

TORTURED TO DEATH

Holding

**Gökhan Açikkollu's
killers to account**



NOVEMBER, 2017



stockholm
center for
freedom

www.stockholmcf.org

About Stockholm Center for Freedom

Stockholm Center for Freedom (SCF) is an advocacy organization that promotes the rule of law, democracy and fundamental rights and freedoms with a special focus on Turkey, a nation of 80 million that is facing significant backsliding in its parliamentary democracy under its autocratic leaders.

SCF, a non-profit organization, was set up by a group of journalists who have been forced to live in self-exile in Sweden against the backdrop of a massive crackdown on press freedom in Turkey.

SCF is committed to serving as a reference source by providing a broader picture of rights violations in Turkey, monitoring daily developments on fact-based investigative journalism and documenting individual cases of the infringement of fundamental rights. The founders of SCF are top-notch journalists who had managed national dailies in Turkey and worked for leading media outlets before they were forced to leave. They have the expertise, human resources and network on the ground to track events in Turkey despite serious challenges.

“

*They slapped me in
the face countless times,
hit my head against the wall,
kicked my chest...*

*“Stop torturing me,
I am ready to sign any
statement you write...*

*“I feel like I’m drowning...
I see my death coming...*

”

Gökhan Açikkollu

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Tortured to Death

The case of the torture and death of history teacher

INTRODUCTION

Investigators from the Stockholm Center for Freedom have laid bare the appalling facts behind the death of Gökhan Açikkollu, a 42-year-old history teacher who died after enduring 13 days of torture and abuse. None of the people responsible for his death have yet been punished, and no effective or thorough investigation has been conducted into the circumstances that led to his death. Contradictory testimonies and discrepancies in official records have not yet been fully investigated by the public prosecutor, who dropped the probe even before receiving the autopsy results and without talking to key witnesses.

His case represents only the tip of the iceberg of monumental problems in prisons and detention centers in Turkey, where torture and ill treatment have been systematic and deliberate in the last couple of years. The practice is approved by the government of President Recep Tayyip Erdoğan as part of an intimidation campaign to stifle freedom of expression and muzzle critical voices in Turkish society. The suspicious deaths and suicides under police custody and in prison have dramatically increased in the last year alone, reaching 91 cases, while about a dozen enforced disappearances by elements of state security services were documented.

Açikkollu was detained on July 24, 2016 on trumped-up charges of coup plotting and terrorism and stayed in police custody for 13 days, during which time he was subjected to both physical and psychological torture. He was never officially interrogated, and the police did not even take a statement from him. Instead, he was taken from his detention cell every day to face torture and rushed to the hospital when his condition deteriorated, only to be shipped back to detention. He told doctors about abuse and torture; yet, in some cases his statements were not even registered in medical reports, and evidence of physical abuse was covered up under pressure from the police.

He was beaten, slapped in the face, kicked in the rib cage, kneed in the back and his head banged against the wall. His medical check-up before he was put in detention showed no signs of any heart troubles; yet, he was pronounced dead due to heart failure. When he collapsed in his cell, emergency services were belatedly called and he died in detention, although official records were doctored to reflect the false fact that he died at the hospital.

The SCF investigation, based on witness testimony, accounts by family



A history teacher who has nothing to do with a coup was tortured to death by police in the aftermath of the controversial failed coup bid in Turkey.

members and medical records, reveals numerous inconsistencies, omissions and contradictions in the official records concerning the case. Professor Şebnem Korur Fincancı, an expert in forensic medicine who is head of the Human Rights Foundation of Turkey and an executive in the Turkish Medical Association, examined the doctor's reports, autopsy report and statements regarding the death of Açıkkollu and concluded that his death was due to torture.

Several witnesses including a journalist and several lawyers who were in detention in the same facility where Açıkkollu was held have come forward, declaring their intention to testify concerning the death of Açıkkollu. They said they wanted to give a statement confirming that the victim was killed by severe beatings that had continued for days. Yet, these petitions were ignored by the prosecutor, who declined to take their depositions and concluded that no official was negligent or responsible for his death. As if the agony and pain suffered by the family were not enough, months later after the death of Açıkkollu, his wife was also detained and interrogated by the same prosecutor who had issued the detention warrant for her husband. SCF describes the legal action against his wife as part of an ongoing government intimidation campaign.

Açıkkollu was believed to have been affiliated with the Gülen movement,¹ a

1] The Gülen movement is inspired by the teachings of the US-based Muslim scholar Fethullah Gülen, who advocates interfaith dialogue, science education, poverty eradication and community involvement. Gülen has been a prominent critic of Erdoğan on corruption in the government and Turkey's aiding and abetting of armed jihadist groups in Syria and other places. Erdoğan has declared a witch-hunt against the movement and launched a persecution unprecedented in Turkish history. According to Turkey's Justice Ministry statement on July 13 that 50,510 people have been arrested and 169,013 have been the subject of legal proceedings over alleged links to the movement. the Erdoğan government also accused the movement of staging the failed coup. Gülen and his movement strongly denied having any role in the failed coup and called for an international investigation into it, but President Erdoğan — calling the coup attempt “a gift from God” — and the government initiated a widespread purge aimed at cleansing sympathizers of the movement from within state institutions without any criminal evidence, dehumanizing its popular figures and putting them in custody.

civic group that has been targeted by the Turkish government since 2013, when Erdoğan was incriminated in major corruption investigations that led to the resignation of four Cabinet members over bribes. Turkish President Erdoğan blamed own troubles on the movement, which he claimed had instigated the graft probes against his government, and made Fethullah Gülen, a prominent Turkish Islamic scholar who has been an outspoken critic of the government for pervasive corruption and Erdoğan's aiding and abetting of radical armed groups in Syria, the scapegoat for government failures. Erdoğan branded the peaceful and law-abiding members of the Gülen movement as terrorists without any evidence to back up his claims. He also accused Gülen of masterminding a failed coup on July 15, 2016 for which he again failed to present convincing evidence.

Using the controversial coup as a pretext, the Erdoğan government has launched a massive crackdown on critical groups in Turkey, with the Gülen movement receiving the brunt of that attack. Thousands of schools, including the nation's best performing colleges and universities, were shut down by the Erdoğan government. Turkey has suspended or dismissed more than 150,000 judges, teachers, police and civil servants since July 15, 2016. Turkey's Justice Ministry announced on July 13, 2017 that 50,510 people have been arrested and 169,013 have been the subject of legal proceedings on coup charges since the failed coup.

Several domestic civil society organizations have expressed alarm about cases of torture and ill treatment. At a joint press conference on August 9, 2016, the Turkish Doctors Union (Türk Tabipler Birliği in Turkish, or TTB), the Forensic Medicine Specialists' Association (ATUD) and the Human Rights Foundation of Turkey (TİHV) all expressed concern over inadequate medical examinations and pressure on forensic doctors in cases of torture, abuse and ill treatment.²

Açikkollu was one of many who were victimized by the Turkish government in this unprecedented crackdown. It turned out that the evidence that led to the detention of Açikkollu in the first place was completely fabricated as the person who gave up his name under torture in police custody later recanted his statement in court. The informant said he feared for his life in detention and mentioned the name of Açikkollu, who was a customer at his pharmacy, to escape further abuse. He said Açikkollu was completely innocent of all charges.

In this case SCF believes the Turkish government has violated its commitments under the International Covenant on Civil and Political Rights (ICCPR) to which Turkey is party. First and foremost, under Article 6(1) of the ICCPR, the Turkish government failed to respect and protect Açikkollu's right to life, and it was responsible for his death. No plausible explanation for his death has so far been provided by the government. Secondly, it is clear that Açikkollu was tortured

2] "İşkence Yaşığı, İşkenceyi Önlemeyi de İçerir", Bianet, 9 August 2016, <http://bianet.org/bianet/insan-haklar-i/177654-iskence-yasagi-iskenceyi-onlemeyi-de-icerir>

and faced ill treatment in police custody, which amounted violation of Article 7 of the ICCPR. Thirdly, in violation of Article 2(3), the Turkish government has failed to conduct a prompt, impartial and effective investigation into the death and torture of Açıkkollu capable of bringing about the prosecution of those responsible for his treatment in detention.

With regard to this case Turkey is also in breach of several articles of the European Convention on Human Rights, to which it is party. The torture and death of Açıkkollu amounts to a violation of Article 2, which protects the right to life; Article 3, which bans inhuman or degrading treatment; and Article 5, which protects the right to liberty and security.

1. A Normal Day Turned into a Nightmare

Gökhan Açıkkollu, a history teacher, was 42 years old and married with two children. He graduated in 1997 from the history department of Selçuk University in central Konya province. He served eight months in the Turkish military in the Şemdinli district of Hakkari province in 2004 as part of the military service that is compulsory for all males in Turkey. He was fond of his family, especially his 4-year-old child. He didn't take leave during military service in order to complete his conscription a month early so he could join his family sooner.

That took a toll on him, however, as he began to use medication for depression. In medical checkups, he was diagnosed with social anxiety. He had worked as a teacher in private educational institutions that were affiliated with the Gülen movement in Konya, Nevşehir and Aksaray. In 2012 he took a job at İstanbul's Ümraniye Atatürk Industrial Vocational High School, which is operated by the Ministry of Education. In general, friends described him as a lively, down-to-earth and witty person who was liked by his colleagues. According to his relatives, to whom SCF investigators talked, Açıkkollu was a teacher who never had trouble with the law except for traffic violations. One friend described him as a gentle man who did not even kill insects that bothered him. He learned in 2013 that he was diabetic and was careful with his diet. At the same time, he suffered from panic attacks.

July 15, 2016, the day the failed coup was staged in Turkey, was the birthday of his son, who was preparing for the competitive public university entrance exam. During the day he shopped for a birthday present with his wife and planned a quiet, family-only celebration for the evening. However, breaking news on TV regarding the coup attempt dampened the mood. They began to hear gunshots coming from in front of their home in the Ümraniye district of İstanbul. There were no police or soldiers on the street, but they could tell that somebody among the civilians was firing a gun. His

wife said to Açikkollu: “Even if the military does not kill, civilians will kill each other. Hearing these gunshots does not sound good,” while telling her children to “stay away from the windows and lie on the floor.”

Gökhan Açikkollu was in a state of disbelief, asking his wife how a military coup could be staged in prime time while many people were on the street, in contrast to past coups that took place in the wee hours of the morning and wrapped up quickly. He questioned the blocking of a bridge in one direction. “This is something quite different,” he said. Then the whole family hunkered down and prayed for an end to the troubled day and to not witness bad things. They were scheduled to attend the wedding of Gökhan Açikkollu’s brother on July 17. He took his family to Konya, the hometown of his wife Mümüne Açikkollu, on holiday after that.

On July 21, he learned that approximately 1,000 private schools affiliated with the Gülen movement had been shut down, during a statement made by Education Ministry Undersecretary Yusuf Tekin broadcast live on CNN Türk. According to this statement, the teaching licenses of 21,000 out of 27,000 teachers who were employed by these schools were revoked as well. Upon hearing this, Gökhan decided to return to Istanbul to visit his daughter’s school and request reimbursement of the tuition he had already paid in advance before the closure of the school by the government. He subsequently planned to make arrangements for his daughter to be enrolled in another school.

On the afternoon of July 22, the principal of the Ümraniye Atatürk Industrial Vocational High School called Açikkollu, who had returned to Istanbul by train. The principal informed that he had been suspended. Açikkollu, who informed his wife of this situation, expressed concern about insurance coverage and said: “I am a diabetic. If I have been dismissed, how can we buy medication?” His wife, who was also a teacher, tried to take the burden off his mind by reminding him that they would be able to get by with her earnings and insurance coverage.

However, Mümüne Açikkollu, who had been a civil servant for 23 years, heard during a telephone call one hour later that she had been suspended, too, just like her husband. Since she was a graduate of a medical vocational high school, she had worked as a nurse for 10 years. She had also worked as a religion teacher since she graduated from a faculty of theology. When she asked why she was suspended although she had never worked at any institution affiliated with the Gülen movement, she was informed that this might be because of her husband.

On Saturday, July 23, he went to his daughter’s school. But police officers had already surrounded the school. He was not allowed to enter since inventory and the totaling of assets were being done after the government seized the school. He could not cancel his daughter’s enrolment and was not able to get a proper document to register her at another school. The tuition he had already paid in advance was not reimbursed, either. Decree-law No. 667 ordering the dismissal of thousands of



Gökhan Açikkollu's broken eyeglasses, turned over to the family after his death, tells the tale on brutal beatings in police custody.



teachers like Gökhan Açikkollu was published in the Official Gazette on July 23. The decree was aimed at closing institutions affiliated with the movement and purging civil servants. It was employed as a basis for criminal investigations.

2. Police Raid and Detention

His friend, whose name is being withheld by SCF for reasons of safety, explained what he witnessed during their meeting that day: “In our telephone call during the day he said: ‘I got so frustrated, I cannot look at the news, if you are nearby, let’s have some soup.’ I picked him up in front of his house. We went to a restaurant that serves soup. The A Haber TV channel [owned by Erdoğan’s family] was on. He was fed up with coup coverage. He requested that the waiter change the station to a sports program. The waiter replied sternly: ‘Here we watch A Haber. We don’t change the channel.’ He didn’t finish his soup, and we left. The reason he was so distressed was that he thought this incident was a plot and that punishment for it would be imposed on innocent people.”

After their meeting, on July 23, Açikkollu went back to his house in Ümraniye. His family was still in Konya. Some undercover policemen were walking around their

residential bloc around 22:00, and the building manager, Ayten Karaođlan, asked if she could help them. After introducing themselves the policemen asked her about Aıkkollu and his family. Karaođlan told them they were very nice people and paid their rent on time. After telling her to go back home, they, a team of 15 officers, raided Aıkkollu’s house at around 23:00. Aıkkollu was laid face down by police officers without telling him what was happening. He was handcuffed behind his back. While searching his house, the building manager and her husband were made to stay as witnesses.

Aıkkollu was beaten when he asked: “I want my lawyer, what is my crime? Why are you searching my house?” The policemen answered that his lawyer had nothing to do with the situation and would not be called. Aıkkollu, suffering from panic attacks and diabetes, had an episode as his blood sugar level had increased to 400-450 mg/dl. When the policemen wanted to give him sugar, the manager said her mother was a diabetic, too, and that he had to have an insulin shot. She found the insulin in his bag, which was injected without undoing his handcuffs. Aıkkollu was still being battered. Although the manager said: “I cannot endure this anymore, I want to go out. Don’t do such things here,” due to the ill treatment, she was not allowed to leave. One of the police officers even said: “What kind of Alevi³ are you? If you give them the chance, they’ll shoot you in the head. The students educated by them are now firing bullets at us and our state.”

During the search, a computer, cell phone, camera, SD cards, wedding and engagement photographs and receipts for monthly tuition for his children’s school were seized. He was placed in a police car, where he was exposed to further violence. He told a doctor everything he had experienced when he was taken for a medical checkup. Aıkkollu explained that his back, the sides of his eyes and his shoulders were hit. In addition, he said the violence against him continued while in the police car.

Aıkkollu’s family learned that he had been detained after a policeman from the counterterrorism unit called them on the morning of Sunday, July 24. However, they were not informed of the allegations and where he was being detained. His wife kept the telephone number of the caller. She immediately returned to İstanbul. The building manager told her everything they had witnessed in detail. For four days Mümüne Aıkkollu repeatedly called the police telephone number she had kept and reminded the person that her husband suffered from diabetes and panic attacks. In response, she was told that there was a doctor at the police station. In the end, on the fourth day of calling the police, she learned that her husband was at the Vatan Police Station in İstanbul. She went to the counterterrorism unit, bringing his clothes and medication. When she said she wanted to hire a lawyer, she was informed that it was

³] Alevis, not related to Syria’s Alawites, are heterodox Muslims who are estimated to constitute between 10 and 20 percent of the Turkish population. They have been marginalized and often discriminated against by the state, which follows a strictly Sunni tradition.



