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## **COMMUNICATION**

**In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by Civil Society in Penal System Association (CISST)**

**Kılavuz. v. Türkiye (8327/03)**

### **A. Introduction**

The present submission is made by the Civil Society in Penal System Association (Ceza İnfaz Sisteminde Sivil Toplum Derneği, [CISST](#))<sup>1</sup> pursuant to Rule 9.2 of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments, with regard to the implementation of the *Kılavuz. v. Türkiye* case.

### **B. Case Description**

I. The case of *Kılavuz v. Türkiye* concerns a violation of Article 2 of the European Convention on Human Rights due to the failure of the penitentiary authorities to fulfill their positive obligation to protect the right to life of the applicant's next of kin who died in prison under suspicious circumstances in 2001.

II. The conviction of the applicant's son, Geren, was finalized on 30 May 2001 and he was handed over to Pazaryeri prison on 13 November. He remained with fourteen other prisoners until November 21, on which day he requested to be placed in solitary confinement, claiming that some of the defendants he had known during his detention held a grudge against him. On November 21, 2001, the prison prosecutor granted Geren's request and placed him in a solitary cell. On November 22, 2001 at 03.30, Geren asked to go up to ward 4 on the grounds that he was feeling cold in his cell. The prison officers (PO) granted Geren's request after discussing the matter with the other prisoners and approving it. A fight broke out between Geren and another prisoner in ward number 4. POs and other prisoners stated that

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<sup>1</sup> Civil Society in Penal System Association ( Ceza İnfaz Sisteminde Sivil Toplum Derneği, CISST) was founded in 2006 due to an urgent need for a rights-based civil society organization dealing specifically with the situation of prisons in Turkey. The ongoing debate about human rights violations within the penal system made it apparent that the full support of civil society is needed to address problems and to name necessary, effective reforms. CISST has confronted this task by bridging the efforts of state authorities and civil society in order to strengthen and improve prisoners' rights as well as the conditions of prisons. The main aim of CISST is to mobilise civil society to bring Turkey's prisons in line with international standards and human dignity, to make them transparent, as well as to strengthen their links with civil society.

Geren had remarkably worrying behaviors; prison authorities concluded that the prisoner had paranoid, anxious and violent behavior. Therefore, the prosecutor's office deemed it necessary to transfer the prisoner to another prison in Bilecik due to his "psychological problems" and the fact that he was "capable of endangering his own life and the lives of others". Prior to the transfer, the doctor on duty at the Pazaryeri health center issued a report stating that the prisoner should be "kept under supervision due to his psychological problems" and should be re-examined at a suitable hospital. The doctor's report did not use the word "urgent" in relation to the need for re-examination. This report was placed in Geren's private file. On the same day, the Bilecik Public Prosecutor authorized Geren's transfer to Bilecik prison, stating that Geren was exhibiting erratic behavior due to psychological problems. However, as the prison doctor was on sick leave, Geren could not be examined. Geren was admitted to Bilecik prison on November 23, 2023. The prison administration decided to place Geren in cell no. 3, known as the holding cell, and on the grounds that he did not show any obvious signs of mental disorder at the time of his registration, he was allowed to wear his belt and even keep a sheet in the cell, in accordance with the prison's internal regulations. The next morning, he was found hanging from the bars of his cell with his belt.

III. The Court noted that the prison authorities who received the application were aware that the applicant's son was showing signs of serious mental distress and that this information had been added to the applicant's file. However, no examination was carried out at the time of the application.

IV. Despite the direction in the doctor's report and the provision in the relevant regulations, Bilecik prison failed to take appropriate preventive measures to fulfill its positive obligations. Consequently, the Court concludes that it was for the national authorities to take appropriate preventive measures. In this connection, the Court observed that, although the mental state of the applicant's son remained uncertain, he was admitted to Bilecik prison and subsequently placed in a solitary observation cell, allowed to wear his belt and given a sheet. The Court further observed that given his volatile mental state, he had clearly needed close supervision. However, the prison authorities failed to provide it and inadequate supervision led to his suspected death (§ 90-96) (Violation of Article 2 on its substantive aspect).

### **C. General Measures**

The Government was criticized by the Court for failing to take the necessary measures to prevent the suspicious death of the applicant's son. These violations may be listed as follows:

- Despite the applicant's son's mental problems were known to the prison authorities, no examination was carried out during his admission to the prison to which he had been transferred,
- Despite the mental state of the applicant's son was unclear, he was placed in a solitary observation cell, allowed to wear his belt and given a sheet,
- The prison authorities failed to provide adequate supervision during his stay in the observation room.

In its action report of April 28, 2023, the Government stated that they had taken the necessary measures to address the Court's findings in order to prevent the recurrence of similar violations in Turkey.

### **C.1. Physical and mental health measures in penal institutions: Admission of prisoners, conditions of detention and measures to be taken**

Citing the Regulation on the Administration of Prisons and the Execution of Punishment and Security Measures of 2020, the Government hereby asserts that all incarcerated individuals undergo initial medical and physiological assessments upon their admittance to penal execution facilities. In the event of any health conditions, including mental afflictions, such concerns are duly identified, and requisite measures are subsequently implemented. It is pertinent, however, to acknowledge that continuous medical coverage, comprising round-the-clock physician availability, is solely provided within Type R prisons<sup>2</sup>. The working schedule and operational hours of medical professionals are delineated in accordance with the established prison population parameters, as outlined in the Protocol between the Ministry of Health and the Ministry of Justice concerning the Organization of Health Services in Penal Institutions and Detention Houses. Penal institutions housing up to 1,000 inmates and detainees are allotted a maximum of three general practitioners (GPs) or family physicians, who dispense healthcare services in line with the mobile health services framework. In provinces where the practice of family physicians has not been introduced, penal institutions accommodating over 1,000 inmates and detainees and staff offer full-time medical services on five weekdays. In institutions with inmate and detainee populations surpassing 1,000, medical assistance is accessible for half-day periods over five weekdays. For penal institutions housing between 500 and 1,000 inmates and detainees, medical support is provided for two half-day sessions per week. Institutions accommodating fewer than 500 inmates and detainees also follow this arrangement. Furthermore, institutions situated within a campus environment and housing fewer than 1,000 inmates and detainees are included within this framework.

