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İMRALI ISLAND PRISON

2023 ASSESSMENT REPORT

I. INTRODUCTION

1. From the very outset, İmralı Island Prison was built as a prison with one single cell for one single prisoner based on the idea of isolation within isolation. Until November 2009, our client Mr Abdullah Öcalan was the only prisoner in the prison. In 2009, after the building was renovated and additional cells were added, other prisoners were transferred to the prison. Here, they were subjected to practices far more severe than what they had faced in the prisons where they came from, that is, they were subjected to the "İmralı Isolation System", designed and implemented specifically for Mr Öcalan. After November 2009, the only thing that changed was that the regime of isolation against one person now turned into a form of group isolation. After six years in İmralı, these prisoners were transferred to other prisons. Our clients Mr Hamili Yıldırım, Mr Ömer Hayri Konar, Mr Veysi Aktaş, Mr Nasrullah Kuran and Mr Çetin Arkaş, who replaced the other prisoners on 16-17 March 2015, started to be subjected to the same practice of absolute isolation and incommunicado detention specific to Mr Öcalan from 5 April 2015. ***They have not been heard from for about three years.***

II. INCOMMUNICADO DETENTION: NOT A SINGLE SIGN OF LIFE

2. Mr Abdullah Öcalan has been held in a solitary cell in the island prison of İmralı since 15 February 1999. For the first ten years he was the only prisoner in the single-cell island prison. Although six prisoners were brought in on 17 November 2009, he continued to be held in solitary confinement for 23 hours a day on weekdays and 24 hours on weekends. During the first twelve years, his right to see a lawyer was illegally limited to one hour one day a week, but the authorities constantly alleged pretexts such as "adverse weather conditions" or "technical failure of the coastal vessel" to prevent him from exercising even this limited right. Since 27 July 2011 until today, he has only been able to meet with his lawyers on five occasions, and all these meetings took place between May and August 2019. The last of these five meetings was on 7 August 2019. Since 2014, he has been allowed only five visits from family members. The last face-to-face meeting was with his brother on 3 March 2020. Since day one, he has been allowed only twice to communicate with his relatives via phone (on 27 April 2020 and 25 March 2021). The last phone call on 25 March 2021 was interrupted soon after it began, and the connection could not be re-established. Mr Öcalan has not been heard from since that day.

3. Mr Çetin Aktaş and Mr Nasrullah Kuran, who were transferred to İmralı on 16-17 March 2015, were taken to Marmara Closed Prison against their will on 26 December 2015 so that three prisoners outside of Mr Öcalan remained in İmralı. Our client Hamili Yıldırım has not been allowed a single meeting with his lawyers since 29 March 2015 when he was brought to İmralı Island Prison. For eight years, he has been able to receive only two visits from family members. His last face-to-face contact with one of his relatives was on 12 August 2019. Only twice was he granted the right to contact his family via phone, on 27 April 2020 and 25 March 2021 respectively. We have not heard from him since 25 March 2021.

4. Our client Ömer Hayri Konar has not been allowed a single meeting with his lawyers since 16-17 March 2015 when he was brought to İmralı Island Prison. For eight years, he has been able to receive visits from family members on only three occasions. The last face-to-face contact with him took place during a family visit on 3 March 2020. Since he was brought to İmralı Island Prison, he communicated with the outside world via phone only once, when a one-off phone call was granted to the prisoners on 27 April 2020 on the grounds of the COVID-19 pandemic. As regards the phone call scheduled for 25 March 2021, the family was informed by the prosecutor's office that Mr Konar refused to attend the phone call in protest of his conditions of detention. He has not been heard from since 27 April 2020.

5. Our client Veysi Aktaş has not been allowed a single meeting with his lawyers since 16-17 March 2015 when he was brought to İmralı Island Prison. For eight years, he has been able to receive visits from family members on only three occasions. The last face-to-face contact with him took place during a family visit on 3 March 2020. Since he was brought to İmralı Island Prison, he communicated with the outside world via phone only once, when a one-off phone call was granted to the prisoners on 27 April 2020 on the grounds of the COVID-19 pandemic. As regards the phone call scheduled for 25 March 2021, the family was informed by the prosecutor's office that Mr Aktaş refused to attend the phone call in protest of his conditions of detention. He has not been heard from since 27 April 2020.

