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Security Studies and Rule of Law

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1. Introduction

As SSRL (Security Studies and Rule of Law), we are honored to present this report to the Committee against Torture (CAT). This report, prepared to evaluate cases of torture and ill-treatment in Turkey, aims to document human rights violations and bring them to the attention of the international community.

Our association was established in January 2023 in Geneva, Switzerland, with the mission of protecting human rights and ensuring the rule of law. Our activities are focused on defending human rights, preventing unlawful actions, and giving a voice to the victims all over the world. We work on issues related to torture and crimes against humanity at both national and international levels, preparing reports to bring these grievances to public attention.

Despite the landmark decision by the European Court of Human Rights in the case of Yüksel Yalçınkaya, Turkey continues to engage in arbitrary detentions and human rights violations, ignoring international treaties and human rights rulings. Thousands of people remain imprisoned for years based on dubious evidence for actions and activities that cannot be legitimately considered crimes.

This report, prepared to evaluate cases of torture and ill-treatment in Turkey, aims to document human rights violations and bring them to the attention of the international community. This report elaborates on the cases of torture and ill-treatment that occurred during and after the state of emergency (OHAL) declared following the coup attempt on 15 July 2016. The widespread detentions, unfair trials, and systematic human rights violations are the result of the government's repressive policies against members of the Gülen Movement and unfortunately, continue to this day.

Our goal is to contribute to Turkey's compliance with international human rights standards and the complete eradication of torture by taking the necessary steps. As SSRL, we are determined in the fight against torture and ill-treatment. We believe this report will be an important step towards the protection of human rights and the rule of law in Turkey.

2. Contextual Background Information About Gulen Movement and/or Failed Coup Attempt of 15 July

1. Although this section does not directly fall under the committee's scope of review, it is included to fully understand the report. The Turkish government blamed the Gülen Movement for the coup attempt in its state report (CAT/C/TUR/5) and in its follow-up report submitted on 8 November 2016 (CAT/C/TUR/CO4/Add.1).
2. However, even after nearly eight years, the coup attempt has not been fully clarified, and many aspects have been deliberately left in the dark.

3. The state of emergency (OHAL) declared immediately after 15 July 2016 and which remained in effect for two years, paved the way for irreversible actions such as the closure of media outlets, civil society organizations, educational institutions, and hospitals, as well as dismissals from public service and employment.

4. On the night of 15 July 2016, while the events called the coup attempt were still fresh, President Erdoğan, in his statement at Atatürk Airport, described the situation as "*a great blessing from God*" and expressed his satisfaction with the chaotic situation, stating on 23 September 2016 that "*We are able to do many things that we could not do under normal conditions.*"

5. Erdoğan, who continued to make similar statements in the following years, used this opportunity to abolish the parliamentary system and construct a more repressive and authoritarian regime, making himself the sole dominant power in the state.

6. Although these statements could be considered turning a crisis into an opportunity, developments over time have shown the opposite—that a crisis was created to seize an opportunity. It has become apparent that Erdoğan intended to purge anyone who could be a barrier to the regime he planned to build.

7. Looking back , it is clear what Erdoğan meant by his statement on the night of 15 July 2016, describing the events as "*an opportunity to cleanse the TSK (Turkish Armed Forces).*"

8. Undoubtedly, the decision to suspend 2,735 prosecutors and judges in the early hours of 16 July 2016 also showed that the government were prepared for these actions.

9. Numan Kurtulmuş, currently the Speaker of the Grand National Assembly of Turkey (TBMM), confirmed our thesis by stating, "*If we had tried to dismiss them through normal processes, we would not have been able to remove them from public service until 2020 or 2030.*"

10. Moreover, the decrees issued during the temporary state of emergency (OHAL) were later enacted into law, ensuring their long-term impact. Consequently, millions of citizens were labeled as members of a terrorist organization, hundreds of thousands were dismissed from their jobs, prosecuted, and imprisoned.

11. The baseless accusations by the government regarding the perpetrator of the coup attempt have proven to be far from reality over time.

12. For instance, on 15 July, many of the citizens who lost their lives did not have autopsy reports or ballistic examinations. Some examinations revealed materials such as non-military ammunition and hunting pellets on the bodies.

13. The testimony of Hulusi Akar's aide, Levent Türkkan, which the government used to attribute the coup attempt to the Gülen Movement, was later found to have been obtained under torture.

