



HUMAN RIGHTS FOUNDATION OF TURKEY

ALTERNATIVE FOLLOW UP REPORT
to the
UNITED NATIONS COMMITTEE AGAINST TORTURE
on the
FOURTH PERIODIC REPORT OF TURKEY

February 2017

I. INTRODUCTION

1. Following the consideration of the fourth periodic report of Turkey (CAT/C/TUR/4) at its 1406th and 1409th meetings held on 26 and 27 April 2016, on 31 August 2016 Committee requested Government of Turkey to provide its follow-up report no later than 07 November 2016 considering the reports alleging serious violations of the Convention occurring in the aftermath of the attempted coup d'état of 15 July 2016 and subsequent declaration of state of emergency.

2. The Human Rights Foundation of Turkey (HRFT) submits this alternative follow-up report pursuant to Committee's Guidelines for follow up to concluding observations (CAT/C/55/3).

3. The Committee's Concluding Observations were adopted in a period where Turkey was going through a quite destructive period in terms of democracy and human rights, with the resurgence of armed conflict in July 2015, the impose of round the clock and open ended curfews that last for months, the numerous bombings that took place. The schedule for the follow up had to be advanced since there was an attempt of coup d'état on July 15, 2016 and the declaration of state of emergency and in the aftermath issuance of decrees having force of law have shaped the general climate of the period. Therefore the explanations will be given together with the practices in the state of emergency concept.

II. IMPLEMENTATION OF RECOMMENDATIONS

4. In its follow up report dated 08 November 2016, the Government doesn't give any response regarding the Committee's recommendation on use of **counter charges** as a means of intimidation into not reporting torture. On the other hand, Government is describing the establishment of Law Enforcement Monitoring Commission and enactment of the Law on Human Rights and Equality Institution as the criterias that have to be met while considering the implementation of this recommendation.

5. There isn't still any legislative or judicial attitude in order to ensure avoiding authorities from applying counter charges against the ones who report torture incidents. Also the statics relevant to counter charges aren't still available. It has to be noted that after the coup d'état attempt the video footage and pictures revealed through the media were representing the alleged perpetrators of coup with the signs of torture. The counter charge practice also needs to be evaluated with these images as a threat to ones and their relatives to refrain from reporting torture incidents. Meanwhile a recently published article on the issue of counter charges stipulates that the counter charge practice increasingly on going. According to the comparative statics the ratio of the number of public officials that are prosecuted with an allegation of committing crimes of torture and other forms of ill-treatment to the number of offences that are brought with an allegation of committing

against public officials in terms of counter charges in 2006 was approximately 1 to 100 whilst in 2013 it was 1 to 2500¹.

6. Although the Government's reply on the Law Enforcement Monitoring Commission isn't directly related to the issue on counter charges, the structure and possible function of it is also relevant to impunity topic. The Law No. 6713 envisages the Commission to be affiliated to Ministry of Interior and to function as a Board composed of seven members. Four members are directly bureaucrats of Executive Power and three members are appointed by Ministers. No objective election or appointment criteria are defined that secure members' independency. The lack of financial autonomy is also another point that has to be raised. The mandate of the Commission is described as to monitor and record in a central system the actions and operations carried out by administrative units that require disciplinary punishment or alleged crimes of general law enforcement officials. The Commission is entitled to refer the individual complaints to the investigative authorities. Therefore it isn't organised as a body that can perform to prevent violations or bring accountability to law enforcement officials but a body that is tasked just to monitor.

The Concluding Observations and recommendations of the Committee on the lack of functional and structural independency of Human Rights and Equality Institution aren't still respected. The Law on Human Rights and Equality Institution is described as national preventive mechanism. According to the OPCAT the adoption of NPM functions is not only dependent on a designation of an institution; but also on the existence of a regulation that covers the definition of the duties, mandates, structure, functional independency, adequate resources and transfer of funds in terms of budget and personnel as well a legal regulation ensuring of the safety of the members. Considering that it can't be accepted to function as NPM it has to be underlined that it hasn't even performed, yet.

The Government's explanations regarding these bodies are in contrary to the current situation as they neither commenced operating nor had any criticism or any effective work related to the human rights violations that occurred aftermath of 15 July coup d'état attempt.

