



**STICHTING
DE FACTO JUSTICE**

to

**80th Session of
THE UN COMMITTEE AGAINST TORTURE**

**SUBMISSION REGARDING THE SITUATION IN TURKISH
PRISONS: TORTURE, DETERIORATED CONDITIONS, AND
HUMAN RIGHTS VIOLATIONS**

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A) WHO WE ARE

1. Stichting **DE FACTO JUSTICE**, a non-profit organization, has been established with the vision of a fair and impartial legal system that serves everyone, regardless of their social or economic background. We strive to address systemic injustices and empower individuals by providing them with access to justice and the necessary resources to exercise their rights.

Our organization focuses on several core areas:

- a. **Legal Advocacy:** We advocate for equal access to justice and work towards shaping policies that promote fairness in the legal system. By addressing legal barriers and gaps, we aim to ensure that everyone has the opportunity to seek justice.
- b. **Community Outreach:** We actively engage with communities to create awareness about legal rights, encourage civic participation, and foster a sense of empowerment. Through education and outreach programs, we aim to enhance legal literacy and bridge the gap between the legal system and the general public.
- c. **Legal Support:** Stichting De Facto Justice provides legal aid and support to individuals who face financial constraints or other barriers when seeking legal representation.
- d. **Research and Collaboration:** We conduct research to identify and address underlying causes of systemic injustice, collaborating with like-minded organizations and stakeholders. By working together, we aim to effect positive change and create a more equitable society.

We believe that justice should be accessible to all members of society, and we are committed to making a significant impact in the lives of individuals who face challenges in accessing their rights.

B) INTRODUCTION

2. **DE FACTO JUSTICE** submits this report for consideration by the Committee Against Torture (CAT) during its examination of the State party report of Türkiye at the 80th session of the Committee, scheduled from 8 July to 26 July 2024¹.

3. As a preliminary point, DE FACTO JUSTICE recalls that, according to Article 2(2) of the Convention against Torture (CAT)², “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Therefore, it is important to clarify from the outset that any act deemed as “torture” under Article 1 of the CAT obligates each State Party to take effective legislative, administrative, judicial, or other measures to prevent such acts, as stipulated by Article 2(2) of the CAT.

4. For this reason, the Government of Türkiye's comments regarding the right to derogate from obligations under the European Convention on Human Rights (ECHR) and the

¹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2750&Lang=en

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

International Covenant on Civil and Political Rights (ICCPR), or the declaration of a State of Emergency, are irrelevant in determining whether an act constitutes torture under the CAT and whether the relevant provisions of the CAT have been violated. These provisions include but are not limited to, Article 4 (ensuring that all acts of torture are punishable offenses under its criminal law), Article 6 (custody and legal measures for the perpetrator), Articles 10 and 11 (training of law enforcement officers and ensuring systematic review), Articles 12, 13, and 14 (prompt and impartial investigation, right to complain, and adequate compensation), and Article 16 (obligation to prevent other acts of cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of or with the consent or acquiescence of a public official).

5. This report aims to shed light on the significant problems currently prevalent within the Turkish prison system. Turkey has been facing numerous challenges and criticisms regarding the conditions and treatment of inmates in its correctional facilities. These concerns have raised important questions about the effectiveness of rehabilitation, human rights violations, and overcrowding issues, among others. Understanding the complexities and intricacies of these problems is essential to initiating positive reforms and ensuring a more just and humane prison system. This report delves into the key issues faced by Turkish prisons and proposes potential solutions to address these pressing concerns. By examining the current state of affairs, we can identify areas of improvement and work towards creating meaningful change within the Turkish prison system. With this writing, our aim in general is to provide you with a broad view concerning prisons in Turkey the deteriorating conditions that inmates and detainees have been facing, and the unfair implementations which have been systemically carried out by the officials.

6. At this very point, we as **De Facto Justice**, an Amsterdam-based human rights advocacy association whose board of directors and volunteers consist of lawyers, academics, and human rights activists, are in search of a better world in which people live in a harmony in a non-discriminative, peaceful and non-brutal environment regardless of inmates' actions and crimes they committed.

