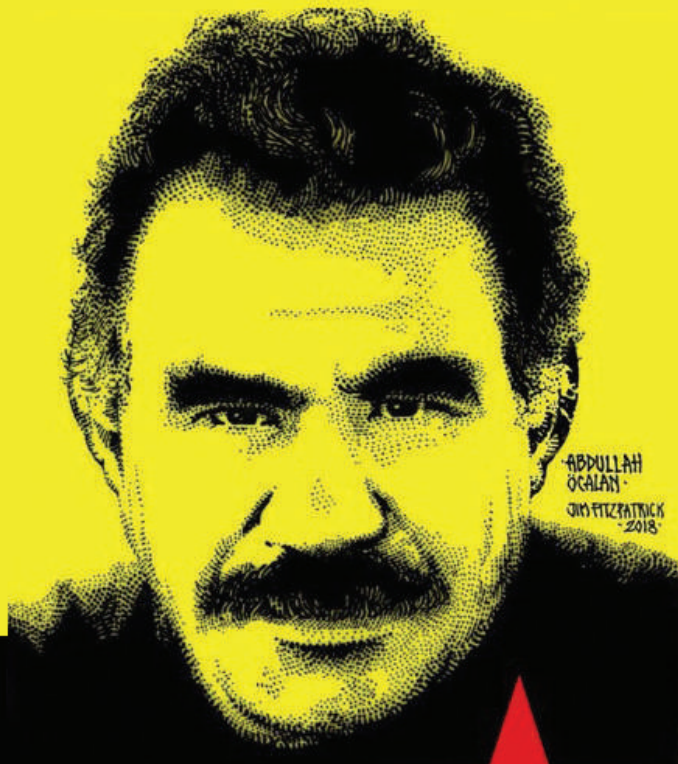
2019 International Peace Delegation to İmralı



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Executive Summary

Abdullah Öcalan, the leader of the Kurdish people, has been imprisoned on İmralı Island prison in the Marmara Sea, Turkey, since 1999. Öcalan has been in İmralı F-type High-Security Closed Prison since his abduction from Nairobi, Kenya, on 15 February 1999 in a clandestine NATO operation. He is held under extreme conditions of solitary confinement, not having been allowed to contact a lawyer since 2011, and having been granted only two visits since April 2015. This condition of aggravated isolation imposed on Öcalan violates both Turkish law and International law.

Currently, a wave of indefinite hunger strikes have swept across Turkey, initiated by then-imprisoned People's Democratic Party (HDP) MP Leyla Güven on 7 November 2018, and now including more than 7,000 political prisoners throughout Turkey, as well as Kurdish politicians, activists, and intellectuals in the Middle East, Europe, the UK, and North America. The sole demand of the hunger strikers is for the isolation imposed on Öcalan to be ended.

In this context, the International Peace Delegation to İmralı was organized by the International Initiative "Freedom for Öcalan – Peace in Kurdistan," with support from the Freedom for Öcalan campaign and trade union group (UK), comprising politicians, academics, trade unionists, and public figures. The delegation visited Turkey from 11-16 February 2019, and met with representatives from a number of human rights organizations, civil organizations, law firms, trade unions, and political bodies, as well as with HDP MP Leyla Güven, then on her 98th day of hunger strike. The delegation also wrote a letter to the Turkish Minister of Justice, requesting a meeting to raise concerns over the conditions of Öcalan and the hunger strikers, as well as to ask to visit Öcalan on İmralı. The delegation did not receive a response to this letter.

The delegation was told that the situation in Turkey has been steadily worsening since the breakdown of talks for peace in June 2015. Before then, between 2013-2015, the Turkish government had been engaged in talks with Öcalan on İmralı, including representatives of the HDP and the Kurdistan Workers' Party (PKK), to begin peace negotiations to realize a democratic resolution of the Kurdish question and an end to the decades-long Turkish-Kurdish conflict. During this time, individuals that the delegation spoke with said there was an atmosphere of democracy and free speech in Turkey.

After the talks broke down, the conditions of aggravated isolation were imposed on Öcalan, and Turkish security forces began to severely repress the population of the southeastern Kurdistan region, leading to mass arrests, 24-hour curfews, and numerous human rights atrocities. This situation was exacerbated by the state of emergency declared following the failed coup attempt of July 2016, when the Turkish state issued mass public-sector lay-offs, fired more than half of the judiciary, and imprisoned anyone accused of even loose association to oppositional political or trade union 'terrorist' activity, including more than 100 elected officials. The delegation was told the security strategy of the Turkish state adopted during the state of emergency is based on laws implemented against Öcalan on İmralı, and was first tested on the Kurdish population. Moreover, while the state of emergency was lifted in July 2018, numerous individuals told the delegation that the situation has only gotten worse, as laws passed during the emergency rule have effectively institutionalized these policies of repression into the Turkish legal code.

The result is that much of the population lives in fear, as the rule of law within Turkey quickly deteriorates and the country moves steadily towards authoritarian rule. International human rights mechanisms, such as the Committee for the Prevention of Torture (CPT) and the European Court of Human Rights (ECtHR), have failed to fully exercise their capacity to condemn these human rights violations, while the international community continues to maintain close ties with the Turkish state. The situation of the hunger strikers is at a critical point, and it is imperative that action be taken to pressure the Turkish state and end the isolation of Abdullah Öcalan.



