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Special Report:

Enforced Statements, Interviews, Informant-Making, and Abductions through Coercion and Threats in 2021

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Ankara

The Human Rights Association (İnsan Hakları Derneği –İHD) had shared with the public its special reports on “Enforced Statements, Interviews, Informant-Making, and Abductions through Coercion and Threats” in 2018, 2019 and 2020.¹ In these special reports, İHD underlined that such practices have become a repressive policy of the state following the state of emergency (SoE) that was declared following the coup d’état attempt of 15 July 2016, while these practices constituted multiple offenses including threat, insult, torture, deprivation of liberty, malfeasance in office that are proscribed in the Turkish Penal Code (TPC). Applications lodged before İHD as well as news reports in the press reveal that the number of rights violations in this field increased particularly following the coup attempt in 2016, complaints were not investigated effectively while perpetrators were not punished. It is observed that the overall policy of impunity in Turkey proves to be the basic approach to such cases.

According to data collected by the Documentation Center at İHD’s central office, at least 13 persons were abducted and forced to become informants and faced threats while these persons were released with no action taken against them. Similarly, the data reveal that at least 66 persons were subjected to propositions and threats to become informants in custodial places (some in prisons) or extra-custodial places. It was also seen that at least 65 persons were threatened mostly by the law enforcement. 12 of those who were threatened stated that they received threats on social media. It is observed that threats on social media were mostly directed at political party employees, university students, and media workers. Minorities, too, often face such threats because of their minority identities. There are also data that show that children younger than 18 years of age were also threatened by the law enforcement in some cases. According to data collected by the Documentation Center at İHD’s central office, at least a total of **144** persons were subjected to abductions, enforced informant-making attempts and threats within the first 11 months of 2021.

¹ <https://ihd.org.tr/en/ihd-special-report-on-testimonies-interviews-forced-informant-making-through-methods-of->

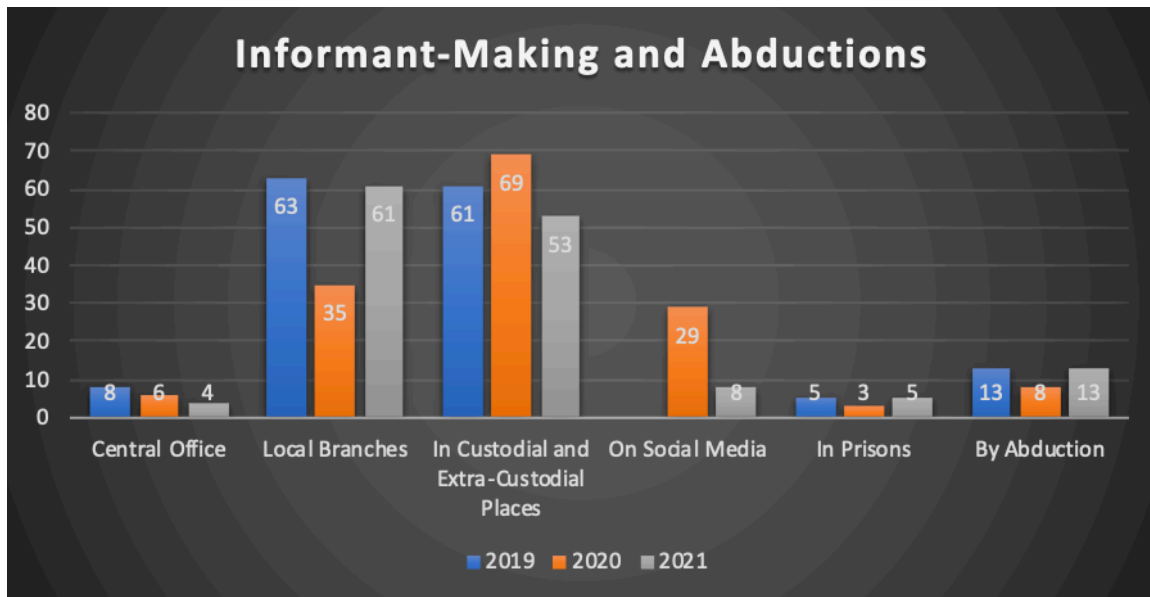
<https://ihd.org.tr/en/ihd-special-report-enforced-statements-interviews-informant-making-and-abductions-through-coercion-and-threats/>

