

GLOBAL RIGHTS

INTERNATIONAL MAGAZINE - MAY 2020 ISSUE #8



**OPEN THE CAGES, CHANGE THE SYSTEM
THE VIRUS IN PRISON**

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Open the cages

A great experimentation of self-managed mass semi-detention: this is one of the most striking and unprecedented effects of the lockdown following the Coronavirus pandemic that hit the world, profoundly changing its habits, cracking its security and shaking its economies. All with astonishing rapidity, something unimaginable only a day before.

As of 14 May 2020, there were over 4.350.875 coronavirus infections confirmed, around one million hospitalized and 297.468 victims. The number of those confined to the home has reached about four billion people, almost half of the global population. Numbers that in any case are reductive, at least as to contagions and deaths, as many figures are submerged, censored or even excluded from official statistics.

Billions of people have therefore experienced, and are still experiencing, a condition of deprivation of freedom, even if much less heavy than actual deten-

tion. The latter, also worldwide, is growing and affects over 11 million people, half of whom are restricted to just five countries: the United States (2.1 million), China (1.65 million), Brazil (690 thousand), Russia (583 thousand), India (420 thousand).

Supervise and cure

Billions of people locked up constitute a dystopian scenario that no science fiction writer or screenwriter had ever come to imagine. From one day to the other, we found ourselves living in an extremely disciplined and highly controlled society.

The task force against fake news recently introduced by the Italian government to check the information disseminated on the pandemic seems, in fact, inspired by George Orwell's fantasy. But even that despotic and hallucinated dimension recounted in 1984 is now overcome by the massive

Change the system

SERGIO SEGIO

and pervasive use of the most advanced digital surveillance technologies, introduced out of the blue without resistance or hesitation.

In many European countries, a Chinese model soon emerged. The hunt with drones and geolocalization of the transgressors of the self-confinement measures and social distancing, mass surveillance systems have been introduced through tracking or contact tracing apps while parliaments are closed and have become redundant by the decrees of urgency and by the devices of the State of exception.

Across the West, democratic institutions and procedures, already undermined from within by decades of dominance of the big finance and transnational corporations, have been further emptied; with a coup as in Orbán's Hungary or in a more subtle and discrete way, as in Belgium, where Prime Minister Sophie Wilmès now has special powers without

even having to go through the rite of parliamentary approval as Orbán did.

The Prime Minister of Slovenia, Janez Jansa, immediately imitated its Hungarian pair, forcing constitutional limits and extending, in addition to his own, the powers of the police to control citizens and repressing the press.

Emmanuel Macron also obtained new and extensive powers in France, where citizens had already had to get used to emergency laws, first as a reaction to jihadist terrorism, then for the contrast and repression of social protest movements. Laws that, as usual, have gradually become permanent.

From Erdogan to Orbán, Europe's complicit weakness

The European institutions are silent about the white coup of Orbán, perhaps embarrassed but

certainly distracted or complicit. Objectively conniving, as with Erdogan, who is allowed everything: from complicity with Daesh, to the massacre of rights and opponents in Turkey, to the perennial and genocidal aggression against the Kurds, to the invasion of North-East Syrian, to the military presence in the Mediterranean and the interference in Libya, to permanent blackmail, despite the billions of euros given to block the painful flow of Syrian refugees outside the walls of Fortress Europe.

Perhaps in Brussels, despite everything, they consider the Magyar premier a presentable member, albeit with an authoritarian vocation: after all, one of his bill promises only five years in prison to the non-aligned press. He could even be presented as moderate, but only when compared to the president of the Philippines, already sadly known for his war on drugs, actually a war against those who consume drugs, whose police have exterminated thousands of drug addicts and drug dealers in a few years of extrajudicial executions.

At the same police force, Rodrigo Duterte has now ordered to shoot those who violate the measures introduced to combat the coronavirus epidemic. Self-managed detention, even in this case, but at the risk of life.

The heterogenesis of the virus

Therefore reality often exceeds the capacity of imagination and invention. It mostly overcome it for the worse. Yet even on this occasion, behind and alongside dramas and tragedies, unsuspected reactions of solidarity have developed and spread in an equally viral way, practices of mutual help and spontaneous support for the weakest and most needy. That is to say for that part of society often abandoned and neglected by institutions or sacrificed in the logic of emergency and large numbers.

Positive indirect effects, current or potential, can also be found on a general level and on a larger scale. The doctrine of austerity, administered by its high priest, the so-called Troika, against which vast movements in Europe have hitherto fought vainly and for which entire peoples, such as the Greek, have suffered, has finally collapsed. Of course, it should be noted that the scenarios that have arisen risk jeopardizing the survival of the entire European project, which is however constitutively fragile because of the centrality of the currency at the expense of a social Europe and the rights of peoples.

Switching from ordoliberal-led rigorism to the triumph of selfishness, national belligerence and sovereign drives, well represented by the Visegrád Group or the Italian Salvini, would be equivalent to jump out of the frying pan into the fire.

War is the worst plague

Few results unfortunately has produced the meritorious appeal of the United Nations Secretary General, Antonio Guterres, who on March 23 asked a ceasefire to the many countries at war: "End the disease of the war and fight the disease that is devastating our world: let's start by stopping the fighting everywhere. Now".

Few and irrelevant those who accepted the invitation, such as the Colombian guerrilla of the National Liberation Army, the Marxist-Leninist guerrillas of the Bagong Hukbong Bayan in the Philippines, the separatist militia of southern Cameroon or, in a more significantly, albeit temporarily way, the Syrian Democratic Forces and the Saudi-led Arab coalition engaged in the war in Yemen. The states and powers concerned have instead made merchants (of weapons, in this case) ears. An increasingly flourishing market, as SIPRI documents:



in 2019 the volume of global military spending reached 1917 billion dollars, a growth of 3.6% on the previous year.

There is no vaccine for the war pandemic; the only therapy would be to stop the fierce machine of war business and warfare, that "military-industrial-financial complex" that rules the world. In a world confined to the home, in many regions, for example Italy, workers in the war sector continue to have to leave every morning, including those involved in the production of the F35 nuclear fighter-bomber, without shame considered "essential" by the government.

If the economic and political plan is very slippery and uncertain, it is easier to catch some positive effects on the environment and on rights. In fact, there has been a collapse in the values of pollution and a recovery of land and the possibility of survival by fauna, at least in the West: it has thus been possible to see wild animals walking quietly in the suburbs of some city, or dolphins play in front of the banks, in waters until a few weeks ago poisoned by discharges or crowded with large ships and noisy motorboats.

Animal and human rights

As in Chernobyl, when man retires or is forced to reduce the environmental destruction power that characterizes him, animals recover and nature returns to smile. The same WHO, more than fifteen years ago, indicated in industrial farms, real horror assembly lines, a cause of zoonotic diseases, such as the current Coronavirus. It is no coincidence that China is the world's largest producer - of livestock and viruses. In 30 years it has tripled the number of animals forced into unspeakable conditions, through landless systems, that is to say without land and with maximum exploitation.

If in recent decades critical thought has been taken away from man, a culture of the alternative and the conflict that has progressively - and hopefully not irretrievably - made him passive in the face of the devastating effects of the "Capitalocene", the tortured nature, instead sooner or later rebels. Also with regard to prison, to the invasiveness that it has achieved in social organization, it will be necessary to start thinking that the problem begins with the ferocious and hidden prison in which animals have always been forced.

We will have to decide to understand that acting for human rights in an incisive and lasting way, by changing current cultures and policies, is impossible without bringing into play and intertwining the rights of other animals as well.

If among the small positive signs that emerged during the time of the pandemic we can record the fact that Portugal has decided to regularize asylum seekers, so as to guarantee them the indispensable health care, or that some of the United States have suspended the planned executions, starting from Texas where historically the culture of the gallows (in that case of lethal injection) is more rooted and practiced, in the same way we must consider the suspension of bullfights in many Spanish cities, which has allowed the salvation of hundreds of bulls or the fact that - finally - China has imposed restrictions on the trade of live animals and has excluded dogs (an estimated 10 million are killed there every year for their meat) and cats from the list of edible ones.

They cannot be emphasized, since they are contingent and temporary measures, but they can still be considered the starting point and premise of possible changes, primarily cultural ones, and of future policies more attentive to that fragile, vulnerable and interdependent system made up of global rights.

