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**Report to the Turkish Government
on the visit to Turkey
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 2 to 14 September 2001

The Turkish Government has authorised the publication of this report.

Strasbourg, 24 April 2002

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Copy of the letter transmitting the CPT's report

Strasbourg, 20 March 2002

Dear Deputy Director General,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the Government of Turkey drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Turkey from 2 to 14 September 2001. The report was adopted by the CPT at its 47th meeting, held from 5 to 8 March 2002.

I would like to draw your attention to:

- paragraph 26 of the report, in which the CPT requests the Turkish authorities to provide **within three months** a detailed account of the action taken to substantially modify the interrogation rooms in the Anti-Terror Departments of the Police Headquarters in Ağrı, Elâzığ, Erzurum and Van and in the Provincial Gendarmerie Headquarters in Van or to have them withdrawn from service;
- paragraph 177 of the report, in which the CPT requests the Turkish authorities to provide **within six months** a response setting out the action taken upon its visit report (the recommendations, comments and requests for information are listed in the Appendix to the visit report).

The CPT would ask, in the event of the responses being forwarded in Turkish, that they be accompanied by an English or French translation. It would also be most helpful if the Turkish authorities could provide a copy of the responses in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Silvia CASALE
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

Mr H. Kemal GÜR
Deputy Director General for the Council of Europe
and Human Rights
Ministry of Foreign Affairs
TR - ANKARA

cc. Mr Numan HAZAR, Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Turkey to the Council of Europe

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Turkey from 2 to 14 September 2001. The visit was carried out within the framework of the CPT's programme of periodic visits for 2001; it was the Committee's twelfth visit to Turkey and its third of a periodic nature.

2. The visit was carried out by the following members of the CPT:

- Silvia CASALE, President of the CPT (Head of the delegation)
- Aleš BUTALA
- Renate KICKER
- Marc NÈVE
- Gisela PERREN-KLINGLER
- Davor STRINOVIĆ.

They were assisted by:

- Timothy HARDING, Director of the University Institute of Forensic Medicine, Geneva, Switzerland (expert)
- Zeynep BEKDİK (interpreter)
- Belgin DÖLAY (interpreter)
- Verda KIVRAK (interpreter)
- Kudret SÜZER (interpreter)
- Şehnaz TAHIR (interpreter)
- Serra YILMAZ (interpreter)

and were accompanied by the following members of the CPT's Secretariat:

- Trevor STEVENS (Executive Secretary of the CPT)
- Michael KELLETT
- Michael NEURAUTER.

B. Establishments visited

3. The delegation visited the following places:

Law enforcement agencies

- Ağrı: Police Headquarters
Şehit Necati Keskin Police Station
- Ankara: Police Headquarters
- Çervas: District Gendarmerie Headquarters
Local Gendarmerie post
- Edirne: Police Headquarters
- Elâzığ: Police Headquarters
Provincial Gendarmerie Headquarters
Şehit Osman Bozan Basi Police Station
- Erzurum: Police Headquarters
Şehit Yücel Gür Police Station
- İstanbul: Police Headquarters
Beyoğlu District Police Headquarters
Eminonu District Police Headquarters
Kasımpaşa District Police Headquarters
Çarşamba Police Station
İstanbul Airport Police Station
Passport Police holding facilities at İstanbul International Airport
Ümraniye District Gendarmerie Headquarters
- Kapıkule: Detention facilities at Kapıkule Border Post
- Patnos: District Gendarmerie Headquarters
- Şanlıurfa: Police Headquarters
Çarşı Police Station
Yenişehir Police Station

- Sivrice: District Police Headquarters
District Gendarmerie Headquarters
- Suruç: District Police Headquarters
District Gendarmerie Headquarters
- Tekirdağ: Police Headquarters
- Van: Police Headquarters
Provincial Gendarmerie Headquarters

Prisons

- Elâzığ E-type Closed Prison
- İmralı Closed Prison
- Şanlıurfa E-type Closed Prison
- Sincan F-type Prison
- Tekirdağ F-type Prison N° 1
- Van E-type Closed Prison

Reformatories

- Ankara Reformatory for Juveniles
- Elâzığ Reformatory for Juveniles.

Moreover, the delegation went to the following establishments, in order to interview persons deprived of their liberty: Elmadağ Prison for Juveniles, İstanbul Prison and Detention House (Bayrampaşa), Metris Prison (İstanbul), Sivrice District Prison, Üsküdar Paşakapısı Prison and Detention House (İstanbul), Van State Hospital/Prison Ward.

C. Co-operation between the CPT and the Turkish authorities

4. At the beginning of the visit, the CPT's delegation had meetings with Mr Hikmet Sami TÜRK, Minister for Justice, Mr Rüştü Kazım YÜCELEN, Minister for the Interior, and Mr Nejat ARSEVEN, Minister of State responsible for Human Rights. The CPT is very grateful for the time they devoted to discussions with the delegation. Further, both at the outset and at the end of the visit, the delegation had a joint discussion with representatives of the Ministries of Foreign Affairs, the Interior, Justice, National Defence and Health. All of these meetings took place in a spirit of good co-operation.

The CPT also wishes to acknowledge the valuable assistance provided to the delegation by the CPT's liaison officer, Mr H. Kemal GÜR, Deputy Director General for the Council of Europe and Human Rights (Ministry of Foreign Affairs), and by Mr Neçati NURSAL, Director of Foreign Affairs, Directorate of Prisons (Ministry of Justice).

5. On the whole, the delegation received good co-operation at the places visited. However, it encountered considerable delays in gaining access to İstanbul Prison and Detention House (Bayrampaşa) and Sivrice District Prison. These delays were apparently due to a misconception on the part of the local prosecutors that CPT delegations were obliged to give advance notice of visits. Although it is common practice for a visiting delegation to notify a prison establishment in advance of its arrival, there is no legal requirement for doing so. **The CPT trusts that this will be made clear to all prosecutors concerned.**

6. It should also be noted that the co-operation received at Ankara Police Headquarters in the course of an evening visit there on 2 September 2001 was not satisfactory. The staff interviewed made persistent attempts to avoid providing full and accurate information about persons apprehended by the security forces in connection with demonstrations which had taken place on the previous day.

It should also be noted that there were clear indications in certain law enforcement establishments visited that persons detained had been hastily removed from the premises, in order to prevent the delegation from meeting them. This was the case, for example, at Eminonu District Police Headquarters (İstanbul) and the Provincial Gendarmerie Headquarters in Van.

Action of the kind described above is not in accordance with the provisions of the Convention and, in particular, Article 3 and Article 8, paragraph 2 (d).

D. Immediate observations under Article 8, paragraph 5, of the Convention

7. During a meeting held with the Turkish authorities on 14 September 2001, at the end of the visit, the CPT's delegation presented its first impressions of the visit. On this occasion, it communicated four immediate observations, in pursuance of Article 8, paragraph 5, of the Convention, as follows:

- to substantially modify or withdraw from service the interrogation facilities in the Anti-Terror Departments of the Police Headquarters in Ağrı, Elâzığ, Erzurum and Van as well as any similar interrogation facilities elsewhere in Turkey;
- to attach a high priority to the implementation of the plans to provide better conditions for foreign nationals held by the Aliens Departments at İstanbul and Van Police Headquarters;
- to take immediate steps to introduce regular association periods for prisoners in F-type prisons; as a first step, each association period could involve nine prisoners for a session of at least 1 ½ hours;
- to remind the management of all prison establishments of the provisions according to which prisoners held in discipline/observation cells are to be offered at least 1 ½ hours outdoor exercise per day.¹

The content of the above-mentioned observations was subsequently confirmed by the President of the CPT in a letter of 24 September 2001, in which the Turkish authorities were requested to transmit by 17 October 2001 (third indent) and within three months (first, second and fourth indents) an account of the steps taken in response.

8. By letters of 8 November and 19 December 2001, the Turkish authorities responded to the immediate observations made by the delegation as well as to other issues raised in the statement made by the delegation on 14 September 2001. Those responses will be assessed later under the relevant sections of this report.

The CPT welcomes the decision by the Turkish authorities to authorise the publication of the full text of the statement made by the President of the CPT on behalf of the delegation at the end of the September 2001 visit as well as of the above-mentioned responses.

¹ As stipulated in the Ministry of Justice Circular dated 3 November 1997.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Law enforcement agencies

1. Preliminary remarks

9. At the outset the CPT wishes to comment upon the important constitutional and legislative changes introduced in Turkey in recent months and which are of direct relevance to matters falling within the Committee's mandate. These changes relate to maximum police custody periods, access to a lawyer during police custody and notification of a person's custody to his/her next of kin.

10. The package of constitutional amendments adopted by the Turkish Parliament on 4 October 2001 included amendments to Article 19 of the Constitution. In particular, paragraph 5 of that Article was amended so as to reduce to four days the period during which persons suspected of collective offences can be detained prior to being brought before a judge. This amendment of Article 19 (5) of the Constitution was subsequently followed (on 6 February 2002) by consequential amendments to the Code of Criminal Procedure and the Law on the Organisation and Trial Procedures of State Security Courts.

As a result of these amendments, the maximum possible period of police custody in respect of collective offences has been reduced to four days, as compared to seven under the previous legal provisions. The only exception concerns collective offences falling under the jurisdiction of the State Security Courts which are committed in provinces subject to a state of emergency; extension of police custody beyond four days will remain possible in such cases, but only up to seven days (as compared to ten days under previous law).

The CPT welcomes the fact that the gradual reduction of police custody periods in Turkey which has occurred during the last decade has now been taken a step further.

11. As regards the possibility, in provinces subject to a state of emergency, of extending to seven days the police custody of persons suspected of collective offences falling under the jurisdiction of the State Security Courts, the CPT is pleased to note that the relevant amendment imposes a legal obligation upon the judge concerned to hear the detained person before deciding whether or not to agree to the prosecutor's request for an extension of police custody beyond four days. As the CPT has repeatedly emphasised over the years, such an obligation is essential in the interests of the prevention of ill-treatment.

In this connection, **the CPT recommends that steps be taken to ensure that persons in respect of whom an extension of police custody to seven days is requested are the subject of a forensic medical examination immediately before being heard by the judge who must decide upon that request, and that the results of the examination are notified to the judge prior to a decision on the request being taken.**²

² Cf. paragraph 42 below, as regards the conditions under which such a forensic medical examination should take place.

At the same time, it should be emphasised that even if the forensic medical examination does not reveal objective physical findings consistent with ill-treatment, this is not a guarantee that ill-treatment has not occurred. Certain methods of ill-treatment commonly used do not leave physical marks, or will not if carried out expertly. Consequently, irrespective of the findings of the forensic medical examination, the judge must listen carefully to what the detained person has to say and seek to assess for himself the physical and psychological state of the person concerned. Care must also be taken to ensure that persons who may have been the victims of ill-treatment are not dissuaded from disclosing this fact to the judge. In particular, it would be entirely inappropriate for law enforcement officials carrying out the investigation against the detained person to be present when he/she is heard by the judge. Their presence could certainly discourage the person concerned from being candid about his treatment; nor is their presence required for the purposes of the proceedings, as it is for the prosecutor to justify his request for an extension of police custody. **The CPT recommends that these points be brought to the attention of the relevant judicial authorities.**

12. The amendments made to Article 16 of the Law on the Organisation and Trial Procedures of State Security Courts have also introduced an improvement as regards access to a lawyer for persons detained on suspicion of collective offences falling under the jurisdiction of State Security Courts. For such persons, the right of access to a lawyer becomes operative after the prosecutor has issued a written order for the extension of police custody beyond 48 hours; in other words, they are now denied access to a lawyer only for two days as compared to four days under the previous law.

Whilst welcoming this step forward, the CPT regrets that the opportunity was not taken to guarantee to persons detained for collective State Security Court offences a right of access to a lawyer as from the very outset of their custody (and hence align their rights in this respect with those of ordinary criminal suspects). **The CPT trusts that the Turkish authorities will in the near future implement the Committee's long-standing recommendation that all persons deprived of their liberty by law enforcement agencies, including persons suspected of offences falling under the jurisdiction of the State Security Courts, be granted as from the outset of their custody the right of access to a lawyer.**

13. The CPT has on numerous occasions raised the issue of the right of persons detained by law enforcement agencies to inform a relative of their situation (*cf.* most recently, paragraphs 61 and 62 of the report on the CPT's July 2000 visit; CPT/Inf (2001) 25). The Committee has been concerned in particular by the systematic denial of this right to persons suspected of collective offences falling under the jurisdiction of the State Security Courts, during the first four days of their custody.

The constitutional amendments adopted on 4 October 2001 included a significant development in this area. The provisions of Article 19 (6) of the Constitution were amended by the removal of the broadly-worded exception to the right of notification of custody; paragraph 6 now reads as follows: "Notification of the situation of the person arrested or detained shall be made to the next of kin without delay".

14. The CPT welcomes the amendment of Article 19 (6) of the Constitution. At the same time, it would like to receive some clarification concerning the manner in which this amendment has been reflected in the Code of Criminal Procedure.

The amendments to the Code adopted on 6 February 2002 included the introduction into Article 128 of the following provision: “A relative of the person apprehended or a person designated by him shall be informed without delay, by decision of the prosecutor, of the person’s apprehension and of the order to extend the custody period”. It is perfectly understandable that notification of the relative (or other person designated by the person apprehended) of an order to extend the custody period should be by decision of the prosecutor, as it is the prosecutor who can order such an extension (or request it in the specific case of an extension up to seven days). However, the CPT considers that the notification of a person’s initial apprehension by a law enforcement agency should not require a decision of a prosecutor but instead be an obligation placed upon the law enforcement agency concerned. This follows clearly from Article 19 (6) of the Constitution, which stipulates that such a notification should be given without delay. **The CPT would like to receive the comments of the Turkish authorities on this question.**

15. The constitutional and legislative changes referred to in paragraphs 9 to 14 are in principle a significant reinforcement of the legal framework to combat torture and ill-treatment. However, it is important to avoid their effect being undermined by other developments.

In this connection, the CPT was very concerned by reports received in January 2002 that, in provinces subject to a state of emergency, frequent resort was once again being had to Article 3 (c) of Legislative Decree N° 430. According to this provision, in such provinces, both remand and sentenced prisoners whose statements are needed during the investigation of crimes which caused the declaration of the state of emergency may, by court decision, be returned to the custody of law enforcement agencies for renewable periods of up to ten days. According to the reports received by the CPT, on the basis of Article 3 (c), some persons had been returned to gendarmerie establishments immediately after having been remanded in custody (*i.e.* without first having been admitted to prison) and had apparently been held in those establishments for periods of up to 40 days. The reports included allegations that the persons concerned had been tortured when returned to the custody of the gendarmerie.

Needless to say, if this state of affairs were to be allowed to continue, it would seriously damage the impact – and hence the credibility – of the constitutional and legislative changes referred to above.

16. This problem was addressed by the Minister of Justice in a letter dated 4 February 2002, sent to the Chief Prosecutors' Offices at the State Security Courts concerned. The Minister stressed in particular that attention must be paid to the following points:

- in order to prevent the unnecessary extension of the period during which prisoners are returned to the custody of law enforcement agencies, requests under Article 3 (c) must only be made after all the gaps in the investigation have been identified and the person remanded in custody has been admitted to prison;
- the prisoners' state of health must be established by a medical certificate when they leave and return to prison.

Although the Minister's letter is certainly a step in the right direction, it does not go far enough to meet all the concerns of the CPT.

17. The CPT recognises that it may on occasion be necessary for prisoners to be the subject of further questioning by law enforcement officials. However, in the interests of the prevention of ill-treatment, further questioning of prisoners and the taking of statements should in principle take place in prison rather than in police/gendarmerie establishments. A request under Article 3 (c) for the return of prisoners to the custody of law enforcement agencies should be rejected unless the requesting authority can demonstrate that, in the particular case in question, the questioning and taking of statements cannot be carried out in an effective manner on prison premises.

Further, in those exceptional cases when an authorisation is given under Article 3 (c), the period for which the prisoner is to be placed in the custody of the law enforcement agency should be determined in the light of the specific investigation needs of the case; the maximum possible period of ten days should not be systematically granted.

Provided due attention is given to the Minister of Justice's letter of 4 February 2002, the extension of the period of a prisoner's custody with a law enforcement agency should rarely be necessary. However, if ever an extension of that period were requested, it is essential that the prisoner be heard by the judge concerned before the latter decides whether or not to grant the extension; further, the recommendations made in paragraph 11 are to be read as applying equally to such a situation.

The CPT recommends that the points highlighted above also be brought to the attention of the relevant prosecutorial and judicial authorities.

18. It should also be recalled that the fact of being placed in the custody of a law enforcement agency in application of Article 3 (c) does not change the legal status of the prisoner concerned. It follows that, whilst in the custody of the law enforcement agency, the prisoner should continue to enjoy the rights which flow from his/her legal status, in particular as regards communication with the outside world and access to a lawyer. For example, a remand prisoner should continue to enjoy the right to have access to his/her lawyer at all times.

The CPT recommends that all the relevant authorities be reminded of the above.

19. Finally, the CPT wishes to stress that the provisions of Article 3 (c) of Legislative Decree N° 430 are very much out of tune with the current legal framework governing periods of detention. Court-approved renewable periods of up to ten days custody with law enforcement agencies were no doubt considered normal when the Decree was adopted in 1990; at that time, the maximum possible period of police custody for collective offences in provinces subject to a state of emergency stood at 30 days. However, they are anomalous at a time when police custody periods in such provinces have been reduced to a maximum of seven days.

The CPT urges the Turkish authorities to review the provisions of Article 3 (c) of Legislative Decree N° 430, in the light of the above remarks.

2. Ill-treatment - findings during the September 2001 visit

20. The findings in the İstanbul area tended to confirm the gradual improvement observed by the CPT during its visit to that area in July 2000. In particular, resort to methods such as suspension by the arms and the application of electric shocks would appear to be far less frequent than in the past. The general impression gained from interviews with persons who were or had recently been in police/gendarmerie custody as well as from discussions with public prosecutors, law enforcement officials and forensic doctors, was that a page was in the process of being turned.

However, consistent and credible allegations were once again heard of resort to methods of ill-treatment such as prolonged standing and sleep deprivation in departments of İstanbul Police Headquarters; the use of these methods would, in particular, appear to be prevalent in the Headquarters' Anti-Terror Department. Further, two persons interviewed were found on examination by one of the delegation's doctors to display marks consistent with their allegations of recent physical ill-treatment (kicks and beatings with a bat to the trunk and legs; dragging naked across a concrete floor and attached by handcuffs to a pipe high on a wall) in the Narcotics Section.

Further, the delegation received a number of allegations of the infliction of physical ill-treatment in district and local police or gendarmerie stations in the İstanbul area. One person examined by a doctor in the delegation was found to display swelling and tenderness on the sole of his right foot, consistent with his allegation that he had been subjected to falaka several days earlier whilst held in a police station in the Ümraniye district.

Nevertheless, numerous persons interviewed by the delegation emphasised that the manner in which they had been treated when most recently detained in İstanbul was distinctly better than what they had experienced during earlier periods of custody.