III. APPLICATIONS AND COMPLAINTS AND THE ONGOING RESTRICTION OF OUR CLIENTS COMMUNICATION AND VISITATION RIGHTS

6. Applications were made regularly every week by family members, guardians and lawyers to the Bursa Chief Public Prosecutor's Office, which is in charge of İmralı Island Prison, and to the Directorate of İmralı F Type High Security Closed Penal Institution. During 2023, a total of **110** applications for lawyer visits and **59** applications for family visits were submitted to both authorities who completely ignored all of them. Of these, 14 lawyer and 10 family applications were made in relation to the major earthquake that shook Turkey in February 2023, but even under these circumstances, in which the law declares visitation rights as mandatory, the authorities did not grant a single family or lawyer visit.

7. It is also not known whether our clients received the **letters** we sent to them during 2023. In any case, we have not received a single written letter written by the clients. In addition, our clients continued to be prevented from exercising their right to communicate by **telephone** throughout 2023, even where the law prescribes this as mandatory, e.g., in the event of an earthquake.

8. The earthquakes of 6 February 2023 and their aftershocks, which had their epicentre in the province of Kahramanmaraş, caused great casualties and devastation in ten provinces in the southeast of Turkey (Kahramanmaraş, Adıyaman, Hatay, Osmaniye, Adana, Urfa, Gaziantep, Elazığ, Malatya and Diyarbakır). Some of the family members of the authors were residing in these regions and were directly affected by the earthquakes. In order for the our clients to obtain sound information about their relatives' situation, we filed 12 applications for lawyer visits and 9 applications for family visits every day from 6 February to 17 February to the Bursa Chief Public Prosecutor's Office and the Directorate of İmralı Prison. However, no response was received to

any of these applications. Likewise, the prisoners were not allowed to contact their families by telephone, letter or fax, as required in such cases by Law No. 5275. We filed a complaint to the Bursa Execution Judgeship, in which we reminded the latter of the special circumstances. However, the Execution Judgeship resorted to its routine justifications for dismissing our requests and stated that "*the disciplinary penalty and the ban on lawyer visits are still in force*", thus acting as if the earthquake had not occurred. After our appeals against these unlawful decisions were also rejected, we took the case to the Constitutional Court where it is still pending.

9. After the double quake of 6 February, the high likelihood of a major earthquake in the Marmara Sea became a major topic in the news and among the public. Experts made public appearances to present their opinions and reports. Amid these debates, an earthquake with a magnitude of 5.1 occurred in the Gulf of Gemlik on 4 December 2023. We mentioned this urgent circumstance in our applications to Bursa Chief Public Prosecutor's Office and the Directorate of İmralı Prison on 5, 7 and 8 December 2023. However, we were left without any response to our requests for an immediate meeting with our clients in order to assure ourselves of their well-being and to inspect their conditions. Immediately after, there was another earthquake of 3.0 magnitude, and then, most recently, on 17 December, an earthquake of 4.1 magnitude occurred in Çınarcık, Yalova. In the light of the information available to the public, following these earthquakes, it has become imperative to address the geographical location of İmralı Island Prison from the standpoint of its vulnerability to earthquake risks.

