



**Submission to the Committee against Torture
72nd Session (8 November 2021- 3 December 2021)
For the consideration of the Kyrgyzstan's third periodic
report**

International Association for Human Rights Advocacy Geneva (IAHRAG)

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Introduction: The International Association for Human Rights Advocacy in Geneva

1. The International Association for Human Rights in Geneva (IAHRAG) thanks the Committee against Torture (Committee) for its engagement with civil society and for providing this opportunity to be associated in the process of consideration of the third periodic of Kyrgyzstan.

2. IAHRAG has been created in 2017; its purpose is to assist, support, guide and sustain victims of human rights violations. One of the main concerns of its interest is the violations of human rights in Turkey. It particularly provides support and guidance to supporters of the “Hizmet Movement”¹ (also known as the Gülen Movement) that are victims of a relentless witch-hunt and persecution, particularly since the coup attempt of 15 July 2016.

The case of Orhan Inandi, Kyrgyz and Turkish citizen

3. IAHRAG has the honor to bring to the knowledge of the Committee the case of Mr. Orhan Inandi, dual Kyrgyz and Turkish citizen, who has been kidnapped in Bishkek on May 31, 2021 and reappeared in Turkey on July 5, 2021 with visible signs of torture and ill-treatment, victim of transnational illegal transfer. IAHRAG suggests that the facts surrounding Mr. Inandi’s case might reveal violations of article 3 of the Convention against Torture imputable to Kyrgyzstan. Article 3 of the Convention refers to “expulsion”, “return” (“refoulement”) or “extradition”: however, as stated in its General Comment n°4 (2017)², the Committee considered that the scope of article 3 is not limited to “deportation” and should

¹ The “Hizmet Movement” (HM) is a transnational faith-based civil society group of persons, essentially Sunni Muslims (hereafter supporters), in Turkey but also elsewhere, that intend to follow the inspirational teachings and writings of Fethullah Gülen, an intellectual self-exiled in the USA Pennsylvania since 1999. The movement is known for its attachment to values of services, philanthropy, and education, and many of its supporters are educators or teachers running schools open to all students, regardless of religious beliefs or origins. Within a few decades, people inspired by Mr. Gülen had built schools in 140 different countries; schools that often served the poor and underprivileged. HM volunteers have established professional and intellectual associations as well as educational, dialogue, media, health and humanitarian organizations. As rightly noted by the Commissioner for Human Rights of the Council of Europe, the HM have developed over decades and enjoyed, until 15 July 2016, considerable freedom to establish a pervasive and respectable presence in all sectors of Turkish society, including religious institutions, education, civil society and trade unions, media, finance and business. Many organizations affiliated to the HM, closed after 15 July 2016, were open and legally operating in Turkey until that date. The Turkish government baselessly deems the HM a terrorist organization by imputing the plotting of the controversial military coup attempt of 2016 to the movement (referred to as FETÖ by the Government, Turkish acronym for “Fethullahçı Terör Örgütü”). Since 2016, the Turkish Government had led a witch-hunt against the Movement, characterized by massive waves of arrests and arbitrary detentions. The Working Group on Arbitrary Detention noted the existence of a pattern of targeting those with alleged links to the HM on the discriminatory basis of their political or other opinion, based on the significant increase in the number of cases brought to it concerning arbitrary detention in Turkey. The WGAD expressed concern over the pattern that all these cases follow and recalled “*that under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity*”.

² CAT/C/GC/4, 2017, see [here](#).

include “expulsion, extradition, forcible return, forcible transfer, rendition and rejection at the frontier of, and pushback operations”. Illegal transnational transfers definitely fall under the scope of article 3.

4. The case of Mr. Orhan Inandi is a cause of large concerns for civil society regarding the potential collusion of the Kyrgyz authorities in abducting and sending back to Turkey Turkish citizens that are at high risk of arbitrary detention and torture and ill-treatment, specially when arbitrarily labelled as part of terrorist movements.

