

POST-COUP TURKEY:

STATE OF EMERGENCY, TORTURE AND IMPUNITY



OCTOBER 2016

ACRONYMS AND ABBREVIATIONS

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CHP	Republican People's Party
CoE	Council of Europe
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ÇHD	Progressive Lawyers' Association
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	Council of Europe's Commission against Racism and Intolerance
ENCJ	European Network of Councils for the Judiciary
EU	European Union
HSYK	Turkish Supreme Board of Judges and Prosecutors
HRW	Human Rights Watch
ICCPR	International Covenant of Civil and Political Rights
İHD	Human Rights Association
NGO	Non-governmental organisation
NPM	National Preventative Mechanism
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
RSF	Reporters Without Borders
SPT	Subcommittee on Prevention of Torture
TBB	Turkish Bar Association
TGC	Turkish Journalists Association
TOKİ	Mass Housing Administration
TRY	Turkish Lira
TSK	Turkish Armed Forces
YARSAV	Judges and Prosecutors Association

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EXECUTIVE SUMMARY

The failed coup of July 15, 2016 in Turkey was followed by an unprecedented purge targeting citizens from all walks of life, in particular in the education, media, business, military and justice sectors. The ongoing purge and measures introduced under the umbrella of the state of emergency have severely limited individual rights and liberties.

The state of emergency imposed in the aftermath of the attempted coup granted the Prime Minister and his cabinet the power to rule by decree and bypass Parliament.

The first decree under the state of emergency increased the pre-charge detention limit from four to thirty days, raising legitimate concerns that such an extension will further undermine protections against acts of torture and ill-treatment as well as the right to a fair trial. Numerous other provisions in Turkey's emergency decrees have suspended crucial safeguards against torture and ill-treatment, including removal of fair trial protections.

The Concluding Observations (CAT/C/TUR/CO/4) to the fourth periodic report of Turkey on the implementation of the Convention against Torture reveal a disturbing track-record of systematic torture and ill-treatment that the authorities in Turkey have established in recent years, which goes mostly unpunished. The failed coup exacerbated the already critical human rights situation in the country, paving the way, *inter alia*, to unprecedented practice of torture and ill-treatment throughout the country.

Human rights defenders have subsequently documented widespread human rights violations, including alleged cases of extrajudicial executions, arbitrary detention, torture and/or other degrading treatment or punishment, as well as enforced disappearances.

Serious allegations of ill-treatment and torture have emerged following the failed coup, including severe beatings, rape, verbal and psychological abuse, as well as denial of food, water and medical treatment. Many victims have appeared after detention bearing visible signs of ill-treatment and torture.

Government representatives have made sometimes little or no effort to hide most evidence of ill-treatment and torture emerging in the press or social media, including during the first days after the coup attempt. They have however repeatedly claimed that there have been no cases of torture or ill-treatment in prisons and all the claims to the contrary were “unfounded,” underlining also that “Turkey has zero tolerance for torture.”

In addition, government representatives have repeatedly made public statements indicating that cases of ill-treatment or even torture would not be subject to any investigation.

Responding to a July 24 report by Amnesty International, the Minister of Justice publicly stated “there is no possibility that we have torture in our prisons.” The President of the Turkish Bar Association (TBB) argued in late September in Washington, “There is no evidence of torture in Turkey.”

In early October 2016, the Head of the Parliamentary Sub-Commission on Prisons rejected as “political propaganda” the proposal put forward by the Republican People's Party (CHP) that the Sub-Commission should investigate complaints of torture and ill-treatment in prisons. He further clearly stated “the government would ignore allegations of torture and mistreatment if victims were sympathizers of the Gülen movement.”

His remarks were criticized a few days later in an open letter sent to the Turkish Parliament by six Turkey-based human rights associations¹ calling them “unacceptable.” In the letter, the human rights associations further stated that they “protest against the MP for his position on torture allegations. No one can be subjected to torture and maltreatment for any reason.”

The principle of non-discrimination, a basic and general principle in the protection of human rights and fundamental to the interpretation and application of the Convention

¹ Joint letter (October 13, 2016) by the Helsinki Citizens Assembly (HYD), Human Rights Association (İHD), Human Rights Research Association (İHAD), Human Rights Agenda Association (İHGD), Association of Human Rights and Solidarity for Oppressed Peoples (MAZLUMDER) and the Human Rights Foundation of Turkey (TİHV).

against Torture, to which Turkey is a state party has been fully undermined following the coup attempt.

The Convention² explicitly prohibits specified acts when carried out for “*any reason based on discrimination of any kind...*” Under international human rights law Turkey is therefore obliged to ensure the protection of those detained before and after the attempted coup because of alleged links to the Gülen movement and other groups at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals.

PART I – INTRODUCTION

A. Background

In the late hours of July 15, 2016 a small faction of the Turkish Armed Forces (TSK) that called themselves the “Peace at Home Council” attempted to overthrow the Government of President Recep Tayyip Erdoğan by seizing control of several key places in Ankara, Istanbul and other locations.

The so-called “Peace at Home Council” cited an alleged erosion of secularism, the elimination of democratic rule, a disregard for human rights, and Turkey's loss of credibility in the international arena as reasons for staging the coup.³

As crowds of people took to the streets dozens of pro-coup soldiers abandoned their tanks and other military vehicles. Forces loyal to the government were able to defeat the coup plotters and the attempted coup was thwarted within approximately 12 hours. According to official sources, at least 294 people were killed and more than 1,500 injured during the attempt.⁴

² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

³ <http://www.haber3.com/asker-trt-binasinda-iste-darbe-bildirisi-3977124h.htm>

⁴ Based on government statistics in the aftermath of the attempted coup.

On the night of July 15, several hours before details of the coup attempt emerged, President Erdogan, speaking on a Smartphone to CNN Türk declared Fethullah Gülen, a 77-year old reclusive preacher living in Pennsylvania, to be its mastermind.

By July 17, 2016, both the Government and the Army General Staff announced that they had full and absolute control throughout the country; however, on July 20, 2016, the Government proclaimed a state of emergency for a period of three months. On October 19, 2016, the state of emergency was extended for an additional period of 3-months.

On July 21, 2016, the decision on the state of emergency was communicated to the United Nations and the Council of Europe, along with a notice of derogation from the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR).

The Journalists and Writers Foundation is particularly concerned at numerous, ongoing, consistent and widespread allegations concerning routine use of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement personnel following the coup attempt.

B. Scope of the report

The present report is primarily intended to contribute to the upcoming 59th session of the United Nations Committee against Torture, which will be held from 7 November to 7 December 2016. The content of the report was transmitted to the Committee in a form of Written *Information*, under the follow-up procedure to Concluding Observations (CAT/C/TUR/CO/4),⁵ following the consideration of the fourth periodic report of Turkey (CAT/C/TUR/4).⁶

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTUR%2fCO%2f4&Lang=en

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTUR%2f4&Lang=en

The report focuses more on executive (implementation) rather than legislative (legal) measures in the aftermath of the July 15 coup attempt, focusing thus more heavily on the compliance with the international human rights instruments to which the Republic of Turkey is a party.

This was primarily meant to serve as a ground for the Committee against Torture and other treaty bodies, as well as international and regional organisations in proposing relevant recommendations, aiming at ensuring implementation and compliance with the relevant provisions of the international human rights law.

Consequently, the report does not contain any recommendations and the aim of the report does not provide for the use of its findings for a purpose other than those mentioned above and obviously to the extent that enforcement of national and international law is lacking, further inquiry is warranted.

The Journalists and Writers Foundation is most grateful to all those contributing to the report, in particular all those individuals who at great personal risk facilitated the drafting of the report.

This report is based on the interpretation of its author⁷ “of the letter and the spirit” of international human rights law, and may in fact, be different from the interpretation by Turkish officials.

C. Methodology and structure of the report

The report, which covers the period from July 15 until October 31, 2016, was drafted by the Journalists and Writers Foundation mainly based on information provided by family members of victims of torture and ill-treatment, their lawyers and information obtained through monitoring open sources, including pro-government media.