7. The Government's reply to the implementation of recommendation on the **extrajudicial killings and ill-treatment in the course of counter-terrorism operations** is based on rejection and in some level neglect. The Commissioner for Human Rights of the Council of Europe, Nils Muižnieks's findings in the "Memorandum on the Human Rights Implications of Anti-Terrorism Operations in South-Eastern Turkey" dated 02 December 2016 is very crucial. As described in the memorandum *"numerous human rights of a very large population in South-Eastern Turkey have been violated in the context of the anti-terrorism operations conducted since August 2015. The priority for Turkey must therefore be to abandon the approach which has led to this situation, followed by the demonstration of a clear will to remedy its effects"*².

¹ http://bianet.org/bianet/insan-haklari/175633-adalet-istatistiklerinin-dili-gezi-de-yazilan-cezasizlik-destani-kahramanlik-degil?bia_source=rss

² <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db68f>

8. According to HRFT Documentation Centre between the dates August 16th, 2015 and December 31st, 2016 there has been at least 169 officially confirmed, open-ended curfews in at least 39 districts of 10 cities in south eastern Turkey. These cities are as follow; Diyarbakır, Şırnak, Mardin, Hakkâri, Muş, Elazığ, Batman, Bingöl, Bitlis and Tunceli. As of February 2017 in some neighbourhoods of Sur district of Diyarbakır, in Lice district of Diyarbakır, in Cizre, Silopi and İdil districts of Şırnak and in Şırnak, in Nusaybin district of Mardin, in Yüksekova district of Hakkari the curfews are still imposed during the nights. According to the data of HRFT Documentation Centre, since August 16, 2015 until August 16, 2016 at least 321 civilians lost their lives in regions and periods of time that curfews were officially implemented. 79 are children, 71 are female and 30 are over the age 60 within these people. It has to be stated that approximately 1 million 809 thousand people are intentionally and “arbitrary deprived of their liberty” as a result of “continuous curfews”, last for months. The residents of places where there is an absolute control of State, are under the threat of right to life, are deprived of fundamental needs such as water, food and health care for extended periods³. This practice of “continuous curfew” has to be considered on prohibition of torture and other forms of ill treatment basis as persons have been individually or collectively suffered harm including severe pain and emotional suffering that has already amounted to a certain level of gravity.

As the Committee has already pointed out and declared internationally The Venice Commission is also of the opinion that *“the Provincial Administration Law, on which decisions imposing curfews were based, and the decisions themselves do not meet the requirements of legality enshrined in the Constitution and resulting from Turkey’s international obligations in the area of fundamental rights, in particular under the ECHR and relevant case-law⁴”*.

On 15 December 2016 European Court of Human Rights published a statement related to applications before the Court. It has decided to communicate complaints to the Turkish Government in the 34 applications concerning the curfew measures taken in Turkey since August 2015. The complaints which have been communicated are related to allegations of: extra judicial killings and failure to take steps to protect the right to life; torture and ill-treatment; and, unlawful deprivation of liberty on account of some of the applicants’ confinement to their homes for extended periods. The Government’s follow up report is indicating the interim measures to be lifted by the Court is also mentioned in the statement as follows: *“Following the deaths of four of the applicants, allegedly because of the Government’s failure to comply with the interim measures to take them to hospital, and the taking into hospital of the fifth applicant, the ECtHR lifted the interim measures”⁵*.

9. The information concerning the investigations provided in the follow up report is misleading since launching compulsory *ex officio* investigations regarding the killings doesn’t mean that they are conducted “meticulously”. All investigations are still pending before the Prosecution Offices without

³ See Amnesty International’s Reports: <https://www.amnesty.org/en/documents/eur44/3178/2016/en/>;
<https://www.amnesty.org/en/documents/eur44/3230/2016/en/>

⁴ [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)010-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)010-e)

