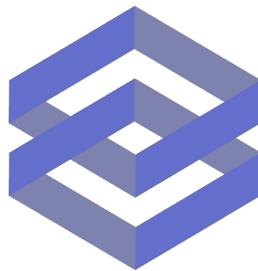


INSTITUTE FOR DIPLOMACY AND ECONOMY

WRITTEN SUBMISSION

Regarding the Torture of Former Turkish Diplomats

132nd session of the Human Rights Committee  
for adoption of the list of issues prior to reporting (LOIPR)  
for the Republic of Turkey (June 28 – July 23, 2021)



**i n s t i t u D E**

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## Over instituDE

[Institute for Diplomacy and Economy \(instituDE\)](#) is a platform established by a group of former Turkish diplomats. After serving at various posts in different parts of the world, we were dismissed from public service within the scope of the massive purges against the opponents of Erdogan regime in the aftermath of the coup attempt in July 2016.

Deeply concerned by Turkey's continuing descent into autocracy and motivated by the persecution and most recently the torture that our colleagues were subjected to in Turkey, instituDE aims to contribute to the efforts in ending grave human rights violations and restoring democracy in Turkey.

instituDE members are also worried about Turkey's divergence from its historical western alliance to the extent of questioning its NATO membership. We firmly believe that embracing democratic norms and values, along with restoring the rule of law, is the only way to achieve a peaceful and stable Turkey. To this end, the accession process with the EU must immediately be reinvigorated by genuinely ensuring freedom of the press and the independence of the judiciary.

On May 26, 2019, our colleagues, former Turkish diplomats, were severely tortured under police custody. Ankara Bar Association, by interviewing the victims, documented in [its report](#)<sup>1</sup> that the police tortured at least five former diplomats of the Turkish Foreign Ministry. instituDE particularly attaches importance that this heinous act is not covered up.

## Torture of Former Turkish Diplomats

On 20 May 2019, more than 100 former colleagues were taken into custody on trumped up politically motivated terrorism charges. MP Mr. Ömer Faruk Gergerlioğlu, well-known human rights activist, [informed](#)<sup>2</sup> the public on 26 May 2019 that “detained former diplomats were severely beaten, tortured and threatened with rape with batons whilst under police custody”.

Ankara Bar Association investigated these claims and [documented](#)<sup>3</sup> the torture and ill-treatment. The Bar Association reported that some of the victims, in one case until passed out, were severely beaten. At least in five cases our former colleagues were stripped naked, handcuffed behind the back, forced to sit in fetal position, batons were moved around their anal openings, all of them were threatened with rape. We are saddened to state that, according to the credible information we received, at least in one case, the rape through penetration of baton occurred.

Upon the report of the Ankara Bar Association and criminal complaint of our former colleagues, the Office of Ankara Chief Prosecutor initiated an investigation on this incident. However, no information was provided to the public on the outcome of the investigation for a long time and we were concerned that it might be aimed at covering the case up. Unfortunately, Ankara Chief Public Prosecutor's Office has made a non-prosecution decision on 6 August 2020 over the

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<sup>1</sup> <https://twitter.com/ankarabarasuihm/status/1134435113880752128>

<sup>2</sup> <https://twitter.com/gergerliogluof/status/1132736930398068746>

<sup>3</sup> [http://www.ankarabarasu.org.tr/HaberDuyuru.aspx?BASIN\\_ACIKLAMASI&=3099](http://www.ankarabarasu.org.tr/HaberDuyuru.aspx?BASIN_ACIKLAMASI&=3099)

torture of our former colleagues. Covering up torture incidents and other human rights violations has become a common practice for the Turkish authorities in the last years.

Torture is a crime against humanity under both the domestic and international law. It is absolutely prohibited and cannot be justified under any circumstances, including armed conflict, the fight against terrorism, political instability or any other conditions meriting state of emergency. Particularly, systematic and widespread practice of torture triggers universal jurisdiction without any statutory limits at all, for anyone involved as inciter, instigator or accomplice.

Turkish government has certain obligations arising from the Constitution and international treaties, particularly the International Covenant on Civil and Political Rights, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment. In this regard, Turkey has an international commitment to refrain from, prevent, and effectively investigate, any kind of torture and cruel, inhuman, or degrading treatment.

The non-prosecution decision of the Turkish judiciary concerning the acts of Turkish authorities infringing the absolute prohibition of torture also indicates that right to fair trial, right to respect for private life and prohibition of discrimination have also been violated in regard to our former colleagues.

We consider that Turkey has not fulfilled its obligations arising from article 7 of ICCPR. Turkey failed to be compliant with the ICCPR through exposing individuals to the torture, not preventing or not refraining from such acts and by not investigating complaints over torture promptly, thoroughly and impartially. This demonstrates that Turkey has granted amnesty in respect of acts of torture in this case. Amnesties are generally incompatible with the duty of States to investigate such acts, to guarantee freedom from such acts within their jurisdiction and to ensure that they do not occur in the future.

Regarding the foregoing considerations:

- How can it be ensured that Turkish officials are held responsible for torture and other ill-treatments in detention centers and prisons?
- Which measures are still to be taken by Turkey to prevent and refrain from torture and not to condone mistreatment in detention centers and prisons?
- In how many investigations into torture and mistreatment allegations were the alleged perpetrators found guilty? What is the percentage of such findings in the overall investigations into torture and mistreatment allegations?
- Is it possible to carry out new cooperation projects to eradicate torture and to make Turkey compliant with its obligations to 'respect, protect and fulfil' under article 7 of ICCPR?