



# The Resurgence of Enforced Disappearances in the Aftermath of the July 15, 2016 Failed Coup Attempt in Turkey: A Systematic Analysis of Human Rights Violations

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## Abstract

After the failed coup attempt on July 15, 2016, Turkey rapidly adjusted its national security strategies to align with the principles of a security state, resulting in a notable increase in human rights violations during the declared State of Emergency. Enforced disappearances, previously used by the State against Kurdish dissidents in the 1990s, resurfaced as a brutal method in the name of “State survival” following the failed coup attempt. This research examined the systematic and organized nature of these enforced disappearances, their prevalence, specific targets, and the human rights abuses resulting from this practice. Twenty cases of enforced disappearances that occurred after July 15, 2016, were analyzed to achieve this. Three main themes emerged from the analysis: (1) enforced disappearance methods, (2) ineffective investigation, (3) torture. The examination revealed that enforced disappearances followed a systematic and widespread pattern. The narratives highlighted commonalities in the methods of disappearances, a preference for individuals affiliated with the Gülen Movement, and the subjecting of victims to severe violations, including torture. Fundamental human rights should have remained non-derogable even during the State of Emergency, as international human rights treaties to which the Turkish State is a signatory protect them.

**Keywords** July 15 · Coup d’état · Gülen Movement · Enforced disappearances · Torture · Human rights violations · Turkey · State of Emergency

## Introduction

Enforced disappearance is the deprivation of liberty, concealment of fate or location, or denial of liberty (Dewhirst and Plate 2005; International Commission of Jurists 2015). Enforced disappearance is generally classified as multiple human rights violations,

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covering several human rights violations simultaneously (Vitkauskaitė-Meurice and Zilinskas 2010). Thus, enforced disappearances are directly related to human rights abuses, such as the right to security and personal dignity; the right not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment; the right to humane conditions of detention; the right to legal representation; the right to a fair trial; the right to family life; and even the right to life, when a forcibly disappeared person is killed (Boot and Hall 2008, p. 221). Moreover, international human rights instruments treat systematic enforced disappearances as crimes against humanity (Taylor 2001).

The prohibition of enforced disappearances and the prohibition of torture or cruel, inhuman, or degrading treatment or punishment are absolutely prohibited under international law (Art. 3 of ECHR (European Convention on Human Rights), Arts. 7 and 10 of the ICCPR (International Covenant on Civil and Political Rights), and Art. 1 and Art. 23 of the ICPPED (International Convention for the Protection of All Persons from Enforced Disappearance)), with no derogations, including in a state of war or emergency.

Enforced disappearance causes unspeakable suffering to the victims, social and psychological devastation to their families, and moral destruction in their communities (United Nations Economic and Social Council 1985, para. 291). Since 1978, when the first resolution on enforced disappearances was adopted, the UN General Assembly has defined enforced disappearance as a grave violation of multiple human rights (UN General Assembly 1978, p. 158). Furthermore, the General Assembly has emphasized that “any act of enforced disappearance is an offense to human dignity. It is condemned as a denial of the purposes of the Charter of the UN and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights (UDHR) and reaffirmed and developed in international instruments in this field” (United Nations General Assembly 1995, Article 1).

The UN WGEID (United Nations Working Group on Enforced or Involuntary Disappearances) determined the factors that distinguish enforced disappearances and should be included in the definition of the crime of enforced disappearance: “(a) Deprivation of liberty against the will of the person concerned; (b) involvement of governmental officials, at least indirectly by acquiescence; and (c) refusal to disclose the fate and whereabouts of the person concerned” (United Nations Working Group on Enforced Disappearances 1996, para. 55). In this context, a victim must be protected against enforced disappearance at the time of deprivation of liberty by any means whatsoever. Furthermore, this protection must not be limited to cases where a person is unlawfully deprived of his or her liberty (United Nations Working Group on Enforced Disappearances 2008, para. 7).

In most enforced disappearance cases, the government has not fulfilled its positive obligations regarding an effective official investigation (Czepak 2013, p. 10). For example, at the ECtHR (European Court of Human Rights), it was proven that the Turkish State did not conduct an effective investigation and could not determine the essential facts and the location of the disappeared persons in cases such as *Kişmir v. Turkey* (ECtHR 2005a), *Toğcu v. Turkey* (ECtHR 2005b), *Er and others v. Turkey* (ECtHR 2012), and *Benzer and others v. Turkey* (ECtHR 2013).

In addition, the concept of the victim in cases of enforced disappearances should also be addressed in detail because this inhumane practice negatively impacts the

victim and his/her family. Therefore, the International Commission of Jurists (2015) stated that “the concept of the victim of human rights violations is fundamental in determining who has the right to effective remedy, investigation, justice, truth, reparation, and guarantees of non-repetition” (p. 5). Moreover, although the primary victims of enforced disappearance are those who have been disappeared, international legal texts such as the ICPPED also draw attention to the existence of secondary victims. When the cases of enforced disappearance are considered in this context, the victims’ rights are violated, and the civil and political rights of family members and their various economic, social, and cultural rights are also violated (United Nations Economic and Social Council 1983, para. 130, 133 and 134).

## A Brief History of Enforced Disappearances in Turkey

Historically, Turkey has engaged in enforced disappearances (Kurban 2020b). Torture, murder, extrajudicial executions, forced migration/displacement, and enforced disappearances have been extensively resorted to by Turkish authorities. Alpaya (1995, p. 45) qualitatively classifies those who forcibly disappeared in Turkey into three groups: “In the first group, there are people who are alleged to be militants of leftist organizations carrying out armed struggle. In the second group, there are Kurds who are local political leaders, including rights defenders such as trade unionists and journalists. Finally, in the third group, there are all the Kurds in the State of Emergency region.”

Çelik (2015) calls the 1990s a dirty war period in which enforced disappearances and practices of forced internal displacements were widely applied. The counterinsurgency organization, which is claimed to operate under the government but whose existence is never officially recognized, is known as JİTEM (*Jandarma İstihbarat ve Terörle Mücadele*, Gendarmerie Intelligence, and Counterterrorism or Gendarmerie Intelligence Organization). This is the main unit carrying out these activities (Göral et al. 2013). Çelik noted that the members of this organization forced their opponents to get into white Toros (Renault) model cars, and these people never returned to their homes (Çelik 2015).

In this context, a series of illegal acts have been carried out under the State of Emergency system by the clandestine organization JİTEM (Göral 2021). These illegal acts include the systematic enforced disappearance and extrajudicial executions of people considered supporters or sympathizers of PKK (*Partiya Karkerên Kurdistanê*, Kurdistan Workers’ Party) (Göral et al. 2013). Moreover, according to Kurban (2020a), Turkey has repeatedly engaged in brutal human rights violations such as enforced disappearance, a characteristic of Latin American military dictatorships that abused the emergency grounds provided under international human rights law.

In 1993, Human Rights Watch prepared a report on human rights violations in the Southeastern Anatolia Region of Turkey. It drew attention to systematic violent practices such as unsolved murders, village burnings, forced migration practices, suspicious deaths, enforced disappearances, and torture during the State of Emergency (Human Rights Watch 1993). In this context, Human Rights organizations estimated that approximately 3500 people were forcibly disappeared, and around 450 cases were confirmed (Human Rights Watch 2012).

The UN WGEID (UN Working Group on Enforced or Involuntary Disappearances) has reported 236 cases from 1990 to 2020 (United Nations Working Group on Enforced Disappearances 2022, p. 50). However, domestic experts, non-governmental organizations (NGOs), and Kurdish lawyers estimate the actual number to be much higher (Kurban 2020b). Many men, mostly Kurds, were detained and then disappeared (Jongerden 2003). The İHD (*İnsan Hakları Derneği*, Human Rights Association) has identified 348 mass graves, which are estimated to be the resting place of 4201 people who forcibly disappeared across Turkey (İnsan Hakları Derneği 2014, p. 9). In this dark period, the bodies of those tortured and shot were found on the roadside, and Kurdish lawyers, politicians, activists, journalists, and doctors who dared to raise their voices against State violence were executed. (Kurban 2020a).

