



**HUMAN RIGHTS DEFENDERS E.V**

**GERMANY-BERLIN 2024**

**The Committee Against Torture**

**For the Consideration of the Türkiye's Periodic Report**

## I- Introduction: Human Rights Defenders e.V in Berlin

1-This report has been meticulously compiled by Human Rights Defenders e.V (HrD) to comprehensively analyse the prevailing situation regarding mass arrests and detention practices in Türkiye. HrD, an autonomous, non-profit, non-governmental organization, is ardently dedicated to advocating for human rights and aiding individuals encountering persecution globally, with a significant emphasis on Türkiye.

2- HRD is an esteemed non-governmental organisation established in Germany in 2018 by Turkish lawyers, former bureaucrats, and entrepreneurs who are political asylum seekers in Germany and Europe. With a deep understanding of the prevailing human rights violations and the culture of impunity in countries like Türkiye, HRD diligently employs diverse strategies at the national, regional, and international levels to effect lasting change and enhance the circumstances of the victims.

3-This report has been prepared with the purpose of providing information to the United Nations Committee Against Torture (CAT) regarding the occurrences of torture, as well as other forms of cruel, inhuman, or degrading treatment, and enforced disappearances involving sympathizers of the Hizmet (Gulen) Movement in Türkiye. These incidents are considered to be crimes against humanity. The United Nations General Assembly resolution 39/46, titled "Torture and Other Cruel, Inhuman or Degrading Treatment," which was adopted on 10 December 1984 and came into effect on 26 June 1987, is the legal framework that Türkiye, as a party, has agreed to abide. Within the context of the "Convention against Inhuman or Degrading Treatment or Punishment," the systematic and organized actions targeting members of the Hizmet Movement since 2016, which is the alleged date of the coup attempt, have been recognized as "**acts reaching the level of crimes against humanity**" in the decisions made by various United Nations Commissions. <sup>1</sup>

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<sup>1</sup> Opinion No. 51/2020 concerning Arif Komiş, Ülkü Komiş and four minors whose names are known to the Working Group (Malaysia and Türkiye) para: 102;  
[https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A\\_HRC\\_WGAD\\_2020\\_51\\_Advance\\_Edited\\_Version.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_51_Advance_Edited_Version.pdf)

Opinion No. 67/2020 concerning Ahmet Dinçer Sakaoğlu (Türkiye)  
[https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A\\_HRC\\_WGAD\\_2020\\_67.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_67.pdf)

## **II- Increasing Authoritarianism and Gross Human Rights Violations in Türkiye after the 15 July 2016 Alleged Coup Attempt / The Scenario of Blaming the Coup on the Gülen Movement.**

4- Article 2 of the Convention requires States Parties to furnish fundamental legal, administrative, and judicial safeguards against torture and inhumane treatment. As stated in the Convention:

- a - Every State Party must enact successful legislative, administrative, judicial, or alternative measures to forestall instances of torture within any area under its jurisdiction.
- b - No extraordinary circumstances, including a state of war or imminent war, internal political unrest, or any other public crisis, can be used to legitimise torture.
- c - A directive from a higher-ranking official or a public authority cannot be utilised as a justification for torture.

5- As is well known, the Turkish Government alleges that on 15 July 2016, there was an attempted military coup d'état aimed at overthrowing the democratic order. This allegation has been used as a justification for the subsequent authoritarianisation of political power, the declaration of a state of emergency and the elimination of all social opposition groups. The declaration of a state of emergency has led to mass surveillance, detentions and arrests and a severe and organised persecution of almost all dissenting citizens on charges of "terrorist organisation member/traitor/collaborator/foreign agent".

6- According to the statements made by the government and the Turkish Armed Forces, 8,651 military personnel participated in the events of 15 July 2016. The proportion of the personnel

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Opinion No. 47/2020 concerning Kahraman Demirez, Mustafa Erdem, Hasan Hüseyin Günakan, Yusuf Karabina, Osman Karakaya and Cihan Özkan (Türkiye and Kosovo1 ) Parag: 101  
[https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A\\_HRC\\_WGAD\\_2020\\_47\\_Advance\\_Edited\\_Version.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_47_Advance_Edited_Version.pdf)

Opinion No. 66/2020 concerning Levent Kart (Türkiye) para: 67  
[https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A\\_HRC\\_WGAD\\_2020\\_66.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_66.pdf)

See, for example, opinion No. 47/2012, para. 22.  
<https://www.perseus-strategies.com/wp-content/uploads/documents/news/UNWGADOpinionNo47-2012DPRK.pdf>

who participated in the so-called coup attempt is 1.5 per cent of the total personnel of the Turkish Armed Forces. 1.676 of these personnel are ordinary soldiers without command authority. 1,214 people are military students studying at military schools<sup>2</sup>. After deducting the number of alleged coup participants from the lowest-ranking soldiers and military students without any commanding power, we are left with a total of 5,761 ranked military personnel who are said to have taken a role in the alleged coup attempt. The Turkish Government has officially declared that a total of 289 legal cases have been initiated against military personnel in Türkiye regarding their involvement in the alleged coup. The number of military personnel who faced legal consequences of the alleged coup attempt on July 15, 2016, stands at 4,891. Of these individuals, 1,634 were sentenced to aggravated life imprisonment, 1,366 received life imprisonment, and 1,891 were given fixed-term imprisonment sentences. In conclusion, it is claimed that the political power was attempted to be overthrown with 4,891 military personnel who were sentenced to prison due to the so-called coup attempt on July 15, 2016.

7- Despite the pre-emptive accusations from the political power, the Gülen Movement has been singled out as the scapegoat for the attempted coup on July 15, 2016. However, it is worth noting that the Parliament (Turkish Grand National Assembly) has hindered a thorough investigation by blocking the participation and testimonies of key figures such as the Chief of the General Staff, the Head of the National Intelligence Service, and other intelligence officials in the parliamentary commission of inquiry. This obstruction has undermined the possibility of a fair investigation. Furthermore, it is essential to highlight that an initial investigation was hastily initiated, resulting in coerced confessions from military personnel under severe torture. These confessions served as the basis for holding the Gülen Movement responsible for orchestrating the coup.<sup>3</sup>

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<sup>2</sup> <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/tskdan-fetocu-asker-aciklamasi/616536>

<sup>3</sup>CAT Convention: Article 15; “The Admissibility of Evidence Obtained by Torture“ CAT/C/TUR/QPR/5 para: 46-47.

8- All the military personnel who later testified in the Court revealed that their confessions were extracted through extreme torture. They adamantly denied any involvement in a coup attempt, stressing that they were manipulated as mere pawns in a government-engineered scheme. Despite their detailed accounts, these crucial testimonies were disregarded. Instead, investigations into the alleged coup were predominantly based on coerced statements obtained from the military under duress. The blame was pinned on the Gülen Movement. However, the subsequent testimonies in court where military personnel exposed the entire coup narrative as a machination orchestrated by the government were disregarded and omitted from official records<sup>4</sup>. The limited number of military figures who acknowledged their role in the coup clarified that they acted not in collaboration with the Gülen Movement but under the direction of Hulusi Akar, the former Chief of General Staff and subsequently appointed Minister of National Defence. Accounts from high-ranking officers implicated in the coup highlighted how they were convinced by Hulusi Akar to confront the corrupt political leadership, only to be abandoned and accused of orchestrating a coup when Akar, who had summoned them to military installations, aligned himself with the political establishment. It is evidenced by the testimonies of many witnesses that the political power, in order to declare a state of emergency and to destroy all opposition, put into effect a so-called coup d'état scenario that they had devised with the intelligence agency and some senior military personnel, and thus initiated a process that would legitimise the process of authoritarian rule.

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<sup>4</sup> Ibid.

9- After the purported coup endeavour, the Government, on 20 July 2016, proclaimed a state of emergency and informed the Council of Europe about the suspension of specific fundamental rights and liberties. Initially declared for three months, the State of emergency underwent seven extensions within two years before culminating on 18 July 2018. The State of emergency announcement ushered in a slew of widespread apprehensions and detentions. During the initial year following the alleged coup, the tally of public officials purged from governmental bodies in 2017 ascended to 130,000 individuals. The breakdown of the officials dismissed during the inaugural year of the State of emergency includes:

- Over 33,500 individuals from educational institutions,
- More than 31,500 police personnel,
- Approximately 13,000 members of the armed forces,
- Over 7,000 medical practitioners,
- Over 6,000 academics,
- And around 39,000 other public employees.<sup>5</sup>

10- By the conclusion of 2024, the projected number is set to reach 170 thousand individuals. It is crucial to note that none of the individuals who were relieved of their public positions had any affiliation with the events of terrorism that unfolded on the 15th of July in 2016. Extensive investigations have failed to yield any substantiated links connecting them to the events mentioned above. Their removal was in accordance with the publicly disclosed purge listings established by the governing authority. The compilation of these lists was meticulously executed, considering various factors such as the public officials' affiliations with specific

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<sup>5</sup> <https://www.amnesty.org/ar/documents/eur44/9210/2018/en/>

newspapers, magazines, financial institutions, trade unions, charitable organizations, and educational institutions attended by their offspring. Subsequently, a significant portion of public officials, particularly within the armed forces and law enforcement agencies, were discharged from their official roles, followed by their apprehension and subsequent detention.

11- "Following the coup attempt on 15 July 2016, a total of 23,971 individuals have been discharged from the Turkish Armed Forces due to their affiliation with -FETÖ-"<sup>6</sup>. The Chief of General Staff stated on November 16, 2023, detailing the outcomes of the trials. A total of 23,971 personnel have been relieved of their duties within the Turkish Armed Forces, a stark contrast to the 4891 individuals implicated in the 2016 events. Following the alleged coup attempt, swift detention orders were enacted against judges and prosecutors, resulting in the apprehension of 2740 individuals on the same night. Moreover, 4662 judges and prosecutors, among them two members of the Constitutional Court, as well as members of the Supreme Court and the Council of State, were removed from their positions and issued arrest warrants for them.<sup>7</sup>. These individuals faced permanent expulsion from their professions, subsequent arrest, and imprisonment. Alparslan Altan and Prof. Dr. Erdal Tercan, esteemed members of the Constitutional Court, are still in prison as of 2024. Despite the judgement of the European Court of Human Rights that their rights have been violated, they continue to be unjustly deprived of their liberty.

