



CPT/Inf (2001) 25

**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 16 to 24 July 2000**

The Turkish Government has authorised the publication of this visit report and of its response. The Government's response is set out in document CPT/Inf (2001) 26.

Strasbourg, 8 November 2001

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**Copy of the letter transmitting the CPT's report**

Strasbourg, 24 November 2000

Dear Mr Kiliç,

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 16 to 24 July 2000. The report was adopted by the CPT at its 43<sup>rd</sup> meeting, held from 7 to 10 November 2000.

The CPT requests the Turkish authorities to provide, **within six months**, a report providing a full account of action taken to implement the recommendations set out in the visit report, as well as responses to the Committee's comments and requests for information (the recommendations, comments and requests for information are listed in the Appendix to the visit report). The CPT would be grateful if it were possible, in the event of the report forwarded being in Turkish, for it to be accompanied by an English or French translation. It would also be most helpful if the Turkish authorities could provide a copy of the report in a computer-readable form.

I should also refer to your authorities' response to the preliminary observations made by the CPT's delegation at the end of the July 2000 visit, which was received on 15 November 2000. As it arrived shortly after the adoption of the visit report, it was not possible to incorporate the response in the content of the report (with the exception of the information concerning the discipline and observation section at Bursa E-type Prison). However, the response will be taken fully into account in the context of the CPT's on-going dialogue with the Turkish authorities.

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 sincerely,

Silvia CASALE  
President of the European Committee  
for the Prevention of Torture and Inhuman or  
Degrading Treatment or Punishment

Mr Metin KILIÇ  
Head of the Council of Europe Department  
Ministry for Foreign Affairs  
TR - ANKARA

## **I. INTRODUCTION**

### **A. Dates of the visit and composition of the delegation**

1. In accordance with Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred as “the Convention”), a delegation of the CPT visited Turkey from 16 to 24 July 2000.

The visit was one which appeared to the CPT "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention). Its main aim was to examine the steps being taken to introduce smaller living units for prisoners and, more specifically, the F-type prison project. The visit also provided an opportunity to review the treatment of persons deprived of their liberty by the police.

2. The visit was carried out by the following members of the CPT:

- Silvia CASALE, President of the CPT, Head of the delegation
- Andres LEHTMETS.

They were assisted by:

- Andrew COYLE, Director of the International Centre for Prison Studies, London, United Kingdom (expert)
- Derrick POUNDER, Professor of Forensic Medicine, University of Dundee, United Kingdom (expert)
- Zeynep BEKDİK (interpreter)
- Belgin DÖLAY (interpreter)
- Verda KIVRAK (interpreter)
- Kudret SÜZER (interpreter)

and accompanied by the following members of the CPT's Secretariat:

- Trevor STEVENS, Executive Secretary of the CPT
- Bojana URUMOVA.

**B. Establishments visited**

3. The delegation visited the following places of detention:

***Prisons***

- Bursa E-type Prison
- Kartal Special Type Prison
- Sincan F-type Prison (this establishment had not yet entered into service)

***Police establishments***

- Ankara Police Headquarters (Anti-Terror Department; Narcotics and Organised Crime Sections)
- Istanbul Police Headquarters (Anti-Terror Department; Narcotics and Organised Crime Sections)
- Umraniye District Police Headquarters, Istanbul
- Law and Order Office, Kadiköy District Police Headquarters, Istanbul

The delegation also went to the following establishments, in order to interview prisoners : Ankara Central Closed Prison; Bursa Special Type Prison; Istanbul Prison and Detention House (Bayrampaşa); Üsküdar Paşakapısı Prison (Istanbul); Üsküdar Umraniye E-type Prison (Istanbul).

**C. Consultations held by the delegation and co-operation encountered**

4. The CPT's delegation held wide-ranging and fruitful discussions with Mr Hikmet Sami TÜRK, Minister of Justice, and Mrs Sema Tutar PİŞKİNSÜT, President of the Human Rights Inquiry Commission of the Turkish Grand National Assembly. Further, it met senior officials from the Foreign Affairs, Interior and Justice Ministries. It conducted extensive talks about the F – type prison project with Mr Ali Suat ERTOSUN, Director General of the Prisons Directorate, and with other Justice Ministry officials.

The delegation also held discussions on police matters with certain senior public prosecutors. They included the Acting Chief Public Prosecutor of the Istanbul State Security Court, Mr Aykut Cengiz ENGİN, and the Chief Public Prosecutor of Fatih, Mr Seyfettin ERDEM, whose Office is responsible for examining complaints concerning most Departments of Istanbul Police Headquarters.

On 24 July 2000, the delegation held end-of-visit talks with the Turkish authorities, which were chaired by Mr Kemal GÜR, Deputy Director-General for the Council of Europe and Human Rights at the Ministry of Foreign Affairs.

The above-mentioned meetings were once again marked by a willingness to maintain and develop a constructive dialogue between the Turkish Government and the CPT. Further, the CPT welcomes the decision subsequently taken by the Turkish authorities to authorise the publication of the preliminary observations made by its delegation at the end of the visit.

5. The delegation also held meetings at the outset of its visit with representatives of several non-governmental organisations: the Human Rights Association, the Human Rights Foundation of Turkey, the Turkish Medical Association and the Forensic Medicine Practitioners Association.

6. At local level, the delegation encountered, on the whole, a very good reception from management and staff. In particular, it was granted, with few exceptions, rapid access to all places of detention visited, and provided with the required information, including in those establishments which had not been notified in advance of the CPT's intention to carry out a visit. This favourable situation was due in part to the credentials provided to the delegation by the Turkish authorities at the outset of the visit. It should be added that in those few cases where delays were encountered, the problem was quickly resolved through contact with the liaison officers appointed by the Turkish authorities to assist the delegation.

7. However, the CPT is not entirely satisfied with the response received to the request made by its delegation for a meeting with officials of the National Intelligence Service (MİT). The delegation wished to discuss with representatives of that Service the circumstances of the detention and questioning of Mr Cevat SOYSAL by MİT personnel in July 1999 and the allegations of ill-treatment made by him.

The MİT declined to meet the delegation directly. Instead, officials of the Ministry of Foreign Affairs acted as an intermediary to pass on the delegation's questions, which concerned in particular the precise legal basis for the detention of Mr Soysal by the MİT during the period 13 to 21 July 1999 and the manner in which his allegations of ill-treatment had been investigated. A reply to the questions raised by the delegation was subsequently received, via the Ministry of Foreign Affairs. However, the lack of direct contact with representatives of the MİT meant that the issues raised by the delegation could not be fully explored.

The CPT trusts that any future request for a meeting with officials of the MİT will receive a favorable response.

8. The CPT wishes to take this opportunity to recall that its mandate extends to any place within the jurisdiction of Parties to the Convention where persons are deprived of their liberty by a public authority.

**In this connection, the Committee reiterates the request already made by its President on 30 July 1999 to receive full information, in conformity with Article 8, paragraph 2 (b) of the Convention, on all places where persons may be deprived of their liberty by the MİT.**

**D. Immediate observation under Article 8, paragraph 5, of the Convention**

9. At the end-of-visit talks on 24 July 2000, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention, concerning conditions in the discipline and observation section at Bursa E-type Prison. The delegation had found that the cells in that section were inadequate in size and very poorly lit, and that prisoners held therein had spent periods of up to 25 days with a total lack of outdoor exercise. The delegation requested the Turkish authorities to provide, within three months, an account of the measures taken to remedy the deficiencies observed.

By letter of 14 November 2000, the Turkish authorities informed the CPT of the measures taken in response to the immediate observation. Those measures will be considered later in this report; however, the CPT wishes already to emphasise the constructive spirit in which the Turkish authorities took note of and reacted to the above-mentioned observation.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Prisons

#### 1. Preliminary remarks - from dormitories to smaller living units

10. Traditionally, accommodation units in Turkish prisons have been structured as large multi-occupancy dormitories which contain all or most of the facilities used by prisoners on a daily basis: sleeping and living areas, sanitary facilities and adjacent exercise yards. The E-type prisons built in the 1970s and 1980s follow this design principle. Opening off long arterial corridors, dormitories in E-type prisons frequently accommodate scores of inmates; at the same time, they offer little possibility for ongoing supervision by staff.

Regardless of the type of closed establishment involved, prisoners tend to be left to their own devices; they rarely leave their dormitories and staff rarely enter them. Contacts between prisoners and staff are kept to the strict minimum.

11. In recent years, the Turkish authorities have become increasingly aware of the disadvantages of the aforementioned dormitory system. It is prone to foster the development of offender subcultures and more particularly, argue the Turkish authorities, has led to prisons becoming breeding grounds for terrorism. With such an arrangement, it is virtually impossible to ensure proper staff control over the activities of inmates. Further, when various types of disruptive phenomena emerge (concerted disobedience, hunger strikes, hostage-taking, destruction of property, etc.), outside interventions involving the use of considerable physical force - and the attendant risk of heavy casualties - are difficult to avoid.