Interior Minister Süleyman Soylu who is responsible for the police said there will be no mercy and compassion.

not possible to hire a private lawyer and that a lawyer could only be assigned by the İstanbul Bar with the permission of the prosecutor. When a lawyer was assigned, Açikkollu had already been in detention for seven days.

When Mümine Açikkollu called the lawyer assigned by the bar, she received a response via WhatsApp: “Please do not call. We can only talk through WhatsApp.” The lawyer, who was understandably worried since lawyers covering cases against the Gülen movement had been arrested, said he had met with Gökhan Açikkollu, that the official police interrogation was

not complete and that he had not yet given a statement, in a call via WhatsApp. In addition, he said the medications were accepted but the clothes were rejected.

Furthermore, the lawyer asked whether they could bring replacement glasses with the permission of the prosecutor. When Mümine Açikkollu asked the reason, the lawyer said her husband’s glasses were broken and that he was having difficulty seeing. According to his wife, Gökhan Açikkollu was wearing expensive progressive lenses that were difficult to break.

She told the lawyer she would file a criminal complaint on the grounds that her husband had been exposed to violence. The lawyer said he hadn’t seen any traces of violence on the visible parts of his body. He did not take the allegations of torture into consideration and did not file a complaint. Mümine Açikkollu brought the replacement glasses and handed them in to the officers at the police station.

3. Chronology of Events under Detention that Led to Death

3.1. Day ONE in Detention:

He was rushed to the hospital

July 24, 2016

Gökhan Açikkollu's first routine medical examination was performed on July 24, 2016 at Bayrampaşa State Hospital, where "there was no torture or assault" was written on the form for General Forensic Examination No.15868. That was in contrast to another report filed on the same day by a doctor at Haseki Teaching and Research Hospital on document no. 4614729 that highlighted marks of beatings, especially on the back of his body.

On the first day of his detention, 112 Emergency Services were called in for him, when he fainted after an attack. According to the Call Registry forms that are maintained by Emergency Services, he fainted twice, at 13:17 and 23:54. His blood pressure was taken and blood sugar measured. The patient was given medical attention with the pre-diagnosis of "psychiatric-F41 anxiety disorder" in the detention room. He was taken to Haseki Teaching and Research Hospital. On Emergency Medical Intervention and Needs Report Form No. 5425253372, prepared after the examination, it was stated that he had pain in the throat and chest. A three-dimensional chest X-ray was taken and oxygen inhalation treatment was applied.

The troubling signs emerged on the first day of his detention with sweating, dizziness and chest pain.

On the same day, July 24, 2016, it was stated on Forensic Examination and Notification Form number 4614729 kept at Haseki Teaching and Research Hospital that Açikkollu, who was being held in custody, had exhibited symptoms of sweating, dizziness and chest pain. The form indicated that the patient had a panic attack and was on a medication called paxera. "System examination, overall situation is good. Ecchymotic bilateral lesions are present in the back region. Symptomatic treatment was applied. There was no immediate pathology in the blood tests. An early outpatient clinic was recommended," the report noted.

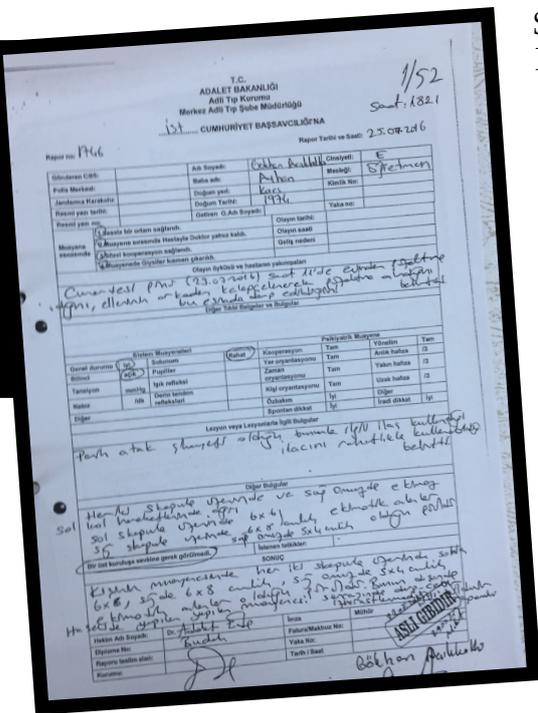
The contradiction in the two doctor's reports, one providing a clean bill of health with the other recording signs of torture and ill treatment with a suggestion of further treatment, indicates that doctors are under pressure to overlook signs of abuse.

HASEKİ EĞİTİM VE ARAŞTIRMA HASTANESİ Adli Muayene ve Bildirim Formu		REV. NO
FORM NO :		REV. TAR.
HASTA NO : 4614729		SAĞFA 1/2
Protokol No : 542525372		Doğum Tarihi : 01/04/1974
Hasta No : ACIL SARI ALAN		Hasta Tipi : Ayaktan
Doktor : Uzm.Dr. MUSTAFA UĞUR GÖKTAS		Geliş Tarihi : 24/07/2016
Hasta Adı : GÖKHAN		
Soyadı : AÇIKKOLLU		
Telefon : 0294490		
Cep Telefonu :		
HASTA BİLGİLERİ		
Olayın Oynadığı (day tarih ve saatini belirtiniz)		
GÖZLEMLİ SAĞSIZ		
MUAYENE EDİLENİN ŞİKAYETLERİ		
TEPELİME BAŞ DÖNMESE GÖĞÜS AĞRISI SİLİNEBİLİR PANKREATİK HASTASI PAXERA		
N° : 1107008		
STEM MUAYENELERİ		
Çuvar	YI	GKS 15
Nabız	80	TA 120/80
Bilinc	AÇIK	İyik Refleksleri ++
Pupiller	İZOMORFİK	Sakunum 18
LEZYON BULGULARI		
ERİT BÖLGESİNDE EKİNOTİK BİLATERAL LEZYONLAR MEVCUT. BAĞIRA LEZYON YOK		
KONSÜLTASYON		

3.2. Day TWO in Detention: Signs of battery were entered into the record

July 25, 2016

Medical report from the 2nd day reveals beatings by the police.



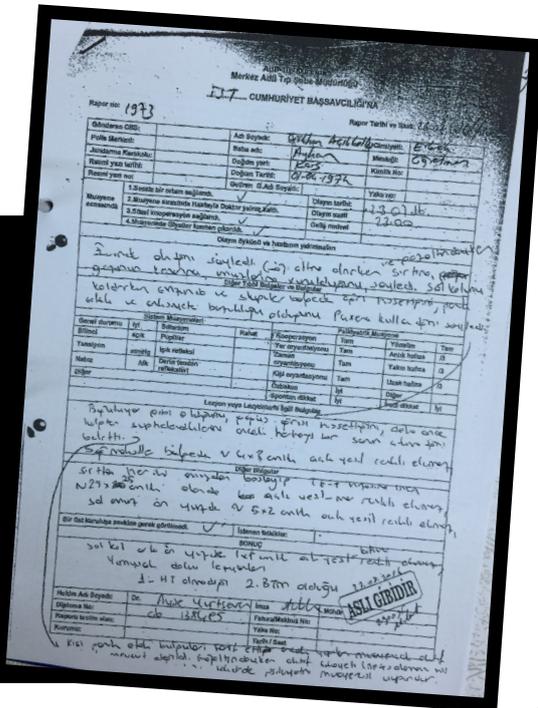
Açikkollu was taken to the Central Forensic Sciences Branch Directorate (Merkez Adli Tıp Şube Müdürlüğü in Turkish), which is attached to the Council of Forensic Medicine (ATK) on July 25, 2016 for a routine health checkup. Report No.1746 contained statements made by Açikkollu, who said he was exposed to torture and ill treatment. He said he was taken into custody on July 23 at around 23:00 and was handcuffed from behind while being battered at the same time. He said he suffered from panic attacks and that for this reason he regularly took medication. It was stated in the report that “there is ecchymosis on both scapula and on the right shoulder, pain in left arm movement and ecchymotic areas on the left scapula measuring 6x6cm, on the right scapula measuring 6x8cm and on the right shoulder measuring 5x4cm.” Despite these observations in the report, the statement “No battery or assault was found” was registered at Haseki Hospital after the examination.

3.3. Day THREE in Detention: I was beaten on my back, shoulder and eye

July 26, 2016

The following statements by a doctor who examined Açikkollu were recorded in report No. 1973, which was written on July 26 at the Central Forensic Sciences Branch Directorate: He was taken from home, and when he was in custody and was being taken to the police station, he was beaten on his back, shoulders and eyes, and he has pain in the scapular region when the right arm moves. He has panic attacks and an anxiety disorder. He takes a medication called paxera. He has chest pain and feels like

More signs of torture in detention from the medical report that was sent to the prosecutor's office.



he is drowning. He was suspected of having heart trouble, but no problem was diagnosed. There was light green ecchymosis in the right maxillary region measuring 4x3 cm; green-purple ecchymosis measuring about 25x25 cm, starting on the back of both shoulders and extending to the T8-9 thoracic vertebrae in the torso section of the spine; light green-brown ecchymosis on the middle front left arm measuring 1x5 cm; and light green ecchymosis on the left shoulder measuring 5x2 cm.

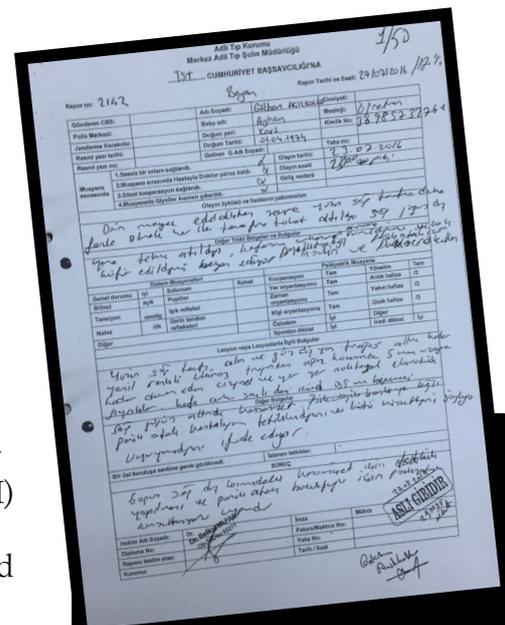
The report clearly pointed out that Açikkollu was tortured in police custody. Açikkollu told his cellmates when he was returned to the detention center that the doctor who examined him had taken photographs of the signs of torture. (Statement of witness A.G., who was debriefed by the SCF investigator.)

3.4. Day FOUR in Detention:

Slapping on face, kicking in chest, banging head on the wall

July 27, 2016

Açikkollu said the torture continued, in report No. 2142 dated July 27, which was completed by the Council of Forensic Medicine's (ATK) Central Forensic Sciences Branch Directorate. These are his statements and the doctor's observations as recorded in the report: "Yesterday, after examination, he stated that his face was slapped on both sides, but the right side much more; the outside of the right side of his chest was kicked; the back of his head was banged on the wall; and he was heavily sworn at. He is using insulin for type 1 Diabetes (DM) and Paxera for panic attacks. There are ecumatic abrasions on the right side of his face, on his forehead and around the eyes. There is hyperhidrosis in the

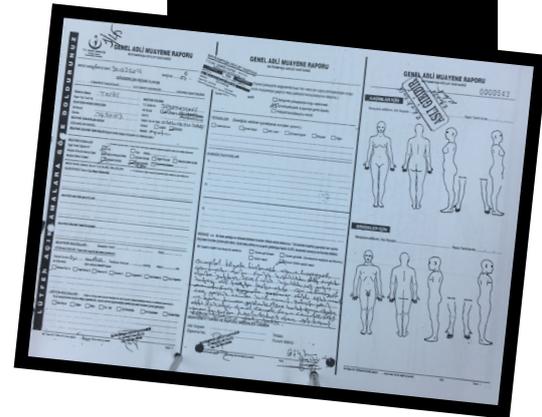


Torture continues for the 4th day in detention.

His eyeglasses were broken during beatings.

3.7. Day SEVEN In Detention: Eyeglasses were broken, kicked in the chest

July 30, 2016

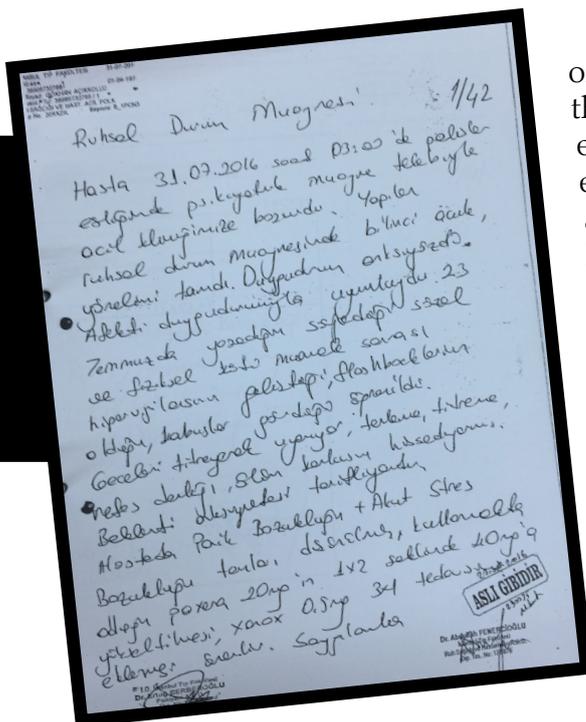


According to doctors' reports, the violence inflicted on Açıkkollu was intensifying under detention. According to a General Forensic Investigation Form from Bayrampaşa State Hospital, report No. 90 dated July 30, "There is pain and tenderness to the touch in the occipital region; rubescence in the interscapular area measuring 6 cm and in the left scapular area measuring 20x6 cm. There is green and purple swelling on the right side of the zygoma; the right lens of his glasses is broken; and a state of panic and fear was observed. He stated that he had excessive fear. For further screening, he was referred to psychiatry, general surgery, neurosurgery and ENT surgery."

3.8. Day EIGHT in Detention: Fear of death due to torture

July 31, 2016

Psych assessment on day 8 confirms Acute Stress Disorder.



Açıkkollu was taken to the hospital by police officers at 03:00. upon having an attack for the third time on July 31. He was taken to the emergency clinic demanding a psychiatric examination. A mental health examination at Istanbul University's Faculty of Medicine, Psychiatric Polyclinic Emergency, found that he was conscious but his mood was anxious and compatible with an affective state and that he had developed hypervigilance after verbal and physical abuse. "He has flashbacks and is woken by nightmares, symptoms of sweating, trembling, shortness of breath, fear of death, anticipation anxiety, panic disorder and Acute Stress Disorder. It is recommended to increase the use of Paxera from 20 mg 1 x 2 to 40 mg with the addition of Xanax 0.5 mg 3 x 1," the report said.

An Emergency Forensic Report Form from Istanbul Teaching and Research Hospital, with protocol No.19061254, states that his general condition was good and psychological complaints were examined. He said he was assaulted on the first day of his detention; minimal back erosion and right side pain were described.

3.9. Day NINE in Detention: Contradictory reports, no sign of torture

August 1, 2016

Emergency Medical Intervention Requirement Report Form, Protocol No: 542565512 dated August 1, issued by Haseki Teaching and Research Hospital, states that “the general condition of the patient is good and he is conscious, oriented and cooperative and has a score of 15 on the Glasgow Coma Scale. Iris recognition is adequate, pupils normal and breathing abdominal. There was no complaint concerning the neurological or cardiovascular system. The patient did not specify any important condition in his history; no general neurological examination; no additional neurological symptoms; no additional features in the general body examination. There is no wound, skin abrasion or additional injury to the head.”

On the same day, it was stated in Haseki Teaching and Research Hospital’s General Forensic Examination Form dated August 1, 2016 that there was no active complaint by the patient and no condition in the personal history or family history. It was stated that no signs of torture or assault were found.