12- According to the Ministry of Interior's official statements, a comprehensive total of 4,022 operations were executed targeting the Gülen Movement from June 1, 2023, to February 21,

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<sup>6</sup> <https://www.aydinlik.com.tr/haber/iste-tskdan-ihrac-edilen-fetocu-sayisi-bakan-guler-acikladi-433911>

<sup>7</sup> On the 16th of April 2017, the constitutional amendment, which was adopted through a referendum, faced further challenges. The Council of Judges and Prosecutors underwent a reconstitution process in accordance with a constitutional provision. Six out of thirteen members, including four ordinary members, the Minister of Justice (who serves as the President of the Council) and the Undersecretary of the Ministry, are appointed by the President. The Grand National Assembly of Türkiye appoints the remaining seven members. It is important to note that judges or prosecutors select none of the Board members. The Commissioner for Human Rights, the Council of Europe Commissioner for Human Rights, the Venice Commission, the UN Commissioner for Freedom of Expression, the Special Rapporteur on the right to freedom of movement and the UN High Commissioner for Human Rights acknowledged that the Council cannot maintain its independence from the executive and legislature. Furthermore, they have expressed concerns about the potential threat that the judiciary's independence in Türkiye faces. [https://www.coe.int/en/web/commissioner/country-work/turkiye/-/asset\\_publisher/IK6iqfNE1t0Z/content/Türkiye-new-council-of-judges-and-prosecutors-does-not-offer-adequate-safeguards-for-the-independence-of-the-judiciary](https://www.coe.int/en/web/commissioner/country-work/turkiye/-/asset_publisher/IK6iqfNE1t0Z/content/Türkiye-new-council-of-judges-and-prosecutors-does-not-offer-adequate-safeguards-for-the-independence-of-the-judiciary)

2024, leading to the apprehension of 6,045 suspects during these operations<sup>8</sup>.

During nine months, 6,045 individuals have been apprehended without specific knowledge of their offences, solely based on their affiliation with the Gülen Movement. Operations are consistently conducted, resulting in an average of 672 monthly detentions. It is noteworthy that no weapons or explosives have been recovered in these operations targeting the Gülen Movement. The items confiscated from the detainees primarily include books, electronic devices like mobile phones and computers, as well as monetary assets<sup>9</sup>.

13- Upon review of the Justice Statistics from the Ministry of Justice, it is revealed that in 2021, a total of 191,964 investigations were initiated for the offence of belonging to an armed terrorist organization as stipulated in Article 314 of the Turkish Penal Code. This fact implies that nearly 200 thousand cases related to terrorist organization membership were opened within the past year alone. From 2016 to 2021, the cumulative count of investigations related to terrorist organization membership amounted to 1,768,530<sup>10</sup>. Projections based on data from 2022 and 2023 indicate that approximately 2.2 million individuals will have faced legal actions, detention, and arrests in connection with terrorist organization inquiries.

14- According to global terrorism databases, the combined number of individuals linked to various terrorist organizations such as the Taliban, ISIS, Boko Haram, Al-Shabab, Maoists (India, Nepal), Al-Qaeda, Jamaat Nusret al Islam vel Muslimin (CNIM), among others, stands at 150. That has led to an average of 24,000 fatalities annually worldwide since 2010. Notably, this figure, following rigorous assessments, could reach around 750,000. However, within the last six years under Türkiye's State of Emergency/Emergency Law framework, a concerning 1,576,566 civilians, who have not been involved in any acts of violence, have been falsely categorized as part of armed groups<sup>11</sup>. The penitentiaries in Türkiye currently house numerous individuals from various professional backgrounds, such as academics, judges, prosecutors, teachers, nurses, and engineers, who have been implicated in connections to terrorist

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<sup>8</sup> <https://www.icisleri.gov.tr/fetopdy-silahli-teror-orgutune-yonelik-kiskac-7-operasyonlarinda-67-supheli-yakalandi>

<sup>9</sup> <https://www.tr724.com/kitapli-teror-orgutu-erman-yalaz/>

<sup>10</sup> <https://www.mustafayeneroglu.com/adalet-bakanliginin-2021-adalet-istatistiklerine-yansiyen-silahli-teror-orgutu-uyeligi-yargilamalari-verileri-hk-basin-aciklamasi/>

<sup>11</sup> <https://www.karar.com/yazarlar/figen-calikusu/1-milyon-576-bin-566-teror-orgutu-uyesi-mi-1590920>



organizations. Since 2016, Türkiye's governance has exhibited a trend toward increased authoritarianism, resulting in the country having one of the highest incarceration rates globally. Data as of 02.05.2024 indicates a total of 329,151 individuals. Detained or serving sentences in Turkish prisons across 396 correctional facilities, with an overall prison occupancy rate of 117.8%<sup>12</sup>. Based on the United Nations' calculations of national population levels, the current global rate of incarceration stands at 140 individuals per 100,000 residents. When examining Europe specifically, Western European nations exhibit an average rate of 73 per 100,000, contrasting starkly with countries bridging Europe and Asia, such as the Russian Federation and Türkiye, where the rate spikes to 267 per 100,000 individuals<sup>13</sup>. Türkiye ranks significantly high in terms of the proportion of individuals incarcerated relative to its population. This underscores the prevalent nature of politically driven accusations related to terrorism within the nation.

15- Out of 8,725 defendants tried in 289 coup-related trials in Türkiye following July 15, 2016, **1,634 individuals received aggravated life sentences** from the initial courts.<sup>14</sup> The United Nations has consistently emphasized that such sentences contravene the anti-torture standards and humane treatment principles. Türkiye faces the consequences of these decisions in 2024, falling further below the UN's assessments outlined in the 2016 CAT/C/TUR/CO4<sup>15</sup> and the Pre-Reporting List of Issues -LOIPR CAT/C/TUR/QPR/5<sup>16</sup> reports This perpetuates a cycle of inhumane sentencing practices, where aggravated life imprisonment is wielded as a tool for intimidation and suppression, targeting both alleged coup participants and political dissidents within the country. Human rights activist Osman Kavala has been sentenced to life imprisonment for his involvement in an alleged attempt to overthrow the government<sup>17</sup>. Hüda Kaya, a dedicated human rights advocate who has consistently upheld peaceful principles and championed the rights of the Kurdish community, is presently facing a legal trial entailing 38 life sentences and a staggering 19,680 years of imprisonment.<sup>18</sup>.

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<sup>12</sup> <https://www.prisonstudies.org/country/Türkiye>

<sup>13</sup> [https://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_prison\\_population\\_list\\_14th\\_edition.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_14th_edition.pdf)

<sup>14</sup> <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/darbe-girisimi-davalarinda-1634-saniga-agirlastirilmis-muebbet-hapis-cezasi-verildi-/2634988>

<sup>15</sup> <https://undocs.org/CAT/C/TUR/CO/4>

<sup>16</sup> <https://undocs.org/CAT/C/TUR/QPR/5>

<sup>17</sup> <https://www.hrw.org/tr/news/2023/10/11/Türkiye-top-court-upholds-rights-defenders-life-term>

<sup>18</sup> <https://www.evrensel.net/haber/519502/ikinci-koban-iddianamesi-eski-hdpli-5-milletvekili-hakkinda-agirlastirilmis-muebbet-istendi>

16- After the coup endeavour on July 15, 2016, there have been continuous occurrences of rigorous interrogation methods, cruel treatment practices, instances of baton assaults<sup>19</sup>, enforced disappearances of legal practitioners following severe assaults, and interrogations encompassing harsh treatment<sup>20</sup> carried out with the knowledge of the political power in Türkiye, enduring without cessation until 2024. Numerous university professors, completely uninvolved in the coup attempt, endured harsh mistreatment through widespread detentions in sports facilities. Among them, M. Savas Bayindir, a respected legal scholar, underwent torture in these venues alongside five colleagues from Gazi University<sup>21</sup>. M. Savas Bayindir, a victim of torture, was ultimately acquitted despite being accused of belonging to a terrorist group. Due to the harrowing torture he endured, he moved to the United States from Türkiye. Regrettably, no inquiries have been initiated against those responsible for the torment inflicted upon him and numerous others within the gymnasium. The prevailing culture of impunity stands as a significant factor fueling the perpetrators of torture in Türkiye.

17-Photographic documentation of torture and inhumane treatment in secret interrogation centres, mass detention facilities, and holding centres has been extensively recorded. A medical professional stationed at these facilities has also personally observed and brought attention to the torture being carried out within these establishments<sup>22</sup>.

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<sup>19</sup> <https://www.tr724.com/aymnin-hak-ihlali-karari-verdigi-ogretmen-eyup-birinciye-orucluyken-tem-polisleri-agir-iskence-yapmis/>

<sup>20</sup> <https://www.youtube.com/watch?v=puzfFotmHqQ>

<sup>21</sup> <https://stockholmcf.org/former-academic-says-he-was-brutally-tortured-at-ankara-police-department/>  
<https://www.turkishminute.com/2022/06/02/former-academic-says-he-was-brutally-tortured-at-ankara-police-department/>

<sup>22</sup> [https://www.tr724.com/15-temmuzun-iskence-merkezinde-gorevli-resmi-doktorun-anlattiklari-tuyler-urpetti/#google\\_vignette](https://www.tr724.com/15-temmuzun-iskence-merkezinde-gorevli-resmi-doktorun-anlattiklari-tuyler-urpetti/#google_vignette)

18-According to the testimony provided by teacher Erhan Dogan, he experienced severe mistreatment, including being exposed to humiliating acts such as being stripped naked in the gymnasium, beaten with a baton, subjected to Palestinian hangings, and physical assaults. He recalled a distressing moment when three women passed by him during his torture, their terrified cries pleading, "Please do not rape us." The echoes of their cries continue to resonate vividly in his memory<sup>23</sup>.

19- To eliminate any evidence of mass detentions and torture practices in sports facilities and preempt any backlash from local and global public opinion, the political administration issued a "Confidential" directive. This directive, dispatched to all units across the 81 provinces by Ali Baştürk, the Chief Inspector of Civilian Affairs at the General Directorate of Security and the Acting Deputy General Director of Security, called for readiness in case the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) decides to conduct an unexpected inspection. The government emphasized the need to ensure the detention facilities are in proper condition and that no signs of mistreatment are visible to the visiting delegation. The confidential notice from the Ministry of Interior states the following: *"During the "Coordination Meeting" convened at the Ministry of Foreign Affairs on August 25, 2016, it was officially disclosed that the European Committee for the Prevention of Torture is scheduled to conduct an inspection in our nation from August 28 to September 6, 2016. It was emphasized that the committee reserves the right to inspect any detention facility spontaneously. Therefore, I urge you to ensure that establishments like sports facilities are not utilized as detention centres whenever possible. It is imperative to adhere strictly to the*

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<sup>23</sup> <https://aktifhaber.com/gundem/erdogan-rejimi-yargilaniyor-nolur-bize-tecavuz-etmeyin-cigliklarini-unutamiyor-h166646.html>

*prevailing legal and international detention protocols and promptly prepare all detention facilities for the forthcoming visit.”*

20- Teacher Gökhan Acikkollu tragically lost his life while in police custody due to severe beatings and torture endured during this period<sup>24</sup> <sup>25</sup>. Human Rights Watch reports have clearly recorded torture after the alleged coup attempt<sup>26</sup>. Nesrin Gencosman<sup>27</sup>, Halime Gülsu<sup>28</sup>, Seref Vatansever, Halil Simsek<sup>29</sup>, and Mustafa Kabakcioglu are among the victims who lost their lives in prisons in the aftermath of the so-called coup attempt.