Within the present context, the absence of a permanent medical presence in penal execution facilities causes a delay in the initial examination of prisoners, occurring not upon their immediate entry into the prison but rather in subsequent days. This predicament renders the monitoring of prisoners' conditions and the identification and implementation of necessary measures exceedingly challenging. The interruption of hospital referrals during the Covid-19 period has exacerbated the situation, impeding the process of transporting prisoners to hospitals and conducting examinations in the absence of a doctor during the initial entry assessments. It is worth noting that between the years 2018 and 2023, a total of 1,509 prisoners lodged complaints with the CISST regarding their inability to receive regular treatment. Amongst these complaints, 648 prisoners reported a lack of hospital referrals, 349 prisoners indicated delayed hospital referrals, and 202 prisoners expressed issues pertaining to the infirmary, such as delays in being taken there, failure to receive necessary medical attention within the infirmary, or the absence of hospital referrals altogether.<sup>3</sup>

In the case of *Kılavuz v. Turkey*, the plaintiff's relative, who was a prisoner, was subjected to a transfer to a new prison facility without adequate precautions being taken. Upon arrival at the new prison, the prisoner was placed in an observation cell alone, where he was allowed to retain his belt and given a

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<sup>2</sup> R-type prisons are build for prisoners suffering from chronic somatic and/or mental illnesses.

<sup>3</sup> The relevant data are the allegations of human rights violations made to us as the Civil Society in the Penal System and reported by prisoners' relatives. These allegations are entered into our database and made publicly accessible in our annual reports from 2020. However, since these reports do not include categorical details of human rights violations, the relevant statistics were directly accessed from the CISST database.

sheet. Insufficient preventive measures were taken to avert the occurrence of the suspicious death; rather, it appears that the prison authorities created the means and environment conducive to such a death, should it be determined as suicide. Even if the prison authorities and the government attribute the suspicious death to suicide, it is the responsibility of the prison authorities to provide the necessary equipment to the prisoner. The Constitutional Court, in its decision regarding the prisoner's self-inflicted death, employed the following statements: "As a natural consequence of the deprivation of many freedoms they previously enjoyed and a substantial alteration in their daily lives, the psychological state of individuals who have been arrested or have commenced serving their binding sentences may deteriorate. As a result, the risk of suicide among these individuals, who are in a vulnerable and unprotected position, may escalate. For this reason, legal and supplementary regulations should impose an obligation on prison authorities to exhibit heightened sensitivity and care towards these individuals, ensuring that measures are in place to prevent detainees' or convicts' lives from being endangered. To this end, it is imperative to closely monitor the behavior and health conditions of individuals within the penal institution, promptly seek medical examinations when necessary, and, on the other hand, ensure that those who display a propensity for self-harm are placed in the most suitable environments, while implementing measures to mitigate such risks by confiscating items such as sharp objects, belts, clotheslines, or shoelaces that could be utilized in suicidal acts" (Mehmet Kaya and others, § 73). Considering all the aforementioned factors, the necessary actions were not taken subsequent to the transfer, which was incongruous with the prisoner's medical condition and conduct. As a result, the prison authorities, who retained items that could harm the prisoner, and the government bear responsibility for the ensuing death.

In the government's action report dated April 28, 2023, Article 25 states: "If the doctor's report indicates that a detainee should be kept under observation in the prison upon their initial entry or during their stay, a case meeting is convened weekly in the penal institution to provide necessary information to all units of the institution. They are accommodated in secure and monitored rooms equipped with cameras, where prisoners are not allowed to possess any items that could harm themselves. The designated guardian conducts physical checks on the prisoner every hour, ensuring close supervision." However, similar to the *Kılavuz v. Türkiye* case as regards the failure to take necessary precautions and fulfill the obligation to supervise and monitor the prisoner, another suspicious death occurred last year, that of a prisoner named Barış Keve in Akçadağ Prison on September 18, 2022, which was classified as a "suicide." Despite the report indicating that Barış Keve "should not be kept in solitary confinement," he was confined to solitary confinement for five days, during which he did not receive the necessary medication. The roll call, scheduled for 20:00, was conducted at 20:30 on the day of Barış Keve's suicide. The cell in which Barış Keve was held falls significantly short of being a suicide-proof surveillance area, which is the responsibility of the state. This case highlights both the negligence of the prison authorities and the potential role of "driving to suicide."

The government's assertion that health problems, including mental health issues, are identified and appropriate measures are taken during the initial examination is contradicted by the case of C.A. who was admitted to Maltepe L Type Prison No.1 on October 14, 2016, and tragically ended his life by hanging himself with a shoelace on October 15, 2016. Despite the observations made during the initial entry assessment, necessary precautions were not implemented. The room layout emergency risk report clearly indicated that C.A.'s general health condition was poor and that urgent medical examination was required

due to potential consciousness issues.<sup>4</sup> Additionally, the institution's admission interview report documented that C.A. exhibited confusion, was unable to hold his head steady, displayed instability, had closed eyes, and appeared drowsy during the interview. Despite these indicators, proper measures were not taken, and items that could potentially be used by the prisoner to harm himself were left in his room. The autopsy report confirmed that the prisoner committed suicide while under the influence of drugs. C.A., who exhibited visible psychological side effects during the initial examination and was under the influence of drugs, was placed in a ward without appropriate precautions or supervision, with shoelaces readily accessible. This case demonstrates a similar pattern of negligence regarding the retention of objects that could pose harm to the prisoner and the failure to ensure adequate supervision, akin to the shortcomings observed in the Kılavuz v. Türkiye case.

Cases such as the ones mentioned, involving prisoners resorting to self-harm or suicide through the use of items such as shoelaces, belts, ropes, and the like, are prevalent in Turkey. These incidents represent a distressing and significant issue. Below are some relative recent news on Turkish media outlets on the issue:

- According to Oda TV, Nazmi Arıkan, who was serving two aggravated life sentences in Izmir Buca Penal Institution, committed suicide by hanging himself with a rope on 09.04.2023. (Odatv4.com, 2023, April 10).<sup>5</sup>
- According to Birgün Newspaper, Alparslan Arslan, another prisoner sentenced to aggravated life imprisonment in Istanbul-Maltepe Penal Institution, committed suicide by hanging himself on 16.02.2023. (Birgun.net, 2023, February 17).<sup>6</sup>

The salient commonality among these two incarcerated individuals lies in their sentencing to the form of punitive detention known as aggravated life imprisonment. Aggravated life imprisonment designates an enduring custodial arrangement that spans the entirety of the prisoner's natural life, yet is executed in strict compliance with the robust security protocols prescribed within the legal framework delineated by the Law on the Execution of Criminal and Security Measures and its associated statutes. Detainees subject to this mode of confinement are housed within penitentiaries of elevated security levels, subjected to heightened levels of scrutiny, and compelled to endure austere conditions of seclusion and societal disconnection. Numerous scholarly inquiries substantiate the correlation between solitary confinement, defined as the condition of being incarcerated in isolation, and an increased propensity for self-inflicted

