



Submission
to the Committee against Torture
80th Session (08 - 26 July 2024)
For the consideration of the Türkiye's fifth
periodic report

Solidarity with Others
June 2024

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1. Introduction

1. Solidarity with OTHERS thanks the Committee for the Prevention of Torture for its engagement with civil society organisations and its openness to cooperation. We are honoured to share with you our reflections on Türkiye, which will be reviewed in the next session under the Convention.
2. Solidarity with OTHERS is a non-governmental organization established in Brussels with the aim of defending and promoting human rights in Türkiye. Our name reflects our solid commitment to act in solidarity with anyone who has been subjected to injustice and violations in Türkiye, regardless of race, religious beliefs, social affiliation or political views. Our work consists of ensuring that rights violations in Türkiye do not go unnoticed and unrecorded. In order to accomplish this, we prepare and release reports, fact sheets and newsletters on major human rights issues.
3. We will take attention to the enormous number of reported cases of torture and other ill-treatment that were direct results of the Turkish government's repressive policies at the national level since the 15 July coup attempt. The reported incidents, especially against members of the Gülen movement and people from the Kurdish minority, continue to increase despite the *de jure* cessation of the state of emergency. Türkiye, where in addition to ill-treatment in prisons, new forms of torture, such as detention of minors and their mothers within the scope of the intimidation policy are prevalently used, should be under close examination of international institutions.
4. In this submission,
 - a. The State Party's inadequate and unconvincing responses to the questions in the LOIPR (2018) will be criticised by providing factual data.
 - b. Important recent issues out of LOIPR (2018) will be enumerated.
 - c. Background information about State Party's crackdown on Gülen movement will be given.
5. To keep this submission short and precise, only the selected issues that are deemed significant will be discussed.

2. Issues included in LOIPR

Article 2

a. Insufficient investigations

6. **In Para. 10 of the LOIPR (2018)**, Türkiye was asked to provide information on formal investigations, prosecutions, and their outcomes in relation to the allegations of torture and ill-treatment. The Special rapporteur's conclusion that *the small number of investigations was carried out when compared to reported incidents of torture in the aftermath of the coup* was also highlighted.
7. **In State party's response (para 43)**, it was said that only 17 investigations had resulted in conviction while 41 cases had resulted in release between 15 July 2016 and 28 July 2020.
8. Regarding the small numbers of investigation of allegations and numerous incidents reported by credible organisations, it is obvious that the Turkish authorities shield the public officials involved in torture and ill-treatment incidents. Here is the prominent example of non-or-insufficient-investigation of torture allegations:

- a. **Case of Gökhan Açikkollu:** State party responded, in para. 44, that Mr. Açikkollu was died because of heart attack and that there was no intentional or negligent action of any person. However, in its decision 25 October 2022, Human Rights Committee (UN) determined that Gökhan Açikkollu was subjected to torture and ill-treatment while in detention, and that the State failed to investigate these allegations promptly, impartially, and thoroughly.¹ The Committee also found that the failure to investigate his death caused mental suffering to his family, violating their rights under Article 7. This case shows that there is no adequate investigation of allegations in Türkiye.

Cases that emerged after LOIPR (2018) and that are to be asked to the Türkiye

- a. **Case of Aysun Işınkaralar:** Aysun Işınkaralar, a 35-year-old metallurgical engineer who was arrested on May 7, 2018 for running a girls' dormitory affiliated with the faith-based Gülen movement that has since been closed, spent 56 months in prison before being released on December 22, 2022. Işınkaralar's ordeal was documented in a report by the Turkish Human Rights Foundation (TİHV), which shed light on the cruel treatment of detainees and prisoners following the failed coup in July 2016.² While she was in police custody, Işınkaralar says she was subjected to electric shocks, strangulation attempts, sexual harassment and a mock execution. She recounted the torture: "They gave me electric shocks on my ankles, first on the right, then on the left, then both. I felt the electricity in my whole body, from my teeth to the roots of my hair. I thought I was going to die,"³ However, the prosecutors didn't process her complaints.⁴
 - b. **Case of Orhan İnandı:** Orhan İnandı is a Turkish-Kyrgyz educator and the founder of the Sapat school network in Kyrgyzstan. He was abducted by Türkiye's National Intelligence Organization (MIT) on May 31, 2021, due to alleged links to the Gülen movement. Following his abduction, İnandı was rendered to Türkiye, where he claimed he was tortured for 37 days, resulting in severe injuries, including a broken arm.⁵ The report written by the Ankara Bar Association describing the tortures to which Orhan İnandı was subjected was published 3 years after the incident as a result of a long concealment.⁶ However, Orhan İnandı's complaints were not processed and examined.
9. All three cases described above illustrate the situation of people who have been arrested and tortured because of their links to the Gülen movement. The allegations of torture against these people who have been systematically targeted by Turkish government, and sentenced to prison by its politicised judiciary are deliberately not investigated.
- 10. Solidarity with OTHERS is concerned that torture allegations of detainees such as Aysun Işınkaralar and Orhan İnandı have not been processed or examined adequately by Turkish prosecutors, reflecting ongoing issues in addressing torture claims effectively.**

¹ UN Human Rights Committee, 'Views Adopted by the Committee under Article 5(4) of the Optional Protocol, Concerning Communication No. 3730/2020' (25 October 2022) UN [Doc CCPR/C/136/D/3730/2020](#)

² [Annex-I](#) Epicrisis Report of the Human Rights Foundation of Türkiye

³ [Media news](#) covering Mrs. Işınkaralar's case

⁴ [Annex -II](#) Decision of Non-prosecution

⁵ [Media news](#) covering Mr. İnandı's case

⁶ [Report](#) by Ankara Bar Association

b. Enforced disappearances

11. **In Para. 6 of the LOIPR (2018)**, Türkiye was asked to provide information on cases of abduction and enforced disappearance, and whether there have been any investigations and prosecutions related to such alleged cases and their outcome.
12. **In State Party's response (paras. 28)**, Türkiye didn't answer the question and referenced to the communications from the UN Working Group on Enforced Disappearances.
13. In the last Report of the Working Group on Enforced or Involuntary Disappearances, it was stated that the current status of Türkiye regarding enforced disappearances is highly concerning, characterized by a lack of recognition and action on past cases, an increase in recent disappearances, and widespread impunity.⁷ It was stated that the government has not acknowledged the enforced disappearances from the 1990s or implemented a comprehensive policy to address them. The report also highlighted that the abductions by state agents, particularly targeting perceived members of the Gülen movement, and state-sponsored extraterritorial abductions have become common practice in line with the state policy.⁸

Cases that emerged after LOIPR (2018) and that are to be asked to the Türkiye

14. There has been no effective investigation into these allegations, and procedural safeguards to prevent such violations are lacking. Here are the state-sponsored abduction and enforced disappearances examples of people accused of being a member of Gülen movement:
 - a. **Orhan İnandı:** He is a Turkish-Kyrgyz educator and the founder of the Sapat school network in Kyrgyzstan. He was abducted by Türkiye's National Intelligence Organization (MİT) on May 31, 2021, due to alleged links to the Gülen movement. Erdogan announced that after a successful operation, Mr. İnandı was taken to Türkiye.⁹ He has been sentenced to 21 years imprisonment.
 - b. **Gökhan Türkmen:** He was forcibly disappeared on 7 February 2019 in Antalya.¹⁰ He was subjected to severe torture, harassment, and ill-treatment during 271 days in Ankara. He was taken back to Antalya province and his official detention period started then.
 - c. **Zabit Kişi:** He is a Turkish national who the Turkish authorities brought to Türkiye from Kazakhstan in September 2017. However, it took until February 2018 for him to be formally arrested over his alleged Gülen links. In the meantime, he was unofficially detained, and his family was not able to obtain any information as to his whereabouts. Kişi's family later revealed a response they received from Kazakh authorities to one of their inquiries, confirming that Kişi was in fact taken to Türkiye by a Turkish Airlines flight on September 30, 2017, in the company of intelligence officers from the MİT.¹¹ In July 2018, Zabit kişi wrote a letter from prison, addressed to the Kocaeli 5th High Criminal Court, in which he revealed the details of his brutal interrogation that lasted for months prior to his formal arrest, at a location close to the Ankara airport.¹²
 - d. **Sunay Elmas:** He was reported missing in Ankara as of January 27, 2016. He was on his way back from dropping his children at home when he was forcibly taken into a

⁷ United Nations, Human Rights Council. "Follow-up to the Recommendations Made by the Working Group on Enforced or Involuntary Disappearances in Its Report on Its Visit to Türkiye from 14 to 18 March 2016 (A/HRC/45/13/Add.4)." 28 August 2020 accessible [here](#)

⁸ Ibid. para. 8

⁹ [Media news](#) covering Erdogan's statements

¹⁰ Amnesty International's [call](#) to find Mr. Türkmen

¹¹ [Media news](#) covering Mr. Kişi's abduction

¹² Mr. Kişi's [letter](#)

Volkswagen Transporter van near Ankara's CEPA shopping mall. CCTV footage obtained by his family clearly showed Elmas being intercepted after getting out of his car and being forced into the van. However, the Ankara police and prosecutors conducted no further investigation.¹³ Elmas remains missing as of writing.