21. Some allegations were received of physical ill-treatment in police and gendarmerie establishments in the Elâzığ area. The ill-treatment alleged concerned primarily beatings of the feet and hands, and punches and slaps to various parts of the body. However, the majority of persons interviewed by the delegation stated that they had no complaints about the manner in which they had been treated whilst detained by law enforcement agencies. As was the case in İstanbul, several persons with past experience of custody in the Elâzığ area stated that they had been treated far worse on previous occasions.

22. By contrast, the delegation heard many allegations of recent serious ill-treatment by law enforcement officials in the Şanlıurfa area.

Several men interviewed alleged that they had been severely ill-treated whilst detained at Şanlıurfa Police Headquarters; the ill-treatment alleged included falaka, beatings of other parts of the body, squeezing of the testicles and, in one case, the infliction of electric shocks. In one of these cases both the medical examination on admission to prison and an examination by one of the delegation's doctors revealed marks consistent with the allegations made. A woman interviewed alleged that she had been slapped and had her hair pulled, and been threatened with sexual abuse, whilst detained at the city headquarters.

Allegations of severe ill-treatment in gendarmerie establishments were also received. For example, several persons alleged that they had received blows to the feet and the genitals and been sprayed with water, and in one case suspended by the arms, whilst detained at the gendarmerie station in Bozova. A highly credible account was also received of the infliction of electric shocks to the fingers at a gendarmerie establishment in Siverek.

23. Allegations of recent serious ill-treatment by law enforcement officials were also received in the Van area.

Several persons interviewed alleged that they had been ill-treated and, in particular, subjected to electric shocks, whilst detained at Van Police Headquarters. The same technique was described by persons interviewed separately: stripped naked and blindfolded; put on the ground with the hands fastened behind the back; one electrode placed on a small toe and the other on the testicles. Detailed allegations were also heard of degrading treatment, consisting in particular of forcing male detained persons to simulate having sexual relations.

A number of allegations were also heard of severe ill-treatment in gendarmerie establishments, in particular at Baskale. Several persons interviewed gave detailed accounts of how, whilst detained in the establishment at Baskale, they had been stripped and beaten, in particular on the feet and genitals. Two of the persons concerned were found, on examination by one of the delegation's doctors, to display lesions consistent with their allegations; for example, in one case, a visible haematoma and swelling and tenderness of both testicles, more marked on the left, with a haematoma measuring 2cm x 1cm at the base of the penis.

24. Reference must also be made in this section to some of the interrogation facilities seen during the September 2001 visit.

The CPT has on several occasions in the past criticised the highly intimidating character of interrogation rooms discovered in police and gendarmerie establishments visited by the Committee (*cf.* for example, the reports on the 1994 and 1997 visits). Considerable improvements to the design and equipment of such rooms has subsequently been made in cities like Ankara and İstanbul. However, the CPT was very concerned to learn from the information gathered during the September 2001 visit that intimidating facilities of the kind objected to in the past were still to be found in the eastern part of the country. The interrogation room of the Anti-Terror Department at the Police Headquarters in Van can be taken as an example.

This long, narrow and sound-proofed room was decorated entirely in black. At the far end of the room, a raised platform had been installed and equipped with a table, behind which sat the officers carrying out the interrogation. The person interrogated sat on a chair fixed to the floor and facing directly the platform. A large lamp was suspended above, and aimed directly at, the chair. As the bulb was missing, it was not possible to test the intensity of the spotlight; however, from video recordings of interviews in the room which were shown to the delegation, it was clear that the suspects were distracted by light shining in their eyes. The room was devoid of any other equipment (though marks on the table suggested that other devices had been attached to it). The overall atmosphere generated by the room was sinister; to be questioned under such conditions can only be described as a form of psychological ill-treatment. It should be added that more than one person interviewed by the delegation described in detail the room and alleged that they had been physically ill-treated there. The nature of the room in itself lends credence to those allegations, as it is indicative of an unhealthy professional culture.

Such an oppressive interrogation facility as that described above has absolutely no place in a modern police service, and the same can be said of the similar interrogation rooms seen in the Anti-Terror Departments at Ağrı, Elâzığ and Erzurum Police Headquarters and in Van Provincial Gendarmerie Headquarters.

3. Action to combat torture and ill-treatment

25. The different measures required to combat torture and ill-treatment by law enforcement officials have been set out in previous CPT visit reports over the last eleven years, most recently in the report on the ad hoc visit in July 2000 (*cf.* CPT/Inf (2001) 25, paragraphs 59 to 69). They are the subject of an on-going dialogue between the Turkish authorities and the Committee. In the light of the findings during the September 2001 periodic visit, the CPT wishes to highlight the following issues.

a. interrogation facilities and techniques

26. At the end of the September 2001 visit, in application of Article 8 (5) of the Convention, the CPT's delegation called upon the Turkish authorities to substantially modify the interrogation facilities in the Anti-Terror Departments of the Police Headquarters in Ağrı, Elâzığ, Erzurum and Van or to withdraw them from service. The response received to this immediate observation is totally inadequate; it simply provides a brief description of two of the four rooms concerned and makes no reference to any action taken to modify them. Such a response to an immediate observation is not compatible with the principle of cooperation laid down in Article 3 of the Convention.

The unacceptable nature of the present interrogation rooms in the Anti-Terror Departments of the Police Headquarters in Ağrı, Elâzığ, Erzurum and Van and in the Provincial Gendarmerie Headquarters in Van has already been emphasised (*cf.* paragraph 24); **the CPT wishes to receive within three months a detailed account of the action taken to substantially modify conditions in those facilities or to have them withdrawn from service.**

27. With a view to ensuring that interrogation facilities throughout Turkey are of an appropriate design and properly equipped, official standards should be established. Article 24 of the Regulations on Apprehension, Police Custody and Taking of Statements stipulates that interrogation rooms must conform with standards, but (unlike as regards police cells) does not spell out those standards. The above-mentioned standards should address *inter alia* the issues of lighting, colour schemes, seating arrangements, ventilation and heating, as well as the size of the rooms concerned.

The installation of spotlights to be directed on the person being questioned must be expressly prohibited; as the CPT emphasised in the report on the July 2000 visit, dazzling suspects with bright lights is a method which must finally be consigned to history. Arrangements which allow for suspects to be questioned by unseen interviewers (like those found in the Anti-Terror Departments at Ağrı and Erzurum) or which place interviewers in a physically dominant position vis-à-vis the suspect (like those found in the Anti-Terror Department at Van) should also be prohibited.

The CPT recommends that official standards for interrogation facilities in law enforcement establishments be drawn up as a matter of urgency and that, in so doing, due account be taken of the remarks set out in this paragraph.

28. The questioning of criminal suspects is a specialist task which calls for specific training if it is to be performed in a satisfactory manner. First and foremost, the precise aim of such questioning must be made crystal clear to those concerned: **that aim should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to obtain a confession from someone already presumed to be guilty.**

In the Prime Minister's Circular of 3 December 1997, it was stipulated that "experienced specialist members of personnel who have attended interrogation training courses shall be appointed to carry out interrogation procedures". The CPT subsequently requested a detailed description of the courses in question (*cf.* paragraph 52 of the report on the October 1997 visit; CPT/Inf (99) 2); however, it received only very general information in response (*cf.*, for example, page 9 of the interim response to the report on the 1997 visit; CPT/Inf (99) 3).

The CPT wishes to receive the full syllabuses of all current interrogation training courses for law enforcement officials. The Committee would also like to be informed of the number of such officials who have followed those courses, broken down by the ranks of the persons concerned.

29. The electronic recording of all interrogations is highly desirable. It represents not only an important safeguard for persons detained but also offers considerable advantages for law enforcement officials. In particular, it can provide a complete and authentic record of the interrogation process, thereby reducing the opportunity for defendants to later falsely deny that they have made certain admissions whilst at the same time greatly facilitating the investigation of any allegations of ill-treatment.

The previously-mentioned Circular of the Prime Minister of 3 December 1997 stipulated that places of interrogation were to be equipped with sound and video recording equipment. Such equipment was found in some of the establishments visited in September 2001; however, whether or not it was used in a given case appeared to be entirely at the discretion of law enforcement officials and it was clear that the electronic recording of interrogations was the exception rather than the rule.

The CPT recommends that a system of obligatory electronic recording of interrogations by law enforcement officials be progressively introduced; it might be applied in the first instance to Anti-Terror Departments, many if not all of which already possess the necessary equipment. **The system to be introduced should be accompanied by appropriate guarantees designed to ensure that all interrogations are recorded and that the integrity of the recordings is protected. Further, both the detained person and his/her lawyer should have access to the recordings.**

b. blindfolding

30. The findings made during the September 2001 visit indicate that the blindfolding of persons in police/gendarmerie custody remains common practice throughout the country. Persons suspected of narcotics or terrorist offences are apparently particularly prone to this practice, though it can also be applied to other categories of suspects. Blindfolds are usually applied at the stage of “preliminary questioning” prior to the taking of a formal statement, in other words at the time when ill-treatment is most likely to occur. However, it would seem that their application at later stages is not excluded; for example, certain persons interviewed alleged that they had been obliged to sign statements attributed to them whilst blindfolded.

As during previous visits, the delegation discovered a blindfold, on this occasion in the interrogation room of the Anti-Terror Department at Ağrı Police Headquarters. After receiving various contradictory explanations of the purpose for which the blindfold would be used, the delegation was finally told by a senior officer that it would be applied to certain suspects undergoing questioning in order to prevent them seeing the officers carrying out the interrogation.

31. Blindfolds are another relic from the past which must finally be discarded. From the information gathered by CPT delegations over the years, it is clear that in many - if not most - cases, persons are blindfolded in order to prevent them from being able to identify law enforcement officials who inflict ill-treatment upon them. As a result of this practice, legal proceedings against those who torture and ill-treat can be severely hampered; such a state of affairs is intolerable.

Even in cases when no physical ill-treatment occurs, to blindfold a person in custody - and in particular someone undergoing questioning - is a form of oppressive conduct, the effect of which on the person concerned will frequently amount to psychological ill-treatment.

The CPT recommends that the blindfolding of persons who are in the custody of law enforcement agencies be expressly prohibited.

c. training and support

32. The CPT has emphasised repeatedly that the best possible safeguard against ill-treatment is for law enforcement officials themselves to unambiguously reject resort to such methods. Appropriate professional training, integrating the principles of human rights, is therefore an essential component of any strategy for preventing ill-treatment.

33. It is clear from information already provided by the Turkish authorities that significant efforts have been made in this field in recent years. Further, the CPT was pleased to learn that agreement has now been reached on a Council of Europe/European Commission Pilot Programme on the professional training of the police and gendarmerie in Turkey. **The CPT recommends that the implementation of that Pilot Programme be accorded a very high priority.**

34. In this context, the CPT must point out that many police officers and members of the gendarmerie met during the September 2001 visit clearly did not have sufficient knowledge of the different laws, regulations and instructions which govern their work and, more particularly, the treatment of persons in their custody.

In their previously-mentioned reply of 19 December 2001, the Turkish authorities stress that information on relevant laws, regulations and circulars is provided during in-service training programmes. In the light of the information gathered during the September 2001 visit, **the CPT recommends that efforts to ensure that all law enforcement officials are fully apprised of all texts governing their work be intensified.**

35. Reference should also be made to a situation encountered at Eminonu Police Headquarters, which demonstrated a poor grasp of professional ethics. The delegation found that a 16 year old charged with sodomy on an eight year old boy had been brought to the headquarters together with the alleged victim and his father, in the same vehicle; further, the three of them were about to be sent to the prosecutor, again in the same vehicle. Police officers at the headquarters appeared not to understand the delegation's comment that to put the victim (and his father) and alleged perpetrator of a serious sexual offence in such close proximity was unacceptable and even dangerous.

The situation described above is a good example of the kind of concrete case to be addressed during professional training.

36. The CPT commented as long ago as 1992 that satisfactory conditions of service for law enforcement officials are also indispensable for the development of a high-calibre police force (*cf.* paragraph 26 of the public statement of 15 December 1992).

Many law enforcement officials in the kind of departments visited by CPT delegations are continuously exposed to highly tense and/or violent situations; it is widely recognised that this can generate psychological reactions and disproportionate behaviour. Further, it was clear that many of the law enforcement officials met during the September 2001 visit were suffering from high levels of stress, due to long working hours coupled with insufficient human and material resources and a poor working environment. Such an atmosphere can quickly lead to the making of mistakes and the taking of improper short cuts.

The CPT would like to be informed of measures taken with a view to providing support to law enforcement officials, in order to counter the negative effects of continuous exposure to tense and violent situations. Further, the Committee encourages the Turkish authorities to strive to improve the overall conditions of service of law enforcement officials.

d. legal proceedings in respect of ill-treatment

37. One of the most effective means of preventing ill-treatment by law enforcement officials lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, or are prevented from doing so, those minded to ill-treat persons deprived of their liberty will come to believe that they can act with impunity.

38. In their replies to previous CPT visit reports, the Turkish authorities have provided a considerable amount of information on this subject. In response to the report on the July 2000 visit, they pointed out that the maximum penalties under Articles 243 (torture) and 245 (ill-treatment) of the Penal Code had been increased by Law N° 4449 of 26 August 1999.

Obviously, this is a welcome development. However, the CPT continues to receive reports that the sentences actually imposed in cases involving convictions under the above-mentioned Articles tend to be light and, in particular, that it is very rare in such cases for the police/gendarmerie officers concerned to be imprisoned for the crimes they have committed. Of course, the judicial authorities are independent and hence free to fix, within the parameters set by law, the sentence in any given case. Nevertheless, it is also imperative that the legislature's clear intention to increase the deterrent effect of Articles 243 and 245 should not be thwarted.

In this connection, **the CPT would like to receive, in respect of the year 2001, full details of the actual sentences finally imposed following convictions under Articles 243 and 245 of the Penal Code.** Any other information or observations which the Turkish authorities consider should be provided on this subject would also be welcome.

Further, **the Committee would like to receive an update as regards the legal proceedings instigated against police officers assigned to the Anti-Terror Department at Istanbul Police Headquarters, following the death on 7 March 1999, whilst in the custody of that Department, of Süleyman YETER.**

39. It remains the case that the instigation of proceedings against law enforcement officials in respect of offences committed by them when performing “public order” (as distinct from “judicial”) duties requires authorisation by an administrative authority. Law N° 4483 (which entered into force on 4 December 1999) has accelerated the procedures in this area but has not removed the need for public prosecutors to seek authorisation to instigate proceedings.

In order to be able to assess the present situation, **the CPT would like to be informed of the number of cases in 2001 in which public prosecutors were unable to obtain authorisation to instigate proceedings against law enforcement officials.**

The CPT would also like to receive clarification of the situation as regards the instigation of proceedings against law enforcement officials in provinces subject to a state of emergency. According to reports received by the Committee, in those provinces the authorisation of an administrative authority for the instigation of such proceedings is required, even if the duties being performed by the officials were “judicial” in nature. **The CPT wishes to be informed whether this is indeed the case.**

More generally, the CPT still holds the view expressed in the report on the October 1997 visit (*cf.* CPT/Inf (99) 2, paragraph 48), namely that it is now time to vest in public prosecutors the sole responsibility and discretion to instigate proceedings in cases involving alleged ill-treatment by law enforcement officials. **The Committee urges the Turkish authorities to introduce the necessary legislative amendments to this effect.**

e. medical examination of persons in police custody

40. The existing system of the medical examination of persons in police custody has been addressed in considerable detail in previous visit reports, most recently in the report on the July 2000 visit (*cf.* CPT/Inf (2001) 25, paragraphs 64 to 66). The dialogue with the Turkish authorities has of late been focussed on two issues: the principle that law enforcement officials should not be present during the medical examination, and possible exceptions to that principle; the need to ensure that doctors carrying out the medical examination use the standard forensic medical form approved by the Turkish authorities.

The delegation which carried out the September 2001 visit found that there remained much room for progress as regards both these issues, in particular in the eastern part of the country.

41. The information gathered indicates that in İstanbul, medical examinations of persons in police custody are frequently performed in the absence of law enforcement officials. This was the case as regards examinations in the forensic units attached to the State Security Court and the Central Courts, and a similar situation would appear to prevail in some of the State Hospitals where such examinations are carried out. However, in other State Hospitals in İstanbul, the presence of law enforcement officials during the examination would seem to be the usual practice.

As regards the situation in the areas of the eastern part of the country visited by the delegation, interviews with detained persons suggested that it was very rare for law enforcement officials not to be present during the examination. Numerous persons stated that they had been warned prior to the examination not to say anything to the doctor about the treatment they had received, and that the presence of law enforcement officials during the examination had ensured that they heeded that warning. Some persons interviewed stated that when the doctor had inquired as to the origin of injuries they bore, the law enforcement officials present had protested.

This unsatisfactory state of affairs was borne out by discussions held by the delegation with doctors who were frequently called upon to medically examine persons in police custody. Doctors at the Primary Health Care Centre in Elâzığ acknowledged that the examination always took place in the presence of police officers or members of the gendarmerie. Discussions with doctors at Van State Hospital were even more revealing; in addition to a systematic police/gendarmerie presence, it was indicated that it was common for two or more persons to be examined simultaneously and that lesions observed might not be recorded "in order to avoid problems with the police".

42. As was acknowledged in the report on the July 2000 visit, special precautions might exceptionally have to be taken during the medical examination of a person in police custody. However, it should be left to the doctor to decide (after giving due consideration to any views expressed by the law enforcement officials accompanying the detainee) whether such precautions are necessary in a particular case. Further, even if special precautions are taken, law enforcement officials should under no circumstances be able to hear what is said during the medical examination.

To ensure that this is the case, the CPT recommended that the last paragraph of Article 10 of the Regulations on Apprehension, Police Custody and Taking of Statements be amended so as to stipulate clearly that medical examinations of persons in police custody:

- must in all cases be conducted out of the hearing of law enforcement officials;
- must be conducted out of sight of law enforcement officials, unless the doctor concerned requests otherwise in a particular case.

The CPT was pleased to note from the Turkish authorities' reply of 19 December 2001 that the Ministry of the Interior has approved the Committee's proposal for amending the last paragraph of Article 10. **The CPT would like to receive confirmation that this amendment has now been adopted as well as a copy of Article 10 as amended.**

43. The information gathered during the September 2001 visit revealed that little had changed since the July 2000 visit as regards forensic certificates drawn up after the medical examination of persons in police custody. The only doctors found to be using the "General Judicial Medical Examination Form" approved by the Turkish authorities were those working in the forensic unit attached to the State Security Court in İstanbul. Doctors working in the forensic unit attached to the Central Courts were in possession of copies of that form, but stated that it was too detailed for their purposes; they used instead a "summary" of the form, which appeared to consist of a standard letter.

Elsewhere, a number of examples were found of use of the earlier standard forensic medical form drawn up by the Ministry of Health in 1995. However, it was also clear that the old practice of very brief findings set out on a piece of paper without any headings, and often covering several detained persons, remained common.

44. The precise form to be used for recording the medical examination of persons in police custody is a matter for the Turkish authorities to decide. However, whatever form is used, it should contain distinct sections for the detainee's statements (including any allegations of ill-treatment), the doctor's objective medical findings, and the doctor's conclusions in the light of those two elements.

The CPT recommends that the Turkish authorities redouble their efforts to ensure that a form meeting these requirements is used for recording the medical examination of persons in police custody.

