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**instituDE (Institute for Diplomacy and Economy)
Submission to the United Nations Committee Against Torture**

**For consideration in relation to the Türkiye's Fifth Periodic Report during its
80th Session (8th - 26th July 2024)**

The Institute for Diplomacy and Economy (instituDE) stands as an independent, research-driven NGO. Headquartered in Brussels, instituDE was established by a group of former Turkish diplomats. Driven by deep concerns about the descent into autocracy over the last decade, both Türkiye and abroad, instituDE firmly believes that reembracing democratic norms and values, as well as restoring the rule of law is essential for achieving a peaceful, stable, and prosperous world.

In pursuit of its mission, instituDE conducts rigorous research, offering in-depth analyses, policy briefs, and commentaries not only on Turkish foreign policy, diplomacy, and the economy but also on global affairs, governance, and international politics. Furthermore, instituDE extensively documents human rights violations in Türkiye, subjecting them to scrutiny under both domestic and international legal frameworks.

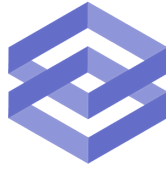
In active collaboration with universities, research institutions, and human rights NGOs, instituDE participates in various projects, translating its research findings into practical and actionable inputs, thereby contributing to ongoing efforts. Lastly, instituDE strives to foster public debate and dialogue by sharing valuable insights derived from its research and policy advice and pursuing long-term engagements with a diverse array of foreign policy professionals. This engagement occurs within strategic communities cultivated or joined by instituDE, reinforcing its commitment to making meaningful contributions to the discourse on key issues in international politics and governance.

Introduction

This report offers an update to the United Nations Committee against Torture (the Committee) regarding the obstacles to implementing the Convention against Torture (the Convention) in Turkey. As a coalition formed by a collective of former Turkish diplomats, our focus is on the systematic torture faced by former diplomats detained at Ankara Police Headquarters. We delve into the Turkish context and present insights from our organization. We emphasize significant areas of concern and propose recommendations for actions the Committee could take to address them.

Events

On May 20, 2019, Ankara police launched an operation to arrest 249 former diplomats whose 78 of them were caught. According to police statement, the reason was an



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investigation about irregularities in the Turkish Ministry of Foreign Affairs' entrance exams in 2010, 2011, 2012 and 2013¹.

On May 26, 2019, a Turkish MP, Ömer Faruk Gergerlioğlu, who focuses on human rights issues in Turkey, tweeted about the torture allegations². Upon this tweet and other reports of illegalities from lawyers, the Ankara Bar Association (ABA) put the issue on its agenda. A group of lawyers from the Association visited Ankara police headquarters and made several interviews with 6 of the detainees. All of them verified that when the security officers took them to make 'interviews,' they were forced to be repentant under psychological pressure, threatened and verbally insulted. On top of them, 5 of them said that they suffered torture and maltreatment³.

According to detainees' testimonies, they were brought to a dark room in the Financial Crimes Department of Ankara police. The police officers left them in the room with other officials, who introduced themselves as a 'professional team'. The detainees were forced to crawl on the floor blindfoldedly. *"After one midnight, police officers took me and my colleagues from the cell. Dragging us by our arms, we entered a dark corridor. We were handcuffed behind our backs and blindfolded with pieces of fabric. They covered our faces with a plastic bag so we couldn't see their faces,"* Fox News quoted from a former diplomat. *"All the while, they threatened and insulted us to force us into 'confessing'"*⁴.

ABA's lawyers noted that they could see the bruises on the victims' knees³.

During these sessions, the interrogators stripped four of detainees from their clothes, hit them with truncheons and touched truncheons on their body while threatening them with rape. "Some of them were raped with truncheons. Some others were threatened with an oiled truncheon which was touched to their rectum area. After these tortures, one person said that he was going to sign whatever they want to benefit from repentance [law]. Rest of the detainees were told that *'You have time until Friday. If you do not talk, we will do everything to you'*," said one of the lawyers of the detainees. The interviewees said that

¹ AA, Daily Sabah with (2019-05-21). "Over 100 Foreign Ministry staff arrested for FETÖ links". Daily Sabah.

<https://www.dailysabah.com/investigations/2019/05/21/over-100-foreign-ministry-staff-arrested-for-feto-links> Retrieved 2020-04-12.

² Gergerlioğlu, Ömer Faruk (2019-05-26).

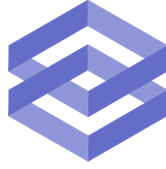
[@gergerliogluof](https://twitter.com/gergerliogluof/status/1132736930398068746) (in Turkish). Retrieved 2020-04-12.

³ "Ankara Barosu". http://www.ankarabarusu.org.tr/HaberDuyuru.aspx?BASIN_ACIKLAMASI&=3099. Retrieved 2020-04-12.

https://web.archive.org/web/20190608085753/http://www.ankarabarusu.org.tr/HaberDuyuru.aspx?BASIN_ACIKLAMASI&=3099

⁴ McKay, Hollie (2019-06-11). "Turkish diplomat describes physical and sexual abuse in detainment, Ankara dismisses as "baseless"". Fox News.

