

2022 PRISONS REPORT



HUMAN RIGHTS ASSOCIATION



This report was drafted by İHD's Central Prisons Committee and İHD staff based on reports and visits by local İHD branches' prisons committees, information collected by İHD's legal team and prisoners' families network, allegations in applications lodged before İHD, and news reports by the media.



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Abbreviations

AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
ATC	Anti-Terror Code
BİK	Basın İlan Kurumu (Press and Advertisement Agency)
CCP	Code of Criminal Procedure
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DGPDH	Directorate General of Prisons and Detention Houses
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FMI	Forensic Medicine Institute
GNAT	Grand National Assembly of Turkey
HDP	Halkların Demokratik Partisi (Peoples' Democratic Party)
HRFT	Human Rights Foundation of Turkey
HRJP	Human Rights Joint Platform
ICCPR	International Covenant on Civil and Political Rights
İHD	İnsan Hakları Derneği (Human Rights Association)
MHP	Milliyetçi Hareket Partisi (Nationalist Movement Party)
OHCHR	Office of the High Commissioner for Human Rights

TİHEK	Türkiye İnsan Hakları ve Eşitlik Kurumu (Human Rights and Equality Institution of Turkey)
TMA	Turkish Medical Association
TPC	Turkish Penal Code
TurkStat	Turkish Statistics Institute
UN	United Nations
WHO	World Health Organization
WMA	World Medical Association

INTRODUCTION

İHD's responsibility to inform the public and mobilize state institutions in order to create conditions for prisoners to lead their lives in conditions worthy of human dignity stems both from the values that İHD holds and defends and from the principles in its statute. On the basis of this understanding, its activities and reports make an important contribution to the activities carried out to end and report rights violations. İHD shares violations of rights in prisons with the public and aims to mobilize authorities to remedy these violations with its annual, periodical, and special reports.

İHD monitors and reports the problems and injustice faced by prisoners through its branches covering cities, regions and the whole country. While carrying out these activities, it draws on many sources to collect information and data. With its 27 branches and 7 representative offices, İHD is the largest human rights organization working in Turkey. In addition to the rights violations reports it publishes, İHD also publishes reports on rights violations in prisons in cooperation with other non-governmental organizations and bar associations.

İHD receives many applications regarding violations of rights in prisons. Some of these applications are made directly by prisoners, while others are made by prisoners' relatives or lawyers. Applications can be made online through the İHD website or directly to the branches and headquarters. Prisoners and their relatives also apply to İHD by letters. The association immediately informs the relevant state institutions about these applications in order to solve the problems. İHD writes to the Ministry of Justice, the General Directorate of Prisons and Detention Houses, the Human Rights Commission of the Grand National Assembly of Turkey, the Ministry of Health, the Ombudsman's Office, the Human Rights and Equality Institution of Turkey (TİHEK), the Turkish Medical Association, the Ministry of Interior Law Enforcement Oversight Commission, the relevant prosecutors' offices, the relevant prison directorates, provincial health directorates and other institutions specific to individual applications and provide the necessary information to stop rights violations. İHD follows up after the information procedures and, if necessary, sends lawyers to prisons to confer with prisoners to the extent of available means. After these procedures, it releases press statements and prepares reports in order to inform the public.

It should be added that İHD carries out joint work with other non-governmental organizations working in the field of prisons and prisoners' rights, such as the Association of Lawyers for Freedom, the Progressive Lawyers Association, the Federation of Legal and Solidarity Associations of Families of Prisoners and Convicts, the Turkish Medical Association, provincial medical chambers, the Human Rights Foundation of Turkey, and associations of families of prisoners and detainees. As a result of this joint work and coordination, we are able to access important information and data.

This report consists of applications received by the İHD headquarters, branches and regional representative offices, regular prison reports, and data obtained during prison visits.

When the applications made to our association are classified according to their content, it is seen that the applications are mostly concentrated on violations of the right to health, prevention of release, prevention of social rights, torture and ill-treatment, discrimination, right to a fair trial, economic and social rights, communication and information rights. In addition to these, prisoners also apply for legal and financial support. İHD also receives many complaints from prisoners

regarding their requests for transfer to prisons in regions close to their families, which are not taken into consideration by the prison administrations.

Applications made to our association from prisons mostly concern multiple rights violations and prisoners seek assistance. There are a significant number of applications to our association on many different issues particularly including the situation of sick prisoners, isolation, strip search, usurpation of the right to communication, etc.

The present report reveals a wide range of rights violations in prisons. At least 10,789 violations were identified in 2022 under all titles. Violations were recorded according to the number of individual applicants and the number of prisoners included in the applications. However, considering that these violations were faced by all prisoners, it would not be an overstatement to say that violations occurred hundreds of times more. Violations, letters sent by prisoners, prisoner-lawyer conferences, applications made by families and relatives, and compilation of data collected by İHD's branches on rights violations in prisons bring about this report.

When we look at the map showing the cities where applications were made to İHD, it is seen that İHD received applications from prisons in all of the cities marked in dark color. As can be seen from the map, İHD received applications from almost all the prisons in Turkey alleging rights violations.

Figure 1. Map of Cities with Prisons that Sent in Applications to İHD



In 2022, applications/information were received from 153 prisons, including 6 open prisons, in 58 cities.

Table 1. Prisons Visited and/or Applications and Information Received in 2022

ADANA
Kürkçüler F-Type Closed Prison
AFYONKARAHİSAR
Afyonkarahisar T-Type Closed Prison No. 1
Afyonkarahisar T-Type Closed Prison No. 2
Afyonkarahisar E-Type Closed Prison
Bolvadin T-Type Closed Prison
Dinar T-Type Closed Prison
AĞRI
Ağrı M-Type Closed Prison
Patnos L-Type Closed Prison
AKSARAY
Aksaray T-Type Closed Prison
ANKARA
Sincan F-Type Closed Prison No. 1
Sincan F-Type Closed Prison No. 2
Sincan L-Type Closed Prison No. 1
Sincan L-Type Closed Prison No. 2
Sincan L-Type Closed Prison No. 3
Sincan L-Type Closed Prison No. 4
Sincan Closed Prison for Women
Sincan Maximum Security Closed Prison No. 1
Sincan Maximum Security Closed Prison No. 2
ANTALYA
Antalya L-Type Closed Prison
Antalya S-Type Closed Prison
Alanya L-Type Closed Prison
Antalya Open Prison
Antalya Maximum Security Closed Prison
Elmalı T-Type Closed Prison
AYDIN
Söke Closed Prison
BALIKESİR
Bandırma T-Type Closed Prison No. 1
Bandırma T-Type Closed Prison No. 2

Burhaniye T-Type Closed Prison
Kepsut L-Type Closed Prison
BATMAN
Batman M-Type Closed Prison
Beşiri T-Type Closed Prison
BARTIN
Bartın Central Closed Prison
BAYBURT
Bayburt M-Type Closed Prison
BITLİS
Ahlat T-Type Closed Prison
BOLU
Bolu F-Type Closed Prison
Bolu T-Type Closed Prison
BURSA
Bursa H-Type Closed Prison
ÇANKIRI
Çankırı E-Type Closed Prison
ÇORUM
Çorum Open Prison
Çorum L-Type Closed Prison
Sungurlu T-Type Closed Prison
İskilip Open Prison
DENİZLİ
Denizli T-Type Closed Prison
DIYARBAKIR
Diyarbakır Maximum Security Closed Prison No. 1
Diyarbakır Maximum Security Closed Prison No. 2
Diyarbakır T-Type Closed Prison No. 1
Diyarbakır T-Type Closed Prison No. 2
Diyarbakır T-Type Closed Prison No. 3
Diyarbakır T-Type Closed Prison No. 4
Diyarbakır D-Type Closed Prison
Diyarbakır F-Type Closed Prison
Diyarbakır Closed Prison for Women
DÜZCE
Düzce T-Type Closed Prison

EDİRNE
Edirne F-Type Closed Prison
ELAZIĞ
Elazığ Closed Prison No. 2
Elazığ Maximum Security Closed Prison No. 1
Elazığ Maximum Security Closed Prison No. 2
Elazığ Kadın Closed Prison
ERZURUM
Erzurum E-Type Closed Prison
Erzurum H-Type Closed Prison
Dumlu Maximum Security Closed Prison No. 1
Dumlu Maximum Security Closed Prison No. 2
ERZİNCAN
Erzincan T-Type Closed Prison
ESKİŞEHİR
Eskişehir H-Type Closed Prison
Eskişehir L-Type Closed Prison
GAZİANTEP
Gaziantep H-Type Closed Prison
Elbistan E-Type Closed Prison
Islahiye T-Type Closed Prison
GİRESUN
Espiye L-Type Closed Prison
HATAY
Hatay T-Type Closed Prison
İskenderun T-Type Closed Prison
İĞDIR
İğdir S-Type Closed Prison
İSTANBUL
Bakırköy Closed Prison for Women
Maltepe L-Type Closed Prison No. 1
Maltepe L-Type Closed Prison No. 3
Metris R-Type Closed Prison
Metris T-Type Closed Prison
Silivri (Marmara) L-Type Closed Prison No. 1
Silivri (Marmara) L-Type Closed Prison No. 2
Silivri (Marmara) L-Type Closed Prison No. 3

Silivri (Marmara) L-Type Closed Prison No. 4
Silivri (Marmara) L-Type Closed Prison No. 5
Silivri (Marmara) L-Type Closed Prison No. 7
Silivri (Marmara) L-Type Closed Prison No. 8
Silivri (Marmara) L-Type Closed Prison No. 9
Silivri Open Prison
İZMİR
Şakran T-Type Closed Prison No. 1
Şakran T-Type Closed Prison No. 2
Şakran T-Type Closed Prison No. 3
Şakran T-Type Closed Prison No. 4
Şakran Closed Prison for Women
Kırıklar F-Type Closed Prison No. 1
Kırıklar F-Type Closed Prison No. 2
Menemen R-Type Closed Prison
Menemen T-Type Closed Prison
Ödemiş T-Type Closed Prison
Torbali Open Prison
KARABÜK
Karabük T-Type Closed Prison
KARS
Kars T-Type Closed Prison
KAYSERİ
Bünyan T-Type Closed Prison No. 1
Bünyan T-Type Closed Prison No. 2
Bünyan Closed Prison for Women
KIRIKKALE
Keskin T-Type Closed Prison
KIRKLARELİ
Kırklareli E-Type Closed Prison
KOCAELİ
Kandıra F-Type Closed Prison No. 1
Kandıra F-Type Closed Prison No. 1
Gebze Closed Prison for Women
KONYA
Akşehir T-Type Closed Prison
Ereğli T-Type Closed Prison

Ereğli Maximum Security Closed Prison
Seydişehir T-Type Closed Prison
KÜTAHYA
Tavşanlı T-Type Closed Prison
MALATYA
Malatya E-Type Closed Prison
Akçadağ T-Type Closed Prison
MANİSA
Manisa T-Type Closed Prison
Akhisar T-Type Closed Prison
Alaşehir M-Type Closed Prison
MARAŞ
Türkoğlu L-Type Closed Prison No. 1
Türkoğlu L-Type Closed Prison No. 2
Elbistan E-Type Closed Prison
MARDİN
Mardin E-Type Closed Prison
MERSİN
Tarsus T-Type Closed Prison No. 1
Tarsus T-Type Closed Prison No. 2
Tarsus T-Type Closed Prison No. 3
Tarsus Closed Prison for Women
MUĞLA
Bodrum S-Type Closed Prison
Seydikemer-Eşen T-Type Closed Prison
MUŞ
Muş E-Type Closed Prison
NİĞDE
Niğde E-Type Closed Prison
OSMANİYE
Osmaniye T-Type Closed Prison No. 1
Osmaniye T-Type Closed Prison No. 2
RİZE
Kalkandere L-Type Closed Prison
SAMSUN
Samsun T-Type Closed Prison
Bafra T-Type Closed Prison

Bafra Open Prison
Vezirköprü M-Type Closed Prison
ŞİİRT
Siirt E-Type Closed Prison
ŞİNOP
Sinop E-Type Closed Prison
ŞANLIURFA
Şanlıurfa T-Type Closed Prison No. 1
Şanlıurfa T-Type Closed Prison No. 2
Siverek T-Type Closed Prison No. 1
ŞIRNAK
Şırnak T-Type Closed Prison
TEKİRDAĞ
Tekirdağ 1 Nolu F-Type Closed Prison
Tekirdağ 2 Nolu F-Type Closed Prison
Tekirdağ 1 Nolu T-Type Closed Prison
TOKAT
Tokat T-Type Closed Prison
TRABZON
Beşikdüzü T-Type Closed Prison
VAN
Van F-Type Closed Prison
Van M-Type Closed Prison
Van T-Type Closed Prison
Van Maximum Security Closed Prison
YOZGAT
Yozgat T-Type Closed Prison No. 1
Yozgat T-Type Closed Prison No. 2

The problems faced by prisoners in Turkey go far beyond the problems and incidents recorded in this report and its annexes. It is not possible for non-governmental organizations to access information and data that would reveal the actual situation in Turkish prisons because NGOs are not allowed to access such data, thus, reporting on them. The violation allegations in this report only reveal a very limited part of the actual situation that IHD has access to.

