

Amsterdam, 14 September 2024

**Submission to The Human Rights Committee Report on the 2nd Periodic
Review of Türkiye**

(Non-discrimination (arts. 2, 3, 6, 25 and 26))

Introduction

Hate speech against the Gülen Movement⁶ in Türkiye, which started with the 17/25 December bribery and corruption operations, became a state policy with the 15 July coup attempt. This study on hate policies against the Gülen Movement in Türkiye was conducted by Stichting Justice Square in order to combat these hate policies that pave the way for the commission of hate-motivated crimes against humanity in Türkiye, to reveal the perpetrators of these acts, to explain the hate policies of the Turkish Government to the whole world, to identify the recent hate crimes and reflect them in international reports, and most importantly, to raise awareness in the international community on this issue.

This report aims to provide a comprehensive overview of the situation of discriminations, hate speech and hate crimes against Gülen movement in Türkiye, with a focus on the period following the July 15, 2016 coup attempt. It draws on various sources, including reports from international human rights organizations, testimonies of victims, and relevant legal documents.

On 20 July 2016, under the pretext of the state of emergency declared, people were subjected to arbitrary, unlawful, systematic and planned discriminatory and hate-motivated acts and practices, in society and detention centers in violation of the provisions of the International Covenant on Civil and Political Rights (ICCPR), which guarantee the non-discrimination (arts. 2, 3, 6, 25 and 26).

6 The Gülen Movement (also known as Hizmet Movement) is a group of religious, educational and social organisations in Turkey and abroad, founded and inspired by Fethullah Gülen. In May 2016, Turkey designated the movement a terrorist organisation, referring to it as the Fethullah Terrorist Organisation (FETO).

In this context, this Report has been sent to your Committee by **Stichting Justice Square** in order to contribute to The Human Rights Committee Report on the 2nd Periodic Review of Türkiye. As the Foundation, our aim is to contribute to your Committee's report on the violations of the rights of persons who have been subjected to discriminations, hate speech and hate crimes. The report will include the grave cases in this field in Türkiye.

The individuals and events highlighted in this report have garnered extensive media attention. Numerous international institutions and organizations have also addressed these cases in their reports and decisions. It is widely recognized that there are many more cases beyond those mentioned here. However, due to the lack of sufficient open sources, these additional cases have not been included in this report.

In order to clarify that the acts committed against the Gülen Movement in Türkiye were motivated purely by hate rather than political motivation and struggle, the following points need to be explained.

At this point, the true extent of hate crimes committed against the Gülen Movement in Türkiye will be able to be revealed after the end of the Erdoğan government and the extent of the damage is assessed. Under these circumstances, we have tried to explain the hate policies and discriminatory regime practices in Türkiye through the statements of the victims who contacted our foundation and the examples obtained through internet news platforms and social media. The information and the cases obtained under limited conditions reveal that these are not individual violations of rights, but a systematic product of the Turkish Government's hate policies.

I. Contextual Background Information About Gülen Movement and/or Failed Coup Attempt of 15 July

A. Context and Background

Following the failed coup attempt on 15 July 2016, the Turkish government declared a state of emergency and enacted numerous decree laws that severely impacted human rights. These decrees provided legal cover for actions that would otherwise be deemed violations of international human rights standards, particularly regarding torture and ill-treatment.

B. State of Emergency and Its Aftermath

The state of emergency, declared post-coup, facilitated widespread human rights abuses. During this period, mass arrests and detentions were conducted, often without due process. The state of emergency laws provided broad and vague powers to the

authorities, leading to arbitrary detentions and torture. Notably, individuals associated with the Gülen movement faced systematic discrimination and severe treatment in detention facilities. The Turkish government's policies have led to severe and ongoing human rights violations.

During the state of emergency period, which was declared on July 20, 2016, systematic and planned discriminatory practices against the Gülen Movement continued to be implemented in prisons. Using the pretext of the state of emergency, individuals in prisons were subjected to arbitrary, unlawful, systematic, and planned isolation, torture, mistreatment, humiliating, and discriminatory practices, which violated the principle of equality and the prohibition of discrimination as regulated in Article 2 of the International Covenant on Civil and Political Rights. All aspects of hate policies were ruthlessly displayed here.

Local courts and the Constitutional Court legitimized the unjust and discriminatory regime practices of the administration instead of protecting the essence of the right and deciding accordingly. Some of these practices were carried out based on emergency decrees issued under the state of emergency, while others were carried out through administrative decisions.

Many individuals were placed in solitary confinement without any justification, solely for the purpose of pre-emptive punishment. During this process, they were subjected to severe unlawful practices, such as hindering comfortable meetings with their families and involuntary transfer to prisons hundreds of kilometers away from their families solely with the intention of pre-emptive punishment. At this point, appeals and domestic remedies, as expected, yielded no results.

C. Judicial Independence and Accountability

The purge of the judiciary post-2016 coup has critically undermined judicial independence in Türkiye. The dismissal of judges and prosecutors, along with the restructuring of the High Council of Judges and Prosecutors (HSK), has raised concerns about the impartiality of the judicial system. This compromised judiciary fails to provide adequate oversight or accountability for allegations of torture and ill-treatment.

Exploiting the chaos following the coup attempt, the Turkish Government swiftly executed pre-arranged lists targeting alleged Gülen Movement affiliates. These lists, compiled by state institutions and intelligence agencies, were given legitimacy

through a circular issued during the tenure of Ahmet Davutoğlu's government, attempting to justify the targeting of Gülen Movement members⁷.

Following notifications from the Ankara Chief Public Prosecutor's Office regarding investigations into thousands of judges and prosecutors based on hastily compiled lists, the High Council of Judges and Prosecutors (HSK) initiated disciplinary actions against them⁸. However, these decisions were made in the absence of some HSK members who had been detained the night before, violating procedural norms.

The suspension and dismissal decisions regarding judges and prosecutors were widely publicized on pro-government media platforms, often accompanied by personal details about their families. It was evident that the lists included individuals who had retired, resigned, or passed away before the decisions were made, indicating premeditated targeting.

Furthermore, the State of Emergency Decree Law No. 667, enacted shortly after the coup attempt, stripped judges and prosecutors of basic constitutional guarantees and undermined disciplinary procedures. Thousands of judiciary members were summarily dismissed without due process or the opportunity to defend themselves.

Decree Law No. 667 relied on vague terms such as "membership" and "affiliation," leading to arbitrary actions against individuals. This unconstitutional law was criticized by international bodies like the Venice Commission for lacking evidential standards and due process⁹.

The legal proceedings against judges and prosecutors during the State of Emergency, along with the subsequent suspension and dismissal decisions, were deemed unlawful by the European Court of Human Rights (ECtHR). These actions violated principles of legal certainty and fair trial, as established in landmark judgments like *Alpaslan Altan*¹⁰ v. Türkiye and *Hakan Baş v. Türkiye*¹¹.

7 Circular No. 2016/4 on Public Employees in Contact with Organizations and Structures Threatening National Security, <https://www.resmigazete.gov.tr/eskiler/2016/02/20160217-7.pdf>

8 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minutes No : 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

9 European Commission for Democracy through Law (Venice Commission), Opinion on the Duties, Powers and Functioning of Criminal Judgeships of Peace, **Venice, March 10-11, 2017**, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur),

10 ECtHR, *Alpaslan Altan v. Turkey*, Application No: 12778/17, K.T:16.04.2019, <https://hudoc.echr.coe.int/tur#%7B%22itemid%22:%5B%22001-194102%22%7D>

11 ECtHR, *Hakan Baş v. Turkey*, Application No: 66448/17, K.T: 03/03/2020, <https://hudoc.echr.coe.int/tur#%7B%22fulltext%22:%5B%22Hakan%20Ba%C5%9F%22%7D%22documentco>

Similarly, the Grand Chamber of the European Court of Human Rights (ECtHR), in its judgment of 26 September 2023 in the case of Yüksel Yalçınkaya v. Türkiye¹², made very important findings and assessments regarding the trials in Türkiye after 15 July 2016, especially with regard to alleged membership of the Gülen Movement, and ultimately ruled that Article 6 of the European Convention on Human Rights (ECHR), which regulates the right to a fair trial, Article 7, which regulates the principle that there can be no crime without law, and Article 11, which deals with the right to freedom of association and assembly, were violated.

The Venice Commission and the Council of Europe have also condemned the mass purges within the judiciary, citing concerns about the lack of transparency and adherence to legal standards¹³.

The OECD's recent report states that it is extremely concerned that a large number of Turkish judges and prosecutors have been suspended, transferred, arrested and/or dismissed, and is also extremely disturbed that dismissals are not always supported by sufficient evidence. According to the OECD, the dismissal and deprivation of physical liberty of members of the judiciary without adequate grounds and procedure is one of the most serious violations of judicial independence¹⁴.

Overall, the purges within the Turkish judiciary, conducted under the guise of Decree Law No. 667, were instrumental in consolidating the Turkish Government's grip on power and perpetuating discriminatory practices against the Gülen Movement.

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12 ECtHR, Yalçınkaya v. Turkey, Application No: 15669/20, CT: 26.09.2023, [https://hudoc.echr.coe.int/eng#%7B%22appno%22:\[%2215669/20%22\],%22itemid%22:\[%22001-227636%22\]](https://hudoc.echr.coe.int/eng#%7B%22appno%22:[%2215669/20%22],%22itemid%22:[%22001-227636%22])

13 Opinion on Emergency Decree Laws Nos. 667 to 676 issued in the aftermath of the failed coup attempt of 15 July 2016: "...recognizes that the connection required to justify suspensions (or even dismissals) may be less intense than the connection required to identify a person as a "member" of a criminal organization. "Membership" requires an "organic relationship" with the criminal organization. The removal of a public official from office (temporarily or permanently) may require a weaker connection to the criminal organization. Nevertheless, this connection must be meaningful - in other words, it must raise objective doubts about the public official's loyalty and exclude innocent, accidental, etc. connections. The Venice Commission recommends that the wording in the decrees be corrected accordingly: dismissal may be ordered only on the basis of a combination of factual elements which clearly demonstrate that the public official has acted in a manner which raises objectively serious doubts about his or her loyalty to the democratic legal order... (Prg.130-131)", [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037)

14 OECD (2024), Implementing the OECD Anti-Bribery Convention Phase 4 Report: Türkiye, OECD Publishing, Paris, <https://doi.org/10.1787/2db5c502-en>.

These actions not only compromised the independence of the judiciary but also eroded fundamental rights and legal protections for targeted individuals¹⁵

II. Non-discrimination (arts. 2, 3, 6, 25 and 26)

A. Systematic Discrimination

Article 2 of the International Covenant on Civil and Political Rights strictly prohibits discrimination. In these conventions, States Parties are obliged to ensure to all individuals living in their territory and under their jurisdiction the rights recognized in the relevant conventions and to respect these rights without discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, etc. Similarly, Article 10 of the Constitution of the Republic of Türkiye regulates the principle of equality and the prohibition of discrimination.

During the July 15 Coup Attempt that culminated in the State of Emergency, as part of the hate policy against the Gülen Movement, discriminatory regime practices that are systematic, inclusive, and directly targeting the Gülen Movement, in direct violation of international conventions prohibiting all forms of discrimination, have been put into effect. This system, which we can call a systematic discriminatory regime, was supported by laws, decrees, regulations and other legislative provisions enacted after the December 17/25 process.

Individuals have been removed from all their status, rights and assets in society; they have been declared coup plotters in the eyes of society, all their labor and economic rights have been taken away and they have been left to civilian death. They were deprived of the most basic rights in prisons. They were deprived of probation and conditional release.

Discrimination in public institutions, especially against members of the Gülen Movement and citizens who have been dismissed from their jobs for alleged links to the Gülen Movement, is implemented as a state policy. The Turkish Government also pressures the private sector to adopt the same discriminatory practices and wants them to adopt the same policy. Especially in the banking and healthcare sectors, as a result of this pressure, discriminatory practices have been developed against those who have been dismissed from their jobs or who are under investigation for alleged membership

15 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/actuality/mass-dismissals-of-judges-and-prosecutors-in-turkey-of-post-coup-period/>

of the Gülen Movement. In the simplest form, they were even prevented from opening a bank account¹⁶. They were deprived of aid after the earthquake¹⁷.

Following the investigations and dismissals initiated after the coup attempt on the grounds of membership, affiliation, contact or association with the Gülen Movement, a number of legislative studies and practices have been developed to prevent the return of these people to social and economic life and to ensure that they are always under the control and supervision of the state. In this context, according to the system that the Social Security Institution organized for the first time with the Circular dated 1/9/2016 and numbered 2016/20 and finalized with the Circular dated 24/4/2019 and numbered 2019/9, Codes 36 and 37 were added to the Social Security Institution's systems, respectively, in the section related to the reasons for dismissal of persons whose workplaces were closed or dismissed from public office with the State of Emergency Decree Law. This regulation is a practice of plugging a community through official records. These people were labeled and put on a permanent blacklist¹⁸.

Just as the Nazis stamped the passports of the Jews with the letter 'J', the Turkish Government has annotated the university diplomas of the students of the universities closed by the State of Emergency Decree Law in order to ensure that they are tracked and known by all public and private institutions across the country. Young people, whose only crime is that the university they studied at was closed down by a State of Emergency Decree Law, are being subjected to a labeling and discrimination that will confront them throughout their lives¹⁹.

The systematic and planned discriminatory regime practices against the Gülen Movement during the State of Emergency continued to be applied in prisons. On 20 July 2016, under the pretext of the state of emergency declared, people have been subjected to arbitrary, unlawful, systematic and planned isolation, ill-treatment, degrading and discriminatory behaviors and practices in prisons in violation of the principle of equality

16 "KHK'lı depremzede, İş Bankası'nda hesap bile açamadı", 02.03.2023, <https://kronos36.news/tr/khkli-depremzede-is-bankasinda-hesap-bile-acamadi/>, İET:12/08/2023

17 "Depremzedeyle GBT: KHK'li olduğu için yurda alınmadı", 08.03.2023, <https://www.gazeteduvar.com.tr/depremzedeyle-gbt-khkli-oldugu-icin-yurda-alinmadi-haber-1607142>, İET:12/08/2023

18 Sosyal Güvenlik Kurumu Başkanlığı, Sigorta Primleri Genel Müdürlüğü, 2/8/2016 Tarihli ve 2016/16 Sayılı GENELGE, <https://www.alomaliye.com/wp-content/uploads/2016/08/sgk-genelgesi-2016-16.pdf>, İET: 16/07/2023

19 "Sayın Başbakan diplomalar düzeltilmedi", 08.03.2017, <https://anayurtgazetesi.com/makale/10484788/murat-polat/sayin-basbakan-diplomalar-duzeltilmedi>, İET: 17/07/2023

and the prohibition of discrimination regulated in Article 2 of the Convention, which is not required by the state of emergency and goes beyond the principle of proportionality. All practices of hate policies have been brutally exhibited here.

Individuals who were prosecuted on the allegation of being members of the Gülen Movement faced restrictions from the day they entered prison, despite their trials still ongoing. They were subjected to the following restrictions:

- Restriction of written correspondence, phone calls, and open visitation rights,
- Limitation of visits with visitors and lawyers,
- Mandatory uniform shaving in corridors and in front of cameras,
- Complete closure of cell courtyards with barbed wire,
- Guards escorting individuals every time they left their cells,
- Prohibition of sitting next to visitors during open visits,
- Suspension of collective cultural, social, and sports activities such as workshops, vocational training courses, educational courses, and educational internet usage,
- Prohibition of radio possession.

A series of unjust and inhumane practices and treatments were imposed on them. The prison administrations, which deviated from normal practices and procedures, aimed to devalue, intimidate, and encourage confession from individuals, and none of the rights possessed by normal detainees were granted to those arrested on the allegation of being members of the Gülen Movement during the state of emergency. These practices reveal the existence of systematic discriminatory practices in prisons as part of the hate policies created against the Gülen Movement.

They have been subjected to a series of unfair and inhumane practices and treatments.

B. Hate Speech And Hate Crimes

a. The Beginning Process of Hate Policies Against the Gülen Movement in Türkiye

It is a well-known fact that hate speech emerges in many societies in certain periods due to political and social developments. In Türkiye, certain individuals, groups, and organisations have been targeted by hate speech in certain periods. As a result of the lack of development of a democratic social structure in Türkiye and the transformation of society into an apparatus of politics, it is a known fact that in every period, thoughts and formations that adopt anti-democratic and inhumane practices based on politics have come to life. Antidemocratic formations and their political

extensions, which consider social differences as an element that needs to be destroyed or marginalised rather than seeing them as a richness, have always been in a position based on marginalisation, ignoring the rights of the other, spreading, promoting, and defending intolerance and hatred. Accordingly, social groups such as Kurds, Romani citizens, Armenians, Christians, and Jews, as well as other immigrant groups, especially Syrians, who have recently had to migrate to Türkiye due to war and internal conflicts, have frequently been the targets of hate speech in Türkiye. The most recent target group of hate speech and crime in Türkiye has been the Gülen Movement.

The Gülen Movement, which has been targeted by hate politics in Türkiye, is a contemporary movement that stands out with its educational and cultural activities in Türkiye and bases its work on dialogue and tolerance²⁰. The Gülen Movement, which cannot harmonise with and does not fall under the will of the Justice and Development Party (AKP) regime in Türkiye that pursues a policy based on political Islam, has been targeted by the most intense, large-scale, and systematic hate speech campaign in the country's history. Especially after the 17/25 December corruption and bribery investigations involving the Turkish Government began, the Gülen Movement has been the target of a systematic, planned and an ultimate hate policy based on exclusion and erasure from society²¹.

The matured hate policies have been transformed into a state policy by citing the 15 July coup attempt as an excuse. People have been left to civilian death both in prisons and in civilian life under the influence of this hate policy. Especially those who were dismissed from their positions in the public sector with the State of Emergency Decree Laws have become the first-degree addressees of hate speech in society.

By means of its institutionalised propaganda structure, the Turkish Government has systematically and deliberately started to use the terms "*fetö, fetö/pdy, fethullahist terrorist organisation, traitor, coup plotter, virus, hashishashi, agent, puppet, servant of foreign powers, etc.*" against the Gülen Movement in every incident in favour of the government

20 For detailed information see: Özdalga, Elisabeth: 'Worldly Asceticism in Islamic Casting: Fethullah Gülen's Inspired Piety and Activism', Critique, no. 17 (Fall 2000): 83-104; Turam, Berna: 'Between Islam and the State: The Politics of Engagement: The Engagements between the Gülen Community and the Secular Turkish State', Doktora Tezi, McGill University, Montreal, 2001; Ergil, Doğu: Fethullah Gülen & The Gülen Movement In 100 Questions, Blue Dome Press (17 Dec. 2012); Agai, Bekim: Fethullah Gülen Hareketinin Eğitime İslamî Etik Kazandırma Projesi, 27.02.2003, <https://fgulen.com/tr/hayati-tr/hareketi-incelemeler/Bekim-Agai-Fethullah-Gulen-Hareketinin-Egitime-Islami-Etik-Kazandırma-Projesi>

21 For detailed information see: "2013 corruption scandal in Turkey", https://en.wikipedia.org/wiki/2013_corruption_scandal_in_Turkey

or in every case where the government is in trouble. The members of the movement have been the victims of these hateful discourses, discriminatory regime practices and unlawful judicial decisions that undermine human dignity.

b. Transformation of Hate Speech into Hate Crimes

Hate speech and discriminatory state practices in Türkiye, which started with the 17/25 December bribery and corruption operations and became a state policy with the 15 July coup attempt, have also found a response in the society. Hate policies developed by the members of the government and the state officials have been directly translated into action and very serious hate crimes have started to emerge. The process that started with hate speech has been replaced by hate crimes. When the hate speech is analysed in depth, it is clear that it ultimately aims to cause violence.

In this context, due to the chaotic environment in Türkiye, the public officials have committed acts of violence, threats, injuries, and harassment against the members of the Gülen Movement in prisons, detention centres and in civilian life. The fact that similar acts were perpetrated by civilians motivated by hate has made the situation more serious. Hate speech has been met in society with violence.

The politics of hatred carried out by the Turkish Government first turned into state violence and finally into social violence. In other words, the state directly used the language of hate. In this context, the statements made by public figures in the media openly against the Gülen Movement such as *"15 July remained inside me, our family would take 50 people"²²*, *"How will you protect **your wife and children** from us?"²³* and *"Do you know about the stashes, lists and what will happen?"²⁴* clearly reveal the point of social hatred. These expressions also show how the language of hatred desired to be created in the society has been accepted.

Hate policies created against the Gülen Movement have led to the acts of torture, ill-treatment, insult, and intentional injury by public officials in prisons against the detainees or convicts allegedly belonging to the Gülen Movement. Especially the acts of

22 *"15 Temmuz içimde kaldı, bizim aile 50 kişiyi götürür" diyen Sevda Noyan'a ailesinden hakaret davası*, 10.05.2020, <https://tr.euronews.com/2020/05/10/15-temmuz-icimde-kald-bizim-aile-50-kisiyi-goturur-diyen-sevda-noyan-a-ailesinden-hakaret>,

23 *"Bir tehdit de Fatih Tezcan'dan: Karınızı, çocuklarınızı nasıl koruyacaksınız bizden?"* 12.05.2020, <https://halktv.com.tr/gundem/bir-tehdit-de-fatih-tezcandan-karinizi-cocuklarinizi-nasil-koruyacaks-424992h>,

24 *"Fatih Tezcan: Bir daha sokağa çıkarsak listelerden, kimleri toplayacağımızdan haberiniz var mı; karınızı, çocuğunuzu nasıl koruyacaksınız?"*, 11.05.2020, <https://t24.com.tr/haber/fatih-tezcan-bir-daha-sokaga-cikarsak-listelerden-kimleri-toplayacagimizdan-haberiniz-var-mi-karinizi-cocugunuzu-nasil-koruyacaksiniz,877941>

violence in prisons and detention centres constitute the gravest examples of state violence within the scope of hate policy.

One of the ultimate goals of hate speech as a policy of the Turkish Government is to incite violence against the movement and its members. Hate speech used against members of the Gülen Movement normalises and legitimises discrimination, harassment, and physical attacks. The aim of this incitement to violence is not only to encourage civilians to resort to violence against the members of the Movement, but also to encourage the public officials, who are motivated by this hate speech, to resort to violence. As a natural consequence of the acceptance of hate speech in society, many acts of violence have already started to take place.

The Turkish Government's policies of incitement to violence against the Gülen Movement have been reciprocated in many segments of society. Sedat Peker, the leader of the organised crime organisation, said at the 15 July themed event programme held on 15 July 2017: "*...As they think, the prisons will be raided one day. But I swear it is not as they imagine. We will enter those prisons after hanging all those we caught outside on trees and flagpoles. We will hang them in prisons too. We will hang them by their necks on flagpoles...*"²⁵ statements contain hatred, violence, and open threats. The Istanbul Anatolian 41st Criminal Court of First Instance acquitted Sedat Peker on the charge of "*public incitement to commit a crime*" due to this statement. In the justification for acquittal, it was emphasised that it is the duty of every Turkish citizen to stand by the state and the nation against terrorist organisations and that the addressees of the defendant Peker's words were the members and sympathisers of the terrorist organisation named FETÖ/PDY and that the decision of acquittal was given since it did not contain an element of crime²⁶.

c. Transition from Hate Crimes to Crimes Against Humanity

It is obvious that the hate speech developed by the Turkish Government against the Gülen Movement paved the way for hate crimes. However, it has been observed in the process that these acts are not limited to hate crimes, but those hate crimes have turned into qualified crimes against humanity.

25 "Sedat Peker: Onları, boyunlarından bayrak direklerine asacağız, Azrail'den memuriyet dileyin!", 16.07.2017, <https://t24.com.tr/haber/sedat-peker-onlari-boyunlarindan-bayrak-direklerine-asacagiz-azrailden-memuriyet-dileyin,414672>

26 "Mahkeme Sedat Peker'in beraat gerekçesinde övgü dolu sözler kullandı", 16.08.2018, <https://www.evrensel.net/haber/357048/mahkeme-sedat-pekerin-beraat-gerekcesinde-ovgu-dolu-sozler-kullandi>,

The Turkish Government's messages titled "fetö(!)" with the content of "betrayal gang... hashashis²⁷... viruses... if you pity them, you will be in a position begging for pity", are aimed at destroying the Gülen Movement and cleansing it from the society. The regime repeats these messages in order to sustain social motivation and hatred in the society on the way to this goal. The ultimate result of these messages is the commission of crimes against humanity.

The United Nations Human Rights Council Working Group on Arbitrary Detention, in several resolutions on the applications of victims of the Gülen Movement volunteers, has clearly emphasised that the campaign of mass arrests and detentions against the Gülen Movement alone, let alone killings and torture, could constitute crimes against humanity. The Working Group expresses its concern over the pattern that all these cases follow and recalls that under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity. Accordingly, the Working Group finds that the Government of Türkiye detained Mr. K. on the basis of a prohibited ground for discrimination, and that the case falls within category V²⁸.

Article 7 of the Rome Statute regulates crimes against humanity. According to the Article, for the purposes of this Statute, "crimes against humanity" include acts committed knowingly and as part of a widespread or systematic attack against any civilian population. Among the acts enumerated in Article 7 of the Rome Statute that constitute crimes against humanity, acts of imprisonment or other deprivation of physical liberty, enforced disappearances, torture, rape, forced impregnation, or other forms of sexual violence of similar gravity, in violation of the fundamental provisions of international law, are recognized as acts against humanity. Similarly, persecution based on political, racial, national, ethnic, cultural, religious, sexual or other grounds not universally recognized under international law in connection with any crime is also included in the concept of crimes against humanity. As can be seen from the examples presented in this report, hundreds of thousands of members of the Gülen Movement

27 Haşhaşis (Assassins) are a religious sect and political organization founded by Hasan Sabbah (in 1090), a cleric belonging to the Shi'a sect. It is used as an insult and accusation in Turkish. Thus, it is implied that the sheikh secretly made his followers drink poppy and made them do all kinds of evil.(Order of Assassins, https://en.wikipedia.org/wiki/Order_of_Assassins)

28 United Nations, Human Rights Council Working Group on Arbitrary Detention, Prg 101, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_51_Advance_Edited_Version.pdf

have been arrested, tortured²⁹⁻³⁰⁻³¹⁻³², forcibly disappeared³³⁻³⁴⁻³⁵, raped and forcibly impregnated in detention centers as part of a policy of hatred and discrimination³⁶. In short, there is no doubt that the acts against Gülen Movement volunteers constitute crimes against humanity.

The acts of denigration, targeting and antagonisation against the Gülen Movement have now come to a stage at which violence is aimed. In this category, direct incitement to violence and the expressions that may ultimately amount to genocide or crimes against humanity are used. In particular, the expressions such as *"we will eradicate, we will clean up, we will not leave a single individual, we will not recognise the right to life, we will bury"* are common expressions of this category. In fact, the discourses in this category first manifest themselves through hate crimes. Afterwards, the risk of committing other crimes against humanity increases. The ultimate goal of discourses in this category is to commit or encourage the commission of these crimes³⁷.

29 Human Rights Watch: "'We Will Find You': A Global Look at How Governments Repress Nationals Abroad", February 22, 2024, <https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>

30 Human Rights Watch: Turkey Events of 2023, <https://www.hrw.org/world-report/2024/country-chapters/turkey>

31 Turkish Minute, "PACE expresses concern over Turkey's pursuit of anyone related to 'Gülen movement,' condemns transnational repression", 23 June 2023, <https://www.turkishminute.com/2023/06/23/pace-express-concern-over-turkey-pursuit-anyone-related-to-gulen-movement-condemns-transnational-repression/>

32 SCF, "Turkey's intelligence agency confirms abduction of more than 100 people with alleged links to Gülen movement", 6 March 2023, <https://stockholmcf.org/turkeys-intelligence-agency-confirms-abduction-of-more-than-100-people-with-alleged-links-to-gulen-movement/>

33 European Commission, 2021 Turkey Report, Strasbourg, 19.10.2021 SWD (2021) 290 final, https://www.ab.gov.tr/siteimages/birimler/kpb/2021_turkiye_raporu_tr.pdf

34 U.K Independent Advisory Group on Country Information, "Country Policy and Information Note: Gülenist Movement, Turkey, October 2023", <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/country-policy-and-information-note-gulenist-movement-turkey-february-2022-accessible-version>

35 "General Country of Origin Information Report on Turkey (August 2023)", p.46, <https://www.government.nl/documents/reports/2023/08/31/general-country-of-origin-information-report-on-turkiye-august-2023>

36 Turkey; Individuals associated with the Gülen movement; The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2023, p. 45, [https://migri.fi/documents/5202425/5914056/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf?t=1723630918594)

37 "Gülen Hareketi Mensuplarına Karşı Yürütülen Nefret Suçu İzleme Projesi", <https://nefretsucu.com/hakkimizda>,

d. Transformation of Hate Speech into Violence, Torture and Ill-Treatment

As it has been emphasised before, discrimination, harassment, threats, physical violence, and similar unjust acts have started to be committed and very serious human rights violations have emerged with the spread of hate speech within the framework of a policy and its legitimisation in society. As a result of hate policies, not only the rights of individuals to be free from violence have been violated, but also their lives, property, material, and moral assets have been under attack. In particular, because of hate speech, there have been cases of harassment by mail, e-mail, telephone, message or graffiti, or direct violence and harassment due to the fact that the person is on trial for membership of an organisation or has been dismissed by a state of emergency decree. Similarly, criminal acts such as torture, ill-treatment and strip searches have been committed in prisons and detention centres purely motivated by hate.