- e. **Selahaddin Gülen:** He is a teacher and also the nephew of Fethullah Gülen. He was abducted by Turkish intelligence agents from Kenya in May 2021.¹⁴ Despite a Kenyan court ruling against his extradition, he was forcibly brought to Türkiye where he faced terrorism charges related to his association with the Gülen movement.
- f. **Yasin Ugan and Özgür Kaya:** Mr. Ugan is a Turkish citizen who was abducted in 2019 by Turkish intelligence agents. He, along with another man named Özgür Kaya, was taken from his apartment building in Ankara under mysterious circumstances. Ugan was missing for six months before reappearing in police custody. During his time in detention, Ugan reported that he was subjected to severe torture.¹⁵
- g. **Hüseyin Galip Küçüközyiğit:** Mr. Küçüközyiğit, a former legal advisor at the Prime Ministry who was dismissed from his job following the 2016 coup attempt, was reported missing as of December 29, 2020.¹⁶ Prior to his disappearance, Küçüközyiğit had arranged by phone a meeting with his family members in Kocaeli. He was expected to drive from Ankara with a vehicle with the license plate 34 FNF 28, which belonged to his sibling. Along with Küçüközyiğit, the vehicle also disappeared. His family members notified a local police station on December 31, a presidential inquiry platform (CİMER) on January 1, the Ankara Chief Prosecutor's Office on January 5, the United Nations on January 12 and the Constitutional Court on January 22. Unable to get a meaningful response from the authorities, the family by itself acquired security camera footage of Küçüközyiğit's workplace and discovered that he was followed by three individuals on his way into the office for the last time. He was later determined to be in Ankara's Sincan Prison on Sep. 13, 2021, after more than eight months of being missing.
- h. **Yusuf Bilge Tunç:** Yusuf Bilge Tunç, a former public sector worker who was previously removed from his post at Türkiye's Ministry of Industry by an emergency decree over alleged Gülen links, was reported missing in Ankara as of August 6, 2019. Tunç, who had already moved out of his family's residence because of a detention warrant for suspected ties to the Gülen movement, reportedly disappeared without a trace, with only his car being found in the GİMAT shopping mall in Ankara.¹⁷ His wife Nuray Tunç's complaints went ignored by the police. The prosecutors declined to look for evidence in the car, despite all requests. As of writing, Yusuf Bilge Tunç remains unaccounted for.
- i. **Mustafa Özben:** Mr. Özben, a lawyer and an academic who used to give lectures at the Gülen-affiliated Turgut Özal University, which was shut down during the state of emergency, was reported missing in Ankara as of May 9, 2017. He first disappeared after dropping his daughter at school. Family members later located his abandoned car. He disappeared for 92 days. After having provided all the information he held, he was left to heal from the inflicted injuries and eventually released. The abductors told him to go home but to come to a specific park a few days later where he needed to

¹³ [Media news](#) covering the disappearance of Mr. Elmas

¹⁴ [Media news](#) covering Mr. Gülen's abduction

¹⁵ [Media news](#) covering Mr. Ugan's case

¹⁶ Amnesty International [campaign](#) to find Mr. Küçüközyiğit

¹⁷ [Media news](#) covering Mr. Tunç's case

follow their instructions. He did not want to comply with these instructions and went into hiding – first in Türkiye and afterwards by fleeing abroad.¹⁸

15. These cases are given as examples of cases reflected in the media. Many more cases have been reported and are awaiting a response from the Turkish authorities. Like the enforced disappearances of members of the Kurdish minority in the 1990s, since 2016 they have been carried out against members of the Gülen movement. Moreover, abductions from foreign countries have been publicised on television with pride by the head of state.
16. **Solidarity with OTHERS finds it highly troubling that abductions by state agents, particularly targeting perceived members of the Gülen movement, have become a common practice. The cases of Orhan İnandı, Gökhan Türkmen, and Zabit Kişi highlight the alarming pattern of enforced disappearances followed by torture and ill-treatment.**
17. **There has been no effective investigation into the unresolved cases of enforced disappearances such as Yusuf Bilge Tunç and Sunay Elmas, who remain missing.**

Article 11

a. Strip searches

18. **In Para. 31 of the LOIPR (2018)**, Türkiye was asked to provide information on strip searches and invasive body searches of both inmates and visitors in places of detention.
19. **In State Party's response (paras. 156 -159)**, Türkiye only reiterated its domestic law and stated that strip search is legal and necessary. Türkiye also provided some numbers.
20. Considering that strip searches have been systematically applied to people detained on charges of membership of terrorist organisations and that hundreds of thousands of people have been detained for this reason since 2016, it is obvious that the figures given by the Turkish authorities do not reflect the reality.

Cases Emerged after LIOPR 2018

21. In 2020, the practice of strip-searching of university students in the province of Uşak was criticised by MP Ömer Faruk Gergerlioğlu and announced to the public.¹⁹
 - a. **Strip-search of University students in Uşak province:** Uşak Police detained 26 people including 23 female students on 1 September 2020 as part of Gülen Movement investigations. During their detention, the students were subjected to strip searches. Bold Medya revealed the incident through interviews with three female students, which MP Ömer Faruk Gergerlioğlu subsequently brought to the Turkish Parliament. The female students, whose names were withheld for security reasons, detailed their experiences during the strip searches. They described being forced to undress, with only their tops and bras left on, having their bras lifted and inspected manually, and undergoing hair and metal item checks. They were required to fully remove their pants and lower their underwear to their knees while doing squats. This treatment, even without physical contact, was reported as highly distressing and humiliating.²⁰
22. This issue involved numerous political figures and remained a prominent topic in Türkiye for months. Turkish authorities made a statement that they conduct detailed searches, not strip

¹⁸ The [statements](#) of Mr. Özben

¹⁹ [Media news](#) covering the announcement of strip-search incident in Uşak

²⁰ [Interview](#) with the students subjected to strip search

searches.²¹ Ankara Public prosecutor's office also announced that they launched investigations against those who mentioned about strip searches on their social media accounts on the charges of being member of terrorist organisation.²²

23. One year after the disclosure of the strip search practice in Uşak, the regulation was amended, and the term strip search was removed and replaced with the term detailed search.²³ However, in practice, strip searches continue under the name of detailed searches. In a very recent case, **Esra Solin Dal**, a reporter for the pro-Kurdish Mezopotamya Agency, has been subjected to strip search during her detention on the charges of membership in a terrorist organization.²⁴
24. Strip search is a common practice in Türkiye, especially for terror offences.²⁵ Considering that female university students detained on the grounds of allegiance to the Gülen movement did not take part in any armed action, protest or similar activity, it cannot be expected that they would bring into the prisons any items of a piercing, cutting or injurious nature that could jeopardise security. Despite this, strip searches are carried out with the deliberate intention of ill-treating members of the Gülen movement.
- 25. Solidarity with OTHERS finds it highly concerning that in 2020, 23 female students in Uşak were subjected to strip searches, sparking public and political outrage. The authorities' response and subsequent amendment of regulations have not effectively stopped the practice, which continues under the guise of "detailed searches."**

Summary of Concerns

- Solidarity with OTHERS is concerned that torture allegations of detainees such as Aysun Işınkaralar and Orhan İnandı have not been processed or examined adequately by Turkish prosecutors, reflecting ongoing issues in addressing torture claims effectively.
- Solidarity with OTHERS finds it highly troubling that abductions by state agents, particularly targeting perceived members of the Gülen movement, have become a common practice. The cases of Orhan İnandı, Gökhan Türkmen, and Zabit Kişi highlight the alarming pattern of enforced disappearances followed by torture and ill-treatment.
- There has been no effective investigation into the unresolved cases of enforced disappearances such as Yusuf Bilge Tunç and Sunay Elmas, who remain missing.
- Solidarity with OTHERS finds it highly concerning that in 2020, 23 female students in Uşak were subjected to strip searches, sparking public and political outrage. The authorities' response and subsequent amendment of regulations have not effectively stopped the practice, which continues under the guise of "detailed searches."