OVERALL CONDITIONS IN PRISONS

Data and Statistics on Prisons and Prisoners

The General Directorate of Prisons and Detention Houses, affiliated with the Ministry of Justice, periodically shares the data on “Population of Penal Institutions by Gender and Execution Status,” “Distribution of Penal Institutions by Institution Status,” “Distribution of Prisoners and Convicts in Penal Institutions by Institution Status and Gender,” “Distribution of Prisoners and Convicts in Penal Institutions by Education Status,” “Distribution of Prisoners and Convicts in Penal Institutions by Age Groups.”

The general directorate, however, does not share data on LGBT+ individuals, political prisoners, foreign national prisoners, sick prisoners, prisoners who lost their lives, disabled prisoners, women prisoners who are held in prisons with their babies, and the like with the public.

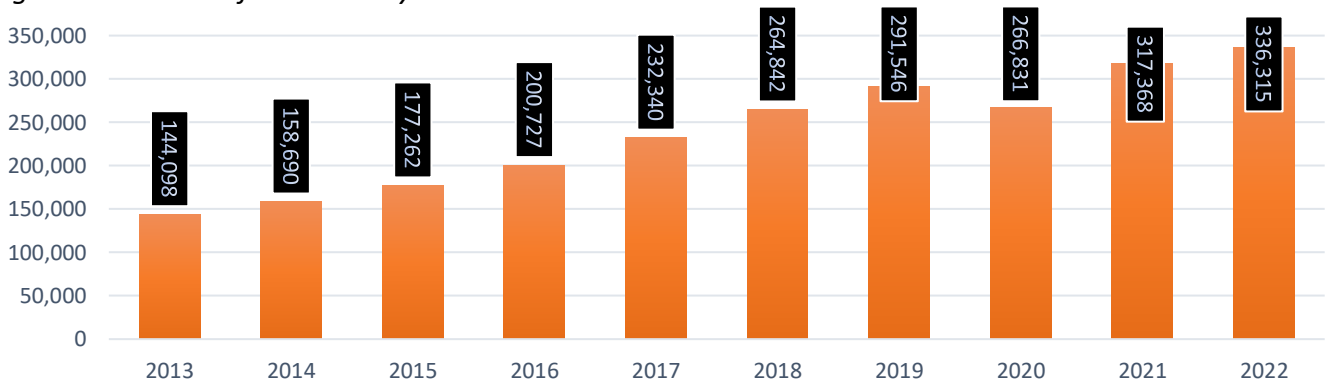
According to the data of the General Directorate of Prisons and Detention Houses, there are 407 penal execution institutions in Turkey, including 282 closed penal execution institutions, 93 detached open penal execution institutions, 4 children’s education centers, 11 women’s closed, 8 women’s open and 9 children’s closed penal execution institutions as of 1 June 2023. The total capacity of these institutions is 296.202 persons.

However, it should be noted that this number is an increased capacity. Under normal conditions, these prisons should accommodate 2/3 of the number of current prisoners.

22 new prisons were opened in 2022. In 2023, 20 new prisons are scheduled to be opened. This shows that the mentality of the current power in Turkey generally envisages a future based on imprisoning people.

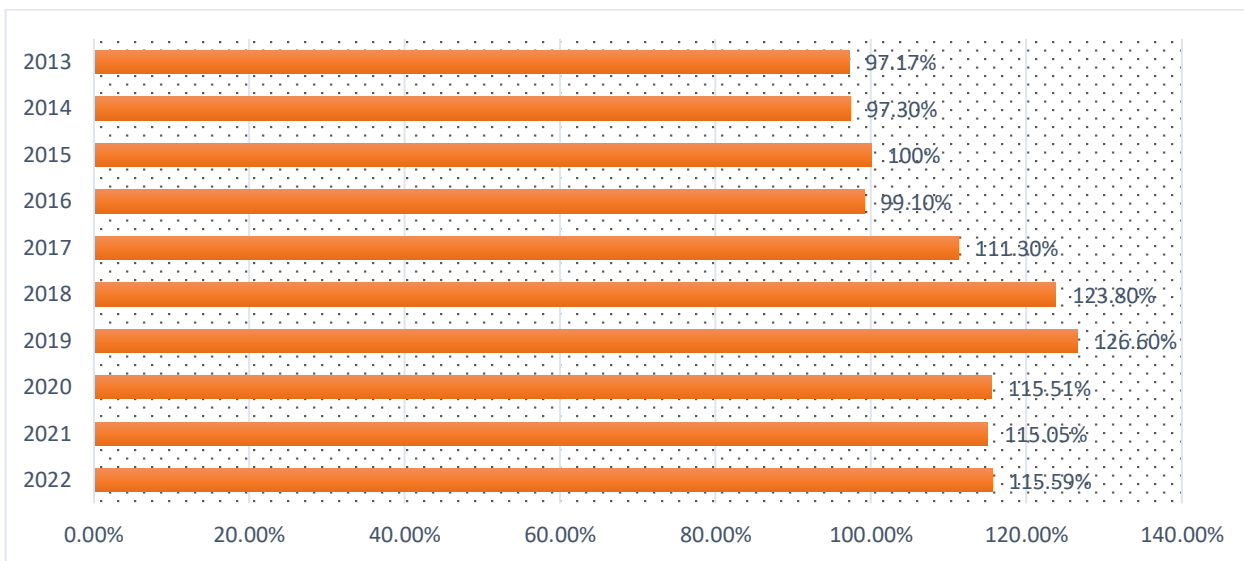
The figures below show the number of prisoners in Turkish prisons and the occupancy rate in these prisons. As can be seen from both figures, the number of prisoners and the occupancy rate of prisons in Turkey show a serious upward trend. To illustrate the seriousness of the number of prisoners in Turkey, the total number of prisoners in prisons was around 70,000 before the amnesty known as the “Rahşan Amnesty,” which was issued immediately after the 19 December 2000 “Return to Life Operation.” *As of 1 December 2022, there were approximately 4.8 times more prisoners in prisons. According to 3 July 2023 statistics, there was an increase of 5.153 times.*

Figure 2. Number of Prisoners by Year



The following figure shows prison occupancy rates. Such increase in prison occupancy rates, in spite of the fact that the government has built many new prisons, is a clear indicator of the fact that the political power merely disregards the “exceptional” state of incarceration, which according to the European Convention on Human Rights (ECHR) and to the case law of the European Court of Human Rights (ECtHR) must be an exception, and individuals are deprived of their liberty at the hands of the judiciary.

Figure 3. Prison Occupancy Rates by Year %



Data shows that incarceration rates dramatically increased. The European Commission’s *Turkey 2020 Report*¹ and *Turkey 2021 Report*², underlined the fact that such state of affairs had led to numerous human rights violations, notably arbitrary restrictions on prisoners and increase in the number of alleged torture and ill-treatment cases. Human Rights Association’s special reports clearly demonstrate violations brought about by the current status quo in prisons.

*According to the official figures released by the Directorate General of Prisons and Detention Houses, the total number of prisoners in Turkey was 336,315 as of 31 December 2022.*³

¹ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/turkey_report_2020.pdf

² https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

³ According to the latest data, however, the total number of prisoners is 360,722 as of 3 July 2023. This figure also includes prisoners whose execution of sentences have been suspended within the scope of COVID-19 measures. See: <https://cte.adalet.gov.tr/Home/BilgiDetay/22>

Table 2: 2022 Official Prison Statistics:⁴ Gender and Incarceration Status

YEARS	CONVICTED				ON REMAND				GRAND TOTAL
	MALE	FEMALE	MINOR	TOTAL	MALE	FEMALE	MINOR	TOTAL	
01.12.2022	281,280	11,375	840	293,495	38,859	2,279	1,682	42,820	336,315

Note: The figures above include the number of convicted prisoners on COVID-19 leave under Law No. 7242.

Table 3. Distribution of Prisons as per Their Status

Date	Prison Status		Grand Total
	Open Prison	Closed Prison	
01.12. 2022	116,393	219,922	336,315

Table 4. Distribution of Prisoners as per Their Gender and Prison Type

Distribution of Prisoners as per Their Gender and Prison Type					
Date	Prison Status	Male	Female	Minor	Grand Total
01.12.2022	Open Prison	111,531	4,589	272	116,393
	Closed Prison	208,608	9,065	2,249	219,922
	Grand Total	320,139	13,654	2,522	336,315

Note: The figures above include the number of convicted prisoners on COVID-19 leave under Law No. 7242.

Table 5. Distribution of Prisoners as per Their Age Groups (as of December 2022)

Distribution as per Age Groups	Convicted			On Remand			GRAND TOTAL		
	Male	Female	TOTAL	Male	Female	TOTAL	Male	Female	TOTAL
12-18 Years of Age	812	28	840	1,627	55	1,682	2,439	83	2,522
18-40 Years of Age	180,221	6,817	187,038	29,112	1,641	30,753	209,333	8,458	217,791
40-65 Years of Age	96,116	4,373	100,489	9,370	630	10,000	105,486	5,003	110,489

⁴ All official data were retrieved from statistics released by the Ministry of Justice, General Directorate of Prisons and Detention Houses. <<https://cte.adalet.gov.tr/Home/SayfaDetay/cik-istatistikleri12012021090932>>

65 and 65+ Years of Age	4,943	185	5,128	377	8	385	5,320	193	5,513
GRAND TOTAL	282,092	11,403	293,495	40,486	2,334	42,820	322,578	13,737	336,315

Table 6: Prison Statistics as of 3 July 2023

Date	Prison Status		Grand Total
	Open Prison	Closed Prison	
03.07.2023	129,716	231,006	360,722

Table 7: Gender and Incarceration Status as of 03.07.2023

YEARS	CONVICTED				ON REMAND				GRAND TOTAL
	MALE	FEMALE	MINOR	TOTAL	MALE	FEMALE	MINOR	TOTAL	
03.07.2023	307,606	12,740	904	321,250	36,088	2,108	1,276	39,472	360,722

Note: The figures above include the number of convicted prisoners on COVID-19 leave under Law No. 7242.

Table 8. Distribution of Prisoners as per Their Age Groups as of 03.07.2023

Distribution as per Age Groups	Convicted			On Remand			GRAND TOTAL		
	Male	Female	TOTAL	Male	Female	TOTAL	Male	Female	TOTAL
12-18 Years of Age	975	38	1,013	1,496	63	1,559	2,471	101	2,572
18-40 Years of Age	196,099	7,633	203,732	26,624	1,525	28,149	222,723	9,158	231,881
40-65 Years of Age	105,856	4,871	110,727	8,745	574	9,319	114,601	5,445	120,046
65 and 65+ Years of Age	5,541	236	5,778	436	9	445	5,978	245	6,223
GRAND TOTAL	308,472	12,778	321,250	37,301	2,171	39,472	345,773	14,949	360,722

Table 9. Distribution of Prisoners as per Their Gender and Prison Type

Distribution of Prisoners as per Their Gender and Prison Type					
Date	Prison Status	Male	Female	Minor	Grand Total
03.07.2023	Open Prison	123,878	5,439	399	129,716
	Closed Prison	219,816	9,409	1,781	231,006
	Grand Total	343,694	14,848	2,180	360,722

Note: The figures above include the number of convicted prisoners on COVID-19 leave under Law No. 7242.

THE RIGHT TO HEALTH AND SICK PRISONERS

It is observed that the main health problems in prisons in terms of the right to health are multidimensional and diverse as revealed by applications received by IHD and the conferences with prisoners. First and foremost, overcrowded wards constitute an important problem in terms of the right to health.

The single-seater transport vehicles used in transfers to hospitals, which go against human dignity, also bring about serious problems in terms of the right to health. The basic needs of prisoners are not met during these transfers and even sick prisoners are transported in these vehicles. Forcing prisoners to be transferred in single-cell vehicles, which especially negatively affects lung diseases, especially asthma, and epilepsy stands out as one of the most important violations of rights.

In recent years, there have been problems in hospital referrals due to the gendarmerie's imposition of oral cavity searches in violation of human dignity and demanding prisoners take off their shoes and stomp on the floor, and sick prisoners cannot go to hospitals.

Sick prisoners are not taken to the infirmary on time when they need to see a physician and when they get sick. They are kept waiting in line for months for referrals from infirmaries to outpatient clinics and from outpatient clinics to tertiary health services. Moreover, health care conditions in prisons are not of a quality and capacity to handle the overcrowding. While these conditions are not sufficient even for the normal capacities of prisons, they lead to more violations in the current situation where the prison population is far above capacity.

In addition, the imposition of handcuffed medical examination and the entry of gendarmerie and execution guards into the examination room, which ignores patient-doctor privacy, constitute a violation of the right to health.

Other problematic areas include insufficient heating and ventilation of wards and cells, inadequate access to daylight, inadequate subsistence allowances, restricted access to clean water and hot water, and lack of dietary meals.

In the applications received, there are allegations that the subsistence allowances are insufficient, the meals are not nutritious, and the amount is small. It is also stated in the applications that foreign substances (hair, nails, worms, etc.) were found in the food.

Prisoners have problems with access to clean water and hot water. Drinking water can only be accessed for a fee. Clean water and hot water are provided inadequately and without considering the number of prisoners and quotas are applied.

