

# TURKEY

## “F-Type” prisons: Isolation and allegations of torture or ill-treatment<sup>1</sup>

Prison conditions have been a subject of intense debate in Turkey in the past year. Prisoners have usually been housed in large dormitories that hold 60 or sometimes more prisoners, but the Turkish authorities have started to build new wings to existing prisons and 11 so-called F-Type prisons based on a cell-type system that were due to be brought into use in 2000. Prisoners and their families as well as many human rights defenders and other civil organizations have been concerned that under the new cell-type system regimes of isolation might be introduced which would increase the risk of torture or ill-treatment in prisons. Fears that the new system might lead to small group isolation or solitary confinement were founded in so far as Article 16 of the Anti-Terror Law lays down a draconian regime of intense isolation, in which “convicted prisoners will not be permitted contact or communication with other convicted prisoners”.

Following the start of the process of replacing dormitories with smaller cells there were major protests and clashes in prisons which were ended by force. From October 2000 more than 1000 political prisoners participated in a hunger strike in protest against the F-Type prisons. In early December the Justice Minister promised that no one would be transferred to F-Type prisons before Article 16 was amended, regulations for the F-Type prisons issued and a social consensus reached on their management. Yet on 19 December the security forces conducted an operation in 20 prisons during which some 30 prisoners and two soldiers died. Hundreds of prisoners were transferred to three newly opened F-Type prisons.

In early January 2001 Amnesty International and Human Rights Watch (HRW) conducted a joint mission to Turkey in order to investigate the December 2000 prison operation and the conditions in the new F-Type prisons. During the mission, the delegation paid particular attention to gathering information from different kinds of sources. They met lawyers, doctors, human rights defenders and a member of the Parliamentary Human Rights Commission; that is, respected representatives of Turkish civil organizations and parliament who are themselves contributing to the investigation of the human rights situation in Turkey with a view to improving it. In addition, the delegation also received information from people directly affected by the prison transfers such as released prisoners and relatives of prisoners. The delegates repeatedly contacted the Justice Ministry before and during the mission seeking a meeting. Unfortunately, these requests were turned down by the Ministry. There was also no

---

<sup>1</sup> Major parts of this paper were raised as concerns in a joint letter of Amnesty International and Human Rights Watch (HRW) to the Turkish Justice Minister dated 30 March 2001.

positive response to the delegates' request for permission to visit one of the new F-Type prisons in order to assess the current regime being implemented for transferred prisoners.

Amnesty International has received consistent reports that the prisoners were beaten and some of them tortured before, during and after the transfer. In the F-Type prisons the prisoners were held in small cells either on their own or with up to two other prisoners. In the first weeks they were not allowed in the small yards attached to the cells. Some of them had no human contact, except with guards, for days. Visits from relatives and lawyers were limited. Amnesty International is concerned that prolonged isolation could in itself amount to cruel, inhuman or degrading treatment and could facilitate torture and ill-treatment. Therefore, Amnesty International has repeatedly urged the authorities to allow prisoners association in larger groups for at least part of each day.

### **Isolation regimes**

Amnesty International has previously expressed concern about the overcrowded dormitories and that the organization believes that prisoners should - if necessary - be protected from violence including intimidation and threats by other inmates. Amnesty International has repeatedly criticized deliberate killings of alleged "traitors" by armed opposition groups in Turkey, some of which took place in prisons. The organization believes that the separation of some prisoners might be appropriate in certain situations, for example in order to protect the general prison population from other particularly violent inmates. Yet such measures should only be taken in exceptional circumstances and as a last resort.<sup>2</sup> Amnesty International believes that prolonged isolation, including small group isolation, may have serious effects on the physical and mental health of prisoners and may in itself constitute cruel, inhuman or degrading treatment or punishment. It can also facilitate torture and ill-treatment of prisoners. Torture and ill-treatment are prohibited by international human rights treaties to which Turkey is a state party, particularly Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

---

<sup>2</sup> The Council of Europe Recommendation No. R (82) 17 concerning custody and treatment of dangerous prisoners, adopted 24 September 1982, recommends that, as far as possible, ordinary prison regulations should be applied to dangerous prisoners and that reinforced security measures should only be applied to the extent to which they are necessarily required and in a way respectful of human dignity and rights and be regularly reviewed.

