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# **POLITICALLY MOTIVATED SYSTEMATIC TORTURE IN TURKEY AND ITS SURVIVORS: INTERVIEWS WITH UK-BASED TORTURE SURVIVORS**



# **POLITICALLY MOTIVATED SYSTEMATIC TORTURE IN TURKEY AND ITS SURVIVORS** *INTERVIEWS WITH UK-BASED TORTURE SURVIVORS*

London Advocacy In-House Research and Legal Team

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# **POLITICALLY MOTIVATED SYSTEMATIC TORTURE IN TURKEY AND ITS SURVIVORS: INTERVIEWS WITH UK- BASED TORTURE SURVIVORS**

## **EXECUTIVE SUMMARY**

London Advocacy is a non-profit company that does advocacy work on human rights education and raises awareness on human rights violations worldwide. LA also provides a range of services to support refugees and asylum seekers, including journalists, academics, lawyers, artists and intellectuals who are exiled, persecuted or face the risk of persecution in their home countries.

Human rights violations, specifically torture and inhuman or degrading treatment (TIDT), have always been rife in Turkish society; however, since the July 2016 coup d'état attempt against the government of President Erdoğan, these instances of TIDT have increased significantly. As a result, a striking number of Turkish citizens have been documented fleeing their homelands due to fear of prosecution and TIDT, many of whom have settled in the UK and the EU.

The report on Politically Motivated Systemic Torture in Turkey and Its Survivors by London Advocacy Group analyses the international and national legal frameworks of TIDT with support from recent documentation of torture and inhuman treatment in Turkey in order to put forward London Advocacy's Torture or Inhumane or Degrading Treatment Victims Support Project.

The victim support project gathered information through a questionnaire to 30 victims of torture and additional interviews with 10 of the 30 original participants. By demonstrating the United Nations General Assembly prohibition against torture, the 1966 International Covenant on Civil and Political Rights, the 1984 Convention against Torture, the 1989 Convention of the Rights of the Child, and many more's declarations and commitment to battling the existence of torture, this report frames the lack of aid and expulsion of torture in Turkey in a legal environment.

Examples of recent torture and inhuman treatment reports in Turkey further exemplify the existence of this human rights issue and back-up London Advocacy's move to create a victim support project to raise awareness of the injustices and violations occurring in Turkey. The outcome and findings of the victim support project align with multiple previous documentation of TIDT in Turkey, directly overlapping with the CPT's Turkey 2017 and 2019 reports.



## Findings and Limitations

- The Torture Victims project functions as a research project to document and analyse the torture and inhumane or degrading treatment cases evidenced by newly arrived Turkish refugees in the UK after the 2016 coup.
- Since 2016, those perceived as Gülenist and Kurdish are at high risk of accusations of terrorism-related charges, and hence torture and inhumane treatment.
- All interviewees detailed overcrowding, lack of sufficient beds in police detention cells and prisons, ineffective legal aid, and insufficient access to food and water.
- The majority of interviewees reported being detained and tortured by police multiple times.
- Turkey is a party to ICCPR, the 1984 UN Convention against Torture, the 1989 Convention on the Rights of the Child, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the 1987 European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, yet torture in Turkey continuously goes unpunished.
- Torture incidents are not being accurately investigated, according to Mehmet Metiner, a ruling party ex-MP.
- The accounts of the interviewees overlap with previously reported cases of TIDT in international documents and national entities (see Ankara Bar and Medical Association and CPT 2017 and 2019 Turkey reports)
- Between June 2016 and June 2022, over 5100 individuals have applied for asylum in the UK from Turkey, with an additional approximation of 110,000 individuals applying for asylum in the EU between 2016 and 2021.
- Limitation: The intake is likely not representative of the total population exposed to TIDT in Turkey but what was accessible by the program's resources. Several victims who were encouraged to fill out the short survey during seminars did not and did not respond to our calls for face-to-face interviews due to anxiety over repercussions from the Turkish government.

## CHAPTER I: INTRODUCTION

Torture, inhuman or degrading treatment, and other types of severe human rights violations and impunity are not unusual in the everyday life of people living in Turkey. After the military coup of 1980 and during the armed insurgency of PKK in the 1990s, torture, inhuman treatment, extrajudicial killings, and enforced disappearances were widespread and perpetuated by de-jure and de-facto impunity.

Through the early 2000s, however, this pattern seemed to be altered and reforms to improve Turkey's human rights record were carried out within the scope of the policies required to be a member of the European Union. The 15<sup>th</sup> of July 2016 coup attempt and ensuing state of emergency regime, however, have zeroed all of Turkey's improvements regarding rule of law, democracy and human rights.

After the 2016 coup attempt, the Turkish Government declared a State of Emergency lasting two years. This State of Emergency became a breaking point in terms of fundamental rights in Turkey. The Government enacted thirty-two decree laws, of which three (Nos. 667, 668, 696) offered full-dress impunity for public servants and civilians. These decree laws amended more than 1000 legal provisions, a considerable amount of which had human rights implications.

In addition to the impunity clauses enacted by the decree laws, members of the Cabinet, deputies of the ruling party and pro-government preachers<sup>1</sup> had been inciting hatred against the dissidents and encouraging torture and ill-treatment. Additionally, the Turkish Government blatantly broadcasted images of tortured individuals through the state-run news agency, Anadolu Ajansı, and the tv channel, TRT. To make matters worse, ordinary people also posted videos of slaughtered privates and military cadets who had not injured anyone and whose only liability was obeying orders given by their superiors.

For instance, speaking at a rally in the Black Sea province of Zonguldak on April 4, 2017, President Erdoğan said:

“We will eradicate this cancer [the Gülen movement] from the body of this country and the state. They will not enjoy the right to life. ... Our fight against them will continue until the end. We will not leave them wounded.”<sup>2</sup>

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<sup>1</sup> Nurettin Yıldız said the Religious Affairs High Commission, a body of the Religious Affairs Directorate responsible for issuing fatwas, must advise the Turkish government not to feed the jailed followers of Gülen in state prisons. “The Religious Affairs High Commission must speak up about this [the Gülen movement] group. If it is not able to speak against it, it must declare the basic criteria [for punishing them]. For example, how the Qu’ran punishes those involved in terror in Surah al-Ma’idah. It says ‘Kill them, execute them, order their opposing hands and feet be cut off or exile them.’ There are no prison terms. The Religious Affairs Directorate and its high commission must direct the government [for punishing Gülen followers]. This Muslim nation will have to feed those people [Gülen followers] for more than 20 years in prison. Thousands of people will be more of a burden to the state than a town is.”

<https://www.turkishminute.com/2016/12/27/video-controversial-pro-erdogan-cleric-demands-fatwa-state-execute-gulen-followers/>

<sup>2</sup> TRT Haber. Cumhurbaşkanı Erdoğan’dan İKBY’ye bayrak tepkisi, 4 April 2017.

<http://www.trthaber.com/haber/gundem/cumhurbaskani-Erdogandan-ikbyye-bayrak-tepkisi-307472.html>



Mehmet Metiner, a ruling party MP, who also serves as the Chair of the parliamentary sub-committee on prisons, once stated that the commission would not investigate allegations of torture against Gülen supporters in prisons.<sup>3</sup> Addressing AKP supporters, the former Economy Minister, Nihat Zeybekçi, said:

“We will punish them in such a way that they will say, ‘I wish I were dead’. They will not see a human face and they will not hear a human voice. They will die like sewer rats in cells of 1.5–2 square meters.”

The Emergency Decree Laws offering absolute criminal, civil and disciplinary impunity for any kind of act carried out to suppress a coup attempt or a terrorist act, along with restrictions imposed on the rights of suspects and the powers of lawyers<sup>4</sup>, have made obsolete almost all safeguards against torture and ill-treatment.

As a result, since 2016, a significant number of Turkish citizens have been recorded fleeing their homelands in fear of political prosecution, torture and execution due to drastic decisions and actions taken by the incumbent government against the opposition groups. This has led to thousands of people seeking refuge from the UK and the EU. According to publicly available stats, from June 2016 to June 2022, more than 5100 individuals applied for asylum in the UK<sup>5</sup>, while from 2016 to the end of 2021, more than 110,000 individuals applied for asylum in the EU<sup>6</sup>.

This torture report will now go on to display the international and national legal framework of torture, or inhumane or degrading treatment (“**TIDT**”) in Chapter II, followed by a summary of recent reports documenting widespread torture and inhuman treatment in Turkey in Chapter III, and further to then showcase our Turkish Torture Victims Support Project in Chapter IV with subsequent analysis of the data in Chapters V and VI. Lastly, this report will provide conclusions and recommendations for further action.

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<sup>3</sup> Cumhuriyet. AKP’li Metiner’den vahim sözler: İşkence’ye inceleme yok, 3 October 2016. [http://www.cumhuriyet.com.tr/haber/turkiye/608880/AKP li Metiner den vahim sozler iskenceye inceleme yok.html](http://www.cumhuriyet.com.tr/haber/turkiye/608880/AKP_li_Metiner_den_vahim_sozler_iskenceye_inceleme_yok.html)

<sup>4</sup> Extradition to Turkey: One-way Ticket to Torture and Unfair Trial, paras. 45-63 [https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial .pdf](https://arrestedlawyers.files.wordpress.com/2020/02/extradition-to-turkey-one-way-ticket-to-torture-unfair-trial.pdf)

<sup>5</sup> <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-applications-decisions-and-resettlement>

<sup>6</sup> [Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data \[MIGR ASYAPPCTZA custom 3643326\]](#)

## CHAPTER II: INTERNATIONAL & NATIONAL LEGAL FRAMEWORK ON TORTURE, or INHUMANE or DEGRADING TREATMENT (TIDT)

As we establish the background and details of the Torture Victims Support Project in the following chapter, we must place its operations in the context of the international and national framework of TIDT.

The prohibition against torture is well established under customary international law as *jus cogens*.

In 1948, the General Assembly of the United Nations inserted the prohibition against torture in the Universal Declaration of Human Rights. Article 5 states:

"No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment."

The ban on torture and other ill-treatment has subsequently been incorporated into international and regional human rights treaties. Therefore, the prohibition on torture is enshrined in the 1966 International Covenant on Civil and Political Rights (Art. 7), the 1984 Convention against Torture, and the 1989 Convention on the Rights of the Child (Art. 37(a)). The prohibition on torture is also contained in regional human rights instruments, such as the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 3); the 1969 American Convention on Human Rights (Art. 5.2); the 1981 African Charter on Human and Peoples' Rights (Art. 5); the 1985 Inter-American Convention to Prevent and Punish Torture; the 1987 European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment; the 2004 Arab Charter on Human Rights (Art. 8); and the 2012 Human Rights Declaration by the Association of Southeast Asian Nations (Art. 14).

Article 4(1) of the UNCAT obliges all States Parties to ensure that all acts of torture are offences under their criminal law, including attempts to commit torture, as well as acts by any person that constitutes complicity or participation in torture. States Parties are also required to make these offences punishable by appropriate penalties that consider their grave nature.

The UNCAT (Art. 3) provides that no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. The UNCAT further states that, for the purposes of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Turkey is a party to ICCPR, the 1984 UN Convention against Torture, the 1989 Convention on the Rights of the Child, the 1950 European Convention for the

Protection of Human Rights and Fundamental Freedoms, and the 1987 European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment. Article 17 of the Constitution of the Republic of Turkey prohibits torture and ill-treatment in a non-derogable way.<sup>7</sup> The offences of torture and torment are stipulated in Articles 94-96 of the Turkish Penal Code.<sup>8 9</sup>

According to Article 99 of the Turkish Code of Criminal Procedures and Article 9 of the Regulation on Apprehension, Detention and Questioning:

- The health status of the detainee shall be determined by a medical report before he/she was put into the law enforcement force's detention cell. It is also required in cases where the detainee is relocated for any reason, the detention period is extended, and the detainee is released or referred to the judicial authorities,
- It is mandatory that the law enforcement officer who takes the detainee's statement or conducts the investigation and the law enforcement officer who takes the detainee for medical examination must be different,
- Medical examination, control and treatment shall be performed by the forensic medical institution or official health institutions,
- In case the physician finds any evidence of torture and ill-treatment have been committed, he/she immediately notifies the public prosecutor,
- It is essential that the physician and the person examined remain alone and that the examination is carried out within the framework of the physician-patient relationship.

Though these frameworks have both nationally and internationally been put in place to expel torture under any situation, documentation of widespread torture and inhumane treatment, specifically in Turkey, continues to be reported.

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<sup>7</sup> Article 17 - No one shall be subjected to torture or mal-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity.

<sup>8</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)011-e)

<sup>9</sup> In the UK, the Human Rights Act was introduced in 1998 and Article 3 states that "No one shall be subjected to torture or to inhumane or degrading treatment or punishment." As well as torture being illegal in all circumstances, it prevents the UK from deporting or extraditing people to another country where they are at risk of torture.

## CHAPTER III: RECENT REPORTS DOCUMENTING WIDESPREAD TORTURE AND INHUMANE TREATMENT IN TURKEY

As a foundation of London Advocacy (LA)'s victim support project presented in the succeeding chapter, the LA research group examined over forty reports covering human rights violations taking place in Turkey since 2016 and found that presenting a summary of some of those reports here was beneficial to this report.

Since 2016, torture and ill-treatment have been widespread across Turkey. Those accused of terrorism-related charges, particularly perceived Gülenists and Kurdish people are all at risk. Numerous reports from the UN and the Council of Europe bodies, the European Commission, Western countries, and human rights NGOs exhibit observable systemic torture and ill-treatment.

Although one may think that four years after the end of the state of emergency, the situation should have improved in terms of the frequency of torture and inhumane treatment, European Commission's report dated 12 October 2022 titled Türkiye 2022 Report, however, presents the opposite:

"Credible and grave allegations of torture and ill-treatment increased. According to available reports, torture and ill-treatment occurred in detention centres, prisons, informal locations of detention, transportation vehicles and on the streets, mostly during demonstrations. The Human Rights and Equality Institution of Türkiye (HREI), whose role is to act as the National Preventive Mechanism (NPM), does not meet the key requirements under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and is not yet effectively processing cases referred to it. Prison monitoring boards need to be made more effective. The authorities have not authorised the publication of the 2016 and 2021 reports by the Council of Europe's Committee for the Prevention of Torture (CPT). There continued to be a lack of effective investigations into allegations of torture and ill-treatment."<sup>10</sup>

"The overcrowding of the prison system is a serious concern. As of August 2022, the prison population exceeded 320 000 and is the largest in Europe. Türkiye continues to be the Council of Europe Member State with the highest overcrowding rate. Although the human rights action plan contained some measures to improve living conditions in prisons, allegations of human rights violations including arbitrary restrictions on the rights of detainees, denial of access to medical care, mistreatment, limitation on open visits and solitary confinement continued to be reported. Investigations into allegations of

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<sup>10</sup> Türkiye 2022 Report, [https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022_en)

suicides, strip searches and discriminatory behaviour by prison guards, remained limited.”<sup>11</sup>

“There are concerns related to the independence of the Forensic Medicine Institute as it operates under the Ministry of Justice and often ignores medical reports. Decisions requiring access to medical care for sick inmates are often delayed or denied, causing death in prison or soon after release.”<sup>12</sup>

The report titled “2021 Turkey Rights Violations Report” of a respected NGO, Human Rights Association (IHD), concurs with the findings of the European Commission report.<sup>13</sup> According to the IHD report, in 2021, at least 531 people – including 12 children – were tortured or subjected to inhumane treatment at law enforcement detention cells, while 1414 people were tortured or subjected to inhumane treatment in Turkish prisons. Moreover, IHD reports that at least 57 people died in prisons due to negligence, suicide, illness, or violence.

