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# ENFORCED DISAPPEARANCES:

## TURKEY'S OPEN SECRET

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MAY 2020



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**OTHERS**

## **ENFORCED DISAPPEARANCES: TURKEY'S OPEN SECRET**

Solidarity with OTHERS, Belgium



**May 2020**

## Table of Contents

Executive Summary .....	4
<b>ENFORCED DISAPPEARANCES: TURKEY'S OPEN SECRET</b> .....	5
A. Introduction.....	5
B. July 2016 coup attempt and the emergency rule .....	5
C. Allegations of enforced disappearance since 2016 .....	7
1. Sunay Elmas.....	7
2. Ayhan Oran .....	8
3. Mustafa Özgür Gültekin .....	8
4. Hüseyin Kötüce.....	9
5. Mesut Geçer .....	9
6. Turgut Çapan.....	10
7. Önder Asan.....	11
8. Cengiz Usta.....	11
9. Mustafa Özben .....	12
10. Fatih Kılıç .....	13
11. Cemil Koçak .....	13
12. Murat Okumuş .....	14
13. Hıdır Çelik .....	14
14. Ümit Horzum .....	15
15. Orçun Şenyücel.....	16
16. Hasan Kala .....	16
17. Fahri Mert .....	17
18. Ahmet Ertürk.....	17
19. Gökhan Türkmen .....	17

20-21. Yasin Ugan and Özgür Kaya.....	19
22. Erkan Irmak .....	20
23. Mustafa Yılmaz.....	21
24. Salim Zeybek .....	22
25. Yusuf Bilge Tunç.....	23
D. Parliamentary questions .....	23
1. Parliamentary questions tabled during the 27th legislative term .....	23
2. Parliamentary questions tabled during previous legislative terms.....	24
E. Extrajudicial detainment of persons brought from abroad .....	25
1. Ayten Öztürk .....	26
2. Zabıt Kişi .....	26
F. Notable Patterns .....	27
1. Similarity of profiles .....	28
2. Geographical concentration .....	28
3. Periodicity .....	28
4. Circumstances surrounding reappearances .....	29
5. Self-incrimination .....	30
H. Yeneroğlu's remarks.....	32
Conclusion .....	33

### Executive Summary

The Turkish government unleashed a widespread crackdown on dissent in the wake of a failed coup attempt in July 2016, which has led to a terrible degradation in human rights and to violations of unprecedented proportions. While the arbitrary detention and arrest of tens of thousands of people for purported ties to terrorism or peaceful legitimate speech has been widely documented, the practice of deprivation of liberty was not limited to formal detention and arrest. It also included the abrupt disappearance of a number of people, mostly individuals with apparent links to the Gülen movement, a faith-based group targeted by the government. This report provides an in-depth look into 25 such cases that have occurred inside Turkey since 2016 and identifies several patterns that characterize these incidents.

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Solidarity with OTHERS, Belgium

[www.solidaritywithothers.com](http://www.solidaritywithothers.com)

[info@solidaritywithothers.com](mailto:info@solidaritywithothers.com)

## ENFORCED DISAPPEARANCES: TURKEY'S OPEN SECRET

### A. Introduction

The practice of enforced disappearances, led either by security forces or by clandestine groups with the approval or knowledge of the authorities, is one of the most shameful stains on Turkey's human rights record.

Between the 1980 coup d'état and the attempted coup in July 2016, up to 2,000 people were believed to be forcibly disappeared, with some 450 of cases being confirmed<sup>1</sup>. The disappearances particularly targeted members of Turkey's Kurdish minority at the height of the armed conflict between the state and the Kurdistan Workers' Party (PKK) in the 1990s<sup>2</sup>.

The early 2000s saw a certain progress in the country's human rights record, due in large part to a renewed impetus given to the European Union accession negotiations, which led many to believe that enforced disappearances were left behind despite the continuing lack of accountability for past abuses. This perception lasted until a failed coup in July 15, 2016.

### B. July 2016 coup attempt and the emergency rule

On July 15, 2016, elements within the Turkish Armed Forces (TSK) attempted to mount a coup d'état against President Recep Tayyip Erdoğan and his government by seizing control of several key locations in Ankara and İstanbul. The attempt was thwarted by forces loyal to the government.

Erdoğan and his government alleged that the faith-based Gülen movement and its leader, the U.S.-based cleric Fethullah Gülen, had orchestrated the abortive putsch<sup>3</sup>. Gülen denied any involvement<sup>4</sup> and called for an international investigation.

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<sup>1</sup> "The long read: where are Turkey's disappeared?" The National, May 21, 2015, <https://www.thenational.ae/arts-culture/the-long-read-where-are-turkey-s-disappeared-1.122645>

<sup>2</sup> "Turkey's Human Rights Rollback," Human Rights Watch, September 29, 2014, <https://www.hrw.org/report/2014/09/29/turkeys-human-rights-rollback/recommendations-reform>

<sup>3</sup> "Turkey coup attempt: Erdogan rounds up suspected plotters," CNN World, July 18, 2016, <https://edition.cnn.com/2016/07/17/asia/turkey-attempted-coup/index.html>

<sup>4</sup> "An Exiled Cleric Denies Playing a Leading Role in Coup Attempt," The New York Times, July 16, 2016, <https://www.nytimes.com/2016/07/17/us/fethullah-gulen-turkey-coup-attempt.html>

Prior to the coup attempt, the Turkish government had already designated the movement as a terrorist organization<sup>5</sup>. The U.S. authorities have so far declined to comply with Turkey's repeated requests for Gülen's extradition, citing failure to provide sufficient evidence<sup>6</sup>.

Government officials from several Western countries have expressed doubts over the Turkish government's assessments regarding the incident and the Gülen movement's alleged role in it. The United Nations, the European Union and a significant majority of the international community have not listed the movement as a terrorist organization. This report takes no position on any of these debates.

Following the abortive putsch, the Turkish government declared a three-month state of emergency which granted Erdoğan and his cabinet vast powers<sup>7</sup>. The emergency rule was repeatedly extended to remain in effect until July 2018, after which much of the sweeping emergency powers were given permanent effect through legislation<sup>8</sup>.

The post-coup period was marked by a wide range of human rights abuses such as arbitrary killings; suspicious deaths in custody; enforced disappearances; arbitrary arrest and detention of tens of thousands of people including politicians, lawyers, journalists and people from all walks of life; politically motivated prosecutions; closure of media outlets; and severe restrictions on a number of freedoms including the freedoms of expression, assembly, association and movement<sup>9</sup>.

This report focuses on 25 suspected cases of enforced disappearance of individuals which were reported since the failed coup in July 2016 and one that was reported prior to the coup attempt. Its scope is limited to those who disappeared while inside Turkey.

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<sup>5</sup> "Turkey officially designates Gulen religious group as terrorists," Reuters, May 31, 2016, <https://www.reuters.com/article/us-turkey-gulen-idUSKCN0YM167>

<sup>6</sup> "US officials to visit Turkey over Gulen extradition request," Al Jazeera, January 2, 2019, <https://www.aljazeera.com/news/2019/01/officials-visit-turkey-gulen-extradition-request-190102155042596.html>

<sup>7</sup> "Turkey coup attempt: State of emergency announced," BBC, July 21, 2016, <https://www.bbc.com/news/world-europe-36852080>

<sup>8</sup> "Turkey's emergency rule expires as Erdogan's powers expand," Reuters, July 18, 2018, <https://www.reuters.com/article/us-turkey-security/turkeys-emergency-rule-expires-as-erdogans-powers-expand-idUSKBNIK824E>

<sup>9</sup> "2019 Country Reports on Human Rights Practices: Turkey," U.S. Department of State, March 11, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/turkey/>

### C. Allegations of enforced disappearance since 2016

In an earlier report, the Sweden-based Stockholm Center for Freedom (SCF) identified a certain pattern in which many of the cases occurred<sup>10</sup>. According to the report, the abductions concentrated in the capital city of Ankara and the victims were primarily alleged members of the Gülen movement. In many cases, gunmen identifying themselves as police officers forced victims into a van, often a black Volkswagen Transporter van with tinted windows. The incidents have come to be known in public as the ‘*black Transporter cases*,’ in apparent comparison with the ‘*white Taurus cases*,’ referring to the white Renault 12 automobiles that were associated with the disappearance of civilians in the predominantly Kurdish southeast during the 1990s.

The disappearances were also characterized by a consistent unwillingness on the part of the police and prosecutors to investigate the allegations despite complaints lodged by concerned family members, adding to the problem of impunity for human rights abuses in the post-coup Turkey.

Another recurrent theme was the mysterious resurfacing of some of the victims in police custody several months later, with accounts as to their previous whereabouts that the family members found suspicious. Few of them have come forward and confirmed being taken to secret detention facilities where they were interrogated under torture. Some have never turned up.

#### 1. Sunay Elmas

Sunay Elmas, a teacher, 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 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<sup>11</sup>. Elmas remains missing as of writing.