It is remarkable to note that “no signs of torture or assault” were found in the ninth day of reports when the teacher had complained about pain and tenderness in the ribs, and there were bruises found on many parts of his body during every examination from day one of his detention. The prior medical reports documented signs of abuse, torture and ill-treatment. Yet, the reports at Haseki Hospital contain considerable differences and contradictions to the others.

3.10. Day TEN in Detention: No wound reported at Haseki Hospital

August 2, 2016

Pain in the right of his diaphragm and tenderness in his side.

On August 2 after a routine health check at Haseki Teaching and Research Hospital General, Forensic Examination Form, protocol Bo.542572045, states that he had type 1 Diabetes (DM), panic attacks and pain in his side. The doctor recommended that he continue current treatment. During the examination, the doctor determined that there was pain in the right of his diaphragm and tenderness in his side. However, the doctor recorded it as no visible lesion.

According to the Emergency Medical Response Requirement Report Form completed at 17:25 on August 2, “The patient’s general condition is good and he is conscious, oriented and has a score of 15 on the Glasgow Coma Scale. Iris recognition is adequate, pupils are normal and breathing is abdominal. There was no complaint concerning the neurological or cardiovascular system. The patient does not have a significant condition in past disease history. No general neurological examination, no additional neurological symptoms, no additional conditions in the general body examination, no open wound, no additional injuries or ecchymosis.”

3.11. Day 11 in Detention: Allegation that he refused an examination

August 3, 2016

A report prepared by Haseki Teaching and Research Hospital, protocol No. 542572045 at 15:05 on August 3, states that “the patient was exposed to psychological trauma and physical trauma; his general condition is good and he is conscious; there is no condition in the patient history except depression. There were no additional neurological symptoms in the general neurological examination. Between the two scapulae near the neck in the back region the patient was diagnosed with convalescent lesions, (possibly due to a previous trauma), and at the same time he was diagnosed with lower right posterior tenderness. An orthopedic examination was recommended,

3.12. Day 12 in Detention: Pain in right ribs is not relieved

August 4, 2016

In emergency medical intervention requirement report No. 5425833323, dated August 4 at 15:44 and prepared for Açikkollu, who underwent a medical examination at Haseki Teaching and Research Hospital, it was stated that the patient's performance status was good; he was conscious; he had a score of 15 on the Glasgow Coma Scale; iris recognition was adequate, pupils normal, breathing was abdominal; no complaint about neurological or cardiovascular system; type 1 Diabetes (DM) and panic attack exist in the patient's past medical history (PMH); no special condition was detected in the general neurological examination; no additional neurological symptoms; no additional condition in

general physical examination; no incision, abrasion, open wound or additional injury findings on scalp or skin.

Kicks that inflicted pain in his right rib cage were recorded.

In the same hospital's General Legal Medical Examination Form, on the same day, it was reported that "the patient said his right rib cage was kicked; there was pain in his right rib cage; he has DM and panic attacks; he uses insulin, Xanax and Paxera; no marks of physical coercion were detected on the patient."

Açikkollu, who allegedly rejected examination, diagnosis and treatment, persistently repeated his comments about the beating inflicted on him and his persisting pain. In this respect, the report, stating the patient's rejection of treatment despite his insistence on his complaints, does not seem normal. On top of it, it is understood that a chest X-ray was not taken in spite of his complaints of pain in every medical examination.

In consideration of all of the medical reports, it was confirmed that color changes in the face, eyes, head, back side of neck, left shoulder, right side of the chest, in the area from the shoulder to the abdomen back up the accusations of beating during detention. Ecchymosis, pain and signs of bleeding prove the torture. What's more, it was determined that signs of abuse were photographed as evidence by doctors at Açikkollu's request during the medical examination. The existence of the photographs showing the torture was verified by witness A.G. in an interview with SCF.

3.13. DAY 13 in Detention: He dies

August 5, 2016

One of the most important pieces of evidence proving what Gökhan Açikkollu had endured during his 13 days in custody was the CCTV footage of C Ward, Section 3, where he was kept at the police department. The prosecutor's office that was investigating the torture claims did not deem it necessary to examine all of the CCTV footage starting with day one. Only the records of August 5, the day he died, between 04:00 -05:30 were examined.

According to the footage, Açikkollu was staying in a detention cell in C Ward with four other persons. According to the camera angle, Açikkollu was lying in the far-right corner of the cell and directly facing the bars. He was wearing a white undershirt and track pants. The four other people in custody with him were also sleeping.



Minute 22, second 35 Açikkollu wakes up and sits on the bed for a while.

22:48 He lies on his back, then turns, lying on his right shoulder and tries to sleep.

26:26 He stands up and moves in front of the bars. He waits there for five minutes. Since the voice records of the footage were not provided, it is not stated whether he called for a policeman during this time.

His family
was denied
funeral
car by
authorities.



31:26 He moves away from the bars and lies down.

35:33 He appears to be having convulsions.

35:52 The four other persons in the cell begin to wake up, possibly because of the noise. While a person in a white undershirt and grey track pants holds Açikkollu's hand, another goes to the bars, probably calling for help.

36:52 A person wearing a blue T-shirt comes, opens the door and leaves.

37:32 The four cellmates put him in a sitting position on his bed.

37:51 A person comes into the cell, grabs something from the floor (probably a bottle of water), pours it in his hand and sprinkles something on Açikkollu's neck and face.

38:07 A person wearing a black T-shirt comes, stands in front of the door for 17 seconds and leaves.

38:58 The man with the blue T-shirt returns and at 39:08 leaves with the official who sprinkled something on Açikkollu's face.

39:46 This official comes back with two policemen and enters the cell.

40:05 Açikkollu is carried out of the cell.

Other than this recording, there are records of the examination of another CCTV camera located to the right of the outer door of the custody area that has a view of the corridor of the counterterrorism department. The recording that was examined only covered the time between 4:00-5:30 a.m. on August 5. Accordingly, the sequence of events is described as follows:

04:56 An official wearing a black T-shirt and grey track pants sitting on a chair gets up and goes inside. At 05:42, he comes back and sits down.

09:22 Another person comes from the section where the custody rooms are located and sits on another chair. At 13:33, he goes back to the custody area.

36:42 The official with the black T-shirt and grey track pants comes and at 38:01 makes a phone call. He leaves after the call.

39:30 The officials and persons who are in custody carry Açikkollu out of the custody area. They sit him in a chair and place another chair under his feet.

43:50 A person wearing a white undershirt comes in from the custody area, leans towards Açikkollu and says something to the others present. The officials carry him to a table located in front of the outer door of the custody area. The person with the white undershirt tries to apply cardiac massage to Açikkollu. According to the statements given later this person was medical doctor Lokman Başar, who worked at the Council of Forensic Medicine. He was in detention at the time. He was escorted from his cell to attend to the emergency care of Açikkollu.

46:50 Another person comes from the custody cell area and continues to apply cardiac massage. According to the official account, this person was Professor Cengiz Haluk İnce, former head of the Council of Forensic Medicine and member of the forensic medicine department of İstanbul University, who was also in detention on dubious charges at the time.

48:25 112 Emergency Services team arrives. Açikkollu is put on the ground and cardiac massage continues.

1:25:55 112 Emergency Services team members put Açikkollu on a stretcher and take him away.

According to the hospital records, at 05:30 Açikkollu was brought to Haseki Research Hospital by the 112 service personnel. Cardiac massage was applied here for 45 more minutes. According to the CCTV footage, it is understood that nearly 40 minutes of cardiac massage was applied to Açikkollu at the police station. In his statement Professor İnce says he noticed in the beginning that Açikkollu had already died. On the other hand, according to a statement made by the Chief Public Prosecutor's Office and records of the investigation, Açikkollu died at the hospital.

According to Daily Patient Medical Emergency Observation records file No.46614729-542547667 of Haseki Research Hospital dated August 5, Açikkollu died from a heart attack. In the report it was stated that "he died of acute myocardial infarction." Additionally, the report contains information on the laboratory findings.

According to Forensic Examination and Statement Form No. 4614729 filled out by the same hospital, after nearly 45 minutes of cardiac massage applied by the doctors who were in police custody at the detention center, Açikkollu was brought to the hospital at 5:30 a.m. and nearly 45 minutes of additional cardiac massage was applied. Since there was no response, he was declared dead at 6:15 a.m.

According to the voice recordings of 112 Emergency Services personnel in the prosecutor's file, one of the members of 112 Fatih Emergency Team No: 4, Pınar Tongal, contacted a doctor at their headquarters and said Açikkollu had died in custody and that cardiac massage had been applied for 31 minutes, requesting that the doctor seek the prosecutor's instructions on which morgue Açikkollu would be taken to.



**Government
ordered
Imam to not
perform
funeral
prayer for
Gökhan
Açikkollu .**

Forensic medicine expert Professor İnce, in his statement taken in the investigation opened into Açikkollu's death, said that while he was sleeping at around 04:35 in the detention cell, a policeman came, woke him up and sought his help for a person who had fainted in the adjoining custody cell. When he arrived, he saw Dr. Başar applying cardiac massage. He checked and couldn't feel a pulse. He asked Dr. Başar how long the patient had been in this condition. According to Dr. Başar, the patient was not breathing and there had been no pulse for five to six minutes. İnce, who took over the cardiac massage at that point, said he immediately observed that the patient had already died.

4. Chief Public Prosecutor's Office Hastily Made a Statement Denying Torture

The same day that Açikkollu died, the İstanbul Chief Public Prosecutor's Office issued a written statement saying that a comprehensive investigation was being conducted into the July 15 coup attempt and that thanks to the statements and sincere confessions of those who are in custody, the active members of the FETÖ/ PDY terrorist organization were being apprehended one by one. The chief public prosecutor's office claimed that Açikkollu, who had not given any official statement, was using the code name "Fatih" within the organization. It said that upon his complaint about his health Açikkollu was brought to Haseki Teaching and Research Hospital on July 28, 2016 by 112 Emergency Services and that after the examination he was sent back to detention since he was deemed to be at no risk. But on August 5, 2016, at around 04:45, upon being informed that he had gotten ill again, police called 112 Emergency Services within two minutes and that in the meantime first

aid was performed by a forensic medicine expert who was in custody. Açıkkollu was taken to the ambulance, where the necessary medical intervention was performed, and he was immediately brought to Haseki Teaching and Research Hospital. The İstanbul Police Station was informed by the prosecutor's office and hospital officials that Açıkkollu died at the hospital on August 6, 2016 at about 06:00. Since the suspect Açıkkollu was known to be suffering from diabetes, he had been permitted to receive his medication.”⁵

The fact that the statement made by the prosecutor's office, even without waiting for the conclusion of the official investigation into the case, which stated that Açıkkollu was allowed to receive his medication and that the public officials had committed no wrongdoing in his death, cast a long shadow over the impartiality of the judicial investigation into his death. In fact, when his family collected his belongings from the police, they were surprised to find the same amount of medication as at the beginning of police custody without any having been used. What is more troubling, the chief public prosecutor's office rushed to make a statement even before the autopsy report was prepared.

5. Outcry over Torture and Calls for Accountability

The first strong reaction to the death of Açıkkollu and to the chief public prosecutor's office's statement came from the TTB and the Human Rights Foundation of Turkey (TİHV). A joint statement⁶ emphasized that Açıkkollu died while in detention and said: “Seeing the video images showing that those who were detained in the ongoing investigations are being subjected to torture and ill treatment, we had warned that torture was absolutely prohibited. We had also underlined many times that the provision of the right of notice to relatives, audiences with a lawyer and efficient access to medical examinations with a doctor of choice is obligatory and that these rights cannot be abrogated. Unfortunately, our concern that an extension of the period of custody to 30 days would prevent the detainees from benefitting from the guarantees against torture has been realized.

“News accounts in the media based on the chief public prosecutor's office's statement contain strong evidence that the state violated the right to life of a person in its custody and deprived Gökhan Açıkkollu of his right to not be subjected to ill

5] “Başsavcılık'tan gözaltında ölüm açıklaması,” Sabah, 5 August 2017, <http://www.sabah.com.tr/gundem/2016/08/05/bassavciliktan-gozaltinda-olum-aciklamasi>

6] “Gökhan Açıkkollu Gözaltında Ölmüştür,” Human Rights Foundation of Turkey, 7 August 2017, <http://tihv.org.tr/gokhan-acikkolu-gozaltinda-olmustur/>

treatment and torture. When the following questions start being asked with regard to the statement, we are entering an area where the state is violating its obligations towards the lives of those who are in its custody.

“-- What does ‘by obtaining a report for battery in custody and the use of force on a 24-hour basis under the supervision of the counterterrorism unit of the İstanbul Police Department’ mean? While it is obligatory for the doctor to conduct a medical examination and to document the results in line with ethical principles and the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), getting the ‘battery and the use of force report under custody conditions’ for Gökhan Açikkollu, which has no place in investigatory procedure, leads to the suspicion that the documentation is based on an unreliable medical examination. Medical examination and documentation not carried out in line with the Istanbul Protocol constitute a violation of the ban on torture and ill treatment.

“--What does ‘Upon his statement that he was ill, the person was transferred to a state hospital by 112 Emergency Services, and relying on the information that as a result of the medical examination he was not deemed to be at risk by remaining in custody, he was brought back to the detention center’ mean? The fact that a person who has a chronic condition as expressed in the statement continues to be detained in his fifth day under custody shows that he was deprived of his right to access medical care and was subjected to pain to an extent that he could not be expected to bear. Moreover, taking into consideration that the reason for the existence of a doctor is to protect, defend and improve physical and mental health and that a doctor cannot be part of any decision that will result in detention, it must be publicly shared who took the decision that there was no risk for him to remain in custody.

“-- What does ‘Upon learning on August 5 that Gökhan Açikkollu had become unwell again, the first medical intervention was performed on the detainee by a doctor of forensic medicine in custody’ mean? The Istanbul Protocol, the principles of medical ethics and related regulations necessitate that medical services should be provided in health institutions to ensure the privacy of the patient and the compliance of the examination with ethical standards.

“We would like to remind that torture and ill treatment are absolutely forbidden and cannot be justified under the pretext of exceptional times. The procedural guarantees that we have fought for long years for cannot be abrogated by emergency decrees. Long-term detention makes all the detainees vulnerable to torture and ill treatment.”

6. Fractures in the Ribs Detected in Autopsy

It is noteworthy that in the autopsy report of the Morgue Division of the Council of Forensic Medicine, dated August 29 and numbered 16/70527/3425, fractures were detected, particularly in the chest area. The report states that fractures in ribs number 3, 4, 5 and 6 that follow an oblique line were detected. In particular, it was pointed out that bleeding was seen at the level of the fifth intercostal space. It was stated that a 1.5x2 cm ecchymosis was seen in the soft tissue of the neck that extended to the deep tissue.

In a report by the Forensic Expert Council No.1 of the Ministry of Justice, dated November 23, 2016, it is stated that no medical evidence was found that would suggest Açıkkollu had died from poisoning or trauma; that the fractures in the chest area could have been the result of efforts to resuscitate him (cardiac massage); and that unanimity had been achieved on the opinion that the death was the result of a heart attack.

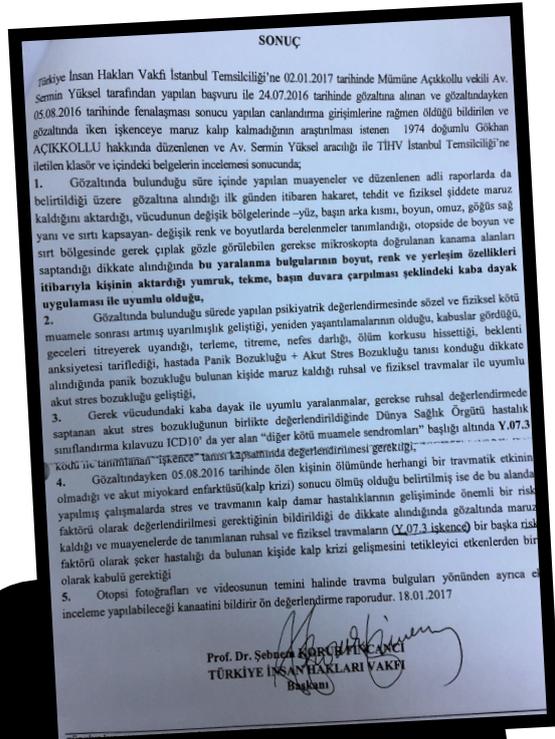
The detection by the naked eye of spaces of bleeding in muscles under the skin of the neck and back and the verification of these findings by microscopic examination support Açıkkollu's complaints during medical examinations while in custody of injuries that resulted from rough beatings.