Although the above-mentioned reports are sufficient to reflect the situation in Turkey with regard to the violation and lack of the prohibition of torture and inhumane and degrading treatment, we believe the accounts of the years our participants were taken into police custody or imprisoned are worth exploring to demonstrate further torture and ill-treatment.

A 2017 report by the United Nations Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, dated 18<sup>th</sup> of December, reads:

“The Special Rapporteur notes with concern that there seemed to be a serious disconnect between declared government policy and its implementation in practice... Most notably, despite persistent allegations of widespread torture and other forms of ill-treatment, made in relation both to the immediate aftermath of the failed coup of 15 July 2016 and to the escalating violence in the south-east of the country, formal investigations and prosecutions in respect of such allegations appear to be extremely rare, thus creating a strong perception of de facto impunity for acts of torture and other forms of ill-treatment... According to numerous consistent allegations received by the Special Rapporteur, in the immediate aftermath of the failed coup, torture and other forms of ill-treatment were widespread, particularly at the time of arrest and during the subsequent detention in police or gendarmerie lock-ups as well as in improvised unofficial detention locations such as sports centres, stables and the corridors of courthouses... More specifically, the Special Rapporteur heard persistent reports of severe beatings, punches and kicking, blows with objects, falaqa, threats and verbal abuse, being forced to strip naked, rape with objects and other sexual violence or threats thereof, sleep deprivation, stress positions, and extended blindfolding and/or handcuffing for several days. Many places of detention were allegedly severely overcrowded and did not have adequate access to food, water or medical treatment. Also, both current and former detainees alleged that they had been

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<sup>11</sup> Türkiye 2022 Report, [https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022_en)

<sup>12</sup> Türkiye 2022 Report, [https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022_en)

<sup>13</sup> <https://www.ihd.org.tr/wp-content/uploads/2022/10/2021-y%C4%B1%C4%B1-insan-haklar%C4%B1-bilanc%C4%B1.pdf>

held incommunicado, without access to lawyers or relatives, and without being formally charged, for extended periods lasting up to 30 days.”<sup>14</sup>

Furthermore, in the following year, in the report of the Office of the United Nations High Commissioner for Human Rights dated March 2018, we see the following:<sup>15</sup>

- OHCHR received credible reports that a number of police officers who refused to participate in arbitrary arrests, torture and other repressive acts under the State of Emergency were dismissed and/or arrested on charges of supporting terrorism.
- OHCHR documented the use of different forms of torture and ill-treatment in custody, including severe beatings, threats of sexual assault and actual sexual assault, electric shocks and waterboarding. Based on accounts collected by the OHCHR, the acts of torture and ill-treatment generally appeared to be aimed at extracting confessions or forcing detainees to denounce other individuals. It was also reported that many of the detainees retracted forced confessions during subsequent court appearances.
- On the basis of numerous interviews and reports, OHCHR documented the emergence of a pattern of detaining women just before, during or immediately after giving birth. In almost all cases, the women were arrested as associates of their husbands, who were the Government’s primary suspects in relation to connections to terrorist organizations, without separate evidence supporting charges against them. OHCHR found that the perpetrators of ill-treatment and torture included members of the police, gendarmerie, military police and security forces.

Moreover, the Office of the United Nations High Commissioner for Human Rights: In the report dated 12<sup>th</sup> of November 2019, accounts that several stakeholders observed an escalation of torture and violence towards detainees while, at the same time, security personnel who may have committed crimes on behalf of the government, enjoyed immunity from prosecution during and after the attempted coup.<sup>16</sup>

A report of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the visit to Turkey carried from 10 to 23<sup>rd</sup> of May 2017 reads:

“The CPT’s delegation received a considerable number of allegations from detained persons (including women and juveniles) of recent physical ill-treatment by police and gendarmerie officers, in particular in the Istanbul area and in south-eastern

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<sup>14</sup> Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on his mission to Turkey, Distribution date: 18 December 2017, <https://www.ohchr.org/en/documents/country-reports/ahrc3750add1-report-special-rapporteur-torture-and-other-cruel-inhuman-or-https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/362/52/PDF/G1736252.pdf?OpenElement>

<sup>15</sup> Office of the United Nations High Commissioner for Human Rights Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East January – December 2017 [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>16</sup> Report of the Office of the United Nations High Commissioner for Human Rights, Summary of Stakeholders’ submissions on Turkey, <https://undocs.org/A/HRC/WG.6/35/TUR/3>, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/322/40/PDF/G1932240.pdf?OpenElement>



Turkey. Most of these allegations concerned excessive use of force at the time of or immediately following apprehension (e.g., punches, kicks and blows with a truncheon or butt of a gun after the person concerned had been handcuffed or otherwise brought under control), as well as beatings during transportation to a law enforcement establishment. In addition, many detained persons claimed that they had been physically ill-treated inside law enforcement establishments (in locations which were apparently not covered by CCTV cameras), with a view to extracting a confession or obtaining information or as a punishment. The latter allegations concerned mainly slaps and punches (including to the head and face), as well as blows with a truncheon, hose pipe or other hard objects. Some detained persons alleged that electric shocks had been inflicted upon them by police officers with body-contact shock devices. ... Further, many accounts were received, particularly from detained women, that they had been subjected to psychological ill-treatment (such as threats of beatings, rape or death) and/or severe verbal abuse (often of an explicit sexual nature)."<sup>17</sup>

In 2019, CPT reported that the frequency of allegations of torture and ill treatment remained at a worrying level.<sup>18</sup>

European Commission<sup>19</sup>, The US State Department<sup>20</sup>, the Council of Europe Commissioner for Human Rights<sup>21</sup>, Human Rights Watch<sup>22</sup>, and Amnesty International<sup>23</sup> also constantly reported widespread use of torture and impunity. The Bar Associations of Turkey also published several reports on torture across the country.<sup>24 25</sup>

<sup>17</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>18</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>

<sup>19</sup> [http://ec.europa.eu/enlargement/pdf/key\\_documents/2016/20161109\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf); 2018 report, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf>; 2019 report, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf>; 2020 report, [https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/turkey\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/turkey_report_2020.pdf); 2021 report, [https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en)

<sup>20</sup> The US State Department, 2016 report, <https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/turkey/>; 2017 report, <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/turkey/>; 2018 report, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/turkey/>; 2019 report, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/turkey/>; 2020 report, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/turkey/>; 2021 report, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/turkey/>

<sup>21</sup> Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey, dated 7 October, 2016, <https://rm.coe.int/16806db6f1>

<sup>22</sup> <https://www.hrw.org/world-report/2021/country-chapters/turkey>; <https://www.hrw.org/report/2016/10/25/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>; <https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey>

<sup>23</sup> <https://www.amnesty.org/en/location/europe-and-central-asia/turkey/report-turkey/>; <https://www.amnesty.org/en/documents/eur44/4815/2021/en/>

<sup>24</sup> On 28th May 2019, and 20 December 2019, the Ankara Bar Association published two reports documenting the ongoing torture and sexual abuse of suspects that was taking place in the Ankara Police HQ.

<https://twitter.com/ankarabarasuihm/status/1210646342286159872?s=20>  
<https://arrestedlawyers.files.wordpress.com/2020/01/joint-report-ankara-bar-28-may-2019.pdf>  
<https://arrestedlawyers.org/2019/11/25/report-on-criminal-liabilities-with-regard-to-torture-incidenttook-place-in-ankara-police-headquarters-between-20-and-28-may-2019/>  
<https://arrestedlawyers.files.wordpress.com/2020/01/report-by-ankara-bar-association-human-rightscommission-1.pdf>

<sup>25</sup> Gaziantep and Sanliurfa Bar Associations, and TOHAV (Society & Law Research Association) have published separate reports documenting torture, sexual abuse and illegal interrogation of individuals detained in the district of Halfeti in the Sanliurfa province.

<https://arrestedlawyers.files.wordpress.com/2021/05/sanliurfa-halfeti-report-1.pdf>  
<http://www.tohav.org/Content/UserFiles/ListItem/Docs/katalog1427tohavs-report-on-torture-inurfa.pdf>

A coalition of NGOs consisting of the Ankara Medical Chamber (ATO), the Human Rights Association, the Lawyers Association for Freedom, the Contemporary Lawyers' Association, the Rights Initiative Association, the Revolutionary 78'ers Federation, the Human Rights Agenda Association, the SES Ankara Branch, and Human Rights Foundation of Turkey (TIHV), made a joint statement regarding torture and ill-treatment incidents that had taken place in Turkey, and in Ankara, in particular: *"There has been an increase in kidnapping, torture and ill-treatment in custody, with the aim of exerting pressure on people, punishing, intimidating and forcing them to confess, which started, in particular, with the State of Emergency process, and which has increased in recent years. In the case of Ankara, these practices have unfortunately become systematic,"* it read.<sup>26</sup>

Further, according to a written statement dated the 12<sup>th</sup> of February 2021 of Human Rights Associations of Turkey, the number of cases of torture and ill-treatment in prisons has increased recently. Beatings by kicking and punching, isolation, death threats, strip-search in violation of human dignity, standing roll-calls in military order by giving an oral report (tekml), oral report on the phone, obstructing medical treatment, insults, etc. are among the types of torture and ill-treatment in prisons. Attempts to strip-search all prisoners on their admission to prisons are being made even if there is no concrete danger. HRA has been receiving many applications stating that prisoners were physically abused because they did not accept strip searches.<sup>27</sup>

In addition to the above-mentioned report, there are highly credible reports focusing on the persecution of the members of the Gülen Movement:

In the United Kingdom's Home Office Report titled 'Country Policy and Information Note Turkey: Gülenist movement'<sup>28</sup>, the following can be read:

2.4.22 Between 2016 and the end of 2020, there had been about 24 cases of enforced disappearance. 2 men who reappeared in police custody in Ankara testified to having been abducted, tortured and forced to sign statement confessing to links with the Gülenist movement. There have been no investigations into these cases and the police deny the claims.

2.4.27 There were reports that those with alleged affiliation to the Gülenist movement were more likely to be subjected to mistreatment in detention, including long periods of solitary confinement, unnecessary strip searches, severe limitations on outdoor/out-of-cell activity, denial of access to prison libraries and slow/no access to medical treatment. Visitors of those accused of terror-related

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<https://m.bianet.org/english/human-rights/209087-report-on-halfeti-by-urfa-bar-association-the-detained-subjected-to-sexual-torture> <https://bianet.org/english/human-rights/209087-report-on-halfeti-by-urfa-bar-association-the-detained-subjected-to-sexual-torture>

<sup>26</sup> <https://haknisiyatifi.org/torture-is-a-crime-against-humanity-without-exception-and-is-strictly-prohibited.html> <https://arrestedlawyers.org/2020/01/01/human-rights-ngos-torture-and-ill-treatment-in-custody-have-become-systematic-practice-of-ankara-police/>

<sup>27</sup> <https://www.ecoi.net/en/file/local/2048256/Turkey+Prison+conditions+FINAL.pdf>

<sup>28</sup> Home Office, Country Policy and Information Note Turkey: Gülenist movement; [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1052283/TUR\\_CPIN\\_G%C3%BClenist\\_movement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052283/TUR_CPIN_G%C3%BClenist_movement.pdf)

crimes were also subjected to abuse, including limited access to family and degrading treatment by prison guards, such as strip searches. There were credible reports of torture of former employees of the Ministry of Foreign Affairs, which the police denied.

2.4.28 There were reports that Prosecutors do not always conduct meaningful investigations into allegations of torture and ill-treatment in detention and that there is a culture of impunity for members of the security forces and public officials involved. In 2019, the government opened 2,767 investigations into allegations of torture and mistreatment. Of those, 1,372 resulted in no action being taken by prosecutors, 933 resulted in criminal cases, and 462 in other decisions. The government did not release data on its investigations into alleged torture. The Human Rights Association received 573 complaints of torture from people while in police custody or in extra custodial locations from January to November 2020. In June 2020, the Minister of Interior reported that the ministry had received 396 complaints of torture and maltreatment since October 2019. CHP, an opposition party, alleged that 223 persons reported torture or inhuman treatment from May to August 2020.

8.4.7 In its World Report 2021, Human Rights Watch stated, 'A rise in allegations of torture, ill-treatment, and cruel and inhuman or degrading treatment in police and military custody and prison over the past four years has set back Turkey's earlier progress in this area. Those targeted include people accused of political and common crimes.'

The Norwegian Ministry of Justice and Emergency Affairs (UDI) reports the same facts and pattern. According to UDI, Gülenists are at risk of arrest, imprisonment, torture and conviction and therefore have the right to protection under the letter (a) of the first paragraph of Article 28 of the Immigration Act. In some cases, family members of the active members of the "Gülenists" also have the right to protection.<sup>29</sup>

According to the report of the Netherlands' Ministry of Foreign Affairs:<sup>30</sup>

"Information about the frequency of ill-treatment and torture in detention facilities and prisons was scarce. ... ill-treatment and torture are more common when a detainee is being transported or held in (extrajudicial) detention rather than in prisons. However, this does not alter the fact that ill-treatment and torture also occur in prisons. This is partly because there is a culture of impunity among prison staff, which means that prison guards can torture, mistreat and/or humiliate prisoners with no negative consequences. In this context, one source notes that prison guards reportedly search cells, confiscate

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<sup>29</sup> Regjeringen. GI-15/2017 – Instruks om praktisering av utlendingsloven § 28 – asylsøkere som anfører risiko for forfølgelse på grunn av (tillagt) tilknytning til Gülen-nettverket.  
[https://www.regjeringen.no/no/dokumenter/gi-152017--instruks-om-praktisering-av-utlendingsloven--ENDNOTES 50 28--asylsokere-som-anforer-risiko-for-forfolgelse-pa-grunn-av-tillagt-tilknytning-til-gulennettverket/id2575439/?q=gi-15/2017](https://www.regjeringen.no/no/dokumenter/gi-152017--instruks-om-praktisering-av-utlendingsloven--ENDNOTES%2028--asylsokere-som-anforer-risiko-for-forfolgelse-pa-grunn-av-tillagt-tilknytning-til-gulennettverket/id2575439/?q=gi-15/2017)

<sup>30</sup> General Country of Origin Information Report Turkey  
<https://www.government.nl/documents/reports/2021/03/18/general-country-of-origin-information-report-turkey>

inmates' belongings, and express their antipathy to the Gülen movement and Kurdish activism. According to the international human rights organisation Human Rights Watch (HRW), prisoners are also sometimes visited and threatened by employees of the National security Service, MIT. Another source reports that if prisoners refuse a strip search or do not wish to be taken to the infirmary in handcuffs, they are beaten until they cooperate. Victims of ill-treatment and torture formally have the opportunity to complain to various bodies, including the Ombudsman and the Türkiye İnsan Hakları ve Eşitlik Kurumu (TİHEK), known in English as the Human Rights and Equality Institution of Turkey. However, both agencies are under government control and not known to act efficiently against abuses committed by government employees. According to human rights organisations, many victims of ill-treatment and torture have little or no confidence in the Ombudsman and/or the TİHEK and are afraid that they will again be exposed to ill-treatment and torture if the gendarmes, police officers and/or prison guards find out that they have filed a complaint. In view of the foregoing, most victims of abuse and torture do not file a complaint.”

As a result of the ill-treatment and torture exemplified in this chapter, London Advocacy took the situation at hand and has created a Victims Support Project initiative to contribute to change-making where torture is involved – in this case, specifically regarding Turkish refugees.