C. OBSERVATIONS

1. CAPTIVE BABIES AND THEIR MOTHERS

7. In Turkey, women who are pregnant or have just given birth are kept in prison. According to the information provided by CHP Istanbul Deputy Turan Aydoğan, one of the opposition parties, as of 2021, there are approximately 345 children and 780 babies in Turkish prisons³. While the law clearly states that women with young children and pregnant women can be postponement of execution, this law is ignored only for the purpose of psychologically and physically torturing these people who are detained on terrorism charges.

³ <https://www.tr724.com/dunya-cocuk-haklari-gununde-turkiyedeki-tutsak-bebekler-unutulmadi/>

Some Real Examples and its Reflections in the Press

21-month-old baby Akif Banko has been in prison with his mother since August 24, 2023. He is diagnosed with bronchitis because the central heating in Balıkesir L Type Prison was not turned on, and his mother Semra B.'s request for a blanket was not accepted.⁴

8. Gülden Aşık is a mother with thyroid cancer, who miscarried her 7-week-old baby during her first detention and was then arrested for the second time in 2021. In his last biopsy, "Staying in prison poses a life-threatening risk." said the Doctors Committee. Despite the statement, he is still being held in prison.⁵

9. İlayda Tekgöz has been in Bakırköy Prison since January 19, 2021. Father Hasan Tekgöz is also in prison.⁶ The family's youngest child, 3-year-old Ekrem, is in prison with his mother. Zülal, on the other hand, grows up with the difficulties of a life without both a mother and a father.

List of similar events and prison names

Edirne Prison	Sevilay Albayrak	captive with her child
Edirne Prison	Ayşe Karaduran	captive with her child Murat Karaduran
Balıkesir L Type Prison	Sevilay Banko	captive with her child Akif Banko (21 month)
Kayseri T Type Prison	Ayşe-Mehmet Celebi	parents captive children alone outside Azra Betül and Murat
Bandırma Prison	Güliden Aşık	
Bakırköy Prison	İlayda Tekgöz	captive with her child Ekrem (3)

2. SICK OR DISABLED CHILDREN AWAY FROM THEIR FAMILIES

10. Similar inhumane treatment is applied to children who are disabled or sick and their families. This situation, which contains countless examples, has no explanation other than torture. Families are not allowed to evacuate even though it is clear from hospital reports that they need their families. Even for a few hours, these children who are in a difficult situation are not allowed to meet with their families, which constitutes the crime of public torture against both the sick or disabled child and his family. One of the most obvious examples of these is the incidents of Ahmet Ataç(8) ⁷and Yusuf Kerim (6) ⁸, which are frequently reported in the press

⁴ <https://turkishminute.com/2023/08/30/mother-2-pushed-back-from-greece-arrested-turkey/>

⁵ <https://www.patreon.com/posts/kanser-hastasi-65619934>

⁶ <https://boldmedya.com/2022/01/19/ogretmen-ilayda-tekgoz-iki-cocuguyla-birlikte-1-yildir-hapiste/>

⁷ <https://tr.euronews.com/2020/05/07/kanser-hastasi-8-yasindaki-ahmet-atac-hayata-veda-etti-anne-zekiye-baba-harun-adana-tarsus>

⁸ <https://www.omerfarukgergerlioglu.com/basin/yusuf-kerim-son-yolculuguna-ugurlandi-dayan-dayanabilersen/32257/>

and unfortunately ended in death. These two children, who were undergoing cancer treatment, were not allowed to meet with their families during the treatment process, their families were not evacuated despite the decision to release them from the court, and as a result of this stress, the children's diseases constantly worsened, and as a result, both children lost their lives while calling their mothers. The worse part of these events, for which the entire Turkish press was mobilized, was that they were not released by the prison administration even though the local courts gave a "release" decision. In fact, the law called '**Yusuf Kerim Law**'⁹ (05.04.2023 Page 22, Article 23) was adopted, stating that the postponement of the execution of the sentence could also be applied to the mothers of sick and needy children. However, prison administrations that insist on not implementing this decision are seen as the primary responsible for torture.

Some examples about the situation and what was reflected in the press

11. Even though there are two events that cause so much pain, the same inhumane treatment is still persistently continued. The couple Nurcan and Abdulkadir Aslan, who were arrested last October, have six children, five of whom are quintuplets. One of these quintuplets is disabled and needs the care of his mother or father. Although this situation was obvious with hospital reports, the reports were not taken into account, both parents were arrested at the same time and sent to prison, and the children were left in need of care.