For the moment, terrible and prevalent are natu-

rally the negative effects, starting from the victims not so much and not only of the virus but of a public health knowingly and guiltily weakened in favor of the private one devoted to maximum profit, by a mass impoverishment, by the global incipient recession or massive job loss. In the United States, for example, in mid-April, over 26 million workers applied for unemployment benefits. Yet and therefore, from here, after this experience, a reflection and a proposal for a universal and unconditional basic income can be and must be re-launched to support citizens in the post-pandemic. Spain, among the countries most affected by the virus, has announced its intention to do so with the statements of Nadia Calviño, minister of economy and vice-premier. A good example, which will hopefully quickly become contagious.

The virus in prison

If the whole world seems to have become a prison, measures aimed at reducing cell overcrowding, which normally produces daily discomfort, but which with the epidemic become a real time bomb, have been introduced. The release of a certain number of inmates has thus been allowed, through the reduction or suspension of sentences or through house arrest.

Concern for Covid-19 and the transmission risks multiplied in the cells, together with the further re-



strictive measures imposed by the prison administrations, in March triggered protests and riots in Italy and Colombia. Numerous detainees died (respectively 13 and 23, as well as numerous injured), in some cases due to officially undefined causes, in others certainly due to violent repression by the institution. But riots and protests then spread to numerous prisons on different continents: from Europe to Latin America, from Africa to Asia, from the United States to Oceania. In some other cases, there were deaths: 12 in Venezuela, five in Argentina, three in Peru, two in Sri Lanka.

Also for fear of a generalized explosion, of the virus and of the protests, numerous governments have therefore ordered the early release of a certain number of prisoners. It happened in several European countries and in some areas of the United States. Paradoxically, those who have released prisoners to a greater extent are regimes very insensitive to human rights as Iran and Turkey: the former claims to have freed around 100,000, while the latter is expected to free some 90,000; against, respectively, an overall prison population of 230 thousand and 298 thousand. Precisely in

the latter nation, the exclusion from the measures of political prisoners led to an uprising in the Kurdish city of Batman on 4 April.

It is everywhere clear that the logic, in short, is to free prison from prisoners, not vice versa. As it is never the time for peace, so it is never the time for rights and freedom. The one and the other have never fallen from above as benevolence of the prince, but conquered from below, almost always at a high price.

It is a lesson that comes to us from History. The era of the pandemic is no exception.

Prisoners in Turkey

abandoned to their fate

ORSOLA CASAGRANDE

THE TURKISH PARLIAMENT HAS APPROVED THE PRISON REFORM BILL WHICH INCLUDES THE POSTPONEMENT OR RELAXATION OF SENTENCES TO ALLOW THE RELEASE OF APPROXIMATELY 90,000 PRISONERS ON PROBATION OR UNDER HOUSE ARREST TO PREVENT THE SPREAD OF THE CORONAVIRUS. THE BILL INCLUDES THE TRANSFER OF DE-TAINEES OVER THE AGE OF 65, WOMEN WITH YOUNG CHILDREN UNDER HOUSE ARREST AND WILL SHORTEN THE DETENTION TIME FOR OTHER PRISONERS, WHO WILL BE ABLE TO SERVE A LONGER PORTION OF THEIR SENTENCES ON PAROLE. THOUSANDS OF PEOPLE IMPRISONED FOR POLITICAL REASONS (I.E. FOR OPPOSING THE AKP GOVERNMENT), AS WELL AS JOURNALISTS AND PEOPLE IMPRISONED FOR THEIR THOUGHTS ARE EXCLUDED FROM THE BILL.

Initiatives and appeals to the Minister of Justice, Abdulhamit Gul, have multiplied in Turkey demanding the government to backtrack and modify the bill that provides for the release of conditional release or house arrest of tens of thousands of prisoners, with the exception of political prisoners, journalists, public administrators.

Initiatives which have been totally ignored and on 13 April 2020 the Turkish parliament approved with 279 votes in favor and 51 against the new Law of Execution of sentences and security measures. 330 out of 600 deputies were present.

While the law was passed in parliament, the Minister of Justice announced the death of 3 prisoners for coronavirus and the presence of at least 17 prisoners in five prisons who tested positive for COVID-19.

The new measures do not allow the release of different categories of prisoners, including those in pre-trial detention; people convicted under anti-terrorism laws that are broad enough to include any type of dissent. This category also includes journalists, lawyers, political activists and human rights defenders, imprisoned only for writing or speaking. Even old and ill prisoners will not be released if convicted of 'terrorism'.

Prisoners convicted of drug offenses, violence against women and minors, voluntary murder are also excluded from all benefits.

In Turkey, according to government data, in January there were 298,000 people in the country's

355 prisons which have a capacity of 218,000. The Human Rights Association (IHD) has reported that 1,334 sick prisoners are in Turkish jails, including 457 in serious condition. There are also many children in detention: 780 are in prison with their mothers, while 3,100 children are serving some kind of sentence.

In a telephone conversation with his family, the journalist of the Kurdish agency DIHA (closed by government decree), Nedim Turfent, who is in Van prison, in Turkish Kurdistan, said that the conditions of the prisons are totally inadequate to cope with the emergency of the coronavirus. "The prison shop - Turfent told his family - sells protective masks for 17 Turkish lira (2.42 euros, a very high figure for most of the detainees)."

Turfent added that "the authorities have not taken special measures for sick prisoners. We continue to have no disinfectants, soap, gloves. There are dozens of prisoners who continue to sleep on the floor, because the cells for 6 people are occupied by 12."

The solidarity with the families of prisoners association, TUAY-DER, launched a new appeal, highlighting the serious conditions of some prisoners.

"Semire Direkçi underwent a stomach operation in June 2019 - says Elif Haran, the association's co-president - and needs special hygiene conditions that obviously are not guaranteed in prison. Mehmet Emin Ozkan, who is nearly 80 and suffers from a very serious heart disease, has been in Diyarbakir

“The families of the many journalists in prison and many colleagues, often former prisoners themselves, have been mobilising for their release.”

prison for 27 years. Halil Gunes suffers from epilepsy and has serious liver problems ... and like many of them.”

The families of imprisoned journalists have also mobilized in recent weeks and the same has been done by many journalist colleagues (often also former prisoners).

Haberin Var Mi?

The “Haberin var mı” (“Have you heard?”) initiative launched a campaign of letters for several journalists who were arrested in Turkey in early March for their articles on Libya. The Initiative called for participation in the campaign with the hashtag #GazetecilereMektupVar as a sign of solidarity with the detained colleagues: Mehmet Ferhat Çelik and Aydın Keser of the newspaper Yeni Yasam, Murat Agirel of Yeniçag and Baris Pehlivan, Baris Terkoglu and Hülya Kılı portal Online news Oda TV, were arrested in late February and early March respectively.

The journalists are accused of “disclosing information and documents on intelligence activities” and in April the Public Prosecutor asked for up to 17 years in prison for the six reporters.

The “Haberin var mı” initiative published images of virtual envelopes with the addresses of journalists on their Twitter profile. “These journalists - said Dicle Muftuoglu, spokesman for the Dicle Firat journalists association - are in prison because they informed the public, wrote the truth and provided facts.”

Under the government of Recep Tayyip Erdogan, Turkey has become one of the largest prisons in the world for journalists.

There are currently 103 journalists and other media workers in prison.

Hunger strikes

The singer of one of the best known and loved revolutionary bands in Turkey, Grup Yorum, died on 4 April after 288 days of hunger strike. Helin Bolek died was 28. The bassist of the group, Ibrahim Gokçek died two days after calling off the death fast he had been carrying out for 328 days.

Helin and Ibrahim demanded to be able to sing freely, the end of the repression against the members of the group (two are still in prison) and the lifting of the ban on holding concerts.

Political prisoner Mustafa Koçak died in Sakran T-2 prison near Izmir after 297 days of hunger strike. The 28-year-old had been on hunger strike since 3 July demanding a fair trial.

Mustafa Koçak was sentenced on 11 July 2018 by an Istanbul court to life imprisonment and 39 years of deprivation of liberty for alleged membership of the ‘People’s Liberation Revolutionary Party and Front’ (DHKP-C).

There was no evidence against him, only the declaration of an informer. The contradictory statements made by informer Berk Ercan so far have led to the arrest of about 200 people, including members of Grup Yorum and lawyers from the ÇHD (Association of Progressive Jurists) lawyers’ association.