It is not acceptable to isolate all prisoners who have been convicted or prosecuted for offences under the Anti-Terror Law.<sup>3</sup> Article 16 of the Anti-Terror Law lays down a draconian regime of intense isolation, in which convicted and remanded prisoners will be held in specially constructed institutions with one or three-person rooms and will not be permitted contact or communication with other prisoners or to receive open visits. Amnesty International has previously urged the Turkish government to amend Article 16 in such a way as to ensure that all prisoners, including prisoners convicted or remanded for political offences, are given adequate exercise facilities and an adequate period of time each day during which they can associate with other prisoners outside the confines of their cells or dormitories. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended in January 2001 that "adoption of the draft Law amending Article 16 of the 1991 Anti-Terror Law, so as formally to make provision for prisoners covered by that law to take part in activities together with others (and to receive open visits from their families), should be accorded a very high priority."<sup>4</sup>

### **Regimes of solitary confinement and small group isolation before the December operation: Imral\_ island and Kartal Special Type Prison**

Abdullah Öcalan, leader of the armed opposition group Kurdistan Workers' Party (PKK), has been held in solitary confinement on Imral\_ island for more than two years since his apprehension on 15 February 1999. Amnesty International has been informed by Abdullah Öcalan's lawyers that he is kept in a 13 square metre single self-contained cell, that is, with toilet and shower in the same room. He is allowed outside one hour twice a day into an area measuring 45 square metres. This area is surrounded by very high walls and is covered at the top with wire netting. He is under continuous observation by the prison guards, with video cameras both inside and outside his cell. He is permitted to meet once a week for one hour with his lawyers and with his immediate family.

---

<sup>3</sup> According to official figures 9,141 prisoners were held under the terms of the Anti-Terror Law in March 2001. Four thousand, one hundred and sixty-eight of them were on remand while their trial was continuing or pending, the other 4,973 having been convicted.

<sup>4</sup> Letter from the President of the CPT to Mr H. Kemal Gür, 29 January 2001, para 6.

A delegation of the CPT which visited Abdullah Öcalan on 2 March 1999 stated that "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 and the precise nature of the regime applied on him" which "should gradually be rendered less restrictive." The CPT stressed that "Prisoners who present a particularly high security risk should, within the confines of their special unit, enjoy a 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."<sup>5</sup> Since February 1999 there have been no other prisoners on the island with whom Abdullah Öcalan can associate.

Abdullah Öcalan has been held for more than two years in solitary confinement. Amnesty International is concerned that this may constitute cruel, inhuman or degrading treatment or punishment. Amnesty International has repeatedly urged the Turkish Justice Ministry to ensure that all possible steps are taken to provide Abdullah Öcalan with social contact with other prisoners and that other measures are taken to alleviate the possible adverse physical and psychological effects of prolonged solitary confinement.

Having evaluated reports of various human rights organizations - including the Turkish Human Rights Association (IHD) and HRW - on the situation in Kartal Special Type Prison in Istanbul, Amnesty International is also concerned that the regimes of small group isolation and solitary confinement practised there may cause deterioration of the mental and physical health of the prisoners and amount to cruel, inhuman or degrading treatment or punishment. The physical structure of the prison seems to violate the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules).

---

<sup>5</sup> The CPT delegation's observations made during their visit to Turkey between 27 February and 3 March 1999, set out in a letter dated 22 March 1999 and made public on 4 May 1999.

