



CPT/Inf (2008) 13

**Report to the Turkish Government
on the visit to Turkey
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 19 to 22 May 2007

(transmitted to the Turkish authorities by letter of 23 July 2007)

The Turkish Government has requested the publication of this report, including the Addendum (document CPT/Inf (2008) 13 Addendum), and of its response. The Government's response is set out in document CPT/Inf (2008) 14.

Strasbourg, 6 March 2008

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Copy of the letter transmitting the CPT's report

Mr Hüsrev Ünler
Minister Plenipotentiary
Deputy Director General for the
Council of Europe and Human Rights
Ministry of Foreign Affairs
TR-ANKARA

Strasbourg, 23 July 2007

Dear Deputy Director General,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Turkish Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Turkey from 19 to 22 May 2007. The report was adopted by the CPT at its 63rd meeting, held from 2 to 6 July 2007.

The recommendations formulated by the CPT are set out in paragraph 33 of the visit report. The CPT requests the Turkish authorities to provide **within three months** a response giving a full account of the action taken to implement them. The Committee trusts that it will also be possible for the Turkish authorities to provide replies to the comment and requests for information set out in paragraphs 19 and 24.

The CPT would ask, in the event of the above-mentioned response being forwarded in Turkish, that it be accompanied by an English or French translation. It would also be most helpful if the Turkish authorities could provide a copy of the response in a computer-readable form.

The Appendix to the visit report contains personal medical data concerning Abdullah Öcalan. This data falls within the scope of Article 11, paragraph 3, of the Convention, which states that "... no personal data shall be published without the express consent of the person concerned". Consequently, in the event of the Turkish authorities requesting the publication of this visit report, the Appendix will be deleted from the published version of the report.

You will be sent subsequently an addendum to the visit report, setting out the CPT's findings with regard to the allegations of intoxication by heavy metals referred to in paragraphs 29 and 30 of the report.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours faithfully,

Mauro Palma
President of the European Committee for the Prevention
of Torture and Inhuman or Degrading Treatment or Punishment

I. INTRODUCTION

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Turkey from 19 to 22 May 2007. The visit, which focused on Imralı High-Security Closed Prison, was one which appeared to the CPT "to be required in the circumstances" (see Article 7, paragraph 1, of the Convention)¹.

2. The visit was carried out by Marc Nève (Head of the delegation) and Jean-Pierre Restellini, medical doctor, both members of the CPT. The delegation was supported by Fabrice Kellens, Deputy Executive Secretary of the CPT, and assisted by an expert, Timothy Harding, psychiatrist, Director of the University Institute of Forensic Medicine, Geneva, and by two interpreters.

3. The objectives of the visit were as follows:

- to examine the action taken on the recommendations, comments and requests for information made by the CPT after previous visits to Imralı High-Security Closed Prison, and, in particular, following the visit in February 2003;
- to examine more specifically the situation concerning access to Imralı Island for both family members and lawyers of the prisoner Abdullah Öcalan;
- to examine the possible impact on the prisoner's conditions and treatment, and on his contact with his lawyers, of the entry into force, on 1 June 2005, of the Law on the Enforcement of Sentences and Preventive Measures (LES) (including as regards the disciplinary procedure);
- to ascertain Abdullah Öcalan's state of health after eight and a half years spent as the sole inmate of Imralı High-Security Closed Prison.

4. The CPT delegation visited Imralı High-Security Closed Prison on 20 and 21 May 2007. It held several interviews with Abdullah Öcalan.

¹ The CPT had already carried out three visits to this prison, in March 1999, September 2001 and February 2003. The CPT's visit reports and the Turkish authorities' replies have been made public (CPT/Inf (2000) 17 & 18, CPT/Inf (2002) 8, CPT/Inf (2003) 13 and CPT/Inf (2004) 2 & 3).

5. During its visit to Imralı High-Security Closed Prison, the delegation had discussions with various members of the establishment's management and staff (including medical personnel). It also held talks with Ahmet Er, the Bursa Chief Public Prosecutor, and Cemil Kuyu, the Bursa Deputy Chief Public Prosecutor with special responsibility for the enforcement of sentences.

