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HUMAN RIGHTS ASSOCIATION  
DİYARBAKIR BRANCH

CAMPUS PRISONS IN DİYARBAKIR AND ELAZIĞ

INVESTIGATION AND  
DETECTION REPORT  
ON HUMAN RIGHTS VIOLATIONS

NOVEMBER 15th, 2021  
HRA DİYARBAKIR BRANCH  
PRISON COMMISSION

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## TOPIC

Upon the intense applications to our association by the detainees and convicts in Diyarbakır and Elazığ Campus Prisons and their families, our association's law and prison commission visited the relevant prisons on 27-28 October 2021. In the interviews held with the detainees and convicts in Diyarbakır and Elazığ Campus Prisons, it has come to the fore that human rights violations are experienced on categorical issues.

Our branch's law and prison commission has carried out investigations and determinations on the subject.

## FORMATION OF THE COMMISSION AND ITS PURPOSE

Detainees and convicts, in No. 1 and No. 2 High Security Closed Penal Institutions, Women's Closed Penal Institution, Closed Youth Detention Center, No. 1 T Type Closed Penal Institution which are located in Diyarbakır Campus Prison and No. 1 and No. 2 High Security Closed Penal Institutions, Women's Closed Penal Institution which are located in Elazığ Campus Prison, made applications via letters, and their families applied personally, to our association and reported that there were unlawfulnesses in the prisons regarding systematic torture, ill-treatment and other violations of rights. Due to the seriousness of the allegations in the applications made to our association, we decided to form a commission to visit the prisoners in the prisons where the allegations were made and to carry out investigations and determinations regarding the allegations in question.

The commission consists of HRA Diyarbakır Branch's Head, Lawyer Abdullah ZEYTUN, and Law and Prison Commission members;

Lawyer Derya YILDIRIM

Lawyer Ercan YILMAZ

Lawyer Eylül Büşra ÖZGÜLTEKİN

Lawyer Jiyan ORMANLI

Lawyer Yakup GÜVEN

Lawyer Yusuf ERDOĞAN

## APPLICATIONS FOR VIOLATIONS OF RIGHTS AND INTERVIEWS

The applications made to our branch by both the prisoners in the prisons and their relatives regarding the alleged violations are as follows:

**İ.U., serving time in Diyarbakır No. 2 High Security Closed Penal Institution, made the following statements in their application to our association via letter on 04.08.2021; "As it is known, as of July 1, 2021, all restrictions have been lifted in Turkey, while these**

*restrictions continue as they are in the prison I am in. A few of them are:*

1. *The one-and-a-half hour visit duration, which was approved by the parliament and entered into force in the last weeks of May, is not implemented in the prison I am in; the duration of the visits are limited to 45 minutes.*
2. *While we expect to make contact/closed meetings every week after the end of the restrictions, we can only do it twice a month with our two relatives, as we did in the restrictions period.*
3. *We are not given the right to do sports. We are told to wait until September.*
4. *Our rights to crafts, courses, meetings, etc. are not implemented.*
5. *As it is known, summers in Diyarbakır are very hot. Water-operated air conditioners, which we request for cooling and which are free in many prisons, are not provided. Many older people, especially seriously ill prisoners, are struggling.*

*Since I know your high sensitivity, I wrote only the main problems above. I would like to express my thanks in advance for your sensitivity, interest and effort in this matter, and wish you great success in your work.”*

**S.G., serving time in Diyarbakır No. 2 High Security Closed Penal Institution, made the following statements in their application to our association via letter on 04.08.2021;** *“The cost of a water-powered fan brought to the institution canteen with the approval of the Ministry of Justice and the Chief Public Prosecutor in Diyarbakır D Type Prison, where I stayed before, was deducted from my account and given to me. During the time I used it, there was no situation that would threaten the security of the institution in any way. When I was exiled to Diyarbakır No. 2 High Security Closed Penal Institution, we brought water-powered fans with us. However, it was not given to us by the prison administration for security reasons. The same response was given to our petitions that we wrote to the Office of the Chief Public Prosecutor. The region we are currently serving time in is one of the hottest places in the country. When the architectural structure and conditions of the prison are added to this, the temperature increases and becomes more oppressive. Everywhere is concrete, the roofs are covered with sheet metal, and in a place where the air flow is not enough, the heat has turned into a complete torture. This seriously affects both my health and psychology. As a humanitarian demand arising from these situations, we are not given the water-powered fans that we want. For about two years, many restrictions have been made with the measures taken due to the pandemic. As a result of the measures and restrictions, all our social activities here have been stopped. Our meeting rights have been restricted. We have been isolated in the wards since the pandemic started in the country. We have been putting up with this situation for a long time, because human health and life are at stake and in order not to endanger the lives of others. However, most of the restrictions were lifted outside as a result of vaccinations and the decrease in the number of cases. Although we are also vaccinated and there are no cases here, the restrictions on rights in prison have not been lifted yet. The restriction on the closed and contact visits we have with our families has not been lifted. Although we have requests to do our social and cultural activities, they are rejected due to the pandemic. However, all the personnel come and go out every day and enter and leave our wards during*

