

15 November 2013

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**OPEN-ENDED INTERGOVERNMENTAL EXPERT GROUP
ON THE STANDARD MINIMUM RULES FOR THE
TREATMENT OF PRISONERS
VIENNA, AUSTRIA, 25 – 28 March 2014**

**RESPONSE OF THE GOVERNMENT OF TURKEY¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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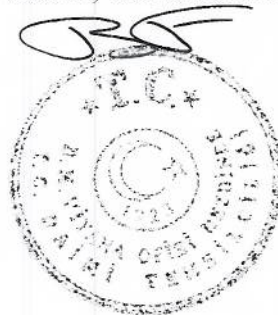


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The Permanent Mission of Turkey to the United Nations Office and Other International Organizations in Vienna presents its compliments to the Secretariat of the United Nations Office on Drugs and Crime, and with reference to the Note Verbale of the Latter CU 2013/129/DO/JS, dated 3 July 2013, has the honor to present herewith the views and comments of Turkish authorities on the work of the Expert Group for the revision of the Standard Minimum Rules for the Treatment of Prisoners.

The Permanent Mission of Turkey to the United Nations Office and Other International Organizations in Vienna avails itself of this opportunity to renew its highest considerations to the Secretariat of the United Nations Office on Drugs and Crime.

Vienna, 15 November 2013



The Secretariat of the United Nations Office
on Drugs and Crime
Vienna International Center
Vienna

Comments by Turkey regarding the Recommendations of the Expert Group on Standard Minimum Rules for the Treatment of Prisoners

Turkey commends in general the work reflected in the document "Report of the Secretariat on the Work of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners", contained in the document: E/CN.15/2013/23. However, we would like to state our views particularly on the 18th paragraph of this document on disciplinary action and punishment (Area (c)).

In paragraph 18, subparagraph (a), it is suggested to encourage the establishment of mediation mechanisms to solve conflicts. One may interpret this suggestion as a call for taking all necessary action to ensure the safety of prisoners at the time of massive uprisings, hunger strikes or other disturbances which threaten the institutional order of the prison. It should also be mentioned that such means of solving conflicts are already part of State practice in Turkey, despite there is no legislative framework on this point. However, due consideration should be given to the fact that resorting to mediation mechanisms for all types of discipline-disruptive acts in correctional institutions may cause the effect of compromising the public order inside the institution. Thus, it would be more plausible to introduce a regulation which encourages the use of mediation mechanisms before taking disciplinary action only in exceptional circumstances where the life and health of prisoners are at risk.

In paragraph 18, subparagraph (e), reference has been made to certain categories of prisoners with special situations, and it is suggested that solitary confinement should not be applied to the said groups. Concerning the category of life-sentenced prisoners, Turkish authorities hold the view that this particular group of prisoners should not be exempted from solitary confinement measures. Having in mind the conditions laid down for the execution of aggravated life-sentence in Article 25 of the Law on Punishment and Security Measures, and Article 44 of the same Law regarding the conditions for the application of solitary confinement as a disciplinary measure, it is considered that solitary confinement may be a necessary measure also for life-sentenced prisoners to secure institutional order within the penitentiary. Therefore, "life-sentenced prisoners" should not be referred to in the text of paragraph 18, subparagraph (e), in a way that could suggest providing an exemption from solitary confinement to this particular group of prisoners.