



**HUMAN RIGHTS AND  
EQUALITY INSTITUTION  
OF TÜRKİYE**

# **THE REPORT ON THE VISIT TO ANKARA WEST COURTHOUSE PRISONER WAITING ROOM**

**Report No:**

**2022/26**

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## **ABBREVIATIONS**

<b>CPT</b>	: European Committee for the Prevention of Torture
<b>UN</b>	: United Nations
<b>cm</b>	: Centimeter
<b>OPCAT</b>	: Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>para.</b>	: Paragraph
<b>HREIT</b>	: Human Rights and Equality Institution of Türkiye
<b>NPM</b>	: National Preventive Mechanism

## 1. INTRODUCTION

1. The Human Rights and Equality Institution of Türkiye (HREIT) was established "to protect and promote human rights based on human dignity, to guarantee the right of individuals to be treated equally, to prevent discrimination in the enjoyment of legally recognized rights and freedoms, and to operate in line with these principles and to effectively combat torture and ill-treatment" as stated in the first article titled "Purpose and Scope" of Law No. 6701.
2. Türkiye signed the Optional Protocol to the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 14.09.2005. Adopted in 2011, the OPCAT, which entered into force and became binding for Türkiye, aims: *"to establish a system of regular visits by independent international and national bodies to places where persons are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment."*<sup>1</sup>
3. Pursuant to Article 9/1-1 of Law No. 6701, acting as a national preventive mechanism (NPM) within the framework of OPCAT provisions is among the duties of the Institution. Pursuant to Article 2/1-k of the Law, the NPM refers to "the system established to carry out regular visits to places where persons are deprived of their liberty within the framework of the provisions of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".
4. According to Article 9/1-j of Law No. 6701, the Agency has the duty and authority to carry out regular visits, with or without notice, to the places where persons deprived of their liberty or taken under protection are located. Pursuant to this duty and authority vested in HREIT by the Law, an unannounced visit was made by a delegation to the Ankara West Courthouse Prisoner Waiting Room on 17.03.2022.

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<sup>1</sup> UN General Assembly, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 39/46, para. 1.

5. A visiting delegation was set up with the decision of the Human Rights and Equality Board of Türkiye dated 18.01.2022 and numbered 2022/43 and HREIT Presidency approval dated 16.03.2022 and numbered 8574, and ... took part in the visiting delegation on 17.03.2022.
6. This report contains the evaluation of the findings, observations, and complaints obtained as a result of the inspection visit carried out by HREIT to Ankara West Courthouse Prisoner Waiting rooms pursuant to Article 9/1-j of Law No. 6701 within the context of national and international norms.

## **2. FINDINGS, OBSERVATIONS AND INTERVIEWS**

7. The visit started with a meeting with the Chief Prosecutor of the Ankara West Court of Justice. During the meeting, the HREIT delegation gave information about the National Preventive Mechanism, the purpose, and the method of the visit and obtained general information about the prisoner detention area. After the meeting, the delegation went to Ankara West Courthouse Prisoner Detention Areas and made inquiries.
8. Ankara West Courthouse Prisoner Waiting rooms consists of two separate detention areas: police detention area and gendarmerie detention area.
9. During the visit, it was seen that there were prisoners in the gendarmerie detention area and private interviews were conducted with all prisoners without the presence of gendarmerie personnel. It was observed that the police detention area was not occupied.

### **2.1. Police Detention Area**

10. The police detention area is located on the -3rd floor of the Ankara West Courthouse service building.
11. The police detention area is the area where persons arrested in court, persons brought to the courthouse for statement taking and persons with a finalized sentence but not in prison are kept waiting before being taken to prison.
12. There are 3 custody rooms in the detention area. 2 of the rooms have a width and length of 351x692 cm and 1 of them has a width and length of 505x541 cm. The height of the rooms is 395 cm. It was observed that one of the rooms was allocated to women, one to men and one to children.
13. The detention area has lifts and stairs leading directly to the courtroom.
14. During the visit, it was observed that no one was kept in the detention area.