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<sup>4</sup> Hukuki Haber. (n.d.). Mahpusun İntiharı Nedeniyle Yaşam Hakkının İhlali İddiasının Kabul Edilemez Olduğu. Retrieved June 23, 2023, from

<https://www.hukukihaber.net/mahpusun-intihari-nedeniyle-yasam-hakkinin-ihlali-iddiasinin-kabul-edilemez-oldugu>  
<sup>5</sup> odatv4.com. (2023, April 10). Nazmi Arıkan Cinayeti Ve İmamoğlu'na Kumpasla Gündeme Geldi... Cezaevinde İntihar Etti. [He was in the spotlight with the murder of Nazmi Arıkan and the plot against İmamoğlu. He committed suicide in prison.]

<https://www.odatv4.com/guncel/nazmi-arikan-cinayeti-ve-imamoglu-na-kumpasla-gundeme-geldi-cezaevinde-intihar-etti-279628>

<sup>6</sup> Birgun.net. (2023, February 17). Danıştay Saldırısı Tetikçisi Alparslan Arslan, Cezaevinde İntihar Etti. [State Council Attack Shooter Alparslan Arslan Commits Suicide in Prison.] Birgun.Net.

<https://www.birgun.net/haber/danistay-saldirisi-tetikcisi-alparslan-arслан-cezaevinde-intihar-etti-421799>

harm vis-à-vis suicide rates, surpassing those observed within the general penitentiary populace.<sup>7</sup> Even more disconcerting, the potential for committing suicide via hanging persists, despite the intensified supervision engendered by this particularly taxing punitive process, thereby engendering profound challenges to the mental and psychological well-being of such detainees.

## **C.2. Cases of suspicious deaths in penal institutions and no effective investigations**

In practice, responses provided by the government in the context of deaths of prisoners in custody focus predominantly on suicide as cause of death, and are unsatisfactory, as often there are suspicions which warrant further clarification. Even if the suspicious death of the prisoner is determined to be a suicide, numerous allegations remain unresolved, having not been subject to effective investigation and prosecution.

For example, within the information contained in the applicant's son case file, critical aspects exhibited inherent contradictions. As articulated by the applicant, "Even if we accept that the execution guards conducted roll calls at intervals of 15 to 30 minutes, the alleged suicide should have taken place between 03:00 and 03:30. However, according to the forensic medical report, the death occurred between 22:30 and 01:30." Regrettably, no official statements have been provided to address these allegations and offer necessary clarification.

Furthermore, following the applicant's son's death, another prisoner, subsequent to their release, R.R., provided a detailed account of the events surrounding the prisoner's demise during a televised program. <sup>8</sup>R.R. alleged that the guards M.A.K., Ö.Ş.Z., E.G., and K.A. were responsible for the prisoner's suspicious death. R.R., motivated by fear of suffering a similar fate, had refrained from disclosing this suspicious death until that moment. In response to these revelations, the Bilecik public prosecutor initiated legal proceedings against R.R., charging him with slander, blackmail, and false reporting through the media. Consequently, R.R. was arrested. However, in order to dispel or substantiate the uncertainties arising from R.R.'s statements, it was imperative that thorough supplementary investigations be conducted.

Regrettably, the pattern of no effective investigations or prosecutions being undertaken with regard to suspicious death in custody persists, contributing to the perpetuation incidents of "driving to suicide" wherein unanswered allegations persist.

For example, the deliberate withholding of necessary medication from Barış Keve, coupled with his placement in a solitary confinement cell despite the report stipulating that such an arrangement was

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<sup>7</sup> Shalev, S. (2008) A Sourcebook on Solitary Confinement. P.17  
[https://www.google.com/url?q=https://www.solitaryconfinement.org/files/ugd/f33fff\\_18782e47330740b28985c5fe33c92378.pdf?index%3Dtrue&sa=D&source=docs&ust=1687944306694625&usg=AOvVaw2iluf2WkGtDYKp4nnH4fuH](https://www.google.com/url?q=https://www.solitaryconfinement.org/files/ugd/f33fff_18782e47330740b28985c5fe33c92378.pdf?index%3Dtrue&sa=D&source=docs&ust=1687944306694625&usg=AOvVaw2iluf2WkGtDYKp4nnH4fuH)

<sup>8</sup> European Court of Human Rights. (2008, October 21). Kilavuz - Türkiye Dava [Summary Translation of Decision]. İkinci Daire [Second Chamber]. Application No. 8327/03. Strasbourg. P.11  
<https://hudoc.echr.coe.int/eng?i=001-123598>

unsuitable, created an environment conducive to suicide.<sup>9</sup> Similarly, in the case of Garibe Gezer, despite the prisoner's demise and the emergence of video footage depicting the prisoner being subjected to physical assault, alongside the prisoner's prior complaints of harassment and torture, the investigation concluded the cause of death to be "suicide" and subsequently issued a decision of "non-prosecution."<sup>10</sup>

Duygu Koral, who was in Kocaeli F Type Prison, was beaten to death in prison on 20.03.2023. Her family made serious allegations and said, "My sister's body was full of bruises. It was obvious that she was beaten. 'It's my turn' was written on her leg."<sup>11</sup> They said that my sister committed suicide by hanging herself, but the mark on her neck is not like hanging with a sheet or a dress, it looks more like the mark of an object like a cable. Moreover, my sister was in solitary confinement. Therefore, we do not think that she committed suicide, but that she was strangled to death with an object like a cable."<sup>12</sup> In the news covering Koral's suspicious death, it was mentioned that Koral frequently spoke to her mother about the severe violence inflicted by prison guards.<sup>13</sup> An autopsy revealed numerous bruises and signs of physical abuse.

According to Medyanews<sup>14</sup>, both these deaths (Koral and Gezer) took place in Kandıra Prison in the span of three months. The first suspicious death in Kandıra Prison took place on 9 December 2021. Garibe Gezer, who was detained and arrested in the Kurdish-majority Mardin province in 2016, was transferred to Kandıra, where she was reported to have died by suicide. However, JinNews released footage showing her being subjected to torture by prison guards. Subsequently, another inmate, Duygu Koral, reportedly died by suicide under suspicious circumstances on 20 March 2022, according to the prison administration.