1. Introduction – The Situation is Critical

Abdullah Öcalan, the imprisoned leader of the Kurdish people, is under a harsh state of solitary confinement, having been granted only two visits since April 2015. Öcalan has been imprisoned in the F-type high-security prison on İmralı Island in the Marmara Sea, Turkey, since 1999, when he was abducted in a clandestine NATO operation involving the intelligence agencies of Turkey, Israel, and the United States.

Abdullah Öcalan has not been allowed access to or communication with a lawyer since 2011, and is forbidden from contacting the outside world in any way. This condition of aggravated isolation violates not only International Law, specifically the UN's Standard Minimum Rules for the Treatment of Prisoners or 'Nelson Mandela Rules', and the European Convention on Human Rights, which Turkey is obliged to follow as a member of the Council of Europe, but also Turkey's own constitution and legal code.

There are currently estimated to be more than 7,000 people in Turkey and around the world on indefinite hunger strike demanding that Turkey end the isolation imposed on Abdullah Öcalan. The hunger strikes were started by Leyla Güven, a then-imprisoned MP from the People's Democratic Party (HDP), on 7 November 2018. Ms. Güven has since been joined by thousands of other political prisoners across Turkey, as well as Kurdish politicians, activists, and academics in Strasbourg, Erbil, Wales, Toronto, London, and Germany, in declaring indefinite hunger strike. Many of the hunger strikers are in critical condition, but they are refusing medical treatment until the isolation of Öcalan is ended.

It was in this context that the International Peace Delegation to İmralı was organized by the International Initiative "Freedom for Öcalan – Peace in Kurdistan," with support from the Freedom for Öcalan campaign and trade union group (UK), comprising politicians, academics, trade unionists, and public figures. The members of the delegation are as follows:

Ögmundur Jónasson – Former Minister of Justice, Minister of the Interior in Iceland; former member of the Icelandic Parliament; former trade union leader; former foreign news editor for Icelandic State TV.

Manuel Cortes – General Secretary of the Transport Salaried Staffs' Association (TSSA) trade union (UK and Ireland).

Beverly Keene – Coordinator of Dialogue 2000 – Jubilee South (Argentina); teaches Economic and Social Rights at the National University of Buenos Aires.

Paul Scholey – Partner at Morrish Solicitors LLP, a leading trade union law firm in the UK.

Maxine Peake – Actor, director, and playwright; Vice-President of The Marx Memorial Library, London.

Tony Burke – Assistant General Secretary, Unite the Union (UK and Ireland).

Connor Hayes – Student of Philosophy (UK).

John Hunt – Writer, editor (UK); long-time international election observer.

Jon Spaull – Filmmaker, photographer (UK).

The delegation visited Turkey from 11-16 February, with the intent of visiting Abdullah Öcalan to try to break the isolation. The delegation wrote to the Minister of Justice of Turkey from the office of Ögmundur Jónasson asking to visit Öcalan on İmralı Island. The delegation also requested a meeting with the Justice Minister in order to express concern regarding the condition of Öcalan, of the hunger strikers and the worsening human rights situation in Turkey. The delegation never received a response to this letter.

However, the delegation was able to meet with Leyla Güven, then on her 98th day of hunger strike, in her home in Diyarbakir, where she has been since being released from prison on 25 January 2019. The delegation also met with representatives from a number of human rights organizations, civil organizations, law firms, trade unions, and political bodies.



2. Öcalan and the Policy of Isolation

A. Brief Background: The Turkish-Kurdish Conflict and the Abduction of Öcalan

The 1970's saw a growing radicalization of the Kurdish people in response to the endemic poverty and lack of development in the south-eastern region of Turkey, where the majority of Kurds lived, and the relentless persecution of all forms of Kurdish political and cultural expression.

In 1978, Abdullah Öcalan, along with a group of students, founded the Kurdistan Workers' Party (PKK), in the town of Fis, in the Kurdistan region in the southeast of Turkey. The goal of the PKK was to decriminalize the Kurdish identity, to defend Kurdish cultural rights, and to secure the right of political self-determination of the Kurdish people.

The military coup in Turkey in September 1980 led to the arrest, jailing and torture of thousands of Kurdish militants. Anticipating this, a few weeks before the coup, Öcalan left for Lebanon in order to set up PKK bases in Syria and Lebanon.

In 1982, when Israel invaded Lebanon, he moved his HQ to Damascus and then to the Bekaa Valley, near the Lebanon-Syrian border, where he was to remain until 1998. In response to intense repression from the Turkish state, the PKK armed units carried out their first attacks on Turkish military outposts in 1984. The PKK subsequently developed into a popular national liberation movement with a guerrilla force of 15,000 fighters at the height of its power in the 1990s. This phase of the rebellion was the most radical and enduring in the history of Turkey's Kurdish community. Facing NATO's second-largest land army, the PKK held its own for more than a decade in the face of seemingly overwhelming odds. The mountainous terrain was ideal for guerrilla warfare and PKK units were able to retreat across the border to Syria or northern Iraq when under pressure. What followed was a decades-long struggle that saw innumerable human rights atrocities and the death of more than 40,000 people, many of them Kurdish.

