



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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**Report to the Turkish Government
on the visit to Turkey
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 19 to 23 August 1996

and Response of the Turkish Government

The Turkish Government has agreed to the publication of this report and of its response.

Strasbourg, 1 March 2001

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Copy of the letter transmitting the CPT's report

Strasbourg, 19 March 1997

Dear Director,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the Government of Turkey drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Turkey from 19 to 23 August 1996. The report was adopted by the CPT at its 32nd meeting, held from 10 to 14 March 1997.

The CPT requests the Turkish authorities to provide, within six months, a report informing the Committee of the action taken to implement the recommendations contained in this report and setting out their reactions and responses to the comments and requests for information made therein (the Committee's recommendations, comments and requests for information appear in bold in the text).

The CPT would ask, in the event of the report forwarded being in Turkish, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Claude NICOLAY
President of the European Committee for
the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment

Director of the Department of Human Rights
Ministry for Foreign Affairs
TR -ANKARA

I. INTRODUCTION

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Turkey from 19 to 23 August 1996. The visit was organised following an invitation from the Turkish Government (cf. paragraph 49 of the Explanatory Report on the Convention).

On 27 July 1996, the Turkish authorities invited the CPT to make an urgent visit to the prisons where hunger strikes were taking place (cf. Appendix 1). However, later that same evening, the hunger strikes had come to an end. Nevertheless, by letter of 31 July 1996 (cf. Appendix 2), the Turkish authorities stated that they still wished the Committee to come to Turkey in order to visit Eskişehir Special Type Prison, an establishment much criticised in the course of the hunger strikes.

2. The delegation consisted of the following Committee members:

- Mrs Ingrid LYCKE ELLINGSEN, First Vice-President of the CPT (Head of delegation)
- Mr Lambert KELCHTERMANS.

The delegation was assisted by:

- Mr Gordon LAKES, former Deputy Director General of the Prison Service of England and Wales (expert)
- Mr Jean-Pierre RESTELLINI, Medical doctor, Specialist in Forensic Medicine and Internal Medicine, Geneva (expert)
- Mrs Zeynep BEKDIK (interpreter)
- Mrs Belgin DOLAY (interpreter)
- Ms Verda KIVRAK (interpreter)
- Mrs Serra YILMAZ (interpreter).

and was accompanied by Mr Trevor STEVENS, Secretary of the CPT.

3. At the outset of its visit the delegation met the Minister of Justice, Mr Şevket KAZAN, who commented at length upon the circumstances surrounding the hunger strikes which had recently occurred in certain Turkish prisons and which formed the backdrop to the visit. The delegation subsequently had a discussion with senior officials of the Ministry of Justice (cf. Appendix 3).

The CPT is grateful to the Ministry of Justice for having provided the delegation with means of transport for the journey to Eskişehir.

4. The delegation was well-received at Eskişehir Special Type Prison by the prison staff and members of the Public Prosecutor's office. The CPT is particularly grateful to the prison director, Mr İlhan YAVUZ, for the considerable amount of oral and written information concerning the establishment which he provided to the delegation.

The CPT also wishes to express its thanks to Chief Public Prosecutor Osman Talat PEKTAS, who facilitated the delegation's visit to a prison establishment currently under construction in the Kartal district of Istanbul.

5. In the course of the visit, the delegation also had the opportunity to meet Mr Eşber YAĞMURDERELI, a lawyer who took part in the discussions which led to the ending of the above-mentioned hunger strikes.

6. By letter of 13 September 1996 (cf. Appendix 4), the CPT forwarded some preliminary comments concerning the facts found at Eskişehir Special Type Prison. This report will explore in greater detail the situation observed by its delegation at the establishment.

However, before focusing on Eskişehir Special Type Prison, the CPT considers it must address the wider issues surrounding its August 1996 visit.

II. CONTEXT OF THE VISIT

7. The Turkish prison system was affected by a wave of hunger strikes during 1996, in which a substantial number of prisoners took part. According to the information at the CPT's disposal, the hunger strikes began in Diyarbakır E-type Prison on 29 March 1996 and then spread to more than 40 other prisons in the course of May 1996.

Ministry of Justice circulars issued in early May 1996, on the basis of which more than 100 persons remanded in custody in respect of offences under the Law to Fight Terrorism were transferred from Istanbul to Eskişehir Special Type Prison, appear to have been one of the principal causes of the development of the hunger strikes. Annulment of those circulars and the closure of Eskişehir Special Type Prison (which was said to contain "coffin" cells) featured prominently in the hunger strikers' demands. Other demands made related to the treatment of prisoners during transfers and prisoners' conditions of detention and rights.

8. The hunger strikes came to an end in most of the prisons late in the evening of 27 July 1996, by which time eleven of the prisoners concerned had died (a twelfth prisoner died on the following day). The precise circumstances under which the hunger strikes ended are not easy to unravel. However, it is clear that intensive negotiations took place on 26 and 27 July 1996, involving prisoners acting on behalf of the hunger strikers, representatives of the Ministry of Justice and certain well-known private individuals.

According to the Turkish authorities, an "oral compromise" was reached when the Ministry of Justice accepted the transfer of the previously-mentioned remand prisoners from Eskişehir Special Type Prison - 20 to Umraniye Prison (Istanbul) and 87 to Gebze Prison; apparently, it was also accepted that no more remand prisoners falling within the jurisdiction of the Istanbul State Security Court would be transferred to Eskişehir. According to non-governmental sources, the hunger strikes ended as the result of a "Protocol" which stipulated that: i) remand prisoners shall be placed in prisons located within the same provincial borders as their respective judicial area; ii) the necessary measures shall be taken in the shortest time possible, in order to fulfil the justified legal and human requests of sentenced and remand prisoners (a list of those requests accompanied the Protocol).

The Turkish authorities are adamant that the so-called "Protocol" was merely a "paper" drawn up and signed by prisoners and the private individuals who intervened in the situation, and that it does not in any way bind the Turkish Government. Non-governmental sources contend that although the "Protocol" was not signed by the Ministry of Justice representatives, they were present when it was signed and indicated that it would be abided by.

9. In the light of the above, there was inevitably much argument at the time of the delegation's visit as to who had agreed to what. To add to the confusion, the delegation discovered that the above-mentioned "oral compromise" had not been translated into practice. 20 of the remand prisoners had been transferred from Eskişehir, but to Gebze rather than Umraniye Prison. The remaining 87 remand prisoners concerned were still at Eskişehir Special Type Prison and were refusing to be transferred to Gebze Prison, arguing that according to the previously-mentioned "Protocol" they should be transferred to either Bayrampasa or Umraniye Prison in Istanbul.

10. The underlying motives for the hunger strikes are the subject of controversy. On the one hand, on behalf of the hunger strikers it is argued that the purpose of their action was to ensure that prisoners are kept in prisons that are close to their place of trial, and to guarantee better living conditions for prisoners. On the other hand, the Turkish authorities contend that the real objective of the hunger strike organisers was to maintain the current system under which large numbers of persons accused or convicted of terrorist offences are held together in dormitories in establishments such as Bayrampasa and Umraniye Prisons in Istanbul, Buca Prison in Izmir, and Diyarbakır E-Type and Closed Prisons. Those dormitories, they argue, had become breeding grounds for terrorism; the purpose of the May 1996 circulars and of the July 9 1996 circular which replaced them was to tackle this problem.

