



REPORT ON RIGHTS VIOLATIONS IN TURKEY PRISONS

This report is based on reports prepared by organisations such as the Human Rights Association of Turkey, the Platform of Lawyers for Freedom, the Association of Contemporary Lawyers, the Prison Commissions of Bar Associations and solidarity associations of prisoners' relatives.

The capitalist-imperialist system, drowning in crises, finds it more and more difficult to rule the vast masses of labourers every day. As the excessive greed for profit drives the economy into a dead end, they resort to more cruelty in order to rule and to maintain their exploitation order. The AKP-MHP government, which eliminates all means of seeking rights, especially the right to strike, in favour of capital, resorts to the most violent fascist methods in an effort to create a smooth environment for national and international capital. The most ordinary struggles for rights are tried to be suppressed with a raging police attack and all democratic rights are tried to be destroyed one by one.

The Turkish fascist state, in the last years of its one-party rule of more than 20 years, does not hesitate to resort to the most severe methods of repression in order to put the burden of one of the deepest crises ever experienced on the backs of the people. Turkey has become a country of murders of workers and women due to the state's policies encouraging work accidents and massacres of women.

On the other hand, the "coup attempt" of 15 July 2016 was a turning point in the oppression and violence of the Turkish state since the first day of its establishment. The state of emergency declared after that has not affected anyone except the government and its supporters. This of course includes prisons. And since this period, the occupancy rate of prisons has reached the highest figures in the history of the Turkish Republic.

During and after the earthquake in Turkey, Kurdistan and Syria in the first week of February, the fascist Turkish state found a new opportunity to attack prisons. In order to cover the shame of their policies that led to the massacre of the people and to hide their crimes, they did not delay in taking an aggressive attitude outside and inside. As a matter of fact, the prisoners who wanted to get news from their families in the earthquake region or to save their lives were attacked on the pretext that they had started a rebellion, killing 3 prisoners and injuring 12 prisoners in Hatay Prison.

According to the report of the Civil Society in the Penal Execution System (CISST) (11 February 2023), 17,600 prisoners in the prisons in the earthquake zone were directly affected by the earthquake, and 70,000 of them were also directly affected by their families.

The situation of prisons becomes more prominent in conditions where even those who make the slightest objection are filled into prisons, where social crimes increase due to the deepening of the economic crisis, the collapse of the education system, etc. Prisons are an important part of the struggle for rights. As the sharpest front of the class struggle, prisons are the places where the attacks are most severe.

Organisations such as the Human Rights Association, Platform of Lawyers for Freedom, Association of Contemporary Lawyers, Prison Commissions of Bar Associations and Solidarity Associations of Prisoners' Relatives regularly report on the oppression and violence in prisons in Turkey. According to these reports, the government continues its policies of oppression, violence and murder in prisons by diversifying them.

1- TORTURE AND ILL-TREATMENT, STRIP SEARCH

The situation in prisons in Turkey and Turkish Kurdistan, champions of torture and ill-treatment, has worsened after the State of Emergency declared in 2015. After the coup attempt and the arrests of soldiers and generals, torture has been legitimised with the torture images released to the press and prisons have been transformed into torture centres. According to the 2022 violation report, the number of torture and ill-treatment recorded in prisons is 1,280. This is, of course, only the tip of the iceberg.

Prisoners are subjected to humiliating strip searches upon entering prisons or after transfer to a new prison to which they are exiled. Resisting strip searches is punished with many disciplinary sanctions and especially with communication bans, prisoners cannot even inform their families about the places they have been transferred to for months. Resistance to strip search and harassment also results in physical violence and prisoners are taken to rooms with sponges and their reports are delayed.

The cameras placed in the cells of prisoners in prisons are an attack on the privacy and honour of prisoners. Although there are also cameras in the corridors of prisons and sometimes the images of torture and beatings reflected on these cameras are leaked to the press, there is a situation of complete impunity against prison administrations and personnel.

Among the issues reported are that the searches in the wards are carried out in the form of raids, belongings are scattered, prisoners' letters, diaries, etc. are confiscated, and sometimes dogs are used during searches to intimidate prisoners. The provocative approach of the prison staff towards the prisoners during the searches is

also among the most common complaints. Military order is imposed on prisoners during searches and those who do not act in this way face disciplinary penalties and physical violence.

Another problem is that correction officers and wardens constantly escalate the situation by swearing, insulting and ill-treating prisoners. Hostile behaviour towards prisoners and arbitrariness in prisons have reached the limit.

2- RIGHT TO HEALTH, AND ILL PRISONERS

Those who are most negatively affected by the increasing violations of rights in prisons are sick prisoners. The violations of rights that existed even before the State of Emergency continue, and as stated in the reports, the treatment of prisoners is hindered on the grounds that there are no vehicles and personnel to take them to the hospital.