Two ÇHD lawyers turned their hunger strike into death fast. Ebru Timtik and Aytaç Ünsal of the People’s Legal Office (Halkın Hukuk Bürosu) were sen-



tenced along with 15 other lawyers on charges of supporting, belonging to and founding “terrorist organizations”, including the People’s Liberation Revolutionary Party and Front (DHKP-C), to a total of 159 years in prison. As in Koçak’s case, the accusations for lawyers are also based on the contradictory statements made by the informer Berk Ercan.

ÇHD lawyers call on Turkey to safeguard the rule of law and end the persecution of lawyers.

Continuous violations in the country’s prisons

At the beginning of May, new reports of human rights violations arrived from Maras Prison. The Turkish regime further tightens the grip of repression against political prisoners. If the already precarious situation had worsened with the coronavirus pandemic, in addition to health care, the food supply is now further reduced.

From the Maras-Türkoglu jail, the political prisoner Ahmet Nas in a phone call to his family said that for days the food has not been served to prison-

ers. Nas, who in addition to the Turkish nationality also has a Swedish one, according to his family said that the prison staff in mid-April began to supply food only to six of the twelve prisoners who are with him in the common cell.

On the initiative of the prison authority, the cell ventilation, a small window, has also been closed. The prisoners received no response to their protest letters.

Nas also told his family that the letters and items that families send to prison are not delivered.



Interview with Serbay Koklu, Abdullah Ocalan's lawyer

ABDULLAH OCALAN (4 APRIL 1949) IS THE FOUNDER OF THE PKK (KURDISTAN WORKERS' PARTY). OCALAN WAS CAPTURED IN KENYA ON 15 FEBRUARY 1999, TRANSFERRED TO TURKEY AND SENTENCED TO DEATH ON 29 JUNE 1999. THE SENTENCE WAS COMMUTED TO LIFE IMPRISONMENT IN 2002. SINCE 1999 OCALAN HAS BEEN THE ONLY PRISONER ON THE IMRALI PRISON ISLAND (TODAY THERE ARE THREE OTHER PRISONERS WITH HIM). ÖCALAN IN HIS WRITINGS FROM PRISON THEORISES A NEW IDEA OF SOCIETY AND GOVERNANCE, THE DEMOCRATIC CONFEDERALISM, ROOTED ON DEMOCRACY FROM BELOW, POPULAR PARTICIPATION IN THE MANAGEMENT OF COMMUNITY RESOURCES, PEACEFUL RESOLUTION OF CONFLICTS, ATTENTION TO THE ENVIRONMENT AND EQUALITY BETWEEN MAN AND WOMAN. WOMEN AND THEIR LIBERATION ARE ONE OF THE CORNERSTONES OF ÖCALAN'S THOUGHT, ACCORDING TO WHICH GENDER EQUALITY IS A NECESSARY CONDITION TO BRING DOWN NOT ONLY PATRIARCHY, BUT ALSO CAPITALISM.

ORSOLA CASAGRANDE

After six months of total isolation, on 2 March, Mehmet, brother of Abdullah Ocalan, the founding member of the PKK (Kurdistan's Workers Party), could finally visit the Kurdish leader in the top security prison-island of Imrali. The visit permit, as Mehmet confirms on the phone, was granted after numerous Kurdish pressures at international level. On 27 February a great fire was reported on the island, and the Kurdish people reaction was immediate.

Ocalan's lawyers requested to be granted an immediate permission to visit their client, who has been in Imrali prison since 1999, but all the requests went unanswered by the authorities. Lawyer Serbay Koklu, confirms to that the visit granted to Ocalan's brother, and family members of other 3 Kurdish prisoners (Hamili Yıldırım, Ömer Hayri Konar y Veysi Aktas) has been their first visit since 12 August 2019. "We – says Koklu – have not been able to visit our client since 7 August 2019."

The coronavirus pandemic adds new risks to the already precarious situation in Imrali. Ocalan suffers from various health problems and

you have submitted requests to the authorities. What are these requests and what responses did you receive?

The pandemic is rapidly expanding worldwide and the future is still very uncertain. If it is difficult for people in 'normal' conditions to face this crisis, we can imagine how difficult it can be for people deprived of their freedom. Unfortunately, prisons offer the perfect environment for the spread of the virus. We are seeing the difficulties that the first world countries encounter, so we can imagine the difficulties and problems that the countries of the Middle East will face. In Turkey, we are seeing conflicting government messages and the risks that come with them.

Keeping Ocalan in complete isolation, despite his age (he is 71) and the fact that he suffers from respiratory problems, inevitably forces us to focus our efforts on the island of Imrali. In addition, Ocalan is considered by the Kurds as their leader and everything that has to do with him, concerns millions of people. As lawyers we have applied for the right to visit Ocalan twice a week, while family



members required one visit a week. But since the spread of the pandemic we have added a specific demand to know your state of health. We have asked that the four prisoners, and the prison staff, have adequate protection and that the necessary hygiene and cleaning measures are respected, in fact, even increased.

Of course we have also asked to see our client, to confirm that he is well. Another request has been to guarantee the right of everyone to call their relatives and lawyers by phone, since visits have been restricted or suspended. At Imrali the right to phone calls has never been applied. Unfortunately, we have not yet received any response from the authorities to our requests.

You have recently published a report denouncing the rights violations imposed on Ocalan and the other three prisoners. In particular, you have underlined the continuous punishments. Can you tell us what these punishments consisted of?

Imrali prison is the perfect example of maximum illegality and arbitrariness. It is a prison where the legal guarantee is at a minimum level. In the last two years, arbitrary and illegal disciplinary punishments have been applied to the prisoners in order to justify the constant rejection of permission to visit demanded by relatives and lawyers.

If we look at the punishments and their reasons we see that they are a “copy and paste”, what changes is the date and the form number, but the content is the same, although we only receive a standard response: Punishment in progress.

The same prison-island of Imrali is a good example of what the country has been experiencing in terms of illegality and arbitrariness in the past 21 years. We have sent requests to international institutions such as the CPT (Committee for the Prevention of Torture) and the European Court of Human Rights, but unfortunately they have not taken any effective measures.

Imrali prison is a good example of how the country has lived the last 21 years marked by illegality and arbitrariness.

On 2 March, after a fire was reported in Imrali, Mehmet Ocalan and relatives of the other three inmates were able to visit them. What message did Ocalan send?

After the fire there were many protests and these pressures have forced the authorities to grant a visit to the prisoners' relatives. As on other occasions, Ocalan has reiterated his proposals for a solution in the Middle East and Kurdistan. In the last meeting with his brother, Ocalan, on one hand, reiterated his concern about the deepening of war policies in the Middle East and, while on the other, he reiterated the need and viability of what he calls the “Imrali Position”, and the “survival policy”.

He reminded once again of the metaphor of the “three-legged table”, which can be applied to all states in the region. Two legs of the table represent sovereign states that live thanks to the culture of conflict and polarization, with the consequent sociology they promote, and the third leg would be

represented by the Kurdish people, that Ocalan has managed to lead to stand up for more than 50 years, and other nations, with their identities and the relations between their democratic forces. Ocalan said that the third leg is the fundamental force to obtain a democratic transformation and a general solution. The example of Rojava is revealing when it comes to understand this metaphor.

Ocalan has constantly repeated that he is willing to sit at the negotiating table. Why does the Turkish government continue to ignore this call for dialogue?

The “Kurdish Question”, as it is called, is over 150 years old when it comes to Turks and Kurds, but if we refer to the Middle East, it has been around for more than four centuries. Beginning with the post-World War I capitalist system developed through nation states, regional policies have become a global problem. In this sense, Ocalan describes the solution to this problem as if it were to untie the “Gor-

Ocalan has developed a significant part of his struggle as a process of construction of the Kurdish existence.

dian knot”, and refers to the democratization of the Middle East, which would mean continuing the path towards the freedom of the Kurds.

Ocalan has developed a significant part of his struggle as a process of building and claiming the existence of the Kurds, as a nation fighting against genocide policies, and he has also tried to reach a solution to the Kurdish question through peaceful methods during the past 27 years.

The Kurds, who have shaped their existence from Ocalan’s thinking, have become a model not only for the Middle East but also for democracy and freedom wherever the Kurds live.