These different points shall be considered in turn.

11. It is indisputable that being transferred to Eskişehir Special Type Prison jeopardised the preparation and conduct of the defence of the remand prisoners being tried at the Istanbul State Security Court. The considerable distance between Eskişehir and Istanbul meant that the remand prisoners could not maintain regular contact with their lawyers and that their presence at court hearings concerning the charges against them could not be guaranteed. This was subsequently recognised by the Minister of Justice, who in mid-July sought to have the prisoners concerned transferred to Sakarya Prison, which is located considerably closer to - albeit still more than 100 kilometres from - Istanbul. However, the prisoners refused to be taken to Sakarya. As far as the CPT is aware, the precise reasons for this refusal were not elucidated; nevertheless, it could be argued that the distance between Istanbul and Sakarya Prison would still be such as to hinder the preparation and conduct of a remand prisoner's defence. The CPT considers it of more significance that, as already indicated, 87 of the remand prisoners concerned subsequently refused to be transferred to Gebze Prison, insisting on being taken instead to Bayrampasa or Umraniye Prison. Gebze is only 50 kilometres from Istanbul, with which it has a good road connection; consequently, it should be possible for a remand prisoner falling under the jurisdiction of the Istanbul State Security Court who is held at Gebze Prison to prepare and conduct his defence in an effective manner.

12. In any event, looking beyond the specific arrangements made for the 100 or so remand prisoners transferred to Eskişehir in May 1996, it remains the case that the circular of 9 July 1996 makes provision for remand prisoners falling under the jurisdiction of the Istanbul and Izmir State Security Courts to be placed in prisons located at some distance from the trial court. Admittedly, the circular goes on to provide that all the requisite measures shall be taken to ensure that all remand prisoners appear at their court hearings. Nevertheless, in the interests of facilitating both the appearance of prisoners at their trials and contacts with lawyers between hearings, the CPT considers that all remand prisoners should be placed in establishments which are reasonably close to their trial courts. It is desirable that, whenever possible, the distance between the two locations should be such as to allow a return journey within the same day. This would enable remand prisoners to prepare and conduct their defence in an effective manner and, by the same token, help to reduce tension within the Turkish prison system.

The CPT would like to receive the comments of the Turkish authorities on this matter.

13. As regards living conditions for prisoners, the CPT has already made clear in its letter of 13 September 1996 that the claims according to which Eskişehir Special Type Prison consisted of "coffin-cells" were unjustified. Nevertheless, there is no doubt that there is considerable room for improvement in conditions of detention in both Eskişehir Special Type Prison and other Turkish prisons. In previous visit reports, the CPT has already drawn attention to shortcomings in such areas as material conditions, health-care services and prisoners' contact with the outside world. The Committee welcomes the fact that the circular of 9 July 1996 contains provisions which seek to remedy many of these problems; it looks forward to reviewing on-the-spot the progress made in implementing those provisions when it returns to Turkey later this year in order to carry out a periodic visit.

14. One particular demand of the hunger strikers concerned the cessation of violence against prisoners during their transfer or when outside security forces intervene within prisons. There is no doubt that violence has frequently occurred in the past in such situations, and the CPT has called upon the Turkish authorities to take corrective action (cf. for example, paragraph 102 of the report on the October 1994 visit; CPT (95) 11). Once again, the CPT welcomes the clear stipulations in the circular of 9 July 1996 that no prisoner shall be subjected to any form of ill-treatment or degrading treatment either inside or outside prison, and that precautionary measures during transfers are not to exceed that which is required to prevent escape.

The CPT has already requested, in the report on its ad hoc visit to Turkey in September 1996, further information on the new methods for dealing with prison riots which are currently being explored by the Turkish authorities (cf. paragraph 28 of document CPT (96) 69). **The CPT would also like to be informed of the precise precautionary measures now being employed during the transfer of prisoners, having regard to the stipulation on this subject in the circular of 9 July 1996.**

15. Turning to the Turkish authorities' contention as to the real motive for the hunger strikes, CPT delegations have on more than one occasion visited the dormitories used in Bayrampasa Prison and the Diyarbakır Prisons to accommodate persons accused or convicted of offences related to terrorism, and have also visited similar dormitories in other Turkish prisons. From the observations made during those visits, it is clear that the dormitory system as currently applied could be exploited to consolidate and develop terrorist organisations. Consequently, it is quite plausible that one of the key motives for the hunger strikes was to maintain the existing arrangements for the holding of remand prisoners. The previously-mentioned refusal of remand prisoners to be transferred to Gebze Prison can be seen as providing further support for this viewpoint. The same can be said of the prominent place given in the list of prisoners' requests accompanying the "Protocol" to an understanding - which had apparently been reached with the Turkish authorities in the past - concerning the priority to be given to placing prisoners in Bayrampasa and Buca Prisons.

16. In the course of its visit to Turkey in May 1996, the Bureau was informed of the Turkish authorities' plans to make changes to the dormitory system currently used in Turkish prisons. In principle, the CPT has no objections to such a development. In fact, large-capacity dormitories are for various reasons not a satisfactory means of accommodating inmates. They inevitably imply a lack of privacy for prisoners in their everyday lives. Further, the risk of intimidation and violence is very high, particularly in dormitories such as those in Turkey which have no means of direct supervision from outside. Such accommodation arrangements can facilitate the maintenance of the cohesion of criminal organisations - whether of a terrorist or non-terrorist nature. They can also render all the more difficult the task of security forces called upon to deal with prison disturbances. No doubt, various factors - including those of a cultural nature - can make it preferable in certain countries to provide multi-occupancy accommodation for prisoners rather than individual cells. However, there is little to be said in favour of - and a lot to be said against - arrangements under which scores of prisoners live and sleep together in the same dormitory.

17. Nevertheless, moves towards smaller living units for prisoners in Turkey must be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in purposeful activities outside their living unit. The CPT has repeatedly drawn the attention of the Turkish authorities to the need to develop prisoners' activities (cf. for example, paragraphs 126 and 127 of the report on the October 1994 visit; CPT (95) 11). The effects of the current almost total absence of any organised programme of activities for prisoners will be felt even more keenly in smaller living units. Indeed, one of the few things that can be said in favour of the existing large-capacity dormitories is that the sense of space and the comradeship they can offer compensate to some extent the enforced state of idleness in which the great majority of prisoners find themselves.

The CPT recommends that the Turkish authorities take steps to ensure that all prisoners, including those on remand, are able to spend a reasonable part of the day (eight hours or more) outside their cells/living units, engaged in purposeful activities of a varied nature (work, preferably with a vocational value; education; sport; recreation/association).

III. ESKIŞEHİR SPECIAL TYPE PRISON

a. preliminary remarks

18. Eskişehir is an industrial city in north-west Turkey, situated at 220 kilometres by road from Ankara and approximately 300 kilometres from Istanbul. The Special Type Prison is located some 15 kilometres to the south of the city.

19. Eskişehir Special Type Prison has a rather chequered history.

The establishment was taken into service in March 1987, at which time it apparently had dormitory accommodation of the kind commonly found in Turkish prisons. In June 1989 two escape tunnels were discovered and the prison was evacuated in August of the same year to enable the dormitories to be converted into single cells. The work was completed towards the end of 1990 and the prison was taken back into use in February 1991.

