Alternative Follow-up Report to the Concluding Observations of the Committee against Torture on Turkey's Fifth Periodic Review

Submitted by:

The Foundation for Society and Legal Studies (TOHAV)
The World Organisation Against Torture (OMCT)

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Submitting Organizations

The Foundation for Society and Legal Studies (TOHAV)

TOHAV is an independent, impartial and non-governmental organisation based in Istanbul, Turkey. The organisation was established in October 1994 by 46 lawyers from the Istanbul, Ankara, and Izmir Bar Associations. TOHAV currently has 178 official members and a significant number of volunteers from across the country. Its membership comprises legal professionals from several bar associations, including those in Diyarbakır, Batman, Van, and Malatya.

TOHAV operates through the voluntary contributions of legal experts and medical professionals, particularly doctors specialised in the diagnosis and rehabilitation of torture survivors. Since its inception, the Foundation has focused on monitoring, documenting, and addressing human rights violations across Turkey. It also develops and implements projects aimed at strengthening human rights protections and increasing public awareness.

As an independent human rights organisation, the Foundation systematically monitors the implementation of national legislation and international human rights standards. The Foundation's comprehensive research, documentation and analysis will provide evidence-based recommendations to government authorities, international organisations and civil society actors. The goal of these recommendations is to prevent violations, ensure accountability and strengthen the protection of fundamental rights. This report builds upon the Foundation's ongoing work and engagement with individuals whose rights have been violated, highlighting persistent challenges and proposing concrete measures for improvement.

The World Organisation Against Torture (OMCT)

The World Organisation Against Torture (OMCT) works with nearly 200 member organisations that make up a SOS-Torture Network to end torture, fight impunity, and protect human rights defenders around the world. Together, we make up the largest global group actively opposing torture in more than 90 countries. By helping local voices be heard, we support our partners on the ground and provide direct assistance to victims. Our international secretariat is based in Geneva, with offices in Brussels and Tunis.

A. Introduction

The following report provides comments on the Key Recommendations issued by the Committee against Torture (the Committee) in its Concluding Observations on the Fifth Periodic Review of Turkey under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) (*CAT/C/TUR/CO/4*). The report focuses on paragraph 17 of the Committee's Concluding Observations, in which the Committee the State party to:

- Revise the Penal Code and Law No. 5275 on the Execution of Penalties and Security Measures ('Law No. 5275') to abolish the penalty of aggravated life imprisonment.
- Ensure that prisoners serving life sentences have a realistic prospect of release or a reduction of their sentence after a reasonable period of time.
- Immediately facilitate visits and communication for Abdullah Öcalan, Hamili Yıldırım, Ömer Hayri Konar, and Veysi Aktaş with their families and lawyers, and to refrain from imposing limitations on such contact, in accordance with rules 43(3) and 61 of the Nelson Mandela Rules.

B. Penal code, Law No. 5275 and Aggravated Life Imprisonment

Following the de facto abolition of the death penalty in 2004, aggravated life imprisonment became harshest sanction in the Turkish legal system and. Under Article 47 of the Turkish Penal Code (TPC) and Article 25 of Law No. 5275 it entails lifelong detention with no genuine prospect for release under severe isolation. Prisoners are held in single cells, allowed one hour outdoors per day, and may interact with other prisoners only with judicial approval creating a long-term, effectively permanent isolation that severely restricts social and psychological well-being.

Despite the Committee's recommendation, the government has not undertaken any legislative or policy initiatives to review or amend Article 47 of the TPC or Article 25 of Law No. 5275. The aggravated life imprisonment regime remains unchanged, despite the sustained criticism from civil society organizations and international human rights mechanisms. No progress has been made towards introducing alternative sanctions, reforming the isolation-based execution regime, or establishing an independent and effective review mechanism for individuals serving such sentences. This continued legislative inaction demonstrates a persistent reluctance by the government to bring its penal system in line with international human rights standards,

particularly those safeguarding against inhuman or degrading punishment and ensuring the right to rehabilitation.

Although in its follow up report, the State report argues that aggravated life imprisonment is reserved solely for "the most serious offences" and remains narrowly applied, as the Committee rightly pointed out in its Concluding Observations, approximately 4,000 individuals are currently held under this sentence. It is therefore evident that this sanction has ceased to be exceptional and is a widely used measure, with its scope having effectively expanded in practice.

