



PERMANENT MISSION OF TURKEY
TO THE UNITED NATIONS
GENEVA

2016/62441669-BMCO DT/11671467

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the joint urgent appeal of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the Right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 19 August 2016 and Reference: UA TUR 7/2016, has the honour to enclose herewith an information note and its annexes comprising the response of the Government of the Republic of Turkey to the aforementioned appeal.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 1 December 2016



Encl: As stated

Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

Observations Regarding the Joint Urgent Appeal of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the Right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 19 August 2016

(REFERENCE: UA TUR 7/2016)

1. The Government would like to present its observations in respect of the Joint Urgent Appeal of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the Right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 19 August 2016.

2. The Government takes note of the remarks put forward in the Joint Urgent Appeal and would like to reiterate its will to fully cooperate with the Special Procedures of the Human Rights Council. In this regard, Turkey would like to provide the information requested and respond in detail to the concerns and recommendations taking into account the points raised in the Appeal.

3. The Government considers that the scope and the necessity of measures taken in Turkey with respect to terrorist coup attempt of 15 July 2016 have to be better assessed by paying attention and also giving due consideration to the severity of the threat posed by the perpetrators, namely Fetullahist Terrorist Organization/the Parallel State Structure ("FETÖ/PDY").

4. On the night of 15 July, upon the instruction of the founder and leader of the FETÖ/PDY, Fetullah Gülen, and in line with the plan approved by him, "a group of terrorists in uniforms" within the Turkish Armed Forces ("the TAF") attempted an armed coup against the democracy for the purpose of overthrowing the elected president, Parliament and Government together with the Constitutional order.

The Presidential Compound, the hotel where Mr. President was staying at, the Turkish Grand National Assembly ("TGNA"), the Police Special Operations Centre and the security units, the premises of the National Intelligence Organization ("the MİT") and various military units were attacked with bombs and arms. The Bosphorus bridges connecting Asia and Europe were closed to traffic by the terrorists in uniform using tanks and heavy artillery.

The Turkish Parliament building was bombed for the first time in the history of the Republic of Turkey. Fighter jets (F-16) carried out bomb attacks in the course of the extraordinary meeting of the Plenary Session against the coup attempt. During the attack, Parliament officials, some civilians and many police officers were injured, and extensive damage was caused to the Parliament building.

On the night of 15 July, tanks ran over the civilians and some of them were killed and injured as a result of being trapped under the tanks. Fighter jets performed low altitude flights over

the cities by breaking through the sound barrier and in a manner which would lead to fear and panic in the public. People were randomly shot at by the coup plotters; snipers directly targeted people from strategic points; the crowd was bombed and shot from these fighter jets. In brief, the civilians, who defended the democratic regime at the cost of their lives, were massacred by coup plotters. **In the course of the coup attempt, 248 persons were killed and more than 2000 were injured.**

The terrorists seized the state-run television (“TRT”) and forced a newsreader to read “a pirated declaration of coup”. Raids were made to private media organizations, and the mass media was attempted to be made to act with a single-voice against anyone opposing the coup attempt. The coup plotters also attacked the satellite control stations and wanted to cut off the internet and all television broadcasts, except for the state-run TV channel.

The democratic resolve of the people of Turkey together with the state has saved the democratic order against this terrorist campaign. People from all walks of life and regardless of their political affiliations united on the streets on the night of 15th July. They peacefully gathered, jointly defended common democratic values and bravely stood against tanks, helicopters and fighter jets with only national flags in their hands in an exemplary unity for the democracy. In all public squares in Turkey, the people were on democracy vigil for approximately one month.

All political parties acted in unison against the coup attempt. All political parties represented at the Parliament signed a joint statement against the coup attempt. Representatives of the media, academia, business circles and all other segments of Turkish society uniformly condemned the coup attempt.

It should be emphasised that the FETÖ/PDY is an armed terrorist organisation established by Fetullah Gülen which aims to suppress, debilitate and direct all the Constitutional institutions, to overthrow the Government of the Republic of Turkey and to establish an oppressive and totalitarian system through resorting to force, violence, threat, blackmailing and other unlawful means.

The fact that the FETÖ/PDY is an armed terrorist organization had been established with the decision rendered by the Erzincan Assize Court prior to 15 July. Furthermore, numerous cases brought against the organization in question and its members are still pending. By the decision of the National Security Council (“the NSC”)¹, the FETÖ/PDY has been included in the list of terrorist organisations; and this decision was presented to the public and appeared in various media bodies. Moreover, all the public institutions along with the public have been informed of this issue as the Recommendations of the NSC have been submitted to the Council of Ministers.

A parallel structure was established by the FETÖ/PDY within all public institutions and organisations of the State, notably the judiciary, security directorates, civil administration and armed forces. To attain its goals, the FETÖ/PDY used different

¹ The National Security Council is established by the Prime Minister, the Chief of the General Staff, the Deputy Prime Ministers, The Minister of Justice, the Minister of National Defence, the Minister of Internal Affairs, the Minister of Foreign Affairs, the Commanders of the Land, Naval and Air Forces Command and the Commander of the Turkish Gendarmerie Forces under the chairmanship of the President of the Republic. The NSC conveys the recommendations rendered as to the determination, designation and implementation of the national security policy of the State and its opinions on establishment of the required coordination to the Council of Ministers.

methods; such as, unlawfully obtaining the questions of important official exams (the Public Personnel Selection Exam and the University Student Placement Exam etc.) and making its members gain success in these exams by way of cheating; placing its members in public institutions and also in prominent schools and universities, dismissing the non-members by fabricating false documents and evidence to initiate judicial and administrative investigations against them; replacing its members to these cadres.

They formed structures in the public institutions by creating cells. The number of members of the cells is not over five and they are affiliated to a “brother” responsible from the institution. No cell is aware of the other. This organisation model has been developed to ensure the continuity of the other cells without being deciphered, in case a cell is revealed. A strict military/hierarchical discipline prevails in the organisation. The FETÖ/PDY established the intra-organizational communication among its members through confidential and encrypted means. For example, it was found out at the current stage of the investigations that encrypted applications such as “By lock” was used for the intra-organizational communication.

The coup attempt of 15 July was carried out by the FETÖ/PDY. The evidence obtained so far explicitly reveals that the coup attempt had been made in line with Fetullah Gülen’s orders and instructions.

In the aftermath of the coup attempt, investigations are conducted against the members of the FETÖ, in particular according to Articles 312 (attempt to overthrow the Government of Republic of Turkey by way of coercion and violation) and 314 (being member of the armed terrorist organization) of the Turkish Criminal Code (TCC) and also other unlawful actions within the context of the TCC.

