



THE FIRST QUARTER, 2020
REPORT ON RIGHTS VIOLATIONS
IN THE PRISONS OF THE MARMARA REGION



Human Rights Association

İstanbul Branch

Prison Commission



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A-INTRODUCTION

This report brings together rights violation applications filed with the Human Rights Association's (HRA) Istanbul Branch in 2020 first quarter from prisons located predominantly in the Marmara region and information obtained by the association's voluntary lawyers during prison visitations. Our association has moreover examined a number of applications that were filed from outside of the Marmara region, which are also included in this report.

The applications at the basis of this report were either filed by detainee or convict inmates who are held in those prisons where the respective rights violations occurred via fax, or by the inmates' families via telephone or email or through a direct visit of our office.

In the first quarter 2020 a total of 75 applications from 25 different prisons were filed with our commission.

Applications were received from the following prisons.

Prisons in the Marmara region: Salivary Prison Campus, Tekirdağ No. 1 and 2 F and T Type High Security Closed Prison, Edirne F Type High Security Closed Prison, Maltepe No. 1 L Type Closed Prison, Maltepe Open Prison, Metris Prison, Kocaeli No. 1 F Type Closed Prison, Düzce T Type Closed Prison, Bolu F Type Closed Prison, Bakırköy Women's Closed Prison, Gebze Women's Closed Prison.

Prisons outside of the Marmara region; Elazığ No. 2 High Security Prison, Giresun Espiye L Type Closed Prison, Gümüşhane E Type Closed Prison, Kahramanmaraş Türkoğlu No. 1 L Type Closed Prison, Yozgat Open Prison, Kütahya Tavşanlı T Type Closed Prison, Bitlis Tatvan Open Prison, Alanya L Type Closed Prison, Osmaniye No. 2 T Type Closed Prison, Ordu F Type Closed Prison, Trabzon Beşikdüzü T Type Closed Prison, Afyon No. 1 T Type Closed Prison, Muğla Seydikemer Eşen T Type Closed Prison and from abroad İran Umriye Prison.

Table 1 shows the distribution of applications according to prisons.

Table.1

Number of Applications According to Prisons

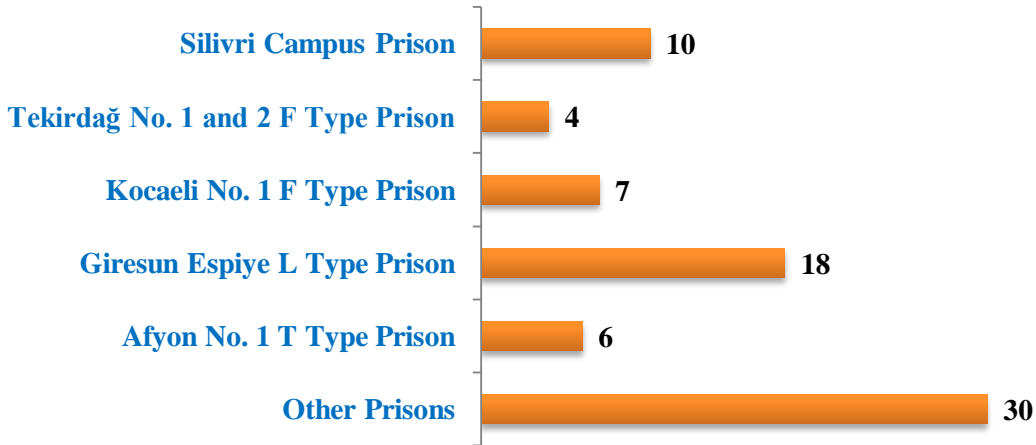


Table.2

The distribution of applications according to months is depicted in *Table 2*.

The distribution of applications filed with our association according to gender (female/male) and to criminal offense (political/common) is shown in the tables below. (*Table 3*: Number of Female and Male Prisoner Applicants, *Table 4*: Number of Prisoner Applicants According to Political and Common Crimes)