## CHAPTER IV: UK-BASED TURKISH TORTURE OR INHUMANE OR DEGRADING TREATMENT VICTIMS SUPPORT PROJECT

### Background

Informed by the politically motivated systemic torture in Turkey, in November 2021, London Advocacy started a torture research program to document and analyse the Torture, or Inhumane or Degrading Treatment cases evidenced by newly arrived Turkish refugees in the UK. We worked first to understand the sufferings of the victims, and then to assist them and their families in telling their stories, rebuilding healthy, self-sufficient lives, and ultimately contributing to global efforts to fight torture. The program has been carried out by a research group consisting of one bilingual and experienced journalist, one doctoral-level researcher and one human rights lawyer with experience working with refugees and torture victims.

Additionally, the research group has used semi-structured and open-ended questions (asking about lifetime experiences) and conducted in-depth interviews in the safety of third-country resettlement in order to provide additional understanding of a broader range of human rights violations experienced by Turkish people in the context of the complex and systematic circumstances of a hostile government.

### Definitions

In this study, we rely on universally accepted definitions of torture, and inhumane or degrading treatment.

### *Torture*

Torture is prohibited by international treaties and customary international law.<sup>31</sup> Article 1 of the *United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment* (UNCAT) defines torture as being<sup>32</sup> :

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him information, third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other

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<sup>31</sup> African Charter on Human and Peoples' Rights, Article 5; Arab Charter on Human Rights, Article 8; United Nations Convention on the Rights of the Child, Article 37; United Nations Convention on Persons with Disabilities, Article 15; Rome Statute for the International Criminal Court, Article 8 § 2(a); *European Convention on Human Rights*, Article 3; ICCPR, Article 7; *American Convention on Human Rights*, Article 5.

<sup>32</sup> A/RES/39/46, 10 December 1984, found here: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.

### *Inhumane or Degrading Treatment*<sup>33</sup>

'Inhumane treatment' must reach a minimum level of severity, and "cause either actual bodily harm or intense mental suffering". Undue restraint during arrest or of a psychiatric patient may also amount to inhumane treatment.

'Degrading treatment' involves humiliation and debasement as opposed to physical and mental suffering. As with inhumane treatment, degrading treatment does not have to be deliberate. It is most often the conditions of detention that are degrading - for example, dirty and over-crowded conditions over a prolonged period ([Kalashnikov v. Russia](#)). The same conditions may also be considered inhumane if severe enough.

Strip searches, even when justified for security reasons, can be degrading if conducted without respect to a person's dignity- for example, in public or in front of the opposite sex. Solitary confinement is not necessarily inhumane or degrading, but can be so, particularly if prolonged.

Absence or refusal of medical assistance can be degrading where it causes anxiety or stress or suffering, especially to mental patients. The opposite situation of compulsory medical intervention, for example, force-feeding, while not in principle inhumane or degrading, may become so if not medically necessary or carried out without safeguards or respect.

Handcuffing is not degrading if reasonably necessary - for example, to prevent escape or injury to others - but can be if the handcuffed person is undergoing hospital treatment or is paraded in public or at trial.<sup>34</sup>

The next section outlines the methodology and data collection process for this report in detail.

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<sup>33</sup> <https://www.coe.int/en/web/echr-toolkit/interdiction-de-la-torture>

<sup>34</sup> Case of Kudła v. Poland, *Application no. 30210/96*, <https://hudoc.echr.coe.int/eng?i=001-58920>

90. As the Court has held on many occasions, Article 3 of the Convention enshrines one of the most fundamental values of democratic society. It prohibits in absolute terms torture or inhumane or degrading treatment or punishment, irrespective of the circumstances and the victim's behaviour (see, among many other authorities, *V. v. the United Kingdom* [GC], no. [24888/94](#), § 69, ECHR 1999-IX, and *Labita v. Italy* [GC], no. [26772/95](#), § 119, ECHR 2000-IV).

91. However, ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case, such as the nature and context of the treatment, the manner and method of its execution, its duration, its physical or mental effects and, in some instances, the sex, age and state of health of the victim (see, for example, the *Raninen v. Finland* judgment of 16 December 1997, *Reports of Judgments and Decisions* 1997-VIII, pp. 2821-22, § 55).

92. The Court has considered treatment to be "inhumane" because, *inter alia*, it was premeditated, was applied for hours at a stretch and caused either actual bodily injury or intense physical or mental suffering. It has deemed treatment to be "degrading" because it was such as to arouse in the victims feelings of fear, anguish and inferiority capable of humiliating and debasing them. On the other hand, the Court has consistently stressed that the suffering and humiliation involved must in any event go beyond that inevitable element of suffering or humiliation connected with a given form of legitimate treatment or punishment (see, *mutatis mutandis*, the *Tyrer v. the United Kingdom* judgment of 25 April 1978, Series A no. 26, p. 15, § 30; the *Soering v. the United Kingdom* judgment of 7 July 1989, Series A no. 161, p. 39, § 100; and *V. v. the United Kingdom* cited above, § 71).



## Data Collection

The data collection phase began gradually in November 2021 through the methodology of a survey (questionnaire) and in-depth interviews.

Primarily, we contacted local partners to identify victims of torture. The victims were invited by research staff and local community organizations to participate in an initial presentation, followed by 5 seminars held via zoom, where we explained and demonstrated the aim, purpose, and roadmap of the project. These seminars also presented a demonstration of how to complete the torture victims' questionnaire. A total of over 288 individuals attended these seminars.

Of those who attended the seminars or were informed of the project through our network, 34 individuals filled out the questionnaire. Further, due to a lack of data and proper input in some cases, we did not include the questionnaires of 4 participants in our study.

15 of the 30 participants whose surveys were evaluated were then selected by our research group to be interviewed. 5 of the 15 individuals we contacted declared that they could not participate in in-depth interviews citing different reasons, i.e., time constraints, ongoing court cases, anxious about repercussions from the Turkish government.

Consequently, 30 participants filled out the questionnaire and 10 of these participants were then individually interviewed.

## Participants

Participants of the survey included 30 Turkish adults (25 men and 5 women) who arrived in the UK after the 2016 coup attempt in Turkey to seek asylum. The mean age of the participants was 41. The oldest participant was 58 years old whereas the youngest was 29.

Participants in the in-depth interviews included 10 Turkish adults (8 men and 2 women) who arrived in the UK to seek asylum after the 2016 coup attempt in Turkey chosen among questionnaire participants.

The inclusion criteria were as follows: participants must have been exposed to torture, or inhumane or degrading treatment ("TIDT") in Turkey after the 2016 coup attempt and living in the UK during the interview. All participants had the status of being Turkish refugees, were accepted as asylum seekers, and had some form of affiliation with the Gülen Movement.

We note that the intake is likely not representative of the total population exposed to TIDT in Turkey but was what was accessible by the resources of the program. According to our network organizations, there are hundreds of victims subjected to similar unlawful actions or treatments living in the UK. However, several seminar

participants and victims whom we encouraged to fill out the short survey did not and did not respond to our calls for face-to-face interviews.

Further, in every step of the study, the participants were reassured of confidentiality and were told that they were not obliged to answer any questions that they did not wish to answer.

### Methods: Apparatus and Materials

In-depth interviews were conducted at London Advocacy headquarters in London, Birmingham and online through Zoom.

Participants received copies of presentation materials, their filled survey, and interview records upon request. Research staff administered a demographic questionnaire through google forms and a 25-item questionnaire, which included four categories of questions specific to Torture, or Inhumane or Degrading Treatment, trauma history, mental health screener questions about distress and the rehabilitation process after landing in the UK.

Interviewees received copies of completed questionnaires and frequently discussed endorsed items with the researchers prior to in-depth interviews with the torture victims. This enabled interviewers to respond immediately to the distress indicated by the victims.

### Mixed Method: Survey (Questionnaire) and in-depth one-to-one semi-structured interview

Following the initial survey (questionnaire), the interviews were semi-structured and included open-ended items asked about experiences of the TIDT.

Interviews were completed with adults only who were Turkish refugees living in the UK. A formalized interview was done for invited torture victims, based on the severity of the cases, consisting of a 1-hour interview concerning demographic data, organized violence in Turkey, prison and post-prison life, journey to the UK and a social assessment of symptoms of posttraumatic stress disorder.

All participants were interviewed by trained interviewers among the London Advocacy office staff. The interviews of the torture victims consisted of three areas of interest: (a) narrative of life story, imprisonment, flight, and exile; (b) coping mechanisms to survive the torture; (c) current status of living in the UK and needs for integration into British society. During these interviews, the victims were interviewed regarding their experience with open-ended questions, such as: "What kind of experience brings you here today?"

The interview started with a short and unstructured request: “I do have several questions. But I would like you to start and tell me about your experience that you think it is systematic torture or inhumane or degrading treatment”.

After each interview, the information already known about a particular participant was reviewed to see if there were any particular areas or previous inconsistencies that needed to be explored, or any symptoms that the interviewer needs to be conscious of.

The researchers also were prepared for interviews by taking part in thorough research of the relevant issues, including the common patterns of violations and the social and political situation in Turkey and in specific environments participants may have endured, such as prison conditions and mass arrest data.

The interviews were performed by a Turkish-speaking team and were taped and fully transcribed.

## Ethics

Ethical approval for this study was obtained from the London Advocacy Board.

All members of the research group received instruction on the measure and response format to ensure items were understood and the measure was uniformly introduced.

Research staff were trained on the definitions of torture and ill-treatment, observed real interviews, and supervised conducting interviews with participants.

A separate internal document titled “Documenting Torture and Other Ill-Treatment: Internal Report and Guidance for London Advocacy” was prepared and shared with all stakeholders. This document is a reduced and simplified version of the United States’ “RAIO Combined Training Program Interviewing Survivors of Torture and Other Severe Trauma Training Module”<sup>35</sup> and Human Rights Centre at the University of Essex’s “The Torture Reporting Handbook: How to document and respond to allegations of torture within the international system for the protection of human rights”<sup>36</sup>.

Moreover, ongoing supervision took place throughout the data collection period. Trained research staff explained the study to participants and obtained informed consent from the victims.

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<sup>35</sup> [https://www.uscis.gov/sites/default/files/document/foia/Interviewing - Survivors of Torture LP RAIO.pdf](https://www.uscis.gov/sites/default/files/document/foia/Interviewing_-_Survivors_of_Torture_LP_RAIO.pdf)

<sup>36</sup> <https://www1.essex.ac.uk/hrc/documents/practice/torture-reporting-handbook-second-edition.pdf>

## Data Analysis

London Advocacy's in-house data analyst and academics coordinated and supervised the collection of data and were present at the interviews during a part of the data collection period (November 2021-August 2022; 10 Months of Data Collection).

During these periods, victims whom the staff had contact with and agreed to be part of the study were included in the study.

Our research group checked all the assessment data, and if the information was missing as a result of incomplete handling of the data registration, Turkish transcription and translation, the torture survivor was contacted to clarify any missing part. Torture victims also had a chance to revisit their statements and send additional information and evidence regarding their experience.

In summary, 288 UK-based torture victims attended the introduction sessions through a zoom presentation delivered by our Communication Officer and in-house lawyer during the period from November 2021 to March 2022. In all, the 30 participants with complete survey data were involved in the quantitative data analysis. The 10 subsequent interviewees participated in our in-depth one-to-one semi-structured interviews.

Even though the nonparticipant numbers were large, there were no statistical differences between the excluded group and the included group on any of the demographic variables since most of the survivors come from the same background.

## CHAPTER V: DATA ANALYSIS OF THE SURVEY (QUESTIONNAIRE)

This chapter will analyse and discuss the data uncovered by the survey (questionnaire) taken by the 30 participants discussed in Chapter IV.

### Accusation

All 30 participants were charged under Article 314 of the Turkish Penal Code which stipulates commanding or membership in an armed terrorist group for their perceived or actual affiliation with the Gülen Movement.<sup>37</sup>

### Demographics

We asked demographic questions to identify the victims. Such questions addressed the participants' identity, gender, age, occupation, and ethnicity.

Table 1 displays the descriptive statistics for a selected number of demographic indicators for the participants. All participants (N = 30) were of Turkish ethnicity and arrived in the UK with refugee status. 13% of the participants reported that they have Kurdish Background, as well. 67% of participants were aged between 35-44. 77% of victims live in England. Among them, the most concentrated cities where the victims live were (1) London and (2) Cardiff due to UK Immigration policy.

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<sup>37</sup> In the Case of Demirtas v. Turkey (2) (Application no. 14305/1732) European Court of Human Rights found that "The range of acts that may have justified the applicant's pre-trial detention in connection with serious offences that are punishable under Article 314 of the Criminal Code, is so broad that the content of that Article, coupled with its interpretation by the domestic courts, does not afford adequate protection against arbitrary interference by the national authorities (§280)." and "... the present case confirms the tendency of the domestic courts to decide on a person's membership of an armed organisation on the basis of very weak evidence (§337)." It concluded "... the content of that provision, coupled with its interpretation by the domestic courts, did not afford adequate protection against arbitrary interference by the national authorities." On that account, it found that the terrorism-related offences at issue, as interpreted and applied in the present case, were not properly 'foreseeable'.

Age of Victims	Frequency	%
25 - 34 years	3	10%
35 - 44 years	20	67%
45 - 54 years	7	23%

Current Location of Victims	Frequency	%
England	23	77%
Wales	7	23%
London	5	17%
Cardiff	6	20%

Occupation of Victims	Frequency	%
Teacher	12	40%
Academician	6	20%
Engineer	3	10%
Health Professional	3	10%
Businessperson	2	7%
Police / Military Officer	2	7%
Lawyer	1	3%
Veterinarian	1	3%

Hometown Region of Victims	Frequency	%
The Marmara Region	5	17%
The Aegean Region	7	23%
The Black Sea Region	3	10%
The Central Anatolia Region	3	10%
The Mediterranean Region	4	13%
The South-eastern Anatolia Region	3	10%
The Eastern Anatolia Region	5	17%

Ethnicity of Victims	Frequency	%
Turkish	26	87%
Kurdish	4	13%
Other	0	0%

Table:1 Demographic Data of Survey Participants



## Questions

As a part of the survey, participants were asked the following questions to provide details of their experienced torture:

i) Who did what to whom? ii) When, where, why and how did it occur?

The following Table and Graphs display a selected number of summary data and evidence of torture in Turkey by locations named by participants.

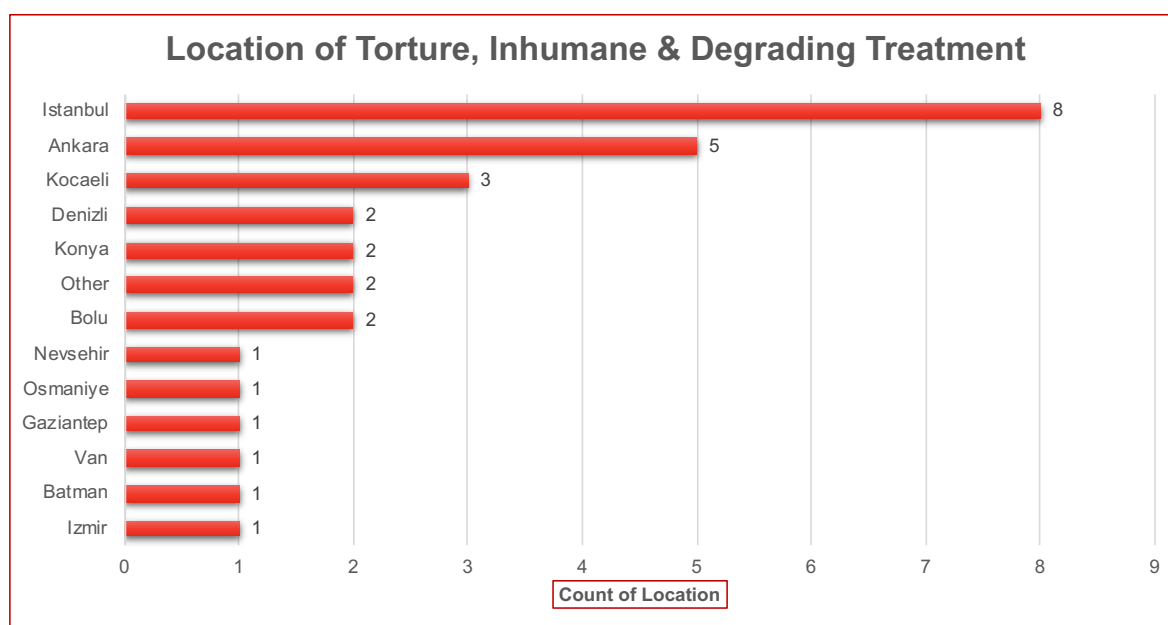


Table 2: Location of Torture, Inhumane and Degrading Treatment

Each victim was registered according to the city where they were tortured. Half of the cases were from the 3 major cities (Istanbul, Ankara, and Kocaeli). Parallel to Freedom from Torture Turkey Torture report, several police detention facilities were described in the major cities, of which Istanbul Police Headquarters on Vatan Street and Izmit Police Headquarters were the most commonly mentioned.<sup>38</sup> Data demonstrates that torture is common practice in all major Turkish cities after the 2016 coup.

