

# Human Rights Watch

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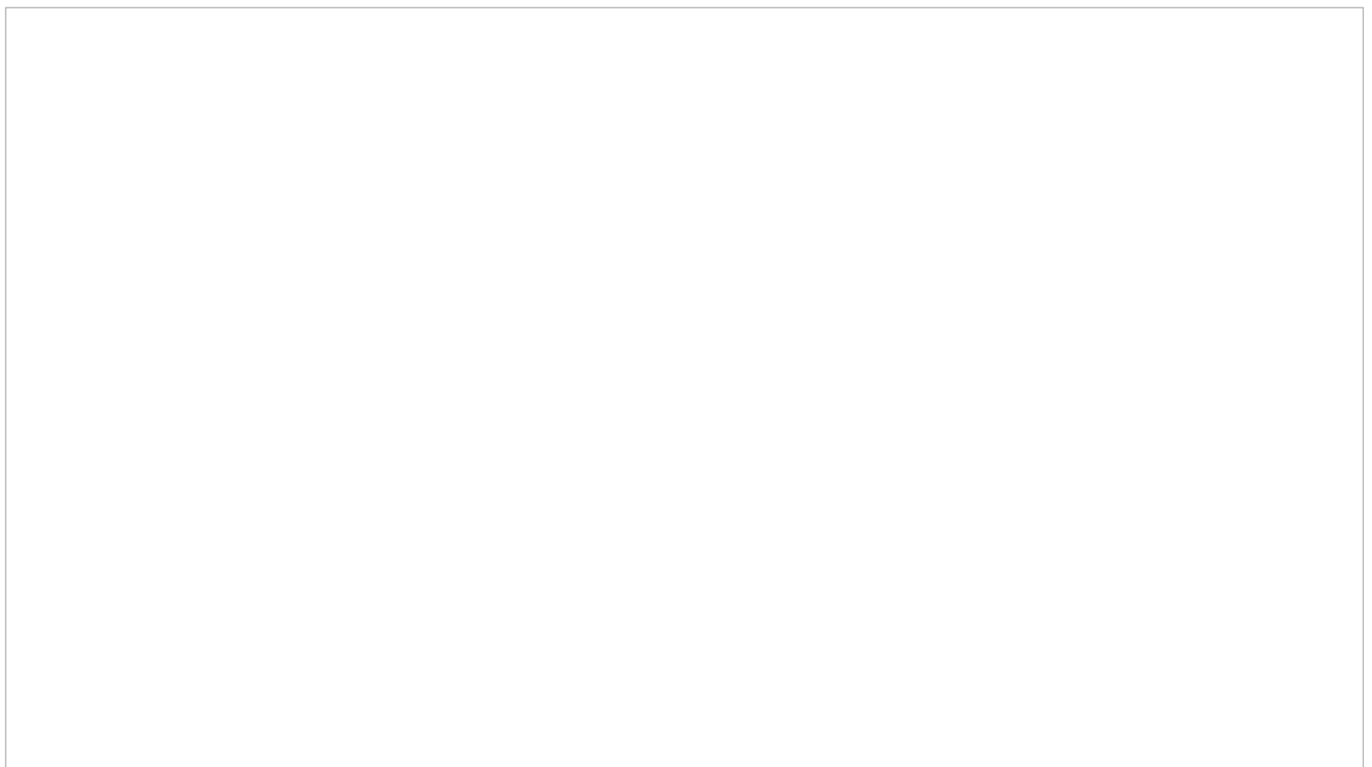
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Wives of six men who went missing in February 2019 join the weekly Saturday Mothers vigil in Istanbul for families of disappeared people in Turkey, July 2019. 2019 Private

(Istanbul, April 29, 2020) [Turkish](#) authorities should urgently carry out an effective investigation into credible testimony from a man in pretrial detention that state agents forcibly disappeared him for nine months and tortured him, Human Rights Watch said today.