Mehmet Bozan, a sick prisoner, had previously applied to our association with allegations of torture and ill-treatment, and despite our applications to the necessary institutions, a decision of non-prosecution was made in the judicial investigation into his suspicious death. Prior to the death of Mr. Bozan, the Civil Society in the Penal System Association diligently applied the Ministry of Justice, the Presidential Communication Center, and the General Directorate of Prisons and Detention Houses on numerous occasions, urging a thorough inquiry into the encroachments upon fundamental rights within correctional facilities. On September 9, 2021, our esteemed association formally requested the Ministry of Justice for the immediate transfer of Mr. Mehmet Bozan to a medical facility, yet regrettably, no response was forthcoming. Subsequently, on January 3, 2022, and once again on July 19, 2022, our association beseeched the Ministry of Justice to initiate investigations into the egregious violations of rights endured

<sup>9</sup> Bulut, F. (2022, October 6). Cezaevinde ölü Bulunan Barış Keve'nin Ailesi: İlaçları Verilmedi. Gazete Duvar. <https://www.gazeteduvar.com.tr/cezaevinde-olu-bulunan-baris-kevenin-ailesi-ilaclari-verilmedi-haber-1581793>

<sup>10</sup> Gazete Duvar. (2022, November 25). Garibe Gezer'e İşkence Görüntüleri Paylaşıldı. <https://www.gazeteduvar.com.tr/garibe-gezerin-iskence-goruntuleri-paylasildi-haber-1590901>

<sup>11</sup> <https://medyanews.net/>. (2023, May 26). Human Rights Lawyer Exposes Suspicious Deaths In Turkey's Kandıra Prison. Medya News.

<https://web.archive.org/web/20230628090823/https://medyanews.net/human-rights-lawyer-exposes-suspicious-death-s-in-turkeys-kandira-prison/>

<sup>12</sup> Evrensel Newspaper. (2023, March 24). Allegations of Torture and Death in Prison: Bruises Found on the Body of the Detainee Claimed to Have Committed Suicide. Evrensel.Net. Retrieved from

<https://web.archive.org/web/20230628090903/https://www.evrensel.net/haber/485735/cezaevinde-iskenceyle-olum-i-ddiasi-intihar-etti-denilen-tutuklunun-vucudunda-morluklar-var>

<sup>13</sup> <https://medyanews.net/>. (2023, May 26)

Evrensel Newspaper. (2023, March 24).

<sup>14</sup> <https://medyanews.net/>. (2023, May 26)

by Mr. Bozan. Despite Mr. Bozan's correspondences to our association, wherein he detailed instances of torture and ill-treatment, his allegations remained unscrutinized in their entirety. The information pertaining to Mr. Bozan's death was divulged only subsequent to our pre-mortem plea, wherein it was conveyed that he passed away within the confines of the penal institution on August 8, 2022, ostensibly due to a prevailing ailment. Astonishingly, despite his pre-death declarations that "the competent authorities are accountable for my death in here," and our dutiful submission of an application to address these allegations, the cause of death was unilaterally attributed to illness, without any commensurate inquiry into the allegations of torture and ill-treatment. Later, when the prisoner died in prison, his family renewed their allegations of "torture and ill-treatment" and stated that Mehmet Bozan had bruises and cuts on his body when they saw him in the morgue (Annex 1).

There are other numerous suspicious death and suicide cases similar to the ones mentioned. On the 30th of June 2019, we issued a press statement drawing attention to the prevailing culture of impunity surrounding child deaths in custody and the glaring absence of effective investigations. This statement was jointly issued in collaboration with various organizations, following the tragic death of Veysel Ersoy, a child prisoner who took his own life merely two days after being admitted to Eskişehir H Type Closed Prison.<sup>15</sup> The joint statement reads as follows:

The government, regrettably, adopts a policy of non-disclosure regarding the number of individuals who lose their lives while in custody, as well as the underlying causes of these fatalities. These processes are conducted in a closed and opaque manner, denying the public access to crucial information. As an association, our ability to compile data is contingent upon confirmed deaths that are reported in the press.<sup>16</sup> Even when considering the limited information we possess, it becomes apparent that numerous cases of suspicious deaths, illnesses, and suicides persist. Astonishingly, the government fails to share data regarding the annual mortality rate within penal execution facilities, and the reasons behind these deaths, even with associations actively engaged in prison-related matters. On September 30, 2022, an application was submitted requesting information or documents under the Right to Information Law No. 4982 for the use of the Civil Society Association in the Penal Execution System. The specific request was to obtain the total number of prisoners who had passed away in prison in the year 2022. In response, on October 12, 2022, the Ministry of Justice, General Directorate of Prisons and Detention Houses provided a reply stating that the application had been examined. However, based on the 25th article of the Law on Access to Information, which pertains to internal regulations, it was explained that information or documents related to regulations that are internal to institutions and organizations and do not concern the public are not within the scope of the right to information. Therefore, the request for the requested information regarding the application could not be fulfilled. Attached herewith as Annexes 4 and 5, you

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<sup>15</sup>rightsagenda.org. (n.d.). Eskişehir H Tipi Kapalı Ceza İnfaz Kurumunda Hayatını Kaybeden Çocuk Mahpus Veli Ersoy Hakkında Ortak Açıklama – İnsan Hakları Gündemi Derneği. [Joint Statement on Veli Ersoy, a Child Prisoner Who Lost His Life in Eskişehir H Type Closed Prison - Human Rights Agenda Association.] Retrieved June 23, 2023, from <https://rightsagenda.org/eskisehir-h-tipi-kapali-ceza-infaz-kurumunda-hayatini-kaybeden-cocuk-mahpus-veli-ersoy-hakkinda-ortak-aciklama/>

<sup>16</sup>Association for Civil Society in the Penal System (n.d.). List of Prisoners Who Died in Prison - Health in Prison. Retrieved June 23, 2023, from [https://hapistesaglik.cisst.org.tr/?page\\_id=37](https://hapistesaglik.cisst.org.tr/?page_id=37)



will find our formal application for obtaining information pertaining to the number of prisoners who have lost their lives in custody, along with the response we have received.

The United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the Nelson Mandela Rules, establish that notwithstanding the initiation of an internal investigation, the prison warden is obligated to promptly report any deaths, disappearances, or serious injuries occurring within the prison to the judicial or other competent authority vested with the responsibility of conducting an impartial, effective, and independent investigation into the circumstances and causes of such incidents, separate from the influence of the prison administration. Furthermore, the prison administration is obligated to fully cooperate with these authorities and preserve all relevant evidence (Article 71).