Ocalan is working for a democratic peace in the medium and long term, through the culture and paradigm that he has developed, but at the same time he is trying to avoid losses, speeding up the process

of short-term solution. His efforts are much more effective and powerful than before.

However, the Kurdish question has also created some power elites, with private interests, that draw on that question. These elites have organized on a national and international basis.

The social atmosphere created during the dialogues from 2013 to 2015 has shown that these dialogue initiatives have strong social support, and this bothers the power elites that I have referred to. That uneasiness is the answer to your question as to why the negotiation proposals continue to be ignored.

Having clarified this, it should be said that the current situation is chaos, and that same chaos favors the emergence of opportunities for a solution. For this reason, you cannot ask and wait. It is necessary to build a democratic struggle through a more organized and extended action.



What is your message to Europe?

The recent threats from the Islamic State, and now from the COVID-19 show us, once more, that today’s problems are of a global nature. At the same time this also implies that the solutions to those problems must be universal.

The Kurds were not only protecting their existence from the Islamic State, but they were resisting for a future project that they support which is far wider, within the paradigm proposed by Ocalan, and that is valid for humanity.

This thought is based on three main pillars: Democracy, Equality of the sexes, and Ecology. Ocalan’s paradigm isn’t meant for Kurds only, of course he wants to implement this on his nation first because he belongs to that nation, but in reality it’s meant for many other regions around the world.

In this sense, being next to the Kurds today is not only an act of solidarity but it means taking responsibility for the common future of humanity. As the members of the International Delegation in Imrali said on February 15, “Imrali is both a laboratory of repression and democracy. Isolation and lack of human rights in Imrali have consequences on the conditions of prisoners in the rest of the country. At the same time, Imrali could become a laboratory for the exercise of human rights throughout Turkey.”

In this sense, our message to Europe would be to defend and reclaim together the democratic culture of resistance that is taking place in Imrali against repression.

Voices from a prison



in Palestine

NAYROUZ QARMOUT

An indirect interview between Nayrouz Qarmout, the writer and Amjad Abu Latifa, the prisoner.

To the people who fight for human freedom, dignity and social justice, is dedicated this dialogue with the Palestinian prisoner Amjad Abu Latifa, who has undergone torture and isolation in the basement of Israeli prisons and is waiting for the sunlight to come out of a single window to remind him of his strong attachment to this universe.

I write this interview while I watch from my window the sun projected on celestial deserts.

I live like you the isolation of words and ideas in search of a solution that will bring us together as soon as possible, and will make the promise of freedom real.

What is the condition of prisons after the coronavirus outbreak in Israel? Any case detected?

The disease has not yet caught up with us. We have heard of four cases in Megiddo prison, and of prisoners transferred to Ramla prison. We do not know how and if they are treated, nor can we confirm that it is coronavirus.

What is the quarantine and treatment condition?

I was a prisoner for almost 17 years in Naqab prison. There are between 1800 and 2000 prisoners and it is considered to be one of the largest Israeli prisons. Coronavirus hasn't been detected here yet. But in terms of prevention, what the prison authority did is hang a sheet of paper with 4 guidelines on the wall like the ones we saw on TV.

In addition, other procedures relating to visits by family members have been put in place. They blocked the movement between prisons and wards. Lawyers are not allowed to visit us and all trials have been suspended. That is to say, every prisoner is confined to the space in which he is located.

Do you follow prevention measures? Do you have prevention products like detergents and disinfectants?

We asked for disinfectants, but our requests fall on deaf ears. We asked to bring them to the canteen so that we could buy them and put them on our account, but we did not receive any answer. There



has been no cleaning in the various wards and no disinfection.

Are the cells crowded or have steps been taken to alleviate overcrowding?

In terms of overcrowding we have remained as we were, we have not been redistributed, as you know, we are first of all isolated from the rest of the world and then from the movement. In a large prison like Al-Naqab, there are 72 prisoners per ward, we all use the same facilities: 5 showers, 8 toilets and a kitchen.

Have you organized to protect yourself?

We self-organise, we followed the guidelines we saw on television. For example, they brought us a box full of tomatoes which we immediately poured into another container, throwing the box in case it was contaminated.

Have you heard of infections in the Israeli army inside prisons?

We heard of a quarantined soldier who returned to work after recovering. And we also heard of an of-

ficer who had fallen ill and returned to his duties. It is clear that they do not want to leave positive officers or soldiers among us or positive prisoners together with others. The interest is common.

Let's talk a little about you? When were you sentenced and why?

My name is Amjad Abu Latifa from the Qalandia camp and residing in Ramallah. I am 47. I was sentenced to 18 years and 6 months in prison. I served 17 years and 8 months. I have 10 months and a couple of days left before getting my freedom back. I am a member of the Shuhada Al-Aqssa battalion, a military wing of the Al-Fatah movement. I was arrested during the Aqsa uprising in 2001. My wife Fidaa is still waiting for me. My son and daughter, Khalid and Amira, are studying at Beirzit University.

Do you think it is correct to compare the conditions in which prisoners live with those of millions of people in self-isolation in their own homes after the outbreak of the coronavirus?

Let me give you an example: Our parents send us cigarettes and money. However, after the explosion of the coronavirus epidemic and the precau-

“ I fear that people would lose their will to change, materialism has consumed people. ”

tions to contain its spreading, we encountered many problems. One is that they can no longer send cigarettes to prisoners and prisoners become angry.

I gathered them all in the yard and said to them: The whole world is living in the conditions in which we live. There are many people in the world who suffer and our people are subjected to siege and occupation and live in conditions of poverty. Still I believe there is no comparison with prison. We live under the constant supervision of the guards, while people are locked in their house to protect themselves.

Think about Gaza, where you live. You have been living under siege for many years.

Do you think the world will change after the coronavirus? What world can we expect?

After the virus, I think that the very concepts of human rights and democracy will collapse. Many truths will be revealed. When someone like the British Prime Minister speaks openly about natu-

ral selection in the face of the death of thousands of people or the dictatorship and totalitarianism of China manages to overcome the crisis through a culture of commitment and respect, I think the great powers are collapsing like castles paper.

What are you afraid of?

I fear that people would lose their will to change; materialism has consumed people. Very often, when I hear things like that our people are the people of revolutions, the people of miracles, the people of change, I think, why does nobody move in Ramallah?

Because materialism has consumed people. A system of values has collapsed, it is as if people are suffering from a sort of apathy. Their skin no longer feels the lashes. Perhaps the coronavirus will be the detonator of a new revolution.

What is the appeal of prisoners to the world?

We do not appeal to anyone, we only want the safety of people and that everyone can return to



live. We want security for all humanity. I saw a statement on Palestine TV broadcast from a jail that spoke of prisoners and the fear that this virus would turn prisons into graves.

The WHO and Amnesty International have asked to reduce the number of prisoners in the wards and release prisoners to prevent the spread of the virus, but the Israelis do not listen to anyone. In their eyes we are murderers and terrorists and our hands are stained with blood.

Prisoner Fouad Al-Shobaki is over eighty years old, his situation is humiliating and needs special care. They should release him immediately but they don't care. We have a prisoner who is

over 78 years old: cancer has devoured his liver. Prisoner Sami Abu Diak, who also has cancer, was not released and died as a martyr among his fellow prisoners. I think we will go out when we served our sentence.

Tell me about your prison routine. How do you spend your time? Outside, people are bored in this imposed quarantine. People are constantly posting short videos and most are cynical and somewhat desperate.

I read a lot and often, but now I feel a little bored. My soul is worn out. In prisons we have created our organizations, our lives are organized, we

are a closed society and live in this environment for many years. As members of the Fatah Movement, we have our organization inside Naqab prison and bring together a thousand prisoners. We have committees, an administrative body and an elected central committee. We seek solutions to internal problems and have sanction laws. In addition, we have an economic committee that oversees the canteen and financial matters.

There are people who represent detainees before the prison administration. I am also responsible for the relations with other Palestinian organizations. Then there is the national committee made up of Hamas, Fatah, Popular Front for the Liberation of Palestine and other organizations that takes decisions regarding initiatives against the prison administration.

We also have cultural bodies committed to increasing the level of education and awareness among prisoners. I have been to prisons like Bir Sebi'a, where there are as many as 200-300 prisoners, but 40% of the total Palestinian prisoners are in this prison. After all these long years spent here, yes, my soul is consumed. I only have ten months to go before getting out of here, yet it seems to me ten centuries.