The man, Gkhan Trkmen, is one of at least two dozen people [over the past three years](#) whose families, or in a few cases the individuals themselves, have said they have been abducted and forcibly disappeared by government agents for many months. All but one are men. Human Rights Watch has examined 16 such cases since 2017. Turkish authorities have yet to effectively investigate any of them, and a number of families have applied to the European Court of Human Rights for justice. The whereabouts and fate of one man remains unknown.



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Gkhan Trkmen alleged in a court hearing on February 10, 2020 that he was abducted by state actors on February 7, 2019, held in an unknown place of detention and tortured over nine months before being transferred to police custody and jailed. He also alleges that he was visited in prison and threatened by officials identifying themselves as intelligence officers to retract his allegations. 2019 Private

Flagrantly flouting its legal obligations, Turkey has consistently failed to investigate credible evidence of enforced disappearances, said [Hugh Williamson](#), Europe and Central Asia director at Human Rights Watch. The authorities should urgently investigate Trkmens allegations that he was abducted, tortured, and pressured to remain silent, and ensure that he and his family are protected against reprisals for speaking out.

Trkmen, 43, spoke for the first time during a February 10, 2020 court hearing about his abduction, enforced disappearance, and torture. He also said that officials had visited him in prison and threatened him and his family. The authorities have an obligation to pursue a prompt and thorough investigation into these claims and to ensure that Trkmen and his family are not subjected to further reprisals and threats for speaking out about his enforced disappearance and torture.

Trkmen disappeared in Antalya on February 7, 2019. His family repeatedly sought information from various authorities about his whereabouts and when met with silence, appealed to the European Court of Human Rights. Trkmen resurfaced in police custody on November 6. An Ankara court sent him to pretrial detention, and he remains in solitary confinement in Ankaras Sincan F-type Prison No. 1. He is facing charges of espionage and links to the Fethullah Glen movement, which the Turkish government blames for the July 2016 coup attempt.

Trkmens lawyer has also filed complaints that men who introduced themselves as National Intelligence Agency (Milli stihbarat Tekilat, MT) officers have visited him in prison six times since November 15 and threatened him and his family. During a March 2020 visit, the men pressured him to retract his allegations about abduction and torture at the February court hearing. On April 16, the Ankara prosecutor issued three decisions saying there was no need to investigate the complaints. Trkmens lawyer is appealing. His wife told Human Rights Watch that she had faced intimidation from unknown sources who hacked the Twitter account she had set up in her husbands name to campaign about his whereabouts when he disappeared, and set up a second one also in his name.

Four other men who were forcibly disappeared in February 2019 and [resurfaced in police custody in July](#) have remained silent on the full circumstances, although their families lodged multiple complaints with the Turkish authorities and to the European Court of Human Rights. The four Salim Zeybek, zgr Kaya, Yasin Ugan, and Erkan Irmak are in pretrial detention in Sincan prison facing prosecution for links with the Glen movement and espionage.

A fifth man, Mustafa Yılmaz, abducted in February 2019, resurfaced in police custody in October, and is also in pretrial detention in Sincan prison. He too has avoided answering his family's questions about his abduction and disappearance for eight months and is on trial for links with the Glen movement and espionage. Another man, Yusuf Bilge Tun, disappeared in Ankara on August 6, 2019 and his whereabouts remain unknown despite his family's repeated pleas to the Turkish authorities for information.

The Ankara Bar Association Human Rights Center issued a [report on the enforced disappearance of all seven men](#) on February 13, 2020 and filed a formal complaint with the Ankara prosecutor.

Human Rights Watch has received information from lawyers about two other cases of alleged enforced disappearances. One man, Mesut Geer, said he was forcibly disappeared in March 2017, and was held for 16 months and repeatedly tortured before being transferred to police custody. Ayten ztrk has said that in March 2018 she was forcibly disappeared and tortured for over five months before being officially registered in police custody. Both are in pretrial detention. There has been no effective investigation into the circumstances of either detention and allegations of forcible disappearance and torture.