Prisoners in critical condition are not released even though they are in the last stages of their illnesses. The fact that the Forensic Medicine Institution (FMI) delivers politically motivated release decisions, hospital reports are not recognized by the FMI, and the medical reports or decisions are not implemented on the grounds of "security" put such prisoners even more at risk. We demand that prisoners in critical condition be released and the enforcement of their sentences be postponed as they are in the serious risk group in case of a pandemic, and that those on remand be released immediately.

According to information covered in this report too, there are currently **1,517** sick prisoners in prisons, **651** of whom are in critical condition. These cases are only the ones that İHD was able to identify. In 2022, **2,439** violations were identified regarding the titles under the right to health.

International legislation imposes positive obligations on states regarding the right to life of persons deprived of their liberty. States are obliged to ensure that persons deprived of their liberty are on equal footing with free individuals in terms of the right to access to health. Law No. 5275 on the Enforcement of Sentences and the related regulations are in serious non-compliance with the UN Mandela Rules. We will continue to express our criticism and suggestions on this issue.

İHD's recommendations on sick prisoners' right to health and right to life are, thus, as follows:

- All prisoners in critical condition should be released immediately on the basis of a full-fledged hospital report; their treatment should be continued with their families and their health insurance should be covered by the state;
- The Forensic Medicine Institution should be removed from being the final and sole authority for reports on the postponement of enforcement of sentences due to health reasons. The Forensic Medicine Institution should deliver decisions in line with medical science and ethics, not according to the pressure of the political power.
- The discretionary power of public prosecutors should be abolished in decisions on postponement of enforcement of sentences due to health reasons, and the enforcement of sentences should be postponed on the basis of the reports given by hospitals;
- The criterion of "danger to public safety" for the postponement of enforcement of sentences for sick prisoners should be removed from the law;
- The regulation in Article 25 of the Law on the Enforcement of Sentences, which constitutes an obstacle to the postponement of enforcement of sentences for sick prisoners, and the regulation in paragraph 16 of Article 107 should be removed;
- In accordance with the ECtHR's *Kaytan v. Turkey* judgment, prisoners should be given a suitable date for their release, taking into account their age and state of health;
- The ECtHR's ruling in *Gülşay Çetin v. Turkey* should be implemented and it should be kept in mind that not releasing sick prisoners is a violation of Article 3 of the ECHR;
- The circular regulating the President's authority to pardon prisoners on health grounds should be amended, the Forensic Medicine Institution should be removed from being the sole determinant, and the President should use their authority regarding seriously ill prisoners without discrimination.

ACCESS TO FUNDAMENTAL RIGHTS AND RIGHTS VIOLATIONS IN PRISONS

RIGHT TO LIFE

The right to life is sacred and the most fundamental right. Protection of human life requires the protection of a human being's both physical and psychological integrity. The right to life, therefore, is under absolute protection. Article 17 § 1 of the Turkish Constitution, Article 2 of the ECHR and Article 6 of the International Covenant on Civil and Political Rights (ICCPR) enshrine protection of life. All the rights pertaining to maintaining a person's existence in healthy physical and psychological integrity are absolutely valid for each individual deprived of their liberty. Yet, prisoners face biological and psychological decay, along with the fact that incarceration is itself oppressive, through subjection to numerous rights violations while their right to life is not protected.

At least 81 prisoners lost their lives in Turkish prisons in 2022. However, as in all rights violations in prisons, it should be noted that the actual figure is much higher than this due to the intense lack of information/data.

36 prisoners died due to their medical conditions. Among the sick prisoners, 1 prisoner was over 70 years old and 4 prisoners were over 80 years old. Further, 6 of the sick prisoners on the brink of their lives died shortly after their release.

While 25 prisoners, including 2 women prisoners, died under suspicious circumstances, the cause of death of 1 prisoner was not disclosed.

In 2022, it was claimed that 19 prisoners died by suicide and two of those driven to suicide were minors. States are also responsible to take the necessary measures to protect life against self-imposed risks under certain circumstances. Therefore, suicide cases in prisons should be addressed fundamentally as one of the violations of the right to life. The increase in the number of recent suicide cases in prisons is also closely associated with rights violations in prisons. The high prevalence of suicide cases, particularly among non-political prisoners, reveals the prevalence of rights violations they are subjected to and the fact that conditions in prisons infringe the inherent dignity of the human person. Authorities need to take preventive measures in such suicide cases, improve the conditions that drive people to suicide, initiate investigations into those involved in acts of violence, and to eliminate the reasons thereof. Driving a person to suicide is a criminal offense that is proscribed under Article 84 § 1 of the Turkish Penal Code (TPC). Moreover, third parties cannot commit an act that would damage the interest of a person by violating their bodily integrity; this is a criminal offense under Articles 81, 82, 84, and 87 of the TPC.

In 2022, there were 10 prisoner applicants who attempted suicide and/or declared that they would attempt suicide.

All these mortality cases were in fact preventable. Authorities should take necessary measures to prevent such cases in prisons, which are on the rise and became prevalent, grant the right to access to healthcare, and thoroughly provide all conditions in line with the inherent dignity of the human person to protect physical and psychological integrity of persons. The Human Rights Association urges authorities to protect the right to life without exceptions that is guaranteed under both domestic law and international conventions and covenants, and to take all necessary measures to this end. Moreover, prisons should be made available for the monitoring of civil society organizations. İHD also calls on the Human Rights and Equality Institution of Turkey, the Ombudsman, and the Human Rights Inquiry Committee of the Grand National Assembly of Turkey

to operate their monitoring mechanisms more effectively, and on political parties to take on more initiative about this matter.

Table 10: Prisoners Who Lost Their Lives in 2022 [Total: 81 Prisoners]

1.	M.S.: Batman M-Type Closed Prison. Allegedly died by suicide on 01.01.2022.
2.	M.E.: Van M-Type Closed Prison. Died under suspicious circumstances on 11.01.2022.
3.	Y.E.: Aydın E-Type Closed Prison. Allegedly died by suicide on 13.01.2022.
4.	A.B.: (17-year-old minor): Sakarya/Ferizli Closed Prison. Allegedly died by suicide on 19.01.2022.
5.	R.T.: Van Maximum Security Closed Prison. Died of a heart attack on 20.01.2022 at the hospital.
6.	S.K.: Adana Closed Prison. Died of a heart attack on 29.01.2022.
7.	M.H.B.: Bolu F-Type Closed Prison. Died of a heart attack on 30.01.2022.
8.	S.U.: Nazilli E-Type Closed Prison. Allegedly died by suicide on 30.01.2022.
9.	T.D.: Metris R-Type Closed Prison. Sick prisoner. Died on 02.02.2022 in the intensive care unit at the hospital.
10.	E.E.: İzmir/Şakran T-Type Closed Prison. Died under suspicious circumstances on 05.02.2022.
11.	İ.Y.: Kırıkkale/Keskin T-Type Closed Prison. Died of a heart attack on 06.02.2022.
12.	Ş.A.: Mersin/Anamur T-Type Closed Prison. Admitted to hospital for COVID-19 and died after 53 days on 12.02.2022.
13.	N.M.: Manisa T-Type Closed Prison. 84-year-old sick prisoner in critical condition. Died on 13.02.2022.
14.	Y.B.: İzmir/Kırıklar F-Type Closed Prison No. 1. 82-year-old sick prisoner. Died after 48 days in intensive care on 19.02.2022.
15.	S.A.: Iğdır S-Type Closed Prison. Died under suspicious circumstances on 20.02.2022.
16.	T.I.: Bilecik M-Type Closed Prison. Died under suspicious circumstances on 23.02.2022.
17.	A.K.: Denizli/Kocabaş D-Type Closed Prison. Found dead in the ward on 25.02.2022. Died under suspicious circumstances.
18.	E.Ç.: Kandıra Closed Prison. Died of a heart attack on 26.02.2022.
19.	K.E.T.: Kayseri Prison for Minors. Allegedly died by suicide on 05.03.2022. Died under suspicious circumstances.
20.	B.Ç.: Diyarbakır D-Type Closed Prison. Sick prisoner. Lost his life shortly after his sentence was postponed on 11.03.2022.
21.	H.K.: Diyarbakır D-Type Closed Prison. Sick prisoner. Died on 15.03.2022 while in intensive care in the hospital where he was hospitalized due to intestinal cancer. Enforcement of his sentence was postponed 10 days before his death while he was in intensive care.
22.	S.K.: Iğdır S-Type Closed Prison. Died under suspicious circumstances on 20.03.2022.
23.	Ş.C.G.: Van F-Type Closed Prison. Died under suspicious circumstances on 22.03.2022.
24.	U.B. (17-year-old minor): Elazığ-Type Closed Prison. Allegedly died by suicide on 23.03.2022. Died under suspicious circumstances.

- 25.** A.B.: Midyat T-Type Closed Prison. 82-year-old sick prisoner. Died on 24.03.2022 in intensive care in a Diyarbakır hospital.
- 26.** R.A.: Silivri Open Prison. Cancer patient. Died on 24.03.2022, 10 days after the enforcement of his sentence was postponed.
- 27.** H.Ç.: Metris Closed Prison. Died under suspicious circumstances. Died 8 days after he was hospitalized.
- 28.** M.S.: Manisa T-Type Closed Prison. He died on 07.04.2022 due to brain hemorrhage.
- 29.** F.Y.: Silivri L-Type Closed Prison No. 5. Died under suspicious circumstances on 12.04.2022.
- 30.** Ö.B.: Oltu T-Type Closed Prison. Allegedly died by suicide on 19.04.2022. Died under suspicious circumstances.
- 31.** M.O.: Antalya Closed Prison. Allegedly died by suicide on 19.04.2022.
- 32.** A.N.B.: Kandıra F-Type Closed Prison. Died of a heart attack on 22.04.2022.
- 33.** S.Ş.: Patnos L-Type Closed Prison. Allegedly died by suicide on 26.04.2022.
- 34.** Y.A.: Bolu F-Type Closed Prison. Allegedly died by suicide on 08.05.2022.
- 35.** A.E.: İzmir/Kırıklar F-Type Closed Prison. 73-year-old sick prisoner. Died of COVID-19 while intubated at the hospital on 14.05.2022.
- 36.** F.D.: Tarsus T-Type Closed Prison. Died under suspicious circumstances on 15.05.2022.
- 37.** Cafer Gülkaya: Denizli T-Type Closed Prison, 17.05.2022'de çoklu organ yetmezliği nedeniyle hastanede yaşamını yitirdi.
- 38.** Y.E.Y.: Ceyhan M-Type Closed Prison, 20.05.2022'de allegedly died by suicide on.
- 39.** S.U.: Batman/Beşiri T-Type Closed Prison. Died under suspicious circumstances on 25.05.2022.
- 40.** H.K.: Denizli D-Type Closed Prison. Died of a heart attack on 04.06.2022.
- 41.** H.E.: Adana/Kürkçüler F-Type Closed Prison. Allegedly died by suicide on 09.06.2022. Diagnosed with bipolar disorder but was sent back to prison after having been hospitalized for 21 days.
- 42.** K.K.: Patnos L-Type Closed Prison. Died under suspicious circumstances on 12.06.2022.
- 43.** F.Ü.: Denizli/Kocabaş T-Type Closed Prison. Died of brain hemorrhage on 13.06.2022
- 44.** M.Y.: Bayburt M-Type Closed Prison. Died at the hospital on 13.06.2022 after an alleged suicide attempt. Died under suspicious circumstances.
- 45.** M.T.: Akhisar T-Type Closed Prison. Died of a heart attack on 14.06.2022.
- 46.** Y.C.A.: Maraş/Türkoğlu L-Type Closed Prison. Allegedly died by suicide on 20.06.2022. Died under suspicious circumstances.
- 47.** A.A.: Metris T-Type Closed Prison. Hospitalized after a suicide attempt on 26.06.2023. A release decision was delivered one day after he was declared brain dead.
- 48.** A.O.Y.: Bodrum Open Prison. Found hung on 10.07.2022. Died under suspicious circumstances.
- 49.** M.S.: Sakarya/Ferizli L-Type Closed Prison. Female prisoner. Died under suspicious circumstances on 11.07.2022.
- 50.** M.S.D.: Ödemiş T-Type Closed Prison. Died due to his critical medical condition on 17.07.2022.
- 51.** D.M.T.: Afyonkarahisar -Type Closed Prison No. 1. Died of lung cancer on 19.07.2022.

