

REPUBLIC OF TURKEY
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Executive Summary

- 1- On a fast track to becoming a full-fledged dictator, Erdoğan referred to the abortive coup d'état of July 15, 2016 as a "God's blessing" for himself, and accused the members of the Gulen movement of being behind the coup although the coup d'état was still underway and its military perpetrators were still unknown. Using the abortive coup as a pretext, the Erdoğan-led regime stigmatized the members of the Gulen movement and its affiliates or sympathizers as the members of an armed terrorist organization. Since then, various law-decrees have been passed:¹²
- to dismiss more than 130,000 people from public office;
 - to shut down numerous media outlets and publications (15 news agencies, 20 TV channels, 25 radio channels, 70 newspapers, 20 journals and 29 publishing houses);
 - to close down many educational and healthcare institutions (109 student dormitories, 934 private schools, 15 universities, and 49 hospitals); and
 - to hush up 1,767 associations, foundations, trade unions and federations.
 - Deputy Interior Minister and Ministry Spokesperson İsmail Çataklı said: "511,656 people have been prosecuted in connection with the FETÖ [Gülenist Terror Organization] since July 15, 2016. Of those who were taken into custody, 30,709 are still under arrest."
 - The assets of dozens of corporations worth millions of dollars were confiscated.³

¹ http://www.cumhuriyet.com.tr/haber/turkiye/644388/ Allah_in_buyuk_lutfu_.html;

<http://www.birgun.net/haber-detay/canikli-khk-olmasaydi-bunlarin-tasfiyesi-10-yilda-bitmezdi-121428.html>.

² <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/>; <https://www.ytb.gov.tr/haberler/15-temmuzda-turkiyede-yasanan-darbe-girisimi-hakkinda-basin-aciklamasi>; <https://www.sabah.com.tr/gundem/2018/07/15/15-temmuz-gecesi-neler-yasandi-iste-karanlik-gecede-saat-saat-yasananlar>.

³ <https://www.sozcu.com.tr/2019/gundem/catakli-511-bin-kisiye-fetoden-islem-yapildi-3770339/>;
<https://www.bbc.com/turkce/haberler-turkiye-44799489>; <http://www.hurriyet.com.tr/iste-koza-ipeke-atanan-kayyumlar-40007103>; <http://www.sozcu.com.tr/2016/gundem/kanalturk-ve-bugun-kapandi-1114982/>;
<http://www.milliyet.com.tr/feza-gazetecilik-a-s-ye-kayyum-atandi-istanbul-yerelhaber-1247867/>;
<http://www.sabah.com.tr/gundem/2016/04/21/ankaradaki-fetocu-egitim-kurumlarina-kayyum>;
<http://www.sabah.com.tr/ankara-baskent/2014/04/10/paralel-tasfiye-basladi>; <http://ekonomi.haber7.com/is-dunyasi/haber/1652466-kamuda-paralel-memur-temizligi-basliyor>; <http://www.memurlar.net/haber/577996/>;
<http://www.sabah.com.tr/gundem/2016/06/20/paralel-memura-657-temizligi>.

- 2- The Gulen movement has been declared as a terrorist organization and various methods, including physical and psychological torture have been employed to make its members engage in violent acts. The members of the Gulen movement have been sentenced to civil death by the state and society and they have been discriminated in a manner that amounts to genocide.⁴
- 3- As a result of widespread and intensive pressures, threats, damages and exclusive practices by the government and society, many members of the Gulen movement have lost their jobs, have been arrested, and have been deprived of their property and financial capabilities and have been subject to discrimination and attacks by other people, including even their relatives. In the face of the unbearable problems, some members of the Gulen movement have left Turkey.
- 4- The Gulen movement had started to open up schools and engaged in educational activities in many countries around the world in the 1990s. With the people coming from Turkey in recent years due to the pressures, the number of the members of the Gulen movement abroad has increased considerably.
- 5- The Erdoğan-led regime has confiscated all organizations run by the Gulen movement and sent many of its members to prison in Turkey. By doing so, Erdoğan believes he has become successful inside the country. However, Erdoğan has targeted the organizations run by the Gulen movement and its members abroad as well with a view to keep his electoral backing alive and manipulating the political agenda inside the country. In this connection, he has sent instructions to Turkey's institutions and missions abroad. Thus, the Turkish embassies have been refusing to provide services to the members of the Gulen movement who have been blacklisted by the Turkish government or whom they have identified.
- 6- In addition, with all its organizations and the missions abroad, Turkey government has been profiling the members of the Gulen movement and collecting information about them and, more recently, kidnapping and forcefully bringing them to Turkey against the national and the international law.

