



**REPORT ON RIGHTS VIOLATIONS
IN THE PRISONS OF THE MARMARA REGION
SECOND QUARTER, 2020
24 July 2020**



*Human Rights Association
Istanbul Branch
Prison Commission*

REPORT ON RIGHTS VIOLATIONS IN THE PRISONS OF THE MARMARA REGION
(April – May – June 2020)

A- INTRODUCTION

This report brings together rights violation applications filed with the Human Rights Association's (HRA) Istanbul Branch in the first quarter of 2020 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, 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 187 applications from 25 different prisons were filed with our commission. Applications were received from the following prisons.

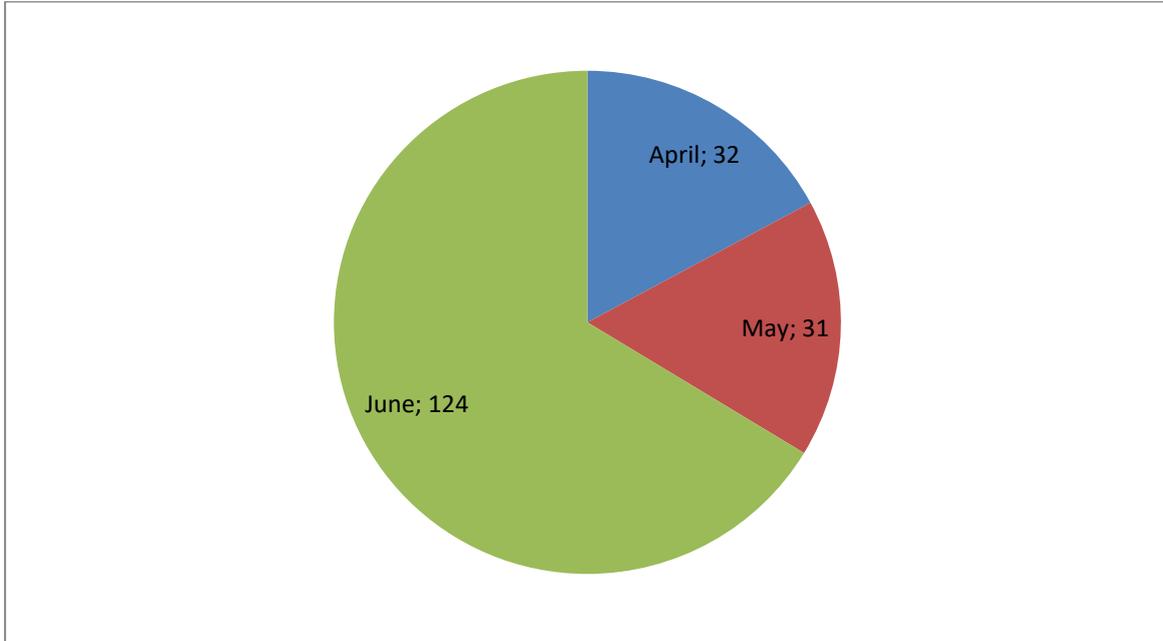
Silivri Prison Campus, Tekirdağ No. 1 and 2 F and T Type High Security Closed Prison, Edirne F Type High Security Closed Prison, Maltepe No. 1 L Type Closed Prison, Kandıra No. 1 and 2 Closed F Type High Security Prison, Elazığ No. 1 High Security Prison, Sincan L Type Prison, Bakırköy Closed Women's Prison, Bafra T Type Prison, Kayseri Closed Women's Prison, Maltepe L Type Prison, Trabzon T Type Closed Prison, Ödemiş T Type Prison, Kahramanmaraş Türkoğlu No.1 L Type Closed Prison, Kastamonu E Type Closed Prison, Menemen T Type Closed Prison, İzmir Aliğa No.2 T Type Prison, Kırıkkale Hacılar F Type Prison, Kırşehir E Type Prison, Manisa Akhisar T Type Prison, Kırklareli E Type Prison, Şakran No.3 T Type Prison, Osmaniye No.2 T Type Prison, Burhaniye T Type Prison, Balıkesir Bandırma No.2 T Type Prison, Urfa Hilvan T Type Prison.