Like the Plaza de Mayo Mothers in Argentina, the families of those who disappeared in Turkey first met on May 27, 1995, at the gate of Galatasaray High School on İstiklal Street in Istanbul. The Saturday Mothers, consisting mostly of Kurdish mothers, is a group that meets every Saturday afternoon in Galatasaray, Istanbul, for half an hour to ask for explanations about their missing relatives (Ahiska 2014). Most Saturday Mothers were people exposed to political violence in the Southeastern Anatolia region in the 1990s (Baydar and İvegen 2006). As a result, many relatives of the missing persons, especially those who experienced forced internal displacements, had to migrate to Istanbul because they were under pressure in their home region (Kandiyoti 1997).

### **The July 15, 2016, Failed Coup Attempt as a Milestone for Enforced Disappearances and Human Rights Violations in Turkey**

In July 2016, Turkey experienced a failed military coup attempt. According to Amnesty International's report, 271 people, 34 of whom were alleged coup plotters, died, and 2191 people were injured in this coup attempt (Amnesty International 2017). The Turkish government claims that Gülen Movement<sup>1</sup> followers within the military, judiciary, and bureaucracy were involved in planning

<sup>1</sup> The Gülen Movement, or Hizmet (Service) Movement, founded by Turkish Islamic scholar Fethullah Gülen, emphasizes education, interfaith dialogue, and community service. It promotes a moderate interpretation of Islam, emphasizing tolerance, dialogue, and peaceful coexistence (Ebaugh 2009).

Central to the movement is its dedication to education. It has established schools, institutions, and cultural centres worldwide, focusing on science, technology, and critical thinking to nurture responsible citizens. Additionally, the movement fosters interfaith and intercultural dialogue, building connections among diverse communities for mutual understanding. Internationally recognized, the Gülen Movement garners praise for its education and humanitarian work. Yet, it faces controversy and criticism, particularly in Turkey's politics, due to its involvement in various sectors and areas like education, media, politics, judiciary bureaucracy, police, military, and business, sparking debates over influence and intention.

Recent years saw the Turkish government branding the movement as a "terrorist organization" and accusing it of undermining the state. Consequently, legal and political actions have been taken against its members and institutions. The Gülen Movement remains intricate, with varied perspectives on its goals and impact. Its focus on education, dialogue, and service continues to resonate globally.

and executing the attempted coup, intending to overthrow Erdoğan's government<sup>2</sup>. The Gülen Movement has consistently denied any involvement in the coup attempt and condemned it.

After the coup attempt, the Turkish government declared a State of Emergency<sup>3</sup> on July 20, 2016, which lasted approximately two years. During the State of Emergency, a total of 37 Decree Laws<sup>4</sup> were issued by the government (Karadag and Bozkurt 2020). However, the Decree Laws were not limited to judging those involved in the coup attempt, and a nationwide witch hunt against dissidents began (Abramowitz 2018; Caman 2020). With the Decree Laws, more than 130 thousand civil servants were expelled from the public, and 1598 associations, 19 federations, four confederations, 129 foundations, 19 trade unions, six news agencies, 20 TVs, 25 radio stations, 70 newspapers, 20 magazines, 29 publishing houses and distribution channels, 934 educational institutions, 109 dormitories, 49 private health institutions, and 15 universities were closed (The Inquiry Commission on the State of Emergency Measures 2018 p. 12).

In the aftermath of the failed coup attempt on July 15, 2016, national and international human rights organizations pointed out that the Turkish government largely violated human rights (Advocates of Silenced Turkey 2022; Avincan et al. 2023; Human Rights Watch 2017b; UN Office of the High Commissioner for Human Rights 2018). During this large-scale witch hunt, arbitrary murders, suspicious deaths of detainees, enforced disappearances, torture, ill-treatment, and injustices

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<sup>2</sup> The relationship between the Erdoğan government and the Gülen Movement started as an alliance but later turned contentious. Led by Turkish Islamic scholar Fethullah Gülen, the movement initially supported Erdoğan. However, their ties deteriorated over time, resulting in a significant rift. Tensions escalated after the failed July 15, 2016, coup attempt in Turkey. President Recep Tayyip Erdoğan accused Fethullah Gülen and his followers of orchestrating the coup, claiming they had infiltrated state institutions forming a "parallel state." In response, Erdoğan's government cracked down on alleged Gülen supporters, leading to mass arrests, purges, and closure of linked businesses and media outlets. A two-year State of Emergency enabled a severe crackdown on dissent.

When global concerns arose over human rights and democracy implications, Erdoğan defended actions as crucial to national stability, while tensions persisted both domestically and internationally. The pursuit of Gülen supporters outside Turkey led to diplomatic disputes. This conflict impacted Turkey's politics, global relations, democracy, and human rights.

<sup>3</sup> Following the failed coup attempt on July 15, 2016, in Turkey, significant attention was drawn to the gap between the state's promises to its citizens and the actual implementation of those promises during the state of emergency that followed. The state declared the emergency with the goal of swiftly restoring order and democracy, but emergency decrees led to extensive powers being used for actions beyond the coup's scope. Critics contend that these measures went beyond addressing immediate threats, resulting in suppression of freedoms, due process concerns, and erosion of judicial independence. The experience highlights the challenge of balancing security and rights, emphasizing the importance of checks and balances, transparency, and the rule of law during crises.

<sup>4</sup> The compatibility of the Decree Laws, issued in response to the failed coup attempt on July 15, 2016, with the Turkish constitution is a complex issue. Critics argue that these decrees, issued under the State of Emergency, led to constitutional rights violations, while the government defends them as essential for national security. The extent to which these decrees align with the Constitution depends on legal interpretation and the balance between security concerns and individual rights. The State of Emergency ended in 2018, but debates on its impact on constitutional rights persist both domestically and internationally.

were mainly committed against the members of the Gülen Movement, Kurds, and Leftists (Advocates of Silenced Turkey 2020a; Pandya et al. 2020; Womack 2020).

A Human Rights Watch report (2017b) details 11 cases of torture and 5 cases of enforced disappearance by government forces in Turkey. Some victims, detained while awaiting trial, reported that they were transferred from detention centers to police stations without informing their families, were held there for up to six weeks, and were tortured to produce forced confessions. Some victims stated that they were also subjected to sexual abuse, including rape with bottles and electrical torture while in custody. Persons who claimed to have been tortured were taken to doctors for routine health control. However, the doctors did not deal with the physical symptoms of the torture, and the presence of police officers prevented them from performing an appropriate medical examination and made it difficult for the persons in custody to talk about their injuries and talk about the treatment they were subjected to while in custody. Another study on the incident stated that 18.4% of the people detained during the State of Emergency were exposed to physical torture and 74.4% to psychological violence and mistreatment during detention (Keten et al. 2020).

Turkey has a long history of government-supported kidnappings and enforced disappearances, especially in the 1980s and 1990s (Kurban 2020a). Security forces or clandestine groups usually commit illegal abductions and enforced disappearances in Turkey with the approval or knowledge of the officials. However, the negotiations on Turkey's accession to the European Union (EU), which required a better human rights record, seemed to have led to an enormous reduction in the number of persons who were forcibly disappeared (Heymans 2021). Compared with 214 registered cases between 1990 and 2000, only one case of enforced or involuntary disappearance was reported to the UN WGEID between 2002 and 2015; however, after the failed coup attempt of July 15, 2016, an increase was recorded with 17 cases between 2016 and 2019 (United Nations Working Group on Enforced Disappearances 2022, p. 50). However, posts on social media and in the press suggest that this number was below the actual number of those kidnapped in Turkey, and very few cases are effectively transferred to the UN (Heymans 2021). In addition, since 2016, the Stockholm Center for Freedom has documented 11 missing person cases, which show a deliberate kidnapping campaign by factions in the Turkish security and intelligence organization (Stockholm Center for Freedom 2017).

The events of the 1990s when Kurds were victims of extrajudicial executions and forced disappearances (Bozarıslan 2001; Jongerden 2003) were again on the agenda after the failed coup attempt on July 15, 2016. Similarly, in the process that developed after 2016, people, the majority of whom were considered to be close to the Gülen Movement, were kidnapped and illegally detained by armed individuals who identified themselves as government officials and tortured to obtain information and/or garner false crime confessions (Gergerliođlu 2020).

According to Advocates of Silenced Turkey, 130 people have been forcibly disappeared inside and outside Turkey, including 29 cases, known as "Black Transporter Cases," in Turkey since January 2016 because they had relations with the Gülen Movement (Advocates of Silenced Turkey 2020b, p.5). In this context, the

UN WGEID and its Special Reporters issued a joint letter on the enforced disappearances of persons close to the Gülen Community (Hazan et al. 2020). The letter emphasized that Turkish citizens were forcibly repatriated to Turkey from more than one state and that people associated with the Gülen Community were arbitrarily detained and arrested, subjected to enforced disappearance and torture in coordination with the officials in Afghanistan, Albania, Azerbaijan, Cambodia, Gabon, Kosovo, Kazakhstan, Lebanon, and Pakistan (Hazan et al. 2020).