Corroborating allegations related to human rights abuses after the attempted coup is increasingly difficult. The Journalists and Writers Foundation however found the

⁷ The Journalists and Writers Foundation.

allegations described in the report to be credible, based on the examination of cases from different sources.

In most of cases described in the report the Journalists and Writers Foundation decided not to reveal the identity of victims and the sources, in order to protect individuals against eventual reprisals.

The present report is structured according to major areas of concern related to the priorities for follow-up, under the same procedure to Concluding Observations (CAT/C/TUR/CO/4)⁸ of the Committee against Torture. The report focuses on the following paragraphs of the Concluding Observations:

- Paragraph 9: Impunity for acts of torture and ill-treatment
- Paragraph 10 (d): Statistical data on allegations of torture and ill-treatment
- Paragraph 31: Conditions of detention
- Paragraph 33: Deaths in custody
- Paragraph 37: Monitoring detention centers
- Paragraph 43: Human rights defenders, journalists, judges, prosecutors and lawyers

PART II. FOLLOW-UP TO CONCLUDING OBSERVATIONS

Paragraph 9: Impunity for acts of torture and ill-treatment

The Journalists and Writers Foundation reiterates that the Government of Turkey has the right and responsibility to thoroughly investigate the events related to the coup attempt and to bring all those responsible to justice.

Impunity for ill-treatment and excessive use of force by officials, lack of investigations and very few cases of fines and imprisonment resulting from prosecutions for ill-treatment and torture have allowed in the past perpetrators to get away with murder and torture.

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTUR%2fCO%2f4&Lang=en

The Journalists and Writers Foundation is gravely concerned that the state of emergency declared after the attempted military coup only deepened the threat of further suffering and impunity in the country. Government officials have not only repeatedly given strong “assurances” that perpetrators of torture and ill-treatment against those allegedly linked with the coup attempt will not be punished, but also openly called on people to “lend a hand” in its all-out war against sympathizers of the Gülen Movement.

President Erdoğan has stated that “no place is safe for Gülenists,” the new Interior Minister pledged to “continue its operations against members of the Gülen movement until every last member of it is gone,” while in a number of tweets on his official Twitter account an advisor of President Erdoğan vowed to make people affiliated with the Gülen Movement “cough up blood.”

The climate of impunity in the country was legally “reinforced” with the promulgation of the Decree Law No. 667⁹, which states that “Legal, administrative, financial and criminal liabilities shall not arise in respect of the persons who have adopted decisions and fulfil their duties within the scope of this Decree Law.”¹⁰

The new “policies” in place and the repeated calls to the public seem to have resonated in places where individuals are deprived of their liberty, within some segments of society in Turkey, and in the Turkish Diaspora.

Social activist T.Y. was among the first to experience the new “reality” in places of deprivation from liberty. A member of the rights group Halkevleri, T.Y. was detained on July 1, 2016 on allegations of propaganda on behalf of a terrorist organization. After his release on August 12, he was able to share with a Turkish news portal his experience and the inhumane practices he witnessed in the Tekirdağ F Type Prison, corroborating previous accounts that victims of the post-coup purge are being systematically subjected to ill-treatment, torture and other forms of degrading treatment by prison officers. In his letter, T.Y. claims, *inter alia*, “the State of Emergency has resulted in oppression, torture and rights abuses in prisons. Torturers have revived as if

⁹ Published in the Official Gazette on July 23, 2016.

¹⁰ Decree Law No. KHK/667, Article 9.

they were waiting for this moment, *they feel secure about the consequences of what they deem proper to prisoners under the State of Emergency conditions.*”

The Journalists and Writers Foundation is also concerned on the lack of any investigation into the allegations of torture, lynching and even beheading of unarmed soldiers who were surrendering in the morning of July 16, as the attempted coup was fading away. Graphic pictures circulated on social media show one soldier being beheaded by a mob and his bloodied body on one of the bridges crossing the Bosphorus strait in Istanbul, as a group of people with belts and sharp objects reportedly lynched six other soldiers. The crowd also tried to throw the lifeless bodies of soldiers from the bridge, but reportedly “abandoned that intention” as the police intervened.

On May 6, 2016, an individual (M. Ş.) approached journalist Can Dündar as he was speaking to reporters during a break in a hearing outside İstanbul’s Çağlayan Courthouse, firing two shots at the journalist’s legs while shouting, “You are a traitor.” The shots failed to hit Dündar, but one bullet did strike reporter Yağız Şenkal in the leg. The assailant was subsequently detained, facing a jail sentence of between 30 and 47 years. Pending trial, he was however released on October 24, 2016. Following the attack, journalist Dündar, then the editor-in-chief of daily Cumhuriyet, and Erdem Gül, the paper’s Ankara bureau chief, were convicted by an İstanbul court and sentenced to five years, 10 months and five years in prison, respectively.

D.V., a Turkey-based businessman, who proudly confessed to reporters that he carried out a gun attack on a store owned by an alleged follower of Gülen in Kırıkkale (Central Anatolia region), was released shortly after he was detained on September 10, 2016. Admitting the gun attack he stated that - “we did our part regarding the issue,” before adding that “he would stand by the state in its crackdown against the followers of Gülen.”

On September 22, 2016 an individual from Çanakkale (Northwestern Turkey) detained as part of the investigation against Gülen movement was hit in the head with an iron stick as he was heading out of the Çanakkale State Hospital. Hitting the victim with an iron stick, the assailant was reportedly shouting: “No room for the traitor!” There is no information on any arrest made so far on the case.

Dr. Nazire Terzi, the widow of the deceased General Semih Terzi, was arrested on August 17, 2016 for allegedly threatening a notary public for his refusal to issue her a power of attorney. On August 15, 2016, Dr. Terzi reportedly appeared before a notary public to obtain a power of attorney. A notary clerk recognized Dr. Terzi and in addition to refusing to issue her the document, video broadcast by Turkish media shows the clerk as he tries to attack Dr. Terzi with a knife.

On August 11, 2016 Turkey's Consul General in Rotterdam, the Netherlands told reporters that "apart from official efforts, all citizens and civil society organizations should do what they need to do against the Gülen Movement." The next day (August 12) *Hasan Cücük*, former Denmark reporter of Turkey's seized newspaper Zaman was attacked in Amsterdam suffering injuries in the head. The attacker reportedly "justified" his actions with the fact that the Consulate had designated the Gülen Movement a terrorist organization. In early September 2016 the Dutch police informed it had investigated 150 complaints lodged by sympathizers of the Gülen Movement for threats and intimidation they receive on social media. According to Reuters, the investigations have so far resulted in the arrest of a 42-year-old Dutchman of Turkish decent, as more arrests are expected to take place.

M.Y., a 28-year old man of Turkish origin was sentenced on September 9, 2016 to eight months in prison and a fine of 23,000 Euros by a French court, after he reportedly admitted having attacked seven education and culture centers affiliated with the Gülen movement in France. M.Y. was arrested on August 3 by the French police after he attacked a Gülen-affiliated Horizon Culture Center in northeastern France with a hammer.

Paragraph 10 (d): Statistical data on allegations of torture and ill-treatment

The state of emergency extended for an additional period of 3-months from October 19, 2016 gave the government extensive powers to rule by decree and grant state officials immunity from prosecution for carrying out duties under the decrees.

Government actions since the attempted coup have created an atmosphere of fear, agitation and anxiety among the Turkish population at large. Investigating, gathering information, reporting or speaking out against human rights violations - in particular

criticizing the government's actions or violations, carries with it, almost certainly, the risk of being labelled "terrorist", "traitor" or a "pro-coup" individual or organization.

Documenting and reporting on the number of cases involving torture and ill-treatment in the post-coup period is further a challenging task, due to the strong denial of any instance of torture by the government, lack of investigations into the allegations, denial of access to medical reports, lack of access to effective counsel, incommunicado detentions, impeded outgoing correspondence and limited contacts with lawyers and family members.

In the first half of 2016, Turkey also continued to lead unchallenged Twitter censorship in the world. During this period requests to censor 14,953 twitter accounts (out of 20,571 requests worldwide) originated from Turkey.