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<sup>24</sup> See <https://www.youtube.com/watch?v=EXDryZOC8qo>,  
<https://www.justicesquare.com/english/united-nations-committee-on-human-rights-decision-about-gokhan-acikkollu/>,  
<https://silencedTürkiye.org/tag/united-nations-high-commissioner-for-refugees>

<sup>25</sup> [https://ccprcentre.org/files/decisions/G2301281\\_1.pdf](https://ccprcentre.org/files/decisions/G2301281_1.pdf) (Human Rights Committee Decision).

<sup>26</sup> <https://bianet.org/haber/human-rights-watch-allegations-of-abduction-and-torture-not-investigated-in-Türkiye-223591>, Deaths in custody: Article 2, 11, 16; CAT/C/TUR/CO/4 para: 33.

<sup>27</sup> [https://www.yeniasya.com.tr/gundem/vefat-eden-genc-hafizenin-ailesi-konustu\\_467926](https://www.yeniasya.com.tr/gundem/vefat-eden-genc-hafizenin-ailesi-konustu_467926)

<sup>28</sup> <https://brokenchalk.org/eine-buchbesprechung-von-das-leben-der-halime-gulsu-die-himmlische-lehrerin-die-im-gefangnis-ermordet-wurde/>

Teacher Halime Gülsu tragically passed away while imprisoned due to the recurrence of her illness, worsened by the lack of necessary medication. Despite her persistent pleas to the prison authorities for medical assistance, she was unjustly deprived of proper care, leading to her untimely demise in what evolved into a harrowing ordeal of suffering.

<sup>29</sup> The scholar Dr. Halil Simsek, detained and incarcerated solely for his published article in a regional periodical, remained confined despite his ailing health. Tragically, his weakened body succumbed to the strains on his immune system, leading to his untimely passing while in prison. Despite his cardiac condition and persistent pleas for clemency, Halil Simsek was not granted release, meeting his demise in confinement amid adverse circumstances.

Despite their persistent pleas Regarding their inability to endure confinement in prison settings due to preexisting health conditions, these individuals succumbed to their ailments as a result of inadequate medical attention and the scarcity of essential medication. The forensic medicine institution, operating under the auspices of the governing authority, issues reports asserting that ailing detainees can be accommodated within correctional facilities, thereby transforming the detention and incarceration of these individuals into a harrowing ordeal. Afflicted detainees and prisoners are left at the mercy of their fellow inmates within penitentiaries, relying on them to address their basic daily necessities such as cleanliness, sustenance, and access to medication.

21- From July 15, 2016, until 2024, the prevalent spread of torture as an unpunished state tradition in an increasingly authoritarian Türkiye can be attributed significantly to the absence of a precise and definitive definition of torture within Turkish legal statutes and Article 94 of the Criminal Code. According to Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "torture" encompasses any intentional act causing severe physical or mental pain or suffering to extract information or a confession from an individual, or to penalize them for a suspected offence. Torture materializes when such anguish is inflicted by, instigated by, or with the approval of a public official or another individual in an authoritative role, aiming to intimidate, coerce, or for discriminatory motives.

22- Article 4 of the Convention emphasizes the paramount obligation for every State Party to unequivocally establish all forms of torture as punishable crimes according to their criminal legislation. This extends to instances of attempted torture and any involvement by individuals in the perpetration or facilitation of such abhorrent acts. It is incumbent upon each State Party to impose fitting sanctions for these transgressions, duly considering their severe gravity.

23- The Turkish Penal Code outlines torture as a distinct offence; however, Article 94 lacks clarity on the intention behind the act. In Türkiye, torture is frequently inflicted on individuals in detention, under arrest, or imprisoned with the aim of eliciting confessions, enforcing punishment, coercing admissions to crimes, or compelling individuals to adopt new identities. The prevalent use of torture in the instances detailed in this report indicates its utilization for intimidation, coercion, name changes, punishment, information extraction, and confession elicitation. Turkish law enforcement, intelligence agencies, and prison authorities refuse to

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<https://www.boldmedya.com/2021/05/20/koronadan-olen-akademisyen-halil-simsekin-savunmasi/>

acknowledge their actions as forms of torture, citing the legal ambiguity in the Turkish Penal Code's definition. Consequently, extracting confessions, information, and identities has become commonplace within the Turkish state apparatus. As a result, routine acts of torture carried out by police, military personnel, and prison officials remain unprosecuted and unpunished under the Criminal Code.

### **III- The Systemic Practice of Torture and Impunity in Türkiye: A Strategic Analysis of Organized Wrongdoing within the Judicial and Security Sectors**

24-The challenge of substantiating claims of torture and ill-treatment is profound despite the widespread and systematic nature of these atrocious acts within Turkish police stations and prisons. This complexity arises from the intricate web of institutional safeguards and defence mechanisms meticulously established by law enforcement, military personnel, and prison officials who perpetrate such heinous acts. A sophisticated framework encompassing both legal and bureaucratic spheres diligently conceals and obliterates instances of torture and ill-treatment, spanning from lower courts to higher appellate bodies. The case of Ahmet Asik exemplifies this intricate dynamic, as initial medical assessments following his ordeal at Afyon Prison failed to detect any indications of torture. However, a subsequent evaluation by a third medical professional conclusively exposed the severe extent of the torture inflicted upon Ahmet Asik, including the harrowing ordeal of rape, fractures, and extensive bruising endured by the victim.<sup>30</sup> Subsequently, the Constitutional Court was also forced to issue a judgement of violation of rights in this case of severe torture<sup>31</sup>. Nevertheless, no inquiries were initiated against the law enforcement officials and supervisors responsible for the mistreatment, as well as the medical professionals who failed to document the abuse.<sup>32</sup> Consequently, Ahmet Asik was found guilty and incarcerated despite the evident circumstances surrounding his testimony, which was obtained coercively.

25-Nevertheless, armed with a handful of brave medical evaluations and hospital documentation detailing surgeries and medical procedures, judicial entities may reach verdicts in exceptional instances where concealing the torment becomes unfeasible. In truth, despite the

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<sup>30</sup> <https://www.dw.com/tr/emniyetteki-k%C3%B6t%C3%BC-muameleye-aymden-ihl%C3%A2l-karar%C4%B1/a-59177474>

<sup>31</sup> <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2017/27330>

<sup>32</sup> Convention: Article 10; Human Rights Training, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 28.

severe torture inflicted upon Seref Vatansever during his confinement, he endured days in detention supported by medical reports negating any signs of abuse. It later came to light that he had endured brutal beatings, inhumane treatment, and torture, as confirmed by a courageous physician's report that contradicted previous assessments. Ultimately, he was convicted based on confessions obtained under duress and tragically perished during an epidemic due to inadequate healthcare provisions within the prison environment<sup>33</sup>.

26-Regarding allegations of torture, it is observed that individuals within police stations or correctional facilities seem to have inflicted harm upon themselves either purposely or by accident or have tragically taken their own lives. Meanwhile, public officials endeavour to absolve themselves by citing issues such as missing or compromised CCTV recordings or claiming the unavailability of CCTV footage.<sup>34</sup>

27-The victims are taken to health centres for medical reports after a long time, and in this case, torture and ill-treatment practices are covered up with ready-made and printed medical reports even without getting them out of the prison or police vehicle, without examining the patient, without allowing the doctor and the patient to be alone, only by asking questions to the victim from a distance<sup>35</sup>. The customary State procedures breach the duty outlined in Article 2 of the Convention, mandating the provision of fundamental legal and administrative protections against torture. Furthermore, they contravene the obligation to furnish essential legislative and administrative safeguards, as highlighted in paragraph 19 of CAT/C/TUR/CO/4.

28- Generally, in the cases described in this report, the procedures followed in police stations, prisons and medical examinations, as well as the practices mentioned above, are entirely contrary to the provisions of the "Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

29-. Systematic and widespread torture and inhuman treatment stand as routine state actions within the Turkish State. **A prevailing culture of absolute impunity masks torture incidents, notably shielded by prosecutors and courts.** The persistence of enforced disappearances, torture,

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<sup>33</sup> [https://www.boldmedya.com/2021/05/17/iskencecilere-hapiste-bile-boyun-egmeyen-seref-hoca-koronaviruse-yenildi/#google\\_vignette](https://www.boldmedya.com/2021/05/17/iskencecilere-hapiste-bile-boyun-egmeyen-seref-hoca-koronaviruse-yenildi/#google_vignette)

<sup>34</sup> Deficiencies in essential legal safeguards (administrative, judicial, legal measures), CAT/C/TUR/CO/4 para: 19.

<sup>35</sup> Convention: Article 10; Human Rights Training, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 28.

and inhuman treatment in Türkiye as of 2024, eight years after the so-called coup attempt, starkly contradicts the Turkish State's assertion that **such inhumane practices were limited to the period of internal turmoil during the coup and ceased thereafter**. Furthermore, under Article 2 of the Convention, no extraordinary circumstances, be it a state of war, threat of war, internal political unrest, or any other public emergency, can serve as justification for torture.

30-Hence, individuals who have experienced a methodical, coordinated, and premeditated torment or inhumane treatment within a nexus, encompassing law enforcement facilities, correctional institutions, and judicial bodies throughout the apprehension and incarceration phase, with Turkish governmental bodies shielding one another's transgressions and obstructing the exposure of such transgressions. Those who raise concerns to the relevant authorities regarding acts of torture and maltreatment are dissuaded from lodging formal complaints due to protracted processes and intimidation by public figures, and it is frequently only audacious human rights organizations that shed light on these occurrences.

