



(Diyarbakir Bar Association)



(Human Rights Association)

**REPORT on
HUMAN RIGHTS VIOLATIONS
in ELAZIĞ HIGH SECURITY PRISON**

**by
DIYARBAKIR BAR ASSOCIATION (DBA)
HUMAN RIGHTS ASSOCIATION (İHD), Diyarbakir Branch**

23 February 2018

INTRODUCTION

The relatives of inmates in Elazığ High-Security Prison Number 2, located in Elazığ Penal Institution Campus, applied to Diyarbakır Bar Association (DBA) and Human Rights Association (İHD) on 19 Feb. 2018 complaining about intensive torture and battery for the past few days. In accordance with these applications, members from the bar's Prison Watch Committee and İHD Diyarbakır Branch paid a visit to Elazığ Penal Institution on 21 February 2018, leading herewith Report.

Members:

Hasan YALÇIN, Attorney, İHD Diyarbakır Branch, Board Member

Gurbet YAVUZ, Attorney, İHD Diyarbakır Branch, Association Member

Önder ALÇIÇEK, Attorney, DBA Prison Watch Committee

Hazal ÖZBEY, Attorney, DBA Prison Watch Committee

Şerzan YELBOĞA, Attorney, DBA Prison Watch Committee

APPLICATIONS PRIOR TO THE COMMITTEE'S INVESTIGATIONS

1. Hayriye ÖZER, the mother of Serkan ÖZER (prisoner), applied to Diyarbakır Branch of Human Rights Association on 19/02/20018.

“My son Serkan has been in prison for about a year. At the moment, he is in Elazığ High Security Prison No:2. During our telephone conversation at 11:00 today, he said they have been tortured and beaten twice a day for the last 4 days. He stated that there they are subject to arbitrary treatment and torture and that they can't bear it any more. We are so sad, as his family. Also, we don't know what to do. We are worried about his life. There is no safety of life. We demand legal support from you.”

2. Kemal ZAMAN, the father of Fırat ZAMAN (prisoner), stated the following on 19.02.20018 to İHD.

“My son Fırat Zaman has been in Elazığ Prison for 1,5 years. He told me on the phone that security guards have entered their cells twice a day and asked them to stand and give oral report like in the army. He said when they don't accept this, the guards insult, beat and torture them. He mentioned injuries. As a father, I am so worried about his life. I don't approve of this cruelty. I request a group of İHD members go and investigate this and give us legal support”

3. On 19/02/2018 and 20/02/2018, the families of prisoners named Mustafa YİĞİT, Metin BENİCE, Enver TOPTAŞ, Cihan GÖKALP, Aziz YAŞA, Naşit KIZILKAYA, İhsan TARIKUT, Nesih DERİNER, Yasin Güngör, Yavuz YAVUZ, Ekrem ÖNCEL applied to İHD Diyarbakır Branch related to claims of torture.

AN OUTLINE OF TALKS

For a long time, Elazığ Penal Institution has remained in the agenda as a prison where there is serious violation of human rights, padded cell, battery and torture and ill-treatment. The most recently, a number of claims and petitions reached to our associations on 19/02/20018.

In order to investigate the allegations, our committee paid a visit to the above-said prison and interviewed the following prisoners: Mustafa YİĞİT (convict), Mehmet Sıddık AYAZ (convict), Bahattin KESKİN (convict), Abdülcelil KESKİN (convict), Serkan EREN (convict), Ergin DOĞRU (convict), Metin BENİCE (on remand), Ekrem ÖNCEL (convict), Enver TOPTAŞ (convict), Hüseyin SOLMAZ (convict), Bedri ÇAKI (convict), Naşit KIZILKAYA (convict),

1- **Metin BENİCE (born in 1984), imprisoned in Elazığ High Security Prison No:2, made the following statement.**

“I have been in prison since February 2016. I was transferred from Rize Kalkandere L-type Prison to here three months ago. I was required naked strip search. Though we resisted, they did it by force. When we were transferred here three months ago, we started staying in the cell of three. Now we are 2. The door to exercise room opens at 7:30 a.m. and closes at 16:30 or 17:00. They didn't let me take my clothes I brought from Rize and gave them back to my family. I don't have enough clothes now. Newspapers are very limited. As I am on remand now, I have the right to use the telephone only once every two weeks. I have been here for three months but I could use my visitation right only once.

When I was transferred here, the counts were the same as it was in Rize. But they changed the system later. Since February 16th, 8-10 guards rush into the cell (or ward), they demand us to stand and form a line. When we decline this request, they force us to stand up off our chairs. For the past week, every day, they grabbed and thrown me out of the cell. Two of them grabbed my arms and another one whose face I couldn't see kicked me. I have bruises all over my left knee and left arm. They have come with cameras for the last two days. Without a word, they took the minutes down and left. Due to these things, we filed a complaint to the management and to the court. This morning we made our deposition inside the prison. As we filed the complaint to the court, we were taken to the infirmary. I told the story to the doctor. I said I was battered. I said it had been a week so the bruises started to heal gradually. I don't know what is written in the report. Since yesterday, we haven't experienced any physical assault. The ones who come for counting are only guards, but there were some we saw the first time.