Sunay Elmas

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<sup>10</sup> “Enforced disappearances in Turkey,” Stockholm Center for Freedom, June 22, 2017, [https://stockholmcf.org/wp-content/uploads/2017/06/Enforced-Dissapearences-in-Turkey\\_22\\_June\\_2017.pdf](https://stockholmcf.org/wp-content/uploads/2017/06/Enforced-Dissapearences-in-Turkey_22_June_2017.pdf)

<sup>11</sup> “İlk siyah Transporter kurbanı Sunay Elmas’ın kaçırılışının 3üncü yılı,” Bold Medya, January 27, 2019, <https://boldmedya.com/2019/01/27/ilk-siyah-transporter-kurbani-sunay-elmasin-kacirilisinin-ucuncu-yili/>

## 2. Ayhan Oran

Ayhan Oran, a former member of Turkey's National Intelligence Organization (MİT) who was dismissed from the organization in August 2016 over alleged Gülen links, was reported missing in Ankara as of November 1, 2016. Security camera footage showed Oran leaving the residential compound where he lived at 12:38 with his car and reports indicated that his mobile phone continued to receive signal until 16:00 the same day. Oran left his home without bidding farewell to his wife or taking any money with him. A news outlet close to the PKK alleged that he had knowledge of the controversial January 2013 assassination of three Kurdish female activists in Paris<sup>12</sup>, which some believe was perpetrated by the MİT. Oran remains unaccounted for as of writing. His car has not been located either.

## 3. Mustafa Özgür Gültekin

Mustafa Özgür Gültekin, an employee of Turkey's Competition Authority, was reported missing in Ankara as of December 21, 2016. CCTV footage gathered by family members from the neighborhood showed his vehicle being followed by four others and him being forced into a black van while stopping by a convenience store for shopping. Family members said the police did not conduct any investigation despite available CCTV footage where the individuals involved were clearly identifiable. Gültekin resurfaced months later in police custody in Ankara<sup>13</sup>. In a letter he sent to lawyers as well as judges and prosecutors overseeing his case, Gültekin revealed that he was subjected to a brutal extrajudicial interrogation for 121 days and that he was later handed over to regular police on April 21, 2017<sup>14</sup>. He added that, during a 13-day police custody, he was made to sign a number of prepared statements which he had previously been forced to read to a camera while being secretly interrogated by the MİT. Gültekin said he signed everything they put in front of him out of fear to be subjected to torture again. He revealed that he took advantage of being released pending trial and fled the country.

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<sup>12</sup> "MİT'çi Ayhan Oran nerede? Öldürüldü mü?" ANF, January 11, 2018, <https://anfturkce.net/kadin/mit-ci-ayhan-oran-nerede-Oelduerueldue-mue-101343>

<sup>13</sup> "MİT'in siyah transporterları Karlov suikastından sonra devreye girdi," TR724, January 19, 2019, <https://www.tr724.com/mitin-siyah-transporterlari-karlov-suikastindan-sonra-devreye-girdi-karlov-suikasti-gercekleri-6/>

<sup>14</sup> "2016 Yılı Sonrası Kamu Görevlileri Tarafından Yasadışı Alıkonulma İddialarına İlişkin İnceleme ve Araştırma Raporu," Hak İnisyatifi, June 19, 2019, <https://hakinisiyatifi.org/wp-content/uploads/2019/06/Hakİnisiyatifi.2019AlıkonulmaİddialarıRaporu.pdf>

#### 4. Hüseyin Kötüce

Hüseyin Kötüce, an employee of Turkey's Information Technologies and Communications Authority (BTK), was reported missing in Ankara as of February 28, 2017. He was reportedly abducted somewhere near the Batıkent subway station as his car was found in the subway station parking lot. Kötüce's winter coat as well as a cake that he had bought was found in the vehicle. The police did not comply with family members' repeated requests to conduct a fingerprint search in the car and to gather CCTV footage from the area. In 2019, Kötüce resurfaced as a defendant in the trial related to the assassination of Andrei Karlov, the Russian ambassador to Turkey. During a hearing in March 2019, he denied involvement in the assassination and said that the self-incriminating statement he had previously given in police custody was a scenario that he was made to memorize under torture during his interrogation while he was abducted<sup>15</sup>. The trial has not been concluded and Kötüce remains imprisoned on remand as of writing.

#### 5. Mesut Geçer

Mesut Geçer, a former member of Turkey's National Intelligence Organization (MİT) who was dismissed from the organization in March 2017, was reported missing in Ankara as of March 18, 2017. According to his own account at court<sup>16</sup>, he was followed in traffic by a group of individuals who stopped him and identified themselves as the police. Geçer was then put in another vehicle with a bag thrown over his head. His court testimony involved details of the brutal interrogation he was subjected to for months until his health condition deteriorated in June 2017.

müşahede ettim, yaklaşık 5 ila 8 araç kadardı bunlar Fatih'te kızkardeşimin evine gittiğimde oradaydılar sonrasında akşam saat 16 sularında ben evden ayrıldım, evden ayrılırken bu plakaları kızkardeşime bıraktım takip edildiğimi takip edeninde tanıdığım insanlar kimseler olduklarını söyledim, kaçırılmak gibi bir şey hiç aklımda değildi, takip evet teşkilat takip edebilir devletin güvenlik güçleri takip edebilir bu her zaman olabilecek bir şey bunu anlarım ama kaçırılacağımı hiç düşünmemiştim, yaklaşık 4, 4 buçuk sularında evden ayrıldıktan sonra o muhite yakın şurada sokak cadde isimlerini hatırlayamıyorum cam büfenin karşısında polis kontrolü maskesi ile araçları durdurdular durdurdularında bende durdum yani her Türk vatandaşının uyması gerektiği gibi kanunlara uydum, camımı açtım araçtan inmeme istediler, bu arada arkada duran araçlara ise siz niye duruyorsunuz hani siz devam edin şeklinde istemedikleri bir ortam oluştuğunu düşünerek mukabelede bulundular az önce bahsettiğim 58 plakalı Gri Doblo araç yanaştı sağ kapısını kayar kapısını açtılar içeride maskeli, yüzü maskeli 2 kimse oturuyordu onun yanına geçmemi istediler bende geçtim yanlarına ellerimi demişti.

**Başkan Mehmet KARATAŞ:** "Ses hala kısık" demıştır.

**Sanık Mesut GEÇER'in SEGBİS sistemi ile kayıt altına alınan savunmasında:**  
Ellerimi arkadan kelep" demıştır.

**Başkan Mehmet KARATAŞ:** "Şesle ilgili bir sorunuz mu var?" demıştır.

*Part of the courtroom statement in December 2019 where Mesut Geçer revealed that he was abducted by state agents*

<sup>15</sup> "Karlov suikastının kritik ismi savunma yaptı," Sputnik Türkçe, March 25, 2019,

<https://tr.sputniknews.com/turkiye/201903251038406366-karlov-suikasti-huseyin-kotuce-savunma-yapti/>

<sup>16</sup> "FETÖ tutuklusundan çarpıcı ifadeler," Cumhuriyet, January 2, 2020, <https://www.cumhuriyet.com.tr/haber/feto-tutuklusundan-carpici-ifadeler-1712065>

Geçer said he was later briefly taken to Syria where he was held until he was brought back to Turkey and handed over to gendarmerie forces in the border province of Hatay in July 2017. He reported having permanent health problems due to torture. Geçer remains jailed in the Sincan prison in Ankara.

## 6. Turgut Çapan

Turgut Çapan, a former employee of the Gülen-affiliated Turgut Özal University which was shut down during the state of emergency, was reported missing in Ankara as of March 31, 2017. Çapan's disappearance was revealed to the public by his wife Ülkü Çapan who opened a Twitter account and released a video message on April 8 where she told that a friend of her husband dropped by her home to say that Çapan had been abducted<sup>17</sup>. Closely after the revelation Çapan's house was raided by the police and Ülkü Çapan was briefly detained and released. She later met



*Turgut Çapan*

with Ankara governor Ercan Topaca who she said tried to convince her that her husband might have fled by himself<sup>18</sup>. Ülkü Çapan also gathered CCTV footage from the area showing a black Transporter van approaching the place where her husband was last seen, although the footage did not capture the moment of abduction. Ülkü Çapan subsequently continued to raise the issue on social media until May 2017 after which the Twitter account she started became inactive. In June, pro-government Sabah daily claimed that Turgut Çapan had fled abroad, although it did not provide any details<sup>19</sup>. Human Rights Watch which had been in touch with Ülkü Çapan reported being unable to re-establish contact with her<sup>20</sup>

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<sup>17</sup> "Woman says husband abducted after losing job in post-coup crackdown," Turkish Minute, April 9, 2017, <https://www.turkishminute.com/2017/04/09/woman-says-husband-abducted-losing-job-post-coup-crackdown/>

<sup>18</sup> "15 Temmuzla Kararan Hayatlar," Deniz Zengin, December 2018, [https://books.google.be/books/about/15\\_Temmuzla\\_Kararan\\_Hayatlar.html?id=Ih6VDwAAQBAJ&redir\\_esc=y](https://books.google.be/books/about/15_Temmuzla_Kararan_Hayatlar.html?id=Ih6VDwAAQBAJ&redir_esc=y)