The above measures have however not being able to completely conceal all evidence of torture, including chilling images of bloodied faces/bodies of victims widely broadcast across the country. Disturbing images and videos substantiating allegations of torture against hundreds of post-coup detainees have been sometimes proudly shared on social media by the perpetrators themselves. Social media platforms have also provided new ways of reporting on torture and maltreatment, simultaneously avoiding the risk of reprisals. One such example recently is the Twitter account of M.T., an MP from the main opposition Republican People's Party (CHP), where accounts of torture and ill-treatment by anonymous sources are constantly shared.

Even though accurate statistical data on allegations of torture and ill-treatment cannot be established, consistent and credible evidence points out widespread and systematic use of torture and ill-treatment. In addition to alarming accounts from relatives of the victims - associations, corporate figures and parliamentarians have raised concerns over extreme methods of torture practiced across the country.

On October 17, 2016 the President of the Constitutional Court of Turkey informed that a record number of individual petitions have been received by the court, with more than 40,000 submitted after the coup attempt of July 15. The number of applications since July 15 exceeds the total number of applications of 2014 and 2015 combined. In mid-

October 2016 Turkey's main opposition, Republican People's Party (CHP) revealed that it has received complaints from approximately 35,000 individuals negatively affected by the ongoing purge against the members of the Gülen movement. The CHP informed the complaints were received mainly through direct meetings, communications by e-mail and telephone conversations.

Individuals detained as part of the government crackdown on the Gülen movement have been particularly subjected to what has been described as systematically perpetrated "barbaric methods of torture", including physical assault, sexual assault (rape), nail extraction and anal penetration with foreign objects.

Appalled by the above abhorrent practices, addressing the Ankara Bar Association's General Assembly on October 16, 2016 the President of the Progressive Lawyers' Association (ÇHD) called on lawyers to stand for the soldiers, civil servants, judges, prosecutors and ordinary citizens (alleged sympathizers of the Gülen movement) who are being systematically tortured.

Former detainees, family relatives, the media and human rights defenders have documented the use of at least the following methods of torture and ill-treatment:

- Severe beatings.
- Sexual attacks, including rape.
- Starvation, denial of water and medical treatment.
- Stress positions for up to 48-hours.
- Verbal abuses and threats.
- Handcuffing behind the back for long periods of time.
- Palestinian hanging.
- Electric shock.
- Nail extraction.
- Anal penetration with foreign objects, including bottles.
- Ill-treatment by using the air-conditioner (hot air conditioning during the day and cold at night).
- Exposure to icy water.
- Dripping molten plastic on the extremities.

Allegations on the use of torture and ill-treatment have reportedly come out from almost all regions, taking place in both, legal and illegal places of detention, prisons, police stations, gymnasiums, sport centers, warehouses, stables, abandoned buildings, gym salons, and other places where individuals were deprived of their liberty.

Detainees have been reportedly tortured or subjected to ill-treatment at the following locations:

- Ayas Prison in Ankara's Sincan district.
- The Gymnasium at Ankara Police headquarters.
- The Gymnasium at the Ankara Police Academy.
- Special Forces headquarters in Ankara's Gölbaşı district.
- The solitary confinement cells in Istanbul's Silivri and Ankara's Sincan prisons.
- Istanbul's Vatan Police Station.
- A warehouse behind Ankara Police headquarters.
- The gymnasium at Diyarbakır's Gaffar Okkan Police Academy.
- Diyarbakır's Bağlar gymnasium.

Different sources have also reported systematic human rights violations, including torture and ill-treatment in the following facilities:

Tekirdağ prison

Many reports, including from open sources have come out from the Tekirdağ Prison (Northwestern Turkey), indicating that victims of the post-coup purge are being systematically subjected to ill-treatment, torture and other forms of degrading treatment by prison officers.

Ankara Police College

Mümin Köroğlu, a physics lecturer at Ankara Police College was taken in custody for his alleged links to the July 15 coup attempt. Following his detention he appeared on photos shared through social media visibly in distress, with his mouth taped by police officers and forced to make the Rabia sign. The four-finger hand gesture named "the

Rabia sign”, was first used by Muslim Brotherhood supporters in Egypt and has recently become increasingly a symbol of Erdoğan supporters.

Prisons and detention centers in the Southeastern Anatolia Region

In late August 2016, a member of Turkey’s Human Rights Association joined a delegation of 18 individuals who travelled to Şırnak and Mardin’s Nusaybin districts (Southeastern Anatolia Region) to visit places where persons were deprived of liberty in that region. During the visit the İHD noted that in addition to overcrowding and poor prison conditions, “notorious former prison torture methods have re-emerged” after the July 15 coup attempt, including use of torture devices employed during coup periods in the past - Palestinian hanging and electric shock.

Silivri prison

Turkey’s Human Rights Association (İHD) monitored the Istanbul’s Silivri Prison in early September 2016. The İHD reported overcrowding and poor prison conditions, lack of medical care (allegedly due to the state of emergency) lack of access to light and fresh air, with inmates taking turns at windows to get access to some fresh air. The 30-day long detention period, not being able to obtain assistance from a lawyer and the confidentiality imposed on investigations constitute according to İHD, “already an act of torture.” İHD also reported increase in the disciplinary punishments, with strip search now obligatory when entering and exiting cells. Whenever someone would reject being subjected to strip search, İHD noted, “violence would step in.”

On October 14, 2016, the prisoner A.B., a kidney patient, was severely beaten and dragged into her cell by prison guards while she was having a phone conversation with her mother. She was subsequently sent to the infirmary where she was referred to a general hospital. According to the daily newspaper that first revealed the case, A.B. is still being held in Silivri prison despite her continuous bleeding.

In mid-October 2016, a daily newspaper reported that the İstanbul Chief Public Prosecutor’s Office took a decision to prohibit communications of the alleged sympathizers of the Gülen movement with the outside world during the ongoing state of

emergency. Based on the decision, alleged sympathizers of the Gülen movement in Silivri Prison will not be allowed to “write letters or send faxes during the state of emergency.”

Manisa Prison

Several sources, including lawyers and family members, point out to appalling practices of torture and ill-treatment the prisoners and detainees are subjected to in the Manisa Prison, Western Turkey. Many reports have come out of Manisa prison concerning its prescribed torture methods, which have sometimes reportedly turned faces of people held in the prison unrecognizable, due to heavy torture. Several inmates have revealed to their family members that soundproof torture rooms are in operation in the prison.

Along with prisoners, visiting relatives have occasionally been subject to beatings from prison guards, while on at least one occasion a mother has been reportedly present when her son was subjected to maltreatment. According to the media, at least one criminal complaint has been filed with the Manisa Public Prosecutions Office against the Manager of the Manisa T Type Closed Prison, following a visit by relatives of the victim.

Afyon police department

Systematic human rights violations are reported to have taken place in the Afyon police department (Western Turkey), including alleged acts of ill-treatment and torture against suspected sympathizers of the Gülen Movement. According to alarming accounts from their relatives, detainees in the Afyon police station are allegedly beaten for 10-days before giving their testimonies. Beatings and humiliations last for entire nights by often drunk police officers. Detainees who lose resistance to beatings are forced to drink alcohol. In addition, detainees are often threatened with the detention of their spouses.

In at least one case a detainee in the police station was forced to drink alcohol against his own will, his eyeglasses were broken and his face was reportedly cut by police officers with the broken pieces, leaving scars on his face.

A.H., President of AKTIF SEN Educators Union in Afyon, was taken into custody for his alleged links to the Gülen movement. *A.H.* was reportedly beaten so heavily he was not be able walk for some time. In order for him to recover from his injuries he appeared before the prosecutor to give his testimony only after 10-days. The Educators Union AKTIF SEN was shut down across the country after the coup attempt.

Antalya Police Department

E. B., a teacher by profession was taken in custody from his home on July 24, 2016 by the Anti-Smuggling and Organized Crime Department of Antalya Police. Family members inquired on his fate with the police department, but they were reportedly rejected and insulted. His family learned on his whereabouts only through a tip by a relative on his presence in the Antalya Ataturk State Hospital. In addition, his family also learned on his daily visits from detention to the intensive care unit of Sema Yazar Hospital (Antalya), between 24-29 July 2016, where he underwent surgery to repair the rupture of intestines, due to insertion of a foreign object (reportedly a bottle) in his anus. Despite the clear evidence of torture, medical personnel were forced to issue a medical report stating that the victim was not harmed. The Turkish media later revealed the names of police officers from the Anti-Smuggling and Organized Crime Department of Antalya Police reportedly involved in the case of *E.B.*, including inserting a bottle into victim's intestines, which led to its rupture. His family was only able to see him every other week behind a glass window.

