



MASS TORTURE AND ILL-TREATMENT IN TURKEY

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Stockholm Center for Freedom (SCF) is an advocacy organization that promotes the rule of law, democracy and fundamental rights and freedoms with a special focus on Turkey, a nation of 80 million that is facing significant backsliding in its parliamentary democracy under its autocratic leaders.

SCF, a non-profit organization, was set up by a group of journalists who have been forced to live in self-exile in Sweden against the backdrop of a massive crackdown on press freedom in Turkey .

SCF is committed to serving as a reference source by providing a broader picture of rights violations in Turkey, monitoring daily developments on fact-based investigative journalism and documenting individual cases of the infringement of fundamental rights. The founders of SCF are top-notch journalists who had managed national dailies in Turkey and worked for leading media outlets before they were forced to leave. They have the expertise, human resources and network on the ground to track events in Turkey despite serious challenges.

Excerpts from victim testimonies revealing the torture

“I want my mother to be taken out...

I will tell you everything...

I was tortured and oppressed at Kırıkkale Police Department...

I was blindfolded at all times and I was unable to see the police officers who tortured me...

They took me to the bathroom and stripped me entirely naked...

They raped me with a truncheon...

They squeezed my testicles and threatened to give me electric shocks.

I am currently single, but if I cannot have any child when I get married, may God curse them all.”

Recep Çelebi

“I wish they had killed me...

I am ashamed of my humanity.

I want to be treated as my testicles still hurt...

They inserted a truncheon into my anus. I was constantly beaten...

They threatened to do to my wife what they did to me...

They said they would give my kids to the Child Protection Department...

They shouted gross insults and bad language...”

Hasan Kobalay



“I was tortured in custody for 13 days...
They dragged me to the bathroom...
They poured pressurized water on me and stripped me entirely naked...
They inserted a truncheon into my anus...
They threatened me with my pregnant wife and child...
‘OK, I will accept whatever you say,’
I said and they stopped torturing me...

Erdem Ayyıldız

MASS TORTURE IN TURKEY

Introduction

Torture, abuse and ill treatment of detainees and prisoners in Turkey has become the norm rather than the exception under the repressive regime of President Recep Tayyip Erdoğan, who has publicly vowed to show no mercy to his critics, opponents and dissidents amid a mass persecution that has landed over 50,000 people in jail on trumped-up charges in the last ten months alone.

Officials' systematic and deliberate application of torture and abuse in detention centres and prisons has received blanket support from the government, allegations into such cases are not investigated by prosecutors, and if any probe is launched, it is not properly or thoroughly conducted. Erdoğan's Justice and Development Party (AKP) government even pushed through a bill in Parliament in 2016 to perpetuate the current impunity by providing legal protection to security services involved in the fight against supposed terrorist groups.

The "zero tolerance" policy for torture the AKP government claims it adopted on coming to the power in November 2002 has now been overhauled and transformed into full tolerance of torture, abuse, excessive use of force and cruel treatment of government critics and opponents, who are being rounded up en masse on a daily basis. The government has renewed Emergency Rule three times already since the failed coup bid of July 2016, removed crucial safeguards to protect detainees from abuse and torture, and prolonged the detention period, while restricting due process rights such as detainees' access to lawyers.

Stockholm Center for Freedom (SCF) has received numerous and credible reports of torture and abuse at the hands of Turkish officials who work for the security and intelligence branches of the government. In some cases, torture has resulted in the death of detainees, while in other cases it has led to serious health complications and caused life-long medical conditions. The government has kept large number of victims in unofficial detention centers such as sporting halls, stables and old mill buildings and denied or restricted their rights to see lawyers and family members.

The dozens of cases cited in this report are just the tip of the iceberg in what SCF believes to be monumental problems of ongoing torture in Turkey. They are more than enough cases to verify a consistent pattern judging from testimonials in the courtroom by victims themselves or accounts provided by family members and lawyers. Country reports by the United Nations and the Council of Europe, as well as credible human rights advocacy groups such as Amnesty International and Human Rights Watch, all report similar torture cases and pervasive impunity in Turkey. Reported practices of torture include beatings, waterboarding, sleep deprivation, keeping in stress positions, rape, sexual harassment, verbal and physical abuse, denial of food and water, limiting or denying access to medications or hospital services, unwarranted strip searches and other forms of ill treatment.

Erdoğan's government is not only in blatant violation of Turkey's Constitutional articles and penal codes that prohibit torture and ill treatment but also in flagrant breach of its international obligations under human rights conventions. Turkish authorities should effectively and without delay investigate any allegation of torture, abuse and ill treatment to prevent these unlawful practices and the impunity of the perpetrators.

At the same time, the Turkish government must be held accountable, named and shamed globally and any engagement with Ankara must be leveraged to bring improvement on its terrible human rights record.

1. TURKEY'S OBLIGATIONS UNDER INTERNATIONAL AND NATIONAL LAWS

1.1. INTERNATIONAL COMMITMENTS

Turkey has committed itself to complying with a number of international agreements that prohibit torture and ill treatment and is subject to monitoring mechanisms under the UN and the Council of Europe (CoE) human rights bodies. Under both the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), Turkey is obligated to prevent torture and cruel, inhuman or degrading treatment or punishment. Even under the Emergency Rule imposed in Turkey since July 21, 2016, Ankara cannot deviate from these commitments. Most recently, Turkey ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on September 27, 2011, which committed Turkey to further obligations. As noted in the reasoning section of Article 94 of the Turkish Penal Code (TCK), Turkey acknowledged that torture was banned in the international conventions to which it is a party and made commitments to taking measures to prevent torture.

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment of February 10, 1984, which Turkey signed and ratified in 1988, defines torture in Article 1 as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Article 5 of the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations, of which Turkey is a member, on December 10, 1948, reads: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Of these international texts, the Convention for the Protection of Human Rights and Fundamental Freedoms, dated November 4, 1950, asserts, in Article 3: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ensures that torture cannot be justified under any circumstances: “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.”

Article 4 of the same convention urges state parties to define acts of torture as a crime: “Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”

This convention further notes that the obligations of the state parties concerning torture also apply to “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture” (Article 16). Turkey also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, dated November 26, 1987.

1.2. NATIONAL LAWS PROHIBITING TORTURE

Increasing cases of torture in detention centers and prisons.

In line with these international obligations, the Constitution of Turkey propounds that torture is prohibited: “No one shall be subjected to torture or ill treatment; no one shall be subjected to penalties or treatment incompatible with human dignity” (Constitution of the Republic of Turkey, Article 17, paragraph 3). “No one shall be compelled to make a statement that would incriminate himself/herself... or to present such incriminating evidence” (Constitution, Article 38, paragraph 5).

Part 3, titled “Torture and Torment,” consisting of Articles 94, 95 and 96, of the Turkish Penal Code lists the legal sanctions and criminal measures against torture as follows:



ARTICLE 94 - (1) A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person’s capacity to perceive or his ability to act of his own will or insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years.

(2) If the offense is committed against: a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed.

(3) If the act is conducted in the manner of sexual harassment, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.

(4) Any other person who participates in the commission of this offense shall be sentenced in a manner equivalent to the public officer.

(5) If the offense is committed by way of omission there shall be no reduction in the sentence.



A Turkish police officer forces the victim to pose after torture

The reasoning of Article 94 states: “The acts which amount to torture not only constitute an attack on the bodily inviolability of victims that damages their physical and mental health. At the same time, victims may be forced to make unreal statements or admissions under the effect of the pain or sorrow they suffer from as their free will is eliminated and even their perception abilities are affected. Therefore, torture used to obtain confession or otherwise evidence related to a certain crime may prove to inhibit the uncovering of the truth and administration of justice. Thus, the recognition of torture as a distinct crime with criminal sanctions will serve the purpose of criminal proceedings to discover the material facts.”

ARTICLE 95 - (1) Where the act of torture causes (of the victim); a) a permanent impairment of the functioning of any one of the senses or an organ, b) a permanent speech defect; c) a distinct and permanent scar on the face, d) a situation which endangers a person’s life, or e) the premature birth of a child, where the victim is a pregnant woman, the penalty determined in accordance with the above article shall be increased by one half.

(2) Where the act of torture causes (of the victim): a) an incurable illness or if it has caused the victim to enter a vegetative state, b) the complete loss of functioning of one of the senses or organs, c) The loss of the ability to speak or loss of fertility, d) a permanent disfigurement of the face, or e) the loss of an unborn child, where the victim is a pregnant woman, the penalty determined in accordance with the article above shall be doubled.

(3) Where an act of torture results in the breaking of a bone, the offender shall be sentenced to a penalty of imprisonment for a term of one to six years according to the effect of the broken bone on his ability to function in life.

(4) Where an act of torture causes the death of the victim, the penalty to be imposed shall be aggravated life imprisonment.

Under paragraph 3 of Article 94 of the Turkish Penal Code, the sentence is aggravated if the act is conducted in the manner of sexual harassment. It should be noted that this provision is not applied if the act in question amounts to sexual assault. In such a case, the offender is penalized also in connection with the offense of sexual assault.

The offense of torture is committed usually with implicit consent of superiors in public service. In other words, superiors may give tacit consent to torture by refraining from intervening against acts of torture inflicted on people during an investigation which is being conducted under their supervision. In such cases, the public officer who has seniority will be deemed to have committed the act of torture by way of omission and therefore, held accountable for the offense without abatement under the fifth paragraph of Article 94 above.



Detainees are forced to stare at photo of Turkey's president for hours in stress position.

1.3. OTHER FORMS OF ILL TREATMENT BANNED AS WELL

Both international human rights law and Turkish laws make a distinction between torture and other forms of ill treatment. The case law of the European Court of Human Rights (ECtHR) whose judgements are binding on Turkey shows the Strasbourg rights court takes into consideration several factors defining the magnitude or intensity of the torment inflicted. These criteria generally include the duration of the act, its physical and mental effects, gender, age and health status of the victim and the manner and method of implementation of the act. In contrast to other forms of ill treatment, torture requires the existence of a specific purpose behind the act such as extracting a confession and obtaining information. There are legal repercussions in both the case of torture and ill treatment such as inhuman, cruel, humiliating, and degrading treatment, outrages upon personal dignity and physical or psychological coercion.

In the Turkish Penal Code, ill treatment is regulated under the heading “Torment.” Thus, Article 96 of the Turkish Penal Code with this title reads:

- (1) Any person who performs any act which results in the torment of another person shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (2) If the offense is committed against: a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed. Where the acts falling under the above paragraph are committed against: a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or b) a direct ascendant, direct descendant, adoptive parent or spouse, a penalty of imprisonment for a term of three to eight years shall be imposed.

2. WHY TURKEY ENGAGES IN LARGE-SCALE TORTURE AND ILL TREATMENT

The main reason the Turkish government has resumed large-scale torture and ill treatment in detention centers and prisons is the witch-hunt campaign launched by the country's Islamist

rulers to destroy opposition groups by trying to criminalize them through the abuse of the criminal justice system. In the aftermath of the massive corruption scandal that became public in December 2013 and that incriminated President Erdoğan and his family members, Turkish political leadership went on a rampage of labelling critics and opponents as “traitors” and “terrorists” who are trying to take down the government.

To survive the graft scandal that came six months after the Gezi Park anti-government rallies of Summer 2013, the Erdoğan government adopted a policy of setting up its critics for mass persecution. An embarrassing expose in January 2014 about illegal arms shipments to Jihadist groups in Syria, transported with the personal approval of then-Prime Minister Erdoğan, further complicated woes for Turkey’s rulers, who set out to punish critics by launching frivolous investigations and sham trials to deflect criticisms. Since there was no concrete evidence of any wrongdoing on the part of opposition groups subjected to this witch hunt, Turkish authorities started implementing torture and ill treatment to extract false confessions. Things went from bad to worse in the aftermath of the failed coup attempt of July 2015, which many observers of Turkish politics suspect may have been orchestrated by Erdoğan as a false flag operation. As of late May, in the last ten months alone, 154,694 people have been detained and 50,136 people have been formally arrested across Turkey over their alleged links with the Gülen movement. The government’s official news service has unashamedly plastered pictures across the media of detainees who have been beaten, tortured and physically abused.

During the trial hearings of many detainees, held months later, victims retracted their original testimonials saying they were taken under severe beatings and torture.

3. WHO ARE THE TORTURERS?

In documenting torture cases, SCF also talked to a veteran police chief who served in the force for decades and personally witnessed torture and ill treatment of detainees in order to profile torturers and their motivations. The seasoned police officer, whose name is being withheld by SCF for security reasons, tells how this torture takes place in detentions and prisons: Interrogators often resort to torture out of helplessness at not having any credible or strong evidence against the victim.

The torturer’s aim is to elicit information. However, the interrogator often expects the victim to voice arguments which will fill in the blanks in the scenario he or she has devised in advance. In the current case, the narrative is provided by the political leaders, especially Erdoğan, who has already declared the followers, participants and volunteers in the Gülen movement to be “terrorists” and “traitors.” The expectation from the law enforcement officials is to conduct investigations so as to support allegations raised by the political authority, notwithstanding the evidence, and to present fabricated evidence in the form of forced confessions to the court to secure a conviction.

According to the retired police chief, the interrogator usually sets up a scheme or scenario before proceeding with the interrogation. If the suspect starts to deviate from this framework, he implements the methods of torture and pressure to guide the suspect back to this scenario. However, if the information obtained under torture points at a different or better scenario than what he has in mind, then he guides the interrogation in that direction. The interrogator may not be satisfied with statements or confessions of the victim who is being interrogated under torture. At this point, torture or torment starts to be performed not to obtain information, but to



Jihadist
motivations
for vigilante
violence,
approved by
Erdogan's
clergy.



punish the victim.

The police chief believes that torturers are motivated primarily by their perception of victims as “traitors” and desire to punish them for being so. “Some public officers who torture may resort to torture with the intention of proving their patriotism to their colleagues or with expectations of reward or promotion from their seniors. As torture, as an inhuman act, challenges both the torturer and the tortured, the torturers tend to consume alcohol or other intoxicating substances during torture,” he says.

In settings with widespread and systematic torture of those who are labeled “traitors,” the public and security officers who disapprove of torture are suppressed, isolated and made pariahs. “They may stigmatize those who refrain from torture as traitors. They may stalk those who abstain from implementing torture methods on suspects. Due to these pressures, the security officers who witness torture are felt compelled to join the torturer camp.” The police officers who torture may start not to perceive what they do as torture after a while. All sorts of torture methods are practiced with refinement. Police officers and security officers exchange their experiences to ensure that the victim does not die during torture or that physical traces of torture remain obscure,” says the former police chief.

Not only police officers or prison officials are implicated in torture and ill treatment but also outside teams who are brought in by the government to conduct specific torture practices on detainees as part of an intimidation and fear campaign against critics. These outside elements are drawn from a select group of people from the intelligence agency MİT, rogue and paramilitary forces that were set up by the government such as SADAT, and known torturers previously expelled from the police force. The officials who encourage and approve torture and ill treatment of detainees are often rewarded with promotions by the government and with full impunity and immunity from prosecution. The government has also re-hired some of the notorious police chiefs who had been expelled from the force due to torture and ill treatment cases.

4. NEW JIHADIST MOTIVATION FOR TORTURE

In contrast to past cases of torture in which nationalistic and patriotic motivations played a role in encouraging cruel and inhuman treatment of detainees and prisoners, a new and highly dangerous element of religious motivation has been introduced into the law enforcement agencies by the Erdoğan government that is rooted in a xenophobic, political Islamist ideology. The AKP government has purged tens of thousands of police officers from the force, including many veteran chiefs, and replaced them with Islamist and nationalist zealots.

As a result, today's torturers in Turkey are also motivated by jihadist leanings. Thus, they may see or treat the suspects they interrogate as "infidels" or "enemies of Islam." This radical religious narrative is unfortunately often invoked by Erdoğan and other Islamist rulers who encourage torture and ill treatment in their public speeches. Therefore, they do not regard their acts as torture or torment but rather as approved and justified acts that will bring them rewards in the afterlife.

