

**JOINT STATEMENT**

**OF**

**THE INTERNATIONAL IMRALI PEACE  
DELEGATION**

**Strasbourg, April 18-21, 2016**

**An International “Imrali” Peace Delegation to ask for resumption of the  
Peace Process between Turkish government and Abdullah Ocalan**

**INTRODUCTION**

This is the Second Report of the International Imrali Peace Delegation (hereinafter referred to as the Delegation). It reports on its visit to the Council of Europe in Strasbourg during April 18-21, 2016. The First Report sets out its visit to Turkey with the objective of seeking an audience with Abdullah Ocalan and the Turkish Minister of Justice to persuade them to resume the peace talks between the Turkish government and Abdullah Ocalan on the Kurdish Question which was unilaterally aborted by the Turkish government just before the national parliamentary elections in April 2015. By the time the Delegation left Turkey, it did not hear from the Ministry of Justice about the request to have an audience with him or Abdullah Ocalan. However, Judge Essa Moosa, the chair of the Delegation, received a letter dated 14 June 2016 from the Judge Yurdagul KESKIN, the Head of the Ministry of Justice, Foreign Relations and Law Head Quarters in which he enclosed a letter dated 10 June 2016 from Judge Enis Yavuz YIDIRIM, the Head in the Justice Ministry of the Detention and Prison Authority. The letters state firstly, that the visit of Judge Essa Moosa and his International Delegation is declined by the Ministry of Justice on the ground that such visit is not suitable; and secondly, the appointment to see Mr Bekir BOZDAG, the Justice Minister, is not possible to fulfil on this occasion due to the busy work schedule of the Ministry. The letters are annexed hereto marked A1 and A2.

## **THE MOTIVATION OF THE VISIT TO THE COUNCIL OF EUROPE IN STRASBOURG**

In February 2016 the Delegation went to Istanbul. The Delegation aimed to meet with Abdullah Ocalan and the Turkish Ministry of Justice to facilitate a resumption of peace talks that were ended by the Turkish government in April 2015, when Ocalan was placed in complete isolation. The delegation consisted of distinguished members from USA, Canada, Venezuela, Ecuador, South Africa, Belgium, the United Kingdom and Germany. Their mission had received declarations of support from influential figures in politics, public life and culture, including Noam Chomsky (Professor Emeritus at Massachusetts Institute of Technology), Mauro Palma (former president of the Committee for the Prevention of Torture of the Council of Europe, Italy), Tariq Ali (Writer and Journalist) and Bruce Kent (Vice-President Pax Christi, UK) and many others.

A formal letter of request was written by Judge Essa Moosa - the chair of the International Imrali Peace Delegation on behalf of the Delegation to Mr. Bekir Bozdog - the Turkish Minister of Justice to seek for his permission for the delegation to visit Imrali Prison and to consult and brief Mr. Ocalan on the resumption of the Peace Process and to meet with the Minister on the same issue. The delegation received no response from the Turkish authorities whilst in Turkey. After follow-up through parliamentarians and the South-African embassy; the Ministry of Justice responded that our request was forwarded to the General Directorate of Prisons and Detention Houses of which the delegation received no response by the time we left Turkey.

During the visit to Istanbul a cross-section of Turkish society was consulted, which included peace activists, academics, human right organizations, politicians, political parties, non-governmental organizations, community based organizations and others. All of them expressed great concern that the peace initiative between the Turkish government and Abdullah Ocalan representing PKK and a large section of the Kurdish people had ceased unilaterally at the instance of the Turkish government and the armed conflict between PKK and the Turkish state had resumed. They pointed out that since the breakdown of the peace process in April of 2015; the Erdogan government has pursued increasingly belligerent policies towards the Kurdish Freedom Movement, culminating in the still-escalating violence in the east of the country, which has entailed massive human rights violations. They appealed to the Delegation that the worsening and dangerous situation in Turkey requires urgent action. Escalating conflict between the Turkish government and the Kurdish populations of Turkey and Syria has grave consequences for the people of the region and potentially for the world. This worsening and dangerous situation in Turkey requires urgent action. Therefore the Delegation decided to assemble in Strasbourg and have meetings with representatives and groups of the International Institutions based there - among them Committee for the Protection against Torture, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the CPT), Council of Europe, Parliamentary Assembly and the European Court of Human Rights.