At the end of the visit the delegation had a meeting with the Minister of Justice, Fahri Kasırğa, in the presence of numerous senior officials from the Ministry of Justice and the Ministry of Foreign Affairs.

6. The CPT wishes to stress the very positive role played by Hüsrev Ünler, Deputy Director General for the Council of Europe and Human Rights in the Ministry of Foreign Affairs and CPT liaison officer, and by Necati Nursal, Head of Department at the Directorate General for Prisons and Detention Houses, Ministry of Justice, deputy liaison officer for the CPT. In the spirit of cooperation which is the essence of the Convention, both of them took steps to facilitate the visit and helped to ensure that efficient action was taken in response to the CPT delegation's requests.

The CPT also wishes to thank Oğuz Kağan Köksal, Director General for Security at the Ministry of the Interior, who provided the delegation with a transport helicopter and its crew for two days.

II. FACTS FOUND DURING THE VISIT AND MEASURES PROPOSED

A. Preliminary remarks

7. The visit in May 2007 was the fourth by the CPT to Imralı High-Security Closed Prison.

The first visit, which was carried out on 2 March 1999 - just two weeks after the arrival of Abdullah Öcalan in the establishment - allowed the CPT to verify the initial detention conditions of the prisoner, as well as his state of physical and mental health. After that visit, the CPT formulated a certain number of recommendations concerning, in particular: access to books, newspapers and the radio; freedom for the prisoner to move between his cell and the adjoining room; outdoor exercise; his regime and activities; his contacts with the outside world; and his medical care. The CPT also recommended that the Turkish authorities explore the possibility of transferring other prisoners to Imralı Island.

After the second visit, which was carried out on 6 September 2001, the CPT formulated supplementary recommendations concerning, in particular, the possibility for the prisoner to be provided with a television set and to benefit from telephone contacts. The organisation of health care services at Imralı High-Security Closed Prison was also the subject of a recommendation. In addition, the CPT emphasised that Abdullah Öcalan should at the earliest opportunity be integrated into a setting where contacts with other inmates and a wider range of activities were possible.

8. At the end of its third visit, in February 2003, the CPT recommended that the Turkish authorities "take immediate steps to find means of ensuring that Abdullah Öcalan's right to receive visits from his relatives and lawyers is fully effective in practice. The relevant instructions should be modified so that, if necessary, Imralı-10 can be used to transport relatives and lawyers of Abdullah Öcalan to Imralı Island or, if that boat is unavailable, a coastguard vessel. Further, a degree of flexibility should be introduced concerning the day of the visits, so that if during a given week adverse weather prevents all means of transport from reaching the island on the allocated day, visits can take place on another day"².

In addition, the CPT invited the Turkish authorities to "allow visits to Abdullah Öcalan by his relatives to take place under the conditions applied to his lawyers, namely in the same room, the prisoner and his visitors seated on opposite sides of a table"³.

However, the Committee also clearly indicated that "the issue of paramount importance to the CPT is finding means of ending Abdullah Öcalan's isolation, which has now lasted for more than four years"⁴.

² See CPT/Inf (2004) 2, paragraph 15.

³ See CPT/Inf (2004) 2, paragraph 16.

⁴ See CPT/Inf (2004) 2, paragraph 4.

9. As regards arrangements for access to the island and visiting days, the Turkish authorities stated in their response⁵ to the report on the third visit that "the Ministry of Justice has taken the necessary steps to acquire a new and more seaworthy vessel"⁶ and referred to the practical difficulties attendant on altering the scheduled visiting day. On this last point they nevertheless said that "if the visits scheduled to take place each Wednesday cannot be carried out for a long period on account of weather conditions or a technical fault, and provided that notification is given at least 24 hours in advance for the purposes of security arrangements, it will be possible to allow the prisoner to receive visits on another day of the week if there are no circumstances preventing it. The Ministry of Justice has given the necessary instructions on the subject to the Bursa Chief Public Prosecutor's Office, by letter No.16093 of 12 March 2003".