We asked in the survey whether the victim had any evidence of Torture, Inhumane and Degrading Treatment. The results are shown in Table 3. 17 of the participants answered that they had their experience written in court documents. A few severe cases were mentioned in torture reports and published in news articles. 6 of the participants claimed that they have no substantial evidence of torture. We asked the same question during our in-depth interview.

Overall, participants tortured in the aftermath of the attempted coup could not seek specialist doctors for a forensic report due to an environment of fear and pressure to remain silent. The lack of medical attention can also be attributed to the time it takes

<sup>38</sup> Torture in Turkey: past, present and future?  
<https://www.freedomfromtorture.org/sites/default/files/2019-04/Turkey%20briefing%20FINAL%20170410.pdf>

for torture victims to realize they should report the incident, in addition to constant threats from police officers to remain silent. Anecdotal evidence is presented in other sections of this report.

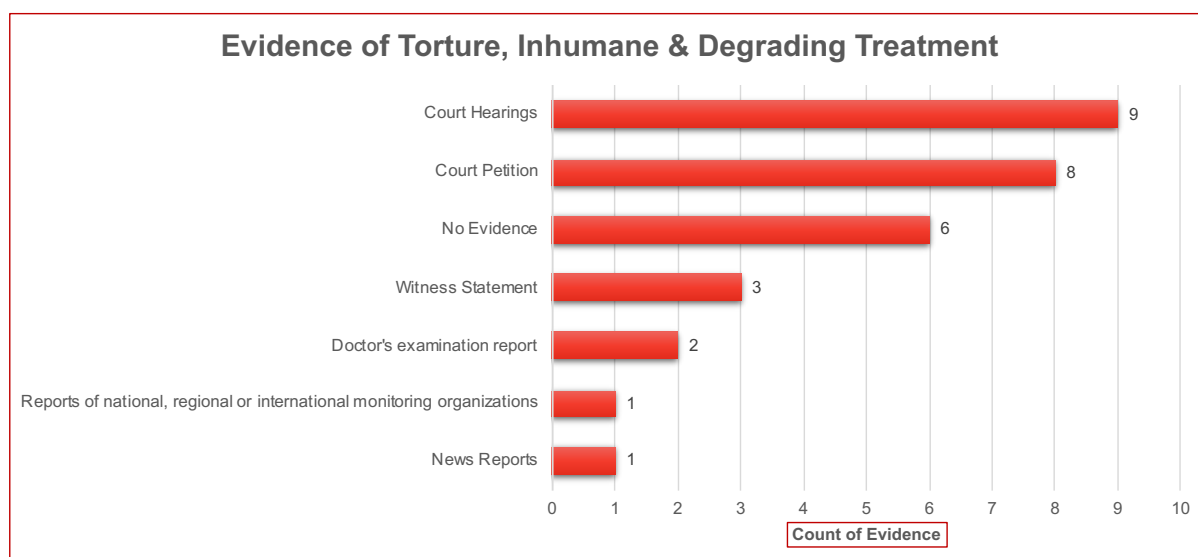


Table 3: Evidence of Torture, Inhumane and Degrading Treatment

Since 2016, there has been a hostile environment in which lawyers in Turkey have had to operate. Lawyers have been subjected to judicial harassment, including mass arrests, raids, violent attacks, threats, surveillance, illegitimate criminal charges, unfair trials and harsh sentences in disregard of the most basic principles of the rule of law.<sup>39</sup> This directly affected the court cases where judicial aid lawyers unwillingly refrained from taking cases from particular social groups. When the lawyers took the case, they did not inform the victims of their rights nor did they effectively defend them. This is also evidenced in Table 4 of this study; 90% of the survey participants claim that they did not receive enough support from the judicial aid lawyer assigned by the bar association.

<sup>39</sup> Access to the legal profession and disbarments in Turkey  
<https://www.lawsociety.org.uk/campaigns/international-rule-of-law/intervention-letters/access-to-the-legal-profession-and-disbarments-in-turkey>  
 Factsheet: Challenges to the Independence of the Legal Profession under the State of Emergency in Turkey  
<https://arrestedlawyers.org/2018/07/06/factsheet-challenges-to-the-independence-of-the-legal-profession-under-the-state-of-emergency-in-turkey/>

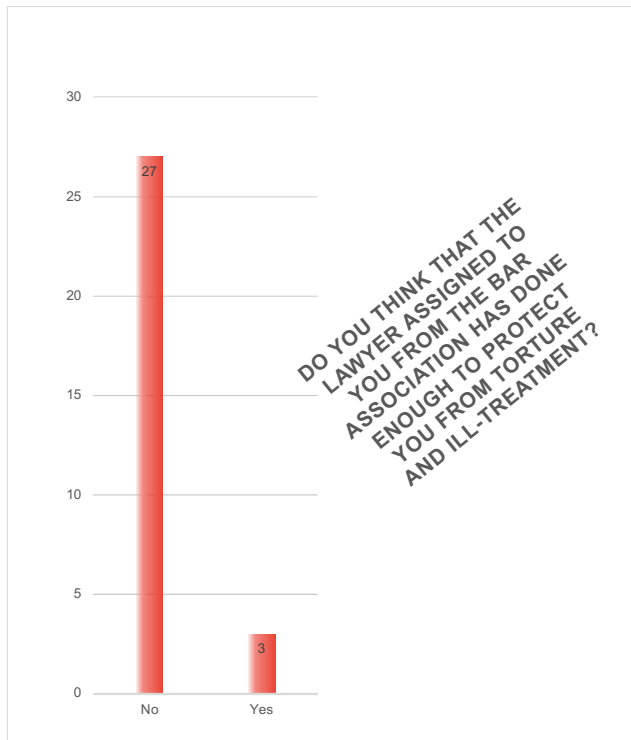


Table 4: Question about the effectiveness of judicial aid lawyers

Our findings indicate that Torture, Inhumane and Degrading Treatment take place at all levels, from detainment to imprisonment, with police stations are at the top of our study's most frequently reported places of TIDT (see Table 5).

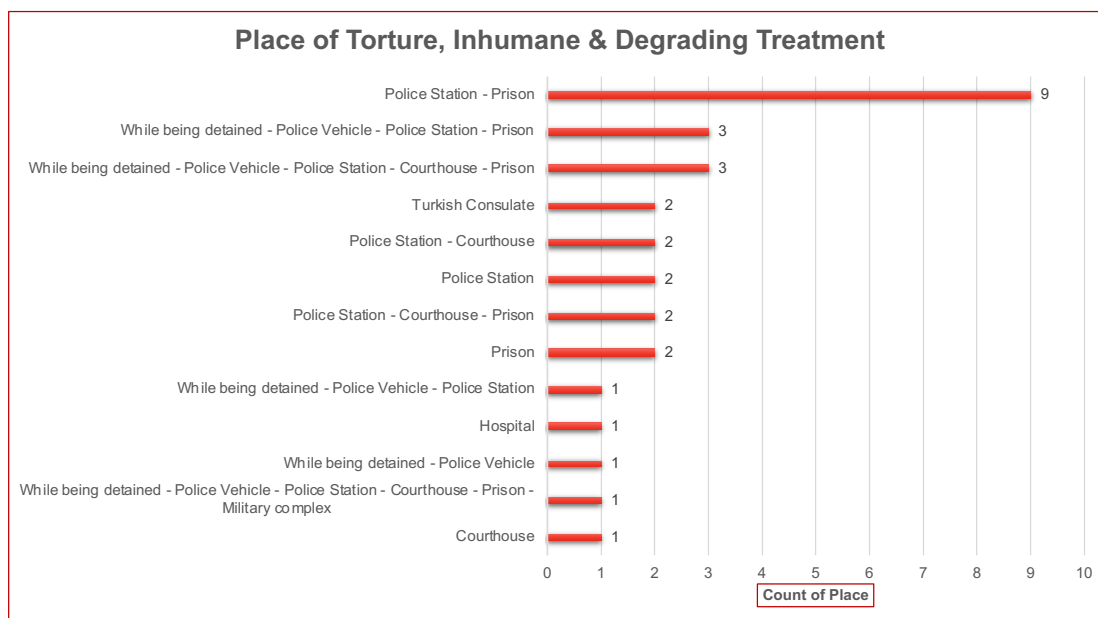
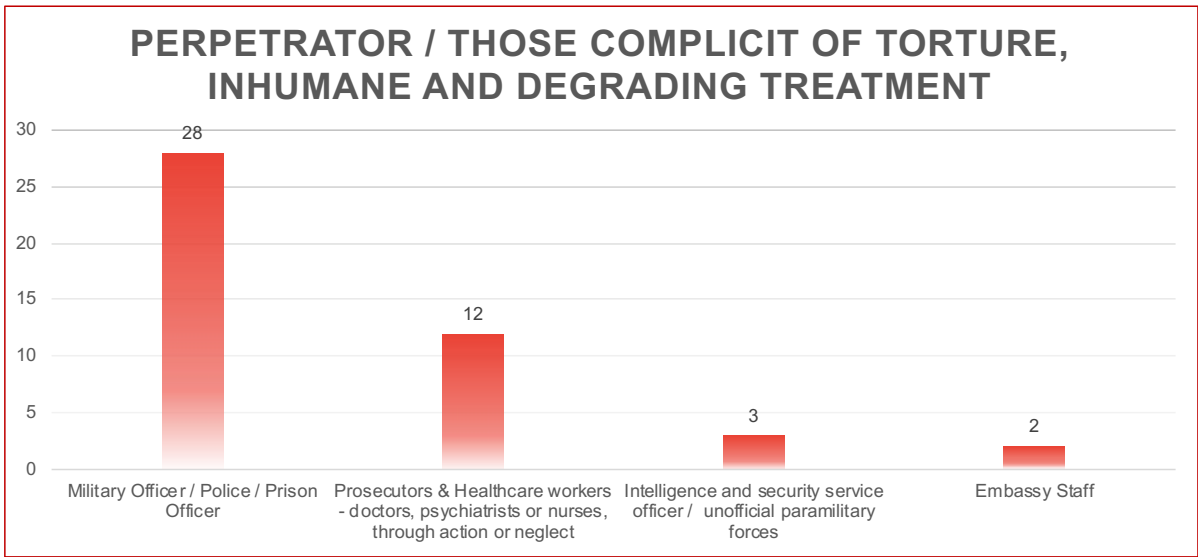


Table 5: Place of Torture, Inhumane and Degrading Treatment

In accordance with Table 6, the majority of our interviewees reported being detained and tortured by the police, often multiple times. Several reports found that Turkish authorities do not take deterrent steps to prevent verbal attacks and threats from security forces against detainees. For example, in a case where the detainee reports

that the police battered him and that he was pressured not to mention it during this medical examination, if this situation is found to be true, the police officer in question is most often not punished accordingly. It is understood that insults, threats and physical violence continue during the transfer from detention to the police station. There are also inspection records of this violence, as evidenced by victim statements, yet the number of complaints and accusations made regarding authority abuse towards detainees continues to be alarming.

Furthermore, as data shows above, 28 victims reported that either military officers, police or prison guards were the perpetrators of their abuse. Even worse, 40% reported that they had mistreatment by health professionals. This can often be the case due to security personnel often being present in the room during medical examinations, pressuring healthcare professionals to carry out improper examinations to detect TIDT.



\*Some victims reported multiple perpetrators

Table 6: Perpetrator of Torture, Inhumane and Degrading Treatment

### Trauma: Short- and Long-Term Effects of Torture

Torture and other ill-treatment are present in both psychological forms as well as physical. In this section of the questionnaire, we aimed to gather the details of all the immediate/short-term effects the victim experienced following each particular form of Torture, Inhumane and Degrading Treatment. Then, we also looked for the long-term effects (physical or psychological).

A number of torture methods are described in the 30 cases, both during police investigations and in prison. All 30 participants reported multiple forms of torture (see Tables 7 and 8). Additionally, almost all victims described overcrowding.

Other highly prevalent forms of torture documented in the reports include: being left in unhygienic conditions (77% of all cases); coercion to be an informant (60% of all cases); being threatened and insulted (57%); and not treating sickness (47%). Other reported Torture, Inhumane and Degrading Treatment methods include beating, not giving medication, blackmailing, forcing to take showers in extreme hot and cold water, sexual harassment, spitting, and strip searches.

