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

**Observations made by the
delegation of the CPT which
visited Turkey from
27 February to 3 March 1999**

Strasbourg, 4 May 1999

Council of Europe
Conseil de l'Europe



Press Release

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Council of Europe Anti-Torture Committee: Recent visits to police establishments in Turkey and to the island of Imrali

STRASBOURG, 04.05.99 – The Turkish authorities have authorised the publication of observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which visited Turkey from 27 February to 3 March 1999.

Under Article 11 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the information gathered by the CPT in relation to a visit and its consultations with the State concerned are confidential. However, the State may decide to lift the rule of confidentiality.

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The CPT's delegation visited a number of police establishments in Istanbul and Izmir. The delegation also visited the prison on the island of Imrali, where it examined the treatment of Abdullah ÖCALAN.

The delegation's observations, set out in a 4 page letter dated 22 March 1999, are appended to this press release.

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The CPT was set up under the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. 40 of the 41 member States of the Council of Europe are bound by the Convention: Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, "The Former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom.

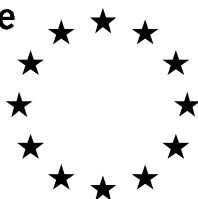
The CPT is composed of persons from a variety of backgrounds: lawyers, doctors, prison experts, persons with parliamentary experience, etc.

The Committee's task is to examine the treatment of persons deprived of their liberty. For this purpose, it is entitled to visit any place where such persons are held by a public authority. It may formulate recommendations to strengthen, if necessary, their protection against torture and inhuman or degrading treatment or punishment.

The CPT organises periodic visits as well as other visits which appear to it be required in the circumstances.

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

Comité européen pour la prévention de la torture
et des peines ou traitements inhumains ou dégradants

APPENDIX

Strasbourg, 22 March 1999

Dear Mr Ünler,

Subject: **Visit to Turkey by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 February to 3 March 1999.**

1. In July 1999, the CPT will transmit to the Turkish authorities a report on the above-mentioned visit (cf. Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment). However, the delegation which carried out the visit wishes to make the following observations at this stage.
2. At the outset, the delegation would like to thank the Turkish authorities for the excellent **cooperation** shown by them during the visit and, more particularly, for the arrangements made to facilitate the delegation's access to the prison on the island of İmralı.
3. The delegation visited a number of **police establishments** in Istanbul as well as the Anti-Terror Department at Izmir Police Headquarters. Those visits were primarily of a follow-up nature and allowed the delegation to review developments as regards the treatment and physical conditions of detention of persons deprived of their liberty by the police. The facts found by the delegation will be set out in full in the visit report. However, the information gathered in the course of its visit to the Anti-Terror Department at Istanbul Police Headquarters must be drawn to the attention of the Turkish authorities without delay.

Mr Hüsrev ÜNLER
Acting Director
Department for the Council of Europe
and Human Rights
Ministry of Foreign Affairs
TR - ANKARA
Turkey

Numerous allegations were received from persons detained by that Department at the time of the visit of various forms of torture and ill-treatment, and certain of the persons concerned were found on examination by medical members of the delegation to display marks or conditions which were consistent with their allegations. On more than one occasion in the past the CPT has drawn the Turkish authorities' attention to the intolerable methods employed in the Anti-Terror Department at Istanbul Police Headquarters (cf. for example, paragraph 22 of the report on the September 1996 visit - CPT (96) 69). Decisive action must be taken as of now to stamp out, once and for all, resort to such methods by police officers belonging to that Department.

4. During its visit to the **prison on the island of İmralı** on 2 March 1999, the delegation examined the treatment of Abdullah ÖCALAN, currently the establishment's sole inmate. In the light of the information gathered - and, in particular, Mr Öcalan's statements about his treatment to date, the medical reports drawn up in respect of him as from the time of his arrival on the island, the ongoing medical supervision of his situation, and the fact that his custody is now the responsibility of prison officers - the delegation was satisfied that, at present, Mr Öcalan is not at risk of physical ill treatment. Further, from its interviews with Mr Öcalan and the three doctors attending him (a general practitioner, a cardiologist and a specialist in internal medicine), and after consulting his medical file, the delegation was satisfied that his somatic health is good.

However, at the time of the delegation's visit, Mr Öcalan's psychological state was not good. The delegation made it clear to the prison authorities on the island that, if left unattended, his state of mind could lead to unfortunate consequences. According to information subsequently forwarded by the Turkish authorities, Mr Öcalan has since been seen regularly by a psychiatrist; the delegation welcomes this development. Nevertheless, additional measures are required to counter the potentially negative effects on Mr Öcalan's mental health of being held on his own in a remote location under a high security regime. Those measures relate inter alia to his possibilities for contact with the outside world (cf. paragraph 5) and the precise nature of the regime applied to him (cf. paragraphs 7 and 8).