Within the scope of the investigations conducted on the coup attempt, many coup plotters were taken into custody on the charges of being part of the coup, and a great deal of evidence was obtained at the end of the searches performed. All the deciphering, analysis, classification and assessment of the evidence (camera footages, computer data, information, documents and data obtained as a result of the body searches performed on the suspects, searches carried out in the suspects’ homes, vehicles and in other places, records of the city surveillance cameras, mobile phone conversations, SMS and mail contents, statements involving confession, witnesses’ statements and etc.) have indicated that the armed terrorist coup attempt was carried out by FETÖ.

5. The Government would like to recapitulate that the terrorist coup plotters attempted to overthrow the democratic constitutional order and thus threatened rights and fundamental freedoms of individuals. Therefore, the Turkish state has assumed its legitimate right and the duty to take all the necessary measures to completely eliminate this severe threat and danger posed against the survival of the nation and the state in accordance with its constitution and legislation, as permitted by international norms and obligations.

Taking the existing condition into account and in order to fight effectively against the FETÖ/PDY in line with the recommendation of the NSC, by the decision of the Council of Ministers, a nationwide state of emergency has been declared as from 21 July 2016 01:00 for three months, pursuant to Article 120 of the Constitution and Article 3/1-b of the Law No. 2935 on State of Emergency.

The Council of Ministers took this decision at its meeting under the chairmanship of the President of the Republic and in view of the recommendation dated 20 July 2016 of the NSC. The decision was endorsed by the TGNA on 21 July 2016.

The declaration of the State of Emergency aims to take the necessary steps in the fastest and most effective way for the fight against FETÖ/PDY terrorist organization.

With a view to ensuring continuity of the effective implementation of measures for the protection of Turkish democracy, the principle of the rule of law, as well as the rights and freedoms of the citizens, the Council of Ministers decided to extend the State of Emergency for a period of three (3) months as from 19 October 2016.

6. In this context, Turkey resorted to the right of derogation from the obligations in the European Convention on Human Rights (ECHR) and International Covenant on Civil and Political Rights (ICCPR).

In this respect, the notifications of derogation from Convention obligations were submitted to the Council of Europe in accordance with Article 15 of the ECHR and to the Secretariat of the United Nations in accordance with Article 4 of the ICCPR, concerning the rights permitted by the Conventions.

Turkey is fully aware of its obligations under international conventions in this process. Due respect is shown to fundamental rights and freedoms and the rule of law is strictly observed.

Furthermore, similar to Article 15 of the ECHR and to Article 4 of the ICCPR, Article 15 of the Turkish Constitution clearly regulates how the administration must act in such situations. Pursuant to the regulations in question, the principles of “necessity” and “proportionality” have been sensitively complied with as regards the measures taken under the state of emergency in the aftermath of the coup attempt.

Turkey would also like to underline that while taking the measures under Article 15 of the ECHR, the State parties naturally continue to be subject to the supervision of the European Court of Human Rights (“ECtHR”). Thus, it should be stressed that the measures that may be resorted to by Turkey in necessary circumstances, will certainly be in line with the principle of proportionality laid down in the ECtHR case-law and compatible with its adherence to the rule of law.

A Decree with Force of Law (Decree Law) is a legal measure permissible in the context of State of Emergency in Turkey. So far, a number of Decrees have been published in the Official Gazette on 23 July, 27 July, 31 July, 17 August, 1 September, and 29 October 2016 respectively (Decree Laws No. 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677 and 678).

By the Decree Laws issued within the scope of the state of emergency, measures have been taken in proportion to the present situation that the administrative authorities are faced with, to the extent necessitated by the situation and in pursuit of a legitimate aim which is national security. Also, various forms of remedies are available.

It has to be considered that Turkey has been fighting against the FETÖ/PDY, which is an atypical armed terrorist organisation and which is scarcely encountered in the world, unlike

PKK or DAESH. In this perspective, the required measures are taken with a view to averting the organisation's strength within the state. In the meantime, the scope of the Decree Laws issued in this respect has been limited to the terrorist organisations in order not to interfere with the rights and freedoms of others.

7. The Government would like to stress that the principle of the rule of law is being considered and fully respected with regard to all measures taken in scope of the state of emergency. In this vein, measures regarding the procedures on the arrest and detention, decisions for custody and the extension of the custody are subject to objection according to Article 91/5 of the Code of Criminal Procedure (CCP). Besides, procedures on the arrest and detention are being conducted in accordance with the national legislation that is compatible with international human rights standards.

In view of the large number of members of the terrorist organization who took part in the coup attempt, the period of custody was increased to a maximum period of thirty (30) days by the Decree Law, which is limited to the period of state of emergency. It aims to duly take the statements of the large number of persons taken into custody, to collect the evidence in favour of and against the suspects properly and thus to carry out the obligation of effective investigation.

Furthermore, according to the practice so far, some of the suspects referred to the Offices of the Public Prosecutor or courts without being kept in custody for long periods and some of them are released according to the decision of the judge. Most of them were held in custody for 4-5 days.

8. According to Article 149 of the CCP, there exist no obstacles for suspects to benefit from the assistance of a lawyer. Moreover, with regard to the Article 150/3 of the CCP, due to the gravity of the accusations, it has been rendered obligatory to appoint a lawyer by the investigation and prosecution authorities.

The right to communication of suspects with their lawyers during the state of emergency may be restricted to five days at most. However, the statements of the suspects shall never be taken during this period. It is aimed to prevent the suspects from being suppressed via their lawyers and from transmitting information to other members of the organization.

Moreover, the communication of detainees with their lawyers may be restricted by the order of a judge if there exists a possibility of a threat against society and penitentiary institution, directing the terrorist organization or other criminal organizations, giving orders and instructions to or transmitting secret, open or crypto messages to them. However, in this case, detainees may benefit from the assistance of a lawyer to be appointed by the Bar Associations.

Restrictions on the right of access to a lawyer and confidentiality of the client-lawyer relationship serve a legitimate aim and they are proportionate. The purpose is to prevent communication with FETÖ and protect security of the prisons.

9. Healthcare services for convicts and detainees in penitentiary institutions are provided by the Ministry of Health. Healthcare services, protection of health professionals and convicts are secured in accordance with international law and without prejudice to the right to access to healthcare.

Primary diagnosis, treatment and rehabilitation service, preventive healthcare service are provided within the context of family medicine practice by subordinate units of the Public Health Institution of Turkey.

Legal framework for the family medicine practice which is provided in penitentiary institutions is laid down in Family Medicine Practice Regulation dated 25 January 2013. In this regard:

- In penitentiary institutions where the total number of convicts/detainees are 1000 and more, a detached unit of family medicine is established and this unit provides healthcare service.
- In penitentiary institutions where total number of convicts/detainees are below 1000, one or more family physicians provide on-site healthcare service in accordance with the related legislation.