1) The facts surrounding Mr. Orhan Inandi’s case

5. Mr. Orhan Inandi was born on November 15, 1968, in Maras, Turkey. A teacher who has devoted his life to contributing to the education of children, Mr. Orhan Inandi resided and worked in Kyrgyzstan for the last 25 years. He holds dual citizenship of Turkey and Kyrgyzstan. He served as the Chairman of the Board of SAPAT Educational Institutions at the General Directorate Office of SAPAT Educational Institutions. The Sapat (formerly Sebat) network of educational institutions has been operating in Kyrgyzstan since 1992. The prestigious school network has been run by the Kyrgyz Republic since 2017. Mr. Orhan Inandi had been working in Kyrgyzstan since 1995 and had been president of the schools since 2001 until being abducted.

6. On May 31, 2021, around 20:00 local Bishkek time (GMT+6), Mr. Orhan Inandi left his residence, informing his spouse that that he would meet someone at a cafe close to their residence. He left home in his Lexus 470 GX model car. He was last contacted by a friend at around 9 p.m. Attempts by his family to contact him all failed. At 22:11 his spouse (Ms. Reyhan Inandi) sent him a voice message, but the victim did not see it. His last appearance on WhatsApp messaging application appears to have been at 21:02, and after that he did not respond to the repeated calls by his spouse. Friends of Mr. Orhan Inandi were able to find his vehicle at around 3:00 AM at Maldıbayeva Street behind parked cars - located 7-8 km away from the victim’s last known location. The vehicle’s rear tire was flat, and the doors were left open. His jacket and two phones were left inside his car, suggesting that he had not been subject to a robbery.

7. The Kyrgyz authorities were immediately notified about the abduction and the police began investigation into the events. His family had however not heard news from Mr. Orhan Inandi during the all time the investigation was undertaken. One shall also have in mind that Mr. Inandi has been under the special protection of the Kyrgyz intelligence services for years.

8. In view of the strong pattern of Turkish intelligence services (MIT) practicing illegal extraterritorial abductions on Turkish citizens, particularly on Gülen Movement supporters, with the help of domestic

authorities³, there were credible claims that Turkey was involved in Mr. Inandi's disappearance, due to his ties with the Gülen Movement⁴. Protests demanding an effective investigation into Mr. Inandi's disappearance have been undertaken in Bishek since June 1, 2021, in front of the Turkish embassy. The protesters have expressed their intent to continue until Mr. Orhan Inandi's release and return to home. On June 6, 2021 journalists reported that a medical professional had visited the Embassy building on a non-working Sunday morning, which was considered by civil society as an important clue that Mr. Inandi was being held at the Turkish embassy and facing torture and ill-treatment therein.

9. On June 7, 2021, Kyrgyzstan's deputy foreign affairs minister, Mr. Aibek Artykbaev, confirmed at a parliament hearing that in 2019 the Government of Turkey had requested Mr. Inandi's extradition, which the Kyrgyz government refused at that time, referring to Mr. Inandi's Kyrgyz citizenship. Mr. Artykbaev indicated the ministry's readiness to engage with the Turkish Embassy, should the Interior Ministry make a request to investigate Ms. Reyhan Inandi's allegation about her husband's whereabouts.

10. On the June 11, 2021, the Human Rights Committee Special Rapporteurs on New Communications and Interim Measures accepted to register the case against Turkey and issued interim measures requesting the State party to (a) promptly take all measures necessary establish Mr. Inandi's whereabouts, ensuring that he would not be subjected to torture and inhuman treatment and guaranteeing his physical and mental integrity; (b) place Mr. Inandi immediately under the protection of the law; (c) officially inform the Committee and Mr. Inandi's family and legal representatives of his whereabouts and take all measures necessary to enable Mr. Inandi to be in regular contact with his relatives and legal representatives.