As regards the conditions under which visits from relatives took place, the Turkish authorities affirmed that the prisoner had the possibility for open visits under the conditions set out in Circular No 9-51 of 8 April 2002 and Article 154 (3) of the Prison Administration and Sentence Enforcement Regulations⁷.

The response was silent as regards possible arrangements enabling Abdullah Öcalan to have contacts with other inmates.

10. As a result of information received in the course of 2006, to the effect that access to Imralı Island had (again) become very difficult for the prisoner's family members and lawyers, the CPT held talks on 19 June 2006 with the Minister of Justice, in the hope of resolving this matter. It was agreed later the same month that the Turkish authorities would transmit information to the CPT every month on the visits to Imralı Island made by Abdullah Öcalan's family and lawyers (including the reasons why visits had not taken place); the authorities performed this task methodically.

According to the information so provided, during the three and a half months from July to mid-October 2006, only 6 out of a possible 15 visits took place. Faced with this situation, the CPT set in motion, by letter dated 18 October 2006, the procedure provided for in Article 10, paragraph 2, of the Convention⁸. However, following a subsequent distinct improvement in the situation, the Committee decided at its plenary meeting of March 2007 to close that procedure and informed the Turkish authorities of this by letter of 16 March 2007.

Immediately after that letter was sent, the CPT observed a significant decrease in the frequency of visits by the family members and lawyers of Abdullah Öcalan to Imralı High-Security Closed Prison⁹.

⁵ See CPT/Inf (2004) 3, page 6.

⁶ This is the "Tuzla", which, according to the information supplied to the delegation by the Bursa Chief Public Prosecutor, has a seaworthiness certificate for up to 5 or even 6 on the Beaufort scale.

⁷ See CPT/Inf (2004) 3, page 7.

⁸ Article 10 (2) of the Convention states that: "If the Party fails to co operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two thirds of its members to make a public statement on the matter."

⁹ See footnote No. 11.

B. Material conditions and regime

11. Abdullah Öcalan's material conditions of detention had changed very little, if at all, by comparison with the CPT's previous visit four years earlier. The prisoner had a cell of satisfactory size (approximately 13 m²), equipped with a bed (and bedding), a small shelf, a table and two chairs. A partially partitioned sanitary annex (shower, toilet and sink) completed the cell area, all of it clean and well kept. There was adequate access to natural light and adequate artificial lighting. The cell was ventilated by opening the window - which the prisoner did himself - and the cell also had an air conditioning system.

A slightly larger adjoining room was used for lawyers' visits. Family members' visits, for their part, took place with a separating panel and telephones: the prisoner was seated in the lawyers' visiting room and the family in an adjoining room. Lastly, the prisoner had a small exercise yard (approximately 45 m²), which was completely bare and to which he had access for one hour a day (divided into two 30-minute periods, one in the morning and the other in the afternoon). Apart from his hour of daily exercise, the prisoner remained alone, confined to his cell (and therefore without free access to the adjoining room).

12. Among the few changes made since the CPT's previous visit in 2003 was the fact that on 26 February 2004 chipboard panels had been placed on most of the walls of the cell and the adjoining visiting room, apparently to protect them against the damp. In the same context, the delegation was informed that the prisoner's cell (including the chipboard panels) and the adjoining areas had been very regularly repainted (about every six months). During the painting works the prisoner was held in another cell (identical to his usual cell) on the other side of the lawyers' visiting room.

13. The regime had likewise changed only very little. The entry into force of the new LES (which the CPT had already referred to in its report on the December 2005 visit; see CPT/Inf (2006) 30) was reflected in the "Internal Regulations" of Imralı High-Security Closed Prison. In respect of the prisoner in question, the implementation of these regulations could be said, by and large, to amount to a series of prohibitions and restrictions.