In its response the Government also asserts that aggravated life imprisonment in Türkiye does not amount to an irreducible sentence, arguing that conditional release "is in principle possible" after 30 years pursuant to Article 107 of Law No. 5275, and that only a "very limited" category of individuals (those convicted of certain offences against the State through a terrorist organisation) are excluded from eligibility for review.

In practice, therefore, two distinct situations arise regarding those sentenced to aggravated life imprisonment: (i) individuals categorically excluded by law from any possibility of release, and (ii) those who are theoretically eligible for conditional release after 30 years but are systematically denied it through opaque and arbitrary decision-making processes.

The exclusion of individuals convicted under terrorism-related provisions from any possibility of release is particularly concerning in the context of Turkey, where counter-terrorism legislation has long been criticised for its overly broad scope and frequent misuse against journalists, human rights defenders, political dissidents, and others exercising legitimate rights[1]. Denying this category of prisoners access to a release mechanism raises a serious risk that lifelong imprisonment may be imposed on the basis of their perceived political identity or beliefs. Such exclusion is incompatible with international human rights standards, which do not allow for the complete abolition of review mechanisms for any group of prisoners. As a result, these individuals have no genuine possibility of release, and their sentence remains de facto and de jure irreducible, in violation of the "real prospect of release" principle established in the European Court of Human Rights (ECtHR) case law[2].

In Türkiye, two mechanisms formally exist for the potential release of individuals serving aggravated life sentences. The first is the Presidential Pardon under Article 104 of the Constitution. This mechanism is entirely at the discretion of the President, rarely applied, and

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[1] Council of Europe, European Commission for Democracy through Law (Venice Commission), *Opinion No. 831/2015 (CDL-AD(2016)002) on Articles 216, 299, 301 and 314 of the Penal Code of Turkey*, adopted 11-12 March 2016, Strasbourg, 15 March 2016.
World Organisation Against Torture (OMCT), *Turkey: The Instrumentalization of Counter-Terrorism Legislation and Policies and their Impact on Human Rights Defenders*, June 2022.
Amnesty International, *Turkey: Briefing: Counter-terrorism, criminal law reform and the treatment of human rights defenders* , March 2024.

[2] Öcalan v. Turkey (No. 2), *nos. 24069/03, 197/04, 6201/06 and 10464/07*, judgment of 18 March 2014, European Court of Human Rights (Grand Chamber)

limited to cases involving irreversible illness, disability, or old age. It does not constitute an independent or judicial review of the necessity and proportionality of continued imprisonment.

On the other hand, although Turkish legislation formally provides that some individuals sentenced to aggravated life imprisonment may be considered for conditional release after serving 30 years, this provision remains largely ineffective in practice. The Administrative and Observation Boards (AOBs), which are mandated to evaluate prisoners' eligibility based on criteria such as conduct during detention, disciplinary records, and participation in rehabilitative programmes. In practice, however, these evaluations are highly abstract, discretionary, and opaque and this avenue remains largely theoretical. The reports[3] indicate that many individuals who have completed 30 years of imprisonment are routinely denied release, frequently on the basis of findings that they do not demonstrate "good conduct."

While these avenues provide a theoretical legal possibility for release, neither the legal framework nor its implementation offers an independent, objective, or periodic review of sentences. Despite the Committee's recommendation to ensure a realistic prospect of release, and despite the Government's claim that mechanisms exist to review such sentences, in practice, release mechanisms are neither independent, objective, nor periodic.

The following section provides a more detailed analysis of the Administrative and Observation Boards, which illustrates the structural and practical barriers that prevent this system from operating as a meaningful review mechanism.

Administrative and Observation Boards

AOBs operate within prisons and are responsible for decisions on release, discipline, and solitary confinement. These bodies are composed of the prison director, correctional officers, and other administrative staff. The composition of the AOBs is broad and not aligned with the specialised nature of the assessment. The inclusion of members who lack specific professional qualifications relevant to behavioural and psychosocial assessment (such as teachers, administrative officers, or technical staff) raises serious concerns regarding the objectivity, competence, and independence of decision-making. The decisions are often made on the basis of administrative or subjective impressions rather than evidence-based, professional, and clinical criteria. This undermines the credibility and fairness of the review process and reduces what should be a rigorous individualised assessment to an administrative formality.