<https://www.foxnews.com/world/turkish-diplomat-describes-physical-sexual-abuse-detainment> Retrieved 2020-04-12.



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there were other detainees who suffered torture in Ankara police³. According to lawyers, 20 detainees were tortured in similar ways, and 10-15 people accepted to sign the statement of repentance⁵.

Ankara Bar Association's report also stated that the judge, other police officers and the doctor, who examined detainees, ignored the complaints of torture³.

The security officers asked them to give false statement, which was accepting the test irregularities, stated Gergerlioğlu⁶.

On the other hand, the police rejected these allegations, saying that they were conducting the investigation lawfully⁷. A Turkish official from the Ministry of Foreign Affairs reminded that"

Accusations

According to the accusations, the suspects entered the Ministry of Foreign Affairs by obtaining exam questions beforehand in years 2010, 2011, 2012 and 2013. The expert report wrote that there were significant similarities between different test papers – which were thought as an proof of fraud. Some candidates used same phrases in their papers, the report highlighted⁸.

In response, the former diplomat, who anonymously talked to Fox News, rejected these accusations, saying that since the papers were destroyed, it is not even possible to acquit themselves⁴.

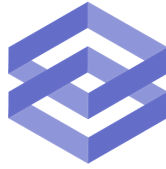
One of the defense lawyers argued that the investigation was empty. *"This investigation consists of the similarities in the candidates' answers," the lawyer said and added that "In 2010 test, it was asked a question like 'which are the countries that Turkey care about most?' It was the popular discussion in 2010, and therefore it was predictable question. As a source, people studied the articles in the Ministry's official website and Ahmet Davutoglu's speeches, all memorized these."*

⁵ Öztürk, Fundanur (2019-05-28). "Ankara'da gözaltında işkence iddiaları: Avukatlar ve emniyet ne diyor?". BBC News Türkçe (in Turkish). <https://www.bbc.com/turkce/haberler-turkiye-48433324> Retrieved 2020-04-12.

⁶ Gergerlioğlu, Ömer Faruk (2019-05-28). "Eski Dışişleri personellerine işkence iddiası • Dr. Ömer Faruk Gergerlioğlu Portal". <https://www.omerfarukgergerlioglu.com/basin/haberler/eski-disisleri-personellerine-iskence-iddiasi/9788/>. Retrieved 2020-04-12.

⁷ "Turkish lawyers' group says foreign ministry staff tortured in custody". Reuters. 2019-05-28. <https://www.reuters.com/article/us-turkey-security-torture-idUSKCN1SY26O> Retrieved 2020-04-12.

⁸ AA. "Dışişleri çalışanlarına FETÖ operasyonunda inanılmaz detaylar! 300 milyonda bir ihtimal olmuş". www.hurriyet.com.tr (in Turkish). <https://www.hurriyet.com.tr/gundem/disisleri-calisanlarina-feto-operasyonunda-inanilmaz-detaylar-300-milyonda-bir-ihhtimal-olmus-41220068> Retrieved 2020-04-12.



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"Because of this reason, the investigation is empty. In order to get statement through repentance, they use torture."⁵.

A former ambassador who served as an examiner told to al-Monitor that "Our board of examiners determines the questions on the same day of the exam precisely to prevent any mischief."⁹.

Another former diplomat, M. Bahadır Glle, argued that it was almost impossible to cheat in those four-step tests without caught since in the last phase the candidates were interviewed by a group of ambassadors. "If this allegation were at all sincere, these ambassadors would have to be questioned first. They would have to be in on it. But the ambassadors continue to hold important posts — their role in this alleged scheme goes unmentioned," wrote Glle in his article¹⁰.

Aftermath

The report and torture allegations had a broad repercussion in the Turkish and International media¹¹. The MPs mer Faruk Gergerliođlu from the Peoples Democratic Party (HDP) and Sezgin Tanrıkulu of the Republican People's Party (CHP) submitted parliamentary questions regarding the incident to be answered by Deputy President Fuat Oktay¹². Tanrıkulu asked the truthfulness of the allegations about the Turkish intelligence officers' torture on former diplomats¹³.

⁹ "Turkish diplomats swept up in wave of arrests report torture". Al-Monitor. 2019-06-05.

<https://www.al-monitor.com/pulse/originals/2019/06/turkish-diplomats-arrest-torture-rape.html>
Retrieved 2020-04-12.

¹⁰ "A new phase in Turkey's crackdown: Torturing diplomats". Washington Examiner. 2019-06-03.

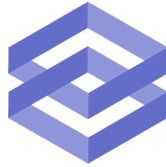
<https://www.washingtonexaminer.com/opinion/op-eds/a-new-phase-in-turkeys-crackdown-as-recep-tayyip-erdogan-tortures-diplomats> Retrieved 2020-04-12.