Hayrettin Karaman, a pro-government theologian who is known to be Erdoğan's chief fatwa (religious edict) giver, wrote in Islamist Yeni Şafak daily that "The damage to a small group is tolerated in the general interests of the Ummah,"¹ giving his blessings to mass persecution of critical groups and political opponents of the governing AKP party. This problematic assertion that disregards human rights completely is frequently parroted by Erdoğan, his associates and AKP supporters. In the wake of the failed coup attempt of July 15, 2016, Karaman issued another fatwa, which said, "Petty offenses committed by the soldiers in war are not punished,"² thereby religiously paving the way for tolerating the cases of torture and ill treatment committed frequently by police and security officers after the coup attempt. However, in the Turkish legal system, "petty offenses" include rape, theft, snatching, torture, torment, homicide, bodily injury, etc.

An Islamic jurist who is highly revered by political Islamist groups, Karaman had scandalously argued that "corruption is not theft"³ in the wake of the December 2013 graft scandal involving Cabinet members and several public officers as well as then-Prime Minister Recep Tayyip Erdoğan and his family members. The hate-speech pattern systematically and deliberately used by President Erdoğan against the Gülen movement, stigmatizing its members, participants and volunteers as "not Muslims" or as "infidels" has clearly provided an additional motivation for torture practices adopted by security services against detainees. This has exacerbated the witch hunt Erdoğan has unashamedly declared that he publicly kicked off against the Gülen movement.

5. FAILED COUP BID AND EMERGENCY RULE

The persecution launched against the Gülen movement by order of Erdoğan in the wake of

1] "Türkiye'nin dostları ve düşmanları", Yenişafak, December 19, 2013, <http://www.yenisafak.com/yazarlar/hayrettinkaraman/turkiyenin-dostlar%C4%B1-ve-dumanlar%C4%B1-44456>

2] "Zaman dostların çekişme zamanı değildir", Yenişafak, February 2, 2017, <http://www.yenisafak.com/yazarlar/hayrettinkaraman/zaman-dostlarin-cekisme-zamani-degildir-2035923>

3] "Yolsuzluk başka hırsızlık başkadır", Yenişafak, December 21, 2014, <http://www.yenisafak.com/yazarlar/hayrettinkaraman/yolsuzluk-baka-h%C4%B1rs%C4%B1zl%C4%B1k-bakad%C4%B1r-2006694>

the graft and bribery scandal in December, 2013 gained tremendous momentum after the failed coup attempt of July 15, which Erdoğan described as “God’s great blessing.” It was not clear who was behind failed military coup attempt by a group of soldiers, which resulted in the loss of 241 citizens’ lives, but Erdoğan was quick to accuse the Gülen movement in the early hours of the coup without providing any evidence, and the AKP camp made vows of reckoning. Gülen has strongly denied the charge and asked for an international investigation into Erdoğan’s claims.

According to the intelligence reports by the European Union, the US, the UK and Germany, there was no evidence that the Gülen movement was involved in the failed coup d’état. Erdoğan used the coup bid as a perfect opportunity to criminalize his opponents, especially Gülen movement sympathizers, label it as a terrorist organization and coup perpetrator. Previously, Erdoğan and the AKP government had accused the members of the Gülen movement of “staging a coup against the government” by uncovering their corrupt practices and exposing that the government was aiding the radical terrorist organizations in Syria by providing them with weapons. Judges, prosecutors and police officers who conducted those investigations were arrested and these arrests came to be publicly known as “revenge operations.”

A State of Emergency was declared a few days after the failed coup bid and the duration of detention was extended from four to 30 days under the State of Emergency Decree No.

667. The rights of people in custody to see their lawyers were restricted. This extended duration gave the police enough time to obscure evidence of torture. Erdoğan and government officials made remarks which encouraged police and security officers to proceed with unlawful treatment of suspects.

In line with Erdoğan’s propensity for disregarding fundamental human rights and freedoms and basic principles of law, the ruling AKP issued State of Emergency decrees suspending the articles of the European Convention of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and other conventions to which

Turkey is a party, which provide for treatment that respects human dignity, prohibit torture and ill treatment and safeguard the right of defense.⁴

Decisions were taken and laws were enacted to ensure that security officers are not tried for the crimes they commit during the State of Emergency following the coup attempt. Thus, Turkey gave the green light to widespread and systematic torture after a short hiatus, despite the fact that these crimes are absolutely banned in international law even in case of war.

6. MASS DETENTIONS AND ARRESTS AMID TORTURE CLAIMS

Using the failed coup bid as a pretext, the government has launched detentions and arrests

4] “OHAL ve Avrupa İnsan Hakları Sözleşmesi: Hukukçular ne diyor?”, BBC Türkçe, July 22, 2016, <http://www.bbc.com/turkce/36860670>

Horse barn
used as an
unofficial
detention place
for dozens who
went through
torture.



on an unprecedented scale that has engulfed not only alleged coup plotters in the military but also judges, prosecutors, governors, teachers, journalists, union workers, activists, engineers, students and even housewives. The detention centers and prisons were not big enough to accommodate the large number of detainees so the government turned sporting halls and other buildings into unofficial detention places where torture and ill treatment were widely practiced. The government let some 30,000 convicted felons go free from prison to make space for suspects who have been jailed pending trial. As of the end of May 2017, according to the state-run Anadolu news agency, 154,694 people have been investigated by judicial authorities (most of them detained by the police) and since July 15, 2016

50,136 people have been formally arrested across Turkey over their alleged links with the Gülen movement.⁵ Interior Minister Süleyman Soylu said on April 2, 2017 that 113,260 people had been detained and 47,155 people arrested under the investigation into the Gülen movement. Justice Minister Bekir Bozdağ announced on May 6, 2017 that legal action had been brought against 149,833 people, and 48,636 of them had been arrested since July 15. According to the statistics provided by Bozdağ, among the arrested people were 166 generals, 6,810 colonels and lower ranking military officers and 8,667 police officers. Judicial control decisions were issued against 35,783 and arrest warrants were issued for about 6,791 people.⁶⁷

SCF has so far documented 75 cases of suspicious deaths and suicides that took place either in detentions and prisons or outside the jails with the involvement or under pressure from the government officials. Some of these deaths are believed to have resulted from torture, amounting to extrajudicial killings but they are described by authorities as suicides without any effective or thorough probe. On appearing for the first time for a trial hearing after months of detention, numerous suspects have told the court that they were subject to pressure, torture, threats and ill treatment during their lengthy detention periods, but they have been prevented from having this recorded in their testimonies. Police officers have prevented suspects from adding into their statements the annotation that they were subject to pressure and the police force has argued that a recently enacted decree makes it impossible to file complaints against police officers who have committed torture, abuse and ill treatment of detainees. Authorities have also prevented lawyers from making that addition to the official records made during police interrogation.

In this process of widespread torture and ill treatment, physicians, too, have disregarded the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (also known as the Istanbul Protocol). Some physicians have issued reports even without seeing the victims of torture while others have been prevented by the police from recording their findings about torture.⁸

5] “FETÖ soruşturmalarının 10 aylık tablosu”, Anadolu Agency, May 28, 2017, <http://aa.com.tr/tr/turkiye/feto-sorusturmalarinin-10-aylik-tablosu/827667>

6] “Süleyman Soylu: 47 bin kişi FETÖ’den tutuklandı”, Aydınlık, April 2, 2017, <https://www.aydinlik.com.tr/turkiye/2017-nisan/suleyman-soylu-47-bin-kisi-feto-den-tutuklandi>

7] Bozdağ: ABD’ye terörist başı Gülen’in tutuklanması için gidiyoruz, Sözcü gazetesi (Bozdağ: We are going to the US for the arrest of terrorist leader Gülen), May 6, 2017, <http://www.sozcu.com.tr/2017/gundem/son-dakika-haberi/bozdag-abdye-terorist-basi-gulenin-tutuklanmasi-icin-gidiyoruz-1834965/>

High-ranking generals were lined for a photo for state news agency after torture.



As reported by some media outlets, to prevent the judge from recording a high-ranking soldier's allegation of being tortured into the court minutes, the police officers alleged to have tortured him put their guns on the table and threatened the judge saying, "It is so easy to arrange your detention [as well]."⁹

7. TURKEY'S GOVERNMENT MEDIA REVEALED TORTURE INADVERTENTLY

Despite the efforts by authorities to cover it up, many cases of torture and ill treatment in detention have become public. Ironically, the state-owned Anadolu news agency and TRT channel have broadcast images of tortured soldiers who were portrayed as coup perpetrators, apparently for propaganda purposes and as part of an intimidation campaign. This was the first direct evidence of torture in the aftermath of the coup, as the government-owned media published these images, and was tantamount to an admission of crime by the authorities as these outlets were directly under the control of the deputy prime minister. During trial hearings in May 2017, victims testified that they were subjected to torture, confirming these images.

The still photos and video footages displayed by Anadolu news agency showing generals and admirals with wounds and bruises in custody after July 15 was proof not only of the widespread practice of torture and ill treatment, but also of the recklessness of the government and the police regarding torture and ill treatment. General Akın Öztürk was one of the generals tortured. The images clearly showed that Öztürk had gone through extensive torture and humiliation by the police in custody, although he was one of the 15 highest-ranking generals in the Turkish Armed Forces (TSK). General Öztürk had wounds and bruises on his face and body and there was a pad and gauze on his ear, apparently due

8] "Gözaltında işkence iddiaları: Yüregimin en pis yerine yazdım", BBC Türkçe, November 28, 2016 <http://www.bbc.com/turkce/haberler-turkiye-38126711>

9] "Avukattan acı itiraf: Korktum işkenceye sessiz kaldım", Cumhuriyet, October 24, 2016, http://www.cumhuriyet.com.tr/haber/turkiye/620855/Avukattan_aci_itiraf_Korktum_iskenceye_sessiz_kaldim.html

to being beaten. Other generals exhibited similar wounds and bruises as well. The photos of Öztürk taken when he was referred to the court and when he was arrested indicated that his torture continued in between.

The photos and images posted on the social media by the police officers who proudly described how they severely tortured certain soldiers they detained on charges of attempted coup are more evidence of torture and ill treatment. In one of these images, several soldiers who were handcuffed behind were sitting on the ground and being threatened with death. The police officers were threatening to rape the wives and daughters of the tortured soldiers. There were traces of blood on the clothes and bodies of the soldiers as well as the walls on which they leaned.¹⁰

The most commonly employed torture methods recorded into the court minutes from the testimony of the suspects include beating, washing with cold pressurized water, inserting a truncheon into the anus, giving electric shocks, squeezing the testicles, holding the victim's head under water in a bucket, keeping the victim in a stress position, sleep deprivation, hogtying, strappado, threatening to rape the victim's family members, gross insults and other treatments that run counter to human dignity. Because of severe torture, several victims have died and others have lost their mental balance or suffer from psychological disorders. Investigations have been launched into some of the cases of death in custody. However, the relatives of victims are not informed about the outcome of these investigations for which the "confidentiality" of the investigation is cited.

8. TOLERATING AND ENCOURAGING TORTURE

The AKP government has not taken any measures concerning the allegations of widespread torture and ill treatment that have skyrocketed in the wake of July 15, but has made scandalous statements that cannot be reconciled with Turkey's obligations on complying with fundamental rights and universal principles of law under the Turkish constitution and international conventions to which Turkey is a party. Erdoğan was the chief instigator in encouraging the torture and ill treatment of his critics, especially Gülen movement participants. He went to the extreme by declaring that movement sympathizers do not have a right to life and has often entertained the idea of re-establishing the death penalty specifically for these people.

Speaking at a rally in the Black Sea province of Zonguldak on April 4, 2017, Erdoğan said, "We will eradicate this cancer [the Gülen movement] from the body of this country and the state. They will not enjoy the right to life. ... Our fight against them will continue until the end. We will not leave them wounded."¹¹ Mehmet Metiner, the Chairman of the Parliamentary Sub-commission on Prisons, announced that the commission would not pay visits to those who are arrested in the investigation into the Gülen movement and it would not conduct any investigation or examination regarding the allegations of torture and ill treatment against

10] "Images of tortured subversive soldiers published on", YouTube, July 20, 2016, <https://www.youtube.com/watch?v=Racum9mZZx8>

11] "Cumhurbaşkanı Erdoğan'dan İKBY'ye bayrak tepkisi", TRT Haber, April 4, 2017, <http://www.trthaber.com/haber/gundem/cumhurbaskani-Erdogandan-ikbyye-bayrak-tepkisi-307472.html>

them.¹²

The Parliamentary Assembly of the Council of Europe (CoE) slammed Metiner for these scandalous remarks in a resolution that was issued on April 25, 2017.¹³ Addressing the AKP supporters, former Economy Minister Nihat Zeybekçi, who had held positions in previous AKP governments, said, “We will punish them in such a way that they will say, ‘I wish I had died’. They will not see a human face and they will not hear a human voice. They will die like sewer rats in cells of 1.5–2 square meters.” With these remarks, he announced that they would act with feelings of revenge and hatred against the victims. Thus, the ruling AKP encouraged public officers who torture by giving clear messages that they would turn a blind eye to torture.¹⁴

As the Turkish judiciary has been reshaped with Erdoğan’s “project courts” and become more and more problematic, the ruling party’s actions have been freed from judicial review. Complaints filed about torture and ill treatment in this process have been covered up with decisions of non-prosecution or dismissal. The ruling AKP has not only inhibited the activities of international human rights organizations in Turkey, but has also taken measures to obstruct the findings about the detection of torture in detention places.

An official document that was leaked to the press revealed how the government was concerned about a fact-finding visit by the Committee for the Prevention of Torture (CPT) of the Council of Europe (CoE) between August 28 and September 6, 2016 and ordered police to stop using unofficial detention centers such as sports halls.¹⁵ The National Police Department sent a confidential letter to all police units in 81 provinces instructing them to obscure the traces of torture in all detention centers ahead of an official inspection by the CPT delegation. The CPT report is yet to be released to the public because of the veto by Turkish government.

9. UNOFFICIAL DETENTION CENTERS

The Turkish government has set up nationwide unofficial interrogation and detention centers, where torture and ill treatment are applied with intensity. It is known that suspects are systematically and collectively tortured in such places as sports halls and factory buildings which cannot be inspected. Lawyers and family members have been prevented from visiting victims in such places, although the location of these places is common knowledge, especially in small provinces. The suspects held in custody in such places are denied even their most basic human needs such as using the toilet, access to clean water or

12] “AKP’li Metiner’den vahim sözler: İşkence’ye inceleme yok”, Cumhuriyet, October 3, 2016, http://www.cumhuriyet.com.tr/haber/turkiye/608880/AKP_li_Metiner_den_vahim_sozler__iskenceye_inceleme_yok.html

13] “The functioning of democratic institutions in Turkey”, Parliamentary Assembly, April 25, 2017, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23665&lang=en>

14] “Ekonomi Bakanı: Bu darbecilere öyle bir ceza vereceğiz ki ‘Gebertin bizi’ diye yalvaracaklar!”, T24, August 1, 2016, <http://t24.com.tr/haber/ekonomi-bakani-bu-darbecilere-oy-le-bir-ceza-verecegiz-ki-gebertin-bizi-diye-yalvaracaklar,352845>

15] “Turkey removes evidence of torture, maltreatment in prisons ahead of CPT visit”, Turkish Minute, September 8, 2016, <http://www.turkishminute.com/2016/09/08/turkey-removes-evidence-torture-maltreatment-prisons-ahead-cpt-visit/>



Sporting hall converted into an unofficial detention center. Almost naked detainees forced to sleep on top of each other in inhuman conditions.

emergency medical treatment. One of the buildings used unlawfully for such detention was the Historical Weaving Mill, established in 1950, in Antalya. The government-controlled media has indicated that the mill has room for 500 people and it started to be used because the police detention facilities in 19 districts of the city were full. More than 200 men and women were kept in confined spaces in this old mill building during severe interrogation processes that lasted for days as they were psychologically and physically tortured.¹⁶

As the trial of the soldiers who were arrested in the wake of the coup attempt started months later, it was revealed that an interrogation room had been set up at the General Staff Headquarters and testimonies of the accused officers had been taken under torture and duress.