Human Rights Association (İnsan Hakları Derneği-İHD) is a non-governmental, independent, and voluntary body. The association, which was founded in 1986 by 98 human rights defenders, today has 28 branches, 5 representative offices, and 7,945 members. İHD is the oldest and largest human rights organization in Turkey and its “sole and specific goal is to promote ‘human rights and freedoms.’”

Numerous people, who had been victimized by such practices that have become a repressive policy of the state, have lodged applications before our association in recent years. A total of 65 individuals lodged applications before İHD within the first 11 months of 2021 including 4 before its central office, 36 before its İstanbul branch, 10 before its Ankara branch, 7 before its İzmir branch, 3 before its Diyarbakır branch, 2 before its Van branch, and 1 each before its Batman, Dersim, and Mardin branches.

Table 1 presents annual change in data collected by İHD. The table only incorporates data on informant-making attempts and informant-making by abduction and shows that such repressive methods have been systematically used in recent years in spite of a small fluctuation in data distribution.

Table 1: 2019-2021 Data by İHD's Documentation Center



İHD believes that the actual figures are well above its findings since the victims both seem to refrain from filing complaints before public prosecutors' offices or lodging applications before organizations working for human rights and freedoms because of their perceptions that their applications would not produce any viable outcomes. Nevertheless, limited available data clearly shows that the number of violations is on the rise as complaints are not effectively investigated and finalized. Nonetheless, the fact that Gökhan Güneş was abducted in İstanbul in January 2021 to be released after five days having been subjected to torture also shows that public pressure was able to achieve results. Similarly, public pressure brought about by the efforts of the daughter of Hüseyin Galip Küçüközyiğit, who had been abducted on 29 December 2020 in Ankara, our association and Saturday Mothers produced a result and on 13 September 2021 it was learnt that Mr. Küçüközyiğit was being held in Ankara Sincan Prison. The fact that Mr. Küçüközyiğit was found after about 8.5 months of torture reveals that our efforts were not in vain. İHD lodged international applications about both cases but the fate and whereabouts of Yusuf Bilge Tunç, who was subjected to enforced disappearance in August 2019, have not been revealed yet.

When the accounts of applicants are taken into account, it is seen that such repressive methods

are usually directed at students, members/activists of political parties, press workers, prisoners or relatives of prisoners. These repressive methods are mostly used by law enforcement identifying themselves as intelligence officers or by correction officers and temporary village guards. These persons, almost all of who have official titles, reach private information about individuals by way of the power of state in their hands and abuse people's sensitive issues by using these information. As will be seen in the exemplary cases below, attempts are made to persuade victims by also using their private information and with promises of helping them while mostly they are forced to become informants through threats and are subjected to psychological torture. Victims are threatened with detention, abduction, death or torture and forced to become informants unlawfully. In some cases people are threatened with their family members, friends or their jailed relatives. These threats are mostly repeated many times; attempts are made to affect their social and psychological wellbeing negatively.

As is stated above, threats, informant-making attempts and abductions are mostly directed at specific groups and seen more in some cities. Informant-making attempts and abduction methods resorted to more in metropolitans like İstanbul, Ankara and İzmir are used all over Turkey systematically. Sometimes informant-making, abduction and threat methods are used together, while only one of these repressive methods is used under the specific circumstances of the case.

An overall summary of the current state of affairs is presented below based on cases in 2021.

