

EXECUTIVE SUMMARY

The main objective of the visit was to examine the treatment and safeguards afforded to persons detained by law enforcement agencies as well as the treatment and conditions of detention of persons held in prisons. Particular attention was paid to the situation of women, juvenile prisoners and persons sentenced to aggravated life imprisonment. Further, the CPT's delegation was able to assess the impact of the measures taken to prevent the spread of Covid-19 in prisons and to gauge the impact of the pandemic on both staff and prisoners.

The co-operation received by the delegation throughout the visit was, on the whole, very good.

Police custody

The majority of persons in detention met by the CPT's delegation stated that they had been correctly treated by police/gendarmerie both at the time of their apprehension and while in police custody. However, the delegation did, once again, receive a significant number of detailed allegations of ill-treatment and excessive use of force upon apprehension, including of juveniles. The ill-treatment was purportedly inflicted as a means to force the suspects to provide information or to confess to particular crimes or to punish them for the alleged crime committed. The alleged ill-treatment consisted of slaps, punches and kicks to the body and/or head as well as the use of batons or other hard objects. The delegation also received clear and consistent allegations from several persons, notably juveniles, that they had been subjected to electric shocks from hand-held devices. In addition, the delegation heard some allegations of excessively tight handcuffing and of persons being handcuffed to fixed objects. By way of illustration, the report details a number of cases of alleged ill-treatment.

Concerted action is required to tackle the problem of ill-treatment by police/gendarmerie. This should include a clear message by the Minister of the Interior that such behaviour is illegal and unprofessional, and that it will be sanctioned accordingly. Further, the CPT reiterates the importance of proper oversight and training of law enforcement officers, and of the need to carry out effective investigations into allegations of ill-treatment.

As regards safeguards against ill-treatment (i.e. the right of notification of custody and the rights of access to a lawyer and a doctor), most detained persons interviewed by the delegation indicated that a relative or another trusted person was notified shortly after their apprehension and that, overall, the right of access to a lawyer functioned in practice. However, once again, a number of detained persons claimed that the police had granted their request for an *ex officio* lawyer only after a considerable delay in order to be able to question them about the suspected offence without the presence of a lawyer. More needs to be done to guarantee the right of access to a lawyer in the period prior to the formal statement being made. Action is also required to ensure that all persons are fully informed of their rights as from the very outset of their deprivation of liberty.

Further, the system of mandatory medical checks of detained persons at the beginning and at the end of police custody remains flawed. The Ministries of the Interior and of Health should together take decisive action to ensure that detained persons are systematically subjected to a physical examination and that medical controls are always conducted out of the hearing of police/gendarmerie officers.

The detention facilities in all the law enforcement establishments visited were in a good state of repair and generally clean and well ventilated. However, the Turkish authorities should ensure that all new police/gendarmerie custody facilities include in their design access to natural light as well as an outdoor yard for persons held longer than 24 hours. In addition, existing facilities should continue to be upgraded and the official capacities for the occupancy of cells overnight reviewed.

Prisons

The CPT takes note of the measures taken by the Turkish authorities since 2019 to reduce prison overcrowding. For the first time in 15 years, the prison population in Turkey has declined (from 290,000 at the end of 2019 to 192,000 at the time of the visit). However, the Committee remains concerned that prison overcrowding still constitutes a significant problem in Turkey in spite of the increase in prison estate. Indeed, most of the prisons visited during the January 2021 visit were considerably overcrowded.

The CPT stresses that the authorities' efforts to tackle the problem of prison overcrowding should be centred around a comprehensive strategy for the sustainable reduction of the prison population, where the highest priority is to ensure that imprisonment is indeed imposed as a last resort at all stages of the criminal justice system, from pre-trial to the execution of sentences.

The Covid-19 pandemic placed an additional strain on the prison system and disrupted its normal functioning. The CPT's delegation found that the restrictions imposed on prisoners and the measures taken in prisons for public health protection had largely succeeded in restricting the propagation of the Sars-Cov-2 virus. That said, the measures resulted in the vast majority of prisoners being deprived of any out-of-cell activities and them being confined to their living unit. The Covid-19 policy also negatively affected the well-being of prison staff.

The great majority of prisoners interviewed by the delegation in the prisons for adult men stated that they were treated by staff in a correct manner. However, at Diyarbakır High-Security Prison No. 1, Diyarbakır T-type Prison No. 3 and Kayseri T-type Prison No. 1, the delegation did receive a number of credible allegations of recent physical ill-treatment by staff (including senior officers), consisting mainly of slaps, punches and kicks. In most cases, the alleged ill-treatment was said to have been inflicted as a punishment in reaction to recalcitrant behaviour or breaches of discipline by prisoners, in places located outside the scope of the CCTV coverage, such as staff offices. A few allegations of this nature were also received at Maltepe L-type Prison No. 1. Moreover, at Diyarbakır T-type Prison No. 3 and Kayseri T-type Prison No. 1, the delegation also received several allegations of ill-treatment of a particularly severe nature involving blows with a plastic pipe to the soles of the feet ("*falaka*").