There are real problems in the treatment of sick prisoners, and the state almost condemns sick prisoners to death. Patients who should be taken for routine check-ups at certain time intervals are not taken to the hospital and various justifications are put forward. They are subjected to strip searches and mouth searches on their way to and from the hospital. The fact that people who are already sick are taken by ring vehicles, which have an unhealthy structure, causes them to catch infectious diseases. What does it mean that disabled, elderly and seriously ill prisoners are kept in single cells? The Forensic Medicine Institution has lost its credibility with its biased and unscientific interpretations.

For years, we have been painfully seeing that the state, especially the Forensic Medicine Institution, has not fulfilled its obligations regarding the right to life and the prohibition of torture, and that persistent applications to the judicial authorities have not yielded any results. The fact that the health of prisoners, especially seriously ill prisoners, is at risk means that the right to life and the prohibition of torture and ill-treatment are violated. Doctors who treat prisoners also have responsibilities in accordance with legal precedents. Without discrimination, all patients should be treated under equal conditions and in accordance with ethical principles. Prisoners are not uncuffed during routine health checks and when they are taken to the infirmary and are forced to be treated in handcuffs in front of the physician. When this issue is brought to the attention of physicians, most of the physicians take part in the handcuffed treatment practice by using security as an excuse. In addition, there are serious problems in terms of going to the infirmary, being examined, being taken to hospital and the health of prisoners is under threat due to these reasons. The imposition of the "terrorist offender" identity card is another obstacle to the treatment of sick prisoners. Political prisoners who refuse to receive and use this card are not even taken to hospital or infirmary.

The right of prisoners to have access to adequate, regular and healthy food and the obligation to provide it are regulated in the legislation and these arbitrary practices that threaten these basic needs of prisoners, which are the responsibility of the state, and especially the right to life and the right to health, should be immediately terminated, and it should be ensured that adequate and healthy food that increases the immune system of all prisoners, especially in accordance with the diets of sick prisoners, taking into account the prison conditions, is delivered to the prisoners, failure to meet the need for adequate and healthy food is considered as ill-treatment against human dignity.

The Human Rights Association, which prepares a report every year on the situation in prisons in Turkey, according to the report prepared for 2022, at least 78 prisoners have lost their lives in prisons, 35 of them sick prisoners who were murdered by preventing their right to treatment. Today, there are still 1,517 sick prisoners in prisons, 651 of them seriously ill.

In addition, 5 thousand 513 of the prisoners in prisons in Turkey and T. Kurdistan are 65 years of age or older. The fact that some of them are in need of care and have been in prison for many years is in no way a situation related to human rights.

3- PRISON CONDITIONS, FORCED TRANSFER-EXILE, ISOLATION

As of January 2023, there are a total of 341 thousand 497 people in prisons in Turkey and Kurdistan. Of these prisoners, 325 thousand 9 are men, 13 thousand 977 are women and 2 thousand 511 are children. The total number of prisons is 399 and the total capacity is 289 thousand 974 people. While the AKP government opened 269 new prisons and spent millions of dollars between 2006 and 2022, it still cannot keep up with the number of prisoners, and the already inhumane prison conditions are aggravated by this disproportion.

Prison occupancy rates lead to limited personal space for prisoners, prisoners having to stand during the day due to lack of chairs and places to sit, inadequate sleeping arrangements due to lack of sufficient beds, having to sleep in front of the kitchen or toilet door, Inadequate ventilation and restrictions on showering, as well as health problems due to lack of hygiene conditions and restrictions on the time spent in the common area or in the ventilation outside the cell, coupled with the fact that in some prisons food is given to prisoners at a rate considerably less than the number of prisoners, prison conditions have reached an inhumane and degrading point for prisoners.

Transferring prisoners to other prisons against their will on the grounds of overcrowding and subjecting prisoners to psychological and physical violence during transfer are among the violations reported. Especially for political prisoners, the transfer process has turned into exile practices. Within 1 month, prisoners were transferred to three different prisons. During the transfers, which are carried out in the form of raids at night, prisoners are not allowed to take their belongings and long journeys are made in airless ring vehicles. The deportations, which are carried out without informing the lawyers and families of the prisoners, make the situation even more difficult for the families who are not in a good financial situation and cannot come to the visits, as well as being a violation in terms of preventing lawyer and family visits. The transfers of prisoners whose trials are ongoing to places far away from the places where they are on trial and the transfers of female prisoners to male prisons have been reported.

In the biggest case of exile in recent times, Diyarbakır D Type High Security Closed Prison has been emptied by transferring approximately 300 prisoners to other places on the grounds that "the physical conditions were not suitable" in the examinations carried out after the earthquakes.

Prisoners are denied their social and cultural rights on the grounds of overcrowding and insufficient staff, and their right to 10 hours of weekly visits is violated. Family visits have been restricted and the right to see friends has been completely abolished. Prison administrations, which also restrict the right to telephone calls, also make this right unusable with the imposition of a marching order.

