

TURKEY: CALL FOR ACTION TO PROTECT PRISONERS FROM COVID19 PANDEMIC - 25 March 2020

On March 11, the World Health Organisation (WHO) characterized the outbreak of COVID-19 a “global pandemic”. Looking at the confirmed infection rates we are seeing, it is obvious that this virus is spreading exponentially. On 24 March 2020, there are 1872 cases of COVID-19 confirmed in Turkey up from 191 on 18 March 2020. Total number of deaths has risen up to 44 as of 24 March 2020.

On March 20, the European Committee for the Prevention of Torture urged State Parties to carry out concerted efforts to resort to alternatives to deprivation of liberty. The Committee underlined that such an approach is imperative, in particular, in situations of overcrowding, and encouraged authorities to make greater use of: alternatives to pre-trial detention; commutation of sentences; early release and probation. (<https://rm.coe.int/16809cfa4b>)

A number of rights organizations, medical associations and human rights activists have brought up the dire situation in Turkey’s prisons where over 300 thousand inmates are accommodated. As credible reports have already documented, Turkey’s prisons are overcrowded and not sufficiently hygienic. The occupancy level of Turkish prisons is reported as %131 or %153 in credible reports. According to a report (November-2019) by the Human Rights Commission of the Turkish Parliament, the inmate population in Silivri prison is more than double the prison’s official capacity. The Commission also reported that the drinking water in the prison was coming through old and rusty pipes, which was resulting in health problems among the inmates.

Recently, it has been reported by the media that the government is preparing amendments to the penal system to allow the release nearly 100 thousand inmates in order to stem the spread of COVID19 in prisons. We applaud this action. However, according to media reports, those who have been imprisoned for certain charges including terror-related accusations will be exempted from benefitting this regulation. It means that lawyers, journalists, politicians, artists, judges and prosecutors, human rights defenders who were detained or convicted of terror-related accusations will not be benefiting of early release.

The undersigned organizations call on the Turkish Government to avoid any discriminatory exemption, respect the fundamental human rights of all prisoners and ensure that all measures necessary to protect them from all kinds of harms including the COVID19 pandemic are immediately taken. Prisoners who are elderly, sick, disabled and with children should be released from prisons immediately.

It would be irresponsible and inhumane to continue to detain those kept in unhealthy prison conditions vulnerable to the dire threat of the current pandemic despite all calls from rights organizations and public figures drawing attention to the well-being of the inmates. We hope all necessary steps will immediately be taken in accordance with the Turkish Constitution and the framework of the Universal Human Declaration of Human Rights and the International Covenant on Civil and Political Rights. The UN Human Rights Committee has determined that “the State party by arresting and detaining individuals takes the responsibility to care for their life.” The Committee has also clarified that it is, “incumbent on States to ensure the right of life of detainees, and not incumbent on the latter to request protection.” (Lantsova v. Russian Federation (26 March 2002) UN Doc CCPR/C/74/763/1997 para 9.2.)

The undersigned organizations welcome the possible release of prisoners to stem the spread of COVID19 in prisons. **We call on the Government of Turkey to ensure that:**

- i. Release measures include and do not exempt the release of political prisoners, particularly lawyers, journalists, politicians, artists, judges and prosecutors, human rights defenders and and others arbitrarily detained during the purge under emergency measures (2016-2018);
- ii. Prisoners who are older, sick, disabled and with children are released first; and,
- iii. All releases take place on an urgent basis.

The undersigned organizations:

1. European Federation of Journalists
2. European Centre for Press and Media Freedom
3. Foundation of Day of the Endangered Lawyers
4. Freemuse Association
5. International Association of People's Lawyers
6. International Observatory of Human Rights
7. International Federation of Journalists
8. Italian Federation for Human Rights
9. Lawyers for Lawyers
10. Lawyers' Rights Watch Canada
11. Liga voor de Rechten van de Mens
12. Platform for Peace and Justice
13. Social Justice Advocacy Campaign
14. The Open Dialogue Foundation
15. The Arrested Lawyers Initiative
16. The Media and Law Studies Association