5. Ensuring that Mr Öcalan has access to a radio, newspapers and books is one requirement which should be met. The delegation was informed that, according to the relevant regulations, he did have a right of access to such items; however, given the very particular circumstances of Mr Öcalan's detention, rendering that right effective may well require the Turkish authorities to *provide him with* a radio, newspapers and books. The delegation would like to be informed whether Mr Öcalan does now have such items in his possession. Similarly, positive action on the part of the Turkish authorities may be necessary to ensure that relatives of Mr Öcalan who wish to visit him are able to do so in safety and without excessive delay. Of course, it is also of crucial importance, from a number of standpoints, that Mr Öcalan be guaranteed adequate access to a lawyer. However, the CPT does not intend to pursue this matter, given that the European Court of Human Rights has adopted interim measures on the subject.

6. Material conditions of detention in Mr Öcalan's cell were of a high standard. The cell was of a good size (13 m²), well lit (including adequate access to natural light), and suitably equipped (bed, bedside table, chair, shower, toilet and washbasin, heater/air conditioning system - all of very good quality). The delegation was informed that a waist-level screen would shortly be fitted around the shower and toilet and the cell's furniture supplemented by a desk; further, the cell window was to be adjusted so that it could be opened to some degree, thereby providing access to fresh air. The delegation would like to receive confirmation that these improvements have now been made.

7. At the time of the visit, the regime applicable to Mr Öcalan was in the process of being introduced, following his remand in custody. The delegation was informed that he would be offered two hours of outdoor exercise per day (one hour in the morning, one hour in the afternoon), in a yard situated alongside the unit accommodating him; the first such exercise period occurred on the day of the visit. Mr Öcalan was to remain in his cell at all other times, save for when he went to the nearby infirmary for a medical interview or to the room adjoining his cell to receive visits from a lawyer or relative.

8. The basic criteria used by the CPT when assessing the regime in a high security unit are summarised in the Appendix to this letter. The delegation trusts that the Turkish authorities will take these criteria into account in the course of developing the regime to be applied to Mr Öcalan.

In this connection, the delegation considers that, in the interests of safeguarding Mr Öcalan's mental health, the regime described in paragraph 7 should gradually be rendered less restrictive. In particular, during part of the day, Mr Öcalan should be allowed to circulate freely between his cell and the room adjoining it, and he should be offered more frequent access to the unit's outdoor exercise facility. Neither of those measures would jeopardise security.

Further, in addition to ensuring access to a radio, newspapers and books, positive efforts should be made to provide Mr Öcalan with other purposeful activities (hobbies, etc.). Similarly, with a view to ensuring that Mr Öcalan benefits from appropriate human contact, certain suitably-skilled staff members could be designated to converse with him on a regular basis.

9. The delegation would add that the outdoor exercise facility currently used by Mr Öcalan - a 45 m² yard surrounded by a 4 m high wall and topped with a grill - is of a rather claustrophobic design, and that its limited size and sandy surface do not facilitate real physical exertion.

The possibility of allowing Mr Öcalan access to a less confined outdoor exercise facility was raised by the delegation at the time of the visit. However, the prison authorities on the island expressed strong opposition to such a measure. Whilst appreciating their concerns on this matter, the delegation remains of the view that it should be possible from time to time for Mr Öcalan to be allowed access to a larger outdoor area. As far as the delegation could ascertain, all the necessary means exist on and around the island of İmralı to ensure that the measure proposed does not compromise security.

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10. The delegation would be most grateful to receive the Turkish authorities' remarks on the observations set out in paragraphs 2 to 9. Those remarks would, of course, be fully taken into account when the CPT's visit report is drawn up.

Yours sincerely,

Ingrid LYCKE ELLINGSEN
First Vice-President

APPENDIX

In every country there will be a certain number of prisoners considered to present a particularly high security risk and hence to require special conditions of detention. This group of prisoners will (or at least should, if the classification system is operating satisfactorily) represent a very small proportion of the overall prison population. However, it is a group that is of particular concern to the CPT, as the need to take exceptional measures vis-à-vis such prisoners brings with it a greater risk of inhuman treatment than is the case with the average prisoner.

Prisoners who present a particularly high security risk should, within the confines of their special unit, enjoy a relatively relaxed regime (able to mix freely with fellow prisoners in the unit; allowed to move without restriction within what is likely to be a relatively small physical space; granted a good deal of choice about activities, etc.) by way of compensation for their severe custodial situation.

Special efforts should be made to develop a good internal atmosphere within such units. The aim should be to build positive relations between staff and prisoners. This is in the interests not only of the humane treatment of the unit's occupants but also of the maintenance of effective control and security and of staff safety. Success in this area requires that the staff assigned to work in such units be very carefully chosen. They should be appropriately trained, possess highly developed communication skills and have a genuine commitment to the exercise of their skills in a more than usually challenging environment.

The existence of a satisfactory programme of activities is just as important - if not more so - in a special unit than on normal location. It can do much to counter the deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). As regards, in particular, work activities, it is clear that security considerations may preclude many types of work activities which are found on normal prison location. Nevertheless, this should not mean that only work of a tedious nature is provided for prisoners. In this respect, reference might be made to the suggestions set out in paragraph 87 of the Explanatory Memorandum to Recommendation (No. R (82) 17) on the custody and treatment of dangerous prisoners, adopted by the Committee of Ministers of the Council of Europe on 24 September 1982.