The prisoner admittedly had three books (from the prison library) in his cell, as well as three newspapers (which were given to him several days or even weeks late) and a radio (which could receive only one station, however). That being said, there had been no favourable response from the Turkish authorities to the various recommendations made by the CPT as early as 1999, and subsequently expanded on, to alleviate the harmful effects of his detention alone in Imralı High-Security Closed Prison. In particular, he was still not allowed to move freely between his cell and the adjoining room during the day, had no access - not even occasionally - to a larger exercise area with basic facilities, had no other activities and had no television set (either rented or purchased). Furthermore, the interaction between the prisoner and custodial staff was rather limited, as the staff were only allowed to speak to him for strictly functional reasons¹⁰.

More fundamentally, the solution outlined by the CPT in 1999, involving the transfer of several other prisoners to the island, had not been implemented.

¹⁰ See also Section 34 (2) of the LES.

C. Contact with the outside world

14. Besides his material conditions and regime, contact with the outside world - for a prisoner held alone in a remote location - is vital. The importance of this contact was the reason for a specific visit by the CPT in February 2003.

15. As regards the vessels used for transporting family members and lawyers to Imralı Island, the CPT has taken note of the fact that the "Tuzla" was brought into service in 2006. Although seaworthy in less favourable weather conditions than those required by Imralı 9 and 10, it has nevertheless shown signs of weakness, with several breakdowns, some of them lasting several weeks (in March 2007, for instance). Moreover, monthly monitoring of visits has shown that access to the island remains very irregular¹¹.

The CPT was particularly concerned to note the significant drop in the frequency of visits once the procedure under Article 10, paragraph 2, had been closed. The trend was fortunately reversed in May and June 2007. The CPT greatly hopes that this favourable trend will continue: the Committee wishes to make clear that it will not hesitate to reopen the above-mentioned procedure if the prisoner's family members and lawyers are not guaranteed regular access to the island.

16. As regards visits by family members, it should be recalled that under Section 32 of the Internal Regulations of Imralı High-Security Closed Prison, visits have to take place on Wednesdays (between 9 a.m. and 4 p.m.) and they may last a maximum of one hour. One "table visit" and one visit "with a separating panel" are allowed per month.

Visits "with a separating panel" are possible as regards spouses, children, parents, brothers and sisters, as well as guardians. As regards "table" visits, they are limited to parents, spouses, children and grandchildren. This restrictive provision effectively excludes Abdullah Öcalan from receiving any such visits, as apparently he does not at present have any relations falling within the categories identified above. In this respect, it should be recalled that after the visit in 2003, the CPT had recommended that measures be taken to allow Abdullah Öcalan to receive table visits. Evidently, no follow-up has been given to this recommendation.

In addition, there appear to be no provisions in the legislation or regulations that would allow a prisoner with family members living very far from the prison to aggregate visiting periods.

Correspondence with family members and other persons remains subject to censorship.

17. Lawyers' visits can in principle take place on working days, during working hours, in an area specially designated for the purpose, out of the hearing - but not the sight - of other persons (Section 59 (2) of the LES). However, a restriction has been imposed on Abdullah Öcalan's lawyers, since visits to Imralı High-Security Closed Prison are scheduled to take place on Wednesdays only.

¹¹ Record of visits according to the data transmitted by the Turkish authorities (the first figure represents the visits that actually took place, and the second the visits requested by the family/lawyers to which have been added those proposed by the authorities after visits were cancelled due to unfavourable weather or the breakdown of the vessel concerned): July 2006 (1/4); August 2006 (1/5); September 2006 (3/7); October 2006 (1/6); November 2006 (4/10); December 2006 (4/5); January 2007 (4/6); February 2007 (4/4); March 2007 (2/8); April 2007 (1/5); May 2007 (4/5); June 2007 (3/4).

18. Lawyers' defence documents, files and notes on their conversations with their clients may not be scrutinised (Section 59 (4) of the LES). The same applies to letters, faxes and telegrams exchanged between a prisoner and the lawyers defending him (Section 68 (4) of the LES). However, under certain circumstances specified in Section 59 (4) of the LES, an official may be present during interviews between the prisoner and his lawyers, at the chief public prosecutor's request and by decision of the enforcement magistrate, who may examine the documents given by the prisoner to his lawyers and vice versa, and may withhold them partially or in their entirety. The prisoner concerned may nevertheless appeal against this decision under Law No 4675.