Paragraph 31: Conditions of detention

Even before the July 15 coup attempt, Turkey's criminal system was overstretched, with crowded prisons and backlogged courts. Prisons quickly filled to capacity in the days and weeks after the coup attempt, and many detainees found themselves sleeping in shifts, even in the communal spaces, often without any bedding. Authorities also used sports arenas, temporary tents and other unofficial detention facilities to house the tens of thousands rounded up in connection with the coup attempt.

In August 2016, acting under powers granted by the state of emergency authorities announced plans to release up to 38,000 prisoners (roughly one in five in Turkish

prisons) of convicted criminals to make room for the wave of journalists, teachers, lawyers, civil servants and judges detained after the coup attempt. Over 35,000 prisoners were released by October 2016.

On October 14, 2016, Turkey's Director-General of Prisons and Detention Facilities stated during a meeting at the Human Rights Commission of the Turkish parliament that Turkey's prisons were over capacity, after nearly 40,000 new arrests (34,000 over links with Gülen movement) following the coup attempt. According to the information shared by the Director-General, there are nearly 195,000 prisoners in 372 prisons across Turkey, which is four percent over the maximum capacity.

The Journalists and Writers Foundation however notes with concern that there is a significant disparity between the above data provided by the Director-General of Prisons and Detention Facilities and the data reported by non-governmental organizations. On October 20, 2016, the Human Rights Association reported that based on its observations and analysis there were 220,000 individuals in prisons across Turkey, exceeding by approximately 37,000 (over 20 percent) persons the overall capacity of 183,000.

In a recent report the Human Rights Association also points out that "as the number of detainees accused of having links with the Hizmet movement reached 35,000; the graphic images of detainee camps leaked to the media outlets support the strong claims of torture and inhumane custody practices by Turkish law enforcement. More than 35,000 detainees are reportedly kept naked and handcuffed in sport halls as they are deprived of their basic human rights; namely water and food, lawyer visits (communication), and in addition detainees are physically and psychologically abused.

In an anonymous letter to a daily newspaper a *50-year-old lawyer* from Turkey's eastern region with 26 years of experience described the conditions of detention, after he was detained on alleged links to "terrorist organization." According to the lawyer, ten detainees were held in a cell as small as 16 square meters. Two of the detainees slept on the floor, as there were not enough beds. Reading books was not allowed, while detainees were given the opportunity to have "shower" with hot water in plastic buckets, for just few minutes twice a week.

Social activist *T. Y.* described in details the conditions of detention after his release on August 12, 2016, sharing with a Turkish news portal the treatment he and other detainees received in the Tekirdağ F Type Prison:

- Water was provided once in 24 hours and for only an hour.
- Personal belongings of prisoners are missing and nothing that belonged to a prisoner was returned.
- Basic items, such as kettle and tea-urn were not allowed.
- Access to books, newspapers and magazines from outside was not possible, while borrowing books from the prison library was not allowed.
- Prisoners were stripped naked while guardians were carrying out searches. Those resisting were battered and tortured.
- Guardians attacked prisoners on any given opportunity. They even “wiped” the floor with prisoners, while warning each other on certain spots where they might be in the view of closed circuit cameras.
- Prisoners in more than 30 cells were physically attacked in only one week.
- Prisoners were denied the right to medical check-ups, in order to prevent them from obtaining a medical report. Detainees with broken arms, those who had injuries to their heads and faces, detainees with bruised legs and backs, as well as several other detainees with simple injuries were among those who were denied access to medical check-ups.
- There was a specifically-designated “sponged”¹¹ corporal punishment room where prisoners are forced to wait with their hands and feet handcuffed. There they whipped prisoner's feet for 1 to 2 days. Those taken to this special room for corporal punishment were also not allowed to the infirmary, practically preventing them from obtaining a medical report.
- Air ventilation of all prison cells, supposed to be shut at 8 p.m. in the evenings, was practically shut down at 4 p.m. as a form of punishment.
- Six to nine prisoners were forced to share a 3-person-cell, with many of detainees laying on the floor, although physical conditions were not suitable to do so.

¹¹ In other places of deprivation from liberty the “sponged corporal punishment rooms” have been described as “soundproof torture rooms.”

- Forks and knives were not allowed during meals. Only three chairs were provided in each cell where (sometimes) the cell population reached 6.
- Medical needs of detainees were not met, while those with chronic illnesses were left alone.
- Complaints addressed by prisoners to prosecutors and the Parliament's Human Rights Commission were not allowed to reach their addressees. Letters were simply destroyed, or the addressees would only receive empty envelopes.

Paragraph 33: Deaths in custody

The Journalists and Writers Foundation is gravely concerned on deaths in custody in the wake of the coup attempt of July 15, 2016, taking place in suspicious circumstances and in a pattern of systematic recurrence.

The Journalists and Writers Foundation is further deeply concerned about the constant encouragement of citizens to spy on each other, an environment which is inevitably inciting social division, fuel paranoia and fear that permeate public life and also create an environment reminiscent of a “police state.” Such methods are recently promoted through the bylaw promulgated by the Interior Ministry of Turkey on August 31st, which grants people who “help” the security forces to find perpetrators of “terror acts” money awards up to TRY 4 million (\$1,340,639.84).

The ongoing purge taking place in an atmosphere of fear and paranoia, combined with a situation of total absence of the rule of law in the country have contributed to a mounting psychological pressure on Turkish citizens, not only in Turkey. Turkish government itself admitted recently that people across Turkey have been lodging false complaints about others over alleged ties to the Gülen movement to promote their own personal interests.

The number of people who have lost their lives in detention in the aftermath of the coup attempt is casting a shadow over official statements pointing out in many cases to suicide. Relatives of most of the detainees claim that the detainees were indeed not the kind of people to commit suicide, shedding doubt on the official narrative.

Colonel İsmail Çakmak was arrested in the aftermath of the coup attempt and was found dead in Silivri Prison in Istanbul on July 23, 2016. Çakmak was discovered hanging by his bed covers in the stairwell of the prison.

Gokhan Acikkolu, a high school history teacher was detained on July 23, 2016, presumably for being a follower of Fethullah Gülen. According to press, reports Mr. Acikkolu was hospitalized on July 28, 2016 over diabetes and harsh treatment, but later returned in detention at the Istanbul's police anti-terrorism department, where he died on August 5, 2016. His father rejected any link to the coup attempt and claimed that his son was denied access to his medics in his last six days. Mr. Accikolu never appeared before a judge to face any charge, but he was nevertheless denied a funeral service because he was labelled as “a traitor.” The Journalists and Writers Foundation noted that Istanbul chief prosecutor's office launched a probe into the death of Mr. Acikkolu, however no results have been brought to light since the announcement of the investigation.

Mustafa Torer, a businessman from Southern Turkey was taken under custody in Iskenderun jailhouse, as part of a massive crackdown following the coup attempt on July 15. Under severe stress and trauma, Mustafa, who had already been suffering of diabetes, died in detention of a heart attack on July 31, 2016.

Ömer Çubuklu, a prison guard arrested on August 31, 2016 over alleged links to Gülen movement was found dead in a prison in the western province of İzmir on September 1, 2016. No statement regarding the cause of his death has been made and his body was subsequently sent to the İzmir Forensics Institute for an autopsy.

On September 9, 2016, prison authorities of Muğla E-type prison (Southeastern Turkey) announced the suicide of *Bedih K.*, without disclosing any further information on the circumstances surrounding the case.