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:

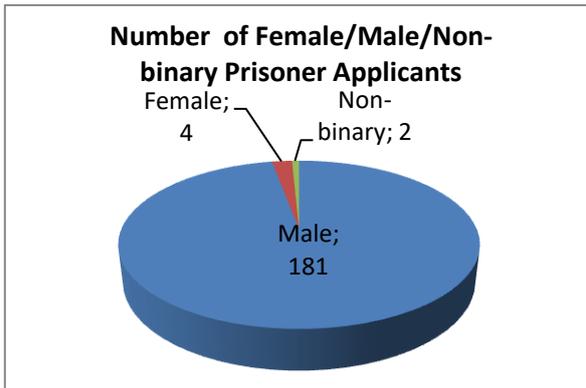
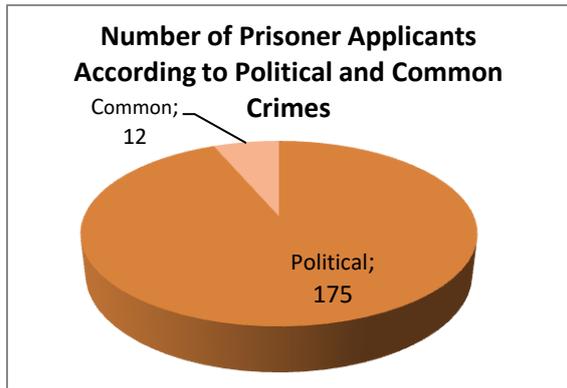


Table 4:



Every application included more than one rights violation, with a total of 2314 violations included in 187 applications. 533 violations were reported in April, 645 in May and 1136 in June. 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

Restraints of the right to health and health care	161	Maltreatment, beating, torture	177
Restriction of the right to conversation and sport and the right to use common areas	195	Forcing prisoners to remain standing during counts	15
Unlawful disciplinary punishments	2	Penal transportation/deportation	4

Discriminatory enforcement	120	Ban on periodical and non-periodical publications and books; ban on letters	151
Ban on visitors and cancellation of visits	150	Unlawful detention and unjust trial complaints	132
Cancellation of hospital appointments	101	Not being moved to the infirmary	107
Solitary confinement	3	Arbitrary rejection of change of place requests	6
Psychological pressure	20	Limitation of phone calls	43
Not processing and not answering written requests	20	Commissary ban and unreasonable pricing	45
Withholding medication for sick prisoners	21	Withholding of diet food	9
Not giving out summer clothing	10	Prohibition on parcels	10
Observation of wards	2	Seizure of razors and shaving machines	17
Not informing families	20	Trials in secret	5
Withholding of infant food for those who are dependent on it	3	Little and insufficient food	257
No running water	30	General limitation of hygienic and cleaning equipment	203
Arbitrary implementation of quarantine measurements	11	Withholding of radio	1
Tested positive for Covid-19	3	Not implementing measurements against Covid-19, withholding of disinfectant, masks and gloves	283
Total	2314		

As can be seen from this report, physical aggressions, threats, battery and torture have been continuing throughout the second quarter of 2020. Arbitrary enforcement towards prisoners and rights violations have increased and reached an advanced stage during the COVID-19 pandemic. All social rights have been removed and isolation and solitary confinement normalized under the name of quarantine implementation. Visits by family members and lawyers were prohibited and medical care was entirely taken away from prisoners by banning visits to hospitals. One may say that prisoners were hidden from the public eye and left for dead. Physical aggressions, the extortion of rights, pressuring, and unlawful and unjust enforcements became routine in many prisons. Disciplinary punishments, the ban on publications, books and letters, the non-forwarding of letters to government agencies and criminal complaints took place. Moreover, rights to social and sportive engagement were seized, commissaries closed and open commissaries provided insufficiently diverse foods to unreasonable prices. Prisoners in Kandıra F Type prison did not receive proper food for ten days and were expected to meet their needs with a supply of instant soup instead. The fact that the prisoners in the semi-open prisons, who prepared the food for other prisons, were evacuated due to a recent amendment to law on execution of sentences was given as a justification for these circumstances.