This systemic concern is reflected in reports from Bafra Type T Closed Prison, where prisoners were reportedly not brought before the AOB and were instead interviewed solely by a psychologist, after which records falsely indicated that they had appeared before the board, resulting in the automatic postponement of their release by at least six months. Similarly A.Y.,

[3] Özgürlük İçin Hukukçular Derneği (Association of Lawyers for Freedom) and MED Tutuklu ve Hükümlü Aileleri ile Hukuki ve Dayanışma Dernekleri Federasyonu (MED Federation of Associations for Legal Assistance and Solidarity with Families of Prisoners and Convicts), Six-Month Report on Human Rights Violations in Turkish Prisons, January–June 2025,
Özgürlük İçin Hukukçular Derneği (Association of Lawyers for Freedom) - 2024 Turkey Prisons report

a prisoner at Akhisar T-Type Closed Penal Institution, has reported that, despite objections, the date for his conditional release has been postponed for the third time. He stated that 13 people were present when he attended the Administrative and Observation Board meeting, yet only 7 names and signatures appear on the board's decision. The roles or capacities of the remaining six individuals, as well as the purpose of their attendance, remain unclear.

Decisions on release are primarily based on the prisoner's "good conduct" and disciplinary records. However, there is no clear legal definition of "good conduct" nor transparent criteria guiding the evaluation. It is often interpreted broadly and arbitrarily, particularly in cases involving individuals convicted on political grounds where expressions of remorse are frequently treated as a prerequisite for release.

Illustrative reports[4][5] indicate that in Eskişehir Type H Closed Prison, prisoners reported that those who did not express remorse were systematically denied release, and that "poor conduct" reports included arbitrary and unlawful reasons such as "reading too many books," "not greeting the staff," or "being distant". In Van High-Security Closed Prison, a prisoner named Cafer Kaçan had his release postponed for six months because he stated that he was "not remorseful" and did not consider the PKK a terrorist organisation. In Kocaeli Type F No. 1 and No. 2 High-Security Closed Prisons, several prisoners, some of whom have been incarcerated for over 30 years and suffer from chronic illnesses, were denied release on the grounds that they were "not of good conduct." Finally, in Sincan Women's Closed Prison, prisoners reported being questioned about offences committed 30 years ago and subjected to politically charged and provocative questions such as whether they maintained ties with certain organisations, with AOB members concluding that "it is clear you have not severed your ties." These examples illustrate that AOB decisions lack objective and transparent criteria, are influenced by ideological and arbitrary considerations, and have a disproportionate impact on prisoners' right to liberty.

The decision-making processes of these boards are largely opaque to prisoners and external oversight mechanisms. Decisions are often not provided in writing, and prisoners are frequently denied access to detailed information regarding rejected release requests or disciplinary sanctions. As scoring systems or assessment criteria are not publicly available, implementation varies across cases, resulting in inconsistency and unpredictability.

In Düzce Type T Closed Prison, prisoners reportedly received negative evaluations on the grounds that "they did not participate in activities," despite the fact that no social or educational programmes were organised in the facility. Similarly, prisoners held in remote facilities, who are unable to receive family visits due to financial constraints, were given low scores on the basis that they "did not attend visits.''

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[4] Lawyers Association for Freedom (ÖHD) & Federation of Associations for Solidarity with Families of Prisoners and Convicted Persons (MED TUHAD-FED), *Six-Month Report on Human Rights Violations in Turkish Prisons, January–June 2025*

[5] Lawyers Association for Freedom (ÖHD,) Central Anatolia Prisons 2025 Six-Month Human Rights Violations Report

These assessments do not constitute an effective review mechanism for release or for modification of the detention regime. AOBs impede release through arbitrary and legally unsubstantiated assessments, undermine public confidence in the criminal justice system and severely limit the right to hope.

