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**Responses of the Turkish authorities
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Turkey**

from 27 February to 3 March 1999

The Turkish authorities have authorised the publication of the CPT's report on its visit to Turkey from 27 February to 3 March 1999 (see CPT/Inf (2000) 17) and of their responses. The responses of the Turkish authorities are set out in this document.

Strasbourg, 7 December 2000

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**I. REPORT OF THE TURKISH GOVERNMENT
IN REPLY TO THE RECOMMENDATIONS AND REQUESTS CONCERNING THE POLICE
MADE IN THE REPORT OF THE EUROPEAN COMMITTEE FOR
THE PREVENTION OF TORTURE ON ITS VISIT TO TURKEY**

FROM 27 FEBRUARY TO 3 MARCH 1999

12 October 1999

The Turkish Government's views on the points dealt with in the report of the European Committee for the Prevention of Torture (CPT) on its visit to Turkey from 27 February to 3 March 1999 are set out below in the order adopted in the report.

6. *The CPT states in its report that in the detention facility of the Anti-Terror Department at Istanbul Police Headquarters a police officer noted down the duration of the interviews conducted by CPT delegation members with detained persons; it requests information on the use to which this information was subsequently put.*

The duration of the interviews conducted by delegation members with persons detained in the Anti-Terror Department was not noted down, and no such practice exists.

7. *The CPT states that it became apparent that two foreigners held in the Foreigners' Department detention facility at Istanbul Police Headquarters had been moved elsewhere in an attempt to prevent the CPT delegation from meeting them and that this situation is not in conformity with the principle of co-operation set out in Article 3 of the European Convention for the Prevention of Torture.*

During its visit to the Foreigners' Department on 28.02.1999, the CPT delegation interviewed each of the foreign nationals held in the detention facility. When the delegation asked to interview Mr (of Egyptian nationality, born 1955, son of.....) and Mr (of Egyptian nationality, born 1962, son of), who had been sent to Atatürk Airport to buy tickets, these two persons were transferred from the airport to the Foreigners' Department at Istanbul Police Headquarters and the delegation was able to interview them. When the two Egyptian nationals told the delegation members that they did not want to return to their country, the delegation members requested that the procedures concerning these persons should be slowed down, that they should not be returned to their country and that an interview with the United Nations representative's office should be secured for them. In response to this request, interviews with officials from the office of the United Nations High Commissioner were obtained for these two persons and they were allowed to submit their applications; however, as their applications were rejected, they were deported to their country.

11. *The CPT requests comprehensive information on the death of Süleyman Yeter.*

On 5 March 1999, in Istanbul, during a search of the Fatih office of the newspaper "Solidarity for a World without Exploitation", which was identified as one of the publications of the illegal organisation MLKP (Marxist Leninist Communist Party) during the interrogation of members of the organisation apprehended during operations against it, numerous prohibited publications were seized and five persons including Süleyman Yeter were apprehended and detained.

Süleyman Yeter had previously been detained for a short time in October 1990 because he was involved in the wounding of a police officer and damage to a police vehicle during an unauthorised demonstration; when it was established by statements from members of the organisation apprehended in 1994 and 1995 that he was an active member of the MLKP (secretary to the Kartal district committee) and was involved in the organisation's activities, he was again sought; he was arrested in March 1997, then released.

A medical certificate from Haseki State Hospital certifies that he bore no traces of violence when taken into custody on 5 March 1999. On 7 March 1999 he collapsed while being interrogated in the Anti-Terror Department of Istanbul Police Headquarters and died on the way to hospital.

The autopsy report drawn up on 28 April 1999 by the Morgue Department of the Institute of Forensic Medicine has already been submitted to the committee. The autopsy report states that the body bore marks of beating and that the report was referred to the First Committee of Experts to determine the definite cause of death.

Report No.1999/30938 of 28 July 1999 by the First Committee of Experts, a copy of which is appended (Appendix 1), refers to the findings set out in the autopsy report and, in brief, states the following: numerous contusion-type injuries were found on various parts of the corpse; given that these injuries were consistent with the period when Yeter was in custody, he received general contusion-type physical injuries while in custody; the situation was consistent with the definition of torture given in the World Health Organisation's Tokyo Declaration; on the basis of an assessment of all the findings, death was caused by an injury to the neck, the nature of which made it the sole cause of death; there was no medical evidence for any other cause of death in addition to this.

