



# KURD-CHR

## Kurdish Center for Human Rights CENTRE KURDE DES DROITS DE L'HOMME

*Since the coup d'état in Turkey on July 15, 2016, there has been an increase in the repression of lawyers, artists, opposition parties and organizations, and especially of the Kurdish community. David Kaye, the Special Rapporteur on freedom of opinion and expression, who visited Turkey in 2016, stated that "the Turkish government has a very broad concept of terrorism" and "considers anyone who opposes it to be a terrorist." (1) A similar assessment was made by Ignacio Sanchez Amor, the European Union's rapporteur on Turkey. The fact that the Turkish government considers everyone who does not agree with it to be a "terrorist member, terrorist" leads the majority of the opposition, especially the Kurdish, to see them as enemies. With this, it aims to manipulate society and international politics to justify its anti-democratic and repressive practices. In the geography of Turkey, especially in the region where the Kurds live, the militarism considers all kinds of practices against the opponents of the Kurds as a natural right, while in the prisons that it isolates from the society, it gives all kinds of arbitrary practices to the prison administration. The administrations in prisons, with the authorization they receive from the government, consider torture and ill-treatment and all kinds of practices as their right.*

*According to data from the Human Rights Association of Turkey dated 1.12.2023, there are 280,584 detainees and prisoners in Turkey. According to this data, 266'510 men, 11'533 women and 2'541 children are in prison. However, the number is steadily increasing, with an estimated 310,000 prisoners as of April 2024. The number of prisons is 403, including 9 for children. "Terrorism" according to the Turkish state, in reality there are around 40,000 prisoners for their political activities, i.e. their thoughts and expressions, their political activities, such as representatives and employees of opposition legal Kurdish parties and organizations, journalists, publishers, artists, academics, representatives of civil society organizations. According to IHD data, the number of deaths in prisons in 2022 was 81. Of these, 25 died under suspicious circumstances, the state's explanations are contradictory, 36 inmates died of illness, and 19 inmates, including two children, died by suicide. (2) In 2023, there will be at least 42 prisoners. According to IHD's findings, 3 prisoners died in Hatay F-type Closed Prison with a firearm during an earthquake, 1 prisoner's cause of death is unknown, 1 prisoner died in a traffic accident, 10 prisoners died of suspicion, 23 prisoners died of illness, and 4 prisoners died by suicide. (3)*

*According to our findings, there are 1'605 sick prisoners in prisons, 651 of whom are seriously ill, although the number is always increasing.*

### **Torture and ill-treatment:**

*Article 10 of the United Nations Covenant on Civil and Political Rights states that "persons*

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- 3- <https://www.ihd.org.tr/ihd-2022-yili-turkiye-hapishaneleri-hak-ihlalleri-raporu/>
- 4- <https://cisst.org.tr/yazilar/1453-agirlastirilmis-muebbet-cezaevinde-nasil-yasiyorlar/>



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*deprived of their liberty have the right to humane treatment and to be treated with respect for the inherent dignity of the human person". Article 1 of the United Nations Basic Principles for the Treatment of Prisoners states that "all prisoners shall be treated with the respect due to their inherent human dignity and worth". Turkey's penal and execution laws contain similar provisions. However, the practice is different.*

*In our interviews with the Kurdish Human Rights Center, Human Rights Association, Human Rights Foundation of Turkey, CISST, Prisoner and Family Assistance Association, Association of Lawyers for Freedom and some prisoners' families, we have heard about torture and ill-treatment of prisoners through physical attacks, threats, beatings, strip searches, raid cell searches, Racist discriminatory approaches, death threats, police conducting cell searches together with guards, forcing political prisoners to move to independent wards, forcing them to stand in single file in military order, violations of health and treatment rights, arbitrary bans and practices continued to increase. Unable to find an interlocutor to solve their problems, prisoners were forced to go on hunger strikes and death fasts against unbearable violations of their rights.*

*One of the most intense problems during this period was the practice of strip searches and the demand to look into the prisoner's mouth during the search. Prisoners who refused strip searches were tortured, their clothes were torn and forcibly removed, prisoners were asked to kneel, and those who refused were tortured beyond physical assault. In addition, inmates were sued for resisting the officer in charge and the complaints filed by the inmate were responded with "no grounds to file a lawsuit" and the files were closed.*

*Administrative and Observation Committees :*

*On 29.12.2020, the Regulation on "Observation and Classification Centers and Evaluation of Prisoners" came into force, which establishes committees to decide on the well-being of prisoners every 6 months. This board is chaired by the director of the institution and consists of the second director, the administrative officer, a prison doctor, a psychiatrist, a psychologist, a social worker, a teacher, and an execution and protection officer. This board replaces the court and assesses the prisoners' good behavior and decides whether they are eligible for conditional release and probation.*

*As evidenced by the statements of families and inmates whose release has been postponed, the observation committees make abstract and subjective interpretations in their evaluation of inmates. They demand statements of remorse from prisoners convicted for their political views. Since the law was passed, 384 prisoners have had their probation and release*

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*postponed by decisions of administrative and observation boards.*

