



Joint Input to the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on Enforced Disappearances in the Context of Transnational Repression

**International Association for Human Rights Advocacy in Geneva
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Solidarity with Others

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I. Introduction

1. This joint submission is presented in response to the *Call for Inputs on Enforced Disappearances in the Context of Transnational Repression* issued by the Committee on Enforced Disappearances (hereinafter the Committee) and the Working Group on Enforced or Involuntary Disappearances (hereinafter the Working Group). It seeks to contribute documented observations and analysis on how enforced disappearances arise in transnational settings, the methods through which they are carried out, and the resulting challenges for prevention, accountability, and access to remedies. The submission aims to support the joint initiative to inform a public statement clarifying States' obligations and strengthening protection, truth, justice, and reparation in transnational contexts.
2. While the Call addresses transnational repression globally, this submission draws primarily on patterns and illustrative cases linked to Türkiye, as documented in the cited materials. These include allegations of extraterritorial abductions, covert transfers, and expedited or irregular removals carried out with the cooperation, consent, or acquiescence of more than one State. The analysis highlights how such practices may place individuals outside the protection of the law and significantly heighten the risk of serious violations, including enforced disappearance and torture or other ill-treatment, with particular exposure reported for perceived political opponents, refugees and asylum seekers, and family members, including children.
3. The submission is based on a review of documented cases, relevant jurisprudence, and findings of United Nations mechanisms and civil society organizations. All factual statements are grounded in identifiable and verifiable sources. Rather than providing an exhaustive global survey, the submission focuses on recurring patterns and systemic concerns that are directly relevant to the mandate of the Committee and the Working Group and to the development of practical, prevention-oriented guidance for transnational contexts.

II. Patterns and Risk Profiles of Transnational Enforced Disappearances

4. In removal contexts, the risk analysis relevant to disappearance must cover the full range of transfer modalities through which a person can be moved across borders. In this regard, "deportation" is understood broadly to include expulsion, extradition, forcible return, forcible transfer, rendition, rejection at the frontier, and pushback operations. This wide scope matters because several Türkiye-linked incidents described below are reported to have occurred through irregular or expedited pathways rather than formal extradition proceedings.¹ The same framework identifies risk indicators directly relevant to enforced disappearance, including transfers to States where the inherent right to life is not respected (notably where there is a risk of extrajudicial killings or enforced disappearance) and situations involving reprisals against the person concerned

¹ Committee Against Torture, General Comment No. 4 (2017) on Article 3 of the Convention, para. 4.

and/or their family members or witnesses, including allegations of the disappearance of relatives or witnesses.²

5. The Committee Against Torture (CAT) and the Human Rights Committee (HRC) have both expressed concern about allegations of a systematic practice of State-sponsored extraterritorial abductions and forcible transfers linked to Türkiye, involving individuals reportedly associated with the Hizmet (also known as Gülen) Movement³, as well as other profiles such as political opponents and journalists critical of the Government. These operations are reported to involve coordination between authorities in several countries and Türkiye's National Intelligence Organization (MİT), to have been carried out outside any judicial extradition framework, and to expose those targeted to serious human rights violations, including enforced disappearance, torture, and other forms of ill-treatment.⁴

6. Across documented Türkiye-linked transnational cases, a recurring operational pattern emerges where formal extradition is unavailable or judicially blocked, and removal is pursued through covert or informal means. In these situations, individuals are reportedly apprehended through coordinated actions involving foreign law enforcement or intelligence counterparts, followed by periods of secret or *incommunicado* detention and eventual transfer to Türkiye. These operations are frequently accompanied by allegations of coercion, including torture or other ill-treatment, aimed at extracting statements, fabricating consent to "voluntary return," or securing confessions later relied upon in criminal proceedings in Türkiye.⁵

7. The same body of cases indicates that enforced disappearances or disappearance-like situations often occur immediately before, during, or shortly after cross-border transfers linked to Türkiye and have been reported in connection with removals from a wide range of host States across different regions. Some of these incidents reportedly unfolded at the margins of otherwise regular expulsion or immigration procedures, while others involved overtly clandestine operations resembling extraordinary renditions. In both settings, the reported outcome has been the effective neutralization of procedural safeguards and the exposure of individuals to foreseeable risks of refoulement, enforced disappearance, and ill-treatment.⁶

8. Operationally, these transfers display a strikingly consistent sequence of events: prior surveillance and sudden house raids; arrests carried out by plainclothes personnel; rapid removal

² Ibid., para. 29(k) and 29(m).

³ The Hizmet Movement is a transnational faith-based civil society group of persons, essentially Sunni Muslims in Türkiye but also elsewhere, that intend to follow the inspirational teachings and writings of Fethullah Gülen. The Movement has been known for its attachment to values of services, philanthropy, and education, and many of its sympathizers are educators or teachers running schools open to all students, regardless of religious beliefs or origins. The Movement has been unjustly designated as a terrorist organization (FETÖ/PDY) by Turkish authorities in the wake of the 15 July 2016 coup attempt. International and regional bodies have recognized clear and continuing indications of systematic prosecution of individuals attributed to the Movement.

⁴ Committee Against Torture, Concluding observations on the fifth periodic report of Türkiye ([CAT/C/TUR/CO/5](#)), 14 August 2024, para. 26; Human Rights Committee, Concluding observations on the second periodic report of Türkiye ([CCPR/C/TUR/CO/2](#)), 28 November 2024, para. 23-25.

