the European Prison Rules of the Council of Europe and with United Nations standards.

11. Due consideration had been given to all CPT recommendations on new prisons and the necessary legal changes had been made. For example, the Anti-Terrorism Law had been amended to make it possible to extend open visits and communal activities to inmates convicted of terrorist crimes. A law concerning the establishment of supervisory judges had been adopted to ensure the proper management of prisons. Another law on the establishment of prison monitoring boards, composed of independent non-governmental experts, had also been enacted. CPT delegations had visited the new prisons on a number of occasions and, generally speaking, their opinion of the reforms had been positive. The fact that CPT delegations had visited Turkey 14 times was a reflection of his Government's single-minded determination to reform its penitentiary system. Incidentally, five of those visits had been made at the request of the Turkish authorities, precisely in order to monitor the progress of the reforms.

12. Needless to say, the new prisons had generated reaction among the members of terrorist organizations, who had responded with hunger strikes and death fasts. Turkey had taken all the necessary steps, including the adoption of legislative and administrative measures, to put an end to those practices. As a result, the number of hunger strikes and death fasts had fallen dramatically. As of April 2003, only seven inmates were continuing their death fasts; all had been hospitalized.

13. A delegation from the European Parliament had visited Turkey in June 2001 and evaluated conditions in F-type prisons, whereupon it had reported that there was absolutely no justification for the continuation of the hunger strikes. For its part, CPT had reported that F-type prisons possessed special areas for communal activities and that the Turkish authorities had done everything in their power to avoid isolating inmates. However, the categorical refusal by certain convicted terrorists to make use of the communal areas had frustrated the strategy adopted by the authorities. In January 2002, the Secretary-General of the Council of Europe had praised the efforts made by the Turkish authorities to reform the penitentiary system and appealed to the remaining hunger strikers to end their self-destructive protest.

14. With regard to the operation of the prison monitoring boards, Law No. 4681 of 14 June 2001 provided that such boards should be established at every prison or place of detention. The boards consisted of five members each, including a chairman. Board members

were appointed by the judicial commission comprising the President of the Heavy Penal (Felony) Court, the Chief Public Prosecutor and a judge. Membership was on a voluntary basis and no salary was payable. Board members had to be over 35 years of age; to be graduates of a faculty of law, medicine, pharmacology, public administration, sociology, psychology, social services, pedagogic sciences or similar educational programmes; to have at least 10 years' professional experience; and to have a reputation for honesty and impartiality.

15. The boards were empowered to carry out inspections of penal institutions at any time, but they were obliged to visit every institution in their district at least once every two months. The boards' functions were to monitor the enforcement of sentences, rehabilitation programmes, living and health conditions, security measures and arrangements for the transfer of prisoners, and they were also empowered to hold private meetings with inmates, interview prison staff and examine prison records and documents.

16. They were required to prepare quarterly reports on their visits, based on the information they had gathered. Copies of the report had to be transmitted to the Ministry of Justice, the enforcement judges and the relevant public prosecutors' offices, and also to the Chairman of the Human Rights Inquiry Commission of the Turkish Grand National Assembly, if that was deemed necessary. Upon receipt of a report, the Ministry of Justice and the General Directorate of Prisons and Places of Detention were obliged to take whatever action was necessary to eliminate problems referred to therein, or to submit the report to higher authorities if legislative changes were considered necessary. The result of any action undertaken had to be transmitted to the board in writing.

17. In its report of 6 June 2001, CPT took the view that the creation of a judicial commission to select the members of monitoring boards was the right approach. Such a system was less open to abuse than having board members appointed by governmental authorities. CPT had further stated that the inclusion of formal representatives of NGOs on the boards would not be compatible with the nature and functions of the latter. In Turkey, therefore, formal representatives (i.e. administrators) of NGOs were not appointed to monitoring boards. Nevertheless, members of NGOs were permitted to sit on monitoring boards as individuals. There were currently 129 monitoring boards with 645 board members. They included 123 lawyers, 102 medical practitioners, 58 pharmacists, 10 psychologists, 15 social workers, 86 teachers, 36 academicians, five sociologists, and four psychiatrists. The others were from various walks of life and professions.