Within the context of Family Medicine Practice Regulation, there exist 79 detached family medicine units in penitentiary institutions. Also, on-site healthcare service is provided in 281 penitentiary institutions.

In penitentiary institutions, healthcare service is provided free of charge for convicts/detainees. Medicines prescribed by family physicians are brought by the penitentiary institution staff from pharmacies that are contracted with Ministry of Justice.

In the first half of 2016, 967.104 primary polyclinic examinations were made, 166.863 oral and dental health services were provided. Whereas the average number of examinations per person is 8.3 in Turkey in one year, this rate increases to 11.5 regarding the penitentiary institutions. High-standard healthcare services are provided to the convicts/detainees and are easily accessible. Within 403 general medical screening processes, 78.766 convicts/detainees underwent medical screening. Also, 28.917 convicts/detainees were provided health training.

In cases where further medical treatment is needed, convicts/detainees are treated by the subordinate hospitals of the Public Health Institution of Turkey. In this context, from 15 July 2016 through 23 August 2016, 212.515 persons underwent forensic examination, 4.589 of them were provided with medical care, and 587 of them were referred to hospitals.

On the other hand, regarding healthcare services in penitentiary institutions, there exist complaint, proposal and request mechanisms which can be initiated by related persons or institutions. In this context, 240 applications were made in the first half of the 2016 and none of the applications includes notifications regarding the medical personnel was exposed to threat and harassment. Therefore, that information eliminates concerns regarding the medical personnel who provide medical care to the suspects in custody within the said investigation was exposed to threat or that there exists problems with regard to the suspects' access to health care services.

10. As to the health status of the suspects at the time of arrest and during police custody it should be underlined that they are kept under medical surveillance by medical doctors in accordance with the related legislation. In accordance with the Criminal Procedure Code and Article 9 of the relevant Regulation, it is obligatory to receive medical reports in cases of arrest and custody with a view to preventing allegations of ill treatment. Likewise, a medical

report is also received upon release from custody. In this regard, custody status reports of the suspects under custody are received at intervals of one (1) to three (3) days and reports upon placement in and out of detention rooms are also completely received. Furthermore, there has been no restriction on the access of a lawyer to a medical report.

In this context, Article 9 of the “Regulation on Apprehension, Custody and Taking of Statements” (“the Regulation”) clearly indicates that suspects undergo health control during arrest and custody.

- Article 9/3 of the Regulation provides that, persons in custody whose health status are deteriorated for any reason or suspected are promptly checked by a doctor and medical treatment is provided if deemed necessary; those who has chronic illness are afforded to be checked by official doctor under the supervision of their own doctor, if they request so.

- Also, Article 9/10 of the Regulation states that; in principle the doctor and the patient should be alone and treatment should be done in the context of doctor-patient relationship. However, by alleging personal security concerns the doctor may request that the treatment be done under the supervision of the law-enforcement official. The said request is carried out by way of documentation. Under these circumstances, upon the request of the suspect, defense lawyer may be present during the examination provided that not to cause any delay.

- Article 9/11 of the Regulation states that; upon their request, women suspects are examined by a woman doctor as far as possible. In cases where a woman doctor is not available for the examination, attention is paid to have a woman medical personnel made available during the examination.

- According to the Article 9/9 of the Regulation, during forensic examination in cases where the doctors find a symptom which indicates that the suspect was subjected to torture, aggravated torture on account of its consequences or torment within the context of Articles 94, 95 and 96 of the TCC, it is an obligation for doctors to immediately report the situation to the Public Prosecutors. In cases where any sign of torture or ill treatment is found, Public Prosecutors immediately initiate investigations against the related law enforcement officials.

11. Turkey would like to underline that measures taken in the aftermath of the coup attempt pursue the aim of effectively fighting against the terrorist organizations in line with its positive obligations; and they are necessary , urgent and proportionate measures for a democratic society and a constitutional state order.

Furthermore, none of these measures decriminalize torture and ill-treatment or provide exemption from punishment for any person. As required by the zero tolerance policy against torture, the judicial and administrative authorities continue to examining each and every allegation of torture and ill-treatment meticulously and taking the necessary actions in respect of those responsible.

The Government would also like to remind that Turkey fully abolished the statute of limitations with regard to the offence of torture in 2013. In addition, there are various national mechanisms for the effective monitoring of allegations on all forms of torture or ill treatment.

These mechanisms include but are not limited to, the chief public prosecutors or public prosecutors that are assigned to inspect the detention places where the persons are taken into custody; civil inspectors who monitor police stations and detention places; the monitoring boards of penitentiary institutions and prisons; the Ombudsman Institution; the Human Rights and Equality Institution of Turkey; the Human Rights Inquiry Committee of the TGNA; and the newly established Law-Enforcement Monitoring Commission that will ensure further efficiency and transparency for the law enforcement complaint system with a central recording system.

Apart from all these mechanisms, a unit was established within the body of the Ministry of Justice to scrutinize the allegations raised in the media with regard to ill-treatment and torture in detention centers and prisons after the 15th July. This unit shall meticulously monitor all kinds of news and comments raised in the media, refer them to competent authorities to ensure a swift examination and share the results of the examinations with the public.

Turkey is a party to all relevant international conventions for the prevention of torture and ill treatment. Places where people are deprived of liberty, including police detention facilities can be inspected by international mechanisms such as the European Committee for Prevention of Torture, the United Nations Subcommittee on Prevention of Torture and the UN Special Rapporteur on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

12. The Government would like to recall that the Law on the Human Rights Institution of Turkey entered into force in June 2012 and the process of establishing a National Human Rights Institution in compliance with the Paris Principles, was initiated. By this Law, the Institution has been vested with a broad mandate as carrying out activities to protect and promote human rights; reviewing and investigating petitions and applications on allegations of human rights violations, and following up their outcomes; carrying out research activities, in order to monitor and evaluate the developments taking place in the area of human rights; submitting opinions and recommendations; conducting activities for awareness-raising and training.

The Institution has also been designated as the “National Preventive Mechanism” on 28 January 2014, in order to perform tasks under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Within the framework of ongoing work on increasing the efficiency of a number of institutions, including the Human Rights Institution of Turkey, as well as enhancing compliance with the international protection mechanisms for fundamental rights and freedoms in legislation and practice, the founding law of the Institution has been revised so that it includes the duties of anti-discrimination and equality. As a result, in addition to the existing mandates of “National Human Rights Institution” and “National Preventive Mechanism”, “Anti-discrimination” duties have been assigned to the Human Rights Institution of Turkey. Thereby, the Law on the Human Rights and Equality Institution of Turkey has been enacted by the Parliament and entered into force on 20 April 2016.