⁵ Joint Allegations Letter ([AL TUR 5/2020](#)), 5 May 2020, pp. 1-2, 3-4.

⁶ Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/48/57](#)), 4 August 2021, para. 40-41.

in unmarked vehicles; and detention in undisclosed locations for periods ranging from hours to several weeks. During these phases, individuals are reportedly denied access to legal counsel, medical care, or effective means to challenge the lawfulness of their detention, while families are left without reliable information concerning fate or whereabouts. Reported treatment during apprehension and detention has included blindfolding, hooding, and handcuffing, reinforcing the concealment and coercive character of the operations.⁷

9. In the Türkiye-linked cases, a number of additional operational features recur. These include the involvement of intelligence services in apprehension and transfer operations; the use of unmarked aircraft in some instances, alongside indications that commercial airlines have also been used; and immediate post-transfer prosecution and remand in pretrial custody under counter-terrorism legislation and emergency decrees. In several cases, individuals' whereabouts and health condition remained unknown for prolonged periods until sustained searches, public attention, or external pressure prompted official acknowledgement of detention. The cases also reflect the use of detention practices described as "residential surveillance at a designated location," involving prolonged deprivation of liberty without disclosure of the place of detention and without access to legal counsel or family members, particularly for persons accused of terrorism-related offences.⁸

10. The cases further suggest a degree of premeditation in certain transfers, including instances where apprehension and removal reportedly occurred shortly after the entry into force of bilateral secret security cooperation agreements. Additional reported practices include the annulment of passports to facilitate rapid arrests or removals abroad, as well as intimidation and harassment of relatives, particularly in response to activism and calls for truth and justice. Such practices have reportedly been used to exert pressure on families, including by seeking to force the withdrawal of applications pending before international human rights mechanisms, notably United Nations treaty bodies and the European Court of Human Rights. The same patterns indicate that some enforced disappearances may qualify as "transnational" even in the absence of host-State consent or an actual cross-border transfer, including situations in which clandestine operations are carried out by agents of the country of origin on the territory of another State.⁹

11. While some incidents are described as classic street abductions, many are reported to have relied on cooperation or acquiescence by host-State institutions, including police and intelligence services, with detention justified under administrative or national-security pretexts, denial of access to lawyers and families, and concealment of fate and whereabouts until victims reappeared only after arrival in Türkiye.¹⁰

12. Taken together, these findings do more than describe isolated incidents: they delineate an operationally repeatable cross-border practice in which removal, secrecy, and coercion function as mutually reinforcing components of a single risk architecture. In the Türkiye-linked context, the

⁷ Ibid., 42, 44-47; Joint Allegations Letter ([AL TUR 5/2020](#)), 5 May 2020, pp. 3-4.

⁸ Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/48/57](#)), 4 August 2021, paras. 46-47.

⁹ Ibid., paras. 48-49.

¹⁰ Freedom House, Special Report, [Turkey: Transnational Repression Origin Country Case Study](#), 2021, pp. 38-40.

materials consistently place at the center alleged extraterritorial abductions and forcible returns targeting persons reportedly associated with the Hizmet Movement, often in circumstances where formal extradition could not be secured, or was not even pursued, in light of the repeated failure of Türkiye to obtain extradition from foreign jurisdictions to date. The reported scale and geographic spread, combined with recurrent reliance on covert pathways, point to a structural pattern in which disappearance risk is generated not only by individual misconduct, but by the systematic bypassing of ordinary safeguards governing arrest, transfer, and access to justice.

13. The primary risk group in the Türkiye context consists of individuals perceived to be affiliated with the Hizmet Movement. Other profiles, such as political opponents and journalists critical of the Government, are among those subjected to extraterritorial abduction or forcible transfer, including without judicial extradition procedures.¹¹ Another recurring risk profile concerns refugees and asylum seekers, including individuals who reportedly had sought international protection (or were reportedly prevented from doing so) prior to forcible return.¹² Families, including children, are also repeatedly reflected as being placed at heightened risk, both directly (where children are reportedly taken together with parents) and indirectly (through coercion, reprisals, and pressure on relatives).¹³

14. Across Türkiye-linked transnational transfer cases, enforced-disappearance-like practices are repeatedly framed within narratives of counter-terrorism, national security, or the fight against organized crime, despite the prohibition's absolute and non-derogable nature.¹⁴ In practice, this security framing has operated to normalize exceptional measures and to justify removals carried out outside ordinary due-process guarantees. Those most consistently exposed to these practices are individuals perceived to be affiliated with the Hizmet Movement, with educators and senior administrators linked to Hizmet-affiliated institutions abroad particularly vulnerable. Such profiles appear to be targeted not only for neutralization but also for their symbolic value. Through these individuals, the authorities can publicly showcase the campaign's reach and effectiveness against the Movement, either as domestic political messaging or propagandistic self-praise, and signal their capacity to disrupt the Movement's structures even beyond national borders.¹⁵

15. Following abduction or forced return, individuals are frequently subjected to orchestrated public exposure, including the dissemination of images taken before national symbols and circulation through pro-government media, serving domestic political consumption and propaganda purposes. In this context, abducted persons are routinely displayed handcuffed and visibly injured, posed before the Turkish flag, without any apparent effort by the authorities to

¹¹ Human Rights Committee, Concluding observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2), 28 November 2024, para. 25; Committee Against Torture, Concluding observations on the fifth periodic report of Türkiye (CAT/C/TUR/CO/5), 14 August 2024, para. 26.