The Abduction and Enforced Disappearance in International Law

- 7- The United Nations Universal Declaration of Human Rights was adopted by the UN General Assembly on December 10, 1948. Article 3 of the Declaration reads: "Everyone has the right to liberty and security of person."
- 8- Likewise, Article 2 of the European Convention on Human Rights (ECHR), which entered into force on September 3, 1953, reads: "Everyone's right to life shall be protected by

⁴ <http://www.turkiyegazetesi.com.tr/gundem/479921.aspx>.

law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law."

- 9- The International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly, entered into force on March 23, 1976. Article 6/1 of the Covenant reads: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."
- 10- The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on December 10, 1984, requires the signatories, inter alia, to take all measures to prevent treatments and criminal acts defined in the Convention.
- 11- The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), adopted on December 20, 2006, introduced obligations for the signatory states to protect people from enforced disappearances and combat all sorts of immunity concerning the crimes committed in this context.
- 12- Turkey is a signatory to many international conventions on human rights. However, Turkey has refrained from ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.

Erdoğan's Long Arm: Kidnappings Abroad

- 13- The Justice and Development Party (AKP) made its appearance on the Turkish political scene with the parliamentary elections of November 3, 2002, and its leader Recep Tayyip Erdoğan started to implement a one-man system in complete disregard for rule of law after winning the presidential elections of August 14, 2014.⁵
- 14- The graft and bribery investigations that went public on December 17 and 25, 2013 was labeled as a coup attempt by the Erdoğan-led government which further ensured that the majority of the country bought this story. The ruling party accused the Gulen movement of being behind these investigations.⁶
- 15- Having won virtually all elections since 2002 and having been perceived as the architect of the relative economic and social development in the country, Erdoğan started to suffer from the hubris syndrome. Using the power he mustered, he tried to bring media outlets, the big capitalists, and prominent public figures and communities under his

⁵ <https://www.akparti.org.tr/>.

⁶ <https://www.sabah.com.tr/gundem/2016/12/17/17-aralik-fetonun-yargiya-darbe-girisimi>; <http://fetogercekleri.com/darbeler/17-25-aralik-darbe-girisimi/>; <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/17-25-araliktan-15-temmuza-feto-/861258>; <https://www.dw.com/tr/17-25-aral%C4%B1k-yolsuzluk-soru%C5%9Fturmas%C4%B1-m%C4%B1-darbe-giri%C5%9Ffimi-mi/a-41827103>.

hegemony. Those who refused were eventually forced into submission. Over time, Erdoğan and the ruling AKP subjugated the legislature, the executive and the judiciary, and advertised the Gulen movement as its enemy in order to manipulate the masses.⁷

16- With his extensive powers and clout, Erdoğan stuck a bull's eye on the back of the Gulen movement by accusing the judges and prosecutors and law enforcement officials who conducted the graft and bribery investigations of December 17 and 25 of being members of the Gulen movement. Then, he embarked on a series of discourses and practices that would foment serious divisions within society.

Why are kidnappings used?

17- The abortive coup d'état has not been fully understood by the public. There have been many questions about the coup attempt right from the start. Due to the sheer number of unanswered questions and suspicions about the coup attempt, some members of the Turkish public reject the Erdoğan-led regime's theses and claims about it and nurture doubts about the regime's practices. The Erdoğan-led regime sees it as a serious threat. In order to contain the increasing suspicions about the coup attempt and give the impression of being fully justified in its efforts, it has opted for arresting the members of the Gulen movement and confiscate their property inside Turkey and asking foreign government to extradite the members of the Gulen movement in their respective countries and kidnap them when these countries refuse to extradite them.