First Lieutenant Kübra Yavuz, who was serving at the General Staff Headquarters, told the court that she had been interrogated at the General Staff Headquarters with death threats. Yavuz said, “When I went to the General Staff for my regular work on August 2, I was taken to the General Secretary’s room. Special Forces Commander Lieutenant General Zekai Aksakallı and three aides were in the room. ‘I have images showing you. Tell me your links. You were apparently involved in these events,’ he said and started to pressurize me. ‘You will either be executed or be released,’ he said threateningly. I gave my testimony at the General Staff under death threats.”¹⁷

It is alleged that following massive detentions, interrogation rooms were set up at the

16] “Dokuma gözaltı merkezi oldu”, Sabah, August 13, 2016, <http://www.sabah.com.tr/akden-iz/2016/08/13/dokuma-gozalti-merkezi-oldu>

17] 15 Temmuz Gecesi Fidan’ı uğurlayan Yavuz: Genelkurmay’daki ifademi ölüm tehditleri altında verdim, Sputnik Türkiye, March 7, 2017, <https://tr.sputniknews.com/turkiye/201703071027523444-dar-be-gecesi-mit-mustesari-fidani-ugurlayan-kubra-yavuz-genelkurmaydaki-ifademi-olum-tehdidi-altinda-verdim/>



Cruel
treatment of
detainees was
photographed.

National Intelligence Organization (MİT), the General Staff, the Police Academy and the Horse Farm of the Presidential Palace in Beştepe, Ankara. It is believed that high-ranking military officers such as Colonel Levent Türkan, the aide-de-camp of Chief of General Staff Hulusi Akar, were interrogated under torture at the Presidential Palace in Beştepe. Images showing how soldiers were tortured in mosques were shared in social media. These scandalous claims could not be verified as no investigation was launched into them.¹⁸

9.1. SPORTING HALL IN ANKARA EXPOSED AS UNOFFICIAL DETENTION CENTER

On May 7, SCF exposed how the Turkish police used a building owned by the State Water Works (DSİ) as an unofficial detention center where victims were subjected to both verbal and physical tortures including threats to kill, rape, beatings, strappado, and spraying with ice cold water.

One suspect told his lawyer, “I heard all kinds of curse and swearing against my family during the interrogation. They threatened me with raping my family members. We are subjected to all kinds of abuse, physical violence here. I saw one man who had two black eyes. I witnessed another man having difficulty walking because police had shoved a baton into his anus. So many victims have marks in their bodies from abuse and torture. One doctor wrote a report documenting torture but the police was trying to falsify the date of the report.”

The same suspect added that “we heard that this torture and abuse could go on for a longer period, but we were told the police is in a rush because they are expecting to receive hundreds of detainees in the coming weeks. They need space for newcomers. That is why they are subjecting us to intensified and heavy torture and abuse so that they can turn suspects into informants.”

In the first week of May 2017, Turkish prosecutors issued detention warrants for 4,900 people over their alleged links to the Gülen movement and 1,009 of them were detained in simultaneous raids across Turkey’s 72 provinces in early May.

¹⁸] “Askerlere camide işkence”, soL, July 16, 2016, <http://haber.sol.org.tr/toplum/askerlere-camide-iskence-162145>

The list was reportedly drawn up by Turkey's notorious National Intelligence Organization (MİT) that profiled unsuspecting citizens based on their political views or ideologies. Since there was no solid evidence to warrant their detentions, police have been using torture to extract forced confessions out of the suspects, and in many cases this compelled them to sign statements that were prepared in advance. The suspects, many are teachers and educators, are alleged to have been members of the Gülen movement that is critical of authoritarian and repressive regime of Erdoğan. The suspects were detained without the knowledge of their lawyers and questioned without their lawyers' presence during the interrogations.

SCF also received a letter from a lawyer -whose name is being withheld by SCF for safety reasons - who recounted how his client endured abuse at the hands of police units first in the DSİ sporting hall that was used as unofficial holding place for detainees and then later in a police detention center. The letter starts by saying, "I feel totally ashamed as a jurist about the gross human rights violations and heavy torture practices I have come to know while I was practicing my [lawyer] profession." He asked not only that his name be kept confidential but also his client's identity out of fear for their lives and the negative repercussions of sharing details of torture. He said he would like the world to know how his client, a teacher by profession, underwent torture in police custody in Ankara, the Turkish capital.

The teacher was detained in the largest single wave of detentions yet in Turkey with some 1,000 people being placed in police custody on charges of alleged terrorism that target Gülen movement participants as part of the Turkish government persecution of the civic group. Hundreds were locked up in an unofficial detention center in the DSİ facility on Eskişehir road close to Ankara.

The lawyer who wrote to SCF said he learned about the DSİ facility when he visited his client in Ankara police department. According to the victim's account, the police first took them to this facility, kept them there while they were subjected to abuse, and later took them to a police station in groups. The victim told the lawyer, "When we were detained, police took us to a sporting hall. We were some 150 people. There was only one toilet and one washbasin. We were forced to sleep on the floor on top of each other for several days. Then, we were transferred to detention center in Ankara police department. Now I am staying with 14 other people in a six-square-meter cell.

After work hours, when few people are left in the building, the police come to our cell, often in middle of the night, and call out a name to be taken away. In a dark room, they strip the person's clothes off, leaving him naked, then ask that person to confess and name other people. If you do not give them what they want to hear, they put a plastic bag on your head with your hands tied behind your back. In the meantime, they hurt you by placing a glass bottle on your penis. You will also get a beating until you give them some names. We often hear cries and loud noises when our cellmates are taken away for questioning."

He went on to say, "The people who are taken away for so-called interviews get returned to the cell after a few hours and in general they are ashamed to share the terrible details of their tortures. One person with whom I shared the cell was called out for such questioning one night. When he was returned, he was unconscious. He kept throwing up for two days from the blunt force trauma he got to his head due to the police beating. But he was not transferred to a hospital. At the end of the second day, an emergency response unit came and gave him some sedatives. He is still in terrible condition in the cell."



The unidentified victim said nobody's life is safe in police detention anymore, and he feels terrified that his name will be called out one night and he will face torture and beatings. "I am so scared. I have committed no crime that I can confess. They show no mercy to detainees. There are people with heart problems, back aches and hernia," he added.

The victim also told the lawyer that if they do not confess the way the police want them to and repeat the same narrative in the presence of the lawyer in formal questioning or during the court hearings, they are threatened with more severe torture and beatings. "We are told that judges will formally arrest us anyway and if we do not testify to their liking, the police said they will come and pick us up from the prison and practice more torture," he remarked.

The victim explained that the torture appears to be very professional and police officers are careful not to leave permanent marks on the bodies of detainees. He had asked his lawyer to not to share the details of this terrible saga until he was brought to the court for the arraignment hearing. "Otherwise they will not let me live," he warned. In his letter, the lawyer admitted that after hearing about the torture from his client, he should have put it into the official record by talking to the police officers but decided not to do so because he feared that his client will face more torture in police custody.¹⁹

9.2. TORTURE AT THE SPECIAL OPERATIONS COMMAND

The Special Forces Command in Ankara was one of the places where torture such as hogtying, waterboarding, giving electric shocks, and holding the head under water in a lavatory was most intensively used according to court testimonials. At the hearing held at Ankara 14th High Criminal Court on coup attempt charges on March 2, 2017, the defendants described how tortures was applied to them in custody. Fatih Uysal, who had been arrested on charges of participating in the coup attempt while he was serving as a non-commissioned officer for the Chief of Staff of the Special Forces Commander, indicated that there was a special torture system in place at the Special Forces Command. "General Zekai Aksakallı got very mad when he saw me at the sentry post. My nose and ribs were broken. They did this especially to me. They don't like us at the Headquarters because we know their shortcomings," he said.²⁰

In his defense, the defendant Infantry First Lieutenant Gökhan Mercan said, "They summoned me and told me to inform General Zekai Aksakallı. I went and they handcuffed me right away. I will not describe the torture because my family is here. Volkan Vural Bal knows [me], but it

Detainees were beaten in a prayer hall under explicit orders from Gen. Zekai Aksakallı.



Gen. Zekai
Aksakallı

19] "Horrific Torture Details Emerge In Turkey's Capital", A Lawyer Reveals To SCF, May 10, 2017, <http://stockholmcf.org/horrific-torture-details-emerge-in-turkeys-capital-a-lawyer-reveals-to-scf/>

20] "Sorguda kaburgamı kıran asker bir ay sonra FETÖ'den tutuklandı", ODATV, March 2, 2017, <http://odatv.com/genelkurmayin-listeyi-yeniden-kontrol-etmesini-istiyor-0203171200.html>

was him who attacked me with the greatest vengeance and hatred. My ribs were broken. We hadn't done this much to the members of the [outlawed] Kurdistan Workers' Party (PKK). He was arrested as well one month later. It was as if he was trying to prove something. My conviction is that he was with them for a certain time."

He recollected that when he said that the handcuffs were too tight and wanted them to be loosened a bit at Gölbaşı Courthouse, he was stabbed with a knife in the back by a police officer. The police chiefs were worried because of his excessive blood loss and a physician came to stitch his wound. In his court testimony, non-commissioned officer Gürbüz Türk stated that he was at home on the night of the coup and he was summoned for normal work on July 17, and they were not sent home and had to sleep on chairs until July 27. "I was summoned to the headquarters for testimony on July 28. 'I arrest you by the order of the prosecutor,' they said to me. They handcuffed me and blindfolded my eyes and put me to a room. 'We have names in our hands. Do not give us trouble. If you don't confirm the names we will tell you, we will throw you to the police special operations who lost 50 men [as a result of the attempted coup] and they will break you into pieces,' they said.

I was subjected to the torture of waterboarding many times. It was so harsh that I almost wet my clothes. 'We are here until the morning; there is no way out,' they said. I accepted the names they imposed on me in order to be saved. 'If you love your kids, you will give the same testimony to the police,' they said. Fearing that they may send me back to the Special Forces Command, I gave the same testimony to the police. I disown that testimony now," he related.

At the fourth hearing of the case related to the Special Forces Command held at Ankara 14th High Criminal Court on April 24, 2017, the defendant soldiers continued to reveal the torture they went through. The defendants indicated that Special Forces Commander Zekai Aksakallı personally kicked them and uttered gross insults at them and ordered his inferiors to torture them.²¹

Defendant Kadir Aslan stated that although he was not involved in the coup in any manner, he was stigmatized as a "traitor" or "bastard" and his hands and feet were tied. At the hearing, Aslan related, "It was said that Special Forces Commander Lieutenant General Zekai Aksakallı had arrived. As he entered, he kicked someone. 'I would send these bastards away, but you got in the way,' he shouted. Aksakallı asked who was on duty. As he kicked him, he said, 'I have made this place become specialized. Why didn't you use it?' After I was tortured by being hogtied, my blindfold was removed in the room of the prosecutor."

Defendant Staff Sergeant Major Mehmet Durmaz stated that he had nothing to do with the coup and he was tortured by hogtying after he was detained.

Defendant Supply First Lieutenant Mehmet Koç stated he was on holiday with his wife and child in Antalya when his friend Mehmet Raydemir from the Special Forces Command phoned him and said he was going to commit suicide, and he returned to Ankara where he was held captive by Raydemir and some other men. He managed to escape and went back

21] "Domuz bağı, suyla bogma, elektrik, kafanın klozete sokulması", Shaber, April 4, 2017, <http://www.shaber3.com/domuz-bagi-suyla-bogma-elektrik-kafanın-klozete-sokulmasi-haberi/1284758/>

Elements
of Turkey's
security
services
started
abducting
citizens on
streets.



to Antalya and took his wife and child and returned to Ankara on July 15 and then went to Safranbolu where he heard about the coup, and he attended the democracy watch for two days. Koç explained, “As I was summoned by my superiors, I went back to work on the morning of July 18. I was detained after I had worked for 2–3 hours. I was subjected to the torture methods of hogtying, waterboarding, electric shock, and holding my head underwater in a lavatory. If I had participated with those who kidnapped me, I would have acted as the superintendent on duty instead of Volkan Vural Bal on the night of July 15. However, he is out there and I am in prison.”

Defendant Mehmet Ali Celik indicated that he was tortured and his nose was broken. Defendant Lieutenant Colonel Mehmet Ali Eser stated that he was on leave in Balıkesir during the coup attempt and he returned to Ankara after he got a phone call from his superiors on July 17. “As soon as I entered the main entrance, I was forced to lie on the ground and I was tied. They didn’t give any water until the morning, but they didn’t beat us either. When General Aksakallı came in the morning, they started to beat us,” he said.

Lieutenant Colonel Murat Aydın, who was the Communications Electronic Information Systems and Cyber Defense Commander at the Special Forces Command, recounted what happened after he was taken into custody on July 15 as follows: “When I was detained at the Special Forces Command, I was subjected to inhuman interrogation. The interrogation got harsher when I said I would attend Friday prayers. They stuck an A4 paper on my head with duct tape. I was taken through the corridors in that manner. I was never checked by a physician at any phase of the process from the detention to the imprisonment.”

Twenty-seven-year-old defendant Infantry Second Lieutenant Ahmet Müfit Küçük maintained that no one knew about the coup beforehand and they acted by the order of the superintendent on duty. “The coup perpetrators wanted to use me as a pawn. If I had known it was a coup, I would have reported to the nearest police station to inform them. I was taken into custody at the Special Forces Command. They asked me if I knew Semih Terzi. I told them I never knew him. They blindfolded and hogtied me. Whoever came in would kick me and cursed. When I tried to talk, someone kicked me in the head and I fainted. They mistook me for the group coming from the main entrance. Then, they took us from the ground and carried us to some place inside the headquarters. ‘They are taking me to somewhere without cameras; they will kill me,’ I thought to myself. In particular, Captain Volkan kicked me 40–45 times and I was punched many times. I could not remember my own name as the prosecutor was taking my testimony. I never betrayed my country,” he said.²²

22] “ÖKK’deki darbe girişimi davası”, Habertürk, February 28, 2017, <http://www.haberturk.com/yerel-haberler/haber/11094976-okkdaki-darbe-girisimi-davasi>

10. ENFORCED DISAPPEARANCES

In blatant violation of national laws and open defiance of its commitments under international human rights laws, the Turkish government has again started to resort to enforced disappearances and unlawful abductions, a practice that is reminiscent of the dark period of the 1990s.

The abductions appear to have been perpetrated by elements linked to the Turkish government as part of an intimidation campaign targeting critics and opponents of Turkey's president. Most victims in the recent waves of kidnappings are believed to be affiliated with the Gülen movement. So far, eleven recent cases have been documented by Stockholm Center for Freedom, which keeps this information updated on its website: <http://stockholmcf.org/enforced-disappearances-in-turkey-2/>.

In one case confirmed by SCF, an abductee was kept as a hostage and tortured for 42 days in an unknown location by men who identified themselves as police. Yet, he was later turned over to the police for official custody and forced to sign a confession to a crime he said he had not committed. In many cases, the evidence such as CCTV footage suggests a similar pattern in which a black Transporter Volkswagen is used in whisking away innocent people.

The government has never made any statement about these reports despite it being raised in Parliament by an opposition lawmaker. Families of victims complain that prosecutors and police show indifference to their complaints and they claim that authorities are unwilling to investigate cases.

The United Nations Working Group on Enforced or Involuntary Disappearances criticized Turkey last year for these practices that are reminiscent of the 1980s and 1990s during which many Kurds were abducted and believed to be killed by elements linked to the Turkish state. Their fates are still unknown as of today.

"Turkey needs to come to terms with past disappearances, and it needs to do so in a comprehensive manner," said a delegation of the UN group following an official five-day visit that was held between 14 and 18 March 2016.²³

Over the years, the UN Working Group has transmitted allegations of 202 cases to Turkey, of which 79 are still outstanding. The cases dealt with by the Working Group mainly relate to disappearances between 1992 and 1996 in the South-East.