<sup>19</sup> "Kaçırıldı denilen FETÖ'cüler firarda," Sabah, June 9, 2017, <https://www.sabah.com.tr/gundem/2017/06/09/kacirildi-denilen-fetoculer-firarda>

<sup>20</sup> "In Custody: Police Torture and Abductions in Turkey," Human Rights Watch, October 12, 2017, <https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey#page>

### 7. Önder Asan

Önder Asan, a teacher who worked at a private school which was shut down during the state of emergency over Gülen links, was reported missing in Ankara as of April 1, 2017. His car was parked with its tires slashed. A witness saw men who said they were police officers abduct



*Önder Asan*

Asan, forcing him out of a cab and bundling him into a Transporter van<sup>21</sup>. The police and the prosecutors did not take significant action upon complaints filed by his wife Fatma Asan. The authorities did not even collect CCTV footage from the area. On May 12, Fatma Asan received a phone call from the Ankara police who notified her that her husband was in police custody. During his first meeting with his lawyer, Önder Asan said that he had taken a cab after he saw the condition of his car, that the cab was cut off by four vehicles and that gunmen emerging from those cars said they were with the police. Asan said he was later forced into a Volkswagen Transporter van and taken, blindfolded, to a location unknown to him where he underwent torture for 42 days. On May 12, he was taken somewhere near Lake Eymir to the south of Ankara city and forced to call the police and tell them that he wants to turn himself over. Asan also said he was forced to sign a testimony incriminating himself as a member of the Gülen movement. He reportedly had difficulty standing and walking when he was first brought to the police station where he met his lawyer, Burak Çolak. Çolak was briefly detained after refusing to sign a statement on behalf of his client that the police tried to compel him to sign.

### 8. Cengiz Usta

Cengiz Usta, a former public school teacher who was dismissed from his job by an emergency decree during the state of emergency over alleged Gülen links, was reported missing in İzmir's Torbalı district as of April 4, 2017. Family members said he left the house to make a routine apartment-related payment and did not come back. A local news website cited an eyewitness who claimed to have seen him being forced into a



*Cengiz Usta*

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<sup>21</sup> "Turkey: Investigate Ankara Abductions, Disappearances," Human Rights, Watch, August 3, 2017, <https://www.hrw.org/news/2017/08/03/turkey-investigate-ankara-abductions-disappearances>

vehicle<sup>22</sup>. Three months later, Usta called his family members to let them know that he was in the Afyon province and that he was returning home. News reports said he had left because he had psychological problems and he needed to be alone for a while<sup>23</sup>. On the other hand, Önder Asan (page 10) told his lawyer that he had overheard someone named Cengiz being held in the same secret detention facility where he was interrogated.

### 9. Mustafa Özben

Mustafa 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. Upon filing missing notice with the police department, his wife Emine Özben found out about an outstanding detention warrant against her husband. Two days later she received a brief phone call from Mustafa Özben who she said sounded worn out, hesitant and afraid<sup>24</sup>. After failing to convince the police that her husband might have been abducted, Emine Özben conducted her own investigation and found eyewitnesses from the area who saw a man being pushed into a van by three men, one of whom was wearing a black ski mask. The witness statements were not fully entered into police records and the investigation did not proceed. Özben remains unaccounted for as of writing.



*Mustafa Özben*

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<sup>22</sup> “Cengiz öğretmen 45 gündür kayıp,” Torbalı Güncel, May 19, 2017, <https://torbaliguncel.com/gundem/cengiz-ogretmen-45-gundur-kayip-h12270.html>

<sup>23</sup> “Kayıp öğretmen 87 gün sonra bulundu,” Torbalı Güncel, July 10, 2017, <https://torbaliguncel.com/gundem/kayip-ogretmen-80-gun-sonra-bulundu-h14801.html>

<sup>24</sup> “Ankara’da yakınları kaçırılanlar anlatıyor,” BBC Türkçe, June 29, 2017, <https://www.bbc.com/turkce/haberler-turkiye-40372013>

### 10. Fatih Kılıç

Fatih Kılıç, a former teacher who was removed from his job by an emergency decree over alleged Gülen links, was reported missing in Ankara as of May 14, 2017. His wife Nihal Kılıç told Human Rights Watch that Fatih Kılıç disappeared after seeing her and their children off at the Ankara bus terminal<sup>25</sup>. Human Rights Watch also reported CCTV footage revealing that he left the bus station by subway and got out at the Dikimevi station after which he was never seen again. No official investigation into the allegation has been reported.



*Fatih Kılıç*

### 11. Cemil Koçak

Cemil Koçak, a former public sector worker who was dismissed from the Ministry of Agriculture by an emergency decree over alleged Gülen links, was reported missing in Ankara as of June 15, 2017. Koçak's car was reportedly hit by another vehicle and he was hustled into a black Transporter van when he got out of his car. The incident took place at the presence of Koçak's 8-year-old son as well as eyewitnesses who reported seeing Koçak taken away in a dark-colored van and the allegations were supported by CCTV footage<sup>26</sup>. Human Rights Watch later learned that Koçak was released from a secret detention facility where he had been held for over three months by men who told him they worked for the state<sup>27</sup>.



*Cemil Koçak*

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<sup>25</sup> "Letter from Human Rights Watch to Minister Gül," Human Rights Watch, August 3, 2017, <https://www.hrw.org/news/2017/08/03/letter-human-rights-watch-minister-gul>

<sup>26</sup> "Letter from Human Rights Watch to Minister Gül," Human Rights Watch, August 3, 2017, <https://www.hrw.org/news/2017/08/03/letter-human-rights-watch-minister-gul>

<sup>27</sup> "In Custody: Police Torture and Abductions in Turkey," Human Rights Watch, October 12, 2017, <https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey#page>

## 12. Murat Okumuş

Murat Okumuş, an accountant who used to work for the Gülen-affiliated Şifa Hospital which was shut down during the state of emergency, was reported missing in İzmir as of June 16, 2017. His family told Human Rights Watch that gunmen identifying themselves as the police forced Okumuş into a vehicle in a central street in İzmir. One bystander called the police to report the incident. Family members who got hold of CCTV footage and filed criminal complaints with a prosecutor later discovered that the prosecutor was removed from the case and a secrecy order was imposed on the investigation. Okumuş remains missing as of writing.



*Murat Okumuş*

## 13. Hıdır Çelik

Hıdır Çelik, a farmer, was reported missing in Diyarbakır as of November 16, 2017. News reports indicated that he disappeared after he was caught in the midst of clashes between the armed forces and the PKK in Diyarbakır's Hazro district<sup>28</sup>. Reports said that the Kurdish farmer happened to be at the scene to purchase livestock and that he was wounded during the incident. A press release published by the Diyarbakır governor's office stated that a certain PKK co-conspirator was captured alive during the combat, without giving names<sup>29</sup>. Turkish NGO Hak İnişiyatifi claimed that by 'co-conspirator' the governor's office was referring to Çelik<sup>30</sup>. His disappearance is reminiscent of the enforced disappearance of civilians 1990s in the predominantly Kurdish region. As of writing, Solidarity with OTHERS has no information as to Çelik's whereabouts.



*Hıdır Çelik*

<sup>28</sup> "İki kayıp/kaçırılma olayı daha," Grihat, December 14, 2017, <https://grihat.com/iki-kayipkaçırılma-olayi-daha/>

<sup>29</sup> "Etkisiz hale getirilen BTÖ mensupları ve ele geçirilen mühimmatlar," Diyarbakır Valiliği, November 17, 2017, <http://diyarbakir.gov.tr/17112017-basin-duyurusu-etkisiz-hale-getirilen-bto-mensuplari-ve-ele-gecirilen-muhimmatlar>

<sup>30</sup> "2016 Yılı Sonrası Kamu Görevlileri Tarafından Yasadışı Alıkonulma İddialarına İlişkin İnceleme ve Araştırma Raporu," Hak İnişiyatifi, June 19, 2019, <https://hakinişiyatifi.org/wp-content/uploads/2019/06/Hakİnişiyatifi.2019AlıkonulmaİddialarıRaporu.pdf>

#### 14. Ümit Horzum

Ümit Horzum, a former employee at Turkey's Banking Regulation and Supervision Agency (BDDK) who was dismissed from public service by an emergency decree over alleged Gülen links, was reported missing in Ankara as of December 6, 2017. He was reportedly abducted near the Acity shopping mall in Ankara after his vehicle was cut off by a black Transporter van. Horzum was forced into the van and his car was not located after the incident<sup>31</sup>. The next day, his wife Aynur Horzum was approached by someone unknown to her who informed her of the incident and left before she could ask a question. Prosecutors did not take full note of Aynur Horzum's complaints and simply checked whether he was in police custody. Horzum resurfaced in police custody 132 days later. When he reappeared, he had rib fractures and burst eardrums. Horzum spoke out about his disappearance during a recent court hearing where denied his earlier statements incriminating more than 100 people, and revealed that during his disappearance he was subjected to torture and coerced to sign documents about people he did not even recognize, before he was handed over to regular police on April 16, 2018<sup>32</sup>.