In addition, the Committee on Enforced Disappearances's 2020 Report on the Requests for Urgent Action Submitted under Article 30 of the Convention included four urgent applications regarding the disappearance of Turkish citizens who were returned to Turkey from Cambodia, Iraq, and Kazakhstan (Committee on Enforced Disappearances 2020, para. 16). According to the report, the applicants claimed that persons accused of political opposition, who were subsequently subjected to enforced disappearance and detained without contact with anyone for days or weeks, were forcibly repatriated to Turkey. The returned persons' disappearance for months immediately after being abducted or as of their arrival in the territory of Turkey can be described as enforced disappearance (Heymans 2021). Heymans (2021, p. 3) pointed out the following constituent factors of the crime of enforced disappearance in these cases. First, the Turkish State violated the individual's right to security and freedom by concealing the fate and location of the abductee. Second, the victims were subjected to intense torture under the name of questioning during periods of enforced disappearance.

The victims of the enforced disappearance in the 1990s were mainly Kurds (Jongerden 2003; Scovazzi and Citroni 2007). However, after the coup on July 15, 2016, this practice started to be primarily applied to citizens who were members of the Gülen Movement (Stockholm Center for Freedom 2017, p.4). Kurban (2020a, p. 2) called this a "new wine in old bottles." Although victimizations related to these violations are partly included in the official reports, no empirical study has examined the cases of enforced disappearance in Turkey. Owing to the unrelenting stance of the state towards the Gülen Movement and the enduring cultivation of an environment imbued with fear stemming from the inhumane handling of individuals affiliated with this movement, infringements upon human rights targeting adherents of this movement remain inadequately redressed within scholarly realms and the endeavors of civil society advocacy.

This study addresses the gap in the academic literature by examining cases of enforced disappearance since the 2016 coup attempt, seeking to determine patterns, similarities, and human rights violations in an organized context. In this context, this study sought answers to the following research questions:

*Research Question 1:* Identifying common characteristics.

- What shared attributes can be discerned among cases of enforced disappearances following the unsuccessful coup attempt on July 15, 2016?

*Research Question 2:* Government investigation effectiveness.

- To what degree has the Turkish government conducted thorough investigations into the incidents of enforced disappearance following the July 15, 2016, coup attempt?

*Research Question 3:* Government accountability for disappeared individuals.

- How well did the Turkish government uphold the rights to truth, information about the fate and whereabouts, and the obligation to locate individuals subjected to enforced disappearance after the July 15, 2016, coup attempt?

## Methodology

The study utilized content analysis to explore, describe, and understand phenomena (Krippendorff 2018; Lichtman 2014), relying on textual data to develop a subjective interpretation of the examined phenomena (Hsieh and Shannon 2005). The researcher analyzed resources to identify enforced disappearances by the Turkish government. A sample from academic reports and letters from relatives of the disappeared were selected, and close readings of social media texts ensured examples aligned with the research questions. After developing labels for these codes, categories were created to group codes by meaning, with definitions for each code, category, and any subcategories.

The researcher conducted an in-depth analysis of various enforced disappearance methods and human rights violations to ensure credibility and transferability. This involved the following:

- Triangulating data from reports, letters, and social media posts, viewing the phenomenon from different angles (Aydin and Avincan 2020);
- Ensuring validity and reliability through thorough reading and re-reading (Creswell and Poth 2018; Guetterman et al. 2019);
- Engaging two expert peer debriefers with relevant knowledge in Turkish studies and human rights to enhance validity and minimize research biases (Creswell 2013); and
- Providing reports, letters, and social media content to peer debriefers and comparing their interpretations with the researcher's findings.

The data on enforced disappearances examined were collected from national and international human rights organizations' reports, applications made by relatives of victims to the UN WGEID, parliamentary questions submitted by HDP (*Halkların Demokratik Partisi*, Peoples' Democratic Party) deputy Ömer Faruk Gergerlioğlu and CHP (*Cumhuriyet Halk Partisi*, Republican People's Party), deputy Sezgin Tanrikulu, press releases, social media posts, posts by relatives of victims of enforced disappearances, newspaper articles, court statements, and handwritten letters of victims. The inclusion criteria included papers, human



rights reports, and handwritten notes on enforced disappearances. The database search employed dynamic and iterative methods, utilizing reports from Human Rights associations, social media posts by lawyers, and letters from relatives of enforced disappearance victims. A total of 1174 relevant articles, letters, and social media posts were identified. Titles and abstracts were then assessed for inclusion criteria.

The research focused on aggregated and publicly disclosed data, ensuring anonymity and a non-intrusive research approach. Ethical guidelines, particularly the “do no harm” principle, were adhered to throughout the research process to ensure responsible and respectful use of publicly available data. However, in a unique case, direct communication was established with one victim, Yasin Ugan, who had composed a comprehensive 25-page letter by hand during his confinement. This letter was transmitted to the researcher through Ömer Faruk Gergerlioğlu, an HDP deputy and human rights advocate. A discussion took place with Gergerlioğlu to determine the permissibility of including the victim’s identity in this article. Gergerlioğlu initiated communication with the victim’s spouse, who had the opportunity to meet with her imprisoned husband. Following this interaction, Yasin Ugan’s wife conveyed his consent to Ömer Faruk Gergerlioğlu for the utilization of his letter in this study.

The study examined cases between January 27, 2016, and January 20, 2021, with the failed coup attempt on July 15, 2016, serving as the starting point for data collection. The enforced disappearance of Sunay Elmas on January 27, 2016, was considered related to cases occurring after July 15 and was therefore included. This decision was influenced by the Geneva-based International Federation for Human Rights submission of a petition to the UN regarding kidnapping and torture cases involving Gülen Movement members since early 2016, wherein it was stated that Sunay Elmas was a Gülen Movement volunteer (*Bold Medya* 2019). To the best of available knowledge from media reports, the most recent enforced disappearance case was that of Gökhan Güneş on January 20, 2021, which is why this date was chosen as the endpoint for the last case analyzed.

These 20 cases were selected due to corroborating evidence from victims, court testimonies, handwritten letters, relatives, human rights organizations, and members of parliament in Turkey. Nineteen of the victims were male, and one was female. While 15 individuals have reappeared, the fate of 5 remains unknown, and they are considered still missing. Most of those who reappeared are believed to be in Turkish prisons (Committee on Enforced Disappearances 2020, para. 26; Solidarity with OTHERS 2020; Stockholm Center for Freedom 2017).

Among the 20 cases, 18 occurred in Turkey, one in Kazakhstan, and one in Lebanon. In Turkey, 13 enforced disappearances took place in Ankara, two in Istanbul, and one each in Izmir, Antalya, and Edirne. The incidents were distributed over the years as follows: two in 2016, eight in 2017, one in 2018, seven in 2019, one in 2020, and one in 2021.

Eighteen of the allegedly forcibly disappeared individuals were linked to the Gülen Movement (Advocates of Silenced Turkey 2020b, p. 5), while two others

(Ayten Öztürk and Gökhan Güneş) were associated with leftist groups (*ANF News* 2021; Güven 2019a, p. 6). Many disappeared were civil servants who had been dismissed from their jobs under State of Emergency Decree Laws (No. 667–703), and their workplaces were closed down with the same Decree Laws. Notably, a significant portion of the disappeared individuals were teachers (See Appendix). The longest-standing case of disappearance is that of Sunay Elmas, who has been missing since January 27, 2016.

## Findings and Discussion

The researcher utilized NVivo software (Version 11; QSR International 2022) for data organization, synthesizing themes and concepts in alignment with the integrative review methodology (Saldaña 2016). Three themes were developed from the data obtained. The first theme was *enforced disappearance methods*. Under this theme, (a) how people who forcibly disappeared were kidnapped, (b) whether a relationship existed among kidnapping cases, and (c) common characteristics of kidnapping methods were examined. The second theme, *ineffective investigations*, examined whether the applications of a victim's relatives to the security forces or judicial units regarding the enforced disappearance cases immediately after the incidents were handled ethically and effectively. The third theme was *torture* suffered by people after being forcibly disappeared.