Arbitrary reasons were brought forward to justify the restrictions and prohibitions of this period. For example, one prisoner's request for a teacup with a handle was simply rejected for its handle. Also, prisoners were not given cologne because it contains alcohol. One prisoner was told he could not be given his summer clothes since they were in the depot. Money sent to the prisoners by their families was forwarded late preventing them from meeting their needs. Furthermore, prisoners were not given masks, disinfectant, cleaning and hygiene supplies and were even held from buying these with their own money. Some prisons did not supply hot water and put their prisoners in situations in which physical distance could not be upheld, at times putting 30 prisoners in a ward designed for ten prisoners.

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

Torture, Beating, Maltreatment:

Threats, battery, maltreatment and torture became commonplace in prisons. Solitary confinement was normalized using the corona pandemic as an excuse. The obligation to carry a terrorist-ID, throwing prisoners who refuse to be counted on foot in their cells and similar measures further continued during the second quarter of 2020.

- *On 28 April 2020 S. Ç. submitted an application to us via phone: He said that his brother Cengiz Sinan Halis Çelik, imprisoned in Silivri No.5 L Type Prison, suffered from epilepsy and cancer. He reported further that his brother was nevertheless put in a cell on his own and had not seen his family for a year because of disciplinary punishments. He also stated that Cengiz suffered torture, maltreatment, arbitrary punishments and solitary confinement on a regular basis when he would not accept these treatments. According to S., Cengiz had been punished with solitary confinement 19 times.*

Communication Bans:

Currently, one of the most widespread fields of rights violations are communication bans. Books, newspapers, magazines are withheld from prisoners, prisons do not receive newspapers or magazines,

parcels and letters sent by prisoners' families are withheld, too, while letters written by prisoners are not forwarded without giving any reason. The same even extends to official documents, requests and faxes. Handwritten notes, books and documents are also confiscated by the prison administration.

Lastly, the Covid-19 pandemic is used as an excuse to prohibit visits by family members and strip the prisoners of their social rights. Consequently, limitation on visits by lawyers and the arbitrary obstruction of phone calls between prisoners and family members are on the rise.

- *SELÇUK ÇELİK - ERDI SIDAL (Kırıkkale Hacılar F Type Prison)*

On 23 May 2020 C. Ç. submitted an application to our branch via e-mail, wishing for a resolution: Her son Selçuk ÇELİK, born in 1986 and sentenced to aggravated life imprisonment, and Erdi SIDAL, whom he shares a cell with, had a visitation ban since the beginning of the Covid-19 pandemic in Kırıkkale Hacılar F Type Prison. Moreover, their right to a weekly phone call was withdrawn and they were told that they would only be able to have a call every 15 days.

- *From Tekirdağ No.1 F Type Prison; Coşkun Akdeniz and Yaşar Eriş submitted an application to our association on 24 June 2020 by mail:*

“From the 16th of march onwards the conditions of isolation have become more restricting, communication to the outside world has been reduced to letters and phone calls, and all meaningful social activities on the inside have been shut down under Covid-19 measures. During this period we suffered, and keep suffering, regarding two severely problematic fields, the first one being the right to the protection of one's health and the second one being the right to social interactions.

The right to social activity is one of our basic rights. From the 16th of March onwards all social activities were cancelled. This measure is still in place. We do not have contact to the outside world, only the personnel has. (Two of the personnel stay and work shifts in the prison and also do not have contact to the outside world for this period.) We interact with the personnel in limited situations as when we have a phone call, are counted or receive food. While social activities like sport, conversation and visits to the library would be possible without increasing contact with the personnel, these measures are not being implemented.