10. The practice of preventing family visits on the grounds of ***disciplinary penalties***, which are imposed for specious reasons and repeated every three months, continued without intermittence in 2023. Since the authorities stopped indicating the date and number of disciplinary penalties, their execution can longer be monitored and has become a matter of guesswork. Throughout the year, despite all our applications, disciplinary procedures and the execution of disciplinary penalties were carried out secretly from us lawyers, and our requests to be assigned the related files in the e-judiciary system UYAP and to gain access to the evidence, reasoning and documentation were rejected. In addition, in order to prevent our clients' constitutional rights of appeal and to seek legal remedies, the procedures were completely withdrawn from any legal supervision. When our objections coincided with objection periods by chance, the authorities did not process them and kept them waiting. Thus, they illegally finalised the proceedings through our clients who were cut off from all ties with the outside world and could not receive legal support. By circumventing the law, they have constructed a layered and malicious regime of punishment. By construing irrelevant justifications for restricting family and guardian visits (such as pacing during sports activities), the authorities have imposed bans that lacked any causal link or legal and material basis. While it would be possible to restrict sports activities in case of an alleged "breach of discipline" during a sports activity, it is illegal to use this as a justification for the restriction of family and guardian visits, which have nothing to do with this. In addition to this, despite the absolute obstacle in Article 43, paragraph 3 of the Law No. 5275, which states that "*[t]he provision of this article shall not be applied in meetings with official and competent authorities, lawyers and legal representatives*", the provision has been applied in a way to include

the legal representative, i.e., the guardian. Through these kinds of actions, the responsible individuals in the administrative and judicial authorities acted as legislators. We applied to the Constitutional Court against the forms of torture and systematic violations of rights that these disciplinary penalties entail.

11. The six-month ***ban on lawyer visits*** imposed by the Bursa Execution Judgeship in 2022 continued in 2023. On 27 April 2023, an application was made to the Bursa Execution Judgeship in order to visit our clients in İmralı as soon as this ban ended. However, we learned that a new six-month ban on lawyer visits had been imposed the day before. Thus, we filed a new application to the court concerning lawyer visits on 30.10.2023. This time, we were informed that a new six-month ban on lawyer visits had been imposed on our clients the day after our application to the Bursa Execution Judgeship. In both applications, we argued that the prison administration and the prosecutor's office never responded to our visit requests, that the ban orders had expired, that the said bans and other aspects of our clients' conditions of detention were contrary to the prohibition of torture and that they should immediately be allowed access to their lawyers. Along with these requests and complaints, we asked for the basis and grounds of the prohibition orders to be served to us and for the relevant files to be assigned to us in the UYAP system. These requests were also rejected. We then lodged an application to the Constitutional Court against the bans on lawyer visits which are imposed in the absence of any legal grounds, based solely on unpredictable, general, and abstract security grounds, and carried out in secret, completely sealed off from legal review, thus leading to inhumane conditions of detention.

12. Since 2015, dozens of applications have been made to the Constitutional Court on behalf of our clients. Stalling has neutralised the potential impact of all of these applications. There are dozens of applications submitted particularly with the purpose of bringing an end to our clients incommunicado detention, i.e., applications concerning the visiting bans, the dubious disciplinary penalties, and the materially and legally ill-founded lawyer and telephone bans, that have been pending for over nine years. In 23 of these applications, the Constitutional Court has yet to deliver its judgment. Meanwhile, at the end of March and the beginning of April, i.e., within a short period of time, we were notified of the Ministry of Justice's counter-opinion statements regarding these applications. Under normal circumstances there is a 15-day response period for a party to comment on the ministry's opinion in applications before the Constitutional Court. The Constitutional Court sent us the ministry's observations on 23 separate cases at around the same time, expecting us to respond to them within 2-3 weeks. Although the Constitutional Court did not give us sufficient time, we managed to submit our comments on the ministry's observations.

IV. OTHER APPLICATIONS AND COMPLAINTS

13. In addition to the applications made at the local level, **eight applications** were made to the **Constitutional Court** in 2023 regarding the serious human rights violations in İmralı. One of them is related to our clients being denied their visitation and communication rights after the earthquake despite the express legal requirement in this respect. Four of them are related to the denial of family/guardian visits. Two of them are related to the denial of lawyer visits. Finally, on

6 September 2022, the **United Nations Human Rights Committee's** had reminded Turkey ***"to allow them immediate and unrestricted access to a lawyer of their choice"***. Since the applications made to the administration and the court for the fulfilment of this request remained fruitless, an application was lodged with the Constitutional Court due to the failure to implement the request for interim measures.