14. Despite the government's claim in its report (CAT/C/TUR/5) that "FETÖ members infiltrated all public institutions, manipulated public works and operations through groups they formed, aided those involved in the coup attempt, provided state secrets to the organization, and violated their loyalty to the state," it has not provided a reasonable explanation for the detention and arrest of elderly, women, and children even after eight years.

15. Erdoğan admitted on 30 August 2021 to applying pressure to establish his regime by setting aside the EU acquis for his political gains: "*Like every event our country has experienced recently, the 15 July coup attempt has opened the door to many beneficial developments for our country and nation. We strengthened our sovereignty with local and national equipment not only in our military but also in many critical institutions, including the judiciary and diplomacy.*"

Issues included in LOIPR

Article 1

3. Criminalization and Definition of Torture

In Para. 2 of the LOIPR (2018)

2. With reference to the Committee's previous concluding observations (para. 18),1 please provide information on any amendments to article 94 of the Criminal Code that would align it with article 1 of the Convention by (a) identifying the motivational factors or reasons for committing acts of torture; and (b) including in the definition, acts intended to intimidate, coerce or obtain information or a confession from a person other than the victim.[1]

In State party's response (para 8,9)

8. According to Article 90/5 of the Constitution, international agreements duly put into effect, have the force of law. Turkey acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on August 2, 1988. The crime of torture is defined in Article 94/1 of the TPC in line with the Convention. In practice, Article 94 of the TPC and Article 1 of the Convention are applied together. In addition, forcing to testify or to make a statement by torture is prohibited in Article 148/1 of the CCP.

9. In the decision dated 13.12.2012 of the Court of Cassation, it is noted that for the existence of the crime of torture, act of intentional injuries are not mandatory; it was emphasized that continuing and frequently repeated ill-treatment may also constitute the crime of torture.[2]

Assessment:

Regardless of the reasons, there is a risk of being subjected to torture, cruel, inhuman, or degrading treatment or punishment in places where individuals are deprived of their liberty. Efforts to create mechanisms can prevent this risk from materializing. Following the declaration of the state of emergency after July 15, 2016, mass detentions and investigations have led to increased allegations of torture in detention centers and prisons. Court records, national and international observation delegations, and reports have identified numerous cases of torture, human rights violations, and abuses. Moreover, in torture cases, the frequently experienced and identified coercion to become informants, forced signing of false documents, threats against family members, sexual humiliation, intimidation, and blackmail indicate that law enforcement officers act with political and legal motivations.

The Committee's request from Turkey is to align the definition of torture in TPC Article 94 with the definition of torture in Article 1 of the UN Convention against Torture by specifically mentioning acts that should be considered torture, such as coercing a person to testify or confess, or forcing them to make false statements. However, Turkey has not addressed this request and has misleadingly claimed that coercion to testify is

[1] List of issues prior to submission of the fifth periodic report of Turkey (CAT/C/TUR/QPR/5)

[2] Fifth periodic report submitted by Turkey under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2020(CAT/C/TUR/5)

prohibited under CCP Article 148/1, thus misinforming the Committee. This response implies that acts which should be considered torture under the Convention are instead treated as less severe interrogation methods under the CCP, making the definition of torture in the TPC more abstract compared to the Convention.

Although Turkey's response asserts that the national legislation is in line with the UN Convention, the Convention's definition of torture includes not only physical pain or suffering but also psychological pain and coercion directed at another person. Despite Turkey's claim that TPC Article 94 is applied in conjunction with the Convention's Article 1, the increased cases of torture during the state of emergency indicate non-compliance with the Convention, as the requested specific definition and motivational factors are not explicitly stated, misleading the Committee. This legal gap has created a continuous motivation for law enforcement and prison officers to commit new acts of torture. This situation presents a contradiction, showing Turkey's inadequacy in fully complying with the international convention.