However, this departure from the Turkish prison tradition of multi-occupancy dormitories raised strong objections from prisoners placed in the establishment. Those objections attracted considerable media attention and led to the visit of a parliamentary delegation in November 1991. Later that month the prison was again closed for refurbishment and conversion of the detention areas to provide small dormitories to accommodate four, six or eight persons. The prison was re-opened in October 1995.

20. The establishment has an official capacity of 700 prisoners. On the first day of the delegation's visit (20 August 1996), the prison roll was 352, of which eight prisoners were in hospital.

265 of the prisoners were either in pre-trial detention or had been sentenced for offences which were unrelated to terrorism. As already indicated (cf. paragraph 7), the remaining prisoners had been remanded in custody in respect of offences under the Law to Fight Terrorism, and had been transferred to the establishment from Istanbul in May 1996.

21. The delegation was informed that the prison is considered as a high-security establishment, hence its designation as a "Special Type" prison. Prisoners considered as "dangerous" or in need of protection were sent to the establishment from different parts of the country on the basis of an administrative decision by the Ministry of Justice.

b. torture and other forms of ill-treatment

22. The delegation received a considerable number of allegations that prisoners had been beaten and humiliated on arrival at the establishment. No medical evidence in support of those allegations was gathered; however, the volume and consistency of the allegations lends them considerable credibility.

Further, some allegations were received of the physical ill-treatment of prisoners in the event of disobedience. In particular, prisoners in one accommodation block alleged that they had been attacked by prison staff towards the end of May 1996, after they had refused to participate in the roll call. The delegation subsequently discovered that at least four of the prisoners had been examined by the prison doctor three days after the event, and had been found to display marks and/or conditions which were consistent with their allegations.

23. The alleged ill-treatment referred to in paragraph 22 pre-dated the arrival of the current prison Governor on 2 July 1996. Further, several prisoners affirmed that there had been a distinct reduction in instances of ill-treatment - in particular vis-à-vis newly-arrived prisoners - since the present Governor had assumed his functions. However, it would be premature to conclude that the problem of ill-treatment has been resolved.

The delegation interviewed one prisoner who alleged that he had been beaten on the soles of his feet by prison staff on several occasions during the week preceding the delegation's visit, most recently on the previous day. Upon examination by a medical member of the delegation, the prisoner was found to display lesions on the soles of both feet (right foot: a reddish, swollen area measuring 15 x 5cm, painful on palpation, covering most of the plantar arch; left foot: an oedematous area, but smaller than that observed on the right foot and normal in colour) which were consistent with his allegations. At the insistence of the prisoner - who was clearly fearful of the possible consequences of his having spoken with the delegation - the delegation did not raise the matter with the prison authorities.

24. Reference should also be made to a violent incident which occurred in the course of the delegation's visit. In the morning of the second day of the visit, members of the delegation interviewed several prisoners held on the first floor of Block M, which serves as a segregation unit for those who wish - or who it is considered need to be - separated from other prisoners, as well as for those undergoing the disciplinary sanction of cellular confinement. On returning to the unit in the afternoon, the delegation found that the cells of two of the prisoners whom it had interviewed had been severely damaged and that one of the prisoners had been taken to hospital.

From subsequent discussions with the prisoners concerned, prison officers in Block M and hospital staff, it would seem clear: that shortly after the delegation's departure in the morning, the head of one of the prisoners had come into a violent contact with the washbasin in his cell, and that the second prisoner (the first prisoner's brother) had wrecked his own cell when he heard sounds of violence emanating from the first prisoner's cell; that the first prisoner had arrived in hospital in an unconscious state and that he had subsequently received four stitches to an 8cm long wound on the front of his head. The prisoners' and prison officers' accounts of the origins and precise nature of the incident diverged; however, whichever of the accounts is correct - and there may be a grain of truth in each of them - the delegation was left with the distinct impression that more force than was reasonably necessary might have been used against the first prisoner.

25. Further, the delegation was informed that inter-prisoner violence occurred from time to time within the establishment, and a considerable number of prisoners expressed concern about their "life security". In this connection it should be noted that despite the searches which were apparently carried out every 15 days, members of the delegation saw knives and other metal weapons in the possession of many prisoners.

26. As the CPT observed in its letter of 13 September 1996, there was a palpable degree of tension within the establishment, both between prisoners themselves and between prisoners and staff. The information gathered in the course of the visit suggests that this situation was due at least in part to serious failings in the previous management of the prison. The appointment of a new prison Governor appeared to have had a positive effect; nevertheless, much remained to be done with a view to establishing a safe and secure environment for both prisoners and prison staff.

The CPT recommends that the prison Governor:

- **deliver the clear message to all of his subordinates that the ill-treatment of prisoners is not acceptable and will be dealt with severely;**
- **pay particular attention to the treatment received by newly-arrived prisoners and prisoners placed in the establishment's segregation units.**

The CPT would add that the Governor should enjoy the full support of the public prosecutor's office in his efforts to stamp out ill-treatment.

With regard to the incident referred to in paragraph 24, the public prosecutor responsible for the prison stated that he intended to carry out an inquiry into the matter; **the CPT would like to receive the results of that inquiry.**

As for inter-prisoner violence, addressing effectively this problem requires that the prison's staff be alert to signs of trouble and both resolved and properly trained to intervene when necessary. The existence of constructive rather than confrontational relations between staff and prisoners is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Further, management must be prepared to fully support staff in the exercise of their authority. Specific security measures adapted to the particular characteristics of the situation encountered (including effective search procedures) may well also be required. However, such measures will not on their own be sufficient. **The CPT recommends that a plan of action to tackle inter-prisoner violence in the establishment be drawn up, taking into account these remarks.**

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27. As pointed out in paragraph 5 of the CPT's letter of 13 September 1996, in the course of its visit to Eskişehir Special Type Prison the delegation gathered further evidence of the practice of torture and other forms of severe ill-treatment by the Turkish police.

In the light of the public statement on Turkey issued by the CPT on 6 December 1996, as well as of the report on the visit to Turkey in September 1996 (CPT (96) 69) which was forwarded to the Turkish authorities on 13 December 1996, the Committee considers that it would be superfluous to provide any further information on this subject in the present visit report.

c. conditions of detention

material conditions

28. Material conditions of detention at Eskişehir Special Type Prison were far removed from the "coffin-cell" reputation which the establishment had acquired (a reputation which presumably originated from the short period several years ago when the prison operated with single cells - cf. paragraph 19). As pointed out in the CPT's letter of 13 September 1996, the material conditions compare favourably with those which CPT delegations have observed in other Turkish prisons.

29. The prison is an "H" shaped two storey building with six separate accommodation blocks, three each side of a central corridor, within each of the vertical arms of the "H" (respectively Blocks B to G and Blocks H to M). The horizontal link contains the administrative offices and support services, visiting facilities and the central kitchen.

30. A typical accommodation block contained seven multi-occupancy cells per floor; four cells measured some 18m² and could accommodate up to six prisoners, the other three measuring 22m² and accommodating up to eight. All the cells were well lit (including access to natural light) and ventilated and most were adequately furnished. There was no shortage of beds and the bedding was clean and of a reasonable standard. If the cells had been used to their maximum capacity, they would have offered a limited amount of living space; however, as already indicated (cf. paragraph 20) the prison was operating well within its official capacity at the time of the visit and few of the cells were fully occupied.