45. The CPT must also return to a subject raised in the past by the Committee, namely that of specialised training for doctors called upon to perform forensic tasks, such as the medical examination of persons in police custody. In the eastern part of the country in particular (for example in Elâzığ), it was clear that the doctors called upon to carry out such examinations had not received proper training for that duty.

A training programme for such doctors was devised some years ago by the Ministry of Health; **the CPT recommends that the programme be reactivated.**

f. other safeguards against ill-treatment

46. Reference has been made earlier to recent positive legislative developments concerning the rights of access to a lawyer and to have one's custody notified to a relative (*cf.* paragraphs 12 to 14). They have further improved an already impressive legal and regulatory framework to combat torture and ill-treatment. Nevertheless, the CPT remains very concerned by the fact that persons detained on suspicion of collective offences falling under the jurisdiction of State Security Courts are still denied access to a lawyer during the first two days of their custody; its position on this point has been made clear in paragraph 12.

Further, the actual content of the right of access to a lawyer for persons suspected of State Security Court Offences remains less well developed than in the case of ordinary criminal suspects. In particular, as far as the CPT can ascertain, it is still the case that such suspects are not entitled to have the lawyer present when making a statement to the police and that the procedure allowing for the appointment of a lawyer by the Bar Association is not applicable to them. Similarly, the provision making obligatory the appointment of a lawyer for persons under 18 still does not apply to juveniles who are detained on suspicion of State Security Court offences. **In this regard, the CPT reiterates the recommendation already made in the report on the October 1997 visit, that the relevant provisions of Articles 135, 136 and 138 of the Code of Criminal Procedure be rendered applicable to persons suspected of offences falling under the jurisdiction of the State Security Courts.**

47. The delegation which carried out the September 2001 visit found that persons in police custody were for the most part being provided with an information form setting out their rights. However, the situation as regards the actual exercise of those rights did not always correspond to the legal and regulatory framework referred to above. As one person interviewed put it, "I was given a piece of paper with my rights, but those rights remained on the paper".

In particular, the practice of delaying access to a lawyer until the taking of a formal statement appeared to persist in many establishments, including in relation to juveniles; further, the specific provisions concerning access to a lawyer for juveniles were not always adhered to. **The CPT recommends that law enforcement officials be reminded of the legal position on these two points; in particular, it should be recalled that the right of access to a lawyer enjoyed by ordinary criminal suspects applies as from the very outset - and throughout - the period of deprivation of liberty.**

48. No legal safeguard against ill-treatment is more fundamental than the requirement that the fact of a person's deprivation of liberty be recorded without delay. The CPT made a number of recommendations on this question in the report on the 1994 visit, and subsequently the matter was addressed in some detail in the Regulations on Apprehension, Police Custody and Taking of Statements. However, the information gathered during the September 2001 visit indicates that current practice concerning the recording of detention needs to be improved in some respects.

At present, the trigger for making an entry in the Book of Admissions (*cf.* Article 11 of the above-mentioned Regulations) appears to be the fact of placing someone in a cell. However, a person may be deprived of his liberty for several hours in a law enforcement establishment before being placed in a cell. This initial period of detention would often appear to go unrecorded; and if the person is subsequently released without being placed in a cell, no record whatsoever might be made of the fact that he has been in police custody.

Further, although the Regulations on Apprehension describe in detail the data to be recorded in the Book of Admissions, there is no requirement to record periods during which persons detained have been removed from their cells (and therefore no requirement to record the purpose of such removals); such a state of affairs obviously lends itself to abuse by investigating officers.

The CPT recommends that steps be taken immediately to ensure that whenever a person is deprived of his liberty by a law enforcement agency, for whatever reason, this fact is formally recorded without delay. Further, once a person detained has been placed in a cell, all instances when he is subsequently removed from the cell should be recorded in the Book of Admissions; that record should state the date and time the detained person is removed from the cell, the location to which he is taken and the officers responsible for taking him, the purpose for which he has been taken, and the date and time of his return.

49. In the report on the July 2000 visit, the CPT stressed the great importance of the compliance monitoring procedure established by the Prime Minister's Circular of 25 June 1999. No matter how complete the legal and regulatory framework to combat torture and ill-treatment, its effectiveness will ultimately depend on the existence of a determined intention that it be complied with in practice. Appropriate training (*cf.* section 3.c above) and an effective system of control by the relevant authorities are the key components for ensuring that such a will does indeed exist.

50. In their reply of 19 December 2001, the Turkish authorities stress that senior officials and public prosecutors do conduct frequent checks, both announced and unannounced. The information gathered during the September 2001 visit confirmed this to a large extent; however, there were exceptions. For example, Eminonu District Police Headquarters in İstanbul had not received the visit of a prosecutor for more than eight months, and a visit was clearly required (the Headquarters' detention facilities were among the worst seen during the visit). Further, the checks in some establishments took place at very regular (and hence very predictable) intervals.

The CPT should add that from both the written comments made by senior officials and public prosecutors after checks and the delegation's discussions with law enforcement officials, it appeared that the checks made were often rather superficial and focussed on material conditions of detention, little attention being paid to issues related to the application of safeguards against ill-treatment.

51. The CPT recommends that the Turkish authorities take appropriate steps to ensure that the vitality of the compliance monitoring procedure is maintained.

The situation in all law enforcement establishments must continue to be thoroughly checked at appropriate (and irregular) intervals. Further, senior officials and public prosecutors carrying out the checks must examine all issues related to the treatment of persons in custody; those issues concern not only material conditions of detention but also questions such as the recording of detention, information on rights and the actual exercise of those rights (in particular the rights of access to a lawyer and to notify a relative of one's custody), and compliance with the rules governing the medical examination of persons in police custody. To explore these different issues in an effective manner will involve inter alia interviewing in private persons who are in detention.

4. Conditions of detention

52. The information gathered during the September 2001 visit demonstrates that progress continues to be made towards improving material conditions of detention in law enforcement establishments. In the majority of the establishments visited, including in the eastern part of the country, material conditions of detention were on the whole adequate.

However, it remains quite common for persons detained overnight to be provided only with blankets (as distinct from a mattress). **The CPT must therefore recommend once again that steps be taken to ensure that anyone obliged to spend the night in the custody of a law enforcement agency is provided with a mattress.**

It was also clear that in some of the establishments visited, detained persons could be held under very cramped conditions. In this connection, the CPT must raise again the question of the current wording of Article 24 of the Regulations on Apprehension, which stipulates that cells should be at least 7 m² in size (which is in accordance with earlier CPT recommendations on this subject) and that no more than five people in custody should be held together (which is not in accordance with those recommendations, if it is envisaged that such a number of persons could be held overnight in a 7 m² cell). As the CPT pointed out in the report on the 1999 visit, although a 7 m² cell is sufficiently large to accommodate several people for a few hours, it is certainly not of a suitable size to accommodate five persons overnight. **Consequently, the Committee reiterates the recommendation that instructions be issued to the effect that no more than two persons should be held overnight in cells measuring 7 m², and that preferably cells of such a size should be reserved for individual occupancy in the event of multi-day stays.**

53. In a few establishments visited, in particular in the İstanbul area, material conditions of detention left much to be desired. This was the case, for example, at the Eminonu District Police Headquarters in İstanbul. Two of the three basement-level cells in this establishment were filthy and devoid of any equipment; further, none of the cells had access to natural light and the artificial lighting was poor. Reference should also be made to the detention facility at Çarşamba Police Station in İstanbul. This very small (2.5 m²) and poorly lit cell failed miserably to meet the requirements of Article 24 of the Regulations on Apprehension; notwithstanding this fact, the custody register indicated that it could be used to hold persons for extended periods.

Further, conditions of detention remained sub-standard in several facilities, despite having been the subject of recommendations in the past by the CPT. Particular reference should be made to the detention facilities of the Narcotics Section at İstanbul Police Headquarters; in addition to the absence of mattresses, the cells were still poorly lit and ventilated. Moreover, only very modest improvements had been made to the different detention facilities in the Headquarters' Law and Order Department in the Gayrettepe District; they remained of poor quality.

The CPT recommends that conditions of detention in the above-mentioned establishments be reviewed, in the light of the above remarks. As regards more particularly the cell at Çarşamba Police Station, it should be withdrawn from service; the same should apply to the basement-level cells at Eminonu Police Headquarters until such time as they are substantially renovated.

54. Finally, the CPT would like to make a brief comment on the continuing practice in Turkey of each department in Police Headquarters having their own detention facility, staffed by officers from that department.

The Committee believes that it would be sensible to envisage discarding the present approach in favour of a centralised detention facility, staffed by a distinct corps of officers specifically trained for such a custodial function. Relieving individual operational departments of custodial duties would almost certainly be advantageous from the management and logistical standpoints; further, it might well prove beneficial from the standpoint of the prevention of ill-treatment.

The CPT would like to receive the comments of the Turkish authorities on this proposal.

B. Foreign nationals held under immigration legislation

55. Shortly before the September 2001 periodic visit, the CPT received reports that a large number of foreign nationals of African origin had been apprehended in the İstanbul region in July 2001 and had subsequently been compelled to cross the border into Greece. This forcible removal had apparently occurred in the border area close to Ipsala, the foreign nationals being obliged to wade through a river; it was alleged that some of them had died in the process.

56. Over the years, the CPT has received a number of reports of forcible removals of this kind, and the Committee made clear in the report on its October 1994 visit that such acts would be inexcusable (*cf.* paragraph 94 of CPT (95) 11). The September 2001 periodic visit provided a good opportunity to pursue this issue further. For this purpose, the delegation explored in depth the above-mentioned reports concerning foreign nationals of African origin.

In the course of the visit, the CPT's delegation also reviewed the conditions in holding facilities for immigration detainees in Turkey.

1. Removal procedures

57. The delegation established beyond any possible doubt that some 210 persons of African origin were forcibly removed from Turkey to Greece in mid-July 2001, in the manner described in paragraph 55. The CPT is in possession of official correspondence documenting the measures taken to implement this expulsion via a "rural area in the vicinity of Ipsala". The delegation also spoke with members of the unit which was entrusted with carrying out the forcible removal in the Ipsala border area; the fact of the removal was confirmed, but it was denied that anyone had died or been ill-treated. The official correspondence referred to above also refers to over 400 foreign nationals having been forcibly removed via rural areas in the Ağrı and Van provinces.

It should be added that, in the course of the official talks during the visit, the Turkish authorities acknowledged that forcible removals of this kind did occur from time to time.

58. The CPT does not contest a State's right to remove from its territory foreign nationals who contravene aliens legislation, provided that international obligations such as those related to asylum and non-refoulement are respected. However, removals should be carried out at official border crossing points. It is not acceptable that persons be forced to enter neighbouring countries illegally; it is all the more unacceptable when such actions oblige the persons concerned to cross rivers or mountainous areas, thereby exposing them to hazards and even placing their lives at risk. In the CPT's view, forcible removals of this kind will in many cases amount to inhuman or degrading treatment.

The CPT calls upon the Turkish authorities to give clear instructions to all agencies concerned that foreign nationals are to be removed to neighbouring countries only through official border crossings and only upon completion of all relevant procedures.

59. At the time of the visit, the delegation was informed by the Turkish authorities that bilateral readmission agreements were being negotiated with several neighbouring countries, and the CPT notes that such an agreement was signed with Greece on 8 November 2001.³ **The Committee trusts this will put a definitive end to the forcible removal of foreign nationals to Greece through “rural areas”.**

The CPT would like to receive detailed information on the conclusion and implementation of readmission agreements with neighbouring countries. It would like to be informed, *inter alia*, of:

- **the number of foreign nationals who have been removed from Turkey on the basis of readmission agreements;**
- **the measures taken to ensure that no foreign national is removed from Turkey on the basis of a readmission agreement to a country where he/she would run a real risk of being subjected to torture or ill-treatment.**

60. The CPT also wishes to emphasise once again that it would be in violation of both national and international obligations for any person to be returned to a country where there are substantial grounds for believing that he/she would run a real risk of being subjected to torture or ill-treatment (*cf.* paragraph 62 of the report on the 1997 visit). The prohibition of return in such circumstances applies even if the person concerned is not entitled to be granted asylum in Turkey (*e.g.* because of the geographical reservation of Turkey to the 1951 Geneva Convention) or if he has missed the 10-day deadline for lodging an asylum application (*cf.* Article 4 of the 1994 Asylum Regulation, as amended in 1999).

The CPT recommends that current legislation and practice be reviewed, in order to ensure that the above-mentioned obligations are met in all cases.

61. The CPT's delegation noted at Istanbul International Airport that foreign nationals who had not been admitted to the territory were held in the holding facilities of the Passport Police (located within the transit zone) until they were returned to the country from which they had come, normally by the next available flight. The delegation was told that such persons had, in principle, the possibility of lodging an asylum application with the Passport Police; however, such applications were apparently extremely rare. As far as the delegation could ascertain, foreign nationals refused entry into the territory and held in the transit zone, and who are in need of protection, have little means at their disposal to present their case.

In the light of the above, the CPT recommends that the Turkish authorities make the necessary arrangements to ensure that persons refused entry into Turkish territory and held in the transit zone of international airports:

³ Protocol for the Implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on Combating Crime, Especially Terrorism, Organised Crime, Illicit Drug Trafficking and Illegal Migration.

- **are informed immediately of the procedure to be applied to them;**
- **are placed in a position to contact a lawyer as well as representatives of relevant organisations;**
- **where necessary, are offered the services of an interpreter.**

2. Conditions in holding facilities for immigration detainees

62. Conditions in places used to accommodate foreign nationals held under immigration legislation were frequently found to be inadequate. It is particularly noteworthy that this was the case in the Foreigners Department at İstanbul Police Headquarters, notwithstanding the recommendations previously made by the Committee with the aim of improving the situation in the Department's holding facility.

63. The holding facility at İstanbul Police Headquarters was not overcrowded at the time of the visit (35 persons). Further, some limited renovation work (*e.g.* painting of walls) had been carried out shortly before the visit, and all the detainees had a bed and mattress. In addition, the ventilation system worked satisfactorily and the cell doors were unlocked, thereby enabling detainees to have ready access to the facilities in the corridor (*e.g.* drink dispenser, telephone, *etc.*) as well as to the sanitary facilities. However, in the same way as during the 1999 visit, it would appear that this relatively favourable state of affairs was atypical.

Consultation of the relevant register indicated that the facility frequently accommodated between 100 and 200 persons; the space available is totally inadequate for such numbers. Further, despite denials from staff, it subsequently became clear that, due to pressure of numbers in early July, detained foreign nationals had also been placed in the basement-level holding areas in building B; conditions in those areas are totally unsuitable for periods of detention exceeding a few hours. In addition, the information gathered indicated that the provision of mattresses and blankets was a very recent development.

It should also be noted that cells and sanitary facilities were in a poor state of repair and cleanliness. Moreover, detainees were still not offered any form of occupational activities (*e.g.* reading material, toys for children, *etc.*), and the CPT was particularly concerned to learn that no progress had been made as regards offering outdoor exercise.

64. At the end of the visit, the delegation called upon the Turkish authorities to attach a high priority to the implementation of already existing plans to extend the holding facility at the Foreigners Department at İstanbul Police Headquarters. In their reply of 19 December 2001, the Turkish authorities informed the Committee of progress made in this respect.

The CPT would like to receive confirmation that the works in question have now been completed, as well as a detailed description of the holding facility in its present form. The Committee also wishes to receive confirmation that foreign nationals accommodated in the facility are now offered outdoor exercise on a daily basis.

65. As regards other places visited, conditions also left a lot to be desired in the holding facilities used by the Foreigners Departments at Ağrı and Van Police Headquarters (*e.g.* lack of mattresses and blankets, no access to natural light, poor artificial lighting, poor state of cleanliness, *etc.*). By contrast, the conditions found in the Passport Police holding facilities at İstanbul International Airport were adequate for short periods of stay.

In their reply of 19 December 2001, the Turkish authorities state that work was in progress to set up an “Aliens Admission and Return Centre” in Van province. **The CPT would like to receive confirmation that the works in question have now been completed, as well as a detailed description of the holding facility.**

Further, **the CPT recommends that the Turkish authorities take immediate steps to ensure that all foreign nationals held under immigration legislation in police establishments (including at international airports) are provided with mattresses and blankets at night and offered at least one hour of outdoor exercise per day.**

66. The CPT noted with considerable interest the statement in the Turkish authorities’ reply of 19 December 2001 that “work had started on setting up large new modern centres to accommodate foreigners illegally entering Turkey pending their deportation from the country”. This is in principle a most welcome development. **The CPT would like to receive information on the progress made in this area.**

In this context, **the CPT recommends that due account be taken of the remarks made in paragraph 29 of the 7th General Report on the CPT’s activities (*cf.* CPT/Inf (97) 10) as regards material conditions, the regime and personnel in centres specifically designed for accommodating immigration detainees.**

3. Registers

67. With the exception of the Passport Police holding facilities at İstanbul International Airport and of the holding facility at the Provincial Gendarmerie Headquarters in Van, all establishments visited had a special register (separate from the custody register) for foreign nationals held under immigration legislation. In this connection it has been emphasised by the Turkish authorities that such persons “are held as guests in police station facilities pending deportation” and, consequently, are not recorded in the custody register required by the Regulations on Apprehension. However, in the establishments visited in Ağrı, Elâzığ and Van, the special registers did not contain any information on the periods foreign nationals had been held by the police.

The CPT recommends that all immigration detainees held in police establishments (including at international airports) are recorded in a register, the entry to cover, *inter alia*, their time of arrival and time of departure.

C. F-type prisons

68. In previous visit reports⁴ the CPT has commented in detail upon the situation in the new F-type prisons and the related hunger strike campaign. In this connection, the CPT has, in particular, emphasised repeatedly that moves towards smaller living units for prisoners must be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in a programme of communal activities outside their living units.

The September 2001 periodic visit provided an opportunity to review the implementation of communal activity programmes for prisoners held in such establishments, in terms of both the activities on offer and the number of prisoners engaging together in those activities. For this purpose, the CPT's delegation visited once again the Sincan and Tekirdağ N°1 F-type Prisons. Satisfactory progress in this area is perhaps the key to resolving the ongoing hunger strike campaign; consequently, this subject is dealt with first in the present section.

1. Activities

69. In the statement made on 14 September 2001, at the end of the visit, the CPT's President set out the delegation's findings and proposals concerning communal activities in F-type prisons. The relevant paragraphs of that statement are reproduced below:

"The continuing unwillingness to participate in communal activities displayed by prisoners held under the Law to Fight Terrorism is obviously not facilitating the authorities' task. Nevertheless, the delegation was rather disappointed by what it found. In particular, in neither establishment were the libraries open to access by prisoners (as distinct from the possibility to borrow books). Moreover, although some progress had been made in equipping the workshops in Tekirdağ, they were still not ready for use (in contrast, the delegation was pleased to note that those in Sincan were apparently ready for use).

In both establishments, the core communal activity on offer at the time of the visit remained access to the indoor gymnasium and, on occasion, the outdoor sports field. Further, it was still true that prisoners participated in these activities in very small groups, often consisting only of the inmates of a given three-person living unit; the provision of activities for prisoners who are already in contact with each other in the same living unit or in a shared yard scarcely constitutes communal activities. Moreover, the actual time spent by an individual prisoner on communal activities could be as little as a couple of hours per week.