### Theme 1: Enforced Disappearance Methods

Below are discussions of several forced disappearances. The first case discussed pertains to the disappearance of educator Sunay Elmas, who was forcibly abducted on January 27, 2016 (Güven, 2019b). While Elmas disappeared before the failed coup attempt on July 15, 2016, his case is linked to post-July 15, 2016 cases because he was identified as a volunteer within the Gülen Movement in this petition (*Bold Medya* 2019).

After several months of no contact with Elmas, his family filed a missing person report. When the Ankara Police Department took no action, the family sought answers through legal means. They began by collecting security camera images, which revealed the following:

After getting out of his car at CEPA Shopping Mall, the image of him being cut in front and forced into the black Transporter was given to the Ankara Police Department by his family with an official report (Güven 2019b, para. 7).

As seen in the Sunay Elmas case, only the model and vehicle brand had changed in enforced disappearance cases. Although many years have elapsed, the White Toros events of the 1990s have not been erased from memory. In 2016, these began to reoccur in the form of black Volkswagen Transporter vehicles, as in the case of Sunay Elmas.

Turgut Çapan, an employee of Turgut Özal University, closed by Decree Law,<sup>5</sup> was kidnapped on March 31, 2017, at noon in Ankara Şentepe. When Ülkü Çapan, his wife, did not receive the necessary support from the police department to investigate her husband's disappearance, she started tracking him from the cameras by going around from apartment to apartment and from store to store. Turgut was seen from the front camera of an apartment building (Yalaz 2018d). The camera at another angle that recorded the same moments showed a black Transporter vehicle (Yalaz 2018d). The van swiftly came to the scene (Yalaz 2018d). Then, the black van lingered for a while (Yalaz 2018d). After this interval, Turgut could not be seen from the viewpoint of any camera (Yalaz 2018d).

Önder Asan, a teacher who worked in a private school closed by Decree Law,<sup>6</sup> was kidnapped on April 1, 2017, the day after his friend Turgut Çapan was kidnapped in the Şentepe district of Ankara Yenimahalle. The enforced disappearances of Önder Asan and Turgut Çapan are considered related. Turgut was first targeted, and Asan was also kidnapped.

Asan explained his experiences with the following words:

... I found myself in a black vehicle, being pushed on my face... The people in the vehicle kept cursing, punching me, and kicking me all the way to where they were going. ... I ended up in a cell. I would have been in this cell for days with my hands cuffed behind my back, blindfolded on a black carpet on the walls. When I left the cell, I was taken to a torture chamber (Yalaz 2018a, para. 3).

Another enforced disappearance case was that of a teacher named Cengiz Usta on April 4, 2017. When Usta's family did not receive help from the police, they collected information and determined that Usta had been abducted via methods similar to the previous cases. His brother, Selim Usta, told *Büyük Torbalı* newspaper that they had been looking for his brother for two weeks and explained the details about Cengiz's kidnapping:

On April 4, my brother left his little girl at home to pay the elevator installment. Unfortunately, he did not return home after depositing the installment. An eyewitness said two people on Abdülhamit Street forced my brother into the vehicle. We want all traces evaluated and our brother returned home safely as soon as possible. (Daniş 2017, para. 2).

Mustafa Özben, an enforced disappearance victim, stated that he was a former lawyer registered in the Ankara Bar Association and worked as a lecturer at Turgut Özal University, which Decree Law closed for a while. Özben shared the following statements about the day he was forcibly disappeared before the Turkey Tribunal:

<sup>5</sup> See attached list 5 of Decree Law No. 667, <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8-1.pdf>

<sup>6</sup> See <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8-1.pdf>

After shopping, I returned to my vehicle in Ankara. I was suddenly surrounded, beaten, pushed, and pulled by 4-5 people into a vehicle I thought was a black transporter. Plastic handcuffs were tied to my feet and hands by putting a sack over my head in the vehicle, being punched, cursed, and insulted ([video] Turkey Tribunal 2021, 1:36-2:55).

Fatih Kılıç, also a former teacher expelled by Decree Law, disappeared from the Ankara Intercity Bus Terminal at around 11.00 p.m. on May 14, 2017, after sending his family away. Nearly a month and a half later, prosecutors were appointed to investigate his disappearance. The investigation prosecutor, appointed on June 21, 2017, closed the case on July 3 via a non-prosecution verdict (Yalaz 2018b).

Cemil Koçak, who was expelled from the institution where he worked as an engineer by Decree Law, was another victim of the black Transporter cases. He was allegedly abducted on June 15, 2017, at 5:20 p.m., in Ankara with his 8-year-old son in his car. Koçak has not been heard from since. According to the information shared by his family,

Cemil Koçak was trying to get to the main street with his vehicle. He had his 8-year-old son with him. Two black-and-white Ford Focus brand vehicles were following a red Honda Jazz brand vehicle, followed by the Volkswagen Transporter. First, the black vehicle crashed into Cemil Koçak's car from behind, making it look like an accident. Then, all of a sudden, it was a mess. ...Koçak was thrown into the Transporter. Koçak's little boy was in shock. When he called his mother on the phone, he could only say, "They kidnapped my father, Mom!" (Yalaz 2018b, para. 8).

Another kidnapped person, Ümit Horzum, is a former Banking Regulation and Supervision Agency employee. His wife, Aynur Horzum, claimed that on December 7, 2017, a person she did not know told her that he had been abducted when a vehicle cut in front of the vehicle Horzum was driving and forced him into a black transporter with black windows.

Erkan Irmak, a teacher, was kidnapped in front of his house in Istanbul on February 16, 2019. His wife, Nilüfer Irmak, related the following about the kidnapping:

He came [home] that evening. I saw him off at 11:03 a.m. When he approached the secondary school's corner near our house, two people approached quickly. I saw what had happened through the window, and they ran. I can't make a sound. My eldest son said, "You should have told us, then we would go, Mom." We didn't sleep till morning ([video] Gengerlioğlu 2019, 19:33-22:08).

Mustafa Yılmaz, a physical therapist, was kidnapped in Ankara on February 19, 2019. The statement of Mustafa Yılmaz's wife, Sümeyye Yılmaz, regarding the camera records of the buffet located opposite their residence address on March 15, 2019, is as follows:

There were people waiting in front of and opposite the house. The person waiting in front of the house informed an incoming person. He accelerated to catch up with my husband right when he arrived on that route. My husband was

waiting there, and they said hello. ... after saying hello, he hit my husband. Meanwhile, the other man tried to catch up by running. He's had a white sack over his hand. I think he put it over the head of my husband. They took my husband by the wayside (Hak İnisiyatifi 2019, p. 28).

Enforced disappearance incidents also extended to foreign countries. As of 2016, this study identified two cases of enforced disappearance that occurred abroad, specifically two cases in Kazakhstan and one in Lebanon. The first was Zabit Kişi, who was abducted in Kazakhstan on September 30, 2017. Another was Ayten Öztürk, the only female victim, who was kidnapped in Lebanon on March 13, 2018.

Zabit Kişi, who was a teacher in Kazakhstan, was kidnapped by MİT (*Millî İstihbarat Teşkilatı*, National Intelligence Organization) on September 30, 2017 (Bozkurt 2021). Through an initiative of his family in Kazakhstan, the Kazakhstan Intelligence Directorate provided an official document containing the information that Zabit Kişi was handed over to the MİT personnel and that he was sent to Turkey on September 30, 2017 (Güven 2019c). His parents spent 108 days trying to contact Zabit Kişi. Finally, after 108 days, Zabit Kişi appeared in Ankara Courthouse. He shared the following details about his kidnapping:

On September 30, 2017, I was retaken into custody while returning from Almaty to Kyrgyzstan. At around 10.30 pm, when the runway was completely empty, I was delivered to civilian-looking people coming from Turkey. I was physically beaten and put on a non-tariff plane with no mark/inscription on it with a camouflage pattern that I could not identify. As soon as I got on the plane, they jumped on me. They started to degrade me by swearing at me and my values. They kept hitting me in the groin and the head (Güven 2019c, para. 17-19).