Abdullah Öcalan has been contributing theoretically as well as practically to the solutions of the problems in Turkey, Syria and in the Middle East region and beyond. At the same time, he has been an advocate for a democratic peaceful solution to the Kurdish question. Öcalan frequently emphasized the importance of dialogue and negotiation by announcing several unilateral cease-fires. In 2009, he released the 'Road Map to Negotiations', a

blueprint to a just and dignified peace. His historic Newroz statement in 2013 ended a decades-long violent conflict and he announced the era in which weapons will be silent and ideas and politics would be in the forefront. During these consultations, the view was expressed that Öcalan's renewed isolation is a political move by Turkey to intimidate the Kurds, as well as to legitimize the state's assault on the civilian population in Kurdish areas. Currently the Turkish state is once again holding Ocalan in solitary confinement. In worldwide campaign last year, more than 10.3 million of signatures were collected to demand the freedom of Abdullah Öcalan and other political prisoners. Signatories included well known figures such as Arundhati Roy, Jeremy Corbyn, and Antonio Negri, as well as many parliamentarians, lawyers, writers and activists.

The escalation of conflict in Turkey has coincided with the total isolation of Abdullah Öcalan, who from his lonely prison cell on the island of Imrali has been a crucial role-player and a consistent voice calling for peace. Yet the very fact that Öcalan is in prison was a problem even during the talks that occurred for two years starting in March 2013. Öcalan has been denied access to his lawyers since 2011 and his family since 2014. His lawyers have applied to visit him 600 times now, but have been repeatedly turned down with absurd excuses such as '*the boat is broken*'. For almost a year, he has been in solitary confinement during which anything untoward could have happened to him without the knowledge of his family or lawyers.

Because of the seriousness of the situation both with regard to the peace process and the isolation of Öcalan, the Delegation resolved in Istanbul that it shall visit the Council of Europe in Strasbourg, of which Turkey is a member and call upon it to persuade Turkey to resume the peace process with Öcalan and call upon the CPT as a matter of extreme urgency, to visit Ocalan in Imrali Prison in order to investigate the violation of his rights in terms of European Convention for the Protection of Human Rights and Fundamental Freedoms as a political prisoner.

### **FRUITFUL MEETINGS WITH THE COUNCIL OF EUROPE AND CPT**

From April 18 until April 22, 2016 the Delegation had meetings with representatives of the CPT, members of the Parliamentary Assembly of the Council of Europe (PACE), with political groups, country representatives and different committees. The Delegation expressed its concern about the conduct of the Turkish authorities in civilian areas of conflict where innocent children and women have become victims of such conflict. Moreover the Delegation asked for members of CPT who should visit Abdullah Ocalan, as a matter of extreme urgency, and examine the conditions of his incarceration and his medical condition.

An eyewitness account from a member of the Delegation stressed the devastations of the ongoing war in South East of Turkey in which hundreds of civilians died and thousands have been displaced. The Delegation stressed that if the current conflict, as a spillover from the Syrian civil war escalates further, the ramifications would have grave consequences for Europe. More people in the Middle East will be forced to flee for Europe for greener pastures. It was also pointed out that the Kurds are the only reliable force on the ground fighting DAESH, while Turkey has an ambiguous position with regard to it. In this context

to resume the peace process is a matter of urgency and Öcalan, as a legitimate leader of the Kurds, has a crucial role to play. This fact was underlined by the 10.3 million signatures requesting the Freedom for Abdullah Öcalan which were presented to the Council of Europe in February 2014.

The credibility of the Council in upholding the European Convention of Human Rights was discussed *vis-a-vis* the basic human rights of Öcalan as a prisoner to have access to his lawyers and visits of his family which have not been the case since more than 4 years and 15 months respectively have elapsed without such access. Furthermore the de-listing of the PKK has been mentioned as a factor to de-escalate the conflict. All representatives that were contacted and/or met in the Council of Europe received an information package and a transcript of the presentation prepared by Judge Essa Moosa. The Presentation is annexed hereto marked "B". The representatives carefully listened to the issues addressed by the different members of the Delegation. The different groups and committees expressed their concerns regarding the situation and agreed upon conveying the requests of the Delegation to respective members of the committees, groups and delegations that were visited.