You know? I had already been imprisoned before: the first time when I was fourteen, during the Intifada, between 1988 and 1994. I was still at university in 1991, and I obtained a BA and MA in sociology at Birzeit university. From 2000 until the 2002 invasion, I was wanted. I worked in the Palestinian secret services and was part of the special units with Bashir Nafi'e, the head of military intelligence, assassinated by al-Qaeda in Amman.

What I want to say is that I love life: I lived out of prison between 1994 and 2000. I hated sleeping at night, I stayed awake until I got up to go to

classes at university at 8 in the morning. I like to enjoy life, it was peacetime, I miss the waves on the face of my nights at the port of Yafa.

What message do you have for Palestinian women?

They are great fighters. They deserve a thousand medals for their sacrifices and commitment. To my wife, Fidaa, I always say that I know very well the harsh way society look towards a woman without a man beside her. The law does not recognize global rights for wives, mothers and sisters, even if the heaviest burdens are on their shoulders. It is true, as prisoners, we have sacrificed a lot and we are deprived of our freedom, but my wife Fidaa has chosen to sacrifice herself and to be with me by raising my children while I am forced to spend these long years in prison.

What about Gaza?

I have many friends in Gaza, I met them at university, at work and in prisons. I visited Gaza three times in 1994. Now I ask: "How is the situation in 2020 under the Hamas Authority? You will be rewarded in Heaven without being questioned. Gaza is overpopulated, pollution is terrible, infrastructure is weak: almost all minimum living standards are missing.

What is your message to prisoners around the world?

We don't struggle to get something in return. Just as our parents do not bring us into the world expecting gratitude from us.

We are able to offer our lives because we know what human freedom and dignity mean. Ours is the patience that opens the way to a better life for humanity.

Liliany Obando: Prisons in

Colombia are inhuman places

ORSOLA CASAGRANDE

LILIANY OBANDO IS 48 AND IS ONE OF THE FORMER FARC-EP GUERRILLA TAKING PART TO THE REINCORPORATION PROCESS TO CIVILIAN LIFE.

LILIANA BEGAN HER LEFT MILITANCY WHEN SHE WAS 19. SHE JOINED THE FARC AND DEALT WITH INTERNATIONAL QUESTIONS. SHE SPENT 4 YEARS IN PRISON WITHOUT TRIAL. SHE IS ONE OF THE 100 FORMER GUERRILLAS WHO FROM THE ICONONZO ETCR (TERRITORIAL SPACE FOR TRAINING AND REINCORPORATION), WHO WORK ON THE HISTORIC MEMORY AND RECORD THE EXPERIENCES AND WOMEN SITUATION IN THE GUERRILLAS AND THEIR REINCORPORATION PROCESS INTO SOCIETY AFTER THE SIGNING OF THE PEACE AGREEMENT BETWEEN THE FARC-EP AND THE COLOMBIAN GOVERNMENT ON 24 NOVEMBER 2016.

Let's start with a picture of the prison system in Colombia.

It's a system that violates the rights of people deprived of freedom, a non-guarantee system. Colombian prisons are deplorable places, inhumane. After all, you just need to have a look at the buildings in which they are held to realize it: entire wings collapsing, and representing a risk for the population deprived of freedom, as well as poor health, the presence of rodents, the presence of insects in food and deplorable conditions in the cells. Overcrowding in Colombian prisons is chronic and historical, and exceeds 53% reaching in some prisons 200%.

To this must be added the lack of access to drinking water for most of the day in various detention centers. Other jails are considered as places of punishment where detainees deemed insubordi-

nate or claiming rights are sent. They sent various political prisoners to these places as a kind of additional punishment for claiming human rights. The prison population in Colombia now exceeds 184,000 people and about 3-4% of this population is represented by women.

The situation of women prisoners is very serious and the most vulnerable. Most of the women are detained for crimes related to poverty, hunger in many cases, which pushes them to break the law in order to support themselves, their children and their families.

The irresponsibility of a state that guarantees practically nothing to women and leaves them unprotected, means that many mothers end up behind bars, with the consequent forced abandonment of their children. The deprivation of freedom for the mother seriously affects children. There are women in prison who have become pregnant

or were already pregnant, there are breastfeeding mothers, others who keep children with them up to 3 years. Separation is cruel. Neither mothers nor minors who suffer from this abrupt separation receive psychological assistance. There is no real possibility in prisons since the job offer is practically zero, the offer to study is very low and political prisoners are not allowed to participate in these training courses, since they are considered highly dangerous.

There are still over 300 political prisoners from the FARC-EP in Colombian prisons, as well as ELN and EPL prisoners.

Of the 184,000 people deprived of liberty in all prisons in Colombia, 124,000 are under the protection or custody of the prison and the IPE penitentiary institution. Of these, about 41%, are still awaiting trial. As a result, there are thousands of people who spend years in prison waiting for their trial to end and this evidently represents an attack on human rights, because it is an arbitrary extension of pre-trial detention.

To all these problems we must also add that of food: not only the diet is bad, but the rations are also scarce. One of the most delicate problems in Colombian prisons is the problem of health, because the provision of the service is inadequate. People die before they receive any care. The specialist visits are a chimera and those who manage to get an appointment are considered extremely lucky, even if the appointment is often missed because the prisoners are not brought to the hospitals in time (obviously this often happens deliberately).

Medicines are quite limited. At the moment there are more than 200,000 people in prison suffering from serious diseases. There are also inmates who suffer from mental disorders who should be in a specialized hospital and not in prison.

When something happens, such as the recently protested peaceful protest organized by the national prison movement to demand rigid measures for coronavirus prevention, prison authorities' response and violence.

What is the situation of the inmates of the old FARC-EP? Despite the amnesty, as you said, over 300 FARC former members remain in prison.

As you know, in Colombia there has been a long peace process which ended with the signing in Havana, on 24 November 2016, of the Final Peace Agreement between the FARC-EP (Colombian Revolutionary Armed Forces - Army of the People) and the government, then led by President Juan Manuel Santos.

At the time of the signing of the agreement, there were about 3000 FARC men and women in prisons and the Amnesty Law 1820, came into force in 2017. The law grants amnesty not only to former FARC guerrillas but also to those who have had a direct collaborative relationship with the guerrillas. However, three years after the coming into force of this law, there are still 326 political prisoners connected to the FARC.

The FARC have drawn up a list of detained guerrillas and militants but the government still refuses to recognize some of these prisoners. Others are in a limbo, due to the lack of witnesses who could and should credit these prisoners as bound to the FARC. For the moment, the latter are 'under observation' since they have not been accredited by the office of the High Commissioner for Peace, and consequently remain behind bars.

In this already dark scenario, the coronavirus pandemic entered the stage...

Now with the coronavirus crisis, it is even more evident that prisoners are among the population groups most at risk.

That's why on 21 March the prison population of more than 14 prison institutions, coordinated by the National Prison Movement (which is the organizational form in which ordinary and political prisoners have structured themselves to claim their rights) staged a protest to denounce the disastrous conditions of jails.

In the Modelo prison in Bogota the protest was brutally suppressed in blood. The armed forces carried out a massacre, killing 23 inmates. It is not the first time that a massacre has occurred in the Modelo



prison in Bogota: 22 years ago, in fact, there was another massacre and the survivors tell horrible stories.

What the prisoners were asking for in March was basically preventive measures to be able to deal with the coronavirus pandemic at least with some adequate sanitary equipment. We are talking about gloves, masks, vitamin C, access to drinking water, because if the virus would enter the prison there would have been many victims. This is what the prisoners asked for and instead of a humanitarian response, the Ministry of Justice responded with an incredible violence.

After the massacre in the Modelo prison in Bogota, the state security forces have taken even more repressive measures against the prisoners, trying to

get the public opinion against them by publishing false news such as that by which the revolt would have actually be jailbreak attempt.

Those responsible for La Modelo massacre should be brought to respond before justice.

As is common practice, prison authorities have transferred those they identify as leaders of the riots to other institutions.

In this case, 4 signatories of the Havana Final Peace Agreement were transferred to other prisoners. 3 of them were held in Picota's patio 4 where, thanks to an agreement between the government and the FARC, the FARC detainees awaiting transfer to the JEP (Special Jurisdiction for Peace) as required by the amnesty law 1820.