²¹ [Statements](#) of the Directorate of Prisons in Türkiye

²² [Announcement](#) of the Prosecutors Office

²³ [Amendment](#) of the regulation regarding strip searches

²⁴ [Media news](#) covering Ms Dal's case

²⁵ Two cases [revealed](#) in 2022

3. Important issues emerged after the communication of the LIOPR

a. Systematic threats of arbitrary arrest and detention

26. Despite the ECtHR's landmark judgment in [Yüksel Yalçınkaya v. Türkiye](#), which identified systemic violations of the right to a fair trial, no punishment without law, and freedom of association, the Erdoğan regime continues its oppressive measures against members of the Gülen movement through its politicized law enforcement agencies. Since 2016, detentions and prosecutions of Gülen movement affiliates persist unabated, reflecting the regime's disregard for international human rights rulings. Thousands of individuals remain imprisoned based on similar dubious evidence, and the Court, in its press release, indicated that there has been over 100.000 potential application on the same subject. This ongoing repression underscores the Erdoğan administration's commitment to silencing dissent and maintaining control through judicial manipulation and political persecution, regardless of international legal standards and judgments.
27. *Detentions were carried out against people who were helping the families and children of people who were dismissed from their jobs by the state of emergency decrees and sent to prison on groundless charges.*²⁶ These detentions reflect the genocidal attempt of the Erdogan regime against members of the Gülen movement. The government not only excludes these people from working life and leaves them with financial problems, but also detains those who help their families and children. This mass detention policy has been continuing even after the Yalçınkaya Judgement.²⁷
28. *Numerous university students have also been detained on a fabricated ground of 'restructuring'.* After the coup attempt in 2016, all companies, educational institutions, banks and non-governmental organisations with links to the Gülen movement were closed down. Those who worked in these companies, those who had accounts in Bank Asya, those who were members of non-governmental organisations and those who met various criteria set by the police were imprisoned on charges of membership of a terrorist organisation. After 2020, the police started to detain university students who did not meet the above-mentioned criteria but had connections with the formerly prosecuted persons, on the grounds of restructuring.²⁸
29. *The Erdogan regime has continued its genocidal crackdown on members of the Gülen movement, detaining even children under the age of 18.*²⁹ The police physically monitored the children of people prosecuted and sentenced for their allegiance to the Gülen movement and charged them with organisational activities, including public conversations with each other.³⁰ 16 children were held in police interrogation under heavy psychological pressure without the presence of a lawyer.
30. Erdogan regime has employed a comprehensive strategy of intimidation and coercion against members of the Gülen movement, including **systematic threats of arbitrary arrest and detention**. The regime routinely threatens Gülenists with arbitrary arrest and detention, creating a pervasive climate of fear even on the minors, university students and elderly people.

²⁶ [Media news](#) covering the mass detentions on the grounds of aiding the families and children.

²⁷ Up-to-date '[Mass Detention Database](#)' prepared by Solidarity with Others

²⁸ [Media news](#) covering mass detentions on the grounds of restructuring.

²⁹ [Media news](#) covering detention of Minors

³⁰ [Report](#) on violation of Children's rights during the Detention of Minors

31. Solidarity with OTHERS is particularly concerned that even minors connected to the Gülen movement have been subjected to detention and interrogation under psychological pressure, indicating the regime's broad approach to intimidation and coercion against perceived members of the Movement.

b. Prison Observation Boards Decisions: A Newly Emerging Method of Torture

32. It has been a known fact that Türkiye has been systematically targeting Kurdish minority and the members of Gülen movement by means of the arbitrary detentions and arrests. During the state of emergency and in the following years, the Erdoğan regime took judicial action against approximately 693,162 people, detained 342,136 people suspected of having links with the Gülen movement, arrested 102,579 people, convicted 122,632 people.³¹ Moreover, the Turkish authorities maintain their unlawful practices against those imprisoned, as evidenced by Prison Observation Board decisions.
33. Under Turkish criminal justice system, a political prisoner is often sentenced to at least 6 years 3 months imprisonments on the charges of being a member of an armed terrorist organisation. According to the Turkish criminal procedure code, for a political prisoner to become eligible for conditional release, he/she must serve 4 years, 8 months, and 10 days in prison. This period is determined as 3 years, 8 months, and 10 days for parole. After having served these periods in prison, one can ask for parole or conditional release to Prison Observation Board. This Board has the discretion to reject the application only by a reasoned decision.
34. What is problematic here is that the parole applications of political prisoners who have served the minimum term have been arbitrarily rejected by Boards. The grounds of rejection cited in the decisions clearly demonstrate this arbitrariness. Political prisoners who have not been subjected to any disciplinary punishment during their imprisonment are not allowed to enjoy the right to parole/conditional release granted to them by the Criminal Justice System because of the arbitrary decisions of Prison Observation Boards. Here are the recent cases appeared in the media:
- Ali Odabaşı** (*links to the Gülen movement*): Lawyer Mr. Odabaşı, formerly the Responsible Editor of Zaman Newspaper, has been unjustly held at Sincan T Type Prison for approximately eight years. Initially arrested and subsequently detained, his first incarceration lasted 15 months, after which he was released only to be rearrested three months later and returned to prison. Despite significant lack of evidence throughout the trial process, Odabaşı was sentenced to 6 years and 3 months in prison, with an additional arbitrary charge of fraud adding two more years. On November 22, 2023, when he was due for conditional release, the Prison Administration and Observation Board extended his sentence by three months using the arbitrary justification that *he could not adapt to society*, and later, this period was further extended by another six months.³² Odabaşı's health has also deteriorated significantly while in custody. He has undergone four surgeries and requires urgent surgery due to a tear in his abdominal lining, yet his access to healthcare under prison conditions has been inadequate.

³¹ [The statements](#) of Minister of Justice Yılmaz Tunç

³² MP Ömer Faruk Gergerlioğlu [announced](#) Mr. Odabaşı's denial of parole

- b. **Dijwar Nesri İsmail** (*pro-Kurdish*): 30-year prisoner Dijwar Nesri İsmail's release has been prevented for 3 years on various grounds even though he has completed his sentence. İsmail, who is unable to lead his life on his own because he cannot use one arm, is on the list of ill prisoners of Human Rights Association (İHD). İsmail, who is being held in Afyonkarahisar T Type Prison No 1, had his release extended for the 7th time. İsmail, whose release was postponed for 6 months, is the prisoner whose release was postponed for the longest time among 384 prisoners. It was alleged that Ali Haydar Zeray, prison director, who is seen as the biggest obstacle to the release of Dijwar, said to Dijwar: 'You cannot get out while I am here'.³³
35. The Human Rights Association (İHD) reports that since the beginning of 2021, the release of at least 313 prisoners has been blocked multiple times due to the decisions of the Prison Observation Boards. Among these, 48 prisoners were eventually released after one or more extensions of their sentences. Additionally, 88 of the affected prisoners are on the list of sick prisoners, with 42 classified as severely ill. The regulation changes have resulted in the continued imprisonment of these individuals, with some prisoners having their releases blocked repeatedly.³⁴
- 36. Solidarity With OTHERS is alarmed by the arbitrary rejection of parole applications by Prison Observation Boards for political prisoners who have served the minimum term. This practice prevents prisoners from enjoying their legal right to parole or conditional release, as seen in the case of Ali Odabaşı, who had his sentence unjustly extended despite no disciplinary violations.**

Summary of Concerns

- Solidarity with OTHERS is particularly concerned that even minors connected to the Gülen movement have been subjected to detention and interrogation under psychological pressure, indicating the regime's broad approach to intimidation and coercion against perceived members of the Movement.
- Solidarity With OTHERS is alarmed by the arbitrary rejection of parole applications by Prison Observation Boards for political prisoners who have served the minimum term. This practice prevents prisoners from enjoying their legal right to parole or conditional release, as seen in the case of Ali Odabaşı, who had his sentence unjustly extended despite no disciplinary violations.

