

**A Shadow Report on Human Rights Violations, Systematic Torture and Impunity in  
Turkey: Post-July 2016 Coup Attempt**

**Submission to the United Nations Human Rights Committee (CCPR)**

Submitted by:  
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## **1. Introduction**

1. The Advocates of Silenced Turkey (AST) submits this shadow report to United Nations Human Rights Committee (CCPR) to document and highlight the severe and systematic human rights violations in Turkey, with a specific focus on the resurgence of torture and ill-treatment following the attempted coup on July 15, 2016. This report seeks to provide a thorough analysis of the state-sanctioned torture practices that have become rampant under the state of emergency (OHAL) and subsequent legislation. The practices detailed herein represent grave violations of Turkey's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the Convention Against Torture (CAT).
2. Turkey's human rights landscape has dramatically deteriorated over the past decade, culminating in widespread repression following the 2016 coup attempt. This decline has drawn significant international concern, particularly regarding the erosion of the rule of law and the rise of authoritarian governance. The Turkish government has systematically undermined democratic institutions, curtailed freedoms, and suppressed dissent. This report aims not only to document these abuses but also to call for concrete actions to restore human rights protections and ensure accountability.

## **2. Background**

3. Torture has a long and troubling history in Turkey. Turkey's struggle with human rights and torture predates the modern era, with roots in the Ottoman Empire and early Republic. The practice became particularly pervasive following the military coup of 1980, during which systematic torture was reported in various detention facilities. International bodies, including the European Committee for the Prevention of Torture (CPT) and the United Nations Committee Against Torture (CAT), highlighted the severity and systemic nature of these practices throughout the 1990s. Although the early 2000s saw legislative reforms that initially appeared to curb these practices—most notably, the "zero tolerance policy" towards torture declared by then-Prime Minister Recep Tayyip Erdoğan—these gains were largely reversed following the failed coup attempt in 2016.
4. Turkey is a signatory to several key international human rights treaties, including the ICCPR, ECHR, and CAT. These treaties obligate Turkey to prohibit torture and ensure that those who commit such acts are held accountable. The post-coup practices outlined in this report represent clear violations of these commitments, as Turkey has systematically failed to prevent, investigate, or punish acts of torture.

### 3. Surge in Torture Post-July 15, 2016

5. The coup attempt on July 15, 2016, provided the Erdoğan government with a pretext to intensify its crackdown on dissent. Torture quickly became a routine tool of repression, used to extract confessions, intimidate opponents, and maintain control. The OHAL declared on July 20, 2016, suspended many human rights protections and allowed for extended detention periods of up to 30 days, during which torture often occurred.
6. Decree Law No. 667, issued shortly after the coup attempt, granted immunity to security forces for actions taken during the state of emergency, effectively legalizing torture. Victims, particularly those associated with the Gülen movement, reported being subjected to severe beatings, electric shocks, sexual assault, and psychological abuse.<sup>1</sup>
7. One of the most egregious examples of post-coup torture is the case of Gen. Akın Öztürk, a former commander in the Turkish Armed Forces. Images of Öztürk, who was tortured while in custody, were broadcast on state television, showing the extent of his injuries, including bruises and wounds on his face and body. Despite filing a criminal complaint, no action was taken against the perpetrators, highlighting the culture of impunity.
8. Turkey's response to the coup attempt mirrors actions taken by other authoritarian regimes following political upheavals. The use of torture as a tool for maintaining control and silencing dissent is a common feature among these regimes. However, Turkey's actions are particularly concerning given its previous commitments to human rights and its strategic importance in the international community.
9. The extended detention periods, denial of legal representation, and use of torture during these periods directly violate Article 7 of the ICCPR, which prohibits torture and cruel, inhuman, or degrading treatment or punishment. They also violate the CAT, which requires states to take effective measures to prevent torture in any territory under their jurisdiction.

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<sup>1</sup> The decree No. 667 announced on July 23, 2016, stated: "Legal, administrative, financial, and criminal liabilities shall not arise in respect of the persons who have adopted decisions and fulfill their duties within the scope of this Decree Law." This provision paved the way for the resurgence of systematic torture and ill-treatment in Turkey, which are unequivocally forbidden even during times of war according to international law. An example of the usage of Decree Law 667 to protect torturers occurred when victims attempted to lodge complaints and record the violence they had suffered. They were referred to Decree Law No. 667, which stipulated that police officers acting within its purview could not be prosecuted or complained against. For instance, Abdullah B., arrested as part of an investigation into the Gülen movement in Trabzon, filed a complaint with the Trabzon Chief Public Prosecutor's Office, alleging he was beaten, abused, and threatened after his detention, which also involved his two-month pregnant wife. Prosecutor Eşref Aktaş cited the provision of Article 9 of the aforementioned decree, which states that "legal, administrative, financial and criminal liabilities shall not arise in respect of the persons who have adopted decisions and fulfilled their duties within the scope of this Decree Law," and subsequently dismissed the case. The details of this incident can be accessed in Evrensel. (2017, January 16). "Savcı işkence suç duyurusunu KHK'ye dayanarak reddetti" [Prosecutor rejected torture complaint based on decree]. <https://www.evrensel.net/haber/304217/savci-iskence-suc-duyurusunu-khkye-dayanarak-reddetti>.