Human Rights Watch has received unconfirmed reports that intelligence agents from Turkey's National Intelligence Agency carried out the enforced disappearances and that the men, though not ztrk, may either have worked directly for the intelligence services or been in contact with intelligence officers through Glen movement networks. Human Rights Watch can neither lend credibility to nor discredit these claims as such a line of enquiry is outside the scope of the organization's work.

An enforced disappearance occurs when state agents, or people or groups acting with government authorization, support, or acquiescence, deprive a person of liberty and then refuse to acknowledge the deprivation of liberty or conceal the fate or whereabouts of the disappeared person.

Enforced disappearances are serious crimes under international law and are prohibited at all times. The prohibition not only requires preventing them but entails a duty to investigate allegations of enforced disappearance and prosecute those responsible. Enforced disappearances may also constitute and be prosecuted as a crime against humanity if they form part of a state-sponsored policy or practice or are part of a broader attack against civilians by state authorities.

Enforced disappearances are an egregious crime, and their persistent occurrence in Turkey will only end if the authorities effectively investigate these incidents and bring those responsible to justice, Williamson said. Yusuf Bilge Tun has been missing for eight months and Turkey has an urgent obligation to determine his whereabouts and provide information to his family.

**For additional details about these cases, please see below.**

### **Enforced Disappearance of Gkhan Trkmen**

Gkhan Trkmens wife, Zehra Gen Trkmen, told Human Rights Watch that over the nine-month period he was missing from February 7 to November 6, 2019 the authorities did not inform the Trkmen family of his whereabouts and failed to respond to the family's numerous requests for an investigation into the circumstances of his abduction and disappearance.

After his November appearance in police custody, Trkmen said that he had hidden during the time he was missing and did not request a lawyer of his own choice. However, at a court hearing in the criminal case against him on February 10, Trkmen for the first time openly told the court that he had been forcibly disappeared and tortured and announced that he was dispensing with the services of the lawyer the authorities had provided.

Human Rights Watch has obtained a transcript of Trkmens testimony in which he alleged that three men identifying themselves as police and wearing police vests abducted him. He said he had been held in a cell for 271 days, blindfolded and handcuffed, with his feet chained, and had been tortured and subjected to other inhuman treatment, about which he would later provide details. He said he had been deprived of food and water, not permitted to sleep, and otherwise ill-treated.

He said that he had been made to copy out and sign a 50-page statement provided by his captors and made to memorize its allegations. He said that he and his family were still being threatened and that he had received threats in prison.

In its interim decision following the hearing, the court asked the prosecutor to investigate Trkmens claims. Trkmen also lodged a formal complaint through his lawyer stating that men introducing themselves as members of the National Intelligence Agency had visited him six times in prison since November 15. He said that they threatened him and his family and in March pressured him to retract his allegations of enforced disappearance and torture.

On February 19, three lawyers appointed by the Ankara Bar Association Human Rights Center visited Trkmen and interviewed him about his forcible disappearance and torture. Human Rights Watch has seen their detailed February 24 report to the bars human rights center. The center told Human Rights Watch that the bar had lodged a formal complaint with the prosecutor about Trkmens allegations.

His wife provided Human Rights Watch with a statement alleging that she and her husband have been threatened and targeted for speaking publicly about his case and filing complaints about his enforced disappearance to the European Court and the United Nations Working Group on Enforced and Involuntary Disappearances. She alleges in the statement that her husband told her that while he was in prison officials had made threats to him against her and their children.

She said that on February 18, unknown individuals announcing themselves as the Crescent and Star Team (Ayyldz Tim) hacked both her email address and the Twitter account she had opened months before in her husband's name to raise awareness of his disappearance and

that they opened a second Twitter account in his name. The hackers on February 19 posted on the first Twitter account extracts of a statement Trkmen made while in custody that his family had not previously seen. On the second Twitter account they posted photos of her and her identity card. She filed a complaint and succeeded in getting the second Twitter account closed but the original account remains active and inaccessible to her.

