

CPT/Inf (2020) 24 - Part

EXECUTIVE SUMMARY

The main objective of the CPT's May 2019 visit to Turkey was to examine the treatment and safeguards afforded to persons detained by law enforcement agencies. To this end, the CPT's delegation visited a great number of police and gendarmerie establishments as well as remand prisons in different parts of Turkey and interviewed hundreds of persons who were or had recently been held in police custody in the Ankara, Diyarbakır, Istanbul and Şanlıurfa areas. On the occasion of the visit, the delegation also went to Imralı F-type High-Security Prison ('Imralı Prison'), in order to examine the treatment and conditions of detention of all prisoners held there and to review the measures taken by the Turkish authorities in the light of the recommendations made by the CPT after the April 2016 visit.

Police custody

As was the case during the CPT's 2017 visit, the delegation received a considerable number of allegations of excessive use of force and/or physical ill-treatment by police/gendarmerie officers from persons who had recently been taken into custody (including women and juveniles). These allegations mainly consisted of slaps, kicks, punches (including to the head and/or face) and truncheon blows after the persons concerned had been handcuffed or otherwise brought under control. A significant proportion of the allegations related to beatings during transport or inside law enforcement establishments, apparently with the aim of securing confessions or obtaining other information, or as a punishment. Further, numerous detained persons claimed to have been subjected to threats and/or severe verbal abuse. Moreover, a number of allegations were once again received of excessive use of force and/or physical ill-treatment by members of the mobile motorcycle intervention teams (so-called '*Yunus*') in Istanbul. In a number of cases, the allegations of physical ill-treatment were supported by medical evidence, such as bodily injuries documented in medical records or directly observed by medical members of the delegation.

Overall, the CPT has gained the impression that, compared to the findings of the 2017 visit, the severity of alleged police ill-treatment has diminished. However, the frequency of allegations remains at a worrying level. The Committee stresses once again the need for more decisive action by all relevant authorities in order to combat the phenomenon of police ill-treatment in Turkey and reiterates its recommendation that a clear and firm message of "zero tolerance" of ill-treatment be delivered to all law enforcement officials, from the highest political level, namely the President of the Republic.

As concerns fundamental safeguards against ill-treatment, it transpired from the information gathered during the visit that notification of custody to a relative (or another trusted person) was generally performed soon after apprehension and that detained persons usually had access to a lawyer whilst in police custody. However, as during previous visits to Turkey, a number of detained persons claimed that the police had granted their request for an *ex officio* lawyer only after a considerable delay, in order to be able to informally question them about the suspected offence without the presence of a lawyer (prior to the taking of a formal statement). The CPT also remains concerned about the existence of legal restrictions regarding access to a lawyer during the initial phase of police custody for certain serious crimes, and it emphasises the importance for the prevention of ill-treatment of guaranteeing such access from the very outset of police custody.

Further, despite the specific recommendations repeatedly made by the Committee after previous visits, the system of mandatory medical controls at the outset and end of police/gendarmerie custody remained fundamentally flawed. In particular, in the vast majority of cases, law enforcement officials continued to be present during medical controls and such controls were often carried out without any physical examination. Moreover, several persons claimed that they had been threatened not to show their injuries by police officers present during medical controls.

As regards conditions of detention, in all the law enforcement establishments visited, detention facilities were in a good state of repair and generally clean. That said, due to major structural deficiencies, the CPT considers these facilities to be unsuitable for detention lasting more than a few days. In particular, many cells did not have access to natural light, and in none of the establishments visited had arrangements been made to enable detained persons to have access to the open air. The situation was further exacerbated by the fact that detained persons were often held under very cramped conditions (e.g. up to four persons in cells of some 9 m²). It is also a matter of concern that persons held overnight in police custody were still often not provided with a mattress (in addition to blankets). In addition, many detained persons claimed that they had received no or insufficient food and, on occasion, no drinking water and that they had not been provided with personal hygiene products during their stay in police custody. The CPT recommends that these shortcomings be remedied.

Specific issues related to the prisons visited

Notwithstanding the expansion of the prison estate and greater use of conditional release and alternative non-custodial measures, the problem of prison overcrowding remained acute, and the steady increase in the size of the prison population already observed in the mid-2000s continued. With the exception of Diyarbakır Juvenile Prison, the official capacities of all the establishments visited were being greatly exceeded at the time of the visit. Consequently, a large number of inmates in these prisons did not have their own bed and had to sleep on mattresses placed on the floor. Moreover, in some living units, prisoners were even obliged to share mattresses, as no floor space was left for additional mattresses.

