

Turkey: Grant early release from overcrowded prisons without discrimination

Statement

Brussels-Geneva, March 31, 2020 – While welcoming the current intentions in the Grand National Assembly of Turkey on the early release of prisoners due to the COVID-19 pandemic, the OMCT Europe urges legislators to not discriminate against any group of inmates on the basis of political opinion, ethnic, racial, religious differences or human rights activism.

A draft bill currently discussed by lawmakers to reduce prison overcrowding in the context of the COVID-19 outbreak could lead to the early release of up to 100,000 prisoners. With a current prison population of 286,000, the penitentiary system of Turkey is designed to host no more than 200,000 inmates. In addition to overcrowding, concerns over detention conditions have repeatedly been raised by both local and international bodies, such as the Council of Europe or the United Nations Committee against Torture, among others.

An effort to reduce the prison population is a welcome step at all times, but especially when overcrowded prisons risk becoming a tinderbox for a pandemic putting prisoners and penitentiary staff at grave risk.

However, the draft law will exclude thousands of inmates on trial or sentenced for non-violent crimes - notably speech offenses included under the country's notorious terrorism offenses or crimes against the State - including journalists, purge victims and human rights defenders.

Terrorism charges have systematically been used to imprison and silence journalists, lawyers, political opponents and human rights defenders. The exclusion of these categories of inmates from any early conditional release will constitute discriminatory treatment towards certain groups of prisoners, and violate Turkey's international obligations, including under the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

Last week, the United Nations High Commissioner for Human Rights Michelle Bachelet had reminded States that “[n]ow, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views”.

The OMCT Europe calls on the authorities of Turkey to:

1. Start the release of the prisoners immediately in light of the rapidly growing danger from the spread of COVID-19, without reservations or discrimination based on their political, ethnic or professional background.
2. Secure equality of treatment to all groups of prisoners while executing the early release.
3. Release all prisoners that have not committed any acts of violence, including speech offenses, such as human rights activists and political prisoners, without further delay.
4. Ensure the well-being of all other prisoners in the country, mitigate the impact of physical distancing in and outside the prison through other ways of online communications, ensure full access to legal counsel if need be through modern technology, and provide access to health services without discrimination in line with international standards.

We will continue to monitor the situation in Turkey and act to support the respect for the right to public health, human rights and fundamental freedoms.



support our vital partners in the field and provide direct assistance to victims. Our international secretariat is based in Geneva, with offices in Brussels and Tunis.

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