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A SENTENCE WITHIN A SENTENCE: LIFE EXPERIENCES OF AGGRAVATED LIFE PRISONERS IN TURKEY

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PREFACE

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TABLE OF CONTENTS

Preface...……iii

Table of Contents……...v

Abstract……viii

Özet……ix

Introduction……1

Methodology……...8

Chapter I. Aggravated Life Sentence: "Sentence within Sentence"……..14

1.1. A Brief Historical Background…...……15

1.1.1. Life Imprisonment……..18

1.1.2. Solitary Confinement……19

1.1.3. Maximum Security "Super-max" Prison……22

1.2. Aggravated Life Sentence in the Context of the Transformation of Incarceration in Turkey……..23

1.2.1. The Abolition of Death Penalty……24

1.2.2. F Type Prisons……26

1.2.3. From District Prisons to Campus Prisons……27

1.3. Legal Context of the Aggravated Life Status……27

1.4. The Distinction between Political and Non-Political Prisoners ……...30

1.5. The Ways The Prisoners Name and See This Status……35

1.6. Stigmatization through Representations and the Discourse of Danger……...39

Chapter II. Life Experiences and Living Conditions of Aggravated Life Prisoners……46

2.1. The Space that Separates Aggravated Life Prisoners from Others: "Cell"……46

2.2. Everyday Life in the Cell and Coping Strategies ……61

2.2.1. A Day in the Cell……63

2.2.2. Financial Difficulties……..70

2.2.3. Enclosed "Airing" Yard……74

2.2.4. Socializing……75

2.2.5. Uncertainties of Daily Life……79

2.2.6. Perception of Time……80

2.3. Relations with Outside World ……81

2.3.1. Visits of the Families……..81

2.3.2. Phone Calls to Families ……84

2.3.3. Reaching Outside through Letters ……...85

2.4. Statuses that Establish Similar and Different Experiences……..87

2.5. Expectations and Hopes ……90

Chapter III. Experiences of Aggravated Life Prisoners in the Process of Access to Fundamental Human Rights and Public Services……92

3.1. Access to Justice……96

3.1.1. A Shared Complaint: Un/fair Trial……..96

3.1.2. Access to Justice through Legal Application……102

1.1.3. Access to Justice through Applications to Administrative Bodies……..105

3.1.4. Access to Justice through Applications to Monitoring and Inspection Bodies……106

3.2. Access to Health Care……109

3.3. Access to Social Services……115

3.4. Disciplinary Mechanisms and the Practice of "Good Behavior" …..120

3.5. Broad Discretionary Power of Prison Administrations ……122

3.5.1. Resistance ……126

3.6. Shared Narrative on Multidimensional Access Problems ……127

3.7. Families and Access to Human Rights……129

3.7.1. The Distances and the Mechanism of "Transfer" of Prisoners……..…130

Conclusion ……..136

References ……..139

Annexes……...148

ABSTRACT

This thesis will examine the life experiences and social, economic and cultural living conditions of the prisoners whose lives are ongoing under a regime of extreme isolation for long periods of time in Turkey's prisons. This sentence has become the severest sentence after the abolishment of death penalty in 2005 as part of the transformation of the punishment and incarceration practices in Turkey. It aims to explore the similarities and differences of the experiences of aggravated life prisoners in the process of access to human rights and services. It explores these experiences in relation to their social situations and statuses, and within the context and institutional setting of Turkey's prisons. Besides, it also aims to look at the experiences of the families of aggravated life prisoners whose lives highly affected by the execution regime itself.

In order to understand the life experiences and living conditions of aggravated life prisoners in relation to their social settings, qualitative research methods will be adopted in this study. The main source of this study will be the discourse analysis of the narratives of the aggravated life prisoners. Besides the letters, semi-structured in-depth interviews will be conducted with whom aggravated life prisoners encounter within the settings of prison. The secondary data will be attained from the literary texts such as poems, biographies, novels, short stories, and other artistic productions such as paintings and cartoons that contain testimonies of the prison experience of aggravated life prisoners.

In this thesis, I argued that the status of aggravated life imprisonment brings out a number of people who are placed in the margins of society, seen as outcasts of it, stigmatized within a long process of solitary confinement and life imprisonment in which they experience multidimensional problems to access human rights. Besides, it is argued that this status is also affecting the families of aggravated life prisoners.

Keywords: Life Imprisonment, Isolation, Biopower, Status, Stigma.

ÖZET

Bu tez; Türkiye'deki cezalandırma ve hapsetme pratiklerinin dönüşümü sürecinde, idamın yerine getirilerek, 2005 yılında uygulanmaya başlanan ağırlaştırılmış müebbet mahpusluk statüsünün mahpuslar için nasıl yaşam koşulları oluşturduğunu irdeler. Ağırlaştırılmış müebbet hükümlüsü mahpusların Türkiye hapishanelerindeki sosyal, ekonomik ve kültürel yaşam koşullarını, buralarda temel haklarına ve kamusal hizmet ve servislere erişim süreçlerinde hangi mekanizmalarla karşılaştıklarını ve bu karşılaşmalarda neler yaşandığını açığa çıkarmayı amaçlar. Bunun yanında bu tez; bu mahpusluk statüsünün mahpusların aileleri ve sosyal çevreleri için nasıl sonuçlar doğurduğuna da bakar.

Bu tezde, ağırlaştırılmış müebbet hükümlüsü mahpusların yaşam deneyimlerini ve koşullarını, içinde bulundukları ortam bağlamında anlamak için niteliksel araştırma yöntemleri kullanıldı. Bu tezde ağırlaştırılmış müebbet hükümlüsü mahpuslarla yürütülen mektuplaşma faaliyetine ve bu faaliyetten edinilen bilgilere ve etkilenimlere dayanan söylem analizi yöntemi benimsenmiştir. Mektuplaşmanın yanı sıra, ağırlaştırılmış müebbet hükümlüsü mahpusların anlatılarını içeren anı, şiir, biyografi, roman, öykü gibi edebi metinlere ve resim, karikatür gibi diğer sanatsal üretimler ve mahpus aileleriyle yapılan derinlemesine görüşmelere de yer verilmiştir.

Sonuç olarak bu tez, ağırlaştırılmış müebbet hükümlüsü mahpusluk statüsünün; ömür boyu ve tecrit altında hapis yoluyla, toplumdan ayrıştırılmış, dışlanmış ve kapatmanın en iç hücresine yerleştirilmiş bir grup insan için farklı bir yaşam deneyimi ortaya çıkardığını ve bu statünün ağırlaştırılmış müebbet hükümlüsü mahpusların aileleri başta olmak üzere çevrelerine de sirayet ettiğini söyler.

Anahtar Kelimeler: Ömür Boyu Hapis, Tecrit, Biyoiktidar, Statü, Damga.

INTRODUCTION

Through incarceration the individuals are separated from their living environment, marginalized from society, exposed to state violence, and stigmatized through various labels by media and wider public. By these, the individuals and their families are imposed to orient themselves to radically different living conditions, create new strategies to live. Since 2005, the practice of aggravated life imprisonment brings out a number of prisoners whose life experiences and living conditions are differentiated from the rest of the prisoners.

Aggravated life sentence has passed into law after the abolition of death penalty in 2002 and become the severest punishment according to the Turkish Penal Law and immediately started to be discussed as an inhumane punishment and as being contradictory to the generally accepted rehabilitation and the treatment purpose of the punishment. The execution regime of aggravated life sentence is enacted in 2005 by the Article 25 of the Law on Execution and Security Measures 5275 and started to be implemented in Turkey's prisons.[1] People who are sentenced to aggravated life in Turkey are kept in "single rooms" or *cells* as prisoners call them up to 23 hours a day.[2] The rights determined for them are more limited in comparison to the rights of other prisoners. To mention some, they have right to be in open air for an hour in a day with at most two other prisoners[3] while other prisoners including regular life prisoners are kept in dorms with at least two other prisoners and have right to be in open air during the day.

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[1] The Law on Execution No. 5275, Date of Adoption :13 December 2004, Published in the Official Gazette on: 29.12.2004 No. 25685, Published in the Statute Book Order 5, Volume 44. (Retrieved from: http://www.judiciaryofturkey.gov.tr/The-Law-on-the-Execution-of-Penalties-and-Security-Measures-is-available-on-our-website)

[2] "The convict shall be accommodated in a single room." (Execution of Aggravated Life Imprisonment Article 25/1-a of the Law on Execution) ; "He shall have the right to walk and do exercises in the open air for one hour a day." (Execution of Aggravated Life Imprisonment Article 25/1-b of the Law on Execution)

[3] "Depending on risk and security considerations and on his effort and good behavior in rehabilitation and training activities, the time for which he goes out and does physical exercises in the open air may be extended and he may be allowed, to a limited extent, to have contacts with convicts who stay in the same unit with him." (Execution of Aggravated Life Imprisonment Article 25/1-c of the Law on Execution)

The execution regime of aggravated life sentence also limits the rights of the families and friends of aggravated life prisoners. While other prisoners including regular life prisoners have right to be visited every week by their family and three friends that they choose[4], aggravated life prisoners are allowed to be visited twice a week and solely by their parents, children, spouses and legal guardians.[5] Moreover, they are not allowed to see their visitors all together during these visits since the one hour time of the visits are divided by the number of the visitors they have.[6] It is also determined by the Law on Execution that the aggravated life prisoners cannot be transferred to open prisons[7] which are designed based on working principle.

In November 2016, I started to make a voluntary internship at the Civil Society in the Penal System Association (*Ceza İnfaz Sisteminde Sivil Toplum Derneği*, CISST) which *"was founded in 2006 upon an urgent need for a rights-based civil society organization dealing specifically with the situation of prisons in Turkey."*[8] (CISST 2019) During my internship, I got acquainted with the work

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[4] "The convict may be visited once a week for half an hour as a minimum and one hour as a maximum, within working hours, by his spouse, his relatives and in-laws of up to the third degree, on condition that the relationship is documented, and his guardian or trustee and by a maximum of three other persons whose names and addresses he notified at the time of admission into the institution, not to be changed except in overriding cases. (Article 85/1 of the Law on Execution)

[5] "In circumstances where it is considered appropriate by the administrative committee of the institution and once every fifteen days, he may make a telephone call to the persons specified in (f) below for up to ten minutes." (Article 25/1-e of the Law on Execution)
"He may be visited by his spouse, descendants and ascendants, siblings and guardian for up to one hour a day and with intervals of fifteen days, on the days, at the times and under the conditions specified." (Article 25/1-f of the Law on Execution)

[6] "Those convicted of aggravated life imprisonment may only meet the persons specified in article 11 (his wife, children, grandchildren, children of their grandchildren, mother, father, grandmother, grandfather, grandmother and grandfather's parents, siblings and legal guardian) within fifteen days intervals, one by one and within one day, within the days, hours and conditions to be determined by the director of the penal institution." (Article 12 of The Bylaw on the Visits to the Detainees and Convict Published in the Official Gazzette on 17 June 2005)

[7] "He may in no case be employed outside the penal execution institution or granted a leave." (Article 25/1-g of the Law on Execution)

[8] It is stated in the website of CİSST that: "The main aim of CISST is the mobilization of civil society to bring Turkey's prisons in line with international standards, and to help Turkey's penal system to become transparent and better connected to civil society. Human dignity should always be respected, wherever the place, including prisons. Through the years, CISST has adopted and adjusted several methods to achieve this goal such as: Prison monitoring visits, correspondence (letters), CISST advice-line, lawyer visits, interviews with families, human rights applications to official bodies for assessment and redress, applications based on the right to information act, Parliamentary questions, media review." (CISST 2019)

of the Network of Aggravated Life Prisoners[9] established by CISST in 2015, as part of the aims of the projects called "Turkey's Prison Information Network"[10]. Before I met the works of this network, I had a superficial knowledge on aggravated life imprisonment; however, I had no idea about the details of the rules of Law on Execution on this sentence and the administrative practices the aggravated life prisoners faced. When I found out that it meant locking up the aggravated prisoners in the cells up to 23 hours a day for thirty years for the crimes against individuals and for their life for the crimes against state and society I was surprised that this penalty was not discussed by wider public. After this astonishment, I started working at the CISST Association in January 2017 as the representative of the Network of Aggravated Life Prisoners in order to understand the way this sentence creates a special type of imprisonment.

Since then, as part of my work at CISST, I began to communicate through correspondence with 168 aggravated life prisoners about the problems they have in prisons, the feeling of being an aggravated life prisoner and their encounters in the process of access to human rights. At the end of 3 years, I received 747 letters from 168 prisoner prisoners and answered them. In these letters, prisoners often mentioned that they thought that they were not seen as *"human",* that this sentence was heavier than the death penalty and that this sentence is a *"sentence within sentence".* When the isolation arising from The Law on Execution comes together with the practices of the prison administrations, I realized that it was common for me to come across the analogies of *"coffin"* and *"grave"* for the cell; and *"torture", "killing in time"* and *"concentration camp"* for the execution regime. These narratives have made me think more on the effects of isolation on aggravated life prisoners, families of these prisoners and society.

[9] "Aggravated Life Prisoners Network is a platform that is founded in 2015 by Civil Society in Penal System Association (CISST) with a goal to assemble people and institutions who work in this field, mutually sharing experience and form a common ground for acting together." (CİSST 2019)

[10] For further information visit: http://cisst.org.tr/projeler/turkiye-hapishaneler-enformasyon-agi-2015-2016/. (CISST 2019)

Besides the letters, as part of my duty at CISST, I was mediating between aggravated life prisoners and prison authorities. I was transferring the prison authorities, the prisoners' complaints about the difficulties of accessing the fundamental human rights and social services. An important part of these applications, which include different demands on many different subjects from access to fundamental rights to humanitarian needs, was given a negative response by citing the Article 25 of the enforcement law, which regulated the aggravated life regime. In other words, since the prisoners are sentenced to aggravated life, they were not easily able to reach their fundamental human rights. This means that this criminal status has been put to work by administrative bodies as an exception to accessing rights, which are defined as "prisoners' rights". Besides, I also observed in the events and the reports of human rights organizations about prisons and prisoners' rights that the rights of aggravated life prisoners were not included to the discussions of prisoners' rights even as exceptions.

Although prisons are becoming a current issue from time to time through the violations of prisoners' rights we cannot say that the living conditions of prisoners arouse interest of the wider public. Specifically, the execution regime of aggravated life sentence is not addressed in the studies of law and social sciences and did not raised a public discussion. Thus, I think that it is possible to say that the voices of aggravated life prisoners and their families cannot reach to the policy makers. One reason of that, is their being in isolation within the prison and the very limited rights they obtain in order to reach outside of the prison. A significant number of aggravated life prisoners wrote in their letters that I was the first person that they come into contact for many years. By this, I noticed that my position at CISST was unique to reach these prisoners and make me feel responsible to discuss the issues of aggravated life sentence in an academic study. Moreover, the last but not least, because of the reason that my study could contribute to the development of comprehensive social policies on the issues of aggravated life imprisonment; I decided to write my thesis on the aggravated life sentence.

In the studies conducted outside of Turkey the issues of solitary confinement and life imprisonment have dealt with different aspects by various disciplines whereas in Turkey only few studies dealt with those issues and specifically the studies focused on aggravated life imprisonment were two theses from the law department and one thesis from psychology department. In these studies the experiences of prisoners were excluded from the main problematic, prisoners' differentiated life experiences in relation to their social situations and prison settings are roughly handled. I think that one of the reasons of the invisibility of the issues of aggravated life sentence is the lack of academic studies indicating the micro aspects of their lives and questioning the taken for granted ideas about them. Another reason of the invisibility of the issues of aggravated life sentence is the lack of connection to aggravated life prisoners because of the restrictions of the execution regime itself.

In this frame, this study aims to examine the life experiences and social, economic and cultural living conditions of the prisoners, whose lives are ongoing under a regime of extreme isolation for long periods of time in Turkey's prisons. It aims to explore the similarities and differences of the experiences of aggravated life prisoners in the process of access to human rights and services. It explores these experiences in relation to their social situations and statuses, and within the context and institutional setting of Turkey's prisons. Besides, it also aims to look at the experiences of the families of aggravated life prisoners whose lives highly affected by the execution regime itself.

I want to seek answers to questions as such: What are the common features and different aspects of the social, economic and cultural living conditions of aggravated life prisoners in Turkey? With whom and in what ways do these individuals encounter in prison in the processes of access to rights and services? What are the effects of their social situations and statuses on the experiences in these encounters? How does the prisoners' access to rights and services differ from one another? In the light of these differentiations, with whom and in what way do they encounter within the processes of access to rights and services? What

are the effects of their legal statuses on the experiences in these encounters? How is the approach of their families, friends, and different occupation groups who works with them such as psychologists, medical doctors and lawyers and society in broad sense to aggravated life sentence? What are the physical and psychological effects of this punishment on aggravated life prisoners? How can these effects be evaluated? What are the networks of relationships in which aggravated life sentence prisoners are able to relate to the outside world of prisoners, and what consequences do these relationships create? How can the experience of families and relatives of aggravated life prisoners be assessed?

In the first chapter, I will aim to provide a historical and conceptual background of the notions of *imprisonment* and *the effects of imprisonment*. I will emphasize the issues of *life imprisonment*, *solitary confinement,* and *super-max confinement* since these are the three core elements of the aggravated life sentence. I will address these issues, within the context of the structural transformation of Turkey, focusing on the transformation of the practices of incarcerations in Turkey. To do so, I will focus on three processes within the history of Turkish prisons that marked the core elements of the execution regime of the aggravated life sentence as abolition of the death penalty, the emergence of F type prisons, and the notion of closing prisons in cities and opening campus type prisons outside of the city centers. Then, I will explore the legal context of the aggravated life sentence. I will, then, discuss the distinction between political and non-political prisoners concerning the changes in the political atmosphere in Turkey through Michel Foucault's analysis of power. In the fifth section of the first chapter, I will present the ways in which this status is seen and called by aggravated life prisoners. Then I will discuss the stigmatization of aggravated life prisoners through representation and the discourse of danger in relation to Mary Douglas's notion of *danger*, Erving Goffman's *stigma* and Victor Turner's *status.*

In the second chapter, I will present the spatial, economic, social, cultural life experiences of aggravated life prisoners by focusing on the physicality of and the daily life in the cell, relations with the outside world, the statuses that

structures different experiences among others and the hopes and expectations of aggravated life prisoners.

In the third chapter I will deal with the aggravated life prisoners' access to fundamental human rights and social services. Experiences of aggravated life prisoners in the process of access to the fundamental human rights and public services are similar in the issues of access to justice, access to health care, and access to social services, and social aids. In this chapter, I will present these shared experiences, and discuss two of the crucial issues that cause problems as: the issues of disciplinary mechanisms and the broad discretionary power of the prison administrations. Then I will present the ways aggravated life prisoners sees and perceives this status. Finally, in the last section of this chapter, I will also deal with the consequences of the aggravated life status for families, relatives, and friends since this status also limits the rights of them and affect their lives heavily. Besides, I will mention the role of the families in the process of access to human rights since the aggravated life prisoners' experiences are dependent upon the conditions of their families. In order to make sense of the experiences of both families and prisoners, I will look at the mechanism of "transfers" of prisoners.

In this thesis while dealing with above mentioned issues, I will adopt a perspective that focuses of the similarities and differences of the experiences of aggravated life prisoners. While seeking answers to these questions, qualitative research methods will be used and the issues will be tried to be analyzed from the perspectives of before mentioned theoreticians throughout the study. Methodological choices of this study will be detailed on the following pages.

METHODOLOGY

Convenient with the aims of this study, literature review will contain the theoretical works on biopower, stigma and status. At the scholarly level, the articles, dissertations and other academic works with an emphasis on anthropological, criminological, sociological and ethnographic studies that focus on the issues of life in prison, life imprisonment, solitary confinement and supermax prison will be evaluated. Besides, since the issues excite attention of both national and international human rights community, non-academic texts such as reports, legal documents and other publishing will also be reviewed.

I learned about the people who are confronted with aggravated life sentence during my voluntary internship in Civil Society in the Penal System Association. Although I knew aggravated life sentence was in use of Turkey's penal system I was not aware of the duration of incarceration and living conditions of aggravated life prisoners. Following the two months internship, in January 2017, I started to work in the advocacy project conducted by CISST in which my duty was maintaining the correspondence activity with aggravated life prisoners in Turkey's prisons and applying to related state institutions demanding research for human rights violations reported in the letters.

Correspondence activity of CISST was started as part of the project called "Turkey's Prison Information Network" that aims to create a relation between prisoners and Non-Governmental Organizations (NGO). This correspondence activity is initiated by Murat Yurtgül in the end of 2014. He sent letters to 30 political aggravated life prisoners, some of whom are the story writers of the book *Korkma Kimse Yok* (Öz and Tözeren, 2014)[11] and other aggravated life prisoners whose names can be found in the news or reports of other NGOs. In the first letters, it is stated that CISST initiated to create a network of NGO's and

[11] This book contains 16 stories of political aggravated life prisoners was published with the initiation of "Dışarıda Deli Dalgalar İnisiyatifi" in 2008.

chambers of professions such as bars to prevent violations of rights in prisons and to contribute to the right-based struggle for prisoners' rights. Besides giving information on the aims of CISST as to raise a discussion on aggravated life sentence, following questions were asked to these thirty prisoners;

Where are you from, how old are you, where did you live when you were arrested? When were you arrested? Does your case continue? If not, when did it end? Have you been in other prisons before? If you were, how many prisons were you in? What do you think about the aggravated life sentence? What are the conditions for prisoners who have been given this sentence? How is your day going, what are you doing in a day?

After that first letters of thirty prisoners, through the method of snowball the number of prisoners raised hundreds within a year. In 2015, Murat Yurtgül has lost his life in the massacre in Suruç where 34 people were killed and hundreds were injured. As I noticed when reading the first letters of prisoners after Murat passed away, it was a moment of building a sense of trust, solidarity and camaraderie between CISST and political aggravated life prisoners.

After Murat, İdil Aydınoğlu, who is a lawyer, maintained the correspondence activity until 2017. Within this period most of the aggravated life prisoners CISST connected were political prisoners and the small number of non-political prisoners was reached through the referrals of political aggravated life prisoners. In 2016, in order to reach more non-political prisoners, CISST made advertises on popular newspapers and the number of the letters of non-political aggravated life prisoners started to increase.

In 2017, I started to maintain the correspondence with aggravated life prisoners. At the same time, I reviewed the works of CISST that are held in relation to aggravated life sentence, read the letters sent by aggravated life prisoners and started to talk with my entourage about this sentence. It was surprising to see that I was not the only one who is not aware of this kind of isolation was taking place in Turkey's prisons and will continue until the end of their lives.

In the letters, I was introducing myself and CISST, explaining the aims of the association and aims of the correspondence activity. Since CISST was the only organization that deals with the problems of both political and non-political prisoners until recently and the principal of not asking the “committed crime” there was a trust for CISST among both political and nonpolitical aggravated life prisoners. Besides, in the letters a little chat on the issues they write may arise and helps to create a bond. I was called as sister, friend, comrade by the aggravated life prisoners in their letters. I think that one of the reasons that the prisoners trusted me and CISST was, the principle of answering every letter sent by prisoners although the requests of the letters are not relevant with the works and capacity of CISST.

Moreover, the advice line of CISST is reachable via phone every week day within the working hours by the families of the prisoners and that helped prisoners to build a trust and helped me to understand the living conditions of the prisoners and to make sense of the experiences of the families, friends and legal guardians of the prisoners. Besides, as a principle, CISST makes applications to official bodies demanding investigations on the consequences of the letters that did not reach their address, I think that it also helped the prisoners to trust me and CISST.

Since January 2017, I received more than 747 letters from 168 aggravated life prisoners in which aggravated life prisoners tell about their life, the prison environment, relations with the institution, families, other prisoners etc. They also wrote me to evaluate the situation of the prisons, the justice system, political issues in Turkey and so on. Meantime I have made 1328 applications to related state institutions for the violations of human rights reported by the prisoners themselves and their families and friends. And I received 356 responses to my applications. These applications and the responses provided by official bodies provided me a better understanding the human rights conditions of aggravated life prisoners. As a part of my duty, I also organized meetings that bring lawyers of aggravated life prisoners and people who conduct legal studies on the aggravated life sentence together to be able to discuss the problems this sentence brings out

and search for the possible legal solutions of those problems. These meetings provided me a better understanding of the legal context of aggravated life prisoners in Turkey.

In order to understand the life experiences and living conditions of aggravated life prisoners in relation to their social settings, qualitative research methods are adopted in this study. The main source of this study is the letters of aggravated life prisoners. I used content analysis to select the frequently mentioned issues in the letters which were mostly complaints since the prisoners were reaching CISST to report human rights violations they faced. However, in order to analyze the frequently mentioned issues in the letters, I used discourse analysis.

Within the last three years that I maintained the correspondence activity, I mentioned about my thesis subject to the prisoners who are willing to take part and help in some way. I applied to the letters of aggravated life prisoners who were willing to take part in this study. Within the text, I presented the excerpts from the letters of the prisoners sent to me or CISST who personally let me to present their letters in this study and I differentiate the letters in the footnotes if they were sent to me or CISST. Besides I applied to the reports of CISST that contains the testimonies of aggravated life prisoners.

I also had a lot of attention most of the time, from the families of aggravated life prisoners who were informed about my research by the prisoners I shared my thesis study. Most of the time they reached me via phone, through CISST and through social media before I reached them and informed me that, they would like to help for my thesis. In 2019, I made 10 pre-interviews with Dinçer's sister, , Fatih's wife, Bahri's legal guardian, Şafak's brother, Agit's wife, Demir's brother, Faik's daughter, Ziya's sister, Şahin's wife, Burak's family, and I corresponded with Leman's husband who is also a prisoner. However, I could make recorded in-depth interviews with only 4 of them because of the pandemic. In the period of quarantine, I suggested the families and friends of aggravated life prisoners to search for a safe way to make an interview on the phone or online but

since the safety and anonymity of both prisoners and their families are the most important they decided not to risk it. So I made in-depth interviews with Faik's daughter, Demir's sister, Şafak's brother and Burak's family.

Besides these interviews, I interviewed with a social worker in a high-security prison. However, he did not permit to record the interview and quote his words since in the prison he worked there were no aggravated life prisoner. Though he talked with his colleagues and provided me information about the restrictions on the social activities of aggravated life prisoners.

The secondary data of this study is attained from the literary texts such as biographies, novels, short stories, and other artistic productions such as paintings and cartoons that contain testimonies of the prison experience of aggravated life prisoners. Besides, legal documents and the documents such as the applications to state institutions and the answers of these institutions were applied to understand the approach of official bodies to aggravated life prisoners. Another secondary data is the media materials about aggravated life prisoners in order to understand how they are represented in public.

All names are changed to protect the anonymity of the prisoners and their families except the ones that are retrieved from the sources that are open to reach of the public such as news, reports, and decisions of courts.

The method of exchanging letters with aggravated life prisoners is the most appropriate method since I am not allowed to visit them and conduct in depth interviews since aggravated life prisoners are not allowed to be visited by anyone but their lineal kinship. However, this method may not always be appropriate to explain some issues since the letters are inspected by a prison administration unit and if the content is regarded as inconvenient for safety and security issues the letters could be retained.

Another limitation is that the prisoners could get a communication ban for disciplinary purposes and when it happens the correspondence activity is cut. This method is also carrying the risk of having problems of credibility and validity

since people may use auto-censorship in their letters and it is not possible to evaluate if the statements are valid for all aggravated life prisoner. However in order to overcome this problem I asked them to both evaluate the overall conditions of aggravated life prisoners and to place their conditions among their generalized views. Besides since it is also asked how they spend a day in the cell, a comparative reading of these statements provided me to better evaluate the letters.

In order to overcome these problems to some extent, the dialogue with families is maintained, in-depth interviews with families and friends is conducted since they can share more information about their situation to their families during the visits and phone calls. Furthermore in depth interviews with family members and friends will enable us to understand in what ways this sentence and the execution regime also have impacts on their lives.

In the thesis, I applied to letters of thirty aggravated life prisoners. The letters were used in order to present the issues that are related to the issues of aggravated life sentence, however I applied much more letters of many more prisoners in order to find out the ideal type of the issues of aggravated life imprisonment.

CHAPTER I

THE AGGRAVATED LIFE SENTENCE

This chapter aims to provide a historical and conceptual background to the notions of *imprisonment* and *the effects of imprisonment* in relation to the key literature on these subjects. I will give particular attention to the issues of *life imprisonment*, *solitary confinement*, and *super-max confinement* since these are the three core elements of an aggravated life sentence that requires delving into in order to understand the life experiences and living conditions of aggravated life prisoners. I will address these issues, within the context of the structural transformation that Turkey has gone through dating the last two decades,[12] focusing on the transformation of the practices of incarcerations in Turkey. To do so, I will focus on three processes within the history of Turkish prisons that marked the core elements of the execution regime of the aggravated life sentence. These are the process of abolition of the death penalty between 1984 and 2005, the emergence of F type prisons by the end of the 1990s and at the beginning of the 2000s, and the notion of closing prisons in cities and opening campus type prisons outside of the city centers in the 2010s.

I will discuss the process of the abolition of the death penalty in relation to the issues of *life imprisonment,* and the emergence of F type prisons as the first examples of the super-maximum security prison, focusing on the concepts of *solitary confinement* and *super-max confinement.* And lastly, I will present both the change of the locations and the capacity of the prisons in relation to *super-max confinement.* Then, I will explore the legal context of the aggravated life sentence which is often referred to as *"a sentence within a sentence"* by aggravated life prisoners and the people who conduct research on life imprisonment and solitary

[12] Turkey has gone through a set of political, economical, and social changes within the last decades. For a detailed analysis of this trasformation see: *Türkiye'nin Büyük Dönüşümü-Ayşe Buğra'ya Armağan* (Savaşkan and Ertan, 2018) ; *New Capitalism in Turkey: The Relationship Between Politics, Religion and Business* (Buğra and Savaşkan, 2014)

confinement concerning national and international human rights documents. I will then discuss the distinction between political and non-political prisoners concerning the changes in the political atmosphere in Turkey via Michel Foucault's analysis of power. In the fifth chapter, I will present the ways in which this status is seen and referred to by aggravated life prisoners. I will then discuss the stigmatization of aggravated life prisoners through representation and the discourse of danger in relation to Mary Douglas's notion of *danger*, Erving Goffman's *stigma* and Victor Turner's *status.*

1.1. A BRIEF HISTORICAL BACKGROUND

The modern prison has been one of the important topics in critical research problematizing modernity and its institutions. At the theoretical level, we can claim that a significant number of studies deal with prison as a means of punishment and in relation to discipline and control mechanisms of the states and societies. (Foucault 1995, Davis 1971, Millett 1995) Erving Goffman defines the prisons as "total institutions" and, like other total institutions, surrounds the people within them and limits social relations. (1990) Michel Foucault, in his oft-cited study *Discipline and Punish: the Birth of the Prison stated* that by the end of the eighteenth and at the beginning of the nineteenth century the festive public punishment tradition was dying out. At the beginning of the nineteenth century *"the great spectacle of physical punishment"* disappeared and the age of sobriety in punishment had begun. While punishment became the most hidden part of the penal process and the bodies of the "convicts" began to be incarcerated rather than being tortured in public spaces, the notion of rehabilitation began to gain importance. (Foucault 1995, 8-9) This idea of punishing humanely for the rehabilitation of the convict serving the purpose of the protection of the society proceeded up until today, also in Turkey.

The prisoners are first of all separated physically from others by prison walls. Along with the separation from society, they immediately begin to be labeled as "prisoner", "felon", "convict" and so on.[13] Gresham Sykes in his observational study of the New Jersey Maximum Security Prison, *The Society of Captives,* indicates the 'pains of imprisonment' as the deprivation of liberty, the deprivation of goods and services, the deprivation of heterosexual relationships, the deprivation of autonomy, and the deprivation of security. (1958, 63-78) In *Asylums: Essays in Social Situation of Mental Patients and Other Inmates*, Erving Goffman dealt with the social situation of the inmates in *'total institutions'* such as asylums, prisons, boarding schools, ships, and so on in relation to the characteristics of those places. Goffman sees 'total institutions' as surrounding its inhabitants and hindering social relations between the ones incarcerated and the majority of the society. He argued that inmates experience their selves' being systematically "mortified" in the total institution and their views of their self-identities become disrupted and new institutional identities formed within the dynamics of total institutions. (1990, 14) Following these key texts, Howard S. Becker's *Outsiders: Studies in the Sociology of Deviance* has become one of the prominent works in the study area called 'social disorganization'. According to Becker, 'outsiders' are the individuals who do not conform to the social rules, that is to say, behaving in a way that is defined as wrong and forbidden by social rules. (1963, 15) Although he made his remarks out of a study with marijuana smokers and dance musicians, this study has become a landmark in criminology as well.

Within the relatively short history of the prison, different philosophical, policy-related, and political perspectives were adopted in different geographies at different times and both the idea of punishing humanely and the notion of rehabilitation continued to be held as an integral part of the purpose of incarceration. Besides, as it has been discussed in many studies from various disciplines, incarceration rates continue to increase although incarceration can be detrimental both to the physical and mental health of prisoners, may cause post-

[13] In Turkish "mahpus", "esir", "tutsak", "tutuklu", "hükümlü", "mahkûm" and so on.

traumatic stress disorder, might be emotionally, economically, and socially harmful to the families of prisoners, and has some negative effects on the lives of prison staff (Liebling and Maruna 2011, 13-18).

According to the 2015 statistics of the *Institute for Criminal Policy Research (ICPR),* the total number of the prisoner population worldwide is 10,357,134. This number has increased by 19.8 percent since 2000 while the world population has increased 18.2 percent in the same period. (Walmsley n.d.) According to the 2018 *Global Prison Trends* report, the trends show that while overall crime rates around the world have declined in recent years, the number of people in prison on any given day is rising, and that prison overcrowding is at a critical level. (Rope and Sheahan 2018, 6)

In Turkey, the number of prisoners in 1919 was 35,035 and since 1950 the number was around 50,000 except the years following the 1980 coup. In 2005, the number of incarcerated people was 55,870 and this number has increased to 145,478 in 2013 and in 2016, the total number reached to 180,000. According to the figures given by the Turkish Ministry of Justice, the total prison population was 286,000 at the end of 2019 while the official capacity of the prison system is 220,000. (Prison Studies n.d.) Besides the increase in the general inmate population, the number of people who are sentenced to life imprisonment is rising as well.

Despite the boost in the number of prisoners within decades, the interest of academia fell short of catching up with this acceleration. The history of theses on prisons goes back to 1983 and the number of studies has increased within the last decade along with an increase in sociological and psychological studies. (YÖK n.d.) While only one thesis about prisons was published in the 1980s, in the 1990s this number increased to 28 and in the 2000s, 109 theses have been published on prison-related subjects. The highest proportion of these theses are graduate theses and a significant part of them were from departments of psychology, sociology, law, and forensics. We can observe that sociological and psychological studies increased within recent years. Among these theses at graduate schools, three

focused on aggravated life prisoners. Two of them were from Law departments of universities and one from a psychology department. (Yıldız 2019) Both of the legal studies analyzed the aggravated life sentence in relation to the issues of human rights and examine the sentence in the light of the *European Convention on Human Rights (ECHR)* and judgments *of the European Court of Human Rights* (ECtHR). Both writers underpin their dissertation argument on the fact that imprisonment for a whole life without having the possibility of release, namely "life without parole" is contrary to the purpose of punishment. Besides, it can be regarded as a violation of Article 3 of ECHR which prohibits torture, and inhuman or degrading treatment or punishments. (Aydınoğlu 2016) The thesis on aggravated life prisoners from psychology department focused on the resilience and coping mechanisms of "non-political" aggravated life prisoners sentenced thoroughly, to compare the population of ordinary life prisoners and not convicted/imprisoned population. (Yıldız 2019) Besides these studies, the change in the use of isolation in Turkey's prisons over time (Eren 2012), the use of isolation units as disciplinary punishment (Akbaş 2009), and F type prisons (Can 2010; Açıkalın 2009) as the maximum-security prisons of Turkey have been analyzed in academic studies in Turkey. As a controversial construct, incarceration is at its utmost a problematic phase when it is imposed for whole life.