In chronological order the consultations at the Council of Europe took place with the following:

1. UEL political group - headed by Mr. Tiny Cox
2. Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) - represented by Mr. Jeroen Schokkenbroek (the Executive Secretary of CPT Secretariat)
3. Committee on Legal Affairs and Human Rights - Ms. Louise Ringuet (assistant to the President Destexhe.)
4. Representatives of National Delegation of Germany - Mr. Michael Hilger (assistant to President Axel Fischer), Ms. Ute Finckh-Krämer and Ms. Mechthild Rawert
5. Committee on Political Affairs and Democracy - Mr. Mogens Jensen (chairperson)
6. Directorate of Political Affairs - Mr. Uwe Muller and Ms. Biljana Prlja
7. Turkey Post-Monitoring Commission - Ms. Sylvie Affholder (secretary), Ms. Ingebjørg Godskesen (co-rapporteur)
8. ALDE political group - represented by Ms. Maria Bigday (personal assistant to chairperson Mr. Xuclà)

The representatives of the various groups the Delegation made representations to undertook to report to their respective constituent members and, if necessary, revert to us. A few days after making representation to the CPT it sends representatives to Turkey to investigate the violation of the rights of Öcalan as a political prisoner in terms of its mandate. The Delegation now awaits the outcome of the CPT Report to enable it to chart the way forward.

Additionally, a meeting open to all members of the Parliamentary Assembly, was kindly sponsored by the UEL and a press conference was held in co-operation with the HDP representatives in the Council of Europe. The speakers on these two events were: Mr. Ertuğrul Kürkçü (HDP), Judge Essa Moosa (leader of the International Imrali Peace Delegation) and Professor Kariane Westrheim (Chairperson EUTCC). Professor Westrheim

elaborated on the importance of de-listing of the PKK from the list of terror-organizations. The severe and ongoing war in the East of Turkey (Cizre, Diyarbakir) were discussed. Federico Venturini, who recently visited the area handed a lengthy Preliminary Report of the Findings of Lawyers and Human Rights Organizations in the area. Press Releases of the visit of the Delegation to Strasbourg is annexed hereto marked C1 and C2

## **WORLDWIDE SOLIDARITY FOR PEACE IN KURDISTAN AND THE FREEDOM OF ABDULLAH ÖCALAN**

Simultaneously to the visit of the International Imrali Peace Delegation to the committees, groups and representatives in the Council of Europe in Strasbourg, a solidarity team was formed. The Solidarity Team consisted of 47 lawyers, students, peace-advocates, human-rights defenders, trade-unionists and other activists from the Netherlands, Germany, UK, France, Spain, Basque, Scotland, Turkey, Kurdistan, Tunisia, Norway, Sweden and Italy. They joined at the permanent vigil for the liberation of Abdullah Öcalan which is held in front of the building of the Council of Europe since June 2012. The members of the Solidarity Team called on Parliamentary Assembly of the European Council, the Secretary General, the Human Rights Commissioner, as a matter of extreme urgency, to visit Abdullah Öcalan on Imrali Island Prison in order to investigate his medical condition and the violation of his rights as a political prisoner. By their presence in Strasbourg they wanted to draw attention to Öcalan's unjust imprisonment and compel the Turkish State back to the negotiation table by first releasing him. The Women of the Delegation independently issued a Solidarity Statement the International Press.

## **CONCLUSION**

The two main goals of the Delegation were:

1. The resumption of the Peace Initiative between the Turkish government and Öcalan, the imprisoned leader of the PKK; and
2. Investigation into the conditions of imprisonment of Öcalan and why the recommendations of the CPT in its earlier Reports regarding visit of family and lawyers, were not implemented by the Turkish authorities.

The issue of the resumption of the peace process was raised by the Delegation with several sub-committees and groups of the Council of Europe. The urgency of the peace process was underlined by the several reports on the conflict in the East of Turkey (Cizre, Silope and Diyarbakir) with curfews affecting more than a million citizens, leaving hundreds of thousands displaced and thousands killed or injured among them hundreds of children. Until presently Turkish government both in Turkey and in Europe has been beating the drum of war. On the other hand, the International Imrali Peace Delegation has been beating the drum of peace.

During 28 to 29 April 2016, Mykola Gnatovskyy, President of the CPT (Head of Delegation), Hans Wolff, member of the CPT, and Michael Neurauter, Head of Division in the CPT's Secretariat, carried out a visit to Imrali prison in Turkey to examine the treatment and

conditions of detention of Abdullah Öcalan and the 3 other remaining prisoners. The previous visit of the CPT to Imrali prison was in January 2013 and until today the Turkish state remains non-compliant with the recommendations - especially on their right to receive visits from relatives and lawyers.

The Turkish authorities have failed to implement the key recommendations contained the consecutive reports arising from CPT's visit in January 2013 to Imrali on ensuring the prisoners at Imrali prison access to their family members and their lawyers. The Delegation requested CPT to re-open procedure for non-compliance, which was earlier closed because of partial compliance. The Delegation is looking forward to receiving a Report on the visit of CPT to Imrali and its findings arising from such visit. On receipt of such Report and Findings, the Delegation will chart its way forward on the issue.