### **C.3. Evaluation of prisoners, Capacity Building Measures, Projects, Trainings and Awareness Raising Activities**

As per the government's action report, a comprehensive evaluation of convicts and detainees is conducted using the risk-needs-compatibility model throughout their incarceration, starting from admission to prison until their eventual release. The Ministry of Justice and the General Directorate of Prisons and Detention Houses collaborated between 2012-2014 to develop the "Structured Mental Assessment and Intervention Program" (YARDM). This program aims to facilitate appropriate room allocation, institutional life planning, and the implementation of effective, evidence-based standard practices. Moreover, psychologists and social workers within penal execution facilities receive training encompassing individual intervention programs targeting 26 psychological and behavioral disorders frequently encountered in such environments.

However, the unfortunate case of C.A., who tragically took their own life by hanging themselves with a shoelace on 15.10.2016 at Maltepe L Type Penal Execution Institution No.1, reveals a concerning lack of precautionary measures. Despite the emergency risk needs report clearly indicating the necessity of urgent medical examination due to their deteriorating general health condition and potential issues with consciousness, no appropriate actions were taken. This disregard for precautionary measures is similar to the situations in the *Kılavuz v. Turkey* group of cases, where the absence of a room layout plan led to the placement of individuals in cells unobservable by execution guards, resulting in tragic losses of life. Regrettably, this persistent situation indicates a failure to implement the recommendations outlined in urgent risk needs reports.

Among the 26 individual intervention programs, one specifically focuses on "suicide." While the implementation guide contains detailed information on suicide, including general knowledge, symptoms of suicidal ideation, considerations for individuals with suicidal tendencies, brief and advanced interventions by psycho-social assistance services, as well as referral and follow-up procedures, the specific content of the training or the implementation guide has not been disclosed to the public. According to the information provided, 153 personnel received "YARDM Training" to familiarize psychologists with the "Research Evaluation Form" (ARDEF), a comprehensive assessment tool that identifies risks and needs for each convict and detainee in prisons. However, there is no public disclosure

regarding the training's content or the distribution of these trained personnel across different prisons and their proportion in each facility.

While the government reports an increase in prison staff in the action report, the data fails to include information on the growing number of prisoners. As of June 05, 2023, the staffing statistics from the General Directorate of Prisons and Detention Houses indicate that out of a total of 78,330 personnel, there are 1,195 legal staff members and 1,000 current staff members. Similarly, for social workers, there are 448 legal staff members and 298 current staff members.<sup>17</sup> Although the government emphasizes the significant increase in prison personnel, they have not provided data on the corresponding increase in the number of prisoners or acknowledged their failure to fulfill their own staff requirements. For instance, the government states in the report that the number of prison staff has increased by approximately 202% from 26,159 in 2008 to 79,005 as of March 23, 2023. They also mention that the number of psychologists and social workers in psycho-social units increased from 594 and 182, respectively, in 2017 to 1,008 and 299, respectively, as of March 23, 2023. However, the number of prisoners has increased by over 300% since 2008, resulting in a decreased ratio of personnel (including physicians, health workers, social workers, psychologists, etc.) per prisoner. Considering the statistical information obtained from CISST's website, which indicates 356,587 prisoners held in 400 prisons across Turkey, including closed penal execution institutions, detached open penal execution institutions, juvenile education centers, women's closed and open institutions, and juvenile closed penal execution institutions, the training provided to only 153 personnel appears insufficient. Therefore, critical information, such as the target recipients of the training, the adequacy of the number of trained personnel, and the distribution of these 153 personnel among different prisons, remains undisclosed. Given the large number of penal execution institutions and the substantial prisoner population, the training provided to only 153 personnel appears to be highly ineffective in addressing the needs of the prison system.

According to Article 71 of the Law on Execution of Punishments and Security Measures (Law No. 5275), the convict has the right to receive examination and treatment facilities for the protection of their physical and mental health. The law states that the convict should first be treated in the infirmary of the institution, and if that is not possible, in the inmate wards of state or university hospitals. Therefore, even in the absence of a doctor at the particular prison, alternative methods should have been employed to ensure the necessary examination and treatment. However, the absence of physicians in prisons 24/7 and the limited number of part-time physicians assigned to some prisons often hinder the access of sick prisoners to regular and comprehensive medical treatment. Moreover, the insufficient allocation of resources and lack of a holistic approach to mental health in prisons contribute to the inadequacy of psychosocial services. Not only the number of physicians, but also the number of psychologists, social workers, and other personnel, cannot keep up with the increasing number of prisoners. According to CISST's 2021 Annual Prison Report, the effects of lockdown measures during the pandemic have exacerbated the situation and negatively impacted the mental health of prisoners.<sup>18</sup> Due to the insufficient number of psychologists and social workers compared to prison capacity, many prisoners have reported inadequate access to

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<sup>17</sup> Adalet Bakanlığı. [Ministry of Justice] (2023b, June 5). Ceza ve Tevkifevleri Genel Müdürlüğü Kadro Durumu [General Directorate of Prisons and Detention Houses Staffing Status] (05.06.2023). <https://web.archive.org/web/20230623121509/https://cte.adalet.gov.tr/Home/SayfaDetay/personel-durumu>

<sup>18</sup> Ceza İnfaz Sisteminde Sivil Toplum Derneği (CISST) Yıllık Rapor 2021 (Civil Society in Penal System Association (CISST), Annual Report 2021) <https://cisst.org.tr/raporlar/yillik-hapishaneler-raporu-2021/>

psychosocial services within the institutions. The Ministry of Justice's Annual Reports also reflect the inadequacy of psychosocial services in prisons.<sup>19</sup> These findings highlight the pressing need for comprehensive reforms in the provision of healthcare and psychosocial services within the prison system to ensure the well-being and proper treatment of prisoners.

Type R prisons have been recognized as more suitable for the ongoing care and supervision of sick and disabled prisoners compared to other penal execution facilities. These prisons provide a slightly more regular and comprehensive treatment regime. However, the COVID-19 pandemic has exacerbated the challenges faced by prisoners in non-Type R prisons in accessing regular and multiple treatments. The exclusive availability of such treatments within Type R prisons has resulted in disabled and sick prisoners in other facilities being deprived of necessary healthcare during this health crisis. It is worth noting that the three existing Type R prisons in Turkey are insufficient in capacity to adequately accommodate the number of sick and disabled prisoners. Efforts to obtain information concerning the number of sick and disabled prisoners in Turkish penal institutions have not been met due to non-disclosure on the grounds of it being "internal information." It remains uncertain whether data regarding sick and disabled prisoners is actively collected and maintained. The absence of comprehensive and shared data represents an ongoing and chronic issue that significantly impedes our ability to conduct a thorough analysis. Annexes containing one of our freedom of information requests and the response received are appended for reference (Annex 2, Annex 3).

