



PERMANENT MISSION OF TURKEY  
TO THE UNITED NATIONS  
GENEVA

2016/62441669-BMCO DT/11739690

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 and the Special Rapporteur on the Right of everyone to the enjoyment of the highest attainable standard of physical and mental health, dated 19 August 2016 and Reference: UA TUR 8/2016, has the honour to enclose herewith an information note and its annex 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, 20 December 2016



Encl: As stated

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

**Information Note on the Urgent Appeal of the Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

**(REFERENCE: UA, TUR 8/2016)**

1. The Government of Turkey would like to present the following information regarding the issues mentioned in the Urgent Appeal of the Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, dated 9 September 2016.

2. Within its reply to the current Urgent Appeal, the Government is requested to provide information on the legal basis of the proceedings against Alp Çetiner who was working as a physician in Bakırköy Women Closed Type Prison (the Prison).

In the evening of the terrorist coup attempt in Turkey on 15 July 2016, the power distribution unit was exploded by the prison officers who were members of or had affiliation with the Fethullahist Terrorist Organization (FETÖ) in the Prison. The power supply of the Prison was cut off and power plant's activation was hampered for a long time. The witness statements revealed that the Prison officers' attitudes and discourses insinuated support to the coup attempt. On the following days the detainees and convicts who were members of the DHKP-C, which is a terrorist organization, enlisted as such by Turkey, the U.S., the U.K as well as the European Union, increased their organized criminal activities and attempted to riot on 18 July 2016.

According to the witness statements, Alp Çetiner who took the office on 19 July 2016, showed special favor to the convicts of DHKP-C; incited them to revolt, and acted in a manner which exceeded the regular physician-patient relationship. Within this scope, it was recorded that the tension in the Prison was meanwhile extraordinarily high and finally the DHKP-C terrorists started a fire on 1 August 2016. The convicts were transferred to another prison on the same day. The witnesses stated that although Alp Çetiner left his office at around 14.00-15.00 as usual, he was seen at the scene while communicating with a revolting convict and providing incentive and support to the convicts despite that he was not in charge for the firefighting or the transfer of the convicts after the fire. It was also recorded that he tacitly revealed his support to the convicts in a manner beyond the regular patient-physician relationship.

Alp Çetiner was taken under police custody on 2 August 2016 with some other prisoner officers within the scope of an investigation against him on grounds of misconduct, incitement and provocation of the detainees and convicts to revolt and being a member of DHKP-C, a terrorist organization. His detention on remand was decided on 9 August 2016 by Bakırköy 4<sup>th</sup> Criminal Magistrate's Office.

3. In respect of the information requested regarding the measures taken to ensure the prisoners' access to health services, including a physician in the Bakırköy Women Closed Type Prison, it should be stated that Bakırköy Community Health Center made the required assignments upon

the request made by the Prison. Thus, the health service to the 856 detainees and convicts in the Prison have been provided uninterruptedly.

According to the legislation in force, in Turkey, healthcare services for prisoners are rendered in accordance with the “Protocol Between the Ministries of Health and Justice on the Regulation of Healthcare Services in Penitentiary Institutions” (Bilateral Protocol), the “Protocol on the Administration, External Protection, Transport and Transfer of Prisoners and the Provision of Healthcare Services”, signed between the Ministries of Justice, Health and Interior (Trilateral Protocol), and the Family Medicine Implementation Regulation, put in force on 25 January 2013.

In practice, the healthcare service requests made by the prisons are assessed and the relevant legislation is applied accordingly<sup>1</sup>. Depending on the number of the detainees and convicts in a prison, a separate family practice center is opened if the capacity of the institution is over 1.000 person. Unless a separate family practice center is not found in the institution, onsite healthcare service is provided according to above-mentioned Regulation.

In accordance with the Bilateral Protocol, healthcare services are provided at the establishment where the prisoners are held and in compliance with the legal provisions the officials in charge are subject to. The services are offered in facilities where the provincial health directorate approves to be in conformity with the standards.

Accordingly, the health services in Bakırköy Women Closed Type Prison are provided by the Prison’s physician, family physician and dentist. They are authorized to transfer the detainees and convicts to the hospital if they deem necessary. In emergency cases, 112 Emergency Service is alerted, required medical service is rendered and if needed, the patient is transferred to the hospital.

