

Public Statement

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Turkey: Call for immediate steps against isolation in "F-Type"

Sixteen months after the high-security "F-Type" prisons were put into use, Amnesty International (AI) reiterated its concerns about isolation in a letter sent to the Turkish Justice Minister on 15 April 2002. Some 2000 prisoners remain under conditions of solitary confinement or small-group isolation in six "F-Type" prisons, which have cells for one or three persons. With the amendment of the Anti-Terror Law in May 2001 open visits with spouses and small children were made possible. The use of the communal areas was also permitted to the prisoners in principle, but only within the framework of "rehabilitation and education programs".

Notwithstanding the law amendment, non-governmental organizations in Turkey, as well as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), have continued to raise their concerns about the persistence of conditions of isolation in the "F-Type" prisons. In this context, Amnesty International is pleased to learn that there has been some development in the discussion relating to the regimes in the "F-Type" prisons in Turkey.

Since November 2001, for example, major human rights organizations and Bar Associations in Turkey have proposed a new initiative in order to end de facto isolation in the "F-Type" prisons and the related hunger strike. They suggested that the doors of three cells for three persons should be opened so that nine prisoners could associate with each other during the day. Alternative suggestions made were to take down the walls between three adjacent court yards of three-person cells, or to build in doors so that nine prisoners each could visit each

other. They were hoping that such measures, which require no, or only minor, architectural changes, would lead to an end to the hunger strike, which has continued since October 2000 and as a result of which 50 people have died and hundreds suffer from serious and long-term health problems.

Amnesty International considers that the opening of doors to the corridors or between court yards can be an interim solution, aiming at alleviating isolation. It is for this reason that, after a joint mission to Turkey with Human Rights Watch in January 2001, Amnesty International called upon the Turkish authorities to leave the doors to prisoners' units open during the day. Amnesty International does not, however, consider this proposal to be a satisfactory medium-term solution, as the organization does not consider the corridors, rooms or court yards as appropriate communal areas in which a reasonably large number of prisoners can associate with each other for purposeful activities as called for by the CPT.

On 18 January 2002 the Turkish Justice Minister issued a decree that has introduced the right of up to 10 prisoners to meet for communication in designated areas for not more than a total of five hours a week. These prisoners will be chosen by a selection commission. They will only benefit from this opportunity, however, on the condition that they participate in at least one of the rehabilitation, exercise, education, or vocational training programs. The communication will be observed by the prison administration.

While Amnesty International appreciates this initiative, the organization is concerned that the new provision is not enough to end the de facto isolation of some 2000 political prisoners in the "F-Type" prisons. Amnesty International considers that both the number of prisoners who could thus meet and the length of the meetings are

insufficient for this purpose. Amnesty International is also concerned that according to the decree permission to participate in the discussion groups is conditional on prisoners' participation in the other programs.

Most of the political prisoners in the "F-Type" prisons apparently (voluntarily or involuntarily) refrain from applying for the use of the communal areas under the given conditions. Amnesty International has been told that these prisoners are afraid that the rehabilitation would amount to a political "re-education". Commenting on the amendment of the Anti-Terror Law (Article 16), the CPT had stressed on 24 April 2001 that "concepts such as education, improvement and training must not be exploited for ideological reasons". However, Article 110 of the Turkish Prison Regulations has defined the aim of rehabilitation as "in the light of reforms and principles of Atatürk to raise people who accept, protect and develop the national, moral, human, ideal/spiritual and cultural values of the Turkish nation, love their family, fatherland and nation and know their duties and responsibilities towards the Republic of Turkey and the indivisibility of fatherland and nation and act accordingly." Amnesty International believes that the use of communal areas should not be conditional on holding specific political views. Furthermore, the organization considers that the right to communicate with other prisoners in groups should not be conditional on participation in rehabilitation activities.

Amnesty International is also concerned that -- according to the CPT report concerning their visit in September 2001 -- the only facilities being used for communal activities in the two "F-Type" prisons visited were the gymnasium and on occasion the outdoor sports field; that the libraries were not open to access by prisoners; and that the workshop was equipped in only one of the prisons. The CPT also expressed criticism that the prisoners participated only in very small groups (often consisting of those who already share a living unit, which

-- according to the CPT -- "scarcely constitutes communal activities") and for a very limited time (sometimes only a couple of hours a week). The CPT stressed again the need for a proactive, enterprising approach to communal activities, enlargement of the groups, and an increase in the time spent in communal activities.