#### 4. Government Efforts to Conceal Torture

10. In response to mounting international scrutiny, the Turkish government has taken extensive measures to conceal evidence of torture. A confidential directive from the General Directorate of Security advised police units across Turkey to modify detention centers in anticipation of inspections by the CPT.<sup>2</sup> Despite these efforts, numerous instances of torture and ill-treatment have been documented, revealing the systematic nature of these practices.
11. To avoid detection, the Turkish government has shifted many interrogations to unofficial sites, such as gymnasiums and factory buildings, where detainees are subjected to extreme physical and psychological torture. These locations, often lacking basic amenities, are deliberately chosen to bypass international oversight mechanisms.<sup>3</sup>
12. The state's official news agency, Anadolu Agency, and state television, TRT, have broadcast images of tortured detainees, including high-ranking military officials, as a means of propaganda. This not only violates international human rights norms but also serves to intimidate others and deter dissent.
13. International observers have reported significant challenges in accessing detention centers and obtaining truthful information. For example, the CPT has documented instances where Turkish authorities restricted their access to certain facilities, tampered with evidence, or provided misleading information. These actions have drawn sharp criticism from the international community.
14. The international community has responded to these concealment efforts with increasing concern. The European Union, United Nations, and other international bodies have condemned Turkey's actions and called for greater transparency. However, Turkey's strategic importance has led to a cautious approach, with some countries reluctant to impose sanctions or take stronger action.

#### 5. Systematic Abuse and Impunity

15. Turkey's official judicial statistics from 2013 to 2018 reveal a disturbing pattern of impunity for those who commit torture in Turkey. Despite thousands of complaints, the

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<sup>2</sup> Turkey Tribunal, & International Observatory Human Rights. (2020, August). *Torture in Turkey today* (p. 45). [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FTUR%2F44932&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FTUR%2F44932&Lang=en)

<sup>3</sup> Bianet. (2016, July 25). *Af Örgütü: Darbe girişiminde gözaltına alınanlara işkence ve tecavüz* [Amnesty International: Torture and rape of those detained in the coup attempt]. <https://m.bianet.org/bianet/insan-haklari/177141-af-orgutu-darbe-girisiminde-gozaltina-alinanlara-iskence-ve-tecavuz>

rate of prosecutions and convictions remains alarmingly low.<sup>4</sup> The legal framework established under the OHAL, particularly Decree Law No. 667, has institutionalized this impunity by providing legal cover for security forces and other state actors.

16. Between 2013 and 2018, only 12.4% of reported torture cases resulted in indictments, with a mere 1% leading to imprisonment. These figures underscore the systemic failure of the Turkish judiciary to hold perpetrators accountable.
17. Police often used countercharges under Article 265 of the Turkish Penal Code to intimidate and pressure victims into silence. The stark disparity between the number of torture cases (28,768) and the number of cases opened under Article 265 (1,723,767) reflects the extent of this abuse.
18. The judiciary's failure to hold torturers accountable is not merely a result of institutional weaknesses but appears to be part of a deliberate policy by the government. Political pressure, corruption, and a lack of resources have all contributed to the judiciary's inability—or unwillingness—to address these violations.
19. The culture of impunity that has taken root in Turkey is not an unintended consequence of weak institutions but a deliberate policy by the government to protect its security forces and suppress dissent. This impunity is enshrined in law through decrees that provide immunity to those who commit torture, creating an environment where human rights abuses can occur with little fear of repercussion.

