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- THE TURKISH CRIMINAL PROCEDURE CODE SHOULD BE AMENDED TO ENSURE THAT ALL DETAINEES, IRRESPECTIVE OF THE OFFENSE IN CONNECTION WITH WHICH THEY ARE HELD, HAVE THE RIGHT TO LEGAL COUNSEL THROUGHOUT POLICE DETENTION AND THE RIGHT TO PRESENCE OF COUNSEL DURING INTERROGATION. BOTH THE CALENDAR AND THE REPORT RECOMMEND A CHANGE ALONG THESE LINES, BUT THE CALENDAR SCHEDULES THE DRAFT OF THIS CHANGE FOR THE END OF 2001.

- THE INTERIOR AND JUSTICE MINISTERS SHOULD PUBLICLY CONDEMN THE PRACTICE OF BLINDFOLDING AND INSTRUCT ALL POLICE AND GENDARMERIE UNITS ACCORDINGLY. A PROVISION PROHIBITING BLINDFOLDING SHOULD BE ADDED TO THE 1997 REGULATION ON APPREHENSION, POLICE CUSTODY AND INTERROGATION. POLICE AUTHORITIES AND PROSECUTORS SHOULD BE INSTRUCTED TO PURSUE ANY REPORTS OF BLINDFOLDING AND SEEK APPROPRIATE ADMINISTRATIVE OR JUDICIAL PENALTIES.¹⁴ NO REFERENCE IS MADE TO BLINDFOLDING IN THE REPORT OR THE CALENDAR.
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- ENSURE THAT POLICE STATION STAFF AT ALL TIMES INCLUDE AT LEAST ONE FEMALE POLICE OFFICER WHO WILL BE PRESENT DURING THE INTERROGATION OR MOVEMENT OF WOMEN DETAINEES. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR, ALTHOUGH THEY BOTH REFER TO "RESEARCHING WAYS IN WHICH THE HUMAN RIGHTS OF WOMEN CAN BE BETTER PROTECTED."
 - THE TURKISH GOVERNMENT SHOULD ESTABLISH AND ENFORCE A REQUIREMENT THAT ALL POLICE UNITS MUST REGISTER EVERY DETAINEE IN A BOUND LEDGER WITH NUMBERED PAGES AT THE FIRST MOMENT THAT THEY ARE BROUGHT INTO A RECOGNIZED PLACE OF DETENTION. SUCH RECORDS MUST BE OPEN TO INSPECTION BY LAWYERS, FAMILY MEMBERS AND OTHER INTERESTED PERSONS. PROSECUTORS AND POLICE AUTHORITIES MUST BE INSTRUCTED TO INVESTIGATE AND APPLY APPROPRIATE ADMINISTRATIVE OR JUDICIAL SANCTIONS WHEREVER SECURITY FORCE OFFICERS HAVE FAILED TO KEEP PROPER RECORDS. SUCH MEASURES ARE NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
 - DETAINEES' RELATIVES OR OTHER INTERESTED PERSONS MUST BE NOTIFIED IMMEDIATELY FOLLOWING DETENTION. IN EXCEPTIONAL CASES WHERE THIS MIGHT CONFLICT WITH THE INTEREST OF JUSTICE, THE DECISION TO WITHHOLD SUCH INFORMATION SHOULD ONLY BE TAKEN BY A PROSECUTOR OR JUDGE WHO HAS SEEN THE PRISONER AND CASE FILE, AND A DETAILED RECORD SHOULD BE MADE OF THE REASONS FOR THIS DECISION. PROSECUTORS AND POLICE AUTHORITIES MUST BE INSTRUCTED TO INVESTIGATE AND APPLY APPROPRIATE ADMINISTRATIVE OR JUDICIAL SANCTIONS WHEREVER SECURITY FORCE OFFICERS HAVE FAILED TO GIVE PROPER NOTIFICATION OF A DETENTION. SUCH MEASURES ARE NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- THE REGULATION ON APPREHENSION, POLICE CUSTODY AND INTERROGATION SHOULD BE AMENDED TO INDICATE POSSIBLE ADMINISTRATIVE AND JUDICIAL SANCTIONS APPLICABLE TO ANY OFFICER WHO FAILS TO COMPLY WITH ITS PROVISIONS, AND THE TURKISH AUTHORITIES SHOULD UNDERTAKE STEPS TO ENSURE THAT SUCH SANCTIONS ARE IMPOSED IN APPROPRIATE CASES.¹⁶ INTERNAL DISCIPLINARY PROCEDURES SHOULD NOT BE USED AS A SUBSTITUTE FOR JUDICIAL SANCTIONS, AND SHOULD BE TRANSPARENT AND SUBJECT TO PUBLIC MONITORING. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