Case Study 1

During the trial of 64 individuals accused by the Turkish government of being members of FETÖ in Kırıkkale, allegations of torture emerged. At the first hearing, seven defendants reported that they had been tortured by the police and coerced into making false statements. The defendants included police officers, teachers, and other public officials. H.K., a kindergarten director, detailed in court the severe torture, including sexual torture, he endured during interrogation at the Kırıkkale Anti-Terrorism Branch. H.K.'s wife reported that when she visited him, he was in a terrible condition and had been tortured. The court instructed the prosecutor's office to investigate the allegations, but due to the confidentiality of the investigation, it was not possible to obtain details.[3]

Article 2

4. State of emergency

In Para. 3 of the LOIPR (2018)

With reference to the request for additional information sent on 31 August 2016 by the Committee's Chair and its Rapporteur for follow-up to concluding observations, and recalling article 2 (2) of the Convention against Torture, which states that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture", please provide updated information on the declaration of the Government of Turkey addressed to the Secretary-General on 21 July 2016 expressing its intention to take measures which may involve derogations of its obligations under a number of articles of the International Covenant on Civil and Political Rights, including articles 2, 3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27

In State party's response (para. 10)

The SoE, which was declared on 21 July 2016 was terminated on 19 July 2018. Notifications of derogation were duly revoked as of the same date. Turkey has implemented the SoE measures in accordance with its

[3] Human Rights Watch report https://www.hrw.org/tr/report/2017/10/12/310026

international obligations and observed the principles of necessity, proportionality and legality (see Context section).

Assessment:

Article 2 of the Convention states: "Each State Party shall take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under its jurisdiction. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency, may be invoked as a justification of torture. An order from a superior officer or a public authority may not be invoked as a justification of torture."

Between 2016 and 2018, during the state of emergency (OHAL), the number of decrees issued reached 32. According to official data, 160,000 people were detained, more than 70,000 were arrested, and 155,000 were investigated for membership in an 'armed terrorist organization.' The OHAL decrees extended the detention period to 30 days. By the end of 2016, this period was reduced to a maximum of 14 days at the beginning of 2017 following warnings from the Council of Europe. Access to lawyers during detention was limited by Decree No. 668 in July 2016, giving public prosecutors the authority to restrict detainees' access to lawyers for up to five days. This period was later reduced to 24 hours by another decree. The Ministry of Interior investigated 45,415 social media accounts for reasons such as "propaganda for terrorist organizations, insulting state officials, and hate speech." As a result of these investigations, legal action was taken against 17,089 individuals.

In June 2018, TİHV (Turkish Human Rights Foundation) and İHD (Human Rights Association) released a statement sharing the following data on allegations of torture:[4]

"In 2017, among the 616 people who applied to TİHV, 12 were abroad, and 564 reported being subjected to torture in one or multiple locations. Of these, 272 stated they were tortured in police headquarters, and 55 in police stations and other official detention centers. Additionally, 226 applicants reported being tortured or ill-treated in public spaces during demonstrations, and 70 reported similar experiences at home or in their workplaces. It has been observed that practices in unofficial detention locations have reached alarming levels. According to applications and investigations by İHD, 5,268 people claimed they were tortured in 2017. As of the data released by İHD on May 30, 2017, there were 11 cases of enforced disappearances, mostly in Ankara. Four of these individuals were later released, and one committed suicide. In 2018, there was one more case of enforced disappearance. The whereabouts of eight individuals are still unknown."

During the state of emergency (OHAL) period, the decrees issued imposed serious restrictions on individual rights and freedoms, as well as the right to defense, disregarding the sanctity of the right to life. This period created an environment where the prohibition of torture was not adhered to, with torturers being encouraged and protected. The legal guarantees for this situation were reinforced with OHAL decrees. Decrees No. 667 and 668, among others, ensured that state officials performing acts during the OHAL period would not be held criminally, legally, financially, or administratively liable, effectively guaranteeing impunity and opening the door to arbitrary actions. Decree No. 696 further extended this impunity to civilians, thus broadening complicity and state-sanctioned violence. According to data of Ministry of Justice, in 2016, 42

[4] https://tihv.org.tr/basin-aciklamalari/26-haziran-iskenceye-karsi-mucadele-ve-iskence-gorenlerle-dayanisma-gunu-tihv-ihd-ortak-basin-aciklamasi/

cases were filed under Article 94 of the Turkish Penal Code (TPC) for torture, while 340 cases were filed for the lesser offense of torment. In contrast, the number of counter-lawsuits filed under TPC Article 265 for "resistance to police" was 26,195. This data illustrates how the method of filing counter-lawsuits is systematically used as a deterrent to intimidate victims from lodging complaints against their torturers. All these issues highlight that impunity is the most significant obstacle in the fight against