Ümit Horzum

CMK'nın 45. maddesinde belirtilen yakınlarını ceza kovuşturmasına uğratabilecek nitelikte sorulara cevap vermekten çekinebileceği hatırlatıldı.5271 sayılı CMK'nın 53, 54 ve 55. maddeleri gereğince Usulen yemini yaptırıldı. Sanığın kimliği tanığa açıklandı. İddianame ve ekleri okunarakolay açıklanarak tanıktan olayla ilgili bilgi ve görgüsü soruldu.

**TANIK BEYANINDA:** Ben huzurda bulunan sanığı tanımam, 06/12/2017-16/04/2018 tarihleri arasında arabamla seyir halindeyken Etlik'te bir araç önümü kesti, araçtan inen birkaç kişi beni arabaya bindirip götürdüler, kafama çuval geçirip götürdüler, 16/04/2018 tarihinde bu şahıslar tarafından Ankara Emniyet Müdürlüğündeki personele teslim edildim, daha öncesinde işkence görmüştüm, Emniyette de psikolojik işkence bana yapıldığı için söylemediğim şeyler söylenmiş gibi yazıldı ve teşhis etmediğim halde teşhis tutanağı bana imzalatıldı, ayrıca Emniyete beni getirmeden önce kaçırıldığım kişiler tarafından ne ifade vermem hususunda bana tehdit ile yönlendirme yapıldı, ayrıca şunu söylemek isterim, bu ifade benimle birlikte hazır bir şekilde emniyete teslim edildi, ifadeyi verirken ve teşhis tutanağını imzalarken avukat yanımdaydı, Ankara 25. Ağır Ceza Mahkemesinde halen yargılamam devam etmektedir, tanıklık ücreti talep etmiyorum, dedi.

Tanığın daha önce vermiş olduğu ifade tutanağı okundu. Doğrudur bana aittir dedi.  
Benzer mahiyette olduğu görüldü.

**Sanıktan tanık beyanına karşı diyecekleri soruldu:** Tanık anlatımına bir diyeceğim yoktur, dedi.

**Sanık müdafiden tanık beyanına karşı diyecekleri soruldu:** Size zorla imzaladığınızı iddia ettiğiniz tutanakta kaç kişinin ismi söyletildi, ya da teşhis ettirildi, şeklindeki sorusuna cevaben;

**Sanık müdafinin talebi üzerine tanıktan soruldu:** Sayısını tam olarak bilmiyorum ama 100 kişi olabilir, dedi.

*Part of the courtroom statement in early 2020 where Ümit Horzum revealed that he was abducted by state agents*

<sup>31</sup> "The Case of Ümit Horzum, Most Recent Victim In A String Of Abductions In Post-Coup Turkey," Leighann Spencer, Vocal Europe, January 11, 2018, <https://www.vocaleurope.eu/the-case-of-umit-horzum-most-recent-victim-in-a-string-of-abductions-in-post-coup-turkey/>

<sup>32</sup> "Ümit Horzum mahkemede konuştu: Kaçırıldım, işkence gördüm," Bold Medya, February 21, 2020, <https://boldmedya.com/2020/02/21/umit-horzum-mahkemede-konustu-kacirildim-iskence-gordum/>

### 15. Orçun Şenyücel

Orçun Şenyücel, a former public sector worker who used to be employed as an expert at Turkey's Competition Authority until he was dismissed by an emergency decree over alleged Gülen links, was reported missing in Ankara as of April 20, 2018. He left his house in the evening of April 20 to buy milk for his kids and he did not return home. His phone became unreachable soon afterwards. Family members got hold of a convenience store CCTV footage where Şenyücel was seen abducted by gunmen



*Orçun Şenyücel*

coming out of a black Transporter van and a white Toyota vehicle. Family members complained on social media about lack of effective investigation despite CCTV footage clearly showing the license plates of the vehicles involved in the abduction. Hak İnisyatifi cited unconfirmed claims that he was released three months after his disappearance and that he was subjected to torture while he was missing<sup>33</sup>. While his name did appear as a witness in Mesut Geçer's trial, as of writing, Solidarity with OTHERS has no information about Şenyücel's whereabouts.

### 16. Hasan Kala

Hasan Kala, an academic who was dismissed from the state-run Çankırı Karatekin University by an emergency decree over alleged Gülen links, was reported missing in Ankara as of July 20, 2018. He reportedly disappeared around midnight<sup>34</sup> and was forcibly taken into a black Transporter van. Family members' complaints went unanswered by authorities. As of writing, Kala remains unaccounted for.



*Hasan Kala*

<sup>33</sup> "2016 Yılı Sonrası Kamu Görevlileri Tarafından Yasadışı Alıkonulma İddialarına İlişkin İnceleme ve Araştırma Raporu," Hak İnisyatifi, June 19, 2019, <https://hakinisiyatifi.org/wp-content/uploads/2019/06/Hakİnisiyatifi.2019AlıkonulmaİddialarıRaporu.pdf>

<sup>34</sup> "Siyah transporterlar Ankara'da yine devrede: KHK ile ihraç edilen akademisyen kaçırıldı," TR724, July 22, 2018, <http://www.tr724.com/siyah-transporterlar-ankarada-yine-devrede-khk-ile-ihrac-edilen-akademisyen-kacirildi/>

### 17. Fahri Mert

Fahri Mert was reported missing in İzmir as of August 12, 2018. Reports said he was abducted from his home by individuals who introduced themselves as police officers and said they would take him to the police department upon a detention warrant<sup>35</sup>. Family members have been unable to obtain information from authorities as to Mert's whereabouts. As of writing, Mert remains missing.



*Fahri Mert*

### 18. Ahmet Ertürk

Ahmet Ertürk, a teacher who used to work at a private school which was shut down over alleged Gülen links, was reported missing in Ankara as of November 16, 2018. His wife announced on Twitter that her husband disappeared at the same time that police raided his parents' house in Ankara<sup>36</sup>. On January 8, 2019, his wife tweeted that Ertürk was found and that he had been in police custody for four days. No further revelation was made by Ertürk, his lawyer or his family members as to the 53 days during which he was missing.



*Ahmet Ertürk*

### 19. Gökhan Türkmen

Gökhan Türkmen, a former public sector worker who was previously dismissed from the Ministry of Agriculture over alleged Gülen links, was reported missing in Antalya as of February 7, 2019. Türkmen, who had already been evading an outstanding arrest warrant for 2.5 years at the time, reportedly told his family members 10 days prior to his disappearance to file criminal complaints in case they do not hear from him for a week<sup>37</sup>. Upon visiting the Antalya police after failing to receive news from him, his family was informed by the police that his vehicle had been seen in the capital city of Ankara, that his



*Gökhan Türkmen*

<sup>35</sup> "No news received from Fahri Mert since he was abducted in Turkey's İzmir 2 weeks ago," Stockholm Center for Freedom, August 26, 2018, <https://stockholmcf.org/no-news-received-from-fahri-mert-since-he-was-abducted-in-turkeys-izmir-2-weeks-ago/>

<sup>36</sup> "Purged teacher from shut-down Gülen movement school disappears," Turkish Minute, November 30, 2018, <https://www.turkishminute.com/2018/11/30/purged-teacher-from-shut-down-gulen-movement-school-disappears/>

<sup>37</sup> "Salim Zeybek ve Gökhan Türkmen MİT tarafından kaçırıldı," Bold Medya, February 26, 2019, <https://boldmedya.com/2019/02/26/salim-zeybek-ve-gokhan-turkmen-mit-tarafindan-kacirildi/>

credit card had been used for some spending, and that two mobile phone lines had been opened on his name. Family members said, however, that Türkmen's car had been parked in their garage in Antalya for more than two years and that the vehicle could not have possibly been seen in Ankara. They also said that Türkmen's credit card was left at home. Criminal complaints filed against whoever opened the two phone lines yielded no result. Family members claimed that the phone lines and the false information about the location of Türkmen's vehicle might be part of a scheme to frame him for a crime. After nine months of disappearance, Türkmen resurfaced in police custody on November 6, 2019. His wife Zehra Türkmen was notified by the Antalya police about his detention. Gökhan Türkmen was later brought to Ankara where he was arrested and sent to Sincan prison. Upon meeting her husband, Zehra Türkmen noted an extreme weight loss and pale skin<sup>38</sup>. Gökhan Türkmen also urged his wife to stop using Twitter to ask questions and raise awareness about his disappearance<sup>39</sup>. During his first hearing at an Ankara high criminal court for alleged membership in the Gülen movement on February 7, 2020, Türkmen dismissed his lawyer Ayşegül Güney, which he claimed was 'arranged' by the MİT, asking her to leave the courtroom<sup>40</sup>. Türkmen then revealed to the court that he was abducted in Antalya by three unidentified individuals who introduced themselves as police officers, that he was transported blindfolded to an unknown location where he was interrogated under torture for 271 days. He said he would provide the details of the torture during the next hearings. Türkmen said that, at the end of the brutal interrogation, he was made to sign some 50-page-long testimony incriminating himself, his wife, his mother and other family members. Afterwards, he was handed over to Antalya police. He also revealed that he had received threats from the MİT while in Sincan prison, with intelligence operatives visiting him behind bars and asking him to tell his family members to withdraw applications that they had lodged with the European Court of Human Rights and the United Nations while he was missing. Türkmen said he would make his main court statement after hiring his own lawyer. The Ankara court decided to file a criminal complaint with Ankara Chief Prosecutor's office with regard to Türkmen's allegations.