19. When the delegation visited Imralı High-Security Closed Prison, it was informed that an official from the registry of the Bursa court had been systematically present during Abdullah Öcalan's interviews with his lawyers since the entry into force of the new legislation on 1 June 2005. Furthermore, interviews between the prisoner and his lawyers were recorded¹². **The CPT would like to be informed of the exact legal basis for this practice of recording interviews between the prisoner and his lawyers.**

20. More generally, the CPT considers that the confidentiality of contacts between a prisoner and his lawyers is a fundamental safeguard against ill-treatment and that, consequently, such contacts should be subject only to scrutiny *ex post facto*, leading if necessary to prohibitive measures if the deontological and ethical rules applicable to lawyers have not been observed¹³. That being said, as the precise conditions under which the prisoner concerned has access to his lawyers in Imralı High-Security Closed Prison are currently the subject of an application to the European Court of Human Rights, the CPT will not comment further on the subject¹⁴.

21. The CPT has also recommended, as early as 2001, that the prisoner should have access to a telephone. Both the relevant legislation and regulations¹⁵ provide for this possibility for inmates serving sentences of strict life imprisonment; however, the possibility is subject to certain conditions. To date, the Administrative Commission has systematically refused to allow Abdullah Öcalan access to a telephone. Thus, no action has been taken on this recommendation.

The CPT remains of the view that, bearing in mind the remote location of Imralı High-Security Closed Prison, granting Abdullah Öcalan access to a telephone is "appropriate" within the meaning of Section 25 (1)(f) of the LES. Of course, such telephone communications could be monitored and, if necessary, interrupted.

¹² The delegation was able to hear some of these recordings when it examined the disciplinary procedures.

¹³ Such provisions exist in Turkish law and have been used with respect to a number of Abdullah Öcalan's lawyers, who have thus been prohibited, by court decision, from having contact with their client for periods of six months.

¹⁴ It goes without saying that the prisoner should be able to correspond in confidence with the European Court of Human Rights.

¹⁵ Sections 25 (e) and 66 of the LES and Section 34 of the Internal Regulations of Imralı High-Security Closed Prison.

D. Discipline

22. The 2007 visit also afforded an opportunity to take a closer look at the new disciplinary procedure introduced in 2005 by the LES.

The new provisions governing discipline are set out in Chapter 8 of the LES and do not call for any particular comment by the CPT. They list punishable acts, the penalties relating to them and the disciplinary procedure to be followed (including the possibility for the prisoner to be heard with regard to the acts of which he is accused and to appeal against disciplinary measures taken against him).

23. Since this new legislation came into force, Abdullah Öcalan has been the subject of disciplinary proceedings on six occasions, including two reprimands and three penalties of twenty days' cellular confinement¹⁶. A detailed examination of the procedures in question did not reveal any major problems; the procedure laid down by law had been followed, and the various appeals dealt with by the competent judicial authorities.

24. However, the CPT wishes to raise two questions concerning the disciplinary procedure, namely lawyers' participation in disciplinary proceedings and its corollary, lawyers' access to their clients' disciplinary file.

During the latest disciplinary proceedings against Abdullah Öcalan, his lawyers requested access to the disciplinary file (and specifically to the prisoner's written defence submissions during the appeal proceedings). The competent judicial authorities rejected this request, under Article 153 (2) of the Code of Criminal Procedure (which provides that access to the case-file and the possibility of receiving a copy of the file may be restricted if it would be detrimental to the ongoing investigation).

This provision of criminal procedure is designed to protect the interests of criminal investigations and as such is unexceptionable. **However, in the CPT's view, the use of such a provision in a disciplinary context would appear, at the very least, to be questionable.**

Further, **the CPT wishes to know whether or not the current provisions of the LES rule out the involvement of a lawyer during disciplinary proceedings.** In this context, the Committee would refer to Rule 59 of the European Prison Rules¹⁷, which provides that "Prisoners charged with disciplinary offences shall: *c.* be allowed to defend themselves in person or through legal assistance when the interests of justice so require".