The administrative investigation of this death initiated by the Ministry of the Interior's inspectors is in progress. The investigation report of 23 August 1999 drawn up by the inspectors states that the accused, a Deputy Superintendent and two police constables, should be punished by dismissal from the profession on the grounds of allegedly committing the offence of "torturing persons present on business or persons entering or brought to the police premises for any other purpose "; the report has been forwarded to the competent disciplinary board, but no decision has yet been taken.

The Fatih Chief Public Prosecutor's Office has opened a judicial investigation into this incident. A copy of the indictment of 29 September 1999, prepared by Istanbul Public Prosecutor Hasan Eker and submitted by him to the Istanbul 6th Assize Court, is appended (Appendix 2). As will be seen from the text of the indictment, it states the following: it has been established by a medical report that when Süleyman Yeter was taken into custody in the Anti-Terror Department of Istanbul Police Headquarters, he bore no traces of violence; according to the custody register, he was interrogated four times; during the last interrogation, he collapsed; it is apparent from report No.1999/30938 of the First Committee of Experts of the Institute of Forensic Medicine that he was tortured during oral interrogation; the duty of interrogating him was assigned to the accused, the previously-mentioned Deputy Superintendent and two police constables; although it is not established which of the accused dealt the blow that caused Yeter's death, the intention was to torture him and death ensued; it is therefore clear that all three accused jointly committed the offence charged; and the public prosecutor requests that they be punished.

The Turkish authorities will take care to keep the CPT informed of further developments in this case.

12. The CPT, noting that in their letter of 7 May 1999 the Turkish authorities stated that conditions in the Anti-Terror Department of Istanbul Police Headquarters would be improved, requests further particulars concerning the steps taken in the matter of supervision, prosecution and training of police officers belonging to this department.

Conditions in the detention facility of the Anti-Terror Department at Istanbul Police Headquarters have been brought up to standard. The Regulation on Apprehension, Custody and Interrogation which came into force on 1 October 1998 has been notified to all staff, and training courses on the regulation, together with other human rights training courses, have been included in the in-service training programme. The steps taken to train the staff of the Anti-Terror Department in this respect have been completed and the requisite training has been given.

Circulars are issued from time to time to remind staff to comply with the law. Line managers, particularly public prosecutors, verify whether staff practice complies with the law. A few examples of the "monitoring reports" drawn up on these occasions are appended (Appendix 3).

As in all other units, the requisite judicial and administrative investigations are opened in respect of all police officers belonging to the Anti-Terror Department who are alleged to have committed acts of torture and ill-treatment.

16. The CPT states that it trusts that the report to be submitted in reply to its report on the October 1997 visit will contain further information on the implementation of the recommendation set out in paragraph 27 of that report ("The authorities responsible for monitoring the implementation of the Prime Minister's Circular of 3 December 1997 to pay particular attention to compliance with the requirement that persons detained are given a copy of the form on the rights of suspects at the outset of their custody").

The CPT also requests confirmation that meetings between persons suspected of State Security Court offences and their lawyers, on the fourth day of custody, take place in the absence of law enforcement officials.

In line with the CPT's requests, provision is made in Article 6 of the Regulation on Apprehension, Custody and Interrogation to guarantee that the form on the rights of suspects and accused persons is given to detained persons, as follows: "The person shall be given a signed copy of the form on the rights of suspects and accused persons appended to the Regulation on Apprehension, Custody and Interrogation".

Provision is also made in Article 20 of the Regulation to guarantee that interviews between detained persons and their lawyers take place in the absence of law enforcement officials, as follows: "Detained persons may meet their lawyers at all times without power of attorney being sought and out of the hearing of others".

17. The CPT states in the report that the information gathered during the visit indicates that the right of detained persons to inform their next of kin of their situation is rarely applied in practice, particularly as regards persons suspected of State Security Court offences. It recommends that the possibility to delay the exercise of the right to have the fact of one's custody notified to a relative or third party should be made subject to appropriate safeguards (eg any such delay to be recorded in writing together with the reasons for it and to require the approval of a senior police officer or public prosecutor) and that strict time limits should be introduced.

It also requests confirmation that the right to inform a relative of one's custody also applies to persons suspected of State Security Court offences, as from the outset of their custody.

