

ERDOGAN'S TORTURE SQUADS

&
Torture in Turkey

January, 2021





AST is a 501(c)(3) Not for Profit charitable and educational organization based in NJ, exclusively for defending human and civil rights.

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Our aim is,

- To address all forms of human rights violations being perpetrated in Turkey-- including civil, political, economic, social and cultural-- based on the tenets upheld in fundamental human rights documents;
- To speak up against any forms of genocide, crimes against humanity, arbitrary detentions, cases of torture and ill treatment, and discrimination, and stand up for principles and values such as the right to life, the rule of law, the right to privacy, freedom of expression, freedom of thought, conscience and religion, and freedom of associations;
- To utilize all human rights advocacy tools, mechanisms, and systems that can possibly be utilized in order to protect and demand the fundamental human rights of those whose voices are being silenced in Turkey and beyond;
- And to hold accountable the perpetrators who are denying individuals in Turkey and beyond their fundamental Human Rights while providing the victims with the opportunity to obtain justice and reparation.

In order to do so, we use the power of the law to fight the impunity of the perpetrators, their accomplices and the instigators of these crimes; we defend the interests of the victims before both national and international courts and we bring specific cases before the appropriate international human rights bodies, working in close collaboration with local partners and the victims themselves to make sure that the authorities take firm action against such violations.

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■ THE CRIME OF TORTURE

As a member of the Council of Europe, Turkey has ratified the European Convention on Human Rights. Even according to the 15th article of the European Convention on Human Rights which permits under extreme circumstances the suspension of certain obligations by members, the ban on the use of torture cannot be suspended. According to the 3rd article of the European Convention on Human Rights titled ‘Prohibition of Torture’,

“ No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

European Court of Human Rights (ECHR) Mehmet Bilen vs. Turkey case,

The applicant has made a complaint regarding the alleged maltreatment and pressure he has been subjected to under arrest which has been an important decision that has led to the conviction of Turkey. The ECHR has drawn attention to the fact that neither the Director of Public Prosecution nor the judges investigated the circumstances under which the complainant signed his statements and failed to convey the complaint to appropriate prosecutorial officials.

When an individual under arrest and complete control of police officers has been injured during their arrest, the ECHR has held the government solely responsible. In this case, the ECHR has drawn attention to the fact the government had not made any statements regarding the injuries detected on the applicant's body who had been under arrest for 18 days without being in contact with his attorney. Additionally, the ECHR also arrived at the conclusion that according to the evidence found in a forensic report conducted on April 19, 1996, the defendant government was responsible for the applicant's injuries. In conclusion, the ECHR decided that in the present case, the treatment the applicant endured was inhumane, degrading and in violation of ECHR's 3rd article.

United Nations Convention Against Torture:

According to the convention, the term 'torture' is a verb which "means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The second article of the UN convention states that:

- (1) "Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
- (2) "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture".
- (3) "An order from a superior officer or a public authority may not be invoked as a justification of torture".

■ INTRODUCTION

Government employees who have been involved in the use of torture have been protected by government institutions and officials in Turkey for years and rewarded with impunity. Even when a lawsuit is filed against them, it is ensured that these employees continue their duties and even receive promotions as they are prevented from being sentenced and imprisoned. Lawsuits against many of them can last for years because they cannot be prosecuted.



Especially after the coup attempt on July 15, 2016, the crime of torture has increased significantly, become systematic again in Turkey and affected a greater number of victims. Despite this increase in torture which was also reflected in the reports of human rights organizations in Turkey, torturers continue to be rewarded with impunity. AST reporters have therefore decided to prepare a series of reports on torturers based on hundreds of cases of torture and published reports. The report prepared is based on the statements of torture victims, witness accounts and court proceedings. The identity of some of the victims whose testimonies are included in the report have been kept confidential for security reasons. This report is the first of a series of studies. Interviews with victims and studies on similar cases will increase as will the number of reports; the available data will then be listed. The aim of this and future reports are to prevent the crime of torture and torturers from going unpunished. Legal procedures regarding torturers whose names have been identified in the

reports will be followed, and efforts to impose sanctions on the individuals through international channels will be made. The rights of victims in Turkey will be defended more vigorously once victims are afforded a safe environment in which they can face their torturers in court for reckoning. It should not be forgotten that torture is the greatest crime against humanity and there is no statute of limitations for this crime. Therefore, AST will continue efforts on behalf of victims to ensure that torturers face prosecution and are sentenced with the punishment they deserve.

■ SUMMARY

In this report, reporters of the human rights organization, AST (Advocates of Silenced Turkey) have put under the spotlight individuals involved in the crime of torture in Turkey, those protecting torturers, individuals praising the crime of torture and those inciting individuals to commit the crime. Almost all of the victims mentioned in the report explained the tortures they had seen in detail; their statements have also been reported in official court documents. Despite this, torturers whose names were generally revealed in this report were not brought to court. Documents and official statements mentioned in this report reveal that generally, the government of Turkey has not taken any practical action to prevent the crime of torture. On the contrary, during the visits of international commissions, instructions are given by official authorities to eliminate traces of torture. This report includes the statements of Minister of Interior Süleyman Soylu encouraging the security officials to commit violence, torture and the experiences of victims who were tortured and later found to innocent as a result of these statements.

AST reporters note in this report that torture is legitimized by the state.

It is argued that action should be taken to limit and ultimately end this dire situation. AST reporters, who have determined that government officials motivate torturers to commit violence with legal regulations and their statements, underline that the words of Mehmet Metiner, Chairman of the Parliamentary (TBMM) Sub-Commission on Prison "We will not investigate the allegations of torture" are an indication of this attitude. It is also a striking example of the impunity awarded to torturers and the actions of the AKP (Justice and Development Party, Turkish Adalet ve Kalkınma Partisi (AKP), also called AK Party) government to protect them.

Chief constable Oktay Kapsız, who tortured and killed a suspect named Murat Konus under custody was sentenced to life imprisonment by the Istanbul 2nd Criminal Court on July 9th, 2019 for 'killing by torture'; he has not been arrested and is still continuing his duties at the Muğla Marmaris District Police Department. It is scandalous that, in addition to Kapsız, three more police officers, despite having received the same punishment for torture and murder, have not only continued their duties, but have also evaded disciplinary punishments, and were sent off by high-level officials of the state to their new positions accompanied by farewell dinners and plaques of appreciation. This report reveals how torturers, who were

investigated or prosecuted for similar actions, were rewarded with impunity and even promotions, and how continued their duties.

The insensitive attitude of government officials in regards to human rights violations is naturally cited as the reason for the increase in torture in security agencies as well as the reason for torturers to commit violence in such an audacious manner. Hacı Murat Dinçer, former director of Anti-Terrorism Department (TEM) of Şırnak, is also cited as an example. Dinçer ordered police officers under his command to have Hacı Lokman Birlik, who was captured with serious injuries, be tied to the back of an armored police vehicle and dragged around in the district. Dincer, who ordered the horrific death of Birlik, received a plaque of success from AKP leader and Turkish President Recep Tayyip Erdogan. He later became a candidate to be a deputy for the AKP. Despite the complaints filed against Dincer by the Birlik family, no legal action was taken against Dinçer.

This report also includes the names of some torturers which were not revealed previously. Especially after the coup attempt on July 15, 2016, the identities of individuals who have tortured officers and non-commissioned officers are being exposed. It is reported here that the individual who brutally tortured General Akın Öztürk is now TEM (Anti-Terror Office) Branch Deputy Chief Elif Sümercan. It is also revealed that Sümercan was later promoted and finally became the Head of Department at the Ministry of Culture.

AST reporters are creating a roster of names to add to their large-scale investigation in documenting names of torturers. Names that have been identified are classified according to the torturers' places of duty, victim profiles, and the length of their prosecution processes. The list will be supplemented by future reports' findings. The list does not only contain names of security guards according to the findings of the reporters. Additionally, doctors, members of the judiciary, government officials, politicians, journalists and even civilians who participated in the torture are included in the list of names. In other words, the list also includes individuals who protect torturers, cover up their actions, praise and encourage them to commit torture, as well as those who have committed the crime of torture.

CASES

1. SÜLEYMAN SOYLU, Minister of Interior of AKP Government

Numerous criminal complaints were made against Suleyman Soylu and an investigation was opened for the crimes of "incitement to torture" and "violation of the Constitution" on the grounds that he was responsible for the crime of torture, as well as for providing instructions to police personnel under his command especially after July 15, 2016. Minister Suleyman Soylu is the number one suspect named in complaints regarding deaths and injuries resulting from torture in detention. It is also worth noting that Minister Soylu has encouraged police in his statements to use violence.



Soylu has ordered security forces participating in operations against the Kurdistan Workers' Party (PKK) to use violence without even giving them the right to stand trial. Soylu has said about an operation that although "photos of the neutralized terrorists" are not generally shared, he would "share their pictures as a lesson".¹ In August 31, 2016, following Soylu's statements, footage of torture captured during military operations were released to serve as "a warning".