 - THE 1997 HEALTH MINISTRY CIRCULAR SHOULD BE AMENDED TO REQUIRE THAT DOCTORS ISSUE FOUR REPORTS, AND GIVE ONE OF THESE TO THE DETAINEE. PUBLIC PROSECUTORS SHOULD BE INSTRUCTED TO INVESTIGATE DETENTION CONDUCT AND PROCEDURES, WHENEVER A DETAINEE IS BROUGHT BEFORE THEM WITHOUT A MEDICAL REPORT IN THEIR POSSESSION. THESE MEASURES ARE NOT SPECIFIED IN THE REPORT OR THE CALENDAR, BUT BOTH RECOMMEND OVERHAULING THE OPERATION OF THE FORENSIC MEDICINE INSTITUTE AND IMPROVING MEDICAL REPORTING. THE CALENDAR STATES THAT STANDARDIZED REPORTING FORMS ARE SOON TO BE ISSUED.
 - WHERE IT IS UNSAFE FOR A DOCTOR TO BE LEFT ALONE WITH A DETAINEE IN ORDER TO CARRY OUT A HEALTH CHECK, THE PUBLIC PROSECUTOR SHOULD BE SUMMONED IN ORDER TO SUPERVISE THE PROCEDURE. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- UNTIL SAFEGUARDS AGAINST ILL-TREATMENT IN POLICE STATIONS CAN BE SHOWN TO BE EFFECTIVE, THE CRIMINAL PROCEDURE CODE SHOULD BE AMENDED SO THAT ANY JUVENILE DETAINED CAN BE QUESTIONED ONLY IN THE PRESENCE OF HIS LAWYER AND AN INDEPENDENT PROSECUTOR. A PROSECUTOR SHOULD BE CHARGED WITH THE CLOSE SUPERVISION OF THE DETENTION OF ANY CHILD OR JUVENILE TO ENSURE THEIR WELL BEING. ANY POLICE OFFICER FOUND TO HAVE HELD A CHILD OR JUVENILE IN CUSTODY WITHOUT IMMEDIATELY NOTIFYING THE PROSECUTOR, OR TO HAVE INTERROGATED A CHILD OR JUVENILE OTHER THAN IN THE PRESENCE OF A PROSECUTOR, OR WHO FAILS TO SUMMON A LAWYER SHOULD BE SUBJECT TO HEAVY ADMINISTRATIVE AND JUDICIAL PENALTIES. THESE MEASURES ARE NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
 - ABOLISH THE LAW ON THE PROSECUTION OF CIVIL SERVANTS AND OTHER ADMINISTRATIVE OFFICIALS OR AMEND IT TO ENSURE THAT IT CANNOT BE USED TO DELAY OR SUPPRESS COMPLAINTS AGAINST POLICE OFFICERS, GENDARMES OR SOLDIERS FOR OFFENCES OF ILL-TREATMENT, TORTURE, ABUSE OF DETENTION PROCEDURES, DEATH IN CUSTODY, EXTRAJUDICIAL EXECUTION OR "DISAPPEARANCE." THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- ANY PRISON OFFICER, POLICE OFFICER, GENDARME OR MEMBER OF THE SECURITY FORCES SUBJECT TO INVESTIGATION OR PROSECUTION FOR ILL-TREATMENT OR TORTURE SHOULD BE IMMEDIATELY SUSPENDED FROM DUTIES WHICH MIGHT BRING THEM INTO CONTACT WITH PRISONERS. OFFICERS SUBJECT TO INVESTIGATION OR PROSECUTION FOR UNLAWFUL KILLING SHOULD BE SUSPENDED FROM ACTIVE DUTY. ANY OFFICER CONVICTED OF ILL-TREATMENT, TORTURE OR UNLAWFUL KILLING SHOULD BE IMMEDIATELY DISMISSED. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
 - THE TURKISH GOVERNMENT SHOULD GIVE PERMISSION FOR THE PUBLICATION OF ALL OUTSTANDING CPT VISIT REPORTS. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
 - THE HUMAN RIGHTS HIGH COORDINATING COUNCIL OF THE OFFICE OF THE PRIME MINISTER SHOULD ENSURE PERIODIC PUBLIC DISCLOSURE OF THE FINDINGS OF INTERNAL SUPERVISION OF POLICE STATIONS CARRIED OUT BY THE JUSTICE AND INTERIOR MINISTRIES. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- THE TURKISH GOVERNMENT SHOULD ANNOUNCE A SCHEDULE FOR THE PROMPT ESTABLISHMENT OF A NATION-WIDE SYSTEM OF VISITING BOARDS, COMPRISED OF LOCAL PERSONS TRUSTED FOR THEIR INDEPENDENCE AND COMMITMENT TO HUMAN RIGHTS, WHO COULD VISIT POLICE STATIONS AND GENDARMERIES IN ORDER TO TALK TO PRISONERS AND INSPECT FACILITIES. SUCH BOARDS SHOULD REPORT PUBLICLY ON THEIR WORK AND FINDINGS. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR, THOUGH BOTH PROPOSE INCREASING THE "TECHNOLOGICAL" (I.E. ELECTRONIC) MONITORING OF PLACES OF DETENTION.
