



**REPORT ON RIGHTS VIOLATIONS
IN THE PRISONS OF THE MARMARA REGION
THIRD QUARTER, 2020
(JULY- AUGUST- SEPTEMBER 2020)
23 October 2020**



*Human Rights Association
Istanbul Branch
Prison Commission*

**PRISONS OF THE MARMARA REGION
(JULY- AUGUST- SEPTEMBER - 2020)
REPORT ON RIGHTS VIOLATIONS**

A- INTRODUCTION

This report brings together rights violation applications filed with the Human Rights Association's (HRA) Istanbul Branch in the third quarter of 2020 from prisons located predominantly in the Marmara region. 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 mail), or by the inmates' families and lawyers via telephone or email or through a direct visit to our office.

In the third quarter of 2020, applications from 22 different prisons were filed with our commission. Applications were received from the following prisons.

Silivri Prison Campus, Tekirdağ No. 1 and 2 F and T Type High Security Closed Prison, Edirne F Type High Security Closed Prison, Kandıra No. 1 and 2 Closed F Type High Security Prison, Metris No.1 Prison, Konya Ereğli Prison, Kırşehir E Type Prison, Kayseri Bünyan Prison, Tarsus No.2 T Type Prison, Akhisar T Type Prison, Maltepe No.2 L Type Prison, Menemen T Type Closed Prison, Urfa Hilvan Prison, Elazığ No.1 Prison, Maraş Türkoğlu No.2 L Type Prison, Kırıklar No.2 F Type Prison, Gaziantep L Type Prison, Bolu F Type Prison, Şakran T Type Prison, Kardellos Male Prison in Greece, Kardellos Female Prison in Greece, Grena Patra Prison in Greece, Malandrino Prison in Greece.

Table 1 shows the distribution of applications according to prisons.

Number of Applications According to Prisons

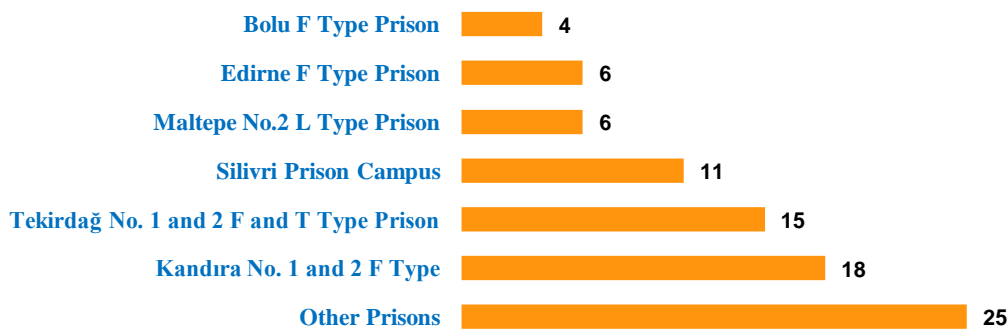
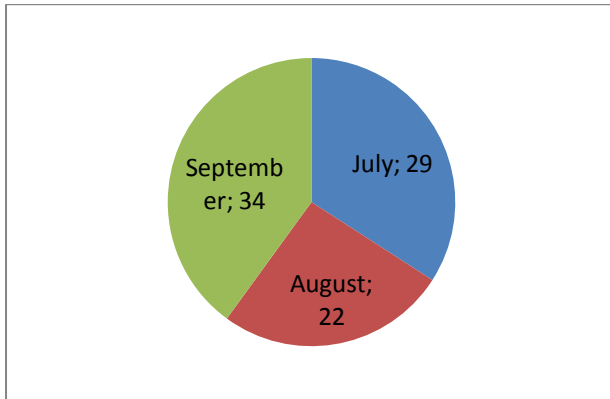


Table 2 shows the distribution of applications according to months



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

Table 3:

