

## EXECUTIVE SUMMARY

The main objective of the visit was to review the measures taken by the Turkish authorities to implement the recommendations made by the Committee after previous visits. In this context, particular attention was paid to the treatment and conditions of detention of persons in police custody and foreign nationals detained under aliens legislation, as well as to the situation in various prisons in different parts of the country. In addition, the delegation visited for the first time two specialised (R-type) prisons for prisoners suffering from chronic somatic and/or mental illnesses.

The co-operation received by the delegation throughout the visit was generally very good at all levels.

### *Police custody*

The delegation received a considerable number of allegations from detained persons (including women and juveniles) of recent physical ill-treatment by police and gendarmerie officers, in particular in the Istanbul area and in south-eastern Turkey. Most of these allegations concerned excessive use of force at the time of apprehension. In addition, many detained persons claimed that they had been physically ill-treated inside law enforcement establishments, with a view to extracting a confession or obtaining information or as a punishment. Some detained persons alleged that electric shocks had been inflicted upon them by police officers with body-contact shock devices. In the CPT's view, in a number of cases, the alleged ill-treatment was of such severity that it could be considered as amounting to torture. Further, many accounts were received, in particular from detained women, that they had been subjected to psychological ill-treatment (such as threats of beatings, rape or death) and/or severe verbal abuse (often of an explicit sexual nature). The CPT recommends that a clear and firm message that all forms of ill-treatment of detained persons are illegal and will be punished accordingly be delivered to all law enforcement officials from the highest political level, namely the President of the Republic.

As regards the fundamental safeguards against ill-treatment (i.e. the right of notification of custody and the rights of access to a lawyer and doctor), most detained persons interviewed by the delegation indicated that a relative or another trusted person was notified shortly after their apprehension and that they had access to a lawyer whilst in police custody. That said, the CPT expresses its concern about the existence of legal restrictions regarding access to a lawyer during the initial phase of police custody (up to 24 hours). Many detained persons claimed that they had been subjected to informal questioning by law enforcement officials about the suspected offence without the presence of a lawyer, prior to the taking of a formal statement (in the presence of a lawyer). Further, the entire system of routine medical controls at the beginning and at the end of police custody appeared to be fundamentally flawed, since law enforcement officials were usually present during such controls and these controls were often carried out without any physical examination. Regrettably, the specific recommendations repeatedly made in this regard by the Committee after previous visits have not been implemented.

In most of the law enforcement establishments visited, material conditions of detention were on the whole adequate for short stays. However, nearly all of them suffered from major structural deficiencies and were thus not suitable for periods of detention lasting longer than 24 hours. With a few exceptions, there was either no or only limited access to natural light in the cells of the detention facilities visited. Further, hardly any of the establishments visited were equipped with facilities to enable detained persons to take outdoor exercise. In some of the establishments visited, the situation was further exacerbated by the fact that detained persons were being held in severely overcrowded cells (e.g. up to four persons in a cell of 7 m<sup>2</sup>).

The CPT expresses concern that persons detained under the emergency legislation can be held under the above-mentioned conditions for up to 14 days, and the Committee recommends that the maximum period of police custody of 96 hours be re-introduced.

#### *Foreign nationals detained under aliens legislation*

The CPT acknowledges the particular challenges faced by the Turkish authorities and places on record their very considerable efforts to host the largest number of refugees worldwide. Further, the Committee welcomes the fact that, following the 2015 visit, several sub-standard detention facilities for immigration detainees have been withdrawn from service (in particular, the one at Ankara Police Headquarters as well as Istanbul-Kumkapı Removal Centre).

Most of the foreign nationals interviewed by the delegation spoke positively about the manner in which they were treated by staff. That said, the delegation received some allegations of physical ill-treatment and verbal abuse by custodial staff in several of the establishments visited.

Material conditions of detention were generally of a high standard at Izmir-Harmandalı Removal Centre and good at Istanbul-Binkılıç Removal Centre. However, they remained poor at Izmir-Işıkkent Removal Centre, and the CPT welcomes the fact that this establishment was closed down in July 2017.

The CPT expresses serious concern that the regime offered to immigration detainees has not improved since the 2015 visit. In fact, in all the establishments visited, most foreign nationals were subjected to a regime which was far more restrictive than that offered to prisoners in Turkish prisons. Most of the foreign nationals were locked in their rooms for most of the day and without being provided with any recreative activities. Moreover, despite the assurances given by the Turkish authorities in their response to the report on the 2015 visit, access to outdoor exercise appeared to be problematic at Izmir-Harmandalı and Işıkkent Removal Centres.

The CPT welcomes the policy decision of the DGMM to no longer hold unaccompanied minors in removal centres. However, at Izmir-Harmandalı and Izmir-Işıkkent Removal Centres, accompanied minors were being held with their mothers/parents for 23 hours or more per day inside the detention rooms, without being provided with reading material, toys or games. In the CPT's view, the conditions under which children were being held in the two above-mentioned removal centres for weeks or even months on end may have serious negative psychological consequences on their mental health and development and could be considered as inhuman and degrading treatment. The Committee recommends that the Turkish authorities carry out a thorough review of the situation of children in all removal centres, with a view to ensuring appropriate (health-) care and the provision of psychosocial and educational activities for children. To this end, specialised staff should be employed in every removal centre which accommodates families with children.

Material conditions in the two rooms of the holding facility for passengers declared inadmissible in the transit zone of Istanbul Atatürk Airport remained unchanged since the 2015 visit. Given their structural deficiencies (i.e. total lack of access to natural light and no possibility for outdoor exercise), the CPT recalls that these rooms are not suitable for holding persons for prolonged periods.