The CPT recalls that constructing new prisons is not likely, in itself, to provide a lasting solution to the problem of overcrowding. Addressing this problem calls for a coherent strategy, covering both admission to and release from prison, to ensure that imprisonment – including pre-trial detention – really is the measure of last resort. The Committee once again calls upon the Turkish authorities to take decisive action to curb prison population inflation and to eradicate prison overcrowding, in the light of the remarks made in the visit report and relevant recommendations of the Committee of Ministers of the Council of Europe.

Despite the specific recommendations repeatedly made by the Committee after previous visits, the procedure for medical screening of newly-arrived remand prisoners continued to display major shortcomings. In particular, it was not uncommon for newly-admitted prisoners to be seen by a doctor only after a considerable delay or not to be seen at all, and the screening generally did not include a physical examination of the prisoner. Moreover, no progress was observed as regards other issues of concern to the CPT, such as the continued lack of respect for medical confidentiality and the recording and reporting of injuries, as well as health-care staffing levels.

Further, in several of the prisons visited, the delegation observed that newly-arrived inmates with acute opioid withdrawal signs were left unattended, without receiving painkillers or other symptomatic treatment. Such a state of affairs is not acceptable. The CPT recommends that the Turkish authorities take the necessary steps to ensure that, in all prisons, newly-arrived prisoners with drug addiction problems are systematically identified and that those suffering from withdrawal signs are promptly provided with adequate treatment (i.e. substitution treatment or treatment relieving the symptoms).

Situation of prisoners held at Imralı Prison

As during previous visits, the delegation received no allegations of ill-treatment of prisoners by prison officers. Further, the health-care services and material conditions of detention remained generally satisfactory.

However, the situation regarding the prisoners' regime had not improved at all since the CPT's 2016 visit. They were still only allowed to associate all together for six hours per week, as well as in pairs for an additional three hours per week, and association during daily outdoor exercise remained prohibited. As a result, all prisoners were being held in solitary confinement for most of the time (i.e. 159 hours out of 168 hours per week, including 24 hours per day at weekends). In the Committee's view, such a state of affairs is not acceptable. The CPT calls upon the Turkish authorities to take steps without further delay to ensure that all prisoners held at Imralı Prison are allowed to associate together during daily outdoor exercise, as well as during all other out-of-cell activities. Further, the Committee reiterates that the underlying concept of the detention regime of persons sentenced to aggravated life imprisonment is fundamentally flawed. It once again calls upon the Turkish authorities to carry out a complete overhaul of the detention regime applied to prisoners sentenced to aggravated life imprisonment in Turkish prisons.

The issue of contact with the outside world of prisoners held at Imralı Prison has been the subject of a long-standing intense dialogue between the CPT and the Turkish authorities, given that no visits by lawyers had been granted since July 2011 and that hardly any visits by family members had taken place since October 2014. The situation was further exacerbated by the fact that, following the military coup attempt of 15 July 2016, a total ban on contacts with the outside world (including correspondence) was imposed on all prisoners, which resulted in a type of incommunicado imprisonment. As repeatedly stressed by the CPT in its dialogue with the Turkish authorities, such a state of affairs is not acceptable and clearly contravenes various relevant international human rights instruments and standards.

The CPT also notes with great concern that, following the lifting of the state of emergency (in July 2018), all prisoners continued to be denied visits by their lawyers and family members. That said, the Committee welcomes the fact that, shortly before the 2019 visit, the judicial ban on lawyers' visits was lifted and Abdullah Öcalan was granted the first visit by lawyers since July 2011. Further, four more lawyers' visits took place until the beginning of August 2019. However, since then all requests for visits submitted by lawyers have apparently been turned down. As regards family visits, the situation has slightly improved since the May 2019 visit with all prisoners being able to receive a visit from family members in June and August 2019, despite the existence of disciplinary sanctions of prohibition of family visits.

The Committee acknowledges that there may be valid security reasons to introduce certain restrictions vis-à-vis prisoners on the exercise of their right to have contacts with the outside world. However, a balance must be struck between such security considerations and the basic human rights of the prisoners concerned. The measures taken thus far by the Turkish authorities since the May 2019 visit are a significant step in the right direction. That said, much more needs to be done to render the situation acceptable. More specifically, a sustainable system of regular visits by family members and lawyers should be developed for all prisoners held at Imralı Prison.