Three villagers, as shown in these images were foraging for mushrooms in the Gevas district of Van when they were accused of being "terrorists", detained and tortured in the Gevaş District Police Department. Cemal Aslan, a father of three, suffered from a broken nose and ribs and a perforated eardrum as a result of the torture he was subjected to. The images depicting the villagers were posted on social media by security forces. The villagers were later released when they were found innocent.²



The images of villagers who were denied the presumption of innocence and subjected to extrajudicial torture were exposed on social media, especially by AKP journalists who advocated for the use torture. AKP journalist Fatih Tezcan also shared the photographs; "the person who fired a rocket at the Van Gevaş Police Department was caught. You see him crying and

hitting his head against the walls to die” he tweeted. After the villagers were released, Tezcan apologized saying that "it was understood that these people were not terrorists, they were innocent civilians and they were released. Servet Haznedar, the attorney of Cemal Aslan, Abduselam Aslan and Halil Aslan who were tortured, filed a criminal complaint against the Gevaş Chief Public Prosecutor's Office for the crimes of "torture, insult, abuse of power and damage to property" committed against his clients.³ When the case had been closed in Erzurum’s Regional Court of Justice, the 7th High Criminal Division in June 2020, only one police officer was tried for torture and fined only three thousand Turkish Liras. This penalty was ultimately not applied and postponed.⁴

Aykut, who was tortured, was acquitted



Abdi Aykut is one of many individuals who have been denied the presumption of innocence without even being brought before a court by AKP’s Ministry of Interior Suleyman Soylu and has been accused of committing terrorism. Abdi Aykut was among 39 individuals including two children, who were detained during a curfew declared between February 11 and March 2, 2017 in Kuruköy, Nusaybin district of Mardin. Photographs which depicted Aykut as having been badly injured and tortured circulated in the press soon after Aykut disappeared. In regards to the aforementioned event and photographs which were brought to the attention of the TBMM Parliament, Interior Minister Süleyman Soylu defended the torture Aykut was subjected to, claimed that "nothing outside the rule of law was being done” and that Aykut was hosting terrorism. Aykut, who was tried at the Mardin 3rd High Criminal Court for terrorism, was acquitted of the crime pursuant to Article 223/2 of the code of criminal procedure, as it was understood that definitive and convincing evidence that he committed the crime he was accused of could not be obtained.⁵

Following this decision, 7 other people applied to the Mardin Administrative Court on grounds of "unjust detention" and filed a lawsuit for compensation against the Ministry of Interior.

At the General Security and Fight Against Narcotics Meeting held at the Ministry of Education, Interior Minister Soylu stated that he had been instructing police officers for over a year to “do what is necessary” upon capturing drug dealers; a criminal complaint was subsequently filed against him by the Istanbul Bar Association on the grounds that he clearly incited the crime of torture with this statement.⁶

Istanbul Bar Lawyer Atilla Özen stated in the criminal complaint made to the Ankara Chief Public Prosecutor that Soylu clearly committed the crime of "provoking others to commit a crime" in Article 214/1 of the Turkish Penal Code No. 5237. According to the criminal complaint, "if police are caught up in Soylu's provocation and commit a crime, the 'torture crime' in Article 94 of the Turkish Penal Code will be committed and the Minister of Internal Affairs will not only be held accountable for the crime of public incitement but also be liable for the crime of 'instigation of torture'; he can therefore be penalized in accordance with Article 214/3 of the Criminal Code.

Gaziantep Bar Association President Bektaş Şarklı, who was beaten and injured by the Antalya Bar Association President Polat Balkan and police, also filed a complaint with the Ankara Chief Public Prosecutor's Office regarding the Interior Minister Süleyman Soylu, Ankara Governor Vasip Şahin, Ankara Police Director Servet Yılmaz and law enforcement officers on grounds of "intentionally wounding", "depriving a person of his liberty, torture and ill-treatment". Upon Soylu's instructions, the presidents of the bar association were prevented from entering Ankara and Şarklı was injured.⁷ Furthermore, the "Saturday Mothers" platform created to locate missing relatives who disappeared in custody as well as the IHD (Human Rights Association) have filed a complaint against Süleyman Soylu on the grounds that he committed the crime of torture.⁸ Groups searching for their missing relatives were holding demonstrations and press releases within the scope of their constitutional rights when they were met with excessive force by the police and battered.

2. HAKAN FIDAN, MIT (the National Intelligence Organization) Undersecretary

In previous reports, AST reporters have included testimonies of victims who were abducted by MIT and tortured for months in illegal interrogations. In addition to providing descriptions of their torturers, the victims have also prepared complaints against Undersecretary Hakan Fidan who was responsible for the officers committing the torture, to be filed with international courts on torture charges.⁹



3. MEHMET METİNER, Chairman of the Parliamentary (TBMM) Sub-Commission on Prison of the period



AKP's Mehmet Metiner has made a dire statement about the increasing allegations of torture and ill-treatment, especially after July 15, 2016, and has reflected the government's grave attitude towards human rights. President of the TBMM Prison Sub-Committee, Metiner stated that government officials would not visit members of the Hizmet Movement in prison nor investigate the allegations of torture and ill-treatment in prison made by these individuals.¹⁰

Metiner has also stated that "no one should attempt to use FETO terrorists as political propaganda. They are not victims, but victimizers". However, the purpose of the commission is to examine conditions of prisoners regardless of their religion, language, race, political opinion, social status, and crimes. Metiner's statement has been condemned by opposition parties.

4. ALİ BAŞTÜRK, Deputy General Director of Police



In the letter of instructions classified and distributed as "Confidential" to all units in 81 provinces bearing the signature of Ali Baştürk, the Chief Civil Inspector of the General Directorate of Security and the Deputy General Director of the Police, it is stated that Council of Europe's Committee for the Prevention of Torture and Maltreatment (CPT) can make spontaneous visits and that in order to conceal the ill-treatment of prisoners, it is asked that detention facilities be prepared in advance and

made suitable for such visits.¹¹

In the instruction letter, the statements made by international institutions and organizations regarding operations following the coup attempt as well as news published by international media were also referenced. The instructions provided by Basturk labeled "**Confidential**" are as follows:

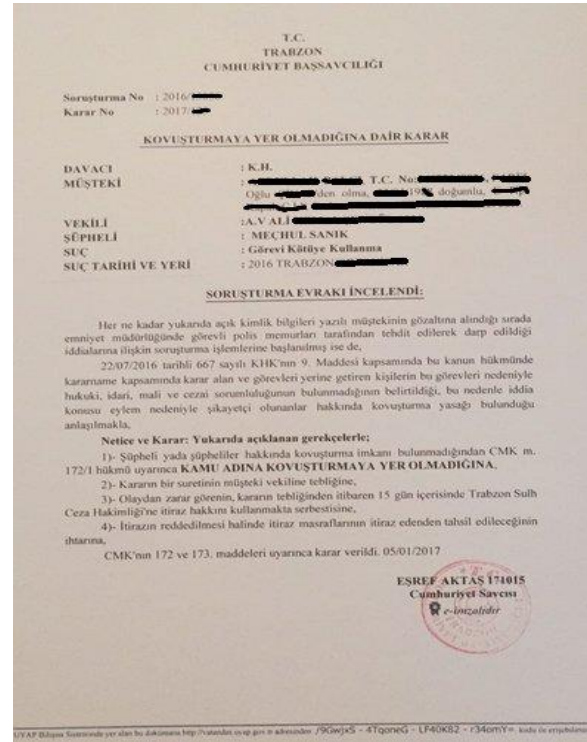
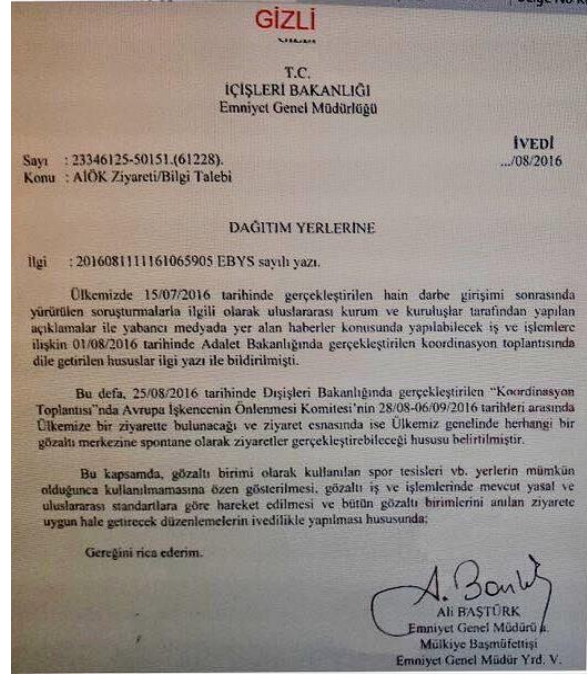
At the "Coordination Meeting" held at the Ministry of Foreign Affairs on 8/25/2016, the European Committee for the Prevention of Torture will pay a visit to our country between 8/28 and 6/9/2016 and during their visit, the Committee can make spontaneous visits to any detention center throughout our country.

In this context, I kindly request that detention facilities be used as infrequently as possible, current legal and international standards in detention procedures be followed, and arrangements to make all detention units suitable for the mentioned visits be made".

5. EŞREF AKTAŞ, Trabzon Public Prosecutor

As a result of decree number 667 issued by the government after July 15, 2016, all kinds of crimes committed under the pretext of protecting the state were left unpunished. The decree has been interpreted by some members of the judiciary as an obstacle to the prosecution of torturers; torture cases in various provinces of Turkey were denied and complaints of torture victims disregarded as a result of the decree laws.