Consequently, the Turkish authorities have begun to move away from the existing dormitory system to one of smaller living units. In this regard, they have initiated two principal projects. One is the "room-system" approach, which involves the conversion of existing dormitories in E-type prisons into smaller accommodation units. The second is the construction of a new "generation" of prisons, known as the F-type prison project; these establishments are based on a system of living units for one or three prisoners and are designed primarily for prisoners accused or convicted of offences related to terrorism or organised crime. During the July 2000 visit, Ministry of Justice officials indicated that some forty E-type prisons were undergoing conversion to room-system establishments and that the process was complete at three sites; it was foreseen that, by the end of the year 2000, seventy-three establishments would be thus converted. As for the F-type prisons, eleven were being constructed around Turkey, and it was planned to build four more in the Istanbul area.<sup>1</sup>

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<sup>1</sup> The officials cited revenues from prison industries (3 trillion TL/month) and a percentage of the total amount of court fees collected nationwide as principal sources of financing of the construction projects. A draft law stipulating an increase of the percentage of court fees earmarked for the Prisons Directorate from 25% to 35% had been submitted recently to the Grand National Assembly.



12. In 1996, the CPT was made aware of the Turkish authorities' plans to make changes to the dormitory system used in Turkish prisons. In the report on its visit to Turkey in August 1996, the Committee commented on those plans as follows:

" 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.

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... 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 returned to this subject in its report on the October 1997 visit, in which it cautioned that in the absence of a significant improvement in activities for prisoners, the introduction of smaller living units would almost certainly create more problems than it solves. The Committee reiterated that it was imperative for moves towards smaller living units to be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in purposeful activities outside their living units.

One of the main purposes of the July 2000 visit was to ascertain whether the Turkish authorities were taking appropriate steps to meet this key requirement.

13. At the time of the July 2000 visit, none of the planned F-type prisons were operational; however, the CPT's delegation did have the opportunity to visit the site of an F-type prison in Sincan (near Ankara), which was soon to enter into service. Further, the delegation examined conditions at Kartal Special Type Prison, an establishment with a room-system construction which was said to accommodate prisoners of a similar profile to those who would in due course be allocated to F-type prisons. The delegation also paid a visit to Bursa E-type Prison, which is currently in the process of being converted from a large-dormitory to a room-system establishment.

The CPT will set out the facts found during its delegation's visits to these establishments in a subsequent section of this report. However, before this is done, the Committee wishes to address certain issues which are fundamental to the success of the smaller living units project.

14. The introduction of smaller living units for prisoners must under no circumstances be allowed to lead to a generalised system of small-group isolation. The Turkish authorities are adamant that this will not be the case; however, the current wording of Article 16 of the 1991 Law to Fight Terrorism could easily be read as implying a system of isolation. This Article provides that persons accused or convicted of offences falling under the 1991 Law are to be held in special establishments built on a system of rooms for one or three people and that contacts between the prisoners are to be prevented. Further, Article 13 of the 1999 Law against Organised Crime stipulates that persons accused or convicted of offences under that Law are to be subject to the same provisions as those in Article 16 of the 1991 Law to Fight Terrorism.

Ministry of Justice officials informed the delegation that amendments were likely to be made to Article 16, in order to allow contact between the prisoners concerned. The CPT considers that such an amendment is of crucial importance; without it, there will be no solid legal basis for applying to prisoners covered by the 1991 and 1999 Laws the kind of progressive regime which the Turkish authorities state they intend to apply in F-type prisons. Consequently, the Committee was very pleased to learn that a draft Law to amend Article 16 of the 1991 Law was published in October 2000. The draft Law envisages, in particular, that the prohibition of contacts between prisoners will be replaced by a provision stipulating that prisoners shall participate in training, sport, rehabilitation and workshop activities as well as other social and cultural activities in the common areas of the institutions where they are held.

**The CPT recommends that the adoption of the aforementioned amendment of Article 16 of the 1991 Law to Fight Terrorism be accorded a very high priority.**

15. It is also essential to introduce a proper allocation and classification procedure of all prisoners on admission, enabling each person to be assessed in terms of security risk, skills, and needs. At the moment, such a procedure does not exist in the Turkish prison system. Prisoners are usually assigned to a particular living unit according to the nature of the crimes for which they have been charged or sentenced and their organisational affiliations. A well-designed allocation/classification procedure will provide the authorities with the necessary information to treat prisoners as individuals and to begin the process of breaking down the negative influences of various groupings. In addition to dealing with the special needs of prisoners, such a procedure will make it possible to distinguish the small number of prisoners who are likely to present a threat to security or control from the majority who will be suitable for inclusion in a normal, developed programme of regime activities.

A procedure of the kind indicated above would in particular enable the Turkish authorities to discard the current practice of treating as "dangerous" all prisoners charged with or sentenced for offences under the Law to Fight Terrorism. To attach automatically such a label to some 15% of the prison population is unjustified and does not facilitate good prison management. No doubt a small number of prisoners who present a particularly high security risk may require, at least for a certain period, exceptional arrangements<sup>2</sup>. However, the great majority of prisoners covered by the 1991 Law could certainly benefit from a developed programme of regime activities outside their living units without jeopardising security. The same is true as regards the great majority of prisoners covered by the 1999 Law against Organised Crime.

Of course, the introduction of a proper allocation and classification procedure will require the existence of appropriately equipped reception and observation facilities. The facilities for this purpose seen at Bursa E-type Prison and Kartal Special Type Prison left a great deal to be desired; in contrast, it appeared that they would be of good quality at Sincan F-type Prison. The presence of staff who have been properly trained for the important task of allocation and classification is also necessary. The staff should include prison officers as well as psychologists, social workers and teachers. Further, for the procedure to be effective, there should be close interaction between staff and prisoners.

**The CPT recommends that the Turkish authorities develop and implement a proper system of allocation and classification of prisoners, taking into account *inter alia* the remarks in this paragraph.**

16. The quality of life in any prison is very much determined by the state of staff-prisoner relations. As already indicated, the current situation in Turkish prisons leaves much to be desired in this respect. The move towards smaller living units for prisoners combined with the provision of purposeful activities outside the living units will inevitably involve increased contacts between staff and prisoners. Consequently, it will be all the more important for prison staff to know how to adopt the appropriate attitude in their relations with prisoners. In this regard, developed interpersonal communication skills are crucial. Such skills will often enable staff to defuse situations which could otherwise turn into violence; more generally, they will help to reduce tensions and improve the quality of life in the prison concerned, to the benefit of all.

At the same time, it should be emphasised that increased interaction between staff and prisoners is capable of enhancing control and security. Where there is regular contact, an alert and properly trained prison officer will be able to detect situations which are different from the norm and which may present a threat to security. Unlike under present arrangements, it may be possible to identify such threats at a very early stage.

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<sup>2</sup> The basic elements of a satisfactory regime in a special unit for prisoners who present a particularly high security risk were identified in the Appendix to the report on the CPT's February/March 1999 visit to Turkey.

The delegation was informed that the Turkish authorities have been devoting considerable attention and resources to the training of prison staff, and that special training is planned for all categories of personnel to be assigned to F-type prisons. As the Director General of the Prisons Directorate indicated, the aim was to render service in the prison administration “a real vocation”. The CPT welcomes this approach. **It recommends that the building of positive relations with prisoners be recognised as a key element of a prison officer's vocation. To this end, training courses should place considerable emphasis on the acquisition and development of interpersonal communication skills.**

## 2. Material conditions of detention and activities

### a. Sincan F-type Prison

17. The construction of the new F-type prison in Sincan, located 30 km west of Ankara, was nearing completion at the time of the delegation’s visit, and the establishment was expected to receive its first occupants by the end of the year 2000. The delegation was able to view the prisoner accommodation units as well as the areas set aside for communal activities (work, sport, etc.), the medical service, and other purposes (reception, visits, kitchen, etc.). Needless to say, the delegation’s impressions can only be considered as preliminary. A thorough assessment of the establishment will only be possible once it is fully operational.

18. Like all F-type prisons, the establishment at Sincan will consist of 103 units for 3 prisoners each and 59 individual units, with a total capacity of 368 inmates. Most of the accommodation is intended for adult male prisoners (72 units in two separate wings), but there are also distinct wings for women prisoners (14 units) and minors (18 units). The delegation examined a furnished “model” duplex unit meant for three persons, as well as a wing of single living units.

The lower level living area in the duplex measured 25 m<sup>2</sup> and was connected to a corridor on one side and an exercise yard (measuring 50 m<sup>2</sup>) on another side. In addition to a table and three chairs, the living area contained a sink, a kitchen cupboard and refrigerator. Further, the installation of a television was foreseen. A well-equipped and fully partitioned sanitary annex, which included a toilet and a shower, was on the same level. The upstairs sleeping area was of the same size as the living area and contained three beds and a personal locker for each occupant. Access to natural light (through very large windows), artificial lighting and ventilation were satisfactory.

The single cells measured approximately 11 m<sup>2</sup>, including a fully partitioned sanitary annex of 1.5 m<sup>2</sup>. As far as the delegation could ascertain, these cells would also be well-equipped and enjoy good lighting and ventilation. It was envisaged that groups of three adjacent cells would share the same exercise yard. One yard seen by the delegation intended to serve three cells measured 58 m<sup>2</sup>. Certain single cells, apparently intended to be used for discipline/segregation purposes, had their own, smaller exercise yards.

To sum up, the physical environment of the prisoner accommodation units seen by the delegation can on the whole be considered as offering good material conditions of detention, provided the occupancy levels foreseen are indeed respected. The only feature which gives the CPT some cause for concern is that the living units only look onto the high-walled (5.75 m) exercise yards. In practice, this reduces the maximum length of vision to ten metres. However, this cannot be regarded as a serious shortcoming provided prisoners do spend a reasonable part of the day outside the confines of their living unit and adjacent exercise yard.

