

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# TURKEY: TORTURE ALLEGATIONS MUST BE INDEPENDENTLY INVESTIGATED

Amnesty International has written to the Turkish authorities regarding credible allegations that two men, Osman Şiban and Servet Turgut, were subjected to torture or other ill-treatment after being detained by gendarmes on 11 September 2020 in Çatak, a district in the eastern province of Van. Serious allegations that must be promptly, independently and impartially investigated include a claim that the two men were thrown off a helicopter. Medical reports seen by Amnesty International state that they sustained injuries consistent with falling from a height.

According to a lawyer representing the two men, Osman Şiban (50) and Servet Turgut (55) are villagers from Çatak who spend their summers in the district and live in Mersin and centre of Van respectively in winter. On 11 September, an armed clash between the Turkish military forces and members of the armed PKK (Kurdistan Workers Party) took place in the vicinity of Çatak. According to eyewitness testimony reported by the lawyer, a group of soldiers came into the village to carry out ID checks and left. Between 15 to 20 gendarmes returned to the village late afternoon, having detained Servet Turgut on grounds that 'he was acting suspiciously' while he was working in the fields. They asked for Osman Şiban who identified himself. The gendarmes took the two men on foot, over a hill and into a helicopter stationed in a clearing. A group of villagers followed the gendarmes and observed Servet Turgut and Osman Şiban being put into the helicopter, which flew away.

For the following two days, the whereabouts of the two men were not known. Relatives received a call from the gendarmerie on 13 September, asking Servet Turgut's ID number but stating that he was not at the gendarmerie. Later that day, members of the two men's families learned that they were both at the Van Regional University and Research hospital intensive care unit where, as of 23 September, Servet Turgut is still in a medically induced coma, in a critical condition.

The medical reports for the two men seen by Amnesty International indicate that they were taken into hospital following a 'fall from a height' at around 9.30pm on 11 September. Both men sustained severe injuries: Osman Şiban's medical report refers to possible neck injury (atlantoaxial subluxation), bruising to elbows and knees and severe bruising of both eyes as well as appearing confused and displaying poor orientation. Osman Şiban's lawyer told Amnesty International that he was suffering from partial memory loss but had told to his family that they had been beaten by the gendarmes. Servet Turgut's medical report refers to bruising of both eyes and ears; abrasion of the hands and the chest cavity following a 'fall'.

Osman Şiban was released from hospital on 20 September. According to his lawyer, in the morning of 22 September, dozens of gendarmes arrived at his home to take him to a military hospital, where he was tested for COVID-19 and received a medical report stating that he is not fit to provide an official statement to the authorities. On 23 September, he was taken to his family in his residence in Mersin, southeastern Turkey. The lawyer confirmed with Amnesty International that there was no official detention order for Osman Şiban but that both he and Servet Turgut are subject to a criminal investigation and that another criminal investigation into the allegations of torture and ill-treatment was opened by the Van Chief Prosecutor's Office. Both investigations are subject to a secrecy order, meaning the lawyers are unable to access the files relating to their clients.

On 21 September, Van Governorate, the provincial representation of the Ministry of Interior issued a statement referring to the case in the context of the military operation, stating that Servet Turgut was in the vicinity of the operation 'on the look out and acting suspiciously, he fell and injured himself on rocks while running away, having not complied with a 'stop' order, and was caught despite resisting arrest and detained according to procedure. O. Ş. [Osman Şiban] believed to have been aiding and abetting the members of the terrorist organization was detained according to procedure, despite resisting arrest.' The Governorate's statement vastly contradicts the version of events relayed by the villagers who witnessed the detentions and stated that both men were healthy at the time of boarding the helicopter, as well as the hospital medical reports.

Amnesty International is deeply concerned at the serious allegations of torture and other ill-treatment and the shocking allegations that they have been thrown from the helicopter. International human rights law and standards require Turkey

to prohibit torture and other ill-treatment in all circumstances. These allegations must be subject to a prompt, independent and impartial investigation and those suspected to have carried out the alleged torture or other ill-treatment must be brought to justice in fair trials. While there may be some aspects of the investigation that the authorities may legitimately argue require some reporting restrictions, a blanket application of a secrecy order may impede the right of the victims of alleged torture and other ill-treatment to access justice. The official public statement by the Van Governorate at this early stage of the investigation is of particular concern. Amnesty International therefore calls on the authorities to ensure Osman Şiban and Servet Turgut have access to effective legal representation throughout the investigation and any subsequent prosecution.

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