12. Another example is the case of 11-year-old Elif Sinem Sarıçelik. Özlem and Zekeriya Sarıçelik, the parents of Elif, who is 90% disabled and has Down syndrome, have been detained for years. Although the Yusuf Kerim law could be applied to Elif, it is not. Elif and her 7-year-old sister were left at the mercy of other family members.¹⁰

13. Züleyha Erkol is only 12 years old. She lost his mother to cancer a year ago and he is being treated for a brain tumor. He needs his father's attention and care, but his father, Adem Erkol, has been imprisoned in Sakarya Ferizli L-type Prison for more than 3 years. Again, although postponement of execution could be applied under the Yusuf Karim law, he is arbitrarily imprisoned.¹¹

14. The mother of 8-year-old Hatice Ertuğrul, who is 98% disabled, passed away on June 28, and her father Hamza E. has been detained for 7 years. Hatice cannot perform functions such as speaking, walking and sitting.¹²

Edirne Prison	Nurcan- Abdulkadir Aslan
Eskişehir Prison	Ozlem-Zekeriya Saricelik
Sakarya Ferizli L Type Prison	Adem Erkol
Antalya Prison	Hamza Ertugrul

⁹ <https://www.resmigazete.gov.tr/eskiler/2023/04/20230405.pdf>

¹⁰ <https://www.omerfarukgergerlioglu.com/basin/ofg-tv-225-bolum/32061/>

¹¹ <https://www.evrensel.net/haber/493227/zuleyha-babasiz-buyumesin-cagrisi>

¹² <https://www.patreon.com/posts/bir-aile-drami-7-79961852?l=de>

15. These examples are only examples and are the events that were reflected in the press due to the gravity of the situation. Many similar unlawful treatments continue to be implemented. Although there were public examples such as Yusuf Kerim and Ahmet Ataç before, and it is known how the end will be, these children are disregarded and their right to life is taken away from them.

3. DETERIORATING CONDITIONS OWING TO OVERCROWDED POPULATION

16. In light of the recent developments exclusively after the so-called 15 July coup attempt, all prisons have become overcrowded. In many cases, since the number of inmates and detainees have jumped its peak in a very short period, the convenience of these institutions decreased as a result of this.

17. When analyzing the major prisons facing overcrowding problem, Marmara Prison (used to known as “Silivri”) may be the first to mention, in which inmates and detainees are kept in very small wards that is not sufficient to maintain lives. Marmara Prison consists of 9 different sub-prisons, each of which has its own administration, allocating different facilities to inmates and setting a wide range of rules that differ from one sub-prison to another.

18. Although all the wards in Marmara Prison have been built for 7 inmates to stay, recently this number skyrocketed to 45¹³, in which inmates have been packed like sardines. Additionally, the lack of hygiene, enough spare areas, and social activity facilities can be counted as other depriving factors affecting human life. Moreover, the lack of a personal bed allocated to each of the inmates is another factor worth mentioning. Sadly, many inmates have been forced to share the same bed since there are insufficient beds as a result of the mentioned overcrowdedness. The same situation exists in Corum Women’s Prison. Female prisoners lie on the floor in Çorum Prison, which has become overcrowded due to transfers. In addition to the unusably dirty beds brought by the management from the warehouse, the heating problem in the wards causes the prisoners to spend miserable nights¹⁴.

4. TORTURE, ILL-TREATMENT AND DEPRIVATION OF RIGHTS

19. Pretrial detention has become a tool of punishment against defendants by violating their rights stipulated by law. Especially after the failed coup attempt, hundreds of thousands of dissidents have been arbitrarily and unlawfully detained and then imprisoned without granting any constitutional rights such as –mainly- the right to be heard, right to a fair trial, right to access a lawyer, etc.

