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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Universal periodic review

Written statement* submitted by Partners For Transparency, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.

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Enforced disappearances in Turkey

Partners for Transparency is deeply concerned about the human rights situation in Turkey that has consistently been deteriorating since the thwarted coup attempt of July 2016. As the government began targeting opposition parties, launching mass arrest campaigns and committing various violations and abuses that have even escalated under the state of emergency declared in wake of coup attempt. The situation only got worse with the implementation of the anti-terrorism law, under which many human rights violations were committed. The Turkish President, Rejep Tayyip Erdogan, has expanded and tighten the crackdown on his opposition, as well as journalists, civil society organizations, and whoever called for the freedom and protection of human rights.

All this coupled with the increasing cases of enforced disappearance, which is one of the worst violations committed by the Turkish government. Many people are getting arrested everyday by Turkish security forces or their collaborators, and the government continues to deny any knowledge of their fate and whereabouts. Enforced disappearance is used as a tool to threaten opposition and silence human rights activists and crackdown journalists so that no one could say a word about the large-scale crimes against humanity committed by the Turkish authorities nor object their policies.

It is worth noting that the Turkish government has not yet become a part to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), neither had it signed the Rome Statute of the International Criminal Court, which considers enforced disappearances a crime against humanity.

Partners for Transparency, therefore, calls on the Turkish authorities to join this agreement, as well as the need to impose strict regulation on all employees responsible for arresting, detaining, and imprisoning citizens, as well as those empowered by law to use force, and to hold accountable those responsible for violations of human rights.

Enforced disappearance is on the rise in Turkey

Enforced disappearance is considered a crime against humanity, in accordance with the Rome Statute of the International Criminal Court adopted on July 17, 1998, which defined crimes against humanity as "part of a widespread or systematic attack directed against any civilian population". The International Criminal Court (ICC) has defined enforced disappearances as: "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time".

In Turkey, the phenomenon of enforced disappearance is on the rise, particularly under the anti-terrorism law that empowers authorities to arrest and issue illegal executive orders against opposition. The erosion of civil liberties has continued for long periods with repeated arrests and convictions of journalists and social media users opposing the government. As well as severe restrictions on the right to peaceful assembly and other fundamental rights.

Since the coup attempt in July 2016, there have been 969¹ enforced disappearance cases registered in Turkey. Nearly 100 Turks abroad have been abducted and forcibly returned to Turkey, some of whom have been tortured. All this is done off the record, according to secret agreements made between the Turkish government and a number of countries.²

Despite repeated calls for the end of using enforced disappearance to crackdown on opposition for its ensuing consequences, such as removing them from the protection of the law and increasing their vulnerability to torture and ill-treatment, security practices clearly indicate the intention of the security forces to continue to use enforced disappearances.

¹ <https://bit.ly/2POoHzO> منظمة حقوقية 969 حالة اختفاء قسري في تركيا منذ انقلاب 2016، تركيا زمان ، فبراير 2020

² <https://bit.ly/3kMkqu2> ، 2018 أبريل ، تركيا زمان ، قارات، 3 دولة بـ 15 دولة بـ 3 قارات، تركيا زمان ، أبريل 2018

In 2019, The Turkish authorities carried out seven cases of enforced disappearances against Salem Zebek, Erkan Ermak, Yasin Ogan, Ozgur Kaya, Mustafa Yilmaz, Jokhan Turkman, and Youssef Bilge Tunsh, all of whom appeared at the end of last year and the beginning of this year, except for Youssef Bilge Tong, whose fate has not yet been disclosed³. One of the most prominent of these cases is the disappearance of Johan Turkman in his hometown of Antalya on 7 February 2019⁴. His family called in the security forces to disclose information on his whereabouts, but their demands were ignored. Nine months later, in October, 2019, he mysteriously reappeared in police custody in Ankara⁵. He revealed on February 10, 2020, during a court hearing, that he was abducted by government actors on February 7, 2019, detained in an unknown location, and severely tortured for more than nine months before being transferred to police custody, adding that he had been visited in prison and threatened by officials, identified themselves as intelligence officers, to force him retract the statements he gave about the torture, enforced disappearance, and various violations to which he has been subjected⁶.