## **RESOLUTION**

Arising from the consultations of THE INTERNATIONAL IMRALI PEACE DELEGATION in Istanbul, TURKEY, during February 2016 and in Strasbourg, FRANCE, during April 2016, the following Resolution is adopted by the Delegation:

- 1 The Delegation wishes to express its sincere thanks and appreciation to all those peace activists, academics, social, community and political activists, politicians, the Human Right Organizations, NGO'S, Community-Based Organizations, Women Groupings and others we consulted in Istanbul and the members of the Council of Europe, Political Parties, representatives of CPT, Legal and Human Rights Committee, Political Affairs and Democracy Committee, Directorate of Political Affairs, Turkey Monitoring Commission, National Delegation of Germany and UEL and ADE Political Groupings and others;
- 2 It re-affirms the Resolution adopted in Istanbul following the consultations with the cross-section of the Turkish Society and Organizations and contained in the FIRST REPORT OF THE INTERNATIONAL IMRALI PEACE DELEGATION;
- 3 It re-affirms its commitment to work tirelessly for the RESUMPTION OF THE PEACE INITIATIVE between the TURKISH GOVERNMENT and ABDULLAH ÖCALAN, the imprisoned leader of PKK and the majority of the Kurdish people;
- 4 It re-affirms its commitment to work for the release of ABDULLAH ÖCALAN from prison to enable him to take his rightful place at the negotiating table for the lasting resolution of the KURDISH ISSUE in Turkey and for the democratization of TURKEY;
- 5 It re-affirms its commitment to work consistently for the delisting of PKK as a terrorist organization as it is a liberation movement in terms of International Law and international human rights instruments and ABDULLAH ÖCALAN as a terrorist in those counties where they are listed as such as he is regarded as the legitimate leader of the Kurdish people and a freedom fighter like Mandela.;
- 6 It expresses its sincere thanks and appreciation to the COMMITTEE FOR THE PROTECTION AGAINST TORTURE, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) for having granted the INTERNATIONAL IMRALI PEACE DELEGATION an audience to discuss the violation of the rights of ABDULLAH ÖCALAN as a political prisoner and the non-compliance of TURKEY with the



recommendations of CPT with regard to access of ABDULLAH ÖCALAN to his lawyers and visits by members of his family;

- 7 It further wishes to note and to express its sincere appreciation to the CPT for promptly assembling a delegation of its members to pay a visit to and to enquire about the conditions of ABDULLAH ÖCALAN's imprisonment at IMRALI PRISON following its consultations with members of the COUNCIL OF EUROPE and representatives of CPT in STRASBOURG;
- 8 It resolves to take such further political and legal steps once it receives the Report of the CPT on the latest visit to IMRALI PRISON to investigate the conditions of imprisonment of ABDULLAH ÖCALAN and more particularly on the question of the non-compliance of the Turkish Government with its previous recommendation namely that the Turkish Authorities facilitate access to ABDULLAH ÖCALAN of his LAWYERS, which has been denied access to him for more than 4 years and to members of the his family who have been denied access for more than 18 months. The non-compliance constitutes a gross violation of his rights as political prisoner in terms of INTERNATIONAL LAW and INTERNATIONAL HUMAN RIGHTS INSTRUMENTS and PROTOCOLS.
- 9 It condemns the Turkish government for the undemocratic practice of lifting the immunity of the Turkish parliamentarians aimed at victimizing and removing the HDP from representing its constituency in the Turkish legislature in that it will firstly disenfranchise millions of voters comprising Kurds, Turks, Yazidis, Alevites, Armenians, Christians, Jews, Muslims and other minority groups that voted for the HDP; and secondly lay the HDP parliamentarians open to be prosecuted in terms of the Turkish undemocratic terror legislation.
- 10 It reserves its right to take such further political, legal, social and economic action as the political situation in Turkey unfolds with its undemocratic measures and the further oppression of the Kurdish people and other minority groups in Turkey and the continued violation of the rights of the imprisoned leader of the Kurdish people, ABDULLAH ÖCALAN as a political prisoner in terms of INTERNATIONAL LAW and INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND PROTOCOLS.

## ***ANNEXURE "A1"***

TC  
(Republic of Turkey)  
Ministry of Justice Foreign Relations and Law Head Quarters  
Office of Human Rights Directorate

Number: 64871687.3-10-1-2015  
**Re: Your request for information**

14 June 2016

**Dear Essa Mossa**  
([essa.mossal@gmail.com](mailto:essa.mossal@gmail.com))

We understand from your petition of February 2016 that you wish our Ministry to assist you to facilitate a visit to Abdullah Ocalan who is serving at Imrali Prison.