14. In line with the United Nations Human Rights Committee's requests, we demanded the Bursa Execution Judgeship to put an end to the incommunicado detention of our clients and to allow them immediate and unrestricted access to a lawyer of their choice. However, the Judgeship responded to the UN Committee's emphasis on "unrestricted" access by referring to the decision "to restrict the prisoners right to see a lawyer for a period of six months". In other words, the Judgeship declared that the restriction of lawyer-client meetings would continue, completely ignoring the UN Committee's request. It thus considered superior to UN treaties, which are recognised in the Constitution, a restriction order devoid of any material or legal basis, imposed on our clients based on general and abstract security grounds. We applied to the Constitutional Court to contest these obstacles alleged by the Judgeship, curiously anticipating how the Court would rule on this case in view of Article 90 of the Constitution. But although our individual application, which is the basis of the UN Human Rights Committee's request for interim measures, has been before the Constitutional Court for more than two years, the Constitutional Court has not yet ruled on the merits of the application. On 19 January 2023, the UN HRC renewed its requests, expecting the government to comply with it. It is testimony to the legal deadlock surrounding İmralı Prison that the Constitutional Court's has refused to intervene and has even delayed its judgment on the merits of our application, that the UN Human Rights Committee requested Turkey to immediately re-establish our clients contact with their lawyers, but that the local courts did not order any interim measures, and that we ultimately had to file a second application to the Constitutional Court to put an end to the ongoing violations.

15. On 6 January 2023, we filed a complaint to the Union of Turkish Bar Associations concerning the fact that we were prevented both from visiting our clients in İmralı Prison and from carrying out our professional activities as a whole. In the application, we requested the Union pursue the necessary applications and initiatives to lift the 11-year ban on lawyer visits in terms of our clients in İmralı Prison, and to take the necessary action to identify, follow up and prevent practices in the follow-up of legal processes related to the representation by lawyers that violate the law and prevent lawyers from practising their profession. However, the Union of Bar Associations of Turkey has failed to carry out effective action regarding both the practice of the legal profession and the end of the torture conditions in İmralı.

16. The conditions of absolute isolation and incommunicado detention do not arise from legal and constitutional regulations. In a letter sent to the Minister of Justice on 14 March 2023, attention was drawn to the fact that İmralı Island Prison is kept outside the legal system, reminding the Ministry of its responsibility for this illegal state of affairs. We demanded the Ministry to ensure that the rule of law prevails and that legal requirements are fulfilled. However, there has been no change in practice. Obviously, the administrative and "judicial" decisions and practices, which

occur in violation of domestic legislation and which provide a cover for the incommunicado detention of our clients (for almost three years at this point), constitute a form of abuse of authority and duty.

17. Neither in the international conventions to which the Republic of Turkey is a party nor in the national legislation is there a regulation that would justify our clients' incommunicado detention. Those responsible for implementing and maintaining this state of affairs, which contravenes all international negative and positive obligations as well as constitutional and legal regulations, commit the crimes of abuse of duty, preventing the exercise of rights, and violating the prohibition of torture. However, our complaints to the High Council of Judges and Prosecutors against those responsible were not processed, and our requests and objections for a re-examination of this decision in 2023 were rejected.

18. The European Committee for the Prevention of Torture (CPT) has announced that it has completed its report on its visit to İmralı Island Prison on 22 September 2022 and submitted it to the government on 20 March 2023. It is not known whether Turkey has responded to this report until today, and the CPT has not made any statement in this regard. In 2023, we submitted four separate communications to the CPT, which is responsible for preventing, detecting and eliminating torture, inhuman and ill-treatment within the borders of the Council of Europe. In these communications, we provided detailed information to highlight that the conditions of detention in İmralı island prison exceeded ill-treatment, that the practices under the aggravated life imprisonment regime that violate the prohibition of torture and the prohibition of discrimination continued systematically, that we had not heard from our clients since 25 March 2021 and that their incommunicado detention continued, that Turkey had not complied with any of the CPT's previous recommendations and requests, that conditions in İmralı had always deteriorated rather than being improved, and that İmralı Prison's durability should be examined given its position on a fault line. For these reasons, the CPT was requested **to make a public statement concerning the conditions in İmralı, to invoke Article 10/2 of the European Convention for the Prevention of Torture**, to conduct a de facto visit to İmralı Island Prison to observe and examine our clients' conditions on site, and to end launch the relevant procedures to take coercive measures in an effort to lift the visiting ban and to improve the conditions of detention. However, 2023 went into the books as another year in which the CPT refrained from taking any coercive action to counter the İmralı Isolation System and remained idle and ineffective.