4. Persisting repressions against Gülen Movement

a. How Gülen movement became target of Erdogan Regime

37. The Gülen movement is a social movement of volunteers initiated by the Turkish Islamic scholar Fethullah Gülen, which promotes philanthropy, education and dialogue, acting around values and ideas such as serving society and humanity, seeking one's own happiness in the happiness of others, and spreading mutual empathy and respect through dialogue.

³³ [Media news](#) covering the MR. İsmail's case

³⁴ [The Statement](#) of the Human Rights Association

38. The Gülen movement has become a victim of the repressive and unlawful policies of the authoritarian Erdoğan regime, which has been in power in Türkiye for the last 22 years. After the bribery and corruption operations against some ministers on 17/25 December 2013, the Erdoğan regime, which moved away from democratic values and shifted towards an authoritarian ground, considered the Gülen movement as a threat.³⁵ The regime dismissed some public officials it perceived to be affiliated with the movement from their jobs, and at the same time began to organise hate campaigns against the movement within the society.³⁶ In 2016, the Gülen movement was declared a terrorist organisation by the Turkish government.³⁷ Subsequently, Erdoğan blamed the Gülen movement for the coup attempt on 15 July 2016.³⁸ In the aftermath of the coup attempt, Erdoğan declared a state of emergency in the country in order to strengthen his authoritarian regime and suppress his opponents, using emergency decrees as an arbitrary tool in pursuit of his political interests.³⁹ During the state of emergency and in the following years, the Erdoğan regime took judicial action against approximately 693,162 people, detained 342,136 people suspected of belonging to the Gülen movement, arrested 102,579 people, convicted 122,632 people;⁴⁰ dismissed at least 125,678 public officials; closed down 35 health institutions, 1043 private education institutions, 1229 foundations and associations, 19 trade unions and 15 foundation higher education institutions; and publicly labelled approximately 2 million people as terrorists.⁴¹
39. Apart from Erdoğan, no state or international organisation has accepted the allegations that the coup attempt was planned by the Gülen Movement and that the Movement is a terrorist organisation. The United Nations and the European Union⁴² have not accepted the allegation that the Gülen movement is engaged in terrorist activities. Moreover, the UN has condemned the arbitrary and unlawful treatment of the Gülen movement by the Turkish government during the state of emergency and resolved to stop it immediately.⁴³
40. In response to the Erdoğan regime's arbitrary sentencing of members of the Gülen movement, the European Court of Human Rights ruled in *Yüksel Yalçinkaya v. Türkiye* that there had been a violation of rights.⁴⁴ In its judgment announced on 26 September 2023, the Grand Chamber stated that Türkiye had violated the fundamental rights to a fair trial (Art. 6), no punishment without law (Art. 7) and freedom of assembly and association (Art. 11) of the European Convention on Human Rights in relation to the trial of Yüksel Yalçinkaya, who was convicted of membership of an armed terrorist organisation for allegedly being a member of the Gülen Movement. The charges of 'using the ByLock messaging application', 'having an account at Bank Asya' and 'being a member of certain trade unions and associations', which the Turkish Courts used as evidence for Yalçinkaya's conviction, were not accepted by the ECtHR as sufficient evidence for membership of a terrorist organisation.⁴⁵ Moreover, the Court said that

³⁵ Describing the corruption operations as a coup against him, Erdoğan started to insult and slander the Gülen movement. [See](#) media news

³⁶ [See](#) media news

³⁷ [See](#) media news

³⁸ [See](#) media news

³⁹ [See](#) media news

⁴⁰ For the statements of Minister of Justice Yılmaz Tunç [See](#).

⁴¹ [See](#) media news

⁴² [See](#) media news

⁴³ UN [report](#) on the impact of the state of emergency on human rights in Türkiye; [Views](#) adopted by the Working Group on Arbitrary Detention at its 98th session.

⁴⁴ *Yüksel Yalçinkaya v Türkiye*, 26 September 2023, ECtHR

⁴⁵ Yalçinkaya Judgement, para. 272, 356, 402

the domestic courts had interpreted national terrorism laws so broadly as to violate fundamental rights and that the evidence used to establish membership of a terrorist organisation was unlawfully obtained.⁴⁶

41. The ECtHR issued a press release after the judgement, stating that the points evaluated in the judgement concern approximately 8,500 cases pending before the Court and that the number of applications to the Court on the same issue will increase significantly in the coming years, considering that there are 100,000 ByLock users in Türkiye.⁴⁷ Emphasising that the situation in Türkiye is a systemic problem, the Court asked Türkiye to find a solution to this systemic problem.⁴⁸ However, the judgement has not yet been implemented in domestic law and Türkiye has not taken any steps to solve the systemic problem mentioned by the ECtHR. Moreover, the ECtHR requested Türkiye's defence for 1000 applications on the same issue.⁴⁹

a. Torture and ill-treatment as a State policy

42. Following the coup attempt, large-scale arrests took place. Among those arrested were soldiers, police officers, members of the judiciary, academics and civilians. On the one hand, many people were reported to have been subjected to torture and ill-treatment during detention, while on the other hand, in overcrowded prisons, prisoners were subjected to ill-treatment and inhumane conditions, did not receive adequate health care and were subjected to physical violence. From 2016 to the present day, reported cases of torture and ill-treatment against members of the Gülen movement have always been appeared in the media and included in the reports of national and international organisations.⁵⁰
43. Although the state of emergency has been legally lifted, a *de facto* state of emergency is still in place and hundreds of people are detained by Erdoğan regime almost every week for alleged membership of the Gülen movement.⁵¹ During these detentions, there have been cases of torture and ill-treatment, both physical and psychological. This alarming situation is still being reflected in the independent reports of international organisations.⁵²

Türkiye Tribunal

44. Türkiye Tribunal is an independent civil initiative established in 2021 to document and publicise to the international community the increasing number of human rights violations in Türkiye after the attempted coup in 2016.⁵³ While not an official judicial body, the Tribunal hears testimonies from victims and witnesses, prepares reports and makes decisions. The Tribunal is supported by human rights defenders and lawyers and its activities draw attention to serious violations such as detentions, arrests, torture and ill-treatment. It carries out its work based on reports by organisations such as Human Rights Watch and Amnesty

⁴⁶ Ibid.

⁴⁷ For the ECHR press release [See](#)

⁴⁸ Ibid.

⁴⁹ For the ECHR press release in [December](#), in [April](#).

⁵⁰ 'A Blank Check : Türkiye's Post-Coup Suspension of Safeguards Against Torture' Human Rights Watch (2016) [report](#); 'Amnesty International Report 2016/17 – Türkiye' Amnesty International (2017) [report](#); UN's special rapporteur on torture Nils Melzer's [statements](#) (2016); [Report](#) by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2017; [Report](#) on the impact of the state of emergency on human rights in Türkiye, Office of the United Nations High Commissioner for Human Rights (2018)

⁵¹ Up-to-date '[Mass Detention Database](#)' prepared by Solidarity with Others

⁵² '[Report](#) on Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe' Parlemantary Assembly of Council of Europe (2023)

⁵³ About [Türkiye Tribunal](#)

International and aims to raise awareness by communicating these reports to the international public.

45. In 2021, the Türkiye Tribunal in Geneva examined in detail the cases of torture and ill-treatment in Türkiye. Witness testimonies and expert reports documented systematic practices of torture, particularly against individuals linked to the Gülen movement and Kurdish political formations. The Tribunal noted that Türkiye had failed to take adequate steps to prevent and investigate torture, contrary to its obligations under international law.⁵⁴ The Türkiye Tribunal found that acts such as torture and enforced disappearances in Türkiye were part of a widespread and systematic attack on civilians and may constitute crimes against humanity. The Tribunal submitted its findings to the International Criminal Court (ICC) to ensure that those responsible for human rights violations do not go unpunished.

