

URGENT ACTION

PRISONERS' RELEASE LAW MUST NOT DISCRIMINATE

Amid growing concerns over the spread of COVID-19 in Turkey's overcrowded and unsanitary prisons, the health and lives of prisoners and staff are at increased risk. The Turkish government is preparing a draft law that will reportedly lead to the release of up to 100,000 prisoners but would exclude those who have been imprisoned unfairly under anti-terror laws simply for exercising their rights, including journalists, human rights defenders, and people in pre-trial detention.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Minister of Justice
Mr Abdülhamit Gül**
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Dear Minister,

Amid growing concerns over the spread of COVID-19 in prisons, the serious health threats that the overcrowding and unsanitary facilities already pose to Turkey's prison population of nearly 300,000 prisoners and about tens of thousands of prison staff, will be seriously exacerbated. This is putting the health and lives of prisoners and staff at serious risk.

The Turkish government's announcement of the introduction of a law, expected to be passed in Parliament within days, that would lead to the early release of up to 100,000 prisoners, is a welcome step. However, the current package of measures must include the following:

- **Immediately and unconditionally release journalists, human rights defenders and others who have been charged or convicted simply for exercising their human rights.**
- **Re-examine the cases of all prisoners in pre-trial detention with a view to releasing them. According to international human rights law and standards, there is a presumption of release pending trial, in accordance with the presumption of innocence and right to liberty. Pre-trial detention should only be used as an exceptional measure.**
- **Consider releasing prisoners who are particularly vulnerable to Covid-19, such as older prisoners and those with serious medical conditions.**
- **Ensure that all prisoners have prompt access to medical attention and healthcare to the same standards that are available in the community, including when it comes to testing, prevention and treatment of COVID-19.**
- **Prison staff and healthcare workers should have access to adequate information, equipment, training and support to protect themselves.**

Yours sincerely,

ADDITIONAL INFORMATION

Under the current Law on the Execution of Sentences and Security Measures, prisoners are eligible for parole after they have served two thirds of their sentence. The draft law that is expected to be passed in Parliament within days, reportedly makes prisoners eligible for parole after they have served half of their sentence. Under the new law, pregnant women and prisoners over 60 with documented health issues will be placed under house arrest. Individuals convicted of a small number of crimes, including on terrorism-related charges, will not be eligible for reduced sentences. The draft law does not apply to those held in pre-trial detention or whose conviction is under appeal. The measure is expected to be introduced as the third reform package under the government's Judicial Reform Strategy revealed last summer.

In Turkey, anti-terrorism legislation is vague and widely abused in trumped up cases against journalists, opposition political activists, lawyers, human rights defenders and others expressing dissenting opinions. As we have documented in the large number of trials we have monitored, many are held in lengthy pre-trial detention and many are convicted of terrorism-related crimes simply for expressing dissenting opinion, without evidence that they ever incited or resorted to violence or assisted proscribed organizations. This includes high profile journalist and novelist **Ahmet Altan**, Kurdish politician **Selahattin Demirtaş**, and businessman and civil society figure **Osman Kavala**, in addition to many more academics, human rights defenders and journalists. Selahattin Demirtaş has previously reported heart-related health problems in prison, and both Ahmet Altan and Osman Kavala are over 60 years old meaning they could be at increased risk from COVID-19. These people should not be detained at all and excluding them from release would only compound the serious violations they have already suffered.

The right to health is guaranteed under several human rights treaties. Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) includes the "prevention, treatment and control of epidemic, endemic, occupational and other diseases" as a part of the right to health. In the context of a spreading epidemic, this includes the obligation on states to ensure that preventive care, goods, services and information are available and accessible to all persons. Under the right to health, healthcare goods, facilities and services should be available in sufficient quantity within the state; accessible to everyone without discrimination; respectful of medical ethics and culturally appropriate; and scientifically and medically appropriate and of good quality. To be considered "accessible", these goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population; within safe physical reach for all sections of the population; and affordable for all. The right also includes the accessibility of health-related information.

According to its commitments under international human rights law, Turkey is under a clear obligation to take necessary measures to ensure the right to health of all prisoners without discrimination. The government and Parliament must respect the principle of non-discrimination in the measures taken to lessen the grave health risk in prisons. The effect of the draft law is to exclude certain prisoners from release on the basis of their criticism of the government. Thousands of people are behind bars for simply exercising their rights to freedom of expression and peaceful assembly and they are now also faced with an unprecedented risk to their health.

PREFERRED LANGUAGE TO ADDRESS TARGET: Turkish, English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 12 May 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.