11. PUBLIC PROSECUTORS IGNORED TORTURE CLAIMS

In connection with complaints filed by suspects who have suffered severe torture and ill treatment in custody or in prison, the judicial authorities issue decisions that encourage the security officers who are accused of inflicting torture. Abdullah B., who had been arrested in the investigation into the Gülen movement in Trabzon, filed an official complaint with the Trabzon Chief Prosecution Office, saying that he and his two-month pregnant wife had been beaten, ill-treated and threatened in detention. Prosecutor Eşref Aktaş "decided not to

23] "High time for Turkey to come to terms with past enforced disappearances" - UN expert group, March 18, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18477&LangID=E>

prosecute” the complaint by referring to Article 9 of Decree No. 667 passed by the government under Emergency Rule. Prosecutor Aktaş concluded that police officers do not have criminal liability in connection with the performance of their duties and they cannot be prosecuted under the said decree. This decision implies that police officers cannot be convicted and sentenced for the crime of torture and it was labeled as ‘scandalous’ by independent jurists.²⁴

Turkish media reported that when the torture victims in Zonguldak told police officers who tortured them that they would launch legal action against them, the police officers replied by saying that they were acting on the order of the chief public prosecutor, saying, “Chief Public Prosecutor Hüsnü Hakan Yağız said, ‘If they can walk, that’s enough.’ Thanks to the State of Emergency, you cannot do anything to us.” The parties involved did not deny this report.²⁵

Unfortunately, some torture cases even went well beyond the if-they-can-walk-that-is-enough criterion and some victims were seriously injured and died during torture. Teacher Gökhan Açikkollu and non-commissioned officer Önder Irmak lost their lives due to the torture and ill treatment they faced in custody at Istanbul Police Department.

12. RIGHT TO DEFENSE RESTRICTED OR DENIED

Under the State of Emergency, detention periods were not only extended to 30 days, but suspects were also prevented from seeing their lawyers during the first week of their detention. Their right to see their lawyers in private was violated. Lengthy detention periods were used not only for psychological torture, but also to obscure traces of physical torture. Some suspects indicated that the lawyers assigned to them by the bar association had colluded with the police and misguided them. Some lawyers refrained from defending suspects, whom they labeled as traitors in advance. For instance, Meltem Banko, a lawyer from Ankara Bar Association, said, “Given the fact that this is a treason charge, I frankly consider it treason for a lawyer to defend such a client. I cannot bring my conscience to do it. ... I personally do not endorse being part of the defense in this trial. The relationship between a lawyer and his/her client is essentially based on trust. How can I trust a person who betrayed his/her homeland?”²⁶

Pro-government Jurists Association President Advocate Mehmet Sarı said, “Many people are trying to find private lawyers for their relatives who have been arrested on coup charges. What we call the right of defense stems from the fact that people are beings who can think. In the Western literature, this is called human dignity. However, for coup perpetrators to benefit from human dignity, they have to be human beings. And as we don’t regard them as human beings, we don’t accept the demands and reject them.”²⁷

24] “Savcı işkence suç duyurusunu KHK’ye dayanarak reddetti”, Evrensel, January 16, 2017, <https://www.evrensel.net/haber/304217/savci-iskence-suc-duyurusunu-khkye-dayanarak-reddetti>

25] “Muşta ile dayak, copla tecavüz girişimi, eşe tecavüz tehdidi!”, Shaber, February 16, 2017, <http://www.shaber3.com/musta-ile-dayak-copla-tecavuz-girisimi-ese-tecavuz-tehdidi-haberi/1280700/>

26] “Avukatlar darbecileri savunmak istemiyor”, Sabah, July 24, 2016, <http://www.sabah.com.tr/gundem/2016/07/24/avukatlar-darbecileri-savunmak-istemiyor>



Government
shared
torture
photos
with public
as part of
intimidation
campaign.

In addition to this stance of bar associations as regards defense, they were silent in the face of complaints by suspects about torture and ill treatment in detention. Suspects have also complained that certain forensic physicians whom they believe collaborate with the police avoid noting findings of torture in their reports during daily health checks. Subsequent inspections revealed that even severe torture findings were disregarded in physician reports, despite the fact that health checks were introduced to prevent torture.

Selçuk Kozagaçlı, the President of the Contemporary Jurists Association, which monitored violations with their delegations, announced their findings during the Ordinary General Assembly meeting of Ankara Bar Association. Kozagaçlı explained that suspects, including judges, prosecutors, police officers, ordinary citizens, etc., who were detained on charges of membership of the Gülen movement were exposed to intense torture, and some of them were raped with hard objects and underwent operations for ruptured intestines due to torture, and torture was applied not only in detention rooms, but also in prisons:

“Those who perform prayer together at the courthouse mosque are raping these colleagues of ours in prison. These colleagues of ours are having their nails pulled out in police departments. They rape them in prisons. I saw people who had to undergo a medical operation on their large intestines due to the objects inserted into their anuses.... Eighteen people committed suicide. Prosecutors, police chiefs, district governors.... Think about it. How can a person shoot himself/herself in the head? If a bar association is unable to prevent torture even at the courthouse....”

Later, Lawyer Kozagaçlı told the press the details of the systematic torture.²⁸

Kozagaçlı said, “Virtually everyone is subjected to torture in custody. Every old torture method has been revived and is now used. For instance, men are subject to bastinado. Many people have complaints about their foot health due to bastinado. Physicians are taken to the detention and torture centers. This is a crime under the law. As health checks are not performed at the examination rooms, we are unable to detect torture.... People are not only detained, but also a detention ban is imposed. Torture cannot be detected. Despite this,

27] “Aradığınız insana şu an ulaşamıyor”, Evrensel, August 9, 2016, <https://www.evrensel.net/haber/287253/aradiginiz-insana-su-an-ulasilamiyor>

28] “ÇHD: FETÖ zanlıları arasında tecavüze uğrayıp bağırsak ameliyatı olanlar var!”, YouTube, October 16, 2016, <https://www.youtube.com/watch?v=o9S3u8mQ4LM>

numerous applications are filed with us. Relatives of victims do not take it to the press. This is because a witch hunt is underway. Torture is a crime and no statute of limitations applies for it. We will pursue this matter.” Kozağaçlı also drew attention to the fact that numerous women are threatened with sexual assault.

13. OLD FASHIONED TORTURE METHODS RESURFACED

Lawyer Gülseren Yoleri, a member of the Human Rights Association (İHD), indicated that she visited Şırnak and Nusaybin with a delegation of eighteen people in late August following the coup attempt of July 15 and observed that torture had made a comeback to the detention centers. “We have been told that there are acts of torture in detention centers. The old styles of torture techniques have begun to be used again. It is as if old torture devices like Palestinian Hanging and electric shock were kept hidden for a while and are now being put to use again,” she said.²⁹

Yoleri told Cumhuriyet newspaper, “Let me quote a woman teacher who consulted the İHD. We drafted an official complaint with her. She said, ‘We don’t have any link with FETÖ. We are just a conservative family. My husband was dismissed from his profession. I was able to see him only on the fourth day of his detention. There were marks of beating on his face. ‘What happened?’ I asked, but a police officer intervened. ‘If you ask anything, we will take you as well. Don’t talk, just see him,’ he said. ‘If you tell her anything, you’ll get thirty years in prison or you’ll provide us with more detailed information,’ he threatened my husband as well. ‘Do not send me back to the remand prison; I prefer thirty years in prison,’ he said. He was very scared. I was unofficially interrogated there. I was threatened.’”

Yoleri added, “Thirty days of detention, lack of any legal assistance and the decision of confidentiality constitute perfect torture in itself. Let me tell you about Silivri Prison, which I recently visited. We visited there on August 31. Violations commenced after the coup attempt.... There are obstacles about visits and medical treatment. ‘We cannot take you to the hospital because of the state of emergency,’ prison inmates are told. The prisons are chock-full. We know that prison inmates sleep alternately in many prisons including Silivri Prison. In Silivri, the cell punishment rooms were converted into cells. They are small rooms without ventilation and where you have to wash dishes in the toilet sink. Prison inmates told us that they take turns by the window in order to breathe. Some have developed health problems due to their extended stay there.... Prison authorities change the visiting days arbitrarily. Some relatives who come from distant cities have to go back without visiting inmates. Disciplinary punishments have skyrocketed. Before entering the cells, visitors are forced to go through a strip search. If you refuse, violence occurs.”

Sevim Halman, who is a member of the İHD’s Prison Commission, and the aunt of Ali Gülmez, who was sentenced to an aggravated life sentence, related the following: “Authorities believe that political prisoners deserve all sorts of rights violations. Solitary confinement, forcing inmates to lose their individuality and bans on visits have been in place for years. Free visitation is now possible only once in two months compared to once every month in the past. Inmates have been transferred to prisons located far away from their

29] “Eski işkence aletleri geri döndü”, Cumhuriyet, September 13, 2016, http://www.cumhuriyet.com.tr/haber/turkiye/599848/Eski_iskence_aletleri_geri_dondu.html

relatives. What we are experiencing is a coup practice.... Those who have been imprisoned under the FETÖ operations are tortured intensively. ‘We hear them groaning in the cells. We gave them water and cigarettes and threw ice cubes to them. A probe was launched against us for protesting the torture,’ he [Ali Gülmez] says. The female inmates who were punitively transferred from Sincan to Silivri 9th Prison send us letters, asking us to hear their voices. During the transfers, they were forced to undergo a strip search. They were beaten for protesting the practice. Resmiye Vatansever and Deniz Tepeli say, ‘Cameras are located facing our bathroom. We hang curtains on the windows, but male guards come and remove them. Our petitions have not been answered.’ They want our support against [sexual] harassment.”

14. SOME TORTURE CASES DOCUMENTED IN THE LAST TEN MONTHS

14.1. Case of Recep Çelebi

During the hearing held at Kırıkkale High Criminal Court on February 16, 2017, Recep Çelebi, a teacher who was arrested on charges of membership of the Gülen movement, described the torture he had been subjected to. However, only the summarized version of his testimony was allowed to enter into court records by the panel of judges. During his defense, no video recording was made. “I was stripped naked. I was kept waiting under cold water. I was raped with a truncheon. I was continually beaten. I was forced to sign the testimony,” he told the court according to observers in the courtroom. Forty-eight other defendants taken to the court in the same case at Kırıkkale High Criminal Court described the pressures and torture they went through.

14.2. Case of Erdem Ayyıldız

Erdem Ayyıldız, an academic and dentist, asked the court to send the police officers out of the courtroom before commencing his defense. Ayyıldız gave the following testimony in tears: “I was tortured in custody for 13 days. I was alone for one week of this time. They treated me so badly that I can no longer mingle with people. I have served as a dentist in Kırıkkale and nearby provinces since 2008. I served as an associate professor between 2008 and 2013, and I have thousands of patients. The vast majority of people in Kırıkkale know me. A pain that I will never forget was inflicted on me. I did not confess. Then, they said, ‘Plan A didn’t work, but Plan B will suit you fine,’ and, in the interrogation room, one of them suddenly moved behind me and pulled my t-shirt over my head, and they dragged me to the bathroom. If you want, please examine the camera records for the afternoon hours of Wednesday, August 24, 2016, and you will see that they took me half-naked to another room, that is, the bathroom.³⁰

“They poured water on me in the bathroom with a garden hose. Before that, they stripped me completely naked. My head had been covered with my undershirt. I don’t want to describe the insults they uttered. Laughing, they poured cold water on me. I thought it would be over

³⁰] Kırıkkale High Criminal Court’s 35-page hearing minutes for the 3rd session dated, February 16, 2017.

with this cold-water session, but they asked someone to bring liquid soap and a truncheon. They harassed me and inserted a truncheon into my anus. ‘OK, I will accept whatever you say,’ I said at that moment and they stopped torturing me.... I could withstand the torture, but they threatened me with my wife and child. ‘We will take your wife and arrest her as well,’ they said. My wife was pregnant at that time. Who would be held accountable if she had lost her baby? I could not take that chance. Even before I was taken to the court, the police officers said to me, ‘You will be arrested.’ After the torture, I did everything the police officers told me. I even drew a chart. Even if they had asked me, ‘Did you bomb Parliament?’ I would have accepted it. Given those circumstances, I would certainly accept it.”

14.3. Case of Harun Özdemir

Harun Özdemir, who testified at the same hearing, explained what happened to him as follows:

“I was taken into custody on August 2, 2016. They blindfolded me. ‘Is that all you know? Tell it,’ they said. ‘What should I tell you? I don’t know anything,’ I said. Hearing this, they slapped me in the face. At that time, I was blindfolded. ‘Speak out,’ they shouted. They pushed me blindfolded to the toilet. I’m ashamed to tell it. They subjected me to inhuman treatment. With insults, they forced me to remove my clothing. They hurled insults as I resisted. They poured cold water on me. At that moment, I was completely naked and I was blindfolded. They poured pressurized water on my groin in particular.

“They harassed me with a truncheon. Then, someone started to squeeze my testicles. I blacked out and I thought I was going to die. They forced me to give them names. ‘Tell them and be saved,’ they were saying. I thought to myself that I might save myself if I slander someone else. ‘God will never forgive me if I do it,’ I thought.

“As I kept silent, they punched me in the stomach. Seeing that I was about to faint, they stopped it. A physician came to the remand prison for a medical report and I told him that I was stripped naked and cold water was poured on me and I was punched in the stomach.”

14.4. Case of Hasan Kobalay

School principal Harun Kobalay told the court the details of the torture he was subjected to in custody. His testimony, as recorded into the court minutes, is as follows: “I don’t accept any of the charges raised against me. I condemn the nefarious coup attempt. I am not a member of any terrorist organization. I was detained in Nazilli, Aydın, on October 31, 2016. ‘Why are you taking me into custody?’ I asked the police officers, but they said nothing. ‘What is your profession?’ they asked. ‘Take your pants down,’ they said. I took my pants down. ‘We will treat you very specially,’ they said. I was blindfolded and handcuffed.

“I was taken out of that room and taken to the room opposite the toilet. It was around 17.30 when I got there. They had previously removed my pants. When I got there, they removed all my clothes, including underwear. ‘Please don’t do it,’ I said. Blindfolded and handcuffed, I shouted, but my voice didn’t come out as they covered my mouth with a cloth. Completely naked, I was taken to the bathroom. They poured cold water on every part of my body. But they particularly poured pressurized cold water on my balls and hips. I still suffer from the

resulting pain. I want to be treated as my testicles still hurt.

“They messed with every part of my body, and they did something to my anus, but I don’t know what they did. I stayed there for about one hour. ‘We will take your wife and do the same thing to her,’ they said. This brought me down. [The defendant started to cry.] Because my wife and three kids are all I have in this world. Then, they took me to a room. They explained to me what I should do. I was shaking when I got to the hospital. I tried to tell the doctor what happened, but the police officers with me prevented me.

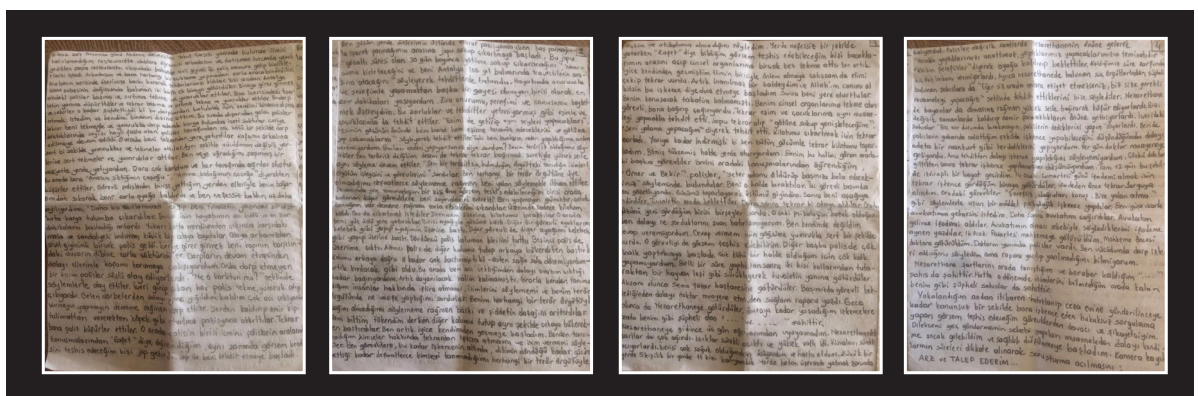
“When I went to see the physician the second time, I told him that I was tortured. ‘There is no trace of torture on your face,’ he said to me. They gave me an injection. On Friday, I was taken to the police department, where I was subjected to pressures again. It was psychological pressure. Compared to what I went through on the first day, other things seem very light to me.

