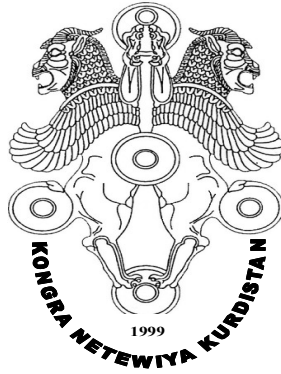


KNK

Kongreya Neteweyî ya Kurdistanê - Kurdistan National Congress



**Serious Threats to Life and Health of Abdullah
Öcalan:**

**Urgent Call on the Council of Europe, EU and UN
for Ad Hoc Mission to Imrali**

A Background Paper on the Prison Condition of Abdullah Öcalan

July 2023

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Kurdish leader Abdullah Öcalan and the whole Kurdish people under threat of total execution

The history of the Kurds in the last 200 years of European colonialism in the Middle East and Kurdistan has been marked by uprisings and genocides. The denial of the right to self-determination led to a radical questioning by the Kurdish people's leader Abdullah Öcalan in the 1970s. The Kurdish question, in which a whole people is turned into a regional as well as a global instrument of bargaining, is nothing but a case of obvious injustice. Following each of the 28 Kurdish uprising in the first half of the 20th century, the Turkish state executed the respective Kurdish leaders. Today, this same approach is being taken against Abdullah Öcalan who was consequently abducted on February 15, 1999.

For the first time in 100 years, the Kurds succeeded in preventing the death penalty given by Turkey through their resistance in 1999. This in turn has to do with the resistance of Mr. Öcalan and his tireless struggle for the right of self-determination of the Kurdish people. Abdullah Öcalan understood the national, regional and global dimensions in this context and decided to follow a different path to freedom for his people. For the solution to the externally created Kurdish question, he started the modern Kurdish freedom struggle.



Massive rally for the freedom of Abdullah Öcalan

Öcalan is Crucial for the Future of the Kurds

While in prison, Mr. Öcalan has written numerous defense writings and submissions for domestic and European court cases, in which he has continued to search for answers to the major political questions of our time. Despite the harsh prison conditions and his complete isolation, he has been able to formulate a new political philosophy that he terms the "democratic nation" and "democratic confederalism", which looks for ways not to create new borders but to liberate life and allow for a plurality of identities. Some of these defense writings have been translated into several languages and published under the title Prison Writings. Mr. Öcalan is the author of more than sixty books on a wide range of topics, from religion, philosophy, and gender liberation, to arts, politics, and the issue of national liberation.

Abdullah Öcalan's existence has always been a thorn in the eye of Turkey. With the help of European states and NATO, Turkey has pursued a death-for-time strategy. The European states support this strategy, because Öcalan got the Kurds out of the deadlock of the Lausanne Treaty with its 100th anniversary on July 24, 2023. The treaty declared the Kurds non-existent and made them fair game for the hunt of the Turkish, Iraqi, Syrian and Iranian states.

Now aged 74, the Kurdish people's leader Abdullah Öcalan has spent 24 years in prison, almost a third of his life. That is a grave injustice inflicted on him, but Mr. Öcalan's spirit and status remain undiminished. On the contrary, if anything, Mr. Öcalan has grown in significance and his ideas have become even more relevant today. Millions of Kurds across the world regard Abdullah Öcalan as their political leader as they struggle against national, cultural and physical oppression by the Turkish state. He has also brought hope for a better world to people of all backgrounds through political ideas that have demonstrated their potential to transform society.



Rally for the freedom of Adullah Öcalan in north Syria

The Imrali Prison Island

UN Secretary-General Antonio Guterres warned on January 13, 2023 that the rule of law is at grave risk of becoming a “rule of lawlessness”. Shortly after his abduction on 15 February 1999, Kurdish leader Abdullah Öcalan said the same thing. Both his abduction and the 24 years of his imprisonment on the prison island Imrali embody this “rule of lawlessness”. Whoever wants to understand what this mean does not need to look far. The 24 years of Mr. Öcalan's imprisonment make it immediately clear. For this reason, no one in Kurdish politics talks about the Imrali Prison Island, but rather about the Imrali system. The Imrali system is the center of the “rule of lawlessness”. In its peculiar modus operandi, characterised essentially by the permanent suspension of the system of rights borne out of international and domestic law, the Imrali system comprises the crystallised embodiment of Ankara's perspective on handling the Kurdish issue.