11. On July 5, 2021, Mr. Orhan Inandi reappeared in Turkey. The President Recep Tayyip Erdoğan, himself acknowledged that Mr. Orhan Inandi had actually been abducted by Turkish Intelligence Services (MIT)⁵. Lauding the MIT, he declared after a cabinet meeting on July 5 that:

“MIT, through genuine and patient work, brought the FETÖ member in charge of Central Asia, Orhan Inandi, back to Turkey”.

³ The Turkish government is running an intense campaign of transnational repression, across the America, Europe, Middle-East, Africa and Asia, with heavy reliance on renditions. The process is now clearly identified: Turkish government and its intelligence services persuade States to hand over individuals without due process, or with corruption or cooptation of host state institutions, such as the local police or intelligence services (the head of the intelligence agency in Kosovo had to resign following scandalous cases of renditions in March 2018). The Turkish government states that it has abducted 116 people from 27 countries since 2016. Those case have resulted in judicial decisions and condemnations of the Human Rights Committee, the European Court of Human Rights, the Working Group on Arbitrary Detention.

⁴ The Turkish government baselessly qualifies the Gülen Movement as a terrorist organization (referred to as FETÖ by the Government, Turkish acronym for “Fethullahçı Terör Örgütü”) and imputes the plotting of the controversial military coup attempt of 2016 to the movement. Turkey is the only country that operates such a qualification. For many Western countries, the fact of being a Gülen Movement supporter is a cause for asylum.

⁵ <https://www.turkishminute.com/2021/07/05/erdoganconfirms-rendition-of-educator-by-turkish-intelligence-from-kyrgyzstan/>

12. On the public pictures available (see below), Mr. Orhan Inandi appears with visible and severe signs of wasting, ill-treatment and torture, visibly supporting his hurt right arm and hand. In a public video on YouTube published on July 6⁶, Dr. Fincanci, former forensic expert explains

“There are some remarkable points in the photos. Of course, evaluating the photos without knowing the story can always be incomplete. A comprehensive examination is needed. However, we see one hand appearing larger than the other. We see a color change in the larger right hand. There may be direct blows to the hand. There may be intra-tissue bleeding, swelling, which we call edema. But we need to consider the whole. We can't see the arm fully because of the jacket. But the arm with the bigger hand also looks wider. There is an appearance as if there is swelling as a whole. The larger hand is also supported by the other hand, as if there is a loss of strength. The swollen hand looks a little loose. A direct beating may have been applied to the arm. Under what conditions do we watch such a scene? Nerve damage may occur in positional tortures and suspension tortures. This may result in loss of power. In addition, intra-tissue hemorrhages may have occurred due to the rupture of small vessels due to this trauma. During this positional torture, blows may have been applied directly to this arm. There may also be areas of bleeding associated with it. A comprehensive examination is needed. But what we see at first glance is a loss of power. In the photos we see that the nails are very long. If this person does not have a habit of using any musical instrument, then there is a lack of self-care. This lack of self-care may be related to insufficient use of the other arm. Because the nails of the normal-looking hand are very noticeably long. The length of the nails of this normal-looking hand may be due to the inability to cut the nails of the other hand due to loss of strength. Of course, this also needs to be evaluated. When it comes to facial expression, there is an uneasy facial expression look, in terms of body language.”⁷

⁶ <https://www.youtube.com/watch?v=uJ7JV27VVBs>

⁷ Our own unofficial translation from Turkish.



13. One shall also keep in mind that Mr. Orhan Inandi has been held in incommunicado detention for 35 days. Incommunicado detention, as the most severe form of solitary confinement, in itself is considered as a form of torture. It is also a well-known fact that incommunicado detention enhances chances of practice of torture, without accountability. Mr. Inandi's lawyer will submit an official complaint before the domestic jurisdictions about the torture and ill-treatment he suffered from: systematic beatings, absence of medication for his broken harm, inappropriate food, threats of rape (use of a stick and lubricating gel to characterize the threat), forbidden to pray and to cry, constant noise and insults in a loudspeaker...