1.1.1. Life Imprisonment

Following the Second World War, in parallel with the increase of human rights-based criticism, the prevalent approach to seeing the death penalty as legitimate has shrunk. However, this led to increase in the tendency of imprisonment for life. Today, life imprisonment is the heaviest punishment that

can be imposed on a person prescribed by law except for societies and the situations where the death penalty is still applied.

Dirk Van Zyl Smit and Catherine Appleton, who conducted both legal and academic studies on life imprisonment, in the summary report of research entitled *Life Imprisonment Worldwide* emphasized that this punishment is not regarded as a global problem, although it has been applied in many parts of the world and hundreds of thousands of people have taken this punishment. The first report, which brought this issue onto the international scene for the first time, was published by the United Nations in 1994 and highlighted the problems of life imprisonment. Over the past 23 years, the places and circumstances under which the death penalty has been applied in the world have tended to decrease, leading to the adoption of life imprisonment in those places and situations. (Van Zyl Smit and Appleton 2017, 1) Van Zyl Smit and Appleton, identify two basic types of life sentences as "formal life imprisonment", where the court explicitly imposes a sentence of imprisonment for life and "informal life imprisonment", where the sentence imposed may not be called life imprisonment but may result in the person's being detained in prison for life. Aggravated life sentence is the first category of "formal life imprisonment". This category will be divided further as *life without parole* where there is no possibility of release, or where there is a possibility of release by the executive or Head of State, and *life with parole* where the release is routinely considered by the assigned body and a *symbolic life* where release takes place automatically after a certain period of imprisonment has been served. (2017, 1)

According to these definitions, the sentences of political aggravated life prisoners are life without parole but with a possibility of the release by the Head of the State. According to Turkish legislation, there is a possibility of release of political aggravated life prisoners by the president, but this kind of probation for an aggravated life prisoner has only been reported once in Turkey within the last

year.[14] And the aggravated life sentence of non-political prisoners is called *symbolic life* under the category of *life with parole.* (Van Zyl Smit and Appleton 2017, 1)

According to the data collected for the worldwide study of life imprisonment almost half a million people were serving life sentences worldwide in 2014 while the total number of life prisoners was 260,892 in 2000. (Van Zyl Smit and Appleton 2019, 97) According to the same source, Turkey along with the United States, India, South Africa, and the United Kingdom has made a major contribution to the growth of the life-sentenced prisoners in the world. (Van Zyl Smit and Appleton 2019, 98) Van Zyl Smit and Appleton stressed that: *"In Turkey, the increase has been particularly significant more recently, with an increase of 65 percent between 2013 and 2014."* (2019, 98)

1.1.2. Solitary Confinement

Solitary confinement is a form of incarceration involving spending a day or a significant amount of time alone in a cell deprived of meaningful human contact. Solitary confinement was introduced to the world by the United States as a means of dealing with criminal behavior. It began in the United States, first in Philadelphia, in the early nineteenth century as *"a product of a spirit of great social optimism about the possibility of rehabilitation of individuals with socially deviant behavior."* (Grassian 2006, 328) This system started to be labeled as the "Philadelphia System" and involved almost an exclusive use of solitary confinement as a means of incarceration and also became the predominant mode

[14] The release of "Ahmet Dede" who was sentenced to aggravated life imprisonment without parole because of his involvement in Sivas Madımak Massacre (1993), where 36 Alevi intellectuals were burned to death by a right-wing Islamist crowd, has raised a public debate among human rights activists.

of incarceration in the several European prison systems which borrowed the American model. (Grassian 2006, 328)

The effects of solitary confinement have been debated since at least the middle of the nineteenth century when both Americans and Europeans began to question the widespread use of solitary confinement of convicted offenders. (Smith 2006, 441) In the international expert statement on the use and effects of solitary confinement[15], it is emphasized that both qualitative and quantitative studies exist that can satisfy both qualitative/hermeneutic and positivistic scientific standards, and document the detrimental health effects of solitary confinement. It is also made clear in the statement that the debate over the effects of solitary confinement is settled regardless of specific conditions, and regardless of time and place; solitary confinement has extremely harmful effects on individuals. (Smith 2008, 61)

In Turkey, the Law stipulates three types of solitary confinement. First of all, cells are used for disciplinary punishments, observation, and evaluation of prisoners when they enter the institution. Secondly, the cells are used for aggravated life prisoners, and thirdly the observation cells are used to prevent prisoners from hurting themselves or others. Among these only aggravated life

[15] The Istanbul statement on the use and effects of solitary confinement was adopted on 9th December 2007 at the International Psychological Trauma Symposium in Istanbul. The participants were Alp Ayan, psychiatrist, Human Rights Foundation of Turkey; Türkcan Baykal, M.D., Human Rights Foundation of Turkey; Jonathan Beynon, M.D., Coordinator of health in detention, ICRC, Switzerland; Carole Dromer, Médecins du Monde; Şebnem Korur Fincancı, Professor, Specialist on Forensic Medicine, İstanbul University, Turkey; Andre Gautier, Psychologist and psychoanalyst, ITEI-Bolivia; Inge Genefke, MD, DMSc hc mult, IRCT Ambassador, Founder of RCT and IRCT; Bernard Granjon, Médecins du Monde; Bertrand Guery, Médecins du Monde; Melek Göregenli, Professor in psychology, Psychology Dept., Ege University, Turkey; Cem Kaptanoğlu, Professor, psychiatrist, Osmangazi University, Turkey; Monica Lloyd, the Chief Inspector of Prisons office, United Kingdom; Leanh Nguyen, Clinical Psychologist, Bellevue/NYU Program for Survivors of Torture; Manfred Nowak, Special Rapporteur on Torture, UN and Director of the Ludwig BoltzmannInstitute of Human Rights; Carol Prendergast, Director of Operations, Bellevue/NYU Program for Survivors of Torture; Christian Pross, M.D., Center for the Treatment of Torture Victims, Berlin, Germany; Sidsel Rogde, MD, PhD, Professor of Forensic Medicine, University of Oslo, Norway; Doğan Şahin, Ass. Professor, psychiatrist, İstanbul University, Turkey; Sharon Shalev, Mannheim Centre for Criminology, London School of Economics; Peter Scharff Smith, Senior Researcher, the Danish Institute for Human Rights; Alper Tecer, psychiatrist, Human Rights Foundation of Turkey; Hülya Üçpınar, legal expert, Human Rights Foundation of Turkey; Veysi Ülgen, M.D., TOHAV; Miriam Wernicke, Legal Adviser, IRCT. (Smith 2008)

prisoners experience solitary confinement as a rule for the execution of their sentences.

1.1.3. Maximum Security "Super-max" Prisons

In the last quarter of the 20th century, there has been a dramatic growth in the use of super-maximum security facilities. According to Roy King, who researches super-max security confinement, these institutions were set up to deal with the "worst of the worst" prisoners who are said to be dangerously predatory, or so disruptive that they are impossible to manage in 'normal' maximum-security prisons. (King 1999, 164) He uses the definition of super-max security confinement that contains three essential elements:

> (1) accommodation which is physically separate, or at least separable, from other units or facilities, in which
>
> (2) a controlled environment emphasizing safety and security, via separation from staff and other prisoners and restricted movement, is provided for
>
> (3) prisoner who have been identified through an administrative rather than a disciplinary process as needing such control on grounds of their violent or seriously disruptive behavior in other high security facilities. (King 2011, 118-119)

The notion of supermax confinement which has come to be known as F-type prisons in Turkey started to be implemented by 2000 following the Turkish state's heavily armed operation against political prisoners on 19-22 December 2000, simultaneously attacking twenty prisons with special armed forces and chemical weapons which resulted in the death of 30 prisoners, 2 prison personnel, and where hundreds of prisoners were severely injured.[16]

[16] For a detailed ethnographic research on the prison resistances against the F-type prisons in Turkey, see *Starve and Immolate: the politics of human weapons* (Bargu 2014).

1.2. AGGRAVATED LIFE SENTENCE IN THE CONTEXT OF THE TRANSFORMATION OF INCARCERATION IN TURKEY

The introduction of the aggravated life sentence combines the notions of life imprisonment, solitary confinement, and super-max confinement which have transformed or emerged under the influence of political developments. Therefore, it is important to mention these issues within the context of the transformation of incarceration practice in Turkey and their links with the political atmosphere.

The emergence of aggravated life imprisonment is part of a set of structural transformations within the prison policies in Turkey that can be addressed with the transformation of the penitentiary system, introducing a new prison regime. This structural transformation is a transformation that includes legal and administrative, economic, social, and cultural changes, and spatial and architectural transformation. This transformation in Turkey was a reflection of the global trends of super-max confinement and incarceration as *mass incarceration* (Wacquant 2009) and has been associated with neoliberalism in many studies. (Gambetti 2009 ; Özkazanç 2011; Wacquant 2009)

In 2005, a new legislation[17] was introduced regulating the criminal justice system in Turkey, prioritizing the usage of incarceration by increasing the duration of sentences as well as the duration required to be executed for release on probation. Meanwhile, prison capacity increased to 180 thousand from 74 thousand within 15 years. The prison population followed this trend and quadrupled between 2005 and 2016. (Aydınoğlu and Eren 2016) As a result, the boost in the number of prisoners in Turkey has led to referring to Turkey's prison policy as mass incarceration.[18] Alongside the increase in the number of prisoners,

[17] The Law on Execution, No. 5275 Date of Adoption :13 December 2004, Published in the Official Gazette on: 29.12.2004 No. 25685, Published in the Statute Book Order 5, Volume 44 ; Turkish Criminal Code, No. 5237. Passed On 26 September 2004, Published in the Official Gazette on 12.10.2004, No. 25611)

[18] For further information in this issue see: (Eren 2014; Alpan 2018)

the transformation of the practice of punishment and incarceration in Turkey led to the building of super-max security prisons throughout the last two decades.

In the following parts of this chapter, I discuss the process of the abolition of the death penalty in the first half of the 2000s since this process brings out the aggravated life sentence and I elaborate on the emergence of F type prisons in the 2000s as a form of super-max security prison in Turkey. And lastly, I discuss the notion of closing district prisons and building high capacity complex, campus type prisons outside of the cities.

1.2.1. The Abolition of Death Penalty

The abolition of death penalty gave rise to the introduction of life imprisonment without the possibility of release (life without parole/LWOP) from prison in Turkish legislation. Before the abolishment of death penalty, life sentences with the possibility of release was a part of the Turkish Penal Code. However, the sentences of life prisoners' execution regime was like any other prisoner. This means that the execution of the sentences of life prisoners as solitary confinement started to be used along with the introduction of the execution regime for aggravated life sentences in 2005 after the abolition of the death penalty in 2002.

As abolishment of the death penalty became a part of the European Convention on Human Rights by Protocol No.6 in 1983, Turkey, a European Council member willing to obtain an official candidate status to European Union, halted the execution of the sentence as of 1984. However, Turkey did not abolish the sentence by introducing an amendment, instead, Parliament which was authorized to evaluate the execution of the death sentences ceased to undertake this process. Until 1984, the death penalty was in use of both political and non-political crimes, however non-political prisoners' capital punishment did not

attract attention like that of political prisoners in public. Between 1984 and 2005, the political prisoners sentenced to death penalty had the expectation to be treated as life prisoners and be released after completing the duration which was set for lifers by the Criminal Code, as it was the most severe punishment in force since the death penalty was *de facto* abolished.

The death penalty in Turkey was abolished in 2002 except for *"crimes committed under the threat of war and very close war".*[19] And in 2004 the death penalty was completely abolished, and the sentences of prisoners who were sentenced to capital punishment were replaced with aggravated life sentences.[20] Following these, in 2004 "the aggravated life sentence" emerged as a heavier punishment than the "life imprisonment" imposed in the penal code. After this date, the aggravated life sentence has become a sentence that is applied more frequently than the sentence of death in Turkey.[21]

Until the extradition of PKK leader Abdullah Öcalan, the future conditions of prisoners who were sentenced to the death penalty were unsettled since 1984. Öcalan's arrest and conviction to the death penalty in 1999 emerged as a conflict with various parties from political, judicial, and social spheres in Turkey as well as international actors. And the conflict between these parties continued until it was solved after Turkey signed Protocol No.6 and abolished the death penalty in 2003. The conflict regarding finding the punishment adequate for the most evil led to the introduction of the aggravated life imprisonment as a sentence to be directed at the "worst of the worst".

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[19] Article 15 of The Law on the Amendment of Some Articles of the Constitution of the Republic of Turkey. No. 4709, dated 03.10.2001.

[20] The Law on the Abolishment of the Death Penalty and Amendment of Some Articles. No: 5218 " dated 14.07.2004.

[21] This information is grounded on my personal interviews with the lawyers of aggravated life prisoners.

1.2.2. F Type Prisons

As per the law, prisoners of aggravated life imprisonment must be housed in high-security prisons. These prisons were built in the late 90s under a security discourse and were put into operation as a result of violence in 2000 after a long period of resistance.

In Turkey's prisons, cells were available to separate some individuals from other prisoners for administrative, disciplinary, and protective purposes. In addition to these purposes, solitary confinement has always been a component of the execution of a sentence according to Turkish legislation. Referred to as penal servitude[22] in the Criminal Code enacted in 1926, a prisoner had to serve their sentence in isolation day and night for the first 10 out of 24 years of their sentences. However, because of the lack of the number of cells, solitary confinement had not been extensively executed for life sentences. (Eren 2014) Therefore, the imposition of solitary confinement as a part of the execution of a sentence was not applicable until the establishment of new prisons. This can be thought of as being a reflection of the notion of super-max confinement in the United States and most European countries.

The establishment of F type prisons, which became the symbol of the super-max security prison complex regime, plays a significant role in the prison history of Turkey by marking a movement initiated and led by prisoners against isolation policies. Challenging these policies gave rise to a public discussion of isolation exacerbating a wider society to problematizing isolation in prisons. Moreover, these issues tended to be covered up and kept away from the public. Since 2015, Turkey's Ministry of Justice tends to keep prisons closed to NGOs for their monitoring activities and to researchers. (Eren 2016, 58-59)

[22] This phrase was chosen to correspond the Turkish phrase "Ağır Hapis" which literally means heavy imprisonment. Turkish Criminal Code No765. Date of Adoption 01.03.1926. Published in the Official Gazzette on 13.03.1926.

1.2.3. From District Prisons to Campus Prisons

The change in the location and the architecture of the prisons are related to the issues concerning the notion of *mass incarceration.* The Ministry of Justice has replied to the question of Civil Society in the Penal System Association (CISST) on 7 January 2014 as, by the end of 2017, 199 new prisons with a capacity of 118 thousand were to be opened. The number of prisons decreased inversely with the increase in capacity. The reason for this is the planned closure of small capacity district prisons since 2006 and the opening of higher capacity prisons that are based on rooms for 3, 8 and 16 people and individual cells rather than wards. (Aydınoğlu and Yusufoğlu 2019, 19) While the number of L Type campus prisons was 16 in 2016, in 2020 this number increased to 28.

As a result of the structural transformation of the practice of punishment and the prison system in Turkey, district prisons which are located in the cities are being closed down and campus type prisons with much higher capacities are built outside of city centers. As a result of that, recently built prisons are out of the sight of the public, are difficult and expensive to reach both for regular visits by friends and families and visits in emergencies by lawyers, human rights defenders, and monitoring organs.

1.3. LEGAL CONTEXT OF THE AGGRAVATED LIFE STATUS

The aggravated life sentence was passed into law after the abolition of the death penalty in 2002 and become the severest punishment according to the *Turkish Penal Law*. The execution regime of aggravated life sentence was enacted in 2005 under article 25 of the *Law on Execution and Security Measures 5275* and

started to be implemented in Turkey's prisons. People who are sentenced to aggravated life in Turkey are kept in "single rooms" or *cells* as prisoners call them, up to 23 hours a day. The rights determined for them are more limited in comparison to the rights of other prisoners. To mention some, they have right to be in open air for an hour a day with at most two other prisoners while other prisoners are kept in dorms with at least two other prisoners and have right to be in open air during the day.

What makes the aggravated life imprisonment unique, is (1) the use of isolation that is called "solitary confinement" and (2) the length of the sentence, which is 30 years for non-political "crimes" against individuals and "until the prisoner dies" for "political crimes" against the state. These two elements of the aggravated life sentence that distinguishes it from others is also limiting the rights of families. While other prisoners, including regular life prisoners have the right to be visited by the family every week, aggravated life prisoners have the right to be visited every two weeks. These restrictions of the rights of the families are contradictory to the preservation of the family in the Constitution Turkey.

The United Nations and the Council of Europe stated that solitary confinement, which is the first element of the experience of an aggravated life sentence, should only be seen and applied as an exceptional practice, with a maximum of 15 days on condition of a health check every day. The Council of Europe, gave out warnings and recommendations to Turkey for aggravated life sentence in which solitary confinement is systematically used in the execution regime.

In terms of criminal justice, the purpose of making a certain criminal sentence to a person is to punish, to deter and protect society as well as rehabilitation and decarceration. It was stated in the Article 3 of the Law on Execution as *"to promote the resocialisation of the convict and to facilitate his adaptation to a productive and responsible life which respects the laws, regulations and social rules."* However it is clear that a life under solitary confinement for at least 30 years is conflicting with the rehabilitation purpose of

the execution. Besides we cannot even mention the adaptation of the political prisoner to the society again. This means aggravated life sentence is not compatible with the motives and terms of contemporary criminal justice.

The second element that makes aggravated life imprisonment unique and makes it more severe than regular life imprisonment is incarceration *"until death"* of a number of prisoners. This means taking away any hope of release from prison one day. These are the prisoners who are called *political prisoners* in the literature of Turkey.

In the Turkish Criminal Code Nr. 5237 that passed on 26 June 2004, it is stated that aggravated life sentences will continue for aggravated life prisoners *"throughout their life"* without making a distinction between crimes. However, The Law on Execution No. 5275 that was adopted six month later on 13 December 2004 regulates the release on probation of aggravated life prisoners and foresees a distinction between crimes. The acts which are defined as *"crimes against humanity"* (Article 77 and 78), *"deliberate murder or murder through torture and sexual assault"* (Article 82, 95 and 102, 103), *"production and trafficking of drugs"* (Article 118) hold the possibility of being released after 30 years if they have been committed for a single "criminal act", 36 years in case of an organized crime and 40 years if they are sentenced to more than one aggravated life sentence. However, the "convicts" of *"the crimes against the security and the state"* (Article 302, 303, 307), and *"crimes against constitutional order and its operation"* (Article 309 to 315) are held in prison for life.

With this regulation in The Law on Execution, a distinction is made between the crimes against individuals and against the state, which is discussed by lawyers as in conflict with the principle of equality of the Constitution. This distinction functions as a separation by creating different statuses of aggravated life imprisonment which results in different experiences in prison life. Besides, it deepens the long established dichotomy between non-political (adli) and 'political' (siyasi) prisoners in Turkey in the sense of bringing about discrimination against one or the other group of prisoners.

According to the information gathered from Ministry of Justice, the number of aggravated life prisoners was 1453 in February 2014. 126 of these are referred to as "convicted for terror and other organized crime" and 1327 for "judiciary crimes". The detailed information regarding the demographic information of prisoners was requested from Ministry of Justice several times by Civil Society in the Penal System Association (CISST) but the Ministry of Justice has not replied. The justification for not sharing statistics as "the questions demand private investigation" shows that the Ministry of Justice is not sufficiently archiving the data of aggravated life prisoners. The detailed information regarding the demographic information of prisoners was requested from Ministry of Justice several times by CISST with different methods including a parliamentary question, but the Ministry of Justice has not replied. (Aydınoğlu and Yusufoğlu 2019, 38)

1.4. THE DISTINCTION BETWEEN POLITICAL AND NON-POLITICAL PRISONERS

In order to analyze the emergence of the aggravated life sentence and the meaning of the distinction between political and nonpolitical prisoners, I will apply Foucault's analysis of power. I think that examining this provides us to place the aggravated life sentence in its historicity in relation to the before mentioned transformations of incarceration practices Turkey went through within the last decades. Moreover, examining the function of the distinction between the non-political and political prisoners in terms of their release may offer us an insight about the state's approach toward the individual and society.

In the first book of *History of Sexuality,* Foucault described the sovereign power which uses the techniques of punishment, prohibition and force that is the *juridico-discursive* power of the state as: *"For a long time, one of the*

characteristic privileges of sovereign power was the right to decide life and death." (Foucault 1978, 135) According to him, *"The right which was formulated as the "power of life and death" was in reality the right to take life or let live."* (1978, 136) He also explains the modal of power that followed sovereign power in the West as *biopower*. *Bio power* has the power over life since the end of the 17th century in two forms as; *disciplinary power* that is the *anatomo-politics of the human body* and *bio-politics of the population.* Foucault explained these concepts and how interrelated they are as such:

> "In concrete terms, starting in the seventeenth century, this power over life evolved in two basic forms; these forms were not antithetical, however; they constituted rather two poles of development linked together by a whole intermediary cluster of relations. One of these poles-the first to be formed, it seems--centered on the body as a machine: its disciplining, the optimization of its capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls, all this was ensured by the procedures of power that characterized the *disciplines*: an *anatomo-politics of the human body*. The second, formed somewhat later, focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and *regulatory controls: a biopolitics of the population."* (Foucault 1978, 139)

Although we place these models of power into specific periods in history and we mention them as they are following one another and the new one is overwriting the old one, Foucault emphasizes in *Security, Territory and Population* that it is not the case as such:

> "So, there is not a series of successive elements, the appearance of the new causing the earlier ones to disappear. There is not the legal age, the disciplinary age, and then the age of security. Mechanisms of security do not replace disciplinary mechanisms, which would have replaced juridico-legal mechanisms. In reality you have a series of complex edifices in which, of course, the techniques themselves change and are perfected, or anyway become more complicated, but in which what above all changes is the dominant characteristic, or more exactly, the system of correlation

> between juridico-legal mechanisms, disciplinary mechanisms, and mechanisms of security." (Foucault 2009, 8)

When we look at the aggravated life sentence through the concepts of Foucault, we may sort the different models of power that is changed in time by means of some specific events such as the abolition of death penalty and the emergence of F type prisons in Turkey. As it is mentioned, life imprisonment with the hope of release has always been a part of the legislation of Turkey alongside the death penalty until 1984. This period in the history of punishment in Turkey can be considered as a reflection of the *sovereign power.* After 1984, although the capital sentence was still a part of the Law, the executions did not proceed and the prisoners who were sentenced to death were let to live. This came along with a serious of transformations of the punitive system in Turkey such as the emergence of F type and other types of super maximum security prisons and relocation of the prisons in 2000s which are mentioned in the previous section of this chapter. According to the Law on the Execution of Penalties and Security Measures, which is adopted around the same time, the observation and classification of prisoners shall be made according to the principles below:

> These centres shall have, as far as possible, administrators with knowledge and experience in the fields of criminology, penology, behavioural science, justice psychology and criminal law, expert staff such as psychiatrists, doctors, forensic experts, pedagogists, child development specialists, social workers, psychological advisors, guidance experts and teachers, and other institution staff.

We can say that this process, which brings out the application to techniques as surveillance and control, corresponds to what Foucault called *disciplinary power* which aims to shape, correct or rehabilitate the human body. Through the aggravated life sentence, the prisoners who commit before mentioned crimes are classified as the most dangerous of society and also the most dangerous of the prison so that they should be segregated from the society and isolated in prison. The isolation of both political and non-political aggravated life prisoners

are based on the authority of laws, bylaws and other legal documents; takes place in new types of prisons in the sense of architecture, practices, classifications, relations and locations. The following chapters of this thesis will present the issues and techniques of *disciplinary power* over the body and the soul of aggravated life prisoners through certain mechanisms which I observed that bring out more or less similar difficulties and deprivations for both political and nonpolitical aggravated life prisoners. However the results of the distinction between the lengths of the sentences of political and nonpolitical aggravated life prisoners theoretically corresponds to a different model of power that are exercised on their bodies.

The classification of the political aggravated life prisoners as the ones who are not able to be *"rehabilitated"* and cannot ever be part of the society poses some questions about the modal of power that corresponds to the mechanism of probation. According to the criminal lawyers; the weakest aspect of imprisonment without the hope of release is that the prisoners who are sentenced to life without parole will have no reason not to commit another crime in prison since they are already punished with the most severe sentence. In the policy briefing on life imprisonment it is stated that:

> From both a human rights and a prison management perspective, life imprisonment poses concerns. In many cases, it is unnecessarily punitive, especially for non-violent crimes, and does not satisfy the principle of proportionality. Life imprisonment without parole, in particular, raises issues of cruel, inhuman and degrading punishment, and undermines the right to human dignity by taking away the prospect of rehabilitation. (Van Zyl Smit and Appleton 2018, 1)

An aggravated life prisoner stated his thoughts on life without parole and its function of killing in time as such in his letter to CISST:

> In this kind of system the main principle and objective is to 'feed' individuals before killing them. Since, it is aimed to destroy human attributes extending in time and finally to kill them. This aim is implemented gradually by destroying emotions at first and then ideas and finally creating a kind of 'human-pipe' installed between the bed, dining

> table and toilet. Then the physical killing of the prisoner will be accomplished.[23] (In prison for 25 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 56)

As we will explain in detail later political aggravated life prisoners think that they are discarded from the society and the state is taking revenge of their acts. The views of the political aggravated life prisoners most of the time are in the same line with the views of Bauman. Zygmunt Bauman described the function of a discarded population for the state as such:

> They need enemies who threaten their extinction and enemies to be collectively persecuted, tortured and mutilated, in order to make every member of the community into an accessory to what, in case the battle were lost, would most certainly be declared a crime against humanity, prosecuted and punished. (Bauman 2006, 194)

We can also relate some of the practices and regulations in prison that aims to make people internalize the power over them to the *biopolitics* of Foucault. We will come back to this issue of biopolitics in the third chapter since it coincides with the practice of the disciplinary mechanisms in prisons. However, it is important to state from the beginning that the different techniques that corresponds to different models of power can both be observed in specific issues.

In the following section, I will present both political and non-political aggravated life prisoners' ways of seeing the status of aggravated life. Although the classification of political and nonpolitical prisoners creates a distinction between them and the power exercised over them seems to corresponding to a different model, I will present in detail in the next chapter that both political and nonpolitical aggravated life prisoners see this sentence as torture and worse than death. So, it seems that the power over life and death as the *sovereign power* is not

[23] 'Temel mantığı ve amacı 'besleyerek' öldürmeye dayalı bir sistem olmaktadır. Çünkü insanın insan olma vasıflarının, zamana yaydırılarak öldürülmesi amaçlanmaktadır. Zamana yayılarak gerçekleştirilen öldürme olayında ilkin duyguda, sonra düşüncede gerçekleştirilen öldürme olayıyla yaratılmak istenen; insanın yatak, yemek masası ve tuvalet arasında bir hortum olması hedeflenir. Bunun sonucunda artık fiziki öldürme gerçekleşmiş olur.'

entirely abandoned in Turkey both over the bodies which are classified as "may be rehabilitated" and "cannot ever be rehabilitated".

1.5. THE WAYS THE PRISONERS LABEL AND SEE THIS STATUS

Living conditions of aggravated life prisoners are differentiated from the rest of the prisoners in terms of the places they have to live in, their social life, and access to fundamental rights and public services. When the effects of extreme isolation come together with the effects of long periods of incarceration on the life of these prisoners, it is common to hear from them the metaphor of a *"grave"*[24] (Konar 2014, 76 ; Gün 2014, 69) to describe the physicality of the cell; or the analogy of *"living death"* (Ulusan 2014, 23) and *"death spread over time"* (Tekin 2014, 41 ; Aydınoğlu 2016, 41) to explain their living conditions. Especially the political aggravated life prisoners described their view on life without parole as *"death spread over time". "The state only seems to abolish the scaffold but the death penalty is still there in a way. Now it is being applied by extension over time. And that is all."*[25] (In prison for 11 years, in the cell for 5 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 42)

Political aggravated life prisoners frequently mentioned in their letters that, the fact that it is written in their legal status summary (*müddetname*) that they will stay in prison *"until death",* serves to destroy their humanity and to make them submissive.

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[24] Besides calling the cell as "grave" which corresponds to the word 'mezar', the aggravated life prisoners often mention of their cell as *"tabutluk"* which is described in Turkish Language Association as *"cell so small that a prisoner may stand upright in it but not sit or otherwise move around".* (Türk Dil Kurumu 2019)

[25] 'Devlet darağacını kaldırmış olsa da idamı kaldırmış değil. Artık bunu zamana yayarak yapıyor. Hepsi bu.'

> Even if I know the time that I have been sentenced for, in the legal status summary paper given to me it has been emphasized in capital letters that 'UNTIL SHE/HE DIES (for a life time)'. I guess being sentenced for life in a solitary confinement cell has not satisfied some people in charge enough that they stated it in capital letters 'UNTIL SHE/HE DIES' aiming to hurt or at least disturb me.[26] (Kavak 2014, 175)

> A penal system with a perspective of killing the prisoner in extending time can only give a hardly visible chance and conditions on a thin line between life and death for the prisoner to survive. So, I can say that we are hardly surviving in some circumstances that are similar to that thin line between life and death.[27] (In prison for 22 years, in the cell for 15 years, political) (Aydınoğlu 2016, 41)

Besides, both non-political and political aggravated life prisoners stated in their letters that an aggravated life sentence is more severe than a death penalty.

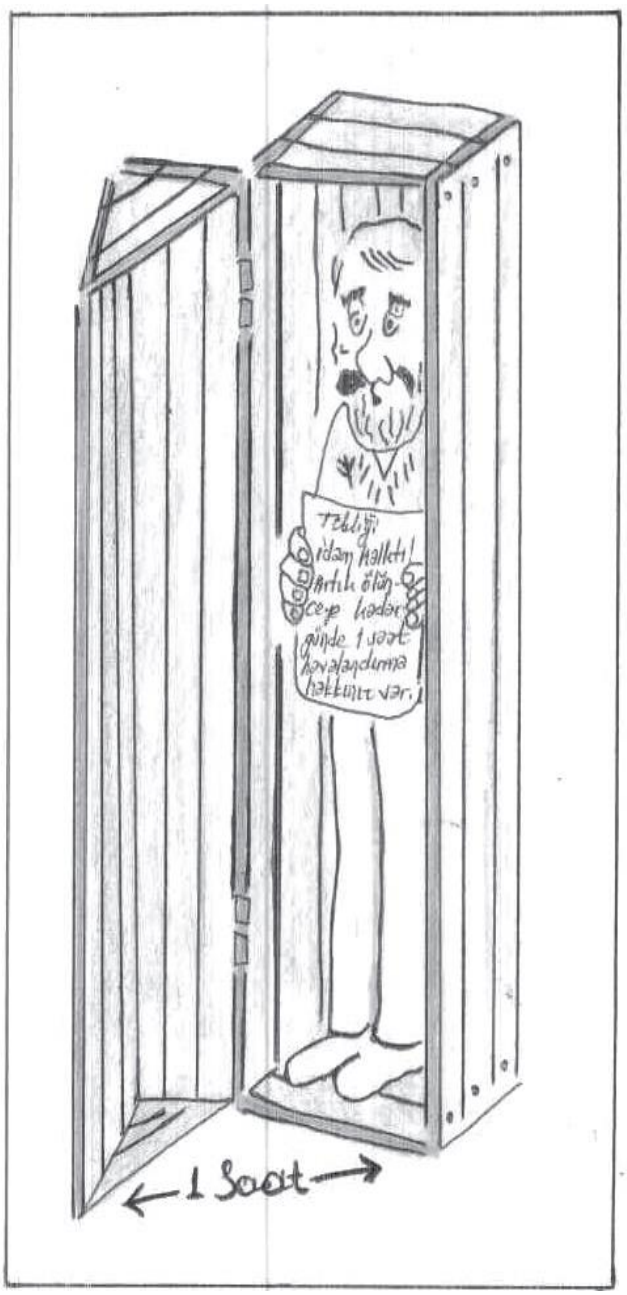
> There is nothing positive, I can think on aggravated life imprisonment. What I want is, to be executed for death penalty at once; it is better. Waiting for death for a life time here, I don't want to even think about it. But unfortunately, the death penalty has been abolished. For me the difference between the death penalty and the aggravated life imprisonment is, it is heavier. They kill individuals by persecuting sadistically through the aggravated sentence.[28] (In prison for 7 years, non-political prisoner)

[26] 'Kaç yıl kalacağımı bilmesem de bana verilen müddetnamede "ÖLÜNCEYE KADAR" yazıyor büyük harflerle. Yıllarca hücrede geçirecek olmam birilerini kesmemiş olacak ki büyük harflerle "ÖLÜNCEYE KADAR" diyerek canımı yakmak, en azından sıkmak istiyorlar.'

[27] 'Zamana yaydırılmış ölümü öngören bir ceza infaz sistemi, bireye ancak ölüm ve yaşam arasındaki en ince çizgide yaşama şansı ve koşulları tanıyabilir. Bu anlamda yaşam ve ölümün kesiştiği noktaya eşit bir mesafede ve koşullarda yaşadığımızı söyleyebilirim.'

[28] 'Ağırlaştırılmış müebbet hakkında olumlu bir şey düşünemiyorum. Benim istediğim, idam hemen etsinler daha iyi. Burada ölmek, düşünmek bile istemiyorum. Ama maalesef idamı kaldırdılar. İdamla ağırlaştırılmış cezanın farkı; idamdan daha ağırdır çünkü eziyet ederek sadistçe öldürüyorlar.'

Figure 1. Drawing of an aggravated life prisoner [29] (Aydınoğlu and Yusufoğlu 2018, 43)



[29] It is written in the comic that "The death penalty is abolished, now you have one hour of fresh air until you die!"

Aggravated life prisoners see this status as a punishment breaking the social attributes of being human. *"Is there a more aggravated punishment for a human being than being captured and isolated from all social ties, nature, people and friends?"*[30] (In prison for 9 years, in the cell for 7 years, political prisoner) (Aydınoğlu 2016, 42)

> "It is the greatest brutality in the name of humanity and life to be cut off oneself from their social character."[31] (In prison for 25 years, in the cell for 15 years, political prisoner) (Aydınoğlu 2016, 42)

Although the distinction between the duration of imprisonment, the experience of solitary confinement for aggravated life prisoners seems the same for both political and nonpolitical aggravated life prisoners which is simply described as being worse than death.