Article 9 of the Regulation requires the next of kin to be informed when a person is apprehended where this is not definitely inadvisable as regards disclosure of the subject of the investigation; it lists the procedural steps enabling the next of kin to be notified without delay.

In the case of State Security Court offences, this provision is applied when the custody period is extended by court decision. In addition, where the situation makes it inadvisable to notify the next of kin, this must be specified in writing.

18. The CPT proposes that the necessary steps be taken to ensure the systematic use of the new standard medical examination forms when detained persons are medically examined, and emphasises that doctors must record under the "conclusions" section of the form the degree of consistency between any allegations made by detained persons and the medical findings.

The Ministry of Health is currently making the necessary preparations for the judicial medical examination reports to come into standard use throughout the country. The printing of the "general judicial medical examination report" and "sexual assault medical examination report" forms prepared under the Ministry's supervision, as decided by the Higher Co-ordinating Council for Human Rights at its meeting on 11 September 1997, is at the tendering stage. Once the printing process is completed, the provincial health directorates and other institutions and organisations concerned will be notified by circular of the forms, which will then come into use. It is also planned to organise training programmes on the use of the forms. Steps will be taken to ensure that doctors include in the reports an assessment of detained persons' allegations.

19. The CPT recommends that Article 10 of the 1998 Regulation 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 also recommends the revocation of the stipulation in Article 10 that a copy of the doctor's report be kept at the detention centre. The article could stipulate instead that two copies of the report should be forwarded in a sealed envelope to the relevant public prosecutor (one for inclusion in the investigation file - and, if necessary, immediate action by the public prosecutor - and the other to be given to the person detained at the end of police custody) and one copy should be kept at the health unit. Any directions/advice which the doctor might wish to provide to the law enforcement agency concerning the health of a person held in police custody should be transmitted separately.

The CPT recommends in this paragraph that medical examinations should be conducted out of the hearing and, unless the doctor requests otherwise, out of sight of law enforcement officials, and also that no copy of the medical examination report should be kept by the law enforcement agency.

The last paragraph of Article 10 of the Regulation, to the effect that "In cases where there are no restrictions with regard to the soundness of the investigation and the safety of the doctor or the suspect, the doctor and the person being examined shall be left alone during the examination", provides for medical examinations to be conducted in the absence of law enforcement officials and lays down the conditions governing this practice.

As is apparent from the provisions of the Regulation concerning medical examinations, while it is a prerequisite for the doctor and the person being examined to remain alone during the examination, if this is inadvisable from the standpoint of

- i. the soundness of the investigation,
- ii. the doctor's safety,
- iii. the suspect's safety,

the doctor and the person being examined shall not remain alone during the examination and the law enforcement official who brought the suspect shall be present.

This provision is not intended to prevent the identification of interrogation methods prohibited by Article 135a of the Code of Criminal Procedure or to exert psychological pressure on the detained person and the doctor. This is clear from the fact that although the authors of the Regulation had no statutory obligation to do so, they made it compulsory for a medical certificate to be drawn up in respect of all persons apprehended as soon as they are taken into custody, if they change location for any reason and when their custody period ends.

The Regulation provides for everyone detained by law enforcement officials to be taken to a doctor. Particularly in the case of organised crime and terrorist offences, this will be done at the very beginning of the investigation, when some of the suspects will not yet have been apprehended and some information and documents will not yet have been collected. In exceptional circumstances such as this, the Regulation does not provide for the suspect and the doctor to remain alone in the same room.

Secondly, the suspect's psychological make-up or dangerousness in terms of the offence committed may also place the doctor at risk. In cases where his or her life is in danger, the doctor may not wish to remain alone with a suspect of this kind.

Thirdly, the doctor will need law enforcement officials to control suspects who throw themselves to the ground or hit out in all directions with dangerous movements during the examination.

Furthermore, to assume that in the above situations whenever law enforcement officials are present in the room with the doctor during a medical examination, they will previously have ill-treated the detained person and will exert pressure on the doctor not to write this down in the report, and to believe that every doctor will give in to this pressure and write an untruthful report, is to show an extreme lack of confidence in the law enforcement and medical institutions. The prime rule must be to believe that law enforcement officials and doctors will comply with the law and with their professions' ethical rules.

The purpose of a copy of the doctor's report being kept by the law enforcement agency is to ensure that files are complete and that when checks are carried out by the competent authorities, the steps taken in that respect are identified.