Açıkkollu had said that police officers kicked him in the chest on July 26, and during every medical examination after that date he complained that the pain was continuing. It cannot be determined whether the fractures in his ribs resulted from this kick because the doctors did not take an X-ray. The Istanbul Protocol and the Minnesota Protocol regulate how the necessary examinations should be carried out by doctors of forensic medicine to detect torture and ill treatment. But the records prepared regarding his routine health checks show that these protocols were not followed.

7. Expert Concludes Açıkkollu Died as a Result of Torture

Professor Şebnem Korur Fincancı, an expert in forensic medicine who is the head of the Human Rights Foundation of Turkey and an executive in the TTB, examined the doctors' reports, autopsy report and statements regarding the death of Açıkkollu and prepared her own conclusions. In her 14-page assessment on January 18, 2017, which was also included in the investigation file, she concluded that the cause of death should be recorded as torture.

The report contains the following findings:



**An expert in forensic
medicine says the death
was a result of torture**

- As stated in the medical examinations and reports during his custody, Açıkkollu complained that beginning from the first day in custody he was subjected to insults, threats and physical violence; bruises of various colors and sizes were found in different parts of his body, such as the face, back of the head, neck, shoulders, right part of the chest and back; bleeding spaces in the neck and back that can be seen by the naked eye and verified by a microscope are defined in the autopsy. Taking all this into consideration, the findings of injuries in terms of size, color and location are in conformity with Açıkkollu's complaints about rough beating such as punching, kicking, hitting and the banging of his head on the wall;

- He had developed acute stress disorder, which is in parallel with the mental and physical trauma he suffered;

- When the injuries that conform with the definition of rough beating and acute stress disorder detected in mental evaluations are considered together, the case should be classified as torture, which can be found under "other ill treatment syndromes" according to the World Health Organization's ICD 10 Classification of Mental and Behavioural Disorders.

- Although it was stated that he had died of a heart attack, stress and trauma are important risk factors for the development of cardiovascular disease. The mental and physical traumas he suffered during his custody which were also detected in the medical examinations should be considered as triggering elements of a heart attack for a person who also had diabetes as another risk factor.

When Fincancı was interviewed by SCF, she pointed to the aggravating factors that led to the heart attack suffered by Açıkkollu, who also had a chronic disease. She said that this situation which led to his death was a result of torture. With regard to the fractures in the ribs that were detected in the autopsy, she said: "The fractures may have happened during the cardiovascular massage or because of the kick he had suffered in his chest. An X-ray should have been taken during his medical examination when he said he had pain. The doctors should have demanded that. At the end of the day, whether the fractures were a result of the beating or cardiovascular massage is not important because the death was a result of torture."

She further added that: "It is understood that some of the hospital reports regarding the medical examinations were prepared very poorly. The signs of torture were ignored. Yet, in some of the reports, the history of the patient and the findings were recorded clearly. The İstanbul Protocol should have been followed and the patient should have gone through a very detailed medical examination. In some of the examinations the İstanbul Protocol was violated."

“Gökhan also said the police officers made fun of him when he was referred to other doctors and asked him whether they should take him for a trip as well. He started to withdraw into himself more each day due to his panic attacks. He was shaking. Once he cried for minutes on the shoulder of an arrested lawyer (Engin Emrah Bicer). He was handcuffed while he was taken to health checkups. He did not want to go to get a health check a couple of times because of the handcuffs. Another friend told us that Gökhan had been dragged once. Another time, he was not taken to a hospital after being tortured.

“There was a pharmacist under arrest. He testified against Gökhan and two other people. The pharmacist knew Gökhan because he had bought medicine from him. Gökhan mentioned that the pharmacist may have given his name to escape imprisonment. He also said the police officers asked him to provide names based on the assumption that he was the ‘imam’ [a title allegedly used by a person who is in charge, according to a claim by the government] of the police department. Gökhan also told us that a police officer once asked him of which gendarmerie officers was he the ‘imam,’ and another police officer warned the other police officer that he was the ‘imam’ of the police department, not the gendarmerie. Then the first officer continued to beat him and asked which police officers he was in charge of.

“We learned that Gökhan told them he would sign any paper they wanted to stop the torture, but the officers told him to give up names. They wanted him to draw an organizational chart. Gökhan was seriously affected and could not stand any stress since he suffered from panic attacks. We thought maybe the police officers were thinking that he knew things and therefore were insisting on getting information from him and postponing his official deposition. Perhaps the officers were waiting for him to provide names because they didn’t know what to write.

“They took him from the cell three or four times. Every time, they beat him and brought him back. He asked if they would take him again. We tried to comfort him by stating that they would not, but they did take him again. He feared that in any case they would take and beat him again. We felt very sorry for him but could not do anything. He was very worried.

“Once, his glasses were broken. That day he related how the officers had collectively beaten him. One of them slapped him asking why he was looking at him. He again slapped him when he looked down and asked why he was not looking at him. Other officers hit him from behind while pressing their knees to his back and he was slapped by the other. He faced heavy torture.

“They also inflicted psychological torture. They were beating him and holding him without taking his statement. After 13 or 14 days, all of us gave our statements, but he was held without providing his official statement. He told everything he had faced to everybody, including the doctors.

“At first he talked about his teaching days very cheerfully. His happiness showed when he talked about his educational activities. Indeed, he made light of the violence he was subjected in the first couple of days. It was obvious that he was a person full of life. A healthy person could not even stand what he faced. Everybody under detention at that time witnessed these happenings. I believe they were also recorded by surveillance cameras.

“The night before he died, they hit him very hard in the chest. He came back to the cell holding his chest. He said he felt pain even when he just touched his chest. He couldn’t sleep. After a while, he was asleep and I was sleeping also. Then, everybody woke up to screams and cries. We called the police officers. They took him and called an ambulance. I realized that the problem was serious when I saw his head droop while they were taking him. Then we learned that he was dead. He was dead because of torture. Even though they said he was dead because of a heart attack, it was torture that caused this. It was because of the oppression and beatings he endured. I believe the doctors may have not accurately recorded the torture findings due to the pressure they faced during this period. He suffered from panic attacks, diabetes and psychological illnesses. He had attacks several times.”

10. Family Collects His Belongings

Police called Açıkkollu’s wife at 09:10 on August 5 and said she and the family should immediately go to Haseki Hospital. Another police officer called an hour later and told her to go to the Council of Forensic Medicine. Açıkkollu’s family learned about his death when they arrived at the council. They identified his body.

But the family faced problems when they wanted to bury him in Istanbul. They were told that his body could be only buried in the “Traitors Cemetery” in Pendik’s Ballica village built by Kadir Topbaş, mayor of Istanbul from the ruling Justice and Development (AKP). On top of it, they were told that religious funeral rites and the washing of the body (as required for Muslim burial) would not be possible. The family rejected the orders, stating that he had not been proven guilty and was not even able to give a statement. But the officer in charge of funeral affairs demanded a document from the police confirming that he was innocent.⁷ The family told prosecutor Metin Kantar about the situation, but he said that kind of a document was nonsense and that he was not authorized to issue such a document. They also were unable to obtain a document from the police stating that he had been unable

7] “İşkence altında ölen öğretmenın dosyası kapatıldı,” TR724, 5 August 2017, <http://www.tr724.com/iskence-altinda-olen-ogretmenin-dosyasi-kapatildi/>

to give a statement. The Açıkkollu family decided to bury him in their hometown, away from Istanbul, and wanted to pick up the body. However, the corpse should have been embalmed to prevent deterioration on the way.

The official at the forensic council told them that he could not do the embalming. The family had to learn how to embalm the body, and they did that on their own. Then the body was put in a coffin and into the family's car and brought to the town of Ahırlı in central Konya province, the hometown of his wife Mümüne Açıkkollu. He was taken to the neighborhood of Büyükoğ in Ahırlı. However, no imam could be found to lead his funeral prayer due to an order from the Religious Affairs Directorate, a government funded agency that provides free religious services for the public, that no imam would participate in the funeral rites for alleged coup plotters.⁸

Açıkkollu's funeral prayer was led by a man in the neighborhood named Mehmet Oztürk, a volunteer. During the burial in Büyükoğ Cemetery, nobody except his relatives was allowed to participate in the ceremony, meaning that the torture continued even after his death. Two days after his burial, the muhtar (the elected official who oversees the neighborhood) of Büyükoğ was summoned by the district governor of Ahırlı and the prosecutor. They reprimanded the muhtar, stating that the Konya Governor's Office was not happy with them for allowing the funeral to proceed. The district governor was later dismissed from his position.⁹

Açıkkollu's belongings were handed over to his wife at the Istanbul Police Station. Mümüne was given her husband's unused insulin.¹⁰ There were two different types of insulin tablets that he needed to take after each meal. The number of tablets had not decreased while he was in detention. Only four of the syringes were used out of a 100-count box. Açıkkollu's glasses were not listed under his belonging to be handed over. Mümüne insisted that the police provide her late husband's glasses. First the police officer told her that the broken glasses were dumped in the trash, but they later were listed in the list of items to be returned to the family.

11. His Wife Was Detained As Well

Mümüne, who had been a civil servant for 23 years, was also dismissed from her position by government decree no. 675 on October 29, 2016 without any administrative

8] "Gözaltında ölen öğretmen, eşinin memleketine defnedildi," Sözcü, 7 August 2017, <http://www.sozcü.com.tr/2016/gundem/gozaltinda-olen-ogretmen-esinin-memleketine-defnedildi-2-1343688/>

9] "İşkence altında ölen öğretmenin dosyası kapatıldı," TR724, 5 August 2017, <http://www.tr724.com/iskence-altinda-olen-ogretmenin-dosyasi-kapatildi/>

10] Ibid.

or judicial probe. Her 18-year-old son was to take the university entrance exam on March 12, 2017. While his son was having a hard time in dealing with losing his father, their house was again raided on February 24, 2017, just two weeks before the exam.

Mümüne was detained by the police and was referred to the Caglayan Courthouse for questioning. She was interrogated by public prosecutor Can Tuncay, who had also decided on the detention of her husband. She was released when the prosecutor

concluded she had nothing to do with the Gülen movement. During the questioning, Tuncay asked her: “Where were you on July 15? How did you meet your husband? The tanks moved upon the order of your husband. The coup happened because of this.” She responded: “My husband did not even have a gun with blanks. He had nothing to do with these accusations. How could he have given orders? He didn’t even know a single soldier.”

The family has been living in fear since that day, according to Mümüne. They open the door with trepidation every time they hear the buzzer. Her children are also uneasy with everything going on in the family and have difficulty sleeping at night. Her daughter could not get used to the new school. She recovered a little thanks to counseling by a psychologist. She sleeps hugging her father’s picture. Açikkollu’s son stayed home due to questions from his friends and teachers about what happened to his father and whether or not he was guilty. His dream was to be an engineer, but he got into to the law department of a private university.



**Gökhan’s
grieving
father Ayhan
said his son
was healthy
before de-
tention.**

12. The Prosecutor Closed the Torture Investigation

Public Prosecutor Burhan Görgülü, who led the investigation into allegations of torture upon complaints that Açikkollu died because of torture, closed the file without hearing witnesses presented by the family. He did not examine all the CCTV surveillance camera records in the police department and did not bother looking into the report of Professor Fincanci, who documented the torture. In addition, the photos taken by the doctors who examined him to record the marks of torture on his body were not included in the investigation file.

Prosecutor Görgülü, who decided to drop the investigation into his death, stated on Dec. 20, 2016 that “there was no malicious intent or negligence; the death was not deliberate; and there was no external reason behind Açikkollu’s death.” “Heart attack” was accepted as the cause of death as stated in the autopsy report.

Erol Bayram, lawyer for the Açikkollu family, objected to the decision of non-prosecution and indicated that an effective investigation had not been conducted into Açikkollu’s death. Stressing that there was evidence, testimony, medical reports and witnesses who weren’t heard, the lawyer appealed to a Penal Court of Peace to reopen the investigation. The decision, which had to be made within 15 days according to judicial procedures, came seven months later. The court ruled that a fresh investigation must be launched.

The court decision indicated that Açikkollu had died on August 5, 2016 when he was in custody. The decision further highlighted that he had complained of his illness while he was in custody several times, on July 24, 28 and 31, and that he was taken to Haseki Teaching and Research Hospital and the Capa Faculty of Medicine in Istanbul for examination. The panel of judges reached the conclusion that his legal case would be evaluated pursuant to an expert report from the Supreme Council of Health at the Ministry of Health or from the Council of Forensic Medicine on the causal link between illnesses reported in prior medical reports and his death. The decision of non-prosecution was reversed and the probe was ordered to be expanded.

13. Further Twists in the Case

The investigation in which Açikkollu was a suspect was closed after the suspect died. However, he would have been accused of coup plotting and membership in a terrorist organization in indictment No. 2017/546 based on the testimony of a pharmacist if he had been alive. It is claimed that pharmacist Habib Erturk alleged that Açikkollu was his superior within the organizational structure of the Gülen movement, although the two had different professions. He asserted that Açikkollu sent him messages seeking support for the coup plotters through a cryptographic messaging application; therefore, he conveyed these orders to two police officers. According to the claim, these two police officers went to the Bosphorus Bridge and helped the putschist soldiers.

This assertion is the only piece of evidence in the indictment naming Açikkollu.¹¹ However, Erturk recanted his testimony in the first trial hearing, saying that he testified under torture and that Açikkollu was a customer of his who had diabetes. The

11] “FETÖ imamı eczacıdan darbeye direnmeyin talimatı,” AA, 22 March 2017, <http://aa.com.tr/tr/turkiye/feto-imami-eczacidan-darbeye-direnme-yin-talimati/777092>

allegation that Açıkkollu asked for support for the coup by a messaging app was

a fabrication put forward by the police. He also said he faced the risk of death under torture and that Açıkkollu came to mind when he was forced to give up a name. He testified in court that Açıkkollu was innocent. Erturk’s lawyer said the testimony of his client in court was put in the record and that the original claims about the teacher had been revealed to be false.

14. Turkey’s Obligations under International Conventions and National Laws

14.1. International Commitments

Turkey has committed itself to complying with a number of international agreements that prohibit torture and ill treatment and is subject to monitoring mechanisms under the UN and the Council of Europe (CoE) human rights bodies. Under both the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), Turkey is obligated to prevent torture and cruel, inhuman or degrading treatment or punishment. Even under the emergency rule in force in Turkey since July 21, 2016, Ankara cannot deviate from these commitments.

Most recently, Turkey ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), on September 27, 2011, which committed Turkey to further obligations. As noted in the justification of Article 94 of the Turkish Penal Code (TCK), Turkey acknowledged that torture was banned in the international conventions to which it is a party and made commitments to taking measures to prevent torture.

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment of February 10, 1984, which Turkey signed and ratified in 1988, defines torture in Article 1 as “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.”

Article 5 of the Universal Declaration of Human Rights proclaimed by the General

Assembly of the United Nations, of which Turkey is a member, on December 10, 1948, reads: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Of these international texts, the Convention for the Protection of Human Rights and Fundamental Freedoms, dated November 4, 1950, asserts, in Article 3: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ensures that torture cannot be justified under any circumstances: “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. An order from a superior officer or a public authority may not be invoked as a justification of torture.”