Number of Application According to Month

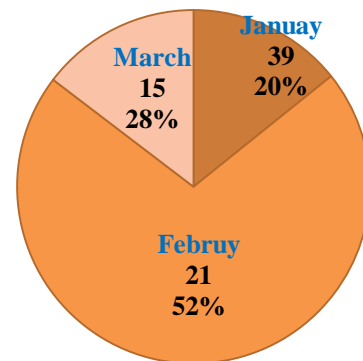


Table.3

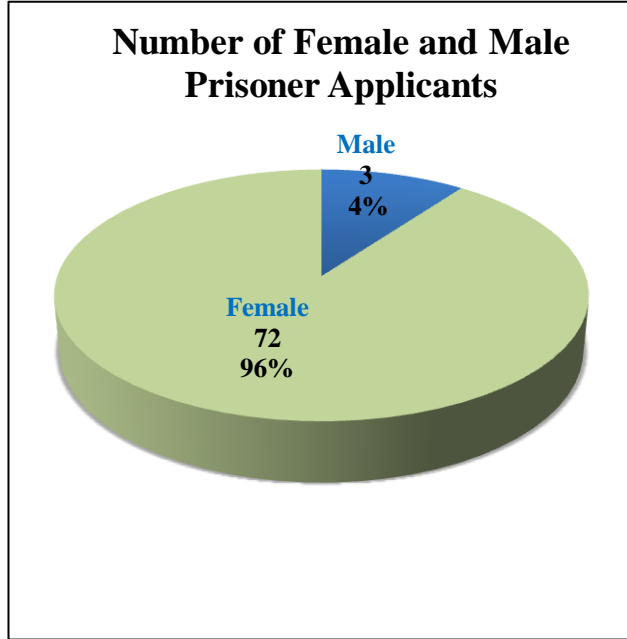
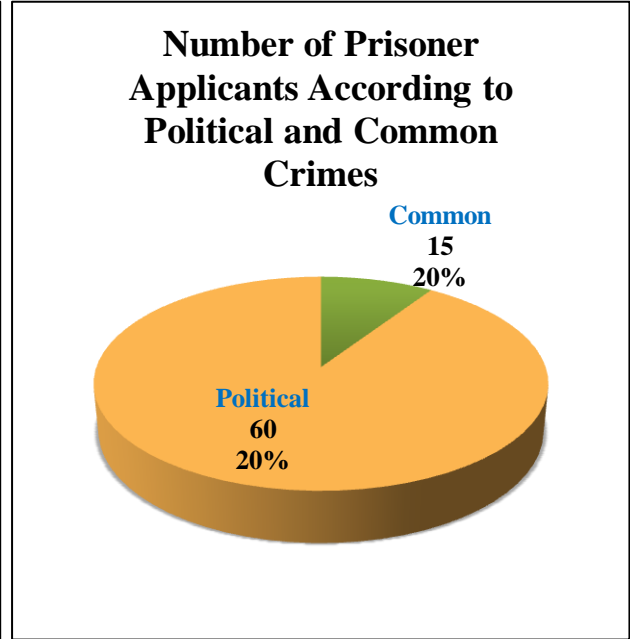


Table.4



B- APPLICATIONS REGARDING RIGHTS VIOLATIONS AND THE NUMBER OF RIGHTS VIOLATIONS STATED IN THE APPLICATIONS

In the first quarter 2020, a total of 75 applications have been filed with our commission. Since every one of these applications comprises more than one rights violation, the total count of rights violations identified is 246.

The distribution of rights violations according to months is depicted in *Table 5*.

Table.5





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A detailed presentation of the distribution of the applications according to their main topics of rights violations is shown in *Table 6* below.

Table.6

Restraints of the right to health and health care	21	Maltreatment, beating, torture, behind-the-back handcuffing	48
Strip search	4	Long-term pre-trial detention and unfair trial	13
Handcuffing during medical examinations	2	Penal transportation/deportation	28
Cell confinement	8	Threat, swearing, racist discourse, humiliation	22
Ban on periodical and non-periodical publications and books; ban on letters	33	Restriction of the right to conversation and sport and the right to use common areas	20
Forcing prisoners to remain standing during counts	2	Arbitrary rejection of change of place requests	9
Arbitrary rejection of transfer requests to prisons nearer to prisoners' families	7	Transportation to court or hospital in shuttles with transport cells	1
Arbitrary prohibition of phone calls	1	Arbitrary forfeit of parole	1
Unmanned aerial vehicles flying over the prison	2	Suffering discrimination and maltreatment due to one's Kurdish identity	2
Sexual harassment	1	Psychological pressure resulting in suicide attempt or rebellion attempt	2
Stirring up unrest to cause violence among prisoners	19		
TOTAL		246	



C- EXPLANATIONS & EXAMPLES FOR THE MAIN TYPES OF RIGHTS VIOLATIONS AND PROBLEMS INCLUDED IN THIS REPORT

Torture, Beating, Maltreatment

During the first quarter of the year physical assault, threat, battery and torture against prisoners continued. Practices such as penal transportation punishments, cell penalties, prevention of social rights, access to printing and publishing tools, and continuing disciplinary punishments, which are unjust and unjustified, deepen the isolation in prisons and make the lives of prisoners unbearable.