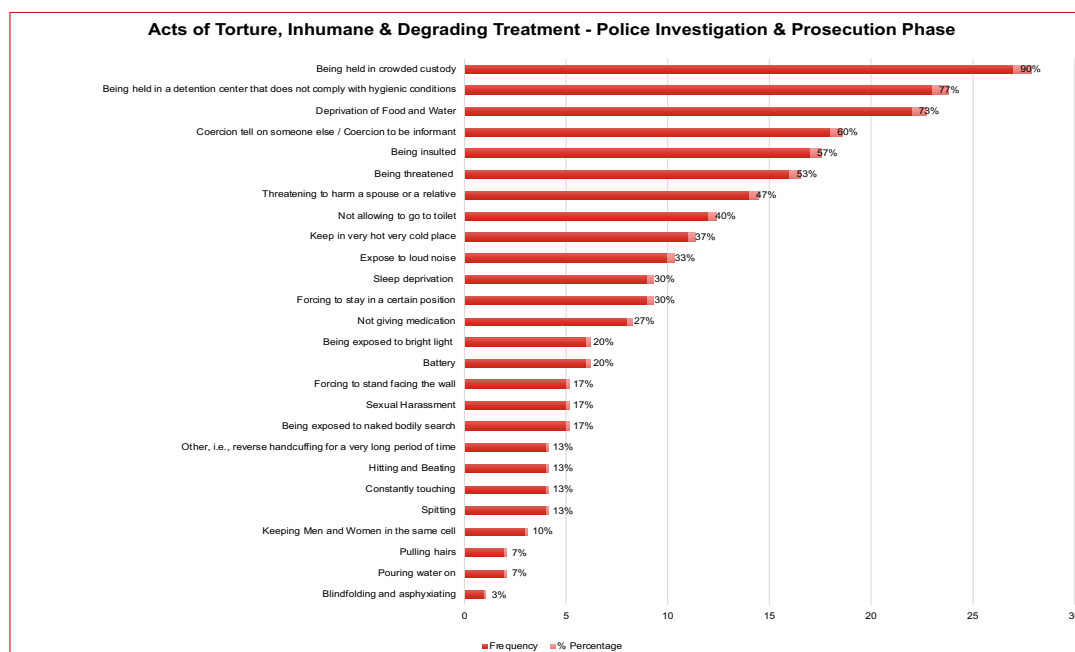


Table 7: Acts of Torture, Inhumane and Degrading Treatment: Police Investigation & Prosecution Phase

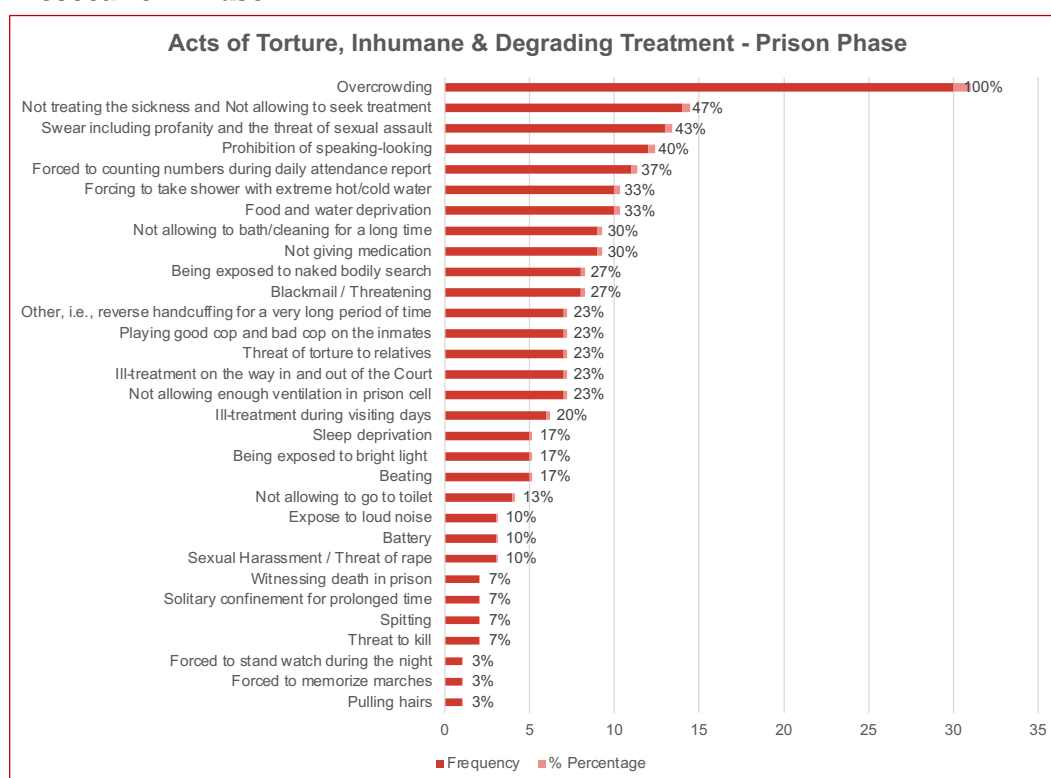


Table 8: Acts of Torture, Inhumane and Degrading Treatment: Prison Phase

Furthermore, evidence of a wide range of physical and/or psychological consequences of torture were documented across the 30 cases and are presented in the following figures. The most reported physical effect is permanent headaches (64%) and musculoskeletal pains (44%). Other effects include loss of mobility, vision and hearing (50% in total) and scars (10%).

Psychological evidence of torture was also documented in all cases, including emotional, psychosomatic, behavioural and mental effects. Some of which include anxiety and depression, which in the majority of cases reached the diagnostic level with some of the victims reporting ongoing treatment to cope with trauma.

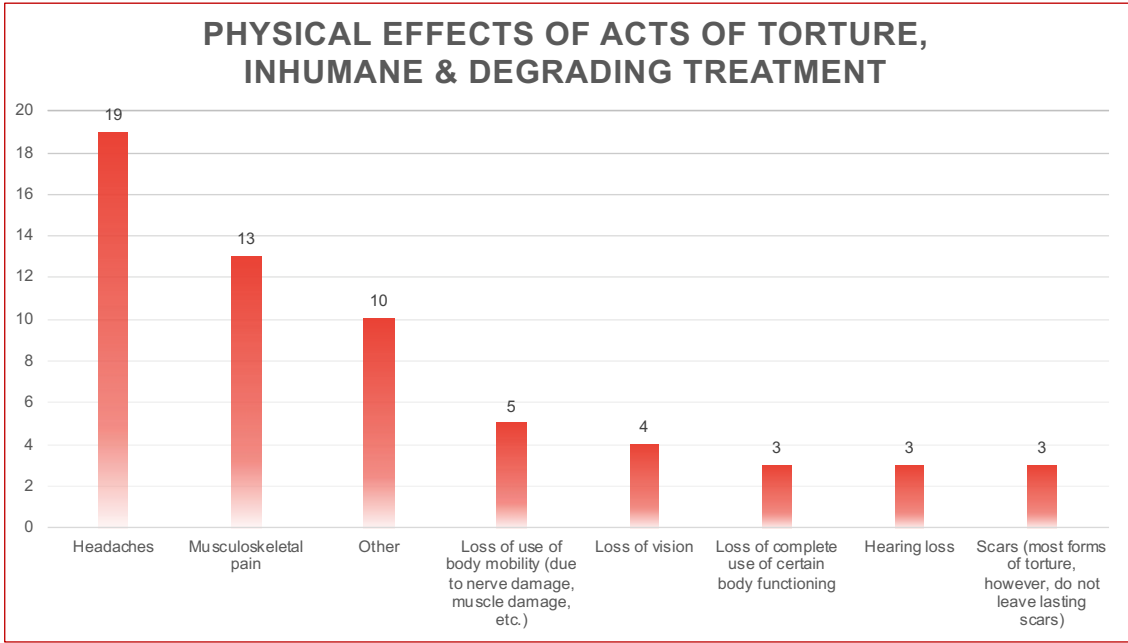


Table 9: Physical Effects of Torture, Inhumane and Degrading Treatment

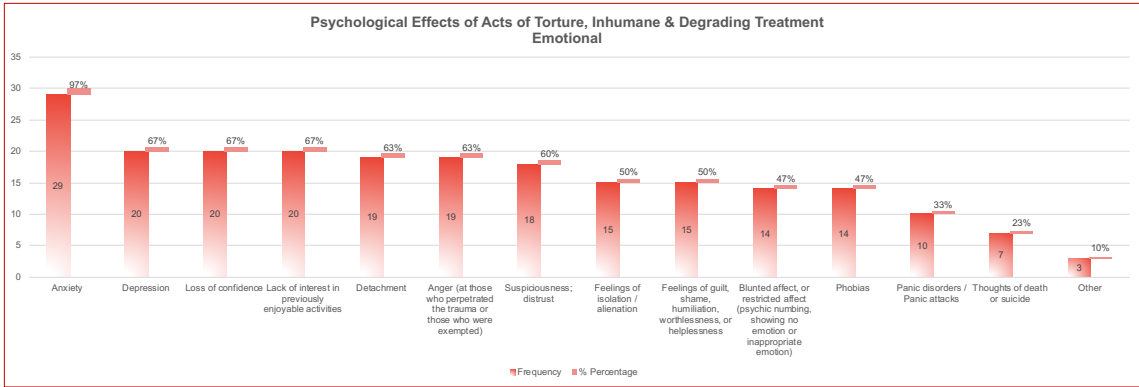


Table 10: Psychological Effects of Torture, Inhumane and Degrading Treatment: Emotional



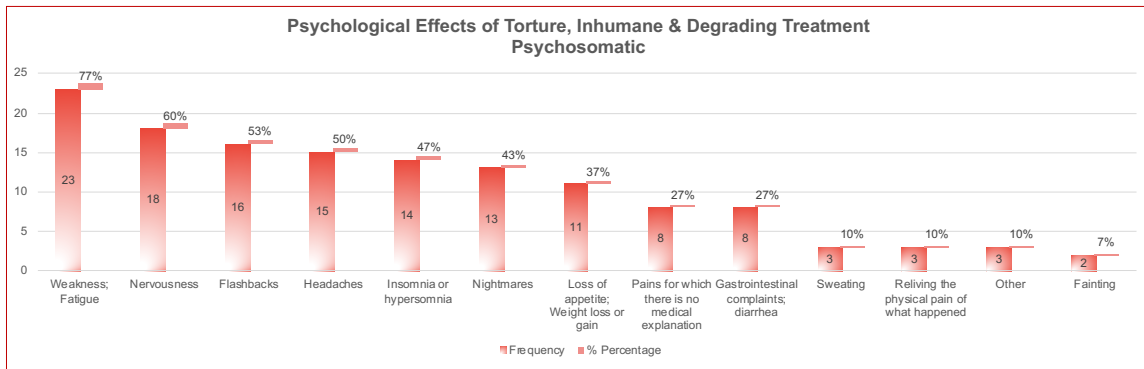


Table 11: Psychological Effects of Torture, Inhumane and Degrading Treatment: Psychosomatic

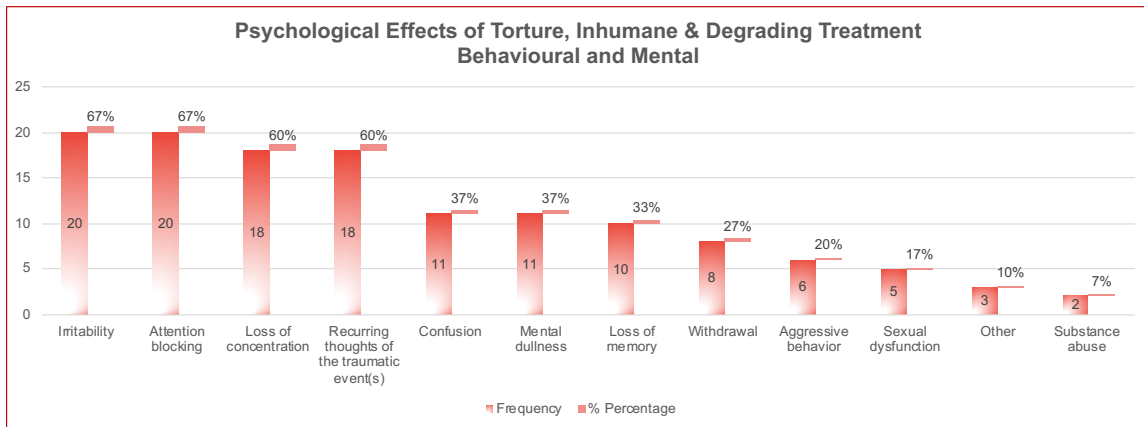


Table 12: Psychological Effects of Torture, Inhumane and Degrading Treatment: Behavioural and Mental

In summary, we found there is ample evidence of the alleged torture methods reported by Turkish asylum applicants in the UK. In general, our findings mirror the prevalence of torture forms reported in previous studies. Our findings can be directly extrapolated to other groups in Turkey. In the next section, we provide further details of torture acts using an analysis of the in-depth interviews.

## CHAPTER VI: ANALYSIS OF INTERVIEWS

As we explained in Chapter IV, London Advocacy's research group chose 15 participants out of the initial 30 whose survey results we evaluated to be interviewed. 5 out of 15 people we contacted declared that they could not participate in in-depth interviews citing different reasons, i.e., time constraints, ongoing court cases, and anxiety over repercussions from the Turkish government. Consequently, we conducted in-depth interviews with 10 of 30 participants. Below is a descriptive summary of each of the interviews, followed by an analysis of the interviews as a whole:

### Interviewee 1

Interviewee 1 is a male and a successful businessman with no criminal record. He was arrested by the police over his alleged affiliation with the Gülen Movement shortly after the coup attempt on the 15th of July 2016. He was then subsequently charged with membership in an armed organisation.

Interviewee 1 was kept in police custody for seven days in Denizli. He said that whilst in custody he was given small quantities of unhealthy foods, an inadequate amount of drinking water with only two taps for dozens of people, and access to toilets only via police escort.

According to his statement, there were 12-15 people in a tiny cell that was no more than 6 square metres; "You could hardly stand in the room, let alone sleep", he said. "In the cell, the lights were always on" which according to him was in order to intentionally cause sleep deprivation. Furthermore, hygiene was very poor in the cells; "It wasn't clean at all, we had to clean it with our own means," he said.

Interviewee 1 recalls that the police officers treated the detained very badly: "They were constantly swearing and threatening." He mentions a particular police officer with a "*ülküci*"<sup>40</sup> moustache; "he came to our cell every day and threatened to kill us, he was swearing and calling us traitors".

On the seventh day in police custody, Interviewee 1 was taken to the courthouse and after a procedural hearing without any opportunity to defend himself, the magistrate judge remanded him and several others to pretrial detention.

Interviewee 1 recalled how when they were taken back to the detention centre following the hearing, the same police officer with the "*ülküci*" moustache ordered them to be handcuffed behind their backs; "He shouted 'reverse handcuff these bastards'. It was only to degrade us in front of our families who were waiting in front of the hearing room,". They were then taken to Denizli prison with their hands tightly handcuffed (with plastic cuffs) behind their backs; "It was a journey of more than 1,5 hours", he said.

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<sup>40</sup> It is typically worn by nationalists. The end of the moustache extends downwards.

When in Denizli prison, they were first subjected to a degrading naked search. “The man in charge forced his hand in my buttocks and searched to see if I had hidden something”, he claimed.

Moreover, much like the police cell, he was kept in, the prison ward was also overcrowded: “we were ten inmates, and four of us always slept on the floor” due to the lack of space.

He went on to further describe the conditions: “The taste of the water was very bad. It was very calcareous. Some friends went to the infirmary due to abdominal pain. They didn't let us buy our own water (from the prison canteen).”

## Interviewee 2

Interviewee 2 is a male, an engineer, and a businessman. He was taken into police custody in Ankara in 2019. “The detention facility was extremely bad. Although it was summer, it was very cold and damp. I couldn't sleep until the morning”, he described.

Further, he claimed he was interviewed by the police in the absence of his lawyer: “There were 4 policemen in civilian clothes. They were constantly putting psychological pressure on me with their harsh words, and they were threatening me with violence to my family. Even though I didn't have a lawyer, they made me sign my statement as if I had a lawyer.”

According to Interviewee 2, the treatment by the public prosecutor in charge of the investigation was no different. He recalls the public prosecutor telling him; “we know very well what you are doing. Do not make this job difficult. You won't help us? Then I'm going to starve your children. I'm going to put you in jail! Your wife will starve with your children too! I will not let anyone reach you in jail.”

Interviewee 2 was not given an opportunity to defend himself in the first hearing: “The hearing in the magistrate judgeship lasted 1 or 2 minutes. The judge ordered that I would be remanded in pretrial detention. I couldn't defend myself at all,” he said.

Interviewee 2 says the conditions in Ankara Sincan Prison were dreadful. “I was put in a place called a temporary ward in a T-type prison for two days. Its conditions were incredibly poor. No proper bedding, no food. When I asked why they didn't give me food, I received answers like ‘your ration hasn't arrived yet.’ I said, ‘let me buy it with my own money,’ but they didn't accept it.”

According to Interviewee 2, the food was never enough in Ankara Sincan Prison: “We were 30 people in our ward, but the meals provided were for 17-18 people only. We were trying to make up for it by buying extra supplies from the canteen to increase the meal portions.”

He also mentioned the unbearable overcrowding in the prison: “I was put in the B15 ward, which is normally designed for 8 people. There were 32 of us staying in that

ward. I was there for 4 months from May to September. In those 4 months, I always slept on the floor because there was no bunk bed to sleep in. The first week I had to sleep on just a blanket. After a week, they gave me a sponge-like mattress. There were 14 other people like me sleeping on the floor.”