Accordingly, the Institution will continue to function as the National Preventive Mechanism under OPCAT and take effective action against torture, and other cruel, inhuman or degrading treatment or punishment, while fulfilling duties with respect to protecting and promoting human rights and ensuring equal treatment and non-discrimination.

13. The rule of law, democracy and human rights are the fundamental principles of the Republic of Turkey. Turkey continues to fight against FETÖ/PDY and other terrorist organizations in line with these principles and in accordance with its international obligations. In this regard, the main goals sought to be achieved in this extraordinary period are the elimination of the causes that gave rise to the state of emergency, and the swift transition to ordinary period. In this respect, Turkey acts with great meticulousness to ensure that all of the regulations introduced comply with its obligations emanating from international law.

Furthermore, having regard to the fact that the statute of limitations has been fully abolished in Turkey with regard to the offence of torture, Turkey would like to emphasize that effective administrative and judicial measures will naturally continue to be taken regarding cases or allegations on torture or ill-treatment.

14. The Government would also like to enclose herewith the Joint Press Release of the Ministry of Justice and the Ministry of Interior dated 31 October 2016 which includes comprehensive information on national preventive mechanisms, conditions of detention and custody at Annex I, as well as the Press Release of the Ministry of Justice dated 27 July 2016 at Annex II, for appropriate perusal and reference.

**ANNEX-I: UNOFFICIAL TRANSLATION OF THE JOINT PRESS
RELEASE OF THE MINISTRY OF JUSTICE AND MINISTRY OF THE
INTERIOR DATED 31 OCTOBER 2016**

Ankara, 31 October 2016

**PRESS RELEASE ON THE REPORT OF THE HUMAN RIGHTS
WATCH TITLED
“A BLANK CHECK”**

1- INTRODUCTION

1. It is considered necessary to make explanations on the following points for the purpose of setting the record straight to the public concerning the allegations in the report of the Human Rights Watch, titled “A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture” and issued on 24 October 2016.
2. First of all, it should be announced publicly that the Report in question was prepared one-sidedly and in a way at odds with the realities and without any contact with the Government authorities and without any request for information, document or opinion. Moreover, the said Report gives the impression that it was prepared under the influence of the members of the Fetullahist Terrorist Organization/the Parallel State Structure (“FETÖ/PDY”) and those having connection and affiliation with this organization.
3. It should also be emphasized that the FETÖ/PDY was classified as a terrorist organization by independent courts and the National Security Council ¹ even prior to 15 July 2016. At international level, the FETÖ/PDY has been declared a terrorist organization by the Resolution

No. 47/43 POL of the Organization of Islamic Cooperation. Furthermore, in the Memorandum of 7 October 2016 issued by the Commissioner of Human Rights of the Council of Europe concerning Turkey, the Commissioner has stated that he understands that the Turkish authorities identify the FETÖ/PDY as a terrorist organisation and see the measures taken against this organisation in the context of the fight against terrorism, and he noted that he does not question the prerogative of the Turkish authorities or the fact that they have very valid arguments to do so. Nevertheless, it is considered worrying that in the report, the leader of an armed terrorist organization attempting to overthrow the democratic order has been indicated as “a cleric” and that an armed terrorist organization has been indicated as “the Gülen movement”.

4. The measures taken by Turkey after the terrorist coup attempt of 15 July comply with the fundamental human rights set out in our Constitution, the principles of the rule of law and our international obligations. Furthermore, our existing cooperation based on constructive dialogue with the Council of Europe, of which Turkey is a founding member, the United Nations and other international institutions and organizations increasingly continues in this process.
5. In this respect, it is considered useful to share information about the incidents occurred during the armed coup attempt and the subsequent developments.

2- THE COUP ATTEMPT STAGED BY THE FETÖ/PDY

2.1. At the night of 15 July the Republic of Turkey faced an armed coup attempt.

6. At the night of 15 July, upon the instruction of the founder and leader of the FETÖ/PDY, Fetullah Gülen, and in line with the plan approved by him, “terrorists in uniforms” within the Turkish Armed Forces (“the TAF”) attempted an armed coup against democracy for the purpose of overthrowing the elected President, the Parliament and the Government by undermining the Constitutional order. The Presidential Compound, the hotel where Mr. President was staying at, the Turkish Grand National Assembly (“TGNA”), the Police Special Operations Centre and the security units, the premises of the National Intelligence Organization (“the NIO”) and various military units were attacked with bombs and arms. The Bosphorus bridges connecting Asia and Europe were closed to traffic through tanks used by the terrorists.
7. Mr. President survived the assassination attempt by leaving the hotel only 15 minutes before the raid at that hotel. The coup plotters opened fire at the convoy of Mr. Prime Minister.

8. The Turkish Parliament building, embodying the public's will, the heart of the democracy, was bombed for the first time in the history of the Republic of Turkey. The bomb attack was made in the course of the extraordinary meeting of the Plenary Session against the coup attempt. During the attack, Parliament officials, some civilians and many police officers were injured, and extensive damage was caused to the Parliament building.
9. At the night of 15 July, tanks were driven towards people, and some of them died and were injured under the tanks, fighter aircrafts made low altitude flights over the cities by breaking through the sound barrier and in a manner which would lead to fear and panic in public, the TGNA and people were shot at randomly by the coup plotters, snipers directly targeted people from strategic points, the crowd was bombed and shot from aircrafts and the civilians, who defended the democratic regime at the cost of their lives, were murdered. Despite the fact that during the anti-terror operations, cobra type offensive helicopters were not used in the city centers, the coup plotters even opened fire on the citizens in the residential areas with offensive helicopters of this type.
10. The terrorists seized the state-run television ("TRT") and forced the host to read "an illegal declaration of coup". The private media organizations, and the media, which is the news source for the public were raided and coerced to turn into a single-voice. The coup plotters also attacked the satellite control station and wanted to cut off the internet and all television broadcastings, except for the state-run TV channel.
11. While 246 persons, including Mr. President's very close work friend, became martyrs, 2.194 persons were severely or slightly injured during the coup attempt. At that time, a clash occurred between the citizens and the coup plotters. 29 persons were martyred and tens of people got injured just around the Presidential Complex.

2.2- The attempt against the will of the public was suppressed by the public itself.

12. The Turkish public, upon the call of Mr. President, defended their democratic values and their own will against tanks, helicopters and aircrafts with only their flags and without any weapon. The coup attempt was suppressed by our President, Parliament, Government, political parties, printed and visual media, non-governmental organizations, and above all by the esteemed 79 million people of the Turkish Nation, who put all of the political and ideological differences aside and protected to the death their elected President, Prime Ministry, Government, willpower, Constitution, the rule of law, freedom, dignity, independence and future.