Seyfettin Yiğit, a 47-year-old public prosecutor who was detained in the western province of Bursa was found hanging in the prison bathroom on September 16, 2016. Yiğit was among the prosecutors who oversaw an investigation into allegations of irregularities within Turkey's Mass Housing Administration (TOKİ) in late 2013, when

widespread graft allegations implicating four cabinet ministers and a son of the former Prime Minister Erdoğan were revealed. The daughter of Mr. Yiğit rejected claims that her father was linked to the Gülen movement. She also added that his death was not a suicide but a murder, since her father was not the kind of person to commit suicide. On October 10, 2016 the Platform for an Independent Judiciary in Turkey urged all European authorities, in particular all bodies of the Council of Europe and the European Union “to ask the European Committee for Prevention of Torture to examine every individual assertion of torture and the circumstances of every suicide of judges and prosecutors in the detention, especially the reported death of Seyfettin Yigit.”

39-year old non-commissioned officer Ö.İ. committed suicide on October 10, 2016 at the police station in Eskişehir, Northwestern Turkey, where he was detained for alleged links to the Gülen movement. Ö.İ. reportedly ended his life by drinking cleaning solvents taken from the restroom of the police station where he was under detention.

Ahmet Ok, 61-year-old from Mersin (Southern Turkey) died after suffering a heart attack in Anamur Prison, on October 20, 2016. Ahmet Ok was among 34,000 people detained over alleged links to the Gülen movement. He was brought to Anamur State Hospital after suffering a heart attack at about 4:30 a.m. on October 20. Ok died despite the efforts of medical staff.

Suicides and deaths in the aftermath of the coup attempt

Sergeant Ferhat Daş reportedly committed suicide in a military tank at Sabiha Gökçen Airport in Istanbul on July 15, 2016 after he realized that his tank had been involved in the coup attempt. Sergeant Daş chose to shoot himself dead rather than follow a commander’s order to fire on civilians during the July 15 failed coup attempt.

Necmi Akman, the provincial governor of Manisa’s Ahmetli district, committed suicide on July 18, 2016, two days after being suspended over links to the Gülen movement. According to media reports, Mr. Akman “grabbed his guard's pistol and shot himself in the head.” He was later pronounced dead at a local hospital.

Baki Pekiyi, Deputy Police Chief in Kırklareli shot and killed himself on July 18, 2016 after he allegedly found out that he would be detained in anti-coup probes.

Mutlu Çil, Deputy Chief of Police in Ankara's G d l district fatally shot himself on July 20, 2016 after he was suspended as part of the investigation into the G len movement.

Colonel Hasan Y cel shot himself at the General Staff building on July 20, 2016. According to media reports, Y cel was suffering from depression over his alleged failure in preventing the coup attempt.

Muhammet Merto lu, Deputy Chief of Police in Bart n's Ulus district fatally shot himself on July 21, 2016, after a warrant was issued for his detention over alleged links to the G len movement.

Halil G k, a police officer, committed suicide on July 21, 2016 in the police station of the Regional Headquarters Traffic Control in Ak akoca (Northwestern Turkey) by using his own weapon, upon learning that he was under investigation over his alleged links to the G len movement.

Lieutenant Colonel Levent  nder shot and killed himself on July 22, 2016 at the command building in the southeastern province of Siirt, reportedly blaming himself for failing to prevent the coup plotters. According to media reports, the Siirt Governor's Office issued a statement, saying  nder had "a nervous breakdown after the July 15 coup attempt and subsequent events ... as he could not prevent the plans of the coup terrorists." The statement also added that  nder had willingly given a witness testimony to prosecutors.

Emin K m rc ler, Assistant Professor at Aydın Adnan Menderes University jumped to his death from the fourth floor of the university building on July 26, 2016. Before committing suicide, he was being denied a request for a meeting with the Rector of the university, the person in charge of the "anti-G len operation" within the university.

Vedat Şavli, a businessman from Isparta (Southwestern Turkey) committed suicide on August 2, 2016. The police initially informed that the businessman committed suicide by jumping from the 4th floor balcony, but later changed its version by claiming that the victim lost balance and fell from the balcony while trying to flee the police surrounding his house. Mr. Şavli was under investigation for alleged links to the Gülen movement.

Ahmet Beşli, 39-years-old Police Chief committed suicide in the Belen district of the Hatay province in the early hours of August 10, 2016. According to Turkish news agencies, police officers in Hatay were conducting an operation to detain Beşli and asked him to hand over his weapon. Beşli refused to comply with the order and allegedly committed suicide by using his own weapon.

Mustafa Güneyler, a teacher of 25 years at a public school in Osmaneli district of Bilecik province, was among the thousands of teachers dismissed from their positions. According to the Turkish media, upon learning of his dismissal, Güneyler had “a nervous breakdown” and committed suicide in his house in the late hours of September 6, 2016 by leaving the natural gas on before he went to sleep.

30-year-old Y.Ç., head of the AKP in Şakran, Izmir (Western Turkey) was shot and killed on 13 September 2016 by E.K., a police officer, after the victim accused the officer of being a sympathizer of Gülen and having links with Fethullah Gülen himself.

Ali Derebaşı, a kindergarten principal, whose wife was suspended from her position due to alleged links to the Gülen movement, was found hanging in his school in Kayseri province on September 20th, the first day of the new academic year in Turkey. Police claimed to have found a note left by Derebaşı at the scene reading: “Death is at the door. It is not known when it will come.”

Adem Tıraş, 26-year-old police officer committed suicide at a public park near Adnan Menderes Boulevard in Mersin (Southern Turkey), at around 11 a.m. local time on October 4, 2016. A father of one, he died later that day at Toros public hospital. Tıraş was part of a group of 12,801 police officers (around five percent of the entire police force), including 2,523 chiefs, who were suspended on October 3rd, 2016 because of suspected links to the Gülen Movement. Along with 12,801 police officers, the same

day, the authorities detained 33 air force officers and the transmission of TV station IMC was cut in the middle of the broadcast, following accusations of spreading “terrorist propaganda”. Earlier that day the Deputy Prime Minister announced that, the cabinet had approved a 90-day extension to the state of emergency.

Emrah Oğuz, 32-year old police officer committed suicide in the courtyard of the Bayburt Police Station (Northeast Turkey) on October 5, 2016. According to several sources, Oğuz committed suicide while he came to hand over his service revolver in the courtyard of the police station and he later died at Bayburt State Hospital. Oğuz was part of a group of 12,801 police officers, including 2,523 chiefs, who were suspended on October 3rd, 2016 because of their suspected links to the Gülen Movement.

Hasan Taştan, a 53-year-old Imam from Mersin Province (Southern Turkey) committed suicide on October 10, 2016, in the housing beside the Zeytinli Bahçe Mosque in Toroslar, after leading the night prayer. The community of the mosque had noted that Mr. Taştan was suffering from depression after his son M.T.; a teacher in Hakkari was arrested as part of the investigation into the Gülen Movement.

Enver Şentürk, a 31-year old prison guard from Adıyaman (Eastern Turkey), was found hanged in the morning of October 13, 2016, on the 8th floor stairwell of the building where he was living. Şentürk was among thousands of law enforcement officials suspended from their posts throughout Turkey due to suspected links with the Gülen Movement.

H.T., a 42-year-old police officer committed suicide by hanging in Çorum province (Black Sea Region), on October 21, 2016. His wife Ç.T. reported to police that her husband was missing for some time. According to Turkish media, his colleagues accompanied by gendarmerie forces found the dead body of H.T. hanged on a tree in a forested area in the outskirts of Çorum. H.T. was among thousand others who were suspended over his alleged links to the Gülen movement.

B.N.M., a high school student committed suicide on October 24, 2016 by jumping to her death from the walls of the Boyabat fortress (Northern Turkey). According to media reports, B.N.M. committed suicide after being reportedly bullied by classmates and

lecturers over her father's alleged links to the Gülen movement. Her father (S.M.) was dismissed from his position at Boyabat Şehit Ersoy Gürsu High School on September 1, 2016.

Cahit Korkmaz, a 44-year-old police officer with 18 years experience committed suicide at the Çekirge Police Station in Osmangazi, Bursa (Western Turkey). According to media reports, Korkmaz ended his life on October 25, 2016 using his own weapon, after performing the daily prayer. Minutes before taking his own life Korkmaz reportedly shared with other colleagues his fears of being detained for alleged links with the Gülen movement. According to media reports, Korkmaz also reportedly left a note to his family in which he said: "I love you so much. You have no role in my suicide. Only my fears prompted me to do this."