Imrali Prison Island is part of the Turkish state but has its own extraordinary status. The Imrali F Type Prison is a closed maximum security prison on off the Turkish coast in the Sea of Marmara. It was built in February 1999 specifically for the Kurdish leader Abdullah Öcalan, overriding both national and international law, and operates on the basis of a special status with its own special practices. Within the framework of the so-called intensified prison regime, several people have been detained in the prison for a long time under extraordinary isolation conditions: the Kurdish leader Abdullah Öcalan for 24 years, and Hamili Yildirim, Ömer Hayri Konar, and Veysi Aktaş for eight years.

Pratice in Imrali is Abuse of the International Law According to the UN

The banning of lawyer visits to Imrali openly violates the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). According to this set of rules, states must guarantee the basic rights of prisoners without regard to their identity or the nature of their sentence.

This 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 states clearly: "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 states that Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and are able to travel to consult with their clients freely, both within their own country and abroad.



Picture of the Imrali Prison Island

Arbitrariness and Solitary Confinement

Long-term isolation and solitary confinement are intended to break prisoners psychologically and physically through, among other things, sensory deprivation. Such conditions of detention are referred to as "white torture". For eleven years, Mr. Öcalan was the only prisoner on Imrali. Now, during the daily walks in the small prison yard with the other three detainees, Mr. Öcalan is closely observed. If he talks to the others, a disciplinary punishment can be arbitrarily imposed on him. In 2018, he was given a twenty-day ban on leaving his cell. Also in 2018, a disciplinary investigation was initiated against him for talking while playing volleyball and basketball with other detainees, and he was sentenced to "deprivation of visitation for three months" on the grounds that "he turned his sports activity into a chatting activity". In Imrali, punishments are given according to the political conjuncture. If the Kurdish movement outside challenges the Turkish state, Mr. Öcalan is punished for it. For example, when he speaks during the daily walks with the other three prisoners, he is banned from seeing them with the pretext that he was "spreading propaganda to members of the organization".

Turkish Law is Suspended in Imrali

Article 59 of the Turkish Law No. 5275 stipulates that detainees and convicts have the right to see their lawyers during working hours, i.e. five days a week. Article 25 of the same law states that convicts subject to aggravated life imprisonment can be visited by their families every 15 days.

In line with these regulations the family members and lawyers have regularly submitted written applications to the Bursa Chief Public Prosecutor's Office, which is in charge of Imrali Prison, throughout 2022, requesting permission to visit Mr. Öcalan and their other clients. The same applications were also made to the Imrali Prison Administration through the prosecutor's office. The total of 49 applications for family visits made to both authorities in 2022 were not responded to in any way. As a result, not a single face-to-face contact between Mr.

Öcalan and his family members could take place. This also includes those applications that were filed on the occasion of public holidays. Similarly, the total of 98 applications for lawyer visits made to both authorities throughout the year were left unanswered, with the result that not a single contact between Abdullah Öcalan and his lawyers could take place. From 2021 to 2023, 274 applications for lawyer visits and 118 applications for family visits to the Bursa Chief Public Prosecutor's Office and the Imrali Island Prison Directorate were to no avail.

The Imrali System is Purely Political

The fact that Turkey is moving so quickly away from the principle of the rule of law is connected to the lawlessness on Imrali. The isolation on Imrali is synonymous with the unresolved Kurdish question. The failure to resolve the Kurdish question is moving Turkey further and further away from democracy. Both what is happening on Imrali and the continued lack of rights in Turkey are unfortunately now regarded by many people as normal.

Mr. Cemil Bayik, co-chair of the KCK Executive Council, offered a clear description of Imrali by saying: "This isolation has nothing to do with justice. It is purely political. When the struggle increases, the Turkish state relaxes the isolation a little. But when the struggle is weak, the complete isolation is reinstated. Therefore, everyone must understand that it is their responsibility to stand against complete isolation and against genocide. [...]"



International Lawyers Delegation meeting families of Imrali prisoners

No Sign of Life for 28 Months

The permission to speak on the phone was granted to Mr. Öcalan for the first time on April 27, 2020. He was also allowed to talk to his brother, Mehmet Öcalan, on the phone on March 25, 2021, after public concern over his health sparked by allegations on social media. Mr. Öcalan's 2021 phone call with his brother was interrupted and stopped after a few minutes. Since then, there has been no access to confirmed information as to his health and well-being. The last time Öcalan's family members were allowed to visit him was in March 2020. He hasn't been able to meet his lawyers since August 2019.

International Organisations' Attitude Towards Öcalan is Political Rather Than Legal

The Council of Europe's (CoE's) Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is an institution set up to monitor the implementation of the 1987 European Convention for the Prevention of Torture (referred to as the European Torture Convention). Turkey is a member of the CoE and has signed the convention. The CPT's role is to "examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment" (Art. 1 of European Torture Convention). The CPT carries out its examinations by means of periodic or ad hoc visits. The institution enjoys relatively extended powers in the exercise of its functions and can go into any prison any time it wants to inspect it.