2) Kyrgyzstan's failure to effectively and thoroughly investigate Mr. Inandi's disappearance

14. From 31 May 2021 until his reappearance in Turkey, Mr. Inandi has potentially been held in the Turkish embassy in Bishkek; at least there were strong allegations in that sense during that time. In view of the seriousness of the allegations against the Turkish Government⁸, it is remarkable that the Kyrgyz investigators failed to investigate the Turkish embassy.

15. The rules on Consular relations did not constitute barrier to investigation: although consular premises and consular staff may benefit of certain immunities necessary to the maintenance of diplomacy, host country of diplomatic missions may have jurisdiction over an embassy regarding investigations, especially when the consular premises "*are used in any manner incompatible with the exercise of consular functions*" (article 55 (2) of the 1963 Vienna Convention on Consular Relations) or if consular officers do not "*respect the laws and regulations of the receiving State*" (article 55 (1)). In

⁸ The allegation have been serious enough for the Human Rights Committee to register the case and issue interim measures on Turkey.

this case, it makes no doubt that arbitrarily detaining and torturing a person is not a use of the premises that is compatible “with the exercise of consular relations”.

16. The Prosecutor-General’s office said on August that an investigation had been opened on the ground of negligence and violation of border-crossing regulations by border guards on duty when Mr. Orhan Inandi has been illegally taken out of Kyrgyzstan.

17. However, civil society groups as well as media have expressed concerns that the Kyrgyz government failed to effectively and thoroughly investigate Mr. Inandi’s disappearance⁹. On June 1, the President Mr. Sadyr Zhaparov instructed both Police and the State Committee on National Security to intensify their search for Mr. Inandi. However, the Bishkek Prosecutor General’s office ascertained to the legal team of Ms. Reyhan Inandi, wife of Mr. Orhan Inandi, on 24 June 2021, that the Committee had not been part of the investigative working group.

3) Potential Kyrgyz collusion with the Turkish government in the abduction and rendition of Mr. Orhan Inandi

18. Mr. Orhan Inandi told to his lawyer that three men speaking fluent Kyrgyz, possibly officers of the Kyrgyz police, security service, or another State entity, abducted him. On July 7, Human Rights Watch published an announce regarding the case, stating that

“Turkish and Kyrgyz authorities abducted, forcibly disappeared, and extrajudicially transferred a dual Turkish-Kyrgyz national living in Bishkek”¹⁰.

Hugh Williamson, Europe and Central Asia director at Human Rights Watch, stated:

“that Inandi, a dual Turkish-Kyrgyz national, could be abducted and missing for weeks on Kyrgyz soil only to be illegally removed from the country by Turkey’s intelligence services, suggests the Kyrgyz government is either unwilling or unable to stand up to Ankara or directly colluded with them”.

19. The Turkish pro-government media also made declaration that Kyrgyz authorities were colluding with regards to Mr. Inandi’s abduction.¹¹

20. It shall also be noted that on June 9 to 11, 2021, the Kyrgyz President, Sadyr Zhaparov had an official visit in Ankara, only a few days after Mr. Inandi’s disappearance (see picture below).

⁹ https://24.kg/obschestvo/199638_ischeznovenie_orhana_inandyi_mesyats_spustya_imitatsiya_rassledovaniya/

¹⁰ <https://www.hrw.org/news/2021/07/07/turkey/kyrgyzstan-rendition-turkish-kyrgyz-educator>

¹¹ <https://www.youtube.com/watch?v=0GxNu33q3K8>



21. Following this encounter, the Turkish pro-government medias reported that¹²:

Turkish President Recep Tayyip Erdogan on Wednesday stressed the importance of the fight against the Fetullah Terrorist Organization (FETO) by Turkey and Kyrgyzstan. “Recent events have once again revealed the bloody, dark, and ugly face of FETO. I hope we will overcome this threat together by standing shoulder to shoulder,” Erdogan said at a joint news conference with his counterpart from Kyrgyzstan Sadyr Japarov. During the meeting, the two discussed regional cooperation and the fight against terror groups, including FETO, Erdogan said. “We agree that FETO poses a national security threat to both countries,” he added.