In addition to the cells there was a fair-sized recreation room on each floor, which was invariably equipped with a colour TV set and usually also contained a small cupboard and a table and chairs. There was also a washroom with two toilets and a washbasin, a shower room with two shower bays and a washbasin, and a small kitchenette equipped with a gas fired hob and two burners. It should also be noted that each of the larger cells was equipped with its own sanitary annexe.

31. The establishment did possess a certain number of single cells, in the observation unit located in Block E (used in particular for new arrivals) and the two segregation units on the upper floors of Blocks H and M.

The single cells in Block E were of a reasonable size (8.5m²), had adequate lighting (including access to natural light) and ventilation and were suitably furnished. The cells in the segregation units in Blocks H and M resembled very much those in Block E. However, several of the cells were not equipped with a table or chair and some of the cells were in need of repair. Further, two single cells at the end of each segregation unit had no window, with the result that they had no access to natural light and poor ventilation.

The CPT recommends that the windowless cells in the segregation units in Blocks H and M be taken out of service as prisoner accommodation. Further, it recommends that all cells in those units (including those used to accommodate persons undergoing the disciplinary sanction of cellular confinement) be equipped with a table and chair.

It also invites the Turkish authorities to return all the cells in the segregation units to a satisfactory state of repair.

32. More generally, the prison as a whole was quite clean and in a reasonable state of repair. However, the delegation received many complaints to the effect that the prison's water supply was inadequate. Further, at the time of the visit at least, the establishment was infested with flies. **The CPT invites the Turkish authorities to seek to remedy these problems.**

activities for prisoners

33. The prison Governor stated that "prisoners are free to plan their day as they wish". It quickly became apparent that this was an indirect way of saying that there were practically no organised activities for prisoners.

34. Prisoners had ample opportunity during the day to associate with fellow inmates in their accommodation block and had ready access to adequately-sized exercise yards.

However, only 30 prisoners had a proper job (though apparently some 100 prisoners were paid for threading beads, an activity performed in their accommodation blocks). Further, there were no educational activities (the establishment did not even possess a library) and no sports activities for prisoners. Such a state of affairs would be very unsatisfactory for any prison and is astonishing in an establishment which is expected to cater for prisoners many of whom are serving long sentences. Watching television and idling around an exercise yard is no substitute for a regime.

The prison Governor informed the delegation that there were plans to develop educational activities. He was less optimistic about the possibilities of developing work and sports activities.

35. The CPT has already made a general recommendation concerning the development of purposeful activities for prisoners (cf. paragraph 17). **The Committee would like to receive an account of steps taken at Eskişehir Special Type Prison with a view to implementing that recommendation.**

Further, the CPT recommends that steps be taken immediately to ensure that long-term prisoners at Eskişehir Special Type Prison are allowed access on a regular basis to the football pitch located close to the main prison building. All the necessary means exist at the prison to prevent such access from posing a security risk.

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36. The CPT should not pass over in silence the conditions of detention of one prisoner in Block F.

It is perfectly acceptable that prisoners with the means to do so should be allowed to make modest improvements to their environment. However, a sense of proportion must be maintained in this area. Giving a prisoner free reign to exploit his wealth can quickly become a source of both corruption and resentment, and this is precisely what had happened in the case in question. The aberrant situation which the prisoner concerned had been permitted to establish could well hinder the efforts of the current prison management to obtain firm control of the establishment. **The CPT invites the Turkish authorities to take appropriate steps, in the light of the above remarks.**

d. health-care

37. As indicated in the CPT's letter of 13 September 1996, the health-care service at Eskişehir Special Type Prison was unsatisfactory in practically all respects - staff, documentation, availability of medicine, equipment, etc. Before discussing these different matters, the CPT wishes nevertheless to highlight one recent very positive development in the field of prisoners' health care, namely the Ministry of Health instructions of 22 July 1996 concerning hunger strikes. These instructions, which were provided to the delegation by prison health-care staff at Eskişehir, give detailed advice to doctors on the attitude to be adopted vis-à-vis hunger strikers; the instructions are in full accordance with international standards on this subject.

38. The health-care department at Eskişehir Special Type Prison is staffed by one doctor. He was on leave at the time of the delegation's visit, and had been replaced temporarily by a doctor with two years post-diploma experience based at Eskişehir Public Hospital. It was the first time that this very junior doctor had worked in a prison, and he had not been provided with any instructions or advice concerning his tasks at the establishment. He had not even been able to have a telephone conversation with the prison doctor.

The situation described above is undoubtedly capable of seriously prejudicing the health care of prisoners and is therefore unacceptable. **The CPT recommends that the Turkish authorities take steps to ensure that such a situation is avoided in future.**

39. The delegation was informed that the prison doctor worked in the establishment on a full-time basis i.e. from 9.00 am until 5.30 pm, 5 days a week; **the CPT would like this to be confirmed.** There were no qualified nursing staff. Apparently, one or more prison officers assisted the doctor, but they had received no training for such tasks. As regards other health-care staff, a dentist spent two to three hours in the establishment twice a week, and a psychologist was present throughout the day, five days a week.

Provided he works in the establishment on a full-time basis, one doctor could be considered as just about adequate to cater for the general health-care needs of some 350 prisoners. **However, a second doctor should be appointed at Eskişehir Special Type Prison in the event of a significant increase in the number of prisoners held.**

On the other hand, there is an urgent need to provide the establishment with qualified nursing staff; **the CPT recommends that the prison's health-care service be reinforced by at least two qualified nurses.**

The CPT also recommends that steps be taken to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the prison's premises, including at night and weekends.

40. The delegation was informed that, except in cases of urgency, requests to consult the doctor had to be approved by the prison Governor. Such a procedure is both time consuming and medically inappropriate; it is not for non-medical staff to screen requests to consult a doctor.

The CPT recommends that prisoner's requests to consult a doctor be transmitted directly to the prison's health-care service. Further, prisoners should be able to approach the health-care service on a confidential basis, for example, by means of a message in a sealed envelope.

41. The health-care service could have resort to the services of the Eskişehir Public Hospital in cases of urgency or for specialist examinations. It appeared that, at least in recent times, there had been few difficulties in arranging the transfer of prisoners to the hospital.

In this connection, and in the light of the delegation's observations at Eskişehir, **the CPT wishes to emphasise that prisoners taken to and from hospital should be transported in a manner which takes fully into account their state of health.**

42. The CPT was pleased to learn that newly-arrived prisoners were, in principle, medically examined within 24 hours of their admission. However, it is concerned by the delegation's findings as regards the quality of medical documentation. The latter was made up exclusively of:

- the brief medical forms completed on admission, which were simply held together in a large folder; there was no classification either alphabetically or chronologically;
- a folder containing the results of hospital consultations; once again, there was no form of classification;
- a register in which consultations in the health-care service were recorded in chronological order, accompanied by some brief observations by the doctor.

There were no individual medical files.

The CPT recommends that a medical file be compiled for each prisoner, containing diagnostic information as well as an ongoing record of his health condition and of any special examinations he has undergone. In the event of a transfer, the file should be forwarded to the doctors in the receiving establishment.

43. Perhaps the most worrying aspect of the health-care service at Eskişehir Special Type Prison concerned the actual availability of medicine. The doctor provided a prescription to a prisoner in need of medication, but it was for the prisoner to finance the purchase of the medicine concerned. In the event of him not having any financial means, he was obliged to petition the prison Governor for the necessary funds. Many prisoners complained to the delegation that the net result of this system was that their medical condition had remained untreated.