Abdullah B., who was arrested within the scope of the investigation against the Hizmet Movement in Trabzon, complained to the Trabzon Chief Prosecutor's Office, citing that he was beaten, mistreated and threatened after being detained along with his pregnant wife.



Prosecutor Eşref Aktaş ruled that "there is no room for prosecution" in this case by referring to "Article 9 of the Decree Law No. 667" issued by the government.¹²

Prosecutor Aktaş also ruled that police officers do not have criminal responsibilities due to the nature of their duties and cannot be prosecuted as per the Decree Law. The decision, which meant that the crime of torture would not be punished, was found "grave" by independent lawyers. Aktaş' decision which covered up the crime of torture also emboldened the police officers who tortured Abdullah B.

6. OKTAY KAPSIZ, Chief Superintendent



An example of a case in which impunity and the protection of the state is granted to torturers in Turkey is the Chief Superintendent Oktay Kapsız case.¹³ Oktay Kapsız, who was found to have killed a suspect named Murat Konus in custody by torture in the Istanbul Public Security Branch detention center was sentenced to life imprisonment by a court decision; he was, however, not arrested and resumed his duties.

The accused police officer Oktay Kapsız, who served as a commissioner in Beşiktaş, Istanbul around the time of Murat Konus' death, rose to higher ranks in the following years. Kapsız, who was serving as the Hakkari Çukurca Chief Superintendent on July 9, 2019, when the case was concluded, was sentenced to life imprisonment by the Istanbul 2nd High Criminal Court, but was appointed to the Muğla Police Department in November after 4 months after the court decision. Kapsız who had killed a man by torture and received a life-sentence was sent off to his new place of duty with a state ceremony.¹⁴ He was even presented a plaque of appreciation by Çukurca District Governor Murat Öztürk and hosted at dinner by the mayor and some commanders.

Sentenced to life imprisonment for torture but still on duty

Murat Konus was among 29 individuals taken into custody in 2010 for the theft of \$1.2 in Laleli, Istanbul. Approximately 3 hours after being detained, Konus was taken from the police station to a hospital in a blanket. He died in the hospital an hour later. In an autopsy report, it was determined that Konus was killed as a result of the torture he suffered in custody. The report stated that his death was caused by heavy blows he had received on his head. Following the report, lawsuits were filed against 7 police officers. The

police, who were detained for a short time, were later released. On the 9th year of the trial, 4 police officers were found guilty by the Istanbul 2nd High Criminal Court on July 9, 2019. Police officers Oktay Kapsız, Ramazan Adıgüzel, Murat Ertürk and Abdülcelil Karadağ were sentenced to life imprisonment for "causing death by torture". The sentence was ultimately reduced and converted to life imprisonment. The court, which sentenced the defendants to life imprisonment, did not issue a warrant for the officers' arrest. Local courts in Turkey, under normal circumstances and in accordance with the Supreme Court's decision may decide against arresting defendants during trial if the defendants are charged with petty crimes and sentenced to 2-3 years in prison. However, it is unacceptable for a defendant who is charged with torture-the greatest crime against humanity-and sentenced to life imprisonment to be tried without arrest.

In order for these police officers to go back to prison, the case of death by torture, which was concluded 10 years ago, must be approved by the Supreme Court.

The lawyer of the Konus family, Nuri Köse, has reacted to the decision as follows: "Although it was confirmed by camera recordings, witness statements and forensic reports that Murat Konus died as a result of the torture he was subjected to at the hands of police officers, the trial was unfortunately not finalized for years and the decision was only reached on July 9, 2019. Despite the fact that the crime was established, doubts regarding the fairness of the duration of the trial process and decision are raised when one takes into account that a decision could not be reached for years, discretionary reductions were applied to the four defendants' life sentences, the defendants who did not attend the hearing and were sure to escape due to the life imprisonment sentence they received did not face arrest until the case was concluded and the failure of authorities to take action against those who have attempted to conceal the crime of torture in custody".

Not even disciplinary action was taken against the 4 torturers. Following the court decision, the Istanbul Police Department announced that the police officers could not be administered disciplinary punishments due to the statute of limitations.¹⁵ The three other police officers who were sentenced to life imprisonment also resumed their duties.

7. MUHSİN TÜRKES, Police Officer/Constable – AHMET GÜRBÜZ, Public Prosecutor

Eyüp Birinci, a teacher, was arrested on July 24, 2016 by the Antalya Anti-Smuggling and Organized Crime (KOM) Branch Directorate police. On July 29, he was operated on and his family was not informed. His family found out on the 2nd of August that Birinci was staying at the Atatürk Hospital in room 401. During a hospital visit, Eyüp Birinci told his family that he had been soaked, and beaten naked for a week.¹⁶ The family filed a complaint with the prosecutor's office against the police officers in Antalya Police Station who tortured Birinci. However, Prosecutor Ahmet Gürbüz did not process this petition for twenty-four days. As a result, Birinci's family claim that the torture sessions continued after Birinci's release from the hospital. Eyüp Birinci, who was tortured for about a month in custody, suffered from tears in his intestines as a result of objects being inserted into his anus and received treatment at the hospital, was finally brought to the office of prosecutor Ahmet Gürbüz on August 24. In his statement, Eyüp Birinci told the prosecutor that he was blindfolded by the police, stripped naked, drenched with water, hit in his face, under his feet, on his stomach, had his privates crushed, and was beaten with a truncheon. Birinci stated that the doctor who performed a health check on him when he was detained ignored the injuries he found on Birinci's body and claimed they were "simple, not serious"; Birinci also stated that after fainting during an interrogation in the following days, he was taken to the hospital and operated on upon being diagnosed with internal bleeding.¹⁷

Prosecutor Gürbüz, not only neglected to investigate the allegations of torture and attempted to cover them up, but also arrested Birinci. Birinci, who released a statement from prison through his family, emphasized that a police officer named Muhsin Türkeş and other officers whose name he did not know tortured him.

In an interview she gave to a news website, Eyüp Birinci's wife explained the details of the torture as follows:¹⁸ "They struck him in the face with a thick newspaper roll. They put their batons inside his mouth and turned it around in his mouth until he was out of breath. They slapped his face until he turned fire red and he bled. Despite being out of breath, police officer Muhsin Türkeş and others said to him that they would make him regret being alive and constantly threatened him with either talking or dying. They had him kneel and asked him what he was doing in Antalya. They hit his thighs and stepped on his kneecaps until he shouted in agony. They hit the bottom of his feet with their batons and his feet swelled up with water. They threatened to pull out his nails. They crushed his privates. They threatened to bring his wife

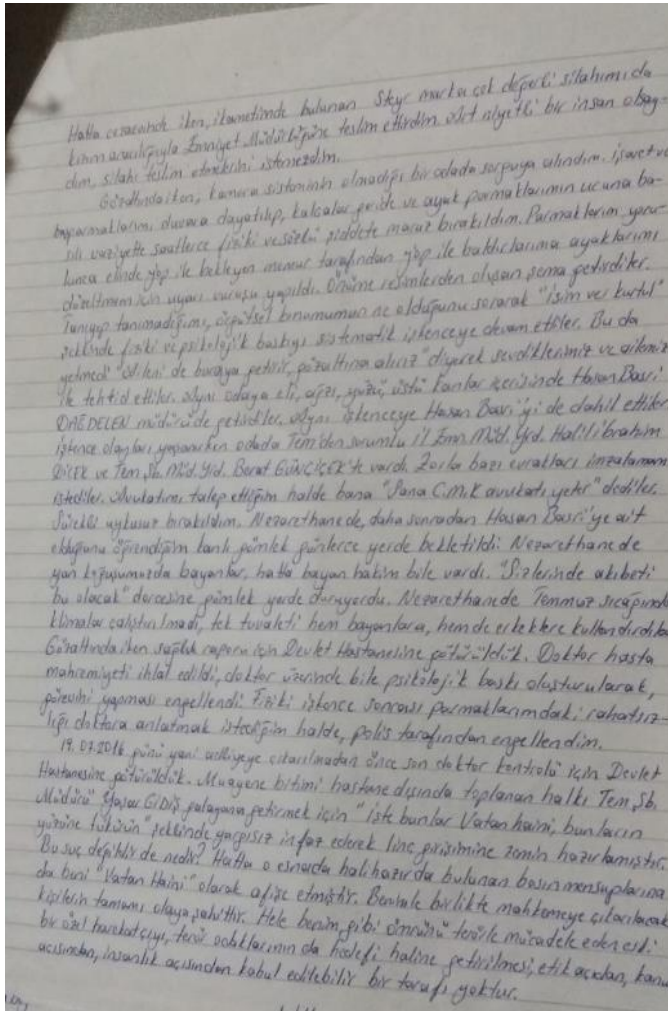
and 9 year old daughter there, strip and assault them in front of Birinci and take his wife and daughter to a brothel afterwards.