¹² Joint Allegations Letter (AL TUR 5/2020), 5 May 2020, pp. 2, 6.

¹³ Ibid., pp. 4-5; Working Group on Enforced or Involuntary Disappearances Report (A/HRC/48/57), 4 August 2021, paras. 48-49.

¹⁴ Working Group on Enforced or Involuntary Disappearances Report (A/HRC/51/31), 12 August 2022, para. 78, 81-82.

¹⁵ Freedom House, Special Report, Turkey: Transnational Repression Origin Country Case Study, 2021, pp. 38-40.

conceal traces of ill-treatment inflicted during enforced disappearance or abduction operations. The recurrent and systematic nature of this practice demonstrates that such public exposure is not incidental but rather reflects a deliberate, institutionalized policy underlying these acts.¹⁶ Pressure on relatives, sometimes extending to prominent family members of Movement figures, forms part of the same strategy, amplifying harm beyond the individual and deterring advocacy and truth-seeking. In parallel, reported practices of denying intelligence involvement and generating narratives of “voluntary return” or airport surrender further obscure responsibility and complicate accountability.

16. The invocation of counter-terrorism and national-security rationales illustrates how exceptional framing may normalize short-term incommunicado detention, rapid handover, and restricted access to counsel and judicial control, particularly where cooperation or acquiescence by host-State institutions facilitates transfer. This combination, targeting based on perceived association, accelerated or securitized procedures, and weakened oversight, makes the disappearance risk foreseeable and policy-relevant for the joint statement project: it renders enforced disappearance not an accidental by-product of isolated misconduct, but a predictable outcome of governance choices that erode traceability, individualized assessment, and non-refoulement compliance during the arrest-and-transfer phase.

17. Across the adjudicated case law of UN mechanisms, a consistent and legally consequential pattern emerges in Türkiye-linked transnational operations against persons perceived to be affiliated with the Hizmet Movement. Where formal extradition procedures are unavailable, delayed, or deemed inconvenient, individuals are repeatedly reported to have been removed from the protection of the law through covert or accelerated pathways that operate outside ordinary judicial safeguards.¹⁷ These pathways are characterized by sudden apprehension, concealment of custody, and the absence of transparent legal processes governing arrest, detention, or transfer.

18. A central feature of this pattern is the deliberate creation of a legal and factual vacuum at the initial stage of deprivation of liberty. Individuals are reportedly held *incommunicado*, denied access to legal counsel and family contact, and shielded from prompt judicial oversight during the critical early period of custody, before being rapidly transferred into Turkish jurisdiction.¹⁸ This sequence not only undermines core due process guarantees but also obstructs the ability of victims or relatives to seek timely remedies, challenge the legality of detention, or prevent onward transfer through judicial or administrative means.

¹⁶ See for example: <https://www.aa.com.tr/tr/gundem/fetonun-sozde-orta-asya-sorumlusu-inandiya-21-yil-hapis-cezasi/2923991> ; <https://www.bbc.com/turkce/haberler-dunya-57306678>

¹⁷ Working Group on Arbitrary Detention, Kaçmaz Family v. Pakistan and Turkey ([A/HRC/WGAD/2018/11](#)), 25 May 2018; Human Rights Committee, İsmet Özçelik, Turgay Karaman and IA v. Turkey ([Communication No. 2980/2017](#)) - 23 September 2019; Working Group on Arbitrary Detention, Komiş Family v. Malaysia and Turkey, ([A/HRC/WGAD/2020/51](#)), 18 September 2020; Working Group on Arbitrary Detention, Demirez and Others v. Turkey and Kosova ([A/HRC/WGAD/2020/47](#)), 25 September 2020.

¹⁸ İsmet Özcelik, Turgay Karaman and IA v. Turkey; Kaçmaz Family v. Pakistan and Turkey; RFE/RL, [Erdogan Says Turkish Agents Abducted Educational Leader In Kyrgyzstan For Alleged Coup Ties](#), 5 July 2021.

19. UN mechanisms have consistently treated these operations not as isolated irregularities but as structured forms of inter-State conduct engaging the responsibility of both the transferring and receiving States. In multiple instances, responsibility has been attributed where host-State authorities were found to have cooperated, acquiesced, or acted beyond their legal mandate to facilitate arrest, detention, or handover outside lawful extradition frameworks.¹⁹ These findings underscore that such transfers cannot be dissociated from the involvement, direct or indirect, of State authorities on both sides of the operation.

20. The jurisprudence further highlights the particular gravity of these practices where deprivation of liberty is grounded primarily in perceived association with the Hizmet Movement rather than individualized evidence of criminal conduct.²⁰ In this respect, the reliance on lawful activities, such as employment in affiliated institutions or alleged use of communication tools, as proxies for criminal suspicion has been treated as engaging discrimination concerns and compounding the arbitrariness of detention. The impact is especially severe where children are directly affected, either as detainees themselves or as family members subjected to abrupt separation and prolonged uncertainty regarding fate and whereabouts.²¹

21. In parallel, preventive assessments by UN treaty bodies demonstrate that once a host or transit State environment has already enabled or tolerated such forcible transfers, subsequent removals may expose individuals to a foreseeable, personal, and real risk of refoulement-like outcomes, including enforced disappearance and ill-treatment.²² This preventive dimension underscores that the risk does not arise solely at the point of transfer to Türkiye but may be triggered earlier, where safeguards fail to operate effectively in third-State jurisdictions.