In the early 1990's, the Turkish military began a brutal four-year-long campaign that saw more than 4,000 villages in the southeast of Turkey burned to the ground. At this point Abdullah Öcalan began to seek a peaceful and political settlement of the conflict, built upon a democratic resolution of the Kurdish question.

In this spirit, Abdullah Öcalan declared the first of many unilateral ceasefires on behalf of the PKK. The Turkish state took advantage of this ceasefire, and attacked the Kurdish forces. This pattern was to be repeated throughout the 1990's, with an alternating series of unilateral ceasefires and intense military clashes, with Öcalan remaining firm on the aim of realizing a peaceful political solution to the conflict.

Tensions reached a critical point in October of 1998, when Öcalan, then based in Syria, was forced into exile after the Turkish government, with backing from the Western powers, threatened Syria with war if they did not hand Öcalan over to the Turkish state.

Öcalan left for Europe, in order to seek the support of European states for the realization of a political resolution of the Kurdish question. What followed was an odyssey that would see Öcalan travel back and forth between Athens, Rome, and Moscow, as he was denied his right to refugee status and frozen out by a united front of Europe. Öcalan eventually ended up in Kenya, in a Greek embassy in Nairobi, where he was granted asylum status by the government of South Africa.

Then on 15 February 1999, en route from the Greek embassy to South Africa, Öcalan was abducted in a clandestine NATO operation that involved the intelligence agencies of Turkey, Israel, and the United States. Öcalan was smuggled out of the country and taken to Turkey, where was imprisoned in the newly rebuilt high-security prison on İmralı Island in the Marmara Sea. Prior to Öcalan's imprisonment the İmralı Island Prison had been a semi-open, medium-security prison. In preparation for Öcalan, however, the prison had been emptied, and the facilities rebuilt to transform it into an F-type maximum-security prison. The island prison is guarded by 1000 soldiers, and until 2009, Öcalan was the only prisoner.

B. Breakdown of Peace Talks and Aggravated Isolation

The conflict between the Turkish state and Kurdish forces went through a series of ups and downs throughout the new millennium. PKK forces based in the Qandil Mountains in northern Iraq alternated between observing unilateral cease-fires called by Öcalan and engaging in defensive clashes with Turkish forces. Throughout this time, the status of the conflict was a direct reflection of the Turkish state's treatment of Öcalan, as he was subject to many periods of solitary confinement while he called on the Turkish government to engage in peace negotiations. In 2011, the Turkish state stopped allowing Öcalan's lawyers to visit him on İmralı, offering excuses of "bad weather" or a "broken boat."

While he was in prison, Öcalan wrote extensively on history, mythology, philosophy, politics, and the Kurdish struggle, all as part of his legal defense to the European Court of Human Rights (ECtHR). These texts have since been turned into more than 9 books, including his 5-volume *Manifesto for a Democratic Civilization*. Among these texts is a detailed roadmap to negotiations with the Turkish state to realize a democratic resolution of the Kurdish question, and the successful democratization of the country, drafted in 2011. In 2013, the Turkish government approached Öcalan in talks to begin peace negotiations on the basis of Öcalan's roadmap. These talks with Öcalan lasted from 2013 to 2015, and included groups of representatives from the Turkish government, the HDP and the PKK. A number of people that the delegation spoke with describe the atmosphere during these talks as one of greater peace and democracy. For instance, **Dr. Mehmet Şerif Demir** of the Turkish Medical Association recalled that during these talks, 'there was an atmosphere of free speech' in Turkey. According to HDP co-chair **Ms. Pervin Buldan,** these talks began to falter in 2015, after Öcalan refused to prematurely call for the PKK to disarm without certain guarantees from the Turkish state to begin official negotiations for a peaceful resolution of the conflict.

These talks broke down completely following the general election of 7 June 2015, when Erdoğan's Justice and Development Party (AKP) lost a parliamentary majority, forcing the AKP to form a coalition government with the far-right National Movement Party (MHP) to retain power, and the HDP surpassed expectations and received 13.1% of the vote, passing the 10% threshold to hold seats in parliament.



Following the breakdown of talks the Turkish state imposed conditions of aggravated isolation on Öcalan, forbidding all visits to İmralı or any contact whatsoever. This was followed with a brutal crackdown on the Kurdish population and civil society in general. As **Mr. Öztürk Türkdogan**, president of the Human Rights Association, told the delegation, following the break down of the talks for peace negotiations, Turkey stopped trying to implement the Copenhagen Criteria and "instead implemented the 'Ankara Criteria', which is a policy of one-man rule, or authoritarianism".

Democratic Regions Party (DBP) co-chair **Mr. Mehmet Arslan** explained further that after 2015, a new policy was implemented by the Turkish state to attempt to destroy the Kurdish movement. **Mr. Mehmet Arslan** told the delegation, "in 2015 the attacks on branches of the Kurdish movement were massive; politicians, mayors, and activists were imprisoned, and the state was persistent in shutting down our organizations." Social, political, and human rights organizations across Turkey had their offices raided by security forces, their members arrested, and were forced to shut down. A ban was placed on media that covered the opposition, and journalists who infringed upon it were imprisoned. The only permissible way to mention the opposition is using the label "terrorist." As HDP MP **Mr. Hışyar Özsoy** told the delegation, the same holds true for the HDP, the third-largest parliamentary party in Turkey, which is described as a 'terrorist organization' by the government.