8. HALİL İBRAHİM DİLEK, Provincial Police Chief Assistant Responsible for TEM - BERAT GÜNÇİÇEK, TEM Section Chief Assistant

Superintendent Süleyman Akçın was detained by Mersin Anti-Terrorism (TEM) units within the scope of the Hizmet Movement investigation and was arrested on July 20, 2016. Akçın, who is held in Tarsus Prison, announced that he was tortured during the two-day detention period. He spoke of his experiences during his defense at the first hearing held at Mersin 7th High Criminal Court on June 20, 2017.¹⁹



Süleyman Akçın



Akçın, who was tortured with the strappado, reports that he was subjected to hours of physical and psychological pressure, torture, and that his calves were battered with a baton. Akçın also spoke about other tortured individuals during his defense: “Hasan Basri Dağdelen, a director was also brought into the same room I was held in with blood on his hand, mouth, face and his clothes. They tortured Hasan Basri the same way they tortured me. While the torture was taking place, Halil Ibrahim Dilek, Provincial Police Chief responsible for TEM and Berat Guncicek, TEM Section Chief Assistant were also there. They forced me to sign some documents. They prevented me from meeting with a lawyer. I was constantly deprived of sleep. A bloody shirt, which I later learned belonged to Hasan Basri, was kept on the ground for days in jail. There were ladies and even a female judge in the ward adjacent to ours in the detention center”.

9. YASIN DEMİR, Former Kırıkkale TEM Section Chief



Some of 48 suspects who were tried at the hearing held at Kırıkkale High Criminal Court on February 16, 2017, spoke about the heavy pressure and torture they suffered from at the hands of police officers and especially the Director of TEM division chief, Yasin Demir.²⁰ Apart from Yasin Demir, the torture victims could only provide the descriptions of some police officers who tortured them. The statements made by lecturer, MD Erdem Ayyıldız as he wept were recorded in the official reports as follows:

"I was tortured in custody for 13 days. I was alone for a week of the torture. I was unable to go outside as a result. They gave me an unforgettable scar. I did not plead guilty. Suddenly, someone from the interrogation room slipped behind me and put my shirt over my face and dragged me to the bathroom. In the bathroom they stripped me naked, washed me with a garden hose, I was blindfolded with my undershirt; they washed me with ice cold water as they laughed at me. They found liquid soap and a baton and shoved the baton into my anus. At that moment, I told them 'okay whatever you ask, I accept' and when I said that, they stopped torturing me ".

Harun Özdemir, one of the individuals also on trial, spoke about the torture he had suffered. The following statements were included in the court records: "I was blindfolded and they said to me 'you are going to talk'. They blindfolded me and took me to the bathroom. I'm ashamed to speak of this. They treated me inhumanely, insulted me, forcibly took off my clothes, and continued to insult me when I refused to take off my clothes. They soaked my body with cold water, while I was naked and blindfolded. They assaulted me with their truncheons. Then someone started to crush my testicles. The pain was so unbearable that my vision darkened, I thought I was going to die. "

"I wish they had killed me"

Director of school Hasan Kobalay explained the details of the torture he was subjected to during a trial. The hearing records include the following statements: "I was detained in Aydın Nazilli on October 31, 2016. I asked the police why I was detained, they said nothing and asked me my profession. They instructed me to take down my pants, I did and they told me that they would take very special care of me. My eyes were blindfolded and my hands were cuffed. I was taken out of that room and taken to a room across a bathroom. It was around 5:30 pm, when I got there; they had just taken off my pants first, but

when I got there they took off everything, including my underwear. I said 'please don't do this'. I shouted as my eyes were blindfolded, and my hands handcuffed; I couldn't make a sound, my mouth was tied with a cloth, and I was taken to the bathroom, naked. Cold water was sprayed all over my body. My genitals were targeted. It still hurts. I would like to receive treatment because my testicles still hurt. They played with all parts of my body and also did something to my anus, but I don't know what. I wish they had killed me instead of doing these things. I stayed there for an hour, and then they told me that they would bring my wife here and do the same things to her. I collapsed, (the defendant began to weep as he continued his testimony) because my wife and three children are my world. They then took me to a room and explained to me what I had to do. When I got to the hospital, I was trembling and tried to explain what had happened to the doctor but the police with me did not let me speak. The second time I went to the doctor, I told him that I was tortured. He told me that he couldn't see indications of torture on my face and just gave me an injection. Words like torture, threat, anguish fail to describe my experiences. I am ashamed to be human (the defendant continued to cry as he gave these statements). "

Yasin Demir, who was accused by many defendants to have committed tortured in the Kırıkkale Police Department and filed complaints against him, was assigned to the UN Police Mission in Sudan on April 21, 2017.

10. GÖKHAN KARAGÖZ and OKAN ÇAKIROĞLU- Zonguldak General Directorate of Police

The suspects on trial at the hearing of the Zonguldak 2nd High Criminal Court on October 5, 2017 spoke about the tortures they suffered. According to the statements in the hearing records, Kubilay G. who stated that he was subjected to inhumane treatment claimed that he slept on the concrete with nothing but blankets for 14 days. His defense statement is as follows: "I have rheumatism, but my medication was not given to me. My request for injections to relieve my pain was denied. We were not taken to our daily health checks like we were supposed to. We were overwhelmed by the heat and stuffiness. We endured psychological torture. I wrote petitions to request camera recordings of the detention center and made an individual application to the Constitutional Court".

The following statements within teacher T.A.'s defense were also included in court records; "Even though my hands were cuffed, they blindfolded and tortured me. They punched me in the face. They said they would kill me and bury me in a traitor's grave. They said that my wife would be tortured the same way. I

lost my consciousness and when I opened my eyes, I was tied to a handcuffed stretcher in a room at Bülent Ecevit Training and Research Hospital. I wasn't able to turn to my right or left. After staying in the hospital until the morning, they took me back into custody. I was tortured in custody for 28 days. I did not receive any records of my treatment in the hospital". One of the defendants Ö.K. explained that they were beaten and forced to sign statements. The suspects on trial named Zonguldak Provincial Police Commissioner Assistant Gökhan Karagöz and Okan Çakıroğlu among the police officers who tortured them. They explained that these individuals often told them that the severity of the torture they were subjected to would increase if the information they requested was not given to them. The victims were only able to provide descriptions of other police officers who tortured them.

11. TAHİR DARBAZOĞLU, Ankara Provincial Superintendent

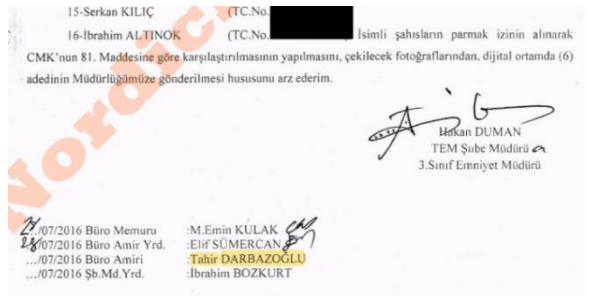


Suspects tried at the Ankara 17th High Criminal Court on 11/20/ 2017 explained the torture inflicted on them in detail; their statements which were recorded in court documents identified Tahir Darbazoğlu, the police chief of Ankara Provincial Security Directorate TEM Branch as one of the police officers who took part in the torture. Court records also mention that Darbazoğlu, who was identified separately by 11 suspects held in a gymnasium in Beştepe and a tent in the Sincan Prison campus, introduced himself to victims as the angel of death, participated in the torture himself, gave torture orders and threatened other police officers to torture them.²¹ According to the victims' statements, Darbazoğlu not only ordered officers to torture victims for days, but also took part in the torture himself. He was accused of beatings that resulted in severe injuries, stripping victims and assaulting them, starving victims for days, leaving them in stressful positions for long hours, not allowing victims to relieve themselves, and electrocuting them. Along with Major Emrah Ilgaz and Captain Sadık Kazancı, who were tortured in custody, 16 other victims complained about Darbazoğlu.

12. ELİF SÜMERCAN, Ankara TEM Superintendent 's Assistant

Former Air Force Commander and member of the Supreme Military Council, General Akin Öztürk was among the most severely tortured in custody after July 15. Eyewitnesses who were in custody at the time provided descriptions of the torture Öztürk endured in detail to the media; photographs of Ozturk depicting his injuries and cut-off ear were broadcast on the state's official news agency Anadolu Agency and the

official television channel TRT.²² It was reported that senior officers, including Akın Öztürk, were beaten naked for hours and severely tortured. It was announced that one of the officers who had tortured Ozturk for hours was a female police officer named "Elif" whose name was only revealed to victims when a colleague of the female officer told her **“Enough, Elif”**. According to AST reporters’ findings, the identity of the police officer Elif, who signed two separate dispatch reports on the dates when Akın Öztürk was tortured, has been revealed.²³ Two reports sent to the Crime Scene Investigation Branch Directorate regarding suspects referred on the day of the events were included in the case file. It was determined that the person identified as Elif was the torturer TEM branch police officer, Elif Sümercan.