In the third paragraph, with reference to the Committee's observation report A/HRC/37/50/Add.1, paragraphs 24 and 57, Turkey has not taken any measures or made any statements regarding the need to take measures related to the obligations set forth in articles 2, 3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26, and 27 of the International Covenant on Civil and Political Rights. Thus, it can be said that Turkey arbitrarily violated the civil and political rights of all Turkish citizens, which are inherently granted to them, such as the rights to freedom, non-discrimination, security, protection against arbitrary arrest, freedom of movement, privacy, freedom of expression, freedom of assembly and association, and the right to a fair trial. These violations, especially during the state of emergency (OHAL), are evident both in the mentioned reports and in the data provided by human rights organizations. Additionally, Turkey has failed to take necessary measures and initiate effective and deterrent investigations within the scope of these violated rights.

In conclusion, during the state of emergency (OHAL) measures implemented between July 21, 2016, and July 19, 2018, Turkey failed to comply with its international obligations and did not adhere to the principles of necessity, proportionality, and legality. As a result, cases of torture and ill-treatment significantly increased during the OHAL period. The restrictive legal applications of the OHAL period created an environment where law enforcement's arbitrary actions and ill-treatment could thrive by removing transparency from detention and investigation processes. Generally, the OHAL rules and laws obstructed and perpetuated mechanisms meant to prevent and detect torture and human rights violations.

During this period, the complete politicization of the judiciary[5], along with the easy arrest and intimidation of judges, prosecutors, and lawyers, led to many torture allegations being covered up and not investigated. Despite the Committee's reminder that the prohibition of torture cannot be compromised even in extraordinary circumstances, Turkey failed to provide satisfactory answers while violating the relevant treaty articles. Moreover, by enacting decrees (KHKs) that provided legal immunity for public officials involved in these crimes, Turkey implicitly encouraged acts of torture and ill-treatment by these officials. This situation is reflected in the increased cases of torture and ill-treatment reported by numerous national and international human rights monitoring organizations during the OHAL period.

Case Study 2

Lawyer A stated to Human Rights Watch: "My client B.O. was detained on April 26, 2017, and held at the Financial Crimes branch in Ankara in connection with a FETÖ operation. When I visited him, he started crying as he entered the meeting room, believing he would be interrogated and tortured. He didn’t believe he was meeting with a lawyer. Since there was no police officer present during our meeting, he was able to tell me what the other detainees had experienced. According to him, they were taken for interrogation one by one, and when they returned, they reported being stripped naked, sexually assaulted with a bottle, and beaten. One individual's head had been beaten so badly that he was vomiting and nauseous for days. Concerned for

[5] Independence and impartiality of the judiciary report of SSRL

my client, I reported his statements to the Ankara Bar Association. On May 6, the court decided to arrest him, and he is currently held in Sincan F-Type Prison. B.O. gave his statement on May 6, 2017, at the Ankara 2nd Criminal Court of Peace. The judge decided to arrest him along with nine others. Court records (2017/528) show that two of these individuals, S.K. and Y.S., stated in court that they had been mistreated by the police. Both reported being stripped naked, threatened with rape, and insulted. The judge did not ask any questions about these allegations, nor was there any indication that an investigation into these claims was initiated." [6]

Case Study 3

Lawyer E stated to Human Rights Watch: 'When I visited my client, police officer A.K., who was detained at the Ankara Anti-Terrorism Branch on April 29, I observed that he could neither stand nor sit properly. A.K. told me that he had been beaten, stripped, forced to squat over a bottle, and threatened with rape using the bottle. The lawyer filed a complaint on May 8, but the prosecutor dismissed the case on May 30, citing that A.K. did not report mistreatment during his detention and that there was no evidence of mistreatment in security camera footage or medical reports. Human Rights Watch also reviewed this decision. A.K. appealed the prosecutor's decision. The appeal petition, reviewed by Human Rights Watch, included a report from a private doctor obtained immediately after his release from detention, which confirmed a broken rib and stated that his interrogation took place in a room without security cameras. These facts were completely ignored by the prosecutor." [7]

Article 2

5.Fundamental legal safeguards

In Para.4 of the LOIPR (2018)

Summary is as follows;

The Committee seeks information on measures to ensure that detained individuals provided with fundamental legal safeguards from the start of their detention and are promptly brought before a judge. Specifically, they request details on the implementation of Decree Law No. 684, which reduced the maximum detention period without charge from 30 days to 7 days (extendable by another 7 days), and whether this leads to incommunicado detention. The Committee also inquires about efforts to reduce police custody to 24-48 hours and the frequency of denying access to a lawyer for the first 24 hours under counter-terrorism law.