Paragraph 37: Monitoring detention centers

The Journalists and Writers Foundation is deeply concerned about reports that torture is being systematically practiced in Turkey following the attempted coup of July 15, 2016, accompanied by a rising number of attacks perpetrated against human rights defenders.

The Journalists and Writers Foundation is further deeply concerned that Government's actions since the attempted coup have created an atmosphere of fear, agitation and anxiety among the Turkish population at large.

Investigating, gathering information, reporting or speaking out against human rights abuses in places where individuals are deprived of their liberty - in particular criticizing the government's actions or violations, carries with it, almost certainly, the risk of being labelled "terrorist", "traitor" or a "pro-coup" individual or organization. Many lawyers have also understandably chosen not to represent clients who were accused of links to the coup attempt or Gülen movement fearing of being associated with Gülenists if they did.

Visits by impartial national or international observers to prisons are the first steps to begin comprehensively address the issue of human rights of thousands of individuals detained before and after the failed coup.

The only European institution having a right to access detention facilities and places where persons are deprived of their liberty is the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The Committee carried out a visit to Turkey in the first half of 2016 and another ad hoc visit from 29 August to 6 September 2016. The purpose of the latter visit was to examine the treatment and conditions of detention of persons who have been detained in connection with the coup attempt. The CPT's report on the visit will be transmitted to the Turkish authorities in November 2016. The Committee (CPT) also intends to examine the treatment of persons deprived of their liberty during another planned visit for 2017.

Several days before the Committee for the Prevention of Torture (CPT) was to carry out the ad hoc visit to Turkey (29 August to 6 September 2016), the National Police Department warned all its personnel to obey international rules of detention and to stop using unofficial detention centers in order to ascertain if people in custody are subject to any maltreatment.

Four-member delegation of the Subcommittee on Prevention of Torture (SPT) also visited Turkey from 6-9 October 2015 and there is no information on any planned visit in the near future.

At the national level, while the Human Rights Council, other intergovernmental bodies, UN special rapporteurs and various human rights groups had repeatedly criticized the former Turkish Human Rights Institution for lack of adherence to the Paris Principles, the Law on Turkish Human Rights and Equality Institution of April 20, 2016 provided for a body which is fully dependent from the executive, with 8 (eight) members of the board chosen by the Government, and 3 (three) by the President.

One of the roles of the Human Rights and Equality Institution taken over by the former Human Rights Institution is to act as the National Preventative Mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); however, the recent establishment of a fully dependent body and its lack of adherence to Paris Principles, cannot provide for an OPCAT-compliant National Preventive Mechanism (NPM).

The establishment of the Human Rights and Equality Board of Turkey is also contrary to the recommendations made during the recent visit by the Subcommittee on Prevention of Torture (SPT) for a “fully independent, well-resourced, multi-disciplinary, professional and highly visible” NPM, with a strong mandate.

In addition, the fifth report (published on October 6, 2016) on Turkey by the Council of Europe’s Commission against Racism and Intolerance (ECRI) was prepared following ECRI’s visit to Turkey in November 2015 and takes account of developments until March 17, 2016. The report contains two recommendations, which should be implemented as a matter of priority; encompassing the need to “entrust a body that is fully independent of the police, other security forces and the prosecution services with the investigation of alleged cases of police misconduct, including ill-treatment.”

It is therefore evident that under the existing circumstances the newly established body, the Human Rights and Equality Board of Turkey cannot provide for effective torture prevention body in the country, even if formally vested with a visiting mandate, which extends to all places where persons are deprived of their liberty, as set out in Article 4 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Finally, with a September 1 decree the Government dissolved the prison monitoring boards, evidently with the intention of avoiding any allegation on torture and ill-treatment making it beyond prison walls.

Paragraph 43: Human rights defenders, journalists, judges, prosecutors and lawyers

The Journalists and Writers Foundation is gravely concerned that space for civil society and dissent in Turkey is rapidly shrinking, whereas emergency decrees are allegedly used with the sole purpose to facilitate serious human rights abuses and silence dissent. Restrictions implemented under the state of emergency go far beyond those permissible under international human rights law, including unjustifiable limitations on the freedom of expression and media freedom.

Human rights defenders

Activist T.K. was detained on September 24, 2016 for alleged involvement in the hacking of the email accounts of the Energy Minister Turkish by hacker group RedHack. After 12 days in detention, T.K. shared with the media the conditions of detention and maltreatment of detainees. T.K. was threatened with rape while other members of the group were subject to torture and ill-treatment through several methods, including the so-called “Palestinian hanging.” According to T.K., beating detainees was among “common” practices, whereas maltreatment was not limited only to those detained as part of a crackdown against the hacker group.

Journalists

I am 23 years old journalist from Turkey and I don't I have a dream, plan or hope anymore. I am afraid there won't let anyone to do journalism soon in my country than their puppets they paid for. The fear is getting bigger day by day with arrests, threats and the oppression. Worse, so tragic to see happy people talking about it as “cleaning.” They advice me not to scare because they did not come for us. They were happy in 80's because they came for communists. They were happy in 90's because they came for the conservatives, in 2000's, they came for anti-authoritarian anarchists and now they are here for Gülen

*members. The only thing I can think is, as Martin Niemöller said, tomorrow there will not be no one left to speak for me.*¹²

The 2016 version of the World Press Freedom Index drafted by the organization Reporters Without Borders (RSF) ranked Turkey as low as 151st out of 180 countries. In a report published in September 2016 the organization details the persecution, judicial harassment of journalists, systematic internet censorship, curbs on pluralism and the increasingly concentrated ownership of leading media outlets in the hands of the “government’s friends.”

The state of emergency according to the report “removed the few remaining safety nets and brought arbitrary governmental decision-making to new unprecedented heights: journalists have been jailed without any reason being given, media outlets have been closed with the stroke of pen, and punitive measures have been taken without any form of trial.” Since the attempted coup, “journalists of all political tendencies have been victims of countless violations of free speech, the right to safety and the right to a fair trial, legal defence and effective legal recourse.”

According to data from the Turkish Journalists Association (TGC), 2500 journalists and media organization employees have lost their jobs since the July 15 coup attempt following their organizations closure under State of Emergency decrees. More than 130 journalists were imprisoned as of October 31, 2016.

Responding to a written question by a Republican People’s Party (CHP) MP from the United States,¹³ the Minister of Justice replied, “those who are imprisoned cannot be considered journalists” arguing that “terrorists are imprisoned.”

On August 9, 2016, during a news program (Günün Manseti) broadcast daily on the pro-government Turkish Channel “Kanal 24”, *the columnist D.E. publicly targeted journalists O.T., E.U., and E.D.*, three journalists in exile, over their political opposition against the Turkish government and the perceived proximity to the Gülen movement.

¹² Excerpt from “Turkey: The Prison of Journalists” – By: Gökçe Akyüz

¹³ End of October 2016.

The three journalists living in exile were threatened with extrajudicial killings by drawing a parallel with cases related to the terrorist organization ASALA (Armenian Secret Army for Liberation of Armenia), active in the Armenian Diaspora between 1975 and 1985. Between 1975 and 1985, a total of 84 incidents were recorded: 46 people were killed and 299 injured. Later there were claims that several of the ASALA members were assassinated abroad by members of the Turkish intelligence. Columnist D.E. and the presenter of the program *Günün Manseti* openly threatened the first of the three Turkish journalists, by closing the program with - "...we will surprise you in your bed and we will hang you in the morning."

On October 19, 2016 an opposition Republican People's Party (CHP) MP spoke to a daily newspaper on his visit to journalists¹⁴ detained in Silivri prison in İstanbul. The CHP MP revealed that the journalists in Silivri prison were grossly insulted by police officers during their questioning and the prison administration did not allow them to write or receive letters or books. The MP also shared with the newspaper the fact that 65-year-old Bulaç and 72-year-old Alpay face serious health problems in prison.

Journalist Haşim Söylemez was arrested on July 29, 2016 along with 16 other colleagues. At the time of arrest he was recovering from a second brain surgery, he underwent a short time before being detained.