31-Likewise, acts of sexual harassment, menacing statements regarding assaulting women or their spouses<sup>36</sup>, instances of physical violence like restraining individuals by handcuffing them from behind, forcing them to stand for extended periods, depriving them of restroom access, as well as withholding food and water for prolonged durations, represent prevalent methods employed during acts of torture<sup>37</sup>. In Turkish police and judicial procedures, adolescent girls aged 13 to 17 are apprehended, exposed to severe coercion and intimidation, and pressured to incriminate their parents as members of a terrorist group, fabricating evidence in the process.<sup>38</sup>

32-The Bar Associations, being semi-autonomous professional bodies, face challenges in disclosing torture incidents despite documenting them, as they encounter severe threats from law enforcement and governmental agencies. In the specific case mentioned, reports concerning

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<sup>36</sup> Deficiencies in the Turkish Penal Code in the definition and criminalization of torture, CAT/C/TUR/CO/4 para: 17.

<sup>37</sup> <https://arrestedlawyers.org/2024/02/25/Türkiye-harrowing-details-of-torture-at-the-afyon-police-hq/>

<sup>38</sup> <https://x.com/SolidarityHR/status/1790817648810274875>

[https://x.com/kalbin\\_ritmi34/status/967858833400897538](https://x.com/kalbin_ritmi34/status/967858833400897538)



torture and mistreatment identified by Ankara Bar Association lawyers following the events involving Gülen movement members in Ankara could not be published for nearly a year but were later made public due to the increasing public opinion and pressure from the lawyers.

#### **IV- The Criminal Complaints by Mustafa Yeneroglu, MP and Chairperson of the Human Rights Commission**

33-One of the most significant indications of widespread and systematic torture in Türkiye lies in the testimonies provided by individuals involved in human rights within the official institutions of the State. MUSTAFA YENEROGLU, the former head of the Human Rights Commission in the Turkish Parliament, resigned from his post due to severe human rights violations he had witnessed. He mentioned that **despite submitting 60 torture cases to the prosecutors for scrutiny, no steps were taken on this matter.**<sup>39</sup>. Yeneroglu even stated that on one occasion, during a visit to the Ankara Public Prosecutor's Office regarding enforced disappearances and abductions, the prosecutor, referring to the intelligence officials of the Turkish State, said: **"You know who abducted people, but there is nothing we can do."**<sup>40</sup>.

34- According to Yeneroglou, Chairman of the Human Rights Commission, "Türkiye is increasingly being governed by a tyrannical approach in which even the minimum requirements of the rule of law are not met, the separation of powers and the independence of the judiciary are ignored. We are going through a dark period in which fundamental rights are ignored, law is instrumentalised, and torture and ill-treatment have become widespread. Countless innocent people are being held in prisons unlawfully and subjected to enemy law just because the government wants it that way." The decisions made by the European Court of Human Rights remain unexecuted, while the Constitutional Court faces persistent attempts to influence its members and hinder their lawful endeavours<sup>41</sup>.

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<sup>39</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; Article 14- Rehabilitation CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45

<sup>40</sup> See also the statements on torture made by Mustafa Yeneroglu MP when he was the Chair of the Parliamentary Commission on Human Rights:  
<https://twitter.com/BOLDmedya/status/1206363420477579265>  
<https://www.youtube.com/watch?v=wJ9W0ZMODQc>

<sup>41</sup> <https://yenisoluk.com/yeneroglu-iskence-ve-kotu-muamelenin-ciddi-bicimde-yayginlastigi-karanlik-bir-donemden-gecmekteyiz>

V- **State of Emergency Report Prepared by MP Ömer Faruk Gergerlioglu**

36-The Social Cost Report on the State of Emergency Period, as disclosed by Ömer Faruk Gergerlioglu, a fellow member of parliament, outlines documented cases of torture based on victim testimonies.<sup>42</sup>:

36.1. "My father was severely tortured in detention and afterwards. ... there is still systematic torture in prison. He was dismissed. He fell ill. He has disabilities due to torture. My mother suffered memory loss. She has serious health problems now. I was detained because of my father. I was pregnant when I was detained. Everyone held me responsible for my father's detention. I was subjected to pressure and violence. My brother ... is abroad and cannot come to the country for security reasons. She will give birth, and my mother cannot go to her because of my father. There is a ban because of the husband. My brother is withdrawn. He cannot find a job. His social circle is over. He has psychological problems."

36.2. "I am filling out this questionnaire on behalf of my husband, who has been detained for three years. I am also a dismissed teacher. My husband was detained for 16 days at the police station and was subjected to both physical and psychological violence and torture by the police. A ligament in her knee was torn due to torture. The torturing police officers tried to throw her out of the window several times and said, "We will say she committed suicide". Furthermore, they threatened me and our daughter, who was three and a half years old at the time, with her honour."<sup>43</sup>."

36.3. **"I was searched completely naked. I was abused and insulted. I was threatened to put a gun to my head."**

36.4. **For 16 days, they beat and abused me for the murder of 251 people, saying, "You will serve 30 years. We will bring your wife, too."**

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<sup>42</sup> <https://www.omerfarukgergerlioglu.com/tbmm/4-5-ve-6-yilinda-ohalin-toplumsal-maliyetleri-arastirma-raporu-basin-toplantisi/28778/>,

See also CAT Convention: Article 11; Review of detention procedures, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 31-32-33.

<sup>43</sup> Deficiencies in the Turkish Penal Code/Definition and criminalization of torture, CAT/C/TUR/CO/4 para: 17.

36.5. "My friend had epilepsy; they did not give him his medication, and he had a crisis."

36.6. "There is much information on this issue. I know that unsigned forged documents were organized under the name of 'interview'. **A friend was raped with an actual baton. His wife and daughter were threatened with rape.** It was a police chief who led the torture team. I filed a criminal complaint to the prosecutor's office about this torture case, but it was covered up <sup>44</sup>. **A fellow officer was raped with a baton.** He was threatened that he would see his son in the tabloids if he did not confess.<sup>45</sup>"

36.7. "Although I am not a prosecutor, I was tortured by the police officer. I did not commit any offence. I tried to do my job for two years with honour and dignity. If there is an accusation against me, I am always ready to be tried according to universal law rules. **I filed a criminal complaint for torture, but it was given a non-prosecution<sup>46</sup>.**"

36.8. With the testimony of a secret witness, on 7 November 2016 ... I was detained in the lodgings of the central jet base command. They gave me very little food and water during eight days of detention. For 3 hours, they physically tortured me to make me confess. They threatened me by issuing a fake document signed by the prosecutor saying, **"We will also detain your wife". They said, "We will give your children to an orphanage."**<sup>47</sup>. All of this took place without a lawyer in a room without a camera, which they call a pre-interview<sup>48</sup>. Then, the magistrate judge arrested us before we appeared before the prosecutor, and I spent 11 months in prison. I was sentenced to 6.3 years even though the confessor withdrew his statement.

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<sup>44</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; Article 14- Rehabilitation CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45

<sup>45</sup> Deficiencies in the Turkish Penal Code/Definition and criminalization of torture, CAT/C/TUR/CO/4 para: 17.

<sup>46</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; Article 14- Rehabilitation CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45

<sup>47</sup> Deficiencies in the Turkish Penal Code/Definition and criminalization of torture, CAT/C/TUR/CO/4 para: 17.

<sup>48</sup> Deficiencies in the Turkish Penal Code/Definition and criminalization of torture, CAT/C/TUR/CO/4 para: 19.

36.9. "On the third day of detention, I was subjected to torture by the Terror branch manager and an officer. **My eardrum burst during that time. My hair was pulled out.**"

36.10. "We did not see a prosecutor. Without a lawyer, the police took me to a room without a camera, which they called a preliminary interview, where they physically assaulted and swore at me. **They hit my neck, punched my heart three times, and squeezed my balls.** They told me that if I didn't confess, they would take my husband into custody and torture him, too. They showed me a fake detention document signed by the prosecutor with my husband's name and surname. They said they would give my children to a shelter. I did whatever they wished with that fear. I made up most of the things, and they wrote most of the statements themselves, and I signed them. Then I told the lawyer who came, and he said it was a preliminary interview, and he intimidated me that if I changed it, I would be arrested. However, I corrected it in court, and then I was arrested."

36.11. "While my husband was doing his duty sacrificially as an honourable Turkish officer, being labelled a traitor was the thing that upset us the most. I searched for my husband in courthouses and prisons for five days after 15 July. I was verbally harassed and insulted at the courthouse by a person calling himself a police officer. Every door I asked was closed in my face. I was able to hear from my husband on the evening of 22 July after the so-called court hearing with a call from the lawyer. I learned that he was tortured from the evening of 15 July until he was taken to court. On my first visit to the prison, **I encountered ill-treatment by the officials. I saw traces of torture on my husband's arms.** I still do not share any information about my husband."

36.12." Based on a colleague's statement, I was detained on 10 August 2016 while on duty in Diyarbakir. I was kept in a gymnasium for a week in 40-degree heat with limited access to basic needs. The physical conditions of the hall were too bad. The hall resembled a Nazi concentration camp."

36.13. "We were tortured for ten days. We lived naked in the stables for ten days with our handcuffs on backwards. Then we spent nine months in prison, and one morning,

all the cadet lieutenants were released. We are walking around in society like criminals. No one is offering a job. Many of my friends, like me, are considering suicide. We have no other way out. We are tired."

36.14. "**Three years after 15 July, I was detained for ten days, during which I was subjected to physical torture. I currently go twice a week to the police station in the city centre, 30 km from my home, to sign in..**"

36.15. "(...) The TEM director tortured me. He tied me to a chair and beat me. He gave me electric shocks and harassed me by undressing me. The first lawyer I hired was asked to give up my defence, and he gave up my defence. **The doctors brought to the police station did not give a battering report. Another person took my allegation of beating seriously and made a report.** After this report, I was quickly taken to court<sup>49</sup>."

36.16. "While my husband was being tortured in detention, he was already threatened because of the complaints I made to the necessary official institutions. I did not give up and did what I had to do, and I was taken into custody about six months later. Here, under the name of the interview, they told me not to file a complaint in vain and that I would not get anything<sup>50</sup>. **Indeed, none of the complaints were accepted.**<sup>51</sup> We are waiting for the ECHR's judgement."

36.17. "While I was in custody, I was **physically tortured by a group of police officers** on a night that coincided with the weekend to make me confess."

36.18. "The police officers said, '**Confess. Think about your wife in custody.** The judge said openly in court, 'If you do not accept the accusations, you cannot be saved. I was tortured and treated inhumanely in prison. I filed a criminal complaint with the prosecutor.<sup>52</sup>'"

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<sup>49</sup> Convention: Article 10; Human Rights Training, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 28.