- 52.** K.E.: Diyarbakır Maximum Security Closed Prison No. 2. Died under suspicious circumstances on 21.07.2022.
- 53.** M.Y.: Urfa E-Type Closed Prison. Died under suspicious circumstances on 24.07.2022.
- 54.** B.A.: Sakarya/Ferizli L-Type Closed Prison. Allegedly died by suicide on 28.07.2022.
- 55.** T.Ö.: Silivri L-Type Closed Prison. Had a heart condition. Died on 30.07.2022 due to his sickness.
- 56.** M.B.: Sincan F-Type Closed Prison No. 1. Died under suspicious circumstances on 08.08.2022.
- 57.** T.A.: Batman M-Type Closed Prison. Died under suspicious circumstances on 09.08.2022.
- 58.** Z.(İ)Y.: Elazığ Maximum Security Closed Prison No. 2. Was in critical condition, died on 13.08.2022.
- 59.** M.C.: Giresun/Espiye L-Type Closed Prison. Died of a heart attack on 15.08.2022.
- 60.** R.A.: Kütahya/Tavşanlı T- Closed Prison. Died of a heart attack on 16.08.2022.
- 61.** B.Y.: Urfa T-Type Closed Prison No. 2. Was in critical condition, died on 18.08.2022.
- 62.** E.M.: Silivri L-Type Closed Prison No. 6. Died on 20.08.2022. Cause of death unknown.
- 63.** G.E.: Silivri L-Type Closed Prison No. 4. Died of a heart attack on 23.08.2022.
- 64.** F.Ç.: Aydın E-Type Closed Prison. Allegedly died by suicide on 24.08.2022. Died under suspicious circumstances.
- 65.** E.K.: Elazığ T-Type Closed Prison. Allegedly died by suicide on 02.09.2022. Died under suspicious circumstances.
- 66.** T.B.: Çorum/Sungurlu T-Type Closed Prison. Was in critical condition, died at the hospital on 02.09.2022. Was released 15 days before he died.
- 67.** E.H.: Diyarbakır Closed Prison for Women. Died under suspicious circumstances on 06.09.2022.
- 68.** E.P.: Yozgat Closed Prison. Died of a heart attack on 08.09.2022.
- 69.** B.K.: Malatya/Akçadağ T-Type Closed Prison. Died under suspicious circumstances on 18.09.2022.
- 70.** H.B.Ç.: Ordu/Ünye M-Type Closed Prison. Died under suspicious circumstances on 21.09.2022.
- 71.** M.M.A.: Diyarbakır T-Type Closed Prison No. 1. Allegedly died by suicide on 29.09.2022.
- 72.** S.Ç.: Rize/Kalkandere L-Type Closed Prison. Died of a heart attack on 12.10.2022.
- 73.** O.Y.: Aydın E-Type Closed Prison. Allegedly died by suicide on 13.10.2022.
- 74.** S.A.K.: Adana/Kürkçüler F-Type Closed Prison. Allegedly died by suicide on 30.10.2022.
- 75.** E.K.: Karabük T-Type Closed Prison. Was a stage-4 cancer patient. Was released on 02.09.2022 and died on 30.10.2022.
- 76.** M.Ş.: Silivri L-Type Closed Prison No. 6. Allegedly died by suicide on 08.11.2022. Although he had a medical report indicating that he could not live on his own, he was held in a single cell. He left a suicide note.
- 77.** B.Ç.: Gaziantep H-Type Closed Prison. Allegedly died by suicide on 19.11.2022.
- 78.** K.M.: Sincan F-Type Closed Prison No. 2. Died of brain cancer at the hospital on 23.11.2022. Was not released despite a Forensic Medicine Institute report.
- 79.** E.A.: Şırnak T-Type Closed Prison. Died on 08.11.2022. Was a cancer patient, allegedly fell and died of brain hemorrhage.

80. T.G.: Van F-Type Closed Prison. Had lung cancer and died on 09.12.2022, 13 days after he was released.

81. V.A.: Sincan F-Type Closed Prison. 84-year-old prisoner had advanced dementia. Died on 20.12.2022. Broke his ribs after a fall in November and was sent back to prison.

HUNGER STRIKES

Individuals have long been going on hunger strikes, indefinite and non-alternate or otherwise, or on death fasts in order to protest the practices or problems in Turkish prisons, irregularities within the penal system or the misuse of problems in this system. People are involved in such acts as the last resort to fight injustice which need to be addressed with utmost gravity as per their possible consequences. The deterioration of repression on prisoners due to the methods they resort to while trying to find solutions to their problems, the fact that they are forced to adopt or opt for such acts more often which threaten their lives thinking that there is no other way than going on a hunger strike in order to find solutions to their problems and make officials hear their voices, along with the gradual spread of hunger strikes among common prisoners make us concerned more than ever. Prisoners have been staging such protests from time to time against these sorts of problems in Turkish prisons. Not only the instances specifically addressed below, but also prisoners in numerous singular protests in various prisons go on hunger strikes.

In 2022, prisoners went on hunger strikes in many prisons in Turkey due to problems in the penal system. We do not have clear information about in which prisons the prisoners went on hunger strikes. However, as shown in the table below, we have information revealing that at least 234 prisoners went on hunger strikes and/or death fasts in at least 33 prisons, mostly by more than one prisoner and/or more than once. Therefore, we can easily state that there are many more hunger strikes than our association has access to and is aware of.

Table 11. Hunger Strikes and Death Fasts in Prisons in 2022

1	Afyon T-Type Closed Prison No. 1 (11)
2	Antalya/Elmalı T-Type Closed Prison (Death fast: 1)
3	Bafra-Type Closed Prison (1)
4	Balıkesir/Burhaniye T-Type Closed Prison (Death fast: 1)
5	Balıkesir/Kepsut L-Type Closed Prison (1)
6	Bodrum S-Type Closed Prison (1+3)
7	Bolu F-Type Closed Prison (Death fast: 1+1+3+1)
8	Balıkesir/Burhaniye T-Type Closed Prison (1)
9	Çorum/Sungurlu T-Type Closed Prison (Death fast: 2)
10	Diyarbakır Maximum Security Closed Prison No. 1 (Collective)
11	Elazığ Maximum Security Closed No. 2 Prison (1)
12	Elazığ T-Type Closed Prison (1)
13	Ereğli Maximum Security Closed Prison (1+1+7)
14	Erzurum/Dumlu Maximum Security Closed Prison No. 1 (1)
15	Giresun/Espiye L-Type Closed Prison (1+1+23)

16	İğdır S-Type Closed Prison (1)
17	İslâhiye T-Type Closed Prison (4)
18	İzmir Buca Kırıklar F-Type Closed Prison No. 1 (Death fast: 1+ Hunger Strike: 1+13)
19	İzmir Buca Kırıklar F-Type Closed Prison No. 2 (1+)
20	Kocaeli/Gebze Closed Prison for Women (40)
21	Kocaeli/Kandıra F-Type Prison No. 1 (1+1)
22	Malatya/Akçadağ T-Type Closed Prison (1)
23	Manisa/Alaşehir T-Type Closed Prison (Death Fast: 1)
24	Maraş Türkoğlu L-Type Closed Prison No. 1 (14)
25	Mardin E-Type Closed Prison (1)
26	Patnos L-Type Closed Prison (10+)
27	Sincan Maximum Security Closed Prison No. 2 (6)
28	Sincan Closed Prison for Women (Death Fast: 1)
29	Tarsus Closed Prison for Women (7)
30	Tekirdağ F-Type Closed Prison No. 1 (Death Fast: 2)
31	Tekirdağ F-Type Closed Prison No. 2 (5+12+1)
32	Trabzon/Beşikdüzü T-Type Closed Prison (20)
33	Van Maximum Security Closed Prison (24)

In 2022, hunger strikers in prisons demanded solutions to different problems that can be addressed in the context of human rights which is an indication of how unbearable the problems have become for prisoners. Those who govern the country are mainly responsible for the fact that people are forced to put their lives on the line by going on hunger strikes. While it is quite possible to find a solution to hunger strikes based on the value of human beings and life, the fact that people lose their lives as a result of the insensitivity of the political power, to put it mildly, causes irreparable wounds in collective conscience.

Y.B. set himself on fire in protest against isolation and violations of rights in prisons in Ereğli Maximum Security Closed Prison.

TORTURE AND ILL-TREATMENT

International legislation encumbers states with certain duties and obligations about the rights of persons deprived of their liberty. Turkish legislation, too, enshrines the obligation that prisoners should be treated respectful of their human rights.

Article 10 of the ICCPR clearly states: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Article 1 of UN’s Basic Principles for the Treatment of Prisoners puts forth: “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”

The ECtHR’s Grand Chamber underlined in its judgment in the case of *Kudla v. Poland* that, under Article 3 of the ECHR, states should “ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured by, among other things, providing him with the requisite medical assistance.”⁵

Article 72 § 1 in the Recommendation on the European Prison Rules [Rec(2006)2]⁶ Council of Europe Committee of Ministers thusly prescribes: “Prisons shall be managed within an ethical context which recognizes the obligation to treat all prisoners with humanity and with respect for the inherent dignity of the human person.”

Further, the Preamble to the Constitution sets forth “That every Turkish citizen has an innate right and power, to lead an honorable life and to improve his/her material and spiritual wellbeing” while Article 17 of the Constitution enshrines that “No one shall be subjected to penalties or treatment incompatible with human dignity.”

Within national legislation, Article 2 of Law on the Enforcement of Sentences and Security Measures includes the provision prescribing “In the execution of penalties and security measures, there shall be no cruel, inhuman, degrading or humiliating treatment” while Article 46 § 9 of the Statute on the Administration of Penitentiary Institutions and the Enforcement of Sentences and Security Measures states that “respect for human dignity during searches and roll-calls is a must.”

Acts of torture and ill-treatment in prisons are listed in this report under such headings and sub-headings as beatings/threats/insults and provocative acts, strip searches, oral searches, standing roll-calls/marching single file in military order, prevention of the right to air, problems with cells and wards, informant-making efforts, cameras recording living areas, raid searches and scattering of prisoners’ belongings during searches, police officers in searches wearing gendarmerie vests, denial of visitation rights to those whose relatives are seriously ill, denial of the right to attend funerals for those whose relatives have died, and isolation.

1,852 violations have been identified under these headings.

⁵ ECtHR Grand Chamber. *Case of Kudla v. Poland*. Application No. 30210/96. 26 October 2000. <[https://hudoc.echr.coe.int/eng#{"itemid":\["001-58920"\]}](https://hudoc.echr.coe.int/eng#{)> (para. 94.)

⁶CoE Committee of Ministers. “Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules.” 1 July 2020.

“<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016809ee581>

Battery/Threats/Insults and Provocative Acts

At least 308 violations under this heading were committed in prisons, including at least 272 violations in the form of beatings, threats, insults and 36 violations in the form of provocative acts by wardens.

Strip Search

Although acts of torture assume gradually varying and increasingly novel practices, torture maintains its nature as is and is being committed in the form of cruel, painful, derogatory, and degrading acts that target human dignity and individual integrity. Even exceptional practices like strip search, mentioned in legal regulations to be allowed only under very special circumstances, have been made widespread having been justified by provisions in legislation in recent years. Acts of strip search and forced stripping are committed as acts of torture that violate persons' privacy, target their moral values and social identity, upset their psychological integrity which amount to sexual violence. Yet the facts that "searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity" (Rule 50) while "searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy" (Rule 51) are clearly expressed in the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).⁷

The World Medical Association (WMA), too, clearly underscores that "forced examinations are not ethically acceptable" in its Statement on Body Searches of Prisoners⁸ last revised in 2016. The WMA urged all governments and public officials with responsibility for public safety to recognize that invasive searches were serious assaults on a person's privacy and dignity, and they also carried some risk of physical and psychological injury while recommending that alternate methods be used for routine screening of prisoners, including ultrasound and other scans, and body cavity searches be used only as a last resort and warned that physician participation to this end would upset the trust in patient/physician relationship.

For the legal basis of the practice of "strip search" in Turkey, one can refer to the "Regulation on the Administration of Penitentiary Institutions and the Enforcement of Sentences and Security Measures." Although denied by the government, Article 34 of the regulation prescribes the conditions under which "strip searches" can be conducted in prisons.

The strip search, a form of torture, is imposed on prisoners as well as on their visitors and sometimes on their families as a degrading practice under the name of "fine search."

Especially considering the recent practice of strip search as a form of masculine violence within the scope of the crime of torture and its characteristic of being directed primarily against women, it is important to fight against the incidents that torture survivors are subjected to, to emphasize its unacceptability, and to consider women as a group whose rights must be protected in a male-dominated society, taking into account such practices that exacerbate gender-based inequalities.

In conclusion, strip searches and forced undressing are acts of torture and ill-treatment that violate the privacy of the person, target their moral values and social identity, harm their mental integrity

⁷ UN GA Resolution. (A/RES/70/175) "United Nations Standard Minimum Rules for the Treatment of Prisoners." 17 December 2015. <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/443/41/PDF/N1544341.pdf?OpenElement>>

⁸ WMA. "Statement on Body Searches of Prisoners." October 2016. <<https://www.wma.net/policies-post/wma-statement-on-body-searches-of-prisoners/>>

and amount to sexual violence. Strip search at the time of entry to and exit from prisons has become a routine practice. Prisoners who object to strip searches are not only subjected to forced searches but also to beatings and violence.

Oral Cavity Searches

Prisoners have been subjected to humiliating oral cavity searches in recent years, especially during hospital and prison transfers. In particular, prisoners are not referred to hospitals due to oral searches, which also leads to violations of the right to health.

In 2022, 51 prisoners launched applications complaining of the practice of dental cavity searches. However, this practice is applied in almost all prisons by law enforcement officers.

Standing Roll-Calls / Oral Reporting on the Phone / ID Cards / Forced Marching in Single File in Military Order

Imposition of standing roll-calls, forced oral reporting on the phone, compulsory ID cards, forced marching in single files in military order not only prove to be one of the tools used by administrations to exert their own power over prisoners, but also stand out as acts of torture and ill-treatment in prisons.