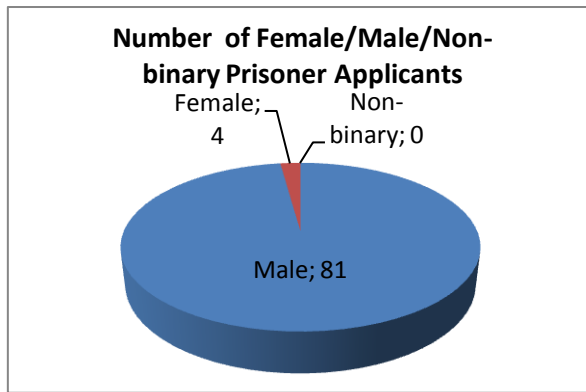
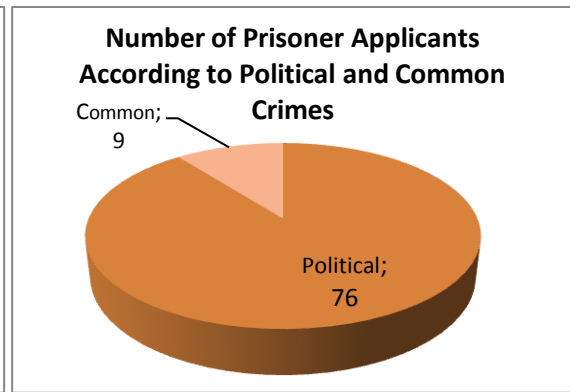


Table 4:



Every application included more than one rights violation, with a total of 786 violations included in 85 applications. 301 violations were reported in July, 160 in August and 325 in September. The number of violations per month can be seen in Table 5.

Table 5:



A detailed presentation of the distribution of the reported rights violations according to topics is shown in Table 6 below.

Table 6:

<p><u>Violations of the Right to Health</u></p> <ul style="list-style-type: none"> -Preventing ill prisoners' release or transfer to forensic medicinal practitioners (34) -Cancelling transfers to hospitals (23) -Not being brought to the infirmary (31) - Not giving regular medication (5) -Postponing operations (2) - Not forwarding lab results (4) -Letting prisoners wait in the ring-vehicle for long times (5) -Not giving a prisoner their lenses (1) - Not giving prisoners their required diet (4) 	<p>Total 109</p>	<p><u>Maltreatment, Beating, Torture</u></p> <ul style="list-style-type: none"> -Maltreatment (56) -Psychologic Pressure (10) - Putting in a Cell (9) - Putting in a Caged Cell (6) - Naked Strip Search (42) 	<p>Total 123</p>
		<p><u>Violation of the Right to Life</u></p>	<p>1</p>
<p><u>Right to Communication</u></p> <ul style="list-style-type: none"> -Prohibition of conversations, sports, and the usage of common spaces (25) -Prohibition and cancellation of visits (54) - Obstructing the right to phone calls (15) - Prohibitions on newspapers, books and letters (47) - Restriction of 2 books in 3 months (18) -Confiscation of radios (3) - Sent letters not arriving at their addresses (18) -Prohibition on writing and sending letters in the same institution (2) - Denial of photocopy requests (18) 	<p>Total 200</p>	<p><u>Penal Transportation, Deportation</u></p> <ul style="list-style-type: none"> -Penal Transportation (15) - Denial of requests for transfer (3) -Not handing out food and water during the transfer (13) 	<p>Total 31</p>
<p>Unlawful disciplinary punishments</p>	<p>9</p>	<p>Forcing Prisoners to Become Informants</p>	<p>2</p>
<p>Commissary ban, unreasonable pricing and forcing the purchase of specific brands</p>	<p>30</p>	<p>Right to Justice Written requests not being processed or left unanswered</p>	<p>20</p>
<p><u>Violation of the right to access to clean water and sufficient nourishment</u></p> <ul style="list-style-type: none"> -Insufficient food (35) - Unclean and brown water (1) 	<p>Total 36</p>	<p>Unlawful Detention and violations of the Right to a Fair Trial</p> <p>(15)</p>	<p>Total 35</p>

		- Not enabling private meetings with lawyers (20)	
<u>Insufficient measures against Covid</u> -Insufficient hygiene measurements (34) - Not handing out enough hygiene and cleaning equipment (45) -Cologne, masks and gauntlets only being sold, not handed out (27) -Being put into the cell to quarantine (18)	<u>Total</u> <u>124</u>	<u>Discriminatory Enforcement</u> -After the change of the law on criminal execution; seizing the right of parole, cancelling the right to probation (25) -Requiring a signed document confirming that the prisoner is not longer related to a terror organization to benefit from parole (2) - Rights violations tied to the following rule: “convicts shall not receive any media that will obstruct their rehabilitation” (27) -Not handing out Kurdish media (11)	<u>Total</u> <u>65</u>
TOTAL = 786 Violations			

As can be seen from this report, rights violations have unfortunately been continuing for the last three months and since our last report.