13. At that night the Turkish public came together under democratic values without making any discrimination as regards political parties or worldviews and resisted the coup attempt altogether. All segments of the public acted with the consciousness that it was not merely a coup attempt planned against the ruling party, but that the Turkish democracy was targeted. In all public squares in Turkey, the public was on democracy vigil for approximately one month. With this stand, the Turkish nation has declared its loyalty to democracy.

2.3- All the political parties acted in unison against the coup attempt.

14. The unity and solidarity among the nation at the night of 15 July continued among the political parties as well. The statement prepared at the Parliament against the coup was signed by all the political parties. The participation of the leaders of the ruling party and the opposition parties in the Yenikapı Democracy and Martyrs rally of 7 August which was organized under the auspices of the Presidency of the Republic of Turkey is an indication of this unity and solidarity. Approximately five (5) million people from every segment of the society and with different world-views convened and protected democracy and the national will.

2.4- The armed coup attempt was carried out by the FETÖ/PDY.

15. The coup attempt of 15 July was performed in accordance with Fetullah Gülen's orders and instructions, by the members of the FETÖ/PDY who had nested in an insidious way into the TAF, public officials and civilians who are the organization head ², members of the FETÖ/PDY infiltrated into the security forces and the gendarmerie and police officers who had previously been dismissed from profession. The evidence obtained so far also explicitly reveals this truth. The fact that the coup attempt had been made in line with Fetullah Gülen's orders and instructions is also evident in the statements of the organization members who had been questioned within the scope of the investigations conducted. Those who were heard as a witness, notably the Chief of General Staff, gave statements in that vein.
16. Within the scope of the investigations conducted into the coup attempt, many coup plotters, who had participated in the coup attempt, were taken into custody, and a great deal of evidence was obtained at the end of searches performed. The truth has become evident in all aspects as a result of the deciphering, analysis, classification and assessment of the evidence

(camera footages, computer data, information, documents and data obtained as a result of the body searches performed on the suspects, searches carried out in the suspects' homes, vehicles and in other places, records of the city surveillance cameras, mobile phone conversations, SMS and mail contents, statements involving confession, witnesses' statements and etc.).

17. The FETÖ/PDY is an armed terrorist organisation established by Fetullah Gülen which aims to suppress, debilitate and direct all the Constitutional institutions and to overthrow the Government of the Republic of Turkey and establish an oppressive and totalitarian system through resorting to force, violence, threat, blackmailing and other unlawful means.
18. With a view to realizing such aims, a parallel structure was established by the FETÖ/PDY within all public institutions and organisations of the State, notably the judiciary, security directorates, civil administration and armed forces. To attain its goals, the FETÖ/PDY used the methods of unlawfully obtaining in advance the questions of important exams such as the Public Personnel Selection Exam and the University Student Placement Exam, thus making its members gain success in these exams, placing them in public institutions and effective schools, causing the persons who are not its members to be dismissed from profession through ensuring that judicial and administrative investigations be initiated by false documents and evidence that are fabricated and placing its members in these positions.
19. They formed structures in the public institutions as cells of up to five people and which are affiliated to an organisational elder-brother³. No cell is aware of the other. The reason why this organisation model has been developed is to ensure that even if a cell is revealed, the other cells continuing their activities would not be disclosed. A strict military/hierarchical discipline prevails in the organisation. The FETÖ/PDY established the intra-organizational communication among its members through confidential and encrypted means. It has been established at the current stage of the investigations that encrypted smart phone applications such as "Bylock" was used for the intra-organizational communication.
20. In fact, the FETÖ/PDY had been declared an armed terrorist organization in a decision rendered by the Erzincan Assize Court prior to 15 July. Furthermore, numerous cases brought against the organization in question and its members are still pending. By the Resolution of the National Security Council (NSC), the FETÖ/PDY has been included in the list of terrorist organisations; and this decision was announced to the public and appeared in various media bodies. Moreover, all the public institutions along with the public have been informed of this issue as the

Recommendations of the NSC have been submitted to the Council of Ministers.

3- DECLARATION OF STATE OF EMERGENCY AND DEROGATION

21. Within the scope of the State's positive obligations, it must be ensured in accordance with the international law that those who attempted to make an armed coup are brought before justice in order to be tried and the repetition of the coup threat must be eliminated. Within this context, it is imperative to identify the public officials having a connection with the FETÖ/PDY who have infiltrated into the State in an insidious way and to immediately perform the required procedures in respect of them. Furthermore, it is under the responsibility of the State to take measures to prevent an attack against the will of the nation through undemocratic means from taking place again.
22. With a view to eliminating the risk of an armed coup aimed at overthrowing the democratic order established by the constitution and carrying out structural arrangements for Turkey to prevent repetition of staging a coup, the state of emergency with effect from 21 July 2016 at 1.00 a.m. was announced for a period of ninety (90) days by the Decree of the Council of Ministers under Article 120 of the Constitution. The state of emergency was extended for three (3) months by the decision of the Council of Ministers with effect from 19 October 2016. Turkey has witnessed severe terrorist attacks which cannot be compared with those taking place in other European countries. In this context, given the threat to the democratic and constitutional order posed by the terrorist organizations such as the PKK, the DEASH, the DHKP-C as well as the FETÖ/PDY, which have been observed to act together and in systematic cooperation, it is compulsory for all institutions to take measures necessary for the fight against these terrorist organizations. Regarding these issues, it is apparent that Turkey has not undergone ordinary circumstances. Indeed, it is known that some European countries, which faced with similar terrorist threat, declared state of emergency and extended the state of emergency several times.
23. By the extension of the state of emergency, it has been aimed at taking and implementing sound and right decisions more swiftly and effectively given the type and gravity of the security threat and problem encountered.
24. The measures taken during the state of emergency have not caused any changes in the daily life of the public and individuals. Any restriction which would have an influence on daily life has not been imposed on fundamental rights and freedoms. The measures taken have been limited to the issues required by the state of emergency. The decision on declaring the state of emergency has been rendered not for limiting

individual rights and freedoms but for the purpose of enabling the State to act more swiftly within the scope of the effective fight against the FETÖ/PDY and other terrorist organisations. It is the State's most fundamental right to use the legal authority in order to protect democratic order and public will.