18. The monitoring boards had thus far prepared 555 reports on prisons, places of detention and detainee wards in hospitals. They had made 1,292 recommendations, 579 of which had been approved and acted upon. Another 594 recommendations had not yet been acted upon because they required additional funding or legislative changes. Of those recommendations, 73 were under consideration, 42 of which had been approved and would be acted upon. Like the CPT reports, the reports of the monitoring boards were confidential. However, the Minister of Justice had the power to waive the confidentiality requirement and disclose the contents of the reports and any action taken pursuant to the boards' recommendations.

19. Reference had been made to the report of the Special Rapporteur on the question of torture of the Commission on Human Rights, who had commented that testimony or statements

appeared to be the sole evidence in 90 per cent of all cases and also to his advice that a special commission should be established to ensure that such cases could be retried. As in other countries, testimony and statements were regarded as the most basic elements of criminal cases, but they were not normally admissible unless substantiated by other evidence. To strengthening evidence-gathering capacity, scene-of-the-crime investigation teams had been established in each province and additional fingerprint collection teams had been formed. More regional crime laboratories had been set up.

20. Since the Turkish judiciary was completely independent it was legally impossible to establish a commission to review and retry cases. Furthermore, the verdicts of lower courts were subject to judicial review by the higher courts. Under article 327 of the Penal Code, a finalized criminal case could be reopened only if a document used as evidence in the case was found to be counterfeit; if testimony in the case turned out to be unfounded; or if new evidence and new facts had come to light. Consequently, the possibility was always open to apply to the relevant court with new evidence or new facts in the hope of securing a retrial. Moreover, where a conflict arose between the verdict handed down by the Turkish courts and a judgement of the European Court of Human Rights, a retrial in the Turkish courts was also possible.

21. A member of the Committee had requested assurance that information obtained through torture could not be used as legal evidence. In fact, an amendment had been made to article 38 of the Turkish Constitution providing that any information obtained by illegal means could not be regarded as evidence. Furthermore, article 254 of the Code of Criminal Procedure provided that any evidence obtained in an illegal manner by an investigating body could not form the basis of a court decision. Article 135 (a) of the Code stipulated that a statement by the accused had to be made entirely of his or her own free will and defined illegal interrogation procedures as being any physical or mental intervention that prevented the suspect from acting of his or her own free will. A significant body of jurisprudence had been developed on the issue.

22. Regarding the comments made in connection with violence against women in custody and measures to protect them from becoming victims of such violence, he said that a set of special rules had been designed specifically to protect women. For instance, women could not be kept in the same detention room as men and body searches of women had to be performed by female police officers. During interrogations, a lawyer had to be present. A project to modernize detention rooms and equip them with facilities such as video cameras and voice recording systems was due to be implemented in the near future in close cooperation with CPT.

23. The Committee had asked for further information about the procedures available to detainees for filing complaints of sexual abuse. Any person detained in custody could file a complaint with the prosecutor or the security authorities. Prisoners could also complain to the Enforcement Judge or the Monitoring Board.

24. As for the question whether blindfolds were still used on persons held in custody, he said that security forces were regularly updated concerning legislative amendments and regulations. Internal inspectors, as well as other inspection mechanisms, were responsible for monitoring compliance with the law in that regard. Needless to say, Turkey was also subject to the monitoring mechanisms of CPT.

25. In reply to a question about the statute of limitations applied to torture and other serious crimes, he said that, under article 102 of the Penal Code, offences punishable by a life sentence were statute-barred after 20 years, those requiring 20 years' imprisonment were statute-barred after 15 years, those punishable by more than 5 but less than 20 years' imprisonment were statute-barred after 10 years, and those with a penalty of less than 5 years' imprisonment were statute-barred after 20 years. However, according to article 104 of the Penal Code, the statutory limit was halted if the suspect was apprehended or issued with a detention order, invited to attend a hearing, interrogated by judicial authorities or indicted by the prosecutor. Following the amendment of article 243 of the Penal Code, the punishment for offences involving torture had been increased from 5 to 8 years' imprisonment, thereby increasing the statutory limit to 10 years.