In State party's response (para. 11,12,13,14,15,16,17,18,19,20,21) after reviewing;

Assessment:

The discrepancies between Turkey's responses to the United Nations Committee against Torture and the actual human rights situation in the country are evidenced by various international human rights reports and case studies. The extraordinary measures taken by the government following the coup attempt, including

[6] Human Rights Watch report https://www.hrw.org/tr/report/2017/10/12/310026

[7] Human Rights Watch report https://www.hrw.org/tr/report/2017/10/12/310026

detentions, arrests, and media control mechanisms, reveal significant human rights violations not reflected in Turkey's responses.

Following the July 15, 2016 coup attempt, the Turkish government enacted emergency measures (OHAL), including expanded detention powers under Article 90 of the Code of Criminal Procedure (CMK), leading to the violation of a series of fundamental legal safeguards. These broad powers have legitimized practices that would be unacceptable under normal conditions, providing local authorities and law enforcement agencies with excessive discretionary power.

These measures resulted in widespread arbitrary detentions and arrests, as well as restrictions on media freedom, contributing to a climate where human rights abuses could occur with impunity. The responses provided by Turkey to the Committee do not accurately represent the extent of these violations, which have been extensively documented by international human rights organizations.

Detention Periods and Restrictions on Access to Lawyers:

Turkey stated that it reduced detention periods to seven days with Decree Law No. 684, which could be extended by another seven days at the prosecutor's request. Although Turkey claimed to have shortened detention periods and ensured access to legal safeguards for everyone, the rights of detainees to meet with their lawyers were severely restricted during the state of emergency. Specifically, soldiers and public officials detained after the coup attempt were held for days without being able to meet with their lawyers, and in some cases, faced allegations of torture.

The regulations introduced by the decree laws prohibited meetings with lawyers for the first 24 hours, which provided a fertile ground for increased allegations of torture and ill-treatment. These restrictions on lawyer access undermined the protection of detainees' rights and contributed to an environment where abuses could occur without adequate oversight.[8]

Turkey stated that the right to meet with a lawyer could be restricted within the first five days, but detainees could not be interrogated during this period. However, international reports and testimonies show that detainees were unable to access their lawyers and many were subjected to torture and ill-treatment. Human Rights Watch and other international organizations reported that many individuals were interrogated and mistreated without legal assistance during this period. [9]

International human rights organizations and media reports have indicated that many individuals, especially those detained under anti-terrorism measures, were held in custody for periods much longer than the legal limits. For example, following the coup attempt, numerous individuals were detained

[8] https://www.amnesty.org.uk/human-rights-turkey

[9] https://www.hrw.org/news/2016/07/18/turkey-protect-rights-law-after-coup-attempt

well beyond the legal durations and were unable to communicate with their lawyers or families during these extended periods. [10]

Case Study 4

Taner Kılıç: Taner Kılıç, the Honorary Chair of Amnesty International Turkey, was detained on June 6, 2017, on charges of membership in a terrorist organization (FETÖ). However, his detention period was extended to 14 days, exceeding the legal limits, and he was subsequently arrested.

Case Study 5

Ali Bulaç: Journalist and writer Ali Bulaç was detained on July 31, 2016, under the same charges as Taner Kılıç. His detention period was extended to 30 days, far exceeding the legal limits. This prolonged detention period was criticized by international human rights organizations, expressing concerns about the legal processes in Turkey.

Presence of Law Enforcement During Medical Examinations:

The presence of law enforcement officers during medical examinations conducted under detention conditions has prevented suspects from voicing their allegations of ill-treatment and torture. This situation undermined the objectivity of the examinations, preventing the true conditions from being documented. Additionally, it hindered the proper assessment of the detainees' health conditions.

Unofficial Detention Locations:

During the state of emergency (OHAL) period, detainees were frequently held in unofficial and legally undefined locations. This situation made it difficult to monitor detention conditions and led to serious disruptions in the protection of suspects' legal rights.

