

Internationaler Rechtshilfefonds: Jurists for Jurists e.V.

c/o Ingrid Heinlein

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Republic of Turkey

Minister of Justice

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Honorable minister of Justice, Mr. Abdulhamit Gül,

we are a German association of judges, prosecutors and lawyers providing legal assistance to our colleagues in other countries, promoting international understanding of justice and respect for the democratic rule of law, human rights and judicial independence.

We approach you because we are in deep sorrow about the state of health and the mental condition of judge Sultani Temel and her five-year-old daughter, who both are in prison in Erzurum for more than 25 months under inappropriate circumstances. Judge Temel was suspended after the military coup in July 2016 and dismissed in August 2016. On 16 January 2017 she was taken into police custody and on 27 January she was arrested. She was released on bail with the order of house arrest on October 5, 2017 and newly arrested on June 6, 2018. Meanwhile a first instance court sentenced her to 8 years and 9 months imprisonment because of alleged links to „FETÖ“. Her appeal is pending.

We are informed by her husband about some medical records showing that Judge Temel is suffering from „major depression“ due to the harmful conditions during the police custody and afterwards in prison. During the police custody, she was separated from her daughter and had to stay in a freezing cold cell without any blanket, had no access to a lawyer. After being kept in custody for 11 days in a cell, a „major depression“ was diagnosed. In prison she got many high dosage medications, but the prison doesn't have any psychological or psychiatrist specialist available.

Both mother and daughter urgently need a better health treatment. Judge Temel's husband informed us, that the child is in prison together with the mother because she needs mother-care. But due to the state of health of the mother, the health of the daughter is in a bad shape as well. Her physical and psychological development has been slow. She has sobbing attacks and cannot communicate with other people. There is no educational or training facility in prison. So, the social development of the daughter has been harmed.

Art. 3 of the European Charter for Human Rights and Art. 7 of the International Covenant of Civil and Political Rights forbid torture and inhuman or degrading treatment or punishment. Therefore the States which ratified these human rights treaties – like Turkey did – are obliged to take care for appropriate medical care of prisoners. Accordingly the European Committee

for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment recommended that a doctor qualified in psychiatry should be attached to the health care service of each prison, and some of the nurses employed there should have had training in this field (CPT/Inf(93)12-part).

Art. 3 of the Convention on the Rights of the Child, which was ratified as well by Turkey, regulates that the best interests of the children shall be a primary consideration for legislation, public administration and the courts.

Following these principles, the Committee of Ministers of the Council of Europe recommended that in order to ensure the right of a child to the highest attainable standard of health, support and information shall be provided for imprisoned mothers. Arrangements and facilities for the care of infants who are in prison with the parent, including living and sleeping accommodation, shall ensure that the best interests and safety of infants are a primary consideration, as are their rights, including those regarding development, and play. It is necessary as well that they are able to freely access open air areas in the prison and can access the outside world with appropriate accompaniment and attend nursery schools (CM/Rec(2018)5).

Honorable minister of Justice,

according to our knowledge there are at least 743 children below the age of 6 together with their mothers or fathers in Turkish prisons. All these children and parents have the right of a good health care and appropriate conditions in prison.

In the case of Judge Sultani Temel and her daughter we regret very much that the first instance court did not consider the circumstances we have explained above, when it decided that judge Temel has to stay in prison although the verdict is not final.

So, we urgently ask you to undertake at least the necessary measures to enhance the prisons conditions for her and her daughter, especially to support them with a doctor qualified in psychiatry, and as well a good surrounding and educational facility for the small daughter.

Your's sincerely

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Ingrid Heinlein