26. An important question had been asked about the definition of torture in Turkish legislation. Under article 90 of the Turkish Constitution, all international agreements ratified by Turkey carried the force of law; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was thus part and parcel of domestic legislation. Furthermore, the same article stipulated that no appeal could be made to the Constitutional Court with regard to the international agreements to which Turkey was a party on the grounds that they were unconstitutional. According to article 17 of the Constitution, no one could be subjected to torture or ill-treatment or to penalties or treatment incompatible with human dignity.

27. Crimes against the physical and psychological security and integrity of the individual and any treatment incompatible with human dignity were defined as torture or ill-treatment and subject to punishment under articles 243 and 245 of the Penal Code. Therefore, any public employee who tortured a person in order to make him confess to an offence or, for instance, to prevent him or her from testifying, was to be punished. Furthermore, police officers and other officials authorized to use force were to be punished if they threatened to ill-treat a person or actually caused a person bodily harm in circumstances other than those prescribed by the law.

28. The crime of rape was regulated separately in the Penal Code. Perpetrators were subjected to heavy prison terms. However, if the crime was committed by law-enforcement officers during detention, then it was considered to be a crime of both rape and torture. The perpetrator would be tried and punished accordingly and would be sentenced to the heavier penalty of those envisaged by the law.

29. Perpetrators of torture could expect to receive prison sentences of up to eight years and to be disqualified from the civil service. If, as a result of torture, a person lost a bodily organ or was disabled in any way, the perpetrator would be punished under article 456 of the Penal Code, thereby receiving a heavier sentence. If a person died as a result, the perpetrator would be sentenced under article 452 of the Penal Code, which related to homicide. Furthermore, the amendment of the Penal Code in January 2003 stipulated that penalties for offences related to torture and ill-treatment could no longer be converted into fines and could not be suspended.

30. In reply to a question regarding police presence during the medical examination of detainees, he said that the Regulation on Apprehension, Custody and Interrogation had been amended in 2002, to take into consideration the recommendations of CPT. As a result, all

medical examinations had to be carried out in private within the framework of a doctor-patient relationship. A police officer could be present only at the documented request of the doctor or the patient.

31. Several members of the Committee had raised the question of impunity. His authorities were aware of the criticisms made with regard to the prosecution of public employees in cases of torture and ill-treatment and his Government was fully aware of the importance of combating impunity for all human rights violations, including torture. A considerable amount of legislation had consequently been introduced in recent years to ensure that perpetrators were brought to justice and the Government would take all the necessary steps to that end. The new jurisprudence of the Court of Cassation on the interpretation of torture and ill-treatment was an important development, as the Turkish judiciary functioned to a large extent on the basis of the case law of the higher court. Following the recent amendment of the relevant provisions of the Act on the Prosecution of Civil Servant and Public Employees, administrative permission for such prosecution was no longer required.

32. Further information had been requested on the human rights training provided to civil servants, health personnel etc. and NGO involvement therein. The human rights training provided to those groups covered all human rights, including the question of torture. With regard to the Istanbul Protocol, he said that, since 1998, the Ministry of Health and the Institute of Forensic Medicine had been holding joint seminars on how to prepare forensic reports that reflected the statements of victims and on how to investigate cases of alleged torture and report such findings in accordance with the guidelines set out in the Protocol.

33. Several members of the Committee had referred to the work of the special rapporteurs of the Commission on Human Rights. Turkey was among the countries that had extended a standing invitation to the Commission's thematic special procedures. Many of them had visited the country in recent years, including the Representative of the Secretary-General on internally displaced persons in 2002. The Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders were expected to visit Turkey in 2003. The reports of all such visits were carefully examined by the Turkish authorities.

