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TO THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)

This communication is addressed to the European Committee for the Prevention of Torture (CPT). We respectfully ask the CPT on the Day of the Lawyers in Turkey, to organize a follow-up visit to İmralı Prison and in particular to examine the government's refusal to permit lawyers to visit their clients who are under isolation in İmralı Prison.

On 26 May 2021 a petition was published, signed by 768 lawyers, including the members and executives of several bar associations, legal organizations, and human rights organizations, highlighting this situation.¹

At present the rights of Abdullah Öcalan, Ömer Hayri Konar, Hamili Yıldırım, and Veysi Aktaş, who are currently held in İmralı F-Type High Security Prison **to see their lawyers is unlawfully being restricted**. Applications for lawyer visits have not been granted since 7 August 2019 for Abdullah Öcalan, Veysi Aktaş, Hamili Yıldırım, and Ömer Hayri Konar. They have not been allowed to see their lawyers even once since they were transferred to İmralı Island in 2015.

A special and discriminatory form of isolation has been applied in İmralı Prison since 15 February 1999. The ban on lawyer visits was continued for 8 years without any interruption from 27 July 2011 until 2 May 2019. In 2019, 5 lawyer visits took place. After the last lawyer visit on 7 August 2019, the continuous ban resumed.

Since 1999, the CPT has conducted 10 separate visits to İmralı Prison. This severe state of isolation in İmralı Prison was noted in the CPT's Report on its visit to Turkey between 6-17 May 2019, which was published on 5 August 2020. While pointing out several violations, the report also stated the following with regard to lawyer and family visits:

"The CPT urges the Turkish authorities to take the necessary steps to ensure that all prisoners at İmralı Prison are effectively able, if they so wish, to receive visits from their relatives and lawyers. To this end, an end should be put to the practice of imposing a ban on family visits for 'disciplinary' reasons. Further, the Committee requests the Turkish authorities to provide – on a monthly basis – an account of the visits which all prisoners held at İmralı Prison have received from their family members and lawyers" (para. 51).

¹ <https://ozgurlukicin hukukcular.org/tr/detay/basina-ve-kamuoyuna>

The situation indicated in the CPT's report continues to this day, in an aggravated manner. While it had been expected that improvements would be made in İmralı Prison in line with the recommendations outlined in the CPT's report, the prisoners' lawyers report that new disciplinary penalties and bans – the latter were issued by the Execution Judgeship – have been imposed on the prisoners.

Allegations and rumors concerning Abdullah Öcalan's state of health that were widely published on social media on 14 March 2021 caused serious concerns among the public. Although the prisoners were allowed the opportunity to communicate with their families by phone on 25 March 2021 in the face of these concerns, the conversation between Abdullah Öcalan and his brother was interrupted after 4-5 minutes, while Ömer Hayri Konar and Veysi Aktaş could not talk to their families. Abdullah Öcalan informed the public that before the connection was completely interrupted, Abdullah Öcalan had clearly expressed his wish to see his lawyers.

The banning of lawyer visits to İmralı Prison openly violates the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), updated in 2015, the CPT's recommendations and the Execution Law of Turkey (Law no. 5275). States have the obligation to guarantee detainees and convicts' exercise of their rights without any regard for their identity or the quality of their sentence.

It is also a violation of the rights and privileges of lawyers, as specified in the United Nations Basic Principles on the role of lawyers. In particular this concerns basic principles 8 and 16.

Basic Principle 8 demands that "imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality". Basic Principle 16 states governments must ensure that lawyers "are able to perform all of their professional functions without intimidation, hindrance or improper interference." The specific rights and privileges that lawyers enjoy in connection to their professional functions should not only be guaranteed in light of the rights of the lawyer, but also in protection of the rights of their clients.

As the legal organizations who have signed this petition, we request the CPT to follow up on its report of 5 August 2020, We urge the CPT to recommend that the necessary action is taken by the authorities; and that urgent action is taken for the lifting of the ban on lawyer visits, which is part of the isolation imposed on prisoners in İmralı Prison; and, in view of the aggravation of the conditions since the CPT's last visit more than two years ago, to visit İmralı Prison and prepare a report on this visit.