Furthermore, in the Kurdistan region in the southeast of Turkey, many cities were placed under strict 24-hour curfew. Numerous human rights atrocities were committed during this time. For instance, in Cizre, 160 people were killed during a 78-day curfew from 14 December 2015 to 2 March 2016, and more than 100 people were shot by Turkish security forces as they sought shelter in the basements of three different buildings, and the buildings were burned to destroy evidence. In Sur, a district in the city of Diyarbakir, the Turkish state conducted a 17-month-long military operation, sending attack helicopters, tanks, and heavy artillery into the city center, killing hundreds of people. Some members of the delegation had the opportunity to walk through Sur, and witnessed devastation that belongs only in a war-zone, with bombed-out houses, scattered debris, and citizens doing their best to go about their daily lives. Many of the areas in Sur that experienced the worst of the military operation are still forbidden zones, guarded by Turkish security forces. Around these areas were fences featuring depictions of the high-rise apartment complexes, much like those in other parts of Diyarbakir, that the Turkish government plans to build in their place. In a March 2018 session of the Permanent People's Tribunal (PPT) on Turkey and the Kurds, the PPT found both President Erdoğan and the commander of those operations General Adem Huduti to be guilty of war crimes for these atrocities.

C. The State of Emergency

This situation was exacerbated greatly by the failed coup attempt of 15 July 2016, allegedly orchestrated by followers of the exiled cleric Fethullah Gülen. On 20 July 2016, the Turkish government declared a state of emergency in Turkey.

The state of emergency had the effect of generalizing the security policy it had been implementing in the Kurdistan region throughout the rest of Turkey. The delegation was told by **Mr. Yusuf Şenol**, International Secretary for the Confederation of Public Employees Trade Union (KESK), that under the state of emergency, the government passed a series of so-called 'decree laws,' which allow the state to bypass existing judicial and legislative mechanisms in the name of more effectively combatting 'terrorism.' With the decree laws the Turkish state created a term, which roughly translates to 'affiliated,' that could be applied to a person suspected of even loose ties to so-called terrorist activity. The decree laws made it possible to fire any public employee suspected of being 'affiliated,' and for the passports of both the employee and their family members to be suspended.

Mr. Yusuf Şenol went on to give the delegation some statistics; under the state of emergency, there were mass lay-offs in the public sector, including more than 131,000 state employees and 40,000 police officers. Trade unions experience intense persecution, as safety regulations are ignored, resulting in the deaths of many workers. Union members are arrested when they attempt to strike, for instance the shop stewards at the Renault factory or construction workers at the new Istanbul airport. Most recently, the president of the rubber and chemical workers union Abdullah Karacan was assassinated in November 2018.

Additionally, more than 4,500 judges and prosecutors have also been fired, which constitutes more than half of the judiciary in Turkey. The result has been the complete evaporation of an independent judiciary in Turkey, and the evaporation of the rule of law. **Mr. Yusuf Şenol** told the delegation that in the interview process to fill these positions, individuals are chosen solely on the basis of their loyalty to the AKP, and are dismissed if they are suspected of 'affiliation' or have family members that are union members; in many cases, they are woefully unqualified.



As **Mr. Öztürk Türkdogan** told the delegation further, there are currently more than 260,000 people in prison in Turkey,

while prisons in Turkey have the capacity to hold only between 200,000 - 220,000 prisoners. This prison over-population problem has lead to even worse conditions in the prisons, and further human rights abuses. There are an additional 500,000 people on parole and subject to a travel ban.

Furthermore, as **Mr. Hışyar Özsoy** told the delegation in detail, parliamentary immunity was lifted in Turkey in 2016 under the decree laws, allowing the imprisonment of democratically elected MPs. MPs of the HDP are subject to regular police intimidation, physical assault, and detainment. Of the 102 democratically-elected municipal officials from the HDP, 96 of them have been removed from office (and more than 60 of them have been arrested), while their positions have been filled by appointees from Erdoğan's AKP. In the lead-up to the next local elections, which are scheduled for 31 March 2019, Erdoğan has publicly stated that he will again remove from office any official elected from the HDP.

While the state of emergency was officially ended in July 2018, numerous individuals told the delegation that the situation in Turkey has gotten worse since then. As **Mr. Rezan Sarıca,** solicitor at Asrın Law Office and lawyer for Abdullah Öcalan, explained to the delegation, this is because the last series of decree laws passed by the Turkish government in early 2018 effectively institutionalized the policies employed during the state of emergency into Turkey's legal code, ushering in a new regime of control in late 2018. This fact, combined with the April 2017 referendum that increased powers given to the office of the president, has put Turkey squarely on the road towards authoritarian dictatorship, and it is progressing quickly.