34. There had been some confusion regarding the domestic mechanisms that existed for filing complaints of human rights violations. The Human Rights Inquiry Commission of the Grand National Assembly was responsible, inter alia, for examining applications regarding alleged violations and forwarding them to the relevant authorities where necessary. It had extensive powers of investigation and could also refer a specific case to the judiciary. Human rights work within the Government was spearheaded by the Human Rights High Council, which was also responsible for investigating allegations of human rights violations, the results of which were made public. It could also receive individual complaints and forward them to the relevant authorities for action. The Human Rights Department affiliated to the Office of the Prime Minister functioned as the secretariat of the High Council.

35. The Human Rights Advisory Board, which served as a link between government bodies and NGOs on human rights issues, was composed of representatives of public institutions and of NGOs. Human Rights Inquiry Delegations were composed of representatives of official and

non-governmental bodies and investigated allegations locally and reported their findings to the authorities. Human Rights Councils in the provinces were entrusted with investigating complaints and allegations, transmitting their findings to the relevant authorities and providing human rights information to local communities. He rejected the suggestion by one of the members of the Committee that the somewhat complicated organizational structure was merely “window dressing”. It functioned effectively and should be perceived as an indication of Turkey’s commitment to human rights at all levels.

36. Allegations had been made that medical rehabilitation centres did not receive Government support and were harassed. He explained that Turkey had both State-run and private medical institutions. Private institutions did not receive direct support from the State and had to function according to the relevant laws and regulations. Numerous associations and foundations also functioned independently and were protected under the relevant legislation. However, they too had to function according to the rules. Turkey was governed by the rule of law and cases of non-compliance with the laws and regulations were brought to justice.

37. As for the references to the virginity control examination of women in prisons and other institutions, he explained that such a practice could be carried out only during the initial 24-hour period in police custody if a complaint had been made to the Public Prosecutor’s Office of rape or attempted rape and then only with the consent of the victim. During the trial of a person alleged to have been subjected to rape or attempted rape, the judge could ask the alleged victim to see a forensic doctor for examination, but she had the right to refuse.

38. With regard to the allegations that human rights defenders had been harassed, he emphasized that the Turkish authorities fully recognized the important role that individuals, groups and NGOs played in the promotion and protection of human rights. Human rights defenders were neither harassed nor attacked and violations of their human rights were in no way condoned or excused. It was a fundamental principle, however, that cases of non-compliance with the law had to be brought to justice.

39. Providing information about specific cases referred to by Committee members, he said that allegations of ill-treatment while in police custody made by Gülistan Durç were being investigated but, in the meantime, she had been convicted of being a member of a terrorist organization and was currently wanted by the police. The case of Rasim Aşan, who had been charged with insulting the judiciary, was still pending, as was that against Gülderen Baran, who had alleged that she had been subjected to sexual abuse while in custody. Meanwhile, Eren Keskin, who was also charged with insulting the judiciary, had been banned from practising as a lawyer for one year. With regard to the case of Süleyman Yeter, one of the police officers involved had been sentenced to four years and two months’ imprisonment and the other had been charged in absentia and was a wanted man. In the case of Alp Ayan, the suspect had been released pending a hearing against him due on 20 June 2003. In the interim he had committed a further crime, been sentenced to one year and one month’s imprisonment and filed an appeal which was also pending. The case against Kiraz Biçici, filed by the Istanbul State Security Court on the grounds that he was aiding and abetting a terrorist organization, had resulted in a sentence of three years and nine months’ imprisonment under article 169 of the Penal Code.

40. In the past, his Government had tried to bring its legislation into conformity with international standards while, at the same time, having to combat terrorist organizations, which was why only limited progress had been made. Since the Kurdistan Workers' Party (PKK) truce and the disappearance of the terrorist threat, the reform process had accelerated and the Government had been able to take on board the recommendations of a number of international organizations and other bodies. Although the implementation process was somewhat slow, his Government had the political will and determination to achieve improvement and the Committee's conclusions and recommendations would thus be studied carefully.