25. In this respect, the notifications of derogation from Convention obligations were submitted to the Council of Europe and the Secretariat of the United Nations in accordance with Article 15 of the European Convention on Human Rights ("the Convention" or "the ECHR") and Article 4 of the International Covenant on Civil and Political Rights ("ICCPR").
26. Indeed, similar to Article 15 of the Convention and to Article 4 of the ICCPR, Article 15 of the Turkish Constitution clearly regulates how the administration must act in such situations. Pursuant to the regulations in question, the principles of "necessity" and "proportionality" have been sensitively complied with as regards the measures taken under the state of emergency in the aftermath of the coup attempt.
27. Besides this, as to the right to life and the prohibition of torture and ill-treatment, it is impossible to provide notifications of derogation within the scope of the ECHR and the ICCPR, which is a well-known fact by everyone. In this respect, contrary to the baseless and unsubstantial allegations raised in the relevant Report, the State's obligations with respect to the right to life and the prohibition of torture and ill-treatment continue pursuant to the Constitution in the first place.

4. ZERO TOLERANCE TO ILL-TREATMENT AND TORTURE

4.1 National Preventive Mechanisms

28. As a consequence of its policy of zero tolerance to torture, Turkey is one of the few countries in the world that lifted the time limitation for prosecuting the offence of torture. The fact that any kind of allegation of torture and ill-treatment is examined by an independent and impartial judicial authority is unequivocal.
29. Pursuant to Article 92 of the Code of Criminal Procedure (CCP) and Article 26 of the Regulation on Arrest, Custody and Statement-taking; by force of their judicial duties, chief public prosecutors or public prosecutors that are assigned inspect the detention places where the persons taken into custody are held, rooms where statements are taken – if any – , the conditions of those persons, reasons and lengths of their custody, all records and processed in respect of arrest and custody.
30. In addition to those, civil inspectors inspect police stations and detention places within the scope of general inspections of provinces and districts

that are carried out periodically. Findings, assessments and criticisms with regard to these inspections are written down in inspection reports, which are sent to relevant law-enforcement units in order for them to be followed up and the necessary steps to be taken.

31. Detention places in the 1.203 Police Stations (out of 1.268) countrywide as well as a total of 303 detention places tied to the Public Security Branch Offices of 81 provinces have surveillance camera and imaging systems. Moreover, installment of surveillance camera systems was completed in 1.946 out of 2.012 detention places within the Gendarmerie General Command.
32. In addition to all these, Law-enforcement Monitoring Commission was established. Accordingly, the aim is to ensure the law-enforcement complaint system to operate more swiftly and efficiently, and improve its transparency and credibility; to record in a central system and monitor the works and processes carried out or to be carried out by the administrative authorities with regard to the offences allegedly committed by the law-enforcement officers or act, attitude or behavior necessitating disciplinary punishment.
33. In the mentioned Report, the allegation that the monitoring boards of penitentiary institutions and prisons have been closed misrepresents the reality. By the Decree Law dated 1 September 2016 and no. 673, only the members of the monitoring boards of penitentiary institutions and prisons were removed from their offices; and these boards continue operating. In fact, new appointments were made to these boards which continue carrying out monitoring activities in the penitentiary institutions and prisons.
34. The penitentiary institutions can always be inspected periodically when necessary by the national/international inspection mechanisms.
35. Within the scope of the administrative inspection, the penitentiary institutions are inspected by the inspectors of the Ministry of Justice, controllers of the General Directorate for Prisons and Detention Houses, other officers of General Directorate for Prisons and Detention Houses, chief public prosecutors and public prosecutors responsible for penitentiary institutions.
36. Besides that, the human rights boards of provinces and districts that are set up by the representatives of the non-governmental organizations in the provinces and districts can visit and inspect penitentiary institutions.
37. The Ombudsman Institution and the Human Rights and Equality Institution of Turkey (which is accepted as a national preventive mechanism within the scope of the OPCAT) can carry out on-site examinations to assess the complaints, made by the penitentiary institutions, without permission.

38. Within the scope of the parliamentary inspection, the president and the members of the Human Rights Inquiry Committee of the TNGA or the investigation commissions can visit penitentiary institutions and carry out activities of investigation and inspection.
39. Moreover, the Human Rights Inquiry Committee, the members of the investigation commissions, enforcement judges, personnel of probation services and a panel or persons entrusted by the law can make private interviews with prisoners.
40. Apart from all these inspection mechanisms, a unit was established within the body of the Ministry of Justice to scrutinize the allegations raised in the media with regard to ill-treatment and torture in detention houses and prisons after 15 July. The relevant unit shall meticulously monitor all kinds of news and comments raised in the media, refer them to the competent authorities to ensure them to be swiftly examined and share the results of the examinations with the public.

4.2. International Inspection

41. All the places, including penitentiary institutions and custody centers, where the persons deprived of their freedom have been kept can be inspected by international mechanisms such as the European Committee for Prevention of Torture, the United Nations Subcommittee on Prevention of Torture (SPT) and the UN Special Rapporteur on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
42. The Turkish Republic is a party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and continues its cooperation with the European Committee for Prevention of Torture (“CPT” or “Committee”) that is the inspection body for the Convention. As it has been, the Committee in question can always visit the prisons in our country. After 15 July, the Committee was provided with the opportunity to visit our country without application of the procedure of postponing the Committee’s visit, which is allowed by the CPT Convention on the grounds of national defense and public security.
43. As a matter of fact, the visit which was completed on 6 September 2016 is a manifestation of this will and the visit report has not yet been notified to the Government. Upon the notification of the visit report to the Government, necessary actions will be taken in accordance with the obligations arising from the Convention. That being the case, the fact that

the Human Rights Watch issued a call for announcement of the report is tantamount to a misinformation to the public.

44. Moreover, it should be taken into account that three (3) applications with requests for interim measures lodged with the European Court of Human Rights (the Court) by a number of persons who were detained on remand following 15th July treacherous coup attempt and who are still in prisons with the allegations that they have been subjected to ill-treatment and their rights to life are under risk were dismissed. With regard to the mentioned requests for interim measures, the Court did not give weight to the applicants' allegations, relying on information and documents submitted by the Government.
45. Furthermore, the studies for the visit to be performed by the United Nations Special Rapporteur on Torture to Turkey are still on-going and it is envisaged that the visit will be performed as soon as possible.

4.3- Period of Custody

43. By the Decree-laws which were issued within the scope of the state of emergency, a number of regulations have been made concerning the necessary measures which only serve the legitimate aim to be applied during the state of emergency, with a view to increasing the effectiveness of the investigations into the offences against constitutional order. The general provisions of the Criminal Procedure Code are still in force. In view of the large number of members of the terrorist organization who took part in the coup attempt, the period of custody has been increased to a maximum period of thirty (30) days by the Decree law, which is limited to the period of state of emergency. The purpose of this is to duly take the statements of the large number of persons taken into custody, to collect the evidence in favour of and against the suspects properly and thus to carry out the State's obligation of effective investigation.
44. Moreover, those under custody, their lawyers or legal representatives, spouses or blood relatives of first or second degree may file a request for immediate release with the magistrate's judge under Article 91/5 of the Criminal Procedure Code against the written order of the Public prosecutor in this regard.
45. Furthermore, this period applies only to offences committed against the security of the State, constitutional order, national defence, State secrets and terrorist offences as well as offences committed collectively. The period of custody of 30 days was not applied and most of those taken into custody were held for 4 and 5 days.
46. It should be re-stated by virtue of their importance that during this period,
 - Filing an objection to the custody order is possible.