V. NON-IMPLEMENTATION OF THE ECtHR'S JUDGMENT ON ÖCALAN 2 AND THE SUPERVISION PROCESS

19. The aggravated life imprisonment regime, which was introduced specifically for Mr Öcalan, is regulated in Article 25 and Article 107 of the Law No. 5275. Accordingly, the imprisonment sentence shall continue throughout the life of the convict and not be interrupted in any way. In its judgment on Öcalan No. 2 of 18 March 2014, the ECtHR ruled that these legal regulations violated the prohibition of torture and stated that the legislation should be amended in order to bring it into

conformity with legal principles. Applications were made for the implementation of this judgment with the request to apply to the Constitutional Court for the cancellation of Article 107/16 of the Law No. 5275 and Article 17/4 of the Law No. 3713, which prevent conditional release, due to their unconstitutionality. In the end, as the ECtHR determined in its judgment, Mr Öcalan has been held under conditions contrary to the prohibition of torture for 25 years. We therefore requested that his sentence be reviewed from a social, political and legal standpoint without further delay and that he be provided a real prospect of release. However, the Execution Judge ignored the ECtHR's findings and assessments concerning a violation of the Convention and rejected the application. The appeal against this decision was also rejected. Subsequently an application concerning the same requests was lodged with the Constitutional Court, which is still pending.

20. Following its judgment in Öcalan No.2, where it held that the sentence of aggravated life imprisonment which meant the convicts' imprisonment until death violated the prohibition of torture, the ECtHR found similar violations in the *Kaytan v. Turkey*, *Gurban v. Turkey* and *Boltan v. Turkey*. These four cases were included in the supervision procedure of the **Committee of Ministers of the Council of Europe**, but were not brought to the agenda by the Committee for eight years despite Turkey's non-compliance with the judgments. In 2021, ÖHD, IHD, TIHV and TOHAV submitted a communication to the Committee in accordance with Rule 9.2 of the Rules of Procedure on the grounds that Turkey had failed to implement the ECtHR's judgements. Similarly, communications were submitted on behalf of Mr Öcalan in 2016, 2017, 2018, 2019, 2022 and January 2023 in accordance with Rule 9.1 of the Rules of Procedure of the Committee of Ministers. These communications contained detailed observations, findings and explanations regarding Turkey's failure to take individual and general measures in line with the Court's judgement. Following both Rule 9.1 and Rule 9.2 submissions, the Committee decided to include all four judgements on its agenda.

21. In its interim resolutions of its meeting of 30 November-2 December 2021, the **Committee of Ministers of the Council of Europe**, which is tasked with ensuring that the violations in the judgment in question cease, reaffirmed that the violation of the prohibition of torture continued, that **the life sentences of the applicants still remained non-reducible despite the Court's recommendation**, that Turkey had not shared the available information on the matter, and that it had not complied with the requirements of the judgment. The Committee further declared that legislative and other adequate measures should be taken without delay to ensure a mechanism to review the aggravated life sentence after a certain minimum period and to allow for convicts' release on penal grounds, requesting Turkey to provide information on the number of detained persons who were currently serving irreducible and non-reviewable life sentences. Turkey was also encouraged to draw inspiration from good examples of reforms adopted in other Member States. In the light of these resolutions, Turkey was requested to take the necessary steps immediately and to inform the Committee of these steps by September 2022.

