



18 May 2020

**President of the
European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)**

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III treatment of political prisoners in Turkey – unjustified health risk due to Corona pandemic

Dear Mr Gnatskovskyy,

The undersigned lawyers' organisations wish to draw your attention to the exceptional threat posed by the Covid-19 pandemic to political prisoners, especially those Turkish lawyers who have not been released under the provisions of the recently introduced Parole laws

We are aware that the CPT has frequently visited Turkey to investigate the treatment and protection afforded to those detained by the law enforcement authorities. The last ad hoc visit under your personal direction took place a year ago. We are looking forward to reading the results once these have been published.

Since your last visit, a new situation has arisen resulting from the outbreak of the Covid-19 pandemic, which creates a significant risk, particularly in prisons, due to potential overcrowding and poor hygiene measures. Turkey has indeed reacted to the warnings made by international organisations* through the mass amnesty offered to 90,000 prisoners. We are aware that not all of these have yet been released. However, a large proportion of prisoners charged with some form of terrorist offence, have been exempted from this reduction or remission of punishment. In fact, these prisoners have been tried and imprisoned for expressing their opinions, in many cases taking collective action for freedom of expression.

In a joint declaration to the Turkish government and the parliament, a group of prominent Turkish lawyers, among them the former judge at the European Court of Human Rights Dr Rıza Türmen, accused the Turkish government of having violated the constitution of Turkey and Article 14 of the European Convention on Human Rights because the group of prisoners charged with terrorist offences is excluded from the protection afforded to another group of prisoners without any objective justification. The Turkish Constitutional Court has recently announced that it will examine the constitutionality of the prison release law upon a challenge submitted by the main opposition party CHP.ⁱ (see also ⁱⁱ)

Under the current circumstances, the signatory organisations would welcome it if the CPT were to enhance its monitoring activities on Turkey and amongst other things, plan another ad hoc visit to

Turkey with a special focus on the health risks faced by political prisoners of conscience due to discriminatory treatment in Turkey.

For many years, the signatory organisations have been monitoring the situation in Turkey, sending our respective members to observe the mass political trials against Turkish lawyer colleagues in Turkey. A focus has been on several trials against members of two Turkish lawyers' organizations: the Progressive Lawyers Association (CHD) and the Lawyer Association of Freedom (ÖHD). A total of 18 lawyers from the CHD were sentenced a year ago to prison terms of between 3 and 18 years, a sentence which was confirmed by the Regional Court of Appeal in October 2019. This case is currently pending before the Court of Cassation.

During the COVID 19 pandemic, several of the imprisoned lawyers of the CHD have been protesting against their unjust and unjustified conviction by going on hunger strike and their health is especially at risk. Two of them, Mrs Ebru Timtik (in prison in Silivri) and Mr Aytaç Ünsal (in prison in Burhaniye), have indicated that they will continue this hunger strike until they die unless the Turkish government stops its interference in the judiciary and guarantees their fair trial rights. As a result of their weakened state of health due to the hunger strike, a COVID-19 infection would put their lives more substantially at risk. This risk is now more imminent as a result of a recent statement made by the Istanbul Public Prosecutor's Office confirming that 44 inmates in Silivri Prison, where Ebru Timtik is being held, have tested positive for COVID-19.

We would therefore very much appreciate confirmation that you are planning your next visit to Turkey, when circumstances allow, to investigate the conditions of detention would include these two colleagues and that you will consider taking the following steps in the meantime: -

- A. Increasing your monitoring of the situation in the prisons in Turkey as requested above;
- B. Requesting a report from the Turkish authorities concerning the health and welfare of Ebru Timtik's and Aytac Unsal by independent healthcare professionals;
- C. Consider making virtual contact with the prisons in Turkey to monitor the situation from a distance by means of the established SEGBIS video connection system either directly or through third party independent experts

We look forward to hearing from you.

Yours faithfully



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ⁱ Attachment: Declaration of prominent Turkish jurists „Our Public Declaration and Call for Justice”

ⁱⁱ Bar Human Rights Committee of England and Wales (BHRC), Statement Political prisoners in Turkey in the face of the COVID-19 pandemic https://www.barhumanrights.org.uk/wp-content/uploads/2020/04/BHRC-Statement-on-Turkish-political-prisoners_3-April-2020.pdf