Having considered the issues raised in your petition it had been passed to the Detention and Prisons Authority Head Quarters as the relevant body and their reply dated 10 June 2016 is attached.

This is now presented for your information.

Yurdagul Keskin  
Judge  
Head of Department  
On behalf of the Minister  
e-signature

Appendix: The letter of Detention and Prisons Authority Head Quarters dated 10 June 2016



## **ANNEXURE "A2"**

TC  
(Republic of Turkey)  
Ministry of Justice  
Detention and Prisons Authority Head

Number: 82586135-727.02 (2016) E.1499/71575

10 June 2016

**Re: Essa Moosa's Application**

To: Foreign Relations and Legal Matters Head Quarters  
Office of Human Rights Directorate

- Re: a) A letter dated 11.02.2016 with the registration number 648716873-10-1-2015**  
**b) A letter dated 17.02.2016 with the registration number 88321582-3-8-3-2002-E.100/1542**  
**c) A letter dated 22.02.2016 with the registration number 648716873-10-1-2015**

The consideration made of the petition sent to [inhak@adalet.gov.tr](mailto:inhak@adalet.gov.tr) on 09 February 2016, 12.02, 2016, 18 & 19 2016 via e mail by Essa Moosa , The High Court Judge from Republic of South Africa) within which he has asked to be considered a visit for himself and his *International Delegation of encouragement for re-commencement of the Peace Negotiation* by way of meeting Justice Minister Mr Bekir Bozdag and Abdullah Ocalan who is imprisoned at Imrali F Type High Security Close Prison (Penal Execution Institution) .

**It is however decided that;**

The meeting of Essa Moosa, The High Court Judge from Republic of South Africa) and his **his International Delegation** of encouragement for the purpose of re-commencement of the Peace Negotiation by way of **meeting Abdullah Ocalan** who is imprisoned at Imrali F Type High Security Close Prison (Penal Execution Institution) **is not suitable** under the Article 85 of the Law 5275 and the Article 30 of the Statutory Instrument relevant to the Visits of the detained and imprisoned people.

**It is also decided;**

The request by the delegation for **an appointment to see Mr Bekir Bozdag** the Justice Minister **is not possible** to fulfil on this occasion due to the busy work schedule of the Ministry.

I would be pleased if this information is presented with this written reply to the abovementioned applicant.

Enis Yavuz YILDIRIM

General Manager

Judge

- This document which is signed electronically will not be submitted as a hard copy in addition.

## *Annexure "B"*

### ***Presentation to the Council of Europe by the International Peace Delegation***

1. We are the members of the international peace delegation that visited Turkey during 14-16 February 2016. The purpose of the visit was to help restart the peace talks between the Turkish government and Abdullah Öcalan, the imprisoned leader of the PKK.
2. The delegation which was led by Judge Essa Moosa comprised 10 members from Europe, England, Canada, USA, South America and South Africa. Their names and profile are in the dossier.
3. On 3 February 2016 Judge Moosa wrote a letter, on behalf of the delegation, a letter to the Turkish minister of Justice for an audience to engage him on the question of the resumption of the peace talks in Turkey. We also sought his permission to visit Imrali prison to engage with Ocalan on the same issue.
4. By the time the delegation left Turkey on 16 February 2016, there was no response from the Minister. We received from the office of the minister a letter dated 29 February 2016 informing us that the matter has been referred to the prison authorities. To date we have received no response from either the prison authorities or the Minister. We have sent further letters to the Minister of Justice and the Director General of Prison and Detention Houses to enquire from them the outcome of our requests. We are still awaiting their response.
5. During our visit to Turkey we engaged in talks with a number of political and social formations, activists, academics, lawyers, writers, journalists and others. A report of the visit by the delegation together with the resolution adopted by delegation is in the dossier.
6. The refrain from these organizations and individuals were clear and loud. It is two-fold: the one is that unless the peace talks are resumed as a matter of urgency, the situation in Turkey would rapidly degenerate into a civil war, with consequences of immense proportion not only for Turkey but also for the Middle East and Europe; the other is that the situation of Ocalan has become untenable and requires the urgent and immediate attention of the relevant authorities.
7. In 1987 the Council of Europe of which Turkey is a member adopted the European Convention for the protection of torture and inhuman or degrading treatment or punishment. Turkey ratified the convention on 26 February 1988 and which became enforceable with effect as from 1 February 1989.
8. The convention establishes a committee whose function 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, inhuman or degrading treatment or punishment.
9. The committee carried out six visits to Ocalan since his detention on the island of Imrali: the first visit was soon after his abduction from Kenya, that is in March 1999; the second was in September 2001; the third was in February 2003 the fourth was in May 2007; the fifth was in January 2010; and the sixth was in February 2013.
10. The last visit was more than three years ago. A lot of water has since flowed under the bridge. On 21 March 2013 Ocalan declared a unilateral cease-fire and ordered the PKK armed combatants to leave Turkey.
11. The AKP, on the other hand linked the peace process to a political calendar, namely the local government election of 2013, the presidential election of 2014 and the national elections of 2015. The first two steps were implemented but the AKP government unilaterally reneged on the third step after the national elections of 2015.