22. Turkey clearly defended the aggravated life imprisonment regime both in previous action plans and in its 2022 communications, showing its intention not to change the legislation which means that the conditions violating the prohibition of torture will continue. Meanwhile, it did not give

any response regarding the other requests which it had been required to answer to. As the "Supervision Process" of the CoE Committee of Ministers has entered its tenth year, Turkey is still far from following the commitments it has undertaken under Article 46 of the Convention.

23. On 26 January 2023, we submitted another communication to the CoE Committee of Ministers, inviting the Committee to follow up with the interim decisions adopted in the November-December 2021 meeting, to declare more resolute interim decisions concerning necessary action and structural measures, to urge the Government to immediately take general measures that include individual measures, to request the Government to submit a new action plan that is suited to truly remedy the violation found in the Court's judgment, and to launch an infringement procedure against Turkey in line with Article 46 § 4 of the Convention for its failure to take any steps towards adopting general measures over a period of nine years. However, contrary to the spirit of the ECtHR judgement, the CoM ignored our requests throughout the year.

24. On the other hand, throughout 2023 there were protests, signature campaigns, various marches including the Gemlik march, press statements, panels, conferences, workshops and most recently hunger strikes and justice vigils to oppose the conditions in İmralı and the countrywide policies which have their origin in the prison. At present, hunger strikes and justice vigils driven by the demands of ***"freedom for Abdullah Öcalan and a democratic solution to the Kurdish question"*** continue.

25. In times when the truth is turned on its head, it is of vital importance to correctly identify the source and mechanisms of the mindset that prefers the prolonged political deadlock in the Kurdish question and to understand where to turn our heads for a democratic and free future. Since 1993, Mr Öcalan has put forth effort and labour for the resolution of the Kurdish question through democratic means. For 25 years in İmralı, he has maintained his will and determination to ensure the democratic solution of the Kurdish question based on international law. At any opportunity, he has called on the public and made his proposals and declared his readiness for a democratic solution. He has opted for dialogue and negotiation to solve the Kurdish question and related social problems through peaceful and democratic means. But despite this, the government's deadlock policies have prevailed and even become more pronounced.

CONCLUSION AND FINDINGS

I. İmralı is governed by an extraordinary regime under extraordinary conditions. Fundamental rights and freedoms are constantly suspended in a context of no legal supervision whatsoever. There no longer is any legal security and predictability. Inmates' all ties with the world are severed, judicial bodies act without impartiality and independence, a shield of impunity protects criminal procedures, decisions and actions, lawyer, family and guardian visits are banned to an extent that lacks precedent around the world, the proceedings concerning these bans are carried out in secret, and lawyers are prevented from exercising their profession. We have not heard from our clients for three years, not even in the context of legal and humanitarian initiatives.

II. The ECtHR's judgment in *Öcalan No. 2* of 18 March 2014 established that the regime of aggravated imprisonment until death has violated the prohibition of torture from the moment it was implemented. In the same judgement, the Court considered that the isolation of Öcalan in İmralı also violated the prohibition of torture and recommended Turkey to take action to improve Öcalan's detention conditions. By contrast, the conditions of isolation have become further aggravated and have reached the level of absolute isolation since 2015. Thus, our client Mr Abdullah Öcalan has been subjected to the most severe forms of torture and inhumane treatment for 25 years. The same goes for our clients Mr Konar, Mr Aktaş and Mr Yıldırım, who have been subjected to these measures for nine years since March 2015 when they were brought to the prison.

III. In its report of 5 August 2020, the CPT considered that our clients where held in incommunicado detention, stating that this state of affairs was unacceptable and clearly contravened the law and international standards (**par. 48**) and advising the Turkish authorities to put an end to these conditions. The CPT also found that the disciplinary penalties imposed to restrict the prisoners' right to receive visits from family members were based on rather unconvincing and specious reasons (**par. 49**). Previously, the Committee had already found that the denial of lawyer visits since 27 July 2011 - except for five exceptional visits - was a political decision and measure contrary to international and domestic law (2013 CPT Report, **par. 18**).