Amnesty International urges the Turkish authorities to take immediate steps to address these concerns of the CPT over communal areas. Amnesty International also urges them to take all other necessary measures to end immediately the de facto isolation which has now been continuing for 16 months, as this isolation can in itself amount to ill-treatment, as well as facilitate ill-treatment. Such steps should include both immediate actions, as well as a program of medium term measures. The latter should include provisions to ensure that, in line with the CPT recommendations, prisoners can associate with each other for at least eight hours a day.

Amnesty International understands that one of the reasons why inmates of the "F-Type" prisons are deterred from participating in communal activities is because they are afraid of ill-treatment and degrading body searches on their way to the communal areas. Amnesty International has received numerous reports about ill-treatment and beatings in "F-Type" prisons, especially on arrival, during roll-calls and cell searches, and when prisoners are being brought to lawyers' or family visits. These reports are difficult to verify, however, due to the limited access to these prisons.

One provision which may help to address such concerns is the implementation of the Law on Prison Monitoring Bodies which, although the law entered into force in June 2001, has been very slow. In December 2001 such bodies had only been established in less than half of the judicial districts. In the southeastern province of Hakkari the local

Chief of Police reportedly became the head of the monitoring body. Amnesty International considers it essential to open the prisons to the scrutiny of independent monitors, including human rights defenders, doctors and lawyers.

Amnesty International has repeatedly stressed that conditions of small group isolation and solitary confinement carry the risk of serious mental and physical harm and can amount to torture or ill-treatment. Therefore Amnesty International urges the Turkish authorities to establish a system to allow evaluation of the health and conditions of the inmates of "F-Type" and similar prisons by independent medical experts.

Amnesty International is also concerned about reports that lawyers are continuing to experience restrictions on visits with their clients in prison. Reportedly lawyers can only visit their clients in "F-Type" prisons on one or two specific days a week, they are not allowed to exchange written material with their clients and their files are searched. Body searches of lawyers are apparently continuing in "F-Type" prisons. Amnesty International is concerned that these practices might have a negative effect on the right to fair trial proceedings, particularly the right to confidential communication with counsel. The organization calls upon the authorities to ensure that inmates of "F-Type" prisons be given the right to adequate time and facilities to prepare a defence and to communicate with their counsel confidentially.

Finally Amnesty International has concerns regarding the situation of dozens of prisoners whose release from prison has reportedly been delayed despite reports by the Forensic Institute or hospitals recommending such release on medical grounds. According to newspaper reports the authorities have refused to release some of these prisoners on the grounds that previously released prisoners did not stay at their

addresses or went abroad. While recognising the right of the authorities to set conditions for the release of prisoners on medical grounds, Amnesty International is concerned that the failure to permit adequate medical care outside the prison could in some cases amount to cruel, inhuman or degrading treatment or punishment, and urges the authorities to reconsider the situation of those prisoners whose lives are at serious risk if they remain imprisoned without access to necessary medical care.

Background

Prison conditions have been a subject of intense debate in Turkey in the past years. Prisoners and their families as well as many human rights defenders and other civil organizations have been concerned that the new "F-type" prison system might lead to regimes of isolation which would increase the risk of torture or ill-treatment. Since October 2000 more than 1,000 political prisoners were on hunger strikes against the "F-Type" prisons. According to official figures 64 people still remain on death fast. To date 50 people have died as a result of the hunger strike.

On 19 December 2000, an operation was conducted by the security forces in 20 prisons, as a result of which 30 prisoners and two soldiers died. Subsequently, hundreds of prisoners were transferred to three new "F-Type" prisons. Three more "F-Type" prisons were opened in the year 2001.

Further details of Amnesty International's concerns about the use of isolation and allegations of torture and ill-treatment in Turkish prisons are documented in Amnesty International's report: Turkey: "F-Type" prisons - Isolation and allegations of torture and ill-treatment, AI Index: EUR 44/025/2001. For AI's view on the amendment of the Anti-Terror Law see the Press Releases Nr. 76 and 80, AI Index EUR 44/028/2001 and EUR 44/031/2001.

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