**The CPT would like to receive an account of the criteria which will be used to determine how prisoners will be allocated to multiple or single-person accommodation at the new F-type establishments.**

19. The regime to be applied in the new F-type prisons was the subject of detailed discussions between the delegation and officials from the Ministry of Justice. The delegation was informed that the daily routine in the new prisons will provide for prisoners to spend approximately five and a half hours per day outside their living units (from 9 am to 12 noon and from 1.30 pm to 4 pm), engaged in a variety of activities: work (carpentry, ceramics, model-making), education (including vocational training and rehabilitation programmes such as drug-awareness courses), sports and religious activities, etc. Each F-type prison would have the necessary facilities for those activities capable of being used simultaneously by the great majority of inmates held at the establishment. The presumption was that all prisoners were to benefit from those facilities unless there was a valid reason to the contrary.

The areas set aside for communal activities shown to the delegation at Sincan F-type Prison did appear to be capable of offering activities to a large number of persons, provided they were properly equipped and there were sufficient specialist staff to operate the facilities concerned. There were 8 very large workshop areas, a good-sized library, an impressive indoor gymnasium (which, it was planned, would double as a theatre/cinema), as well as an outside area which would apparently be used as a sports field. As was emphasised by the delegation at the end of its visit, these areas are an integral feature of the prison and should be used to their fullest potential.

As already indicated, it is intended that prisoners will spend five and a half hours per day outside their living units, engaged in purposeful activities. This is somewhat less than the amount of time recommended by the CPT in the August 1996 report (i.e. eight hours or more per day); however, the time deficit will be compensated in part by the fact that prisoners will have continuous access throughout the day to the yard attached to their living unit. Nevertheless, the CPT considers that eight hours per day outside living units should remain the objective.

**The CPT recommends that every effort be made to ensure that prisoners held in Sincan F-type Prison, as well as in other F-type establishments, benefit from a developed programme of activities outside their living units, taking into account the above remarks. Such a programme of activities should in principle be offered to all persons placed in such establishments; exclusion of a prisoner from the programme on the grounds that he represents a particularly high security risk should be based on a thorough assessment of the individual case and should be reviewed regularly.**

b. Kartal Special Type Prison

20. Kartal Special Type Prison is located on a hilltop in a suburb of the same name, in the Asian part of the Istanbul metropolitan area. Its construction started in 1992, but was halted due to financial constraints; the prison finally began operating on 4 April 1999. It is designed as a room-system prison, with 76 units for 4, 6 or 8 prisoners.

On 19 July 2000, the prison held 352 adult male prisoners, a number well within its capacity of 500. Of these, 276 (78%) were on remand. A small minority (13%) of the total population - 45 prisoners in all – was held under the provisions of the 1991 Law to Fight Terrorism; five of these prisoners were sentenced. A certain proportion of the prison's population was said to be associated with organised crime.

21. The establishment consists of a two-storey rectangular building comprising two main wings of prisoner accommodation, which are situated on either side of a central area containing various administrative offices, security/control areas and general facilities. Living units come in three sizes (for 4, 6 or 8 persons) and all follow a duplex design, with a living area opening onto an exercise yard on the lower level and a sleeping area upstairs connected to a corridor. All of the windows in the living units faced the exercise yards.

22. Generally speaking, material conditions of detention in the living units at Kartal were of a satisfactory standard. Units offered sufficient space for the number of persons accommodated. For example, a 6-person unit contained living and sleeping areas measuring 34 m<sup>2</sup> each; in a 4-person unit, they each measured 24 m<sup>2</sup>. All units were reasonably clean and tidy, and the integral sanitary facilities were in a good state of repair and hygiene. Access to natural light was good and, given the possibility to keep windows open, ventilation posed no difficulties. The basic furnishings - tables, chairs, bunk beds – were in a satisfactory condition, while various cupboards, cabinets and shelves provided sufficient storage space for personal belongings. Depending on the resources at the occupants' disposal, many of the units had additional amenities, such as cooking facilities, refrigerators, television sets and other electrical or electronic appliances.

As for the exercise yards, some were of a fair size (almost 60 m<sup>2</sup>); however, others were small (35m<sup>2</sup>), and their cramped nature was exacerbated by the high walls.

23. As regards the regime offered to prisoners at Kartal Special Type Prison, it can only be described as impoverished. The sole portion of the daily schedule at the establishment which came close to resembling an organised activity was the entry entitled "education and training department consultation with prisoners and library counselling". However, at the time of the delegation's visit, only 24 of the establishment's 352 inmates were involved in any sort of educational activities, and a professional or vocational training programme had not been established since the District Public Training Department could not supply the necessary instructors. Of the persons involved in educational activities, 10 illiterate prisoners were enrolled in a primary education course offered by a teacher who had been appointed on a temporary basis two weeks prior to the delegation's visit; 5 inmates were registered in primary education and were preparing independently for examinations; 9 had taken the qualifying examination for a distance-learning higher education programme. Work was provided only to 26 inmates, 16 of whom worked in the kitchen and 10 on various maintenance tasks around the prison.

In fact, the prison offered little in the way of facilities for organised activities. Areas devoted to this purpose included a classroom/library and a tailor's workshop located on the same corridor as the health care service; however, the rooms were small and gave the distinct impression of minimal use, if any. Apparently, there were plans to make improvements in this regard, and the delegation was also told that 80 billion TL had been allocated for the construction of a sports facility; however, work on implementing these plans had not yet commenced.

24. To sum up, inmates at Kartal Special Type Prison spent most, if not all, of the time each day in their respective living units, left to their own devices. The monotony of such an existence was punctuated solely by the occasional court appearance, visits from families or lawyers, or consultation with health care personnel, which provided an opportunity for inmates to leave the units. In other words, the establishment signally failed to meet the requirements identified by the CPT in previous reports as regards the activities to be offered to prisoners placed in small living units.

**25. The CPT recommends that immediate steps be taken to improve facilities for organised activities at Kartal Special Type Prison and to increase considerably the number of prisoners who benefit from such activities. The provision of a large open-air space where prisoners can take proper exercise on a regular basis and, preferably, play sports, should be accorded a particularly high priority.**

**Further, the CPT recommends that appropriate steps be taken to improve the quality of staff at Kartal Special Type Prison.** The establishment's director remarked that the existing staff lacked both the motivation and training to work effectively with the types of prisoners held at Kartal, a state of affairs which was confirmed by the delegation's own observations.

c. Bursa E-type Prison

26. A residential suburb of Bursa forms the site of a complex which comprises three prisons, each of a different type: special, open and E-type. Besides being the largest of the three prisons on the site, the Bursa E-type prison is apparently the largest of its kind in Anatolia, with an official capacity of 600. The actual occupancy level on 21 July 2000 was 991 prisoners, including 35 women and 16 minors. The prison held approximately equal numbers of remand and sentenced prisoners, including forty-two sentenced for offences under the Law to Fight Terrorism.

The process of dividing the prison's large dormitories into smaller living units had commenced in July 1999; however, at the time of the visit, it was far from being completed.

27. Bursa E-type Prison comprises five blocks (A to E). Three of the blocks (B to D) serve as the main prisoner accommodation. A typical unconverted dormitory had a bi-level layout (although there were several single-level living units as well), consisting of a living area on the lower level and a sleeping area upstairs. Sanitary facilities – lavatories, showers, washbasins – were contained in the living units. From the living area, there was direct access to a high-walled exercise yard. The conversion to smaller living units consisted chiefly of dividing the existing living units in two.

As already indicated, the prison was severely overcrowded, and official occupancy rates were exceeded in both the unconverted and converted living units. Unconverted dormitories intended for 24 persons were holding between 40 and 50, and dormitories intended for 40 persons, between 50 and 60. Converted units intended for 6 or 8 prisoners were holding up to 20. In certain dormitories, there were more prisoners than beds. As might be expected, the smaller living units were fitted to a higher standard than the unconverted dormitories, particularly in terms of the sanitary facilities. However, the positive effects of these improvements were being undermined by the high rate of overcrowding. Further, the exercise yards attached to the converted units were much smaller than previously had been the case; in certain of the units, work on the exercise area had not yet been completed, which left their occupants deprived of outdoor exercise altogether.

28. Staff at Bursa E-type Prison affirmed that about half of the inmates were engaged in activities; however, it emerged that these were limited to handicrafts (making wooden birdcages, beaded jewellery and decorative woven items) which took place within the living units. Prisoners could have books delivered to them from the establishment's library, but several complaints were heard that the books available were very old. In practice, prisoners in both the unconverted and converted accommodation spent the vast majority of their time in their respective units, sleeping, eating, talking with fellow inmates, and pacing up and down the exercise yards.

To sum up, as in so many other prison establishments in Turkey visited by CPT delegations in the past, Bursa E-type prison was characterised by an absence of any organised activities for prisoners. As regards, more specifically, the activities to be offered to prisoners in small living units, the requirements identified by the CPT in previous reports were once again not being met. The Deputy Director affirmed that, when the conversion to the smaller units was completed, prisoners would regularly leave those units for sports, educational and work activities and to see the social worker. The CPT trusts that this affirmation is based on reality and not merely a pious hope.

29. Room-type prisoner accommodation is especially oppressive when used in the way seen at Bursa E-type Prison. Indeed, the detrimental effects of both overcrowding and the absence of an organised programme of activities will be felt even more acutely in smaller living units than in large dormitories. Further, from the point of view of improving security within the prison system, it can be argued that the present occupancy levels in the smaller living units at Bursa E-type Prison defeats, to a large extent, the purpose of creating them in the first place.