22. On June 30, 2021, the Turkish Defense Minister had an official visit in Bishkek and met with the Kyrgyz President to discuss common positions towards security and defense. The Turkish pro-government medias reported that¹³:

“During discussions with Kyrgyz President Sadyr Zhaparov in the capital Bishkek, Defense Minister Hulusi Akar also stressed the importance of collaboration in the fight against the Gülenist Terror Group (FETÖ), the group behind the 2016 defeated coup in Turkey. Akar said the fifth meeting of the Turkey-Kyrgyzstan High Level Strategic Cooperation Council – chaired by Zhaparov and President Recep Tayyip Erdoğan in Ankara earlier this month – gave fresh impetus to bilateral relations and produced a roadmap for the future”.

¹² <https://www.aa.com.tr/en/turkey/feto-threatens-national-security-of-turkey-kyrgyzstan-turkish-leader/2268749>. See also the official webpage of the Presidency of the Republic of Turkey: <https://www.tccb.gov.tr/en/news/542/128228/-we-will-further-strengthen-our-ties-of-eternal-brotherhood-with-kyrgyzstan->

¹³ <https://www.dailysabah.com/politics/diplomacy/turkey-kyrgyzstan-discuss-security-defense-cooperation>

23. In November 2020, agreements were signed between the Ministry of Education and Science of the Kyrgyz Republic and the Turkish Maarif Foundation¹⁴ on the opening and operation of private educational organizations in the Kyrgyz Republic. A joint statement by the Kyrgyz foreign ministers and Turkey in November 2020 reported that the parties agreed “to combat all forms of terrorism and extremism”¹⁵:

“Taking into account the detailed information and specific examples provided by the Turkish side of the terrorist organization FETO, they agreed to work close cooperation between the two countries in the fight against all types of terrorist activities ...”

24. On August 31, 2021, the Kyrgyz Ambassador in Turkey declared in an interview¹⁶

“Kyrgyz and Turks are fraternal nations with common history, religion, culture, and language (...) Mutual visits of the Minister of Foreign Affairs of the Kyrgyz Republic R.Kazakbayev to Turkey between November 8–11, 2020 and the Minister of Foreign Affairs of the Republic of Turkey M.Chavusoglu to Kyrgyzstan on March 10, 2021 facilitated to make a kind of “reset” on many issues of the current agenda of Kyrgyz-Turkish relations, identify priority areas of interaction and cooperation for the short, medium, and long term”.

One of the main issue between Kyrgyzstan and Turkey was the question of the Gülen Movement schools and presence of supporters. Ankara has been constantly pressuring Kyrgyzstan to shut down the Gülen Movement schools¹⁷, trying to convince the Government that the Movement was a threat to the stability of Kyrgyzstan, and sometimes did not neglect both ultimatums and blackmail.

25. Press reported that Turkey wants to step up its investment in the mining industry in Kyrgyzstan

In return, the Turks expect concrete help in the “fight against terrorism”. This means pressure on the “Gülenist” exponents still present in Kyrgyzstan. They are the supporters of Fethullah

¹⁴ The Maarif Foundation has taken the control over various Gülen Movement schools all over the world. The host countries have agreed under pressure of Turkey to expropriate the schools and concede them to the Maarif Foundation. The Gülen Movement schools in Kyrgyzstan have been an issue since 2016 between Turkey and Kyrgyzstan. A few days after the coup, the Foreign Minister of Turkey Mevlut Chavushoglu called on the Kyrgyz government to shut down all the Gülen’s schools operating in Kyrgyzstan. He stated that the “gangs of Fethullah Gülen” have too much power in Kyrgyzstan and that they need to be arrested and the schools closed down. He added, referring to the government of Kyrgyzstan, “if you didn’t change your relations to them, we are going to change our relations to you.”