Torture and ill-treatment in Prisons and denial of rights

46. Reporting torture and ill-treatment cases in Turkish prisons is fraught with difficulties, as victims and their families often face intimidation and fear of retaliation, while independent monitoring and investigations are severely restricted. Despite these challenges, credible reports persist of such abuses, particularly targeting followers of the Gülen movement, which the Turkish government continues to crack down on relentlessly.⁵⁵ Detainees accused of links to this movement frequently report severe mistreatment, including physical and psychological abuse, in a climate where accountability is scarce and human rights safeguards are routinely disregarded.
47. In addition to the systemic problems in prisons such as water cuts, heating problems, lack of access to health facilities are frequently reported in the press, decisions of the prison administrations that worsen the physical and psychological well-being of prisoners have been observed. In prisons where members of the Gülen movement are held, the cause of these problems is deliberate and intentional oppression on those imprisoned. For example, **İbrahim Emre**, a former police chief who was dismissed from his job by a state of emergency decree, and his two brothers, who are currently imprisoned in other prisons, were not allowed to attend the funeral of their sister, a teacher who died in a traffic accident on her way back from a prison visit.⁵⁶ Even though MPs working in the field of human rights and some prominent figures in Türkiye raised the issue on social media, the prison administration responded negatively to the requests.⁵⁷

⁵⁴ [Reports](#) of Türkiye Tribunal (2021)

⁵⁵ [Report](#) on Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe' Parliamentary Assembly of Council of Europe (2023)

⁵⁶ [Media news](#) covering the issue.

⁵⁷ The [X post](#) of the MP raising the issue on social media.

5. Conclusion and Recommendations

48. We are honoured to submit this report to the Committee Against Torture, in which we have attempted to shed light on grave human rights violations in terms of torture and ill-treatment in order for Türkiye to fulfil its obligations and commitments to international conventions to which it is a party.
49. In order for the 5th periodic review of Türkiye to be effective, Solidarity With OTHERS presents its concluding recommendations below.

-Issues included in the LOIPR

Article 2

Effective investigation

State Party should provide information on what steps have been taken to ensure an effective investigation into the torture of Ms Işınkaralar and Mr İnandı.

Enforced disappearances

State Party should put an immediate end to state-sponsored abductions abroad and provide information about the investigations of still-missing persons, Yusuf Bilge Tunç and Sunay Elmas.

Article 11

State Party should investigate the case of 30 university students subjected to strip searches in Uşak province and take any administrative measures to prevent strip searches take place.

-Issues not included in the LOIPR but alarmingly important

State Party should apply Yalçınkaya Judgement in national courts and to stop systematic threats of arbitrary arrest and detention.

State Party should take any measures to ensure Prison Observation Boards use their discretion in an arbitrary manner and should initiate investigation for the cases included in the report of Human rights Association (regarding prisoners deprived of their right to parole and conditional release under criminal procedure law).

Annexes

Annex I – Epicrisis Report of The Human rights Foundation of Türkiye



TÜRKİYE İNSAN HAKLARI VAKFI EPIKRİZ RAPORU

Tarih : 07.02.2024
Sayı : 02/2024
Rapor No : 06.2024.001E

Adı Soyadı	Aysun İŞINKARALAR	Baba Adı	
Doğum Yeri		Başvuru Tarihi	21.03.2023
Doğum Tarihi		Başvuru Numarası	06.2023.006
Ana Adı		TCKN	

Telefon No:

E-Mail Adresi:

BAŞVURU NEDENİ:

Kendisine uygulanan işkence ve kötü muamele sonrasında ortaya çıktığını belirttiği yakınmalarının tedavisine tıbbi tespiti isteğiyle Türkiye İnsan Hakları Vakfı Ankara Tedavi ve Rehabilitasyon Merkezi'ne 21.03.2022 tarihinde başvurmuştur.

Tarafımızdan koordine edilen muayene, konsültasyon, inceleme sonuçları aşağıdadır.

KİŞİNİN KENDİ ANLATIMINA GÖRE OLAY ÖYKÜSÜ; Dr. Nihat BULUT, 21.03.2023

Ben Afyonkarahisar da ikamet ediyordum. 07.05.2018 tarihinde 1,5 ay önce kiraladığım apart evimde iken akşam saat 22.00 sularında kapım şiddetli bir şekilde vuruldu. Kapıyı açtığımda hepsi sivil erkek ve kadınlar vardı. Kendilerinin polis olduklarını söyleyerek arama yapacaklarını söylediler. Hatice Beyza diye birini aradıklarını onun burayı ikamet adresi olarak verdiğini belirttiler. Ben o sırada başka bir kimlik kullanıyordum ve Hatice Beyza olmadığımı söyledim. Evde arama ile ilgili bir belge göstermediler. Buna rağmen bana düz kelepçe uygulayıp bir yere oturtular, terörist olduğumu söylediler, sonra evde arama yaptılar, arama sırasında benim gerçek kimliğimi buldular. Ayrıca el koydukları dolar, Türk Lirası ve küçük altın için sayıp tutanak tutup kendileri imzaladılar ve bana da imzalatıldılar. Evde iken üst baş araması, düz kelepçe yaptılar, asıl kimliğim ellerinde idi. Benim evde misafir olarak bulunan arkadaşım ile beni de kelepçeli olarak dışarı çıkarıp bir sivil araca bindirdiler ikimizde gözaltına alınmış olduk. Önce bizleri Afyonkarahisar DH'ye adli tabip muayenesine götürdüler. Adli tabibe polisle birlikte girdik ve kelepçem çıkarılmamıştı. Ben darp şikâyetimin olmadığını söyleyince muayene edilmeden dışarı çıktık. Buradan yine polisler bizi Afyonkarahisar Emniyet Müdürlüğü TEM Şubesi'ne götürdüler. Burası kalabalıktı, sonradan anladım ki OPERASYON yapılmış ve beni de onun için gözaltına almışlar, içerde bulunan herkesi yüzleri duvara dönük olarak ayakta beklemeye aldılar. Yaklaşık bir saat beklettiler. Sonra oradan bir polis karakoluna götürüldük. (Gerek gözaltına alınırken gerekse TEM ve karakola götürülürken araçta, dışarda darp edilmedim). Bizimle birlikte 4-5 poliste vardı (iki kadın polis eve gelenlerdendi) Karakolda tek kişilik nezarethaneye 5-6 bayan ile birlikte konuldum, özellikle akşamları fareler ortalığa çıkıyordu, nezarethane içerisinde bir tane ince süngerli ve yerde de tahta (namaz kılmak için) vardı, üç kişi bir yatakta yatmaya çalışıyorduk. Yerler pislik içinde idi. Başımızın ve ayaklarımızın görülebileceği şekilde bir yarım kapılı idi ama hiç temiz değildi sabun yoktu.

Ben normalde 07.05.2018 tarihinde karakolda nezarethaneye alınmış,18.05.2018 tarihine kadar karakol nezaretinde kaldım, buradan üç kere TEM'e götürüldüm. 14.05.2018 tarihinde Birincisi adli muayeneden sonra, ikincisi 09.05.2018 tarihinde götürüldüğümde işkence yapıldı. Üçüncüsü benimle birlikte gözaltına alınan arkadaşım Elif'in ifadesi alınırken beni de götürdüler.

Ayrıca karakolda iken TEM Şube polisler gelip beni aldılar 9 Mayıs'ta yeniden TEM Şube'ye götürüldüm. Karakoldan arkadaşımı ve bir öğrenciyi de almışlardı. TEM Şube'de önce bir çay odası denen yere koydular, burada bekleyen polisler vardı kısa bir süre sonra ismim söylenerek çağırıldım, koridora çıktığımda hemen başıma bir çuval geçirdiler kollarıma girerek ve arkamdan itekleyerek ve vücudumu öne eğerek koşutur bir şekilde bir müddet götürdükten sonra bir odaya soktular. Orada üstüme saldırdılar ve boğazımı sıkmaya başladılar, nefes almada zorlandığımda bırakıyorlardı ve sonradan yeniden sıkıyorlardı, bana imame olup olmadığımı,





**TÜRKİYE İNSAN HAKLARI VAKFI
EPİKRİZ RAPORU**

E TİPİ KAPALI CEZA İNFAZ KURUMU TABİPLİĞİNE

AFYONKARAHİSAR

Afyonkarahisar E tipi Kapalı Ceza İnfaz Kurumumuza 18.05/20... tarihinde hükümlü-tutuklu olarak
gösterilen [redacted] kıy [redacted] doğumlu... Ayşın 12.11.2018...nın
...uyumunun yapılması ve rapor halinde neticesinin yazılması gereği rica olunur. 18.5.2018

Ahmet Demirel
Kurum Nöbetçi Müdürü





TÜRKİYE İNSAN HAKLARI VAKFI EPIKRİZ RAPORU

kaygılı ve gergin. Gözaltı ve cezaevi sürecine ilişkin travmatik anıları aktarırken el ve bacaklarda titreme gözleniyor, zaman zaman ağlama eşiğine geliyor.

