

The Isolation of Abdullah Ocalan and International Law

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Background Note to Accompany the

Emergency Press Briefing on the Security and Well-Being of Mr. Abdullah Ocalan

26th July 2023

Brussels
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In February 1999, Kurdish political leader Mr. Abdullah Ocalan was abducted from Kenya by Turkish security forces. He was on his way to South Africa, where President Nelson Mandela had granted him political asylum.

Since then, Mr. Ocalan has been held in a maximum-security prison on Imrali Island. For many years, he was the sole prisoner there. Today, there are three others.

Mr. Ocalan has effectively been held in total isolation for the majority of his time in prison. He is regularly denied contact with his relatives and legal team for months or even years at a time, in violation of applicable domestic and international law. The only exception to this policy was the period between 2013 and 2015, during which the Turkish state engaged in negotiations with the Kurdish political movement to find a political solution to Turkey’s decades-old Kurdish conflict.

As of today, it has been 28 months since Mr. Ocalan’s last contact with the outside world—a [brief phone call](#) in March 2021¹. The last time his relatives were allowed to visit him was in March 2020, and the last time his lawyers were able to visit was in August 2019. His last in-person meeting with one of the other three prisoners on Imrali took place in March 2020.

On July 8, 2023, it was reported that Mr. Ocalan had received [threatening anonymous letters](#) via the Imrali prison administration². These letters allegedly included death threats. We are even more concerned for his security and well-being following these extremely serious allegations.

On July 18, 2023, it was reported that a new “[disciplinary sanction](#)” was imposed on Mr. Ocalan and the other prisoners on Imrali³. So-called “disciplinary sanctions” are not based on any applicable Turkish or European legal framework. These are politicized measures intended to prolong the policy of isolation. For example, one such disciplinary sanction was reportedly imposed because Mr. Ocalan had spoken too loudly with other prisoners.

¹ “Asrin Law Office informs about contact with Öcalan,” *ANF News*, March 2021.
<https://anfenglishmobile.com/news/asrin-law-office-informs-about-contact-with-Ocalan-50900>.

² “Sabri Ok: Imrali administration gives threatening letters to Öcalan,” *ANF News*, July 2023.
<https://anfenglishmobile.com/features/sabri-ok-imrali-administration-gives-threatening-letters-to-Ocalan-68209>.

³ “New “disciplinary penalty” given to Abdullah Öcalan,” *ANF News*, July 2023.
<https://anfenglishmobile.com/news/new-disciplinary-penalty-given-to-abdullah-Ocalan-68422>.

These facts suggest that the Government of Turkey may be in violation of multiple key international legal frameworks. The United Nations ‘Mandela Rules’ include the following criteria concerning the definition of torture and other cruel, inhuman or degrading treatment or punishments. We are extremely concerned that these rules are being violated.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) — A/RES/70/175 ⁴	
Rule 43	<p>1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:</p> <ul style="list-style-type: none">(a) Indefinite solitary confinement;(b) Prolonged solitary confinement;(c) Placement of a prisoner in a dark or constantly lit cell;(d) Corporal punishment or the reduction of a prisoner’s diet or drinking water;(e) Collective punishment. <p>2. Instruments of restraint shall never be applied as a sanction for disciplinary offences.</p> <p>3. Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.</p>
Rule 44	<p>For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.</p>

We are also concerned about the position of the Council of Europe and in particular its Committee for the Prevention of Torture (CPT). For years, CPT reports have consistently criticized Turkey's failure to meet binding domestic international legal standards in regards to conditions on Imrali and called on Turkish authorities to address the situation. We support these recommendations and reiterate the call for their immediate implementation.

However, the CPT can and must do more to fulfill its mission in this context. The most recent CPT delegation visited Imrali in September 2022. The CPT published its [32nd General Report](#)⁵, which included information about the visit, in March 2023. The report stated:

“On the occasion of the visit, the delegation also went to Imrali F-type High-Security Prison, in order to examine the treatment and conditions of detention of the four prisoners currently held in the establishment. In this regard, particular attention was paid to the communal activities offered to the prisoners and contact with the outside world.”

⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), January 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/443/41/PDF/N1544341.pdf?OpenElement>.

⁵ *32nd General Report of the CPT*, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, March 2023. <https://rm.coe.int/32nd-general-report-of-the-cpt-1-january-31-december-2022-/1680aabe2b>.

We are concerned about the reliability of the information contained in this report. The report does not state outright whether the CPT delegation met with Mr. Ocalan or not. The Turkish Minister of Justice claimed that Mr. Ocalan refused the visit. Mr. Ocalan’s legal team also [stated](#)⁶ that “he did not attend the meeting during the CPT’s visit to Imrali Island in September 2022.” Therefore, we are requesting concrete information from the CPT as to the specific nature and details of the visit.

The aforementioned legal and institutional failures do not only concern the rights of one individual. The isolation of Mr. Ocalan negatively impacts efforts to peacefully resolve Turkey’s Kurdish conflict—one of the longest-running and deadliest conflicts in the modern Middle East. It therefore impacts stability, security and human rights on a regional scale. In this context, we urge the immediate adoption of several policy recommendations referenced below.

Policy Recommendations

To the Government of Turkey:

Implement, without delay, the previous recommendations of the Committee for the Prevention of Torture and European Court of Human Rights (Ocalan No 2) regarding prison conditions on Imrali; including those regarding

- the right of prisoners to associate;
- the right of prisoners to meet with lawyers and family;
- effective legal remedies to challenge prison conditions; and
- the abolishment of the aggravated life sentence, which contravenes Article 3 ECHR.

To the Council of Ministers of the Council of Europe:

Discuss the Government of Turkey’s persistent refusal to comply with the CPT’s recommendations; and

Outline prospective next steps to hold the Government of Turkey accountable.

To the Committee for the Prevention of Torture (CPT):

Provide concrete information on the Committee’s last visit to Imrali, including a) specific clarification as to whether its reported meeting with Mr. Ocalan took place and b) the details of this meeting.

To all relevant domestic and international political actors:

Work towards Mr. Ocalan’s release under conditions that allow him to play a role in negotiations to find a lasting, just, and democratic political solution to the Kurdish question in Turkey.

⁶ “CPT adopts report on visit to Imrali in plenary session,” *ANF News*, March 2023.
<https://anfenglishmobile.com/news/cpt-adopts-report-on-visit-to-imrali-in-plenary-session-66088>.