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**INTERNATIONAL ASSOCIATION OF DEMOCRATIC
LAWYERS CALLS TO FREE AYSEL TUĞLUK!**



Zamekanim
 Nîştîmanî hezareha bê ser û şwênî enfale
 Cêgey řazî sedan şehîdî Helebce û Badînane
 Zamekanim
 Hî serî Kirkuk û piştî Dîyarbekre
 Hî lamilî Mehabad û nêwçewanî Qamîşlîye
 Qeredagî

My wounds
 are the Homeland of thousands of disappeared Anfal victims
 Place of the secret of hundreds of Halabja and Badinan martyrs
 My wounds are the wounds of
 Kirkuk's head and Diyarbakir's back
 Mahabad's shoulder and Qamishli's forehead
 Qeredagî (1)



(1) Qeredagi was a Kurdish female poet and writer, born in 1966 in Kifri. Her first collection of revolutionary poems was published in 1980, and they were the reason why she was imprisoned by the Iraqi regime under heavy isolation. Her poetry focuses on peace, freedom and love.



AYSEL TUĞLUK SHOULD BE RELEASED IMMEDIATELY! KEEPING HER IN PRISON IS TORTURE! ⁽²⁾

Aysel Tuğluk is a Kurdish politician and a human rights lawyer. She is a member of the Istanbul Bar Association, Human Rights Association (IHD) and served as executive board member of the Society and Legal Research Foundation (TOHAV). She was also a founding member of the now banned pro-Kurdish Democratic Society Party (DTP). She was the first woman co-chair of a political party in Turkey after the DTP had introduced the co-chair system to ensure representation of women in politics. She undertook a pioneering role in this progressive action, leading the 2014 legislative change in the Law on Political Parties that allowed political parties to adopt the co-chair system.

She has worked in several NGOs as a human rights lawyer before being elected to parliament in 2007 from the Kurdish-majority Diyarbakır province as an independent deputy. Due to her legal immunity as an elected deputy, she avoided jail time after being sentenced to 18 months in prison in 2007 over the distribution of party leaflets in Kurdish (3). She was sentenced again to 28 months imprisonment in 2009, this time on charges of spreading “terrorist propaganda”, a charge she then interpreted as a form of political pressure on her former party, DTP (4). In 2009, the Constitutional Court of Turkey decided unanimously that the DTP should be closed down (5). The Court also stripped Aysel Tuğluk, along with fellow lawmaker Ahmet Türk, of parliamentary immunity (6). On 12 January 2016, the ECtHR decided that the dissolution of the DTP was not in line with the standards of the European Convention on Human Rights (ECHR) (7).

In 2011, she was re-elected as an MP. The following year, a court sentenced her to 14 years and 7 months in prison for ten separate speeches she delivered as a deputy, on the charges of “committing a crime on behalf of the armed terrorist organization PKK without being a member” and “making terrorist propaganda” (8). Her lawyers argued that Ms. Tuğluk had delivered her speeches under her identity as a politician and that her freedom of speech has been violated by the courts. She did not have to serve jail time for this conviction as a result of the legislative changes made in the course of the proceedings.

Aysel Tuğluk was arrested in 2016 while she was the vice co-chair of the left wing and pro-Kurdish Peoples’ Democratic Party (HDP) along with several other Kurdish opposition politicians. She was given a ten-year prison sentence on terrorism charges and has been held in prison since December 2016. Her political activities, speeches she delivered while she was a member of parliament (MP) and her attendance at funerals of Kurdistan Workers’ Party (PKK) members were used as evidence against her in court.

In 2018, Suruç Criminal Court of First Instance sentenced her to 1 year and 6 months in prison for “opposing to law on rallies and demonstrations”, while she was already behind bars after her arrest in 2016 (9). Although the judgment of the lower court was later quashed on appeal, her retrial is still ongoing. In a further proceeding, Van 4th Assize Court sentenced her to 1 year and 8 months prison on 14 October 2021 for two speeches she gave while she was an MP. Her appeal has been pending as of the date of this letter.