41. To provide clarification regarding some of the comments made by Committee members, he wished to point out that the PKK was not a political party but a terrorist organization and the fight against terrorism in Turkey could not be portrayed as an "internal armed conflict with the PKK". Furthermore, citizens of Kurdish origin were not "a minority" but were full Turkish citizens, since constitutional citizenship was a fundamental principle on which the State was founded and the term "Turkish" covered all citizens, whatever their ethnic roots.

42. He also explained that Turkey had acceded to the 1951 Convention relating to the Status of Refugees with a declaration of geographical limitation because of its physical location in the neighbourhood of countries which were prolific sources of asylum-seekers. His Government remained fully committed to the essence of the Convention, however, with respect to ensuring international protection for persons at risk of persecution. Turkey therefore complied carefully with the principle of "non-refoulement" and had a well functioning system of temporary asylum, as recently acknowledged by the United Nations High Commissioner for Refugees (UNHCR).

43. As for illegal migrants, an amendment had been made to the Penal Code in August 2002 introducing new measures against trafficking in migrants and bringing it into line with the provisions of the United Nations Convention against Transnational Organized Crime, and its two supplementary protocols.

44. In response to allegations quoted from third parties regarding the lack of democracy and freedom of thought or expression in Turkey, he stated that Turkey was a democratic State governed by the rule of law and the right to freedom of thought and expression was ensured under its Constitution. A number of legal reforms had been introduced in recent years to strengthen democracy, promote respect for human rights and consolidate the rule of law and the independence of the judiciary.

45. Referring to allegations that the imprisoned leader of the PKK, Abdullah Öcalan, had not been permitted visits for a long time, he said that the Ministry of Justice had responded positively to every request for a visit. However, harsh climatic conditions during the winter had adversely affected visits, since the only (public) means of transport to the prison on the island of Imrali was a ship which sailed once a week on a Wednesday, weather permitting. The local administration had been instructed to provide for more flexible visiting by authorizing the ship to sail on other days, when necessary. The CPT had visited the island in February 2003 by means of a helicopter.

46. Mr. MARIÑO MENÉNDEZ, Country Rapporteur, asked whether he had understood correctly that the Turkish legal system applied the definition of torture found in the Convention although there was no such definition in Turkey's Penal Code. He also asked what steps were being taken to rectify and to prevent forced population displacements in Turkey. With regard to the illegal trafficking in persons, he wanted to know whether the victims - illegal migrants - were expelled to their countries of origin without legal process or whether they were resettled in third countries.

47. Mr. RASMUSSEN, having thanked the representative of Turkey for his comprehensive answers, said he was pleased to note the many recent improvements which had been made and hoped that Turkey's next periodic report would not take 10 years in the production.

48. Mr. KURTTEKIN (Turkey) said that the definition of torture, as included in the Convention, had been adopted by the Turkish legal system. Although there was no article entitled "torture" in the country's Penal Code, confessions had to be made of free will and cases which were considered to jeopardize that principle were listed in the Penal Code.

49. His Government had been working on the issue of forced population displacement with the Representative of the Secretary-General on internally displaced persons. The Representative had visited the country and had had extensive contacts there. The Turkish authorities were currently engaged in a programme, entitled "Return to the village", which was designed to ensure the return of the displaced people, who were primarily of Kurdish origin, to their original places of settlement and to provide them with educational, economic and social facilities. His Government was addressing the problem within the framework of its cooperation with international institutions.

50. With regard to illegal immigrants, his Government was engaged in an attempt to reach bilateral agreements with the neighbouring countries with regard to people who came to Turkey through those countries and were not granted the refugee status by UNHCR. In that regard, an arrangement had been made with Syria whereby, if a third-country national entered Turkey through Syria seeking refugee status, which was not granted, or in order to migrate to another country and was not allowed to do so, Syria would take the person back and repatriate him or her to the country from which he or she had come.

The meeting rose at 5.30 p.m.