They took my testimony at the police department on Sunday, November 6, 2016. These pressures and threats disrupted my psychology and I started to fear for my life. Torture, threats, agony, and similar words are not enough to describe my problem. I am currently ashamed of being a human. [The defendant continued to cry during this testimony.] I disown the testimony I gave to the police.”

The people who observed the hearing indicated that in his testimony, Kobalay said that a truncheon had been inserted into his anus by police officers who threatened him further saying, “We will take your wife into custody and do the same things to her and we will give your children to the government child protection services.”

14.5. Case of Z.G.

Victim revealed torture in a handwritten complaint to the prosecutor.



Z.G., who is still under arrest, described in detail the torture he suffered during the time he was kept at Antalya Police Department and filed an official complaint with the Prosecutor’s Office. In his handwritten official complaint, a copy of which was obtained by SCF, he wrote the following:

“On Thursday, January 5, 2017, I ate lunch with my friend who is a PhD student, and my adviser at a restaurant near Yakut Marketplace of Akdeniz University. After we left the restaurant, we were stopped. Two plainclothes police officers asked us to give them our ID

cards. Without providing any explanation, they forced me and my friend into a car. In the car, they pressurized us and took our cellphones. They took us to a two-floor annex on the east side of the Anti-Smuggling and Organized Crime Branch of Antalya Police Department. As soon as we entered the building, the police officers there rushed to kick me and punch me in the head and back. By beating me, they made me fall down in the toilet and continued to hit me. Their assault and battery was so severe that I wanted to throw myself out of the building and I managed to do so.

“However, the police officers outside the building attacked me with kicks and punches and pushed me inside again. Back inside the building, the police officers in greater numbers continued to beat me. Then, they got me on the ground. They harshly kicked and punched my head. I was lying on the ground and I was shocked. I was in pain all over and I was very scared. In the meantime, they cursed me with gross insults such as ‘son of a b*ch’ and ‘f*ck you.’ “One of the police officers forced me to my feet by squeezing my throat. At that moment, I lost my breath and I was about to pass out. ‘He is still not behaving sensibly,’ they said before pushing me upstairs. The worst and hardest moments in my life started at that moment. Upstairs, they put me in a room with a table and several chairs. Then, many plainclothes police officers entered the room. They forced me to kneel down at the bottom of the wall facing the door.

“As they continued to beat me, I was trying to protect my head with my hands. The police officers who didn’t beat me were mocking me. Whoever entered the room would kick or punch me. I was completely exhausted due to the beating and I collapsed on the ground. They lifted me from the ground and ordered me to take the ‘dog sitting’ position. Meanwhile, a person whom I concluded from the talk among them to be called ‘Rafet’ and whom I can identify if I personally see brought a truncheon. He started to threaten me with the truncheon. As I was bent over my knees with my face on the ground, he started to move the truncheon back and forth between his thumb and index finger. ‘I will insert this truncheon into your anus for thirty days. I will throw you among the transvestites at 100. Yıl neighborhood in Antalya,’ he said threateningly.

“My sole purpose in this life was to lead an honorable life with dignity, but I was going through the hardest moments in my life. Indeed, I was about to lose my honor and dignity. What’s more, they also threatened me with my wife and children. “I will bring your wife and do the same things while you are watching. I will rape both your wife and you, and I will insert a truncheon into your anus,” he threatened me.

“I found it hard to make sense of these shocking events which I had started to experience unexpectedly. ‘Why are you doing this?’ I asked. They told me I was a terrorist. I told them that I was not a terrorist, but they kept referring me as a terrorist. ‘You are a terrorist. Tell us how your organization functions, what your duty is and who the other members are,’ they said.

Then, a person I do not know (but can easily identify) ordered the officers to remove my clothes. ‘Do not do it. I have kids. It is a sin,’ I said to them, but they forcibly stripped me naked.

“I was left in my underpants and they tried to remove them as well. But I resisted their

efforts, and they gave up. Then, they got me on the ground in a supine position. Someone pressed my face with his foot. Another pressed on my foot, bringing it into a diagonal position. A third police officer pressed on my other foot in the same manner. A fourth police officer held one of my arms. A fifth police officer climbed on me. A sixth police officer held my other arm and pressed toward the back by bending it. My arm was so bent that I thought it was broken — I already could not turn right or left. I was screaming my head off in pain.

“I thought I couldn’t stand it any longer. They insisted that I should inform against people I do not know and slander them. They stepped up the intensity of the torture as I said that I did not have any link with any terrorist organization. I was thinking that I was about to be completely exhausted when they started to press my other arm strongly toward the back. I was about to pass out. They were saying the names of people I do not know and urging me to slander them. Despite the intense torture, I told the police officers many times that I did not know the people they mentioned and I was not a member of any terrorist organization.

“As I was lying on the ground, hardly breathing, the person I knew as “Rafet” and whom I can identify, moved my legs and kicked my sexual organs many times. Now, I was feeling utterly terrible. “O my God, take my life so that this torture ends,” I started to pray. Then, they made me sit on the ground. I was so exhausted that I could hardly talk. The police officer who kicked my sexual organs was yelling at me.

“He again threatened me, saying he would do the same things to my wife and kids. He took the truncheon again. “I will insert it into your anus and expand it and rip it,” he threatened me. He again tried to remove my underpants forcibly and he had half managed to do so, but I gathered all my strength and pulled them on again.

“I was sitting on the floor in an exhausted state. Seeing me in that state, the police officers whose names I gathered from what I heard to be Ömer and Bekir said, ‘Enough. You will kill the man and get us in trouble.’ They left me in that state.

“Two officers were watching me. Getting back my strength, I put my clothes on. Then, they took me downstairs. They made me wait near the toilet. Then, they took me to another room. There, an officer whom I had not seen before asked me something. I do not remember what he asked because I was psychologically and physically exhausted. I could not respond to him as I was feeling hazy. He punched hard on my chest to make me answer. I can identify that officer as well.

“The other police officer started to force me to kneel down and then stand up. I was unable to comply as I was feeling very bad. Still, I tried to do so for a while and after that, two people grabbed me by the arms and dragged me like an animal carcass to near the toilet. In the evening, they took me to Sema Yazar Hospital. The physician gave a clean bill of health without even examining me because a police officer was standing next to us. At night, they took me to the remand prison. The torture I suffered there was witnessed by all the suspects.

“At the remand prison, I could not sleep for three days due to pain. The remand prison’s conditions were extremely heavy and it was illuminated with strong lights at all times. They were constantly running the air conditioning. It was very cold inside and I became ill. There were 11 inmates in the room, which was meant to house only five people. We had to sleep

on the concrete floor. Police officers would come to the remand prison at different times and force us to get up and stand, saying, ‘You seem to have forgotten what we have done. What we did in the past is reminiscent of what can do in the future. Get up, bastards.’ During our stay, we were never able to take any shower.

“There were suspects from a criminal organization in the remand prison. ‘The police officers threaten us so that we torment you. If we do not torment you, they say they will do the same thing to us,’ they said to us.

“Although there were women in the remand prison, the police officers would swear loudly. They would force us to get up and walk toward the rails. ‘Do not put us in a difficult position and do what you are told,’ the inmates in the remand prison would tell us.

“I would do everything like a mankurt so that the police officer would not torture me again. A physician would visit to examine us every day, but I could not say that I was tortured because of threats. I believed I might be tortured again after the physician left. For 12 days, I was held in custody in agony. On Saturday, January 14 (2017), I was taken back to the building where I was tortured in order to give my statement. I was interrogated once again before my testimony. ‘Speak the truth, bastard. Do not tell us lies,’ the officers said, in what amounted to psychological torture. I insisted on seeing my lawyer. Then, they invited my lawyer. My lawyer came and they took my statement. As my lawyer was present, they wrote exactly what I said into my testimony.

“On Monday, January 16, I was taken to court. Before the court, I was taken to a physician. There were police officers in the room and I told the physician that there were traces of beating on my body. But I do not know if it was recorded into the record of my health.

“The conditions in the remand prison were witnessed by the people I met there. They were even witnessed by suspects whose names I do not know in the remand prison.

“I have filed an official complaint and would like to take legal action against the officers whom I can identify and who brutally tortured me and unlawfully interrogated me from my first detention to imprisonment. The reason for being late in filing an official complaint is that I have managed to recover only now. I kindly request you to launch an investigation, taking into consideration the camera records.”

14.6. Case of Gökhan Açikkolu



Gökhan Açikkolu, a forty-two-year-old history teacher at Atatürk Technical and Industrial Vocational High School in Ümraniye, Istanbul, was taken into custody on July 23, 2016. As he was being taken into custody, his wife was also threatened in front of his family. In custody, he felt faint first on July 28. He was taken to Haseki Training and Research Hospital by ambulance.

Although he had chronic illnesses, he was

issued a clean bill of health so that he could stay in the remand prison. Following his treatment, Açikkollu was placed back in the remand prison of Istanbul Police Department for interrogation. Açikkollu had diabetes and his relatives were not able to give him his medication until three days after he was detained. Under pressure and torture in custody, his health deteriorated on the thirteenth day. He fell ill again at the police department on August 5. He was again taken to hospital by ambulance. However, he died, despite efforts by physicians to save him.³¹

The authorities denied him the right to be buried in accordance with religious rituals. They would only permit his family to bury him without observing religious rituals and without holding any ceremony in an area which was called “the Graveyard of Traitors.” Therefore, his family decided to bury Açikkollu’s body in his hometown, the Büyükdüz neighborhood of Ahırlı District of Konya province. However, the mosque imam refused to perform the funeral prayer for him. Instead, someone from the neighborhood performed it.

Istanbul Chief Public Prosecutor’s Office launched an investigation into Açikkollu’s death under the state’s protection. However, the outcome of this investigation is not known due to the decision of confidentiality of the investigation.

14.7. Case of Burak Açıkalin

State-owned media outlets announced that Burak Açıkalin, a computer engineer who was working at the Prime Ministry Intelligence Department, committed suicide in prison after he was arrested in the wake of the coup attempt.

However, his family claims that he died because of torture. “Our computer engineer son was tortured to death and it was made to look like a suicide,” they say. They state that the torturers had been specially taken to Kırıkkale Prison from outside and there are witnesses to this fact and this matter will eventually be resolved and those who are liable will be tried.

Açıkalin’s family indicated that there were wounds on the body of their son and they believe that he might have suffered an internal hemorrhage and that he was killed, but his death was made to look like a suicide. They stress that they will never stop pursuing the matter to the end and the police department and the prosecutor’s office are trying to cover up the event.³²

31] “Gözaltında ölen öğretmenın babası gözyaşları içinde anlattı”, May 2, 2016, http://www.cumhuriyet.com.tr/haber/turkiye/580062/Gozaltinda_olen_ogretmenin_babasi_gozyaslari_icinde_anlatti.html

32] “Bilgisayar mühendisi oğlumuz işkenceyle öldürüldü”, Mağduriyetler, February 9, 2017, <http://magduriyetler.com/2017/02/09/ailesi-iskenceyle-olen-oglumuza-intihar-susu-verildi-dedi/>

14.8. Case of Kadir Eyce



Kadir Eyce, a thirty-three-year-old police officer who had been working as a crime scene specialist for eight years, suffered from health troubles due to psychological

and physical pressures and ill treatment in detention. Although he was medically sound when he was taken into custody, Eyce was released in a physically disabled state, unable to walk and dependent on machines, and he soon lost his life.

It is reported that Eyce was not referred to the hospital in a timely manner, he was paralyzed and lost his consciousness, and needed to be catheterized. Eyce was on duty in the Zara district of Sivas when he was taken into custody under the investigation into the Gülen movement in October 2016. He was taken to a Criminal Justice of the Peace, who arrested him on charges of “having an account at Bank Asya,” a financial institution that was linked to the Gülen movement. He was sent to Sivas E-Type Closed Prison.

When he was detained, he was perfectly healthy and weighed over 90 kilograms. During his detention, he was forced to inform on people whom he knew from the Gülen movement. He maintained that he was innocent despite psychological and physical pressures.

In custody, Eyce suffered from nutritional problems, he was made to sleep in the cold, put under constant psychological pressures, and forced to assume stress positions. As a result, Eyce started to suffer from severe pains in his abdomen. He was not provided medical assistance although he filed a petition to request it.

In prison, his abdominal pain was exacerbated and he filed dozens of petitions requesting medical assistance, but none of these petitions was answered. Eyce’s intense pain would increase when he went to the toilet. As a solution, he started to eat less and less.³³

Months later, his health deteriorated further and he was no longer able to walk alone. So eventually, the prison authorities decided to refer him to hospital. He was first sent to Sivas Numune Hospital and then referred to Cumhuriyet University Research Hospital. However, as recounted by Eyce, the physicians at Cumhuriyet Hospital did not provide him with proper care as detailed tests were not conducted, treatment was not initiated, and he was warded off by postponing his examination to “another day.”

Later, Eyce reportedly told his family and lawyers, “I cannot go to the toilet. For this reason, I cannot eat food. I am now extremely weak because of being hungry. My disease has progressed and I cannot get any sleep due to hunger and pain.”

33] “Sağlam girdiği cezaevinde felçli çıktı ve öldü”, Kronos, April 12, 2017, <http://www.kronos.news/tr/saglam-girdigi-cezaevinden-felcli-cikti-ve-oldu/>

After he was released on January 18, he was taken by his wife Emel Eyce and family to Mersin University Hospital. His tests revealed that there was a tumor between his stomach and intestines, it was too late for any medical intervention, and surgery was no longer an option. So, two stoma were opened in Kadir Eyce's abdomen for urine and excrement excretion. He was fed with baby food.

The physicians indicated that a small mass which could have been destroyed with drugs had rapidly grown to undermine his digestive system due to lack of proper medical intervention and malnutrition and psychological factors. Eyce subsequently lost consciousness completely and, on life support, he was in constant, severe pain. He rapidly lost weight and passed away on April 11, 2017. The Eyce family had already suffered the loss of their three-year-old son Murat Talha because of cancer one year earlier.

14.9. Case of Mustafa Zümre

Former torture victim lost his life trying to escape from a new arrest.



Mustafa Zümre, a computer engineer, was taken into custody on charges of membership of the Gülen movement and after he was released, he told his relatives that all sorts of torture methods had been used on him. A Criminal Justice of the Peace in İzmir issued a fresh detention order for him. He did not want to go through torture once again. “If they take me again, I won’t come out alive,” he told his relatives and took steps to escape from Turkey.

He decided to enter Greece by crossing Maritsa (Meriç) River with his wife and two children aged one and half years and three years. On December 20, 2016, the gendarmerie spotted them as they were trying to cross the river. Zümre quickly said goodbye to his family and jumped into the river.

Divers refused to search for Mustafa Zümre's body. Three months later on March 8, 2017, the villagers from Subaşı Village of Tekirdağ found his dead body washed ashore.³⁴

14.10. Case of Eyüp Birinci

Eyüp Birinci, a teacher who was taken into custody by Antalya Police Department, is another victim of severe torture. Birinci was detained by police officers from the Anti-Smuggling and Organized Crime Branch of Antalya Police Department on July 24, 2016. He was denied the right to see a lawyer or his family. Concerned for his life, his family applied to the police department several times to no avail.