According to statistics released by the Human Rights Association (İHD) in April 2022, the total number of sick prisoners in Turkish prisons amounted to 1,517, with 651 of them classified as seriously ill.<sup>20</sup> Between the years 2015 and 2022, CİSST documented over 300 cases of disabled prisoners, whereas the number of sick prisoners reached 879.<sup>21</sup> It is important to acknowledge that these figures represent only a limited assessment based on the information available to these two organizations. Consequently, it is reasonable to estimate that the actual number of sick prisoners in Turkey surpasses the total identified by these associations. The COVID-19 pandemic has underscored the importance of designing all institutions, including prisons, to accommodate individuals with disabilities, as opposed to segregating disabled and sick prisoners exclusively in facilities such as Type R prisons. Even prior to the pandemic, prisoners in non-Type R prisons encountered challenges in accessing regular and multiple treatments. However, with the disruption of hospital referrals and healthcare services during the pandemic, this issue has been further

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<sup>19</sup> Ceza İnfaz Sisteminde Sivil Toplum Derneği (CİSST) Yıllık Rapor 2021 (Civil Society in Penal System Association (CISST), Annual Report 2021) <https://cisst.org.tr/raporlar/yillik-hapishaneler-raporu-2021/>

<sup>20</sup> Evrensel Gazetesi. (2023a, January 4). İHD: Hasta Mahpus Sorununun çözümü İçin İnfaz Kanununda Ve TMK'de Esaslı Değişiklikler Gerekliyor [Human Rights Association: Fundamental Amendments to the Execution Law and the Anti-Terror Law are Required to Solve the Problem of Sick Prisoners]. Evrensel.Net . <https://web.archive.org/web/20230628100851/https://www.evrensel.net/haber/478650/ihd-hasta-mahpus-sorununun-cozumu-icin-infaz-kanununda-ve-tmkde-esasli-degisiklikler-gerekliyor>

<sup>21</sup> The relevant data are the allegations of human rights violations made to us as the CISST and reported by prisoners' relatives. These allegations are entered into our database and made publicly accessible in our annual reports since 2020. However, since these reports do not include categorical details of human rights violations, the relevant statistics were directly accessed from the CISST database.

Civil Society in Penal System Association (CISST). (2023, June 27). Hasta Ve Engelli Mahpus Sayısı – Hapiste Sağlık [Number of Sick and Disabled Prisoners - Health in Prison]. <https://web.archive.org/web/20230628101208/https://hapistesaglik.cisst.org.tr/?p=8759>

exacerbated. This failure increased the risk of psychological stress, mental health problems, self-harm, and suicide in vulnerable prisoners.

#### **C.4. Individual Application to the Constitutional Court**

The government has argued that the 2010 amendment introduced an individual application procedure to the Constitutional Court and that this procedure is effective. However, the requirement of "exhaustion of domestic remedies", which is the procedure of application to the Constitutional Court, is a protracted, laborious and difficult access to justice for applicants who have suffered or are likely to suffer from such violations. For this reason, the individual application procedure of the Constitutional Court cannot be considered as a remedy that eliminates or has the potential to eliminate existing violations. Furthermore, the Constitutional Court frequently issues "inadmissibility" decisions on suspicious deaths in prison on unlawful grounds.

For example, in an application pertaining to the suicide of a prisoner, where it was alleged that adequate measures were not taken to safeguard the right to life and that the criminal investigation into the incident was ineffective, the Constitutional Court deemed the case "inadmissible" on the basis of it being "clearly lacking in grounds." Notably, member Selahaddin Menteş dissented from this decision, emphasizing that the evidence presented by the applicant was not thoroughly investigated and that no measures or precautions were implemented to prevent harm to the individual, despite observations outlined in the institutional interview report (M.A. Application, B.No: 2018/7436, Decision Date: 20/10/2021). The aforementioned decision serves as a single instance among numerous rulings of the Constitutional Court that can be multiplied to substantiate our standpoint.

#### **D. Conclusions and Recommendations**

Since continuous medical coverage is only available in certain prisons, the lack of permanent medical presence causes delays in examinations and challenges in monitoring prisoners' conditions and psychological state, leading to negligence, failures in supervision, and suspicious deaths. Despite the existence of guidelines, there are shortcomings in implementing proper monitoring and preventive measures. Urgent reforms are necessary to ensure adequate healthcare, improved supervision, and the protection of prisoners' well-being. Furthermore, recent suspicious deaths in prisons and allegations of "driving to suicide" have not been effectively investigated or prosecuted, even when there were allegations of abuse and torture. The government's culture of non-disclosure further obstructs transparency and accountability. Transparency, cooperation, and reforms within penal institutions are necessary to protect prisoners' rights and prevent future incidents of abuse and negligence.

Furthermore, government efforts to address mental health and well-being in prisons have been inadequate. Despite the implementation of programs like the YARDM, precautionary measures and urgent medical needs are often neglected. The increase in prison staff hasn't kept up with the growing prisoner population, resulting in limited access to healthcare and psychosocial services. The absence of regular treatment and consistent physician presence has led to deaths among sick prisoners. Data transparency is

lacking, hindering assessment and effective solutions. Comprehensive reforms are needed, including increased staffing, better access to services, and improved data transparency.

Taking into account the arguments presented above, we strongly urge the Committee of Ministers to maintain their oversight of the *Kılavuz v. Turkey* case and recommend that the Turkish authorities undertake the following measures:

- Take immediate action to prevent unnatural deaths of prisoners and treat them as suspicious deaths, including by developing and implementing effective methods, in accordance with national and international standards.
- Improve psychosocial services within prisons, adopting a comprehensive approach to health, including by facilitating access to these services and closely monitoring the psychosocial conditions of prisoners.
- Undertake all necessary legal and political measures to enhance mental health services and access to healthcare within prisons, including by augmenting the number of specialized personnel.
- Fully comply with national and international standards pertaining to thorough investigation and prosecution in cases of suicides and suspicious deaths in prison.
- Consistently monitor and provide access to accurate statistical data and comprehensive information regarding suicides and suspicious deaths in prisons.
- Design all prisons to accommodate the needs of sick and disabled prisoners, ensuring their access to regular and comprehensive medical treatment.
- Increase the number of medical professionals, including physicians, psychologists, social workers, and healthcare personnel, in a manner proportionate to the number of prisoners to ensure their well-being.