It is reported that Sümercan was later promoted and finally appointed as the Head of Department at the Ministry of Culture. Surprising information about Elif Sümercan, who was reported to have committed torture has been revealed. Her husband, Mustafa Murat Sümercan, was among the police officers who battered civilians during President Recep Tayyip Erdogan’s eventful US visit; he was added to a wanted list by the US authorities who issued a warrant for his arrest.²⁴

Another individual discovered to have tortured Akın Öztürk is a police officer who introduced himself as Hakan Öztunç. Captain Hakan Güler has expressed in his court statement when he was tried on 1/2/2018 that he wished to relay an event he had witnessed in TEM: “A police officer named Hakan Öztunç who was yelling out his name

tortured General Öztürk and cut off Öztürk's ear”.²⁵

13. HACI MURAT DİNÇER, Former Police Commissioner of Counter-terrorism(TEM) Branch of Şırnak Police Department

It was determined that former TEM director of Şırnak, Hacı Murat Dinçer ordered the police officers under his command to tie badly injured Hacı Lokman Birlik to the back of a police armored vehicle and drag him into the district.²⁶ The Peoples' Democratic Party (HDP) Şırnak Deputy Leyla



Birlik, made a statement regarding the conversations held on police scanners and evidence which emerged after complaints were made regarding Dincer; she stated that the individual who ordered police officers to kill Hacı Lokman Birlik by tying his body to the back of an armored vehicle and dragging it was identified as Hacı Murat Dinçer, the TEM Branch Manager in Şırnak. The Peoples' Democratic Party (HDP) also filed a complaint against the 6 police officers involved in the torture as well as the former Minister of Internal Affairs Selami Altınok, the former Governor of Şırnak Ali İhsan Su and former Şırnak Police Chief Celal Sel. Lawyers representing Birlik's family, filed a complaint against the police officers who killed him by torture and dragged his body on the back of a vehicle on the grounds that they committed the crimes of "killing deliberately", "insulting the memory of a person" and "abuse of power". Complaints were also filed against officers who witnessed the incident on grounds that they did not report the crimes being committed against Birlik. In a report prepared by Turkey's Human Rights Association, it was stated that Birlik who was wounded before being tied to the police vehicle later died as a result of the injuries he sustained. Murat Dincer, who was responsible for the death of Birlik, was one of the 10 police officers who received a plaque for their success on April 7, 2016 from President and AKP leader Recep Tayyip Erdogan. After retiring in 2018, Dinçer became a candidate for an AKP deputy.

14. EKREM GÖNÜL, Deputy Director of Security Branch of Ankara Provincial Police Department

A 77-year old retired judge formerly employed by the Court of Accounts was beaten and tortured by Ekrem Gönül, Deputy Director of the Security Branch of Ankara's Police Department, during demonstrations held on Labor Day on May 1, 2018.²⁷ In the report prepared by Human Rights Foundation of Turkey (TIHV), it was emphasized that the actions of police constituted an undignified mistreatment of the victim. Gönül, whose arrest warrant was issued by the Ankara 14th Criminal Court of First Instance, was fined three thousand Turkish Liras and resumed his duties.



15. MAHMUT ÇAÇA, Deputy Director of Tarsus T Type Closed Women's Prison

Incidents of torture in Mersin Tarsus District Women's Prison were brought to the attention of the Turkish Grand National Assembly by HDP Ağrı Deputy Dilan Dirayet Taşdemir. In his statement, Taşdemir claimed that, "Information obtained from lawyers reveals that 56 female inmates were being dragged by their hair and beaten, threatened with rape and subjected to sexual violence". It was determined that Mahmut Çaça, the director of Tarsus Prison, who took part in the torture of inmates was also a director of Diyarbakır Prison in 1996 where 11 political inmates had died and 24 more had been injured.²⁸ It was also discovered that Enis Yavuz Yıldırım, General Manager of Prisons and Detention Houses covered up the torture allegations and failed to take any action

In a report by the Human Rights Association (IHD) on human rights violation in Tarsus Closed Prison for Women, the torture experienced by prisoners Evin Şahin, Fadime Demir, Selvi Yılan, Yıldız Gemicioğlu and Helin Kaya were explained in detail. IHD filed a complaint against the torturers and demanded that the officials be punished.²⁹

16. VOLKAN AKKUŞ and ÖZGÜR KUTLU, Manisa Prison Guards



Ercivan Özcan

Ercivan Özcan, 57, who was arrested and placed in Manisa Prison, was battered by guards while also battling with pneumonia; his left arm was torn from shoulder to elbow. Özcan was refused treatment and was not sent to the hospital after his arm was broken.³⁰ He lost consciousness in the ward. A few hours later, his arm began to swell and turn black. Özcan was then transferred to Manisa State Hospital after the doctors in the ward insisted that he receive proper treatment. Despite facing pressure from the prison administration, Özcan filed a lawsuit after he was discharged and returned to prison. In the light of evidence and reports, the court found the two guards guilty on May 13, 2019. Guards Volkan Akkuş and Özgür Kutlu, who tortured Ozcan, were sentenced to 5 years in prison each.

HÜKÜM: Gerekçesi yukarıda açıklandığı üzere;

Sanıklar Volkan AKKUŞ ve Özgür KUTLU'nun üzerlerine atılı kasten etkili eylem suçu sabit olmakla, TCK.nun 61. maddesindeki koşullar nazara alındığında yasanın yazılı cezanın asgari haddinden uzaklaştırılması için bir neden tespit edilemediğinden,

Sanığın TCK.nun 86/1 maddesi uyarınca takdiren ve teşdiden **SANIKLARIN AYRI AYRI 2'şer YIL HAPİS CEZASI İLE CEZALANDIRILMASINA,**

Sanıkların kamu görevlisi olmaları ve sahip oldukları nüfuzun kötüye kullanılması suretiyle atılı suçun işlenmesi nedeniyle TCK.nun 86/3-d. Maddesi gereğince cezalarında yarı oranında arttırım yapılarak **SANIKLARIN AYRI AYRI 3'er YIL HAPİS CEZASI İLE CEZALANDIRILMALARINA,**

Sanıkların eyleminin müştekide duyu veya organ zayıflamasına neden olması nedeniyle TCK.nun 87/1-a maddesi gereğince cezalarında 1 kat arttırım yapılarak **SANIKLARIN AYRI AYRI 6'şar YIL HAPİS CEZASI İLE CEZALANDIRILMALARINA,**

Sanıklar hakkında TCK.nun 87/3 maddesinin uygulanmasına yer olmadığına,

Sanıkların geçmişteki hali, fiilden sonraki ve yargılama aşamasındaki davranışları nazara alınarak, bu hususlar takdiri indirim sebebi olarak kabul edilmek suretiyle TCK.nun 62. maddesi uyarınca cezasının 1/6 oranında indirilerek **SANIKLARIN AYRI AYRI 5'er YIL HAPİS CEZASI İLE CEZALANDIRILMALARINA,**

Sanıklar hakkında hükmedilen hapis cezasının süresi dikkate alınarak şartları oluşmadığından sanık hakkında CMK.nun 231, TCK.nun 51. Ve 50. Maddelerinin **UYGULANMASINA YER OLMADIĞINA,**

Anayasa Mahkemesi'nin 24/11/2015 Tarih ve 29542 sayılı Resmi Gazete'de yayımlanarak yürürlüğe giren 08/10/2015 tarih, 2014/140 Esas, 2015/85 Karar sayılı iptal kararı doğrultusunda yürürlükte bulunan TCK.nun 53. maddesinin sanıklar hakkında **UYGULANMASINA,**

Adli Emanetin 2017/3720 - 2017/3779 sırasında kayıtlı eşyaların dosyada **DELİL OLARAK SAKLANMASINA,**

Dosyada yapılan yargılama giderinin 6352 sayılı Kanununun 100. maddesi ile değişik CMK.nun 324/4. maddesi uyarınca 6183 sayılı Kanununun 106. maddesinde belirtilen terkin edilmesi gereken miktar olan 24,00 TL'nin altında kaldığı takdirde Hazine üzerinde bırakılmasına, 24,00 TL'nin üzerinde olduğu takdirde sanıklardan müştereken ve müteselsilen tahsili ile hazineye gelir kaydına,

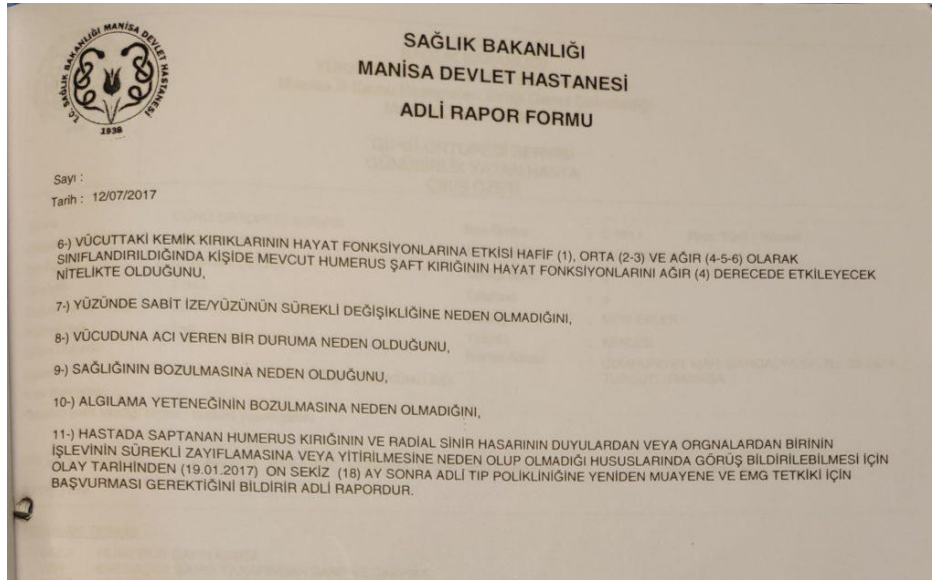
Bu karara karşı CMK.nun 272. maddesi uyarınca hazır bulunan sanıklar, katılan ve katılan vekili yönünden teahhüt tarihinden itibaren yedi gün içerisinde **istinaf** yoluna başvurulabileceğine, istinaf merciinin **İzmir Bölge Adliye Mahkemesi** olduğuna, istinaf talebinin Mahkememize verilmek veya Mahkememize gönderilmek üzere bir dilekçe verilmesi veya zabıt katibine yapılacak beyanının tutanağa geçirilerek hakime onaylatılması ile mümkün ve geçerli olacağına,