Spanish journalist Beatriz Yubero was taken in custody on August 5, 2016 reportedly over several tweets she shared about President Erdoğan. Suspected of "collaborating with the so-called FETÖ organization," which she categorically rejected, after almost 36 hours of interrogation in a gymnasium, she was expelled on 6 August, only after being forced to sign a document saying she was leaving Turkey "of her own free will." According to media accounts, while in custody Ms. Yubero was subjected to strip search, deprived of food and water, denied medical care and the right to contact the Spanish Embassy, her family or a lawyer.

American journalist Lindsey Snell, an was arrested on August 6, 2016 for allegedly "violating a military zone," after she crossed into Turkey from Syria, where she had

¹⁴ Journalist Ali Bulaç, journalist and author Ahmet Altan, Professor Mehmet Altan, Columnists Murat Aksoy, Ahmet Turan Alkan, Şahin Alpay and Mustafa Ünal.

been filming civilians affected by airstrikes in the countryside, near rebel-held Aleppo and Idlib. Snell revealed that during her detention she shared a cell with terrorism suspects, including an alleged ISIS member and that “for more than two months she couldn’t talk to her husband or anyone else.” Her husband, who travelled to Istanbul after Snell’s arrest to assist with her case, was himself detained on August 22, 2016, allegedly under suspicion of being involved in the attempted coup.

Journalist Aslı Erdoğan, a prize-winning novelist was arrested on August 19, 2016 on charges of “membership in a terrorist organization” and “undermining national unity.” Answering questions to the press through her lawyer, Ms. Erdoğan, who is suffering from diabetes, informed on inadequate medical treatment, which could in turn cause her permanent damage. Ms. Erdoğan complained over her inhumane treatment, including lack of adequate bedding, access to light and fresh air in Istanbul’s Bakırköy prison. She also informed on her plans to have a tattoo on her left wrist after she is released, recalling a forced practice of Nazis to women members of Auschwitz concentration camp. The tattoo would display the date 16.08.16; the day the police raided her home. Speaking during a protest in front of Bakırköy Women’s Prison on October 7, 2016, an MP from the main opposition Republican People’s Party pointed out that the prison administrations are “not even meeting the basic needs of jailed journalists, as shown in the case of Aslı Erdoğan, who has been trying to obtain permission for bringing a sweater in prison for the last 15 days.” He further underlined that “the most basic needs of prisoners such as a coat, pillow or blanket were not being allowed into the prison despite letters to the prison administration.”

Journalist Emre Soncan detained on July 26, 2016 suffers from kidney disease. According to media reports, he is not receiving adequate treatment and over time, this may ultimately contribute to kidney failure.

Journalist Lale Kemal was arrested on July 30, 2016 together with former Zaman columnists Ali Bulaç, Ahmet Turan Alkan, Nuriye Akman, Mustafa Ünal and Şahin Alpay over alleged links to the Gülen movement. In early September 2016 the lawyer representing Lale Kemal reported to a news website that her health was deteriorating and his client was facing the risk of perishing in prison. Pending trial on “terror

charges” journalists Lale Kemal and Nuriye Akman were released from detention on October 11, 2016.

Journalist Adnan Kümek, a reporter for Azadiya Welat newspaper, was detained on his way from Bitlis province to Siirt on September 27, 2016. According to Kümek, police officers tortured him by dripping molten plastic on his legs during two days he was held at an unofficial detention center (an abandoned building in Bitlis), Eastern Turkey. Many of the reporters working for Azadiya Welat were detained during a police raid over terrorism charges in August 2016, after which the daily newspaper temporarily halted publication.

Salih Elitaş, a distributor for the Azadiya Welat newspaper was detained in March 2016 and has been held at the Manisa prison, pending trial on terrorism charges. In October, his father (Ramazan Elitaş) shared with a daily newspaper the information that his son and other detainees were frequently beaten and were also denied the right to seek medical assistance.

Journalist Ayşenur Parıldak, a former reporter for Zaman daily was detained on August 11, 2016 for being followed on Twitter by the Turkish whistleblower “*Fuat Avni*”, who has previously revealed through social media details of a number of police and judicial operations. In a letter from prison sent to a daily newspaper in early October 2016, Parıldak revealed she was subjected to violence and sexual harassment. Her letter also contained information on the conditions in prison, including the case of a former female judge who cut her wrists due to the harsh treatment.

Judges, prosecutors and lawyers

The natural context for the realization of the independence of judges, lawyers and prosecutors is that of a democracy. All human rights treaties refer to a democratic society as the natural environment for the protection and promotion of human rights.¹⁵ A functioning democracy ensures the separation of powers and, as noted by the first Special Rapporteur on the Independence of Judges and Lawyers, “the principle of the

¹⁵ Report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/32/34), para 39.

separation of powers... is the bedrock upon which the requirements of judicial independence and impartiality are founded.”¹⁶ States must respect and protect the independence of judges, prosecutors and lawyers at different levels and in different ways. They also have to put in place mechanisms to protect judges, prosecutors and lawyers against pressure, interference, intimidation and attacks and to ensure their security.¹⁷

The UN Special Rapporteur on Torture has observed that judges, prosecutors and lawyers are especially vulnerable to human rights violations provided for in articles 9 and 14 of the International Covenant of Civil and Political Rights (ICCPR) and that those who work in the judicial system are at risk or face situations that result in violations of their human rights, especially in the face of governmental pressure.¹⁸ According to the Special Rapporteur, these situations consist mainly of harassment, intimidation, vilification and threats, but may include enforced disappearances, assassinations or summary executions of judges, prosecutors or lawyers, simply because they are doing their job.¹⁹

Within few hours of the attempted coup, the Turkish Supreme Board of Judges and Prosecutors (HSYK) first suspended and then ordered the detention of 2,745 judges and prosecutors.²⁰ On July 27, 2016, the Minister of Interior announced that 1,684 judges and prosecutors were detained, while in only two days (July 29) the number of judges and prosecutors in detention more than doubled (3,048). As of mid-October, 3,640 judges and prosecutors were suspended from their functions.

¹⁶ See E/CN.4/1995/39, paragraph 55.

¹⁷ Report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/32/34), paragraph 40.

¹⁸ Report of the Special Rapporteur to the United Nations General Assembly on the Question of Torture (E/CN.4/2004/56), paragraph 37; see also U.N.G.A. A/62/207 para 25.

¹⁹ The Special Rapporteur reported that in 2006, “55 per cent of communications, relating to some 148 cases in 54 countries, dealt with violations of the human rights of judges, lawyers, prosecutors and court officials. Threats, intimidation and acts of aggression directed against lawyers accounted for 17 per cent of communications issued by the Special Rapporteur; the corresponding figure for judges and prosecutors was 4 per cent. Arbitrary detention and judicial harassment accounted for 26 per cent of communications concerning lawyers and 4 per cent of those concerning judges and prosecutors. Assassinations of lawyers, judges and prosecutors accounted for 4 per cent of the total number of communications.” U.N.G.A. A/62/207 para. 25.

²⁰ <http://www.yenisafak.com/en/news/turkish-authorities-order-2745-judges-prosecutors-to-be-detained-2495101>

On October 21, 2016, the Deputy chairman of the Supreme Board of Judges and Prosecutors (HSYK) claimed that judges and prosecutors who were suspended from their posts due to their alleged links to the Gülen movement may return to their posts if they become “informants.” Speaking to a news agency the Deputy Chairman of HSYK informed that, “at the general assembly, we will discuss keeping the (suspended) judges and prosecutors in the profession whose confessions (related to the Gülen movement) are more beneficial and important.”

A Government decree from July 23, 2016 provides for judges and prosecutors who are “assessed to be members of terrorist organizations or a structure, entity or groups that carry out activities that the National Security Council has ruled are against national security or assessed to be in connected or in contact with them” will be permanently discharged from their posts and banned permanently from practicing as a judge or prosecutor.

The above decree is in contradiction with the “UN Basic Principles on the Independence of the Judiciary,”²¹ endorsed in 1985 by the UN General Assembly. According to the Basic Principles, judges shall be suspended or removed only after “a fair hearing,” and “only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.” In addition, according to the Basic Principles, the “disciplinary, suspension or removal proceedings should be subject to an independent review”, which was evidently not the cases only few hours following the coup attempt.