*the morning and evening counts and searches. It is not seen as a problem that prison personnel come into contact with many people outside and come to the prison without taking any precautions and contact us. While we are voicing our most humane demands for our rights, it is seen as a problem due to the pandemic. This is clearly an indication of arbitrary treatment. Another issue is that hygiene rules are not followed in food. The food prepared is of poor quality and the variety of dishes is less. The dishes are not eaten because of the way they are made or because they are cold, and sometimes because they are brought stale. The meals provided do not cover the cost of subsistence. We think that there is a corruption. Meals given also negatively affects our health. We kindly request you to do what is necessary to fulfill the conditions and requests I have shared above.*

**F.Y., serving time in Diyarbakır Closed Youth Detention Center, made the following statement on 04.08.2021;** *“I am currently under arrest in prison for a political case. I have been alone in the ward for more than four months. Since I am a political prisoner, I am subjected to pressure and psychological violence by the guards, chief officers and principals here. They're illegalizing me in the eyes of other prisoners. When we go to sporting events, they threaten other prisoners who want to talk to me ,they do not locate other political prisoners, who want to come to me, to the ward where I am, they evaluate the petitions against the law. Other prisoners are tortured. They pressure the prisoners and threaten them not to meet with lawyers from the Bar Association, so the prisoners are afraid and do not want to see the lawyers. Human rights are violated here, authorities are acting in an unlawful manner. Inhumane practices are allowed. I wanted to let you know that there are such problems in prisons. We want justice, fairness and equality here. We will fight until the end until these demands are implemented. We also want you to support us.”*

**D.E. & E.A., serving time in Diyarbakır No. 2 High Security Closed Penal Institution, made the following statements on 04.08.2021;** *“We were brought to the prison where we have been for about 4 months. We have encountered quite a few violations of rights here and we have faced many problems, and some problems also continue. One of them: As it is known, the season we live in is a season of extreme heat. In fact, people are losing their lives every day due to the air temperatures. As convicts and detainees, we are also exposed to this extreme heat because we are not given a cooling equipment (air conditioner, etc.) by the prison administration. The air coolers we bought with our own money were taken from us on the first day of our entry into the prison and are not given to us, it is said that air coolers are prohibited and our request for them is turned down. If people outside are losing their lives due to hot weather despite all the opportunities they have (air conditioning, cool areas, etc.), we convicts and detainees experience this risk the most. People die from various causes such as heart attacks and similar causes that trigger their health. No cooling equipment is given to us. There is absolutely no such situation in all the other prisons we stayed in. Only here, there is only arbitrary practice. It is out of the question that air conditioners etc. are not provided in any prison. Prisoners in every prison have this right. But right now we are in a very disadvantaged situation. For this, I want you to take the necessary initiatives, solve our existing problems and eliminate the violations of rights. It is submitted for your information to do what is necessary. We also want to talk about some of the problems and troubles we are*

*experiencing: The measures that were tightened due to the pandemic have been gradually reduced for about a month. There is a complete normalization. But the opposite is happening in prison. It is definitely a different approach that the normalization process is not implemented in prison, despite it being a thousand times more cautious than outside. All of the places such as ball fields, restaurants, cafes, cinemas, theaters, shopping malls, etc. were opened. But the intensified measures continue for the prison. It is an extra punishment, not just a precaution applied to the prison on the grounds of a pandemic when everywhere is full with crowd. There were activities we did daily, courses, workshops, handicrafts courses etc. These were stopped due to the pandemic. Normalization started everywhere. For us, there should be a normalization, too. However, our demands are ignored by saying it is forbidden. In addition, both our contact and closed visit hours have been increased to 1.5 hours. Also, our weekly meeting is made bi-weekly, but these are strictly not implemented. We are required to be able to have visitors during the hours specified in accordance with the right to have visitors, but we are not allowed to do so. In short, we want to go out to the common area, which is our right, to have access to workshops, courses, etc., meeting with prisoners and want family visit hours to be adapted. We are informing you so that the necessary normalization is implemented in prison, our existing rights are ensured, the victimization is eliminated and necessary actions are taken.*