In its report the State relies on *Piechowicz v. Poland* to justify stringent detention conditions and argues that high-security regimes for certain categories of prisoners do not, in themselves, violate the European Convention on Human Rights. However, this position selectively interprets international jurisprudence and overlooks the broader body of ECtHR case law affirming that life-sentenced prisoners must have a realistic and genuine prospect of release and a meaningful review mechanism. The Government has relied solely on the *Piechowicz v. Poland* judgment while disregarding other ECtHR precedents[6] addressing issues of prolonged isolation and restrictions on communication. The current structure of AOBs violates the ECtHR's principle of "independent and periodic review," as emphasised in *Öcalan v. Turkey (No. 2)* and *Vinter and Others v. the United Kingdom.* ECtHR has held that arbitrary or non-transparent decisions concerning release and disciplinary measures are inconsistent with Articles 3 and 5 of the European Convention on Human Rights.

Although the Government invokes security and public order considerations to justify these measures, such blanket security-based reasoning fails to meet international standards safeguarding human dignity and the right to hope. It effectively legitimises and conceals measures which disproportionately restrict prisoners' fundamental rights. Security considerations are invoked to impose restrictions on prisoners' rights that are disproportionate to any legitimate security threat.

In its response, the Government also refers to the Fourth Judicial Reform Strategy (2025–2029) and a forthcoming Human Rights Action Plan as evidence of future steps. However, these initiatives do not set out concrete, measurable, or time-bound reforms capable of addressing the structural deficiencies previously identified by the Committee and the ECtHR. While the Strategy reiterates general commitments to strengthening the rule of law and human rights, it does not establish an independent, periodic, and meaningful review mechanism for aggravated life sentences, nor does it provide safeguards to ensure a real prospect of release in practice. The authorities acknowledge the existence of review procedures on paper but fail to propose measures to guarantee their effective implementation or to remedy long-standing concerns about arbitrariness and lack of transparency in the execution phase.

In parallel, the Council of Europe's Committee of Ministers, at its 1537th meeting on 17 September 2025[7], expressed deep regret that Türkiye has not adopted necessary legal reforms

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[6] *Gurban v. Turkey, App. No. 4947/04, ECtHR*
Vinter and Others v. The United Kingdom App. Nos 66069/09, 130/10 and 3896/10, ECtHR

[7] Council of Europe, Committee of Ministers, *Interim Resolution CM/ResDH(2025)264, Gurban group v. Turkey*, 1537th meeting (Ministers' Deputies), 17 September 2025.

to bring its system into compliance with Convention standards and ensure a genuine prospect of release for those serving aggravated life sentences. The Committee urged the authorities to introduce appropriate legislative changes "without further delay" and requested a progress report by June 2026. This renewed scrutiny emphasizes that Türkiye's current reform agenda falls short of meeting its obligations, and that references to forthcoming strategies do not constitute an adequate or credible plan to implement the Committee's recommendations. In the absence of specific legislative steps to establish an independent review mechanism and guarantee a realistic prospect of release, the structural problem remains unaddressed.

Moreover, the authorities do not publish statistical data or decisions relating to AOB assessments, solitary confinement, or postponements of release. This persistent lack of transparency and the failure to engage with civil society, obstructs effective monitoring at both national and international levels and prevents meaningful scrutiny of the implementation of release mechanisms.

(3) Solitary Confinement and Communication Rights

Since 25 March 2021, prisoners in Imralı Prison, Abdullah Öcalan, Hamili Yıldırım, Ömer Hayri Konar, and Veysi Aktaş, have been almost entirely cut off from communication with the outside world.

Imposed Restrictions:

- Family and lawyer visits have been systematically prohibited.
- Telephone communication has been blocked.
- The right to send and receive correspondence has either not been implemented in practice or has been subjected to excessive censorship and interference.
- Prisoners have been held in prolonged solitary confinement, and incommunicado detention has deepened.

On 14 August 2024, the Committee urged The State party to immediately facilitate visits and communication for Abdullah Öcalan, Hamili Yıldırım, Ömer Hayri Konar, and Veysi Aktaş with their families and lawyers, and to refrain from imposing limitations on such contact, in accordance with rules 43(3) and 61 of the Nelson Mandela Rules.

In paragraph 17 of its response, the State Party stated that, under Article 25(1)(f) of Law No. 5275, those sentenced to aggravated life imprisonment may be visited by their family members and legal guardians once every fifteen days, with each visit not exceeding one hour.