The CPT wishes to recall in this connection that the act of depriving a person of his liberty brings with it responsibility for that person's physical, mental and psychological welfare until such time as his liberty is restored. This implies inter alia that all prisoners should have ready access to the medicine required by their state of health.

The CPT recommends that the provision of medicine to prisoners be reviewed in the light of the above remarks.

e. contact with the outside world

44. The establishment possessed both closed and open visiting facilities. The closed visiting facilities consisted of two sets of nine booths, the prisoners and their visitors being separated by a glazed screen reinforced with metal rods; verbal communication between them was via a telephone link.

The open visits facility consisted of a large and well lit room, in which prisoners and visitors sat on benches on opposite sides of a long table running down the middle of the room.

Visits to prisoners from lawyers took place in a distinct facility, which was quite adequate for this purpose. In particular, there was no physical barrier between the prisoner and the lawyer.

Prisoners were allowed one closed visit per week and one open visit per month; however, prison staff informed the delegation that persons remanded in custody in respect of offences under the Law to Fight Terrorism were not allowed open visits. As regards visits from lawyers, the delegation was informed that they were not limited in number and that staff were not present in the room during such visits; **the CPT would like to receive confirmation of these two points.**

45. The CPT has pointed out on several occasions in the past that closed booth-type visiting facilities of the kind seen at Eskişehir Special Type Prison present a considerable impediment to the maintenance of prisoners' relations with their families and friends. In the interests of furthering such relations, more open visiting arrangements are required. Consequently, **the CPT recommends that efforts be made to make greater use of the open visits facility at Eskişehir.**

Further, to the extent that the closed booths remain in use, **the CPT recommends that both prisoners and visitors be provided with a seat;** seating arrangements in the booths at the time of the delegation's visit were not satisfactory.

46. As regards more particularly the possibility for persons remanded in custody or convicted in respect of offences under the Law to Fight Terrorism to receive open visits, the position was somewhat unclear at the time of the delegation's visit. The previously-mentioned circular of 9 July 1996 provides that all remand and sentenced prisoners shall be allowed an open visit from their spouses and their children once a month. However, this provision conflicts with the Law to Fight Terrorism, which prohibits open visits for prisoners remanded in custody or convicted in respect of offences under that Law. As already indicated, it was the latter provision which was being applied at Eskişehir Special Type Prison at the time of the delegation's visit.

The Minister of Justice acknowledged that there was a legal problem in this area, but stated that steps would be taken to resolve it. **The CPT wishes to be informed whether persons remanded in custody or convicted in respect of offences under the Law to Fight Terrorism are now allowed to receive open visits from members of their family.**

47. The Minister of Justice also informed the delegation that he had made special arrangements for travel to Eskişehir Special Type Prison on visiting days. This is of crucial importance, given the establishment's isolated location. **The CPT would like to receive further details concerning those special arrangements.**

48. It is also noteworthy that many if not most of the sentenced prisoners at Eskişehir Special Type Prison were being held a long way from their original social environment. Of course, this can be explained by the very particular nature of the establishment (cf. paragraph 21). Nevertheless, **the CPT wishes to stress that in the interests of their social rehabilitation, it is far preferable for prisoners to serve their sentences in the region where they have family and social ties.**

f. other issues

49. The CPT was concerned to learn that prisoners at Eskişehir who were subject to the disciplinary sanction of cellular confinement were not allowed to take outdoor exercise. The Committee has repeatedly stressed that such a situation is not acceptable (cf. for example, the report on the CPT's 1992 visit; CPT (93) 49, paragraph 66).

The CPT must therefore reiterate its recommendation that prisoners who are subject to the disciplinary sanction of cellular confinement be offered the opportunity to take at least one hour of exercise in the open air every day. If necessary, the legal provisions concerned should be amended in order to guarantee this basic right of prisoners.

50. It is also clear from the delegation's observations that persons placed for non-disciplinary reasons in the segregation units in Blocks H and M were subject to an impoverished regime.

The CPT fully recognises that it may exceptionally be necessary, for a certain time at least, to arrange special conditions of detention for some prisoners. However, the prison authorities must ensure that such prisoners are offered purposeful activities and appropriate human contact. **The Committee recommends that the regime applied to prisoners placed for non-disciplinary reasons in a segregation unit at Eskişehir Special Type Prison be reviewed, in the light of these remarks.**

51. Finally, many prisoners interviewed in the establishment indicated that they had no faith in the complaints system. There was a strong belief that few complaints which involved criticism of the prison staff or management were ever delivered, and a strong fear of reprisals if such complaints were made.

In this connection, the CPT has noted with considerable interest the provisions concerning prisoners' complaints set out in the circular of 9 July 1996. The Committee welcomes the introduction of locked complaint boxes designed to allow prisoners to communicate directly and on a confidential basis with the Ministry of Justice. It hopes that this innovation will reassure prisoners that their complaints will be taken seriously and that there will be no adverse repercussions for them.

The CPT would like to be informed of the composition of the Prison Complaints Board set up within the Ministry of Justice to assess prisoners' complaints. It would also like to receive an account of the experience to date with this new complaints system.

APPENDIX 1

Permanent Representation of Turkey
to the Council of Europe

Strasbourg, 27 July 1996

Mr President,

I would like to inform you with regret that despite all lenient efforts spent by the authorities, the hunger strikes in some Turkish prisons have unfortunately caused death of eleven prisoners by now.

Regarding the serious health conditions of the hunger strikers and the resistance of the militant prisoners by barring the entrance of the prison ward and preventing any access to save the lives of the strikers, the Government deemed it necessary to invite the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to make an urgent visit to the prisons where hunger strikes take place which might help to resolve the deadlock by contributing the persuasive efforts of the Turkish authorities with a view to ending this unfortunate life sacrificing actions.

Please accept Mr President, the assurances of my high considerations.

İsmet BİRSEL
Ambassador
Permanent Representative

Mr Claude NICOLAY
President of the CPT

APPENDIX 2

MINISTERE DES AFFAIRES ETRANGERES

Ankara, le 31 juillet 1996

M. Claude NICOLAY
Président du CPT

Monsieur le Président,

Me référant à nos conversations téléphoniques, j'ai le plaisir de vous communiquer que le Gouvernement turc maintient son invitation pour que le Comité se rende en Turquie, et ce, pour une visite à la Prison d'Eskişehir qui a soulevé tant de controverses tant en l'opinion publique turque qu'en celle européenne, à une date qui conviendrait au Comité.

Dans l'attente d'une réponse de votre part, je vous prie d'agréer, M. le Président, l'expression de mes meilleures salutations.

Türel ÖZKAROL
Directeur Général Adjoint
Conseil de l'Europe et des Droits de l'Homme

APPENDIX 3

**SENIOR OFFICIALS OF THE MINISTRY OF JUSTICE WITH
WHOM THE CPT's DELEGATION HELD DISCUSSIONS**

Ugur İBRAHİMHAKKIOĞLU	-	Under Secretary
Cemal SAHİR	-	General Director of Prisons
Yusuf ÖYMEN	-	Deputy General Director
Abdülkadir ÖZGÖZ	-	Deputy General Director
Turgay YÜCEL	-	General Director of Foreign Relations
Cenk ALPDURAK	-	Deputy for Foreign Relations
Abdülkadir KAYA	-	Judge

APPENDIX 4

Strasbourg, 13 September 1996

Dear Director General,

1. By letter of 31 July 1996, the Turkish authorities invited the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to visit Eskişehir Special Type Prison. The CPT accepted that invitation and a delegation of the Committee visited the aforementioned establishment on 20 and 21 August 1996.