In 2017, Ms. Tuğluk lost her mother, Hatun Tuğluk, whose funeral ceremony in Ankara was attacked by a fascist mob. She was allowed to participate in the funeral from prison, and she witnessed the attack. While her mother Hatun Tuğluk's body was initially buried in Ankara, due to the threats to the integrity of her grave, it was transferred to Dersim to be re-buried. According to Ms. Tuğluk's lawyers, her memory loss was triggered by these events, including treatment she and her family faced in the process of her mother's death and funeral. Her loss of memory began following the serious trauma she experienced upon witnessing the attack on her mother's funeral and the unearthing of the body (10).

Her lawyers observed over time that her health started rapidly deteriorating, and she was later diagnosed with dementia (11). On 12 July 2021, a chamber of medical experts from Kocaeli University who examined Ms. Tuğluk's health for four months have concluded that:

"Dementia disease has a chronic course and will show a progressive character, the person [Ms. Tuğluk] should be followed up in tertiary health institutions; there may be problems in the adequacy of the medical support and care that can be provided to the person in prison conditions; it is not possible [for her] to continue her life without the help of someone else; it is not possible [for her] to care for her basic needs in prison conditions without the help of someone else; therefore the execution of her sentence should be postponed; she cannot lead her life alone under the prison conditions."

However, this detailed analysis by nine experts was disregarded by the Istanbul Forensic Medicine Institute. The Institute, reportedly after just a two-hour examination of Ms. Tuğluk's state, summarily concluded in a 3 September 2021 report that her health condition does not justify an exemption from execution of her sentence in prison (12).

Therefore, she was diagnosed with dementia while in prison, and as her condition deteriorated, Kocaeli University Hospital department of Forensic Medicine issued a report in July 2021, declaring that she was not fit to stay in prison due to her illness. However, despite this report and the calls from other medical experts asking for her immediate release, the Istanbul Forensic Medicine Institute determined in a later report that she may stay in prison, as her routine visits to clinics



were allowed.

Currently she is experiencing severe memory loss and cannot handle her daily needs on her own. She has been forgetting to conduct her vital needs such as eating and drinking water, as well as forgetting how to read, write and speak to people. She is at risk of death, if she remains in prison.

There are a significant number of gravely sick prisoners in Turkey. According to the report published by the Human Rights Association of Turkey (IHD) in March 2020, there are currently more than 1,605 sick prisoners, including 604 in critical condition, in Turkish prisons (13). The IHD believes that the real number of sick inmates in Turkish prisons is much higher. Their report also suggests that in the year 2020, at least 18 sick prisoners died of suicide. The increase in the number of suicide cases in Turkish prisons in recent years is closely related to the increase in other violations of prisoners' human rights. As for senior prisoners, between April and November 2020 four prisoners over the age of 70 died from serious health complications. (14)

Civil society organizations in Turkey have been raising their concern over the systematic torture applied to severely ill prisoners in Turkish prisons by keeping them in solitary confinement and preventing them from receiving medical care (15). It is reported that since 2020, 104 inmates died in prisons and many of them were suffering from illnesses. In the month of December 2021 alone, at least 7 inmates died while behind bars (16). Some of these deaths were under suspicious conditions and were ruled as a suicide by the authorities. Most recently, prisoner Garibe Gezer, who had reported that she was tortured and sexually abused in the prison was found dead by alleged suicide in her cell (17). After trying to report her abuse in prison, she was punished by being placed in a padded cell on her own with no access to the outside world (18). She died at the age of 28 in the cell in which she was being held in solitary confinement. Another recent case of suspicious death by alleged suicide was of prisoner Vedat Cem Erkmen, whose autopsy was

(2) On 20 January 2022, an urgent action letter signed by IADL and other 42 bar associations and lawyers and human rights organizations from across the world. This text is based on this letter with the aim of raising awareness about Aysel Tuğluk's urgent situation.

(3) Reuters, 5 February 2009, Turkish Court sentences Kurdish lawmaker to jail (accessed 6 January 2022) < <https://www.reuters.com/article/idUSL5778001>>

(4) Ibid.

(5) France 24, 11 December 2009, Top court bans main Kurdish political party (accessed on 6 January 2022) < <https://www.france24.com/en/20091211-top-court-bans-main-kurdish-political-party>>

(6) Ibid.