22. These determinations crystallize a systemic risk inherent in transnational repression settings: enforced disappearance becomes possible where security-driven cooperation between States converges with weakened extradition safeguards, diminished transparency, and delayed or absent judicial control at the decisive early stage of custody. Once concealment and transfer have occurred, accountability gaps widen, remedies are frustrated, and effective investigation becomes increasingly difficult, reinforcing a cycle of impunity documented across multiple jurisdictions.

23. Taken together, the available material converges on a consistent account of how Türkiye-linked transnational enforced-disappearance-like practices are alleged to unfold: apprehension, often by plainclothes actors; swift removal in unmarked vehicles; and short-term or prolonged incommunicado detention marked by denial of access to legal counsel, family contact, and effective judicial review, followed by cross-border transfer outside ordinary extradition safeguards. Even where concealment of fate or whereabouts is limited in time, such practices may meet the threshold of enforced disappearance when authorities refuse to acknowledge deprivation of liberty or restrict information and contact. Within this pattern, individuals perceived to be affiliated with

¹⁹ Kaçmaz Family v. Pakistan and Turkey; Demirez and Others v. Turkey and Kosovo.

²⁰ Komiş Family v. Malaysia and Turkey; Demirez and Others v. Turkey and Kosova.

²¹ Kaçmaz Family v. Pakistan and Turkey.

²² Committee against Torture, X and Y v. Switzerland ([CAT/C/75/D/1081/2021](https://www.refworld.org/docid/5f3a2a204.html)), 7 February 2023.

the Hizmet Movement emerge as the primary risk group, alongside other reported profiles such as political opponents and journalists, with refugees, asylum seekers, and family members, including children, exposed both directly and indirectly through coercion or reprisals. These findings underscore that counter-terrorism framing cannot dilute the absolute prohibition of enforced disappearance and highlight the preventive centrality of early-stage safeguards, transparency, and strict compliance with non-refoulement obligations in any cooperation affecting arrest and transfer.

III. Enablers and Safeguards in Cross-Border Practice

24. The prohibition of torture and the corresponding obligation of non-refoulement are absolute and apply to all persons under a State's jurisdiction or control, regardless of status. Where a real risk exists, individuals must not be transferred, detained without legal basis and safeguards, or exposed to onward removal to a third State where similar risks arise.²³ In practice, this requires that each removal or extradition decision be examined individually, impartially, and independently by competent authorities, through procedures that are prompt, transparent, and capable of preventing irreversible harm. Essential safeguards include timely and reasoned notification of removal decisions, access to legal counsel and, where necessary, free legal aid, interpretation and translation support, referral to an independent medical examination in line with the Istanbul Protocol where torture is alleged, and access to an effective remedy with automatic suspensive effect.²⁴ Diplomatic assurances should not be relied upon to circumvent the absolute prohibition of refoulement where there are substantial grounds for believing that a person would face a risk of torture. In cases of conflict, obligations under article 3 of the Convention must prevail over bilateral or multilateral extradition or other arrangements, and States should ensure that such treaties do not operate to undermine Convention safeguards.²⁵

25. In the Türkiye-linked context, documented cases reveal a pattern of cross-border abductions and forcible returns carried out through cooperation with authorities in multiple host States, frequently involving intelligence-led operations. These practices expose individuals to a heightened risk of enforced disappearance and torture or other ill-treatment by removing them from ordinary legal protections at the decisive stage of arrest and transfer. The same cases point to systemic weaknesses in the practical application of non-refoulement safeguards, including returns carried out despite credible risk indicators, limited access to effective remedies with suspensive effect.²⁶

26. On the Türkiye side, the legal and institutional framework governing State intelligence services constitutes a significant enabling factor for transnational enforced disappearance risks. In particular, the existence of broad immunities shielding National Intelligence Organization

²³ Committee Against Torture, [General Comment No. 4 \(2017\)](#) on Article 3 of the Convention, paras. 8-12.

²⁴ *Ibid.*, paras. 13, 18(a)-(e).

²⁵ *Ibid.*, paras. 19-20, 23-25.

²⁶ Committee Against Torture, Concluding observations on the fifth periodic report of Türkiye ([CAT/C/TUR/CO/5](#)), 14 August 2024, paras. 26 and 25(a)-(c).

personnel from criminal investigation and prosecution weakens accountability where intelligence agents are implicated in cross-border operations. In parallel, multiple cases indicate that transnational transfers have been carried out outside formal judicial extradition procedures, including in situations involving individuals perceived to be affiliated with the Hizmet Movement, political opponents, or journalists critical of the Government. These practices have been accompanied by allegations of misuse of international cooperation tools, including INTERPOL Red Notices and politically motivated extradition processes, further facilitating transfers without effective judicial oversight.²⁷

27. Bilateral secret security cooperation agreements concluded between Türkiye and multiple States have emerged as a further enabling condition in transnational enforced disappearance cases. These arrangements have been reported to rely on broad and indeterminate references to counter-terrorism and transnational crime, allowing their use as a basis for expedited expulsions or abductions of individuals labelled as “security risks” without individualized judicial assessment. Allegations further indicate that such cooperation has, in practice, been supplemented by informal or undisclosed arrangements, including the transmission of updated lists of individuals perceived to be affiliated with the Hizmet Movement for immediate removal, as well as the revocation of citizenship or annulment of passports to facilitate arrest abroad and subsequent deportation.²⁸