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<sup>38</sup> "Turkey: Further Information: Two Missing Men "Found" in Police Detention: Gökhan Türkmen and Mustafa Yılmaz," Amnesty International, November 22, 2019, <https://www.amnesty.org/en/documents/eur44/1455/2019/en/>

<sup>39</sup> "Mysterious reappearance of Turkey's missing," France24, November 28, 2019, <https://www.france24.com/en/20191128-mysterious-reappearance-of-turkey-s-missing>

<sup>40</sup> "Kaçırılan Türkmen yaşadıklarını mahkemede açıkladı: 271 gün işkence gördüm," Artı Gerçek, February 13, 2020, <https://artigercek.com/haberler/kacirilan-turkmen-yasadiklarini-mahkemede-acikladi-271-gun-iskence-gordum>

## 20-21. Yasin Ugan and Özgür Kaya

Yasin Ugan, a financial adviser, and Özgür Kaya, a teacher who was previously sacked from his job at a private educational institution over alleged Gülen links, were reported missing in Ankara as of February 13, 2019. Family members who revealed the pair's disappearance said they were forced into a vehicle by gunmen identifying as police officers in broad daylight in the presence of onlookers from the neighborhood. Eyewitness accounts noted the men being taken away in a white van<sup>41</sup>. Family members who reported the incident to the Ankara police were told there was no information about their whereabouts. Reports also said the landlord of the house where they lived away from their families due to an outstanding detention warrant for alleged Gülen links, was questioned by the police two hours after the men were taken away<sup>42</sup>. The landlord was shown Ugan and Kaya's pictures during the questioning, suggesting a formal detention procedure. Family members' applications with the Ankara police produced no result. The two men turned up in police custody, along with Erkan Irmak and Salim Zeybek who also had disappeared in February 2019, in Ankara on July 28, 2019<sup>43</sup>. Their reappearance was announced the next day on Twitter accounts that their family members had launched to campaign about their disappearance. The families said the men were very pale, had lost a lot of weight, and were unwilling to answer any questions about what had happened to them over the months they were missing<sup>44</sup>. They also told their wives, in the presence of police officers standing by, that they did not want to see a lawyer and that the wives should stop campaigning or lodging complaints about their cases and even withdraw existing complaints to international bodies and organizations<sup>45</sup>.



*Yasin Ugan*



*Özgür Kaya*

<sup>41</sup> "Two Ankara men missing after reportedly being abducted by police," Ahval News, February 16, 2019, <https://ahvalnews.com/abduction/two-ankara-men-missing-after-reportedly-being-abducted-police>

<sup>42</sup> "Yasin Ugan ve Özgür Kaya için polis tutanak tutmuş, dosya numarası vermiş: 2017/69394," February 21, 2019, <https://boldmedya.com/2019/02/21/yasin-ugan-ve-ozgur-kaya-icin-polis-tutanak-tutmus-dosya-numarasi-vermis-2017-69394/>

<sup>43</sup> "Kayıp 6 KHK'liden 42'ü bulundu," Evrensel, July 29, 2019, <https://www.evrensel.net/haber/383847/kayip-6-khkliden-4u-bulundu>

<sup>44</sup> "Turkey: Concerns for Disappeared Men Now in Police Custody," Human Rights Watch, August 6, 2019, <https://www.hrw.org/news/2019/08/06/turkey-concerns-disappeared-men-now-police-custody>

<sup>45</sup> "Turkey: Concerns for Disappeared Men Now in Police Custody," Human Rights Watch, August 6, 2019, <https://www.hrw.org/news/2019/08/06/turkey-concerns-disappeared-men-now-police-custody>

After a 12-day detention, they appeared before an Ankara criminal court which ruled to arrest them for alleged Gülen links.

## 22. Erkan Irmak

Erkan Irmak, a teacher, was reported missing in İstanbul as of February 16, 2019. Already wanted by authorities under a detention warrant for alleged ties to the Gülen movement for about 2.5 years, he was abducted by two men while returning from a rare visit to family members. Irmak's abduction was seen by his wife Nilüfer Irmak who was watching him leaving from the window. When she requested street surveillance footage from authorities, she was told CCTV cameras were in maintenance<sup>46</sup>. A lawyer who spoke with the prosecutor in charge of the criminal prosecution over Irmak's alleged Gülen links reportedly told the lawyer that Irmak's file was 'a heavy one.'<sup>47</sup> Irmak resurfaced in police custody in Ankara on July 28, 2019, along with three other men who disappeared in February 2019: Yasin Ugan, Özgür Kaya and Salim Zeybek<sup>48</sup>. Their reappearance was announced on Twitter accounts that their family members had launched after their disappearance. The families said the men were very pale, had lost a lot of weight, and were unwilling to answer any questions about what had happened to them over the months they were missing<sup>49</sup>. They also told their wives, in the presence of police officers standing by, that they did not want to see a lawyer and that the wives should stop campaigning or lodging complaints about their cases and even withdraw existing complaints to international bodies and organizations<sup>50</sup>. After a 12-day detention, they appeared before an Ankara criminal court which ruled to arrest them for alleged Gülen links.



Erkan Irmak

<sup>46</sup> "2016 Yılı Sonrası Kamu Görevlileri Tarafından Yasadışı Alıkonulma İddialarına İlişkin İnceleme ve Araştırma Raporu," Hak İnisyatifi, June 19, 2019, <https://hakinisiyatifi.org/wp-content/uploads/2019/06/Hakİnisiyatifi.2019AlıkonulmaİddialarıRaporu.pdf>

<sup>47</sup> *ibid.*

<sup>48</sup> "6 ay boyunca haber alınmayan 4 KHK'lı tutuklandı," Independent Türkçe, August 10, 2019, <https://www.indyturk.com/node/60621/haber/6-ay-boyunca-haber-alinmayan-4-khkl-tutuklandi>

<sup>49</sup> "Turkey: Concerns for Disappeared Men Now in Police Custody," Human Rights Watch, August 6, 2019, <https://www.hrw.org/news/2019/08/06/turkey-concerns-disappeared-men-now-police-custody>

<sup>50</sup> *ibid.*

### 23. Mustafa Yılmaz

Mustafa Yılmaz, a physical therapist who was previously removed from public service over alleged Gülen links, was reported missing in Ankara as of February 19, 2019. Yılmaz disappeared after leaving his home early in the morning to start his new job at a hospital<sup>51</sup>. His wife, Sümeyye Yılmaz, was notified by someone who called from the workplace around 11 o'clock to tell her that her husband had not showed up, asking if there was something wrong. Sümeyye Yılmaz then filed complaints with the police. She discovered police records that Mustafa Yılmaz's mobile phone received signals from the same wireless tower in Ankara's Etimesgut district for about 15 minutes every day, despite the fact that the phone appeared to be turned off when called up. Sümeyye Yılmaz also got hold of CCTV footage on the route to work, pointing at a possible abduction involving a black Transporter van. Despite the inconsistency of mobile phone signals and the suspicious footage, the prosecutors decided to drop the complaint, citing lack of grounds for further action<sup>52</sup>. Sümeyye Yılmaz also said that officials repeatedly tried to convince her that her husband had left her, in an attempt to make her stop pursuing the case. She further explained Mustafa Yılmaz had left his home with only TL 150 (\$22)<sup>53</sup>. Another unusual detail about Mustafa Yılmaz's background was that he was previously detained and arrested for some 100 days for suspected Gülen links, sentenced in January 2019 to six years, three months in prison for "membership in a terrorist organization," and ultimately released pending appeal. On October 21, 2019, Sümeyye Yılmaz received a phone call from the police who told her that her husband had turned himself in, despite the fact that he was already free pending appeal. She said that Mustafa Yılmaz had lost weight and that he looked anemic. He told her that he had been hiding, without giving any further details<sup>54</sup>. Sümeyye Yılmaz was also told that her husband did not want a lawyer<sup>55</sup>.