## 6. Witness Accounts

20. Firsthand accounts from victims and human rights organizations provide a detailed and harrowing picture of the torture practices in Turkey. These testimonies reveal the use of torture as a deliberate state policy aimed at crushing dissent and instilling fear among the population. There are hundreds of well-documented cases that provide harrowing details of torture in Turkey, which can be found in two comprehensive reports published by the AST<sup>5</sup>. In addition to these reports, numerous local and international foundations and

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<sup>4</sup> Adalet Bakanlığı. (2023). *Adalet istatistikleri yayın arşivi*. Adalet.gov.tr. <https://adlisicil.adalet.gov.tr/Home/SayfaDetay/adalet-istatistikleri-yayin-arsivi>

<sup>5</sup> The AST reports have documented very extensive and detailed accounts of tortures perpetrated or committed by the Turkish state or state-related bodies, also identifying the torturers while demonstrating how these individuals have not only been let go with impunity but also awarded promotions. The cases include torture committed against Kurds, Gülen movement followers, members of certain political movements, etc. For all these details, which are based on the testimonies of the victims, court hearings, news stories, etc., please check these reports: Advocates of Silenced Turkey. (2021, February 4). *Erdogan's Torture Squads and Torture in Turkey as a Grave Human Rights Violation*. Advocates of Silenced Turkey. <https://silencedturkey.org/erdogans-torture-squads-and-torture-in-turkey-as-a-grave-human-rights-violation> and *TORTURERS REPORT -2 June 2022 Torture and Human Rights Violations in Turkey*. (n.d.). Retrieved August 19, 2024, from <https://silencedturkey.org/wp-content/uploads/2022/06/report-torture-vol2-en-web.pdf>.

institutions have clearly documented torture cases, painting a partial yet revealing picture of the situation. These reports persist despite the Turkish government's concerted efforts to deny, cover up, and downplay the severity of the torture practices, often hiding behind the broad excuse of the "independence of the judiciary" and the existence of legal avenues purportedly available to victims seeking remedies.

21. These accounts vividly illustrate the emotional and psychological trauma inflicted on victims and their families. The brutality of the torture described in these testimonies underscores the need for urgent action to address these abuses and hold perpetrators accountable.

## **7. International Reactions and Reports**

22. The international community has repeatedly condemned Turkey's use of torture and its failure to uphold human rights standards. Reports from the CPT, Human Rights Watch (HRW), and the U.S. Department of State have documented the widespread nature of torture and the culture of impunity that protects the perpetrators.
23. The CPT conducted 33 inspections in Turkey between 1990 and 2022, consistently finding evidence of torture and ill-treatment. The Turkish government's decision to block the publication of recent CPT reports has further deepened concerns about the human rights situation in the country.
24. HRW's 2017 and 2018 reports highlighted the systematic nature of torture in Turkey, particularly against individuals detained under the anti-terror law. The reports criticized the lack of thorough investigations and the judiciary's ineffectiveness in addressing these abuses.<sup>6</sup>
25. The European Union and United Nations have both issued statements condemning Turkey's actions and calling for immediate reforms. However, the international response has been tempered by geopolitical considerations, with some countries reluctant to take stronger action against Turkey due to its strategic importance.
26. When compared to similar cases in other countries, Turkey's international standing has suffered significantly. However, the response from the international community has been inconsistent, with some countries continuing to engage with Turkey despite its deteriorating human rights record. This double standard has undermined efforts to hold Turkey accountable and has emboldened the government to continue its repressive practices.

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<sup>6</sup> *World Report 2018: Rights Trends in Turkey*. (2018, January 5). Human Rights Watch. <https://www.hrw.org/world-report/2018/country-chapters/turkey>

## **8. Conclusion**

27. The evidence presented several reports by the AST as well by numerous local and international institutions demonstrates that torture has become an integral part of the Turkish government's strategy to silence dissent and maintain control. The culture of impunity, supported by a compromised judiciary and legislative measures, has allowed these practices to flourish. Immediate and decisive action is needed to hold perpetrators accountable and to restore the rule of law in Turkey.

## **9. Actionable Recommendations:**

28. Repeal of Decree Laws: The Turkish government should immediately repeal all decree laws that provide immunity to security forces and other state actors involved in torture.

29. Establishment of Independent Oversight: An independent oversight mechanism should be established to investigate and prosecute allegations of torture. This body should be granted full access to all detention facilities and the authority to conduct thorough and impartial investigations.

30. International Pressure: The international community should increase pressure on Turkey to comply with its obligations under international human rights law, including the ICCPR, ECHR, and CAT. This pressure should include diplomatic measures, targeted sanctions against officials responsible for human rights abuses, and increased support for civil society organizations working to document and combat torture.

31. Transparency and Accountability: The Turkish government should allow the publication of all CPT reports and grant full access to international observers to monitor the human rights situation in the country. Additionally, the judiciary must be reformed to ensure its independence and its ability to prosecute torture cases without political interference.

## **10. Call to Action:**

32. The international community cannot remain silent in the face of such grave human rights violations. The Turkish government must be held accountable for its actions, and concrete steps must be taken to end the culture of impunity that has allowed torture to become a routine part of state policy. The time for action is now, and the consequences of inaction will be dire not only for the victims but for the future of human rights in Turkey.