¹³ <https://www.evrensel.net/haber/404769/silivri-cezaevinde-7-kisilik-kogusta-45-kisi-kalmaya-devam-ediyor>

¹⁴ <https://boldmedya.com/2024/01/22/corum-cezaevinde-koguslar-tika-basa-doldu-kadin-mahpuslar-yerde-yatiyor-soguktan-titriyorlar/>

20. In accordance with the abovementioned explanations, it can be clearly seen that both the government and the prison administrations are –and have been- breaching the most fundamental human rights, violating provisions protecting the core of these rights stated in relevant codes and those of the constitution.

I. TORTURE

21. **By definition;** “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”¹⁵

22. The Convention that Turkey ratified on 25.01.1988 publishing by the Official Gazette on 29 April 1987, was put into force. Although Turkey is a member state of the Convention, sadly, quite a lot of torture cases have been occurred especially after the so-called coup attempt, violating the most essential human rights.

- **Legal grounds that prohibit torture in Turkey**

23. **1-Turkish Constitution** regulates the prohibition of torture in Article 17/3 as; “*No one shall be subjected to torture or maltreatment; no one shall be subjected to penalties or treatment incompatible with human dignity*”.

24. **2- The Turkish Penal Code** regulates torture under part 3, as torture and torment, in articles 94, 95, and 96. **Article 94;**

(1) *A public officer* who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person’s capacity to perceive or his ability to act of his own will or insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years.

- **Reports published by different councils of UN stating the presence of torture in Turkey**

I. Office of the United Nations High Commissioner for Human Rights

25. The report¹⁶ published by Office of the United Nations High Commissioner for Human Rights concerning the year 2017 explicitly reveals that there has been a systemically torture in Turkey. 4th subheading of the report namely “torture and ill-treatment” begins with frustrating

¹⁵ <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

¹⁶ 2018-03-19_Second_OHCHR_Turkey_Report, page 19

words having been poured out of the mouth of a wife of a man suspected of being part of the Gülenist network, interviewed by OHCHR;

“They took me to the police station, terrorism unit ... They called the prosecutor and told him on the phone, “we have got a wife of a terrorist”. ... Then the police officer started threatening to take off my clothes and that they would show me to the detained men soldiers. He put his hands under my t-shirt and started to take it off. ... I was numb, silent.”

77. OHCHR documented the use of different forms of torture and ill-treatment in custody, including severe beatings, threats of sexual assault and actual sexual assault, electric shocks and waterboarding.

79. OHCHR found that perpetrators of ill-treatment and torture included members of the police, gendarmerie, military police and security forces.

80. “... OHCHR received reports of individuals detained and ill-treated without charge by anti-terrorism police units and security forces in unconventional places of detention such as sports centres and hospitals.”

II. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Report¹⁷ to the Turkish Government on the visit to Turkey carried out by the council on 10-23 May 2017 announced that;

90. “... many inmates were being held for prolonged periods of time under conditions which could, in the CPT’s view, be described as inhuman and degrading treatment.”

26. According to the recent reports concerning torture cases in prisons by human rights foundations and NGOs, a dramatic increase draws our attention at first sight. Since, torture has been used as a way of suppressing dissidents aiming to deter and intimidate them behind bars, lots of cases can be mentioned under this heading. However, we will address only a few out of hundreds of torture crimes committed briefly.

III. Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

27. The report that was published on 5 may 2020 states that “Most prevalent forms of torture include food and sleep deprivation, beatings, waterboarding, and electric shocks.”¹⁸

IV. United Nations Human Rights Council

¹⁷ Report to the Turkish Government on the visit to Turkey carried out by the council on 10-23 May 2017

¹⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25209>

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Turkey

28. The council held the 27th session between 26 February-23 March 2018 and Nils Melzer reported¹⁹ under the subheading namely Torture and ill-treatment that;

29. *“According to numerous consistent allegations received by the Special Rapporteur, in the immediate aftermath of the failed coup, torture and other forms of ill-treatment were widespread, particularly at the time of arrest and during the subsequent detention in police or gendarmerie lock-ups as well as in improvised unofficial detention locations such as sports centres, stables and the corridors of courthouses. More specifically, the Special Rapporteur heard persistent reports of severe beatings, punches and kicking, blows with objects, falaqa, threats and verbal abuse, being forced to strip naked, rape with objects and other sexual violence or threats thereof, sleep deprivation, stress positions, and extended blindfolding and/or handcuffing for several days. Many places of detention were allegedly severely overcrowded, and did not have adequate access to food, water or medical treatment. Also, both current and former detainees alleged that they had been held incommunicado, without access to lawyers or relatives, and without being formally charged, for extended periods lasting up to 30 days.”*