¹¹ "2019 Country Reports on Human Rights Practices: Turkey". U.S. Embassy & Consulates in Turkey. 2020-03-12. <https://tr.usembassy.gov/2019-country-reports-on-human-rights-practices-turkey/>
Retrieved 2020-04-12.

¹² "Eski Dışışleri Bakanlıđı alıřanlarına gzaltında iřkence" iddiası". euronews (in Turkish). 2019-05-28.

<https://tr.euronews.com/2019/05/28/eski-disisleri-bakanligi-calisanlarina-gozaltinda-iskence-iddiasi-tbmm-gundeminde> Retrieved 2020-04-12.

¹³ "KHK ile ihra edilen eski diplomatlara MİT tarafından iřkence" iddiası Meclis gndeminde". T24 (in Turkish). <https://t24.com.tr/haber/khk-ile-ihrac-edilen-eski-diplomatlara-mit-tarafindan-iskence-iddiasi-meclis-gundeminde.824028> Retrieved 2020-04-12.



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On the other hand, UN special rapporteurs asked more information about the allegations and the Turkish government's measures¹⁴. The government rejected allegations in its response¹⁵.

Articles 12 and 13

In its inquiry before Turkey's fifth periodic report, the Committee referenced previous observations highlighting "countercharges" against those alleging torture, such as "resisting" or "insulting" officers, and questioned the steps taken to address this. The Turkish government's response was deemed unrelated, showing no concrete action against torture. From the issue listing on December 27, 2018, to Turkey's response on October 27, 2020, systematic torture against former diplomats by Turkish authorities was observed, indicating unresolved issues.

Rather than focusing solely on the responses provided by Turkish authorities to the committee, it would be more insightful to consider their actual actions. In 2019, when systematic torture against Turkish diplomats was reported, authorities attempted to cover up the issue instead of investigating it. The exposure of these tortures was significantly advanced through the efforts of Turkish parliament member Ömer Faruk Gergerlioğlu and revealed by lawyers appointed by the Ankara Bar Association Human Rights Center. Despite clear and consistent statements from the tortured diplomats, Turkish officials denied the issue and made no effort to uncover it.

In 2020, the UN special rapporteurs requested additional information regarding allegations and the measures taken by the Turkish government, which dismissed these allegations in its reply. In their response, the Turkish government focused extensively on the events of July 15th without adequately addressing the accusations. Despite evidence from six witnesses, one of whom hadn't experienced torture but testified to witnessing it, the government dismissed the torture claims by asserting the absence of torture based on that single witness's experience, ignoring the testimonies of the others.

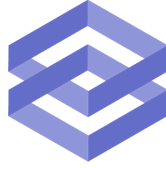
Subsequently, the ABA came into the spotlight due to internal disputes. Previously, its Human Rights Center had prepared reports on torture allegations but the ABA refused to share these with the public, stating they only filed complaints with the prosecution. Following this, all members of the Ankara Bar Association's Human Rights Center resigned. This situation clearly demonstrates the government's tendency to cover up torture allegations

¹⁴ "UN Communication". United Nations Human Rights Office of the High Commissioner. 12 June 2020.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24658>
Retrieved 12 April 2020.

¹⁵ Turkish Note Verbal (9 August 2019). "Note Verbal". Office of the United Nations High Commissioner for Human Rights.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34823> Retrieved 12 April 2020.



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rather than investigate them, and to obstruct those trying to bring these issues to light using government power.

The absence of the Ankara Bar Association's report on their official website, accessible only via the Internet Archive's Wayback Machine, serves as another indication of governmental pressure on civil society organizations. This impediment on the public availability of torture allegations underscores the challenges faced in addressing human rights violations.

Additionally, an investigation initiated by the Office of Ankara Chief Prosecutor on this incident. However, in the investigation regarding the torture documented by Ankara Bar Association in May 2019 at Ankara Police Headquarters against former diplomats, the Public Prosecutor's Office decided not to pursue charges¹⁶.

The Public Prosecutor stated on August 6, 2020, that there was insufficient evidence to proceed with the case. However, a delegation of lawyers from the Ankara Bar Association, after meeting with six of the diplomats, confirmed that five had been subjected to torture. Bar Association lawyers also documented bruises on the body of a diplomat who had been tortured and included them in their report.

This non-prosecution decision on 6 August 2020 over the torture of our former colleagues has proved that our concerns had indeed been well-grounded.

Suggestions

In light of the discussions, we urge the CAT to advise the State party on the following:

- Immediately halt systematic torture against former public servants.
- Thoroughly investigate any claims of torture, especially if purported to be isolated incidents.
- Suspend and prosecute individuals identified as participants in torture activities.
- Invalidate statements extracted under torture, as evidenced by former diplomats' testimonies.
- Cease the suppression of civil society organizations to ensure unobstructed efforts in addressing human rights violations.

¹⁶ "Diplomatlara işkencede savcılık takipsizlik kararı verdi". Bold Medya (in Turkish). <https://www.boldmedya.com/2020/08/25/diplomatlara-iskencede-savcilik-takipsizlik-karari-verdi/>
Retrieved 12 April 2020.