28. At the operational level, reported practices indicate that transnational abductions and forcible transfers have frequently been facilitated through active cooperation or acquiescence by host-State law enforcement and intelligence services. Such conduct has included sustained surveillance, coordinated raids, and arrests carried out through undercover or expedited operations, in some instances in defiance of existing judicial orders prohibiting deportation. These operations are characterized by swift, coordinated actions that remove individuals from the protection of the law, restrict access to legal remedies, and enable rapid transfer. In this context, bilateral secret security cooperation arrangements have been used in practice to circumvent procedural safeguards governing regular extradition and deportation, thereby facilitating transfers in violation of non-refoulement obligations.²⁹

29. A recurring modus operandi can be identified across several Türkiye-linked transnational cases, whereby bilateral security, strategic, or commercial cooperation frameworks are followed by enforced-disappearance-like practices.³⁰ In this context, transnational repression has been enabled through a combination of informal security cooperation and administrative measures that circumvent regular extradition and removal procedures. Observed practices include the direct involvement of intelligence structures in overseas operations, reliance on informal or opaque cooperation channels with host-State authorities, and the instrumentalization of administrative powers, such as the revocation of residence permits, the designation of individuals as national

²⁷ Human Rights Committee, Concluding observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2), 28 November 2024, para. 23-25.

²⁸ Joint Allegations Letter (AL TUR 5/2020), 5 May 2020, pp. 2-3.

²⁹ Ibid., pp. 1, 3-4.

³⁰ Stockholm Center for Freedom, 22 October 2024; TurDef, 24 August 2024.

security threats, and the rapid execution of removals. These measures have been used to place individuals outside the protection of the law and to facilitate swift handover to Turkish authorities without effective judicial scrutiny. In several instances, administrative pathways have functioned as substitutes for extradition, enabling cross-border transfers while concealing the circumstances of deprivation of liberty and generating heightened risks of enforced disappearance and related violations.³¹

30. Cross-border operations that bypass ordinary arrest, detention, or removal procedures continue to rely on arrangements that lack transparency and legal certainty. Where inter-State cooperation frameworks are invoked to justify deprivation of liberty or transfer, their secrecy and ambiguity undermine *habeas corpus* guarantees, due process, and the principle of non-refoulement. Practices involving secret or unacknowledged detention place individuals outside the protection of the law and effectively disable timely judicial scrutiny at the most critical stage of deprivation of liberty.³²

31. The cases examined consistently demonstrate that the absence or delay of basic procedural safeguards at the moment of arrest and transfer plays a decisive role in enabling serious violations. Failures to promptly register detention, secure early judicial oversight, notify family members, or guarantee access to a lawyer of one's choice significantly increase the risk of concealment, ill-treatment, and enforced disappearance. Similarly, removal decisions taken without a genuine, individualized assessment of return-related risks, or without independent oversight, weaken the preventive function of existing protection mechanisms.³³

32. At a structural level, deficiencies in the domestic legal framework further erode deterrence and prevention. The absence of enforced disappearance as a distinct criminal offence, combined with fragmented legal qualification under ordinary crimes, obscures the role of State agents and weakens accountability. In this setting, statutes of limitation, amnesties, and immunity-related barriers risk insulating perpetrators from prosecution, thereby diminishing the preventive effect of criminal law and increasing the likelihood of recurrence.³⁴

33. A structural disconnect emerges between the safeguards required to ensure that cross-border removals comply with non-refoulement, due process, and *habeas corpus*, and the way removal practices operate in Türkiye-linked contexts. Expedited or informal transfer channels, opaque cooperation arrangements, and administrative shortcuts repeatedly compress or bypass scrutiny at decisive moments, particularly where individuals are framed as security threats and removed before suspensive remedies can take effect. These practices are reinforced by enabling conditions that form an integral part of the safeguard deficit rather than mere background context: immunities affecting intelligence services, vague counter-terrorism cooperation clauses, and security-based

³¹ Freedom House, Special Report, [Turkey: Transnational Repression Origin Country Case Study](#), 2021, pp. 39-41.

³² Joint Allegations Letter ([AL TUR 5/2020](#)), 5 May 2020, pp. 8-10.

³³ *Ibid.*, pp. 10.

³⁴ Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/45/13/Add.4](#)), 28 August 2020, para. 13.

justifications for exceptional measures weaken deterrence and facilitate inter-State coordination that circumvents extradition guarantees. In such settings, formally lawful tools, bilateral agreements, administrative detention powers, residency or travel-document measures, or diplomatic assurances, may be repurposed to enable rapid handovers while diluting legal certainty and oversight. Once detention is unregistered or access to counsel and family is delayed, traceability erodes, judicial control is neutralized, and the individual is effectively placed outside the protection of the law during the transfer phase, creating a predictable disappearance-risk environment rather than an isolated procedural failure.