Torture and ill-Treatment

Despite Turkey's claims of a zero-tolerance policy towards torture, international reports and observers have documented widespread instances of torture and ill-treatment in police custody during the post-coup period. Various torture methods, including threats of sexual assault, physical violence, sleep deprivation, and waterboarding, have been reported among those held in detention centers. [11]

Case Study 6

Gökhan Açıkkollu: Gökhan Açıkkollu, a history teacher in Istanbul, was detained following the July 15 coup attempt on allegations of FETÖ connections. During his detention, it was reported that he was subjected to torture, physical violence, and his health issues were neglected. Specifically, Açıkkollu, who was diabetic, did

[10] https://www.amnesty.org/en/latest/news/2016/07/turkey-human-rights-in-grave-danger-following-coup-attempt-and-subsequent-crackdown-2/

[11] https://www.amnesty.org/en/latest/news/2016/07/turkey-human-rights-in-grave-danger-following-coup-attempt-and-subsequent-crackdown-2/

not receive his insulin treatment while in custody and was subjected to ill-treatment. Subsequently, media coverage showed footage of Açıkkollu's death in a cell, highlighting the severe conditions he endured.

Case Study 7

Ayten Öztürk: In 2018, Ayten Öztürk was brought to Turkey from Lebanon and detained on charges of membership in a terrorist organization. During her detention, she claimed to have been subjected to severe torture. Reports indicated that methods such as electric shocks, falaka (beating on the soles of the feet), threats of sexual assault, sleep deprivation, and waterboarding were used against her. After being released, Ayten Öztürk detailed the torture she endured, drawing the attention of international human rights organizations.

These two cases exemplify the allegations of torture and ill-treatment in Turkish detention centers following the July 15 coup attempt, highlighting practices that are in violation of international human rights norms.

Control Over Media and Freedom of Expression:

Although Turkey claims to protect freedom of expression, following the coup attempt, hundreds of journalists were detained and dozens of media outlets were shut down. This is seen as the government's effort to control the media and suppress dissenting voices. Additionally, restrictions on internet access and controls over social media have created significant limitations on freedom of expression.[12]

Cumhuriyet Newspaper Case:

Following the coup attempt, writers and executives of Cumhuriyet newspaper were detained and arrested on charges of aiding terrorist organizations. Among those detained were prominent figures such as the newspaper's editor-in-chief Murat Sabuncu, investigative journalist Ahmet Şık, and cartoonist Musa Kart. The employees of the newspaper were accused of aiding terrorist organizations like FETÖ and PKK. These charges were criticized by international press freedom organizations, which viewed them as the criminalization of journalistic activities.

Closed Media Outlets:

Following the July 15 coup attempt, more than 150 media outlets were closed by decrees issued during the state of emergency (KHK). These included television channels, radio stations, newspapers, and news agencies. Notable media outlets such as İMC TV, Hayat TV, Özgür Gündem, Zaman newspaper, and Cihan News Agency were among those shut down. The closure of these outlets was seen as an increase in the government's pressure on opposition media. This situation also led to a decline in Turkey's ranking in international press freedom indices.

Internet and Social Media Restrictions:

Following the coup attempt, strict controls and restrictions were imposed on internet access and social media platforms in Turkey. Access to platforms such as Twitter, Facebook, and YouTube was often entirely blocked or slowed down. For instance, in November 2016, following the arrest of HDP (Peoples' Democratic Party)

[12] https://www.amnesty.org/en/latest/news/2016/07/turkey-crackdown-by-the-numbers-statistics-on-brutal-backlash-after-failed-coup/

members of parliament, internet access was significantly restricted across Turkey, and access to social media platforms was blocked. This was seen by the international community as a severe interference with freedom of expression.

These and similar examples demonstrate the serious restrictions and violations of freedom of expression and press freedom in Turkey following July 15. Moreover, these examples illustrate the discrepancies between Turkey's responses to the International Committee Against Torture and the actual situation in the country. The gap between legal regulations and theoretical rights versus the practical human rights violations shows that Turkey is not fully complying with its international human rights obligations. This situation is closely monitored and criticized by the international community and human rights organizations.

Restrictions on Access to Healthcare:

Turkey's responses to the United Nations Committee Against Torture concerning detention periods, legal rights to lawyers, and medical examinations during and after the state of emergency (OHAL) primarily explain the existing legal framework. However, these responses contain numerous discrepancies when compared to international reports and observer findings.