According to Amnesty International's information when prisoners are first brought to the prison they are held in solitary confinement in a two-person cell for at least a week, during which they are not permitted any exercise in the open air. After this initial period, prisoners are normally transferred to a bigger cell with other inmates. Connected to these cells, there are small yards. Their walls are so high that they do not see sunlight. In these separate yards prisoners cannot socialize with prisoners held in another cell. The cells have no windows; there is only electric light. The light switches are said to be outside the cells and thus out of the control of the prisoners. The lack of natural light in the cells and of exercise in a larger space violate international standards. The UN Standard Minimum Rules state that prisoners should be able to exercise daily in the open air and that there should be natural daylight in their cells.<sup>6</sup>

Amnesty International has been informed that there is no access to areas for common use of prisoners held in different cells. To our knowledge the Turkish government has not yet provided evidence that prisoners have access to the library and canteen that are said to exist in the prison. According to our information, prisoners who are under a regime of solitary confinement or small group isolation in this prison do not have the possibility to associate with any prisoners outside their cells at any time. They can only leave their cells if they are visited by their lawyer or relatives of the same surname. There are reports that some prisoners are suffering the physical and psychological symptoms recorded elsewhere as an effect of small group isolation, including depression and anxiety.<sup>7</sup>

### **Prisoners' protests ended with excessive force**

---

<sup>6</sup> The UN Standard Minimum Rules, Rule 11 states: "In all places where prisoners are required to live or work, (a) the windows shall be large enough to enable prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation. Rule 21(1) states: "Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits." Rules 16 and 86 of the European Prison Rules have the same requirements respectively."

<sup>7</sup> The CPT visited Kartal Special Type Prison in July 2000 and reported that "Some facilities existed for communal activities; however, the delegation noted that they were virtually unused." The government responded that "remand prisoners cannot be forced to take part in activities if they do not want to." CPT/Inf (2000) 19, pp. 6 and 9.

Since the process of replacing dormitories by smaller cells has been initiated there have been major protests and clashes in Turkish prisons. In September 1999, 10 prisoners died and dozens were injured in a violent clash with guards and soldiers in Ankara Central Closed Prison. The circumstances of the deaths were disputed and lawyers and relatives of the dead were excluded from representation at the autopsies. A report on the incident by the Turkish Parliamentary Human Rights Commission concluded that excessive force which caused deaths and injuries had been used by the security officials. They called for an investigation to be opened into those responsible. The Commission also criticized that the autopsy of the 10 deads did not comply with international standards and evidence was not protected with due diligence. The forensic reports commissioned by the Parliamentary Human Rights Commission stated "that the findings found especially on the dead people were medically generally in conformity with facts defined by international and national documents as torture and acts with the intention to kill".<sup>8</sup> One hundred and sixteen security officers involved have been on trial since March 2001; the prosecutor has demanded their acquittal.

On 5 July 2000 political prisoners in Burdur prison barricaded themselves in dormitories. According to the prisoners, the security forces threw smoke bombs, tear gas and nerve gas into the dormitories and started to break down the walls with bulldozers. The prisoners said the security forces attacked them with iron poles, truncheons, roof tiles and stones, dragging unconscious prisoners out of the dormitories with long-handled hooks. Lawyers permitted to meet some of the prisoners on 8 July noted that all had signs of severe injuries on the visible parts of their bodies, and had difficulty breathing and speaking. In April 2001 the governor of Burdur turned down the prosecutor's request to open an investigation into 405 security officers against whom a formal complaint had been filed.

During the Burdur prison operation Azime Arzu Torun, a woman aged 25 convicted of supporting a leftist organization, was reportedly separated from the other inmates at 10.30pm and brought to the second floor, rolled down the stairs, insulted, threatened with rape and beaten with a truncheon on her genitals while being lifted by her arms and legs. According to her account a chief guard tried to insert a neon tube into her vagina, then gendarmes and prison guards raped her with a triangulate truncheon. Two days later she was brought to Burdur State Hospital where she reported rape, but rejected a virginity test. A female inspector assigned by the Ministry of Justice heard her testimony, but reportedly asked insensitive and abusive questions. Azime Arzu Torun filed a formal complaint against the suspected torturers.

---

<sup>8</sup> TBMM İnsan Haklar\_n\_\_nceleme Komisyonu: *26 Eylül 1999 Ulucanlar Cezaevi Raporu*, Ankara, July 2000, p. 128..