*Note: all convicts/detainees in prison have been vaccinated. There are no barriers to removing restrictions. Practices are only arbitrary. It is submitted to your information for further action.”*

**M.Ş.D, serving time in Diyarbakır No. 2 High Security Closed Penal Institution, made the following statements on 04.08.2021;**

- 1. Fans used for the summer heat are not given due to prohibition,*
- 2. Diseases increased due to heat,*
- 3. Subsistence right is not provided,*
- 4. Food given is not suitable for hygiene and nutrition conditions,*
- 5. Restrictions on doing sports, participating in events or meetings still continue, citing the Covid 19 pandemic.*

**The statements of M.Ş., H.Y. and S.Ö., who applied to our branch via letter on 04.08.2021, are as follows;** “*As it is known, the Covid-19 epidemic, which swept the whole world, had a negative impact on the whole world in general, and on poor and oppressed people in particular, economically, socially, politically and culturally. The effect of this is obvious in Turkey. As detainees and convicts in prison, we have experienced and are experiencing serious grievances with our families, both physically and morally, within the framework of the restrictions and measures we have experienced during this period. On July 1, 2021, it was announced to the public by the authorities that the normalization process was started in Turkey. Again, within the scope of the judicial reform package published in the Official Gazette on the same date, it was decided to increase the 1-hour family visiting hours*

to 1.5 hours. As it is understood from the announcements made in the prison, they will not allow this legalized right to be exercised. For about a year and a half, we have been deprived of social activities (chat, handicraft, computer, instrument, painting, sports, etc.) within the scope of Covid-19 measures. Moreover, our rights to have visitors were restricted once a week and once a month, our contact visits were completely removed, and our weekly visits were limited to 45 minutes, twice (2) a month. The conditions we live in, instead of getting better, have been turning into a severe social isolation, on the contrary, by making even more severe restrictions. This situation affects us both socially and psychologically. Again, the fact that the meals given in the campus prison we are in during this epidemic process, let alone immunize against the epidemic, are far from hygiene, almost inviting diseases and they are far below the cost of subsistence. The average temperature of the region we live in does not fall below 40-45 degrees. The concrete of the place we are under these scorching temperatures and the sheet metal roofs above us make this heat even more unbearable, leaving us breathless. Although this is the situation we live in, the air conditioners we bought in the D Type Prison on the same campus are not given to us because it is forbidden, and the situation of many of our friends with heart and chronic diseases is also known by the relevant people. As a result, the above-mentioned issues prevent the sustainability of basic human rights and life, and these constitute a violation of rights. In this situation, the responsibility for possible diseases and loss of life belongs to the administration of the prison where we are staying. We also ask you as Human Rights Defender to follow the issues we have stated, to share necessary information with relevant institutions and organizations, and to follow up on the violations of rights.”

**Z.D., serving time in Elazığ Women's Closed Penal Institution, made the following statements on 20.08.2021;** *In the letter she, Z.D., wrote from Elazığ Women's Closed Penal Institution; “I was caught in June, 2020. When I was caught, I was taken to a field and tortured. They threatened to execute me. The people who did this described themselves as the Detention Interview Team. During the interrogation, I was exposed to pressure, threats and insults. Later, I was arrested and brought to Elazığ Women's Closed Penal Institution. I was held here in the neutrals ward. For a while, when I went to meet with the lawyer, I was threatened again by the team I mentioned and by people I didn't know who they were. In the infirmary and when I went to the hospital, I was insulted by the doctors. Afterwards, I informed the administration that I did not want to stay in the neutrals ward. They put me in a solitary cell. Afterwards, I wanted to move to the sideds ward with another request. After this request, the prison administration extended the process by opening disciplinary investigations against me. I don't want to stay in the solitary cell anymore. I request support from your association regarding this process I am going through.”*

**O.Ö., who personally applied to our association on 14.09.2021, made the following statements regarding his older brother A.Ö., serving time in Diyarbakır No. 1 T Type Closed Penal Institution;** *“My brother A.Ö. has been convicted in Diyarbakır No. 1 T Type Closed Penal Institution for about 4 years. He is also in detention status due to another case. My brother said that 20 days ago, their wards were searched, and the guards told them that excess items had to be taken out. Meanwhile, my brother reported that a prisoner named A., who was in charge of the ward, objected to this situation. Thereupon, the prisoner named A. was asked to be removed from the ward by the guards, and my brother objected to this*

situation. Upon my brother's objection, about 10 guards beat my brother in front of the cameras in the ward. The violence that took place in the ward continued in the absence of cameras. In the absence of cameras, my brother was beaten again by the perpetrators of violence. While my brother was being abused, some of the guards said, "Hit him below the waist, don't hit him in the face, don't leave a mark." My brother wanted to go to the infirmary and get a report of assault due to the violence he suffered, but this was not allowed by the administration. Due to this incident, my brother was sentenced to 3 days in solitary confinement and 6 months of disciplinary punishment. My brother called us on the phone 10 days ago. On the phone, my brother told me, "I don't feel well psychologically; here they put pressure on me. I will commit suicide." The prison administration is responsible for this. We are worried about my brother's safety due to this violence. We request legal assistance from your association."