For instance, detainees often reported that they could not access necessary medical treatment while in custody. This lack of access to healthcare services has been documented in several international human rights reports, highlighting the severe impact on detainees' health and well-being. These inconsistencies between the official responses and the real conditions illustrate significant human rights violations and the failure to comply with international standards. [13]

Turkey stated that detainees receive regular medical examinations and that any allegations of torture are reported to the prosecutor's office. However, international reports and testimonies indicate that medical examinations during detention are often inadequate or, in some cases, completely obstructed. Additionally, it has been reported that medical examinations are conducted under police supervision and that medical reports are not shared with lawyers. These practices significantly undermine the ability to identify and document cases of torture and ill-treatment, contradicting Turkey's claims and highlighting serious human rights violations. [14]

These discrepancies demonstrate that Turkey is not fully complying with international human rights norms and its own legal regulations. The problems experienced in safeguarding the rights of detainees, particularly regarding access to legal counsel and medical care, necessitate close monitoring of the situation in Turkey by the international community and human rights organizations.

Articles. 2, 12, 13 and 16

[13] https://www.hrw.org/tr/report/2016/10/25/295429

[14] https://www.amnesty.org.uk/human-rights-turkey#5

6. Enforced disappearances

In Para. 6 of the LOIPR (2018)

Following the 15 July 2016 coup attempt in Turkey, reports emerged of people being detained without access to legal representation or relatives and without formal charges for up to 30 days. There were also credible reports of abductions and enforced disappearances. Investigations and prosecutions were undertaken concerning these allegations, with varying results.

In State party's response (para. 28)

According to Article 95/1 of the Turkish Code of Criminal Procedure, when a suspect is apprehended, taken into custody, or if the detention period is extended, a relative or chosen person must be immediately informed by the public prosecutor's order. The procedures for notifying relatives are detailed in Articles 6 and 8 of the Regulation on Apprehension, Detention, and Statement Taking. There is no evidence of communication rights being restricted for up to 30 days for detainees, nor any findings of abductions or enforced disappearances. Notifications from the UN Working Group on Enforced or Involuntary Disappearances have been appropriately addressed.

Assessment:

Turkey's responses to the United Nations Committee Against Torture (CAT) regarding the detention processes and allegations of enforced disappearances following the July 15, 2016, coup attempt emphasize existing legal regulations and procedures but ignore specific cases documented by the international community and human rights organizations. When comparing Turkey's 2020 report with the questions posed in the 2018 report, it is evident that the responses are superficial and lack substantive detail.

There are currently thousands of cases in Turkey involving allegations of torture, some of which have been accepted and decided upon by the Constitutional Court. Many individuals who were abducted and subsequently tortured have refrained from making statements due to threats against their families or their lives. The fact that these applications are almost entirely overlooked by both Turkish and international authorities exacerbates concerns that such incidents will continue and will not be effectively investigated. The practice of state-sanctioned abductions, especially from abroad, has been confirmed at the highest levels of government, heightening fears that these abuses will persist without accountability.[15]

Case Examples and International Reactions:

Orhan İnandı Case: Orhan İnandı, who was living in Kyrgyzstan, was abducted in 2021, and photographs showing his broken arm, indicating he had been tortured, were widely disseminated in the media. This incident was extensively criticized by international media and human rights organizations. Turkey's failure to provide transparent information about the conditions and procedures of İnandı's detention heightened

[15] https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/disisleri-bakani-mevlut-cavusoglu-100un-uzerinde-onde-gelen-fetocuyu-turkiyeye-getirdik/1205170

international concerns. Following the incident, the Kyrgyzstan Ministry of Foreign Affairs summoned Turkey's Ambassador Ahmet Sadık Doğan to address the issue, under the directive of Kyrgyzstan President Sadyr Japarov, and issued a diplomatic note to Turkey. The Ministry conveyed to Ambassador Doğan that such actions, which violate the fundamental principles and norms of international law, are unacceptable. Kyrgyzstan called on Turkey to repatriate İnandı and to refrain from engaging in violent and humiliating actions against him.

Yusuf Bilge Tunç's Disappearance: Yusuf Bilge Tunç disappeared in Ankara in 2019, and no information has been obtained about him since. Turkey's inability to present concrete investigation results regarding such cases highlights the seriousness of disappearance and enforced disappearance allegations. Despite the continuous public discourse on this case in Turkey, no tangible progress has been made so far.