12. During the Peace Process of March 2013 to April 2015, there were regular contacts with Ocalan, the Imrali delegation of the HDP and the government contact group. These contacts allayed and fear with regard to Ocalan's situation.
13. However, the unilateral suspension of the talks by the Turkish government in April 2014, has exacerbated the conflict in Turkey and Ocalan has been placed under complete isolation. His rights as a political prisoner have been violated in many respects.
14. Firstly, his right to have access to his lawyers since 27 July 2011 has been violated on the flimsy excuse that the boat ferrying the parties to Imrali has broken down or because of inclement weather. Since 2011 and to date the lawyers of Ocalan has submitted more than 600 applications but on each occasion the same excuses were proffered.
15. Secondly, his right to have lawyer/client privilege has been violated by the Turkish state recording the conversation between Ocalan and his lawyers and using the transcripts of these conversations illegally to bar the lawyers from further visits or use them unlawfully to prosecute these lawyers. It is for this reason that Ocalan at one stage decided not to be a party to such unlawful conduct by turning down such visits and insisting that his right to lawyer/client privilege be respected.
16. Thirdly, that the principle of within sight but out of hearing of prison guards and officials during legal consultations have been breached recording the legal consultations between Ocalan and his lawyers. It not only violated this principle but also to principle of lawyer/client privilege.
17. Fourthly, that the right of Ocalan to be visited by members of his family has been violated since 6 October 2014 on the same pretext that the boat has broken down or because of inclement weather. This constitutes a serious violation of his right as it may impact negatively on his psychological, mental and physical well-being of Ocalan.
18. Fifthly, that the denial of Ocalan's right to have access to his lawyers and the breach of the lawyer/client privilege could seriously impact on the principle of a fair trial in the number of cases that his lawyers have launched against the Turkish state and which are pending or require further instructions from Ocalan.
19. Sixthly, the political HDP Imrali Delegation which acted as intercessor between Ocalan and PKK has been denied access since 5 April 2015. The complete isolation of Ocalan constitutes a serious violation of his rights as a political prisoner in terms of the European Convention of Human Rights and which tantamount of torture and inhumane or degrading treatment and punishment. This is not only a serious indictment on Turkey but also a serious indictment on the Council of Europe of which Turkey is a fully-fledged member.
20. In March 2008 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reviewed the implementation of the recommendations made by it in the four previous reports concerning the treatment of Ocalan and the circumstances surrounding his imprisonment. The CPT concluded that the Turkish authorities had failed to implement the key recommendations contained in its report arising from the May 2007 visit. In view of its finding, the CPT decided to enforce the provisions of Article 10 (2) of the convention by issuing a public statement of non-compliance.
21. On its visit to Imrali in January 2010, although expressing certain reservation about Ocalan not getting certain privileges as other prisoners on the Island, the committee concluded that the conditions of his detention has improved, that the integration with other prisoners was underway; and there has been a marked improvement in his lawyer and family getting access to him on the Island. In the circumstances the committee decided to close the procedure initiated under article 10 (2) of the convention. What is clearly evident is that with the opening of the procedure in terms of article 10 (2) by the committee, there was a marked improvement in the conditions of his detention.