D. Öcalan as a Litmus Test: State Security Policy and the Social Isolation Strategy

Many people with whom the delegation spoke stressed that the Turkish state's progressing crackdown on the Kurdish people and civil society in general begins with the state's policies against Öcalan, since the state's treatment of the Kurdish people is a direct reflection of their treatment of Öcalan. In large part, this is because Öcalan is, in many ways, an embodiment of the Kurdish struggle for freedom. To understand why this is the case, it is important to understand Öcalan's role in the Kurdish freedom movement. At the time of the origin of the Kurdish freedom struggle, in the 1960's and 1970's, the Kurdish identity was severely repressed by the Turkish state, as part of Turkey's national unity policy, to such an extant that many Kurds had been fully assimilated into the Turkish identity and forgotten their own Kurdish roots. Öcalan's work on the history of the Kurdish people and culture was instrumental in reviving

awareness of Kurdish culture and the Kurdish identity in the population. The struggle for freedom that Öcalan helped to initiate with the founding of the PKK inspired many Kurds to call for their right to self-determination, and placed the Kurdish question front and center on the world stage. Many Kurdish people see Öcalan as their only legitimate political representative. For instance, in 2006, there was a signature campaign where 3.2 million people from Kurdistan declared that they consider Öcalan to be a direct expression of their political will, despite the fact that there were intense efforts to suppress the signature campaign.

Öcalan has also been the most clear and consistent voice in calling for a peaceful settlement of the conflict with the Turkish state, declaring the first unilateral cease-fire on behalf of the PKK in 1993 in an attempt to initiate peace negotiations with the Turkish government. Öcalan therefore represents the possibility for peace in the region, and many Kurdish people see ending his isolation as the first step in realizing negotiations for peace. Öcalan's position as the only one with the power to realize peace is acknowledged by the Turkish state, who, after years of calling him a 'terrorist leader', went to negotiate with him on İmralı when they were considering the possibility of engaging in peace talks. Furthermore, in addition to authoring the roadmap that these negotiations would be based on, Öcalan is the author of a unique political philosophy for social organization called "democratic confederalism," based on the principles of grass-roots democracy in the form of community-organized assemblies, women's freedom, ecology, and multiculturalism. Democratic confederalism is the official ideology of the PKK, and serves as the foundation for a number of social projects in the region, most notably for the Democratic Federation of Northern Syria (DFNS), more commonly known as Rojava.

Many people the delegation spoke with described how in many ways, the state has used İmralı as a legislative test lab for the policies of crackdown and repression it implemented across Turkey in the state of emergency. The mechanisms for usurping usual legal procedure and protection were first implemented in laws passed at the beginning of the millennium, in a series of reforms to Turkey's legal system in attempts to abide by the Copenhagen Criteria as part of Turkey's bid for EU accession. A feature of these laws is that in cases where a defendant is suspected of terrorism, their right to confidentiality is revoked, such that all meetings between a lawyer and their client will be recorded, and all documents are reviewed and subject to confiscation. Furthermore, in such cases, the lawyers themselves become the subject of a criminal investigation, and are often forbidden from contacting their client in any way.

These exemptions are often referred to as "Öcalan loopholes," or the "Öcalan laws."

Since 1999, Öcalan has been subject to regular periods of aggravated isolation, where all visits and contact would be suspended, and there would be no news regarding his condition whatsoever. The lawyers of Asrın Law Office, who work representing Öcalan, describe İmralı Island as a place beyond the rule of law, with its own operational system they refer to as the "İmralı regime." Many people with whom delegation spoke stressed that these policies of the İmralı regime laid the groundwork for the broader strategy of criminalizing and extra-judicially persecuting any individual or organization that can be accused of being 'affiliated to terrorist activity,' and the eventual implementation and institutionalization of the decree laws. **Mr. Mehmet Arslan** told the delegation that the strategy of silencing and suffocating opposition that would come to be implemented in the Kurdistan region is premised on the policy of isolation. It is this same policy of isolation that is expressed in the creation of curfews enforced by martial law, and in the media embargo imposed against all opposition coverage. The decree laws under the state of emergency had the effect of generalizing the rule of the İmralı regime across Turkey, and since 2018, this has become ingrained into Turkey's legal system as part of Erdoğan's consolidation of power.

3. Hunger Strikes to End the Isolation

The tactic of the hunger strike has a long history in the Kurdish movement, with many being declared throughout the 1980's, particularly by those in prison. As **Mr. Berdan Acun** of the Libertarian Lawyers Platform told the delegation, in September 2016, 50 MPs from the HDP, including Leyla Güven, began a hunger strike demanding an end to the isolation of Öcalan, who had not been allowed visits since April 2015. 8 days into the hunger strike, the Turkish state granted a brief meeting between Öcalan and his brother Mehmet, presumably in an effort to end the hunger strikes. Believing they had been successful, the MPs called an end to their hunger strike. The meeting between Öcalan and his brother would be the last meeting granted for more than 2 years, demonstrating the state had no intention of actually ending the isolation.

On 7 November 2018, during her second court hearing, then-imprisoned HDP MP Leyla Güven declared an indefinite hunger strike, again demanding an end to the isolation of Öcalan. Güven had been in prison since January 2018, when she was arrested following a tweet criticizing the invasion of the majority-Kurdish city of Afrin in Northern Syria. Shortly after Güven declared her hunger strike, numerous other political prisoners in Turkey followed her.

