

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date 07 December 2020 index number **EUR 44/3405/2020**

# TURKEY: LITTLE PROGRESS IN INVESTIGATING VAN TORTURE ALLEGATIONS

Amnesty International has written<sup>1</sup> a second time to the Turkish authorities regarding credible allegations of torture or other ill-treatment inflicted on two villagers in Van in September. The letters to the ministers of Interior and Justice were sent following the publication on 2 November of an investigative report by the independent member of Parliament and former journalist Ahmet Şık, who travelled to Van and Mersin to interview witnesses and the survivor of the alleged torture, Osman Şiban. In its communications to the authorities, Amnesty International asked about progress in the investigations that have been opened and renewed its call for a prompt, independent and impartial inquiry to bring to justice all those suspected of having caused the death of Servet Turgut and the severe injuries to Osman Şiban. Amnesty International further raised its concern at the Minister of Interior's public comments on 26 November in which he alleged that Osman Şiban had 'harboured terrorists' and made no mention of the ongoing investigation into credible evidence that they were subjected to torture or other ill-treatment which led to the death of Servet Turgut. The comments of the Minister of Interior raise concerns that there may be an official reluctance to uncover the truth regarding the torture allegations by alleging the two men were involved in criminal activity.

In its letter to the Minister of Justice, Amnesty International also expressed concern at the pre-trial detention on 9 October of four local journalists – after at least two of them reported on the case, calling for their release in the absence of any evidence of criminal behaviour.

### TORTURE AND OTHER ILL-TREATMENT ALLEGATIONS

Servet Turgut died in the early hours of 30 September. Osman Şiban is still recovering from his injuries at his family home in Mersin. His eyewitness testimony as a victim which was collected by Ahmet Şık provides crucial information regarding the alleged torture and other ill-treatment to which he and Servet Turgut were subjected. Osman Şiban's testimony clarifies that on 11 September, the two men were beaten while being transported in a helicopter and were subjected to severe and sustained beatings by a large group of soldiers/gendarmes at the barracks they were taken to by helicopter. In a video interview, he told Ahmet Şık that he and Servet Turgut had been pushed off the helicopter onto the concrete once the helicopter landed at the barracks. Ahmet Şık's report suggests that, contrary to the widely reported cause of the injuries the two men sustained, it was this alleged mass beating that led to Servet Turgut's death and the serious injuries that Osman Şiban sustained.

The allegation that the two men had sustained their injuries as a result of a 'fall from a height' appears to have been made by the security forces themselves, who allegedly told the medical teams in the two hospitals to which the men were taken that 'the terrorists had attempted to escape by jumping off the helicopter'. In the case of Osman Şiban, however, a medical report refers to 'beating' to be the apparent cause of the injuries. At the time of letters to the authorities, the detailed autopsy report establishing the cause of death of Servet Turgut had not been published.

In a public statement on 21 September 2020, the Governorate of Van announced that 'as of 11 September 2020, a criminal investigation by the Van Chief Public Prosecutor's Office and a simultaneous administrative investigation by the administrative authority were launched, the incident is being meticulously examined.'<sup>2</sup> More than two months on since the alleged torture and other ill-treatment, it is unclear what stage these investigations have reached due to the secrecy order on the case. As with other alleged torture cases, the speed and independence of these investigations are crucial to bring the suspected perpetrators of these serious violations of human rights to justice. For the absolute ban on torture and other

<sup>1</sup> Turkey: Torture allegations must be independently investigated <https://www.amnesty.org/en/documents/eur44/3126/2020/en/>

<sup>2</sup> Press Release by Van Governorate, 21 September 2020, <http://www.van.gov.tr/van-valiligi-basin-duyurusu>.

ill-treatment to be properly implemented and impunity prevented, adequate investigation and prosecution of suspected perpetrators must be effectively pursued.

On 26 November, the Minister of Interior Soyly spoke at the Parliamentary Planning and Budget Commission and answering the deputies' questions, referred to Osman Şiban, alleging that evidence existed of his 'harbouring three terrorists in his house'. Any criminal investigation into these allegations must be pursued independently from the torture and other ill-treatment allegations also under investigation. The prohibition of torture and other ill-treatment is absolute under all circumstances.

In its letter to the Minister of Justice, Amnesty International requested information about the progress in the Van Chief Prosecutor's investigation into the allegations, including whether:

- the survivor of the alleged torture and other ill-treatment Osman Şiban has been interviewed;
- all available flight recordings inside the helicopter and any video recordings at the barracks have been secured and examined;
- all gendarmes and any other security personnel present at the time of Servet Turgut and Osman Şiban's detention and at the barracks have been identified and questioned, and
- all the villagers who witnessed the two men being taken into custody have been interviewed for their testimony.