The State report further asserts that a total of 10 visits were conducted to Mr. Abdullah Öcalan by his lawyer, legal guardian, family members, and current or former members of parliament between October 2024 and June 2025. (*23 October 2024, 28 December 2024, 27 February 2025, 31 March 2025, 3 April 2025, 15 April 2025, 21 April 2025, 25 May 2025, 19 May 2025, and 7 June 2025.)* It also claims that Mr. Veysi Aktaş, Mr. Ömer Hayri Konar, and Mr. Hamili

Yıldırım each received two family visits during the same period (*on 31 March 2025 and 8 or 7 June 2025, respectively*).

However, based on information obtained and verified through independent monitoring, the reported visits appear inconsistent with the documented reality. Only **four family visits** could be confirmed during the reporting period - on 23 October 2024 (the initial visit), 31 March 2025, 8 June 2025, 7 July 2025. In addition, only one legal visit was recorded, on 15 September 2025. While prisoners are legally entitled to one visit every fifteen days, the number of verified visits remains far below this entitlement. Even the number of visits reported by the State itself falls significantly short of the minimum legal requirement,

Moreover, the State has only listed specific dates and has not provided any information regarding the regularity, duration, frequency, or continuity of these visits. The lack of information and discrepancy raises serious concerns regarding the accuracy and transparency of the State's reporting, as well as the actual implementation of prisoners' right to communicate with their lawyers and families. Without verifiable evidence, the State party's claims cannot be considered sufficient to demonstrate compliance with the Committee's recommendations. The limited number of visits indicates that the rights legally guaranteed to prisoners are, in practice, still heavily restricted.

Although the relevant rights guaranteed in domestic legislation, the State reports fail to provide any information on their practical implementation. No details are provided regarding whether prisoners are effectively able to exercise their right to communication, despite repeated concerns raised by civil society as well as the Committee. The State report does not clarify whether prisoners can communicate via telephone, send and receive correspondence in practice nor does it address whether letters are subject to censorship, confiscation or other restrictions. In the absence of such essential information, the concerns persist regarding the continued denial of prisoners' communication rights.

The limited improvements observed in İmralı Prison cannot be understood as the product of strengthened legal guarantees, but rather as a reflection of Türkiye's evolving political landscape. Since late 2024, Türkiye has entered a renewed peace process involving dialogue related to the Kurdish issue, culminating in a declared ceasefire and subsequent disarmament and dissolution steps by the PKK in early 2025. During this period, the State has allowed sporadic contacts and limited improvements in prison conditions in İmralı, functioning in practice as confidence-building measures within the political process. These developments underscore that the rights afforded to prisoners in İmralı, including access to counsel and family, have emerged not from institutional safeguards or judicial oversight, but from the shifting strategic considerations of the State. The reversibility of such measures, as seen following the collapse of the previous peace process in 2015, highlights the fragility of the current situation and the continued absence of a stable, rights-based framework. This demonstrates the urgent need for consistent, legally enforceable guarantees ensuring prisoners' rights that operate independently of political negotiations and security dynamics.

3. CONCLUSION

For the reasons set out above, TOHAV submits that Turkey has not implemented the Committee's follow-up recommendation concerning the regime of aggravated life imprisonment, the right to a meaningful prospect of release, and the situation of prisoners held on İmralı Island.

Despite the Committee's clear call to revise the Penal Code and Law No. 5275 to abolish the penalty of aggravated life imprisonment and to ensure that all life-sentenced prisoners have a realistic prospect of release within a reasonable period of time, the State party has not undertaken any legal or policy reforms toward this end. Aggravated life imprisonment remains in force in law and practice, and individuals sentenced under this regime continue to face a de facto irreducible sentence without a meaningful review mechanism.

Furthermore, Türkiye has failed to implement the Committee's recommendation to immediately guarantee regular and unrestricted access to family members and legal counsel for Mr. Abdullah Öcalan, Mr. Hamili Yıldırım, Mr. Ömer Hayri Konar, and Mr. Veysi Aktaş. The continued imposition of incommunicado detention and bans on legal and family visits stands in clear contradiction to rules 43(3) and 61 of the Nelson Mandela Rules.

In light of the above, it is evident that Türkiye has not taken concrete steps toward compliance with the Committee's recommendations, and urgent action remains necessary to align legislation and practice with international human rights standards.

Turkey should therefore be assessed with a C on these follow-up recommendations.