II-Konuşma ve İlişki Kurma: Kooperasyona açık; tüm görüşme boyunca göz teması kuruyor. Ses tonu zaman zaman zayıflıyor; soruşturma sürecine ilişkin travmatik anıları aktarırken duraksayarak ve titrek sesle konuşuyor, kimi anlarda hafif kekeleme ortaya çıkıyor; kimi yerlerde ise konuşmayı sürdürme ve kendini ifade etmekte güçlük çekmiyor. Konuşmada yer yer dağınıklık ve arasıra tekrarlar gözleniyor.

III-Duygudurum ve Duygulanım: Travmatik yaşantının belirli anlarını anlatırken yoğun gerginlik, kaygı, korku, öfke ve çaresizlik duyguları, ağlamanın eşiğine geldiği yoğun emosyonel zorlanma; kendini suçlama; travmatik sürecin özellikle belli bölümlerine eşlik eden utanma, öfke ve aşağılanma duyguları mevcut Travmatik yaşantının görüşme sürecinde de sık biçimde yaşantılanıyor olduğu affektinde gözlenmiştir.

IV-Düşünce ve Algı: Dikkat ve düşüncelerini toplamada güçlük, düşünce akışında dağınıklık gözlenmiyor Düşünce hızı artmış, sorulara hızlı yanıt veriyor. Düşünce içeriğinde Gözaltı ve cezaevi sürecine ilişkin sürecinde yaşadığı travmatik deneyimlerle ilgili yoğun uğraşlar mevcut. Tüm bu yaşadıklarının neden başına geldiği, bu olaydan sonra kendisine ne olacağına ilişkin derin endişe yaşıyor. Geleceğinin olmayacağına ilişkin kaygı tanımlıyor. Yaşadığı süreci anlamlandırmada güçlük çekiyor. **Düşünce ve algısında psikotik belirti ve bulgu saptanmadı**

V-Bilişsel Yetiler: Oryante. Travmatik sürece ilişkin anıları hatırlamada güçlük yok, bazı bölümleri gözü kapatıldığı için net bilememe. Bazı bölümleri ise en ince ayrıntılarına kadar tekrar tekrar hatırlama hipermnezi).

VI- İç görü ve yargılama da: Bozukluk yok. Yaşadıklarına ilişkin nedensel bağlantı kurmakta ve anlamlandırmakta güçlük çekiyor.

SÜREÇ VE KANAAT

Başvurunu almakta olduğu ilaca devamı önerildi, Şehir dışında olduğu için düzensiz Aralıklarla 18-5-2023, 16 -6 2023, 14-9-2023 ve 15-1-20-23 tarihlerinde görüşüldü tedaviden yarar görmekle birlikte bazı yakınmaları halen devam etmektedir. Yaşadıklarının ağırlığı, aile ve ekonomik zorluklar nedeniyle tam remisyon sağlanamasa da işlevselliğinde ve geleceğe yönelik umutlarında artış oldu, yeni hedefler koyabildi. İntihar düşünceleri ve kabuslar geçti. Görüşmeler boyunca anlattıkları iç tutarlılık içindeydi, çelişki içermemekteydi. Travmalarını anlatırken ruhsal durumunun beden hareketlerinin buna eşlik ettiği de saptandı.

Bütün öykü, muayene ve izlem birlikte değerlendirildiğinde anlatılan travma öyküsünün bütünüyle birbiriyle uyumlu olduğuna tıbbi-psikiyatrik kanaat oluşmuştur

Önerilen tedavi: Essitalopram 10 mg/gün /

Tanı: Post Travmatik Stres Bozukluğu ve Depresyon

Dr. M. Sezai BERBER
Psikiyatri Uzmanı
Diploma No 86-AA-022
Diploma tescil No:4973/41312



English Translation:

First page:



Turkey Human Rights Foundation EPICRISIS REPORT

Date : 07.02.2024
n. : 02/2024
Report n. : 06.2024.001E

Name/surname	Aysun IŞINKARALAR	Father's name	[REDACTED]
Place of Birth	[REDACTED]	Date of application	21.03.2023
Date of Birth	[REDACTED]	Application n.	06.2023.006
Mother's name	[REDACTED]	ID number	[REDACTED]

Phone num [REDACTED]

E-Mail Adresi: [REDACTED]

Reason for application:

On 21.03.2022, she applied to the Ankara Treatment and Rehabilitation Centre of the Human Rights Foundation of Turkey on 21.03.2022, requesting medical attention for the treatment of her complaints, which she stated had arisen after torture and ill-treatment.

The results of the examination, consultation and examination coordinated by us are as follows.

According to the person's own account of the incident ; Dr. Nihat BULUT, 21.03.2023

On 07.05.2018, I was living in Afyonkarahisar. On 07.05.2018, I was in my apartment, which I rented 1.5 months ago, and at around 22.00 in the evening, there was a violent knock on my door. When I opened the door, there were men and women, all of them civilians. They said that they were police officers and that they were going to search. They said they were looking for someone called H. B., and that she had given this as her residence address. I was using another identity card at the time and said I was not H. B. I was told that I was a terrorist, and then they searched the house, and during the search they found my real identity card. They also counted and signed a report of the seized dollars, Turkish lira and gold, and made me sign it too. When I was at home, they did a head search and put reverse handcuffs, and they had my ID in their hands. My friend, who was a guest in the house, and I were handcuffed and taken out of the house and into a civilian car. First they took us to Afyonkarahisar DH for a forensic medical examination. When I told them that I had no complaints of assault, we were taken away without being examined. From there we were again taken by the police to the Afyonkarahisar Police Headquarters TEM Department. It was crowded here, and I realised later that an operation had been carried out and that I had been taken into custody for it. They kept me waiting for about an hour. Then we were taken from there to a police station. (I was not beaten in the street or outside, either while being detained or while being taken to TEM and the police station). At the police station I was put in a single cell with 5-6 other women, especially in the evenings when rats were running around, there was a thin water heater in the cell and a board on the floor (for prayers), and we had to sleep on a bed, 9 of us. The floor was filthy. One side was covered so that our heads and feet could be seen, but it was not clean and there was no soap.

I was normally taken into custody at the police station on 07.05.2018, I stayed in police custody until 18.05.2018, from there I was taken to TEM 09 times. On 14.05.2018, the first time after the forensic examination, and the second time on 09.05.2018, I was tortured during my detention.

While I was at the police station, the TEM Branch police came and took me away. On 9 May I was taken back to TEM Branch. At the TEM branch, they first put me in a place called the 9-month room, where there were police officers waiting, and after a short time I was called my name, and when I went out into the corridor, they immediately put a sack over my head and put me in a room for a while, pushing me from behind, pushing my back and bending my neck.

They attacked me and started to squeeze my throat, and when I had difficulty breathing, they would squeeze me again afterwards, asking me if I was an imam or not,



Second page:

To the E-type prison medical examiner's office,

Afyonkarahisar

It is kindly requested that Aysun İşınkaralar, who was brought to our Afyonkarahisar E-type closed penal execution institution on 18/05/2018 as a convict-prisoner, be examined and the result should be written in the form of a report. 18/05/2018

Ahmet Demir

on-call manager of the institution

last page:



**Turkey Human Rights Foundation
EPICRISIS REPORT**

anxious and tense. When recalling traumatic memories of the detention and prison process, she showed trembling in her hands and legs, and was on the verge of tears at times.

II-Communication and Relationship Building: Co-operation is good; tom maintains eye contact throughout the interview. Tone of voice is weak at times; when recounting traumatic memories of the interrogation process, he speaks haltingly and in a shaky voice, sometimes stammering slightly; at other times he has no difficulty in sustaining the conversation and expressing himself. There is occasional disorganisation and occasional repetitions in the speech.

III-Mood and Affect: Intense tension, anxiety, fear, anger and feelings of helplessness when describing specific moments of the traumatic experience; intense emotional distress to the point of crying; self-incrimination; Emotions of shame, anger and humiliation were present, especially in certain parts of the traumatic process. It was observed in the affect that the traumatic experience was also frequently experienced during the interview process.

IV- IV- Thought and Perception: Good attention and concentration, no disorganisation in the flow of thought, increased speed of thought, quicker responses to questions. In the content of D0\$0nce, there are intensive efforts to deal with the traumatic experiences he has had in detention and prison. Tom is deeply concerned about why this happened to him and what will happen to him after this. He describes anxiety that he has no future. No psychotic symptoms and findings were found in his thoughts and perceptions.