<sup>50</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; Article 14- Rehabilitation CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45

<sup>51</sup> Convention: Article 14; Redress/Rehabilitation, CAT/C/TUR/CO/4 para: 39.; CAT/C/TUR/QPR/5 para: 44.

<sup>52</sup> Convention: Article 14; Redress/Rehabilitation, CAT/C/TUR/CO/4 para: 39.; CAT/C/TUR/QPR/5 para: 44.

36.19. “There was a detainee in the cell who had been tortured, whose eyes were permanently blindfolded with a cloth, who was reluctant to speak to us because he had been told not to speak to us, and who was not allowed to open his eyes even for toilet and prayer. In addition, a lieutenant colonel, with whom I was in the same cell, was called to testify again by the prosecutor's office in the fifth month of his detention. He was taken out of the cell, and neither we nor his family could find out where he was for 15 days. **When he returned, he was suffering from psychological trauma due to torture and ill-treatment.** His wife and family were also threatened.”

36.20. “They **stripped many of my fellow students naked and physically tortured them.** I know because I stayed in the same ward afterwards.”

36.21. “I was detained with a large group of people as part of a Ministry of Foreign Affairs investigation. Although I had been previously acquitted of prosecution, my detention came as a shock. In detention, we stayed with 8-10 people in rooms for two people. Some of the detainees were unfortunately subjected to torture. This situation was also reflected in the public opinion. The findings of the Ankara Bar Association Human Rights Centre in its report are all true.”

36.22. “My own wife is the closest. **For 14 days, she was electrocuted and tortured.** My wife and I were detained together. Even then, they beat her severely in front of my eyes. They threatened my wife with me<sup>53</sup>.”

36.23. “About 6-7 people who were detained with my husband were also tortured, and their signatures were forcibly increased. Some filed a complaint, but I think the results were as unfavourable as ours.”

36.24. “Some academicians whom we were held in detention were tortured to make them talk. I saw and witnessed it. These people were interrogated for about 9 hours and were subjected to **physical violence (slaps, punches, etc.) and insults** (unspeakable curses against their wives and daughters) during the interrogation.”

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<sup>53</sup> Deficiencies in the Turkish Penal Code/Definition and criminalization of torture, CAT/C/TUR/CO/4 para: 17.

36.25. "A university staff member we stayed in detention was tortured for five days. When I asked him, 'What did they do?' he said, 'They did everything, **including inserting a bottle into my anus.**' Later, I read about this person in the press as a confessor."

36.26. "My wife and I were **subjected to severe physical and psychological torture during 14 days of detention** at the Anti-Terror Branch. **None of these tortures were recorded.** Only our verbal and written testimonies in court were recorded. The document that we were forced to sign in front of our lawyer was annotated at the bottom of the document that we were forced to sign under torture and coercion. As evidence, we have only this and my wife's petition that she wrote in her written defence that she was tortured.

36.27. "From the moment I was detained, I was subjected to many tortures such as swearing, threats, torture, beatings, exposure, etc., for fifteen days; **I could not eat for the first eight days.**"

36.28. "MIT officers **tortured me** and everyone else under the name of private interviews. Police officers were not allowed in these interviews. Water was not provided. The simplest human needs were not met. We could not pray. We could only go to the toilet once a day.<sup>54</sup>"

36.29. "During the first search, police did it while we were not home. In the meantime, they scared our elderly landlord and threatened him. In the second search, they disturbed **the psychology of my two young children.** In the third search, they violated my private life without a female police officer. They started to torture my wife in front of my eyes. During the 5-hour house search, we were physically and psychologically under pressure. They did not take camera recordings. They continued their torture with heavy insults and swear words."

36.30. "My husband was tortured in detention. They did not send him to the toilet or give him proper food. They **poured a flammable substance on his genitals.** A female

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<sup>54</sup> Conditions of Detention: Article 2,11,16. CAT/C/TUR/CO/4 para: 31.

Special Forces soldier beat him. My husband was tortured. One day, when he comes out of prison, we will file a criminal complaint against all of them."

36.31. "My husband testified that he was tortured. He was given electric shocks. He was threatened with me. He was sexually abused<sup>55</sup>."

36.32. "Despite physical torture, **false medical reports were issued** stating that torture had not taken place <sup>56</sup>."

36.33. "... in prison, I attended a lawyer's meeting with suspected teachers who had been severely tortured in detention. My client told me that **a doctor had given a clean bill of health to a teacher who had 12 stitches in his mouth and that he had witnessed this himself**. During their interrogations, my clients were asked only political questions. They were deprived of the opportunity to use their defence by being kept under the most severe pressure and threat of torture despite not being accused of a single act of violence. Although I am a lawyer and under serious threat of arrest, I tried to fulfil my duty as an attorney. I could not stop the legal violations. For this reason, I was ashamed of myself and my profession."

37- The statements mentioned above were compiled from interviews with torture victims conducted by Ömer Faruk Gergerlioglu, who is currently a member of parliament and who prepared the Social Cost Report on the State of Emergency Period. As can be understood from this report, which is made up of one-to-one interviews with different people, an intensive, systematic process of torture and inhuman treatment is carried out in police stations and prisons, and in this process, all crimes are covered up between the police-prison-court trio<sup>57</sup>.

## **VI- Ankara Bar Association Report dated 26.01.2022**

38- The diligent members of parliament and reputable professional organizations highlight the prevalence of torture as a routine practice in Türkiye, particularly within police stations and

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<sup>55</sup> Deficiencies in the Turkish Penal Code/Definition and criminalization of torture, CAT/C/TUR/CO/4 para: 17.

<sup>56</sup> Convention: Article 10; Human Rights Training, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 28.

<sup>57</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; Article 14- Rehabilitation CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45



prisons. The comprehensive 2022 report by the Ankara Bar Association sheds light on the alarming reality of torture, specifically in police stations during the detention of Gülen sect members.

39- The report by the Ankara Bar Association Human Rights Center dated 26.01.2022 details the distressing torture incidents that occurred on 25.01.2022 at the Ankara Provincial Security Directorate Terror Branch Directorate.

40- Prior to meeting their detained clients, all lawyers had their mobile phones confiscated, and they were prohibited from accompanying their clients with phones to prevent the documentation of torture. During client interviews, disturbing observations were made: clients were undressed for prolonged periods, subjected to degrading police interrogations under the guise of interviews, verbally abused, threatened with heinous acts, such as sexual assault, drenched with cold water, and beaten severely without leaving visible marks on their faces. These victims were constantly subjected to verbal abuse and lived in constant fear for their safety.<sup>58</sup>.

41- Following the incident on the night of 25.01.2022, the police promptly intervened during the meeting between the legal representatives and their clients, preventing the signing of the aforementioned statements. The authorities oversaw the lawyer-client interaction, ensuring no private discussions took place and attempting to obtain the meeting notes. Subsequently, in a statement released by the Bar Association, it was highlighted that the detainees were frequently denied access to medical evaluations. Allegedly, an individual wearing a white coat, claiming to be a medical professional, visited the police facility without conducting a physical examination. Instead, they inquired about any discomfort the detainees may have experienced, leading to the issuance of health reports under the guise of medical assessments.

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<sup>58</sup> Ankara Barosu avukatları tarafından hazırlanan 26.01.2022 tarihli rapor.  
<https://ankarabarusu.org.tr/duyuru/4227e110-8a71-11ed-ac25-000c29c9dfce>

## **VII- Ankara Bar Association's Report dated 02.03.2022**

42- In the report dated 02.03.2022 issued by the Ankara Bar Association, the incidents of alleged torture at the Ankara Provincial Security Directorate Anti-Terror Department on 08.02.2022 were detailed as follows:

"Legal representatives from the Human Rights Centre of the Ankara Bar Association visited the Ankara Provincial Security Directorate in response to torture claims reported by the Bar Association. Upon being unable to bring their mobile phones into the client interview room, they temporarily left them outside to meet with the alleged victims. During the interviews with the detainees, it was disclosed that they had been held for approximately six days. The detainees described continuous questioning by the police officers under the guise of interviews, physical assaults during interrogation, removal of all clothing, including underwear, invasive acts with a broom handle, gloved hands by the police officers, and threats involving the insertion of a broom handle and a bottle of olive oil. Following a momentary loss of consciousness by one detainee, causing a commotion among the officers, an individual in a white coat arrived, purportedly for a medical examination. The detainees reported being questioned about their grievances without a physical examination and were warned that disclosing the events in the room would jeopardize their lives."<sup>59</sup>.

## **VIII- Ankara Bar Association Report dated 04.04.2022**

43- The Ankara Bar Association Human Rights Center documented instances of torture at the Anti-Terror Department of the Ankara Provincial Security Directorate on 06.03.2022, detailing the following:

44- Individuals under custody were coerced into making confessions and signing reports by the police using aggressive language and physical violence. One of the individuals being interviewed began to bleed from his nose as a result of the blows he sustained to his face during

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<sup>59</sup> 02.03.2022 dated report prepared by the Ankara Bar Association Human Rights Centre following the interview conducted by the Ankara Bar Association Human Rights Centre at the Ankara Anti-Terror Department on 08.02.2022.

<https://ankarabarusu.org.tr/duyuru/4227e110-8a71-11ed-ac25-000c29c9dfce>

the interrogation. At the same time, other officers restrained him from defending himself. Moreover, **the interviewees faced threats, particularly towards their spouses and families, and were intimidated by the prospect of lengthy imprisonment.** Despite the prolonged interrogations, they were denied access to medical care; instead, a person in a white coat merely inquired about their well-being without providing any medical examination.<sup>60</sup>. After extensive interviews, a medical facility or a physician was absent. Instead, an individual clad in a white coat inquired about any grievances without conducting a physical examination<sup>61</sup>.

#### **IX- The Torture Report dated 04.04.2022, prepared by the Ankara Bar Association.**

45-During the mass detention of members of the Gülen Movement in Ankara on 07.03.2022, the victims underwent interrogation at the Sincan Police Station under the guise of an "Interview," bypassing a lawful judicial review. In response to the victims' lawyers' outcry against the abusive tactics employed by the police during these proceedings, the Ankara Bar Association instituted a special committee to investigate the incidents and document the instances of torture. Despite this, the Association refrained from releasing the report to the public, citing apprehension towards the reigning Political Power. Nevertheless, the report compiled by the Bar Association on 04.04.2022 detailed disturbing findings of torture, with the victims' identities kept confidential as per the Ankara Bar Association Report.