> Well, it is right that individuals are saved from death penalty which takes 3-4 minutes when they are sentenced to aggravated life imprisonment. But this means they are going to struggle with a kind of death penalty which is extended over a life time. Because in these concrete coffins, death comes too slowly. You feel its cold breath brushing your nape and taste its ice-cold kiss on your lips. There is no other way but only to learn living in grief and yearning. (Gün 2014, 69)

> There is only one point in this sentence: we are not able to execute you. Instead, you are expected to hang yourself at once or live in prison dying every day! But you need strong nerves to die and try to return to life every day. It is not possible for everyone to be that strong to survive.[32] (In prison for 18 years, in the cell for 9 years, non-political prisoner) (Aydınoğlu 2016, 48)

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[30] 'Kişiyi toplumsallıktan, doğadan, insanlardan, yoldaşlarından izole edip koparmak, bir insan için bundan ağır bir ceza olur mu?'

[31] 'Sosyal olan toplumsal insanın bu meziyetinden kopartılmak istenmesi insan ve hayat adına en büyük acımasızlıktır.'

[32] 'Bu cezanın tek bir anlamı var: biz seni idam edemiyoruz. Ya ipini kendin çek ya da her gün öl ve yaşa! Ki her gün ölüp dirilmek de ayrı bir metanet işi. Herkes o kadar güçlü olmayabilir.'

1.6. STIGMATIZATION THROUGH REPRESENTATIONS AND THE DISCOURSE OF DANGER

According to Erving Goffman;

> A total institution may be defined as a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life. (Goffman 1961, xiv)

The prisoners are cut off from the wider society by prison walls, and aggravated life prisoners are cut from other prisoners through the execution regime. These practices that allow aggravated life prisoners to get out of their cells are more limited than the rights given to other prisoners. Aggravated life prisoners can be removed from their cells for phone calls and family visits and to go to the infirmary. However, in all cases where prisoners are removed from their cells, the corridors are emptied and the possibility of aggravated life prisoners coming into contact with each other or with other prisoners is prevented. An aggravated life prisoner describes this situation through her feelings in the letter she sent to CISST as follows:

> There is only one thing that offends me which is not the size of the room or my loneliness, it is that I'm even being kept separated and away from other inmates as if I have the plague or I am the Terminator or I am a wild beast that attacks everyone.[33] (CISST 2017)
>
> While an animal becomes insane if it is isolated for five years, I want you to imagine my conditions. I have been kept in absolute isolation in a 10 m² cell for 16 years.[34] (In prison for 20 years, in the cell for 20 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 70)

In this regard; the disciplinary sanctions such as being deprived of communication means and socializing activities, and "solitary confinement"

[33] Translation is retrieved from the blog article of CISST called "Letters From Aggravated Life Prisoners" that published in May 2017.

[34] "Bir hayvan dahi 5 yıl tek başına kapatıldı mı deliriyorken, bir de beni düşünün. Tek başıma 16 yıldır 10 m2 odada tek başımayım."

which can be used twenty days at most even for the severest disciplinary crimes according to the Mandela Rules, has become the rule of aggravated life prisoners' accession of fundamental rights. This gave rise to the possibility that aggravated life prisoners' being treated as persons who committed the severest crimes that pose a threat to security and break the order in prison. Separating aggravated life prisoners from the other prisoners leads to the stigmatization/labeling of aggravated life prisoners as dangerous. According to Mary Douglas,

> To have been in the margins is to have been in contact with danger, to have been at a source of power. It is consistent with the ideas about form and formlessness to treat initiands coming out of seclusion as if they were themselves charged with power, hot, dangerous, requiring insulation and a time for cooling down. (Douglas 2008, 120)

This seems like a process where aggravated life prisoners are thrown out of the society they currently live in the margins of. She also deals with the example of the ex-convict as a marginal being and a being who is put 'outside' of the ordinary social system.

> It seems that if a person has no place in the social system and is therefore a marginal being, all precaution against danger must come from others. He cannot help his abnormal situation. This is roughly how we ourselves regard marginal people in a secular, not a ritual context. Social workers in our society, concerned with the after-care of ex-prisoners, report a difficulty on resettling them in steady jobs, a difficulty which comes from the attitude of society at large. A man who has spent any time 'inside' is put permanently 'outside' the ordinary social system. (Douglas 2008, 121)

To support what Mary Douglas says about the social attribute of marginal people through the example of aggravated life prisoners, I scrutinize the narratives of aggravated life prisoners in which they consider themselves and the sentence they are convicted for, and the approaches of media to the issue. There are some implementations that make them feel in a lower status than other prisoners such as being cut off from tailoring staff, not being allowed to attend funeral and for attending workshops and activities, unable to play a football match because only

three of them are permitted for outdoor activities at one time, being deprived of reward-visits and visits of collateral relatives.

Besides, the pre-trial and convicted prisoners of aggravated life imprisonment are typically labeled as "terrorist" and "monster*"* [35] in the newspapers although their trial is continuing. (Habertürk 2019 ; Sabah 2020 ; TRT Haber 2020) The common expression by the prisoners to this sentence is that the aggravated life sentence is worse than the death penalty and it means to die every day to life time. In the letters, the prisoners stated they are regarded as *"wild animals", "non-humans", "creatures", "terminators", "enemies",* and *'the most dangerous of the dangerous".*

> I think there are some degrading treatments as severe as the conditions in prisons such as they slipped a paper my hand which was court ruling stated on 'until she/he dies' soon after I have been confined in a solitary cell and a kind of 'stigmatization' paper had been put on my cell-door written on 'aggravated life imprisonment'. It could have been preferred to state the sentence as 'for her/his life time' or 'till the end of her/his life' instead of emphasizing as 'until she/he dies' on the court ruling. (…) This kind of expressions could not be the notion preferred by contemporary democracy and legislation but may only be arguments of primitive rage and revenge. Also, people at prison administration did not need to put that writing on my cell-door. There were not any kind of 'stigmatization' writings on other detainees' or prisoners' doors but only ours'. It was literally stigmatizing and nothing short of it. This implementation aimed to create a prisoner perception of dangerous and someone be avoided like the plague. Just like the marked criminals in old times.[36] (Tekin 2014, 175)

[35] This word is translated from the Turkish word 'cani'. According to the *Turkish Language Association* while the first meaning of 'cani' is presented as *"the one who committed murder",* the second meaning is presented as *"cruel, brutal".* (Türk Dil Kurumu 2019)

[36] 'Bu olumsuzlukların yanında bir de hücreye kapatılır kapatılmaz elime tutuşturulan ve "ölünceye kadar" yazan mahkeme kararı ile bir anlamda "damgalanma" demek olan hücre kapısına yapıştırdıkları "ağırlaştırılmış müebbet hapis cezası" yazısı gibi yaklaşımlarla da, en az koşullar kadar kötüydü. Mahkeme ilan kararında pekâlâ "ölünceye kadar" ifadesi yerine "hayatı boyunca" ya da "yaşamının sonuna kadar" diyebilirdi.(…) Bu gibi ifadeler olsa olsa ilkel öfke ve öç almanın ifadesi olabilir ama çağdaş bir demokrasi ve hukukun kullanacağı argümanlar olamaz. İdare de kapıya o yazıyı yapıştırmak zorunda değildi. Bizlerin dışında hiçbir tutuklu ve hükümlünün kapısında böyle bir "damgalama" belirtisi yoktu. Bu bir damgalamadan başka bir şey değildi. Bir insan olarak görülmekten çok tehlikeli ve cüzamlı bir mahkûm olarak görülüp algılanmamızı sağlayan bir uygulamaydı. Tıpkı eski dönemlerde damgalanan suçlular gibi bir şey.'

Goffman deals with stigma inferred from a known record of imprisonment, mental disorder, addiction and so on as a distinct category in which the blemishes of individual character perceived as weak will, domineering or unnatural passions, treacherous and rigid beliefs, and dishonesty. (Goffman 1963, 13)

He describes stigma as such:

> While the stranger is present before us, evidence can arise of his possessing an attribute that makes him different from others in the category of persons available for him to be, and of a less desirable kind – in the extreme, a person who is quite thoroughly bad, or dangerous, or weak. He is thus reduced in our minds from a whole and usual person to a tainted, discounted one. Such an attribute is a stigma, especially when its discrediting effect is very extensive; sometimes it is also called a failing, a shortcoming, a handicap. It constitutes a special discrepancy between virtual and actual social identity. (Goffman 1963, 13)

According to Elaine Crawley and Richard Sparks who are concerned with the problems of life after imprisonment in relation to identity issues, in the prison setting, discrediting social attributes or "stigmas" have significant implications not only for how individuals and groups are treated by other prisoners and prison staff but also for the maintenance or destruction of the 'private' self. (2006) Hence in order to understand the ways in which aggravated life prisoners are defining themselves it is important to include an investigation of the "stigmas" to the study since along with the physical and symbolic separation and economic, social and cultural marginalization these prisoners are stigmatized through various labels by prison staff and the media.

Lorna Rhodes in her study of super maximum security prison underlines the facilities being routinely described by correctional officials and in the press as housing "the worst of the worst" and thus serving as "prisons within prisons." (Rhodes 2004, 24) That is to say the stigmatization of the life prisoners and prisoners in isolation units address a complex situation which affects the living conditions of these individuals. So, in order to make sense of the living conditions of aggravated life prisoners we need to understand the experience of isolation for life from the already separated ones. Through the physical separation from other

prisoners and symbolic separation by the limitations of rights, the prisoners who live under the regime of solitary confinement for thirty years or until death, experience a different phase of separation through which they are conceived as *more dangerous* or *less valuable* for collective life.

Ywonne Jewkes (2011) in her study on life prisoners underlines the fact that there are three specific populations whose lives are overshadowed by the taken for granted effects of life imprisonment. These are the individuals who commit suicide, who suffer from age related degenerative illnesses and who are serving whole life sentences. She points out that whereas the first two groups of individuals have attracted the attention of academics and policy makers the third one is all but invisible. (Jewkes 2011, 384) This observation of Ywonne Jewkes on the lack of academic interest in the issue of life imprisonment is compatible with the society's attribution to people who are in its margins.

Alongside the total confinement through segregation and extreme isolation the life experiences of aggravated life prisoners are differentiated through stigmatization by the prison administrations, media, academy, NGO and the wider public. Furthermore, since the law categorizes aggravated life prisoners as *"the most serious criminals"* and aggravated life sentence is used as substitute for capital punishment, the discourse on aggravated life prisoners are limited by the discourses of *"monster"* and *"terrorist"*. Through these labels an already excluded, segregated and isolated group of people from the wider society are stigmatized and marginalized even further. An aggravated life prisoner whom I corresponded with said that; it is forbidden for aggravated life prisoners to go the prison tailor, because of the so called safety issues whereas other prisoners are allowed to go there.

We can think about these narratives of aggravated life prisoners in relation to the thoughts and conceptualizations of Mary Douglas and Georg Simmel. Mary Douglas emphasizes the function of exclusion that creates order in society and Georg Simmel describes the *stanger* through their being status as a member to a group but added to the group inorganically.

> Despite his being inorganically appended to it, the stranger is still an organic member of the group. Its unified life includes the specific conditioning of this element. Only we do not know how to designate the characteristic unity of this position otherwise than by saying that it is put together of certain amounts of nearness and of remoteness. Although both these qualities are found to some extent in all relationships, a special proportion and reciprocal tension between them produce the specific form of the relation to the "stranger." (Simmel 1971, 149)

When we think of aggravated life prisoners via these concepts we need to make a distinction between the experiences of aggravated life prisoners who will be released and who will not. It seems that the status of political aggravated life prisoners as the ones who will not return to the society again, we can apply to the concept of threshold of Victor Turner.

> The attributes of liminality or of liminal personae ("threshold people") are necessarily ambiguous, since this condition and these persons elude or slip through the network of classifications that normally locate states and positions in cultural space. Liminal entities are neither here nor there; they are betwixt and between the positions assigned and arrayed by law, custom, convention, and ceremonial. As such, their ambiguous and indeterminate attributes are expressed by a rich variety of symbols in the many societies that ritualize social and cultural transitions. Thus, liminality is frequently likened to death, to being in the womb, to invisibility, to darkness, to bisexuality, to the wilderness, and to an eclipse of the sun or moon. (Turner 1991, 95)

According to Victor Turner, there are some groups that are the groups of *people at the threshold* that became permanent conditions located between some statuses such as free and captive. He explains the liminality that these conditions create as such:

> "The Christian is a stranger to the world, a pilgrim, a traveler, with no place to rest his head." Transition has here become a permanent condition. Nowhere has this institutionalization of liminality been more clearly marked and defined than in the monastic and mendicant states in the great world religions. (Turner 1991, 107)

In this case, it may be applied to the conditions of political prisoners who are in a similar position in which the transition will not take place from their current status. However political aggravated life prisoners are in a search for *communitas.* Turner explains *communitas* as such:

> What is interesting about liminal phenomena for our present purposes is the blend they offer of lowliness and sacredness, of homogeneity and comradeship. We are presented, in such rites, with a "moment in and out of time," and in and out of secular social structure, which reveals, however fleetingly, some recognition (in symbol if not always in language) of a generalized social bond that has ceased to be and has simultaneously yet to be fragmented into a multiplicity of structural ties. (Turner 1991, 96)

In order to understand the status of aggravated life prisoner we need to look at the *status within a status* in the circumstances of political prisoners. And to do so, it is important to deal with the life experiences of aggravated life prisoners with particular attention on the similarities and differences of these experiences. In the following chapter, I will look at the ways that aggravated life prisoners experience solitary confinement.

CHAPTER II

LIFE EXPERIENCES AND LIVING CONDITIONS OF AGGRAVATED LIFE PRISONER

In this chapter, I will present the spatial, economic, social, cultural life experiences of aggravated life prisoners by focusing on the physicality of and the daily life in the cell, relations with the outside world, the statuses that structures different experiences among others. I will also present the hopes and expectations of aggravated life prisoners.

2.1. THE SPACE THAT SEPARATES THE PRISONER FROM OTHERS: "THE CELL"

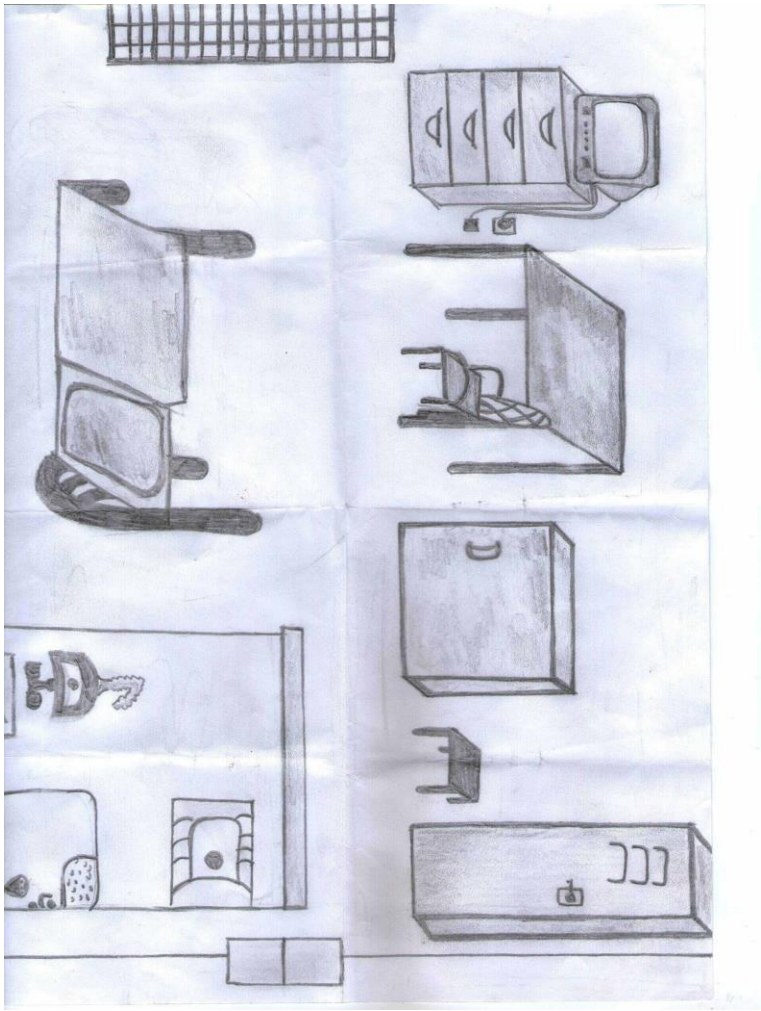
Despite all the different features of aggravated life prisoners, isolation is the experience they shared. In this section, I dealt with the physical structure of the cells in which they were kept, the consequences of living alone, and the health problems caused by solitary confinement.

According to the Law on Execution, the prisoner has to stay alone in a "single room". However, aggravated life prisoners stated that they prefer to use the notion of "cell" instead of "single room". "*What you call a single room is actually a prison cell. Regular prisoners, who have been sentenced to solitary confinement, are also doing time in what we call single room.*"[37] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

[37] 'Tekli oda dediğiniz yer aslında cezaevi hücresi. Hücre cezası alan normal mahpuslar da bizim tekli oda dediğimiz odalarda hücre cezası çekiyor.' From the letter sent to my name on 2018.01.17.

I stay in a place that some call ‘3m2’, some call ‘5m2’. Also mostly known as ‘Single Room’ or ‘Observation Room’ (Maybe because it sounds lighter?), but the real name for this place that I stay in is just a ‘cell’ which is an ‘Isolation Room’.[38] (CISST 2017)

Figure 2. “The Cell”: Drawing of an aggravated life prisoner. (CISST 2017)



The size and location of cells change depending on the type of prisons. In F type prisons, the cells are located at the edges of the buildings on the first floors.

[38] Translation is retrieved from the blog article of CISST called “Letters From Aggravated Life Prisoners” that published in May 2017.

Three cells share one enclosed yard, which allows the prisoners of these cells to communicate each other through the windows. While in L type prisons, the cells can be located on the second floor, so that prisoners do not have a door to the enclosed yard and have to reach there after being searched by the prison staff and walk through corridors and stairs so that they cannot reach their belongings in the room when they are in the ventilation garden. In H type prisons, there are no cells that are designed for a long term imprisonment; however, the rooms for three prisoners can be transformed into cells for aggravated life prisoners.

While examining the letters, I found that despite these changes, solitary confinement experiences of prisoners, who stayed in different prison types, did not contain significant differences. According to the narratives of the prisoners in the letters, the cells they spend 20-23 hours a day are approximately 8 square meters with a toilet, a bed and a closet in, often are not exposed to sunlight, and are not well ventilated.

> It's a 7-foot-long by 3-foot-wide cell. This includes the WC. You get one hour of open air time and the rest of the 23 hours is spent in the cell. It has been like this for years. I even wonder myself at how I have been able to live in a place like this. I've been in the cell for about 3 years now.[39] (Fatih, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)
>
> The cell I'm in now is a small place and it's impossible to let clean air in, because it's surrounded by four walls that go up more than 7-8 meters. When you look up from the inside, you see the sky as small as the palm of a hand. One has a strong need for oxygen for it is very scarce. I can safely say that you feed on the carbon dioxide that comes out of your mouth when you breathe out.[40] (In prison for 15 years, political prisoner) (Aydınoğlu 2016, 56)

[39] '7 adım uzunluğu, 3 adım genişliği olan bir hücre. Banyo WC dâhil bu alana. 1 saat havalandırma, 23 saat hücrede geçiyor zaman, yıllardır böyle. Bazen nasıl böyle durabiliyorum diye kendime hayret bile ediyorum. 3 yıldır yaklaşık hücredeyim.' From the letter to my name on 2018.09.14.

[40] 'Şu an benim tutulduğum hücre küçücük bir yerdir ve temiz hava alması mümkün değildir. Zira etrafı yedi sekiz metreyi aşan uzun, yüksek dört duvarla çevrilidir. İçerden baksan gökyüzünün bir avuç olduğunu görürsün. Yani yoğun bir oksijen ihtiyacı duyuyor insan. Oksijen çok az. Kişi ağzından dışarı bıraktığı kendi karbondioksitiyle besleniyor diyebilirim.'

Aggravated life prisoners are given convict status when their sentence is finalized, and subsequently they are transferred to the cell after a certain time, which differs depending the management of the prison they serve their sentence in. The experiences that the prisoners tell about the first time they are transferred from wards or three person rooms to the cells are similar. The way they express their experiences is built upon analogies that emphasize the claustrophobic structure of the space.

> When I was first put in the cell, I thought I entered a dead end street surrounded by high walls on all four sides. When the door was shut behind me, then I felt like I was in a deep pit.[41] (In prison for 21 years, in the cell for 11 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 54)

An aggravated life prisoner expressed the despair he felt when he entered the cell and how this feeling lasted, despite the 5 years under solitary confinement as follows:

> I got arrested. The trial went on for 18 months, plus 23 months of the appeal process; then the exact sentence was ordered. I was in the ward room (...) Then one day they came in and said that they were going to take me to solitary confinement. I don't have any right to object or choose anyway. When I was put into the cell, I begged God that he would take my life, I swear. I asked God that I would go to sleep and not wake up. I still do.[42] (Fatih, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)

Another aggravated life prisoner describes his shock of entering the cell, although he thought he was ready, in the book *Korkma Kimse Yok* - as such in his story:

> The iron gate of the cell opened. With the entrance to the cell and the closing of the door, the walls came to the floor and the cell turned around.

[41] 'İlk tek kişilik hücreye alındığımda, dört yanı yüksek duvarlarla çevrili çıkmaz bir sokağa girdiğimi zannettim. Ardımdan kapı kapanınca derin bir kuyudaymışım gibi geldi.'

[42] 'Tutuklandım 18 ay mahkeme sürdü artı 23 ay yargıtayda temyiz aşaması sürdü, karar kesinleşti. Koğuşta idim (…) Sonra bir gün geldiler seni tekli hücreye alacağız dediler. İtiraz ve seçme şansım zaten yok. Hücreye geçtim ilk 6 ay inanın, Allah'a canımı alsın diye dua ettim. Uyuyup bir daha uyanmamayı Allah'tan dileyerek yatağa girdim, hala giriyorum.' From the letter sent to my name on 2018.09.14.

> I left my belongings in front of the door and piled up in the chair not to fall. The first thing I learned in the cell was pressing firmly to the ground to avoid falling. It was the reality that no one else would give me a hand. (Akalp 2014, 55)

It seems to me that, for prisoners, entrance to the cells that they will live in for at least 30 years according to the current penal law, functions as the spatial separation from their former states as detainees. They are physically, socially and symbolically separated from their former status the moment they put in this state. After that moment, the prisoners no longer have most of the rights they had as detainees. When examining this experience of aggravated life prisoners through Victor Turner's concept of threshold, we can say that aggravated life prisoners are *"persons or principles that (1) fall in the interstices of social structure, (2) are on its margins, or (3) occupy its lowest rungs."* (Turner 1991, 125) After they transformed into their new status as *marginal*, *outcast* (Wacquant 2008), *stranger* (Simmel 2009) through separation from other prisoners by the walls of the cells, they can buy shelves, a fridge, a table, a chair, a TV and a radio from the canteen. However since the cells are so small the living space gets even smaller with the furniture inside.

> I didn't have much stuff at all. But it had piled up like a mountain in the middle of the cell. I thought maybe if I put my stuff away, the cell would feel bigger. I put it away. But the cell was still tiny. A bunk bed, a wardrobe, a table and a chair took up half the room. Then I brought in the fridge and the TV, so more than half was gone. I measured the cell just out of curiosity. It is the place where I am going to be held until I die, after all. When you don't get to know the place you live in, it becomes harder to live there. "It's only a prison cell, how much could it matter?" may be asked. It is both true, and not true. The cell had been constructed with a different concept of time and space. I measured it and it was 8 square meters.[43] (In prison for 21 years, in the cell for 11 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 54)

[43] 'Öyle fazla eşyam yoktu. Ama hücrenin ortasında dağ gibi bir yükselti oluşturmuştu. Eşyaları yerleştirirsem belki hücre daha geniş gelir diye düşündüm. Eşyaları yerleştirdim. Ama hücre hala daracıktı. Bir ranza, bir elbise dolabı, bir masa-sandalye hücrenin yarısını kaplamıştı. Buzdolabı ve TV'yi de ben yerleştirince yarısından fazlası gitti hücrenin. Sırf meraktan hücreyi ölçtüm. Ne de olsa ölünceye kadar içinde tutulacağım mekândır. İnsan içinde tutulduğu mekânı tanımazsa yaşamı

> In my room I have a closet, a table, a chair and a single bunk bed (these were provided by the administration); a TV, a fridge, a coffee table, a drawer with 4 racks (these are things that I obtained by paying for them at the facility store). These things, although they make the small space that I have even smaller, are essentials. So naturally I can take like 6-7 steps inside this room.[44]

Being kept in a cell creates economic, social, and psychological problems; but it points to a bigger problem than the sum of these problems. Prisoners state that it creates an enormous feeling of loneliness not to have anybody, for instance, to ask for help when they cannot open their jars, when they have to use eye drops, and to take care of them when they are ill.

> You know they say "Humans are a social beings". Is it really so? Me and all the other people who live in the solitary rooms unfortunately become oblivious to these concepts. These spaces work as a machine to grind up all kinds of human feelings. Imagine that I'm all by myself for 24 hours. I cannot even enjoy eating my food sitting down with a friend, for example. Or you don't get to sit across from each other, sipping your tea and getting into a heated discussion, exchanging ideas. I've forgotten this feeling.[45] (Baki, 48 years old, has been in prison for 24 years, in the cell for 10 years, political prisoner)

Health problems like hemorrhoids, gastritis are quite common in prisons; however, it is observed that both physical and mental problems of prisoners living in the cells differ from those of other prisoners.

> During this time of confinement, I too have had health problems just like any prisoner does, because the conditions of the cell and the place is organized in a way that provokes serious health issues. The ones that I have had are these: difficulty seeing far/visual impairment, chronic

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daha zor olur. Denilebilir ki 'altı üstü bir hücredir, çapı ne ki?' Hem öyledir, hem de değildir. Hücre farklı bir zaman ve mekân gerçekliğiyle inşa edilmiş. Hücreyi ölçtüm, 8 m2'lik bir mekân çıktı.' From the letter sent to CISST on 2015.07.06.

[44] Translation is retrieved from the blog article of CISST called "Letters From Aggravated Life Prisoners" that published in May 2017.

[45] 'Derler ya; "İnsan sosyal bir varlıktır." Gerçekten öyle midir? Ben ve benim gibi teklilerde kalanlar zamanla bu ve benzeri duygulardan maalesef bihaber duruma geliyor. Bu alanlar insan duygularını öğütme makinesi durumundadır. [sic] Bir düşünün 24 saat kendimle baş başayım. Örneğin; bir arkadaşımla sofraya oturup yemek yemenin zevkini bile yaşayamıyorsun. [sic] Ya da şöyle karşı karşıya oturup bir yandan demli çay yudumlarken diğer yandan hararetli bir tartışma, görüş alışverişinde bulunmak. Ben bu duyguyu unuttum.' From the letter sent to my name on 2019.06.19.

> hypertension, joint pains, migraines, sinusitis, shortness of breath, forgetfulness, absentmindedness, irritability, inertia, hypersensitivity to sound, sleep disorder, fear of loneliness, difficulty of forming sentences, etc.[46] (Zafer, 49 years old, in prison for 12 years, in the cell for 8 years, non-political prisoner)

Staying in small dark cells all day without the possibility of seeing long distance causes sight impairment.

> I had vision problems when I was outside, too. But of course then I wore number 3 glasses and didn't have much trouble seeing. But after I went to prison, it has gotten worse quickly. Right now my glasses are of 9. If it goes on like this, in just a few years I will have to either use glasses of 15 like the glass of a panzer or I will find myself in a world of eternal darkness.[47] (In prison for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 66)

As the duration of the solitary confinement increases, the possibility of health problems' getting chronic increases as well.

> Staying intact in these unfavorable conditions of confinement for years is simply impossible. Therefore I have got lots of chronic disorders. These may be listed as: gastric ulcer, hypertension, pharyngitis, difficulty in respiration and the worst of all forgetfulness.[48] (Faik, 54 years old, in prison for 24 years, in the cell for 13 years, political prisoner)

One of the most common topics that the prisoners mention is the effects of the imprisonment on respiratory, support, and locomotor systems. Since the cells

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[46] 'Bu mahpusluk sürecinde elbette her insan gibi her mahpus gibi benim de sağlık sorunlarım oldu ve oluyor; çünkü hücre koşulları ve ortam ciddi sağlık sorunlarına yol açacak şekilde organize edilmiştir. Bende yarattığı sağlık sorunları şöyledir: uzağı görmekte zorluk/ görme bozukluğu, hiper tansiyon kronik, eklem ağrıları, migren, sinüzit, nefes darlığı, unutkanlık, dalgınlık, alınganlık, durağanlık, sese karşı aşırı duyarlılık, uyku bozukluğu, yalnızlık korkusu, cümle kurmada zorlanma vb.' From the letter sent to my name on 2017.03.01.

[47] 'Benim göz sorunum dışarıda iken de vardı. Tabi o zaman üç numara gözlük kullanıyordum ve görme konusunda fazla sıkıntı çekmiyordum. Ama cezaevine girdikten sonra hızlı bir ilerleme yaşandı. Şu an 9 numaralı gözlük takıyorum. Böyle giderse muhtemelen önümüzdeki bir kaç yıl içinde ya panzer camı kalınlığında onbeş numaralı bir cam kullanacağım ya da ebedi karanlık dünyada kendimi bulacağım.'

[48] 'Uzun yıllara dayanan mahpusluk ve elverişsiz koşullar nedeniyle sağlam kalmak namümkün. Dolayısıyla birçok kronikleşmiş rahatsızlığım var. Şöyle sıralanabilir. Mide ülseri, yüksek tansiyon, faranjit, yine solunum yollarından kaynaklı nefes almakta zorlanma ve en belalısı da unutkanlık.' From the letter sent to CISST on 2015.12.14.

are small and closed, and the single window is not enough to provide air circulation inside, diseases like COPD, asthma are commonly observed among aggravated life prisoners.

> There is no ventilation system in the cell. There is a window; however, the dirty air inside is always there, as there is no system for air circulation. This situation causes insomnia problems as well as the problem of not being able to breathe. You know, health problems caused by living without oxygen and clean air.[49] (In prison for 22 years, in the cell for 12 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 61)
>
> I had tuberculosis treatment two times. I am currently suffering from COPD. I have a report that I am forty percent disabled. I also have severe bone loss due to the drugs I use for COPD.[50] (In prison for 20 years, in the cell for 11 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 61)
>
> Disorders with throat and respiration are also largely caused by conditions of space. These places that we live in are 10-12 square meters. They're single floor structures... meaning this is a place on the ground floor with one single window and without air. If you open the window in winter, you'll freeze if you close you will suffocate. In the summer it's completely airless. So it aggravates all the ailments of throat and respiration. And the only remedy available is prescription drugs.[51] (Faik, 54 years old, in prison for 24 years, in the cell for 13 years, political prisoner)

Aggravated life prisoners are allowed to use enclosed yard to get some fresh air just for one hour a day; therefore, they do not have enough time to dry their clothes, and they have to do this in their cells and breathe in the same air. Since they are allowed to possess a limited number of clothes and as a result have to wash these clothes very often, this problem poses an accumulated damage on their physical health.

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[49] 'Hücrede havalandırma sistemi yok. Penceresi var fakat hava dolaşımını sağlayacak bir sistemin olmamasından ötürü içerdeki kirli hava her zaman varlığını koruyor. Yine nefes alamama sorunun yanı sıra uykusuzluk problemlerine de yol açıyor durum. Oksijensiz, temiz havasız bir yaşamın beraberinde getireceği sağlık sorunları malumunuz.'

[50] 'İki sefer verem tedavisi gördüm. Şu anda da KOAH hastasıyım. Yüzde kırk engelli raporum var. KOAH'dan kullandığım ilaçlara bağlı da ileri derecede kemik erimesi var.'

[51] 'Gırtlak ve solunum yolları rahatsızlıkları da büyük oranda mekânsal koşulların müsebbip olduğu vakalardır. Kaldığımız mekânlar 10-12 metrekarelik. Tek katlı… Yani zemin kat, tek penceresi olan havasız bir mekân. Kışın pencereyi açsanız donarsınız, kapasanız havasızlıktan boğulursunuz. Yazın ise tümüyle havasız. Haliyle faranjit vb. solunum ve gırtlak rahatsızlıklarını da büyüterek azdırıyor. Tedaviyse ilaç yazmanın ötesine geçmiyor.' From the letter sent to CISST on 2015.12.14.

> We have to wash our clothes in the toilet and dry them in the cell. On the days we do laundry and take a bath, inside is always damp. This means that it is an environment that will cause severe upper respiratory diseases.[52] (In prison for 12 years, in the cell for 8 years, political prisoner) Aydınoğlu and Yusufoğlu 2018, 62)

Another problem related to the physical conditions, which the aggravated life prisoners usually mention in their letters, is that the toilet and bathroom are in the same small space, and there is no separate kitchen area or sink. When the food, which is provided by the prison administration three times a day for free, is not edible or adequate, aggravated life prisoners have to fix this food at the toilet sink.

> Regarding food, as if they're trying to make us get cancer, we get premade packaged food like powdered jellies and such stuff I have not even heard the name of. Sometimes they give us pastries, bagel type things, little packs of cheese wedges, or a 5th quality drink that they claim to be tea. Lunch is usually good. I mean I say good but it's usually a potato stew that you would think is made of machine or grease oil. We clean off the grease, wash it with hot water then eat it fried with olive oil or just heated up. Don't even get me started with dinner. They serve this leek dish with olive oil, but you cannot see any olive oil in it. They bring this so-called chicken schnitzel but there's hardly any chicken in it. Just the size of a palm… And they expect you to feel full with it, how can I be full with that?[53] (Dinçer, 30 years old, in prison for 11 years, in the cell for 8 years, non-political prisoner)
>
> The shower/toilet part of the room is also inside here, even though it has its own door and partitioned from the room itself, which is another story. I wash my face at the same place I do my dishes, and I take a shower where I use the toilet. So its all at the same place. And also the door of the room there is like a 15-20cm slot, called a "mazgal/porthole". (CISST 2017)

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[52] 'Yine kıyafetlerimizi de tuvalette yıkayıp hücrede kurutmak zorunluluğumuz var. Elbise yıkadığımız günlerde, yine banyo günlerinde içerisi sürekli nemli oluyor. Bu durum da ciddi üst solunum yolları hastalıklarına sebebiyet verecek bir ortam olduğu anlamına geliyor.'

[53] 'Yemekler ile ilgili, kahvaltı genelde kanser olmamız için plastik kutularda adını hiç duymadığım markalarla reçel yap gibi şeyler geliyor. [sic] Bazen poğaça, simit, üçgen peynir ve 5. Kalite, çay olduğunu iddia ettikleri bir şey veriyorlar. Öğlen yemekleri genelde güzel olur. Güzel dediğime bakma, bir patates yemeği geliyor. Zannedersin motor yağı ile veya gres yağı ile yapılmış gibi. Onların yağını temizleyip sıcak su ile yıkayıp zeytinyağı ile kızartarak ya da veya ısıtıp yiyoruz. Akşam yemeklerini hiç sorma; zeytinyağlı pırasa yemeği geliyor zeytinyağından eser yok. Şinitzel tavuk diye bir yemek geliyor tavuk demeye bin şahit ister. Avuç içi kadar… Onunla doy diyorlar, nasıl doyabilirim.' From the letter sent to my name on 2018. 01.09.

Prisoners also mentioned in their letters that they are worried about their health because they have to wash their dishes in the sink in the toilet.