**Ü.Ö., serving time in Diyarbakır No. 1 High Security Closed Penal Institution, made the following statements in their application to our association via letter on 16.09.2021;** *"I have been transferred to Diyarbakır No. 1 High Security Closed Penal Institution for about a month. I have faced many problems since the day I was transferred. One of these problems was that I went on a hunger strike for 15 days. During this time I was serving time in a three-person ward. I was taken out of this ward and taken to a solitary cell because I went on a hunger strike. There is no one to accompany. There was no such practice before. I have made the necessary objections. I want your institution to reflect these situations in its reports."*

**In the letter that reached our Association on 05.10.2021, the prisoner İ.Ç. reported the following:** *"I request that the commission, to be formed with the aim of detecting the practices against human rights in Diyarbakır D Type Penal Institution and taking initiatives to solve them, hold a meeting with me."*

**In the letter that reached our Association on 20.10.2021, the prisoner N.A. reported the following:** *"I request that the commission, to be formed with the aim of detecting the practices against human rights in Diyarbakır D Type Penal Institution and taking initiatives to solve them, hold a meeting with me."*

## **ACTIVITIES OF THE COMMISSION AND THE STATEMENTS OF THE PRISONERS**

Our commission held meetings with prisoners in Diyarbakır and Elazığ Campus Prisons on 27-28 October 2021.

### **Diyarbakır No. 1 High Security Closed Penal Institution**

Prisoners in Diyarbakır No. 1 High Security Closed Penal Institution made the following statements regarding the allegations asked by our commission during the interviews held with them;

- 1) According to what the prisoners reported; It has been stated that no social activities are allowed by the prison administration due to the pandemic conditions that have been going on for more than 18 months, and that the prisoners cannot go in the common

area and participate in hobby activities with other prisoners. It was said that the prisoners were given the right to exercise for 45 minutes, once a month, and that this right was only exercised with 2 or 3 prisoners they were staying with.

- 2) Prisoners stated that they have not been able to have contact meetings with their families since March 2020, the start date of the pandemic, and that their right to closed meeting, which is stated to be up to 1.5 hours by regulation, is still applied for 45 minutes, and that the regulation that allows prisoners to have video chats with their families has not been implemented because the Ministry of Justice has not made the necessary correspondence.
- 3) Prisoners stated that they were frequently subjected to ward searches and their personal belongings were confiscated during the searches. Also, the prisoners stated that they were transferred to cities far away from the cities where their families live, without any justified reason, and that even their personal belongings and medicines were not allowed to be taken with them during the transfer.
- 4) We have been informed that the execution of the prisoners who meet the conditions for conditional release has been extended for 6 months with the unjustified and abstract decision of the administrative observation board, and even a prisoner has been subjected to this practice for the 2nd time.
- 5) Finally, prisoners stated that the book, newspaper and magazine restrictions that have been going on for many years continue, the meals provided by the prison are insufficient and their nutritional value is low, and the canteen prices are very high.

### **Diyarbakır No. 2 High Security Closed Penal Institution**

Prisoners in Diyarbakır No. 2 High Security Closed Penal Institution made the following statements regarding the allegations asked by our commission during the interviews held with them;

- 1) According to what the prisoners reported; We have been informed that the prisoners are not allowed to go in the common area and that they are not benefiting from social and cultural activities on the pretext of the pandemic conditions.
- 2) Prisoners stated that until recently, shaving and haircuts had been done, but due to the pandemic, shaving and haircut was prohibited by the administration. Prisoners said that they were given scissors for shaving and haircuts before, but with the new practice, they were given only the shaver.
- 3) Prisoners stated that people from different groups were jailed in adjacent rooms in the same corridor.
- 4) Prisoners said that they were not given any information by the administration as to whether the letters they sent reached the addressee or not. In addition, they mentioned that the administration either did not respond at all to their

correspondence with the institutions or responded very late.