“ **The Amnesty Law has still not been applied in full and 300 FARC prisoners remain in prison.** ”

In addition to the three of La Picota, there was a prisoner transferred to the prison of Eron, which is one of those new buildings, these mega prisons that the Colombian government has built copying the North American style. We have not known for days where these 4 comrades had been sent to despite the fact that the FARC party repeatedly asked all instances to say where they had been brought.

After several days we discovered that they had been transferred to the Cobia penitentiary, in Ibagué. They were detained in inhuman conditions, in prison towers long abandoned, without light, without water in the bathrooms, without drinking water. For several days they remained without washing, completely in the dark. It must be said that we discovered where they were thanks to our people in prison who sent us information they had collected.

Like many points of the Havana Peace Agreement, also the one relating to the release of prisoners languishes. The amnesty law, for example, states that once the provision is requested, the answer must be given after 10 days at the latest, but there are cases in which prisoners have been waiting for 6 months to a year before having an answer. Indeed, it is absolutely incomprehensible that after 4 years from the signing of the agreement in Havana, there are still FARC former guerrillas in prison.

Unfortunately, as feared and denounced for weeks, the worst happened and the first cases of coronavirus were detected in some prisons in the country and the first deaths occurred.

The National Penitentiary and Prison Institute (INPEC) has announced on 10 April that it had started the emergency protocol in the Villavicencio prison. The decision was taken after the death of a 63-year-old prisoner for coronavirus.

The man was released on 1 April and died six days later in Villavicencio hospital.

The detainees were not listened to when they asked for minimum security conditions to try to prevent an outbreak in prison.

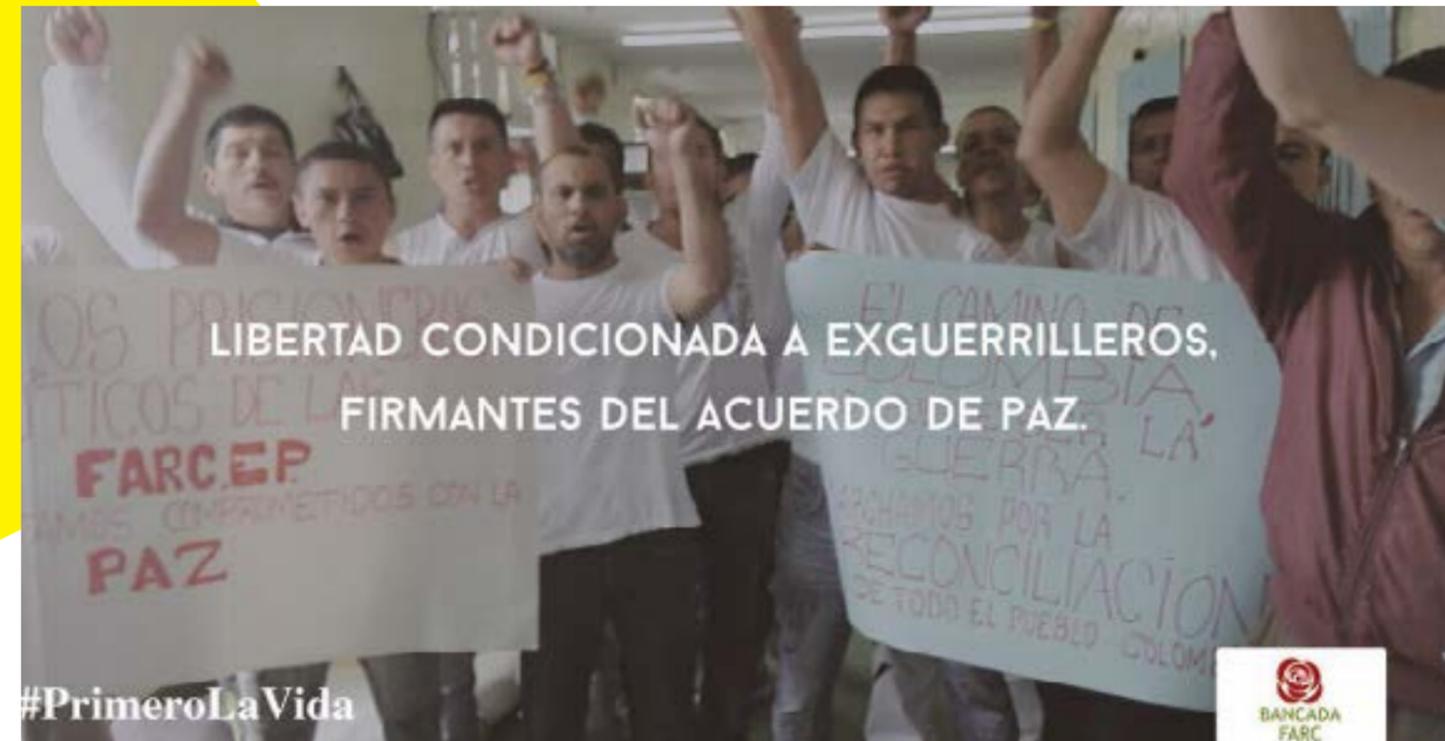
The videos that have circulated, released by the prisoners of Villavicencio themselves, are heart-breaking and reveal in all its drama the situation of the country's overcrowded prisons, institutions unhealthy and often lacking drinking water.

As I said, there were 14 prisons which witnessed protests, including what has been defined as the Colombian Guantanamo, Tramacua prison. Another is the Modelo prison in Bogota and then there is the Cucuta prison, La Picota, Medellín...

Peaceful protests have taken place across the country to attract the attention of national and international public opinion.

Now the situation is calm and tense, but it could explode again at any moment. Once again, however, we are faced with the political unwillingness of the state.

The FARC party has proposed that those prisoners who are in prisons and who fall under the amnesty law should be released but this has not happened.



Post Scriptum

After the protests, on 15 April Colombian President Iván Duque decided to release about 4,000 people deprived of their liberty by sending them under house arrest to contain the pandemic.

Decree 546 falls within the framework of measures provided for by the state of emergency declared by the executive. The president said: "This decree has great humanitarian value in that it will allow people who could be exposed, due to their greater vulnerability, to the virus, to leave prisons to continue serving their sentences at home."

The measure has been applied to people over the age of 60 (except those accused of rape and violence against women), people with penalties up to 5 years, pregnant women or children under the age of three and prisoners with cancer or serious illnesses. In addition to prisoners accused of gender-based violence, also those accused of drug

trafficking, forced displacement and kidnapping are not able to enjoy the benefits of the decree, as well as former guerrillas and paramilitaries.

Inmates who have been diagnosed with Covid-19 will be transferred to more suitable places for treatment, even if "temporary arrests or house arrest will not be granted until the medical and health authorities permit it".

House arrest will remain in effect, in principle, for six months.

Deaths in prison

Appeal for a Truth and Justice Committee

THIRTEEN DEAD PRISONERS. A STAGGERING NUMBER, AND AN UNCERTAIN ONE – WITH SOME SOURCES REPORTING FOURTEEN DEATHS.

NUMBERS – NOT EVEN DIGNIFIED BY NAMES – ON WHICH THE ITALIAN OMBUDSMAN FOR THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY IS NOW WORKING.

A shocking number, even considering the exceptionality of the circumstances in which these deaths took place.

Only another similar episode comes to mind: the fire in the female section of the 'Le Vallette' prison in Turin on 3rd June 1989, which left nine prisoners and two guards dead. Numbers aside, in that case the causes were clarified straight away, the media provided sensible information, and a criminal trial ensued.

On the contrary, the causes of these deaths are discussed seldom and with approximation. The state and the media are inexcusably opaque, also considering the ongoing health emergency and its grave and urgent implications.

The Justice Ministry, in her note to Parliament on the prison riots – which caused significant damages and left many wounded – has basically glossed over the most dramatic aspect, meaning the significant number of victims, the dynamics and specific circumstances that led to the

deaths, and the responsibilities. The only mention of the episodes suggests a 'worst case scenario'; the Ministry stated that «based on initial investigations, most deaths seem to be caused by abuse of substances taken from infirmaries during the riots», with no further detail provided, and no information on what caused the other deaths beyond the "most" attributable to substance use. And many questions remain unanswered on these deaths, including on the lack of aid during the riots.