IV. Accountability and Inter-State Cooperation Gaps

34. In transnational enforced disappearance cases, accountability mechanisms are structurally weakened at the outset because concealment of fate and whereabouts, rapid transfers, and *incommunicado* detention routinely deprive victims and relatives of the evidentiary means normally required to substantiate allegations. In these circumstances, the practical burden shifts to States to act *ex officio*, secure evidence, verify facts, and provide a credible account of what occurred, yet this responsibility is frequently not discharged in practice.³⁵

35. The Türkiye-linked record reviewed in this submission reflects a recurrent pattern of denial, justification, and investigative inertia in response to allegations of extraterritorial abductions, enforced disappearance, arbitrary detention, torture, and related violations. Where authorities respond, operations are often denied outright or framed as necessary, lawful, and proportionate security measures; at the same time, available information indicates that effective, independent investigations are not initiated and that meaningful accountability does not follow. This deficit is compounded by limited engagement with international communication and oversight procedures, especially problematic in transnational settings where multiple jurisdictions must cooperate for traceability and truth-finding to be possible.³⁶

36. Within Türkiye, domestic accountability for torture, ill-treatment, and enforced disappearance is undermined by entrenched structural barriers that obstruct effective investigation and prosecution. Reported features include: the lack of transparent and comprehensive data on complaints and outcomes; patterns of reclassifying conduct amounting to torture under lesser offences, thereby exposing cases to statutes of limitation; and practices that expose complainants to judicial harassment, which deters reporting and weakens access to remedies.³⁷

37. In cases most directly engaging State responsibility, particularly extraterritorial abductions and intelligence-led operations, these barriers are reinforced by legal arrangements that shield

³⁵ Committee Against Torture, [General Comment No. 4 \(2017\)](#) on Article 3 of the Convention, para. 38.

³⁶ Joint Allegations Letter ([AL TUR 5/2020](#)), 5 May 2020, pp. 6-7; Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/45/13/Add.4](#)), 28 August 2020, para. 13 and 17.

³⁷ Committee Against Torture, Concluding observations on the fifth periodic report of Türkiye ([CAT/C/TUR/CO/5](#)), 14 August 2024, para. 36 and 27(b); Human Rights Committee, Concluding observations on the second periodic report of Türkiye ([CCPR/C/TUR/CO/2](#)), 28 November 2024, para. 24.

security and intelligence personnel from criminal accountability. Of particular significance is the legal framework governing the National Intelligence Organization, under which investigations and prosecutions may be blocked through administrative certification that the contested acts fall within official duties. Combined with broad immunity regimes and post-coup attempt emergency decree provisions,³⁸ this framework contributes to an environment in which public officials are effectively insulated from investigation and prosecution for serious violations committed under counter-terrorism or national-security justifications, rendering judicial remedies largely ineffective and leaving prosecutions exceptional.

38. Accountability is further weakened by legal-qualification gaps. The absence of enforced disappearance as an autonomous criminal offence, and the continued reliance on ordinary criminal provisions, fail to capture the composite nature of the violation and tend to fragment proceedings, particularly where the involvement of State agents must be established. As a result, cases are exposed to statutes of limitation, amnesties, and procedural obstacles that constrain investigations from the outset and diminish deterrence.³⁹

39. These legal barriers operate within a broader institutional environment that further reduces prospects for accountability and non-repetition. The lack of judicial independence and impartiality is also a critical obstacle, especially in cases involving persons perceived to be affiliated with the Hizmet Movement or other government critics; proceedings rarely advance beyond preliminary stages, with very low prosecution and conviction rates reflecting systemic constraints rather than evidentiary insufficiency. Oversight mechanisms that could counterbalance these risks remain weak or ineffective, including limited capacity and independence of national human rights institutions, insufficient parliamentary oversight of law enforcement and intelligence services, and the absence of robust, independent monitoring of places of deprivation of liberty; investigations are rarely initiated *ex officio*, and access by independent monitoring bodies and civil society actors is restricted.⁴⁰

³⁸ Turkish Law No. 2937 of 2011 on the State Intelligence Services and the National Intelligence Agency (MIT), as amended by Law No. 6532 of 2014, gives MIT personnel effective immunity from prosecution unless the head of the intelligence agency issues an authorization. The public prosecutor thus has no authority to initiate direct criminal investigations. In addition, the Emergency Decrees increased impunity. Decree No. 667 of 22 July 2016 granted full immunity from legal, administrative, financial and criminal liabilities to state officials who would otherwise be subject to criminal investigation and prosecution. Article 37 of Decree No. 668 and its subsequent amendment, (Article 121 of) Decree No. 696, extended this immunity to civilians – those ‘who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions’ (...) ‘without having regard to whether they held an official title or were performing an official duty or not’. This effectively prevented accountability for any and all abuses that might have been perpetrated during this time and also raised concerns of pro-state vigilantism. These decrees were later approved by the Turkish Parliament as Laws Nos. 6749, 6755 and 7079 and added to Türkiye’s broad counter-terrorism arsenal. An application on the constitutionality of these clauses was dismissed by the Constitutional Court.

³⁹ Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/45/13/Add.4](#)), 28 August 2020, para. 18-20; Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/48/57](#)), 4 August 2021, para. 55.

⁴⁰ *Ibid.*, para. 56; Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/51/31](#)), 12 August 2022, para. 78.