Moreover, Interviewee 2 talked about an extrajudicial punishment policy carried out in Ankara Sincan Prison. “There are rooms in Ankara- Sincan prison which they called ‘dark rooms’. There are no cameras and no lights in these rooms. They take prisoners there, physically torture them, beat them, and force them to sleep there one night. They do not give them any food. There is no bed. It is an ice-cold room.” Further, he recalled how one of his fellow prisoners, Fatih, was taken there and later brought back to the ward badly beaten up.

According to Interviewee 2, there was no way to contact judicial authorities when you wanted to complain about the unlawful actions of prison guards. He talked about how when Fatih was tortured by the guards, other prisoners wrote a petition to the prosecutor’s office to complain, only for their petition to be returned to them by the very guards who tortured Fatih; “The guard said ‘Shall I return the petition to you? This petition will not reach the prosecutor's office. We will throw this petition in the trash anyway.’ He was mocking us.”

Interviewee 2 talked about how healthcare available to the inmates was very limited in Ankara Sincan prison, especially in the case of emergency; “It takes at least 2 hours to reach the emergency room during business hours. That is if you are lucky. The guard will inform the doctor, and the doctor will come for an examination and decide if it is an emergency situation. Then, the gendarmerie will be informed to arrange a vehicle. In this procedure, it is not possible for a patient with an emergency situation to reach the hospital in time. The result is either death or it will leave permanent damage.”

Interviewee 2 also said that his older brother was a torture victim; “He was taken into custody in March 2017. We did not hear from my brother for about 40 days. We searched for him without knowing where they took him, what they did, and what kind of treatment he received. At the end of the 40 days, we found him in the anti-terror branch of the province of Siirt. When we saw him, he was crudely dehumanised. His eyes were bruised, his body exhausted, and he couldn't even stand up. He had been tortured. This torture continued while he was in Siirt prison. He spent months in a prison cell which did not even have a window. He has just been released from prison. After serving a sentence of 8 years and 8 months, he is now living with his children. But during that time, he was severely physically tortured and beaten.”

### Interviewee 3

Interviewee 3 is a male academic. He was taken into police custody in September 2017 and was kept in pretrial detention for two years. In order to make him surrender, police first took his wife into custody and told him on the phone that if he would not surrender, his wife would be remanded to pretrial detention with his child who suffered from a chronic blood disease. Interviewee 3 said he had no option but to

surrender to the police. He was taken to Istanbul – Vatan Police Headquarters – where he was subjected to serious psychological violence.

“There were constant insults. Going to the toilet was a challenge. It was very, very difficult to pray. They only gave me spoiled chips, stale bread, and water. The wards were very crowded, but the ladies' ward was more cramped”, he claimed.

When he was taken to the prosecutor's office, he recalled that Gökalp Kökçü, the public prosecutor, threatened him with torture and sexual assault by the insertion of an umbrella: "Do you know about the umbrella thing? You probably wouldn't want to have any trouble like that, would you? The public prosecutor asked me."

Interviewee 3 talked about how a co-defendant told the court in detail how he was tortured. According to his co-defendant, the police squeezed his testicles and forced him to sign a confession which they did not allow him to read.

Interviewee 3 said it was quite common for the police and prosecutors to threaten political detainees with the arrest and torture of their spouses and children.

Further, Interviewee 3 was remanded into pretrial detention and taken to Istanbul Metris Prison. He described how dreadful and inhumane prison conditions were: "When I was taken to Metris prison, I was left there for a week in what we might call solitary confinement. They wanted me to tell them what I knew. I was held in solitary confinement for a week, and I was given food only twice a day without any water. I was the only one. This is the first time I have had such an experience. It was September. The windows were broken on all sides, it was cold. I didn't have the right to bathe. The room was very small. I was sleeping on dirty blankets that looked like beds."

Moreover, according to Interviewee 3, conditions in ordinary wards of Metris prison however were no better: "We were 42 people in a ward designed for 12 people. Because you are constantly lying on the floor, you are covered in dust. Every time the door opened, I had to breathe in the dirt from the air blowing. There was a small window at the back. There you could also see mice. The pipes were very old and rusty, and the water flowed brown. They were constantly giving us onions and radishes to eat. They threw it through the opening of the iron gate of the ward as if they were giving it to the animal. On the one occasion that meat was served, I saw a stamp on the meat showing it was from 1983."

Interviewee 3 also mentioned how access to medical care was very problematic in prison, and it was almost impossible to get medical care in the case of an emergency. He says "a friend of ours (in a detached ward) was having a heart attack between 1 and 3 a.m. I begged them (prison guards) to bring in a doctor. I pressed the (alarm) button. The guard said I couldn't call a doctor at that time. I'm telling them he's dying and he's having a heart attack. I don't know what happened to him then."

Interviewee 3 described how it was not possible to find a judge who really cared about hearing a defendant's argument. He said that when he was defending himself before

the court, the presiding judge told him “Hurry up, I don't have time to listen to you because I have to go to the gym. I signed up for fitness and shouldn't be late.”

#### Interviewee 4

Interviewee 4 is a male, medical doctor and academic. He was kept in police custody for 16 days between July and August 2016 at the police headquarters of the province of Bolu. “I stayed with 13-14 people in a 2.5x5 square metre room in the detention centre. There were 50 people in total. When I was lying down, there was not even a space for a single person.”

Interviewee 4 said that during his time in police custody he could not reach a lawyer and his family, they were denied basic fundamental rights and told by the police, “your only right here is to stand behind those bars!”

He was remanded in pretrial detention and taken to Bolu T-type prison; “we were 23 people in a ward designed for a maximum of 10 inmates. For 10 months, I slept either on the floor or as the third [person] on a single bed. We could smell each other's feet all the time.”

Moreover, Interviewee 4 had cancer prior to imprisonment and said it took him a month to be taken to the hospital. “When I went to the hospital for a check-up, I was made to walk in the corridors of the central hospital of the city where I had previously worked. This offended me,” he said.

Interviewee 4 remembered how during his time in prison he stayed with two torture victims who were former army officers. One was a colonel who was unrecognisable when he was taken to Interviewee 4's ward. “We stayed together for 7 months. He was handcuffed with barbed and razor wires which cut into his bone and was given an electric shock. He was tortured at the Turkish Air Force's headquarters.”

Interviewee 4 said another victim was subjected to enforced disappearances and kept in an unofficial detention site for 50 days and turned to the Ankara police for the official procedure. Police also tortured him, and he was sentenced to 30 years in prison based on ‘confessions’ he made under torture.

#### Interviewee 5

Interviewee 5 is a male teacher. He was taken into police custody in November 2016. After 2 days in police custody, he was remanded in pretrial detention. While in police custody, 12 of them were kept in a 2-person cell where they had to sleep on the floor with no room to move.

Interviewee 5 said that the police took him from his cell for unlawful interviews in the absence of a lawyer and he was threatened with the arrest of his wife in order to force him to inform against others.

Interviewee 5 was taken to Kandira prison in the province of Kocaeli. There were 29 persons in a cell designed for 8 people; “18 people were lying in bunk beds and the rest were lying on the floor. I slept on the floor for 6 months. There was one toilet for 29 people. Hygiene was very poor there, therefore a microbial outbreak developed. Although almost everyone was sick, they could not go to the doctor and were not given any medication”.

#### Interviewee 6

Interviewee 6 is a female teacher. In August 2016, she and her husband were taken into custody by police in Istanbul and transported to Ankara. She said they were kept in a detention cell for 15 days at the notorious Ankara Police Headquarters.

“They took us to Ankara by minibus. I don't remember how many people were in the vehicle. They made us listen to music until the morning all the way to Ankara. They made my husband sit with his hands tied with a plastic handcuff behind his back. Along the way, a police superintendent called Sait insulted us by calling us traitors, thieves, terrorists and so on,” she said.

She explained how the conditions in the cells and food were not fit for humans. “We were given food two times: palm-size bread, a bottle of water, a little jam, and a slice of cheese. The cheese was bad. Many of the detainees were poisoned and had diarrhoea.”

She went on to further describe the torture:

“We were eight women in a cell, some of us had to lie on the ground as there was only a wooden bed stuck to the wall”, she said. “They were constantly interrupting our sleep during the night, then taking us to unlawful interviews called *“mülakat”*. There was no lawyer or no record of these interviews. One night at midnight, they took me from the cell for such an interview. There was a female policeman, another male policeman and a man called Mustafa who is the deputy director of the financial crimes branch. He started asking me questions. I was standing and facing the wall. He was standing behind me on my right side. My hands were cuffed. He was constantly shouting at me and asking questions without waiting for an answer. I was expecting this guy to hit me because he was just insulting me and yelling at me. Then he made eye contact with the policeman. The police blindfolded me. Then they put a garbage bag on my head. I thought about resisting them, but I couldn't do anything out of fear because I didn't know how they would react. After putting the bag on my head, he wrapped it around my neck several times. I was breathing but after a while, the bag stuck to my face. He kept saying ‘give me a name’, I think they did it to scare me. I refused to give any names, so he squeezed the bag with his hand, and I breathed in and out and I thought ‘I'm dying now’. When I thought I was about to die, he finally removed the bag. Then he said, ‘you still won't give us names?’ Then he put the bag back on my head in the same way. Then, while I was thinking that I was really about to die, I heard the man say, ‘take her away, only the dead body of this person will



come out of here, no one will find her'. Then the female police officer grabbed my arm and slammed me left and right on tables and doors and took me to the detention cell."<sup>41</sup>

Further, Interviewee 6 said that access to a lawyer was quite restricted and when it was allowed it was only for the sake of complying with procedural rules. "In Ankara, we could in no way meet our own lawyer. They were not allowing it on the pretext of a state of emergency. On the fifteenth day, I met a lawyer who was assigned by the Ankara Bar Association. There was no confidentiality at all. It was not a private room. I was very surprised as the judicial aid lawyer forced me to make a confession and cooperate with the police. That lawyer did not participate in the hearing at the magistrate judgeship. He said he had other things to do."

Interviewee 6 went on to say that the medical examination required by the Istanbul Protocol<sup>42</sup>, Article 99 of the Turkish Code of Criminal Procedures and Article 9 of the Regulation on Apprehension, Detention and Questioning was inadequate. "While we should have been alone during the doctor's examination, the police were always with us. Patient-doctor privacy was not observed. I couldn't decide if I should talk about my situation. I didn't know if those police officers could do the same thing again after the examination. I, therefore, couldn't mention anything to the doctor."

Interviewee 6 mentioned how she witnessed police officers talk amongst themselves about how to hit detainees without causing bruising; "You're going to hit where it won't bruise. Don't punch where everyone can see it!"

Talking about signs of torture, Interviewee 6 said; "when I went to the toilet, the sinks were covered in blood. Police were taking the detainees there. When they came back hours later, the man who left was not the same as the man who returned. I could see them because I was staying in the lawyer's interview room."

## Interviewee 7

Interviewee 7 is a male teacher. He was taken into police custody in Osmaniye where he was kept for 3 days and then taken to Batman.

He said, "they put me in a cell where the concept of time disappears. They kept lights on and shining from above. At night, someone was constantly coming, constantly

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<sup>41</sup> Interviewee 6 says she was tortured at Ankara Police Headquarters Financial Crimes Department. Since 2016, Ankara Police Headquarters has been notorious for torture. So much that, in a joint statement by a coalition of NGOs, "In the case of Ankara, these practices (torture and ill-treatment in custody, with the aim of exerting pressure on people, punishing, intimidating and forcing them to confess) have unfortunately become systematic." was said.

<https://hakinsiyatifi.org/torture-is-a-crime-against-humanity-without-exception-and-is-strictly-prohibited.html>  
<https://arrestedlawyers.org/2020/01/01/human-rights-ngos-torture-and-ill-treatment-in-custody-have-become-systematic-practice-of-ankara-police/>

In addition, Ankara Bar Association published a report documenting at least five individuals were tortured between 20 and 31 May 2019 at Ankara Police Headquarters Financial Crimes Department where Interviewee 6 was tortured in August 2019.

<https://arrestedlawyers.org/2019/11/25/report-on-criminal-liabilities-with-regard-to-torture-incident-took-place-in-ankara-police-headquarters-between-20-and-28-may-2019/>

<sup>42</sup> [Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf). [https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol\\_Rev2\\_EN.pdf](https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf)

insulting and cursing at us. At night they took me to an informal interrogation called “*miilakat*”. There was no physical beating, but they used all kinds of insults such as traitor and terrorist. I was threatened with my family. They made all kinds of threats. ‘Now look at you,’ they said, ‘your life is over.’ They constantly asked for names, forcing me to be a confessor. They said I would be free if I confessed. I didn’t agree. I refused everything.”

Interviewee 7 also said although a lawyer assigned by the bar association participated in his official interrogation, he did not inform him about his rights and did not effectively defend him.

Interviewee 7 who was subsequently remanded in pretrial detention by the court recalled; “conditions in Batman prison were very bad. In fact, I experienced intense physical, and psychological torture there. I was forced to stay in a crowded and narrow space. Close to 45-50 people were staying in the 10-person ward. People were lying on the floor. After lying on the floor for 2 weeks, I wrote a petition to complain about the overcrowding and ensuing problems. An hour after I filed my petition, 15-20 prison guards raided our ward and took me. They threatened me about my complaint.”

According to Interviewee 7, there was a special interrogation room in Batman prison, like the one Interviewee 2 called “dark rooms”, where prisoners were unlawfully interrogated and tortured. He mentioned that a fellow inmate, Yusuf (Pacaci), a teacher, was interrogated there and was later found dead in his cell.<sup>43</sup> Although the reason for death was announced as a heart attack, Interviewee 7 believes the actual reason was torture.

Interviewee 7 said he and his fellow inmates were denied medical care. “There was no taking to the hospital and no medication was given. I had vertigo, and even though I repeatedly petitioned to go to the hospital, they didn’t take me. When I was eventually taken to the hospital in a prison vehicle, it was very humiliating. I was made to walk in the hospital corridors with my hands cuffed and two guards holding me by the arms. The doctor checked me casually and did not even do an examination. For a long time, the prison administration did not give me the medication which the doctor had prescribed to me.”

According to Interviewee 7, “the food was definitely not healthy and sufficient. They gave us 2 meals a day. Several people were also experiencing serious health issues because of the food.”

## Interviewee 8

Interviewee 8 is a female, medical doctor. She was taken into police custody in December 2016 in the province of Ordu and then taken to Istanbul. “The authorities said they were going to take me into custody. I had a little baby, I wanted to take him

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<sup>43</sup> <https://boldmedya.com/2019/04/17/hayatini-kaybeten-tutuklu-ogretmen-yusuf-pacaci-neden-izcilik-faaliyeti-yaptin-diye-sorgulanmis>

with me. They said the conditions of custody are not very good. They told me to leave my baby at home.”

After her time in custody, she was transported to Istanbul. According to Interviewee 8, while she was at Ordu Police HQ, her family was bringing her baby to the police HQ for breastfeeding, but once she was sent to Istanbul, it meant she would not be able to see and breastfeed her baby.

“As a mother who has just given birth, I often had milk on my breasts, and I had to pump it. As my baby was not with me, there was no place to store my milk, so I poured the milk into the sink, which was my baby's right!” she said crying.

Interviewee 8 said the conditions at Istanbul Vatan Police HQ were very poor; “in a tiny cell in the dark and dim light, 20-30 people were lying on small mattresses on the floor. The food was also dirty. They usually gave sandwiches with cheese and tomato. The same food over and over again makes you feel very uncomfortable.”

### Interviewee 9

Interviewee 9 is a male teacher. He was taken into custody with his wife in the province of Kayseri in September 2017. He said: “When my wife said, ‘I should wear my clothes and hijab’, they [police officers] said that there was neither hijab nor privacy as far as the state is concerned. And, when my wife locked the bedroom door while she was changing, the police broke down the door.”

