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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2019]

* Issued as received, in the language(s) of submission only.



Rise of enforced disappearances in Turkey

Preamble

Since July 2016, the human rights situation in Turkey has deteriorating as a result of the government targeting opposition parties and groups with arrests and abuses that escalated under the emergency law imposed after the failed coup. This further exacerbated the application of the Anti-Terrorism Law, under which many human rights were violated. Turkish President Recep Tayyip Erdogan expanded and intensified the crackdown on his opponents as well as journalists, civil society and others who demanded freedom and protection of human rights. Turkey's status has declined from partial to non-free due to a flawed constitutional referendum in which the central authority is in the hands of the president, the collective replacement of mayors elected to government positions, and arbitrary prosecutions of human rights, as well as an increase in enforced disappearances.

Thus, Maat Association for Peace, Development and Human Rights calls on the Turkish authorities to strictly monitor all officials responsible for arresting, detaining, and imprisoning and, as well as those legally authorized to use force, and to hold accountable those who commit abuses.

Increased enforced disappearances

Enforced disappearance is a crime against humanity, in accordance with the Rome Statute of the International Criminal Court adopted on 17 July 1998, which defined crimes against humanity as any act when committed in the context of a widespread or systematic attack against any civilian population. The ICC has defined enforced disappearance as: "the arrest, detention or abduction of any person (s) by a State or a political organization, with the authorization, support or silence of this act, and its refusal to acknowledge that such persons are deprived of their liberty or given Information about their fate or whereabouts in order to deny them the protection of the law for a long period of time".

Since the failed coup attempt in July 2016, Turkey has renewed the state of emergency seven times, enabling the government to arrest and issue executive decrees on illegal opponents and is not subject to scrutiny by parliament or the courts. The erosion of civil liberties continued apace over long periods with frequent arrests and convictions of journalists and social media critics of the government, as well as severe restrictions on the right to peaceful assembly and other fundamental rights.

In August 2018, the government canceled a weekly revival in Istanbul held by the mothers of the disappeared every Saturday, to remind them of the violations against their sons, demanding the government to reveal information about them and hold those responsible for these violations to account, after the authorities announced the banning of demonstrations, and arrested many participants in these Demonstrations, including the elderly.

In 2018, 940 cases of enforced disappearance were counted, and 3,248 people were killed and buried in 253 mass graves. Cases of kidnapping of opponents have raised claimed to being tortured, disappeared and then appearing before court accused of terrorist acts.¹

The report of the Working Group on Enforced Disappearances also expressed the concern about allegations of extrajudicial abductions of people who allegedly belonged or sympathized with the Gülen movement, which had been mentioned in a number of communications and that those persons had long been forcibly disappeared.²

In July 2019, a teacher suffered from enforced disappearance after being fired from his governmental job where he worked four years before the coup attempts in 2016 and was

¹ الاختفاء القسري في تركيا: احدي أدوات الحكومة لترويع المعارضة – جريدة أحوال تركية - <https://bit.ly/2Qyb2zP>.

² 2018 – تقرير الفريق العامل المعني بحالات الاختفاء القسري - <https://bit.ly/33jI89j>.

dismissed on charges of belonging to the Gulen movement. He had disappeared for five days and with investigation, news revealed his death in one of the stations where he was hidden.³

In June 2019, Turkish opponents accused the Turkish government of forcibly abducting and hiding six citizen- "Ercan Ermak, Selim Zeybek, Azgur Kaya, Yassin Ogan, Mustafa Yilmaz and Gohan Turkman". They have been disappeared for months after being kidnapped by police officers in the Altindag district of central Ankara on 12 February 2019.⁴

On 26 June 2019, the Baluch rights campaign reported that the Iranian Baluch activist Habibullah Sarbazi, the founder of the campaign, had disappeared at his residence in Turkey in a sudden and suspicious circumstances.⁵

Turkey has not only practiced enforced disappearance within the borders of its state, but also outside its borders. It cooperates with the Malaysian authorities and kidnapped 2 Turkish men resided in Malaysia and arbitrarily detained in Turkey. They were handed over to Turkey and held in an unknown location and then transferred to Denizli prison in June 2017.⁶

The Turkish intelligence service carried out several kidnappings of opponents of Erdogan's government in Kosfu, Gabon, Sudan, Moldova, Azerbaijan, Ukraine, Malaysia, Switzerland and Mongolia throughout 2017/2018, all under the justification of belonging to the opposition service movement and forcing them to return to Turkey without legal deportation procedures.

Finally, Turkey still refuses to sign the conventions on enforced disappearance so as not to provide protection for politicians, human rights activists and civil society organizations from enforced disappearances in Turkey and to ensure that this authority is free to exercise repressive tools in order to stay in power.

Recommendations

- The Turkish authorities should accede to the Rome Statute so that the ICC can hold those responsible for enforced disappearances accountable, as well as accede to the International Convention for the Protection of All Persons from Enforced Disappearance. And to terminate the exercise of exceptional laws, including the anti-terrorism law.
- Establish an international fact-finding commission to investigate all cases of enforced disappearance, and urgently reveal information about disappeared persons by the Turkish authorities, and hold accountable all those responsible for these violations.
- End all cases of arbitrary detention and enforced disappearance of citizens in Turkey, reveal information about the Iranian Baluch activist Habibullah Sarbazi, who was kidnapped from his residence in Turkey.

³ <https://bit.ly/33h88Sy>. تقرير مأساة المرأة في تركيا بين السجن والتشريد – منظمة نسيمات

⁴ الاختفاء القسري في عهد أردوغان.. قصة اختفاء 6 مواطنين أتراك منذ 100 يوم، صوت الأمة، 8 يونيو 2019 <http://bit.ly/304kEmD>.

⁵ حملة حقوقية تنهم تركيا بالتورط في الاختفاء القسري لناشط بلوشي، اليوم السابع، 28 يونيو 2019 <http://bit.ly/307k2MO>.

⁶ اللجنة خبراء أممية، تركيا انتهكت حقوق شخصين احتجزا تعسفياً وحرما من المحاكمة العادلة، أخبار الأمم المتحدة- 29 مايو 2019 <https://bit.ly/2YThDYH>.