Dair istinaf yolu açık olmak üzere sanıklar, katılan ve katılan vekilinin yüzlerine karşı açık duruşmada verilen karar, açıkça okunup usulen anlatıldı. 13/05/2019

Katip 183339
(e-imza)

Hakim 125214
(e-imza)

According to the forensic report of Manisa Public Hospital, Özcan had multiple fractures in his arm between his shoulder and elbow; due to the assault, Ozcan was also left with severe and lifelong damage to his arm which would affect his vital functions. Özcan, whose lungs were in bad condition due to pneumonia, could not be operated on so as not to risk any further complications to his health. He had to have blood drawn from his arm everyday before was operated on 8 days later.



17. ZEKAI AKSAKALLI, General Staff Special Forces Commander (ÖKK)

Witnesses, who were heard at the Ankara 14th High Criminal Court claimed that they had witnessed Zekai Aksakallı torture soldiers. Witness Petty Officer Senior Sergeant Ömer Özdemir told what he saw at the headquarters as follows: “There were people tied up with bags over their heads. I heard Zekai Aksakallı cursing at Ümit Bak. I saw that Zekai Pasha kicked another individual and as he was taken away, I saw that he punched Volkan Vural Bal. I saw that one of our lieutenant colonels was



electrocuted”. When Sezgin Güney, one of the defendants, asked questions regarding the allegations of torture, an argument erupted at court. Court President Bayram Kantık who claimed that the questions were irrelevant to the subject of the case prevented the detained defendants from speaking.

Chief of General Staff Protocol, Lieutenant Kübra Yavuz, who testified as a witness in the case tried at Ankara 24th High Criminal Court on April 18, 2018 claimed that she was tortured by Special Forces

Commander Major General Zekai Aksakallı and Major General İrfan Özsert from Land Forces Command. "I didn't think I could survive as a woman. 10 days later, a statement was extracted from me under the threat of death by Zekai Aksakallı and İrfan Özsert at the General Staff Headquarters. I was subjected to death threats and violence for 2 days at the General Staff range. Inside the General Staff range, we were starved for 2 days, electrocuted, beaten, as our hands were tied and eyes blindfolded. While going to the toilet, male staff kept the door open and supervised us. We were moved every 2 hours to give statements and were told "This is insufficient, say more". I saw those being tortured as I went back and forth. The people who took my statement had blood on their clothes. I gave my statement under these conditions. "

Pilot Major Mehmet Sağlam who was being tried at the Ankara 13th High Criminal Court filed a complaint against Special Forces Commander Major General Zekai Aksakallı and Special Air Regiment Commander Colonel Ümit Tatan who had ordered him to be tortured for two days. Major Hüseyin Çakıroğlu, who claimed that he had been tortured, also complained about Aksakallı and Tatan during the same trial.

18. CEM KARACA, President of the Court – FATİH KARAKUŞ, Deputy Attorney General

In a case where 24 detained defendants were tried at Istanbul 14th High Criminal Court on the Silivri Prison campus, the chief justice presiding over the case did not record the statements of defendants who claimed they were tortured.³¹ The prosecutor also prevented these detainees from speaking.³² When Staff Colonel Sadık Cebeci of the 47th Motorized Infantry Regiment Commander alleged that he was tortured during his detention, Chief Justice Cem Karaca interrupted him. Judge Karaca warned Colonel Cebeci not to speak about the torture so as to prevent Cebeci's torture allegations from being recorded in court documents. When Cebeci continued his defense, Judge Karaca interrupted again and said "We are not prosecuting the police who tortured you here. These issues are irrelevant to your defense. Skip those parts in your statement, and only respond to the allegations against you". Deputy prosecuting attorney Fatih Karakuş also stepped in to prevent Colonel Cebeci from speaking of the torture he had been subjected to. "If you think that this case will be appealed by the ECHR by claiming that you gave a statement under torture, you are mistaken" he said.

19. CEM KÜÇÜK, FUAT UĞUR – Journalists

Journalists Cem Küçük and Fuat Uğur, known for their close affiliation with the government, argued on the program 'Media Critic' they co-hosted on the TGRT television channel that execution and torture methods should be implemented to compel those on trial in regards to the July 15 coup attempt investigation to 'talk'.³³ Cem Küçük said: "Let's say 17/25 and they do the same thing to Israel. It could happen. Every day, we would hear about 15-20 deaths attributed to traffic accidents, suicide, mass suicide, drug abuse, and excessive alcohol consumption. They would find many justifications. Here, too, we shouldn't pity them and must consider all methods. We have captured a few essential FETO members. Ali Fuat Yilmazer, Mehmet Partigöç, Alaaddin Kaya. You need to get them to talk. They know a lot of things. There are other methods to make them talk. Shake them upside down the window."³⁴



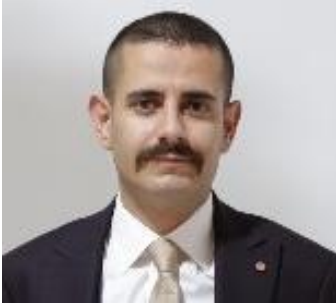
Cem Küçük

Following these statements, Diyarbakır Bar Association filed a complaint with the Chief Public Prosecutor's Office against Cem Küçük and Fuat Uğur on grounds that they openly called for torture. It was argued that the journalists committed the crime of "incitement to commit and praise a crime" and should be sentenced to prison for up to 5 years. Aydın Özdemir, a member of the Human Rights Commission of the Bar, said in reference to Küçük and Uğur, that "the crime of torture was publicly legitimized, and by specifying methods of torture, torturous acts targeting detained suspects were suggested. Torture is a crime that can never be justified. In international law as well as our domestic laws, it is a crime that cannot be committed even under a national state of emergency."



Fuat Uğur

20. EMRE SOYLU, Consultant from MHP



Emre Soylu, advisor of MHP Mersin Deputy Olcay Kilavuz, published photos depicting M.E.C. being tortured by police; M.E.C. was detained after being accused of murdering a police officer in Diyarbakır's Bağlar district. Soylu praised the torture on his social media account and wrote, "M.E.C., the traitor who martyred our hero, police officer, Atakan Arslan is in the compassionate hands of the Diyarbakır Police".³⁵

The Diyarbakır Branch of the Lawyers Association for Freedom (ÖHD) filed a criminal complaint against Soylu at the Diyarbakır Chief Public Prosecutor's Office. ÖHD requested that counselor Emre Soylu be prosecuted on charges of "incitement to commit a crime", "failure to report a crime" and "attempts to influence a fair trial". The investigation continues to this day.



21. ALİ TÜRKŞEN, ERME ONAT, Retired Underwater Offence Commander (Turkish Armed Forces)



Major Tahsin İşlekel and Petty Officer Metin Bircan, who were tried at the Istanbul 23rd High Criminal Court, made complaints against retired colonel Ali Türkşen, retired Major Erme Onat and Petty Officer Bülent Kuru at the Beykoz Underwater Offence Commander (SAT) explaining that they had been subjected to torture.³⁶ Navy Major Tahsin İşlekel's statement which has been recorded in court minutes includes the following: "Around 07:00 in the morning, Colonel Turhan entered. Addressing me, he said, "Admit everything, friends, or a professional crew waiting here will detect your weaknesses and make you talk by either hurting you or harming your family." I was stunned by what I heard and couldn't say anything. The crew came in from behind. The crew which included retired colonel Ali Türkşen, retired Major Erme Onat and a non-commissioned officer whose name I later found out was Bülent Kuru entered the room. They took the NCO to another room. Without asking me anything, they started hitting me. When they first entered,

Ali Türkşen hit me first and then asked others' permission to remove the rank insignia from my uniform. "It is more appropriate for us to talk this way," he said. Then they gave me a blank sheet of paper. They said, "We will come back in 5 minutes, you will write down who was there, if not, we will harass your family."

Colonel Ali Türkşen came in with a knife this time. Erme Onat also had a knife in his hand. He pressed it against my neck. Ali cut my hand with a knife. I tried to free myself of the knife pressed against my neck. They went in and out a few more times and repeated these steps. Ali Türkşen came back in with a curly-haired petty officer who I thought was retired. He called me from where I was sitting at the table. He said to "kneel in the center of the room." The NCO tied my hands and feet. They laid me face down with my hands and feet tied behind my back. They tied my arms and legs together so that when I moved my arms and legs, both hurt. My face was on the ground.