“The detainee reported his arrival at Fatih Police Station in the company of 3-4 individuals, where they were subjected to severe physical assaults. Subsequently, they were transferred to a medical practitioner for evaluation before being brought back to the police facility. Other affected individuals detailed encountering physical aggression from a Commissar and three law enforcement officers at the station. The individual recounted incidents of hair pulling, choking, and being struck on the arm with a baton, leading to arm inflammation. Amidst these harrowing circumstances, the officers utilized derogatory language and thwarted any efforts to resist the

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<sup>60</sup> CAT Convention: Article 11; Review of detention procedures, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 31-32-33.

<sup>61</sup> Ankara Barosu İnsan Hakları merkezinin 04.04.2022 tarihli raporu.

<https://ankarabarusu.org.tr/duyuru/4227e110-8a71-11ed-ac25-000c29c9dfce>

violence. Medical examinations unveiled inflammation and discolouration on the victims' wrists, attributed to baton impacts. Certain victims exhibited bruising on their necks and swelling on their thighs, while 3-4 victims bore extensive bruising on the entire right side of their faces due to severe assaults. Furthermore, the victims disclosed instances of mistreatment and physical violence inflicted upon their parents during detention, indicating a punitive, rather than investigatory, motive on the part of the authorities. The victims also claimed that falsified statements were attributed to them, coerced into signing such fabricated documents under duress, unable to endure the torment and maltreatment. They were pressured into confessing through intimidation, insults, and psychological coercion, coerced into endorsing reports against their volition."<sup>62</sup>. The statements of the Human Rights Commission Chairman Mustafa Yeneroglu and the reports of the Ankara Bar Association in 2022 are also confirmed by the statements of the victims who were detained and arrested in the period 2020-2022<sup>63</sup>.

#### **X- Enforced Disappearance and Torture**

46- The Turkish State continues to abduct political dissidents from abroad using mafia methods, and during these abductions, the victims are subjected to intense torture. Between 2016 and 2018, Önder Asan, Turgut Çapan, Mesut Geçer, Ayhan Oran, Hüseyin Kötüce, Mustafa Özgür Gültekin, Ümit Horzum, Sunay Elmas and Orçun Şenyücel were forcibly disappeared, tortured and made to sign confession documents<sup>64</sup>. Mustafa Özben's stories of abduction and torture were later publicized in the international legal community<sup>65</sup>. The Turkish State persists in perpetrating acts of enforced disappearance and abduction despite the established precedents set by the European Court of Human Rights<sup>66</sup> in this regard. Instances of enforced disappearances and abductions represent severe breaches of human rights, where those taken are held in secret for prolonged periods, enduring severe torture. Many individuals have been

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<sup>62</sup> [https://ankarabarosusu.org.tr/upload/diger/raporlar/04.04.2022\\_tarihli\\_ihm\\_rapor.pdf](https://ankarabarosusu.org.tr/upload/diger/raporlar/04.04.2022_tarihli_ihm_rapor.pdf)

<sup>63</sup> CAT Convention: Article 11; Review of detention procedures, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 31-32-33.

<sup>64</sup> <https://icj2.wpenginepowered.com/wp-content/uploads/2018/07/Türkiye-LOIPR-ICJIHOP-June2018-final.pdf>

<sup>65</sup> <https://www.youtube.com/watch?v=K4PBRZ1m02M>  
<https://www.youtube.com/watch?v=poLBARJWE3k>  
<https://Türkiyetrybunal.org/the-witnesses/mustafa-ozben/>

<sup>66</sup> <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-198642%22%5D%7D>

unlawfully apprehended and taken to Türkiye, often with their young children, under suspicion of ties to the Gülen Group, viewed as a political opponent, resulting in their harsh mistreatment<sup>67</sup>. The suffering endured by Mesut Kacmaz, Meral Kacmaz, and their children following their forced abduction from Pakistan to Türkiye starkly exposes the operations of this organized criminal State<sup>68</sup>.

47- Individuals affiliated with the Gülen Movement, who were forcefully taken from Kosovo, are also included in those who experienced enforced disappearance and maltreatment<sup>69</sup>. Selahattin Gülen, who was forcefully taken and subjected to maltreatment by Turkish intelligence during his teaching assignment in Kenya, was also subjected to torment on the pretext of being the nephew of Fethullah Gülen, despite the absence of specific charges against him<sup>70</sup>.

48- Orhan Inandi<sup>71</sup> who was abducted by the Turkish intelligence organization in Kyrgyzstan in May 2021<sup>72</sup> and disappeared for 37 days without being heard from/forcibly disappeared, appeared in Türkiye When he was taken out, it was found that he had fractures in 3 different places on his arm, and despite all medical interventions, he still cannot use his right arm<sup>73</sup>.

49- In his courtroom testimony, Orhan Inandi described the horrifying tortures he endured in great detail. Despite this, the Court, tasked with initiating an independent investigation, did not take action against those responsible. Orhan Inandi's chilling account of the tortures he suffered is outlined below:

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<sup>67</sup> <https://www.opendemocracy.net/en/north-africa-west-asia/turkish-spies-are-abducting-erdogans-political-opponents-abroad/>

<sup>68</sup> <https://www.youtube.com/watch?v=G4QeXGqHCF8>

<sup>69</sup> <https://www.euronews.com/2018/03/31/erdogan-attacks-kosovo-prime-minister-for-sacking-officials-who-sanctioned-teacher-kidnap>

<sup>70</sup> <https://www.bbc.com/news/world-europe-57304094>

<sup>71</sup> <https://tr.euronews.com/2021/07/07/insan-haklar-izleme-orgutu-inand-n-n-mit-operasyonu-la-turkiye-ye-getirilmesi-hukuka-ayk-r>

<sup>72</sup> <https://www.hrw.org/news/2021/06/09/kyrgyzstan-missing-dual-turkish-kyrgyz-citizen-risks-torture-removal-Türkiye>

<sup>73</sup> <https://kronos36.news/tr/ankara-barosunun-gizledigi-orhan-inandiya-iskence-raporundan-biz-devletiz-istersek-seni-oldururuz/>

"At around 23:00 on the evening of 31 May 2021, when I was about to get into the car to go to our house in Bishkek, Kyrgyzstan, I was forced to get into a passenger car by three people in civilian clothes. They told me that they were police officers and that they were going to the police headquarters. They forcibly twisted my right arm and made me lie down in the back seat of the car. One of them held my feet, and one held my head. They hit me when I resisted. They sat on my arm, and it hurt a lot. My shoes fell off while I was getting into the car. Then they threw out whatever was in my pocket. I guess that we travelled from Bishkek to Karabalta for about 15 minutes. It is west of Bishkek. When we left the city, we stopped on a deviated road, and they took us to another jeep-type car. As soon as I got out of the car, **they gave me an injection in my arm.** They made me sit in the back centre of the second car, blindfolded me with tape, and tied my hand with plastic handcuffs. I guess around 2-3 p.m., they made me walk a short distance and take me to the plane, which I had to climb up a few steps. When I got on the plane, someone said, "Welcome to the Republic of Türkiye", then slapped me on the back of my neck and told me to pass. The same person said, "kneel on the ground". I guess it was not a long plane. Throughout the journey, they made me kneel, stand or lie on the floor; they did not make me sit down or fasten the seat belt. After the plane took off, they took me to the toilet and changed my eye patch. In the toilet, they switched on the voice recorder on the telephone and made me repeat my name, surname, place and date of birth twice. Meanwhile, the face of the person who did this was closed, and mine was open. It was a flight of about 4-5 hours. Immediately after landing, they put me in a car and made me lie down, stripped me completely, and made me wear only a new pair of underpants. The car moved off, travelling for about 15-20 minutes. I sensed a diversion from the main road to a side road. Then we went down a sloping road, stopped in what I thought was a basement, and got out of the vehicle. We walked about 15-20 meters. They put us in a place like a coffin, about 2.5x3 meters in size and 2.5 meters high, with a light camera and loudspeaker at the top. It was covered on all sides with leather sponge material. They gave us other underwear and pyjamas. **For 37 days, I wore only them.** After they brought me to the room, they said that everything was to be done by instruction., they said everything would be done by instruction. "When we knock on the door, you will put the velvet sack we give you on your head, turn your back to the door, kneel and wait". From the moment I got on the plane until the moment I was taken to the police station, all these procedures were carried out with swear words such as traitor, scoundrel, pimp, and swear words. First, they made me stand up in the coffin. They were playing loud, scratchy music. Instructions were given to "sit, kneel, get up." The camera controlled every movement.

Praying was strictly forbidden, and crying was forbidden. There were times when I cried; they kicked me. They gave me two meals. In the morning, they gave cheese between bread and tomato or yoghurt soup, porridge, and pasta in the evening. They insulted me even while giving me food and forced me to eat it when it was too bad to eat. They probably put medicine in the soups because they had a different bitter taste. The doctor saw me on the first or second day I was there. They put my arm in a sling, kept it in cardboard, and gave me painkillers. After 5-6 days, they said, "We are taking you to hospital". They put a patch over my eyes, a sack over my head and headphones with the sound of an engine coming out of them. We drove for about half an hour. Near the stop, the car seemed to go downwards. They let me out; we walked a bit, and they took an X-ray of my arm. I did not go to the hospital again for 37 days. The doctor came to the coffin and did dressings once or twice weekly. They were trying to wear me down psychologically. I got to the point where I would sign whatever was brought in front of me. I think the medication also had an effect. One day, a person who I thought was a supervisor came to me. He said, "Your stay here depends on your testimony. We know everything; if you give a proper statement, they will act accordingly. I am going to leave, and now you will be alone with your friends. He said, "I hope you will tell us everything without making us do bad things." There are threats and swear words in all the procedures. They also used derogatory expressions such as you are a bug, you are a leech, you cannot be a man. They said that they would use different tortures to get a statement. We will electrocute him, we will put a towel on him and drown him with water, we will castrate him, we will soap the baton and insert it in, etc. Twice, they said, "Take off your pants; we have the same ones; do not be afraid," and they stripped him. They tied three cables to a stick and kept hitting my legs. When they took me to my cell, my legs were aching. Later, I saw the batons and sticks at the place where the photographs were taken. There were chains under the table where the statement was taken and handcuffs on the table. I could see when they opened my eyes when they showed me a photograph for identification purposes. They asked me whether I could see under my eyes, shouting if I could see his face. They filmed me twice. In one of them, they asked me to summarise my statement. They said, "You have nothing to say; undress and sit on that stake. They tried to make me sit; they scared me. They said they would show me how to be tortured. We will give you chemicals, they said. Make a deal with us; we will provide you with opportunities in Türkiye and abroad, give you protection, and you come out on social media and say, "I came here on my own will". We will bring your children; you can live comfortably, and all you have to do is make a public statement. We are the State; if we want, we can say that you killed Eşref Bitlis, and you will be sentenced to life imprisonment. At least twenty years,

your choice. In the meantime, what will happen to your children? Will they end up on the streets? Will they become prostitutes? We even brought your daughter; they said she was standing behind a screen.<sup>74</sup>.