22. However, such improvements were short-lived. The situation changed dramatically after the results of the parliamentary elections in June 2011 were announced. The dialogue for the peaceful resolution of the Kurdish issue, which was conducted between the Turkish state and Ocalan in Imrali, came to an abrupt end. Lawyers and family members were barred from getting access to Ocalan. The Turkish state used the denial of such access as a political tool to execute punishment on Ocalan. This is unlawful in terms of and contrary to the spirit of the convention on torture.
23. Subsequently, the Turkish state restored his right to have access to members of the family but continued to deny him the right to have access to his lawyers. His right to have access to members of the family was summarily terminated on 6 October 2014 and his right to have access to his lawyers continues to the present.
24. The CPT in its report of the visit to Imrali from 16-17 January 2013 said: *“with reference to articles 3 and 10, paragraph 2, of the convention, the CPT calls upon the Turkish authorities to take the necessary steps - without any further delay - to ensure that all prisoners at Imrali prison are able, if they so wish, to receive visits from a lawyer”*. Ocalan in his interview with the committee on its last visit, more than three years ago, did indicate that he would like to have access to his lawyers. The Turkish state has flouted the directive of the committee with contempt on the pretext of the boat being broken or because of inclement weather.
25. The same pattern that emerged after the elections in June 2011, emerged after the elections of June 2014, when the Turkish state summarily terminated Ocalan’s access to members of the family as a political tool of punishment for the outcome of the elections. This, as indicated above, is contrary to the convention on torture; the denial of the right to have access to members of his family has continued to date.
26. In the consultations during our visit to Turkey, considerable disquiet was expressed by a cross-section of the Turkish society at the unilateral withdrawal of the Turkish state from the peace talks with Ocalan and the complete isolation of Ocalan in prison. Following such consultations a number of resolutions were adopted by the Imrali delegation.
27. Among them were a call upon the Turkish government and Abdullah Ocalan to resume the peace talks; for the unconditional release of Ocalan from prison to enable him to take his rightful place, like Nelson Mandela, in the negotiation process as a crucial role-player; a call upon the CPT of the European Council, as a matter of urgency, to visit Abdullah Ocalan in Imrali prison to determine why the previous recommendations of the CPT concerning Ocalan’s right to have access to his lawyers and his right to receive members of his family have not been implemented and why the CPT should not re-open the procedure initiated in terms of article 10 (2) of the convention on torture for the failure to carry out its recommendations.
28. The Imrali delegation accordingly calls upon the Council of Europe to persuade its member, namely Turkey to resume the peace talks with Abdullah Ocalan as a matter of urgency.
29. The Imrali delegation further calls upon the CPT committee of the council of Europe to visit Imrali prison, as a matter of urgency, to investigate why its recommendations contained in the last report have not been implemented and, if necessary to re-open the procedure under article 10 (2) of the convention on torture.

## *ANNEXURE "C1"*

### **Press Release - Imrali Peace Delegation - April 2016**

Link to the Press Conference held in the Council of Europe <http://goo.gl/bU9mGu>

Appeal to the Council of Europe for Peace in Middle East.  
Appeal to the CPT for a visit to Imrali prison.

**Six members of the Imrali Peace Delegation visited Strasbourg from Monday 18th until Friday 22nd of April to call upon the Council of Europe to persuade its member Turkey to resume the peace talks with Abdullah Ocalan, the imprisoned leader of the PKK.**

During a previous visit to Istanbul in February 2016 the delegation had sought an audience with the Turkish minister of Justice to engage him on the question of the resumption of the peace talks and seek his permission to visit Imrali prison to engage with Abdullah Ocalan on the same issue. Until today no final answer has been received from Mr. Bozdog to the official request.

Therefore the delegation called upon the Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to visit Imrali prison as a matter of urgency to investigate why CPT's recommendations in their last report (dated January 2013) have not been implemented. During the meeting with representatives of the CPT, Essa Moosa - Judge of the High Court of South Africa (retired) - proposed to re-open the procedure under article 10(2). The CPT Representatives promised to convey the appeal and come back with an answer.





***“We wanted to beat the drums of peace, while Turkey is beating the drums of war” delegation leader Judge Essa Moosa said on the meetings with Political Groups, Country Representatives, rapporteurs and different committees.***

## **Fruitful meetings in the Council of Europe & CPT**

The delegation had also meetings with members of the Parliamentary Assembly of the Council of Europe (PACE), with political groups, country representatives and different committees. An eyewitness from the delegation testified on the devastations of the ongoing war in South East of Turkey in which hundreds of civilians died and thousands have been displaced. The delegation stressed that if the current conflict, as a spillover from the Syrian civil war, escalates further the ramifications would have grave consequences. More people in the Middle East will be pushed to flee for Europe. It was also pointed out that the Kurds are the only reliable force on the ground fighting ISIS, while Turkey has an ambiguous position towards Wahhabiite “jihadis”. In this context to resume the peace process is a matter of urgency and Öcalan, as a moral leader of the Kurds, has a crucial role in this. This fact was underlined by the 10.3 million signatures requesting the Freedom for Abdullah Öcalan which were presented to the Council of Europe in February 2014.