30. In view of the severe overcrowding at Bursa E-type Prison, **the CPT recommends that the process of dividing the large dormitories into smaller living units be suspended until such time as it is possible to ensure that the number of prisoners in any given smaller living unit is within that unit's design capacity.**

**Further, the CPT recommends that when it becomes possible to recommence the conversion programme, the introduction of the smaller living units be accompanied by measures to ensure that prisoners are able to spend a reasonable part of the day outside those units, engaged in purposeful activities of a varied nature.**



**The CPT also recommends that immediate steps be taken at Bursa E-type Prison to ensure that:**

- **every prisoner has his own bed;**
- **every prisoner is offered at least one hour of outdoor exercise per day. If necessary, prisoners should be taken to the exercise yard of another unit for that purpose.**

**3. Specific units in Bursa E-type and Kartal Special Type prisons**

- a. discipline and observation section at Bursa E-type Prison

31. As already indicated (cf. paragraph 9), the discipline and observation section at Bursa E-type Prison was the subject of an immediate observation under Article 8, paragraph 5, of the Convention. The section covers three levels of one of the prison blocks; the top level contains the disciplinary cells and the observation unit is located on the two levels beneath. In addition to accommodating some of the newly-arrived prisoners, the observation unit receives prisoners who need protection, who pose management problems or who have themselves requested such placement.

All of the cells in the section were small, measuring scarcely 5 m<sup>2</sup>, and windowless. They comprised a living area of 2.8 m<sup>2</sup> and a sanitary annex located at the back of each cell. Apart from the annex, cell fittings were limited to a bed. Due to the in-cell toilet, which was only partially screened by a waist-level wall, the air was often foul. There were no lighting fixtures inside the cells; the sole source of light was the electric bulbs in the corridors. In the disciplinary cells, some light filtered in through the grilles over the solid metal doors; the lighting situation was slightly better in the observation unit, where the cells were entirely grille-fronted. Apart from the occasional consultation with a doctor or visit, the vast majority of prisoners placed in the section never left their cells. There was no designated outdoor exercise facility for the discipline and observation section and the information gathered during the visit indicated that prisoners placed in the section, whether for disciplinary or other reasons, were not taken elsewhere for outdoor exercise. The shortcomings described above were all the more serious given that prisoners had been held involuntarily in the section for several weeks and, on their own request, for months.

32. In their reply to the delegation's immediate observation, the Turkish authorities informed the CPT that the management of Bursa E-type Prison had been reminded of the provisions of the Ministry of Justice Circular of 3 November 1997, according to which prisoners held in discipline and observation sections are to be offered at least 1½ hours outdoor exercise per day. Further, they provided details of a major reconstruction of the discipline and observation section at Bursa E-type Prison. The disciplinary cells were being enlarged and fitted with windows and upgraded sanitary facilities. As for the cells in the observation part of the section, they were being converted into five bi-level dormitories with adjacent courtyards; each dormitory was to be suitably equipped and enjoy access to natural light. In addition, two "hobby" rooms were being installed on the top floor of the section.

The CPT greatly welcomes the action taken by the Turkish authorities in response to the immediate observation.

b. admissions, discipline and segregation unit at Kartal Special Type Prison

33. Cells in this unit, located directly beneath the health care facility, were of an adequate size (e.g., cells designed and used for single occupancy measured 9.5 m<sup>2</sup>). However, in other respects, the unit displayed a number of shortcomings. Access to natural light and ventilation were limited, and bright artificial lighting was kept switched on at night. The partially screened sanitary facility frequently emitted a disagreeable odour; further, many of the cells were dirty, as was the bedding provided to newly arrived inmates, who were the unit's principal occupants. The shortcomings outlined above were exacerbated by the possible duration of placement in the unit. At the time of the visit, some recently-arrived prisoners had apparently already been in the unit for seven days. Certain other prisoners had been in the unit for one or more months (cf. also paragraph 45).

The exercise yard adjacent to the unit was of a good size - almost 250 m<sup>2</sup>. However, it emerged from interviews with both staff and prisoners that newly-arrived inmates did not have access to the yard in most cases; apparently, exercise was offered systematically only to those held in the unit for extended periods. Such a state of affairs is not acceptable.

34. **The CPT recommends that immediate steps be taken to ensure that every prisoner in the unit is offered the opportunity to take at least one hour of outdoor exercise per day, regardless of the reason for placement (newly-arrived, discipline, segregation).**

**Further, the CPT recommends that steps be taken to remedy the other shortcomings mentioned above and that efforts be made to keep the duration of placement in the unit to a minimum.**

#### 4. Health-care services

35. The provision of health-care to prisoners in Turkey has been the subject of numerous recommendations in reports on previous CPT visits. The Ministry of Justice Circular of 3 November 1997 addressed some of the Committee's key concerns in this area. However, it is clear from the information gathered during the July 2000 visit that there remains much room for improvement and that, more particularly, the provisions of the November 1997 Circular are not always fully complied with (for example, as regards the opening of individual medical files).

36. The actual **health care staff resources** at Bursa E-type Prison at the time of the visit consisted of two doctors, a dentist, and two prison officers who were trained as paramedics. In addition, an ophthalmologist and an internal medicine specialist provided consultations at the prison on a weekly basis. In the event of an emergency or a necessity for specialist diagnosis or treatment, inmates were taken to one of two units reserved for them at Bursa State Hospital. There were four vacant posts, one for a doctor (general practitioner), one for a psychiatrist and two for nurses.

Such a staffing level is manifestly insufficient for an establishment accommodating nearly 1000 inmates, especially as regards nursing and psychiatric cover. The prison's management as well as the public prosecutor with responsibility for the establishment fully acknowledged the extent of the problem, which was at the source of many complaints from inmates regarding delays in access to health care as well as the quality of that care.

37. The staffing situation was also deficient at Kartal Special Type Prison, an establishment holding 352 prisoners. The prison doctor was on extended leave and was being replaced by a substitute doctor, who was present only from 8.30 to 10 am on weekdays. The rest of the health care staff consisted of a part-time dentist appointed on a temporary basis and one person with training as a paramedic; in addition, four prison officers acted as auxiliary staff. The strain on these very limited staff resources was exacerbated by the fact that the health care service also had to provide health care to prison staff and their families.

38. **The CPT recommends that immediate steps be taken:**

- **to reinforce nursing staff resources at both Bursa E-type and Kartal Special Type Prisons, including by persons who are fully qualified as nurses;**
- **to fill the vacant post of psychiatrist at Bursa E-type Prison and ensure regular visits by a psychiatrist to Kartal Special Type Prison;**
- **to increase the attendance of a general practitioner at Kartal Special Type Prison.**

**Further, steps should be taken to fill as soon as possible all vacant posts in the health-care services of the aforementioned prisons, in line with paragraph 4 of the Circular of 3 November 1997.**

39. More generally, **the Committee would like to receive an update regarding the draft law foreseeing the allocation of additional positions for doctors and health care staff, which was referred to in page 21 of the interim report of the Turkish Government (cf. CPT/Inf (99) 3) in response to paragraph 141 of the report on the CPT's October 1997 visit (CPT/Inf (99) 2).**

**Further, it would like to receive precise details regarding the number and types of health care posts planned for each F-type prison.**

40. The **material facilities for health care** at Bursa E-type Prison were undergoing transformation at the time of the visit, in step with the rest of the prison; a new infirmary was being constructed, which it was planned would include an exercise area, a day room, a four-bed dormitory and one extra room.

As for Kartal Special Type Prison, the health-care facilities included two rooms (with a total of 5 beds), a separate "quarantine" room, and a fully-equipped dentist's room.

As far as the delegation could ascertain, the material facilities for health care at the F-type prison at Sincan would be of a high standard. Two 25-bed infirmaries were planned (one for men, one for women), as well as spacious rooms for two doctors, a dentist and other health-care staff.

41. As during previous CPT visits, the delegation observed that neither Bursa E-type nor Kartal Special Type Prison could boast of properly-kept **individual medical files** for prisoners. Instead, brief observations on medical examinations were kept in general patients' registers. This state of affairs is particularly surprising given that paragraph 4 of the Circular of 3 November 1997 specifically provides for the opening of individual medical files for both remand and sentenced prisoners.

Consequently, **the CPT must reiterate its recommendation that a personal and confidential medical file be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of his treatment, including any special examinations he has undergone. In the event of transfer, the file should be forwarded to the doctors in the receiving establishment.**

42. Similarly, the practice observed during previous visits of non-medical staff screening **requests to consult a doctor** was found once again in both Bursa E-type Prison and Kartal Special Type Prison. At Kartal, for example, such requests were subject to the Director's approval. Such a situation is in clear violation of paragraph 4 of the Circular issued by the Ministry of Justice on 6 May 1999, which stipulates that prisoners' requests to see the doctor are to be forwarded on a confidential basis to the prison infirmary.

**The CPT recommends that appropriate steps be taken to ensure that paragraph 4 of the Circular of 6 May 1999 is complied with in practice.**

43. It is also important to ensure that medical confidentiality is respected in the course of **examinations of prisoners by health-care staff**. In this connection, the CPT was concerned to learn that it was the usual practice of the doctor at Kartal Special Type Prison to have a prison officer present during medical examinations of inmates, though he could ask the officer to leave if necessary. The correct approach is the reverse; the presence of a prison officer should be the exception, not the rule.