- Applicant T.A., in the e-mail he sent to our association, conveys the treatments to his brother as follows;

“My brother K.A who is held in Edirne F Type Closed Prison; says he is constantly subjected to physical and psychological pressure and torture by the warder. Line was constantly interrupted while he was telling us about this. The prisoners were harassed by drones flying over the prison at 02.30-03.00 at night, their books and clothes were confiscated and they were forced to go on a hunger strike under uninterrupted pressure and torture.”

- Applicant T.S., in his application made by an e-mail on 20.01.2020, states as follows;

“We have regular weekly phone calls with my son A.S. who is held in Tekirdağ No. 2 F Type Prison. In the 10-minute phone call we had yesterday (on 16.01.2020), he said that they were subjected to the imposition of oral reporting during phone calls, their belongings were scattered during the search of the wards, and the newspaper Yeni Yaşam was not given to them. In addition, they were subjected to provocative actions by warders.”

- Applicant İ.S., in his written application dated 11.02.2020, writes as follows;

“The first day I was taken to the Trabzon E Type Closed Prison, I was exposed to a strip search imposition. When I refused, I was beaten by a group of 10 warders. While I was in prison, I was exposed to many restrictions. The warders frequently raided our rooms and our belongings were scattered during the search which caused psychologically negative effects. The guards often showed provocative approaches. We set off on 18 January to be taken to Muş, where my final hearing was held on 25 January 2019. The same day, I was exposed to strip searches and beating in Patnos L Type Closed Prison where I was taken to. After being held in Patnos L Type Prison one night, I was taken to Muş E Type Closed Prison on January 19. There



again, I encountered the imposition of a strip search. I was beaten when I refused. I stayed in this prison between January 19 and March 6. I was supposed to be held in a ward during this time, but I was put in a cell instead, where the disciplinary prisoners were held. I was kept in the cell alone for more than a month and a half. During this time I was psychologically devastated.”

Communication Bans

During the period covered in this report, communication bans represent one of the major categories of the rights violations experienced by prisoners. The main violations of the right to communication are as follows: access to periodical and non-periodical publications like books, newspapers, and magazines is not granted; entry of newspapers and magazines sent from outside is not allowed; letters written by inmates are not sent without any justification; letters addressed to inmates are not handed to them; the content of the letters are scribbled and made unreadable; prisoners are exposed to the imposition of oral reporting during phone calls (prisoners state their own and the interlocutor’s name in a loud voice).

In addition, restrictions and prohibitions of contact and non-contact visitations from their relatives applied to prisoners during the corona epidemic caused serious problems. Only phone calls were allowed. Many prisoners and their relatives reported that these phone calls, which should be for 10 minutes a week, were arbitrarily restricted and misleading statements were made by the administration to prisoners’ families about these restrictions from time to time.

- Applicant O.S., in his written application dated 11.02.2020, states as follows;

“The usual phone call I made with my son on 10.02.2020 was deliberately interrupted. When I handed the phone to my friend who was with me during the interview so my son can hear a different voice, the phone was interrupted. Then it was connected again. When he talked to his aunt's daughter, the call was interrupted again, even though she is also allowed to speak to our son. I think it is an arbitrary and deliberate practice. While the ordinary right to a phone call is applied in the F 1 Prison which is right next to the prison where my son is held, my son cannot use this right because of the arbitrary attitude of the prison administration. Incoming and outgoing letters are scribbled and made unreadable by interfering in their content.

- Applicant C.G., who applied via phone call on 25.03.2020, says as follows;

“My brother Ö.G. is prisoner in Muğla province. Due to the Corona virus outbreak, the ministry has increased the right to phone calls to twice a week, but my brother haven’t called us for two weeks. When we called the prison, they told us that the prisoner did not call by his own choice. When we telephoned a family



of another prisoner who stayed in the same ward, we learned that the relatives haven't talked to him for two weeks. When they asked the prison about this, they received the same answer. The prisoner finally telephoned them when the family insisted on the administration. According to what the prisoner said, the administration prevents the prisoners from calling their families and in case their families ask about them, the administration claims that the prisoners do not call by their own choice. This is a common practice in the prison."