Soon the hunger strikes had spread internationally, as a group of 14 Kurdish politicians, intellectuals, and activists in Strasbourg declared they would also begin an indefinite hunger strike. When the International Peace Delegation visited Turkey, there were more than 330 people on hunger strike across the globe, with people on hunger strike in Turkey, Iraq, Europe, the UK, and North America. On 1 March 2019, thousands of political prisoners across Turkey and 5 HDP MPs declared they were joining the hungers strike, bringing the total number of people on indefinite hunger strike to approximately 7,000-8,000. They have also been joined by numerous others who declared solidarity hunger strikes for periods ranging from 3 days to one week. The hunger strikers share the sole demand of ending the isolation imposed on Öcalan.

On 12 January 2019, the Turkish state granted another brief meeting between Öcalan and his brother Mehmet. Recognizing this as the same strategy to end the hunger strikes as the state employed in 2016, the hunger strikers vowed to continue until the isolation is actually ended, stating "2 meetings in 4 years does not constitute an end of the isolation." On 25 January 2019, Leyla Güven, then on her 79th day of hunger strike, was released from prison. Stating that the hunger strike was never about her own imprisonment, and only about the isolation imposed on Öcalan, Güven has continued her hunger strike from her home in Diyarbakir. The delegation was told by Leyla Güven's daughter **Ms. Sobhia Temizkan** that the Turkish government has also attempted to misrepresent the demands of the hunger strike, publicly stating that they are demanding Öcalan's release from prison, but the hunger strikers have clarified repeatedly they



are only asking for Turkey to abide by its own laws and allow Öcalan to receive regular visits from his lawyers and his family. The ultimate hope of the hunger strikers is that the ending of the isolation against Öcalan will be the first step in the restarting of the peace process, as a result of the significance of the position occupied by Öcalan, as discussed in section 2. D.

On 13 February 2019, the delegation had the opportunity to meet with **Ms. Leyla Güven**, then on her 98th day of hunger strike, in her home. In a weak voice, **Ms. Güven** told the delegation the hunger strike was not an attempt at suicide, but rather an expression of her love for life, and a life with human dignity. She also said it was heartening to know that there are still people with "pure hearts in the world," and further that it is the duty of people everywhere to stand up to injustice and for human rights anywhere. She was deeply concerned for the health of the other hunger strikers, and hoped that the Turkish state would act to end the isolation before anything happens to them.

Many of the hunger strikers are now in critical condition; Ms. Güven is unable to walk, experiences sensitivity to light, smell, and touch, fluctuating blood pressure that causes her to feint, and is often in so much pain that she is unable to sleep. Furthermore, as the delegation was told by **Mr. Gani Alkan** of the 78's Federation, the condition of hunger strikers in prison, who do not have access to regular care and are often kept in periods of solitary confinement, is feared to be much worse.

Beyond expressing concern regarding the conditions of the hunger strikers, many people the delegation spoke with were fearful of the consequences if the Turkish state refused to act and hunger strikers began to die. For instance, the delegation met with representatives from the Peace Mothers Association, who are a group of women with children, spouses, or family members who have been imprisoned, disappeared, or killed as a result of the conflict, many of whom had children who were in prison on hunger strike. The mothers were confident that if we started to see "coffins leaving the prisons," there would be rebellions in the prisons and mass chaos across the Kurdistan region, resulting in hundreds of deaths.

4. Deafening Silence: The CPT, the ECtHR, and the International Community

Throughout the course of the conflict between the Turkish state and the Kurdish people, the West has largely been publicly silent, while Western states actively intervene against the Kurdish freedom movement and maintain strong political and economic ties with the Turkish government, including arms trading.

There have been a total of 7 visits by teams from the Committee for the Prevention of Torture (CPT), the anti-torture watchdog of the Council of Europe, of which Turkey is a member state. The CPT's earlier reports expressed concern over the fact that Öcalan was the only prisoner on İmralı until 2009, when 5 other prisoners were transferred to İmralı, but they have since criticized little in the conditions concerning his imprisonment.

The most recent visit of the CPT to İmralı was 28-29 April 2016. In this report, the CPT expressed concerns that Ocalan has not been allowed to contact a lawyer since 2011, that the conditions of isolation have not improved since 2013, as well the fact that all prisoners on İmralı are sentenced to aggravated life imprisonment (e.g. life without the possibility of parole). The CPT calls for immediate steps to be taken to change the situation, and recommended comprehensive amendment of the current legislation.

However, as **Mr. Rezan Sarıca** of Asrın Law Office told the delegation, very few of the recommendations that the CPT has made have been actually implemented in İmralı, the place where the policy of isolation is deployed at its most extreme. As the lawyers of Asrın Law Office state in their 2018 report, "… ignoring the political and legal developments in Turkey, the violations that institutionalized the isolation are the very basic shortcomings of it [the CPT]." Furthermore, because the CPT is not allowed to publish its findings without permission from the state in question, the report of the April 2016 visit was not published until 20 March 2018.

A number of appeals have also been filed to the ECtHR, but many do not receive a positive ruling. In 2005, the court ruled that Öcalan's right to a



fair trial specifically provided for in the European Convention on Human Rights (ECHR) had been violated in the initial trial following his abduction, and further that his sentence of life imprisonment without the possibility of parole constituted another form of the death penalty, and thus is forbidden by European law. However the ECtHR did not find any violation of the ECHR or international law in the matter of his abduction or the solitary confinement, which respectively represent the participation and complicity of the international community in Turkey's security policy against the Kurdish people and the origin of the Turkish state's present policy of isolation. In 2016, a case was filed to the ECtHR concerning the 2015 massacres in Cizre. It was dismissed in February 2019, with the ruling that the means for legal redress within Turkey had not yet been exhausted.