> Another factor that affects our health negatively is the fact that the toilets, bathrooms and the dishes are all cleaned in the same space. For example, I wash my dishes in the bathroom sink. It's pointless to even mention the problems that this would cause. And there isn't even a cupboard where we can store the dishes after washing them (...) So we have to put them on the radiators which are only one meter from the front of the bathroom door.[54] (Bayram, 46 years old, has been in prison for 22 years, in the cell for 12 years, political prisoner)
>
> We drink the water flowing from the same tap, we also wash our clothes and dishes with this water and use it for our other needs as well (…) In my opinion, the issue that society should first focus on is the closing of these unhygienic cells.[55] (In prison for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 64)

The cells are small. The space left after buying furniture for the cell is so narrow, and the right to use the enclosed garden is mostly just for one hour, so prisoners spend most of their time laying or sitting, and it poses health problems like herniated discs, neck hernias, calcification, joint pain.

> First of all the cells are designed so you could only lie down on the bunk bed, because there is no room left to move around once you put stuff like a table, a chair or a TV, etc. in (...) We're only able to stand up and sit down. Considering the fact that the doors are closed for 20 hours a day, it is obvious that this would cause serious health issues in the long run. It is without a doubt that a sedentary life like this would result in physical decay of organs. Already I have started to have such problems as visual impairment, calcification, low back pain, etc.[56] (Bayram, 46 years old, has been in prison for 22 years, in the cell for 12 years, political prisoner)

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[54] 'Sağlık üzerinde olumsuz etkide bulunan bir diğer faktör de tuvalet, banyo ve bulaşıkların yıkanması için aynı yerin kullanılıyor olmasıdır. Örneğin bulaşıklarımı tuvalet lavabosunda yıkıyorum. Bunun beraberinde getireceği sağlık sorunlarına değinmek bile anlamsız. Ayrıca bulaşıkları yıkadıktan sonra, yıkanan bulaşıkları koyabileceğimiz bir dolap dahi mevcut değil (...) Biz de kalorifer peteklerinin üzerine koymak zorunda kalıyoruz. Ayrıca bu petekler hemen tuvalet kapısının karşısındadır. Aradaki mesafe 1 metreden azdır.' From the letter sent to CISST on 2015.01.07.

[55] 'Aynı musluktan su içiyoruz, yine aynı musluktan çamaşır ve bulaşıklarımızı yıkıyor ve diğer ihtiyaçları karşılayan suyu alıyoruz. (...) Bence toplumun öncelikle üzerinde durması gereken konu, bu hijyenik olmayan hücrelerin kapatılmasıdır.'

[56] 'Bir defa hücreler ancak insanın ranzasında yatabilecek şekilde tasarlanmış. Zira masa, sandalye, dolap, tv vb. gibi eşyalar koyulduğunda, insan gezilecek yer bulamıyor. (…) kalkıp oturabiliyoruz. 20 saat kapımın kapalı olduğu düşünülecek olunursa bu hareketsiz yaşamın uzun vadede insan

In addition to these problems that stem from the architectural structure of the prison and the cells, being locked up in a cell causes complaints like shivering, chills, sweating, palpitations, and sensory loss, as well as psychological problems. In the comprehensive sourcebook that brings together the accumulated knowledge and standards relating to solitary confinement and its harmful consequences, Sharon Shalev indicates that being held in solitary confinement is, for most prisoners, a stressful experience with potentially harmful health effects. (2008, 9) She states that;

> Confined to a small sparsely furnished cell with little or no view of the outside world and with limited access to fresh air and natural light, [s/]he lives in an environment with little stimulation and few opportunities to occupy himself. (2008, 9)

Besides the physical health issues, in the key study of psychiatrist Stuart Grassian, who has been studying the effects of solitary confinement for over three decades, the psychiatric effects of solitary confinement is stated as hyperresponsivity to external stimuli; perceptual distortions, illusions, and hallucinations; panic attacks, difficulties thinking with concentration and memory; obsessional thoughts; and overt paranoia. (2006)

The most common psychological problems are sensory disorders like extreme sensitivity to smell, sound and light, cognitive problems like obliviousness, focusing difficulties. Many prisoners noted in their letters that they have memory problems, they might forget to do even some of the simplest daily activities, and they have lost certain skills.

> You can spend 23 hours a day without seeing “anyone”. Life goes on, the day-and-night cycle continues, everything seems “normal” but some part of you is cooked already, paralyzed. You slowly begin to lose your ability to speak, for instance. (You realize this during family visits when you see the highest number of people all at the same time). In time you start to

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sağlığı açısından ciddi tahribatlara yol açacağı aşikâr. Yer darlığından ileri gelen bu hareketsiz yaşamın bedensel, organsal çürümeye götüreceği kesin. Zaten şimdiden görme bozukluğu, kireçlenme, bel ağrıları vb. sağlık sorunlarım baş göstermiştir.’ From the letter sent to CISST on 2015.01.07.

stagger in your speech, the sentences you utter remain incomplete, because after a long time of not speaking at all, your tongue has forgotten how to roll in your mouth. Your vocabulary has dwindled; your mind has begun to pour its savings down the drain, and to reject it. When I was outside I used to do theater. There's a lot of memorizing involved in that work, you know. I would memorize tens of pages and then usually go onto the stage and act with no prompter. I continued this type of work inside as well until I was brought into the "F-type" prisons. However I cannot even keep in my mind a phone number even if it's a number I call every day. Sometimes I look around for a long time to find an object that I'm holding in my hand or is sitting right in front of me. Then I laugh at myself realizing that I've got it in my hand. (...) If you sit for a long time, you even forget how to walk. Indeed we have forgotten how; our cells are on the ground floor. You only come to stairs when you go outside the facility for something specific - and this is quite a rare occasion - or when you go to the infirmary. And whenever we come to some stairs, we stumble over, unable to climb. Unfortunately social behavior is affected in the same way. There are certain types of words and behavior patterns that become essential needs and gain a continuous rhythm due to your conditions. They becomes automated, for example. But the rest turns into ashes and slowly disappears without you realizing it. They fall outside of the system. You become alienated to your own voice, for instance. Your ability to measure your own voice is decreased.[57] (Faik, 54 years old, in prison for 24 years, in the cell for 13 years, political prisoner)

I used to be a very articulate person with my sentences but not having spoken much here, I have even forgotten how to form them now.[58] (Fatih,

[57] 'Günün 23 saatini "kimseyi" görmeden kimseyle konuşmadan geçirirsiniz. Hayat akar, gün-gece döngüsü işler, her şey "normal" gibi görünür ama aslında bir yeriniz pişmiş, felce uğramıştır. Konuşma yetinizi kaybedersiniz mesela, yavaş yavaş. (En çok kişiyi bir arada görebildiğimiz aile görüşlerinde fark edersiniz bunu) Zamanla dil tutukluk yapar, cümleler yarım yamalak çıkar ağızdan. Konuşmaya konuşmaya diliniz dönmeyi unutmuştur, zira. Kelime dağarcığınız zayıflamış, zihniniz tüm birikimini çarçur etmeye, dışlamaya başlamıştır. Dışarıdayken tiyatroyla uğraşırdım. Bilirsiniz, ezberi çok olan bir iştir tiyatro. Onlarca sayfalık metinleri ezberler, çoğu zaman suflörsüz sahneye çıkar oynardım. "F Tiplerine" gelinceye kadar da bu etkinliğim içeride de devam etti. Lakin şimdi bir telefon numarasını, her zaman aradığım bir telefonu bile akılda tutamaz oldum. Bazen dakikalarca elimde veya göz önündeki bir nesneyi, bir eşyayı arar dururum. Sonra elimde olduğunu fark edince de gülerim halime. (…) Siz uzun bir süre otururuz yürümeyi bile unutursunuz. Nitekim, unuttuk onu da; kaldığımız hücreler zemin kattalar. Ya herhangi bir nedenle kurum dışına çıkarken – ki bu çok nadir olan bir durumdur- ya da revire giderken merdivenlerle karşılaşıyorsunuz. Karşılaştığımız her seferinde de çıkmayı beceremeyip tökezliyoruz. Sosyal davranışlar da aynı akıbeti paylaşıyor, maalesef. Koşullarınıza göre ihtiyaç haline gelen ve süreklilik kazanan kimi sözcükler ve davranışlar var, onlar otomatikleşiyor örneğin, gerisi külleniyor, siz fark etmeden yavaş yavaş siliniyor, sistemden düşüp gidiyorlar. Kendi sesinize yabancılaşıyorsunuz mesela. Ses tonunuzu ayarlama yetiniz azalıyor.' From the letter sent to CISST on 2015.12.14.

[58] 'Ben çok güzel düzgün cümle kurabilen biriydim fakat burada konuşmaya konuşmaya cümle kurmayı bile unutur oldum.' From the tetter sent to my name on 2018.09.14.

49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)

In addition to these problems, thoughts of hurting themselves and committing suicide are psychological problems related to living in a cell, are stated by some of the non-political prisoners in their letters. An aggravated life prisoner states in his letter that: *"We are devastated psychologically. We did not receive any support from the state. There are many people like me in prisons."*[59] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

According to the report published by the Human Rights Association on 14 September 2012, thirty year old Mehmet Baştürk, who was on trial with an indictment seeking two aggravated life sentences, committed suicide. He committed suicide by hanging himself using a rope that is tied to the bars of the window of the cell in Eskisehir H Type Prison on 27 February 2011. (IHD 2012) I have encountered other suicide attempts by aggravated life prisoners as well within the period I have worked at CISST. A prisoner applied to the association on account of his psychological problems; however, before my letter reached him, we were informed by his family that he had committed suicide. Craig Haney, who discussed the increase in the use of solitary-like confinement in his article "Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement", stressed in 2003 that suicide rates in solitary confinement are higher than other types of confinement. (131) However, self-mutilation and suicide continue to be among the most striking consequence of both life imprisonment and solitary confinement.

When we read the excerpts of aggravated life prisoners on their experiences of solitary confinement through Foucault's analysis of power we see that: Although the state seems like it gave up on its right over life and death by abolishing the death penalty and started to use more of the techniques of disciplinary power such as surveillance, control and isolation, it still has the power

[59] 'Psikolojik olarak çok yıprandık. 11 yıldır devletten hiçbir yardım alamadık. Benim gibi cezaevinde birçok insan var.' From the letter sent to my name on 2017.12.12.

over the bodies of aggravated life prisoners. *In Discipline and Punish: The Birth of Prison* Foucault argued that the festive punishment tradition was replaced with incarceration. (1995) However the sovereign power of the state over the bodies of aggravated life prisoners is still in use as we can see from the narratives of them.

The economic, political, and social changes in the country affect conditions of aggravated life prisoners as well. Since the population in prisons exceeded the capacity of the prisons after the 15 July coup attempt, I encountered many cases, due to my assignment in CISST, in which aggravated life prisoners, who are legally supposed to stay in single cells, were placed in two, three, four, six, and eight person wards with other aggravated life prisoners. This new arrangement for aggravated life prisoners, who have long lived in isolation for a long time, has given rise to conflict, dispute, and tension among them. For most of the prisoners this problem continued during the state of emergency that was declared after the coup attempt and imposed for two years.

I have observed within that period that while political prisoners considered it a positive development from their perspective, non-political prisoners were mostly uncomfortable with this change. However, both political and non-political prisoners have stated in their letters that they had or may have adaptation issues about living in harmony with others, after a long experience of isolation.

> When the coup d'etat attempt happened on July 15th, the administration came immediately after and took me and many other aggravated life prisoners out of our cells forcibly and without our consent, then put us into three-bed wards with people whom we had never met before. As for the reason they said: "FETO defendants will be put into your cells". Then they put us into these rooms with people I didn't know and who had committed different types of crimes. I wrote petitions constantly and asked to be put into a single room and a place where I would be with people I could get along with. Even though I kept telling the administration and the prison psychologist that I couldn't sleep there and that we didn't get along, for 8 months they kept me with these problematic people whom I wasn't able to stay with. We had troubles with the other prisoners we were staying with.

> Then the problem got bigger and threats were uttered, so on the visiting day we were at each other.[60] (CISST 2017)
>
> Sleeping schedules, preferences on what to watch on TV and its regulation, shopping at the commissary, cleaning of the cell and all the other details you can imagine came into conflict with people's individual habits formed in their individual lives and this brought up a lot of tension in the new social form of living.[61] (Demir, 43 years old, in prison for 11 years, in the cell for 5 years, political prisoner)

As a result, there are similar patterns in the experiences of aggravated life prisoners, stemming from the physical structure of the cells, and the problems caused by living in isolation, and the physical and psychological health issues that occur because of living locked down in the cell up to 23 hours in a day. The degree to which the negative effects of living in isolation in a cell prevails in the prisoners lives varies depending on the age, health conditions, period of imprisonment and so on. However, there is no doubt that an isolation of this kind imposes difficult living conditions on all of the aggravated life prisoners.

In criminological, sociological, and anthropological studies, solitary confinement is discussed as *"dehumanizing"* (Haney 2003, 124), and *"alienating"* (Smith 2008, 59). Moreover, Lisa Guenther argues that under conditions like these, prisoners are not only dehumanized, they are also "deanimalized" since not only their human dignity but also their dignity as living beings is violated and exploited. (2013, 141)

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[60] 'Bu 15 Temmuz darbe girişimi olduğunda idare hemen gelip ben ve benim gibi ağırlaştırılmış müebbet yatan bir sürü mahkûmu zorla hücre odalarımızdan kendi isteğimiz dışında aldılar. Ve hiç tanımadığımız insanlarla 3'er kişilik odalara verdiler. Gerekçe "Sizin yattığınız hücrelere Fetö sanıkları yerleşecek" dediler. Ve zorla, tanımadığım kişilerle ve suç farklılığı olmasına rağmen 3'er kişilik odalara verdiler. Her defasında idareye dilekçe yazarak; tekrar beni herhangi bir tekli odaya ve anlaşabileceğim yere verin, ben burada yatamıyorum, anlaşamıyoruz diye defalarca idareye ve psikolog görevli memura belirttiğim halde ve 8 ay kendi isteğim dışında anlaşamadığım insanların içine ve sorunlu insanların içine verdiler. Beraber kaldığımız mahkûmla sorunlar yaşadık. Sorun büyüdü tehditlere kadar gitti ve bu mahkûm ile telefon görüş günü birbirimize girdik.'

[61] 'Uyku düzeni, TV izleme tercihleri ve düzeni, kantin alışverişleri, hücre temizliği vb. aklınıza gelebilecek onlarca detay, kişilerin tekli yaşamlarında oluşturdukları alışkanlıklar yeni sosyallikte gerilimleri açığa çıkardı.' From the letter sent to CISST on 2017.07.05.

2.2. EVERYDAY LIFE IN THE CELL AND COPING STRATEGIES

The Effects of Imprisonment contains the papers presented at The Cropwood Conference at the University of Cambridge and at the International Symposium on the Effects of Imprisonment held in 2004. There Alison Liebling and Shadd Maruna remarked some silent areas within the field of prison studies. They emphasized the notion of taking undifferentiated samples and looking for general patterns within the area of prison research. According to them, these general studies neglect the experience of particular groups and individuals, such as women, the young, the old, prisoners segregated for their own protection, those spending long periods of time in segregaed units for other reasons, and so on. (2011, 12) They also signified that the contemporary literature on the effects of imprisonment lacks an affective dimension. (2011, 3) Around the same time, Wacquant was also emphasizing the lack of interest in ethnographic and anthropological studies of prisons in the United States. (2002, 371) It is possible to say that these observations about the lack of interest in affective issues and everyday lives in prisons corresponds to the character of the societies' attitudes towards prisoners and the prison system as a whole. However, in order to understand the social, economic and cultural living conditions of aggravated life prisoners, it is important to look at the daily life practices in the cell and the way they spend time during the day.

The living conditions of prisoners differ depending on the level of the exercise of their human rights. The life designed by the provisions of the Law on Execution imposes a daily life that is reduced to its narrowest possible state. The provisions that determine the daily life of the aggravated life prisoners are *"encompassing all aspects of life",* according to the narratives of prisoners, and *"standardized"* the lives of the aggravated life sentence prisoners. In addition, many prisoners talked about the *"sameness"*, *"flatness"* and *"boringness"* of everyday life. *"There's not much changing here. It's the same scene every day...*

We exercise, then the TV and the books, and you realize the time has passed."[62] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

> Living the same day as if one is the exact copy of the other brings about a certain monotony. If you don't take a conscious and persevering attitude towards this situation, it creates boredom.[63] (In prison for 25 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 119)
>
> I feel as if I'm in the middle of an ocean filled with insufficiencies, impossibilities, aridities, monotony, meaninglessness, and attacks to shrink you into nothingness.[64] (In prison for 22 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 34)

Daily practices of aggravated life prisoners are determined according to the approaches and strategies that they employ to struggle with this difficult life. Therefore, talking about their daily life means talking about their strategies to deal with the difficulties that their status creates. Erving Goffman in his key work on total institutions stated that in total institutions *"(...) [A]ll phases of the day's activities [are] being imposed from above by a system of explicit formal rulings and a body of officials."* (Goffman 1961, 6) In our case daily life in prison is mostly determined by laws, regulations, and circulars. Laws generally violate or limit the rights of prisoners' to communicate, socialize, and work in or outside of the prison. Prisoners' daily lives are affected by these violations or limitations. The degree to which these limitations and violations affect their life depends on the opportunities of the prisoners. However, I have observed during this research that the narratives of aggravated life prisoners related to the parameters that determine their daily life are very similar. In this section, through their replies to the question of what they do in their daily life, I dwell upon these similarities, which are economic difficulties, problems about fresh air time and socializing, the

[62] 'Burada değişen fazla bir şey olmuyor. Her gün aynı sahne... Spor yapıyoruz, TV, kitap derken vakit geçiyor.' From the letter sent to my name on 2018.01.17.

[63] 'Hep birbirinin tekrarıymış hissiyatını veren günlük yaşamın değişmezliği bir monotonluğu getirmekte. Buna karşı bilinçli ve dirayetli bir yaklaşım gösterilmedi mi, zaman can sıkıcılığı yaratır insana.'

[64] 'Yetmezlikler, olanaksızlıklar, kısırlıklar, tek düzelik, anlamsızlık, hiçleştirme saldırılarından oluşan bir okyanus ortasındayım sanki.'

uncertainty originating from the administration, and the changing perception of time.

2.2.1. A Day in the Cell

According to the answers given by prisoners to the question of how they spend their day in the cell, the common acts of their daily lives are; being counted, having breakfast, pacing back and forth (*volta*), exercising, watching television, listening to radio, reading books, eating, taking fresh air in the enclosed yard, answering letters if necessary, having family visits if it is the visiting day, participating in sports activities, and joining social activities if allowed by the prison administration.

What prisoners can do in their cells is very limited, but their daily life may vary depending on the different characteristics of the prisoners. Political prisoners, for instance, have often stated that they live according to a certain discipline and try to maintain their daily routine as much as possible.

> Even though I'm all by myself, I have planned my 24 hours accordingly. I've organized my time for getting up, reading, writing and pacing back and forth in the space. That's why I organize each moment of my life accordingly. Good planning also relieves you psychologically.[65] (Bayram, 46 years old, in prison for 22 years, in the cell for 12 years, political prisoner)

I noticed that the political prisoners from the same political organization are following a very similar daily routine even in different prisons.

[65] 'Tek başıma da olsam, 24 saatimi ona göre planlamışım. Kalkma, okuma, yazma ve voltalarımı ayarlamışım. Bu tür mekânlarda kendini iyi planlamazsan bir zaman sonra hücre çekilmez olabiliyor. O yüzden her anımı ona göre planlıyorum. İyi planlama insanı psikolojik olarak da rahatlatıyor.' From the letter sent to CISST on 2016.01.04

> I wake up at 7.30 in the morning in my cell. After making my bed and washing up my face and hands, I plug the kettle in for brewing for breakfast. I watch daily news and newspaper headlines etc. on the television. I have my breakfast after they count the prisoners at 8.00. Then I wash my dishes and brush my teeth. After "pacing the floor" of the day in the seven-step cell, at 9.30, I lie down on my bed to read the book I have. My reading activity continues until 12:00 (for summer). (Our doors are open between 11.00-15.00 in wintertime and between 13.30-17.30 in summertime) After having my lunch, washing my dishes, watching the news, our doors are opened at 13.30. With the opening of the doors, we walk with my two other friends and have a conversation about the news that comes to the fore during the day until 14:00. We sit and drink our tea together at 14.00. (Due to the opening of the doors at 11.00 in wintertime, we can have our lunch and tea together during that season.) Then, we read the columns we have selected and the news we find important etc. in the newspapers they give us. We do collective and collaborative work within this 4-hour period. After the doors are closed, we either read a book or do some writing until dinner. After dinner, I watch the evening news first. If there is a good movie, a football match or a discussion show on television that evening, I watch them. Otherwise, I try to read or write again. These last until 00.00 - 00.30. After this time, it is time to go to bed. I go to bed after routine cleaning.[66] (Bayram, 46 years old, has been in prison for 22 years, in the cell for 12 years, political prisoner)

As it is mentioned in the letter from Bayram, some of the political prisoners, who are in the same prison for long periods of times, can create a common routine in the cells. These prisoners can share the same enclosed yard if

[66] 'Hücremde sabah 7.30 kalkıyorum. Yatağımı topluyor, elimi yüzümü yıkadıktan sonra demlemek için var olan su ısıtıcısını kahvaltı için taktıktan sonra TV'de günün haberlerini, gazete başlıklarını vs takip ediyorum. Saat 08.00'da sayım gelip gittikten sonra kahvaltımı yaparım. Ardından bulaşıklarımı yıkar, dişlerimi fırçalarım. Yedi adımlık hücrede günün "voltasını" attıktan sonra saat 09.30'da elimde bulunan kitabı okumak için yatağıma uzanırım. Kitap okuma faaliyetim (yaz için) öğle 12.00'a kadar devam ediyor. (Kışın kapılarımız 11.00-15.00 saatleri arasında açık oluyor. Yazın ise 13.30-17.30 saatleri arasında) yemek, bulaşık ve haberler derken 13.30'da kapılarımız açılıyor. Kapıların açılmasıyla diğer iki arkadaşımla 14.00'a kadar dolaşıyor, gün içinde ön plana çıkmış haberler üzerinden bir sohbet geliştiriyoruz. 14.00'da demlediğimiz çayımızı oturup beraber içiyoruz. (Kışın kapıların 11.00'da açılmasından ötürü bu mevsim boyunca öğlen yemeğimizi ve yine çayımızı beraber içebiliyoruz.) Ardından gelen gazetelerden belirlediğimiz köşe yazılarını, ön plana çıkmış önemli bulduğumuz haberleri vs okuyoruz. Bu 4 saatlik zaman dilimi içerisinde kolektif, ortak çalışmalar yaparız. Kapılar kapandıktan sonra, akşam yemeğine kadar ya kitap okuyor ya da yazınsal çalışmalarımızı yaparız. Akşam yemeğinden sonra ise önce akşam haberlerini izlerim. O akşam varsa güzel film, maç veya tartışma programı izlerim. Yoksa yine okumaya veya yazmaya çalışırım. Bu da gece 24.00, 24.30'a kadar sürer. Bu saatten sonra yatma vakti gelmiştir. Rutin temizlik işlemlerinden sonra yatarım.' From the letter sent to CISST on 2015.01.07.

the prison authorities allow them to, and share thoughts, chat about the political agenda, and so on.

Some prisoners, on the other hand, stated that their strategy is creating differences in their daily practices.

> I get up around 10:00 and have breakfast. I get my coffee and go to the yard. I do some walking between 11:00-12:00 and then I get back to my room and have lunch. 13:00-14:00 airing time is filled with volleyball. And then the walls! But even though the wall are there, I have a routine cleaning session and Turkish coffee at 16:00 (made with a kettle of course). Around that time the dinner arrives but I usually prepare dinner with the stuff I buy from the facility store. I watch the news while I cook. Then I turn on a music channel on and listen to music and I DREAM every day! There are some pen-pals that I have from within or from the outside so I reply to some letters. I watch some TV if there is a good movie or a quiz show. Every evening we chat with friends from window to window. I read every day for one hour before I sleep. If it's a visiting day (luckily my family never made me feel alone) I am usually very delighted. I get excited like it's my first visit and I start to get prepared hours in advance. It's best if they see me in good condition. But that one hour passes so fast. The same time stops when you're in the hole the time is flies away when you are happy.[67] (CISST 2017)

> In general, there is nothing I do every day at a fixed time. If I do something at a certain time every day, there would no difference between my days. I like to live differently and colorfully (within the possibilities). I love reading books. I have budgie, I get tied up with them. I play baglama, I walk under the rain. (in the airing garden when it is open) [68] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

According to Goffman, in total institutions, the inmate begins to experience *"a series of abasements, degradations, humiliations, and profanations of self. His self systematically, often unintentionally, mortified."* (1961, 14) I have observed significant differences between the strategies of political and non-

[67] Translation is retrieved from the blog article of CISST called "Letters From Aggravated Life Prisoners" that published in May 2017.

[68] 'Genel olarak her gün sabit bir saatte yaptığım bir işim yok. Şöyle ki her gün her saatte yaptığım bir işim olursa günlerimin birbirinden farkı olmaz. Farklı ve renkli yaşamayı (imkânlar dâhilinde) seviyorum. Kitap okumayı çok seviyorum. Muhabbet kuşlarım var onlarla ilgileniyorum. Saz çalıyorum, yağmurda yürüyorum. [in the airing yard when it is open]'

political prisoners to adapt or deal with daily life practices in cells. Most of the political aggravated life prisoners have told that they employ some strategies in order not to change in prison. On the other hand, a significant number of non-political aggravated life prisoners have mentioned strategies they use to change and improve themselves in prison. Political aggravated life prisoners are focusing on reading, writing, artistic and literary creativity, following the current developments, having social interactions through windows, preserving an eating and physical exercise routine, acting with humor and joy, keeping the fight for their rights going on by means like resistance or dialogue.

> I go to bed around 11 pm at night and wake up around 6 in the morning. My main activities consist of reading books and scribbling down some stuff. One thing I also never skip is to make time for exercising. That way you don't have to deal with health problems much. Anyhow, as you can see the most important things under these circumstances are to nurture your emotions and thoughts, to keep your hope and faith alive, to strengthen your persistence in living and will, and to keep your heart wide open enough to hold the whole universe in it.[69] (Necmi, 45 years old, in prison for 25 years, in the cell for 15 years, political prisoner)

Non-political aggravated life prisoners have stated they are trying to *"endure the sentence"* by preserving their family relations, reading books and the Koran, praying, improving themselves, practicing handicrafts, having romantic relationships with other prisoners through letters, getting married within the prison with their partners, having pen friends, preserving good conduct.[70] According to many aggravated life prisoners, breeding birds and playing instruments are also a part of their daily lives and they seem to be a common strategy to deal with.

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[69] 'Geceleri 23 sularında yatar, sabah 6 civarında uyanırım. Uğraşlarımın genelini kitap okuma ve bir şeyler karalamak kapsamaktadır. Bunun dışında aksatmadığım şeylerden biri de günlük olarak spora zaman ayırmaktır. Bu da sağlık sorunlarıyla fazla uğraşmanı engellemektedir. Neyse, anlayacağın bu koşullarda en önemli şey günlük olarak insanın duygu, düşüncelerini beslemesi, umut ve inancını diri tutması, yaşama dirayetini ve iradesini güçlendirmesi ve yüreğinin tüm evreni barındırabilecek genişlikte tutmandır.' From the letter sent to CISST on 2015.07.26.

[70] There is an up-to-date thesis in the field of psychology, which focuses on the coping strategies of non-political aggravated life prisoners. The findings of this study, which is based on interviews with these prisoners, is in line with what I observed during my research process. (Yıldız, 2019)

> I have a mıstık, a cockatoo. I get tied up with it every day. It helps me too. It is very attached to me. It is about three years old. I have been with it since it was born. Now it thinks it is a human or I am a bird.[71] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)
>
> The other day my birdie flew away. It was able to say around 50 words. But I didn't even get too sad about it. So many things are disappearing from my life that I guess you get used to it. It's no big deal; I'll just get another one. I love animals very much. The room is so empty that it reminds me of a graveyard. Neither the TV nor the radio is any fun. When there's another living being in the room, it protects one from the emptiness and the silence of the room.[72] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

I encountered the discourse that one has to struggle to stay alive in the cell in the letters of both political and non-political aggravated life prisoners, *"Yes, our conditions are difficult, but I have to be strong. We are all in a struggle. We can't just give up, right?"* [73] (Ziya, 36 years old, 14 years in prison, non-political prisoner)

> I hope I don't make you upset. These are our facts. State has never been on our side, we were excluded and we feel as though we were buried alive here. But despite all the people who want us dead, we struggle to survive.[74] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)
>
> What hasn't the cell taken away from us? But no matter what happens we must stand up right and look to the future with hope. Instead of leaving ourselves to rust, we must improve. The ever-hardening problems of our dark cells and its gloomy, depressing atmosphere will always be there. The problems, the desolation, the loneliness is ever-present. It's hard but we must make life in the cell easier, we must find the light ourselves. In short,

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[71] 'Bende bir tane mıstık var sultan papağanı onunla ilgileniyorum günlük o da bana yardımcı oluyor çok bağlandı bana 3 yaşlarında doğduğundan beri bende kendini artık insan sanıyor veya beni kuş sanıyor.' From the letter sent to CISST on 2018.05.04.

[72] 'Geçen gün muhabbet kuşum kaçtı. Yaklaşık 50 kelime konuşuyordu. Ona bile fazla üzülmedim. O kadar şey hayatımdan çıkıp gittiği için insan herhalde alışıyor. Sağlık olsun yeni alacağım artık hayvanları çok seviyorum. Oda o kadar boş geliyor ki mezarlık gibi oldu TV radyo hiç tadı yok. Odada başka bir canlı, ruhun olması insanlığı odanın boşluğundan sessizliğinden koruyor.' From the letter sent to CISST on 2019.04.30.

[73] 'Evet şartlarımız zor ama benim güçlü olmam gerekiyor bir mücadele içerisindeyiz hepimiz. Hemen pes etmek olmaz değil mi?' From the letter sent to my name on 2018.08.28.

[74] 'İnşallah yazdıklarımla seni üzmüyorumdur, bunlar hayatın gerçekleri. Devlet hiçbir konuda yanımızda değil, dışlanmış, diri diri mezara gömülmüş gibi hissediyoruz bazen. Bunları isteyenlere inat dimdik hayatta, mücadeleye devam ediyoruz.' From the letter sent to my name on 2017.10.11.

> for over four years I have been living in this cell of 8 sq meters that I call unlivable. The July 16th happened, I'm still here. I'm here without giving up, without receding, withering or killing my future. With patience, faith, perseverance and going on fighting, I know that in the end I will win this, God willing. One day I will prove to everyone that I'm not living in a dream world but in the REAL world.[75] (Gökhan, 32 years old, in prison for 13 years, in the cell for 8 years, non-political prisoner)

It is often stated by aggravated life prisoners that in order not to lose identity it is important to resist and fight. This was also the main theme of the artistic productions of political aggravated life prisoners as it was in Demir's drawings.

> To be able to survive in the intended conditions of these cells is only possible by having a wide world-view that is meaningful, by living and feeling the entire universe in your heart, and in doing so resisting and fighting with the hope in your heart.[76] (Necmi, 45 years old, in prison for 25 years, in the cell for 15 years, political prisoner)
>
> I came into prison when I was 22, now I'm 35. I think about the things that I have missed out on. I think about what I could have done outside in all these 13 years. But I had two options before me at the time: because of my environment and thoughts back then, I was either going to end up here, or I was going into the grave. Well, this is my lot. Though it isn't much different than a grave, there's still hope. It seems to me that striving to overcome the difficulties and negativities that life has given you, and fighting is what makes life meaningful.[77] (Bekir, 37 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

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[75] 'Genel anlamda hücre bizlerden neler götürmedi ki, ne olursa olsun dik durmaya, geleceğe umutla bakmalıyız. Kendimizi köreltmek yerine geliştirmeliyiz. Karanlık hücrelerimizin ağırlaşan sorunları, kasvetli bunaltıcı havası bitmez. Derdi, kederi, yalnızlığı bitmez. Zor ama hücrede yaşamı kendimize biz kolaylaştırmalıyız, aydınlığı biz bulmalıyız. Velhasıl burada kalınmaz dediğim 8 m2lik hücremde 4 yılı geçkin bir süredir kalıyorum. Temmuz 2016 hala kalmaya devam ediyorum. Yılmadan, pes etmeden, solmadan, geleceğimi öldürmeden, sabırla, inançla, dirayetle, savaşarak kalmaya devam ediyorum. Biliyorum sonunda Allah'ın izniyle kazanacağım. Hayal dünyasında değil REEL dünyada yaşadığımı bir gün herkese ispat edeceğim.' From the letter sent to CISST on 2016.07.11.

[76] 'Bu hücrelerde amaçlanan duruma karşı yaşamayı başarmak, büyük bir anlam dünyası, koca bir evreni yüreğinde hissederek yaşamayı ve bu çerçevede insanın yüreğindeki umutlarla direnmesi ve mücadele etmesiyle mümkündür.' From the letter sent to CISST on 2015.07.26.

[77] '22 yaşında girdim yaş 35 oldu. Kaybettiklerimi düşünüyorum; 13 senede dışarıda neler yapardım diye düşünüyorum. Ancak önümde iki seçenek vardı; o zamanki ortamım ve düşüncem beni ya buraya ya da mezara götürecekti. Kısmette bu da varmış. Mezardan çok da farklı olmasa da yine de bir ümit var. Bence yaşamayı anlamlı kılan hayatın vermiş olduğu zorlukları-

Figure 3. Drawings of Demir[78]

olumsuzlukları aşmaya çalışmak, mücadele etmek anlamlı kılıyor.' From the letter sent to my name on 2018.11.01.

[78] Sent by his sister after the interview.

2.2.2. Financial Difficulties

The prison institution primarily has a class character, so thinking about the prison problem is thinking about the situation of people who are exploited, oppressed and at the same time in prison. Although not so easily applicable to political prisoners, this relationship of class, marginalization and penology is expressed in the report of Penal Reform International as:

> People who come into contact with the criminal justice system disproportionately come from poor and marginalised backgrounds. A large percentage come into conflict with the law as a symptom of their poverty and, without the financial resources to afford proper legal representation, they are also more likely to be given prison sentences. The social stigma of criminalisation creates a cycle of deprivation that people cannot break out of, effectively criminalising poverty." (Allen 2016, 6)

Loïc Wacquant also contributes on the issue by pointing out that one of the impacts on the increase of the number of prisoners is the notion of penal regulation of poverty and social insecurity. (2009)

The daily lives of prisoners are largely determined by their economic conditions. Tap water, food, which is provided by the prison three times a day, and lightening are what they get for free in prisons. Prisoners have to pay for all their needs other than these. Drinking water, toilet paper, sanitary pads, stamps, telephone cards, razors, bed sheets, socks, paper, notebooks, pens, pencils, TV, water heater, fridge, radio, batteries, milk, yogurt, groceries, etc. have to be purchased from the canteen. Prison administrations do not provide these needs. Prisoners also have to pay for the energy that the electric devices use. Therefore, the daily life activities of aggravated life prisoner differ depending on their economic conditions. It has been observed during this research that since the aggravated life prisoners, unlike other prisoners, are deprived from the right to work, a majority of them has financial difficulties. There is no Law that prevents aggravated life prisoners from being employed in the prison other than Article 13 of the Bylaw on the Center of Observation and Classification However, although there are e few exceptions, a majority of aggravated life prisoners are not allowed to work in prisons. As they cannot benefit from their right to work[79], they are in a financially much worse situation compared to the other prisoners, as a result, they are economically dependent on other people.