¹⁵ Official site of the Ministry of Foreign Affairs of the Kyrgyz Republic. See <https://mfa.gov.kg/uploads/content/9346/2f46ae07-383e-3baf-959a-7627d149e58a.pdf>

¹⁶ <http://gazetesivilinisiyatif.com/online/en/interview-of-ambassador-kubanychbek-omuraliev-for-the-media-on-the-eve-of-the-30th-anniversary-of-the-independence-of-the-kyrgyz-republic/>

¹⁷ <https://www.reuters.com/article/us-kyrgyzstan-turkey-gulen-idUSKCN1LH3Q2>

Gülen, historical former ally and now enemy of Turkish President Erdogan. Gülen is the founder of the Hizmet movement and many of his followers have integrated themselves into the Kyrgyz administrative and economic system¹⁸.

26. All these elements constitute a body of consistent indicia that the Kyrgyz government, after years of reluctance, decided to cooperate with the Turkish government in its arbitrary witch-hunt against the Gülen Movement.

4) Bilateral relationships between Kyrgyzstan and Turkey

27. To the public knowledge, matters of cooperation and security between Kyrgyzstan and Turkey are governed by the Treaty of Eternal Friendship and Cooperation between the Kyrgyz Republic and the Republic of Turkey of October 24, 1997¹⁹.

28. One of the main trends regarding transnational abductions and extraordinary renditions perpetrated by Turkey is to sign bilateral security cooperation agreements that might remain secret, with broad and vague references to combating terrorism. These agreements are designed to bypass the conditions and safeguards provided under regular extradition and deportation processes, in violation of non-refoulement obligations.

29. In 2020, the Working Group on Enforced and Involuntary Disappearances (WGEID) has highlighted this Turkish practice:

*Since the attempted coup of 2016, Turkey has targeted the suspected members of the Hizmet/Gülen movement, classified by the Government of Turkey as ‘Gülenist Terror Organization (Fethullahçı Terör Örgütü, FETÖ)’ or ‘Parallel State Organisation (Paralel Devlet Yapılanması, PDY)’. In this context, **the Government has signed bilateral security cooperation agreements with multiple States allegedly containing broad and vague references to combatting terrorism and transnational crime.** Sources claim that the agreements have been phrased ambiguously to allow for expulsion or abduction of anyone deemed to be a “security risk” from third countries party to the agreements²⁰.*

¹⁸ <http://www.asianews.it/news-en/Ankara-dictates-conditions-for-cooperation-with-Bishkek-54069.html>

¹⁹ <https://mfa.gov.kg/uploads/content/336/8e57b656-f2df-36ed-8353-207455e6c271.pdf>. Article 3 and 4 might be broad and vague enough to ensure collaboration of Kyrgyzstan in the extraordinary rendition of Turkish citizens.

²⁰ See AL TUR 5/2020, [here](#).

30. In its recent report presented to the Human Rights Council (September 2021, 48th session) devoted to the question of enforced disappearances in the context of transnational transfers²¹, the WGEID reminded that

any inter-State agreements or arrangements, the execution of which may result in substantial interference with human rights, must be publicly accessible. Secret agreements fall short of this requirement and appear to be prima facie in contravention of a State's obligation to ensure legal certainty under international human rights law.

It also reminded that that the transnational transfers, such as the one Mr. Orhan Inandi suffered from, *embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such, deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that **such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstance.***

31. In view of: (a) the recent diplomatic development between the two countries; (b) high level encounters between the two countries; (c) the public declarations following these encounters; and (d) the attested pattern of Turkey signing bilateral security co-operation agreements with multiple States, the existence of such an agreement between the two countries is highly probable.