These cases exemplify the significant discrepancies between Turkey's responses to international human rights inquiries and the actual situations on the ground. They also underscore the importance of rigorous international scrutiny and the need for Turkey to adhere to its human rights obligations.

Önder Asan Case and Constitutional Court Decision

Önder Asan was abducted in 2017, and in 2023, the Constitutional Court ruled that his rights had been violated. A particularly noteworthy aspect of this case is that when Asan reappeared in police custody, his lawyer, Burak Çolak, was detained for refusing to sign a statement prepared by the police. This statement was allegedly crafted by the police after torture, and the attempt to force a defense attorney to sign it underscores the extreme pressure and coercion faced by both victims and their lawyers. The implications of this situation suggest that in other cases, both victims and their attorneys might face similar threats and intimidation, warranting serious and thorough investigation.

These examples highlight the significant discrepancies between Turkey's responses to international human rights inquiries and the actual situations on the ground. They underscore the importance of rigorous international scrutiny and the need for Turkey to adhere to its human rights obligations. [16]

The United Nations Committee Against Torture and the Working Group on Arbitrary Detention have requested detailed explanations from Turkey regarding such cases, but most of these requests have not received satisfactory responses. Organizations like the Council of Europe and Human Rights Watch have noted that Turkey has failed to adequately investigate allegations of torture and ill-treatment and has been ineffective in protecting the rights of victims.

In a related incident in Kosovo in 2018, six individuals identified as members of the Gülen Movement were abducted without the knowledge of the President. As a result, the head of the Intelligence Agency, Driton Gashi, was sentenced to four years and eight months in prison for 'abuse of office.' This case highlights the ongoing issues with enforced disappearances and the lack of accountability in such operations, drawing international criticism and raising concerns about similar practices in Turkey. [17]

[16] https://turkeytribunal.org/tr/raporlar/gunumuz-turkiyesinde-kacirmalar/

[17] Kosova'da FETÖ ile mücadele eden bürokrat cezalandırıldı-Memurlar.Net

Gürbüz Sevilay was abducted by the Turkish National Intelligence Organization (MIT) from Uzbekistan on February 15, 2021. Similarly, Koray Vural was abducted from Tajikistan in October 2023, Mehmet Cintosun was abducted in 2023 from an unknown country, Selahattin Gülen was taken from Kenya in May 2021, and Osman Karaca was abducted from Cambodia in October 2019 and brought to Turkey. Particularly after July 15, 2016, the disappearance reports filed by families have not been converted into concrete investigations and have been largely ignored.

Efforts to investigate and bring attention to cases of enforced disappearances have faced significant obstacles. Written questions submitted by members of parliament (e.g., Ömer Faruk Gergerlioğlu, Sezgin Tanrıkulu, Mustafa Yeneroğlu, Şenal Sarıhan) have often gone unanswered. Despite the availability of evidence such as camera footage and other documentation, the judiciary and political authorities have frequently disregarded these cases, failing to take meaningful action. [18]

Conclusion and Recommendations

Despite the Erdoğan regime's declaration of a zero-tolerance policy against torture and ill-treatment, in practice, this policy is not effectively enforced. This situation necessitates close monitoring and criticism by the international community and human rights organizations.

Turkey's responses to the UN Committee Against Torture (CAT) aim to show compliance with international obligations, but the reality is different. The human rights violations during the post-coup period, including detentions, unfair trials, arbitrary arrests, and enforced disappearances, indicate non-compliance with international treaties.

Although Turkey claims to have made regulatory adjustments to prevent these violations, the lack of concrete measures and effective investigations into torture allegations is concerning. The enforced disappearances and confessions obtained under torture reveal a failure to uphold human rights commitments.

To ensure the effectiveness of Turkey's fifth periodic review, we request the esteemed Committee to:

- Ask Turkey about the steps taken to investigate the torture of Ayten Öztürk and Orhan İnandı and identify the perpetrators.
- Seek information on the investigation into the still-missing Yusuf Bilge Tunç and demand that Turkey stop abductions within and outside the country.
- Remind Turkey of the importance and binding nature of the Yalçınkaya Decision, and request that similar cases be addressed to end systematic arbitrary detentions and threats.
- Request measures to prevent law enforcement and prison officers from committing torture and ill-treatment, and to investigate the cases mentioned in the Human Rights Association report.

[18] https://www.hrw.org/tr/news/2017/08/03/307444