In fact, especially in the process that turned into a witch hunt after the 15 July coup attempt, very serious hate crimes were committed against the Gülen Movement. However, due to the chaotic environment created by the State of Emergency, victims could not even file criminal complaints against these acts. Likewise, due to the restrictions on independent media and pressure on civil society organisations, these issues could not be presented to the public. However, in the course of time, victims have started to talk about their grievances, especially on social media. Although it has been almost 8 years since the coup attempt, the hate-motivated crimes against the Gülen Movement are being committed continuously. In order to understand the problem, it is useful to give a few recent cases as examples. In this context:

Emine Özdemir Kara, who was dismissed from her job as a classroom teacher in 2016 with a Decree Law, was frequently subjected to accusatory statements such as 'terrorist', 'traitor' and physical beatings by her neighbours and tenants in her house in Fevziçakmak Neighbourhood of Tepebaşı District of Eskişehir. Emine Özdemir Kara and her brother were excluded from their neighbourhood after they were dismissed by a state of emergency decree, marginalised and repeatedly insulted. Kara, who was previously beaten for this reason and filed a complaint with the police, did not get any result. The incident was also brought to the parliamentary agenda by HDP Kocaeli MP Ömer Faruk Gergerlioğlu³⁸.

38 "Tüm mahalle KHK'liye karşı: 'Vatan haini' dediler, darp ettiler", 19.04.2022, <https://www.gazeteduvar.com.tr/tum-mahalle-khkliye-karsi-vatan-haini-dediler-darp-ettiler-haber-1561202> ; <https://www.youtube.com/watch?v=AXv2jKjVibU>,

R. Y., who lives in Kamen in North Rhine-Westphalia, Germany, was beaten by a person of Turkish origin on the grounds that he is a member of the Gülen Movement. In the incident that took place on 18 May 2022, R. Y., who has been living in Germany for 41 years, was subjected to hate crime and assaulted by the new owner of the doner shop named Ö.K. H., where he went with his daughter and son-in-law, claiming that R. Y. was a '*terrorist*'. The assault marks on R.Y.'s body were identified by the police and hospital report³⁹.

Ahmet Dönmez, a journalist and the former Ankara correspondent of Zaman' Newspaper, which was close to the Gülen Movement and shut down by a state of emergency decree, ~~who~~ was threatened with death a while ago by the mafia close to former Interior Minister Süleyman Soylu, and was attacked in front of his child on 18/03/2022 in Stockholm, following his video on YouTube "*The rise story of Ayhan Bora Kaplan, the mafia of Süleyman Soylu*" by İhsan Hızarcı, the mafia mentioned in the video. Dönmez, who lost consciousness due to the attack, was taken under treatment in hospital. Immediately after the incident, a photo of the journalist on the ground in a wounded state was shared by Twitter accounts close to the Turkish Government to intimidate the public⁴⁰.

Government controlled and sponsored mass media which plays the role of the main actor in the proliferation of hate speech in Türkiye, occasionally publishes news with concrete targets that they want hate speech to result in violence. In this context, the car of former Police **Chief Murat Çetiner**, who lives in Sweden and was targeted by Sabah newspaper on 25 October 2022, was attacked on 04/11/2022. The window of his car was broken. Sabah newspaper's 'special intelligence chief' Abdurrahman Şimşek, who works closely with the National Intelligence Agency (MİT), had recently targeted many people living abroad, including Murat Çetiner. In its article on Murat Çetiner, Sabah openly published all the personal details of the former police chief, including his home address, his car and the places where he went shopping⁴¹.

39 "Cemaat'e yönelik nefret suçu Almanya'ya taşındı; 'terörist' diyerek darp ettiler" 18.05.2022, <https://www.tr724.com/cemaate-yonelik-nefret-sucu-almanyaya-tasindi-terrorist-diyerek-darp-ettiler/>

40 "Soylu'nun mafyasının ölümle tehdit ettiği gazeteci Ahmet Dönmez İsveç'te çocuğunun gözü önünde saldırıya uğradı", 18.03.2022, <https://boldmedya.com/2022/03/18/soylunun-mafyasinin-olumle-tehdit-ettigi-gazeteci-ahmet-donmez-isvecte-cocugunun-gozu-onunde-saldiriya-ugradi/>

41 "Sabah gazetesi hedef göstermişti; Murat Çetiner'in aracına saldırı", 04.11.2022, <https://www.tr724.com/sabah-gazetesi-hedef-gostermisti-murat-cetinerin-aracina-saldiri/>

The newspaper had targeted **Cevheri Güven, Abdullah Bozkurt, Bülent Kenez⁴² and Levent Kenez**, journalists living in Sweden and Germany and close to the Gülen Movement. The newspaper had targeted Cevheri Güven, an exiled journalist living in Germany, by secretly taking photographs of him and his house⁴³. The newspaper targeted Abdullah Bozkurt, the former Ankara Representative of the shut-down Today's Zaman newspaper and Editor-in-Chief of Nordic Monitor, who lives in Stockholm, by publishing his personal information such as photographs, the bus stop he uses for transport and the address of his house⁴⁴.

AKP MP Mustafa Açıkgöz targeted Kurds and the members of the Gülen Movement during a visit program at the Neuss Ülkü Ocakları⁴⁵ in Düsseldorf, North Rhine-Westphalia, Germany and said: *"We will not give them the right to live in Germany as we do not give them the right to live in Türkiye. We will not give them a place in Türkiye. God willing, we have finished them there, wherever in the world they are hiding, we will bring them out of the hole they are hiding in and destroy them"* and threatened the members of the Gülen Movement abroad with death⁴⁶. Cologne police started an investigation against AKP Nevşehir MP Mustafa Açıkgöz, who committed a hate crime due to his open death threats against Kurds and the members of the Gülen Movement.

As it can be seen, it is observed that the hate policies at domestic are also being implemented abroad. In this context, an MP of the ruling party openly threatened the members of the Gülen Movement in a non-governmental organisation. Since this threatening discourse falls within the scope of hate crime, it also reveals the sphere of influence of the Turkish Government's hate policies.

42 "Son dakika | FETÖ ihanetinin sözcüsü Levent Kenez, İsveç'te saklanıyor", 04.11.2022, <https://www.sabah.com.tr/galeri/gundem/son-dakika-feto-ihanetinin-sozcusu-levent-kenez-isvecte-saklaniyor>,

43 "SABAH, firari FETÖ'cü Cevheri Güven'i Almanya'daki adresinde görüntüledi: İşte tetikçinin iftira yuvası", 22.09.2022, <https://www.sabah.com.tr/gundem/2022/09/22/sabah-firari-fetocu-cevheri-guveni-almanyadaki-adresinde-goruntuledi-iste-tetikcinin-iftira-yuvasi>, İET:10/08/2023

44 "İşte o FETÖ'cü Abdullah Bozkurt'un son hali", 10.10.2022, <https://www.sabah.com.tr/galeri/gundem/son-dakika-sabah-karlov-suikastinin-planlayicisini-buldu-iste-o-fetocunun-son-hali/11>,

45 "Ülkü Ocakları" is a Turkish far-right paramilitary organization associated with the Nationalist Movement Party (MHP). Sometimes referred to as Gray Wolves, the organization is often described as ultra-nationalist and/or neo-fascist. (Grey Wolves (organization), [https://en.wikipedia.org/wiki/Grey_Wolves_\(organization\)](https://en.wikipedia.org/wiki/Grey_Wolves_(organization)))

46 "AKP'li vekilin Almanya'daki konuşmasına tepki", 16.01.2023, <https://www.dw.com/tr/akpli-vekilin-almanyadaki-konu%C5%9Fmas%C4%B1-tepkilere-yol-a%C3%A7t%C4%B1/a-64403966>

On the other hand, the hate-motivated discriminatory regime practice that has recently come to the public agenda is the torture, ill-treatment, beatings, insults, threats and strip search practices in detention centres and prisons. This problem, which was brought to the agenda by HDP MP Ömer Faruk Gergerlioğlu and other non-governmental organisations, was met with intense reactions from the society and the state institutions, especially the Ministry of Interior, hastily made statements denying the allegations and claiming that these were isolated incidents.

The reports prepared by the **Ankara Bar Association Human Rights Centre** revealed that members of the Gülen Movement were insulted, threatened, injured, sexually assaulted, ill-treated, and tortured in detention by police officers working at the Ankara Provincial Security Directorate TEM Branch Directorate. Upon receiving reports of torture, insults, threats, and sexual assaults against the individuals detained by the Ankara Security Directorate on the allegation of being members of the Gülen Movement, the Ankara Bar Association Human Rights Centre interviewed these detainees at the Ankara Provincial Security Directorate TEM Branch Directorate and prepared the reports dated 26.01.2022⁴⁷, 02.03.2022⁴⁸ and 04.04.2022⁴⁹.

The hate policies, which have become a state policy, lie at the root of acts of torture. The acts of torture are committed in detention and prisons with the motive of hate. These acts are carried out with the motive of hatred. Strip searches are systematically applied in detention centres and prisons in Türkiye and cannot be considered as isolated cases⁵⁰.

It is understood that, as in other acts of torture against the members of the Gülen Movement, the detainees alleged to be members of the movement were forced to become confessors through threats and insults; they were subjected to beatings and kicks to the different parts of their bodies; they were subjected to strip searches as well as threats and insults during interviews; they were subjected to insults, threats and

47 Ankara Barosu 67. Olağan Genel Kurulunda Alınan Tavsiye Kararı Doğrultusunda Yayınlanan İnsan Hakları Merkezi Raporları, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/26.01.2022_tarihli_ihm_rapor.pdf

48 Ankara Barosu, 67. Olağan Genel Kurulunda Alınan Tavsiye Kararı Doğrultusunda Yayınlanan İnsan Hakları Merkezi Raporları, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/02.03.2022_tarihli_ihm_rapor.pdf

49 Ankara Barosu, 67. Olağan Genel Kurulunda Alınan Tavsiye Kararı Doğrultusunda Yayınlanan İnsan Hakları Merkezi Raporları, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/04.04.2022_tarihli_ihm_rapor1.pdf,

50 "Female students strip-searched, denied right to consult lawyer", 08.09.2020, <https://stockholmcf.org/female-students-strip-searched-denied-right-to-consult-lawyer/>

threats to insert bottles or other objects into their anus while naked; and they were doused twice with cold water.

e. Continuation of Hate Policies Unabated

Starting in 2016, hate speech is still implemented as a state policy and the members of the movement are constantly targeted by political elements and citizens.

Brussels-based "Solidarity with OTHERS" within the scope of the **Hate Crime Monitoring Project against The Members of the Gülen Movement** coordinated by the platform, a total of **917,061** hate speech expressions were identified as a result of the analyses conducted on **19 broadcast platforms** and **473** columnists in the central media between 2015 and 2020. Hate speech in these publications was categorised under 4 categories⁵¹:

1. Intolerance, exaggeration, attribution, distortion (10927 publications)
2. Attack on rights and reputation, swearing, insult, denigration (3088 publications)
3. Incitement to enmity, discrimination, violence (159837 publications)
4. Incitement to genocide/crimes against humanity (685 publications)

In fact, this discourse, which has been transformed into a state policy since 2016, has been used as the main fuel of a process that has evolved into social genocide. The process that started with the 15 July coup attempt, which was evaluated by Erdoğan as "*a gift from God*", and the hate speech against the Gülen Movement, has turned into a genocide within the framework of the determined plan. In this context, Erdoğan's statement on 15/02/2024 on his return from his visit to Egypt, "*We have broken the back of this evil network and terrorist organisation called FETO. We have drained the FETO swamp, but our work of cleaning the flies continues. Our struggle is not over. We will continue until the last puppet is rendered unable to harm Türkiye*" is the clearest proof that this policy continues unabated.

Likewise, AK Party's Nevşehir MP Mustafa Açıkgöz, in his speech at the event held on 13 January 2023 at the Neuss branch of the Federation of Democratic Nationalist Turkish Associations⁵² in Germany, the organisation of the Nationalist Movement Party

51 Solidarity with OTHERS, Nefret Suçu Proje Kapsamı, <https://nefretsucu.com/proje-kapsami>

52 The Federation operates in Germany. The German Federal Office for the Protection of the Constitution accuses the Federation of violating the principle of equality of the German constitution because it defends the superiority of Turkishness, <https://medyanews.net/germany-monitors-groups-linked-to-turkeys-peoples-alliance-ahead-of-elections/>

(MHP) in Germany, said that⁵³ they would "destroy the PKK and FETÖ members" and added: "We will not give them the right to live in Germany as we do not give them the right to live in Türkiye. Wherever they flee to in the world, we will finish the terrorist organisation called PKK and the terrorist organisation called FETÖ." The fact that he used the expressions "We will finish the terrorist organisation called PKK and the terrorist organisation called FETÖ" reveals that although eight years have passed since the coup d'état, hate speech continues to exist effectively and openly encourages violence. An MP can openly threaten members of the Gülen Movement with death in the centre of Europe.

On the other hand, it is seen that hate speech, which is carried out as a policy by the Turkish Government, is also used effectively by other parties, which have become a component of the regime and are called the People's Alliance. At this point, especially MHP President Devlet Bahçeli's recent statement "...The fight against FETÖ continues relentlessly and unhesitatingly. However, it is still not possible to say that this terrorist organisation has been eradicated. The process should continue until the last FETÖ member is neutralised..."⁵⁴

It also reveals that the hateful, accusatory, insulting and violence-inciting expressions such as "'FETÖ members, PKK members, enemies of Turks, elements of destruction, dishonourable people who are servants of foreign powers, separatists, those who have fallen into weakness are trying their last chance...'", which he used in his statement on 15 January 2023, are also used intensively by the member of the People's Alliance as an ally of the Turkish Government. The Minister of Interior, Ali Yerlikaya, who is one of the implementers of security policies, said about the persons detained in police operations: "We will never tolerate the **traitors** who aim at the unity and solidarity of our country,⁵⁵ ...our fight against the "FETÖ members" **who attempted to stage a coup against the will of our nation** [volonté générale] continue with determination⁵⁶; ... we will not let the "FETÖ members," **traitors** go, **who mercilessly opened fire on our people and did not hesitate to bomb our Veteran Parliament;** "we will not forgive those who **tried to steal the future of millions of young people with the exam questions they stole, we will not let the traitorous**

53 "AK Partili Açıkgöz'ün Almanya'daki konuşması nedeniyle Ankara'ya 'nefret söylemi' uyarısı", 16/01/2023, <https://tr.euronews.com/2023/01/16/ak-partili-acikgozun-almanyadaki-konusmasi-nedeniyle-ankaraya-nefret-soylemi-uyarisi>,

54 "Kripto damar koparılmış değil", 21.07.2020, <https://www.odatv4.com/guncel/kripto-damar-koparilmis-degil-21072029-188074>

55 <https://edition.cnn.com/videos/world/2024/01/29/istanbul-church-shooting-isis-intl-ldn-vpx.cnn>

56 <https://x.com/AliYerlikaya/status/1747488174031450620?s=20>

*"FETO" be tolerated"⁵⁷;... we will not let the **traitors** who opened fire on our people go;⁵⁸... we will not let the traitors who tried to **crush us with tanks** be tolerated;⁵⁹ ...our operations against "FETO" who attempted a **treacherous coup on 15 July continue uninterruptedly**"⁶⁰.*

The Minister of Interior resolutely repeats such hateful expressions at every opportunity. The Minister of Interior makes these accusatory remarks about people who had nothing to do with the disputed coup attempt. The Minister's remarks indeed fall into the category of hate speech and violate the presumption of innocence of those arrested. These statements make it clear that the police operations and subsequent judicial measures were politically motivated governmental actions targeting persons considered to be members of the Gülen Movement.

The Minister makes these statements after every operation. In order to make these operations public and to increase hate speech, dozens of police cars go to the houses of the detained people, the houses are entered with heavy weapons, the images of the raids are shared on twitter by the Minister and other bureaucrats. Although no weapons were found in the houses in any of these raids on alleged members of the Gülen movement and there was no resistance to the police, they were portrayed as dangerous people in order to increase hatred. With these images, both hate speech and public support for the government were increased.

These hate policies targeting the Gülen Movement have been used to legitimise unlawful practices such as arbitrary detentions, arrests, dismissals, confiscation of assets, closure of institutions and restriction of freedoms against the members of the Gülen Movement. In the hate speech used to ensure legitimacy, prejudice, misinformation fuelling enmity, conspiracy theories and propaganda discourses produced from a single centre have been used ruthlessly. Thus, through the hate speech and discriminatory regime practices imposed on the society, the members of the Gülen Movement were labelled as criminals who were left to die as civilians.

Conclusion

On the grounds of the 17/25 December bribery and corruption investigations involving ministers and bureaucrats of the Turkish Government, the hate policies against the Gülen Movement, which started as a party policy at first and turned into a

57 <https://www.turkishminute.com/2023/10/24/turkey-detains-611-people-over-alleged-gulen-link/>;
<https://x.com/AliYerlikaya/status/1716736507128500236?s=20>;

58 <https://x.com/AliYerlikaya/status/1710527745011113998?s=20>

59 <https://x.com/AliYerlikaya/status/1707627712817369184?s=20>

60 <https://x.com/AliYerlikaya/status/1676834343887437825?s=20>

state policy with the 15 July coup attempt, started to be implemented. The ultimate aim of these policies is to erase, marginalise, isolate and criminalise the Gülen Movement from society through violence, hate crimes and crimes against humanity. In this context, while the state has implemented its own hate and discriminatory regime practices in the strictest manner, it has also motivated the society and public opinion in this direction through hate speech.

By means of its institutionalised propaganda structure, the Turkish Government has systematically and deliberately started to use the terms "*fetö, fetö/pdy, fethullahist terrorist organisation, traitor, putschist, virus, haşhaşi, agent, puppet, servant of foreign powers, etc.*" against the Gülen Movement in every incident in favour of the government or in every case where the government is in trouble.

Within the scope of hate policies carried out as part of a social engineering project, the members of the Gülen Movement have been excluded, marginalised, demonised, and ultimately turned into targets of state and citizen violence. As a result, hundreds of thousands of the members of the Gülen Movement have been forced to seek asylum in Europe in order not to be the target of further hate speech and crimes. According to Eurostat, the number of Turkish citizens seeking asylum in EU countries for the first time reached an all-time high as of September, before the end of 2023⁶¹.

This hate speech, which was implemented as a policy, showed its effect in prisons, on the street, in the neighbourhood and in all areas of social, economic, and cultural life. As a result, while the members of the Movement were left to civilian death on the one hand they became victims of torture, ill-treatment, intentional injury, threats, and insults, which are crimes against humanity on the other hand. Within the scope of this extermination project initiated by the Turkish Government, everyone including children, young, old, sick, or pregnant associated with the Movement has indiscriminately become the target of the state's hate language and dictatorial practices.

This Report, reveals that systematic hate speech and crimes have been committed against the Gülen Movement to explain the hate policies of the Turkish Government to the whole world, to identify the recent hate crimes and reflect them in international reports, and most importantly, to raise awareness in the international community on this issue.

Unfortunately, although hundreds of hate crimes have been committed against the Gülen Movement since 2016, these cases have not been reflected in the reports prepared. We hope that this study will contribute to the reports to be prepared by your

61 Applications for asylum lodged in Nov 2023 (n=118,000), 18.01. 2024, <https://euaa.europa.eu/latest-asylum-trends-asylum>

Committee to identify and record hate crimes committed against the Gülen Movement in Türkiye.

In light of the concerns raised, it is evident that Türkiye's practices during and after the state of emergency continue to violate multiple provisions of the ICCPR. The Turkish government's responses in their periodic report do not adequately address these violations. We urge the Committee to hold Türkiye accountable and to request immediate and concrete actions to rectify these human rights abuses.

Despite the Turkish government's claims of adhering to international human rights obligations, there is substantial evidence that individuals associated with the Gülen Movement, and other political prisoners, have been subjected to systematic discrimination and inhumane treatment in prisons. This includes restrictions on communication, isolation, and physical and psychological abuse, which are not justified by the state of emergency and violate Articles 2, 7, and 10 of the International Covenant on Civil and Political Rights (ICCPR). These practices are in direct conflict with the Turkish government's obligations under the ICCPR, specifically regarding the prohibition of torture and the principle of non-discrimination.

The Committee should urge Türkiye to immediately end discriminatory practices in prisons and ensure that all detainees, regardless of their political affiliation or alleged connections, are treated in accordance with international human rights standards. This includes ensuring access to legal representation, adequate medical care, and the cessation of practices that amount to torture or ill-treatment.

To effectively address the issue of discrimination, hate speech, and hate crimes against the Gülen Movement in Türkiye, the UN Human Rights Committee could consider making several requests to the Turkish government. These requests would aim to ensure the protection of human rights and the elimination of discriminatory practices. In formulating these requests, reference can be made to the work of organizations such as Human Rights Watch (HRW), which has documented the persecution of individuals associated with the Gülen Movement.

The Committee should call on Türkiye to take immediate measures to end all forms of discrimination against individuals associated with the Gülen Movement. This includes the cessation of discriminatory practices in employment, education, and access to public services, which have been reported extensively by HRW and other human rights organizations. Türkiye should also be urged to ensure that all individuals are treated equally before the law, without regard to their alleged or actual affiliation with the Gülen Movement.

The Committee should recommend that Türkiye strengthen its legal framework to combat hate speech, particularly that which targets individuals or groups associated with the Gülen Movement. This includes the enforcement of existing laws and the introduction of new legislation, if necessary, to prevent the spread of hate speech in media, public discourse, and online platforms.

The Committee should urge Türkiye to implement effective mechanisms for the prevention, investigation, and prosecution of hate crimes against members of the Gülen Movement. This includes providing training for law enforcement officials on identifying and handling hate crimes, ensuring that hate motives are considered in sentencing, and offering adequate protection to victims.

The Committee should recommend that Türkiye take steps to restore the civil rights of those who have been unjustly persecuted due to their association with the Gülen Movement. This includes the restoration of employment, reversal of unlawful dismissals, reinstatement of academic titles, and removal of travel bans.

The requests made to the Turkish government should focus on ending systemic discrimination, addressing hate speech, prosecuting hate crimes, and restoring civil rights to those unjustly targeted. These measures are essential for ensuring compliance with international human rights standards, particularly under the International Covenant on Civil and Political Rights (ICCPR). By addressing these concerns, the UN Human Rights Committee can play a crucial role in encouraging Türkiye to uphold its obligations and protect the rights of all individuals within its jurisdiction.

Amsterdam, 14 September 2024

Submission to The Human Rights Committee Report on the 2nd Periodic Review of Türkiye

(Enforced disappearances and abductions (arts. 6, 9 and 12))

III. Introduction

This report aims to provide a comprehensive overview of the situation of torture and ill-treatment in the aftermath of abductions and enforced disappearances in Türkiye, with a focus on the period following the July 15, 2016 coup attempt. It draws on various sources, including reports from international human rights organizations, testimonies of victims, and relevant legal documents.

On 20 July 2016, under the pretext of the state of emergency declared, people were subjected to arbitrary, unlawful, systematic and planned, enforced abductions and disappearance, torture, isolation, ill-treatment, degrading, discriminatory and hate-motivated acts and practices in detention centers in violation of the provisions of the International Covenant on Civil and Political Rights, which guarantee the prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 7, 9, 10, 12 and 14) and non-discrimination (arts. 2, 3, 6, 25 and 26).

In this context, this Report has been sent to your Committee by **Stichting Justice Square** in order to contribute to **The Human Rights Committee Report on the 2nd Periodic Review of Türkiye**. As the Foundation, our aim is to contribute to your Committee's report on the violations of the rights of persons who have been subjected to enforced abductions. It will also include information on cases of torture, harassment, rape, beatings, threats, insults and other inhuman or ill-treatment of abductees in Türkiye. It will also include cases of those who have not been heard from since their abduction and are believed to have been executed. The report will include the grave cases in this field in Türkiye.

The individuals and events highlighted in this report have garnered extensive media attention. Numerous international institutions and organizations have also

addressed these cases in their reports and decisions. It is widely recognized that there are many more cases beyond those mentioned here. However, due to the lack of sufficient open sources, these additional cases have not been included in this report.

I.Context and Background

Following the failed coup attempt on 15 July 2016, the Turkish government declared a state of emergency and enacted numerous decree laws that severely impacted human rights. These decrees provided legal cover for actions that would otherwise be deemed violations of international human rights standards, particularly regarding torture and ill-treatment.

II. State of Emergency and Its Aftermath

The state of emergency, declared post-coup, facilitated widespread human rights abuses. During this period, mass arrests and detentions were conducted, often without due process. The state of emergency laws provided broad and vague powers to the authorities, leading to arbitrary detentions and torture. Notably, individuals associated with the Gülen movement faced systematic discrimination and severe treatment in detention facilities. The Turkish government's policies have led to severe and ongoing human rights violations.

During the state of emergency period, which was declared on July 20, 2016, systematic and planned discriminatory practices against the Gülen Movement continued to be implemented in prisons. Using the pretext of the state of emergency, individuals in prisons were subjected to arbitrary, unlawful, systematic, and planned isolation, torture, mistreatment, humiliating, and discriminatory practices, which violated the principle of equality and the prohibition of discrimination as regulated in Article 14 of the European Convention on Human Rights (ECHR). All aspects of hate policies were ruthlessly displayed here.

Individuals who were prosecuted on the allegation of being members of the Gülen Movement faced restrictions from the day they entered prison, despite their trials still ongoing. They were subjected to the following restrictions:

- Restriction of written correspondence, phone calls, and open visitation rights,
- Limitation of visits with visitors and lawyers,
- Mandatory uniform shaving in corridors and in front of cameras,
- Complete closure of cell courtyards with barbed wire,
- Guards escorting individuals every time they left their cells,

- Prohibition of sitting next to visitors during open visits,
- Suspension of collective cultural, social, and sports activities such as workshops, vocational training courses, educational courses, and educational internet usage,
- Prohibition of radio possession.

A series of unjust and inhumane practices and treatments were imposed on them. The prison administrations, which deviated from normal practices and procedures, aimed to devalue, intimidate, and encourage confession from individuals, and none of the rights possessed by normal detainees were granted to those arrested on the allegation of being members of the Gülen Movement during the state of emergency. These practices reveal the existence of systematic discriminatory practices in prisons as part of the hate policies created against the Gülen Movement.

Local courts and the Constitutional Court legitimized the unjust and discriminatory regime practices of the administration instead of protecting the essence of the right and deciding accordingly. Some of these practices were carried out based on emergency decrees issued under the state of emergency, while others were carried out through administrative decisions.

Many individuals were placed in solitary confinement without any justification, solely for the purpose of pre-emptive punishment. During this process, they were subjected to severe unlawful practices, such as hindering comfortable meetings with their families and involuntary transfer to prisons hundreds of kilometers away from their families solely with the intention of pre-emptive punishment. At this point, appeals and domestic remedies, as expected, yielded no results.

III. Judicial Independence and Accountability

The purge of the judiciary post-2016 coup has critically undermined judicial independence in Türkiye. The dismissal of judges and prosecutors, along with the restructuring of the High Council of Judges and Prosecutors (HSK), has raised concerns about the impartiality of the judicial system. This compromised judiciary fails to provide adequate oversight or accountability for allegations of torture and ill-treatment .

Exploiting the chaos following the coup attempt, the Turkish Government swiftly executed pre-arranged lists targeting alleged Gülen Movement affiliates. These lists, compiled by state institutions and intelligence agencies, were given legitimacy through

a circular issued during the tenure of Ahmet Davutoğlu's government, attempting to justify the targeting of Gülen Movement members⁶².

Following notifications from the Ankara Chief Public Prosecutor's Office regarding investigations into thousands of judges and prosecutors based on hastily compiled lists, the High Council of Judges and Prosecutors (HSK) initiated disciplinary actions against them⁶³. However, these decisions were made in the absence of some HSK members who had been detained the night before, violating procedural norms.

The suspension and dismissal decisions regarding judges and prosecutors were widely publicized on pro-government media platforms, often accompanied by personal details about their families. It was evident that the lists included individuals who had retired, resigned, or passed away before the decisions were made, indicating premeditated targeting.

Furthermore, the State of Emergency Decree Law No. 667, enacted shortly after the coup attempt, stripped judges and prosecutors of basic constitutional guarantees and undermined disciplinary procedures. Thousands of judiciary members were summarily dismissed without due process or the opportunity to defend themselves.

Decree Law No. 667 relied on vague terms such as "membership" and "affiliation," leading to arbitrary actions against individuals. This unconstitutional law was criticized by international bodies like the Venice Commission for lacking evidential standards and due process⁶⁴.

The legal proceedings against judges and prosecutors during the State of Emergency, along with the subsequent suspension and dismissal decisions, were deemed unlawful by the European Court of Human Rights (ECtHR). These actions violated principles of legal certainty and fair trial, as established in landmark judgments like *Alpaslan Altan*⁶⁵ v. Türkiye and *Hakan Baş v. Türkiye*⁶⁶.

62 Circular No. 2016/4 on Public Employees in Contact with Organizations and Structures Threatening National Security, <https://www.resmigazete.gov.tr/eskiler/2016/02/20160217-7.pdf>

63 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minutes No : 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

64 European Commission for Democracy through Law (Venice Commission), Opinion on the Duties, Powers and Functioning of Criminal Judgeships of Peace, **Venice, March 10-11, 2017**, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur),

65 ECtHR, *Alpaslan Altan v. Turkey*, Application No: 12778/17, K.T:16.04.2019, <https://hudoc.echr.coe.int/tur#%7B%22itemid%22:%5B%22001-194102%22%7D>}

66 ECtHR, *Hakan Baş v. Turkey*, Application No: 66448/17, K.T: 03/03/2020, <https://hudoc.echr.coe.int/tur#%7B%22fulltext%22:%5B%22Hakan%20Ba%C5%9F%22%7D%22documentco>

Similarly, the Grand Chamber of the European Court of Human Rights (ECtHR), in its judgment of 26 September 2023 in the case of Yüksel Yalçinkaya v. Türkiye⁶⁷, made very important findings and assessments regarding the trials in Türkiye after 15 July 2016, especially with regard to alleged membership of the Gülen Movement, and ultimately ruled that Article 6 of the European Convention on Human Rights (ECHR), which regulates the right to a fair trial, Article 7, which regulates the principle that there can be no crime without law, and Article 11, which deals with the right to freedom of association and assembly, were violated.