Article 4 of the same convention urges state parties to define acts of torture as a crime: “Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”

This convention further notes that the obligations of the state parties concerning torture also apply to “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture” (Article 16). Turkey also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, dated November 26, 1987.

14.2. National Laws Prohibiting Torture

In line with these international obligations, the Constitution of Turkey states that torture is prohibited: “No one shall be subjected to torture or ill treatment; no one shall be subjected to penalties or treatment incompatible with human dignity” (Article 17, paragraph 3). “No one shall be compelled to make a statement that would incriminate himself/herself... or to present such incriminating evidence” (Article 38, paragraph 5). In Turkey, everyone has the constitutional right to life and the right to protect and develop his/her material and spiritual existence. In addition the bodily integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law” (Article 17).

Part 3, titled “Torture and Torment,” consisting of Articles 94, 95 and 96 of the Turkish Penal Code, lists the legal sanctions and criminal measures against torture as follows:

ARTICLE 94 - (1) A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person's capacity to perceive or his ability to act of his own will or insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years.

(2) If the offense is committed against: a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed.

(3) If the act is conducted in the manner of sexual harassment, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.

(4) Any other person who participates in the commission of this offense shall be sentenced in a manner equivalent to the public officer.

(5) If the offense is committed by way of omission there shall be no reduction in the sentence.

The reasoning of Article 94 states: "The acts which amount to torture not only constitute an attack on the bodily inviolability of victims that damages their physical and mental health. At the same time, victims may be forced to make unreal statements or admissions under the effect of the pain or sorrow they suffer from as their free will is eliminated and even their perception abilities are affected. Therefore, torture used to obtain a confession or otherwise evidence related to a certain crime may prove to inhibit the uncovering of the truth and administration of justice. Thus, the recognition of torture as a distinct crime with criminal sanctions will serve the purpose of criminal proceedings to discover the material facts."

ARTICLE 95 - (1) Where the act of torture causes (in the victim): a) a permanent impairment of the functioning of any one of the senses or an organ; b) a permanent speech defect; c) a distinct and permanent scar on the face; d) a situation which endangers a person's life; or e) the premature birth of a child, where the victim is a pregnant woman, the penalty determined in accordance with the above article shall be increased by one half.

(2) Where the act of torture causes (in the victim): a) an incurable illness or if it has caused the victim to enter a vegetative state; b) the complete loss of functioning of one of the senses or organs; c) the loss of the ability to speak or loss of fertility; d) a permanent disfigurement of the face; or e) the loss of an unborn child, where the victim is a pregnant woman, the penalty determined in accordance with the article above shall be doubled.

(3) Where an act of torture results in the breaking of a bone, the offender shall be sentenced to a penalty of imprisonment for a term of one to six years according to the effect of the broken bone on his ability to function in life.

(4) Where an act of torture causes the death of the victim, the penalty to be imposed shall be aggravated life imprisonment.

Under paragraph 3 of Article 94 of the Turkish Penal Code, the sentence received is aggravated if the act is conducted in the manner of sexual harassment. It should be noted that this provision is not applied if the act in question amounts to sexual assault. In such a case, the offender is penalized also in connection with the offense of sexual assault.

The offense of torture is committed usually with the implicit consent of superiors in public service. In other words, superiors may give tacit consent to torture by refraining from intervening against acts of torture inflicted on people during an investigation that is being conducted under their supervision. In such cases, the public officer who has seniority will be deemed to have committed the act of torture by way of omission and therefore held accountable for the offense without abatement under the fifth paragraph of Article 94 above.

Both international human rights law and Turkish law make a distinction between torture and other forms of ill treatment. The case law of the European Court of Human Rights (ECtHR), whose judgments are binding on Turkey, shows the Strasbourg rights court takes into consideration several factors defining the magnitude or intensity of the torment inflicted. These criteria generally include the duration of the act, its physical and mental effects, gender, age and health of the victim and the manner and method of implementation of the act. In contrast to other forms of ill treatment, torture requires the existence of a specific purpose behind the act such as extracting a confession or obtaining information. There are legal repercussions in both the case of torture and ill treatment such as inhuman, cruel, humiliating and degrading treatment, outrages inflicted upon personal dignity and physical or psychological coercion.

In the Turkish Penal Code, ill treatment is regulated under the heading “Torment.” Thus, Article 96 of the Turkish Penal Code with this title reads:

(1) Any person who performs any act which results in the torment of another person shall be sentenced to a penalty of imprisonment for a term of two to five years.

(2) If the offense is committed against: a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed. Where the acts falling under the above paragraph are committed against: a) a child, a person who is physically or mentally

incapable of defending himself or a pregnant woman; or b) a direct ascendant, direct descendant, adoptive parent or spouse, a penalty of imprisonment for a term of three to eight years shall be imposed.

There is no statute of limitations for inhuman treatment such as torture.

15. Why Torture Came Back to Turkey

In its efforts to harmonize its legislation with the EU acquis since December 1999, when Turkey was recognized as a candidate country for full membership, which led to the launch of formal accession talks in October 2005, Turkey had achieved significant progress in preventing torture. However, since major corruption investigations that became public in December 2013 and that incriminated then-Prime Minister and current President Recep Tayyip Erdoğan, Turkey has started rolling back its achievements on the rule of law, democratic values and fundamental human rights. The major impetus for that turning point was Erdoğan's efforts to hush up the corruption probes.

The interception of the Turkish government's illegal arms shipments bound for armed jihadist groups in Syria a month after the corruption revelations added more legal troubles for Erdoğan, who rushed to blame his troubles on the Gülen movement, a powerful civic group that was inspired by US-based Turkish Islamic scholar Fethullah Gülen. Erdoğan accused the West in general and the US in particular of trying to oust his government from power and launched an unprecedented crackdown on the movement in Turkey. Using the controversial coup that he had orchestrated on July 15, 2016, Erdoğan intensified the crackdown further and jailed tens of thousands of people on little or no evidence.

Torture, abuse, looting and murder, including lynching, have all resurfaced against members of the movement and other dissident groups. When Erdoğan finally consolidated his total grip on the judiciary, the partisan courts started delivering rulings to the liking of the Turkish president. Members, volunteers, participants or anybody who is seen as affiliated or associated with the movement are arbitrarily arrested, subjected to torture and degrading treatment, beaten in the streets and their properties unlawfully confiscated. Deprived of the social security benefits they earned as well as their pensions, they are even denied employment in the private sector after dismissal from government jobs.

Gülen movement members are not only accused of treason, coup plotting and terrorism without any evidence to back up such absurd charges, they are also

denounced as apostates and infidels¹² by the Diyanet, Turkey's top official religious body. The Diyanet's dehumanizing of the movement through its weekly Friday sermons in some 80,000 mosques across Turkey along with the growing strength of the political Islamists in government further incentivized the use of torture. Members of the movement are arrested en masse with no regard to the presumption of innocence, due process or the right to a fair trial. Jihadist and nationalist sentiments are continuously evoked to motivate government officials to commit torture, abuse and the inhuman degradation of victims in detention and prison.

16. **The Reintroduction of Systematic Torture in Turkey**

Torture and ill-treatment have become a widespread phenomenon as documented by SCF's report of June 2017:

“A state of emergency was declared a few days after the failed coup bid and the duration of detention was extended from four to 30 days under state of emergency Decree No. 667. The rights of people in custody to see their lawyers were restricted. This extended duration gave the police enough time to obscure evidence of torture. Erdoğan and government officials made remarks that encouraged police and security officers to proceed with the unlawful treatment of suspects.”¹³

The government suspended with the same emergency decree its obligations under the European Convention on Human Rights (ECHR) and International Covenant on Civil and Political Rights (ICCPR), which prohibit torture and ensure the right to a defense. The government also issued decree-law No. 667 on July 23, 2016, which granted immunity to law enforcement in order to prevent claims of torture, ill treatment and abuse. This obviously opened the way to systematic torture. The AKP government prevented the publication of a report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).¹⁴ The report was compiled by CPT investigators with on-site visits to prisons in Turkey and interviews with detainees. The Economist published an article saying that torture has returned to Turkey.¹⁵

12] “Diyanet, FETÖ elebaşısının sapkın söylemlerini incelediği raporu açıkladı,” 26 July 2017, <https://www.diyamet.gov.tr/tr/icerik/diyamet-feto-elebasinin-sapkin-soylemlerinin-inceledigi-raporu-acikladi%E2%80%A6/40935>

13] “Mass Torture and Ill-Treatment In Turkey,” Stockholm Center for Freedom (SCF) 6 June 2017, http://stockholmcf.org/wp-content/uploads/2017/06/Mass-Torture-And-Ill-Treatment-In-Turkey_06.06.2017.pdf

14] “Hala işkenceye sıfır tolerans mı peki?” Çiğdem Toker, Cumhuriyet, 26 April 2017, http://www.cumhuriyet.com.tr/koseyazi-si/728206/H_I_iskenceye_sifir_tolerans_mi_peki.html “Rapor taslak değil, nihai” Çiğdem Toker, Cumhuriyet, 9 May 2017, http://www.cumhuriyet.com.tr/koseyazisi/736674/Rapor_taslak_degil_nihai.html

15] “Torture returns to Turkey,” The Economist, 7 September 2017, <https://www.economist.com/news/europe/21728648-crack-down-gets-brutal-torture-returns-turkey>

Many suspects, when given a chance to appear at trial, stated that they were subjected to torture, ill treatment and threats under extended pretrial detention. The victims were denied the right to elaborate on instances of torture in their testimony. Many defendants claimed that government decree-law No.667 effectively blocks the way for filing complaints against police officers. Lawyers were likewise prevented from entering their observations of torture and ill-treatment into official records.¹⁶ Physicians and doctors, too, have refrained from applying the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or degrading Treatment or Punishment. Medical examinations were not performed in due form. Some physicians involved in forensic examinations were prevented by the police from recording their findings including chronic illnesses, wounds and injuries.

It was reported that in one case in which a defendant under arrest asked that his claims of torture be recorded in his statement, the police officers who had tortured him pulled out their guns and threatened the judge, who appeared to be willing to accept that motion. Despite the government's efforts to obscure evidence, many cases of torture are documented. Furthermore, even state media outlets AA and TRT published photos of soldiers who had been subject to torture in detention to encourage law enforcement officers to follow suit. Taking pride in torturing suspects, some police officers even posted photos of their torture on social media. In one of these posts, police officers threaten a group of suspects handcuffed behind their backs with death. Some threatened to rape their wives and daughters. Some posts involved blood splattered on walls leaned on by suspects who were covered in blood due to torture.¹⁷

The Human Rights Association (IHD) and the TIHV have also voiced concern over photographs of detainees with visible bruises and other injuries that revealed torture during detention. In a joint statement the Helsinki Citizens Assembly, the IHD, the Human Rights Research Association, the Human Rights Agenda Association and Amnesty International Turkey raised their shared concerns about the suspension of key safeguards against torture and ill treatment.¹⁸

Based on the testimony of various suspects including teachers, doctors, businessmen and soldiers, the most common methods of torture involve beating, dousing with pressurized cold water, forcing a baton into the anus, testicle crushing, electric shocks, waterboarding, keeping the victim in stress positions, sleep deprivation, hogtying, strappado and threatening to rape family members.

16] "Açık Çek: Türkiye'de Darbe Sonrası İşkenceye Karşı Koruma Tedbirlerinin Askıya Alınması" HRW, 25 October 2016, <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture>

17] "Darbeci Askerlere İşkence Görüntüleri," Yayın tarihi 20 July 2016, <https://www.youtube.com/watch?v=Racum9mZZx8>

18] "Ortak Açıklama" 26 July 2016, web site of the Rights Agenda, http://www.rightsagenda.org/index.php?option=com_content&view=article&id=801:ortak-acklama&catid=128:takma-2008basacak&Itemid=257

17. Tolerating and Encouraging Torture

The government and Turkish officials have not taken any serious measures to tackle the widespread torture and ill treatment in detention and prisons; instead, they have resorted to a policy of denial. They have in fact exacerbated the already bad situation by issuing statements that are seen as encouraging the torture and ill treatment of critics, especially Gülen movement participants.

Erdogan was the chief instigator in this campaign. He went to an extreme by declaring that movement sympathizers do not have a right to life, and he has often entertained the idea of re-establishing the death penalty specifically for these people. Speaking at a rally in the Black Sea province of Zonguldak on April 4, 2017, Erdogan said: “We will eradicate this cancer [the Gülen movement] from the body of this country and the state. They will not enjoy the right to life. ... Our fight against them will continue until the end. We will not even leave them wounded.”¹⁹

On June 7, 2017 Erdoğan even called for vigilante violence against his chief critics in the Gülen movement. “If some of them complete their prison sentences and are released, our nation will mete out its punishment wherever they see them. The nation will spit in their face and they will be drowned in the people’s saliva.”²⁰

Mehmet Metiner, chairman of the parliamentary Sub-commission on Prisons, announced that the commission would not pay visits to those who were arrested in the investigation into the Gülen movement and that it would not conduct any investigation or examination regarding the allegations of torture and ill treatment against them.²¹ The Parliamentary Assembly of the Council of Europe (PACE) slammed Metiner for these scandalous remarks in a resolution that was issued on April 25, 2017.²²

Addressing AKP supporters, former Economy Minister Nihat Zeybekçi, who had held positions in previous AKP governments, said: “We will punish them in such a way that they will say, ‘I wish I had died.’ They will not see a human face and they will not hear a human voice. They will die like sewer rats in cells of 1.5-2 square meters.” With these remarks, he was announcing that they would act with feelings of revenge and hatred against the victims. Thus, the ruling AKP encouraged public officials who

19] Cumhurbaşkanı Erdoğan’dan İKBY’ye bayrak tepkisi, TRT Haber, 4 April 2017, <http://www.trthaber.com/haber/gundem/cumhurbaskani-Erdogandan-ikbyye-bayrak-tepkisi-307472.html>

20] “Erdoğan: Cezalarını tamamlayıp dışarı çıkanlar olursa, milletimiz sokakta gördüğünde gereken cezayı verecektir,” GriHat, 7 June 2017, <http://grihat.com/erdogan-cezalarini-tamamlayıp-disari-cikanlar-olursa-milletimiz-sokakta-gordugunde-gereken-cezayi-verecektir/>

21] AKP’li Metiner’den vahim sözler: İşkence’ye inceleme yok, 3 October 2016, http://www.cumhuriyet.com.tr/haber/turkiye/608880/AKP_li_Metiner_den_vahim_sozler_iskenceye_inceleme_yok.html

22] “The functioning of democratic institutions in Turkey”, PACE, 25 April 2017, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HT-ML-en.asp?fileid=23665&lang=en>

torture by sending a clear message that they would turn a blind eye to torture.²³

These messages were also amplified by the media empire owned and controlled by Erdoğan, with pro-government pundits demanding harsher penalties for Gülen movement members. For example, Hüseyin Adalan, a columnist for pro-government Islamist dailies Yeni Söz and Milat, posted a comment on Twitter advocating the view that movement members, including babies, must be killed and that that was a requirement of the Islamic faith. “The honorable Turkish state needs to reveal its power. Killing FETÖ members including babies is a religious obligation. Those who show compassion [for them] must also be killed accordingly.”²⁴

The narrative has led to vigilante violence in Turkey when mafia gangs aligned with the government started threatening the Erdoğan critics. Sedat Peker, a convicted gang leader and staunchly pro-Erdoğan crime syndicate head, said in July 2017 that they would hang all people linked to the Gülen movement from flagpoles and trees. His remarks came a day after Erdoğan targeted people linked to the movement in a speech in which he said: “They [Gülen movement members] are a disease. ... First, we will cut off the traitors’ heads.” Peker had also threatened academics who in 2015 had signed a petition calling for peace and ending the Kurdish conflict. “We will spill your blood in streams and we will shower in your blood,” said Peker, in a message titled “The So-Called Intellectuals, The Bells Will Toll for You First,” posted on his personal website on Jan. 13, 2017.²⁵