⁴ See the reports on the ad hoc visit in July 2000 (CPT/Inf (2001) 25) and on the ad hoc visits in December 2000/January 2001 and April/May 2001 (CPT/Inf (2001) 31).

The delegation must stress once again the need for a proactive, enterprising approach to communal activities in F-type prisons; the credibility of the whole F-type prison project hangs upon this. The workshops in all F-type prisons should be made ready for use without further delay, and all other possibilities for communal activities pursued vigorously. Further, the groups of prisoners engaging in communal activities should be enlarged and the time spent participating in such activities increased. **In this context, and in application of Article 8, paragraph 5, of the Convention, the delegation proposes that immediate steps be taken to introduce regular association periods for prisoners in F-Type prisons; these association periods could be organised in the library and, perhaps, the areas for open visits. As a first step, each period could involve nine prisoners for a session of at least one and a half hours. The delegation would like to receive an account of the action taken in response to this immediate observation by 17 October 2001, in conjunction with the reply to the report on the December 2000/January 2001 and April/May 2001 ad hoc visits."**

70. In their responses of 8 November and 19 December 2001 to the delegation's observations, the Turkish authorities affirm that no effort is being spared to develop communal activities in the F-type prisons, but add that the great majority of prisoners held under the Law to Fight Terrorism remain unwilling to participate in such activities "as a result of instructions and harassment from the terrorist organisations".

The Turkish authorities do not address directly in their responses the specific proposal made by the delegation. However, a Circular issued by the Minister of Justice on 18 January 2002 goes very much in the direction advocated by the delegation. According to that Circular, prisoners who so wish may be brought together in groups of no more than ten persons (determined by the Selection Board) for up to five hours conversation per week, in the open visiting areas or other communal areas designated by the administration.

The CPT welcomes this development, which is precisely the kind of proactive action required under the present circumstances. The CPT notes, nevertheless, that to be eligible for access to the above-mentioned association periods of up to five hours per week, prisoners must already take part in at least one of the communal activities (education, sport, vocational training, etc.) offered in F-type prisons. The Committee fears that this requirement will undermine the potential positive impact of the Circular. For many prisoners, participation in the above-mentioned association periods could well prove the crucial first step in winning their confidence and encouraging them to participate in the other communal activities on offer⁵.

Consequently, the CPT recommends that the Circular of 18 January 2002 be amended so as to render all prisoners eligible for participation in the association periods of up to five hours per week, irrespective of whether they already take part in another communal activity.

⁵ It should be added that association periods of the kind described in the Circular of 18 January 2002 can themselves certainly be considered as a "social pursuit" within the meaning of Article 16 (2) of the Law to Fight Terrorism.

71. In their letter of 19 December 2001, the Turkish authorities state that the different facilities for communal activities are now available. However, confidence in the reality and interest of communal activities in F-type prisons will be greatly enhanced if the areas set aside for those activities (*e.g.* the libraries and the workshops) are actually being used by inmates (as distinct from being merely ready for use), and are being used to their full potential (*e.g.* volleyball matches in the gymnasium for some ten inmates, rather than two or three). In this connection, the delegation which carried out the September 2001 visit was informed that the bringing together of prisoners from different living units for joint participation in communal activities was about to begin. Further, with a view in particular to getting the workshops in operation, the delegation suggested that consideration be given to transferring to the F-type prisons an increased number of prisoners who are not held under the Law to Fight Terrorism.

The CPT wishes to receive a full account of the present status of communal activity programmes in operation at each of the F-type prisons:

- **each type of workshop and of other communal activity currently taking place;**
- **the total number of hours during which each workshop or other communal facility is in use by prisoners per week;**
- **the total number of prisoners (broken down by category of prisoner) engaging in communal activity per week;**
- **the number of prisoners (broken down by category of prisoner) participating in each workshop or other communal activity per week;**
- **the largest number of prisoners (broken down by category of prisoner) participating at the same time in each workshop or other communal activity.**

2. Ill-treatment

72. The CPT's delegation received few allegations of physical ill-treatment of prisoners by staff at Sincan F-type Prison, though certain prisoners did complain that they had been pushed down the stairs to the lower level of their living unit for the twice-daily headcounts.

At Tekirdağ N°1 F-type Prison, several prisoners alleged that they had been struck (kicked, punched) when they refused to comply with a requirement that they stand to attention during the headcounts. On examination by one of the delegation's doctors, two prisoners were found to display injuries (*e.g.* a resorbing periorbital haematoma to the right side; an abrasion to the upper left anterior thorax) which were consistent with such allegations.

73. The modalities of the headcount procedure were addressed by the CPT in the report on the December 2000/January 2001 and April/May 2001 visits (*cf.* paragraph 22 of CPT/Inf (2001) 31 as well as paragraph 7 of the letter reproduced in Appendix 1 of that document). In their response to that report, the Turkish authorities stated that there was no question of prisoners being made to stand to attention. However, they were required to "stand side-by-side in such a way that the staff can see them".

The requirement that prisoners "stand side-by-side" during the headcounts could easily degenerate into something akin to standing to attention. Further, such a requirement is unnecessary; for the purpose of carrying out the headcount procedure in an efficient manner, it is quite sufficient for the three prisoners concerned to be present on the ground floor. **The CPT recommends that the headcount procedure be amended accordingly.**

Further, **the CPT recommends that staff at Sincan and Tekirdağ N° 1 F-type Prisons be reminded that physical assault is never an acceptable response to recalcitrant behaviour on the part of inmates.**

3. Staff

74. In their letter of 19 December 2001, the Turkish authorities endorsed the view expressed by the delegation at the end of the visit, that the satisfactory operation of F-type prisons would depend in large part on the quality of staff (*cf.* also paragraph 16 of the report on the July 2000 visit, CPT/Inf (2001) 25). In this connection, the CPT is very pleased to learn that 200 staff members selected to work in F-type prisons have now completed their training and taken up their duties, and that training of a further 210 staff members has begun. **The CPT would appreciate receiving information on further developments concerning the staffing of F-type prisons and staff training, including as regards the management of those establishments.**

4. Contact with the outside world

75. The CPT was pleased to learn of the progress made as regards access to the telephone and open visits in the F-type prisons.

At both Sincan and Tekirdağ, a card phone had been installed in each of the four detention blocks and prisoners were entitled to make one ten minute call per week, as provided by Article 155a of the Regulations on Execution and Remand Institutions. Several prisoners held under the Law to Fight Terrorism were making use of this right. The delegation was informed that the installation of additional card phones was planned; **the CPT trusts that this will make it possible in due course to give prisoners even more frequent access to the telephone.**

Prisoners were entitled to open visits once per month as well as on certain specific days of the year (e.g. public holidays). As with access to the telephone, some prisoners held under the Law to Fight Terrorism were taking advantage of this possibility. Open visits took place under satisfactory conditions; the room set aside for this purpose in each block was spacious, well-lit, and equipped with tables and chairs. **The CPT wishes to stress that the open visit rooms are valuable assets which should also be fully exploited in the context of the communal activity programmes offered to prisoners.**

5. Material conditions

76. Material conditions of detention in the F-type prisons visited remained good. There was no overcrowding and the premises were being kept in a satisfactory state of repair. Further, the CPT is pleased to note that the prisoner living units have now been equipped with a call system.

Now that the F-type prisons are up and running, **the CPT invites the Turkish authorities to seek ways to render the environment of the yards attached to the living units less austere.**

6. Health care

77. Health care staff resources and facilities in the F-type prisons visited were satisfactory. However, the CPT was concerned to learn that medical consultations and examinations took place in the presence of custodial staff. Further, prisoners' medical files were kept in cupboards which were not locked and to which custodial staff clearly had access.

Medical confidentiality should be observed in prisons in the same way as in the outside community. **Consequently, the CPT recommends that all medical consultations and examinations in F-type prisons (whether on a prisoner's arrival or at a later stage) be conducted out of hearing and - unless the doctor concerned requests otherwise in a particular case - out of sight of custodial staff. Further, prisoners' medical files should be kept in locked cupboards to which only health care staff have access.**

The CPT also invites the Turkish authorities to verify that newly-arrived prisoners are being properly interviewed and physically examined by a medical doctor. Medical files consulted suggested that the examination on entry was cursory, and that it did not include a psychiatric assessment nor in some cases the recording of weight.

D. İmralı Closed Prison

78. The CPT's delegation carried out a follow-up visit to İmralı Closed Prison, in order to review the treatment and conditions of detention of Abdullah Öcalan, who remains the establishment's sole inmate.⁶ It should be stressed at the outset that the delegation received no evidence whatsoever of any form of physical ill-treatment of Mr Öcalan. More generally, he told the delegation that his relations with both prison officers and the establishment's Governor were correct.

79. In the statement made on 14 September 2001, at the end of the visit, the CPT's President set out the delegation's preliminary observations concerning the conditions of detention of Mr Öcalan. The relevant paragraphs of that statement are reproduced below:

“The delegation reviewed the treatment of Abdullah Öcalan and wishes to make a number of specific remarks in this regard. At the outset, it should be stated that his material conditions of detention remain on the whole very good. However, the delegation proposes that the radio provided to him offer a wider range of wavebands and, in particular, short wave. Further, it would be highly desirable to allow him to acquire a television set. These measures would help to counter the potentially negative effects of the exceptional circumstances of his custody. Like all other prisoners in Turkey, Abdullah Öcalan should also be allowed access to the telephone on a regular basis; given the remote location of İmralı Prison, it would be appropriate for him to have telephone access not only to his relatives but also to his lawyer. In the light of information gathered during the visit, the delegation must also stress that he should be allowed to correspond in confidence with the European Court of Human Rights and with his lawyer.

Further, the delegation would like to reiterate the proposal already made by the CPT that he be allowed to circulate freely between his cell and the room adjoining it during part of the day. The information gathered during the visit confirmed that this would in no way jeopardise security.

The delegation feels that the time has now come, after two years, to review the present medical monitoring procedures. In its view, the current twice-daily stereotyped checks performed by a constantly changing series of doctors should be replaced by regular, in the first instance fortnightly, medical consultations with the same doctor. This would allow the development and continuity of a meaningful doctor/patient relationship. This doctor should, *inter alia*, co-ordinate the intervention of specialists. Of course, the delegation assumes that there will always be on the island someone able to provide emergency care.

The delegation also wishes to underline that the present, exceptional, custodial arrangements for Abdullah Öcalan cannot be allowed to continue indefinitely. In line with the CPT's standard recommendations, he should at the earliest possible opportunity be integrated into a setting where contact with other prisoners and a wider range of activities are possible.”

⁶ İmralı Closed Prison was visited for the first time in February/March 1999 (*cf.* documents CPT/Inf(2000) 17 and 18).

80. The CPT regrets that, in their reply of 19 December 2001, the Turkish authorities adopt an oppositional approach with regard to practically all of the points raised by the delegation. Such an approach fails to take account of the exceptional circumstances of Mr Öcalan's custody and their potentially negative effects on his health.

The proposal that a radio be provided to Mr Öcalan with a wider range of wavebands is not specifically addressed by the Turkish authorities in their reply; this can only be read as a rejection of the proposal. Furthermore, the delegation stated that it would be highly desirable for Mr Öcalan to be allowed "to acquire" a television set; the arguments invoked against this proposal are not convincing. Prisoners in F-type prisons, including those considered to constitute a particularly high security risk (and consequently held on their own), are allowed to purchase a television for use in their cells. The CPT can see no reason why Mr Öcalan should be treated differently (it was never suggested that the State should provide him with a television at its own expense). Access to television and a better access to radio would to some extent compensate for the absence of any provision at İmralı for a programme of out-of-cell communal activities for the inmate (unlike the situation in F-type prisons).

81. Under the recently adopted amendment to the Regulations on Execution and Remand Institutions (Article 155a), all prisoners, regardless of their status and category, may speak to their relatives once a week by telephone. This right has already been implemented in at least certain of the F-type prisons. From the delegation's discussions with Mr Öcalan there is not the slightest doubt that he would welcome having access to a telephone. Moreover, when one takes into account the very remote location of İmralı Closed Prison, it is clear that arranging for such access would be fully in line with the declared objectives of the above-mentioned Regulation. As regards extending telephone access to Mr Öcalan's lawyers, this would be fully justified by both the remote location of İmralı Closed Prison and the fact that, on occasion, access to the island is impossible, due to weather conditions.

82. The Turkish authorities continue to refuse to implement the CPT's recommendation that Mr Öcalan be allowed to circulate freely between his cell and the room adjoining it, during part of the day. It is mistaken to qualify such a measure as "granting a luxury". On the contrary, such a modest extension of Mr Öcalan's living space during part of the day could do much to safeguard his health. It would not amount to "privileged treatment distinguishing him from other dangerous prisoners holding the same status", but instead be a perfectly understandable approach, given the unique severity of the isolation regime applied to this prisoner. Further, the security-related arguments advanced against the Committee's recommendation are not convincing. The existing facilities would enable Mr Öcalan to be kept under constant staff surveillance during the period he was able to circulate between his cell and the adjoining room. As for the possibility of a fight taking place between him and prison staff in the area concerned, the CPT fails to see why this possibility would be any greater than when he is allowed to go to the outdoor exercise yard (which involves him passing through the adjoining room).

The CPT urges the Turkish authorities to review their position regarding the proposals made by its delegation concerning access for Mr Öcalan to radio and television, to the telephone and to the room adjoining his cell, in the light of the above remarks.

83. The delegation's proposals concerning medical monitoring procedures would appear to have been misunderstood. The delegation did not propose that the twice a day medical checks by a constantly changing series of doctors be reduced to one daily check; it proposed that these superficial checks be replaced by regular, in the first instance fortnightly, medical consultations with the same doctor. As the delegation pointed out, this would allow the development and continuity of a meaningful doctor/patient relationship. **The CPT recommends that the current daily medical checks be replaced by thorough medical consultations with the same doctor to occur on a fortnightly basis. The intervention of specialists should be co-ordinated by that doctor, who should also have responsibility for ensuring that the state of medical facilities and supplies of medication at the prison are adequate. The nature of, and reasons for, this new approach should be fully explained to Mr Öcalan in advance, by the doctor appointed to carry out the fortnightly examinations. At the same time, it should be ensured that someone able to provide emergency care is always present on the island.**

84. The material conditions of detention of Mr Öcalan remained on the whole very good. However, the delegation noted that, contrary to the information previously provided by the Turkish authorities, the screening of the sanitary facilities in his cell only covered the shower, not the toilet. **The CPT recommends that the waist-level partition be extended so that the toilet is also screened from the direct view of prison staff.**

85. As regards the future, the CPT's delegation did not state that "prisoner Öcalan cannot be held indefinitely in this prison" but rather that the present, exceptional, custodial arrangements for him cannot be allowed to continue indefinitely.

Mr Öcalan has now been held in solitary confinement for more than three years. The CPT has taken note of the reasons which led the Turkish authorities to apply such a regime to this prisoner. However, the principle of proportionality requires that a balance be struck between the requirements of a given case and the application of a solitary confinement-type regime, which is a measure that can have very harmful consequences for the person concerned. Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible. To hold persons in conditions of solitary confinement for years on end cannot be justified under any circumstances.

86. As the CPT's delegation made clear at the end of the visit, Mr Öcalan should at the earliest opportunity be integrated into a setting where contacts with other inmates and a wider range of activities are possible. If the Turkish authorities, for the reasons they invoke, have reached the firm conclusion that his transfer to another prison is not possible for the time being, then they should take the necessary steps to create the above-mentioned setting at İmralı Closed Prison. **The CPT recommends that the solitary confinement regime applied to Mr Öcalan be reviewed, in the light of the above remarks.**

E. Other prisons

1. Preliminary remarks

87. The CPT's delegation carried out a full visit to Şanlıurfa E-type Closed Prison and targeted visits to Elâzığ and Van E-type Closed Prisons; the principal objective of the latter visits was to explore the conditions of detention of women and juveniles.

88. **Şanlıurfa E-type Closed Prison** was in the process of conversion to the "room system" (80% already completed). At the time of the visit, the establishment had an official capacity of 505 and was accommodating 509 inmates (372 on remand, 137 sentenced). The prison population included 16 women, accompanied by six children (who were not included in the prisoner population count), and 19 juveniles.

Elâzığ E-type Closed Prison is the largest of five prisons in the province of Elâzığ. The establishment was also in the process of conversion to smaller living units, which entailed an increase in the official capacity from 430 to 510. At the time of the visit, it was accommodating a total of 463 inmates (262 on remand, 201 sentenced). It was the only prison in the province of Elâzığ holding also women and juvenile prisoners; at the time of the visit, there were 13 women, accompanied by a baby and a child of six, and 19 juveniles.

Van E-type Closed Prison was holding 555 prisoners at the time of the visit. The bulk of them were on remand. Most of the male prisoners were housed in dormitories with between 30 and 70 inmates. The inmate population included 11 women, accompanied by two children, and 7 juveniles.

2. Ill-treatment

89. The information gathered by the delegation would suggest that the treatment by staff of prisoners in Elâzığ, Şanlıurfa and Van Prisons was on the whole correct. However, several persons interviewed claimed that they had been physically ill-treated by prison staff and/or members of the gendarmerie at Elâzığ Prison (notably beatings at the time of admission). Further, some allegations of ill-treatment, both physical and verbal, by prison staff were heard from juvenile prisoners at Şanlıurfa and Van Prisons.

In the light of the information gathered by the delegation, **the CPT invites the Turkish authorities to take appropriate steps to ensure that all prison staff and members of the gendarmerie at Elâzığ, Şanlıurfa and Van Prisons are made fully aware of the fact that the ill-treatment of inmates is not acceptable and will be dealt with severely.**

90. In order to obtain a nationwide view of the current situation concerning the treatment of prisoners, **the CPT would like to receive the following information for 2001 and the first half of 2002, in respect of all prisons in Turkey:**

- **the number of complaints of ill-treatment lodged against prison staff and members of the gendarmerie;**
- **an account of disciplinary and/or criminal sanctions imposed following such complaints.**

91. As regards more particularly the gendarmerie, in response to a recommendation made in the report on the July 2000 visit, the Turkish authorities informed the CPT that the necessary adjustments had been made to certain draft laws so as to transform the work of the gendarmerie in relation to prisoners from a “public order” to a “judicial” duty. This would mean that the prosecution of members of the gendarmerie in respect of offences committed in the course of such work would no longer require authorisation by an administrative authority. **The CPT would like to receive confirmation that the work of the gendarmerie in relation to prisoners is now considered as a “judicial” duty.**

3. Conditions of detention of the general prison population at Şanlıurfa Prison

92. As already indicated, Şanlıurfa E-type Closed Prison was in the process of conversion to the “room system”. This created a difficult environment for both staff and prisoners. The premises in their current state were not suitable for the number of prisoners held.

Large dormitories and adjacent yards had been subdivided in a number of different ways to produce smaller units and yards. In Wing C, the conversions were on a model similar to that of F-type duplex living units. There were five such converted units, housing between six and eight prisoners each. In other wings, the conversions were to larger versions of the F-type duplex or single level units, idiosyncratically shaped, depending on the previous configuration of the wing.

