



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

WITH LAWYERS
IN 21 COUNTRIES

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By email and fax

Düsseldorf, 13 September 2022

The ban on lawyer visits to İmralı Prison

Dear Minister,

Abdullah Öcalan, Ömer Hayri Konar, Hamili Yıldırım and Veysi Aktaş, who are detained in the İmralı F-Type High Security Prison, are unlawfully prevented from seeing their lawyers. While Abdullah Öcalan has not been allowed to see his lawyer since August 7, 2019, Veysi Aktaş, Hamili Yıldırım and Ömer Hayri Konar have not been allowed to see their lawyers even once since 2015, when they were transferred to İmralı Island.

A special and discriminatory form of isolation has been applied in İmralı Prison since February 15, 1999. The ban on lawyer visits has been in effect continuously for 8 years since July 27, 2011, until May 2, 2019. In 2019, 5 lawyer visits took place. After the last lawyer visit on August 7, 2019, the ban was resumed.

It has to be stated that Öcalan has not been heard from since a last short phone call took place on March 25, 2021. This constitutes a worrying circumstance. As a lawyer closely following affairs in Turkey, I am well aware of the political and social impact of this situation.

In its report on its 2019 visit to the İmralı Prison, published on 5 August 2020, the CPT considered the total ban on Öcalan's and the other three inmates' contacts with the outside world as a type of incommunicado imprisonment. The CPT stated that such a state of affairs was unacceptable and contravened relevant international human rights instruments and standards.

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The continuous interference with the right to defense and the state of isolation imposed on Öcalan and the other inmates have prompted statements by international law organizations such as ELDH, AED, and Lawyer for Lawyers and critical reactions by a wide network of lawyers on different occasions.

I would like to remind you that on June 10, 2022, 775 lawyers registered to 29 different Bar Associations applied to the Bursa Chief Public Prosecutor's Office with the request to have lawyer visits with Mr. Abdullah Öcalan, Mr. Hamili Yıldırım, Mr. Ömer Hayri Konar and Mr. Veysi Aktaş by putting an end to the illegal ban on lawyer visits in İmralı Prison.

The ban on lawyer visits to İmralı Prison clearly violates the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) updated in 2015, the recommendations of the CPT and Turkey's Execution Law (Law No. 5275). States have an obligation to ensure that detainees and prisoners are able to exercise their rights regardless of their identity and the nature of their sentence.

It is also a violation of the rights and privileges of lawyers as set out in the United Nations Basic Principles on the Role of Lawyers, in particular Basic Principles 8 and 16.¹

Basic Principle 8 is very clear: "All arrested, detained or 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. Such consultations may be within sight, but not within the hearing, of law enforcement officials." Similarly, Basic Principle 16 also states that Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and to travel and to consult with their clients freely both within their own country and abroad.

Pursuant to Article 25 of the Regulation on Visits of Convicted and Detained Persons, foreign lawyers - even without a power of attorney - have the right to see a convicted person in Turkey, provided that they comply with international conventions to which the Republic of Turkey is a party and the principle of reciprocity.²

The enduring efforts of our colleagues in Turkey against the isolation and violation of the right to defense is essentially a struggle for the implementation of the rights protected in international conventions to which Turkey is a party, especially the European Convention on Human Rights. Therefore, I submit to you my application to see Abdullah Öcalan and the other prisoners held in İmralı, Veysi Aktaş, Hamili Yıldırım, and Ömer Hayri Konar, within the scope of Article 25 of mentioned Regulation.



Thomas Schmidt
ELDH Co-Secretary General

Attachment: list of signatures

¹ Basic Principles on the Role of Lawyers- Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990, and approved by the General Assembly by its resolution 45/120 of 14 December 1990.

² *Hükümlü ve Tutukluların Ziyaret Edilmeleri Hakkında Yönetmelik* (Regulation on Visits of Convicted and Detained Persons), see: <https://www.mevzuat.gov.tr/File/GeneratePdf?mevzuatNo=8345&mevzuatTur=KurumVeKurulusYonetmeligi&mevzuatTertip=5>

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