However, as discussed in section 2. C, there is no longer a functioning independent judiciary in Turkey, as has also been found by the Venice Commission in 2017, the Council of Europe's advisory body on international constitutional law. Attempts are made to utilize the court system in Turkey, but often cases are purposefully stalled to delay the process, and lawyers for the defense are often not given the case files they are legally entitled to access. However, even when the ECtHR does rule against the Turkish state, as in the case of former HDP co-chair Selahattin Demirtaş, who was imprisoned in 2016 for affiliation with terrorist activity. In 2018, the ECtHR found his detainment to be unlawful and ordered his immediate release. This ruling has been ignored by the Turkish state, and they have upheld the decision to keep him in prison.

The situation in Turkey represents the failure of the international human rights mechanisms. Many people with whom the delegation spoke expressed frustration at the refusal of the bodies of the Council of Europe and the broader international community to take more meaningful action against the situation. In January 2019, the Parliamentary Assembly of the Council of Europe (PACE) passed a resolution expressing concern over the human rights situation in Turkey and urging Turkey to implement the recommendations of the CPT in the case of Öcalan. While the PACE resolution is a step in the right direction, it is far from sufficient. For instance, the CPT has the authority to conduct inspections and investigations in detainment facilities within states that are members of the Council of Europe. As the lawyers of Asrın write in their 2018 report, the failure of the CPT to exercise its capacities to the fullest in the case of İmralı actually contributes to the worsening of conditions on İmralı and in Turkey more generally, because it implicitly signs off on the Turkish government's isolation policy and downplays the severity of the situation.



A fundamental problem identified to the delegation by **Mr. Metin Bakkaki** of the Human Rights Foundation of Turkey is that international human rights mechanisms are effective only in places where democracy is already functioning; in cases where there is no democracy, the international mechanisms are powerless. The only solution is to make international human rights mechanisms functional in cases where democracy is absent, beginning with Turkey as a state obliged to abide by the recommendations of the human rights mechanisms of the Council of Europe. This is to say the situation cannot be resolved by addressing symptomatic cases of the systematic policy of isolation and crackdown against opposition; it must be addressed at its source, embodied by the situation of Öcalan on İmralı. The international community must take a strong stance against the policy of isolation and the institutional transformation towards authoritarianism in Turkey, and begin to punish the Turkish state's refusal to comply in a material way.

5. Conclusions and Core Findings

The core findings of the delegation can be condensed into 5 points:

- Crackdown on civil society has steadily increased since 2015, as all organizations that might speak out against the actions of the regime are forcibly shut down. Human rights violations are taking place on a massive scale, and the situation within Turkey is deteriorating as the government moves closer towards authoritarianism.

- There is no longer a functioning independent judiciary in Turkey, as under the state of emergency more than half of the country's judiciary was fired and replaced by unqualified individuals who are loyal to Erdoğan's government. Even the semblance of rule of law is quickly evaporating, and judicial bodies that until recently used to offer fair decisions can no longer be relied upon to rule impartially.

- International human rights mechanisms and the international community at large have been unacceptably silent on the human rights situation in Turkey. Any action they have taken thus far has been woefully inadequate, and Western states continue to maintain close ties with the government of Turkey. As the situation has gotten progressively worse, certain bodies have begun to express their concern or make rulings in isolated cases, but such actions are often ignored by the Turkish government and remain inadequate.

- The situation of Öcalan and İmralı Prison stands at the center of the issue, given Öcalan's position at the heart of the struggle for freedom and İmralı serving as the test site for the state's general security strategy. Öcalan is the lynchpin for a democratic resolution of the Kurdish question and the realization of a lasting peace in the region, and the first step must be to lift the isolation imposed on him.

- The situation concerning the isolation of Öcalan is now at a critical point because of the hunger strikes. If action to end the isolation is not taken immediately, hunger strikers around the world will begin to die, and the situation in Turkey may spiral out of control.

6. Recommendations for Action

It is imperative that action to pressure the Turkish state to end the isolation of Öcalan is taken immediately. Some recommendations for action are given below.

(1) Pressure international human rights mechanisms - Pressure should be applied to international human rights mechanisms, particularly those of the Council of Europe. The CPT should be urged to exercise its investigative capability to the fullest in the case of İmralı. The PACE should pressure the government of Turkey to implement the recommendations of the CPT, the rulings of the ECtHR, and abide by the ECHR, at the risk of sanctions. It was recommended to the delegation that the international human rights bodies should be urged to declare isolation a crime against humanity.

(2) Lobby governments – Governments of the international community should be lobbied to intervene against the Turkish government. Relevant individuals, such as members of parliament, should be urged to pass motions and raise questions concerning the situation in Turkey, to express their vocal support for ending the isolation, and to lobby their governments to take action. Individuals should also be urged to ask Turkish government officials, such as the Minister of Justice, for a meeting to express their concerns and ask questions, such as the delegation did in its letter to the Minister of Justice. Political parties should be urged to link their party to the HDP, and to express solidarity with the imprisoned MPs.