The CPT sets out a series of measures that the Turkish authorities should take to tackle the alleged ill-treatment, including delivering a firm message to management and staff that ill-treatment of prisoners is unacceptable, more rigorous documentation of all injuries and of any use of force and the diligent examination of complaints of ill-treatment. Further, steps should be taken to ensure that CCTV systems in all prisons are fully operational as they offer a valuable additional safeguard for both prisoners and staff.

Material conditions of detention were generally of a good standard at Diyarbakır High-Security Prison No. 1, and would have been equally good at Diyarbakır T-type Prison No. 3 and Kayseri T-type Prison No. 1, had the original design capacity of dormitories not been increased considerably, resulting in many prisoners being held in cramped conditions. Further, the delegation observed serious overcrowding at Istanbul-Maltepe L-type Prison No. 1 and Istanbul-Metris T-type Prison No. 1; the living conditions at these two prisons were also found to be deficient in many other respects, notably as regards the state of repair and hygiene. The Turkish authorities should take urgent measures to ensure that dormitories in these prisons offer at least 4 m² of living space per person and that prisoner accommodation areas are kept in an adequate state of repair and hygiene, and every prisoner has his own bed. Further, as regards the regime, for as long as the Covid-19 pandemic persists, efforts should be made to ensure that, as a minimum, all prisoners (male and female) have regular access to sports facilities.

As had been the case during previous CPT visits, the staffing levels for both doctors and qualified nurses were clearly insufficient in all the prisons visited. Access to psychiatric care for prisoners was also manifestly inadequate; of particular concern was the practice observed in most of the establishments visited of placing mentally ill prisoners in isolation for prolonged periods without any meaningful human contact, which, in the Committee's view, could be considered as inhuman and degrading. Moreover, no progress was observed as regards medical screening of newly arrived prisoners and the continued lack of respect for medical confidentiality. Remarks and recommendations are also made regarding various other issues, notably prisoners' contact with the outside world, discipline and complaints procedures.

The great majority of female prisoners interviewed by the delegation at Bakırköy and Kayseri Women's Prisons stated that they were treated correctly by staff. That said, in both prisons, the delegation did receive several allegations of prison officers pushing and pulling women by the hair and inflicting slaps and kicks. At Bakırköy, the delegation also heard several allegations according to which juveniles with challenging behaviour had been physically ill-treated. Of particular concern were credible accounts that the management of the prison, i.e. its director and his two deputies, had been personally involved in both physical ill-treatment and verbal abuse of recalcitrant girls.

Material conditions of detention at Bakırköy and Kayseri Women's Prisons were on the whole satisfactory. However, at Kayseri, the dormitories used for quarantine purposes (in the context of the Covid-19 pandemic) were extremely overcrowded. As regards juvenile prisoners held at Bakırköy, the Turkish authorities should take steps to ensure that they are offered purposeful activities, including access to education, even during the pandemic, and that their living conditions are improved. Further, immediate measures should be taken at Bakırköy Prison to ensure that all prisoners held in quarantine are offered at least one hour of outdoor exercise every day. Recommendations are also made in respect of the training provided to staff, the use of strip-searches and the development of admission procedures which take account of the gender-specific needs of female prisoners.

As regards prisoners sentenced to aggravated life imprisonment, the CPT expresses concern about the solitary-confinement-type regime which was being applied to many such prisoners at Diyarbakır High-Security Prison No. 1, Kayseri T-type Prison No. 1 and Kayseri Women's Prison. The Committee stresses once again that the underlying concept of the detention regime of persons sentenced to aggravated life imprisonment, as defined in the law, is fundamentally flawed and calls upon the authorities to carry out a complete overhaul of this detention regime.

At Istanbul-Maltepe Juvenile Prison, the delegation received consistent allegations from many boys, held in different wards of the establishment that, if they misbehaved, damaged property or self-harmed, they would be taken out of their ward and subjected to slaps or even punches and kicks by officers. The CPT considers that such behaviour is not only degrading and unprofessional but undermines the ethos of a juvenile detention facility as a place of support for juveniles. The Turkish authorities should ensure that staff understand that such acts are illegal and will be punished accordingly. Steps should also be taken to improve the training for prison staff working with juveniles, notably in handling high-risk situations.

In addition, to reduce the number of incidents of violence and bullying between juveniles, the Turkish authorities should develop a violence reduction strategy which engages juveniles. This strategy must also include increasing staff numbers and promoting their engagement with the boys.

In respect of material conditions, many of the cells were in an appalling state. Action should be taken to maintain each cell in a decent state of repair and cleanliness and to eradicate the widespread existence of black mould. All boys should also be provided with a hygiene kit upon their admission to the prison. In respect of activities, the CPT considers that, even in times of a pandemic, a weekly programme of activities should be in place, and that staff should engage with the boys in their wards.

As regards discipline, the CPT considers that the use of solitary confinement as a punishment for juveniles should be ended, and that juveniles who self-harm or who are at risk of self-harming should always be dealt with from a therapeutic standpoint and not a punitive one.