One converted duplex living unit housed 13 prisoners. The two upstairs windows had been blocked off, ostensibly for security reasons. This made the upstairs area too hot in summer and prisoners slept downstairs. The en suite sanitary facilities, combining toilet, washbasin and shower, posed problems for 13 prisoners living together, as the room could in principle only be used by one person at a time. Further, the yard was rather small, as a result of subdividing the original yard area, and its surface hazardous (*i.e.* broken and uneven).

93. In several of the converted dormitories the positive effects of the improvements made were being undermined by a high occupancy rate, and, on occasion, the delegation even found that the number of prisoners exceeded that of beds. The prison director stated that the latter deficiency would be remedied immediately. In many areas, the level of hygiene left a lot to be desired. In this connection, it should be noted that the provision of hot water was insufficient and that the establishment had no laundry (such a facility was foreseen in the conversion plans).

The CPT recommends that the Turkish authorities ensure that the conversion work at Şanlıurfa Prison is completed as quickly as possible and that the occupancy rates in the new units are of a reasonable level; living space per prisoner should be, at the very least, 4 m² and preferably considerably more. Steps should also be taken to review the level of hygiene in all areas.

94. Numerous complaints were heard from prisoners about insufficient and poor quality food (e.g. lack of fruit, prohibition on fresh fruit from outside, food products beyond their sell-by date, poor food hygiene, *etc.*). **The CPT recommends that the provision of food be reviewed at Şanlıurfa Prison.**

95. As regards regime activities, paragraph 8 of the Ministry of Justice Circular dated 3 November 1997 stresses the importance of sentenced and remand prisoners being able to pass part of the day engaged in purposeful activities; emphasis is placed on education, social and cultural activities, as well as individual skills and workshop activities.

Unfortunately, the delegation found that at Şanlıurfa Prison, most prisoners - including those serving long sentences - had no access to purposeful activities. They were confined to their dormitories throughout the day, where their only means of occupation consisted of reading books/newspapers, playing board-games and loitering in the adjacent courtyard. Admittedly, there were a few workshops (e.g. carpentry), and some educational courses were offered. However, only a small proportion of the inmate population benefited from these activities.

96. The CPT is pleased to note that in the context of the conversion work underway, communal activity facilities were to be provided at Şanlıurfa Prison. A large hall was in the process of refurbishment as a multi-purpose hall (for gymnastics and other activities); further, a series of classrooms and large library on the top floor of the establishment's main building were nearing completion.

The CPT recommends the Turkish authorities to pursue their efforts to increase and diversify the activities offered to prisoners at Şanlıurfa Prison. The aim should be that all prisoners (including those on remand) spend a reasonable part of the day outside their living units, engaged in purposeful activities - work, preferably with vocational value, education, sport, *etc.*

4. Units for women in the prisons visited

97. As a matter of principle, women deprived of their liberty should be held in accommodation which is physically separate from that occupied by any men being held at the same establishment. This requirement was being met in the prisons visited. Further, the accommodation set aside for women prisoners was supervised by female staff.

However, none of the women units visited by the delegation offered conditions of detention adapted to the specific needs of female prisoners (and of young children and babies accompanying them).

98. At Şanlıurfa Prison, the unit for women consisted of three dormitories, one of which had recently been renovated and was empty, awaiting certification by the Ministry of Justice. As regards the two dormitories in use, the situation found by the delegation in dormitory B-14 is of particular concern to the CPT. Eight women and six children, including a new-born and two other babies, were obliged to share eight beds (equipped with six mattresses and some sheets and blankets).

Like in other sections of the establishment (*cf.* paragraph 93), the level of hygiene in the unit for women left a lot to desired. In this connection, it should be noted that there was insufficient provision of bleach, a deficiency which is particularly serious in dormitories holding babies and young children. Moreover, the insufficient provision of hot water and the lack of a laundry had particularly serious consequences for occupants of the female unit.

No special food was provided for pregnant women, breastfeeding women and young children at Şanlıurfa Prison. Further, there was no special equipment (*e.g.* special beds, specialised chairs or other items such as nappies) available to young children, nor were there any toys for them. Consequently, the CPT cannot share the view expressed by the Turkish authorities in their response of 19 December 2001 that “the needs of children living with their mothers are met by the prison”.

99. The unit for women at Elâzığ Prison consisted of two duplex dormitories. The delegation found deficiencies similar to those at Şanlıurfa Prison, *e.g.* insufficient number of beds and mattresses; poor hygiene; no special food arrangements for pregnant women, breastfeeding women and young children; no special equipment for young children, *etc.*. It should also be mentioned that women prisoners at Elâzığ had no access to a refrigerator; this is a particularly important failing in a dormitory where a baby is accommodated.

100. As regards the women’s unit (comprising three dormitories) of Van Prison, the delegation was informed about reports of serious overcrowding in the recent past. In the first room (20 m²) up to 15 women had been housed at a time, in the second room (10 m²) up to eight women and in the third (less than 6 m²), up to three prisoners. The rooms had poor ventilation, and the entire section (including the adjacent washing area and the common courtyard) was found to be in a very poor state of repair. Dormitories as well as the sanitary facilities were infested with cockroaches, and there were also clear signs of rodent infestation. The state of the sanitary facilities constituted a definite health risk for the women prisoners. A sewage pipe from an upper floor passing through the sanitary area was leaking at the time of the visit, and the whole washing area was damp and remained dirty, despite the efforts of the prisoners. Moreover, there was an inadequate supply of wood for the water heater. It follows that the CPT does not share the Turkish authorities’ view that the women’s dormitories at Van Prison “are up to international standards in terms of physical infrastructure” (*cf.* response of 19 December 2001).

As at Şanlıurfa and Elâzığ Prisons, the specific needs of female prisoners and their children were not met at Van Prison. However, the CPT was pleased to learn from the Turkish authorities’ response of 19 December 2001, that two children of female prisoners have now been admitted to the Social Services Directorate’s day nursery.

101. The CPT recommends that the Turkish authorities review as a matter of urgency the conditions of detention in the units for women at Elâzığ, Şanlıurfa and Van Prisons, in the light of the preceding remarks. Steps should be taken without delay to ensure that:

- the third, renovated, dormitory at Şanlıurfa Prison is brought into service;
- all women prisoners as well as children who accompany them are provided with their own bed, equipped with a mattress;
- a satisfactory level of hygiene is maintained in all areas;
- the provision of food is reviewed, taking account of the specific dietary needs of pregnant women prisoners, breast-feeding mothers and children (*e.g.* supply of high protein products, fresh fruit and vegetables);
- special equipment (*e.g.* educational materials, toys, specialised beds, *etc.*) is provided for babies and young children.

102. As regards regime activities, the situation for female prisoners at Elâzığ, Şanlıurfa and Van Prisons was the same as for their male counterparts. No organised activities were offered to them. In this context, **the recommendation made in paragraph 96 above should be read as applying also to female prisoners at Elâzığ, Şanlıurfa and Van Prisons.**

The CPT has noted with interest that steps are now being taken by the Turkish authorities to provide literacy courses as well as dressmaking and embroidery classes for women at Şanlıurfa Prison. **The Committee recommends that similar steps be taken at Elâzığ and Van Prisons.**

5. Units for juveniles in the prisons visited

103. In the report on its 1997 visit, the CPT made known its serious misgivings as regards the policy of having juveniles who are remanded in custody placed in adult prisons. Those misgivings have only been reinforced by the facts found during the September 2001 visit. Juveniles on remand at Elâzığ, Şanlıurfa and Van Prisons were subject to an impoverished regime, which was totally unadapted to their needs. The same applied to sentenced juveniles transferred from reformatories (*cf.* paragraph 127). For most of the juveniles, the only out-of-cell activity was to help in the kitchen or clean the establishment. This afforded them at least a chance to go out of their ill-equipped and sometimes cramped living units, but the work was onerous and had no educative value. Further, none of these establishments had workshops or vocational training available to juveniles, and sports facilities were very limited. These deficiencies were compounded by the fact that the staff assigned to the juvenile units in the above-mentioned prisons had not received any special training for this task.

To sum up, the requirements laid down in paragraph 16 of the Ministry of Justice Circular⁷ dated 3 November 1997 were certainly not met in the juvenile units of Elâzığ, Şanlıurfa and Van Prisons.

104. The CPT must reiterate once again that it would be far preferable for all juvenile prisoners, whether on remand or sentenced, to be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young. In their interim response to the report on the 1997 visit, the Turkish authorities informed the Committee of the setting-up of a special prison for juveniles in the Elmadağ District of Ankara, and the CPT understands that a similar institution has subsequently been opened in Sinop. This is a welcome development, provided that these establishments are properly staffed and offer an appropriate regime.⁸ **The CPT encourages the Turkish authorities to envisage the opening of further prisons for juveniles in other parts of the country.**

105. Even with the introduction of additional special prisons for juveniles it will no doubt remain the case that, in order to be reasonably close to their place of trial, some juvenile prisoners on remand will have to be kept in juvenile units in adult prisons. In this connection, **the CPT recommends that immediate steps be taken to bring the conditions of detention for juveniles in Elâzığ, Şanlıurfa and Van Prisons in line with the requirements of paragraph 16 of the Ministry of Justice Circular dated 3 November 1997. Further, the conditions of detention in juvenile units of other prisons should be reviewed to ensure that they also comply with the above-mentioned circular. Regardless of their period of detention, juvenile prisoners must be offered a programme of educational, recreational and other purposeful activities. Physical education should constitute an important part of that programme.**

6. Health care in the prisons visited

a. introduction

106. The CPT has noted the action taken by the Turkish authorities in response to its recommendations made in previous visit reports concerning health care in prisons. Many issues have been formally addressed in a satisfactory manner in a number of administrative regulations (e.g. Ministry of Justice Circulars dated 3 November 1997 and 6 May 1999, the Protocol drawn up between the Ministries of Justice, the Interior and Health on 6 January 2000). However, the September 2001 visit revealed considerable shortcomings in the implementation of these regulations.

⁷ Paragraph 16 stipulates that "the physical conditions of the prison sections, allocated to juvenile offenders, shall be revised and improved to conform with child psychology and enable practising educative programmes, aptitude intensive games and sports activities (ping-pong, volleyball, basketball) for the juvenile offenders".

⁸ Although the CPT's delegation which carried out the September 2001 visit went to Elmadağ, in order to interview certain prisoners, it was not able, in the time at its disposal, to assess the conditions of detention in this establishment.

107. Before setting out the facts found by its delegation, the CPT would like to raise once again the more general issue of the involvement of the Ministry of Health in health care in prisons (*cf.* paragraphs 134 and 135 of the report on the 1997 periodic visit). As the Committee stressed in earlier reports, such involvement would help to ensure optimum health care for prisoners as well as implementation of the general principle of equivalence of health care in prisons with that in the outside community.

According to Article 56 of the Protocol drawn up between the Ministries of Justice, the Interior and Health on 6 January 2000, the Ministry of Health has to provide a list of doctors and dentists to be appointed by the Ministry of Justice to penal institutions and detention centres. However, the CPT believes that the role of the Ministry of Health should also be strengthened in such matters as the evaluation of hygiene, the assessment of the quality of health care and the organisation of health services in prisons. **The CPT would like to receive the Turkish authorities' views on this subject.**

108. The CPT is also concerned about the significant fluctuation of prison doctors in the establishments visited. Doctors were continuously changing, working usually for not more than a few months in a given establishment. Such a state of affairs clearly does not facilitate the provision of a satisfactory level of health care. Furthermore, newly-graduated doctors had been recruited, lacking specialised training in dealing with the specific needs of a prison population in terms of preventive health care and treatment. **The CPT invites the Turkish authorities to take appropriate steps to promote greater stability in the employment of prison doctors in a given post. Further, the Committee wishes to underline the importance of duly recognising the very particular nature of the tasks of a prison doctor; specialised training, both before and after appointment, is certainly required for those tasks to be performed in a satisfactory manner.**

b. health care in general

109. At the time of the September 2001 visit, the health care teams at Şanlıurfa and Van Prisons were under-resourced, in particular as regards the presence of medical doctors.

Şanlıurfa had one general practitioner working on a half-time basis; this is clearly inadequate for an establishment accommodating more than 500 prisoners. In their previously-mentioned letter of 19 December 2001, the Turkish authorities informed the CPT that a full-time doctor had been appointed, but had not yet taken up his duties.

As regards Van Prison, the doctor normally assigned to the establishment had apparently been absent for some time. The prison director had made a request for a new doctor to be sent to the establishment; in the meantime, the only qualified medical personnel was the prison dentist. Such a state of affairs is unacceptable in an establishment which held more than 500 prisoners and, in addition, had a high turnover of inmates.

The situation was somewhat better at Elâzığ Prison, where a general practitioner was present every weekday on a full-time basis.

The CPT recommends that steps be taken to ensure that Şanlıurfa and Van Prisons always benefit from the full-time presence of a doctor. If the doctors formally assigned to these establishments are temporarily absent for whatever reason (e.g. annual leave, illness, training, etc.), they should be replaced by another doctor working on a full-time basis throughout the period of absence.

110. The delegation found that the standard of health care provided in all three establishments visited was not satisfactory (though the dental care provided at Van Prison was of a good standard). Specific mention should be made of the lack of medical screening of new arrivals on admission. As the CPT has made clear in earlier reports, the importance of medical screening of new arrivals cannot be overemphasised. Such screening is indispensable in particular in the interests of preventing the spread of transmissible diseases, of suicide prevention and of the timely recording of any injuries.

In their letter of 19 December 2001, the Turkish authorities stated that a new ministerial circular had been drawn up, requiring that new arrivals be systematically medically examined on their arrival and the medical report drawn up kept in their medical file. The CPT welcomes this development and trusts that the new circular will prove more effective than circulars issued in the past on the same subject (*cf.* paragraph 15 of the Ministry of Justice Circular dated 3 November 1997). **The CPT recommends that the strict application of the new circular be closely monitored by the appropriate authorities (e.g. prosecutors, enforcement magistrates, prison monitoring boards). The Committee would also like to receive a copy of the new circular.**

111. The standard of health care provided to female prisoners and, more specifically, mothers with babies/young children was another point of particular concern. For example, at Şanlıurfa, the delegation met one female prisoner whose newborn had been ill on arrival at the prison. She had seen the doctor three times, but had been given nothing straightaway for the baby. Eight days before the CPT's visit, the baby had been prescribed cough medicine, but the antibiotic amoxicillin (to be taken in oral suspension), Actifed (a decongestant) and an expectorant had only arrived at the time of the visit. Moreover, the mother had not been given instructions about sterilizing the water by boiling and allowing it to cool, before preparing the suspension.

At Elâzığ, health care for pregnant women and mothers with babies/young children appeared to be equally problematic. Five days before the visit, a female prisoner had arrived at the prison with a four-month old baby who was coughing and had fever as well as diarrhoea. However, when interviewed by the delegation she had not yet seen the doctor.

At Van, a four year-old boy had been in the prison for several days prior to the visit. He appeared underweight and anaemic with a marked inflammation of the tongue (glossitis). However, he had not been seen by a doctor since entering the prison. More generally, practically all of the female prisoners complained about poor medical care. An examination of medical files lent support to these claims. Several of the female prisoners had been seen in July 2001 and notes had been made about various forms of treatment; however, there were no further medical notes or indications of consultations made in the files, despite the fact that several of the women had been found to be suffering from either somatic or psychiatric disorders.

The CPT recommends that the provision of health care to female prisoners and babies/young children accompanying them at Elâzığ, Şanlıurfa and Van Prisons be reviewed, in the light of the above remarks. In this connection, the Committee wishes to stress that doctors and other health care staff called upon to provide health care to female prisoners should be particularly attentive to women's health issues. Further, female prisoners should have regular access to a gynaecologist.

c. specialist care

112. In all of the establishments visited, prisoners who were in need of specialist care could in principle be referred to an outside hospital by the prison doctor for examination and/or treatment. However, as during previous visits, the CPT's delegation received a number of complaints from prisoners about considerable delays in transfers to a hospital. This was particularly the case at Şanlıurfa and Van Prisons.

The CPT must stress once again that prisoners identified as being in need of examination/care in an outside hospital should be taken there with the promptness and in the manner required by their state of health (*cf.* also paragraph 5 of the Ministry of Justice Circular dated 3 November 1997). **The Committee recommends that appropriate steps be taken to ensure that this requirement is met.**

113. No provision had been made at Elâzığ, Şanlıurfa and Van Prisons for regular visits to the establishments by a psychiatrist. This is a serious lacuna. As the CPT has made clear in the past, all prisons will accommodate a certain number of prisoners who, while not requiring admission to a psychiatric facility, would benefit from ambulatory psychiatric care. The presence of a psychiatrist will enable those prisoners to be identified in good time and given appropriate treatment. In many cases this may well make it possible to avoid any subsequent need for their transfer to an outside facility. Further, such a presence will ensure that the state of health of inmates who are returned to prison after treatment in a psychiatric facility is satisfactorily monitored. **The CPT recommends that regular visits by a psychiatrist to Elâzığ, Şanlıurfa and Van Prisons be arranged.**

114. The CPT has already emphasised on numerous occasions that mentally-ill prisoners should be transferred to a psychiatric facility (*cf.* for example paragraph 145 of the report on the 1997 periodic visit). It was therefore disappointed to learn that at Elâzığ and Şanlıurfa Prisons, its delegation once again encountered mentally-ill prisoners held in the discipline/observation units, where conditions were totally unsuited to their state of health. **The CPT reiterates its recommendation that mentally-ill prisoners be transferred without delay to an appropriately equipped and staffed psychiatric facility.**

d. medical confidentiality

115. The CPT was pleased to note that, according to paragraphs 3 and 4 of the Ministry of Justice Circular dated 6 May 1999, both initial medical examinations of newly-admitted prisoners and subsequent medical examinations of prisoners have to be conducted out of the hearing of prison staff and, unless the doctor requests otherwise, out of their sight, and that prisoners' requests to see the doctor are to be forwarded on a confidential basis to the prison infirmary.

However, the information gathered during the September 2001 visit indicated that the above provisions were not being fully respected in the prisons visited. In particular, all prisoners interviewed at Van Prison stated that medical consultations were systematically carried out in the presence of a prison officer. **The CPT recommends that steps be taken to ensure full compliance with paragraphs 3 and 4 of the above-mentioned circular.**

7. Other issues

a. discipline/observation units

116. The situation of prisoners held in discipline/observation units in Turkish prisons has been raised by the CPT on several occasions, most recently in the report on the July 2000 visit (*cf.* paragraphs 31 and 32 of CPT/Inf 2000 (45)). A particular concern of the CPT has been the lack of outdoor exercise for such prisoners. In the course of the September 2001 visit, the delegation examined conditions of detention in the discipline/observation units at Elâzığ and Şanlıurfa Prisons.

117. The CPT was very concerned to learn that in both establishments, prisoners held in the discipline/observation units had no access to outdoor exercise. Some of the prisoners had been held in the units for months without having any possibility of going to the open air. At the end of the visit, in application of Article 8, paragraph 5, of the Convention, the delegation called upon the Turkish authorities to remind the management of all prison establishments of the requirement that prisoners held in discipline/observation units are to be offered at least 1 ½ hours outdoor exercise per day.