> I use [used] envelopes to scribble down things. As you know, a ream of copy paper has gone up to over 6 TL now. Well since I'm not the general manager of SEKA [Turkey Pulp and Paper Mills Inc.], I have to be thrifty. Our lives have been mostly oriented towards consumption. So our purchasing power decreases, naturally. What we can afford is very limited now.[80] (Bahtiyar, 58 years old, in prison for 27 years, in the cell for 15 years, political prisoner)

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[79] "According to law prisoners who do not have a profession and are found to be mentally and physically healthy by the physicians, and those who have a profession and eager to work can be employed in workshops or workplaces for a fee determined by the institution. The purpose of the working is to enable inmates to learn about the profession and skills that will make them reintegrate after their release, and to develop or strengthen their desire to work and produce. According to law the ability, tendency, mental and physical conditions of the inmates are taken into consideration in the workshops. Aggravated life prisoners are banned from working in prisons." (CISST 2019)

[80] '[Kullanılmış] Zarfları karalama olarak kullanıyorum. Malum kâğıdın topu 6 TL'yi geçti. Ee, Seka genel müdürü olamadığımız için de tasarruflu davranmak kaçınılmaz oluyor. Ben gibi uzun yıllar tamamen tüketim endeksli bir konumda olduğumuz için haliyle gün geçtikçe alım gücümüz de düşüyor ve sınırlı hal almış durumda.' From the letter sent to my name on 2019.04.12.

> I have to buy my basic necessities like milk, cheese, yoghurt, vegetables and fruit out of my pocket. My family is too poor to come to visit. I have to live on such a small amount as 100 TL per month, and this includes expenses such as electricity, postal service, newspaper, and commissary. Everything is so expensive that I can't even begin to tell you. Most of the time I can't afford to buy the newspaper. So this keeps me away from the socio-political happenings outside. Letters that are supposed to be "normal post" arrive after a month or don't arrive at all. That's why I have to use APS or the registered postal service, but if I send 4-5 letters with the registered one, it costs 30 Lira.[81] (In prison for 22 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 77-78)
>
> I try to live with the financial help of my family. Aggravated life prisoners aren't allowed to work. I used to work but this sentence doesn't allow me to. Some of my fellow aggravated life prisoners try to make ends meet with what they receive from their families. Some of my friends, not many, try to make it by doing beadwork. Some of them don't have any income at all.[82] (In prison for 13 years, in the cell for 8 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 76)

Some prisoners are able to have a small income by doing beadwork and selling them through their families or the prison administration. However, this is not a regular and sufficient income. *"I am doing beadwork to improve my financial condition. I send them to my family, they sell them and send the money to me."*[83] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

> Ordinary (non-political) prisoners mostly do handicraft like beadwork. Things like hand bags, keyholders, roseries, wristbands, necklaces, etc. They give these things they make to the administration. The administration

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[81] 'Süt, peynir, yoğurt, meyve, sebze gibi temel ihtiyaçlarımı kendi paramla almak zorundayım. Ailem aşırı derecede yoksul olduğundan ziyarete dahi gelemiyor. Ayda yüz lira gibi cüzi bir miktarla yaşamak zorundayım. Bunun içine elektrik, posta, gazete, kantin giderleri de dâhil. Tüm ürünlerin fiyatları o kadar pahalı ki anlatamam. Çoğu zaman gazete alamıyorum. Bu da dışarının sosyal-politik gelişmelerinden iyice kopmama neden oluyor. 'Normal gönderi' olan mektuplar ancak bir ayda yerine ulaşıyor, hatta hiç ulaşmıyor. Bu nedenle APS ya da taahhütlü göndermek zorunlu oluyor ancak ayda 4-5 adet taahhütlü göndersem otuz lira tutuyor.'

[82] 'Ekonomik olarak geçimimi ailem vasıtasıyla sağlamaya çalışıyorum. Ağırlaştırılmış müebbetlerin çalışmasına izin verilmiyor. Ben eski çalışanım ama ceza çalışmaya engel. Ağırlaştırılmış müebbet olan arkadaşlar bazısı ailesinden gelenle yetinmeye çalışıyor. Fazla olmasa da bazı arkadaşlar boncuk yaparak iyi kötü yetinmeye çalışıyor. Kiminin hiç ekonomik geliri yok.'

[83] 'Ekonomime katkı sağlaması amacı ile el işi boncuk yapıp aileme yolluyorum satıp parasını bana yolluyorlar.' From the letter sent to my name on 2017.12.12.

exhibits them in places like the courthouse where they have "exhibition areas", and sells them. The Money that comes from the products that get sold is transferred to the account of the person who made them. From what I gather, one person makes around 50-100 TL per month. Apart from these, they make special order products for non-political prisoners who are well off. They get to sell them outside through their personal contacts. Some of them don't use the administration as the intermediary. We had a friend, for example, he used to make around 20-30 clocks every month. The cost is around 100 TL. He would send these to the municipalities that he chose from the catalogue. Whichever municipality he chose, he would embroider the name of it on the clock. In case their financial situation wasn't good, he would ask for Money with a short note like: however much you feel like paying. Not all of them would answer but at least 3-5 of them did. This friend of ours paid his two daughters' school expenses like this. One of them finished university. The other one must be still studying now. You see, it depends a bit on one's creativity, contacts, if they're a sociable person or not. That's the way it is with non-political prisoners... As for the political prisoners, if someone doesn't get his money, the others share theirs with him. (...) But the political prisoners also make handicrafts like beadwork, then they sell these products through their friends and families.[84] (In prison for 22 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 76-77)

Therefore, the aggravated life prisoners, who are not allowed to work in and outside of prisons, do not have a mechanism to sell beadwork, and are not a part of a network of solidarity with other prisoners, are economically dependent on their families, social services, or charity relations.

[84] 'Adli arkadaşlar burada çoğunlukla boncuk gibi el işi ürünler yapıyor. Çanta, anahtarlık, tespih, bileklik, kolye vb. gibi. Bu yaptıkları ürünleri idareye veriyorlar. İdare bunları adliye sarayı vb. gibi yerlerde bulunan 'sergi yerlerinde' sergileyip satıyor. Bu satılan ürünlerden kimin yaptığı satılmışsa, parası mahkûmun hesabına yatırılıyor. Çevremden kalanlardan takip edebildiğim kadarıyla bu kişiye 50 ile 100 TL arasında aylık gelir getiriyor. Bunlar dışında kendi çevresinde bulunan durumu iyi olan adlilerin özel siparişlerini yapıyorlar. Bireysel ilişkileri üzerinden dışarıda satabiliyorlar. Bazıları hiç idareyi aracı olarak devreye sokmaz. Mesela bir adli arkadaş vardı, her ay 20-30 saat yapar. (maliyeti maksimum 100 TL tutar. Bunları telefon kataloğundan seçtiği belediyelere gönderirdi. Hangi belediyeye gönderiyorsa, saatin üzerine o belediyenin adını nakşediyordu. Ekonomik durumunun olmadığını gönlünüzden ne koparsa deyip kısa bir not ile saatleri postalıyordu. Hepsi değilse de 3-5 tanesi cevap veriyordu. Bu arkadaş 2 kızını böyle okuttu, birisi üniversiteyi bitirdi, diğeri halen devam ediyor olmalı. Yani anlayacağın bu konuda biraz da kişinin kendi yaratıcılığı, çevre ilişkileri, sosyal ve girişken olup olmadığı önemli oluyor. Adlilerde durum böyle… Siyasilerde ise parası gelmeyen olursa, gelen arkadaşları onunla paylaşıyor. (…) Diğer yandan siyasiler de boncuk ip vb ile yapılan el işleri yapıyorlar. Bu ürünleri ise aileleri arkadaşları aracılığıyla satıyorlar.'

> I spend 21 hours of my day sitting and sleeping. I had a television, now there is no television or radio. I was doing beadwork day and night to make a living. However, since my eyes have completely deteriorated, I have not been able to do beadwork for 9 months.[85] (In prison for 20 years, in the cell for 15 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 77)

2.2.3. Enclosed "Airing" Yard

The only activity through which the aggravated life prisoners can get fresh air and move is going out to the enclosed yard. It is stated in their letters that this is one of the most important parts of their daily life.

> Our only luxury is the "Airing", which is two hours a day, one in the mornings and one midday. I never miss the airing times even if its ice cold or burning hot. As I said, it's our only luxury! Especially when its spring or summer time, it's such a bad feeling to go back inside when the time is up. That is when you feel the room is really choking you, the walls get closer and closer. It's just some time between concrete walls but its a treasure![86] (CISST 2017)

According to the law, aggravated life prisoners have the right to go outdoors and do sports for one hour a day. The space in which they use this right is usually referred to as an *"enclosed yard"* or *"airing garden,"* and the architecture and the position of this space in respect to the cells are different depending on the type of the prison. Usually, enclosed yards are as large as a few cells, they have high walls and the prisoners can only see the sky over the prison walls. *"For three hours a day I can see the sky through high walls."*[87] (In prison for 20 years, in the cell for 20 years, non-political prisoner) (Aydınoğlu 2016, 65)

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[85] 'Günümün 21 saatini oturup yatmakla geçirmekteyim. Bir televizyonum vardı şu an televizyonum da radyom da yok. Geçimimi sağlamak için gece gündüz boncuk işleri yapmaktaydım. Ancak gözlerim tamamen bozulduğu için geçimimi sağlayan boncuk işlerini de 9 aydır yapamamaktayım.'

[86] Translation is retrieved from the blog article of CISST called "Letters From Aggravated Life Prisoners" that published in May 2017.

[87] 'Günlük 3 saat sadece yüksek duvarlar arasında gökyüzünü görebiliyorum.'

In some prisons, the top of the enclosed yard is covered with wired grating. *"Our courtyard is covered with wire netting. It pours down rust when it rains."*[88] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

It is mentioned in the letters that these limited periods of time they can spend in enclosed yard are not sufficient for the aggravated life prisoners to get enough fresh air and move around, which creates problems, as emphasized in the previous section, such as not being able to dry clothes properly.

> The time for enclosed yard is quite limited, a few hours of airing time is not enough for our bodies, which remain inactive for a long time in a closed place, to move as much as needed.[89] (In prison for 22 years, in the cell for 12 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 65)

The duration of using an enclosed yard depends on the status of "good behavior" of the prisoners and the initiation of prison administrations. In some prisons, aggravated life prisoners have the right to fresh air for 5 hours as stipulated in the Law on Execution, and in some prisons, they can negotiate with the prison administration and divide this time into two sections. However, it is not a common practice among aggravated life prisoners.

2.2.4. Socializing

Aggravated life prisoners have restricted socializing opportunities limited to several hours a day in the yard time depending on the permission of the prison administration. Although some prisons may be different, aggravated life prisoners can mostly meet up to two other prisoners when using the enclosed yard. In other words, prisoners, who are sentenced to aggravated life, have the opportunity to

[88] 'Havalandırma üstleri tel örgü ile kapatıldı, şuan üzerimize pas yağıyor.' From the letter sent to my name on 2017.12.12.

[89] 'Havalandırma saatleri oldukça kısıtlı, sınırlı; uzun süre kapalı ortamda kaldıktan sonra birkaç saatlik havalandırma, uzun süre hareketsiz kalan bedenlerimizin gerektiği kadar hareket etmesi önünde büyük engel.'

socialize in their daily lives during their yard time for one to four hours a day, with a maximum of two people as long as prison administrations permit.

> I have 3 more friends with me here, they also have conclusive sentences but sadly they are sentenced under the new TCK. I am writing you this letter to let their voices heard, as well as mine. We're all at the same aisle but in different cells. Our yard times are also different but we see each other in the airings and chat. Me and my friend we go together because our yard times are the same. We walk in the mornings and play volleyball in middays.[90] (CISST 2017)

However, this practice does not occur in every prison. In some prisons, aggravated life prisoners are not allowed to have yard time with other aggravated life prisoners. As I observed during my work at CISST the justification for prohibition of socializing of prisoners are security hazard, such as lack of personnel, the presence of a large number of different types of crimes. In this case, the aggravated life prisoner only has one hour to be in the open air, and this period can be increased by the prison administration.

> First two months, we are allowed to use the yard for only one hour per day. After two months, this period is increasing to two hours. Those living in the rooms next to each other use the same yard but more than one person is not allowed to be there at the same time.[91] (In prison for 11 years, in the cell for 6 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 83)

The rule that separates the statuses as non-political and political from each other is also valid for the regulation of socialization of aggravated life prisoners in the enclosed yards. For instance, if there is not another political aggravated life prisoner, the political aggravated life prisoners are not allowed to use the yard time to socialize with prisoners with different statuses. It is mentioned in the

[90] Translation is retrieved from the blog article of CISST called "Letters From Aggravated Life Prisoners" that published in May 2017.
[91] 'İlk 2 ay günde sadece 1 saat bahçeye çıkılabiliyor, 2 ay sonrasında bu süre 2 saate çıkarılıyor. Herkes yani yan yana olan odalar bir bahçeyi kullanıyorlar ama aynı anda kimse birbiriyle çıkartılmıyor.'

letters that for political prisoners the political organizations they are affiliated with, may be the reason for not allowing contact.

The enclosed yard is the only place, where prisoners can socialize during the day; but when the weather is rainy or snowy, they cannot exercise their right to be outdoors. These cases may also result in prisoners' being deprived of socializing during the day.

> It's winter now so most of the days are rainy, and we can't go out into the yard naturally. Considering all that springtime ahead, it looks like we won't be able to benefit from this right of ours for a long while. Right next to our building there's a space called "the common area". We asked to use this space at least on rainy days. But unfortunately the administration doesn't seem to want to let us. This being the case, our rights remain on paper most of the time.[92] (Şahin, 42 years old, in prison for 15 years, in the cell for 9 years, political prisoner)

I learned from the letters that the prisoners, who are not using the same yard, or are not allowed to use the yard at the same time, chat with each other through the windows. Besides, the problems of socializing with the same people for a long time are also mentioned in the letter of aggravated life prisoners.

> In my section there are 8 of us. We don't have direct contact with each other. We only talk to each other through the barbed wire and windows covered with bars without actually seeing each other. The yard is common for everyone. We are only able to chat with each other for one hour a day through the barbed wire and the bars. What we talk about is always the same. Usually there's nothing new to talk about, and when there's something new, we repeat the same subject over and over for 10 days straight, I'm not kidding. One thing I realized is that because nobody knows anyone from outside, eveybody keeps lying to each other. (...) We spend all the time telling lies. One person may tell the same story in two different ways but you cannot ask about it, because if you tell them that they had told it in a different way before, that could cause an argument.

[92] 'İçinde bulunduğumuz kış mevsiminin çoğu günleri yağmurlu oluyor, doğal olarak havalandırmaya çıkamıyoruz. Ayrıca önümüzdeki bahar aylarını da düşünürsek epeyce uzun bir süre bu hakkımızdan faydalanmayacağımız gibi görülüyor. Bitişiğimizde 'ortak alan' diye bir yer var. En azından yağmurlu günlerde burayı kullanma talebimiz oldu. Fakat maalesef idare ısrarla olumsuz yaklaşıyor. Böyle olunca da haklar çoğu zaman sözde kalıyor.' From the letter sent to CISST on 2016.11.16.

> Sometimes it does. [93] (Ferit, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)

Another practice where aggravated life prisoners can find the opportunity to socialize in prison is to participate in arts and professional activities along with conversations and sports activities. All prisoners have the right to participate in these activities according to the international texts that determine prisoners' rights. However, my observation in the research process, as the people and institutions carrying out studies in this field convey, the least used rights of aggravated life sentence prisoners are the right to participate in the activities mentioned above. "*We are only allowed to do sports for an hour once in open-air yard and once in closed yard weekly basis, there is nothing else!"*[94] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

> We are only allowed to go to the open field for one hour a week for sports. Apart from this, we cannot make use of any social, cultural, educational, artistic activities and common areas.[95] (Şaban, 56 years old, in prison for 28 years, in the cell for 15 years, political prisoner)

> We, aggravated life prisoners, are not fine because we are deprived of anything. We are not allowed to participate in any activity, concert anything. (…) We hear cheerful sounds that come from activities that are going on near us, and that damages our psychology. [96] (Non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 87)

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[93] 'Bulunduğum bölmede 8 kişiyiz birbirimiz ile temasımız yok sadece telle kaplı ve demirli pencereden birbirimizi görmeden konuşuyoruz. Havalandırma bahçemiz hepimizin aynı yer. Ve günde 1 saat uzaktan telin ve demirin arkasında birbirimizle sohbet edebiliyoruz, konuştuğumuz şeyler hep aynı şeyler, farklı bir konu genelde yok, bir farklı konu olursa o konuyu inanın en az 10 gün aynı şeyleri tekrar ediyoruz. Kimse kimseyi dışarıdan tanımadığı için de ben şuna dikkat ettim veya dikkatimi çekti herkes birbirine yalan konuşuyor. (…) yalan sohbetler ile vakit geçiyor. Bir kişi aynı şeyi 2 kez farklı anlatabiliyor fakat soramazsın sen önce şöyle demiştin aynı konuyu şimdi böyle anlatıyorsun bu bir tartışmaya yol açabilir. Zaman zaman açıyor da.'From the letter sent to my name on 2018.09.14.

[94] 'Haftada bir açık, bir kapalı, spora 1 saat çıkıyoruz başka hiçbir şey yok!' From the letter sent to my name on 2017.12.12.

[95] 'Haftada sadece bir saat spor amacıyla üstü açık sahaya çıkarılıyoruz. Bunun dışında hiçbir sosyal, kültürel, eğitsel, sanatsal etkinlikten ve ortak alanlardan faydalanamıyoruz.' From the letter sent to CISST on 2016.02.08.

[96] 'Bizler ağırlaştırılmış müebbet olarak hiç de iyi değiliz çünkü her şeyden mahrumuz. Ne bir etkinliğe, ne bir yere, ne de konsere çıkamıyoruz. (…) Yanımızda etkinlik oluyor millet eğleniyor biz sade ses duyuyoruz, psikolojimiz bozuluyor.'

2.2.5. Uncertainties of Daily Life

Aggravated life prisoners frequently mentioned that to have an order and a strict daily routine is a necessity in order to survive in the cell. However, this routine is maintained under the strict control of the prison authorities so it can always be disrupted. It causes to a daily life that is full of ambiguity and uncertainty.

> Because the prison is too full, we were moved to a room for three. I now have three friends with me. That way it's become a bit better at least but I'm not sure how long this will go on. All the restrictions remain, obviously. The only difference is that we've moved out of the single room. (...) Now, we're staying in rooms for three people. I don't know what will happen to us in the future if any evacuation happens in the prison. The reason we're in the room for three is that the prison is full. The other two fellow inmates are aggravated life prisoners. The restrictions still remain.[97] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

"The yard time is normally one hour, but it was increased to two hours by considering our good behaviour."[98] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner) Therefore, the daily lives of prisoners are differentiated through legal regulations, as well as how these regulations are implemented by the prison administrations. Changes in the country's economic, political and social agenda, as well as the practices of prison administrations in which prisoners are held, directly affect the living conditions of prisoners.

> After the "coup d'etat", as political detainees and prisoners we've been denied our right to have monthly open visits. It's been reduced to every

[97] 'Bu arada cezaevi doluluğundan dolayı 3 kişilik odaya geçtik. Yanımda şu an 3 arkadaş var. Böyle biraz da olsa güzel oldu ama ne zamana kadar böyle olur bilmiyorum. Tabii ki bütün kısıtlamalar devam ediyor. Sadece tekli odadan çıktık. (…) Şuan 3 kişilik odadayız ileride cezaevinde bir boşalma olursa bize ne olur bilmiyorum cezaevleri dolu olduğu için 3 kişilik odadayız diğer iki arkadaşım da ağırlaştırılmış müebbet. Kısıtlamalar devam ediyor.' From the letter sent to my name on 2018.01.17.

[98]'Havalandırma saatleri normalde 1 saat ama bizim iyi halimiz gözetilerek 2 saate çıkarıldı.'From the letter sent to my name on 2018.01.17.

> two months. (...) They've moved around 70-80 people to another prison. (...) Lately there have been a lot of searches in the cells. They conduct so-called general and partial «searches» accompanied by 20-30 people from personnel.[99] (Osman, 49 years old, in prison for 28 years, in the cell for 15 years, political prisoner)

2.2.6. Perception of Time

In the research process, I observed that the perceptions of time of the aggravated life prisoners may also be different in the cells. In the letters of aggravated life prisoners, they say that sometimes the time flows faster, sometimes slower, and this may change from time to time. But in the cell, the narratives that the life is lived in a different temporality than the time flowing outside is shared by several aggravated life prisoners.

> Here the time passes slowly, laggingly. You know the Twin Paradox of Einstein. "Time passes slowly in space; the measuring and the perception of it is slow". What he describes as space must be here. It is slow to the extreme. That's why prisoners always remain young and die young... I keep on being young, too.[100] (Faik, 54 years old, in prison for 24 years, in the cell for 13 years, political prisoner)
>
> When I was outside, I used to think "I wonder how time passes in the cells". But the problem isn't that it passes but that it disappears. [101]
>
> [L]ife in the cell is a state of timelessness and it's always directed towards the past. For the future is intended by the creators of these cells to be

[99] 'Kurumda "darbe" sürecinden sonra biz siyasi tutuklu ve hükümlüler aylık olarak yaptığımız açık görüş hakkımız elimizden alındı. 2 ay ile sınırlı kılındı. (…) Buradan 70 80 kişiyi başka hapishaneye sürgün ettiler. (…) Son dönemlerde sık sık hücre aramaları yapılıyor. Hücrelerimize genel ve kısmi arama adı altında 20-30 personel eşliğinde "aramalar" yapılıyor.' From the letter sent to my name on 2018.01.08.

[100] 'Yavaş, ağır işler burada zaman. Einstein'ın "ikizler teorisini bilirsin. "Uzayda zaman ağır işler, zaman ölçüsü, algısı yavaştır"" der. Uzay diye tarif ettiği yer burası olsa gerek. Alabildiğine yavaştır. Ondandır ki hep genç kalır, genç ölür mahpus kitlesi… Genç kalmayı sürdürüyorum ben de.' From the letter sent tomy name on 2017.08.22.

[101] 'Dışarıdayken 'acaba hücrelerde zaman nasıl geçiyor' diye düşünürdüm. Fakat geçmesi değil, son sürat olup geçmesi sorun.' From the letter of Deniz Tepeli, who is an aggravated life prisoner, that is sent to Görülmüştür Initiative that has been publishing the letters of political prisoners. (Görülmüştür 2018)

> buried in a giant fog in such a sense of timelessness; and you try to turn your life towards the future by embracing the memories you've accumulated.[102] (In prison for 25 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 119)

2.3. RELATIONS WITH OUTSIDE WORLD

I have observed that aggravated life prisoners attempt to relate to those outside the walls, even though they are completely excluded from society. However, the rights determined for them are more limited than for other prisoners, when it comes to the relations with outside. Aggravated life prisoners can communicate with the outside world via visits, phone calls with their families and legal guardians (*vasi*), and through correspondence with a wider social circle of people.

2.3.1. Visits of the Families

One of the most frequently addressed problems by aggravated life prisoners is the visits. According to the bylaw that regulates prison visitation, aggravated life prisoners cannot be visited by anyone except their spouse, children, grandchildren, children of their grandchildren, mother, father, grandmother, grandfather, grandmother and grandfather's parents, siblings and their legal guardian.[103] In other words, they cannot see their aunts, uncles, their siblings' children and spouses, grandchildren and they cannot see other relatives.

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[102] '[H]ayat, hücrede bir zamansızlık halidir ve hep geçmişe dönüktür. Çünkü böylesi bir zamanda gelecek, koca bir sise gömülmek istenmiştir hücreleri yaratanlarca ve yaşam, insanın kendi biriktirdiği anılara sarılmakla geleceğe bakmaya çalışır.'

[103] The Bylaw on the Visits to the Detainees and Convict Published in the Official Gazzette on 17 June 2005.

Besides, the right to see up to three friends that other prisoners have is not allowed to aggravated life prisoners. These restrictions are the most frequently mentioned issues that aggravate the living conditions of aggravated life prisoners.

> I've got aggravated life imprisonment and I've been doing time for five years now. I myself am executing my heaviest punishment. The sentence given for the crime is individual. But while other prisoners' families are benefitting from their right to have phone calls and open visits, my children, wife and parents are not able to do so. This way they try to impose a restriction on my personal self, but it's my family who is suffering from it. My mother-in-law, father-in-law and my brother's wife want to come to visit me but they're not able to because of this restriction. Although I am the offender, I think it's a violation of human rights when this restriction is imposed upon my family members. (...) I haven't been able to see my nieces and nephews in the past five years. I've missed them so much and they've missed me too, of course.[104] (Non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 91)

According to the bylaw that regulates visits, aggravated life prisoners can only meet one by one with those who visit them. Thus, if more than one person come to visit an aggravated life prisoner, their right to be visited for an hour is divided by the number of visitors. This results in that the person, who is sentenced to aggravated life, is not able to see their family altogether and cannot spend time with them.

> We're mostly away from our families. They come to visit us by cutting down expenses on food, even getting into debt and spending so much money. But the real torture starts after that, because the normal visiting time is one hour, but they divide up this time for each of our visitors and they let them see us one by one. I'm married, for example, and I've got three kids. When they come over to visit me they're only able to see me

[104] 'Ben ağırlaştırılmış müebbet hapis cezası aldım ve yaklaşık beş yıldır yatıyorum. Kendim en ağır şekilde cezamı infaz etmekteyim. İşlenen suçlarda verilen ceza bireyseldir. Ancak diğer mahkûm aileleri her hafta telefon ve görüş hakkından faydalanırken, benim çocuklarım, eşim, annem babam aynı haktan faydalanamamaktadır. Bu durumda her ne kadar şahsıma yönelik kısıtlama uygulanmak istense de kısıtlamadan dolayı ailem mağdur oluyor. Ayrıca kayınvalidem, kayın pederim ve erkek kardeşimin eşi ziyaretime gelmek istemelerine rağmen kısıtlama nedeniyle gelemiyorlar. Ben her ne kadar suçlu olsam da kısıtlamanın diğer ailemdeki insanlara da uygulanmasının hak ihlali olduğu kanaatindeyim. (…) Beş yıldır yeğenlerimi göremiyorum çok özledim, onlar da beni tabii.'

one at a time and so I get 15 minutes each![105] (Şaban, 56 years old, in prison for 28 years, in the cell for 15 years, political prisoner)

I have great communication with my family, they've never left me alone. God Almighty bless them. I've got one sister whose husband is a teacher. He was in Cyprus before but since I'm here in Silivri, they asked that he be transferred here. So they've all moved here, and he visits me sometimes. I've got an older brother who lives in Bilecik. He's got kids; one of them is a grown-up and he usually writes me letters. I normally see all of them during visits or talk to them on the phone. They don't neglect me here. As you know my parents are in Bilecik. My father never fails to visit, neither does my mom. If she's a bit better with her health, she tries to come and visit every 15 days. She's a mom, after all; I tell her not to come here when she's sick but she feels offended. And when she comes over she looks as if she's drunk. It scares me. She keeps saying that the trip takes too long. I've also got my paternal grandparents. They're 90 years old. They used to come every now and then. But my grandfather had surgery in his stomach two months ago. I think they won't be coming over anymore. I hope I will go to Bilecik or somewhere close and if they're still alive I will see them then.[106] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

In addition to the problems arising from the regulation, many prisoners cannot be visited due to economic and sometimes health problems, as they are held in prisons far from their families. Consequently, a significant number of aggravated life prisoners cannot find a chance to meet even these visitors who are stipulated by law. As it is frequently mentioned in the letters, this situation deepens their feelings of loneliness and aggravates the isolation they are in.

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[105] 'Çoğunlukla ailelerimizden uzağız. Ailelerimiz yine de boğazlarından kesip, hatta borç alıp bir sürü masrafa girerek bazen ziyaretimize geliyorlar. Ama esas eziyet bundan sonra başlıyor. Çünkü normal görüş süresi bir saattir. Ancak ziyaretçilerimize bu süreyi sayıya göre paylaştırıyorlar ve gelen ziyaretçilerimizi bizimle tek tek görüştürüyorlar. Örneğin ben evliyim ve üç çocuğum var. Dördü birlikte ziyaretime geldiklerinde her biri tek başına ve yalnız 15 dakika benimle görüşebilir!' From the letter sent to CISST on 2016.02.08.

[106] 'Ailemle iletişimim çok iyi beni hiç yalnız bırakmadılar şimdiye kadar Allah cc onlardan razı olsun kız kardeşim var bir tane eşi öğretmen o da Kıbrıs'taydı ben burada yani Silivri'de olduğum için o da Tekirdağ'a tayin istediler buraya geldiler o ziyaretime geliyor bazen, abim var bir tane de o da Kocaeli'de duruyor onun çocukları var bir tanesi yetişkin o mektup yazıyor genelde hepsiyle ya görüş yapıyorum ya da telefonla görüşüyorum. Burayı boş bırakmıyorlar. Annem babam Bilecik'te bildiğiniz gibi babam beni hiç aksatmaz annem de öyledir. Biraz sağlığı iyi olsa 15 günde bir gelmeye çalışır annedir ne yapsın buraya gelme hasta hasta diyorum hemen darılıyor buraya geldiğinde de sarhoş gibi duruyor beni korkutuyor yol bitmiyor diyor. Bir de Babaannem ve Dedem var onlar da 90 yaşlarında arada bir geliyorlardı. Dedem mide ameliyatı oldu 2 ay önce onlar da artık gelemez diye düşünüyorum inşallah Bilecik'e veya yakınına bir yere gidersem ömürleri yeterse orda görüşürüz artık.' From the letter sent to my name on 2018.03.22.

> My family lives in … village of Soma. My father and my mother are old people. They live only with a retirement pension, which is 1000tl. They can come to visit me once a year. One and a half years have passed since the last visit. Other than that, my visitation rights are limited by law anyway.[107] (In prison for 22 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 96)

2.3.2. Phone Calls to Families

Other prisoners have the right to speak to their families over the phone for ten minutes each week, while aggravated life prisoners' phone calls are limited to once in two weeks. The most important problem of having a phone call every fifteen days is the inability of prisoners to convey their needs and problems to their families in a timely manner.

> [Being an aggravated life prisoner] means that you hear the news of the Ankara massacre the same day it happens, and you know that your family members had definitely participated in the peace march, but you cannot communicate with your family for 13 days. (...) Wednesday October 7th was my day for both phone calls and for open visits. The next one was Wednesday October 21st. I spent this entire time scrolling through the list of names of the wounded and the dead by the TV for 18-19 hours a day. (...) Those 13 days were hell to me.[108] (In the cell for 11 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 80)

The fact that the right to make a phone call is limited to ten minutes and once in fifteen days causes prisoners to choose one person to whom they can

[107] 'Ailem Soma'nın .. köyünde yaşıyor. Annem babam yaşlı insanlar. Yalnızca 1000 TL emekli maaşı ile geçiniyorlar. Ziyaretime yılda bir kez gelebiliyorlar. Son ziyaretin üzerinden 1.5 yıl geçti. Zaten onun dışında ziyaretçi haklarım hukuken kısıtlı.'

[108] '[Ağırlaştırılmış müebbet olmak] Ankara katliamında aynı gün olayı öğrenip ve ailenden barış yürüyüşüne kesin katılımın olduğunu bilip ailenle 13 gün boyunca iletişim kuramamaktır. (…) 7 Ekim Çarşamba günü hem telefon hem de açık görüş günümdü. Bir sonraki telefon ve görüş günüm 21 Ekim Çarşamba günüydü. Ve bu süre zarfında TV ve medyadan günün 18-19 saatini ölü ve yaralı isimlerini takip ederek geçirdim. (…) 13 gün cehennem gibi geçti.'

make phone calls each time, and postpone the conversation with other people to fifteen days later.

> I cannot decide which one to call every 15 days, because they get offended. I have not been able to not hurt them yet. It's all a cruelty altogether, a torture...[109] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

The sister of an aggravated life prisoner told about their strategy to share the phone calls within the family. She said that they are organized within the family and decide each time, who is going to talk this time. Others do not answer the phone calls from prison.

2.3.3. Reaching Outside through Letters

The letters are crucially important for prisoners in their communication with outside world. However, for aggravated life prisoners, it is the only tool they have to communicate with their relatives and friends who are not allowed to visit them or make phone calls.

> My uncle has got kids; they write me letters, I am grateful. My friends used to write, too, but as I stayed longer here we've stayed apart for a long time and they have slowly forgotten to write, of course. They are struggling with their own survival outside, I don't blame them. Everyone is going through their own problems. People who aren't in this situation cannot understand us; there are exceptions though. I don't get sad much about my close friends not writing to me. Many things have changed in the past 10 years. They have gotten married and had children. They're going about their own life struggles. I've been exchanging letters with some other prisoners that I have met around here.[110] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

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[109] 'Telefon 15 günde bir, kimi arayacağıma karar veremiyorum çünkü gönül koyuyorlar. Kırmamayı daha başaramadım. Başlı başına zulüm, işkence…' From the letter sent to my name on 2017.12.12.

[110] 'Dayımın çocukları var onlar mektup yazıyorlar arada sırada sağ olsunlar. Arkadaşlar da yazıyordu ilk zamanlar burada kalış süresi uzayınca gözden uzak kalınca onlar da yavaş yavaş

Besides, aggravated life prisoners' only means to relate to art, literature, and culture is also via letters through which they can also get books, magazines, and other materials from their families and friends. However, within the period of state of emergency in Turkey, several prisons prohibited them to receive books and other materials via letters.

> It was decided that the purchase of books will be made by the administration. You write to the outer canteen and they bring the book you want for the book's price. Now that is the procedure, but I don't know what happens after that.[111] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

Mail and letters are also the only means for prisoners to share their literary works and artistic products with people who are outside of prison. However, within the period of the state of emergency, I observed that especially the letters of political aggravated life prisoners in which they wanted to send their writings to outside were restricted both legally and illegally by prison authorities.

> I draw comics and sent them outside through the post. I had a trial 2 years ago. The execution judge had asked that my comics be sent outside in accordance with the rulings of ECHR [European Court of Human Rights] and the constitutional court, but the prosecution office confiscated them and they brought an action. I was acquitted but the release of my comics to the outside world delayed for 1,5 years.[112] (Can, 47 years old, in prison for 22 years, in the cell for 7 years, political prisoner)

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unuttular tabii ki onlar d a dışarıda hayat mücadelesi veriyor onlara da kızamıyorum. Herkesin kendine göre derdi tasası var. Buralara düşmeyen bizi anlayamaz istisnalar hariç fazla da üzülmüyorum yakın dostlarımın yazmamasını 10 yılda çok şey değişti dışarıda evlendiler çocuk sahibi oldular. Onlar da kendi hayatını düşünüyor. Cezaevlerinde bazı arkadaşlarla mektuplaşıyoruz buralarda tanıştığımız.' From the letter sent to my name on 2018.03.22.

[111] 'Dışarıdan kitap alımının idare tarafından yapılmasına karar verildi dış kantine yazıyorsun dış kantin istediğin kitabı ücret karşılığında getiriyor şimdilik böyle ama daha sonra ne olur bilemiyorum.' From the letter sent to my name on 2019.02.07.