Ayten Öztürk was abducted from Lebanon by MİT and taken to Turkey on March 13, 2018.<sup>7</sup> Two essential characteristics distinguishing Öztürk's case from other cases is that she was a woman and was not viewed as associated with the Gülen Movement. Instead, the claim was made that Öztürk was associated with the DHKP/C (*Devrimci Halk Kurtuluş Partisi/Cephesi*, Revolutionary People's Liberation Party/Front). Öztürk was taken into custody at Lebanon Airport on March 8, 2018, handed over to Turkish authorities with a hood over her head and taken to Ankara on a private plane (Güven 2020). She appeared before a judge more than a year later and made a long defense describing the severe torture she was subjected to for six months in an unknown official institution in Ankara (Güven 2019a).

Öztürk described how she was kidnapped in her 12-page statement at Istanbul 3rd High Criminal Court (Case No: 2014/105):

I was detained ... at the Lebanese airport on March 8, 2018. While in custody, a person named "Kadri" from the Turkish Consulate interviewed me and took my photos with his own phone. After this meeting, the Lebanese authorities repeatedly searched my clothes and my belongings with dishonor. They had

<sup>7</sup> See <https://twitter.com/AytenOzturke/status/1495080402737840134?s=20>

me in custody because I was carrying a passport that I had bought from smugglers and belonged to someone else. (Güven 2019a, para. 22).

Gökhan Güneş, an electrician, was abducted by a group of 3–4 people while getting off the municipal bus in Istanbul on January 20, 2021. Güneş, who was left in an area in Bahçeşehir blindfolded at around 6:00 a.m. on January 26, 2021, returned to his family's house by his own means. Güneş shared the following details about the kidnapping at a press conference held at the İHD:

I got off the bus at around [midnight].; four people were waiting on the sidewalk at the stop. One of them said, "Excuse me" When I turned around and looked at him, they were all over me suddenly. I saw the number increase at that time. They tried to put me in a car. Then I resisted and tried to pull myself back somehow.... They [used] electroshock to eliminate that resistance. Then, when I recovered, I was in a car. Two people had put their arms around me, bent my head down, and put a sack over my head (İnsan Hakları Derneği 2021, p. 9).

## Discussion of Enforced Disappearance Methods

Enforced disappearances resurfaced in Turkey following the failed coup attempt on July 15, 2016. Historically, this method was primarily employed against Kurdish opponents. However, after July 15, 2016, it became increasingly prevalent, especially targeting members of the Gülen Movement in western cities such as Istanbul, Izmir, and Antalya. Notably, over half of these cases occurred in the capital city of Ankara. Furthermore, the iconic white Toros vehicles associated with enforced disappearances in the 1990s were replaced by black Volkswagen Transporter vehicles in recent years. An additional distinctive aspect of contemporary enforced disappearance cases is the extension of this method to individuals abroad (Hakikat Adalet Hafıza Merkezi 2013). Statements from victims like Ayten Öztürk, kidnapped from Lebanon, and Zabit Kişi, kidnapped from Kazakhstan, corroborate this assertion (Bozkurt 2021; Güven 2019c; Güven 2020).

In numerous documented cases of enforced disappearance, witnesses reported that victims were abducted in broad daylight, often in public streets, by individuals identifying themselves as police or intelligence officers (Hak İnisiyatifi 2019; Heymans 2021). The same type of vehicle, the Volkswagen Transporter, was frequently used in these abductions (Human Rights Watch 2017a). Allegations regarding detention cases commonly involve individuals impersonating public officials, and in many of these claims, hoods were placed over the heads of the detainees.

Furthermore, enforced disappearances exhibit a distinct characteristic of being applied against political and social groups and individuals belonging to different ethnicities, sects, or religions perceived as threats by the State. A majority of the abductees are believed to be volunteers or sympathizers of the Gülen Movement who were subjected to persecution following the failed coup attempt on July 15, 2016 (Advocates of Silenced Turkey 2020a; Stockholm Center for Freedom 2017). The other two victims were associated with leftist groups deemed illegitimate by the Turkish State that labeled

the abductees as terrorists, traitors, and spies without substantial evidence (Aydin and Avincan 2023; Avincan et al. 2023)

There are other commonalities among individuals who experienced enforced disappearance following the failed coup attempt. Notably, many victims were university graduates and held high-ranking positions in public institutions. Moreover, numerous victims either faced dismissal from their professions through Decree Laws issued during the State of Emergency declared after the coup attempt or their workplaces were shuttered due to these Decree Laws (Stockholm Center for Freedom 2017). Enforced disappearances, historically used against Kurdish dissidents in the 1990s, started targeting conservative Gülen Movement volunteers who opposed the prevailing single-man administration after the coup attempt. Another noteworthy aspect is that some abducted individuals knew each other, implying systematic coordination. When human rights violations target a specific population segment, the number of victims need not be exceptionally high to classify the violation as gross and systematic (Medina 2021). These violations can be defined as systematic and severe due to their focused nature. In the Blaskic case, the ICTY (International Criminal Tribunal for the Former Yugoslavia) defined “systematic” as indicating “the existence of a political objective, a plan pursuant to which the attack is perpetrated, or an ideology, in the broad sense of the word, that is, to destroy, persecute or weaken a community” (International Criminal Tribunal for the Former Yugoslavia 2000, para. 203).

## Theme 2: Ineffective Investigation

The family of Turgut Çapan made a written application to the İHD on the subject (İnsan Hakları Derneği 2017). Advocates of Silenced Turkey applied to the UN about Turgut Çapan (Harman 2017). On April 24, 2017, the UN CED (UN Committee on Enforced Disappearances) requested information about his kidnapping from government officials with its emergency code (Yalaz 2018d). However, the Turkish government has left the request unanswered.

Önder Asan’s wife, Fatma Asan, shared information about her husband’s reappearance on April 1, 2017, on her Twitter account.<sup>8</sup> On the same day, Önder was taken to the courthouse with the lawyers of the victims’ wives. He said that their applications for collecting evidence about the possible crime scene, the residence of the spouse, and the vehicle with a flat tire did not attract the attention of the public prosecutors. The prosecutors constantly directed the victims to another prosecutor to avoid an investigation.

In an investigation conducted by her own means in Şentepe, Mrs. Asan found that her husband had taken a taxi with plate number 06 T 5635 after leaving the house

<sup>8</sup> See [https://twitter.com/fatma\\_asan1905/status/850687149254914048?s=46&t=s\\_5SiCHYMJH14olpaeNptA](https://twitter.com/fatma_asan1905/status/850687149254914048?s=46&t=s_5SiCHYMJH14olpaeNptA), [https://twitter.com/fatma\\_asan1905/status/850687575547301888?s=46&t=s\\_5SiCHYMJH14olpaeNptA](https://twitter.com/fatma_asan1905/status/850687575547301888?s=46&t=s_5SiCHYMJH14olpaeNptA), [https://twitter.com/fatma\\_asan1905/status/850716140548444160?s=46&t=s\\_5SiCHYMJH14olpaeNptA](https://twitter.com/fatma_asan1905/status/850716140548444160?s=46&t=s_5SiCHYMJH14olpaeNptA), and [https://twitter.com/fatma\\_asan1905/status/850873502664208385?s=46&t=s\\_5SiCHYMJH14olpaeNptA](https://twitter.com/fatma_asan1905/status/850873502664208385?s=46&t=s_5SiCHYMJH14olpaeNptA)

where he was staying on April 1, 2017. She learned that the driver was cut in front by at least two vehicles, and an armed group of approximately 8–10 people took Önder away. The armed people told the driver they had nothing to do with him. Nevertheless, the driver reported the incident to the police.

Although Mrs. Asan informed the police about the address of her husband's house in Şentepe, the police did not investigate. Approximately three weeks after the notification and 34 days after the incident, a search and fingerprint analysis was made at this address on May 4, 2017. However, all security camera images had been deleted. These records were retained between 7 and 21 days at and around this address, indicating this was not a good-faith investigation.

Security camera records of Mustafa Özgür Gültekin's enforced disappearance were found through the efforts of the family and its lawyers (Yalaz 2018c). Although the silhouettes of the kidnappers, their vehicles and plates were visible in the records, the police department did not prosecute those who had kidnapped Gültekin.<sup>9</sup>

The media reported that Mrs. Ülkü Çapan, who was looking for her missing husband, was questioned and subjected to abuse on three occasions by the police (Yalaz 2018d). She forwarded the camera records of her husband's enforced disappearance to the Governor of Ankara, Ercan Topaca (Yalaz 2018d). In the one-hour meeting, Topaca was reported as insistently trying to cover up the incident, telling Mrs. Ülkü that her husband had escaped or could be hiding somewhere (Yalaz 2018d).