Standing roll-calls are imposed even in cases where the cell population is very small. This also includes prisoners in solitary cells. It is also an instrument of psychological pressure. Situations such as standing at attention, buttoning the front of the clothes, salutation are also observed. Even prisoners who are known to be ill or who have physical difficulty in standing up are forced to do so during counts. As a means of pressure, in some prisons, counting is also carried out at night.

Prisoners are forced to report their names during phone calls. In this practice, both the prisoner and the person they talk to are asked to introduce themselves (name-surname) and when this is not done, the phone calls are interrupted.

In some prisons, prisoners are obliged to wear ID cards, and prisoners who refuse to do so are subjected to disciplinary action.

According to the applications received, prisoners are asked to walk by the wall, in military order and in single file during their transfers (hospital, prison, court etc.), phone calls, open/closed visits.

Prisoners who object to or resist these practices are threatened and even subjected to torture and ill-treatment, and disciplinary action is taken against them. In many cases, they are held in solitary confinement and measures are taken to delay their release.

At least 85 violations were identified under this heading.

Violations of the Right to Fresh Air

International standards specify that prisoners should have at minimum one hour in the open air per day. This should provide the opportunity for exercise, relaxation, fresh air and to be exposed to sunlight.⁹

⁹ <https://www.apt.ch/en/knowledge-hub/detention-focus-database/life-prison-regime-and-activities/outdoor-exercise#:~:text=International%20standards%20specify%20that%20detainees,to%20be%20exposed%20to%20sunlight>

At least 17 violations of the right to fresh air, the most important need of prisoners within the scope of the right to health, were identified.

Problems with Cells and Wards

A total of 593 violations were specified under this heading including but not limited to holding prisoners with different political leanings in the same ward, refusal of requests to transfer to other wards, forced transfer to other wards, holding prisoners in single cells,

Informant-Making Efforts

There are also cases in our records where prisoners were taken from their wards from time to time and forced to meet or even cooperate with the police. In 2022, 4 prisoners were forced to cooperate with the police, but the exact number of those who were subjected to this coercion is not known.

Cameras Recording Living Spaces

One of the most important violations of rights in prisons is the cameras installed to see the living spaces. With these cameras, private spaces of prisoners are monitored and their right to privacy is violated. However, the right to respect for private life is also valid for prisoners and is guaranteed by law and international conventions.

Thus, Article 20 of the Constitution titled "Privacy of Private Life" prescribes: "Everyone has the right to demand respect for his/her private and family life. Privacy of private or family life shall not be violated." Article 8 of the ECHR titled "Right to Respect for Private and Family Life" also enshrines: "Everyone has the right to respect for their private and family life, their home and their correspondence."

We have received complaints under this heading from 79 prisoners.

Raid searches and the scattering and destruction of prisoners' belongings

In addition to routine ward and room searches, applications were received regarding sudden and unannounced room searches (148 violations). Prisoners stated that their letters, items, books previously bought from the commissary were seized, their belongings were scattered and broken during these searches, and prisoners who opposed to this were subjected to threats, insults and ill-treatment.

395 violations were specified under this heading.

Participation of police officers in searches wearing gendarmerie vests

By law, security of prisons falls under the purview of military law enforcement. Police officers do not have the power to search prisons. 1 complaint was received under this heading.

Violation of the Prohibition of Discrimination

The prohibition of discrimination and the principle of equality are guaranteed in Article 10 of the Constitution. Further, the principle of equality also imposes obligations on states in international and national texts.

According to Article 10 of the Constitution, “Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds.” The Constitutional Court has defined the concept of inequality as “different treatment of individuals in the same situation without any objective and reasonable basis.” In other words, within the scope of laws and conventions, “Everyone is equal in the enjoyment of legally recognized rights and freedoms and discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability and age is prohibited.”

However, in prisons, which are places of confinement, prisoners are subjected to many forms of discrimination and their rights are ignored in violation of the principle of equality.

At least 66 violations of the prohibition of discrimination were identified including but not limited to racist and discriminatory acts, discrimination between prisoners, making prisoners stand at attention during meetings with the prison administration.

Visitation Rights

Applications were received regarding violations such as prevention of prisoners’ visitation rights by both family and friends, and restriction of visitation periods. Shortening the visitation period of prisoners whose families reside in distant places and whose visits are already limited, also constitutes a violation for their families. 455 violations were specified under this heading.

Prisoners whose relatives were in critical conditions were denied the right to visit and have phone calls, and prisoners whose relatives died were prevented from attending funerals on various grounds. Under this heading, 9 violations were identified.

Violation of the Right to Hope

Prisoners serving a sentence of imprisonment without the hope that one day they will be released is a violation of the prohibition of inhuman or degrading treatment or punishment under Article 3 of the ECHR. The ECtHR has developed a series of case law on the right to hope. According to the ECtHR judgements, life imprisonment sentences should be reviewed periodically within the scope of the convict’s right to hope for release.

Within the scope of this right, 2 violation applications were received.

Social Activities and Violations

There are various practices for social activities in Turkish prisons. Prisoners’ right to engage in social activities though are granted having their legal rights limited or restricted in many prisons. There are many applications that indicate that the activity periods were shortened, the number of prisoners to be involved in activities were limited, and prisoners were forced to engage in activities with the same persons all the time. Although the number of violations in the report is equal to the

number of prisoners' applications, the number of violations can be expressed hundreds of times more since these violations are applied in the whole prison.

There were 847 violations under this heading.

Violation of the Right to Communication

In 2022, serious problems were reported in the exercise of the right to communication in prisons. Prisoners reported violations of rights such as prevention of video phone call rights, prevention of sending letters, not sending and not delivering letters in Kurdish. We observe that the "internal mail" method used by prisoners in the same prison to communicate among themselves has also been subjected to restrictions. It is stated in the statements of prisoners that letters take a very long time to be sent and that a letter sent to the ward in the other corridor arrives 60 days later.

Letters and petitions intended for the outside world are rejected on the grounds that they "denigrate prison conditions and prison administrations" and "contain false information and slander."

In addition to all these, prisoners are constantly subjected to disciplinary action for their letters and petitions, objections to oppression and violations, and may be deprived of their rights to communication. Letters written in Kurdish are not handed to prisoners or the letters written by these prisoners are not sent. Further, all these rights of foreign prisoners, especially Syrian prisoners, are restricted because they do not speak Turkish. There are many applications on these issues.

These violations also violate the right to respect for private and family life and 1004 violations were identified under this heading.

Another problematic area is that care packages sent by their families are not delivered to prisoners. Even if the parcels contain only clothes, there are many claims that these parcels are either not delivered at all or delivered very late. There are also allegations that the commissaries are designated as the sole places for the supply of many materials, especially the materials prisoners use for writing activities, and therefore the administrators do not want to deliver such parcels.

Violation of the Right to Information

Law on the Enforcement of Sentences and Security Measures, which went into effect on 15 April 2020 having been published in the *Official Gazette*, limits publications to be allowed in prisons:

Article 32 – Article 62 § 3 of Law No. 5275 was amended in the following way and the following paragraph was added to the article.

(3) No publication that disrupts or threatens the discipline, order or security of the institution, makes it harder to achieve goal of rehabilitation of convicts or those that contain obscene reports, articles, photographs and comments shall be delivered to convicts.

(4) Newspapers that do not have the right to print official announcements and advertisements through the Press and Advertisements Agency shall not be allowed in the penitentiary institution. But this provision does not cover temporary suspension of publishing announcements and advertisements. The Ministry of Justice decides whether newspapers and journals in a foreign language can be allowed in the penitentiary or not.

We see that periodicals requested by prisoners are not allowed in prisons following these amendments. This attempt at obstruction in fact works at two levels: Firstly the opposition media is prevented from taking official announcements and advertisements from the Press and Advertisements Agency (Basın İlan Kurumu -BİK), the state ad agency, then prisoners' access to such periodicals, which were subjected to this kind of prevention, are restricted. For instance, *Yeni Yaşam*, *Evrensel*, *Birgün* newspapers are not handed to prisoners on the pretext of "not receiving official announcements and advertisements from the Press Advertisement Agency," and no TV channels are allowed other than those specified by prison administrations. Also in some prisons, radios that prisoners bought from the commissary were confiscated.

A similar situation also holds true for books in prisons. Yet practice is based solely upon arbitrary grounds in this case. Prison administrations do not deliver books to prisoners sent in by their families if they think that the books are undesirable or should be banned. Questions addressing this situation are often answered by statements like "those are banned publications," "their contents are banned," or "they disrupt the institution's security."

Publications in languages other than Turkish, specifically Kurdish publications, are not allowed in prisons with administrations stating that "There are no Kurdish speaking staff here; only if you pay the translator's fees, we can deliver them."

In addition to these; when prisoners want to send their drafts of novels, stories, etc. to be published, these publications are confiscated and not sent by prison administrations on the grounds that they contain propaganda.

The number of books allowed in wards or cells vary according to the prison. In some prisons, prisoners are allowed to keep up to eight books but in some this figure goes down to three. Prison administrations do not replace these books for long as well. Requested books may be kept for a long time on the ground of review.

1214 violations were identified under this heading.

DISCIPLINARY ACTION AND THE ENFORCEMENT OF SENTENCES

Prison administrations respond to all kinds of rights requests or reactions to violations with taking statements down and initiating disciplinary investigations. Further, these practices may well be based on extremely arbitrary grounds like prisoners' greeting one another or inquiring after one another's health. Notifying the outside world about the rights violations and oppressive practices in prisons may also be regarded as grounds for disciplinary action.

Prisoners indicate that prison staff batter or insult prisoners during social activities, transfers to and from the prisons, roll-calls and searches while they sometimes provoke prisoners acting outside the general procedure in order to launch disciplinary proceedings into prisoners. According to prisoners' accounts, all those who do not comply with arbitrary and non-procedural practices face investigations and punished with solitary confinement.

Disciplinary action taken as a result of these proceedings include prohibition of the right to communication and solitary confinement. Yet, what is more important is that prisoners' right to reduction in their sentences is cancelled under the disguise of these disciplinary actions. Rights based on the Enforcement Law have already been implemented according to what the prison administrations prefer. Even critically sick prisoners serving the last year of their sentences, those in good conduct are not released. Supervised release for good conduct has already been made unavailable for prisoners due to disciplinary actions.

At least 251 violations of disciplinary proceedings and various penalties were reported.

Prisoners are confined to solitary cells and padded cells when they receive disciplinary punishment. In 2022, 180 violation applications were received about 178 prisoners who were confined to solitary cells and 2 others to padded rooms.

TRANSFER REQUESTS AND ENFORCED TRANSFERS

It is observed that one of the most common rights violations is enforced transfers when one studies the recent rights violations reports on prisons. Prisoners are notified of transfers a short while before and sometimes they are taken out of wards and cells on other grounds having been not notified at all. There are many prisoners whose belongings are not delivered to them or a part of their belongings was left at their former prisons although they were transferred to another one. Sick prisoners are also subjected to such transfers and their treatments are interrupted to a great extent.

The fact that prisoners are usually transferred to far away prisons from where their families live is another violation. We observe that this fact gives way to serious economic problems for prisoners' families and communication is completely severed between prisoners and their families.

Council of Europe, Committee of Ministers' Recommendation on the Management by Prison Administrations of Life Sentence and Other Long-Term Prisoners (Rec(2003)23) thusly states: "Special efforts should be made to prevent the breakdown of family ties. To this end, prisoners should be allocated, to the greatest extent possible, to prisons situated in proximity to their families or close relatives."¹⁰

¹⁰ CoE Committee of Ministers. "Recommendation of the Committee of Ministers to Member States on the Management by Prison Administrations of life Sentence and Other Long-Term Prisoners." Rec(2003)23. 9 October 2003. <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805dec7a> para. 22.

The ECtHR delivered an important judgment on this issue as well. Prisoners Abdülkerim Avşar and Abdülkerim Tekin lodged an application before the court upon their enforced transfer to a detention facility in Kırıkkale which was far away from where their families lived. The Court ruled in its judgment in the case of *Avşar and Tekin v. Turkey* that Turkey violated its “obligation to respect family life.” Turkey is obliged to transfer prisoners taking into account health, distance, visitation problems, etc. under this judgment.

The requests of close relatives (father-son or siblings) to stay together in prison are also denied. Such practices must end.

Under this heading, 868 violations were specified.

RIGHT TO PETITION

Prisoners who want to learn about their situation or the fate of their previous letters or petitions by writing petitions also face obstacles. In some cases, requests for paper and pens to convey their demands and get information are not met at all. In general, many requests for writing are left unanswered by prison administrations.

Law No. 3071 on the exercise of the right to petition, Article 3 states: “Turkish citizens have the right to apply in writing to the Grand National Assembly of Turkey and to the competent authorities about their petitions and complaints concerning themselves or the public. (Addition: 2/1/2003-4778/25 Art.) Foreigners residing in Turkey may benefit from this right, provided that reciprocity is observed and their petitions are written in Turkish.” According to the principle of equality prescribed in paragraph 1 of Article 10 of the Constitution; “Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds.”

In 2022, there were at least 146 violations of the right to petition and investigations into petitions.