³⁴] “Turkish IT Technician Found Dead While Fleeing To Greece”, The Globe Post, March 15, 2017, <http://theglobepost.com/2017/03/15/turkish-it-technician-found-dead-while-fleeing-to-greece/>

Days later, Birinci was rushed to hospital by police officers from the Anti-Smuggling and Organized Crime Branch, who did not inform his family. He underwent an operation on his intestines and stayed in intensive care without their knowledge. A ten-centimeter section of his ruptured intestine is reported to have been removed. Later, his family learned that Birinci was in the general surgery ward of Atatürk State Hospital. However, when they went to the hospital, the police officers hastily removed them from the room.

It was determined that Eyüp Birinci had been taken to Sema Yazar Hospital every day between July 24 and 29. In his testimony to the prosecutor, Eyüp Birinci explained that the police officers had blindfolded him and stripped him completely naked and hit his face, the soles of his feet and abdomen, squeezed his testicles, poured water on him, and beaten him with a truncheon.

Birinci indicated that the physician who examined him on the day he was detained treated the signs of torture on his body as “insignificant, nothing serious,” but when he passed out during interrogation later, the physician diagnosed him as suffering from internal bleeding, and he was taken to hospital, where he underwent an operation.³⁵

Eyüp Birinci’s wife wrote a public letter to describe the incident from her perspective:

“My husband, who is a teacher, was detained at our home in Antalya in July. He was taken to the Anti-Smuggling and Organized Crime Branch of Antalya Police Department. We could not find a lawyer to hire. We were unable to contact him during his detention.

“One day, we were very surprised when someone phoned to say that he had seen him at the hospital. We went to the police department and asked about his status, but they removed us from the branch with gross insults, saying, ‘He has no problem.’ If the people around had not calmed them, they would have beaten us. Apparently, they were worried that I would inquire about the status of my husband. Moreover, they wanted us to bring slippers for my husband on the same day. My brother and father are in custody as well. That they didn’t ask for slippers for them, but only for my husband made us even more suspicious.

“We went to see the prosecutor and explained what happened. The prosecutor phoned the police department and received information. Then, he told us that my husband was in hospital. But we were unable to learn which hospital he was in. We searched for him in all the hospitals. Eventually, we learned that he was in the general surgery ward of the state hospital. We went there and found his room and entered. His treatment in intensive care was underway. ‘I have had an operation,’ was all he could say. When they became aware of us, the police officers forced us from the room.

Meanwhile, we learned something interesting. My husband had been taken to a private hospital almost every day during the first five days of his detention. We got access to the records of his hospitalization. He had had a secret operation on his intestines. We suspect that physical violence had been done to him during the interrogation and he was tortured by

35] “İşkenceden Bağırsak Ameliyatı Oldu”, Zulme Dur De!, November 15, 2016, <https://www.zulmedurde.com/iskenceden-bagirsak-ameliyati-oldu/>

inserting a hard object into his body.”

Eyüp Birinci’s wife also gave an interview to a news site describing the details of the torture her husband went through:

“They hit him with a thick roll of newspaper on his face, eyes and head with hatred. They inserted their truncheons into his mouth and pushed them in until he couldn’t breathe. They slapped his face until he turned red. They crushed his hands and arms. They kicked his abdomen. They made him scream, while he was bleeding profusely. They made him bleed from his mouth and nose. Although he could hardly breathe, police officer Muhsin Türkeş and other worthless officers whose names we couldn’t learn said to him, ‘You, the bast*ds of Fet..., we will make you regret being alive.’

“They poured ice-cold water on his naked body. ‘We will make you long for death. You will either speak or die, you bastard dogs,’ they threatened him continuously. They repeatedly tortured him as he said that he didn’t know anything. They turned his days and nights into a hell. They continually persecuted him and every moment of his detention brought severe torture.

“They forced him to his knees. ‘What are you doing in Antalya?’ they asked. They hit his thighs from the back as if to tear his ligaments. They pressed on his kneecaps to make him scream. They clubbed his soles until blisters formed. ‘We will pull out your nails,’ they said. They squeezed his testicles. ‘We will bring your wife and your nine-year-old daughter here. They will strip them naked. In front of your eyes... Then, we will take them to a brothel,’ they threatened them.

“My husband was unable to withstand the torture and passed out. They first took him to the Training and Research Hospital. ‘Do not get us into trouble. Tell them that you fell and were wounded,’ the police officer called Süleyman pressurized him. ‘OK,’ said my husband, fearing that they might kill him. ‘It does not look like he fell down the stairs. He must urgently undergo an operation. He has an internal hemorrhage,’ the physician said, but the police officers from the Anti-Smuggling and Organized Crime Branch refused, saying, ‘Isn’t there any option other than surgery?’ They didn’t let him be hospitalized there.

On July 26–28, they took him to Sema Yazar Hospital for examination. His abdominal pain was exacerbated. He was suffering from an internal hemorrhage. The physician in the ward where he stayed didn’t take care of him. ‘If he dies, we will all witness [ill treatment],’ the inmates told the officers, who then felt they had to hospitalize him. On July 30, we were contacted by Antalya Police Department. ‘Bring underwear and slippers,’ they said. On the same day, he underwent an emergency operation at Atatürk State Hospital. A ten-centimeter length of his small intestine was removed. He stayed in the hospital for twenty days.³⁶

36] “İşkence Tutanağı (Çınar Ağacı Serisi-2)”, Mağduriyetler, January 22, 2017, <http://magduriyetler.com/2017/01/22/iskence-tutanagi/>

14.11. Case of Filiz Yavuz



There have also been cases of torture and ill treatment of pregnant women by police officers. Filiz Yavuz, who was removed from her profession as a teacher in Mersin, was taken into custody from hospital within twenty-four hours of childbirth. Despite objections from her physician, the police officers took her from the hospital to the police department by wheelchair. Yavuz's relatives announced on social media that a mother who had just given birth by cesarean section was being kept on a bench at the police department.³⁷

Many women have been taken into custody from the delivery room on charges of membership of the Gülen movement. Women detained one day after childbirth have been interrogated and ill-treated in detention. The women are not allowed to breastfeed their babies or they are restricted in doing so. Many other pregnant women have been arrested and sent to prison shortly before their due dates.³⁸

14.12. Case of the Woman Who Had to Give Birth Alone In Custody

A pregnant woman who was expecting a baby had to deliver her baby alone in the cell as the authorities refused to take her to the hospital. The husband of an inmate who witnessed the incident in the remand prison of Ankara Police Department described it based on his wife's narration:³⁹

“My wife was taken into custody on August 30, 2016 and sent to Sincan Prison. The reason for her arrest was said to be due to her working at a consultancy office, having an account at Bank Asya, and donating 5 Turkish Lira to the charity Kimse Yok Mu? (Is Anybody There?). Last week, I had a chance to see my wife in a free visit and she described an incident she had witnessed in the remand prison of Ankara Police Department.

“‘I will never forget it,’ she said, referring to the agonizing incident. As she was waiting in the remand prison, a pregnant woman had to give birth alone and screaming and without medical

37] “Bu sefer zulmün adresi Mersin. Yeni doğum yapmış anneyi, tekerlekli sandalye ile gözüaltına aldılar”, TR724, February 7, 2016, <http://www.tr724.com/sefer-zulmun-adresi-mersindogum-yapmis-anneyi-gozaltina-almak-polis-kapida-bekliyor/>

38] “Doğum yaptıktan 1 gün sonra gözüaltına alındı”, Cumhuriyet, January 30, 2017, <http://www.cnnturk.com/turkiye/dogum-yaptiktan-bir-gun-sonra-gozaltina-alindi>

39] “Hamile kadın hücrede kendi kendine doğum yaptı”, Siyasi Haber, March 27, 2017, <http://siyasi-haber3.org/hamile-kadin-hucrede-kendi-kendine-dogum-yapti>

assistance from a physician or nurse and in an environment without even water for cleaning. ‘She was in another room and the inmates in other rooms all witnessed her screaming. That night, the entire prison was filled with her screams. We were unable to do anything, and the police officers were remorseless. They didn’t take her to a gynecologist. Sometime after she gave birth on her own, they felt obliged to take her to a physician,’ she told me.”

14.13. Case of the Victim Who Suffered Bipolar Disorder Due to Torture

The wife of a victim who lost his psychological balance due to severe torture relates, “My husband was severely tortured for five days after he was taken into custody at Ankara Police Department. He developed bipolar disorder. What he said to me crying was terrifying: ‘I thought I was dead. I thought I would never see you again. They threatened me with you a lot. They said they would take you if I do not inform against people.’”

“He was perfectly healthy when police took him into custody, but they put him into such a state. Every time I visited him, he couldn’t control his mouth and he would shake his head constantly. He was trying to keep his head steady using his hands. I hardly recognized him on my first visit. He underwent serious psychological pressures and physical torture in detention. Now, he is taken to a physician for psychological treatment every week.

“Although a doctor has diagnosed him with bipolar disorder, the prison psychiatrist is avoiding issuing a medical report with that diagnosis because he is afraid. Although we handed over the diagnosis reports and other documents about the matter to the lawyer assigned under the Code of Criminal Procedure (CMK), he has not delivered them to the prosecutor’s office.”

14.14. Case of Tuğba Yıldız

Tuğba Yıldız, arrested on January 15, 2017 in Tekirdağ province along with her husband, was tortured and authorities threatened her with taking her children away. She eventually developed symptoms of psychological disorder and lost her sanity during an unusually long period of 24 days in police detention. Although the doctors’ reports revealed that the victim had been subjected to severe torture for days and therefore her mental health was in a critical condition, a Tekirdağ court ruled for the arrest of Yıldız and sent her to prison, where she has been incarcerated ever since. The victim has a fourteen-year-old son and two daughters aged ten and eleven. One of the daughters is a leukemia patient and in need of constant care. They are being looked after by their grandparents.

Yıldız was reported to have been talking in her sleep about the daughter with leukemia. She started calling other children accompanying jailed mothers in the same cell by the names of her own children. She lost a lot of weight and fell ill due to malnutrition. She has developed an eating disorder over fears of being poisoned. It has been confirmed by psychiatrists at Bakırköy Hospital that Yıldız has been diagnosed with schizophrenia after suffering a high level of trauma during the process, and she remains in prison as of today.⁴⁰

40] “Gözetiminde akli dengesini yitiren öğretmen cezaevine kondu”, *Mağduriyetler*, February 27, 2017, <http://magduriyetler.com/2017/02/27/gozaltinda-akli-dengesini-yitiren-ogretmen-tekrar-cezaevine-konu/>

14.15. Cases of Murat K., Semi C. and Abuzer Y.

Murat K., detained by the Counterterrorism Branch of Kars Police Department, lost his sanity at the end of a thirty-day detention period in which he was reportedly exposed to severe psychological torture in addition to violence.

Of the suspects who were tortured at the same place, Semi C. had fractures to his face due to blows to his face. It is maintained that the shape of Semi C.'s face has changed as these fractures were not treated, he would frequently bleed from his ear, and he was suffering from hearing problems.

Likewise, it was reported that Abuzer Y. sustained an excessive impact on his ears and as a result, his two eardrums burst and he had fractures to his face. Reports about beating, threats to rape the wives of prisoners, and psychological torture at Kars Police Department have not been denied so far.⁴¹

14.16. Case of Kamil Uluç



Kamil Uluç was taken into custody on charges of being linked to the outlawed Kurdistan Workers' Party (PKK) in August, but later released due to lack of evidence. He was tortured extensively in detention for 18 days.

Uluç indicated that at Esenler Police Center in Istanbul, the police officers pointed their guns at the detainees and they were forced to urinate on their clothes. He added that at Vatan Police Department, he was repeatedly beaten, starting from entry to the elevator, and cigarettes were put out

on his body. Uluç explained that he was shown the photos of 150–200 people against whom police demanded he make accusations, and for refusing to do so he was tortured.⁴²

Uluç told the BBC: “They would torture at night so that no one should hear it. They had selected one particular room. They would show handcuffs, wall suspensions, bastinado, etc. They would tie weights to our sexual organs. We would be in pain for hours. ‘Never talk about these tortures. Never mention our names,’ they would say.

“They stripped us naked and poured water on us and started to beat us with wooden sticks

41] “Cezaevleri işkence merkezlerine dönüştü: İşkenceden akıl sağlığını yitirdi”, Haberdar, January 5, 2017, <http://www.haberdar.com/gundem/cezaevleri-iskence-merkezlerine-donustu-iskenceden-akil-sagligini-yitirdi-h38753.html>

42] “Gözaltında işkence iddiaları: Yüregimin en pis yerine yazdım”, BBC Türkçe, November 28, 2016, <http://www.bbc.com/turkce/haberler-turkiye-38126711>

and planks. ‘You are married, aren’t you?’ one of them said. ‘If you don’t talk, I will take your wife and rape her in front of your eyes.’

“We were in the final days of the inquiry. ‘We will scale up the dose of torture,’ they said. They stripped us completely naked and took our photos. They took me to a dark room where they tried to rape me with a truncheon. I still have a broken bone and I cannot sit. I still cannot get over the trauma of that sexual assault. Perhaps, I will forget about those tortures, but I will never forget the dirty attacks on my sexual organs. I have engraved its memory on the dirtiest part of my heart.”

14.17. Case of Raşit Uzantı

Numerous disabled people who are in need of special care and assistance have been detained and arrested in the AKP government’s witch hunt against the Gülen movement. There are many disabled people who are not released from prisons despite their disabilities. Raşit Uzantı, a teacher who is 75-percent disabled and who worked for the Ministry of Education in Denizli, is one of them.

Uzantı was dismissed from his job permanently along with well over a hundred thousand of public employees after July 15. He had brain surgery shortly before he was taken into custody. His pituitary gland did not function properly. Moreover, he suffered from sleep apnea. He needed a machine in order to sleep and his wife, a health officer who was providing the greatest support to him, was dismissed from her profession as well. They were deprived of all their social security benefits.

After their dismissal, police officers raided their house and detained the disabled teacher on charges of membership of a terrorist organization. He was arrested by Judge Atilla Kaya and sent to Denizli Kocabaş D-Type Prison without taking into consideration his medical status, disability or need for assistance from others.⁴³

14.18. Case of O.K.

O.K. was taken into custody on the basis of a tip-off in Zonguldak on August 1, 2016. He was held in detention for 22 days before he was arrested and sent to prison. O.K. wrote down what he went through during the 22-day detention period. O.K. has filed official complaints with the relevant authorities and described the torture in detail.⁴⁴

After he was taken into custody, O.K. was kept at Çaydamar Public Security Branch and Soğuksu Police Station for a week. He was blindfolded from the moment he was detained and his eardrum burst as someone punched him on the ear in the police station. He was hospitalized because of this and he was issued a medical report certifying the assault. However, he was not properly treated, but taken to the police station and later sent to Zonguldak Police Department.

43] “Engelli öğretmeni cezaevinde ölüme terk ettiler”, Aktif Haber, April 4, 2017, <https://6a3nny6zpg23d-j7g.onion.to/gundem/engelli-ogretmeni-cezaevinde-olume-terk-ettiler-h94054.html>

44] “Çırılçıplak soyuldu, 22 gün dövüldü, eşine tecavüzle tehdit edildi”, Shaber, February 20, 2017 <http://www.shaber3.com/cirilciplak-soyuldu-22-gun-dovuldu-esine-tecavuzle-tehdit-edildi-haberi/1280839/>

The level of torture intensified in a room without cameras on the upper floor of the police department. The charge of “performing spiritual gatherings for civil servants” initially raised against O.K. was changed to “being the imam of police officers” of the police department. From the moment he was taken to the police department, O.K. was blindfolded and stripped completely naked. He was kept waiting in a bowing position, i.e., bent 90 degrees, for hours. The police officers sought to insult his masculinity by exposing his sexual organs while keeping him naked in the stress position for hours until he fell down in exhaustion. Meanwhile, they constantly uttered gross insults and bad language at him and addressed him as “ignoble bastard” instead of his name.

