
To the Press and Public:

Our client Mr. Abdullah Öcalan has been held in İmralı High Security Prison, an island prison, since February 1999 and our other clients Mr. Hamili Yıldırım, Mr. Ömer Hayri Konar and Mr. Veysi Aktaş since March 2015. Their conditions of detention deviate from the principles prescribed in national legislation in that they are not entitled to any of their fundamental rights.

Although we have filed numerous applications and complaints regarding this issue, our clients' legal rights have not been established until date. The last physical contact with them occurred within the scope of a family visit on March 3, 2020. Our clients were not allowed to any physical contact with the outside world after this date. Forced by extraordinary circumstances, the authorities exceptionally granted permission for a phone call on March 25, 2021, i.e., only one year after the last visit. Our clients Mr. Ömer Hayri Konar and Mr. Veysi Aktaş boycotted the phone call in protest against the isolation they were subjected to. Mr. Öcalan's phone call with his brother was aborted early due to interruption. After this problematic contact, it has not been possible to access any confirmed information about our clients.

For 20 months after these phone calls, our clients have been completely isolated from the outside world and held in absolute incommunicado detention, a state of affairs that contravenes universal legal standards and national legislation, amounting to torture and ill-treatment. Although we have made many attempts to draw attention to the consequences caused or likely to be caused by this treatment and to seek redress for it, unfortunately, it has not been possible for us to obtain any results.

Domestic and International Monitoring Mechanisms Are Ineffective

We have filed complained and appealed to the Ombudsman's Office, the Human Rights Inquiry Commission of the Grand National Assembly of Turkey, the Human Rights and Equality Institution of Turkey, the Ministry of Justice and its relevant departments, as well as many non-governmental organizations. We have also lodged an application with the European Court of Human Rights, the United Nations Human Rights Committee and its sub-units set up to combat torture. Largely left unanswered, these applications have not yielded any tangible result in terms of changing the isolation practices in İmralı Prison. In this respect, we would like to remind that the then Minister of Justice made a statement in 2019, after receiving the members of the European Committee for the Prevention of Torture (CPT), declaring that there were no obstacles to the inmates of the prison receiving visitors. At that time, the struggle against isolation had taken the form of hunger strikes and its righteousness was recognized by the democratic public opinion. However, we would like to emphasize that this is a problem of law and democracy, and therefore we expect the relevant groups, who promised that they would take over the struggle, to make good on their promises.

Prison Monitoring Boards' Reports Should Be Made Public

Neither by domestic nor by international legal standards can a prison be completely sealed off from the outside world. A penal and execution institution that cannot be visited by its inmates' lawyers and family members and where inmates' right to correspondence and telephone calls is not recognized is simply unacceptable. A prisoner cannot be completely prevented from contact with a lawyer. There is a legal obligation that requires authorities to allow a minimum communication channel under all circumstances. However, despite this, we have been prevented from even receiving news from our clients for 20 months. The reports of the Provincial Prison Monitoring Boards, which are required by law to visit the prison every 2 months and report their observations and findings on the spot, are not shared with the public.

We are not informed about any developments regarding the conditions of our clients

We do not have information as to our clients' access to information, whether the books supplied to them are subject to censorship and restrictions, how long it takes until they receive daily newspapers and magazines, and their access to television and radio. We are moreover aware that the disciplinary penalties that are presented as the legal basis for banning their right to receive visitors have also been used to interfere with our clients' right to engage in joint activities. The "specious" and unacceptable nature of the disciplinary penalties has been emphasized by the CPT in its reports. In short, due to unlawful tendencies and political decisions we have not been able to attain any information for 20 months about the treatment and material conditions of Mr. Abdullah Öcalan and our other clients who are being held with him in İmralı Prison.

Did the CPT Talk to Mr. Öcalan During its İmralı Visit?

Meanwhile, the only relevant occasion that could have resolved our concerns about the state of absolute isolation in the prison was the CPT's visit to Turkey on September 20-29, 2022. In this visit, which focused on removal centers, the CPT included İmralı, although this was not part of its routine schedule.

Although such a visit was at the center of our demands to the CPT, the way this visit actually played out, both before and after, has only further increased our concerns. For this reason, we held a face-to-face meeting with the CPT, after the latter responded favorably to our request for an appointment, on October 13, 2022. In this meeting, CPT officials did not provide the slightest information about the conditions of our clients, nor did they answer any of our questions. During the meeting, which lasted approximately 45 minutes, the officials reminded us of the procedures that the CPT is bound by, informing us that they would prepare a report on their visit and submit it to Turkey, and that they could only share this report with the public with Turkey's approval. We know from past experience that this procedure takes one to one and a half years to complete. However, under current circumstances, where we are unable to receive any news whatsoever from our clients, such a period of time may imply irreparable damage. While we are certainly aware of the conventions and procedures binding the CPT, we also know that this does not prevent the CPT from providing information about the conditions of detention of our clients, from whom we have not heard for 20 months.

Furthermore, it has been rumored that during the CPT's visit to İmralı Island in September 2022, Mr. Öcalan did not participate in an interview with the delegation. Unfortunately, we have not been able to confirm this rumor during our meeting with the CPT. The CPT's visits quite essentially involve interviews held with prisoners in private. If these rumors would turn out to be true this would leave the CPT's all the more controversial. For the aforementioned reasons, rather than bringing any relief, both the CPT's last actual visit and our last meeting with the CPT have increased our concerns. Its founding values and the international law to which it is bound require the CPT to provide information about its visit to İmralı Island, which is under its competence.

Ending the State of Isolation and Ensuring Regular Visits is a Legal Obligation

Our periodic briefings and requests to the CPT are ongoing. Besides, we have applied to the Ministry of Justice to meet with the minister to convey the seriousness of the situation and to share the available data. We continue to file regular applications to the Bursa Chief Public Prosecutor's Office, the Execution Judge's Office, and the prison administration for our clients in İmralı Prison to be allowed to see their lawyers.

In this context, as a requirement of constitutional rights and universal law, we continue to demand and insist that our clients are allowed to see their lawyers immediately, that the relevant institutions respond positively to our requests and provide the necessary information as required by their duties. We present



ASRIN HUKUK BÜROSU
<https://asrinhukuk.org>
Tel: 0212 292 95 50
Fax: 0212 292 95 53
Mail: ahb_iletisim@yahoo.com.tr

today's statement to the public in the belief that everyone supporting fundamental rights and freedoms will closely follow developments and act with the necessary sensitivity to overcome this inhumane state of affairs.

Sincerely,

Asrin Law Office

29.11.2022