



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: jli/follow-up/CAT

31 August 2016

Excellency,

In our capacities as Chair and Rapporteur for Follow-up on Concluding Observations of the Committee against Torture, respectively, we have the honour to refer to the follow-up procedure to the concluding observations on the fourth periodic report of Turkey, which were adopted by the Committee at its 57th session, on 10 and 11 May 2016 (CAT/C/TUR/CO/4, paragraph 49). Reference is made also to the Committee's Guidelines for Follow-Up to Concluding Observations under article 19 of the Convention (CAT/C/55/3).

In its concluding observations, the Committee requested your Government to provide within one year further information on the specific areas of concern identified in paragraphs 10(c), 14, 26(d) and 44(b) (see extracts annexed).

After the adoption of its concluding observations, the Committee has been alerted to reports alleging serious violations of the Convention, occurring in the aftermath of the attempted coup d'état of 15 July 2016 and the subsequent declaration of a state of emergency. In particular, the Committee is seriously concerned at reports of torture of detained journalists, military personnel and other professionals, suspected of having participated in the attempted coup. The Committee refers, for example, to accounts of torture at the Ankara Police headquarters sports hall reported by Amnesty International in its report of 24 July 2016, including allegations that hundreds of the estimated 650-800 soldiers being detained in the sports hall showed signs of having been beaten. Furthermore, the Committee expresses concern at the Emergency Decree No. 667 issued by the Council of Ministers on 23 July 2016, which reportedly allows the permanent discharge of judges, as well as prosecutors and civil servants, without the possibility of legally challenging it, according to a report issued by Human Rights Watch on 25 July 2016. The Committee notes that on 27 July 2016 the Minister of Interior of your Government reportedly announced that 1,684 judges and prosecutors had been jailed, as a result of a decision by the Ankara prosecutors' office to detain 2,740 judges and prosecutors on suspicion of carrying out activities against national security or associating themselves with members of organizations that have carried out activities against national security (Report of Human Rights Watch of 5 August 2016). The Committee is concerned about the ability of your Government to ensure the independence of the judiciary in light of the suspension and arrest of a large number of judges and prosecutors pursuant to summary proceedings.

.../...

H.E. Mr. Mehmet Ferden Çarikçi
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Turkey
to the United Nations Office at Geneva
E-mail: mission.turkey@ties.itu.int

The Committee also notes with concern the declaration of your Government to the United Nations Secretary-General of 21 July 2016, expressing its intention to take measures which may involve derogation of its obligations under a number of articles of the International Covenant on Civil and Political Rights including article 10, which, inter alia, obliges States parties to ensure the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person. In light of this request, and keeping in mind paragraph 13 (a) of Human Rights Committee's general comment No. 29 (2001), which indicates that article 10 of the Covenant contains a norm of general international law not subject to derogation, the Committee wishes to remind Turkey, the provisions of article 2, paragraph 2, of the Convention against Torture, indicating that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

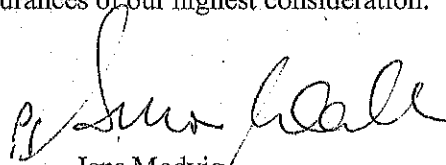
Bearing in mind the changed circumstances in your country, the Committee requests your Government to provide comments to the above-mentioned concerns in its upcoming follow-up report, as well as an account of the measures taken since the dialogue with the Committee to ensure that:

- the fundamental legal safeguards are afforded to all persons deprived of their liberty;
- all allegations of torture or ill-treatment are investigated in a prompt, impartial and thorough manner by an independent body;
- the principle of rule of law and the independence of the judiciary applies, also during the current state of emergency.

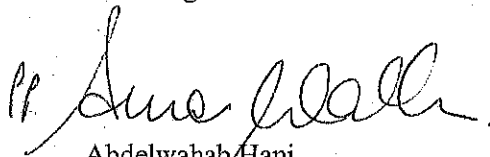
Considering the serious allegations reported to the Committee and the urgency of the situation, the Committee would appreciate to receive the follow-up report of your Government as soon as possible, but no later than 7 November 2016, in order to allow the Committee to consider it at its upcoming 59th session, which will take place from 7 November to 7 December 2016.

The Committee looks forward to a continued constructive dialogue with your Government on the implementation of the Convention.

Accept, Excellency, the assurances of our highest consideration.



Jens Modvig
Chairperson
Committee against Torture



Abdelwahab/Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture

cc: Mr. Fabián Omar Salvioli, Chairperson, Human Rights Committee.

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

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/TUR/CO/4)

TURKEY

(...)

C. Principal subjects of concern and recommendations

(...)

Impunity for acts of torture and ill-treatment

(...)

10. The Committee urges the State party to:

(...)

(c) **Ensure that state officials do not use the threat of countercharges as a means of intimidating detained persons or their relatives into not reporting torture;**

(...)

Allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations

(...)

14. The Committee recommends that the State party:

(a) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations of extrajudicial killing by the State party's authorities, including the alleged killing of Maşallah Edin and Zeynep Taşkın by police snipers in Cizre on 8 September 2015, and that the perpetrators of such killings are prosecuted and held accountable;**

(b) **Ensure that in all cases the family members of individuals killed in the course of counter-terrorism operations are given notice and a reasonable opportunity to retrieve their bodies, and investigate allegations that family members have been denied this opportunity in recent cases;**

(c) **Promptly, impartially and effectively investigate allegations that the State party's imposition of curfews during security operations has had the effect of depriving affected persons of access to food and health care, causing severe suffering; discipline or prosecute those responsible for the**

imposition of such ill-treatment; and take measures to ensure that measures taken in the course of future security operations do not have such effects.

(...)

Agreement of 18 March 2016 between the European Union and Turkey

(...)

26. The State party should:

(...)

(d) Ensure that all returnees have the opportunity for an individual review and are protected from refoulement and collective returns.

(...)

Human rights defenders, journalists and medical doctors

(...)

44. The Committee urges the State party to:

(...)

(b) Refrain from detaining and prosecuting journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting on human right issues;

(...)

Follow-up procedure

49. The Committee requests the State party to provide, by 13 May 2017, information on follow-up to the Committee's recommendations relating to the following: the use of countercharges as a means of intimidating detained persons, or their relatives, into not reporting torture (para. 10 (c)); allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations (para. 14); measures to ensure that all returnees under the agreement of 18 March 2016 between the European Union and Turkey have the opportunity for an individual review and are protected from refoulement and collective returns (para. 26 (d)); and the detention and prosecution of journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting (para. 44 (b)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)