

Videoconference relating to the situation of prisoners in Italy and Turkey, 6 April 2020

Report by Barbara Spinelli, lawyer, member of the ELDH Executive Committee

A joint press videoconference relating to the situation of prisoners in Italy and Turkey at the time of the Corona virus was held on 6 April, with interventions from representatives of Italian organisations Democratic Jurists, Antigone and Criminal Chambers; and the Turkish and Kurdish lawyers associations ÇHD, ÖHD, The People's Law Office and Asrin Law Office.

The conference was introduced by the lawyer Barbara Spinelli, a lawyer banned from Turkey because of her activity as an international observer. She noted that during a state of emergency governments retain the obligation to protect the right to life and the psychophysical integrity of every person, starting from those who are in the custody of the authorities, be they migrants in administrative detention or inmates in prisons. Any further delay in adopting suitable measures is therefore unjustifiable, as mentioned by the UN and the Council of Europe.

Cesare Antetomaso of the executive of the Democratic Jurists spoke to the responsibility of the lawyers in the protection of prisoners' rights and in reporting the conditions of those held in detention.

Ayşe Acinikli, an ÖHD lawyer who was detained for 7 months in prison in 2018, reported that the only measure taken to protect the health of prisoners was a single disinfection of the cells, and that the health emergency was yet another opportunity to increase restrictions on the rights of prisoners and their defenders. No protective devices were provided to the prison police or detainees, not even in Mardin prison where a detainee tested positive for COVID-19.

Ibrahim Bilmez, one of the of Ocalan's defence team, reported that it was not possible to ascertain the actual condition of his client due to the persistent rejection of any requests for visits. Although Ocalan and 3 other political prisoners in solitary confinement in Imrali are in their seventies and with chronic diseases, no measures have been taken to protect them, as far as their lawyers know.

Didem Baydar Ünsal, The lawyer of Grup Yorum singer Helin Bölek, reported that the hunger strike that led to Helin's assisted death is attributable to the government's deafness in the face of political prisoners' requests for their rights to be respected. For this reason two lawyers, Ebru Timtik and Aytaç Ünsal, who have already been on hunger strike for over two months, started the so-called strike until death on April 5, the national day of lawyers in Turkey. This consists of refusing to take vitamin supplements. Didem stated that if this does not convince the authorities to extend the amnesty to political prisoners, then they will have on their conscience the death not only of her assistant and of his two colleagues, but also of many others. Didem then explained the dangerous situation of all detainees, not only because of the absence of personal protective equipment, but also because of lack of access to medical care due to the pandemic. Checks and treatments were stopped for one of her clients, who is suffering from cancer, and another was tortured in the Izmir F-type special prison hospital.

Ceren Uysal, a lawyer from the Progressive Lawyers Association (ÇHD), stressed the responsibility of the Turkish government for its failure to protect detainees, in particular those 1300 inmates with serious and/or chronic conditions for whom immediate release has not been ordered. She also stated that repression is increasing, as at Helin's funeral which was attacked with tear gas to prevent her commemoration, and that lawyers have a responsibility to denounce these daily practices that are harmful to human rights.

Anna Maria Alborghetti, referent of the prison observatory of the Paduan Criminal Chambers, gave practical examples of how even in Italy the prison population faced discriminated in the protection of the right to health. Claudio Paterniti Martello, from Antigone, provided an accurate picture of the number of people in detention in Italy and the dramatic situation underlying the recent riots - the most serious and widespread in republican history, he says. He noted that the transfers made after the riots and during the quarantine have put at risk the health of both the detainees and of the prison staff.

This situation was confirmed by Simonetta Crisci, a lawyer for Democratic Jurists. She emphasised that it is unacceptable to continue to detain women, children, and those who are ill in this situation, stating that it was necessary to find an alternative to detention in prison for these inmates, such as house arrest. She denounced the public mood against detainees which has intensified in the health emergency, to the extent that even where home detention was already ordered, it has not been implemented due to alleged lack of resources.

All the Italian interveners agreed in asking for the immediate release from prison for those sentenced to a sentence of less than 3 years