Despite the above-mentioned reality regarding the occupancy rate in prisons, the government has not given up on the isolation system. Isolation continues to be applied in various forms in all prisons, especially in the heavy isolation and isolation in İmralı Prison, and in many prisons isolation continues to exist as a method of punishment. The isolation of PKK leader Abdullah Öcalan in İmralı Prison is the most severe and obvious example of this policy. For the last two years, no one, not even lawyers or family members, has been able to meet with Abdullah Öcalan. The last time Öcalan was allowed to make a phone call to his brother on 25 March 2021 as a result of the public reaction about whether he was alive or not, but this call was interrupted.

4- DISCIPLINARY PENALTIES, EXECUTION BURNINGS

Prisoners who oppose unlawful practices in prisons are subjected to disciplinary penalties very intensively. Bans from communication or visitors are spread over a very long period of time, and as soon as one disciplinary punishment ends, another one begins to be applied, so that sometimes prisoners remain completely isolated from the outside for years.

It is not necessary to oppose unlawfulness in order to receive disciplinary penalties; disciplinary penalties are imposed on various pretexts such as singing a folk song, demanding a cell change and insisting on this issue by petitioning the prison administration.

The execution judgeships, which are the objection authority for prisoners' disciplinary penalties, make almost all of the decisions in favour of the administration. If a political prisoner is sentenced to solitary confinement 3 times during his/her prison life, his/her execution is burnt, the entire sentence and the disciplinary penalties he/she received in prison for not having good behaviour are also served and the release process is prolonged. This behaviour is a common violation of human rights in many prisons. Especially the execution of prisoners who are close to their conditional release date is burnt.

In the absence of disciplinary penalties, prisoners who are due for release are deprived of their rights with the decision of the prison administrative observation board on grounds such as "not being in good behaviour", "posing a danger to public safety" or "not ready to integrate with society".

With the "Regulation on Observation and Classification Centres and Evaluation of Convicts", which entered into force on 01.01.2021, a number of new criteria have been introduced to determine good behaviour in practices such as probation and conditional release in favour of prisoners. With this regulation, instead of

preventing the prison administration's arbitrary attitudes and behaviours and preventing prisoners from not benefiting from their right to conditional release, on the contrary, it has prepared the legal ground for this situation. As a result, the execution of many prisoners was burnt/delayed. Probation rights are also mostly not utilised. So much so that it was learnt that prisoners who appeared before this board were asked irrelevant questions and imposed remorse. In some committees, it was found that unrelated people (e.g. plumbers) took part on the grounds that they knew the prisoners better. Despite the attitude of the prison prosecutor to release the prisoner, the administrations can ignore this.

5- CONFISCATION OF BOOKS AND LETTERS, BANNING OF OPPOSITIONAL PUBLICATIONS

It is a common and continuous practice in prisons that opposition publications (even though they are not banned by a court decision) are arbitrarily denied to prisoners. This method has been extended with the State of Emergency practices, and in some prisons even mainstream opposition publications have been included in the list of banned publications.

The banning of newspapers and magazines in prisons that have not been subjected to an investigation into the coup attempt or have not been ordered to be closed down, confiscated or confiscated by State of Emergency decrees is not only a new attack on the opposition press and freedom of the press with a discriminatory and arbitrary decision, but also an intervention in the right of prisoners in prison to access information.

According to the reports, in addition to the prevention of reading and watching the opposition press, books and letters are confiscated during searches in prisoners' rooms. During transfers, prisoners are not allowed to take their books with them, books sent from outside are not accepted and book limitation is applied illegally.

Another point that should also be mentioned here is that prisoners' letters about the rights violations in prison are confiscated by the prison administration. Prevention of communication tools such as letters and faxes and their late delivery to the addressee is another violation of rights. It is observed that prisoners are banned from communication for months with disciplinary penalties, and even when these bans are lifted, their letters and petitions are delivered to their addressees late and lost in violation of the essence of the right. In particular, letters and writings containing prisoners' complaints about prison conditions, which are intended to be sent to various local and international non-governmental organisations, can be confiscated and lost. The aim here is to cut the relations of prisoners with local or international organisations that may take initiatives for them. In particular, letters written by prisoners addressed to their relatives, lawyers or human rights organisations criticising the practices in prison are not delivered to those concerned on grounds such as targeting prison staff or making false statements about the prison.

Kurdish is still banned or "unknown" language in prisons. Letters written in Kurdish are not given or sent on the grounds of "unintelligible language". Sometimes an "interpreter" fee is demanded for Kurdish letters. Again, books written in Kurdish are not given to prisoners.

Conclusion:

It is important to create public opinion in Europe against the rights violations of the Turkish state against prisoners and to embrace the demands of prisoners. With this report, we aimed to draw attention to the importance of the situation and to develop solidarity. We call on everyone who reads the report to support the problems of the prisoners and to increase international solidarity.

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UPOTUDAK - International Committee for Solidarity with Political Prisoners