The CPT intends to transmit a detailed report on that visit to the Turkish authorities in the course of December 1996. However, the Committee wishes to make certain comments at this stage.

2. Eskişehir Special Type Prison has been described in some quarters as a "coffin-cell" prison. Such statements are inaccurate.

The inmate accommodation essentially consists of small dormitories designed for four to eight persons. There are a number of single cells, in the observation and segregation units; however, they are of a reasonable size (8.5 m²) and, with a few exceptions, have adequate lighting and ventilation. More generally, it can be said that the material conditions of detention at Eskişehir Special Type Prison compare favourably with those which CPT delegations have observed in other Turkish prisons.

3. Nevertheless, the CPT is very concerned about various aspects of the situation observed by its delegation at Eskişehir Special Type Prison.

Firstly, practically no activities (work, education, sport) were offered to inmates. This failing is all the more serious in view of the fact that many of the inmates were convicted prisoners serving lengthy sentences.

Mr Turhan FIRAT
Ambassador
Director General for the Council of Europe,
Human Rights and the OSCE
Ministry of Foreign Affairs
TR - ANKARA

Secondly, the prison's health-care service left a great deal to be desired. Staff resources were totally inadequate, medical documentation was of poor quality, and the service's equipment was of a very modest nature.

Thirdly, there was a palpable degree of tension within the establishment - both between prisoners themselves and between prisoners and staff - which from time to time (including during the delegation's visit) degenerated into acts of violence.

The CPT requests the Turkish authorities to take steps immediately to address these issues. Above all, it is necessary to promote a spirit of dialogue rather than confrontation within Eskişehir Special Type Prison and to provide inmates with purposeful occupation.

4. Another problem - faced by those persons remanded in custody in respect of offences under the Law to fight terrorism who had recently been transferred to Eskişehir Special Type Prison from Istanbul - was the distance separating them from their place of trial. The CPT notes that the Minister of Justice has acknowledged this problem and attempted to resolve it.

5. The CPT must also record that numerous inmates interviewed by its delegation at Eskişehir Special Type Prison alleged that they had been tortured or otherwise severely ill-treated whilst in the custody of the police. Such allegations were made both by persons remanded in custody in respect of offences under the Law to fight terrorism and by persons on remand for, or convicted of, ordinary criminal offences. On examination by doctors in the CPT's delegation, certain of the inmates concerned were found to display physical marks or conditions consistent with their allegations.

This underlines once again the importance of sustaining the dialogue between the CPT and the Turkish authorities with a view to combatting torture and ill-treatment by law enforcement officials. In this connection - and with reference to a letter recently received from the Turkish authorities - the CPT must reiterate its request that the observations of your authorities on the issues raised in its letter of 18 June 1996 be forwarded to the Committee by 1 November 1996.

Yours faithfully,

Claude NICOLAY
President of the CPT

cc: Mr İsmet BİRSEL, Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Turkey to the Council of Europe

**Response of the Turkish Government
to the CPT's report**

MINISTRY OF FOREIGN AFFAIRS

Ankara, 30 September 1997

Dear President,

A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited Turkey from 19 to 23 August 1996, at the invitation of my government, in connection with the hunger strikes held last year in some Turkish prisons. The report on this visit, adopted by the Committee on 11 March 1997, has been examined by the Turkish authorities concerned and the requisite investigations have been conducted and measures taken with regard to the observations and recommendations made in the report.

I have the honour to submit herewith the Turkish Government's report in reply. The report demonstrates the government's determination to protect and strengthen human rights in keeping with the conventions to which it is party. I likewise believe that the visit carried out in August 1996 at our invitation proves our desire to maintain an atmosphere of constructive co-operation and dialogue with the Committee in improving the situation of persons deprived of their liberty. As you observed in your statement to the Deputies on 10 September 1996, in inviting a delegation of the Committee on its own initiative, Turkey has set a precedent which could serve as an example to other countries.

In the delegation's report we have taken note of the on-the-spot findings concerning the positive aspects of conditions in Eskişehir Prison and the realistic observations to the effect that the dormitory system reinforces criminal organisations' internal solidarity.

My government is aware of the problems and shortcomings in prisons, which are rooted in complex and deep-seated economic, sociological, cultural and psychological factors; in order to overcome them, as will be clear from the appended report, it is mustering Turkey's resources, however limited these may be, and taking the necessary administrative steps to revitalise the prison system.

I take this opportunity of reiterating once more the importance we attach to co-operation with the Committee.

Yours faithfully,

Turhan FIRAT
Ambassador
Director General for the Council of Europe,
Human Rights and the OSCE

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APPENDICES (*)

1. Remand and Sentenced Prisoners' Guide
2. Prison Officers' Handbook
3. Act on the Establishment and Administration of Prison Workshops
4. Table of educational activities carried out in prisons in the past year

(*) The Appendices can be obtained upon request to the CPT's Secretariat.

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I. Introduction

Istanbul, which has a population of 12 million and is now a huge conurbation, has only 7 prisons.

In July 1996, when the prison incidents which prompted Turkey's invitation to the Committee began, the number of remand and sentenced prisoners held for terrorist offences stood at 8,982; at the time a large proportion of these were in Istanbul Bayrampaşa Closed Prison, where the number of occupants per dormitory had risen to between 40 and 60.

As also indicated in the Committee's report, this degree of overcrowding in prison dormitories has many drawbacks. In fact, we agree with the Committee's comment that there is very little to be said in favour of the dormitory system.

As the Committee accurately observed in its report, it is a fact that especially in prisons where people are held for terrorist offences, the dormitory system largely serves terrorist organisations' purpose of strengthening their cadres and developing their strategies.

II. Drawbacks of the dormitory system

In some instances terrorist organisations set up central committees in prisons, plan numerous acts of violence from prisons, send out their instructions for these operations through couriers and even engage in military training in their dormitories.

In prisons accommodating a majority of terrorist offenders, the leaders of terrorist organisations ruling the dormitories:

- i. refuse the educational activities provided by the prison administration, and object to or even prevent work in the workshops and vocational training. Instead, they try to give newly arrived prisoners a form of education consonant with their own aims;
- ii. object to searches, counts and controls, reject the prison rules, try to apply their own rules and have even been known to issue death threats to prison officers;
- iii. find excuses to stir up riots, vandalise the buildings and equipment and threaten prison officers;
- iv. brand as "traitors" those who wish to leave the dormitories over which they rule for a neutral dormitory, those who hire a lawyer without the leaders' consent, those who communicate with their families and the administration and those who wish to confess under the repentance law; they subject these persons to punishments such as refusing to let them have outdoor exercise, keeping them standing, confining them to bed, preventing them from seeing their families, preventing them from appearing in court, impeding their correspondence, preventing them from having free access to a doctor, extorting money from their families, threatening to kill them and strangling them or stabbing them to death.

It is clear that the dormitory system has a wide range of drawbacks which sometimes cause very serious problems. With a view to finding a remedy, it was decided, rather than dispersing the inmates from this type of prison to other prisons, not to admit new prisoners into these prisons in order to gradually reduce the number of prisoners.