[112]'Ben karikatür çiziyorum ve postayla dışarıya yolluyorum. 2 yıl önce bir mahkeme durumu oldu. İnfaz Hakimliği; AİHM ve AYM kararları doğrultusunda karikatürlerimin yollanmasını istemişti ama ayrıca savcılık el koyup dava açtılar. Beraat ettim ama karikatürlerimin dışarı çıkması 1,5 yıl engellenmiş oldu.' From the letter sent to my name on 2018.12.06.

Letters are also the only means for prisoners to communicate with the media and non-governmental organizations. However, many prisoners stated that these letters were found objectionable by the authorities and did not reach outside.

> It is so hard to reach you. I have written 3 letters to you, but the institution found it objectionable and it didn't go through. The writing and the words must have been too much but what I wrote had been taken from books that I had read before. (...) I wrote about the problems we have, I am not able to write much about them here in this letter because I'm afraid it won't go through. I cannot talk much about the details but I'm hoping you will understand me.[113] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

2. 4. STATUSES THAT ESTABLISH SIMILAR AND DIFFERENT EXPERIENCES

The state of aggravated life imprisonment is an obstacle for prisoner who get this sentence, to benefit from their fundamental human rights. The Law on execution that determines the life of the aggravated life prisoners makes prison life different for each person. The conditions of these prisoners are differentiated depending on the location and the architecture of the prison they are held in, the number of visitors they have, the socio-economic condition of their families, the solidarity networks they have, among many other parameters.

The age, economic status, gender identity and sexual orientation, nationality, health status, and physical characteristics of prisoners are also differentiate the experiences of solitary confinement. For instance, Leman, who is

[113] 'Sana ulaşmak şu anda öyle zor ki. 3 adet mektup yazdım sana, ancak kurum tarafından sakıncalı bulunduğu için çıkış yapılmadı. Herhalde kalem ve düşünceler fazla ağır oldu ama yazdıklarım daha önce okumuş olduğum kitaplardan alıntıydı. (…) Yaşadığımız sıkıntıları yazdım, bu mektubumda fazla detayları yazamıyorum çünkü çıkış yapma sıkıntısı yaşıyorum. Bu mektubumda fazla detaylara giremiyorum beni anladığını umuyorum.' From the letter sent to my name on 2018.05.15.

a foreigner and aggravated life prisoner, is not able to be visited since her family lives in another country. Thus, she may experience solitary confinement more intensely than other prisoners. Another differentiating experience is Ferit's sharing a prison cell with another aggravated life prisoner since he needs help to fulfill daily needs due to his physical disability. Besides, the practices of prison administrations in which prisoners are held and the changes in the country's economic, political, and social agenda also directly affect the living conditions of prisoners.

Aggravated life prisoners, with whom I have corresponded, stated that their professions, careers, and therefore their relations with their occupations have been lost. Moreover, some of them have lost their roles in their families, and some said their family ties have been lost entirely. As a result of the execution regime's minimum sentence of 30 years, aggravated life prisoners are distancing themselves from the elements that constitute their identities, such as their occupational status, social environment and their position and roles in the family.

> Life in prison is a whole different world. You know that there's a life outside but it's not there. I've been in prison for 7 years but I feel as if I hadn't been a civil servant for 20 years. I have a wife and children but I don't know if we'd ever been together. After a while you cannot dream, you are dissolved into lies in a fake world.[114] (Fatih, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)
>
> One thing I also realized is that nobody asks anyone what they used to do outside for a living. I asked once but I didn't get a pleasant reaction. So I never ask anyone about it anymore. The relationships among the prisoners remain good if you're a good listener.[115] (Ferit, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)

The letter above from Ferit, enabled me to realize that aggravated life prisoners rarely mentioned their occupations before imprisonment. It seems that

[114] 'Hapishanedeki hayat ise apayrı bir dünya burası dışarısı var biliyorsun ama yok. Ben 7 yıldır cezaevindeyim sanki burada doğmuşum hiç 20 yıl memurluk yapmamışım, eşim var çocuklarım var bir zamanlar onlarla beraber miydik, bir zaman sonra hayal kuramıyorsun, yalan bir dünyanın içinde yalana karışıyorsun.' From the letter sent to my name on 2018.09.14.

[115] 'Bir de şunu öğrendim, gördüm kimse kimseye dışarıda iken sen ne iş yapıyorsun diye sormuyor, ben bir kaç kez sordum hoş karşılanmadım. Daha kimseye sormuyorum. Yani mahpuslarla ilişkiler iyi dinleyici olursan iyi.' From the letter sent to my name on 2018.09.14.

the state of being an aggravated life is overwriting their former statuses before imprisonment and solitary confinement. This bring to mind Turner's *liminal people*, whose attributes are necessarily ambiguous, since this condition and these persons elude or slip through the network of classifications that normally locate states and positions in cultural space. (1991, 95) According to Turner, *"Liminal entities are neither here nor there; they are betwixt and between the positions assigned and given by law, custom, convention, and ceremonial."* (1991, 95) It seems so far that aggravated life sentence brings out a threshold position for the people, who are sentenced to 30 years of solitary confinement, and who are sentenced to solitary confinement until death. They frequently noted that they are not the same person anymore as they were before imprisonment, and also before solitary confinement.

The fact that many people are not married and have children or that their marriage ends within this period can also make it impossible to meet children and spouses that the law has approved for visitation. Thus, the ones who are not married, have parents or children cannot exercise their right to be visited.

> I've been doing my time for 16 years in prisons far away from my family. I haven't seen my wife in all this time. My wife cannot travel far because of her health condition. And besides we are not in a civil marriage, so we're having a lot of problems because of that, too.[116] (Bilal, 50 years old, in prison for 17 years, in the cell for 10 years, non-political prisoner)

The state of aggravated life is an obstacle to exercise political and social rights, whereas it is not an obstacle to exercise civil rights. Although aggravated life prisoners are deprived of many things, they can get married in prisons, can have meetings with their spouses in what is called a "pink room", and may have kids. However, I noticed that this practice affects the living conditions of women, who are sentenced to aggravated life. Women in prison are in a less advantaged position comparing to men in the sense of livelihood. In addition, the non-political

[116] 'Ben yaklaşık 16 yıldır ailemden uzak cezaevlerinde cezamı infaz etmekteyim. Bu süre içerisinde eşimle hiç görüşemedim. Eşim rahatsızlığından dolayı uzun yolculuk yapamıyor, ayrıca resmi nikâhımız olmadığı için de birçok sıkıntı yaşamaktayız.' From the letter sent to my name on 2018.04.03.

women with whom I corresponded, implied in their letters that they had to get married or to have a romantic relationship with men in order to survive in prisons.

Another aggravated life prisoner, who does not have a family or friend outside of prison, was able to have a disability pension in order to survive in cells as an outcast. He describes his situation as such: *"I have been thrown into the trash bin"*[117] (Necati, 57 years old, in prison for 7 years, non-political prisoner)

2. 5. EXPECTATIONS AND HOPES OF AGGRAVATED LIFE PRISONERS

While to be sentenced to aggravated life imprisonment means death in prison for political prisoners, for the non-political prisoners, it creates a fear since the sentence lasts at least 30 years.

> I sometimes think about life after prison but it's not very pleasant. I wouldn't want to depress you either, but I will be released from here in 2044 so I will be 59 years old. I don't know what can be done after that age. God Almighty knows if I will live to see it. But if justice is served and I am released at a young age, most probably I will do what I want most and will marry someone who would take me to the future, someone who would give me back my lost 10 years, and have children. I want to have my own family. What worries me most is to be left alone in this life. I hope God Almighty won't test me or anyone through loneliness. (...) It's better for me to think about what I will do outside once I'm released. I really don't know what I will do... [118] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

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[117] 'Çöp sepetine atılmış durumdayım.' From the letter sent to my name on 2018.01.01.

[118] 'Cezaevi sonrasını bazen düşünüyorum hiç iç açıcı değil senin de içini karartmak istemem ama benim buradan çıkışım 2044 yani 59 yaşında bu yaştan sonra neler yapılır bir fikrim yok o yaştan sonra burada kalsam benim için daha iyi olur diye düşünüyorum. 59 yaşına kadar yaşar mıyım onu da Allah cc bilir ama adalet yerini bulursa ben de genç yaşta çıkarsam büyük ihtimalle hayatta çok istediğim beni ileriye taşıyacak yani 10 yıl kaybımı ileriye taşıyabilecek biriyle evlenip çocuk sahibi olmak olur kendi ailemin olmasını istiyorum. Hayatta en tedirgin olduğum hayatta yalnız kalmak. Allah cc kimseyi ve beni yalnızlıkla sınamasın. (…) Dışarıda ne yapacağımıza artık çıktıktan sonra düşünsem daha iyi olur ben de ne yapacağımı tam bilmiyorum...' From the letter sent to my name on 2018.05.04.

During the time I worked at CISST, the judicial reform agenda of Turkey allowed me to observe a process in which the expectations and hopes of prisoners were reshaped.

> I'm guessing if the judicial reform had been put into execution, our condition would have changed a bit. I hope some sort of change will happen with solitary confinement conditions. The Minister of Justice said that they would modernize the penitentiary system. If they were to put it into practice, we think they won't be enforcing new penalties within penalties![119] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

As a result of living isolated from others, in cells for long periods of times some of the aggravated life prisoners explained that their past and future imaginations have lost clarity.

> I was first put into prison when I was 27 years old. According to the law on sentencing, I will do time for 30 years and be released when I'm 57 years old. This is my first time in prison. They gave me an aggravated life sentence. It was in 2006. I've been in prison for 14 years now. I had dreams just like everyone else. A good life, a good future. To find a good wife, have kids, and start a family. Am I going to be able to do to all this under these conditions? Will my health let me? Will I be able to realize my dreams? No, I won't, my hopes are fading away. Our state treats us like we are the plague. The conditions are all out in the open. The practices and their outlook are clear; penalty implementation is all very obvious... If anything, they don't intend to let you out of prison. For 30 years. If that's the case, why are these conditions implemented so heavily? After a while no one will be coming to visit me either. My parents won't make it. Then how will I be able to go on living without working in the institution, without having the opportunity to work, without doing such stuff like beadwork? How will I be able to afford my basic needs? Do dear Minister and the other authorities know anything about this? Are they even aware of it? The answer is no. As long as this perception, this outlook and mentality remain, nothing will get better.[120] (CISST 2020)

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[119] 'Yargı reformu meclise gelseydi belki bizim durumumuzda da bir değişiklik olurdu diye tahmin ediyoruz. Cezaevinde tecrit uygulama konusunda değişiklik olur inşallah Adalet Bakanının açıklamalarında çağdaş infaz sistemini getireceğiz diyor eğer uygulamaya sokarlarsa ceza içinde ceza yatırmazlar diye düşünüyoruz.' From the letter sent to my name on 2019.07.19.

[120] 'Ben 27 yaşında cezaevine girdim. İnfaz yasasına göre 30 yıl yatıp 57 yaşında cezaevinden tahliye olacağım. Adli bir hükümlü olarak ilk kez cezaevine girmiş birisiyim. Ağırlaştırılmış

CHAPTER III

EXPERIENCES OF AGGRAVATED LIFE PRISONERS IN THE PROCESS OF ACCESS TO HUMAN RIGHTS AND PUBLIC SERVICES

Prisons are places that can easily be related to issues of human rights. It is a widespread view that the level of access to the rights of those who have been incarcerated reveals a society's stance on human rights. Despite the fact that the rights of prisoners are clearly protected by the principal international human rights documents, the cruelty of imprisonment is tolerated because prisons, by their nature, are out of sight; and because prisoners, by definition are outcasts. (Human Rights Watch, 1993) When we look at Turkey, though we can say that prisons become a part of the human rights debate from time to time because of the violations that take place in prisons. That it is not to say that the wider society is concerned with the issues of the prison from a human rights-based perspective. Dirk van Zyl Smit and Catherine Appleton in their global human rights analysis on life imprisonment states that,

> …[L]ife sentenced prisoners are sometimes, though not invariably, subjected to regimes that are so restrictive and retributive that they are inherently painful, inhuman and degrading, often falling far below international human rights standards, and leaving individuals unprepared for release and for life after release. (Van Zyl Smit and Appleton 2019, 169,170)

müebbet hapis cezası aldım. 2006 yılında. 14 yıldır cezaevindeyim. Herkes gibi benim de hayalim vardı. İyi bir yaşam, iyi bir gelecek. İyi bir eş bulup, evlenip, çocuk sahibi olmak. Aile kurmaktı. Ben 57 yaşında bu koşullarda sağlığım elverebilecek ve hayallerimi gerçekleştirebilecek miyim? Hayır, umutlarım tükeniyor. Çünkü devletimiz bize vebalı muamelesi yapıyor. Şartlar ve koşullar ortada. Uygulamaları ve bakışı, ceza rejimi ortada… Hiç değilse cezaevlerinden çıkarmaya niyetleri yok. 30 yıl boyunca. O zaman bu koşullar, şartlar niye ağır uygulanıyor? Bir süreden sonra yanıma gelende olmayacak. Anne baba hayatta kalmaz. O zaman ben geçimimi, ihtiyaçlarımı, kurumda çalışmadan, çalışma imkânı tanımadan, el becerisi gibi işleri yaptırmadan ben ihtiyaçlarımı nasıl karşılayacağım? Sayın bakan ve yetkililer bunları biliyor mu? Farkındalar mı? Cevap hayır. Bu anlayış, bu görüş, bu kafa olduğu sürece düzeleceği yok.'

Solitary confinement is a form of imprisonment, typically referred to as "segregation", which is regulated by some international human rights documents. According to these documents, any form of isolation should be used only in very exceptional circumstances, not for prolonged periods, and with appropriate procedural safeguards. Yet, these documents are not legally binding, and only set out general standards and principles.[121]

The implementation of aggravated life sentences contradicts the standards set for solitary confinement and violates or limits the fundamental rights and freedoms of these prisoners. Aggravated life sentence and the regime of implementation in direct violation of the prohibition of torture since there is no possibility of release for political prisoners and there is severe isolation for both political and non-political prisoners. Besides, aggravated life sentence violates the rights which are set by the European Convention on Human Rights (ECHR), such as: to have communication, to protect the family, to work, to access to health, to education. (Council of Europe, 2010)

The European Court of Human Rights (ECtHR) ruled that Turkey has violated the right to life three times in 2014 for the Öcalan case and in 2015 for the Gurban and Kaytan cases, concerning aggravated life prisoners. In these cases, the ECtHR has established that imprisonment without the hope of release, namely 'life without parole' is a violation of Article 3, *"freedom from torture and inhuman or degrading treatment",* of the ECHR. Moreover, the Committee for Prevention of Torture (CPT) stressed in the report of 2016 on its visit to Imralı Prison, where PKK leader Abdullah Öcalan has been incarcerated that:

> [T]he detention regime of prisoners sentenced to aggravated life imprisonment, which comprises draconian restrictions and a prohibition of contacts with other (life sentenced) prisoners, is fundamentally flawed and should be revised not only at Imralı Prison, but in the prison system as a whole. (CPT 2018, 6)

[121] Please see, *interalia*, the UN Basic Principles for the Treatment of Prisoners, the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the UN Rules for the Protection of Juveniles Deprived of Their Liberty, the Bangkok Rules for the Treatment of Women Prisoners.

In this report, CPT declared that the delegation gained a favorable impression of the health care services at Imralı, and they received no allegations of ill-treatment of prisoners by prison officers. (Council of Europe 2018, 4) However, according to the information provided by Civil Society in the Penal System Association (CISST), the complaints of aggravated life prisoners about problems of prison conditions and rights violations increased within years. In these complaints, the allegations of aggravated life prisoners are clustered in the issues of transfer to other prisons, violation of rights due to solitary confinement, and the implementation of prison administrations such as the searches in the rooms and strip searches, using military methods for roll call and the uniform haircut. In addition, aggravated life prisoners also complained about access to health, access to information and communication[122], as well as ill-treatment, arbitrary disciplinary practices, and violation of the rights of visitors.

The aggravated life sentence brings out multidimensional human rights violations, problems, and difficulties in aggravated life prisoners' lives according to their own opinions those of their families, friends and relatives, lawyers, human rights defenders, and reports of international institutions. The prevailing view is that the difficulties of this sentence damage the prisoner's body, identity, and psychology, and these harms also extend to the lives of prisoner's families, relatives, and friends.

Besides solitary confinement, living conditions of aggravated life prisoners are also differentiated from the other prisoners in the process of access to the fundamental human rights and public services. So that, dealing with the living conditions of aggravated life prisoners necessitates dealing with their experiences in the process of access to human rights and public services. Therefore, I find it

[122] CISST published a report about the issues related to freedom of speech of prisoners and stressed the increasing restrictions on freedom of speech which includes the issues of right to information and communication. "Since 2017, the restrictions on prisoners' rights have been increased due to new laws that have entered into force and the implementation of articles that had not been implemented previously in order to restrict prisoners' rights and partial freedom, while the scope of prohibitory practices without legal basis has also been expanded. The prison system has been adversely affected by this process, which has led to serious deprivation of freedom of speech within prisons. During 2018, these restrictions have steadily increased." (Korkut and Demirbaş 2019, 5)

essential to look at the mechanisms these prisoners encounter in the process of access to fundamental human rights and public services. Looking at these mechanisms will provide us with a better understanding of the issues, shared experiences of aggravated life prisoners, and will also give us insights into the ways their experiences differ from each other. However, within the scope of this study, it is not possible to express the various ways and situations that create exceptions, so I will deal with these mechanisms via issues that are prominent in the letters of aggravated life prisoners.

Experiences of aggravated life prisoners in the process of access to fundamental human rights and public services are similar in the case of issues of access to justice, access to health care, and access to social services, and social aid. In this chapter, I will present these shared experiences, and discuss two of the most crucial issues that cause problems of access. These issues are disciplinary mechanisms and the broad discretionary power of the prison administrations. In every section, I will also look at the ways the experiences of aggravated life prisoners differ from each other as well, if necessary, in order to present a more comprehensive picture of the human rights conditions of aggravated life prisoners. In the last section of this chapter, I will also deal with the consequences of the aggravated life status for families, relatives, and friends since this status also limits their rights and seriously affect their lives. In addition, I will mention the role of the families in the process of access to human rights since the aggravated life prisoners' experiences are dependent upon the conditions of their families. In order to make sense of the experiences of both families and prisoners, I will look at the livelihood strategies of the families of aggravated life prisoners and their experiences of encountering the state via issues related to the mechanism of "transfers" of prisoners.

In this chapter, in addition to the letters, my analysis will rely on my personal observations at CISST. A part of my duty when I was working at CISST consisted of mediating between prisoners and prison authorities. I was transmitting the prison authorities the prisoners' complaints about the difficulties

of accessing fundamental human rights and social services. Between 2017 and 2020, I made 229 applications to the relevant state institutions and monitoring bodies in order to support aggravated life prisoners in their process of access to human rights. In this chapter, besides these documents, I will take into consideration legal documents, such as laws and bylaws concerning the execution of sentences, court decisions, and reports of national and international human rights institutions.

3.1. ACCESS TO JUSTICE

In this section, I will be dwelling on the experiences of aggravated life prisoners in the process of access to justice. I will base my analysis on four mechanisms they use for that purpose: (1) re-trial in their cases; (2) legal applications; (3) administrative applications; and (4) applications to the monitoring bodies. By doing so, I will present the mechanisms they encounter to attain their rights as prisoners and the similarity and differences of experiences in these encounters.

3.1.1. A Shared Complaint: Un/fair Trial

A significant number of non-political aggravated life prisoners wrote in their letters that they did not *"deserve this punishment"* since it is *"too severe"* as a punishment for the crime they committed, and that they did not believe that their trials were fair. Some of the non-political aggravated life prisoners shared their experiences and views about the issue of unfair trials to describe the severity of this sentence. Cemil, who was released after his struggle to have a retrial,

described it as *"I was given the same sentence as the people who committed massacres."*[123]

> I asked for my file to be reopened and myself to be put on a new trial. The court won't explain why I got sentenced in its detailed ruling. (...) I'm objecting to the unlawful decisions of the ruling. I'm trying everything. I'm doing time without being guilty.[124] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

Non-political prisoners stated in their letters the reasons for their inability to access justice as their ignorance, lack of support, money and legal aid, and their inability to defend themselves in court. A significant number of political prisoners, however, stated that they did not have a fair trial, they were tortured in detention, and they did not defend themselves in the court since they thought it was useless.

> I got detained in 199* (...). Even though the detention period was 12 days back then, from the day I got caught, I was detained for 18 days with intense torture and then got arrested for supposedly being a member of the PKK. (...) As a result of being a Kurd, a revolutionary and most importantly a member of the PKK, and also due to the fact that there had been so many trials which had been undertaken unlawfully in a systematic way, finally after some so called rulings I was facing the death penalty in 200*.[125] (Necmi, 45 years old, in prison for 25 years, in the cell for 15 years, political prisoner)

Most of the political aggravated life prisoners often mentioned their belief that they have been prosecuted not for justice but also for revenge, and the

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[123] 'Katliam yapanla aynı cezayı almışım.' From the interview on 2018.06.06 with Cemil, who released from the prison after 7 years through retrial.

[124] 'Ben dosyamın yeniden açılıp yargılanmak istiyorum böyle bir talepte bulunuyorum mahkemelere. Benim niye ceza aldığımı mahkeme gerekçeli kararında açıklamıyor. (…) Ben gerekçedeki hukuka aykırı hallere itiraz yapıyorum. Her şeyi deniyorum. Suçsuz yere yatıyorum.' From the letter to my name on 2018.10.05.

[125] '199*'te (…) yakalandım. Normalde o zaman 12 gün olan göz altı süresine rağmen, yakalandığım tarihten itibaren 18 gün yoğun işkencelerle geçen bir düre göz altında tutulduktan sonra PKK üyesi olma iddiasıyla tutuklandım. (…) Bir Kürt, bir devrimci ve en önemlisi de PKK'li olmak nasıl bir hukuksuzlukla karşılanacağını gösteren davalar sistematik bir biçimde uygulanması sonucu göstermelik yargılamalarla kendim de 200* yılında idam cezası ile karşılaştım.' From the letter to CISST on 2015.07.26.

revenge of the state is also seen as a factor that determines their living conditions in prisons.[126]

> The system that is called the execution regime in prisons in Turkey, which demonstrates the essence of what the state is about, is based on a hostile approach in law both in its mentality and in its execution. (...) Aggravated life sentence and the execution regime are the two things through which this law of hostility is clearly and explicitly manifested.[127] (Necmi, 45 years old, in prison for 25 years, in the cell for 15 years, political prisoner)

> In Turkey's prisons they are not satisfied with the sentence that is legally given. The prisons are designed based on taking revenge. The main approach is to take hold of one's willpower and get them to obey. In my personal case, they've always worked to put me inside a dungeon within the dungeon for the past 12 years.[128] (Kadir, 52 years old, in prison for 17 years, political prisoner)

Some of the non-political aggravated life prisoners share the belief that the state is taking revenge for their criminal acts.

> They've planned it in such a way as to keep you in a cell for 30-36 years. The yard time is one hour. People may have been murderers, done merciless things, I get it; but who are you? The state. I don't even want to call it the state. I'm sure you know what I mean. The people who run the country say themselves that the jurisdiction cannot be trusted. On top of that they take revenge on people here. Your job is to correct and reeducate. But they punish people within their own punishment. If people commit a crime, you'll give them time, and that's it. But 10 or 100...[129] (Şafak, 35

[126] After the failed coup in Turkey in 2016, 8 officer escaped to Greece. Afterwards Turkey requested the extradition of these people claiming that they were involved in the coup. However Supreme Court of Greece said that these officers would not receive a fair trial in Turkey and that protection of human rights had priority. (Keep Talking Greece 2017)

[127] 'Türkiye'de devletin niteliğini gösteren cezaevlerinde infaz rejimi denilen sistem zihniyet, uygulama yönleriyle gerçek anlamda düşmanlık hukuku anlayışıyla şekillenmektedir. (…) Devletin bu düşmanlık hukukunu en açık ve net biçimde anlaşılır kılan ağırlaştırılmış müebbet hükmü ve infaz rejimi olmaktadır.' From the letter to CISST on 2015.07.26.

[128] 'Türkiye'de cezaevlerinde hukuki olarak verilen ceza ile yetinmeme var. Cezaevleri bir intikam alma esaslarına göre kurgulanmış. İnsanın iradesini teslim alma, itaat ettirme temel yaklaşım. Şahsıma yönelik cezaevinde 12 yıl boyunca cezanın ötesinde zindan içinde zindan yaşatma tutumu sergilendi.' From the letter to CISST on 2015.07.26.

[129] 'İnsanları 30-36 yıl hücrede yatırmayı planlamışlar bahçesi bir saat insanlar belki katil olmuş merhametsizlik etmişler tamam da sen kimsin koskoca devlet devlet de demek istemiyorum sen anlamışsındır ülkeyi yönetenler kendileri yargıya güvenin olmadığını söylüyorlar bir de burda insanlardan intikam alıyorlar senin işin ıslah etmek ama insanlara ceza içinde ceza yatırıyorlar insanlar suç işlediyse belli bir süre koyarsın olur biter ama 10 ama 100…' From the letter to my name on 2017.11.14.

years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

When we look at the narratives of the aggravated life prisoners, we see that the sentence can be the same punishment for non-violent acts, acts of severe human rights violations, and violent acts for self-defense. Becker describes in *Outsiders: Studies in the Sociology of Deviance* that the questions of what rules are to be enforced, what behavior is regarded as deviant, and which people labeled as outsiders must also be regarded as political. (1963, 7) For instance, a significant number of women, who are sentenced to aggravated life imprisonment, mentioned their acts of crime in their letters as killing their husbands in order not to be killed by them. However, I also witnessed a number of men who murdered their wives but were not sentenced to aggravated life imprisonment due to a "good behavior" by the court. To me, it seems an issue of patriarchy that results in the incarceration of women with an aggravated life sentence, which is also political, and reflecting the idea of Becker.

However, in recent years, feminist activism on this issue raised public awareness, and the tendency to reduce the sentences of men who killed their wives has decreased. Besides, the tendency to reduce the sentences of women who killed their abusive husbands has increased. So it is possible to say that based on Becker, be labeling people as outsiders is political and also such politics may change over time. We can also clearly see the same when we look at the increase in the number of people who are sentenced to aggravated life imprisonment. Although the state has not shares these statistics since February 2014, it is possible to infer that through a review of the news about the aggravated life sentences. This issue of politicization of punishment has been protested by the prisoners within the last few years.

During the last three years, three prisoners who were sentenced to aggravated life imprisonment started a hunger strike in order to protest the unfair trial they experienced and demanded fair trials. Şerif Mesutoğlu continued the hunger strike for over 200 days (Bölükbaş 2020), Murat Canım for over hundred

days (Yeni Demokrasi Gazetesi 2020), and Mustafa Koçak lost his life on the 297th day of his hunger strike. (Evrensel 2020) All three were sentenced to life imprisonment without the possibility of parole and were claiming that the trials were political and not juridical. Murat Canım's lawyer Ercan Kanar made a statement to a newspaper stating that *"They first decide on the sentence then go to trial as a formality. This is a legal scandal. It was the exact same thing in the inquisition."* (Gazete Karınca 2019)

When I was working at CISST, I received a lot of letters in which non-political aggravated life prisoners asked for legal support in order to retry their cases. As I observed, to be able to hire a lawyer was very rare most of the time due to economic reasons among non-political aggravated life prisoners who applied to CISST.

> Do I have the chance to get any legal assistance through the bar or an association or some institution? Since I've been in prison for a long time, I'm not in a position to afford to hire a lawyer. If there's an institution that could help and you could write to me about them, I'd appreciate it.[130] (Bahri, in prison for 15 years, non-political aggravated life prisoner)

However, since most of the prisoners mainly need a lawyer to follow their cases, which is a need CISST cannot fulfill due to its limited capacity, some of the prisoners stopped writing to me. An aggravated life prisoner told her story of studying law, in order to make the applications for retrial, and follow the cases and other applications without the help of lawyers.

> During the time I spent in prison, first of all I started to study law and justice through distance education in order to meet my own legal needs. I haven't been able to register for the past two years because of the registration fees, but if I had had, in the past, one quarter of the information that I've received from my courses so far, I wouldn't have

[130] 'Barodan veya bir dernek veya kuruluştan herhangi bir şekilde avukat yardımı alma şansım var mı? Ben uzun yıllardır cezaevinde olduğum için maddi olarak yeni bir avukat tutabilecek durumda değilim bu konuda yardım edebilecek bir kuruluş varsa yazarsanız sevinirim.' From the letter to my name on 2018.01.30.

> committed these crimes.[131] (Bahri, in prison for 15 years, non-political aggravated life prisoner)

I met some aggravated life prisoners, whose families have the resources to hire a lawyer, but most of them shared their dissatisfaction with their lawyers' attention on the cases. Şafak's brother explains his *"dissappointment"* from the lawyer of his brother as such:

> What we have suffered most is because of the lawyer. He didn't reveal the irregularities in the file. The deadlines for objections have passed, and now we are struggling for retrial. If the lawyer did his job, he wouldn't have received this sentence from the beginning. He took our last money and got lost. Damn him![132]

The only exception I witnessed was a non-political prisoner, who applied to CISST to contact his lawyer, who was obtained via the state legal aid mechanism.[133] He was released by the court after staying in cells for years as an aggravated life prisoner, and visited me at the office of CISST to thank me for connecting him to his lawyer. It is worth mentioning that what I did was only to reach his lawyer by phone and inform him about Cemil's new address.

My overall view on the issue of prisoners' struggle for retrial is that although the reasons may change, this is a central issue in their lives. Şafak described it this way, *"I am not giving up my struggle for retrial."*[134] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

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[131] 'Cezaevinde geçirdiğim süreçte öncelikle kendi adli ihtiyaçlarımı karşılayabilmek için açıköğretimde Adalet bölümünü okumaya başladım. İki yıldır kayıt ücretleri sebebiyle kayıt yaptıramasam da şu ana kadar okuduğum derslerin verdiği bilginin çeyreği geçmişte bende olsaydı bu suçları işlemezdim.' From the letter to my name on 2017.08.02.

[132] 'Ne çektiysek en çok avukattan çektik. Dosyadaki usulsüzlükleri ortaya çıkarmadı. İtiraz süreleri geçti. Şimdi yeniden yargılamaya uğraşıyoruz. [sic] Avukat işini yapsaydı baştan bu cezayı almayabilirdi. En son paramızı alıp kayıplara karıştı. Allah onun belasını versin.' From the interview with Şafak's brother.

[133] According to the bylaw of legal aid, the aim of legal aid is to benefit from the services of those who are unable to afford the legal fees and trial expenses in order to overcome the obstacles to the right to seek rights and to ensure equality in the exercise of the right of freedom of claim.

[134] 'Yeniden yargılanma mücadelemi bırakmıyorum.' From the letter to my name on 2017.09.27.

3.1.2. Access to Justice through Legal Application

After the imprisonment, the first requirement of access to justice is being literate since prisoners can demand their rights, and make their complaints by submitting written petitions to the relevant institutions. As I observed during my work at CISST, if prisoners are not literate, they face multidimensional access problems, since there is no mechanism specifically determined for the demands of illiterate prisoners. Besides, if prisoners are solitary confinement, it is not always possible for them to get help from other prisoners to write their petitions and read the answers given to those petitions.

The complaints about human rights violations and the demands that are related to any part of the execution of sentences are supposed to be brought to the Judgeship of Execution first. If prisoners want to register an objection to the decision of the Judgeship of Execution, they have the right to appeal to a criminal court. The next legal remedy that prisoners can carry their complaints to is the individual application mechanism before the Constitutional Court, which is the last domestic resort. As I observed during my work at CISST, prisoners rarely apply to the European Court of Human Rights (ECtHR) following the decisions of the Constitutional Court.

The Law of Judgeship of Execution determines the main duties of the Judgeship of Execution as:

> To examine and conclude complaints regarding convicts and detainees such as admission, placement, sheltering, heating and dressing, feeding, cleaning, ensuring their physical and mental health, having their examinations and treatments, their relations with the outside, their employment.
>
> Execution of sentence of convicts, being subjected to observation, separation to open prisons, permits, referrals, transfers and release; to examine and resolve complaints regarding transactions or activities such as referrals and release of detainees.

> To examine and decide on disciplinary measures and disciplinary penalties imposed on convicts and detainees for alleged violations of the law or other legislative provisions.

However, it is emphasized in the report of CISST on the freedom of speech that:

> [P]risoners have also reported that they exercise self-censorship and abstain from expressing their problems freely in letters or applications to various authorities, in order for their letters not to be confiscated and to reach their destination. (Demirbaş and Korkut 2019, 50)

Although the problem of communication is shared by other prisoners as well, it is possible to infer that aggravated life prisoners are more affected by the consequences of these problems since they are held in solitary confinement. Besides, most of the aggravated life prisoners shared their perceptions that, if they openly described the problems they have in their letters, the letters would not reach their address. Some of the non-political aggravated life prisoners stated in their letters that even if they are able to reach the Judgeship of Execution, they have to be concerned about retaliation for their actions.

Although political prisoners see making legal applications as a responsibility for detecting violations of human rights, they shared their unwillingness to make these applications. They stated in their letters the reasons for not applying to the Judgeship of Execution as their mistrust and disbelief in this mechanism. They frequently described their thought on this issue through the phrase "the devil looks after his own".[135]

> Have I appealed anywhere regarding the practices here? Never. There are several reasons for it. First, I don't have the predisposition to legal matters! (...) The second is that we don't believe that we could get any results by pushing things within this legal framework. I've been inside for 7.5 years and I haven't been in any legal process that has resulted in my favor! Oh there's been one, I have to hand it to them. I'll even share it because it's a story that makes you smile. As you know we're always put in some investigation for singing, hunger strikes or for anything really. In such

[135] 'Minareyi çalan kılıfını hazırlar'

> cases, the procedure is the following: The administration opens an investigation, then the criminal sentence is sent from the disciplinary board, we object to the execution judge and defend ourselves (as if); the execution judge approves the administration's criminal sentence. Then we object once again by appealing to the criminal court, but it gets approved there without fail and we get sentenced. One time an investigation as such was in process. When we were at the stage of appealing to the criminal court, I addressed the court and said "You're just approving all the sentences as if it's some notary duty. You don't even bother to read the defenses. If you reject the sentences just once, I'll eat my hat". That was the only file that has ever been rejected. Now I owe a hat to that heavy penal judge who considered my objection. [136] (Demir, 43 years old, in prison for 11 years, in the cell for 5 years, political prisoner)

Within the three years that I maintained the correspondence activity for CISST, aggravated life prisoners wrote me to learn about their rights, what they should do when their rights are violated, and how to make legal applications. In this process, I witnessed that aggravated life prisoners frequently had difficulties in obtaining information about their rights as prisoners and as aggravated life prisoners. Besides, even if an investigation is initiated upon prisoners' complaints, it is hard for them to follow a case through mainly because of being a prisoner, but it is harder to do so as an aggravated life prisoner. Therefore, in many cases, as far as I observed, aggravated life prisoners do not carry their cases to the higher courts after the decisions of criminal courts.