All social rights have been removed and isolation and solitary confinement normalized under the pretext of the COVID-19 pandemic. The insufficient measures against the pandemic, especially regarding nutrition and hygiene, problems regarding the access to healthcare, especially the regular healthcare of the chronically ill, are leaving prisoners for dead in their wards, which is a very worrisome development. The rising numbers of COVID-19 cases increasingly threaten the lives of the prisoners. This situation requires an immediate solution. Thus, it is imperative to release those prisoners who face high risks in prison until the end of the pandemic.

Moreover, the applications submitted to our association by prisoners despite all the obstructions in their way demonstrate that the issues are a lot more serious and prevalent than our report can depict.

The violations in the table above and their numbers will be emphasized by examples and details from the applications in the following.

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

Torture, Beating, Maltreatment:

Reports of threats, battery, maltreatment and torture are increasing each day.

- **Hüseyin Halil submitted his application via mail on 21 July 2020 from Tekirdağ No.2 F Type Prison ;** *“We have been transferred from Sincan and confronted with lots of issues ever since. When first entering we were strip searched fully naked. Some of my fellow inmates were battered and tortured when they did not accept this procedure. Some wardens regularly increase the tension in the prison. We are six prisoners in a ward instead of three. There are no chairs, we eat standing on foot. The worst thing is that we are in absolute isolation.”*
- **A. Y. visited our association on 19 September 2020 and left a written application ;** *“Çetin Yıldız, who has been detained in Kırşehir E Type Closed Prison, and his fellow inmates are constantly subjected to rights violations, battery, torture, maltreatment and political pressure. On the latest incident, they were put in solitary confinement after rejecting to be counted on foot. Following this event, they began a hunger strike on the 19th of May. In this time, they were subjected to the same treatment. On the 122nd day of this hunger strike on 15 September 2020, 11 prisoners were transferred to another prison under severe battery, insults and torture; 4 of them, Çetin Yıldız, Fırat Altun, Ömer Bedi, Müjdat Korhan to Tarsus No.2 T*

Type prison, 4 of them, Cumali Yıldırım, Emrah Kına, Ali Saday ve Feyyaz Gülsoy to Kayseri Bünyan Prison, 3 of them, Ömer Bayat, İmam Buz, Mehmet Can Yiğiner to Konya Ereğli Prison. They were still subjected to the same torture, insults, naked strip search in the prisons they arrived in...”

- **S. İ. submitted their written application on 03 July 2020 at our association:** “My son Ekim Polat is in Akhisar T Type prison and they tell the prisoners that he is an enemy of the state and that they can do with him whatever they want, that they should kill him. He is not given his medication. The commission does not give him his needs, not even water. He is not brought to the hospital. He is assaulted when he leaves his cell. There are a lot of things I do not even know about. “Mother, very bad things are happening here“, he said“.
- **A. Z. K. submitted their written application on 03 July 2020 at our association:**“My son Ekrem Karabulut is held in Tekirdağ No. 2 F Type prison, sentenced for life. I am his custodian. I wanted to meet with the director of the prison but they did not let me. The requests of my son have apparently not been forwarded. The head warden is tyrannizing my son. They put the fetö-people in his ward so that they can kill themselves. My son is beaten by both the prisoners and the wardens. The head warden is insulting him, telling him: “You will die here like this.”

COMMUNICATION BANS:

One of the most widespread and unchanging issues in prisons are violations of communication rights. The aim is to achieve unconditional obedience of prisoners and to strip them of their identity by isolating them from the outside world and keeping them from upholding their social relationships and solidarity. The main communication bans reported are the obstruction or even the prohibition of the following; visits by friends and family, receiving books or newspapers, the right to write and receive letters, the right to use common spaces, the right to conversation.

According to the change of the 62. paragraph of the law on criminal execution on the 15 April 2020, political “convicts shall not receive any media that will obstruct their rehabilitation“. The first implementation of this law led to many prisons deciding to prohibit handing out the Yeni Yaşam newspaper and Kurdish media products to prisoners.