RIGHT TO A FAIR TRIAL

There are numerous prisoners in Turkey who are not allowed to exercise their right to a fair trial. These prisoners’ right to a fair trial not only is prevented during their detention but also their efforts are forestalled subsequently.

Particularly prisoners, whose mother tongue is not Turkish, face serious challenges. This barrier cannot be surpassed in practice during the whole process from their defenses to rulings delivered by courts.

Long-term detention and delayed indictments, too, bring about serious rights violations for prisoners. Ineligibility for reduction in sentences due to arbitrary disciplinary action needs to be noted here as well.

Another important issue is that prisoners are not able to appear before courts during trials. Prisoners, who are already transferred to distant prisons from the places they stand trial, do not have the chance to be present at their hearings. Yet, in other cases, there emerged a disposition on part of the authorities to enable prisoners to appear before courts via SEGBİS, an audio-visual information or videoconference system. Such state of affairs infringes the directness principle and violates individuals’ rights to a fair trial and defense.

129 violation cases were specified under this heading.

RIGHT TO EDUCATION

Right to education is enshrined in the Turkish Constitution. Article 42 titled “Right and Duty of Education” thusly states: “No one shall be deprived of the right of education. The scope of the right to education shall be defined and regulated by law.” Also Article 10 of the Constitution prescribes that “Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds.”

Although the right to education is guaranteed in the Constitution, prisoners raised allegations that their right to education is prevented by prison administrations, especially in open penitentiary institutions. We received 6 applications from prisoners who passed the university entrance exam, claiming that their right to education was violated.

AGGRAVATED WORKING CONDITIONS IN OPEN PRISONS

6 prisoners applied to İHD on issues such as working conditions of prisoners in open prisons, violations faced by prisoners and forcing them to work in jobs that are not suitable for their health conditions.

PREVENTION OR DELAY OF RELEASES BY DECISIONS OF THE ADMINISTRATIVE OBSERVATION BOARDS - OBSTACLES TO THE RIGHT TO TRANSFER TO OPEN AND PROVINCIAL PRISONS

The “Regulation on Observation and Classification Centers and Evaluation of Convicts,” which entered into force after being published in the *Official Gazette* No. 31349 on 29/12/2020, reviews prisoners’ good behavior in 6-month periods through boards. These boards are in violation of the Constitution and the European Convention on Human Rights. İHD launched an application to the Council of State on 12 December 2020, demanding a stay of execution on the said regulation, but this application is still pending.

The boards established in line with this regulation act like courts and evaluate the prisoners’ good behavior and decide whether they will benefit from the rights of conditional release and supervised release. In addition, the Administrative and Observation Boards, in their evaluations on prisoners, decide that prisoners are not in good behavior on the grounds of disciplinary penalties they received before the effective date of the regulation, which violates the principle of “prohibition of retroactivity” and prevent the release of prisoners.

Observation boards make abstract and subjective comments while deciding whether prisoners are in good behavior or not, and they ask political prisoners to declare their regret. Due to these decisions, hundreds of political prisoners are deprived of their rights to supervised and conditional release. İHD receives many applications from prisoners whose release is prevented by the decisions of the observation boards.

There are a total of 193 applications under this heading.

ECONOMIC CONDITIONS AND POVERTY

One of the direst problems in prisons is economic ones. Especially the poverty of prisoners' families brings along the poverty of prisoners. Considering that almost everything in prisons is provided by the commissaries for a fee, the depth of the deprivation of prisoners who have no income is also revealed. In addition, the fact that postal and telephone cards, which are means of communication, are paid, also eliminates the prisoners' contact with the outside world. Also, the fact that the electricity used for essential tools such as television, refrigerator, samovar, etc. in the wards is charged, and moreover, it is calculated at the industrial unit prices and collected from the prisoners' accounts increases this poverty.

The products sold in the commissary are scarce, of poor quality and expensive. This situation constitutes a major obstacle before access to additional food and necessities for prisoners who cannot get adequate nutrition in prisons. Moreover, it is inevitable that certain hygiene problems arise due to prisoners' lack of access to basic needs.

The fact that underwear, socks, towels, bed linen etc. sent by the families are not accepted and they are demanded to be supplied from the commissary also constitutes an economic violation.

The fact that the small amounts of money sent to foreign prisoners, especially whose families are poor, for solidarity purposes are subject to investigation, and those who deposit money in such cases may also be subjected to arrests also increase poverty.

Especially in the maximum security and S-Type closed prisons opened in recent years, holding prisoners in single rooms has eliminated the economic solidarity among prisoners and eliminated the prisoners' access to communication, access to food, access to drinking water, and other essential needs.

In 2022, a high number of applications were made for economic rights. There were 671 violations under this heading.

Problems in prisons are not solely limited to the above-mentioned ones. We do know that points made by İHD and other organizations working in the field of prisons can merely account for the visible part of the iceberg. We would, however, like to summarize other repressive policies to the best of our knowledge.

131 violations were identified under this heading.

ISOLATION & INCOMMUNICADO DETENTION

In Turkish prisons isolation is imposed in various forms. Isolation exists as a punitive method in many prisons, most notably the grave form of isolation that has long been in place in İmralı Prison.

Specifically through the amendment to Law No. 7242, which introduced using the COVID-19 pandemic as an excuse, the enforcement conditions for prisoners under the Anti-Terror Code were aggravated to their detriment.

Prisoners had gone on hunger strikes for the prisoners held in İmralı Maximum Security F-Type Prison and isolation had been temporarily lifted with the impact of these strikes. Yet, visitation bans have been reinstated since 7 August 2019. These bans are against the UN's Mandela Rules, CPT recommendations and Law No. 5275 on the Enforcement of Sentences. Lawyers of the prisoners held in İmralı Prison lodged an application before the İHD via email on 22 January 2021 stating the following:

Our client Mr. Abdullah Öcalan has been incarcerated as an aggravated life prisoner in İmralı Prison since 15 February 1999. Our three other clients Mr. Hamili Yıldırım, Mr. Ömer Hayri Konar and Mr. Veysi Aktaş were transferred to İmralı Prison from various other prisons in March 2015. İmralı Prison not only is the only island prison in the country, but it is located within a second-degree land, air, and sea military prohibited zone. Our clients' exercise of their right to visitation guaranteed by law is subjected to the permission of the prison administration and is only possible when the administration provides the necessary opportunities. Thus, their family members and lawyers are required to submit a written request before the Bursa Chief Public Prosecutor's Office in order to exercise their visitation rights. Our clients' contact with the outside world is cut off because of this de facto situation that enables the administration to unlawfully enjoy an arbitrary elbow room. Our clients are not allowed to enjoy their family and lawyer visitation rights, which are among the most fundamental rights of prisoners, along with their rights to communication other than in exceptional cases. Under domestic legislation, our clients are entitled to have family visitation twice a month every fortnight and similarly have the rights to access to telephone, correspondence, and conferences with their lawyers. Although legal regulations are thusly put forth, Mr. Öcalan has been able to confer with his lawyers only 5 times since 27 July 2011. He was also able to have family visitation only 6 times within a long period on 6 October 2014, 11 September 2016, 12 January 2019, 5 June 2019, 12 August 2019 and 3 March 2020. While his right to written correspondence has been prevented in practice, his access to telephone was only permitted once on 27 April 2020 due to the pandemic within the 22 years he has been held in İmralı Prison.

Since his transfer to İmralı Prison in March 2015, despite all attempts and requests, Mr. Konar has not been able to have any meetings with his lawyers and has only been able to have 3 family visits on 5 June 2019, 12 August 2019 and 3 March 2020. While his right to correspondence was denied in practice, his access to telephone was limited to a one-off conversation on 27 April 2020 due to the pandemic.

Since March 2015, when Mr. Aktaş was transferred to İmralı Prison, he has not been able to have any meetings with his lawyers despite all attempts and requests and has only been able to have 3 family visits on 5 June 2019, 12 August 2019 and 3 March 2020. While his right to communication was denied in practice, he was granted access to telephone only once on 27 April 2020 due to the pandemic. Our clients are systematically prevented from contact with the outside world on various grounds. As a requirement of this policy decision, our clients were banned from phone calls on 7 September 2020, banned from lawyer visits on 23 September 2020 and banned from family visits on 30 September 2020 on the grounds of disciplinary sanctions. In order to develop an effective defense and appeal procedures, requests to provide us with copies of files and decisions were rejected and the relevant decisions were made final by withholding them from the lawyers. In addition, due to the coronavirus epidemic, which caused many losses of life and destruction, the request of the clients to talk with their close relatives by phone in accordance with the provision of Article 66/3 of the Enforcement Law No. 5275 that states: "In case of an epidemic/pandemic or natural disaster, convicts shall immediately use the telephone and fax device belonging to the institution" was not accepted. In violation of the law, the clients are denied a minimum channel of communication that would keep them in touch with the outside world. An exceptional

phone call with the clients on April 27 April 2020 was the last contact with them. After this date, it has not been possible to access information about the conditions of detention and the state of health of our clients. This situation, which constitutes a violation of the prohibition of ill-treatment in accordance with domestic legislation, international conventions, and universal values, raises serious concerns for us. We submit for your information the attached comprehensive report on the conditions of detention of our clients, the legal procedures they have been subjected to and the initiatives taken in this regard, in addition to the above-mentioned issues. We believe that you will show the necessary sensitivity to overcome this situation that violates human rights and freedoms.

Since 7 August 2019, Abdullah Öcalan has not been allowed to meet with his family and lawyers for 29 months. His lawyers were informed on 18 July 2023 that Abdullah Öcalan was given a new “disciplinary penalty” by the Bursa Enforcement Judgeship. Abdullah Öcalan and detainees Veysi Aktaş, Hamili Yıldırım and Ömer Hayri Konar in İmralı were not allowed to meet with their families and lawyers despite all applications and such lack of communication has been transformed into “absolute incommunicado.”

NEW PRISON TYPES THAT DEEPEN ISOLATION: S-TYPE AND MAXIMUM-SECURITY PRISONS

Isolation and incommunicado detention mean the complete isolation of prisoners from the social environment and the severing of all ties with life. Isolation as a method of torture continues to exist in prisons as a practice spread over time. Isolation in İmralı Maximum Security Closed Prison is perhaps an unprecedented example in the world. In parallel with the increase in the number of prisons focusing on isolation, which many human rights organizations and our association have repeatedly stated that they should be closed down, the violations of prisoners' rights increase. Prisoners have started hunger strikes many times in order to end isolation imposed on them.

According to the Ministry of Justice General Directorate of Prisons and Detention Houses, there are currently 14 F-type prisons, 19 maximum-security prisons and 7 S-type prisons in Turkey. What these prisons have in common is that prisoners are forced to live in single or three-person spaces. Following the implementation of F-type and maximum-security prisons, warnings by experts and rights defenders to political powers have turned out to be justified, and the right to life, the right to health, the right to respect for family and private life, the right to confer with a lawyer and the right to communication have been violated continuously and practices contrary to the Enforcement Law have emerged.

While the negative effects of these types of prisons on the physiological and psychological well-being of prisoners were being discussed following the building of F-type prisons, which isolated prisoners and were opened as a reflection of isolation in İmralı, the isolation system was further aggravated with the newly opened maximum security closed prisons and S-type closed prisons. Prisoners transferred from prisons where they were previously incarcerated in crowded wards are kept alone in these prisons and since the wards they are held in do not have ventilation, they are taken to ventilation sections in a separate place for merely 1 hour a day. This practice adversely affects the mental and physical health of prisoners. Violations of the right to life also occur in S-type prisons under severe isolation conditions. For instance, a prisoner named H. B. had applied to our association alleging that he was subjected to torture and ill-treatment and violations of rights such as standing roll-calls and strip searches after being transferred to İğdır S-Type Closed Prison. The families of prisoners, S.A. and S.K., who had died under suspicious circumstances in the same prison, had also applied to the local branches of our association alleging that prison administrations and corrections officers were responsible for the deaths of their children.

There are many violations in these prisons due to severe isolation conditions:

- Most of the prisoners who are sentenced to aggravated life imprisonment, life imprisonment, limited imprisonment, and those who are on remand are held in solitary cells, while a very small number of them are held in rooms for 3 people.
- Prisoners standing trial in different cases are held on different floors.
- Some of the sick and disabled prisoners continue to be held in single rooms. This leads to violations of the right to life.
- Prisoners are forced to wash and dry their laundry in their rooms. The intertwining of bathrooms, toilets and living areas in single rooms lead to a damp environment, and microbial and various diseases are inevitable.
- The only window of the rooms is closed with wire cages. The lack of fresh air and inadequate lighting also lead to health problems. Prisoners in Erzurum/Dumlu Maximum Security Prisons

Nos. 1 and 2 went on hunger strike for the removal of these wires because of the wire cages covering the windows. Prisoners in Antalya S Type Prison demanded the removal of the wire mesh on the windows, and when it was not removed, they were banned from activities for 2 months because 7 people in separate rooms dismantled and threw it away.