The Venice Commission and the Council of Europe have also condemned the mass purges within the judiciary, citing concerns about the lack of transparency and adherence to legal standards⁶⁸.

Overall, the purges within the Turkish judiciary, conducted under the guise of Decree Law No. 667, were instrumental in consolidating the Turkish Government's grip on power and perpetuating discriminatory practices against the Gülen Movement. These actions not only compromised the independence of the judiciary but also eroded fundamental rights and legal protections for targeted individuals⁶⁹

llectionid2%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-201907%22]],

67 ECtHR, Yalçinkaya v. Turkey, Application No: 15669/20, CT: 26.09.2023, [https://hudoc.echr.coe.int/eng#%7B%22appno%22:\[%2215669/20%22\],%22itemid%22:\[%22001-227636%22\]](https://hudoc.echr.coe.int/eng#%7B%22appno%22:[%2215669/20%22],%22itemid%22:[%22001-227636%22])

68 Opinion on Emergency Decree Laws Nos. 667 to 676 issued in the aftermath of the failed coup attempt of 15 July 2016: "...recognizes that the connection required to justify suspensions (or even dismissals) may be less intense than the connection required to identify a person as a "member" of a criminal organization. "Membership" requires an "organic relationship" with the criminal organization. The removal of a public official from office (temporarily or permanently) may require a weaker connection to the criminal organization. Nevertheless, this connection must be meaningful - in other words, it must raise objective doubts about the public official's loyalty and exclude innocent, accidental, etc. connections. The Venice Commission recommends that the wording in the decrees be corrected accordingly: dismissal may be ordered only on the basis of a combination of factual elements which clearly demonstrate that the public official has acted in a manner which raises objectively serious doubts about his or her loyalty to the democratic legal order...(Prg.130-131)", [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037)

69 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/actuality/mass-dismissals-of-judges-and-prosecutors-in-turkey-of-post-coup-period/>

IV.Enforced disappearances and abductions (arts. 6, 9 and 12)

A. Legislative Framework and Impunity

The enactment of decrees 667 and 668 granted immunity to public officials acting within the scope of these laws, effectively fostering a culture of impunity. This legislative shield has been criticized for undermining efforts to combat torture and ill-treatment.

In order to ensure that public officials who carried out unlawful orders during the operations against the Gülen Movement during the State of Emergency, who carried out torture, ill-treatment and degrading behaviors, who made inhumane decisions and actions beyond the scope of their duties, do not suffer in the future and to ensure that they are comfortable in other operations to be carried out, these public officials were given the "armor of irresponsibility" with the State of Emergency Decree Laws. Later, civilian elements were also given this armor of irresponsibility.

In this context, in the first place, with the Decree Laws No. 667 and 668 dated July 27, 2016, it was regulated that the persons who take decisions and perform duties within the scope of the State of Emergency Decree Laws will not be held legally, administratively, financially and criminally liable due to their duties and acts. Similar provisions were also included in subsequent decrees with the force of law. While Decree Law No. 667 only provided for non-responsibility due to "*duties*", Decree Law No. 668 also included the "*acts of the* personnel involved in this process. In this way, it is intended to secure the perpetrators of torture, ill-treatment and inhumane practices at every stage, including searches, seizures, detentions and imprisonment, and the officials of the institutions that add people to the dismissal lists with false institutional opinions.

Likewise, Executive Decree 690 Article 52 stipulates that the members of the State of Emergency Inquiry Commission, which was established to examine the State of Emergency measures, will not be held legally, administratively, financially and criminally liable for their decisions, duties and actions within the scope of their duties. This regulation has been introduced to secure the members of the Commission against the Commission's decisions that are completely arbitrary and in accordance with the will of the Turkish Government. There is no other purpose for introducing such an armor of irresponsibility to a commission established to redress injustices.

On the other hand, Article 121 of the Decree Law No. 696 introduced criminal irresponsibility for civilians who intervened in the coup attempt on July 15, 2016 and its aftermath. At this point, many questions come to mind. If they took to the streets in self-defense and to resist the coup, why were these people given this protection armor?

Because this regulation was introduced in order to protect the armed civilian elements who killed the cadets who surrendered on the streets on the night of the coup attempt and did not participate in the coup attempt in any way, and the armed civilian elements who slit the throats of the surrendered soldiers⁷⁰. It is unknown by whom they were dispatched to the scene in such a short period of time and it remains a mystery as to where they obtained the heavy machine guns. Moreover, it is considered that the weapons distributed unregistered on the night of July 15th were distributed to these groups⁷¹.

In its Opinion on the Duties, Competences and Functioning of Criminal Judgeships of Peace⁷², the Venice Commission expressed its concern about the provisions of the emergency decrees making State institutions and officials irresponsible for measures taken during the state of emergency. In the Commission's view, this article sends a very dangerous message, in particular with regard to criminal irresponsibility. The Commission emphasized that these decrees providing for criminal irresponsibility directly authorize and order certain acts that would qualify as "crimes" under the Turkish Criminal Code, or at least make it clear that those who commit crimes in the performance of their duties will not be punished.

In applications regarding torture, injury, ill-treatment and similar allegations of torture, injury, ill-treatment and similar allegations committed by both public officials and civilians within the scope of hate policies, prosecutors have issued decisions of non-prosecution on the grounds of the irresponsibility provisions in these decrees.

B. Conditions in Detention and Secret Detention Centers

The Turkish authorities have been accused of operating secret detention centers where detainees are held without legal oversight. Reports from Human Rights Watch and other organizations indicate that these centers are used for severe torture and ill-treatment, often involving individuals abducted by the National Intelligence Organization (MIT). One such center, referred to as "the farm," has been particularly noted for its use in torturing detainees.

70 "The family of the cadet lynched on the bridge: He was torn to pieces with sticks", 15.10.2016, <https://www.cumhuriyet.com.tr/haber/koprude-linc-edilen-askeri-ogrencinin-ailesi-sopalarla-parca-parca-edilmis-616461>

71 "On July 15, they were distributed to civilians... Where are those weapons?"; 10.02.2018, <https://www.cumhuriyet.com.tr/haber/15-temmuzda-sivillere-dagitilmisti-o-silahlar-nerede-924045>,

72 European Commission for Democracy through Law (Venice Commission), Opinion on the Duties, Powers and Functioning of Criminal Judgeships of Peace, **Venice, March 10-11, 2017**, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur),

Abductions and disappearances during and after the State of Emergency are organized by the National Intelligence Organization (MIT) with the participation of Turkish law enforcement agencies. When people are out for any reason, they are abducted in front of people in pre-arranged vehicles (**mostly black "Transporters"**) and taken to torture centers. Complaints to administrative and judicial authorities about abducted and disappeared persons are either not processed or the complaint files are closed without any investigation.

The abductees are taken in black Transporters to the MIT's torture center, known as "**Çiftlik (Farm)**", at the intersection of Anadolu Bulvarı and Marşandiz in Ankara. Some of those abducted in 2016 and 2017 were apparently held for several months at the MIT headquarters in Yenimahalle, Ankara, before being taken to "**Çiftlik (Farm)**" and then taken to Çiftlik. This is known as the Special Operations Center of the MIT. While this center was a torture center where leftists were taken in the 80s, after July 15, it turned into a center where members of the Gülen Movement, as well as some Kurds brought from Syria, were tortured. This has been deciphered by the confessions of two senior MIT officers held by the PKK⁷³.

Human Rights Watch (HRW), in its most recent report released on February 22, 2024 "**"We Will Find You": A Global Look at How Governments Repress Nationals Abroad**", which was released on February 22, 2024, the report evaluated the situation in the world in general, as well as the cases of kidnapping and disappearances in Türkiye in detail and emphasized that these operations were carried out by MIT^{74,75}. Similar findings were also included in **Freedom House Reports**^{76,77}, **European Commission**

73 "Dark deeds in Marşandiz: Journey to the torture center of the gang [ERDOĞAN'S DIRTY TURKEY -4]"; February 18, 2018, <https://www.tr724.com/mit-yoneticileri-itiraf-etti-cetenin-iskence-merkezine-yolculuk/>

74 Human Rights Watch: "**"We Will Find You": A Global Look at How Governments Repress Nationals Abroad**", February 22, 2024, <https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>

75 Human Rights Watch: Turkey Events of 2023, <https://www.hrw.org/world-report/2024/country-chapters/turkey>

76 Turkish Minute, "PACE expresses concern over Turkey's pursuit of anyone related to 'Gülen movement,' condemns transnational repression", 23 June 2023, <https://www.turkishminute.com/2023/06/23/pace-express-concern-over-turkey-pursuit-anyone-related-to-gulen-movement-condemns-transnational-repression/>

77 SCF, "Turkey's intelligence agency confirms abduction of more than 100 people with alleged links to Gülen movement", 6 March 2023, <https://stockholmcf.org/turkeys-intelligence-agency-confirms-abduction-of-more-than-100-people-with-alleged-links-to-gulen-movement/>

Türkiye reports⁷⁸, the report of the **United Kingdom**, which is one of the countries preparing periodic reports on Türkiye, in the report announced on October 26, 2023⁷⁹ and the report of the **Dutch** Ministry of Foreign Affairs in August 2023⁸⁰.

The Working Group on Enforced or Involuntary Disappearances, one of the thematic special procedures overseen by the United Nations Human Rights Council, has drawn attention to the role of the MIT in abductions in its reports and resolutions⁸¹. The **UN Human Rights Committee** has stated in its resolutions that abductees are often subjected to **torture and ill-treatment in** order to extract confessions to alleged crimes⁸²

On the other hand, it has also been reported by some sources that Sunay Elmas, who was abducted and is still unaccounted for, was taken to the torture farm of the MIT⁸³ and was interrogated there by Hakan Fidan, the former head of MIT⁸⁴.

C. Enforced Abductions and Disappearances in Türkiye

The period following the coup attempt saw a marked increase in enforced abductions and disappearances, often involving individuals associated with the Gülen movement. These disappearances were frequently conducted by the National Intelligence Organization (MIT) and were characterized by abductions and subsequent torture in secret detention facilities. Cases of enforced disappearances have been

78 European Commission, 2021 Turkey Report, Strasbourg, 19.10.2021 SWD (2021) 290 final, https://www.ab.gov.tr/siteimages/birimler/kpb/2021_turkiye_raporu_tr.pdf

79 U.K Independent Advisory Group on Country Information, "Country Policy and Information Note: Gülenist Movement, Turkey, October 2023", <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/country-policy-and-information-note-gulenist-movement-turkey-february-2022-accessible-version>

80 "General Country of Origin Information Report on Turkey (August 2023)", p.46, <https://www.government.nl/documents/reports/2023/08/31/general-country-of-origin-information-report-on-turkiye-august-2023>

81 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/334/74/PDF/G1933474.pdf?OpenElement>

82 UN Human Rights Committee, Communication No 2980/2017, İsmet Özçelik and Turgay Karaman v. Turkey, UN Doc. CCPR/C/125/D/2980/2017., 23 September 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F125%2FD%2F2980%2F2017&Lang=en

83 "3rd anniversary of the abduction of Sunay Elmas, the first black Transporter victim", January 29, 2019, <https://boldmedya.com/2019/01/27/ilk-siyah-transporter-kurbani-sunay-elmasin-kacirilisinin-ucuncu-yili/>

84 "New information about Sunay Elmas, whom Hakan Fidan personally interrogated", January 27, 2019, <https://www.samanyoluhaber.com/hakan-fidanin-bizzat-sorgusuna-girdigi-sunay-elmasla-ilgili-yeni-bilgiler-haberi/1318446/>

documented and reported by various human rights organizations, yet the Turkish government has consistently denied these allegations.

Although it is not possible to determine the final number and the unlawful acts of abduction and disappearance that the Turkish Government has launched especially against the Gülen Movement, the cases identified through written, visual and social media and other open sources⁸⁵ will be included below. The study will particularly focus on cases that were abducted by MIT from Türkiye and abroad and subjected to torture and ill-treatment in MIT's torture centers.

According to recent reports on Türkiye, between August 10, 2016 and February 15, 2021, more than 100 people associated with the Gülen Movement were abducted or unlawfully returned to Türkiye in 53 cases from 30 countries^{86,87}. Abductions and disappearances against the Gülen Movement, which has become a state policy, continued unabated. In this context;

➤ **In April 2023, Mehmet Cintosun** was abducted by the National Intelligence Organization (MIT) from **Iraq** and brought to Türkiye on the allegation that he was a member of the Gülen Movement.

➤ **Emsal Koç**, a resident of Tajikistan since 1994 and a teacher at a Tajik-Turkish high school for 11 years, was abducted and brought to Türkiye on **June 2, 2023** by an MIT operation⁸⁸

➤ A citizen named **Koray Vural**, also living in Tajikistan, was abducted and brought to Türkiye on **05.10.2023** by an MIT operation on the allegation that he was a member of the Gülen Movement⁸⁹.

85 Solidarity with OTHERS: "Enforced Disappearances: Turkey's Open Secret", https://b2923f8b-dcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf; AST: "Global Purge" : 144 Abductions Conducted By The Turkish Government In Turkey And Abroad, June 23, 2021 , <https://silencedturkey.org/global-purge-1-144-abductions-conducted-by-the-turkish-government-in-turkey-and-abroad>

86 Advocates of Silenced Turkey (AST): Erdogan's Long Arms, Abductions in Turkey and Abroad, Sep 2020, <https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>

87 SCF: Erdoğan's Long Arm: The Case of Norway, December, 2017, https://stockholmcf.org/wp-content/uploads/2017/12/Erdogans-Long-ArmThe-Case-Of-Norway_15.12.2017pdf.pdf

88 SCF, "Turkish national illegally renditioned from Tajikistan detained over Gülen links", July 5, 2023, <https://stockholmcf.org/turkish-national-illegally-renditioned-from-tajikistan-detained-over-gulen-links/>

89 "Fetö Member Fugitive Koray Vural Caught in Tajikistan by Mit Operation", 05.10.2023, https://www.mit.gov.tr/basin-yansimasi_feto-mensubu-firari-koray-vural-mit-operasyonuyla-tacikistanda-yakalandi_12.html

➤ The National Intelligence Organization (MIT) illegally abducted **Mustafa Tan and Mustafa Bircan in Algeria** on the allegation that they were members of the Gülen Movement and brought them to Türkiye on **27 December 2023**⁹⁰ .

➤ Turkish-American political scientist **Prof. Dr. Ahmet T. Kuru** was arrested on **January 10, 2024 at the Kuala Lumpur** Airport in Malaysia on charges of being a member of the Gülen Movement by an MIT operation and attempted to be taken to Türkiye, but the operation remained at the attempted stage due to the intervention of senior Malaysian officials⁹¹ .

D. Abduction Cases Still Unreachable

On the other hand, most of the abductees are somehow handed over to law enforcement officers after a long period of time has passed and their statements are forcibly taken in torture centers without any legal protection. Some of the abducted persons are executed during the enforced disappearance phase. Complaints to administrative and judicial authorities about these abducted persons, who are still unaccounted for, are either not processed or the complaint files are closed without any investigation. Since 2016, 7 people abducted on the allegation of being members of the Gülen Movement and 1 person abducted on the allegation of being a PKK member have still not been heard from: The names are as follows:

1. Sunay Elmas (January 27, 2016-Ankara) ⁹²
2. Ayhan Oran (November 1, 2016-Ankara) ⁹³
3. Turgut Çapan (March 31, 2017-Ankara) ⁹⁴

90 Turkish Minute, "Turkey abducts two alleged Gülen followers from Algeria", December 28, 2023, <https://www.turkishminute.com/2023/12/28/turkey-abduct-two-alleged-gulen-follower-from-algeria/>

91 Turkish Minute, Academic critical of Erdoğan feared arrest, deportation to Turkey during Malaysia visit", January 11, 2024, <https://www.turkishminute.com/2024/01/11/academic-critical-erdogan-fear-arrest-deportation-to-turkey-during-malaysia-visit/>

92 Advocates of Silenced Turkey (AST), "Global Purge": 144 Abductions Conducted By The Turkish Government in Turkey and Abroad", 23 June 2021, <https://silencedturkey.org/global-purge-1-144-abductions-conducted-by-the-turkish-government-in-turkey-and-abroad>

93 Nordic Monitor, "Turkish Intelligence Black Site for Secret Arms Transfers and Torture Chambers Exposed", August 31, 2023, <https://nordicmonitor.com/2023/08/turkish-intelligence-black-site-for-secret-arms-transfers-and-torture-chambers-exposed/>; Dark deeds in Marşandiz: Journey to the torture center of the gang [ERDOĞAN'S DIRTY TURKEY -4] ", February 18, 2018, <https://www.tr724.com/mit-yoneticileri-itiraf-etti-cetenin-iskence-merkezine-yolculuk/>

94 Solidarity with Others, Enforced Disappearances: Turkey's Open Secret, May 2020, p. 10, https://b2923f8bdcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf

4. Fatih Kılıç (May 14, 2017-Ankara) ⁹⁵ ⁹⁶
5. Murat Okumuş (June 16, 2017-İzmir) ⁹⁷
6. Fahri Mert (August 12, 2018-Izmir) ⁹⁸
7. Yusuf Bilge Tunç (August 6, 2019-Ankara) ⁹⁹ ¹⁰⁰
8. Hıdır Çelik (November 16 - Diyarbakır) ¹⁰¹

On the other hand, in an application to the ECtHR against Türkiye for failing to conduct an effective investigation into the abduction and enforced disappearance of Yusuf Bilge Tunç, the Court unfortunately rejected the application on the grounds that the Turkish authorities made the necessary efforts to find Tunç and conducted an effective investigation. However, even though the ECtHR stated that sufficient measures were taken to find Tunç, the judicial authorities from the very first moment created all kinds of difficulties and any progress in the investigation was made with the efforts of the family. Even the vehicle Tunç was driving was found by his family and the authorities had no involvement in this. There was no direct discovery or identification of evidence (fingerprints, etc.) on the vehicle; no verbal or written instruction was given by the prosecutor's office to the law enforcement units to carry out these procedures, and the examinations that the ECHR said were carried out at the

95 "There is still no news about Fatih Kılıç and Mustafa Özben who were kidnapped in the heart of Ankara!", June 13, 2017, <https://www.tr724.com/ohalde-ankarada-kacirilan-fatih-kilic-mustafa-ozbenden-hala-haber-yok/>; "Four of them were given, a new one kidnapped", August 09, 2019, <https://ahvalnews.com/tr/insan-kacirma/dordu-verildi-yeni-bir-kisi-kacirildi>

96 Solidarity with Others, Enforced Disappearances: Turkey's Open Secret, May 2020, p. 13, https://b2923f8bdcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf ; Human Rights Watch, "Letter from Human Rights Watch to Minister Gül," August 3, 2017, (<https://www.hrw.org/news/2017/08/03/letter-human-rights-watch-minister-gul>); Rights Initiative, "Review and Research Report on Allegations of Illegal Detention by Public Officials after 2016," June 19, 2019, p.10 (<https://www.hvd.org.tr/attachments/article/537/Hakinisiyatifi.2019AlikonulmaiddialariRaporu.pdf>)

97 Human Right Watch, IN DETENTION: Police Torture and Human Abduction in Turkey, 2017, p. 43, https://www.hrw.org/sites/default/files/report_pdf/turkey1017tu_web.pdf

98 Heymans, Johan: Abduction In Turkey Today, Turkey Tribunal, July 2021, p.75, https://turkeytribunal.org/wp-content/uploads/2021/11/AbductionsinTurkey_Turkey-Tribunal-Report_FINAL.pdf

99 ECtHR Nuray TUNÇ and Mustafa TUNÇ v. Turkey, Application no: 45801/19, K.T: 17/03/2022, <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%7B%22Nuray%20TUN%C3%87%22,%22itemid%22:%7B%22001-200276%22%7D>

100 <https://amnesty.org.tr/public/uploads/files/Türkiye'de%20Human%20Hakları-2019.pdf>

101 "No news from detained Çelik for 29 days", December 14, 2017, <https://artigercek.com/guncel/gozaltina-alinan-celik-ten-29-gundur-haber-alinamiyor-40980h>

scene were carried out exactly 5.5 months after the incident. Also within the scope of the file;

➤ Apart from the MOBESE footage provided by the family, no detailed MOBESE analysis was conducted,

➤ Only Tunç's cell phone call records were checked, not his location records.

➤ Although the court says that witnesses were heard, neither in the investigation file nor in the government's response is there a witness heard. The only thing about the witnesses is a token letter written by the prosecutor's office 5 months after the incident regarding the taking of witness statements.

➤ Although the decision states that private and public institutions were given access to Tunç's personal files in order to find him, this information was also found and given to the investigation authorities by his family and camera footage started to be collected 1 month after the location was found.

➤ The disappearance file on Tunç was merged with the organization file, which was subject to a confidentiality order, and the request of the lawyers of the relatives of the victims to obtain documents from the file was rejected on the grounds of the restriction order. Therefore, Tunç's relatives were prevented from accessing the file.

The application made to the UN Human Rights Committee regarding Yusuf Bilge Tunç was unfortunately ruled inadmissible by the Committee within the framework of the ECHR's justifications and the methodology it applied. At this point, it would be beneficial for the Committee to re-evaluate the issue within the framework of the criticisms we have expressed above¹⁰².

Amnesty International featured the enforced disappearance of Yusuf Bilge Tunç in its 2021/22 annual report assessing the state of human rights around the world. The report highlights that following the enforced disappearance of individuals dismissed for alleged links to the Gülen movement, the authorities denied that they were being held in official custody. However, the report points out that some of the abducted persons appeared 9 months later at Ankara Security Directorate and Ankara Sincan Prison. The report noted that the fate and whereabouts of Yusuf Bilge Tunç, who has been missing since August 2019, are still unknown.¹⁰³

102 UN Human Rights Committee, CCPR/c/141/D/4275/2022, 19 August 2024,

103 <https://amnesty.org.tr/public/uploads/files/Türkiye'de%20İnsan%20Hakları-2019.pdf>

E. Allegations of Widespread Torture and Ill-Treatment During the Abductions

The torture and ill-treatment practices during the enforced abductions and disappearances in Türkiye have been publicized both nationally and internationally. The cases have been confirmed by victim statements, video footage and international reports. Victims have been subjected to torture, ill-treatment, sexual harassment, insults, threats and beatings after abduction. Looking at the abduction cases, it is seen that most of the abductees were subjected to torture, beatings, threats, psychological violence, harassment and ill-treatment when they reappeared¹⁰⁴.

Numerous credible reports and victim testimonies highlight the systemic use of torture in detention facilities. For example, **Ayten Öztürk** reported being subjected to extensive torture over six months, including physical abuse, sexual violence, and other forms of inhumane treatment. Her testimony includes detailed descriptions of the torture methods, such as being held naked, subjected to sexual violence, and severe physical abuse.

f. Yunus Akyol (July 21, 2016-Ankara)

Yunus Akyol was abducted on 21/7/2016 and was locked in a windowless room with a floor and all the walls covered with foam and carpeting and kept blindfolded and blindfolded at all times. During the torture, the torturers crushed his fingers and toes with their shoes, punched him in the back and face, kicked him in the back, caused injuries on his back and shoulders due to the blows and compression, ruptured the ligaments in his knees, and he was unable to tilt his head for two weeks due to a hard blow to his ear and lost his hearing for a long time. He was not taken for questioning for about two weeks and then left in an empty field with his mouth closed and his hands and feet tied. Akyol was detained by police officers who came to the area, and during the detention process he was slapped repeatedly, made to sit on his knees, and his hands were tied behind his back with plastic handcuffs. He was repeatedly punched, kicked and kneed in the face, back and chest; the plastic handcuffs were stepped on and jumped on from behind at the same time, the handcuffs cut his wrists, he eventually fainted from the pain and the same actions were applied each time he was revived¹⁰⁵. Akyol

104 Advocates of Silenced Turkey (AST): Systematic Torture and Ill-Treatment in Turkey, January, 2020, <https://silencedturkey.org/wp-content/uploads/2020/01/SYSTEMATIC-TORTURE-AND-ILL-TREATMENT-IN-TURKEY-January-5th.pdf>

105 Nordic Monitor, "No remedy for torture victim kidnapped by Turkish intelligence, held captive at a black site", February 19, 2024, <https://nordicmonitor.com/2024/02/no-remedy-for-torture-victim-kidnapped-by-turkish-intelligence-held-captive-on-a-black-site/> ;

filed a criminal complaint to the Chief Public Prosecutor's Office on 9/3/2018 for his abduction and torture, but no results were obtained¹⁰⁶ .

g. Alettin Duman (October 13, 2016-Malaysia)

Alettin Duman, a Gülen Movement volunteer in Malaysia, was abducted on a joint operation by MIT and Malaysian authorities. Alettin Duman was held in a secret place in the forest for approximately 29-30 hours before being handed over to Turkish authorities. Duman, whose hands and feet were handcuffed with thick chains, gagged and blindfolded, was repeatedly tortured. The perpetrators threatened to kill him with a gun and also to throw him from the second floor¹⁰⁷ . Alettin Duman was brought to the headquarters of the anti-terror police in Ankara, Türkiye, where he was subjected to beatings until he fainted, other forms of torture, death threats and even staged executions in which police officers threatened to throw him out of a window and make it look like an escape attempt. Complaints have not yielded any results¹⁰⁸.

h. Mustafa Özgür Gültekin (December 21, 2016-Ankara)

Mustafa Özgür Gültekin was detained in Ankara on April 21, 2017, 121 days after his abduction. In a letter sent to his lawyers as well as the judges and prosecutors handling his case, Gültekin stated that he was abducted by members of the National Intelligence Organization (MIT), subjected to brutal extrajudicial interrogations by them, and forced to sign incriminating statements in front of a camera^{109 110}.

i. Hüseyin Kötüce (February 28, 2017-Ankara)

Hüseyin Kötüce, an IT personnel at the ICTA, was abducted after work on February 28, 2017 in Yenimahalle, near the Hippodromes in a black VW Transporter with a black sack over his head. After his abduction, according to his own statement, he

106 Constitutional Court Yunus Akyol Decision, Application No: 2018/36395, K.T: 20/9/2023, §. 20-21, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/36395>

107 UN Human Rights Council Working Group on Arbitrary Detention, A/HRC/WGAD/2022/8, 7 June 2022, Opinion No. 8/2022 concerning Alettin Duman and Tamer Tibik (Malaysia and Turkey), <https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-2022-8-MYS-TUR-AEV.pdf> ; SCF, "Cellmate: Teacher abducted by Turkey's MIT from Malaysia subjected to torture in Ankara", April 1, 2018, <https://stockholmcf.org/cellmate-teacher-abducted-by-turkeys-mit-from-malaysia-subjected-to-torture-in-ankara/>

108 Advocates of Silenced Turkey (AST): "Erdogan's Long Arms: Abductions In Turkey And Abroad", September 2020, p.64, <https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>

109 Heymans, Johan: Abductions in Turkey Today, September 2020, Turkey Tribunal, https://ccprcentre.org/files/documents/INT_CCPR_ICS_TUR_44931_E.pdf,

110 Solidarity with Others, Enforced Disappearances: Turkey's Open Secret, May 2020, p. 8, https://b2923f8bdcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf

was kept under severe torture for 3 months and his torturers kept pressuring him to take responsibility for the assassination of Karlov. 3 months after his abduction, he was brought before the court¹¹¹ In the trial held at Ankara 2nd High Criminal Court, he stated that he was abducted by MIT and that he was made to sign a statement under torture¹¹².

j. Mesut Geçer (March 18, 2017-Ankara)

On March 18, 2017, Mesut Geçer was abducted with a sack over his head by people in a gray Doblo car following him while he was driving in the direction of Sincan Lale Square. Mesut Geçer was tortured severely at the first place where he was taken and his condition worsened and he was transferred to another place where he was kept under torture until June 20, 2018. On this date, he was handed over to Arab nationals with Kalashnikovs, handcuffed and with a sack over his head, and was taken to Syria by car and started to be held there. On July 14, 2018, Mesut Geçer was held by these people until July 14, 2018 and then he was taken to the Turkish side with a sack over his head and taken to Kumlu District Gendarmerie Station and then he was brought to Ankara Security Directorate TEM Branch. He was arrested by the court¹¹³.

k. Önder Asan (April 1, 2017-Ankara)

Önder Asan was abducted on April 1, 2017 in Yenimahalle, Ankara. After his abduction, Asan was taken to a cell, where he was held for forty-two days¹¹⁴. For the first twenty days - some say twenty-five - he was beaten with sticks in a room he called the torture room, he was subjected to electric shocks, sexual and psychological violence, threats against his family and insults. Although the torturers were forced to stop when he started bleeding due to the most heinous form of physical torture, seduction with a hard object, they continued to torture Asan in order to take his name and make him confess. In the end, he was kept on his knees for 42 days in a 1.5 square meter cell

111 Advocates of Silenced Turkey (AST): "Erdogan's Long Arms: Abductions In Turkey And Abroad", September 2020, p.81, <https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>

112 Advocates of Silenced Turkey (AST): "Beyond Turkey's Borders: Unveiling Global Purge, Transnational Repression, Abductions", 26 May 2023, <https://silencedturkey.org/beyond-turkeys-borders-unveiling-global-purge-transnational-repression-abductions>

113 Advocates of Silenced Turkey (AST), "Erdogan's Long Arms: Abductions In Turkey And Abroad", September 2020, <https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>

114 Human Rights Association, "Those Claimed to have been Forcibly and Involuntarily Disappeared must be Clarified & Perpetrators must be Tried", May 30, 2017, <https://ihd.org.tr/en/those-claimed-to-have-been-forcibly-and-involuntarily-disappeared-must-be-clarified-perpetrators-must-be-tried/>

without a blanket, with his hands and feet tied most of the time. Önder Asan's family was informed 42 days later on 12/5/2017 that he was in custody at Ankara Police Headquarters¹¹⁵. After long days of torture, Asan was handed over to security officers at the edge of Eymir Lake. When **Önder Asan** was brought to the police station, it was recorded that he had great difficulty in standing and walking and could only walk to the room by holding on to the walls to meet with his lawyer^{116 117}.