According to paragraph 3 of the previously-mentioned Circular of 6 May 1999, both initial medical examinations of newly-admitted prisoners and subsequent medical examinations of prisoners should be conducted out of the hearing of prison staff and, unless the doctor requests otherwise, out of their sight. **The CPT recommends that appropriate steps be taken to ensure that paragraph 3 of the Circular of 6 May 1999 is complied with in practice.**

44. As regards **medical screening on admission**, it appeared that newly-arrived prisoners were being seen by a doctor. Further, the delegation was informed that if signs of violence were observed, a report would be sent to the relevant authorities. However, consultation of the only documentation available - the general patients' registers - revealed that injuries were described in a very brief manner, no record was kept of statements made by the prisoner as to the origin of the injuries, and no conclusions were drawn by the doctor.

**The CPT must recommend once again that any signs of injuries observed on admission should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever the prisoner is medically examined following a violent episode in the prison. Further, if so requested by the prisoner, the doctor should provide him with a certificate describing the injuries.**

It was also noted that screening procedures for certain common transmissible diseases, such as hepatitis, were underdeveloped. **The CPT would like to receive the comments of the Turkish authorities on this question.**

45. Finally, on the subject of **specialist care**, the CPT was concerned to learn that evidence was once again found of prisoners in need of psychiatric care being held for lengthy periods under unsuitable conditions in segregation units. Particular reference should be made to a severely mentally disturbed person seen by the delegation's psychiatrist in the admissions, discipline and segregation unit at Kartal Special Type Prison. The prisoner had been in the unit for some two months and was not receiving appropriate treatment.

The CPT has already recommended that immediate steps be taken to improve psychiatric cover at both Bursa E-Type and Kartal Special Type Prison (cf. paragraph 38). **However, it also wishes to reiterate the recommendation made in previous visit reports that mentally-ill prisoners be transferred without delay to an appropriately equipped and staffed psychiatric facility.**

## **5. Role of the Gendarmerie in relation to prisoners**

46. The Gendarmerie is responsible for prisoner transfers and perimeter security at prisons. Further, at the request of the prison authorities, it may assist with the carrying out of searches within an establishment and intervene to deal with disturbances.

Specific measures were apparently taken some years ago to prevent prisoners from being ill-treated by members of the Gendarmerie within prisons or in the course of transfers (cf. paragraph 86 of the report on the CPT's 1997 visit). Nevertheless, as during previous visits to Turkey, a number of prisoners interviewed made complaints regarding the manner in which they had been treated by members of the Gendarmerie. The complaints concerned in particular verbal abuse, tight handcuffing during transport, and abuse of authority during searches. Further, certain inmates alleged that they had been beaten by members of the Gendarmerie, for example following the disturbance which occurred at Burdur Closed Prison shortly before the delegation's visit. The persistence of such complaints and allegations over the years is a matter of considerable concern to the CPT.

47. It is essential that allegations of ill-treatment of prisoners by members of the Gendarmerie can be promptly and thoroughly investigated by an independent body. In this connection, the CPT was informed some time ago of the preparation of legislative amendments designed to transform the work of the Gendarmerie in relation to prisoners from a "public order" to a "judicial" duty. This would mean that the prosecution of members of the Gendarmerie in respect of offences committed in the course of such work would no longer require authorisation by an administrative authority. **The CPT recommends that the adoption of those legislative amendments be treated as a matter of priority.**

48. As regards more particularly the methods employed by the Gendarmerie when called upon to intervene in prison disturbances, precise instructions on this subject were issued by the General Command of the Gendarmerie in 1996, the overriding objective of which was clearly to reduce loss of life and injuries to a minimum (cf. paragraph 87 of the report on the Committee's 1997 visit). Further, in February 1999, the Turkish authorities informed the Committee that in recent years, most prison disturbances had been settled through dialogue rather than intervention. Nevertheless, interventions by the Gendarmerie in the course of which there is considerable loss of life and/or injuries – among both prisoners and prison staff/law enforcement officials – still occur. The incidents at Ankara Central Closed Prison in September 1999, Metris Prison in January 2000 and Burdur Closed Prison in July 2000 are recent examples.

The CPT recognises that interventions of law enforcement agencies to deal with prison disturbances may on occasion be unavoidable. However, the Committee has previously recommended that in such cases, the intervention take place in the presence of an authority which is fully independent of both the law enforcement agency concerned and the prison, and charged with observing and subsequently reporting upon the carrying out of the intervention. The presence of such an authority would have a dissuasive effect on anyone minded to ill-treat prisoners and greatly facilitate the investigation of any allegations of ill-treatment and the correct attribution of blame. Incidents such as those in Ankara and Burdur, which gave rise to widely diverging accounts as to the precise cause of the deaths and injuries, highlight the utility of the presence of an independent observer.

The Turkish authorities informed the CPT in June 2000 that a provision designed to implement the Committee's recommendation would be included in the Draft Law on the Organisation and Powers of the Prisons Directorate. **The CPT trusts that the provision in question will soon become legally binding.**

49. With regard to the searching of prison premises and of persons moving within those premises, the CPT was concerned to note that this task was frequently performed by members of the Gendarmerie at Kartal Special Type Prison. The Committee has made clear in the past its view that the task of carrying out searches inside prisons should be performed by prison officers (cf. paragraph 102 of the report on the 1994 visit); searches by outside forces such as the Gendarmerie will often generate tension and create a higher risk of ill-treatment of prisoners. Consequently, **the CPT recommends that steps be taken to ensure that searches at Kartal Special Type Prison, and in prisons in general, are always performed by prison staff, and that requests for the assistance of the Gendarmerie are kept to a strict minimum.**

**It would also be preferable for searches at the point of entry to a prison to be carried out by prison staff rather than by members of the Gendarmerie.**

50. More generally, the Director-General of the Prisons Directorate informed the delegation that he would like to change the present “two-headed situation”, where different aspects of prison security are assigned to two different authorities, one of which is external to the Prisons Directorate. Further, senior officers of the Gendarmerie with whom the delegation held talks indicated that they would like the Ministry of Justice to take over responsibility for the external security of prisons and even for prisoner transfers; however, they understood that the Ministry of Justice was not yet in a position to assume that task.

In the interests of accountability, the efficiency of management structures, and the protection of prisoners, it would be desirable for all staff responsible for prison security, both internal and external, to come under the authority of the same entity, namely the prison administration. **The CPT would like to receive the views of the Turkish authorities on this question.**

## **6. Other issues**

### **a. contact with the outside world**

51. The CPT has stressed in previous visit reports the importance which it attaches to prisoners being able to maintain reasonably good contact with the outside world, and in particular has made various recommendations designed to improve visiting arrangements in Turkish prisons. One of the specific issues raised by the CPT has concerned the possibility for persons remanded in custody or convicted in respect of offences under the 1991 Law to Fight Terrorism, to receive open visits from members of their family. Under the previously-mentioned draft Law to amend Article 16 of the 1991 Law (cf. paragraph 14), the current prohibition on open visits for prisoners accused or convicted of offences covered by that Law would be removed. This is another very positive development. Obviously, **the recommendation already made in paragraph 14 applies equally to this aspect of the draft Law.**

52. The CPT would like to take this opportunity to return to the general issue of closed versus open visits. According to current regulations in Turkey, open visits to prisoners only take place on an exceptional basis, such as on public and religious holidays. Apart from those occasions, visits to prisoners by their relatives take place under closed conditions, in booth-type facilities. As the CPT points out in all countries where it encounters similar arrangements, such conditions do not facilitate the maintenance of positive relations between prisoners and members of their families. The CPT fully understands that closed visiting arrangements may be necessary in some cases; however, this approach should constitute the exception, not the rule.

Consequently, **the CPT wishes once again to invite the Turkish authorities to move towards more open visiting arrangements for prisoners.**

b. monitoring procedures

53. As indicated in the report on the October 1997 visit (cf. CPT/Inf (99)2, paragraph 164), the CPT attaches particular importance to regular visits to all prison establishments by an independent body with the authority to receive (and, if necessary, take action on) prisoners' complaints and to visit the premises. Such bodies can inter alia play an important role in bridging differences that arise between prison management and a given prisoner or prisoners in general.

Consequently, the CPT has taken note with great interest of another draft Law published in October 2000 on prison monitoring boards. According to the explanatory memorandum to the draft Law, the aim is to ensure open management in prisons and help to remedy malfunctions and deficiencies in prison practice, through the direct monitoring of prisons by representatives of the general public.

Similar prison monitoring systems involving members of the public exist in certain other European countries, and they undoubtedly constitute a very important safeguard for prisoners. The establishment of such a system in Turkey should be greatly welcomed.

54. Under the draft Law, members of the monitoring boards will be selected by a body quite distinct from the prison authorities i.e. the judicial committee in whose judicial district there is a prison. Further, the boards' secretarial services will be provided by the secretariats of the same judicial committees. This should ensure that the monitoring boards are, and are perceived as being, independent and impartial.

The CPT welcomes the provision according to which members of the public can apply directly for selection to a monitoring board, and would suggest that this possibility be publicised in an appropriate manner. Further, the judicial committees should strive to ensure that the membership of the boards is representative of the local community.

It would be advisable for members of the monitoring boards to receive appropriate training for the performance of their tasks. Further, to be effective, each board, or certain of its members, should undertake regular – preferably weekly and at least monthly – visits to the establishment for which the board is responsible; section 7 of the draft Law might usefully be amended on this point. During the visits, the members must be “visible” to both the prison authorities and staff and to the prisoners. More specifically, they should not limit their activities to seeing individuals who have expressly requested to meet them but should take the initiative by visiting the prison's detention areas and entering into contact with inmates. It is also essential that members of the monitoring boards be empowered to interview prisoners in private.

