



Reference: d02ryu4c

Date: Tuesday, May 20, 2025

Type: Human rights violation

Original: English

Consent: I am/we are the alleged victim(s), and I/we give my/our consent

Related mandates

- housing
- freedom of opinion and expression
- human rights defenders
- independence of judges and lawyers
- torture

Victims

Name: Mehmet Kurtkaya

Type: Individual

Sex: Male

Date of birth: 17/09/1966

Victim is a child (under 18 years of age)? No

Nationality: Turkey

Email: [REDACTED]

Telephone: [REDACTED]

Occupation: Mechanical Engineer

Submitted by

Name: Mehmet Kurtkaya

Type: Individual

Email: [REDACTED]

Telephone: [REDACTED]

Disclosure

Does the alleged victim(s) or group/community agree to have their name(s) disclosed in a letter that may be sent to the Government, or others, such as intergovernmental organisations including United Nations entities, businesses, military or security companies?

Yes - Yes my name may appear, I publish a blog since more than 2 years to make the case known.

Does the alleged victim(s) agree to have their name(s) appear in a public report to the Human Rights Council?

Yes - Yes my name may appear, I publish a blog since more than 2 years to make the case known.

Case details

Country where the incident allegedly occurred/is occurring/might occur: Turkey

District: Moda, Kadikoy, Istanbul, Turkey

Please provide a short chronological summary of the incident: what happened; when (date/time); who was involved?

Following the catastrophic 2023 Kahramanmaraş earthquakes—exposing systemic criminal negligence by builders/municipalities—I reported structural risks (broken column, illegal renovations) in my 49-year-old Istanbul apartment building (Moda/Caferaga, Kadıköy). The building, constructed with illegal corrosive sea-sand in a high-risk seismic zone, was declared unsafe in a March 21, 2023, municipal report confirming a

severed column/beam connection, a pipe embedded in another column, and illegal expansions in 6 of 11 apartments. Kadıköy Municipality colluded with corrupt building management and apartment owners to conceal the report, falsely claiming “no broken column” and ignoring legally mandated evacuation protocols written in the report requiring action within 30 days if no safety assessment was provided.

After exposing the cover-up via my blog (Moda Suç Apartmanı), I filed a criminal complaint on December 1, 2023. Prosecutor Hüseyin Önelge dismissed my evidence as “totally abstract”—a judicial coup—despite knowing the Chief Prosecutor’s Office had opened an investigation. The same day, another prosecutor retaliated with a conservatorship case against me, basing it solely on my complaint. Three weeks later, building management falsely claimed to have “just received” the report (contradicting a July 17, 2023, municipal email stating it was sent earlier) and conducted a sham 9,500-TL “renovation”—a laughable sum for a 5-story building—while avoiding mandatory safety tests and reinforcement permits.

In September 2024, I discovered my name/citizenship number listed on a guardianship petition but the guardianship request was for Nurcan Türkan, a stranger, in the court file. Separately, lawyer Kemal Kaya—a 50-year family acquaintance—revealed on June 8, 2024, that my U.S.-citizen sister (Zeynep Kurtkaya Kayalıoğlu) and 2-3 apartment owners filed another conservatorship petition, omitted from my dossier. My sister, who illegally uses the building for storage/parking and co-owns my apartment, dismissed risks via WhatsApp on May 15, 2025: “No legal solution.”

The Chief Prosecutor’s investigation was halted after the Interior Minister blocked prosecution of Kadıköy’s former mayor, with notice sent to my nonexistent lawyer, denying me recourse. I objected on October 8, 2024, citing 22 counts of municipal crimes, rights violations, and demanding evacuation. Authorities ignored these pleas. On April 23, 2025, 6.2-magnitude quake struck Istanbul—near Turkey’s 6.4 demolition threshold.

Hundreds of tweets to ministries, municipalities, and military headquarters (noting manager Mikael Yardım’s 1980 coup-era military card on his Range Rover) went unanswered—amid expert warnings of potential magnitude 7.0+ earthquakes in Istanbul in the future. The “coffin building,” still occupied with rentals/sales, remains my only residence; I refuse to sell my share, ethically opposing endangering others.

On December 1, 2024, I petitioned to recuse the judge in the retaliatory guardianship case, citing 10 grounds: (1) basis in my criminal complaint, (2) unlawfulness, (3) name inconsistency (Nurcan Türkan vs. my identity), (4) obstruction of safety advocacy, and (5–10) legal violations. Rejected three days later, this perpetuates psychological torture and systemic rights violations.

Are there witnesses to the incident? Don't know

Is there evidence or substantiating information concerning the incident? Don't know

Does the alleged victim believe she/he was targeted due to her/his Engagement in human rights, trade union, political, religious activities or other types of activities

My blog reveals crimes committed by the municipality and the state regarding the building I live in.

Has the incident been reported to the relevant authorities? Yes

Please include details of any complaints filed or any other action taken by the alleged victim(s) or anyone else on their behalf?

I filed a criminal complaint, I filed an objection to dismissal by Chief Prosecutor’s Office and I filed a recusal of the judge petition in the guardianship case.. All of the details and files will be uploaded below if there are no technical issues.

