

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2020/10/01/turkey-man-dies-after-military-custody>

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(Istanbul) A Kurdish man has died after security forces arrested him and another man and took them away from their village in southeastern [Turkey](#) in a helicopter on September 11, 2020, Human Rights Watch said today.

The two men were hospitalized two hours after being arrested. A medical report attributed the fatal injuries of Servet Turgut, 55, to an unspecified fall and the injuries of the other man, Osman Siban, 50, to a fall from a high location/fall from a helicopter. Turgut died in a hospital on September 30. Siban was discharged from the hospital on September 20.

The Turkish authorities have an obligation to promptly, effectively, and transparently investigate how Servet Turgut and Osman Siban were so seriously injured in the custody of security forces, and ultimately how Turgut died, said [Hugh Williamson](#), Europe and Central Asia director at Human Rights Watch. The authorities' highly unconvincing explanation that Turgut fell from a rocky place before his arrest flies in the face of statements by witnesses, who saw both men being arrested and taken away healthy in a helicopter.

According to standard procedure, an initial hospital report stating cause of injury normally relies on the information conveyed by the patient themselves or, if they are unable to communicate, information supplied by persons bringing them to hospital. Doctors told Human Rights Watch that the two men were barely conscious on admission to hospital. The men were brought with military personnel in attendance, as confirmed in a statement by the governors' office in Van, the town in eastern Turkey where the men were hospitalized. A full autopsy report to establish the cause of Turgut's death is expected.

The [statement](#) by the Van governors' office on September 21 claimed that Turgut fell from a rocky place and resisted arrest but it didn't mention Siban's injuries, and accused the two of aiding the armed Kurdistan Workers Party (PKK). The prosecutor has placed a secrecy order on the investigation file preventing the families' lawyers from obtaining information.

Turgut's family told Human Rights Watch that on September 11, Turgut was working on his farm in the Surik hamlet of Ica village, in Beytebap district, when a nearby clash between Turkish soldiers and the PKK resulted in the death of three soldiers and a PKK member.

The family alleges that officers caught Turgut and took him to a central place in the village, where all the men of the village were made to kneel down while the soldiers checked their IDs. Military officers asked villagers to identify Turgut since he did not have his ID with him. They also asked who Osman Siban was.

Witnesses said military officers shouted at the villagers: We are in pain. Who will we take it out on, if not you? We are going to burn your village down. The villagers assumed the soldiers were referring to the soldiers' deaths. The security forces then took Siban and Turgut away in a helicopter.

The families of both men called nearby military bases over the next two days but were told that neither was in their custody. On September 13, Turgut's brother told the officer on the phone he would inform the media if they refused to tell him where his brother was. He received a call 15 minutes later informing him that his brother and Siban were in an intensive care unit of a state hospital in Van, 338 kilometers by road from their village.

When family members and their lawyers arrived at the hospital that day, they found police officers guarding the men's rooms, preventing access. The lawyers told Human Rights Watch that the Van prosecutor is investigating the two men for allegedly aiding and abetting the PKK. Following a complaint by the lawyers, they said, the prosecutor has opened an investigation into allegations that the two men were tortured in custody.

The Van prosecutor also verbally informed the lawyers that there was a detention warrant justifying the police presence in hospital. The lawyers have not received any official document recording that the men were taken into custody.

A lawyer for Turgut and iban shared with Human Rights Watch relevant legal and medical documents. Medical reports show that military officers took the two men first to a private Van hospital *Lokman Hekim* at around 7:13 p.m. on the day of their arrest. They had bruises on their faces, necks, and torsos as well as humeral fractures and hemorrhages. The private hospital immediately transferred them to the state Van Research and Training hospital due to the severity of their conditions. The state hospital placed both men in an intensive care unit.

Strong discrepancies between the Van governors statement and witness statements raise concerns that the authorities are already engaged in covering up what happened to the men and may prevent an effective, transparent investigation into the incident. The governorship claims both men were apprehended in the same location, though witnesses say that about 15 military officers brought Turgut to the village while [iban was having tea](#) there with his brother.

Two days after Siban was discharged from the hospital, three armored vehicles arrived at his house to take him to a former military hospital under orders from the prosecutor who wanted to affirm whether he was well enough to testify. Doctors said that iban was disoriented, unable to discern the date or to talk about the incident. iban left Van for his family residence in Mersin after the medical assessment and remains there. The prosecutors investigation against him is ongoing.

In recent years, there have been other instances of security forces arresting and ill-treating civilians after military casualties sustained in clashes between the military and the PKK in the countrys southeast. For example, in May 2019, the anlurfa Bar Association documented the torture and ill-treatment of 55 men and women in Halfeti, anlurfa, who had been arrested in the wake of an armed clash in which a police officer died. The Interior Ministry [dismissed those torture allegations](#) as baseless.

Under international law, Turkey has an obligation to investigate all deaths in custody and hold those responsible to account. The European Court of Human Rights has made clear, including in multiple cases against Turkey, that when an individual is taken into custody in good health and is injured in custody, any state party to the European Convention on Human Rights must provide a plausible explanation of how those injuries were caused, and that the obligation to account for an individuals death in custody is particularly stringent.

The United Nations Human Rights Committee has said that protection of the right to life under the International Covenant on Civil and Political Rights requires an effective investigation into deaths in custody, and authorities should make public the findings, conclusions, and recommendations of the investigation.

Turkey has an entrenched culture of impunity when it comes to abuses by the security forces, no matter how serious, Williamson said. A failure to effectively investigate this latest case, as in so many other cases of serious abuse, would not just deny justice to the two men and their families, but give a green light to Turkeys security forces to keep on abusing.

Police Torture and Abductions in Turkey

Turkeys Post-Coup Suspension of Safeguards Against Torture

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