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Turkey: Amnesty International welcomes improvement in detention conditions of Abdullah Öcalan after 10 years in isolation

According to reports on 17 November five prisoners were transferred to the newly constructed “F-type” high security prison on the island of Imralı. They are to be held there alongside Abdullah Öcalan, the PKK leader who since 1999 has been held in isolation as the sole prisoner on the island with only very restricted access to his family and to legal advice.

Solitary confinement is a severe punishment with potentially harmful effects including damage to the physical and mental health of a prisoner, which should only be imposed in extreme cases and for as short a time as possible. International and regional standards and recommendations increasingly favour its restriction or elimination.

Article 7 of the UN Basic Principles for the Treatment of Prisoners states: “Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.” The Revised European Prison Rules 2006 specify that “solitary confinement shall be imposed as a punishment only in exceptional cases and for a specified period of time, which shall be as short as possible.”

The UN Human Rights Committee has stated that solitary confinement is a harsh penalty with serious psychological consequences and where prolonged it may amount to acts prohibited under Article 7 of the International Covenant Civil and Political Rights (torture and other cruel, inhuman or degrading treatment or punishment). The European Committee for the Prevention of Torture (CPT) has stated that “a solitary confinement-type regime... can have very harmful consequences for the person concerned. Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible.” In respect of Turkey the CPT has stressed the importance of developing communal activities for prisoners subjected to various forms of isolation regimes.

Amnesty International has repeatedly called on the Turkish authorities to end the isolation of Abdullah Öcalan, enabling him to associate with other prisoners and to have increased access to his family and legal advice.

According to reports the six prisoners in Imralı will be able to associate with each other for up to 10 hours a week in line with regulations applicable to all persons held in high security prisons in Turkey. It was reported that in the next days a further three prisoners will shortly be transferred to the prison.

Background

Abdullah Öcalan was captured in Kenya in 1999 and returned to Turkey where he was tried on charges of "treason and separatism" under Article 125 of the Turkish Penal Code. He was sentenced to death on 29 June 1999 by a State Security Court (DGM) which found him guilty of the charges. His sentence was later commuted to life imprisonment, and since then he has been held in solitary confinement on Imralı Island with only limited access to members of his family and to legal advice.

Amnesty International has raised a number of concerns about his trial, including the fact that the right to defend oneself, the right to a public hearing, the right to be presumed innocent and the principle of "equality of arms" were all violated. On 12 May 2005, the Grand Chamber of the European Court of Human Rights ruled that aspects of the trial proceedings violated Turkey's obligations to ensure fair trial rights set out in the European Convention on Human Rights.

Amnesty International has also repeatedly expressed concerns about the isolation regime imposed on Abdullah Öcalan, who since 1999 has been held in solitary confinement as the only inmate in the prison on Imralı Island. Access to his family members and to legal advice has been restricted because the authorities have frequently failed, on the grounds of weather conditions, to operate the boat to transport them to the island where the prison is located.

According to Circular 45/1, which was published by the government in January 2007, prisoners should be able to associate with other prisoners for up to 10 hours per week. However, its implementation has differed from one prison to another and many prisoners have not been allowed to associate with each other to the extent required in the circular. Amnesty International has called on the government to ensure the full implementation of this measure throughout Turkey, and is pleased to note that it will now be applied to the prisoners in Imralı. However, this is just a first step, and Amnesty International also reiterates its call on the government to ensure that prison regimes are in line with international standards, in particular with regard to the imposition of punishments and contact with the outside world in addition to association with other prisoners.

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