15. It has been determined that there are enough fixed and durable seats in the custody rooms, the seating areas are covered with soft mattresses and have the feature of being able to sleep comfortably.
16. It was observed that ventilation was provided by iron barred room doors and heating by heating radiators in the corridors.
17. There is no natural light in the custody rooms. Lighting is provided using artificial lighting.
18. There are 2 toilets and 2 washbasins in the detention area. It has been observed that the toilets and washbasins are clean and suitable for the use of disabled people.
19. The administration informed that the cleaning of the detention center was carried out daily by the cleaning staff. During the inspection, it was observed that the custody rooms and corridors were clean.
20. The Administration stated that in cases requiring urgent medical intervention, the 112 Emergency Call Centre was called and the first intervention was performed by the arriving team.
21. It has been determined that there are a total of 10 security cameras in the detention area, the cameras record on a 24-hour basis, and the records are kept for 60 days. No problems were encountered in the retrospective monitoring of the camera images. It has been observed that the cameras are placed in the corridors leading to the custody rooms and that the inside of the custody rooms is monitored; therefore, there are blind spots in some rooms which are not in the field of view of the cameras.
22. Fire equipment and fire extinguishers were located in the corridors.

## **2.2. Gendarmerie Detention Area**

23. The gendarmerie detention area is located on the -3rd floor of the Ankara West Courthouse service building, in the block opposite the police detention area.
24. Gendarmerie detention area is the area where prisoners brought from prisons to attend the hearing are kept waiting.
25. Prisoners brought from the prison are taken to the detention area one by one after they are taken off the prison transfer vehicles.
26. There are 5 custody rooms in the detention area. 2 rooms measures 333x692 cm, 2 rooms measures 350x692 cm and 1 room measures 505x530 cm in width and length. The height of the rooms is 395 cm.

27. During the visit, it was observed that there were 21 prisoners (19 men and 2 women) in the detention area.
28. Male and female prisoners were observed to be kept in different custody rooms.
29. There were enough fixed and durable sitting places in the custody rooms.
30. It was observed that some parts of the corridor in the detention area were missing plaster on the walls.
31. It was observed that ventilation was provided by iron barred room doors and heating by heating radiators in the corridors.
32. It is understood that there is no natural light in the detention rooms. Lighting is provided using artificial lighting.
33. There are 2 toilets and 2 washbasins in the detention area. It was observed that there was no hand soap in one of the washbasins, the toilet bowl in the toilet was rusted and had no lid. It was also noticed that there were no signs or signboards indicating which gender group the toilets were allocated to.
34. The administration stated that the cleaning of the detention center is carried out daily by cleaning staff. During the inspection, it was observed that the custody rooms and corridors were clean.
35. The administration informed that the custody rooms were regularly disinfected once a week as part of prevention of the spread of the Covid-19 pandemic.
36. The authorities stated that prisoners' food needs were supplied with rations prepared by Sincan Open Prison Execution Institution and that the rations were delivered to the gendarmerie personnel during the morning visits to the courthouse and distributed at noon. It was stated that the ration menu was prepared by paying attention to the nutritional elements, with approximately 900 to 1000 calories and enough to afford one meal. We were also informed that the ration menu was rearranged for prisoners with special nutritional conditions, illnesses, and allergies.
37. During the visit, it was observed that gendarmerie personnel distributed one ration consisting of sandwich bread with cheese, jam, butter, milk, halva, and 2 pieces of 500 milliliter water bottles to prisoners. In the interviews with the prisoners, it was stated that they could be kept in the detention area long enough to spend more than one meal time, therefore the number of rations given was not enough, they could not have breakfast because they left the prison early in the morning, and if they returned to the prison late in the evening, they could miss the dinner time, so they could not have dinner.

