

# Lawfare from İmralı Prison to Stockholm – a weekly news review

As journalist Merdan Yanardağ is imprisoned for criticising the illegal isolation of Abdullah Öcalan, Sarah Glynn examines the human rights issues concerning Öcalan's incarceration, and how the brutal regime of his İmralı Island prison has been used as a model for an increasingly punitive and sadistic Turkish Legal system. Every opportunity is also being taken to try and force other countries to shape their judiciary according to Turkish government wishes, notably in Sweden.

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On 20 June, Merdan Yanardağ, Editor in Chief of TELE1, one of the few remaining Turkish television channels not controlled by the government, chose for his regular discussion programme to bring up and criticise the illegal isolation of imprisoned Kurdish leader, Abdullah Öcalan. On Monday 26th June, following angry responses on social media, Yanardağ was detained by the police, and on Tuesday he was remanded in custody for “praising crime and criminals” and “making propaganda for a terrorist organisation.”

In his broadcast, Yanardağ commented on the possibility of Recep Tayyip Erdoğan’s AKP government initiating another “resolution process” with the Kurds, and he quoted AKP MP Galip Ensarioğlu, who [discussed the issue in May](#) when it came up in pre-election allegations about possible government meetings with Öcalan. Ensarioğlu had stated that Öcalan is more sincere than the PKK. This prompted the [following comments](#) from Yanardağ:

“Öcalan is the longest serving political prisoner in Turkey. If normal execution laws were applied, he should be released, under house arrest etc. The isolation imposed on Abdullah Öcalan has no place in the law. It must be lifted... But you are holding him hostage, you are negotiating with him. You are making threats through him. He cannot even meet his family, he cannot meet his lawyers. Can there be such a system of execution? Abdullah Öcalan is not someone to be taken lightly. He has almost become a philosopher in prison, because all he does is read.”

Social media outrage was orchestrated by AKP MP Mehmet Ali Çelebi, and [also by leading members of the İYİ Party](#), which was part of the opposition coalition but always careful to demonstrate a hard line concerning Kurdish issues. In this, the İYİ Party responded both to its far-right nationalist roots and to the wider success of right-wing populism, which has ensured that the demonising of the Kurds, and especially of the PKK, attracts popular support. Turkish nationalism, manifesting as denial of Kurdishness, has been a constant and central element of the Turkish Republic under all governments, and the recent election again demonstrated its rabble-rousing power and the unwillingness of mainstream politicians to confront it.

Before his detention, Yanardağ made a further broadcast in which he denied having praised any terrorist organisation or leader; and he further [commented](#)

[to Bianet](#) that he had not intended to praise Öcalan but to criticise AKP hypocrisy and to say “how the penal execution law should be in a democratic country”.

Yanardağ has joined [at least 52 other journalists and media workers in prison](#) in Turkey, either awaiting trial or convicted. His arrest has received international condemnation, including from [organisations concerned with press freedom](#), and from Human Rights Watch, whose associate director [described it](#) as “part of a campaign to silence oppositional and critical media”.

### **Öcalan and human rights**

In his criticism of Öcalan’s prolonged isolation, Yanardağ was not saying anything that had not already been said by international bodies – though those bodies can be unconscionably slow in making their decisions and even slower to act on them. The law is clear, but politics gets in the way. Öcalan has spent over 24 years in a highly fortified prison on the island of İmralı in the Sea of Marmara, and his imprisonment has always been the subject of criticism, for which there has been almost no action from Turkey in response.

In 2003, the [European Court of Human Rights](#) examined the procedure of Öcalan’s trial and found it unfair. But nothing happened. Applications made to the European Court in 2003, 2004, 2006 and 2007 were finally brought to a judgement in 2014, when the court ruled that Öcalan’s life imprisonment without parole breached his right to hope. It was a further seven years before this ruling was put on the agenda of the Council of Europe’s Committee of Ministers, which then told Turkey to comply without delay – but nothing happened.

The prison authorities have always made excuses to restrict visits from Öcalan’s family and lawyers, though these are legal entitlements. In 2011, Öcalan’s lawyers made an urgent application to the European Court about being refused access to visit their client. It was eight years before the court requested a response from Turkey and the case is still pending. At the end of 2022, while they waited, the lawyers took their complaint to the [United Nations](#)

[Human Rights Committee](#), which, in January, told Turkey that the isolation must end, and that Turkey should respond by March. Again, nothing has happened.

The Council of Europe's [Committee for the Prevention of Torture \(CPT\)](#) has written numerous reports on Öcalan's situation but very few of their demands have been met. Many of these demands concern his conditions of isolation and the restrictions on visits and other contacts with the outside world. This isolation has only got worse. Öcalan has had no communication with the outside world since March 2021, when he was allowed a phone call with his brother that was cut short after a few minutes.