30. When it comes to the other findings;

- According to a report published by ASSEDEL reveals that there are two “non-existing, widely known torture centers” in Ankara.²⁰ Since the beginning of 2016, approximately 25 person have been identified by surveillance cameras and witness’ testimonies.
- The Turkish Government has enacted, in advance, some decree-laws aiming to provide a kind of immunity for those who commit torture crimes. Moreover, the courts remained reluctant to carry out effective prosecution phase with the effect of the political atmosphere.
- Preventive mechanisms such as Turkey Equality and Human Rights Institution also remained useless and idle throughout the process.²¹
- A recent specific torture event²², of which the victim’s name is Mehmet Sıdık MEŞE, occurred in December 2020, has been declared by Diyarbakır Bar Association.
- According to the press briefing of the Bar, the victim prisoner has been tortured by the wardens of Diyarbakır 3-numbered T-type Prison at the beginning of December. Just after the torture event, the prison officials tried to hide the effects of the torture that has left marks on the body, so that the marks would disappear and cannot be revealed through an examination by doctor.

¹⁹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Turkey, Nils Melzer report, 27th session betw. 26 Feb. To 23 March 2018

²⁰ <https://assedel.org/assedel-research-has-submitted-the-ill-treatment-and-torture-report-to-coe-cpt/>

²¹ <http://www.diken.com.tr/sistematik-iskence-kabusu-geri-mi-dondu/>

²² <https://gazetekarinca.com/2020/12/diyarbakir-barosundan-cezaevinde-iskence-aciklamasi/>

- The lawyer of the victim reported to the General Attorney of Diyarbakır to be able to set out the details of the event and punish those who are responsible. Unfortunately, the perpetrators were encouraged as nothing had been done by the authorities, and the crime of torture was concealed.

II. ILL-TREATMENT

31. **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** encourages national and international Human Rights bodies to raise awareness concerning ill-treatment cases inside detention places. The CPT emphasized this crucial matter in the meeting held on 9 July 2020;

32. *“The CPT wishes to recall the crucial importance of the prevention of ill-treatment of monitoring of detention places by independent national and international human rights bodies. The findings of such bodies can be of great assistance to member States in assessing the practical impact of their policies upon persons deprived of their liberty.”*²³

33. In line with this recall, we will briefly summarize issues related to ill-treatment having been implemented in detention centers. Firstly, the Turkish Penal Code regulates the crime of ill-treatment under the section of “Torment” in Article 96 as follows:

34. “Any person who performs any act which results in the torment of another person shall be sentenced to a penalty of imprisonment for a term of 2 to 5 years. Where the act is committed against a child, a person who is physically or mentally incapable of defending himself or a pregnant woman, then a penalty of imprisonment for a term of 3 to 8 years shall be imposed”.

35. Just to concretize, a recently occurred series of violations of rights and ill-treatments to a former member of the Court of Cassation and a political detainee, **Hüsamettin Uğur**, in **Kırkkale Keskin T-type prison**²⁴, sets out the inhuman and degrading treatments occurring towards vulnerable detainees by wardens behind closed doors. A.B., whose brother is in Kırşehir S-type prison, described his brother's torture as follows: “Prisoners began a week-long hunger strike on February 27. According to what my brother told me, on the third day of the hunger strike, about 10-15 correctional officers raided the C-1 ward, beat the prisoners with batons, and cursed and insulted them. His request to go to the infirmary to obtain an assault report remained unanswered. Prisoners staying in the high-security prison in the same prison also said that they were faced with torture and threats by the guards”²⁵.