20. *The CPT requests information on the steps taken to implement the recommendation made in paragraph 30 of the report on the October 1997 visit ("detained persons in respect of whom an extension of police custody is sought to be systematically brought before the judge who examines the request").*

It also requests full details of sentences imposed in 1998 and the first half of 1999 under Articles 243 and 245 of the Turkish Criminal Code and additional information on action being taken in the field of training of law enforcement officials.

It is considered sufficient for the procedures for extending police custody periods to be conducted according to Article 14 of the Regulation; it is felt that bringing persons whose custody is extended before the judge each time an extension is sought will result in a waste of human resources.

From 01.01.1998 to 30.09.1999 judicial investigations were opened in respect of 272 officials and administrative investigations in respect of 235 officials under Article 243 of the Criminal Code, which contains provisions relating to "torture". Judicial investigations were opened in respect of 1,616 officials and administrative investigations in respect of 1,934 officials under Article 245 of the Criminal Code, which contains provisions relating to "ill-treatment". The statistics appended (Appendix 4) on officials in respect of whom judicial and administrative investigations have been opened under Articles 243 and 245 of the Criminal Code cover 1998 and 1999 and specify the stage reached in the investigation, the type of sanction imposed and the unit in which the official serves (Anti-Terror Department and others). A breakdown of the said statistics is not available on the basis of provinces.

As indicated in the replies to the reports on previous visits, in-service training courses are organised under the supervision of the relevant departments for the central network and that of the provincial police directorates for the provinces to provide staff with up-to-date information on their area of duty and increase their efficiency. While providing information on the relevant area of duty, the courses address the various topics from a human rights point of view, which forms the framework for this tuition. In some courses, such as the anti-terrorism course provided by the Anti-Terror and Operations Department, the curriculum includes human rights as a separate subject in an effort to increase staff awareness.

Likewise, in 1998 and 1999, various training activities such as courses and seminars on human rights in general and topics relating to the application of the "Regulation on Apprehension, Custody and Interrogation" were organised for staff actually working on the ground in various provinces, and these activities are continuing. Tables giving information on the units in which training courses are held, the subject of the courses, their duration and the participants are appended (Appendix 5).

25. *The CPT recommends that the Turkish authorities take steps to ensure that in the Foreigners' Department at Istanbul Police Headquarters:*

- *the improvements observed as regards the provision of mattresses and the unlocking of cell doors during the day are maintained,*
- *the problems affecting bathroom facilities are remedied,*
- *detainees without resources are provided with food free of charge and all detainees are given at least one full meal every day,*
- *all detainees are medically examined and a nurse visits the detention facility every day,*
- *all persons detained under aliens legislation are systematically provided with a document explaining the procedure applicable to them and setting out their rights, that this document is printed in the languages most commonly used by the detainees and that if necessary, recourse is had to the services of an interpreter.*
- In the Foreigners' Department detention facility the doors are kept open all day to give foreign nationals held there ready access to the facilities they need, and all foreigners are provided with a mattress and blanket.
- A further bathroom has been added to the two (one for men and one for women) already existing in the detention facility, thereby meeting detainees' needs.
- Foreigners held in the detention facility are given three meals a day; if they so wish, they may order items from outside, which are procured for them at their own expense.
- A medical certificate is obtained in respect of all detained foreigners on arrival at the detention facility; this is also done if they become ill while in detention, in which case they receive the necessary treatment; foreigners in the detention facility are screened every week by doctors assigned this duty. The facility and its foreign inmates are also checked daily by a nurse from the Regional Police Medical Office.
- Foreign nationals in respect of whom procedures are being carried out are provided, before their arrival at the Foreigners' Department detention facility, with an information sheet on their rights and the procedure applicable to them (in English, Farsi, Romanian and Russian) and if necessary, with an interpreter.

26. The CPT reiterates that the Istanbul Foreigners' Department is unsuitable for extended periods of detention and points out that the Turkish authorities have also stated this.

It has not yet been possible to secure a suitable location for the detention facilities planned to accommodate foreigners detained by the Foreigners' Department; the search for a location continues and efforts are being made to obtain the necessary funds.

However, to prevent foreign nationals from spending long periods in the detention facility, the relevant consulates are contacted and requested to speed up the procedures concerning their citizens. But as the consulates concerned are generally unable to complete the procedures in a short time, foreigners are obliged to remain in the detention facility.