Öcalan's imprisonment is an overwhelming human rights issue, but in denying him the hope of freedom and the possibility to communicate, the Turkish authorities are also denying Kurds the hope of a peaceful resolution. Millions of Kurds look to Öcalan as their political leader and respect his decisions, making him uniquely placed to negotiate a dignified Kurdish future – if he is ever allowed freedom to talk and there is anyone on the government side prepared to listen. The Kurdish Freedom Movement speaks about the isolation not only of Öcalan but of the Kurdish people.

Öcalan's imprisonment and isolation also denies the world the possibility to debate his potentially world-changing ideas with their author – it is an assault on political philosophy.

### **The other İmralı prisoners**

One of the few changes that the Turkish authorities did make in response to the CPT's criticisms of Öcalan's isolation was to bring [other prisoners](#) onto İmralı, but contact between prisoners is severely restricted. The company this has given Öcalan is limited, while the other prisoners now also have to suffer İmralı's brutal regime. The most recent published report from the CPT, which followed their visit in May 2019, recorded that Öcalan and the other three prisoners now in İmralı were being held in solitary confinement for 159 out of 168 hours a week, and only allowed to talk to each other during the three

hours specifically allocated to conversation. The other İmralı prisoners have also been denied all external communication.

The mother of Veysi Aktaş, one of the other three prisoners, [called on the Minister of Justice](#) to let her see her son on Wednesday's Eid holiday. They have not met since he was sent to İmralı in 2015, and now she cannot even receive a phone call or a letter. There has been no contact with him since April 2020, and when his father died last autumn, he was not allowed out to attend the funeral. His sister, Sabiha Aslan, visited him in 2019 when she found it difficult to talk due to the stress and the constant pressure of the authorities (who tried to make them speak in Turkish.) The harsh conditions had affected her brother's physique and even his voice. After the trauma of her visit, she spoke of her respect for the will of the prisoners who have endured those conditions for years. "We are worried about their health and psychology." Aslan told Mezopotamya Agency, "We are holding onto our phones with fear."

### **İmralı as a model of cruelty**

Despite international criticism – or because that criticism is not backed up by the political will needed to make it effective – Turkey not only continues its torture of the prisoners on İmralı, but has increasingly used the İmralı regime as a model for their treatment of other political prisoners in other prisons. People found guilty of "terrorism" offences are being illegally sentenced to life imprisonment without parole. Dormitory type prisons had already begun to be replaced by small cells and a regime of isolation in the 1990s, but İmralı has become a testing ground for further ways of making the lives of prisoners, and especially life prisoners, as unpleasant as possible. A 2005 law stipulates sadistic treatment for those on aggravated life sentences, who are guaranteed only very short amounts of time for exercise and communal mixing. Isolation is not just torture in itself, but also exposes prisoners to the risk of hidden ill-treatment by prison staff. Even the few vestiges of communal life allowed are often curtailed by harsh and arbitrary disciplinary punishments.

Almost every day this week, Mezopotamya Agency has published reports about maltreatment in Turkey's prisons. On Sunday there was a [report](#) from a high security women's prison in Amed (Diyarbakır), where an imprisoned

journalist had written a letter on behalf of the prisoners drawing attention to rights violations and requesting support from legal and human rights organisations. She described hours without water, and food that is inedible, insufficient, and low in calories; new prisoners forced to undergo a strip-search; ill prisoners not sent to the infirmary for weeks, not given prescribed drugs, and handcuffed during hospital examinations; and a prison manager who indulged in deliberately provocative and arbitrary behaviour.

In another report, a human rights worker [discussed a visit](#) to political prisoners in Kırıklar, where, on the 15th and 19th June, prisoners had set fire to a ward in protest at intensifying isolation and other rights violations, while other prisoners shouted slogans and banged on their doors. She observed that “Everything that prisoners do to resolve violations of their rights results in disciplinary punishment”.

On Monday, they published [comments](#) by lawyer Yusuf Çakas from the MED Federation of Families of Prisoners and Legal Solidarity Associations on the increasing rights violations. He linked these to the isolation regime on İmralı, and observed that the purpose of imprisonment in Turkey is the deliberate destruction of the government’s opponents. As well as the problems listed above, he described lack of sun and air, constant raids of the wards – the prisoners’ “living spaces” – that amount to harassment, and the needless transfer of prisoners to prisons far away from their families.

Monday also saw the [first of three reports](#) this week on prisoners whose release had been delayed when they were due for parole. Ferit Orak had his release postponed two times, each for three months, before finally stepping out of Bolu prison. He described the postponement as torture, and said that many others in the prison were still undergoing similar or longer delays imposed by the prison’s Administration and Monitoring Board. These boards were established following a law passed in 2020. Orak claimed that the Board no longer bothered even to give reasons for postponement, and that the situation was aggravated by the imposition of arbitrary punishments.