Mustafa Özben's wife, Emine Özben, made her voice heard on her Twitter account and attempted to contact her husband for three months.<sup>10</sup> As a result, his application to the Ankara Public Prosecutor's Office was closed on March 23, 2018, based on the finding that no need existed for prosecution because the crime of depriving the person of his liberty by using force, threat, or fraud was not committed against Mustafa Özben.<sup>11</sup>

Özben, who appeared 92 days later, stated that the government did not conduct an effective investigation regarding his enforced disappearance:

For 92 days, the prosecutor's office, the police, and the administrative authorities have not given a proper answer. It takes 3-4 months for a prosecutor to be assigned to a case. The prosecutor's statement to my wife said, "My daughter, your husband is hiding somewhere; let this go. Otherwise, this will cause trouble for you as well." ([video] Turkey Tribunal 2021, 38:07-38:50).

Ümit Horzum's wife applied to Ankara Yenimahalle District Police Department, Ankara Chief Public Prosecutor's Office, and Ankara Yenimahalle District Gendarmerie Command with a complaint and request for help. However, according to Aynur Horzum's statement, "the allegation of enforced disappearance was not considered during the applications, and her written application was not received in

<sup>9</sup> See following link for the footage of the enforced disappearance: <https://tenkilmemorial.org/tenkil-veritabani/mustafa-ozgur-gultekin/>

<sup>10</sup> See <https://twitter.com/OzbenAilesi/status/866428506019909637?s=20>

<sup>11</sup> See <https://weltanwaelte.com/blog/av-mustafa-ozben/>



this regard” (Hak İnisiyatifi 2019, p. 15). Therefore, it was sufficient to check only whether her husband was in custody. Horzum reappeared after 132 days.

Sümeyye Yılmaz, the wife of Salim Zeybek, stated that she applied to the Ankara Provincial Security Directorate and filed a criminal complaint with the Ankara Chief Public Prosecutor’s Office. Yılmaz said she visited the investigation prosecutor following the criminal complaint she filed with the Ankara Chief Public Prosecutor’s Office and verbally conveyed the situation. The public prosecutor replied, “Your husband is not in custody. However, the police officers tell me, “Your husband has fled abroad,”... “I don’t know anything about him.” (Hak İnisiyatifi 2019, p. 29).

Fatma Betül Zeybek stated that she applied to Ankara Provincial Security Directorate after this case, filed a criminal complaint with the Ankara Chief Public Prosecutor’s Office, and applied to various other official institutions through CİMER (*Cumhurbaşkanlığı İletişim Merkezi*, Presidency’s Communication Center), to UN WGEID through İHD, to Public Oversight Institution, to HDP Kocaeli deputy Ömer Faruk Gergerlioğlu and to Saadet Party (Felicity Party) İstanbul deputy Cihangir İslam with a request to the Ministry of Internal Affairs to respond to the allegations. However, she did not receive a positive response from any application she made.

Yusuf Bilge Tunç’s sister, Şefika Nur Kurt, said that they started the legal process immediately after the loss of her brother:

After my brother was kidnapped, we made applications to the Ankara Chief Public Prosecutor’s Office, Ankara Police Department, human rights associations, and CİMER within 1-2 days. But no action has been initiated. We found my brother’s car on the fourth day with our own efforts. We called the police. The police said that there was no application for a missing person. The police said that he could either [have been] deleted from the system or that such an application was not entered into the system. On the fourth day, the same applications were made again. Unfortunately, it took 13 days for the prosecutor to be appointed (Özarlan 2021, para. 16).

Murat Yılmaz, an attorney of the Ankara Bar Association, who made attempts as the family’s lawyer in the days when Yusuf Bilge Tunç was “missing,” made the following evaluation after they applied to the Ankara Chief Public Prosecutor’s Office on September 4, 2019.

... the fact that the location information is still not examined in any way or is not requested to be examined reinforces the allegations that the State deliberately entered into ‘Collective Silence’ enforced disappearance cases. All these possibilities have been ignored, and despite the official applications and petitions on different dates, the Prosecutor’s Office has not attempted to examine the vehicle for fingerprints and DNA (Solgun 2022, para. 21).

To access more images about her father’s enforced disappearance, Nursena Küçüközyiğit visited the stores on the street where her father’s office was located one by one and asked about the camera records. However, she reported that everyone said these records were deleted and said:

... no prosecutor has been appointed for this case. We were expecting his appointment this afternoon. It didn't work out. I went to the police station, and they didn't accept our petition. Our lawyer called the prosecutor's office on duty, and they also didn't accept our petitions. We have the camera records, but we can't find a prosecutor's office or a police station to give the records (Mora 2021, para. 8).

Ayten Öztürk stated that her request for an investigation into the torture and maltreatment she was subjected to was not processed.

After the 3-day detention period in Ankara TEM (*Terörle Mücadele*, Counterterrorism), I wanted to go to the prosecutor's office and the Criminal Court of Peace and explain the situation I experienced and the torture. They said, "The case is not our issue," and interrupted me. They said, "File a criminal complaint." (Güven 2019a, para. 61).

### Discussion of Ineffective Investigation

In all cases, the relatives of the kidnapped individuals faced significant challenges when attempting to file formal criminal complaints or obtain information about ongoing investigations. In one instance, witnesses of a kidnapping advised the victims' relatives to contact the police. However, police officers who arrived at the scene did not intervene as anti-terrorism police officers had already apprehended the person (Human Rights Watch 2017a). Moreover, investigations into the locations where abductions were reported to have taken place, including relevant gendarmerie and police stations, were often not conducted. Little effort was made to identify potential witnesses, and camera recordings in the alleged regions of abduction were not examined. These oversights gave the impression that authorities were waiting for these records to be destroyed or erased.

Furthermore, individuals detained at the relevant gendarmerie and police stations on the dates indicated for disappearances were not investigated. Their statements were not taken to ascertain whether someone had been detained, and the information was not shared with other law enforcement agencies, especially the MİT. The necessary investigations related to HTS (Historical Traffic Search) records, considered evidence by the courts, and the location and position information in the BTK (*Bilgi Teknolojileri ve İletişim Kurumu*, Information and Communication Technologies Authority) system were not conducted promptly, despite their significance in locating victims. Despite repeated requests by relatives to locate the victims and preserve evidence, they reported that the investigation prosecutors did not actively pursue an effective investigation for an extended period (Crossborder Jurists Association 2021).

Additionally, the statements of the close circles of the applicants and alleged abductees were not considered, and potential risks were not evaluated. Law enforcement officers in the areas where kidnappings allegedly occurred did not provide statements for the relevant dates. Moreover, fingerprint and DNA analyses were not conducted on the vehicles purportedly used during the enforced

disappearances (Solgun 2022, para. 21). In a decision regarding Yusuf Bilge Tunç, who was kidnapped in 2019, the Unlawfulness Investigation and Analysis Authority (2021) highlighted the spoliation of evidence by government officials:

On January 24, 2020, 170 days after the enforced disappearance, law enforcement officials finally investigated the vehicle. However, in a statement made by the victim's wife just a day earlier, she revealed that realizing no investigation would be carried out on the vehicle, the victim's relatives had washed it in preparation for sale. The crime scene investigation team confirmed this and stated that the vehicle had been washed. This raises suspicions of deliberate evidence loss or tampering. It is evident that further investigation into the vehicle at this stage would not yield meaningful results (Crossborder Jurists Association 2021, p. 13).

The strikingly similar stories of those kidnapped and disappeared suggest a planned and systematic element indicative of gross human rights violations (The Economic and Social Council 1970; World Conference on Human Rights 1993). The fact that prosecutors, administrative authorities, and the government under Erdoğan have not made any statements about enforced disappearance cases reinforces the belief that the State is the perpetrator of these events. Turkey's historical stance on enforced disappearances has been one of denial, with authorities denying involvement and claiming ignorance regarding the whereabouts of the disappeared (Gul 2021). The failure to conduct effective investigations in these cases constitutes another human rights violation.

### Theme 3: Torture

Instances of torture have become an issue again, with many human rights organizations reporting that people accused of being related to terrorism or the coup attempt of July 2016 were tortured while under police supervision.

Mustafa Özgür Gültekin, who forcibly disappeared on December 21, 2016, appeared again in custody in Ankara (near Kurtuluş Park) on April 21, 2017. In a letter to the lawyers, judges, and prosecutors handling his case, Gültekin revealed that MİT members abducted him (Hak İnisiyatifi 2019). In his letter, he shared the following information regarding when he was forcibly taken.