⁵ <http://hudoc.echr.coe.int/eng-press?i=003-5579611-7041779>

identifying any perpetrator. The procedures for investigations are still at the very first stages. Therefore although it has been 17 months from the first application of curfews it is regretful that Government isn't able to provide any results of investigations that had to be conducted promptly, thoroughly and affectively. For instance on 30 December 2015, health worker Abdulaziz Yural, who works at Cizre State Hospital and one of the distinguished volunteer of HRFT, was shot to death on a street in Nur neighbourhood while trying to provide emergency care to a woman who was also shot from her feet. The Cizre Prosecutor Office had to launch the investigation as the incident is reported as gunshot killing⁶. Abdulaziz Yural's body examination and autopsy procedures were concluded on the same day without determining the manner of death and the circumstances of death. It was clinically declared that *"he was shot to his frontal with one bullet that caused the death"*. There haven't been any crime scene findings submitted to the file rather than swab analysis of Abdulaziz Yural, in order to find out whether he was in clashes or not. Any evidence related to the killing of him still hasn't been collected. On the other hand there have been investigations or prosecutions launched against hundreds of people with an allegation of being member of PKK or aiding and abetting PKK in the context of curfews and Abdulaziz Yural's images were provided before the suspects in order to gather statements against him with an allegation of being member of PKK. The Government's "meticulous attention" is very suspicious since the proceedings regarding the death of Abdulaziz Yural are mostly based on criminalisation of him and his profession as a health worker.

Moreover the Law No 6722 promulgated on 14 July 2016 on the Official Gazette granted Turkish Army forces immunity from prosecution for acts carried out in the course of their operations relying on article 11 of Provincial Administration Law⁷. Investigations into allegations of torture and ill-treatment by the involved security forces is almost impossible, as the permission system is introduced to the investigation stage.

The Government's explanation on retrieving deceased people's bodies is related to "making propaganda". Therefore it is crucial to bear in mind that "Regulation for Implementation of Forensic Medicine Institution Law" on January 7th and 16th, 2016 and again "Regulation on Transfer and Burial of Corpses" on January 16th, 2016 that allowed the bodies to be buried collectively to common graves or unknown places without waiting for the necessary period of time which made the identification process even harder, remains. And it is unacceptable to apply to "propaganda" measures when there is a suspicion of extrajudicial killing and grave violations of human rights.

10. The total rejection of Government on the question of using detention or prosecution of **journalists or human rights defenders** as means of intimidating or discouraging them from freely reporting is pointing out the problematique that assists the follow up report. Despite the data and verified facts the Government's attitude towards the journalists and human rights defenders still

⁶ The investigation is registered under file number 2015/3745

⁷ <http://www.resmigazete.gov.tr/eskiler/2016/07/20160714-1.htm>

remain as total denial. In Reporters without Borders 2016 World Freedom Index, Turkey is ranked 151st out of 180 countries⁸.

11. In the follow up period there have been hundreds of investigations against journalists who have leading stance of critical independent journalism. To exhibit the threats against journalism the solidarity campaign with the Ozgur Gundem Daily Newspaper is still a symbolic one. The campaign was initiated on World Press Freedom Day, against the investigations, fines and the arrests Ozgur Gundem has been facing since 2014, because of its anti-governmental and pro-Kurdish stance. Since 3 May, 2016 nearly 50 other journalists and human rights defenders guest-edited the paper for a day each, to support freedom of speech and press, and to deplore the repressions, the paper is subject to. 46 guest editors were investigated with an accusation on terrorism-related charges. 37 criminal cases were brought before the Courts, which are still on-going. HRFT's chairperson Prof. Dr. Şebnem Korur Fincancı, Reporters without Borders' representative in Turkey Erol Önderoğlu, and Journalist-Writer Ahmet Nesin were arrested on 20 June 2016 with the same charges and detained until 30 June 2016. These three guest editors had been the first to be detained. The charges pressed against them rely on the Turkey's controversial criminal and anti-terror legislation, which Turkey was required to change, in order to meet the international human rights standards. The case has once again demonstrated that the Government is using the antiterrorism laws to silence critics via judicial harassment and arbitrary detention of human rights defenders and journalists.

12. Between 20 July 2016 and 23 January 2017 160 media and publishing outlets were closed via Decrees having force of Law⁹. This number includes 5 news agencies, 30 television channels, 32 radio stations, 45 newspapers, 19 magazines and 29 publishing houses. The attacks on independent media after the attempted coup d'état mark a crackdown on media and press freedom that mostly censored or silenced critical journalism.