By implementing these recommendations, the Turkish authorities can prioritize the prevention of suicides, enhance mental health services, improve overall healthcare provision, and ensure the well-being of prisoners in accordance with national and international standards.

**Summary:**

The letter addressed to the Civil Society Association in the Penal System (CISST) by an inmate named ██████████ raises allegations of discrimination, torture, and mistreatment. In the twelve letters sent between June 11, 2022, and July 19, 2022, ██████████ who identified himself as a Roma inmate, describes the following issues:

- Experiencing discrimination within the institution and hospitals where he was transferred.
- Continuous solitary confinement and denial of communication rights, including phone calls and visits.
- Complaints and inquiries going unanswered.
- Limited access to medical care despite being diagnosed with tuberculosis.
- Unsanitary conditions in his cell, worsening his health condition with no attention from doctors during hospital transfers.
- Violation of basic rights such as adequate nutrition and food based on his illness.
- Expressing concerns about his survival under such conditions.
- Resorting to hunger strikes, even for access to basic food items like bread, and facing increased pressure and mistreatment as a result.
- Being physically assaulted by correctional officers in his cell on September 28, 2019, leading to injuries in his right leg and swelling on various parts of his head.
- Suffering continuous verbal and psychological abuse due to being Roma.
- Systematic torture and mistreatment by the administration and correctional officers at Keskin T Type Closed Penal Institution, where he was serving his sentence.
- In his final letter on July 19, 2022, reiterating the lack of personal safety and stating that the responsible authorities would be accountable for his death.

██████████'s family, after visiting him and witnessing the consequences of torture, confirmed the injuries caused by torture and the discrimination he faced as a Roma inmate. The family requests an investigation into ██████████'s death, the examination of human rights violations such as torture and discrimination at Keskin T Type Closed Penal Institution, and requests the CISST to be informed about the actions taken in this regard.

T.C.  
ADALET BAKANLIđI  
ANKARA

Konu: Hapiste hayatını kaybeden ██████████ adlı Roman ve hasta mahpusun ayrımcılık, işkence ve kötü muamele iddiaları

Derneğimize (Ceza İnfaz Sisteminde Sivil Toplum Derneđi – CİSST) ilk olarak ██████████ son olarak ██████████ tarihinde mektup ile başvurmuş ██████████ adlı mahpus, bu süre zarfı içinde derneğimize yazdığı 12 mektupta;

- Roman mahpus olduğunu belirterek kurum içerisinde ve sevk edildiđi hastanelerde ayrımcılıđa maruz kaldığını,
- İnfazını sürdürmekte olduđu Keskin T Tipi Kapalı Ceza İnfaz Kurumu'nda sürekli olarak tecrit edildiğini, telefon ve görüş haklarını dahi kullanmadığını
- Dilekçelerinin çıkış yapmadığını veya dilekçelerine cevap gelmediğini
- Kendisinin verem hastası olduğunu fakat düzenli ve yeterli sıklıkta revire çıkartılmadığını
- Tutulduđu hücrenin sağlık koşullarına uygun olmadığını bu nedenle hastalığının giderek daha kötü bir hal aldığını, hastane sevklerinde de doktorların kendisiyle ilgilenmediğini
- Hastalık durumuna göre beslenme ve yeterli gıda gibi birçok temel hakkının ihlal edildiğini
- Bu koşullarında daha fazla hayatta kalamayacağını
- Ekmek gibi en temel gıda malzemelerine bile erişmek için açlık grevine girmek zorunda kaldığını, yaptığı açlık grevleri sonucu baskı ve kötü muamelenin arttığını
- 28.09.2019 tarihinde infaz koruma memurları tarafından hücrelerinde darp edildiğini ve o tarihten beridir birçok hakkının engellendiğini, bu darp sonrasında sağ ayağında sakatlık oluştuğunu ve kafasının birçok yerinde şişlikler olduğunu
- Roman olmaktan kaynaklı sürekli sözlü ve psikolojik şiddete maruz kaldığını
- İnfazını sürdürmekte olduđu Keskin T Tipi Kapalı Ceza İnfaz Kurumu'nda idare ve infaz koruma memurları tarafından sistematik olarak işkence ve kötü muameleye maruz kaldığını

- 19.07.2022 tarihinde yazdığı son mektubunda da can güvenliğinin olmadığını yineleyerek “ölümünden yetkili merciler sorumludur” şeklinde belirtmişti.

Kırıkkale-Keskin T Tipi Kapalı Ceza İnfaz Kurumu’nda kalmakta olan ██████████’ın ailesi de kendisinin görüşüne gittikten sonra işkence kaynaklı oluşan sakatlığı ve Roman mahpus olduğu için ██████████’ın ayrımcılığa maruz kaldığını teyit etmiştir. ██████████’ın ölümünün ve Keskin T Tipi Kapalı Ceza İnfaz Kurumu’nda yaşadığı işkence, ayrımcılık gibi hak ihlallerinin incelenmesini, hangi hapisanede nasıl öldüğü konusunun aydınlatılmasını ve bu konudaki girişimleriniz hakkında derneğimizin de bilgilendirilmesini talep ediyoruz.

17.10.2022

██████████

Ceza İnfaz Sisteminde Sivil Toplum Derneği (CİSST)

Caferağa Mah. General Asım Gündüz Cad. No:68 D:9

Kadıköy/İSTANBUL



[Yeni Başvuru](#) [Çıkış Yap](#)

**Başvuru Sorgula**

**Başvurularım**

- 28.12.2022 - #2206110318
- 27.12.2022 - #2206083664
- 22.12.2022 - #2205992886
- 07.12.2022 - #2205721817**
- 23.11.2022 - #2205378456
- 22.11.2022 - #2205361330

**#2205721817 Başvuru Detayı**

Başvuru Tarihi: 07.12.2022 Başvuru Yolu: İnternet Başvuru Tipi: Bilgi Edinme Hakkı

Ceza İnfaz Sisteminde Sivil Toplum Derneğinin çalışmalarında kullanılmak üzere 4982 sayılı Bilgi Edinme Hakkı Kanunu gereğince istediğim bilgi veya belgeler aşağıda belirtilmiştir.  
Gereğini arz ederim.  
1.)Hapisteki hasta mahpus sayısı nedir?