18- In this way, Erdoğan gives the following message to the supporters of the regime in Turkey: "We are fighting terrorist organizations both at home and abroad. This is a war going on in many fronts." This message makes it impossible for the public to discuss or criticize any adversity or problem in the country. In this way, unconditional support to the Erdoğan-led government is warranted.

19- In Turkey, it is unthinkable to criticize Erdoğan and his actions. Therefore, citizens silently watch the government's practices. Yet, there are many members of the Gulen movement living abroad and they are quite vocal in making public the unlawful practices and victimization in Turkey. The Erdoğan-led regime is quite disturbed by their presence. Therefore, Erdoğan has set sights on them.

20- Kidnapping of the members of the Gulen movement abroad and bringing them forcefully to Turkey is being used intensively by Erdoğan to promote his agenda in domestic politics.

21- The Erdoğan-led regime is trying to justify its practices in Turkey by taking its discourse and perspective to the international arena. Yet, it has failed to produce any concrete

⁷ <https://odatv.com/guc-zehirlenmesi-yasadik-simardik-ve-kibirlendik-1006151200.html>;
<https://m.bianet.org/bianet/siyaset/165379-guc-zehirlenmesi-meselesi>.

evidence for its claims so far. For this reason, the United States and the European Union countries have never endorsed what Erdoğan has been doing and they have rejected the claim that Gulen and/or his followers have behind the coup attempt.⁸

22- A huge number of countries have refused to extradite the members of the Gulen movement to Turkey. The main reason for this is that the Turkish government has failed to provide any evidence about the people whom it has demanded to be extradited. As a result, the Erdoğan-led regime has lost virtually all its credibility. Realizing that he wouldn't get what he has been after through legal means, Erdoğan has resorted to unlawful methods, i.e., kidnapping Turkish citizens abroad and bringing them to Turkey forcefully.

23- The members of the Gulen movement in Turkey are currently living in fear and intimidation. The Turkish government seeks to put the same pressure also on those living abroad. The aim of these pressures is to force the members of the Gulen movement to resort to violence and clashes. This is because Erdoğan depict the members of the Gulen movement as terrorists. However, the Gulen movement has always refrained from violence despite pressures on it. This has urged the Erdoğan-led regime to resort to more coercion and repression. The use of coercion has gone beyond Turkey's boundaries and led to the kidnapping of the members of the Gulen movement.⁹

24- The Erdoğan-led regime has even planned to kidnap Fethullah Gulen. The members of the Gulen movement who have been living abroad or have fled to various countries in the wake of the graft and bribery scandals that went public on December 17 and 25, 2013 and the abortive coup of July 15, 2016 have been kidnapped and taken forcefully to Turkey by Turkey's National Intelligence Organization (MIT).¹⁰¹¹

25- Even though it is against the international law, Erdogan's long arm has reached also to the Europe and tried to kidnap people there. Even Switzerland is not a safe country for the members of the Gulen movement. Recently, swiss counter-espionage investigators have caught agents of the Turkish National Intelligence Organization (MIT) in the act as they were planning to abduct a Swiss-Turkish businessman who was critical of the government of Turkey's President Recep Tayyip Erdoğan¹². They were also accused of espionage and national arrest warrants were issued against them¹³.

⁸ [http://www.reuters.com/article/us-turkey-security-germany-idUSKBN16P0LQ;](http://www.reuters.com/article/us-turkey-security-germany-idUSKBN16P0LQ)

[https://www.alaraby.co.uk/english/indepth/2017/2/1/uk-no-evidence-gulen-involved-in-turkey-coup-attempt.](https://www.alaraby.co.uk/english/indepth/2017/2/1/uk-no-evidence-gulen-involved-in-turkey-coup-attempt)