Violation of the Right to Health and Health Care

In all the applications filed with our commission, it was stated that the prisoners did not even receive adequate medical services, there were no fully-fledged hospitals in the prisons, the prisoners could be referred to fully-fledged hospitals months later, and the problems in accessing health and treatment continued. During the period covered in this report, health and treatment rights of prisoners were violated as follows; Prisoners were not referred to the infirmary or were referred there too late. Even in case of emergency, they were referred to a hospital months later. Even when prisoners were transferred to a hospital, they were not taken to control and examination appointments on time. Handcuffing behind the back was imposed on the prisoners on their way to the hospital. They were taken to hospitals with cell ring vehicles called cages. The patients who did not accept the strip search were not taken to hospitals. During the doctor's examination, the soldiers did not want to leave the examination room. The handcuffs of the prisoner were not removed during the examination. Prisoners were forced to be handcuffed and accompanied by gendarmerie while they were examined and treated.

Moreover, although prison conditions are known to be favorable to rapid spread of corona virus, adequate measures have not been taken to prevent the outbreak. While cleaning and hygiene supplies should be provided free of charge, prisoners cannot access sufficient cleaning supplies even by purchasing them. All prisoners and especially those with chronic and severe disease or older than 65 years are at grave risk due to coronavirus.

In addition to the risk caused by the Corona pandemic, sick prisoners were left to die by interrupting the routine treatment of those with severe and chronic diseases, under the name of precaution.

□ Applicant B.G., in his written application dated 14.01.2020, writes as follows;

"My daughter H. went on a hunger strike launched by Leyla Güven in 2017 and went on for 88 days. She has another friend who started an indefinite hunger strike in the same ward. All prisoners who are on a hunger strike have eyesight problems and severe pain in their teeth. When they are referred to a hospital



for dental and eye diseases, they are taken with escape-proof prison shuttle while being handcuffed. They return to the prison without examination because they refuse the examination while being handcuffed.”

- Applicant S.G., in his written application dated 15.02.2020, states as follows;

“My son A. has been held in Bolu F Type Prison in solitary confinement conditions for 3 years. He has been in the same situation in different prisons since 19 December 2000. He experienced health problems in these conditions and still suffers from a disease. Although he suffers from urinary tract diseases, hemorrhoids and renal lithiasis, he is not taken to a doctor. As his family, we wanted to meet the warden of the prison, but our claim was denied. They do not accept our request for a meeting by always claiming that the warden is not available. For urgent kidney pain, the doctor must examine the kidney stone to relieve the patient’s pain. They don’t even take him to an infirmary. I had sent a fax to the warden on Tuesday, February 10, I said take my son to a doctor but I still haven’t heard anything from them.”

- Applicant S.D., who applied via phone call on 20.03.2020, says as follows;

“My wife A.D. was born in 1965 and suffers from hypertension and chronic heart disease. She was hospitalized with a heart spasm approximately 15 or 20 days ago. Necessary intervention was made in a hospital, but conditions in prison are not hygienic. Twelve people stay in a three-person ward and only liquid soap is available for hygiene. They are especially worried due to the coronavirus outbreak considering the people who come to the prison from outside. Because any preventive measures have not been taken.”

Penal Transportation And Deportation

Penal transportation and deportation once again rank among the rights violations most frequently referred to by prisoners during the last period. On thin excuses, inmates are deported to prisons far away from their families. Aside restriction of right to defense, the implementation is contrary to the right to respect for private and family life provided by Article 20 of the Constitution and Article 8 of the European Convention on Human Rights, prisoners are held in prisons far away from their families. This makes it more difficult, if not impossible for the families to visit the prisons. An important share of the applicants has requested assistance from our association with respect to effecting transfer to a prison in the vicinity of their families. Attended by different excuses including that there were no vacancies at the closer prisons, that the transportation costs had not been paid, that ‘good conduct’ was a prerequisite etc. prisoners’ requests for a transfer are not fulfilled.