40. Accountability gaps are also sustained by inter-State cooperation failures once a transfer has occurred. Across transnational-transfer cases, allegations are never subjected to prompt, independent, and effective investigations in either Türkiye or host States; inter-State follow-up, mutual legal assistance, and coordinated truth-finding tend not to activate in practice, leaving cases “suspended” between jurisdictions. Where scrutiny has occurred in a limited number of host States, consequences have remained exceptional rather than systemic and have not translated into consistent investigation, prosecution, or effective cross-border cooperation, being largely confined to the identification or accountability of lower-level officials, without reaching those in senior or decision-making positions.⁴¹

41. Finally, post-transfer practices further obstruct accountability and remedies. Individuals returned through transnational operations are reportedly indicted immediately upon arrival and placed in pre-trial detention under counter-terrorism frameworks; some cases involve short periods of unacknowledged detention during which relatives cannot establish whereabouts or health status. Reported restrictions on access to lawyers of choice, delayed or limited family contact, and pressure to withdraw complaints or international applications compound earlier violations, suppress reporting, and deter engagement with domestic and international mechanisms. In this broader context, Türkiye’s non-accession to the International Convention for the Protection of All Persons from Enforced Disappearance leaves an additional protection and accountability gap with respect to the Convention’s dedicated preventive, cooperation, and victims’ rights architecture.

V. Protection of Victims, Truth, and Reparation

42. Transnational enforced disappearances generate immediate protection risks (including during removal or transfer procedures) and long-term harms that persist for victims and their relatives until fate and whereabouts are clarified. Accordingly, protection frameworks must combine preventive safeguards that can stop an unlawful transfer in time, with effective remedies and reparation measures capable of restoring rights and preventing recurrence.

43. Effective redress must encompass both accessible remedies and comprehensive reparation. Reparation should address the full range of harm suffered, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Sustained access to specialized rehabilitation services is particularly critical, and removal should not proceed where medically certified rehabilitation needs cannot be met in the receiving State.⁴²

44. Where individuals have been subjected to extraordinary renditions or enforced disappearances, redress must extend to victims and their families and include adequate

⁴¹ Working Group on Enforced or Involuntary Disappearances Report ([A/HRC/45/13/Add.4](#)), 28 August 2020, para. 13; Freedom House, Special Report, [Turkey: Transnational Repression Origin Country Case Study](#), 2021, pp. 40-41. See, for example, the case of transnational abduction of Turkish teachers from Moldova to Türkiye which is monitored by the Council of Europe’s Committee of Ministers, [1501st meeting \(11-13 June 2024\) \(DH\) - H46-22 Ozdil and Others v. Republic of Moldova \(Application No. 42305/18\)](#).

⁴² Committee Against Torture, [General Comment No. 4 \(2017\)](#) on Article 3 of the Convention, paras. 21-22.

compensation and rehabilitation. Effective remedies also require that investigations are conducted transparently, that families are kept informed of progress and outcomes, and that reparation is not treated as discretionary but as an enforceable right linked to truth and accountability.⁴³

45. Meaningful access to remedies further depends on protection against intimidation and retaliation. Reported patterns show that complainants, relatives, and legal representatives may face harassment, judicial pressure, or threats aimed at deterring complaints or international engagement. Such practices undermine the prohibition of torture and enforced disappearance by discouraging reporting and obstructing accountability and must therefore be actively prevented and sanctioned.⁴⁴

46. Children affected by transnational enforced disappearances face heightened and distinct vulnerabilities, whether directly subjected to deprivation of liberty or indirectly harmed through the disappearance of parents. Effective protection requires individualized assessment, treatment of children primarily as victims, and strict application of the best interests of the child, including prompt access to appropriate assistance and the ability to challenge detention or transfer decisions.⁴⁵

47. The right to truth and meaningful family participation is a core component of protection and reparation. Families are frequently denied timely and reliable information on fate and whereabouts and encounter barriers to effective participation in investigative or truth-seeking processes. The harms of enforced disappearance also have a gendered dimension, with women often bearing disproportionate social, economic, psychological, and legal consequences, underscoring the need to integrate gender-sensitive approaches into truth, reparation, and support measures.⁴⁶

48. The standards outlined above point to a practical protection framework for transnational disappearance risks. Effective remedies must be genuinely preventive and capable of stopping removal in time, including through suspensive effect and the support necessary for vulnerable persons to access protection. Early safeguards, such as registration of detention, prompt judicial oversight, family notification, and access to legal counsel, are the primary barrier against concealment and irreparable harm, particularly where secret or incommunicado detention removes individuals from legal protection. Protection further depends on safeguards against intimidation and retaliation, as pressure on victims and relatives can directly undermine access to remedies and rehabilitation. Reparation must therefore be sustained and victim-centred, encompassing compensation, rehabilitation, satisfaction, and guarantees of non-repetition, while addressing the specific harms suffered by children, families, and women. In transnational contexts, protection

⁴³ Ibid., para. 27(c); Human Rights Committee, Concluding observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2), 28 November 2024, para. 24.

⁴⁴ Committee Against Torture, Concluding observations on the fifth periodic report of Türkiye (CAT/C/TUR/CO/5), 14 August 2024, paras. 36; Working Group on Enforced or Involuntary Disappearances Report (A/HRC/48/57), 4 August 2021, paras. 48, 57.

⁴⁵ Joint Allegations Letter (AL TUR 5/2020), 5 May 2020, pp. 11, 14-15.

⁴⁶ Working Group on Enforced or Involuntary Disappearances Report (A/HRC/45/13/Add.4), 28 August 2020, para. 14-21.

collapses when any element of this chain fails; prevention and reparation become credible only where traceability, family access to information, and non-refoulement are treated as binding obligations rather than discretionary measures.