III. DEPRIVATION OF RIGHTS

-RIGHT TO COMMUNICATION

²³ Follow-up statement regarding the situation of persons deprived of their liberty in the context of the ongoing COVID-19 pandemic of CPT, 09.07.2020

²⁴ <https://www.dogrusu.com/news/tutuklu-yargi-uyelerine-iskencenin-sembolu-keskin-cezaevi>

²⁵ <https://bianet.org/haber/yeni-bir-cezaevinde-neden-su-sorunu-yasaniyor-293467>

36. Letters, 10-minute phone calls per week, and meeting visitors are the only facilities allocated to detainees and inmates in prisons across Turkey. As seen in some cases, some of the letters that were sent to him have been kept for quite a long time and in some cases even rejected claiming that the letters include forbidden statements and sent back by the letter examination board, causing another deprivation of a right. The letter that the prisoner named M.N.D from Tarsus Women's Closed Prison wanted to deliver to the Diyarbakır Bar Association, but was confiscated and written for the second time on 28/11/2022, is as follows: "Actually, this is the second letter I have written to you since the letter I wrote to you before was not sent".²⁶

-RIGHT TO MEET VISITORS

37. There are two types of meetings with visitors. One is behind the window via telephone and the other one is a direct meeting in a room. The former is called a "Closed meeting", while the latter is called an "Open/Free meeting".

38. Normally each of these meetings lasts 1 hour, but some prison authorities arbitrarily end meetings 30 minutes later, forcing visitors to leave hurriedly without considering the distance they come from.

-RIGHT TO ACCESS MEDICAL FACILITIES

39. One of the most challenging factors affecting prisoners' lives can be considered as the lack of availability to see a doctor and get medicine. In most cases, petitions heading to the Prison administration remain ineffective. Sometimes this process takes even 2 months just to be examined by a doctor to tell what the problem is. Also, it is stated in report²⁷ of the Office of the United Nations High Commissioner for Human Rights that *access to a doctor and medical examination has been restricted*.

5. DEATHS OF PRISONERS AND UNLAWFUL DETENTION OF DEADLY ILL PRISONERS

40. Turkish Prisons have become a graveyard for deadly ill prisoner in the last few years. Turkish Criminal Execution Law enable the authorities for releasing gravely ill inmates by art.16, "*The execution of the sentence of a prisoner who cannot sustain his life alone in the prison conditions due to a serious illness or disability and who is considered not to pose a serious and concrete danger to public security may be postponed until he recovers in accordance with the procedure specified in the third paragraph.*"²⁸ On the other hand, the practical implementations regarding releasing those ill inmates depict otherwise. Human Rights Association NGO (IHD) has carried out research and found out that many detainees and inmates have lost their lives in prison.

²⁶ <https://www.diyarbakirbarosu.org.tr/public/uploads/files/9%20AYLIK%20RAPOR%20SON%20HAL%C4%B0.pdf>

²⁷ 2018-03-19_Second_OHCHR_Turkey_Report, page 20, para. 83-c

²⁸ <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5275-20140523.pdf>

41. Looking at the recent numbers, 93 inmates died in Turkish Prisons in the last 17 months, according to Human Rights Association NGO (IHD)²⁹. According to IHD data, 1,517 ill detainees, 651 of whom are seriously ill, are currently being held in prison.

Below are the names of some of the deadly ill prisoners and sick prisoners due to age:

Prison	Prisoner	Disease
Izmir Menemen R-type	Şerife Sulukan	Paralyzed, 89% disable, epileptic.
Sincan F-type Prison	Kazim Avcı	70 year old and 78% disable, had a heart attack, diabetic and high blood pressure.
Erzurum H-type	Yusuf Ozmen	Stage 4 lung metastatic cancer, 81% disable.
Yalvac T-type	Adem Cirit	87 year old and he has two separate reports from Süleyman Demirel Medical Faculty Hospital and Yalvaç State Hospital stating that he cannot stay in prison.
Izmir Menemen R-type	Şemsettin Ekinci	Since he is paralyzed from the waist down, he has wounds on his body caused by lying down all the time. Due to the burns in the genital area of his body and the problem of not being able to urinate, he has been fitted with a urinary bladder and will continue his life this way.
Bakırkoy Women's Prison	Leyla Aygün	She has undergone breast cancer surgery just before she was arrested and needs chemotherapy treatment, but the necessary procedures are not carried out in prisons.
Bakırkoy Prison	Hatice Yıldız	75 year old, in addition to health problems related to old age, she struggles with dementia, high blood pressure, osteoporosis, herniated disc, curvature of

²⁹ <https://artigercek.com/guncel/ihd-son-17-ayda-93-tutuklu-oldu-250710h>

		the spine, stomach disease and visual impairment. She often faints, urgent surgery is required.
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6. UNLAWFUL SEARCH OF WARDS

42. Most of the prisons carrying out their own rules are using wardens as a tool for punishing the dissidents. Although there are several ways of doing this, periodical searches of wards allow the administration to put their idea into practice.