*The review boards often cite disciplinary penalties as the legal basis for the postponement of release decisions. In prisons, prison administrations file a report and initiate disciplinary proceedings against any demand for rights or reaction to violations. Sometimes prisoners' greetings to each other are interpreted as organizational meetings, singing songs in Kurdish, dancing the halay as organizational propaganda, shouting slogans, etc. and disciplinary proceedings are initiated. Prisoners' sharing their rights violations with their families, civil society organizations and lawyers can be considered a crime and lead to investigations. According to families, in some prisons, prisoners are subjected to mouth searches during social activities, visits to the infirmary, transfers to hospital, counts or searches, and trips to and from hospital. Seriously ill prisoners are handcuffed when taken to hospital. In some prisons prisoners are subjected to strip searches. Prisoners' resistance to this degrading practice is used as grounds for disciplinary proceedings.*

*As a result of these disciplinary proceedings, inmates are subjected to punishments such as solitary confinement, being placed in a sunglasses room, being deprived of their right to communicate for a period of time, and being denied access to open visits. The most important point here is that the observation boards use these investigations and sentences as justification for burning the executions of prisoners and taking away their probation rights. Even seriously ill and well-behaved prisoners with one year left on their sentences are sometimes treated arbitrarily and their executions are burned. One of them is Cetin Arkas. Cetin Arkas is one of those who were executed for saying "Mr. Ocalan". On May 21, 2012, the 9th Criminal Chamber of the Supreme Court of Justice acquitted Hatip Dicle and Siirt Mayor Selim Sadak for saying "sayin Ocalan", stating that this was within the scope of the articles of the European Convention on Human Rights regulating freedom of expression. Zafer Saglam, who is currently in Silivri L-type prison no. 7 in Istanbul, is one of those whose release has been postponed. He has served 7 years and 6 months of his sentence, but has not been released due to a disciplinary penalty imposed by the prison administration. The reason for the disciplinary punishment was that when he was transferred from Silivri Prison No. 5 to Prison No. 7, the administration did not allow him to take his personal belongings. Zafer Saglam has expressed this. He was subjected to disciplinary proceedings and his release was postponed on the grounds that he shouted slogans because his friends in prison were dancing the halay. Among them is Mukaddes Kubilay, former co-Mayor of Agri. Mukaddes Kubilay, who*

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was elected co-mayor of Agri in 2014 from the Peace and Democracy Party, was arrested on December 27, 2016, sentenced to 7 years and 6 months in prison and replaced by a trustee on March 1, 2017. Her release was postponed on the grounds that she had not repented. Veysi Aktas, also in Imrali prison, has completed his 30-year sentence, but his release was postponed for a year by a decision of the observation board.

*Right to Hope:*

After Abdullah OCALAN was kidnapped from Kenya on February 15, 1999 and placed in Imrali Island prison in the middle of the Marmara Sea, Turkey changed its penal code in 2002, abolishing the death penalty and replacing it with aggravated life imprisonment. With regular life imprisonment, prisoners who had completed 30 years were released, while with aggravated life imprisonment, they were made to serve their sentences in a solitary confinement cell until death. (4) According to CISST data, there are 1453 prisoners serving aggravated life sentences in Turkey. According to the Law No. 5275 on the Execution of Criminal and Security Measures, which entered into force in 2005, these prisoners are subjected to a separate execution regime from other prisoners. In this execution regime, the convict has to stay alone in a cell under lock and key for periods of up to 23 hours. Prisoners sentenced to this punishment, unlike other prisoners, can use their phone and visitation rights very limited. While other prisoners have the right to phone and visit once a week, prisoners sentenced to aggravated life imprisonment enjoy these rights once every 15 days. In addition, while other prisoners can be visited by their "blood relatives and in-laws" up to the third degree and three people whom they can give their names although they are not related to them, aggravated life prisoners can only be visited by their spouse, descendants, ascendants and guardians.

In a sense, the aggravated life sentence was issued against Abdullah Ocalan. In order to isolate Abdullah Ocalan from other prisoners, his lawyers and his family, it was applied to all those serving aggravated life sentences. However, Abdullah Ocalan remained alone on the island of Imrali in Imrali High Security Prison until 2012. From 2012 onwards, four prisoners sentenced to aggravated life imprisonment were brought in. In 2015, the four prisoners were transferred to other prisons and Hamili Yildirim, Veysi Aktas and Omer Hayri Konar were brought instead. Since 2012, Ocalan and other prisoners have been prevented from meeting with their lawyers. Between 2012 and 2016, the lawyers' requests for meetings were denied on the grounds that the ship was out of order, while they were allowed to meet with their families on a limited basis. From 2016 onwards, visits with their families were prevented. In 2018, Kurdish political prisoners in all prisons were allowed to meet with their lawyers on

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several occasions after some MPs and politicians in Diyarbakir and representatives of Kurdish organizations in Strasbourg went on an indefinite hunger strike. The last news about Abdullah Ocalan, Omer Hayri Konar, Hamili Yildirim and Veysi Aktas was received on March 24, 2021. Abdullah Ocalan spoke to his brother for one and a half minutes in the presence of the prosecutor, then the phone was disconnected and no further contact was made. The CPT last visited Imrali Island in September 2022, a visit that the CPT has not made public because the Turkish state has not approved it. Lawyers for the prisoners on Imrali Island made an appeal to the United Nations Human Rights Committee. Although the Human Rights Committee has requested that Turkey provide unconditional regular access to the lawyers of the four prisoners as the process unfolds, to date, the Turkish government has not complied.