- *FIRAT EGE - MURAT AKIN- NEVZAT ÖZDEMİR-BARIŞ AKBAŞ-HAMZA DOĞRUL-ÇETİN ELMAS-SERDAR ÖZER- ÖZGÜR DUMAN- CIHAN DEMİR- NIHAT GÜNEŞ- METİN KAYA- MEHMET SALİH EROL- AYDIN BURAK-ERCAN DUMAN- FEYYAZ DENİZ- MEHMET SALİH YANAK-AYHAN KARAATAY (Silivri No.5 L Type Closed Prison)*

On 29 June 2020 they submitted an application to our association via mail:

All our rights have been suspended in the prisons. Even the most fundamental human right to medical care is not being fulfilled. Two of our friends, namely Vefa Kartal and Sabri Kaya, lost their lives because of this lack of necessary treatment. There are many prisoners who face the same risk. Despite all our requests the department of justice and other responsible agencies turn a deaf ear towards us.

Moreover, all our social and legal rights are violated at our prison due to the Coronavirus. We can neither communicate with our families nor get out to use the common areas. Our fellow inmates are not brought to the infirmaries and their medical needs are not taken care of. The legal right of release on probation is obstructed arbitrarily. The parcels sent by our families and their contents are not forwarded to us for months.

Violation of the Right to Health and Health Care:

All of the applications to our commission included reports by prisoners stating that an effective infirmary service was not provided, that there were no proper hospitals on campus and that they would have to wait for months to be brought to a proper hospital. Problems include; not being brought to the infirmary or being brought late, dispatchment to hospitals after months, even in emergency situations, and under severe control, not being brought to examinations and check-ups, handcuffing behind the back on trips to the hospital, trips to the hospital in the vehicle with cells called cage (kafes), not bringing sick prisoners to the hospital who reject naked strip search, soldiers not leaving the doctor's office during examinations, handcuffing during examinations, forcing prisoners to get their examination done by handcuffing and employing the gendarmerie, and also cancelling prisoners' hospital appointments under the pretext of the Coronavirus pandemic. Some of the prisoners suffering from these problems are cancer patients, prisoners needing emergency surgery, and those in need of regular medication. During this period, many prisoners did not receive their regular medication and were not even brought to the infirmary. Some prisoners' treatments were halted entirely.

- *On 22 April 2020 S. D. applied to us via phone: According to them, Abdulsemet Durak suffered a heart attack on 18 April 2020 at the Kahramanmaraş Türkoğlu Prison. Afterwards, the prison administration did not inform his family, but he had to inform them himself during his weekly phone call on 22 April 2020. According to his accounts, he was put under a lot of psychological pressure during his heart attack, thus increasing his chance of dying, further pressuring him and telling him to move. While he was transported and needed a relaxing atmosphere not even his handcuffs were taken off. Similarly, he was handcuffed for three days during intensive care after the angiography. Although the doctor recommended a bypass surgery, it could not be approved of it since he would be brought to the prison after the surgery and the conditions of the prison including the high chance of infection would not be suitable for him to recover. Consequently, a recurrence of his third heart attack could lead to his death. His request included for this issue to be released to interested media agencies and for the requiring applications to be made.*
- **VELİ ÖZDEMİR – (Tekirdağ No.1 F Type Prison C-Tek-98)** *On 16 April 2020 the following application reached our association by mail:*

I was dispatched to the ear-nose-and-throat department of Tekirdağ Public Hospital due to a lump in my throat which occurred in January 2020. After the examination by the doctor, an ultrasound scan was performed and a 14mm nodule was found in my thyroid gland. As a consequence, I was brought to the endocrinology department on 31 January 2020 and a blood test was done after the examination. The endocrinology doctor chose to take another blood sample on the 6th of February and a urine probe on the 7th. Because of increased parameters, a contrast CT scan was scheduled for March. However, I was informed that my appointment was cancelled because of the increased workload at the hospital due to the Covid-19 pandemic. Afterwards, I informed the administration that my illness was serious, that I experienced sensations of pressure at times, that I had trouble breathing, and that I also had trouble swallowing at times. Subsequently, I received another appointment for the nodule in my thyroid gland to be checked out via CT in May.