Amnesty International has repeatedly called for prompt, thorough and independent investigations into these incidents with those responsible being brought to justice. The organization believes that failure to do this and the general climate of impunity contributed to the escalation of violence against prisoners at the end of 2000.

### **Deaths and allegations of torture and ill-treatment including male rape during the December 2000 prison operation**

From October 2000 more than 1,000 political prisoners participated in a hunger strike in protest against the F-Type prisons. Human rights defenders, lawyers, doctors, politicians and the CPT tried to contribute to a solution. On 9 December the Justice Minister promised that the planned transfer of prisoners to the F-Type prisons would not take place until Article 16 of the Anti-Terror Law was amended, a law on the establishment of prison monitoring bodies passed and legal regulations for the F-Type prisons issued. Yet, on 19 December the security forces conducted an operation in 20 prisons during which some 30 prisoners and two soldiers died. Hundreds of prisoners were transferred to three newly opened F-Type prisons in Edirne, Kand\_ra (Kocaeli) and Sincan (Ankara).

The authorities claimed that some of the prisoners set themselves on fire, but did not explain how the other prisoners died. The CPT's interviews with prisoners in early January 2001 confirmed that "a number of the regrettable deaths and injuries amongst inmates during the interventions were the result of acts of self immolation rather than action by members of the security forces. However, information gathered during the visit suggests that the methods employed by the security forces were not in all cases proportional to the difficulties faced. In particular, the delegation has grave doubts regarding the manner in which the intervention took place vis-à-vis the female dormitory C1 at Istanbul Prison and Detention House (Bayrampa\_a). Six of the 27 women in that dormitory died and many of the others suffered burns and/or other injuries. The delegation interviewed several of the women who were held in dormitory C1 as well as other prisoners who witnessed parts of the intervention against that dormitory. According to the accounts received, the occupants of dormitory C1 did not offer violent resistance, but merely shut themselves in their dormitory; it is alleged that the women were nevertheless bombarded with gas grenades and other devices for several hours and shot at from time to time and that, at around 12.00 a.m., the top floor of the dormitory was set on fire as a result of the action being taken by the security forces. It is also alleged that the security forces were immediately told that prisoners were being burned on the top floor but failed to take prompt action to put out the fire, despite having the means (water hoses) to do so. In application of Article 8, paragraph 5, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, the delegation

requests that a thorough and independent inquiry be carried out without delay into the methods employed by the security forces during the intervention against dormitory C1 at Istanbul Prison and Detention House and into the precise causes of the deaths and injuries among the occupants of that dormitory.”<sup>9</sup>

Amnesty International has called for prompt and independent autopsies with the results made public. Continuing speculations about how and by whom these deaths were caused are detrimental to societal peace. Responsibilities must be carefully assessed and those responsible brought to justice. Not even the Turkish Medical Association or the lawyers representing the families of the dead have been given access to the full autopsy reports.

In a statement issued in February 2001 in response to the Amnesty International/HRW news release of 6 January, the Turkish government admitted that “there are convicts who had been injured during the operation and then transferred to the F-Type prisons”. Amnesty International received consistent reports that the prisoners were beaten and some of them tortured before, during and after the transfer to F-Type prisons. On their visit to Turkey from 10 to 15 January the CPT also received numerous and consistent allegations about beatings, primarily by gendarmes in the course of the prison intervention and on admission to the new prisons. Amnesty International has repeatedly called for prompt, independent and thorough investigations into the allegations of torture and ill-treatment during and after the prison operation. In early January the Justice Ministry appointed three inspectors in order to investigate the ill-treatment allegations. Amnesty International was very worried to learn during the January mission that independent bodies such as the Medical Association and the Bar Associations were excluded from such investigations. At the time of the mission, the Medical Association was refused access to the prisons and reliable information about the medical situation of the prisoners.