1. Mustafa Özben (May 9, 2017-Ankara)

Mustafa Özben was abducted on May 9, 2017 by at least 3 members of the National Intelligence Organization (MIT) who forced him into a black or dark-colored van. 92 days after his abduction, he was found on August 8, 2017 in Yenimahalle, near Karşıyaka Cemetery. For 92 days he was tortured with his hands and feet bound with plastic handcuffs, given electric shocks and constantly threatened¹¹⁸. The documentary "92 Days in the Zifiride", in which Özben describes the torture he was subjected to, was released on 02/12/2023¹¹⁹.

Mustafa Özben also told about his experiences at the Turkish Tribunal held in Geneva on September 21, 2021¹²⁰. Özben stated the following in his statement: *"There were three interrogation rooms where torture was carried out. One was painted completely black, the other completely white. When they opened my eyes, I tried to look around. In one of the interrogation rooms, there was a podium, a table, and behind it was a photo of Mustafa Kemal Atatürk. There was a Turkish flag in the corner. It was like a courthouse. Inside the cell where I was interrogated, there were 2 rings to handcuff people to the wall above. I saw sticks and blood. I want to tell about the torture methods that I feel ashamed of telling but feel a debt to: They constantly gave me electric shocks, beat me roughly, brought a sex device. They bent me over and said, 'We will put this in you now. Talk, tell me.' They tried everything that I could be sensitive about. They said, we will bring your wife and children here, the children will watch from behind*

115 "People whose relatives were abducted in Ankara tell their stories", June 29, 2017, <https://www.bbc.com/turkce/haberler-turkiye-40372013>

116 Heymans, Johan: Abductions in Turkey Today, July 2021, Turkey Tribunal, p.147, https://turkeytribunal.org/wp-content/uploads/2021/11/AbductionsinTurkey_Turkey-Tribunal-Report_FINAL.pdf,

117 Human Rights Review, "The Resurgence of Enforced Disappearances in the Aftermath of the July 15, 2016 Failed Coup Attempt in Turkey: A Systematic Analysis of Human Rights Violations", <https://link.springer.com/article/10.1007/s12142-023-00712-5>

118 "Lawyer abducted by Turkish intel talks about his experience in new documentary", December 1, 2023, <https://www.turkishminute.com/2023/12/01/lawyer-abducted-by-turkish-intel-talked-about-his-experience-in-new-documentary/>

119 "Zifiride 92 Gün: Mustafa Özben", Documentary, <https://www.youtube.com/watch?v=K4PBRZ1m02M&t=2s>

120 Mustafa Özben, <https://turkeytribunal.org/tr/taniklar/mustafa-ozben-2/>

the glass, my tooth broke during the punching. They are trying to make me lose my mind, drive me crazy. In order not to lose my memory, I hid a napkin and wrote down the days. I put things in front of me that I could guess the day and time. On July 15, 2017, on the anniversary of the coup attempt, they made me listen to marches and music for 24 hours. They exposed me to a sound like a radio frequency to make me lose my mind. On the day they were going to release me, they gave me everything back at 5 o'clock."

m. Zabit Kiři (October 30, 2017-Kazakhstan)

Zabit Kiři was abducted from Kazakhstan on October 30, 2017 as part of investigations into the Gülen Movement, brought to Türkiye and held in unregistered detention for 108 days. 108 days after his abduction, Zabit Kiři appeared at the Ankara Courthouse, having lost 30 kilograms and with signs of torture on his body. He was arrested and imprisoned. Zabit Kiři sent a petition describing the torture he had suffered to the court where he was on trial¹²¹ but no investigation into the torture was conducted¹²². Zabit Kiři stated that he was kept in a container for 108 days in a place 6 minutes by car from the airport where he was landed in Ankara and that he was stripped naked, electrocuted, deprived of water for days, subjected to sexual abuse, beaten continuously, watched while he defecated, and when he was about to die, he was injected with drugs he did not know and tortured again¹²³.

n. Ümit Horzum (December 6, 2017-Ankara)

Ümit Horzum was abducted in a black Transporter car in Ankara on December 6, 2017. Horzum reappeared at the Ankara Police Headquarters 132 days after his abduction. When he reappeared, **Ümit Horzum** had a broken rib and a burst eardrum. Horzum testified, albeit in summarized form, about his experiences and torture during the 132 days of his abduction at the Ankara 32nd High Criminal Court, where he was

121 "Zabit Kiři told about 108 days of torture: I don't find suicides strange anymore", November 2, 2023, <https://boldmedya.com/2019/06/26/zabit-kisi-iskencede-gecen-108-gunu-anlatti-intihar-edenleri-artik-yadirgamiyorum/>; SCF, "Court denies abducted teacher's request for investigation into torture allegations", November 12, 2021, <https://stockholmcf.org/court-denies-abducted-teachers-request-for-investigation-into-torture-allegations/>

122 Heymans, Johan: Abductions in Turkey Today, July 2021, Turkey Tribunal, p. 103, https://turkeytribunal.org/wp-content/uploads/2021/11/AbductionsinTurkey_Turkey-Tribunal-Report_FINAL.pdf

123 Advocates of Silenced Turkey (AST): "Erdogan's Long Arms: Abductions In Turkey And Abroad", September 2020, p.32, <https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>

present as a witness due to a statement he had made under torture about another person¹²⁴.

o. Gökhan Türkmen (February 7, 2019-Antalya)

Gökhan Türkmen¹²⁵ was abducted on February 7, 2019 and appeared at Antalya Police Headquarters on November 6, 2019, almost 9 months later¹²⁶. During this 9-month period, Turkmen was subjected to severe torture and insults, as he recounted during his trial at Ankara 2nd High Criminal Court. Human Rights Watch, which raised Gökhan Türkmen's case, noted that there is no effective investigation into allegations of abduction in Türkiye and that the number of such complaints is increasing day by day¹²⁷

p. Yasin Ugan (February 13, 2019-Ankara)

Yasin Ugan¹²⁸ who was abducted from his house in Ankara on 13.02.2019 by about 40 people with automatic rifles who introduced themselves as plain-clothes police officers, appeared at Ankara Security Directorate 6 months later. Yasin Ugan made a declaration at Ankara Heavy Penal Court No 34 on June 23, 2020 and stated that he was subjected to heavy torture for 6 months with a bag over his head and was beaten until he was blue in many parts of his body. He also stated in his own statement that he was

124 Heymans, Johan: Abductions in Turkey Today, July 2021, Turkey Tribunal, p. 103, https://turkeytribunal.org/wp-content/uploads/2021/11/AbductionsinTurkey_Turkey-Tribunal-Report_FINAL.pdf

125 Turkish Minute: "Yet another Gülen follower kidnapped in February mysteriously reappears", November 6, 2019, <https://www.turkishminute.com/2019/11/06/yet-another-gulen-follower-kidnapped-in-february-mysteriously-reappears/?noamp=mobile> ; "Another missing emergency decree holder revealed at the police station", 06.11.2019, <https://www.dw.com/tr/bir-kay%C4%B1p-khkl%C4%B1-daha-emniyette-ortaya-%C3%A7%C4%B1kt%C4%B1/a-51131341>

126 Amnesty International, Urgent Action, Investigate Whereabouts Of Two Missing Men, 13 September 2019, <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR4408812019ENGLISH.pdf>

127 HRW: Turkey: Enforced Disappearances, Torture, April 29, 2020, <https://www.hrw.org/news/2020/04/29/turkey-enforced-disappearances-torture>

128 Heymans, Johan: Abductions in Turkey Today, September 2020, https://ccprcentre.org/files/documents/INT_CCPR_ICS_TUR_44931_E.pdf; Turkish Minute: "Civil servant abducted by Turkish intelligence forced to testify against opposition deputies while in detention", November 30, 2021, <https://turkishminute.com/2021/11/30/vil-servant-abducted-by-turkish-intelligence-forced-to-testify-against-opposition-deputies-while-in-detention/>

only given 3 baths for 6 months¹²⁹ . He stated that he was made to sign a 58-page statement without reading it¹³⁰ .

q. Erkan Irmak (February 16, 2019-Ankara)

Erkan Irmak, a teacher, was abducted by civilians on 16.02.2019¹³¹. His family was later informed that he was captured by the police on 28.07.2019 and that he was in Ankara Anti-Terror Branch Directorate¹³² . Erkan Irmak has been missing for more than 6 months. Although a delegation from the Human Rights Association Ankara Branch wanted to attend the hearing at the 34th Assize Court, the delegation was prevented from attending the hearing on the grounds that the hearing would be held in secret. The Human Rights Association Ankara Branch, which was prevented from observing the hearing, issued a statement on the issue, stating that the prevention of their participation as observers in the trial strengthens the allegations of torture and enforced disappearance¹³³ .

r. Salim Zeybek (February 21, 2019-Ankara)

Salim Zeybek was abducted on 21.02.2019 by armed civilian persons claiming to be police officers. Later on 28.07.2019, he informed that he was informed by the police that he was detained at Ankara Anti-Terror Branch Directorate. Salim Zeybek has been missing for more than 5 months¹³⁴ . In the first interview with his family, **Salim Zeybek** was seen to be able to maintain his balance while sitting. Due to the pressures put on

129 Human Rights Association: İHD Special Report: Enforced Statements, Interviews, Informant-Making, and Abductions through Coercion and Threats in 2020 5 November 2020, https://ihd.org.tr/en/wp-content/uploads/2020/11/20201105_IHD-Special-Report-on-Informant-Making-and-Abductions-1.pdf

130 Human Rights Review, "The Resurgence of Enforced Disappearances in the Aftermath of the July 15, 2016 Failed Coup Attempt in Turkey: A Systematic Analysis of Human Rights Violations", <https://link.springer.com/article/10.1007/s12142-023-00712-5>

131 HRW: Turkey: Enforced Disappearances, Torture, April 29, 2020, <https://www.hrw.org/news/2020/04/29/turkey-enforced-disappearances-torture>

132 Solidarity with Others, Enforced Disappearances: Turkey's Open Secret, May 2020, p. 8, https://b2923f8bdcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf

133 "Human Rights Association, Ankara branch was expelled from the courtroom at the trial of Yasin Ugan who was abducted and tortured by MIT", October 25, 2019, <https://iskenceraporu.com/insan-haklari-dernegi-ankara-subesi-mit-tarafindan-kacirilip-iskence-goren-yasin-uganin-yargilandigi-davada-salondan-cikartildi/>

134 Ankara Bar Association Human Rights Center: Joint Monitoring Report, https://turkeytribunal.org/wp-content/uploads/2021/11/Enforced_Disappearances_JointMonitoringReport_AnkaraBar.pdf ; "Abducted Salim Zeybek, Yasin Ugan, Erkan Irmak and Özgür Kaya in custody at Ankara Police Headquarters", July 29, 2019, <https://aktifhaber.com/15-temmuz/kacirilan-salim-zeybek-yasin-ugan-erkan-irmak-ve-ozgur-kaya-ankara-emniyetinde-gozaltinda-h135492.html>

him, Zeybek requested that the applications for his disappearance and torture be withdrawn¹³⁵.

s. Arif Komiş (August 30, 2019-Malaysia)

Arif Komiş, the principal and teacher of Hibiscus International School in Malaysia, and his family were detained on August 28, 2019 and handed over to MIT officers¹³⁶. Komiş's medical report on his admission to prison confirms that he was tortured at the police station. The United Nations Working Group on Arbitrary Detention found that the arrest, detention and forcible transfer of Arif Komiş, Ülkü Komiş¹³⁷ and their four young children to Türkiye on August 28-29, 2019 in Malaysia was arbitrary and contrary to international human rights norms and standards.

t. Orhan İnandı (June 01, 2021- Kyrgyzstan)

Orhan İnandı, an educator and Chairman of Sapat Schools in Kyrgyzstan, was abducted on the evening of May 31, 2021. After his abduction, Orhan İnandı was not heard from for 37 days. Although it was denied at first, on July 5, 2021, President Erdoğan made a public statement that MIT had brought Orhan İnandı to Türkiye¹³⁸.

Orhan İnandı was tortured for 37 days, had his arm broken in 3 different places. After Erdoğan's statements, a photo of İnandı with a broken arm was shared by AA¹³⁹¹⁴⁰. The abduction was followed by HRW from the beginning. HRW reminded that the

135 "Ankara Bar Association's report and criminal complaint on abductions in Black Transporter", February 14, 2020, <https://www.boldmedya.com/2020/02/14/ankara-barosundan-siyah-transporterla-kacirilanlara-iliskin-rapor-ve-suc-duyurusu/>

136 Advocates of Silenced Turkey (AST): "Global Purge": 144 Abductions Conducted By The Turkish Government In Turkey And Abroad", June 23, 2021, <https://silencedturkey.org/global-purge-1-144-abductions-conducted-by-the-turkish-government-in-turkey-and-abroad>

137 UN Human Rights Council Working Group on Arbitrary Detention, Opinion No. 51/2020 concerning Arif Komiş, Ülkü Komiş and four minors whose names are known to the Working Group (Malaysia and Turkey), https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_51_Advance_Edited_Version.pdf

138 Government of the Netherlands: "General Country of Origin Information Report on Türkiye (August 2023)", s.46, <https://www.government.nl/documents/reports/2023/08/31/general-country-of-origin-information-report-on-turkiye-august-2023>

139 "FETO's Central Asia General Responsible Orhan İnandı brought to Turkey", 05.07.2021, <https://www.aa.com.tr/tr/vg/video-galeri/fetonun-orta-asya-genel-sorumlusu-orhan-inandi-turkiyeye-getirildi/1#>

140 "Abducted and tortured, educator İnandı gives details of his ordeal at first hearing of his trial", November 25, 2021, <https://www.turkishminute.com/2021/11/25/ucted-and-tortured-educator-inandi-gives-details-of-his-ordeal-at-first-hearing-of-his-trial/>

United Nations Working Group on Arbitrary Detention has concluded that Türkiye has carried out arbitrary detentions and arrests in cases in other countries¹⁴¹.

In its report on Kyrgyzstan, the Human Rights Committee recommended that Kyrgyzstan conduct a prompt, thorough, effective and impartial investigation into the enforced disappearance of Orhan Inandı and make the results public¹⁴².



u. Ayten Öztürk (March 13, 2018-Lebanon)

Ayten Öztürk, accused of DHKPC membership and living in Lebanon, was abducted over blindfolded by Lebanese officials to Turkish authorities on March 13. After being brought to Türkiye on a private plane, Ayten Öztürk was held in an unfamiliar official apartment and tortured continuously for about 6 months from March 13, 2018 to August 28, 2018. After she was brought to Türkiye, she described in detail the severe torture she was subjected to during the 6 months she was missing during her trial at the Istanbul Third High Criminal Court, where she was charged with DHKP-C membership. In her written testimony to the court, Ayten Öztürk stated that she was subjected to severe torture during the 6 months she was abducted, and that she still bears the traces of dozens of tortures such as being held naked in front of the torturers, being forced with a truncheon on her genitals, drowning with water, force-feeding,

141 HRW: "Turkey/Kyrgyzstan: Rendition of Turkish-Kyrgyz Educator Risk of Further Arbitrary Detention and Unfair Trial", July 7, 2021, <https://www.hrw.org/news/2021/07/07/turkey/kyrgyzstan-rendition-turkish-kyrgyz-educator>

142 UN Human Rights Committee, CCPR/C/KGZ/CO/3, 9 December 2022, Prg. 30, <https://uhri.ohchr.org/en/document/bfca8546-24eb-412f-8089-5b8a919beb40>

burning her fingers, being kept in a box called a coffin, falaka, and Palestinian hangers on her body. Ayten Öztürk also said that due to the tortures she was subjected to, she weighed as little as 40 kilograms and had nearly 900 scars on her body¹⁴³.

v. **Gülten Matur (November 22, 2022, İstanbul)**

It was publicly announced that Gülten Matur was taken into custody on November 28, 2022 on the allegation of being the “Türkiye responsible of the DHKP-C”. She was subsequently arrested by the court and released on February 7, 2022. However, before she was taken into custody, Matur was abducted on November 20, 2022 and kept in an unknown place for about a week. She was then subjected to official detention on November 28, 2022. During the one-week abduction, she was held in an unknown place where she was subjected to torture such as falaka, suspension, electric shock and beatings. Although the Istanbul Security Directorate officials stated that Matur was brought to the building on November 28, 2022 and detained there, Matur stated that she was detained near a cemetery near Gebze State Hospital, one week before the official detention date of November 28, 2022, and that she was subjected to severe torture¹⁴⁴. Anadolu Agency, the official news agency of the state party reporting on Matur, stated that Matur was captured “as a result of intelligence work carried out by the MIT Presidency”¹⁴⁵. Therefore, as in other cases of abduction and torture, Matur was first abducted and tortured by MIT and then handed over to the Istanbul Security Directorate.

IV. Conclusion and Recommendations

The report highlights the troubling abductions and disappearances in Türkiye following the July 15 coup attempt, along with acts of torture and ill-treatment during this period. These cases clearly show that abductions, enforced disappearances, torture and ill-treatment, have become systematic practices by the state.

143 Advocates of Silenced Turkey (AST): "Global Purge": 144 Abductions Conducted By The Turkish Government In Turkey And Abroad", June 23, 2021, <https://silencedturkey.org/global-purge-1-144-abductions-conducted-by-the-turkish-government-in-turkey-and-abroad>

144 Gazete Duvar, "'DHKP-C Türkiye sorumlusu' diye duyuruldu, 71 gün sonra tahliye edildi", 09 Mart Perşembe 2023, <https://www.gazeteduvar.com.tr/dhkp-c-turkiye-sorumlusu-diye-duyuruldu-71-gun-sonra-tahliye-edildi-haber-1607411>

145 Gazete Duvar, "'DHKP-C Türkiye sorumlusu' diye duyuruldu, 71 gün sonra tahliye edildi", 09 Mart Perşembe 2023, <https://www.gazeteduvar.com.tr/dhkp-c-turkiye-sorumlusu-diye-duyuruldu-71-gun-sonra-tahliye-edildi-haber-1607411>

Article 7 of the Rome Statute defines enforced abductions and disappearances as crimes against humanity. In Türkiye, these acts are being systematically and widely organized by state officials as part of a deliberate plan. The cases discussed in this notification illustrate that enforced abductions and disappearances, along with the associated acts of torture and similar offenses, are being carried out in a systematic and organized manner.

It is evident that professional law enforcement and intelligence personnel within the state are being utilized to execute methods of abduction, disappearance, and torture. Additionally, there appears to be a lack of effective investigations into these actions, with perpetrators seemingly protected, and this protection is notably facilitated by the judiciary. The judiciary's stance on these severe human rights violations significantly contributes to serious, long-term devastation for the victims and their families.

The systematic use of torture and the legislative measures fostering impunity represent significant breaches of Türkiye's obligations under the Convention Against Torture. Immediate and concrete steps are required to address these issues, ensure accountability, and restore the rule of law. In light of this, we urge the Committee to make the following recommendations in its concluding observations to help put an end to these actions, which have escalated to the level of crimes against humanity in Türkiye.

The Committee should request detailed explanations from the State party, Türkiye, on all cases of enforced abductions and disappearances, which intensified particularly during the state of emergency and continued after the state of emergency. Similarly, as reported in this report, many cases of enforced abduction and disappearance have been subjected to torture. Criminal complaints about these allegations of torture remain inconclusive. The State party should be called upon to fulfill its obligations under articles 6, 9 and 12 of the International Covenant on Civil and Political Rights to take the necessary measures to prevent such acts and to conduct effective investigations against those who perpetrated them.

In line with the absolute prohibition of torture stated in Article 2, Paragraph 2 of the Covenant, Türkiye must immediately halt its persecution of Gülen movement sympathizers following the July 15, 2016 coup attempt. This persecution has resulted in numerous instances of severe torture and ill-treatment, mass arrests and detentions, enforced disappearances, illegal renditions, including abductions, unjust mass dismissals. Specifically, Türkiye should:

➤ **Strengthening the Legal Framework:** Türkiye should strengthen its legal framework against forced abductions and torture, and end the culture of impunity for public officials involved in such acts.

➤ **Independent Investigations:** Independent and impartial investigations should be conducted into allegations of forced abductions and torture, and those responsible should be brought to justice.

➤ **Closure of Secret Detention Centers:** The existence of secret detention centers should be terminated, and human rights violations in these centers should be immediately stopped. Allowing independent monitors to conduct confidential visits with all individuals subjected to forced or illegal rendition to Türkiye, ensuring access to effective complaint mechanisms. Investigating allegations of secret detention facilities where individuals subjected to forced or illegal renditions are held incommunicado and tortured. Conducting immediate, thorough, and impartial investigations into allegations of torture and ill-treatment, prosecuting and punishing those responsible, and providing redress for victims.

➤ **Ensuring Judicial Independence:** Judicial independence should be ensured, and arbitrary dismissals of judicial personnel should be ended.

➤ **Revise Terrorism Legislation:** Amend the definitions of terrorism in legislation to align with the Convention and international standards, ensuring anti-terrorism laws and practices do not unduly restrict rights enshrined in the Convention.

➤ **International Cooperation and Transparency:** Transparency should be ensured in cooperation with international human rights organizations regarding cases of forced abductions and torture.

➤ **Guarantee Legal Safeguards:** Ensure adequate legal safeguards and fair trial guarantees are in practice, preventing arbitrary arrests, unlawful detentions, or enforced disappearances against Gülen Movement sympathizers under the guise of countering terrorism. Implement the decisions of international jurisdictions, particularly the European Court of Human Rights' judgment in *Yüksel Yalçinkaya v. Türkiye* (15669/20), addressing systemic issues in terrorism case proceedings.

**Submission to The Human Rights Committee Report on the 2nd Periodic Review of
Türkiye**

(Conditions of Detention Art. 6-9)

Introduction

In Türkiye, the unlawful practices against the dissidents, especially the Gülen Movement, which started with the December 17/25 bribery and corruption operations, became state policy with the July 15 coup attempt. The unlawful and discriminatory state practices that have become state policy in Türkiye, have manifested themselves in society and state institutions in various ways. The judiciary has ceased to be a provider of justice and has turned into a regime judiciary that is instrumental in the mass detention and arrest of opponents. These unlawful and arbitrary practices have started to be implemented in all institutions of the state within the framework of a plan. In this context, public officials committed acts of violence, threats, injuries and harassment against the opposition, particularly members of the Gülen Movement, in prisons, detention centers and in civilian life, as well as direct discriminatory practices.

The systematic, planned and discriminatory regime practices during the State of Emergency in Türkiye, continued to be applied in prisons. On July 20, 2016, under the pretext of the state of emergency declared on July 20, 2016, people have been subjected to arbitrary, planned and discriminatory practices in prisons in violation of the provisions of the International Covenant on Civil and Political Rights guaranteeing the prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 7, 9, 10, 12 and 14) and non-discrimination (arts. 2, 3, 6, 25 and 26), they have been subjected to arbitrary, unlawful, systematic and planned torture, isolation, ill-treatment, degrading, discriminatory and hate-motivated acts and practices. All the practices of discriminatory regime policies have been brutally exhibited here.

The most serious of all these practices is the conscious policy of depriving sick prisoners and detainees of access to treatment and health facilities and leaving them to die. Hundreds of people were first arrested and then left to die in prisons despite being too seriously ill or chronically ill to stay in prison. Similarly, many people have died or contracted cancer and other serious diseases due to torture, ill-treatment and other inhumane conditions in prisons and detention centers.

On the other hand, inadequate architecture, nutrition and heating, as well as arbitrary and discriminatory practices in prisons have led to the emergence of new diseases, the progression of existing diseases and increased deaths. In addition to discriminatory practices, inadequate health and treatment services make the situation in prisons even worse.

People opposed to the Erdoğan Government, particularly members of the Gülen Movement, who were both arrested while ill and who fell ill in prison, were systematically and deliberately deprived of medical care. Some serious cases unfortunately died in prison, while others died a few days after their release after an intense struggle.

In this context, this Report has been sent to your Committee by **Stichting Justice Square** in order to contribute to the Committee's Report on the 2nd Periodic Review of Türkiye and to combat these unlawful and discriminatory policies that lead to these crimes against humanity committed in Türkiye, especially against sick prisoners and convicts and deceased persons in prisons, to reveal the perpetrators of these acts, to discourage the state party from its discrimination-based policies on this issue, and to record the violations of rights in the review to be carried out by the Committee. The report will include the grave cases in this field in Türkiye.

V. Conditions of Detention (Art. 6-9)

C. Main Problems in Health Services in Prisons in General

As it is known, although prisons are institutions where the finalized sentence is executed for convicts, with the discriminatory practices that started after July 15, they have turned into revenge centers of the Erdoğan Government. Unlawful practices such as harboring arrested or convicted people in inhumane conditions, subjecting them to isolation in solitary cells, restricting their right to receive visitors and phone calls, depriving them of social and cultural activities, not providing adequate health care¹⁴⁶, not allowing them to benefit from probation and conditional release despite their conditions, not postponing the execution of sick prisoners are the most serious hate-motivated and discriminatory prison practices of this period.

Human rights organizations and media organs have publicized that there are serious problems in access to health and treatment services for detainees and convicts in Türkiye and that discriminatory practices are used especially against those convicted of certain crimes and convictions. It is stated that detainees and convicts are subjected to serious violations of their rights in accessing and receiving health services and that their treatment is disrupted¹⁴⁷.

146 Aras, Bahattin: "The Right of Convicts and Detainees to Accommodation in Conditions Appropriate to Human Dignity", *Yaşar Law Journal*, Volume:4, Issue:2, Year:2022, p.5 vd

147 Ankara Medical Chamber: "Right to Health in Prisons is a Human Right", 31.08.2021, <https://ato.org.tr/basin-aciklamalari/2021-basin-aciklamalari/print:page,1,524-cezaevlerinde-saglik-hakki-insan-hakkidir.html>

One of the major obstacles to the access of ill detainees and convicts in prisons to the right to health is the denial of the right to access to treatment and the failure to refer patients to hospitals in a timely manner. Another issue is that sick detainees and convicts are forced to be examined and treated in handcuffs, to the extent of torture and ill-treatment. Although the convict is seriously ill or in a coma, they are forced to be treated in handcuffs and kept handcuffed to the bed.

On the other hand, it is clear that the restrictions and arbitrary practices imposed on terrorism detainees and convicts go far beyond the purpose of combating terrorism and taking measures against it, and directly target the right to life. Hospital transfers of seriously ill and chronically ill patients are denied or delayed on various grounds such as external security problems, lack of funds, etc. In addition, the lack of specialist physicians to follow up the patients in the hospitals where the prisoners and detainees are transferred to other prisons after prison transfers causes serious problems. It is observed that the treatment of detainees and convicts with cancer and chronic diseases is seriously disrupted.

On the other hand, it is observed that detainees and convicts who are not suitable to stay in prison due to chronic or severe illnesses are referred to the Forensic Medicine Institution either not at all or with a delay. Likewise, it is observed that the reports issued by the institution for those referred to the Forensic Medicine Institution are not processed promptly by the prison administration, the relevant administrative institutions and judicial authorities. In many cases, it is observed that although the Forensic Medicine Institution or the hospital designated by the Ministry of Justice has issued a report stating that the person is not fit to stay in prison, they have not been released.

Due to adverse health conditions in prisons, inadequate health and treatment services, administrative mistakes and discriminatory practices, sick prisoners and detainees die either in prison or shortly after their release after their condition worsens. The problems of detainees and convicts with severe and chronic illnesses who cannot stay in prison and whose execution should be postponed as soon as possible are exacerbated by inequalities in access to health care, physical conditions that are not conducive to providing the necessary health care and the negativities triggered by isolation practices. Sample cases will be given under the relevant headings below.

D. Problems Arising from Examination and Treatment of Convicts and Detainees in Handcuffs

w. Uncuffed Examination as a General Rule

Under Turkish law, convicts and detainees may be handcuffed for medical reasons during examination and treatment only under the instruction and supervision of a physician, in accordance with Article 50 of the Law No. 5275 and the relevant Regulation. In other words, if it is deemed necessary for the safe performance of examination, diagnosis and treatment procedures, handcuffs can only be applied upon the request and supervision of the prison

physician or physician. Therefore, as a rule, convicts and detainees should be examined and treated without handcuffs.

As can be seen in the ECtHR's judgments in *Mouisel v. France*¹⁴⁸ , *Henaf v. France*¹⁴⁹ and *Salakhov and Islyamova v. Ukraine*¹⁵⁰ , the use of handcuffs in the examination and treatment of sick prisoners and detainees without a justified and reasonable justification is a disproportionate intervention and therefore constitutes ill-treatment under Article 3 of the Convention. Despite the legislation and the ECtHR's point of view on the issue, it is reflected in some reports that in practice, handcuffs are used in the transfer and treatment of convicts and detainees to hospitals without a disproportionate and justified justification¹⁵¹ .

x. Handcuffing of Seriously Ill Prisoners to Beds and Violations of Rights

The presence of the gendarmerie in the examination room during the examination of detainees and convicts or conducting the examination while the convict or detainee is handcuffed is one of the leading violations of the right to health and prohibition of ill-treatment experienced by persons deprived of their liberty¹⁵² . Especially for opposition and political prisoners and detainees, the practice of examination and treatment in handcuffs has become a practice¹⁵³ . Many examples in this field are reflected to the public.

a. Koçer Özdal

In this context, in the report of Human Rights Association (IHD) Ankara Branch Prisons Commission on rights violations in prisons in Central Anatolia, it is stated that Koçer Özdal, who was transferred from Bafra T Type Prison to Sincan F Type Prison for cancer treatment on July 9, 2018, was kept handcuffed to the bed during treatment, this practice was continued even though he was in intensive care unit, he died on August 27, 2018 and wounds on the wrist of the ill prisoner due to handcuffs were detected¹⁵⁴ .