It is uncertain when the measures taken due to the Covid-19 pandemic will end. The situation at the hospitals is not as elusive. It is also common knowledge that not all working at the hospital has stopped. Also, it is well known that early diagnosis and therapy are important when it comes to

illnesses like mine. Consequently, I want my right to early diagnosis and therapy to be protected for this illness to not lead to others. My request is that you try to ensure that my next appointment will not be cancelled again and that my medical care rights are protected.

Issues connected to COVID-19:

We repeatedly request that especially those prisoners belonging to risk groups like old, ill, handicapped, pregnant and prisoners with kids are released while the pandemic lasts and enabled to overcome this period outside. For the inmates in the prisons, we request that the necessary physical distance, nutrition, hygiene and medical treatment will be maintained despite the pandemic.

• **ALI ÇIÇEK (Silivri No.7 L Type Prison Ward B-10)**

On 14 May 2020 an application from B. S. Ç. was forwarded to our branch from the IHD central branch by e-mail:

A phone call with my spouse on Wednesday 06 May 2020 left us devastated after finding out that he was a covid-19 patient. Immediately we used the e-nabız system and could verify that he had indeed been tested positive. This was further clarified when the office of the Bakırköy chief prosecutor made an official statement.

I fear that my spouse may not survive covid-19 under the adverse circumstances of the prison. On e-nabız we saw that he was examined on a daily basis and thought this to be true. On the phone however, he stated that "they only measure our temperatures and those devices are probably broken since they give wrong results, and there are more severe cases so they do not take care of us properly. Our food is problematic as ever, the commissary offers so few you could neglect it entirely.", my spouse said. How do the authorities expect the prisoners to deal with this disease under these adverse circumstances? Outside of the prison they say to stay at home, keep the distance, eat healthy food, disinfect surroundings, but in the prisons neither the nutrition is normal nor is it possible to clean and disinfect. Even cologne is banned. How are the prisoners going to survive this disease without hot water?

The wards are too crowded, a ward built for seven people is used by 36 and sometimes 43 people. The covid-19 patients are trying to get treatment under these crowded circumstances. There are only two toilets and showers in one ward. How are people supposed to recover while sharing these spaces with around 40 people", they said and requested assistance.

• **MEHMET EKERBIÇER (Silivri No.8 L Type Prison Ward C6)**

On 14 May 2020, in an application forwarded to our branch from the IHD central branch by e-mail Ş. K. stated:

My spouse Mehmet Ekerbiçer stays at Silivri No.8 Prison in Ward C6. His Covid test from Saturday was positive. At the time, they are seven prisoners sharing the same space above its actual capacity. These crowded and unhygienic circumstances make it very difficult for them to get through this difficult pandemic period. After the recent law change the amount of food they receive has heavily decreased and the possibility to shop at the commissary has stopped. My request is for you to pass on and communicate our suffering.

• **YASIN SOLMAZ (Silivri L Tipi No.7 Prison Ward C7)**

On 14 May 2020 E. S. applied to our association by e-mail:

My son YASIN SOLMAZ, who used to stay at Silivri L Tipi No.7 Prison Ward C7, and of whom I do not know where he stays now that he contracted corona, called his spouse yesterday in the evening.