- 5) When the prisoners included information about the status of other prisoners (name, etc.) in the contents of the letters they sent, they stated that these letters were not sent due to the circular of the Ministry of Justice.
- 6) Prisoners said that their phone calls were recorded on the grounds of the circular.
- 7) Prisoners stated that they were referred to the hospital in emergencies, but in other cases, their transfer to the hospital was very delayed.
- 8) Prisoners stated that the materials sold in the canteen were of poor quality. For example, they said that the pens they bought were empty and not suitable for writing.
- 9) Prisoners are provided with hot water for only 3-4 hours a day in the afternoon. They stated that they were not provided water continuously for 24 hours.
- 10) Prisoners said that closed visits are still limited to 45 minutes; and the regulation for holding closed meetings up to 1.5 hours was limited to the initiative of the administration.
- 11) Prisoners said that certain newspapers and magazines were not given to them. They stated that only the newspapers and magazines approved by the administration were given to them.
- 12) When the prisoners demanded their belongings from the depository unit, they stated that they were either not given at all or were given too late.
- 13) Prisoners stated that X-Ray device is applied very sensitively to their visitors, and during the visits, families were prevented from even greeting another prisoners.

### **Diyarbakır Closed Penal Institution For Women**

Prisoners in Women's Closed Penal Institution made the following statements regarding the allegations asked by our commission during the interviews held with them;

- 1) According to what the prisoners in this prison reported; It was stated that letters were sent once a week, books were given once every 2 months, and publications in Kurdish were not allowed. Prisoners stated that if the person they call does not pick up the phone during the first call, their right to call ends and they are not given the right to call again. Prisoners said that on visiting days, they were not even allowed to greet other prisoners and their families.
- 2) Prisoners stated that the criminal complaints they wrote to the Chief Public Prosecutor's Office were read by the administration, and that if a problem in

the prison was mentioned in the criminal complaint, a disciplinary investigation was initiated against them and they were given disciplinary punishment

Prisoners stated that since 29 October is a public holiday, the administration announced to them that they should meet their canteen needs for 2 weeks. They said that due to this practice, since there were no fridges in the wards, the food they bought was spoiled. Prisoners said that they were not provided with any food supplements and vitamin support by the administration, and they were given only one apple or orange a week. Prisoners said that every meal had potatoes in it, that the needs of those who had to eat diet meals due to health problems were not met. They also stated that vegetarian prisoners were given only meatless meals given in the prison.

- 3) Prisoners said that they could not negotiate with the administration to resolve any problem. They stated that the routine ward searches seemed like a raid.
- 4) During the interviews with the prisoners, we were informed that 9 prisoners were in quarantine in a ward. In addition, prisoners stated that they stayed in adjacent rooms with people from different groups.
- 5) Prisoners informed us that a 65-year-old convicted female prisoner named Z.T. had colon cancer and diabetes. It was stated that she was constantly receiving chemotherapy and could not sustain her life on her own. Prisoners stated that there was a constant loud noise from the next rooms where prisoners from different groups were located, and therefore, especially ill prisoners and those serving time in the quarantine ward could not sleep because of this loud noise.
- 6) Prisoners stated that a 51-year-old prisoner named E.A. was treated 6 times in Bakırköy Psychiatric Hospital and could not sleep because of the loud noise.

### **Diyarbakır Closed Youth Detention Center**

Prisoners in Diyarbakır Closed Youth Detention Center made the following statements regarding the allegations asked by our commission during the interviews held with them; *“As a result of the interviews, it was stated that the meetings with the Administration were possible, the hygiene conditions were taken care of, the food and nutrition support was provided, there was no problem in accessing the books, magazines and newspapers, the canteen prices were more affordable than other prisons, and the communication channels with the prison administration were open. However, it was stated that the rights of social and cultural activities such as going to the common area, contact visits, and hobby are still limited, but they were informed that the administration would make arrangements in these matters.”*

F.Y., who applied to our association and complained about prison conditions, could not be interviewed. We have been informed that the prisoner was transferred to another prison because he turned 18.

### **Diyarbakır T-Type Closed Penal Institution No.1**

Our commission had a meeting with A.Ö., who was in Diyarbakır No. 1 T Type Closed Penal Institution. A.Ö.'s brother, O.Ö., has also applied to our association regarding the prison conditions his brother was in. The prisoner named A.Ö made the following statements to our commission;