- A request for release may always be lodged during custody.
- In case of such request, Magistrate's Judge shall render a decision.
- Legal assistance is available during custody.
- A medical report is always drawn up during placement into custody and release.

4.4- Right to Communicate with and to Choose a Counsel

- 43.No general restrictive regulation has been introduced by the Decree-laws issued during the state of emergency with respect to criminal suspects' benefiting from the assistance of a counsel and their right to defence. With regard to the right to choose a counsel, there has been no obstacle for the suspects and their legal representatives, if any, to benefit from the assistance of a counsel or more than a counsel during any stage of the investigation and prosecution under Article 149 of the Criminal Procedure Code.
- 44.Moreover, due to the severity of offences imputed on the suspects, it has been rendered obligatory to appoint a counsel, even if they do not request so, by the investigation and prosecution authorities under Article 150/3 of the Criminal Procedure Code. Also, thanks to the amendments made to the relevant regulation, the circumstances which may result in abstaining from acting as a counsel have been eliminated.
- 45.During the state of emergency, the right to communication of the suspect under custody with his counsel may be restricted to five days at the most, however the statements of the suspect shall never be taken during this period. The reason for introduction of the mentioned provision is to prevent criminal suspects who are members of terrorist organizations from applying pressure on those under custody via their counsels and from transmitting information to other members of the organization.
- 46.Moreover, the communication of detained suspects with their counsels may be restricted by the order of a judge, in the event of a possibility of a threat against society and the penitentiary institution, directing the terrorist organization or other criminal organizations, giving orders and instructions to them or transmitting secret, open or encrypted messages to them. However, in this case, detained suspects may benefit from the assistance of a counsel to be appointed by the Bar Associations.
- 47.As a matter of fact, in its Grand Chamber judgment of *İbrahim and Others v. the United Kingdom* (no. 50541/08, 50571/08, 50573/08 and 40351/09), the ECtHR found that in case of the existence of compelling reasons, the right to communicate with a lawyer may be restricted during custody, on the condition that the procedural guarantees are ensured.
- 48.Article 153 of the Criminal Procedure Code is in force with regard to the counsel's power to examine the content of the case-file and to receive

copies of the documents. According to this provision, it is not possible to impose restrictions in respect of the records containing the statements of the arrested person or the suspect, expert reports and records of other judicial actions during which the mentioned persons are entitled to be present.

4.5- Health Control during Custody and Access to Reports

49. In accordance with the Criminal Procedure Code and Article 9 of the relevant Regulation, it is obligatory to receive medical reports in Turkey in cases of arrest and custody with a view to preventing allegations of torture. Likewise, a medical report is also received upon release from custody. In this regard, custody status reports of the suspects under custody are received at intervals of one (1) to three (3) days and reports upon placement in and out of detention rooms are also completely received.
50. Furthermore, there has been no restriction on the access of a counsel to a medical report.

4.6- Responsibility of Public Officials

51. The current legislation and the Decree-laws adopted under the state of emergency do not contain any provision granting the public officials an exemption from any penalty for the offences of torture and ill-treatment, or impunity in that regard. During the state of emergency period, no legislative amendment has been made to the laws defining the torture and ill-treatment as an offence.

5. ALLEGED INCIDENTS

52. In the Report in question, 13 different allegations of torture and ill-treatment have been raised. It is observed that only two (Incident 6 and Incident 11) out of the thirteen allegations contain concrete information about incidents and persons concerned and that the remaining allegations are of an abstract nature. The circumstances of the concrete allegations can be described as follows:

5.1. Incident 6

53. As regards the Incident 6 in the Report, it has been stated that two persons, M.A.G. and M.K., were taken into custody on suspicion of being members of the Marxist-Leninist Communist Party (MLCP). However, these persons gave the police officers false identities during an ID check performed on 23 July 2016. Since the inquiry conducted in respect of

these persons revealed that there were arrest orders issued in respect of them for the offence of being members of an armed terrorist organization, they were taken into custody.

54. The persons in question refused to eat during the period when they were held in custody. Contrary to the allegations maintained in the Report, they met with their lawyers on numerous occasions. On 25 August 2016 the persons concerned stated that they did not want to continue meeting with their lawyers, and each signed a record containing the statement in question. Since 23 July 2016, which was the date of the commencement of their custody period, the suspects underwent medical examinations in a full-fledged health institution on a regular basis, and those medical reports indicated no signs of ill-treatment or torture.

5.2. Incident 11

55. Incident 11 in the Report concerned E.B. who was taken into custody on suspicion of being a member of the FETÖ/PDY. During the interview conducted on 28 July 2016, E.B. stated that he was fasting; and while he was being taken to the custody room when it was about the time for the fast-breaking prayer, he lost his balance and fell down the stairs. Thereupon, he was referred to a full-fledged Training and Research Hospital. On the following day, E.B. underwent an operation, and on 19 August 2016 he was discharged from the hospital. On the same day, in the scope of the evidence adduced in relation to the case-file, he was detained on remand on account of being a member of the FETÖ/PDY.
56. Upon the submission of complaint petitions by his wife and mother-in-law to the Antalya Chief Public Prosecutor's Office, the Chief Public Prosecutor's Office in question initiated two (2) separate investigations into the incident. The investigation procedures are still ongoing.

5.3. Other Incidents

57. It should be emphasized that a large majority of the persons, who were taken into custody in the aftermath of the coup attempt, had been arrested by the security forces at the end of clashes while some of them had been arrested by citizens. It is natural that persons arrested at the end of such clashes have certain wounds, and it falls under the scope of the legitimate use of force.
58. Having regard to the fact that a great majority of persons concerned in other alleged incidents were professional military officers, who are skilled in using firearms and have high physical stamina, it should be noted that those persons might have sustained wounds during the suppression of the coup attempt.

59. Other allegations which do not contain any specific information on dates and persons concerned are merely abstract allegations. In the event that concrete information is provided, necessary inquiries will be performed and results thereof will be made public.
60. As regards the certain incidents mentioned in the Report, it is observed that the FETÖ/PDY's Internet website broadcasting abroad was mentioned as reference. The fact that such disinformation-oriented and speculative incidents, which aim to create misleading perceptions in the international community and which are devoid of substantiated facts, have been adduced as evidence is an indication that the Report is far from being objective and neutral.
61. It must be taken into account that both the judicial processes and the accusations have been attempted to be deviated from their aims and thus the investigations have been tried to be misled through unjust applications that originate from the same source, are similar to one another, baseless and lodged in line with the instructions of the organisation before the non-governmental organisations and international institutions operating in the human rights field by the suspects that are members of the FETÖ/PDY or their relatives.