## **THE DETENTION OF FOUR JOURNALISTS**

On 6 October, two Mesopotamia News Agency journalists Cemil Uğur and Adnan Bilen, Jin News journalist Şehriban Abi, former Mesopotamia News Agency journalist Nazan Sala and two local newspaper distributors were taken into police custody in the context of an ongoing criminal investigation. In September, Cemil Uğur and Adnan Bilen's reporting had uncovered that the two villagers were in a hospital intensive care unit two days after being detained by the gendarmes.

After three days in police detention, on 9 October 2020, Van Prosecutor referred Cemil Uğur, Adnan Bilen, Şehriban Abi and Nazan Sala, together with two local newspaper distributors to the Van Criminal Judgeship of Peace No.3 requesting that they be remanded in pre-trial detention on the charge of "membership of a terrorist organization." The four journalists were remanded in pre-trial detention on the same day and two newspaper distributors were released with judicial control measures.

According to the decision of the Judgeship of Peace to remand the four journalists seen by Amnesty International, they are subject to an ongoing criminal investigation because of the news agencies they worked for and on allegations that the news they reported were about 'public incidents in line with PKK/KCK's perspective and orders to the detriment of the state'. In its decision, the Judgeship of the Peace concluded that "the suspects identified themselves as freelance journalists and stated that they make news in exchange for a fee for news agencies although they do not have valid press cards; when examining the news prepared by the suspects, the entirety of the news was in support of the actions and spreading propaganda of the PKK/KCK terrorist organization, criticising, degrading and defaming counter-terrorism methods and actions of the Republic of Turkey". The journalists are accused of having "committed the crime of being a member of an armed terrorist organization" by "reporting the news in a way that shows continuity, variety and intensity". Since there is a secrecy order over the investigation file, it is not clear which news reports were considered by the judgeship as constituting a criminal offense.

The record of Adnan Bilen's interrogation at Van Security Directorate Anti-Terrorism Branch, examined by Amnesty International, shows that he was questioned in relation to his social media posts from 2013 to 2016, for which he was already prosecuted and convicted in 2018. His sentence for "making propaganda for a terrorist organization" was suspended for five years. Bilen was also questioned about his wiretapped telephone conversations between February and April 2020 that fall within the scope of his journalistic activities such as calling a lawyer to obtain information about a recently released European Court of Human Rights judgment or calling another person who had been summoned to the police station to be interrogated after giving an interview to a local newspaper.

The police interrogation records of Cemil Uğur and Şehriban Abi also indicate that their questioning at Van Security Directorate was not based on any factual evidence forming the basis of strong suspicion of a crime for their pre-trial detention.

Materials considered as evidence of criminal conduct also included news sources and interview records related to their journalistic work, such as video recordings of street interviews with people living in Kars in relation to recent appointment of Kars Governor as trustee to the Kars Municipality; news items from legal newspapers; transcripts of a press conference of a parliamentarian; notes about possible news pieces as well as contact details of potential interviewees; and journals and books which the investigating authorities consider as “propagating the ideology of the terrorist organization” or “inciting people into enmity and hatred”.

While the four journalists were not directly questioned about it, their detention in Van soon after the reporting by at least two of them of the serious torture allegations concerning Servet Turgut and Osman Şiban suggests that the motivation behind their detention may have been their reporting on this shocking torture case.

In November, the lawyers for Cemil Uğur, Şehriban Abi and Nazan Sala made an application to the Constitutional Court on the grounds that their pre-trial detention violates their rights to liberty and security and freedom of expression as well as the limitation on use of restrictions on rights protected under the Constitution of Turkey and the European Convention on Human Rights. The lawyers also requested an interim ruling for the release of the journalists, which the Constitutional Court rejected on 20 November on grounds that their prison conditions did not constitute a threat with regard to the COVID-19 pandemic.<sup>3</sup>

Amnesty International remains deeply concerned at the apparent lack of progress in the investigation into these allegations of torture and other ill-treatment, particularly in light of Ahmet Şık’s report. The Turkish authorities must ensure that a prompt, independent and impartial investigation into these serious allegations of torture and other ill-treatment is carried out to bring to light the circumstances leading to the death of Servet Turgut and the severe injuries sustained by Osman Şiban. Furthermore, if the prosecuting authorities do not provide evidence of internationally recognizable crimes, they should ensure that the four detained journalists are released from prison.

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<sup>3</sup> Application No: 2020/35635.