In August 2019, Yusuf Bilge Tong was subjected to enforced disappearance, and his whereabouts are still unknown. The Turkish authorities refused to investigate his disappearance.⁷ In the same context, Salim Zeybek, a former Turkish Telecommunications Authority (BTK) employee, was abducted by a group of gunmen in Edirne province on the night of February 21, 2019, according to his wife.⁸ On July 26, 2019 the Ankara police called Zeybek's family, stating that he was in police custody due to an investigation into the Gülen movement.⁹

In context, Yasin Ugan, who had been missing for six months, since February 2019, before suddenly reappearing in police custody, has revealed in court that he was tortured by security officers.¹⁰

Enforced disappearances cross the Turkish borders

Turkey has extended committing enforced disappearances beyond its borders. More than 100 dissidents in various countries outside Turkey have been subjected to arrests, arbitrary detentions, enforced disappearances, and torture under secret agreements made between the Turkish government and their governments. These operations are justified under the guise of combating terrorism and extremism¹¹. One such case is Ayten Öztürk, who was forcibly disappeared in Lebanon by the Turkish government on March 13, 2018. Official papers say the arrest was made on August 28, 2018, by the Ankara Counter-Terrorism Bureau after it was handed over by Lebanon. During the six months of her enforced disappearance, from March 2018 to August 2018, she has exposed to severe torture and systemic suppression by the Turkish police¹².

In this context, the Turkish citizen Zabet Kichisbat Kishi was subjected to enforced disappearance from September 2017 to February 2018, after being extradited by the Kazakh government to Turkey. During that period of informal detention, which amounted to five months, he was tortured by Turkish security officers, as he explained in a letter from prison

³ Sümeyye YILMAZ, Fatma Betül ZEYBEK, Aycan KAYA, Zehra Genç TÜRKMEN, Nilüfer IRMAK, Mikail UGAN, Nuray. Ankarabarasociation. <https://bit.ly/3aqwihG>.

⁴ Mysterious reappearance of Turkey's missing. france24 .October . <https://bit.ly/31LA0yk>.

⁵ Mysterious reappearance of Turkey's missing. france24 .October . <https://bit.ly/31LA0yk>.

⁶ Alleged Gulenists main target of forced disappearances in Turkey. al-monitor. Apr 29, 2020. <https://bit.ly/2PRkU4P>.

⁷ Year into his disappearance, authorities keep quiet about the fate of Yusuf Bilge Tunç. Stockholmcf. August 7, 2020 <https://bit.ly/2Cq1hh1>.

⁸ Forced-disappearance-tracking. Turkeypurge. <https://bit.ly/2DZ6SLU>.

⁹ Enforced disappearances in Turkey. Stockholmcf. July 15, 2020 <https://bit.ly/2Cv5QXA>.

¹⁰ Another man testifies about torture by security officers during enforced disappearance. Stockholmcf. June 25, 2020 <https://bit.ly/31IaFH9>.

¹¹ فريق الأمم المتحدة للاختفاء القسري يفضح عمليات تركيا ضد حركة الخدمة، لندن اليوم ، يوليو 8، 2020، <https://bit.ly/3kDt6nk>.

¹² Ayten Öztürk who survived The Secret Torture Center in Ankara: "I was tortured for 6 months. Boldmedya. <http://bit.ly/2DefOZX>.

in July 2018. These cases indicate that the Turkish government signed bilateral security cooperation agreements with other countries to suppress foreign government opposition. And before the arrest is formally disclosed, detainees are often subjected to coercion, torture and degrading treatment aimed at extracting forced confessions they never committed.

Recommendations

Partners for Transparency recommends the following:

Pressure should be placed on the Turkish authorities to join the Rome Statute so that the ICC can hold those responsible for enforced disappearances accountable. As well as to join the International Convention to protect all persons from enforced disappearance, and to terminate exceptional laws, including the anti-terrorism law.

Work to establish an international fact-finding committee to investigate all enforced disappearances, urgently clarify the fate and whereabouts of disappeared persons by the Turkish authorities, and to hold all those responsible for these violations accountable.

The Working Group on Enforced Disappearances must visit Turkey in order to investigate the fate of the enforced disappeared, and to pressure the Turkish authorities to end all cases of arbitrary detention and enforced disappearances against citizens.