Based on the information received by the European Network of Councils for the Judiciary (ENCJ), the transfer, suspension, removal and prosecution of judges has not been consistent with the principles of judicial independence. The failure of the Turkish High Council to provide any satisfactory response forced the ENCJ board “to conclude that the Turkish High Council for Judges and Prosecutors no longer meets the requirements of the ENCJ that it is independent of the executive and legislature so as to ensure the independence of the Turkish Judiciary.” The Board therefore “resolved unanimously to propose to its General Assembly the suspension of the status of

²¹ Basic Principles on the Independence of the Judiciary. UNGA resolutions 40/32 and 40/146.

Observer to the ENCJ of the HSYK,” to be considered during the extraordinary general meeting, which will take place in December 2016.²²

In its report “Turkey: Judges, Prosecutors Unfairly Jailed”, released on August 5, 2016, Human Rights Watch (HRW) points out also the issue of the “pressure on lawyers and limitations on the right to a defence,” which in practice forces many lawyers not to represent judges and prosecutors accused of involvement in the failed coup or with the Gülen Movement, because of fear of being associated with the “Gülenists” if they did.

In a subsequent report “A Blank Check, Turkey’s Post-Coup Suspension of Safeguards Against Torture” of October 25, 2016, Human Rights Watch informed that 79 bar associations reported in total “202 lawyers placed in pre-trial detention.”²³

In October, the outgoing chairman of the Istanbul Bar Association proudly admitted during the general assembly meeting that the association refused to serve people who face legal action as part of the government crackdown against the Gülen movement.

On October 2, 2016, a court in the southern province of Hatay refused to hear a case against a man who prosecutors said was a member of Hizmet movement²⁴ because he simply had the *ByLock application*²⁵ installed on his phone. The human rights lawyer noted that the judge made a very reasonable decision on this case, asking for more evidence than the mere presence of an application on a mobile phone. Shortly after the ruling, the judge was publicly called a Hizmet member, and may face a legal investigation himself.

In addition to detained lawyers, judges and prosecutors, lawyers representing their clients have also been subject to maltreatment and beatings. *G.D.*, a lawyer representing a 17-year-old H.I. in İstanbul’s Maltepe youth prison was himself subjected to maltreatment when he dared to ask questions on the authenticity of allegations of

²²

https://www.encj.eu/index.php?option=com_content&view=article&id=222%3Ahsykencjposition&catid=22%3Anews&lang=en

²³ Until September 20, 2016.

²⁴ Gülen Movement is also referred to as Hizmet (the Service) Movement.

²⁵ Allegedly used by members or sympathizers of the Gülen movement.

torture suffered by his client, followed by hunger strike. The Turkish media reported that the lawyer met with the prison manager on duty, who informed him, that the lawyer's client was “bearing the consequences of his disrespect to prison rules.” When the lawyer warned him of legal consequences, the prison manager ordered prison guards to take the lawyer out of the room where he was reportedly beaten, which left scars and bruises on his body.

Nesibe Özer, head of the 2nd Chamber of the Supreme Board of Judges and Prosecutors (HSYK) was detained during the first days after the attempted coup for alleged links to the Gülen movement. According to her lawyer on September 9, she was placed in solitary confinement in the Bakırköy Prison in Istanbul. Özer began a hunger strike on September 27 to protest the solitary confinement and the lack of a response to her petition.

Murat Arslan, former head of the Judges and Prosecutors Association (YARSAV) was detained in Ankara on October 19, 2016 as part of an investigation into the Gülen movement. The media reported that in July 2016 Arslan was dismissed from his position at the Court of Accounts.

ANNEX – INTERVIEWS WITH JUDGES, FAMILY MEMBERS AND THEIR LAWYERS

In October 2016, the Journalists and Writers Foundation conducted interviews with family members of fifteen judges²⁶ from Ankara and Istanbul accused for alleged links to the Gülen movement. Fourteen out of fifteen judges were detained in the first days following the coup attempt, family members shared similar practices, and conditions the judges were subjected during detention, from interrogation to solitary confinement.

- From 17-25 December 2013, police officers conducted orchestrated raids detaining sixty suspects as part of the investigation into the most serious corruption case in Turkey's recent political history. Widespread public indignation forced four cabinet ministers to resign, while then Prime Minister Erdoğan dismissed the whole investigation as a coup attempt targeting his government. Next, the government proceeded to dismiss thousands of police officers, prosecutors, and judges. A.E.G., an administrative judge in Ankara was among the judges ruling as illegal administrative acts to dismiss and transfer police officers participating in the investigation. In December 2014, A.E.G. was assigned from Administrative Tribunal to Tax Court. In July 2015, A.E.G. was unlawfully transferred once again from the Tax Court to the State Council. A.E.G. was dismissed on August 24, 2016, followed by the issuance of an arrest warrant.
- *H.M.A.*, a judge from Ankara was detained on July 17 and sent to Ankara police department. The capacity of the detention room he was kept is normally 2-3 individuals, but at the time of detention, he shared it with 16 other detainees. During detention, the detainees did not have enough food and were constantly hungry. On July 21 he was transferred while handcuffed to Silivri Prison, and left handcuffed in the prison for 48-hours. As of October 31st, he is still in a solitary confinement (4

²⁶ Identities of judges have been withheld out of fear of repercussions.

square meters) although there is a medical report indicating that he suffers from claustrophobia and hypoxia.

- *N.E.*, a judge from Istanbul was detained on July 18 and sent to Istanbul Anatolian Court's custodial prison, located in the -5th floor of the court. The detention room did not have enough bedding (with most of the detainees sleeping on the floor), no sunlight, not enough food and the room was constantly cold. On July 21, 2016, N.E. was transferred to Bakirkoy Women's Prison and placed into a solitary confinement on September 9, 2016. Although she has been going through panic attack crisis and also taking anti-depression medication, the judge has not been removed from solitary confinement. In addition, there is a ban on books from outside and also receiving or mailing any letters is not possible. All communications with her lawyer until now (one hour in a week) have been recorded.
- *S. K.*, a judge from Ankara was detained and sent to the Ankara Police Department where he was interrogated while handcuffed from behind. He was then transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge S.K. is in solitary confinement since October 8th in the Istanbul's Silivri Prison.
- *G. T. T.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge *G. T. T.* is in solitary confinement since September 9th in Sincan Prison.

- *Ö. A.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge *Ö. A.* is in solitary confinement since September 9th in Sincan Prison.
- *Ç. Ş.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge *Ç.Ş.* is in solitary confinement since September 9th in Sincan Prison.
- *İ. Z.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge *İ.Z.* is in solitary confinement since September 9th in Sincan Prison.
- *İ. K.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge *İ.K.* is in solitary confinement since September 9th in Sincan Prison.
- *D. A.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan

Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge D.A. is in solitary confinement since October 9th in Sincan Prison.

- *M.V.E.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge M.V.E. is in solitary confinement since October 9th in Kirikkale Keskin Prison, a recently built facility. The running water is available only between 7a.m. to 9a.m. The facility has also heating issues and according to several sources, detainees are facing very cold temperatures.
- *D.M.C.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) on July 20th and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge D.M.C. is in solitary confinement since October 9th in Kirikkale Keskin Prison (Central Anatolia Region), a recently built facility. The running water is available only between 7a.m. to 9a.m. The facility has also heating issues and according to several sources, detainees are facing very cold temperatures.
- *H.G.B.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. On July 20th, he was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees.

They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge H.G.B. is in solitary confinement since October 8th in Konya Eregli Prison.

- *H.S.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. On July 20th, he was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge H.S. is in solitary confinement since October 8th in Konya Eregli Prison.
- *Z. Y.*, a judge from Ankara was interrogated while handcuffed from behind in the Ankara Police Department. He was transferred to Sincan Prison (Central Anatolia Region) and placed in a cell with a capacity of 6 individuals, shared in this case by 25 detainees. They were given only 50 grams of bread and a few (expired) pieces of cheese for the entire day. Approximately 100 detainees shared only 2 (two) toilets. Judge Z.Y. is in solitary confinement since October 8th in Istanbul's Silivri Prison.