43. A widely used intimidation tactic in prisons is cell searches. During the search, wardens enter the wards and gather all the prisoners in the yard then begin to scatter all clothes, beds, and even books to ground. While performing this some wardens force all the inmates to go out to the courtyard and have them wait in line while shouting at them for trivial reasons. In this part, it should be noted that inmates in prisons are subjected to a thorough search after an open visiting. Although strip searches are banned, inappropriate searches continue in prisons. Prisoner Ergun Arslan in Marmara L type prison: "Prisoners are subjected to a thorough search after each open visiting."³⁰

7. INSUFFICIENT NUTRITION, LIMITED HOT WATER

44. Lack of food, cold and hot water can be considered as one the most significant problems that prisoners have been facing with. Some prisons provide hot water only for 1 hour in a day, while some others put limits even for the cold water. Also the meals provided by the administration have been gradually reducing day by day, resulting in insufficient nutrition that cause arising of the new ill's owing to lack of food. A current example is Kirsehir S-Type Prison. Prisoner A.H.B talked to his family by phone on March 19 2024, and in this conversation he explained the water problem in the prison: there is not enough water coming to the wards, and the water that comes is cut and muddy³¹.

8. MAKE UP DISCIPLINARY PUNISHMENTS

45. It is a general outcome that if the rule of law lacks in somewhere, then anarchy and arbitrariness outbreak. In this case, making up fake disciplinary reports with the aim of suppressing prisoners is quite wide in terms of deterring them not to trying their rights before the judicial mechanisms. Additionally, since there is no effective petition recording system, some petitions are being removed without being submitted to concerned institutions.

³⁰ <https://www.birgun.net/haber/marmara-cezaevi-sorun-yumagi-530890>

³¹ <https://bianet.org/haber/yeni-bir-cezaevinde-neden-su-sorunu-yasaniyor-293467>

In some cases, wardens intentionally behave to intimidate prisoners and wait for them to respond, by doing so, the aim is to make fake reports and pave the way for detainees to be punished by the general disciplinary committee of the prison.

These punishments are vital since, as a result, prisoners may be banned from some of the most basic rights such as meeting with visitors, phone call rights and restricted intake of letters. Prisoner A.D. in Elazığ T Type Prison: "Counts are made twice a day, and two reports are made a day, one for each count. Then these reports are used against us and we are judged as not being of good behavior and are punished."³²

9. ARBITRARY SOLITARY CONFINEMENT

46. The ultimate level of protection and quite a high priority must be assured by the state officials in terms of human rights. Solitary Confinement, one of the most right-restraining type of punishment, threatens the guarantee of being treated well under the scope of both international and national human rights protection provisions.

As emphasized in most of the HR-based documents and reports of sub-councils of the UN, solitary confinement can only be applied under certain circumstances and for a determined period of time so that prospective arbitrary implementations can be eliminated.

As mentioned below, prolonged periods of such punishment deteriorate not only the physical but also the mental health of detainees and therefore these kinds of ultimately restrictive enforcements have to be proportionate and measured.

When it comes to Turkey, the legal provisions for supervising the officials are inadequate, and ineffective provisions cause arbitrariness paving the way for prison administrations to enforce any kind of punishment to detainees without being charged.