The CPT acknowledges the significant investments made by Turkish authorities to create within the transit zone of Istanbul Atatürk Airport a new holding facility for asylum-seekers, which is equipped with furnishings of a high standard. That said, it is highly regrettable that this facility does not provide for any access to natural light and that foreign nationals still do not have any access to outdoor exercise, despite the specific recommendations made by the CPT after previous visits. It is particularly worrying that foreign nationals – including families with children – continue to be held under such conditions sometimes for weeks or even months on end.

In all the removal centres visited, the delegation observed improvements since the 2015 visit in terms of health-care staffing levels, with a nurse being on duty around the clock and a doctor usually being present on workdays. However, the CPT is very concerned by the fact that hardly any of the specific recommendations made by the Committee in the report on the 2015 visit regarding the provision of health care in removal centres have been implemented in practice. In particular, it remained the case that no medical screening was usually carried out of newly-admitted foreign nationals, that no personal medical files were kept and that there was still a total lack of medical confidentiality. In addition, the provision of mental health care appeared to be insufficient.

The CPT also makes several specific recommendations regarding foreign nationals' contact with the outside world – in particular for those who have been classified as foreign terrorist fighters – and the use of security rooms (“padded rooms”) in removal centres.

### *Prisons*

The delegation carried out full visits to Siirt and Trabzon E-type Prisons and Istanbul-Metris and Izmir-Menemen R-type Prisons, as well as targeted visits to Batman M-type Prison, Diyarbakır D-type Prison and Diyarbakır E-type Prison where it mainly focused on the general conditions of detention and issues related to health care. It also went to Istanbul-Bakırköy Women's Prison and Istanbul-Metris T-type Prison No. 1, in order to interview persons who had recently been in police custody.

The CPT expresses concern not only about the exponential increase in the size of the country's prison population in recent years (approximately 221,000 compared to some 132,000 at the time of the CPT's last periodic visit in 2013 and some 56,000 in 2005) but also about its further increase in the coming years as predicted by the Turkish authorities. During consultations with the delegation, the Turkish authorities indicated a series of measures taken to tackle the problem of prison overcrowding, such as greater use of conditional release and judicial supervision and the introduction of community work as an alternative to imprisonment, as well as the further expansion of the country's prison estate (with 228 additional prisons being constructed by 2021).

Whilst acknowledging the above-mentioned measures, the CPT emphasises that constructing new prisons is not likely, in itself, to provide a lasting solution to the problem of overcrowding. The Committee calls upon the Turkish authorities to take concerted action to curb prison population inflation and to intensify their efforts to eradicate prison overcrowding, in the light of relevant recommendations of the Committee of Ministers of the Council of Europe and the detailed remarks made by the Committee in its visit report. Further, appropriate action should be taken vis-à-vis the prosecutorial and judicial authorities, including through training, to ensure their full understanding of – and support for – the policies being pursued, thereby avoiding unnecessary pre-trial custody and sentencing practices.

In the prisons visited, the delegation received hardly any allegations of recent physical ill-treatment of prisoners by staff. Most of the inmates interviewed by the delegation stated that they were treated by staff in a correct manner. Further, inter-prisoner violence did not appear to constitute a major problem in any of the establishments visited. That said, in several of the prisons visited, a number of accounts were heard of verbal abuse of prisoners by custodial officers.

At Batman M-type Prison and Diyarbakır, Siirt and Trabzon E-type Prisons in particular, many prisoners were being held under conditions of detention which could easily be considered as inhuman and degrading. These establishments were severely overcrowded (e.g. at Batman, dormitories measuring some 75 m<sup>2</sup> were accommodating up to 34 prisoners, and, at Trabzon, dormitories measuring some 40 m<sup>2</sup> were holding up to 32 inmates), and many dormitories were holding more prisoners than the number of beds available. As a result, prisoners often had to sleep on mattresses placed on the concrete floor, and some were even compelled to sleep in shifts, due to the lack of space for individual mattresses. Another negative consequence of overcrowding in the prisons visited was reduced communal activities provided to inmates. With the exception of a small number of prisoners working in the establishments' general services (kitchen, food distribution, etc.), as well as in workshops available in some of the prisons, hardly any purposeful out-of-cell activities were offered to inmates, apart from one-hour sports sessions which took place at best three times a month and a limited range of vocational courses. The CPT recommends that the Turkish authorities take urgent measures to address the problem of overcrowding, with a view to ensuring that dormitories offer at least 4 m<sup>2</sup> of living space per prisoner, and to improve substantially the regime of activities for all inmates, regardless of their legal status and criminal charges.

The CPT has gained a favourable impression of the very concept of R-type prisons, since they are likely to be effective in preventing inhuman detention conditions for inmates with special needs in ordinary prisons, as well as of the material conditions and the somatic care provided to inmates at Istanbul-Metris and Izmir-Menemen R-type Prisons. That said, the delegation observed significant delays in transferring seriously ill prisoners from ordinary prisons to an R-type prison, which resulted in a deterioration of the state of health of the persons concerned (e.g. bed sores, malnutrition, etc.). Further, the presence of psychiatrists was clearly insufficient in both R-type prisons visited.

As regards the health-care services in the other prisons visited, the CPT is very concerned by the severe shortage of doctors and nurses. This problem has become even more acute with the dramatic rise in the prison population over recent years. Further, the delegation once again observed major shortcomings regarding the medical screening of newly-arrived prisoners and the recording and reporting of injuries and the continued lack of respect for medical confidentiality, despite the specific recommendations repeatedly made by the Committee in previous visit reports.

In the report, remarks and recommendations are also made regarding various other issues, notably prisoners' contact with the outside world, discipline and complaints procedures.