Legal Grounds for UN Action

Right to Life (ICCPR Art. 6, UDHR Art. 3): The state’s inaction violates its duty to prevent foreseeable threats (Portillo Cáceres v. Paraguay, UNHRC, 2019).

Right to Adequate Housing (ICESCR Art. 11): Forced residence in an unsafe structure breaches UN guidelines on safe housing (A/77/190).

Freedom from Torture (UNCAT Art. 1): Prolonged exposure to life-threatening conditions and retaliatory conservatorship constitute psychological torture under UNCAT [as they cause severe mental distress (General Comment No. 3)].

Freedom of Expression (ICCPR Art. 19): Retaliatory judicial actions violate whistleblower protections.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)? No

Is this case under consideration by any other international or regional body? Don't know

freedom of opinion and expression

Please indicate any views, affiliations, past or present participation in political, social, ethnic or labour group/activity.

Freedom of Expression (ICCPR Art. 19): Retaliatory judicial actions violate whistleblower protections.

human rights defenders

torture

Please indicate where the person was seized (city, province, etc.) and location at which the torture was carried out, if known.

Freedom from Torture (UNCAT Art. 1): Prolonged exposure to life-threatening conditions and retaliatory conservatorship constitute psychological torture under UNCAT [as they cause severe mental distress (General Comment No. 3)].

What was believed to be the purpose of the torture?

To cover up the crimes and discourage me from pursuing legal action and the evacuation of the building

Perpetrators

Please specify the number of alleged perpetrators: 10

Is the identity/occupation of the alleged perpetrator(s) known? Don't know

Were the alleged perpetrators State agents or believed to be State agents? Yes

The perpetrators are both state and municipal employees. The exact number is unknown to me but certainly at least a few. I will give their names, Serdil Dara Odabasi former Kadikoy Mayor, Mestut Kosedagi current Kadikoy mayor. And their employees including but not restricted to the chief of building inspections and building inspectors. In the judiciary side definitely Huseyin Onelge a prosecutor who exacted a judicial coup as you may see in the official judicial files. Prosecutor Sibel Gungor for initiating the conservatorship case. Interior Minister for blocking the investigation, Ali Yerlikaya though it is stated that he blocked the investigation on the advice of its subordinates. There are multiple neglect of duty cases rather than misuse as seen above, including the Istanbul Mayorship and the Climate, ENvironment and Construction ministry for their failure to respond to my many tweets which contained official report which should have urged them to act to evacuate the building. Though they would be classified under neglect of duty rather than misuse of duty as is the case with Kadikoy Municipality and some prosecutors.

If the alleged perpetrators were State agents, were they acting in their official capacity? Yes

Prosecutors, Mayors and Municipal workers, and and other state personal per above.

Additional information

Subject: Urgent Intervention Request – Violations of Right to Life, Housing, and Freedom from Torture in Istanbul, Türkiye

Dear United Nations Human Rights Office,

I am submitting this urgent intervention request concerning severe and ongoing violations of my human rights by Turkish state authorities, including my right to life, right to adequate housing, and freedom from torture and ill-treatment.

I. Executive Summary

Turkey has systematically violated my rights to life, adequate housing, and freedom from torture by:

Forcing me to reside in a structurally unsafe building ("Moda Suç Apartmanı") officially declared unfit for habitation since March 2023, despite imminent earthquake risks.

Retaliatory judicial harassment through an 18-month conservatorship case initiated the same day I filed a criminal complaint, using the complaint as its basis, violating freedom of expression and constituting psychological torture.

Judicial obstruction preventing accountability for state, municipal actors, and building management, including dismissing criminal complaints and refusing to enforce the evacuation legally mandated within one month by the March 21, 2023, Kadıköy Municipality report.

Urgency: The April 23, 2025, 6.2-magnitude Istanbul earthquake underscores imminent risks, as experts warn of larger quakes (≥ 7.0) along the North Anatolian Fault.

II. Legal Grounds for UN Action

Right to Life (ICCPR Art. 6, UDHR Art. 3): The state's inaction violates its duty to prevent foreseeable threats (Portillo Cáceres v. Paraguay, UNHRC, 2019).

Right to Adequate Housing (ICESCR Art. 11): Forced residence in an unsafe structure breaches UN guidelines on safe housing (A/77/190).

Freedom from Torture (UNCAT Art. 1): Prolonged exposure to life-threatening conditions and retaliatory conservatorship constitute psychological torture under UNCAT [as they cause severe mental distress (General Comment No. 3)].

Freedom of Expression (ICCPR Art. 19): Retaliatory judicial actions violate whistleblower protections. Requested Actions

Immediate Measures:

Evacuate residents of "Moda Suç Apartmanı" and provide safe housing.

Terminate the conservatorship case and investigate judicial misconduct.

Investigations:

Deploy UN Special Rapporteurs on Housing, Torture, and Human Rights Defenders.

Refer this case to the UN Human Rights Council via Special Procedures or the 1503 mechanism.

Accountability:

Address this case in the 2025 UPR Review of Turkey.

Issue public condemnation of municipal corruption and judicial repression.