The CPT welcomes the provisions concerning the reporting of the monitoring boards' findings, in particular the possibility for a board to send a copy of a report to the Human Rights Inquiry Commission of the Turkish Grand National Assembly. In the interests of transparency and of stimulating debate about the prison service, it would also be very desirable if each board were to draw up and publish an annual report on its activities. It goes without saying that it should be possible for a board's findings on certain matters to remain confidential.

**The CPT invites the Turkish authorities to take account of the above remarks in the course of the further examination of the draft Law on prison monitoring boards and in the implementation of that Law once it has been adopted.**



## **B. Police**

### **1. Treatment of persons detained in Istanbul**

55. In reviewing the treatment of persons deprived of their liberty by the police, the delegation focussed its attention on the Istanbul metropolitan area, though it also made brief visits to several departments of Ankara Police Headquarters.

The information gathered during the visit from various sources - persons who were or recently had been in police custody, forensic doctors, public prosecutors - suggests that resort to some of the most severe methods of ill-treatment encountered in the past by CPT delegations has diminished in recent times in the Istanbul area. In particular, it would appear that methods such as suspension by the arms and the infliction of electric shocks are now resorted to less frequently, both in Police Headquarters' departments and district police establishments in Istanbul. More generally, several detained persons interviewed by the delegation indicated that the manner in which they had been treated during their most recent period of police custody compared favourably with earlier experiences.

Nevertheless, there are no grounds for complacency. The delegation did receive a considerable number of allegations of recent ill-treatment during police custody, and in some cases gathered medical evidence consistent with those allegations.

56. From the information gathered by the delegation, it would appear that resort to methods such as deprivation of sleep over periods of days, prolonged standing and threats to harm the detainee and/or his family remains commonplace in the Anti-Terror Department at Istanbul Police Headquarters. Several persons interviewed independently described in detail the application of these methods to them during recent periods of custody in that Department. Such treatment is apparently inflicted in particular in the offices on the upper floors of the building housing the Department rather than in the basement - level detention and interrogation facility.

Reference should also be made to the case of a young woman who had been held in the Anti-Terror Department in early July 2000. According to the forensic medical report drawn up at the end of police custody, this person had inter alia complained that she had been subjected to sexual harassment by male and female police officers: stripped naked; anus and buttocks touched; body fondled; threats to search the vagina. The woman had apparently been deeply disturbed and had been referred to a psychiatrist; the delegation was advised that from a cultural perspective, the psychological impact of such treatment would effectively be the same as rape.

57. The delegation interviewed several persons who were in the custody of the Narcotics Section at Istanbul Police Headquarters at the time of its visit. They made no complaints about their treatment. However, an examination of the files of persons recently detained in the Narcotics Section indicated that persons taken into the custody of that Section remain at considerable risk of being ill-treated. In several cases, whereas an entry medical report indicated an absence of injuries, the exit medical report drawn up by the forensic service attached to the State Security Court recorded fresh and multiple bruises, in particular in the areas of the arms, the shoulders and the back; certain of the exit medical reports also recorded allegations of ill treatment. The delegation was subsequently able to locate and interview some of the persons concerned; all of them alleged that they had been beaten whilst held in the Narcotics Section, several of them alleged that their testicles had been squeezed and that they had been sprayed with cold water, and one of them made an allegation of suspension by the arms.

58. The information gathered by the delegation also indicated that persons suspected of offences against property - such as theft and fraud - are still at risk of being ill-treated in the course of questioning, in the event of their not promptly admitting the offences of which they are suspected. Allegations of ill-treatment (and, more specifically, of blows to the soles of the feet and/or the palms of the hand) were made by several persons interviewed by the delegation who fell into this category; those allegations related to both district police establishments in Istanbul and the Law and Order Department at the Police Headquarters.

## **2. Action to combat torture and ill-treatment**

59. The different measures required to combat torture and ill-treatment by law enforcement officials have been set out in previous CPT visit reports over the last ten years, most recently in the reports on the periodic visit in October 1997 (cf. CPT/Inf (99) 2, paragraphs 14 to 54) and the ad hoc visit in February/March 1999 (cf. CPT (99) 33, paragraphs 14 to 20). They are the subject of an ongoing dialogue between the Turkish authorities and the CPT.

In fact, the necessary legal and regulatory framework to combat torture and ill treatment is to a large extent (albeit not entirely) already in place, via in particular the Laws of December 1992 and March 1997 amending the Code of Criminal Procedure, the Regulation on apprehension, police custody and interrogation of 1 October 1998 and the Prime Ministers' Circulars of 3 December 1997 and 25 June 1999. The challenge now is to ensure that these provisions are given full effect in practice. Consequently, the compliance monitoring procedure established by the Prime Minister's Circular of 25 June 1999 is of the greatest importance. The CPT has taken note of the instructions issued by the Ministry of the Interior on 20 December 1999, which spell out in detail the operation of the compliance monitoring procedure, as well as of the conclusions covering the reports drawn up on the checks and inspections carried out during the period April to June 2000.

**The CPT recommends that the full and rigorous implementation of the compliance monitoring procedure be treated as a matter of the highest priority. It would like to receive on a regular basis the three-monthly conclusions prepared under that procedure.**

**The CPT also recommends that the information set out in paragraphs 56 to 58 be forwarded to officials responsible for carrying out checks and inspections in police establishments in Istanbul and, in particular, to public prosecutors responsible for monitoring the situation in the Anti-Terror Department and Narcotics Section at Istanbul Police Headquarters.**

60. As was emphasised in the report on the October 1997 visit, one of the most effective means of preventing ill treatment by law enforcement officials lies in the diligent examination by the competent authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. The CPT was pleased to note in this connection that the Prime Minister's Circular of 25 June 1999 contains the following injunction: "The requisite statutory procedures shall be initiated without delay in respect of allegations of torture and ill treatment."

In order to obtain a nationwide view of the current situation, **the CPT would like receive, in respect of the year 2000, information on the number of cases brought under Articles 243 (torture) and 245 (ill treatment) of the Penal Code, the number of acquittals and convictions and, as regards the latter, full details of the actual sentences finally imposed.**

**The CPT would also like to receive an account of legal proceedings and other measures taken in the light of recent reports by the Human Rights Inquiry Commission of the Turkish Grand National Assembly concerning torture and ill treatment by law enforcement officials.**

**Further, the CPT would like to receive an update as regards the legal proceedings instigated against police officials assigned to the Anti-Terror Department at Istanbul Police Headquarters, following the death on 7 March 1999, whilst in the custody of that Department, of Süleyman YETER.**

61. Despite the many changes to legislation in recent years, certain weaknesses remain as regards formal safeguards against ill treatment. Perhaps the most important shortcoming is that persons detained on suspicion of collective offences falling under the jurisdiction of the State Security Courts are still not entitled to access to a lawyer during the first four days of their custody. Further, despite earlier affirmations to the contrary, the Turkish authorities made clear in their response to the report on the February/March 1999 visit that such persons are being denied during the first four days of their custody the possibility to inform a relative of their situation. Such incommunicado detention can only facilitate the infliction of ill treatment.

**The CPT must therefore reiterate once again the recommendation that all persons deprived of their liberty by the law enforcement agencies, including persons suspected of offences falling under the jurisdiction of the State Security Courts, be granted as from the outset of their custody the right of access to a lawyer. The CPT recognises that in order to protect the legitimate interests of the police investigation, it may exceptionally be necessary to delay for a certain period a detained person's access to a lawyer of his choice; however, in such cases, access to another independent lawyer should be arranged.**

The implementation of the above recommendation will require legislative measures. However, in the meantime, immediate steps should be taken to ensure that existing legal provisions are complied with. Indeed, the information gathered during the July 2000 ad hoc visit clearly indicates that even after the first four days of police custody, access to a lawyer for persons suspected of State Security Court offences is in practice the exception rather than the rule. **The CPT recommends that the officials responsible for carrying out checks and inspections under the previously - mentioned compliance monitoring procedure be instructed to pay particular attention to whether persons suspected of collective offences falling under the jurisdiction of the State Security Courts are being informed of their right to have access to a lawyer after the first four days of their custody and are being placed in a position effectively to exercise that right.**

As regards the possibility for a detained person to inform a relative of his situation, there is nothing in the wording of Article 9 of the Regulation on apprehension, police custody and interrogation to support the systematic denial of this right to persons suspected of collective offences falling under the jurisdiction of the State Security Courts during the first four days of their custody. Further, as the Turkish authorities themselves pointed out in their response to the report on the CPT's September 1996 visit, it is a logical consequence of the extension of the habeas corpus remedy to persons suspected of State Security Court offences (a reform introduced by the March 1997 Law amending the Code of Criminal Procedure) that such persons should be entitled to inform a relative of their situation, in the same way as any other detained person. **The CPT would like to receive the comments of the Turkish authorities on this question.**

62. Of course, in order to protect the legitimate interests of the police investigation, it may exceptionally be necessary to delay the notification to a relative of a person's detention, regardless of the type of offence of which he is suspected. However, as the CPT pointed out in the report on its ad hoc visit in February/March 1999, this possibility must be closely defined; vague wordings such as that currently found in Article 9 of the Regulation on apprehension, police custody and interrogation ("if there is no harm to the outcome of the investigation") open the door to abuse. **Consequently, the CPT must reiterate the recommendation that the possibility to delay exercise of the right to have the fact of one's custody notified to a relative be more closely circumscribed.**

63. The CPT has been recommending for a considerable time that a detained person in respect of whom an extension of police custody beyond four days is requested be systematically brought before the judge who examines that request. The reason for not complying with this recommendation advanced in the response to the report on the February/March 1999 ad hoc visit (such a measure "will result in a waste of human resources") is not convincing. As the Committee has repeatedly emphasised (cf. for example, the report on the October 1997 periodic visit; CPT/Inf (99) 2, paragraphs 29 and 30), in the interests of the prevention of ill treatment it is essential that this measure be introduced. Further, as the Turkish authorities will be aware, other international legal provisions to which they have subscribed almost certainly require that persons detained by the law enforcement agencies be brought before a judge within four days. In fact, the CPT understands that it is now envisaged to implement the Committee's recommendation on this question; **it trusts this will occur shortly.**

64. The CPT must also refer once again to Article 10 of the Regulation on apprehension, police custody and interrogation, which deals with the health control of persons taken into police custody. The Committee welcomes on the whole the provisions of this Article, which represent an important safeguard against ill treatment. Nevertheless, despite the explanations and comments provided by the Turkish authorities in their response to the report on the February/March 1999 ad hoc visit, the Committee retains serious misgivings as regards the last sentence of Article 10. The sentence provides that the doctor and the person examined will be left alone during the examination, "in cases where there is no restriction with regard to the investigation and to security considerations".