The prisoner stated that he had previously stayed with his uncle in Diyarbakır No. 1 T Type Closed Penal Institution and that the pressure from the prison guards started because his uncle objected to the change of his ward. The prisoner stated that there was a discussion with the prison guards regarding the nightstand he bought from the canteen, and he was asked by the prison guards why there were two fans in the ward. The prisoner stated that he was beaten in front of the cameras by a tall guard named E. about 3 months ago. He said that he still had difficulty in sitting due to kicks on his back and hips. The prisoner stated that his mother filed a criminal complaint regarding this assault, but no action was taken. Following this incident, the prisoner said that he was taken to a room called Temporary 2, and that physical violence was inflicted to his whole body, except for the face. He stated that many guards, except the guard named U., inflicted violence on him during this assault and he was kept in a solitary cell for a long time. The prisoner stated that he wanted to go to the hospital because of the assaults, but he was not taken. The prisoner stated that there was constant psychological pressure applied by the guards, and that he was constantly subjected to ill-treatment because he had made complaints about the prison guards. The prisoner stated that he was constantly harassed with words made by guards such as "Don't put your hand behind you. Close the front of your coat". He told us that he met with officials such as imams and psychologists in the prison, but the imam said to him, "No one has touched you. This is not torture", and the psychologist said, "This would not have happened if you hadn't threatened them." The prisoner said that 23 people stayed in a 10-person ward and he wasn't allowed to leave the ward. He said that he was taken to a room without cameras and beaten for hours by the guard named E. He notably requested that his experiences be shared with the press. In his phone call, the prisoner said that while he was telling his mother that he had been beaten on the phone, one of the guards shouted from behind and said "I beat him too." The prisoner stated that when his mother heard this, she said, "God damn you", and therefore he was given a 5-day solitary sentence and his mother a three-month visit ban.

**Elazığ No. 1 High Security Closed Penal Institution**

Prisoners in Elazığ No. 1 High Security Closed Penal Institution made the following statements regarding the allegations asked by our commission during the interviews held with them;

- 1) According to the statements of the prisoners in this prison, they stated that they were taken to the infirmary late and were taken to the hospital in handcuffs.
- 2) Prisoners said that during the ward searches carried out by the administration, their wards were dispersed, their books were arbitrarily confiscated, and that some prison guards who carried out the searches made provocative statements with rude behavior.
- 3) Prisoner said that the clothes sent by their families were arbitrarily confiscated and the books were given to them one by one. They stated that two books were not given at the same time.
- 4) Prisoners stated that their transfer requests had been arbitrarily blocked. They stated that they wanted to go to the prisons which are close to their families, but their demands were not fulfilled.
- 5) Prisoners stated that the products sold in the canteen were very expensive and the hygiene materials were given very little. They stated that the nutritional value of the meals in the prison was very low and sometimes hair and similar things came out of the meals. In addition, they said that the food for one was given to three prisoners.
- 6) Prisoners stated that the pandemic restrictions continued and before the pandemic, they were allowed to do sports together with the prisoners serving time in other wards, but currently they were only allowed to do alone.
- 7) Prisoners said that contact visits were still not allowed on the grounds of the pandemic. They stated that they could only have closed visits for 15-20 minutes with their relatives. They stated that workshops etc. in the prison were banned on the grounds of the pandemic.
- 8) Prisoners stated that certain newspapers such as Yeni Yaşam and Azadiya Welat were not given to them.
- 9) Prisoners stated that the letters in Kurdish that were sent to them were not given to them by the administration.

## Elazığ No. 2 High Security Closed Penal Institution

Prisoners in Elazığ No. 2 High Security Closed Penal Institution made the following statements regarding the allegations asked by our commission during the interviews held with them;

- 1) According to the statements of the prisoners in this prison, we were informed that the execution of 7-8 prisoners was extended. Prisoners stated that the execution of many prisoners was extended for a period of up to 6 months with the reports of the administrative and observation board. Prisoners said that although a prisoner's prison sentence was reduced to less than 1 year, he was not given the opportunity to be transferred to an open prison for reasons such as disciplinary action.
- 2) Prisoners stated that they were faced with the imposition of 'intraoral examination' during hospital referrals. They stated that if they did not accept this practice, their treatment was not carried out. They also stated that they had to stay in quarantine for 15 days upon returning from hospital referrals.
- 3) Prisoners stated that ward searches had been made more frequently for the last 15 days. They stated that ward searches were carried out twice a week and that the prison guards' attitude towards them was insulting and offensive during the searches. They stated that the searches did not comply with the pandemic conditions.
- 4) Prisoners stated that cleaning supplies were given to them on a limited basis. For example, they said that 3 prisoners were given 1 squeegee.
- 5) Prisoners stated that they were subjected to insults during their ward change requests and during their referrals.
- 6) Prisoners stated that they were given 7 books. They said that the books with the banderol were not given to them by saying 'they contain quotations'.
- 7) Prisoners stated that they were not given local newspapers. They stated that certain newspapers such as BirGün, Cumhuriyet and Fikir were delivered 2 days late. They said that the magazines were not given to them. They reported that the administration put pressure on them by saying "Subscribe to the magazine we want".
- 8) Prisoners stated that they were given hygiene materials only once during the pandemic. When they wanted to take them from the canteen, they stated that they received the answer "No, you can't!" Prisoners said that the hygiene materials in the canteen were very expensive. They stated that they did not benefit from the revolving fund.