Interviewee 9 was taken to T-type prison in the province of Nevsehir where he stayed for 3.5 months. “I stayed with 31 people in a ward for 8 people. There were about 31 people in the 2-storey ward. I stayed there for 3 and a half months. I was lying on the floor at the entrance. There were mattresses [on the floor] as far as the door of the toilet. I never had a chance to sleep in a bunk bed. There was always a queue to the toilet. It wasn't enough space.” He added, “going to the doctor was not easy. I had sick friends who were not allowed to see a doctor.”

### Interviewee 10

Interviewee 10 is a male teacher. He was first taken into custody in July 2016 for 4 days at the police station of Edremit, district of Balıkesir province, and remanded to pretrial detention at Kandira prison. After 16 and half months, Interviewee 10 was released by the court on probation. He was, however, taken into custody in January 2018 and taken to the Anti-Terror Department of Police HQ in Kocaeli province where he was tortured.

“A burly person with a stubbly beard greeted me there. After that, he stood in front of me shouting ‘what did you say to the judge in court? You said I had nothing to do with those (accusations)!’ and he started beating me there. ‘I’ve been waiting for this moment for a year. Here you are.’, he said. There were 2-3 policemen around. Others were waiting because if I had responded, they would intervene. ‘They took your statement in Edremit district, but it is incomplete. We will get the real statement here’,

he said. 'The chief of the anti-terror department also came. The person who beat me was not in uniform,' he said. 'I was the one who raped (detainees) with the baton. You will not be able to sit properly when you get out of custody.' They took my pants down to give the impression that they were going to rape me. He beat me with his fists and I soon fainted. They poured water on me to make me come around. When I finally opened my eyes, two people took my arm, and they took me to the sink. I couldn't stand while I washed my face. The police who tortured me came up and shouted 'stand up straight! Stand tall and stand firm. Look, I can do much worse things to you!' There was a camera in the hallway. He came to the sink and threatened me to make sure I walked properly and without showing any signs of beating to the camera."

"After this torture session, they put me in a custody cell. It was Saturday evening. He threatened that they would come again. They came back on Monday morning. He said 'We can keep you (in custody) for 14 days, but we can also increase this to 28 days with the decision of the prosecutor. We will bring your wife as well.' They were constantly threatening me. I was kept there for 12 days in total."

Interviewee 10 claimed, "people feel trapped there. Because the torturer talks to the prosecutor, the prosecutor is on their side. So, there's nothing anyone can do to help you there. They constantly remind you of this fact. At one point he (the torturer) said, 'I'll shoot you in the head here. No one will hear about you.' And he pulled his gun and put the bolt in my mouth."

"I have petitioned about these at least 5 times, and each time my complaints were dismissed. The prosecutor who charged me with being a member of a terrorist organisation dismissed my complaints about the torture I was subjected to. He then got promoted."

"Judicial aid lawyers who were assigned by the bar association do not help. The lawyers assigned for my case came to sign the paperwork and urged me to be a confessor. They gave me the impression that the judicial aid lawyer, the prosecutor, and the police cooperate against you."

According to Interviewee 10 medical examinations carried out in accordance with the Istanbul Protocol<sup>44</sup> was inadequate: "The doctor doesn't do anything; he just reports there are no signs of torture. The police suppress doctors as well. Detainees and doctors are never left alone. Police officers are always present during so-called examinations, so the doctor and the detainee cannot feel comfortable there."

Interviewee 10 also talked about the beatings: "They were punching and kicking. They were hitting in the ears and other places which would not bruise. As I understand it, they had become experts in torture. I had a lot of damage and pain in my ear which caused temporary hearing loss."

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<sup>44</sup> [Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf), [https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol\\_Rev2\\_EN.pdf](https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf)

## Findings of Interviews

Interviewees' complaints with regard to torture and inhumane treatment such as denial/restriction of access to lawyers, the ineffectiveness of judicial aid lawyers, informal interrogations under torture and inhumane treatment, the insufficiency of food and water, inadequate medical aid (that are mandatory to document and prevent torture during police custody), and overcrowding in police detention cells and prisons all concur with the findings of the reports published by the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT).

Before going into details of the CPT's 2017 and 2019 reports, it should be noted that since the 2016 coup attempt, the CPT carried out 5 visits to Turkey and prepared reports on the findings of each visit. However, Turkey gave its consent for the publication of only 2<sup>45</sup> of these 5 reports. Reports about ad hoc visits of 2016<sup>46</sup> and 2018<sup>47</sup> and the periodic visit of 2021<sup>48</sup> have so far been blocked by Turkey.

All 10 Interviewees complained about overcrowding and lack of sufficient beds either in the police's detention cells or in prisons or in both. The findings in the CPT's 2017 and 2019 reports that read as follows support the complaints of the interviewees:

2017 Turkey Report of Committee for the Prevention of Torture <sup>49</sup>	2019 Turkey Report of Committee for the Prevention of Torture <sup>50</sup>
<p>In some of the establishments visited, the situation was further exacerbated by the fact that detained persons were being held in severely overcrowded cells.</p> <p>For example, at the detention facility of Diyarbakır Anti-Terror Department, a cell measuring some 7 square meters was holding four persons, already for several days. Similarly, in the detention facility of the Istanbul Anti-Terror Department, cells measuring some 8 m<sup>2</sup> were accommodating up to four persons. (Page 18)</p> <p>Furthermore, in each of the prisons visited, many dormitories were holding more prisoners than the number of beds</p>	<p>Regrettably, the 2019 visit brought to light that, notwithstanding these measures, the situation remained critical. For example, despite the opening of two new T-type prisons in Şanlıurfa in 2016 with an official capacity of some 1,050 places each, Şanlıurfa E-type Prison continued to suffer from extreme overcrowding.</p> <p>Moreover, the T-type prisons were also affected by severe overcrowding at the time of the visit, each of them accommodating some 1,600 inmates. As regards Diyarbakır, although the opening of two T-type prisons in 2018 had led to some reduction in overcrowding at Diyarbakır D- and E-type Prisons, they continued to operate well above their official capacity at the time of the visit. Moreover, the recently opened T-type Prison No. 2 was</p>

<sup>45</sup> <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-two-reports-on-turkey>

<sup>46</sup> <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-turk-1>

<sup>47</sup> <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-psychiatric-hospitals-and-social-welfare-institutions-in-turkey>

<sup>48</sup> <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-turk-3>

<sup>49</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>50</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>

<p>available; as a result, inmates often had to sleep on mattresses placed on the concrete floor.</p> <p>Moreover, in some dormitories, there was not even a sufficient number of additional mattresses to provide every prisoner with an individual sleeping place. For instance, at Batman, the delegation saw a two-level dormitory with 33 prisoners, which was only equipped with 14 beds (in seven double bunks). The mattresses placed on the floor (including at the door to the sanitary annexe and under the staircase) on both levels provided for an additional 13 sleeping places. As there was no floor space left for more mattresses, six prisoners were obliged to take the “day shift” in order to sleep. A number of other adverse effects of this state of affairs were also in evidence (e.g., insufficient numbers of chairs, tables and lockers; 30 to 40 inmates having to share one toilet; etc.). It should be highlighted that the deleterious effects of overcrowding were further exacerbated after the locking of the courtyard door in the evening as well as during inclement weather. (Page 48)</p> <p>At Batman M-type Prison and Diyarbakır, Siirt and Trabzon E-type Prisons in particular, many prisoners were being held under conditions of detention which could easily be considered as inhumane and degrading. These establishments were severely overcrowded (e.g., at Batman, dormitories measuring some 75 m<sup>2</sup> were accommodating up to 34 prisoners, and, at Trabzon, dormitories measuring some 40 m<sup>2</sup> were holding up to 32 inmates), and many dormitories were holding more prisoners than the number of beds available. (Page 7)</p>	<p>already overpopulated, holding 1,278 inmates for an official capacity of 1,032. ... the official capacities of all the establishments visited were being greatly exceeded at the time of the visit (the rate of overcrowding being particularly high at Şanlıurfa E- and T-type Prisons, Istanbul-Maltepe L-type Prisons Nos. 1 and 3 and Istanbul-Silivri Prison No. 6). (Page 19)</p> <p>Consequently, a large number of prisoners in these establishments did not have their own bed and had to sleep on mattresses placed on the floor. Moreover, in some cases (e.g., E-type Prisons in Diyarbakır and Şanlıurfa and Maltepe L-type Prison No. 1), prisoners were even obliged to share mattresses, as there was no floor space left in the living units for more individual mattresses. 21 A number of other negative effects of this situation were also in evidence in the prisons visited (e.g., insufficient numbers of chairs, tables and lockers; 40 to 50 inmates having to share one toilet; etc.). (Page 19)</p>
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Interviewees 2, 3, 4, 5, 7, 9, and 10 said access to health care for inmates was very challenging and inadequate. They told the LA researchers that access to health care



was always very delayed even if it was possible.<sup>51</sup> The findings in the CPT's 2017 and 2019 reports that read as follows support the accounts of the interviewees:

2017 Turkey Report of Committee for the Prevention of Torture <sup>52</sup>	2019 Turkey Report of Committee for the Prevention of Torture <sup>53</sup>
<p>The dramatic rise in the prison population over recent years not only negatively affected the prisoners' living conditions, but also strained the capacity of health-care services in prisons. In particular, all the prisons visited by the delegation in the course of the 2017 visit suffered from a severe shortage of doctors and nurses. (Page 56)</p> <p>As regards the health-care services in the other prisons visited, the CPT is very concerned by the severe shortage of doctors and nurses. This problem has become even more acute with the dramatic rise in the prison population over recent years. Further, the delegation once again observed major shortcomings regarding the medical screening of newly arrived prisoners and the recording and reporting of injuries and the continued lack of respect for medical confidentiality, despite the specific recommendations repeatedly made by the Committee in previous visit reports. (Page 7)</p>	<p>Moreover, the CPT notes with great concern that, in the same way as during previous visits to Turkey, the health-care services in the prisons visited were poorly resourced. For instance, at Silivri Prison No. 5 and Maltepe Prison No. 3, holding some 2,800 and 2,500 inmates respectively, there was only one doctor and five nurses. At Şanlıurfa T-type Prison No. 1, there was only one doctor and four nurses for almost 1,600 prisoners. (Page 21)</p> <p>Obviously, under such circumstances, a prison health-care service cannot be expected to perform its tasks in an effective manner, and certain deficiencies (in particular, such as those described in paragraph 38) will inevitably occur. Indeed, some of the doctors met by the delegation expressed their indignation at the current state of affairs and admitted that they were not in a position to perform a full medical examination on all newly arrived prisoners. (Page 21)</p>

Interviewees 4 and 7 also recalled that when they were taken to a hospital, it was always severely delayed from when the health issue occurred. Further, all processes were humiliating. Interviewee 4, who is a medical doctor, said when he was taken to the hospital for a check-up concerning cancer that he diagnosed prior to imprisonment he was made to attend the central hospital he has previously worked, a painful reminder of his past life.

Interviewee 7 said when he was eventually taken to the hospital, it was in a prison vehicle. "It was very humiliating," he said, "I was made to walk in the hospital corridors with my hands cuffed and two guards holding me by the arms. The doctor

<sup>51</sup> A video of a judge dismissed by decree and left untreated in prison.

The death of judge Teoman Gökçe due to a heart attack was left alone in a cell in Sincan T Type Prison and sentenced to death. [https://www.youtube.com/watch?v=iDGqRF2RFNo&ab\\_channel=BoldMedya](https://www.youtube.com/watch?v=iDGqRF2RFNo&ab_channel=BoldMedya)

<sup>52</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>53</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>



checked me casually and did not even do an examination. For a long time, the prison administration did not give me the medication which the doctor had prescribed to me.”

The CPT’s 2017 and 2019 reports, again, endorse these accounts:

2017 Turkey Report of Committee for the Prevention of Torture <sup>54</sup>	2019 Turkey Report of Committee for the Prevention of Torture <sup>55</sup>
In practically all the prisons visited, the delegation received allegations from prisoners (including women) that they had been handcuffed during medical interventions when taken to an outside hospital. (Page 58)	It is also a matter of concern that it was not uncommon for detained persons, including juveniles and women, to remain handcuffed during medical controls. (Page 15)

The CPT also says, “In the CPT’s view, handcuffing prisoners during medical consultations/ examinations is not acceptable, since it infringes upon the dignity of the inmates concerned and inhibits the development of a proper doctor-patient relationship (and may also impede the establishment of an objective medical finding).” <sup>56</sup>

Additionally, Interviewees 6 and 10, who were subjected to severe torture at Ankara and Kocaeli Police Headquarters, said medical controls that were supposed to prevent or report the torture which would happen during police custody were a pure formality and inadequate. Both said police officers who tortured them were present during medical controls, there was no patient-doctor confidentiality. The CPT’s finding in its 2017 and 2019 reports endorse the accounts of interviewees 6 and 10 as follows:

2017 Turkey Report of Committee for the Prevention of Torture <sup>57</sup>	2019 Turkey Report of Committee for the Prevention of Torture <sup>58</sup>
Further, the entire system of routine medical controls at the beginning and at the end of police custody appeared to be fundamentally flawed, since law enforcement officials were usually present during such controls and these controls were often carried out without any physical examination. Regrettably, the specific recommendations repeatedly made in this regard by the Committee after	However, the CPT is very concerned to note that, despite the specific recommendations repeatedly made by the Committee after previous visits, the system of mandatory medical controls has remained fundamentally flawed. In particular, the visit brought to light that the confidentiality of such controls was still far from being guaranteed; contrary to the requirements of the Detention Regulation, law enforcement officials continued to be present during medical controls in the vast majority of

<sup>54</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>55</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>

<sup>56</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, Page 58, <https://rm.coe.int/16809f209e>

<sup>57</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>58</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>

previous visits have not been implemented. (Page 4)

cases, which meant that the persons concerned had no opportunity to speak with the doctor in private.

Unsurprisingly, many detained persons interviewed by the delegation who claimed to have sustained injuries as a result of police ill-treatment stated that they did not want to inform the doctor thereof. Moreover, several persons interviewed by the delegation claimed that they had been threatened by police officers present during the medical control not to show their injuries. The delegation also received a few allegations from detained persons that they had not been subjected to a medical control at all; allegedly, they were obliged to wait in the police van outside the hospital, while a police officer went inside to obtain a medical report signed by a doctor. It also appeared that such medical controls were often limited to the posing of a question by the doctor about possible ill-treatment (if at all), and only rarely did they entail a physical examination (detained persons usually being “examined” with their clothes on). (Page 15)

Finally, similar to the situation observed during previous CPT visits, it appeared that the legal requirement for the medical report drawn up at the end of custody to be transmitted to the public prosecutor by the relevant health institution in a closed and sealed envelope was generally not complied with. On the contrary, it seemed to be common practice for police officers escorting the detained person to hospital to receive such reports openly. (Page 16)

In the light of these findings, the CPT cannot but conclude that the system of mandatory medical controls, in its current form, constitutes a mere formality and fails to serve its intended purpose. (Page 16)

Whilst all 10 interviewees and 27 out of 30 participants (Table 4) complained about the ineffectiveness of legal aid lawyers, and systematic hindrance to access a lawyer, Interviewees 4, 6, 7 and 10 expressed one or more of the complaints below:

- a) He / She had an impression that the legal aid lawyer was cooperating with the police,
- b) The legal aid lawyer advised being a confessor,
- c) The legal aid lawyer did not properly inform them about their rights or did not defend their rights,
- d) They could not meet with the lawyer in confidentiality,
- e) He / She was denied meeting his/her lawyer of choice and forced to work with a legal aid lawyer,
- f) He / She was made to sign a statement as if he/she accessed a lawyer, even though he/she did not.