(3) Appeal to and pressure NGOs – It should be demanded that international NGOs, such as Amnesty International, take immediate action against the isolation of Öcalan and the general situation in Turkey. Those who refuse should be publicly shamed for failing to speak out against human rights atrocities. International NGOs should be urged to form ties with NGOs and human rights organizations in Turkey and attempt to intervene where possible. For instance, it was recommended to the delegation that Doctors Without Borders be urged to reach out to Turkish authorities seeking permission to provide treatment for the hunger strikers, to see Öcalan for the purposes of conducting a medical examination, and to provide an independent medical service for prisoners in Turkey.

(4) Establish solidarity ties between trade unions internationally - Trade unions around the world should be encouraged to officially express their solidarity and affiliate with trade unions in Turkey.

Trade unions should publicly speak out against the state of workers' rights in Turkey and the state's crackdown on trade unions, and draft motions in support of Öcalan and the Kurdish movement.

Additionally, trade unions should officially condemn all state-organized and state-backed unions in Turkey, and seek their exclusion from international trade union confederations and conferences.





(5) Establish solidarity ties with social movements internationally – Social movements throughout the world should be encouraged to establish solidarity ties with the Kurdish freedom movement and other opposition groups in Turkey. For instance, the Plaza de Mayo mothers of Argentina have expressed solidarity with and visited the Peace Mothers of Turkey, and should be encouraged to continue to do so. In particular, international women's movements should be encouraged to express solidarity with the Kurdish women's movement, in the form of written statements, video messages, and visits to Turkey.

(6) International action from lawyers – Lawyers from around the world should be encouraged to organize themselves internationally into groups that work to file appeals to international bodies about the situation, and vocalize the illegality of the policy of isolation and the treatment of the Kurdish people in attempts to apply pressure to the Turkish state. Furthermore, they should be encouraged to collaborate with lawyers in Turkey, at meetings both in Turkey and abroad, to learn more about the legal specifics of the situation and work together to create legal objections.

(7) Raising public awareness – Efforts should be taken by all to raise awareness of the situation in Turkey amongst the global population. This can include solidarity campaigns, projects of cultural solidarity such as collaborative documentaries or art pieces with artists in Turkey, and campaigns to boycott Turkey. Efforts should also be made to counter the pro-Turkey narrative in the mainstream media and to accurately portray the authoritarian rule in Turkey which has suppressed political and civil freedom.

(8) Grassroots mobilization – Populations around the world should be encouraged to take action. This can consist of writing letters to their elected representatives to pressure their own government and the government of Turkey, writing letters to NGOs urging them to take further action against the situation, writing letters of protest to Turkish officials, and writing letters of support to prisoners in Turkey. Individuals should also be encouraged to spread the word about the situation in Turkey, sign petitions, and join campaigns of solidarity.

(9) Organizing more delegations – More delegations should be organized to Turkey and the Kurdistan region, consisting of all manner of people including politicians, academics, public figures, and trade union members. They should meet with organizations in Turkey and attempt to meet with Turkish government officials, in order to give the delegates a first-hand experience of the conditions, offer support to those afflicted, and to further spread awareness of situation.

7. Further Links

International Initiative "Freedom for Öcalan - Peace in Kurdistan":
http://www.freeocalan.org/

Freedom for Öcalan Campaign
http://www.freedomforocalan.org.uk

Peace in Kurdistan Campaign:
https://peaceinkurdistancampaign.com/

Scottish Solidarity with Kurdistan:
http://www.sskonline.org.uk/

Link to Briefing of the 2019 İmralı Peace Delegation: https://peaceinkurdistancampaign.com/2019/02/28/briefing-on-the-international-peace-delegation-to-imrali-11-16-february-2019/

Report of the 2017 İmralı Peace Delegation:
https://westminsterjp.files.wordpress.com/2017/06/final-report-of-the-third-imrali-delegation-2017-docx.pdf

Permanent People's Tribunal ruling – Turkey and the Kurds:
http://iadllaw.org/newsite/wp-content/uploads/2018/06/PPT_-edited-_-JUDGMENT_TURKEY_KURDS_-EN_Ml.pdf

Venice Commission opinions on Turkey: https://www.venice.coe.int/webforms/documents/by_opinion.aspx?country=31

2018 Asrın Law Office Report:
https://peaceinkurdistancampaign.com/2019/02/14/2018-report-on-abuses-of-rights-latest-developments-and-current-state-of-imrali-prison/

2016 CPT report on İmralı:
https://rm.coe.int/168079457a

2019 PACE Resolution on Turkey: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25425&lang=en

Summary of Öcalan's Roadmap to the Negotiations:
http://data.freeocalan.org/materials/english/forms/EN-ocalan-the-road-map-summary_2011.pdf

People's Democratic Party (HDP):
https://www.hdp.org.tr/en/

Human Rights Foundation of Turkey:
http://en.tihv.org.tr/

Human Rights Association:
http://www.ihd.org.tr/en/

Confederation of Public Employees Trade Union (KESK)
http://en.kesk.org.tr/



8. Contact for more information

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