38. The Administration stated that in cases requiring urgent medical intervention, the 112 Emergency Call Centre was called and the first intervention was performed by the arriving team.
39. It was observed that there are lifts in the detention area where prisoners can go directly to the courtroom and prisoners are taken to the courtrooms via these lifts. It is also understood that there are stairs leading from the detention area to the hearing rooms.
40. It was observed that there were fire equipment and fire extinguishers in the corridors.
41. Prisoners were brought to the detention area by transfer vehicles. During the inspection of the vehicles by the visiting delegation, it was observed that the vehicles had a capacity of 12 people and that the vehicles were equipped with fire extinguishers as well as ventilation facilities.
42. Gendarmerie officials stated that children were not handcuffed during their transfer and that children and adults were placed in different custody rooms.
43. During the interviews with prisoners, they stated that they were informed about the dates and times of the hearings in advance, they were not subjected to any negative attitude and behaviour during the day, rations were distributed at lunch time and they could access to drinking water whenever they wanted.
44. Some of the interviewed prisoners stated that they could not know the time because they did not have a watch and therefore they constantly asked the officers for the time.
45. Officers stated that smoking is forbidden in the detention area and that prisoners who try to smoke are prosecuted by the Directorate of Administrative Affairs of the Public Prosecutor's Office.
46. During the inspection made by the visiting delegation, it was observed that the gendarmerie kept the Courthouse Book (Detainee Delivery and Acceptance) duly and the records in the book were complete.
47. During the examination, it was determined that there were a total of 10 security cameras in the detention area, the cameras recorded on a 24-hour basis, and the records were kept for 60 days. No problems were encountered in the retrospective review of the camera recordings. It has been observed that the cameras are placed in the corridors leading to the detention rooms and that the inside of the detention rooms is monitored; therefore, there are blind spots in some rooms which are not in the field of view of the cameras.



### **2.3. Forensic Medicine Branch Office**

48. During the inspections, the Forensic Medicine Branch Office operating within the Ankara West Courthouse building was also visited. The directorate employs 3 doctors, 2 nurses and 4 data preparation and control operators.
49. The staff working in the Branch Office of the Forensic Medicine Institution are responsible for performing autopsies, examinations and discoveries deemed necessary by the courts, judgeships, and prosecutor's offices in the places determined by the Ministry of Justice to be related to forensic medicine and to report on this matter.
50. The doctor in charge at the Office stated that the examinations were carried out without handcuffs and that law enforcement officers were not allowed into the examination room during the examination.
51. The doctor stated that cases where a single physician could not make a decision after the examination were referred to the relevant Forensic Medicine Unit in Istanbul.

### **3. EVALUATION AND RECOMMENDATIONS**

52. The activities carried out by HREIT within the scope of the NPM are based on the principle of cooperation in line with the communication that will be developed positively with the visited institutions. The Chief Public Prosecutor's Office ensured that the visiting delegation had access to all departments without detention, that the necessary measures were taken for isolated interviews with prisoners, and that access to necessary information and documents was provided on time. In this framework, the open and cooperative attitude of both the Chief Public Prosecutor's Office and the police and gendarmerie personnel in charge in the detention areas visited was appreciated by the visiting delegation.

#### **3.1. Recommendations for the Ankara West Chief Public Prosecutor's Office**

53. Reorganization of the cameras in police and gendarmerie custody rooms in such a way that no blind spots are left,
54. As per the CPT's recommendation that "*Persons in detention should be able to meet their natural needs in clean and decent conditions when necessary, and should have adequate washing facilities.*"<sup>2</sup>

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<sup>2</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment CPT Standards, CPT/Inf/(2002) 8, para. 42.

Putting hand soap in the washbasin in the gendarmerie detention area, ensuring the cleanliness of the toilet bowl and putting a lid on it; hanging signs and markings at the toilet entrances indicating which gender group the toilets are allocated to,

55. Placing clocks in the corridors of the police and gendarmerie detention areas so that they can be easily seen from the custody rooms,
56. Renovation of the plastered parts of the gendarmerie detention area,
57. Given the lack of natural light in the custody rooms, the CPT recommends that “All police cells should be clean and of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) ; preferably cells should enjoy natural light.”<sup>3</sup> and that natural light be provided in the police detention area and in the gendarmerie detention area;

### **3.2 Recommendations for Sincan Penal Enforcement Institution**

58. Provision of additional rations or co-operation with Ankara West Chief Public Prosecutor's Office, Gendarmerie or any other possible institution in order to eliminate this problem in case prisoners leave the prison early in the morning without breakfast and/or return to the prison late in the evening,

is recommended.

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<sup>3</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment CPT Standards, CPT/Inf/(2002) 13, para. 47.