- **Hadi Yalçın- Orhan Şahin- Derviş İsmail –Ramazan Çınar submitted their application by mail from Edirne F Type Closed Prison on 08 July 2020;** *“The F Type prison we are detained in severely restricted the books we received from book stores in their last decision (12.06.2020). According to this decision, we can only receive the books we buy with our own money and one book on our birthdays and on religious holidays. Of course, only if the administration does not object. Also, the administration decided that we can only receive those newspapers that have the right to advertise according to the press advertisement organization. Moreover, we can only receive those magazines which we subscribe to with our own money. The regulation concerning the press advertisement organization is an unserious excuse to ban one specific newspaper. That newspaper consists of the daily “Yeni Yaşam” and the weekly “Xwebun”, which are known to be Kurdish media. It has not been given to prisoners in four years. It receives a “examined and objected“decision from the administration each day. Now the administrations only use the “does not get advertisement from the Press Advertisement Organisation“ regulation and do not have to write a decision each day, solving the issue for them once and for all.*
- **Soydan Akay submitted their application from Silivri No.9 Closed Prison on 04 August 2020;** *“This is my third year in a single-person cell. I was sent here directly by the ministry’s decision. It says I am held due to operational necessity and “by decision of the supervisory board”. When I came to the institution I asked for the decision of the supervisory board stating that I have to be held on my own several times but was not given it. Another topic is that the **right to write letters inside the institution** is not applied. Our request to write and receive letters via PTT was denied. What we write is returned to us. Although I wrote to the prison administration, to the judge of execution and the chief public prosecutor I did not get an answer. I regularly wrote to the HDP co-president Pervin Buldan and the letters were returned. Since it is an official position, they do not decide on it but instead return it. During a time the closing down of the HDP was in public discourse I wrote a letter stating that it should be closed down. That letter was approved by someone and delivered. It seems, that they can deliver things that suit them. In these two years around thirty faxes and letters were not delivered since they were found to be objectionable. The simplest example is a Newroz card (three sentences) I wrote Selahattin Demirtaş, which “needed to be confiscated by the institution”, they said. A 5-page work I wrote on Göbekli Tepe and wanted to send my family was returned to me since it could be “printed as a book”. I could not even receive my own work, my book I wrote myself named Çöl Çiçekleri: İbraniler. They gave a lot of justifications like that I wanted to send men to the mountains, make propaganda for organizations or communicate encoded information. They do not give any justification for the Yeni Yaşam*

newspaper. In the beginning of last year we received it once or twice, afterward they cut it for being actional. Now they do not let any prints in from the outside based on a new law. We are supposed to be able to buy the prints from Yay-sat distributors with our own money.”

- **Serdal Dinç, Cemal Çakır, Orhan Dayan submitted their application from Kocaeli No.1 F Type Closed Prison on 04 September 2020 by mail;** *“Open visitations by family have been prohibited by the ministry. What is worrying us is that while the living conditions on the outside are normalized, the same is not applied to those in the prisons. The tables installed for the visitations instead of open visitation naturally guarantee social distance anyways. The distance is even greater than the distances applied on the outside. This means that the fact that open visitations are not allowed even though the social distance can be maintained on the highest level is part of the isolation policy. It has also been decided that families can only come to closed visitation once a month for an hour and at most two visitors..”*

VIOLATIONS OF THE RIGHT TO HEALTH AND HEALTHCARE

All of the applications to our commission included problems regarding health and healthcare access and drew attention to how these problems became more severe during the pandemic. The following problems have been present before new shortcomings were added during the pandemic period: Requests to be brought to the hospital being not granted or granted late, professional doctors not being present in the prison infirmary, dispatching prisoners to hospitals in vehicles with built in cells, examination and treatment in handcuffs, soldiers being present in the examination room, not giving medication regularly, hospital wards for prisoners being in bad condition, the negative reports of the forensic medicine institution regarding severely ill prisoners, and diet and nutrition requests not being fulfilled. The fact that the access to healthcare was entirely halted and the results of the quarantine implementation create a basis for the violation of the right to life of especially chronically and severely ill prisoners.