- 9) Prisoners stated that people from different groups were jailed in adjacent rooms. They stated that their room change and referral requests were not met.
- 10) Prisoners stated that it was still forbidden to go in the common area, to participate in cultural and social activities on the grounds of the pandemic. In addition, the prisoners stated that the family visits were still limited to 45 minutes.
- 11) Prisoners specifically stated that the letters they sent to the institutions did not reach their addresses. In addition, they stated that the letters they sent to some newspaper writers were not sent. A prisoner named C.G., who was interviewed, stated that he was subjected to physical violence 3 times in this prison, and that he was also sentenced to 92 days in solitary confinement. Also, the prisoner named C.G. said that there were expressions such as "incurable" in the report kept about him. He stated that they were threatened with solitary confinement when they demanded something.

### **Elazığ Closed Penal Institution for Women**

Prisoners in Elazığ Closed Penal Institution for Women made the following statements regarding the allegations asked by our commission during the interviews held with them;

- 1) Prisoners in this prison stated that four prisoners received disciplinary punishments for breaking the camera that saw the private area and their executions were extended.
- 2) Prisoners stated that the prisoners with health problems refrained from going to the hospital due to the quarantine requirement, which lasts for 15 days. They said that they had to be handcuffed during their transfer to the hospital and during the examination, and if this was not accepted, their treatment was not carried out.
- 3) Prisoners stated that ward searches had been carried out at least twice a week recently.
- 4) Prisoners stated that magazines such as Bavul and Ot were not given to them on the grounds that they were not available at the dealer, and they could only buy a limited number of books.
- 5) Prisoners said that the prices of the products sold in the canteen were very expensive. They stated that hygiene materials, hand soap, dish soap and sanitary napkin were not given to them.
- 6) Prisoners said that the nutritional value of the meals in prison was low and the meals were inedible. They stated that it was not allowed to heat

meals that had come cold.

- 7) Prisoners stated that colored pencils, papers and envelopes were not given to them on the grounds that they were not sold in the canteen.
- 8) Prisoners stated that their requests for transfer to Diyarbakır were rejected on the grounds that the prison there was full.
- 9) Prisoners reported that activities other than sports were not allowed.
- 10) Prisoners said that the visits are still limited to 45 minutes, and the regulation for having visits up to 1.5 hours was not enforced.
- 11) Prisoners stated that their petitions written to official institutions were not answered.
- 12) Prisoners said that the fees for sending letters and faxes were increased by more than 200%, and they could send a letter for 30 cents.

## FINDINGS

As a result of the interviews made by our commission in Diyarbakır and Elazığ Campus Prisons, the following determinations were made;

- 1) It has been determined that social and cultural activities are not allowed in prisons due to the COVID-19 outbreak, or this right is given to prisoners in a limited way.
- 2) It has been concluded that torture and ill-treatment practices continue in prisons because the torture or ill-treatment claims of prisoners in some of the prisons visited are credible and conveyed to us in detail.
- 3) It is one of the problems communicated to us before that the transfer and ward change requests of the prisoners were rejected for unjustified or unlawful reasons, and it has been observed that this problem still persists.
- 4) It has been determined that the phone calls of the prisoners with their families and relatives are recorded on the grounds of the circular issued by the Ministry of Justice.
- 5) It has been determined that the reports prepared by the Administrative Observation and Classification Board on whether the prisoners are in “good behavior” are mostly based on abstract reasons devoid of legal basis. For this reason, it has been determined that while many prisoners should benefit from the right of probation after spending a certain part of their

execution in prison, on the contrary, their execution has been extended.