This exception to the fundamental principle of medical confidentiality is expressed in very broad terms; further, it would appear that it is up to law enforcement officials rather than the doctor concerned to decide whether the exception should be applied. Once again, this opens the door to abuse. The information gathered during the July 2000 ad hoc visit indicates that staff at the forensic medicine facilities in Ankara and Istanbul are able to ensure that the medical examination of persons in police custody does take place in the absence of law enforcement officials. However, many detained persons interviewed stated that such medical examinations carried out at State hospitals had taken place in the presence of law enforcement officials (though it was not clear whether this was simply due to laxity on the part of the doctors concerned), and certain of them indicated that this had inhibited them from telling the doctor about the manner in which they had been treated. Further, the delegation received allegations that it was not uncommon in rural areas for law enforcement officials to insist on being present during the medical examination of persons in police custody.

The CPT acknowledges that special precautions might exceptionally have to be taken during the medical examination of a person in police custody. However, it should be left to the doctor to decide (after giving due consideration to any views expressed by the law enforcement officials escorting the detainee) whether such precautions are necessary in a particular case; even if special precautions are taken, law enforcement officials should under no circumstances be able to hear what is said during a medical examination.

**Consequently, the CPT wishes to reiterate the recommendation that Article 10 of the 1998 Regulation be amended so as to stipulate clearly that medical examinations of persons in police custody:**

- **must in all cases be conducted out of the hearing of law enforcement officials;**
- **must be conducted out of sight of law enforcement officials, unless the doctor concerned requests otherwise in a particular case.**

65. The content of forensic certificates drawn up following the examination of persons in police custody has repeatedly been the subject of recommendations by the CPT and of Circulars by the Turkish authorities. A standard forensic medical form set out in Ministry of Health Circulars of 25 January and 13 April 1995 met the key requirements advocated by the CPT. Further, the previously-mentioned Prime Minister's Circular of 3 December 1997 expressly stipulated that forensic reports issued in respect of persons in police custody must comply with that form. Subsequently, the Turkish authorities drew up an elaborate "General Judicial Medical Examination Form" which more than met the CPT's recommendations (cf. the interim response to the report on the CPT's October 1997 periodic visit ; CPT/Inf (99) 3, Appendix 5). In their response to the report on the CPT's February/March 1999 ad hoc visit, the Turkish authorities stated that the necessary preparations were being made for those latter forms to come into systematic use throughout the country. Unfortunately, the information gathered during the July 2000 ad hoc visit clearly indicated that this had not yet occurred and that even the standard forensic medical form drawn up in 1995 was frequently not used.

The forensic service attached to the Istanbul State Security Court was using a form similar to the above-mentioned general judicial medical examination form. However, elsewhere the practice of very brief findings set out on a piece of paper without any headings, and often covering several detained persons, was still common. This was the approach usually followed by doctors in state hospitals and, even more surprisingly, in the Forensic Institute at Ankara. Doctors working in the latter establishment met by the delegation argued that due to insufficient staff, they did not have time to fill out the proper examination form.

In the light of the above, the CPT was very pleased to be informed by the Turkish authorities shortly before the adoption of this visit report that a new Circular had been issued by the Minister of Health on 20 September 2000, designed to ensure that the general judicial medical examination form is brought into use. **The CPT recommends that steps be taken to ensure that this new Circular is complied with by all doctors called upon to examine persons in the custody of the law enforcement agencies and that, when necessary, such doctors receive appropriate training in the use of the general judicial medical examination form.**

66. In addition to bringing into use a satisfactory forensic examination form, it is essential to ensure that doctors are in a position to complete the form free from any interference. The CPT has in the past received a number of reports indicating that in rural areas, law enforcement officials on occasion seek to exert pressure on doctors who record findings which those officials consider are not in their interests. Information gathered in the course of the July 2000 visit would suggest that acts of this kind can also occur in a city such as Istanbul.

**The CPT recommends that all necessary steps be taken to ensure that doctors are not subjected to any interference in relation to their task of examining persons in the custody of the law enforcement agencies. Implementation of the recommendation already made in paragraph 64 is one of the steps required in this context. The precise procedure whereby the forensic examination form is forwarded to the relevant authorities should also be reviewed, in order to ensure that the form is not read by law enforcement officials escorting the person being medically examined.**

67. The CPT has stressed on numerous occasions that a massive investment in the field of the training of law-enforcement officials is indispensable in order to attack the roots of the problem of ill-treatment. The Turkish authorities have provided a considerable amount of information on this subject, most recently in their response to the report on the February/March 1999 ad hoc visit and in the course of meetings held during the July 2000 ad hoc visit.

**The CPT would like to receive information on further developments in this area, including an update on the Turkish Government's participation in the Council of Europe's programme "Police and Human Rights 1997-2000" and the reforms which have been implemented as a follow-up to that participation.**

68. Material conditions of detention in the police establishments visited were on the whole of an adequate standard, both in Headquarters' Departments and district police stations. The progress made in this area in recent years has been maintained.

However, the situation in the detention facilities of the Narcotics Section at Istanbul Police Headquarters still leaves much to be desired. The cells remain poorly lit and ventilated, and mattresses are not provided to detainees. **The CPT recommends that conditions of detention in the Narcotics Section at Istanbul Police Headquarters be upgraded;** the situation in the nearby Organised Crimes Section might serve as a model.

More generally, in the light of the information gathered during the visit, **the CPT must recommend once again that the relevant regulations be amended so as to make clear that anyone held overnight in custody is to be provided with a mattress.**

Further, having regard to certain allegations received by its delegation, **the CPT recommends that officials responsible for carrying out checks and inspections under the compliance monitoring procedure pay particular attention to whether persons detained are being granted access to toilet facilities without undue delay and offered food at appropriate intervals.**

The CPT also regrets to note that persons held for lengthy periods in police custody (up to 7 days) are still not being offered outdoor exercise. **The Committee must reiterate the recommendation that persons held for extended periods (24 hours or more) be offered as far as possible outdoor exercise on a daily basis.**

69. The facts found during the July 2000 visit show that improvements continue to be made to the design and equipment of interrogation facilities. However, the practice of directing spotlights on the person interrogated is proving highly resistant to change. Different technical justifications advanced for the presence of the spots all proved on further examination to be fallacious. Dazzling criminal suspects with bright lights is a method which must finally be consigned to history.

Ministry of Interior officials assured the delegation that it had been decided to remove spotlights from interrogation rooms. **The CPT recommends that officials responsible for carrying out checks and inspections under the compliance monitoring procedure verify that this has been done.**

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70. At the end-of-visit talks, the Turkish authorities stressed that their country was embarked upon an irrevocable path which would progressively lead to improvements in areas covered by the CPT's mandate. The information gathered in the course of the July 2000 ad hoc visit illustrates both the commitment of the Turkish authorities at national level on this question and the magnitude of the task which lies ahead. As the CPT commented in the report on the periodic visit in October 1997, reaching the desired goal will require a sustained effort by all parties concerned. The Turkish authorities can continue to rely upon the co-operation of the CPT in their endeavours to reach that goal.



**APPENDIX**

**LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION**

**A. Introduction**

requests for information

- full information, in conformity with Article 8, paragraph 2 (b) of the Convention, on all places where persons may be deprived of their liberty by the MİT (paragraph 8).

**B. Prisons**

**1. Preliminary remarks - from dormitories to smaller living units.**

recommendations

- adoption of the amendment of Article 16 of the 1991 Law to Fight Terrorism, referred to in paragraphs 14 and 51, to be accorded a very high priority (paragraphs 14 and 51);
- the Turkish authorities to develop and implement a proper system of allocation and classification of prisoners, taking into account *inter alia* the remarks in paragraph 15 (paragraph 15);
- the building of positive relations with prisoners to be recognised as a key element of a prison officer's vocation. To this end, training courses should place considerable emphasis on the acquisition and development of interpersonal communication skills (paragraph 16).

