



## **Response**

### **of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey**

**from 28 to 29 April 2016**

The Turkish Government has requested the publication of this response, which was provided on 24 October 2016. The CPT's report on the April 2016 visit to Turkey is set out in document CPT/Inf (2018) 11.

Strasbourg, 20 March 2018

## Introduction

The views of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey from 27 to 29 April 2016 are set out below in the order adopted in the report. Extracts from the CPT's report are given in bold type with paragraph references.

The Turkish Government is pleased to learn that the CPT received excellent co-operation from the national authorities, the management and staff of the prison during the visit.

## Response to the recommendations, comments and request for information set out in the report

In accordance with Turkish national legislation, inmates held in prisons and detention houses are allowed to participate in out-of-cell group activities. They are allowed to receive visits from their relatives and lawyers. There is no obstacle to send and receive letters by prisoners unless there is no restriction imposed with a Court decision. Thus, all acts are performed under current conditions, in full respect of human dignity.

### **Paragraph 12**

**- The CPT recommends that the Turkish authorities take steps to ensure that all prisoners held at Imralı Prison are allowed to associate all together during daily outdoor exercise, as well as during all other out-of-cell activities. Further, the Committee recommends once again that the existing large yard be used for outdoor exercise.**

In accordance with Circular No.46/1 on Education and Rehabilitation of Prisoners/Detainees and Other Provisions, under recreational activities, all prisoners are allowed to play table tennis, chess and chequers between 10:30-11:30, 12:30-13:30 and 19:30-20:30; play badminton and dart between 15:30-16:30; and have hobby-room activities between 07:30-08:30, 10:30-11:30 and 12:30-13:30.

### **Paragraph 13**

**- The CPT reiterates its recommendation that the Turkish authorities to carry out a complete overhaul of the detention regime of prisoners sentenced to aggravated life imprisonment in the light of above remarks, and amending the relevant legislation accordingly.**

Material conditions under which all prisoners and detainees are held at penitentiary institutions in Turkey are in line with international standards, as confirmed by the CPT. Aggravated life imprisonment was adopted as a new form of sentence in 2005 and is stipulated as the heaviest sanction for the most serious crimes committed against individuals, society or the state. Therefore, no alteration to the detention regime of prisoners sentenced to aggravated life sentence is foreseen at this stage.

### **Paragraph 15**

**- With reference to Article 3 and 10, paragraph 2, of the Convention, the CPT once again calls upon the Turkish authorities to take necessary steps – without any further delay- to ensure that all prisoners at Imralı prison are able, if they so wish, to receive visits from their relatives and lawyers.**

In line with the international standards, the Turkish national legislation grants the possibility to receive visits for the prisoners serving aggravated life sentences. In this context, sentenced prisoner Abdullah Öcalan, received an open visit from his brother, Mehmet Öcalan on 11 September 2016 on the day of Bayram, a religious fest.

#### **Paragraph 16**

- **The CPT would like to receive the following information in respect of each of the four prisoners currently held at Imralı Prison, covering the period 1 January 2015 to the present time:**

- **the number of letters the prisoner had requested to be sent out and the number of letters which have actually been dispatched;**
- **the number of letters received by the prison and the number of letters which have been withheld by the correspondence reading commission.**

Letters, fax messages and telegrams sent and received by prisoners held in prisons and detention houses are subject to the relevant provisions of the Regulation on the Management of Prisons and Detention Houses and the Execution of Sentences and Security Measures.

- Article 91 paragraph 2 of the said regulation provides, "letters, fax messages, telegrams that are sent and received by the prisoners, are reviewed by correspondence reading commissions and by the highest ranking manager of the penal institution in the absence of such commissions."

- Article 91 paragraph 3 provides, "letters, fax messages and telegrams endangering the order and security of the institution; pointing officers; enabling communication for organizational purposes among the members of terrorist and criminal organizations established to generate profit and other criminal organizations; containing misinformation and disinformation, threats and insults that might lead individuals or institutions to panic are not given to the prisoners. If such letters, fax messages and telegrams are written by prisoners, they are not sent."