In addition, the Ministry has failed to satisfactorily address the coronavirus-related risks for prisoners and prison staff, and to confirm or deny news of contagions within prisons, including the Modena one, which experienced grave riots resulting in a high number of deaths.

Being detained in few square meters, deprived of the bare essentials and isolated cannot but be perceived as a situation of heightened exposure and risk; it is well demonstrated that it is more likely to contract a disease in a detention setting.



Pointing the fingers to plans by organised crime as the cause of the riots thus appears misleading, while it would be critical to understand the claims and needs of those who reacted to a poorly-managed situation, and absent specific measures to guarantee the right to health of people in prison – which must be upheld in the same way as in the community.

The Italian penitentiary system has long foregone a constitutionally-inspired and –abiding understanding of prison as an institution, which is becoming more and more a mere deposit of bodies, of unrest, of lives seen as ‘wasted’. The life and safety of people in prison are given no consideration.

The important work carried out by the “General States of the criminal execution” in 2015 and 2016,

which benefitted from the generous and expert engagement of hundreds of people and raised hopes, has clearly been frustrated by the government choice not to move forward with the agreed-upon reforms. This choice is one of the key causes of today’s dramatic situation. It would now be important to reconsider and approve those structural reforms, while undertaking immediate measures to reduce the number of prisoners – including those suggested by civil society in recent days.

We believe that the tragic death of thirteen people in prison cannot be removed and hidden. Those who live, work, or visit prisons, the families, and society and public opinion more generally, all have a right to know what happened in detail. And to know urgently: one must be aware of the impact that opacity, misinformation, uncertainty and fear can



have on those living segregated, which can in turn lead to new episodes of violence.

At the same time, these specific events and the general situation of suffering and unease in prisons – now even more clearly manifested– can be an opportunity to rethink the very definition and purpose of punishment, and in turn reform the system who administers it.

Conscious of this need, we appeal to associations, civil society operating in prison, the media, lawyers and rights workers, the Ombudsman for the rights of persons deprived of liberty (with whom we are keen to work, given its critical role), and to everyone that works towards de-carceration, social reintegration, decriminalisation of drug use, promotion of human and social rights: together,

we want to create a Committee to immediately start collecting information on the events unfolded in recent days and seek – respecting but also urging the competent institutions – to shed lights on these events.

*** Vittorio Agnoletto, Ascanio Celestini, Franco Corleone, Giuseppe De Marzo, Alessandro De Pascale, Monica Gallo, Nicoletta Gandus, Francesco Maisto, Bruno Mellano, Moni Ovadia, Livio Pepino, Marco Revelli, Susanna Ronconi, Paolo Rossi e la Compagnia teatrale dei “Fuorilegge di Versailles”, Sergio Segio, Stefano Vecchio, Grazia Zuffa,



COVID-19 and prison. What should be done

World Health Organization (WHO)

The European Regional Office of the World Health Organization (WHO) published the Preparedness, prevention and control of COVID-19 in prisons and other places of detention on March 15 and in other places of detention). The document hinges interventions for the management of the pandemic in prison within the framework of international policies on detention, human rights and health, as well as in the basic principles of all international protocols against torture and degrading treatments. http://www.euro.who.int/__data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1

UNODC – United Nations Office on Drugs and Crime

UNODC has published some materials aimed at people who use drugs, people with HIV and operators, containing indications for prevention, continuity of services and performances.

In the part concerning the pandemic in prison, these are the indications of the UNODC:

Ensure that prisons are fully included in national action plans in response to COVID 19 [...].

Make sure that the health services in prison are equivalent to those outside, and that you live or work in prison have access to the prevention and control measures, diagnostics and treatments provided for COVID-19 and other health conditions (HIV, HCV, drug addiction, mental health) in ways that respect medical ethics and human rights

Consider alternative measures to prison at all stages of the criminal trial, with regard to pre-trial detention and the execution of the sentence. Priority should be given to alternative forms of detention for those awaiting trial, for those with low social danger, and for those with care responsibilities, with attention to pregnant women and mothers.

<https://www.unodc.org/unodc/en/hiv-aids/new/covid-19-and-hiv.html>

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The Committee of the Prevention of Torture and Inhuman and Degrading Treatment (CPT) of the European Commission has issued 10 principles on the

management of COVID-19 in relation to persons deprived of personal freedom (prisons, detention centers for migrants, psychiatric institutions and communities of care), "Statement of principles relating to the treatment of persons deprived of their liberty".

Right to information, treatment, preventive measures, respect for human rights and, above all, recourse to alternative forms of prison are the key points. In particular:

«Since close contact favors the spread of the virus, every effort must be made by all competent authorities to take alternative measures to deprivation of liberty. This choice is imperative especially in overcrowded situations. In addition, the authorities should use alternative forms of prison for pre-trial detention, early release and semi-liberty; limit the use of compulsory treatment for psychiatric patients; discharge from therapeutic communities to local services, when possible, and limit the detention of migrants to a minimum».

<https://www.coe.int/en/web/cpt/-/covid-19-council-of-europe-anti-torture-committee-issues-statement-of-principles-relating-to-the-treatment-of-persons-deprived-of-their-liberty->

UN- OHCHR Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)

Similar content also in the UN SPT document, Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic.

Basic criteria: exceptions to the prohibition of torture and degrading treatments are not allowed, even for a national emergency such as COVID-19, and principles are valid according to which the measures taken must not cause harm and must guarantee the same standards of care and treatments.

Emphasized the possibility of conflicts within prisons, with respect to which the conduct of the state «when taking measures must take into account all the full rights of those detained and of families, and of operators».

<https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf>

Basque political prisoners

are the victims of a revenge policy

JOSÉ MIGUEL ARRUGAETA

THE REFUSAL BY THE AUTHORITIES OF FRANCE AND SPAIN TO INCLUDE BASQUE POLITICAL PRISONERS IN THE MEASURES TO REDUCE THE PRISON POPULATION FACING THE SERIOUS CORONAVIRUS PANDEMIC IS, SO FAR, THE ANSWER TO THE REQUEST MADE BY ETXERAT (WHICH BRINGS TOGETHER THE FAMILIES OF POLITICAL PRISONERS), AND SUPPORTED BY NUMEROUS SOCIAL, HUMAN RIGHTS AND POLITICAL BASQUE ORGANIZATIONS.

ACCORDING TO THE LATEST ETXERAT DATA, THERE ARE CURRENTLY 236 BASQUE POLITICAL PRISONERS, WHO ARE PART OF THE PPEK COLLECTIVE: 119 ARE IN THE SPANISH STATE PRISONS WHILE 37 ARE IN THE FRENCH STATE PRISONS.

The refusal to include Basque political prisoners in the release plans that Spain and France are about to implement is the latest proof of open discrimination and lack of political will typical of an intransigent and vengeful prison vision.

The data confirm this revenge policy given that according to the criteria by which the early release of prisoners is applied, a significant part of the Basque detainees would have more than fulfilled the requirements: 86% have already served more than three quarters of the sentence. In addition, three prisoners are over 70, 36 are over 60, 13 suffer from serious illnesses, difficult to cure due to the terrible health care conditions in prisons in both countries.

Basque political prisoners and their families also suffer the additional punishment imposed by dispersion: they are in fact detained in prisons far from the Basque Country, up to 1,200 km away. Dispersion is indeed another punitive policy that seeks

to break the will of prisoners by keeping them away from their families and their social environment.

In the French case, it should be noted that over the past two years, the government has started a gradual process of bringing Basque prisoners closer to the prisons of Mont de Marsan and Mannemezan, located about 250 km from the Basque Country. Most male prisoners are currently located here. Female prisoners, on the contrary, continue to suffer from the dispersion regime, with the excuse that there is no female prison in the vicinity of the Basque Country.

The official argument for the repeated no to the release given both by the Spanish and French authorities is that this would produce "social alarm". Something arguable to say the least, since the overwhelming majority of Basque detainees are serving sentences for membership of pro-independence organisation ETA, which 8 years ago publicly and unilaterally renounced the armed struggle and



on 8 April 2017, also publicly, proceeded to the decommissioning of weapons, handing them over to Basque civil society. ETA then proceeded to its dissolution as an armed organization, exclusively supporting political means for the achievement of its objectives, the independence of the Basque Country and socialism, through the exercise of self-determination and sovereignty.