**Eklili Dosyalar:**

-  Yetkilendirme Kararı 2022.jpg

[Başvuru hareketleri için tıklayınız.](#)

**Cevaplar:**

[Cevap: ADALET BAKANLIĞI > CEZA VE TEVKİFEVLERİ GENEL MÜDÜRLÜĞÜ \(22.12.2022 11:30\)](#)

### 07.12.2022 dated Application text :

The information or documents I request in accordance with the Right to Information Law No. 4982 to be used in the work of the Civil Society Association in the Penal Execution System are stated below.

I would like to request the necessary.

1.) what is the total number of sick prisoners?



**CIMER** | CUMHURBAŞKANLIĞI  
İLETİŞİM MERKEZİ



TÜRKİYE CUMHURİYETİ CUMHURBAŞKANLIĞI  
İLETİŞİM BAŞKANLIĞI

İçerisindeki medya manipüsü sayısı nedir?

**Ekliler:**

Yetkilendirme Kararı 2022.jpg

Başvuru hareketleri için tıklayınız.

**Cevaplar:**

Cevap: ADALET BAKANLIĞI > CEZA VE TEVKİFEVLERİ GENEL MÜDÜRLÜĞÜ (22.12.2022 11:30)

Ceza İnfaz Sisteminde Sivil Toplum Derneğinin çalışmalarında kullanılmak üzere Cumhurbaşkanlığı Halkla İlişkiler Daire Başkanlığı (CIMER)'na yapılan 07.12.2022 tarihli ve 2205721817 sayılı başvuru incelenerek ekte gönderilmiştir. Söz konusu başvuruda talep edilen bilgilere ilişkin olarak; 4982 sayılı Bilgi Edinme Hakkı Kanununun "Kurum içi düzenlemeler" başlıklı 25'inci maddesinde; "Kurum ve kuruluşların, kamuoyunu ilgilendirmeyen ve sadece kendi personeli ile kurum içi uygulamalarına ilişkin düzenlemeler hakkındaki bilgi veya belgeler, bilgi edinme hakkının kapsamı dışındadır." hükmü gereğince başvuruya cevap verilememiştir. Gereğini rica ederim.

[Cevabı Değerlendir](#)

**22.12.2022 dated reply from the Ministry of Justice, General Directorate of Prisons and Detention Houses:**

Your letter of interest requesting information regarding the application numbered 2205721817 received from the Presidency of the Republic of Turkey Public Relations Directorate (CIMER) has been examined. Regarding the application in question; In the 25th article of the Law on Access to Information titled "Internal regulations"; "Information or documents about the regulations of institutions and organizations, which do not concern the public and are only related to their own personnel and internal practices, are outside the scope of the right to information. However, the right to information of the employees of the institution affected by the said regulation is reserved." Pursuant to the above-mentioned provision of the law, the request regarding the application in question could not be fulfilled.

I kindly request your information.

[Yeni Başvuru](#) [Çıkış Yap](#)

**Başvuru Sorgula**

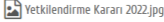
**Başvurularım**

- 07.12.2022 - #2203121011
- 23.11.2022 - #2205378456
- 22.11.2022 - #2205361330
- 13.10.2022 - #2204707442
- 30.09.2022 - #2204479860**
- 29.09.2022 - #2204462091

**#2204479860 Başvuru Detayı**

Başvuru Tarihi: 30.09.2022 Başvuru Yolu: İnternet Başvuru Tipi: Bilgi Edinme Hakkı

Ceza İnfaz Sisteminde Sivil Toplum Derneğinin çalışmalarında kullanılmak üzere 4982 sayılı Bilgi Edinme Hakkı Kanunu gereğince istediğim bilgi veya belgeler aşağıda belirtilmiştir.  
Gereğini arz ederim.  
1.)2022 yılı boyunca hapiste hayatını kaybeden toplam mahpus sayısı kaçtır?

**Eklili Dosyalar:**  
 Yetkilendirme Kararı 2022.jpg

[Başvuru hareketleri için tıklayınız.](#)

**Cevaplar:**  
Cevap: ADALET BAKANLIĞI > CEZA VE TEVKİFEVLERİ GENEL MÜDÜRLÜĞÜ (12.10.2022 09:56)

### 30.09.2022 dated Application text :

The information or documents I request in accordance with the Right to Information Law No. 4982 to be used in the work of the Civil Society Association in the Penal Execution System are stated below.

I would like to request the necessary.

1.) In 2022, what is the total number of prisoners who lost their lives in prison?

22.11.2022 - #2205361330	
13.10.2022 - #2204707442	
30.09.2022 - #2204479860	
29.09.2022 - #2204462091	
18.08.2022 - #2203720819	
17.08.2022 - #2203704896	
16.08.2022 - #2203666734	

☰ Başvuru hareketleri için tıklayınız.

**Cevaplar:**

Cevap: ADALET BAKANLIĞI > CEZA VE TEVKİFEVLERİ GENEL MÜDÜRLÜĞÜ (12.10.2022 09:56)

Cumhurbaşkanlığı Halkla İlişkiler Başkanlığından (CIMER) alınan 2204479860 nolu başvuruya ilişkin bilgi talep edilen ilgi sayılı gazınız incelendi.

Söz konusu başvuruya ilişkin olarak; Bilgi Edinme Hakkı Kanununun "Kurum içi düzenlemeler" başlıklı 25 inci maddesinde; "Kurum ve kuruluşların, kamuoyunu ilgilendirmeyen ve sadece kendi personeli ile kurum içi uygulamalarına ilişkin düzenlemeler hakkındaki bilgi veya belgeler, bilgi edinme hakkının kapsamı dışındadır. Ancak, söz konusu düzenlemeden etkilenen kurum çalışanlarının bilgi edinme hakları saklıdır." hükmü yer almaktadır.

Yukarıdaki açıklanan kanun hükmü gereğince, söz konusu başvuruya ilişkin talep yerine getirilememiştir.

Bilgilerinize rica ederim.

### 12.10.2022 dated reply from the Ministry of Justice, General Directorate of Prisons and Detention Houses:

Your letter of interest requesting information regarding the application numbered 220479860 received from the Presidency of the Republic of Turkey Public Relations Directorate (CIMER) has been examined. Regarding the application in question; In the 25th article of the Law on Access to Information titled "Internal regulations"; "Information or documents about the regulations of institutions and organizations, which do not concern the public and are only related to their own personnel and internal practices, are outside the scope of the right to information. However, the right to information of the employees of the institution affected by the said regulation is reserved." Pursuant to the above-mentioned provision of the law, the request regarding the application in question could not be fulfilled.

I kindly request your information.