- Although it is different in each prison, prisoners have the right to fresh air for 1 or 1.5 hours a day. The remaining 22-23 hours they are held in solitary confinement without contact with anyone. In Ereğli, when prisoners were taken out to fresh air for one hour, they were forced to march in a single line and against the wall. In addition, prisoners cannot use their right to fresh air on the day they are taken out for sports. Prisoners are asked to take off their shoes when they go out of the module, and they are asked to walk in single file in military order when they are taken out for visits and sports. There are constant arguments due to the correction officers imposing marching in military order.
- In maximum security and S-type closed prisons, contact visits are made between 30 minutes and 1 hour depending on the initiative of the administration. These meetings are held in glassed booths such as the lawyer's room, where the visitors are admitted one by one. In this way, families are separated from each other. When visiting hours start at 09.00, contact visits either cannot be held at all or are very short. It is almost impossible for families living in faraway cities to be present at the prison at 08.00 in the morning.
- Those who want to make non-contact visits have to make a phone call by logging in with the last 6 digits of their Turkish ID numbers and the calls made are recorded.
- In these prisons, TV channels are not allowed according to the demands of the prisoners, but according to prison administrations' behest. Despite the demands of prisoners, dissident channels such as Halk TV, Artı TV, Tele-1 are not allowed, and in addition to these channels, the TV channel of the GNAT -Meclis TV- is not allowed either. At the same time, opposition newspapers are not allowed. Periodicals are also banned.

As human rights defenders, we demand the closure of F-type, S-type and maximum-security prisons, which are the result of the practice of isolation that violates human dignity, and the elimination of rights violations caused by the practice of isolation and the effective and fair trial of those responsible.

AMENDED ENFORCEMENT LAW

The global COVID-19 outbreak has created a great opportunity to enact the partial and special amnesty that has been on the government's agenda for many years. The amnesty bill, which was prepared only for certain motives, was enacted and implemented in the fastest way possible, without being discussed with the participation of the public and the parties. As we have seen in the past, the government, which applies the recommendations and warnings made regarding a certain problem area in a way to implement its own agenda, has chosen to enact the partial and special amnesty law that it has been looking for an opportunity to enact for years instead of reducing the impact of the global epidemic in enclosed spaces such as prisons.

İHD drafted a special report presenting its assessment and recommendations on the "Bill to Amend the Law on the Enforcement of Sentences and Security Measures and Some Other Laws" tabled on 31 March 2020 before the GNAT Speaker's Office by deputy group chairpersons and a group of deputies from the ruling Justice and Development Party (Adalet ve Kalkınma Partisi -AKP) and Nationalist Movement Party (Milliyetçi Hareket Partisi -MHP), and shared it with the chairperson and members of the GNAT's Justice Committee along with the public on 2 April 2020.¹¹

Other than the release of prisoners, one notable measure that should have been taken was about non-convicted prisoners, or prisoners on remand, whose cases were still pending before courts with no finalized sentences delivered for them. The bill merely put forth provisions about convicted prisoners disregarding non-convicted prisoners.

The proposed law set forth that there would be no changes in the conditional release ratio of 3/4 for terrorist offenses and organized offenses, yet the 3/4 conditional release ratio for repeat offenders and the related sexual offenses and drug trafficking offenses would be reduced to 2/3. Moreover, the legislators should have, first of all, clearly revealed what they implied by "terrorist offenses." The Turkish Penal Code (TPC) does not have any type of offense entitled "terrorist offenses."

Following the enactment of the law, on 24 June 2020, İHD submitted an amicus curiae brief¹² incorporating its legal opinion on two separate lawsuits (Merits No. 2020/44 E & 2020/53 E) lodged before the Constitutional Court by Republican People's Party's (Cumhuriyet Halk Partisi -CHP) Group Deputy Chairpersons signed by 135 deputies who had applied for the annulment of Law No. 7242 regarding both its merits and form that introduced amendments to the Law on the Enforcement of Sentences and Security Measures and Some Other Laws.

Within the scope of the annulment case, İHD underlined that not only did provisional Article 6 but also the provisional Article 9 § 6 of Law No. 7242 qualified as special amnesty, such a law adopted in this way was at the same time a violation of the GNAT's internal regulations by the deed, the court could also treat the articles İHD referred to in its legal opinion as subjects for annulment as per the rule "not being affixed by justification" since annulment was requested for the law in its entirety.

The law contains 69 articles, including executive and effective articles. We found that 28 articles are contrary to the rights guaranteed in the Constitution and international conventions. Of these, 9

¹¹ <https://ihd.org.tr/en/special-report-on-the-bill-to-amend-the-enforcement-law/>

¹² <https://ihd.org.tr/en/ihs-amicus-curiae-submission-on-law-no-7242/>

articles expand the duties and powers of the Enforcement Judgeships, while narrowing the powers of the courts, 1 article amends the Code of Criminal Procedure to the detriment of the individual, 2 articles expand the powers of the Criminal Judgeships of Peace, 1 article regulates the rate of conditional release by increasing the rate of conditional release in the Anti-Terror Law, and 15 articles contradict equality, the principle of proportionality, the principle of legal interest to be protected and many other fundamental principles in the Enforcement Law, and the regulations made in the provisional 6th and 9th paragraphs of the law are in the nature of a special amnesty.

The General Secretariat of the Constitutional Court convened on 17 July 2020 and delivered a judgment about the application to annul the Enforcement Law deliberating its merits. The General Secretariat found the application inadmissible as per “form” by a majority of nine votes against seven dissenting votes. It was later reported that seven members of the Constitutional Court argued that the regulation fell under the “scope of amnesty,” while the majority nine held that the legislation was “not amnesty but an enforcement regulation.”

WOMEN AND CHILDREN

According to data provided by the Directorate General of Prisons and Detention Houses, there are a total of 13,654 women prisoners in Turkey, including 11,375 convicted and 2,275 non-convicted, as of 1 December 2022. As of 3 July 2023, when this report was published, there were 14,848 women prisoners, including 12,740 convicts and 2,108 non-convicted women prisoners. These prisoners are held in 11 closed and 8 open prisons for women along with wards allocated for women in many other prisons.

Further, a total of 2,0522 children between the ages of 12 and 18, including 840 convicted and 1,632 non-convicted, are incarcerated in 4 reformatory houses for children and 8 closed penitentiary institutions for children in Turkey. As of 3 July 2023, when this report was published, there were 2,572 children between the ages of 12 and 18 in prisons, including 1,013 convicted and 1,559 non-convicted, in 4 juvenile reformatory houses and 9 juvenile closed penitentiary institutions.

Further, the directorate general indicated in its press statement of 9 March 2021 that the number of children in prisons between the ages of 0 and 6 was 345.¹³ İHD's stand on this issue has been crystal clear for years and is for the closure of juvenile prisons with its slogan "Close Juvenile Prisons."

Turkey signed international conventions on the rights of the child, notably UN Convention on the Rights of the Child, and pledged to implement the rights mentioned in these texts in domestic law. The UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) and the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) regulate practices about children in conflict with laws. A great majority of children in conflict with laws are subjected to negligent practices that are hard to remedy when they are arrested, stand trial and in subsequent stages of incarceration, enforcement of their sentences and post-enforcement. Each incarcerated child not only is deprived of their liberty but also of the right to a childhood. The future of such children, who face challenges in access to education and health while they have less opportunity to express themselves socially and culturally, is threatened by serious psychological problems as well. The fact that allegations of torture and ill-treatment in children's prisons are often reported reveals the ineffectiveness of prisons in the "reintegration" of children to society along with the reinforcement of negative memories in their lives.

İHD has been receiving many applications from women prisoners. Prisons stand out as one of the places where women are subjected to violence, torture and ill-treatment. There are women prisoners who were battered having been subjected to physical torture both in prisons by officers and during their transfers to hospitals and courthouses by the law enforcement. No investigations, however, are launched into these officers and the problems keep snowballing due to impunity.

Complaints commonly mentioned in the applications lodged before the İHD include numerous allegations of torture and ill-treatment, violation of the right to health, prevention of the right to communication, obstruction of the right to access information, and violation of the right to a fair

¹³ <https://cte.adalet.gov.tr/Home/SayfaDetay/basin-aciklamasi09032021045708>

trial. The applicants also indicated problems about disciplinary actions and enforcement of sentences, failure to meet transfer requests or enforced transfers, overcrowded wards, and problems during searches.

Strip search is one of the leading problems in allegations of torture and ill-treatment. Applicants state that enforced strip search sometimes amount to physical examination, while prisoners who object to or resist strip search were battered, subjected to torture or face disciplinary action. Another facet of acts of torture and ill-treatment consist of incidents that happen on the way between prisons or during referrals to hospitals or courthouses. It is observed that along with violence such practices as continuous handcuffing, failure to meet prisoners' needs, failure to provide prisoners with their prescribed medication are common. Swearing and rude treatment are regarded as common occurrences in prisons.

All sorts of objections against restrictions and violations in prisons end up in disciplinary action and punishment. The most important consequence of this is depriving prisoners of their right to early release. Arbitrary rejection of transfer requests and enforced or involuntary transfers in many cases are also among the important problems.

Health rights of women prisoners are also prevented due to not being referred to hospitals and searches. Women prisoners applied to İHD alleging that their right to health was violated due to oral cavity searches. The lack of hygiene and cleaning supplies, problems of access to hot water and clean water continue have yet to resolved.

Cameras that monitor the living spaces of women prisoners continue to be used as a practice that disrespects their privacy. The ward entrance, which is called common area, and the courtyard are monitored 24/7 under the name of external security with these cameras. In addition, while the internal cameras see the bathroom and toilet doors, the external cameras see the dormitory and toilet interiors.

In 2022, too, pregnant women and women with young children were arrested and imprisoned. The Directorate General of Prisons and Detention Houses does not share any data on pregnant women and women who are imprisoned with their babies.

The healthy development of children staying in prison with their mothers has been prevented and their right to health has also been violated.

In conclusion, we can say that the problems faced by women prisoners and the violations of rights they are subjected to are mainly similar to those faced by other prisoners. However, as İHD, we think that the "UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders"¹⁴ can be taken as a reference on how to treat women whose special needs are ignored. We also believe that the "Handbook for Prison Managers and Policymakers on Women and Imprisonment"¹⁵ drafted by the UN would be an appropriate guide for training programs to be prepared for prison administrators, staff and correctional officers.

According to the applications received from 15 prisons including Alanya L-Type Closed Prison for Women, Bakırköy Closed Prison for Women, Bayburt M-Type Closed Prison, Bünyan Closed Prison for Women, Diyarbakır Closed Prison for Women, Elazığ Closed Prison for Women, Eskişehir H-Type Closed Prison, Gebze Closed Prison for Women, İskenderun T-Type Closed Prison, Kandıra F-Type

¹⁴ https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

¹⁵ <https://www.unodc.org/documents/justice-and-prison-reform/women-and-imprisonment.pdf>

Closed Prison No. 1, Osmaniye T-Type Closed Prison No 1, Silivri L-Type Closed Prison No 9, Sincan Closed Prison for Women, Şakran Closed Prison for Women, and Tarsus Closed Prison for Women, at least 227 women prisoners, 5 of whom were foreign nationals, have been subjected to rights violations. Violations took place in all forms of violations. Apart from this, 1 woman prisoner was imprisoned despite being pregnant, and the right to health of the child staying in prison with her mother was violated as well.

LGBTI+ PRISONERS

We do not know the number of LGBTI+ prisoners in Turkish prisons. The Directorate General of Prisons and Detention Houses does not disclose such data. İHD receives only a limited number of applications from LGBTI+ prisoners because a great majority of them do not seem to know about rights mechanisms or due to challenges in accessing such mechanisms. Nonetheless, we know that they face serious discrimination, transphobic and homophobic conduct in the light of cases followed-up by our network of lawyers, applications we receive, and other information we collect.

8 applications were received regarding violations of rights faced by LGBTI+ prisoners.

It would not be an overstatement to say that LGBTI+ prisoners face the most severe discrimination in prisons. There are no conditions to meet the special needs of these prisoners and there is no policy to this end. The prison staff are not trained on this issue either. Based on the current government's hate speech against LGBTI+s, it is not difficult to guess what kind of treatment LGBTI+s are subjected to in prisons. The problems experienced by the LGBTI+ in prisons can be summarized as follows:

- The LGBTI+ are subjected to discrimination, humiliation, isolation, abuse, sexual harassment and rape, insults, ill-treatment and torture in prisons.
- Trans women are not incarcerated in women's wards until they complete their gender transition period and receive a female identity card. Trans women and gays who are incarcerated in prisons for men are held in solitary confinement if there is few of them.
- Lesbian, bisexual women and trans men, who have completed their gender transition process but have not received a male identity, are also held in single cells in women's prisons.
- Since trans women are held in prisons for men, they are subjected to prison practices specific to men from clothing purchases to haircuts, searches and transfers. Such state of affairs brings along many abuses.
- LGBTI+ prisoners are also subjected to severe isolation conditions when they are held in solitary confinement. These prisoners are not allowed to socialize, talk to others and participate in sports activities. This situation becomes both physical and mental torture.
- Since LGBTI+ prisoners are held in solitary confinement, they risk harassment, rape and ill-treatment by correctional officers in prisons and the gendarmerie in charge of external security. Not only do complaints prove to be futile but they also lead to more violence.
- LGBTI+ prisoners are subjected to arbitrary and strip searches. During the search, a male officer in a men's prison and a female officer in a women's prison conduct the searches regardless of the prisoners' gender identity.
- Since LGBTI+ prisoners are held in solitary confinement, they are vulnerable to all kinds of verbal and physical attacks. Since they are also prevented from expressing their experiences through letters, they can only convey their problems to the outside world through their lawyers or families.
- LGBTI+ prisoners are also isolated by their exclusion and ostracization by a large part of the society and the state itself. They are deprived of financial means both to meet their needs within prisons and to access justice. LGBTI+ prisoners are unfortunately the last prisoners to be taken into account.