50- When I was released after 37 days, I estimated that I had lost at least 10 kilos, and they made me eat soup, which I guessed was 100 per cent medicated due to its bitter and sour taste. On the last day at the intelligence centre, when the testimonies were over, they shaved my beard and blindfolded me. In front of the camera, they made me say the instructions they received and asked me to say them. They recorded for about 30-40 minutes. When I was going to be photographed, they gave me the trousers and shirt I was wearing in Kyrgyzstan; they gave me the jacket themselves. They made me wear a jacket so my arm would not be visible. A photo was taken in front of the Turkish flag. People in ski masks took the photo.

I flew the Turkish flag in Kyrgyzstan for 25 years. I graduated at least 20 thousand students who know Turkish and sing the Turkish anthem. I have taught Turkish to thousands of people, and I do not think those who did this love Türkiye as much as I do. They took my photo in front of the flag for hours as if I were the enemy of the Turkish flag. I was taken to the homeland, and in the 37 days I stayed there, there were insults and swearings I had not heard before. We did not deserve this. Believe me, as a Turk, as a Turkish citizen, I was ashamed of those who did this on my behalf; I was ashamed on behalf of humanity. Then they put me in the car. They made me sit in the back seat. They put a sack over my head again. They told me to bow my head as much as possible, and again, they pressed my head with their hands. We travelled for about half an hour. We passed a barrier and parked. We waited for 10-15 minutes. They said we were getting out. They took me out of the car and took the sack off my head. Two people took my arm; I climbed a staircase with two or three steps. We took the lift to the second floor. They told me to kneel. I stayed like that for half an hour. I realized that I was brought to TEM [Anti-Terrorism Department].

51- The torture procedures described above have been utilized on numerous occasions involving individuals who have been abducted or forcefully disappeared domestically and internationally. These victims have endured both physical and psychological torment. The total

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<sup>74</sup> CAT Convention: Article 11; Review of detention procedures, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 31-32-33.



count of political dissidents who have experienced enforced disappearance and torture from foreign locations alone stands at 17 individuals<sup>75</sup>.

## **XI- Legal Arrangements and Guarantees to Protect Public Officials Committing Torture**

52- Impunity is the inability to hold those who commit human rights violations accountable through legal actions such as criminal, administrative, civil, or judicial processes without facing charges, arrest, trial, and, if convicted, receiving a suitable punishment and compensating the victims for their damages.

53- Impunity occurs when an individual evades investigation, legal proceedings, or appropriate sanctions following the breach of human rights through criminal acts or negligence.

54- The prevalence of torture in Turkish prisons and police stations persists due to legislative measures safeguarding and even promoting public officials like police officers, soldiers, prison guards, judges, and prosecutors involved in such acts. This trend has notably intensified following the shift towards an authoritarian regime, making it challenging to curb these violations.

55- The firm endorsement of torture application stems from the notion of untouchability that shields individuals from accountability. Political authorities and totalitarian establishments actively promote and safeguard the practitioners of torture by furnishing them with legal immunity.<sup>76</sup>

56- Legislation enacted during the State of emergency in Türkiye, which prevents public officials and civilians from being criminally, administratively and financially prosecuted and penalized for torture:

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<sup>75</sup> <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://rm.coe.int/transnational-repression-as-a-growing-threat-to-the-rule-of-law-and-hu/1680ab5b07>

<sup>76</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45

56-1. Decree-Law No. 667's Article 9 clearly outlines that individuals tasked with making decisions and carrying out responsibilities under this law are exempt from legal, administrative, financial, or criminal accountability for their actions.<sup>77</sup>

56-2. According to Article 37 of Executive Decree 668, individuals involved in decision-making, implementing measures related to countering coup attempts and terrorist activities, participating in legal and administrative procedures, and carrying out duties under executive decrees during the State of Emergency are exempt from legal, administrative, financial, and criminal accountability for their actions within this context<sup>78</sup>.

56.3. Executive Decree 690 Article 52 firmly states that the individuals forming the Inquiry Commission on State of Emergency Measures, tasked with scrutinizing the measures under the State of Emergency, are safeguarded against legal, administrative, financial, and criminal repercussions pertaining to their decisions, responsibilities, and conduct carried out in the course of their duties<sup>79</sup>.

56.4. Executive Decree 696 stipulated that individuals who were involved in the response to the attempted coup and terrorist activities on 15/7/2016 and their aftermath are exempt from legal, administrative, financial, and criminal responsibility<sup>80</sup>.

57- Through the legal framework established, it has been stipulated that individuals, both public officials and civilians, implicated in acts of torture or manslaughter during the State of emergency will be exempt from any legal, criminal, and financial liabilities. Furthermore, not only did the judicial system disregard all allegations of torture in both lower and appellate courts, but also the complaint cases were inexplicably closed. These legislative measures have effectively sanctioned murder, torture, and lynching, considered as sub-crimes of genocide. Given the shield provided by the genocide law, crimes against humanity have been shielded by the State, leading to the decision by the prosecution not to pursue charges against individuals

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<sup>77</sup> <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm> Madde 9.

<sup>78</sup> <https://www.resmigazete.gov.tr/eskiler/2016/07/20160727M2..htm> Madde 37

<sup>79</sup> <https://www.resmigazete.gov.tr/eskiler/2017/04/20170429-M1-2.htm> Madde 52

<sup>80</sup> <https://www.resmigazete.gov.tr/eskiler/2017/12/20171224-22.htm> Madde 121

involved in torture and killings. Consequently, the State has extended its protection over the acts of murder and torture committed by both government officials and paramilitary factions under the patronage of the ruling authority. It is evident that such circumstances not only promote but also reward the atrocities perpetrated or yet to be committed against the victims of the State of Emergency/PRL. Indeed, emboldened by this protection and incentives, specific individuals have gone as far as threatening the entire populace, including women and children, via various media outlets.

## **XII- Torture Report of the Human Rights Foundation of Türkiye**

58- As a result of the Turkish State's impunity system, individuals who have suffered from torture opt to document their experiences of inhumane treatment by reaching out to non-governmental organizations and bar associations specialized in this area rather than pursuing legal avenues and court procedures. The Human Rights Foundation of Türkiye's "2022 Treatment Centers Report" reveals that in the year 2022, a total of 1,201 individuals sought assistance at the HRFT Treatment Centers due to instances of torture and mistreatment.

59- In the year 2022, a notable 96.2% of the individuals who applied and were subsequently detained reported experiencing a combination of physical violence-related torture methods and those not involving physical harm. Additionally, a smaller percentage, precisely 2.8%, disclosed being subjected exclusively to non-physical violence-related torture techniques. Moreover, 91.6% of the applicants who approached the Human Rights Foundation of Türkiye (HRFT) that year cited political beliefs, identities, or activities as the primary cause for their detention.

60- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has officially addressed Türkiye multiple times on 29 August, 61- September 2016, 4-13 April 2018, and 6-17 May 2019. Furthermore, three distinct "ad-hoc special purpose visits" were conducted. Additionally, two separate periodic visits were meticulously executed on 10-23 May 2017 and 11-25 January 2021.

62- The reports detailing the observations and discoveries made by the CPT members during the periodic visit from 10 to 23 May 2017 and the "ad-hoc" visit from 6 to 17 May 2019 were officially released on 5 August 2020 following governmental approval. It has been noted that the recommendations presented in these CPT reports were not significantly implemented.

63- The absence of official approval from the government for the release of the remaining three reports further highlights the gravity of the torture issue in Türkiye. Notably, 12 Council of Europe countries have already endorsed the automatic disclosure of reports following visits by the CPT, underscoring their commitment to combatting torture. The Turkish authorities' failure to prioritize the automatic publication of CPT visit reports, coupled with the delay in authorization for the release of reports from three separate visits conducted since 2016, signals a concerning lack of genuine commitment by the Turkish government to address the issue of torture.

64- The political power often justifies the use of torture in the name of "counterterrorism," "state of emergency," "national security," and "public order." The main obstacle to accountability lies in the lack of swift, thorough, impartial, independent, and effective investigations into torture allegations. Perpetrators either escape investigation entirely or criminal complaints regarding torture often get dismissed or closed without prosecution for various reasons. The authorities quickly retaliate with counter-accusations like "insulting an officer," "resisting arrest," "causing injury," and "damaging public property to hinder torture investigations and intimidate survivors." While torturers evade punishment, survivors of torture can face severe sentences within a brief period through legal actions.

65- Despite the explicit prohibition outlined in the Constitution and universal laws to which Türkiye is committed, the matter of torture has surfaced as a noteworthy obstacle in the country. In addition to the recognized detention centres, occurrences of torture and mistreatment have escalated significantly in both scale and severity. This alarming trend is particularly evident in law enforcement responses to peaceful assemblies and protests, spanning various locations such as public areas, streets, homes, and workplaces – extending to unofficial holding facilities. Recent events highlight a troubling pattern characterized by official declarations conflicting with anti-torture protocols and the unsettling promotion of tactics to legitimise such actions.

66- The current State of prisons in Türkiye reflects a concerning situation where their capacity has been exceeded due to the government's utilization of laws for oppressive and intimidating purposes, impacting the fundamental human rights framework.

67- Prisons serve as environments where individuals face grave and significant breaches encompassing violations of fundamental rights such as the right to life, torture, and access to healthcare. Implementing COVID-19 pandemic protocols led to additional constraints on the already limited rights of inmates, ushering in a novel state of affairs. **The Forensic Medicine**

Institution, under the direct authority of the Minister of Justice and with its members appointed and removed by the President of the Republic, lacks the autonomy to make decisions regarding the release of ill inmates unable to remain incarcerated independently due to political influences. Consequently, for numerous sick prisoners, the incarceration experience transforms into a harrowing ordeal. Regarding political detainees, the forensic medical institution furnishes compelling proof of their government manipulation. The treatment of ailing inmates transforms into a form of torment, ultimately pushing them to a vegetative state or the brink of demise.

68- Throughout the COVID-19 pandemic, ill political prisoners were still convicted and faced the consequences, even though their weakened immune systems left them vulnerable. Tragically, many political prisoners succumbed to the diseases they were battling. The parole and release procedures that were implemented amid the COVID-19 pandemic for individuals convicted of common offences were not extended to political prisoners, resulting in the tragic demise of government critics. Notably, Teacher Serif Vatansever<sup>81</sup> and Academician Dr. Halil Simsek<sup>82</sup> were detained despite their deteriorating health conditions, ultimately succumbing to the harsh circumstances.