First, he talked positively so we would not be sad. But then he told his spouse that he would be truthful and tell everything truthfully. He reported that they would not be given proper food, that the surroundings and the air were not clean, that the commissary was closed, that nobody would take care of them and leave them crowdedly, that nobody would care about them, that they would be treated as if they had the plague, that the commissary was closed (they cannot even buy their own food anymore to get nutrition). Before he ended the call, he asked for blessings and said that they would or would not be able to speak again. I ask you whose heart would be able to bear this? My son was downright left for dead there, he needs to be brought to the emergency department of a hospital. He coughed a lot on the phone and also after having been tested positive on the 6th of May he was brought to the hospital on the 7th and released back to the prison ward with cold medication. If they had really treated him they would have kept him to check on him. He was not examined after five days of cold medication. They do not bring my son to the hospital and wait for him to get worse and die instead.

- **SERHAT BULUT** (Urfa Hilvan T Type Prison)

On 25.06.2020 H. B. came to our organization and left a written application:

More than 20 people stay in a ward designed for 10. No hygiene measures are taken. Only one mask is given, and it is given only when you use the phone. The commissary prices have been increased arbitrarily. For a while there was not any warm food, but only food cans, there is none right now, too. The money transferred by the families is arbitrarily forwarded after 15 to 20 days. The parcels are also either given late or not at all. No measures were taken for the non-contact visit during corona. The only thing they did was using some device to give you something like water.

- **ERDOĞAN ÜÇAR** (Şakran No.3 T Type Prison)

On 15 June 2020 applicant M. Ü. sent us an e-mail:

My friend Erdoğan Üçar was brought to the hospital on Wednesday 10th of June because of troubles with an ulcer in his stomach. After getting back from the hospital he was put in quarantine as a Covid-19 measure. Using corona as an excuse he was thrown into solitary confinement. He is stripped of all his rights like ventilation, radio, television, newspapers and all his other rights. On top of that, despite requiring certain foods to eat because of his ulcer he is given food he can not eat.

- **NACI BILICI -ENES ÖZALP-HATIP OYMAN** (No.2 F Type Prison Kandıra /Kocaeli)

On 28 May 2020 applicants Naci Bilici-Enes Özalp-Hatip Oyman applied by mail:

While the whole world is struggling severely with the Covid-19 pandemic, prisons face the highest risk. Despite this truth, required measurements are not taken and many rights violations are experienced instead, using the virus as an excuse.

Unfortunately, the free mask distribution proclaimed by the health ministry and used in government propaganda 24/7 is not applied to us prisoners who are the responsibility of the state. Forget about the free distribution, we cannot even buy it with our own money. Another essential need, namely hand disinfectant, should be handed out to us, too, but instead we are expected to buy it from the commissary for excessive prices (35 TL). Also, the liquid sold at the commissary as hand disinfectant contains toxic materials, harms the skin and causes burning sensations.

Using the virus as an excuse, family visits have been prohibited and all social activities cancelled. Since there are no more visits, our families sent us our necessities via parcels. Using the virus as a pretext again, those parcels are not forwarded to us. When we want to access our necessities in the depot we are told that the depot is closed. At the time, many fellow prisoners get by using their winter clothes in this heat.

Good hygiene and healthy nutrition are most effective against the coronavirus. After the recent law change, we did not receive food for ten days. Instead, we were given instant soup in a bag for each meal. Despite all our written requests the food situation is still not dealt with. The explanation they give us is as follows: "The food was prepared by prisoners in open prisons and since they were released there is no one left to prepare the food and that is why you are given instant food." How can the big old state know how to make laws but not foresee that four to five prisons are going to go hungry after the release of prisoners?

We are not brought to the barber for known reasons. And they ignore our requests for scissors and shaving machines to use in our rooms.

Unlawful detention, violations of the right to a fair trial and discrimination:

Lately, complaints of unlawful detention and violations of the right to a fair trial have increased. Generally, those prisoners who cannot make their voices heard during the judicial process keep conveying their demands and complaints after being detained or sentenced.

The complaints regarding discrimination are focused on law enforcement and are even more visible since the recent law change.