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- The Justice Minister, in his capacity as president of the High Council of Judges and Prosecutors, should immediately issue a circular explaining to prosecutors and judges that sentences imposed for the expression of non-violent opinion—no matter how unpalatable that opinion may be—are in contravention of Article 10 of the European Convention on Human Rights, which supersedes domestic law under the Turkish Constitution. Both the *Report* and the *Calendar* contain the vague statement that "The provisions of related legislation, including particularly the Turkish Penal Code, the Anti-Terrorism Law and the Political Parties Law that restrict freedom of thought and expression and allow flexible interpretation by the administration should be redrafted in line with the principles of the Republic that protect the integrity of the country." On prosecutions of journalists, both documents state that in reviewing the Press Law and the Penal Code, "The basic objective . . . should be to achieve changes which will prevent the conviction of journalists and writers for their writings and publications that do not encourage violence, crime or terrorism, do not involve open insults and do not intend to disturb or weaken the unitary character of the State, and in this context a general amnesty should be declared for journalists and writers who are currently in prison and have not committed offences of the above-named types." The introduction to the *Calendar* states: "In the steps which are to be taken, it has been considered necessary to give the state authority, as is the case in several E.U. nations, to limit by law the freedom of expression where a present and/or open danger/threat is posed." Both formulations are open to an interpretation that would violate the European Convention and would fail to achieve the immediate progress that a circular from the Minister of Justice, referring to the Convention and jurisprudence at the European Court of Human Rights, might give.
 - The Law on the Organization and Broadcasts of Radio and Television Stations should be revised to reflect that it is constrained by Article 10 of the European Convention on Human Rights in its decision making. The *Report* states that amendments abolishing restrictive provisions should be made to Law 3994 on the Organization and Broadcasts of Radio and Television Stations, and, "in this context, the independence of radio and television organizations should be strengthened and the composition and powers of the Radio and Television Supreme Board should be reviewed." The *Calendar* includes similar language, scheduling a draft for the end of 2002.
