

**DELEGATION OF TURKEY**

**28 September 2007**

**HUMAN DIMENSION IMPLEMENTATION MEETING  
(Warsaw, 24 September-5 October)**

**Working Session 9: Rule of Law II**

**RIGHT OF REPLY**

**TURKEY'S "ZERO TOLERANCE POLICY"  
IN COMBATING TORTURE AND ILL-TREATMENT**

Mr. Moderator,

I took the floor to respond to the statement made by the Amnesty International expressing concern on allegations of torture in Turkey which we take seriously. We note with appreciation the recognition of the progress made in Turkey in combating torture and ill-treatment:

- The fight against torture and ill-treatment is among top priorities in the ongoing reform process in Turkey. The "zero tolerance policy" adopted and publicly declared by Turkey against torture and ill-treatment is indeed the reflection of the Turkish Government's resolve.
- In line with this zero tolerance policy, a comprehensive set of legislation has been introduced in recent years as part of the overall reform process and substantial progress has been achieved in the implementation of the measures taken in this direction.
- The Ministry of Justice and Ministry of Interior of Turkey have issued circulars in order to prevent torture and ill treatment during investigations and prosecution.
- As regards the measures to avoid disproportionate use of force by the police in Turkey, circulars and written orders have been issued by the relevant authorities and sent to all Police Departments in provinces since 2001.
- Concerning the relationship between the Ministry of Justice and Forensic Medicine Institute, which is solely administrative, there is no involvement of the Ministry of Justice in medical examination procedure that is held by the Forensic Institute. According to its founding law, the Forensic Institute may only conduct medical examinations upon the requests of the courts or the public prosecution offices.
- Turkish Government remains committed to investigating all allegations of torture and ill-treatment reported to governmental bodies. Requisite inquiries are given effect

without delay in order to prevent impunity. Naturally, all remedies are available against violations of fundamental rights and freedoms.

- In addition to the judicial ones including the jurisdiction of the European Court of Human Rights as recognized by Turkey since 1990, there are governmental/administrative and parliamentary remedies. These remedies are utilized through the Human Rights Presidency and numerous Human Rights Boards at provincial and sub-provincial levels, which have been established in all the 81 provinces and 850 districts throughout the country, on the one hand, and the Human Rights Inquiry Commission of the Parliament on the other. These bodies are tasked with investigating complaints and allegations of human rights abuses, and submitting their findings to relevant authorities for necessary action.
- In this context, Turkey meticulously examines all reports and recommendations issued by international mechanisms, both intergovernmental organizations and credible NGOs, and gives them due consideration in the reform process.
- Turkey is indeed party to all relevant international instruments both at global and regional fora, and duly maintains a close and constructive cooperation with the special mechanisms of international organizations tasked with the fight against torture and ill treatment, among which are particularly the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the UN Committee Against Torture (CAT).
- Turkey became party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 1 February 1989, thereby recognizing the competence of the CPT, the Convention's monitoring body, which to date represents the most advanced system in the field. According to the provisions of the Convention, CPT delegations have unlimited access to places of detention and the right to enter such places without restriction. In principle, CPT reports are confidential unless the country in question authorizes their publication. Turkey, for the sake of transparency, decided in 2001 to authorize publication of all CPT reports on Turkey, which are available on the Committee's website.
- The success of zero tolerance policy in particular and the reforms achieved in relation to the relevant legislation were acknowledged by the CPT itself as early as in 2004. The President of the CPT, in her statement at the Committee of Ministers' Deputies at the Council of Europe on 13 October 2004, underlined the following in respect of the achievements in Turkey with regard to fight against torture and ill-treatment:  
  
*"... the legislative and regulatory framework necessary to combat effectively torture and other forms of ill-treatment ... has been put in place –to be frank, **it would be difficult to find a Council of Europe member state with a more advanced set of provisions in this area...**"*
- The latest CPT report, made public in September 2006, has also underlined the efficiency of the "zero tolerance" policy of the Turkish Government against torture and all forms of ill-treatment.

- Likewise, within the UN framework, Turkey honors its treaty obligations as a party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In this regard, Turkey also signed the Optional Protocol to the Convention against Torture (OPCAT) on 14 September 2005 in New York, during the UN Summit, as testimony to its commitment to strengthening its national and international human rights machinery.
- Its signature was a new step forward in the implementation of Turkey's zero tolerance policy against torture and ill-treatment. The process of ratification is still underway, whereby necessary consideration is being given to possible modalities for the creation of independent national monitoring mechanisms. In this process, works of other countries concerning the formation of such independent monitoring mechanisms at national level are also taken into consideration. In this context, the present process also includes contacts with civil society, through which the views of relevant NGO's are asked as regards the formation of independent monitoring mechanisms.
- Furthermore, in the UN human rights system, Turkey as a country which extended a standing invitation to UN special procedures, continues to enjoy close cooperation with both special rapporteurs and working groups of the UN extra-conventional mechanisms tasked with related issues in the fight against torture and ill treatment.
- As can be clearly seen in view of the foregoing, the "zero tolerance policy" against torture and ill treatment remains firmly implemented with the necessary resolve of the Turkish Government and administration through a close and constructive cooperation with the relevant international organizations and mechanisms.