⁹ [https://www.haberturk.com/yerel-haberler/15005992-cumhurbaskani-ve-ak-parti-genel-baskani-erdogan-en-son-milli-istihbarat-teskilatimiz-kosova;](https://www.haberturk.com/yerel-haberler/15005992-cumhurbaskani-ve-ak-parti-genel-baskani-erdogan-en-son-milli-istihbarat-teskilatimiz-kosova) [https://www.yenisafak.com/yazarlar/aydinunal/hicbir-fetocu-emniyette-degil-2045093;](https://www.yenisafak.com/yazarlar/aydinunal/hicbir-fetocu-emniyette-degil-2045093) [https://www.trthaber.com/haber/turkiye/avukat-huseyin-aydin-kosova-operasyonu-ilk-degil-arkalarina-bakarak-yuruyecekler-358482.html.](https://www.trthaber.com/haber/turkiye/avukat-huseyin-aydin-kosova-operasyonu-ilk-degil-arkalarina-bakarak-yuruyecekler-358482.html)

¹⁰ [https://www.bbc.com/turkce/haberler-dunya-41943157.](https://www.bbc.com/turkce/haberler-dunya-41943157)

¹¹ [https://www.yenisafak.com/gundem/bozdag-mit-18-ulkeden-80-fetocuyu-paketledi-3202956.](https://www.yenisafak.com/gundem/bozdag-mit-18-ulkeden-80-fetocuyu-paketledi-3202956)

¹² <https://www.nordicmonitor.com/2019/01/how-swiss-authorities-foiled-abduction-plot-of-erdogan-critic-by-turkeys-intelligence/>

¹³ https://www.swissinfo.ch/eng/diplomatic-incident_arrest-warrant-issued-for-turkish-diplomats/44198410

26- However, the Turkish government does not appear to be backing away from abductions abroad. In fact, many senior government officials vow that the Erdoğan government would continue to go after regime critics beyond Turkish borders¹⁴. A significant portion of the kidnapped members of the Gulen movement are the teachers and managers who have long been working at the schools run by the Gulen movement abroad. The aim is to undermine the educational institutions run by the Gulen movement abroad.

27- The people who were kidnapped abroad and forcefully taken to Turkey by the Erdoğan-led regime:

- Malaysia: 3 people were kidnapped on October 13, 2016.¹⁵
- Pakistan: 4 people (the Kaçmaz family) were kidnapped on October 14, 2017.¹⁶
- Kazakhstan: 2 people were kidnapped on September 20, 2017.¹⁷
- Kosovo: 6 people were kidnapped on March 29, 2018.¹⁸
- Mongolia: The MIT agents attempted to kidnap several Turkish educators on July 28, 2018, but the attentive Mongolian officers prevented them.¹⁹
- Moldova: 6 people were kidnapped on September 6, 2018.²⁰
- Azerbaijan: 5 people were kidnapped between April 27, 2018 and December 29, 2018.²¹
- Ukraine: 1 person was kidnapped on July 12, 2018.²²
- Gabon: 3 people were kidnapped on April 8, 2018.²³
- Myanmar: 1 person was kidnapped on May 26, 2017.²⁴

¹⁴ <https://www.nytimes.com/2018/04/05/world/europe/turkey-coup-arrests-extraditions.html>

<https://www.nationalreview.com/2019/01/turkish-government-program-of-kidnappings/>

¹⁵ <https://stockholmcf.org/cellmate-teacher-abducted-by-turkeys-mit-from-malaysia-subjected-to-torture-in-ankara/>; <https://www.trthaber.com/haber/gundem/fetonun-malezadaki-elebaslari-gozaltina-alindi-312500.html>; <https://www.internethaber.com/cavusoglu-acikladi-3-feto-uyesi-o-ulmeden-teslim-alindi-1722861h.htm>.

¹⁶ <http://www.hurriyet.com.tr/dunya/ozel-ucakla-sinir-disi-40612717>.

¹⁷ <https://www.change.org/p/kazakistan-da-ka%C3%A7%C4%B1r%C4%B1lan-%C3%B6%C4%9Fretmenler-enver-%C4%B1l%C4%B1%C3%A7-ve-zabit-ki%C5%9Fi-ye-%C3%B6zg%C3%BCrl%C3%BCk>; <http://aktifhaber.com/15-temmuz/kazakistanda-kacirilan-ogretmen-zabit-kisi-4-aydir-ankara-temde-tutuluyor-h110965.html>.