29. In connection with the Passport Police Detention Area at Istanbul International Airport, the CPT notes that the delegation was informed of plans to create a more appropriate detention facility in the new building of Istanbul International Airport, which was under construction at the time of the visit; it recommends that the implementation of these plans be accorded a high priority and that in this connection the Turkish authorities take into account the points made in paragraph 26 of the Committee's 7th General Report (document CPT/Inf(97)10); it also asks for details of the conditions of detention to be offered in the new facility.

Pending construction of the new detention facility, the CPT recommends that the Turkish authorities take urgent steps to ensure appropriate sleeping arrangements for persons detained by the Passport Police at Istanbul International Airport.

The premises to be allocated to the Airport Police Research Unit in the new building, which is still under construction, will contain a detention area 16.6m² in size, equipped with toilets, washbasins and showers. The premises to be allocated to the Passport Unit will contain two detention areas measuring 22m² and 36.4m² respectively and likewise equipped with showers, toilets and washbasins.

The detention areas in both units will contain a sufficient number of bunk beds, mattresses and blankets. A 200m² "waiting area for passengers subject to restrictions" is being arranged on the arrivals floor of the International Terminal and it is planned to meet these passengers' needs with appropriate rest facilities, toilets, washbasins and showers.

Although the International Terminal currently in use does not adequately meet detained persons' needs for food, cleanliness, rest, open air exercise and access to their luggage, efforts are made to provide the best possible service under existing conditions. Passengers in difficulties are provided with food by the airlines transporting them and their health problems are dealt with by the airport doctor; if necessary, they receive treatment in Istanbul hospitals, where they are escorted by the staff of the airline concerned.

30. The CPT states that cell lighting and ventilation were observed to be inadequate in the Anti-Terror Department at Istanbul Police Headquarters, that not all detained persons were given a mattress, that conditions in the Narcotics Section had reverted to the inadequate state observed in September 1996 and that conditions in the Finance and Organised Crime Sections were similar to those in the Narcotics Section.

It mentions conditions in Istanbul Airport police station and states that conditions in Eyüp and İçerenköy police stations were unsatisfactory.

All persons detained in the Anti-Terror Department are given mattresses and blankets. To prevent them from inflicting damage on themselves, electrical fittings are placed in the corridors outside the cells; sufficient lighting is provided from the corridors. As in the other parts of the building, ventilation is ensured by an electric ventilator. The detention facilities in the Narcotics, Finance, Organised Crime and Smuggling Sections have been enlarged to the standard size. They contain showers, toilets, bathroom facilities, bunk beds, mattresses and blankets. Plans to improve lighting and ventilation standards have been completed and funds have been requested.

The detention facility at İçerenköy police station has been enlarged to the standard size; wooden flooring has been laid; mattresses and blankets have been provided and lighting and ventilation have been brought up to standard.

As the buildings of Eyüp District Police Headquarters are old, it is impossible to enlarge the detention facilities to the required size. As far as possible, detained suspects are provided with mattresses and blankets.

31. The CPT states that the small cells in the Anti-Terror Department at İzmir Police Headquarters criticised by the CPT delegation during the October 1997 visit had been enlarged and refurbished, but that sleeping arrangements continued to be unsatisfactory and that the temperature in the cells was observed to be low.

The detention facilities in the İzmir Anti-Terror Department have been equipped with mattresses and blankets for each detainee and with separate hot water facilities for men and women.

32. The CPT states that no developments were recorded as regards the provision of food to persons detained at Istanbul Police Headquarters.

Detained persons are provided with food by Istanbul Police Headquarters. A separate appropriation has been earmarked for the purpose under the Security Directorate budget (sub-head 34).

33. The CPT recommends that steps be taken to remedy the shortcomings, as regards conditions of detention, identified in the above-mentioned police establishments and referred to in paragraphs 30 to 32.

Efforts to standardise detention facilities in Turkey are being pursued and are monitored by the Interior Ministry at undersecretary level. As a result of the work done in this area, almost 70% of detention facilities have been brought up to standard. Efforts to bring the remainder up to standard are continuing. The estimated cost of refurbishment and rebuilding is 650 billion TL, of which 400 billion TL have been included in the 1999-2000 budget. Payments out of this appropriation are made to the provinces on request.

