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Date: 29/08/2022

DH-DD(2022)895

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1443rd meeting (September 2022) (DH)

Reply from the authorities (26/08/2022) following a communication from the applicant concerning the case of OCALAN v. Turkey (no 2) (Application No. 24069/03) (Gurban group, 4947/04)

Information made available under Rule 9.5 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1443^e réunion (septembre 2022) (DH)

Réponse des autorités (26/08/2022) suite à une communication du requérant relative à l'affaire OCALAN c. Turquie (n° 2) (requête n° 24069/03) (groupe Gurban, 4947/04) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.5 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



*Permanent Representation
of Türkiye
to the Council of Europe*

DGI

26 AOUT 2022

SERVICE DE L'EXECUTION
DES ARRÊTS DE LA CEDH

Strasbourg, 26.08.2022

2022/33766324/34845098

Öcalan (24069/03, 197/04, 6201/06, 10464/07) v. Turkey

Ms Ovey,

I enclose herewith the Government's Submission in response to the Rule 9.1 Communication of the Applicant's Lawyers concerning the execution of the above-mentioned judgment.

Please accept, Ms Ovey, the assurances of my high consideration.

Çağla Pınar TANSU SEÇKİN
Co-Agent of the Government of the Republic
of Turkey
before the ECtHR
Deputy to the Permanent Representative

Enc.: As stated

Ms Clare OVEY
Head of Department
Department for the Execution of Judgments of the ECHR
Directorate General Human Rights and Rule of Law
Council of Europe

Ankara, August 2022

**THE TURKISH GOVERNMENT'S SUBMISSION
IN RESPONSE TO THE
RULE 9.1 COMMUNICATION OF THE APPLICANT'S LAWYERS
RELATED TO CASE**

Öcalan (2) (App No. 24069/03, 197/04, 6201/06 and 10464/07)

1. The Turkish authorities would like to make the following explanations in response to the submission, dated 9 August 2022, of the representatives of the applicant in respect of the case of *Öcalan (2) / Türkiye* (App. No. 24069/03, 197/04, 6201/06 and 10464/07).

3. First of all, the Government would like to underline that the allegations made in the said submission are of the same nature as the allegations made in the previous submissions.

4. Therefore, the Government, at the outset, would like to reiterate the points raised in previous submissions in response to the applicant's representatives. Furthermore, the Government is of the opinion that the action plan, submitted on 1 October 2021, has detailed explanations regarding the issues included in the latest submission of the applicant.

5. In this context, the Turkish authorities would like to note that conditional release is possible for the convicts who sentenced to aggravated life imprisonment as a rule. However, exceptionally certain offences are exempted from this possibility.

6. As regards the prison conditions of the *Öcalan*, the authorities would like to state that the Court found no violation as regards the conditions of the applicant's detention during the period after 17 November 2009. In fact, the Court expressed its appreciation for the improvements in the conditions of his detention.

7. On the other hand, the Government would like to note that there are individual applications pending before the Turkish Constitutional issues arising from the similar facts giving rise to the violation judgment.

CONCLUSION

8. The Turkish authorities kindly invite the Committee of Ministers to take into consideration the above-mentioned explanations within the scope of the execution of the cases of *Öcalan (2)*, *Kaytan*, *Gurban and Boltan / Türkiye* (App. No. 24069/03, 27422/05, 4947/04, 33056/16). Furthermore, the Turkish authorities would not like to speculate on the claims raised in the communication that are not subject to any current application or judgment finding a violation.

9. The Government will duly inform the Committee of Ministers of the execution of this judgment and of the general measures to be taken for the prevention of similar violations.