148 ECtHR, *Mouisel v. France*, Application No: 67263/01, K.T: 14/11/2003, Prg.35-47

149 ECtHR *Henaf v. France*, Application No. 65436/01, K.T: 27.11.2003

150 ECtHR *Salakhov and Islyamova v. Ukraine*, Application No: 28005/08, K.T: 14/03/2013, Prg.155-157.

151 Problems Detected in Prisons and Solution Suggestions, https://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2020/elazig_muhalefet_serhi_2.pdf, İET:21/02/2021

152 Turkish Medical Association, "Information Note on the Examination of Persons Deprived of their Liberty", 21.09.2022, https://www.ttb.org.tr/haber_goster.php?Guid=ec0bcd00-39ad-11ed-8917-d6bd30b70801

153 Human Rights Association , Ankara Branch Central Anatolia Region Prisons 2023 Annual Report, April 19, 2024, p.115

154 "Handcuffed examination even in intensive care", October 29, 2018, <https://www.evrensel.net/haber/364674/yogunda-bakimda-bile-kelepceli-muayene>,

b. L.H.

L.H., a convict in a closed penal institution, was transferred to hospital on February 20, 2019, where he was in coma for about 36 days and was found to be handcuffed during this period¹⁵⁵.

c. Tahir Gurdal

Seriously ill convict Tahir Grdal, who has been imprisoned in Van F Type High Security Prison for nearly 10 years, was transferred to Diyarbakır High Security Prison No. 1 for treatment. Grdal, who has cancer, was taken to Gazi Yařargil Training and Research Hospital where he was **handcuffed to a bed** for 19 days. Grdal, whose sentence was postponed due to illness, died 13 days later¹⁵⁶.

d. Veysel Atasoy

Police officer Veysel Atasoy, who was dismissed by the Decree Law issued during the state of emergency, was taken to Tavřanlı State Hospital and Ktahya Health Sciences University Evliya elebi Training and Research Hospital after he got ill in Tavřanlı Prison. On September 12, 2020, he died after 9 days in Tavřanlı Public Hospital and 25 days in Ktahya Public Hospital. Atasoy, who was hospitalized in handcuffs for about **35 days**, died handcuffed to the bed. The criminal complaint filed by Atasoy's family about his being handcuffed to the bed for 35 days was rejected by preventing an investigation against public officials¹⁵⁷.

e Ali Aydeniz

In a similar case, Ali Aydeniz (61), who was convicted within the scope of investigations against the Glen Movement, was sent to prison despite a medical board report stating that he was 91 percent disabled. Aydeniz was in Metris prison as a seriously ill prisoner. Due to his severe and chronic illnesses, Aydeniz was transferred from Metris Prison to Bařakřehir am and Sakura City Hospital by 112 Emergency, where he underwent by-pass surgery on November 10, 2021. Aydeniz, whose left foot was amputated at the ankle and one toe was missing on his right foot due to diabetes, spent his intensive care and convalescence days handcuffed to the bed. Aydeniz, who cannot stand up on his own and cannot walk without

155 Human Rights and Equality Institution of Turkey, Date / Number of Meeting : 17.07.2019 / 92, Decision Number : 2019 / 43, <https://www.tihk.gov.tr/public/images/kararlar/A44D01.pdf>

156 Tr724 News, "Prisoner with cancer dies 13 days after his sentence was postponed", December 10, 2022, <https://www.tr724.com/kanser-hastasi-mahpus-cezasi-ertelendikten-13-gun-sonra-vefat-etti/>

157 "IHIK found no negligence in handcuffed death!" September 13, 2022, <https://yeniyaamgazetesi6.com/ihik-kelepceli-olumde-ihmal-gormedi/>

crutches, was nevertheless forced to be handcuffed to the bed in a practice that violates human dignity and constitutes ill-treatment¹⁵⁸ .

f. Mustafa Aytaç

Mustafa Aytaç, who was arrested in Afyon on October 18, 2022 on charges of membership in a terrorist organization on the grounds that he provided financial aid to families under state of emergency decrees and organized chat meetings within the investigations against the Gülen Movement, was sentenced to 7 years and 6 months in prison. Mustafa Aytaç, who was imprisoned in Afyon T Type Prison No 1, was diagnosed with lymphoma and was transferred to Afyonkarahisar Health Sciences University Hamatology Department due to his condition getting worse. Mustafa Aytaç received chemotherapy treatment and was handcuffed in his hospital bed. Although Aytaç applied to the Forensic Medicine Institution for a postponement of execution due to illness and for his release with the report "There is a risk of death" issued by the hospital, no result was obtained¹⁵⁹ . He is still at risk of death.

**E. Non-Postponement of Execution of Sentences of Seriously Ill Prisoners
In General**

It is a situation where the state of illness should be taken into consideration before the start of the execution and the execution should be postponed if the conditions exist. Pursuant to Article 16/6 of the Law No. 5275, the execution of the sentence of the convict may be postponed until the convict recovers if the convict is unable to maintain his/her life alone under the conditions of the penal execution institution due to a severe illness or disability and if the convict does not pose a serious and concrete danger to public safety. Here, the postponement decision will be made by the Chief Public Prosecutor's Office in the place of execution upon the report issued by the Forensic Medicine Institution or issued by the medical boards of full-fledged hospitals designated by the Ministry of Justice and approved by the Forensic Medicine Institution¹⁶⁰ . Article 16 of Law No. 5275 is a general regulation and no restriction is imposed in terms of any crime. At this point, terror convicts can also benefit if the conditions exist.

Although the provision of the law is clear, the sentences of seriously ill convicts are not suspended despite the conditions due to the effect of hate and discriminatory policies against terror convicts in Türkiye. Unfortunately, the appeals against the decisions made at this point are unfortunately concluded in an ineffective manner. Many patients have lost their lives because their execution was not postponed and they were kept in harsh prison conditions.

158 91 percent disabled, one leg amputated, heart surgery but handcuffed to a bed... CRIME: "PROTECTING THE FETO GIRL", 22/12/2021, <https://www.ahmetdonmez.net/yuzde-91-engelli-bir-ayagi-kesik-kalp-ameliyatli-ama-yataga-kelepceli-sucu-feto-kizini-korumak/>

159 "Young engineer undergoing chemotherapy handcuffed in hospital bed", August 05, 2024, <https://kronos37.news/kemoterapi-goren-genc-muhendise-hastane-yataginda-kelepce-taktilar/>

160 Kubat, p.73

y. No Postponement of Execution of Seriously Ill Terrorism Convicts

a. 89% Disabled: Şerife Sulukan

The state, which has the obligation to protect people's right to life, on the contrary, develops unlawful practices for people to die in prisons. In this context, the Forensic Medicine Institution gave a report to Şerife Sulukan, a paralyzed teacher who needs help in most of her daily life activities due to her 89 percent disability, that she "can stay in prison" because she does not have a permanent illness, disability or old age¹⁶¹. His sentence was not postponed even though he met the conditions. Sulukan is still in prison trying to hold on to life with the help of others.



b. Mustafa Said Türk, an 86-year-old bedridden convict taken to prison on a stretcher

In Manisa, 86-year-old bedridden Mustafa Said Türk, whose 10-year prison sentence was upheld by the Supreme Court of Appeals in the unlawful operations against the Gülen Movement, was denied his application for a stay of execution on the grounds of old age and serious illness. Türk was taken from his sick bed on a stretcher and taken to the prison and then hospitalized. 86-year-old Mustafa Said Türk was released from Menemen R Type Prison after the Forensic Medicine Institution gave a report for a stay of execution after being transferred between prison and hospital for 25 days. Türk, who was taken to the prison on a stretcher, was brought back to his home on a stretcher¹⁶². When he was brought to his home,

161 "Paralyzed and 89 percent disabled teacher Şerife Sulukan had a seizure in prison", 14.06.2022, <https://www.boldmedya.com/2022/06/02/felcli-ve-yuzde-89-engelli-ogretmen-serife-sulukan-cezaevinde-nobet-gecirdi/>, İET:11/08/2023

162 "86-year-old paralyzed patient was carried on a stretcher to prison and then to hospital", 31.07.2023, <https://www.boldmedya.com/2023/07/31/86lik-felcli-hasta-sedyede-cezaevine-oradan-hastaneye-tasindi/>, İET:11/08/2023

it was seen that his condition had become worse than before; his body was covered in wounds and he was not provided with the hygiene and cleanliness required for a seriously ill patient. The Turk was almost left to die.



c. The abandonment of seriously ill Nusret Muğla to die

84-year-old Nusret Muğla has been in Manisa T Type Prison as a convicted prisoner in the Gülen Movement trials. Despite being 84 years old and taking 14 medications a day for heart, blood pressure, rheumatism, prostate, kidney and brain imbalance, Muğla's requests for a stay of execution were not accepted.¹⁶³ He died shortly after contracting the Covid pandemic in prison.

d. Failure to Postpone the Execution of Yusuf Bekmezci, who was unconscious and in intensive care

In another case, Yusuf Bekmezci, an 82-year-old philanthropic businessman from Izmir, was denied release while he was unconscious in intensive care and died soon afterwards in hospital. Bekmezci had gone to Izmir Katip Çelebi University Izmir Atatürk Training and Research Hospital for eye surgery on January 4, 2022 from Kırıklar F Type Prison where he had been imprisoned, but his heart stopped during the surgery and he was taken to intensive care. Despite the Forensic Medicine Institution's decision to 'postpone the execution' due to his treatment in intensive care, Izmir 2nd High Criminal Court rejected his request for release. Bekmezci died on January 20, 2022 without being released from the hospital where he was in intensive care¹⁶⁴.

F. Deprivation of Probation for Sick Convicts

Benefiting from Probation Due to Illness, Disability or Husbandhood of Convicts

Probation is another opportunity that can be utilized by convicts in prison who are ill, disabled or unable to manage their lives due to old age. Pursuant to the third paragraph of

163 "He was taking 14 medicines a day: 84-year-old Nusret Muğla died in prison",13.02.2022, <https://kronos36.news/tr/gunde14-ilac-kullanliyordu-84-yasindaki-nusret-mugla-cezaevinde-hayatini-kaybetti/>, ET:13/08/2023

164 "Yusuf Bekmezci, who was not released even when he was unconscious, passed away", 20.02.2022, <https://www.tr724.com/bilinci-kapali-haldeyken-bile-tahliye-edilmeyen-yusuf-bekmezci-hakka-yurudu/>, İET:11/08/2023

Article 105/A of the Law No. 5275, convicts who are unable to maintain their lives alone due to a severe illness, disability or old age and who **have three years or less remaining until** their conditional release may benefit from the probation execution procedure if they meet the other conditions. However, severe illness, disability or old age must be documented by a report issued by the Forensic Medicine Institution or by the medical boards of full-fledged hospitals designated by the Ministry of Justice and approved by the Forensic Medicine Institution.

Like other convicts, terrorism convicts may also benefit from the special type of probation under Article 105/A of the Law, if they are unable to maintain their lives on their own due to a severe illness, disability or old age and if there is three years or less left before their conditional release, in accordance with the third paragraph of Article 105/A of the Law. This is because Article 105/A of the Law does not include such a restrictive provision.

z. Deprivation of Probation for Seriously Ill Terrorism Convicts

As explained in the section above, it is seen that many political prisoners, especially those convicted for membership in the Gülen Movement, are not systematically and deliberately denied these rights despite the conditions for probation and conditional release. At this point, the arbitrary and unlawful decisions of the administrative and observation committees have been legitimized by the local courts, the Court of Cassation and the Constitutional Court through a deliberate choice of not conducting effective legal supervision.

Many sick political prisoners in prison are deprived of this opportunity, although they should be able to benefit from probation due to their inability to maintain their lives alone due to a severe illness, disability or old age, as per the third paragraph of Article 105/A of Law No. 5275. Likewise, many sick political prisoners were not allowed to benefit from the one-year general supervised release under the first paragraph of Article 105/A.

In this section, cases of seriously ill convicts whose probation and parole rights have been arbitrarily violated will be discussed. However, although there are many more grave cases beyond those mentioned in this section, due to the large number of cases and the lack of sufficient open sources, only pilot cases will be included for now.

a. Arbitrary Deprivation of Probation of Dismissed Judge Mustafa Başer, a cancer patient

Mustafa Başer, a dismissed judge who has been imprisoned in Sincan F1 Prison since May 1, 2015, is not benefiting from the probation he is legally entitled to, even though he is entitled to probation and has bladder cancer. After a major surgery, he is now entitled to be released on probation as of September 27, 2022, but he has not been allowed to benefit from this right either. In the current situation, Mustafa Başer's cancer has recurred for the third time¹⁶⁵.

165 Samanyolu Haber, "His illness relapsed for the 3rd time in prison: Başer's son calls on authorities to apply the law", 11.01.2023, <https://www.shaber3.com/cezaevinde-hastaligi-3-kez-nuksetti-baser-in-oglu-yetkilileri-hukuku-uygulamaya-cagirdi-haberi/1404643/>,

The dismissed judge Mustafa Bařer, who is the subject of the report, is subjected to discriminatory and hateful practices because he ordered the release of the police officers who carried out the December 17/25 operations involving Erdoğan's family members, ministers and bureaucrats. It is not enough that he is serving his sentence in solitary confinement unlawfully, he is being left to die on purpose as a severe cancer patient out of revenge and hatred. The prison administration and members of the judiciary, who are in a position to make decisions on this issue, decide against him purely out of hatred. Although Mr. Bařer is a stage 3 cancer patient, he is deliberately left to die out of hatred.

b. Arbitrary Deprivation of Supervised Release of Halil Karakoç, a seriously ill convict aged 84

Karakoç, 84, who was convicted of "Being a Member of an Armed Terrorist Organization" within the scope of the trials against the Gülen movement, was not released because the Forensic Medicine Institution gave reports stating *that he could stay in a rehabilitation hospital or in prison*, despite the fact that he has heart, diabetes, prostate and many other diseases and is in need of serious care. Karakoç was not released even though he had a heart attack in prison.¹⁶⁶ Despite these serious illnesses, he served his sentence in good behavior and applied for supervised release in May 2024. However, the prison administration and observation board rejected the request for supervised release of Karakoç, who is seriously ill and elderly, without any concrete justification and without any concrete action preventing him from benefiting from supervised release.

c. Deprivation of the Right to Probation and Conditional Release of Ali Odabaşı, a Lawyer Who Underwent 4 Surgeries in Prison

Lawyer Ali Odabaşı, former Managing Editor of Zaman Newspaper, which was appointed a trustee by the Turkish Government after the December 17/25 operations and closed down after July 15, has been denied both his right to probation and his right to conditional release, despite having undergone four serious surgeries in prison.¹⁶⁷ Odabaşı, who underwent 4 surgeries in prison, had serious health problems. During the pandemic period, he was hospitalized in Dıřkapı State Hospital due to an internal abdominal tear. After the surgery, he was kept in bed with his arm handcuffed to the bed. One day later, he was discharged and sent to prison.¹⁶⁸

166 Tr724 News, "84-year-old ill prisoner Halil Karakoç had a heart attack in prison: He takes 14 medicines a day", July 14, 2023, <https://www.tr724.com/84-yasindaki-hasta-mahpus-halil-karakoc-cezaevinde-kalp-krizi-gecirdi-gunde-14-ilac-kullaniyor/>

167 Kronos, "Sincan Prison arbitrarily keeps lawyer Ali Odabaşı in prison", April 11, 2024, <https://kronos37.news/tutuklu-avukatin-esi-sincan-cezaevine-sesleniyorum-esimin-yasam-hakkiyla-oyunyorsunuz/>

168 International Journalists Association (IJA), "Zaman Former Managing Editor Ali Odabaşı Arbitrarily Detained", May 13, 2024, <https://internationaljournalists.org/zaman-eski-yazi-isleri-muduru-ali-odabasi-keyfi-olarak-tutuklu-tutuluyor/>

G. Deaths in Prisons due to Inadequate Health Services

In general

As in the examples above, prisons have unfortunately turned into places of death for sick detainees and prisoners due to inadequate and arbitrary health care facilities, prevention or delay in access to treatment.

As of November 30, 2023, there are 1517 ill prisoners in prisons in Türkiye, 651 of whom are seriously ill, according to the Human Rights Foundation of Türkiye (HRFT¹⁶⁹) and the Human Rights Association (IHD)'s recent data on the number of ill prisoners in prisons in Türkiye. According to IHD's Documentation Unit, as of November 30, 2023, there are 1517 ill prisoners in prisons, 651 of whom are seriously ill. HRA also reported that as of 2023, there are 163 seriously ill detainees and convicts in prisons

As a matter of fact, according to MED-TUHADFED data, 52 people died in prisons in 2021, 78 in 2022, 43 in 2023 and 26 in the first six months of 2024¹⁷⁰. According to the data of the Ministry of Justice, a total of 2,258 prisoners lost their lives in prisons between 2018 and 2023. According to IHD, at least 42 convicts and detainees lost their lives in 2023¹⁷¹.

These data reveal the inadequacy of health services in Turkish prisons and the serious problems faced by sick prisoners. Reports of both national and international human rights organizations contain important warnings about violations of the right to health in prisons. Especially due to inadequate health facilities in prisons, physical and technical inadequacies, discriminatory and arbitrary attitudes of the prison administration towards sick prisoners, the situation of sick prisoners becomes even more severe and eventually deaths occur. At this point, the slow procedure of referral to treatment leads to grave and often irreparable consequences for the sick.

Deaths in Prisons due to Inadequate Health Services

a. Death in the White Chair: Mustafa Kabakcioglu

Mustafa Kabakçı met his demise in prison due to a lack of adequate medical care, underscoring the dire circumstances faced by detainees. Despite his diabetes diagnosis, Kabakçı was deprived of proper treatment and tragically passed away alone in his cell¹⁷².

169 Human Rights Foundation of Turkey (HRFT), December 10, 2023 Human Rights Violations in Turkey in 2023, <https://tihv.org.tr/wp-content/uploads/2023/12/EK-Verilerle-2023-Yilinda-Turkiyede-Insan-Haklari-Ihlalleri-2.pdf>

170 'Prisons Rights Violations Report' by ÖHD and MED TUHAD-FED, April 27, 2024, <https://mezopotamyaajansi.net/tum-haberler/content/view/240335>

171 Human Rights Association, 2023 Rights Monitoring Report on Prisons in Turkey, June 1, 2024, <https://www.ihd.org.tr/wp-content/uploads/2024/06/2023-Y%C4%B1%C4%B1-Hapishane-Raporu.pdf>

172 Advocates of Silenced Turkey (AST): Petition The Turkish Authorities To Launch A Full Investigation Into The Death Of Mustafa Kabakçıoğlu Under Suspicious Conditions In Prison, <https://silencedturkey.org/tag/tortured-to-death> ; U.S Department of State: Turkey 2020 Human

Kabakçioğlu wrote that he was ill in prison but the administration was not interested in his treatment “...Let this experience be a lesson for me and a problem for you ... I cannot have my health checks done and I cannot live healthy ... May God not let anyone fall here ...”. Kabakçioğlu, in his petition addressed to the prison doctor due to his illness, clearly stated his illness as “...I used the medications you gave me but I think the medications have side effects. I have swelling especially in my left mouth and left leg and I have speech problems. And I have numbness in my arm. I have numbness below the waist. Below the waist does not work in any way...” and the prison doctor responded to the petition as “...I referred him to internal medicine. I think he should be evaluated with further examinations. I strongly recommend a referral. I also wrote a referral and prescription yesterday. Take the medication...” and although the prison administration decided that Kabakçioğlu should be urgently referred to hospital, he was not taken to hospital by the prison administration. In this way, although Kabakçioğlu reported his illness on August 20, August 24 and August 27, he was not taken to hospital and continued to be kept in solitary confinement. Finally, he was found dead on a white chair on August 29, 2020 ¹⁷³¹⁷⁴

The question posed by your Committee to the Government regarding the death of Mustafa Kabakçioğlu has not been answered by the State party. It clearly demonstrates the State party's indifference to seriously ill patients during the Covid-19 pandemic in severe prison conditions and its failure to fulfill its obligations under the Covenant.



Rights Report, <https://www.state.gov/wp-content/uploads/2021/03/TURKEY-2020-HUMAN-RIGHTS-REPORT.pdf> ;

173 Duvar, “Sacked policeman's grim death sparks debate on COVID-19 data in Turkish prisons”, <https://www.duvarenglish.com/human-rights/2020/10/15/sacked-policemans-grim-death-sparks-debate-on-covid-19-data-in-turkish-prisons> ; “Police officer's funeral from quarantine cell: Death in a plastic chair”, 14.10.2020, <https://artigercek.com/guncel/khk-li-polisin-karantina-hucesinden-cenazesi-cikti-plastik-sandalyede-olum-141301h>,

174 “Mustafa Kabakçioğlu: Death of former police officer with a state of emergency decree brought up allegations of negligence in prison?”, 15.10.2020, <https://www.bbc.com/turkce/haberler-turkiye-54561319>

Kabakcioglu's family filed a criminal complaint for his death in the white chair as a result of inadequate health care and arbitrary practices of the prison administration. An investigation into Kabakcioglu's death in prison was first initiated by the non-independent Ministry of Justice inspectors and then the Prosecutor's Office launched an investigation. Unfortunately, a decision of non-prosecution was issued against those responsible without an adequate, effective and impartial investigation¹⁷⁵.

b. The Prisoner Who Announced His Own Death: Halime Gülsu

English teacher Halime Gülsu, who was suffering from SLE (Systemic Lupus Erythematosus), was arrested on March 3, 2018 on the charge of making and selling kibbeh for families whose spouses are detained by the state of emergency decrees. Halime Gülsu, suffering from a chronic illness, was denied essential medication and ultimately perished in prison. Gülsu did not receive access to her weekly medicine or was ever granted medical treatment for her chronic lupus illness. Three months after her arrest, Gülsu died from medical negligence. Her case epitomizes the routine denial of medical assistance to individuals affiliated with the Gülen Movement who are detained¹⁷⁶.

As in the case of Mustafa Kabakçioğlu, the State party deliberately denied Mr. Gülsu access to treatment as part of its policy towards dissidents imprisoned on terrorism charges. This deliberate choice by the State party led to Mr. Gülsu's death. This situation clearly demonstrates that the State party is indifferent to seriously ill patients in severe prison conditions and especially during the Covid-19 pandemic, and does not fulfill its obligations under the convention.

c. Judges Left to Die in Prison

Supreme Court of Appeals member judge Mustafa Erdoğan was arrested on February 3, 2017 by Antalya 3rd Criminal Court of Peace without any justification based on an arrest warrant issued against him while he was in hospital for brain tumor surgery. Erdoğan, who had undergone a major surgery, spent six months in the hospital's remand ward with half of his body paralyzed. Since the day of his arrest, Erdoğan has been requesting his release through his lawyers, citing his health condition, but these requests have been unsuccessful. Erdoğan's requests for release were rejected and his applications to meet with his family were also not responded to. Erdoğan's application to the Constitutional Court for his release on the

175 Turkish Minute, "Prosecutor drops investigation in case of former police chief found dead in quarantine cell", April 23, 2021, <https://www.turkishminute.com/author/fatma/>

176 Broken Chalk, The Life of Halime Gulsu: The Heavenly Teacher Murdered in Prison, <https://brokenchalk.org/the-life-of-halime-gulsu-the-heavenly-teacher-murdered-in-prison/#:~:text=Three%20months%20after%20her%20arrest,she%20was%20in%20terrible%20agony; US 2018 Country Reports on Human Rights Practices: Turkey, https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/turkey/>

grounds of health problems was also rejected on the grounds that "the detainee is not in any danger". Erdoğan, who was ordered to be kept in solitary confinement until his death under these inhumane conditions, experienced a progression in his illness in August 2017 and was first taken to intensive care. Erdoğan, who was not allowed to meet with his family there either, was released on August 18, 2017 upon the request of the public prosecutor and the court's decision after he lost consciousness. However, Erdoğan passed away on August 23, 2017, **four days** after he was released unconscious¹⁷⁷ .

Similarly, former member of the Council of Judges and Prosecutors, Judge Teoman Gökçe, who had a heart attack in prison, died in prison due to lack of timely intervention¹⁷⁸ .

Unhuman Treatment of Persons Dying of Illness in Prison or Detention

a. Traitors Cemetery

The period when hate policies were most intensely implemented in Türkiye was after the July 15 coup attempt. During this period, not only the living but also the deceased were subjected to the most severe practices of this discourse. The most grave example of this is the "Traitors' Cemetery" practice. After the July 15 coup attempt, the Istanbul Metropolitan Municipality Assembly unanimously decided on July 20 to build a cemetery called the "traitors cemetery" for those who were allegedly killed during the coup attempt. Those who allegedly participated in the coup attempt were buried in this cemetery¹⁷⁹ .

Declaring a deceased person a coup plotter before any trial has been held against him/her and before it has been determined whether he/she was a coup plotter or not is the heaviest accusation not only for the person himself/herself but also for his/her family. As if this were not enough, burying a person who dies with this allegation in the traitors' cemetery is a practice against human dignity that not only increases social hatred but also exposes the person and his family. In fact, many soldiers who were declared coup plotters after the coup attempt were later reinstated on the grounds that they were not coup plotters but martyrs. At this point, Chief Petty Officer Ziya İlhan Dağdaş, who was shot dead in front of the General Staff Headquarters on the night of July 15 and whose funeral prayer was not performed on the grounds that he was a coup plotter, was declared a martyr 152 days later¹⁸⁰ .

177 "Persecution of a high judge by the Supreme Court and the courts: Detention until death", 24.08.2017, <https://www.tr724.com/aym-mahkemeler-eliyle-bir-yukse-yargica-yapilan-zulum-olene-kadar-tutuklama/>, İET:11/08/2023

178 "Another suspicious death in prison: Former HSYK member Teoman Gökçe dies", 02.04.2018, <https://www.tr724.com/cezaevinde-supheli-bir-olum-daha-eski-hsyk-uyesi-teoman-gokce-hayatini-kaybetti/>, İET:11/08/2023

179 "The first burial was made in the Cemetery for Traitors of the Fatherland", 26.07.2016, https://www.ntv.com.tr/galeri/turkiye/vatan-hainleri-mezarligina-ilk-defin-yapildi,iUecJIxpd0S7q-26_dLLEQ, İET: 07/08/2023

180 "Non-commissioned officer mistaken for coup plotter declared martyr 152 days later", 13.12.2016, <https://www.ntv.com.tr/turkiye/darbeci-sanildi-152-gun-sonra-sehit-ilan-edildi,ttFuV5D0NEGN9O5IJrWKUg>, İET: 10/07/2023



In other places, although no **traitors' cemeteries** were established, funeral prayers were not performed by mosque imams or burials were not allowed in normal cemeteries¹⁸¹ .

The Committee should ask the State party how many people have been buried in traitors' cemeteries in violation of the presumption of innocence. It should also be asked whether mosques have been instructed not to perform funeral prayers for those allegedly linked to the Gülen Movement.

b. Bloody Coffin : Şefik Esen

Discriminatory and discriminatory policies in Türkiye are not limited to the state of illness, but also continue after the death of the detainees and convicts. In this context, Şefik Esen, who was in Afyon Bolvadin T Type Closed Prison, died in Eskişehir hospital after 40 days of treatment. Esen's request for a postponement of execution, who was imprisoned on charges of making propaganda for an illegal organization, was not accepted even though he had many chronic diseases and struggled for life for 40 days. This hostile attitude towards Şefik Esen continued during his 40-day struggle for life in the hospital.

In continuation of the enemy criminal law, the enemy execution law began to be applied. Esen's body was handed over to his family with open wounds without any medical measures. Images of blood dripping from Esen's coffin were reported in the press¹⁸² . The disrespect shown to Esen's funeral clearly demonstrates the inhumane, degrading and discriminatory

181 "They didn't give neither imam nor grave to the teacher who died under custody", 07.08.2016, https://www.yeniasya.com.tr/gundem/gozaltinda-olen-ogretmene-imam-da-mezar-da-vermediler_406193, İET:10/07/2023

182 Evrensel, "The body of a sick prisoner was handed over to his family with open wounds", June 28, 2024, <https://www.evrensel.net/haber/522000/hasta-tutsagin-cenazesini-yaralari-acik-bir-sekilde-ailesine-teslim-edildi>

treatment of dissident detainees and convicts in recent prisons under the name of terrorism trials. Unfortunately, there are many cases similar to Esen's example.



Conclusion and Recommendations

Article 6 of the UN Covenant on Civil and Political Rights protects the right to life and imposes obligations on state parties. Foremost among these obligations is the right to health and access to treatment. This is a fundamental and inalienable right for prisoners and detainees as it is for every individual.

Although the provisions of the Convention are clear, in the chaotic order that started with the declaration of the State of Emergency after July 15, prisons were filled with dissidents. Hundreds of thousands of people, mainly members of the Gülen movement, were first detained and then arrested without evidence after long detention periods.

In addition to unlawful trials, dissidents and especially members of the Gülen movement have been subjected to unlawful, arbitrary and inhumane treatment in detention centers and prisons. What is more serious at this point is the discriminatory and arbitrary practices against sick detainees and convicts. Although Türkiye is a state party to the UN Covenant on Civil and Political Rights, sick detainees and convicts have been denied access to treatment in violation of the Covenant, jeopardizing their right to life. Similarly, seriously ill patients are handcuffed to the bed even in intensive care or on the operating table. The humanitarian demands of most of the sick detainees and convicts such as access to treatment, treatment in a hospital environment, release, postponement of execution, benefit from probation, etc. have been denied and they have been deliberately left to die in prison.

According to Article 7 of the Convention, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. However, seriously ill detainees and

prisoners continue to be held in overcrowded and poor prison conditions, with serious negligence and arbitrariness in treatment, despite their life-threatening conditions.

The difficulties experienced in accessing treatment for people with life-threatening chronic and severe illnesses and those in need of special treatment, the arbitrary use of handcuffs and bed restraints on sick detainees and convicts clearly violate Article 6 of the Convention, and these practices also constitute ill-treatment in the context of Article 7.