5) Conclusion

32. In relation to Mr. Orhan Inandi's case, abducted, tortured and transferred to Turkey, Kyrgyzstan did not respect article 3 of the Convention against Torture. Through active cooperation in the worst case or through negligence²² (lack of adequate investigation notably), Kyrgyzstan did permit his incommunicado detention and transfer in Turkey where he was at high risk of torture and ill-treatment, and in fact where he has been tortured and still arbitrarily detained.

33. Habitual and widespread torture against Gülen Movement supporters²³ is attested and supported by hate speech and public statements at the highest level. For instance, in a political meeting in late July

²¹ See A/HRC/48/57, [here](#).

²² We remind that Mr. Inandi was under the constant special protection of the Kyrgyz intelligence services since years, a protection that was extremely serious according to him and his relatives.

²³ So it is for the PKK members and leftists.

2016, then Minister of Economy Nihat Zeybekçi said, about the Gulen Movement supporters, accused of plotting the failed military coup attempt:

“We will put them into such holes for punishment that they won’t even be able to see the sun of God as long as they breathe. They will not see the light of the day. They will not hear a human voice. They will beg for death, saying “just kill us”.

In October 2016, Mehmet Metiner, AKP MP and head of the prison commission in the Turkish parliament clearly stated

“we will not investigate the torture allegations against FETO members”.

Most recently, the Turkey Tribunal, a people’s tribunal gathered in Geneva and composed of high level human rights experts, most of them former judges of the European Court of Human Rights declared that

The Tribunal is of the view that there is a systematic and organised use of torture in Turkey, particularly against people perceived to be linked with or supportive of the Gülen movement, the Kurdish people, as well as people suspected of ordinary crimes (para. 131) The Tribunal is of the view that these acts of torture and enforced disappearances cannot be viewed as mere isolated occurrences. Rather, in the opinion of the Tribunal, they are to be considered as part of a widespread and systematic attack against any civilian population that has taken place in Turkey at least since July 2016. Thus, the Tribunal is of the view that the acts of torture and enforced disappearances committed in Turkey, in applications brought before an appropriate body and subject to the proof of the specific knowledge and intent of the accused, could amount to crimes against humanity (para. 161)²⁴.

34. Kyrgyzstan should have known that facilitating Mr. Inandi’s transfer to Turkey, through active behaviour or negligence, would expose him to torture. **Kyrgyzstan consequently bears responsibility in the torture perpetrated on Mr. Orhan Inandi, with regard to article 3 of the Convention against Torture.**

35. IAHRAG is of the opinion that the UN human rights enforcement mechanisms have a crucial role to play in order to prevent, condemn and combat the practice of extraordinary renditions and transnational transfers that are definitely contrary to human rights and that most of the time come along with torture. To combat those practices, it is crucial not only to recognize the liability of the State responsible (in this case Turkey, but also of States that do facilitate them (in this case Kyrgyzstan).

²⁴ See the opinion of the Turkey Tribunal [here](#).

36. IAHRAG expresses its concerns that the situation of Mr. Inandi might not be isolated. Kyrgyzstan welcomes many Turkish citizens or refugees and many of them, real or alleged supporters of the Gülen Movement, do not feel safe anymore in Kyrgyzstan.

Suggestion of questions for the dialogue with Kyrgyzstan

37. IAHRAG respectfully requests the Committee to consider raising these questions to the delegation of Kyrgyzstan at the occasion of the dialogue:

- (a) Please provide information on the steps undertaken between May 31, and July 5, 2021, to find Mr. Orhan Inandi and prevent his transnational transfer and torture;
- (b) Please provide updated information of the current status of the investigations with regard to the abduction and transnational transfer of Mr.Orhan Inandi;
- (c) Please provide information on measures taken to prevent the occurrence of such illegal transnational transfers, in contradiction with article 3 of the Convention against Torture;
- (d) Please provide information on the cooperation agreements, formal or informal, between Kyrgyzstan and Turkey with regards to “combating terrorism” and “transnational crime” and on the measures taken to ensure that such agreements do not conflict with the Convention against Torture.