**2. Materials conditions of detention and activities**

recommendations

- every effort to be made to ensure that prisoners held in Sincan F-type Prison, as well as in other F-type establishments, benefit from a developed programme of activities outside their living units, taking into account the remarks in paragraph 19. Such a programme of activities should in principle be offered to all persons placed in such establishments; exclusion of a prisoner from the programme on the grounds that he represents a particularly high security risk should be based on a thorough assessment of the individual case and should be reviewed regularly (paragraph 19);

- immediate steps to be taken to improve facilities for organised activities at Kartal Special Type Prison and to increase considerably the number of prisoners who benefit from such activities. The provision of a large open-air space where prisoners can take proper exercise on a regular basis and, preferably, play sports, should be accorded a particularly high priority (paragraph 25);
- appropriate steps to be taken to improve the quality of staff at Kartal Special Type Prison (paragraph 25);
- the process of dividing the large dormitories into smaller living units at Bursa E-type Prison to be suspended until such time as it is possible to ensure that the number of prisoners in any given smaller living unit is within that unit's design capacity (paragraph 30);
- when it becomes possible to recommence the conversion programme at Bursa E-type Prison, the introduction of the smaller living units to be accompanied by measures to ensure that prisoners are able to spend a reasonable part of the day outside those units, engaged in purposeful activities of a varied nature (paragraph 30);
- immediate steps to be taken at Bursa E-type Prison to ensure that:
  - every prisoner has his own bed;
  - every prisoner is offered at least one hour of outdoor exercise per day. If necessary, prisoners should be taken to the exercise yard of another unit for that purpose (paragraph 30).

#### requests for information

- an account of the criteria which will be used to determine how prisoners will be allocated to multiple or single-person accommodation at the new F-type establishments (paragraph 18).

### **3. Specific units in Bursa E-type and Kartal Special Type Prisons**

#### recommendations

- immediate steps to be taken to ensure that every prisoner in the admissions, discipline and segregation unit at Kartal Special Type Prison is offered the opportunity to take at least one hour of outdoor exercise per day, regardless of the reason for placement (newly-arrived, discipline, segregation) (paragraph 34);
- steps to be taken to remedy the other shortcomings in the admissions, discipline and segregation unit at Kartal Special Type Prison referred to in paragraph 33 and efforts to be made to keep the duration of placement in the unit to a minimum (paragraph 34).

#### 4. Health-care services

##### recommendations

- immediate steps to be taken:
  - to reinforce nursing staff resources at both Bursa E-type and Kartal Special Type Prisons, including by persons who are fully qualified as nurses;
  - to fill the vacant post of psychiatrist at Bursa E-type Prison and ensure regular visits by a psychiatrist to Kartal Special Type Prison;
  - to increase the attendance of a general practitioner at Kartal Special Type Prison (paragraph 38);
- steps to be taken to fill as soon as possible all vacant posts in the health-care services of the Bursa E-type and Kartal Special Type Prisons, in line with paragraph 4 of the Ministry of Justice Circular of 3 November 1997 (paragraph 38);
- a personal and confidential medical file to be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of his treatment, including any special examinations he has undergone. In the event of transfer, the file should be forwarded to the doctors in the receiving establishment (paragraph 41);
- appropriate steps to be taken to ensure that paragraphs 3 and 4 of the Ministry of Justice Circular of 6 May 1999 are complied with in practice (paragraphs 42 and 43);
- any signs of injuries observed on admission to be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever the prisoner is medically examined following a violent episode in the prison. Further, if so requested by the prisoner, the doctor should provide him with a certificate describing the injuries (paragraph 44);
- mentally-ill prisoners to be transferred without delay to an appropriately equipped and staffed psychiatric facility (paragraph 45).

##### requests for information

- an update regarding the draft law foreseeing the allocation of additional positions for doctors and health care staff, which was referred to in page 21 of the interim report of the Turkish Government (cf. CPT/Inf (99) 3) in response to paragraph 141 of the report on the CPT's October 1997 visit (CPT/Inf (99) 2) (paragraph 39);
- precise details regarding the number and types of health care posts planned for each F-type prison (paragraph 39);

- comments of the Turkish authorities on the underdevelopment of screening procedures for certain common transmissible diseases, such as hepatitis (paragraph 44).

## **5. Role of the Gendarmerie in relation to prisoners**

### recommendations

- adoption of legislative amendments to transform the work of the Gendarmerie in relation to prisoners from a "public order" to a "judicial" duty to be treated as a matter of priority (paragraph 47);
- steps to be taken to ensure that searches at Kartal Special Type Prison, and in prisons in general, are always performed by prison staff, and that requests for the assistance of the Gendarmerie are kept to a strict minimum (paragraph 49).

### comments

- the CPT trusts that the envisaged provision designed to implement the Committee's recommendation that interventions of law enforcement agencies to deal with prison disturbances take place in the presence of an authority which is fully independent of both the law enforcement agency concerned and the prison, will soon become legally binding (paragraph 48);
- it would be preferable for searches at the point of entry to a prison to be carried out by prison staff rather than by members of the Gendarmerie (paragraph 49).

### requests for information

- the views of the Turkish authorities on the suggestion that all staff responsible for prison security, both internal and external, should come under the authority of the same entity, namely the prison administration (paragraph 50).

## **6. Other issues**

### comments

- the Turkish authorities are invited to move towards more open visiting arrangements for prisoners (paragraph 52);
- the Turkish authorities are invited to take account of the remarks in paragraph 54 in the course of the further examination of the draft Law on prison monitoring boards and in the implementation of that Law once it has been adopted (paragraph 54).

C. **Police**

recommendations

- the full and rigorous implementation of the compliance monitoring procedure to be treated as a matter of the highest priority (paragraph 59);
- the information set out in paragraphs 56 to 58 to be forwarded to officials responsible for carrying out checks and inspections in police establishments in Istanbul and, in particular, to public prosecutors responsible for monitoring the situation in the Anti-Terror Department and Narcotics Section at Istanbul Police Headquarters (paragraph 59);
- all persons deprived of their liberty by the law enforcement agencies, including persons suspected of offences falling under the jurisdiction of the State Security Courts, to be granted as from the outset of their custody the right of access to a lawyer. When exceptionally it is necessary to delay for a certain period a detained person's access to a lawyer of his choice, in order to protect the legitimate interests of the police investigation, access to another independent lawyer should be arranged (paragraph 61);
- officials responsible for carrying out checks and inspections under the previously mentioned compliance monitoring procedure to be instructed to pay particular attention to whether persons suspected of collective offences falling under the jurisdiction of the State Security Courts are being informed of their right to have access to a lawyer after the first four days of their custody and are being placed in a position effectively to exercise that right (paragraph 61);
- the possibility to delay exercise of the right to have the fact of one's custody notified to a relative to be more closely circumscribed (paragraph 62);
- Article 10 of the 1998 Regulation on apprehension, police custody and interrogation to be amended so as to stipulate clearly that medical examinations of persons in police custody:
  - must in all cases be conducted out of the hearing of law enforcement officials;
  - must be conducted out of sight of law enforcement officials, unless the doctor concerned requests otherwise in a particular case (paragraph 64);
- steps to be taken to ensure that the Ministry of Health Circular of 20 September 2000 is complied with by all doctors called upon to examine persons in the custody of the law enforcement agencies and that, when necessary, such doctors receive appropriate training in the use of the general judicial medical examination form (paragraph 65);
- all necessary steps to be taken to ensure that doctors are not subjected to any interference in relation to their task of examining persons in the custody of the law enforcement agencies. Implementation of the recommendation already made in paragraph 64 is one of the steps required in this context. The precise procedure whereby the forensic examination form is forwarded to the relevant authorities should also be reviewed, in order to ensure that the form is not read by law enforcement officials escorting the person being medically examined (paragraph 66);

- conditions of detention in the Narcotics Section at Istanbul Police Headquarters to be upgraded (paragraph 68);
- the relevant regulations to be amended so as to make clear that anyone held overnight in custody is to be provided with a mattress (paragraph 68);
- officials responsible for carrying out checks and inspections under the compliance monitoring procedure to pay particular attention to whether persons detained are being granted access to toilet facilities without undue delay and offered food at appropriate intervals (paragraph 68);
- persons held for extended periods (24 hours or more) to be offered as far as possible outdoor exercise on a daily basis (paragraph 68);
- officials responsible for carrying out checks and inspections under the compliance monitoring procedure to verify that spotlights have been removed from interrogation rooms (paragraph 69).

#### comments

- the CPT trusts that its recommendation that a detained person in respect of whom an extension of police custody beyond four days is requested should be systematically brought before the judge who examines that request, will be implemented shortly (paragraph 63).

#### requests for information

- on a regular basis, the three-monthly conclusions prepared under the compliance monitoring procedure (paragraph 59);
- in respect of the year 2000, information on the number of cases brought under Articles 243 (torture) and 245 (ill treatment) of the Penal Code, the number of acquittals and convictions and, as regards the latter, full details of the actual sentences finally imposed (paragraph 60);
- an account of legal proceedings and other measures taken in the light of recent reports by the Human Rights Inquiry Commission of the Turkish Grand National Assembly concerning torture and ill treatment by law enforcement officials (paragraph 60);
- an update as regards the legal proceedings instigated against police officials assigned to the Anti-Terror Department at Istanbul Police Headquarters, following the death on 7 March 1999, whilst in the custody of that Department, of Süleyman YETER (paragraph 60);
- the comments of the Turkish authorities on the issues raised in paragraph 61 concerning the possibility for persons suspected of offences falling under the jurisdiction of the State Security Courts to inform a relative of their situation (paragraph 61);

- information on further developments in the field of the training of law enforcement officials, including an update on the Turkish Government's participation in the Council of Europe's programme "Police and Human Rights 1997-2000" and the reforms which have been implemented as a follow-up to that participation (paragraph 67).