

Internationaler Rechtshilfefonds: Jurists for Jurists e.V. c/o Ingrid Heinlein
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Republic of Turkey
Minister of Justice
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Inhuman treatment of judge Ahmet Kaya in Sincan Prison

Honorable minister of Justice, Mr. Abdulamit Gül,

we are a German association of judges, prosecutors and lawyers providing legal assistance to our colleagues in other countries, promoting international understanding of justice and respect for the democratic rule of law, human rights and judicial independence.

We approach you because we are in a deep sorrow about the situation of Judge Ahmet Kaya, former member of the High Council of Judges and Prosecutors, who has already been in pre-trial detention since the coup attempt in 2016, that means for almost five years. In April 2021 judge Kaya was transferred to the high-security area of Sincan Prison where he is subject to inhuman conditions of detention that endanger his health and cannot be justified by anything. Since his transfer, he has been isolated from other prisoners. For example, he is not allowed to take part in communal outdoor meetings, although quarantine measures have been ended.

What is even worse: He is placed in a cell where he cannot sleep and does not get any rest, because next to his cell is a canteen for the prison staff. From there he is exposed to noise during the day and all night from the fans, the kitchen appliances and the conversations of the prison staff. Under these circumstances he is at risk of serious health damage. Judge Kaya already suffers from diabetes and asthma; a heart disease could be added.

All this is completely unacceptable. Reasons for the transfer and change of his detention conditions were not given to him. He has written several times to the prison administration asking for explanation, but has not received an answer at any time.

As you know Article 3 ECHR prohibits torture or inhuman or degrading treatment or punishment. The European Court of Human Rights has repeatedly ruled that the authorities are under an obligation to protect the health of persons deprived of liberty. Solitary confinement measures should be ordered only exceptionally. The authorities have to carry out an assessment of the situation that takes into account the prisoner's circumstances, situation and behaviour and must provide substantive reasons in their support (ECtHR Onoufriou v. Cyprus judgement). According to paragraph 18.1. of the European Prison Rules the accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and meet the requirements of health and hygiene.

Honorable minister of justice, we ask you urgently to ensure that these basic human rights are respected with regard to Judge Ahmet Kaya. Please intervene without hesitation! We would like to express our hope that you will stop his isolation from other prisoners, provide his human accommodation and inform him without delay of the reasons for his transfer to the high-security area.

Your's sincerely

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