 - The Justice Ministry and other ministries should further establish a training program to ensure that all relevant parties within the judicial system and the executive understand their obligations under Article 10 to uphold freedom of expression, and the government should also establish a follow-up program to ensure that those trained are implementing the principles in the training program. The European Union, in possible collaboration with the Council of Europe, could be instrumental in providing the funding and expertise for such training. The *Report* and the *Calendar* both propose seeking E.U. funding for the training of judges.
 - The Turkish government should take any necessary measures to secure the release of all prisoners held for the expression of non-violent opinion, including the four Kurdish former deputies Hatip Dicle, Orhan Dogan, Selim Sadak and Leyla Zana, restore political rights to all former prisoners of opinion, and put a halt to all legal proceedings currently in process against Turkish citizens for the expression of their non-violent opinions. These measures are not specified in the *Report* or the *Calendar*, though both propose an amnesty for imprisoned journalists and writers who "have not advocated violence, offered open insult, or attempted to divide the unitary state." The *Calendar* suggests that a draft law will be ready by 2002.
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- THE TURKISH GOVERNMENT SHOULD WORK CLOSELY WITH THE COUNCIL OF EUROPE TO ENSURE THAT THE NEW CRIMINAL CODE AND CRIMINAL PROCEDURE CODE ARE FULLY COMPATIBLE WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND JURISPRUDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS. THE REPORT STATES THAT "NATIONAL LEGISLATION SHOULD BE BROUGHT INTO LINE WITH INTERNATIONAL CONVENTIONS RATIFIED UNDER ARTICLE 90 OF THE CONSTITUTION AND LEGISLATIVE MEASURES SHOULD BE ADOPTED CONCERNING THE BINDING NATURE OF JUDGMENTS PASSED AS A RESULT OF EXERCISING THE INDIVIDUAL RIGHT OF APPLICATION WHICH WAS GRANTED UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS." THE CALENDAR CONTAINS SIMILAR LANGUAGE.
 - ARTICLE 155 OF THE TURKISH PENAL CODE SHOULD BE ABOLISHED AND ARTICLE 377 OF THE DRAFT PENAL CODE SHOULD BE REVISED IN LINE WITH INTERNATIONAL STANDARDS. AN OPTION FOR CIVILIAN SERVICE, WHICH IS NOT OF PUNITIVE LENGTH, SHOULD BE ESTABLISHED FOR CONSCIENTIOUS OBJECTORS. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- THE TURKISH GOVERNMENT SHOULD ABOLISH THE LANGUAGE RESTRICTIONS ON TELEVISION AND RADIO BROADCASTING CONTAINED IN THE LAW ON THE ORGANIZATION AND BROADCASTS OF TELEVISION AND RADIO. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.