The next day we read about [Nevzat Öztürk](#), from the same Bolu prison, whose expected parole, after over 31 years and declining health, was postponed for three months on the grounds of “not reading enough books” and “not using electricity sparingly”.

And a human rights lawyer talked about the [situation in an Antalya prison](#), where prisoners are kept in solitary cells 23 hours a day, and eight prisoners are facing a lawsuit for breaking the close mesh over their windows in order to let in some air. She, too, noted the influence of İmralı as a model.

Wednesday saw two more reports of postponed release. [Sinan Sütpak](#) had been due to be released in May after thirty years in prison. His son, Özgür, told Mezopotamya Agency that his release had been postponed because he did not show remorse. Özgür Sütpak observed that practices of postponement varied from prison to prison, and that Administration and Monitoring Board members had a financial incentive to refuse release and be paid to attend a further hearing.

[Asım Demir](#), also due to be released after thirty years, has similarly been accused of lack of remorse and has been given a second three-month postponement. It might be observed that the state gives prisoners little genuine reason to change their views.

Life prisoners in Turkey can apply for parole after serving a minimum prison term. People sentenced to “aggravated life imprisonment” in the early 1990s expected to be given parole after thirty years; though those sentenced to “aggravated life imprisonment” for “terrorist” offences today can expect to spend the rest of their life behind bars.

### **Exporting intolerance**

Not content with pursuing Kurds through their own corrupted Turkish legal system, Turkey employs political leverage and threats to make other countries shape their judiciary according to Turkish government wishes. Their most significant achievement has been persuading other states, including the European Union as a whole, to list the PKK as a terrorist organisation; this



despite the fact that the PKK poses no threat to other countries and can more properly be understood as a party in a non-international armed conflict – as ruled by the Belgian courts. Countries wary of their relations with Turkey can be persuaded to clamp down on Kurdish organisations and extradite Kurdish refugees back to an uncertain future. This has especially been a problem in Germany, and has become a major issue in Sweden, with Turkey using their veto over Sweden's application for NATO membership to extract maximum concessions. Sweden has already given up its ban on arms exports to Turkey, and has imposed new anti-terrorist legislation that has been criticised for being dangerously broad and loosely worded. And the Swedish Security Service, Säpo, has been making life difficult for Kurdish organisations and Kurdish would-be refugees – though new terrorist legislation and the Säpo clampdown had both been on the agenda before Sweden's NATO application.

Turkey is using their leverage to enforce more demands. Erdoğan still wants the United States to agree to sell them F16 fighters – though they may claim this is a separate issue – and he has set his sights on ending Sweden's cherished freedom of expression, especially with respect to the Kurds. He has made it clear that Sweden's continued tolerance of demonstrations carrying PKK flags is unacceptable to him. In a phone call to NATO Secretary General, Jens Stoltenberg, last Sunday, [Erdoğan stated](#) (according to the Turkish government's communication department) that "Turkey's constructive attitude towards Sweden's membership continued, but as long as PKK/PYD/YPG supporters freely took action in [Sweden], the legislative changes made no sense."

Then on Wednesday – Eid al-Adha – a Syriac man from Iraq with political pretensions ([as evidenced by his social media accounts](#)) stood outside Stockholm's central mosque, publicly desecrating and burning a copy of the Quran. Swedish law allows for freedom to demonstrate unless there is a security risk. The protest had been given permission to go ahead by the authorities after a court concluded that "The security risks and consequences that the authorities can see connected to a Quran burning are not of a nature to justify, under current laws, a decision to reject the request" Although there was only a small crowd at the event itself, news soon spread and angry condemnations have poured in from the governments of Muslim majority



nations. In his speech to his party's Eid programme, Erdoğan [responded](#) to this "vile attack" and "Western arrogance", stating "Those who allow this and turn a blind eye to this infamy will not achieve their goals... We will show our reaction in the strongest possible way until terrorist organisations and the enemies of Islam are fought decisively." There is no link between the Kurdish organisations that Erdoğan brands as terrorists and the Quran burning, though there is a risk that they will become conflated in people's minds. Swedish NATO membership seems to be off the table for the near future, but that may only increase the pressure on the Swedish government to accommodate Turkey's demands, at the expense of the Kurds.

Meanwhile, as always, Turkey continues their physical attacks on North and East Syria, and the [PKK reports](#) massive Turkish attacks in the mountains of the Kurdistan Region of Iraq where they have their bases, including the use of chemical weapons.

### **Posthumous resistance**

But, of course, the resistance goes on, and nowhere illustrates this better than [the Kurdish women's library, archive, and research centre in Sulaymaniyah](#). This was opened last weekend with a gathering of women from different parts of Kurdistan and beyond. The library is the fruition of a project begun by Nagihan Akarsel, who was murdered, it is assumed by Turkey, last October.

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