I could not stand the torture at the end of the four months. I was forced to sit in front of a camera [and confess]. I read the expressions on the papers before me in front of the camera and filming that lasted for hours with the directions, additions, and removals of the person sitting in front of me (Hak İnisiyatifi 2019, p. 7).

Academician-lawyer Mustafa Özben was kidnapped after dropping his daughter off at school in Ankara. He weighed 80 kilos when kidnapped, and lost 20 kilos due to three months of torture. Özben stated the following regarding the torture he suffered during this period:

They kept bringing in electroshock, beating, and a sex machine. They said they would bend me over and do bad things with it. They've tried everything I can be sensitive about. ... I broke my tooth during the punching. On the anniversary of July 15, 2016, they played 24 hours of anthem, music, and so on ([video] Turkey Tribunal 2021, 26:47-29:27).

Another person kidnapped in Ankara with the black Transporter vehicles was Önder Asan. What happened to Asan, who was kidnapped in front of everyone in Ankara on April 1, 2017, and kept in a cell until May 12, 2017, was reflected in the reports and minutes as follows:

The torture lasted 25 days. Rough beating, beating with sticks, electrical interventions, harassment, and torture with shocks, insults, psychological torture, and curses to his family.... There was not a single place in his body that was untouched by sticks. The curses started with "You are a member of the Gülen Movement" and the names of people he did not know.... (Yalaz 2018a, para. 4).

Yasin Ugan, kidnapped with Özgür Kaya on February 13, 2019, chronicled the details of the abuse to which he was subjected. In the fourth and fifth pages of his letter, Ugan listed the types of torture he was subjected to as follows [Personal communication, 2019]. Among indignities,

I was shocked in various parts of my body with a device like a Taser,... threatened with shocking my balls, [given] medications under the [guise of vitamins]. Kept awake, [beaten], played loud Metallica music for hours, hit with ... some kind of hard leather, put in a plastic barrel, [and subject to] bastinado.

Erkan Irmak, who was kidnapped on February 16, 2019, was another victim of enforced disappearance. Yasin Ugan, who later appeared in the same anti-terrorism unit as Erkan Irmak, stated that Erkan Irmak shared the following details about the torture he was subjected to:

...Erkan Irmak told me that he was also kidnapped and that he was even pressed with iron on his back. When I asked him when he was taken, he said it must have been three days after I was taken. When I said that the place where he was abducted was a three-story place and he was staying on the third floor, my place was a three-story building, and they were tormenting someone upstairs. When I said I prayed to him a lot, Erkan Irmak said, "It was me." Erkan Irmak said, "I was most annoyed by the Metallica music put under my ear and played very loudly" [Personal Communication, 2019].

Yasin Ugan shared the following details with Salim Zeybek, Özgür Kaya, and Erkan Irmak in his letter from the prison to Ömer Faruk Gergerlioğlu:

Just before they set out for the court, they left me, Özgür Kaya, Salim Zeybek, and Erkan Irmak in a room. Özgür Kaya and I immediately asked Salim Zeybek when he was caught. We said we were beaten a lot because we said we didn't know where he was. Salim said, "I think it was ten days after you," and added, "When I was driving abroad to escape, I was caught fif-

teen-twenty kilometers away from Edirne.” Then, Erkan Irmak asked, “Did they press an iron on your back too?” Özgür Kaya said they “stepped on me too.” He said he was hospitalized for a while and had been treated for about ten days. Also, Erkan Irmak asked if they tied their feet to the bed with chains. The other two said yes [Personal Communication, 2019].

On September 30, 2017, Zabit Kişi was taken to Turkey by MIT from Kazakhstan. Kişi, who was 45 years old, was not heard from for 108 days. Kişi, detained in Kocaeli Type F Prison No. 2, revealed in his letter to deputy Ömer Faruk Gergerlioğlu from HDP what he experienced and how the criminal complaint was closed. Stating that he had been subjected to systematic torture, ill-treatment, and insults for 108 days, Kişi included the following statements in his letter.

They undressed me naked as soon as I walked into the place.... Two people grabbed my arms and tied me to a place like a wall. Starting from the top of my body, they shocked my feet and different areas from time to time by increasing their voltage. When I was sitting, the bottoms of my feet were positioned to face upwards, and they crushed my fingers one by one (Güven 2019c, para. 27).

Kişi also said:

... They threatened to [rape us] and tried to [rape us] with a hard object, and they repeated it even though I insisted. They said, “son of a ..., I will ... you here, who will come and save you from here, try to enjoy yourself,” and continued to swear. (Güven 2019c, para. 30-31).

This description indicates that the people who tortured him enjoyed it very much. Additionally, Kişi was not allowed to rest. “I was awakened by interrupting my sleep and sitting, turning on loud music, and shouting, and I was tired from being kept standing for a long time” (Güven 2019c, para. 34).

He was arbitrarily prevented from meeting his human needs.

When they took me to the toilet, they pressed me from my neck down and dragged me to the floor like a dog. When they asked me to make a small standing toilet because I could not settle properly on the Turkish-style toilet stone with a sack over my head, they used violence by saying, “You lick what they did outside” because I could not hit the toilet hole. They didn’t take me to the bathroom when I wanted them to; they took me there when they wanted me to (Güven 2019c, para. 32).

Denying Kişi’s basic rights became standard by his torturers as the psychological violence reached an advanced stage.

They did not let me brush my teeth for about 2.5 months, and they did not even let me take water in my mouth in the sink and rub my teeth or rinse my mouth. They deprived me of personal care. When they let me take a shower, they sexually harassed me by asking me to be naked with my back to them. I was kept naked in the cold (Güven 2019c, para. 33).

He further noted that he was not alone when he was tortured. Exposure to the voices of tortured people while not being tortured is another method of torture:

When I was not tortured, I could hear the voices of people tortured and injured in other container cells. During this period, I decreased from 105 kg to 75 kg. As my health problems increased due to the tortures I experienced, they gave me medications I did not know and said were painkillers. They gave a glass of water in small plastic cups every day. How many times have I begged for water, but it was useless... (Güven 2019c, para. 36-37).

Ayten Öztürk shared important information about the secret torture center in Ankara, where she was taken. At the Istanbul Third High Criminal Court, she described the severe torture she experienced during the six months after being abducted from Lebanon and brought to Turkey by private plane. The hearing was held within the framework of the file numbered 2014/105 at Istanbul 3rd High Criminal Court. Here is part of what she said:

For about 25 days, I was handcuffed behind my back, blindfolded, and with a sack over my head. At first, I couldn't detect at what intervals they opened the door. They took me, blindfolded, handcuffed, to a place like an infirmary not far from my cell, tied my arms and legs with a flexible elastic band, and gave me serum. For about 25 days, my eyes were never open, and my eyelids were [shut tight]. Then, they opened my eyes with a liquid. I couldn't look at the light (Güven 2020, para. 29 and 33).

Öztürk stated she endured other tortures as well:

I was being taken to the torture chamber blindfolded. First, they undressed me; then, they cuffed my hands to the iron rings on the wall in the suspension position. Next, they pressed an electrical device almost all over my naked body and held it for a while. When they did, my whole body was shivering, and I was screaming loudly. They were doing it over and over again until they knocked me out. When I fainted, they took me to the bathroom and continued to torture me with pressurized water...for hours. Then, they kept me in a cell or a coffin-shaped compartment for hours for the rest of the day (Güven 2020, para. 45).

Gökhan Türkmen, who was not heard from for about nine months, appeared at the Police Department on November 6, 2019, and remains imprisoned in Sincan Prison, told what had been done to him for the first time at the hearing held at Ankara 2nd High Criminal Court. Türkmen's statements are as follows:

I was tortured, harassed, and threatened for 271 days. My eyes were always closed. I was tortured for nine months. I was kept standing for days where the lights were on. Finally, I collapsed due to standing up. I was given very little food; I lost too much weight (Okatan 2020, para. 15).