Sample Case 1:

C. Y. lodged a written application before İHD's İstanbul Branch on 26 August 2021 stating: "I distributed leaflets of the United Struggle Forces (Birleşik Mücadele Güçleri) in İstanbul's Sancaktepe district at 16.00 on 25.08.2021. Then I went to Sancaktepe. After finishing my business there, I got on the bus and got off at the Fabrikalar stop and walked towards Levent metro station. While I was walking down the metro stairs, a person pushed me back holding my arm. The person showed me their police badge, told me that there was an arrest warrant about me and forced me into a civilian car at the metro entrance point holding my head down. They blindfolded me with a mask and rear cuffed me in the vehicle. I wanted to see the arrest warrant and was told that I could see it at the police station. Then after about an hour-long drive they stopped and put me into another vehicle that approached us and drove for 3 more hours. When I told them what they were doing was unlawful kidnapping, they responded saying: "Our laws are different; no one knows us; we do not answer to anyone." They told me in the vehicle that we were going somewhere and their elder brothers would ask me some questions. I was taken to a house in a forest after a 3-hour ride. There I was laid face down, they stretched my arms and legs and tied my ankles and wrists tightly. They took off my trousers, underpants and t-shirt; I was subjected to torture as they beat me up by hitting on my back, hips and head with a belt for hours. They forced fatty and extremely salty meatballs into my mouth three times although I told them I was not hungry; they forcibly stuffed them into my mouth although I threw them on the ground. Then I was left alone in the room and they went out by the door. I could easily hear what they were talking about outside. They were saying that one of the torture methods used to break a person to talk was to make that person destitute for water by feeding them salt. If that did not work, they said, we rape them and shoot them in the head. When they returned to the room, they told me that they would untie me on one condition. They told me that if I helped them they would help me in return. They asked information about illegal activities carried out in İstanbul. In response I told them that I was a member of the party assembly and all my activities were conducted within the scope the activities of a legal political party. Upon my response kicks and torture with the belt resumed. Then they said we better rape him and neuter him. They

steered for my anus trying to scare me. Then they lit up a candle and dripped the candle on my back for half an hour. They then untied my arms, laid me face up and started torturing me on my chest and kidneys, and head. They said: "Now if we let you go, will you apply to İHD tomorrow like your friends did?" Then they untied my legs too and pushed me on the wall naked. They wanted me to sing the National Anthem squeezing my testicles. Someone said take him and toss him somewhere. It took us 1.5 hours to leave the house and arrive at the place where they left me. I was taken out of the car in blindfolds and taken to the bushes. There I was forced on my knees with my underpants on and someone told me to recite the kalima shahadah and put the gun on my head loading the bullet into its chamber. After some time, they said they were giving me one last chance and I should immediately leave İstanbul; if I did not they would fire that bullet. After leaving me among the bushes, they immediately left the scene. I hitchhiked on the road for two hours; an İETT bus took me to Tuzla, Akfırat. There I learnt that it was Tuzla. It was about 7. Then I called a relative to come pick me up. They seized all that I had including my telephone, wallet, money at the time of the incident."

This application lodged by C. Y. before our association shows that statements, interviews, informant-making, and abduction methods through threats are all used together in some cases. Yet, in some cases only one or two of these methods are used as is seen in another application lodged before our İstanbul Branch.

Sample Case 2:

S. S. P. lodged a written application before İHD's İstanbul Branch on 18 August 2021 stating: "Two vehicles without license plates cut me off in Sarıgazi around 12.00 at midnight on 12 August. 8-10 people got off the vehicle and holding my arms and closing my mouth they threatened me saying: "Leave this place, we will not let you live here, or else we will take you next time."

It is also observed that attempts were also made to intimidate prisoners (Sample Case 3) and refugees (Sample Case 4) through repressive methods and threats.

Sample Case 3:

It was alleged that K. H., incarcerated in Diyarbakır High-Security Prison No. 2, was taken off their ward to a room by correction officers who stated that the prison director wanted to talk to them and there they were subjected to enforced informant-making offers by three persons who identified themselves as intelligence officers on 25 March 2021, according to information provided by families of prisoners. It was indicated that the three persons in question told K. H. that if they were to help them "They, too, would help them in return." It was reported that on remand prisoner K. H. refused to become an informant, left the room and filed criminal charges before Diyarbakır Chief Public Prosecutor's Office.