34. The CPT refers to the provisions on physical conditions of detention set out in Article 24 of the Regulation on Apprehension, Custody and Interrogation published in August 1998. It recommends that no more than two persons should be held overnight in cells measuring 7m² and that cells of such a size should be used for individual occupancy in the event of multi-day stays.

In the light of the facts found during the 1999 visit, the CPT also recommends that Article 24 of the above-mentioned Regulation be amended so as to provide that anyone held overnight in custody is to be given a mattress.

The CPT also recommends that instructions be issued to the effect that persons in police custody are to be supplied with food every day at appropriate times and that all police establishments be allocated a specific food budget to cover the cost of providing food to detained persons who have no resources.

Intensive efforts to bring detention facilities up to standard in line with the CPT's recommendations and the Regulation continue within the limits of the budgetary resources available. However, it may be necessary at certain times to hold two persons simultaneously in single-occupancy cells because there is an excessive number of detainees. But this is not general practice.

The recommendation concerning the provision of mattresses is reflected in the provision in Article 24 that "Depending on seasonal weather conditions and material conditions in detention facilities, a sufficient number of beds and blankets shall be provided to persons who are to be held overnight in custody". An amendment of the kind proposed is unnecessary.

In 1999 an appropriation covering the food and accommodation expenses of persons taken into custody for various reasons, refugees and abandoned children was included in the Security Directorate budget.

35. The CPT states that it was disappointed to learn that the facilities criticised in its October 1997 report in the Anti-Terror Department at İzmir Police Headquarters and in the Narcotics Section and Finance Section at Istanbul Police Headquarters continued to be used in the same way, and indicates that it must reiterate its recommendation that facilities of this kind be withdrawn from service.

Istanbul Police Headquarters has remedied the shortcomings observed by the CPT during its previous visits; cell measurements have been brought up to standard, but it has not been possible to remedy the deficiencies of the lighting and ventilation systems because of the structure of the buildings. They continue to be used because they are needed.

Appended to this report are copies of records, sketches and circulars concerning the efforts made to remedy various defects and shortcomings observed at Istanbul Police Headquarters by the CPT during its visits to Turkey, together with photographs showing the steps taken to improve material conditions in the detention facilities (Appendix 6).

The shortcomings noted by the Committee in the Anti-Terror Department at İzmir Police Headquarters have been remedied; the interrogation rooms whose walls were covered in black leather at the time of the Committee's October 1997 visit have been painted in light colours and the lighting and ventilation systems have been put in order. Photocopies of photographs showing the present state of these facilities are appended (Appendix 7).

**II. THE TURKISH GOVERNMENT'S RESPONSE
CONCERNING THE SECTION ON İMRALI PRISON OF THE REPORT
ON THE VISIT TO TURKEY BY THE EUROPEAN COMMITTEE
FOR THE PREVENTION OF TORTURE**

FROM 27 FEBRUARY TO 3 MARCH 1999

Our observations in reply to the letter sent to the Turkish Government by the European Committee for the Prevention of Torture after its visit to İmralı prison were communicated to the Committee on 7 May 1999.

In the following paragraphs we submit our comments on the CPT's report of 9 July 1999 on that visit.

- a. As indicated in our observations of 7 May 1999, Abdullah Öcalan was imprisoned in İmralı Closed Prison, which accommodates no other remand or sentenced prisoners, for reasons connected with his own safety. Thus the prisoner is held in a high-security institution because of the nature of offenses that he has committed.
- b. The Committee's report states that prisoners serving long sentences may lose their social skills and experience psychological problems. It accordingly suggests that a regime taking account of these remarks be introduced, that as far as possible other sentenced prisoners be accommodated on the island and that the possibility of letting Öcalan associate with them be considered. However, section 16 of the Law to Fight Terrorism does not allow contact between prisoners sentenced for terrorist offences in the prisons where they are held. In addition, placing other prisoners near him seems likely to jeopardise his safety.

That being said, the prison authorities have taken a number of steps to palliate the potentially negative effects of Öcalan's situation on his mental health, as in the case of any other prisoner. He is periodically placed under the supervision of a specialist psychiatrist, with whom he has regular sessions. Further, staff members skilled and experienced in human relations, designated by the prison authorities, have daily conversations with the prisoner at specific times. Every effort is thus made to ensure that the prisoner, under sentence of death, is as far as possible not psychologically affected. He undergoes regular medical examinations and the relevant medical reports are forwarded to the Committee.