Some news on the media persistently indicates that more than 3 thousand detainees have been kept under solitary confinement.³³ Emir Karakum, the prisoner in Bafra T-type prison, is a living example who is kept in a solitary confinement even though his case is ongoing³⁴ Muzaffer Özcengiz who passed away in a solitary confinement in Corum Prison, and Y.M., who passed away also in a solitary confinement in Silivri Prison, prove that people are left to die in cells.³⁵

Legal grounds for solitary confinement in Turkey

³² <https://www.diyarbakirbarosu.org.tr/public/uploads/files/9%20AYLIK%20RAPOR%20SON%20HAL%C4%B0.pdf>

³³ <https://www.dw.com/tr/t%C3%BCrkiyede-tek-ki%C5%9Filik-h%C3%BCrelerde-ka%C3%A7-mahk%C3%BBm-var/a-48624244>

³⁴ <https://www.gercekgundem.com/guncel/350954/bekir-bozdog-zezaevinde-iskence-yok-demisti-iddianamesi-hazirlanmayip-hucrede-kalan-tutuklu-siddeti-anlatti>

³⁵ <https://www.dw.com/tr/t%C3%BCrkiyede-tek-ki%C5%9Filik-h%C3%BCrelerde-ka%C3%A7-mahk%C3%BBm-var/a-48624244#:~:text=Muzaffer%20%C3%96zcengiz%20gibi%20tek%20ki%C5%9Filik,olarak%20%20bine%20yakla%C5%9Fm%C4%B1%C5%9F%20durumda>

- **Article 44/1 of the Law No. 5275 on the Execution of Penalties and Security Measures (CGTİHK)³⁶;**

“that the convict is kept in a cell day and night, without prejudice to the right to go out into the open air, and is deprived of all contact.”

- **Article 17 of the Turkish Constitution;**
"Nobody can be tortured and torment, nobody can be subjected to a punishment and treatment incompatible with human dignity."

47. Finally, below, related paragraphs with the topic are quoted from the follow up covid-19 related statement by the council of PC-CP WG.

48. *6. As solitary confinement and in particular prolonged periods of such confinement, have noteworthy negative impact on the mental and physical health of detainees, as detailed in the recently revised and updated European Prison Rules and in their commentary (Rules 53 and 60.6), ... As a general rule the PC-CP wishes to underline that any such restrictions on rights and freedoms of persons under the supervision of prison or probation services should be temporary only and should be proportionate to the severity of a crisis, as well as to its impact and time-span, and should be lifted as soon as the source for their introduction has ceased to exist³⁷.*

14- “The practice of quarantining new arrivals in prison in separate cells/ wings as a precautionary measure to prevent the spread of a virus before a prisoner’s allocation to an ordinary accommodation wing represents a necessary measure during a pandemic. However, such a quarantine period should not amount to solitary confinement and should not last more than strictly necessary³⁸.”

E. OUTCOME AND RECOMMENDATIONS

49. We, as **De Facto Justice** Human Rights Advocacy NGO, would like to draw attention to the inhuman conditions in Turkish Prisons as well as their deteriorating situations. In light of the aforementioned points, it should be concluded that Türkiye has violated Articles 12, 13, 14 and 16 of the CAT by failing to ensure a prompt and impartial investigation of incidents of torture and by not providing an opportunity for victims to obtain redress within its legal system. As explained in detail, numerous human rights violations have been intentionally committed by a wide range of officials ranging from prison warden to the Turkish Ministry of Justice. Babies are given birth in prisons; women with babies and young children, heavily ill inmates,

³⁶ <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5275.pdf>

³⁷ covid-19-related-statement-by-the-members-of-the-council-for-penological-co-operation-working-group-pc-cp-wg para.6

³⁸ https://www.coe.int/en/web/prison/home/-/asset_publisher/ky2olXXXogcx/content/covid-19-related-statement-by-the-members-of-the-council-for-penological-co-operation-working-group-pc-cp-wg-?_101_INSTANCE_ky2olXXXogcx_viewMode=view/

disabled prisoners who are unable to maintain their lives without assistance, and many more vulnerable people have been kept in Turkish prisons. Moreover, torture, ill-treatment, and depriving inmates of the most fundamental rights such as the right to communication, the right to meet with visitors, the right to access medical facilities, and sufficient nutrition are considered common and general practices among many others.

50. We are calling for all the UN mechanisms that have an impact on Turkish authorities thanks to the universal human rights and agreements to which Turkey is a party, to urge Turkey to turn back to the rule of law; and to implement the universal human rights as it must be.

51. However, in the case that Turkey fails again (as it has been for the last several years) or refuses to obey the mentioned superior international laws, all institutions of the UN should implement sanctions on Turkey for dragging them back to the rule of law. We hope that Turkey acts in accordance with universal human rights and implements a fair and impartial judicial system.