- Article 91 paragraph 4 provides, "letters, fax messages and telegrams that are sent by prisoners to official authorities or lawyers for the purpose of defense are not subject to review. However, if situation occurs as specified in article 84, paragraph 2, subparagraph c, subsection 2; letters, fax messages and telegrams that are sent by prisoners to a lawyer for the purpose of defense, principles and procedures specified in article 84, paragraph 2, subparagraph c, subsection 2 applies."

- Article 122 paragraph 1 provides, "in accordance with article 91 providing the right to receive and sent letters, letters, fax messages and telegrams written by prisoners are given to the security and surveillance personnel, without closing the envelope, to be transmitted to the correspondence reading commission which consists of one administrative officer and two college-graduate guardians under the chairmanship of second director. Following the review, letters that are not considered inconvenient are stamped "seen", put into envelope and delivered to the post office."

- Article 122 paragraph 2 provides, "Article 91, paragraph 4 applies for letters, fax messages and telegrams that are sent by prisoners to official authorities and lawyers for the purpose of defense."
- Article 122 paragraph 3 provides, "After being reviewed and considered not inconvenient, incoming letters, mails and telegrams are given to the prisoners with their envelopes."
- Article 123 paragraph 1 provides, "Incoming and outgoing letters that are considered inconvenient by the correspondence reading commission are given to the disciplinary board at the latest within 24 hours. If the letter is considered partially or completely inconvenient by the board, the letter, without being marked or destroyed, is retained until complaint or objection period ends. If considered partially inconvenient, the original copy to be kept by the administration, and the copy of the letter, by blackening the inconvenient parts, is notified to the correspondent with a disciplinary board decision. If considered completely inconvenient, only the disciplinary board decision is notified to the prisoner. Starting from the notification date, required time is abided for an application to the Execution Judge. If there is no application to the Execution Judge in the given period, the disciplinary board decision is enforced. If there is an application to the Execution Judge, objection time is awaited after the notification of the decision of Execution Judge. If there is no objection to the decision Execution Judge, this decision is enforced. In the case of an objection, the decision of the court which examines the objection is enforced."
- Article 123 paragraph 2 provides, "the prisoner is informed in the notification that, if the right to objection to the Execution Judge is not resorted within 15 days as of the notification date or the right to make an objection to the assize court against the decision of the Execution Judge within a week as of the notification date; the decision of the disciplinary board is finalized and the letter will not be given if considered inconvenient or some parts to be blackened if partially inconvenient."
- Article 123 paragraph 3 provides, "the prisoner is informed in the notification that, letters considered to be partially or completely inconvenient are retained by the administration in case of any application to domestic or international legal remedies."

The number of the letters sent and received by the four inmates currently in Imralı Prison as of 1 January 2015 is enclosed herewith.

#### **Paragraph 17**

- **The CPT would like to receive henceforth copies of the reports on all visits carried out by Bursa Prison Monitoring Board No. 2 to Imralı Prison.**

In addition to three visits in 2014 and three visits in 2015, Bursa Monitoring Board No.2 carried out two visits to Imralı Prison on 26 February 2016 and 3 June 2016. The tables of all visits to Imralı Prison are regularly transmitted to CPT Secretariat. The reports drawn up by Bursa Prison Monitoring Board No. 2 in 2015 were also transmitted to CPT Secretariat in our letter dated March 2016. All reports by Bursa Prison Monitoring Board No. 2 concerning the years 2014, 2015 and 2016 are provided in the annex.

## A P P E N D I C E S

1. Number of letters received and sent by the four inmates currently in Imralı Prison since 1 January 2015 (paragraph 16)
2. Reports by Bursa Prison Monitoring Board No. 2 concerning the years 2014, 2015 and 2016 (paragraph 17) (not published)

**01 OCAK 2015 TARİHİNDEN İTİBAREN GELEN MEKTUPLAR**

	VERİLEN	<u>VERİLMİYEN</u>	TOPLAM
H. Y.	195	7	202
Ö. H. K.	220	14	234
V. A.	197	5	202
A. Ö.	329	239	568

**01 OCAK 2015 TARİHİNDEN İTİBAREN GİDEN MEKTUPLAR**

	GÖNDERİLEN	<u>GÖNDERİLMİYEN</u>	TOPLAM
H. Y.	111	44	155
Ö. H. K.	88	7	95
V. A.	119	28	147
A. Ö.	1	-	1