

Prisoners in Turkey are under the threat of COVID-19 and a new Prison Release Law!

Turkey has currently become one of the epicenters of the Covid-19 pandemic, with over 120,000 cases since the first case was officially announced on March 11 and a death toll surging over 3,300. The death toll is likely to surge most dramatically among prisoners who remain in unhygienic and unsanitary jails across the country. In April 2020, the ruling Justice and Development Party (AKP) and its coalition ally the Nationalist Movement Party (MHP) expedited a criminal justice reform to release about 90,000 prisoners and mitigate the spread of the pandemic in prisons. But the reform violated the principle of equality before law as it excluded political prisoners, despite the objections voiced by opposition parties, NGOs, human rights organizations and medical institutions.

There are over 40,000 political prisoners in Turkey, most of whom are Kurdish politicians, MPs, mayors, journalists, civil society representatives, academics, and left-wing activists. Majority of them are charged with terrorist acts, due to the vague and ever-growing definition of terrorism in the country. While these people are put at a grave risk of contracting covid-19, the recently enacted criminal justice reform allowed the release of those convicted of murder, sexual offence, migrant smuggling, embezzlement, bribery, fraud, organized crime, hate and discrimination offences, tender-rigging and child abduction.

Yet this is not the only consequence for the political prisoners. The legal reform also introduced new jail protocols that will obstruct the prisoners' basic rights even further. The new protocols allow prison administrations to limit inmates' access to press, restrict prison visits by families and lawyers, prevent them from attending their hearings at court, and impose punishments outside penitentiary grounds. Thus, the legal reform in question was introduced less as a protective measure to secure all prisoners' right to life than a punitive measure to suspend certain prisoners' basic rights and freedom.

It is almost impossible to implement necessary social distancing to curtail the spread of the pandemic in Turkish prisons. World Health Organization considers people over 60 years old as well as those with underlying medical issues such as cardiovascular disease, diabetes, heart and lung diseases, immune system disorder, chronic respiratory disease, and cancer as high-risk groups for Covid-19. The continuing incarceration of hundreds of political prisoners with such underlying disease violates the principle of equality before law, as guaranteed by the Constitution's Article 10.

The sanitary conditions inside Turkey's prisons are especially frightening. Prison administrations do not provide inmates with free cleaning supplies, which are necessary to at least reduce the risk of contracting Covid-19. Inmates have to purchase them with high prices. What is worse, they are not provided with masks and other protective equipment. Those with underlying medical problems continue to have more and more difficulties in accessing treatment and their demands for release remain unanswered.

Given that incarceration is considered to be an exceptional measure by all international and human rights conventions to which Turkey is a party as well as by Turkey's domestic laws, we demand that all prisoners, regardless of the crimes they are convicted, be released on probation or put under house arrest. We repeat that political prisoners should be released. We remark that the legal reform should be modified according to the principle of equality in execution as dictated by the 5275 of Law on Execution. The Constitutional Court should immediately rule that the discriminatory implementation of the legal reform is against

the Constitution. The Constitutional Court should act as an impartial institution and rule in favor of right to life, right to health before law. We believe that it is vital for international human rights organizations to initiate solidarity and action plans against this discriminatory legal reform that jeopardizes the lives of thousands of prisoners.