VI. Safeguarding International Cooperation Tools

49. International cooperation tools, particularly INTERPOL Red Notices and extradition procedures, can be vulnerable to misuse in contexts of transnational repression, creating pathways from cross-border restrictions or detention to heightened transfer risks. In the Türkiye context, both UN treaty-body findings and documented reporting highlight how such mechanisms may be instrumentalized against perceived opponents abroad, and why safeguards and due process guarantees are essential.⁴⁷

50. The Human Rights Committee has expressed concern about allegations that INTERPOL Red Notices have been misused against persons suspected of being affiliated with the Hizmet Movement, as well as against political opponents or journalists critical of the Government. This concern was raised alongside the Committee's concern regarding politically motivated extradition processes, indicating the risk that cooperation channels may be leveraged for objectives incompatible with human rights protections. In response, the Committee has called on Türkiye to ensure that INTERPOL Red Notices are not misused and to establish adequate safeguards so that extradition processes are neither politically motivated nor implemented in a manner that undermines due process guarantees.⁴⁸ This framing underscores that the legitimacy of international cooperation depends on effective, enforceable protections against politicization and arbitrary outcomes.

51. Complementing these concerns, practice shows that INTERPOL mechanisms have been exploited to target perceived opponents abroad, including through large-scale efforts to upload names linked to the Hizmet Movement into INTERPOL systems following the 2016 coup attempt. While some States and courts have resisted such requests on the basis of political motivation, INTERPOL notices have nonetheless continued to contribute to arrests, restrictions on movement, and prolonged legal uncertainty, thereby creating onward transfer and disappearance risks. These dynamics point to persistent deficiencies in transparency, screening, and accountability within international policing cooperation, particularly where requests are processed without effective assessment of political motivation, timely notification to the affected person, or accessible procedures to challenge or suspend abusive notices.⁴⁹

⁴⁷ Human Rights Committee, Concluding observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2), 28 November 2024, paras. 25-26; Freedom House, Special Report, Turkey: Transnational Repression Origin Country Case Study, 2021, pp. 40-41;

⁴⁸ Human Rights Committee, Concluding observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2), 28 November 2024, paras. 26.

⁴⁹ Freedom House, Special Report, Turkey: Transnational Repression Origin Country Case Study, 2021, pp. 40-41.

52. These patterns illustrate that, where transparency and safeguards are weak, international cooperation tools may amplify transnational repression risks rather than mitigate them, especially when politically motivated alerts lead to detention and facilitate onward transfer scenarios. Effective prevention therefore requires concrete measures, including strengthened pre-screening of INTERPOL requests for political misuse, prompt judicial review with suspensive effect following arrests based on international alerts, access to effective remedies to challenge and remove abusive notices, and enhanced transparency regarding the origin and legal basis of cooperation requests. Ensuring that international policing cooperation operates under clear due process guarantees, independent oversight, and accountability mechanisms constitutes a critical protection layer against the use of such tools as indirect pathways to transnational enforced disappearance.

VII. Recommendations

53. Based on the patterns and concerns identified in this submission, the co-signing organizations respectfully invite the Committee and the Working Group to reflect, in their joint statement, the following core points:

- That enforced disappearance remains absolutely prohibited under international law, including in transnational contexts, and that no justification based on counter-terrorism, national security, or inter-State cooperation may be invoked to place individuals outside the protection of the law.
- That transnational enforced disappearances are frequently enabled through the circumvention of ordinary extradition, asylum, and removal safeguards by means of informal, intelligence-led, or expedited procedures, underscoring the central preventive role of the rule of law, judicial oversight, and separation of powers in ensuring traceability and effective remedies.
- That the risk of enforced disappearance is particularly acute at the point of arrest, detention, and transfer, making immediate registration of detention, access to legal counsel, family notification, and prompt judicial control indispensable safeguards in any cross-border cooperation affecting liberty.
- That the misuse of counter-terrorism frameworks, administrative measures, and opaque security cooperation arrangements to facilitate transfers without effective judicial scrutiny undermines legality, traceability, and accountability, and creates structural conditions for unacknowledged detention, concealment, and enforced disappearance.
- That persistent accountability gaps, stemming from the absence of an autonomous offence of enforced disappearance, legal and administrative barriers and immunities shielding State agents (including intelligence personnel), weak judicial independence, and ineffective parliamentary, national human rights institution, and detention-monitoring oversight, remain a principal obstacle to prompt, independent, and effective investigation and prosecution in transnational cases.

- That non-refoulement obligations apply fully in transnational contexts and require individualized risk assessment by competent and independent authorities, access to effective remedies with suspensive effect, and good-faith compliance with interim measures and other protective measures issued by UN mechanisms to prevent irreparable harm.
- That victims of transnational enforced disappearance and their families must be protected from intimidation and reprisals, ensured timely access to truth and participation in proceedings, and provided with full reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, with child-sensitive and gender-sensitive measures where relevant.
- That effective prevention and accountability in transnational enforced disappearance cases depend on sustained good-faith cooperation by States across jurisdictions, including *ex officio* investigations, preservation and sharing of evidence, and practical mutual legal assistance so that cases do not remain suspended between States and default into impunity.
- That misuse of international cooperation tools, including INTERPOL notices and politically motivated extradition requests, can function as indirect pathways to enforced disappearance and therefore necessitates strengthened screening, transparency, and independent oversight.