¹⁸ <https://www.dw.com/en/turkey-abducted-erdogan-opponents-in-kosovo/av-43780323>; <https://www.reuters.com/article/us-turkey-security-kosovo/six-turks-arrested-in-kosovo-over-gulen-links-extradited-to-turkey-ankara-idUSKBN1H51JL>; <https://t24.com.tr/haber/erdogandan-mitin-kosovadaki-operasyonu-hakkinda-aciklama,593613>; <http://www.diken.com.tr/mit-operasyonu-kosovadan-alti-feto-pdy-uyesi-turkiyeye-getirildi/>.

¹⁹ <https://www.reuters.com/article/us-mongolia-kidnapping-turkey-idUSKBN1KI03N>.

²⁰ <https://www.bbc.com/news/world-europe-45446168>.

²¹ <https://www.turkishminute.com/2018/07/12/2-turks-abducted-in-azerbaijan-and-ukraine-over-alleged-links-to-gulen-movement/>; <https://stockholmcf.org/turkish-teacher-under-un-protection-detained-in-azerbaijan-for-deportation-to-turkey-wife-says/>.

²² <http://aktifhaber.com/iskence/mit-yine-yasadisi-yollardan-insan-kacirarak-turkiyeye-getirdi-h119786.html>; <http://ukraynahaber.com/2018/07/12/turk-istihbarati-mit-ukrayna-ve-azerbaycandan-adam-kacirdi/>.

²³ <https://stockholmcf.org/3-detained-turkish-educators-and-their-families-handed-over-to-turkey-by-gabon/>.

²⁴ <https://turkeypurge.com/turk-sent-to-jail-after-forced-return-from-myanmar>.

Conclusion

- 28- Unlawful methods and coercion have been employed against all members of the Gulen movement who were brought from aboard. Those who resisted have been tortured. In these kidnappings, the MIT has worked with a small group within the intelligence organizations of the target countries. The MIT's operations have been confirmed by Erdoğan, who noted that these operations would continue.²⁵
- 29- The kidnapped people were taken into custody for extended periods where they underwent physical and psychological torture in Turkey. Upon referral to the court, all of them were arrested. In most cases, their trial has not started despite the intervening period.²⁶
- 30- The families of the victims cannot obtain reliable information about the victims. They cannot return to Turkey fearing that they may be arrested. Therefore, they try to follow up the legal process about their kidnapped relatives. This creates a huge burden on the families.
- 31- Given these human rights violations and the Erdoğan-led regime's practices, the Gulen movement has been completely marginalized, left to civil death and discriminated socially in a manner that amounts to genocide. The cases of kidnapping people are the most important signs of this situation.
- 32- Turkey must immediately halt these acts under the international agreements to which it is a signatory. International organizations (UN, EU, OSCE, organizations for the prevention and monitoring of torture, human rights organizations, etc.) should closely monitor Turkey in order to avert torture, ill-treatment and unlawful practices against the kidnapped people.

Recommendations:

33- The Turkish government should be urged to:

- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
- In line with obligations under the Optional Protocol to the UN Convention against Torture (OPCAT), establish a fully independent national preventive mechanism for monitoring places of detention;

²⁵ <http://magduriyetler.com/2019/03/30/faili-mechul-cinayetler-arifesinde-insan-kacirma-eylemleri-ocak-2019-2/>

²⁶ <https://www.gazetefersude.com/6-ay-iskence-gordugu-ortaya-cikan-ayten-ozturk-anlatti-kaba-dayak-cinsel-taciz-tabuta-koyma-parmak-yakma-62155/>

- Establish a truly independent and effective police complaints mechanism, with no structural or organizational connection to the police, adequately staffed and headed by professionals of acknowledged competency, impartiality, expertise, independence and integrity, who are not members of the law enforcement agencies, and with its own corps of independent expert investigators.
- Ensure that criminal investigations and trial hearings of law enforcement officials take place without undue delay, and repeal statutes of limitation for violations of the rights by state perpetrators.
- Repeal the regulation granting the immunity for both the state officials and the civilians.
- Implement sufficient safeguards to prevent occurrence of the same violations and make broader legislative or institutional changes, or initiatives such as training for Government officials, which would assist in preventing future violations.