6- CONCLUSION

62. The rule of law, democracy and human rights are the fundamental principles of the State of the Republic of Turkey. Even in the face of an armed, bloody and treacherous coup attempt and countless terrorist attacks, the State of Turkey pursues its fight against the terrorist organizations in line with respect for these principles and values, and its international obligations.
63. The main goals sought to be achieved in this extraordinary period are the elimination of the causes that gave rise to the state of emergency, and the transition to ordinary period. To this end, we act with great meticulousness to ensure that all of the regulations introduced comply with our obligations emanating from international law. The measures taken in this respect pursued the aim of ensuring that the State effectively fights against the terrorist organizations in line with its positive obligations; and they were obligatory, urgent and proportionate measures for a democratic society and a constitutional state order.
64. In addition, none of these measures decriminalizes torture and ill-treatment or provides exemption from punishment for any person. As required by the policy of zero tolerance for torture, the judicial and administrative authorities continue duly examining each and every allegation of torture and ill-treatment and taking the necessary actions in respect of those responsible.

Respectfully announced to the public.

1 The National Security Council is composed of the Prime Minister, the Chief of the General Staff, the Deputy Prime Ministers, The Minister of Justice, the Minister of National Defence, the Minister of Internal Affairs, the Minister of Foreign Affairs, the Commanders of the Land, Naval and Air Forces Command and the Commander of the Turkish Gendarmerie Forces, under the chairmanship of the President of the Republic. The National Security Council conveys to the Council of Ministers the recommendations issued as to the determination, designation and implementation of the national security policy of the State and its opinions on establishment of the required coordination.

2 Within the organizational structure of the FETÖ/PDY, the heads are called as “*imam*”. It has been revealed that the imam of the FETÖ/PDY members taking office in the Turkish Air Force is Adil Öksüz, who is an academician and still a fugitive.

3 The elder-brother (“*Abi*”) is a medium level head of the FETÖ/PDY organization who is appointed by the top class of the organization. The members are obliged to abide by the instructions of the brother.

ANNEX-II: UNOFFICIAL TRANSLATION OF THE PRESS RELEASE OF THE MINISTRY OF JUSTICE DATED 27 JULY 2016

PRESS RELEASE AS TO THE NEWS PUBLISHED BY AMNESTY INTERNATIONAL

27 July 2016

It has been observed that many unsubstantial and unfounded allegations that the suspects who were taken into custody after the coup attempt taking place in our country have been tortured and ill-treated are maintained in the news published by the Amnesty International (“the AI”) on 24 July 2016.

In the news published by the AI introducing itself as one of the defenders of human rights, rule of law and democracy, the AI did not make any assessment as to the attempt of taking over the Government and the President by force of arms during the coup attempt, as to the bombing of the Turkish Grand National Assembly (the TGNA), which is the foundation of democracy, with a view to dissolving the TGNA and abolishing the Constitution, as to the shooting of civilians stopping the tanks and the death and wounding of hundreds of civilians, military officers and police officers. Nor did the AI condemn or criticize the coup in question and those staging it. These facts indicate that the AI is not an impartial and objective organization.

It is stated in the news in question that the National Human Rights Institution of Turkey was abolished and that therefore, there is currently no institution to make an inspection in this respect. This explanation shows that the Amnesty International is unaware of the developments taking place in Turkey. Indeed, the National Human Rights Institution of Turkey has been re-structured and its powers have been extended. This Institution continues carrying out its activities under the name of the Human Rights and Equality Institution of Turkey.

On the other hand, the allegations that detainees are exposed to torture do not absolutely reflect the truth. The rule of law is the main principle of the Republic of Turkey, and even under the conditions of state of emergency, arrest and custody procedures are performed primarily in accordance with the national and international law concerning human rights.

In the light of the relevant legislation, the detainees' state of health, both at the time of their arrest and under the custody period, are subject to control by the doctors. In this respect, Article 9 of the Regulation on Arrest, Custody and Statement-Taking Processes envisages that "in cases where the person arrested is to be taken into custody or has been arrested by use of force, his state of health at the time of arrest shall be determined by means of being medically examined by a doctor".

In line with the relevant provision which provides "detainee's state of health shall be determined by a medical report also before the place where this person is held under custody is changed, the custody period is extended, they are released or they are referred to the judicial authorities for any reason", the suspects shall undergo medical control in the course of the arrest and custody procedures. According to the relevant legislation, in cases where it is found established in the course of the forensic examination that the offences of torture, aggravated torture on account of its consequences and torment, which are respectively set out in Articles 94, 95 and 96 of the Turkish Criminal Code no. 5237, have been committed, it is requisite that the doctor must immediately

inform the public prosecutor of this situation. Where there is any finding of torture and ill-treatment, the public prosecutors directly initiate an investigation against the relevant law-enforcement officers. Accordingly, the allegations that the suspects have been tortured after being taken into custody are definitely unsubstantial and unfounded.

Moreover, the detention centres are continuously inspected by the public prosecutors. All places where persons are deprived of their liberty, including the detention centres, may always be visited by both the national institutions and organizations and by the international institutions, notably the European Committee for the Prevention of Torture, and independent observers in line with the conventions to which Turkey is a party.

Furthermore, Turkey is one of the few countries abolishing the statutory limitation in respect of the offence of torture by virtue of its policy of zero tolerance for torture.

The allegations maintained in the news without adducing any evidence that the detainees are subjected to rape are completely fictional claims and only amount to aspersion. By means of including such abstract aspersions in its report, the AI must not lend itself to the unfounded and falsified propaganda of the Fetullahist Terrorist Organization (“FETÖ”) for creating perception.

Order of the placement of a suspect in custody and the request for their detention on remand are considered and given by the public prosecutors. All persons taken into custody were not requested to be detained on remand or were not detained on remand, and those who had not involved in the incident were released.

Moreover, any restriction for holding a hearing in the course of the assessment to be made by the relevant courts as to the detentions on remand or for receiving opinions from accused persons, suspects or defence counsels has not been imposed. The relevant judge or court has discretion in this respect.

The democratic reactions shown by the Republic of Turkey against FETÖ, which proves with its bloody coup attempt that it is a threat for the Turkish State, are its incontestable right.

Judicial and administrative investigations initiated for fighting against this illegal structure/entity infiltrating into the public institutions and organizations have been conducted in accordance with legal rules.

Respectfully announced to the public.