IV. Finally, as can be seen in the UN Human Rights Committee's request for interim measures of 6 September 2022, of which it then reminded the Government on 19 January 2023, the incommunicado detention of our clients in İmralı constitutes a form of torture. These are unacceptable conditions that must be ended immediately.

V. Despite all our applications for the fulfilment of the CPT's recommendations and UN requests for measures, there has been no change in practice throughout 2023, and our clients' incommunicado detention has continued without intermittence, even in cases where the law requires it, such as earthquakes. Therefore, 2023 has been another year of absolute incommunicado detention, in which we have not been able to receive a single sign of life from our clients.

VI. The incommunicado detention of our clients for nearly three years is a flagrant violation of the prohibition of torture under Article 3 of the European Convention on Human Rights. In addition, there have been systematic and continuous violations of the right to a fair trial under Article 6, the right to respect for family and private life and the right to communication under Article 8, the right to an effective remedy under Article 13, and Article 18, which prohibits unwarranted restriction of rights and freedoms.

VII. The bans of family and guardian visits, which were renewed every three months throughout 2023, and the bans on lawyer visits and communication by telephone,

which were renewed every six months, are devoid of material and legal basis. They are ostensibly "court decisions or disciplinary penalties" but in substance and content they are based on the government's political rationale. As illegal political decisions, they cannot legitimise incommunicado detention. On the contrary, the fact that these decisions are implemented together in a way to prevent even a minimum of contact with the outside world is evidence of both our clients' incommunicado detention and the existence of an extra-legal and secret de facto mechanism specific to İmralı based on the covert cooperation between the government, the administration and the judiciary.

VIII. The absolute isolation and incommunicado detention of our clients is not only contrary to international legal standards, but also to existing legal and constitutional regulations. Neither in the international conventions to which the Republic of Turkey is a party nor in the national legislation of the Republic of Turkey is there any regulation that would justify the detention of our clients under conditions where they are completely cut off from all contact with the outside world. Those involved in implementing and maintaining the İmralı Isolation System and the concomitant incommunicado detention of our clients, which does not derive its source from the constitution and laws and violate all international negative and positive obligations, systematically commit the crimes of abuse of duty, preventing the exercise of rights and freedoms and violating the prohibition of torture.

IX. It is not difficult to see the parallelism between the construction of a life outside of law and democracy in Turkey, which is rooted in the strict security approach based on the unwillingness to find a political solution to the Kurdish question, and the İmralı Isolation System, in which the Constitution, ECHR and other legal agreements are ignored. In this respect, Mr Öcalan, throughout his 25 years in Imrali, has always declared that he is in favour of a democratic, constitutional and peaceful solution to the Kurdish issue and has positioned himself accordingly. Vis-à-vis the forces opposed to dialogue and solution, he has used every opportunity to advance his remarkable project of a politics of democratic solution, peace and keeping alive.

X. We look back at twenty-five years of isolation. Following the turn toward absolute isolation in 2015, the authorities resorted to policies and practices of absolute incommunicado detention in 2021, which they further tightened in 2022 and 2023. This means that the government has chosen to disable legal and political means and rely on force and security policies instead. This is the policy of those who oppose democracy, democratic solution, and dialogue and negotiation for peace, and who capitalise on political deadlock, conflict, polarisation and rent. The negative consequences of these policies have dragged the country and the region into multiple unmanageable crises and led to the exploitation of all resources of the people and the region by the ruling groups.

XI. All current economic, political, social and legal indicators show that is imperative for the gates of İmralı open and for Mr Öcalan to fully assume his central role in ensuring democratic solution and peace. Without further delay, a policy of dialogue and negotiation should be adopted in which the health, safety and freedom of Mr. Öcalan are ensured so that his position of democratic solution and peace can be to the benefit of all. This means opting for legal and political means.

XII. It is a historical need and necessity that 2024 should bring the freedom of Mr Öcalan and, in connection with this, the solution of the Kurdish question in the context of the transition to a democratic constitution and democratic state of law, adapted to the international UN and European Conventions on Human Rights, that guarantees three generations of human rights and freedoms.

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