Likewise, as in the examples given above, many patients have died in prison or immediately after their delayed release because the Forensic Medicine Institution, which is affiliated to the Ministry of Justice and far from being independent, arbitrarily issued reports stating that they "can stay in prison" despite having medical reports from university hospitals or state hospitals stating that they could not stay in prison.

At this point, it would be useful for your Committee to make the following assessments and requests to the State party;

➤ Taking into account the aspect of the right to health and access to treatment that is directly related to the right to life, Türkiye should be called upon as a State Party to provide health care to all detainees and prisoners in prisons, including terrorist prisoners, in accordance with the principle of equality and non-discrimination under Articles 6 and 7 of the Convention and to abandon discriminatory practices.

➤ After July 15, hundreds of patients have died in prison and detention as a result of poor conditions in detention centers and prisons, prevention of access to treatment, and unlawful, arbitrary and discriminatory practices especially against terror convicts. At this point, the criminal complaints made by the families of the victims remained inconclusive due to the arbitrary decisions of the judicial authorities. Since July 15th, despite hundreds of criminal complaints filed due to deaths in prison and detention, it is very grave that not a single public official has been held responsible and brought to justice. This side is the result of the state's discriminatory and hateful policies towards terrorism convicts through public officials and it is evident that these public officials are protected.

➤ The State party should be requested to provide detailed information on deaths in prison and detention. Your Committee should also urge Türkiye to take measures to ensure effective judicial remedies for deaths in prison and detention. It should also be invited to provide information on the number and results of all criminal investigations and prosecutions against public officials for deaths in prisons by year during the reporting period.

➤ Call for the immediate implementation of measures such as release or postponement of execution in order to ensure access to treatment for seriously ill detainees and convicts who are seriously ill in prisons and who are unable to live on their own in prison conditions or whose stay in prison is clearly life-threatening. Similarly, the practice of examining and treating ill detainees and prisoners in handcuffs should be stopped.

➤ The state party should be asked on which grounds the requests for suspended sentences and probation of seriously ill detainees and convicts in Türkiye are rejected within the framework of Law No. 5275. Considering that there is no effective judicial remedy against these decisions, an effective judicial review mechanism should be demanded at this point.

➤ The Constitutional Court finds almost all individual applications regarding human rights violations in Türkiye inadmissible. Rather than making its assessments within the framework of universal legal principles and domestic legislation, the Court ignores human rights violations by citing the chaotic environment created by the coup in each case.

➤ The Committee should ask the State party to provide information on the number of decisions of the Constitutional Court, which has ceased to be an effective domestic remedy in Türkiye, on violations of rights in cases of serious illness and deaths in prison that occurred during the reporting period and the number of rejected cases. It should also request information from the State party on the results of new investigations and prosecutions in cases where a decision of admission was issued on a violation of rights (violation of article 17).

Amsterdam, 14 September 2024

**Submission to The Human Rights Committee Report on the 2nd Periodic
Review of Türkiye**

*(Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts.
2, 7, 9, 10, 12 and 14))*

Introduction

The Turkish government's propagation of hate speech has led to a disturbing trend of torture and ill-treatment, particularly targeting members of the Gülen Movement in detention centers and prisons. After the failed July 15 coup attempt, thousands, including many uninvolved individuals, were detained and subjected to severe treatment without fair trials. Reports from reputable international organizations such as Amnesty International and Human Rights Watch have highlighted the alarming increase in torture and ill-treatment in Türkiye, especially directed towards Gülen Movement members. Strip searches, despite official denials and cover-up attempts, have become commonplace, particularly targeting individuals associated with the Gülen Movement and their relatives¹⁸³.

The UN Committee against Torture considered the fifth periodic report of Türkiye at its 2123rd and 2125th meetings held on 17 and 18 July 2024 and adopted the present concluding observations at its 2134th meeting held on 25 July 2024. The Committee expressed its concern about torture, ill-treatment and other inhumane acts

183 Amnesty International, 2020/21 Report, Amnesty International 2021, p.65, <https://www.amnesty.org/en/wp-content/uploads/2021/06/Tu%CC%88rkc%CC%A7e.pdf>;; Human Rights Watch [HRW], "Police Torture and Human Abduction in Detention in Turkey", October 2017, p.1 et seq., https://www.hrw.org/sites/default/files/report_pdf/turkey1017tu_web.pdf; "Open Check Turkey's Suspension of Protections against Torture after the Coup Attempt", October 2016, Human Rights Watch, https://www.hrw.org/sites/default/files/report_pdf/turkey1016turkish_web.pdf

against Türkiye¹⁸⁴. The Report includes recommendations and concerns raised by the Committee against Torture (CAT) regarding the definition and criminalization of torture, conditions of detention, deaths in custody, allegations of ill-treatment, forced renditions, and the investigation and prosecution of acts of torture.

In its observations on Türkiye, the Committee expressed serious concern that cases of torture and ill-treatment continued to be widespread throughout the country. In particular, it noted an increase in such cases following the attempted coup in 2016, during counter-terrorism operations and after the earthquakes in the south-east in 2023. In its recommendations to Türkiye, the Committee emphasized that allegations of torture and ill-treatment should be promptly, impartially and effectively investigated, perpetrators of acts of torture should be suspended from their duties pending an independent review process, and perpetrators of such acts should be adequately punished. It also recalled that confessions obtained through torture should not be used as evidence in the judicial process. The Committee recommended that Türkiye bring its national legislation in line with international human rights standards.

Various international organizations have expressed that there has been an increase in torture and ill-treatment in Türkiye, especially after the declaration of the State of Emergency. Amnesty International and Human Rights Watch have published critical reports in this regard. Although the exact number of torture and ill-treatment victims is not known, the numbers reflected in the reports of international human rights organizations show that all examples of torture and ill-treatment that can be applied in modern times have been exhibited in the context of the destruction of the Gülen Movement with the State of Emergency. Amnesty International reported in 2016 that there is credible evidence that some of those detained in Türkiye after the July 15 coup attempt were beaten and tortured, and that police raped some senior military officials in custody with batons or fingers¹⁸⁵. In this context, Human Rights Watch's "**Open Czech: The Suspension of Protections Against Torture in Turkey After the Coup Attempt**," which was prepared by Human Rights Watch, demonstrated how torture was legitimized under the pretext of the coup¹⁸⁶.

184 UN Committee against Torture, Concluding observations on the fifth periodic report of Türkiye, CAT/C/TUR/CO/5, 14 August 2024, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FTUR%2FCO%2F5&Lang=en

185 Amnesty International: "**The aftermath of the failed Turkey coup: Torture, beatings and rape**", 25.07.2016, <https://www.amnesty.org.uk/aftermath-failed-turkey-coup-torture-beatings-and-rape>

186 "Open Check Turkey's Suspension of Protections against Torture after the Coup Attempt", October 2016, Human Rights Watch, https://www.hrw.org/sites/default/files/report_pdf/turkey1016turkish_web.pdf,

In many of its reports, **Human Right Watch** emphasizes that torture and ill-treatment has become a widespread problem in Türkiye, especially after the July 15 coup attempt, and that the Gülen Movement is one of the most affected groups. In its "**Police Torture and Abduction in Turkey Under Custody**" report, **HRW** emphasized that there has been an increase in allegations of torture and cruel, inhuman or degrading treatment in police custody and prisons, and that prosecutors' offices have failed to initiate meaningful investigations into such allegations and that a widespread culture of impunity prevails for security and public officials implicated in such incidents¹⁸⁷ .

Similarly, **Amnesty International's** 2020/21¹⁸⁸ Report emphasized that acts of torture and ill-treatment continued in Türkiye. In this context, Gökhan Türkmen, one of the seven people who disappeared in 2019 and was accused of having links to the Gülen Movement, was subjected to torture and other forms of ill-treatment for 271 days during which he was forcibly disappeared.

On the other hand, out of 616 applicants to **the Human Rights Foundation of Türkiye** in 2017, 12 applicants were abroad and 564 applicants were subjected to torture in single or multiple places. Of these, 272 applicants stated that they were subjected to torture in official detention centers such as security directorates and 55 applicants in police stations. In 2017, 226 of the applicants stated that they were subjected to torture and ill-treatment in open spaces and during demonstrations, and 70 applicants stated that they were subjected to torture and ill-treatment at home and at work. It is seen that the practices in unofficial detention centers have reached a grave dimension¹⁸⁹ .

As a result of applications and research made to **the Human Rights Association**, 5,268 people were identified as having been tortured in 2017. According to the data released by IHD on May 30, 2017, there were 11 cases of enforced abduction and disappearance, mostly in Ankara. Four of these people were later released and one of them committed suicide. In 2018, there was one more case of enforced abduction¹⁹⁰ .

187 Human Rights Watch [HRW], "Police Torture and Human Abduction in Detention in Turkey", October 2017, p.1 et seq., https://www.hrw.org/sites/default/files/report_pdf/turkey1017tu_web.pdf,

188 Amnesty International, 2020/21 Report, Amnesty International 2021, p.65, <https://www.amnesty.org/en/wp-content/uploads/2021/06/Tu%CC%88rkc%CC%A7e.pdf>,

189 Human Rights Foundation of Turkey, Treatment And Rehabilitation Centres Report 2017, https://tihv.org.tr/wp-content/uploads/2020/07/TI%CC%87HV-tedavi-rapor-2017_I%CC%87NG_TU%CC%88M_WEB-s%C4%B1k%C4%B1s%CC%A7t%C4%B1r%C4%B1ld%C4%B1.pdf

190 Human Rights Association, "2017 Human Rights Violations Report: A Year Under the State of Emergency", 26.06.2018, https://ihd.org.tr/en/wp-content/uploads/2018/05/IHD_2017_report-2.pdf

Another inhumane, degrading and ill-treatment practice that has recently come to the public agenda is the practice of strip searches in detention and prisons. Following the intense reaction after the interviews in which the victims expressed their stories, which were also brought to the agenda by HDP MP Ömer Faruk Gergerlioğlu, state institutions, especially the Ministry of Interior, hastily made statements denying the allegations and claiming that these were isolated incidents. The practice of strip search, which state institutions are trying to cover up, is a systematic torture and ill-treatment practice of the discriminatory regime that started with the State of Emergency and still continues.

The systematic, planned and discriminatory regime practices during the State of Emergency in Türkiye continued to be applied in detention centers. On 20 July 2016, under the pretext of the state of emergency declared, people were subjected to arbitrary, unlawful, systematic and planned torture, isolation, ill-treatment, degrading, discriminatory and hate-motivated acts and practices in detention centers in violation of the provisions of the UN Covenant on Civil and Political Rights, which guarantee the prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 7, 9, 10, 12 and 14) and non-discrimination (arts. 2, 3, 6, 25 and 26).

In this context, this Report has been sent to your Committee by **Stichting Justice Square** in order to contribute to **the Report on the 2nd Periodic Review to be conducted by the Committee on Turkey**. As the Foundation, our aim is to contribute to your Committee's report on the violations of the rights of persons who have been subjected to torture, rape, harassment, strip searches, beatings, threats and similar inhuman or ill-treatment in detention centers and prisons in Turkey or who have lost their lives as a result of these crimes. The report will include the grave cases in this field in Türkiye.

VI. Context and Background

Following the failed coup attempt on 15 July 2016, the Turkish government declared a state of emergency and enacted numerous decree laws that severely impacted human rights. These decrees provided legal cover for actions that would otherwise be deemed violations of international human rights standards, particularly regarding torture and ill-treatment.

VII. State of Emergency and Its Aftermath

The state of emergency, declared post-coup, facilitated widespread human rights abuses. During this period, mass arrests and detentions were conducted, often without due process. The state of emergency laws provided broad and vague powers to the authorities, leading to arbitrary detentions and torture. Notably, individuals associated

with the Gülen movement faced systematic discrimination and severe treatment in detention facilities. The Turkish government's policies have led to severe and ongoing human rights violations.

During the state of emergency period, which was declared on July 20, 2016, systematic and planned discriminatory practices against the Gülen Movement continued to be implemented in prisons. Using the pretext of the state of emergency, individuals in prisons were subjected to arbitrary, unlawful, systematic, and planned isolation, torture, mistreatment, humiliating, and discriminatory practices, which violated the principle of equality and the prohibition of discrimination as regulated in Article 14 of the European Convention on Human Rights (ECHR). All aspects of hate policies were ruthlessly displayed here.

Individuals who were prosecuted on the allegation of being members of the Gülen Movement faced restrictions from the day they entered prison, despite their trials still ongoing. They were subjected to the following restrictions:

- Restriction of written correspondence, phone calls, and open visitation rights,
- Limitation of visits with visitors and lawyers,
- Mandatory uniform shaving in corridors and in front of cameras,
- Complete closure of cell courtyards with barbed wire,
- Guards escorting individuals every time they left their cells,
- Prohibition of sitting next to visitors during open visits,
- Suspension of collective cultural, social, and sports activities such as workshops, vocational training courses, educational courses, and educational internet usage,
- Prohibition of radio possession.

A series of unjust and inhumane practices and treatments were imposed on them. The prison administrations, which deviated from normal practices and procedures, aimed to devalue, intimidate, and encourage confession from individuals, and none of the rights possessed by normal detainees were granted to those arrested on the allegation of being members of the Gülen Movement during the state of emergency. These practices reveal the existence of systematic discriminatory practices in prisons as part of the hate policies created against the Gülen Movement.

Local courts and the Constitutional Court legitimized the unjust and discriminatory regime practices of the administration instead of protecting the essence of the right and deciding accordingly. Some of these practices were carried out based on emergency decrees issued under the state of emergency, while others were carried out through administrative decisions.

Many individuals were placed in solitary confinement without any justification, solely for the purpose of pre-emptive punishment. During this process, they were subjected to severe unlawful practices, such as hindering comfortable meetings with their families and involuntary transfer to prisons hundreds of kilometers away from their families solely with the intention of pre-emptive punishment. At this point, appeals and domestic remedies, as expected, yielded no results.

VIII. Judicial Independence and Accountability

The purge of the judiciary post-2016 coup has critically undermined judicial independence in Türkiye. The dismissal of judges and prosecutors, along with the restructuring of the High Council of Judges and Prosecutors (HSK), has raised concerns about the impartiality of the judicial system. This compromised judiciary fails to provide adequate oversight or accountability for allegations of torture and ill-treatment.

Exploiting the chaos following the coup attempt, the Turkish Government swiftly executed pre-arranged lists targeting alleged Gülen Movement affiliates. These lists, compiled by state institutions and intelligence agencies, were given legitimacy through a circular issued during the tenure of Ahmet Davutoğlu's government, attempting to justify the targeting of Gülen Movement members¹⁹¹.

Following notifications from the Ankara Chief Public Prosecutor's Office regarding investigations into thousands of judges and prosecutors based on hastily compiled lists, the High Council of Judges and Prosecutors (HSK) initiated disciplinary actions against them¹⁹². However, these decisions were made in the absence of some HSK members who had been detained the night before, violating procedural norms.

The suspension and dismissal decisions regarding judges and prosecutors were widely publicized on pro-government media platforms, often accompanied by personal details about their families. It was evident that the lists included individuals who had retired, resigned, or passed away before the decisions were made, indicating premeditated targeting.

Furthermore, the State of Emergency Decree Law No. 667, enacted shortly after the coup attempt, stripped judges and prosecutors of basic constitutional guarantees

191 Circular No. 2016/4 on Public Employees in Contact with Organizations and Structures Threatening National Security, <https://www.resmigazete.gov.tr/eskiler/2016/02/20160217-7.pdf>

192 High Council of Judges and Prosecutors, General Assembly Decision, Decision No : 2016/426, Minutes No : 17, Decision Date: 24/08/2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

and undermined disciplinary procedures. Thousands of judiciary members were summarily dismissed without due process or the opportunity to defend themselves.

Decree Law No. 667 relied on vague terms such as "membership" and "affiliation," leading to arbitrary actions against individuals. This unconstitutional law was criticized by international bodies like the Venice Commission for lacking evidential standards and due process¹⁹³.

The legal proceedings against judges and prosecutors during the State of Emergency, along with the subsequent suspension and dismissal decisions, were deemed unlawful by the European Court of Human Rights (ECtHR). These actions violated principles of legal certainty and fair trial, as established in landmark judgments like Alpaslan Altan¹⁹⁴ v. Türkiye and Hakan Baş v. Türkiye¹⁹⁵.

Similarly, the Grand Chamber of the European Court of Human Rights (ECtHR), in its judgment of 26 September 2023 in the case of Yüksel Yalçınkaya v. Türkiye¹⁹⁶, made very important findings and assessments regarding the trials in Türkiye after 15 July 2016, especially with regard to alleged membership of the Gülen Movement, and ultimately ruled that Article 6 of the European Convention on Human Rights (ECHR), which regulates the right to a fair trial, Article 7, which regulates the principle that there can be no crime without law, and Article 11, which deals with the right to freedom of association and assembly, were violated.

The Venice Commission and the Council of Europe have also condemned the mass purges within the judiciary, citing concerns about the lack of transparency and adherence to legal standards¹⁹⁷.

193 European Commission for Democracy through Law (Venice Commission), Opinion on the Duties, Powers and Functioning of Criminal Judgeships of Peace, **Venice, March 10-11, 2017**, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur),

194 ECtHR, Alpaslan Altan v. Turkey, Application No: 12778/17, K.T:16.04.2019, <https://hudoc.echr.coe.int/tur#%7B%22itemid%22:%5B%22001-194102%22%7D>

195 ECtHR, Hakan Baş v. Turkey, Application No: 66448/17, K.T: 03/03/2020, <https://hudoc.echr.coe.int/tur#%7B%22fulltext%22:%5B%22Hakan%20Ba%C5%9F%22%22%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%22%22CHAMBER%22%22%22itemid%22:%5B%22001-201907%22%7D%7D>,

196 ECtHR, Yalçınkaya v. Turkey, Application No: 15669/20, CT: 26.09.2023, <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2215669/20%22%22%22itemid%22:%5B%22001-227636%22%7D%7D>

197 Opinion on Emergency Decree Laws Nos. 667 to 676 issued in the aftermath of the failed coup attempt of 15 July 2016: "...recognizes that the connection required to justify suspensions (or even dismissals) may be less intense than the connection required to identify a person as a "member" of a criminal organization. "Membership" requires an "organic relationship" with the criminal organization. The removal of a public official from office (temporarily or permanently) may require a weaker connection to the

Overall, the purges within the Turkish judiciary, conducted under the guise of Decree Law No. 667, were instrumental in consolidating the Turkish Government's grip on power and perpetuating discriminatory practices against the Gülen Movement. These actions not only compromised the independence of the judiciary but also eroded fundamental rights and legal protections for targeted individuals¹⁹⁸

IX. Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 7, 9, 10, 12 and 14)

H. Torture and Ill-Treatment In Detention Centers and Grave Cases

aa. In General

The Turkish government's recent anti-democratic policies have manifested themselves in the form of torture, rape, harassment, ill-treatment, injuries, insults, threats and repression in detention centers and prisons. Motivated by the policy of hate, which has become a state policy, public officials have committed grave crimes against humanity in detention centers and prisons with various motives against dissidents, particularly members of the Gülen Movement.

A mental infrastructure has been created in Türkiye that enables the systematic use of torture and ill-treatment against dissidents, particularly members of the Gülen Movement, despite international pressure and inspections. In fact, the international community's pressures and inspections are cited as the biggest obstacle to the elimination of the right to life of members of the Gülen Movement.

In an environment where Türkiye has turned into an open prison, applications to local courts, high courts and the Constitutional Court regarding systematic human rights violations have remained inconclusive. Instead of determining torture and inhuman treatment, these systematic crimes against humanity and discriminatory regime practices have been covered up by the high courts and the Constitutional Court.

criminal organization. Nevertheless, this connection must be meaningful - in other words, it must raise objective doubts about the public official's loyalty and exclude innocent, accidental, etc. connections. The Venice Commission recommends that the wording in the decrees be corrected accordingly: dismissal may be ordered only on the basis of a combination of factual elements which clearly demonstrate that the public official has acted in a manner which raises objectively serious doubts about his or her loyalty to the democratic legal order...(Prg.130-131)",
[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037)

198 Turkey Tribunal, Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey, 21.04.2022, <https://turkeytribunal.org/actuality/mass-dismissals-of-judges-and-prosecutors-in-turkey-of-post-coup-period/>

Although there are thousands of examples in this context, the hate policies against dissidents in Türkiye and the inhumane acts such as torture, rape and similar inhumane acts will be shed light on, especially during the SoE period and through recent examples.

bb. Specific Cases and Testimonies About Torture in Detention Centers

aa. Death of Teacher Gökhan Açikkollu:

Gökhan Açikkollu tragically died after enduring severe torture during his detention, shedding light on the brutality faced by individuals associated with the Gülen Movement. Despite compelling evidence, including the denial of vital medical care, no meaningful investigation was conducted into his untimely death. The indignities did not end there for his family, as authorities refused to release his body for a proper burial¹⁹⁹.

During the 13 days Açikkollu was detained, no official statement was taken and he was tortured, beaten and subjected to psychological pressure. Although he has diabetes and panic attacks, he was not given his medication. During his detention, he was taken to hospital twice after suffering seizures and each time he was taken out of the hospital and brought back to the detention center. On August 5, 2016, the 42-year-old Açikkollu died after succumbing to his treatment in the Anti-Terror Branch Directorate of the Istanbul Police.

The criminal complaint filed against Açikkollu for his death as a result of torture resulted in a decision of non-prosecution by the public prosecutor's office. After the decision of non-prosecution, Gökhan Açikkollu's wife Mümüne Açikkollu applied to the United Nations Human Rights Committee in order to identify violations of Gökhan Açikkollu's right to life and the investigation process after his death. In its decision dated 30/11/2022 and numbered 3730/2020, the UN Human Rights Committee made important findings and violations regarding the allegations that Gökhan Açikkollu was subjected to torture and ill-treatment while in detention, which resulted in his death.

bb. Torture in Detention: Savaş Kasap

Between October 22 and November 16, 2016, former tax auditor Savaş Kasap was subjected to torture and ill-treatment during 25 days of detention in Muğla and then Zonguldak. From 27/10/2016 until his arrest, Mr. Kasap was interrogated eight times by law enforcement officer N.A., who identified himself as E. During these interrogations, he was slapped in the face, kicked and punched in various parts of his body, his head

199 UN Human Rights Committee, 30/11/2022, CCPR/C/136/D/3730/2020, <https://documents.un.org/doc/undoc/gen/g23/012/81/pdf/g2301281.pdf?token=lpkEbBqhWC01HJqBDh&fe=true>

was slammed against a wall, he was severely insulted and threatened with harm to his family. He was not taken to a routine medical examination for 10 days to prevent the detection of signs of torture and ill-treatment.

Therefore, in a violation application to the Constitutional Court, the court ruled that the authorities failed to conduct an effective investigation²⁰⁰. Based on the Constitutional Court's decision, in a case against a police officer for intentional injury (Article 86/2-1 of the Turkish Penal Code), the criminal court of first instance found that the charge should have been the more serious crime of torture (Article 94) and decided that it did not have jurisdiction to examine the case and referred it to the Zonguldak 3rd High Criminal Court. On June 8, 2023, the Zonguldak 3rd High Criminal Court acquitted the officer on the charge of torture. The case is currently under appeal.

The Committee should be informed of the latest developments in the case, in particular the Zonguldak court's acknowledgement that Savaş Kasap was not brought before a doctor for a mandatory medical examination during the 12 days he was detained in Zonguldak, and the information provided by the plaintiff's lawyers that numerous other detainees had complained of torture in Zonguldak police custody during the period in question. Likewise, as a result of the culture of impunity in Türkiye, crimes against humanity, such as torture, are not effectively investigated and investigations initiated following individual rights violation judgments unfortunately end in acquittals.

The Committee is kindly invited to urge the State party to fulfill its obligations under articles 6 and 7 of the Convention, to take the necessary measures to prevent such acts in detention centers and to conduct effective investigations against the perpetrators of such acts.

cc. Torture in Detention: Ahmet Aşık

Ahmet Aşık was working as a teacher in a boys' orphanage affiliated to the Provincial Directorate of Family and Social Policies. On 26/8/2016 he was detained by law enforcement officers as part of investigations into the Gülen movement. Mr. Aşık was tortured by law enforcement officers for twenty-six days in Afyon Security Directorate TEM Branch in order to provide information about the alleged crime during the 25 days he was detained. During this period, he was made to wait for minutes with a sack over his head, was subjected to sexual assaults (rape) by TEM police officers while in this state, was constantly beaten by 7-8 police officers with kicks, slaps and

200 Constitutional Court, *Savaş Kasap*, B. No: 2017/35064, 14/9/2021, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2017/35064>

truncheons and was subjected to insults. Under torture, he was made to sign statements prepared in advance.

In a violation application to the Constitutional Court for torture, beating and rape of Ahmet Aşık, the court ruled that the authorities failed to conduct an effective investigation²⁰¹. The Committee notes that a second application to the Constitutional Court was lodged following the decision of the Afyonkarahisar Chief Public Prosecutor's Office not to prosecute police officers, despite the Constitutional Court's initial decision ordering a new investigation into allegations that former teacher Ahmet Aşık was tortured in a police detention facility in Afyonkarahisar during his 25-day detention from 26 August to 19 September 2016. Your Committee should ask the State party to inquire about the fate of this application.

As in other cases of torture, as a result of the culture of impunity created in Türkiye, there are no effective investigations into crimes against humanity such as torture and the investigations initiated after individual rights violation decisions are unfortunately concluded negatively.

dd. Torture in Detention: Eyüp Birinci

Eyüp Birinci was working as a teacher when he was detained on 24/7/2016 after the July 15 coup attempt on suspicion of being a member of the Gülen movement. After being detained by law enforcement officers of Antalya Security Directorate, on 24/7/2016 he was beaten by a police officer named M.T., hit on his head and neck with rolled up newspaper, his head was slammed against a cupboard, and his nose bled as a result of the beating. On 28/7/2016, he was beaten again, his genitals were squeezed, he was made to lie on the ground, his arms and neck were hit with a baton, he was punched in the stomach, he was threatened, he was pushed down the stairs while being taken to the detention center, he slipped down a few steps but did not fall. After the last acts of torture and beatings, he collapsed in the detention center where he was taken. In the medical reports issued there, it was stated that there were marks of beatings on various parts of his body and that his life was in danger. He was taken to emergency surgery due to an acute abdomen injury caused by torture and beatings.

In the investigation initiated as a result of the criminal complaint filed by Birinci, the prosecutor's office issued a decision of non-prosecution without collecting the necessary evidence.

201 Constitutional Court, *Ahmet Aşık Decision*, B. No: 2017/27330, 26/5/2021, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2017/2733>

In the violation application made to the Constitutional Court for the acts of torture, beating and harassment against Eyüp Birinci, the court ruled that the authorities failed to conduct an effective investigation²⁰² .

The indictment prepared within the scope of the investigation reopened following the Constitutional Court's decision on the violation of the Constitutional Court's judgment summarizes the acts of torture, ill-treatment, insult and threats Mr. Birinci was subjected to. The indictment includes the following statements:

“The complainant Eyüp Birinci was beaten by being kicked, slapped and punched, again the complainant Eyüp Birinci was made to take off his clothes and beaten by being held naked, in addition, the complainant Eyüp Birinci’s testicles were squeezed and pain was inflicted on his body, again the following was said to the complainant Eyüp Birinci: “I will tell you three words, you will scream as loud as you can, I will break your mouth, fuck you, knock your teeth out, get up you son of a bitch, you will tell everything you know here, if you don’t talk you will die here, I will leave nothing untapped behind you, I will get you f.. f... pregnant, you cannot look people in the face, Eyüp Birinci come now, we will settle accounts with you, you will tell everything, if you don’t tell you you will die here, I will kill you, I will blow you up, you cannot act like a man, you cannot look your wife in the face, your sexuality will end, talk, you will die...”, “my son, this “don’t make the man angry, he does whatever he says, my son I will push you from here, you will die and go, no one will find you, you didn’t fall, you son of a bitch” were used to establish the belief that an attack would be carried out on the physical integrity and sexual integrity of the complainant Eyüp Birinci, in addition a truncheon was put in the complainant Eyüp Birinci’s mouth, in addition words such as “I saw your wife and daughter while I was at home, I will bring them here in a moment, I will open your eyes and undress them and show them what I will do” were used to create the belief that harm would be done to the complainant Eyüp Birinci’s relative...²⁰³”

With the State of Emergency, there are no effective investigations into crimes against humanity such as torture, which has become a state practice in Türkiye, and the investigations initiated after the individual rights violation decision unfortunately end negatively. In the first case, despite the violation decision, the prosecutor's office did not take action and directly protected the perpetrators of torture. Your Committee should ask the State party why no action has been taken despite the Constitutional Court's

202 Constitutional Court, *Eyüp Birinci Decision*, B. No: 2018/3691, 18/5/2021, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/3691>

203 TR724, “Eyüp Birinci's case will be retried from scratch: Not only torturers but also those who concealed torture to stand trial”, 13 July 2024, <https://www.tr724.com/khkli-eyup-birinci-davasi-sil-bastan-gorulecek-sadece-iskenceciler-degil-iskenceyi-gizleyenler-de-yargilanacak/>

decision and despite the long time that has elapsed, such as three years, whether an investigation has been initiated and on what grounds no investigation has been conducted against the perpetrators of torture.

The Committee urges the State party to fulfil its obligations under articles 6 and 7 of the Covenant to take the necessary measures to prevent such acts in places of detention and torture and to carry out effective investigations against the perpetrators of such acts.