"He cannot go to the bathroom like this either" they said, "let him soil himself" The morning of July 17, at 07:00, they tied our mouths and blindfolded us. They hit our heads against the walls as they took us to the guardhouse. They said they were waiting for the prosecutor to arrive there. We waited there for about 2 hours. Police came to the guardhouse. They untied my blindfold. They took me to the Beykoz district police headquarters. Here, too, we were beaten by the special operations police. After 2-3 days, I was transferred to the Çağlayan Courthouse and arrested".

22. LEVENT BAHADIR, Lieutenant -ALPER KORKMAZ, Superintendent

In the 55-page statement he gave at a hearing held on January 7, 2020, Underwater Offence Commander (SAT) Murat Fırat who had been arrested, described the inhumane treatment he received after he was detained.³⁷ Fırat, who was detained on July 15, stated that defendants of cases such as Sledgehammer and Ergenekon, who had returned to their duties at the time as well as retired soldiers personally participated in the tortures. Fırat explained in detail that he had been tortured at the Underwater Offence Command on July 17, 2016, at the Beykoz District Police Department on July 17-18, at the Istanbul Police Department on July 18-20, and at the Silivri Prison on July 21. Fırat stated that he was unaware of the coup attempt; he stated that upon orders received on July 15 which indicated the possibility of a terrorist attack, they were taken to Akıncılar Base at night and kept watch at the base. He said that after being detained in

Istanbul, a police officer nicknamed Rambo was brought in from the Beykoz Police Department to torture them and that the officer tortured him accompanied by cheers and applause. Murat Fırat's statement included in court records is as follows; "We were taken to the Beykoz District Police Headquarters after we received a medical report from the hospital. Even though our hands were handcuffed from behind, they laid us on the ground and tortured us. Everyone who came in was cursing and kicking, spitting on me, and yelling. While this was happening, some of them were recording the torture with mobile phones. These images were shown to Mustafa Avşar, who had to come to the Underwater Offence union after having to spend the night there, by captain Levent Bahadır in charge of our unit. He was threatened that he would end up the same way if he did not testify as they wanted him to.

"They broke my nose and ribs"



Rambo was cheered on as he took out his equipment and gun, and began his work like a professional torturer. He asked for gloves because his hands were hurting a lot from hitting his victims. After putting on the gloves, he continued where he left off. He broke my nose and ribs as a result of the torture. Both of my eardrums ruptured. He made a three-inch slit in my chin. They were torturing and insulting me more than others.

This was Underwater Offence commander, Admiral Turhan Ecevit's special request. The police fulfilled Turhan Ecevit's request.

Captain Erdal Çerçi, and non-commissioned officer Uğur Günaslan battered and insulted me at the SAT command; lieutenant Burak Çelik also battered me and Ercan Kireçtepe who is serving as the Mediterranean Region Commander insulted me. Murat Fırat has claimed that "It is SAT commander Admiral Turan Ecevit, who, at the union of his command, allowed me to be tortured and insulted, threatened me with death by holding a gun to my head, and advised the police to torture me more than others."

BARIŞ DEDEBAĞI, Retired Major



The torture of Muhammet Tanju Poshor, who served as the Commander of the Presidential Guard Regiment during the Abdullah Gül period, was recorded in Ankara 19th High Criminal Court.³⁸ Poshor described his detainment and the treatment he received as follows: “On the morning of July 16, 2016, I was arrested while preparing for surgery in the operating room. My right to treatment, which cannot be suspended even during war,

was violated; I was taken into custody stark naked, beaten and cuffed and escorted out of the operating room by people I do not know despite having an open wound on my back. Barış Dedebağ, who battered many people there, including generals and myself participated in the torture. I am giving his name here and making a criminal complaint about him. I was electrocuted many times. During the times I was conscious, I started getting used to the pain I remembered, but I still haven't gotten used to the burning smell of my own flesh for a year and a half. This smell also disturbed my torturers some of which would occasionally vomit. The official news agency of the state, Anadolu Agency, TV channel TRT and TV channels known for its close affiliation with the government have broadcasted some images of Barış Dededağ committing violent acts against officers and non-commissioned officers.³⁹

■ CONCLUSION

Crimes of torture and mistreatment in Turkey, especially after the military coup, dated July 15, 2016 have become systematic. The AKP government has suspended laws it enacted to protect human rights within the scope of EU harmonization laws, the provisions of the Constitution and the Turkish Penal Code, the international conventions it has signed, as well as ECHR case laws. Instead of preventing the crime of torture, which is prohibited under all circumstances, including war, government officials made statements which have encouraged security units to commit violence.

Reports and studies by human rights organizations have revealed that thousands of victims of torture in Turkey have not been able to seek justice while torturers who have committed violent acts against victims have been rewarded with impunity and even promotions. Investigations are closed without adequate inspection. Lawsuits continue for years, almost encouraging torturers to continue to commit violence. An increase in the number of deaths as a result of torture in prisons and custody clearly depict the severity of the human rights violations committed in Turkey.

The AKP government should endeavor to prevent human rights violations by honoring the conditions of the Turkish Constitution, Turkish Penal Code and international conventions which it has signed. Security agencies, prisons and detention centers where systematic torture is used as a form of punishment should be inspected. Legal measures should be taken to prevent the crime of torture instead of regulations and statements which serve to encourage the crime. Lawyers should be able to meet with their clients more frequently and privately. Measures should be taken to ensure that allegations of torture are examined more carefully by doctors and that the Istanbul protocol is implemented. Doctors must examine suspects in custody in the absence of law enforcement and prepare reports. Human rights organizations in Turkey should be afforded the means to conduct necessary inspections. Torturers and those who praise, cover up or encourage the crime of torture should be punished.

PEOPLE WHO ARE ACCUSED OF BEING TORTURER

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
1	Süleyman Soylu	The Minister of Interior	Ankara				He publicly ordered the security units under his command to use violence and torture.	Page 6
2	Hakan Fidan	The Undersecretariat of MIT	Ankara				The narratives of the victims that were tortured for months at the MIT undersecretariat showed that Hakan Fidan ordered the interrogation with torture.	Page 8
3	Halil İbrahim Dilek	Deputy Police Officer	Mersin	Mersin TEM Branch			He tortured the detained superintendent Suleyman Akcin and other members of the police.	Page 14
4	Berat Günççek	TEM Branch Deputy	Mersin	Mersin TEM Branch			He tortured the detained superintendent Suleyman Akcin and other members of the police.	Page 14

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
5	Zekai Aksakallı	General Staff	Ankara	Command	Kübra Yavuz	First Lieutenant	Victims got starved for two days as blindfolded and tortured with electricity.	Page 22
6	İrfan Özsert	General Staff	Ankara	Command	Kübra Yavuz	First Lieutenant	Victims got starved for two days as blindfolded and tortured with electricity.	Page 23
7	Alper Korkmaz	Superintendent	İstanbul	Beykoz District Police Department	Murat Fırat	Petty Officer SAT Commando	Circuit superintendent Alper Korkmaz's (ID no: 39604233842) torture of the SAT commandos was recorded in the court proceedings. Alper Korkmaz tortured SAT commandos heavily in the forest for days. Uncoverable damages occurred in the bodies of many commandos.	Page 26
8	Turhan Ecevit	SAT Commander Admiral	İstanbul		Murat Fırat	Petty Officer SAT Commando	He threatened Murat Fırat with death by putting a gun on his head and advised the police to torture Fırat extra. He explained that Turhan Ecevit instigated the torture, and the statements entered the court file.	Page 27

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
9	Levent Bahadır	SAT Lieutenant Senior Grade	İstanbul	Beykoz	Murat Fırat	Petty Officer SAT Commando	He assaulted victims by showing the recordings of other victims being tortured.	Page 26
10	Erdal Çerçi	SAT Lieutenant Senior Grade	İstanbul	Beykoz	Murat Fırat	Petty Officer SAT Commando	He tortured victims by assault.	Page 27
11	Uğur Günaslan	SAT First Lieutenant	İstanbul	Beykoz	Murat Fırat		He tortured victims by assault.	Page 27
12	Burak Çelik	SAT Petty Officer	İstanbul	Beykoz	Murat Fırat		He tortured victims by assault.	Page 27

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
13	Barış Dedebağı	Major	Ankara	Gym	Muhammet Tanju Poshor		He tortured lots of soldiers in detention. The recordings of victims being tortured were broadcasted on TV.	Page 27
14	Ahmet Gürbüz	Public Prosecutor	Antalya	Antalya Chief Public Prosecutor' s Office	Eyup Birinci	Teacher	Eyup Birinci was heavily tortured for days. His intestines were ruptured by inserting a baton into his anus. As his bleeding increased during his detention, he was operated on in the hospital. His family was not informed. Ahmet Gürbüz covered up the petition of the family, citing that the police tortured him in custody. He did not take any action against the police and helped the torture to continue.	Page 13
15	Muhsin Türkes	Police Officer	Antalya KOM Branch	Antalya Police Department	Eyüp Birinci	Teacher	Police officer Muhsin Turkes inflicted severe torture on Eyup Birinci in custody. He was among the cops who tear his intestines by inserting a hard object into the anus of Birinci.	Page 13