In the case of Abdullah Öcalan, the CPT is very important because it can quickly visit him. The CPT is the only institution that can immediately go to the prison island without needing to get permission. Yet, the CPT has not made public any details of its last ad-hoc visit to Imrali Prison between 20-29 September 2022 despite numerous calls from Öcalan's lawyers (the Asrin Law Office) and the Kurdish Freedom Movement, as well as from many other political and legal organizations. Kurds everywhere have been left worried about Öcalan's condition, as they have no access to any information and there have even been suggestions that he never met the CPT delegation – suggestions that the CPT refuses either to unequivocally confirm or deny. CPT inspections are confidential, but, as the Asrin Law Office, the law firm representing Abdullah Öcalan, pointed out in November: “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 28 months.”



Protest in front of the office of the CPT

A New Dimension – Life Threat to Öcalan

In an interview on July 8, Executive Council Member of the Kurdistan Democratic Communities Union (KCK) Mr. Sabri Ok said on the Kurdish TV Channel Sterk TV that threatening letters have recently been sent to Abdullah Öcalan anonymously via the Imrali prison administration. In addition to the rule of lawlessness in Imrali, these serious threats constitute a new level of psychological terror against Mr. Öcalan. This issue has therefore caused great concerns among us and the millions of Kurds around the world who support Abdullah Öcalan.

As Mr. Ok stated, the recent threats were conveyed through anonymous letters checked and passed on by both the Turkish state and the Imrali prison administration. According to Mr. Ok, the letters included messages such as: “We will administer a poison that will lead to your demise. Even the insects that feed on your corpse will be poisoned and perish”. This happened at a time when Mr. Öcalan has had no means of communication with the outside world for about 28 months.

Cause for Major Concern

The most recent threats have to be taken very seriously since Mr. Öcalan was poisoned before on the island in March 2007. This was later proven by several international laboratories, including the ChemTox laboratory in Strasbourg, based on a hair sample of Mr. Öcalan. The test result showed that the level of poisonous chromium and strontium in Mr. Öcalan's hair was much higher than normal.

Urgent Action is Needed

In light of the seriousness of the recent threats to Mr. Öcalan's life, we call on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, the EU and the UN to organize an urgent ad hoc mission to visit Abdullah Öcalan. If this is not possible, we call on these institutions to put legal, political and diplomatic pressure on their member state Turkey to allow for an immediate visit by the lawyers or the family of Mr. Öcalan.

Please write to the CoE, UN Secretary-General, Amnesty International, Human Rights Watch and your parliaments, political parties and governments to act accordingly to our demand above.

UN Secretary General Mr. António Guterres

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Council of Europe (CoE)

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Press Release from July 9, 2023

Urgent Call on the Council of Europe, EU and UN for Ad Hoc Mission to Imrali

Serious Threats to Life and Health of Abdullah Öcalan

In an interview on July 8, Executive Council Member of the Kurdistan Democratic Communities Union (KCK) Mr. Sabri Ok said on the Kurdish TV Channel Sterk TV that threatening letters have recently been sent to Abdullah Öcalan anonymously via the Imrali prison administration. In addition to the rule of lawlessness in Imrali, these serious threats constitute a new level of psychological terror against Mr. Öcalan. This issue has therefore caused great concerns among us and the millions of Kurds around the world who support Abdullah Öcalan.

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The Kurdish people's leader and founder of the PKK (Kurdistan Workers Party) Abdullah Öcalan has been held as a political prisoner for over 24 years on the Turkish prison Island Imrali, including many years of solitary confinement under the rule of the AKP regime. The most recent threats have to be taken very seriously since Mr. Öcalan was poisoned before on the island in March 2007. This was later proven by several international laboratories, including the ChemTox laboratory in Strasbourg, based on a hair sample of Mr. Öcalan. The test result showed that the level of poisonous chromium and strontium in Mr. Öcalan's hair was much higher than normal.

Especially in the last 28 months, Mr. Öcalan's lawyers and family have not been able to visit him. Even telephone calls have not been permitted. The last sign of Mr. Öcalan was a short phone call with his brother on March 25, 2021. Although the lawyers have continuously applied to the relevant authorities in Turkey as well as to the European Committee for the Prevention of Torture (CPT) in order to be allowed to see their client, they have not received any replies.

This and the above-mentioned threats on his life have raised great concerns about Mr. Öcalan's life among us and the entire Kurdish people. The CPT has so far unfortunately refused to act and has not shared any information about the situation in the Imrali prison, although, according to the Council of Europe's criteria, it is the only organisation that can visit this prison at any time.

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KNK Executive Council