They uttered gross insults also about his wife. O.K. was so disturbed psychologically that he kept repeating, “I am not an ignoble bastard.” O.K. indicated that the police officers would sometimes offer him tea, but when he drank it, he found it hard to concentrate and thought the tea might be drugged.

Despite pressure and torture, O.K. refused to sign the statement written previously for him by police officers; on his refusal, they started to use more violence. As described by O.K., under the impact of kicks and punches, he would be thrown back against the wall, creating dents in the plaster. Due to the repeated kicks to his legs and waiting in the stress position on naked feet on the concrete, he started to suffer from problems in the veins in his legs. As his bruises were not treated and he received renewed blows on his bruises, O.K. developed vascular occlusion in his legs, which, in turn, resulted in the deterioration of his heart rhythm.

O.K.’s psychological condition, too, was disrupted due to the police officers’ threats to “take his wife to the rocks and rape her” and other ill treatment, but he persevered. In the 21-day interrogation, O.K. was reportedly given a list of names of six people and he was forced to write down and sign the statement, “I participated in the coup along with these six people.” As noted by O.K., many people were exposed to severe torture in detention centers and many people sign such previously written statements due to torture.

Due to intense torture, deprivation of medical treatment and malnutrition, O.K. had cardiac arrhythmia, atherosclerosis in his legs and an embolism in his arm. In prison, he repeatedly filed petitions for treatment, but he was allowed to go to the hospital only several weeks later. His treatment is reportedly progressing very slowly because of weight loss and weakening of his body. He is being treated for vascular occlusion and he also suffers from permanent hearing loss. O.K. recorded everything he went through. He even made a record of the fact that his testimony was not recorded in full at the prosecutor’s office. O.K.’s family noted that he is on anti-depressants because of his experience and his children’s psychology and educational lives were disrupted.

14.19. Case of Abdi Aykut



A curfew was declared in Kuruköy Village in the Nusaybin District of Mardin on February 11, 2017 and communication with the village was lost for several days. It is alleged that 39 villagers were taken into custody on charges of membership of a terrorist organization, they were tortured in detention, and three people were killed during the raids.⁴⁵

A delegation from the Peoples' Democratic Party (HDP) went to the village to investigate the allegations of torture, but they were not allowed to enter the village. HDP Batman Deputy Mehmet Ali Aslan said: "A curfew has been in place in the village for a week and there are reports that villagers are exposed to torture. Our delegation went there to prevent it, but wasn't permitted to enter. We hear that some citizens are ill. They also need food and water."

N.D., a villager, indicated that five helicopters had flown over the village for 75 minutes on the evening of Saturday, February 11, and he went to Nusaybin State

Hospital to visit a patient on the same day, but he wasn't allowed to return to the village.

N.D. told a reporter, "I don't know who is wounded or dead or who survived. On Monday, I took the relatives of a patient to Nusaybin State Hospital. Since then, I have been trying to contact my relatives in the village by phone. There are elderly people with high blood pressure and sick children in the village. Most of the time, the phones are cut off. We can contact only the women in the village. We cannot reach the men. They have taken all of them into custody. The villagers have been drinking well water for eight days and they are drinking polluted water. The water is the biggest problem. In the past, water would be brought from the surrounding villages. Now, no one can go out because it is forbidden. There are thousands of dead animals in the streets. It is very likely that there will soon be epidemics in the village. There is no clean water."

H.A. pointed out that the soldiers raided their houses on the first day of the ban. "On the day a curfew was declared, there were house raids and they raided virtually all houses. Our house, too, was raided. They searched the house, but there wasn't anything for them to find. They failed to find anything. They made the place into a mess. Unable to find anything, they took everyone including kids to the courtyard. The soldiers beat my husband in front of the eyes of my kids without any reason. There couldn't be any reason. Then, they went to other houses," she said.⁴⁶

45] "Nusaybin Kuruköy 9 gündür abluka altında: 39 gözaltı 2 kayıp 3 ölüm", Siyasi Haber, February 19, 2017, <http://siyasihaber3.org/nusaybin-korukoy-9-gundur-abluka-altinda-39-gozalti-2-kayip-3-olum>

Sezgin Tanrıkulu, a deputy from the Republican People's Party (CHP) raised the torture of the villagers to the agenda of Parliament. Tanrıkulu posted the photo of Abdi Aykut, a villager who was tortured, on social media, asking the prime minister, "Will you do anything about Abdi Aykut, who was reportedly tortured while being detained in Kuruköy Village of Nusaybin?" Despite his health problems, Abdi Aykut was arrested on charges of "aiding a terrorist organization."

14.20. Case of Nagihan Gökçek

On January 23, 2017, Nagihan Gökçek, a mother of five, was first detained and then arrested while she was entering a prison to visit her husband, Abdullah Gökçek. Their five children, one of them with Down's syndrome, were left alone in the prison parking lot until their relatives came to pick them up.

The video showing five children left alone in tears in front of the prison after their mother was detained went viral on social media, prompting an outcry. "Leaving children alone in such a situation is against the Convention on the Rights of the Child and all related laws. We will follow up this issue," said Mahmut Tanal, a deputy from the main opposition Republican People's Party (CHP) and a member of the Human Rights Commission in the Turkish Parliament.⁴⁷

In the video a child opens the door of a car in the prison parking lot, showing his brothers crying, and says in tears, "We are five brothers, left alone. We have a handicapped brother. I commend those people to God's punishment." The boy with Down's syndrome, sitting in the back seat of the car, appears to be scared. He looks to be five or six years old.

The mother was later transferred to another prison in Tokat, which is hundreds of miles from her children in Ankara. A fund-raising campaign was launched in the US to help the family, and she was later released on TL 50,000 (\$14,000) bail. Her case is still pending.

14.21. Case of the Bunlu family

Ayşe Sena Bunlu, a 15-month-old baby with Down's syndrome, has been suffering from serious health problems ever since her parents, both of whom are police officers, were purged from their posts and jailed on dubious charges.

Bunlu's father, a police chief in İstanbul's Avcılar district, was immediately removed from his post and jailed following the coup attempt, while her mother Rukiye was purged and jailed last December. Ayşe Sena's grandparents have been taking care of the little girl since both of her parents are in jail.

46] "Nusaybin Kuruköy'den yardım cıglığı: Bize ses verin", BirGün, February 22, 2017, <http://www.bir-gun.net/haber-detay/nusaybin-kurukoy-den-yardim-cigli-147828.html>

47] "Babalarını ziyarete gittikleri cezaevinde anneleri de gözaltına alındı; 5 çocuk ortada kaldı!", T24, January 23, 2017, <http://t24.com.tr/haber/babalarini-ziyarete-gittikleri-cezaevinde-anneleri-de-gozalti-na-alindi-5-cocuk-ortada-kaldi,384702>

Ayşe Sena's grandmother Billur Yıldız has said the baby girl suffers not only from Down's syndrome but also heart problems, and they have been visiting the emergency room almost every day since her parents' imprisonment. "We demand at least the release of the mother on judicial probation. We aren't saying that she's guilty or not, just that she needs to be with her baby," said Yıldız. The grandmother also said Ayşe Sena needs to undergo physical therapy but that obtaining a medical report for her to get this treatment is impossible in the absence of her parents.

"We don't know what to do. We just want a solution to be found. We are taking care of her but can't provide the love of a mother. Although she can't normally utter a word, Ayşe Sena says, 'mummy,' while crying," said Yıldız.⁴⁸

14.22. Case of Bilal Konakçı



Bilal Konakçı, a bomb disposal expert who was forced to retire on disability, was detained in December 20, 2016 as part of government persecution of the Gülen movement. He was later arrested on charges of membership to what government claimed as terrorist organization and sent to a prison in İzmir's Aliğa district.

Konakçı was hailed as a hero when he was called to duty as the only bomb disposal expert in northern İzmir upon a tip-off from a citizen about a bomb on

February 5, 2009. However, the bomb exploded during Konakçı's intervention and he was seriously wounded. Konakçı was taken to intensive care at Ege University's Medical Faculty. He is now 98-percent disabled.

His arrest seven years later on trumped up charges drew public ire, prompting his release on January 25, 2017 for not being medically fit to stay in prison. However, he was banned from "traveling abroad and leaving his house."⁴⁹

48] "15 aylık down sendromlu Ayşe Sena'nın cıglığına ses verin", Shaber, March 23, 2017, <http://www.shaber3.com/15-aylik-down-sendromlu-ayse-senanin-cigligina-ses-verin-haberi/1283325/>

49] "Bilal Konakçı tahliye edildi", Yeniçağ, January 25, 2017, <http://www.yenicaggazetesi.com.tr/bilal-konakci-tahliye-edildi-155620h.htm>

14.23. Case of Cihad Saatçioğlu



Cihad Saatçioğlu, the son of HDP Deputy Hüda Kaya, was taken into custody on November 6, 2016 during a rally held to protest the detention of HDP deputies. Saatçioğlu indicated that he had been tortured during his detention.

He said, “I was severely beaten while being taken into custody. I was subjected to incessant beatings until I was taken to hospital. All the police officers would kick and punch us indiscriminately. They tortured us all by making us hit the walls at the

police station. Then, they set me aside. I thought they would treat me with more compassion because I am a son of a member of parliament. But the opposite happened. They embarked on crueler treatment. Every part of my body from my groin to the neck aches. All my bones are damaged. I have bruises and grazes. If your bones aren’t broken, none of this counts as torture. But I have a broken bone and this scared the police officers. My medical report says that the L4 bone attached to the backbone is broken. This is seen in the X-ray images, tomography, and magnetic resonance images. The police officers tried hard to cover it up. But they failed. If only a few police officers had been involved, I would consider it an exception. But all police units tortured us openly, publicly, and with self-confidence everywhere.”⁵⁰

14.24. Case of Suspected Members of Hacker Group RedHack



The hacker group RedHack announced that they had acquired the electronic mails of Energy and Natural Resources Minister Berat Albayrak, who is the son-in-law of President Erdoğan, and they stated that they would release the emails to the public if dissident politician Alp Altınörs and writer Aslı Erdoğan were not released from prison. The police detained seven people on charges of being members of this group in August and September 2016. The lawyers of the

suspects have stated that the seven people were subjected to torture in detention.

Fırat Durak, the lawyer of Taylan Kulaçoğlu, one of the suspects, announced that the seven were forced to sit on the cold concrete ground, handcuffed from behind with their heads bent forward, they were not given food, they were not allowed to satisfy their basic needs, and they were beaten at Ankara Police Department. Durak noted that the detainees were constantly beaten.” Anyone who enters the room beats the suspects frequently. They have no evidence in their hands. So they are trying to fabricate it. They are trying to elicit information through assault,” he said.⁵¹

50] “Gözaltında işkence iddiaları: Yüreğimin en pis yerine yazdım”, BBC Türkçe, November 28, 2016, <http://www.bbc.com/turkce/haberler-turkiye-38126711>

Lawyer Durak indicated that they were able to see his client Kulaçoğlu and two other suspects only on September 28. “He was taken into custody at 02.30 on September 25. At Istanbul Police Department, they wanted to strip search him. I was not allowed to see him while he was being detained in Istanbul. He said that he was subjected to systematic torture at Ankara Police Department after he was transferred there. The State of Emergency was used as a pretext [for restrictions]. Even I as his lawyer had difficulty getting to see him. ‘You got the man’s e-mails,’ the torturers said, with an emphasis on private life,” he said.

Durak pointed out that he was prohibited from seeing his client for three days and when he inquired about the reason at Ankara Police Department, he was told that it was because of the “prosecutor’s strict instructions.”

After he was released following the 12-day detention, Taylan Kulaçoğlu described the torture he was subjected to. Kulaçoğlu indicated that he was threatened with rape and he was forced to inform against others. Kulaçoğlu said:⁵²

“As 13 people, we were forced to wait on foot for hours in a single-person cell. They would constantly attack us and kick our heads. They were planning to torture me after Uğur. They would repeatedly threaten us. Yet I was able to see my lawyer thanks to pressures from the public. He made disclosures about what happened inside. Thanks to his efforts, I wasn’t tortured, but their threats continued.”

Kulaçoğlu stated that 25-year-old Uğur Cihan Okutulmuş had been placed on the bastinado (the soles of his feet were beaten). “They said to me: ‘You’ll be the wife to everyone here. We will cut your hair. You’ll be handled by each of us. Here is not like outside. You don’t know what’s going on inside. We are no longer in 2013,’” he said.

14.25. Case of Hanım Büşra Erdal



Journalist Hanım Büşra Erdal, who is also a lawyer, was arrested on charges of membership of a terror organization in connection with her columns, news stories and Twitter messages and detained in prison. A lawsuit was launched against her with the prosecutor demanding that she should be sentenced to 10 years in prison. Erdal was one of 26 journalists whom the court decided to release pending trial in the first hearing. However, pro-AKP journalists and pro-government social media

trolls rushed to threaten the judges and prosecutors so that the release decision should not be

51] “RedHack’ten gözüaltına alınanlara soğuk beton üzerinde işkence”, Diken, September 28, 2016 <http://www.diken.com.tr/redhackten-gozaltina-alinanlara-soguk-beton-uzerinde-iskence/>

52] “Taylan Kulaçoğlu gözüaltında gördüğü işkenceyi anlattı: Tecavüzle tehdit ettiler”, Cumhuriyet, May 7, 2017, http://www.cumhuriyet.com.tr/haber/turkiye/611114/Taylan_Kulacoglu_gozaltinda_gordugu_iskenceyi_anlatti_Tecavuzle_tehdit_ettiler.html

implemented. Some even threatened to wait in front of the prison and lynch the released journalists.

This campaign of hate speech was followed by extraordinary developments. Although they had been in prison for 9 months, 13 of the journalists who were released were shocked to hear a new investigation had been launched against them on charges of graver offenses punishable with a life sentence. As the court decided to detain them immediately, they were not allowed to leave the prison, but taken to the interrogation rooms of the police department.

For 8 journalists including Erdal, it was announced that the prosecutor had filed objections to their release and detention orders were issued by the court, which had not seen the case file. Erdal had made preparations to leave prison. She was expecting to be freed and see her family after nine months, but she learned that she would be re-arrested. For the arrest decision to be implemented, she had to be taken by the police to the court and the reasoning for the arrest decision had to be read in her presence before she could be sent back to prison. After her mind was disturbed with these extraordinary procedures, she was subjected to another trauma.

Despite the fact that she had already been in prison, she was told to remove her clothes for a search. Although she resisted, police officers forcibly removed Erdal's clothes except her underwear. She was exposed to ill treatment once again during the one-day detention, and she was arrested again by the court and sent to Bakırköy Prison.

Her lawyer Ümit Kardaş told the SCF that his client had been unable to recover from this trauma despite one month having passed since then. Kardaş said, "Erdal had completed her preparations and was waiting for release. The prosecutor objected. She waited for the prosecutor's objection to be decided for six hours. As she was waiting for her freedom and reunion with her family, she suddenly learned that an arrest warrant had been issued against her again. She was detained again even before she could leave the prison where she had stayed for nine months. She was taken to the Counterterrorism Branch of Istanbul Police Department. There, she was exposed to inhuman treatment. You may call it torture or ill treatment. My client has been unable to recover from this trauma yet."

14.26. Case of Ayşenur Parıldak



Ayşenur Parıldak, a 27-year old Turkish journalist, was arrested again a few hours after an Ankara court released her from a nine-month pre-trial detention on May 2, 2017 in what is seen as a new form of repression against critical and independent journalists in Turkey.

The public prosecutor immediately moved to challenge the court decision that ruled for her release, saying new evidence gathered within moments of

her release order showed a strong suspicion of crime. Ankara No.14 Criminal Court of Peace decided to re-arrest Parıldak before she even saw the light of day outside of prison.

During the trial hearing at the Ankara 14th High Criminal Court on May 2, journalist Parıldak questioned the authenticity of social media postings that were presented by the prosecutor as criminal evidence against her. The prosecutor also claimed that the journalist used a smart-phone application called ByLock, a publicly available messaging software, to communicate.

She told judges at the hearing that she had thought of committing suicide several times while in prison by putting a laundry clothesline around her neck, only to drop the idea later. She burst into tears when she heard the release decision pending trial.