- Applicant A.P., in his letter dated 10.01.2020, sent from Silivri No. 5 L Type Prison, states as



follows:

“I have been staying in Silivri No. 5 L Type prison as a convict for about 2 years and I have not seen my elderly and sick mother living in the province of Hilvan in Şanlıurfa (city in southeastern of Turkey, 1.300 kilometres away from Istanbul) since then. One of the two reasons why we could not meet for that long time is our financial situation, and the other is that my mother lives alone and can not travel due to a chronic disease. Can you imagine that we haven't seen each other for about two years. It is extremely painful. The situation affects me and my mother both physically and psychologically.”

□ Applicant A.B., in his written application dated 11.01.2020, states as follows:

“My brother İ.B. after being detained in Van, started a hunger strike in 2017 and was deported to Tekirdağ No. 2T Type Prison. He stayed there for a year and a half. In 2018, during the hunger strike of Leyla Güven, he was deported to Trabzon Beşikdüzü T Type Prison with 16 other inmates. My brother was kept away from his family in this prison and I could only meet him once in 6 months. My parents couldn't visit him at all due to sickness. Therefore, I wrote to the Ministry of Justice every month and ask for my brother to be sent to a prison in the vicinity of his family, but my requests were never accepted.”

□ Applicant M.G., in his written application dated 30.01.2020, states as follows:

“My brother was arrested on January 7, 2019. After staying in Kartal Prison for 7-8 months, he was sent to Maltepe Open Prison. As my brother is a baker, he was working in a restaurant in Maltepe. He was sent to the Yozgat Open Prison approximately 15-17 days ago. About 100 inmates were sent to Yozgat with him. My brother has 3 children. His wife and children live in Istanbul. Since Yozgat is too far from us, his children and spouse cannot go to visit him. I am 76% disabled, and I take care of the family. The children are devastated because they could not see their father for a long time. My brother has 20 more months of imprisonment to serve. I am appointed as my brother's guardian. My brother's two children got lost for two days last week. They tried to go to their father. We called the police station and they were found. His children and his wife are in a very difficult situation.”

Disciplinary Punishments and Forfeit of Parole

Disciplinary punishments are arbitrarily imposed upon prisoners and through back-to-back issuance have acquired permanent character particularly with respect to communication and visitation bans. Even chanting slogans and knocking the cell door in order to call for a warden is considered sufficient reason for disciplinary punishment. In addition to communication and visitation bans, which aggravate prisoners' isolation, these disciplinary punishments include cell confinement. Three disciplinary punishments are considered sufficient reason for forfeiture of parole. Disciplinary punishments based on false justifications have been turned into an effective weapon to forfeit parole. There hardly remains a political prisoner who has not been punished with



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cell confinement and forfeited her/his parole.

- Applicant İ.S., in his written application dated 11.02.2020, states as follows:

“After staying in Patnos L Type Prison for one night, I was taken to Muş E Type Closed Prison on January 19. Here again, I encountered the imposition of a strip search. I was beaten when I refused it. I stayed in this prison between January 19 and March 6. I was supposed to be held in a ward during this time, but I was put in a cell instead, where the disciplinary prisoners were held. I was kept in solitary confinement for more than a month and a half.”

- Applicant S.E., in his letter dated 28.02.2020, sent from Espiye L Type Prison, he states as follows:

“In the name of security, we are faced with degrading treatments such as detailed search, removing shoes, showing identity, raising hands, being forced to march in a military fashion. In addition, M. R., who was sent here from Mardin E Type Closed Prison, has been kept in solitary confinement for more than a month in the name of security precautions. Even though our friend was not convicted and his trial still continues. Our books and agendas, which belong to us, are still kept in the prison directorate for review and have not been delivered to us for five months.”

D- APPLICATION FOLLOW-UP

The commission evaluates incoming applications and subsequently writes to the Ministry of Justice, the General Directorate of Prisons and Detention Houses (CTE), prison administrations, and the Provincial Human Rights Committee of the respective provinces for remedy. The number of letters sent to the aforementioned institutions and committees in the first square 2020 is 69. The number of responses received in return is presently at 26.

Conclusion:

As we know, prevention of the rights violations in the prisons depends not solely on the struggle of inmates but also on support from outside. This report is our call to sensitivity and solidarity with prisoners regarding the enormous problems they experience. We also strive to convey the rights violations experienced in prisons to the authorities and demand steps to be taken in order to solve them. Our goal as Prison Commission is to render the problems of those inside the prisons visible in order to give them a voice and to foster sensitivity regarding their situation.

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