[136] 'Uygulamalara ilişkin bir başvuru yaptım mı? Hiç yapmadım. Bunun birkaç nedeni var. Birincisi hukuki meselelere dair yatkınlığımın olmaması! (…) İkincisi, bu hukuki çerçeveyi zorlamakla sonuç alabileceğimize olan inançsızlıktır. 7,5 yıldır içerideyim, lehime sonuçlanan bir tane bile hukuki süreç yaşamadım! Bir tane istisna oldu tabi hakkını yemeyeyim. Gülümseten bir anı olduğu için de paylaşayım. Şarkı söylemekten, açlık grevinden vs her fırsatta soruşturmalık olduğumuz malum. Bu tür durumlarda prosedür şöyle işler: İdare soruşturma açar, ardından disiplin kurulunun ceza kararı gelir; biz infaz hakimliği'ne itiraz eder savunma yaparız (güya); infaz hakimliği idarenin cezasını onar, bu kez de Ağır Ceza'ya bu onamayı itiraz ederiz, ama illaki orada da onanır ve biz cezayı yeriz. Yine böyle işleyen bir soruşturma, ceza sürecinin Ağır Ceza'ya itirazı aşamasında mahkemeye hitaben dedim ki "Noter gibi onaylayıp duruyorsunuz bütün cezaları. Savunmalara bakma gereği bile hissetmiyorsunuz. Bir gün tersini yapıp cezaları bozsanız dişimi kıracağım" dedim. İşte bir tek o dosya bozuldu. Şimdi itirazımı dikkate alan ağır ceza hakimine bir diş borcum var.' From the letter sent to my name on 2017.09.27.

3.1.3. Access to Justice through Applications to Administrative Bodies

Prisoners have the right to apply to administrative institutions, such as the Ministry of Justice, the General Directorate of Prisons and Detention Houses, and the Human Rights Investigation Commission of the Grand National Assembly of Turkey to report human rights violations, to seek solutions to their problems, and to take legal actions against the persons responsible for the violations they were subjected to.

The concerns of aggravated life prisoners about making legal applications and their experiences as being *access-less* are also in valid when they apply to administrative institutions. For instance, a non-political aggravated life prisoner, who was transferred to a prison that is close to his family after struggling for years for that, told about his concerns on making an administrative application to be able to participate in social activities.

Within the period of the state of emergency in Turkey between 2016 and 2018, rights violations were largely on the issues relating to ill-treatment and freedom of speech. The prisoners applied to CISST in that period to deliver their applications to the administrative bodies since they experienced problems reaching outside of prison by letter and petitions to these institutions.

> We have been facing problems concerning our right to send and receive letters, a right which is also stated in the document you sent. For a long time, we have not been able to get any information about the letters we send or which are sent to us. Such practices that had started with the State of Emergency continue. Our right to send and receive letters, which is practically our only means of communication, has been prohibited. Sometimes, we can receive registered, express delivery letters etc. But even those we can only receive every few weeks, if we can get them at all. Normal letters, in practice, cannot be sent or received in any way. (Demirbaş and Korkut 2019, 51)

An aggravated life prisoner expressed the problems of reaching outside as such in his letter:

> You've asked about how we were doing. Well, we're breathing for now... We can appeal to the department of justice or the monitoring boards, but honestly, I don't write much because this telefax of mine will also be stopped. We are not able to track our petitions because we don't get their release numbers.[137] (Vedat, 31 years old, in prison for 11 years, in the cell for 6 years, non-political prisoner)

In consequence of these problems, aggravated life prisoners become helpless in reaching outside of the prison walls to speak about the rights violations. An aggravated life prisoner mentioned in his letter this situation that "*The ones who don't get visitors or money transferred in don't get their letters or petitions out either.*"[138] (Fırat, in prison for 12 years, non-political prisoner)

3.1.4. Access to Justice through Applications to Monitoring and Inspection Bodies

In 2015, the United Nations General Assembly unanimously adopted the Nelson Mandela Rules - a set of international minimum standards for the treatment of prisoners. (United Nations, 2015) New standards have been strengthened in many respects, such as the strict prohibition of torture and ill-treatment, conditions for cell imprisonment, and the provision of prison health care standards for prisoners. It is stated in these rules that authorities should thoroughly examine the isolation, separation, and solitary confinement regarding its frequency and length. It is also emphasized in the joint report of Penal Reform International and Association for Prevention of Torture on the issue of preventive

[137] 'Durumumuzu sormuştunuz, nefes alabiliyoruz şu an için… Adalet Bakanlığı ve İzleme Kurullarına başvurabilirsin. Doğrusu bu faksım da engellenecek diye pek yazamıyorum. Yazdığımız dilekçelerin çıkış No'larını alamadığımız için takibini yapamıyoruz.' From the letter sent to my name on 2017.06.08.

[138] 'Görüşçüsü olmayan, parası yatmayanın mektubu da çıkarılmıyor, dilekçesi de.' From the letter sent to my name on 2017.10.06.

monitoring that monitoring institutions should pay particular attention to prisoners in isolation. (Huber et al. 2015, 19)

It is evident that, especially when considering isolation and its destructive effects, it is necessary for monitoring and inspection institutions to pay special attention to prolonged isolation and solitary confinement, which is stated as a human rights violation that should be prohibited in the international human rights documents. However, when we look at the report of the *Human Rights and Equality Institution of Turkey* (HREI of Turkey), which is an inspection institution established within the scope of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT),[139] we see that issues of isolation and solitary confinement have not been dealt with in many prisons. Besides, HREI of Turkey was shut down after the attempted coup in 2016 and remained closed for months within the period of the state of emergency in Turkey. I also observed within the last three years while working at CISST that HREI of Turkey was not taking into consideration applications made by CISST, since the prisoners cannot apply there by themselves, which involve their allegations of rights violations,.

Prisoners also made applications to the City-based Prison Monitoring Boards (*İl ve İlçe Cezaevi İzleme Kurulları*) and the City-based Human Rights Boards (*İl ve İlçe İnsan Hakları Kurulları*). According to Law No. 4681 that was entered into force on 14 June 2001 about the City-based Prison Monitoring Boards, the main duties of the City-based Prison Monitoring Boards are scheduling visits to prisons to make on site examination, getting information from managers and officials, listening to prisoners about the procedures and activities regarding the execution and rehabilitation practices in prisons, and reporting to the relevant authorities to notify them about the problems they see on the issues related to health and living conditions, internal security, and transfer procedures.

[139] OPCAT is adopted on 18 December 2002 at thefifty-seventhsession of the General Assembly of the United Nations byresolution A/RES/57/199 entered into force on 22 June 2006.

According to the bylaw that regulates the duties of City-based Human Rights Boards[140], the duties of these boards are to examine and investigate allegations of human rights violations, as well as the obstacles to the protection and the use of human rights and liberties, and the social, political, legal, and administrative reasons leading to violations of rights. Besides, they are also responsible for making recommendations to the governor's office or district governorship. Besides, the City-based Human Rights Boards are also responsible for carrying out the necessary studies to prevent all kinds of discrimination.

These Boards have the potential to provide a remedy to aggravated life prisoners in the process of access to the fundamental human rights and public services since it is the only mechanism with which prisoners can have face to face relationships. However, although I witnessed some exceptions, in general, aggravated life prisoners stated in their letters that they are not satisfied by the City-based Human Rights Boards and the City-based Prison Monitoring Boards since they think the visits of these boards are procedural, the boards are not independent of the executive, and are not helpful in solving their problems.

> When I was in Tekirdağ, both the City-based Prison Monitoring Board and the City based Human Rights Board came to visit upon your requests, and I spoke to both groups. But they didn't seem to have a serious attitude. They took into consideration what the administration told them more than what I said. I left in the middle of the meeting because of their attitude anyway. They weren't independent nor non-biased institutions. Their actions were dependent on the governor's office. This alone shows that the meetings didn't have a serious tone. The report they wrote was far from reflecting the reality. When I was in Tekirdağ I wrote you two very long letters. But the administration there seized both of my letters like pirates, so all my communication channels with you were cut off in Tekirdağ. I'm hoping that this letter will reach you without facing any obstacles. But I'm worried all the same, because most of our letters are confiscated. Just today I wrote a letter to the EU representatives and it was confiscated again. [141] (Demir, 43 years old, in prison for 11 years, in the cell for 5 years, political prisoner)

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[140] Numbered 25298 and took force on 23rd December 2003.

[141] 'Yapmış olduğunuz başvurular üzerine Tekirdağ'da iken hem cezaevi İzleme Komitesi hem de insan hakları komisyonu geldi, görüştüm. Ancak ciddi bir yaklaşımları olmadı. Benden çok idarenin görevlilerinin belirttiklerini esas aldılar. Zaten görüşmenin orta yerinde yaklaşımlarından dolayı görüşmeyi terk ettim. Bağımsız ve tarafsız kurumlar değillerdi. Valiliğe bağlı hareket

During my work at CISST, an aggravated life prisoner died because of cancer he had after being incarcerated. Before he passed away in 2018, CISST, his lawyers and other human rights organizations made many applications to all of the relevant institutions on the issues of access to health and reunion with his son, who was also an aggravated life prisoner in another prison. Furthermore, his situation was shared with the public through the media through the initiative of these people and organizations. However, two months after his death, the Bafra Human Rights Board answered the application of CISST, stating that they informed the applicants' son that his health is good. (Demir 2018) This simple example is very helpful in illustrating both the consequences of the inattentiveness of these mechanisms and their nonfunctionality.

3.2. ACCESS TO HEALTH CARE

Access to health in prison is one of the most problematic issues that affect the living conditions of aggravated life prisoners. Persons, who are kept alone, are the ones who live the most isolation in prisons. One of the most important issues to be considered about these people is their ability to stay alone. According to the Mandela Rules, individuals who are incarcerated alone in cells must undergo a psychological and physical examination every day. It is stipulated that it is necessary to check whether solitary confinement is sustainable. However, this rule has not been applied in Turkey for aggravated life prisoners.

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ediyorlardı. Zaten bu bile görüşmelerinin ciddiyetten uzak olduğunu gösteriyor. Yazdıkları rapor da gerçeklerden uzaktır. Size Tekirdağ'da iken iki tane uzun uzadıya mektup yazdım. Ancak oranın idaresi her iki mektubuma da korsanvarice el koydular. Yani Tekirdağ'da size ulaşma imkanımı tamamen elimden aldılar. Umut ediyorum ki bu mektubum da hiçbir engele takılmadan size ulaşabilir. Ama kaygılıyım yine de çünkü mektuplarımızın çoğuna el koyuluyor. Daha bugün bile AB temsilciliğine yazdığım mektuba el konuldu.' From the letter to CISST on 2016.06.03

Moreover, in many prisons there are prisoners, who are staying alone in cells, although they have medical reports emphasizing that they cannot stay alone because of physical disabilities, the need for care due to illness, or psychological reasons. In the individual application numbered 2015/19917 of Ersan Nazlier (Anayasa Mahkemesi 2016) who is a political aggravated life prisoner with an orthopedic disability and has a medical report that states he cannot stay alone, the Constitutional Court justified his the arguments in its decision dated 7/6/2016. It was stated in the decision that it is not enough to take measures, such as transferring him to a better penal institution and provide periodical access to open air, but necessary measures should be taken to keep the applicant in a suitable place and condition for his physical and health conditions. Handcuffed examinations, discrimination, ill-treatment from health professionals, inappropriate transfer vehicles are among the violations experienced by most of the prisoners during their access to health. Prisoners may apply to the legal, administrative, and monitoring mechanisms mentioned above to demand their right to access health, besides making applications to the Ministry of Health and the Turkish Medical Association. Throughout my work at CISST, I also mediated for these applications of prisoners on the issue of the right to health. Aggravated life prisoners applied to CISST many times to share the problems they experience in the process of access to health. In many of the cases, aggravated life prisoners complained that they got the permission to go to the infirmary too late.

> My friend ...'s feet began to get swollen three days ago. So we let them know around 6 in the evening so that he would be taken to the hospital immediately. They arrived at around 10 at night. No matter how much we tried we couldn't get our friend to be transferred to the hospital. The head guard doesn't care a bit: "I cannot send you to the hospital because you're fine. Even if I did, they'll just give you an injection and send you back. In all Bolu there are only 3 ambulances and I cannot call one of them for you". So he acts as if he's the doctor but our friend was in agonizing pain until the next morning. He was racked with pain. They only agreed to take him to the infirmary at 3 in the morning, I mean that day. The doctor of the institution apparently said that the cruciates in his foot might be broken. He immediately asked for him to be transferred to the hospital outside. He'll probably have to get surgery on his feet. Everything is this arbitrary and this is only one example. Lately the permit to go to the infirmary is

> carried out quite unlawfully. There's so much arbitrariness. [The time to wait to go the infirmary] is at least one month. It's become nearly impossible to be transferred to a hospital outside. And when they go to the hospital, they come right back without receiving treatment because the doctors won't release their handcuffs. So there's complete hindrance.[142] (Bayram, 46 years old, in prison for 22 years, in the cell for 12 years, political prisoner)

The problems prisoners face related to infirmaries are not limited to be examined late. In a significant number of the letters, aggravated life prisoners asked me to search out on the internet the diseases they have and provide information about the dietary restrictions, healing methods, etc. since they are merely dependent on the view of the doctor that gives service in the infirmary and are not able to get a second view on their health issues. This means that the problem of the right to access to information is also experienced as an issue affecting their rights to access to health.

According to the same information, in 12 cases out of 277, aggravated life prisoners reported that they are not transferred to hospital although they think they should. Moreover, in 9 cases, it is stated that the doctors were not attentive during the examination. Besides, out of these 277 cases, 82 aggravated life prisoners claimed that they are not having regular treatment for their existing illnesses, and 19 aggravated life prisoners stated that they faced ill-treatment from the health professionals.

The two comprehensive reports of CISST deal with health in prison in the context of preventive cautions, such as nutrition, ventilation, hygiene and so on,

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[142] '3 gün önce arkadaşım ..'nin ayakları birden şişmeye başladı. Biz de acilen hastaneye götürsünler diye akşama doğru saat 6'da haber verdik. Gece 10'a doğru ancak gelebildiler. Ne yaptıysak arkadaşımızı hastaneye gönderemedik. Başgardiyan çok rahat: "seni hastaneye gönderemem, çünkü bir şeyin yok, göndersem bile bir iğne vurup seni geri gönderirler. Koca Bolu'da toplam 3 tane ambulans var, bir tanesini senin için çağıramam." Yani kendini doktor yerine koyabiliyor, oysa arkadaşımız ağrıdan duramaz haldeydi sabaha kadar. O acıyla kıvranıp durdu. Sabah, yani o gün saat 3'de ancak revire çıkarabildiler. Arkadaşımızın ayak çapraz bağlarının kopabileceğini söylemiş kurum doktoru, acil dış hastaneye sevkini yazmış, büyük ihtimalle ayaklarından ameliyat olacak. Bu kadar keyfi bir durum var ve bu sadece bir örnektir. Son zamanlarda, revire çıkarmalarda oldukça hukuksuzluk var, keyfiyet yaşanıyor, [revire çıkma süresi] en erken bir aydır. Dış hastaneye sevkler neredeyse imkânsız hale gelmiştir. Hastanede doktorların kelepçeleri açmaması yüzünden tedavilerini yapmadan geri geliyorlar yani komple bir engelleme söz konusu.' From the letter sent to my name on 2018.04.08

the primary healthcare services, such as the infirmaries, transfer vehicles, the system of application to hospitals, and the secondary healthcare services as hospitals. In both of the reports, it is stated that prisoners face rights violations and problems in accessing to health at every level. (Korkut 2017 ; Korkut 2018) I think that the experiences of aggravated life prisoners in the process of access to health are overlapping with implications of the CISST reports. An aggravated life prisoner expressed his problems in his letter, which is one of the many letters that exemplifies the multidimensional problem of access to health, as follows;

> My personal health problem is that I'm having serious loss of vision. Honestly, I don't even know what exactly my eye disease is, because they neither did a thorough examination nor a proper treatment. Normally I need to go and get a check-up once every year but they won't take me. Right now, I'm using eyeglasses that are thicker than the glass of a panzer. I've also got quite a large lump in my throat. I've been to the infirmary and asked to be transferred to a hospital outside but the doctor there didn't let me. He/she prescribed me antibiotics every time without even examining me. I haven't been able to breathe properly in the past one or two years because of this lump in my throat. I don't even know what that is because I haven't been examined. They don't do transfers to public hospitals, even when they do it's one in ten thousand.[143] (Zekeriya, 39 years old, in prison for 15 years, in the cell for 10 years, political prisoner)

Besides the problems shared with other prisoners, aggravated life prisoners are also subjected to rights violations in the process of access to health because of their status. The problems of access to health of these prisoners are first of all caused by the Law on Execution itself. According to Article 25 of the Law on Execution No.5275:

> The execution of his sentence may not be suspended in any manner. All health measures to be implemented for the convict shall be implemented in

[143] 'Benim kişisel sağlık sorunum, büyük bir görme kaybı yaşamaktayım. Göz hastalığımın ne olduğunu da inanın tam olarak bilmiyorum. Çünkü ne doğru düzgün bir muayene yapıldı ne de tedavisi. Normalde her yıl düzenli bir şekilde kontrole gitmem gerekiyordur ama götürülmüyorum. Şu an camları bir panzerin camlarından daha kalın bir gözlük kullanıyorum. Yine boğazımda büyükçe bir şişkinlik oluşmuştur. Birkaç kez revire çıktım ve dışarıdaki bir hastaneye sevkimi istediysem de revir doktoru kabul etmedi. Muayene bile yapmadan bana her defasında antibiyotik yazdı ve bu iki yıldır boğazımdaki şişlikten dolayı rahat nefes alamıyorum. Şişkinliğin ne olduğunu da bilemiyorum çünkü muayene bile olamadım. Devlet hastanesine sevkler olmuyor. Olsa da binde bir oluyor.' From the letter sent to CISST on 2015.11.05

> the penal execution institution except for medical tests and requirements or, if this is not possible, in the single-person and high-security convict room of a fully-equipped State or university hospital.

The fact that aggravated life prisoners cannot have company for care when they have health problems is a concern they mentioned in their letters. Aggravated life prisoners stated in their letters that they are postponing surgical operations they should have had because the conditions of prison wards in hospitals were appalling, and there no accompanying person is allowed in prisons during the recovery process.

> If I were outside, I would be able to do something about all my health problems in a month. But I'm now afraid of getting operated on, because the wards for patients are belowground. They're dark and don't get sunlight. You're not allowed accompaniment. Let's say I got operated in my stomach, who is going to take care of me the next day after the operation? Then you're at the mercy of the warden and the military personnel. You cannot even go to the bathroom alone in that state. (...) If I get operated on now and put back into prison, what am I supposed to do all alone? I wouldn't even be able to go to the door to get my food. I couldn't go to the bathroom or have a bath by myself.[144] (In the cell for 11 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 67)

Another problem that arises from the regime of aggravated life sentence was expressed in the letters as their dependence on the correctional officers when they have difficulty in fulfilling their needs when they are sick and in need of caring by others.

> Just recently I had to stay in bed for fifteen days. There were days and nights when I couldn't even drink a glass of water. I couldn't even walk to the sink, for example. It would take me fifteen to twenty minutes to be able to get out of bed. Since I couldn't go to the infirmary, they gave me shots in my cell. The injections gave me allergies so I had seizures twice. My system couldn't take it. Only after twenty days was I able to walk "normal" again. My treatment continues. Because I don't have anyone

[144] 'Eğer dışarda olsaydım bu rahatsızlıklarımın tamamına bir ayda müdahalede bulunabilirdim. Şu an ameliyattan ürküyorum. Çünkü hasta koğuşları yerin altında, karanlık ve güneş görmüyor. Refakatçi yasak. Misal mide ameliyatı oldum diyelim ameliyattan hemen sonraki gün bana kim bakacak? İşte o an gardiyan ve askerin insafına kalıyorsun. Tuvalete bile yalnız gidemeyecek haldesin. (…) Şimdi ameliyat olsam ve tekrar cezaevine getirilsem ne yapacağım bir başıma. Kapıya gidip kendi yemeğimi bile alamam. Tuvalete bir başıma gidemem. Banyo yapamam.'

> with me, it's become a bigger problem. I couldn't do any cleaning. I had to live in such harsh conditions that I can't even begin to explain.[145] (In prison for 22 years, in the cell for 15 years, political prisoner) (Aydınoğlu and Yusufoğlu 2018, 67-68)

Besides, as it was mentioned above, the law regulating the execution regime of aggravated life sentence does not allow suspending the execution of the sentence. One consequence of this is that people, who should not stay in prison, are also prevented from being released. If it is not possible to cure some diseases in prison, prisoners are given a report that they cannot stay in prison, and so their treatment continues outside. At least such a right has been defined for other prisoners. However, even if aggravated life prisoners have the report stating that they cannot stay in prison, they cannot be released. This rule may create very difficult situations for both these prisoners and their families. An aggravated life prisoner, who was diagnosed with cancer in March 2018 and started his treatment, was kept in the hospital's one-person prisoner ward unit until he died handcuffed to the stretcher from his hands and feet, even though he was already unconscious for days. (Evrensel 2018) Despite many applications and calls by non-governmental organizations, the Ministry of Justice and the General Directorate of Criminal Affairs and Detention Houses did not let his son, who is also an aggravated life prisoner, to visit him in the hospital and go to his funeral. It seems possible to argue that the practice and its legal basis violated the prohibition of torture and ill-treatment.

As I observed, most of the aggravated life prisoners cannot see a doctor alone, and this situation prevents them from expressing themselves well. Besides political aggravated life prisoners mentioned in their letters that doctors and other health professionals are also being discriminative against them since the *"crime"*

[145] 'Daha geçenlerde bel fıtığından on beş gün boyunca yatakta kalmak zorundaydım. Günler geceler boyunca bir bardak su içemediğim oldu. Lavaboya kadar gidemedim örneğin. Yataktan kalkışım ancak on beş – yirmi dakikada mümkün oluyordu. Revire gidemediğimden, iğneler hücremde yapıldı. İğneler alerji yaptığından iki kez kriz geçirdim. Bünyem kaldırmadı. Yirmi gün sonra ancak 'normal' yürümeye başladım. Tedavim devam ediyor. Yanımda insan olmadığından hiç yardım alamamak sorunu daha da arttırdı. Temizlik yapamadım. Çok zorlu, anlatamayacağım koşularda beklemek, durmak zorundaydım.'

they committed are written in their files that are sent to hospitals. I noticed that a significant number of aggravated life prisoners described their overall experience of access to health as a violation and ill-treatment. I also noticed that the perceptions of a significant number of political aggravated life prisoners on hospitals, doctors, and treatments were in the same direction. In many letters, they mentioned that they do not have a counter view to think of and describe the doctors as torturers, the hospital as the sites of torture (*işkencehane*), and themselves as experimental objects.

Furthermore, as in the other issues, the practices of the prison administration can change from time to time, also in the process of access to health.

3.3. ACCESS TO SOCIAL SERVICES

One of the most important issues that determine the conditions of aggravated life prisoners is the issue of employment. According to Article 29 of the Law No. 5275 on the Execution of Penalties and Security Measures, the purpose of employment in prison is:

> "to ensure that convicts learn an art or trade which will enable them to maintain themselves after release, and to develop or strengthen their motivation to work and produce. In the employment of convicts, account shall be taken of their abilities, skills, aptitudes and mental and physical condition."

However, as it was mentioned in the previous chapter, aggravated life prisoners are not allowed to work in or outside of prisons, although the right to work is guaranteed by the Constitution of Turkey, and the Law of Execution only prohibits working outside of prison. The practice of not allowing aggravated life prisoners to work in prisons results in aggravated life prisoners' losing their possibility of exercising their fundamental human rights. Since they will stay there

at least 30 years without being able to work, one can infer that the economic support they receive from outside may decrease within years or may end at one point. When it happens, prisoners become dependent on the actions of the administrations, and the administrations, as I observed, do not regularly and sufficiently satisfy the needs of prisoners. This is one of the most common complaints among aggravated life prisoners I encounter. Besides, the conditions of aggravated life prisoners become more difficult if the correction officer spills the food or detergents on the ground during the searches or if there is no product with an alternative price in the canteen. According to the prisoners' rights enshrined in the Law on Execution and other regulations on execution, prison authorities are responsible for responding the basic needs of the prisoners. However, during my work, aggravated life prisoners applied to CISST many times for aid in-kind and financial aid or to get information about the charity organizations.

> The reason I'm writing you this letter so late is because I have been begging everyone just to be able to get a stamp that costs 1 lira. Finally, somebody gave me one and I am now able to write you. I would like to ask you a question. How long would you be able to bear it and survive in a room with no TV, no radio, without having tea or coffee, with no underwear? If you happen to give me a response, please answer me this question. I've been living like this for a year now.[146] (In prison for 20 years, in the cell for 20 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 78)

According to Article 3 of the Law on the Execution of Penalties and Security Measures, one of the main purposes of the execution is *"to promote the resocialisation of the convict and to facilitate his adaptation to a productive and responsible life which respects the laws, regulations and social rules."* However, according to the report published by CISST, in 2017 and 2018, prisoners' applied

[146] 'Şu an size mektubunuzun cevabını geciktirmemin sebebi de altı üstü 1 liralık pul bulabilmek için önüme gelenden rica minnet istedim ve sonunda biri pul verdi de öylelikle size mektubumu yazabiliyorum. Size bir şey sormak istiyorum. Her gün 24 saat boyunca televizyonsuz ve radyosuz bir odada ve de çayınız ve kahveniz olmadan ve de iç çamaşırlarınız olmadan ne kadar yaşayabilir ve nereye kadar dayanabilirsiniz. Bana şayet cevap yazarsanız, bu soruma cevap verin. Ben 1 yıldır böyle yaşıyorum.'

to CISST to share their complaints 218 times on the issues of restriction on sport activities, 227 times on the issues of restriction on communication, 207 times on the issues of restriction on courses. (Demirbaş and Korkut 2019, 24-25) These problems shared by prisoners indicate that their experiences in Turkey's prisons are contradicting the Law's purpose of promoting resocialisation of the prisoners. Most of the times, aggravated life prisoners are not able to participate in any kind of activity except sports activities.

> I go to do exercise with the same status of aggravated life prisoners for an hour a week. Apart from that, we don't have any right to get involved in other activities or benefit from something else within the institution. I've applied for certain activities (painting workshop; bağlama, guitar or kemençe courses, etc.) but they've always used our aggravated life sentence as an excuse [not to let us]. [147] (Tarık, 40 years old, in prison for 13 years, in the cell for 9 years, political prisoner)
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> Because the administration cannot provide security to the aggravated life prisoners, they don't let us out to go to trainings or courses. (...) We go to the open gym and the closed gym once a week for only one hour each, and that's it! [148] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

Besides, according to the Law on the Execution of Penalties and Security Measures, the observation and classification of prisoners shall be made according to the principles below:

> These centres shall have, as far as possible, administrators with knowledge and experience in the fields of criminology, penology, behavioural science, justice psychology and criminal law, expert staff such as psychiatrists, doctors, forensic experts, pedagogists, child development specialists, social workers, psychological advisors, guidance experts and teachers, and other institution staff.

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[147] 'Aynı statüde olan ağırlaştırılmış müebbet arkadaşlarla birlikte haftada 1 saat spora çıkıyoruz. Bunun dışında kurum bünyesinde herhangi bir aktivitede bulunma, yararlanma şansımız yok. Kimi aktiviteler (resim atölyesi, saz, gitar, kemençe kursu vb.) için idareye başvurduk ancak her seferinde ağırlaştırılmış müebbet infaz yasası gerekçe gösteriliyor.' From the letter sent to CISST on 2016.05.17.

[148] 'Kurum idaresi ağırlaştırılmış müebbettin güvenliğini sağlayamadığı için hiçbir eğitim ve kurslara bizleri çıkarmıyorlar. (…) Haftada bir açık, bir kapalı, spora 1 saat çıkıyoruz başka hiçbir şey yok!' From the letter sent to my name on 2017.10.11.

As can be seen in this provision, the phrase *"as far as possible"* is not a measurable and observable criteria so that one can infer that this ambiguity in the Law may create a problem for prisoners in the process of access to social services. When we examine the Activity Reports of Ministry of Justice General Directorate of Prisons and Detention Houses that are published between 2012 and 2016, we see that the prisons are understaffed.

According to the Activity Reports of Ministry of Justice General Directorate of Prisons and Detention Houses, in 2015 while the number of teachers legally should have been 1317, 567 positions remained vacant, and in 2016, the number of positions of teachers was legally reduced to 1261, and 609 of these positions remained vacant. Moreover, while there should be 660 social workers in 2015, 397 positions remained vacant, and in 2016 the number of positions did not change, but the number of vacant positions increased to 411. Moreover, while there should legally be 1065 positions for psychologists in 2015 and 2016, the number of vacant positions was 434 in 2015 and 390 in 2016. According to the 2016 Report, the educational staff, librarian, pedagogue, specialist physician, and pharmacist positions are completely "vacant positions."

While the total number of staff is legally 59216, there are 9340 vacant positions in total. These vacant positions are mostly positions for members of professions. The number of contracted staff is 3333, and there are no social workers and specialist doctors among these staff. In this context, the insufficiency of the institutional capacity of the Psycho-Social Service Units in terms of human resources in these institutions can be analyzed through these reports. (2015, 21-23 ; 2016, 18) Since the Ministry of Justice General Directorate of Prisons and Detention Houses has not publish any report after 2016, the conditions of human resources in prisons could not be analyzed. This may result in aggravated life prisoners being accessless in the sense of social services and mistrust of them to these mechanism.

> I have filed 4 petitions in total on the dates of ... for a meeting with the institution's psychologist and the sociologist, but no one has paid any attention so far. I have been to the psychologist and the sociologist long

> ago, but honestly, they don't see us as human beings. (...) They see me with a sullen, frowning face and treat me as if I've been living in a cave up until now. They aren't helpful in any way. If anything, they do more harm.[149] (Fatih, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)

When we look at the ways the purposes of psycho-social services that are presented in the Bylaw on the Execution of Penalties and Security Measures, we see that the goals and programs of these services are designed for the prisoners, who are sentenced to term of imprisonment. It is stated that *"rehabilitation programs"* are prepared for prisoners in a way that enables prisoners to live as a lawful and productive member of the society, and in the preparation of these programs, the expectations after release are taken into account. Thus, it is possible to argue that psycho-social services do not provide any approach for political aggravated life prisoners' access to social services.

Security measures are sometimes increased to compensate for the lack of human resources as it is in Turkey. During my work at CISST, both political and non-political aggravated life prisoners wrote in their letters that they are not seen as a subject of rehabilitation activities.[150]

> I'd like to draw attention to this point. These are definitely not places to correct people and resettle them into society. You have rights on paper but none in practice. No psychologist, sociologist or teacher is truly willing to help you resettle into society. All these workshops, courses etc. aren't for helping you to resettle into society but for them to fill up their lesson hours and complete their work schedule.[151] (Fatih, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner)

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[149] 'Kurum psikoloğu ve sosyoloğu ile görüşme talebi dilekçesi … tarihlerinde toplam 4 adet dilekçe yazdım fakat ilgilenen olmadı şu zamana kadar. Gerçi psikoloğa ve sosyoloğa çok önceleri gitmiştim. İnanın bizi insan olarak görmüyor. (…) Asık surat, çatık kaş sanki ben mağarada şimdiye kadar yaşamışım gibi bir tavır içerisinde görüşmeler geçiyor. Yani hiçbir faydası yok bunların. Zararı var desem yalan olmaz.' From the letter sent to me on 2018.09.14.

[150] It is crucially important to state that most of the political prisoners are approaching the terms rehabilitation, treatment critical since these terms refers to the prisoners as the ones who are in need of improvement.

[151] 'Şuna dikkat çekmek isterim. Buralar kesinlikle ıslah edici, bireyleri topluma kazandırma yeri değil. Kağıt üzerinde hakların var, uygulamada yok hiçbir hakkın. Psikolog sosyolog öğretmenler vesaire kimsenin seni topluma kazandırmak gibi canı gönülden amacı yok. Atölye kurslar vs.

3.4. DISCIPLINARY MECHANISMS AND THE PRACTICE OF "GOOD BEHAVIOR"

Prisoners who are held in cells are restricted in many ways to contact with others and may perceive their lives as almost unbearable if they receive disciplinary punishments such as restriction of correspondence and restriction of visits. For this reason, the damage caused by the disciplinary penalties imposed on people who are kept alone in the cells for life may be very serious. In order to understand the issues related to the disciplinary mechanisms, I will go back to the discussion of power in Foucault's terms to analyze the technology of power that corresponds to the disciplinary mechanism in prison and the practice of "good behavior".

In *Security, Territory and Population* Foucault explains discipline through comparing its techniques with the techniques of security:

> "Discipline is essentially centripetal. I mean that discipline functions to the extent that it isolates a space, that it determines a segment. Discipline concentrates, focuses, and encloses. The first action of discipline is in fact to circumscribe a space in which its power and the mechanisms of its power will function fully and without limit. (2009, 44-45)
>
> By definition, discipline regulates everything. Discipline allows nothing to escape. Not only does it not allow things to run their course, its principle is that things, the smallest things, must not be abandoned to themselves. (2009, 45)

The disciplinary punishments begin with warning for simple acts and continue with the prohibition of visits and of using communication means. Solitary confinement is the heaviest disciplinary sanction. It can be said that the

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amaçları seni topluma kazandırmak değil, kendilerinin ders saatlerini doldurmak, mesaisini tamamlamak.'From the letter sent to me on 2018.09.14.

status of "good behavior" (*iyi hal*) is more vital for the prisoners of aggravated life prisoners who are currently living in the cell with severe communication restrictions. Any right to be given to aggravated life prisoners other than one-hour fresh air, visits, and phone calls can be granted by the prison administration if prisoners have shown "good behavior" and be taken back if the status of "good behavior" is lost.

> In the beginning we were allowed to go into the yard only one hour per day. But then in time it's increased to two, three, four and sometimes five hours. But there's a condition. In order to be able to go into the yard, your cell door must remain open for 4 or 5 hours a day and you must demonstrate "good behavior," meaning you can't have had a disciplinary sentence.[152] (Şaban, 56 years old, in prison for 28 years, in the cell for 15 years, political prisoner)

So while through the disciplinary mechanisms the state aims to regulate everything as Foucault pointed out, the mechanism of "good behaviour" seems to act as a kind of self panopticon that leads the prisoners to analyze themselves from the perspective of the disciplinary board of prison. According to Foucault, the 'convict' is not regulated solely by an external power but by the mediation of a discursive formation of a specific 'identity' is formed and formulated. What plays the important role within the formulation of this 'identity', is the authority of science; *"The prison, is the place where the power to punish, silently organizes a field of objectivity in which punishment will be able to function openly as treatment and the sentence be inscribed among the discourses of knowledge."* (Foucault 1995, 256) Foucault states that the prison has succeeded very well in producing delinquency, a specific type of illegality; in producing delinquents, in an apparently marginal milieu; and in producing the delinquent as a subject. (Foucault 1995, 277)

In other words, Foucault's understanding of subjection is not only the oppression over the subject, but at the same time, it is about the constitution of the

[152] 'İlk başlarda günde sadece bir saat havalandırmaya çıkabiliyorduk. Fakat bu zamanla iki, üç, dört ve bazı yerlerde beş saate kadar çıkarıldı. Ancak bu bir şarta bağlıdır. Günde 4 ya da 5 saat hücre kapının açık olması ve havalandırmaya çıkabilmek için "iyi halli" olman gerekir yani disiplin cezası almaman gerekir.' From the letter to CISST on 2015.07.20.

subject. Subjectivation is neither the production of the subject nor the domination of it. Foucault emphasizes this as the convicts themselves' becoming the principle of their subjectivation. In this sense, internalization of the external power through certain mechanisms such as panopticon creates the criminal as the subject of his own experience. *"Self-evidence of the prison is based on its role, supposed or demanded, as an apparatus for transforming individuals."* (1995, 233)

Arda İbikoğlu deals with the practice of "good behavior" as a model of individual responsibility that imposes the responsibility of prison security on the prisoners themselves, unlike the modal of power in which the discourse of rehabilitation is predominant. (2018, 193) Thus, as long as the prisoners fulfill their personal responsibilities and maintain their "good behavior", they can benefit from social activities, courses, rewards, seminars, and conferences. However, as it is mentioned in the previous chapter, even if the aggravated life prisoner on "good behavior" most of the time they cannot benefit from the opportunities the system presents due to the reasons such as security, the number of staff or other institutional conditions.