According to the data of Platform for Independent Journalism as of February 2017¹⁰ there are 151 journalists in jail. After the declaration of state of emergency within the scope of coup d'état investigations, 82 journalists were detained. The investigation against the *Cumhuriyet* Newspaper involves 11 journalists who are still in prison. 27 journalists were detained in the state of emergency period out of the scope of coup d'état investigations. Before the declaration of state of emergency there have been 29 journalists in prisons. Although the misuse of the judicial system to prosecute journalists for has a long history in Turkey it is obvious that the state of emergency administration peaked this trend.

13. The attacks on human rights defenders also intensified in the follow up period especially under the state of emergency administration. The organisations which have leading roles for protecting and promoting human rights were closed down via Decrees having force of Law. 1401 associations

⁸ <https://rsf.org/en/turkey>

⁹ This period refers to the state of emergency administration that is still in force. The decision on state of emergency is published in the official gazette on July 21, 2016. Article 4 of the Law on State of Emergency with a number 2935, allows the President and the Council of Minister to rule by "decrees having the force of Law". Since July 23, 2016 decrees having the force of Law have been published in the official Gazette.

¹⁰ <http://platform24.org/guncel/1973/olaganustu-h-l-de-gazeteciler---51>

and 123 foundations were closed and their belongings were seized. The Progressive Lawyers Association, Lawyers for Liberty, Sarmaşık Association for the Struggle against Poverty and Sustainable Development, Agenda: Children Association, Van Women Association and Human Rights Research Association are among these civil society organisations with their well-known working areas on human rights.

The crackdown on civil society doesn't only occur via Decrees. There have been both administrative and criminal investigations against the prominent human rights organisations such as HRFT. The General Directorate of Foundations in December 2016 launched its routine inspection. However, in the latest inspection, beside those on the accounts and operations by HRFT, for the first time questions directed by the General Directorate of Foundations to the HRFT directly concern the activities towards truth, justice, and redress concerning the gross/serious human rights violations, which have been also pointed out by many international organizations and bodies. More particularly, these questions are related to HRFT's recent reports on human rights violations which were based on the visits to towns under curfew and fact sheets on civilian deaths during curfews. These had been the subject of a correspondence by the General Staff of the Turkish Army Forces sent to the relevant ministries and asking for 'the necessary actions to be taken' regarding HRFT. In the beginning of January 2017 the organisations that prepared the above mentioned reports were notified that they have been under criminal investigation with an accusation of violating article 301 of Penal Code of Turkey¹¹.

Pressure against all civil society organisations working in the field of human rights in general, and the HRFT in particular has visibly increased. Cizre Reference Center representative MD. Serdar Kuni has been arrested on 19 October 2016 and accused of providing health service. The board members Prof. Umit Bicer and Coşkun Üsterci, and volunteers of the HRFT have been taken into custody and released, yet investigations and trials concerning them are ongoing. A HRFT Board Member, a HRFT Ethical Council Member, and a number of volunteers have been dismissed from their posts at the public universities and public institutions, their passports are cancelled. Several of the HRFT founders and volunteers are facing trials and investigations. Adding to that, 6 members of executive boards of Human Rights Association are in jail while nearly hundreds of its activists and members are under investigation or prosecution.

14. Regarding the questions of the Committee on the implementation of **state of emergency measures**, it has to be stated that the regulations in the aftermath of state of emergency declaration aren't solely related to state of emergency. The so called measures have all affected all the segments of the population. The state of emergency was prolonged for two times. As of 23 January 2016 there have been 19 Decrees having force of Law adopted since 23 July 2016. 5 of

¹¹ The investigation is registered under file number 2016/15529 before the Ankara Prosecutor Office. Article 301 of Penal Code is as follows: (1) A person who publicly degrades the Turkish nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey or the judicial bodies of the State, shall be sentenced to a penalty of imprisonment for a term of six months to two years. (2) A person who publicly degrades the military or security organisations of the State shall be sentenced to a penalty in accordance with paragraph 1 above. (3) The expression of an opinion for the purpose of criticism does not constitute an offence. (4) The conduct of an investigation into such an offence shall be subject to the permission of the Minister of Justice.

these are enacted as Laws. All the areas concerning public services were redesigned via Decrees. Meanwhile the criminal law and criminal procedures were dramatically changed. Briefly the regulations are beyond the scope of state of emergency and the state of emergency, especially extension of the administration under state of emergency has no compatibility with human rights standards and basic principles of rule of law.