- LGBTI+ prisoners do not have the right to a fair trial in access to justice. They are subjected to discrimination by the courts. They are also denied support in accessing justice and are subjected to homophobic and transphobic discourse.
- LGBTI+ prisoners may also be subjected to discrimination by their defenders and judges.
- Apart from their criminal files, merely being LGBTI+ is seen as a crime. Again, these prisoners do not have enough information about their rights and application mechanisms.
- The biggest problem that trans women and men experience in prisons is the disruptions in gender transition processes. The initiation of the gender transition process and its continuation are interrupted in prisons and often not even accepted. Since the supply of hormone medication is a problem, there are often complaints in this regard as well.
- Prisoners who need uninterrupted access to psychological health services and support during the gender transition process are almost never met. Prison psychologists do not have expertise in this field and it is impossible to provide support from outside.

FOREIGN PRISONERS

Although the number of foreign national prisoners in Turkish prisons is in the thousands, unfortunately, no data is shared by the Ministry of Justice, General Directorate of Prisons and Detention Houses.

Foreign national prisoners in Turkish prisons also face many rights violations, especially due to the language barrier. Foreign prisoners mostly apply to İHD because they cannot benefit from the right to a fair trial and the right to communication because they do not speak Turkish. Due to the language barrier, they cannot benefit from the right to choose a lawyer, and they are often imprisoned without a lawyer and without being able to defend themselves. In addition, considering that they do not have access to their rights, are deprived of their right to write petitions, are not provided with material in their own language and cannot access communication tools such as books and newspapers, it becomes clear how difficult their conditions are.

In addition, being far away from their families and/or not being able to reach them at all makes their economic conditions difficult and this brings along many challenges.

Foreign prisoners are discriminated against both by the officials in prisons and by others in access to health care as well.

We have also received an application that a foreign national woman prisoner, whose name we could not identify, died by suicide.

Foreign prisoners are subjected to torture and ill-treatment and, unfortunately, we barely hear about such incidents.

Foreign prisoners must be provided with information on the application of measures, in a language they can understand, in the legal and factual grounds for deprivation of liberty, as required by Article 5/2 of the ECHR.

Prisoners should be provided with information in a language they understand, which does not necessarily have to be in their mother tongues (*Suso Musa v. Malta*, 2013, & 117). However, if there are indications that the individual concerned does not understand the language, national authorities are obliged to exercise due diligence (*Ladent v. Poland*, 2008 & 64-65). Where translation is required when informing an individual of the grounds for deprivation of liberty, it is the responsibility of the authorities to ensure that it is provided in precise and accurate language (*Shamayev and Others v. Georgia and Russia*, 2005/425). Information may also be provided through an interpreter (*A.H. and J.K. v. Cyprus*, 2015/224).

As the Convention does not guarantee the right to an international transfer or the right of a prisoner to be allocated to a special prison, it is important to ensure that foreign prisoners have contact with their families, at least by telephone calls or occasional visits (*Labaca Larrea and Others v. France (c.)*, 2017, § 54). Moreover, Article 8 of the ECHR requires the authorities to provide a prisoner with the privilege of contacting and speaking to their family in their own language (*Nusret Kaya and Others v. Turkey*, 2014, & 60-61).

DISABLED PRISONERS

Prisoners with disabilities are one of the disadvantaged groups that are subjected to the highest number of rights violations in Turkish prisons. The Ministry of Justice, General Directorate of Prisons and Detention Houses does not share any data on prisoners with disabilities. However, as a result of the applications made to our association, we have limited information about the conditions of prisoners with physical and mental disabilities.

Prevention of torture and ill-treatment also brings with it the obligation to ensure that prisoners are incarcerated in humane conditions and treated humanely. However, the applications reveal that prisoners with disabilities are subjected to many violations in terms of conditions of detention, access to health and accessibility to rights.

The Convention on the Rights of Persons with Disabilities was signed by Turkey and this convention imposes obligations on States Parties. Article 9/1 of the Convention prescribes:

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas. These measures [...] shall include the identification and elimination of obstacles and barriers to accessibility [...].

However, prisons where disabled prisoners are incarcerated do not take into consideration the conditions of disabled prisoners. Being held in wards with stairs, wet areas (toilets and bathrooms) not being built according to the needs of disabled prisoners and not meeting their demands constitute an important area of violation.

Further, Article 25 of the Convention on the Rights of Persons with Disabilities states:

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation.

[...]

b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

c) Provide these health services as close as possible to people's own communities, including in rural areas [...]

Prisoners with physical disabilities, however, are not provided with prosthetic support and equipment to make their lives easier. Their needs for prostheses are not met on the grounds that their families do not deposit money.

There are also applications to our association that prisoners with physical disabilities are held in single rooms despite doctor's reports.

Prisoners with mental disabilities are held in prisons instead of being treated and their health conditions deteriorate even more in these places of confinement. These prisoners face many violations due to their inability to communicate and exercise their rights. Their problems are conveyed through other prisoners and their needs are met by other prisoners they stay with. They are not treated in hospitals and their release is not ensured even though their conditions are getting worse.

CONCLUSION AND RECOMMENDATIONS

Although there are well-developed standards in both domestic legislation and international human rights law regarding the rights of prisoners, prisoners are not able to exercise their rights directly, they can only enjoy them through the authorities in the places where they are incarcerated. Authorities and prison directors carry out procedures and practices contrary to the legal regulations which are based on international human rights conventions and the Constitution. This situation creates serious distrust in the prison system among prisoners, their families, lawyers and human rights organizations. As a whole, these findings show that in the enforcement of prison sentences, the fact that deprivation of liberty is a sufficient punishment in itself is ignored and that both the material conditions of prisons and the regime applied further increase the severity of sentences being served. There is no mechanism to effectively monitor these “aggravated” conditions of imprisonment. Practices such as depriving prisoners from conferring with their lawyers, meetings with their friends and family, and preventing their right to telephone, fax and letter, which are communication links with the outside world, are practices against human dignity. It means that prisoners are subjected to torture and degrading punishment.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), adopted by the General Assembly on 17 December 2015, contain the most important and detailed regulations on prisoners’ rights. The Mandela Rules specifically refer to the UN International Covenant on Civil and Political Rights, the UN International Covenant on Economic, Social and Cultural Rights and the UN Convention against Torture and its Optional Protocol and state that prisoners’ rights are protected on the basis of various UN resolutions and principles. Therefore, it is clear that the UN Mandela Rules should be taken into consideration in accordance with Article 90 of the Constitution when introducing regulations on the enforcement law. In this context, the basic principles of the rules should be taken as a guide. These principles consist of many principles such as treating all prisoners in accordance with human dignity and value, prohibition of discrimination, and preserving their relations with the outside world. Article 1 of the Nelson Mandela Rules reads as follows:

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

Article 10 of the UN International Covenant on Civil and Political Rights clearly states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Article 1 of the UN Basic Principles for the Treatment of Prisoners states that “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.” Prisoners, on the other hand, are not treated with human dignity in prisons and are subjected to violence, insults, ill-treatment and violations of their rights; their medical treatment is delayed, their rights to communication and information are prevented.

Cases of torture and ill-treatment in prisons, which have increased recently, must be put to an immediate end; investigations must be initiated into those responsible and criminal sanctions must be imposed. Torture, degrading and ill-treatment of prisoners is prohibited by the European Convention on Human Rights. Article 3 for the ECHR accordingly reads: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Independent healthcare bodies should be allowed to enter and inspect prisons. Legal arrangements should be made to ensure that relevant organizations, particularly professional and human rights organizations, take part in the inspection of prisons.

According to the principle of “Prohibition of Discrimination” set out in Article 14 of the ECHR, “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or any other status.”

Obstacles to the admission of newspapers to prisons that are not banned or confiscated should be removed and the newspapers should be provided to prisoners. In the case of *Recep Bekik and Others* (2016/12936), the Constitutional Court ruled on 27.03.2019 that the refusal to provide paid periodicals, which were not subject to a confiscation order, “violated freedom of expression” guaranteed under Article 26 of the Constitution and ordered the payment of 500 TL compensation to the applicants.

Prisoners who are incarcerated far away from their families should have their requests for transfer to prisons close to their families, who cannot visit their loved ones due to financial conditions and illnesses, accepted. On 17 September 2019, the ECtHR ruled on the applications of *Abdulkerim Avşar* (19302/09) and *Abdulkerim Tekin* (49089/12) and found a violation of one of the major problems in Turkey. The rejection of the requests of the prisoners, who were transferred to prisons far away from their families, to be transferred to a prison close to their families who could not visit them due to illness or financial reasons, without taking into account the concrete circumstances of the applicants, was found to be a violation of the right to respect for private and family life under Article 8 of the Convention and the applicants were to receive 6,000 Euros in damages.

In order to prevent suicide cases in prisons, threats to the mental and physical integrity of prisoners must be eliminated and practices worthy of human dignity must be developed. If there are people who do not take the necessary precautions and have influence, effective investigations should be carried out and sanctions should be imposed.

According to the World Medical Association Lisbon Declaration on the Rights of the Patient (1981): “Every person is entitled without discrimination to appropriate medical care.” According to the Declaration of Tokyo of the World Medical Association: “A physician must have complete clinical independence in deciding upon the care of a person for whom he or she is medically responsible. The physician’s fundamental role is to alleviate the distress of his or her fellow human beings, and no motive, whether personal, collective or political, shall prevail against this higher purpose.”

Adequate and healthy nutrition is a fundamental human right. Prisoners with health problems have the right to food prescribed by doctors. Prison administrations should provide dietary food to sick prisoners. In the case of *Ebedin Abi v. Turkey* (App. No: 10839/09, 13/3/2018), the ECtHR ruled that the prohibition of treatment incompatible with human dignity was violated in relation to the failure to provide dietary food to sick prisoners.

The number of healthcare staff in prisons must be increased. The practice of transferring patients to hospitals in airless, cold in winter and hot in summer, and keeping them waiting for hours in vehicles in front of hospitals must be stopped. Patients in critical condition must be transferred to hospitals by ambulance, not by prison vehicles. Single-seater vehicles must never be used.

Patients’ referrals to the infirmary and to hospitals must not be delayed. Diagnosis, treatment and follow-ups must be carried out by specialized physicians.

Medical examination and treatment in handcuffs must be abandoned. Many sick prisoners cannot be treated due to this practice. The 3rd General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) emphasizes that treatment in handcuffs is not appropriate: "If recourse is had to a civil hospital, the question of security arrangements will arise. In this respect, the CPT wishes to stress that prisoners sent to hospital to receive treatment should not be physically attached to their hospital beds or other items of furniture for custodial reasons. Other means of meeting security needs satisfactorily can and should be found; the creation of a custodial unit in such hospitals is one possible solution."

Every sick prisoner has the right to receive health care in an environment where their privacy is respected and in a manner befitting human dignity, as required by medical ethics. The World Medical Association and the Turkish Medical Association, in many of their texts, recommend that when physicians examine prisoners, they must remove all kinds of restrictions and must not examine and treat the person in handcuffs, bed-bound or similar conditions. The Turkish Medical Association, in its declaration published in December 1994 on the subject, describes the unlocking of handcuffs as "the duty of the physician."

Principle 1 of UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment reads: "All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person."

As international and domestic law recognizes, prisoners have the right to adequate medical care. Prisoners have the right to life and the right to be treated with respect for human dignity. However, the problems faced by sick prisoners, which is a big problem and bleeding the conscience of public opinion, remain unresolved. A society in which there are people who are tortured without diagnosis and treatment, who die in prisons or who are left on the brink of death and die in a short time, loses its faith in justice. Sick prisoners in Turkey's prisons must be urgently and permanently treated, and the enforcement of sentences of sick prisoners who cannot/will not be treated in prison conditions must be stopped immediately.

The Administrative and Observation Boards, which are established in accordance with the "Regulation on Observation and Classification Centers and Evaluation of Convicts," act like courts and make evaluations about prisoners' good behavior and decide whether they will benefit from the rights of conditional release and supervised release. In addition, the Administrative and Observation Boards, in their evaluations on prisoners, decide that prisoners are not in good behavior on the grounds of disciplinary penalties they received before the effective date of the regulation, which violates the principle of "prohibition of retroactivity" and prevent the release of prisoners. The regulation, which prevents the legally acquired rights of prisoners, must be annulled.

All obstacles to prisoners' right to education must be removed and necessary steps must be taken.

The increasingly severe conditions of isolation must be abolished and living standards in prisons must be brought in line with human dignity. Especially in maximum security closed prisons, solitary confinement without access to fresh air must be ended.

Our delegations and our association have identified the need for effective administrative and judicial oversight of the prison regime, physical conditions and treatment. In accordance with the Optional Protocol to the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "independent" national oversight mechanisms should be established. We call on the Ministry of Justice and all relevant institutions and organizations to take action against the violations of rights and access to health in all prisons.