İ. Electric Torture in Detention: Aysun Işınkaralar

Aysun Işınkaralar was detained and then arrested on May 7, 2018 on the charge of illegal organization membership on the grounds that she was the director of a girls' dormitory, as part of the investigations against the Gülen movement after the July 15 coup attempt. After being detained, Aysun Işınkaralar was subjected to torture at Afyonkarahisar Provincial Security Directorate by being repeatedly electrocuted. Işınkaralar's right and left ankles were electrocuted, a sack was put over her head, she was strangled and harassed. On Friday, May 8, 2018, Işınkaralar was arrested and taken to Afyon E Type Prison, where a medical examination revealed signs of torture. The criminal complaint filed to Afyon Chief Public Prosecutor's Office for torture resulted in a decision of non-prosecution. Aysun Işınkaralar's torture at the Anti-Terror Branch Directorate of the Afyon Police Department was reported by the Human Rights Foundation of Türkiye (HRFT)²⁰⁴.

Ms Işınkaralar's case is part of a wider, deeply disturbing pattern of torture and sexual violence against male and female detainees at Afyon police headquarters since 2016. Sexual violence against female detainees has included threats of rape, stripping and nipple piercing, while at least one male detainee was actually raped. In a 2021 ruling, the Turkish Constitutional Court upheld a male detainee's complaint of rape in the same facility and ordered an investigation.

As explained in other examples of torture in detention, there are no effective investigations into crimes against humanity such as torture, which has become a state practice in Türkiye as a state party since the State of Emergency. Your Committee should request information from the State party Turkey as to why no investigation has been initiated into the acts of torture, beating and harassment against Işınkaralar and on what grounds a decision of non-prosecution has been issued.

204 The Arrested Lawyers Initiative, "Turkey: Harrowing details of torture at the Afyon Police HQ", 25 February 2024,

J. Strip Search of Women

In Turkey, unlawful strip searches have become a routine practice after the July 15 coup attempt, especially against members of the Gülen Movement and dissidents. As a result of the hate speech imposed on society and public officials and the culture of impunity created, many arbitrary and inhumane acts such as strip searches have taken place, especially in detention centers and prisons²⁰⁵.

In February 2021, 30 female students detained as part of the operation against members of the Gülen Movement were subjected to strip searches at Uşak Security Directorate. In the incident, which was brought to the agenda by HDP Kocaeli MP and Human Rights Investigation Commission Member Ömer Faruk Gergerlioğlu, the women detained in the FETÖ operation were subjected to "strip searches" at Uşak Security Directorate and the criminal complaints filed in this regard were concluded with non-prosecution by the prosecutor's offices that became the regime judiciary. Female students detained on suspicion of Gülen Movement affiliation were subjected to humiliating strip searches, despite public outcry. Officials attempted to justify these invasive searches, perpetuating a culture of abuse and impunity²⁰⁶.

Most recently, Furkan Movement volunteer women detained in Konya were also subjected to this degrading practice. On June 13, 2022, the victims made statements and announced in the media that they were subjected to strip searches in detention²⁰⁷.

According to **the Report "Turkey; Individuals associated with the Gülen movement"**²⁰⁸ prepared by **The Finnish Immigration Service** and made public in June 2024, women are subjected to degrading treatment such as strip searches when arrested. It was also emphasized that pregnant women are repeatedly arrested and sent to prison,

205 SCF, "Female student subjected to unlawful strip-search files complaint amid government's persistent denial", March 1, 2021, <https://stockholmcf.org/female-student-subjected-to-unlawful-strip-search-files-complaint-amid-governments-persistent-denial/>

206 Duvar, "Strip search, sexual violence claims in Turkish prisons prompt outrage", <https://www.duvarenglish.com/strip-search-sexual-violence-claims-in-turkish-prisons-prompt-outrage-news-55501>

207 "Furkan volunteer woman told about the "strip search" imposed at the police station: "Prosecutor has an instruction", 13.06.2022, <https://www.boldmedya.com/2022/06/13/furkan-gonullusu-kadin-karakolda-dayatilan-ciplak-aramayi-anlatti-savcinin-talimati-var/>, İET:11/08/2023

208 Turkey; Individuals associated with the Gülen movement; The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2023, p. 45, [https://migri.fi/documents/5202425/5914056/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf?t=1723630918594)

despite the clear prohibition by law, and are immediately returned to prison after giving birth.

These cases show that women accused of belonging to the Gülen Movement were subjected to strip searches, rape and ill-treatment, which are crimes under the law, without any concrete justification, purely out of hatred and intimidation. This action, which is a typical hate crime and crime against humanity in nature, is a symbolic incident that reveals the actions to which women, who are the addressees of hate speech, are subjected by public officials in detention as a result of hate policies.

The Committee should demand clarification from the State party Türkiye on the fate of the criminal complaints filed in relation to the strip search of students detained in Uşak. Likewise, as a result of the culture of impunity in Türkiye, crimes against humanity such as torture, strip search and harassment are not effectively investigated and criminal complaints are unfortunately inconclusive. The Committee urges the State Party to fulfill its obligations under Articles 6 and 7 of the Convention to take the necessary measures to prevent such acts in detention centers and to conduct effective investigations against the perpetrators of these acts.

On the other hand, one of the grave cases of strip search is the case of lawyer Betül Alpay. After her arrest on November 2, 2017, Alpay was sent to Muğla Type E Prison. Here she was subjected to strip searches. As strip searches became a hot topic in Türkiye, she made a video of the strip search she experienced at the entrance of the prison and made it public. Because of this, disciplinary proceedings were initiated against prison officials. However, while those who carried out the strip search should have been punished, a lawsuit was filed against lawyer Betül Alpay for slander.

In the 3-page indictment sent by Muğla Chief Public Prosecutor's Office to Muğla Criminal Court of First Instance on July 24, 2024, guards Gülbahar Yıldız, Necla Yetimoğlu and chief warder Lütfi Kılınç claimed that they did not conduct strip searches, that they conducted a 'detailed search' and that lawyer Betül Alpay had slandered them. In the prepared indictment, *“Although the suspect was body searched by Necla Yetimoğlu and Gülbahar Yıldız, who work as execution guards at Muğla E Type Prison Directorate, in a room that cannot be seen from the outside in any way and where there is no video recording device, without touching his skin with bare hands and over the apron he wore, It is understood from the content of the entire investigation document that the suspect committed the positive crime by causing the prison officials to undergo judicial and administrative investigations by making verbal and video posts on his social media account that he was subjected*

to strip search at the entrance to the prison, and it is claimed and demanded on behalf of the public that the suspect be tried and punished. “ is stated²⁰⁹.

As can be seen, the indictment and the statements of the prison officials clearly acknowledge that a detailed search was conducted. What is called a detailed search in Türkiye is in fact a recently changed version of a strip search. Upon the reactions to the concept of strip search, the concept of detailed search was started to be used with the regulation made. With the amendment made to the Regulation on the Administration of Penal Institutions and the Execution of Criminal and Security Measures, the controversial phrase 'strip search' was removed from the regulation and replaced with the phrase 'detailed search'.

At the last point in Türkiye, there is a process in which people are penalized even for expressing that they have been strip searched. As a result of the culture of impunity and discriminatory practices, a lawyer who is subjected to a strip search can be prosecuted for defamation.

K. Women Raped in Custody

The legal and penal regulations introduced to protect the perpetrators of rights violations are at the root of the recent rights violations in Türkiye. With the State of Emergency declared after July 15th, public officials who took part in the investigation process were provided with these legal, criminal and disciplinary irresponsibility shields introduced with Article 9 of the Decree Law No. 667 and Article 37 of the Decree Law No. 668, which entered into force on July 27th, 2016. With these irresponsibility regulations, public officials have committed thousands of acts of torture, rape, injury, threats, insults and similar acts that are illegal, arbitrary, inhumane and clearly criminal. One of the groups targeted by public officials has been women detained for alleged links to the Gülen Movement.

Many women detained after the coup were subjected to severe acts of torture, rape, ill-treatment, threats, etc. At this point, **the** report titled *“Turkey; Individuals associated with the Gülen movement”* prepared by **The Finnish Immigration Service** and released to the public in June 2024²¹⁰ explicitly mentions the rapes suffered by

209 “Lawyer subjected to strip search faces 'slander' lawsuit”, September 5, 2024, <https://umutgazetesi43.org/arsivler/122371>

210 Turkey; Individuals associated with the Gülen movement; The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2023, p. 45, [https://migri.fi/documents/5202425/5914056/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf/a14fa35f-a65a-9339-e331-](https://migri.fi/documents/5202425/5914056/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf/a14fa35f-a65a-9339-e331-)

women in detention. According to information from the Platform for Victims of Decree Law Victims and other sources, at least 12 women were impregnated in detention and some had to give birth. Women in detention have also been subjected to other inhumane acts such as oral sex with police officers.

Although these allegations were heavily debated in public and submitted to parliament as a parliamentary question by the DEM Party²¹¹, no explanation was given by the State authorities.

There are no effective investigations into crimes against humanity such as torture, harassment, rape and mutilation, which have become a state practice in Türkiye as a State party since the State of Emergency. Your Committee should request information from the State party Türkiye as to why no investigation has been initiated into acts of torture, beating, rape and harassment against women and on what grounds non-prosecution decisions have been issued.

At this point it would be appropriate to demand an explanation from Türkiye for the acts of rape and impregnation mentioned in the report titled “Turkey; Individuals associated with the Gülen movement” prepared by the Finnish Immigration Service and made public in June 2024.

L. Cases of Torture Reported by Ankara Bar Association:

The Ankara Bar Association documented several cases of torture, threats, and sexual harassment against detainees allegedly linked to the Gülen Movement. Despite compelling evidence, the Ankara Chief Public Prosecutor's Office declined to investigate these serious allegations, revealing a pattern of physical abuse, threats, and humiliation inflicted on detainees by law enforcement officers²¹².

fec99e9cd8c3/FIS_Turkey_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf?t=1723630918594

211 Aktif Haber, “The allegation of 'rape in detention and prison' was carried to Parliament”, September 10, 2024, https://aktifhaber.com/gundem/gozaltinda-ve-cezaevinde-tecavuz-iddiasi-meclise-tasindi.html#google_vignette

212 Ankara Bar Association, Human Rights Center Reports Published in Accordance with the Recommendation Decision Taken at the 67th Ordinary General Assembly, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/02.03.2022_tarihli_ihm_rapor.pdf, ; Ankara Bar Association, Report on Torture Allegations in Ankara Provincial Security Directorate | 28.05.2019, <https://www.raporlar.org/ankara-il-emniyet-mudurlugundeki-iskence-iddialarina-iliskin-rapor-ankara-barosu/>; Human Rights Center Reports Published in Accordance with the Recommendation of the 67th Ordinary General Assembly of the Ankara Bar Association, 02.01.2023, https://ankarabarusu.org.tr/upload/diger/raporlar/26.01.2022_tarihli_ihm_rapor.pdf ; United States Department of State, 2020 Human Rights Report - Turkey, <https://tr.usembassy.gov/wp-content/uploads/sites/91/insan-haklari-raporu-turkiye-2020.pdf>,

As can be seen from the reports prepared by the Ankara Bar Association Human Rights Center show that members of the Gülen Movement were insulted, threatened, injured, sexually assaulted, ill-treated and tortured in detention by police officers working at the Ankara Provincial Security Directorate TEM Branch Directorate. These acts of torture are based on hate policies that have become state policy.

Conclusion and Recommendations

Article 6 of the UN Covenant on Civil and Political Rights protects the right to life and imposes obligations on state parties. The foremost of these obligations is the right to health and access to treatment. This is a fundamental and inalienable right for prisoners and detainees as it is for every individual.

Despite the open prisoner list in the Convention, in the chaotic order that began with the declaration of the State of Emergency after July 15th, prisons were filled with dissidents in particular. Hundreds of thousands of people, mainly members of the Gülen movement, were first detained and then arrested without evidence after long detention periods.

According to Article 7 of the Convention, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. However, systematic acts of torture, harassment, rape and mutilation of dissidents, especially members of the Gülen Movement, have become routine in detention centers, especially during and after the state of emergency. These acts constitute crimes against humanity and violate Article 7 of the Convention. As a result of these tortures, deaths have occurred, as in the case of Gökhan Açikkollu. In this respect, it is a violation of Article 6 of the Convention.

The Committee urges the State party to fulfill its obligations under Articles 6 and 7 of the Convention to take the necessary measures to prevent such acts in detention and torture centers and to conduct effective investigations against those who commit such acts.

Regarding acts of torture, harassment, rape and mutilation in detention centers in Türkiye;

- Your Committee is kindly invited to ask on Türkiye to abandon discriminatory practices in order to guarantee the right to life, the prohibition of torture and ill-treatment, and the right to life of sick prisoners and detainees in prisons under Articles 6 and 7.

- Your Committee is kindly invited to ask the State party to provide detailed information on deaths in custody. Türkiye should also be invited to take measures to ensure effective judicial remedies for deaths in custody.

- The Committee is kindly invited to ask Turkey to confirm cases of deaths and torture in prison and detention and to develop an effective judicial remedy against these unlawful and discriminatory practices amounting to crimes against humanity.

- Call for information on the number and outcomes of all criminal investigations and prosecutions against public officials for strip searches, torture, ill-treatment and intentional injury in Türkiye, particularly in prisons and detention centers, by year during the reporting period.

- Although the State party stated in its November 2016 monitoring report that it would share with the public the results of its investigations into allegations of torture and ill-treatment in detention centers following the coup attempt, the State party has not done so to date. On the contrary, torture and inhuman treatment have been publicized by state officials as a victory and success. Türkiye should be called upon to adhere to its commitments to end torture in Türkiye.

- The Constitutional Court finds inadmissible almost the vast majority of individual applications regarding human rights violations in Türkiye. Rather than making its assessments within the framework of universal legal principles and domestic legislation, the Court ignores human rights violations, in each case citing the chaotic environment created by the coup d'état. At this point, the Committee is kindly invited to ask the State party to provide the Constitutional Court, which has ceased to be an effective domestic remedy in Türkiye, with the number of judgments of violation and the number of rejected cases concerning strip searches, torture and ill-treatment by law enforcement officers that occurred during the reporting period. Likewise, the Court should be asked to provide information on the results of investigations and prosecutions that have been reopened due to the very small number of admission decisions on rights violations (violations of Article 17).

- In light of the widespread state practice of torture and ill-treatment, including beatings, sleep deprivation, rape, sexual abuse, leg whipping, forced nudity, stress positions and prolonged blindfolding and/or handcuffing in police cells, unofficial MIT detention facilities and prisons following the attempted coup in 2016, Türkiye should be called upon to fulfill the requirements of the Convention to prevent such acts and punish perpetrators.

- The Committee should request the State party to ensure that the Committee has counsel present during police interrogations, to establish independent mechanisms to investigate allegations of torture and ill-treatment by law enforcement officials, and to ensure prompt, thorough and impartial investigations of all allegations of acts of torture or ill-treatment.

The systematic use of torture and the legislative measures fostering impunity represent significant breaches of Türkiye's obligations under the Convention Against Torture. Immediate and concrete steps are required to address these issues, ensure accountability, and restore the rule of law. In light of this, we urge the Committee to

make the following recommendations in its concluding observations to help put an end to these actions, which have escalated to the level of crimes against humanity in Turkey.

In line with the absolute prohibition of torture stated in Article 2, Paragraph 2 of the Convention, Türkiye must immediately halt its persecution of Gülen movement sympathizers following the July 15, 2016 coup attempt. This persecution has resulted in numerous instances of severe torture and ill-treatment, mass arrests and detentions, enforced disappearances, illegal renditions, including abductions, unjust mass dismissals.

Committee is kindly invited to ask seek clarification from the State party, Türkiye, on the acts of rape and impregnation mentioned in the report “Turkey; Individuals associated with the Gülen movement” prepared by the Finnish Immigration Service and made public in June 2024.

Amsterdam, 15 September 2024

**TÜRKİYE: SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE
142nd SESSION (14 October 2024 - 8 November 2024)**

X. Introduction:

Stichting Justice Square, based in Amsterdam, is a non-profit and non-governmental organisation working globally to make a meaningful impact on the lives of persecuted people, refugees, victims of war, and those affected by conflict and displacement by promoting democratic values, encouraging international cooperation, and advocating for the protection of human rights.

XI. Methodology:

1-Aim of This Shadow Rapport: This report aims at updating the Human Rights Committee (the Committee) with information related to questions raised in the list of issues. It also aims at providing the Committee with new incidents that have happened after the process started. A very recent development occurred on 12 September 2024, when the Kayseri 2nd Heavy Criminal Court, in its final decision case no 2023/441, explicitly refused to comply with the *Yalçınkaya v. Türkiye* (Application no. 15669/20) judgment rendered by the Grand Chamber of the ECtHR in September 2023. The ECtHR's decision was a great opportunity to remedy, to some extent, the injustices faced by members of the *Gülen Movement* in Turkey. However, the Turkish judiciary rejected to use this opportunity.

This shadow report primarily aims to bring attention to the situation of children's rights as well as the rights of disabled and chronically ill prisoners. The scope of the report is further narrowed to focus on individuals imprisoned due to alleged connections with the *Gülen Movement*. However, restrictions stemming from legislation, specifically the Anti-Terror Law No. 3713, also impact other individuals deprived of their liberty for similar crimes.

Individuals accused of being connected to the *Gülen Movement* have been subjected to widespread human rights violations following 15 July 2016, and have faced

numerous rights violations not only during their trials and the enforcement of their sentences but even after their release.

In this report, the issues are identified within the outlined scope, and their existence is supported by examples that have surfaced in the public domain.

2-Sources: All matters in the report are based on cases that have come to public attention, information obtained from open sources and victim attorneys, as well as issues directly uncovered by MP Ömer Gergerlioğlu through his visits to victims and prisons and his efforts to bring these matters to the parliamentary agenda.

3-Related Articles of ICCPR: (art. 2, 9, 10, 14, 16, 17, 24 and 25)

4-Privacy: All the victims mentioned in the report are individuals whose names have been referenced on social platforms, in the media, and in parliamentary speeches. Therefore, there has been no need to obtain explicit written consent.

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XII. I- HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF CHILDREN'S RIGHTS (Art. 9, 10, 16, 17, 24, 25 and 26)

In its General Comment No. 17: Article 24 (Rights of the Child), the Committee emphasizes that the rights provided under Article 24 of the International Covenant on Civil and Political Rights (ICCPR) are not the only ones that the Covenant recognizes for children. As individuals, children benefit from all of the civil rights outlined in the Covenant. In some provisions, the Covenant explicitly instructs States to adopt measures that afford minors greater protection than adults.

In the context of this shadow report, Article 9 of the ICCPR are related to children in two significant ways. First, through the arbitrary arrest of children, and second, through the negative impacts of the detention of their parents on the children.

M. 1. ARBITRARY DETENTION OF CHILDREN (Art. 9, 10 and 14)

cc. A) States Obligations of the Member States

In June, the United Nations Committee on the Rights of the Child (CRC) recommended the Turkish government (CRC/C/TUR/CO/4-5) “the Committee urges the State party to bring its child justice system fully into line with the Convention and other international standards and, in particular:

“(a) To ensure that children under 18 years of age are not detained or prosecuted under anti-terrorism laws, including Anti-Terrorism Law No. 3713 of 1991;”, “[e]nsure that children under 18 years of age are not detained or prosecuted under anti-terrorism laws,”

A recent incident in Turkey highlights the necessity of fulfilment of this recommendation as ensuring the enjoyment of the all children’s rights, especially carry into effect the safeguard in the context of article 9 of the ICCPR safeguard.

dd. B) Details of the Incident

On May 7, 2024, Istanbul police carried out an operation that led to the detention of individuals. Among those detained were 15 minors aged between 13 and 17 who were taken to the police station for questioning against their will. They were not summoned for questioning beforehand. They were taken to the custody by a police investigation, which was conducted after midnight. During the interrogations these young individuals were not allowed access to legal representation. Faced psychological

pressure for ten hours due to allegations about their parents' ties with the faith-based Gülen Movement.

After the authorities took strong action against the movement, there are worries about the possible abuse of children of suspected members by law enforcement officers. The seriousness of the issue became apparent when a member of the Turkish Parliament talked to two affected children, whose troubling stories were then reported in the media. Furthermore, MP Omer Faruk Gergerlioglu posed a parliamentary inquiry (See the ANNEX). The Minister of Interior confirmed the allegations in the parliamentary question in response.

Later, the two children shared their experiences live on social media with MP Gergerlioglu. Below is a shortened version of their account. This will provide a clearer understanding of what these children went through²¹³.

This incident serves as a reminder of the risks associated with compromising a child's rights based on their parents' political affiliations or beliefs. The fundamental rights of these children – including equal treatment, legal support and protection from harm – were manifestly disregarded. Upholding these rights is crucially needed for preserving the integrity of the justice system and ensuring it remains an unbiased platform, for all children seeking justice and safeguarding irrespective of their family ties²¹⁴.

The account of the incident from the perspective of the victimized children, Zülal and Zümra Bayram:

213 https://velev.news/gundem/gozaltina-alinan-o-cocuklar-konustu-cocuk-subede-sorgulandik-cocuk-gibi-muamele-gormedik-yanimda-surekli-anneme-hakaret-edildi/#google_vignette

214 BB MAY 7 OPERATION: An Attack on the Future, Solidarity with OTHERS (2024) accessible on: https://www.solidaritywithothers.com/_files/ugd/b886b2_e725982b64ac4ed4a9ca200af61f676c.pdf 2 "The Gülen movement is a faith-based grassroots movement that first came into prominence in the 1980s and '90s with its network of private educational institutions in Turkey and around the world as well as its intercultural and interfaith dialogue initiatives." *Beginners' Guide to Human Rights in Turkey, Solidarity With OTHERS* (2023) accessible on https://www.solidaritywithothers.com/_files/ugd/6c144d_243a90a37848401a8c9f1a0abf7_d2cf5.pdf 6 Recommendation

Zülal Bayram said that in the morning, 10-15 police officers came to their house. After the police searched the house, they were taken to the children's department in Üsküdar. Zülal Bayram stated, "When I arrived, I saw about 12-13 other girls like me. My brother and I were taken separately. Throughout the day, we were subjected to psychological pressure. We were prevented from communicating with each other. I was not even allowed to speak with my brother. During the interrogation, we were subjected to various insults, and the psychological pressure continued. We asked for our lawyers. However, no lawyer was provided to us. Our statements were taken without legal representation, and many of our words were distorted. Most of what we said was not written as we said it," she explained.

Zümra Bayram also mentioned that she and her sister were taken to the children's department in different vehicles. "They started questioning me first in the car," Zümra Bayram said, "They immediately began asking questions about the operation and my mother. I asked, 'Am I being interrogated right now?' When we were taken to the children's department, there were many other girls like us. As my sister mentioned, we were subjected to psychological pressure. We were not given any food until the evening. At first, our families tried to bring food for us, but it was not allowed. Around six in the evening, they allowed food inside. Until then, we remained hungry. During the interrogation, they yelled at us repeatedly. They wrote down things we didn't say," she expressed.

'THE OFFICER WILL MAKE YOU BLEED'

Zümra Bayram recounted that while they were waiting for the interrogation, a police officer passed by, and a female officer pointed at him, saying, "**This is the officer who will make you bleed inside.**" She continued, "Until we were interrogated, we didn't even understand why we were there. No explanation was provided. What could a 15-year-old girl have done to deserve to be made to bleed inside?" Zümra Bayram shared that the police yelled at them with phrases like "You are liars, cowards."

The interrogation lasted for 16 hours, and they were released at 10 PM. The police had arrived at their house at 5 AM. Zümra Bayram expressed concern about her mother's health, explaining that her mother was a Parkinson's patient and had undergone a liver transplant. Her sister, a first-year law student, was also detained. "My sister, who is studying law, is now being prosecuted unlawfully," she said.

'WE WERE NOT TREATED LIKE CHILDREN AT THE CHILDREN'S DEPARTMENT'

Zümra mentioned that there were girls as young as 13 among those detained. She said, "In general, they tried to extract information about the terrorist organization. The interrogations of the 13-year-old girls were especially long. I was the oldest among them, 17 years old. There were very young girls and also girls who wore headscarves. They were asked if they practiced certain religious rituals, as if that was a crime. Overall, they asked us about things that were not crimes and questioned us as if we were guilty."

She added, "We spent 16 hours there. At one point, I tried to walk around in the 10-square-meter room. They told me to sit down. My brother was interrogated after me, and when he came out, we were both very scared throughout the day. I just wanted to hug him. An officer shouted, 'Separate the two of them; they won't sit together.' They prevented us from communicating and constantly told us to stop talking."

She emphasized, "We were at the children's department and gave our statements there. The officers were from the children's department, but they didn't treat us like children at all. In front of me, they insulted my mother in the car and as we were leaving the building. And the person who said all this was an officer from the children's department."

...

Bayram, who stated that the 16-hour interrogation left her with trauma, said, "Now, whenever someone knocks on the door, I go with fear. I feel anxious. My mother is already in prison right now, and I constantly think about her. Her health is not good. My sister is 19 years old. Her future has been ruined. She was a law student and had her final exams, but she couldn't take them. These are the only things we've been thinking about lately. Nothing else is on our minds."

N. 2. EFFECTS OF THE DETENTION OF PARENTS ON THEIR CHILDREN (Art. 2, 16, 17, 24 and 26)

The oppression of supporters of Gülen Movement in Turkey has very negative consequences for children as well. Many arrests are violent and occur in family homes, leading to the separation of families. This can have severe psychological impacts on children, increasing the risk of psychiatric disorders, trauma, and emotional inhibition. The separation of children from their parents, often based on fabricated charges of Gülen Movement support, is a deliberate practice intended to break them down.

Therefore, several numbers of Suicide or attempt to suicide of youth and children observed.

In its *Mestan Yaman* opinion 'Working Group of Arbitrary Detention' stated that *"a pattern is emerging whereby those who have been linked to the group are being targeted, despite never having been active members of the group or supporters of its (alleged) criminal activities"* ²¹⁵.

In operations carried out without proper grounds, the police arbitrarily arrived at homes to arrest parents during the night or just before sunrise. They unnecessarily broke down doors and exhibited rude, sometimes abusive, behaviour toward the household members. The residents were thrown to the ground, beaten, and handcuffed behind their backs. All of this took place in front of the children present in the house.

Since July 15, tens of thousands of people, who are affiliated with the Gülen Movement, referred to as "FETÖ" by the state, have been detained or arrested. However, in none of these operations has there been any resistance or attack against the police or state officials. As mentioned in the UN Human Rights Committee's decision on *Mukadder Alakuş* (CCPR/C/135/D/3736/2020), despite being subjected to treatment that reaches the level of crimes against humanity, these individuals have not resorted to violence in any way.

Children whose parents are simultaneously detained on FETÖ charges face a particularly sensitive and challenging situation. These children must cope with the psychological and emotional trauma of being separated from their parents, while often lacking economic and social support. Such circumstances carry significant risks that can negatively impact the healthy development of these children.

In this context, it is also important to remind that the Committee, in its General Comment No. 17, emphasizes that measures taken to protect children's rights should not only focus on ensuring their full enjoyment of rights under the Covenant but also address economic, social, and cultural aspects. The government is obligated to consider all dimensions of the aforementioned events and understand how they affect children in order to create a policy that can eliminate, prevent, or mitigate these consequences. Promoting the well-being and rights of children should be a priority in this context and taking proactive measures to prevent harm in situations like these are essential to fulfilling this obligation.

215 Opinion No 42/2018, Mestan Yayman, para. 107.

When both parents are arrested, the fate of the children left behind is abandoned to chance, and no investigation is carried out by state officials regarding how the relatives who are left to care for these children are fulfilling this duty. No financial or moral support has been provided. Even worse, those who assist children of detained parents have been arrested for aiding a terrorist organization.

In some cases, children left behind suffer from chronic conditions such as *Down syndrome*, yet these children have been deprived of both parental support. Despite the legal possibility, in many cases, the postponement of the execution of one parent's sentence has not been pursued, and such requests have been rejected by judicial authorities.

In cases where the mother is convicted, internal law provides partial regulation for sick children. However, if the father is imprisoned, no such right is granted under any circumstances. While it is reasonable to view this as the mother's right to be with her child, it should not be overlooked that in cases of severe illness, the child also has the right to see both parents.

ee. A) The Complication of Prison Visits

"It is undisputed that ensuring the continuation of the relationships of individuals deprived of their liberty with the outside world, particularly with their close family, is a right. This issue is addressed in *the Nelson Mandela Rules* as follows:"

"Contact with the outside world

Rule 58 1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits."

It is accepted that maintaining reasonable contact between prisoners and the outside world, particularly facilitating effective communication with their families, helps in their rehabilitation, yields positive psychological results, and plays an important role in their resocialization and in preventing recidivism. (See: Her Majesty's Inspectorate of Prisons, Report on the Rehabilitation of Adult Prisoners, England and Wales, September 2014).

The European Court of Human Rights has also expressed similar views in its judgments. In the Chamber judgment of 23 January 2015 in the *Vintman case* (Vintman v. Ukraine, 28403/05), the ECtHR stated that while the European Convention on Human Rights does not grant prisoners the right to choose where their sentence will be served,

being housed in a location so far from their family that it complicates or renders visits impossible could constitute an interference with family life.

Looking at this issue, particularly from the perspective of children:

Submission to the UN Committee on the Rights of the Child 2011 Day of General Discussion: “Children of incarcerated parents” Else Marie Knudsen, under the 3. Title named “Barriers to visiting” stated that, Children have the right to continue relationships and maintain consistent, face-to-face contact with a parent they are separated from (UNCRC Art. 9.3). However, this right becomes meaningless when financial constraints prevent its realization. For individuals with limited income, the high expenses associated with visiting a family member in prison, such as transportation costs and taking time off work or school can be overwhelming. Some countries offer financial assistance for visits to help alleviate these challenges, such as the Assisted Prison Visits Unit in the United Kingdom.

According to the report prepared by German Institute for Human Rights named Opportunities for contact between children and incarcerated parents,²¹⁶ the significant impacts of parental incarceration on children can be mitigated by engaging in face-to-face interactions with them. It also stresses that this is also a right under certain articles under the CRC.