The court ruled to release Parıldak pending trial considering that all evidence against her had already been collected, that she would have no opportunity to tamper with said evidence, that a travel ban had been imposed on her and that she would go to a police station every week to check in.

While Parıldak and her family were awaiting her release, a prosecutor from the Ankara Public Prosecutor's Office petitioned the court for her re-arrest, claiming that the Information Technologies and Communications Authority (BTK) was sending new evidence from her mobile phone. The court then ruled for Parıldak's re-arrest before she was even released from the prison.

Family members and friends were shocked at re-arrest decision for Parıldak who had already served nine months without conviction. They remain concerned that this may worsen her psychological state, which had already been dealt a blow by the false charges prosecutor brought against her.

Parıldak was arrested on August 11, 2016 while attending her exams in law school, and charged under Turkey's abusive anti-terror laws based on her tweet messages. She was covering court stories for the now-closed Zaman daily and was also a student at the law faculty of Ankara University. She was planning to graduate in summer and continue her career as a lawyer after she was dismissed by the new trustees of the newspaper, who were appointed by the government.

In a letter to Cumhuriyet daily from prison, Parıldak said in October of last year, "I was subjected to violence and sexual abuse. I was interrogated day and night for eight days. They [police officers] were questioning me while they were under the influence of alcohol and did not deny this. Then the court process began, and here I am. I have been here in a shared cell for one month. Then 20 people were taken out of the shared cells and placed in solitary confinement. ... I am afraid of being forgotten here."⁵³

The prosecutor demanded a 15-year prison sentence in the indictment. In her letter, she said she had witnessed that a 60-year-old woman had been strip searched twice and that a woman

53] 'Darp edildim, tacize uğradım', Cumhuriyet, October 4, 2016, http://www.cumhuriyet.com.tr/haber/turkiye/610115/_Darp_edildim__tacize_ugradim_.html

judge had slashed her wrists due to the pressure. Parıldak admitted in the court hearing that she too had thought about committing suicide.

14.27. Case of Adnan Kümek

Azadiya Welat newspaper reporter Adnan Kümek was detained after the car he was in was stopped by police officers as he was traveling from Bitlis to Siirt on September 7, 2016. Kümek reported that he had been tortured in custody for two days. Kümek indicated that the police officers kept him in a derelict building instead of the police department and melted his press card and let the molten plastic fall on his legs.

Kümek described the incident as follows: “They got me into a police car and we started to travel toward Bitlis. Throughout the journey, they hurled all sorts of insults and kept swearing. I was thinking that they would take me to the police department, but instead, they put me into an abandoned building outside Bitlis city center. I was subjected to torture. There are still traces of torture and burns on my body. My legs swelled up to my kneecaps.” Kümek received treatment due to torture and filed an official complaint against the police officers in question.⁵⁴

14.28. Case of Aslı Erdoğan



Dozens of masked police officers carrying automatic guns raided the house of famous Turkish novelist Aslı Erdoğan on August 17, 2016 in connection with her articles in *Özgür Gündem* newspaper. She was placed in solitary confinement for eight days after she was formally arrested on August 19, 2016. Erdoğan described her five-month stay in prison as follows:

“The cell was extremely dirty and there was urine in the bed. They didn’t give me water for 48 hours. I have no sister or brother, so I thought the one-person cell would be better for me than the ward. You realize that you are no longer able to utter normal sentences. If they take you out, you run out of breath even after a 10-minute walk due to inactivity. I thought I grew 15 years older in just eight days.” Erdoğan says that she has been unable to write since she was released. “I feel scared when I try to remember it. There is so much experience that must be written,” she said.⁵⁵

14.29. Case of Muzaffer Bayram

54] “Azadiya Welat muhabirine işkence iddiası: Polis kartımı eritip bacaklarıma damlattı”, Diken, October 8, 2016, <http://www.diken.com.tr/azadiya-welat-muhabirine-iskence-iddiasi-polis-calisma-kartimi-eritip-bacaklarima-damlatti/> 8.10.2016

55] “Erdoğan’s blacklist, Voices of Turkey”, Turkey Purge, May 4, 2017 <https://ig.ft.com/vj/tur-key-purge-victims-voices/>

Muzaffer Bayram, the former Secretary General of the Supreme Board of Judges and Prosecutors (HSYK), Turkey's judicial council, and former prosecutor, is one of the officials dismissed from office in the wake of the bribery scandal of December 17, 2013.

Bayram was arrested on November 23, 2016 and placed in solitary confinement with his arms broken at the wrist. His family's request that Bayram should be placed in a shared cell or that another prisoner should be placed with him as he was unable to look after himself was declined.

CHP Deputy Barış Yarkadaş made a statement about Bayram's status, pointing out that the rights violations in prison were unbearable and calling on the Justice Ministry to ensure that Bayram can satisfy his daily needs. However, no change was made regarding the status of Bayram. It was alleged that the two arms of Prosecutor Muzaffer Bayram had been broken due to torture in prison.⁵⁶⁵⁷

15. DETERIORATING CONDITIONS IN PRISONS

According to Justice Ministry, there are currently 221,607 inmates in prisons, nine percent over the capacity of Turkish prisons that can accommodate 203,000. Justice Ministry Deputy Undersecretary Basri Bağcı admitted the problem in a hearing at the parliamentary Human Rights Investigation Commission on May 19, 2017. "This creates other problems. The critics on this issue are totally right, I mean, due to overcrowding in some prisons, inmates have to sleep in shifts," he told lawmakers. Bağcı also underlined that overcrowding has negative impacts on health services, and educational and sporting activities provided to the prison population.⁵⁸

The overcrowding problem has not eased even though Turkey decided to release 38,000 convicted felons from prisons on August 2016 in order to make room for political detainees as the government had initiated an unprecedented purge and massive arrests immediately after the July 15 coup bid. More than 50,000 people in Turkey have been arrested in a politically-motivated witch hunt in the last ten months alone. This gives rise to serious rights violations and makes it impossible for inmates to meet their basic needs such as sleep and food.

Following a 207 percent increase in the number of detainees without a conviction, the Turkish government has stopped publishing the data on the number of detainees and prisoners that used to be posted on the Ministry of Justice's web site with daily updates until March 18, 2017.

56] "Eski HSYK Genel Sekreterinin iki kolu kırılıp tek kişilik hücreye konuldu", Haberdar, April 7, 2017, <http://www.haberdar.com/gundem/eski-hsyk-genel-sekreteri-nin-iki-kolu-kirilip-tek-kisilik-hucreye-konuldu-h48056.html>

57] "Eski HSYK Genel Sekreteri Muzaffer Bayram, tek kişilik hücrede", Justice Held Hostage, April 23, 2017, <http://justiceheldhostage.blogspot.se/2017/04/eski-hsyk-genel-sekreteri-muzaffer.html>

58] Türkiye Büyük Millet Meclisi İnsan Haklarını İnceleme Komisyonu tutanak dergisi, Sayfa: 19, May 17, 2017, https://www.tbmm.gov.tr/develop/owa/komisyon_tutanaklari.goruntule?pTutanakId=1898

Apparently ashamed of the unprecedented spike in the number of detainees who have not even been indicted let alone convicted, the Turkish government has stopped revealing official figures on the current number of people imprisoned in Turkish jails. The data used to be posted on the statistics page of the National Judiciary Informatics System (UYAP) and managed by the Justice Ministry.

The web site was last updated on March 18, when it showed 80,482 people in pre-trial detention and 108,734 people as convicted and serving time. It also stated 401,942 people were released under judicial control mechanisms, which means they need to sign in with the police on a regular basis and may be subject to travel bans.

That is a considerable spike compared to figures posted on the web site exactly a year ago on March 18, 2016, which showed 26,257 people in pre-trial detention and 141,739 convicted. It corresponds to an increase of 207 percent within a year on the number of people arrested but not convicted yet.

In a draft report titled “Abuse of pre-trial detention in States Parties to the European Convention on Human Rights”⁵⁹ which was approved by the Parliamentary Assembly of the Council of Europe (PACE) in June 2015, Turkey led all other countries in terms of the number of detainees without final sentence per 100,000 inhabitants with 89.2. It was followed by Albania (68.1) and Russia (65.6). The report, written by Rapporteur Pedro Agramunt, who is now PACE President, stated that in terms of percentage of detainees without final sentence as part of the total prison population, Turkey ranked second with 49.6 percent.

Given the mass crackdown on critics in Turkey in the last ten months, especially targeting members of the civic group known as the Gülen movement and the Kurdish political movement, today’s figures are far worse than the ones reported by Agramunt back in 2015.

In early May, CHP Prison Investigation Commission issued a report on the deteriorating conditions in Silivri Prison and found that conditions under the State of Emergency can hardly be described as humane. The report notes that there is virtually martial law in prisons since the declaration of the State of Emergency in the wake of the coup attempt of July 15. “We have observed that the pressures exerted by prison administrations on inmates have increased in a way never seen before. We underline that the conditions in prisons can hardly be described as humane and solitary confinement is now a frequently employed measure and free visitation is extremely restricted.”⁶⁰

In May, CHP deputy Şafak Pavey, who has shared her impressions of visits she has paid to some well-known prisons in Turkey, said there is widespread maltreatment, insult and torture of inmates in the prisons.

“From what I have seen [during prison visits], I am of the belief that there has not been any

59] Abuse of pretrial detention in States Parties to the European Convention on Human Rights, September 7, 2015, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21992&lang=en>

60] “CHP’den Silivri raporu”, Hürriyet, May 4, 2017, <http://www.hurriyet.com.tr/chpden-silivri-raporu-40447673>

period in Turkey when graver rights violations of inmates and convicts took place. Social, administrative and illegitimate pressure [on prisoners] is at unprecedented levels. Being different from what happened in other [state of emergency] periods, human rights violations have been institutionalized during this period, and they have been made to gain legitimacy not only politically but also socially,” Pavey noted.

Trabzon Prison is one of the prisons where violations are widespread. It is noted that 32 inmates are in the shared cells which were originally built for 10 people. As the cells are stuffed with people three times their normal capacity, inmates can hardly find a place to sleep. Beds are placed on the ground even in front of toilets. Living areas are getting smaller. It is reported that four people had to sleep in the same bed alternately. It is alleged that inmates are deprived of sleep in unhealthy environments and they suffer from various disorders. Food is not provided in proportion to the number of inmates in the cells. Therefore, many inmates go hungry.⁶¹

Complaints filed with the prison administration are not considered. It is noted that the food given to the inmates is enough only to make them survive. The problems are further complicated by the fact that there is only one toilet in the wards which house dozens of people. Inmates complain about cleanliness and hygiene, noting that they have to wait hours to use the toilet. Another inhumane practice is that Trabzon prison authorities arbitrarily keep hot water time short.

61] “Trabzon cezaevinde insanlık dışı muameleler devam ediyor”, *Mağduriyetler*, April 13, 2017, <http://magduriyetler.com/2017/04/13/trabzon-cezaevinde-insanlik-disi-muameleler-devam-ediyor/>

16. CONCLUSION

The crimes of torture and ill treatment have become systematic particularly since the military coup attempt of July 15, 2016, which the main opposition political party has claimed was a “controlled coup” by Erdoğan and the government. Under Emergency Rule, the AKP government has suspended some of the fundamental rights and liberties that are protected by the Constitution, Turkish laws, international conventions, and European Court of Human Rights case law. Yet, as indicated by the opinion adopted by the Council of Europe’s constitutional law experts – the Venice Commission – the Turkish authorities have gone beyond what is permitted by the Turkish Constitution and by international law.⁶²

The cases listed in this report represent only a fraction of a bigger and more widespread violations that unfortunately go unreported or underreported. It is clear that the Turkish government is in breach of Article 3 of the European Convention on Human Rights, which prohibits inhuman and degrading treatment or torture. Even under emergency rule, Turkey cannot derogate from this right and it must effectively and without delay investigate any allegation of ill treatment of detainees so that impunity is prevented.

The fact that the Turkish government has been arresting human rights defenders, lawyers and journalists, who play key roles in defending victims against torture and ill treatment, and has been shutting down human rights organizations by law indicates that Erdoğan and his government have no interest in tackling torture and abuse in detention centers and prisons. The authorities have made remarks that encourage the police to resort to torture. The government has passed decrees paving the way for court decisions that will inhibit the punishment of the police or other officials who resort to violence.

In many torture cases where the names of victims, their torturers and locations have been identified in spite of the risk of further abuse and wrath from the authorities, the government has failed to take legal action. Investigations are terminated even before any real or effective examination of allegations. What is more, Turkey has been thwarting the work of monitoring groups from the UN, the CoE and other international bodies by failing to comply with information requests, cancelling or postponing visits, not accommodating their requests to meet or visit victims, and blocking the publication of monitoring reports.

Turkey is no longer a country that is governed by the rule of law. Power is very much consolidated in the hands of an autocratic president, Erdoğan, who now controls all the levers of power, including the judiciary and legislature. The critical and independent media has been decimated, with over 250 journalists behind bars and close to 200 media outlets shuttered. Civil society is enduring a brutal crackdown under an increasingly repressive regime that is bent on decimating the formerly vibrant and diverse Turkish society.

Despite a huge body of credible evidence from credible human rights bodies confirming widespread mass torture and cruel, inhuman or degrading treatment or punishment, Turkey continues to deny any allegations of torture as noted by the Parliamentary Assembly of the Council

62] Turkey - Opinion on Emergency Decree Laws Nos 667-676 adopted following the failed coup of 15 July 2016, adopted by the Venice Commission at its 109th Plenary Session, December 9-10 2016, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)037-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)037-e)

of Europe report. That unfortunately shows there is no political will at all on the part of the Turkish government to tackle these serious human rights abuses.

17. RECOMMENDATIONS

Turkish authorities should immediately and unconditionally allow national and international independent human rights organizations and institutions to conduct investigations at prisons, detention centers and unofficial sites which are suspected of implementing torture. They should ensure effective, independent and impartial investigation of suspicious deaths, allegations of torture and ill treatment in prisons.

Both suspicious deaths and torture cases must be investigated by Turkey in line with the standards acknowledged by the Office of the United Nations High Commissioner for Human Rights in Geneva (OHCHR) in the Minnesota Protocol on the Investigation of Potentially Unlawful Death and the Istanbul Protocol on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Torture practices and inhuman and degrading treatment in prisons and detention centers including but not limited to arbitrary denial of services such as provision of books, food, sanitary supplies and medical care; monitoring the shower areas, lack of ventilation, restricting access to open air and sporting facilities, solitary confinement, suspending rights for family visits must be terminated. Inspections and investigations should be launched into systematic rights violations in these matters. Legal action must be taken against perpetrators.

The laws, decrees, circulars and regulations that foster systematic and widespread torture and ill treatment must be abolished immediately. Undue restrictions on detainees' access to lawyers must be suspended permanently. The official complaints and applications filed by the victims of widespread and systematic torture and ill treatment or by their legal representatives despite the climate of fear created must not be disregarded, but must be examined diligently.

Instead of encouraging torture and ill treatment with impunity, Turkish authorities must take action to show that the perpetrators of these crimes cannot go unpunished due to the statute of limitations. The Turkish government must reduce the detention period back to four days in compliance with EU norms and standards after it increased it to 30 days under the State of Emergency.

Suspects and inmates must at once be given the opportunity to see their lawyers more frequently and privately. Measures must be taken urgently to ensure that the Istanbul Protocol is fully implemented and physicians carefully examine inmates where there are allegations of torture. Forensic physicians must examine the suspects in custody at a place without the presence of law enforcement officers, and they should be able to issue their reports without fear, threat or influence.

International human rights organizations must be allowed to conduct necessary inspections in Turkey.

The Turkish government should stop blocking the publication of the reports prepared by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and implement the recommendations made by the CPT as well as the Council of Europe Commissioner for Human Rights without any delay.

Turkey must respect non-derogable human rights as part of its international obligations under both the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR).



MASS TORTURE AND ILL-TREATMENT IN TURKEY

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