- 6) Prisoners stated that they were faced with the practice of "double handcuffs" and "intraoral examination" during hospital referrals and examinations. The existence of these practices was conveyed to us before by the applications of many prisoners and their relatives. It was also included in our previous findings that double handcuffs and intraoral examination practices are a violation of the prohibition of ill-treatment. It has been determined that this practice continues.
- 7) One of the problems we have been told is that the newspapers and magazines published in Kurdish are not given to the prisoners by the prison administration. In addition, the prisoners stated that some magazines and newspapers were not given to them arbitrarily. It has been determined by us that there were similar practices in prisons before.
- 8) Prisoners stated that they were not informed by the administration about whether the letters they sent to institutions or individuals reached the addressee, and that if the contents of the letter included names or problems related to other prisoners, their letters were not sent on the grounds of the circular issued by the Ministry of Justice. In addition, the prisoners said that the fees for sending letters and faxes were increased. We have observed that these practices violate the prisoners' right to communicate.
- 9) Prisoners stated that during closed visits, visitors passing through the X-Ray device faced many difficulties, the X-Ray device was adjusted very sensitively, and in such cases, family visits were disrupted. Our commission has determined that this situation often violates the prohibition of ill-treatment and shortens the time prisoners spend with their visitors.
- 10) Prisoners said that the prison guards did not act in accordance with the pandemic measures during the ward searches and that prisoners were often exposed to insults and unlawful acts by guards. Such complaints have been conveyed to us many times before. It has been determined that this problem is a violation of the right to health and the prohibition of ill-treatment.
- 11) Prisoners stated that the work of barbers was prohibited by the administration due to the pandemic and that they were not given tools such as scissors. This situation is a violation of the right to health in pandemic conditions.
- 12) Prisoners stated that closed visits are still limited to 45 minutes. Although it was previously stated that the closed visit period could be extended up to 1.5 hours with the regulation, it was determined that the prison administrations used their discretionary powers to the detriment of the prisoners.

- 13) Prisoners stated that the products they bought from the canteen were of poor quality and expensive. This is one of the problems we have mentioned in many of our reports before. It has been determined that the same problem persists.
- 14) Prisoners reported that those on trial from different cases were kept in adjacent rooms. It has been determined that this situation creates an unsafe prison environment for prisoners.
- 15) Women prisoners stated that sanitary napkins, one of their special needs, which should be provided by the administration, was not given to them free, and that the prices of them in the canteen were much higher than their market value. We have covered this problem in our reports before. Our commission has determined that the problem still persists.

## SUGGESTIONS

Our suggestions for the elimination of the violations of rights that have been proven to be true as a result of the applications made to our association by prisoners and their relatives for many years, and the recent visits of our commission to Diyarbakır and Elazığ Campus Prisons;

- 1) The legislation and policy of the penal system in Turkey needs to be brought in line with international human rights law, and in particular with the rights of prisoners. The fact that the behavior of the prisoners during their time in prison prevents them from being released with arbitrary decisions as a result of the evaluations made by the administrative observation boards constitutes a violation of the right to liberty and security. The execution system, the conditions of transition to open prison and benefiting from probation should be made equal for all prisoners by making legal arrangements in accordance with the principle of equality guaranteed by Article 10 of the Constitution and the nondiscrimination principle specified in Article 14 of the ECHR.
- 2) Where prisoners allege in detail that they have been subjected to torture or ill-treatment, active investigation should be launched promptly and prisoners held in prisons should be treated with dignity. In this context, we invite the government to immediately initiate the necessary work for the establishment of "independent" national oversight mechanisms in accordance with the "The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)." We invite the Ministry of Justice and the Committee on Human Rights Inquiry to investigate the torture and ill-treatment reported by prisoners in some prisons.

- 3) Necessary measures should be taken to ensure the prisoners' right to access to health, to give importance to preventive healthcare, and to ensure that those with the disease can benefit from treatment opportunities. The practices of "double handcuffs" and "intraoral examination" imposed on prisoners during hospital referrals and examinations should be abandoned immediately. It is necessary to treat ill prisoners urgently, and to remove legal and other obstacles to the release of all ill prisoners, especially seriously ill prisoners who cannot survive in prison due to their illnesses.
- 4) The isolation imposed on prisoners must be lifted immediately and humane living conditions must be established. In this context, restrictions on social, cultural and other activities of prisoners should be lifted.
- 5) Within the scope of the prisoners' right to receive news and communicate with others, the restrictive decisions taken by the administration regarding publications such as newspapers and magazines should be immediately abolished, and the increases in mail and fax delivery fees should be withdrawn. The discriminatory practices of prison administrations, especially regarding Kurdish publications, violate the prisoners' cultural rights. We urge the authorities to take immediate action to eliminate this violation. Not being informed about whether the letters sent by the prisoners reach the addressee or not is a violation of the right to information. This violation must also be eliminated.
- 6) The fact that prisoners are kept in prisons far from their families and that their requests for transfer are rejected by the Ministry of Justice without any justification constitute a violation of the "obligation to respect family life". Considering the previous violation decisions by the ECHR and the provisions protecting the rights of prisoners in national and international legislation on this issue, the requests for transfer to another prison should be evaluated in accordance with these principles and the provisions of the legal legislation, and the prisons should be transferred to prisons where their families are or close to their families.