In their response of 19 December 2001, the Turkish authorities stated that such a reminder had been given to the management of Elâzığ and Şanlıurfa Prisons. **The CPT trusts that the same message has also been delivered to the management of all other prisons in Turkey.**

118. In both establishments, the cells in the discipline/observation units were of a similar design. Each cell was grille-fronted and was equipped with a bed, a washbasin and a floor toilet with a half height partition. There was no window in the cells, but some natural light was provided through the corridor in front of the cells. Artificial lighting was adequate. Cells had direct access to cold running water only, but hot water was delivered in containers at regular intervals. Most of the cells were in a poor state of repair (*e.g.* broken bed, broken washbasin, *etc.*) and cleanliness. Further, ventilation left a lot to be desired. **The CPT recommends that the material conditions of the discipline/observation units at Elâzığ and Şanlıurfa Prisons be reviewed, in the light of the above remarks.**

119. The CPT's delegation met several prisoners in the discipline/observation units visited who had apparently been placed there because they had committed self-harm. The delegation was informed that the same approach would be followed vis-à-vis prisoners who attempted suicide. It is also noteworthy that, according to standing instructions, suicide attempts and acts of self-harm constitute a disciplinary offence and can be sanctioned by deprivation of visits for up to three months.

The CPT wishes to stress that acts of self-harm and suicide attempts frequently reflect problems and conditions of a psychological or psychiatric nature. Consequently, it would be inappropriate to systematically adopt a punitive approach vis-à-vis prisoners who commit such acts. The prisoners concerned should first of all be assessed by properly qualified health care staff with a view to determining the causes of their actions.

120. At Elâzığ Prison, many of the prisoners placed in the discipline/observation unit had been sent to Elâzığ for the purposes of undergoing forensic psychiatric assessment by the services of the city's State Mental Hospital. The CPT understands that they were held there because the hospital itself did not possess sufficiently secure facilities for accommodating the prisoners. However, the existing material conditions and the regime in the discipline/observation unit at Elâzığ Prison were certainly not conducive to an accurate psychiatric assessment of the persons concerned. Such an assessment can only be properly conducted if there is an ongoing and good level of interaction between skilled staff and the prisoners, and the latter are relatively stress-free (which implies *inter alia* satisfactory material conditions and access to activities). **The CPT recommends that the position of prisoners sent to Elâzığ for the purposes of undergoing forensic psychiatric assessment be reviewed, in the light of the above remarks.**

b. disciplinary procedures

121. During its visits to Elâzığ and Şanlıurfa Prisons, the delegation also examined the procedures applied in matters related to discipline.

Decisions were taken by a disciplinary board, chaired by the director and comprising several other senior members of staff. In this connection, the CPT is concerned to note that prisoners did not receive a copy of the charge against them and had no right to appear before the disciplinary board, it merely being within the board's discretion to call the prisoner. Further, not all the prisoners concerned had received a copy of the decision of the disciplinary board, indicating the reasons for the board's decision and specifying the competent authority and the time-limit for an appeal, as required by the Ministry of Justice Circular dated 6 May 1999.

Basic principles of due process require that prisoners facing disciplinary charges should have the right to be heard on the subject of the offences they have allegedly committed. Consequently, **the CPT recommends that all prisoners facing disciplinary charges be accorded the right to appear before the disciplinary board. Further, such prisoners should have the right to:**

- **be informed in writing of the charges against them and to be given sufficient time to prepare their defence;**
- **call witnesses on their own behalf and to cross-examine evidence given against them;**
- **be heard in mitigation of punishment, if found guilty by the disciplinary board.**

c. complaints and inspection procedures

122. Effective complaints and inspection procedures are basic safeguards against ill-treatment in prison establishments. Inmates should have avenues of complaint open to them, both within and outside the establishments' administrative system, and be entitled to confidential access to an appropriate authority. Further, there should be regular visits to all prison establishments by an independent body (for example, a visiting committee or a judge) with authority to receive - and, if necessary, take action on - inmates' complaints and to inspect the accommodation and facilities. During such visits, the persons concerned should make themselves "visible" to both the staff and the inmates. They should not limit their activities to inmates who have expressly requested to meet them, but should take the initiative of visiting the establishments' detention areas and entering into contact with inmates.

123. In this area, major changes have been made with the introduction of enforcement magistrates and prison monitoring boards. **The CPT would like to receive detailed information on the implementation of these reforms.**

Further, **the CPT recommends that arrangements be made in all prisons enabling inmates to contact on a confidential basis the Enforcement Magistrate and/or the Chairperson of the monitoring board.**

F. Reformatories for juveniles

1. Preliminary remarks

124. **Ankara Reformatory for Juveniles**, which was opened in 1941, is situated on a large compound, without a security perimeter, in the outskirts of Ankara (Keçiören District). It holds exclusively male sentenced juveniles between 11 and 18 years. The establishment has an official capacity of 110 (including 10 extra beds for emergencies), and, at the time of the visit, was accommodating 70 juveniles (including eleven children aged between 11 and 15).

The Reformatory comprises a two-storey building with dormitories, several other buildings containing workshops and a cinema/theatre hall, and an administrative building (including the medical unit and a “guest house”, where family members of juveniles who come from far away can stay overnight).

125. **Elâzığ Reformatory for Juveniles**, which was constructed in 1963, occupies an area of some 1.5 hectares in the suburbs of Elâzığ. Like the Ankara Reformatory, it is an institution for male sentenced juveniles only, with an official capacity of 180; at the time of the visit, it accommodated 68 juveniles (three of whom aged 14 to 15).

The Reformatory occupies a spacious one-storey building composed of a number of wings (including dormitories, workshops, communal areas, administration, *etc.*) and four inner courtyards. The building is surrounded by a low fence, and there are no perimeter guards.

126. Convicted children (11 years or older) and juveniles are placed in reformatories for juveniles on the basis of Articles 54 or 55 of the Turkish Penal Code. Turkish legislation does not contain specific provisions on the custody of juveniles; the Law on the Enforcement of Sentences (13/07/1965) and the Regulation on Execution Institutions and Remand Institutions (05/07/1967) apply both to adults and juveniles. On reaching the age of 18, inmates are in principle transferred to an adult closed prison. However, the stay in the reformatory may be extended beyond the age of 18, in order to allow inmates to complete their education/vocational training. Instructions have been issued by the Ministry of Justice on General Provisions for Juvenile Prisons and Reformatories and on Methods of Execution in Juvenile Prisons and Reformatories. **The CPT would like to receive copies of these instructions and of any other regulations governing juvenile prisons and/or reformatories.**

127. It should be noted that inmates at reformatories who are subject to a disciplinary measure (other than a warning or reprimand) are systematically transferred to a closed prison (either a juvenile prison such as Elmadağ or a juvenile section of an adult prison). The transfer is not a disciplinary measure in itself, but an administrative consequence of the latter.

In the event of an escape or absence without leave of more than 24 hours, the automatic transfer to closed conditions, without an option of return to open conditions, was stipulated by general instructions issued as circulars by the Ministry of Justice. It appeared that there was no special provision that disciplinary measures for other offences imposed on juveniles must be served in closed institutions; however, this was in practice the approach followed. Moreover, a transfer back to open conditions was also ruled out, because only juveniles with “good behaviour” were deemed suitable for open conditions. In practice, although a juvenile could regain a “good behaviour” status after a specified period, he was never returned.

The CPT has serious misgivings about the approach outlined above, misgivings which are all the greater given the conditions found in juvenile units in the prisons visited. It considers that the imposition of disciplinary measures on juveniles in open institutions should not have in all cases the consequence that the inmate concerned is transferred to a closed prison. Further, having regard to the potential for change in this age group, it should be possible in appropriate cases to return to open conditions after having served a disciplinary punishment in a closed prison. The CPT accepts that removal to closed conditions may be the appropriate course in a given case. However, that measure should be periodically reviewed and be open to reversal, based on assessment of improved behaviour. **The CPT invites the Turkish authorities to review current legislation and practice, in the light of the above remarks.**

2. Ill-treatment

128. Several prisoners interviewed at Elmadağ Juvenile Prison claimed that they had been physically ill-treated at Ankara Reformatory for Juveniles, prior to their transfer to Elmadağ as a result of a disciplinary offence. The allegations concerned beatings by one individual, a member of the senior management team at the Reformatory, at the time when the juveniles were first charged with a disciplinary offence. The allegations were made by juveniles interviewed separately and in private and reflected a consistent pattern.

In the statement made at the end of the visit, the CPT’s delegation requested that all necessary steps be taken to ensure that inmates of Ankara Reformatory are under no circumstances physically ill-treated. In their response of 19 December 2001, the Turkish authorities point out that the newly-appointed Director of the Ankara Reformatory has made it absolutely clear to the institution’s staff that ill-treatment is prohibited and, if it occurs, must be reported. The CPT welcomes this development.

129. At both reformatories visited, the delegation received isolated allegations that inmates might receive “pedagogical slaps”. The CPT considers that in the interest of preventing ill-treatment, all forms of physical chastisement must be formally prohibited and avoided in practice. **The CPT recommends that the staff of all juvenile institutions in Turkey be reminded of this precept.**

3. Conditions of detention

a. material conditions

130. Material conditions in Ankara Reformatory for Juveniles were of a reasonably good standard. Juveniles were accommodated in dormitories with places for six to twelve inmates. The dormitories were equipped with bunk beds and a commensurate number of night tables. Further, each juvenile had a personal locker in the corridor outside his dormitory. All dormitories had access to natural light and adequate artificial lighting, were well ventilated and were fitted with central heating. Juveniles were allowed to decorate their rooms (*e.g.* posters, flowers, *etc.*) and to keep animals (*e.g.* birds). There was ready access to sanitary facilities adjacent to the dormitories and once a week access to a bathroom (*hamam*) in the establishment's basement, all of which were adequately equipped and clean. Juveniles spent most of the day outside their dormitories engaged in a variety of activities. The facilities used for that purpose (classrooms, workshops, refectory, sports facilities, *etc.*) were well-maintained.

The only reservation as regards the material conditions concerns the practice of filling units to their maximum capacity before bringing other units into use. As a result, the delegation found for example twelve juveniles in a dormitory of 34 m², whereas other dormitories lay empty. **It would be desirable to reduce somewhat the occupancy levels in the dormitories by making use of all the available accommodation.**

131. By contrast, the buildings housing Elâzığ Reformatory for Juveniles were in an advanced state of dilapidation. As a result, the material conditions in the whole establishment were poor. It was in particular hardly possible to maintain adequate hygienic conditions in places such as the kitchen and the sanitary facilities. Personal hygiene was also found to be poor, a state of affairs which was partly due to the fact that there were no showers and no laundry, and that the bath (*hamam*) was inadequate. Moreover, juveniles reported that they had to purchase washing powder if they wanted to clean their clothes, and the delegation noted that several juveniles could not afford any change of clothing.

These deficiencies regarding the material conditions were fully acknowledged by the Turkish authorities at the outset of the visit, and, in their response of 19 December 2001, they informed the CPT that work had started on physically modernising the entire reformatory. **The CPT recommends that a high priority be given to this renovation work. Further, the Committee recommends that immediate steps be taken to ensure that juveniles are able to maintain a satisfactory level of personal hygiene.**

132. In the light of the delegation's observations, **the CPT also invites the Turkish authorities to ensure that all living and sleeping areas for juveniles at the Elâzığ Reformatory are equipped and decorated in such a way as to create a more individualised and stimulating atmosphere.**

b. activities

133. The CPT's delegation formed a particularly favourable impression of the regime activities provided for juveniles at the Ankara Reformatory. Upon admission, a selection board (composed of the director, teacher, social worker, psychologist, doctor, chief guardian and chief of the workshops) made an assessment of the needs and capabilities of each juvenile, in order to provide special educational and training activities.

The establishment possessed a certain number of workshops (*e.g.* ceramics, handicraft, *etc.*). 14 juveniles were engaged in a "pilot vocational training project", which involved them working outside the reformatory during four days per week and attending school one day per week, with an option to acquire an externally recognised apprenticeship diploma. Other work opportunities were available in the establishment's bakery, kitchen, outdoor cafeteria, *etc.*.

As regards educational and training activities, the delegation noted that three juveniles went to a primary school and one to a high school, while 37 juveniles received informal primary education at the premises of the reformatory. Special courses were provided to illiterate juveniles (four at the time of the visit) by the in-house teacher. A number of supplementary courses were provided to assist juveniles who went to school, and the reformatory organised three-month computer courses. Correspondence courses on a primary school, high school and university level were also available.

An "activity house" included a large conference room, a concert/cinema hall, a library with a reading room and a TV room. Moreover, the reformatory offered a wide range of recreational activities (*e.g.* playing instruments, folk dancing courses, *etc.*) and had good indoor and outdoor sports facilities.

134. The Elâzığ Reformatory had less favourable resources for providing a full programme of purposeful activities. Staffing was insufficient (*e.g.* the post of a teacher had been vacant for more than one year), the material conditions in the workshops were rather poor, and no outside work opportunities were available. Despite these drawbacks, there was a serious attempt to provide suitable occupation for juveniles. All juveniles were engaged in educational activities or some sort of vocational training.

The reformatory offered externally recognised apprenticeship opportunities in a variety of workshops (*e.g.* sewing, bookbinding, shoe mending, carpentry, metal processing) and the in-house bakery. In the workshops, products were manufactured for the reformatory itself as well as for other public institutions. In addition, training courses were organised for cooking and hairdressing.

As regards educational activities, 14 children followed primary education and 14 high school through correspondence courses, five children attended an outside primary school, nine an outside high school and one went to university. The primary school, situated behind the reformatory, had two shifts (morning and afternoon) to cater for all the pupils enrolled there. A number of supplementary courses on various subjects were offered to juveniles attending schools. Further, eleven illiterate juveniles were enrolled in courses in a public educational centre.

Juveniles were engaged in a variety of recreational and sports activities. The reformatory had a leisure room with a television and a library, and juveniles could pursue various hobbies. The social worker organised social events, such as theatre, folklore events and concerts in the garden at the front of the Reformatory. The reformatory also had adequate outdoor sports facilities, but no indoor facility.

In the context of the above-mentioned modernisation programme, **the CPT invites the Turkish authorities to explore the possibility of providing the Elâzığ Reformatory with an indoor sports facility.** Further, **in the same way as at Ankara, it would be desirable for computer courses to be offered to juveniles at the Elâzığ Reformatory.**

4. Staff

135. The custody and care of juveniles deprived of their liberty is a particularly challenging task. The staff called upon to fulfil that task should be carefully selected for their personal maturity and ability to cope with the challenges of working with - and safeguarding the welfare of - this age group. More particularly, they should be committed to working with young people, and be capable of guiding and motivating the juveniles in their charge. All such staff, including those with purely custodial duties, should receive professional training, both during induction and on an ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties.

136. At both the Ankara and Elâzığ Reformatories for Juveniles, the bulk of the personnel consisted of custodial staff who had received no special training in working with juveniles. At Ankara, there was the support of a certain number of specialised staff; four social workers, two psychologists and one teacher. However, at Elâzığ, the only specialist staff consisted of one social worker.

That said, the overall impression of the delegation was that the degree of commitment and care towards the juveniles was markedly greater at Elâzığ than at Ankara. It was obvious that at Elâzığ the relations between staff and juveniles were positive, a situation which no doubt was a reflection of the dedication displayed by certain key members of staff.

In the light of the above, **the CPT recommends that steps be taken to:**

- **provide staff in reformatories for juveniles with appropriate training (both initial and in-service);**
- **reinforce the number of specialist staff at the Elâzığ Reformatory** (*cf.* also paragraph 138).

5. Health care

137. In principle, both establishments benefited from the full-time presence of a general practitioner (at Elâzığ, a general practitioner had been temporarily recruited pending the arrival of a new doctor), assisted by a paramedic. There was also sufficient provision for dental care. Further, in case of need, juveniles were rapidly transferred to outside State hospitals.

The health care facilities at the Ankara Reformatory were of an adequate standard. However, at Elâzığ, they were rather rudimentary (*e.g.* no sterile equipment). **The CPT trusts that the health care facilities will be improved in the context of the previously-mentioned modernisation programme.**

138. In both reformatories visited, juveniles had access to psychiatric care at the local State hospital. At the Ankara Reformatory, psychological care was provided by two full-time psychologists. However, at Elâzığ there was no presence of a psychologist. **The CPT recommends that at least one full-time psychologist be employed at the Elâzığ Reformatory.**

139. Neither institution received visits from a psychiatrist. In this connection, the CPT wishes to emphasise that certain juveniles, while not requiring admission to a psychiatric hospital, might well be in need of ambulatory psychiatric care. Therefore, **the CPT recommends that regular visits by a psychiatrist be introduced at the Ankara and Elâzığ Reformatories.**

140. At the Ankara Reformatory, all juveniles were immediately examined by the doctor on their arrival. However, at Elâzığ it emerged that a considerable number of juveniles had never been seen by a doctor.

In this context, the CPT wishes to stress again the importance of proper medical screening upon admission. Such screening should in particular enable the establishment's health care service to identify young persons with potential health problems (*e.g.* drug addiction, suicidal tendencies) at a sufficiently early stage. Consequently, **the CPT recommends that steps be taken to ensure that all juveniles are properly interviewed and physically examined by a medical doctor as soon as possible after their admission to the Elâzığ Reformatory.**

141. The quality and continuity of health care depends largely on the keeping of proper medical files. In this regard, the CPT is concerned about the perfunctory character of the medical documentation in both reformatories visited. For every consultation, only one line was recorded in the medical file with one word for "diagnosis" (no description of physical findings, no complaints by the patient) and one word for "treatment prescribed". Further, at Elâzığ, not every juvenile had a medical file.

In the light of the above, **the CPT recommends that steps be taken to ensure that a personal and confidential medical file is opened for each juvenile at the Elâzığ Reformatory and that the quality of the documentation placed in these files is improved at both establishments.**

6. Contact with the outside world

142. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The active promotion of such contacts can be especially beneficial for juveniles deprived of their liberty, many of whom may have behavioural problems related to emotional deprivation or a lack of social skills.

143. At both the Ankara and Elâzığ Reformatories, juveniles were allowed to receive visits every Sunday from 10h00 to 16h00. Further, they had unlimited access to a pay-card telephone, and letters could be sent to and received from families and friends without restrictions.

In addition, there was a system of permits for juveniles to visit their families. A juvenile was eligible for a home visit permit after having served one quarter of his sentence; then he could apply for a permit every four months, provided that he remained of “good behaviour”, up to a maximum of four visits for six days. If juveniles could not afford to return home, the reformatory paid for their fares.

To sum up, the existing arrangements for contact with the outside world were generally satisfactory. However, it is a regrettable fact that a number of juveniles never received visits, because their families lived far away from the reformatories. In this connection, **the CPT invites the Turkish authorities to supply telephone cards free of charge to those juveniles who do not regularly receive family visits and who do not have the means to purchase telephone cards.**

7. Discipline

144. The disciplinary process at reformatories was governed by the same provisions as those applied in adult prisons, namely the Law on the Enforcement of Sentences (13/07/1965) and the Regulation by the Ministry of Justice on Execution Institutions and Remand Institutions (05/07/1967).