In the city of Samsun a former police commissioner was almost beaten to death by an Erdoğan fanatic in front of a crowd on the street, and video footage of the incident was shared by the assailant on social media.²⁶ The violence is directed not only at individuals but also at institutions that are targeted by the government. There were instances where these institutions were vandalized and attacked. Schools and bookstores that are linked to the Gülen movement were raided and plundered.²⁷ At rallies, prominent AKP-linked figures known for their extremist views incited people to pillage by describing the properties of the movement as the spoils of war, in a mindset similar to that of the Islamic State in Iraq and the Levant (ISIL).²⁸

23] “Ekonomi Bakanı: Bu darbecilere öyle bir ceza vereceğiz ki “Gebertin bizi” diye yalvaracaklar!”, 1 August 2016, <http://t24.com.tr/haber/ekonomi-bakani-bu-darbecilere-oyle-bir-ceza-verecemiz-ki-gebertyn-bizi-diye-yalvaracaklar,352845>

24] “Yeni Söz ve Milat yazarı Hüseyin Adalan: FETÖ’cülerin bebeklerine kadar katli vacibtir,” Haberdar, 7 May 2017, <http://www.haberdar.com/gundem/yeni-soz-ve-milat-yazari-huseyin-adalan-feto-culerin-bebeklerine-kadar-katli-vacibtir-h51024.html>

25] “Erdoğan, the godfather of the mafia syndicate in Turkey”, Abdullah Bozkurt, 1 August 2017, <https://www.turkishminute.com/2017/08/01/opinion-erdogan-the-godfather-of-the-mafia-syndicate-in-turkey/>

26] “Fetöden ihraç edilen emniyet müdürünü sokak ortasında tekme tokat dövdü...” Cumhuriyet, 10 March 2017, http://www.cumhuriyet.com.tr/haber/turkiye/695697/FETO_den_ihrac_edilen_emniyet_muduruunu_sokak_ortasinda_tekme_tokat_dovdu..._Serbest_birakildi.html

27] “İzmir’de Kolej operasyonu;Gülen’in odasına 2. Baskın,” 22 July 2016, <http://www.egedesonsoz.com/haber/izmir-de-kolej-operasyonu-adi-degisti-gulen-in-odasına-2-baskin/931441>; “FETÖ’nün kitapçısı yağmalandı,” Karar , 16 July 2016, <http://www.karar.com/malatya/fetonun-kitapçisi-yagmalandi-188988?p=2#>

28] “Balkanlıoğlu hoca: FETÖ’nün ganimetlerini tepe tepe kullanın,” Yeniakit, 22 July 2016, <http://www.yeniakit.com.tr/video/balkanlioglu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html>

18. **Attempts to Cover Up Torture and Death in Detention and Prisons**

The ruling AKP has not only inhibited the activities of international human rights organizations in Turkey but has also taken measures to obstruct findings concerning the detection of torture in places of detention. An official document that was leaked to the press revealed how the government was concerned about a fact-finding visit by the Committee for the Prevention of Torture (CPT) of the Council of Europe (CoE) between August 28 and September 6, 2016 and ordered police to stop using unofficial detention centers such as sports halls.²⁹ The National Police Department sent a confidential letter to police units in all 81 provinces instructing them to obscure the traces of torture in detention centers ahead of an official inspection by the CPT delegation.³⁰ The CPT report has yet to be released to the public because of a veto by the Turkish government.

The detention centers and prisons were not big enough to accommodate the large number of detainees, so the government turned sports halls and other buildings into unofficial detention centers where torture and ill treatment were widely practiced. On May 7, 2017, SCF exposed how the Turkish police used a building owned by the State Waterworks Authority (DSİ) as an unofficial detention center³¹ where victims were subjected to both verbal and physical torture including threats of killing, rape, beating, strappado and spraying with ice cold water.

One of the buildings used unlawfully for such detentions was an old weaving mill that was built in 1950 in Antalya. The government-controlled media indicated that the mill had room for 500 people, and it started to be used because the police detention facilities in 19 districts of the city were full. More than 200 men and women were kept in confined spaces in this old mill during harsh interrogation that lasted for days as they were psychologically and physically tortured.³² It is also alleged that unofficial interrogation rooms were set up at the National Intelligence Organization (MİT), the General Staff, the Police Academy and the Horse Farm of the Presidential Palace in Beştepe, Ankara.

As the Turkish judiciary has been reshaped with Erdoğan's "project courts" and has become more and more problematic, the ruling party's actions have been freed from judicial review. Complaints filed about torture and ill treatment in this process have

29] "Turkey removes evidence of torture, maltreatment in prisons ahead of CPT visit", 8 September 2016, <http://www.turkishminute.com/2016/09/08/turkey-removes-evidence-torture-maltreatment-prisons-ahead-cpt-visit/>

30] "Emniyet'ten 'gizli' talimat iddiası: Gözaltı birimlerini uygun hale getirin," Agos, 9 September 2016, <http://www.agos.com.tr/tr/yazi/16504/emniyet-ten-gizli-talimat-iddiasi-gozalti-birimlerini-uygun-hale-getirin>

31] "Horrific Torture Details Emerge In Turkey's Capital, A Lawyer Reveals To SCF", 10 May 2017, <http://stockholmcf.org/horrific-torture-details-emerge-in-turkeys-capital-a-lawyer-reveals-to-scf/>

32] "Dokuma gözaltı merkezi oldu" 13 August 2016, <http://www.sabah.com.tr/akdeniz/2016/08/13/dokuma-gozalti-merkezi-oldu>

been covered up with decisions of non-prosecution or dismissal.

Abdullah B., who had been arrested in an investigation into the Gülen movement in Trabzon, filed an official complaint with the Trabzon Chief Public Prosecutor's Office, saying that he and his two-month pregnant wife had been beaten, ill treated and threatened in detention. Prosecutor Eşref Aktaş “decided not to prosecute” the complaint by referring to Article 9 of Decree No. 667³³ passed by the government under emergency rule. Aktaş concluded that police officers do not have criminal liability in connection with the performance of their duties and that they cannot be prosecuted under the said decree. This decision implies that police officers cannot be convicted and sentenced for the crime of torture, labeled as “scandalous” by independent jurists.³⁴

Turkish media reported that when the torture victims in Zonguldak told police officers who had tortured them that they would launch legal action against them, the police officers replied by saying that they were acting on the order of the chief public prosecutor, saying: “Chief Public Prosecutor Hüsnü Hakan Yağız said, ‘If they can walk, that’s enough.’ Thanks to the state of emergency, you cannot do anything to us.” The parties involved did not deny this report.³⁵

SCF has already investigated and documented 93 suspected deaths, most in detention and prisons, in the last year alone.³⁶ In many cases, the government concluded that these deaths occurred as a result of suicide or some other illness. One such case is that of a teacher identified as Salih G., who was detained in the northeastern city of Rize over alleged ties to the Gülen movement. His body was found washed up on the shore of Samsun, another Black Sea city, on May 10, 2017. The family did not even know whether he was released from detention until his lifeless body was located hundreds of kilometers from Rize, where he was initially placed in police custody. The case was closed as a suicide.³⁷

These cases must be thoroughly and effectively investigated by independent authorities. Public officials who have willingly contributed to these deaths, neglected their duties or played a role in any capacity must be punished. There were claims of suspicious deaths in custody and in prison, but the Turkish government has not been forthcoming in sharing the details of these cases with the public. In some cases,

33] Article 9 of Decree Law No. 667, which was published in the Official Gazette on July 23, 2016, states: “Legal, administrative, financial and criminal liabilities shall not arise in respect of the persons who have adopted decisions and fulfilled their duties within the scope of this Decree Law.”

34] “Savcı işkence suç duyurusunu KHK’ye dayanarak reddetti”, 16 January 2017, <https://www.evrensel.net/haber/304217/savci-iskence-suc-duyurusunu-khkye-dayanarak-reddetti>

35] “Muşta ile dayak, copla tecavüz girişimi, eşe tecavüz tehdidi!”, 16 February 2017 <http://www.shaber3.com/musta-ile-dayak-copla-tecavuz-girisimi-ese-tecavuz-tehdidi-haberi/1280700/>

36] “Suspicious Deaths And Suicides In Turkey”, Updated List, 26 September 2017, <http://stockholmcf.org/suspicious-deaths-and-suicides-in-turkey-updated-list/>

37] “Denizde cesedi bulunan öğretmen,” Mağduriyetler, 24 May 2017, <http://magduriyetler.com/2017/05/24/denizde-cesedi-bulunan-ogretmen/>

families are found to be afraid of filing complaints for fear of persecution and further victimization.

Under the state of emergency, detention periods were not only extended to 30 days, but suspects were also prevented from seeing their lawyers during the first week of detention. Their right to see their lawyers in private was violated. Lengthy detention periods were used not only for psychological torture but also to obscure traces of physical torture. Some suspects indicated that the lawyers assigned to them by the bar association had colluded with the police and misguided them. Some lawyers³⁸ refrained from defending suspects, whom they labeled as traitors in advance.³⁹

Pro-government Jurists Association President Advocate Mehmet Sarı said: “Many people are trying to find private lawyers for their relatives who have been arrested on coup charges. What we call the right to a defense stems from the fact that people are beings who can think. In the Western literature, this is called human dignity. However, for coup perpetrators to benefit from human dignity, they have to be human beings. And as we don’t regard them as human beings, we don’t accept the demands and reject them.”⁴⁰

Selçuk Kozağaçlı, the president of the Contemporary Jurists Association, which monitored violations, announced their findings during the Ordinary General Assembly of the Ankara Bar Association. Kozağaçlı explained that suspects, including judges, prosecutors, police officers, ordinary citizens, etc., who were detained on charges of membership in the Gülen movement were exposed to intense torture; some of them were raped with hard objects and underwent operations for ruptured intestines due to torture; and torture was inflicted not only in detention rooms but also in prisons:

“Those who perform prayer together at the courthouse mosque are raping these colleagues of ours in prison. These colleagues of ours are having their nails pulled out in police departments. They rape them in prisons. I saw people who had to undergo a medical operation on their large intestines due to the objects inserted into their anuses. ... Eighteen people committed suicide. Prosecutors, police chiefs, district governors. ... Think about it. How can a person shoot himself/herself in the head? If a bar association is unable to prevent torture even at the courthouse...”

38] For instance, Meltem Banko, a lawyer from Ankara Bar Association, said, “Given the fact that this is a treason charge, I frankly consider it treason for a lawyer to defend such a client. I cannot bring my conscience to do it. ... I personally do not endorse being part of the defense in this trial. The relationship between a lawyer and his/her client is essentially based on trust. How can I trust a person who betrayed his/her homeland?”

39] Avukatlar darbecileri savunmak istemiyor, 24 July 2016, <http://www.sabah.com.tr/gundem/2016/07/24/avukatlar-darbecileri-savunmak-istemiyor>

40] “Aradığınız insana şu an ulaşamıyor,” Evrensel, 9 August 2016, <https://www.evrensel.net/haber/287253/aradiginiz-insana-su-an-ulasilamiyor>

Later, lawyer Kozağaçlı told the press the details of the systematic torture.⁴¹

“Virtually everyone is subjected to torture in custody. Every old torture method has been revived and is now used. For instance, men are subject to bastinado. Many people have complaints about the health of their feet due to bastinado. Physicians are taken to the detention and torture centers. This is a crime under the law. As health checks are not performed in examination rooms, we are unable to detect torture. ... Not only are people detained, but a five-day ban on access to detainees was also ordered. Torture cannot be detected. Despite this, numerous applications are filed with us. Relatives of victims do not take it to the press. This is because a witch-hunt is under way. Torture is a crime, and no statute of limitations applies to it. We will pursue this matter.” Kozağaçlı also drew attention to the fact that numerous women are threatened with sexual assault.⁴²

Cengiz Haluk INCE isimli şahsın alınan Bilgi İfadesinde; “Ben 23/07/2016 günü göz altına alınarak Terörle Mücadele Şube Müdürlüğü nezaretine getirildim. Ben İstanbul Tıp Fakültesi Adli Tıp Anabilim Dalında profesör doktor olarak görev yapmaktayım. Olay günü yani 05/08/2016 günü saat 04:35 sıralarında nezarete yattığım esnada kendisini polis olarak bildiğim bir şahıs gelerek bana “yan koğuştta bayılan bir hasta var bakabilir misiniz” dedi. Bende hemen terliklerimi yiyerek koğuştan çıktım ve hastanın yanına gittim. Daha önceden hiç görmediğim bir şahıs sırt üstü masanın üzerine yatmışlardı ve bu hastanın etrafında 6-7 kişi vardı. Bunların içerisinde daha önceden doktor olarak tanıdığım Adli Tıp kurumunda görevli Lokman BAŞAR isimli şahıs bu hasta şahsa kalp masajı yapıyordu. Bende hemen hastaya yardım etme amaçlı nabızna baktım fakat nabızı atmiyordu. Daha sonra boynundan nabızna baktım fakat yine nabız alamadım daha sonra müdahalede bulunan doktor Lokman BAŞAR’a “hasta kaç dakikadır bu durumda” diye sordum Lokman BAŞAR da bana “hocam 5-6 dakikadır solunum ve nabız yok dedi. Bunun üzerine Lokman BAŞARIN yorulduğunu düşünerek kalp masajına ben devam ettim. 3-4 defa kalp masajı yaptığım sırada 112 görevlileri geldi. 112 görevlileri hastaya müdahale ederken bende olması gerektiğinden hastayı yere aldık ve 112 görevlileri hastayı hastaneye oradan ayrılarak kaldığım koğuşa geçtim. Daha sonra 112 görevlileri hastayı hastaneye götürdüklerini duydum. Ben o gece nezarethane bölümünde herhangi bir ses gürültü bağırma sesleri duymadım. Ben şahsa müdahale ettiğim esnada şahsın zaten öldüğünü anlamıştım fakat bu şahsın kesin olarak öldüğünü sabaha karşı görevli polis arkadaşlardan öldüğünü öğrendim” Yöntünde beyanda bulunmuştur.

Lokman BAŞER isimli şahsın alınan Bilgi İfadesinde; “Ben 23/07/2016 günü göz altına alınarak Terörle Mücadele Şube Müdürlüğü nezaretine getirildim. Ben İstanbul Adli Tıp Kurumu 3. İktisat Kurumunda doktor olarak görev yapmaktayım. Olay günü yani 05/08/2016 günü saat 04:30-05:00 sıralarında nezarete yattığım esnada kendisini

Former head of the Council of Forensic Medicine testifies Gökhan Açıkkollu was dead in the cell.

Lawyer Gülseren Yoleri, a member of the Human Rights Association (İHD), observed that torture had made a comeback in detention centers. “The old-style torture techniques have begun to be used again. It is as if old torture devices like Palestinian hanging and electric shock were kept hidden for a while and are now being put to use again,” she said.