- **A. Z. K. left a written application at our association on 02 July 2020:** *“My son who is detained at Tekirdağ No. 2 F Type Prison was put in prison in 2007 and sentenced for life imprisonment. I am his custodian. My son’s right side is paralyzed, he has a heart disease. My son’s illnesses came to be in three to four years. My most recent visit to my son has been before the pandemic. We talk to each other on the phone each Friday. He cries every time we speak; he is not given his medication, they do not bring him to the infirmary or the hospital. I wanted to meet with the director of the prison when I went there, but they did not let me.*

- **On 07 July 2020, the IHD center forwarded us a letter of Sinan Adıgüzel from Kocaeli No.2 F Type Prison by e-mail;** *“On 9 September 2020 in the afternoon I was brought to the Kandira Public Hospital’s physical treatment department. When the doctor asked me about my disturbances (she did this sitting there with a pen in her hand, looking at the computer, dealing with something different. I wanted to leave when I saw that disinterest and indifference, but I do not have that choice since I am a prisoner) I told her I had a herniated disc, neck pain and severe pain behind my knees when I sit down and stand up for 10 to 15 days. Again with disregard in her voice, she said: “I sent you to mr, you can leave“. I said: “There is a medication that I feel better with, If you see fit can you prescribe it to me?“, to which she replied “We are not allowed to prescribe medication, go to the university let them prescribe it.“, afterward telling the health care worker in a scolding way something along the lines of “Why do you bring these people here?“. I said: “Alright, sent me to the university.“ She sent me away and left me to my pains stating: “I cannot send you, the doctor of your prison should do it.“ The report of my herniated disc, the fact that I was treated for my neck pain was not sufficient to care for me. The fact that this treatment, pardon me, this getting rid of me was originating from me being a prisoner was plain as day.*
- **Bircan Demir sent us a letter from Gaziantep L Type Closed Prison on 15 August 2020;”** *I have been detained in Gaziantep L Type Prison for 9 months now. I have chronic asthma. I had a heart spasm twice in prison and became ill with hypertension here, too. **Since we were put in quarantine for 15 days due to the Covid-19 virus nobody could go to the hospital if their life was not in immediate danger.** Even if we take all the risks and go, some wardens use their powers for bad and obstruct our access to healthcare. On 27 July 2020 at 8.30, I was taken out of my cell by the prison staff to be brought to the hospital by the instructions of the chief public prosecutor in order to receive a committee report of different physicians. First I was brought to the Mıcahitler Public Hospital, then to the Ersin Aslan Public Hospital. Even though I communicated that I have chronic asthma and feel unwell, **I had to wait in a tiny and closed off cell in the vehicle with handcuffs on for hours.** Right when I was feeling very bad they got me out for my documents to be prepared. When all my documents were ready and I stood in front of the examination room I requested of the female warden and the soldier to take off my handcuffs. This was due to the fact that all the previous times my handcuffs were taken off before I entered the examination room of the doctor. Even though I explained all this, they took me before I could finish my sentence or see the doctor, pulled me back to the vehicle, threw me into the cell and drove me back to the prison. That day I was supposed to receive the committee report on my health, the wardens only responsible to accompany me for my safety arbitrarily prevented my treatment and ensured that I did not get my committee*

report. When we arrived at the prison, they threw me back into the cell due to the quarantine and victimized me many times.”

VIOLATIONS OF THE RIGHT TO LIFE

- **Ş. K. submitted their application via e-mail on 02 September 2020:** *“My cousin Kadir Kurt was found dead in his cell on 23 August in Konya Ereğli T Type Prison. Even if the prosecutor's office claims it is a suicide, there were reasons and people pushing him to suicide. Help us as the IHD. If you help us this case will not immediately be closed. We request legal support and help from the IHD.*

COVID-19 PANDEMIC and RELATED PROBLEMS

The measures that need to be taken to protect oneself from COVID-19 are almost entirely neglected in prisons. The lack of these measurements, which can be summed up as proper nourishment, hygiene, physical distance and masks, puts prisoners' health at risk. This risk is further increased for prisoners with life sentences who are detained on their own and whose right to ventilation is limited to one hour a day.

Using the pandemic as a reason, the prohibition or limitation of visits by family, friends, and even lawyers, isolates prisoners and leaves them with no solidarity. For this reason, it is of great importance that administration processes at prisons are transparent during the pandemic and that the public is informed truly and swiftly about cases taking place in prisons.