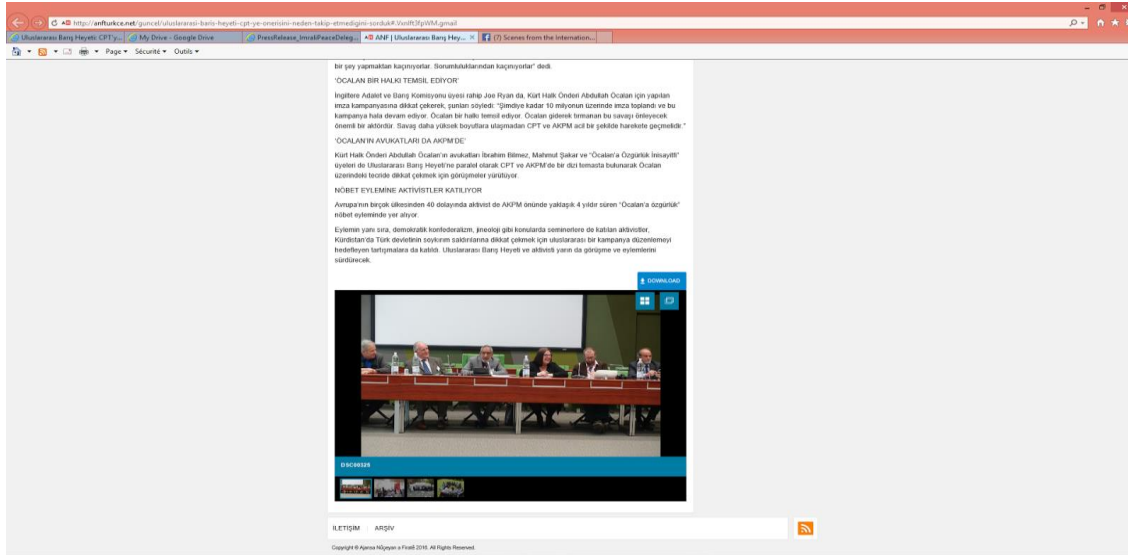
The credibility of the Council in upholding the European Convention of Human Rights was discussed vis a vis the basic human rights of Öcalan as a prisoner to have access to his lawyers and visits of his family which has not been the case since more than 4 years and 15 months respectively. Furthermore the de-listing of the PKK has been mentioned as a factor to de-escalate the conflict.



***Reminder of the 10.2 million signatures for the Freedom for Öcalan that were delivered 2 years ago to the Council of Europe.***

The members of the Imrali Peace Delegation (\*) are looking forward to the responses on the issue of peace raised during their visit, in particular the answer of the CPT to their call to visit Abdullah Öcalan in Imrali prison.

## ANNEXURE "C2"



*The Imrali Peace Delegation first met in Istanbul in February 2016. It is initiated by Prof. Kariane Westrheim (chair EUTCC) and led by Judge Essa Moosa, a former lawyer of Nelson Mandela.*

### (\* Members of the Imrali Peace Delegation that visited Strasbourg

1. Judge Essa Moosa (Head of Delegation), International Peace and Reconciliation Initiative, South Africa.
2. Prof. Kariane Westrheim chairperson EU Turkey Civic Commission, Professor at the University of Bergen. Former Rafto Board Member
3. Rev, Fr. Joe Ryan, Chair of the Westminster Justice and Peace Commission (UK)
4. Thomas Jeff Miley Lecturer of Political Sociology, Cambridge University (USA)



5. Federico Venturini School of Geography, University of Leeds (Italy)
  6. Radha D' Souza University of Westminster, School of Law (India)
- Additional members of the Imrali Peace Delegation
7. Janet Biehl author, editor (USA)
  8. Francesco Andrade Velasco, former Minister of Culture (Ecuador)
  9. Andrej Hunko, MP of Left Party (Germany)
  10. Dimitri Roussopoulos, co-founder of Transnational Institute for Social Ecology (Canada)
  11. Eirik Eigliad, writer and publisher (Norway)
  12. Lucena Gonzalez Edgar de Jesus, deputy of the National Assembly (Venezuela)

## Pictures



*Meeting with several political groups and committees (here Political Affairs and Democracy . Introduction by Judge Essa Moosa.*



*References for Mr. Jeroen Schokkenbroek (CPT) to the 10.3 million signatures requesting the Freedom for Abdullah Ocalan which were presented to the Council of Europe in February 2014.*



*Visit to the permanent vigil for the Freedom of Öcalan held in front of the Council since June 2012. Joining the Solidarity Team consisting of more than 100 trade unionists, journalists, lawyers, peace & human rights advocates from all over Europe.*