Some references through this alternative report were made but adding to that as of 23 January 2016; at least 95982 public officials have been dismissed from public services via Decrees having force of Law. 3892 judges and prosecutors were dismissed via Decision of High Council of Judges and Prosecutors. Closure of universities, trade unions and special health facilities has to be taken into consideration for describing the whole state of emergency administration. There have been no administrative or criminal investigations before the dismissals and there isn't any effective domestic remedy to challenge these provisions. On the other hand as of 23 January 2016, the Decree having force of Law no. 685 a commission has been founded to receive appeals against state of emergency operations¹². Five of its seven members will be appointed by the prime minister, one will be appointed by the Minister of justice and one will be appointed by the Minister of Interior which is obviously lack of independency and impartiality. The decision makers of dismissals are the members of the Commission that will review the appeals. Also there isn't any guarantee recognized to maintain the independency of the members. There isn't any due process standard defined under the Decree. This Commission's work on the appeals doesn't seem realist as far as it is only based in Ankara for hundred thousands of administrative actions. There isn't any period foreseen to end the review process.

15. The series of Decrees adopted since 23 July 2016 created almost unlimited discretionary powers for the executive in legal safeguards area. As well known the vast majority of torture and other ill-treatment take place in pre-trial detention. Therefore the procedural safeguards and the related regulations need to be assessed.

16. Regarding the **period of custody** the provisions applicable for the duration of state or emergency is regulated under the Decree having force of Law with number 667 dated 23 July 2016¹³ that was promulgated on Official Gazette as Law No 6749 dated 29 October 2016¹⁴. On 23 January 2016 the Decree having force of Law with number 684 made an amendment to Law No 6749¹⁵. With regard to the offences enumerated under Fourth, Fifth, Sixth and Seventh Sections of Fourth Chapter of Second Volume of the Penal Code of Turkey no. 5237 dated 26 September 2004, the offences falling under the Anti-Terror Law no. 3713 dated 12 April 1991 and the collective offences, between 23 July 2016 and 23 January 2017 the dead-line for bringing an arrested person before a judge is extended to 30 days. On 23 January 2016 this regulation was amended and the dead-line is regulated as 7 days which can be extended relying on the Prosecutor written order up to more 7 days. This amendment still contradicts with European Convention on Human Rights criteria that was

¹² <http://www.resmigazete.gov.tr/eskiler/2017/01/20170123-4.htm>

¹³ <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

¹⁴ <http://www.resmigazete.gov.tr/eskiler/2016/10/20161029-1.htm>

¹⁵ <http://www.resmigazete.gov.tr/eskiler/2017/01/20170123-3.htm>

stipulated in Aksoy vs. Turkey judgment. The court ruled that the 14 days of detention without judicial supervision was exceptionally long and was thus in breach of convention¹⁶.

17. With regard to **right to lawyer** the Decree having force of Law with number 668 dated 27 July 2016¹⁷ that was promulgated on the Official Gazette as Law No 6755 dated 08 November 2016¹⁸ the right of the arrested person to see a lawyer may be restricted for five days by the prosecutor in the offences enumerated under Fourth, Fifth, Sixth and Seventh Sections of Fourth Chapter of Second Volume of the Penal Code of Turkey no. 5237 dated 26 September 2004, the offences falling under the Anti-Terror Law no. 3713 dated 12 April 1991 and the collective offences, for the duration of state of emergency. The Decree having force of Law with number 684 repealed that regulation. Nevertheless, the Decree having force of Law with number 676 dated 29 October 2016¹⁹ made an amendment in Criminal Procedure Code and introduced the 24 hours restriction to see lawyer applicable, for the offences enumerated under Fourth, Fifth, Sixth and Seventh Sections of Fourth Chapter of Second Volume of the Penal Code of Turkey no. 5237 dated 26 September 2004, the offences falling under the Anti-Terror Law no. 3713 dated 12 April 1991. The confidentiality clause between client and the lawyers is still violated as far as *de facto* the right to see the lawyer is restricted by security forces.

Another regulation within the scope of right to lawyer is related to the communications between detainee and the lawyers. For the duration of state of emergency the Decree having force of Law with number 667 and Law No. 6749 envisages that oral consultations between the detainees and their lawyers may be recorded for security reasons, and the documents they exchange may be seized; the timing of such consultations may be regulated, and the lawyer may be replaced, at the request of the prosecution. Nevertheless the Decree having force of Law with number 676 dated 29 October 2016 also introduced the same restrictions permanently with an amendment to Law on Execution of Punishments No. 5275.