The European Court of Human Rights has also ruled that aggravated life imprisonment without the hope of release, which has been criticized and problematized by many different fields such as psychology, psychiatry, sociology and public health, is a 'violation of the prohibition of torture and ill-treatment' in the *Öcalan v. Turkey*, *Gurban v. Turkey* and *Kaytan v. Turkey* judgments. This execution regime, which includes imprisonment without hope of release and severe isolation, was considered a direct violation of the prohibition of torture and ill-treatment, in addition to communication, maintaining family ties, work, access to health, education.

### *Sick Prisoners and Deaths in Prisons:*

One of the major problems of prisons is sick prisoners. According to data from the Human Rights Association of Turkey and the Association for Solidarity with Prisoners' Families, there are 1517 patients in prisons, 651 of whom are seriously ill. There are no adequate treatment conditions in prisons. Prisoners avoid going to hospitals because of humiliating treatment such as strip searches, provocation, handcuffed examinations, etc. In addition, due to the conditions of the prisons, seriously ill prisoners should have their execution postponed so that they can be treated outside. The Turkish state seems to have an ideological approach to this. Sick prisoners who have been declared "unable to remain in prison" by university or research hospitals are denied release by the forensic medicine institution, which gives a contrary opinion. Especially the ideological attitude towards dissidents and Kurdish prisoners leads to the death of many prisoners in prison or a few days after their release. Halil Gunes, despite being diagnosed with cancer in his lungs in 2007, was not released on the basis of the forensic medical institution's report that he "could remain in prison" and died on

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December 15, 2021.

However, there are still suspicious deaths in prisons. Since 2021, there have been a number of suspicious deaths in prisons on grounds such as "he committed suicide in his cell" and "they were shot while trying to escape" in the F-type prison in Hatay during the earthquake in that province. Some of these are;

Garibe Gezer filed a criminal complaint, stating that she was tortured and sexually assaulted by prison guards in Kandıra No. 1 F type. On December 10, 2021, her family was reported by the prison authorities, that Garibe Gezer committed suicide.

Garibe Gezer, 28 years old a Kurdish woman from Nusaybin, was sentenced to aggravated life imprisonment for political reasons. She conveys information to HDP deputy Ömer Faruk Gergerlioğlu that she was tortured, abused and raped in Kandıra prison when she was transferred from Kayseri Bunyan Prison to Kandıra F-Type Prison.

HDP Women's Group presents the situation to the Ministry of Justice with 22 questions on October 25, 2021. Ömer Faruk Gergerlioğlu as well brings this issue to the agenda in his parliamentary speech. However, there is no answer to the question proposal by the Ministry of Justice. Garibe Gezer is put in a single room for 22 days, because she wants to convey the situation to the deputies and her family. After leaving the single room, she is put in the sponge room called the silence room, on the grounds that she conveyed the situation to her family by phone. The prison administration informed her family that she committed suicide in the sponge room. Her lawyers and HDP deputies state that the suicide is suspicious and that the claim that's he may have been killed is strong. The absence of her family and lawyers in the autopsy and the fact that it was confidential string then this claim.

Abdülrezzak Şuyur, 56, who was on the seriously prisoner list of the Human Rights Association, died on 14 December 2021 in Izmir Aliğa-Şakran T Type Prison. Shuyur, who was detained in Muğla in 1993, was sentenced to life imprisonment. In 2006, the European Court of Human Rights demanded a retrial of Abdülrezzak Şuyur by ruling on violation of rights in many ways. However, Turkish courts did not implement the decision. Abdülrezzak Şuyur, who has asthma, was diagnosed with lung cancer three months ago. A petition was filed by his family to have him treated outside, but the family received no response. The claim of the press and his family was that he was not treated in prison after he was diagnosed with the disease. He died on December 14, 2021.

Most recently, Vedat Cem Erkmen, who was given aggravated life sentence in Tekirdağ F Type Prison, was found dead in his solitary room on 19 December 2021. It was reported by the prison administration

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*that he committed suicide by calling his family at 21:00. Vedat Cem Erkmen's autopsy was carried out without his family and lawyers. Despite the request of Erkmen's family to be taken to the Istanbul Digorlular Association and to hold a funeral, Vedat Cem Erkmen's body was abducted by the police, and it was given to his family in Sakarya, 155 kilometers from Istanbul, and told that he should be buried in Kars, otherwise they would bury him. After meeting with the prisoners in prison, their lawyers explained to the press that Erkmen's death was suspicious and that he might have been killed.*

*The Kurdish Center for Human Rights recommends that the Special Rapporteur of the fight against torture visit Turkey's prisons, especially Imrali Prison with Kurdish prisoners.*

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