“Let me quote a female teacher who consulted the İHD. We drafted an official complaint with her. She said: ‘We don’t have any links to FETÖ. We are just a conservative family. My husband was dismissed from his job. I was able to see him only on the fourth day of his detention. There were marks of beating on his face. ‘What happened?’ I asked, but a police officer intervened. ‘If you ask anything, we will take you as well. Don’t talk, just look at him,’ he said. ‘If you tell her anything, you’ll get 30 years in prison, or you’ll provide us with more detailed information,’ he said, threatening my husband as well. ‘Do not send me back to detention; I prefer 30 years in prison,’ he said. He was very scared. I was unofficially interrogated there. I was threatened’.”⁴³

Sevim Halman, a member of the İHD’s Prison Commission and the aunt of Ali

41] “ÇHD: FETÖ zanlıları arasında tecavüze uğrayıp bağırsak ameliyatı olanlar var!”, 16 October 2016, <https://www.youtube.com/watch?v=o9S3u8mQ4LM>

42] “Kozağaçlı: Tecavüze uğrayıp bağırsak ameliyatı olanlar var,” ETHA, 17 October 2016, <http://www.etha.com.tr/Haber/2016/10/17/guncel/kozaagacli-tecavuze-ugrayip-bagirsak-ameliyati-olan/>

43] “Eski işkence aletleri geri döndü,” Cumhuriyet, 13 September 2016, http://www.cumhuriyet.com.tr/haber/turkiye/599848/Eski_iskence_aletleri_geri_dondue.html

Gülmez, who was sentenced to an aggravated life sentence, related the following: “Authorities believe that political prisoners deserve all sorts of rights violations. ... What we are experiencing is a coup practice. ... Those who have been imprisoned in FETÖ operations are tortured intensively. ‘We hear them groaning in their cells. We gave them water and cigarettes and threw ice cubes to them. A probe was launched into us for protesting the torture,’ he [Ali Gülmez] says.”⁴⁴

19. Torture Documented by International Organizations

UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein, who complained about the Turkish government’s systematic prevention of investigations into human rights violations and voiced deep concern at the mass arrest and sacking of public servants and the renewed state of emergency there, said a “climate of fear” now reigns.⁴⁵

Amnesty International announced on July 24, 2016 that they had gathered credible evidence that detainees in Turkey were being subjected to “beatings and torture, including rape, in official and unofficial detention centres in the country.”⁴⁶ On October 27, 2016, in a 43-page report titled “A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture,” Human Rights Watch (HRW) documented 13 specific abuse incidents concerning Turkey’s post-coup detainees. The alleged abuse cases ranged from the use of stress positions and sleep deprivation to severe beatings, sexual abuse and the threat of rape.⁴⁷ In an updated report titled “In Custody: Police Torture and Abductions in Turkey” by HRW on October 12, 2017, HRW detailed credible evidence of 11 cases of serious abuse in detention, involving scores of individuals, and concluded that “torture and ill-treatment in police custody in Turkey has become a widespread problem.”⁴⁸

In a memorandum⁴⁹ dated October 7, 2016, Nils Muiznieks, the Council of Europe

44] Ibid.

45] “U.N. rights chief questions due process in Turkey purges”, 1 May 2017, <http://www.reuters.com/article/us-turkey-security-un-idUSKBN17X1CZ>

46] “Turkey: Independent monitors must be allowed to access detainees amid torture allegations”, Amnesty International, 24 July 2016, <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/>

47] “A Blank Check - Turkey’s Post-Coup Suspension of Safeguards Against Torture”, 25 October 2016, <https://www.hrw.org/report/2016/10/25/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>

48] “In Custody: Police Torture and Abductions in Turkey, Human Rights Watch, 12 October 2017, https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf

49] “Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey”, web site of the COE, 7 October 2016, [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?coeReference=CommDH\(2016\)35](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?coeReference=CommDH(2016)35)

commissioner for human rights, mentioned the torture allegations as the most immediate human rights concern and urged the Turkish government to revert to the situation before the state of emergency as a matter of urgency and to authorize publication of the forthcoming report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as soon as it is adopted and communicated by the latter. As of September 2017, Turkey was still blocking publication of the CPT report, which reportedly documents torture cases.

After his official visit to Turkey from November 27 to December 2, 2016, Nils Melzer, the United Nations special rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, shared his concerns. “Torture and other forms of ill-treatment seem to have been widespread in the days and weeks following the failed coup, particularly at the time of the apprehension and during initial detention in police or gendarmerie lock-ups as well as in unofficial detention locations,”⁵⁰ he said, referring to numerous testimonies from inmates, their lawyers and civil society organizations.

The Stockholm Center for Freedom has documented numerous cases of torture and ill-treatment in Turkey based on witness accounts, victim testimony and court documents in its report titled “Mass Torture and Ill-Treatment In Turkey”⁵¹ dated June 2017. Şebnem Korur Fincancı, founding president of TİHV, said on September 2, 2017 that some Turkish prison guards who refused to follow orders from their supervisors to torture inmates were threatened with imprisonment over links to the Gülen movement.⁵²

50] “Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016”, web site of the OHCHR, 2 December 2016

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E>

51] “Mass Torture And Ill-Treatment In Turkey”, website of Stockholm Center for Freedom, June 2017, http://stockholmcf.org/wp-content/uploads/2017/06/Mass-Torture-And-Ill-Treatment-In-Turkey_06.06.2017.pdf

52] “İşkence yapmayana FETÖcü suçlaması”, 2 September 2017, http://www.cumhuriyet.com.tr/haber/siyaset/816012/iskence_yapmayana_FETO_cu_suclamasi.html

CONCLUSION

The torture and death of Gökhan Açikkollu in police custody, apparently with the knowledge and approval of authorities who acted with impunity, represents a major problem in the criminal justice system in Turkey, where human rights violations have become the norm rather than the exception. The publication of still shots and video footage of those who were tortured and abused under detention in July 2016 by the state-run news agency suggests the government uses abuse and torture deliberately as part of intimidation tactics. The failure of investigations and prosecutions into credible reports of torture and abuse confirms the view that abusers are protected by the government and impunity reigns.

SCF urges Turkish authorities to fully investigate the circumstances and background of Açikkollu's death and hold the officials responsible for his death accountable. The government should live up to its own stated commitment to zero tolerance for torture and ill-treatment, adopt tangible measures to address this pervasive problem and publicly announce them. The government must review its compliance with the ECHR and ICCPR in light of new infractions and violations and renew its commitments to conventions to which Turkey is party.

The Turkish government must restore fundamental safeguards that are crucial in preventing abuse and torture in detention such as limiting the period of detention, recording all events in custody from the outset, providing unhindered access to a lawyer, informing family members of the whereabouts of detainees and allowing access to a judge. The suspension of due process must be reversed, and fair trial protections must be restored. Emergency rule must be suspended and decree-laws that are believed to have led to abuse and torture must be abrogated.

Specific to Açikkollu's case, Turkish authorities must provide the full 13-day CCTV footage, from the arrival of Açikkollu at the detention center to the day he was pronounced dead. Officials must be held accountable for their acts and omissions

All officials who share in the responsibility for Açikkollu's death, in particular those members of the police and other security services who tortured him and doctors who cleared him to be placed in detention after the victim complained about abuse and torture, must be held accountable. Those who failed to provide necessary medical care for Açikkollu must also be investigated. The Turkish government must stop harassing Açikkollu's widow and drop all investigations into her.

SCF calls on international organizations such as the UN and the Council of Europe as well as human rights organizations, teachers unions and advocacy groups to try to find the ways and means to pressure the Turkish government to hold officials accountable in the torture and death of history teacher Açikkollu. Perhaps even international sanctions against officials who were responsible for his torture and death should be considered.

SCF investigators have identified all police officers of various ranks who were on duty when Açikkollu died in the detention cell in the police station. The officers in the counterterrorism unit who were involved in the investigation of Açikkollu and those who oversee the detention facility must be thoroughly investigated to find out which of these officers played a role in the torture and death of the victim. Only a select group of officers gave statements to the prosecutor's office, and they denied any wrongdoing or negligence in his death. The names are listed in the annex below. Authorities must screen all of them to find the real perpetrators who have responsibility for the torture and death of Açikkollu.

But above all, Istanbul prosecutor Can Tuncay (employee number 109482), who ordered the detention of Açikkollu; public prosecutor Burhan Görgülü (employee number 118838), who hushed up his death by dropping the probe into it; then-Interior Minister Efkan Ala, who commanded the police force; Istanbul Governor Vasip Şahin, who is the chief officer for all government employees in the province; İstanbul Police Chief Mustafa Çalışkan; and counterterrorism unit chief Kayhan Ay are the leading suspects who are responsible for the actions of the police officers involved in the abuse, torture and death of Gökhan Açikkollu.

ANNEX 1:

Police officers who were on duty in the counterterrorism unit between 08:00 on August 4, 2016 and 08:00 on August 5, 2016

► Officers who were on duty in Section A of the counterterrorism unit

255403 Badge ID/Gov't Employee Number Superintendent and Bureau Chief Adnan Ayhan

282735 Badge ID/Gov't Employee Number Captain Doğan Topçu

347127 Badge ID/Gov't Employee Number Police Chief Cihat Çifçi

398024 Badge ID/Gov't Employee Number Deputy Police Chief Merve Yılmaz

273569 Badge ID/Gov't Employee Number Deputy Police Chief Tamer Ceylan

308516 Badge ID/Gov't Employee Number Police Officer Adem Karagöz

287176 Badge ID/Gov't Employee Number Police Officer Gazi Durna

341569 Badge ID/Gov't Employee Number Police Officer Bilal Salmanoğlu

377295 Badge ID/Gov't Employee Number Police Officer Erdinç Sulu

292919 Badge ID/Gov't Employee Number Police Officer Muhammed Resul Hoşgören

346919 Badge ID/Gov't Employee Number Police Officer Faruk Kavlaklı

356051 Badge ID/Gov't Employee Number Police Officer Yusuf Uçar

358944 Badge ID/Gov't Employee Number Police Officer Halil İbrahim Kaya

393269 Badge ID/Gov't Employee Number Police Officer Onur İnan

322836 Badge ID/Gov't Employee Number Police Officer Hasan Çoban

357593 Badge ID/Gov't Employee Number Police Officer Mustafa Can Kurşun

377395 Badge ID/Gov't Employee Number Police Officer Fatih Korkmaz

382610 Badge ID/Gov't Employee Number Police Officer Rıdvan Kaya

139315 Badge ID/Gov't Employee Number Police Officer Orhan Yılmaz

305845 Badge ID/Gov't Employee Number Police Officer Sedat Aydın

306160 Badge ID/Gov't Employee Number Police Officer Abdullah Uğraşan

316173 Badge ID/Gov't Employee Number Police Officer Çağatay Ergin

317077 Badge ID/Gov't Employee Number Police Officer Muhammet Alışkan

324998 Badge ID/Gov't Employee Number Police Officer Ramazan Bayşeker

332196 Badge ID/Gov't Employee Number Police Officer Yusuf Sarıoğlu

343761 Badge ID/Gov't Employee Number Police Officer Halil İbrahim Aslan

347536 Badge ID/Gov't Employee Number Police Officer Hüseyin Ataker

351096 Badge ID/Gov't Employee Number Police Officer Tarık Kalkan

359085 Badge ID/Gov't Employee Number Police Officer Onur Çiçek

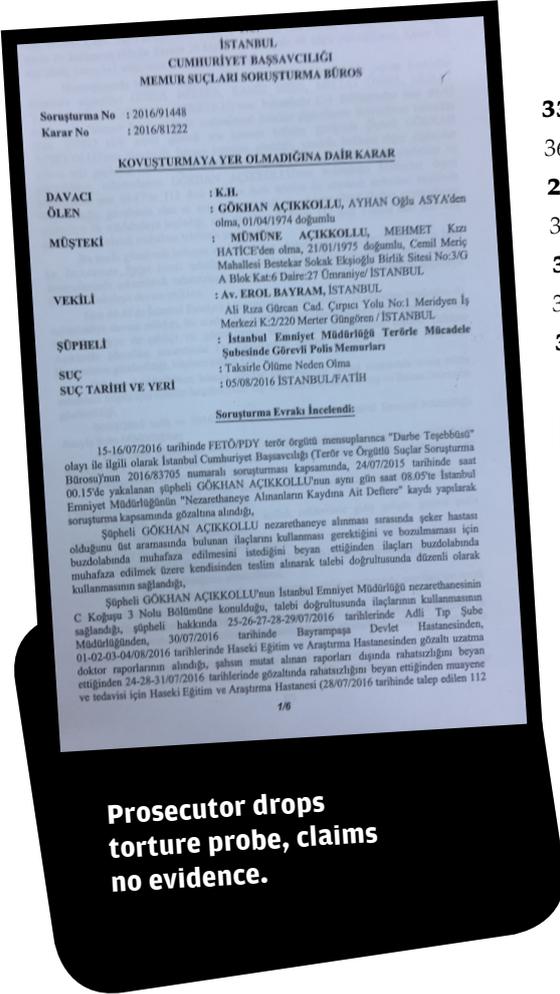
313361 Badge ID/Gov't Employee Number Police Officer Serhat Tunçel

330179 Badge ID/Gov't Employee Number Police Officer Celal Güntay

378452 Badge ID/Gov't Employee Number Police Officer Kemal Şare

182076 Badge ID/Gov't Employee Number Police Officer Erdal Ursel

331516 Badge ID/Gov't Employee Number Police Officer Elyas Urgan



337219 Badge ID/Gov't Employee Number Police Officer Ferdi Şahin

362092 Badge ID/Gov't Employee Number Police Officer Ömer Bayrak

289229 Badge ID/Gov't Employee Number Police Officer Hulusi Ufuk Atmaca

315216 Badge ID/Gov't Employee Number Police Officer Erol Demirtaş

357135 Badge ID/Gov't Employee Number Police Officer Tolga Şensahin

335523 Badge ID/Gov't Employee Number Police Officer Dursun Murat Çil

337801 Badge ID/Gov't Employee Number Police Officer Atilla Baytemir

Officers who were on duty in Section B of the counterterrorism unit

286844 Badge ID/Gov't Employee Number B-Bureau Chief Captain Ahmet Lütfi Çırakoğlu

347197 Badge ID/Gov't Employee Number Police Chief Mehmet Tanrıku

386085 Badge ID/Gov't Employee Number Police Officer Sinan Zencirkıran

367738 Badge ID/Gov't Employee Number Police Officer Cihan Karabıyık

119167 Badge ID/Gov't Employee Number Police Officer Azmi Karakaş

163662 Badge ID/Gov't Employee Number Police Officer Muhammet Dalga

247037 Badge ID/Gov't Employee Number Police Officer Mahmut Yılmaz

271542 Badge ID/Gov't Employee Number Police Officer Muhammet Aygün

279768 Badge ID/Gov't Employee Number Police Officer Ali Ünal

336355 Badge ID/Gov't Employee Number Police Officer Yetkin Sefa Yaralı

342184 Badge ID/Gov't Employee Number Police Officer Nurullah Karaköse

346399 Badge ID/Gov't Employee Number Police Officer Dogan Çeçe

242052 Badge ID/Gov't Employee Number Police Officer Ahmet Çetin

350818 Badge ID/Gov't Employee Number Police Officer İsmail Gökkaya

358212 Badge ID/Gov't Employee Number Police Officer Mustafa Burak Aydemir

379323 Badge ID/Gov't Employee Number Police Officer Yunus Ülkü

129540 Badge ID/Gov't Employee Number Police Officer İsmail Işık

356383 Badge ID/Gov't Employee Number Police Officer Hakan Akdeniz

362478 Badge ID/Gov't Employee Number Police Officer İbrahim Halil Devenci

375481 Badge ID/Gov't Employee Number Police Officer Mustafa Badem

114870 Badge ID/Gov't Employee Number Police Officer Selami Önol

126261 Badge ID/Gov't Employee Number Police Officer İlhami Kılıç

140274 Badge ID/Gov't Employee Number Police Officer Fevzi Atak

173293 Badge ID/Gov't Employee Number Police Officer Sibel Pulluk

265666 Badge ID/Gov't Employee Number Police Officer Nusret Kılıç

342133 Badge ID/Gov't Employee Number Police Officer Serkan Güngür

357451 Badge ID/Gov't Employee Number Police Officer Fuzuli Kılıç

357958 Badge ID/Gov't Employee Number Police Officer Burak Kartal

340062 Badge ID/Gov't Employee Number Police Officer Muharrem Toraman

358030 Badge ID/Gov't Employee Number Police Officer Rıdvan Demir





215899 Badge ID/Gov't Employee Number Police Officer Mahir Bayram

195469 Badge ID/Gov't Employee Number Police Officer Murat Çınar

223439 Badge ID/Gov't Employee Number Police Officer Şeyhamit Yüksel

259781 Badge ID/Gov't Employee Number Police Officer Mustafa Çakmak

280000 Badge ID/Gov't Employee Number Police Officer Mehmet Ali Acarlıoğlu

339598 Badge ID/Gov't Employee Number Police Officer Çetin Gürtepe

398223 Badge ID/Gov't Employee Number Deputy Police Chief Özlem Daştan

151852 Badge ID/Gov't Employee Number Police Officer Mustafa Trabzon

291540 Badge ID/Gov't Employee Number Police Officer Ali Ak

299434 Badge ID/Gov't Employee Number Police Officer Serdar Atagün

317939 Badge ID/Gov't Employee Number Police Officer Hamiye Yücel

323603 Badge ID/Gov't Employee Number Police Officer Sezgin Uğur

279221 Badge ID/Gov't Employee Number Police Officer Erman Gündüzalp

341941 Badge ID/Gov't Employee Number Police Officer Cafer Doğan

222543 Badge ID/Gov't Employee Number Police Officer Veli Akyüz

343799 Badge ID/Gov't Employee Number Police Officer Ümit Güven Araz

360894 Badge ID/Gov't Employee Number Police Officer Osman Ateş

249187 Badge ID/Gov't Employee Number Police Officer Murat Yılmaz

297967 Badge ID/Gov't Employee Number Police Officer Ramazan Bayram

346347 Badge ID/Gov't Employee Number Police Officer Önder Soluk

366445 Badge ID/Gov't Employee Number Police Officer Kürşad Türkyılmaz

275856 Badge ID/Gov't Employee Number Deputy Police Chief Mustafa Kırac

262149 Badge ID/Gov't Employee Number Police Officer Ufuk Eren

304586 Badge ID/Gov't Employee Number Police Officer Uğur Karabulut

► **Officers who were on duty in Section C of the counterterrorism unit (Section C is where Açıkkollu was detained)**