- AS A MINIMUM GESTURE TOWARD THE RESPECT AND PROTECTION OF ITS LANGUAGE MINORITIES, THE TURKISH GOVERNMENT SHOULD LIFT ALL OBSTACLES TO THE FOUNDATION OF PRIVATE LANGUAGE COURSES IN MINORITY LANGUAGES. SUCH MEASURES SHOULD INCLUDE REPEAL OF ARTICLE 42.9 OF THE CONSTITUTION, WHICH STATES THAT "NO OTHER LANGUAGE THAN TURKISH MAY BE TAUGHT TO TURKISH CITIZENS AS THEIR MOTHER TONGUE." THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- **THE TURKISH AUTHORITIES SHOULD LIFT THE BAN ON THE WEARING OF HEAD SCARVES OR OTHER RELIGIOUS HEAD-COVERING BY STUDENTS IN HIGHER EDUCATION, AND SHOULD BE ENCOURAGED TO RECONSIDER THE DRESS RESTRICTION IMPOSED ON CIVIL SERVANTS. THERE CAN BE NO GROUNDS FOR DRESS RESTRICTIONS IMPOSED ON ELECTED REPRESENTATIVES IN THE TURKISH PARLIAMENT. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.**
 - **IN 1999 THE U.N. SPECIAL RAPPORTEUR ON RELIGIOUS DISCRIMINATION VISITED TURKEY. THE GOVERNMENT OF TURKEY AND THE E.U. SHOULD SEEK WAYS TO ENSURE THAT HIS FINDINGS AND RECOMMENDATIONS, WHICH ARE NOT EXPECTED TO BE MADE PUBLIC UNTIL EARLY 2001, ARE CONSIDERED WHEN PREPARING THE ACCESSION PARTNERSHIP. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.**
 - **GENDARMES SHOULD BE IMMEDIATELY REMOVED FROM PRISON GUARD DUTIES AND REPLACED BY STAFF UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE. THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.**
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- **The Justice Ministry should put an end to the regime of intense isolation at Kartal Special Closed Prison and publicly announce plans for the future management of prisons that are consistent with international standards and promise a healthy environment for prisoners.** Such plans should include a schedule for the establishment of a system of independent monitoring such as that discussed above as a measure to curb torture. This measure is not specified in the *Report* or the *Calendar* but both propose seeking E.U. funding in order to accelerate the move from the ward system to the cell or room system.
 - **The Turkish government should announce a schedule for the establishment of a nationwide system of visiting boards, comprised of local persons trusted for their independence and commitment to human rights, who could visit prisons in order to talk to prisoners, inspect facilities. Such boards should report publicly on their work and findings.** This measure is not specified in the *Report* or the *Calendar*.
 - **Pending full de jure abolition of the death penalty in Turkish law, the Turkish government should sign the sixth optional protocol to the European Convention on Human Rights and thereby firmly commit itself not to carry out any further executions.** This measure is specified in both the *Report* and the *Calendar*, and the latter schedules the abolitionist penal code for submission to parliament at the end of 2001. If the government's intention is to abolish the death penalty, there is no reason why signature of the sixth optional protocol should wait.
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- **The Turkish government should make a public statement affirming the role of civil society in general, and the valuable contribution of human rights organizations. The government should make clear that although the criticisms made by such organizations may be uncomfortable for those in authority, such organizations are a legitimate and necessary component of an effective system for protection of the rights and welfare of the Turkish people.** The *Report* and the *Calendar* contain the welcome recommendation that "the constructive function of non-governmental organizations in raising human rights awareness should be encouraged and there should be closer cooperation and communication with them," but these documents make no explicit provisions for public government acknowledgement of the positive role of human rights organizations.
 - **The Turkish government should reopen the Van and Diyarbakir branches of the Human Rights Association and the Malatya branch of Mazlum-Der.** This measure is not specified by the *Report* or the *Calendar*, but both contain the following—not altogether reassuring—statement: "Measures should be adopted to prevent the exercise of pressure on managers and members of non-governmental organizations concerned with human rights; the security of the headquarters and branch offices of these organizations should be ensured, the legal actions for closure should be consistent and measures should be taken for compliance with court judgments concerning such actions."