As already indicated (*cf.* paragraph 121), that process had a number of deficiencies as regards procedural safeguards. This state of affairs is all the more worrying in the present context, since juveniles were automatically transferred to a closed prison upon imposition of a disciplinary sanction without an option to return to open conditions.

The recommendations made in paragraph 121 above are to be considered as applying also to reformatories for juveniles.

8. Complaints and inspection procedures

145. As already indicated in paragraph 122, effective complaints and inspection procedures are basic safeguards against ill-treatment in prisons, and the same is true for reformatories. **The request for information and the recommendation set out in paragraph 123 are to be read as also covering reformatories for juveniles.** Further, as regards the request for information, **the CPT would like *inter alia* to be informed of the professional background of members of the monitoring boards in reformatories for juveniles.**

III. RECAPITULATION AND CONCLUSIONS

A. Law enforcement agencies

146. The findings in the İstanbul area tended to confirm the gradual improvement observed during the visit in July 2000 as regards the treatment of persons detained by law enforcement agencies. In particular, resort to methods such as suspension by the arms and the application of electric shocks would appear to be far less frequent than in the past. The general impression gained from interviews with persons who were or had recently been in police/gendarmerie custody as well as from discussions with public prosecutors, law enforcement officials and forensic doctors, was that a page was in the process of being turned.

However, the same cannot be said for the Şanlıurfa and Van areas, where a considerable number of allegations of serious forms of ill-treatment were received. In certain cases, medical evidence consistent with such allegations was gathered.

147. The CPT has made detailed recommendations, comments and requests for information concerning action to combat torture and ill-treatment. Recent constitutional and legislative changes have brought about improvements concerning maximum police custody periods and the rights of access to a lawyer and to have one's custody notified to a relative. Nevertheless, the CPT remains very concerned by the fact that persons detained on suspicion of collective offences falling under the jurisdiction of State Security Courts are still denied access to a lawyer during the first two days of their custody. Specific recommendations have also been made as regards the provisions applicable in provinces subject to a state of emergency, which allow for the temporary return of prisoners to the custody of law enforcement agencies.

148. Interrogation facilities of a highly intimidating character were found in the Anti-Terror Departments of several police establishments (*e.g.* in Ağrı, Elâzığ, Erzurum and Van). Quite apart from any physical ill-treatment which might occur in those facilities, to be questioned under such conditions can only be described as a form of psychological ill-treatment. The CPT has called upon the Turkish authorities to substantially modify those facilities or have them withdrawn from service.

The CPT has also recommended that the blindfolding of persons who are in the custody of law enforcement agencies be expressly prohibited. All the indications are that persons are blindfolded in order to prevent them from identifying law enforcement officials who inflict ill-treatment upon them.

149. The CPT has stressed once again the importance of appropriate professional training, integrating the principles of human rights, in the context of the prevention of ill-treatment. In this connection, it has recommended that the implementation of the newly-established Council of Europe/European Commission Pilot Programme on the professional training of the police and gendarmerie in Turkey be accorded a very high priority.

150. One of the most effective means of preventing ill-treatment by law enforcement officials lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. The CPT remains concerned about reports of the imposition of light sentences in cases involving convictions for torture and/or ill-treatment. It has sought from the Turkish authorities a full account of the actual sentences imposed in this respect in 2001.

151. The CPT has reviewed once again the existing system for the medical examination of persons in police custody. It has voiced concern that it remains common practice, especially in the Eastern part of the country, for the medical examinations to be carried out in the presence of law enforcement officials. The Committee has sought confirmation that amendments to the existing regulations aimed at ending this practice have been adopted.

152. The CPT has stressed the great importance of the compliance monitoring procedure established by the Prime Minister's Circular of 25 June 1999. No matter how complete the legal and regulatory framework to combat torture and ill-treatment, its effectiveness will ultimately depend on the existence of a determined intention that it be complied with in practice. Appropriate training and an effective system of control by the relevant authorities are the key components for ensuring that such a will does indeed exist. The Committee has recommended that appropriate steps be taken to ensure that the vitality of the compliance monitoring procedure is maintained.

153. The information gathered during the September 2001 visit demonstrates that progress continues to be made towards improving material conditions of detention in law enforcement establishments. In the majority of places visited, material conditions of detention were on the whole adequate. However, in certain police establishments, in particular in the İstanbul area, material conditions left a lot to be desired. Further, it remained quite common throughout the country that persons detained overnight were not provided with a mattress. The CPT has recommended that these shortcomings be remedied.

B. Foreign nationals held under immigration legislation

154. The CPT's delegation gathered clear evidence from official sources of the forcible removal through "rural areas" (that is to say not via recognised border crossings) of foreign nationals. The CPT does not contest a State's right to remove from its territory foreign nationals who contravene aliens legislation, provided that international obligations such as those related to asylum and non-refoulement are respected. However, it is totally unacceptable that persons be forced to enter neighbouring countries illegally, across rivers and mountainous areas, thereby exposing them to hazards and even placing their lives at risk. In the CPT's view, forcible removals of this kind will in many cases amount to inhuman or degrading treatment.

The CPT has called upon the Turkish authorities to give clear instructions to all agencies concerned that foreign nationals are to be removed to neighbouring countries only through official border crossings and only upon completion of all relevant procedures.

155. The CPT has also emphasised once again that it would be in violation of both national and international obligations for any person to be returned to a country where there are substantial grounds for believing that he/she would run a real risk of being subjected to torture or ill-treatment. The Committee has recommended that current legislation and practice be reviewed, in order to ensure that the above-mentioned obligations are met in all cases.

156. Conditions in holding facilities for immigration detainees were frequently found to be inadequate. This was particularly the case in the detention facility of the Foreigners Department at İstanbul Police Headquarters, a facility already criticised by the CPT in the past, as well as in the holding facilities of the Foreigners Departments at Ağrı and Van Police Headquarters. The CPT has sought confirmation that improvement works announced by the Turkish authorities have now been completed. Further, the Committee has recommended that immediate steps be taken to ensure that all foreign nationals held under immigration legislation in police establishments are provided with mattresses and blankets at night and offered at least one hour of outdoor exercise per day.

C. F-type prisons

157. The CPT's delegation received few allegations of physical ill-treatment of prisoners by staff at Sincan F-type Prison, though certain prisoners did complain that they had been pushed down the stairs to the lower level of their living unit for the twice-daily headcounts. At Tekirdağ N° 1 F-type Prison, several prisoners alleged that they had been struck during the headcount procedure. The CPT has recommended that staff at both establishments be reminded that physical assault is never an acceptable response to recalcitrant behaviour on the part of inmates.

158. The vast majority of prisoners held under the Law to Fight Terrorism continued to refuse to participate in communal activities. Whilst the CPT recognises the obstacle this represents, the facts found during the visit were rather disappointing, as regards both the activities on offer and the number of prisoners engaging together in those activities.

The CPT has stressed once again the need for a proactive, enterprising approach to communal activities in F-type prisons; the credibility of the F-type prison project hangs upon this. In this connection, the CPT has welcomed a circular recently adopted by the Minister of Justice, making provision for groups of up to ten prisoners to associate for periods of up to five hours per week. Nevertheless, it has recommended that the circular be amended, so as to render all prisoners eligible for participation in the association periods, irrespective of whether they already take part in another communal activity.

159. Material conditions of detention as well as health care staff resources and facilities in the F-type prisons visited were satisfactory. However, the CPT has recommended that all medical consultations and examinations be conducted out of hearing and – unless the doctor concerned requests otherwise in a particular case – out of sight of custodial staff.

D. İmralı Closed Prison

160. The CPT's delegation received no evidence of any form of physical ill-treatment of Abdullah Öcalan, who remains the establishment's sole inmate.

161. The material conditions of detention remain on the whole very good. However, the CPT has recommended certain measures which would help to counter the potentially negative effects of the exceptional circumstances of Mr Öcalan's custody (*e.g.* provision of a radio with a wider range of wave bands, possibility to acquire a television set, access from his cell to the room adjoining it during part of the day). Like all other prisoners in Turkey, Mr Öcalan should also be allowed access to the telephone on a regular basis.

162. As regards the provision of health care, the CPT has recommended that the current twice-daily stereotyped checks performed by a constantly changing series of doctors be replaced by regular, in the first instance fortnightly, medical consultations with the same doctor. This would allow the development and continuity of a meaningful doctor/patient relationship. At the same time, it should be ensured that someone able to provide emergency care is always present on the island.

163. The CPT has also emphasised that the present, exceptional, custodial arrangements for Mr Öcalan cannot be allowed to continue indefinitely. In line with the CPT's standard recommendations, he should at the earliest opportunity be integrated into a setting where contact with other prisoners and a wider range of activities are possible.

E. Other prisons

164. The treatment by staff of prisoners in Elâzığ, Şanlıurfa and Van Prisons was on the whole correct. However, in the light of information gathered by the delegation (*e.g.* allegations of beatings at the time of admission by prison staff and/or members of the gendarmerie at Elâzığ and of ill-treatment of juveniles at Şanlıurfa and Van Prisons), the CPT has invited the Turkish authorities to take appropriate steps to ensure that all prison staff/members of the gendarmerie at these establishments are made fully aware that the ill-treatment of inmates is not acceptable and will be dealt with severely.

165. The CPT has made a number of recommendations concerning material conditions and activities for prisoners in Şanlıurfa Prison. It was in particular concerned to learn that most prisoners – including those serving long sentences – had no access to purposeful activities. They were confined to their dormitories throughout the day, where their only means of occupation consisted of reading books/newspapers, playing board-games and loitering in the adjacent courtyard. As regards Elâzığ and Van Prisons, the delegation focussed its attention on the units for women and juveniles.

166. The situation of female prisoners (and of young children and babies accompanying them) in the three prisons visited left a great deal to be desired. For example, no special food was provided for pregnant women, breastfeeding women and young children. Further, there was no special equipment (special beds, specialised chairs or other items such as nappies, toys and books) available to young children. More generally, the conditions of detention in the women's units were far from satisfactory, and were particularly poor at Van. All these issues have been the subject of recommendations.

167. The conditions of detention of juveniles in the prisons visited were also unsatisfactory; in particular, juveniles were subjected to an impoverished regime which was totally unadapted to their needs. The CPT has stressed once again that it would be far preferable for all juvenile prisoners, whether on remand or sentenced, to be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young.

168. The health care teams at Şanlıurfa and Van Prisons were under-resourced, in particular as regards the presence of medical doctors. Further, the standard of health care provided in all three establishments was generally unsatisfactory and of particular concern in respect of female prisoners and young children accompanying them. Specific mention should also be made of the lack of medical screening of new arrivals on admission and of regular visits to the establishments by a psychiatrist. The CPT has made a number of detailed recommendations concerning these deficiencies.

169. Other issues addressed by the CPT concern conditions of detention in discipline/observation units and complaints and inspection procedures. Further, a number of specific recommendations have been made as regards disciplinary procedures (*e.g.* that all prisoners facing disciplinary charges be accorded the right to appear before the disciplinary board). Similar recommendations have been made in respect of reformatories for juveniles.

F. Reformatories for juveniles

170. At the Ankara Reformatory, the CPT's delegation received a number of allegations of ill-treatment, which concerned beatings at the time when juveniles were first charged with a disciplinary offence. It would appear that effective measures have now been taken to tackle this problem.

171. Material conditions in the Ankara Reformatory were of a reasonably good standard. By contrast, the buildings housing the Elâzığ Reformatory were in an advanced state of dilapidation, and the level of hygiene was poor. The CPT has recommended that a high priority be given to the extensive renovation work which has already started at Elâzığ.

172. The CPT's delegation formed a particularly favourable impression of the regime activities provided for juveniles at the Ankara Reformatory, which included, *inter alia*, outside vocational training opportunities, computer courses, *etc.* Further, despite the fact that the Elâzığ Reformatory had less favourable resources for providing a full programme of purposeful activities, all juveniles there were engaged in educational activities or some sort of vocational training.

173. At both the Ankara and Elâzığ Reformatories, the bulk of the personnel consisted of custodial staff who had received no special training in working with juveniles. At Ankara, there was the support of a certain number of specialised staff, whereas at Elâzığ the only specialist staff consisted of one social worker. The CPT has recommended that the number of specialist staff at the Elâzığ Reformatory be reinforced.

Further, the CPT has emphasised that the custody and care of juveniles deprived of their liberty is a particularly challenging task. All staff working in reformatories, including those with purely custodial duties, should receive appropriate professional training, both initial and in-service.

174. As regards health care, staff resources and facilities were on the whole adequate at the Ankara Reformatory. The situation at the Elâzığ Reformatory was less favourable. Further, the CPT is concerned that a considerable number of juveniles at Elâzığ had never been seen by a doctor. It has recommended that steps be taken to ensure that all juveniles are properly interviewed and physically examined by a medical doctor as soon as possible after their admission to the reformatory. Further, the CPT has recommended that regular visits by a psychiatrist be introduced at both institutions.

175. Finally, the CPT has serious misgivings about the approach followed of systematically transferring inmates of reformatories who are subject to a disciplinary measure (other than a warning or reprimand) to a closed prison, without any option to return to open conditions. Having regard to the potential for change in this age group, the CPT has invited the Turkish authorities to review current legislation and practice, in order to allow in appropriate cases inmates to return to open conditions after having served a disciplinary punishment in a closed prison.

G. Action on the CPT's recommendations, comments and requests for information

176. The various recommendations, comments and requests for information formulated by the CPT are listed in the Appendix to this report.

177. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Turkish authorities to provide **within six months** a response providing a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Turkish authorities to provide in the above-mentioned response reactions to the comments formulated in this report which are listed in the Appendix, as well as replies to the requests for information made.

APPENDIX

List of the CPT's recommendations, comments and requests for information

A. Law enforcement agencies

Preliminary remarks

recommendations

- steps to be taken to ensure that persons in respect of whom an extension of police custody to seven days is requested are the subject of a forensic medical examination immediately before being heard by the judge who must decide upon that request, and that the results of the examination are notified to the judge prior to a decision on the request being taken. (paragraph 11);
- the following points to be brought to the attention of the relevant judicial authorities:
 - irrespective of the findings of the forensic medical examination, the judge must listen carefully to what the detained person has to say and seek to assess for himself the physical and psychological state of the person concerned;
 - care must be taken to ensure that persons who may have been the victims of ill-treatment are not dissuaded from disclosing this fact to the judge; in particular, it would be entirely inappropriate for law enforcement officials carrying out the investigation against the detained person to be present when he/she is heard by the judge
(paragraph 11);
- the following points to be brought to the attention of the relevant prosecutorial and judicial authorities:
 - a request under Article 3 (c) of Legislative Decree N° 430 for the return of prisoners to the custody of law enforcement agencies should be rejected unless the requesting authority can demonstrate that, in the particular case in question, the questioning and taking of statements cannot be carried out in an effective manner on prison premises;
 - in exceptional cases when an authorisation is given under Article 3 (c), the period for which the prisoner is to be placed in the custody of the law enforcement agency should be determined in the light of the specific investigation needs of the case; the maximum possible period of ten days should not be systematically granted;
 - if ever an extension of the period of a prisoner's custody with a law enforcement agency is requested, it is essential that the prisoner be heard by the judge concerned before the latter decides whether or not to grant the extension; further, the recommendations made in paragraph 11 are to be read as applying equally to such a situation
(paragraph 17);

- all the relevant authorities to be reminded that the fact of being placed in the custody of a law enforcement agency in application of Article 3 (c) of Legislative Decree N° 430 does not change the legal status of the prisoner concerned; whilst in the custody of the law enforcement agency, the prisoner should continue to enjoy the rights which flow from his/her legal status, in particular as regards communication with the outside world and access to a lawyer (paragraph 18).

comments

- the CPT trusts that the Turkish authorities will in the near future implement the Committee's long-standing recommendation that all persons deprived of their liberty by law enforcement agencies, including persons suspected of offences falling under the jurisdiction of the State Security Courts, be granted as from the outset of their custody the right of access to a lawyer (paragraph 12);
- the Turkish authorities are urged to review the provisions of Article 3 (c) of Legislative Decree N° 430, in the light of the remarks in paragraph 19 (paragraph 19).

requests for information

- the comments of the Turkish authorities on the CPT's observation that the notification of a person's initial apprehension by a law enforcement agency should not require a decision of a prosecutor but instead be an obligation placed upon the law enforcement agency concerned (paragraph 14).

Action to combat torture and ill-treatment

recommendations

- official standards for interrogation facilities in law enforcement establishments to be drawn up as a matter of urgency and, in so doing, due account to be taken of the remarks set out in paragraph 27 (paragraph 27);
- a system of obligatory electronic recording of interrogations by law enforcement officials to be progressively introduced. The system to be introduced should be accompanied by appropriate guarantees designed to ensure that all interrogations are recorded and that the integrity of the recordings is protected. Further, both the detained person and his/her lawyer should have access to the recordings (paragraph 29);
- the blindfolding of persons who are in the custody of law enforcement agencies to be expressly prohibited (paragraph 31);
- the implementation of the Council of Europe/European Commission Pilot Programme on the professional training of the police and gendarmerie in Turkey to be accorded a very high priority (paragraph 33);

- efforts to ensure that all law enforcement officials are fully apprised of all texts governing their work to be intensified (paragraph 34);
- the Turkish authorities to redouble their efforts to ensure that a form containing distinct sections for the detainee's statements (including any allegations of ill-treatment), the doctor's objective medical findings, and the doctor's conclusions in the light of those two elements, is used for recording the medical examination of persons in police custody (paragraph 44);
- the training programme devised by the Ministry of Health for doctors called upon to perform forensic tasks to be reactivated (paragraph 45);
- the relevant provisions of Articles 135, 136 and 138 of the Code of Criminal Procedure to be rendered applicable to persons suspected of offences falling under the jurisdiction of the State Security Courts (paragraph 46);
- law enforcement officials to be reminded of the legal position regarding access to a lawyer for persons in police custody, including the specific provisions which apply to juveniles; in particular, it should be recalled that the right of access to a lawyer enjoyed by ordinary criminal suspects applies as from the very outset - and throughout - the period of deprivation of liberty (paragraph 47);
- steps to be taken immediately to ensure that whenever a person is deprived of his liberty by a law enforcement agency, for whatever reason, this fact is formally recorded without delay. Further, once a person detained has been placed in a cell, all instances when he is subsequently removed from the cell should be recorded in the Book of Admissions; that record should state the date and time the detained person is removed from the cell, the location to which he is taken and the officers responsible for taking him, the purpose for which he has been taken, and the date and time of his return (paragraph 48);
- the Turkish authorities to take appropriate steps to ensure that the vitality of the compliance monitoring procedure established by the Prime Minister's Circular of 25 June 1999 is maintained. The situation in all law enforcement establishments must continue to be thoroughly checked at appropriate (and irregular) intervals. Further, senior officials and public prosecutors carrying out the checks must examine all issues related to the treatment of persons in custody; those issues concern not only material conditions of detention but also questions such as the recording of detention, information on rights and the actual exercise of those rights (in particular the rights of access to a lawyer and to notify a relative of one's custody), and compliance with the rules governing the medical examination of persons in police custody. To explore these different issues in an effective manner will involve inter alia interviewing in private persons who are in detention (paragraph 51).

comments

- the aim of questioning criminal suspects should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to obtain a confession from someone already presumed to be guilty (paragraph 28);

- the situation described in paragraph 35 is a good example of the kind of concrete case to be addressed during professional training (paragraph 35);
- the Turkish authorities are encouraged to strive to improve the overall conditions of service of law enforcement officials (paragraph 36);
- the Turkish authorities are urged to introduce legislative amendments vesting in public prosecutors the sole responsibility and discretion to instigate proceedings in cases involving alleged ill-treatment by law enforcement officials (paragraph 39).

requests for information

- within three months, a detailed account of the action taken to substantially modify conditions in the interrogation rooms in the Anti-Terror Departments of the Police Headquarters in Ağrı, Elâzığ, Erzurum and Van and in the Provincial Gendarmerie Headquarters in Van or to have them withdrawn from service (paragraph 26);
- the full syllabuses of all current interrogation training courses for law enforcement officials, as well as the number of such officials who have followed those courses, broken down by the ranks of the persons concerned (paragraph 28);
- measures taken with a view to providing support to law enforcement officials, in order to counter the negative effects of continuous exposure to tense and violent situations (paragraph 36);
- in respect of the year 2001, full details of the actual sentences finally imposed following convictions under Articles 243 and 245 of the Penal Code (paragraph 38);
- an update as regards the legal proceedings instigated against police officers assigned to the Anti-Terror Department at İstanbul Police Headquarters, following the death on 7 March 1999, whilst in the custody of that Department, of Süleyman YETER (paragraph 38);
- the number of cases in 2001 in which public prosecutors were unable to obtain authorisation to instigate proceedings against law enforcement officials (paragraph 39);
- whether it is the case that in provinces subject to a state of emergency the authorisation of an administrative authority for the instigation of proceedings against law enforcement officials is required, even if the duties being performed by the officials were “judicial” in nature (paragraph 39);
- confirmation that the amendment of the last paragraph of Article 10 of the Regulations on Apprehension, Police Custody and Taking of Statements, as proposed by the CPT and approved by the Ministry of Interior, has been adopted, as well as a copy of Article 10 as amended (paragraph 42).