Credible allegations of rape were made against security staff, some of whom wore gendarmerie uniforms, although their language and behaviour were different from ordinary gendarmes. The Turkish government stated in its response to the joint press statement that the allegation that some prisoners were raped with truncheons on arrival in Kand\_ra prison could not be true, because the prison guards do not carry attack weapons and the gendarmes, who are armed and responsible for outside security, are only authorized to enter prisons when intervening in riots. Yet all reports show that most of the security staff employed in the December operation were indeed gendarmes. Amnesty International believes that the allegations of rape deserve careful investigation to clarify

---

<sup>9</sup> CPT 2001, para 2.

which security staff were on duty in F-Type prisons at the time of the transfers and what their duties were, and which staff carried out interrogations of prisoners on their arrival at the prisons.

Due to allegations of torture, ill-treatment and unlawful killings of prisoners by gendarmes on several previous occasions Amnesty International has repeatedly urged the Turkish government to ensure that gendarmes are not brought into contact with prison inmates. In their preliminary observations the CPT reiterated "that it would be desirable in the long term to phase out the current role of the gendarmerie in relation to prisons and prisoner transfers. [...] Further, in the short term, members of the gendarmerie should cease to be called upon to carry out searches in the F-Type prisons now in service or in other establishments where small living units have been introduced."<sup>10</sup>

The Turkish government states that "initially no lawyer had filed a formal complaint" concerning rape allegations. Yet copies of such formal complaints filed on 26 and 28 December 2000 have been printed in the report "*19 Aral\_k Katliam Raporu*" prepared by the IHD Istanbul branch. In their formal complaints the lawyers requested medical forensic examinations in order to establish the truth of the allegations of rape and other forms of torture. According to the information received by Amnesty International such medical examinations were not initiated promptly, but only some three weeks after the alleged incidents. Amnesty International has urged the authorities to investigate the torture allegations by collecting all necessary information including by obtaining psychological reports. Those reasonably suspected of being responsible should be brought to justice, suspended from duty while under investigation and dismissed from the forces if convicted.

#### **Nuri Akal\_n reportedly raped with truncheon in Kand\_ra F-Type prison**

Nuri Akal\_n, born 1977, was imprisoned in Ümraniye Prison on charges of involvement in an assault on a local head of the ultra-nationalist Nationalist Action Party (MHP). According to reports, after the prison operation he was transferred to Kand\_ra F-Type prison on 23 December 2000 in the back of a prison bus. During the transfer he was continuously beaten and insulted and was interrogated. On arrival in Kand\_ra he was again beaten and taken to a separate room where he was stripped naked and interrogated for approximately 45 minutes during which he was subjected to *falaka* [beating on the soles of the feet], sexual abuse in the form of squeezing of his testicles, beatings and rape with truncheon. The alleged perpetrators were wearing uniforms of the gendarmerie, but

<sup>10</sup> CPT 2001, paras 4 and 9.

were also wearing surgical face masks and latex gloves. Their identity is not known to Amnesty International.

After the interrogation he was brought in his underwear to a doctor's office and was again stripped naked. The doctor (or someone he presumed to be a doctor) briefly looked at his head and then dictated a report. Nuri Akal\_n had no chance to say anything. He was subsequently taken to a cell which he shared with two other prisoners. One of his cell-mates had fractured ribs, and a doctor came in the following night to treat him in his cell. Nuri Akal\_n told the doctor that he had been raped and asked for a medical report. The doctor reportedly responded in a non-committal way.

Two to three days later Nuri Akal\_n sent a formal complaint both to the prison administration and the prosecutor and asked to be transferred to the Forensic Institute for examination. *On 28 December his lawyer also filed a formal complaint which she brought personally to the Kocaeli Prosecutor in charge, who appeared to be the Prosecutor in Charge of Kand\_ra Prison at the same time and had also been on duty during the transfer. Thus he was legally responsible for what happened because - theoretically - all security officials were supposed to be acting under his orders. He reportedly told the lawyer that "Searches including in the anus are necessary. Single cells are important for the rehabilitation. They have turned the prisons into their domain. We don't need to get the prison staff moving just for five to six people's reports." Upon the lawyer's insistence he finally said, "I will order his transfer but I don't know whether the soldiers will bring him there."*

According to Amnesty International's information it was only some three weeks after the alleged rape that Nuri Akal\_n was visited by a prosecutor and a forensic doctor who medically examined him. It is vital to gather medical evidence for rape as soon as possible after the alleged assault and a delay of this kind can seriously hinder the usefulness of medical findings.