Mustafa Yılmaz

<sup>51</sup> "Kaçırılan 6 kişiyle ilgili yeni gelişme: Aynı dosyada toplanıyorlar," Bold Medya, April 3, 2019, <https://boldmedya.com/2019/04/03/kacirilan-6-kisiyle-ilgili-yeni-gelisime-ayni-dosyada-toplaniyorlar/>

<sup>52</sup> *ibid.*

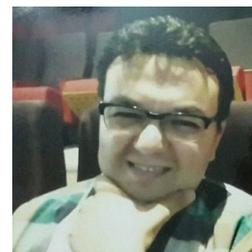
<sup>53</sup> "2016 Yılı Sonrası Kamu Görevlileri Tarafından Yasadışı Alıkonulma İddialarına İlişkin İnceleme ve Araştırma Raporu," Hak İnişiyatifi, June 19, 2019, <https://hakinisiyatifi.org/wp-content/uploads/2019/06/Hakİnişiyatifi.2019AlıkonulmaİddialarıRaporu.pdf>

<sup>54</sup> "Mysterious reappearance of Turkey's missing," France24, November 28, 2019, <https://www.france24.com/en/20191128-mysterious-reappearance-of-turkey-s-missing>

<sup>55</sup> "9 aydır kayıp olan Mustafa Yılmaz TEM'de bulundu," Evrensel, November 22, 2019, <https://www.evrensel.net/haber/389320/9-aydir-kayip-olan-mustafa-yilmaz-temde-bulundu>

## 24. Salim Zeybek

Salim Zeybek, a former public sector worker previously removed from his post at Turkey's Information Technologies and Communications Authority (BTK) by an emergency decree over alleged Gülen links, was reported missing in Edirne as of February 21, 2019. Zeybek was traveling towards the western border city of Edirne with his wife and their kids, aged 6 and 8, when they became suspicious that a vehicle had been following them for quite some time<sup>56</sup>. Trying to dodge the vehicle, Salim Zeybek



*Salim Zeybek*

reportedly lost control, bumped into several cars and ultimately pulled over. Gunmen who came out of the vehicle and identified themselves as 'the state,' took the family hostage at gunpoint, split Salim Zeybek from the rest of the family and took him away while three armed men later dropped his wife Fatma Betül Zeybek and the kids somewhere near their residence in Ankara. On the way, they urged her not to inform the police about the incident<sup>57</sup>. Nevertheless, she filed a complaint a few days later with prosecutors. Salim Zeybek resurfaced in police custody in Ankara on July 28, 2019, along with three other men who had disappeared in February 2019: Yasin Ugan, Özgür Kaya and Erkan Irmak<sup>58</sup>. Their reappearance was announced on Twitter accounts that their family members had launched in order to publicly campaign about their disappearance. The families said the men looked anemic, had lost a lot of weight, and they refused to answer any questions about what had happened to them over the months they were missing<sup>59</sup>. They also told their wives, in the presence of police officers standing by, that they did not want to see a lawyer, urging them to stop campaigning or lodging complaints about their cases and even to withdrawing existing complaints to international bodies and organizations<sup>60</sup>. After a 12-day detention, they appeared before an Ankara criminal court which ruled to arrest them for alleged Gülen links.

<sup>56</sup> "Abductions on the rise in Turkey as the latest, horrific one see a father brutally kidnapped in front of his kids," Ipa News, March 4, 2019, <https://ipa.news/2019/03/04/abductions-on-the-rise-in-turkey-as-the-latest-horrific-one-see-a-father-brutally-kidnapped-in-front-of-his-kids/>

<sup>57</sup> "Turkish police raid house of abducted civil servant," Stockholm Center for Freedom, March 27, 2019, <https://stockholmcf.org/turkish-police-raid-house-of-abducted-civil-servant/>

<sup>58</sup> "6 ay boyunca haber alınamayan 4 KHK'lı tutuklandı," Independent Türkçe, August 10, 2019, <https://www.indyurk.com/node/60621/haber/6-ay-boyunca-haber-alinamayan-4-khkl-tutuklandi>

<sup>59</sup> "Turkey: Concerns for Disappeared Men Now in Police Custody," Human Rights Watch, August 6, 2019, <https://www.hrw.org/news/2019/08/06/turkey-concerns-disappeared-men-now-police-custody>

<sup>60</sup> *ibid.*

## 25. Yusuf Bilge Tunç

Yusuf Bilge Tunç, a former public sector worker who was previously removed from his post at Turkey'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<sup>61</sup>, reportedly disappeared without a trace, with only his car being found in the GİMAT shopping mall in Ankara<sup>62</sup>. His wife Nuray Tunç's complaints went ignored by the police. The prosecutors declined to look for evidence in the car, despite all requests<sup>63</sup>. While the authorities' reluctance to investigate has convinced family members that Tunç is at the hands of state officials, the fact that his disappearance has lasted for nearly 10 months has left them worried about his life. As of writing, Yusuf Bilge Tunç remains unaccounted for.



Yusuf Bilge Tunç

## D. Parliamentary questions

In addition to complaints filed to the police and prosecutors by families, enforced disappearance allegations have been repeatedly brought up at Turkey's parliament by opposition deputies who tabled parliamentary written questions (*soru önergesi*) to be responded by cabinet members. These were all left unanswered as of writing, suggesting a systematic avoidance by government officials to even acknowledge the allegations.

### 1. Parliamentary questions tabled during the 27th legislative term

In March 2019, Kocaeli deputy Ömer Faruk Gergerlioğlu tabled a parliamentary question for Vice President Fuat Oktay regarding the disappearance of Mustafa Yılmaz<sup>64</sup>. As of writing, Oktay's office had not responded to it.

<sup>61</sup> "Yusuf Bilge Tunç 195 Gündür Kayıp!" Hak İnisiyatifi, February 18, 2020, <https://hakinisiyatifi.org/yusuf-bilge-tunc-195-gundur-kayip.html>

<sup>62</sup> "Where is Yusuf Bilge Tunç?" Stockholm Center for Freedom, April 11, 2020, <https://stockholmcf.org/where-is-yusuf-bilge-tunc/>

<sup>63</sup> "10 aydır kayıp KHK'lı Yusuf Bilge Tunç'un ailesi: Artık hayatından endişe ediyoruz," Aktif Haber, May 8, 2020, <http://aktifhaber.com/gundem/10-aydir-kayip-khkli-yusuf-bilge-tuncun-ailesi-artik-hayatindan-endise-ediyoruz-h145106.html>

<sup>64</sup> 27. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/10654, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=247027](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_sd.onerge_bilgileri?kanunlar_sira_no=247027)

In March 2019, Kocaeli deputy Ömer Faruk Gergerlioğlu tabled a parliamentary question for Vice President Fuat Oktay regarding the disappearance of Salim Zeybek<sup>65</sup>. As of writing, Oktay's office had not responded to it.

In March 2019, Kocaeli deputy Ömer Faruk Gergerlioğlu tabled a parliamentary question for Vice President Fuat Oktay regarding the disappearance of Gökhan Türkmen<sup>66</sup>.. As of writing, Oktay's office had not responded to it.

In March 2019, Kocaeli deputy Ömer Faruk Gergerlioğlu tabled a parliamentary question for Vice President Fuat Oktay regarding the disappearance of Erkan Irmak<sup>67</sup>. As of writing, Oktay's office has not responded to it.

In February 2019, Kocaeli deputy Ömer Faruk Gergerlioğlu tabled a parliamentary question for Vice President Fuat Oktay regarding the disappearance of Yasin Ugan and Özgür Kaya<sup>68</sup>. As of writing, Oktay's office had not responded to it.

## **2. Parliamentary questions tabled during previous legislative terms**

In December 2017, İstanbul deputy Sezgin Tanrikulu tabled a parliamentary question for then-Prime Minister Binali Yıldırım regarding the disappearance of Ümit Horzum<sup>69</sup>. Yıldırım's office did not respond to it.

In May 2017, İstanbul deputy Filiz Kerestecioğlu tabled a parliamentary question for then-Prime Minister Binali Yıldırım regarding the disappearance of Sunay Elmas, Ayhan Oran, Mustafa Özgür

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<sup>65</sup> 27. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/10244, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=246528](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_sd.onerge_bilgileri?kanunlar_sira_no=246528)

<sup>66</sup> 27. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/10106, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=246293](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_sd.onerge_bilgileri?kanunlar_sira_no=246293)

<sup>67</sup> 27. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/10105, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=246292](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_sd.onerge_bilgileri?kanunlar_sira_no=246292)

<sup>68</sup> 27. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/9503, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=245633](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_sd.onerge_bilgileri?kanunlar_sira_no=245633)

<sup>69</sup> 26. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/22964, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_gd.onerge\\_bilgileri?kanunlar\\_sira\\_no=223777](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_gd.onerge_bilgileri?kanunlar_sira_no=223777)

Gültekin, Hüseyin Kötüce, Turgut Çapan, Mesut Geçer, Önder Asan, Cengiz Usta, Mustafa Özben and Fatih Kılıç<sup>70</sup>. Yıldırım's office did not respond to it.

In May 2017, Ankara deputy Şenal Sarihan tabled a parliamentary question for then-Prime Minister Binali Yıldırım regarding the disappearance of Sunay Elmas, Ayhan Oran, Mustafa Özgür Gültekin, Hüseyin Kötüce, Turgut Çapan, Mesut Geçer, Önder Asan, Cengiz Usta, Mustafa Özben and Fatih Kılıç<sup>71</sup>. Yıldırım's office did not respond to it.

In April 2017, İstanbul deputy Sezgin Tanrıku tabled a parliamentary question for then-Prime Minister Binali Yıldırım regarding the disappearance of Sunay Elmas, Mustafa Özgür Gültekin, Hüseyin Kötüce, Turgut Çapan, Mesut Geçer, Önder Asan and Ayhan Oran<sup>72</sup>. Tanrıku reiterated his question in July 2017<sup>73</sup>. Yıldırım's office did not respond on both occasions.