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
16	Volkan Vural Bal	Lieutenant Senior Grade, Presidency of General Staff	Ankara	Presidency of General Staff	Staff Sergeant Ömer Özdemir	Commissioned Officer	Physical assault	Page 22
17	Eşref Aktaş	Prosecutor	Trabzon Courthouse		Abdullah B.		In an investigation opened upon the complaint of a tortured victim, Prosecutor Aktas decided that the police officers do not have criminal responsibilities due to decree in law and their duties, and therefore, they cannot be prosecuted.	Page 11
18	Fatih Tezcan	Journalist	İstanbul		Cemal, Abdulselam and Halil Aslan	Gevaş, Villager	By publishing photographs of the villagers who were tortured in the Van Gevas Police Department, he encouraged the security units, who praised the torture, to torture more. It was later understood that the tortured persons were innocent.	Page 6
19	Mehmet Metiner	The Politician of AKP	Ankara				Metiner stated that while he was the Chairman of the TBMM Prison Sub-Committee, they would not conduct investigations on the allegations of torture and ill-treatment in prisons, especially against the members of the Hizmet Movement.	Page 9

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
20	Yasin Demir	TEM Branch Manager	Kırıkkale	Police Headquarters	Dentist Erdem Ayyıldız, Teacher Harun Özdemir, The School Minister Hasan Kobalay		According to the information given by the victims, when Yasin Demir was the Director of Kirikkale TEM Branch, he tortured the suspects in custody by heavily beating, washing with pressurized cold water, and sticking truncheons in the anus.	Page 15
21	Gökhan Karagöz	Deputy Police Manager	Zonguldak	City Police Department	Kubilay G. T.A. Ö.K.	Police	The suspects on trial at the hearing of the Zonguldak 2 nd High Criminal Court on October 5, 2017 announced the names of Karagoz and Cakiroglu, who tortured them.	Page 16
22	Okan Çakıroğlu	Deputy Police Manager	Zonguldak	City Police Department	Kubilay G. T.A. Ö.K.	Police	The suspects on trial at the hearing of the Zonguldak 2 nd High Criminal Court on October 5, 2017 announced the names of Karagoz and Cakiroglu, who tortured them.	Page 16

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
23	Tahir Darbazoglu	TEM Branch Supervisor	Ankara	City Police Department			Major Emrah Ilgaz, along with Captain Sadik Kazanci, Pilot Lieutenant Adem Kirci, and other 16 victims made a complaint about Darbazoglu.	Page 17
24	Elif Sümercan	TEM Branch Deputy Manager	Ankara	City Police Department	Akın Öztürk and Other Commissioned Officers		She inflicted severe torture on many officers in her custody, especially General Akin Ozturk.	Page 17
25	Hacı Murat Dinçer	TEM Manager	Şırnak	City Police Department	Hacı Lokman Birlik and his Family	Politicians	Hacı Murat Dinçer ordered that Hacı Lokman be killed by dragging behind the armored vehicle.	Page 19
26	Selami Altınok	Former Interior Minister	Ankara		Hacı Lokman Birlik and his Family		The family of Hacı Lokman Birlik, who was killed by being dragged behind the armored vehicle, filed a criminal complaint for Altınok to be sued for the crime of torture.	Page 19

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
27	Ali İhsan Su	Former Sırnak Governor	Şırnak		Hacı Lokman Birlik and his Family		The family of Hacı Lokman Birlik, who was killed by being dragged behind the armored vehicle, filed a criminal complaint for Ali Ihsan Su to be sued for torture.	Page 19
28	Celal Sel	Former Sırnak Police Chief	Şırnak	City Police Department	Hacı Lokman Birlik and his Family		The family of Hacı Lokman Birlik, who was killed by being dragged behind the armored vehicle, filed a criminal complaint for the trial of Celal Sel for the crime of torture.	Page 19
29	Ekrem Gönül	Security Branch Assistant	Ankara	City Police Department	Perihan Pulat		Police Officer Ekrem Gonul who battered and injured Perihan Pulat, continues his duty. In the court where Gonul sued him, only 3 thousand Turkish Lira was fined.	Page 20

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
30	Mahmut Çaça	Director of the T Type Closed Women' s Prison in Tarsus District	Mersin	Ministry of Justice, Prisons and Detention Houses			56 women prisoners were dragged from their hair, beaten, threatened with rape and subjected to sexual violence.	Page 20
31	Enis Yavuz Yıldırım	General Manager of Prisons and Detention Houses	Ankara	Ministry of Justice, Prisons and Detention Houses	56 Convicts		He has been found responsible for not taking precautions against and prison guards who tortured 56 inmates in torture and other torture in prisons in many cities of Turkey.	Page 20
32	Volkan Akkuş	Jailer	Manisa T Type Prison	Prisons and Detention Houses	Ercivan Özcan		Guards Volkan Akkuş and Ozgur Kutlu, who tortured detained Ercivan Ozcan and smashed his left arm from shoulder to elbow, were tried and sentenced to 5 years of imprisonment for torture. They were expelled from the civil service.	Page 21

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
33	Özgür Kutlu	Jailer	Manisa T Type Prison	Prisons and Detention Houses	Ercivan Özcan		Guards Volkan Akkus and Ozgur Kutlu, who tortured detained Ercivan Ozcan and smashed his left arm from shoulder to elbow, were tried and sentenced to 5 years of imprisonment for torture. They were expelled from the civil service.	Page 21
34	Ümit Tatan	Special Air Regiment Commander Colonel	Ankara	General Staff	Mehmet Sağlam and Hüseyin Çakiroğlu	Commissioned Officer	Saglam and Cakiroglu filed a complaint in court against Umit Tatan, whom they held responsible for the torture inflicted on them.	Page 23
35	Bayram Kantık	14 th President of the High Criminal Court	Ankara	The Minister of Justice	Sezgin Güney	Commissioned Officer	He did not allow the allegations of torture to be recorded in the minutes and did not let the detainees make any statements.	Page 22

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
36	Cem Karaca	14 th President of the High Criminal Court	İstanbul	The Minister of Justice	Sadık Cebeci	Commissioned Officer	He did not let the torture of the detained defendant be recorded in the court minutes.	Page 23
37	Fatih Karakuş	İstanbul Attorney General	İstanbul	The Minister of Justice	Sadık Cebeci	Commissioned Officer	He did not allow the detained defendant to explain that he was tortured.	Page 23
38	Oktay Kapsız	Marmaris District Police Department Assistant	Muğla	City Police Department	Murat Konuş		Oktay Kapsız was sentenced to life imprisonment by the Istanbul 2 nd High Criminal Court for the murder of the suspect named Murat Konuş by torture while he was in custody in Istanbul. Despite the punishment, he is still on duty.	Page 11

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
39	Ramazan Adıgüzel	Istanbul Public Security Branch	İstanbul	City Police Department	Murat Konoş		The Istanbul 2 nd High Criminal Court sentenced police officers Oktay Kapsiz, Ramazan Adıgüzel, Murat Erturk and Abdulcelil Karadg to life imprisonment who were sued about 10 years after the incident, on the grounds that they killed detained Murat Konoş by torture. Despite this, the court board did not give an arrest warrant. The police officers continued their duties.	Page 12
40	Murat Ertürk	Istanbul Public Security Branch	İstanbul	City Police Department	Murat Konoş		The Istanbul 2 nd High Criminal Court sentenced police officers Oktay Kapsiz, Ramazan Adıgüzel, Murat Erturk and Abdulcelil Karadg to life imprisonment who were sued about 10 years after the incident, on the grounds that they killed detained Murat Konoş by torture. Despite this, the court board did not give an arrest warrant. The police officers continued their duties.	Page 12

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
41	Abdulcelil Karadağ	İstanbul Public Security Branch	İstanbul	City Police Department	Murat Konuş		The Istanbul 2 nd High Criminal Court sentenced police officers Oktay Kapsiz, Ramazan Adiguzel, Murat Erturk and Abdulcelil Karadg to life imprisonment who were sued about 10 years after the incident, on the grounds that they killed detained Murat Konus by torture. Despite this, the court board did not give an arrest warrant. The police officers continued their duties.	Page 12
42	Cem Küçük	Journalist	İstanbul		Diyarbakir Bar Association		An investigation was opened against him with the charge of “praising and provoking torture.”	Page 24
43	Fuat Uğur	Journalist	İstanbul		Diyarbakir Bar Association		An investigation was opened against him with the charge of “praising and provoking torture.”	Page 24

	TORTURER (PERPETRATOR)	DUTY (ROLE)	CITY	INSTITUTION	VICTIM	JOB	EXPLANATION (TORTURE)	PAGE
44	Emre Soylu	Deputy Advisor	Mersin				An investigation was opened against him with the charge of praising torture by sharing the photos of a suspect being tortured.	Page 25
45	Ali Türkşen	Retired Colonel	İstanbul				He tortured commissioned officers in the Beykoz Underwater Offence building.	Page 25
46	Erme Onat	Retired Major	İstanbul		Tahsin İşlekel, Metin Bircan		He tortured commissioned officers in the Beykoz Underwater Offence building.	Page 25
47	Bülent Kuru	Retired Petty Officer	İstanbul		Tahsin İşlekel, Metin Bircan		He tortured commissioned officers in the Beykoz Underwater Offence building.	Page 25
48	Ercan Kireçtepe	Rear Admiral, SAT Commander	İstanbul		Tahsin İşlekel, Metin Bircan		He helped the acts of torture against commissioned officers in the Beykoz Underwater Offence building.	Page 27

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