Also, I want to say that I have typhoid fever since childhood. The symptoms are acting up from time to time. I mentioned this to the doctor when I came to this prison, but the management has done nothing for my illness.”

2- Ekrem ÖNCEL, convicted in Elazığ High Security Prison No.2, has made the following statement:

“I have been in this prison for 9 months. There are three of us in the ward. Since the 16th of February we have had many problems with the prison administration. At present, 10-15 guards enter the ward at a time. They want us to stand up and make a line. When we object to this, 2-3 of them grab us and try to bring us to our feet. This situation continued until yesterday evening. Whenever they entered, they battered our friend Ahmet OKAN. There are bruises over his neck and other parts of his body. He has serious problems on his foot. He can hardly sleep. They also beat me several times. They squeeze our arms and throw us outside the ward. They don't take us to hospital to get a health report. They don't allow us to see the doctor in the infirmary. We filed a complaint to the prosecution office and to the Ministry of Justice. Since yesterday, they are coming with cameras in their hands. They are just taking the minutes down and leaving. As I heard, there are some prisoners in other wards whose lips were punched and split and whose nose was broken.”

3- Ergin DOĞRU, convicted in Elazığ High Security Prison No.2, has made the following statement:

“I have been in solitary cell for ten months. Since the first day I came here, I filed applications to stay in the wards of three, but they haven't even replied. On 15 February 2018, guards came to my cell and said to me that I had to stand up during counts and if not they would take the minutes down. On 16 February, officials came and shouted at me “Stand up ‘ulan’ (a slang word meaning ‘twerp’)” and grabbed my arms and pushed me towards the door. I had my head and face banged against the door. Since then I have had pain in my nose. The same day, I saw the chief guard and asked him to send me to the infirmary as I have injuries and pain. They made me wait for hours. At 4, when they took me there, the doctor wasn't there. Therefore, I asked the medical officers there to take the minutes but they refused, claiming that they weren't authorized for that. Then I wrote petitions to the prison administration, the prosecution Office, the Ministry of Justice and the Human Rights Committee in the Parliament. It has been days ever since, but we couldn't get medical care yet. If I see the person who hit me, I can recognise him. On 18 February 2018, again, some persons whom I can recognise now entered the ward and shouted “Stand up ‘ulan’” and kicked me in my spine. I fell down. They didn't take me to the infirmary that day, either. They gave up forcing the prisoners to stand up for the counts on 20 February 2018 evening, but they started using cameras instead and filming us. This disturbed me too much as I am staying in a one-person cell. This is a violation of rights, clearly. The personnel here are rather aggressive and provocative, which makes me think we don't have security of life here.

Social activities and sport are so limited. Some books aren't delivered to us. We were said even some types of books were lost deliberately or by mistake by the administration. They don't give us the book ‘Seher’ written by Selahattin Demirtaş. They even didn't give me the book by Mücahit Bilici because there was the word ‘Kurd’ mentioned in it. Our letters are sent very late and we receive ours very late or even sometimes don't get any. Some magazines and newspapers aren't distributed to us. The reason they assert is that these media outlets pose a danger as they publish the news from unions having ties with ‘the party’. We have difficulty in accessing to medical service. We write petitions to get help in the infirmary but it sometimes takes months to do so.”

4- Enver TOPTAŞ, convicted in Elazığ High Security Prison No.2, has made the following statement:

I have been here for 9 months, 3 months in a single cell and 6 months in a 3-person cell. I have diabetes, cholesterol, fatty liver, slipped disc, and bone thinning. I need to be examined regularly, but I can't. Also, I must be careful with my diet, but the administration doesn't help so I have to eat ordinary meals. These meals cause some side effects. I have lost 16 KGs since I came here.

Since 16 February 2018, they have forced us to stand up for the counts. On 18 February, a group of 15-20 guards raided our ward, attacking the prisoners, and they insulted, threatened and battered us. We wrote petitions to get medical help the same day, but they didn't take us there. They kicked me in every part of my body. There are bruises all over my fingers, left foot, right arm and shoulder.

On 20 February 2018, the warden interviewed us related to the minutes taken on 16 February, which reads that we didn't stand up. The warden asked us why. We replied 'We are only 3 prisoners there. The guards can count very easily. That's why we don't accept this type of counting.' Moreover, we complained to the warden about the guards battering us on 18 February. We stated that they should start an investigation immediately. However, the warden, who said he didn't know anything about these actions, sent us to the doctor to get report of health. In this way were we able to get one. Also, the doctor who examined and gave us the reports didn't prescribe any pain relievers.