- **MAHMUT ABA** – (No.2 T Type Closed Prison B-13 Aliğa/Izmir)

On 20.05.2020 Mahmut ABA submitted his application via mail:

The reason I write you is because of paragraph 151 of decree law nr. 694. This law is important for us since it regulates disciplinary punishments and the time of probation. Since it is against the principle of equality, some friends requested to the ombudsman institution to be covered by it. These institutions thought our request to be legitimate, but stated they could not intervene judicially and that the state council would be responsible since it is a governmental decision. Since we cannot apply to the state council as individuals (we were told that only institutions could), we ask you to forward this matter to the state council. We do not know how you evaluate this request, but if you could help us in this matter things would improve and we would be very happy about it.

- **SERKAN KESER** (Silivri No.8 L Type Prison)

On 12 May 2020 D. K. applied via e-mail:

My spouse Serkan Keser has been detained for 7 months and has not had his hearing yet. He had an appointment for the 14th of May, but without being informed about it the appointment was postponed to the 29th of June. My spouse is detained, he has not been sentenced guilty, and if his hearing had taken place the witnesses would have been relieved and his defense would have been conducted. We could not do any of this. For this reason, a fair trial has not been possible.

- **CEZMI KARTAL** – **AHMET KARAGÖZ, MECIT ALKA**- (No.1 F Type High Security Closed Prison Kocaeli):

On 03 April 2020 Cezmi Kartal, Ahmet Karagöz, Mecit Alka, submitted their application by mail;

It is well known that the pandemic has been spreading for the last month in Turkey. We have a lot of fellow inmates who belong to the risk group, since they are ill, old, have severe health issues, are chronically ill, and they need to be released urgently. The prisons are not adequately prepared to take the individual measures necessary to deal with a quickly spreading illness with a high death toll like

corona. Many countries already released prisoners under these circumstances. This is a necessary and right policy. It is expected of Turkey that they take steps into this direction. Yet, the priorities are not set right regarding this topic. It is evident that the prisoners belonging to the risk group need to be released first.

- **ULAŞ DENİZ - HÜSEYİN GÖZBEBEYİ - CANER SERMET (No.1 F High Security Prison Kocaeli)**

On 08 April 2020 applicants Ulaş Deniz - Hüseyin Gözbebeyi - Caner Sermet, sent us a letter:

We are political prisoners of Kandıra No.1 F Type Prison.

The only way to deal with this illness is living in hygienic conditions. Unfortunately, these conditions are not met at the prison.

While they need to act according to the principle of equality instead of employing discrimination and empty all prisons during this period, the opposite is taking place.

As you know, the ones most affected by this virus are the chronically ill. There are thousands of ill people detained in prison. Under normal circumstances, these ill prisoners should not be detained in prisons. But let us forget the normal circumstances for once, even though they currently face death because of corona the ill prisoners are not released. Even in the prison we are detained at there are tens of ill prisoners. For example Ulaş Deniz, who has been at this prison for 8 years and suffering from tuberculosis under these circumstances. Another is Hüseyin Gözbebeyi who has been imprisoned for 10 years and has been maintaining himself on infant food, since he cannot eat anything else due to his illness. I gave you these two examples to highlight the severity of the situation.

We implore you to do everything in your might to empty the prisons and especially to release the ill prisoners.

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. Moreover, forensic medicinal practitioners, prosecutors and the chamber of medicine are contacted when the need arises. Legal and other requests by prisoners are answered.

The number of letters sent to the afore-mentioned institutions and committees in the second quarter of 2020 is 120. The number of responses received in return is presently at 45.

All applicants are informed about the progress of their requests by mail.

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.

C- CONCLUSION

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

Being the prison commission of the Istanbul branch of the Human Rights Association, we do not merely report the rights violations to present information. We know that that the rights violations suffered at prisons are being prevented by raising support on the outside. The report we present is in a sense an appeal to increase awareness for and show solidarity with the prisoners who struggle with enormous problems. As the prison commission, we strive to give the prisoners a voice, if only a quiet one, foster sensitivity for their issues, and contribute to the solution by rendering their problems visible.

Human Rights Association

Istanbul Branch

Prison Commission