69- The analyses from the HRFT's Treatment and Rehabilitation Centers' recent reports reveal a concerning trend. Applicants have reported a higher incidence of combined physical violence and non-physical torture methods in recent cases compared to those occurring over a year ago. However, the frequency of non-physical torture methods being reported has shown an increasing trend in older cases.<sup>83</sup>

70- After enduring the harrowing effects of torture and trauma inflicted by fellow humans, those affected might display a hesitance or postponement in seeking aid for a variety of reasons, including medical care. This pattern also influences legal processes, as judicial bodies contend that correlating events are complicated by the timing of submissions, shifting the burden of proof onto the survivor and permitting negligence in investigative responsibilities. On the contrary, pivotal documents in the fight against torture, such as the Istanbul Protocol, stress the

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<sup>81</sup> <https://boldmedya.com/2021/05/18/olmevi-istedim-nazli-bu-insanlar-bize-boyle-ne-yapiyor/>

<sup>82</sup> <https://www.boldmedya.com/2021/05/20/koronadan-olen-akademisyen-halil-simsekin-savunmasi/>

<sup>83</sup> CAT Convention: Article 11; Review of detention procedures, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 31-32-33.

urgent and meticulous examination of torture allegations. It falls on the shoulders of legal institutions to harmonize their practices with the tenets outlined in the European Convention on Human Rights and the absolute prohibition of torture.

71- When the report of the Human Rights Foundation of Türkiye for the year 2022 is analysed, the torture methods applied to 1079 victims who were subjected to torture and applied to the Foundation for treatment clearly shows how torture and ill-treatment practices have become commonplace, widespread and routine police practices in Türkiye. These inhuman, cruel and degrading methods of torture are practised intensively and in various forms at all public stages, starting from the detention stage, through detention in police stations and transfer to prison. These routine torture statistics are as follows.<sup>84</sup>:

- Total individuals affected by Insult/Assault: 835.
- 377 individuals reported Threats.
- Threats of Fatality documented involving 198 individuals.
- 140 individuals reported Threats against their Relatives.
- False Execution incidents reported by 56 individuals.
- 412 individuals were identified as Audio-visual witnesses to torture.
- Witnessed torture in the presence of family reported by 295 individuals.
- 134 individuals approached with an "Agent Offer".
- 109 individuals experienced coercion into complying with arbitrary requests.
- 92 individuals were subjected to Loud Music and Mars for intimidation.
- Blindfold was used on 82 individuals.
- Reports of Rough Beatings from 692 individuals.
- Physical Intervention methods documented on 571 individuals.
- Cock Clamp applied to 301 individuals.
- Hair and beard plucking documented by 47 individuals.
- 44 individuals reported Attempted Strangulation.
- Single Point Strike reported by 42 individuals.
- Testicle squeezing incidents: 32 individuals
- Bastinado documented 31 individuals

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<sup>84</sup> CAT Convention: Article 11; Review of detention procedures, CAT/C/TUR/CO/4 para: 29.; CAT/C/TUR/QPR/5 para: 31-32-33.

- Cases of Excessive Physical Coercion: 26 individuals
- Whip Hose incidents: 21 individuals
- Forced Medical Intervention: 7 individuals
- Plastic Bullets: 4 individuals
- Sharp Cutting Tool: 2 individuals
- Firearm: 2 individuals
- Pepper Veteran: 2 individuals
- Reverse Clamp incidents: 397 individuals
- Prolonged Standing: 88 individuals
- Shower Hanger: 44 individuals
- The Hanger: 39 individuals
- Palestine Hanger: 29 individuals
- Outpatient Hanger: 10 individuals
- The Incomplete Hanger: 6 individuals
- Hand Foot Reverse Handcuffs: 5 individuals
- Pig Vineyard: 1 individual
- Exposure to Cold and Hot Temperatures: 210 individuals
- Asphyxiation incidents: 112 individuals
- Pressurised Cold Water Application: 78 individuals
- Electrification: 45 individuals
- Cremation: 5 individuals
- Cigarette Extinction: 4 individuals
- Tear gas incidents: 141 individuals
- Allegations of Blasphemy: 404 individuals
- Verbal Sexual Harassment: 312 individuals

A total of 103 individuals underwent a thorough search and screening process. Out of these, 98 individuals reported incidents of physical and sexual harassment, while 79 individuals indicated potential cases of sexual assault. Moreover, 53 individuals experienced encounters that escalated into tension. Only a small number, precisely six individuals, underwent specific body searches. Additionally, three individuals formally reported cases of assault.

Notably, a significant number of 488 individuals faced restrictions on their food and drink intake, and 393 individuals were subjected to regulations concerning personal hygiene practices. Furthermore, 391 individuals encountered barriers when seeking healthcare services,

and 327 individuals expressed concerns about the hygiene conditions within the facility. Sleep disturbances affected 180 individuals, while 164 found it challenging to cope with the confined living space. Finally, 141 individuals were subject to the imposition of lockdown measures.

72- Despite the pervasive use of torture, the prevailing culture of impunity in Türkiye poses a significant barrier in combating this heinous practice. The issue of impunity remains a cornerstone in perpetuating torture, with perpetrators often evading investigation, prosecutions being rare, indictments for lesser crimes instead of torture, and lenient or postponed sentences for those found guilty, thus undermining efforts to address these grave violations.<sup>85</sup> **Criminal complaints lodged for acts of torture often lead to non-prosecution due to several reasons, or they may be examined for offences like 'simple injury,' 'exceeding the use of force threshold,' or 'misconduct in office,' which carry lighter consequences and are bound by legal time restrictions.**

73- In the event of a complaint being filed against law enforcement officers for alleged torture, counterclaims are promptly lodged against the victims. These counterclaims typically cite "insulting the officer, resisting arrest, causing injury to the officer, or damaging public property". **Despite the unfortunate reality of unpunished cases involving torturers, it is noteworthy that cases concerning torture survivors often lead to swift and severe sentences being imposed.** In 2020, the Public Prosecutor's Offices initiated investigations against 34,972 individuals for the crime of 'resisting a public officer' as per Article 265 of the TPC. Out of these, legal proceedings were carried out against 26,628 individuals. Additionally, investigations were conducted against the same number of individuals under Article 265 of the TPC related to the crime of torture.

Furthermore, 887 individuals were subject to investigation under Article 94 of the TPC, while only 102 individuals faced prosecution.

74- The significant disparity observed between the reported cases involving torture and those related to resisting a public officer serves as a stark indication of the prevailing culture of impunity, systematically upheld within the system.

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<sup>85</sup> CAT Convention: Article 12 Investigation, Article 13 Jurisdiction; Article 14- Rehabilitation CAT/C/TUR/CO/4 para: 39-40-41-42.; CAT/C/TUR/QPR/5 para: 34-45



75- Various forms of physical abuse, arbitrary treatment, and punitive measures, including solitary confinement, exile, and transfers, implemented for diverse reasons such as strip searches, handcuffed examinations, and roll-call standing procedures from the onset of incarceration, have surged to unprecedented levels in recent times. Instances of ill-treatment, such as the delayed and ineffective resolution of prisoners' health issues, tardiness in conducting diagnostic and therapeutic referrals, substandard healthcare provisions within prison facilities, denial of access to infirmary services, the use of handcuffs during transfers to medical institutions, courts, and hospitals, transporting sick prisoners in unsuitable vehicles, and relocating them to different penitentiaries while under treatment and observation, severely impede inmates' access to healthcare. The available reports and inmate grievances indicate that the hardships faced by prisoners in obtaining essential healthcare, food, water, and hygiene necessities amidst the pandemic conditions constitute acts of torture and other forms of ill-treatment. The insufficiency of measures adopted to combat the COVID-19 spread, coupled with the constraints on healthcare access, exacerbates the plight of ailing detainees, presenting a critical issue within correctional facilities. **Despite the general, objective and binding judgements of the European Court of Human Rights against members of the Gülen Movement in Türkiye, hundreds of children are growing up in prisons with their mothers who are in prison as political prisoners because they have no one to look after them outside of prison<sup>86</sup>.**

76- **The prevalence of torture and inhumane treatment in Türkiye's state security institutions, police stations, and prisons is evident from the examples provided and the reports from individuals and organizations dedicated to human rights advocacy in the country.** Individuals subjected to torture are unable to assert their rights in front of legal authorities, while the State's system shields those responsible for inflicting torture. This prevailing culture of immunity, rather than deterring the perpetuation of torture in Türkiye, serves to embolden offenders further.

### **Suggestions of Questions for the Dialogue with Türkiye**

77- Human Rights Defenders e.V. respectfully beseeches the United Nations Committee Against Torture (CAT) to present the subsequent inquiries to the Turkish delegation:

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<sup>86</sup> <https://stockholmcf.org/torture-inhuman-treatment-and-conditions-in-turkish-prisons-2023-in-review/>

- (a) Kindly furnish Türkiye with details concerning the purported allegations of torture, encompassing ill-treatment and coerced admissions, directed towards individuals associated with the Hizmet Movement, notably Orhan Inandi, who underwent forcible abduction from a foreign land;
- (b) Please disclose the statistics regarding the grievances lodged by victims of torture and inhumane conduct with the relevant authorities, correctional facilities, judicial bodies, the Grand National Assembly of Türkiye spanning from 2016 - the period of the alleged coup attempt - up to 2024, specifying the extent of investigations conducted regarding these complaints;
- (c) How many of the grievances filed by individuals who exercised their right to petition the judiciary regarding instances of torture in Türkiye during the years 2022-2023-2024 were duly acknowledged and prosecuted?
- (d) The count of convictions handed down by Turkish courts to governmental officials found culpable of engaging in acts of torture throughout the years 2022-2023-2024;
- (e) Kindly ascertain whether Türkiye has initiated legal proceedings against the public officials responsible for perpetrating abductions of individuals from foreign territories (such as Kosovo, Malaysia, Azerbaijan, Moldova, Kyrgyzstan, etc.) in defiance of the United Nations Conventions.

78- In light of the explanations provided earlier, we hold the view that initiating diplomatic efforts and communication with the Turkish government regarding the prevention of torture and inhuman treatment, eradicating impunity, and ensuring the apprehension and punishment of offenders in alignment with the stipulations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is imperative and advantageous.

Your esteemed attention to this matter is kindly solicited.