Sample Case 4:

The press reported on 28 January 2021 that a Syrian national refugee, A. R., was forced to become an informant by two persons who identified themselves as intelligence officers at Mardin Provincial Migration Management Directorate where he was summoned on the grounds of missing documents.

The report indicated that although A. R. refused, they were called again later on and were threatened with deportation.

Not only the law enforcement but also other public employees are involved in repressive methods and threats in some cases. For instance, the following is an example of such cases:

Sample Case 5:

On 12 April 2021, M.B., a public prosecutor for Osmaniye, entered orthopedics specialist K. G. G.'s room without waiting in line to get examined. The press reported that M.B. threatened the doctor when he was rejected.

Repressive methods and threats may also be directed at current members of the parliament (Sample Case 6) or at press workers (Sample Case 7) and are mostly done via social media accounts.

Sample Case 6:

The press reported on 29 January 2021 that Antalya deputy for Peoples' Democratic Party (HDP) Kemal Bülbül received a death threat from a social media account called "Görünmeyen" [Invisible]. On 16 February 2021, the press also reported that HDP Kocaeli deputy Ömer Faruk Gergerlioğlu received death threats.

Sample Case 7:

The press reported on 31 January 2021 that journalist Gökçer Tahincioğlu received a death threat from a social media account called "Görünmeyen" [Invisible]. On 10 August 2021, the press also reported that journalist Murat Ağirel was threatened by a person called E. Ç. on social media.

The Human Rights Association takes many steps to end the state's policy of impunity and hold perpetrators accountable responsible in such cases. Applications lodged before our association are communicated to the Ministry of Interior, Law Enforcement Supervision Commission, and the Human Rights Inquiry Commission at the Grand National Assembly of Turkey (GNAT) to these ends but it is seen that no effective investigations have been initiated so far. No sub-commission was established under the auspices of the Human Rights Inquiry Commission at the GNAT to supervise the law enforcement while the Law Enforcement Supervision Commission that has been active since 2019 has not released any activity reports yet.

Our association further met with officials from the Security and Intelligence Commission at the GNAT and the Ministry of Interior but it is observed that preventive measures have not been taken at a sufficient level as the persistence of these cases reveal. We can state that long-term abductions have apparently come to a halt for now following the case of Gökhan Güneş. When the above-mentioned sample cases, appended summaries and the current stand of public authorities are taken together, it is clearly seen that such cases are not isolated ones but are used as systematic methods all over the country. We would like to reiterate once again that such practices

that are at odds with the fundamental values of human rights and are prohibited by domestic law as well as international conventions and covenants should immediately be put to an end and state that our persistent follow-up to end such rights violations will go on.

CONCLUSION AND RECOMMENDATIONS

Our recommendations put forth in our previous reports are still valid.

- Public prosecutors should take action against acts of abduction and enforced informant-making, which constitute multiple criminal offenses like threat, insult, torture, deprivation of liberty, malfeasance in office that are proscribed in the TPC while effectively investigating such complaints and the perpetrators should be identified to stand trial without the protection of the state. The Ministry of Interior and the Board of Prosecutors and Judges should fulfill their responsibilities as well.
- GNAT's Human Rights Inquiry Commission should establish a sub-committee to supervise the law enforcement and review applications.
- The Law Enforcement Supervision Commission should take effective steps to address violations cited in this report.
- GNAT's Security and Intelligence Commission should inquire the illegal activities of intelligence organizations by establishing a sub-committee by force of its mandate and responsibility deriving from law and should take effective measures to prevent illegal activities cited in this report.
- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) will be asked to address this issue during its visit to Turkey. And applications on the issue will be lodged before the UN's competent bodies.

HUMAN RIGHTS ASSOCIATION