

TO THE MINISTRY OF JUSTICE OF THE REPUBLIC OF TÜRKİYE

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 could take place, and after the last lawyer visit on August 7, 2019, the continuous ban was resumed.

We are also witness to the anxiety that the fact that Öcalan has not been heard from since a last short phone call took place on March 25, 2021, has caused among his family and our colleagues. As lawyers closely following affairs in Turkey, we are 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.

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, showing how important and widely followed this issue is.

We would like to remind you that on June 10, 2022, 775 lawyers registered to 29 different Bar Associations, including representatives of institutions and bar association presidents, 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.

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.

As it is known, 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.

Considering that 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, I submit to you my application to see Abdullah Öcalan and the other prisoners held in İmralı within the scope of Article 25 of the relevant Regulation.

I hope you will issue the necessary authorization.

Date

Name Surname

Bar