 - **THE LAW ON ASSOCIATIONS SHOULD BE THOROUGHLY OVERHAULED SO THAT IT FORMS A BASIS FOR THE HEALTHY DEVELOPMENT OF CIVIL SOCIETY RATHER THAN AN OBSTACLE. IN REVISING THIS LAW, CAREFUL ATTENTION SHOULD BE GIVEN TO THE STANDARDS DEVELOPED IN THE JURISPRUDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS ON THOSE ARTICLES OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS THAT DEAL WITH FREEDOM OF THOUGHT, EXPRESSION, ASSEMBLY AND ASSOCIATION. THE REPORT AND THE CALENDAR DO NOT CONTAIN THIS SPECIFIC RECOMMENDATION, BUT BOTH PROVIDE FOR CONSTITUTIONAL RECOGNITION OF THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS AND STATE THAT "IN LINE WITH THE REQUIREMENTS OF DEMOCRATIC SOCIETY, THE NECESSARY AMENDMENTS SHOULD BE MADE IN THE FRAMEWORK OF COLLECTIVE FREEDOMS, ESPECIALLY THE LEGISLATION CONCERNING FREEDOM OF ASSOCIATION, FREEDOMS OF ASSEMBLY AND DEMONSTRATION AND TRADE UNION FREEDOMS."** THE CALENDAR SCHEDULES THE PREPARATION OF DRAFT LAWS ON SUCH TOPICS BY THE END OF 2002.
 - **THE TURKISH GOVERNMENT SHOULD PROCEED AS SOON AS POSSIBLE, WITHOUT ANY FURTHER DELAY, TO DISARM AND DISSOLVE THE VILLAGE GUARD SYSTEM.** THIS MEASURE IS NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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- **THE TURKISH GOVERNMENT SHOULD COMMENCE A PROGRAM THAT WILL CREATE THE NECESSARY SECURITY CONDITIONS TO ALLOW VILLAGERS TO RETURN TO THEIR ORIGINAL HOMES AND PROPERTY, OR PLACE OF FORMER HABITUAL RESIDENCE, THROUGHOUT THE SOUTHEAST, IN SAFETY AND SECURITY AND WITH FULL HUMAN RIGHTS GUARANTEES. The program of return should be fully resourced and access to those resources should not be conditional on service in the village guard corps. Villagers should be fully compensated for their displacement and the destruction of their houses, goods and livestock. In preparing the return program, the Turkish government should consult bodies and persons with experience in this field, including the Special Representative of the Secretary-General of the United Nations on Internally Displaced Persons, the U.N. High Commissioner for Refugees, and the World Bank, and make public the recommendations of such bodies. These measures are not specified in the *Report* or the *Calendar*.**
 - **The Turkish government should institute a full commission of inquiry into the human rights violations committed during the course of the fifteen year conflict with the PKK. The members of the commission should be expert and independent persons, known for their commitment to human rights. The commission should provide protection for witnesses, and should be empowered, without prejudice to the rights of the accused, to require members of the security forces to give evidence and reveal documentary and other evidence. Where violations are established to have taken place, those responsible should be brought to justice, and the victims compensated. These measures are not specified in the *Report* or the *Calendar*.**
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- THE TURKISH GOVERNMENT SHOULD REMOVE THE GEOGRAPHICAL RESTRICTION ON THE APPLICATION OF THE REFUGEE CONVENTION, AND SHOULD BE REMINDED OF ITS OBLIGATION TO UPHOLD THE PRINCIPLE OF NON-REFOULEMENT REGARDLESS OF THE GEOGRAPHICAL RESTRICTION. IT SHOULD ALSO ESTABLISH WITHOUT DELAY AN INDEPENDENT ADVISORY COMMITTEE, COMPOSED OF INDEPENDENT EXPERTS AND REPRESENTATIVES OF THE UNHCR AND RELEVANT NON-GOVERNMENTAL ORGANIZATIONS, IN ORDER COMPREHENSIVELY TO REVIEW REFUGEE PROTECTION IN TURKEY AND MAKE RECOMMENDATIONS ON HOW THE GOVERNMENT COULD BETTER DISCHARGE ITS INTERNATIONAL OBLIGATIONS TOWARD REFUGEES. PARTICULAR URGENCY SHOULD BE GIVEN TO AMENDMENTS TO ASYLUM LAWS AND REFUGEE STATUS DETERMINATION PROCEDURES IN ORDER TO ENSURE THAT THEY DO NOT RESULT IN REFOULEMENT. THESE MEASURES ARE NOT SPECIFIED IN THE REPORT OR THE CALENDAR.
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