### **Small group isolation and solitary confinement in the F-Type prisons**

According to the information collected by Amnesty International the inmates of F-Type prisons are able to interact at most with two other prisoners – their cellmates with whom they are locked in 24 hours a day – and apparently have no opportunity to associate with other prisoners. Amnesty International received numerous reports that the doors to the small yards adjacent to the prisoners' cells – whether one three-person cell or three one-person cells – can only be opened by the guards and were closed in the weeks immediately after the transfers. Amnesty International has received several reports about prisoners who did not – as the Ministry states – choose to be placed in single cells but instead urged their visitors to do everything possible to end their isolation. Also, information received by Amnesty International confirmed that sport facilities were not made available for the use of the prisoners. The CPT stated in January 2001 that opening the gymnasiums ready for use in the F-Type prisons “would be a visible proof of the authorities' intention to implement a programme of activities in F-Type prisons”.<sup>11</sup>

The hunger strike, which the authorities wanted to end with the December operation, continued in the F-Type and other prisons. On 21 March 2001 Cengiz Soyda\_, who had been on hunger-strike at Sincan F-Type Prison, died. As of 18 April, 12 prisoners and two relative on solidarity hunger strike had died. After nearly half a year without proper nutrition many others are also approaching death. The Justice Ministry has expressed an intention to lift the isolation regime. It should be lifted immediately in order to bring the prisons into line with international standards. An added argument for urgency is that this step may encourage the hunger-strikers to drop their protest and so save lives.

### **Access of independent observers to the prisons**

The Turkish government stated that representatives of the Turkish Medical Association and lawyers have access to the prisons. To Amnesty International's knowledge the first visit of representatives of the Parliamentary Human Rights Commission took place two weeks after the operation and the visit of the CPT three weeks after the operation. Representatives of the Medical Association were given access not earlier than four weeks after the operation. Amnesty International is concerned that access was granted too late to allow full assessment and investigations of the allegations of torture and ill-treatment during the operation. Moreover access by the Medical Association was again suspended after branches of the Medical Association published the findings from their prison visits in January.

---

<sup>11</sup> CPT 2001, para 6.

Referring to the idea of new prison monitoring boards the CPT stated that the presence of "on the spot" independent observers, charged with observing and subsequently reporting upon interventions, "would have a dissuasive effect on anyone minded to ill-treat prisoners as well as greatly facilitate the investigation of any allegations of ill-treatment and the correct attribution of blame. The current system under which public prosecutors observe such interventions 'from a distance' is not adequate."<sup>12</sup> In addition, Amnesty International recommends that the planned prison monitoring boards should include representatives of independent associations such as the Bar Association, the Medical Association, IHD, the Human Rights Foundation of Turkey (TIHV) and *Mazlum Der.*

### **Access of lawyers to their clients**

Lawyers reported that their access to the prisons was very restricted. They complained about endless procedures and searches in the F-Type prisons, which had the effect that they could only meet a small number of clients a day. They also reported that they could not meet defendants in the same trial together, which has negative effects on the right to prepare a defence.<sup>13</sup> *Amnesty International is concerned that regimes of isolation may further contribute to the violation of international fair trial standards.*

### **Pressure on human rights defenders**

Not only were independent organizations excluded from the investigations into the deaths and injuries, hundreds of people who demonstrated against the F-Type prisons were arrested, in many cases reportedly with excessive force by the security forces. As a result, the pressure on civil society has increased enormously. Representatives of human

---

<sup>12</sup> CPT 2001, para 8.