- c. Both the legislation on sentence enforcement and the internal regulations drawn up and applied by the prison provide for the possibility of supplying the prisoner with a radio, books and recreational material.

The radio provided to the applicant allows reception of TRT-FM programmes. He is regularly supplied with books, periodicals and writing materials. He regularly reads the daily press, and the books he wishes to read are procured for him. The publications and newspapers brought by his relatives and lawyers are accepted by the prison.

- d. The ambulance equipment for resuscitation purposes is at the disposal of the medical staff on the island, who have been trained in its use.
- e. A waist-level screen has been fitted round the shower and toilet in his cell. The cell has been equipped with a desk. The window has been enlarged to 100 x 75cm and the upper part adjusted to open up to 10cm, thus ensuring access to more sunlight and fresh air.
- f. Both the legislation on sentence enforcement and the internal regulations entitle the prisoner to receive regular visits in safety from his lawyers and his relatives.

He has interviews with his lawyers and converses once a week with his relatives. His brother Mehmet Öcalan and his sisters Fatma Öcalan and Havva Keser, for example, visit him regularly. To allow his visitors and lawyers to travel in safety to and from the island, the necessary security measures are taken at the landing-stage where the boat leaves for the island, during the crossing and while they are on the island.

- g. As stated in our observations of 7 May 1999, the iron grill covering the prisoner's open-air exercise area has been removed and replaced by wire netting similar to a fisherman's net; the exercise area has thus been rendered more open. Both the United Nations Standard Minimum Rules and Committee of Ministers Recommendation R(87)3 entitled "The European Prison Rules" use the criterion of "reasonable space" without specifying size in figures. A 45m² exercise area should be regarded as much more than reasonable for a single prisoner: other sentenced inmates of our country's prisons do not have exercise areas of that size at their disposal.

Moreover, exercise areas for "dangerous criminals" in several west European countries are smaller and more restricted (for example Wupperthal and Ossendorf-Cologne prisons in Germany, Viridsloslille and Copenhagen prisons in Denmark, Ila closed prison in Norway and Helsinki closed prison in Finland).

The surface of the exercise area is covered in sand because of the frequent rainfall on the island. This prevents mud from forming and affords a comfortable exercise area, as well as making the ground more flexible so as to protect the prisoner from rough contact with rocky patches of ground.

- h. Under Article 129 of the Sentence Enforcement Regulations, prisoners are entitled to at least one hour's daily open-air exercise at the times specified in the internal regulations.

Rule 21 of the United Nations Standard Minimum Rules and paragraph 86 of Committee of Ministers Recommendation R(87)3 specify that prisoners should be allowed at least one hour's daily outdoor exercise.

We accordingly consider that the amount of open-air exercise allowed to Öcalan, who has one hour in the morning and one in the afternoon, cannot be incompatible either with national legislation or with international prison standards. We would incidentally point out that in many west European member States the daily amount of open-air exercise for “dangerous criminals” is limited to one hour.

- i. Consideration has been given to the CPT’s comments on criteria for high-security units in prisons. Some of them are already applied in this establishment. While we share many of these comments, extreme vigilance is required to prevent any unfortunate incident, including suicide, given that Öcalan has been sentenced to death. For this reason, keeping him in his own living area, in which it is easier to ensure his safety and keep him under constant surveillance, and taking him out under staff supervision at the times specified for open-air exercise, is a valid and reliable arrangement. As a result of this practice, no problems have arisen to date. For the security reasons referred to above, we cannot share the Committee’s comment that the prisoner could have been allowed to circulate freely between his cell and the adjoining visitors’ room.
 - j. Although the prison is located on a well-guarded island, the possibility that if the prisoner were taken out of the prison he might instinctively attempt to escape cannot be discounted. We cannot, therefore, agree to the Committee’s suggestion that he should be allowed access from time to time to a larger area than that reserved for open-air exercise. It should also be borne in mind that privileged treatment for Öcalan might cause unrest among the inmates of other high-security prisons.
 - k. The plan to build a 100-inmate prison for dangerous criminals on İmralı has been dropped on account of the high cost of transporting building materials to the island and the construction in 1999 of six high-security prisons for dangerous sentenced criminals.
-