18. In its “Opinion on Emergency Decree Laws Nos. 667-676 Adopted Following The Failed Coup of 15 July 2016” dated 12 December 2016 the Venice Commission has already stressed out that “*Venice Commission draws the attention of the Turkish authorities to the evident fact that measures adopted following the coup (...) remove crucial safeguards that protect detainees from abuse, and hence increase the likelihood of ill-treatment and torture*”²⁰. Likewise, in the “Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey” dated 07 October 2016 Nils Muižnieks states that “*As regards on-going criminal proceedings, among the most immediate human rights concerns are consistent reports of allegations of torture and ill-treatment. The Commissioner does not automatically give credence to such allegations, but observes that the extension of the custody period to 30 days, practical changes to procedures for obtaining medical reports, and drastic restrictions to access to lawyers, as well as limitations on*

¹⁶ App No. 21987/93; 18 December 1996

¹⁷ <http://www.resmigazete.gov.tr/eskiler/2016/07/20160727M2-1.pdf>

¹⁸ <http://www.resmigazete.gov.tr/eskiler/2016/11/20161124-2..htm>

¹⁹ <http://www.resmigazete.gov.tr/eskiler/2016/10/20161029-5.htm>

²⁰ [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037-e)

the confidentiality of the client-lawyer relationship, contributed to the persistence of such allegations”²¹.

19. The Government’s replies on the investigations into allegations of torture and ill treatment is lack of concrete information which could be provided by themselves. As mentioned above in the first days of the investigations regarding coup d’état attempt, the images were covered by press and media. And there have been applications via email to the relevant human rights organisations. Considering the fear and their presence in prison it has to be stated that the number of applicants are less than predicted. The 311 out of 487 applicants to HRFT for seeking medical treatment and rehabilitation services were exposed to torture in 2016. The most frequent methods of physical torture were beating and threats to death and insulting acts. Meanwhile the positional torture methods were deployed against the torture survivors.

When it comes to the issue on investigations Trabzon Prosecutor Office’s decision on not to prosecute, dated 05 January 2017, needs to be mentioned²². The applicant’s complaints under torture wasn’t investigated relying on the article 9 of the Decree having force of Law No 667, which envisages *“legal, administrative, financial and criminal liabilities shall not arise in respect of the persons who have adopted decisions and fulfil their duties within the scope of this Decree Law.”*

On the other hand news on suspicious deaths and suicide incidents were revealed in the media. Teacher Gokhan Acikkolu’s lost his life under custody on 05 August 2016, on the 13th day of custody. Although there have been some physical findings in the medical reports and witness statements that he was exposed to torture, the Istanbul Prosecutor Office gave a decision on not to prosecute relying on his health status that he feel sick under custody²³.

There have been incidents reported aftermath of the coup d’état attempt. The Government’s response to these allegations doesn’t provide any information on the effective investigations rather than referring to relevant procedural principles. It is crucial to recall the Ankara Bar Association Centre of Human Rights’ official letter dated 18 August 2016 with a number of 2016/8. The letter demonstrates that the lawyers who were assigned buy the Bar in the course of interrogation of 15 July suspects, have reported Ankara Bar Association that they were exposed to torture and ill-treatment. The lawyers refrained to give their names and identities on accounts of feeling fear and threat²⁴.

The official correspondences also revealed that there are coercive pressures on the physicians to conduct forensic medical evaluation at the security premises rather than at the medical facilities which created a real risk of not documenting torture or ill-treatment effectively. On the other hand the physicians who refuse to conduct medical examinations at security forces premises are subject to threats. For instance MD. Elif Turan who refused to conduct medical examination at the police

²¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db6f1>

²² The investigation was registered under file number 2016/15056

²³ The investigation was registered under file number 2016/ 91448

²⁴ Ankara Bar Association Activity Report, 2014-2016, page.337-339

vehicle was exposed to the pressure of security forces and administrative authorities which ended with dismissal from public service²⁵.

²⁵ <http://www.tipdunyasi.dr.tr/2016/09/istanbul-protokolunu-uygulayan-doktora-sorusturma-takipsizlikle-sonuclandi/>