After seeing the warden on 20 February 2018, they stopped forcing us to stand but this time they started using cameras during the counts. The guards are not making us stand up but are filming us.

Classes, social activities, sport can't be accessed for a long time. Newspapers and magazines we subscribed for aren't distributed to us. They allow only 6-7 books for each and these books are reviewed before handing them over. During this review, they sometimes forbid a book just because of a single word mentioned in it. Letters are sent or received very late. They abuse us while searching us. During visitations, the table we sat at is so large that we are unable to embrace our families and are hardly able to hear each other."

An outline on violations against Human Rights is given below in accordance with the content above and other prisoners interviewed.

- Having entered the wards/cells in the evening on 15.02.2018, prison officers told the prisoners that the Ministry of Justice issued a notice and after then, prisoners would have to stand up for the counts, and if prisoners –convicted or on remand- disobeyed this, they would face disciplinary proceedings.
- On 16/02/2018, officers entered the wards at 8 a.m. Prisoners said they refused that practice and were battered and tortured by the officers, followed by minutes taken down. They stated that during the counts, they heard screeches coming from other wards which meant they were also being tortured. The same day, in the evening, they said they were tortured by a large group of officers again.
- They reported that the battery and the torture lasted on 17/02/2018 too and these attacks continued until Tuesday 20/02/2018 systematically.
- Some of the prisoners indicated that they had never seen the officers raiding their wards before and that those officers were the members of quick response team.
- They remarked that officers came in with cameras and told prisoners to stand up for the counts. When the prisoners refused it, they filmed them and then they turned off the cameras and invited 20-30 officers called *the quick response team*. That team raided the wards and battered the prisoners heavily.
- Prisoners stated that seriously-sick prisoners were forced to stand for counts. The statements by prisoners who were battered and tortured were alike. They said the guards battered sick prisoners deliberately. There was a 70-year-old prisoner battered among them. During our talks with prisoners, we were informed that a prisoner named Nihat, who had already lost one eye and hand before, was also beaten seriously. Similarly, a prisoner with heart disease was also attacked and battered.

- Alan İBRAHİM, Tahir TEMEL, Erdal ERASLAN, Kadir KESER were wounded badly in the nose, stomach and feet as a result of battery and torture.
- They stated that, especially, on Sunday, 18/02/2018, they were battered and tortured heavily and there were many wounded prisoners consequently. They said the special team raiding their wardens battered them violently, insulted heavily and threatened them to death; that this team smashed the furniture (tables, chairs, etc) and they didn't have security of life there.
- When the prisoners demanded to go to the infirmary or hospital, they were told by the team having battering them, "We won't send you to infirmary or hospital. If needed, we will kill you all"
- We have observed beating marks clearly. **We saw purple and yellow bruises around the right eye of convicted Ergin Doğru, black and blue marks on the fingers of the left hand of convicted Enver Toptaş, black and blue bruises and swellings over the left knee of convicted Metin Benice. Convicted Bahattin Keskin had been hit in back of his head and there was a swelling, and beating marks all over his leg.**
- The prisoners demanded to go to the infirmary and to get a certificate of health but these demands weren't approved until 20/02/2018. And on that day, only a small number of these demands were accepted. They indicated that the prison warden was informed of these beating and torture but was indifferent to their state.

ASSESSMENT

- 1- Our committee has ascertained that prisoners were forced to stand during counts similar to a military gathering style and those who refused were dragged to the exercise yard, were tortured and insulted.
- 2- The committee has observed beating marks over the bodies of nearly all prisoners interviewed, and has ascertained that they were beaten and tortured systematically.
- 3- The committee has found that the prisoners' right to health was restricted, as a result of their not being sent to infirmary or to hospital.
- 4- The committee has found that the prison administration have remained unconcerned with the abovementioned practices, which means an arbitrary behaviour and constitutes a crime. If this continues, it will generate even worse consequences. We would like to emphasize our concerns that there is no security of life of the prisoners.

SUGGESTIONS

1. First of all, Turkey needs to renew its penal system and policy in accordance with international human rights laws, especially with prisoners' rights.
2. Torturing prisoners must be ceased immediately; prisoners must be treated with dignity as imposed by international law. Prisoners' right to health must be protected. Preventive medical services must come into prominence. Sick or ill ones must be able get sufficient medical care.
3. Our committee hereby summon judiciary to investigate violations against human rights and punish the personnel responsible for those practices.
4. Our committee has ascertained that there must be an effective judiciary and administrative control over prison system, physical conditions, and treatment. We invite the Government to form "independent" control mechanisms in accordance with Optional Protocol to the Convention

against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Moreover, we invite the Ministry of Justice and the Parliament's Human Rights Inquiry Committee to investigate the violations in Elazığ High Security Prison No:2. (23/02/2018)