Conditions of detention

recommendations

- steps to be taken to ensure that anyone obliged to spend the night in the custody of a law enforcement agency is provided with a mattress (paragraph 52);
- instructions to be issued to the effect that no more than two persons should be held overnight in cells measuring 7 m², and that preferably cells of such a size should be reserved for individual occupancy in the event of multi-day stays (paragraph 52);
- conditions of detention in the establishments referred to in paragraph 53 to be reviewed, in the light of the remarks made in that paragraph. The cell at Çarşamba Police Station should be withdrawn from service; the same should apply to the basement-level cells at Eminonu Police Headquarters until such time as they are substantially renovated (paragraph 53).

requests for information

- the comments of the Turkish authorities on the proposal set out in paragraph 54 (paragraph 54).

B. Foreign nationals held under immigration legislation

Removal procedures

recommendations

- the Turkish authorities to give clear instructions to all agencies concerned that foreign national are to be removed to neighbouring countries only through official border crossings and only upon completion of all relevant procedures (paragraph 58);
- current legislation and practice to be reviewed, in order to ensure that national and international obligations not to return a person to a country where there are substantial grounds for believing that he/she would run a real risk of being subjected to torture or ill-treatment are met in all cases (paragraph 60);
- the Turkish authorities to make the necessary arrangements to ensure that persons refused entry into Turkish territory and held in the transit zone of international airports: are informed immediately of the procedure to be applied to them; are placed in a position to contact a lawyer as well as representatives of relevant organisations; where necessary, are offered the services of an interpreter (paragraph 61).

comments

- the CPT trusts that the conclusion of the bilateral re-admission agreement with Greece on 8 November 2001 will put a definitive end to the forcible removal of foreign nationals to Greece through “rural areas” (paragraph 59).

requests for information

- detailed information on the conclusion and implementation of readmission agreements with neighbouring countries, including:
 - the number of foreign nationals who have been removed from Turkey on the basis of re-admission agreements;
 - the measures taken to ensure that no foreign national is removed from Turkey on the basis of a readmission agreement to a country where he/she would run a real risk of being subjected to torture or ill-treatment (paragraph 59).

Conditions in holding facilities for immigration detainees

recommendations

- the Turkish authorities to take immediate steps to ensure that all foreign nationals held under immigration legislation in police establishments (including at international airports) are provided with mattresses and blankets at night and offered at least one hour of outdoor exercise per day (paragraph 65);
- due account to be taken of the remarks made in paragraph 29 of the 7th General Report on the CPT’s activities (cf. CPT/Inf (97) 10) as regards material conditions, the regime and personnel in centres specifically designed for accommodating immigration detainees, in the process of setting up new centres to accommodate foreigners illegally entering Turkey pending their deportation from the country (paragraph 66).

requests for information

- confirmation that the works to extend the holding facility at the Foreigners’ Department at İstanbul Police Headquarters have now been completed, as well as a detailed description of the holding facility in its present form; confirmation that foreign nationals accommodated in the facility are now offered outdoor exercise on a daily basis (paragraph 64);
- confirmation that the works in progress to set up an “Aliens Admission and Return Centre” in Van province have now been completed, as well as a detailed description of the holding facility (paragraph 65);

- the progress made on work to set up new centres to accommodate foreigners illegally entering Turkey pending their deportation from the country (paragraph 66).

Registers

recommendations

- all immigration detainees held in police establishments (including at international airports) to be recorded in a register, the entry to cover, inter alia, their time of arrival and time of departure (paragraph 67).

C. F-type prisons

Activities

recommendations

- the Circular of 18 January 2002 to be amended so as to render all prisoners in F-type prisons eligible for participation in the association periods of up to five hours per week, irrespective of whether they already take part in another communal activity (paragraph 70).

requests for information

- a full account of the present status of communal activity programmes in operation at each of the F-type prisons:
 - each type of workshop and of other communal activity currently taking place;
 - the total number of hours during which each workshop or other communal facility is in use by prisoners per week;
 - the total number of prisoners (broken down by category of prisoner) engaging in communal activity per week;
 - the number of prisoners (broken down by category of prisoner) participating in each workshop or other communal activity per week;
 - the largest number of prisoners (broken down by category of prisoner) participating at the same time in each workshop or other communal activity(paragraph 71).

Ill-treatment

recommendations

- the headcount procedure to be amended, in the light of the remarks in paragraph 73 (paragraph 73);
- staff at Sincan and Tekirdağ N° 1 F-type Prisons to be reminded that physical assault is never an acceptable response to recalcitrant behaviour on the part of inmates (paragraph 73).

Staff

requests for information

- information on further developments concerning the staffing of F-type prisons and staff training, including as regards the management of those establishments (paragraph 74).

Contact with the outside world

comments

- the CPT trusts that the planned installation of additional card phones will make it possible in due course to give prisoners even more frequent access to the telephone (paragraph 75);
- the open visit rooms in F-type prisons are valuable assets which should also be fully exploited in the context of the communal activity programmes offered to prisoners (paragraph 75).

Material conditions

comments

- the Turkish authorities are invited to seek ways to render the environment of the yards attached to the living units in F-type prisons less austere (paragraph 76).

Health care

recommendations

- all medical consultations and examinations in F-type prisons (whether on a prisoner's arrival or at a later stage) to be conducted out of hearing and - unless the doctor concerned requests otherwise in a particular case - out of sight of custodial staff. Further, prisoners' medical files should be kept in locked cupboards to which only health care staff have access (paragraph 77).

comments

- the Turkish authorities are invited to verify that newly-arrived prisoners are being properly interviewed and physically examined by a medical doctor (paragraph 77).

D. **İmralı Closed Prison**

recommendations

- the Turkish authorities to review their position regarding the proposals made by the CPT's delegation concerning access for Abdullah Öcalan to radio and television, to the telephone and to the room adjoining his cell, in the light of the remarks made in paragraphs 80 to 82 (paragraph 82);
- the current daily medical checks on Mr Öcalan to be replaced by thorough medical consultations with the same doctor to occur on a fortnightly basis. The intervention of specialists should be co-ordinated by that doctor, who should also have responsibility for ensuring that the state of medical facilities and supplies of medication at the prison are adequate. The nature of, and reasons for, this new approach should be fully explained to Mr Öcalan in advance, by the doctor appointed to carry out the fortnightly examinations. At the same time, it should be ensured that someone able to provide emergency care is always present on the island (paragraph 83);
- the waist-level partition in Mr Öcalan's cell to be extended so that the toilet is also screened from the direct view of prison staff (paragraph 84);
- the solitary confinement regime applied to Mr Öcalan to be reviewed, in the light of the remarks made in paragraphs 85 and 86 (paragraph 86).

E. **Other prisons**

Ill-treatment

comments

- the Turkish authorities are invited to take appropriate steps to ensure that all prison staff and members of the gendarmerie at Elâzığ, Şanlıurfa and Van Prisons are made fully aware of the fact that the ill-treatment of inmates is not acceptable and will be dealt with severely (paragraph 89).

requests for information

- for 2001 and the first half of 2002, in respect of all prisons in Turkey:
 - the number of complaints of ill-treatment lodged against prison staff and members of the gendarmerie;

- an account of disciplinary and/or criminal sanctions imposed following such complaints (paragraph 90);
- confirmation that the work of the gendarmerie in relation to prisoners is now considered as a “judicial” duty (paragraph 91).

Conditions of detention of the general prison population at Şanlıurfa Prison

recommendations

- the Turkish authorities to ensure that the conversion work at Şanlıurfa Prison is completed as quickly as possible and that the occupancy rates in the new units are of a reasonable level; living space per prisoner should be, at the very least, 4 m² and preferably considerably more. Steps should also be taken to review the level of hygiene in all areas (paragraph 93);
- the provision of food at Şanlıurfa Prison to be reviewed (paragraph 94);
- the Turkish authorities to pursue their efforts to increase and diversify the activities offered to prisoners at Şanlıurfa Prison. The aim should be that all prisoners (including those on remand) spend a reasonable part of the day outside their living units, engaged in purposeful activities - work, preferably with vocational value, education, sport, *etc.* (paragraph 96).

Units for women in the prisons visited

recommendations

- the Turkish authorities to review as a matter of urgency the conditions of detention in the units for women at Elâzığ, Şanlıurfa and Van Prisons, in the light of the remarks made in paragraphs 98 to 100. Steps to be taken without delay to ensure that:
 - the third, renovated, dormitory at Şanlıurfa Prison is brought into service;
 - all women prisoners as well as children who accompany them are provided with their own bed, equipped with a mattress;
 - a satisfactory level of hygiene is maintained in all areas;
 - the provision of food is reviewed, taking account of the specific dietary needs of pregnant women prisoners, breast-feeding mothers and children (*e.g.* supply of high protein products, fresh fruit and vegetables);
 - special equipment (*e.g.* educational materials, toys, specialised beds, *etc.*) is provided for babies and young children(paragraph 101);

- the Turkish authorities to pursue their efforts to increase and diversify the activities offered to female prisoners at Elâzığ, Şanlıurfa and Van Prisons (paragraph 102);
- steps to be taken at Elâzığ and Van Prisons to provide activities for female prisoners, similar to those offered at Şanlıurfa (literacy courses, dressmaking and embroidery classes) (paragraph 102).

Units for juveniles in the prisons visited

recommendations

- immediate steps to be taken to bring the conditions of detention for juveniles in Elâzığ, Şanlıurfa and Van Prisons in line with the requirements of paragraph 16 of the Ministry of Justice Circular dated 3 November 1997. Further, the conditions of detention in juvenile units of other prisons should be reviewed to ensure that they also comply with the above-mentioned circular. Regardless of their period of detention, juvenile prisoners must be offered a programme of educational, recreational and other purposeful activities. Physical education should constitute an important part of that programme (paragraph 105).

comments

- the Turkish authorities are encouraged to envisage the opening of further prisons for juveniles in other parts of the country, in addition to those in Ankara and Sinop (paragraph 104).

Health care in the prisons visited

recommendations

- steps to be taken to ensure that Şanlıurfa and Van Prisons always benefit from the full-time presence of a doctor. If the doctors formally assigned to these establishments are temporarily absent for whatever reason (*e.g.* annual leave, illness, training, *etc.*), they should be replaced by another doctor working on a full-time basis throughout the period of absence (paragraph 109);
- the strict application of the new ministerial circular, requiring that new arrivals be systematically medically examined on their arrival, to be closely monitored by the appropriate authorities (*e.g.* prosecutors, enforcement magistrates, prison monitoring boards) (paragraph 110);
- the provision of health care to female prisoners and babies/young children accompanying them at Elâzığ, Şanlıurfa and Van Prisons to be reviewed, in the light of the remarks in paragraph 111. Doctors and other health care staff called upon to provide health care to female prisoners should be particularly attentive to women's health issues. Further, female prisoners should have regular access to a gynaecologist (paragraph 111);

- appropriate steps to be taken to ensure that prisoners identified as being in need of examination/care in an outside hospital are taken there with the promptness and in the manner required by their state of health (paragraph 112);
- regular visits by a psychiatrist to Elâzığ, Şanlıurfa and Van Prisons to be arranged (paragraph 113);
- mentally-ill prisoners to be transferred without delay to an appropriately equipped and staffed psychiatric facility (paragraph 114);
- steps to be taken to ensure full compliance with paragraphs 3 and 4 of the Ministry of Justice Circular dated 6 May 1999, *i.e.* both initial medical examinations of newly-admitted prisoners and subsequent medical examinations of prisoners to be conducted out of the hearing of prison staff and, unless the doctor requests otherwise, out of their sight, and prisoners' requests to see the doctor to be forwarded on a confidential basis to the prison infirmary (paragraph 115).

comments

- the Turkish authorities are invited to take appropriate steps to promote greater stability in the employment of prison doctors in a given post. Further, the Committee wishes to underline the importance of duly recognising the very particular nature of the tasks of a prison doctor; specialised training, both before and after appointment, is certainly required for those tasks to be performed in a satisfactory manner (paragraph 108).

requests for information

- the Turkish authorities' views on strengthening the role of the Ministry of Health in relation to health care services in prisons (paragraph 107);
- a copy of the new ministerial circular requiring that new arrivals be systematically medically examined on their arrival (paragraph 110).

Other issues

recommendations

- the material conditions of the discipline/observation units at Elâzığ and Şanlıurfa Prisons to be reviewed, in the light of the remarks made in paragraph 118 (paragraph 118);
- the position of prisoners sent to Elâzığ for the purposes of undergoing forensic psychiatric assessment to be reviewed, in the light of the remarks made in paragraph 120 (paragraph 120);
- all prisoners facing disciplinary charges to be accorded the right to appear before the disciplinary board. Further, such prisoners should have the right: to be informed in writing of the charges against them and to be given sufficient time to prepare their defence; to call witnesses on their own behalf and to cross-examine evidence given against them; to be heard in mitigation of punishment, if found guilty by the disciplinary board (paragraph 121);

- arrangements to be made in all prisons enabling inmates to contact on a confidential basis the Enforcement Magistrate and/or the Chairperson of the monitoring board (paragraph 123).

comments

- the CPT trusts that the management of all prison establishments have been reminded of the requirement that prisoners held in discipline/observation units are to be offered at least 1 ½ hours outdoor exercise per day (paragraph 117);
- acts of self-harm and suicide attempts frequently reflect problems and conditions of a psychological or psychiatric nature. Consequently, it would be inappropriate to systematically adopt a punitive approach vis-à-vis prisoners who commit such acts. The prisoners concerned should first of all be assessed by properly qualified health care staff with a view to determining the causes of their actions (paragraph 119).

requests for information

- detailed information on the implementation of the reforms to introduce enforcement magistrates and prison monitoring boards (paragraph 123).

F. Reformatories for juveniles

Preliminary remarks

comments

- the CPT invites the Turkish authorities to review current legislation and practice as regards the transfer to a closed prison of juveniles subject to a disciplinary measure (other than a warning or reprimand), in the light of the remarks made in paragraph 127 (paragraph 127).

requests for information

- copies of the instructions issued by the Ministry of Justice on General Provisions for Juvenile Prisons and Reformatories and on Methods of Execution in Juvenile Prisons and Reformatories, and of any other regulations governing juvenile prisons and/or reformatories (paragraph 126).

Ill-treatment

recommendations

- the staff of all juvenile institutions in Turkey to be reminded that in the interest of preventing ill-treatment, all forms of physical chastisement must be formally prohibited and avoided in practice (paragraph 129).

Conditions of detention

recommendations

- as regards the Elâzığ Reformatory for Juveniles, a high priority to be given to the recently started renovation work; immediate steps to be taken to ensure that juveniles are able to maintain a satisfactory level of personal hygiene (paragraph 131).

comments

- it would be desirable to reduce somewhat the occupancy levels in the dormitories at the Ankara Reformatory for Juveniles by making use of all the available accommodation (paragraph 130);
- the CPT invites the Turkish authorities to ensure that all living and sleeping areas for juveniles at the Elâzığ Reformatory are equipped and decorated in such a way as to create a more individualised and stimulating atmosphere (paragraph 132);
- the CPT invites the Turkish authorities to explore the possibility of providing the Elâzığ Reformatory with an indoor sports facility. Further, in the same way as at Ankara, it would be desirable for computer courses to be offered to juveniles at the Elâzığ Reformatory (paragraph 134).

Staff

recommendations

- steps to be taken to provide staff in reformatories for juveniles with appropriate training (both initial and in-service) (paragraph 136);
- the number of specialist staff to be reinforced at the Elâzığ Reformatory (paragraph 136).

Health care

recommendations

- at least one full-time psychologist to be employed at the Elâzığ Reformatory (paragraph 138);
- regular visits by a psychiatrist to be introduced at the Ankara and Elâzığ Reformatories (paragraph 139);
- steps to be taken to ensure that all juveniles are properly interviewed and physically examined by a medical doctor as soon as possible after their admission to the Elâzığ Reformatory (paragraph 140);

- steps to be taken to ensure that a personal and confidential medical file is opened for each juvenile at the Elâzığ Reformatory and that the quality of the documentation placed in these files is improved at both the Ankara and Elâzığ establishments (paragraph 141).

comments

- the CPT trusts that the health care facilities at the Elâzığ Reformatory will be improved in the context of the modernisation programme (paragraph 137).

Contact with the outside world

comments

- the Turkish authorities are invited to supply telephone cards free of charge to those juveniles who do not regularly receive family visits and who do not have the means to purchase telephone cards (paragraph 143).

Discipline

recommendations

- all juveniles in reformatories facing disciplinary charges to be accorded the right to appear before the disciplinary board. Further, they should have the right: to be informed in writing of the charges against them and to be given sufficient time to prepare their defence; to call witnesses on their own behalf and to cross-examine evidence given against them; to be heard in mitigation of punishment, if found guilty by the disciplinary board (paragraph 144).

Complaints and inspection procedures

recommendations

- arrangements to be made in all reformatories for juveniles enabling inmates to contact on a confidential basis the Enforcement Magistrate and/or the Chairperson of the monitoring board (paragraph 145).

requests for information

- detailed information on the implementation of the reforms to introduce enforcement magistrates and monitoring boards, in respect of reformatories for juveniles (paragraph 145);
- the professional background of members of the monitoring boards in reformatories for juveniles (paragraph 145).