(7) ECtHR, Party for a Democratic Society (DTP) and others v. Turkey, judgement of 12 January 2016 (applications nos. 3870/10, 3870/10, 3878/10, 15616/10, 21919/10, 39118/10 and 37272/10)

(8) Bianet, 12 June 2012, Independent deputy Aysel Tuğluk sentenced to 14.5 years behind bars (accessed 6 January 2022) < <https://bianet.org/english/human-rights/139020-independent-deputy-aysel-tugluk-sentenced-to-14-5-years-behind-bars>>

(9) Bianet, 2 January 2018, HDP Deputy Co-chair Tuğluk sentenced to 1.5 years in prison (accessed 6 January 2022) < <https://bianet.org/english/politics/192938-hdp-deputy-co-chair-tugluk-sentenced-to-1-5-years-in-prison>>

(10) See, supra note 2.

(11) Ibid.

(12) Duvar English, 21 December 2022, 68 Civil society organizations call for release of Kurdish politician suffering from illness (accessed 6 January 2022) < <https://www.duvarenglish.com/68-civil-society-organizations-call-for-release-of-kurdish-politician-aysel-tugluk-suffering-from-illness-news-59919>>

(13) Human Rights Association, 1 April 2021, IHD 2020 Yılı Türkiye hapishanelerinde hak izleme raporu (accessed 5 January 2022) < <https://www.ihd.org.tr/ihd-2020-yili-turkiye-hapishanelerinde-hak-izleme-raporu/>>

(14) Bianet, 19 November 2020, '49 prisoners lost their lives this year' (accessed 11 January 2022) < <https://m.bianet.org/english/print/234697-49-prisoners-lost-their-lives-this-year>>

(15) Bianet, 17 December 2022, "Ağır hasta mahpuslar tek kişilik hücreye atılıyor" (accessed 7 January 2022) < <https://m.bianet.org/bianet/in-san-haklari/254990-agir-hasta-mahpuslar-tek-kisilik-huceyre-atiliyor>>

(16) Duvar English, 22 December 2021, As human rights abuses increase, more and more inmates die in Turkish prisons (accessed 5 January 2022) < <https://www.duvarenglish.com/as-human-rights-abuses-increase-more-and-more-inmates-die-in-turkish-prisons-news-59933>>

(17) Duvar English, 10 December 2021, Following torture and sexual abuse, female prisoner dies by alleged suicide in prison (accessed 5 January 2022) < <https://www.duvarenglish.com/following-torture-and-sexual-abuse-female-prisoner-garibe-gezer-dies-by-alleged-suicide-in-prison-news-59818>>

(18) Ibid.

(19) Evrensel, 20 December 2021, Tekirdağ Cezaevi'nde bir tutuklu daha yaşamını yitirdi (accessed 5 January 2022) < <https://www.evrensel.net/haber/450727/tekirdag-cezaevinde-bir-tutuklu-daha-yasamini-yitirdi>>

IN MEMORY OF GARİBE GEZER



Garibe Gezer, a 28 year old Kurdish prisoner from Nusaybin, incarcerated in the Type F prison of Kandira and who had revealed in October 2021 being subjected to physical and sexual aggressions, was found dead in the isolation cell where she was being held as a sanction.

Here is her mother (Halime Gezer's) words in an appeal on November 15 during women's demonstration:

"They are not even afraid of God. They torture my children. Why? With what right? You have no right to torture my daughter. She was only 20 years old, you imprisoned her you tortured her. You dragged her on the ground, raped her. With what right? I also send a greeting to my son who is in Elaziğ prison. I send greetings to all those who are in prison. I send greetings to all those subjected to torture. Our president [Selahattin Demirtaş] is subjected to waterboarding..."



IADL

The International Association of Democratic Lawyers is a global organization of lawyers' associations, individual lawyers and judges from over 90 countries committed to equality amongst peoples, the elimination of imperialism and colonialism and the protection of the rights of all. IADL is a Non-Governmental Organization accredited to ECOSOC and UNESCO.

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IADL, International Association of Democratic Lawyers, is a Non- Governmental Organization (NGO) with consultative status to ECOSOC and represented at UNESCO and UNICEF. The IADL was founded in 1946 by a gathering of lawyers who had survived the war against fascism and participated in the Nuremberg Trials. The International Review of Contemporary Law is a digital legal journal published by IADL. It does not follow the mainstream, but instead analyzes legal questions in their cultural, economical, political and social context.

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