By court order, all prison meetings between Trkmen and his family and lawyers take place in the presence of prison guards and are recorded on audio-visual devices. Such measures violate the principle of client-attorney privileged communication. A lawyer acting for Trkmen appointed by his family told Human Rights Watch that she had a dispute with the prison authorities over this issue during a February 18 visit to Trkmen, and weeks later learned when she attempted to visit him again that a court had in the meantime ruled that she be banned from visiting him for six months, although the decision had not been communicated to her in writing.

The lawyer has lodged complaints about the threats to her client by individuals who introduced themselves to him as intelligence officials. On April 16, an Ankara prosecutor issued three decisions not to pursue investigations into the prison authorities or the unnamed officials whom Trkmen alleged threatened him. The lawyer will appeal those decisions. Trkmens wife told Human Rights Watch that she fears for her husbands safety under these circumstances.

### **Other Allegations of Enforced Disappearances**

Human Rights Watch spoke to Smeyye Ylmaz, the wife of Mustafa Ylmaz, who surfaced in police custody in October after being forcibly disappeared in February and is now in pretrial detention in solitary confinement in Sincan prison. As in Trkmens case, Smeyye Yilmazs visits to her husband in prison have taken place in the presence of prison guards and with audio-visual recording equipment.

She said that her husband had been reluctant to speak about what happened during the 245 days he was forcibly disappeared: Every time I have tried to ask about what happened, my husband would become tense and from his physical reactions I understood that he did not want to speak about it. He told me to withdraw my complaints, but he accepts I will not do that. In response to the Covid-19 pandemic, the authorities have now banned all family visits to detainees.

There has been no development in the investigation of an [enforced disappearance Human Rights Watch documented in 2017](#). Under Asan was forcibly disappeared in April 2017 for 42 days and lodged a formal complaint alleging he was abducted by state agents and tortured. Asan remains in Burhaniye Prison. His 12-year, 6-month sentence for links with the Glen movement is under appeal.

His lawyer told Human Rights Watch that although a medical report from the Forensic Medicine Institute diagnosed Asan as suffering from acute stress, the report did not include his statement to psychiatrists that his stress was the result of being abducted and tortured, and made no reference to how that may be relevant to his medical condition. Asans lawyer said that Asan has not been granted psychological support or treatment beyond medication. The prosecutor has not effectively investigated his allegations relating to his enforced disappearance and torture.

Human Rights Watch has also seen complaints by two other people who allege that they were forcibly disappeared and tortured by state officials for long periods in the past three years. In each case the prosecutorial authorities have failed to investigate their allegations.

Ayten ztrk, now in pretrial detention in Sincan Prison and on trial for links with the outlawed armed group Revolutionary Peoples Liberation Party/Front (DHKP/C), lodged a complaint that she was abducted at Beirut Airport on March 8, 2018 and taken to Turkey on March 13, then held in an unidentified detention site until August 28, during which she was tortured repeatedly. The prosecutor has issued a decision not to investigate her complaint, and her lawyers have appealed.

Mesut Gecer, a former intelligence officer currently in pretrial detention in Sincan Prison and on trial for links to the Glen movement, [repeated](#) at a December 3, 2019 court hearing his earlier complaint that he had been forcibly disappeared on March 18, 2017 in Ankara by officials whom he believes work for the National Intelligence Agency and held in unofficial detention for 16 months, during which he had been tortured.

His lawyer told Human Rights Watch that Geers family had repeatedly filed complaints to the authorities that he had been abducted. Their complaints and those Geer lodged himself after being transferred to official detention have not been investigated. His lawyer has appealed to the European Court of Human Rights.

Police Torture and Abductions in Turkey

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