¹⁶ From 27/12/2005 to 16/01/2006, from 18/08/2006 to 7/09/2006 and from 26/04/2007 to 15/05/2007. A sixth disciplinary procedure, initiated by the prison governor's office on 23 November 2006, was not approved by the enforcement magistrate. Cellular confinement on disciplinary grounds entails the deprivation of radio, newspapers and family visits.

¹⁷ See Recommendation Rec (2006) 2 of the Committee of Ministers to Member States on the European Prison Rules.

E. Medical aspects

25. In its previous reports the CPT raised several questions concerning medical matters. As early as 1999, the CPT recommended that the medical service of Imralı High-Security Closed Prison be equipped with adequate resuscitation equipment (intubation apparatus and defibrillator) and that the staff be trained to use it. It was observed during the 2007 visit that the medical service possessed such equipment; however, the laryngoscope was not ready for use¹⁸ and, as for both the laryngoscope and the defibrillator, it should be verified that the duty doctors have received the necessary training.

26. The 2001 visit highlighted more fundamental problems: the lack of coordination between the different care providers dealing with the prisoner; the requirement that he undergo a superficial medical check every day, which could in the long term have a pathogenic effect; and the continuous rotation of general practitioners (which prevented the establishment and development of a meaningful doctor/patient relationship). The CPT made a very specific recommendation on this point¹⁹. During the 2007 visit, the delegation was obliged to note that this recommendation had had no effect whatsoever.

27. As regards Abdullah Öcalan's state of physical health, a clinical examination of the prisoner²⁰ did not reveal any major health problems, with one important exception in the ear-nose-throat (ENT) sphere²¹.

The pulmonary auscultation made on the prisoner remained uncertain as regards the basis of his right lung. An X-ray of the chest should be taken²².

28. The results of the psychiatric examination²³ of Abdullah Öcalan showed a distinct deterioration of his mental state since 2001 and 2003. This deterioration is connected with a situation of chronic stress and prolonged social and emotional isolation, coupled with a feeling of abandonment and disappointment. It should also be noted that some of these symptoms are linked to the ENT ailment mentioned above.

Although his mental state can hardly be significantly improved by a psychiatric approach, regular psychiatric consultations are recommended in order to monitor developments in the prisoner's mental state and, among other things, assess the effect of the treatment for the ENT ailment from which he is suffering.

¹⁸ It lacked the necessary batteries.

¹⁹ See CPT/Inf (2002) 8, paragraph 83.

²⁰ The medical doctor who carried out the examination also saw the prisoner during the 1999 visit.

²¹ This problem has already been the subject of complaints formulated by the prisoner through his lawyers.

²² In this context, it should be noted that the prisoner has not had an X-ray of the chest since his imprisonment in February 1999.

²³ The same psychiatrist saw the prisoner during the CPT's last three visits to Imralı High-Security Closed Prison (2001, 2003 and 2007).

The reversal of the process now underway can only be durably achieved through a fundamental change in the prisoner's human environment and the ending of his social and emotional isolation. In particular, he should be placed under a detention regime in which he has regular and sustained contact with other persons with whom he can communicate and share recreational and social activities.

29. Lastly, as regards the allegations of intoxication by heavy metals (especially chromium and strontium) made by Abdullah Öcalan's lawyers at a press conference in Rome on 1 March 2007, the clinical examination of the prisoner did not reveal any pathognomonic sign of acute or even chronic intoxication by such substances.

30. On 5 and 8 March 2007, the Turkish authorities took hair, blood and urine samples and submitted them to the Istanbul Institute of Forensic Medicine for toxicological tests, which all led to the conclusion that there was no intoxication by heavy metals.

However, the CPT considered it necessary to take hair samples from the prisoner (with his consent). Steps are being taken for further toxicological tests, in particular the use of the ICP-MS analysis technique²⁴, to be carried out by experts appointed by the CPT.