Again, the CPT 2017 and 2019 reports endorse the above accounts of interviewees:

2017 Turkey Report of Committee for the Prevention of Torture <sup>59</sup>	2019 Turkey Report of Committee for the Prevention of Torture <sup>60</sup>
... several detained persons stated that they had not been allowed to meet their contracted lawyer in private before the first questioning by the police. Moreover, it was apparently not uncommon for detained persons, in respect of whom an ex officio lawyer had been appointed, to have only met their lawyer for the first time at the courthouse (during the statement-taking in front of a prosecutor and/or at the remand hearing by the judge), often with no possibility to speak to the lawyer in private. (Page 15)	... complaints were also received that state-appointed lawyers did not provide any meaningful assistance. More specifically, several detained persons, who had been provided with ex officio lawyers, indicated that they had not had – and the lawyers had not insisted on having – a private consultation during police custody or that the lawyer had shown up only after the statement was taken by the police, simply to sign documents. Moreover, some stated that that they had seen an ex officio lawyer for the first time at the courthouse (during an interview by the prosecutor and/or at the remand hearing by the judge). (Page 14)

In relation to access to a lawyer, interviewees 2, 5, 6, 7, and 10 accounted that they were taken to informal interrogation in the absence of a lawyer. They recounted that during these interviews called “*mülakat*”, they were insulted, threatened, and forced to give the names of others. Interviewees 6 and 10 were subjected to severe torture during these interviews which involved beating, blindfolding, asphyxiating, and undressing accompanied by the threat of rape.

2017 and 2019 reports of the CPT endorse the accounts of interviewees both about informal interrogations and the application of torture to secure a confession:

<sup>59</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>60</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>

2017 Turkey Report of Committee for the Prevention of Torture <sup>61</sup>	2019 Turkey Report of Committee for the Prevention of Torture <sup>62</sup>
<p><b>Findings about Torture:</b></p> <p>In addition, many detained persons claimed that they had been physically ill-treated inside law enforcement establishments (in locations which were apparently not covered by CCTV cameras), with the aim of extracting a confession or obtaining information or as a punishment. The latter allegations concerned mainly slaps and punches (including to the head and face), as well as blows with a truncheon, hose pipe or other hard objects. Some detained persons alleged that electric shocks had been inflicted upon them by police officers with body-contact shock devices. In the CPT's view, in a number of cases, the alleged ill-treatment was of such severity that it could be considered as amounting to torture. (Page 12)</p> <p>Further, many accounts were received, in particular from detained women, that they had been subjected to psychological ill-treatment (such as threats of beatings, rape or death) and/or severe verbal abuse (often of an explicit sexual nature). (Pages 4 and 12)</p>	<p><b>Findings about Torture:</b></p> <p>The delegation received a considerable number of allegations of excessive use of force and/or physical ill-treatment by police/gendarmerie officers from persons who had recently been taken into custody (including women and juveniles). These allegations mainly consisted of slaps, kicks, punches (including to the head and/or face) and truncheon blows after the persons concerned had been handcuffed or otherwise brought under control. A significant proportion of the allegations related to beatings during transport or inside law enforcement establishments, apparently with the aim of securing confessions or obtaining other information, or as a punishment. Further, numerous detained persons claimed to have been subjected to threats and/or severe verbal abuse.</p>
<p><b>Findings about informal interrogations:</b></p> <p>Many detained persons claimed that they had been subjected to informal questioning by law enforcement officials about the suspected offence without the presence of a lawyer, prior to the taking of a formal statement (in the presence of a lawyer). (Page 4)</p> <p>Similar to the situation observed during previous visits to Turkey, many detained persons (including</p>	<p><b>Findings about informal interrogations:</b></p> <p>A number of detained persons claimed that the police had granted their request for an ex officio lawyer only after a considerable delay in order to be able to informally question them about the suspected offence without the presence of a lawyer (prior to the taking of a formal statement). (Page 14)</p> <p>As regards more specifically the right of access to a lawyer, a number of detained persons stated they had been informed of it only several hours after having been</p>

<sup>61</sup> CPT report on the visit to Turkey carried from 10 to 23 May 2017, <https://rm.coe.int/16809f209e>

<sup>62</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, <https://rm.coe.int/16809f20a1>

persons suspected of terrorism-related offences) claimed that they had been subjected to informal questioning by law enforcement officials about the suspected offence without the presence of a lawyer, prior to the taking of a formal statement (in the presence of a lawyer); as already indicated in paragraphs 12 and 14, some of them alleged that they had been physically illtreated or threatened with physical violence during such periods of initial questioning. (Page 15)	brought to the law enforcement establishment, often after an initial “informal” questioning session. (Page 15)
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Finally, interviewees 1, 2, 3, 6, and 7 stated complaints that there were insufficient quantities of food and water, that the food was stale or rotten, that they were denied food for a certain period of time, and that the water was impotable. Concurring with these complaints, the CPT says the delegation received numerous allegations from detained persons that they had received none or insufficient quantities of food and, on occasion, no drinking water whilst in police custody, mostly during the first 24 hours and sometimes even for longer.<sup>63</sup>

Each and every one of these accounts provides direct evidence of torture and ill-treatment, contributing to the slow disclosure of torture present in Turkey following the 2016 coup. The succeeding chapter will now conclude the evidence and statements we have made in this report and provide additional recommendations to various committees, unions, and governments to help end these atrocities.

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<sup>63</sup> CPT report on the visit to Turkey carried from 6 to 17 May 2019, page 18, <https://rm.coe.int/16809f20a1>

## CHAPTER VII: CONCLUSION AND RECOMMENDATIONS

### CONCLUSION

The tip of an iceberg not only proves the existence of the iceberg but also indicates its size and robustness. In a similar way, torture victims rarely come out of the conditions of incarceration under which they were subjected to inhumane and degrading treatments and speak out about what they've undergone. Of all survivors, only a minority speak out and publicize their experiences; further, the majority of those who undergo such treatments often protect the names and titles of the perpetrators of these crimes. Through the participation of our 30 victims, our current study presents the tip of the iceberg, indicating that there are many more stories to tell, and much more work to do.

With full disclosure, the researchers of the current study are aware of the weaknesses of their research model. The number of interviews conducted forms only a minute percentage of the reported torture cases in Turkey. The interviewees are all from a particular persecuted group and all the cases have experiences ill-treatment after the thwarted coup attempt of July 2016.

However, these weaknesses are countered by a series of strengths:

Firstly, the accounts of the interviewees overlap with the already reported cases of torture and ill-treatment that are presented in numerous international documents as well as national entities such as the Ankara Bar Association and Ankara Medical Association. Furthermore, this report provides tables of parallelism between the accounts of the interviewees of this study and the 2017 and 2019 Turkey Reports of the Committee for the Prevention of Torture.

Further, many of the accounts provided by the interviewees shed light on some of the worst cases of torture which were inflicted on them by security personnel (police and army officers) after being accused of participating in the coup attempt. As a result, almost all of these people are sentenced to life-terms in prison, and their experiences can only be aired by their former ward friends.

Additionally, although only a small number compared to the overall Turkish torture allegations, the interviewees of this study are evenly distributed by means of their city of origin in Turkey and their professions. This can be regarded as a representative sample of the overall Turkish middle class.

The findings of the current research underline a few points that are not discernible from cumulative reports that brief the overall situation in numbers.

It is clear from the data at hand that experiences of TIDT do not come in a single form. The majority of the interviewees passed through various forms of ill, inhumane or degrading treatment, including being held in overcrowded custody, unhygienic

conditions, deprivation of food, water and sleep, arbitrary handcuffing for long periods of time, coercion to give names and become informants, insults and threats. A smaller sample of the interviewees, however, reported additional credible allegations of blindfolding, beating, and sexual assault.

Through our research and this study, it is clear that certain forms of ill-treatment are universal for political prisoners held between 2016 and 2022. These include being held in over-crowded detention centres, denial of health services, food, water and sleep deprivation, failure to provide for the right to defence, limitation on open visits, and solitary confinement.

The first-hand accounts of these experiences of incarceration in Turkey are valuable in providing information on the culture of torture that has become normality in Turkish prisons. The existence of the “dark room” and the “*mülakat*”, the interrogations unaccompanied by lawyers, threats of sexual assault with batons and more are all extremely eye-opening and horrific. These events further demonstrate the culture of impunity and the complicity of prosecutors in torture and ill-treatment inflicted by law enforcement personnel.

In addition to contributing to demonstrations of torture and ill-treatment in Turkey, this report also proves that the deterioration of human rights in Turkey is not slowing down over time. Although torture and grave human rights violations are under no condition acceptable, the two years of derogation from the European Convention for Human Rights could be considered to be some of the worst years for human rights violations. Even so, both the interviews in this study and the European Commission’s report dated 12 October 2022 demonstrate that the “credible and grave allegations of torture and ill-treatment [have] increased” over time. This discovery suggests Turkey’s willingness to exterminate a particular social group rather than give out a retributive punishment for an alleged crime. This evidence hints at a genocidal dimension in Turkey’s ever-expanding culture of torture.

With the limitations and strengths of the present study in mind, London Advocacy suggests two expansion opportunities for future research, both of which should be induced by the research presented in this report: (1) encouraging silent victims and witnesses and (2) encouraging similar studies to be carried out in continental Europe, due to the vast number of cases discovered solely in the UK.

## RECOMMENDATIONS

To: The Turkish Government:

We urge the Turkish Government to

1. Amend Article 314 of the Turkish Penal Code and Law no. 3713 to comply with the case-law of the ECtHR,
2. Set up a National Preventive Mechanism in line with Turkey’s obligations under the Optional Protocol to the Convention against Torture,



3. Both cease the mass arrest campaign against the members of the Gülen Movement - required by the judgments of the ECtHR<sup>64</sup>, the UN Human Rights Committee<sup>65</sup>, the Working Group on Arbitrary Detention, and many others<sup>66</sup>- and to release those arbitrarily detained, and prosecute those responsible for arbitrary detentions,
4. Cease the mass arrest campaign against lawyers and human rights defenders, and the harassment and investigation against Bar Associations, including dropping all charges against them,
5. Ensure that the Turkish judiciary ends unreasonable and problematic interpretation of the concept of 'flagrante delicto' in line with the judgments<sup>67</sup> of the ECtHR,
6. Establish an independent body to investigate gross human rights violations,
7. Provide the Forensic Medicine Institute and the Law Enforcement Oversight Commission with institutional independence in order to ensure their impartiality and to secure adequate resources so that they can perform their duties effectively,
8. Ensure the medical controls required by the Istanbul Protocol<sup>68</sup>, Article 99 of the Turkish Code of Criminal Procedures, and Article 9 of the Regulation on Apprehension, Detention and Questioning be conducted properly, and prosecute medical staff who neglect their duty to report torture and torment,
9. Ensure that when a public official is the subject of investigation of torture, he or she should not be allowed to remain on active duty and should not receive any promotion,
10. Ensure the independence of the Turkish Human Rights Institute in law and in practice is in line with Paris Principles,
11. Ensure the independence of the Ombudsman in law and in practice,
12. Further engage with the United Nations human rights system,
13. Authorize the publication of the reports of the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment on Turkey,
14. Vest an official authority with the Bar Association to examine and investigate torture, enforced disappearance and extrajudicial killing incidents, and their reports must be taken into serious consideration,

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Demirtas v. Turkey (2) (14305/1732), Ilıcak v. Turkey (No. 2) (1210/17), Taner Kiliç v. Turkey (No. 2) (208/18), Yasin Özdemir v. Turkey (14606/18),

<sup>65</sup> İsmet Özçelik et. al. (CCPR/C/125/D/2980/2017)

<sup>66</sup> Alettin Duman and Tamer Tibik v. Malaysia and Turkey, WGAD/2022/8

Osman Karaca v. Cambodia and Turkey, WGAD/2020/84

Levent Kart v. Turkey, WGAD/2020/66

Nermin Yasar v. Turkey, WGAD/2020/74

Kahraman Demirez et al v. Turkey and Kosovo, WGAD/2020/47

Arif Komiş et al. v. Malaysia and Turkey, WGAD/2020/51

Abdullah Kurt v. Turkey, WGAD/2020/2

Akif Oruç v. Turkey, WGAD/2020/29

Faruk Serdar Köse v. Turkey, WGAD/2020/30

Ercan Demir v. Turkey, WGAD/2019/79

Melike Göksan and Mehmet Fatih Göksan v. Turkey, WGAD/2019/53

Mustafa Ceyhan v. Azerbaijan and Turkey, WGAD/2019/10

Hamza Yaman v. Turkey, WGAD/2018/78

Mestan Yayman v. Turkey, WGAD/2018/42

-Ahmet Caliskan v. Turkey, WGAD/2018/43

Muharrem Gençtürk v. Turkey, WGAD/2018/44

Mesut Kaçmaz et al. v. Pakistan and Turkey, WGAD/2018/11

Rebii Metin Görgeç v. Turkey, WGAD/2017/1

<sup>67</sup> Alparslan Altan v. Turkey (12778/17), Bas v. Turkey (66448/17), Turan and 426 others v. Turkey (75805/16)

<sup>68</sup> Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol\\_Rev2\\_EN.pdf](https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf)

15. Publish official data on disciplinary proceedings against state agents relating to torture, inhumane or degrading treatment,
16. Repeal the provisions of Laws Nos. 353, 2937, 4483, 5442, 6722, which create immunity for state agents,
17. Repeal impunity clauses enacted by Decree Laws nos. 667,668,696 and Laws nos. 6749, 6755 and 7079.

To: The European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment:

We urge the Committee to

1. Undertake more frequent *ad hoc* visits to Turkey,
2. Trigger the mechanism laid down in Article 10 § 2<sup>69</sup> of the Convention to publish the reports on Turkey for which publication has not been authorized by the Turkish Government.

To: The UN Committee Against Torture (CAT):

We urge the Committee to carry out an inquiry on Turkey under Article 20 of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

To: The European Union:

We urge the European Union to consider sanctioning those who are responsible for gross human rights violations in Turkey under its human rights sanction regime.

To: The US and the United Kingdom government:

We urge the US and the UK governments to consider sanctioning those who are responsible for gross human rights violations in Turkey under its human rights sanction regime.

To: International NGOs:

We urge International NGOs to

1. Allocate more resources to documenting ongoing human rights violations and impunity practices in Turkey,
2. Consider forging a justice initiative to hold perpetrators accountable under the universal jurisdiction framework,

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<sup>69</sup> Article 10 § 2 - If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members, to make a public statement on the matter.

3. Advocate before the European Union, the US and the UK governments that perpetrators be sanctioned under their respective human rights sanction regimes.

With the evidence presented in this report, in addition to the analyses, conclusions, and suggestions presented, London Advocacy hopes to inspire additional action to put an end to TIDT in both Turkey and worldwide.

**Every person settling in foreign land deserves dignified treatment and minimum support to live a safe and fulfilling his/her lives.**

London Advocacy Group Limited is a registered company limited by guarantee in England and Wales. London Advocacy does advocacy work on human rights and tries to raise awareness on human rights violations worldwide.

London Advocacy also advises victims of human rights violations on how to fight their cases in courthouses and in the media. We are encouraging the public to look differently at refugees and asylum seekers and to see the positive contribution they make to our society.

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## **Politically Motivated Systematic Torture in Turkey and Its Survivors**

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**London Advocacy Group Ltd**  
1 Northumberland Ave  
Trafalgar Square  
London WC2N 5BW  
+44 (0)75 5596 0052  
[info@londonadvocacy.org](mailto:info@londonadvocacy.org)



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