As we mentioned in the first chapter that different power mechanisms intertwine; an aggravated life prisoner have to accept the identity of as a prisoner with "good behavior" in order to use many of their rights even including fresh air, whereas they also do it not to be punished with disciplinary sanctions.

3.5. BROAD DISCRETIONARY POWER OF PRISON ADMINISTRATIONS

This execution regime also aggravates the conditions of these individuals by giving so many power to the institutions, which may lead to arbitrary, discriminative practices against the well-being of them Goffman states in his study of total institutions that:

> Many total institutions most of the time seem to function merely as storage dumps for inmates, but, as previously suggested, they usually present themselves to the public as rational organizations designed consciously, through and through, as effective machines for producing a few officially avowed and officially approved ends. (1961, 74)

The fact that the Law's giving a broad discretionary power to the prison administrations, especially in the execution of aggravated life sentence, means that the conditions of these prisoners are left to the mercy of the prison administrations. In this way, not only the law but also the practices have the potential to determine prisoner's living conditions and their experiences of rights violations, and access to services.

> This practice is carried out very consciously. The system isn't solely limited to its legal and practical implications. Especially in practice, it is shaped by the personal volitions and choices of such people as the prosecutor, the judge, the doctor, the administrator and most importantly the warden. The core of the many problems we face today is directly linked to the arbitrary practices that become heavier by these personal volitions and choices.[153] (Necmi, 45 years old, in prison for 25 years, in the cell for 15 years, political prisoner)

Although the execution regime is the same for each prisoner, it can be said that prisoners face different practices in their imprisonment due to the wide range of powers left to the prison authorities.

> I know for a fact that the minister of justice has provided the prison administration with extensive authorities and rights to use its initiative. How should I put it? In the end, everything is designed so that it will always result in favor of the administration and against us. The most natural rights of the prisoners have come to be seen as a favor, and the punishments and sanctions as obligations.[154] (Demir, 43 years old, in prison for 11 years, in the cell for 5 years, political prisoner)

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[153] 'Bu öyle bilinçli bir uygulama ki salt hukuksal ve bunun uygulama yönüyle sınırlı olmayan bir sistemdir. Özellikle de uygulamada, zindanlarda savcı- hakim- doktor- müdür ve en önemlisi de gardiyan denilen kesimlerin uygulayıcılığı bu insanların bireysel istemlerine, tercihlerine göre şekillenmektedir. Bugün yaşanan birçok sorunun kaynağı da bu istem ve tercihlerle daha bir ağırlaştırılan keyfi uygulamalar olmaktadır.' From the letter sent to CISST on 2015.07.26.

[154] 'Şunu biliyorum ki Adalet Bakanlığı her hapishane idaresine çok geniş yetkiler vermiş, inisiyatif tanımış. Nasıl denir? En neticede her şey gelip idarenin lehine, bizim aleyhimize

Aggravated life prisoners mentioned in their letters some of the consequences of the situations in which the prison administrations did not use their powers in favor of prisoners' needs. As I observed during my work at CISST, one of the most common experiences of aggravated life prisoners was the violation of the right to use the airing yard. If its' timing coincides with the timing of the visits of families, lawyers, and monitoring boards, the prisoners are not able to have fresh air all day.

> When you need to go to the hospital, the infirmary, the visits or the lawyer, if it coincides with your yard time, then it's wasted without you being able to benefit from it. When it rains heavily or you're too sick to go out at the time, sometimes you can go for days without going out to the yard because there's no other time slot for yard time. This problem makes the conditions in the cell even harder. (Aydınoğlu and Yusufoğlu 2018, 105)

Another problem shared among aggravated life prisoners was being refused to arrange the timing of airing yard according to their demands and needs.

> I'm a cardiopath, for example. I used to go to the yard between 10:00 - 11:00, and 16:00-17:00. Now they've changed it to 10:30-12:00. I only go out between 10:30-11:00 because that's the time when there's no sun so I can exercise.[155] (Political prisoner) (Aydınoğlu and Yusufoğlu 2018, 106)

Aggravated life prisoners also shared the belief that the prison administrations can give arbitrary disciplinary punishments as retaliation for their demands for the rights.

> There are about 140 solitary confinement rooms. At least 100 people cannot go outside when the search is done in the morning just because the director wants it so. When we ask about it, we're threatened that we might get a report. We're only able to communicate and chat with our friends through the windows. Some officers tell us that even that is prohibited. So, it's prohibited to talk. I came so close to telling them that they should put

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işleyecek şekilde düzenlenmiş. Tutsağın doğal hakları lütuf, cezalar yaptırımlar ise zorunluluk halini almış.' From the letter to CISST on 2016.06.03

[155] 'Örneğin ben kalp hastasıyım. Eskiden, 10.00 - 11.00, 16.00 - 17.00 saatlerinde havalandırmaya çıkmaktaydım. Şu anda 10.30 - 12.00 yapıldı. Ben sadece 10.30 - 11.00 arası havalandırmaya çıkmaktayım. Bunun nedeni o saatte güneş olmadığından spor yapmama uygundur.'

> duct tape over our mouths but then I thought they might punish me with a reprimand so I didn't say anything. It's like a joke. It looks like we're that helpless in their eyes. It's all too easy to receive sanction after sanction under these circumstances. [156] (Bekir, 37 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

Besides affecting the daily life of prisoners, this broad authority of the prison administrations affects the prisoners' whole life through some practices, such as putting wires on the yard, which is the only place that they can see the sky for a very limited time of the day, or putting wires to the windows that already have grating. An aggravated life prisoner shared his experience on this issue with the internet newspaper Bianet as such:

> The temperature reaches 35-40 degrees here, and it's very humid. The heat becomes unbearable in this tiny and airless space. Sometimes it becomes hard to breathe even. It feels like everything is coming up against you. Naturally, we experience panic attacks quite often. It's like getting stuck in an elevator... But for life! As if this wasn't enough already, the administration wants to implement a new form of torture. They came a few days ago and said that they were going to put screen wire on that tiny little window with bars. Our cells will become barns, so to speak. The cells aren't getting enough fresh air already, and now they're trying to suffocate us by reducing the air even more. (Söylemez 2018)

Another experience of aggravated life prisoners that is both mentioned by them and by their families is about the issue of visits. Although there is no condition in the rule about visitation that open visits should be made one by one, the prison administrations apply this rule, which is actually set for closed visits, for open visits as well.[157] However, some of the aggravated life prisoners, mostly non-political ones, stated that during the visits, they are not allowed to see their

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[156] '140'a yakın tekli oda var. En az 100 kişi arama günleri sabah yapıldığında müdür beyin canı istemediği için havalandırmaya çıkamıyor. Sorunca da tutanakla tehdit ediliyoruz. Arkadaşlarla ancak pencereden iletişim kuruyoruz, sohbet ediyoruz. Bunun bile yasak olduğunu söyleyen memurlar var. Konuşmak yasakmış. Tam diyecektim ağzımıza bant yapıştırın şimdi bir kınama verirler başıma iş alırım diye vazgeçtim. Şaka gibi demek ki bu kadar aciz görünüyoruz onların gözünde. Bu şartlarda ceza üstüne ceza almak işten bile değil. 'From the letter sent to my name on 2018.08.17.

[157] In 2020 with the Supreme Court's Decision this practice is started to be abandoned in some of the prisons.

families together. As I see it also from some of the letters, in some cases, it is possible that the prison staff or administration take the initiative allowing family members to visit the prisoner together. The brother of Şafak gave the information that they were able to make the visit with Şafak as a family.

In this context, it seems that there is a different power setup / approach in the management of aggravated life prisoners than the model of rehabilitation and personal responsibility.

3.5.1. Resistance

Daily life in the cell is often described as a mere survival situation by most of the aggravated life prisoners, despite the changes in their living conditions. Besides, aggravated prisoners somehow stated that surviving in the cells within the picture mentioned before requires resistance. Especially political aggravated life prisoners perceived prisons not only as a sphere of power but also as an "area of resistance".

Within the period of my correspondence with aggravated life prisoners, it was surprising to learn through their letters that hunger strike is widely used as a way of protest by non-political prisoners, as well to demand rights for different issues, including the right to health.

> I started my hunger strike on 31.10.2017, and then I had to quit because they scheduled my MRI for 16.11.2018, so I quit on 16.11.2017. I'm thankful. It's better than nothing.[158] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

[158]'31.10.2017 tarihinde başlamış olduğum açlık grevini MR tarihi 04.01.2018 tarihine alındığı için 16.11.2017'de bıraktım. Çok şükür hiç yoktan iyidir diyorum.' From the letter sent to my name on 2017.12.12.

According to Howard Becker, *outsiders* are people who do not comply with social rules, perform behaviors that social rules misidentify and prohibit, that is, violation of rules. After Becker makes this definition, he draws our attention to the second dimension of the concept of *outsider*. The people who do not comply with the social rules may not accept this rule and may not give the people who judge them the power to judge them because they do not accept this rule. In such a situation, the person who does not accept the mentioned rule can see those who judge them as *outsiders* as well. Thus, being *outsider* gets a meaning that is double-sided. (1963, 3) This idea of Becker is applicable to the situation of political aggravated life prisoners, who does not recognize the authority of the state and its rehabilitation purpose in general as they stated in their letters.

3.6. SHARED NARRATIVE ON MULTIDIMENSIONAL ACCESS PROBLEMS

During my work at CISST, I have been told many times that aggravated life prisoners are not able to attain any of their rights. It was surprising to read from the letters many times that aggravated life prisoners reproachfully wrote that they should not be considered as "humans". Orhan wrote in a letter that *"Don't treat us as human beings. We're not human beings. Even animals are living in a better situation."*[159] (Orhan, 37 years old, in prison for 14 years, in the cell for 11 years, non-political prisoner)

Aggravated life prisoners frequently expressed their experiences of access to human rights and public services as an *inability* to access. Şengül said that *"I left 22 years behind. Sometimes I look back at myself and say: Wow, am I the one*

[159] 'Bize insan olarak yaklaşmayın, biz insan değiliz, hayvanların durumu bizden iyi.'From the letter sent to my name on 2018.11.02.

who has gone through all this?"[160] (Şengül, 50 yaşında, in prison for 27 years, in the cell for 15 years, political prisoner)

> I am not able to benefit from any of the activities because I'm an aggravated life prisoner. I've been doing time for 8 years, however, and I haven't broken my "good conduct" even once. I have never received disciplinary sanction. But because of this situation, I've been struggling to survive. They gave me this sentence instead of death penalty. They changed the law because it was violating human rights, or so they say. Honestly, whatever law they pass, they write in the bottom that aggravated life prisoners cannot benefit from it. Then I ask this: If I'm going to live my life in this dungeon until my last breath, isn't it better to have the death penalty?[161] (In prison for 11 years, in the cell for 2 years, non-political prisoner) (Aydınoğlu 2016, 76)

Thomas Humphrey Marshall states that when the protection of the state, the market, and the family is lost, the possibility of access to rights is also lost. (2000) The limitation of the rights of aggravated life prisoners determined by legal texts and described through the narratives of prisoners seems like the illustration of the "fundamentally rightless" pointed out by Hannah Arendt (2011). A similar evaluation is given by Loic Wacquant when he speaks of "human waste". (2009) Aggravated life prisoners are seems like the citizens who cannot access the fields of housing, education, health, employment and are not represented in the public and the political sphere in a way that is faithfull to their views.

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[160] '22 yılı arkamda bıraktım. Bazen dönüp kendime diyorum vay canına bunların hepsini de ben mi yaşadım? Kendime hayret kalıyorum.' Form the letter sent to CISST on 2016.06.12.

[161] 'Hiçbir aktiviteden faydalanamıyorum ağırlaştırılmış müebbet olduğum için ama gelin görün ki 8 buçuk yıldır yatıyorum bir kez olsun iyi halimi bozmadım, disiplin suçu almadım. Ama bu durumdan ötürü resmen hayatta kalma mücadelesi veriyorum. İdam cezası yerine bu cezayı verdiler. Yasayı sözde insan haklarına aykırı diye değiştirdiler. İnanın zaten hangi yasayı geçirirseler geçirsinler altına ağırlaştırılmış müebbetler faydalanamaz diyor. Pekala, sorarım son nefesine kadar zindanda yaşanırsa veya yaşanacaksa idam çok daha iyi değil mi hele bu şartlarda bu yasalarda.'

3.7. FAMILIES AND ACCESS TO HUMAN RIGHTS

While the crimes against the state, the nation and the territorial integrity are getting the severest punishment, it can be said that those who committed a crime against family members are also treated differently than those who have committed a crime against individuals. While remission can be applied in crimes against the individual, the penalty of deliberate murder of lineal kin is aggravated life sentence without remission. This approach takes its source from the principle that is stated in the Constitution of Turkey as *"Family is the foundation of the Turkish society and based on equality between the spouses."*[162] Matricide and parricide are considered one of the heaviest crimes and punished in a different way than the other murders in the first Turkish Penal Law as well.[163] Therefore, a distinction is made between crimes against individuals and the crimes against family members. However, the tendency of the state as protecting the family over individuals seems to disrupt when it comes to the status of aggravated life prisoner. Through the status of aggravated life prisoner, the status of the families the family of aggravated life prisoner created through multidimensial rights violations and access problems.

> Our phone call and visit rights should be fixed, the rest is not important. Life is short, yes we were ignorant, we made mistakes, we had sins, maybe we deserved these severe conditions for some, but it is not possible to accept these cruelty and torture to our family.[164] (Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

Besides while other prisoners may have extra visits with their families and benefit from the award opinions with the permission of the prosecutor's office in

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[162] Constitution of the Republic of Turkey, Article 41.

[163] It is stated that "The murderer of the parents should be barefoot and wearing a black shirt when taken to the execution. '(…) ana baba katili ise yalınayak başı açık ve siyah bir gömlek giydirilerek götürülür.' (Retrieved from: https://www.mevzuat.gov.tr/MevzuatMetin/5.3.765.pdf)

[164] 'Telefon ve ziyaret haklarımız düzeltilsin gerisi önemli değil. İki günlük dünya evet cahildik, hatalar yaptık, günahlar işledik biz, belki bu kadar ağır şartları hak ettik kimine göre, ama ailemize yapılan bu zulüm, işkenceyi kabul etmemiz mümkün değil.' From the letter sent to my name on 08.24.2017.

special cases, these rights were not given to the aggravated prisoners. The visits of aggravated life prisoners are also made at different times from other prisoners when the area of visit is empty. Besides, since the prisoners are become economically dependent on their families for their needs, it creates a burden for the family, and this burden is getting overwhelming over the years. As a consequence, the harms of the aggravated life sentence on the bodies, identities, and psychologies of aggravated life prisoners extend to the prisoner's family. Therefore, it can be said that the isolation imposed by this status functions as a punishment either for the families of aggravated life prisoners and as a second punishment for aggravated life prisoners. For this reason, looking at the experiences of families of this status gives us the opportunity to display the conflicts about the gaze and approach of the state on "family", which is undertaken to protect under the constitutional guarantee.

In order to do this, I am looking at the mechanism of transfer in which as I observed the problems are shared by many prisoners, especially in the recent years. The problems of transfers are limiting the rights of aggravated life prisoners besides limiting the rights of their families. Thus, looking at the transfers as a non-functioning mechanism gives us insights on the conditions of both prisoners and their families.

3.7.1. The Distances and the Mechanism of "Transfer" of Prisoners

One of the widely mentioned problems of aggravated life prisoners is transfers to prisons close to the places where their family members live in or close by. According to information provided by CISST, aggravated life prisoners applied to CISST 292 times about their requests to transfer to another prison between 2015 and 2020. In 226 cases, aggravated life prisoners informed CISST about the reason of their demand to transfer. In 185 out of 226 cases, they wanted

to be transferred to another prison for not being away from their families. And in 20 cases, they demanded to be transferred to the prison where another family member is incarcerated. What distinguish the aggravated life sentence from other sentences is the restrictions on the rights of the families, which in result, make their already difficult lives even more difficult at least economically. The reasons of the problem of transfers both stem from the Law on Execution and regulations on execution and the way these are implemented. According to the Law No. 5275, aggravated life prisoners have to stay in supermax security prisons, but these prisons are not established in every province. Therefore it is obvious that the law determines that some of the aggravated life prisoners will live their lives away from their families.

Furthermore, as a consequence of the transformation of the security policies and penal system, which leads to the establishment of high capacity campus type prisons outside of the cities, prisoners face multidimensional problems regarding their relations with the outside world. For example, it is more expensive to reach those prisons for the families, even though they live in the same province, whose living conditions are hardened by the status of "being the family of aggravated life prisoners". It is frequently mentioned that this condition is hardening the isolation of these prisoners and the feeling of despair of both prisoners and their families. Throughout my work at CISST, some prisoners asked me not to share their problems with their families that would upset them, and the families asked the same thing as well.

The aggravated life prisoners I corresponded with stated that they had applied many times to request transfer to the prisons close to their families. Some of the aggravated life prisoners' other family members were in prisons, which are also away from their families. In these cases, the families stated that they were unable to bear the financial burden of both prisons. *"My brother is in ... Prison that's why we demanded transfer like 150 times; they were all rejected."* [165]

[165] 'Kardeşim … Ceza Evinde hükümlü olarak kalmakta bu nedenle sevk yazdık yaklaşık 150 kadar, red veriliyor.' From the letter sent to my name on 2017.10.11.

(Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

According to the regulation on transfers, the prisoners have to be in the status of "good behavior" in order to apply for transfer. If prisoners do not have this status, they have to wait until they get it. However, since the ambiguity of disciplinary mechanism and the broad authority of administrations may lead arbitrary punishments, it is not always possible for prisoners to have this status.

> You've asked if I've got any illnesses. I don't have anything serious. My only problem is that I want to go to a place close to my family but because of the sanctions that the institution gave me, I cannot ask to be transferred. (CISST 2017)
>
> I go out to the yard at 10 in the morning, and stay until 11 am. It changes every 15 days. When there's a search, they won't let me go out but let the person whose turn is right after mine. When I ask the officer if they wouldn't let me, they say that the warden said not to. When I ask why, they say he just doesn't feel like it, as if they're mocking me. If I were to insist even a little bit, they threaten me with starting a disciplinary investigation. So I try to keep quiet as much as I can. If they give me a reprimand, I won't be able to file a petition for 3 months. (...) They don't take it in any serious way. They don't respond to our petitions. We have many such problems.[166] (Bekir, 37 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner)

Prisoners have to indicate that they will pay the fee of the transfer in their petitions. I have been told many times that otherwise prison administrations do not accept the transfer requests. This leads the prisoners' not being able to see their visitors for years due to economic reasons. Many prisoners stated in their letters that they could not be visited for more than 10 years, as their families could not afford the travel fees.

[166] 'Havalandırma saatim sabah 10'da çıkıyorum, 11'e kadar, 15 günde bir değişiyor. Arama yapıldığı gün beni arama var diye havalandırmaya çıkarmıyorlar, benden sonra çıkacak kişiyi çıkarıyorlar. Beni çıkarmayacak mısınız diye görevliye sorduğumda müdür çıkarmayın diyormuş nedeni canı öyle istiyormuş, diye dalga geçer gibi cevap veriyorlar. Biraz ısrar etmem halinde hakkımda disiplin soruşturması başlatılacağını söylüyorlar. O yüzden mümkün olduğu kadar uzak kalmaya çalışıyorum. Bir kınama verseler sevk yazabilmem için 3 aydan fazla bir zaman geçmesi gerekecek. (…) Ciddiyetleri yok dilekçelerimize cevap yok ve buna benzer birçok sorun.' From the letter sent to me on 2018.08.17.

> I come from a poor village. My family's financial situation isn't good either. I've been asking to be transferred for the past seven years but it's never... or I haven't been able to go anywhere near. All of my petitions have been rejected. (...) When I first came in, my children were little, they haven't been able to come and visit me at all for 8 years... They're far and my whole family is just very poor, they don't have anything. My father is the head of my children now, and he's eighty five years old! We've been missing each other so much for many years but no one is able to come and visit me. I haven't found any place where I could explain this problem of mine. I have eight children and I talk to them every fifteen days for ten minutes. I only get to hear their voices. I found the address of your association from a fellow inmate, I think you might be able to help me. During my entire time in prison they have never started a disciplinary investigation against me. I've only been transferred because the prisons were full. And this capacity problem has never ended. I'm feeling very depressed. I miss my family, I want to see their faces, please show me a way for this transfer. This cruelty must end now. I'm looking forward to your help and response.[167] (Aydınoğlu and Yusufoğlu 2019, 108-109)

Some of these prisoners stated that the reason for not being visited was that their family members were elderly, sick or disabled.

> My mom had cerebral paralysis before. She's got diabetes and hypertension, God help her. But she's still trying to come here. She looks as if she were drunk. It scares me. She says the trip here is too long, that it never ends. She says she gets exhausted. If she feels a little bit better, she immediately tries to come here to visit. I tell her not to come here when she's sick like that, but she gets offended easily.[168] (Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner)

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[167] 'Benim köyüm yoksul bir köy. Aile durumum da müsait değil. Ben yedi yıldır sevk yazıyorum ama bir türlü … veya yakın bir yere gidemedim. Sevk dilekçeme hep ret cevabı verildi. (…) Ben içeri düştüğümde çocuklarım ufaktı, sekiz yıldır hiç ziyaretime gelemediler… Hem çok uzaklar hem de ailece yokluk ve yoksulluk var. Babam çocuklarımın başında seksen beş yaşında! Yıllardır özlem ve hasretimiz çok yüksek ama kimse ziyaretime gelememekte. Ben derdimi anlatabileceğim bir yer bulamadım. Sekiz evladım var on beş günde bir on dakika telefonla konuşma hakkım var, sadece seslerini duyuyorum. Sizin derneğinizin adresini mahkûm arkadaştan buldum bana yardım edebileceğinizi düşünüyorum. Cezaevi hayatım boyunca hiç disiplin soruşturması geçirmedim hep doluluk nedeniyle zorunlu nakil gönderildim ama bu doluluk hiç bitmedi ben artık çok bunalımdayım. Ailemi özledim ailemin yüzlerini görmek istiyorum bana bir yol gösterin bu sevk konusunda. Bu zülüm bitsin artık yardım ve de haberinizi bekliyorum.'

[168] 'Annem daha önce beyin felci geçirdi, şeker var tansiyon var Allahım yardımcısı olsun hasta hasta buraya gelmeye çalışıyor sarhoş gibi oluyor. Beni korkutuyor, yol bitmiyor diyor. Yorulduğunu söylüyor. Biraz sağlığı iyi olsa 15 günde 1 gelmeye çalışır annedir ne yapsın. Buraya gelme hasta hasta diyorum hemen darılıyor.' From the letter sent to me on 2017.11.14.

Another reason is stated that the people, who can visit them by law, are not available to travel because they have to care for other family members.

> I would appreciate it if you could help me with this transfer. My family asked for my transfer from the outside but it got rejected. If it helps, my father has medical reports showing that he's too old and has got vision loss, diabetes and hypertension. I've also got a handicapped sister at home, she's got her medical report as well. The state also hired my mother to take care of her so they cannot come all the way here, it's too far. There are reports to prove all of these. My father once gathered all of these reports, brought them to the prosecution office at the Courthouse of İzmir, and filed a petition for my transfer. I asked to be transferred, too. I've written down 10 different prisons but I got none. I'm hoping to find a solution. Please hear my voice. You may publish what I wrote here anywhere you like: on the Internet, newspapers, you may take it to the parliament, if you like. You can mention my name, too. The institution is giving us all these arbitrary punishments and sanctions, and using the OHAL [state of emergency] and the lack of capacity as an excuse.[169] (Non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 108)

During the last three years I worked at CISST, I also mediated prisoners requests to transfer to other prisons. For a significant number of prisoners I had to repeat the applications every month since these applications were mostly rejected by the General Directorate of Criminal and Detention Houses asserting that the prisons are overcrowded. Besides, political prisoners stated that even if they are transferred to the prisons that are close to their family by paying the fees to transfers they experiences forced transfer to prisons which are also away from their families. This leads the prisoners' avoidance to apply again for transfers since they think the money they paid is going to be wasted again.

> The reason of my transfer to Tekirdağ is banishment. I mean it didn't happen on my request. I wonder, honestly where will they banish me from

[169] 'Bu nakil ile ilgili bana yardımcı olursanız sevinirim. Ailem dışarıdan nakil talep etti, kabul olmadı. İsterseniz babamın yaşlı ve görme kaybı ve şeker tansiyon raporlarını var. Ayrıca bizim evde 48 yaşında özürlü kız kardeşim var, raporlu. Devlet ayrıca ona bakması için annemi bakıcı olarak tutmuş yani yanıma, bu uzak yere gelemiyorlar. Bunların hepsi raporlu. Babam bu raporları alıp İzmir Adliyesine savcılığa getirdi ve nakil dilekçesi verdi. Bende içeriden nakil yazmıştım, en az 10 tane cezaevi yazdım ama hiçbiri çıkmadı. İnşallah bir çıkar yolu bekliyorum. Sesimi duyun ve bu yazdıklarımı istediğin yerde internet, gazete, meclis neresi olursa yazabilirsin. İstersen ismimi de belirtebilirsin. Bütün bu sıkıntıları kurumun OHAL'i ve yer sorununu bize dayatarak insanlara keyfi cezalar veriyorlar.'

> here.[170] (Demir, 43 years old, in prison for 11 years, in the cell for 5 years, political prisoner)

The law and regulations on execution of sentences do not include a regulation to compensate for these disadvantaged situations of prisoners who cannot regularly exercise their right to visit because their family lives far away. Some of the prisoners I contacted, shared their strategies such as: to go on a hunger strike, burn their cells, or attempt suicide in order to go to prisons close to where their families live. The conditions of aggravated life prisoners, when combined with the problems they have with the transfer mechanism, it can be said that the prisoners who are already in isolation will become more isolated and their bonds with the outside world and the society they live in will be weakened at best if not break of entirely.

In this context; the family seems to be the only social network the aggravated life prisoner has beyond the wall. When all these problems are addressed together, it seems that the aggravated life sentence, also creates a system and practice that violates the rights of families.

> I got arrested in …. They sentenced me in 2010, and sent me to the L-type prison in Antalya. I've been filing petitions (paying for it) for a transfer for the past 8 years. I've got four good kids and I have only seen them once in all this time. I haven't been able to see my parents, my wife and children for the past 6 years. This has had serious deteriorating effects both on my mental and physical health. I've been scalding from head to toe. I'm only able to go on with the help of antidepressants. My psychological state is in no good shape. My wife and I are separating. My family has fallen apart. My family is living in Bilecik and Afyon. I have been trying to be transferred to Tavşanlı, Eskişehir and Bilecik prisons, but I have never been able to. If suicide weren't prohibited in my religion, I would have killed myself a long time ago.[171] (In prison for 10 years, non-political prisoner) (Aydınoğlu and Yusufoğlu 2018, 107)

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[170] 'Tekirdağ'a sevk edilme nedenim sürgündür. Yani kendi talebimle olmadı. Buradan sonra nereye sürgün edecekler doğrusu çok meraklıyım. 'From the letter to CISST on 2016.06.03

[171] 'Benim olay yerim …. 2010'da cezayı aldık. Antalya L Tipine gönderdiler. 8 senedir her ay (paralı) sevk yazıyorum. Bu kadar zaman içinde, ellerinizden öper 4 çocuğum var, 1 kere görebildim. 6 senedir anne baba eş ve çocuklarımı göremiyorum. Bu sebepten ruhen ve bedenen sağlığım çok bozuldu. Ta ki saçlarımın içinden ayaklarımın altına kadar yaralar çıktı. Anti depresan haplarıyla duruyorum. Psikolojim çok bozuk. Eşimle ayrılıyoruz. Ailem parçalandı.

CONCLUSION

This thesis examined life experiences and social, economic and cultural living conditions of the prisoners whose lives are ongoing under a regime of extreme isolation for long periods of time in Turkey's prisons. This sentence has become the severest sentence after the abolishment of death penalty in 2005 as part of the transformation of the punishment and incarceration practices in Turkey. I aimed to explore the similarities and differences of the experiences of aggravated life prisoners in the process of access to human rights and services. It explores these experiences in relation to their social situations and statuses, and within the context and institutional setting of Turkey's prisons. Besides, it also looked at the experiences of the families of aggravated life prisoners whose lives highly affected by the execution regime itself.

In order to understand the life experiences and living conditions of aggravated life prisoners in relation to their social settings, qualitative research methods were adopted in this study. The main source of this study is the discourse analysis of letters of aggravated life prisoners. The secondary data is attained from the literary texts such as biographies, novels, short stories, and other artistic productions such as paintings and cartoons that contain testimonies of the prison experiences of aggravated life prisoners.

In the first chapter, I aimed to provide a historical and conceptual background of the notions of *imprisonment* and *the effects of imprisonment*. I emphasized the issues of *life imprisonment*, *solitary confinement*, and *super-max confinement* since these are the three core elements of the aggravated life sentence. I addressed these issues, within the context of the structural

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Ailem Bilecik ve Afyon'da yaşıyor. Ben yıllardır gitmeye çalıştığım Tavşanlı, Eskişehir, Bilecik cezaevlerine gitmek istiyodum. Ama bitürlü [sic] gidemedim. Eğer ki dinimde intihar yasak olmasaydı çoktan canıma kıymıştım.'

transformation of Turkey, focusing on the transformation of the practices of incarcerations in Turkey. To do so, I focused on three processes within the history of Turkish prisons that marked the core elements of the execution regime of the aggravated life sentence as abolition of the death penalty, the emergence of F type prisons, and the notion of closing prisons in cities and opening campus type prisons outside of the city centers. Then, I explored the legal context of the aggravated life sentence. I then, discussed the distinction between political and non-political prisoners concerning the changes in the political atmosphere in Turkey through Michel Foucault's analysis of power. In the fifth section of the first chapter, I presented the ways in which this status is seen and called by aggravated life prisoners. Then I discussed the stigmatization of aggravated life prisoners through representation and the discourse of danger in relation to Mary Douglas's notion of *danger*, Erving Goffman's *stigma* and Victor Turner's *status.*

In the second chapter, I presented the spatial, economic, social, cultural life experiences of aggravated life prisoners by focusing on the physicality of and the daily life in the cell, relations with the outside world, the statuses that structures different experiences among others and the hopes and expectations of aggravated life prisoners.

In the third chapter I dealt with the aggravated life prisoners' access to fundamental human rights and social services. Experiences of aggravated life prisoners in the process of access to the fundamental human rights and public services are similar in the issues of access to justice, access to health care, and access to social services, and social aids. In this chapter, I presented the shared experiences, and discuss two of the crucial issues that cause problems as: the issues of disciplinary mechanisms and the broad discretionary power of the prison administrations. Then I presented the ways aggravated life prisoners sees and perceives this status. Finally, in the last section of this chapter, I also dealt with the consequences of the aggravated life status for families, relatives, and friends since this status also limits the rights of them and affect their lives heavily. Besides, I mentioned the role of the families in the process of access to human

rights since the aggravated life prisoners' experiences are dependent upon the conditions of their families. In order to make sense of the experiences of both families and prisoners, I looked at the mechanism of "transfers" of prisoners.

In this thesis, I argued that the status of aggravated life imprisonment brings out a number of people who are placed in the margins of society, seen as outcasts of it, stigmatized within a long process of solitary confinement and life imprisonment in which they experiences multidimensional access problems. Besides, in this thesis I argued that aggravated life sentence is seen as "a sentence within a sentence" and it also affects the lives of families of the aggravated life prisoners.

For further research, life experiences of women prisoners who are sentenced to aggravated life which was lacking in my study due to the data I was able to attain, would bring a lot of issues. Besides, the issues of aggravated life sentence may also be dealt in relation to violence and the aggravated life prisoners' perceptions of violence. Besides, it is important to evaluate the ways aggravated life prisoners and their families can be included in the processes of developing comprehensive social policies on this issue.

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ANNEX -List of Participants

1. Bahri, 54 years old, in prison for 20 years, in the cell for 11 years, non-political prisoner
2. Bahtiyar, 58 years old, in prison for 27 years, in the cell for 15 years, political prisoner
3. Baki, 48 years old, in prison for 24 years, in the cell for 10 years, political prisoner
4. Bayram, 46 years old, in prison for 22 years, in the cell for 12 years, political prisoner
5. Bedi, 40 years old, in prison for 16 years, in the cell for 12 years, political prisoner
6. Bekir, 37 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner
7. Bilal, 50 years old, in prison for 17 years, in the cell for 10 years, non-political prisoner
8. Can, 47 years old, in prison for 22 years, in the cell for 7 years, political prisoner
9. Demir, 43 years old, in prison for 11 years, in the cell for 5 years, political prisoner
10. Dinçer, 30 years old, in prison for 11 years, in the cell for 8 years, non-political prisoner
11. Faik, 54 years old, in prison for 24 years, in the cell for 13 years, political prisoner
12. Fatih, 49 years old, in prison for 18 years, in the cell for 5 years, non-political prisoner
13. Ferit, 48 years old, in prison for 21 years, in the cell for 11 years, political prisoner
14. Fırat, in prison for 12 years, non-political prisoner

15. Gökhan, 32 years old, in prison for 13 years, in the cell for 8 years, non-political prisoner
16. Kadir, 52 years old, in prison for 17 years
17. Leman, non-political prisoner
18. Necati 57 years old, in prison for 7 years, non-political prisoner
19. Necmi, 45 years old, in prison for 25 years, in the cell for 15 years, political prisoner
20. Orhan, 37 years old, in prison for 14 years, in the cell for 11 years, non-political prisoner
21. Osman, 49 years old, in prison for 28 years, in the cell for 15 years, political prisoner
22. Şaban, 56 years old, in prison for 28 years, in the cell for 15 years, political prisoner
23. Şafak, 35 years old, in prison for 12 years, in the cell for 9 years, non-political prisoner
24. Şahin, 42 years old, in prison for 15 years, in the cell for 9 years, political prisoner
25. Şengül, 50 years old, in prison for 27 years, in the cell for 15 years, political prisoner
26. Tarık, 40 years old, in prison for 13 years, in the cell for 9 years, political prisoner
27. Vedat, 31 years old, in prison for 11 years, in the cell for 6 years, non-political prisoner
28. Zafer, 49 years old, in prison for 12 years, in the cell for 8 years, non-political prisoner
29. Zekeriya, 39 years old, in prison for 15 years, in the cell for 10 years, political prisoner
30. Ziya, 36 years old, in prison for 14 years, in the cell for 10 years, non-political prisoner