V- V- Cognitive abilities: Orientated. No difficulty in recalling memories of the traumatic event, some parts are not clear because the eyes are closed. Some parts are recalled over and over again, down to the finest details (hypernesia).

VI- VI- vision and judgement: No impairment. Difficulty in making causal connections and making sense of what has happened.

PROCESS AND JUDGEMENT

She was advised to continue the medication she was taking, and was seen at irregular intervals on 18-5-2023, 16-6-2023, 14-9-2023 and 15-1-20-23 because she was out of the city. Although complete remission could not be achieved due to the severity of his experiences, family and economic difficulties, he was able to set new goals with an increase in his work/vocality and hopes for the future. Suicidal thoughts and nightmares disappeared. Throughout the interviews, their accounts were coherent and did not contain any discrepancies. It was also found that her mental state was accompanied by her body movements as she described her traumas.

The medical-psychiatric opinion is that the trauma narrative is perfectly consistent with each other, when the boton vote, examination and follow-up are evaluated together.

Recommended treatment: Escitalopram 10 mg/day /

Diagnosis: Post Traumatic Stress Disorder and Depression
Dr. M. Sezai BERBER
Psychiatry Specialist
Diploma N. 86-AA-022
Diploma registry N.:4973/41312



Annex II - Decision of non-prosecution (Aysun Işınkaralar)

T.C.
AFYONKARAHİSAR
CUMHURİYET BAŞSAVCILIĞI

Soruşturma No : 2024/5588

Karar No : 2024/3421

KOVUŞTURMAYA YER OLMADIĞINA DAİR KARAR

DAVACI : K.H.
MÜŞTEKİ : AYSUN IŞINKARALAR, [REDACTED]
olma, [REDACTED] doğumlu, [REDACTED]
[REDACTED] ESKİŞEHİR ikamet eder.
VEKİLİ : Av. SENEM DOĞANOĞLU, ANKARA
ŞÜPHELİ : MEÇHUL SANIK
SUÇ : İşkence Yapma
SUÇ TARİHİ VE YERİ : 07/05/2018 AFYONKARAHİSAR/MERKEZ

SORUŞTURMA EVRAKI İNCELENDİ:

Müştekinin avukatı aracılığıyla vermiş olduğu dilekçesi ve Cumhuriyet Başsavcılığımızda SEGBİS vasıtasıyla alınan ifadesinde, "07/05/2018 tarihinde Afyonkarahisar'da fetö terör örgütü suçlamasıyla göz altına alındım. Olay günü H. B. S. isimli kadına aramak için evime gelmişlerdi. Polisler o kadının ben olmadığımı söylememe rağmen beni kim olursan ol bizim götürme yetkimiz var deyip il emniyet müdürlüğü terör şube müdürlüğüne götürdüler, sonra da kocatepe karakoluna götürüldük. Benim yanımda E. Ç. isimli misafirim de vardı. 5-6 kadın 18/05/2018 tarihine kadar orada pislik içinde farelerle kötü koşullarda kaldık. Ertesi gün beni, E. ve bir öğrenci kızı sarışın renkli gözlü bir erkek polis Afyon il emniyet müdürlüğüne götürdü. Terör şubeye gittik. Orada çay ocağında bir süre bekletildik. Benim ismimi çağırdıklarında ayağa kalkıp yanlarına doğru gittim, daha kapıdan içeri girer gitmez kafama çuval geçirdiler. Yanımdan ahhh diye bir ses geldi. Kafamı eğdiler, her tarafında polisler vardı. Beni hızlı bir şekilde koşturup karakoldaki boş odaya fırlattılar. İçeri girer girmez kilolu toplu 170-180 cm boylarında erkek polis boğazımı sıkmaya başladı. By-lock'u kim yükledi, imam mısın imame misin dedi. Diğer polisler de beni ortalarına aldılar. Arada nefessiz kalınca beni bırakıyorlardı. Sonra tekrar boğazımı sıkıyorlardı. Ayak bileklerinden elektrik vermeye başladılar. Bana sürekli H. B. neredesin saklanıyor diye sordular, E. sordular. Arkadaşım olduğunu söyledim. Önce sağımdan, sonra solumdan sonra iki tarafıma da aynı anda elektrik vermeye başladılar. Biz devletiz diyorlardı. Tem şube müdürlüğünde Aydın polis olarak bildiğim kişi (eve geldiğinde bana kimliğini tanıttığı için biliyorum) de vardı. Ben her seferinde bağırıyordum. Bağırmasam bana kötülük yaparlarsa neden bağırmadın demesinler diye düşündüm. Çuval halen başımda idi. İçlerinden biri bunu soyun dedi. Bana bunu yapamazsınız dedim. Dışarıdan bir adam geldi. Onlarla konuştu. Bana Aysun biraz daha az bağırabilir misin dediler. Bende neden böyle yapayım dedim. Bana neden sürekli Allah diye bağırıyorsun, bizim müslümanlığımıza mı laf ediyorsun dediler. Sonra çapraz odaya götürüp kafamdan çuvalı çektiler. Melisa isimli kadın bir polis benimle konuştu. Bana silah doğrultup tetiği çekip çekip bıraktı. Sonra bana bir fotoğraf gösterdiler bu sen misin dediler, bendim ama korkumdan ben değilim dedim. Bu fotoğraf adliye önünde zaman gazetesi ile ilgili basın açıklaması sırasında çekilmişti. Şişman bir polis beni odadan çıkardı. Beni başka bir yere götürmeye başladılar. Bana tecavüz edeceklerini sandım. O polis benim gözlerime bakıp seni tekrar getireceğim dedi. Beni nereye götüreceksiniz dedim. Geldiğin yere götüreceğiz dediler. Ramazan isimli başka bir şüpheli ile tekrar karakola götürdüler. Ayaklarım uyuşmuş ve şişmişti, yaralar oluşmuştu. Çünkü elektrik ayak bileklerinden vermişlerdi. Naylon çorabım ise tenime yapışmıştı. Orada bir bayan şüpheli gördüm ve bana işkence yaptılar dedim. Ertesi gün avukatım geldi. Adı E. Ç. ti. Bana işkence yaptıklarını söyleyip ayaklarımı gösterdim. Savcılığa suç duyurusunda bulunacağımı söyledi, fakat bende kendimi düşünmek zorundayım diyerek bulunmadı. Polisler diğer şüphelileri ifade almaya götürdüklerinde bana tehdit içerikli sözlerle mesaj gönderiyorlardı.

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09'undan 14'üne kadar hastaneye götürmediler. Aynı 14'ünde Afyonkarahisar Devlet Hastanesine götürdüler. Hepimizi Ali Konu isimli doktor muayene etti. Doktora işkence yapıldığını söyledim. Bana rapor yazacağını söyledi. Aydın adlı polis doktorun bana verdiği raporu elimden aldı ve bunu dosyaya biz koyacağız dedi. 1-2 gün sonra da karakolda ifadem alındı. Kafamdaki çuvalı orada çıkardılar. İşkenceye uğradığımı söyledim. Bana polisler bunu savcılığa söyleyeceksin dediler. 18/05/2018 tarihinde savcılığa götürüldük. Sonra da mahkemeye götürüldük. Sorguda avukatıma işkenceden bahsedeyim mi dedim. Ben söylerim sen bana güven dedi ama söylemedi. O gün tutuklanıp Afyon kapalı cezaevine götürüldük. 3 gün sonra pazartesi günü muayeneye götürüldük. Doktora işkenceyi söyledik. Suç duyurusunda bulunmak istediğimi söyledim. 21/05/2018 tarihinde cezaevinden gönderdiğim dilekçe ile Afyonkarahisar savcılığına suç duyurusunda bulundum. 1 ay sonra takipsizlik yazıldığını öğrendim. Karara itiraz ettim. Mahkemeden red geldi. Afyonkarahisar devlet hastanesinden raporlarımı istedim. Muhammet Turan isimli doktor darp cebir izi yoktur diye rapor vermiş. Ben o doktoru da şikayet ettim. Tekrar soruşturma açılması için şu anda sizin dosyanız kapsamında avukatım aracılığıyla başvurdum. Elimde iki yeni delilim var. Birincisi Muhammet Turan isimli doktorun verdiği darp cebir izi yoktur raporu, bu sahte bir rapordur. İkinci delilim ise ben hapisten çıktıktan sonra Türkiye İnsan Hakları Vakfına başvurdum. Bir sene beni takip edip psikolojik tedavimi yaptılar. İşkenceye uğradığıma dair bir rapor aldım bu vakıftan. Bu raporumu da dosyaya avukatım sundu." diyerek şikayetçi olduğu olayla ilgili Cumhuriyet Başsavcılığımızca yapılan soruşturmada;