The victims were not free to choose their lawyers and were forced to work with lawyers who were public supporters of the ruling AKP (*Adalet ve Kalkınma Partisi*,

Justice and Development Party) and MHP (*Milliyetçi Hareket Partisi*, Nationalist Movement Party) Islamofascist kleptocratic regime in Turkey. In this sense, the right to defense of individuals was explicitly violated. Gökhan Türkmen shared the following details about this situation, which is contrary to human rights:

Stating that he suffered oppression not to ask for a lawyer in custody, Türkmen claimed that he could not get proper legal service and that some statements were written and signed by him. Türkmen said he dismissed Ayşegül Güney, who was present in the hall as his lawyer. Türkmen said he was forced to confess for his wife, himself, and his family in court (Okatan 2020, para. 13).

Gökhan Güneş was the last forced kidnapping case victim. He shared his inhumane treatment with the public at a press conference. Stating that he was subjected to torture, Güneş's statements are as follows:

... electrification, rough beating, and occasional violence by wetting with cold water were generally carried out in a way that I had only underwear on me and sometimes as naked. In some moments, there is a section called the tomb, where you can only stand, you can't move your hand, you're blindfolded, and your hands are handcuffed behind your back. Threats and offers are being made. (*BIA News Desk* 2021, para. 7-8).

## Discussion of Torture Cases

Torture is used as a method of intimidation and questioning in cases of enforced disappearance. In many cases of torture, torture methods such as rough beating, insulting, murder threats, visual, and auditory witness to torture, being kept in a cold environment, electrical intervention, harassment and torture with shock, psychological torture, swearing at family members, sexual harassment and rape, naked searches, loud music playing, not meeting toilet needs, not meeting food and water needs, giving unknown medication, and applying bastinado have been identified (Aydın and Avincan 2020; Keten 2020). As a result of these cruel, brutal, and inhumane practices, the victims encountered severe trauma conditions such as fractures, organ injuries, eardrum rupture, and psychological disorders (Gegerlioğlu 2020; Tanrikulu 2020). In addition, many victims of torture in the cases examined within the scope of this paper stated that they were forced to confess.

The testimonies of the victims analyzed in this study show a relationship between the place and methods of torture. When the demographic information of the victims is examined, the conclusion can be reached that everyone living in Turkey, regardless of age, gender, profession, social position, political opinion, and belief, whether they commit a crime or not, is always at risk of being tortured (*BBC* 2020; Gegerlioğlu 2020). The tendency not to punish the commission of torture in Turkey has been an essential factor in the continuation of torture. Many torture perpetrators were not investigated, the permit system was used to prevent the prosecution of public officials who tortured, and the investigations were not carried out effectively and independently in the cases presented in this study.

The main reason for torture is a culture of impunity incompatible with the absolute nature of the prohibition of torture (Sánchez-Mejía 2017; Türkiye İnsan Hakları Vakfı 2020). For years, State and government officials have been engaged in discourses and behaviors that protect and even encourage violence by law enforcement and legitimize torture. The then Minister of Interior Süleyman Soylu's statement, "I don't let my police be forced down" against a police officer who was caught on camera harassing a young girl named Merve Demirel (Aksay 2019), whom he detained during a legal protest in Ankara, is one of the most recent instances of protecting the torturer.

Unfortunately, in the cases of enforced disappearance and torture allegations examined in this study the public officials who committed torture were not investigated. Therefore, serious progress towards implementation is needed to establish properly functioning institutional and legal assurances regarding torture and ill-treatment in Turkey. At the same time, an admission-based investigation must be prevented so that no information obtained by torture, cruel, inhuman, or humiliating methods is used in legal procedures.

## Conclusion

Understanding the causes of human rights violations is crucial for preventing future violence and abuse. This understanding can lead to the development of more effective policies. Traditionally, individuals were seen as primarily responsible for human rights violations (Rorty 1998). However, studies on human rights violations suggest that most human rights abuses have political dimensions and are aimed at individuals seen as threats by states, encompassing infringements like enforced disappearance, torture, political imprisonment, and state terrorism.

More specifically, many human rights violations result from decisions by rational decision-makers who weigh costs and benefits (Cardenas 2004). Those in power choose to suppress opposition when the cost of repression and rights violations is lower than the cost of establishing liberal democracy (Sikkink 2017, p. 185). Therefore, human rights violations depend on factors involving the state, such as low democracy levels, historical pressures, weak economic development, exclusionary ideologies, and militarization. Past abuses also significantly impact violations (Mendez 1997), perpetuated by a culture of impunity that requires a determined effort to break. Failure to do so leads to escalating violations, and the strong link between accountability and human rights makes impunity a cause of violations (Joyner 1997). In a country without accountability, discussing the rule of law is impossible. Recognizing systematic impunity as state consent (Guercke 2022) facilitates international accountability (Frey 2021).

The culture of impunity is common in Turkey (Köstepen 2018). Enforced disappearances were used against Kurdish dissidents in the 1990s, with around 17 thousand Kurds allegedly massacred (Rûdaw 2017). Loved ones have not heard from those who disappeared. In the early 2000s, democratic reforms in Turkey led to a decrease in enforced disappearances. However, no concrete steps were taken



regarding disappearances in the 1990s, and the perpetrators were not tried. After the 2016 coup attempt, Turkey moved towards authoritarianism, with enforced disappearances used against the opposition. Failure to confront past abuses guarantees future violations. To establish a human rights regime, the culture of impunity must be eliminated, accountability mechanisms must be effective, and the past must be confronted.

Decision-makers' rational calculations regarding human rights violations are influenced by exclusionary ideologies, justifying the targeting of specific groups (Cardenas 2016). The national security doctrine legitimizes human rights violations to control social instability. This ideology defames targeted groups, leading to societal desensitization to violations. Exclusion of the victim from obligations dehumanizes and justifies violations (Sikkink 2017, p. 201).

After the 2016 coup attempt, Turkey's government used the national security doctrine to legitimize exclusionary ideologies, targeting the Gülen Movement as the enemy (Gul and Gul 2023). This doctrine led to dehumanization and rights violations. Institutionalizing exclusionary ideologies exacerbates rights violations.

Severe human rights violations in Turkey contrast with its proclaimed commitments to uphold rights like the right to life, a fair trial, protection from torture, liberty, security, and more. Such practices violate the ECHR and the ICCPR. The disconnect between rhetoric and action underscores the importance of translating commitments into concrete human rights protections.

## Appendix

**Table 1** Demographic profiles of individuals subjected to enforced disappearance

Name and surname	Gender	Occupation	City/place of enforced disappearance	Date of enforced disappearance	Date reappeared
Sunay Elmas	Male	Educator	Ankara	January 27, 2016	Still missing
Mustafa Özgür Gültekin	Male	Civil servant	Ankara	December 21, 2016	April 21, 2017
Turgut Çapan	Male	Turgut Özal University employee	Ankara	March 31, 2017	No information
Önder Asan	Male	Philosophy teacher	Ankara	April 1, 2017	May 12, 2017
Cengiz Usta	Male	Teacher	İzmir	April 4, 2017	After 87 days
Mustafa Özben	Male	Lawyer and lecturer	Ankara	May 9, 2017	August 8, 2017
Fatih Kılıç	Male	Teacher	Ankara	May 14, 2017	No information
Cemil Koçak	Male	Engineer	Ankara	June 15, 2017	No information
Zabit Kişi	Male	Teacher	Kazakhstan	September 30, 2017	January 18, 2018

Name and surname	Gender	Occupation	City/place of enforced disappearance	Date of enforced disappearance	Date reappeared
Ümit Horzum	Male	Civil servant	Ankara	December 6, 2017	April 16, 2018
Ayten Öztürk	Female	No information	Lebanon	March 13, 2018	August 28, 2018
Gökhan Türkmen	Male	Civil servant	Antalya	February 7, 2019	November 6, 2019
Yasin Ugan	Male	Accountant	Ankara	February 13, 2019	July 28, 2019
Özgür Kaya	Male	Teacher	Ankara	February 13, 2019	July 28, 2019
Erkan Irmak	Male	Teacher	İstanbul	February 16, 2019	July 28, 2019
Mustafa Yılmaz	Male	Physiotherapist	Ankara	February 19, 2019	October 21, 2019
Salim Zeybek	Male	Informatics specialist	Edirne	February 21, 2019	July 28, 2019
Yusuf Bilge Tunç	Male	Civil servant	Ankara	August 6, 2019	Still missing
Hüseyin G. Küçüközyiğit	Male	Prime ministry rapporteur	Ankara	December 29, 2020	September 14, 2021
Gökhan Güneş	Male	Worker	İstanbul	January 20, 2021	January 26, 2021

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## Declarations

**Conflict of Interest** The author declares no competing interests.

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