In recent statements to Mediabask, Jean René Etchegaray, president of the Basque Mancomunidad (which brings together the municipalities of the French Basque country) and one of the architects of the decommissioning of ETA arsenals, said: "Someone should explain why these [release] measures cannot be applied to political prisoners."

A petition from both the Spanish and French sides continues to go unanswered. In these times of confinement, the campaign for Basque political prisoners continues to be carried out through social networks.

Global Rights Magazine spoke to an Etxerat spokesperson.

What is the current situation of prisoners?

The only measure that prison institutions have strictly applied to prevent the spread of the pandemic in prisons in the Spanish state has been the complete interruption of all ordinary and extraordinary communications. Etxerat questions the lack of alternatives to this measure. In fact the measures taken to maintain contact with families are completely insufficient.

So far, Basque prisoners have been able to make video calls lasting between 10 and 15 minutes, through the WhatsApp service, from the prisons of Almería, Cáceres (one per week), Castelló Mujeres, Granada (for exceptional situations such as the death of family members), Herrera, Jaén, Logroño Mujeres, Ocaña I, Puerto III, Teruel, Villabona (exceptional situations), Villena and Zaballa. The prisoners have not received

any communication, except for two inmates, about a possible fee reduction to be applied, as Etxerat proposed, given the increase in calls. As to correspondence, while taking into account the delays in delivery during the coronavirus emergency, we know of at least 20 prisons who haven't received anything.

Have you been able to verify whether and what measures have been taken in prisons to prevent coronavirus infection?

Unfortunately, the poor pre-pandemic healthcare that characterized some prisons has not been addressed. In the rest of the prisons, the infirmary and preventive measures have not been updated to face the current circumstances. There are several prisons without a doctor, where requests for visits are not accepted or are satisfied even with 8 days delay. The exposure to infection is very high. The basic WHO guidelines are not followed. We call for a strengthening of the medical teams 24 hours a day, in addition to providing the prisoners with prevention and protection products.

What are the main concerns of family members?

First of all, there is great concern for being fully aware that ordinary and extraordinary communications have been suspended for an indefinite period. We now know that this period of non-contact will be longer than expected, so the daily concern of families is to find out if those in prison are doing well, also because we know that the right to health is not properly granted in prison. Right now we are fighting to get the right to make video calls in all prisons.

How do you evaluate the refusal of the Spanish and French authorities to release Basque political prisoners given this health emergency?

The indications of organizations such as the WHO, the United Nations and the Council of Europe must be applied. Etxerat urgently requests the immediate release of seriously ill prisoners, of those over 70 and those who would already have the right to go out on parole and who have already been released with third-degree application permits.

Is there any specific case that you think is important to underline?

We are outraged by the Paris Court of Appeal's decision to reject the provisional release request for Basque political prisoner Josu Urrutikoetxea, given his delicate state of health. Urrutikoetxea is located in La Santé, a prison where at least 19 positive cases of coronavirus have already been detected. Our release request also had the approval of the center's medical director.

There was a public complaint made both by Josu Urrutikoetxea's family and by BakeBidea and Artesanos por la Paz, who defined the decision as incomprehensible and a real scandal.

To this request we add that for the release of Jakes Esnal, Gurutz Maiza Artola, Jon Parot and Xistor Harrañburu, all prisoners in France and who are over 65 years old.

How do you carry out social support for the health and safety of prisoners in these special and dangerous circumstances?

In March there was a special online program, organized together with the Sare platform, which replaced the usual mobilizations (every last Friday of the month) to demand the end of dispersion and the definitive resolution of the conflict.

These are initiatives that we evaluate very positively, both for the broad participation and for the solidarity shown. There is no doubt that during this confinement it is permanent contact with relatives and online communication that basically allows us to continue to develop the work in favor of prisoners, although with the clear limits that these means have.

PEOPLE INTERVIEWED IN THIS ISSUE

AMJAD ABU LATIFA: Palestinian political prisoner. He has been held in Naqab prison for 17 years. He suffered torture and isolation in the Israeli prisons and is waiting for the light of the sun to come in through the only window of the cell to remind him of his string bond to this earth.

SERBAY KOKL: Is one of the lawyers of Kurdish leader Abdullah Ocalan.

LILIANY OBANDO: Colombian sociologist and activist. Former political prisoner.

THE AUTHORS OF THIS ISSUE

JOSÈ MIGUEL ARRUGAETA: Basque historian and journalist.

ORSOLA CASAGRANDE: Journalist and co-editor of Global Rights Magazine.

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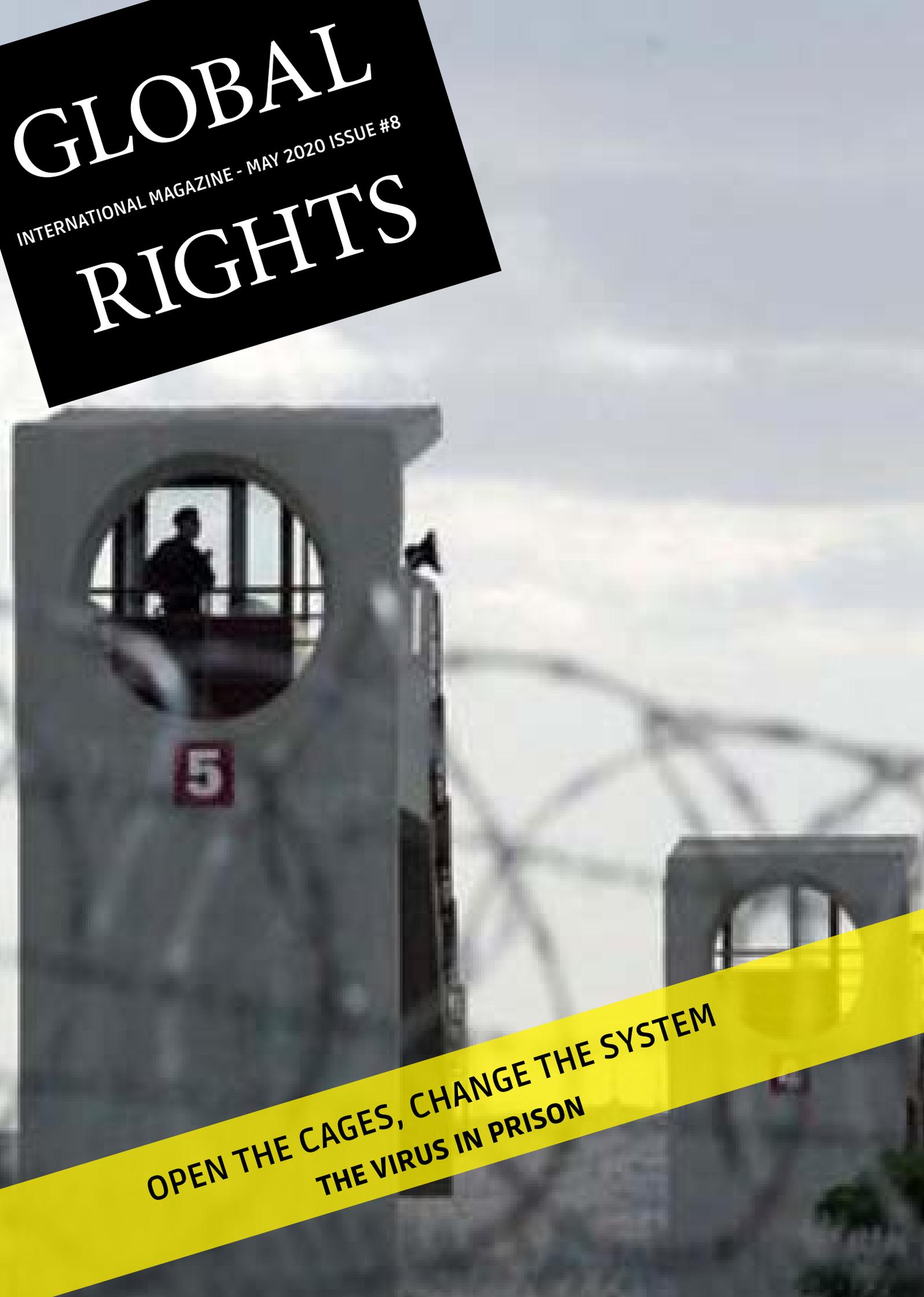
SERGIO SEGIO: Journalist and co-editor of Global Rights Magazine.

**EUSKAL PRESO
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