²⁴ The technique in question is particularly recommended for determining the presence, in hair samples, of heavy metals such as strontium.

F. Conclusions and recommendations

31. Abdullah Öcalan has now been imprisoned, as the sole inmate of the High-Security Closed Prison of Imralı - an island which is difficult to reach - for almost eight and a half years. Although the situation of indisputable isolation to which the prisoner has been subjected since 16 February 1999 has had adverse effects over the years, the CPT's previous visits had not revealed significant harmful consequences for his physical and psychological condition²⁵. This assessment must now be revised, in the light of the evolution of Abdullah Öcalan's physical and mental condition.

32. The Turkish authorities are now at a crossroads: either they make no changes in the prisoner's situation (which is the course they have deliberately and knowingly chosen since 1999, with the consequences described above), or they take the decision to review Abdullah Öcalan's situation, allowing him, in particular, the possibility of maintaining basic social and emotional ties. In this respect, it should be pointed out that as early as 2001, the CPT clearly indicated to the Turkish authorities that Abdullah Öcalan "should at the earliest opportunity be integrated into a setting where contacts with other inmates and a wider range of activities are possible. If the Turkish authorities ... have reached the firm conclusion that his transfer to another prison is not possible for the time being, then they should take the necessary steps to create the above-mentioned setting at Imralı Closed Prison".²⁶

The same line of thought can be detected in the European Court of Human Rights judgment of 12 May 2005²⁷ when it states : "While concurring with the CPT's recommendations that the long-term effects of the applicant's relative social isolation should be attenuated by giving him access to the same facilities as other high security prisoners in Turkey, such as television and telephone contact with his family, the Grand Chamber agrees with the Chamber that the general conditions in which he is being detained at Imralı Prison have not thus far reached the minimum level of severity required to constitute inhuman or degrading treatment within the meaning of Article 3 of the Convention".

33. The CPT is firmly convinced that, whatever the circumstances, there can be no justification for keeping a prisoner in such conditions of isolation for eight and a half years. **It calls upon the Turkish authorities to completely review the situation of Abdullah Öcalan, with a view to integrating him into a setting where contacts with other inmates and a wider range of activities are possible.**

²⁵ Except during the first few weeks of detention, when the CPT voiced concern as to the immediate effects of his imprisonment on his psychological state and the unfortunate consequences this might have (see CPT (2000) 17, paragraph 39).

²⁶ See CPT/Inf (2002) 8, paragraph 86.

²⁷ See the case of Abdullah Öcalan v. Turkey, Application No 46221/99, paragraph 196) (*underlining added by the CPT*).

Further, the CPT recommends that the Turkish authorities take steps to ensure that:

in the medical sphere:

- the prisoner immediately receives a comprehensive ENT examination (including a specialised endoscopic examination and, if necessary, a CT scan) and, if appropriate, palliative/reparatory surgery;
- the prisoner immediately receives an X-ray examination of the thorax;
- the prisoner is provided with the psychiatric consultations required by the developments in his mental condition;
- the current daily medical checks imposed on the prisoner are replaced by less frequent medical consultations with the same doctor. The intervention of specialists should be co-ordinated by that doctor. The nature of, and reasons for, this new approach should be fully explained to the prisoner in advance, by the doctor appointed to carry out the examinations;
- the laryngoscope is in working order and that the doctors on duty receive the training necessary to use both the laryngoscope and the defibrillator.

regarding his material conditions and regime:

- the prisoner is allowed to move freely between his cell and the adjoining room during the day;
- he has access - from time to time - to a larger exercise area equipped with basic facilities (e.g. shelter from the elements, a bench, sport equipment);
- he is able to have a television set (rented or purchased) in his cell and to enjoy a basic range of activities.

regarding contact with the outside world:

- the prisoner can receive "table visits" once a month from members of his family, if necessary by amending the relevant legal provisions, and that there is some flexibility in allowing him to aggregate unused visiting periods (due to the difficulties of access to Imralı Island);
- the prisoner can speak on the telephone to members of his family (calls being subject to monitoring and, if necessary, interrupted).