<sup>13</sup> *According to newspaper reports Cihan Kara and Ömer Berber, on trial at Istanbul State Security Court on charges of membership of an illegal organization, appeared before the court for the first time after they had been taken to Kand\_ra F-Type Prison. Their lawyer said that they had not been able to prepare the defence because she had not been able to meet her clients, even though she had gone to the prison several times. Cihan Kara is being held in a cell for three persons and Ömer Berber in a cell for one person. They alleged that they were called upon to give up their death fast, otherwise they would not be given pen and paper.*

rights organizations, political parties or trade unions, among them members of the Union of Employees in Judiciary and Enforcement Institutions "Tüm Yargı-Sen", who criticized the F-Type prisons have been charged with support of illegal organizations. The branches of IHD in Gaziantep, Malatya and Van have been closed indefinitely and the branches in Konya and Izmir were closed temporarily. Other branch offices were raided and their members temporarily detained. Several trials were opened in which IHD representatives have been charged in relation to protests against the F-Type prisons.

### **CPT recommendations and international standards**

Amnesty International strongly disagrees with the Turkish government's statement that the regime currently imposed at the F-Type prisons is sanctioned by international standards. Preliminary observations and reports on CPT visits that have been authorised for publication by the Turkish authorities all emphasize very strongly the importance of out-of-cell activities. In the report on its October 1997 visit, para 80, the CPT stated: "... it is imperative for moves toward smaller living units for prisoners in Turkey to be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in purposeful activities outside their living unit. Indeed, the effects of the current almost total absence of any organized program of activities for prisoners would be felt even more keenly in smaller living units. In the absence of a significant improvement in activities for prisoners, the introduction of smaller living units will almost certainly cause more problems than it solves." In its preliminary observations on its December 2000/January 2001 visits, para 6, the CPT spoke clearly and specifically about the current situation in the F-Type prisons: "... the *de facto* isolation system currently in operation is not acceptable and must be ended quickly. As the CPT stressed in the report on its July 2000 visit, the introduction of smaller living units for prisoners must under no circumstances be allowed to lead to a generalised system of small group isolation."

Prolonged solitary confinement and small group isolation may have serious effects on the physical and mental health of prisoners. The Human Rights Committee, for example in its General Comment No. 20 (44), paragraph 6, has made clear that "prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited under Article 7" of the International Covenant on Civil and Political Rights (ICCPR), that is, cruel, inhuman or degrading treatment or even torture. Turkey has signed, but not yet ratified the ICCPR, but is a state party to the European Convention on Human Rights which in Article 3 prohibits torture or inhuman or degrading treatment or punishment. In 1997 the UN Committee against Torture recommended that: "Except in exceptional circumstances, *inter alia*, when the safety of persons or property is involved, [...] the use of solitary confinement be abolished, particularly during pre-trial detention,

or at least that it should be strictly and specifically regulated by law (maximum duration, etc.) and that judicial supervision should be introduced.”<sup>14</sup>

The European Court of Human Rights has found that small-group isolation can inflict physical and mental damage, and the UN Standard Minimum Rules for the Treatment of Prisoners strongly emphasize the importance of contact with the outside world, and the rehabilitative benefits afforded by access to constructive work, education, and recreation.

### **Recommendations**

Amnesty International urges the Turkish authorities to take the following measures to bring the situation in Turkish prisons into line with international standards:

- The regimes of small-group isolation and solitary confinement in F-Type and other prisons should be ended immediately. Areas of common use for purposeful activities should be made accessible to prisoners for several hours each day. Article 16 of the Anti-Terror Law should be amended and prison regulations which prevent prolonged isolation be issued.
- Prisoners should never be tortured or ill-treated. They should receive the necessary medical treatment. Gendarmes should not be brought into contact with prisoners.
- An independent and comprehensive investigation into the deaths and allegations of ill-treatment and torture during the December operation should be conducted immediately with the results made public and those responsible being brought to justice.
- The prisons should be opened to the scrutiny of human rights defenders including doctors and lawyers to ensure that they are run in accordance with Turkish law and international standards for the humane treatment of prisoners.
- The pressure on human rights defenders should be ended and closed branches of the IHD be reopened immediately. Charges against human rights defenders for pursuing their legitimate role or peacefully expressing their views should be dropped.

---

<sup>14</sup> Concluding Observations of the Committee against Torture: Denmark. 01/05/97 (A/52/44 para.186).