Both the protection of the physical and mental health of the detainees/convicts, the first examination and treatment for the diagnosis of their illness are provided in the Prison. For further examination, treatment and rehabilitation, transfer to the state hospitals and university hospitals is ensured. All examination and treatment results are recorded in the health file of the detainee/convict. All requisite examination and treatment required by law is under the guarantee of the state and free of charge. The transfers are provided in compliance with the medical requirements according to the physician’s discretion. In emergencies, the highest authority in the institution decides for the transfer to the hospital if the physician cannot be reached at that

---

<sup>1</sup> Article 6 § 2 of the Family Medicine Implementation Regulation provides the following provision:

*“In collectively inhabited establishments, where persons are unable to apply to their registered family physicians directly or to choose their family physician freely, such as prisons, juvenile reformatories, retirement homes, juvenile dormitories for those in need of protection and orphanages which do not have a physician, one or more family physicians may be obliged to provide on-site healthcare if the establishment requests so. In such cases the family physicians providing on-site healthcare shall register the persons residing in the establishment. The establishments which have been declared on-site healthcare areas are under the obligation to fulfill the minimum conditions for the healthcare service to be provided by family physicians. In such places, on-site healthcare services shall be provided for at least once every week for up to 750 residents, and at least twice every week for 750 or more residents, provided that the duration does not fall below three hours per month for every 100 persons. These durations shall be doubled for prisons and juvenile reformatories.”*

moment. If a specialist physician decides for the inpatient treatment of a detainee/convict, his treatment is continued in detention ward of the hospital.

4. As regards the information asked regarding the measures taken for the health workers' to carry out their work in a safe and enabling environment without fear of harassment of any sort, it should be mentioned that the Ministry of Health examines the complaints concerning health care services rendered in prisons. The Ministry has not received any complaints regarding the allegations mentioned in the appeal until today.

On the other hand, the Regulation on the Execution of Sentences and Security Measures and the Protocol on the Transfer and Transport of Detainees and the Conduct of Healthcare Services include provisions which establish the required measures and necessary safeguards to provide the security of the health personnel while undertaking their duty<sup>2</sup>. Besides, the correction officers, who are in charge of protecting health personnel, perform duty with the health personnel in infirmary of the prisons for their protection.

5. The Government would also like to bring to the attention that issues such as the State of Emergency, the provisions foreseen by the Decree-Laws involving the 30 days of custody period, detainee's access to a lawyer, visits and phone calls between detainees and their families and other issues regarding the rights of the detainees in prison facilities and detention centres have already been replied to in the Government's response to the urgent appeal reference no. TUR 7/2016 (See ANNEX).

---

<sup>2</sup> Article 155 § 1 (b) of the Rule on the Execution of Sentences and Security Measures reads as follows:

*"Handcuffs may be used at the request and under the supervision of the prison doctor or physician during the medical examination, diagnosis and treatment to be made in the infirmary of the establishment or other medical institution, if deemed necessary for a safe conduct of these procedures."*

Article 38, titled "Ensuring security and medical confidentiality" of the "Protocol on the Transfer and Transport of Detainees and the Conduct of Healthcare Services", which has been signed between the Ministries of Health, Interior and Justice and put in force on 19 August 2011 provides:

*"(1) Secure examination rooms with restraints to prevent escape shall be set up in hospitals which are located in regions where a prison establishment exists.*

*(2) Medical examinations of remand and sentenced prisoners shall be carried out in secure rooms with restraints to prevent escape. Gendarmerie officials shall remain out of the room and take the necessary security precautions during the examination. If requested in writing by the doctor, the gendarmerie official shall be present in the examination room.*

*(3) Any unlawful demands by the prisoner during the examination shall be immediately reported to the gendarmerie patrol commander by the relevant medical professional.*

*(4) In hospitals where secure rooms for examining prisoners have not yet set up, the gendarmerie official shall remain inside the examination room and take protective precautions in a distance where the speech between the doctor and the patient cannot be heard."*

## ANNEX

**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 15<sup>th</sup> 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")<sup>3</sup>, the FETÖ/PDY has been included in the

---

<sup>3</sup> 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

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 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’

---

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.

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.