## **E. Extrajudicial detainment of persons brought from abroad**

Turkey's post-coup crackdown on the Gülen movement was not limited to suspected members inside the country. It also involved bringing back alleged Gülen followers from abroad, mostly from countries where Turkey enjoys considerable political and economic influence, through a wide range of means from official extradition to extrajudicial operations led by intelligence operatives. In July 2018, Minister of Foreign Affairs Mevlüt Çavuşoğlu confirmed such returns of over 100 alleged Gülenists up until then<sup>74</sup>.

This practice is not in the scope of this report which focuses on enforced disappearances inside Turkey. However, not all those brought back underwent formal detention and arrest procedures. It

<sup>70</sup> 26. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/14304, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_gd.onerge\\_bilgileri?kanunlar\\_sira\\_no=212656](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_gd.onerge_bilgileri?kanunlar_sira_no=212656)

<sup>71</sup> 26. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/13990, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_gd.onerge\\_bilgileri?kanunlar\\_sira\\_no=212247](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_gd.onerge_bilgileri?kanunlar_sira_no=212247)

<sup>72</sup> 26. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/13495, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_gd.onerge\\_bilgileri?kanunlar\\_sira\\_no=211477](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_gd.onerge_bilgileri?kanunlar_sira_no=211477)

<sup>73</sup> 26. Yasama Dönemi Yazılı Soru Önergesi Esas No. 7/15204, [https://www.tbmm.gov.tr/develop/owa/yazili\\_sozlu\\_soru\\_gd.onerge\\_bilgileri?kanunlar\\_sira\\_no=213965](https://www.tbmm.gov.tr/develop/owa/yazili_sozlu_soru_gd.onerge_bilgileri?kanunlar_sira_no=213965)

<sup>74</sup> "Dışişleri Bakanı Mevlüt Çavuşoğlu: 100'ün üzerinde önde gelen FETÖ'cüyü Türkiye'ye getirdik," Anadolu Ajansı, July 15, 2017, <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/disisleri-bakani-mevlut-cavusoglu-100un-uzerinde-onde-gelen-fetocuyu-turkiyeye-getirdik/1205170>

is worth mentioning two cases where individuals have revealed that were subjected to unofficial detainment after their return to Turkey.

### 1. Ayten Öztürk

Ayten Öztürk, who the Turkish authorities suspect of having links to the outlawed Revolutionary People's Liberation Party/Front (DHKP-C), was detained in an airport in Lebanon and later handed over to Turkish authorities in March 2018<sup>75</sup>. It took more than a year before she appeared before a judge for her terrorism-related trial. During the hearing Öztürk said that official records show her detention date as August 28, 2018 whereas she was taken to a secret detention site on March 13, 2018 upon her return to the country. She gave details of the heavy torture she was subjected to over the months she was being interrogated there. Öztürk is the only woman known to have been abducted during the state of emergency. In her court statement she also confirmed having overheard sounds of other people being tortured at the center. Öztürk said she received treatment for months because of the physical damage she incurred during the brutal interrogation.



*Ayten Öztürk*

### 2. Zabit Kişi

Zabit Kişi is a Turkish national who the Turkish authorities brought to Turkey from Kazakhstan in September 2017. However, it took until February 2018 for him to be formally arrested over his alleged Gülen links<sup>76</sup>. 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 Turkey by a Turkish Airlines flight on September 30, 2017, in the company of



*Zabit Kişi*

<sup>75</sup> "Ayten Öztürk who survived The Secret Torture Center in Ankara: 'I was tortured for 6 months,'" Bold Medya, June 21, 2019, <https://boldmedya.com/en/2019/06/21/ayten-ozturk-who-survived-the-secret-torture-center-in-ankara-i-was-tortured-for-6-months/>

<sup>76</sup> "Zabit Kişi, Turkish citizen abducted in Kazakhstan, jailed in Turkey after more than 5 months over alleged links to Gülen movement," Stockholm Center for Freedom, February 5, 2018, <https://stockholmcf.org/zabit-kisi-turkish-citizen-abducted-in-kazakhstan-jailed-in-turkey-over-5-months-later-on-alleged-links-to-gulen-movement/>

intelligence officers from the MİT<sup>77</sup>. In July 2018, Zabit kişi wrote a letter from prison, addressed to the Kocaeli 5<sup>th</sup> 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<sup>78</sup>. When Kocaeli deputy Ömer Faruk Gergerlioğlu brought up the issue in the parliament, his parliamentary enquiring involving Kişi's letter to the court was rejected by speaker Mustafa Şentop on the grounds that the details of the account related to the brutal interrogation techniques were found 'too vulgar and insulting.'<sup>79</sup>

## F. Notable Patterns

We do not have equal insight into each case. Even so, it is possible to identify several patterns in the disappearances, as has already been done by several observers. For instance, Turkish rights group Hak İnisyatifi has analyzed the six cases that occurred in February 2019, noting the following points that they shared in common<sup>80</sup>:

- All the reportedly abducted persons have been under investigation for alleged membership in the Gülenist network.
- Five of the individuals (Gökhan Türkmen, Yasin Ugan, Özgür Kaya, Erkan Irmak, Salim Zeybek) had been evading an outstanding detention warrant resulting from investigations over their alleged Gülen links while one, Mustafa Yılmaz, had already been handed down a prison sentence and released pending appeal.
- Four of the individuals (Yasin Ugan, Özgür Kaya, Mustafa Yılmaz and Salim Zeybek) were previously based in the capital city of Ankara.
- Four of the individuals (Yasin Ugan, Özgür Kaya, Mustafa Yılmaz and Salim Zeybek) were abducted en route on a vehicle.

<sup>77</sup> "Enver Kılıç ve Zabit Kişi'nin de MİT tarafından kaçırıldığı ortaya çıktı," TR724, December 17, 2017, <http://www.tr724.com/enver-kilic-zabit-kisinin-de-mit-tarafindan-kacirildigi-ortaya-cikti/>

<sup>78</sup> "Zabit Kişi işkencede geçen 108 günü anlattı: İntihar edenleri artık yadırgamıyorum," Bold Medya, June 26, 2019, <https://boldmedya.com/2019/06/26/zabit-kisi-iskencede-gecen-108-gunu-anlatti-intihar-edenleri-artik-yadrigamiyorum/>

<sup>79</sup> "MİT'de işkence iddialarının araştırılması reddedildi: 'İddialar kaba ve yaralayıcı.'" İleri Haber, June 7, 2019, <https://ilerihaber.org/icerik/mitde-iskence-iddialarinin-arastirilmasi-reddedildi-iddialar-kaba-ve-yaralayici-98892.html>

<sup>80</sup> "2016 Yılı Sonrası Kamu Görevlileri Tarafından Yasadışı Alıkonulma İddialarına İlişkin İnceleme ve Araştırma Raporu," Hak İnisyatifi, June 19, 2019, <https://hakinisiyatifi.org/wp-content/uploads/2019/06/Hakİnisiyatifi.2019AlıkonulmaİddialarıRaporu.pdf>

- Five of the individuals (Gökhan Türkmen, Yasin Ugan, Özgür Kaya, Erkan Irmak and Salim Zeybek) are included in the same trial (court file no. 2017/69394) as defendants. Abduction complaints filed by family members were transferred to the same court file.
- The persons involved in the alleged abductions often identified themselves as public officials.
- In the majority of the cases, bags were thrown over the victims' heads during the abductions.
- Authorities did not take any substantial action upon criminal complaints lodged by families.

In addition to these, Solidarity of OTHERS has the following observations regarding the 25 cases presented above.

### **1. Similarity of profiles**

While we do not have thorough background information on all the victims, at least 14 out of 25 victims are known to be former public sector workers who were removed from their jobs by decrees during the state of emergency. Among these, two victims were reportedly affiliated with the MİT, two held posts at the Information Technologies and Communications Authority (BTK) and two were employed at the Competition Authority.

Seven victims were teachers who were either removed from public schools by emergency decrees or were previously employed at Gülen-affiliated educational institutions before they were shut down by the government.

### **2. Geographical concentration**

As has been noted by other observers, a significant majority of the cases appear to have taken place in Ankara, with 19 of the victims being reported missing in the Turkish capital.

### **3. Periodicity**

When looked at in terms of the dates victims went missing, it is possible to identify two strings of cases which occurred in close sequence.

String 1: Turgut Çapan (March 31, 2017), Önder Asan (April 1, 2017), Cengiz Usta (April 4, 2017), Mustafa Özben (May 9, 2017), Fatih Kılıç (May 14, 2017)

String 2: Gökhan Türkmen (February 7, 2019), Yasin Ugan and Özgür Kaya (February 13, 2019), Erkan Irmak (February 16, 2019), Mustafa Yılmaz (February 19, 2019), Salim Zeybek (February 21, 2019)

#### **4. Circumstances surrounding reappearances**

Of the 25 victims examined above, 11 do not appear to have turned up. Of those who resurfaced, Hüseyin Kötüce, Mesut Geçer, Önder Asan, Ümit Horzum and Gökhan Türkmen are known to have confirmed being abducted and interrogated under torture by government agents.

While others were typically reported to be reluctant to talk about where they had been over the time they were missing, their family members noted several visible signs of deterioration in their physical and psychological health.