III. The hunger strike at Bayrampaşa Prison in July 1996

Steps were accordingly taken to cease placing prisoners remanded on terrorist charges in Bayrampaşa Prison, which accommodates a large number of terrorist offenders and displays all the adverse features listed above. Instead it was decided to give preference to Kocaeli, Sakarya and Eskişehir prisons, which are in the vicinity of Istanbul and have the required capacity.

This was not done, as was claimed, to keep prisoners remanded on terrorist charges away from their trial court location and thus prevent them from attending hearings or restrict their right to defend themselves, but on the contrary to do away with the drawbacks observed in Bayrampaşa Prison so as to break the influence of criminal organisations and ensure the life safety of remand and sentenced prisoners.

Realising that the new arrangements would undermine the system they had set up in prison, the terrorist organisations ordered the start of a hunger strike in pursuit of their demand for remand prisoners to continue to be placed in Bayrampaşa Prison. It is also known that some remand prisoners were forced to go on hunger strike.

Twelve prisoners lost their lives as a result of the hunger strike. During the strike they were prevented by prisoners from seeing their families, the prison administration and the press. It has been established from court judgments, the families' statements and press interviews of some sentenced prisoners who witnessed the events of that period and were later released that a large proportion of the hunger strikers were chosen from among those branded "traitors" because they had made confessions concerning the terrorist organisations to which they belonged.

IV. Measures taken

At present prisoners remanded on terrorist charges are not being placed in Eskişehir and Kocaeli prisons. Remand prisoners charged with offences relating to terrorism who are on trial in Istanbul courts are being held in Gebze and Sakarya prisons. Gebze is 50 km and Sakarya 150 km from Istanbul. No problems are encountered in transporting prisoners to and from court hearings.

The 500-person capacity of Kartal Closed Prison, now under construction on the Asian side of the Bosphorus in Istanbul, will soon be brought into service.

It is also planned to build 11 more prisons based on small living units (1-3 persons) for prisoners remanded in custody or sentenced for terrorist offences.

These prisons will be in Ankara, Istanbul, Izmir, Diyarbakır, Denizli, Adana, Erzincan, Van, Yozgat, Edirne and Osmaniye. In addition, alterations have been made to Afyon, Samsun and Niğde closed prisons, parts of which have been converted to the small living unit system. The same alterations are being made to 30 other closed prisons, and work will start on converting 38 more prisons to the small living unit system when the funds become available. Alterations have started on Eskişehir Special Type Prison to convert it entirely to this system. Every effort is thus being made, to the extent permitted by Turkey's resources, both to place remand prisoners in prisons relatively near their trial courts and to remove the risks attendant on the dormitory system.

Alongside the widespread introduction of the system of rooms for 1-3 persons, the necessary efforts are being made to ensure that prisoners spend a reasonable part of the day performing useful activities outside their living units. In the prisons currently being built on the basis of small living units, multipurpose educational and sporting facilities are being provided and steps will be taken to ensure that prisoners engage in these activities at specified times outside their living units.

The allegations that remand and sentenced prisoners are ill-treated during transfers are untrue, but it is a fact that in cases where remand prisoners insult and swear at security officers or behave in a disruptive manner during transfers, undesirable incidents have very occasionally occurred between prisoners and officers. Incidents of this type are the subject of an inquiry under the relevant provisions of the Turkish Criminal Code with respect to both the prisoners' behaviour and the officers' misuse of authority.

As indicated in the circular of 9 July 1996, the utmost care is taken to observe the rule that measures taken during transfers must not exceed those taken to prevent escape. These generally involve taking delivery of the prisoners, handcuffing them, placing them in the transfer vehicle, ensuring that they sit down in the vehicle, supervising them, maintaining security, meeting their needs during transfer, preventing them from engaging in physical conflict among themselves, catching those who try to escape and restoring them to their previous position, handing them over to the receiving institution and/or bringing them back, and avoiding physical contact during transfer except where it is obligatory.

In order to speed up trials and ensure that remand prisoners are safely transported to the courts, 18 new vehicles have been bought and distributed to prisons. By the end of 1997 a total of 195 transfer vehicles and ambulances will have been purchased for remand and sentenced prisoners' transfers and journeys to and from hospital.

Steps are being taken to form mobile search teams which will conduct searches for the purpose of securing order and discipline in prisons, and also, for the same purpose, to set up teams of examining judges from the Ministry of Justice who will carry out prison inspections at frequent intervals.

In order to be able to suppress disturbances in prisons such as hunger strikes, hostage-taking, arson, sabotage, tunnelling, riots and rebellions without loss of life, the Ministry of Justice and the Ministry of the Interior are working on the question of setting up well-trained emergency intervention teams.

V. Eskişehir Special Type Prison

a. Allegations of torture and other forms of ill-treatment

We cannot agree with the assumption stated in the report that despite the lack of medical evidence in support of the allegations of ill-treatment, the volume and consistency of the allegations lend them credibility. Rather than making assumptions, it will be advisable to take account of the administrative and judicial steps taken when concrete incidents occur.

For example, a prison governor, two senior prison officers and four prison officers are alleged to have ill-treated prisoners; under indictment no 1996/1662 drawn up by the Eskişehir Chief Public Prosecutor on 18 June 1996, a public prosecution has been brought against them before the 2nd Criminal Court and is pending under no 1996/474.

It is a rule that all allegations of ill-treatment are the subject of an inquiry. The incident in which H. S., one of the prisoners in Block M of the prison, injured himself by striking his head against the washbasin has also been investigated; it emerged that he had no complaint to make against anyone in connection with this action of his. Given the statement in the Committee's report that the accounts of the incident diverged, we consider the phrase "much more force than was reasonably necessary might have been used against the prisoner" to be inappropriate with regard to this incident.

b. Tension among prisoners and between prisoners and prison staff

Given the drawbacks of the dormitory system as indicated above, criminal organisations are able to subject both prisoners and prison staff to pressure and violence. It is known that, as lawyers only go through metal detectors and that neither their briefcases are examined nor they are subjected to a pat-down search, prohibited objects and some documents used for indoctrination purposes are introduced into the prison by some lawyers who are sympathisers or even members of terrorist organisations. This in itself causes tension and disruption both in relations between prisoners and in relations between prison staff and prisoners.

Ordinary offenders are also able to introduce various forbidden objects into prisons by illegal means. It is quite difficult to overcome this problem under the dormitory system, and for this reason action plans to counter interprisoner violence sometimes fail.

Constant efforts are being made to reduce tension in prisons and improve relations between prison staff and prisoners, and the requisite administrative measures are being taken for the purpose.

- Prison governors and deputy governors attend courses at the Ministry of Justice at specified times each year, where they receive human rights training. Prison governors regularly inform their subordinates about human rights. This year all the staff of Eskişehir Prison have been requested by public prosecutors and judges to attend meetings where they were warned that ill-treatment was an offence under Turkish law, was unacceptable and would be resolutely suppressed. The handbook used by prison officers in the performance of their duties is appended.

Steps are also being taken to set up regional training centres for the initial and in-service training of prison staff.