265811 Badge ID/Gov't Employee Number C-Bureau Chief Lütfü Doğan

282865 Badge ID/Gov't Employee Number Captain and deputy chief Orhan Şen

274440 Badge ID/Gov't Employee Number Police Officer Maviş Emlik

338625 Badge ID/Gov't Employee Number Police Officer Alper İnceöz

338870 Badge ID/Gov't Employee Number Police Officer Hüseyin Ayhan Kunttaş

345123 Badge ID/Gov't Employee Number Police Officer Tuğba Tıraş
Gave statement concerning Açıkkollu's death)

345612 Badge ID/Gov't Employee Number Police Officer Ertuğrul Kişi

273907 Badge ID/Gov't Employee Number Police Officer Kürşad Balkan

291365 Badge ID/Gov't Employee Number Police Officer Ramazan Hobat

323481 Badge ID/Gov't Employee Number Police Officer Abdülkerim Fansa

333792 Badge ID/Gov't Employee Number Police Officer İsmail Tanrıöver

349346 Badge ID/Gov't Employee Number Police Officer Yalçın Soguksu

367809 Badge ID/Gov't Employee Number Police Officer Necati Çetin

278129 Badge ID/Gov't Employee Number Police Officer Engin Borsa

329077 Badge ID/Gov't Employee Number Police Officer İsmet Taşkı

332219 Badge ID/Gov't Employee Number Police Officer Kemal Değerli

167748 Badge ID/Gov't Employee Number Deputy Police Chief Ahmet Ülger

190122 Badge ID/Gov't Employee Number Deputy Police Chief Muhammet Çelik

274708 Badge ID/Gov't Employee Number Deputy Police Chief Mehmet Tuci

304522 Badge ID/Gov't Employee Number Deputy Police Chief Ahmet Aydın

245302 Badge ID/Gov't Employee Number Police Officer Tahir Çavuş

265351 Badge ID/Gov't Employee Number Police Officer Gökhan Topuz

332541 Badge ID/Gov't Employee Number Police Officer Hüseyin Azgın

335724 Badge ID/Gov't Employee Number Police Officer Erman Özdemir

346422 Badge ID/Gov't Employee Number Police Officer Dursun Zülfigaroglu

347238 Badge ID/Gov't Employee Number Police Officer İsmail Onur Tunç

350247 Badge ID/Gov't Employee Number Police Officer Erhan Gümüş

365586 Badge ID/Gov't Employee Number Police Officer Hüseyin Kırac

383238 Badge ID/Gov't Employee Number Police Officer Mustafa Şener

389510 Badge ID/Gov't Employee Number Police Officer Hüseyin Oğuz Yavuz

227286 Badge ID/Gov't Employee Number Police Officer Sedat Özkan

231453 Badge ID/Gov't Employee Number Police Officer Necip Çabak

292755 Badge ID/Gov't Employee Number Police Officer Mehmet Aydın

321042 Badge ID/Gov't Employee Number Police Officer Vural Önüt

346752 Badge ID/Gov't Employee Number Police Officer Bahar Çalışkan

356807 Badge ID/Gov't Employee Number Police Officer Beytullah Odyakmaz

272138 Badge ID/Gov't Employee Number Police Officer Sedat Seçkin

290760 Badge ID/Gov't Employee Number Police Officer Zekeriya Türen

334143 Badge ID/Gov't Employee Number Police Officer Akın Ayık

345048 Badge ID/Gov't Employee Number Police Officer Hasan Kaya

142504 Badge ID/Gov't Employee Number Police Officer Vehbi Kabak

272237 Badge ID/Gov't Employee Number Police Officer Ali Osman Çelik

340865 Badge ID/Gov't Employee Number Police Officer Gökhan Güney

258555 Badge ID/Gov't Employee Number Police Officer Murat Meral

271658 Badge ID/Gov't Employee Number Police Officer Gökhan Aslan

217461 Badge ID/Gov't Employee Number Police Officer Murat Ustaoglu

310453 Badge ID/Gov't Employee Number Police Officer Sezgin Korkmaz





357455 Badge ID/Gov't Employee Number Police Officer Akın Yasan

310180 Badge ID/Gov't Employee Number Police Officer Cumali Harranoğlu

141791 Badge ID/Gov't Employee Number Police Officer Uysal Şahin

272936 Badge ID/Gov't Employee Number Police Officer Kağan Kınık

273870 Badge ID/Gov't Employee Number Police Officer Cüneyt Cumhuri Arpacı

129441 Badge ID/Gov't Employee Number Police Officer Yalçın Yılmaz

165347 Badge ID/Gov't Employee Number Police Officer Muammer Aydoğan

332365 Badge ID/Gov't Employee Number Police Officer Fatih Arslan

► **Officers assigned to the Detention Bureau (on the day Açikkollu died)**

139735 Badge ID/Gov't Employee Number Bureau Chief Özcan Aybek

244199 Badge ID/Gov't Employee Number Deputy Police Chief İlhami Yüce

306758 Badge ID/Gov't Employee Number Police Officer Fatih Şimşek

294624 Badge ID/Gov't Employee Number Police Officer Uğur Akıncı

**125144 Badge ID/Gov't Employee Number Police Officer Erol Dinçer
(Gave statement concerning Açikkollu's death)**

142792 Badge ID/Gov't Employee Number Police Officer Mustafa Uyan
(Gave statement concerning Açikkollu's death)

**304161 Badge ID/Gov't Employee Number Police Officer İdris Hançer
(Gave statement concerning Açikkollu's death)**

309819 Badge ID/Gov't Employee Number Police Officer Tarık Sakarya
(Gave statement concerning Açikkollu's death)

**316107 Badge ID/Gov't Employee Number Police Officer Kadir Çimen
(Gave statement concerning Açikkollu's death)**

130381 Badge ID/Gov't Employee Number Police Officer Dilaver Şeker

152081 Badge ID/Gov't Employee Number Police Officer Orhan Esim

194283 Badge ID/Gov't Employee Number Police Officer Mecit Erdem



320583 Badge ID/Gov't Employee Number Police Officer Mikail Kaya

330412 Badge ID/Gov't Employee Number Police Officer Talat Kaptan

357836 Badge ID/Gov't Employee Number Police Officer

(Name withheld by prosecutor) Police Officer (Gave statement concerning Açıkkollu's death)

► **Officers who were on duty and responsible for the C3 detention facility between August 2 and August 5**

Deputy Police Chief Önder Şahin who oversaw police officers in C3

304522 Badge ID/Gov't Employee Number Deputy Police Chief Ahmet Aydın

367738 Badge ID/Gov't Employee Number Police Officer Cihan Karabıyık

386085 Badge ID/Gov't Employee Number Police Officer Sinan Zencirkıran

318471 Badge ID/Gov't Employee Number Police Officer Süleyman Bozdoğan

330123 Badge ID/Gov't Employee Number Police Officer Yasin Ulvi Demirel

342404 Badge ID/Gov't Employee Number Police Officer Ertan Yavuz

305775 Badge ID/Gov't Employee Number Police Officer Savaş Şenkal

342835 Badge ID/Gov't Employee Number Police Officer Ramazan Toprak

387224 Badge ID/Gov't Employee Number Police Officer Emrah Solmaz

390003 Badge ID/Gov't Employee Number Police Officer Yakup Karataş

338521 Badge ID/Gov't Employee Number Police Officer Mürsel Sevin

374645 Badge ID/Gov't Employee Number Police Officer İbrahim Güngör

358287 Badge ID/Gov't Employee Number Police Officer İlyas Yalçın

**378847 Badge ID/Gov't Employee Number Police Officer M. Akif Çıkan
(Gave statement concerning Açıkkollu's death)**

333792 Badge ID/Gov't Employee Number Police Officer İsmail Tannöver

273907 Badge ID/Gov't Employee Number Police Officer Kürşad Balkan

291365 Badge ID/Gov't Employee Number Police Officer Ramazan Hobat

323481 Badge ID/Gov't Employee Number Police Officer Abdulkерim Fansa

349346 Badge ID/Gov't Employee Number Police Officer Yalçın Soguksu

367809 Badge ID/Gov't Employee Number Police Officer Necati Çetin

178481 Badge ID/Gov't Employee Number Deputy Police Chief Tarkan Altundal
(Gave statement concerning Açıkkollu's death)

352654 Badge ID/Gov't Employee Number Police Officer Selim Akdağ

378452 Badge ID/Gov't Employee Number Police Officer Kemal Şare
(Gave statement concerning Açıkkollu's death)

313361 Badge ID/Gov't Employee Number Police Officer Serhat Tunçel

330179 Badge ID/Gov't Employee Number Police Officer Celal Güntay

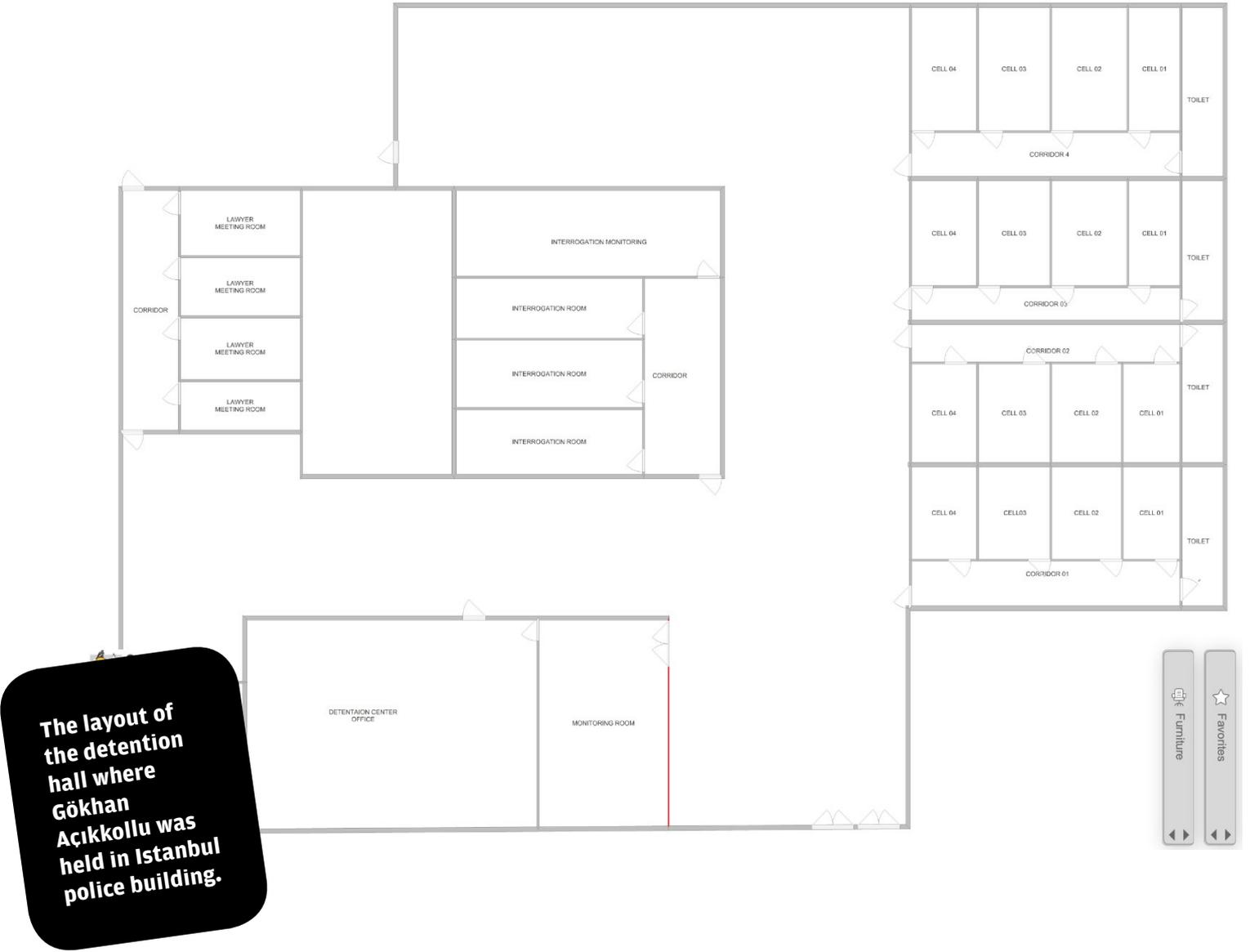
358071 Badge ID/Gov't Employee Number Police Officer Sabri Aktaş

328644 Badge ID/Gov't Employee Number Police Officer Serkan Kaya

**368952 Badge ID/Gov't Employee Number Police Officer Osman Karaaslan
(Gave statement concerning Açıkkollu's death)**

367121 Badge ID/Gov't Employee Number Police Officer Hakan Yavaş





(Gave statement concerning Açikkollu's death)

119167 Badge ID/Gov't Employee Number Police Officer Azmi Karakaş

279768 Badge ID/Gov't Employee Number Police Officer Ali Ünal

(Gave statement concerning Açikkollu's death)

306984 Badge ID/Gov't Employee Number Police Officer Şaban Devrim

307793 Badge ID/Gov't Employee Number Police Officer Şenol Bal

308632 Badge ID/Gov't Employee Number Police Officer Erdem Ata

341941 Badge ID/Gov't Employee Number Police Officer Cafer Doğan

(Gave statement concerning Açikkollu's death)

342952 Badge ID/Gov't Employee Number Police Officer Faysal Göktürk

(Gave statement concerning Açikkollu's death)

357451 Badge ID/Gov't Employee Number Police Officer Fuzuli Kılıç

(Gave statement concerning Açikkollu's death)

377927 Badge ID/Gov't Employee Number Police Officer Murat Karakaya

(Gave statement concerning Açikkollu's death)

292755 Badge ID/Gov't Employee Number Police Officer Mehmet Aydın

(Gave statement concerning Açikkollu's death)

356807 Badge ID/Gov't Employee Number Police Officer Beytullah Odyakmaz

(Gave statement concerning Açikkollu's death)



TORTURED

TO DEATH

Holding

**Gökhan Açikkollu's
killers to account**

Gökhan Açikkollu



stockholm
center for
freedom

SCF



contact: info@stockholmcf.org