In February 2020, the Ankara Bar Association's human rights center released a report<sup>81</sup> based on interviews with the family members of the seven people who were reported missing in 2019, namely Mustafa Yılmaz, Salim Zeybek, Özgür Kaya, Gökhan Türkmen, Erkan Irmak, Yasin Ugan and Yusuf Bilge Tunç. Among the seven people, six have turned up and only Gökhan Türkmen admitted having been abducted and unlawfully interrogated. While the remaining five have not confirmed their relatives' suspicions about their possible abduction, the Ankara Bar Association's report noted that families observed visible deterioration in the individuals' health during the first meeting following their reappearance.

Fatma Betül Zeybek, the wife of Salim Zeybek, noted significant weight loss and inability to balance himself while seated.

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<sup>81</sup> Ankara Barosu İnsan Hakları Merkezi, Ortak İzleme Raporu, Başvuru No: 1-7/2019, [http://www.ankarabarusu.org.tr/upload/HD/Donem65/2020/diger/20200213\\_ihmrapor.pdf](http://www.ankarabarusu.org.tr/upload/HD/Donem65/2020/diger/20200213_ihmrapor.pdf)

Aycan Kaya, the wife of Özgür Kaya, said that her husband had lost weight and that he urged her to withdraw her complaints, to shut down social media accounts launched for campaigning, and to stop talking to members of parliament about his case.

Nilüfer Irmak, the wife of Erkan Irmak, noted a weight loss of about 15 kilograms.

Mikail Ugan, the brother of Yasin Ugan, noted extreme weight loss and pale skin.

On February 13, 2020, the Ankara Bar Association filed a criminal complaint with the Ankara Chief Prosecutor's Office based on the accounts given by family members<sup>82</sup>.

After the simultaneous reappearance of Salim Zeybek, Yasin Ugan, Özgür Kaya and Erkan Irmak in police custody on July 28, 2019, Human Rights Watch reported that the police prevented family members from asking questions of the men or learning anything about their situation<sup>83</sup>.

“The presence of police officers during these meetings, the men's reported introverted manner of speaking, and apparent inability or fear to provide any information about the past five months fuels Human Rights Watch's concern that they are being pressured to withhold information about their treatment and to collude in providing a fabricated version of their detention,” Human Rights Watch said.

## 5. Self-incrimination

Witness testimonies play a significant role in the trials of allegedly Gülen-linked individuals with denunciations being interpreted by courts as a central evidence to prove membership in the group. Since the abortive coup, numerous allegations of torture in police custody have emerged. Nils Melzer, UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, expressed concern in February 2018 about the rise in torture allegations which

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<sup>82</sup> [http://www.ankarabarasu.org.tr/upload/HD/Donem65/2020/diger/20200213\\_sacvılıkihbar.pdf](http://www.ankarabarasu.org.tr/upload/HD/Donem65/2020/diger/20200213_sacvılıkihbar.pdf)

<sup>83</sup> “Turkey: Concerns for Disappeared Men Now In Police Custody,” Human Rights Watch, August 6, 2019, <https://www.hrw.org/news/2019/08/06/turkey-concerns-disappeared-men-now-police-custody>

involved Gülen-linked detainees being subjected to brutal interrogation techniques aimed at extracting forced confessions that incriminate themselves as well as others<sup>84</sup>.

The enforced disappearances seem to be in line with the practice of torture in custody in the sense that the individuals who ultimately turned up often gave self-incriminating statements in police custody, including those who did not admit to being abducted. Moreover, the accounts of those who confirmed having been abducted typically involved being made to sign prepared statements pleading guilty to the very criminal charges leveled against them at courts.

Some of these charges were related to publicly known and controversial cases. For instance, after his disappearance, Hüseyin Kötüce resurfaced as a defendant in the trial about the December 2016 assassination of Russian Ambassador to Turkey Andrei Karlov<sup>85</sup>, an incident that Turkish government officials as well as pro-government media have categorically blamed on the Gülen movement despite the fact that the gunman, police officer Mevlüt Mert Altıntaş who died in a shootout with police soon afterwards, chanted slogans known to be used by the Syria-based radical jihadist group Al Nusra Front after killing the Russian diplomat and that Al Nusra Front publicly claimed responsibility for the assassination<sup>86</sup>. During a court hearing in March 2019, Kötüce denied the self-incriminating statement that he had previously given in police custody, described the statement as a scenario that he was made to memorize under torture during his extrajudicial interrogation and denied involvement in Karlov's assassination<sup>87</sup>.

Similarly, Gökhan Türkmen's courtroom statement on February 10, 2020 included a claim that he was coerced to handwrite the contents of a 50-page-long prepared testimony during his extrajudicial interrogation, which included Türkmen admitting to taking part in an alleged 2010 mass cheating scandal involving the State Personnel Examination (KPSS) by delivering the

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<sup>84</sup> "Turkey: UN expert says deeply concerned by rise in torture allegations," United Nations Office of the High Commissioner, February 27, 2018,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22718&LangID=E>

<sup>85</sup> "Russian ambassador to Turkey Andrei Karlov shot dead in Ankara," BBC, December 20, 2016,

<https://www.bbc.com/news/world-europe-38369962>

<sup>86</sup> "Former Nusra Front Claims Responsibility for Russian Ambassador's Assassination," Sputnik News, December 21, 2016, <https://sputniknews.com/world/201612211048827454-nusra-front-russian-ambassador-murder/>

<sup>87</sup> "Karlov suikastının kritik ismi savunma yaptı," Sputnik Türkçe, March 25, 2019,

<https://tr.sputniknews.com/turkiye/201903251038406366-karlov-suikasti-huseyin-kotuce-savunma-yapti/>

questions in advance to his wife. According to Türkmen's account, the interrogators had told him that 'he would be responsible for what would happen' if he ever retracted the testimony in police custody or in court. The KPSS is a nationwide written exam usually required for employment in the public sector and the Turkish authorities allege that the Gülen movement was behind the organized cheating in 2010<sup>88</sup>.

## H. Yeneroğlu's remarks

Enforced disappearance allegations have never been acknowledged by high level government officials. As explained above, cabinet members have systematically ignored all parliamentary questions regarding the allegations.

A noteworthy acknowledgement has emerged recently when Mustafa Yeneroğlu, member of Turkish parliament and former chair of the parliament's Committee on Human Rights Inquiry who recently resigned from the ruling Justice and Development Party (AKP)<sup>89</sup>, gave a video interview<sup>90</sup> to a newspaper in May 2020 in which he made revelations that amounted to the first public corroboration of enforced disappearance allegations by someone who has held a prominent position in AKP-led governments.

*"The abduction cases began at the time when I was chair of the Committee on Human Rights Inquiry. I talked to relevant people then, telling them that unless those people turned up within three weeks, I would do my part and raise the issue on different platforms. At the time we resolved it and those people all reappeared here and there, at police stations. I know exactly how that happened, how it developed, and by whom it was done. If I did not know, I would not be speaking this assertively,"* Yeneroğlu told the three journalists interviewing him.

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<sup>88</sup> "Fethullah Gülen key suspect in 'exam cheating' probe," Hürriyet Daily News, March 25, 2015, <https://www.hurriyetdailynews.com/fethullah-gulen-key-suspect-in-exam-cheating-probe-80136>

<sup>89</sup> "AKP deputy critical of party policies calls it quits," Turkish Minute, October 30, 2019, <https://www.turkishminute.com/2019/10/30/akp-deputy-critical-of-party-policies-calls-it-quits/>

<sup>90</sup> "Devlet kutsalsa, o zaman 28 Şubat'ta da sussaydık | Mustafa Yeneroğlu," Karar TV, <https://www.youtube.com/watch?v=kdMhfnnOD70>

Yeneroğlu's remarks arguably hinted at a mechanism wherein high-ranking members of the government had knowledge of enforced disappearances at the hands of a unit within the state and they had the ability to impact the outcome of the incidents.

However, Yeneroğlu did not elaborate on the exact time frame or the 'relevant people' he was referring to in the interview.

## **Conclusion**

Turkey has never ensured accountability for the enforced disappearance of Kurdish civilians in the 1990s. Now, the practice seems to have made a comeback, this time against another segment of the society targeted by the government.

While the victims who disappeared in the 1990s are now largely believed to have been eradicated, enforced disappearances of allegedly Gülen-linked individuals over the past four years seem to be following a different strategy aimed at extracting self-incriminating testimonies to help conclude some of the Gülen-related trials overseen by Turkish courts. The practice impacts the lives of not only the victims or their family members but also others who may end up being incriminated by these forced confessions. For instance, Ümit Horzum said he was compelled to sign a statement that involved the names of over 100 people whom he did not even know. These individuals now may have been imprisoned based on Horzum's statement. Some of the forcibly extracted confessions appear to be aimed at advancing government narratives alleging Gülen-led conspiracy in certain public controversies.

In view of the consistent avoidance of the allegations by high-ranking members of the government, the systematic negligence of the police and the prosecutors who do not even appear to take complaints seriously, and the recent account given by Mustafa Yeneroğlu, there is reason to argue that intelligence-led enforced disappearances are Turkey's open secret, known to officials at many levels of central and local government, yet acknowledged by none.