Olayla ilgili daha önce Cumhuriyet Başsavcılığımızın 2018/7981 soruşturma numarası ile soruşturma yürütüldüğü ve 2018/6888 karar sayısı ile kovuşturmayla yer olmadığına dair karar verildiği anlaşılmakla, aynı olayla ilgili soruşturmayı etkileyecek yeni bir delil bulunmadığı sürece birden fazla mükerrer soruşturma yürütülemeyeceğinden,

Her ne kadar müşteki ifadesinde, Muhammet Turan isimli doktorun verdiği darp cebir izi yoktur raporunun sahte bir rapor olduğunu, ayrıca hapisten çıktıktan sonra Türkiye İnsan Hakları Vakfına başvurup, bir sene beni takipten sonra işkenceye uğradığına dair bir rapor aldığını, bu iki unsurun soruşturma açısından yeni delil teşkil ettiğini ileri sürmüş ise de, müştekinin yeni delil olarak beyan ettiği unsurların ceza hukuku kapsamında bu hali ile delil niteliği taşımadığı ve yeniden soruşturma açmaya yeterli olmadığı anlaşıldığından, kamu adına **KOVUŞTURMA YAPILMASINA YER OLMADIĞINA,**

Kararın taraflara **TEBLİĞİNE,**

Kararın tebliğinden itibaren 15 gün içerisinde Afyonkarahisar Sulh Ceza Hakimliği'ne itiraz yolu açık olmak üzere, CMK'nun 172 ve 173. maddeleri uyarınca kamu adına karar verildi. 22/04/2024

GÜLŞEN SEZER 119073
Cumhuriyet Savcısı



ENGLISH Translation

**T.C.
AFYONKARAHİSAR
CHIEF PUBLIC PROSECUTOR'S OFFICE**

Investigation N. : 2024/5588

Decision N. : 2024/3421

DECISION ON NON-PROSECUTION

PLAINTIFF : **K.H.**
Complainant : **AYSUN İŞINKARALAR,**
Lawyer : **Av. SENEM DOĞANOĞLU, ANKARA**
Suspect : **UNKNOWN ACCUSED**
Offence : **Torture**
Date and Place of Offence : **07/05/2018 AFYONKARAHİSAR/MERKEZ**

INVESTIGATION DOCUMENTS ANALYSED:

In the petition submitted by the detainee through his lawyer and in his statement taken through SEGBIS in our Public Prosecutor's Office, he said, "I was detained in Afyonkarahisar on 07/05/2018 on charges of FETO terrorist organisation. On the day of the incident, they came to my house to look for a woman named H.B.S. Although I told the police that I was not that woman, they told me that we have the authority to take me away no matter who you are and took me to the provincial police directorate terror branch directorate and then we were taken to Kocatepe police station. I had a guest named E. C. with me. 5-6 women stayed there until 18/05/2018 in filth with rats in bad conditions. The next day, a yellow male police officer with colourful eyes took me, E. and a student girl to Afyon Provincial Security Directorate. When they called my name, I stood up and went towards them, but as soon as I entered the door, they put a sack over my head. I heard a sound like "ahh" from my side. They bent my head, there were cops all around me. They rushed me quickly and threw me into the empty room in the police station. As soon as I entered, a 170-180 cm tall male policeman with an overweight bulk started to squeeze my throat. He asked me who installed By-lock, whether Imam or not. Other police officers took me in the centre. Every now and then, when I was out of breath, they'd let me go. Then they were squeezing my throat again. They started electrocuting my ankles. They kept telling me where H. B. was.

hiding, they asked about E. I told them she was my friend. First on my right, then on my left, then they started to electrocute me on both sides at the same time. They said we were the state. Tem There was also a person I knew as Aydın police officer (I know him because he introduced his identity to me when he came to the house). I was shouting every time. If I didn't shout, they would do bad things to me.

I thought, "Why didn't you shout?" I still had the sack on my head. One of them said, "Strip him. I said you can't do this to me. A man came from outside. He spoke to them. They said, "Aysun, can you shout a little less? I said why should I do that. They said why are you shouting Allah all the time, are you criticising our Islam? Then they took me to a cross room and pulled the sack off my head. A policewoman called Melisa spoke to me. She told me and then he pulled the trigger and let it go. Then they showed me a photograph and said, "Is this you?" It was me, but I said it wasn't me because I was scared. This photograph is about the Zaman newspaper in front of the courthouse during the press conference. A fat policeman took me out of the room. They started to take me somewhere else. I thought they were going to rape me. That policeman looked me in the eye and said, "I'll bring you back. I said, "Where will you take me?" They said, "We'll take you where you came from. They took me to the police station again with another suspect named Ramazan. My feet were numb and swollen, I had wounds. Because they had electrocuted my ankles. My nylon stocking was stuck to my skin. I saw a female suspect there and said they tortured me. The next day my lawyer came. His name was Emin Çelik. I told him that they tortured me and showed him my feet. He said he would file a criminal complaint to the prosecutor's office, but I said I had to think for myself and did not do so. When the police officers took the other suspects to take statements, they sent me messages with

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threatening words. They did not take me to the hospital from the 09th to the 14th. On the 14th, they took us to Afyonkarahisar State Hospital. We were all examined by a doctor called Ali Konu. I told the doctor that we were tortured. He said he would write me a report. The police officer named Aydın took the report from my hand and said that we would put it in the file. One or two days later, my statement was taken at the police station. I was there with the sack over my head. They took me out. I told them that I was tortured. The police officers told me that I would tell this to the prosecutor's office. On 18/05/2018 we were taken to the prosecutor's office. Then we were taken to court. During the interrogation I told my lawyer. I asked him if he wanted to tell me about the torture. He said he'd tell me, trust me, but he didn't. That day we were arrested and taken to Afyon closed prison. 3 days later, on Monday, we were taken for medical examination. I told the doctor about the torture. I told him that I wanted to file a criminal complaint. On 21/05/2018, I filed a criminal complaint to the Afyonkarahisar prosecutor's office with the petition I sent from prison. 1 month Then I found out that it was written as non-prosecution. I appealed the decision. It was rejected by the court. I asked for my reports from Afyonkarahisar state hospital. The doctor named Muhammet Turan gave a report that there was no trace of beating and force. I also complained to that doctor. I applied through my lawyer to open another investigation within the scope of your case. I have two new evidence. The first is the report of a doctor named Muhammet Turan that there is no trace of beating or force, this is a forged report. The second evidence is that after I was released from prison I applied to the Human Rights Foundation of Turkey. They followed me for a year and gave me psychological treatment. I received a report from this foundation that I had been tortured. This report was submitted to the file by my lawyer."

In the investigation conducted by our Public Prosecutor's Office; With the investigation number 2018/7981 of our Public Prosecutor's Office regarding the incident it is understood that an investigation was carried out and a decision was made with the decision number 2018/6888 that there was no grounds for prosecution, and as long as there is no new evidence that will affect the investigation regarding the same incident since more than one duplicate investigation cannot be conducted,

Although the detainee claimed in his statement that the report issued by a doctor named Muhammet Turan stating that there were no signs of beating or force was a forged report, and that he had applied to the Human Rights Foundation of Turkey after his release from prison and received a report stating that he had been subjected to torture after being followed for a year, these two elements constituted new evidence for the investigation,

Since it is understood that the elements declared by the defendant as new evidence do not qualify as evidence within the scope of criminal law and are not sufficient to open a reinvestigation, it was decided on behalf of the public that there is no place for prosecution, the decision was notified to the parties, the appeal to the Afyonkarahisar Criminal Judge of Peace within 15 days from the notification of the decision is open, in accordance with Articles 172 and 173 of the Code of Criminal Procedure.

It was decided on behalf of the public in accordance with articles 172 and 173 of the Code of Criminal Procedure. 22/04/2024

GÜLSEN SEZER 119073
Public Prosecutor