The insufficient measures against the pandemic, especially regarding nutrition and hygiene, problems regarding the access to healthcare, especially the regular healthcare of the chronically ill, are leaving prisoners for dead in their wards, which is a very worrisome development. The rising numbers of COVID-19 cases increasingly threaten the lives of the prisoners. This situation requires an immediate solution.

Ferhat Yalçın sent a letter from Tekirdağ No.2 F Type Prison on 07 September 2020;*“Due to not being able to ventilate our cells properly and having very limited access to clean air and sunlight our immune systems are in decline, putting us at a higher risk of catching illnesses. On the top of the list of concerning illnesses is the coronavirus. The chance of infection is higher in places in which the circumstances of ventilation and hygiene are not sufficient. How is it possible for a person who stays in a cell for 23 hours a day, is not able to clean and dry that cell, cannot profit from clean air and sports, to protect himself from illnesses. It is obvious that these measures do not value human life at all. Given the fact that there are prisoners infected with COVID-19 in our prison living under harsh*

circumstances, the improvement of these circumstances should be further prioritized. We cannot even find a member of the personnel who is concerned with these issues and with whom a dialogue on solutions could be started.”

VIOLATIONS OF THE RIGHT TO A FAIR TRIAL

Violations of the right to a fair trial take place between the first detention of a person and the completion of their sentence. This category includes quite different violations as: Conditions of detention, unlawful collection of testimony and evidence, legal support, the use of one's right to defense, the implementation of the SEGBIS-system, level of publicity of trials, being judged by an independent and impartial court, and receiving a just sentence. Violations of the right to a fair trial demonstrate unlawful irregularities at every stage of the legal process. Time will show in how far unlawful detention conditions will further obstruct the right to a fair trial. For this reason, many prisoners report the violations of their rights to a fair trial and request help from our association to prevent these violations.

- **Güven Öner submitted his application by mail from Kandıra No.2 F Type High Security Prison on 06 July 2020:** *“I have been imprisoned for five years. I am not freed due to my current file. I committed the crimes of this file during my time in prison. I was sentenced to ten years and ten months, this sentence was approved and I started serving it. But since it is my second offense I cannot profit from the new law. Actually, the case is simple bodily harm, but because of my absent-minded testimonies, I was charged with attempted murder. I became hopeless regarding life and everything else, prepared a very bad defense. My family does not have any money, their financial situation is terrible, because of their poverty they only visit once or twice a year. I would be very glad if you could help me. I received your address from a friend in here. If you see fit and are able to send a lawyer I could explain the contents of the file better. If we could apply to the court and open the case again for a reevaluation under the charge of simple bodily harm I may be able to reunite with my child and my family. My writing is not good and I do not know anything about these topics, you are my last resort. For these reasons I request legal support.*

C- APPLICATION FOLLOW-UP :

The prison commission of our association evaluates each and every application one by one.

Our commission responds to each application submitted via letter from prison and informs the prisoner that their letter has arrived and which steps will be taken next.

In order to find solutions for the issues of the applicants, the commission 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. Moreover, forensic medicinal practitioners, prosecutors, the chamber of medicine, and the public hygiene institutes of the respective provinces or municipalities are contacted when the need arises.

The number of letters sent to the aforementioned institutions and committees in the third quarter of 2020 is 70. The number of responses received in return is presently at 38.

We sent the applicants model request letters according to their requests and respond to their questions regarding the judicial process.

Many prisoners request an attorney and for a delegate to be sent to the prison. The volunteer lawyers of our association try their best to fulfill these requests.

D- CONCLUSION :

Our report only contains the applications to our branch. We know that problems, violations and arbitrary measures take place far more often. Currently, pressure towards prisoners, maltreatment and torture reaches especially high levels.

As we state in every report: Being the prison commission of the Istanbul branch of the Human Rights Association, we do not merely report the rights violations to present information. Our essential aim is to prevent rights violations by raising the awareness of these issues among authorities and the public

We know that that the rights violations suffered at prisons are being prevented by raising our voice on the outside. Through this report, we want to appeal to the authorities to prevent rights violations and raise awareness for and show solidarity with the prisoners who struggle with these enormous problems.

Human Rights Association

Istanbul Branch

Prison Commission