It goes without saying that individuals affected by the decree-laws (KHK) or those affiliated with the Gülen Movement have been socially marginalized in Turkey for many years, leading to severe economic difficulties. This has been further exacerbated by the worsening economic situation in Turkey and the rising inflation rates. Consequently, it has become increasingly challenging for these individuals to visit family members in distant prisons. The increase in bus and flight ticket prices has become burdensome, even for those who are employed.

In this regard, a child-centered approach that considers the specific needs and rights of children with incarcerated parents is essential to promoting their well-being and ensuring that they are able to thrive despite their challenging circumstances. States

216 GERMAN INSTITUTE FOR HUMAN RIGHTS National CRC Monitoring Mechanism Opportunities for contact between children and incarcerated parents A survey on current practice within the German penal system, JUNE 2024 available at: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Weitere_Publikationen/Summary_Contact_children_incarcerated_parents.pdf

must prioritize the protection and support of these children to fulfil their obligations under Article 24 of the ICCPR.

ff. B) Rejection of Transfer Requests

Parents have been transferred to prisons far from the cities where their children are located, or their transfer requests have been denied. However, transfer requests should have been handled differently, especially for families with children. Prison administrations should establish a different assessment method in this regard. However, no consistent records are kept about prisoners' parenting status, number of children, age and special needs of these children, contact information, or the relationship of the person who is caring for the prisoner's children. While this information may be entered ad hoc into the descriptive section of some prisoners' files, usable data about prisoners' children is not available to the public.

Prison transfer requests can only be made directly by the inmate themselves. It has been reported to lawyers that many of the inmates' objections regarding the rejection of their transfer requests have not been processed. Neither lawyers nor family members have the right to apply on behalf of the inmate. Moreover, this issue is particularly important in cases where there are children, especially school-age children. There is no decision-making mechanism that takes into account the needs of the children, and they do not have any right to participate or make requests regarding this matter. It is not possible for them to submit any application in this regard.

C) Denying the Right to Video Calls

In the context of video call applications, there has been a notable case of discrimination against political prisoners, especially those categorized as "terrorist" offenders. While other inmates are allowed up to one hour of video calls per week, political prisoners are only given 10 minutes per week to speak on the phone. This restriction is especially challenging for families with children, as it limits essential communication between imprisoned parents and their children.

During the COVID-19 pandemic, when in-person visits (both open and closed) were heavily restricted, political prisoners were still denied video call rights, even though this measure was crucial to maintaining family connections under those circumstances. The denial of this right to political prisoners not only affects their communication but also places an emotional strain on their children, who suffer from inadequate contact with their parents.

Regarding the children every article in the ICCPR shall be evaluated in connection with article 24 (1) of the ICCPR. The lack of access to video calls and extended call durations constitutes a form of discrimination based on the nature of the crime, and it disproportionately affects the children of political prisoners, as they are deprived of meaningful interaction with their parents compared to other inmates' children. The existing legal framework provides video call opportunities, but political prisoners remain excluded based on subjective criteria like behaviour or participation in rehabilitation activities, as evaluated by prison authorities²¹⁷.

Addressing this issue requires an inclusive approach where families with children, especially political prisoners, are automatically granted the right to video calls. If the right is denied, legal recourse should be made available, and children should be given the opportunity to apply for such rights on their parents' behalf. This would ensure that a child-centered approach will be adopted in the prison system and children's rights will be taken into consideration and protected.

gg. D) Children Staying in Prison with Their Mothers

Although the European Court of Human Rights' decision in *Yalçinkaya* and the UN Human Rights Committee's *Mukadder Alakuş* ruling state that membership in the *Gülen* Movement should not be considered as an element of the crime of terrorism, there are still many detainees and convicts in prisons. These individuals have been punished in violation of Articles 7 and 6 of the European Convention on Human Rights (ECHR) and Articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR) and remain in prison despite these rulings. This unjust imprisonment not only affects adults but also has irreversible consequences for their children. The primary victims of this situation are infants who stay in prison with their mothers. Many rights of children who remain in prison until the age of 5 are thus violated. It has been reported that babies face issues with formula and supplementary food, that crawling babies develop wounds on their bodies due to the prohibition of rugs or carpets, and that there are also difficulties in providing toys for the children.

217 According to Article 2(ğ) of the regulation regarding telephone call rights: *ğ) Members of terrorist or organized crime groups may benefit from the right to video calls and extension of call duration, subject to evaluation by the prison administration and observation board, considering factors such as the individual's behaviour, participation in educational and rehabilitation activities, and general conduct within the institution.'*

According to official state figures, there are more than 552 babies and children staying in prisons alongside their mothers²¹⁸. It is reported that serious issues occur in some prisons, such as difficulty accessing baby formula, a lack of supplementary food, insufficient baby and child beds, the absence of toys, and extremely overcrowded wards, which are very inadequate for the health of babies and children. Some detained or convicted mothers, unable to keep their children in such conditions any longer, have sent their babies to stay with relatives. Fatma Çetin who was a mother staying in Erzurum Prison with her baby tearfully explained her situation by a letter to journalist Emin Çölaşan, and he publicized this letter in his column²¹⁹.

“Dear Mr. Emin, I am writing this letter to you from Erzurum Closed Prison. If it reaches you, please read every line carefully because this letter reflects the fire burning within me. We cannot make our voices heard anywhere.

First, in July, my husband, a police officer, was suspended and imprisoned despite the lack of any concrete evidence. It has been 11 months, and his indictment has not yet been prepared. When my husband was arrested, I was seven months pregnant with our daughter. During this period, the development of my unborn baby slowed down, and due to the stress we were under, I went into premature labor when I was eight months pregnant.

My baby had respiratory problems and had to stay in an incubator for a while. But the hard days did not end there. On October 13, while I was on maternity leave from my job as a teacher, I was suspended, and on February 7, I was dismissed from my profession.

About two months later, I was also arrested on charges of being a member of FETÖ, again without any concrete evidence.

218

<https://cisst.org.tr/hapishane-istatistikleri/#:~:text=Hapishanelerde%20158'i%20k%C4%B1z%20%C3%A7ocu%C4%9Fu,%C3%A7ocuk%20say%C4%B1s%C4%B1%20ise%20552'dir.>

219

<https://m2.samanyoluhaber.com/bir-hafta-boyunca-sutumu-aglayarak-lavaboya-sagdim-haberi-haberi-1287057.html>

A week later, I was able to bring my eight-month-old baby, Melek, into the prison.

During that one-week separation, I expressed my milk in the bathroom, crying. I'm sure you can imagine how unbearable this is for a mother.

The prison conditions are not suitable for my baby. This process has become unbearable, especially for her, rather than me.

In an eight-person ward, we are staying with 30 inmates.

The 29th person is four-year-old Hasan, and the 30th is my baby, Melek. There is no space to move because the ward is filled with bunk beds. Even if 29 people speak in whispers, it creates noise, and my daughter cannot sleep properly.

My baby, who needs regular nutrition, is forced to eat the same food provided to us.

There is no space for her to crawl or learn to walk.

With only one bathroom and one sink, I don't even need to mention the hygiene conditions.

We are a small family of three, and all of us, including my baby, are imprisoned.

When I was seven months pregnant with the baby we had longed for three years, how could I have been involved in the coup? As a teacher, was my pen the weapon? Regards."

hh. E) General Problems of Children;

Here are some examples found on open sources to the stigmatization and discrimination faced by children due to their parents' opinions (Art. 2 para. 2, 6, 16, 17, 23, 25 para. 2 (c) and 26, 27 of the ICCPR):

- Rūveyda Tekgöz, who has a daughter with autism, has been deprived of social assistance due to her father's status as a victim of the post-coup emergency decrees (KHK).

- Nurefşan Ketenci, who was born with Cri-du Chat Syndrome, a rare disorder affecting 1 in 50,000 people worldwide, was expelled from the rehabilitation center where she was receiving education because her father was a KHK victim.

- Many students have been denied state scholarships on the grounds that their parents were affected by KHKs.

- Students from military schools closed by the post-coup emergency decrees have been barred from entering prestigious science high schools and social sciences high schools.

- Students from schools that were shut down faced obstacles in having their previous education recognized at their new schools.

- Harun Atayün, son of former police chief Anadolu Atayün, was not admitted to state schools because his parents were imprisoned under the criteria produced by the KHKs.

- Students from schools closed by the post-coup decrees have been banned from traveling abroad and had their passports revoked.

- Bursa Municipality did not provide a vehicle for the transport of the bodies of children who drowned while their family was fleeing the country, citing their parents' status as KHK victims, despite the fact that such vehicles are provided free of charge to others.

Common Problems:

1. Psychological and Emotional Trauma: The simultaneous arrest of both parents is a major source of trauma for children. In many cases, the police enter the home by breaking the door during night-time raids, and this severely affects the young children in the household, causing irreparable emotional damage.

2. Stigma and Social Isolation: Due to the arrest of their parents, children may experience stigmatization and social isolation within their communities. This can negatively impact their friendships and social development.

3. Economic Hardship: The arrest of both parents can lead to a lack of financial support for the children. This situation may result in the inability to meet their basic needs and create challenges in fulfilling other essential needs such as education.

4. Lack of Care and Support Weakening of Family Bonds: Children are often placed in the care of close relatives or state protection. However, this situation can weaken their bonds with their parents and lead to a lack of emotional support.

5. Disruption in Education: Separation from their family and the uncertainties caused by the imprisonment process lead to disruptions in children's educational progress.

O. 3. RECCOMENDATIONS

P.

Various measures and support mechanisms can be developed to help children overcome the difficulties they face:

- 1. Psychological Support and Rehabilitation:** Psycho-social support programs should be provided to help children cope with conditions such as post-traumatic stress disorder, anxiety, and depression.
- 2. Expanding Visit Rights:** Parents in prison should be allowed to meet with their children more frequently and for longer durations. It is important that these visits occur in a warm, face-to-face environment when possible. Parents should not be transferred to prisons in cities far from where their children live.
- 3. Recommendation:** States or their prison services should provide financial support, including low-cost or free transportation services, to ensure that all families wishing to visit a prisoner at any correctional facility can do so.
- 4. Phone and Video Calls:** Opportunities for phone and video calls should be provided so that children can communicate with their parents. This right, which

is only provided to criminal convicts, should also be extended to political prisoners.

5. **Educational Support:** Scholarships, private tutoring, and educational materials should be provided to ensure that children of imprisoned parents do not experience disruptions in their education. Guidance services and teacher support at school should also be encouraged.
6. **Financial Aid and Social Services:** Financial assistance should be provided to meet the basic needs of children, and access to social services should be supported. This aid would help meet the children’s needs for shelter, clothing, food, and education. Additionally, those assisting these families should no longer be accused of supporting a criminal organization.
7. **Reducing Stigma and Prejudice:** It is essential to avoid expressions and political actions that stigmatize individuals linked to the Gülen Movement or perceived to be associated with it, and their children.
8. **Raising Awareness in Schools and Communities:** Training should be provided in schools and communities to foster empathy and create a supportive environment for children in these circumstances.
9. **Alternative Sentencing Practices:** To minimize the negative impact of parents being imprisoned simultaneously, alternative sentencing measures, such as house arrest or probation for one of the parents, should be considered.

Q. 4. SOME CHILDREN AMONG HUNDREDS WHOSE PARENTS ARE IMPRISONED

	<p>Abdulkadir-Nurcan Arslan: This couple was arrested and sent to prison in September 2023. Their conviction reasons included working at a private tutoring center that was shut down by a government decree, using ByLock, and depositing money into Bank Asya. Currently, their uncle is caring for their quintuplets and another sibling, totalling six children. The already financially</p>
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	<p>struggling uncle has had to take on the responsibility of caring for these six young children.</p> <p>https://www.youtube.com/watch?v=rM2gyvNiGh0</p>
	<p>Hatice Kara: Kara, a mother of three, was arrested and sent to Aksaray prison a year ago for being a member of the Gülen Movement.</p> <p>Her 10-year-old son, Ender, said: <i>'They put my mother in prison, we are very sad. They make fun of us and laugh at us at school because we don't have our mother. We don't want to go to school anymore. We just want our mother to come back.'</i></p>
	<p>Mine Işıқтаş: A mother of three, Işıқтаş has been detained since October 2024. Her children are being cared for by relatives.</p>
	<p>Güler-Yavuz Çetinkaya: The Çetinkaya couple, who are imprisoned due to their legal activities, have two children aged 4 and 7, among others. Sociology teacher Yavuz Çetinkaya has been in prison for 4 years, while his wife, literature teacher Güler Çetinkaya, has been detained since February 26.</p>

Children with Autism

	<p>Esra Ekmekçi: A mother of three, Ekmekçi has been detained since April 2023. Her 9-year-old son Tarık has autism and needs special care. Her husband has also been in prison for 6 years.</p> <p>Since his mother was imprisoned, Tarık, has become increasingly distressed and keeps asking for his mother. His grandmother, Nazmiye Ekmekçi, who is taking care of him, said, "I can't provide him with everything he needs. He asks for his mother morning and night. At the very least, my</p>
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	<p>daughter-in-law should be placed under house arrest."</p> <p>https://boldmedya.com/2023/07/14/babasi-5-yildir-hapisteydi-annesi-de-tutuklandi-otizmli-tarik-annesini-istiyor/#google_vignette</p>
	<p>Özlem-Zekeriya Sarıçelik: Their 11-year-old daughter, Elif Sinem, has Down syndrome, and both parents are detained in Eskişehir Prison. Despite legal provisions, the mother has not been granted a sentence deferral.</p> <p>After their grandfather Hüseyin Sarıçelik (72), who was taking care of the children, suffered a heart attack, 11-year-old Elif Sinem, who has Down syndrome, and her 7-year-old brother Yahya Süleyman were placed in the care of their aunt.</p> <p>https://kronos37.news/ogretmen-oglu-tutuklu-oldugu-icin-torunlarina-bakan-dede-kalp-krizi-gecirdi/</p>
	<p>Hatice Ertuğrul is an 8-year-old child with 98% disability, unable to walk, speak, or even sit up. Her mother passed away in 2023. Her father, Hamza Ertuğrul, has been held in Antalya Prison for 7 years. The situation Hatice is going through is truly difficult and heartbreaking. Losing her mother and having her father in prison has placed an immense burden on her at such a young age. For a child with disabilities to cope with these challenges, social support and specialized care are crucial. In this case, social services, government assistance, and charity organizations can be approached to meet Hatice's needs. Moreover, given the challenging circumstances within the family, it is evident that legal regulations should be made to better manage such situations. Developing solutions for Hatice's physical and emotional needs would be an important step towards providing her with a better life.</p>

XIII. II- DETENTION OF PERSONS WITH DISABILITIES AND CRONIC DISEASES (ICCPR art. 2, 6, 7, 9, 17 and 26)

Following the July 15, 2016 coup attempt, many individuals in Turkey have been arrested or sentenced on allegations of affiliation with the Gülen Movement. During this process, the poor conditions of individuals with critical health issues or disabilities in prisons are of significant importance from a human rights perspective. This report categorizes individuals with severe illnesses as disabled due to their long-term dependence on others for care and support.

In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory.²²⁰

R. 1. CONDITIONS AND HEALTHCARE SERVICES IN PRISONS (Art. 6 and 7)

Nelson Mandela Rule 31 provides that : “ *The physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed. All medical examinations shall be undertaken in full confidentiality.*”

In the decisions of the European Court of Human Rights, it has been stated that in cases where requests for postponing execution are denied, under certain conditions, Article 3 of the European Convention on Human Rights, which prohibits inhuman or degrading treatment, may raise. The detention of an ill person may raise issue under Article 3. Health, age, and severe physical disability are among the factors to be taken into account in that respect (Mouisel v. France, 2002, § 38).

220 The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) General Assembly resolution 70/175.

However, one of the major issues faced by patients and disabled individuals arrested or sentenced on charges of affiliation with the Gülen Movement in Turkish prisons is access to healthcare services. Access to healthcare in prisons is generally limited, which can have serious consequences for individuals with chronic illnesses or disabilities. Specifically, difficulties in reaching doctors due to overcrowding in prisons, delays in hospital referrals, being shackled to the bed even during intensive care, insufficient devices for the use of disabled individuals, and problems in obtaining regular medication negatively affect the health conditions of sick and disabled inmates, sometimes leading to violations of their right to life.

The ECHR in its case-law rejection of the requests regarding the stay of execution stated that it might be related with the Article 3 of the Convention, which prohibits inhuman or degrading treatment under certain circumstances. It stated that the applicant had significant medical conditions that were incompatible with the prison conditions he was subjected to. Despite multiple medical reports confirming his health status, authorities did not place him under house arrest until nine months after his initial request. Considering these circumstances, the Court concluded that the applicant's prolonged detention amounted to a violation of his Article 3 rights.

ii. A) Main Challenges Faced By Sick and Disabled Prisoners²²¹

1. Insufficient Access to Healthcare Services: The opportunities for inmates with illnesses and disabilities to regularly visit medical professionals are limited. Many prisoners have reported issues such as delays in hospital referrals or no referrals at all. This situation can particularly lead to delays or disruptions in life-critical treatments.

2. Doctor Examination with Handcuffs: Medical examinations for sick and disabled individuals are often conducted with their hands shackled, and even after intensive care, chemotherapy, or surgery, they may remain shackled to their beds. Prisoners who refuse to be examined in shackles are either not taken to the doctor or are denied supervised release by having their “good behavior” status revoked.

221 For similar findings: The Human Rights and Equality Institution of Türkiye’s (HREIT) Contribution (Input) to the 80th Session of the Committee against Torture (CAT) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FNHS%2FTUR%2F58949&Lang=en page 36-40

3. Inadequate Physical Conditions: Due to the extreme overcrowding in prison dormitories, conditions are already challenging for individuals without health issues, making the physical environment of prisons unsuitable for disabled and ill inmates. Infrastructure deficiencies such as stairs, narrow doors, or inadequate toilets and bathrooms for disabled individuals complicate daily life for these inmates.

4. Lack of Family and Social Support: Inmates transferred to prisons in distant cities against their will are separated from their families and social networks. This situation exacerbates social isolation, particularly for disabled and ill prisoners, negatively impacting both their physical and psychological health.

S. 2. RECOMMENDATIONS

1. Access to Healthcare: The right of prisoners who are ill or disabled to access healthcare services must be guaranteed by legal regulations. Inadequate healthcare services can be considered a violation of the right to life.

2. Handcuffs: Law enforcement personnel should be warned not to handcuff ill or disabled individuals during medical treatment unless there is a justified reason. Likewise, doctors should be more sensitive in this regard.

3. Special Conditions: Prisons must be equipped with facilities specifically designed for disabled individuals, such as ramps, accessible toilets, and specialized beds. Prisons should be arranged to meet the physical needs of disabled individuals.

4. Special Arrangements for the Visually Impaired: Prisons should provide Braille books and audiobooks in their libraries. Additionally, access to computers with screen reader software should be allowed. Visually impaired prisoners should also have access to devices that assist with voice recording and reading to facilitate their daily tasks and correspondence.

5. Preserving Family Ties: The duration of open visits should be adequate for ill and disabled individuals, and they should be granted the right to video calls. Furthermore, they should be placed in prisons closest to their families.

6. Alternative Sentencing Methods: Alternative sentencing methods, such as house arrest or probation, should be considered for individuals with serious health conditions. This would allow for a more humane approach, taking into account the health conditions of prisoners.

7. Compliance with International Conventions: The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) set international standards that protect the rights of prisoners. These rules call for special arrangements and support for ill and disabled prisoners. Therefore, international and local human rights organizations should monitor and report on the rights of ill and disabled prisoners. These organizations can suggest improvements through prison inspections.

8. Transparency and Accountability: Prison authorities and officials should be regularly informed of their duty to respect the rights of ill and disabled prisoners. Those who fail to take necessary precautions should be warned and, if necessary, investigated. Independent audits and reports are essential to prevent human rights violations.

T. 3. EXAMPLES OF SICK/DISABLED DETAINEES AND PRISONERS

Some examples of ill and disabled prisoners among hundreds of them on charges related to Gülen Movement have occasionally been brought up by human rights organizations, lawyers, and the relatives of prisoners. Below are a few examples of this situation²²²:

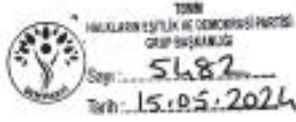
222 All of the samples have been withdrawn from open sources and mass media sharings.

	<p>Şerife Sulukan: Currently 48 years old, Sulukan suffers from multiple health conditions. After experiencing a stroke in 2020, she developed problems in her knees, making her unable to walk, and she now uses a wheelchair. Due to the same incident, she also cannot use her left shoulder and arm. Sulukan has been diagnosed with epilepsy and experiences seizures from time to time. In addition, she underwent major heart surgery and has several neurological issues. Despite having a disability report indicating 89% disability and being unable to care for herself, she continues to be held in prison. (https://kisadalga.net/haber/detay/cezaevleri-yazi-dizisi-2-cezaevlerinde-hasta-cok-ceza-erteleme-yok_101809)</p>
	<p>Mehmet Parlak: Parlak, who has only one functioning kidney and is 30% disabled, has not been released despite losing weight to 40 kg while in prison.</p>
	<p>Yusuf Özmen: currently a stage 4 cancer patient, was diagnosed with testicular cancer in 2017 when he was just 29 years old and underwent surgery. After the tumor removed during the surgery was found to be malignant, he received three rounds of chemotherapy. In February 2018, Özmen was arrested and sent to Patnos Prison on the grounds that there was an arrest warrant against him. Despite requests for him to be tried without detention, the court rejected this, citing a "risk of flight." When the court requested a medical report, Özmen applied to Patnos State Hospital, where a medical board declared him "81% disabled and unfit to stay in prison." However, the court did not accept this report, so Özmen was taken to Erzurum</p>

	<p>to be examined by a university hospital medical board. Despite the second board also issuing a report stating that Özmen was unfit to remain in prison, legal procedures required a report from the Forensic Medicine Institute (ATK) for his release. Özmen applied to the ATK, but contrary to the other reports, the ATK concluded that he was "fit to remain in prison".</p> <p>(https://kisadalga.net/haber/detay/cezaevleri-yazi-dizisi-2-cezaevlerinde-hasta-cok-ceza-erteleme-yok_101809)</p>
	<p>Mehmet Ali Uçar: Uçar, a lawyer who is 100% visually impaired and suffers from hemophilia, was convicted for defending individuals prosecuted in connection with the Gülenist movement investigations. He has been in prison since January 2021. Despite having a report from the Forensic Medicine Institute stating that he is unfit to remain in prison, he has not been released.</p>
	<p>Abdulhalim Kaya: Kaya is 93% disabled, visually impaired, and undergoing cancer treatment.</p>
	<p>Mehmet Bayram: Bayram, aged 76, is currently detained in Sakarya Ferizli Prison and is 97% disabled.</p>
	<p>Süleyman Sabri Mavi: Mavi, 75 years old and 99% disabled, is still being held in prison despite his severe disability.</p>
	<p>Kazım Avcı: Avcı, 67 years old and 78% disabled, is currently being held in prison despite his significant disability.</p>

ANNEX:

1- The parliamentary question submitted on the issue by MP Ömer Gerferlioğlu.



12034

Ömer Faruk Gergerlioğlu
Kocaeli Milletvekili

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŞKANLIĞINA

Aşağıdaki soruların İçişleri Bakanı Sayın Ali Yerlikaya tarafından Anayasamızın 98'inci ve TBMM İçtüzüğü'nün 96'nı ve 99'uncu maddeleri gereğince yazılı olarak cevaplandırılmasını saygılarımla arz ederim.

Ömer Faruk GERGERLİOĞLU

Kocaeli Milletvekili

Tarafıma iletilen mesajda; "Ben Nil Zülal Bayram, 1 gün boyunca Üsküdar Çocuk Şube'de hukuksuz davranışlara ve psikolojik baskıya uğradım. 17 yaşında bir genç kadını. Evimize 7 Mayıs 2024 sabah saat 05.00 gibi evimize polisler geldi. Biz kardeşimle hiçbir şey anlamadık üstümüzlü falan değiştirmemize izin vermeden bizi hemen salona soktular. Evimize 15 kişi girdi bize hiçbir açıklama yapmadan sadece Üsküdar'da bulunan çocuk şubeye götürüleceğimizi söylediler. Yatak odasını aradılar tamamen dolapları çekmeceleri falan boşaltılar bizim yanımızda anneme bağırıldılar. Biz hala anlamlandıramamıştık ne olduğunu. Kardeşimle beni ayrı ayrı götürdüler yol boyunca da yine bir açıklama yapılmadı telefonlarımızı almışlardı şans eseri sabah abim beni aradı telefon çalınca "Ha senin haber verme hakkın vardı al konuş" diye açtılar telefonumu abimin o şekilde haberi oldu. Abim aramasaydı bilemedim ne olurdu. Ailelerimizden ayrı olarak çocuk şubeye götürüldük. Ben son gelenlerdendim odaya geçince çok yaşurdum benim yaşında 12-13 genç kadın vardı bir tanesi de nezarethanedeydi. Sorgularımız başlayana kadar 2-3 saat bizi beklettiler. Sonra sırayla ikişer ikişer almaya başladılar sorgular en kısa 2 saat sürüyordu. Ben avukatıma ulaşmak için telefon istedim ama hiçbir şekilde vermediler. Beni 14.00 gibi aldılar. Bu esnada kapıda avukatlar içeri girmeye çalışmışlar ve içeri alınmamışlar anne babaları yanlarında olmayan, 18 yaş altından küçük çocukların, avukatı olmayan ifadesinin alınmayacağını, alınan ifadelerin hükümsüz olduğunu beyan etmişler ama memurlar hiçbir şekilde içeriye sokmadı kimseyi 15-16 saat boyunca. İfade esnasında yanımızda avukatımız bulunmamasından dolayı oluşan rahatlıkla cümlelerimiz çok çarpıtıldı. Örneğin biz buluştuk dediysek onlar "A kişinin yönlendirmesiyle buluştuk" diye dosyaya geçirdiler ve neredeyse birçok cümle bu şekilde yazıldı. Ve soruyu 1-2 kişi yapıyordu başımızda bizden büyük 4-5 polis art arda çok hızlı sorular soruyorlardı ve soru dosyasında olmayan ve suç olmayan çok detay sorular soruyorlardı. Bazılarımız bu çarpıtılan

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yazılan cümleleri fark edip sildirdik ve bu şekilde duruş gösteren arkadaşlara da ekstra baskı yapıldı. Psikolojik şiddet uygulandı. 3-3.5 saat süren sorgular oldu. Memur çok rahatsız edici konuşuyordu bağırıyordu sürekli azarlayıcı tavırlar sergiliyordu. Ben sorgudan dört bağuğa doğru çıktım. Sorgulaması yapılmış olanlarla yapılmamış olanları farklı odalarda tutuyorlardı hiçbir şekilde iletişim kurduruyorlardı. İfade dosyamızı istediğimizde vermediler. Benden sonra kardeşimi aldılar. Ve kardeşim kendisine yapılan imalara sinirlendiği için ona ekstra kötü ve gaddar davramıldı. Ona çok bağırışlar hatta sabah arabada götürülürken memur kadın imalı sorular sorup kardeşimi baskılamış kardeşimde ben şu an sorguda değilim cevaplamayacağım diye yanıtlamış bu bahsettiğim kadında sabah anneme bağırın kadın. Sorgudan çıkınca bizi yerleştirdikleri odanın camından ailelerimizin bizi beklediği park gözüküyordu ve bir çoğumuz çok koymuştuk sabahtan beri hiçbir bilgi verilmemişti bazılarımızın aileleri de alındı onlar hakkında da bilgimiz yoktu ben ablamın da alındığını çıkınca öğrendim. Sorgu esnasında ayrı sorgudan sonra ayrı çok fazla psikolojik şiddete maruz kaldık ve camdan ailelerimize el sallamak en azından görmek bile bize iyi gelecekti fakat buna bile izin vermediler camları kapattırdılar kendi aramızda konuşmamıza dahi izin vermediler susturup bağardılar. Yemek falan zaten ailelerimiz gönderdi. Bu şekilde akşam 22.00'a kadar sürdü ve avukatlarımız gün boyu içeriye girmeye çalıştı onları almıdılar hiçbir şekilde. Kısacası 15 saat boyunca hukuksuz birçok davranışın memurlar tarafından sergilendiği bir zaman geçirdik. Benim annem ve ablamda alındı. Annem siroz hastasıydı yeni karaciğer nakli oldu ve birkaç hafta önce parkinson teşhisi konuldu. Annem ve ablam hala gözaltındalar ve aynı muameleyi görüyorlar. Annem ve ablam gibi birçok kişi şu an bu şekilde mağdur ve psikolojik şiddete uğruyor." ifadeleri yer almaktadır.

Bu bağlamda;

- 1) Tarafıma iletilen iddialar doğru mudur?
- 2) Nil Zülal Bayram isimli yurttaşın gözaltına alınmasının sebepleri nelerdir?
- 3) İsmi geçen yurttaşımızın ve diğer pek çok 18 yaşından küçük çocukların İstanbul Emniyet'te işkence ve kötü muameleyle maruz kaldığı iddiası doğru mudur? Eğer bu iddia doğruysa işkence ve kötü muamelede bulunan personeller hakkında açılmış bir soruşturma var mıdır? Varsa akıbeti ne durumdadır?
- 4) Nil Zülal Bayram isimli yurttaşın gözaltındayken ifade esnasında yanında avukat bulunmadığı iddiası doğru mudur? Eğer bu iddia doğruysa avukat olmadan ifade alınmasının gerekçesi nedir?
- 5) İstanbul Emniyet Müdürlüğü Üsküdar Çocuk Şube Müdürlüğü'nde ifadeleri alan polis memurlarının ifade veren kişilerin ifadelerini değiştirdiği iddiası doğru mudur? Eğer bu iddia doğruysa ifade değişikliği yapan polis memurları hakkında açılmış bir soruşturma var mıdır?
- 6) Son 10 yılda bakanlığımıza bağlı birimlerle ilgili kaç işkence şikâyeti aldınız?