- The necessary attention is taken to ensure that newly arrived prisoners and those placed in the prison's segregation units are not subjected to ill-treatment. On arrival, each prisoner is accordingly given a copy of the appended booklet setting out the prison rules and prisoners' rights.
- The prison governor is supported by the public prosecutor's office in his efforts to prevent ill-treatment. As ill-treatment is an offence requiring ex officio investigation under Turkish legislation, if the prison governor, the victim or a third party notifies the public prosecutor of an instance of ill-treatment, the latter immediately opens an inquiry.
- Pending the entry into service of prisons based on small living units, interprisoner violence is being dealt with by every available means. The arrangements made for the purpose involve ensuring that prisoners hostile to each other are not placed in the same dormitory or are transferred to other prisons where necessary, and that those who have committed offences which arouse indignation in the community are accommodated in separate areas.

c. Conditions of detention

Material conditions

Improving material conditions in some prisons and building prisons based on small living units for dangerous criminals and terrorist offenders requires a substantial financial outlay.

Act No 4301 on the Establishment and Administration of Prison Workshops, adopted by the Turkish Parliament on 6 August 1997, will go a long way towards solving the financial problem because it provides for 25 % of court and notaries' levy charges to be allocated to prisons. A copy of the Act, which has been published in the Official Gazette and come into force, is appended.

In line with the recommendations made in the report on material conditions at Eskişehir Prison, the windowless cells in the segregation units in Blocks H and M have been withdrawn from service.

Segregation cells normally have a window, bed, table and chair. However, the cells without a table or chair are used for prisoners likely to cause injury to themselves or others.

Prisons with a water supply problem have now been allocated sufficient funds for work to start on digging artesian wells. Now that the above-mentioned Act has come into force, the funds required to solve the water supply and related hygiene problems will be secured.

Activities for prisoners

Under our penal execution system, prisoners who maintain good behaviour throughout a specified part of their sentence in a closed prison are sent to an open prison. All open prisons have various workshops, while some of the closed prisons have workshops and others have small workshops. Closed prisons also offer vocational training courses, literacy and primary courses, sports activities and social and cultural events on a regular basis. However, in prisons accommodating terrorist offenders, these prisoners refuse to work and also destroy the machines and equipment. Some restrictions have therefore been placed on the number and nature of the workshops in those prisons. It has been decided to drop workshops containing sophisticated machinery that also serves to manufacture perforating and cutting instruments, and to opt for workshops where simpler tasks can be performed. As these prisoners also obstruct educational activities, educational programmes can only be arranged on request.

Under our penal execution system greater importance is attached to educating prisoners than to making them work. A third of remand and sentenced prisoners take part in these educational activities. Those who are good with their hands are supplied with the necessary materials by the prison administration. A table of the results of the educational activities provided over the past year is appended.

Work on converting Eskişehir Prison to the small living unit system is in progress, and new arrangements will be made to allow remand and sentenced prisoners to engage in useful activities. The prison administration has been advised that prisoners should be allowed to use the prison's football pitch. The Eskişehir Chief Public Prosecutor's Office is looking into the possibility of setting up a library in the prison.

The prisoners in Block F indicated in the Committee's report as having established a privileged living environment with the use of their wealth have been transferred to other prisons. The Eskişehir Chief Public Prosecutor has been notified of the matter in writing.

d. Health-care services

A doctor is on duty in each prison between 9 am and 5.30 pm, with two doctors on duty in crowded prisons. They are assisted by a health officer and two prison officers. At night and at weekends prison officers with first aid training are on duty.

The state hospitals in each province have a ward for prisoners.

There is no difficulty in obtaining medicine; an agreement is generally reached with the pharmacies closest to the prison and the need is met in this way. Some drugs are also available in limited quantities in prison infirmaries.

The methods used for health care provision in prison are determined by Articles 37, 38, 39, 40, 41, 98, 224, 227 and 228 of the Regulation on Administration of Penal Institutions and Detention Houses and Execution of Sentences.

Prisoners' visits to the doctor are subject to the prison administration's approval. This rule is not applied in emergencies. In principle the prison governor is not empowered to refuse requests to consult the doctor. The purpose of this procedure, which is based on experience, is to prevent prisoners from deliberately keeping the doctor occupied without good reason and thus reducing real patients' chances of seeing the doctor and receiving treatment.

With a view to remedying the medical shortcomings noted in the Committee's report on Eskişehir Prison and setting up infirmary archives with a new medical file for each prisoner, the Ministry of Justice has issued instructions and transferred the necessary funds to the Eskişehir Chief Public Prosecutor's Office.

e. Contact with the outside world

Under present arrangements there are no restrictions on lawyers' visits in terms of either frequency or duration. However, if the lawyers' visiting room is full, hitches may occur in this respect from time to time. The absence of restrictions on the duration of lawyers' visits is also one of the reasons why the visits facility is in constant use. The additional capacity provided by the new prisons now being built will alleviate these problems.

During lawyers' visits no members of the prison staff are in the room.

Under Section 13 of the Law on Combatting Terrorism (No 3713), prisoners remanded in custody or sentenced for terrorist offences are not entitled to open visits. Visiting arrangements in our prison are determined by Articles 152, 153, 154 and 155 of the Regulation on Administration of Penal Institutions and Detention Houses and Execution of Sentences, which provide that closed visits are the rule. Open visits are exceptional. In practice, however, prisoners remanded in custody or sentenced for offences under Law No 3713 have been given the right to one open visit a month from their spouses and children only.

As cabin-type closed visiting facilities are used for prisoners remanded in custody or sentenced for both terrorist and other offences, there are, on security grounds, no plans to alter their physical structure. They are designed for a prisoner to receive one visitor but do not in principle hamper prisoners' relations with their families. However, as people usually come on visits in large groups, 4 or 5 people enter the booth at the same time, at the insistence of the prisoners and their relatives, and this of course creates a seating problem.

As Eskişehir Prison is located outside the town, the frequency of municipal bus journeys from the town centre to the prison has been increased on visiting days.

It is naturally ideal, in the interests of their social rehabilitation, for prisoners to serve their sentences in the region where they have family and social ties. The decision-makers and executants in charge of the Turkish penal enforcement system are aware of this point. Attention is paid to it to the extent permitted by prison capacity.

f. Other issues

Despite the recommendation in the Committee's report that prisoners given the disciplinary sanction of solitary confinement be allowed at least one hour of outdoor exercise every day, this is not possible at present both because of the legislation and because of the physical structure of the cells. It is believed that a solution to this problem along the lines recommended will be found when the prisons currently being built on the basis of small living units, or being converted to that system, are brought into service. In those prisons, cells approximately 10 m² in area giving onto a special outdoor exercise area are being built for prisoners given the disciplinary sanction of solitary confinement. Prisoners will then be able to go out into the open air when they wish.

The keys of the complaint boxes placed in the prison are in the possession of the Chief Public Prosecutor, who opens the boxes. The letters are sent directly, unopened, to the Ministry of Justice; they are opened and assessed by a "Complaints Board Unit" set up in the Ministry's General Directorate of Prisons and Detention Houses, composed of a judge, a prison governor and two civil servants.

In the year since the system was introduced, the Ministry has received 1,467 letters. The great majority of these do not contain practical complaints calling for measures to deal with prison conditions, but are of a general nature and relate the prisoners' personal thoughts, their family problems and the persons or circumstances that caused them to be imprisoned. Some of the letters also contain insults and threats to the Ministry's senior officials and staff.

The Ministry of Justice considers that so far the complaints system has not yielded the result desired. The view is gaining ground that the letters should not be sent to the Ministry but opened by the local chief public prosecutors' offices, which would take the appropriate action. The matter is still under consideration.
